Yorkshire Dales National Park Authority

Committee: Planning

Date: 15 April 2025

Applicant: Mr L Anderson

Parish: Embsay with Eastby

Officer: Joanne Wood

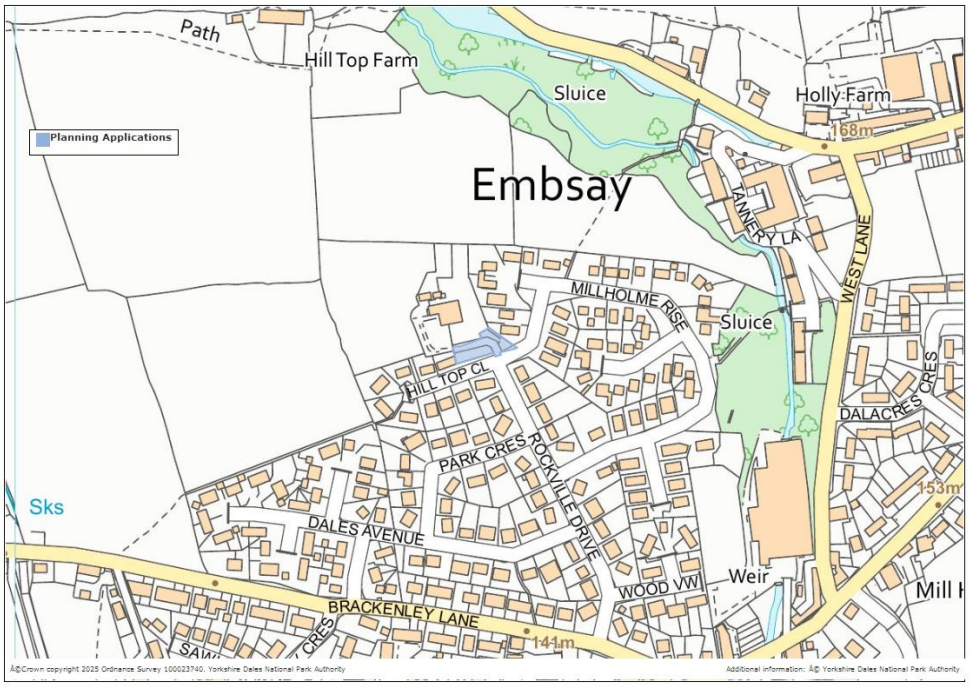
Application No: C/26/776D

Site Address: Rockville, Rockville Drive, Embsay, Skipton, BD23 6NX

Proposal: Outline planning permission (with some matters reserved) for construction of 1no. dwelling with associated external works

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: the Parish Council recommendation is contrary to the decision which the Head of Development Management proposes to take.

Application Site

3. The application relates to a parcel of land located to the south of Rockville, which is a substantial detached two storey dwelling located at the north end of Rockville Drive. The application site bounds the highway to the south, and residential properties on Millholme Rise and Hill Top Close to the east and west respectively. Access into the site is taken directly from the highway to the south.

4. To the left hand side of the access sits a small parcel of unmade ground, upon which the dwelling is proposed to be sited. The ground gently rises up towards Rockville Drive and sits at a lower than the neighbouring property to the east, no. 54 Millholme Rise.

5. The surrounding area features mostly single storey and 1.5 storey dwellings with a stone and render finish.

Proposal

6. Outline planning permission is sought for construction of 1no. dwelling with associated external works. Matters relating to access and layout are to be considered at this stage, appearance, scale and landscaping being reserved for subsequent approval.

7. The application was originally submitted for the construction of 2no. dwellings on the site, however the scheme has now been revised in line with Officer advice to propose only 1no. dwelling on the site due to concerns regarding impact on the street scene and on the amenity of the neighbouring property to the east.

8. A site plan has been submitted to show the proposed layout for 1no. dwelling on the site. The application form indicates that this would be a 3 bedroom property. 2no. parking spaces would be provided within the curtilage, immediately to the north of the proposed dwelling. Private amenity space is proposed to the west of the dwelling.

Relevant Planning History

9. There is no relevant planning history.

Consultations

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

Trees & Woodlands - No objection providing that the tree protection measures outlined in the Tree Survey and Arboricultural Impact assessment are detailed in an arboricultural method statement and tree protection plan, and conditioned as part of any consent.

Fire Officer - Craven - No objection/observation to the proposed development.

Chief Environmental Health Officer CEHO – No objection, subject to conditions relating to the control of noise disturbance and dust.

Chief Environmental Health Officer CEHO - In respect to the above mentioned application, there are no known contaminated land implications regarding the proposed development.

Chief Technical Officer CTO - Craven - All work is to be carried out, to ensure compliance with the Building Regulations 2023.

