

North Yorkshire Council

Community Development Services

Skipton and Ripon Area Constituency Planning Committee

2ND APRIL 2024

ZA23/25559/FUL – ERECTION OF 1 NO. DWELLING AT MILL COTTAGE, COWLING ON BEHALF OF MR WIDDUP

Report of the Assistant Director Planning – Community Development Services

1.0 Purpose of the Report

- 1.1 To determine a planning application for the erection of a 1 no. detached dwelling at Mill Cottage, Cowling
- 1.2 This application is brought to the Area Planning Committee because the applicant is the partner of a member of the Craven Area Development Management Team and the applicant has an interest in the land.

2.0 EXECUTIVE SUMMARY

RECOMMENDATION: That planning permission be REFUSED

- 2.1. This application was considered by the Skipton and Ripon Area Constituency Planning Committee on 5th March and deferred for a site visit. The site visit will take place in advance of the committee meeting. The report has also been updated to include the officer's update during the original presentation at the 5th March committee in relation to the issues raised by the applicant in a late information submission report.
- 2.2. This application seeks permission for the erection of 1 no. dwelling within the main built-up area of Cowling. Local Plan Policy SP4(H) sets out that additional growth in this area is supported providing that it accords with all other relevant local plan policies. It is not considered that the proposal complies with local plan policies in relation to heritage, amenity, highway safety and flood risk and therefore is contrary to Local Plan Policy SP4.
- 2.3. The proposed development by virtue of its location, scale and design would create harm to the openness of the Conservation Area. The proposal would create 'less than substantial harm' and the public benefits are not considered to outweigh this harm. The proposal is therefore contrary to Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990; Local Plan Policies ENV2 and ENV3 and Section 16 of the NPPF.
- 2.4. The property would not provide a high level of amenity due to the proximity of the trees and level of overshadowing. This would be contrary to Local Plan Policy ENV3 and paragraph 135 of the NPPF and would put the trees under the threat, in contradiction of Local Plan Policies ENV3 and ENV4 and also paragraph 180 of the NPPF.

- 2.5. The intensification of the access arrangement and proposed parking would have the potential to create issues in terms of highway safety. This would be contrary to Local Plan Policy INF4.
- 2.6. The site is also located in Flood Zone 3, which carries the highest level of flood risk. It is not considered that the sequential test for development in this area has been met and that there are no other reasonably available sites within the area of the Local Plan and therefore the proposed development would be contrary to paragraphs 165, 168 and 173 of the NPPF and Local Plan Policy ENV6.



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3.0 Preliminary Matters

3.1. Access to the case file on Public Access can be found here:-
<https://publicaccess.cravencd.gov.uk/online-applications/>

3.2. There are two relevant planning applications for this application:

2023/24721/TCA – Fell 2 Ash; 1 Sycamore and 1 Poplar and pruning works to various trees. Granted 28 Feb 2023

2022/23635/TCA – T1 Ash – Fell. Granted 18 March 2022.

4.0 Site and Surroundings

4.1. The application site comprises of an area of garden to the south of Mill Cottage. The site presently benefits from a garage building and a large shed. The site is located off

the A6068 and can also be accessed from Gill Lane to the north. The site is located within Cowling Conservation Area and within 40m of the Grade II Listed Town End Farm.

- 4.2. Cowling is considered to be a Tier 4a Settlement within the Settlement Hierarchy identified in the Local Plan. The site has a number of large trees along the southern and western boundary and a public footpath runs along the eastern boundary and then to the south.
- 4.3. The site is located in Flood Zone 3. Ickornshaw (Holdgate) Beck runs to the east of the site beyond a banking with a large retaining wall.
- 4.4. A 2 metres high fence has been erected around the garden area of Mill Cottage. No record of any planning approval has been found in relation to this fence and as the fence would be adjacent to a public highway and a public right of way, it is considered that planning permission would be required for the erected fence. The enforcement team are now aware.

