

**Meeting:** Skipton and Ripon Area Constituency Planning Committee

**Members:** Councillors Barbara Brodigan, Andy Brown (Vice-Chair), Robert Heseltine, Nathan Hull (Chair), David Ireton, David Noland and Andrew Williams.

**Date:** Tuesday, 5th December, 2023

**Time:** 11.00 am

**Venue:** The Beech Room, Ripon Community House, 75 Allhallowgate, Ripon, HG4 1LE

Members of the public are entitled to attend this meeting as observers for all those items taken in open session. Please contact the named democratic services officer supporting this committee if you have any queries.

Recording is allowed at Council, committee and sub-committee meetings which are open to the public. Please give due regard to the Council's protocol on audio/visual recording and photography at public meetings. Anyone wishing to record is asked to contact, prior to the start of the meeting, the named democratic services officer supporting this committee. We ask that any recording is clearly visible to anyone at the meeting and that it is non-disruptive.

The Council operates a scheme for public speaking at planning committee meetings. Normally the following people can speak at planning committee in relation to any specific application on the agenda: speaker representing the applicant, speaker representing the objectors, parish council representative and local Division councillor. Each speaker has a maximum of three minutes to put their case. If you wish to register to speak through this scheme, then please notify David Smith, Democratic Services and Scrutiny Officer by midday on Thursday 30<sup>th</sup> November 2023.

If you are exercising your right to speak at this meeting, but do not wish to be recorded, please inform the Chairman who will instruct anyone who may be taking a recording to cease while you speak.

This meeting is being held as an in-person meeting that is being recorded and will be available to view via the following link after the meeting:  
<https://www.northyorks.gov.uk/your-council/councillors-committees-and-meetings/live-meetings>. Please contact the named democratic services officer supporting this committee if you would like to find out more.

## Agenda

1. **Apologies for Absence**
2. **Minutes for the Meeting held on 7 November 2023** (Pages 5 - 12)
3. **Declarations of Interests**  
All Members are invited to declare at this point any interests, including the nature of those interests, or lobbying in respect of any items appearing on this agenda.
4. **ZA23/24941/FUL - Erection of 25 no. Dwellings with Off-Street Parking and Associated Infrastructure (Resubmission of 2022/23854/Ful) at Land Off Meadow Lane/Moorfoot Lane, Cononley, Behalf of Calvert Homes (Cononley) Ltd.** (Pages 13 - 68)  
Report of the Assistant Director/Planning – Community Development Services.
5. **ZA23/25358/FUL - Conversion and Reconstruction of Two Barns as Two Dwellings, and the Construction of Three New Dwellings (Revised Scheme Following Determination of 2022/23773/Ful) with Associated Works at Town End Barn, Colne Road, Glusburn on Behalf of Burley Developments Group.** (Pages 69 - 94)  
Report of the Assistant Director Planning – Community Development Services.
6. **2022/24459/FUL - Proposed Gymnastics & Children's Role Play Building on Land to South East of New Laithe Farm, Station Road, Cross Hills, Keighley, BD20 7DT on Behalf of Mr & Mrs Wade.** (Pages 95 - 124)  
Report of the Assistant Director Planning – Community Development Services.
7. **ZC23/02219/FUL - Proposed Additional MOT and Service Building to Serve Existing Auto Services Business Including Removal of Existing Overflow Car Park at Grayston Plain Farm, Grayston Plain Lane, Felliscliffe, HG3 2LY on Behalf of Simon Graeme Autos Ltd.** (Pages 125 - 146)  
Report of the Corporate Director – Community Development Services.
8. **ZC23/03777/FUL- Erection of 1 no. Self-Build Dwelling at Hew Green Farm, High Lane, High Birstwith, HG3 2JL on Behalf of Mr P Saddington.** (Pages 147 - 158)  
Report of the Corporate Director – Community Development Services.
9. **ZC23/03121/FUL - Conversion of Vacant/Redundant Outbuildings to Form 1 no. Holiday Cottage Including External Alterations, at The Former Henry Jenkins Inn (Part) Main Street, Kirkby Malzeard, North Yorkshire on Behalf of Mr. Justin Claybourn.** (Pages 159 - 176)  
Report of the Assistant Director – Planning.
10. **Any other items**  
Any other items which the Chair agrees should be considered as a matter of urgency because of special circumstances.

**11. Date of Next Meeting**  
Tuesday, 2 January 2024 at 1.00pm.

Due to Bank Holidays and the Council Christmas Closedown, a new date is being investigated.

Members are reminded that in order to expedite business at the meeting and enable Officers to adapt their presentations to address areas causing difficulty, they are encouraged to contact Officers prior to the meeting with questions on technical issues in reports.

**Agenda Contact Officer:**

David Smith, Democratic Services and Scrutiny Officer  
Email: [committees.cra@northyorks.gov.uk](mailto:committees.cra@northyorks.gov.uk)

Monday, 27 November 2023

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## North Yorkshire Council

### Skipton and Ripon Area Constituency Planning Committee

Minutes of the meeting held on Tuesday, 7<sup>th</sup> November, 2023 commencing at 1.05 pm at Belle Vue Square Offices, Skipton

Councillor Nathan Hull in the Chair plus Councillors Andy Brown, Barbara Brodigan, Robert Heseltine, David Ireton, Andrew Williams and Andy Solloway (substitute for Councillor David Noland).

Officers present: Glenn Sharpe, Solicitor, Neville Watson, Planning Manager, Development Management, Nick Turpin, Planning Manager, Development Management, Andrea Muscroft, Principal Planning Officer, Mike Parkes, Senior Management Development Officer, Paul Preston, Principal Democratic Services Officer, David Smith, Democratic Services & Scrutiny Officer.

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**Copies of all documents considered are in the Minute Book**

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#### **37 Apologies for Absence**

An apology for absence was received from Councillor David Noland.

#### **38 Minutes for the Meeting held on 3 October, 2023**

The minutes of the meeting held on Tuesday 3<sup>rd</sup> October 2023 were confirmed and signed as an accurate record.

(Councillors Brodigan, Heseltine, Ireton and Solloway abstained from voting on the minutes as they were either not present or had attended as a divisional ward representative member at the last meeting. Councillor Heseltine also commented that the last meeting had clashed with a meeting at the Yorkshire Dales National Park Authority which was the reason for his absence and expressed the view that such meeting clashes could be avoided in the future. He also noted that two of the three applications considered at the October 2023 meeting had been deferred).

(Cllr Barbara Brodigan arrived at 2.07pm at the start of the consideration of this item)

#### **39 Declarations of Interests**

Councillor Andrew Williams declared that he had been lobbied for Item 4 on the agenda for application 23/00486/FUL.

Councillor Andy Brown declared for item 6 on the agenda 2022/23854/FUL, that he was a member of Cononley Parish Council. He added that he had taken no part in the Parish Council's deliberations and representations in respect of this application.

#### **40 23/00486/FUL - The Installation of a 35 metre High Lattice Tower Supporting 6 no. Antennas, 4 no. Transmission Dishes, 2 no. Equipment Cabinets, 1 no. Meter Cabinet and Ancillary Development thereto including a Generator and Associated Fuel Tank, a Compound with Drystone Wall Boundary, and Hard Standing Area, for the Shared Rural Network Project on behalf of Cornerstone. at Ox Close Plantation Healey North**

## Yorkshire on behalf of Cornerstone

Considered:

The committee considered a report of the Assistant Director – Planning relating to planning application 23/00486/FUL.

The case Officer introduced the report and drew the Committee's attention to one correction required to the report (Paragraph 10.9, page 18 of the public document pack), second line, through the inclusion of the word "not" between the words "do" and "benefit". He also added that one further representation from a local business owner had been received, along with a letter of support for the proposal from Masham Parish Council.

The case Officer informed the Committee of comments received on the application from the Council's Head of Economy, Business Support and Inward Investment which stressed the importance of digital connectivity to the community and businesses and that this also related to recreation and safety in this remote area. It was added that with increasing reliance on digital technology the proposal would support the Council's digital strategy and services as they become reliant on mobile coverage. Additionally local businesses were increasingly reliant on digital connectivity and the need for mobile coverage, the lack of which could force them out of business. The viability of farming businesses were also becoming more reliant on mobile connectivity, many farming functions were reliant on connectivity, and a digital connectivity would be key element to them achieving carbon net zero. The Committee was further informed that the Council was working with partners within the county to help deliver this important agenda, however mobile connectivity was key to enabling this.

During consideration of the above application, the Committee discussed the following issues:

- Members commented on the views of the Council's Head of Economy, Business Support and Inward Investment on the application.
- Members asked about the location of other masts in the area to which the case Officer responded that there were existing masts to the east and that the current issue was with masts to the west. The case Officer also responded on a question regarding the proposed height of the mast, which had to be at a certain height to clear the trees height level.

The applicant's agent, Jennie Hann, spoke in support of the application.

At the request of the Chair and Committee, Paul Preston, Principal Democratic Services Officer, read out a statement in support of the application on behalf of the divisional ward representative, Councillor Felicity Cunliffe-Lister who was unable to attend but had provided her views ahead of the meeting.

Members commented further on the application and a number of views were put forward in support of improving digital connectivity in this rural area. It was moved and seconded that the application be approved, contrary to the Case Officer's recommendation

The decision:

That planning permission be APPROVED subject to the conditions to be delegated to the Assistant Director Planning, in consultation with the Chair and Vice-Chair of the Committee.

Reason:

The Committee approved the application, contrary to the Case Officer's recommendation, because it was felt that on balance, the positive of providing connectivity to the residents of the rural area outweighed the negatives of this application.

#### Voting Record

For Approval 5, Abstention 1

(Councillor Andy Solloway arrived at 2.15pm whilst this item was under consideration. He took no part in the discussions or voting in respect of this application).

- 41 2022/24304/FUL - Reconfiguration of Skipton Railway Station Car Park; Relocation of the Existing Substation within the Station Car Park; Increase in Provision of Disabled Parking Spaces and Electric Vehicle (EV) Charging Bays; a New Bus Stop and Drop Off/Coach Parking Point; Provision of a Cycle and Pedestrian Access from Broughton Road into the Station Car Park and Formalised Taxi Pick Up/Drop Off Location and Taxi Shelter; Reconfiguration of the existing Staff Car Park; Removal of 12 no. Trees within the Station Car Park to Accommodate Reconfiguration of Parking Spaces; Provision of 19 no. Trees within the Station Car Park with an additional 17 no. trees within Aireville Park; Realignment of the Partially Demolished Stone Wall within the West of the Station Car Park; Construction of 25m of Yorkstone Wall within the East Of The Station Car Park; Improvements to External Visitor Facilities within the Station Car Park including the provision of a Cycle Shelter, Seating, Lighting Around**

Considered:

The committee considered a report of The Corporate Director – Community Development Services relating to planning application 2022/24304/FUL.

The case officer informed the Committee that previously this application was presented to Committee on 3<sup>rd</sup> October, 2023 with a recommendation of approval. The Planning Committee resolved to defer the application to allow the public to consider the revised working hours of 18:00 to 03:00 hours Mon-Fri and for the applicant to demonstrate a better bio-diversity net gain and increase the new trees to be planted by at least a ratio of 5:1.

The case Officer reported that only one comment had subsequently been received regarding operational hours since the last meeting and the Council's Trees Officer had also reviewed the proposal and was satisfied with the number of new trees being proposed.

Tania Weston, Transforming Cities Fund (TCF) Programme Delivery Manager, spoke on behalf of the applicant, North Yorkshire Council, in support of the application. The Committee expressed disappointment that the two issues the matter had been deferred for at the last meeting had not been fully addressed in this update.

During consideration of the above application, the Committee noted that the West Yorkshire Combined Authority (WYCA) had prioritised nine "Gateways" for improvements as part of the Transforming Cities Fund (TCF) bid which included Skipton and discussed the following issues in relation to the Skipton TCF scheme:

- Members expressed concern that further details of the existing funding source allocated for tree replacements had not been shared with the Committee.
- Members were made aware that Skipton Railway was the second largest (in terms

of usage) in North Yorkshire and the current frontage and forecourt was dominated by car parking;

- Noted the plans to improve interchange linkages in the plans by improving rail, bus and taxi links.
- Concerns that working hours for the scheme hadn't been adequately addressed and asked that hours of work be kept under review to minimise any disruption to local businesses that the works would cause;
- Note the inclusion of ten Electric Vehicle (EV) charging car parking bays in the proposals;
- Members wished to see improvements to pedestrian safety and there was no mention of the connection and link between the station and the industrial areas down Engine Shed Lane.
- A comment whether the scheme was delivering Value for Money (VfM).

Members commented further on the application and a number of views were put forward including a suggestion for the use of saplings for replacement trees where appropriate and it was moved and seconded that the application be approved

The decision:

That planning permission be APPROVED.

Reason:

The Committee approved the application, subject to the conditions as outlined in the Corporate Director – Community Development Services submitted report and also additional conditions delegated to the Planning Manager, in consultation with the Chair and Vice-Chair in relation to 5:1 replacement trees; in relation to the hours of work and the inclusion of a “considerate constructors condition”,

#### Voting Record

For Approval 5, Abstention 1

(Councillor Andy Solloway declared for this item he was the divisional ward representative for this application and that he had previously expressed views when the matter was considered and deferred at the October meeting of this Committee. He was a substitute member at today's Committee meeting but on this item spoke as division Member and did not take part in the debate or vote).

(Councillor Andrew Williams left the meeting at 2.25pm at the conclusion of the consideration of this application).

(The Committee held a short adjournment at this juncture at 2.25pm and reconvened at 2.35pm)

- 42 ZA23/24941/FUL - Erection of 25 no. Dwellings with Off-Street Parking and Associated Infrastructure (Resubmission of 2022/23854/FUL). at land off Meadow Lane/Moorfoot Lane, Cononley on behalf of Calvert Homes (Cononley) Ltd**

Considered:



The Committee considered a report of The Corporate Director – Community Development Services relating to planning application ZA23/24941/FUL.

During consideration of the above application, the Committee discussed the following issues:

- A Member asked a question of Officers' about whether the viability report had been considered by the District Valuer. Officers confirmed that it had been considered.
- Members asked questions on the parcels of land at the site and the local plan, and previous planning consent approval. The case Officer confirmed details of two previous consents granted in 2015 and 2017 and informed Members that two out of three parcels of land were designated for development in the local plan.
- A Member commented on the mix and type of dwellings proposed at the site and added that Cononley had a figure of 115 dwellings in the settlement growth report, which had already been exceeded with a total of 136.

The Chair reminded all present at the meeting of the Council's public speaking scheme which operated at Planning Committees and the constitutional deadlines for registering to speak. On this occasion, the Chair exercised his discretion, under exceptional circumstances and stressing this did not set future precedence, to allow the clerk of Cononley Parish Council and the local resident, Julie Cawood to speak on this occasion as there had been issues with the sending of the notification letters to them of this meeting and the planning application.

The applicant's agent, Mr Jamie Pyper spoke in support of the application.

The Clerk to Cononley Parish Council, Kath Clark, spoke against the recommendation.

A local resident, Julie Cawood, spoke against the application.

Following the representations received from all the public speakers, the Committee further discussed the application and made further comments:

- The Planning Committee was of the view that it was legitimate to undertake a fresh consideration of the overall planning gains and losses because: there were no live permissions on the site; only parts of the site were originally allocated in the local plan; and new evidence had been provided by the developer which undermined the reasons for the allocation of part of the site under the local plan.
- A view was expressed that the overall assessment of the balance of planning gain against loss was negative.
- Observations regarding affordable housing and noting that the Applicant's proposed commercial development for this site which did not provide for any affordable housing.
- That the mix of housing development significantly differed from the assessed overall need in that the site provided only 16% one and two bedroom properties against a need identified in paragraph 4.30 of the Craven District Plan of 39.4%.
- Comments that there was no shortfall of housing in the locality or the Craven area as a whole.

- Comments regarding the MBUA and an opinion that only part of the site was in the MBUA, adding that Settlement monitoring figures indicated that growth in this tier 4a village was not limited and significantly exceeded the local plan policy of directing limited growth to tier 4 villages.
- Concerns, as also outlined by the Parish Council and Public Speaker against the application, that there were amenity issues relating to loss of on street parking, lights shining into front windows and loss of light and proximity of overlook to Overton on Moorfoot Lane.

Members requested Officers' to review the appropriate wording of the reasons for refusal and report back their advice at the start of the next meeting.

#### Reasons for refusal

Members voted that they were minded to refuse the application on the following grounds

- The overall assessment of the balance of planning gain and loss was negative
- The site cannot be commercially developed and provide a single affordable house
- The mix of housing development significantly differs from the assessed overall need in that the site provides only 16% one and two bedroom properties against a need identified in paragraph 4.30 of the Craven District Plan of 39.4%
- There was no shortfall of housing in the locality or the Craven area as a whole.
- Settlement monitoring figures indicate that growth in this tier 4a village was not limited and significantly exceeds the local plan policy of directing limited growth to tier 4 villages.
- There are amenity issues relating to loss of on street parking, lights shining into front windows and loss of light and proximity of overlook to Overton on Moorfoot Lane

It was moved and seconded that the application be refused. An amendment was then put forward, which was seconded, that the application be deferred until the next meeting with the Committee minded to refuse the application and that Officers' are to review the appropriate wording of the reasons for refusal and report back their advice at the start of the next meeting.

The amendment was then put to the vote and carried by three votes to two (one abstention).

The amendment to defer then became the substantive motion of the Committee and was put to the vote. It was carried unanimously.

The decision:

That the Committee is MINDED TO REFUSE the application and the matter is DEFERRED until the next meeting for the following reason: for Officers' to review the appropriate wording of the reasons for refusal and report back their advice at the start of the next meeting.

#### Voting Record

For Deferral, with the Committee minded to refuse the application for the reasons indicated above – 6 (Unanimous)

**43 Any other items**

None.

**44 Date of Next Meeting**

Tuesday, 5<sup>th</sup> December 2023 – venue to be confirmed.

The meeting concluded at 4.30pm.

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**North Yorkshire Council**  
**Community Development Services**  
**SKIPTON AND RIPON CONSTITUENCY COMMITTEE**  
**05 DECEMBER 2023**

**ZA23/24941/FUL - ERECTION OF 25 NO. DWELLINGS WITH OFF-STREET  
PARKING AND ASSOCIATED INFRASTRUCTURE (RESUBMISSION OF  
2022/23854/FUL) AT LAND OFF MEADOW LANE/MOORFOOT LANE,  
CONONLEY, BEHALF OF CALVERT HOMES (CONONLEY) LTD**

**Report of the Assistant Director/Planning – Community Development Services**

**1.0 Purpose of the Report**

1.1 Update following 7<sup>th</sup> November 2023 Planning Committee meeting.

2.0 At the Planning Committee Meeting held on the 7<sup>th</sup> of November 2023. Members were minded to refuse this application. Accordingly, it was moved that the Planning Manager be requested to report back to the next meeting of the Committee with the full technical reasons for refusal based on the following concerns identified by Members:

1. The overall assessment of the balance of planning gain and loss is negative
2. The site cannot be commercially developed and provide a single affordable house
3. The mix of housing development significantly differs from the assessed overall need in that the site provides only 16% one and two-bedroom properties against a need identified in paragraph 4.30 of the Craven District Plan of 39.4%
4. There is no shortfall of housing in the locality or the Craven area as a whole.
5. Settlement monitoring figures indicate that growth in this tier 4a village is not limited and significantly exceeds the local plan policy of directing limited growth to tier 4 villages. Policies SP4e and SP11 apply.
6. There are amenity issues relating to loss of on-street parking, lights shining into front windows and loss of light and proximity of overlook to Overton on Moorfoot Lane

2.1 The report which was considered at the Committee on the 7th of November is attached as an appendix to this report.

## 2.2 Planning Assessment & Implications

- 2.3 As required by the Council's Constitution, an outline of the implications of making a decision contrary to the Officer's recommendations is provided below.
- 2.4 Members should note that any reason for refusal will need to be defended at appeal, which brings its own costs that the Council have to pay, but in addition, if the Council are unable to defend any reason for refusal, then there is a risk that the Council will also have to pay the appellants costs.
- 2.5 It is for this reason when Members make decisions contrary to Officer recommendation, that Officers have a duty to advise Members on the most appropriate reasons for refusal, to avoid the unnecessary cost of defending a number of reasons for refusal and to avoid the risk of having to also pay the Appellant's costs of appealing the decision.
- 2.6 If the applicants lodge a formal appeal against the planning refusal the Council could be at risk of an award of costs should it be shown that they have acted unreasonably.
- 2.7 Examples of possible unreasonable behaviour include (as taken from the Government guidance):
- preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations.
  - failure to produce evidence to substantiate each reason for refusal on appeal
  - vague, generalised, or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis.
  - refusing planning permission on a planning ground capable of being dealt with by conditions risks an award of costs, where it is concluded that suitable conditions would enable the proposed development to go ahead acting contrary to, or not following, well-established case law
- 2.8 Officers have drafted reasons for refusal based on member decision set out in paragraph 2 of this report.

### **The overall assessment of the balance of planning gain and loss is negative**

#### Possible wording for reason for refusal:

*The Local Planning considers that the adverse impacts of developing the site would demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. The proposal is therefore contrary to paragraph 11 (d) (ii) of the National Planning Policy Framework 2023.*

- 2.9 The committee report sets out the planning balance stating that the proposal accords with the provisions of the development plan and material considerations do not indicate a decision should be taken other than in accordance with it.
- 2.10 It is open to members to choose to go against an officer's recommendation.
- 2.11 Therefore, if members refuse the application on the grounds that the adverse impacts of developing the site demonstrably outweigh the benefits (as per the suggested reason for refusal), and the refusal is appealed, the Council would be required to defend the reason by providing evidence on the material planning considerations which indicate that the proposal should not be determined in accordance with the requirements of the Local Plan.
- 2.12 The appellants would, no doubt, use the committee report to justify why their proposal is acceptable. In addition, the appellant would be able to rely on the decision of the Council to not use this as a reason to refuse when considering the previous, associated application which is currently the subject of an appeal.
- 2.13 Members should also be comfortable with justifying why planning conditions and legal agreements are insufficient to control material planning considerations they are concerned about.
- 2.14 If the Council cannot provide such evidence, there is a risk of the Council having to pay the Appellant's costs.

***The site cannot be commercially developed and provide a single affordable house***

Possible wording for reason for refusal:

*The proposed development, by reason of the lack of on-site affordable housing provision, has failed to demonstrate that it would contribute towards meeting affordable housing needs in the District. The proposal is therefore contrary to policy H2 (d) the adopted Craven Local Plan and the National Planning Policy Framework 2019.*

- 2.15 A viability appraisal was submitted and evaluated by the District Valuer Service and a Quantity Surveyor. The District Valuer concluded that the proposal could not provide any on-site affordable housing. Policy H2 makes provision for such circumstances. Therefore, the proposal would not conflict with Craven Local Plan 2012-2032 (LP) Policy H2 (d) or the Affordable Housing SPD.
- 2.16 It is open to members in the absence of affordable housing that this site is not considered an appropriate site for housing.

- 2.17 Therefore, if members refuse the application on the grounds of the lack of affordable housing provision (as per the suggested reason for refusal), and the refusal is appealed, the Council would be required to defend the reason by providing contrary information that shows the site could provide affordable housing provision.
- 2.18 The appellants would, no doubt, use the District Valuers and Quantity Surveyors Reports to justify why their proposal is acceptable. In addition, the appellant would, no doubt, rely on the decision of the Council to not use this as a reason for refusal when considering the previous application on appeal.
- 2.19 Members would need to consider employing, at a cost to the Council, specialists to try to defend this reason for refusal.
- 2.20 If the Council cannot provide such evidence, there is a risk of the Council having to pay the Appellant's costs.

**The mix of housing development significantly differs from the assessed overall need in that the site provides only 16% one and two-bedroom properties against a need identified in paragraph 4.30 of the Craven District Plan of 39.4%**

Possible wording for reason for refusal:

*The proposed development fails to comply with Policy SP3 of the Craven Local Plan (2019) regarding the required housing mix for the site.*

- 2.21 The suggested housing mix remains unchanged from the previous proposal considered by member.
- 2.22 Concerning the housing mix, the proposed housing mix varied slightly from the policy requirement. Nonetheless, the proposal had considered the most up-to-date evidence of need/demand from the Strategic Housing Market Assessment (SHMA).
- 2.23 Regarding the point that the development does not provide a 39.4% mix (1 or 2-bed properties), The 2017 SHMA update recommends a mix of 18.9% 1 and 2-bed, 57.3% 3-bed and 23.8% for 4 or more-bed houses on market only developments. The figure relating to 39.4% is referenced to developments which include both affordable and market housing. This is not the situation before members, as the current proposal is for market-only housing.
- 2.24 To defend this reason, Members would have to provide contrary wording of the SHMA regarding the suggested housing mix.



- 2.25 The appellants would be able to make reference to the wording of the SHMA to justify why their proposal is acceptable. In addition, the appellant could rely upon the decision of the Council not to use this as a reason to refuse when considering the application on appeal.
- 2.26 If the Council cannot provide such evidence, there is a risk of the Council having to pay the Appellant's costs in this regard.

***There is no shortfall of housing in the locality or the Craven area as a whole.***

Possible wording for reason for refusal:

*It is the Local Planning Authority's opinion that there is no shortfall of housing in the locality or the Craven area as a whole to warrant the release of this site for housing. The proposal is therefore contrary to policy SP4 (d) of the Craven Local Plan (2019)*

- 2.27 Policy SP1: Meeting Housing Needs sets out that to meet the housing needs of Craven, provision is made for 4,600 net additional dwellings in the plan area over the period 1 April 2012 – 2032. However, this is a minimum provision.
- 2.28 LP Policy SP4 (d) is not relevant to the consideration of the proposal as Policy SP4 A-F relates to the spatial strategy and housing growth, showing how a sustainable pattern of development would be promoted to deliver the spatial strategy of the plan over the plan period.
- 2.29 As the application site lies within the Main Built Up Area (MBUA) of Cononley Policy SP4 (H) is the policy requirement for assessing this proposal as the policy supports residential development in the MBUA.
- 2.30 There is no policy mechanism within SP4 or elsewhere in the LP which would allow a planning application to be refused based on any 'over-provision' of housing in a particular settlement.
- 2.31 In addition, it is the role of the spatial policy team as part of the Local Plan to monitor and identify any shortfall or over-provision of housing and should Cononley be unable to accommodate further growth, then its position in the settlement hierarchy would be altered to reflect this.
- 2.32 Therefore, if members refuse the application on the grounds that there is no shortfall of housing in the locality or the Craven area as a whole (as per the suggested reason for refusal), and the refusal is appealed, bearing in mind the two recent appeal decisions, that housing figures are a minimum and in the absence of any evidence from the monitoring of the LP'. The Council would be required to defend the reason by providing detailed evidence that shows that Cononley and/or the Craven area has exceeded its planned growth.

- 2.33 The appellants could use the committee report and the Council's housing monitoring data to justify why their proposal is acceptable. In addition, the appellant could rely on the decision of the Council to not use this as a reason to refuse when considering the application on appeal.
- 2.34 If the Council cannot provide such evidence, there is a risk of the Council having to pay the Appellant's costs in this regard.

***Settlement monitoring figures indicate that growth in this tier 4a village is not limited and significantly exceeds the local plan policy of directing limited growth to tier 4 villages. Policies SP4e and SP11 apply.***

Suggested reason for refusal

*It is the LPA's opinion that the development of this site for housing is not considered to be limited growth and therefore the proposal conflicts with Policy SP4(d) of the Craven Local Plan 2019.*

- 2.35 The reason for refusal cites LP Policy SP4(d) and states that the proposal would exceed the growth capacity of the area.
- 2.36 Figures relating to the Settlement Growth Monitoring Report have no bearing on the determination of this application as they relate to development that adjoins the MBUA which is not the situation with the current proposal as the application site lies within the MBUA of Cononely.
- 2.37 Policy SP1: Meeting Housing Needs sets out that to meet the housing needs of Craven, provision is made for 4,600 net additional dwellings in the plan area over the period 1 April 2012 – 2032. However, this is a **minimum provision**. Furthermore, there is no policy mechanism within SP4 or elsewhere in the LP which would allow a planning application to be refused based on any 'over-provision' of housing in a particular settlement.
- 2.37 LP Policy SP4 (d) is not relevant to the consideration of the proposal as Policy SP4 A-F relates to the spatial strategy and housing growth, showing how a sustainable pattern of development would be promoted to deliver the spatial strategy of the plan over the plan period.
- 2.38 As the application site lies within the MBUA of Cononley Policy SP4 (H) is the policy requirement for assessing this proposal as the policy supports residential development in the MBUA.
- 2.39 Furthermore, in relation to earlier appeal decisions on the site the appointed Inspector considered this point and concluded that:

*"I accept that the overprovision of housing against Local Plan targets does not in itself count against the proposal...."*

- 2.40 Policy SP11 is not relevant to the consideration of the proposal as this policy sets out the development principles for sites allocated within the Local Plan. This site is not an allocated site, rather it is a site located in the MBUA and thus Policy SP4 (H) is the relevant policy consideration.
- 2.41 Therefore, if members refuse the application on the grounds that the proposal significantly exceeds the local plan policy of directing limited growth to tier 4 villages (bearing in mind the two recent appeal decisions regarding comments made by the Planning Inspectorate which stated that '*over provision of housing against Local Plan targets does not in itself count against the proposal*'), and the refusal is appealed, the Council would be required to defend the reason by providing detailed evidence that shows that Cononley has exceeded its planned growth.
- 2.42 The appellant could use the comments from the two appeal decisions, to justify why their proposal is acceptable. In addition, the appellant could rely on the decision of the Council to not use this as a reason to refuse when considering the application on appeal.
- 2.43 If the Council cannot provide such evidence, there is a risk of the Council having to pay the Appellant's costs in this regard.

***There are amenity issues relating to loss of on-street parking, lights shining into front windows and loss of light and proximity of overlook to Overton on Moorfoot Lane.***

Suggested reason for refusal

*It is the Local Planning Authority's opinion that the proposal would result in an unacceptable loss of on-street parking on Meadow Close and that residents on Meadow Close would experience unacceptable light nuisance from vehicle headlights. In addition, the proposal would have an adverse impact on the level of light and overlooking of property Overton. The proposal would therefore be contrary to Policy ENV3 (e) of the Craven Local Plan 2019*

- 2.44 The accesses to Meadow Close remains unchanged from the previous proposal considered by members. No objection was received from the Highways Authority concerning the displacement of any on-street parking that would result in an adverse highway impact.
- 2.45 The proposal makes no changes to the existing off-street parking arrangements for residents on Meadow Close.
- 2.46 If members refuse the application on the grounds of loss of on-street parking (as per the suggested reason for refusal), and the refusal is appealed, the Council would be required to defend the reason by providing evidence to demonstrate that the reduction in on-street parking on Meadow Close would negatively impact on the existing parking amenity of residents of Meadow Close.

- 2.47 Regarding vehicle headlights, there are separation distances ranging from approx. 22m – 28m between the proposed dwellings and existing dwellings fronting onto Meadow Close.
- 2.48 If members refuse the application on the grounds of light intrusion (as per the suggested reason for refusal), and the refusal is appealed, the Council would be required to defend the reason by providing evidence to demonstrate that vehicles leaving the site at night would give rise to an unacceptable level of light disturbance.
- 2.49 The relationship between the existing dwelling and Overton remains unchanged from the previous proposal considered by members.
- 2.50 If members refuse the application on the grounds of loss of light and overlooking (as per the suggested reason for refusal), and the refusal is appealed, the Council would be required to defend the reason by providing technical evidence to demonstrate that the reduction in light would be unacceptable as it was harmful to amenity. Members should also be comfortable with justifying why the proposed development would have an adverse impact on amenity given the existing level of mutual overlooking that exists.
- 2.51 If the Council cannot provide such evidence, there is a c risk of the Council having to pay the Appellant's costs in this regard.

**OFFICERS OPINION:**

- 2.52 Concerning the opinions and reasons for refusal that Members put forward at Planning Committee on the 7th of November 2023, Officers are duty bound to offer professional advice as the robustness of the 6 reasons for refusal.
- 2.53 Members are reminded that in a Planning Appeal situation, all reasons for refusal needs to be supported with evidence ideally provided by persons with appropriate qualifications and experience. If the Council cannot provide such evidence it puts itself at risk of having costs awarded against it for unreasonable behaviour.
- 2.54 Based on the original Officers Committee Report, the responses received from Technical Consultees and the clarification in this report, Officers consider that none of the 6 reasons put forward by members could be defended at appeal and would most likely result in a substantial award of costs against the Council in addition to the costs of trying to defend those reasons at Appeal.

**North Yorkshire Council  
Community Development Services  
Skipton and Ripon Area Constituency Committee  
7<sup>TH</sup> NOVEMBER 2023**

**ZA23/24941/FUL - ERECTION OF 25 NO. DWELLINGS WITH OFF-STREET  
PARKING AND ASSOCIATED INFRASTRUCTURE (RESUBMISSION OF  
2022/23854/FUL). AT LAND OFF MEADOW LANE/MOORFOOT LANE,  
CONONLEY ON BEHALF OF CALVERT HOMES (CONONLEY) LTD  
Report of the Corporate Director – Community Development Services**

**1.0 Purpose of the report**

- 1.1 To determine a planning application for the construction of 25 no. dwellings with off-street parking and associated infrastructure (resubmission of 2022/23854/FUL) on land at Land Off Meadow Lane/Moorfoot Lane, Cononley.
- 1.2 To set out details of the proposal, a description of the site and its surroundings, a summary of planning policy and planning history, details of views expressed by consultees, a summary of the relevant planning issues and a recommendation to assist the Committee in considering and determining this application for planning permission.
- 1.3 This application has previously received member call-in through the former Craven District Council and as such this matter is being brought to the Planning Committee.

**2.0 EXECUTIVE SUMMARY**

**RECOMMENDATION:**

- 2.1 That planning permission is GRANTED subject to the conditions listed below and completion of an S106 agreement with terms as detailed in Table 1 to secure the education and open space contributions and to enable a review of the viability at the completion of the 15 dwelling.
- 2.2 Craven District Council's Planning Committee considered the previous application on the 19th of December 2022 and resolved to refuse the application for reasons relating to the following: -
- 1 Affordable housing contributions;
  - 2 Housing density and mix;
  - 3 Highway safety and impact on the highway network;

- 4 Flood risk;
  - 5 Harm to the setting of designated heritage assets;
  - 6 Failure to optimise renewable and low carbon energy sources;
  - 7 Amenity of the occupiers of Meadow Close; and
  - 8 Exceeding the growth capacity of the area and impact on basic services
- 2.3 On 23 May 2023, Planning Inspectorate notified the Council of a valid written representation appeal against the decision. Officers were concerned as to whether all of the reasons given on the decision notice could be defended.
- 2.4 Legal advice concurred with planning officer assessment that for the following reasons and considerations, the Council could not defend 7 of the reasons given on the decision notice (in number order given on the decision notice): -
- 2.5 1. Affordable housing contributions.
- 2.6 A viability appraisal was submitted and evaluated by the District Valuer Service who concluded that the offer to meet only the financial policy requirements in relation to public open space and education and not to provide any on-site affordable housing due to viability was considered to be reasonable. Policy H2 makes provision for such circumstances and in the absence of any evidence to the contrary the proposal did therefore not conflict with Policy H2 or the Affordable Housing SPD.
- 2.7 2. Housing density and mix.
- 2.8 The proposed housing mix varied slightly from the policy requirement. The proposal had considered the most up-to-date evidence of need/demand from the Strategic Housing Market Assessment (SHMA) and taking all matters in relation to viability and the delivery of the scheme into account this was acceptable. Furthermore, considering the need to protect the historic character and appearance of the area a lower density was considered appropriate. There was no evidence to contradict the SHMA and the submitted viability report.
- 2.9 3. Highway safety and impact on the highway network.
- 2.10 The level of parking provision was considered adequate and was supported by the then North Yorkshire County Council as the Local Highway Authority (the LHA).
- 2.11 A Transport Assessment was submitted, and the LHA reasoned that the proposal would not have any unacceptable impact on highway safety or residual cumulative impacts on the road network that would be severe. There was no evidence to contradict the LHA findings.
- 2.12 4. Flood risk.

- 2.13 The site is located within Flood Zone 1 with a low probability of flooding. A Flood Risk Assessment was submitted and there was no objection from the Environment Agency. Furthermore, subject to planning conditions the application had the support of the Lead Local Flood Authority. There was no evidence to support this reason for refusal.
- 2.14 5. Failure to optimise renewable and low carbon energy sources.
- 2.15 The decision cites a failure to optimise renewable and low-carbon energy sources. Information was provided and Condition No 19 was recommended requiring an Energy Statement be submitted prior to occupation. This reason was capable of being dealt with by condition.
- 2.16 6. Amenity of the occupiers of Meadow Close; and
- 2.17 Neither the minutes nor the reason for refusal articulate with any precision what harm would arise. In the absence of any evidence of harm to a specific dwelling(s) and the nature of the harm this reason could not be defended.
- 2.18 7. Exceeding the growth capacity of the area and impact on basic services
- 2.19 There is no policy against increased, or 'overprovision.
- 2.20 There is also no evidence from any consultee statutory or otherwise to support the assertion that the capacity of the settlement to take the proposed growth would be overwhelmed, or that there would be any unacceptable impact on basic services.
- 2.21 Having advised the Chair and Vice-Chair, officers therefore proceeded to defend the appeal based on reason for refusal no. 5 and the identified harm to the setting of designated heritage assets. This proposal is for a revised scheme that seeks to address these heritage harms.
- 2.22 The proposal is considered to accord with Policy SP4 of the Local Plan and thus residential development on this site is acceptable in principle.
- 2.23 Having considered the revised scheme, the Council's specialist conservation adviser has no objection on heritage grounds, and there are no objections from statutory consultees. The revised scheme accords with the provisions of the development plan overall, and there are no material considerations which indicate a decision should be taken other than in accordance with it. Therefore, approval is recommended subject to the conditions recommended below and a signed S106 agreement in the terms set out in this report.

### **3.0 PRELIMINARY MATTERS**

- 3.1 Access to the case file on is available on the Councils [Public Access](#)

- 3.2 21/2014/14241: Construction Of 15 No. Houses and New Access, Re-Siting Of Garages And Parking To Adjacent Barn Conversions. Approved 06th June 2014. (Garages constructed)
- 3.3 21/2015/15985: Outline application for construction of 4no houses and garages. Approved 23rd December 2015.
- 3.4 21/2016/16967: Outline approval for construction of 15 no houses and new access previous application referenced (21/2014/14241). Approved 14th February 2017.
- 3.5 2017/18492/OUT: Outline application for a residential development of 4 dwellings with associated garages (access and layout applied for with all other matters reserved). Approved 16th January 2018.
- 3.6 2019/20908/CND: Application to discharge conditions no. 16 (groundworks) and no. 17 (highway works) on planning permission 21/2016/16967. DOC Satisfactory 20th November 2019.
- 3.7 2020/22247/FUL: Revised description: Construction of 7 no. houses, garages, and access roads. Refused 09th April 2021.
- 3.8 2021/22789/FUL | Residential development of 12 dwellings. Refused 22nd October 2021 - Appeal Dismissed 27th April 2022
- 3.9 2021/22935/FUL: Residential development of 5 dwellings. Refused 28th July 2021. Appeal Dismissed 27th April 2022
- 3.10 2021/23241/FUL: Residential development of 5 dwellings (revised scheme to application no 2021/22935/FUL). Refused 18th January 2022
- 3.11 2022/23854/FUL: Amended description: Construction of 25 no. dwellings with off-street parking and associated infrastructure. Refused January 2023. Appeal in progress

#### **4.0 SITE AND SURROUNDINGS**

- 4.1 The application site is a parcel of land measuring approx. 1.05 hectares that is currently open agricultural land. The site is located within the main built-up area of Cononley with Meadow Close located to the southeast of the site. Residential properties are also located to the east, south and west of the site. The Skipton-Leeds railway line lies to the northeast and open agricultural fields beyond.
- 4.2 The site is broadly level with a slight decline to the south onto Meadow Lane. It is bounded by dry stone walls and open picket fencing with established hedgerows and some trees. There are also internal stone field boundaries some of which are less well defined. In the centre of the site is an existing apple tree.



- 4.3 The site is also located on the edge of, but outside, the Cononley Conservation Area which follows the frontage of Meadow Lane to the south.
- 4.4 The land is classified as Grade 4 Agricultural Land.
- 4.5 A converted grade II listed barn (Pear Tree Barn) is located on Meadow View opposite the site.
- 4.6 Planning permission was granted in outline for a residential development of 4 dwellings on the site on the 23rd of December 2015 (ref 21/2015/15985). However, this permission has since lapsed. A further two outline planning permissions (ref: 21/2016/16967 & 21/2017/18492) were granted for a residential development of 15 dwellings.
- 4.7 Most of the site is identified on the Policies Maps in the Local Plan as an existing housing commitment due to previous planning permission being granted.
- 4.8 Cononley is identified as a Tier 4a settlement in Policy SP4 of the Local Plan. The site is within walking distance of the village, public transport links, Cononley railway station and public playground.

