Yorkshire Dales National Park Authority

Committee: Planning

Date: 16th July 2024

Applicant: Carr & Stocks Developments Limited

Parish: Giggleswick

Officer: Katherine Wood

Application No: C/31/659A

Site Address: Land at Stackhouse Lane, Giggleswick, Settle, BD24 0DL

Proposal: Full planning permission for construction of 9no. residential dwellings with associated landscaping and drainage works (amended site area)

Purpose of Report

1. That Members **Approve** planning permission for the above development in accordance with the recommendations below.



Reason for Committee Consideration

2. This application is reported to Committee for the following reason: in the opinion of the Head of Development Management it is in the best interests of the National Park Authority that the application is considered by the Committee.

Application Site

3. The site is part of a field at the northern end of Giggleswick adjacent to Stackhouse Lane. The majority of the site is allocated within the Yorkshire Dales Local Plan 2015-2030 for new housing development (site ref. 088). The site has a notional capacity for eight units, although this figure is for guidance only.

4. Giggleswick lies in Ribblesdale, which at this point is a fairly wide u-shaped valley with the flat plains beside the River Ribble below and then steeper dale sides and limestone uplands. Stackhouse Lane follows the contour along the lower slopes of the dale here. Like much of the modem development in Giggleswick, the site is positioned on the sloping dale side elevated above the river. The site is still further elevated above Stackhouse Lane and set behind a low dry-stone wall. The site lies beyond the confines of the existing settlement and infills the gap between Giggleswick and the satellite group of houses and farm buildings at Woodlands to the north. Overhanging the northern and southern boundaries are trees within domestic gardens.

Proposal

5. This application seeks full planning permission for the erection of nine dwellings including 4 affordable dwellings and five open market houses.

6. The mix would be as follows;

   Plot 1 –Principal residency dwelling (3 bed) – A dwelling restricted by a principal residency condition which requires the owner to occupy the premises as their principal home.

   Plots 2 and 3 – First Homes (1 x 2 bed, 1 x 3 bed) - First Homes are a specific kind of discounted market sale housing and should be considered to meet the definition of affordable housing for planning purposes. Specifically, First Homes are discounted market sale units which must be discounted by a minimum of 30% against the market value and be sold to a person or persons meeting the First Homes eligibility criteria.

   Plots 4a and b – Affordable rent (2 x 1 bed flats) – Affordable rented housing where the rent is set in accordance with the Government's rent policy, or is at least 20% below local market rents and the landlord is a registered provider.
   Units 5, 6, 7 and 8 – Open market housing (1 x 3 bed, 3 x 4 bed).

7. The mix represents the provision of 44% affordable housing provision on site.

8. The proposal also includes additional land to the west, beyond that allocated in the Local Plan, to accommodate part of the parking and tree planting. A new access into the site would be created, with access to a communal car park to serve plots 1-4 and access to private driveways for plots 5-8. The access from the highway and turning head is designed to adoptable standards.

Relevant Planning History

9. The following application is relevant:

C/31/659 – An application for full planning permission for erection of 8 No. residential dwellings with associated landscaping and drainage works was received in October 2021. Before the Authority made a decision the applicant appealed against non-determination. The proposal submitted did not include any affordable housing and proposed a commuted sum of £36,906. Officers also had concerns regarding the scale and design of the development.

The Appeal was dismissed on the 15th November 2022 on two grounds. The Inspector considered that the balance of the contribution to the housing mix, including local housing need requirements would fall significantly short. The scheme would reduce the ability to supply housing to meet local needs and run contrary to the aim of achieving sustainable housing delivery in a protected landscape area with the highest status of protection. Secondly, the Inspector concluded that the cumulative scale of development on the site would appear as a significant incursion into the rural landscape. “The significant engineering into the natural lay of the land would be clearly observable…It would appear discordant in the rural landscape and would cause a considerable degree of harm to it.”

Consultations

10. The comments of statutory and non-statutory consultees are summarized below:

Trees & Woodlands (In summary) The amended landscaping scheme is acceptable, and the tree protection measures are adequate. Conditions on landscaping and tree protection are required.

Wildlife Conservation Officer None received.

North Yorkshire Council Highways Verbally confirmed no objections subject to omission of soak away within the adoptable highway.
United Utilities Water Ltd Whilst the proposals are acceptable in principle, there is insufficient information on the detail of the drainage design. Therefore, recommend conditions are attached to require the submission, implementation and management of scheme and a foul water drainage scheme.

Fire Officer - Craven No objections/observations.

Natural England No objection.

North Yorkshire Council Chief Technical Officer (Building Control) All work is to be carried out, to ensure compliance with the Building Regulations 2010.

North Yorkshire Council Chief Environmental Health Officer Recommends conditions regarding potential for contamination, construction noise and noise from the air source heat pumps.

