

PLANNING COMMITTEE

Monday, 3rd October 2022 at 1.30pm

Meeting to be held at The Council Offices, Belle Vue Square, Broughton Road, Skipton, North Yorkshire BD23 1FJ

Committee Members: The Chairman (Councillor Lis) and Councillors Brown, Handley, Harbron, Heseltine, Ireton, Morrell, Place, Pringle, Rose, Shuttleworth and Sutcliffe.

Substitute Members: Councillors Hull, Madeley, Noland, Solloway and 2 vacancies (Conservative & Independent).

Please note the following advice in advance of the meeting:

Whilst there is no longer a legal requirement to wear a face covering or continue to social distance, please be considerate towards the wellbeing of others.

Anyone showing Covid symptoms or feeling unwell, are asked not to attend an in-person meeting, this is in the interest of general infection control. Further guidance can be found at: <https://www.gov.uk/coronavirus>

AGENDA

Comfort Break: A formal comfort break of 15 minutes may be taken at an appropriate point in the Committee's consideration of the Schedule of Plans.

1. **Apologies for Absence and Substitutes** – To receive any apologies for absence.
2. **Confirmation of Minutes** – To confirm the minutes of the meeting held on 5th September 2022.
3. **Public Participation** – In the event that any questions/statements are received or members of the public wish to ask questions or address the Committee in respect of matters not appearing on this agenda, the public participation session will proceed for a period of up to fifteen minutes.
4. **Declarations of Interest** – All Members are invited to declare at this point any interests they have in items appearing on this agenda, including the nature of those interests.

(Declarations should be in the form of a “*disclosable pecuniary interest*” under Appendix A to the Council's Code of Conduct, or “*other interests*” under Appendix

B or under Paragraph 16 where a matter arises at the meeting which relates to a financial interest of a friend, relative or close associate.

A Member of Council who has a disclosable pecuniary interest must leave the room and not take part in the discussion or vote. When declaring interests under Appendix B or Paragraph 16 of the Code, Members must move to the public seating area, not vote, and speak only if members of the public are also allowed to speak at the meeting.)

5. Schedule of Plans – The schedule is comprised of the following:

- (a) Applications to be determined by the Committee.
- (b) Enforcement – New complaints registered / complaints closed.

If Members have any queries regarding individual applications dealt with under the Scheme of Delegation or if they have any queries regarding an enforcement matter, then please contact Neville Watson, Planning Manager (Development Management) (E-mail: nwatson@cravendc.gov.uk or telephone: (01756) 706402).

6. Any other items which the Chairman decides are urgent in accordance with Section 100B(4) of the Local Government Act, 1972.

7. Date and Time of Next Meeting – Monday, 31st October 2022 at 1.30pm

Agenda Contact Officer:

Vicky Davies, Senior Democratic Services Officer

E-mail: vdavies@cravendc.gov.uk

[Tel: 07565 620973](tel:07565620973)

23rd September 2022

Additional Information - The circulation of materials cannot be accepted during the meeting. Any additional information has to be submitted to the Planning Case Officer in advance of the meeting by 12 noon on the last working day before the meeting date.

PLANNING COMMITTEE

5 September 2022

Present – The Chair (Councillor Lis) and Councillors Brown, Handley, Heseltine, Ireton, Morrell, Rose, Shuttleworth and Sutcliffe.

Officers – Legal Advisor (Kings’ Chambers, Manchester), Planning Manager, Principal Planning Officer, Planning Officer, Senior Democratic Services Officer and Democratic Services and Scrutiny Officer.

Apologies for Absence and Substitutes: Apologies for absence were received from Councillors Harbron, Place and Pringle.

Ward Representatives: Applications 2022/23886/FUL & 2021/23532/FUL Councillors Brockbank and Handley. Application 2021/23571/FUL Councillor Lis. Application 2022/23773/FUL Councillor Barrett.

Confirmation of Minutes:

Resolved – That the minutes of the meeting held on 13th June 2022 were approved as a correct record and signed by the Chair.

Start: 1.30pm

Finish: 4.33pm

A short comfort break was taken by the Committee at 3:58pm.

PL.1075

DECLARATIONS OF INTEREST AND LOBBYING

a. Declarations of Interest – There were no interests declared.

b. Lobbying

Councillor Brown was lobbied for applications 2022/23886/FUL and 2021/23532/FUL and against application 2022/23773/FUL.

PL.1076

PUBLIC PARTICIPATION

The following individual addressed the Committee:

Application 2022/23886/FUL –	Ms Janet Brook (on behalf of the objectors)
	Mr Stuart Booth (applicant)
Application 2021/23532/FUL -	Mr Stuart Booth
Application 2021/23571/FUL -	Mr Andrew Pelling (on behalf of the applicant)
Application 2022/23773/FUL -	Mr Phil Morris (for the objectors)
	Mr Mike Smith (for the applicant)

PL.1077

PLANNING APPLICATIONS

a. Applications determined by Planning Committee

Permissions Refused

Application 2022/23886/FUL – application for the erection of 47 no. residential dwellings and associated infrastructure on land to the North of Springfield Crescent, High Bentham, Lancaster.

This application had been referred to Planning Committee at the discretion of the Planning Development Manager as it was pertinent and identical to application 2021/23532/FUL (below) that was currently the subject of an appeal against non-determination as the Council had failed to give notice of its decision within the appropriate time period.

The application was recommended for refusal and the analysis and reasons were set out in the case officer's report.

Following the case officer's presentation, Members discussed the application and it was unanimously refused for the following reasons:

1. The proposed development in the absence of any robust or credible evidence by virtue of the density and mix would result in an unacceptable form of development that is contrary to the requirements of Policy SP3 of the Craven Local Plan.
2. The proposed development would appear contrived and out of keeping with the established pattern and character of the surrounding area and incongruous by virtue of the siting, appearance and scale of the dwellings, and the amenity spaces thus the development does not represent high-quality design. As such, the proposal does not positively contribute to the overall quality of the area, contrary to Policies ENV3 and SP7 of the Craven Local Plan, the National Design Guide or the National Planning Policy Framework.
3. In the absence of any details to demonstrate a biodiversity net gain or mitigation off-site measures the proposed development fails to comply with the requirements of Policy ENV4. Failure to demonstrate any net gain or mitigation measures is contrary to Policy ENV4 of the Craven Local Plan and the National Planning Policy Framework.
4. In the absence of any details to demonstrate the management and maintenance of the surface water system for the lifetime of the development to reduce the risk of flooding, the proposed development fails to comply with the requirements of Policy ENV6 and the National Planning Policy Framework.
5. The proposed development, by reason of type and location of the proposed affordable housing fails to provide a fully integrated scheme. The proposal is therefore contrary to Policy H2 of the Craven Local Plan, also the Council's adopted Affordable Housing Supplementary Planning Document and the aims and objectives of the National Planning Policy Framework.

Proposer: Councillor Handley.

Seconder: Councillor Heseltine.

Voting: unanimous refusal of the application.

Application 2021/23532/FUL – application for the erection of 47 no. residential dwellings and associated infrastructure on land to the North of Springfield Crescent, High Bentham, Lancaster.

This application has been referred to Planning Committee at the discretion of the Planning Development Manager. This application was currently the subject of an appeal against non-determination as the Council had failed to give notice of its decision within the appropriate period. The appeal lodged with the Planning Inspectorate had become valid would be heard by written representations.

The Planning Development Manager informed the Planning Committee that the Council could not now issue a decision notice as the outcome of the application would be determined by a Planning Inspector appointed by the Secretary of State. He requested that the Planning Committee make a decision as this would help inform the Council's case for the appeal.

On the basis of the merits of the case, it was considered that, should a formal recommendation have been made to the Planning Committee, it would have been one of refusal as the development was contrary to the Craven Local Plan and Members were asked to determine the application.

Members discussed the application and voted unanimously to refuse the application for the following reasons:

1. The proposed development in the absence of any robust or credible evidence by virtue of the density and mix would result in an unacceptable form of development that is contrary to the requirements of Policy SP3 of the Craven Local Plan.
2. The proposed development would appear contrived and out of keeping with the established pattern and character of the surrounding area and incongruous by virtue of the siting, appearance and scale of the dwellings, and the amenity spaces, thus the development does not represent high-quality design. As such, the proposal does not positively contribute to the overall quality of the area, contrary to Policies ENV3 and SP7 of the Craven Local Plan, the National Design Guide or the National Planning Policy Framework.
3. In the absence of any details to demonstrate a biodiversity net gain or mitigation off-site measures, the proposed development fails to comply with the Policy ENV4. Failure to demonstrate any net gain or mitigation measures is contrary to Policy ENV4 of the Craven Local Plan and the National Planning Policy Framework.
4. In the absence of any details to demonstrate the management and maintenance of the surface water system for the lifetime of the development to reduce the risk of flooding for the proposed development, fails to comply with the requirements of Policy ENV6 and the National Planning Policy Framework.
5. The proposed development, by reason of type and location of the proposed affordable housing, fails to provide a fully integrated scheme. The proposal is therefore contrary to Policy H2 of the Craven Local Plan, also the Council's adopted Affordable Housing Supplementary Planning Document and the aims and objectives of the National Planning Policy Framework.

Proposer: Councillor Handley.

Seconder: Councillor Heseltine.

Voting: unanimous refusal of the application.

Application 2021/23571/FUL – application for the erection of a new two-storey, split-level, 3 bedroom house with private garden and off-street parking on land adjacent to 1 Manor Close, Ingleton, LA6 3BF.

Further to the case officer's report and presentation, Members debated the proposals before development and took into account the recommendation to approve the application. The Committee noted that, for the purposes of the Craven Local Plan, the application site was not a designated housing site and was designated as a rural area.

The Committee considered the planning history of the site and that two previous applications had been dismissed on appeal to the Planning Inspectorate.

Members remarked that whilst the proposed dwelling appeared to be of good design, they commented that the rural aspect of the area would be lost and the character of the surrounding area would be damaged. The Committee remarked that the application site was part of a grass verge that was integral to the street scene and that the land should remain green as this was the intention when the original homes were built.

Resolved – That the application is refused because of an unacceptable adverse impact on the character of the street scene and surrounding area including the open aspect of Low Demesne. (The actual wording to be formulated by the Planning Manager.)

Proposer: Councillor Ireton.

Secunder: Councillor Heseltine.

Voting: 8 for refusal; 1 for approval.

Application 2022/23773/FUL – revised description – conversion and reconstruction of two barns as two dwellings and the construction of three new dwellings with off street parking and associated infrastructure at Town End Barn, Colne Road, Glusburn.

The application had been deferred from the previous visit to enable a site visit to be undertaken by the Planning Committee. The proposal related to the conversion of two former agricultural barns and the construction of three market dwellings with associated off-street parking and infrastructure.

Having all the facts before them and taking into account the information gathered from the site visit, Members debated the application. Due to the intensification of vehicles exiting Beanlands Drive onto Colne Road, Members had highway safety concerns and in this regard, an officer from North Yorkshire County Council attended in person. He reiterated his written comments contained in the case officer's report that the revised access plans were considered acceptable, the sight lines were appropriate and suitable and didn't cause the Highways Authority any concerns. In addition, Beanlands Drive had been developed for many years and the Highways Authority had no recorded incidents of any sort or complaints received regarding the junction in question.

Members also discussed the potential for increased surface water flooding that could affect the properties on Colne Road that backed onto the site and that as the barns were in such a dilapidated state it would be impossible to retain their character.

Resolved – That the application is refused for the following reasons:

- (1) In the absence of any evidence that the proposed surface water attenuation tank would not result in surface water flooding, the proposal is considered to be contrary to Policy ENV6 of the Craven Local Plan and the National Planning Policy Framework.
- (2) The proposal, due to the intensification of vehicles, would have an adverse impact on highway safety as vehicles exit Beanlands Drive onto Colne Road. The proposal is therefore considered to be contrary to Policy INF7 of the Craven Local Plan and the National Planning Policy Framework.
- (3) The proposed conversion of the two barns on the site to form residential accommodation would not retain the character of the barns and thus is contrary

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

Proposer: Councillor Heseltine.

Seconder: Councillor Sutcliffe.

Voting: 4 for refusal; 3 against refusal; 2 abstentions.

b. Delegated Matters

The Strategic Manager for Planning and Regeneration submitted a list of new and closed planning enforcement cases between 24 June 2022 and 24 August 2022.

PL.1078 **QUARTERLY PLANNING PERFORMANCE MONITORING REPORT**

The Strategic Manager for Planning and Regeneration submitted a report informing Members of performance of the development management services during the quarter April to June 2022.

Members discussed the various statistics in the report and the Planning Manager answered Members questions. The review demonstrated an improvement in performance in the last quarter in that 80% of non-major applications were reached within 8 weeks or an agreed extension of time, up by 6% on the previous quarter.

The Planning Manager informed Members about the staffing arrangements in the planning development team which would facilitate improved performance going forwards.

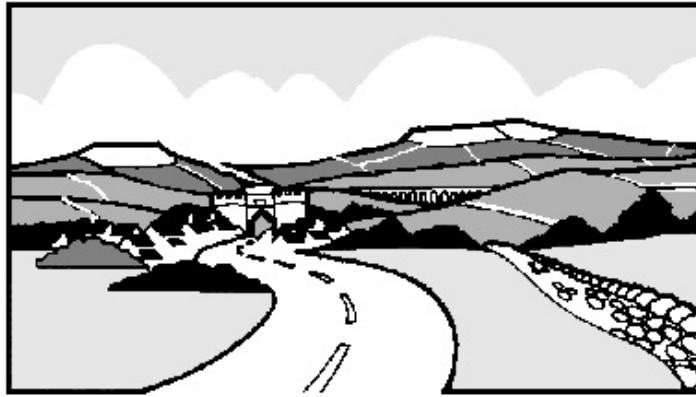
Resolved – That, the report is noted.

Minutes for Decision

There were no items for decision requiring confirmation by Council.

Date of Next Meeting: 3rd October 2022.

Chairman.



CRAVEN

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D I S T R I C T

PLANNING COMMITTEE AGENDA

DATE: 3rd October 2022

INDEX OF PLANNING APPLICATIONS

Item No.	Application Reference No.	Name of Applicant	Site Address	Page No's
1.	2022/23654/HH	Mrs S Buckton	34 Raikeswood Road, Skipton, BD23 1NB.	2 – 12
2.	2021/23443/FUL	Atkinson Vos	Warehouse, Wenning Mill, Wenning Avenue, High Bentham.	13 - 34
3.	2021/23291/FUL	Brookfield Property (Holdings) Ltd	Land Between A59 And Gargrave Road, East Of The Gargrave Roundabout, Skipton.	35 - 47

REPORT TO PLANNING COMMITTEE ON 3rd October 2022

Application Number: 2022/23654/HH

Proposal: Proposed parking spaces with new retaining walls; single storey extension to side and rear; link to existing garage and dormers to front and rear.

Site Address: 34 Raikeswood Road Skipton BD23 1NB

On behalf of: Mrs S Buckton

Date Registered: 20th May 2022

Expiry Date: 15th July 2022

EOT Date, if applicable: 7th October 2010

Case Officer: Jo Starr

SUMMARY

The application is considered to be acceptable in principle, and the proposal has been considered against all material considerations that arise from the development. While there are some amenity impacts upon the neighbour to the north, in this case they are not considered significant enough to warrant a refusal of permission. There have been objections on the grounds of design, amenity, access, heritage, biodiversity and flood risk. This report demonstrates that the proposals satisfy each of these material considerations including by way of conditions where appropriate.

1. Site Description

- 1.1 The application property is a detached dormer bungalow on Raikeswood Road, a residential street to the north western side of Skipton. The dwelling has a garage to the rear, accessed via a shared driveway off Raikeswood Road.
- 1.2 Raikeswood Road rises from south to north, and the property appears at an elevated level from the highway, with the amenity area, which is to the southern side of the property, bordered by retaining walls.
- 1.3 To the east of the application site is Spindle Mill, a terrace of three properties sitting at a lower level that share the access. Directly to the north and south are residential properties, and over the Raikeswood Road to the west, the grounds of Skipton Girls' High School.
- 1.4 The application is located within the main built up area of Skipton, the Principal Town Service Centre as defined by the Craven Local Plan 2012-2032. The application site is outside of the boundary of the Skipton Conservation Area (which begins directly south of the access driveway) but is visible from the Conservation Area. There is a listed building, Nurses Home of Raikeswood Hospital, to the east behind Spinney Mews, part of the rear of the listed building is visible from the application site.
- 1.5 As per the Environment Agency's Flood Map for Planning, the site is located within Flood Zone 1, i.e., the site has low Probability of flooding from river or sea flooding. The site is not noted as being at risk of flooding from any other source including surface water or reservoirs.

2. Proposal

2.1 The application seeks planning permission for:

- Single storey side extension to the northern elevation, projecting beyond the rear of the property and associated alterations to the roof.
- Link from this extension to the existing garage at the rear.
- Dormer windows; one to the rear and two to the front elevation.
- Creation of a parking area within the existing garden area.

Officer Note: the scheme has been amended from that initially submitted after discussion with the case officer.

3. Planning History

3.1 No planning history post 1974

4. Planning Policy Background

4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states 'if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise'. This is recognised in Paragraph 11 of the National Planning Policy Framework ('NPPF'), with Paragraph 12 stating that the NPPF does not change the statutory status of the development plan as the starting point for decision making.

4.2 The July 2021 NPPF replaced the February 2019 NPPF, first published in March 2012. The NPPF does not change the status of an up-to-date development plan and where a planning application conflicts with such a plan, permission should not usually be granted unless material considerations indicate otherwise (Paragraph 12). This application has been considered against the 2021 NPPF.

