



**REPORT FROM: PLANNING, ECONOMIC DEVELOPMENT AND
REGULATORY SERVICES MANAGER**

TO: POLICY AND RESOURCES COMMITTEE

DATE: 18th MARCH, 2021

Report Author: Neil Watson
Tel. No: 01282 661706
E-mail: neil.watson@pendle.gov.uk

PLANNING APPLICATIONS

PURPOSE OF REPORT

To determine the attached planning application.

REPORT TO POLICY & RESOURCES COMMITTEE 18th MARCH, 2021.

Application Ref: 20/0493/FUL

Proposal: Full: Erection of 2 No. 3 bed dwellings and associated garages, parking and gardens.

At: Land to the North of Oakfield, Skipton Old Road, Colne

On behalf of: Mr P Cunningham

Date Registered: 12 August 2020

Expiry Date: 7 October 2020

Case Officer: Kathryn Hughes

This application has been referred from Colne & District Committee as members were minded to refuse the application, on highway grounds with an indication that the impacts were significant, against officer's recommendation. No objections have been raised on this point from LCC Highways in order to substantiate a reason for refusal.

In the absence of any supporting evidence, if refused on significant highway grounds there would be a significant risk of an adverse costs award against the Council from any subsequent appeal.

Site Description and Proposal

The application site is a parcel of land within a residential area and sited outside the settlement boundary for Colne and lies within the Lidgett & Bents Conservation Area.

The application site comprises of 0.196 of a hectare and is currently used as domestic garden land in conjunction with the adjacent property.

The proposal is to erect two 3 bed dwellinghouses on the site with detached garages, parking and gardens. The properties would be finished in local stone and slate with timber painted windows and doors and boundary treatments comprising of walls and hedgerows to match existing.

A sustainable drainage system for surface water and connection to the existing main sewer are proposed.

The vehicle access and hardstanding would be in bonded gravel with narrow kerb edgings.

There are existing mature hedgerow and trees within the site some of which have already been removed. Some of the trees are protected by TPO whilst the remainder are protected by the Conservation Area Status.

A Design and Access Statement, Heritage Asset Statement, Ecological Report, Tree Survey and Transport Statement have been submitted in support of the application.

Relevant Planning History

13/75/1703P – Residential development – Refused.

13/82/1034P – Outline of erection of two dwellings – Approved subject to conditions.

13/90/0300P – Erection of two dwellings – Refused – appeal lodged out of time.

13/91/0345P – Erection of 2 dwellings - Refused and appeal dismissed.

19/0941/FUL – Erection of 2 no. detached dwellings with associated parking – Invalid.

Consultee Response

LCC Highways

The above application is a re-submission of a previous, invalid application (ref 19/0941/FUL), now with an amended site layout and the number of bedrooms per dwelling reduced from four to three. However, the proposed access to the site off Bents remains unchanged and so the Highway Development Support Section's opinion remains the same as that for the previous application, one of objection on highway safety grounds.

Access

The development site is accessed via an unmade, unlit, single vehicle width track from Bents, which provides vehicular access to six other properties, as well as to the garage belonging to Oakfield. Public Footpath 122 (Colne) also passes along this track. In addition, there is an unmade, unlit, single vehicle width track between Kirkdale and Claines leading to Skipton Old Road, over which Public Footpath 214 (Colne) passes.

The proposed development would lead to an intensification of the use of these tracks. There is no inter-visibility from Bents to the track when approaching from either direction. The junction to the track is also located close to a narrow, 90° bend in the carriageway. This could result in stationary vehicles waiting on Bents for vehicles to enter/leave the track which, given the restricted layout of the carriageway at this point, would be to the detriment of highway safety.

The majority of properties on Bents have no off-road parking and so park on the road, which reduces the carriageway width. Parked vehicles can therefore reduce visibility for vehicles exiting onto Bents. Paragraph 3.1.7 of the submitted Transport Statement refers to two places on Bents where there are off-road parking which would allow vehicles to pull in to allow another vehicle to pass. This is shown by Figure 2 in Appendix C, which has not been included in the Transport Statement dated July 2020. Paragraph 3.1.13 refers to the same figure which shows visibility from the access road onto Bents. As this figure has been omitted the highway authority is unable to provide comments.

In addition, there is no clear visibility from the track between Kirkdale and Claines to the left at its junction onto Skipton Old Road due to the height of a stone wall and the track gradient down to the carriageway. Increased use of this track could also lead to the deterioration of the track's surface causing loose material to be carried onto Skipton Old Road, so posing a hazard to other highway users.

The Transport Statement (para 1.1.4) also refers to a planning application from 1991 for a similar development and the Planning Inspector's comments in May 1992 from the subsequent appeal, which was dismissed. A comparison with parking patterns at that time to present day ones would appear to indicate that there has been no improvement to on-road parking on Bents nor to the access to/from the adopted highway. In the 18 years which have passed since the decision, it is likely that the level

of car ownership has increased at the nearby properties, resulting in more vehicles parked on-street and travelling along the highway network in the vicinity of the site. This increases the level of conflict between the highway users and intensifies an already constrained network.