Giggleswick Parish Council "My Council resolved to not formally object to this application but to report to you its concerns.

The suggested access point to the main road is in a place that would be a risk to the safety of road users. The suggested access point is close to a potential hazardous section of the road being near to a bend and in a location where the road narrows. Our suggestion would be that it is placed closer to the Giggleswick village entrance 30 mph sign by Netherfield bungalow.

Most of the site will be hard surface and some of the properties may be at risk of surface water runoff. The concept of a soakaway is mentioned as a possible solution but the location of this is not clear. Poor drainage and standing water may pose a problem for other road users of Stackhouse Lane.

The drawings themselves are low on dimensions and most of the plans are hand drawn. The term 'generous gardens' perhaps contradicts the proportion of land that appears to be offered."

Public Responses

Public responses received at the time of writing: 2

11. The application was originally advertised by site notice on the 14th December 2023. Two letters of objection were received commenting (in summary) on the following:

- development should only be permitted where there is a clear and exceptional need. The proposed development is right on the edge of the National Park, adjacent to the thriving settlements of Giggleswick and Settle and any additional housing needs in this area should be addressed following the proper planning processes and the relevant Local Plan(s)
- the only reason additional 'exception' sites should be considered is if they provide something that is required by the community
- an over-development of the site
- it will cause significant drainage problems
- the plans for the land are obtrusive to the quiet nature of Stackhouse Lane

- the field is not large enough to fit 9 houses on, and the current design is overbearing and too crammed in
- the field is within the National Park boundary and at its rear there is a SSSI, so it is important at the edge of Giggleswick to get the balance right between rural and built-up areas
- the design as it is currently too obtrusive to neighbours and takes away from the precious rural feel along Stackhouse Lane. New houses are needed in rural areas, but this is the wrong location for them.

12. Following the enlargement of the site area to the west and amendments to the design and layout, the application was fully readvertised with a new site notice on the 22nd May 2024. No responses were received.

Assessment

Key Issues:

- Principle of development
- Impact on character and appearance of area
- Impact on neighbours
- Highway considerations
- Trees
- Nature Recovery
- Flood risk
- Sustainability
- Parish Council comments
- Equality Act

Principle of Development

13. The site 'Land at Stackhouse Lane, Giggleswick' (site reference 88) is listed in Appendix 4 of the Yorkshire Dales Local Plan (2015-2030) as an allocated site for new housing development. The site has a notional capacity of up to 8 houses. This figure is for guidance only; the minimum density requirement of 35 dwellings per hectare should be met unless otherwise justified by the factors set out in Policy C1 (Housing in settlements). Policy C1 states that on sites of between 6 and 10 dwellings, a commuted sum would be required in lieu of the delivery of on-site affordable housing. Whilst policy C1 would indicate that on a site of nine houses there is a commuted sum requirement, the provision of the equivalent on-site affordable housing would equally meet the purpose of the policy to deliver affordable housing in the National Park. It is also recognised that on-site affordable houses are much more desirable as they will benefit the community most affected by the development. The National Planning Policy Framework (NPPF) also now requires affordable housing requirements 'to be met on-site' unless robustly justified.

14. The proposed mix of houses includes 4 affordable units – 2 First Homes and 2 apartments for affordable rent. The Strategic Housing Marketing Assessment (SHMA) has identified a need for small affordable rented properties and the apartments will help to meet this need. First Homes are effectively discounted market sale units which are discounted by 30% from the market value and sold at not more than £250k to a person or persons meeting the First Homes eligibility criteria (first time buyer, household income not exceeding £80k). The 30% discount is passed down to subsequent owners of the property but the price cap of £250k is only for the first sale.

15. It is practice to round down when considering the 50% affordable housing requirement on an odd number of dwellings and as such the provision of 44% on site affordable housing would meet the requirements of Policy C1. Furthermore, the proposal includes a principal occupancy dwelling which, whilst not being affordable, ensures that the majority of dwellings proposed will help to deliver some form of local housing.

16. This proposed house mix and type therefore accords with the aims of Local Plan Policy C1 and it should be noted that this arrangement of units is similar to that recently approved by Members at Rowe Garth in Horton in Ribblesdale and Grosvenor Farm in Long Preston.

17. The applicant has confirmed that they will enter into a Section 106 legal agreement to provide the mechanism for securing the affordable housing to ensure they remain available to eligible people with a local connection at an affordable cost, in accordance with Appendix 6 of the Local Plan and the First Homes national eligibility criteria.