4.3 Annex 1 of the NPPF outlines how it should be implemented:

4.4 '219... existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)'.

4.5 The development plan for Craven includes the Craven Local Plan 2012 to 2032 (November 2019) ('LP'). The relevant LP policies to the determination of this application are:

- SD1 The Presumption in Favour of Sustainable Development
- ENV2 Heritage
- ENV3 Good Design
- ENV4 Biodiversity
- ENV6 Flood Risk
- INF4 Parking Provision
- INF7 Sustainable Transport and Highways

5. Parish/Town Council Comments

5.1 Skipton Town Council – no comments received within the statutory period or to date.

6. Consultations

6.1 NYCC highways. Response received 16th June 2022:

"There are no local highway authority objections to the proposed development...the proposed development is on private land and does not alter the existing access to the site or the volume of

traffic using the site and consequently there are no Local Highway Authority Objections to the proposed development. The private driveway is narrow and may cause problems with turning into the proposed parking space.”

6.2 CDC Environmental Health – no comments received within the statutory period or to date.

7. Representations

7.1 Site notice posted 11th June 2022, expired 2nd July 2022.

7.2 Press notice published 16th June 2022, expired 7th July 2022.

7.3 Notification letters were sent to six neighbouring properties.

7.4 8 representations have been received, all objecting. The main points of the objections are summarised below:

Design/Heritage

Scale of extension impacts upon visual amenity.

Dominant and encroaching to property to the north.

Works to the garden will have a harmful impact on the conservation area.

The removal of trees, shrubs and hedging from the garden has a detrimental effect on the character and appearance of the conservation area.

The removal of the part of the stone wall would change the appearance of the entrance and have a negative impact on the Conservation Area.

Residential Amenity

Diminishes right to light to the property to the north

Access/parking

The road to the proposed parking spaces is narrow and has no pedestrian refuge.

Vehicle movements will likely increase along an access with poor visibility splays.

The gated access to the space will increase car movements and entrance/egress to Salisbury Street/Raikeswood Road and impact safe movement of vehicles and pedestrians, as will the impracticality of manoeuvring into the parking space.

The existing double garage should provide adequate off-street parking.

Plenty safe parking on the wide road in front of the house.

The manoeuvring required to safely access the parking space will increase traffic movement on Spinney Mews.

Vehicles will need to reverse out into the driveway that forms the exits of vehicles from Spinney Mews. In addition, there is a potential need for vehicles to reverse from the parking area to the highway. This will increase risk to vehicle and pedestrian movements.

Biodiversity

Impact on wildlife - removal of hedgerow and trees will impact on birds, bees and bats.

Cutting down of healthy mature trees.

The proposed parking space and its potential uses are substantial different from the current mature garden and no landscaping is mentioned on the plans.

Mature fruit trees and shrubs have been removed which has resulted in overlooking towards 17/19 Raikeswood Road and Spinney Mews.

Flood Risk

Concerns that the excavation and works to access the garage may increase drainage problems.

No detail of surface water drainage from car parking area to driveway of Spinney Mews and the Highway.

Other issues.

The excavation required to create access to the garage may impact the party wall and cause potential movement of subsoil. No party wall agreement received.

Concerns re the practicality of the works in such a confined space.

The amount of groundworks required, and it would be appropriate to condition a Construction Management Plan.

The site location plan is not accurate – the boundary line follows the block and pebbledash wall which is part of the demise of 1,2,3 Spinney Mills. The red boundary line does not reflect the boundaries as indicated in the Land Registry records.

The excavation required for the car parking area is significant and more detail is required regarding maintaining the integrity of the boundary walls.

Constitutes overdevelopment and is unnecessary.

7.5 These are a summary of the comments. The full statement can be viewed here:

<https://publicaccess.cravenc.gov.uk/onlineapplications/applicationDetails.do?activeTab=documents&keyVal=R5N29PFKLPS00>

Officer notes:

- The removal of mature trees/hedgerows/planting in the garden had already taken place to some extent and is outside of the scope of the planning application. While the works to create the parking area will necessarily have an impact on part of the garden, the removal of trees/planting is at the discretion of the applicant as the site is not within the Conservation Area and the trees were not protected.
- The red line on the location/site plan does not denote ownership of land.
- Concerns regarding party walls and the potential structural integrity of the proposed development are not planning considerations and are covered by separate legislation.

8. Summary of Principal Planning Issues

8.1 Principle of Development.

8.2 Design and Heritage.

8.3 Residential Amenity.

8.4 Parking, Access and Highways

8.5 Flood Risk & Drainage

8.6 Nature Conservation.

8.7 Sustainability.

9. Analysis

Principle of Development

9.1 LP Policy SD1 confirms a positive and proactive approach to the consideration of development proposals reflective of the presumption in favour of sustainable development contained within the NPPF and sets out how this will be achieved. LP Policy SD1 is therefore consistent with Chapter 2 of the NPPF.

- 9.2 This is an application for an extension and works to an existing residential property. Such proposals are acceptable in principle, where the development meets with other relevant plan policies.

Design and Heritage

- 9.3 The NPPF emphasises the importance of design, advising that good design is a key aspect of sustainable development. Policy ENV3 of the Craven Local Plan states that designs should respect the form of existing and surrounding buildings including density, scale, height, and massing.
- 9.4 Section 16 of the NPPF gives guidance on conserving and enhancing the historic environment. In particular paragraph 197 advises that Local Planning Authorities should take account of the desirability of new development making a positive contribution to local character and distinctiveness. Paragraph 199 goes on to advise that when considering the impact of a proposed development on the significance of a heritage asset, great weight should be given to the assets conservation. Where a proposed development would lead to harm, local authorities should refuse consent, unless it can be demonstrated that the substantial harm is necessary to achieve substantial public benefits that outweigh the harm (paragraph 201 and 202 refer).
- 9.5 The application property sits in an elevated position, and is surrounded to the north, south and east with residential properties. While the application site is just outside the Conservation Area, it is visible from the Conservation Area therefore the impact needs to be assessed.
- 9.6 The proposed extension to the property appears relatively large given that the roof of the proposed side extension has been designed to lengthen the ridge of the existing hip roof, and the property itself is in an elevated location. This design of the roof enables an increase in the first floor space of the dormer bungalow, as well as the ground floor space. However, despite this, the footprint of the extension is subservient to the host property, and the overall design of the extension reflects well the existing house, for example the stone detailing around windows and doors are repeated on the proposed extension, and all materials match the existing property. In addition, the unsympathetic flat roof front and side dormers are to be removed and replaced with two smaller pitched roof front dormers, which appear more in keeping with the host property and those in the surrounding area.
- 9.7 The location of the extension to the north of the property reduces the overall visual impact from Raikeswood Road, as the northern side of the property is the least elevated from the road: the topography and siting of this property does not lend itself to being easily and successfully extended, however the siting and design of this proposal is the most appropriate for the site and is an acceptable addition given the constraints. Given the extension is to the north of the property, it will not be readily visible from the Conservation Area boundary to the south. The impact upon the Conservation Area of this element is therefore considered neutral and is acceptable.
- 9.8 The addition of the parking space involves the removal of a section of boundary wall to the south, and associated engineering works to create a level parking area, which will involve removal of earth and construction of retaining walls and steps up into the garden area. The removal of this section of wall is not considered to have a negative impact on the Conservation Area or the street scene in general. The older section of wall along Raikeswood Road will remain in situ (the portion to be removed has clearly been rebuilt at some point given the difference in mortar) , and the retaining walls are to be faced in stone within the parking area, with plain stained wooden gates which are all considered acceptable and minimise any impact. Subject to a condition ensuring any new walling matches the original, the creation of the parking area is acceptable and considered to have a neutral impact upon the adjacent conservation area.
- 9.9 In conclusion, it is considered that the proposals are acceptable in terms of their visual impact, scale and design, and impact upon the adjacent Conservation Area.

Residential Amenity.

- 9.10 The National Planning Policy Framework states that Local Planning Authorities should seek to achieve a good standard of amenity for all existing and future occupants of land and buildings. Policy ENV3 of the Craven Local Plan states that development should protect the amenity of existing residents, as well as create acceptable amenity conditions for future occupiers.

- 9.11 The application property is surrounded by other residential dwellings. The properties to the rear, Spinney Mews, are particularly close to the application property. The new window openings to the proposed extension will not look directly to the properties on Spinney Mews. The new dormer window on the rear roof slope will overlook 3 Spinney Mews to an extent, but given the differences in height between the properties the proposed dormer will look predominantly over the roof slope of Spinney Mews, and have no greater impact on privacy than the existing windows on the rear elevation of the host property.
- 9.12 The property to the north, No. 40 Raikeswood Road, has the potential to be impacted by the proximity of the proposed extension. The windows on the northern elevation of the extension will be close to the northern boundary and face toward No. 40. However, due to the difference in levels and the existing high stone wall boundary between the properties, the windows are not considered to cause any further loss of privacy. In addition, the proposals remove the existing side dormer window that currently looks towards no 40.
- 9.13 It is acknowledged that the proposed extension is close to the boundary with No. 40, and the increased mass of the extension will lead to a loss of an amount of the open views currently available from that property. In addition, the extended roof mass may lead to some increased overshadowing to the neighbouring garden. While it is acknowledged that the extra mass of the roof may cause some overshadowing in the afternoon to the south end of garden of No. 40, this is not considered significant enough to warrant a refusal of permission given the size of the garden to the neighbouring property.
- 9.14 Likewise, although the roof of the extension will introduce a new built element into the view from the conservatory of the adjoining property, it is not considered that this will be significantly overbearing and that a refusal is warranted. The ridge of the roof of the extension will be approximately 7m from the southern wall of the neighbouring conservatory extension, and extend further to the east by approximately 3.6m from the existing rear wall of the host property. While this will clearly impact upon the available views from the conservatory, there will still be an open aspect looking towards the south east, and therefore it is not considered that amenity is impacted to an unacceptable extent.
- 9.15 It is therefore considered that the development will not unacceptably detract from the existing living conditions and general amenities of any neighbouring occupiers in a manner significant enough to warrant a refusal of permission.

Parking, Access and Highways

- 9.16 Craven Local Plan policy INF4 asserts that new developments will help to minimise congestion, encourage sustainable transport modes and reduce conflict between road users by ensuring proper provision and management of parking for cars and other vehicles
- 9.17 NPPF Paragraph 111 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 9.18 The application property had the benefit of a garage to the rear. This garage measures approximately 4.8m wide x 5.1m deep. These dimensions are just about sufficient to count as a double garage according to NYCC Interim Parking Standards. However, it is acknowledged in the Department for Transport's "Manual for Streets" 2007 that smaller garages are often used for storage rather than parking, and that the minimum recommended size for a garage to count as a parking space is 6m x 3m. This is a three bedroomed property and the required number of off-road parking spaces in this location is a minimum of 2. Given the dimensions of the existing garage it is unlikely that two cars (particularly larger cars) will be regularly or easily parked in the garage and therefore the provision of extra off-road parking will remove the possibility of further on street parking on the already congested Raikeswood Road/Salisbury Street.
- 9.19 It is acknowledged that the access into Spinney Mews is narrow and the manoeuvring into the new parking spaces will require care. This is likely to keep speeds low. In addition, given this is an existing narrow access with a blind corner to turn left into Spinney Mews, existing residents will already be aware of the need to enter and exit the access at low speed. Given the proposed alterations to the

property are not increasing the number of bedrooms, there is unlikely to be a marked increase in the number of cars using the access.

- 9.20 NYCC Highways have offered no objections given the access is private and there is no alteration on the volume of traffic. Given the new spaces are likely to reduce on street parking, it is considered that the development is in compliance with LP policy INF4.

Flood Risk & Drainage

- 9.21 LP Policy ENV6 states development will take place in areas of low flood risk. NPPF Paragraph 159 directs development away from areas at highest risk of flooding.
- 9.22 LP Policy ENV6 states development should incorporate sustainable drainage unless unfeasible and the risk of surface water flooding will be minimised via suitable drainage in accordance with the Environment Agency's standards set out within LP Appendix C: disposal of water in accordance with the sustainable drainage hierarchy; evidence why a mains connection is required; run-off reduction; flood attenuation including climate change allowance.
- 9.23 The site is within Flood Zone 1, an area of low probability of flooding from rivers or sea and is not at risk from any other sources of flooding. Given the scale and nature of the proposal makes the principle of development acceptable from a flood risk perspective.
- 9.24 No details have been provided in respect of drainage of surface water, a condition requiring compliance with LP Policy ENV6 and corresponding Appendix C is recommended.

Nature Conservation.

- 9.25 LP Policy ENV4(c) states that development which would result in significant loss or harm to biodiversity without compensation will be resisted. LP Policy ENV4(b) states development should provide equal or, where possible, greater biodiversity value: enhancements should be on-site in the first instance.
- 9.26 NPPF Paragraph 174(d) seeks for planning decisions to contribute to and enhance the natural environment by minimising impacts and providing net gains for biodiversity.
- 9.27 The proposed car parking space will involve the loss of a part of the garden, including some mature planting. Some trees and hedging have been removed and the garden generally cleared; however this property has stood empty for a time and is under new ownership; some works to the garden are to be expected in these circumstances. As the amenity area is not within the Conservation Area, the small trees in the garden are not protected. The extension is to be built on an area of existing hardstanding; therefore little biodiversity is lost. It is acknowledged that the creation of the carparking spaces will lead to a small biodiversity loss.
- 9.28 No details have been provided in respect of replacement planting to offset this loss, a condition requiring submission of a suitable planting plan in compliance with LP Policy ENV4 is recommended.
- 9.29 All bat species are protected under the Wildlife and Countryside Act (WCA) 1981 (as amended), the Countryside and Rights of Way Act 2000 and The Conservation of Habitats and Species (Amendment) Regulations 2017.
- 9.30 The presence and extent to which protected species will be affected must be established before planning permission is granted. If not, a decision will have been made without all the facts (ODPM/Defra Circular, para 99)
- 9.31 The application is supported by a Bat Survey Report, which identified the presence of a roost of two common pipistrelle bats under the ridge tiles of the conical section of the roof at the south side of the building.
- 9.32 This area of the building will not be impacted directly by the works, and the report states that a Natural England Development Licence will not be required. However, the report suggests mitigation measures to ensure the bats are not impacted during the works.

- 9.33 The surveys undertaken are considered appropriate and the resultant advice sound. A condition is recommended to ensure adherence to the measures contained within the Report. Subject to this condition the proposals satisfy the relevant legislation and accord with LP Policy ENV4 and NPPF Paragraph 174.

Sustainability.

- 9.34 Policy ENV3 of the Craven Local Plan states that sustainability should be designed in, and all developments should take reasonable opportunities to reduce energy use, water use, carbon emissions and to minimise waste. The applicant has provided information regarding sustainable design and construction to support their proposal. The measures set out are considered appropriate for the size of the proposal and sufficient for compliance with the Craven Local Plan policy ENV3.

- 9.35 Conclusion

- 9.36 The principle of development is acceptable. The proposal has been considered against all material considerations that arise from the development. This report demonstrates that the proposals satisfy each of these material considerations including by way of conditions where appropriate.

10. Recommendation

- 10.1 Approve with Conditions

Conditions

Time Limit for Commencement

- 1 The development hereby permitted shall be begun not later than the expiration of three years with the date of this permission.

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

Approved Plans

- 2 This permission relates to the following plans:

Drawing No. 9515/01D - Existing Site/Location Plan. Received 12th May 2022.

Drawing No. 9515/02C - Proposed Site Plan/Block Plan/Proposed Elevation A. Received 12th May 2022.

Drawing No. 9515/04H - Proposed Basement and Ground Floor Plans. Received 12th May 2022.

Drawing No. 9515/05F - Proposed First Floor Plan and Rood Plan. Received 12th May 2022.

Drawing No. 9515/06E - Proposed Elevations. Received 12th May 2022.

Drawing No. 9515/010 - Proposed Rear Elevation showing adjacent neighbours dwelling. Received 22nd July 2022.

Sustainable Design and Construction Statement - Received 20th May 2022.

Bat Survey (BL-Ecology dated 7th September 2022) - Received 8th September 2022.

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

During Building Works

- 3 Unless alternative details have first been submitted to and approved in writing by the Local Planning Authority, the development shall be constructed in accordance with the materials detailed on the approved plans.

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

- 4 Except where indicated otherwise on the approved drawings or as required by any condition(s) attached to this consent, all new and remedial works to the existing boundary wall and new retaining walls to the parking spaces shall match the existing boundary walling in respect of materials used, detailed execution and finished appearance.

Reason: To ensure a sympathetic relationship with the character and appearance of the surrounding area and in accordance with the requirements of the Craven Local Plan Policy ENV2 and the National Planning Policy Framework.

- 5 Notwithstanding any details shown on the approved plans, within three months of development first taking place a landscaping scheme for the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the type, species, siting, planting distances and the programme of planting of trees, hedges and shrubs. The duly approved landscaping scheme shall be carried out during the first planting season after the development is substantially completed and the areas which are landscaped shall be retained as landscaped areas thereafter. Any trees, hedges or shrubs removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced by trees, hedges or shrubs of similar size and species to those originally required to be planted.

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

- 6 The development shall be undertaken in accordance with mitigation measures contained in the submitted bat survey by BL-Ecology.

Reason: In order to safeguard protected species in accordance with Craven Local Plan Policy ENV4.

