



# **CRAVEN**

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**D I S T R I C T**

## **PLANNING COMMITTEE AGENDA**

**DATE: 23rd October 2017**

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## REPORT TO PLANNING COMMITTEE ON 23rd October 2017

**Application Number:** 62/2017/18067

**Proposal:** Hybrid application for a residential development including: full details of the erection of 65 dwellings (C3), public open space, landscaping and access details (Phase 2); together with an outline application for residential development (C3), with public open space and landscaping (outline) with details of access from Skipton Road (b6480) considered (Phase 3). Amended Plans Submission.

**Site Address:** Land South Of Ingfield Lane And East Of Skipton Road Settle

**On behalf of:** Skipton Properties Ltd

**Date Registered:** 28th April 2017

**Expiry Date:** 28th July 2017

**Case Officer:** Mr Neville Watson

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**This application is being referred to the Planning Committee because it relates to a major application with significant public interest that extends a residential site that has previously been granted planning permission by the Planning Committee. In addition, due to its location outside of Development Limits, the proposal is a departure from the Local Plan and also affects the setting of designated heritage assets (a listed building and a conservation area).**

1. Site Description

- 1.1 The application site comprises a 6.83ha area of land located to the south of Ingfield Lane, Settle.
- 1.2 The site adjoins an existing residential development and the extended garden of the Falcon Manor Hotel to the north and its north-west boundary would lie to the rear of existing residential properties fronting onto the B6480. The western site boundary lies adjacent to the Settle-Carlisle railway which is on a raised embankment whilst the remaining site boundaries adjoin open countryside.
- 1.3 The site lies outside of development limits in an area defined as open countryside in the adopted Local Plan but does adjoin the settlement boundary.
- 1.4 The Settle-Carlisle railway that adjoins the western edge of the site is a designated conservation area.
- 1.5 The Falcon Manor Hotel to the north of the site is a grade II listed building.
- 1.6 The site lies approximately 200m west of the boundary of the Yorkshire Dales National Park and approximately 450m to the south of the boundary of the Settle conservation area.
- 1.7 The land on which the site is located is classed as Grade 4 agricultural land and is classified as 'Valley Pasture Flat Open Floodplain' in the Craven District Landscape Appraisal 2002. The site is not situated within a flood zone as identified in the Environment Agency's Strategic Flood mapping.
- 1.8 A public sewer runs across the north-west corner of the site where it adjoins the grounds of the Falcon Manor Hotel.
- 1.9 The north-east corner of the site incorporates a balancing pond that was granted approval in connection with the existing (phase 1) residential development that fronts onto Ingfield Lane.
- 1.10 The site is comprised of open fields and is undulating although the land generally falls away in level to the south and east with the highest parts of the site lying adjacent to the boundary of the existing residential development on Ingfield Lane to the north.

## 2. Proposal

2.1 The application is a hybrid that incorporates the following 2 elements within the same site (running north to south). It was originally submitted as a resubmission of the same scheme refused by the Planning Committee on 3 February 2017 and now the subject of an appeal.

- A full planning application for a phase 2 residential development on 3.16ha of land.
- Outline application for a phase 3 area of residential development on 3.43ha of land.

2.2 The phase 2 part of the application seeks full planning permission for 65 dwellings.

2.3 The proposed housing in the phase 2 development would comprise:

- 5 x 1 bed
- 20 x 2 beds
- 20 x 3 beds
- 20 x 4 beds

2.4 All of the proposed units would be two storeys and would include a mix of house types including detached, semi-detached and terraced houses. The overall density of development would be 27 dwellings per hectare. The resubmitted application (April 2017) proposed that 40% of the 65 dwellings (26) would be affordable. The amended submission does not provide for any affordable houses.

2.5 The proposals include some garages and overall there are 96 parking spaces shown throughout the development.

2.6 In relation to the phase 3 outline application, full details have only been provided in relation to a new site access onto the B6480 Skipton Road. This would lie to the north-east of an existing railway bridge that crosses the road. The proposed access would incorporate visibility splays of 2.4m x 43m (west) and 48m (east) and would include reconfiguration of the road signage in accordance with the recommendations of a Road Safety Audit commissioned by the applicant at the request of NYCC Highways. All other detailed matters (ie. appearance, layout, scale, access (aside from the proposed new access referred to above) and landscaping) are reserved for future consideration. Accordingly, Members at this stage are considering whether the phase 3 developments is acceptable in principle, bearing in mind that the precise scale, layout, appearance and landscaping of that phase is not settled at this point.