## **5.0 DESCRIPTION OF PROPOSAL**

- 5.1 The application seeks full planning permission for the construction of 25 dwellings with off-street parking and associated infrastructure.
- 5.2 The proposal would provide the following market dwellings:
- 4no. 2 Bedroom dwellings
  - 15no. 3 Bedroom dwellings
  - 6no. 4+ Bedroom dwellings
- 5.3 The proposed dwellings would consist of a row of terraced dwellings, semi-detached and detached dwellings.
- 5.4 In terms of materials, the proposed dwellings would be constructed using coursed natural stone under greys Art stone slate roofs. Windows and doors would be Upvc agate grey with stone heads and cills. This reflects the traditional building methods common to the area. The dwellings would feature gable roofs. Boundary treatments would comprise of dry-stone boundary walls and timber fencing. Indian stone flags would be used to form patio areas and rainwater goods would be black Upvc.
- 5.5 The site would be accessed directly off Meadow Close via a new junction and pedestrian footpaths. On-site parking would consist of a mixture of driveways, garages, and frontage parking. The application is accompanied by a Transport Statement and a vehicle tracking and visibility plan.

- 5.6 A Flood Risk Assessment was submitted as part of the application. Surface water from the development would be attenuated via crated system prior to discharging into the combined water sewer. Foul water would be collected within a private network of pipes and discharged to the combined public sewer in Meadow Lane.
- 5.7 The Ecological Impact Assessment submitted has not identified any protected species or designated habitats that would be adversely affected by the proposal. The assessment also indicates that the development would provide an on-site biodiversity net gain of 12.35%.
- 5.8 The submitted Arboriculture Report has identified a number of tree works, including the removal of 14 trees, a shrub group fronting onto Meadow Close.
- 5.9 Soft landscaping would consist of dense shrubs and replacement tree planting (72 replacement trees) throughout the site with grass and flower/shrub planting to amenity areas.
- 5.10 A Noise Assessment was submitted as part of the application. The assessment recommends an acoustic barrier be erected along the north, south and north-eastern perimeters of Plots 14, 15, 23, 24, 25, 26 & 27.

## **6.0 PLANNING POLICY AND GUIDANCE**

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning authorities must determine each application under the Planning Acts in accordance with Development Plan so far as material to the application unless material considerations indicate otherwise.

### Adopted Development Plan

- 6.2 The Adopted Development Plan for this site comprises the following:
- Craven Local Plan, adopted November 2019 (LP)
  - The Minerals & Waste Joint Plan 2015 – 2030 adopted 2022 (the MWJP)

### Emerging Development Plan - Material Consideration

- 6.3 The North Yorkshire Local Plan is the emerging development plan for this site though no weight can be applied in respect of this document at the current time as it is at an early stage of preparation.

### Guidance - Material Consideration

- 6.4 Relevant guidance for this application is:

National Planning Policy Framework 2023 (the Framework)  
National Planning Practice Guidance (the PPG)  
National Design Guide (the NDG)

Craven Good Design SPD 2022  
Craven Green Infrastructure and Biodiversity SPD 2022  
Craven Flood Risk SPD 2022  
Craven Affordable Housing SPD 2022  
Cononley Conservation Area Appraisal 2023 (the Cononley CAA)

Craven Settlement Monitoring Report July 2023  
Craven District Plan Approaching Housing Density and Mix 2017  
Craven Authority Monitoring Reports 2021-2022 (AMR)

BRE Site Layout Planning for Daylight and Sunlight

## **7.0 CONSULTATION RESPONSES**

7.1 The following consultation responses have been received and have been summarised below

7.2 **Cononley Parish Council:** Objects to the development on the following grounds:

Breach of Housing Growth Policy SP11  
Breach of Policy H2 Affordable Housing  
The loss of important green space and biodiversity.  
Highway safety concerns  
Inadequate contribution to village facilities

7.3 **NYC Independent Heritage Officer:** It is considered that the omission of the houses on the corner from the previous application and the retention of that part of the site as landscaped POS has considerably minimised the harm and the impact on the setting of the building and on this part of the CCA is now acceptable.

7.4 The variety of house designs and types, on a generally traditional theme, would create some visual interest and avoid an overly repetitive series of house.

7.5 The proposed materials of 'natural stone' and 'blue slate' are acceptable but recommended pre-commencement conditions requiring approval of samples.

7.6 The current landscaping plan clearly indicates which of the dry-stone walls and field boundaries are to be retained and repaired. The plan also shows new drystone walls would be built extensively throughout the site. Although there would be low level harm to the historic field boundaries and the walls, it is considered that the harm has been reduced and mitigated to an acceptable level.

7.7 It is considered that the proposal is now consistent with the aims of S.16 of the Framework and policies ENV2 and ENV3 of the Craven Local Plan. The proposal may now still cause a very low level of harm to the heritage assets

and their setting, but the harm is at the low end of the spectrum of “less than substantial” and so could be outweighed by public benefits. It is recommended that there are no justifiable reasons to refuse the proposal on heritage and design grounds.

7.8 **NYC Environmental Health Officer:** The noise assessment has been reviewed and recommend that all recommendations from the noise impact assessment undertaken by Acoustics Solutions ref AS22-15(v3) are followed and that a condition is imposed regarding hours of construction.

7.9 **NYC Planning Gain Officer:** The proposal is for 25 dwellings. There is a small area of green space which has been included to preserve the setting of the listed barn on Meadow Lane. This area is proposed to be planted as a native scrub habitat and is surrounded by dry stone walling and is not useable open space in respect of landscaping and size. It is unclear where access points to the area would be located to enable maintenance. Therefore, as no public open space would be provided within the scheme Policy INF3 would require that an offsite contribution is made.

7.10 There is access to play and open space approximately 400m from the development at the Cononley Playing Fields which includes open space and equipped play. Sports pitches are located at Cononley Sports Club.

The INF3 Policy requires an offsite contribution for developments of 11 or more dwellings. The INF calculator for 25 dwellings calls for an offsite contribution of £84,782 to address quantity and quality deficiencies in several open space typologies in the Skipton and South Craven area. The details of how the planning gain contribution would be allocated would be set out in a S106 Agreement (e.g., Cononley Sports Club, Cononley Play Area and Park). It should be noted that this is a new application and therefore the latest INF3 Calculator has been applied.

7.11 **NYC Strategic Housing Officer:** The applicant has submitted a proposal for 25 dwellings on land off Meadow Lane / Moorfoot Lane, Cononley. Normally, such a scheme would be required to provide 30% affordable housing onsite (eight homes in total). However, the applicant has proposed no affordable housing and submitted a viability assessment arguing that it would be unviable to provide any on this site. Following an appraisal, the District Valuer has confirmed this and so Strategic Housing has no objections.

7.12 **Airedale Drainage Board:** If Yorkshire Water are content with the proposed arrangement to discharge both surface water and foul sewage into the mains combined sewer and provided, they are satisfied that the asset has the capacity to accommodate the flow, then the Board would have no objection to the new proposed arrangement. The Board would wish an informative be included on any approval advising the applicant/developer that prior written consent would be required from Airedale Drainage Commissioners prior to any discharge or increase in the

- rate of discharge, into any watercourse (directly or indirectly) within the Commissioners district.
- 7.13 **Environment Agency:** No comments were received within the statutory consultation period.
- 7.14 **Historic England:** Regarding further information provided, no advice is offered. It is recommended that the Council seeks the views of its own specialist conservation and archaeological advisor.
- 7.15 **NYC LLFA Officer:** The submitted documents demonstrate a reasonable approach to the management of surface water on the site. It is recommended that conditions are attached to any planning permission.
- 7.16 **Network Rail:** No objection in principle to the development but make a number of recommendations to maintain the safety of the operational railway.
- 7.17 **NYC Designing Out Crime Officer:** It is pleasing to note that principles of Crime Prevention have been incorporated into this proposal. The overall design and layout of the proposed scheme is considered acceptable. Addition advice and recommendations also provided.
- 7.18 **NYC Education Officer:** The proposal triggers the need for a financial contribution of £182,172.25 in relation to primary and secondary school expansion places.
- 7.19 **NYC Fire and Rescue:** No comments were received within the statutory consultation period
- 7.20 **NYC Highways Officer:** The Local Highway has considered matters relating to the impact on the existing highway network, both in terms of traffic volumes and trip generation and the road safety implications have been considered and the evidence in the transport assessment has been considered. Based on the evidence presented it is considered that the development would not have a significant adverse impact on Highway safety.
- 7.21 Access and visibility meet requirements. Turning and parking meet the standards as do garage sizes. Drainage plans under guidance note 16 for drainage and Suds 16.12.3 Manholes must not straddle centrelines/ lane lines and be kept clear of vehicle wheel tracks with pipework being a minimum of 1.0m from a kerb line, and any manhole being a minimum of 500mm from a kerb line to minimise disruption during future maintenance work. Refer to the NYC Technical Approval Procedures for all manholes with a diameter greater than 1250mm
- 7.22 **NYC Mineral and Waste Officer:** Mineral assessment is fine, no further comments required.

- 7.23 **Yorkshire Water:** No objection but recommend conditions be imposed on any planning permission granted to development being carried out in accordance with the drainage plan and advise the applicant/developer to contact the Developer Services Team.
- 7.24 **YDNP Wildlife Officer:** No objection, subject to conditions to secure:
- (a) Biodiversity net gain;
  - (b) Bat sensitive lighting;
  - (c) Checks for nesting birds if vegetation is to be removed during the nesting season;
  - (d) The installation of bat tubes and bat bricks to dwellings;
  - (e) Measures to ensure that hedgehogs can access gardens, and potential for the provision of hibernacula for hedgehogs, reptiles, and amphibians.

Publicity

- 7.25 The proposal was published via a Press Notice in the Craven Herald and Site notices posted adjacent to the site. Neighbourhood letters were also circulated.

Local Representations

- 7.26 77 local representations have been received, some of which are second responses from individuals, of which all raise objections. A summary of the comments is provided below, however, please see the website for full comments.

7.27 Principle

Contrary to the affordable housing policy H2 and LP  
 Cononley has met its housing target  
 No gain or benefit from the development  
 No need for more housing  
 No provision for community facilities(e.g., playing fields)

7.28 Visual

Fails to respond/respect the character of the village  
 Loss of open space  
 Loss of views of the landscape  
 Impact on the conservation area  
 Development would ruin the villages outline

7.29 Amenity

Negative impact on well-being (e.g., noise and waste)  
 Noise and dust during the construction stage

7.30 Biodiversity

Loss of green space and biodiversity  
 Negative impact on wildlife

- 7.31 Highways  
 Encourage off-street parking  
 Negative impacts on highway safety due to increased traffic congestion  
 Level crossing congestion would be worse  
 Loss of on-street parking for school staff
- 7.32 Flooding/Drainage  
 Surface water flooding on Meadow Lane would be made worse.
- 7.33 Other matters  
 Schools would be unable to cope with the increased demand  
 Proximity to school and no pavement at the fork of the road  
 The infrastructure of the village would be unable to cope  
 Harm to air quality  
 Capacity of health services within the local area  
 Inaccuracy in submitted documents relating to protected and priority species  
 Concern over the junction at Meadow Lane onto Main Street  
 No evidence of energy saving/low carbon features into the design  
 No footpath onto Moorfoot Lane.  
 Large vehicles currently become stuck when turning into Meadow Close  
 The development could cause structural issues to Pear Tree Barn.
- 7.34 **Positive comments**  
  
 The new design would keep the end of Meadow Close green
- 7.35 Observations  
  
 Could yellow lines be added on the narrow bottleneck area?  
 Could the developer gift a sum of money to develop a staff car park as a gesture of goodwill.
- 7.36 Non-material comments made  
  
 Several rail users are parking in the village.  
 Loss of a view.  
 Flooding and roadworks in the village make some routes into the village impassable at certain times of the year.  
 Question whether the developer track record of delivery?

## 8.0 **ENVIRONMENT IMPACT ASSESSMENT (EIA)**

- 8.1 Given the location, scale, and nature of the proposal it does not fall within Schedule 1 or 2 of the Town and Country Planning (Environmental Impact Assessment Regulations 2017) (as amended). No Environmental Statement is therefore required.

## 9.0 MAIN ISSUES

9.1 The key considerations in the assessment of this application are:

- Principle of development
- Density and Mix of development
- Affordable Housing Provision, open space and education contributions including viability assessment
- The effect of the proposal on the character and appearance of Meadow Lane/Moorfoot Lane.
- The impact of the proposal on the setting of adjacent heritage assets
- Sustainable Design
- The effect of the proposal on the living conditions of existing residents and future occupants
- Biodiversity
- Whether the proposed houses would be safe from flooding and be adequately served by drainage
- Highway safety
- Other matters

## 10.0 ASSESSMENT

### Principle of Development

10.1 Cononley is a Tier 4a settlement and the site lies within the main built-up area of Cononley. Furthermore, the site has been the subject of several planning approvals which deemed the principle of residential development (along with other material planning issues) to be acceptable in this location at that time under the previous local plan (see table below).

Table 1.

Planning Reference	Description	Outcome
21/2014/14241	For the construction of 15no. dwellings with new access and the re-siting of garages and parking to adjacent barn conversions	Approved by Planning Committee Members June 2014
21/2015/15985	Construction of 4no. dwellings with garages	Delegated approval in December 2015
21/2016/16967	For the construction of 15no. dwellings with access	Approved by Planning Committee Members February 2017
2017/18492/OUT	For the construction of 4no. dwellings with garages	Delegated approval in January 2018

10.2 Since that the key policy requirements have changed with the adoption of the Craven Local Plan in November 2019 (the LP) which sets out the housing strategy for the district.

10.3 Policy SP4 is of relevance in the consideration of this proposal. This policy is supportive of proposals for additional housing growth on non-allocated land for housing within the main built-up areas of Tier 1, 2, 3, 4a and 4b



settlements, providing that they accord with all other relevant LP and any neighbourhood plan policies. There is however no adopted neighbourhood plan for Cononley.

- 10.4 Cononley has good transport links, a primary school, two public houses and a shop, all of which the proposal would support. Public open space and education policy requirements would be met under a planning obligation.
- 10.5 As per the Framework and LD Policy SD1, the Council will take a positive and proactive approach to considering the development proposed that reflects the presumption in favour of sustainable development. In addition, as the Framework sets out, it is the Government's objective to significantly boost the supply of homes.
- 10.6 Cononley is currently showing a positive housing figure (CDC Settlement Growth Monitoring – Position on 1st July 2023). However, there is **no policy mechanism** within SP4 or elsewhere in the LP or the Framework which would allow a planning application to be refused based on the '**over provision**' of housing in a particular settlement. (Emphasised by the officer). Furthermore, in relation to earlier appeal decisions on the site the appointed Inspector considered this point and concluded that:
- "I accept that the overprovision of housing against Local Plan targets does not in itself count against the proposal...."*
- 10.7 Furthermore, the housing growth figure of 230 dwellings per annum is a **minimum figure**, the settlement will accommodate more than the percentage proportion of housing growth, providing proposals for housing development meet the relevant criteria of SP4 and all other relevant local plan policy requirements. (Emphasised by case officer).
- 10.8 The site remains in the Council's Strategic Housing and Economic Land Availability Assessment (SHELAA) which enables the Council to identify sufficient land to meet its requirement for housing as required by the Framework and PPG. Whilst previous permissions have lapsed, the current application confirms that it is still a deliverable site. Therefore, should the Council be unable to meet its 5-year housing supply requirements, then due to the site availability/achievability it would form a pool of sites which could be allocated in future updates to the LP.
- 10.9 Having regard to the site's location within the main built-up area of Cononley a Tier 4a settlement, the development would comply with and facilitate the realisation of the LP spatial strategy, with specific regard to Policies SP1 and SP4. It would also accord with the aims and objectives of paragraph 60 of the Framework to significantly boost the supply of homes.

## **Density and Mix of development**

- 10.10 LP Policy SP3 seeks to guide the mix and density of new housing developments, to ensure that land is used effectively and efficiently to address local housing needs.
- 10.11 This means that in typical greenfield developments or brownfield developments with no significant element of conversion, the appropriate housing density should be approximately thirty-two dwellings per hectare (dph)(net). Policy SP3 does allow for flexibility in its requirements for housing mix and density where this is necessary to ensure scheme viability, to take account of local variations in housing need, to better promote balanced mixed communities or to achieve other local plan objectives.
- 10.12 Details provided indicate that the site area for the proposal is approx. 1.05 hectares and would provide twenty-five dwellings. This would be below the dph suggested within Policy SP3 by one dwelling.
- 10.13 In this instance, the character of Meadow Close and Moorfoot Lane consists of detached properties set within good-sized gardens. Located along Meadow Lane are new two-storey dwellings as well as more traditional converted buildings. Within the wider area, there are smaller properties (terraced, semi-detached traditional/suburban dwellings) with either long narrow rear gardens or more compact rear gardens. Broadly speaking, the proposal would be compatible with local character. Therefore, even though the proposal falls below the suggested dph of Policy SP3 by one dwelling, it would be appropriate in context. Furthermore, considering the need to protect the historic character and appearance of the area a lower density is considered appropriate.
- 10.14 The following table (taken from page 89 of the Local Plan), shows the 2017 SHMA suggested dwelling mix for market dwellings and the proposed market housing mix:

Table 2

Overall dwelling size mix	Market (%) SHMA	Proposed Market housing
1 One or two bed	2 18.9%	3 16%
4 Three beds	5 57.3%	6 60%
7 four+ bed	8 23.8%	9 24%

- 10.15 Whilst there is a slight variation from the suggested market housing mix it is considered that the proposal has taken account of the most up-to-date evidence of need/demand from the SHMA and thus the mix is considered acceptable.
- 10.16 Overall, the proposal is considered to meet the requirements of Policy SP3 of the Local Plan. It would also accord with the aims and objectives of paragraph 124 of the Framework, which amongst other things seeks to

ensure the efficient use of land, taking into account identified need and the desirability of maintaining an area's prevailing character setting.

**Affordable Housing Provision, open space and education contributions including viability assessment**

- 10.17 On greenfield sites such as this, LP policy H2 seeks 30% affordable housing provision for developments with a combined gross floor area of more than 1000 sqm or greater than 10 dwellings. The proposal is for 25 dwellings. Therefore, this policy requirements is triggered.
- 10.18 In relation to open space, LP Policy INF3 seeks to promote health, well-being, and equality by safeguarding and improving sports, open space and built sports facilities. This is achieved by seeking on-site open space provision or off-site contributions. The applicant has agreed to enter into an obligation to make the required off-site open space contribution. The proposal is therefore policy compliant in this regard.
- 10.19 Having regard to education, LP Policy INF6 seeks to support sufficient choice for school places by developer contributions in accordance with Policy INF1 and Appendix B of the LP. The applicant has agreed to enter into an obligation to make the required primary and secondary education contributions, and the proposal is therefore also policy complaint in this regard.
- 10.20 However, in relation to affordable housing policy requirements, the applicant has provided an updated viability report, stating that the development would be unable to provide any on-site or offsite financial contributions towards affordable housing provision.
- 10.21 Whilst the scale of need regarding the affordable housing target is revealed by the 2017 SHMA, it is important that this target is realistic and set at a level that allows housing land to come forward and maintains the delivery of new homes without making schemes unviable.
- 10.22 The Craven Affordable Housing SPD (2020) includes useful detail about what viability 'is' and states that:
- 10.23 Viability' refers to a situation where:
- 10.24 The value of the site with assumed planning consent for the proposed scheme is sufficiently in excess of existing and alternative non-residential use values (if any) that a landowner when acting reasonably would be willing to proceed with the proposed residential development.
- 10.25 Royal Institution of Chartered Surveyors ('RICS') guidance (Financial Viability in Planning - RICS Guidance Note 1st Edition (GN 94/2012) (RICS, August 2012) provides a methodology framework and guiding principles for financial viability in the planning context. It defines 'financial viability for planning purposes as being:

*'An objective financial viability test of the ability of a development project to meet its costs including the cost of planning obligations, while ensuring an appropriate Site Value for the landowner and a market risk-adjusted return to the Applicant delivering the project'.*

- 10.26 The submitted viability report has been independently appraised by the District Valuer and Quality Surveyor, in order to clarify whether the proposal would be viable with the above affordable housing policy requirements.
- 10.27 District Valuer (DV) assessor comments
- 10.28 The base build cost has also been reviewed by quality surveyors Rex Proctor & Partners.
- 10.29 The Viability Appraisal was assessed and the opinion of the DV was that the scheme, at present, could not viably provide any on-site affordable housing provision.
- 10.30 Case officer conclusions
- 10.31 The officer has taken into consideration the revised FVA offer alongside the advice of the Council's assessor.
- 10.32 The DV assessment confirms that the updated FVA is unable to support any affordable provision on-site.
- 10.33 It should be noted that the applicant, following a request from officers, has agreed for a viability review mechanism to be included in the S106 Agreement to establish if an affordable housing contribution can be delivered at a later date.
- 10.34 The conclusion reached in this case is that there are sound reasons (for the development not achieving a policy compliant 30% level of affordable housing. The offer of financial contribution towards open space and education is acceptable through an S106 agreement as is the insertion of a viability review mechanism at a later date.

**The effect of the proposal on the character and appearance of Meadow Lane/Meadow Lane and Moorfoot Lane.**

- 10.35 LP Policy ENV3 states that designs should respect the form of existing and surrounding buildings including density, scale, height, massing, and use of high-quality materials.
- 10.36 The application site consists of approx. 1.05 hectares of undeveloped land within the main built-up area of Cononley. The site for the most part is a grassed field with an occasional tree and traditional field stone boundary walls running through. Existing trees/shrubs are located outside but along

the site boundaries. The site is mostly flat except for the existing access which slopes downwards onto Meadow Lane.

- 10.37 Meadow Close which is located to the west and northwest of the application site is characterised by large detached two-storey modern dwellings set back from the highway with off-street parking provision in the form of garages/driveways with front amenity areas. These dwellings are set in good-sized garden/amenity areas.
- 10.38 Moorfoot Lane, located to the east of the application site, consists of a large, detached two-storey dwelling and a detached bungalow both of modern design and well-sized garden/amenity areas.
- 10.39 It is also noted that beyond Moorfoot Lane lies a new residential development (ST Johns Croft) comprising of traditional two-storey detached and semi-detached dwellings.
- 10.40 Dwellings located on Meadow Lane consist of a row of traditional terrace dwellings and former traditional agricultural barns now converted to residential accommodation located directly opposite the existing access to the site. To the west of the converted barns are two modern dwellings and travelling along Meadow Lane eastwards and westwards away from the application site there is a mixture of both traditional and modern dwellings.
- 10.41 The proposed residential development with associated off-street parking and infrastructure has been designed to blend harmoniously with the character of the surrounding area. To achieve this, the design of the proposed dwellings follows the prevailing two-storey scale and form of surrounding dwellings. The balance of proportions between the window and door openings provides an acceptable solid-to-void relationship, consistent with those common in the area. Furthermore, the proposed opening arrangements reflect those of surrounding dwellings. Detailing consisting of chimneys, stone windows, door surrounds, low-level dry-stone boundary walls, and the use of traditional materials are consistent with local character.
- 10.42 The proposed layout of dwellings fronting onto Meadow Close is considered to relate well to the layout of these existing properties, with spacing between dwellings, front garden areas, and the provision of off-street parking. Whilst it is recognised that the proposed internal layout does not retain all dry-stone field boundary walls, some would be repaired, and new ones would be created. Overall, this would not result in any unacceptable harm.
- 10.43 A new vehicular/pedestrian access would be created onto Meadow Close, which would result in the loss of an existing stone wall and vegetation that currently fronts towards Meadow Close. However, the proposal does seek to construct new dry-stone walls fronting onto Meadow Close.

- 10.44 Within the site, the layout has been designed to ensure both public and private spaces would be clearly distinguished using appropriate boundary treatments and hard landscaping materials. The provision of active frontages fronting onto internal roads around short cul-de-sacs with street trees, low-level dry-stone walls, and native hedgerows would provide sensitive screening and help to promote local distinctiveness. In addition, internal footpaths would be clearly defined and connect with a new proposed footpath along Meadow Close, before finally connecting with an existing footpath on Meadow Lane.
- 10.45 Running along the boundary with the railway and Moorfoot Lane would be a green buffer comprising native hedgerows with additional tree planting. Adjacent to the existing turning head of Meadow Close would be a further green buffer, consisting of native hedgerows and trees enclosed by a 1m high dry-stone wall. A parcel of land that fronts Meadow Lane would also be retained as green space with additional tree planting. Private garden areas would include grassed areas with native planting.
- 10.46 It is recognised that the development would alter the appearance and the character of this area of Cononley. However, the proposed development is reflective of the character and appearance of the area in terms of layout, appearance, design, scale, landscape, form, and materials. As such, the scheme would result in a form of development that would blend harmoniously with its immediate setting and the wider surrounding area.
- 10.47 Overall, the proposal is considered to meet the placemaking and design requirements of LP policies ENV1 and ENV3, Section 12 of the Framework, and the National Design Guide.

#### **The impact of the proposal on the setting of the adjacent heritage assets**

- 10.48 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention is paid to the desirability of preserving and enhancing the character and appearance of a conservation area. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention is paid to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses.
- 10.49 Local Plan Policy ENV2 Heritage states that Craven's historic environment will be conserved and where appropriate enhanced. This will be achieved by paying particular attention to the conservation of those elements which contribute most to the district's distinctive character and sense of place, which includes the legacy of traditional barns. Under the policy, proposals will be supported that would preserve or enhance the character or appearance of a conservation area, especially those positive elements which have been identified in a Conservation Area Appraisal.

- 10.50 The application lies outside but adjacent to the designated conservation area of Cononley. It lies to the north of a Grade II former barn (Pear Tree Barn) now converted to residential accommodation.
- 10.51 Cononley lies in the Settled Industrial Valleys Landscape and on the edge of Landscape Area 38, Siltstone and Sandstone Low Moors overlooking the Aire Valley. Much of the surrounding landscape makes a significant contribution to the character and appearance of the conservation area.
- 10.52 The village core is very rural in character based around a classic principal street and back lane configuration with many buildings fronting onto Main Street. The mix of historic building styles dates from the seventeenth to the late nineteenth century. The village contains several designated heritage assets, most of which are seventeenth and eighteenth-century former farms such as Pear Tree, King's, and Bradley's Farmhouses, all listed at grade II. This gives the village a rural character. The significance of the conservation area lies in its rural architectural and historic interest and its legibility to the surrounding landscape.
- 10.53 The junction between Meadow Lane and Main Street creates a narrow point in the built form for vehicles, with Meadow Lane being a narrow lane running along the southern boundary of the site, coming wider as it travels westwards.
- 10.54 The application site forms an area of open space providing a transition from the denser rural grain of the village centre and the later 1960/70's development along Meadow Lane and the newer development to the east of the site on the site of the former church – St Johns Close and Meadow Close.
- 10.55 Except for the apple tree and some trees fronting onto Moorfoot Lane, the development would result in the loss of some trees/shrubs along the remaining boundaries. The Council's Tree officer confirms that the trees in and around the site do not warrant a Tree Preservation Order and has no objection to their removal.
- 10.56 To mitigate the loss of existing trees, approx. 72 replacement trees would be planted along the boundaries of and within the site creating green corridors. This tree planting combined with existing planting around the site, together with the setback of the dwellings would allow the proposal to have a soft gradual transition between the built-up area and the rural landscape beyond.
- 10.57 Under the previously refused scheme, Members concurred with the Council's heritage consultant who found unacceptable harm to the setting of the conservation area and adjacent listed building. In the planning and heritage balance, the Council has argued at appeal that the benefits of the scheme would not outweigh this heritage harm to which great weight is given. As a result, the earlier scheme conflicted with LP and Framework heritage policies, and this formed the basis for reason for refusal no. 5.

- 10.58 To address this reason for refusal, the applicant has relocated Plots 1 & 2 to further within the site. This approach now maintains views of the Grade II listed Pear Tree Barn from Meadow Close and enables the understanding of the former association with the farmland beyond. The Council's independent heritage consultant confirms that following this revision the impact on the setting of Pear Tree Barn is now acceptable and would not justify refusal of the application.
- 10.59 Furthermore, paragraph 206 of the Framework states that proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably.
- 10.60 Regarding potential impacts on the conservation area, the South Lakeland DC VSSE & Carlisle Diocesan Parsonages Board decision found that the statutory objective of preserving a conservation area could be achieved by either
- (i) a positive contribution to the preservation or enhancement or*
  - (ii) a development which leaves character or appearance unharmed (preserved). In this instance, the proposal would have a neutral effect (preserve) the existing character and appearance of the conservation area.*
- 10.61 In this instance, the development would not affect the general appearance and character of the conservation area as the development lies outside of the designated conservation area. Furthermore, because of the amendments to the scheme regarding the relocation of plots 1 & 2 the Council's Independent Heritage officer confirms that any impacts on the setting of the adjacent conservation area are now acceptable.
- 10.62 The Cononley CAA assessment has identified this area as making a strong contribution to the character and appearance of the conservation area. This is linked to how the space is experienced and viewed from within the boundary of the Conservation area (e.g., long views from within the conservation area to the wider landscape).
- 10.63 However, the Craven Conservation Areas Assessment Project: A General Introduction August 2016 also states in paragraph 2.3 that in "fulfilling its duty, the Council does not seek to stop all development, but to manage change in a sensitive way".
- 10.64 It is acknowledged that in some views of the agricultural fields beyond the application site would be partially screened when viewed from the boundary of the conservation area that runs along Meadow Lane. Regarding the impact on views towards the wider landscape and hills beyond it is considered that these would be retained as any restricted views would already be present by the existing built form.



- 10.65 Nevertheless, the Framework in paragraph 202 advises that any harm should be weighed against the public benefits of a proposal.
- 10.66 Following the revisions to the scheme that include the repositioning of plots 1 & 2 and the repair/retention of some of the drystone walls the Council's Heritage officer considers that the revised proposal would only result in very low-level harm and that this could be outweighed by public benefits.
- 10.67 In accordance with the Framework, it is therefore necessary to consider whether the less than substantial harm to the Conservation area and the setting of Pear Tree Barn would be outweighed by the public benefits. This is returned to below under the planning and heritage balance.
- 10.68 PPG paragraph 020 Ref ID: 18a-020-20190723 outlines what is meant by the term public benefits. It states that public benefits may follow many developments and could be anything that delivers economic, social, or environmental objectives as outlined in the NPPF.
- 10.69 The proposal would contribute to the provision of housing in the district, and this carries significant weight as a public benefit and whilst objections have been received regarding the settlement growth for Cononley being a positive figure. It is important to stress that there is no policy mechanism within Policy SP4 which would allow a planning application to be refused based on the 'over provision' of housing in a particular settlement.
- 10.70 The delivery of housing in this main-built up area would be in an area with access to services and public transport.
- 10.71 The proposal would provide ecological benefits through the creation of new habitats (new planting of wildflowers, grassland, shrubs, tree planting, provision of bat boxes and bird boxes).
- 10.72 The proposal would enhance the economy of the community through the creation of jobs associated with the construction stage, and new residents would be likely to support existing local services and businesses. It is recognised that these benefits are common to similar developments and thus are given limited weight.
- 10.73 The application site is sustainably located close to a train station, a school and easy walking distance to a bus stop, shops, and services. It is considered that these do not qualify as benefits as these would be expected from a well-located residential development and thus limited weight is attached to these factors.
- 10.74 The proposal would also provide contributions through an S106 agreement (education and open space).
- 10.75 The identified public benefits of the application site are considered to present cumulatively considerable weight to the heritage balance as set out in the Framework.

- 10.76 Heritage Balance
- 10.77 It is recognised that there would be some very low-level harm to the significance of Pear Tree Barn, however, on balance this harm is at the low end of the spectrum and when combined with the public benefits the proposal is considered acceptable on heritage grounds as confirmed by the Councils independent Heritage officer.
- 10.78 In conclusion, it is considered that the public benefits outweigh the very low-level harm to the setting of the conservation area and the listed barn. The proposal, therefore, does not conflict with the requirements of Policy ENV2 of the Craven Local Plan or the objectives of Section 16 of the NPPF.

### **Sustainable design and construction**

- 10.79 Policy ENV3 criterion t) seeks to ensure that new residential developments take all reasonable opportunities to reduce energy use, water use and carbon emission and to minimise waste in accordance with Building Regulations. This accords with the Government's objective of addressing climate change (emphasised by the case officer).
- 10.80 Paragraph 158 of the Framework states that LPAs should not require applicants to demonstrate the overall need for renewable or low-carbon energy and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions.
- 10.81 The most recognised methods of achieving sustainability are through the energy hierarchy.
- Energy efficiency – using technology to reduce energy losses and eliminate energy waste  
The exploitation of renewable, sustainable resources  
Exploitations of sustainable materials
- 10.82 The submitted Sustainability Report outlines the measures proposed to achieve compliance with Building Regulations and local policy requirements.
- Reducing carbon emissions through energy efficiency measures
- 10.83 The following design and features have been incorporated.
- Building fabric elements and glazing specifications improved over and above building regulations requirements.  
Reduced air permeability  
Energy-efficient lighting and controls throughout the development  
Water-efficient sanitary fittings  
Specification of efficient heating services and control systems.

- 10.84 Reduction of carbon emissions through low or zero-carbon measures
- Installation of air source heat pumps
  - Installation of PV panels
  - Electric charging points
- 10.85 It is recognised that reference is also made to the potential use of gas boilers, however, as set out in building regulations these would only be acceptable with the provision of PV panels.
- 10.86 Orientation and layout
- 10.87 The layout allows solar gain, helping to reduce heating energy.
- 10.88 Use of materials
- 10.89 All proposed materials would be locally sourced and of a robust and durable nature.
- 10.90 Climate change adaptation
- 10.91 The risk from overheating is to be controlled via passive and active design measures e.g., effective low G-Value glazing (reduces solar radiation) and the use of heating controls.
- 10.92 The risk of reduced water availability would be addressed using water-efficient equipment. Water metering of incoming water supply to help control usage.
- 10.93 The dwellings have also been designed to exceed the current environmental performance standards outlined in Part L (conservation of fuel and power) and would be compliant with Part O (overheating) of Building Regulations
- 10.94 The information provided is considered to demonstrate that all reasonable opportunities to reduce energy use, water use and carbon emission, ensure future resilience to climate change and generate power through solar in accordance with Building Regulations have been met. However, it is considered necessary to impose a condition requiring details of proposed solar panels be submitted to the LPA.
- 10.95 The proposal, therefore, complies with policy ENV3 (t), paragraphs 154, 157 & 158 of the Framework.
- 10.96 The effect of the proposal on the living conditions of existing residents and future occupants.
- 10.97 Policy ENV3 seeks to ensure that development protects the amenity of existing residents and provides a good standard of amenity for future occupants of land and buildings. Amongst other things, Framework

paragraph 130 requires that developments create places that are safe, inclusive, and accessible and which promote health and well-being, with a high standard of amenity for existing and future users

- 10.98 Existing residents
- 10.99 Plots 1, 2, 3, 4, 5 & 6 would be sited to the west of No's. 1, 3, 5 & 7 Meadow Close at separation distances ranging from approx. 22m to 28m. It is considered that this separation distance is sufficient to ensure that the occupants of these properties would not experience any unacceptable loss of privacy or amenity.
- 10.100 Concerns have been raised by residents about the potential for light pollution from the headlights of vehicles exiting the site. Access for vehicles from the application site would be taken directly onto Meadow Close. It was also noted that there are streetlights on Meadow Lane and on Meadow Close. Whilst the vehicular access would direct vehicles exiting the site to face onto the frontages of dwellings that are on the opposite side of Meadow Close, these dwellings are well set back from the highway. It is important to note that this type of arrangement is not different from existing development within the surrounding area or within recently constructed residential development within the district. It is therefore considered that the width of the verge and footpaths, the width of the highway, the front gardens and driveways are sufficient to ensure that any glare from vehicle headlights would not significantly harm the residential amenity of these dwellings.
- 10.101 The side gable of Plot 18 would be located approx. 25m from No. 11 Meadow Close. Notwithstanding the side gable windows serving the hallways, the separation distance is considered sufficient to ensure that the occupants of this property would not experience any unacceptable loss of privacy or amenity.
- 10.102 Plots 19, 20, 21, 23 & 24 would be located to the east at separation distances ranging from approx. 18m to 38m from No's 13, 15 & 17 Meadow Close. The separation distances, orientation between existing and proposed dwellings and proposed boundary treatments would ensure that the occupants of these properties would not experience any unacceptable loss of privacy or amenity.
- 10.103 It is acknowledged Plot 25 would front towards the rear amenity area of No. 17 Meadow Close. Views at ground level would be restricted by an existing outbuilding located adjacent to the boundary of the application site. Upper first-floor windows (bedrooms) would have an unobstructed view of the rear amenity area. However, due to the nature of these rooms (bedrooms) combined with the separation distance of approx. 25m the occupants of this property would not experience any unacceptable loss of privacy or amenity.

- 10.104 Properties on Meadow Close due to the separation distance would also not experience any unacceptable overshadowing/loss of natural light nor would the proposed dwellings due to the setback from the highway appear dominant when viewed from the habitable rooms of these properties.
- 10.105 Plots 10, 11 & 12 would be sited to the west of No 7 St Johns Croft at separation distances ranging from 23m to 33m from the side boundary of this property. Due to the separation distance and the location of Moorfoot Lane that runs along the side boundary of No. 7 St Johns Croft, it is not considered that the proposal would give rise to any unacceptable loss of privacy or amenity to the existing residents of this property.
- 10.106 Plot 9 would be sited to the north of Overstone at a separation distance of approx. 2.9m from the nearest point of the side gable which contains a single window. Evidence before the Council is that this window serves as an en-suite, and thus the window is obscure glazed. To protect the privacy of the occupants of this property at ground level no window openings are proposed. It is acknowledged that at the upper level a single small obscure glazed window opening is proposed for a home office area, which would have views over the roof of Overstone. Therefore, it is considered given the scale of the window opening combined with the obscure glazing that there would be no unacceptable loss of privacy arising from this window.
- 10.107 Plot 9 also includes a single-storey extension on the rear elevation which would contain full-height glazing which would face towards the side gable of Overstone and to the front area of this property. However, separating Plot 9 and Overstone would be a 1.4 stone wall with the proposed single-storey extension set back by approx. 12m. It was noted also that there is an existing level of mutual overlooking present of properties fronting Moorfoot Lane. Therefore, the separation distance combined with the boundary treatment and existing level of overlooking to the front means that the occupants of this property would not experience any unacceptable loss of privacy.
- 10.108 There would also be oblique views from the front elevation of Plot 9 towards the far corner of the garden area of this property. However, it is considered given the limited level of overlooking that would occur to the far rear garden area that the proposal would not give rise to any unacceptable loss of privacy for the occupants of this property.
- 10.109 It is acknowledged that daylight and sunlight are fundamental to the provision of a good quality of living environment, and for this reason, people expect good natural lighting in their homes. Inappropriate or insensitive development can reduce a neighbour's daylight and sunlight and thereby adversely affect their amenity to an unacceptable level.

- 10.110 In general, for assessing the sunlight and daylight impact of new development on existing buildings, Building Research Establishment (BRE) criteria are adopted. In accordance with both local and national policies, consideration must be given to the context of the site, the more efficient and effective use of valuable land and the degree of material impact on neighbours.
- 10.111 An assessment of the potential impacts on the nearest dwelling to the application site identified as Overstone for the purposes of daylight and/or sunlight impacts is set out below.
- 10.112 Overstone has a single window to the side gable which serves as an en-suite. Notwithstanding this, it is acknowledged that Plot 9 would result in a minor reduction in daylight/sunlight to this obscure glazed window when applying the 25-degree rule. However, this reduction due to the orientation of Overstone, would not result in an unacceptable loss of natural daylight or sunlight to warrant refusal.
- 10.113 Regarding the potential impact on the remaining existing dwellings that lie near the site, it is considered that due to the orientations and separation distances the development would not result in any unacceptable loss of natural day/sunlight, nor appear dominant and overbearing when viewed from any habitable rooms or private amenity spaces of these existing dwellings.
- 10.114 Regarding the noise from the railway, the proposal due to the additional planting, the installation of acoustic fencing as well as the intervening-built form would reduce noise levels currently experienced by existing residents.
- 10.115 The proposed dwellings would be designed to comply with Building Regulations Part M to ensure an acceptable degree of accessibility for all and this can be controlled by an appropriately worded condition.
- 10.116 Future residential accommodation.
- 10.117 With regard to the proposed dwellings, it is considered that in terms of room sizes and storage, outlook, daylight and natural light, and outdoor amenity space, they would provide acceptable living conditions for future occupants.
- 10.118 A positive response was received on behalf of North Yorkshire Police, who feel that the proposal has implemented advice on preventing crime and disorder through design as part of the submission.
- 10.119 The proposed dwellings would be designed to comply with Building Regulations Part M to ensure an acceptable degree of accessibility for all.

- 10.120 Part of the site adjoins a railway line. A Noise Report was submitted with the application and assessed by Environmental Health, with particular focus on the impacts on the proposed development and the proximity to the railway track. Environmental Health are satisfied that impact would be low. However, properties towards the north of the site can expect to experience some noise from trains travelling along the railway track. Precise mitigation is detailed in the report (such as acoustic fencing and Pilkington 'Optiphon' for windows of affected properties), and it is recommended that conditions be attached to any planning permission granted to ensure that those measures are implemented as part of the development.
- 10.121 In conclusion on this main issue, the proposal is compliant with LP policy ENV3 and paragraph 130(f) of the Framework and is therefore acceptable.