- 7 Prior to first use of the approved development, surface water drainage shall be disposed of via an attenuated discharge shall be installed in accordance with the requirements of Craven Local Plan Policy ENV6 and Appendix C to Policy ENV6: Flood Risk - Environment Agency Technical Note and retained & maintained as such thereafter.

Reason: To ensure that any risk from flooding is minimised in accordance with Local Plan Policy ENV6 & Appendix C and National Planning Paragraph Paragraphs 159 & 167.

Ongoing Conditions

- 8 Notwithstanding the provisions of Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development)(England) order 2015 (as amended), or any equivalent order following the revocation and re-enactment thereof (with or without modification), the ground floor bathroom window shown on the western elevation; the ground floor w.c. window shown on the eastern elevation and the first floor bathroom window of the development subject to this application shall be obscurely glazed to a minimum level 3 on the Pilkington Scale (where 1 is the lowest and 5 the greatest level of obscurity) upon installation, and shall be retained as such thereafter.

Reason: To safeguard the privacy of occupiers of neighbouring dwellings and ensure satisfactory levels of amenity for adjoining residents.

- 9 Notwithstanding the provision of any Town and Country Planning General Permitted or Special Development Order for the time being in force, the areas shown on the approved plans for parking spaces shall be kept available for their intended purposes at all times.

Reason: to ensure these areas are kept available for their intended use in the interests of highway safety and the general amenity of the development, in accordance with Craven Local Plan Policy INF4.

Informatives

1. Statement of Positive Engagement:

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

2. Bats

The applicant is reminded that under the Habitat Regulations it is an offence to disturb, harm or kill bats. If a bat is found during the development all work should cease immediately and a suitably licensed bat worker employed to assess how best to safeguard the bat(s). Any works involving the destruction of a bat roost will require a European Protected Species Licence from Natural England.

3. The applicant is reminded that, under the Wildlife and Countryside Act 1981 as amended it is an offence to remove, damage or destroy the nest of a wild bird, while the nest is in use or being built. Planning consent does not provide a defence against prosecution under this act. If a bird's nest is suspected work should cease immediately and a suitably experienced ecologist employed to assess how best to safeguard the nest(s).

4. Hours of Construction

The hours of operation during the construction phase of development and delivery of construction materials or equipment to the site and associated with the construction of the development hereby permitted should be limited to 0730 hours to 1800 hours on Monday to Fridays and 0730 hours to 1300 hours on Saturday. No work should take place on Sundays or Bank/Public Holidays.

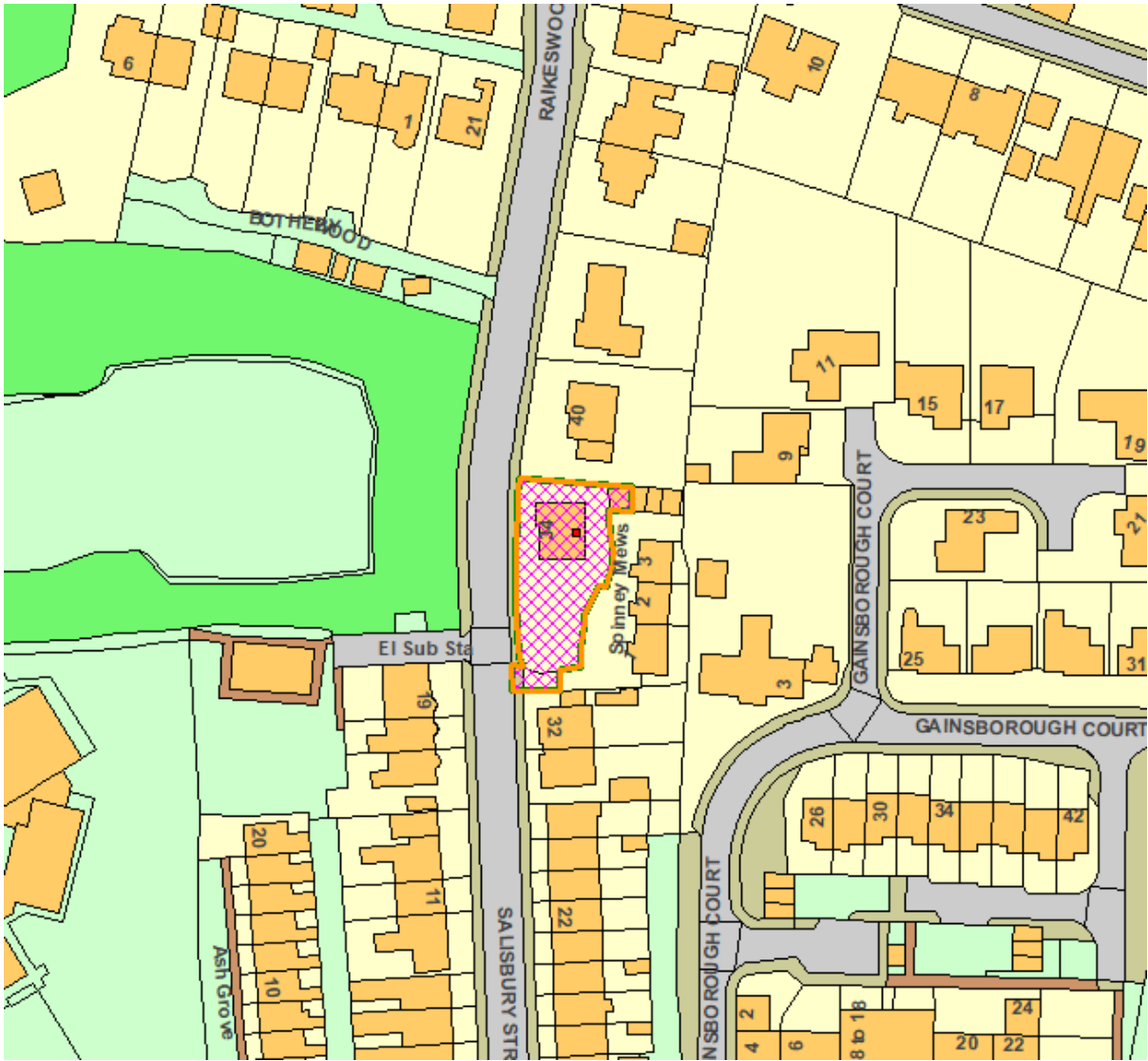
5. Party Wall Act

The Party Wall Act 1996 requires a building owner to notify and obtain formal agreement from adjoining owners(s) where the building owner intends to carry out building works which involves:

1. Work on an existing wall shared with another property
2. Building on the boundary with a neighbouring property
3. Excavating near a neighbouring building, and that works falls within the scope of the Act

Procedures under this Act are quite separate from the need for planning permission or building regulations approval. The Party Wall Act 1996 explanatory booklet is available free of charge to download from:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/523010/Party_Wall_etc_Act_1996_-_Explanatory_Booklet.pdf



Application Number: 2022/23654/HH

Proposal: Proposed parking spaces with new retaining walls; single storey extension to side and rear; link to existing garage and dormers to front and rear.

Site Address: 34 Raikeswood Road Skipton BD23 1NB

On behalf of: Mrs S Buckton

REPORT TO PLANNING COMMITTEE ON 3rd October 2022

Application Number: 2021/23443/FUL

Proposal: Replacement of existing buildings with construction of storage building, and use of land for display / sales and storage

Site Address: Warehouse Wenning Mill Wenning Avenue High Bentham, LA2 7LW

On behalf of: Atkinson Vos

Date Registered: 15th December 2021

Expiry Date: 9th February 2022

EOT Date, if applicable: 5th October 2022

Case Officer: Ros Parker

SUMMARY

The application is for the re-development of an existing commercial yard to meet the needs of the existing business occupier.

While the redevelopment of the existing commercial site is acceptable in principle, the proposal will result in the almost total loss of the former mill warehouse, an irreplaceable non-designated heritage asset. Furthermore, it would cause substantial harm to the integrity of the remaining mill and housing ensemble and would fail to conserve the legacy of the mill complex.

In the officer's opinion, the immediate economic benefits of the proposal are not sufficient to outweigh the scale and degree of harm to the non-designated heritage asset.

The potential loss of the business is of greater economic and social consequence to Bentham, and is accorded greater weight in the planning balance. However, there is no mechanism to ensure that the applicant remains at the site long term. There is nothing to prevent the sale or redevelopment of the site for other purposes, once the mill building has gone. With no guarantee that the applicant will remain at the site in perpetuity, the uncertain nature of the social and economic benefit cannot outweigh the scale and degree of heritage harm. The proposed development is therefore contrary to Craven Local Plan Policy ENV2.

The loss of the mill building would have a significant adverse visual impact on the street scene, on local distinctiveness and the sense of place, contrary to Craven Local Plan Policy ENV3.

In respect of all other matters, the proposed development is considered to be acceptable.

The proposal fails to meet the requirements of Craven Local Plan Policies ENV2 and ENV3. Therefore, the recommendation is for refusal.

1. Site Description

- 1.1 The application site comprises a three-storey stone-built former mill warehouse and a walled yard located on the southern side of Wenning Avenue in High Bentham.

- 1.2 The site is flanked by terraced housing to the east, west and part of the north side, and backs onto a narrow road on the northern side of the River Wenning. The site forms one of two sites owned and operated by Atkinson Vos, the second site being located on the opposite (northern) side of Wenning Avenue. More generally, the site lies southwards of the main settlement of Bentham and forms part of an enclave of the mill building and associated workers housing that formed a key part of the establishment of the wider settlement dating back to 1750.
- 1.3 Atkinson Vos is a company established for over 30 years in High Bentham that specialise in the sale, servicing and repair of Unimog vehicles. The former mill building is located in the north-east corner of the site and is prominently located in the wider street scene where the mill building is a key feature when viewed in either direction along the roadside. The mill building provides some storage on the ground and first floors, the second floor is empty. Immediately to the rear of the mill building, within the enclosed yard area, there are two storage containers and a lean-to building that lie adjacent to the walled eastern site boundary. A temporary marquee style building is located towards the rear of the site which is used for storage and repair work. Elsewhere throughout the site the yard area is used for vehicle parking and storage.
- 1.4 The application site is located within an established built-up area and is identified as a site that has potential to be contaminated. This site is also identified as a Development Low Risk Area by The Coal Authority.
- 1.5 The central and southern part of the site falls into Flood Zone 2 (Medium Probability) as identified by the Environment Agency. The CDC Strategic Flood Risk Mapping identifies the south-west half of the site as within Flood Zone 3a (High Risk).
- 1.6 The site is within an SSSI Impact Risk Zone, but falls outside the development type for which consultation with Natural England is required. A public footpath runs along Wenning Avenue past the north side of the site, joining another footpath which approaches the site along Duke Street.
- 1.7 The site is not designated as an Existing Employment Area under the Craven Local Plan, but has an established commercial use and is previously developed for planning purposes.
2. Proposal
- 2.1 Permission is sought for the following:
- Demolition of the mill building, the lean-to building and the temporary building
 - Construction of a new storage building
- The shipping containers are to be removed.
- 2.2 The proposed new storage building will be steel portal framed with Platicol steel wall sheeting above blockwork walls with a grey metal sheet roof incorporating translucent panels. The building will measure approximately 25.5m x 15.5m with a pitched roof 6m in height. The building has been designed with an offset roof falling to 4.5m at the eaves to the south elevation and 3m to the north elevation where it will lie adjacent to the site boundary. The west end of the roof will be stepped down for a distance of 5m, rising from 3m at the eaves to 4.3m where it joins the main roof. The new building would be in the north-west corner of the site set back from the roadside with an eight-bay car parking area (for display and sales) in front. A further eight parking bays (for medium term vehicle storage) are proposed in the north-east corner of the site. The remainder of the enclosed yard area would be used for outside parts and vehicle storage.
- 2.3 It is proposed to retain existing stone boundary walls to the north, west and south side. A new 2m wall will replace the existing low red brick wall, extending along the boundary at the site of the lean-to. The north and east elevations of the mill building will be retained to a height of 2.5m at the north-east corner, to form the boundary wall. The highway access, as now, will be gated.
- 2.4 The applicants' agent has prepared a supporting statement which concludes as follows:

“The proposals include the loss of the mill building, which the Council considers to comprise a non-designated heritage asset of local interest. An application to list the building has been rejected by Historic England and the building is not located within a designated conservation area.

2.5 *Applying a balanced judgement to the loss of a non-designated heritage asset, as set out in paragraph 203 of the NPPF, it is considered that whilst the mill building has a degree of local interest, it is not of national significance and the harm resulting from its loss would be outweighed by the socio-economic sustainability benefits to be delivered by the application proposals in the form of growth and expansion of a local business with a 30 year connection to Bentham. Furthermore, the application proposals are considered to be acceptable in relation to all other material planning considerations”.*

3. Planning History

3.1 *Application site:*

3.2 Pre-application enquiry relating to the current application (Ref: 2019/00676/PREAPP).

3.3 5/8/70/B – Storage and redistribution of light machinery and spare parts. Workshop facilities for minor repairs, modifications etc at Wenning Mill (change of use). Approved 10.02.1992

3.4 5/8/70A – Use of part of ground floor of Old Tar Works, Wenning Avenue, for engineer’s workshop. First and second floors to revert back to original use of plumber’s workshop and store. Approved 07/04/1981

3.5 *Atkinson Vos site to the north side of Wenning Avenue:*

3.6 08/2012/13198 – Extension to existing workshop to provide two extra working bays. Approved 15.01.2013

3.7 5/8/519A – Erection of industrial unit. Approved 12.10.1998

4. Planning Policy Background

4.1 The July 2021 NPPF replaced the February 2019 NPPF, first published in March 2012. The NPPF does not change the status of an up-to-date development plan and where a planning application conflicts with such a plan, permission should not usually be granted unless material considerations indicate otherwise (Paragraph 12). This application has been considered against the 2021 NPPF.

4.2 Annex 1 of the NPPF outlines how it should be implemented:

‘219... existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)’.

4.3 The development plan for Craven consists of the Craven Local Plan 2012 to 2032 (November 2019) (‘LP’). The relevant LP policies to the determination of this application are:

SD1: The Presumption in Favour of Sustainable Development

SD2: Meeting the Challenge of Climate Change

SP2: Economic Activity and Business Growth

ENV2: Heritage

ENV3: Good Design

ENV4: Biodiversity

ENV6: Flood Risk

ENV8: Water Resources, Water Quality and Groundwater

EC1: Employment and Economic Development

INF4: Parking Provision

4.4 National Planning Policy Framework (2021)

4.5 Planning Practice Guidance

4.6 **Other documents of relevance:**

- Craven Conservation Areas Project: Potential Conservation Area Designations (2016)
- Craven Employment Land Review and Future Requirements for Economic Growth (2017)

5. Parish/Town Council Comments

5.1 **Bentham Town Council:**

Supports the application.

6. Consultations

6.1 **CDC Environmental Health:**

No objections. Recommends conditions to address surface water drainage, control of noise during demolition and construction, and delivery times, hours of operation, lighting and waste storage.

With regards to contamination the site is identified by EH as being at risk and a condition is recommended to require a site investigation to be undertaken and, if contamination is found to be present, submission and implementation of a scheme of remediation.

6.2 **CDC Heritage Advisor:**

The advice of the heritage advisor is as follows:

"a) The demolition of the former mill should be refused as it would be contrary to Policy ENV2 Heritage of the Craven Local Plan and Section 16 Conserving and Enhancing the Historic Environment of the NPPF

b) The demolition of the other two buildings is acceptable, subject to prior approval of the replacement wall materials and

c) The new storage building is acceptable, in principle, subject to higher quality materials for the plinth on the E elevation."

6.3 **NYCC Highways:**

"In assessing the submitted proposals and reaching its recommendation the Local Highway Authority has taken into account the following matters:

- Parking is sufficient for the application.

- The access is existing and although visibility could be improved estimated vehicle speeds at the location are very low and highway safety is not at risk."

The Local Highway Authority recommends that a condition is attached to any planning permission to ensure provision and retention of parking spaces.

6.4 **Environment Agency:**

No comments have been received from the Environment Agency at the time of compiling this report.

Officer Note: The above is a summary of the responses received on this application. The full written text is available for inspection on the Council's website at:

<https://publicaccess.cravencdc.gov.uk/online-applications/>

7. Representations

7.1 Neighbour notification letters were issued on 7th January 2022.

7.2 There have been 42 third party representations. 26 of these object to the application, 14 support the application, and 2 do not object.

7.3 The objections are summarised as follows:

Impact during construction and demolition

- Proximity of building to residential properties would create problems from noise and disturbance during construction works. Possibility of flooding from blocked or disrupted drains.
- Construction traffic would lead to congestion.
- Construction and demolition would create significant amounts of mess and dust. May contain asbestos dust or mineral fibres.

Amenity

- Roofing material may not be sufficient to absorb noise from inside building or from heavy rain. Will noise insulation be incorporated?
- Is the building for storage use only, or will it be used as a workshop
- Height of proposed building will block sunlight from the properties to the north and adversely affect privacy.
- Potential for light pollution
- Potential for glare from new building materials when sunny
- Proposed building should be re-sited and reduced in height in order to minimise impact on neighbouring houses.
- Potential increase in diesel fumes
- Proposals are within a predominantly residential area and no attempt has been made to mitigate impacts.
- The milling building is a shield from weather, noise and light pollution for Mayfield Road, and provides privacy.
- The sun rises behind Mayfield and sets at the front, therefore the Mill has no effect on our light. The Mill provides protection for Mayfield Road.
- Boundary walls should be re-built the same height as they currently are.