2.7 Following consultations with both Historic England and the National Park Authority the phase 2 layout has been revised and includes increased areas of open space to the north-west corner of the site and a 'green corridor' running southwards.

**Officer note:** The application site as a whole (both full and outline areas) would be bounded by a combined area of flood meadows and landscaping that has an extant planning permission.

## 3. Planning History

3.7 62/2015/15462: Screening opinion for a mixed residential and commercial use. EIA not required March 2015.

3.8 62/2016/17147: Application for environmental impact assessment screening opinion request for mixed use of commercial and residential development. EIA not required August 2016.

3.9 The following relates to the adjacent sites:

3.10 62/2009/9632: Outline application for the erection of 37 dwellings including layout and access (relates to phase 1). Refused September 2009 for the following reason:

*'The proposed development by virtue of its siting and layout and due to the proximity of existing properties on Brockhole View and Inglehurst on Ingfield Lane which have limited depth to their rear garden areas is likely to cause disturbance and loss of privacy to those properties to such a degree as to be detrimental to residential amenity. This would be contrary to PPS1 'Delivering Sustainable Development' and PPS3 'Housing'.*

An appeal was lodged against the refusal of planning permission. In summary, the Inspector came to the view that the development was acceptable in principle but did agree with the Council's reason for refusal concluding that the proposed layout would result in conditions detrimental to the living conditions of adjacent occupiers. The appeal was subsequently dismissed.

- 3.11 62/2010/10975: Outline application for 37 dwellings including layout and access (relates to phase 1). This was a re-submission of 62/2009/9632 with revisions to the layout to address the amenity issues identified by the Planning Inspector. The application was approved in January 2011.
- 3.12 62/2013/13496: Request for screening opinion for a residential development of 37 houses. Screening opinion that EIA not required issued May 2013. Relates to phase 1.
- 3.13 62/2013/13590: Residential development of 37 dwellings. Approved August 2013. Relates to phase 1.
- 3.14 62/2013/14087: Discharge Of Conditions 3,4,5,7,9,10,12,15,18,19,22,23,24 And 25 Of Previous Planning Approval Ref: 62/2013/13590 For Residential Development Of 37 Dwellings. Approved April 2014. Relates to phase 1
- 3.15 62/2014/14854 Fell 1 No Mature Beech T5 on plan (T4 on the TPO) and replace with semi mature tree. Approved September 2014. Relates to phase 1.
- 3.16 62/2014/14926: Variation of condition 24 to previous approval 62/2013/13590. Withdrawn January 2015. Relates to phase 1.
- 3.17 62/2014/14929: Development of surface water management scheme (flood meadows) for phase 2 of residential development. Approved December 2014. Relates to the area of land shown within the blue line on the site location plan PL01-A.
- 3.18 62/2014/15081: Application for temporary surface water attenuation pond on land to the south of phase 1 residential development (as approved by permission 62/2013/13590). Approved December 2014. Relates to phase 1 but included within the site boundary of the current application.
- 3.19 62/2014/15073 Application to vary Section 106 agreement in respect of affordable housing. Approved 22 January 2015.
- 3.20 62/2014/15089: Amendments to design of surface water drainage scheme. Approved December 2014.
- 3.21 62/2015/15462: Screening opinion for a mixed residential and commercial use at Ingfield Lane. Determined that EA was not required. March 2015. Relates to application site.
- 3.22 62/2016/17147: Application for environmental impact assessment screening opinion request for mixed use of commercial and residential development. Screening opinion sent August 2016. Relates to application site.
- 3.23 62/2016/17189: Partial discharge of condition 3 and discharge of condition 5 of planning approval 62/2014/14929. Approved
- 3.24 62/2017/18048 Discharge of conditions 3 and 5 of 62/2014/14929 Approved September 2017.

#### 4. Planning Policy Background

##### 4.1 **The National Planning Policy Framework.**

##### 4.2 **National Planning Practice Guidance.**

##### 4.3 **Saved Local Plan Policies:**

- ENV1: Development in the Open Countryside
- ENV2: Requirements for Development in the Open Countryside
- EMP5: New Employment Development outside Development Limits and Established Industrial Areas (Excluding Conversions)
- ENV10: Protection of Trees and Woodland
- SRC2: Provision of Recreation Space in New Housing Developments

T2: Road Hierarchy.