Highways - Craven DC – No objection, subject to conditions requiring details of parking and turning, and requiring the parking area to be prior to occupation of the dwelling being imposed.

Embsay-with-Eastby PC

Comments on the original proposal (an objection) are available on the Authority's website.

Comments on the amended proposal:

Objects to this revised application despite the additional information amending the original, on the following grounds:

- Access - The Parish Council has raised concerns about this 4- way junction with Rockville Drive, Hilltop Close and Millholme Rise on several occasions. North Yorkshire Highways has previously taken the view that the layout at this junction is satisfactory and has dismissed the concerns. It must be noted, however, that since the last traffic survey was carried out in 2017 there has been a considerable change in the age demographic of Hilltop Close towards younger residents. There are ten dwellings in the cul-de-sac - including a number of extensions to existing properties and a marked increase in vehicular movement – both by residents, contractors and delivery vehicles. There is now the likelihood of additional vehicles should this application be approved. It remains the Parish Council's contention that the original traffic count survey was wrongly placed and it therefore requests that the Officer commission an up-to-date survey, positioned on Rockville Drive below this junction – and not on Millholme Rise. Hilltop Close continues to be, in effect, a blind junction and increased vehicular movement from the proposed development would do nothing to relieve this.The Parish Council would go so far as to state that even the present arrangements are unacceptable from a safety point of view, and would request that, if necessary, the Planning Officer exercises the right to override the Highway's view of 'risk'. If the development were to be granted, then controls must be put in place, at the applicants' expense.
- Need - It is the Parish Council's view that, at the present time, there is no perceived need for any additional new development within the parish.Should the Officer decide to allow the proposal then the Council would request a permanent 106 agreement be made for any occupant.
- Infrastructure - whilst the application refers to a tree survey, conducted in October 2024, several unmentioned trees were removed from the frontage in early November causing

exposure and damage to the undocumented gas main – requiring urgent repair by the utility company, in addition to damage to the adjoining frontage. Despite the access statement asserting that there would not be any effect on existing services the Parish Council requests that British Gas is contacted – particularly considering the 'unknown' route of the supply, in relation to the proposed build site. There has, in addition, been a number of problematic incidents regarding water and sewage disposal on Hilltop Close and the Parish Council is concerned that any additional builds could aggravate this further – and would ask that the Officer seeks comment from the utility providers.

- Impact - as this application is for outline planning only the Parish Council's view is that any unspecified development in this area is unacceptable – given the proximity to and possible impact on neighbouring properties. There is a particular concern regarding the overall look of the street scene and the possible overlooking onto Nos 1 and 2 Hilltop Close and the rear garden of No 10 Hilltop Close, by this proposed new build. It is noted that the proposal states an intention to plant two trees to replace the four trees identified as needing removal - although these would need to be incorporated within any final planning scheme should this application be approved.

Public Responses

Public responses received at the time of writing: 4

11. A site notice was displayed on 8th January 2025. 4 letters of objection have been received raising the following issues:
    - Impact on residential amenity of the surrounding properties
    - Impact on highway safety in the surrounding area
    - Noise disturbance during construction phase
    - Increase in surface run off
    - No need for additional housing in the area
    - Pressure of local services and infrastructure
    - Siting of dwelling over a gas mains pipe

Assessment

Key Issues:

- Principle of development
- Visual Impact
- Impact on Residential Amenity
- Highway Safety
- Biodiversity Enhancements
- Parish Council comments
- Equality Act

Planning Policy

12. Local Plan Policy SP3 states that new build housing will be permitted inside the housing development boundaries of local service centres and service villages listed within Table 1 of that policy, and requires on sites of up to five dwellings that new housing be restricted to local

occupancy (as defined in Appendix 5 of the Local Plan). Policy C1 also directs new housing development to allocated sites or within the defined boundaries of local service centres and service villages.

13. Table 1 of Policy SP3 identifies Embsay as a service village. The proposal therefore meets the locational requirements set out within Policy SP3 and Policy C1 of the Local Plan, and the applicant has confirmed their agreement to enter into the required occupancy restriction. The principle of the proposed development is therefore acceptable.

Visual Impact

14. Local Plan Policy SP2 stipulates that development must further the National Park statutory purposes, the first of which is the conservation and enhancement of natural beauty, wildlife and cultural heritage. Policy SP4 sets out a range of development quality requirements for all forms of development, including design expectations, transport-related considerations, safety and amenity issues and environmental safeguarding.

15. Matters relating to appearance and scale are reserved for subsequent approval, and therefore the only matter to be considered under this application in respect of the visual impact of the dwelling is the layout, with a proposed site plan being submitted in support of the application.