Heritage

- Wenning Mill should not be demolished due to its significant heritage value.
- Due consideration should be given to preservation options.
- Mill building should be conserved and restored into a functional building.
- If the mill is destroyed an important part of the areas sense of place and identity will be gone
- The display about Bentham Mills planned for the Maritime museum in Lancaster, could lead to an interest in the area, with little left for people to see.
- Potential of the building to invigorate the town's tourist and heritage appeal
- Possible uses of the historic building have not been explored
- The existing mill building should be preserved and used in such a way as to protect its integrity and the heritage
- It would be a shame to lose the historic building to be replaced with a modern and unsightly one

Visual impact

- Loss of landmark building
- Proposed new building will conflict with the appearance of the neighbouring residential properties and walls unlike the original building.
- Existing mill building provides a screen to the site the industrial site
- Proposals should incorporate some landscaping in order to improve the visual impact of the development.

Ecology

- A full mitigation plan is needed for Common Swifts that nest in the mill building and any demolition should only take place outside the nesting season.
- Potential disturbance to wildlife, including bats

Highways

- Will improvements be made to junction of site with road?
- Will the large footprint of the new building reduce the parking/Unimog space further?
- Will extra parking remove employees' cars from the road? Will wagons park in the yard and not on the road?
- A designated loading area should be considered

Flood issues

- Development will result in problems with surface water run-off and flooding.

Other

- Proposal will de-value neighbouring properties.
- Will there be provision to prevent water pollution/oil spillages from entering River Wenning?
- There is a discrepancy in the application – bat survey states mill is in excellent condition with no cracks whilst application contradicts this.
- Embodied carbon in mill should be considered.

6.4 In addition to the above a further objection to the application on heritage grounds has been raised by the North Craven Heritage Trust who have provided historical notes on the mill building, and conclude as follows:

“We agree with the Council’s Heritage Adviser that this building should be classed as a non-designated heritage asset and as such Paragraph 203 of the NPPF applies. We do not believe that the applicants have produced a strong enough argument for why the demolition of this important heritage building is so crucial to their proposed business activities. Policy ENV 2 of the CDC Local Plan seeks to conserve Craven’s legacy of mills and textile workers housing, and this building is the last remnant of Bentham’s High Mill heritage which still puts into context the mill and its adjoining millworkers’ cottages.

This building needs to be restored and should not be demolished to ‘free up space’ for outdoor storage of a handful of vehicles as the applicants suggest in 2.6 of their Planning Heritage and Design and Access Statement.”

6.5 The comments in support of the application are summarised as follows:

- They are a long established engineering company in Bentham with a good reputation for apprenticeships and work experience for young people.
- I can see no objection to demolishing a very run down old building and adding some modern buildings to keep the premises fit for purpose

- From a former employee: *“One of my biggest problems was the storage and handling of our parts and tailor made accessories. The mill was a pain as it was inaccessible and damp - everyone disliked going in there and the parts were often rusty. The upper floors were useless as we couldn't carry heavy parts up there and the floors were rotten.”*
- Old mill buildings have been demolished as they are difficult and expensive to maintain and modern buildings are much more practical; unreasonable to insist someone else keeps throwing money into the building.
- They are a well-respected company with an excellent reputation in their field and a desire to innovate. We hope that Atkinson Vos can remain on their long established site and continue to develop their business.
- It is very important for Atkinson Vos' premises to keep modernising. This will ensure retention of employees to the small town, and make Atkinson Vos a place to visit and to have a facility which matches its reputation.
- It would be a real shame if they had to move premises for the sake of not being allowed to demolish this building which doesn't offer any benefit to Bentham.
- I think it would be of great benefit to modernise the whole site there benefitting everyone. It's not more houses we need in Bentham, it's employment and improving what's already here.
- The firm has provided work for many Bentham people over the years and I'm sure Bentham would appreciate job creation rather than an old building. The company has struggled for years to keep the old building useful and structurally sound.
- Well-respected business with an excellent reputation and desire to innovate; have worked closely with Lancaster University; provided valuable learning opportunities for many undergraduate engineering students; hope they can remain on their long established site and continue to cooperate with the university. Have provided graduate employment opportunities.
- They are a great employer for the area and their expert support has helped up to grow our local business too. Frankly their premises really them down as a world class company. We understand some nostalgia for the old building but it appears in bad condition and utterly unsuitable for their work. As an SME ourselves we understand how difficult it is to find suitable premises.
- Very important for Atkinson Vos' premises to keep modernising.
- The old mill building is unsafe and is a real eyesore on Wenning Avenue.

Officer Note: The above is a summary of the representations received on this application. The full written text is available for inspection on the Council's website at:

<https://publicaccess.cravendc.gov.uk/online-applications/>

- 8. Summary of Principal Planning Issues
- 8.1 Principle of development
- 8.2 Heritage
- 8.3 Appearance and design
- 8.4 Impact on amenity
- 8.5 Sustainable design and construction
- 8.6 Flood risk
- 8.7 Ecology
- 8.8 Highways issues

9. Analysis
- 9.1 **Principle of development**
- 9.2 LP Policy SD1 confirms a positive and proactive approach to the consideration of development proposals reflective of the presumption in favour of sustainable development contained within the NPPF and sets out how this will be achieved. LP Policy SD1 is therefore consistent with Chapter 2 of the NPPF
- 9.3 LP Policy SP2 aims to enable the local economy to grow, diversify and generate new employment and productivity opportunities. It is supportive of sustainable economic activity within towns, villages and rural areas. It advises that individual proposals will be considered under LP Policy EC1.
- 9.4 LP Policy EC1 states that proposals for employment/economic development in existing employment areas, on land allocated for employment/mixed use, or within the main built-up area of Tier 1 to 5 settlements will be supported subject to compliance with criteria (a) to (f) of that policy:
- “a) The proposal will not give rise to adverse amenity effects on sensitive uses that cannot be mitigated adequately;*
- b) Traffic generated as a result of the proposal being satisfactorily accommodated in the surrounding highway network;*
- c) The proposal not adversely affecting the significance of natural environmental assets, designated heritage assets and open space provision and accords with the provisions of Policies ENV1, ENV2, ENV4, ENV5, ENV6, ENV7, ENV8, ENV10 and ENV11;*
- d) The proposal being adequately served by communications infrastructure i.e. broadband, where possible; and*
- e) The proposal being of a design that accords with the provisions of Policy ENV3.*
- f) The proposal accords with any other relevant policies in the local plan.”*
- 9.5 NPPF Paragraph 81 confirms that planning decisions should help to create the conditions in which businesses can invest, expand and adapt.
- 9.6 The purpose of the proposed development is 3-fold.
- 9.7 i) to improve storage facilities
- 9.8 The proposed building will provide a secure, dry, accessible storage facility which is fit for purpose. Currently, parts are stored in the mill building, the lean-to and the temporary building. The mill building is difficult to access, particularly above ground level, and is damp. The lean-to, which initially served as the workshop to the business, is also damp. The white storage building is a temporary building which does not have planning permission.
- 9.9 It is therefore accepted that the proposed building will support the functioning of the existing business through the provision of fit-for-purpose indoor storage.
- 9.10 ii) to reduce the operating cost of the site to the business
- 9.11 Atkinson Vos have undertaken repairs to the mill building over the years, for example in replacing the roof following storm damage. However, as set out in the supporting economic statement, the space is *“sub standard/physically unsuitable for modern purposes”* and is currently costing the business *“excessive amounts per annum”* plus business rates. While the statement does not quantify these amounts, it advises that the annual maintenance cost is sufficient to employ an additional apprentice, and argues that the investment would be better spent on a new building to further secure job retention and creation to support growth.
- 9.12 An independent Building Survey Report of the mill building has been submitted. It found that externally, from ground level and where visible, *“the walls appear in adequate condition, straight and without deviation from the expected lines both horizontally and vertically”*. However, internally the report identifies structural damage possibly as a result of ivy penetration, and structural

movement associated with the weight of structural beams. While roof trusses are generally in good condition, they show early signs of damp. Timber beam bearing ends also show signs of damp. The poor condition of the mortar is enabling water ingress, and damp has resulted in degradation of the stonework. At the ground floor, it was not clear if damp was caused by the lack of damp proof course or condensation. The report also noted that there is nothing to prevent surface water ingress to the building. The report concluded that: *“The property may have been in adequate structural condition for its use as storage when first put into use. However, this will no longer be the case in the very near future without addressing the highlighted issues.”* The implication is that the costs may very well escalate in the near future.

- 9.13 The economic case that the removal of the cost associated with the upkeep of the mill building will free up funds for re-investment in the business is accepted.
- 9.14 iii) to improve the presentation of the site
- 9.15 The supporting statement of economic case sets out the position of Atkinson Vos as the world’s leading specialist in Unimogs, and confirms that *“having a premises to reflect their quality of work is paramount.”*
- 9.16 The removal of existing buildings will make way for a planned yard. The proposed parking areas to each side of the entrance will be for vehicles on sale or medium term storage. These are currently located side by side with vehicles being broken down for parts. The proposed storage building will screen the functional areas of the yard to the rear. The ground floor walls from the mill building will be retained as boundary walls to the north-east corner of the site. Stone will be re-used to replace the red brick east boundary wall and to infill where the low level lean-to is to be removed.
- 9.17 It is acknowledged that this is an untidy site as a result of the proliferation of parts and vehicles stored in the open, and the collection of low level storage buildings and containers. It is also understood that the mill building in its current condition, with a corrugated sheet roof and overgrown with ivy and weeds, does not reflect the applicant’s aspirations for the site. The proposed development will provide the opportunity to tailor the presentation of the site, separating the sales and functional areas, to meet the needs of the business.
- 9.18 The site is not allocated under the LP. However, the site is in existing commercial use and is within the main built-up area of the Tier 2 settlement (as defined in LP Policy SP4). Further economic development associated with the existing use of the site is therefore acceptable in principle under LP Policy EC1 subject to compliance with the specified criteria (a) to (f). These matters, as they relate to this sensitive site and surroundings, are crucial to the determination of this application and will be assessed in the following sections of this report.
- 9.19 **Heritage**
- 9.20 The proposed development, if approved, will result in the almost total loss of the mill building. The ground floor walls to the north and east side will be retained to form the boundary wall to the north-east corner of the site.
- 9.21 LP Policy EC1(c) requires that there is no adverse impact on the significance of designated heritage assets. The mill building is not a listed building, nor is it within a conservation area, and therefore is not a *designated* heritage asset. Therefore, the proposal does not conflict with this policy requirement.
- 9.22 LP Policy ENV2 ‘Heritage’ states that Craven’s historic environment will be conserved and, where appropriate, enhanced and its potential to contribute towards the economic regeneration, tourism and education of the area fully exploited.
- 9.23 In assessing proposals, ENV2(a) requires that particular attention is paid to the conservation of those elements which contribute most to the District’s distinctive character and sense of place, including and of direct relevance to this proposal:
“the legacy of mills, chimneys, and terraced housing associated with the textile industry.”

- 9.24 NPPF Paragraph 189 acknowledges the range of sites and buildings that fall within the definition of a heritage asset, and includes buildings of local historic value within this range. It stresses the value of heritage assets as an irreplaceable resource, which should be conserved in a manner appropriate to their significance for the benefit of existing and future generations.
- 9.25 In assessing applications, NPPF Paragraph 195 requires the LPA to assess the significance of the asset, taking account of the available evidence and any necessary expertise. Heritage consultant, Hinchliffe Heritage, has assessed the site and has identified the former mill warehouse as a non-designated heritage asset.
- 9.26 LP Policy ENV2(e) relates to non-designated heritage assets. It provides support for proposals that would conserve Craven's non-designated heritage assets, and continues:
"developments that would remove, harm or undermine the significance of such assets, or their contribution to the character of a place will only be permitted where the benefits of the development would outweigh the harm having regard to the scale of the harm and the significance of the heritage asset."
- 9.27 NPPF Paragraph 203 confirms that the effect on the significance of a non-designated heritage asset should be taken into consideration. In respect of the planning balance, it confirms that:
"in weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset."
- 9.28 Demolition of the former mill warehouse
- 9.29 The Draft CA Appraisal confirms the significance of the expansion of the textile industry in the 18th C to the development of High Bentham. Before that time, High Bentham was essentially an agricultural settlement. The former mill warehouse, together with the lean-to, the walled yard and with the terraced housing that borders the site to the west and north, are what remain of the High Bentham Mill complex that extended east and west of the yard. Historic mapping (surveyed 1847) demonstrates that the mill complex dominated the area alongside the River Wenning and south of the railway at that time, and clearly accounts for the historic development of this area of High Bentham. Thus the remains of the mill complex are key to the understanding of the historic development of the town, and the immediate environs. The mill itself was demolished and replaced with housing that extends east from the site.
- 9.30 The heritage consultant confirms the heritage significance of the remaining parts of the historic mill complex:
"Wenning Mill and the associated cottages around the mill yard are an example of an ensemble of a mid-18th C textile mill with a planned group of contemporary mill workers' cottages. It is a smaller but earlier example of this type of ensemble of the early industrial revolution, which includes Saltaire, New Lanark and parts of the Derwent Valley Mills, all of which are World Heritage Sites.
Although the mill has been altered and lacks full authenticity, it remains as a substantial three storey building which is a prominent feature of Wenning Avenue and the local townscape and it provides a tangible link with and memory of the site's involvement in the textile industry. The workers' houses remain largely intact and unaltered externally, apart from altered fenestration and, together with the former mill, they create a cohesive group of 18th C buildings."
- 9.31 It is acknowledged that Historic England (HE) do not consider the mill warehouse to be worthy of listing. An initial assessment by HE, carried out in April 2020, rejected a listed building application on the following grounds:
"Degree of architectural interest
- they are fragments of the former mill complex, compromised by alterations, and no longer clearly recognisable within an industrial site process flow;

- although the warehouse is a remnant of the mid-C18 mill, it is modest and altered with insufficient intrinsic interest to merit listing;
- there is no information about internal survival, but external photographs suggest substantial alteration.

Degree of historic interest

- the interest of the standing remains is local rather than national in nature.

Degree of group value

- they do not benefit from group value with other listed buildings.”

9.32 However, the HE assessment concluded that:

“While the warehouse does not meet the strict criteria for listing in the national context, it is of local interest illustrating the development of the textile industry in the Wenningdale and Lune Valley.”

9.33 It is also acknowledged that the buildings and associated industrial terracing were rejected for inclusion in a possible future Bentham Conservation Area, as being too far from the centre of the town. This is despite the author citing the textile industry as being the main occupation of the town historically, and the contribution of the industry to the character of the town. Craven DC has not yet made a decision to accept that recommendation by designating the CA. As such, only very limited weight can be accorded to its findings.

9.34 Nonetheless, it remains the case that the former mill warehouse is a non-designated heritage asset with strong local significance. The demolition of the mill warehouse would represent the almost total loss of the heritage asset contrary to LP Policy ENV2(e). Furthermore, it would cause substantial harm the integrity of the remaining mill and housing ensemble, and would fail to conserve the legacy of the mill complex contrary to LP Policy ENV2(a).

9.35 Removal of the lean-to building

9.36 The lean-to is an unassuming building of mixed materials which has been patched up over time. The heritage consultant has confirmed that this building has no heritage or architectural interest. On this basis, the removal of the lean-to is not considered harm to the significance of the remaining mill complex.

9.37 There is an opening boarded with corrugated sheets to the east elevation, which forms the boundary wall to the site at this point. Stone from the lean-to will be used to infill the boundary wall at the site of the lean-to, resulting in an enhancement to the setting.

9.38 For these reasons, the removal of the lean-to and the infilling of the boundary wall is found to be consistent with local and national policy requirements, and is therefore acceptable.

9.39 The planning balance

9.40 Policy ENV2(e) and NPPF Paragraph 203 confirm the relevance of the scale of the harm and the significance of the heritage asset to the planning balance. In this case, the proposal will result in the almost total loss of a non-designated heritage asset with strong local significance.

9.41 NPPF Paragraph 81 emphasises the importance of the economic argument in the planning balance, stating that:

“Significant weight should be placed on the need to support economic growth and productivity, taking into account both the local business needs and wider opportunities for development.”