Following the submission of the highway authority's comments and objection to application 19/0941/FUL the applicant submitted a highways pre-application. To try and address their highway safety concerns, in their response the highway authority advised that the existing private drive onto Skipton Old Road, serving Oakfield, appeared to be suitable to accommodate the additional traffic from the new dwellings. This was subject to minor widening, to accommodate the construction traffic in the short term, and to provide additional hardstanding for refuse containers in the long term. Using this alternative means of access would reduce the conflict with other vehicles and pedestrians on the public highway.

Parking

Given the site's distance from local amenities and facilities, and the consequent reliance on the use of private motor vehicles, maximum parking standards should be applied to this site. Two, adequately-sized off-road parking spaces should be provided for a property with three bedrooms.

Single garages should have minimum internal dimensions of 6 x 3m to count as one parking space. This would also provide secure storage for two cycles.

From the plans submitted two adequately sized parking spaces and manoeuvring areas have been provided for both properties.

General

Access for HGVs - There are highway safety concerns regarding access for large construction/delivery vehicles during the construction/fitting out phases. In particular the ability of such vehicles to turn off Bents on to the track, given the road layout and manoeuvring area at this point. In addition, if vehicles are not able to turn within the site to leave in forward gear this could lead to vehicles reversing back onto Bents, posing a hazard to motorists and other highway users.

Section 3.4 of the Transport Statement covers construction traffic. However the proposal for large deliveries to take place from Skipton Old Road with smaller vehicles then taking goods to site (para 3.4.3) raises concerns about the practicalities of this and impact on the surrounding highway network. It also does not address how deliveries would be made by such construction vehicles as a concrete mixer, vehicles removing excavated materials etc.

If, however, the applicant feels that such concerns can be mitigated by a Construction Traffic Management Plan, the highway authority could review such a plan prior to decision. This could then be controlled by condition as suggested in paragraph 3.4.1 of the Transport Statement.

Refuse collection - Recommendations in Manual for Streets are that residents should not be required to carry waste more than 30m to the storage point, and waste collection vehicles should be able to get within 25m of the storage point. The collection point should be reasonably accessible for vehicles typically used by the waste collection authority. The distance over which waste containers are transported by collectors should not normally exceed 15m.

The Proposed Site Plan (Drawing No 100) shows an enlarged bin store at the bottom of Oakfield's drive, which would allow refuse to be collected from Skipton Old Road.

This is still a distance of over 70m from the rear of Plot 2. In addition, this, and the route to it, are not contained within the red edge of the development. This may mean that its provision cannot be controlled by condition and therefore not secured for the future. The local planning authority would be able to advise about this.

Whilst additional information has been submitted with this application, concerns still remain and, therefore, the Highway Development Support Section objects to this application on highway safety grounds.

Updated Comments

The following additional comments are made in response to further information submitted, that is, Technical Note: Highways Response dated September 2020, and amended Site Plan - Proposed (Drawing No 100 Rev B).

Access

The increased use of the access track still raises concerns, as previously outlined. Whilst further information has been submitted, including two-way sections and passing places on the track, these are not part of the adopted highway, are private land, and the highway authority cannot condone the use of these. As such this information has not addressed these concerns sufficiently for the highway authority to withdraw its objection.

The development would also increase vehicular movements at the junction of Bents/Skipton Old Road, which is narrow and with poor or no forward visibility at the junction when approaching from either direction.

The highway authority acknowledges that on-street parking was present on Bents in 1991. However the level of car ownership and resultant extent of on-street parking will have increased since then.

General

Access for HGVs

As previously stated, there are highway safety concerns regarding access for large construction/delivery vehicles during the construction/fitting out phases. All deliveries must be carried out from the Skipton Old Road access, with temporary traffic lights in-situ throughout the project. The developer should be aware that any works on the adopted highway network would require the appropriate permits from Lancashire County Council's Highways Regulation Team. They can be contacted on lhsstreetworks@lancashire.gov.uk or on 01772 533433.

Refuse collection

The Proposed Site Plan (Drawing No 100 Rev B) now proposes a shared, internal bin store, together with the proposed enlarged collection area adjacent to Skipton Old Road. As these are now shown within the red edge of development, and can therefore be controlled by condition, the refuse collection arrangements are now acceptable.

Whilst additional information has been submitted for this application, concerns still remain and, therefore, the Highway Development Support Section objects to this application on highway safety grounds, as previously outlined in its initial reply dated 8 September 2020.

Comments on Amended Scheme

An amended Proposed Site Plan (Drawing No 110 dated Jan 21) has been submitted for the above development, although the proposal is still for two three bedroomed dwellings.

Access

Regarding the site's access, as outlined in the highway authority's response dated 17 December 2020, the additional information submitted alleviated to an acceptable degree those concerns previously raised. Therefore the highway authority is satisfied that the proposal does not cause a severe impact to highway safety in accordance with the National Planning Policy Framework.

The Highway Development Support Section would raise no objection to the proposal, although, again as previously stated, it would support an alternative means of access directly off Skipton Old Road to avoid the use of Bents and the unnamed access track.