### **Biodiversity**

- 10.122 Policy ENV4 seeks to ensure that the growth of housing on allocated and non-allocated sites will be accompanied by improvements to biodiversity. This can be achieved through the avoidance of loss and encouraging the recovery or enhancement of ecological networks, habitats, and species populations by incorporating beneficial biodiversity features in the design.
- 10.123 The relevant European legislation (EU Habitats Directive) has previously been implemented into domestic legislation by way of The Conservation of Habitats Regulations 2017. Following the UK leaving the EU, the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 have been amended. The Conservation of Habitats and Species Regulations 2017 provide for the conservation regime to be administered by national bodies, as opposed to EU bodies and to make other minor administrative amendments.
- 10.124 The Wildlife and Countryside Act 1981 and the Protection of Badgers Act 1992 require applicants to comply with the requirements of these Acts.
- 10.125 The proposal would result in the increase of hard surfaces and the loss of an area of grassland and some trees/shrubs.
- 10.126 Policy ENV4 states that development proposals that result in a significant loss in, or harm to, biodiversity on site, and where no compensatory measures are proposed, will be resisted.
- 10.127 An ecological report was submitted which includes several surveys, both within and outside of the application site, and an assessment of trees on site using the Bat Conservation Trust Good Practice Guidelines regarding bat potential.

- 10.128 The North and East Yorkshire Ecological Data Centre holds records of all protected sites and species within a 2km radius of the proposed development. The data identified three locally designated sites within 2km of the proposed development. These sites are Farnhill Moor, situated 1.2km to the east, Cononley Grassland (SINC) situated 1.0km to the southwest and Sugden Wood situated 1.8km to the south of the proposed development.
- 10.129 Records show that there have been no recent records of water voles (before 1990) or otters within 2km of the site. It is acknowledged that there is a record of an otter in 2007 c.600m to the east of the development site on the River Aire.
- 10.130 The data search identified two records of common pipistrelle bats with the nearest record being of an individual bat, c.1km to the site of the site in 2000. The other bat record was in 2011 at c1.8km to the east of the site.
- 10.131 Several common species of birds were identified within 2km of the site and a peregrine falcon (a Schedule 1 species under the WC Act 1981) to the east of the site in 2016.
- 10.132 No recent records of reptiles within 2km of the proposed development were identified, the most recent being in 1983.
- 10.133 The report also details that during the survey no badger field signs, or setts were identified on or adjacent to the site. Similarly, no suitable habitat for water vole, otter or white-clawed crayfish were identified on or adjacent to the proposed site.
- 10.134 A potential bat roost was identified in the mature apple tree, however, following a closer inspection it was found to be too small for roosting bats. Other features on the tree were also inspected but no bats or field signs were identified as the cavities were too small.
- 10.135 No suitable ponds for great crested newts were identified within 500m of the proposed development.
- 10.136 It is recognised that areas of dense scrub on site are suitable for common nesting bird species as well as the potential for some species to nest within the cracks and crevices of the stone wall. However, no suitable habitat for the peregrine falcon was identified within the survey area.
- 10.137 No suitable habitats were identified for the hazel dormouse or reptiles.
- 10.138 No schedule 9 non-native invasive species were identified on or adjacent to the survey area.



- 10.139 Comments have been received referencing an online tool NBN Atlas (registered charity) and that it contradicts the findings of the Ecological study. Reviewing the online tool, it appears to confirm sightings of some protected species outside of the site with no identified protected species being found on the application site.
- 10.140 Based on the evidence before the Council, it is considered that no protected species would be adversely affected by the development. The survey's provided are considered adequate and provide feasible mitigation and compensation measures which can be controlled by condition.
- 10.141 Assessment of impact on designated sites.
- 10.142 Due to the separation distances, it is considered that the development would not have an adverse impact on any designated sites and therefore no mitigation measures are necessary.
- 10.143 On-site Biodiversity Net Gain
- 10.144 Following a further review of the site the existing biodiversity data has been updated - details are contained within the table below:

Table 3: On-site Biodiversity Metric 3.1 calculations

Habitat Type	Area (ha)	Distinctiveness	Condition	Biodiversity Units (Bu)
Semi-improved grassland	0.09814	Low	Poor	1.96
Amenity grassland	0.0125	Low	Poor	0.03
Dense Scrub	0.0533	Medium	Poor	0.21
Urban Tree	0.0692	Medium	Moderate	0.55
Bare ground	0.0145	V. Low	N/A-Other	0
<b>Total</b>				<b>2.75 Bu</b>

- 10.145 To improve onsite biodiversity, the proposal would see the provision of a landscape plan which would include native shrubs/trees including species which produce fruit and nectar supplying a food resource for insects, birds and small mammals. Bird boxes, bat boxes, and bee bricks could be provided and holes within boundary treatments to allow small mammals to travel across the site.
- 10.146 Because of the suggested mitigation measures the proposal would provide a 3.09 Bu. Details are shown in the table below:

Table 4: On-site Biodiversity Net Gain Metric 3.1 calculations

Habitat Type	Area (ha)	Distinctiveness	Condition	Biodiversity Units (Bu)
<i>Created Habitat</i>				
Mixed Scrub	0.1592	Medium	Moderate	0.96
Vegetated Garden	0.2704	Low	N/A	0.52
<i>Retained Habitat</i>				
Bare Ground	0.6308	V. Low	N/A	0
Urban Tree	0.4110	Medium	Moderate	1.26
<i>Retained Habitat</i>				
Mixed Scrub	0.0157	Medium	Poor	0.06
Urban Tree	0.0366	Medium	Moderate	0.29
<b>Total</b>				<b>3.09Bu</b>

- 10.147 Details submitted now show that the proposal now represents an increase of approx. 12.35% biodiversity value on the site.
- 10.148 The Council has liaised with the York Dales National Park's (YDNP) ecologist officer to review the details, and to clarify whether the content is acceptable.
- 10.149 The YDNP ecologist officer has reviewed the details and acknowledges that the updated data now shows a 12% net gain can be achieved wholly on the site, through the contribution of gardens within the development, the retention of some of the existing scrub, the creation of new habitat, the retention of some of the trees and planting of new specimens. It is also acknowledged that a review of the post-development calculations appears to have been carried out correctly regarding the NE Biodiversity 3.1 matrix.
- 10.150 To secure the on-site habitat enhancements for the duration of the maintenance period this should be subject to an s106 legal agreement.
- 10.151 Overall, it is considered that subject to an S106 legal agreement and conditions, the proposed development would enhance the ecological value of the site, increasing biodiversity. Thus, the proposal meets the requirements of LP Policy ENV4, and paragraph 180 d) of the Framework which supports enhancements in biodiversity and national legislation on BNG.
- 10.152 Whether the proposed houses would be safe from flooding and be adequately served by drainage.

- 10.153 Policy ENV6 states that development will take place in areas of low flood risk, where possible in areas with the lowest acceptable flood risk. Additionally, that development will minimise the risk of surface water flooding by ensuring adequate provision for foul and surface water disposal.
- 10.154 Policy ENV8 seeks to safeguard and improve water resources by ensuring that development is served by adequate sewerage and wastewater treatment infrastructure, will reduce the risk of pollution and deterioration of water resources, and protect surface and groundwater from potentially polluting development and activity.
- 10.155 The site is within Flood Zone 1 (FZ1) which has less than a 0.1% chance of flooding. A flood risk assessment is mandatory for sites of 1 hectare or greater in FZ1. The applicant has submitted a Flood Risk Assessment (FRA) which provides the drainage strategy for the disposal of surface and foul water, and the document has also considered climate change, over the lifetime of the development. It is considered that the submitted FRA is proportionate to the scale and nature of the development.
- 10.156 The national policy requirement is for developments to not exacerbate flood risk elsewhere outside of the site. The Environment Agency have been consulted but no comments have been received. Notwithstanding this, following changes to the PPG (Flood Risk) in 2015, the management of surface water is the responsibility of the Lead Local Flood Authority (LLFA).
- 10.157 Sequential test and exception test
- 10.158 A sequential test should be applied to all proposals on sites that are known to be at risk of flooding from any source. In this instance, the application site lies within FZ1 (less than 0.1%) and thus in accordance with national guidance the sequential test is not triggered. Consequently, an exception text is not required.
- 10.159 Surface water
- 10.160 Local and national guidance now encourages sustainable urban drainage solutions (SUDS) to deal with surface water. Details submitted state that the surface water drainage strategy would restrict surface water flows to greenfield runoff rates with Yorkshire Water confirming that a proposed discharge rate of 3.5l/s is acceptable. This would be achieved using a hydro brake flow control unit which would restrict flows that are to be attenuated using crates prior to discharge to the combined water sewer. Yorkshire Water has raised no objections to the disposal of surface water via this method.

- 10.161 The LLFA after reviewing the information are satisfied that the measures proposed would be acceptable in their design subject to any further fine detail being capable of being dealt with by condition.
- 10.162 It is considered overall that the surface water drainage strategy put forward would be effective in dealing with surface water run-off and would not increase flood risk elsewhere. In addition, it is considered that the proposed surface water drainage strategy would help reduce the level of surface water discharged onto Meadow Lane during periods of heavy rain.
- 10.163 Foul water
- 10.164 In considering any foul and wastewater drainage matters, the planning authority must take into consideration the fact that the developer has a right to connect to the public sewerage system under section 106 of the Water Industry Act 1991 (the WIA1991).
- 10.165 The planning authority must also consider the following matters:
- a) Section 94 of the WIA1991 imposes a continuing duty on all sewerage undertakers to provide, maintain and where necessary improve their systems for collecting and treating foul and wastewater drainage so as to effectually drain its area and effectually deal with the contents of its sewers;
  - b) a sewerage undertaker is provided with the means of funding the cost of fulfilling the above duty within the WIA1991 through sewerage and infrastructure charges; and
  - c) the WIA1991 clearly sets out that the costs of meeting the above duty are required to be borne by the sewerage undertaker, not the developer, save in one limited case where a new sewer is requisitioned by the developer (agreement under Section 104 of the Water Industry Act 1991).
- 10.166 It, therefore, follows that related planning conditions are unnecessary for new residential development with a public sewerage connection. For any such condition to be justified, in terms of the guidance in the Framework and PPG, the condition would, amongst other things, need to be shown to be necessary and reasonable. It would not be reasonable if it imposes an unjustifiable burden on the developer. Nor would it be reasonable if the condition had the practical effect of forcing the developer to fund any inadequacies in sewerage or sewage treatment because the sewerage undertaker was not prepared to fulfil its statutory obligations in a timely manner.
- 10.167 Details provided show that foul water would be collected within a private network of pipes and manholes on site and discharged via gravity to the 150-diameter combined public sewer located in Meadow Lane (subject to a section 106 agreement with Yorkshire Water).

- 10.168 Yorkshire Water has reviewed the proposed drainage layout prepared by Paul Waite Associates and confirmed that they have no objections to the proposed disposal of foul water.
- 10.169 Airedale Drainage has also been consulted and has not objected to the proposal.
- 10.170 It is considered that the proposal in terms of the disposal of surface and foul water is in accordance with Local Plan policy ENV6 and paragraph 159 of the Framework and is therefore acceptable.

### **Highway safety**

- 10.171 Local Plan policy INF4 seeks to ensure that new developments help to minimise congestion, encourage sustainable transport modes, and ensure proper provision and management for parking for vehicles.
- 10.172 Policy INF7 seeks to minimise greenhouse gases and congestion, and the provision of safe and accessible travel facilities by maximising the opportunities for travel by sustainable transport modes, avoiding severe residual cumulative impacts of development relating to transport, and the provision of safe and convenient access to transport facilities.
- 10.173 Section 9 of the Framework contains guidance on transport and land use planning, including the promotion of sustainable transport choices and reducing travel by car. Paragraph 111 of the Framework states that:
- ‘Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.’*
- 10.174 Paragraph 112 of the Framework also advocates the promotion of sustainable transport modes and to this end recommends that developments should be located and designed where practical to
- a) give priority first to pedestrian and cycle movements’ and to facilitate access to public transport, with layouts maximising the catchment area for bus or other public transport services;
  - c) create places that are safe, secure and attractive;
  - d) allow for efficient delivery by services and emergency vehicles;
- and be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible, and convenient locations.

### **Vehicular access and highway safety.**

- 10.175 The position of the main new access into the residential development would open onto Meadow Close which is a road that currently serves 9 existing dwellings with additional access points proposed that would serve the proposed dwellings fronting onto Meadow Close.
- 10.176 It would require the removal of the existing roadside stone/vegetation boundary that fronts Meadow Close but has been designed to provide sufficient separation distance between existing and proposed access points onto Meadow Close. The principal new access into the site would be of adoptable standards and would provide an adequate and safe means of access subject to final detailed approval. The Highway Authority have reviewed the information and are content with the proposal, subject to a Section 278 agreement to govern the works, and planning conditions as appropriate.
- 10.177 Regarding concerns over construction traffic the Highway Authority have requested a condition requiring a Construction Management Plan (CMP) be submitted. The CMP would outline how the proposed works would be managed to minimise the impact on residents.
- 10.178 Concerns have been raised by some residents with regard to visibility splays and the junction onto Meadow Lane. However, the Highway Authority has raised no objection regarding the visibility splays or relating to the use of the existing junction that currently serves the 9 existing dwellings. Furthermore, the Council has no evidence that minor, serious or fatal accidents have occurred on the highway network adjacent to the site. It is therefore considered there are no sustainable grounds to refuse the plans as submitted on highway safety grounds.
- 10.179 Trip generation and impact on the local network
- 10.180 Meadow Close currently serves 9 dwellings and connects with Meadow Lane. It is acknowledged that the development would result in an increase in vehicles and that residents are concerned this will add to existing congestion in the village. Their concern is especially during peak times when there is a noticeable increase in traffic as parents drop off or collect children from the nearby school, resulting in congestion as parents park along any available roads.
- 10.181 However, it is important to note that due to the level of off-street parking being provided the development would not add to congestion caused by on-street parking at these peak times. Nevertheless, it is recognised that due to proposed accesses onto Meadow Close the current level of available on-street parking on Meadow Close would be reduced by a third.
- 10.182 It is also important to note that as a public highway, any vehicle user has the right to travel and park on the public highway and that the

responsibility for managing on-street parking is the responsibility of North Yorkshire County Council, and thus the issue of controlling on-street parking lies outside of the scope of this proposal.

- 10.183 Notwithstanding local concerns in relation to congestion and highway safety due to increased vehicle movements, the Highway Authority have reviewed the submitted Transport Assessment regarding proposed traffic volumes, trip generation and the road safety implications. Based on this review, they confirm that they do not consider that the development would have any unacceptable impact on highway safety, or residual cumulative impacts on the highway network that would be severe. Therefore, whilst local concerns are acknowledged, in accordance with Framework paragraph 111 planning permission should not be refused on highway's grounds.
- 10.184 To allay local concerns in relation to construction traffic, the CMP recommended by condition would also require details of construction traffic routes, any construction site compounds, and staff parking facilities, on which the Highway Authority would be consulted.
- 10.185 Car parking layout and Council standards
- 10.186 LP policy INF4 uses the former North Yorkshire County Council's Interim Parking Standards to inform car parking provision and car space sizes, having regard also Government and LP policies seeking a shift away from cars to more sustainable forms of transport.
- 10.187 It is acknowledged that Cononley is a Tier 4a settlement defined as having basic services, with new occupiers likely to be owners of cars generating car borne journeys, and it is therefore prudent to ensure adequate car parking is provided to serve the development. It is considered that the level of car parking provided on site through a mixture of surface parking and garages would be adequate to serve the new development. There is a balance to be struck between providing adequate levels of car parking and encouraging sustainable transport options rather than always relying on private motor vehicles.
- 10.188 It is therefore considered necessary to remove permitted development rights to ensure that garages remain available for the parking of vehicles and are not subsequently converted to additional ancillary living accommodation without planning permission. This would prevent indiscriminate parking on soft verges and pavements which would be contrary to good design principles and might create dangers for both vehicular and pedestrian users, and visitors to the site.
- 10.189 Comments have been received regarding on-street parking issues linked to the adjacent school. It is recognised that there is a significant increase in on-street parking demand during school drop-off/pick-up times. However, there is nothing persuasive to indicate that traffic congestion in the area would increase at drop-off and collection times

to an unacceptable level because of the proposal. Furthermore, even with the potential loss of some on street parking along Meadow Close following the development, there would be spare parking capacity in local streets.

10.190 Comments have also been received concerning driving habits of highway users. However, this proposal would be unable to address issues regarding inconsiderate on-street parking or driving behaviours.

10.191 Comments have been received regarding the lack of electric charging points. Details in the submitted Sustainability Design statement set out that electric charging points would be provided. In addition, in June 2022 as part of Approved Document S, new developments must ensure that the preparatory work relating to the infrastructure for charging electric vehicles are implemented.

### **Sustainability and Accessibility**

10.192 The LP and the Framework policies seek sustainable transport initiatives. Details proposed show a new stretch of footpath which would link with an existing footpath on Meadow Lane. These works would be carried out by the developer under agreement under the Highway Act.

10.193 The site is sustainably located, within proximity to the local Railway station and national cycle routes. There is also a limited public bus service connecting the village with nearby villages and towns.

10.194 Comments have been raised regarding access for emergency vehicles. Details have been provided that show that emergency and refuse vehicles can safely access and exit the site.

10.195 In conclusion, whilst concerns raised are noted both in respect of congestion and highway safety, there is nothing to contradict the submitted evidence or the final comments of the Highway Authority, who have not objected to the proposal. Thus, it is considered that there are no sustainable reasons to refuse the application on highway grounds as the proposal is policy compliant in this regard.

### **Other matters**

10.196 Comments have been expressed regarding LP policy SP11 limiting growth in the village. This policy relates to the design principles for allocated sites only. Site allocations are required to ensure delivery of the housing provision in line with the settlement strategy outlined in Policy SP4. It does not preclude other windfall development from coming forward.

10.197 It is recognised that the site is valued by the local community with regards to dog walking, as demonstrated by objections received,



indicating that the site does have some recreational value to the local community. Nonetheless, it is also noted that the site is in private ownership with public access restricted by locked gates and a stone boundary wall, and is currently rough, overgrown grassland, which means that the recreational value is limited. It is also important to note that within proximity to the application site are four protected open spaces, sports, and recreation areas with a further two located to the north and west of the site, as indicated on the Council's policy mapping. In addition, there are several public rights of way allowing accesses to open fields beyond the application site which would continue to provide opportunities for dog walkers etc to access. The proposal therefore would not result in any loss of these designated open space areas and as such the proposal does not conflict with policy INF3.

- 10.198 The site was not put forward for designation as a Local Green Space during the adoption of the Craven LP. Similarly, initial indications show that the site would not be designated as a Local Green Space in the Cononley Neighbourhood Plan should it be adopted in the future. The proposal, therefore, does not conflict with policy ENV10 as the provisions of this policy do not apply.
- 10.199 The proposed development would not give rise to any water pollution or negatively impact on existing water quality/resources.
- 10.200 The Council's Environmental Health have not identified that the site would give rise to unacceptable emissions from the construction of the site or from the use of the site, which would add cumulatively to existing pollution levels locally.
- 10.201 Comments have been received in regarding the loss of a view. Whilst it is acknowledged that the proposal would impact the views from existing residential dwellings, the loss of a view is not a material planning consideration.

**Section 106 Legal Agreement**

10.202 As part of the development, the following would be secured via a Section 106 agreement:

Table 5		
Category/Type	Contribution	Amount
Education	Off-site financial contribution	£182,172.25, trigger still to be agreed
POS delivery	Off-site financial contribution	£84,782.00, trigger still to be agreed.
Biodiversity net gain (BNG)	long term management/maintenance plan and provisions to safeguard against failure and setting up monitoring arrangements. 30-year minimum time space for BNG on site.	

## **11.0 PLANNING AND HERITAGE BALANCE AND CONCLUSIONS**

- 11.1 Paragraph 11 c) of the Framework advises that for decision-taking the presumption in favour of sustainable development means approving development proposals that accord with an up-to-date development plan without delay. This is also stated in LP Policy SD1.
- 11.2 As has been set out above the proposal is acceptable in principle, in accordance with the LP spatial strategy. Although there would be low level less than substantial harm to the setting of heritage assets, this has now been reduced to an acceptable level by the relocation of Plots 1 & 2, and the Council's heritage adviser confirms that refusal on this ground would not be justifiable. In considering Framework paragraph 202, the less than substantial harm would be outweighed by the addition of 25 homes to the local housing supply and the economic benefits that would flow both during construction and from the expenditure of future occupants in the local economy. The proposal would deliver significant biodiversity enhancements which would further weigh in its favour.
- 11.3 The proposal would not result in the loss of any designated or otherwise protected open space, and the policy required off-site contribution towards open space provision would be made. Similarly, education infrastructure and sustainable construction policy requirements would also be met.
- 11.4 Although the proposal would not deliver affordable housing, evidence of viability supplied with the application has been independently evaluated. The scheme has been found to be unviable with such provision or contributions, and there is no evidence to contradict these findings. The proposal would not therefore conflict with affordable housing policy or guidance.
- 11.5 For the reasons set out in this report the proposal would be acceptable in design terms, and it would not result in unacceptable highway impacts, or any unacceptable harm to the living conditions of existing residents or future occupants. It would also not be at risk from flooding or increase the risk of flooding elsewhere and would be adequately served by foul drainage. These are all neutral factors in the planning balance.
- 11.6 Overall, the proposal therefore accords with the provisions of the development plan and material considerations do not indicate a decision should be taken other than in accordance with it. Approval is therefore recommended.

## **12.0 RECOMMENDATION**

12.1 To grant planning permission subject to the completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) to secure the following:

£84,782.00 off-site contribution towards public open space  
£182,172.25 off-site contribution towards education  
Biodiversity net gain.

## 12.2 **Conditions and Reasons**

### **Time Condition**

1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

### **Approved Plans**

2 The development permitted shall be carried out in accordance with the following approved plans and documents:

1122\_01A LOCATION PLAN  
1122\_28B (AMENDED) PROPOSED SITE PLAN

122\_05B (AMENDED) TYPE B ELEVATIONS  
1122\_04A (AMENDED) TYPE B FLOOR PLANS  
1122\_07B (AMENDED) TYPE C ELEVATIONS  
1122\_06 (AMENDED) TYPE C FLOOR PLANS  
1122\_08A (AMENDED) TYPE D (OPTION 1) FLOOR PLANS  
1122\_09C (AMENDED) TYPE D (OPTION 1) ELEVATIONS  
1122\_12A (AMENDED) TYPE E FLOOR PLANS  
1122\_13B (AMENDED) TYPE E ELEVATIONS  
1122\_15A (AMENDED) TYPE F ELEVATIONS  
1122\_14 TYPE F FLOOR PLANS  
1122\_16 (AMENDED) TYPE G FLOOR PLANS  
1122\_17A (AMENDED) TYPE G ELEVATIONS  
1122\_21 (AMENDED) TYPE H FLOOR PLANS  
1122\_22A (AMENDED) TYPE H ELEVATIONS

22062-PWA-00-XX-DR-C-2... (ADDITIONAL INFO) EXTERNAL WORKS

1122\_19A PROPOSED SITE SECTIONS  
122\_20B PROPOSED SITE SECTIONS

22062-PWA-00-XX-DR-C-3... (ADDITIONAL INFO) CUT AND FILL ANALYSIS

REV 3 (AMENDED) ECOLOGICAL IMPACT ASSESSMENT

122 24 OFF SITE BIODIVERSITY MITIGATION

AIA, TREE PROTECTION AND TREE PLANTING  
ARB IMPACT ASSESSMENT  
SOAK TEST V4  
TRANSPORT STATEMENT MAR 2022  
DESIGN AND ACCESS STATEMENT 1122 23A  
PHASE 2 SITE INVESTIGATE & GEO ENVIR  
NOISE IMPACT ASSESSMENT  
SUSTAINABLE DESIGN & CONSTRUCTION ST..  
CONONLEY SOAK PLOTS 24 27  
HERITAGE STATEMENT  
MINERAL REPORT  
MATERIALS SCHEDULE

22062-PWA-00-XX-CA-C-1000 P04	(AMENDED)	
MICRODRAINAGE CALCULATIONS		
22062-PWA-00-XX-DR-C-5000 P02	(AMENDED)	SECTION 104
PROPOSED CATCHMMENT		
22062-PWA-00-XX-RP-C-1000 P07	(AMENDED)	FLOOD RISK
ASSESSMENT AND DRAINAGE		
22062-PWA-00-XX-RP-C-1001 P03	(AMENDED)	PROPOSED
MAINTENANCE AND MANAGEMENT		
22062-PWA-00-XX-RP-C-1000 P05		FLOOD RISK ASSESSMENT
AND DRAINAGE STRATEGY		
22062-PWA-00-XX-DR-C-1002 P07	(AMENDED)	PROPOSED
DRAINAGE LAYOUT		

Reason: For the avoidance of doubt.

**Pre-commencement conditions**

- 3** Except for investigative works, no excavation or other groundworks or the depositing of material on site in connection with the construction of any road or any structure or apparatus which will lie beneath the road must take place on any phase of the road construction works, until full detailed engineering drawings of all aspects of roads and sewers for that phase, including any structures which affect or form part of the highway network, and a programme for delivery of such works have been submitted to and approved in writing by the Local Planning Authority.

The development must only be carried out in compliance with the approved engineering drawings.

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

and convenience of all highway users and to accord with Policy INF7 of the Craven Local Plan and the National Planning Policy Framework.

- 4** No development must commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Construction of the permitted development must be undertaken in accordance with the approved plan.

The Plan must include, but not be limited, to arrangements for the following in respect of each phase of the works:

1. details of any temporary construction access to the site including measures for removal following completion of construction works;
2. wheel washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway;
3. the parking of contractors' site operatives and visitor's vehicles; areas for storage of plant and materials used in constructing the development clear of the highway;
5. details of site working hours;
6. details of the measures to be taken for the protection of trees; and
7. contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.

Reason: In the interest of public safety and amenity and to accord with Policy INF7 of the Craven Local Plan and the National Planning Policy Framework

### **During Building Works**

- 5** The development shall be constructed in accordance with the materials schedule dated 11th November 2022 and retained as such thereafter.

Reason: In the interests of the appearance and character of the development and to comply with policy ENV3 of the Craven Local Plan and the National Planning Policy Framework.

- 6** There must be no access or egress by any vehicles between the highway and the application site at Land Off Meadow Lane/Moorfoot Lane, Cononley until splays are provided giving clear visibility of 45 metres measured along both channel lines of the major road from a point measured 2.4 metres down the centre line of the access road. In measuring the splays, the eye height must be 1.05 metres and the object height must be 0.6 metres. Once created, these visibility splays must be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason: In the interests of highway safety and to accord with Policy INF7 of the Craven Local Plan and the National Planning Policy Framework

- 7** There must be no access or egress by any vehicles between the highway and the application site at Land Off Meadow Lane/Moorfoot Lane, Cononley until visibility splays providing clear visibility of 2.0 metres x 2.0 metres measured down each side of the access and the back edge of the footway of the major road have been provided. In measuring the splays, the eye height must be 1.05 metres and the object height must be 0.6 metres. Once created, these visibility splays must be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason: In the interests of highway safety and to accord with Policy INF7 of the Craven Local Plan and the National Planning Policy Framework .

- 8** The development shall be carried out in accordance with the details shown on the submitted plan, "22062 PWA 00 XX DR C 1002 (revision P02) dated 12/04/2022 that has been prepared by Paul Waite Associates.", unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interest of satisfactory and sustainable drainage

- 9** Prior to commencement of development above slab level of any of the dwellings a scheme for the placement of bird, bat boxes, swallow bricks and bee bricks for each dwelling shall be submitted to and agreed in writing with the LPA. The details agreed shall be completed for each house prior to occupation and maintained as such thereafter.

Reason: In the interests of increasing biodiversity on the site in accordance with Local Plan policy ENV4 of the Craven Local Plan

- 10** The noise mitigation measures shown in section 5 (Recommendations) of the submitted noise impact assessment referenced AS22-15(V3) dated 25.03.22 must be strictly adhered to.

Reason: To safeguard the living conditions of future occupants particularly with regard to the effects of noise to comply with Policy ENV3 of the Craven Local Plan and the National Planning Policy Framework.

- 11** No site preparation, delivery of materials or construction works, other than quiet internal building operations such as plastering and electrical installation, shall take place other than between:

- 08:00 hours and 18:00 hours Monday-Friday
- 08:00 hours and 13:00 hours on Saturdays
- Not at any time on Sundays or Bank Holidays

Reason: To safeguard the living conditions of nearby residents particularly with regard to the effects of noise and to accord with Policy

ENV3 of the Craven Local Plan and the National Planning Policy Framework.

- 12** Electric charging points shall be provided for each dwelling and retained as such thereafter.

Reason: To comply with Policy ENV3 of the Craven Local Plan and the National Planning Policy Framework.

- 13** Prior to any above ground works of the hereby development, the developer shall submit a Dust Management Plan in writing for approval of the Local Planning Authority. The Dust Management Plan shall identify all areas of the site and the site operations where dust may be generated and further identify control measures to ensure that dust does not travel beyond the site boundary. Once in place, all identified measures shall be implemented, retained, and maintained for the duration of the approved use. Should any equipment used to control dust fail, the site shall cease all material handling operations immediately until the dust control equipment has been repaired or replaced.

Reason: to safeguard the living conditions of nearby residents particularly regarding the effects of dust and to accord with Policy ENV3 of the Craven Local Plan and the National Planning Policy Framework.

- 14** The hard and soft landscaping details as agreed shall be fully implemented and maintained in accordance with the agreed management and maintenance plans and any agreed phasing of those works. Planting works, if delayed, should be completed in the first available planting season (October-March).

If any planted areas fail or trees and shrubs die or become damaged or diseased within 5 years of planting, they shall be replaced with the same species (unless a written variation has been agreed beforehand with the LPA) in the next available planting season.

Following such an initial establishment period, all planting, shall then be maintained in accordance with the long-term landscape and maintenance provisions approved as part of this permission, including any relevant clauses set out in the accompanying Section 106 Agreement attached to this permission.

Reason: In the interests of the appearance and character of the development and area and to comply with Craven Local Plan policy ENV3 and the National Planning Policy Framework.

### **Prior Occupation**

- 15** Prior to first occupation, evidence shall be submitted to and approved in writing by the local planning authority to demonstrate that the dwellings closest to the railway line are designed and constructed so as to ensure that vibration dose values do not exceed 0.4 m/s<sup>1.75</sup> between 07.00 and 23.00 hours, and 0.2 m/s<sup>1.75</sup> between 23.00 and 07.00 hours, as calculated in accordance with BS 6472-1:2008:, entitled 'Guide to Evaluation of Human Exposure to Vibration in Buildings'.

Reason: To safeguard the living conditions of residents particularly regarding the effects of vibration and to comply with Craven Local Plan policy ENV3 and the National Planning Policy Framework.

- 16** No part of the development must be brought into use until the access, parking, manoeuvring, and turning areas for all users at Land Off Meadow Lane/Moorfoot Lane, Cononley have been constructed in accordance with the details approved in writing by the Local Planning Authority. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason: To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development and to comply with Craven Local Plan policy INF4 and the National Planning Policy Framework.

#### Informative

The proposals should cater for all types of vehicles that will use the site. The parking standards are set out in North Yorkshire County Council's 'Interim guidance on transport issues, including parking standards' and subsequent amendments available at [https://www.northyorks.gov.uk/sites/default/files/fileroot/Transport%20and%20streets/Roads%2C%20highways%20and%20pavements/Interim\\_guidance\\_on\\_transport\\_issues\\_including\\_parking\\_standards.pdf](https://www.northyorks.gov.uk/sites/default/files/fileroot/Transport%20and%20streets/Roads%2C%20highways%20and%20pavements/Interim_guidance_on_transport_issues_including_parking_standards.pdf)

- 17** No part of the development to which this permission relates must be brought into use until the carriageway and any footway or footpath from which it gains access is constructed to binder course macadam level or block paved (as approved) and kerbed and connected to the existing highway network with any street lighting installed and in operation.

The completion of all road works, including any phasing, must be in accordance with a programme submitted to and approved in writing with the Local Planning Authority before any part of the development is brought into use.

Reason: To ensure safe and appropriate access and egress to the premises, in the interests of highway safety and the convenience of all prospective highway users and to comply with Craven Local Plan policy INF7 and the National Planning Policy Framework.



## Informative

It is recommended that in order to avoid abortive work, discussions are held between the applicant, the Local Planning Authority and the Local Highway Authority before a draft layout is produced and any detailed planning submission is made.

To assist, the Local Highway Authority can provide a full list of information required to discharge this condition. It should be noted that approval to discharge the condition does not automatically confer approval for the purposes of entering any Agreement with the Local Highway Authority.

The agreed drawings must be approved in writing by the Local Planning Authority for the purpose of discharging this condition.

- 18** No individual dwellinghouse hereby approved shall be occupied until an Energy Statement applicable to that dwellinghouse has been submitted to and approved in writing by the planning authority. The Energy Statement shall include the following items:
- a) Full details of the proposed energy efficiency measures and/or renewable technologies to be incorporated into the development including solar panels;
  - b) Calculations using the SAP or SBEM methods which demonstrate that the reduction in carbon dioxide emissions rates for the development, arising from the measures proposed, will enable the development to comply with Policy ENV3 of the Craven Local Plan.

The development shall not be occupied unless it has been constructed in full accordance with the approved details in the Energy Statement. The carbon reduction measures shall be retained in place and fully operational thereafter.

Reason: to ensure this development complies with the on-site carbon reductions required in Policy ENV3 of the Craven Local Plan and the National Planning Policy Framework

- 19** Prior to the occupation of plots 12, 13, 21, 22, 23, 24 & 25 details of the proposed acoustic fencing along the boundary with the railway line shall be provided and agreed in writing with the Local Planning Authority and retained as such thereafter.

Reason: In the interest of amenity and to accord with Policy ENV3 of the Craven Local Plan and the National Planning Policy Framework and to comply with Craven Local Plan policy ENV3 and the National Planning Policy Framework.

- 20** Notwithstanding the provisions of the Town and Country General Permitted Development Order 1995 as amended, or any new re-enactment, the garages hereby approved (whether integral or as

outbuildings/extensions to the dwelling) shall not be converted into additional living accommodation but shall be kept available for the parking of private motor vehicles.

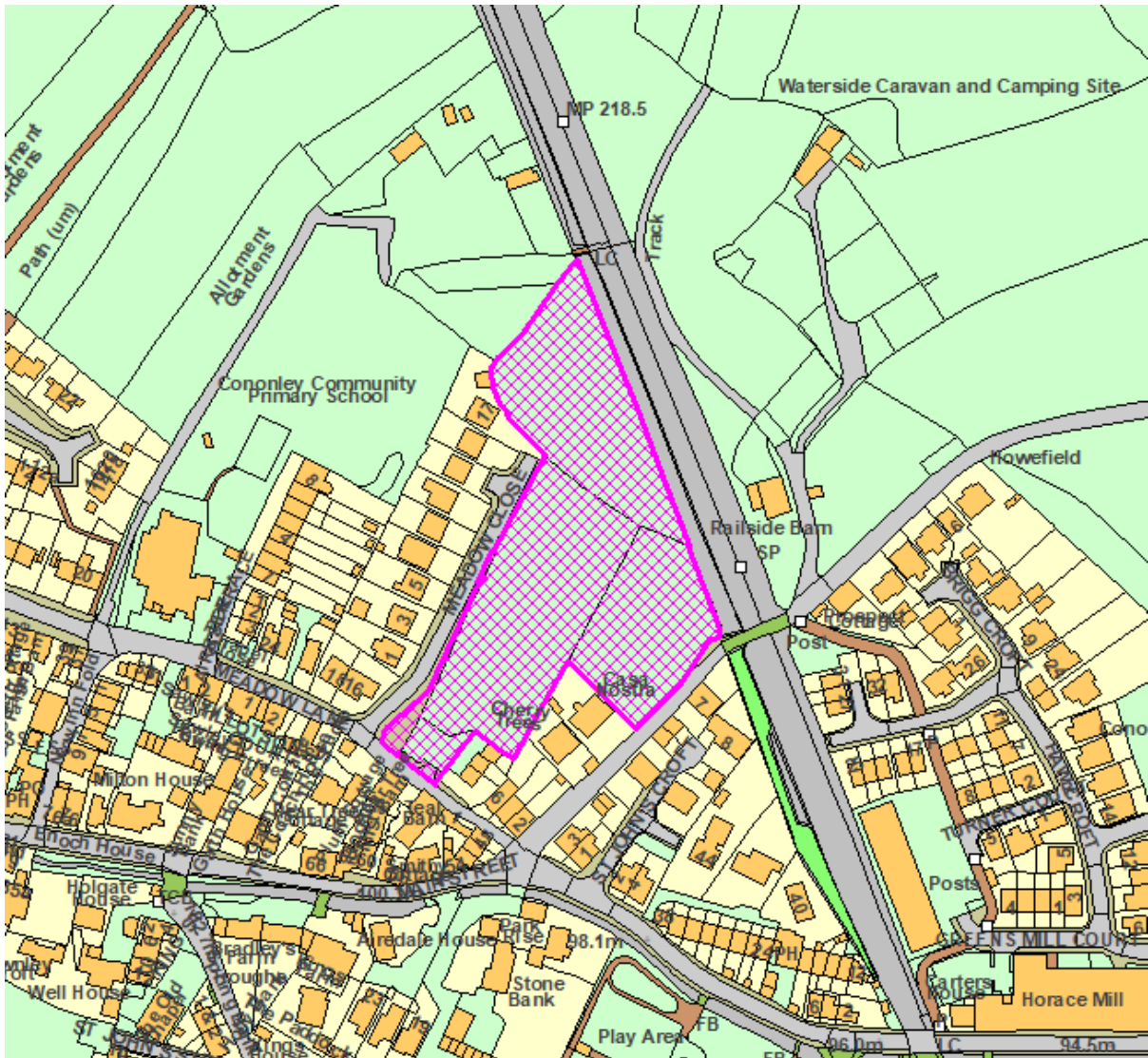
Reason: To ensure a reasonable and adequate level of parking is retained for the dwellings hereby permitted and to prevent ad hoc parking on pavements, cycle/footways, and verges in the interests of highway safety for both pedestrians and vehicles and in accord with Policy INF4 of the Craven Local Plan and the National Planning Policy Framework.

- 21** Any lighting installed shall not exceed the following maximum values of vertical illuminance at the facade of any residential premises in accordance with Environmental Zone E2: 5 lux pre-curfew (07:00-23:00hrs) and 1 lux post-curfew (23:00- 07:00hrs) in accordance with Guidance Notes for the Reduction of Obtrusive Light (GN01:2020) by the Institute of Lighting Professionals (ILP).

Reason: To promote an acceptable and light sensitive means of site and street lighting in the interests of good design, residential amenity, wildlife protection, and so as to promote dark skies and to accord with Local Plan policies ENV1 and ENV3 and the objectives of the National Planning Policy Framework.

**Target Determination Date: 5 October 2023**

**Case Officer: Andrea Muscroft**  
[Andrea.Muscroft@northyorks.gov.uk](mailto:Andrea.Muscroft@northyorks.gov.uk)



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## North Yorkshire Council

### Community Development Services

#### Skipton and Ripon Area Constituency Planning Committee

05 DECEMBER 2023

**ZA23/25358/FUL - CONVERSION AND RECONSTRUCTION OF TWO BARNs AS TWO DWELLINGS, AND THE CONSTRUCTION OF THREE NEW DWELLINGS (REVISED SCHEME FOLLOWING DETERMINATION OF 2022/23773/FUL) WITH ASSOCIATED WORKS. AT TOWN END BARN, COLNE ROAD, GLUSBURN ON BEHALF OF BURLEY DEVELOPMENTS GROUP**

#### Report of the Assistant Director Planning – Community Development Services

##### 1.0 Purpose of the report

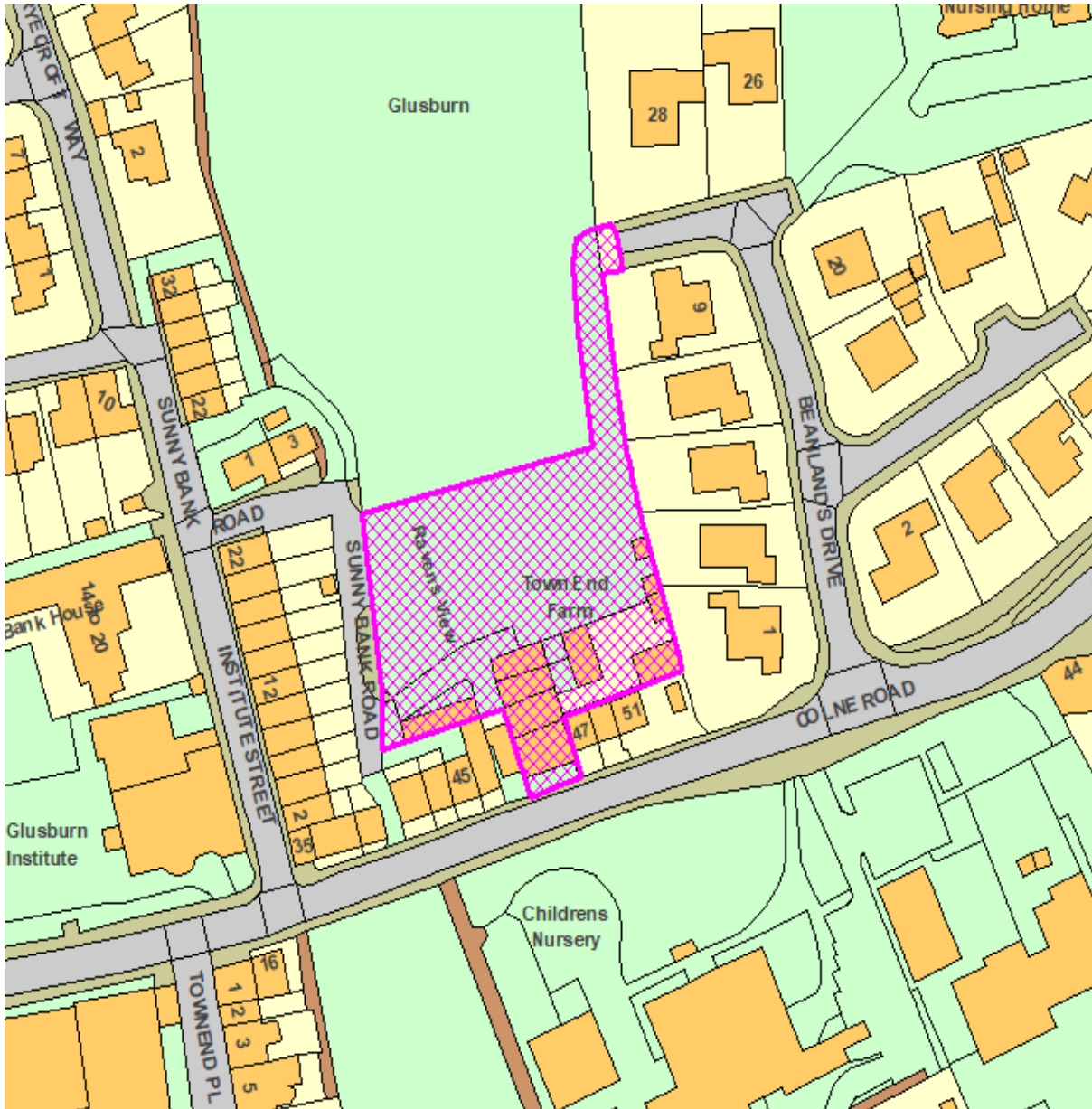
- 1.1 To determine a planning application for the Conversion and reconstruction of two barns as two dwellings, and the construction of three new dwellings (resubmission of 2022/23773/FUL) at Town End Barn Colne Road Glusburn.
- 1.2 To set out details of the proposal, a description of the site and its surroundings, a summary of planning policy and planning history, details of views expressed by consultees, a summary of the relevant planning issues and a recommendation to assist the Committee in considering and determining this application for planning permission.
- 1.3 Craven District Council's Planning Committee has previously considered this application and as such in the public interest the matter is being brought to the Planning Committee.