9.42 The identified economic benefits of the demolition of the mill building will be:

- i) the removal of the cost of maintenance of a building which is no longer of practical use to the business
- ii) the improved presentation of the site in keeping with the company’s aspirations

- iii) the provision of improved indoor storage.
- 9.43 Considering each of the above in turn:
- i) the removal of the cost of maintenance of a building which is no longer of practical use to the business.
- 9.44 The applicant's case is that the building is not fit for the storage needs of the business, is a health and safety hazard, and is costly to maintain. The Planning Statement cites the *"false economy of investing heavily in its upkeep when better investment could be made in a purpose-built building that the business actually needs and can use"*.
- 9.45 The applicant asserts that the projected annual cost saving amounts to the equivalent cost of employing a single apprentice. The actual cost saving in monetary terms has not been specified in the applicant's supporting statements and it is therefore difficult to quantify in financial terms. However, it is accepted that it is likely savings could arise from the removal of maintenance costs which would be beneficial to other aspects of the business. This must be considered against the implications of demolishing the building and, in the officer's opinion, the projected cost benefit is not sufficient to outweigh the loss of the heritage asset.
- 9.46 The Building Survey Report implies that these costs may soon escalate if the existing use of the building is to be maintained. However, this has not been quantified and is ultimately dependent on the future use of the building, and therefore cannot be included in this assessment at this point in time.
- 9.47 In conclusion, taking account of the projected annual cost saving and conceding that this would equate to the benefit of employing one additional apprentice, it is not considered sufficient to outweigh the loss of the heritage asset.
- ii) the improved presentation of the site in keeping with the company's aspirations
- 9.48 The applicant's case is that the current presentation of the site does not reflect the quality of their work or their reputation, and that the presence of the mill building, and its poor visual condition, is negatively impacting visitor's expectations on arrival at the site. If maintenance and repairs are not continued the building will deteriorate further. The removal of the mill building will form part of the re-organisation of the yard which will see the untidy storage elements either stored within, or largely screened by, the new building. A vehicle display area will be located at the site entrance.
- 9.49 Paragraph 196 of the NPPF instructs that where there is evidence of deliberate neglect of, or damage to, a heritage asset, the deteriorated state of the heritage asset should not be taken in account in any decision. It is clear that the applicant has and continues to repair the building. It is also the case that there is a degree of neglect, as evidenced by the ivy which extends over a significant portion of the building and which has been left to penetrate the building at the risk of structural damage, and the failure to repoint the building at the risk of damp. Externally, the walls appear straight and in adequate condition, as set out in the Building Survey Report. In consideration of NPPF Paragraph 196, the existing state of disrepair cannot be factored into this decision and does not provide sufficient justification for the building to be demolished.
- 9.50 The mill building has a significant presence owing to its height and position at the roadside. However, the building occupies only approximately 6% of the ground area of the site, and is in a corner location away from the proposed new building and functional areas. A single parking space will be provided in its place. Therefore, the proposed redevelopment of the yard, and the visual enhancement of the site, is not dependent on the removal of the building. If a suitable use for the building could be found to enable its retention and renovation, the visual impact on the site would be wholly positive.
- 9.51 The applicant has considered options for the re-use of the mill building as residential flats, as office space to be divided between Atkinson Vos use and for letting/leasing out, and upgrading the storage capability of the building for use by the business. These options are set out in more detail in the submitted Conversion Feasibility Report. The report provides estimated costs for each option, as well as for the proposed demolition and a new building. It also highlights that conversion to

residential or office use may result in the loss of a significant site area for future occupants' parking and services.

- 9.52 The estimated costs for upgrading the mill building for bespoke multi-level storage are slightly below the estimated costs for demolition and a replacement building. However, the applicant asserts that this option would require considerable investment and the layout would not be practical for the business. The retention and investment in the building for use as an upgraded storage facility has therefore been rejected by the business as not being a viable option.
- 9.53 Atkinson Vos do not wish to redevelop the mill building for other uses in order to finance the relocation of the business. It is unlikely that residential use of the building would be compatible with the ongoing operation of the business at the yard. However, the building is accessible from the street, and as such could operate independently of the yard providing opportunity for a compatible alternative use of the mill building that would secure its future. In the officer's opinion, this option has not been fully explored.
- 9.54 Taking account of the instruction at NPPF Paragraph 196, the fact that the limited footprint and location of the mill building does not physically prevent the redevelopment of the yard, and the failure to fully explore possible options for the re-use of the mill building that would restore its appearance, it is considered that the improved presentation of the site is not dependent upon the removal of the mill building.
- iii) the provision of improved indoor storage
- 9.55 The applicant's case that the building is not currently fit-for-purpose is not disputed.
- 9.56 However, the new storage building, being separate from the mill building, could be constructed without necessitating the demolition of the mill building.
- 9.57 Thus far, the identified economic benefits are not considered to be sufficient, neither individually nor cumulatively, to outweigh the loss of the heritage asset.
- 9.58 Notwithstanding the above, there are also greater, and more significant economic and social considerations. If the company is unable to develop the site to meet its needs, it may relocate elsewhere, and potentially outside the District. The Supporting Statement submits that the company has previously considered relocation outside of the area, but the preference is to grow and improve the functionality of this site, to "*sustain and maintain a world class business in Bentham*".
- 9.59 The Craven Employment Land Review (2017) confirms that according to local agents "*there remains an acute shortage of good quality industrial accommodation across the District. One agent explained that he is currently representing a firm that would like to stay in the area, but is having so much difficulty in identifying a suitable, good quality industrial building that the company is considering the possibility of acquiring equivalent premises in alternative districts where there is a greater supply of industrial premises available. There is therefore a risk that an underlying shortage of good quality business accommodation could threaten the District's longer term ability to retain the business base needed to facilitate continued economic growth*" (p.65). Therefore, the loss of the business to the District is a very real risk.
- 9.60 This is an established local company which has successfully developed a world class business in Bentham. The company employs 20 staff, including 5 who are local to Bentham. It runs an apprenticeship program through local schools and colleges. As set out in the submitted Planning Statement, the business spends approximately £59000 pa in the local economy. It also supports a number of local charities.
- 9.61 A number of public comments have been received in support of the application, recognising the contribution of Atkinson Vos as a local employer which provides training and employment opportunities from work experience and apprenticeships to university engineering placements and graduate jobs, and which supports local businesses.
- 9.62 The relocation of the business elsewhere would represent a significant loss to Bentham, both economically and socially. On this basis, and taking account of the significant weight of the

economic case in accordance with the NPPF para.81, this becomes a much more finely balanced decision.

- 9.63 The continued economic and social benefit to Bentham is dependent upon Atkinson Vos staying at this site for the long term. It is understood that this is the applicant's intention. However, this is not guaranteed.
- 9.64 It is not possible to impose a planning condition to the effect that the business has to stay at this site long term. This would place an onerous restriction on the business and would not be possible to enforce. Such a planning condition would not meet the requirements of NPPF Paragraph 56 with regard to the use of planning conditions. In consequence, it is necessary to consider that in granting permission to demolish the mill building and redevelop the site there can be no assurances that this would guarantee the presence of Atkinson Vos in Bentham in perpetuity. Accordingly, whilst some weight can be given to the supporting case for the applicant, and in particular the stated intention to remain in the Bentham area, this cannot in itself provide justification for the loss of the non-designated heritage asset of the mill building. Furthermore, the site is not protected as an employment site. With the mill building gone, the site could easily be re-sold for alternative purposes now, or in the future should business needs change. The continued operation of Atkinson Vos at the site is reliant solely on the private business owners.
- 9.65 Conclusion
- 9.66 The fact remains that the building is an irreplaceable non-designated heritage asset with strong local significance. The proposed development, if approved, will result in the almost total loss of the mill building.
- 9.67 The immediate economic benefits to the business of the current proposal are not considered sufficient to outweigh the loss of the heritage asset.
- 9.68 While there are significant economic and social benefits in Atkinson Vos remaining at the site, this outcome cannot be guaranteed in planning terms. A benefit with no guarantee of permanence cannot outweigh the permanent loss of the heritage asset.
- 9.69 It is the case that there is potentially a fallback position, in that the applicant could apply for prior approval to demolish the mill building under permitted development rights set out in Schedule 2, Part 11B of the GDPO. The LPA's control would extend only to the method, and not to the principle of demolition. This a material consideration.
- 9.70 However, the LPA has a duty to assess the application as submitted, which includes the demolition of the existing buildings at the site and the proposed replacement building. The applicant has not indicated the intention to pursue the option of demolition under permitted development rights. Furthermore, the LPA could implement an Article 4 direction to remove the demolition rights under Schedule 2, Part 11 of the GPDO. As such, demolition under permitted development rights is a theoretical stance only, and therefore can be granted only limited weight in the planning balance in the assessment of this planning application.
- 9.71 Therefore, in consideration of the application as submitted, and taking account of the scale and degree of harm, and of all relevant material considerations, the planning balance is found to weigh in favour of the retention of the mill building. Consequently, the proposed development is contrary to LP Policy ENV2(a) and (e), and the NPPF.
- 9.72 **Appearance and design**
- 9.73 LP Policy EC1(e) requires that the design accords with the provisions of LP Policy ENV3.
- 9.74 LP Policy ENV3 states that good design will help to ensure that growth in Craven results in positive change, which benefits the local economy, environment and quality of life, including health and wellbeing. It sets out the general design principles that contribute to achieving good design, including:
- a) a response to the context including both natural and built elements;

- b) respect for the form of existing and surrounding buildings;
 - c) legibility and creating a sense of place by maintaining, enhancing and creating a sense of place;
 - d) the enhancement of local distinctiveness, through maintaining good aspects, improving poorer aspects and adding new aspects that benefit the local environment.
- 9.75 NPPF Paragraph 126 asserts the importance of achieving high-quality, beautiful and sustainable buildings within the planning process. NPPF Paragraph 130 requires that decisions ensure that development adds to the overall quality of the area, is visually attractive, sympathetic to local character and history while not preventing or discouraging appropriate innovation or change, and establishes or maintains a strong sense of place.
- 9.76 The mill building is a commanding presence on the street scene, which is visually connected to the stone terraced housing and the stone walls that enclose the yard. It embodies local distinctiveness and contributes strongly to the sense of place as a part of the legacy of the mill complex. It is acknowledged that its appearance is currently degraded, in particular by the ivy that is growing over a large portion of the structure. This is an issue which could be remedied to better reveal the walls of the building which remain straight and in adequate condition, as confirmed in the submitted Building Survey Report. The loss of the mill building would have a significant adverse visual impact on the local street scene, would negatively impact local distinctiveness and would fail to maintain the sense of place, contrary to LP Policy ENV3.
- 9.77 The proposal, if approved, would retain the north and east elevations to a height of 2.5m, providing continuity with the existing stone boundary walls. A further expanse of stone wall on the eastern boundary would replace the inappropriate red brick and infill the boundary at the site of the lean-to, enhancing the boundary at the east side. However, in the officer's opinion, these measures would not be sufficient to compensate for loss of the dominant traditional mill building. It is also the case that the building is a very effective screen of views into the yard from the approach to the north-east. In its absence, large parked vehicles may well be visible over the top of the walls.
- 9.78 The proposed storage building is of modern, functional design. It will contrast with the surrounding dwellings, but is not out of context with the industrial function of the yard and will reflect the style of the existing Atkinson Vos building across Wenning Avenue. The dwellings and stone walls will largely screen the elevations from the street and public views, but there will be some visibility through the gateway, and over the walls to the east side. The roof will be visible from public viewpoints. To improve the presentation of the building, and to reflect its immediate surroundings, stone from the mill building will be used in the elevations to a height of 1.5m. Tree planting to the northern boundary will soften views from street. On this basis the new building is found to be acceptable.
- 9.79 The removal of the storage containers, temporary building and lean-to, and the relocation of a proportion of outdoor storage items to the new building will tidy up the site. Remaining outdoor storage will be largely screened by the new building from the road, providing a visual improvement.
- 9.80 In conclusion, the proposed building is considered to be acceptable, and the removal of the storage containers and temporary building is welcomed. However, the loss of the mill building would have a significant adverse visual impact on the street scene, on local distinctiveness and the sense of place. The use of the ground floor elevations to form the boundary wall, while serving to screen the site and provide continuity with the existing stone boundary walls, is not considered to be sufficient to overcome the greater visual harm caused by the loss of the mill. The proposed development therefore fails to meet the requirements of LP Policy ENV3 and the NPPF.
- 9.81 **Impact on amenity**
- 9.82 LP Policy EC1(a) requires that proposal will not give rise to adverse amenity effects on sensitive uses that cannot be mitigated adequately.
- 9.83 LP Policy ENV3 requires that development should protect the amenity of existing and future residents and business occupiers.

- 9.84 NPPF Paragraph 130(f) confirms that development should provide a high standard of amenity for existing and future occupiers.
- 9.85 The site is located in a residential area, with dwellings to the north, east and west sides. Public concern has been raised with regard to use, noise, loss of daylight/sunlight, loss of privacy, light pollution, glare, fumes.
- 9.86 *Disturbance*
- 9.87 Although this is a predominantly residential area, the site has a long history of commercial use. The proposed development is expected to reduce the day-to-day operational disturbance and from the site as there will be more efficient indoor storage space. While the workshop facility is located at the site across the road, the current permission does allow for workshop activity at the application site. A condition is recommended to restrict the use of the site to storage and sales display only, thereby reducing the potential for disturbance to surrounding occupiers.
- 9.88 Public comments have raised the requirement for insulation of the new building, and potential disturbance from the noise of rain drumming on its roof. The new building will be used from storage only, and as such noise insulation is not considered to be necessary. Any noise from rainfall is likely to be greatest inside, rather than outside the building. The Environmental Health Officer has not raised any concerns in respect of noise, beyond recommending a condition to restrict hours of operation and delivery times. This will be adapted to match the hours of the existing permission, ie 0800 to 1830 Monday to Saturday, and not on Sundays or bank holidays, in order to ensure the condition is reasonable in accordance with NPPF Paragraph 56.
- 9.89 *Loss of daylight/sunlight, outlook*
- 9.90 Dwellings are situated to the north and west sides of the proposed storage building. These dwellings are separated from the application site by the 2.5m high stone boundary wall, and a grassed passageway of between approximately 2m and 5m in width which runs to the rear of the dwellings. A second stone boundary wall lines the passageway to the west side, at the back of the terraced row. The ground floor windows are already subject to a loss of light from the boundary wall.
- 9.91 The proposed elevations will be 0.5m taller than the stone boundary wall. The roof will rise to a maximum height of 6m. However, the roof form has been designed to minimise the impact on the neighbouring dwellings. To the north side the roof will reach its maximum height approximately 18m from the first floor rear elevations, the nearest of which, at No. 1 Wenning Avenue, is blank. To the west side, the roof form will be stepped in, such that it will be maintained below 4.2m for a distance of 17m from the nearest first floor elevation to the west side. At these distances, no significant loss of daylight or sunlight will occur.
- 9.92 There will be a degree of loss of outlook from the upstairs windows. However, this is already the case where vehicles or high storage racks are located against the walls. Taking account of the separation distances, the impact is not so severe as to require the refusal of planning consent.
- 9.93 *Privacy*
- 9.94 With regard to privacy, the site will be enclosed by stone wall measuring 2.5m in height for the majority of its length. A section at the east side will have a height of 2m will replace an existing 1.9m brick wall. No windows are proposed to the new building. The privacy of the surrounding occupiers will therefore be maintained.
- 9.95 *Other*
- 9.96 Other issues raise comprise light pollution and glare. No external lighting details have been provided. The Environmental Health Officer has recommended the approval of lighting details by condition, to safeguard residential amenity. He has not raised the issue of glare, and on this basis, there is not considered to be a significant impact.

- 9.97 In conclusion, for the reasons set out above, while a degree of negative impact is acknowledged, taking account of existing conditions, this is not considered to be sufficient to warrant the refusal of planning consent. Local and national policy requirements are therefore satisfied.
- 9.98 **Sustainable Design and Construction**
- 9.99 LP Policy ENV3(s) requires the non-residential developments of 1000 or more square metres where feasible to meet at least the BREEAM standard of very good for non-residential buildings requirement. The proposed building falls well below this threshold, and therefore the requirement is not applicable in this case.
- 9.100 LP Policy ENV3(t) requires that sustainability is designed in, taking all reasonable opportunities to reduce energy use, water use and carbon emissions, and to minimise waste, ensure future resilience to a changing climate and wherever possible, to generate power.
- 9.101 NPPF Paragraph 152 confirms that the planning system should support the transition to a low carbon future, including encouraging the re-use of existing resources and supporting renewable and low carbon energy.
- 9.102 While the re-use of a building may appear to be a more durable, sustainable option, this is not proven in this instance, and in any case cannot be compelled by the local plan nor the NPPF. The applicant asserts that the use of the existing mill building for storage, with the need to illuminate multiple floors and to maintain a water supply and foul drainage, is more resource intensive than the proposed new building. There will be no heating and no water supply to the proposed building. Interior LED lighting will be supplemented by natural daylight through the translucent roof panels. With no water use in the building, it is accepted that there would be limited benefit from rainwater recycling in this case. Therefore, resource use will be efficient and the minimum required.
- 9.103 The proposed development will see the re-use of stone from the lean-to and mill building in the boundary walls, and in the lower section of the elevations to the new building. The remaining stone will be sold for re-use elsewhere. Therefore, construction waste will be minimised.
- 9.104 In conclusion, the design and use of the proposed building will minimise resource consumption. Materials will be recycled, partly onsite, minimising construction waste. On this basis the proposed development is considered to accord with the relevant sustainable and design requirements of LP Policy ENV3 and the NPPF.
- 9.105 **Flood risk**
- 9.106 LP Policy ENV6 relates to the avoidance and alleviation of flood risk. It requires that development takes place in areas of low flood risk wherever possible, and always with the lowest flood risk, by taking into account the development's vulnerability to flooding and applying any necessary sequential and exception test as appropriate. SUDS should be implemented where possible, feasible or appropriate.
- 9.107 NPPF Paragraphs 159 to 166 confirm that inappropriate development in areas at risk of flooding should be avoided, and the application of a sequential approach and exception test, as relevant. Paragraph 167 confirms that in determining applications, LPA's should ensure that flood risk is not increased elsewhere. Additionally, development should be appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment, any residual risk can be safely managed and safe access and escape route are included, where appropriate, as part of an agreed emergency plan.
- 9.108 The central and southern part of the application site falls into Flood Zone 2 (Medium Probability) as identified by the Environment Agency. The CDC Strategic Flood Risk Mapping identifies the south-west half of the site as within Flood Zone 3a (High Risk). The proposed storage building will be located within Flood Zones 1 and 2 and 3a. A brief Flood Risk Assessment (FRA) is included within the submitted Planning Statement.