5.0 Description of Proposal

- 5.1. This application seeks Full Planning Permission for the erection of 1 no. dwelling within the garden of Mill Cottage. The plans have been amended during the application process.
- 5.2. The proposal as amended is for a two-bedroom detached bungalow with a large patio area and two parking spaces situated to the south of the site across the access from Colne Road and adjacent to the public right of way.
- 5.3. The dwelling is proposed to be constructed of natural coursed stone and random stone with an artificial stone room and aluminium double glazing. The scale and design of the dwelling has been amended during the application process, along with the access to the site. Boundaries are proposed as 1m dry stone walls and native hedgerows.

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:

- Craven Local Plan 2012 to 2032 (adopted 2019).
- Joint Minerals and Waste 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 2023
- National Planning Practice Guidance
- National Design Guide
- Planning (Listed Buildings and Conservation Areas) Act 1990
- Cowling Conservation Area Appraisal
- Sustainable Design and Construction Guidance Note
- Good Design SPD
- Flood Risk and Water Management SPD.

7.0 Consultation Responses

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

7.2. **Parish Council:** no comments received

7.3. **Footpath Officer:** recommend informative in relation to Public Right of Way (PROW).

7.4. **Highways:** recommend REFUSAL on the grounds that the road leading to the site are by reason of their poor alignment/ poor junction / insufficient width / poor condition and unsuitable gradient considered unsuitable for the traffic which would be likely to be generated by this proposal and will cause an unacceptable risk to Highway safety.

7.5. **Arboricultural Officer:** No objection in relation to the loss of the tree on the site but raise significant concerns over the level of overshadowing from the adjacent trees and level of pressure for future works to increase light levels. Following the deferral the Arboricultural Officer has provided additional comments in relation to the issues relating to overshadowing and the potential for future pressure to the trees.

7.6. **Environment Agency:** Object - The submitted FRA does not comply with the requirements for site-specific flood risk assessments, as set out in paragraphs 20 to 21 of the Flood Risk and Coastal Change planning practice guidance and its site-specific flood risk assessment checklist. The FRA does not therefore adequately assess the flood risks posed by the development. Notes the requirement for the sequential test to be undertaken.

7.7. **Environmental Health:** require a noise report and recommend conditions in relation to land contamination and waste.

7.8. **Heritage** – Object - The amended plan would reduce the impact on the Conservation Area however it is not considered that it overcomes the fundamental harm to the significance of the CA through the loss of openness and there are insufficient public benefits to outweigh the 'less than substantial harm'.

Local Representations

7.9. None received.

8.0 Environment Impact Assessment (EIA)

- 8.1 The Proposed Development 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 Heritage Assets
- Flood Risk and Drainage
- Residential Amenity
- Highways
- Land Contamination
- Sustainability

10.0 ASSESSMENT

Principle of Development

- 10.1. The National Planning Policy Framework Dec 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. Local Plan Policy SP4 sets out the Spatial Growth Strategy for the former Craven District. The application site falls within the settlement of Cowling which is identified as a Tier 4a settlement (Villages with Basic Services). Policy SP4 (D) sets out that these areas are capable of limited growth to sustain their vitality and function of the NPPF sets out that planning decisions should support a prosperous rural economy through sustainable growth.
- 10.3. SP4(H) continues that support can be given for additional housing on non-allocated sites within the main built-up areas whilst SP4(I) supports the release of non-allocated housing which adjoin these main built-up area where certain criteria are met.
- 10.4. The definition of 'main built up area' within the policy is defined as 'the settlement's closely grouped and visually well related buildings and any associated spaces between these buildings' and excludes individual buildings or groups or dispersed buildings or ribbon development, along with gardens, paddocks and other undeveloped land within the curtilage of building on the edge of the settlement where land relates more to the surrounding countryside than to the main built up area of the settlement.
- 10.5. The application site is not an allocated housing site and is located on the edge of the settlement set apart from the existing housing in an area of garden. Following a recent appeal decision APP/C2708/W/22/3309412 it is considered that this area of Ickornshaw forms part of the main built-up area.

- 10.6. Local Plan Policy SP4(H) sets out that additional growth in this area is supported providing that it accords with all other relevant local plan policies. As set down further in this report it is not considered that the proposal complies with local plan policies and therefore is contrary to Local Plan Policy SP4.