Parking

Single, detached garages are now proposed. Whilst no layout has been submitted details on Drawing 110 indicate that each garage would have internal dimensions of 6 x 3m. This is of an adequate size to count as one parking space and also provide secure storage for two cycles, together with electric vehicle charging points.

Refuse collection

The Proposed Site Plan (Drawing No 110) retains the shared, internal bin store area, together with the proposed enlarged collection area adjacent to Skipton Old Road.

These are shown within the red edge of development, and can therefore be controlled by condition; the refuse collection arrangements are acceptable.

We have also noted the planning officer's shared concerns regarding the use of the track by construction traffic, and their preference for the use of the existing driveway off Skipton Old Road.

However, if the local planning authority be minded to approve this then conditions should be attached to the planning approval relating to construction method statement, Parking provisions, bin storage, restriction on garages.

United Utilities

In accordance with the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG), the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way.

UUs are not responsible for advising on rates of discharge to the local watercourse system. This is a matter for discussion with the Lead Local Flood Authority and/or the Environment Agency (if the watercourse is classified as main river).

If the applicant intends to offer wastewater assets forward for adoption by United Utilities, the proposed detailed design will be subject to a technical appraisal by an Adoptions Engineer as we need to be sure that the proposal meets the requirements of Sewers for Adoption and United Utilities' Asset Standards. The detailed layout should be prepared with consideration of what is necessary to secure a development to an adoptable standard. This is important as drainage design can be a key determining factor of site levels and layout. The proposed design should give consideration to long term operability and give United Utilities a cost effective proposal for the life of the assets. Therefore,

should this application be approved and the applicant wishes to progress a Section 104 agreement, we strongly recommend that no construction commences until the detailed drainage design, submitted as part of the Section 104 agreement, has been assessed and accepted in writing by United Utilities. Any works carried out prior to the technical assessment being approved is done entirely at the developers own risk and could be subject to change.

No objections, subject to appropriate drainage conditions.

PBC Conservation Officer

Two smaller dwellings could work provided that they are appropriately positioned within the plot, and reflect the informality in layout and simplicity of design of the immediately surrounding buildings.

The current proposals include two houses of slightly reduced footprint to the previous proposal, and sited slightly further from the road. However the houses still have a highly symmetrical and regular layout, this being emphasised by the prominent twin gables and the linked central garages with screen wall to the rear road elevation. The two houses are again of virtually identical design, with the range of different styles of window openings and rooflines introducing more complexity to the design that is at odds with the simpler facades and more informal layout of surrounding development.

This would have the potential to stand out when seen against the more traditional designs within the Conservation Area context, and would be unlikely to preserve or enhance the character and appearance of the CA at this point. The site is also highly visible from public footpaths to the south, as it borders the open Lidgett Triangle, so again, peripheral landscaping and traditional building forms in natural stone and slate would be more appropriate within this context.

The designs could be improved by introducing more informality to the layout perhaps two gabled houses joined in a T-shape arrangement which would represent a more traditional building form when seen both from the road and footpath.

Garages would be better detached from the houses. Detailing to rooflines, eaves and verges, and to window openings, should be kept simple, with recessive colours, and high quality natural stone and slate to match surrounding buildings.

Amended plans

The houses are now sited further away from Skipton Old Road which will reduce their prominence. This together with the staggered frontages and rooflines will break up the form more effectively. The design of the SW facing gable would likely be the most prominent element and this has been improved with changes to the fenestration and chimney placement.

Throughout the process we have encouraged amendments to incorporate a more vernacular approach to the design and placing of the houses, taking some design cues from the former farmhouse adjacent to the site. The window sizes have been adjusted, with the upper floor windows reduced in size to introduce more variation and informality. There is probably scope for further minor adjustment to assist in avoiding too much standardisation between the two units; this could include reducing the size of kitchen windows relative to living room windows on the road elevation, also adding more prominence to the porch canopies to this side in order to bring more visual focus to the entrances and break up the scale of the facades. The porches do add more modelling which assists in breaking up the lines and perceived scale of the elevations.

The detailing of elements such as stone type and coursing, eaves and verges, windows and doors will be crucial to achieving a satisfactory standard of development in this sensitive location. This can be controlled by an appropriate condition.

PBC Environment Officer

I have no objection to the principle of development on this area of land.

The northern elevation of the P1 encroaches onto the root protection area of T4 Horse Chestnut. This is a reasonably nice tree (classed as B2 using BS 5837 methodology). While this tree is likely to have some impact on the properties in the first instance it is going to continue to grow and will have greater impacts in the future. No arboricultural method statement or tree protection plan has been submitted. I note that the proposed water main diversion is through the rooting environment of the tree. The plan states that the new diverted main will span over the roots of the tree. As the roots will be in the top metre of soil, I cannot see how this can be done without the main being on the surface. I also note that there is a boundary line drawn through the rooting environment of the tree. All in all, this is a lot of construction within the root area of the tree.