5 Parish/Town Council Comments

5.1 **Settle Parish Council:** Objects to the application and has commented as follows:

*'The application does not appear to be very different from the previous one refused. Access onto the B6480 at the railway bridge very dangerous and standing water under the bridge will make it even more so. The proposed accesses from the Anley Cragg Business Park were recommended for refusal by the Highway Authority and the Council cannot reconcile this. The access for the Ingfield Lane development poses a far greater safety risk*

*Flood Risk- The Council have local knowledge to support the fact that for much of the year the area has substantial standing water. Flooding remains a concern and underground water across the fields. The amount of concrete and tarmac that the development will be laying down will exacerbate the situation.*

*The visual impact of the development on the Settle to Carlisle railway and the National Park Boundary and the Falcon manor as a grade II listed building.*

6 Consultations

6.1 **CDC Strategic Housing:** The applicants has in the amended submission provided for no affordable housing. This fails to take account of the social dimension of sustainable development. Taking into account an identified need for affordable housing it is recommended that the application be refused.

6.2 **CDC Sports Development Officer:**

SRC2 Policy and Existing local provision:

Conclusion:

The Sports Development officer's assessment of this application is that the proposed Flood Meadow application (62/2014/14929) and the on-site provision of phase 2 will fully meet the SRC2 policy requirements for this development. However, as some of the works required to comply with Saved Local Plan Policy SRC2 are off-site should the Council be mindful to grant planning permission the following recommendation is made:

*That members resolve to grant delegated authority to the Strategic Manager for Planning & Regeneration to grant planning permission subject to the applicant first entering into a S106 Planning Obligation to secure the management and maintenance in perpetuity of the proposed on-site Public open space and off-site flood meadow scheme (62/2016/17189).*

It is considered that the S106 agreement is necessary in the interests of residential amenity to ensure adequate provision of Public Open Space to meet local needs in accordance with the National Planning Policy Framework and Saved Policy SRC2 of the Craven District (Outside the Yorkshire Dales National Park) Local Plan.

**Officer note:** The SDO has agreed the Policy SRC2 obligations on the understanding that additional residential development would be forthcoming under phase 3. The open space provision, which is to be provided under the application for the adjoining flood meadow, would exceed the requirement for the phase 2 development alone and would need to be re-assessed when details of the phase 3 residential development are known. The precise requirements of the open space provision for phase 3 are not known, taking into account this part of the application is in outline form only. It would therefore be appropriate to address this matter by a bespoke condition in the event that there is a requirement for open space over and above the open space provided by the open space shown on application reference 62/2016/17189.

6.3 **CDC Tree Officer:**

Commented as follows:

*'I have looked at the plans for the meadow and consider them to be acceptable.*

*I refer to Landscape Masterplans GL0161 15C GLO61 17 & GL061 14C which I also consider are acceptable. An avenue of medium/large ornamental trees has been specified which will break up the site when looking from the hills beyond and also provide a green sight line from the Falcon Manor'.*

**Officer note:** The Tree Officer comments relate to both the phase 2 residential scheme and the details submitted for the adjoining flood meadow under planning application ref: 62/2016/17189.

#### 6.4 **NYCC Highways:**

Comments on the revised submission are awaited.

Comments on the original submission are as follows:-

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

Prior to this application, capacity checks were undertaken on the now existing access onto Ingfield Lane, completed when Phase 1 of the development was built, and the B6480/ Cammock Lane /Ingfield Lane cross roads. These checks confirmed that traffic flows generated by the development will be low and there will be no capacity issues at either junction when the phases relating to this application are built. In addition, the proposed junction on B6480 has been assessed; this shows junction capacity is not an issue.

The appropriateness of the new junction on the B6480, given its proximity to the railway bridge, was reviewed at the time of this application and at a subsequent site visit. It was noted that HGVs passing under the bridge are in the centre of the road. Following the second visit it was considered prudent to ask the developer to commission a formal independent Road Safety Audit of the junction. Recommendations outlined in the Road Safety Audit have been brought forward solutions identified which will be included in the approved layout of the new junction. This matter can be covered by condition.