##### 2.0 EXECUTIVE SUMMARY

**RECOMMENDATION:** That planning permission is GRANTED subject to the conditions listed below.

- 2.1 Craven District Council's Planning Committee considered the previous application on the 05.09.2022 and resolved to refuse the application for the reasons relating to the following: -
  1. Surface Water
  2. Highway Safety
  3. Out of character
- 2.2 On 22nd April 2023, the Planning Inspectorate notified the Council of a valid written representation appeal against the decision.

- 2.3 The appeal was dismissed on 18.08.2023. The Planning Inspectorate found the appeal scheme in terms of its visual impact of Barn A would cause harm to the overall character and appearance of the barns, and the area due to the design and materials proposed.
- 2.4 Within the present application the agent has sought to address the previous reason for refusal by proposing to retain the agricultural character through the replacement of concrete blocks with natural stone and incorporating random sized quoins to match the original building. In addition, the cement roof would be replaced by artificial stone slates.
- 2.5 The scheme is now considered to be sympathetic to the character and appearance of the barn and is considered that the previous reason for refusal in respect of Barn A is overcome.
- 2.6 The Planning Inspectorate found that the proposal would not increase surface water flooding.
- 2.7 The Planning Inspectorate did not find that the additional traffic generated by the appeal scheme would have an unacceptable impact on highway safety.
- 2.8 The Planning Inspectorate did not find that the proposal would have a detrimental impact on protected trees as suitable mitigation measures had been provided.
- 2.9 The Planning Inspectorate also found that the existing long-standing issue regarding the parking of vehicles on Beanlands Drive was not a reason to prevent the development of the site.



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### 3.0 Preliminary Matters

- 3.1 Access to the case file on Public Access can be found [here](#)
- 3.2 32/2007/7657 – Conversion of barn to dwelling “B” – Refused September 2007
- 3.3 32/2007/7658 – Conversion of barn to dwelling “A” – Refused September 2007
- 3.4 32/2007/8115 – Conversion of barn to dwelling unit A – Refused Feb 2008
- 3.5 32/2007/8117 – Conversion of barn to dwelling unit B – Refused Feb 2008

- 3.6 32/2008/8560 – Conversion of 2 redundant barns into two detached houses – Refused June 2008
- 3.7 Officer note: The previously refused applications were considered under the requirements of the 1999 Local Plan which has now been superseded by the 2012-2032 Craven Local Plan adopted 12th November 2019.
- 3.8 2022/23773/FUL - Revised description: - Conversion and reconstruction of two barns as two dwellings, and the construction of three new dwellings with off-street parking and associated infrastructure – Refused September 2022 – Appeal Dismissed August 2023

#### **4.0 Site and Surroundings**

- 4.1 The application site is a parcel of land measuring approx. 0.29 hectares that currently has two stone former agricultural Barns A & B, several metal/stone dilapidated outbuildings/structures as well as a number of abandoned vehicles and farming equipment. The land is overgrown and disturbed land with a few small sapling trees.
- 4.2 Barn B fronts onto Colne Road and is attached to Barn A at the rear. The buildings are in a roughly rectangular area of land between Sunny Bank Road and to the rear of housing along Beanlands Drive.
- 4.3 The existing access to the site is from Sunny Bank Road, an unmade road forming the back lane to a row of terraced housing on Institute Street.
- 4.4 To the north of the application site is a larger agricultural field that is used as meadowland.
- 4.5 To the east and west are residential developments with dwellings to the west being predominantly Victorian terrace dwellings. In contrast, dwellings to the east are modern suburban bungalows. Located to the south of the site are more residential developments which front onto Colne Road and Glusburn Primary School.
- 4.6 Trees that lie outside but adjacent to the application site are on higher ground levels than the application site and are situated beyond a drystone wall. These trees are the subject of a Tree Preservation Order consisting of a group TPO ref: 372-3 1970 (Sycamore, Beech, Ash & Lime), and individual trees T7 – ref 342-3 1970 & T8 – ref 343-3 1970.
- 4.7 The site lies within Flood Zone 1 (Low probability – less than 1:1000 annual probability of flooding).
- 4.8 Part of the site has been identified as being in an area of potential risk of surface water flooding as defined by the Environment Agency.
- 4.9 The site lies within the main built-up area of Glusburn a Tier 3 settlement (Local Service Centre) in Policy SP4 of the Local Plan.

#### **5.0 Description of Proposal**

- 5.1 The application seeks full planning permission for the conversion and reconstruction of two barns to form two dwellings, and the construction of three new dwellings (revised scheme following determination of 2022/23773/FUL) with associated works.
- 5.2 The proposal would provide the following market dwellings:



5no. 3-bedroom dwellings

- 5.3 The proposed dwellings would consist of the conversion and extension to Barns A & B and the construction of three detached two-storey dwellings.
- 5.4 In terms of materials, would consist of random rubble reclaimed stone, and stone quoins under a slate roof to match the existing buildings. Windows and doors would be timber with black PVC rainwater goods.
- 5.5 Boundary treatments would comprise dry-stone boundary walls and timber fencing.
- 5.6 The site would be accessed off an existing hammerhead layout at the top of Beanlands Drive. A pedestrian access would be created onto the unmade back road to the rear of properties on Institute Street.
- 5.7 The application is accompanied by an Arboricultural Impact Assessment. The report identifies 5 trees and a section of hawthorn hedging to be removed. The report also sets out the tree protection measures.
- 5.8 Drainage calculations have been submitted as part of the application. Surface water from the development would be attenuated via a tank system before discharging to the combined water sewer. Foul water would be discharged to the combined public sewer.
- 5.9 A Bat Survey Report and Method Statement European Protected Species (BATs) have been submitted as part of the application. The report found no evidence of barn owls or bats using the buildings. The report also stated that no nesting birds were observed during the survey.
- 5.10 Biodiversity/Sustainability details have been submitted which outlined the measures to secure a biodiversity net gain on-site and measures to address climate change.

## **6.0 Planning Policy and Guidance**

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning authorities must determine each application under the Planning Acts in accordance with Development Plan so far as material to the application unless material considerations indicate otherwise.

### Adopted Development Plan

- 6.2 The Adopted Development Plan for this site is:

The Craven Local Plan 2012 -2032 adopted 2019  
The Minerals & Waste Joint Plan 2015 – 2030 adopted 2022

### Emerging Development Plan - Material Consideration

- 6.3 The North Yorkshire Local Plan is the emerging development plan for this site though no weight can be applied in respect of this document at the current time as it is at an early stage of preparation.

### Guidance - Material Consideration

- 6.4 Relevant guidance for this application is:

National Planning Policy Framework 2021 (NPPF)  
National Planning Practice Guidance (PPG)

National Design Guide (NDG)

Craven Good Design SPD 2022

Craven Green Infrastructure and Biodiversity SPD 2022

Craven Flood Risk SPD 2022

Craven Settlement Monitoring Report July 2023

Craven District Plan Approaching Housing Density and Mix 2017

Craven Authority Monitoring Reports 2021-2022 (AMR)

BRE Site Layout Planning for Daylight and Sunlight

## 7.0 Consultation Responses

7.1 The following consultation responses have been received and have been summarised below

### 7.2 Consultees

7.3 **NYC Contamination Officer:** The site has the potential for contamination due to its previous use. Conditions are recommended regarding contamination investigation, and noise mitigation measures. Advice is also provided on the management of waste.

7.4 **NYC Fire & Rescue Service:** Following further clarification on the site access, the NYP Fire and Rescue Authority have no observations or objection to the proposal at this stage of the planning process. The NYC Fire & Rescue Authority will make further comment concerning the suitability of proposed safety measures at the time when the Building Control body submit a statutory Building Regulations consultation to the Fire Authority.

7.5 **NYC Highway Officer:** In assessing the submitted proposals and reaching its recommendation the Local Highway Authority has considered the following matters:

Turning and parking requirements will be met and meet NYC standards.

The access road design meets NYC standards.

Consequently, the Local Highway Authority recommends that if planning permission is granted conditions are imposed relating to the compliance and submission of construction, turning, parking, and construction phase management plan details.

7.6 Supplementary comments provided by NYC Officer: In considering the highway implications of the application, the junction of Beanlands Drive/Colne Road has been considered including the visibility. This is an existing junction within the public highway network. The proposed development would not generate a significant number of trips and the impact on road safety would be minimal. The impact of additional vehicle movements generated by this development on road safety would be minimal and there would be little impact on the highway network therefore, there are no highway grounds to recommend that the application be refused.

7.8 The public highway extends along the full length of Beanlands Drive to the boundary wall between the application site and Beanlands Drive. Therefore, access to the site would be directly from the adopted highway.

7.9 The access road within the application site would not be put forward for adoption as a public highway and NYC as Highway Authority is satisfied with this arrangement. The proposed access point from the public highway has been discussed and agreed with

the developer and NYC are satisfied with the proposal in principle. The final details design of the access will be agreed upon during the negotiation of the s278 Agreement.

- 7.10 **Officer note:** Whilst the supplementary comments refer to the previous application the comments are still relevant to the current proposal.
- 7.11 **Yorkshire Water:** If planning permission is to be granted, a condition relating to the disposal of wastewater should be imposed.
- 7.12 Publicity
- 7.13 The proposal was published via a Press Notice in the Craven Herald and Site notices posted adjacent to the site. Neighbourhood letters were also circulated.
- 7.14 16 letters of objection were received. Comments summarised below:

Local Representations

Policy

Contrary to policy  
Glusburn has exceeded its housing quota

Visual

Barn designs not in keeping

Amenity

Concern over noise from heat pumps  
Concerns over noise from the A6068

Flooding

Site is known to flood  
No evidence the attenuation tank will work  
Drainage requires amendments

Highways

Concerns over highway safety for pedestrian and vehicle users due to visibility at junction with A6068 and Beanlands Drive  
Report commissioned contradicts highway comments  
No bitmac surface proposed  
Comments relating to 2008 application remain valid  
Emergency vehicles will not be able to access the site  
Council should take its own survey

Biodiversity

Loss of biodiversity

Other matters

Would make the current parking situation on Beanlands Drive worse  
Barns should be demolished and access should come off A6068  
Proposal needs to comply with B5 of Schedule 1 of Building Regulations  
Potential damage to trees  
Concerns over contamination  
No mention of storage of waste  
Loss pavement for trimming of hedge  
Concern damage to boundary hedge during construction stage  
Pins ignored previous reasons for refusal  
Loss of farmland

Should be refused.

## **8.0 Environment Impact Assessment (EIA)**

8.1 Given the location, scale, and nature of the proposal it does not fall within Schedule 1 or 2 of the Town and Country Planning (Environmental Impact Assessment Regulations 2017) (as amended). No Environmental Statement is therefore required.

## **9.0 Main Issues**

9.1 The key considerations in the assessment of this application are:

Principle of development

Density and Mix of development

The effect of the proposal on the character and appearance on the surrounding area

Sustainable Design

The effect of the proposal on the living conditions of existing residents and future occupants

Biodiversity

Whether the proposed houses would be safe from flooding and be adequately served by drainage

Highway safety

Other matters

## **10.0 ASSESSMENT**

### **10.1 Principle of Development**

10.2 Glusburn is a Tier 3 settlement with the site located within the main built-up area of Glusburn. Historically part of this site formed a housing allocation site under the now superseded 1999 Craven Local Plan.

10.3 Policy SP4(h) is of relevance in the consideration of this proposal. This policy is supportive of proposals for additional housing growth on non-allocated land for housing within the main built-up areas of Tier 1, 2, 3, 4a and 4b settlements, providing that they accord with all other relevant LP and any neighbourhood plan policies. There is however no adopted neighbourhood plan for Glusburn.

10.4 Glusburn has good transport links to neighbouring settlements, primary and secondary schools, and a range of services and facilities.

10.5 As per the Framework and LD Policy SD1, the Council will take a positive and proactive approach to considering the development proposed that reflects the presumption in favour of sustainable development. In addition, as the Framework sets out, it is the Government's objective to significantly boost the supply of homes.

10.6 Glusburn is currently showing a positive housing figure (CDC Settlement Growth Monitoring – Position on 1st October 2023). However, the Settlement Growth Monitoring report which are published quarterly are particularly relevant to proposals on non-allocated land adjoining the Main Built Up Area (MBUA) in assessing them against criterion I a) to c) and i) to vi). As this site is within the MBUA of Glusburn, the figures in the Settlement Growth Monitoring Report do not have any bearing on the determination of this application.

- 10.7 In addition, there is no policy mechanism within SP4 or elsewhere in the LP or the Framework which would allow a planning application to be refused based on the '**over-provision**' of housing in a particular settlement. (Emphasised by the officer).
- 10.8 Furthermore, the housing growth figure of 230 dwellings per annum is a **minimum figure**, the settlement will accommodate more than the percentage proportion of housing growth, providing proposals for housing development meet the relevant criteria of SP4 and all other relevant local plan policy requirements. (Emphasised by case officer).
- 10.9 Having regard to the site's location within the main built-up area of Glusburn a Tier 3 settlement, the development would comply with and facilitate the realisation of the LP spatial strategy, with specific regard to Policies SP1 and SP4(H). It would also accord with the aims and objectives of paragraph 60 of the Framework to significantly boost the supply of homes.
- 10.10 **Density and Mix of development**
- 10.11 LP Policy SP3 seeks to guide the mix and density of new housing developments, to ensure that land is used effectively and efficiently to address local housing needs.
- 10.12 This means that in typical greenfield developments or brownfield developments with no significant element of conversion, the appropriate housing density should be approximately thirty-two dwellings per hectare (dph)(net). Policy SP3 does allow for flexibility in its requirements for housing mix and density where this is necessary to ensure scheme viability, to take account of local variations in housing need, to better promote balanced mixed communities or to achieve other local plan objectives.
- 10.13 Details provided indicate that the site area for the proposal is approx. 0.29 hectares and would provide 24 dwellings. This would be below the dph suggested within Policy SP3.
- 10.14 In this instance, the proposal would include the conversion of two former agricultural barns. Paragraph 4.32 of the supportive text of the policy recognises that the guiding density figure should be approached individually in terms of housing mix and density when dealing with applications that have elements of conversion. Therefore, considering the constraints on site (2no. attenuation tanks and easements), the provision of a new access with parking/manoeuvring areas to facilitate the proposal that the suggested density is acceptable in this instance.
- 10.15 The proposal would not provide any 1, 2 or 4-bed market housing, instead, all the market housing proposed would be 3-bed market dwellings. Whilst the proposal fails to provide any 1/2 or 4-bed market dwellings, the proposed 3-bed dwellings would help meet the family housing need as identified in the SHMA and the recent monitoring which demonstrates that the Council is failing to meet the need for 3-bed dwellings in the district.
- 10.16 Overall, the proposal is considered to meet the requirements of Policy SP3 (b) & (c) of the Local Plan. It would also accord with the aims and objectives of paragraph 124 of the Framework, which amongst other things seeks to ensure the efficient use of land, considering identified needs and the desirability of maintaining an area's prevailing character setting.
- 10.17 The effect of the proposal on the character and appearance on the surrounding area.

- 10.18 LP Policy ENV3 (b) states that designs should respect the form of existing and surrounding buildings including density, scale, height, massing, and use of high-quality materials.
- 10.19 The application site consists of approx. 0.29 hectares of roughly rectangular area of former agricultural land within the main built-up area of Glusburn. Located on the site are two barns in poor condition with several smaller dilapidated outbuildings. Within the site are also abandoned vehicles and farming equipment set within overgrown disturbed land with several small sapling trees. Running along the western boundary is an existing stone wall with gated access to the site.
- 10.20 Beanlands Drive is located to the east of the application site on elevated land and is characterised by large detached modern bungalows set back from the highway with off-street parking provision in the form of driveways with front amenity areas. These dwellings are set within good-sized garden areas.
- 10.21 Projecting off Barn B to the east is No. 47 Colne Road, one of a row of four terrace dwellings of traditional design. Adjacent to the western gable fronting on to Colne Road is a single storey former food takeaway premises. Next to this is another row of traditional terrace dwellings.
- 10.22 Fronting onto the unmade back lane are the rear elevations and back amenity areas of a row of traditional Victorian terrace dwellings on Institute Street.
- 10.23 Beyond the immediate application site, the surrounding area is one of modern suburban residential estates. As such, there is some variety in the house types within the area in terms of scale, design, appearance, and materials.
- 10.24 The proposal involves the conversion of two existing barns on the site and the construction of three dwellings with associated off-street parking and infrastructure.
- 10.25 To facilitate the proposal there is a requirement to remove the dilapidated metal barn structures on the site and some of the smaller outbuildings with the aim that this would enable bringing the dis-used buildings back into use and enhance the immediate setting of the whole site with new landscaping.

#### Barn A

- 10.26 This building is of rectangular former agricultural rubble-built with the north and western elevations largely intact. Ventilation slits can be found in the western elevation, and large stone quoins at the corner points of the building. The eastern elevation has been rebuilt using concrete blocks, and the southern elevation has been removed.
- 10.27 As part of the proposed development, sections of the concrete block built northern elevation would be rebuilt using stone to match the original building. Existing window openings would also be retained and reused. The southern and eastern elevations would be rebuilt using stone to match and would incorporate the existing random-sized quoins. The roof ridge would be lowered and would allow roofing tiles that complement the character of the area to be used to replace the cement roof tiles currently in use.
- 10.28 Projecting off the eastern elevation would be a two-storey extension. The extension will be constructed from stone to match the original building with quoin stones on the western gable. It is considered that the proposed design with a high solid-to-void ratio, and irregular positioning of window and door openings would help retain the original agricultural characteristics of the building. It is considered to have addressed the previous concerns raised by the Inspector.

- 10.29 The land surrounding the buildings would form the garden/off-street parking and internal road to these properties. The delapidated outbuildings and abandoned vehicles/agricultural equipment would be removed with the construction of drystone walls defining the boundaries of these plots.
- 10.30 In summary, in contrast to the previous proposal which sought to use grey timber boarding to significant parts of the external elevations, the current proposal would use natural materials that matched the original building and therefore the proposed conversion of Barn A is considered to respect the form of the existing and surrounding buildings and would enhance local distinctiveness and therefore accords with Policy ENV3 (b).

### Barn B

- 10.31 This large constructed square coursed stone former agricultural barn fronts onto Colne Road with large wooden doors under a stone tiled roof. The proposal would maintain the large opening to the front with vertical glazing. To the rear, the proposal would utilise an existing single-storey outbuilding. It is acknowledged that the remaining adjoining outbuildings would be removed thus removing the existing connection that exists between Barn A & Barn B.
- 10.32 The proposal would ensure that the main body of the barn would be retained with no increase in ridge height and new proposed openings being of an appropriately small scale and style. Thus, the conversion of Barn B would retain the character of the former barn.

### Dwellings

- 10.33 The proposed detached dwellings would be two storeys in height and whilst not replicating the nearby Victorian terrace dwellings the development has incorporated some of the key features of the area with the use of traditional materials, stone window cills, chimneys and vertical window openings. In addition, the dwellings would be enclosed by low-level stone boundary walls, another common feature within the area. This approach is considered appropriate.
- 10.34 The internal layout includes side and rear parking spaces with plots being defined by stone boundary walls. Each plot would be the subject of soft landscaping which would help soften the development as well as enhance the immediate setting of the buildings.
- 10.35 The proposal would require the removal of a section of the stone retaining wall at the proposed entrance onto Beanlands Drive. Details provided show that the new access road into the site would taper down into the site with a retaining wall (approx. .75m high) constructed to one corner off Beanlands Drive. Grass/wildflower verges are proposed on either side of the road. It is not considered that this element of the proposal would result in any unacceptable visual harm.
- 10.36 A low grass embankment will be provided to accommodate the difference in ground levels between the retained field and the private access road and would include a post and rail fence between the private road and the agricultural field.
- 10.37 The overall effect of the proposal would result in an enhancement to the character and appearance of the barns and surrounding area, by tidying up the site. This enhancement would be visible in public views from the dwellings surrounding the site.
- 10.38 In conclusion, it is considered that the proposed development is well designed and would enhance the character and appearance of the surrounding area, while respecting the character and appearance of buildings in the area. It therefore complies

with Policy ENV3 (b) of the Craven Local Plan and paragraphs 126 and 130 of the NPPF.

**10.39 Sustainable Design**

10.40 Policy ENV3 criterion ( t) seeks to ensure that new residential developments take all reasonable opportunities to reduce energy use, water use and carbon emission and to minimise waste in accordance with Building Regulations. This accords with the Government’s objective of addressing climate change.

10.41 The most recognised methods of achieving sustainability is through the energy hierarchy such as:

- Energy efficiency – using technology to reduce energy losses and eliminate energy waste
- The exploitation of renewable, sustainable resources
- The exploitations of sustainable materials

10.42 The applicant has confirmed that the development would meet the requirements of Building Regulations with regards to sustainability through several measures across the site such as:

- Building Regulations Doc L – Conservation of Fuel and Power
- Building Regulations Doc F – Ventilation
- Building Regulations Doc O – Overheating
- Building Regulations Doc S – Infrastructure and Electric Charging Vehicles
- Building Regulations Doc H – Drainage and waste disposal

10.43 Details provide also sets out the use of:

- Sustainable construction methods
- The installation of solar panels
- Energy-efficient boilers
- Choice of local building materials
- Energy/water reduction appliances
- Recycling of greywater and rainwater
- The provision of electric charging points.

10.44 It is considered that the proposal has taken all reasonable opportunities with regards to sustainable design and construction and the proposal is considered to accord with the requirements of Policy ENV3 (t) of the Local Plan.

**10.45 The effect of the proposal on the living conditions of existing residents and future occupants**

10.46 Policy ENV3 (e) and (f) seek to ensure that development protects the amenity of existing residents and that it would secure a good standard of amenity for future occupants of land and buildings.

10.47 In this instance, existing residential development is located to the west, south and east with further residential dwellings located some distance to the north of the site at the edge of the agricultural field.

10.48 To assess any potential impacts arising from the proposal on the nearby dwellings it is important to assess how the proposal will impact the existing amenity of the area and living conditions in terms of privacy, overbearing effects, natural light, and outlook.



### Existing residential accommodation

- 10.49 The nearest dwelling to this development is No. 47 Colne Road which would abut the converted barn 'B' as shown on the submitted drawings. The conversion would see the removal of a section to the rear to create a single-storey dining room with a courtyard and garden area. It is acknowledged that the proposed dining room would contain full-height openings with views eastwards.
- 10.50 Currently the views from No. 47 and the adjoining properties are restricted by an existing dilapidated structure, self-seeding young trees, and dilapidated vehicle/machinery. To help maintain an acceptable level of privacy for both the occupiers of these properties and the future occupiers of Barn B the proposal would see the construction of a 1.2m high stone boundary wall that would run westwards before joining up with an existing wall that runs south to north. This would also have the benefit of creating some rear private amenity area for these properties which does not currently exist.
- 10.51 It is recognised that the creation of a garden area may increase noise, however, given the previous agricultural use of the site and the existing background noise arising from the A6068 it is not considered that any noise generated would be considered unacceptable given the proposed use as residential.
- 10.52 The proposed conversion due to its location to the west of No. 47 would not give rise to any overbearing effects nor result in any loss of natural light.
- 10.53 It is acknowledged that the proposal would see the construction of a 1.2m stone wall running eastwards approx. 1.25m from the rear gables of the adjacent properties abutting Barn B. The rear gables of these properties contain 5 window openings at ground floor level. Three of these windows appear to serve kitchen areas. To assess any potential impact then it is necessary to use the 25-degree guideline. When using this guideline, the proposed wall would lie outside of the 25-degree line and thus would not result in an unacceptable loss of light or appear overbearing when viewed from these habitable kitchen rooms. With regards to the remaining 2 windows, 1 of which is a secondary window to the kitchen area (lower cill level) and the other which appears to be obscured (also at a lower cill level) it is acknowledged that due to the construction of the wall these windows would receive a limited reduction in light. However, given the secondary nature of these windows, the impact would be limited and not sufficient to warrant a refusal. Similarly, when viewed from these windows the proposed wall would not appear overbearing.
- 10.54 The next nearest dwelling is No. 45 Colne Road which is located to the west of barn 'B' at a separation distance of approx. 5m. However, there is a fish & chip shop (currently vacant) standing between barn 'B' and No. 45 Colne Road. The proposed conversion would see all existing openings walled up to protect the privacy of the occupiers of both the business and of No. 45 Colne Road.
- 10.55 The conversion of barn 'B' due to the separation distance and the single-storey scale of the projection off the northern elevation would not result in any unacceptable overbearing effects nor give rise to any loss of natural light or overshadowing to the occupiers of No. 45 or the vacant business premises.
- 10.56 Turning to the potential impacts of the barn 'A' on both No's. 45 & 47 Colne Road it is considered due to the limited level of glazing proposed to the southern elevation, the separation distances combined with the orientation between these existing properties and Barn A that the occupiers would not experience any unacceptable loss of privacy or amenity.

- 10.57 Regarding any potential overbearing, loss of natural light or overshadowing because of the positioning of barn 'A'. It is considered that there would be no unacceptable overbearing, loss of natural light or overshadowing due to the separation distances involved between these existing dwellings.
- 10.58 The northern elevation would contain glazed cart door opening, the creation of a new slit glazed opening and two first floor bedroom windows. This elevation fronts towards the agricultural field and thus there would be no unacceptable impact on amenity or privacy to residents located beyond the agricultural field.
- 10.59 The western gable of barn 'A' would utilise existing slits with glazing. These would front towards No. 8 & 10 Institute Street. However, due to the separation distance of approx. 33m the occupants of these properties would not experience any unacceptable loss of privacy. Similarly, given the distances involved the occupiers of these properties and those adjacent would not experience any loss of natural light/overshadowing or appear overbearing when viewed from the rear windows or rear amenity area.
- 10.60 The eastern gable of barn 'A' would also contain openings consisting of double-glazed doors and a second level window (bedroom) these openings would front towards the stone boundary wall that separates the application site from the elevated dwellings on Beanlands Drive. Given the separation distances combined with the elevation of these properties and the intervening boundary treatments that there would be no unacceptable loss of privacy, overshadowing, loss of natural light or appear overbearing to the occupants of these dwellings.
- 10.61 Plots 1 & 2 would be positioned to the west of the site and would be staggered northwards with the front elevations fronting towards the rear amenity areas of No's 12 – 20 Institute Street. The separation distances between the existing dwellings and the proposed dwellings would be approx. 25m. This separation distance is considered sufficient to ensure that there would be no unacceptable loss of privacy. Similarly, proposed dwellings would not result in an unacceptable loss of natural light, overshadowing or appearing overbearing when viewed from any rear habitable rooms or rear amenity area.
- 10.62 Plot 3 would be positioned to the east of the site with front elevations fronting towards the retaining boundary wall and the elevated rear amenity areas of No's 3 & 5 Beanlands Drive. The separation distances between these existing dwellings and the proposed dwellings range between approx. 21m to 22m with a run of mature trees running the boundary with the Beanlands Drive. It is considered that the proposed separation distances, changes in topography and existing boundary treatment would ensure that the occupiers of these properties do not experience any unacceptable loss of privacy. Similarly, the proposal would not result in any loss of natural light, overshadowing or appearing overbearing when viewed from the rear habitable or amenity areas of these existing dwellings.
- 10.63 The internal road surface would be bitmac which would not give rise to any noise nuisance.
- 10.64 The Council's Environmental Health Officer has reviewed the details and has not raised any concerns with regards to noise nuisance arising from the development subject to conditions to control noise. These are matters that can be dealt with by appropriate worded conditions and thus the proposal accords with Policy ENV3 (e) of the LP

Future residential accommodation.

- 10.65 Whilst the policy seeks to ensure an adequate level of accommodation for future occupants it is silent with regards to the requirements for minimum internal floor arrangements.
- 10.66 With regards to the dwellings, it is considered that in terms of the internal spacing provided that the proposal would provide an acceptable level of internal residential accommodation.
- 10.67 The policy is also silent with regards to external private amenity spaces. Notwithstanding this, the submitted site layout clearly shows private amenity spaces for each of the dwellings which are of acceptable size to meet the needs of any future occupants.
- 10.68 The proposed development due to the layout would also provide a good quality of accommodation for future occupants in terms of daylight/sunlight. Similarly, the proposal would ensure that any future occupants would not experience any unacceptable loss of privacy.
- 10.69 Policy ENV3 (i) also seeks to ensure that development is accessible for all.
- 10.70 The development would comply with the requirements of Part M of Building Regulations which requires every building to have the provision of easy access to all parts of the building and outside areas. To ensure compliance it is considered that a condition could be imposed to ensure that the development is constructed in accordance with the provisions of Part M of Building Regulations.
- 10.71 In conclusion, the proposed development would not give rise to any adverse amenity issues and thus accords with Policy ENV3 (e),(f)& (i) of the LP and paragraph 130 of the NPPF.
- 10.72 **Biodiversity**
- 10.73 Local Planning Authorities have a statutory duty to ensure that the impact of development on wildlife is fully considered during the determination of a planning application under the Wildlife and Countryside Act 1981 (as amended), Natural Environment and Rural Communities Act 2006, The Conservation of Habitats and Species Regulations 2010 (Habitats Regulations 2010). This is also supported by Policy ENV4 (c). Policy ENV4 (b) seeks to deliver biodiversity net gain where possible.
- 10.74 A Bat Survey Report and Method Statement was submitted with the application. The report confirmed that a daytime survey was carried out which assessed the location and surrounding habitat. Consequently, it was observed to have low levels of bat roost potential. The report confirms that a follow-up survey was conducted over 9 nights using a static bat detector monitoring and dawn survey. The survey found no evidence of bats using the building to roost, only very low levels of common pipistrelle bats were recorded foraging past and through the site.
- 10.75 The report also found no evidence of barn owls using the buildings. No nesting birds were observed during the survey, although the report does state suitable nesting and foraging resources for common woodland and urban fringe.
- 10.76 The report also sets out compensatory bat boxes that will be placed within the site prior to work commencing and will be retained as part of the biodiversity enhancement.
- 10.77 North & East Yorkshire Ecological Data Centre (NEYEDC) confirms that no protected species are recorded on this site. As such, it is not considered necessary at this time to request any further activity surveys are undertaken.

- 10.78 The application site is a small-scale form of a development with the current existing baseline considered to being poor/moderate. Therefore, the proposal has sought to improve the current level of biodiversity on the site.
- 10.79 This would be achieved by the planting of new trees, new hedgerows with further planting throughout the site. In addition, existing rough grassland along the proposed vehicle access would see the introduction of native wildflowers which would enhance this existing habitat condition which accords with Defra's guidance.
- 10.80 When this is combined with the additional biodiversity measures 15no. bird boxes, 5 bat boxes, hedgehog/wildlife highway due to openings being created within the boundary walls, dry stone walls (allowing invertebrates and small birds to use) it is considered that the proposal would not only enhance the current level of biodiversity on the site but also provides some gains.
- 10.81 In conclusion, it is considered that the proposal would not harm any protected species. Furthermore, the proposal would provide biodiversity benefits that would equal/possibly exceed the existing biodiversity value of the site prior to development. The proposal, therefore, accords with the requirements of Policy ENV4 (b) & (c) of the Craven Local Plan and the NPPF.
- 10.82 **Whether the proposed houses would be safe from flooding and be adequately served by drainage**
- 10.83 LP Policy ENV6 seeks to minimise the risk of surface water flooding by ensuring adequate provision for foul and surface water disposal.
- 10.84 The site lies within Flood Zone 1 (less than 0.1% chance of flooding in any year).
- 10.85 Drainage
- 10.86 Yorkshire Water has been consulted and have not objected to the proposal recommending the use of a condition requiring details of the disposal of surface water. This accords with criterion e) of policy ENV6 and can be achieved by imposing the condition should permission be granted.
- 10.87 Surface water
- 10.88 The site has been identified as an area at potential risk of surface water flooding. To address the issue of surface water drawings have been submitted showing the installation of two attenuation tanks, and drainage calculations have also been provided. Yorkshire Water have raised no concerns regarding the proposal, subject to appropriate conditions. Furthermore, in relation to earlier an appeal decision on the site the appointed Inspector considered this point and concluded that:
- “the proposal would not result in an increase in surface water flooding. It would accord with Policy ENV6 which seeks to minimise the risk of surface water flooding”.*
- 10.89 In conclusion, the proposal is considered to comply with Policy ENV6 (b), (e) & (f) of the Craven Local Plan which seeks to minimise the risk of flooding by ensuring adequate provision for foul and surface water disposal is managed at source.
- 10.90 **Highway Safety**
- 10.91 LP Policy INF4 seeks to ensure the provision and management of parking for vehicles.

- 10.92 LP Policy INF7 also seeks to ensure developments are appropriately located and thus accord with the strategic growth of the district.
- 10.93 Paragraph 111 of the Framework states that “Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”.

Vehicular Access and highway safety

- 10.94 The proposal seeks to create a new vehicle access off Beanlands Drive adopted road) and to provide off-street parking and turning areas within the site. The existing vehicle access on Sunny Bank Road would be blocked and pedestrian access created.
- 10.95 Concerns have been raised regarding the increase in traffic movements on highway safety for both pedestrians and vehicle users and the need for improvements to the sightlines. The current proposal is for only 5 dwellings and thus does not trigger the need for any highway improvements.
- 10.96 Road accident history and Crashmap data show that in the last five-year period there was only one slight collision, and this was located not within 20m of the road junction. It is therefore considered that the use of this junction is not resulting in issues of highway safety. Furthermore, the proposal is for five new dwellings which would not add considerably to the vehicle movements that already exist.
- 10.97 NYC Highways has not raised any objection to the proposed development and are satisfied that the proposal would not have an adverse impact on highway safety.
- 10.98 Furthermore, in relation to earlier appeal decision on the site the appointed Inspector considered this point and concluded that:

*“The proposal would not have an unacceptable impact on highway safety”.*

- 10.99 The proposal therefore accords with Policy INF7 of the LP which seeks to create safe suitable and convenient access to all development sites, and to paragraph 11 of the Framework.

10.98 Car parking provision and internal layout

- 10.99 LP policy INF4 uses the former North Yorkshire County Council’s Interim Parking Standards to inform car parking provision and car space sizes, having regard also Government and LP policies seeking a shift away from cars to more sustainable forms of transport.
- 10.100 The proposed development would provide 12 off-street consisting of 10 parking spaces for the residents and 2 visitor parking spaces. Taking the ratio of car parking spaces to dwellings the proposal complies with the car parking spaces as outlined in the NYCC Interim Parking Standards and indicated in Policy INF4.
- 10.101 The proposal would also provide disabled access via a dropped kerb from the private drive to the pavement on Beanlands Drive. This would be secured via condition.
- 10.102 The proposal would provide a pedestrian access onto Sunnybank Lane
- 10.103 Drawing 2993.2F shows the access to the site and the turning area for emergency vehicles which would enable a fire engine to leave the site in a forward gear. The Fire officer has reviewed the details and confirmed that details ref emergency access

arrangements would be considered through building regulations. Currently, emergency access is provided off Sunny Bank Lane.

- 10.104 Currently, the footpath terminates before the application site boundary with an existing overgrown hedge running along a section of the footpath which reduces the width of the footpath. The proposal would see a tapering of the footpath width down towards to proposed access.
- 10.105 Concerns have been raised regarding safe pedestrian access along the internal access road onto Beanlands Drive, given the absence of a footpath. However, it is considered that given the relatively short length of road with clear views of all parties that pedestrians and vehicles would pass safely.
- 10.106 Comments were also expressed over who would maintain the footpath connecting with the existing footpath on Beanlands Drive. As this would form part of the adopted highway then the maintenance of the footpath would fall under highway control.
- 10.107 The proposal would have a dedicated bin storage area which would allow access for refuse vehicles compatible with the existing waste and recycling arrangements currently undertaken for residents on Institute Street.
- 10.108 The proposed internal road would be managed and maintained by a resident's management company.
- 10.109 Pre-application discussion between the applicant and NYC highway department were undertaken prior to the submission of the application. As a result of those discussions the internal road layout including the parking provision was agreed. Consequently, the NYC Highways engineer has not raised any objections relating to the proposal on highway safety grounds. Conditions are proposed requiring approval of details and for the applicant/agent to enter into a S278 agreement.
- 10.110 Sustainable travel
- 10.111 The application site due to its location within the main built-up area of Glusburn would also provide opportunities for non-car modes of travel due to its proximity to the town centre and modes of public transport.
- 10.112 In conclusion, the proposal, therefore, complies with INF7, b) as it would help to maintain a pattern of growth which reflects the spatial strategy and settlement hierarchy as set out in Policy SP4 of the LP and would provide an acceptable level of off-street parking and thus accords with Policy INF4 of the LP.
- 10.113 **Other matters**
- 10.114 A significant number of concerns relate to the parking of vehicles on Beanlands Drive for the drop-off and picking-up of children from the primary school opposite the school. This was an issue the appointed Inspector considered during the recent appeal and concluded that:
- “This in itself should not prevent the development of the site”.*
- 10.115 Concerns have been expressed about the effect of the proposal on TPO trees on the corner of the hammerhead, and within the rear gardens of nos 1-9 Beanlands Drive, particularly concerning the construction of the new access road. Suitable mitigation has been provided and the Council is satisfied that the road could be constructed without damage to the trees. The Council's Tree officer has not objected to the

proposal. This was an issue also considered by the appointed Inspector during the recent appeal and concluded that:

*"I concur with the opinion of the Council".*

- 10.116 In third-party comments, many objectors have suggested that as the barns are in poor condition, they should be demolished, and a vehicular access created where Barn B is located. This is, however, not included in the proposal and the Council must determine based on the submission before the Council.
- 10.117 Following comments from residents the applicant has confirmed that as the agricultural land to the north of the site is to be retained then the land will be mown approx. twice a year for silage/haylage. Given that Beanlands Drive is a public highway and as such there is nothing to stop the applicant or anyone from lawfully travelling along Beanlands Drive it is not considered that this concern is sufficient to warrant a refusal of permission.
- 10.118 Given the historic use of the site there is a requirement for the applicant to submit details of investigation and remediation of any potential contamination. This is to be secured by condition.
- 10.119 Drawing 2993.2F shows the provision of a gravel area outside of the site to add parking for residents of Institute Street. As this lies outside of the red outline it is outside of the scope of this planning application.
- 10.120 Details submitted to demonstrate that the proposed development would not extend into No. 9 Beanlands Drive.
- 10.121 Concerns have been expressed about potential damage to the boundary hedge, particularly during the construction of the access. Suitable mitigation measures would be secured via a condition to ensure that the access can be constructed with no damage to the hedge.
- 10.122 The tapering of the existing footpath would have no greater impact on highway safety given the clear sights that would be available.
- 10.123 The proposal would provide a broadband connection.

## **11.0 PLANNING BALANCE AND CONCLUSION**

- 11.1 It is well established through Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Paragraphs 11 & 12 of the NPPF that the determination of applications/appeals must be made in accordance with the development plan unless material considerations indicate otherwise.
- 11.2 Paragraph 11(c) echoes the Act in that proposals should be made in accordance with development plans providing they are up to date. Paragraph 11(d) establishes where the development plan contains "no relevant development plan policies" or these key policies are out of date then permission should be granted unless harm to protected areas or assets provides a clear reason for refusal (Paragraph 11(d)(i)), or, the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this Framework taken as a whole (Paragraph 11(d)(ii)).
- 11.3 As has been set out above the proposal is acceptable in principle, in accordance with the LP spatial strategy.