Impact on Heritage Assets

- 10.7. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that Local Planning Authorities, in carrying out their development control functions pay special regard to the desirability of preserving or enhancing the character or appearance of a Conservation Area.
- 10.8. In determining planning applications concerning the historic environment, Section 16 of the NPPF indicates that local planning authorities should take account of: the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and the desirability of new development making a positive contribution to local character and distinctiveness. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.
- 10.9. Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply: the nature of the heritage asset prevents all reasonable uses of the site; and no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and the harm or loss is outweighed by the benefit of bringing the site back into use.
- 10.10. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
- 10.11. Local Plan Policy ENV2 seeks to conserve and enhance the historic environment of the Local Plan area.

- 10.12. The application site lies within the Cowling Conservation Area in an area identified as open land which contributes to the character and appearance of the setting of the Conservation Area and across which important views are noted in the appraisal (view HD2).
- 10.13. It is noted that the Conservation Area appraisal excludes gardens from the definition of open space however it also continues that features such as gardens can make a positive contribution to the character and appearance of the Conservation Area. The fact that the site lies within an area of open space does not mean that it forms part of the open space by definition but it is still able to contribute to openness.
- 10.14. The existing garage and shed on the site detract from the character and appearance of the area, however, the openness and greenery of the site and its surroundings make a positive contribution to the character and appearance of the Conservation Area.
- 10.15. The Heritage Officer describes the site:

'The application site is within an area of steep-sided topography, in which the Summer House Beck (notated as Ickornshaw/Holdgate Beck on the site plan) is a strong feature, falling sharply from S to N, at a lower level than both the main road and the driveway/Gill Lane on its W bank, in stone-lined channel. A public footpath runs diagonally between the main road at a higher level and the driveway between parts of the mill at a lower level, past the application site and so the application site can be seen from a number of dynamically changing views from public access points. A similar private access road runs between the road and the lower level on the W side of the beck.

The application site is within a generally wooded area, with the effect that views of the site are strongly filtered. The deciduous trees contribute to the attractive character and softness of the area (as well as creating shade) but a dense line of leylandii trees higher up on the sloping land to the W of the application site creates an inappropriate and unnatural hard visual barrier and an overall suburban character'.

- 10.16. The application site is of reduced visibility from Colne Road, as suggested by the applicant, due to the level of screening and topography, but views are still available and it is highly visible from the public right of way that runs around the site from Colne Road.
- 10.17. The proposed building would reduce the openness of the area and create a more modern structure which would detract from the historic qualities of the site.
- 10.18. The Heritage Officer continues:
- 10.19. *'The positive visual attributes of the CA are the combined effects of the historic buildings, the open spaces, the vegetation and the topography. I agree with the assessment in the CAA that the openness of the land along the N edge of Colne Road makes a strong positive contribution to the character and appearance of the CA. Accordingly, the loss or dilution of the openness by the construction of a detached house must cause some harm to the conservation area.*

- 10.20. *I also accept that the existing modern buildings on the site detract from the historic character and appearance of the area but they are relatively small and are single storey only. Although their removal would enhance the historic character and appearance of the area, I consider that their presence alone does not justify a new dwelling on the site, as I consider that the harm caused by the proposed building would outweigh the benefits of their removal.*
- 10.21. It is noted that the scale of the application has been reduced during the application determination period reducing from a two-storey dwelling to a bungalow, however the Heritage Officer has had the opportunity to review these revised plans and whilst the reduction in scale would reduce the overall impact it is not considered that the revisions would overcome the level of harm.
- 10.22. The site is in an area shown on the Conservation Area appraisal map as an open space which provides a strong contribution to the character and appearance of the Conservation Area and also in a location designated as providing significant dynamic views into the settlement and in particular that of Ickornshaw Mill.
- 10.23. The proposed development by virtue of its impact on the openness would result in harm to the relationship of the historic buildings and their setting and therefore would create 'less than substantial harm' to the character and appearance of the Conservation Area.
- 10.24. In addition, the scale of the property does not reflect the local grain of development. The neighbouring properties are thin linear two storey properties with a larger plot to dwelling ratio. The proposal would be for a single storey property of much greater depth which leaves little garden area. This would be contrary to Local Plan Policy ENV3 and the Good Design SPD.
- 10.25. Whilst it is noted that the proposal would lead to the removal of the garage and outbuilding on the site, and that these detract from the overall quality of the area, it is not considered that this provides a significant public benefit which would outweigh this harm and therefore in line with the NPPF the development should be refused.
- 10.26. The development is therefore in conflict with Section 16 of the NPPF and Local Plan Policy ENV2 by reason of the harm to the character and appearance of the Conservation Area.