The Local Highway Authority recommends that the following matters are addressed through inclusion in a Section 106 Agreement or by the imposition of conditions any planning permission the Planning Authority is minded to grant. Matters to be included in a Section 106 Agreement to which the Local Highway Authority would wish to be a party:

1. Introduction of a new footway crossing of the Craven District Council car park to provide a sustainable link between the development and the Town Centre.
2. To provide road lighting in accordance with current standards, along the B6480 to improve pedestrian safety for residents of the new development and existing residents.

It is recommended that the following matters are covered by the imposition of conditions:

- Approval of road and footway layout.
- Construction of roads and footways prior to occupation.
- Approval of details of discharge of surface water.
- Provision of vehicle/pedestrian visibility splays.
- Provision of off-site works.
- Provision of approved access, turning and parking areas.
- Restriction on garage conversions.
- Prevention of mud on carriageway.
- Management of construction traffic/highway condition survey.
- Limitation on door/window openings over highway.
- Submission/approval of details of construction compound.

## 6.5 **NYCC SuDS Officer:**

Information provided by the applicant has now satisfactorily addressed previously unresolved issues and the following condition is recommended for any approval:

*No development shall take place until a detailed design and associated management and maintenance plan of surface water drainage for the site based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development has been submitted to and approved in writing by the Local Planning Authority. The surface water drainage design should demonstrate that the surface water runoff generated during rainfall events up to and including the 1 in 100 years rainfall event, to include for climate change and urban creep, will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The approved drainage system shall be implemented in accordance with the approved detailed design prior to completion of the development.*

*The scheme to be submitted shall demonstrate that the surface water drainage system(s) are designed in accordance with the standards detailed in North Yorkshire County Council SuDS Design Guidance (or any subsequent update or replacement for that document).*

*Reason: To prevent the increased risk of flooding; to ensure the future maintenance of the sustainable drainage system, to improve and protect water quality and improve habitat and amenity.*

## 6.6 **NYCC Education:**

Based upon an estimated 65 additional properties there is no requirement for any developer contribution.

## 6.7 **North Yorkshire Police:**

No objections and has commented as follows (based on original submission)

- The drawings do not indicate that a suitable gate will be provided as close as possible to the front building line of each dwelling, in order to secure rear gardens by preventing casual access to the rear, where the majority of property crime occurs. This measure was provided on phase 1 and is therefore strongly recommended.
- The site layout drawing for phase 1 showed that all sub divisional boundaries consisted of 1.8m high timber fences. I note that for this phase, a number of sub divisional boundaries are only shown as being 1.2m high. Sub-divisional boundaries to the rear of properties should reduce the potential for offenders to be able to move freely between gardens; therefore it is preferable for this to be 1.8m in height. This can be achieved by having close boarded fencing to a height of 1500mm topped with 300mm trellis.
- As an observation, it is not clear how residents of some of the terraced properties will be able to service their rear gardens without having to walk through the property itself with garden waste and rubbish etc.
- It is recommended that each plot should be provided with lighting to illuminate all external doors and if appropriate, car parking and garage areas. Lighting should be switched using a photo electric cell (dusk to dawn) with a manual override.
- Appropriate street lighting complying with BS5489:2013 is recommended. This helps to improve the quality of the built environment and increases pedestrian activity after dark. It is important that users feel safe and comfortable using routes at night. An increased provision of lighting is likely to lead to an increased notice of criminal activity.



- Any proposed tree planting should be developed in tandem with the street lighting scheme in order to avoid the scenario of tree canopies eventually obscuring lighting or creating shadow.
- No concerns regarding the security of accessible windows and doors as this is now covered by Approved Document Q, Building Regulations (all must meet BS PAS 24 – Secured by Design standards).
- There are many crimes that occur during the construction phase of building. Common crimes include the theft of plant, equipment, materials, tools and diesel fuel. It is therefore strongly recommended that site security must be given serious consideration should this application be successful.

#### **6.8 Yorkshire Dales National Park Authority:**

Comments on the revised submission are awaited

#### **6.9 Environment Agency:**

Comments on previous submission are as follows:-

No objections. The EA has commented that if a mains connection is proposed for foul drainage the LPA must be satisfied that there is capacity in both the receiving sewer and sewage treatment works to accommodate the discharge proposed. United Utilities can provide this information. If no capacity an alternative solution must be found.