I note that the bin storage area at the entrance to Oakfield from Skipton Old Road is to be increased in size. This area consists on a random wall that retains the level of the proposed development site. Close to this area is two mature Ash trees that are subject to Tree Preservation Order. The applicant has now applied to remove the two mature Ash trees and it is likely that consent will be granted for this and therefore this element is now acceptable

Whilst I have no objection to the principle of development on this area of land, I do object to the development that is proposed. The reason for this is that the development is likely to have major impacts on the trees and in particular the Horse Chestnut (T4). This tree is now protected by a Tree Preservation Order.

Should this application be approved then conditions with regard to this tree would need to be attached as follows:

- Detailed drawings depicting the layout and construction of the foundations of the buildings.
- Detailed drawings and method statement for the construction and diversion of the water main.
- Arboricultural Method Statement.
- Tree Protection Plan.
- Landscaping plan including details of boundary treatments, hard and soft surfaces.

Amended Plans

The revised drawing increase the set back from Skipton Old road which reduces the potential impact on the Horse Chestnut tree (T4). Five Silver Birch trees are also proposed along the Skipton Old Road frontage.

The amended plans are now acceptable in terms of the potential impact on the Horse Chestnut tree and therefore this reason for refusal has been addressed. Conditions relating to hand digging, tree protection fencing and landscaping can be controlled by condition.

Colne Town Council

Objects to this development. Access is still a potential problem for the site along an unmade track off Bents Lane. The materials palette has been improved, as have the details, such as provision for bin storage. However, Councillors felt that the design of the semi-detached houses is idiosyncratic and unsymmetrical and not wholly in keeping with the vernacular architecture of the Conservation Area.

Amended Plans

Access to the site is still an issue but Members noted the improvement in design. Members would like to see the visualization from the Lidgett triangle and are interested to see the Conservation Officer and Planning Managers report.

Public Response

Site and press notices posted and nearest neighbours notified by letter.

20 objections received on the following grounds:

- Highway safety issues particularly in relation to children being dropped off and collected from Christ Church School, in addition to construction traffic;
- Design of the scheme does not reflect local character;
- Ecological impacts, including the potential loss of curlews, tawny owls, heron and bats;
- The application should result in a net biodiversity gain;
- The properties should be capable of accommodating zero emissions boiler or underground heat pump;
- The proposed dwellings will neither complement or enhance the Conservation Area;
- The site looks cramped when viewed from the access track;
- Concern that the ecological reports have been carried out at the wrong time of year;
- Heritage Statement refers to the previous scheme;
- Overlooking of the properties on Skipton Old Road;
- Inadequate parking for the number of dwellings proposed;
- Potential noise impacts during construction phase;
- Concern over water supply which runs through the site and an ancient trough which is situated on site;
- Retaining wall on Skipton Old Road is on the verge of collapse, this would be made worse by the development;
- The site was known to be used for fly tipping previously, this may have contaminated part of the site and requires further investigation;
- Waste bins from the proposal may have to be left at the bottom of the steep drive; and
- Footpaths would become more dangerous for pedestrians.

Comments on Amended Scheme

- Plans still unacceptable;
- Highways, trees, conservation area, Colne Plan, wildlife, drainage and impact on neighbours all inappropriate;
- Access is still down the track and impacts on safety;
- Buildings are sited to one side of the site and give an unbalanced, overpopulated arrangement;
- The design has not been addressed and undermines the value and integrity of the Conservation Area;

- The proposed passing spaces are on private land;
- The character and appearance of the proposed semi's is very poor and on elevated ground and are not set back or discreet. They are very prominent, overbearing and highly visible and would jar the street scene;
- Local stone could mean anything and the wood panel fencing is incongruous;
- It would be impossible to building the houses and not kill the Horse Chestnut tree which has a tree preservation order on it;
- The track is not suitable for construction traffic;
- The site plan and CGI do not marry up as the drawing shows trees but they do not screen the houses;
- Silver Birch will take between 12 – 20 years to reach 4m in height;
- The tree roots will cause issues to the properties and block all light when fully grown; and
- If the LPA allow these houses to be built in a conservation area it sets a very dangerous precedent as there are similar plots of land nearby and it would be impossible to refuse planning on those green spaces if this goes ahead.

Officer Comments

1. Policy

Local Plan Part 1: Core Strategy

Policy SDP1 (Presumption in Favour of Sustainable Development) sets out the presumption in favour of sustainable development which runs through the plan.

Policy SDP2 (Spatial Development Principles) states that new development should be within settlement boundaries unless it is an exception outlined in the Framework or elsewhere in the LPP1.

Policy ENV1 (Protecting and Enhancing Our Natural and Historic Environments) seeks to protect and enhance natural and historic environments and sets out specific requirements that aim to ensure development proposals do not detrimentally effect such environments.

Policy ENV2 (Achieving Quality in Design and Conservation) all new development should viably seek to deliver the highest possible standards of design, in form and sustainability, and be designed to meet future demands whilst enhancing and conserving our heritage assets.

Policy LIV1 (Housing Provision and Delivery) sets out the council's requirement to deliver new housing. The policy supports the development of sustainable sites for housing outside of, but close to a Settlement Boundary, which make a positive contribution to the five year supply of housing land;

Policy LIV5 (Designing Better Places to Live) requires all new housing to be designed and built in a sustainable way. New development should make the most efficient use of land and built at a density appropriate to their location taking account of townscape and landscape character. Provision for open space and/or green infrastructure should be made in all new housing developments.