Impact on Character and Appearance of Area

18. The site lies to the north of Giggleswick, effectively in open countryside. The proposed development therefore needs to respond to both the street scene of Stackhouse Lane and the wider landscape. Stackhouse Lane within Giggleswick, is characterised by modern houses and bungalows in large mature gardens, predominantly set back from the road. Mature trees are a key feature along the frontage of these properties, which break up the building line. The site itself looks out over the dale, which is more typified by clusters of farm buildings and small groups of traditional houses. It is therefore considered that the development should present a soft edge to the settlement, avoid buildings of significant scale and over engineering the site. These reflect the concerns of the Planning Inspectorate in the recent appeal decision.

19. Given that the allocated site had little depth into the field, the submitted scheme brought the buildings closer to the road. However, officers suggested that the applicant increase the depth of the site beyond the allocation in order to site the buildings further back from the road. This has enabled more open space around the buildings and some space for meaningful tree planting to the front. All of the buildings will still remain in the allocated site.

20. The scale of the open market houses has also been reduced to provide breaks in the row of houses. Plot 8 has been orientated at 90 degrees to give visual interest and reflect the farmstead arrangement further north.

21. The proposal has been amended to provide a greater distance to the north and south boundaries and increase the plot size for units 1-4. This was partly in response to concern at the plot disparity. There is still significant plot disparity with the four affordable units on a combined plot size equivalent to one of the open market plots. The purpose of allocating the site is in order to secure the affordable units and yet the majority of the site will be taken up with the open market houses. The amendments provide slightly more space although plot disparity is still significant. It should be noted however, that the affordable units have been designed to reflect the requirements of the SHMA in terms of the need for 1 bed apartments and 2-3 bed dwellings. It is also understood that the applicants are seeking to maximise viability on a site with several abnormal costs including significant excavation works and undergrounding the overhead line. Given that this site has not come forward for development since it was first allocated in 2012 and that difficult negotiations have finally led to considerable improvements, it is considered unlikely that a better site layout is achievable whilst securing the level of affordable housing now proposed.

22. With regard to the design of the houses, they have been simplified to reflect the prevailing vernacular style and form of buildings in the wider dale, rather than the eclectic mix of modern house styles in Giggleswick. Modern detailing has been introduced to the fenestration.

23. The parking and access road is largely positioned to the rear of the houses which will ensure that cars do not dominate the street scene.

24. Following significant input from the Trees and Woodlands Officer, the proposal now includes comprehensive tree planting, including the provision of road frontage trees that will mature to a size which will break up the line of development and tie in with the tree line along Stackhouse Lane. To the rear, planting on the bank behind the site will provide a backdrop to the development and connect the site visually with the woodlands further north and west.

25. Overall, the amended proposal is considered to be a simple yet contemporary design with a layout which would reflect the less developed nature of Stackhouse Lane and the wider character of the dale. It is therefore considered that the design of the scheme overall will accord with policy SP4 of the Local Plan.

Impact on Neighbours

26. The site is bordered to the south by Netherfield, a modest bungalow positioned close to the shared boundary. The original proposal positioned unit 1 within a few metres of Netherfield, which not only would have appeared cramped but would likely have been a dominant feature for the occupants of that property, although Netherfield has no windows providing an outlook over the site. Plots 1-4 have been repositioned further away to ease the relationship with Netherfield. To the north the site is bordered by 1 Woodlands Cottage, which has a larger garden between the house and the site. There is approximately 20m distance between the rear of plot 8 and this house. There are also several mature trees enclosing 1 Woodlands Cottage which reduce any potential overlooking. It is therefore considered that the proposed development is positioned at a sufficient distance from neighbouring properties to avoid any significant impact on residential amenity, in accordance with policy SP4 n) of the Local Plan.

Highway Considerations

27. The proposed access would serve all nine dwellings and would have visibility splays of 2.4m x 50m. There would be minor alterations to the position of the roadside walls to create the access. The access and turning head would be constructed to an adoptable standard with a view to being adopted by North Yorkshire Council, with the two access branches to the rear remaining private.

28. North Yorkshire Council as the local highway authority has no objection to the proposal, although they have requested that the soakaways are omitted from the adoptable highway. The applicant has proposed to reposition the soakaways into gardens and has requested this be agreed as part of the pre-commencement condition recommended by United Utilities (agreement of a sustainable surface water drainage system). This is with the highway officer for consideration and Members will be updated before the Committee meeting.

29. Giggleswick Parish Council has commented on whether the access point to the main road is in a place that would be a risk to the safety of road users as it is near to a bend and in a location where the road narrows. They have suggested moving it closer to the village. The Highway Authority has not raised this as a

concern and appropriate visibility is achievable from the proposed access given its proximity to the 30 mph zone (to the south of the site). The position proposed also ensures there is suitable visibility on the bend looking north, which is likely to be reduced if the access is repositioned further south.

30. It is therefore considered that the proposed development would not prejudice highway safety, would not cause an unacceptable level of traffic and would have an appropriate access and parking provision in accordance with policy SP4 of the Local Plan.