- 11.4 The proposal would not result in the loss of any designated or otherwise protected open space, nor result in any loss of protected species. The proposal would deliver biodiversity net gains.
- 11.5 For the reasons set out in this report the proposal would be acceptable in design terms and would not harm the overall character and appearance of the barns and the area and therefore accords with Policy ENV 3, It would not result in unacceptable highway impacts and therefore accords with policies INF4 and INF7 or unacceptable harm to the living conditions of existing residents or future occupants and therefore accords with policies ENV3 (e) & (f). It would also not be at risk from flooding or increase the risk of flooding elsewhere and would be adequately served by foul drainage and therefore accords with policy ENV6 (b), (e) & (f). The proposal would provide biodiversity net gain and therefore accords with policy ENV4 (b) & (c).
- 11.6 Overall, the proposal therefore accords with the provisions of the development plan and material considerations do not indicate a decision should be taken other than in accordance with it. Approval is therefore recommended.

## **12.0 RECOMMENDATION**

- 12.1 To grant planning permission subject to conditions

### Time Condition

- 1 The development must be begun not later than the expiration of three years from the date of this permission.

Reason: To comply with the requirements of section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004

### Approved Plans

- 2 This permission relates to the following plans and documents:

2993.2F ALL DETAILS INC REVISED BARN A DESIGN  
 2993.2F ALL DETAILS UNITS 1, 2, 3  
 TS298SL-1 Site location plan  
 155 P3 - Internal road construction plan  
 2023-09-13 PLANNING BARN A BARN A PROPOSED FLOOR PLANS & ELEVATIONS  
 22088 - 155 P3 PLUS DEVELOPMENT ACCESS ROAD  
 2993.1 ALL DETAILS INC REVISED BARN A DESIGN

Arboricultural Report  
 Bat Survey and Method Statement  
 Sustainability Statement  
 Biodiversity statement SEP 23  
 22088 - CAL01 B DRAINAGE CALCULATIONS WITH APPENDICES

Reason: For the avoidance of doubt and to ensure a satisfactory standard of development in accordance with the policies contained within the Craven Local Plan and the National Planning Policy Framework.

Pre-commencement



- 3 No development must commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Construction of the permitted development must be undertaken in accordance with the approved plan.

The Plan must include, but not be limited, to arrangements for the following in respect of each phase of the works:

1. details of any temporary construction access to the site including measures for removal following completion of construction works;
2. restriction on the use of Institute Street/Sunny Bank Road access for construction purposes;
3. wheel washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway;
4. the parking of contractors' site operatives and visitor's vehicles;
5. areas for storage of plant and materials used in constructing the development clear of the highway;
6. details of site working hours;
7. details of the measures to be taken for the protection of trees; and
8. contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.

Reason: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety.

- 4
- i) The development hereby approved shall not commence until actual or potential land contamination at the site has been investigated and a Phase I desk study report has been submitted to and approved in writing by the local planning authority. The Phase 1 desk study report shall be prepared in accordance with current best practice.
  - ii) In the event that the Phase 1 desk study report identifies a need for further intrusive investigation then the development hereby approved shall not commence until a Phase II intrusive site investigation report has been submitted to and approved in writing by the local planning authority. The Phase II Intrusive Site Investigation report shall be prepared in accordance with current best practice.
  - iii) Should the need for remediation be recommended in the Phase II Intrusive Site Investigation report, the development hereby approved shall not commence until a Remediation Strategy has been submitted to, and approved in writing by, the local planning authority. The Remediation Strategy shall be prepared in accordance with current best practice. The approved remediation measures shall be implemented in accordance with the agreed timescales set out in the approved Remediation Strategy.
  - iv) In the event that remediation is unable to proceed in accordance with an approved Remediation Strategy or unexpected significant contamination is encountered at any stage of the process, the local planning authority shall be notified in writing immediately. Revisions to the Remediation Strategy shall be submitted to, and approved in writing by, the local planning authority. Works shall thereafter be carried out in accordance with the approved revised Remediation Strategy.
  - v) Following completion of the measures identified in the approved Remediation Strategy, a Validation Report shall be prepared and submitted to, and approved in writing, by the Local Planning Authority. The submission of the Validation Report shall be undertaken within the approved timescales. The Validation Report shall be prepared in accordance with current best practice. The site shall not be brought into

use until such time as all the validation data has been submitted to and approved in writing by the local planning authority.

Reason: In the interest of amenity and to accord with Policy ENV7 of the Craven Local Plan and the National Planning Policy Framework.

#### During Building Works

- 5 The hereby approved air source heat pumps shall not exceed background sound levels between the hours of 0700-2300 (taken as a one hour LA90 at the nearest sound sensitive premises) and shall not exceed the background sound level between 2300-0700 (taken as a 15 minute LA90 at the nearest/any sound sensitive premises). All measurements shall be made in accordance with the methodology of BS 4142:2014+A1:2019. (Methods for rating and assessing industrial and commercial sound) and/or its subsequent amendments.

Where access to the nearest sound sensitive property is not possible, measurements shall be undertaken at an appropriate location and corrected to establish the noise levels at the nearest sound sensitive property. Any deviations from the LA90 time interval stipulated above shall be agreed in writing with the local planning authority.

Reason: To protect residential amenity and to accord with Policy ENV3 of the Craven Local Plan and the National Planning Policy Framework.

- 6 Except in case of emergency no demolition and construction works or ancillary operations, including deliveries to and dispatch from the site which are audible beyond the boundary of the site shall take place on site other than between the hours of 08:00-18:00 Monday to Friday and between 08:00-13:00 on Saturdays.

The Local Planning Authority shall be notified at the earliest opportunity of the occurrence of any such emergency and a schedule of essential work shall be provided.

Reason: In the interest of amenity and to accord with Policy ENV3 of the Craven Local Plan and the National Planning Policy Framework.

- 7 A post and rail fence between the approved private road and the agricultural field shall be erected within 3 months of the commencement of works on site and retained thereafter.

Reason: In the reason of public safety and to accord with Policies ENV3 and INF7 of the Craven Local Plan

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

Reason: To ensure effective drainage of the site and to accord with Policy ENV6 of the Craven Local Plan and the National Planning Policy Framework.

- 9 There shall be no piped discharge of surface water from the development prior to the completion of surface water drainage works, details of which will have been submitted to and approved by the Local Planning Authority. If discharge to public sewer is proposed, the information shall include, but not be exclusive to:

- i) evidence that other means of surface water drainage have been properly considered and why they have been discounted; and
- ii) the means of discharging to the public sewer network at a rate of 3.5 litres per second to be agreed by the Local Planning Authority in consultation with the statutory sewerage undertaker.

Reason: To ensure effective drainage of the surface water site and to accord Policy ENV6 of the Craven Local Plan and the National Planning Policy Framework.

- 10 Prior to the commencement of the proposed vehicle access onto Beanlands Drive, an arboricultural method statement to ensure the protection of tree at the proposed access during construction shall be submitted to and approved in writing by the Local Planning Authority. No works on the access shall be carried out on site before the arboricultural method statement has been approved.

The fencing shall be erected in accordance with the approved details before any equipment, machinery or materials are brought onto the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site.

Nothing shall be stored or placed within any fenced area without prior written consent of the Local Planning Authority.

Reason: To protect the tree at the proposed entrance into the site in the interest of visual amenity to accord with Policy ENV3 of the Craven Local Plan and the National Planning Policy Framework.

- 11 The external finish of the solar panels shall be dark grey or black with no silver or light coloured edging or detailing which contrasts with the approved finish of the roof tiles. The Solar panels shall also have a anti reflective coating and shall be retained as such thereafter.

The solar panels and associated infrastructure hereby approved shall be removed from the application site within 3 months of becoming redundant to its designated use.

Reason: To safe guard the visual amenity of the area and to accord with Policy ENV3 of the Craven Local Plan and the National Planning Policy Framework.

- 12 No development above ground level shall take place until details/samples of all materials to be used in the construction of the external surfaces of the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved materials.

Reason: For clarity and in the interests of proper planning to ensure the preservation of visual interest and to accord with Policy ENV3 of the Craven Local Plan and the National Planning Policy Framework.

- 13 No development above ground level shall take place until an energy strategy demonstrating a reduction in carbon dioxide emissions has been submitted to and approved in writing by the Local Planning Authority. A certificated Post Construction Review, or other verification process agreed with the Local Planning Authority, shall be provided, to demonstrate that the agreed standards have been met.

Reason: To ensure that the proposed development is constructed in an environmentally sustainable manner and to accord with Policy ENV3 of the Craven Local Plan and the National Planning Policy Framework.

Prior to occupation

- 14 Prior to occupation the approved bin store shall be constructed and retained as such thereafter.

Reason: To protect amenity and to accord with Policy ENV3 of the Craven Local Plan and the National Planning Policy Framework.

- 15 No part of the development must be brought into use until the access, parking, manoeuvring and turning areas for all users at Town End Barn, Colne Road, Glusburn, Keighley, have been constructed in accordance with the details approved in writing by the Local Planning Authority. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason: To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development and to comply with Policy INF4 of the Craven Local Plan.

The proposals should cater for all types of vehicles that will use the site. The parking standards are set out in North Yorkshire Council's 'Interim guidance on transport issues, including parking standards' and subsequent amendments available at <https://www.northyorks.gov.uk/sites/default/files/2023-05/Interim%20guidance%20on%20transport%20issues%20including%20parking%20standards%20-%20accessible.pdf>

- 16 The development must not be brought into use until the access to the site at Town End Barn, Colne Road, Glusburn, Keighley, has been set out and constructed in accordance with the 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by the Local Highway Authority and the following requirements:

The crossing of the highway verge and/or footway must be constructed in accordance with the approved details and the following requirements.

As per drawing development access road

All works must accord with the approved details.

Reason: To ensure a satisfactory means of access to the site from the public highway in the interests of highway safety and the convenience of all highway users and to accord with Policy INF of the Craven Local Plan.

Informative: Notwithstanding any valid planning permission for works to amend the existing highway, you are advised that a separate licence will be required from North Yorkshire County Council as the Local Highway Authority in order to allow any works in the existing public highway to be carried out. The 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by North Yorkshire County Council as the Local Highway Authority, is available to download from the County Council's web site:

[https://www.northyorks.gov.uk/sites/default/files/fileroot/Transport%20and%20streets/Roads%2C%20highways%20and%20pavements/Specification\\_for\\_housing\\_ind\\_est\\_roads\\_street\\_works\\_2nd\\_edition.pdf](https://www.northyorks.gov.uk/sites/default/files/fileroot/Transport%20and%20streets/Roads%2C%20highways%20and%20pavements/Specification_for_housing_ind_est_roads_street_works_2nd_edition.pdf) .

The Local Highway Authority will also be pleased to provide the detailed constructional specifications referred to in this condition.

- 17 Prior to first occupation of the development hereby approved, whichever is the sooner; the vehicle/cycle parking and turning areas as indicated on the approved plans shall be provided, hard surfaced, sealed and marked out. The parking and turning areas shall be retained in perpetuity for their intended purpose.

Reason: To ensure that appropriate parking and turning is provided and to accord with Policy INF4 of the Craven Local Plan and the National Planning Policy Framework

Informative: The proposals should cater for all types of vehicles that will use the site. The parking standards are set out in North Yorkshire County Council's 'Interim guidance on transport issues, including parking standards' and subsequent amendments available at

[https://www.northyorks.gov.uk/sites/default/files/fileroot/Transport%20and%20streets/Roads%2C%20highways%20and%20pavements/Interim\\_guidance\\_on\\_transport\\_issues\\_including\\_parking\\_standards.pdf](https://www.northyorks.gov.uk/sites/default/files/fileroot/Transport%20and%20streets/Roads%2C%20highways%20and%20pavements/Interim_guidance_on_transport_issues_including_parking_standards.pdf)

- 18 Prior to first occupation of the development hereby approved, details of treatment of all parts on the site not covered by buildings shall be submitted to and approved in writing by the Local Planning Authority. The site shall be landscaped strictly in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner. Details shall include:

1) location, type and materials to be used for hard landscaping including specifications, where applicable for:

a) permeable paving b) tree pit design c) underground modular systems d) Sustainable urban drainage integration e) use within tree Root Protection Areas (RPAs);

2) a schedule detailing sizes and numbers/densities of all proposed trees/plants;

3) specifications for operations associated with plant establishment and maintenance that are compliant with best practise; and

4) the provision for bird and bat nesting boxes that accord with the advice set out in "Biodiversity for Low and Zero Carbon Buildings: A Technical Guide for New Build" (Published by RIBA, March 2010) or similar advice from the RSPB and the Bat Conservation Trust.

There shall be no excavation or raising or lowering of levels within the prescribed root protection area of retained trees unless agreed in writing by the Local Planning Authority.

Unless required by a separate landscape management condition, all soft landscaping shall have a written five-year maintenance programme following planting. Any new tree(s) that die(s), are/is removed or become(s) severely damaged or diseased shall be replaced and any new planting (other than trees) which dies, is removed, becomes severely damaged or diseased within five years of planting shall be replaced. Unless further specific permission has been given by the Local Planning Authority, replacement planting shall be in accordance with the approved details.

Reason: In the interest of visual amenity and to accord with Policy ENV3 of the Craven Local Plan and the National Planning Policy Framework.

- 19 No dwellings hereby approved shall be occupied until details regarding the surface water storage tank have been provided. The details shall include:

Information on the method employed to delay and control surface water discharge management and maintenance plan for the storage tank

Reason: To ensure the management of surface water in accordance with Policy ENV6 of the Craven Local Plan and the National Planning Policy Framework.

**Target Determination Date:** 13 November 2023

**Case Officer:** Andrea Muscroft

[Andrea.Muscroft@northyorks.gov.uk](mailto:Andrea.Muscroft@northyorks.gov.uk)

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## North Yorkshire Council

### Community Development Services

#### Skipton and Ripon Area Constituency Planning Committee

05 DECEMBER 2023

#### **2022/24459/FUL – PROPOSED GYMNASTICS & CHILDREN’S ROLE PLAY BUILDING ON LAND TO SOUTH EAST OF NEW LAITHE FARM, STATION ROAD, CROSS HILLS, KEIGHLEY, BD20 7DT ON BEHALF OF MR & MRS WADE.**

#### **Report of the Assistant Director Planning – Community Development Services**

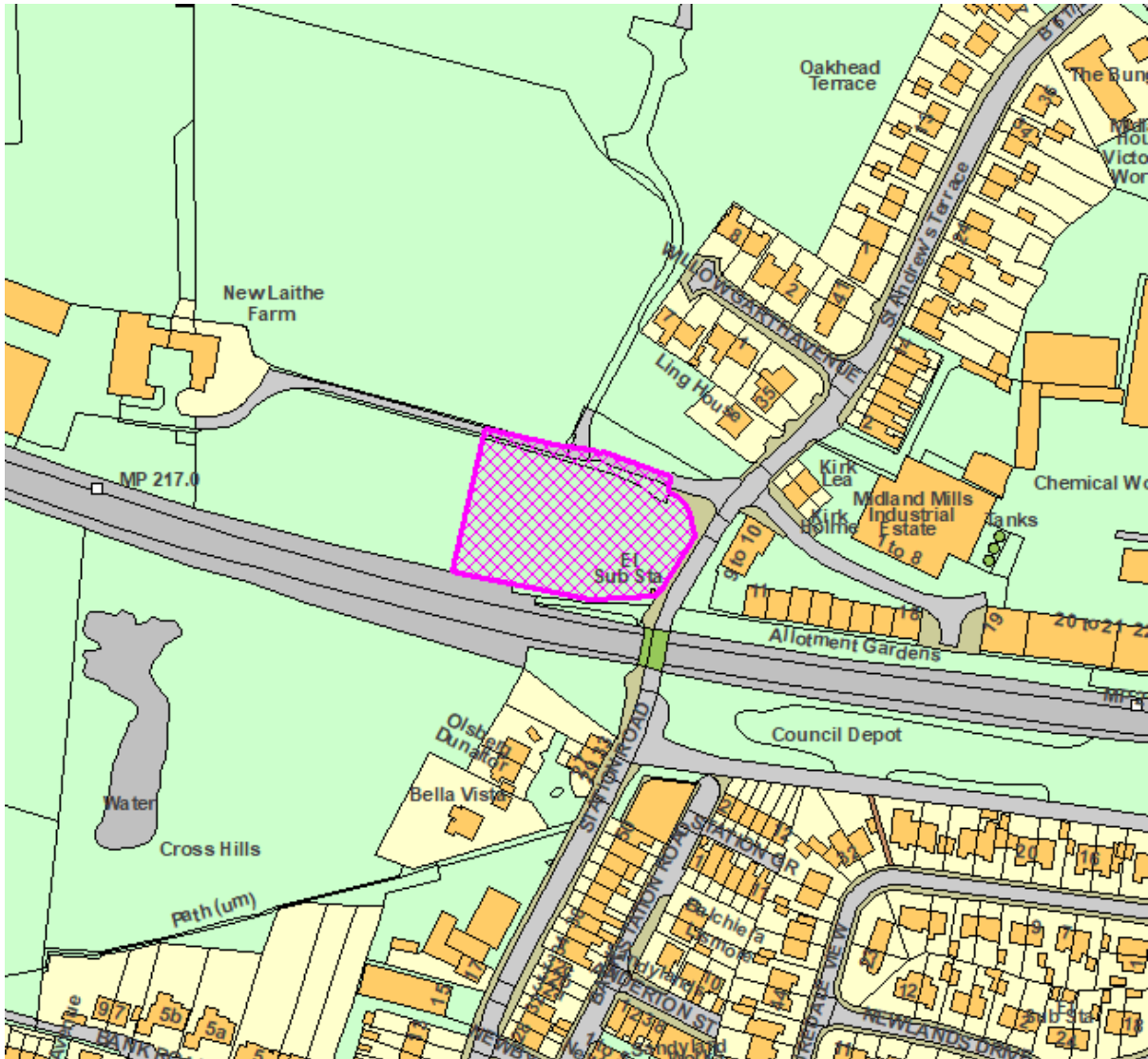
#### **1.0 Purpose of the Report**

- 1.1 To determine a planning application for Proposed gymnastics & children's role play building on Land To South East of New Laithe Farm, Station Road, Cross Hills, Keighley, BD20 7DT.
- 1.2 To set out details of the proposal, a description of the site and its surroundings, a summary of planning policy and planning history, details of views expressed by consultees, a summary of the relevant planning issues and a recommendation to assist the Committee in considering and determining this application for planning permission.
- 1.3 The application has been called into be determined by Planning Committee by Cllr A Brown due to the impacts of the scheme upon the Green Wedge.

#### **2.0 EXECUTIVE SUMMARY**

#### **2.1 RECOMMENDATION: That planning permission be GRANTED subject to conditions listed in Section 12 of this report.**

- 2.2. The application is for the construction of two joined units with associated parking and infrastructure: -
- 2.3. Unit 1 would contain a gymnastics area and associated mezzanine area. Unit 2 would contain a children’s role play area and café at ground floor level, and a baby class area at first floor level. The building design consist of a typical industrial unit with part stone wall and timber cladding above.
- 2.4. The site is currently used as an agricultural field with access off Station Road Cross Hills. Surrounding the site is a mixture of uses. Directly south of the site is the Airedale Railway Line, whilst east is the Midland Mills Industrial Estate. To the north is made up of residential properties heading towards the A629. To the west is the remainder of New Laithe Farm, owned by the applicants.



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### 3.0 **Preliminary Matters**

- 3.1. Access to the case file on Public Access can be found here: - <https://publicaccess.cravenc.gov.uk/online-applications/>.
- 3.2. No pre-app discussions were held prior to the submission of this application.
- 3.3. Due to concerns upon the impact upon the surrounding highway network, a transport assessment and travel plan were provided by the agent. The building now includes solar panels on the roof and to address concerns regarding the parking, disabled, child and minibus parking has been identified on the supporting drawings.
- 3.4. There is no previous planning history relevant to the consideration of the application.



#### **4.0 Site and Surroundings**

- 4.1. The application site measures approximately 0.43ha of agricultural land, in an irregular rectangular shape to the north of the existing farm access off Station Road, Cross Hills. Running to the South of the site is the existing Airedale Railway Line.
- 4.2. To the west is the remainder of New Laithe Farm, with residential dwellings to the north beyond the agricultural fields. Opposite the application site beyond Station Road is Midland Mills Industrial Estate.
- 4.3. The site lies within an area designated as Green Wedge with a section of the north west corner of the site within Flood Zone 2 (FZ2) as defined by the Environment Agency (EA).
- 4.4. Glusburn is identified as a Tier 3 settlement in the Local Plan and is within walking distance of the town, public transport links, and services and facilities.

#### **5.0 Description of Proposal**

- 5.1. This application seeks full planning permission for a proposed gymnastics & children's role play building with off street parking and associated works.
- 5.2. The application site would make use of the existing access off Station Road and utilise a small section of the farm track to the site. Access to the car parking area would be via an existing gateway into the field. The access would be constructed of concrete and separated from existing access track with new 1.2m high stone walls. Surrounding the building would be a crushed stone perimeter road and parking spaces constructed of reinforced paving ground markers to allow grass to grow through.
- 5.3. The proposed building measurements would be approximately 7.2m (H) to the ridge, 15.24m (D) and 36.57m (L). This would be split internally into 2 units, splitting the gymnastics area from the children's role play area. The gross internal floor area of the building would be approximately 690m<sup>2</sup> which includes the whole ground floor, the baby class area at first floor level of unit 2 and the small section of storage area at first floor level of unit 1.
- 5.4. The proposed building would be constructed in part stone and part vertical timber boarding walls, anthracite grey plastisol metal sheeted roof, black UPVC rainwater goods and aluminium windows and doors. Solar panels are proposed to the roof on the south elevation.
- 5.5. Boundary treatments would consist of existing stone walls to the east, new 1.2m high stone walls to the north, existing post and rail fence and stone wall to the south and a new 1.2m high timber post and rail fence to the east.
- 5.6. Soft landscaping would consist of various species of native trees and shrubs and is proposed along the north, east and west boundaries. The scheme would also retain the existing screening adjacent the railway line to the south.

- 5.7. To the north east would be a refuse area.
- 5.8. Pedestrian access is also proposed to north east of the site through a new opening adjacent the existing access off Station Road.
- 5.9. The proposal has been accompanied by a Travel Plan (TP) and Transport Assessment (TA). The TA outlines that the residual cumulative impacts of the proposal would not be severe. The TP indicates the sustainability of the site in relation to sustainable travel.
- 5.10. A Flood Risk Assessment (FRA) has been submitted which identifies that the preferred method of surface water disposal is through a permeable car park construction. Foul drainage is proposed to be connected to the public sewer network.
- 5.11. A Biodiversity Net Gain report has been submitted and has not identified any protected species or designated habitats that would be adversely affected by the proposal. The assessment also indicated that the development would provide an on site bio-diversity net gain of 15%.
- 5.12. The submitted Arboricultural Report has identified that no trees would be lost as a result of this development.
- 5.13. The Sustainable Design and Construction Statement sets out that the building would be compliant with Building Regulations. The materials would be locally sourced. Lights would function on motion and be energy efficient. Solar panels have also been proposed on the south elevation roof slope.

## **6.0 Planning Policy and Guidance**

- 6.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning authorities must determine each application under the Planning Acts in accordance with Development Plan so far as material to the application unless material considerations indicate otherwise.

### Adopted Development Plan

- 6.2. The Adopted Development Plan (ADP) for this site is the Craven Local Plan 2012 to 2032 adopted November 2019.

### Emerging Development Plan – Material Consideration

- 6.3. The North Yorkshire Local Plan is the emerging development plan for this site though no weight can be applied in respect of this document at the current time as it is at an early stage of preparation.

### Guidance - Material Considerations

- 6.4. Relevant guidance for this application is:
  - National Planning Policy Framework 2023 (NPPF)
  - National Planning Practice Guidance (NPPG)
  - National Design Guide 2021 (NDG)

- Good Design in Craven SPD
- Flood Risk & Water Management SPD
- Green Infrastructure and Biodiversity in Craven SPD
- Environment Agency Flood Risk Standing Advice (FRSA)
- Craven Local Plan Parking Evidence - NYCC Interim Parking Standards 2015

## 7.0 **Consultation Responses**

7.1. The following consultation responses have been received and have been summarised below.

### 7.2. **Glusburn and Cross Hills Parish Council:**

- Proposal would increase congestion
- Application could be valuable to the area
- Opening times could change and become later
- Area should be kept and maintained as green wedge
- Believe the applicant will infill over time between the application site and the existing farm
- Dangers with access and egress from the application site onto Station Road, for cars and pedestrians
- Would become a cross roads with no signage or control
- Would like to see a Traffic Impact Assessment

7.3. **Ward Member(s):** No comments have been received within the statutory time period or at the time this report had been written. Comments from a neighbouring ward councillor have been received and are summarised in Section 7.19 of this report.

7.4. **Environment Agency:** The proposed development falls within Flood Zone 2. Referred the case officer to the Flood Risk Standing Advice (FRSA) before making a decision.

7.5. **YDNP Wildlife Conservation:** Biodiversity Net Gain (BNG) calculations have been done correctly. There will be a 15% net gain provided that the landscaping is carried out in accordance with the submitted plans.

7.6. **National Gas** – There are no National Gas Transmission assets affected in this area.

7.7. **National Grid** – No nearby assets affected by this proposal. The local distribution network operator look after domestic connections.

### 7.8. **NYC Highways:**

- Visibility onto the B6172 is good. Improvements to the junction is required via a section 278 agreement.
- Information within Travel Plan is very good.
- Transport Assessment is good and provides sufficient evidence that the cumulative impacts of the development would not be severe.
- Turning and parking is acceptable.
- Conditions recommended for any permission granted.

7.9. **NYC Environmental Health (Craven):**

- Development will be on mains water
- No environmental protection issues that give cause for concern

7.10. **NYC Economic Development (Craven):** No comments have been received within the statutory time period or at the time this report had been written.

7.11. **NYC Trees Officer (Craven):** No comments have been received within the statutory time period or at the time this report had been written.

7.12. **Network Rail:** No objection to the principle of development. Conditions recommended in regard to the construction phase/asset protection, drainage, boundary treatments, landscaping and lighting.

7.13. **NY Fire & Rescue Service:** No objection/observation to the proposed development

7.14. **NYC Planning Gain Consultant (Craven):** Comments have been provided by Lewis Leisure Consultancy on behalf of NYC.

- The proposed development meets Policy INF3 as it will promote health, wellbeing and equality.
- There is no dedicated gymnastics facility in the wider Craven area of North Yorkshire
- Ambitions Gymnastics are at capacity with waiting lists.
- Information from British gymnastics supports that there is a demand and need to support growth.
- The proposed Children Role Play compliments the Ambitions Gymnastics offer.
- The existing swim school also compliments the proposal.
- The internal layout meets a mix of recommended and desirable requirements for foundation and development level gymnastics.
- Car parking spaces meet the British Gymnastics recommendation – ample parking is provided.
- Provides comments on the design and layout.

7.15. **Yorkshire Water:**

- YW will only consider restricted surface water disposal in the combined sewer network, but this is subject to the investigation/testing mentioned in the FRA.
- If the agent/applicant decide after further investigation of the farm's surface water disposal and infiltration/percolation testing, to switch to discharge to public sewer network, then YW would like to be re-consulted for a review of these details.

7.16. **Airedale Drainage Commissioners:** Recommends a pre-commencement condition in regard to a scheme for the disposal of surface water and foul sewage.

**Officer Note:** A condition has been agreed with the agent.

## Local Representations

7.17. 58 (*fifty-eight*) local representations have been received of which 32 (*thirty-two*) are in support, 24 (*twenty-four*) are objecting, 1 (*one*) observation and 1 (*one*) representation from a Councillor of a neighbouring ward. A summary of the comments is provided below, however, please see website for full comments.

7.18. **Support:**

### **Social/Economic/Environmental Benefits**

- Gymnastics club needs a purpose built premises
- Proposal would allow growth of the gymnastics club
- Improves health and wellbeing of the local community
- Economic benefit
- Employment opportunities
- Sustainable transport
- Nothing nearby that offers these services
- Invaluable resource for the development of children
- Improves mental and physical health
- Offers participation opportunities to local people
- Role play aspect would be a great addition to the local area
- Would be a real asset to the community
- Will help local shops and cafes
- Real hub for the community
- No doubt it will be well used
- Will potentially generate funding to offer free sessions to the disadvantaged and special needs children
- Educational benefits
- The centre means so much more than monetary gain
- Provides employment and development through educational coaching
- Would benefit children of all ages
- Reduces anti-social behaviour
- Improves coaching skills
- Opportunities for 13+ gymnasts, SEN needs or who have a disability
- Help grow local talent
- Possibility to collaborate with other businesses and clubs
- Staff of the gymnastics club have a lot of experience
- Impressed with the plan of using sponsorship money
- Ambitions Gymnastics have successfully filled a long standing gap in gymnastics in Craven

### **Design**

- Impressive concept
- Site fits with existing infrastructure such as schools and nurseries
- The new centre sounds very niche and exciting

### **Highways**

- Site is already used for mixed commercial use and has good access
- Improves children's safety and site accessibility
- Reduces carbon footprint

- Wouldn't impact traffic as it would be used during school hours when the traffic is calmer

#### 7.19. **Objections:**

##### **Green Wedge**

- Concerns over the loss of Grade 3 agricultural land
- Contrary to the requirements of policy ENV13 (Green Wedge)

##### **Highways**

- Traffic impact assessment needed
- Concerns over increase in traffic on highway safety for vehicles and pedestrians
- Existing road is too narrow
- Access to farm is not suitable
- Visibility from existing access
- Not enough parking on site
- Would cause long traffic delays
- Adds to the HGV traffic
- Village doesn't have traffic capacity
- No footpath on farm track – safety

##### **Biodiversity**

- Impact on wildlife

##### **Design**

- Design is out of keeping in terms of scale and character
- Large windows create an overbearing effect
- Not the right place for the development
- Landscaping will not adequately screen the development from neighbouring properties

##### **Amenity**

- Destroy the outlook for the neighbouring domestic properties
- Privacy and overlooking issues
- Long term consequences on the area's amenity and liveability
- Concerns over noise, light and air pollution

##### **Flood Risk**

- Flooding – neighbouring properties may flood if measures aren't carried out correctly
- Surrounding fields regularly flood

##### **Miscellaneous**

- Set a precedent to develop remaining land
- Photographs provided are not a true representation of the site
- There are ready built units elsewhere to rent
- Farm is becoming an industrial estate
- Contrary to policy EC3
- Proposal if approved may impact the railway station should it re-open in the future

- Impact on climate change
- Planning site notice situated down the farm access track – not visible
- Support comments are not from local residents
- Café on site – customers will not leave for other cafés – no benefit to local community
- Not accessible by train – leads to more car use
- Access from station road to farm track is owned by the Local Authority

7.20. **Observation:**

- Consideration must be given to any detrimental impact on other local, well established groups for children
- Business will ask for sponsorship locally to set up. How can the applicant morally ask for sponsorship from local businesses for the set up of soft play equipment, when it is inevitably going to be for its own profit making gains?
- Physical appearance doesn't seem to be out of place. Consideration has been given to the planting of trees
- No reference to what is available in the vicinity of Cross Hills/Glusburn

7.21. **Councillor Andrew Brown**

- Will retain an open mind until I have seen all evidence.
- Appears to be an application that has significant positives
- The positives include the provision of a useful leisure asset which will benefit the community.
- Another positive is that the location could be seen to be somewhat of the nature of infill
- Negatives some of which could be mitigated by conditions.
- This is agricultural land which is being changed to commercial use.
- The facility will attract extra traffic onto a road which is already congested.
- The proposals for meeting the policy ENV3t seem weak as a large roof area like this provides an obvious opportunity for solar panels.
- Then there is the issue of the low lying nature of the ground and the flooding risk - not entirely clear at this stage how that risk is being managed and mitigated.
- My own view is therefore currently neutral but I believe the issues to be sufficiently significant for an officer decision on the balance of planning gain and loss to be inappropriate.

**8.0 Environment Impact Assessment (EIA)**

8.1. Given the location, scale, and nature of the proposal it does not fall within Schedule 1 or 2 of the Town and Country Planning (Environmental Impact Assessment Regulations 2017) (as amended). No Environment Statement is therefore required. No Environmental Statement is therefore required.

**9.0 Main Issues**

9.1. The key considerations in the assessment of this application are:

- Principle of development
- Sports Facility
- Green Wedge
- Economic
- Design
- Sustainable Design and Construction
- Amenity
- Ecology and Bio-diversity
- Highways
- Traffic movement
- Sustainable transport
- Parking
- Flood risk & drainage
- Surface water
- Foul drainage
- Other matters

## 10.0 **Assessment**

### **Principle of Development**

#### **Sports Facility**

- 10.1. Policy INF3 supports proposals that allow growth that promotes health, wellbeing and equality by safeguarding and improving sport, open space and built sport facilities. In particular, criterion (a) of the policy states:

*“Supporting proposals for the provision of new sport, open space and built sports facilities, or for the improvement of existing sport, open space and built sports facilities, including facilities for temporary events, provided the proposals are of a scale in keeping with the location, are well located and accessible by different modes of transport including walking, cycling and public transport and accord with all relevant local plan policies and any relevant neighbourhood plan policies.”*

- 10.2. This application proposes a new sports recreational facility which would be part gymnastics centre and part children’s role play.
- 10.3. The Council’s Sports Development Officer supports the proposal. Their response highlights that there are no suitable dedicated gymnastics facilities within the Wider Craven area of North Yorkshire.
- 10.4. It is therefore considered that the proposal meets the requirements of policy INF3 as the proposal would promote health, well-being and equality through the provision of a new built sports facility.

#### **Green Wedge**

- 10.5. Policy ENV13 identifies the Council’s areas of Green Wedge within the Local Plan area. The Policy states that the Green Wedges will be maintain and safeguarded



against the coalescence of separate built up areas and will help to maintain and where possible enhance recreational opportunities.

- 10.6. The policy also states that proposals would be resisted where it would fail to preserve the separate character and identity of settlements or would fail to preserve the sense of separation between settlements.
- 10.7. The proposed application site is located within a small area of the Green Wedge adjacent to the railway line and abuts Station Road. However, due to the scale of the development combined with the separation distances between Cross Hills and Kildwick, the proposed development would not result in the coalescence of nearby settlements and would still preserve the separate character and identity of the nearby settlements.
- 10.8. In conclusion: It is acknowledged that the application proposes a small loss of Green Wedge land. However, the sense of separation from other settlements would remain, even with the erection of such development in this location. This is due to the modest scale of the site, particularly in the context of the wider Green Wedge, and the corner location. It is therefore considered that the proposal would not conflict the requirements of Policy ENV13 and the NPPF.

#### Economic

- 10.9. Policy EC3 states that Craven's rural economy will be supported, so that it may grow and diversify in a sustainable way to provide long term economic, environmental and social benefits for local communities.
- 10.10. Policy ENV7(a) states that growth in Craven will help to safeguard and improve land quality by

*“a) Ensuring significant development avoids the plan area's best and most versatile agricultural land (grade 3) wherever possible, unless the need for and benefit of development justifies the scale and nature of the loss.”*
- 10.11. The location makes use of a small parcel (approximately 0.43ha) of agricultural field which is currently used as a grass crop. Its re-use would not lead to a significant loss of crop in relation to the remainder of the grade 3 agricultural land. The applicant previously used this field intensively for livestock. However, due to the conflict between these modern farming techniques and the amenities of the local residents, the use of the field for livestock has now been ceased.
- 10.12. The proposal is for a new sports/recreational facility. As mentioned above, there is no dedicated gymnastics facility in the wider Craven area of North Yorkshire. The proposal would re-use the land in a way that would allow the farm to diversify and create a new revenue stream for the farm occupants whilst also providing job vacancies for the local community. The number of comments in support of this application suggests that the scheme would be widely used by locals as well as those visiting from outside of Craven, bringing an element of tourism to the area, the proposed facility and surrounding local businesses.

10.13. In conclusion: the proposal does use a small area of grade 3 agricultural land. Having said that, it is considered that the benefits of diversifying into a new use of the land would provide social and economic benefits that outweigh the loss of the grade 3 land and therefore meets the requirements of LP policies ENV7, EC3 and the NPPF.

### **Design**

10.14. LP Policy ENV3 sets out the general design principles that contribute to achieving good design, including (inter-alia): a) a response to the context of the site; b) a respect of surrounding built form; c) legibility and place making, and; d) enhancing positives of local environment whilst minimising negatives.

10.15. The application site measures approximately 0.43ha of agricultural land, in an irregular rectangular shape to the north of the existing farm access off Station Road, Cross Hills. The existing ground level of the site currently slopes away adjacent the bridge which continues across the whole site, but gradually reduces and almost evens out towards the western boundary. The screening on the existing site is relatively low, with the existing bridge partially screening the site from Station Road, and the existing trees adjacent the railway line screening the site from the north.

10.16. The proposed level of the building would be flat requiring a small amount of excavation to level the site. The proposed section drawing provide details of the levels on each elevation. The front of the building would be sat 0.3m above the existing level of the site but raises to 0.5m as the building reaches the western boundary due to the existing level of the site. The rear of the building however would be set lower than the existing, with the site levels getting increasingly lower from west to east. This is normal due to the existing site levels and the requirement of enabling the building to sit flat.

10.17. Moving to the eastern elevation, the proposed levels of the site where the building is situated lower from 0.02m above existing ground level to the front, lowering to 0.53m below existing ground level to the rear. However, the eastern elevation gradually increases as you enter the site by approximately 0.01m to the front of the building but slopes off to the rear of the building to ensure that the building sits flat.

10.18. Based on the above, it is considered that the difference in levels of the existing and proposed site are small in scale, and taking into consideration the existing and proposed screening there would be limited public views of the building and would not be appear overbearing in nature, given that the difference in levels is low.

10.19. The street scene and immediate surrounding area is defined by two-storey detached and semi-detached dwellings along Station Road, whilst directly opposite the site is the existing Midland Mills Industrial Estate consisting of two storey units made of part stone, part metal sheeting.

10.20. The proposed access utilises the existing junction and access track off Station Road. The access into the site would again utilise the existing opening into the site off of the private access to New Laithe Farm. A new 1.2m high wall is proposed down this

boundary separating the access track from the application. Beyond the new low level walls would be screening, partially reducing the view of the building from the properties to the north. In conclusion: whilst the proposed screening would be a new feature, it is considered that the visual impact of the access would not be significant, given that it uses the existing access features into New Laithe Farm.

- 10.21. The building would measure approximately 7.2m in height. The proposal due to changes in ground levels would be set down by approx. 3m than the dwellings to the north. The roof ridge would be approx. 4m above the level of the bridge wall along Station Road. However, the screening proposed along this boundary would significantly reduce the visual impact of the development from this elevation. The proposal would be located adjacent to the Airedale railway line and within close proximity with the remainder of the built form of Cross Hills
- 10.22. The proposed building has been designed to meet the needs of the users with sufficient space internally to accommodate for the activities proposed.
- 10.23. The site layout would have provision for all users including sufficient access for emergency services and adequate space within the site for these vehicles to turn and park when required.
- 10.24. Ramped accesses and walkways have been provided around the building which are a sufficient width to accommodate for those that use wheelchairs and prams. Internally, again access and manoeuvring around the building includes sufficient space for users with wheelchairs or children as well as providing accessible toilets and features such as stairlifts to allow all users to access all areas.
- 10.25. A bin store is located to the north west of the site out of the way of the public and accessible from the existing access to New Laithe Farm, adjacent to this bin store is a parking area for bicycles and motorcycles.
- 10.26. Turning to materials, it is proposed that the walls would be part stone and part timber boarding, with anthracite grey metal roof sheets. Windows and doors would be aluminium with the rainwater goods being black UPVC. The design of the building is almost identical to the Industrial Estate opposite. However, this proposal is for vertical boarding and not metal boarding like the adjacent industrial units. The building due to the screening and boundary treatments proposed is viewable from limited public viewpoints. It is considered that the materials proposed would not have a negative visual impact the wider surrounding area, due to the wider site screening and use of similar materials.

#### Sustainable Design and Construction

- 10.27. Included in the design of the building, the use of solar panels are proposed to the rear roof slope of the building. Electric car charging has also been provided, and where possible the materials would be locally sourced. The building would be built to meet the current building regulation requirements.

10.28. In conclusion: the proposed site levels are small compared to the existing levels. The scale of the building is acceptable and would not appear overbearing in nature. The proposed materials are considered to be acceptable and not have a visual impact upon the surrounding area. The building is considered of scale and size for the use proposed. The screening and boundary treatments proposed around the site reduce the impact upon the surrounding area. Sustainable measures have also been designed into the scheme. Therefore, it is considered that the proposal accords with the requirements of LP policy ENV3 and the NPPF.

### **Amenity**

10.29. Policy ENV3, specifically criterion (e) and (f) asserts that development should protect the amenity of existing and business occupiers whilst providing a good standard of amenity for existing and future occupants as well as demonstrating that they will secure a good standard of amenity for all existing and future occupants of land and buildings.

10.30. Policy ENV1(f) requires exterior lighting to be kept to a minimum to protect the area's natural surroundings and that exterior lights shall demonstrate that there is no significant adverse impact on the character of the area; visibility of the night sky; biodiversity; and residents, pedestrians or drivers.