16. The proposed dwelling would be located to the western part of the site, and would sit alongside 10 Hill Top View, but separated by the amenity space which would serve the proposed dwelling. It is considered that the dwelling proposed would be proportionate to the size of the application, and its siting and footprint would be in keeping with the established character of the surrounding area.

17. Details regarding the scale of the dwelling have been requested from the applicant in the form of indicative street scene plans to show how the dwelling would sit alongside the other surrounding properties in terms of its height and massing, and also sections through the site to show the site levels due to the sloping nature of the site. However, the applicant has declined to provide this information.

18. Although the application does not bring forward any design details, it is considered that the site could be developed for one dwelling as shown on the proposed site plan without any material adverse impact on the surrounding area, however there are concerns regarding the potential scale of the dwelling as the surrounding properties along Hill Top Close and Millholme which the proposed dwelling would sit alongside are all single storey or 1.5 storey with first floor accommodation within the roofspace. Therefore, a condition is recommended to require the submission of the site finished floor levels, ridge and eaves height of the dwelling. The condition would be worded to require the submitted level details to be measured against a fixed datum and show the existing and finished ground levels, eaves and ridge heights of surrounding properties in order to ensure it would be in keeping with the properties within the surrounding street scene and would not appear obtrusive.

19. Subject to a condition to restrict the height of the dwelling brought forward under a reserved matter application to be in keeping with those in the immediate surrounding area, it is considered that the site could accommodate 1no. modest sized dwelling without any significant adverse impact upon the street scene, or on the character or appearance of the surrounding area, in accordance with Policy SP4 of the Local Plan.

Impact on Residential Amenity

20. Although matters relating to appearance and scale are not to be considered at this stage, the proposed layout of the site demonstrates that a dwelling can be achieved within the site without adversely impacting upon the residential amenity currently enjoyed by any surrounding occupiers.

21. The proposed dwelling would be located approximately 18 metres from the nearest dwelling to the east. This neighbouring property is located at a higher ground level and at an oblique angle to the proposed dwelling and as such there would be no loss of light, outlook or privacy to the occupiers of this property as a result of the proposed dwelling. The neighbouring property directly to the north is also set at a higher ground level and is located over 25 metres from the proposed dwelling and as such the proposal would raise no issues of amenity for the occupiers of this dwelling.

22. The proposed dwelling would sit alongside the neighbouring property to the west, 10 Hill Top Close. This dwelling does not feature any habitable room windows at ground floor level, and only a rooflight above the first floor of the property to the east elevation facing towards the proposed dwelling. As the rooflight is located within a steep roofslope, it is not considered that the proposed siting of a 1.5 storey dwelling would impact upon the light, outlook or privacy currently enjoyed by the occupiers of this dwelling.

23. Concerns have been raised by the occupier of 10 Hill Top Close that the proposed dwelling would be sited up to the common with no access around the proposed dwelling. However, this is not the case, and the proposed dwelling would in fact be sited away from the boundary with an area of garden space serving the property separating the dwelling itself from the boundary with no. 10.

24. Concern has been raised by the Parish Council regarding the impact of the proposed dwelling on the amenity of the occupiers of 1 and 2 Hill Top Close which face the application site. However, the proposed layout plan shows that the dwelling would follow the existing established building line within the street and therefore would replicate the separation distances between the existing properties along the north and south side of Hill Top Close. Subject to careful consideration being given to the siting of openings as part of any subsequent reserved matters application, the proposal would not impact upon the amenity of these properties.

25. Therefore, it is considered that a 1.5 storey dwelling could be accommodated on the site without resulting in an adverse impact upon the amenity of the surrounding properties. Careful consideration would need to be given to the scale of the property and the siting of openings at the reserved matters stage to ensure that the amenity of the surrounding occupiers is protected. Furthermore, conditions would be attached to any grant of permission to control the hours of construction and deliveries to the site during the construction phase in order to reduce any noise disturbance.

26. A small private amenity space would be provided to the south of the dwelling. The proposed layout would therefore ensure the dwelling has an adequate level of amenity space which is commensurate with the size of the dwelling. Therefore, the proposal would also achieve a good standard of amenity for its future occupants, and would accord with the provisions of Policy SP4.

Highway Safety

27. Policy SP4 of the adopted Local Plan requires that development does not prejudice highway safety or cause unacceptable levels of traffic that would harm the environment or capacity of the local road network, should contain adequate provision for connection to public transport and should have appropriate access and parking provision.