Replacement Pendle Local Plan

Policy 3A no longer applies.

Saved Policy 31 of the Replacement Pendle Local Plan sets out the maximum parking standards for development.

Conservation Area Design and Development Guidance SPD.

Development in Open Countryside SPD.

National Planning Policy Framework

Sets out the framework for development nationally. Of particular relevance are:

Para 109 which states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Paras 193 – 196 sets out the consideration for potential impacts on heritage assets and whether this would be less than substantial harm this is weighed against the public benefits.

2. Principle of Development and Impact on Open Countryside

Policy LIV1 of the Pendle Local Plan: Part 1 Core Strategy states that until the Council adopts the Pendle Local Plan Part 2: Site Allocations and Development policies then sustainable sites outside but close to a Settlement Boundary, which make a positive contribution to the five year supply of housing land, will encourage significant and early delivery of the housing requirement.

This site is adjacent to existing residential housing and would be accessible in terms of public transport, local shops, schools and public houses and is sited approximately 180m from the settlement boundary. This would not therefore be an isolated dwelling.

In this case the proposed site is sustainable and therefore the principle of housing acceptable and accords with Policy LIV1.

The proposed application site is located adjacent to Oakfield which is a large detached dwelling with detached garage. However, the site is quite a prominent location within the Conservation Area with the site levels indicating 6m difference between the road and the highest part of the site and therefore consideration must be given to any development which would result in any potential harm or impact on the area.

There are protected trees within the site which could be affected by this proposal.

Therefore the proposed development is acceptable in terms of impact on the Open Countryside and would not have a detrimental impact on the landscape and therefore accords with policies ENV1, ENV2 and LIV1 in this respect.

3. Impact on Heritage Assets

The site is located within Lidgett and Bents Conservation Area, and so there is a duty under section 72(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character and appearance of that area.

The site is prominently located and can be clearly seen in public views from Skipton Old Road as well as from the Lidgett Triangle. The modern design and orientation with rear elevations fronting Skipton Old Road at a distance of 10m which would result in significant scale and massing which could

dominant this open area of land which is at a much higher level than the road and therefore appear out of context with its surroundings.

Two smaller dwellings could work provided that they are appropriately positioned within the plot, and reflect the informality in layout and simplicity of design of the immediately surrounding buildings.

The current proposals include two houses sited approximately 10m from Skipton Old Road. However, the houses have a highly symmetrical and regular layout, this being emphasised by the prominent twin gables. The two houses are again of virtually identical design but have a much simpler design with same styles of window openings and rooflines and is more in keeping with the simpler facades of surrounding development.

This development would be conspicuous when seen against the more traditional designs within the Conservation Area context, and would have an adverse impact on the character and appearance of the Conservation Area. This is mainly due to the site being highly visible from Skipton Old Road to the north, the land level differences exacerbate this, as well as from public footpaths to the south it is important therefore that appropriate landscaping can effectively screen the proposed development which together with traditional materials would lessen the impact.

Proposals for enhanced tree planting to the Skipton Old Road frontage and use of natural hedgerows to define the plot boundaries will help to screen the development and give glimpses of the rooflines and stone walls similar to the other properties and that this would help to preserve this character of the area. The SE site boundary would also benefit from enhanced planting to soften the built form.

These designs could be improved by introducing a less formal layout when seen from public viewpoints and I am still of the view that two smaller less symmetrical units more cottage style properties would be more appropriate and be less intrusive here.

The garages are now detached from the houses and are sited to either side of the dwellings at an oblique angle and measure approximately 6.4m x 3.5m constructed in natural stone, render and slate these would not be visually obtrusive when viewed from public vantage points at lower levels.

The patio doors proposed to the side elevation of plot 2 have now been removed and the orientation of front and rear elevations has been improved with porches to the elevation facing Skipton Old Road which had been previously referred to as the rear elevation whilst this is less clear now as the properties would be accessed from the track and with the garages and entrance doors to that elevation it is more likely to be used as the main entrance with the Skipton Old Road elevation having larger garden areas and no access from Skipton Old Road being used as the rear. This could result in fences and outbuildings being erected to the prominent elevation which would need to be controlled by condition and effective landscaping to replace those trees proposed to be removed providing some screening.

The overall impact would result in large, dominant buildings but the siting of the buildings further away from the highway as now proposed would reduce this impact which together with the changes in design and improvements to the landscaping helping to lessen the impact and result in a more acceptable impact on the Conservation Area.

There would be some minor public benefits from the scheme such as:

- Contribution towards the five year housing land supply;
- Council Tax;

- Local employment for builders and trades.

This would outweigh the less than substantial harm that these prominent new builds would have to a more acceptable degree.

The proposed development within a such a prominent position in the Lidgett and Bents Conservation Area is on balance now acceptable and therefore accords with Policy ENV1, the Conservation Area Design and Development Guidance and paras 196 of the National Planning Policy Framework.