10.31. The southern elevation would include 2no. single opaque glazed windows and 2no. double opaque glazed windows at ground floor level and a single roller shutter door. At second floor level the proposal would include 2no. double clear glazed window openings and 2no. fire escape doors. Due to the orientation of the building these openings would face towards the existing screened railway line.

10.32. The north elevation consist of 2no. entrance door, one for each unit along with 2no. large floor to ceiling windows. At second floor level is 1no. double clear glazed window in each unit. The floor to ceiling window in unit 1 would be opaque glazed whilst the one proposed in unit 2 is clear glazed. In addition, to the opaque glazing proposed in unit 1 there is a separation distance of approx. 49m to the properties to the northeast of the proposal as well as the proposed planting of trees along the northern boundary. It is therefore considered that the residents of Ling House and dwellings beyond would not experience an unacceptable loss of privacy or amenity.

10.33. There are no windows proposed in the east and west elevations of the building.

10.34. The building is located adjacent to Station Road, a main route into Cross Hills and therefore a level of background noise already exists. It has been noted that there may be a background noise internally such as music etc. whilst the proposed classes are ongoing. However it is considered that this again would be low level due to the classes being proposed are for children and that any loud amplified music may damage their hearing. Internally, the building would be built to the current Building Regulations standards in regard insulation, ventilation etc. Based on the above, it is considered that the noise generated from the building would not have an impact upon the neighbouring properties.

- 10.35. A lighting plan has been submitted with the proposal which shows the external lighting proposed. The front elevation proposes 4no. downlights, two adjacent either of the entrances. Along with these are 2no. up/down lights adjacent the large windows to the front of the building. The light will illuminate the front elevation of the building. The proposed screening along the front boundary is considered to reduce the level of light impact upon the neighbouring properties approximately 49m further up Station Road.
- 10.36. The east and west elevation consist of one floodlight. These would operate by motion sensor and illuminate upon movement detection. The west elevation faces towards open fields and would have no impact on the surrounding properties. The west elevation faces towards Station Road which has screening proposed along the entire boundary reducing the amount of light upon the passers-by.
- 10.37. The rear elevation consist of 3no. lights. 2 of these again would operate by motion sensor and would include one light directly above the fire exits. Due to the existing screening that already exists it is considered that these lights would not dazzle any railway users as they would not be constantly illuminated.
- 10.38. Turning to the parking area. Majority of the parking area is located to the south and west of the building. The parking located on the western boundary face towards open fields and therefore would have no impact on the amenity of surrounding properties. The parking spaces to the south face towards the existing screened railway line and would have no impact upon amenity.
- 10.39. The parking spaces to the east face towards Station Road and would be set at a lower level than the road/bridge and would also be screened by the proposed planting. It is considered that these parking spaces would not have an impact on the amenity of neighbouring properties or passers-by.
- 10.40. The parking spaces to the northwest face towards the fields beyond the neighbouring cul-de-sac to the north east. Again, the proposed planting along this boundary would add to the screening of any car lights. Based on this, this area is not considered to have an impact upon the amenity of the neighbouring properties.
- 10.41. In conclusion: Due to the orientation of the building, finished height and distance from the nearby neighbouring properties it is considered that the nature of the proposal would not harm the living conditions of the neighbours, businesses or any other land or buildings and would afford future occupants a good standard of amenity. Therefore the proposal would not conflict with the requirements of Local Plan Policies ENV3 and the NPPF.

### **Ecology and Biodiversity**

- 10.42. Policy ENV4 highlights the importance of biodiversity within Craven and states that applications for growth in housing, business and other land uses will need to be accompanied by improvements to biodiversity, and wherever possible will make a positive contribution towards achieving a net gain in biodiversity.

- 10.43. The existing site is currently a small parcel of grassed land to the north of the access road to New Laithe Farm, with a site area of approximately 0.43 hectares and is devoid of any trees/shrubs.
- 10.44. The Biodiversity Net Gain Report has not identified any protected species or designated habitats that would be adversely affected by the proposal. The Council's mapping does not highlight any protected species or habitats on this site
- 10.45. Information provided via the Defra Biodiversity Metric, indicates the existing site has biodiversity value of 0.77. The proposed site plan identifies three new habitat areas. The three new habitats would include an area of 0.072ha of mixed scrub, along with four heavy standard native urban trees. The proposed planting increases the biodiversity value of the site to 0.89 meaning that a 15% net gain has been provided.
- 10.46. The Council consulted with the YDNP Wildlife Conservation Officer on the proposed application who has reviewed the information provided and confirmed that the metric has been carried out correctly with a 15% net gain, providing that the landscaping is carried out in accordance with the submitted plans.
- 10.47. In conclusion: It is therefore considered that the proposal complies with the requirements of Policy ENV4 and the NPPF.

### **Highways**

- 10.48. LP Policy INF4 seeks to minimise congestion, encourage sustainable transport modes and ensure proper provision of parking and management of cars and other vehicles.
- 10.49. LP Policy INF7 seeks to maximise opportunities for sustainable travel modes, including by ensuring that all developments maximise opportunities to travel by noncar modes of transport.
- 10.50. NPPF Paragraph 111 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

### **Traffic movement**

- 10.51. The proposal is utilising an existing vehicle access which services the farming operation and additional operational businesses. It is acknowledged that the proposal would result in an increase in vehicle movements. A transport assessment and travel plan was submitted in support of the proposal. NYC Highways have reviewed the report and confirm the cumulative impacts of the proposed development would not be severe in transport terms. Conditions have been proposed in connection with the junction off of the B6172 to improve the design for both vehicles and pedestrians.

### **Sustainable transport**

10.52. As mentioned previously, within 1km of the site is almost all of the remainder of the Cross Hills, suggesting that a large amount of the population is within walking distance. Within 8km are Keighley and Skipton, which allow users of the facility to cycle. Given the users of the building may not be of a suitable age to use the road network, it is important to note that the Canal can be used, which is a traffic free journey. Additionally, the nearest bus route is approximately 80m from the site. This service is the *66 Dalesway*, which is frequent journey from Keighley to Skipton allowing visitors as well as staff to access the site by bus.

### Parking

10.53. In terms of parking, the proposed development has a sufficient area surrounding the building to accommodate for the parking of the users. Provision has been made for cyclists, disabled users, families with children, minibuses and electric vehicle charging. NYC Highways are satisfied with the turning and parking area, with the parking provided meeting the British Gymnastics recommendation, previously highlighted by the Council's Planning Gain Consultant.

10.54. In conclusion: the proposal is acceptable in terms of the cumulative impacts on the highway. Given the location of the development, it is considered that the site is sustainable in terms of using noncar transport modes. The parking provided has is sufficient and acceptable. Therefore, the proposal accords with CLP Policies INF4, INF7 and paragraph 111 of the NPPF.

### Flood Risk & Drainage

10.55. LP Policy ENV6 requires that growth will help alleviate and avoid flood risk. This will be achieved by: locating development in low flood risk areas where possible; incorporating sustainable drainage systems; maintaining access to watercourses; avoiding areas which with the potential to increase flood resilience and enhancing natural flood resilience as far as possible. The risk of surface water flooding will be minimised by adequate provision for foul and surface water disposal. Surface water should be managed at source. Adequate provision for sufficient attenuation is required.

10.56. LP Policy ENV8(a) requires new development to be adequately served by sewerage and waster water treatment infrastructure which safeguards surface and ground water resources.

10.57. Part of the application site to the north west quadrant lies within Flood Zone 2. The quadrant with the remainder of the site falling within Flood Zone 1. The are subject to Flood Zone 2 comprises mostly of the car parking area and proposed landscaping to the western boundary of the site, as well as the access to the application site.

10.58. The FRA states that the development would fall within that categorised as 'Less Vulnerable'. The EA have been consulted and advised that the development needs to comply with their standing advice.

- 10.59. The FRSA states that the finished floor levels should be a minimum of 300mm above a) the average ground level; b) adjacent road level; c) estimated river or sea flood level. The proposed sections drawing submitted with the application shows that at the point where Flood Zone 2 affects the building, the external level of the building would sit approximately 0.46m above the existing level of the site.
- 10.60. The Flood Risk Assessment (FRA) submitted with the application states that the internal ground floor level of the building would be set at 150mm above this. It is therefore considered that the development is considered to be acceptable and in accordance with Policy ENV6.

#### Surface water

- 10.61. Policy ENV6(e) states that development will minimise the risk of surface water flooding by ensuring adequate provision for foul and surface water disposal prior to occupation.
- 10.62. The site has not been identified as being at risk of surface water flooding.
- 10.63. The FRA outlines that SW will be disposed of through a permeable car park construction, however, at the time of the consideration the report states that no percolation tests of ground conditions has been undertaken. Airedale Drainage Commissioners (ADC) have been consulted and have recommended a condition requiring prior approval of a scheme for the disposal of surface water to be agreed. It is therefore recommendation that if approved a condition would be imposed to control this issue.
- 10.64. In conclusion: it is considered that the proposal would be acceptable in terms of surface water subject to the implementation of the scheme to be agreed with the Council.

#### Foul drainage

- 10.65. Yorkshire Water have been consulted on the proposal and provide comments in regard to the proposed scheme. The comments provided are on the basis that the foul water will be discharged to a public combined sewer via an existing drainage system that serves New Laithe Farm. ADC have recommended a condition that requires a scheme for foul sewage to be approved before development commences.
- 10.66. In the course of determining this application the Flood Risk Assessment and plans set out the following mitigation measures:
- the external level of the building within FZ2, would sit approximately 0.46m above the existing level of the site;
  - the internal ground floor level of the building would be set at 150mm above the proposed external level;
  - SW will be disposed of through a permeable car park construction;



- Foul water discharge would connect to the existing foul drain from New Laithe Farm or to the public combined sewer in station Road (subject to survey and confirmation of routeing).

10.67. Due to the development being classified as 'less vulnerable' the EA have advised that any development should follow the EA's standing advice. Therefore subject to the above measures being secured by planning conditions this proposal would not conflict with the EA's standing advice. The sequential test has been satisfied and the proposal would not be at risk of flooding or increase the risk of flooding elsewhere. For the above reasons, the proposal would not conflict with Local Plan Policy ENV6, the Framework, or the PPG.

### **Other Matters**

10.68. Some of the representations received have concerns on outlook. This is not a material planning consideration.

10.69. The representations received make reference to the site notice not being visible. The case officer placed a new site notice adjacent to the site on a lamppost.

10.70. It has been noted that comments have been made in regard to setting a precedent. This application has been assessed based on its own merits. Any application for land surrounding this site will also be assessed on its own merits.

10.71. An area of land has been safeguarded by the Craven Local Plan for Cross Hills Railway Station. This falls adjacent to this application site. At the time of writing this report no application has been submitted for the land allocated under LP policy SP2. Plans to develop this site were disregarded in 2017 due to expected funding. Should any application be submitted for this area of land they will be considered on its own merits.

10.72. Representations have also been made in relation to the access from Station Road being owned by the Local Authority. The case officer has checked Land Registry which shows that the access falls under the applicants ownership.

10.73. The local planning authority is required to give '*due regard*' to: (a) the need to eliminate discrimination, harassment, victimisation; (b) advance equal opportunity, and; (c) foster good relations through consciously thinking about the three aims of the Equality Duty as part of the process of decision-making. The local planning authority have fulfilled their duties and obligations accordingly.

## **11.0 PLANNING BALANCE AND CONCLUSION**

11.1. It is well established through Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Paragraphs 11 & 12 of the NPPF that planning decisions must be made in accordance with the development plan unless material considerations indicate otherwise. The NPPF is one such material consideration.

- 11.2. NPPF Paragraph 11(c) echoes this: proposals should be made in accordance with development plans providing they are up to date. NPPF Paragraph 11(d) establishes where the development plan contains “no relevant development plan policies” or these key policies are out of date then permission should be granted unless harm to protected areas or assets provide a clear reason for refusal (Paragraph 11(d)(i)), or, the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole (Paragraph 11(d)(ii)).
- 11.3. It is considered that the principle of development is acceptable. The application site falls within the green wedge, however the area of loss is not deemed significant in terms of the social and economic benefits provided by the scheme in support of INF3 and EC3.
- 11.4. The scale and massing of the development is not considered to be over dominant on the street scene or on the surrounding neighbouring properties. The proposal is considered to be in keeping with the surrounding area and not to have an impact upon the amenity of the neighbouring properties.
- 11.5. The proposal has a biodiversity net gain of 15% and therefore meets the requirements of ENV4.
- 11.6. The proposal is not considered to have a severe impact upon the highway network, offers sustainable transport methods and the parking provided is acceptable.
- 11.7. The proposal would not be at risk of flooding or increase the risk of flooding elsewhere. The sequential test has been satisfied.
- 11.8. The proposal has been considered against all other development management considerations that arise from the development. The report demonstrates that the proposal is satisfactory in these regards subject to conditions where necessary.
- 11.9. Given that the proposal accords with the requirements of the relevant Local Plan policies, the application is recommended for approval accordingly.

## **12.0 RECOMMENDATION**

- 12.1 That planning permission be GRANTED subject to conditions listed below.

### **Conditions and Reasons**

#### **Time Limit for Commencement**

1. The development must be begun not later than the expiration of three years from the date of this permission.

Reason: To comply with the requirements of section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

#### **Approved Plans**

2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawings and documents listed below:

- Sections as Existing and Proposed - Drawing no. P2176-001A - received 19th October 2023
- Elevations as Proposed - Drawing no. P2176-002A - received 19th October 2023
- Floor Plan as Proposed - Drawing no. P2176-003A - received 19th October 2023
- First Floor as Proposed - Drawing no. P2176-004A - received 19th October 2023
- Detail/Roof Plan - Drawing no. P2176-007A - received 19th October 2023
- Site Plan as Proposed Drawing no. P2176-009A - received 7th November 2023
- Site Plan as Proposed - Drawing no. P2176-010A - received 19th October 2023
- Lighting Plan - Drawing no. P2176-011 A - received 19th October 2023
- Planning, Design & Access Statement - received 10th October 2022
- Sustainable Design and Construction Statement - received 10th October 2022
- Envirotech Biodiversity Net Gain Report - received 4th January 2023
- Flood Risk Assessment - received 4th May 2023
- Travel Plan - received 30th August 2023
- Transport Assessment - received 30th August 2023

Reason: For the avoidance of doubt and to ensure a satisfactory standard of development in accordance with the policies contained within the Craven Local Plan 2012-2032 and the National Planning Policy Framework.

### **Before you Commence Development**

3. No development approved by this permission shall be commenced until the Local Planning Authority, in consultation with Airedale Drainage Commissioners, has approved a scheme for the disposal of surface water and foul sewage.

Any such scheme shall be implemented to the reasonable satisfaction of the Local Planning Authority before the development is brought into use.

The following criteria should be considered for the disposal of surface water:

- The suitability of soakaways, as a means of surface water disposal, should first be ascertained in accordance with BRE Digest 365 or other approved methodology.
- If soakaways are not feasible, then Airedale Drainage Commissioners may consider a proposal to discharge surface water to a watercourse (directly or indirectly) at a discharge rate of no more than 1 litres per second.
- Storage volume should accommodate a 1:30 year event with no surface flooding and no overland discharge off the site in a 1:100 year event. A 30% allowance for climate change should be included in all calculations. A range of durations should be used to establish the worst-case scenario.

Reason: To ensure the development is provided with satisfactory means of drainage and to reduce the risk of flooding.

4. Development shall not commence until a construction methodology has been submitted to and approved in writing by the Local Authority. The construction methodology shall demonstrate consultation with the Asset Protection Project Manager at Network Rail. The development shall thereafter be carried out in accordance with the approved construction methodology unless otherwise agreed in writing by the Local Planning Authority.

Reason: The safety, operational needs and integrity of the railway.

5. Except for investigative works, no excavation or other groundworks or the depositing of material on site in connection with the construction of any road or any structure or apparatus which will lie beneath the road must take place on any phase of the road construction works, until full detailed engineering drawings of all aspects of roads and sewers for that phase, including any structures which affect or form part of the highway network, and a programme for delivery of such works have been submitted to and approved in writing by the Local Planning Authority.

The development must only be carried out in compliance with the approved engineering drawings.

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

6. Prior to commencement of development, the following schemes of off-site highway mitigation measures must be completed as indicated below:

- Junction improvement works description at Land To South East New Laithe Farm Station Road Cross Hills Keighley BD20 7DT

For each scheme of off-site highway mitigation, except for investigative works, no excavation or other groundworks or the depositing of material on site in connection with the construction of any scheme of off-site highway mitigation or any structure or apparatus which will lie beneath that scheme must take place, until full detailed engineering drawings of all aspects of that scheme including any structures which affect or form part of the scheme have been submitted to and approved in writing by the Local Planning Authority.

An independent Stage 2 Road Safety Audit carried out in accordance with GG119 - Road Safety Audits or any superseding regulations must be included in the submission and the design proposals must be amended in accordance with the recommendations of the submitted Safety Audit.

A programme for the delivery of that scheme and its interaction with delivery of the other identified schemes must be submitted to and approved in writing by the Local Planning Authority.

Each item of the off-site highway works must be completed in accordance with the approved engineering details and programme.

Reason: To ensure that the design is appropriate in the interests of the safety and convenience of highway users.

7. No development shall take place until a scheme for the provision of wheel washing facilities to be operated during the construction period has been submitted to and approved in writing by the Local Planning Authority.

These facilities must be kept in place in full working order and available for use whilst the site is operational. All vehicles involved in the transport of waste materials or finished products from the site must leave the site through the wheel washing facility so that no mud or waste materials are deposited on the public highway.

Reason: To ensure that satisfactory provisions are made for wheel washing facilities for construction traffic in order to prevent material trailing onto the highway in the interests of highway safety and visual amenity in accordance with the requirements of Craven Local Plan Policy ENV3 and the National Planning Policy Framework.

### **Before the Development is Occupied**

8. Prior to first occupation, the developer must provide a suitable trespass proof fence adjacent to Network Rail's boundary (approx. 1.8m high) and make provision for its future renewal and maintenance.

Network Rail's existing fencing/wall must not be removed or damaged.

Reason: The safety, operational needs and integrity of the railway.

9. Prior to first occupation, the developer must provide a suitable vehicle incursion measure. This should be located where vehicles may be in a position to drive/roll on to the railway or damage the lineside fencing.

Network Rail's existing fencing / wall must not be removed or damaged.

Reason: The safety, operational needs and integrity of the railway.

10. No part of the development must be brought into use until the access, parking, manoeuvring and turning areas for all users at Land To South East New Laithe Farm Station Road Cross Hills Keighley BD20 7DT have been constructed in accordance with the details approved in writing by the Local Planning Authority. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason: To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.

### **During Building Works**

11. The development hereby approved will be constructed in accordance with the materials detailed on the approved plans.

Reason: To ensure use of appropriate materials which are sympathetic to the character of surrounding buildings and the street scene in the interests of visual amenity in accordance with the requirements of Craven Local Plan Policy ENV3 and the National Planning Policy Framework.

### **Ongoing Conditions**

12. Unless alternative details have first been submitted to and approved in writing by the Local Planning Authority, the landscaping scheme for the site shown on drawing no. P2176-009A shall be carried out during the first planting season after the development is substantially completed and the areas which are landscaped shall be maintained as landscaped areas thereafter in accordance with the details shown on the approved plan. Any trees, hedges or shrubs removed, dying, being severely

damaged or becoming seriously diseased within five years of planting shall be replaced by trees, hedges or shrubs of similar size and species to those originally required to be planted.

Reason: To ensure appropriate landscaping of the site in the interests of visual amenity, to enhance the character of the street scene and to provide biodiversity enhancements in accordance with the requirements of Craven Local Plan Policy ENV4 and the National Planning Policy Framework

13. No site preparation, delivery of materials or construction works, other than quiet internal building operations such as plastering and electrical installation, shall take place other than between 08:00 hours and 18:00 hours Monday-Friday and between 08:00 hours and 13:00 hours on Saturdays.

Reason: To safeguard the amenities of occupiers of surrounding properties during construction of the development and to limit the potential for unacceptable noise and disturbance at unsocial hours in accordance with the requirements of Craven Local Plan Policy ENV3 and the National Planning Policy Framework

14. The premises shall only be open for trade or business (including deliveries) between 0900 hours and 2100 hours Monday to Saturday and between 0900 hours and 1500 hours on Sundays.

Reason: To limit the potential for noise generation during unsocial hours and to prevent nuisance arising in order to safeguard the amenity of the occupiers of surrounding residential properties in accordance with the requirements of Craven Local Plan Policy ENV3 and the National Planning Policy Framework

15. Unless alternative details have first been submitted to and approved in writing by the Local Planning Authority, any external lighting on the site shall be installed in accordance with the lighting scheme indicated on drawing no. P2176-011 A.

Reason: To ensure that any external lighting to be installed at the site does not cause a nuisance to surrounding occupiers or detract from visual amenity in the surrounding area as a result of light pollution in accordance with the requirements of Craven Local Plan policy ENV3 and the National Planning Policy Framework.

16. The refuse area shown on drawing no. P2176-007A shall be constructed in accordance with the details (including its size, height, siting, design and materials) indicated on the approved plans and made available for use before the building hereby approved is first occupied. The duly constructed refuse area shall be retained as such thereafter.

Reason: To ensure the provision of satisfactory facilities for the storage of refuse in the interests of visual amenity in accordance with the requirements of Craven Local Plan policy ENV3 and the National Planning Policy Framework.

17. The development hereby permitted shall be carried out in accordance with the submitted Biodiversity Net Gain Report prepared by Envirotech and dated 7th December 2022, to ensure that there is a net gain in biodiversity within a 30-year period as a result of the development and the Plan shall be implemented in full.

Monitoring reports will be submitted to the Council during years 5, 10, 20 and 30 from the commencement of development unless otherwise stated in the Biodiversity Management Plan, demonstrating how the BNG is progressing towards achieving its objectives, evidence of arrangements and any rectifying measures needed.

Reason: In the interests of ensuring measurable net gains to biodiversity and in accordance with Policy ENV4 of the Craven Local Plan Strategic Policies 2012 - 2032 and the National Planning Policy Framework 2023.

18. Doors and other openings shall be kept shut (other than for access and egress).

Reason: To limit the potential for noise generation during unsocial hours and to prevent nuisance arising in order to safeguard the amenity of the occupiers of surrounding residential properties in accordance with the requirements of Craven Local Plan Policy ENV3 and the National Planning Policy Framework.

19. The premises must be designed to ensure that music, PA systems and other ancillary noise i.e. verbal instructions from the teachers/instructors, from the premises is controlled so as to be inaudible at the boundary with the closest noise sensitive premises. Inaudibility is defined as:

- Entertainment Noise Level, LAeq (1 minute) should not exceed Representative Background Noise Level, LA90;
- Entertainment Noise Level, L10 (5 minutes) should not exceed Representative Background Noise Level, L90, in any 1/3 octave band from 40Hz to 160Hz

Reason: To limit the potential for noise generation during unsocial hours and to prevent nuisance arising in order to safeguard the amenity of the occupiers of surrounding residential properties in accordance with the requirements of Craven Local Plan Policy ENV3 and the National Planning Policy Framework.

20. Any system required for the ventilation of the building shall only be installed in accordance with a scheme which has first been submitted to and approved in writing by the Local Planning Authority.

The scheme shall include: (i) details of the siting, design and finish (including colour treatment) of any internal or external equipment; (ii) measures to attenuate noise and minimise vibration arising from its operation; (iii) manufacturer's operating instructions; and (iv) a programme of equipment servicing/maintenance.

The system shall thereafter be installed in accordance with the duly approved scheme and the ventilation equipment shall be operated, maintained and where necessary repaired in accordance with the manufacturer's instructions and programme of equipment servicing/maintenance.

Reason: In the interests of the amenity of neighbouring occupiers and to ensure that any ventilation can be accommodated without detriment to the character and appearance of the host building and surrounding area in accordance with the requirements of Craven Local Plan policy ENV3 and the National Planning Policy Framework.

### **Informative(s)**

1. **Statement of Positive Engagement:**

In dealing with this application North Yorkshire Council (Craven) has sought to approach the decision making process in a positive and creative way, in accordance with the requirements of paragraph 38 of the NPPF.

2. **Network Rail Standard Informatives**

Please note, not all of these requirements may be applicable to this development:

#### Fail Safe Use of Crane and Plant

All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a "fail safe" manner such that in the event of mishandling, collapse or failure, no materials or plant are capable of falling within 3.0m of the nearest rail of the adjacent railway line, or where the railway is electrified, within 3.0m of overhead electrical equipment or supports.

With a development of a certain height that may/will require use of a crane, the developer must bear in mind the following. Crane usage adjacent to railway infrastructure is subject to stipulations on size, capacity etc. which needs to be agreed by the Asset Protection Project Manager prior to implementation.

#### Excavations/Earthworks

All excavations/ earthworks carried out in the vicinity of Network Rail property/ structures must be designed and executed such that no interference with the integrity of that property/ structure can occur. If temporary works compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Network Rail. Prior to commencement of works, full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence should be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker and the works shall only be carried out in accordance with the approved details. Where development may affect the railway, consultation with the Asset Protection Project Manager should be undertaken. Network Rail will not accept any liability for any settlement, disturbance or damage caused to any development by failure of the railway infrastructure nor for any noise or vibration arising from the normal use and/or maintenance of the operational railway. No right of support is given or can be claimed from Network Rail's infrastructure or railway land.

#### Security of Mutual Boundary

Security of the railway boundary will need to be maintained at all times. If the works require temporary or permanent alterations to the mutual boundary the applicant must contact Network Rail's Asset Protection Project Manager.

#### Demolition

Any demolition or refurbishment works must not be carried out on the development site that may endanger the safe operation of the railway, or the stability of the adjoining Network Rail structures. The demolition of buildings or other structures near to the operational railway infrastructure must be carried out in accordance with an agreed method statement. Approval of the method statement must be obtained from Network Rail's Asset Protection Project Manager before the development can commence.

#### Vibro-impact Machinery

Where vibro-compaction machinery is to be used in development, details of the use of such machinery and a method statement should be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker prior to the commencement of works and the works shall only be carried out in accordance with the approved method statement.

#### Scaffolding

Any scaffold which is to be constructed within 10 metres of the railway boundary fence must be erected in such a manner that at no time will any poles over-sail the railway and protective netting around such scaffold must be installed.



### Bridge Strikes

Applications that are likely to generate an increase in trips under railway bridges may be of concern to Network Rail where there is potential for an increase in 'Bridge strikes'. Vehicles hitting railway bridges cause significant disruption and delay to rail users. Consultation with the Asset Protection Project Manager is necessary to understand if there is a problem. If required there may be a need to fit bridge protection barriers which may be at the developer's expense.

### Abnormal Loads

From the information supplied, it is not clear if any abnormal loads will be using routes that include any Network Rail assets (e.g. bridges and level crossings). We would have serious reservations if during the construction or operation of the site, abnormal loads will use routes that include Network Rail assets. Network Rail would request that the applicant contact our Asset Protection Project Manager to confirm that any proposed route is viable and to agree a strategy to protect our asset(s) from any potential damage caused by abnormal loads. I would also like to advise that where any damage, injury or delay to the rail network is caused by an abnormal load (related to the application site), the applicant or developer will incur full liability.

### Two Metre Boundary

Consideration should be given to ensure that the construction and subsequent maintenance can be carried out to any proposed buildings or structures without adversely affecting the safety of, or encroaching upon Network Rail's adjacent land, and therefore all/any building should be situated at least 2 metres from Network Rail's boundary. This will allow construction and future maintenance to be carried out from the applicant's land, thus reducing the probability of provision and costs of railway look-out protection, supervision and other facilities necessary when working from or on railway land.

### ENCROACHMENT

The developer/applicant must ensure that their proposal, both during construction, and after completion of works on site, does not affect the safety, operation or integrity of the operational railway, Network Rail and its infrastructure or undermine or damage or adversely affect any railway land and structures. There must be no physical encroachment of the proposal onto Network Rail land, no over-sailing into Network Rail airspace and no encroachment of foundations onto Network Rail land and soil. There must be no physical encroachment of any foundations onto Network Rail land. Any future maintenance must be conducted solely within the applicant's land ownership. Should the applicant require access to Network Rail land then must seek approval from the Network Rail Asset Protection Team. Any unauthorised access to Network Rail land or airspace is an act of trespass and we would remind the council that this is a criminal offence (s55 British Transport Commission Act 1949). Should the applicant be granted access to Network Rail land then they will be liable for all costs incurred in facilitating the proposal.

### Access to the Railway

All roads, paths or ways providing access to any part of the railway undertaker's land shall be kept open at all times during and after the development.

### Standard Drainage Requirements

We ask that all surface and foul water drainage from the development area be directed away from Network Rail's retained land and structures into suitable drainage

systems, the details of which are to be approved by Network Rail before construction starts on site.

Water must not be caused to pond on or near railway land either during or after any construction-related activity.

The construction of soakaways for storm or surface water drainage should not take place within 20m of the Network Rail boundary. Any new drains are to be constructed and maintained so as not to have any adverse effect upon the stability of any Network Rail equipment, structure, cutting or embankment.

The construction of soakaways within any lease area is not permitted.

The construction of surface water retention ponds/tanks, SuDS or flow control systems should not take place within 20m of the Network Rail boundary where these systems are proposed to be below existing track level. Full overland flow conditions should be submitted to Network Rail for approval prior to any works on site commencing.

The construction of surface water retention ponds/tanks, SuDS or flow control systems should not take place within 30m of the Network Rail boundary where these systems are proposed to be above existing track level. Full overland flow conditions should be submitted to Network Rail for approval prior to any works on site commencing.

If a Network Rail-owned underline structure (such as a culvert, pipe or drain) is intended to act as a means of conveying surface water within or away from the development, then all parties must work together to ensure that the structure is fit for purpose and able to take the proposed flows without risk to the safety of the railway or the surrounding land.

Wayleaves and or easements for underline drainage assets

The position of any underline drainage asset shall not be within 5m of drainage assets, sensitive operational equipment such as switches and crossings, track joints, welds, overhead line stanchions and line side equipment, and not within 15m of bridges, culverts, retaining walls and other structures supporting railway live loading.

Protection of existing railway drainage assets within a clearance area

There are likely to be existing railway drainage assets in the vicinity of the proposed works. Please proceed with caution.

No connection of drainage shall be made to these assets without Network Rail's prior consent to detailed proposals. Any works within 5m of the assets will require prior consent.

There must be no interfering with existing drainage assets/systems without Network Rail's written permission.

The developer is asked to ascertain with Network Rail the existence of any existing railway drainage assets or systems in the vicinity of the development area before work starts on site. Please contact Asset Protection

[assetprotectioneastern@networkrail.co.uk](mailto:assetprotectioneastern@networkrail.co.uk) for further information and assistance.

3. Applicants are reminded that in addition to securing planning permission other permissions may be required from North Yorkshire County Council as Local Highway Authority. These additional permissions can include, but are not limited to: Agreements under Sections 278, 38, and 184 of the Highways Act 1980; Section 38 of the Commons Act 2006, permissions through New Roads and Streetworks Act 1991 and Local Authorities' Traffic Orders (Procedure) (England and Wales)

Regulations 1996 (as amended and including all instruments, orders, plans, regulations and directions).

Further information on these matters can be obtained from the Local Highway Authority. Other permissions may also be required from third parties. It is the applicant's responsibility to ensure all necessary permissions are in place.

4. It is recommended that in order to avoid abortive work, discussions are held between the applicant, the Local Planning Authority and the Local Highway Authority before a draft layout is produced and any detailed planning submission is made.

To assist, the Local Highway Authority can provide a full list of information required to discharge this condition. It should be noted that approval to discharge the condition does not automatically confer approval for the purposes of entering any Agreement with the Local Highway Authority.

The agreed drawings must be approved in writing by the Local Planning Authority for the purpose of discharging this condition.

5. Notwithstanding any valid planning permission for works to amend the existing highway, there must be no works in the existing highway until an Agreement under Section 278 of the Highways Act 1980 has been entered into between the Developer and North Yorkshire Council as the Local Highway Authority. To carry out works within the highway without a formal Agreement in place is an offence.
6. The proposals should cater for all types of vehicles that will use the site. The parking standards are set out in North Yorkshire Council's 'Interim guidance on transport issues, including parking standards' and subsequent amendments available at <https://www.northyorks.gov.uk/sites/default/files/2023-05/Interim%20guidance%20on%20transport%20issues%20including%20parking%20standards%20-%20accessible.pdf>

7. Charging Points

The applicant/developer is advised that in the interests of promoting sustainable travel opportunities electric vehicle charging points should be provided.

8. Noise

The applicant needs to have regard to the BS8233:2014 Guidance on 'Sound Insulation and Noise Reduction for Buildings' which presents guideline noise levels for both inside and outside dwellings.

**Target Determination Date:** 29<sup>th</sup> June 2023

**Extension of Time Date:** 8<sup>th</sup> December 2023.

**Case Officer:** Mr Owen Holmes

**Email:** [Owen.Holmes@northyorks.gov.uk](mailto:Owen.Holmes@northyorks.gov.uk)

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## North Yorkshire Council

### Community Development Services

#### Skipton and Ripon Area Constituency Committee

**05 DECEMBER 2023**

**ZC23/02219/FUL – PROPOSED ADDITIONAL MOT AND SERVICE BUILDING TO SERVE EXISTING AUTO SERVICES BUSINESS INCLUDING REMOVAL OF EXISTING OVERFLOW CAR PARK AT GRAYSTON PLAIN FARM, GRAYSTON PLAIN LANE, FELLISCLIFFE, HG3 2LY ON BEHALF OF SIMON GRAEME AUTOS LTD**

**Report of the Corporate Director – Community Development Services**

**1.0 Purpose of the Report**

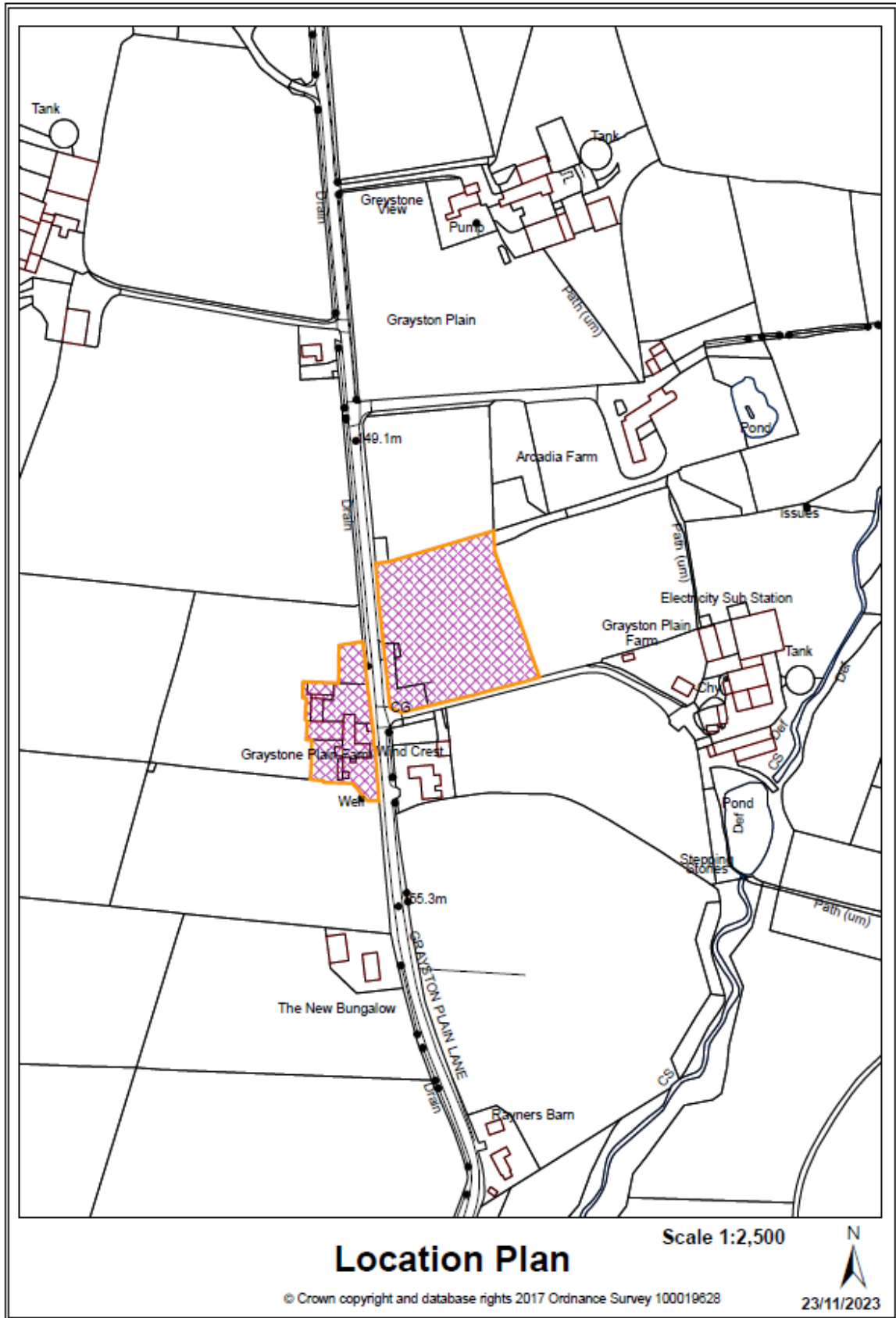
- 1.1 To determine a planning application for the erection of an additional MOT and Service Building to serve the existing Auto Services Business including the removal of the existing overflow car park on land at Grayston Plain Farm, Grayston Plain Lane, Felliscliffe, HG3 2LY.
- 1.2 This application was brought to the Area Planning Committee on 3<sup>rd</sup> October 2023 recommended for refusal and was deferred for the applicant to revise the landscaping scheme and provide additional information in relation to drainage and sustainability of design.

**2.0 EXECUTIVE SUMMARY**

**RECOMMENDATION: That planning permission be GRANTED subject to conditions**

- 2.1. This application seeks Full Planning Permission for the erection of an additional MOT and Service building, hardstanding and landscaping to be erected within an open field on the opposite side of the Grayston Plain Lane to the existing garage operation.
- 2.2. The site of the existing operation is located within the Nidderdale National Landscape (the new name for the Nidderdale Area of Outstanding Natural Beauty (AONB)). An area of hardstanding within the site is proposed to be returned to grassland. The proposed building would be located outside the AONB but immediately adjacent to it. Both sites are outside 'development limits' defined in the Local Plan.
- 2.3. The site is approximately 1.3 miles outside of Hampsthwaite (32 mins walk) and 3 miles (1 hr 10 min walk) from Harrogate. There is no public transport route that serves the site. A bus travels along the A59 but the nearest stop is approximately 32 mins walk away.
- 2.4. A previous scheme for the relocation of the entire operation to the application site was refused (case reference 22/04501/FUL).
- 2.5. It is considered that the proposal would have an economic benefit to the area and that following the revisions to the landscaping proposal and the provision of additional

information in relation to sustainability of design and waste that the proposal would meet the requirements of Local Plan Policy EC2 in relation to the expansion of an existing business in the countryside.



### **3.0 Preliminary Matters**

- 3.1. Access to the case file on Public Access can be found [here](#).
- 3.2. Pre-application advice on the development of the site was provided under pre-application enquiry case reference 21/02730/PREMIM. This raised an in principle objection and directed the applicant to relevant planning permissions in place for sites that may meet their needs.
- 3.3. There are 5 relevant planning applications for this application which are detailed below.

22/04501/FUL Proposed relocation of auto services business comprising new building with associated parking and landscaping together with demolition of existing MOT building and removal of car park. REFUSED 26.01.2023.

10/04681/FUL Retrospective change of use from agricultural land and retention of hardstanding for use as staff parking area in association with motor vehicle maintenance business and at other times for a livestock loading and unloading area. GRANTED 22.10.2010.

03/03154/FUL Change of use of agricultural building to form motor vehicle workshop. GRANTED 02.09.2003

00/03699/FUL Erection of building for use as motor vehicle service facility (Class B2). GRANTED 11.01.2001

96/00699/COU Change of Use of agricultural storage building to vehicular maintenance building. GRANTED 29.10.1997

### **4.0 Site and Surroundings**

- 4.1. The application site relates to the existing business premises situated at Grayston Plain Farm, which provides auto servicing and repair facilities, and a large open field situated to the northwest of the site across the highway – Grayston Plain Lane. The application site is approximately 0.5 ha in size, the existing operation covers 0.14ha.
- 4.2. Both sites are situated outside defined ‘development limits’ and are therefore considered to be located in open countryside for planning purposes. The existing business site occupies a number of sheds adjacent to the farmhouse, some of which were previously agricultural buildings and are located within the Nidderdale AONB.
- 4.3. The proposed site of the additional accommodation is located outside the Nidderdale AONB but adjoins the boundary with the designated landscape.
- 4.4. A small car park has been created within a small section of the open field, however, there is no evidence that planning permission has been obtained for the change of use or the hardstanding.



- 4.5. A domestic property exists immediately opposite the existing site and to the south of the proposed site. A small access runs along the south of the open field to provide access to this property and the farm beyond.
- 4.6. A public footpath runs to the east of the site beyond the site boundary.
- 4.7. The site is approximately 1.3 miles outside of Hampsthwaite (32 mins walk) and 3 miles (1 hr 10 min walk) from Harrogate. There is no public transport route that serves the site. A bus travels along the A59 but the nearest stop is approximately 32 mins walk away.