28. The application proposes parking for 2no. vehicles directly to the east of the proposed dwelling. Access to the site would be taken directly from Hill Top Close to the south of the site using an existing access which currently serves Rockville to the north. Following consultation, the Highway Authority has raised no objection to the proposals, subject to conditions requiring submission of access, parking and turning details and the parking area to be implemented prior to the occupation of the dwelling. The proposal is therefore considered acceptable in terms of parking provision and impact on highway safety, in accordance with Policy SP4 of the Local Plan.

Biodiversity Enhancement

29. The proposal is exempt from the requirement to submit a Biodiversity Net Gain Metric as the application proposes a self build dwelling.

30. Local Plan Policy W2 sets out that new development that would have an impact on biodiversity will be required to make a proportionate on-site contribution to wildlife enhancement in accordance with Table 7 and the Yorkshire Dales Supplementary Design Guide.

31. The application proposes the removal of 4no. trees and the replanting of 2no. trees as well as the retention of trees. Following consultation, the Trees and Woodlands Officer has raised no objection to the proposals subject to a condition being attached to any grant of permission requiring the submission of an Arboricultual Method Statement and Tree Protection Plan detailing the tree protection measures outlined in the Tree Survey and Arboricultural Impact Assessment for approval prior to the commencement of development.

32. A condition would be imposed to secure biodiversity enhancements in the form of bird or bat boxes and hedge planting to ensure that the proposal complies with Policy W2 of the Local Plan.

Parish Council Comments

33. Embsay Parish Council has objected to the proposed scheme for 1no. dwelling on the grounds of impact on highway safety, impact on the surrounding area in terms of amenity and infrastructure, and as they consider there to be no need for further residential development in Embsay.

34. With regards to the impact on highway safety, the application proposes only one additional dwelling within the street and therefore it is not considered that this would result in a significant increase in vehicular movements to and from the site. Paragraph 116 of the NPPF makes clear 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. In this case, it is not considered that the proposal for 1no. dwelling, which the Highways Authority has confirmed is acceptable in terms of parking provision and access, for result in an unacceptable impact on highway safety, and therefore would not warrant refusal of the application on these grounds.

35. In respect of the concerns raised regarding the impact of the proposal on infrastructure in the area, as the application proposes on 1no. modest dwelling it is not considered that this would result in a significant impact to warrant of the application. With regards to the existence of a gas pipe within the site and damage caused to this prior to the application being submitted, this a not a matter for consideration through the planning process.

36. The Parish Council also raised concerns regarding the impact on the amenity of surrounding residents, in particular those on the opposite side of Hill Top Close facing the application site, and the neighbouring property to the west 10 Hill Top Close. The impact upon these properties has been addressed within the above section considered the impact on residential amenity, and it has been concluded that the proposed dwelling on the site would not result in an adverse impact upon residential amenity in the area.

37. Finally, the Parish Council objected on the grounds that there are sufficient homes in Embsay and therefore additional housing is not needed. However, the housing requirements identified within the Local Plan are a minimum target and not a ceiling figure to prevent additional housing coming forward. As set out earlier in this report, Policies SP3 and C1 of the Local Plan allow for new residential development within service villages, which Embsay is recognised within the Local Plan as being. Therefore, there is no provision within the Local Plan to resist the principle of 1no. new dwelling in this location.

Equality Act

38. 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.

39. 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

40. The proposal would deliver a small scale residential development on a sustainable brownfield site in an appropriate location within an established service village in accordance with the provisions of Policy SP3. The dwelling would be restricted by a s106 agreement to meet the local occupancy requirements.

41. The provision of 1 new local occupancy home would help meet the aims of Policy C1 of the Local Plan without detriment to the provisions of Policy SP4 in respect of siting, transport, impact on amenity and environmental safeguarding.

42. The proposed dwelling would be sufficiently distanced from neighbouring properties to ensure there would be no adverse impact upon the amenity currently enjoyed by the occupiers of the surrounding properties.

43. The proposed dwelling would achieve adequate off street parking provision and would not impact upon the highway safety within the area.

44. There will be no adverse impact upon the existing trees or ecology within the site, with conditions proposed to ensure a suitable uplift in the provision for both.

45. It is therefore considered that the proposal would accord with Policies SP1, SP3, SP4, C1, L1 and W2 of the Yorkshire Dale Local Plan (2015-2030), the guidance set out within the Yorkshire Dales National Park Design, and the provisions of the National Planning Policy Framework (2024).

Recommendation

46. It is recommended that outline permission is GRANTED subject to conditions including the following:

- Standard time limits for submission of reserved matters
- Accordance with approved plans
- Biodiversity enhancement (nest boxes and hedging)
- Removal of permitted development rights
- Submission of Aboricultural Method Statement and Tree Protection Plan
- Submission of site levels and finished floor levels of dwelling
- Details of access, turning and parking
- Parking area to be implemented prior to occupation
- Restriction on external lighting