The amendments submitted to address the outstanding issues would accord with policy subject to appropriate conditions being attached to any grant of permission.

4. Impact on Residential Amenity

The site is positioned close to existing residential properties on three sides. As detailed in the Design Principles SPD, developments should maintain minimum distances of 21m between main habitable room windows (kitchens, lounges etc.) that directly face each other. Provisions should also be made in order to conserve the privacy of garden spaces. A minimum of 12m should be maintained between existing main windows and blank two-storey elevations.

Careful consideration should be applied to the design of new build housing to safeguard the residential amenity of the adjacent neighbours.

The properties on the other side of Skipton Old Road are sufficient distance away not to be unduly impacted by the proposal.

Oakfield itself is sited approximately 18m to the south west of plot 1 with two detached single storey garages between them at an oblique angle which is about acceptable in terms of privacy and impact.

Higher Standroyd is located 11m from the side elevation of plot 2 with no habitable room windows proposed in this elevation and the proposed garage and an existing garage/outbuilding at Higher Standroyd between this is acceptable and would not result in any loss of privacy or overbearing impacts.

The scheme therefore accords with policy ENV2 in this respect.

5. Design and Materials

Houses within the Lidgett and Bents Conservation Area are predominantly built from stone and slate, which give the area its distinctive character and provide unity. The Conservation Area Design and Development Guidance SPD advises that natural materials are always the preferred option and therefore natural stone and slates with timber doors and windows must be used. We would expect a high standard of design in this location given the historical significance.

The simple design detailing to rooflines, eaves and verges and window openings with recessive colours and high quality natural stone and slate and timber painted windows and doors is an improvement. Details of the materials for the proposed garages are proposed to be stone and slate with render to sides and rear which is not appropriate, this can be controlled by an appropriate condition.

The site is in a prominent location on Skipton Old Road at a higher level than the existing road. The agent has confirmed the existing and proposed levels. At present the highest point of the site is 6.6

m higher with the proposed houses measuring 6.5m to ridge and 4.6m to eaves with an overall width of 18.7m. This expanse of massing could result in a stark development without effective screening and reduced glazing.

Timber fences would not be acceptable in this location and a more appropriate solution for hedgerows to be planted has been proposed above the stone wall which will help to soften the scheme and provide a more appropriate boundary treatment in the open countryside. This can be controlled by condition.

The revised scheme as submitted is now acceptable in design terms and accords with policy ENV2.

6. Ecology and Trees

An ecology report has been submitted which concludes no ecological issues but recommends some mitigation to minimise loss of biodiversity as well as nesting bird management prior to and during clearance. This can be controlled by an appropriate condition.

The northern elevation of Plot 1 has been amended to that it would not encroach onto the root protection area of the Horse Chestnut tree which is not protected by a Tree Preservation Order. The proposed water main diversion has been changed to avoid the rooting environment of this tree and this is acceptable.

The bin storage area at the entrance to Oakfield from Skipton Old Road has been increased in size. This area consists on a random wall that retains the level of the proposed development site. Close by are two mature Ash trees which are subject to a Tree Preservation Order. In order to facilitate the construction of the enlarged bin storage area excavations and the severing of roots will need to take place. The applicant has now applied to remove these trees and it is likely that consent will be granted for this and therefore this element is now acceptable

There is an existing hedge to the north and west of the site boundary which needs to be retained.

This could be controlled by an appropriate landscaping condition this scheme is now acceptable and accords with policies ENV2 and LIV5.

7. Highways Issues

A previous approval in 1982 conditioned out the access from Bents and required it to be sealed off. The reason of this was given as it was considered to be unsuitable to accommodate additional vehicular traffic which would be likely to create hazards detrimental to highway safety.

The access track lead onto Bent Lane at a point on a narrow double bend. Bent Lane itself is accessed via Skipton Old Road to the North and Keighley Road to the South both of these access points are poor.

However, taking into account LCC Highways objections, the previous appeal decision and refusals on the site on balance I am minded to agree with the Planning Inspector that the few additional vehicles associated with these properties are unlikely to lead to a significant impact on highway safety.

I do have concerns, however, about the track being used for construction traffic and this should ideally be served from the existing driveway off Skipton Old Road. This can be controlled by an appropriate condition.

Saved Policy 31 requires new houses to have adequate off-street parking. Three bedroom houses should have at least two parking spaces. The site can accommodate that number of spaces. The proposed parking spaces and garages are acceptable in this respect.

8. Drainage

An appropriate drainage scheme can be controlled by condition, however, there is a main water pipe on the site which will require diverting subject to agreement with UU this would be a separate requirement to any planning permission. Details provided show that the proposed diversion line would not impact on the root protection area (RPA) of the adjacent Horse Chestnut tree which is acceptable and therefore the proposed drainage scheme is acceptable subject to appropriate conditions.