## **5.0 Description of Proposal**

- 5.1. This application seeks Full Planning Permission for the erection of an additional MOT and Service building to be used in conjunction with the existing operation. The application site comprises of just over 0.5 ha and would include an upgraded access, parking for 13 no. cars plus additional hardstanding.
- 5.2. The building proposed is 565sqm in footprint with a volume of 4750m<sup>3</sup>. The building is 25.8m in length by 21.4m in width. The building stands 6.16m to the eaves and 10.72m to the ridge and provides 2 large MOT Bays plus 5 smaller bays at ground floor and a mezzanine teaching and observation area at first floor.
- 5.3. The proposal retains the existing enterprise on the original site and the customer reception. The proposal also includes the removal of an area of hardstanding presently used for overflow car parking on the existing site and its return to grassland.
- 5.4. The application is supported by a Landscape and Ecology Strategy; Landscape Visual Assessment; Transport Strategy, a planning statement and a statement from the applicant.
- 5.5. Following the deferral of the application from a previous committee meeting, the application is now supported by an updated landscape and ecology strategy and landscape plan; a revised site layout; updated elevational details including solar panels; additional sustainability information; drainage information and details of proposed materials.
- 5.6. A previous scheme for the relocation of the entire operation was refused under case reference 22/04501/FUL. The current scheme differs from the previous refusal as the previous proposal was to move the entire operation, which will now be split between the two sites. The building was slightly larger having a footprint of 753 sq m; the previous building was 32m in length but smaller in width at 20.8m. The proposal provided the same level of bays but also included a reception and store area. The building height remains the same as that previously proposed and there is a small reduction of 3 no. spaces in terms of hardstanding.
- 5.7. The previous application was refused for the following reasons:

1. *The application site is located within 'open countryside' in an area where development is only acceptable in line with Local Plan Policy GS3 where expressly permitted by either national or local policy. The proposed development is considered to be unsustainably located, with no demonstrated need for a rural location, and thus is contrary to Policies EC3 and GS3 of the Local Plan and undermines the District's growth strategy as set out in Local Plan Policy GS2.*
2. *By virtue of its scale and the introduction of built development into an open landscape the proposal is considered to create a significant level of landscape harm to both the open countryside and the views into and out of the Nidderdale AONB and would therefore be contrary to Local Plan Policies GS6, NE4 and EC3.*

## **6.0 Planning Policy and Guidance**

- 6.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning authorities must determine each application under the Planning Acts in accordance with Development Plan so far as material to the application unless material considerations indicate otherwise.

### Adopted Development Plan

- 6.2. The Adopted Development Plan for this site is:

- Harrogate District Local Plan 2014-2035, adopted 4th March 2020
- Minerals and Waste Joint Plan, adopted 2022

### Emerging Development Plan – Material Consideration

- 6.3. The North Yorkshire Local Plan is the emerging development plan for this site though no weight can be applied in respect of this document at the current time as it is at an early stage of preparation.

### Guidance - Material Considerations

- 6.4. Relevant guidance for this application is:

- National Planning Policy Framework 2021
- National Planning Practice Guidance
- National Design Guide 2021
- Landscape Character Assessment
- Nidderdale AONB Management Plan

## **7.0 Consultation Responses**

- 7.1. The following consultation responses have been received and have been summarised below.
- 7.2. **Parish Council:** Does not object or support the application that seeks safeguards that the work is carried out in accordance with the submitted details.

- 7.3. **Economic Development:** Support the proposal to allow a local business to continue to operate and confirm that there is a lack of suitable alternative locations close by to the site.
- 7.4. **Environment Agency** – No comments received
- 7.5. **Environmental Health:** Recommend conditions in relation to noise; waste storage and unforeseen land contamination. In addition, in relation to the additional drainage information a condition is recommended to ensure that a trap system is used to ensure that any waste fuels and debris can be removed before access to the drainage system and the watercourse.
- 7.6. **Highways:** Recommend that the existing car parking is not removed until the new development is completed as there are 12 spaces in this overflow area which would be lost. Recommend conditions in relation to visibility; access arrangements; parking and turning and provision of a construction management plan for the site.
- 7.7. **Landscape Officer:** Following the submission of an amended landscaping scheme, the landscape officer has removed the landscape objection to the scheme, subject to a number of small amendments to the scheme which can be agreed via condition.
- 7.8. **Natural England:** Raise no objections but refer to the guidance with regards to protected landscapes – Nidderdale AONB.
- 7.9. **Yorkshire Water:** The proposal is not in an area served by any public sewerage network. The application should be referred to the Environment Agency and Environmental Health.

#### Local Representations

- 7.10. 55 local representations have been received in support. A summary of the comments is provided below, however, please see website for full comments.
- 7.11. Support:
- Refusal would lead to a loss of an important community facility
  - New build should be an evolving part of the landscape of the AONB
  - Proposal provides employment opportunities
  - Losing this facility or its relocation further away would increase travel for customers which would be inconvenient and would increase congestion.
  - Support rural businesses
  - There should be a balanced approach between the need to conserve the landscape and economics
  - The proposal is a similar design to an agricultural building
  - Protecting the landscape of the AONB should not be at the sacrifice to local businesses
  - Proposal meets Council policy
  - Electric charging would be a community benefit
  - Proposal is not in the AONB and would have no significant impact
- 7.12 Two letters of objection has been received from nearby residents on the following grounds:

- In respect of councillor Andrew Williams statement "Nidderdale AONB should be a place for people to live and work and not a museum for townies to visit on a weekend". We agree to this to a certain extent as there are five farms which have been worked for generations within half a mile of the proposed site and who use this narrow country lane on a daily basis all year round.... These vehicles have become larger over the decades and with all the extra vehicles generated with the already existing garage this narrow lane with no street lighting and footpaths is already very dangerous for anyone on foot.
- The impact of the proposal on so many people's traditional ways of working and lifestyle.

## **8.0 Environment Impact Assessment (EIA)**

- 8.1. The development proposed does not fall within Schedule 1 or 2 of the Environmental Impact Assessment Regulations 2017 (as amended). No Environment Statement is therefore required.

## **9.0 Main Issues**

- 9.1. The key considerations in the assessment of this application are:

- Principle of development
- Impact on Landscape Character and the Nidderdale AONB
- Highways
- Drainage
- Residential Amenity
- Ecology
- Other matters

## **10.0 ASSESSMENT**

### Principle of Development

- 10.1. The National Planning Policy Framework 2023 (NPPF) sets out the Government's planning policies for England and how these are expected to be applied. Planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework is a material consideration in planning decisions. There is a presumption in favour of sustainable development and the NPPF advises that there are three dimensions to sustainable development: economic; social and environmental.
- 10.2. Paragraph 84 of the NPPF sets out that planning decisions should support a prosperous rural economy through sustainable growth, sustainable rural tourism which respect the character of the countryside and farm diversification schemes.
- 10.3. The application site comprises of an existing auto servicing business involving the change of use of two agricultural buildings on the site in 1999 and again in 2003, along with an additional building approved in 2000. Further parking and hardstanding was

approved retrospectively in 2010. The existing site provides 330 sq m of floorspace and 4 servicing bays. This section of the site is within the Nidderdale AONB.

- 10.4. The site for the proposed expansion is set across Grayston Plain Lane from the present operation in a large open field, which is located outside the AONB but abuts the boundary of the protected landscape designation.
- 10.5. Both parts of the site are outside defined development limits as set out in Local Plan Policies GS2 and GS3. Outside development limits, proposal for new development will only be supported where expressly permitted by other policies of the plan, a neighbourhood plan or national plan.
- 10.6. Local Plan Policy EC2 supports the expansion of existing businesses in open countryside where it meets certain criteria:
  - A. There is a proven need for such development in terms of business opportunity or operational requirements;
  - B. The proposed development cannot physically and reasonably be accommodated within the curtilage of the existing site;
  - C. The scale of development is appropriate in the proposed location;
  - D. There is no unacceptable impact on the character of the countryside, the surrounding landscape, the form and character of the settlement or biodiversity;
  - E. There is no unacceptable impact on the operation of the highway network;
  - F. There are no significant adverse impacts on residential amenity.
- 10.7. The planning statements sets out the need for the development in terms of allowing the existing business to expand to meet new business needs for larger vehicles and electric and hybrid vehicles, and this is supported by the Council's Economic Development Team.
- 10.8. The applicant's statement sets out that the business has a customer base of over 5,500. The planning statement continues that the majority of customers are located within the HG3 postcode (2231), however, this is less than half of the 5,500 customers set out in the applicant's statement. The planning statement shows that a further 1909 customers come from other Harrogate post codes. Evidence from the previously refused application 22/04501/FUL showed that some customers travel considerable distances from elsewhere in North and West Yorkshire to use the service.
- 10.9. The Council's Economic Development Team confirmed in their consultation response that there is a limited amount of suitable sites for the development in the local area.
- 10.10. Following on from this consultation response the case officer became aware of new units being available within the HG3 postcode (Pannal) (approximately 8 miles from the site). The applicant has verbally commented that these are logistically unsuitable as they do not believe that the client base would travel to this location and for their staff to travel to work. This is backed up by the Economic Development Team.
- 10.11. Since the previous report was brought before committee, a light industrial unit is also now available at Bardner Bank, less than 1 mile from the application site, however, the

applicant has stated that the owner of the site does not want a garage use on the site and that there is insufficient parking provision.

- 10.12. In addition, a large garage/warehouse building has recently been put on the market at Pateley Bridge, which was previously used for the sale and servicing of vehicles, however, the applicant states that this building is not large enough to provide the required operational space and the existing garage use has moved out to larger premises as this was too small for their needs.
- 10.13. The planning statement provides evidence of where the present staff are located which ranges from Summerbridge to Spofforth. Due to the fact that there is no public transport servicing the site then it is likely to expect that most staff already travel to work using a private vehicle.
- 10.14. Whilst it is accepted that there is an operational need for expansion, the need for the level of expansion proposed was originally queried. The existing site is 0.14ha and provides reception, offices and 4 no servicing bays. The proposal is to expand the site to include an additional 0.52 ha.
- 10.15. The proposed building will provide 5 bays plus 2 larger MOT bays. This is the same level of MOT and servicing accommodation as that within the previously refused application for the wholesale relocation of the enterprise despite the fact that they are retaining the 4 no. existing servicing bays on the existing site. It is understood that further bays are required for the larger vehicles and the growing number of electric and hybrid vehicles.
- 10.16. On the basis of the above it is considered that there is an operational need for expansion, which cannot be accommodated within the existing site, and there are presently no alternative sites available that could meet this need. The proposal is therefore considered to comply with Criterion A and B of Local Plan Policy EC2.
- 10.17. As set down further in this report it is also considered that Criterion E and F can be met, and that following amendments to the proposed landscaping scheme the proposal can now meet Criterion C and D of Local Plan Policy EC2.
- 10.18. On the basis of the above, the proposal is considered to be in accordance with Local Plan Policy EC2.
- 10.19. The two sites are not tied together with the exception of the reception facilities and therefore could operate independently and would require a condition to ensure that the two operations remained tied together, to ensure that a new enterprise is not created on the site.
- 10.20. It is recommended that the operating hours of the business are conditioned to remain the same as those of the existing enterprise under planning approval 21/04289/COU.
- 10.21. *Economic and Social Benefits*

- 10.22. The NPPF states that there is a presumption in favour of sustainable development and advises that there are three dimensions to sustainable development: economic; social and environmental.
- 10.23. The proposal is for an expansion to an existing rural business which presently provides employment for 11 persons and would provide an additional 5 no. employment opportunities once the expansion was completed.
- 10.24. The existing business provides a service to those located locally which does not require them to travel into Harrogate or beyond, thereby improving convenience for the local community and reducing mileage for those who are coming from the immediate vicinity.
- 10.25. The business also provides an economic benefit from those customers who travel from outside the local area to use the services provided.
- 10.26. The inability to expand the business or find a suitable alternative location would have a significant impact upon the ability of the business to expand or survive as the automotive industry needs change into the future.
- 10.27. The proposal therefore provides an economic and social benefit to the local economy and community.

#### Impact on Landscape Character and the Nidderdale National Landscape - AONB

- 10.28. The existing site is situated within the Nidderdale National Landscape - AONB and the proposed site is located adjacent to the designated landscape. Both sites are in open countryside and therefore Policies GS6 and NE4 that seek to preserve the AONB and wider landscape character are considered to be relevant, along with policy HP3 which seeks to preserve local distinctiveness.
- 10.29. NPPF paragraphs 176 and 177 state that 'great weight should be given to conserving and enhancing landscape and scenic beauty' in the AONB and that 'permission should be refused for major development'.
- 10.30. The site is located within Landscape Character Area No 24 'Lower Nidderdale Valley north west of Harrogate' of the Council's Landscape Character Assessment. The assessment states that the 'area's ability to accept change without harm to its character is limited, especially where development would be visible' and notes that 'the landscape contains many scattered buildings and has a limited capacity to accept additional built development without detriment to landscape character through coalescence' and notes that 'additional individual buildings between settlements will impact on rural character, as would the domestication of the few field barns remaining'.
- 10.31. The Landscape Officer states: *'The site to the east is a farm field in open countryside immediately adjacent to Nidderdale AONB to which Greyston Lane forms the boundary and is bounded by stone walls, hedgerows and fencing. It is relatively open in nature and slightly elevated from land to the north and east. The Landscape of Nidderdale Valley is characterised as having extensive views and an intimate and diverse landscape pattern with random fields typical of early enclosure. The site and it's*

*immediate setting is characteristic of the described Landscape being a small field within a pattern of small fields with an eclectic mix of boundary treatments and associated hedgerow trees. Whilst there is an area of woodland to the north of the site the field is not planted and the immediate landscape of the site and the surroundings is not significantly characterised by woodland except where associated with Cockhill Beck nearby'.*

- 10.32. The proposal is to erect a two storey building on an area of open land with the provision of a large area of hardstanding to the frontage of the building to provide parking, turning and storage areas. An area of hardstanding on the existing site is proposed to be returned to grassland.
- 10.33. The scale of the building is significantly larger than any of the neighbouring buildings and will be introduced into an open landscape. The proposal takes its design from that of agricultural buildings, however, due to the large car parking area adjacent to the highway and the overall commercial appearance, it may be seen as more of a commercial building in the landscape than an agricultural one.
- 10.34. The submitted LVA notes that the visual impacts of the development without landscaping will be 'moderately adverse'. With landscaping this is reduced to 'minor adverse'.
- 10.35. The Landscape Officer has stated that she is in agreement with the 'moderately adverse' assessment of the proposal but the original landscaping scheme was considered to be inappropriate to the surrounding landscape.
- 10.36. Following the Committee's decision to defer the application for landscaping to be addressed, two further landscaping schemes have been provided. The first was not considered to address these concerns but the latest proposal provides a scheme which follows the traditional field pattern with planting to provide additional hedgerows and planting within the hedgerows.
- 10.37. The Landscape Officer has considered the revised landscaping scheme and has verbally agreed that subject to some alterations to species mix and additional planting to the frontage of the site, that the proposed landscaping scheme would be acceptable and that the landscape objection would be removed. The alterations to the landscaping scheme can be achieved via a condition should the application be approved.
- 10.38. Further details of the proposed materials have also been submitted as requested by the Committee including a photograph of the proposed timber cladding and stonework. This is considered to be an acceptable material and would help to reduce the visual impact of the proposal.
- 10.39. It is considered expedient that any approval requires samples of all external materials to be submitted to the LPA for approval prior to use in the construction.
- 10.40. Whilst it is considered that the building is large scale in comparison with the existing farmsteads and adjacent domestic properties and whilst it would be preferable for the building to be smaller, it is considered that with the amended landscaping scheme and



confirmation of materials, the landscape harm caused by the proposed building can be adequately mitigated and would therefore be in accordance with Local Plan Policy NE4.

- 10.41. A public footpath runs to the east of the proposed site and the proposal would be visible from this position.
- 10.42. In addition, whilst the proposed building is not situated within the AONB it is located on land immediately adjacent to the AONB. The NPPF states at paragraph 176 that 'great weight should be to conserving and enhancing landscape and scenic beauty in ...Areas of Outstanding Natural Beauty' and continues that 'development within their setting should be sensitively located and designed to avoid or minimise adverse impact on the designated areas'.
- 10.43. It is considered that due to the topography of the site and the proposed landscaping scheme that the proposal would not create a significant level of harm to the AONB and would be in accordance with NPPF paragraph 176 and Local Plan Policy GS6.
- 10.44. The proposed removal of the area of hardstanding within the existing site would also have a minor benefit within the AONB.
- 10.45. Subject to further landscape conditions, it is considered that the landscape harm created by the provision of a large building in an open landscape can be mitigated and would therefore be in accordance with Local Plan Policies GS6, NE4 and EC2.

#### Highways

- 10.46. Paragraphs 110 and 111 in the NPPF set out the requirement for safe and suitable access to be achieved for all users and that development should only be refused on highways grounds where there would be an unacceptable impact on highway safety.
- 10.47. A Transport Assessment has been submitted in support of the application that demonstrates that suitable visibility splays can be achieved, and that the site can provide adequate parking and turning without creating highway safety issues.
- 10.48. The Highways Officer has considered the plans and following the provision of additional information has confirmed that the proposal would not create issues in respect to Highway Safety subject to conditions.
- 10.49. The Highways Officer has requested that the existing overflow car parking area on the existing site be retained until the proposed extension is completed to ensure that there is sufficient car parking across both sites.

#### Drainage and Waste

- 10.50. The application form states that surface water will be dealt with via soakaway and that foul sewerage will be dealt with by mains sewer. Yorkshire Water have commented that there is no public sewer in the area so it is not clear how drainage will be dealt with on the site.

- 10.51. A drainage statement has now been provided following the deferral for additional information this states that surface water will be directed into the watercourse and foul sewerage will be provided by a package treatment plant and then into the watercourse.
- 10.52. Environmental Health require additional measures to be put in place to avoid waste fuels and debris into the watercourse which would create a pollution risk. The applicant has confirmed that these can be provided as part of the drainage scheme. A drainage plan is provided as part of the Drainage Statement (AMA, 17<sup>th</sup> October 2023).
- 10.53. The application now includes details with regards to the disposal of commercial waste from the site.
- 10.54. Cockhill Beck is located close to the site and as set out in the submitted Ecological Assessment 'is likely to comprise a key ecological linkage within the local area'.
- 10.55. Details of a drainage scheme that can provide the additional environmental protection required in relation to pollution would need to be provided as a condition of any consent.

#### Residential Amenity

- 10.56. Paragraph 130 of the NPPF sets out the requirement for a high standard of amenity to be provided for both existing and future occupiers.
- 10.57. Policy HP4 of the Local Plan states that 'development proposals should be designed to ensure that they will not result in significant adverse impacts on the amenity of occupiers and neighbours'.
- 10.58. The proposal seeks to construct a large commercial building in relation to auto servicing and repair, in close proximity to a residential property. In order to control the impact of the proposal it is recommended that conditions are attached to any approval to restrict the hours of activity on the site; control external noise levels and to restrict activities from taking place outside of the building.
- 10.59. Subject to conditions it is considered that the proposal would not adversely impact on the residential amenity of the neighbouring property.

#### Ecology

- 10.60. Paragraph 180 of the NPPF states that opportunities to improve biodiversity in and around development should be integrated as part of their design.
- 10.61. Local Plan Policy NE3 seeks to protect and enhance biodiversity.
- 10.62. An Ecological Impact Assessment has been submitted with the application which states that 'the scheme has potential to result in minor positive impact to nature conservation providing mitigation and enhancement measures detailed in this report are adopted'.
- 10.63. In order to ensure that a biodiversity net gain is delivered on the site, a more detailed landscaping scheme would be required providing a higher level of detail in terms of

species and numbers of planting and also how a biodiversity net gain would be achieved. This would be required as a condition of any consent.

- 10.64. In addition, any approval would be required to be undertaken in accordance with the mitigation measures set out in the submitted report.

#### Sustainability

- 10.65. The Committee requested deferral to allow the applicant to provide details of the sustainability of the proposal.
- 10.66. The applicant has updated the plans to show photovoltaic panels to the front and rear roofslopes and the plans already provide for the provision of electric vehicle charging. In line with this, it is considered that any planning approval in relation to the proposed development should include a condition requiring the provision of the scheme for electric vehicle charging, as shown on the submitted plans and for the solar panels to be installed and operated prior to the first use of the building.

#### Other Matters

##### Contaminated Land

- 10.67. There is no evidence to suggest that the site has been affected by pollution activities or waste disposal however the site has been in agricultural use and thus there is the potential for unexpected contamination to be found during development. A condition in relation to this is recommended.

## **11.0 PLANNING BALANCE AND CONCLUSION**

- 11.1. The application site is located within 'open countryside' in an area where development is only acceptable in line with Local Plan Policy GS3 where expressly permitted by either national or local policy.
- 11.2. The proposal would provide a local economic benefit and an inability to expand the business or find a suitable alternative location would have an economic and social impact.
- 11.3. Local Plan Policy EC2 supports the expansion of businesses in these areas, this is subject to a number of criterion which need to be met. It is considered that following the submission of additional information the proposal meets the criteria within Local Plan Policy EC2.
- 11.4. The scale of the proposed development and the introduction of built development into an open landscape, would create landscape harm to both the open countryside and the views into and from the Nidderdale AONB, but it is considered that this can be mitigated by the proposed landscaping scheme, and is outweighed by the economic and social benefits of the proposal. This would be in accordance with Local Plan Policies GS6, NE4 and EC2 and paragraph 175 of the NPPF.

## 12.0 **RECOMMENDATION**

12.1 That planning permission be GRANTED subject to conditions:

1. The development hereby permitted shall be begun on or before three years from the date of this permission.
2. The development hereby permitted shall not be carried out otherwise than in strict accordance with the submitted details as set out below:

Site Plan submitted to LPA on 12 June 2023

Proposed Site Layout - 20 001 Rev E submitted to LPA on 21<sup>st</sup> November 2023

Existing and Proposed Summary - 20 001 Rev E submitted to LPA on 21<sup>st</sup> November 2023

Ground Floor Plans and Elevations 20 003 Rev B submitted to LPA on 20<sup>th</sup> October 2023

First Floor Plans and Elevations 20 004 Rev B submitted to LPA on 20<sup>th</sup> October 2023

Proposed Sections 20 005 Rev A submitted to LPA on 20 Oct 2023

Landscape Proposals - SF3295 LL01 Rev C submitted to LPA on 14<sup>th</sup> November 2023

Landscape and Ecology Strategy - 20 009 Rev E submitted to LPA on 21<sup>st</sup> November 2023

3. Before the first use of any materials in the external construction of the roof and walls of the development hereby approved, samples of those materials shall have been made available for inspection by, and the written approval of, the Local Planning Authority and the development shall be carried out in strict accordance with the approved details.
4. Prior to the commencement of works above ground level a comprehensive landscaping scheme shall be submitted to the Local Planning Authority for approval. This should include details of all external materials including hardstandings and hard landscaping, along with details of soft landscaping, including the planting of trees, hedges and shrubs shall be submitted to the Local Planning Authority; such scheme shall specify types, sizes and species, a programme of planting and the timing of implementation of the scheme, including any earthworks required. The details should also include the proposed Biodiversity Net Gain within the site.

The development shall be undertaken in accordance with the approved details.

5. In the event of failure or removal of any trees, hedges or shrubs, planted in accordance with any scheme approved by the Local Planning Authority, to survive for a period of five years from the date of the completion of implementation of that scheme, such trees or shrubs shall be replaced by the developer with such live

specimens of such species in such number as may be approved by the Local Planning Authority.

6. In the event that contamination not previously identified by the developer prior to the grant of this planning permission is encountered during the development, all groundworks in the affected area (save for site investigation works) shall cease immediately and the local planning authority shall be notified in writing within 2 working days. Groundworks in the affected area shall not recommence until either
  - (a) a Remediation Strategy has been submitted to and approved in writing by the local planning authority or
  - (b) the local planning authority has confirmed in writing that remediation measures are not required.

The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures. Thereafter remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy.

Following completion of any measures identified in the approved Remediation Strategy a Verification Report shall be submitted to the local planning authority. No part of the site shall be brought into use until such time as the site has been remediated in accordance with the approved Remediation Strategy and a Verification Report in respect of those works has been approved in writing by the local planning authority

7. The development must not be brought into use until the access to the site at Grayston Plain Lane has been set out and constructed in accordance with the 'Specification for Housing and Industrial Estate Roads and Private Street Works" published by the Local Highway Authority and the following requirements:

The access must be formed with 6 metres radius kerbs, to give a minimum carriageway width of 5.5 metres, and that part of the access road extending 6 metres into the site must be constructed in accordance with the Section Through Kerb in Standard Detail number E40 and the following requirements.

\* Any gates or barriers must be erected a minimum distance of 6 metres back from the carriageway of the existing highway and must not be able to swing over the existing or proposed highway.

\* That part of the access extending 6 metres into the site from the carriageway of the existing highway must be at a gradient not exceeding one in thirty.

\* Provision to prevent surface water from the site/plot discharging onto the existing or proposed highway must be constructed in accordance with the approved details shown on drawing to be submitted and maintained thereafter to prevent such discharges.

\* The final surfacing of any private access within 6 metres of the public highway must not contain any loose material that is capable of being drawn on to the existing or proposed public highway.

\* Measures to enable vehicles to enter and leave the site in a forward gear.

All works must accord with the approved details.

8. There must be no access or egress by any vehicles between the highway and the application site at Grayston Plain Lane until splays are provided giving clear visibility as set out in Drawing AMA/21388/SK002 provided by Andrew Moseley Associates. In measuring the splays, the eye height must be 1.05 metres and the object height must be 0.6 metres. Once created, these visibility splays must be maintained clear of any obstruction and retained for their intended purpose at all times.
9. No part of the development must be brought into use until the access, parking, manoeuvring, and turning areas for all users at Grayston Plain Lane have been constructed in accordance with the details approved in writing by the Local Planning Authority. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.
10. No development must commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Construction of the permitted development must be undertaken in accordance with the approved plan.
 

The Plan must include, but not be limited, to arrangements for the following in respect of each phase of the works:

  1. details of any temporary construction access to the site including measures for removal following completion of construction works
  2. wheel washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway
  3. the parking of contractors' site operatives and visitor's vehicles
  4. areas for storage of plant and materials used in constructing the development clear of the highway
  5. details of site working hours
  6. details of the measures to be taken for the protection of trees; and
  7. contact details for the responsible person (site manager/office) who can be contacted in the event of any issue
11. The overflow car parking area adjacent to the existing buildings shall remain in use until the proposed car parking area is completed and brought into use. The overflow car parking area shall be removed and returned to pasture within 3 months of the first use of the approved building.
12. Drainage from the site shall be undertaken in accordance with Drawing AMA/22379/D/500 - P1 within the submitted Drainage Strategy (AMA, 17th October 2023).
13. Prior to the first use of the building, confirmation of the methods of ensuring that any waste fuels and debris are removed before access to the drainage system and the watercourse shall be submitted to the LPA for approval. The development shall be undertaken in accordance with the details approved and shall be maintained and retained as such for the lifetime of the development.

14. The development shall be undertaken in accordance with Section 6.3 'Further Survey, Mitigation and Enhancement' of the submitted Ecology Report (Middleton Bell, 23rd March 2023).
15. Prior to the first use of the approved building, the electrical vehicle charging points and solar panels shown on the approved plans shall be installed and operable, and shall be maintained and retained as such for the lifetime of the development.
16. The building and parking hereby approved shall be used in conjunction with the existing MOT and servicing business located at Grayston Plain Farm.
17. There shall be no external storage on the site other than the waste storage shown on the approved plans.
18. The combined rating level of sound emitted from any fixed installations which comprise mechanical and electrical plant and equipment, the loading and unloading of goods and materials, mobile plant and vehicles at the site shall not exceed background sound levels (at the nearest sound sensitive premises). All measurements shall be made in accordance with the methodology of BS 4142:2014+A1:2019 (Methods for rating and assessing industrial and commercial sound) and/or its subsequent amendments.

Where access to the nearest sound sensitive property is not possible, measurements shall be undertaken at an appropriate location and corrected to establish the noise levels at the nearest sound sensitive property.

Any deviations from the LA90 time interval stipulated above shall be agreed in writing with the local planning authority.

19. The use hereby permitted shall not operate or be open to customers outside the hours of 08:00-18:30 Monday to Friday and 08:00-12:30 on Saturday. The use hereby permitted shall not operate on Sundays and Bank Holidays.

#### Reasons for Conditions:-

1. To ensure compliance with Sections 91-94 of the Town and Country Planning Act 1990.
2. In order to ensure compliance with the approved drawings.
3. In the interests of visual amenity and to accord with Local Plan Policy HP3, NE4 and GS6.
4. In the interests of preserving the landscape character of the area and reducing the impact on the landscape character of the AONB and to accord with Local Plan Policies NE4 and GS6.
5. In the interests of preserving the landscape character of the local area and the AONB and to accord with Local Plan Policies NE4 and GS6.
6. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property

and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and to accord with Local Plan Policy NE9.

7. To ensure a satisfactory means of access to the site from the public highway in the interests of highway safety and the convenience of all highway users.
8. In the interests of highway safety
9. To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development and to accord with Local Plan Policy HP4.
10. In the interest of public safety and amenity and to accord with Local Plan Policy HP4.
11. In the interests of highway safety during development and in the interests of improving the visual amenity of the landscape once the works are completed and to accord with Local Plan Policy NE4 and GS6.
12. In the interests of ensuring appropriate drainage for the site and to avoid pollution of the watercourse.
13. In the interests of protecting the adjacent watercourse from pollutants and to accord with Local Plan Policy CC2.
14. In the interests of protecting and enhancing local ecology and biodiversity and to accord with Local Plan Policy NE3.
15. In the interests of sustainable development and to accord with Local Plan Policy CC4.
16. The proposed development is only acceptable as an expansion of an existing business operation under Local Plan Policy EC2 and would not be acceptable as an independent business in this open countryside location.
17. In the interests of preserving the landscape character and visual amenity of the area and to accord with Local Plan Policy NE4 and GS6.
18. In the interests of residential amenity and to accord with Local Plan Policy HP4.
19. To ensure that there is no detrimental impact on the amenity of the local area and to accord with Local Plan Policies HP4 and NE4.

## **INFORMATIVES**

1. Applicants are reminded that in addition to securing planning permission other permissions may be required from North Yorkshire County Council as Local Highway Authority. These additional permissions can include but are not limited to: Agreements under Sections 278, 38, and 184 of the Highways Act 1980; Section 38 of the Commons Act 2006, permissions through New Roads and Streetworks Act 1991 and Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996 (as amended and including all instruments, orders, plans, regulations, and directions).

Further information on these matters can be obtained from the Local Highway Authority. Other permissions may also be required from third parties. It is the applicant's responsibility to ensure all necessary permissions are in place.

2. Notwithstanding any valid planning permission for works to amend the existing highway, you are advised that a separate licence will be required from North



Yorkshire County Council as the Local Highway Authority in order to allow any works in the existing public highway to be carried out. The 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by North Yorkshire County Council as the Local Highway Authority, is available to download from the Council's web site:

[https://www.northyorks.gov.uk/sites/default/files/fileroot/Transport%20and%20Streets/Roads%2C%20highways%20and%20pavements/Specification\\_for\\_housing\\_\\_ind\\_est\\_roads\\_\\_street\\_works\\_2nd\\_edition.pdf](https://www.northyorks.gov.uk/sites/default/files/fileroot/Transport%20and%20Streets/Roads%2C%20highways%20and%20pavements/Specification_for_housing__ind_est_roads__street_works_2nd_edition.pdf).

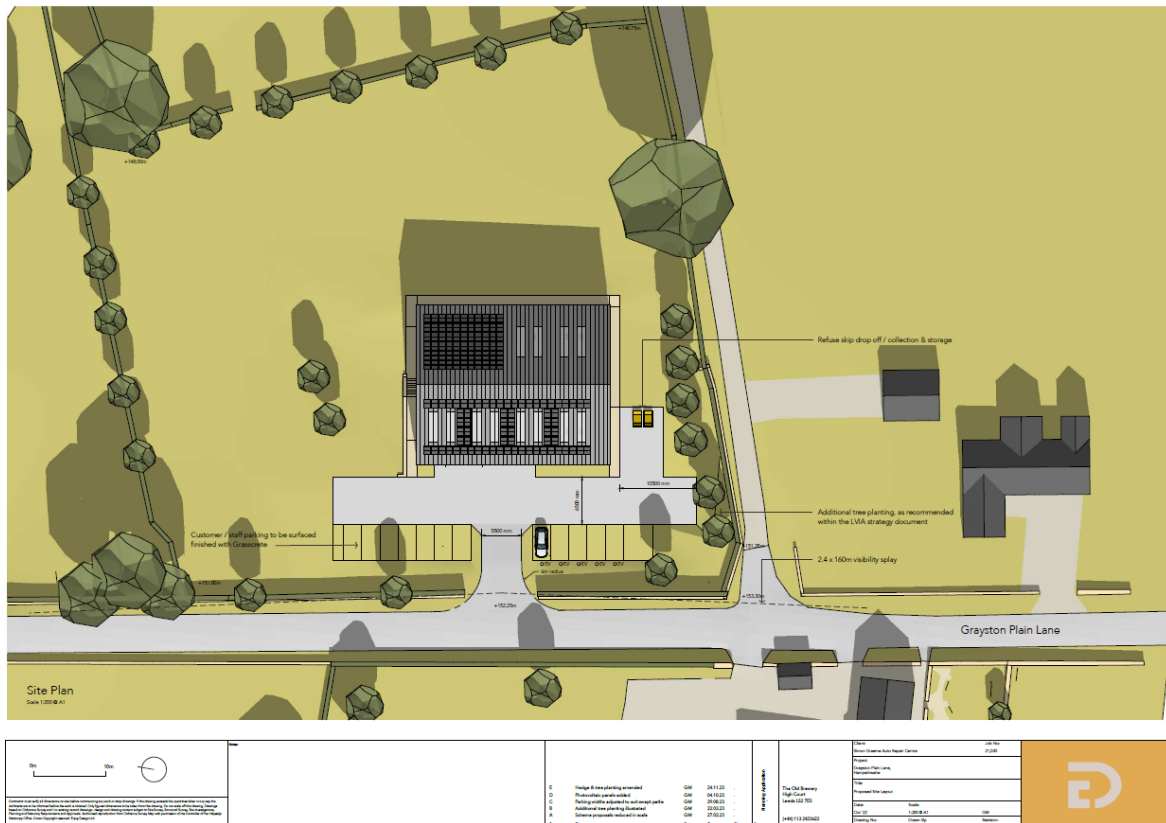
The Local Highway Authority will also be pleased to provide the detailed constructional specifications referred to.

- It is noted that the drawings submitted with the planning application show proposed advertisement(s) that will require the separate express consent of the Borough Council under The Town and Country Planning (Control of Advertisements) Regulations 2007. You are therefore advised not to display the advertisement(s) until such consent is obtained. Application forms are available from the Councils website.

**Target Determination Date:** 10.12.23

**Case Officer:** Emma Howson, [emma.howson@northyorks.gov.uk](mailto:emma.howson@northyorks.gov.uk)

**Appendix A – Proposed Layout Plan**



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## North Yorkshire Council

### Community Development Services

#### Skipton and Ripon Area Constituency Committee

05 DECEMBER 2023

**ZC23/03777/FUL– ERECTION OF 1 NO. SELF-BUILD DWELLING AT HEW GREEN FARM, HIGH LANE, HIGH BIRSTWITH, HG3 2JL ON BEHALF OF MR P SADDINGTON**

#### Report of the Corporate Director – Community Development Services

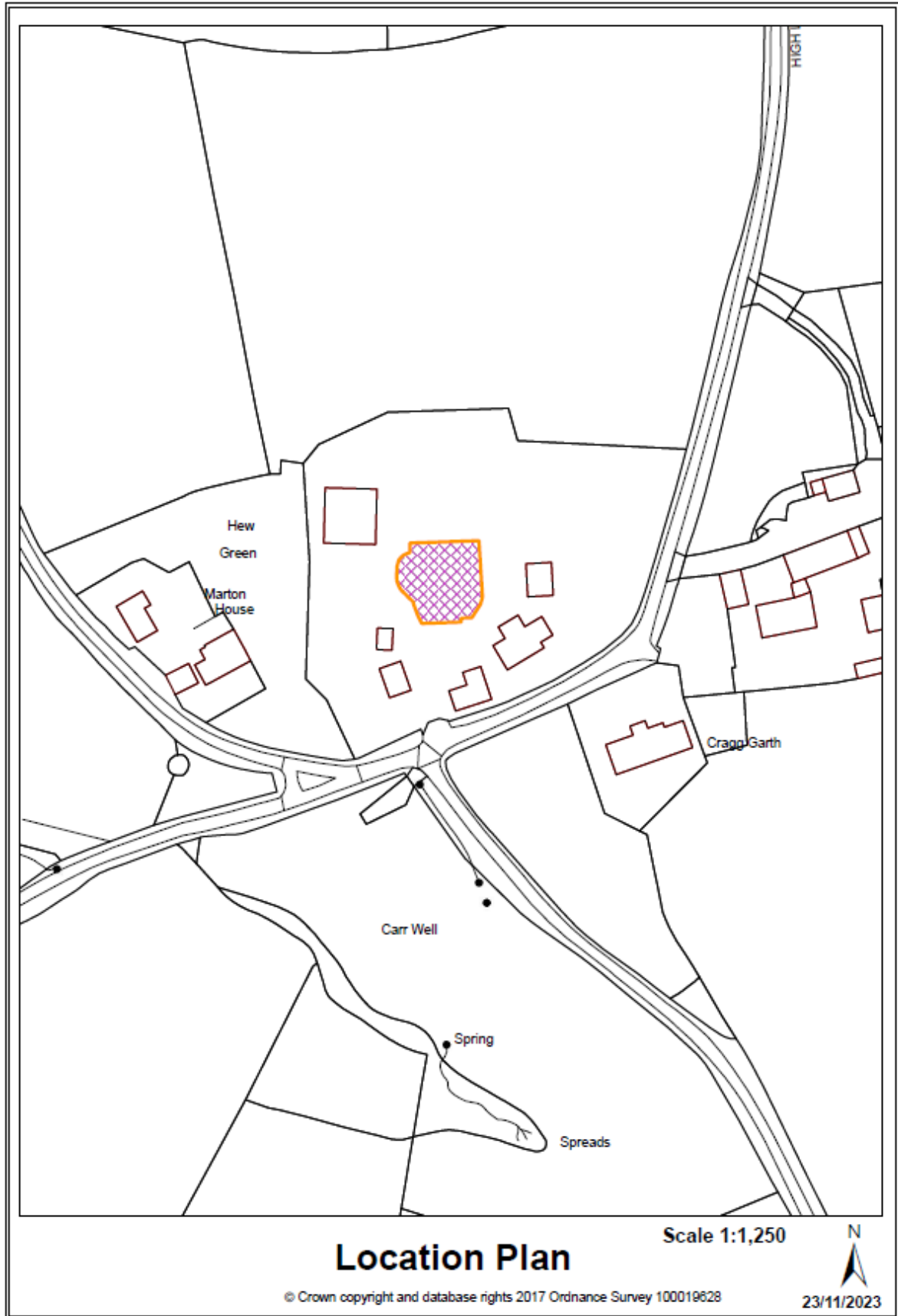
#### **1.0 Purpose of the Report**

- 1.1 To determine a planning application for the erection of 1 no. self-build dwelling on land at Hew Green Farm, High Lane, High Birstwith, HG3 2JL.
- 1.2 This application is brought to the Area Planning Committee to ensure consistency of decision making because the previous application on this site was brought to the committee.

#### **2.0 EXECUTIVE SUMMARY**

##### **RECOMMENDATION: That planning permission be REFUSED**

- 2.1. This application seeks Full Planning Permission for the erection of 1 no. self building dwelling.
- 2.2. Permission was granted at appeal for the conversion of a building to a dwelling at this site. However, the building has now been substantially demolished and all that remains is one full wall and two gable returns.
- 2.3. Subsequent applications for the erection of a market house dwelling on the site and for the conversion of a building on the site have been recently refused.
- 2.4. The site is located outside defined development limits in ‘open countryside’, where the principle of new build housing is not supported. The site is located in the Nidderdale National Landscape (the new name for the Nidderdale AONB) (AONB). The provision of self-build plots is considered to carry significant weight in the planning balance; however, it is not considered to outweigh the harm of the proposal in relation to its unsustainable location. which would be contrary to national government policy and Local Plan Policies GS2 and GS3 and as such the proposal would undermine the growth strategy for the area.



### **3.0 Preliminary Matters**

- 3.1. Access to the case file on Public Access can be found [here](#).
- 3.2. There are 5 relevant planning applications for this application which are detailed below.
- 20/05115/FUL – Conversion of cow shed to form a single dwelling. Refused 14.4.21. Allowed on appeal on 18.1.2022.
- 20/05120/FUL – Conversion of redundant barn to form a single dwelling. Withdrawn 29.4.21
- 22/04427/DVCON – Application to vary condition 2 (drawings) of Planning Approval 20/05115/FUL due to change in design and extent of rebuild. Refused 29.12.2022.
- ZC23/01498/FUL - Part conversion/part new build of agricultural building to form a new dwelling. Refused 24.5.23
- ZC23/02678/FUL Part conversion/part new build of Agricultural Building to form a new dwelling - revised scheme Refused 07.09.2023

### **4.0 Site and Surroundings**

- 4.1 The application site comprises of the remains of an agricultural building situated in the centre of a collection of converted agricultural buildings and a replacement dwelling and one remaining large modern agricultural shed still in agricultural use on the site of Hew Green Farm.
- 4.2 Permission was granted on appeal for the conversion of a cow shed to a dwelling in January 2022, however, during the process of implementing this approval, the majority of the barn has been demolished leaving only one full wall and the gable returns of the barn remaining. New walls have been commenced to replace those that have been demolished but at the time of writing this report this amounted to a small concrete block wall approximately 3 blocks in height.
- 4.3 The application site is outside defined development limits established in the Local Plan and is therefore located in 'open countryside' for planning purposes. The site is located within the Nidderdale National Landscape - AONB.