Trees

31. There are several trees overhanging the site, including an Aspen within the garden of Netherfield and a group comprising Elm, Birch, Rowan and Cypress to the north within the garden of 1 Woodland Cottage. These trees individually are not of significant value, however, collectively they hold amenity value and provide a landscaped context to the existing buildings. They also provide the start of a landscape context for the site which new planting can connect with. The applicant has therefore been advised to reposition the buildings further from these trees to avoid any direct impact from construction and long-term pressure for reducing or felling trees. More space has been provided around these trees, although plot 8 is still near to the tree group at Woodlands, there should be no direct impact on the group as a result of construction subject to ensuring there is adequate tree protection in place, which can be controlled through a planning condition.

Nature Recovery

32. The application is accompanied by an ecological appraisal which indicates that the land is poor semi-improved grassland. The ecological appraisal recommends biodiversity enhancement in the form of native planting, including trees and hedging and the incorporation of features into buildings including crevices for bats and nesting boxes for birds. It is considered that a suitable biodiversity and landscaping scheme can be provided on site and the detail secured through a planning condition, in accordance with policy W2 of the Local Plan (note that this application was submitted before the national Biodiversity Net Gain requirements became mandatory).

Sustainability

33. Policy SP1 of the Local Plan sets out a presumption in favour of development that is sustainable. As an allocated site, the site is considered to be in a sustainable location for such development. In addition, the proposed design includes the use of solar panels on the west facing roofs of the proposed dwellings, together with heating for all dwellings being provided by air source heat pumps. A condition to require the installation of these renewables can be added. It is also considered appropriate to require the provision of electric vehicle charging points for all dwellings.

Parish Council Comments

34. Giggleswick Parish Council has commented on the original submission (no response has been received to the amended proposal). The have stated that they do not formally object but have raised concerns regarding the position of the access and the potential for surface water flooding. Their highway concerns are addressed in the relevant section above.

35. With regard to flooding risk, the Parish Council has raised concern that as most of the site will be hard surfaced some of the properties may be at risk of surface water run-off. The application has been amended since these comments were received and the site does now include more greenspace around the dwellings. The applicant is proposing to locate the soakaways into the front gardens of the properties. United Utilities have recommended a pre-commencement condition to agree the final sustainable surface water drainage scheme and a foul water drainage scheme which would secure this detail. However, the highway officer has been consulted on whether they require the detail prior to determination and Members will be updated on their response in advance of the Committee meeting. The site is in flood zone 1 and the development is not major development. As such there is no requirement to consult with either the Environment Agency or with North Yorkshire Council as the Lead Local Flood Authority.

Equality Act

36. The Authority has a duty under s.149 of the Equality Act 2010 to have regard to the need to eliminate discrimination and advance equality of opportunity between persons who share a relevant characteristic and persons who do not share it. The relevant characteristics are: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex and sexual orientation.

37. It is considered that there are no overt reasons why this proposal would affect anyone with the protected characteristics such that the application should be permitted or refused on equality grounds.

Conclusion

38. The proposal delivers the development of an allocated site with four affordable homes and five open market homes (including one principal occupancy) which would meet the aims of Policy C1 of the Local Plan. The two apartments would be transferred to a housing association to ensure that they remain available in perpetuity to meet the need identified. The remaining affordable homes will be restricted by a Section 106 occupancy agreement to meet the First Homes eligibility requirements.

39. The design and layout of the dwellings has been amended to provide a development that will tie in with both the character of Giggleswick and the wider dale. The proposed houses would be sufficiently distanced from neighbouring properties to avoid any adverse impact on residential amenity. The impact on trees has also been mitigated through the amended design. The proposed access road would have adequate visibility onto the highway and as such would not impact on highway safety.

40. It is therefore considered that the proposal is acceptable and would accord with Policies SP1, SP2, SP3, SP4, C1, W2, W3 and CC1 of the Yorkshire Dales Local Plan (2015-2030), with advice contained within the Yorkshire Dales National Park Design Guide and guidance within the National Planning Policy Framework (2023).

Recommendation

41. It is recommended that planning permission is GRANTED subject to a section 106 agreement to secure the affordable housing provision and the undergrounding of the overhead line,

and conditions based on the following:

- Time limit
- Compliance with plans
- Principal residency restriction for plot 1
- Approval of materials and design details
- Surfacing, boundaries and bin storage
- Provision of solar panels, ASHPs and EV charging points
- Highway conditions
- Protection of Trees
- Landscaping
- External lighting scheme and light spill mitigation
- Biodiversity enhancement measures, inc. provision of integral bird and bat boxes
- Approval of sustainable surface water and foul water drainage scheme
- Construction management plan
- Unexpected contamination
- Control of noise from the air source heat pumps.
- Removal of permitted development rights