- 9.109 *Sequential test*
- 9.110 The aim of the sequential test is to steer new development to areas with the lowest risk of flooding. The applicant's site to the north side of Wenning Avenue is in Flood Zone 1. However, the FRA submits that there is no sequentially preferable land available on the southern or northern yards, and that the business does not wish to relocate to accommodate the proposals. The supporting Economic Statement asserts that the company has considered re-locating out of the area, but this provided serious viability issues.
- 9.111 It is acknowledged that the Sequential Test is brief. However, in assessing the applicant's case, account has been taken of the business need to retain proposed development in proximity to existing operations, and of the practical difficulties that would result from adding a third site. It is further noted that the use of the site is already established, and that the footprint of the new building will be less than the combined footprint of the buildings to be removed. Finally, the location of the storage building as proposed, rather than in place of the demolished mill building in Flood Zone 1, has been chosen in order to enable the re-organisation of the yard for commercial reasons. On this basis, and with no objection or concerns raised by the Environment Agency, the need to locate the development as proposed is accepted.
- 9.112 *Exception test*
- 9.113 The use is defined as 'less vulnerable' by the Flood Risk Vulnerability Classification. This is an acceptable form of development in Floods Zones 2 and 3a, as set out in the 'Flood risk vulnerability and flood zone incompatibility' table (PPG, Table 2). Therefore, the exception test is not applicable in this case.
- 9.114 *Drainage*
- 9.115 Currently, the site area is comprised of buildings or hard surfacing. Existing surface water run-off drains directly to the River Wenning. The proposed development will not increase surface water run-off from the site. Therefore, it is not considered appropriate in this case to require the installation of alternative SUDS provision.
- 9.116 There is no requirement for foul drainage.
- 9.117 A public comment raises the issue of water pollution/oil spillages entering River Wenning. The existing silt and oil traps will continue to serve the yard.
- 9.118 If planning is approved, a condition is recommended to ensure the building is constructed to take account of the additional requirements of NPPF Paragraph 167 as they relate to flood resistance and resilience.
- 9.119 In conclusion, while the proposed development will be located in an area with a medium risk of flooding, for the reasons set out above it meets the requirements of the Sequential Test and is therefore acceptable in this location. Alternative sustainable drainage provision is not appropriate in this case. Flood resilience measures will be conditioned. The proposed development is therefore in accordance with LP Policy ENV6 and the NPPF.
- 9.120 **Ecology**
- 9.121 LP Policy EC1(c) requires that the proposal does not adversely affect the significance of natural environmental assets.
- 9.122 LP Policy ENV4 requires improvements in biodiversity, where possible. Ecology and the existing biodiversity value of the site should be safeguarded. Proposals that result in significant loss in, or harm to, biodiversity on site and where no compensatory measures are proposed, will be resisted.
- 9.123 NPPF Paragraph 174 confirms the requirement to protect sites of biological value, and to minimise the impact on and provide net gains for biodiversity. Paragraph 180 confirms that if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

- 9.124 The application site lies within the Impact Zone to Robert Hall Moor SSSI, an area of wet unimproved grassland, flushes and scrub. However, at a distance of approximately 2.5 miles from the application site, there is not considered to be any adverse impact to the SSSI as a result of the development proposed.
- 9.125 An independent Bat Survey has been submitted in respect of the mill building and temporary storage building. The survey findings are based on daytime inspections and emergence surveys undertaken in August 2019 and September 2021, supported by a desk study and data search. The study found that the habitat around the site offers a moderate potential for foraging, being close to a river, and that there is good connectivity between the site and higher quality foraging areas. However, the survey found that the mill building has low potential for use by bats, and the temporary store has negligible potential. The report concluded that a Natural England licence will not be required for the works proposed. Mitigation was recommended only during course of the works, to ensure a precautionary approach. On this basis, there is found to be no significant risk of harm to protected species in this case.
- 9.126 Public representations submit that the old mill building is used by nesting birds. Compensatory bird terraces and bird boxes are proposed to the new building and on trees at the east side. These measures are considered to mitigate for the loss of potential nesting sites in existing buildings. In addition, bat boxes will be provided in the existing trees, and new trees will be planted at the northern boundary. Taking account of the limited biodiversity value of the existing industrial site, a degree of biodiversity net gain will be delivered.
- 9.127 In conclusion, there will be no significant adverse impact to the nearest SSSI, nor to protected species. The proposed measures will serve to mitigate the loss of nesting sites and to deliver a degree of biodiversity net gain. The requirements of LP Policies EC1(c) and ENV4 and the NPPF are therefore met.
- 9.128 **Highways issues**
- 9.129 LP Policy EC1(b) requires that traffic generated as a result of the proposal will be satisfactorily accommodated in the surrounding highway network.
- 9.130 LP Policy INF4 requires the provision of safe, secure and convenient parking of an appropriate quantity.
- 9.131 NPPF Paragraph 111 states that development should only be prevented or refused on highways grounds in there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 9.132 The proposal relates to the redevelopment of the existing facility at the yard. No significant alteration in the amount or type of traffic accessing the site is envisaged.
- 9.133 NYCC Highways have advised that the access is existing and although visibility could be improved, estimated vehicle speed at the location are very low and highway safety is not at risk.
- 9.134 Concern has been raised in respect of parking provision for staff vehicles, for Unimogs, and a loading area. The footprint of the proposed storage building equates approximately to the combined footprint of the temporary building, the lean-to and the storage containers. When the footprint of the mill building is also factored in, there will be more outdoor space than is currently available for parking, storage and loading.
- 9.135 Staff parking is available at the site across the road. NYCC Highways have not raised any concern in respect of street parking, advising that parking is sufficient for the application. A condition is recommended to safeguard the parking areas at the site, should planning permission be granted.
- 9.136 In conclusion, parking is satisfactory. There will be no significant increase in traffic generated, nor an adverse impact on highway safety. The proposal is therefore in accordance with LP Policies EC1(b) and INF4, and the NPPF.

- 9.137 **Other**
- 9.138 LP Policy EC1(g) requires that the proposal is adequately served by communications infrastructure.
- 9.139 The proposal is for a replacement storage facility, and the presentation of the existing yard. The communications hub of the offices and workshops of Atkinson Vos are located at the separate site on the north side of Wenning Avenue. As such, this policy requirement is not applicable in this case.
- 9.140 **Conclusion**
- 9.141 NPPF Paragraph 11 sets out the presumption in favour of sustainable development. It asserts that for decision-taking this means approving development proposals that accord with an up-to-date development plan without delay. Paragraph 12 confirms that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Where a planning application conflicts with an up-to-date development plan, permission should not usually be granted.
- 9.142 In this instance, while the redevelopment of the existing commercial site is acceptable in principle, the proposal will result in the almost total loss of the former mill warehouse, an irreplaceable non-designated heritage asset. Furthermore, it would cause substantial harm to the integrity of the remaining mill and housing ensemble and would fail to conserve the legacy of the mill complex.
- 9.143 In the officer's opinion, the immediate economic benefits of the proposal are not sufficient to outweigh the scale and degree of harm to the non-designated heritage asset.
- 9.144 The potential loss of the business is of greater economic and social consequence to Bentham, and is accorded greater weight in the planning balance. However, there is no mechanism to ensure that the applicant remains at the site long term. There is nothing to prevent the sale or redevelopment of the site for other purposes, once the mill building has gone. With no guarantee that the applicant will remain at the site in perpetuity, the uncertain nature of the social and economic benefit cannot outweigh the scale and degree of harm. The proposed development is therefore contrary to Craven Local Plan Policy ENV2.
- 9.145 The loss of the mill building would have a significant adverse visual impact on the street scene, on local distinctiveness and the sense of place, contrary to Craven Local Plan Policy ENV3.
- 9.146 In respect of all other matters, the proposed development is considered to be acceptable.
- 9.147 The proposal fails to meet the requirements of Craven Local Plan Policies ENV2 and ENV3. Therefore, the recommendation is for refusal.

10. Recommendation

10.1 Refuse

Reasons for Refusal

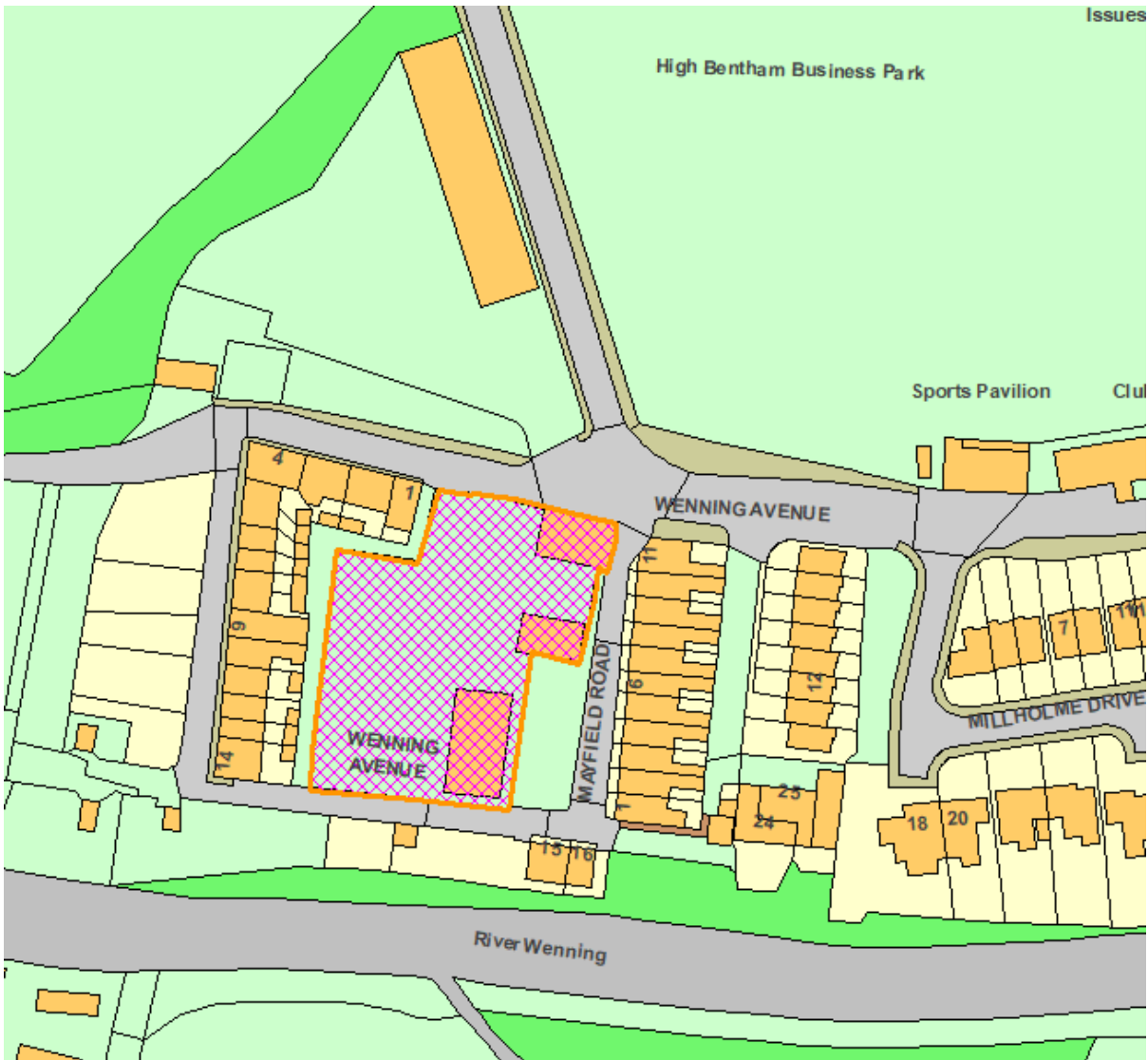
1. The demolition of the former mill warehouse would represent the almost total loss of the non-designated heritage asset contrary to Craven Local Plan Policy ENV2(e). Furthermore, it would cause substantial harm the integrity of the remaining mill and housing ensemble, and would fail to conserve the legacy of the mill complex contrary to Craven Local Plan Policy ENV2(a). The economic benefit is not sufficient to outweigh the level of harm. The proposed development is therefore contrary to Craven Local Plan Policy ENV2 and the National Planning Policy Framework.
2. The loss of the former mill building would have a significant adverse visual impact on the street scene, on local distinctiveness and the sense of place. The proposed development is therefore contrary to Craven Local Plan Policy ENV3 and the National Planning Policy Framework.

Informatives

1. For the avoidance of doubt, this decision relates to the following plans and information:
 - Drawing no. 001 - Location plan. Received 19th October 2021
 - Drawing no. 002 - Site plan as existing. Received 19th October 2021
 - Drawing no. 003 - Mill Building: floor plans, roof plan, sections, elevations as existing. Received 19th October 2021
 - Drawing no. 004 - Lean-to building: floor plans, roof plan, section, elevations as existing. Received 19th October 2021
 - Drawing no. 005 - Store: Floorplans, roofplan, section, elevations - as existing. Received 19th October 2021
 - Drawing no. 006 - Street scene elevation as existing and as proposed. Received 3rd August 2022
 - Drawing no. 007 - Visualisations as existing. Received 3rd August 2022
 - Drawing no. 101 Rev A - Site plan as proposed. Received 9th September 2022
 - Drawing no. 102 Rev A - Site plan as proposed close up. Received 9th September 2022
 - Drawing no. 103 Rev A - Storage building: floorplan, roofplan, section, elevations - as proposed. Received 9th September 2022
 - Drawing no. 105 - Site plan as proposed with dimensions. Received 3rd August 2022
 - Drawing no. 104 - Visualisations as proposed. Received 3rd August 2022
 - Bat Survey at Atkinson Vos by Envirotech. Received 19th October 2021
 - Building Survey Report by Lakesndales Surveyors. Received 19th October 2021
 - Planning, Heritage and Design and Access Statement and Flood Risk Assessment. Received 19th October 2021
 - Sustainable Design and Construction Statement. Received 15th December 2021
 - Conversion Feasibility Report by Lakesndales Surveyors. Received 10th August 2022
 - Statement of Economic Case. Received 26th August 2022

2. Statement of Positive Engagement:

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



Application Number: 2021/23443/FUL

Proposal: Replacement of existing buildings with construction of storage building, and use of land for display / sales and storage

Site Address: Warehouse Wenning Mill Wenning Avenue High Bentham LA2 7LW

On behalf of: Atkinson Vos

REPORT TO PLANNING COMMITTEE ON 3rd October 2022

Application Number: 2021/23291/FUL

Proposal: Construction of a roadside services facility comprising a petrol filling station, electric vehicle charging, car wash and ancillary retail kiosk, alongside parking, servicing area and access arrangements

Site Address: Land Between A59 And Gargrave Road, East Of The Gargrave Roundabout, Skipton.

On behalf of: Brookfield Property (Holdings) Ltd

Date Registered: 13th September 2021

Expiry Date: 8th November 2021

EOT Date, if applicable: 22nd July 2022

Case Officer: Nazia Shah

SUMMARY

Planning Permission is sought for the construction of a roadside services facility comprising a petrol filling station, electric vehicle charging, car wash and ancillary retail kiosk, alongside parking, servicing area and access arrangements on Land Between A59 And Gargrave Road, East Of The Gargrave Roundabout. The proposed development is considered acceptable in principle and in terms of visual impact, scale and design. The requirements relating to sustainable design and construction are met. Planning approval is recommended.

1. Site Description

- 1.1 The Application Site is located on Gargrave Road, approximately 1.6km to the north west of Skipton Town Centre. A mixture of commercial and employment uses exist within the immediate surroundings of the site. The site extends to 0.5 ha and comprises a triangular shape parcel of grassland which is enclosed by a fence, a dry-stone wall and a mature hedgerow. The site has a slightly sloping topography, gently rising from west to north. The site is formally designated as Local Green Space ('LGS') in the adopted Craven District Local Plan and is bound by the A59 to the immediate north of the site, beyond which is countryside and the small settlement of Stirton.
- 1.2 To the east is an open field, beyond which is a modern office development (Gateway House) and associated hard standing car parking. This area is identified as an existing employment area. To the south is Gargrave Road, beyond which is further commercial development, including a Travelodge hotel and a fast-food restaurant. The site is located entirely within Flood Zone 1.

2. Proposal

- 2.1 The proposal seeks to provide a roadside services facility, alongside associated landscaping, parking and access arrangements. The proposed petrol filling station would comprise of eight pumps with car cleaning and air & water facilities. The forecourt of the petrol filling station would be sheltered by a steel canopy, underlit by LED lighting. The canopy would also accommodate solar panels over an

area of approximately 250 sqm and be set a minimum of 6 metres above the forecourt. The proposed site layout plan also shows an electric vehicle charging station comprising three rapid charging bays.

- 2.2 The PFS retail kiosk will have a maximum height of 6.5m and would have a floor area of 300 sqm. The convenience retail offer is ancillary to the main use. It would also offer a selection of fresh bakery items, as well as providing toilets and an ATM facility.
- 2.3 The PFS is to be located on the northwestern boundary of the site and orientated such that its retail kiosk faces the central area of the site, with the petrol pumps (sheltered by the canopy) located in front of it.
- 2.4 The retail unit would have a green roof. The scheme also includes a wildflower meadow to be planted in the north eastern corner of the site, extending around its northern, western and southern borders. New hedged and grassed areas are proposed around the fringes of the site.
- 2.5 All the external plant equipment and refuse bins associated with the petrol filling station are to be located within a compound and will form part of the building envelope of the retail kiosk, as indicated on the drawings submitted.
- 2.6 Vehicular access to the site is proposed from the south eastern corner of the site, with a new roundabout junction to be shared by the existing hotel and commercial development opposite. 11no. parking spaces are proposed, including an accessible parking bay. Pedestrian access to the site is proposed to the west, with a zebra crossing to the retail kiosk. Cycle parking, comprising six stands, is also proposed adjacent to the western elevation of the retail kiosk.
- 2.7 The supporting information submitted states that the proposed use would generate 10 full-time job roles and 12 part-time roles.