### **5.0 Description of Proposal**

- 5.1. This application seeks Full Planning Permission for the erection of a self-build dwelling.
- 5.2. The design of the proposal remains the same as that proposed under the recently refused application for the part conversion/part new build property on the site under case reference ZC23/02678/FUL. The reason for the refusal of that application was:

*The building is no longer considered to be of permanent and substantial construction, and thus is not considered to represent a conversion and thus is contrary to Local Plan Policy HS6 and there are no other local or national planning policies which would support the provision of market housing in this location. The proposed development*

*would create an isolated dwelling in the countryside in an unsustainable location which is contrary to paragraph 80 of the NPPF and would undermine the growth strategy for the District set out in Policies GS2 and GS3 of the Local Plan.*

- 5.3. This application differs from the recently refused application in that it seeks permission for a self-build dwelling and is submitted with a legal agreement stating that the building would be a self-build dwelling; would be occupied by persons who had a primary input into the design and intend to live in it for a period of at least 3 years.

## **6.0 Planning Policy and Guidance**

- 6.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning authorities must determine each application under the Planning Acts in accordance with Development Plan so far as material to the application unless material considerations indicate otherwise.

### Adopted Development Plan

- 6.2. The Adopted Development Plan for this site is:

- Harrogate District Local Plan 2014-2035, adopted 4th March 2020
- Minerals and Waste Joint Plan, adopted 2022

### Emerging Development Plan – Material Consideration

- 6.3. The North Yorkshire Local Plan is the emerging development plan for this site though no weight can be applied in respect of this document at the current time as it is at an early stage of preparation.

### Guidance - Material Considerations

- 6.4. Relevant guidance for this application is:

- National Planning Policy Framework 2021
- National Planning Practice Guidance
- National Design Guide
- Farm Buildings Design Guide
- Nidderdale AONB Management Plan
- Landscape Character Assessment
- Self Build and Custom Housebuilding Update Report January 2023
- Self and custom housebuilding guidance October 2021

## **7.0 Consultation Responses**

- 7.1. The following consultation responses have been received and have been summarised below.

- 7.2. **Parish Council:** awaiting comments

- 7.3. **Environmental Protection:** Recommend conditions in relation to contamination and refuse.

- 7.4. **Highways:** Recommend conditions

7.5. **Yorkshire Water:** no comments to make

#### Local Representations

7.6. 3 local representations have been received of which both and in support. A summary of the comments is provided below, however, please see website for full comments.

7.7. Support:

- Existing site is an eyesore.
- Good design
- Small dwelling in an area of large houses
- Positive impact on the AONB
- Need for self-build plots

### **8.0 Environment Impact Assessment (EIA)**

8.1. The development proposed does not fall within Schedule 1 or 2 of the Environmental Impact Assessment Regulations 2017 (as amended). No Environment Statement is therefore required.

### **9.0 Main Issues**

9.1. The key considerations in the assessment of this application are:

- Principle of development
- Self Build and Housing Mix
- Impact on Character and Appearance of the AONB
- Residential Amenity
- Highway Safety
- Land Contamination
- Other Matters

### **10.0 ASSESSMENT**

#### Principle of Development

10.1. The National Planning Policy Framework 2023 (NPPF) sets out the Government's planning policies for England and how these are expected to be applied. Planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework is a material consideration in planning decisions. There is a presumption in favour of sustainable development and the NPPF advises that there are three dimensions to sustainable development: economic; social and environmental.

10.2. Paragraph 79 of the NPPF states that 'to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities'.

- 10.3. Local Plan Policy GS2 sets out the Growth Strategy for the Local Plan area, which aims to focus growth within main settlements. Policy GS3 sets out the criteria for allowing development outside development limits and states that 'development will only be supported where expressly permitted by other policies of this plan or a neighbourhood plan or national planning policy'.
- 10.4. The erection of housing within an 'open countryside' location i.e. outside defined development limits is generally not supported by both national or local plan policy except in specific circumstances.
- 10.5. NPPF paragraph 80 states that planning decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:
- essential need for a rural worker
  - optimal viable reuse of a heritage asset
  - re-use redundant or disused buildings and enhance its immediate setting
  - subdivision of an existing residential building
  - the design is of exceptional quality
- 10.6. Whilst the proposal may not be 'isolated' from other dwellings as clearly it is in the centre of a range of converted buildings and other dwellings, the site is considered to be 'isolated' from the nearest settlements of Darley and Hampsthwaite with limited access to services and public transport, being located in an unsustainable location which requires a heavy reliance on the motor vehicle for everyday living.
- 10.7. This is based on the judgement on the Bramshill case, which concluded that in determining whether a particular proposal is for "isolated homes in the countryside", the decision-maker must consider "whether [the development] would be physically isolated, in the sense of being isolated from a settlement" (rather than "buildings").
- 10.8. With this in mind the proposal does not meet any of the exceptions set out in paragraph 80 of the NPPF and represents a dwelling in an isolated location and thus there is not considered to be any national or local policy which would support the proposed development in this location.
- 10.9. On the basis of the above it is considered that the proposal is unacceptable in principle and does not accord with Local Plan Policies GS2, GS3 or HS6 or paragraph 80 of the NPPF.

#### Self-Build

- 10.10. The proposal is indicated to be a self-build development within the submitted CIL form 1. Local Plan Policy HS3: Self and Custom Build Housing requires self and custom build housing plots to be provided on sites of 500 dwellings or more, nevertheless the Council has a duty to meet the demand for self and custom build housing identified on our Register. It is recognised that small windfall sites will continue to play a role in



providing a source of supply during the plan period. With regards this enquiry the proposal would see 1 self-build plot delivered on such a site.

- 10.11. For the plot to be fully considered to meet the demand on the Register assurance would be needed through either a condition or S106 agreement/unilateral undertaking that the plot would be self-build rather than just a market dwelling (which could be sold onto builders). Occupants would be required to live there for three years before selling. The application includes a legal agreement in respect to self-build. Any approval for a self-build dwelling in this location would need to be subject to the Council entering into a legal agreement with the applicant in compliance with the Self Build and Custom Housebuilding Act.
- 10.12. The Self-build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016) at 2A sets out the duty to grant planning permission which requires an authority to give suitable development permission in respect of enough serviced plots land to meet the demand on the self-build and custom housebuilding in the authority's area arising in each base period.
- 10.13. The council have held a Self and Custom Housebuilding Register since April 2016, the information held on the register sets the demand for self and custom housebuilding in the Local Plan area, which the council use when carrying out our planning, housing, land disposal and regeneration functions.
- 10.14. The register data fed into the preparation of the Local Plan and the council have a self and custom build housing policy. Policy HS3: Self and Custom Build Housing requires strategic sites of 500 dwellings or more to provide at least 5% of dwelling plots for sale to self-builders subject to demand being identified by the council, by reference to the council's Self and Custom Build Register.
- 10.15. There are currently two planning applications in with the council for strategic sites which are proposing to deliver self and custom build plots under Policy HS3.
- 10.16. The justification text to the policy acknowledges that the policy refers to the delivery of plots on strategic sites, but it is expected that a proportion of self builds will come forward on small sites and single plots on infill sites and sites on the edge of settlements.
- 10.17. The Council acknowledged that the demand data held on the Register was not robust therefore a new Part 1 and Part 2 register, which included additional questions in relation to location and plot preferences was introduced on the 31 October 2021 at the start of Base Period 7. For entry onto the Part 1 register the applicant must be able to prove they have a local connection, they are also required to pay an administration fee in addition to meeting the minimum national criteria; entry onto Part 2 does not require a local connection or entry fee but applicants must meet the national minimum criteria.
- 10.18. In addition, over the summer of 2022 the council undertook a review of the 2016-2021 register (which covers Base Periods 1-6) emailing out to all those on the register to ask if they were still actively seeking a plot, to ensure contact details were up-to-date, requesting further information on plot preferences and identifying duplicate entries.

- 10.19. Those on the register were given 28 days to complete an up-date form online, regular reminders were sent out. The review closed on the 12 July. 194 respondents confirmed they are still seeking a self or custom build plot.
- 10.20. As set out councils are required under the Act to give suitable development permission in respect of enough serviced plots land to meet the demand on the self-build and custom housebuilding in their area.
- 10.21. The latest monitoring report states at paras 7.2 to 7.4:

*The review concluded that the overall demand to be delivered by 30 October 2022 was 352 plots and that 292 plots have been permissioned to help meet that demand. This gives a shortfall of 60.*

*Looking ahead to Base Period 8 (31 October 2022 – 30 October 2023) the demand to meet by the 30 October 2023 is 381 plots; a current shortfall of 89.*

*However, there are 5 strategic planning applications pending which will deliver self-build serviced plots under Policy HS3. It is expected these sites, once approved, will deliver housing in phases, with self-build plots also subject to phased delivery*

- 10.21 The contribution of self-build units to meeting the needs of the Register is therefore a material consideration in the assessment of this proposal. The provision of self-build plots is considered to carry significant weight in the planning balance.
- 10.22 It is, however, expected that self-build plots would be provided within or close to existing sustainable settlements in order to meet the sustainability objectives set out within the NPPF.
- 10.23 The proposal is for a self-build dwelling in an unsustainable location with no access to services or facilities and it is not considered that the location is therefore appropriate for a self-build dwelling.
- 10.24 Local Plan Policy HS1 seeks a suitable housing mix in line with the HEDNA and whilst it is noted that the proposal will provide a 1 no. bedroom unit, again this does not outweigh the issues around the sustainability of the location.

#### Impact on Character and Appearance of the AONB

- 10.22. The application site is located in open countryside and within the Nidderdale National Landscape (AONB). Paragraph 176 of the NPPF states that 'great weight should be given to conserving and enhancing landscaping and scenic beauty' in these areas and that these should be given the 'highest status of protection'.
- 10.23. Local Plan Policy GS6 sets out the criteria against which development within the AONB will be considered.

- 10.24. Local Plan Policy NE4 also seeks to protect and enhance the landscape character of the area.
- 10.25. The original building was of no architectural or visual merit and it is noted in the Inspectors report that the original conversion proposal would have a positive impact on the AONB. This building sits in the centre of a range of converted barns and a replacement dwelling and thus it is of limited views from Emmott Lane and High Lane, especially due to the garage buildings allowed as part of the wider conversion and replacement dwelling approvals. The remains of the building would be seen in long range views from the north but the building would be seen against the backdrop of the remaining agricultural shed and the converted barns and it is not unusual to find derelict barns in the AONB.
- 10.26. The building is not attractive in its present condition, and the proposed dwelling would be an improvement on the remaining structure.
- 10.27. The design of the proposal is considered to be in keeping with the local area and would be an improvement on the design of the original conversion proposal.
- 10.28. The site layout would replicate that approved previously and would not encroach any further into the open countryside beyond that of the original farmstead.
- 10.29. Any planning approval should include conditions relating to materials and also seek to remove permitted development rights on the site due to the close relationships between the residential properties and to avoid any future extensions or further outbuildings which would detract from the overall appearance of the area.
- 10.30. On the basis of the above it is considered that the proposal would lead to a visual improvement of the area and a positive contribution to the AONB, however, a similar positive improvement could be achieved through the restoration of the site and the demolition of the remaining walls.

#### Residential Amenity

- 10.31. Local Plan Policy HP4 seeks to protect the amenity of both existing and future residents as does paragraph 130 of the NPPF.
- 10.32. The proposal seeks to replace an existing dilapidated structure with a new dwelling. The proposal is the same size and scale as that of an existing appeal approval for the conversion of the building which previously stood on the site.
- 10.33. The proposal does not create any greater level of issues in relation to the separation of the properties than that previously approved on the site nor any further issues in relation to overlooking or overshadowing.
- 10.34. The proposal would lead to a visual improvement of the outlook from the windows of the surrounding properties.

- 10.35. The site is surrounded by residential properties and thus a condition is recommended in the event of a planning approval in relation to the hours of construction to reduce the impact of any build works on the amenity of the neighbouring properties.
- 10.36. The proposal is not considered to create issues in relation to residential amenity and thus accords with Local Plan Policy HP4.

#### Highway Safety

- 10.37. The proposal would use the existing access to the site and thus it is not considered that the proposal would impact on highway safety. Conditions are however recommended by the Highways Authority.

#### Land Contamination

- 10.38. The site was previously used in relation to agriculture and therefore there is potential for contamination to be found on the site during construction. A land contamination condition in relation to any unexpected contamination on the site is therefore considered to be expedient.

#### Other Matters

- 10.39. Waste – No details as shown on the submitted plans in relation to refuse provision and therefore a condition requiring this to be provided is considered appropriate.
- 10.40. Dangerous and unsightly – These matters can be dealt with under other legislation i.e. building regulations and thus are not a planning consideration.
- 10.41. Sustainability – The site is not considered to be situated in a sustainable location as set out earlier in the report. The application is however submitted with a set of SAP calculations setting out the sustainability of the built form, the planning statement sets out that these sustainability benefits will be provided through an improvement of the enhanced thermal properties of the new build; the provision of an air source heat pump (which is not included in the details of the submitted scheme); underfloor heating and high UV value windows and doors. Any approval should include a condition requiring details of the air source heat pump and that the proposal is undertaken in accordance with the sustainability benefits set out in the planning statement.

#### Equality Act

- 10.42. Under Section 149 of The Equality Act 2010 Local Planning Authorities must have due regard to the following when making decisions: (i) eliminating discrimination, harassment and victimisation; (ii) advancing equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (iii) fostering good relations between persons who share a relevant protected characteristic and persons who do not share it. The protected characteristics are: age (normally young or older people), disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation.

10.43. It is not considered that The Equality Act 2010 is relevant to the consideration of this application.

## **11.0 PLANNING BALANCE AND CONCLUSION**

11.1. The planning approval for the conversion of the building to a dwelling is no longer considered to be extant due to the extent of works undertaken.

11.2. The site is located outside defined development limits in 'open countryside' within the AONB. The site is considered to be unsustainably located with no access to local facilities or public transport.

11.3. The proposal is considered to consist of the erection of a self-build dwelling within an area where new build housing is not supported by either local or national policy, and thus is unacceptable in principle as it is contrary to Local Plan Policies GS2 and GS3 and paragraph 80 of the NPPF. It is not considered that the provision of self-build housing or a small housing unit would outweigh the issues associated with the unsustainable location.

11.4. Whilst the remaining structure is not visually attractive, the site is situated within an arrangement of converted properties and views of the site are limited from more long range viewpoints around the AONB. The existing structure is also seen in relation to a large modern agricultural shed within the site.

11.5. The replacement of the structure as proposed would lead to an improvement in the appearance of the area, however, a similar improvement could be achieved from the demolition of the structure and thus this is not considered to be sufficient justification to outweigh the policy objection to the proposal.

11.6. On balance, whilst the proposal would provide 1 no. self-build dwelling; and would lead to an improvement in terms of the visual appearance of the AONB, it is not considered that these benefits would outweigh the harm of permitting a new dwelling in an unsustainable location isolated from services and facilities.

## **12.0 RECOMMENDATION**

12.1 That planning permission be REFUSED for the following reasons:

- i. Whilst the proposal would provide 1 no. self-build dwelling it is not considered that this would outweigh the harm of creating an isolated dwelling in the countryside in an unsustainable location which is contrary to paragraph 80 of the NPPF and would undermine the growth strategy for the area set out in Policies GS2 and GS3 of the Local Plan.

**Target Determination Date:** 19.12.23

**Case Officer:** Emma Howson, [emma.howson@northyorks.gov.uk](mailto:emma.howson@northyorks.gov.uk)

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## North Yorkshire Council

### Community Development Services

#### CONSTITUENCY COMMITTEE

**ZC23/03121/FUL - CONVERSION OF VACANT/REDUNDANT OUTBUILDINGS TO FORM 1NO. HOLIDAY COTTAGE INCLUDING EXTERNAL ALTERATIONS, AT THE FORMER HENRY JENKINS INN (PART) MAIN STREET, KIRKBY MALZEARD, NORTH YORKSHIRE ON BEHALF OF MR. JUSTIN CLAYBOURN**

#### Report of the Assistant Director – Planning

##### **1.0 Purpose of the Report**

- 1.1 To determine a planning application for Conversion of vacant/redundant outbuildings to form 1no. holiday cottage including external alterations on land at The Former Henry Jenkins Inn (Part) Main Street Kirkby Malzeard on behalf of Assistant Director – Planning
- 1.2 This application is brought to the Planning Committee as being a development with significant public interest.

##### **2.0 EXECUTIVE SUMMARY**

**RECOMMENDATION: That planning permission be GRANTED subject to conditions.**

- 2.1. The proposal seeks full planning consent for the conversion of outbuildings, which would include external alterations, to form a one bedroomed holiday cottage. The external works would include partial re-roofing of the southernmost structure to match pitch and height of the adjacent building, addition of glazed doors and glazing to existing openings. The proposed plans state that an existing fence would be retained which would enclose a garden (outdoor amenity) and parking area for the holiday cottage.
- 2.2. Policy GS2, Growth Strategy to 2035, sets out the District's growth hierarchy identifying settlements, centres and villages where development should be focused. Development limits for places in the settlement hierarchy are identified under the provisions of policy GS3. The proposal is set within the Development Limits of Kirkby Malzeard.
- 2.3. As identified within paragraph 3.21 of policy GS2, Kirkby Malzeard is a service village which offers a wide range of retail, service and leisure businesses. It is also within the Nidderdale National Landscape (the new name for the Nidderdale Area of Outstanding Natural Beauty (AONB)), which

is identified under Local Plan policy GS5 as being an important location to enhance rural tourism. The siting of a holiday cottage is therefore acceptable in this location.

- 2.4. The application form has listed the outbuildings as vacant/redundant. The outbuildings are located within the site of the Former Henry Jenkins Inn, and their previous use is disputed by the agent and public/interested parties. However, on the basis of documents submitted to the council in earlier applications, the northernmost section of the outbuildings were described as a 'Bottle Store'. Notwithstanding the previous use of the buildings, the proposal would not result in the total loss of a community facility, but a reduction in its size. Therefore, it is only necessary to consider the consequence of the loss of the outbuildings to the remaining public house.
- 2.5. The buildings to which this application relates comprise a small, single storey portion of the site, with an existing approximate floor area of 37sqm. The proposed floor area would be approximately 42sqm. It is understood that there is not an internal passage between the outbuilding and the area identified as a Pool Room of the former pub to which they adjoin.
- 2.6. It has previously been determined that the loss of the rear car park of the Former Henry Jenkins Inn is not considered to be a planning problem.
- 2.7. The proposal is considered to adequately safeguard the character and appearance of the street scene, wider Nidderdale National Landscape (formerly known as the Nidderdale Area of Outstanding Natural Beauty) and would not introduce unacceptable impacts on residential or visual amenity, highways or environmental health, subject to conditions and informatives.
- 2.8. In consideration of the above, it is not considered that the proposal to convert the outbuildings, and therefore the reduction in size of the remaining public house, would prevent a reasonable prospect of the public house use continuing on a viable basis.
- 2.9. The proposal therefore conforms to guidance in the NPPF, Harrogate District Local Plan policies HP3, HP4, GS5, TI1, TI3 and GS6.





### **3.0 Preliminary Matters**

- 3.1. Access to the case file on Public Access can be found [here](#).
- 3.2. No amended plans have been received during the course of the application. Additional plans have been received to clarify the turning area from the access point.
- 3.3. The following applications and appeals are considered relevant to this proposal.

92/00055/FUL Reroofing and converting existing garage to form pool room.  
PERMITTED 30.01.1992

90/01860/FUL Construction of new toilet block on site of existing gents w.c. and patio  
PERMITTED 20.09.1990

18/01087/FUL Conversion of part of a public house and flat to create 1 no. dwelling.  
REFUSED 12.06.2018

18/03230/FUL Conversion of part of a public house and flat to create 1 no. dwelling. (resubmission)  
REFUSED 09.05.2019

19/00089/NREFPP Conversion of part of a public house and flat to create 1 no. dwelling. (resubmission). PINS Ref APP/E2734/W/19/3240780  
ALLOW 18.12.2020

21/04657/FUL Conversion of former Henry Jenkins public house with flat above to dwelling.  
REFUSED 31.05.2022

22/00065/NREFPP Conversion of former Henry Jenkins public house with flat above to dwelling. PINS Ref APP/E2734/W/22/3306214.  
DISMISSED 09.02.2023

### **4.0 Site and Surroundings**

- 4.1. The outbuildings to which this application relates are located in part of the former Henry Jenkins Inn site, which lies on the south side of Main Street in Kirkby Malzeard. It is within Development Limits as defined by Local Plan policy GS3, as well as within the Nidderdale Area of Outstanding Natural Beauty (AONB). The immediate locale is largely residential, although a variety of commercial and community uses are located within close vicinity.

## **5.0 Description of Proposal**

- 5.1. The proposal seeks full planning consent for the conversion of outbuildings, which would include external alterations, to form a one bedroomed holiday cottage.
- 5.2. The external works would include partial re-roofing of the southernmost structure to match pitch and height of the adjacent building and the addition of glazed doors and windows to some of the existing openings. The proposed plans state that an existing fence would be retained which would enclose a garden as outdoor amenity space and provide a parking area for the holiday cottage.

## **6.0 Planning Policy and Guidance**

- 6.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning authorities must determine each application under the Planning Acts in accordance with Development Plan so far as material to the application unless material considerations indicate otherwise.

### Adopted Development Plan

- 6.2. The Adopted Development Plan for this site is:
- Harrogate District Local Plan 2014 – 2035, adopted March 2020.

### Emerging Development Plan – Material Consideration

- 6.3. The Emerging Development Plan for this site is listed below.
- The North Yorkshire Local Plan. No weight can be applied in respect of this document at the current time as it is at an early stage of preparation.

### Guidance - Material Considerations

- 6.4. Relevant guidance for this application is:
- National Planning Policy Framework 2021
  - National Planning Practice Guidance
  - National Design Guide
  - Nidderdale AONB Management Strategy
  - Kirkby Malzeard Village Design Statement

## **7.0 Consultation Responses**

- 7.1. The following consultation responses have been received and have been summarised below.
- 7.2. **Parish Council:** Object  
Building in disrepair  
Land allocated as parking and garden

Vehicular access unclear  
 Small building  
 Existing drawings do not show disrepair  
 Uncertainty on future of pub  
 Building regulations required  
 Removing car park and rear access to pub  
 Pub marketing  
 Boundary line issues

7.3. **Building Control** – no objections but wish to make comments or seek safeguards – a building regulations application will be required for this proposal.

7.4. **Environmental Health** - Having reviewed the information in this form it appears that the outbuildings have been vacant for a number of years before which were used for storage. Although it is stated that the buildings were not used as part of the Henry Jenkins Inn such a use could have taken place historically. No other waste or pollution incidents have been reported and no fuel or chemicals have been stored or spilt in the building.

Although it is unlikely that there is any significant contamination on site, a number of informatives were recommended in relation to unforeseen contamination, topsoil and provision of refuse storage.

#### Local Representations

7.5. 104 letters of representation have been received at the time of writing. Some members of the public provided multiple letters of representation. 3 letters are in support and 101 letters object with comments summarised below.

7.6. It is noted that one of the letters of support was received from the current owner of the Henry Jenkins Inn.

7.7. Support:

- Buildings never formed part of the pub
- Application submitted prior to community ownership grant
- HJCP not genuine prospective purchasers
- Application boundary and ownership boundary are not planning matters
- Size adequate for holiday let
- Building capable of conversion
- Building will not look worse than other buildings in village
- Pub would need too much work to reopen

## 7.8. Objections:

*Objections in relation to the conversion of buildings*

- Village overserved by holiday homes
- Building not capable of conversion
- Impractical site for holiday home
- Misleading detail in relation to existing/previous uses of the building
- Need for affordable housing
- No economic benefit for community
- Traffic increase on Back Lane and formation of access at rear is unsafe
- Uncertainty in relation to how you access building i.e., Main Street or Back Lane

*Objections in relation to the impact on Henry Jenkins pub*

- Impact viability
- Contrary to HP8
- Village in need of community pub
- Loss of emergency exits
- Loss of access to rear of pub
- Loss of section of land proposed to be used as beer garden and car park.
- Previous appeal wrongly determined loss of car park would not impact viability
- Access restrictions for deliveries
- Remaining pub in village might not remain whereas community pub would
- Growing population in need of pub reopening

*Other objections*

- lack of proper marketing / owner unwilling to sell
- Appears that aim of applicant / landowner is to split up land associated with pub
- Lack of transport to other services and jobs outside of village.
- Land ownership / application site boundary issues
- Conflict with HJCP grant

**8.0 Environment Impact Assessment (EIA)**

8.1. Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

8.2. The development proposed falls within the description at 10 (b) of Schedule 2 to the above Regulations. In the opinion of the Local Planning Authority, having taken into account the criteria in Schedule 3 to the above Regulations,

the proposal would not be likely to have significant effect on the environment for the following reasons:

- 8.3. Although located within a designated sensitive area (the Nidderdale National Landscape, formerly known as the Nidderdale Area of Outstanding Natural Beauty, AONB), there would be no likely significant impacts in terms of noise, waste, contamination, flooding, archaeology, ecology, heritage issues or complex construction. Given the nature, scale and location of the proposal, the impacts of the development are unlikely to be significant. The Proposed Development is therefore not EIA Development.

## **9.0 Main Issues**

- 9.1. The key considerations in the assessment of this application are:

- Principle of development
- Design and visual impact on the Nidderdale Area of Outstanding Natural Beauty
- Residential Amenity
- Contaminated Land
- Traffic, parking and storage
- Other matters

## **10.0 ASSESSMENT**

### Principle of Development

- 10.1. The Harrogate District Local Plan 2014-2035 was adopted by the Council on 4 March 2020. The Inspectors' Report concluded that, with the recommended main modifications which are set out in his report, that the Harrogate District Local Plan satisfies the requirements of Section 20(5) of the Planning and Compulsory Purchase Act 2004 (as amended) and meets the criteria for soundness in the NPPF. All the policies in the Local Plan can therefore be given full weight.
- 10.2. Local Plan policy GS2, Growth Strategy to 2035, sets out the District's growth hierarchy identifying settlements, centres and villages where development should be focused. Development limits for places in the settlement hierarchy are identified under the provisions of policy GS3. The proposal is set within the Development Limits of Kirkby Malzeard.
- 10.3. As identified within paragraph 3.21 of policy GS2, Kirkby Malzeard is a service village which offers a demonstrably wider range of retail, service and leisure businesses (such as more specialist food shops, other retail, post offices, hairdressers, cafés, pubs, restaurants and hot food takeaways etc.) than other villages in the district. The site is therefore generally a sustainable location for development.

- 10.4. The proposal seeks to convert and adapt existing buildings sited off Main Street in the village, with adequate driving and walking distance from local services. Local Plan policy GS5 states that the Council will encourage sustainable economic growth in the district, by maintaining and enhancing the district's visitor economy. Paragraph 3.54 of policy GS5 states that tourism is important to the rural areas of the district. This reflects the area's attractive countryside, including the Nidderdale National Landscape. This location is therefore considered appropriately located for tourism and would improve the overall range of holiday accommodation in the village and wider Nidderdale National Landscape.
- 10.5. Representations have been made in relation to the negative impact that conversion of the building would have on the prospect of the pub becoming viable as a community asset.
- 10.6. The application site relates to outbuildings within the former Henry Jenkins Inn site. The previous use of the outbuildings is disputed by the agent and public/interested parties, as to whether Local Plan policy HP8 is relevant. On the basis of documents submitted to the council in earlier applications and appeals, as well as on behalf of the agent under this application, part of the outbuildings have been described as a 'Bottle Store' and it is therefore considered that they could be part of the former pub.
- 10.7. Notwithstanding the previous use of the buildings, the proposal would not result in the total loss of a community facility, but a small reduction in its size. Therefore, it is necessary to consider the consequence of the loss of the outbuildings to the remaining public house.
- 10.8. The buildings comprise a small, single storey portion of the site. The proposed plans indicate that the approximate floor area of the proposed holiday cottage would measure 4.45m by 9.49m to give a total of 42sqm. The existing approximate floor area is 37sqm. Although they are adjoined, there is not clearly an internal passage between the outbuilding and the area identified as a Pool Room. Notwithstanding the matter as to whether the outbuilding formed part of the original use of the public house, the building to be converted would clearly result in a reduction in the size of the remaining property that could be associated with the public house. However, it is not considered that the decrease in floor area would be sufficient to enable the public house to operate and function. In addition, the guests of the holiday accommodation would potentially use the public house, should it reopen and help it become more sustainable.

- 10.9. Previous documents submitted to the council in the 1990s, under applications reference 92/00055/FUL and 90/01860/FUL, indicate that the area previously in use as a toilet block was a non-original addition, and the pool room was previously a garage.
- 10.10. In relation to the car park, planning permission was granted in 2018 for conversion of the eastern section of the pub into a dwelling. The Inspector determined that the loss of the rear car park which was associated with the appeal – most of which included within the red edge of the Location Plan under the current application – would not constitute a planning problem as the Inspector concluded that the pub could therefore operate without a car park.
- 10.11. In relation to the capability of the structure being converted, on the basis of the site's location, there is no requirement for provision of a structural survey to determine this. The application is being considered on the merits of the plans submitted as part of the application. It is accepted that external works would be required to bring the building into use; this is considered in the following section in relation to policy HP3 in relation to the design and visual impact.
- 10.12. To conclude, on planning balance, it is not considered that the loss of the identified outbuildings would cause demonstrable harm to the prospect of the Henry Jenkins site becoming a community asset again. The siting of a holiday cottage is therefore considered acceptable in this location.
- 10.13. An appropriate condition should be attached to any approval to ensure the property remains as a holiday cottage rather than a permanent dwelling, as further considerations would be required to determine if this is appropriate.

Design and visual impact on the Nidderdale Area of Outstanding Natural Beauty.

- 10.14. Local Plan policy HP3, Local Distinctiveness, states that development should incorporate high quality building design that protects characteristics of the locality. Local Plan policy GS6, Nidderdale AONB, states that the natural beauty and special qualities of the Nidderdale Area of Outstanding Natural Beauty (AONB) will be conserved and enhanced.
- 10.15. The application buildings are located to the rear of the former Henry Jenkins Inn and would not be visible from Main Street to the north. It would be visible within the context of the street scene from Back Lane to the south. The proposal involves external works, including re-roofing a section of the outbuilding and provision of additional glazing to the roof and existing



openings between the buildings, which are required in order to accommodate the conversion.

- 10.16. When viewed along Back Lane, the surrounding locale comprises a mixture of building types and styles, with a varied roof scape and a number of the properties have outbuildings, garages and sheds visible from the road in the rear garden.
- 10.17. Therefore, the design and associated works to enable to conversion are considered to be of an acceptable scope and scale, in keeping with the surrounding properties. It is recommended that conditions are attached to any approval to ensure that any external stonework matches the existing, and to remove permitted development rights for further external works which would need to be assessed on their merits to determine the impact on the character and appearance of the building and the wider Nidderdale National Landscape. Sectional details should also be provided for the glazing, which should be constructed of timber, however it is considered appropriate to add a condition in relation to this.
- 10.18. To conclude, the proposal is considered acceptable in line with Local Plan policy HP3 and GS6.

#### Residential Amenity

- 10.19. Local Plan Policy HP4, Protecting Amenity, requires that there are no significant adverse impacts on residential amenity. The external works required to carry out the proposed conversion would not cause unacceptable impacts on neighbouring dwellings in terms of overbearing or overshadowing.
- 10.20. The windows and openings are located adequate distance from any adjacent neighbouring dwellings to ensure that overlooking does not occur.
- 10.21. In the event of a planning permission being granted, conditions should be imposed requiring appropriate refuse facilities are provided and there is a restriction on hours of conversion works in order to maintain the amenity of the adjacent properties.

#### Land Contamination

- 10.22. Local Plan Policy NE9 addresses the matter of land contamination. A Screening Assessment form has been provided. The Environmental Health team noted that on review of the screening form, the outbuildings have been vacant for a number of years before which were used for storage. Although it is stated that the buildings were not used as part of the Henry Jenkins Inn,

such a use could have taken place historically. No other waste or pollution incidents have been reported and no fuel or chemicals have been stored or spilt in the building.

- 10.23. In light of EHO response, a number of informatives were recommended which include issues in relation to unforeseen land contamination. The applicant would have a duty to adhere to the regulations of Part 2A of the Environmental Protection Act 1990.

#### Traffic, Parking and Storage

- 10.24. Policy T11, Sustainable Transport, seeks to ensure development proposals seek to minimise the need to travel and achieve more sustainable travel behaviour. Policy T13 requires appropriate parking provision and the provision of electric vehicle charging points; the former also being a subject of Recommendation P1 of the Village Design Statement.
- 10.25. The holiday cottage is located in a sustainable location with adequate local access to public transport. A submitted Plan, drawing no. 2696-02-01F, indicates that a parking area would be provided which is considered sufficient for a one bedroomed short term holiday let.
- 10.26. Vehicular access to the outbuildings is obtained from Main Street. Representations were made in relation to whether vehicular access is obtained from Main Street or Back Lane. A submitted Plan, drawing no. 2696-02-01F, confirms that vehicular access is obtained from an existing access point from Main Street and into the previous car park of the former pub. The turning area and access are considered acceptable in terms of ensuring highway safety, in line with paragraph 111 of the NPPF.
- 10.27. It is not considered that EV charging would be required by condition as the application is for a holiday let, rather than a permanent dwelling. It would be a commercial decision of the applicant as to whether they implemented those facilities on site.

#### Other Matters

- 10.28. Representations have been made in relation to the loss of the car park from the pub, which in-turn could result in a loss of rear access for deliveries, emergency vehicles and users of the pub. The Inspector, under appeal reference APP/E2734/W/19/3240780, determined that the loss of the rear car park of the Former Henry Jenkins Inn is not considered to be a planning problem, however the application presented is for conversion and alterations to the outbuildings, therefore issues in relation to pub parking are not

considered material. As shown on one of the submitted drawings, drawing no. 2696-02-01F, adequate vehicular access and parking would serve the holiday let, and any issues in relation to land ownership and right of access through the existing car park are not material planning matters.

- 10.29. Representations were received in relation to a community grant intended to be used to purchase the Henry Jenkins Inn, as well as matters in relation to compulsory purchase orders. This falls outside of the scope of consideration of this application.
- 10.30. Representations were made in relation to the assumed intentions of the applicant for submitting the application. Planning law requires that applications for planning permission are considered on their individual merits, and determined in accordance with the development plan, unless material matters indicate otherwise. Therefore, assumptions in relation to any future intentions of the applicant are not relevant to the decision, and on the basis of the submitted detail it is considered that the conversion of the outbuildings would not present unacceptable planning harm for the reasons identified throughout this report.
- 10.31. Representations were made in relation to the building being incapable of conversion. The application is determined on the basis of the submitted detail, and should permission be granted, accordance with the proposed plans would be conditioned. On the basis of the submitted plans and following a visual inspection, the buildings would appear to be suitable for conversion, the existing walls are shown to be retained, and although associated external works are required to facilitate the conversion in the form of small infill areas and glazing, these would not be detrimental to the character or appearance of the street scene. Furthermore, as the building is located within Development Limits nor is the building listed, it is not required by planning policy to ascertain that the building is capable of conversion, and small sections of rebuilding to accommodate the conversion would be considered acceptable.
- 10.32. Representations were made with regards to the formation of access from Back Lane to the south being unsafe. As clarified, access is obtained from Main Street to the north and no detail has been submitted to indicate otherwise. Therefore, this is not a material planning matter.
- 10.33. Representations have been made in relation to the need for a community asset in the village. As determined, the conversion of the outbuildings would

not prevent a reasonable prospect of the public house use of the adjacent site continuing on a viable basis.

- 10.34. A representation was made, providing an existing plan of the Henry Jenkins Inn and outbuildings and annotated potential pub uses which could not be accommodated within the remaining Western Annex of the pub. In consideration of the size and scope of the existing outbuildings, and remaining buildings/adjuncts associated with the original former Henry Jenkins pub, it is not considered to substantiate the claim that a community use could not continue in the western annex.
- 10.35. Representations were made in relation to building regulations having not been obtained or being required for the proposal. Building Regulations team gave no objections to the proposal and stated that building regulations application would be required. The applicant is responsible for ensuring that building regulations are followed and is advised that applying for building regulations are a separate matter to planning permission, and this is included as an informative.
- 10.36. Representations were made in relation to misleading existing elevations drawing and state of disrepair of the buildings. The application is determined on the information submitted, which states that external walls will be retained, and existing openings glazed where required to carry out the conversion. A site Inspection would also lead to the view that the buildings are capable of conversion. If the building were to be demolished, then a further application for a new build would be required.

## 11.0. **PLANNING BALANCE AND CONCLUSION**

- 11.1. The proposal falls within the development limits of Kirkby Malzeard and the conversion to form a one bedroomed holiday let would not be contrary to the sustainable growth policies of the Local Plan.
- 11.2. It is not considered that the loss of the identified outbuildings would cause demonstrable harm to the prospect of the Henry Jenkins site becoming a community asset.
- 11.3. The proposal is considered to adequately safeguard the character of the locality and wider Nidderdale National Landscape. The proposal would not introduce unacceptable impacts on amenity, highways or environmental health, subject to conditions and informatives.
- 11.4. Overall, the principle of development can be supported in accordance with the NPPF, Local Plan Policies GS2, GS3, GS5 and GS6. The proposed

conversion and associated external works can be supported in accordance with Local Plan policies HP3, HP4, TI1, TI3 and NE9.

## **12.0 RECOMMENDATION**

12.1 That planning permission be GRANTED subject to conditions listed below

### **Recommended conditions:**

#### **Condition 1 Time Limit**

The development hereby permitted shall be begun on or before.

Reason; To ensure compliance with Sections 91-94 of the Town and Country Planning Act 1990.

#### **Condition 2 Approved Plans**

The development hereby permitted shall be carried out in strict accordance with the submitted details received by the Local Planning Authority; Application Form. Received 22 August 2023  
Existing and Proposed Elevations, Floor Plans, Block Plan and Location Plan. Drawing no. 2696-02-01C. Received 22 August 2023.  
Proposed Parking Plan. Drawing no. 2696-02-01F. Received 22 November 2023.

Reason: In order to ensure compliance with the approved drawings.

#### **Condition 3 External Materials**

Any stonework to be used to infill areas of the external surfaces of the development hereby permitted shall match those used in the existing outbuildings in terms of type, size, colour, dressing and coursing to the satisfaction of the Local Planning Authority.

Reason; In the interests of visual amenity and in order to harmonise with the existing building.

#### **Condition 4 Glazing Details**

Prior to commencement of the development hereby granted, sectional joinery details (scale 1:10 or 1:20) of the proposed glazing and doors to be installed within the walls and roof of the buildings must be approved in writing by the local planning authority. The frames must be of a timber construction.

Reason: In order to protect visual amenity.

#### **Condition 5 External works**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no further external alterations to the development being permitted, other than any expressly authorised by this permission shall be carried out without the grant of further specific planning permission from the local planning authority.

Reason: In order to protect visual amenity.

### **Condition 6 Construction Hours**

The hours of work on site shall be controlled and restricted to fall within the following hours only;

08:00 until 18:00 Mondays to Fridays

08:00 until 13:00 Saturdays

No work on Sundays or Bank Holidays

Reason: In the interests of residential amenity.

### **Condition 7 Refuse Storage**

Suitable and sufficient provision shall be made for the storage and containment of refuse prior to collection, and access for collection of refuse.

Reason: In the interests of residential amenity.

### **Condition 8 Holiday Use**

The development hereby permitted shall be used for short term holiday lets only. The development shall not be occupied as a separate dwelling. The duration of any stay shall not exceed one month, and the operator shall maintain an up-to-date record of the home addresses of occupiers which shall be made available on request to the local planning authority.

Reason: Without further assessment, the property would not be considered suitable as permanent residential accommodation.

### **Informatives**

Informative 1 unforeseen land contamination

The applicant / developer is advised that they have a duty to adhere to the regulations of Part 2A of the Environmental Protection Act 1990, the National Planning Policy Framework and the current Building Control Regulations with regards to contaminated land. If any unforeseen contamination is encountered during the development, the Local Planning Authority (LPA) should be informed immediately. Any investigation / remedial / protective works carried out in relation to this application shall be carried out to agreed timescales and approved by the LPA in writing.

Furthermore, any soil or soil forming materials to be brought to site for use in garden areas or soft landscaping should be tested for contamination and suitability for use prior to importation to site. The responsibility to ensure the safe development of land affected by contamination rests primarily with the developer.

#### Informative 2 topsoil

If any topsoil is taken onto site for the formation of a domestic garden it should be certified as suitable for a domestic garden. This should be validated through sampling once on site

#### Informative 3 Building Regulations

A separate Building Regulations application will be required for this proposal.

**Target Determination Date:** 20 November 2023

**Case Officer:** Kate Exley

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