Flood Risk and Drainage

- 10.27. The Environment Agency Flood Maps identify the site as being within Flood Zone 3. As defined in the Planning Practice Guidance (PPG) that zone is defined as having a 'high probability' of flooding.
- 10.28. NPPF paragraph 165 states that inappropriate development should be avoided by directing development away from areas at higher risk of flooding. Framework paragraph 168 seeks to steer new development to areas with the lowest risk of flooding through requiring the sequential test for new development. It sets out that development should not be permitted if there are 'reasonably available sites', appropriate for the proposed development, in areas with a lower risk of flooding.

- 10.29. Similarly, Policy ENV6 of the Local Plan seeks to ensure development in areas of flood risk is avoided wherever possible, through the application of the sequential test and exception test.
- 10.30. The PPG guides that the search area to apply the sequential test across will be based on the development type proposed and relevant spatial policies. The applicant will need to identify whether there are any other 'reasonably available' sites within the area of search, that have not already been identified by the planning authority in site allocations or relevant housing and/or economic land availability assessments, such as sites currently available on the open market.
- 10.31. The Council's Flood Risk and Water Management SPD sets out how the sequential test should be applied across the Local Plan Area.
- 10.32. The designation for the area has recently been increased from Flood Zone 2 to Flood Zone 3 by the EA and the applicant has set out the case as to why this designation is incorrect.
- 10.33. The EA set out how to address any areas of disagreement between parties over the designation however this requires the provision of flood modelling data by the applicant which can be prohibitively expensive. This however is not a matter for the LPA to intervene in as the EA are the designated authority for determining areas of Flood Risk. The EA set out how an applicant can ask for the zoning to be re-considered and this is the appropriate way to address this, as the EA have the expertise in the area and the LPA do not have all the relevant information to be able to consider the level of risk in the area.
- 10.34. Whilst the applicant may not agree with the designation the site is clearly located within Flood Zone 3 on the Environment Agency maps and regardless of whether the applicant agrees with the designation, the national policy position is clear that the sequential test is required. A sequential test would also be required if the previous designation at Flood Zone 2 had been retained.
- 10.35. The applicant has not supplied a sequential test and as evidence has not been provided to show that there are no reasonably available sites in a lower area of flood risk then the proposed development would conflict with paragraphs 165,168 and 173 of the NPPF and Local Plan Policy ENV6.
- 10.36. The Surface Water Flood Risk for the location is also classed as High Risk which is where rainwater cannot drain away through normal drainage systems. The application states that the drainage for the site would be via a package treatment plant and also by surface water drainage into a SUDS or to drain into the existing watercourse.
- 10.37. High Risk Surface Water flooding carries the same weight in the NPPF as fluvial flooding in Flood Zone 2/3 and is not related the proximity of the watercourse.
- 10.38. The site is in Flood Zone 3 and thus the issue of the risk from Surface Water Drainage would also need to be addressed to ensure that it is feasible to drain the site using the

proposed methods. The application does not provide this level of detail and therefore it is not possible to determine whether adequate drainage can be provided for the site which would not raise issues in relation to increased flood risk.

- 10.39. The EA has also objected on the basis that no suitable FRA has been provided by the applicant.
- 10.40. At the point that a sequential test is met, the exception test would need to be met. In order to do so a suitable Flood Risk Assessment would need to be provided to ensure that the development can be made safe from potential flood risk. The FRA supplied does not provide this level of information.
- 10.41. The proposal is therefore in conflict with paragraphs 165, 168 and 173 of the NPPF of the NPPF and Local Plan Policy ENV6.