3. Planning History

- 3.1 There are no applications of relevance to the site.

4. Planning Policy Background

- 4.1 The July 2021 NPPF replaced the February 2019 NPPF, first published in March 2012. The NPPF does not change the status of an up-to-date development plan and where a planning application conflicts with such a plan, permission should not usually be granted unless material considerations indicate otherwise (Paragraph 12). This application has been considered against the 2021 NPPF.
- 4.2 Annex 1 of the NPPF outlines how it should be implemented:
- 4.3 '219... existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)'.
- 4.4 The development plan for Craven consists of the Craven Local Plan 2012 to 2032 (November 2019) ('LP'). The relevant LP policies to the determination of this application are:
 - SD1 The Presumption in Favour of Sustainable Development
 - ENV3 Good Design
 - INF7 Sustainable Transport and Highways
 - SD2 Meeting the Challenge of Climate Change
 - Policy ENV1 Countryside and Landscape
 - Policy ENV9 Renewable and Low Carbon Energy
 - Policy ENV10 Local Green Space
 - Policy INF4 Parking Provision

National Policy

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

4.5 Other material considerations

Draft SPD Good Design

Draft SPD Green Infrastructure and Biodiversity

4.6 Officer Note: These documents represent material considerations but have not been adopted and do not form part of the Local Plan and therefore carry limited weight.

5. Parish/Town Council Comments

5.1 Skipton Town Council – No comments were received within the statutory consultation period.

5.2 Stirton with Thorlby Parish - objection received based on impact on wildlife, highway safety and 'need' for the development.

6. Consultations

6.1 DESIGNING OUT CRIME OFFICER – No objections

6.2 NYCC HIGHWAYS – No objections

6.3 Northern Gas Objections – No objections

7. Representations

7.1 28 Public Comments have been received. In summary, these comments relate to:

Highways and access matters.

The loss of the designated Local Green Space.

The location of and need for the proposed development.

The extent of electric vehicle charging provision.

Ecology and;

Amenity concerns with regard to potential air, light and noise pollution

8. Summary of Principal Planning Issues

8.1 The main issues in relation to the application are:

- Principle of development
- Impact on Visual Amenity
- Impact on Residential Amenity
- Highways
- Ecology

9. Analysis

Principle of development

9.1 Policy SD1 reiterates the presumption in favour of sustainable development and the requirement for planning decisions to be made in accordance with the Development Plan, unless material considerations indicate otherwise, as set out in the NPPF and section 38(6) of the Planning and Compulsory Purchase Act 2004.

9.2 The site currently comprises a designated Local Green Space ("LGS") where only exceptional development will be permitted under Policy ENV10 of the adopted Local Plan. Exceptional

circumstances include local transport infrastructure. In this case, it is considered that a roadside service/PFS/EV charging facility is an example of transport infrastructure, and the development is therefore an exemption within the planning policy.

9.3 The applicant considers the site to be an ideal location for a roadside service offer which, by their very nature, can only be sited in locations where there are sufficient traffic counts to make the development viable. In terms of the provision of roadside services as is proposed here, and the interpretation of planning policy regarding such facilities, the applicant has referred to an appeal decision regarding a similar development involving a filling station and convenience store which was not located on the strategic road network in Essex (APP/W1525/W/14/3001905).

9.4 In this case, the Inspector made the following observations:

'NPPF paragraph 31 gives examples of 'infrastructure necessary to support sustainable development', and it is common ground that these are relevant. The examples given in that paragraph include 'roadside facilities for motorists'. The Council argues that this is qualified by the words 'large scale' and points out that the other examples cited are larger in scale than the present appeal proposal. But the paragraph in question relates specifically to plan-making and joint working between authorities, and in that context, it is only to be expected that the advice should focus on larger facilities.

What is clear from paragraph 31 is that the NPPF regards motorists' facilities as capable of being transport infrastructure. I can see nothing in the NPPF that prevents this from including a facility that is similar but smaller, where the context makes that scale more appropriate, as in the appeal proposal. Department for Transport (DfT) Circular 02/20133 states at paragraph B2 that roadside facilities perform an important road safety function, by providing opportunities for the travelling public to stop and take a break in the course of their journey. The Circular itself relates specifically only to the strategic road network, which does not include the A132 or B10212, but I can see no logical reason why similar facilities on other main roads should not perform an equally important function. In my view, this supports the view that roadside facilities should be considered as transport infrastructure. I am not aware of any official policy or guidance to the contrary.'

9.5 Although paragraph 31 referred to above has now been superseded by paragraph 106 of the Framework, the latter reiterates the above advice, and it is therefore considered that the current application should be considered as transport infrastructure. As with the above appeal proposal, although the site is not located on the strategic road network, there is no reason to disagree with the Inspectors findings above that small scale roadside services on main roads such as the proposed development perform an equally important function and would follow the thrust of the afore mentioned policy in the Framework. As such, the proposal would accord with the overall aim of the Framework in this respect.

9.6 Turning to the viability of the proposal, it is recognised that the sale of fuel on its own is not viable. In order to make a scheme viable, filling stations have to provide an overall offer with the primary focus on passing motorists. Drivers will often seek convenience when stopping at a filling station, using it as an opportunity to purchase other goods such as 'top-up shopping' or 'food-to-go'. This will be ever more important when the Government phases out petrol and diesel and motorists will remain on site for longer to electronically recharge their vehicles (the application proposal will be future proofed for the switch to electric vehicle charging).

9.7 The proposal would incorporate a convenience store, ancillary to the filling station use. The Framework seeks to ensure the vitality of town centres, with local planning authorities to apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. The purpose of the sequential test is to demonstrate that there are no alternative sites within a town centre or edge of centre locations. Given that the purpose of this development is to provide roadside facilities for motorists, which by definition is unlikely to be within a town centre, it is considered that a sequential test does not apply to this application.

9.8 The proposed development, for these reasons, is acceptable in principle.

Visual Amenity

9.9 Policy ENV3 requires that development responds to context and design should respect the form of existing and surrounding buildings. This reflects the NPPF requirement that development is sympathetic to local character and history, including the surrounding built environment.

9.10 The PFS is to be located on the north western boundary of the site and orientated such that its retail kiosk faces the central area of the site, with the petrol pumps (sheltered by a canopy) located in front of it. This position and orientation of the retail kiosk would take advantage of the natural screening that exists along the northern edge of the site, helping to limit any visual impacts of the development. The proposed landscaping scheme will soften the appearance of the roadside services facility. The proposed site layout plan shows a patio with picnic benches is to be provided to the west of the retail kiosk and would provide a vibrant frontage into the scheme from the Gargrave Road roundabout. Overall, the proposed design is of high quality and the use of conditions can ensure that suitable materials are used.

9.11 In conclusion, the proposed development will respect the form and character of its surroundings in terms of scale, design, and materials. The proposal is therefore in accordance with Policy ENV3 of the Craven Local Plan and the NPPF.

Residential Amenity

9.12 Being located on a busy A road, away from residential properties, the site is not considered to be within proximity to any receptors that would be particularly sensitive to amenity impacts. This includes properties at Aireville Grange which is separated from the site by existing commercial development. No concerns regarding the proposed scheme have been raised by the Environmental Health team in their comments dated 18 October 2021.

Highways

9.12 A Transport Assessment (prepared by Sanderson Associates) has been submitted as part of the planning application and fully assesses the potential impacts of the scheme on the local road network. The analysis contained within the Transport Assessment looks at development flows based on TRICS data and identifies how the number of vehicle trips generated by the development will be minimal, mostly comprising pass-by and diverted trips, which are not 'new' to the local highway network. It goes on to conclude that any additional traffic impact arising from the proposed development at or in proximity to the site access would likely to be offset by a similar reduction in vehicle movements within the more congested town centre where the existing fuelling facilities are located. In terms of the proposed access arrangements, the Transport Assessment demonstrates how the mini-roundabout junction at the entrance to the site is appropriate in terms of visibility, approaching vehicle speeds, traffic composition and geometry to accommodate large vehicle movements.

9.13 Both the Transport Assessment and access arrangements have been assessed by the local highway's authority, North Yorkshire County Council. The County Council has no objection to the scheme (subject to various details being secured by condition).

9.14 A total of 11 customer parking spaces are to be provided for the roadside services scheme, including 1 accessible space. In addition to this, 3 rapid electric vehicle charging points (with bays) are to be provided as well as pump bays. Cycle stands (to accommodate 12 bicycles) are to be provided next to the proposed PFS retail kiosk.

Biodiversity

- 9.15 In accordance with NPPF para 175d, proposals should demonstrate a 'measurable' net gain in biodiversity. The recently passed Environment Act puts a requirement for all proposals to achieve a 10% net gain in biodiversity. The retail unit would have a green roof. The scheme also includes a wildflower meadow to be planted in the north-eastern corner of the site, extending around its northern, western and southern borders. New hedged and grassed areas are proposed around the fringes of the site.
- 9.16 A Biodiversity Net Gain assessment based on the DEFRA 3.0 metric has been produced at the request of the Yorkshire Wildlife Trust. Whilst this shows the scheme to give rise to an overall net loss of 3.43 Habitat Units (-78.68%), and a net gain of 0.72 Hedgerow Units (+100%), the loss of Habitat Units is capable of being partly offset by other ecological enhancements to be agreed as part of the BMP and should be viewed in the context of the wider socio-economic benefits that would be delivered as part of the scheme.
- 9.17 Schedule 14 of the Environment Act sets out that a general condition will be applied to every planning permission (except those exempt from BNG requirements) that a biodiversity gain plan should be submitted and approved by the planning authority before commencement of development.
- 9.18 A suitably worded pre-commencement condition as per the above guidance would be imposed ensuring a Biodiversity Management Plan ("BMP") is submitted to and agreed upon in writing by the Local Planning Authority to specify how the development will cater for biodiversity on/off site and to show how habitats will be maintained and mitigation achieved. Any off-site provision would be bound by a S106 Agreement.

Conclusion

- 9.19 Paragraph 11 of the NPPF advises that LPA's should be approving development proposals that accord with an up-to-date development plan without delay. In this instance,
- 9.20 On balance, it is considered that there are no adverse impacts arising from the proposal that would significantly and demonstrably outweigh the overarching presumption in favour of sustainable development contained within paragraph 11 of the NPPF. It is therefore recommended that planning permission is granted.

10. Recommendation

- 10.1 Approve with Conditions

Conditions

Time Limit for Commencement

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

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

Approved Plans

- 2 This permission relates to the following plans:

Drawing Number 190507_PLG_101 Location Plan received 11th September 2021

Drawing Number 190507_PLG_102 Existing Plan received 11th September 2021
Drawing Number 190507_PLG_103 Existing Site Section received 11th September 2021
Drawing Number 190507_PLG_108 Proposed Building Floor Layout received 11th September 2021
Drawing Number 3684-1-ETOS-A1-200 Existing Trees on Site received 11th September 2021
Drawing Number 190507_PLG_106 Proposed Building Elevations and Roof received 27th October 2021
Drawing Number (ADDITIONAL INFO) 21346-100 (P3) Additional Information Drainage Strategy received 4th November 2021
Drawing Number (AMENDED) 190507-PLG 105B Amended Proposed Site Sections received 12th April 2022
Drawing Number (AMENDED)190507 PLG 104 F Amended Proposed Site Plan received 17th August 2022
Drawing Number (AMENDED)19057 PLG 107 D Amended Proposed Tracking Plan received 17th August 2022
Drawing Number (AMENDED) 3684/4 D Amended Detailed Landscape Proposals received 17th August 2022
Lighting Scheme received 11th September 2021
Transport Statement received 11th September 2021
Travel Plan 11678-002-02 received 11th September 2021
Arboricultural Report 20016-A received 11th September 2021
Landscape Visual Impact Assessment 3684-LVIA+APPS-30AUG21 received 11th September 2021
Tree Survey 3684-TS-06OCT20 received 11th September 2021
Planning Statement received 11th September 2021
Preliminary Ecological Report ER-5099-01B PEA received 12th April 2022
Design and Access Sustainability Statement received 11th September 2021
Amended BNG Report, Metric Calculations and Condition Note received 17th August 2022

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

Before you Commence Development

- 3 Notwithstanding any indication on the approved plans, no development shall be commenced unless and until a scheme for the construction of the site access, internal layout of the site and off-site works of highway improvement has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall include all the recommendations contained within the Transport Assessment (carried out by Sanderson Associates, dated September 2021).

Reason: To ensure an adequate access and safety within the site and manage the traffic and highway safety impacts of the development in accordance : In the interests of highways safety and to accord with the requirements of Craven Local Plan Policy INF7, the adopted Parking Standards and the National Planning Policy Framework.

- 4 Prior to the commencement of development, details of a surface water drainage scheme, based on sustainable drainage principles, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented and completed prior to any part of the development being first brought into use. The approved drainage scheme shall thereafter be retained in perpetuity.

Reason: To ensure the adequate drainage of the site and to reduce the risk of flooding, In accordance with the requirements of Craven Local Plan policy ENV6 and the National Planning Policy Framework.

The scheme is required prior to the commencement of development to ensure that the measures identified in the scheme can be carried out at the appropriate stage of construction.

- 5 No development shall be commenced, including site clearance or demolition works between the period of 1st March and the following 31st July inclusive unless a detailed bird nest survey by a suitably qualified ecologist has been carried out immediately prior to clearance and written confirmation has been submitted to the Local Planning Authority to demonstrate that there are no active bird nests that are present and this has been agreed in writing by the Local Planning Authority.

Reason: To ensure adequate safeguards and protection for bird nests which are protected under the Wildlife and Countryside Act 1981 and in accordance with Craven Local Plan Policy ENV4 and the National Planning Policy Framework.

- 6 Prior to the commencement of the construction of the approved buildings, representative samples and details of external materials of construction to be used on the walls and roof of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter only be carried out in accordance with the approved materials.

Reason: To ensure a satisfactory appearance to the development, in accordance with the requirements of Craven Local Plan policy ENV3 and the National Planning Policy Framework.

- 7 No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i) the parking of vehicles of site operatives and visitors;
- ii) loading and unloading of plant and materials;
- iii) storage of plant and materials used in constructing the development;
- iv) the erection and maintenance of security hoarding;
- v) measures to control the emission of dust and dirt during construction; vi) wheel washing facilities;
- vii) details of working hour; and,
- viii) contact details for the site manager.

Reason: To ensure that the safety and amenities of pedestrians, drivers and residents in the vicinity of the development are satisfactorily protected, in the interests of highways safety and to accord with the requirements of Craven Local Plan Policy INF7 and the National Planning Policy Framework.

- 8 Prior to the commencement of development, a timetable to demonstrate when a minimum of 1.10 AHBU as set out on the approved landscaping plan (Plan Ref. 3684/4 rev. D) shall be provided to the Local Planning Authority for their written approval. The submission shall include details of the timescales for the delivery of on-site biodiversity enhancements. The approved details thereafter shall be implemented, retained and maintained for their designed purpose in accordance with the approved scheme.

Reason: To enhance and protect biodiversity value with the requirements of the Craven Local Plan Policy ENV4 and the National Planning Policy Framework.

- 9 Prior to the commencement of development, a Biodiversity Gains Plan shall be submitted to the Local Planning Authority which demonstrates the viability and feasibility of providing net gain in biodiversity in excess of those required under condition 1 and off-site equivalent to 3.7 AHBU (to include the AHBU value delivered on the site as required under the terms of Condition 1. The Plan shall confirm the approach to providing habitat mitigation and compensatory habitat, including a timetable for their delivery. The approved details thereafter shall be implemented, retained and maintained for their designed purpose in accordance with the approved scheme.

Reason: To enhance and protect biodiversity value with the requirements of the Craven Local Plan Policy ENV4 and the National Planning Policy Framework.

- 10 No above-ground works (including vegetation clearance) shall take place until a Biodiversity Net Gain (BNG) Monitoring and Management Plan has been submitted to and approved in writing by the local planning authority (covering a minimum period of 30 years). The Plan shall require the submission of a BNG monitoring report produced by a suitably qualified ecologist and shall be submitted to the LPA annually for the first five years after completion and at 5-year intervals thereafter until year 30.

Reason: To enhance and protect biodiversity value with the requirements of the Craven Local Plan Policy ENV4 and the National Planning Policy Framework.

- 11 No development shall commence until a risk assessment to determine whether adequate and sufficient safeguards are in place to control the risks of fire, explosion or environmental contamination from the storage and handling of vehicle fuels has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that any former underground tanks do not lead to contamination, in accordance with the National Planning Policy Framework.

- 12 Should any significant contamination be encountered during development, the local planning authority shall be notified in writing immediately. A Remediation Strategy shall be submitted to, and approved in writing by, the local planning authority. The approved remediation measures shall be implemented in accordance with the timescales in the approved Remediation Strategy. Following completion of any measures identified in the approved Remediation Strategy, a Validation Report shall be submitted within agreed timescales to, and approved in writing by, the local planning authority. The site shall not be brought into use until such time as all the validation data has been approved in writing by the local planning authority at the agreed timescales. The Remediation Strategy and Validation Report shall be prepared in accordance with current best practice.