9. Summary

The proposed development would be highly visible from the public realm by virtue of the public highway to the north of the site as well as the public footpaths to the south. Given this prominence the proposed development would need to be acceptable in this location which falls within the Lidgett and Bents Conservation Area and accord with Policy ENV1, Policy ENV2, the Conservation Area Design and Development Guidance, Sections 12 and 16 of the National Planning Policy Framework and Planning (Listed Buildings and Conservation Areas) Act 1990 with the amended siting and design, enhanced planting and screening proposed and no impact on the protected Horse Chestnut Tree would accord with these policies subject to appropriate conditions.

RECOMMENDATION: Approve

Subject to the following conditions:

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

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

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

PC01 001A, 100B, 101, 102A, 110B (site plan), 210, 401, 410 and 411.

Reason: For the avoidance of doubt and in the interests of proper planning.

3. Prior to the commencement of development the applicant shall have submitted to and have agreed in writing by the Local Planning Authority a method statement which sets out in detail the method, standards and timing for the investigation and subsequent remediation of any contamination which may be present on site. The method statement shall detail how:-

a) an investigation and assessment to identify the types, nature and extent of land contamination affecting the application site together with the risks to receptors and potential for migration within and beyond the site will be carried out by an appropriately qualified geotechnical professional (in accordance with a methodology for investigations and assessments which shall comply with BS 10175:2001) will be carried out and the method of reporting this to the Local Planning Authority; and

b) A comprehensive remediation scheme which shall include an implementation timetable, details of future monitoring and a verification methodology (which shall include a sampling and analysis programme to confirm the adequacy of land decontamination) will be submitted to and approved in writing by the Local Planning Authority.

All agreed remediation measures shall thereafter be carried out in accordance with the approved implementation timetable under the supervision of a geotechnical professional and shall be completed in full accordance with the agreed measures and timings, unless otherwise agreed in writing by the Local Planning Authority.

In addition, prior to commencing construction of any building, the developer shall first submit to and obtain written approval from the Local Planning Authority a report to confirm that all the agreed remediation measures have been carried out fully in accordance with the agreed details, providing results of the verification programme of post-remediation sampling and monitoring and including future monitoring proposals for the site.

Advisory Notes:

- (i) Where land identified as having the potential to be contaminated is undergoing redevelopment, a copy of the leaflet entitled 'Information for Developers on the investigation and remediation of potentially contaminated sites' will be available to applicants/developers from the Council's Contaminated Land Officer. The leaflet will be sent to the developer by request.
- (ii) Three copies of all contaminated land reports should be sent to the Local Planning Authority.
- (iii) This condition is required to be fully complied with before development is commenced. Failure to comply with the condition prior to commencement of work may result in legal action being taken.

Reason: In order to protect the health of the occupants of the new development and/or in order to prevent contamination of the controlled waters.

4. The scheme shall provide for separate systems for foul and surface waters and be constructed and completed in accordance with the approved plans before the dwelling is occupied.

Reason: To ensure proper drainage and manage risk of flooding and pollution.

5. No development shall commence until a surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The drainage scheme must include:
- (i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water;
 - (ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations); and
 - (iii) A timetable for its implementation.

The approved scheme shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.

The development hereby permitted shall be carried out only in accordance with the approved drainage scheme.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.

6. No part of the development shall be commenced unless and until a Construction Code-of-Practice has been submitted to and approved in writing by the Local Planning Authority. The code shall include details of the measures envisaged during construction to manage and mitigate the main environmental effects of the relevant phase of the development. The submitted details shall include within its scope but not be limited to:
- a) A programme of works including phasing, hours of operation and measures for the control of traffic to and from the site, and within the site, during construction.
 - b) The areas and methods of loading and unloading of plant and materials.
 - c) The areas for the storage of plant and materials.
 - e) Details of wheel-washing facilities including location
 - g) Measures related to construction waste management
 - i) Soil resource management including stock-pile management
 - k) Measures to ensure that vehicle access of adjoining access points are not impeded.
 - n) Location and details of site compounds
 - o) Hoarding details during construction
 - p) An overall Construction Monitoring programme, to include reporting mechanisms and appropriate redress if targets/standards breached
 - r) Noise-monitoring to be carried out for the construction period.
 - u) Parking area(s) for construction traffic and personnel
 - v) Routeing of construction vehicles

The Construction Code-of-Practice should be compiled in a coherent and integrated document and should be accessible to the site manager(s), all contractors and sub-contractors working on site. As a single point of reference for site environment management, the CCP should incorporate all agreed method statements, such as the Site Waste Management Plan and Demolition Method Statement. All works agreed as part of the plan shall be implemented during an agreed timescale and where appropriate maintained as such thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that adequate measures are in place to protect the environment during the construction phases.

7. Prior to first occupation of any residential unit the car parking areas shown on the approved plans shall be constructed, laid out and surfaced in porous materials. The car parking spaces and manoeuvring areas shall thereafter be laid out in accordance with the approved plan and remain available for use at all times.

Reason: To allow for the effective use of the parking areas.

8. The proposed development shall not be brought into use unless and until the bin store and the enlarged bin collection point adjacent to Skipton Old Road shown on the approved plans have been constructed and the bin collection point surfaced in a bound porous material.

Reason: To ensure adequate provision for the storage and disposal of waste and in the interest of highway safety.