Residential Amenity

- 10.42. Paragraph 135 of the NPPF sets out the requirement for a high standard of amenity to be provided for both existing and future occupiers.
- 10.43. Local Plan Policy ENV3 states that 'development should protect the amenity of exiting residents' and 'secure a good standard of amenity for all existing and future occupants'.
- 10.44. The proposal would provide a 2-bedroom property which would meet the required NDSS for internal space and it is considered that there is sufficient separation distance between the proposed dwelling and Mill Cottage to ensure that amenity is not compromised.
- 10.45. In the event that planning permission is granted, it is however recommended that a condition is imposed that would restrict any further windows being installed in the western elevation of the property as any additional windows into the roof space would overlook the garden area of Mill Cottage.
- 10.46. The proposal is affected by a large number of trees outside the site. The Tree Impact Plan shows the area of shade that would be created from the surrounding trees. This reduces light to the southern, eastern and western elevation as well as restricting light into the rear garden.
- 10.47. The plan within the Arboricultural Impact Assessment shows the level of shading that would be produced from the neighbouring trees and does not include those trees to which approval has already been granted for removal or pruning works.
- 10.48. The Arboricultural Officer has set out the likely implications of the proposed development as:
- The proposed development would be surrounded by trees especially on the south and west boundaries. Residential amenity and useable outdoor space during the warmer months will be challenging due to almost perpetual shade conflict.

- Pv panels are unlikely to receive sufficient sunlight for efficiency leading to notices/apps to fell or inappropriately prune. Leading to a point of conflict as more panels are located close to retained tree populations.
- The submitted Treeplan shows the extent of shading for the height of summer – shade either side of this season will be increased resulting in high levels of shade/gloom. Light issues increased by the levels – site sunk into surrounding landscape which results in trees overbearing. Note moss/lichen on existing structures due to lack of light and damp conditions. These are not welcomed by householders resulting in additional complaints and requests for more light.
- The property would be compromised in terms of its level of amenity due to the proximity of the trees which would make the house dark with restricted light to the kitchen and bedrooms along with the rear patio area and would have the potential to restrict light to the proposed solar panels.

10.49. This would be contrary to Local Plan Policy ENV3 and paragraph 135 of the NPPF and would put the trees under the threat from requests to complete works to the trees to allow more light into both the house and the garden. This would be contrary to Local Plan Policies ENV3 and ENV4 and also paragraph 180 of the NPPF.

10.50. In addition, Environmental Health have raised concerns with regards to the proximity of the property to the A6068 and the potential for noise and disturbance for future users. Environmental Health have recommended that before any application is approved that an acoustic report is submitted to ensure that a suitable level of amenity can be provided.

10.51. Highway Safety

10.52. Paragraphs 114 and 115 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.

10.53. The Highways Authority has objected to the proposal due to the poor access arrangements which would intensify the use through the proposal. The applicant has responded by altering the application site to include both accesses available to the site and stating that the access arrangement could be conditioned for the existing and proposed dwelling.

10.54. The site has the ability to access the highway from two parts of the network, the steep driveway to Colne Road and a small access track which passes in front of the existing terrace and through the Mill complex.

10.55. The existing property has use of both access points and it would not be appropriate to reduce that access nor would a planning condition be effective in restricting the use of vehicles from using part of the highway.

10.56. The applicant has brought several planning approvals for development in the area forward for consideration in relation to the access. These applications have already been approved and therefore the impact on the highway has already been assessed. The proposal would be considered to intensify the use of the access.

- 10.57. In addition, the proposal shows parking which is situated away from the house and adjacent to the access track. The applicant has stated that this parking area would also act as a turning area. Two parking spaces are required as a minimum for a development of this time along with the ability to turn. If these parking spaces are in use there would be no ability to turn and the road is too narrow to allow vehicles to pass.
- 10.58. The applicant states that a new house has been approved to the rear of the site at Squirrel Cottage (2021/23588/FUL,) however, this application is not considered comparable due to the previous use of the land and the fact that a passing place has been provided within the access track.
- 10.59. The proposal is considered to be unacceptable on highways grounds due to the intensification of an existing access and the proposed parking arrangement which has the potential to create highway safety issues and therefore is contrary to paragraphs 114 and 115 of the NPPF and Local Plan Policy INF4.

Land Contamination

- 10.60. Local Plan Policy ENV7 sets out the need for remediation of contaminated land. Whilst the site is within a domestic garden area there is a garage and shed which may have given rise to contamination and as such any approval should include a condition in relation to unexpected contamination found during development.
- 10.61. An additional condition is also recommended with regards to providing suitable and sufficient provision for waste storage and collection.