Reason: To enable the local planning authority to ensure that unexpected contamination at the site will not present significant environmental risks and that the site will be made 'suitable for use' in accordance with Craven Local Plan policy ENV8 and the National Planning Policy Framework.

Before the Development is Occupied

- 13 The approved Petrol Filling Station shall not be first open for use until a minimum of two electric car charging points have been provided and are available for use. The electric charging points shall thereafter be retained and remain available for use at all times during the Petrol Filling Station opening hours.

Reason: To allow for the charging of electric cars, in the interests of sustainable travel, in accordance with the National Planning Policy Framework.

- 14 No later than three months prior to any part of the development being first open for business, details of the frequency and hours of deliveries and servicing, including details of how these will be managed, shall be submitted to and approved in writing by the Local Planning Authority. Deliveries and servicing to the site shall thereafter only take place in accordance with the approved hours and details of management.

Reason: To ensure that deliveries and servicing has adequate regard to traffic, site safety and residential amenities, in the interests of highways safety and to accord with the requirements of Craven Local Plan Policy INF7 and the National Planning Policy Framework.

Ongoing Conditions

- 15 The retail shop hereby approved shall operate as a shop in association with and ancillary to the approved Petrol Filling Station only and shall not at any time function as an independent unit.
- Reason: To ensure the satisfactory implementation of the proposal, having regard to the sequential test for locating retail development outside of town centres and the limitations of the site in respect of car parking, in accordance with the requirements of Craven Local Plan policy EC5 and the National Planning Policy Framework.
- 16 Prior to the installation of any external lighting, a scheme for the provision of external lighting which shall include details of lighting levels outside of opening times, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out, completed and operated at all times in accordance with the approved scheme.
- Reason: To ensure appropriate and not excessive lighting, having regard to the amenity of the local area, in accordance with the requirements of the Craven Local Plan Policy ENV3 and the National Planning Policy Framework.
- 17 There must be no access or egress by any vehicles between the highway and the application site at Land Between A59 And Gargrave Road, East Of The Gargrave Roundabout until splays are provided giving clear visibility of 45 metres measured along both channel lines of the major road from a point measured 2.4 metres down the centre line of the access road. In measuring the splays, the eye height must be 1.05 metres and the object height must be 0.6 metres. Once created, these visibility splays must be maintained clear of any obstruction and retained for their intended purpose at all times.
- Reason: To ensure that the safety of drivers and residents in the vicinity of the development are satisfactorily protected, in the interests of highways safety and to accord with the requirements of Craven Local Plan Policy INF7 and the National Planning Policy Framework.
- 18 The following schemes of off-site highway mitigation measures must be completed as indicated below:
- Implementation of the proposed mini roundabout and all accommodation works at Land Between A59 And Gargrave Road, East Of The Gargrave Roundabout prior to occupation and use of the facility
- For each scheme of off-site highway mitigation, except for investigative works, no excavation or other groundworks or the depositing of material on site in connection with the construction of any scheme of off-site highway mitigation or any structure or apparatus which will lie beneath that scheme must take place, until full detailed engineering drawings of all aspects of that scheme including any structures which affect or form part of the scheme have been submitted to and approved in writing by the Local Planning Authority.
- An independent Stage 2 Road Safety Audit carried out in accordance with GG119 - Road Safety Audits or any superseding regulations must be included in the submission and the design proposals must be amended in accordance with the recommendations of the submitted Safety Audit prior to the commencement of works on site.
- A programme for the delivery of that scheme and its interaction with delivery of the other identified schemes must be submitted to and approved in writing by the Local Planning Authority prior to construction works commencing on site. Each item of the off-site highway works must be completed in accordance with the approved engineering details and programme.
- Reason: To ensure that the safety of drivers and residents in the vicinity of the development are satisfactorily protected, in the interests of highways safety and to accord with the requirements of Craven Local Plan Policy INF7 and the National Planning Policy Framework.

- 19 The development must be carried out and operated in accordance with the approved Travel Plan. Those parts of the Approved Travel Plan that are identified therein as being capable of implementation after occupation must be implemented in accordance with the timetable contained therein and must continue to be implemented as long as any part of the development is occupied.

Reason: To ensure that the safety of drivers and residents in the vicinity of the development are satisfactorily protected, in the interests of highways safety and to accord with the requirements of Craven Local Plan Policy INF7 and the National Planning Policy Framework.

Informatives

1. Adherence to approved plans/conditions

Failure to adhere to the details of the approved plans or to comply with the conditions contravenes the Town and Country Planning Act 1990 and enforcement action may be taken.

2. Hours of Construction

The hours of operation during the construction phase of development and delivery of construction materials or equipment to the site and associated with the construction of the development hereby permitted should be limited to 0730 hours to 1800 hours on Monday to Fridays and 0730 hours to 1300 hours on Saturday. No work should take place on Sundays or Bank/Public Holidays.

3. Whilst the site has been assessed as low risk for bats, the applicant is reminded that under the Habitat Regulations it is an offence to disturb, harm or kill bats. If a bat is found during demolition all work should cease immediately and a suitably licensed bat worker employed to assess how best to safeguard the bat(s). Natural England should also be informed.

4. The applicant is reminded that, under the Wildlife and Countryside Act 1981 as amended it is an offence to remove, damage or destroy the nest of a wild bird, while the nest is in use or being built. Planning consent does not provide a defence against prosecution under this act. If a bird's nest is suspected work should cease immediately and a suitably experienced ecologist employed to assess how best to safeguard the nest(s).

5. Section 278 of the Highways Act 1980

Section 278 of the Highways Act 1980 allows a developer to carry out works to the public highway. This is generally necessary where planning permission has been granted for a development that requires improvements to, or changes to, public highways.

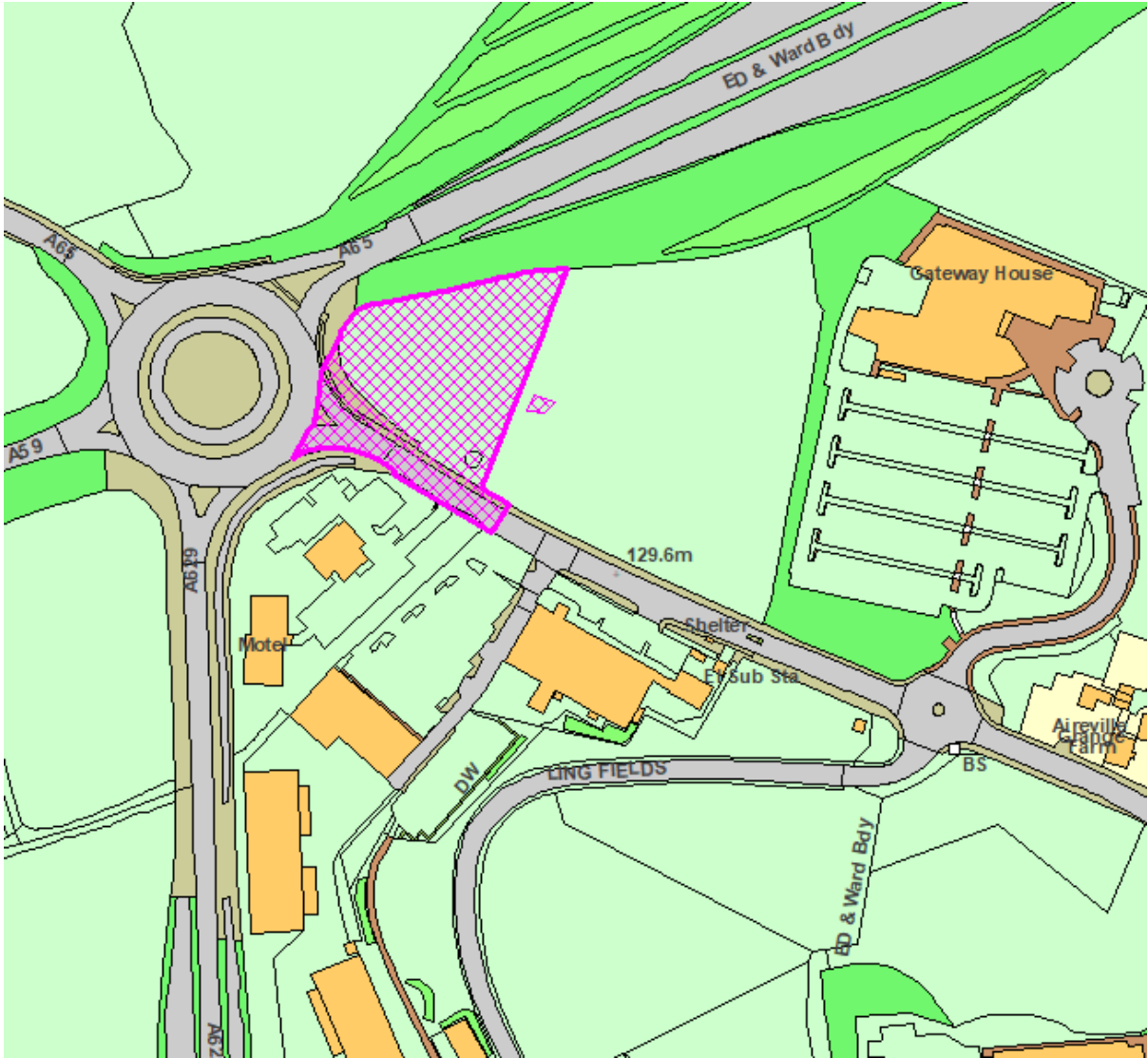
The agreement between the highway authority and the developer is called a Section 278 Agreement, and it may allow for items such as:

Roundabouts.
Priority junctions.
Junctions with traffic lights.
Right turn lanes.
Improved facilities for pedestrians and cyclists.
Improvements to existing junctions.
Traffic calming measures.

Section 278 - Adoption of road - Gary Lumb via gary.lumb@northyorks.gov.uk or 01609 53661

6. Applicants are reminded that in addition to securing planning permission other permissions may be required from North Yorkshire County Council as Local Highway Authority. These additional permissions can include, but are not limited to: Agreements under Sections 278, 38, and 184 of the Highways Act 1980; Section 38 of the Commons Act 2006, permissions through New Roads and Streetworks Act 1991 and Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996 (as amended and including all instruments, orders, plans, regulations and directions). Further information on these matters can be obtained from the Local Highway Authority. Other permissions may also be required from third parties. It is the applicant's responsibility to ensure all necessary permissions are in place.
7. Notwithstanding any valid planning permission for works to amend the existing highway, there must be no works in the existing highway until an Agreement under Section 278 of the Highways Act 1980 has been entered into between the Developer and North Yorkshire County Council as the Local Highway Authority. To carry out works within the highway without a formal Agreement in place is an offence.
8. Details of issues to be covered in a Travel Plan can be found in Interim Guidance on Transport Issues, including Parking Standards at:
https://www.northyorks.gov.uk/sites/default/files/fileroot/Transport%20and%20streets/Roads%2C%20highways%20and%20pavements/Interim_guidance_on_transport_issues_including_parking_standards.pdf
9. You are advised that there are overhead cables within the existing highway in the vicinity of the site. You should contact the owner of the cables to find out what protective measures are required before you can work in the vicinity of the cables. In addition, a separate licence will be required from the Local Highway Authority in order to allow any works in the existing adopted highway to be carried out. The local office of the Local Highway Authority will also be pleased to provide the detailed constructional specification referred to in this informative.
10. Statement of Positive Engagement:

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



Application Number: 2021/23291/FUL

Proposal: Construction of a roadside services facility comprising a petrol filling station, electric vehicle charging, car wash and ancillary retail kiosk, alongside parking, servicing area and access arrangements

Site Address: Land Between A59 And Gargrave Road, East Of The Gargrave Roundabout, Skipton

On behalf of: Brookfield Property (Holdings) Ltd



Planning Enforcement
Craven District Council
1 Belle Vue Square
Broughton Road
SKIPTON
North Yorkshire
BD23 1FJ
Telephone: 01756 706254

Planning Committee Report of New Cases Registered
25-08-2022 to 23-09-2022

Enforcement Reference	Alleged Breach	Site Address	Ward
ENF/03549/2022	Alleged use of ancillary accommodation as holiday let	Mill Cross Farm Cowling Hill Lane Cowling Keighley BD22 0LP	Cowling
ENF/03550/2022	Holiday let and decking at the front of the property.	6 High Street Sutton-in-craven Keighley BD20 7NX	Sutton-in-Craven
ENF/03551/2022	Holiday let being run from the property.	9 Lidget Road Low Bradley Keighley BD20 9DS	Aire Valley With Lothersdale
ENF/03552/2022	Alleged unauthorised changes to window and door frames, installation of solar panels and balcony replacements to above the property.	1 Links Drive High Bentham Lancaster LA2 7BJ	Bentham
ENF/03553/2022	Alleged unauthorised dwelling in garden	56 Greenacres Skipton BD23 1BU	Skipton East



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Planning Committee Report of Cases Closed
25-08-2022 to 23-09-2022

Enforcement Reference	Date Received	Date Closed	Reason for Closure	Alleged Breach	Site Address	Ward
ENF/00914/2010	21st October 2010	1st September 2022	Breach Resolved	Without planning permission the change of use of the ground floor of the building on the land from a Class A1 (retail) use to a mixed Class A1/A3 (retail/café) use.	Land At 34 Swadford Street Skipton BD23 1RD	Skipton North
ENF/02808/2018	31st January 2018	1st September 2022	No Breach	Potential change of use from domestic to business at Carr Head Hall. Construction of car parking area and road to facilitate planning application reference 2017/18633/FUL. Painting course business running from the Maltings with accommodation available.	Carr Head Hall/ The Maltings Carr Head Lane Cowling Keighley BD22 0LD	Cowling

Enforcement Reference	Date Received	Date Closed	Reason for Closure	Alleged Breach	Site Address	Ward
ENF/03219/2020	20th February 2020	1st September 2022	Retrospective Planning	Alleged commencement of development before discharging conditions of planning approval referenced: APP/2018/18988/FUL	Land To North Of Glen Royd Woodside Lane Cononley Keighley	Aire Valley With Lothersdale
ENF/03223/2020	4th March 2020	1st September 2022	No Breach	Stables and tack room also being used as a mechanics workshop and for selling vehicles.	Tatterthorn Lane Ingleton Carnforth Lancaster LA6 3DS	Bentham
ENF/03344/2020	21st December 2020	1st September 2022	Retrospective Planning	Alleged unauthorised garden shed in breach of condition 13 of planning approval 2018/19386/FUL.	30 Laurel Croft Embsay Skipton BD23 6RF	Embsay-with-Eastby
ENF/03345/2020	21st December 2020	1st September 2022	Retrospective Planning	Alleged unauthorised garden shed in breach of condition 13 of planning approval 2018/19386/FUL.	29 Laurel Croft Embsay Skipton BD23 6RF	Embsay-with-Eastby
ENF/03346/2020	21st December 2020	1st September 2022	Retrospective Planning	Alleged unauthorised garden shed in breach of condition 13 of planning approval 2018/19386/FUL.	28 Laurel Croft Embsay Skipton BD23 6RF	Embsay-with-Eastby
ENF/03356/2021	22nd January 2021	8th September 2022	Breach Resolved	Alleged unauthorised fence to front of property.	10 Water Street Skipton BD23 1PB	Skipton North

Enforcement Reference	Date Received	Date Closed	Reason for Closure	Alleged Breach	Site Address	Ward
ENF/03444/2021	24th September 2021	1st September 2022	Breach Resolved	Change of use from residential to holiday let.	Wildmans Barn Mewith Lane Mewith Bentham Lancaster LA2 7AP	Ingleton And Clapham
ENF/03467/2021	16th December 2021	23rd September 2022	Retrospective Planning	Garage and storage building approved under planning ref: 2020/21736/HH being used as residential annexe.	Calvert Cottage Carr Head Lane Cowling Keighley BD22 0LD	Cowling
ENF/03499/2022	6th April 2022	23rd September 2022	Retrospective Planning	Dwelling allegedly not in accordance with the plans.	Land Off Rook Street Lothersdale Keighley BD20 8EH	Aire Valley With Lothersdale
ENF/03518/2022	25th May 2022	8th September 2022	1. No Breach. 2. Not Expedient to Enforce	1. Alleged unauthorised change of use from 1 dwelling to 2 holiday lets. 2. Alleged unauthorised change of windows within Article 4 area.	32 Victoria Street Settle BD24 9HD	Settle And Ribble Banks
ENF/03522/2022	1st June 2022	8th September 2022	No Breach	Alleged window replaced within a conservation area	9 Bell Busk BD23 4DT	Gargrave And Malhamdale
ENF/03528/2022	30th June 2022	8th September 2022	Retrospective Planning	Erection of front porch.	Town End House Becks Brow Wigglesworth Skipton BD23 4RJ	Settle And Ribble Banks

Enforcement Reference	Date Received	Date Closed	Reason for Closure	Alleged Breach	Site Address	Ward
ENF/03544/2022	18th August 2022	23rd September 2022	Consent granted / Permitted development	Alleged erection of sheds and garages at the property.	16 Beck Side Carleton Skipton BD23 3ET	West Craven
ENF/03547/2022	24th August 2022	2nd September 2022	No Breach	Garden Building too high?	93 Moorview Way Skipton BD23 2TN	Skipton East
ENF/03551/2022	30th August 2022	22nd September 2022	No Breach	Holiday let being run from the property.	9 Lidget Road Low Bradley Keighley BD20 9DS	Aire Valley With Lothersdale