9. Prior to the commencement of development samples of all external materials to be used in the construction of the development hereby permitted (notwithstanding any details shown on

previously submitted plan(s) and specification) including stone type coursing (sample panel), eaves and verges, windows and doors materials and finishes shall have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in full accordance with the approved details.

Reason: To ensure a satisfactory form of development in the interest of visual amenity of the area.

10. Notwithstanding the submitted plans details of the design for the windows, doors and porches shall be submitted to an approved in writing by the Local Planning Authority prior to any above ground works commencing on site.

Reason: To ensure an acceptable form of development within the conservation area.

11. The windows and doors shall be set back from the external face by at least 75mm in depth.

Reason: To ensure an acceptable form of development.

12. The properties shall adhere to the submitted curtilage plans PC01 111 at all times unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure an acceptable form of development.

13. Notwithstanding the provisions of Article 3 and parts 1 and 2 of the second Schedule of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no development as specified in Classes A, B, C, D and E (a) of Part 1 and Classes A and B of Part 2 of Schedule 2 of that Order shall be carried out without express planning permission being first obtained from the Local Planning Authority.

Part 1

A) No extensions shall be erected

B +C) No alterations to the roofs of the building shall be carried out

D) No porches shall be erected

E) No buildings, enclosures, swimming or other pools shall be erected or constructed within the curtilage of the buildings

G) No installation or replacement of a chimney, flue or soil and vent pipes

Part 2

A) no gates, fences, walls or structures shall be erected within the curtilage of the buildings

B) no means of access shall be constructed to the curtilage of the buildings

C) the exterior of the building shall not be painted.

Reason: To ensure an appropriate form of development and prevent harm to the protected trees and conservation area.

14. Any development within the Root Protection Areas of the Horse Chestnut Tree shall be dug by hand only in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority before commencement of any works on site.

Reason: To ensure that the roots of the protected tree are not adversely affected by the proposed development.

15. All works shall be carried out in strict accordance with an Arboricultural Method Statement submitted to and approved in writing by the Local Planning Authority before commencement of any works on site.

Reason: To ensure that the roots of the protected tree are not adversely affected by the proposed development.

16. Unless approved in writing by the Local Planning Authority no ground clearance, demolition, changes of level or development or development-related work shall commence until protective fencing, in full accordance with BS 5837: 2012 has been erected around each tree/tree group or hedge to be preserved on the site or on immediately adjoining land, and no work shall be carried out on the site until the written approval of the Local Planning Authority has been issued confirming that the protective fencing is erected in accordance with this condition. Within the areas so fenced, the existing ground level shall be neither raised nor lowered. Roots with a diameter of more than 25 millimetres shall be left unsevered. There shall be no construction work, development or development-related activity of any description, including the deposit of spoil or the storage of materials within the fenced areas. The protective fencing shall thereafter be maintained during the period of construction.

All works involving excavation of soil, including foundations and the laying of services, within the recommended distance calculated under the BS 5837 (2012) of the trees to be retained on the site, shall be dug by hand and in accordance with a scheme of works which has been submitted to and approved by the Local Planning Authority, prior to the commencement of works.

Reason: To prevent trees or hedgerows on site from being damaged during building works.

17. Notwithstanding the submitted landscaping plan, the development hereby permitted shall not be commenced until a detailed landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be submitted at a scale of 1:200 and shall include the following:

- a. the exact location and species of all existing trees and other planting to be retained;
- b. all proposals for new planting including replacement trees and hedgerows to boundaries and turfing indicating the location, arrangement, species, sizes, specifications, numbers and planting densities;
- c. an outline specification for ground preparation;
- d. all proposed hard landscape elements and pavings, including layout, materials and colours;
- e. the proposed arrangements and specifications for initial establishment maintenance and long-term maintenance of all planted and/or turfed areas;
- f. all boundary treatments between properties and to the boundary of the site including walls and hedgerows. Fencing would not be appropriate as the main boundary treatment on this site.

The approved scheme shall be implemented in its entirety approved form within the first planting season following the substantial completion of the development. Any tree or other planting that is lost, felled, removed, uprooted, dead, dying or diseased, or is substantially damaged within a period of five years thereafter shall be replaced with a specimen of similar species and size, during the first available planting season following the date of loss or damage.

Reason: To ensure that the development is adequately landscaped so as to integrate with its surroundings and retains existing trees and hedgerows where possible.

18. No hedgerow shall be removed from the site without the prior written approval of the Local Planning Authority. Any hedgerow removed shall be replaced in the next planting season in accordance with details to be submitted and agreed in writing by the Local Planning Authority.

Reason: To ensure appropriate boundary treatments are retained within the conservation area in the Open Countryside.

19. The garages hereby permitted shall not at any time be used for any purpose which would preclude its use for the parking of a motor car.

Reason: To ensure that there is adequate off-street parking provision within the site to prevent on –street car parking that would be inimical to highway safety.

20. Prior to first occupation the garages, driveways and communal parking areas shall be constructed in a bound porous material and made available for use and maintained for that purpose for as long as the development is occupied.

Reason: To ensure satisfactory off street parking arrangements do not lead to an increase in flooding.