Sustainable Design

- 10.62. Local Plan Policy ENV3 requires sustainability to form part of the design of developments. The application is accompanied by a sustainability statement which sets out how the development is designed with sustainability in mind.
- 10.63. It is considered that any planning approval should condition the development to be undertaken in accordance with the measures set out within the statement.

11.0 PLANNING BALANCE AND CONCLUSION

- 11.1. This application seeks permission for the erection of 1 no. dwelling within the main built-up area of Cowling. Local Plan Policy SP4(H) sets out that additional growth in this area is supported providing that it accords with all other relevant local plan policies. It is not considered that the proposal complies with local plan policies and therefore is contrary to Local Plan Policy SP4.
- 11.2. The proposed development by virtue of its location, scale and design would create harm to the openness of the Conservation Area and the dynamic views down to the valley floor of the historic core of Ickornshaw from Colne Road and the nearby public footpath. The proposal would create 'less than substantial harm' and the public benefits are not considered to outweigh that harm. The proposal is therefore contrary to Section

72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990; Local Plan Policies ENV2 and ENV3 and Section 16 of the NPPF.

- 11.3. The application site is located within Flood Zone 3, which is defined as having the highest probability of flooding and in an area of high risk in terms of surface water flooding. This has been confirmed by the Environment Agency. The applicant has not supplied a sequential test and has not demonstrated that there are no reasonably available sites in a lower area of flood risk than the proposed development. This would conflict with paragraphs 165, 168 and 173 of the NPPF and Local Plan Policy ENV6.
- 11.4. The property would be compromised in terms of its level of amenity due to the proximity of the trees which would make the house dark with restricted light to the kitchen and bedrooms along with the rear patio area. This would be contrary to Local Plan Policy ENV3 and paragraph 135 of the NPPF and would put the trees under the threat. This would be contrary to Local Plan Policies ENV3 and ENV4 and also paragraph 180 of the NPPF.
- 11.5. The development has been amended to include two means of access and egress from the site, however, the proposal would intensify the use of two poor quality access arrangements and would have the potential to create issues in terms of highway safety. The proposed parking arrangement would exacerbate these issues as the proposal does not provide adequate turning arrangements. This would be contrary to Local Plan Policy INF4.

12.0 RECOMMENDATION

12.1 That planning permission be REFUSED for the following reasons:

1. The proposed development by virtue of its location, scale and design would create harm to the openness and the character and appearance of the Conservation Area and the dynamic views down to the valley floor of the historic core of Ickornshaw from Colne Road and the nearby public footpath. The proposal would create 'less than substantial harm' and the public benefits are not considered to outweigh that harm. The proposal is therefore contrary to Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990; Local Plan Policies ENV2, ENV3 and SP4 and Section 16 of the NPPF.
2. The application site is located within Flood Zone 3, which is defined as having the highest probability of flooding, and in an area of high risk in terms of surface water flooding. This has been confirmed by the Environment Agency. The applicant has not supplied a sequential test and has not demonstrated that there are no reasonably available sites in a lower area of flood risk than the proposed development. Nor has a suitable Flood Risk Assessment been provided. This would conflict with paragraphs 165, 168 and 173 of the NPPF of the NPPF and Local Plan Policies ENV6 and SP4.
3. The proposed development would provide a poor level amenity due to the proximity of the large trees adjacent to the site which would make the house dark with restricted light to the kitchen and bedrooms along with the rear patio area.

This would be contrary to Local Plan Policy ENV3 and paragraph 135 of the NPPF.

4. The proposed development due to its proximity to the neighbouring trees and the impact on amenity would put the trees under the threat from future works. This would be contrary to Local Plan Policies ENV3 and ENV4 and also paragraph 180 of the NPPF.
5. The proposal would intensify the use a poor-quality access arrangement which would have the potential to create issues in terms of highway safety. The proposed parking arrangement would exacerbate these issues as the proposal does not demonstrate that adequate turning arrangements can be provided. This would be contrary to Local Plan Policy INF4 and paragraphs 114 and 115 of the NPPF.

Target Determination Date: 15th March 2024

Case Officer: Emma Howson emma.howson@northyorks.gov.uk