#### **6.10 United Utilities**

Recommend standard conditions

#### **6.11 Historic England:**

Summary:

Welcome the updated Heritage Impact assessment

The amendments that have been made to the Phase II layout, particularly the increase in the amount of open space, have further reduced the harm to the setting of the listed building and the conservation area. We particularly welcome the amendments to the green space that runs south through the site. The presence of housing to the south and south east will cause some harm to the significance of the Falcon Manor Hotel but consider the harm would be less than substantial and the harm to the conservation area. This should be weighed against the public benefits.

#### **6.12 Network Rail:**

Comments on previous submission.

Network Rail has sent a lengthy response that sets out a number of legislative and regulatory requirements that relate to development in close proximity to rail tracks and assets.

In summary Network Rail request the following:

- The developer must enter into an asset protection agreement.
- The developer must submit a risk assessment for any works within 10m of the operational railway.
- The developer should observe the requirements of the Party Wall Act.
- The developer must provide a 1.8m palisade/trespass-proof fence adjacent to Network Rail's boundary. Alternatively an acoustic fence may be provided subject to approval.
- No encroachment should occur over the railway during construction.

- A method statement must be submitted prior to the use of any equipment that might cause vibration.
- All surface water must be subject to prior approval and be directed away from the railway soak-away and suitable drainage of the site be provided such that there is no impact on Network Rail's assets.
- All excavations within 10m of the railway boundary must be notified to Network Rail for approval.
- The developer must accept responsibility for ensuring that the site will not be affected by contamination or land stability issues.
- New development must lie at least 2m from the railway boundary.
- Mitigation measures must be agreed to ensure that new development is not unduly affected by noise and/or vibration.
- No trees are to be planted within 'fall over' height of the operational railway.
- Suitable protective fencing should be erected to prevent vehicle incursion onto railway.
- There is potential for an increase in bridge strikes (Ingfield Bridge) and therefore consultation should be undertaken with Network Rails Asset Protection Engineers both during construction works and as a permanent arrangement.

6.13 **Yorkshire Wildlife Trust:**

Has now accepted the details for the adjoining wildlife meadow Approved under reference 62/2017/18048:

6.14 **Settle and Carlisle Railway Development Company:**

Has commented as follows:

*'We are neither for nor against the proposal. We would like to see such a large local development contribute towards increased usage of Settle station and promotion of rail as a means of reducing road transport from the development. Funding towards customer benefits or cycle storage at Settle Station would be welcomed in addition to the marketing of rail services to new tenants, perhaps through the complementary purchase for buyers of the local Dales railcard to stimulate rail usage. The train service to Settle will be increasing in 2017 and 2019, as this development would be coming on stream towards 2019 it would help to promote sustainable journeys to it'.*

7 Representations

7.1 There are 17 representations to the revised submission which have been summarised as follows:

- The visibility splays at the junction as shown is of concern.
- Development will have serious detrimental visual impact and would result in loss of an historic vista.
- Development would adversely affect views from the historic railway line.
- Development would adversely affect tourism in the area.
- Area is prone to flooding and further development would make flooding problems in the area worse.
- Any proposed water management scheme should be tested to see if it works before any housing is built.
- The materials and designs of the phase 1 development detract from the area with sub-standard roofing materials. Further similar development would not be out of character with the area and would not be acceptable.
- Development is outside of the Settle boundary.

- Proposals are contrary to both local and national policies.
- The development will adversely impact upon an AONB, the Settle conservation area and the National Park.
- Concerns about restricted access and nuisance to existing properties.
- Development will result in loss of privacy for occupiers of existing housing adjacent to the site and some properties are not shown on the drawings.
- The land is not vacant as stated in application. It is agricultural grazing land.
- Application in its entirety would be massively out of proportion with Settle and would change the character of the town irreversibly.
- Access close to the railway bridge is potentially unsafe.
- Proposal would result in increased traffic, noise and congestion in the area.
- Increased traffic using narrow entrance adjacent to a play area would represent a highway safety issue..
- Proposed tree planting would block light to and obstruct views from existing housing.
- Secondary access near to the railway bridge will be a highway safety issue and would limit opportunity for existing residents to park their cars outside of their houses.
- How will the already overstretched locals services cope with the added increased population?
- Site is a valuable amenity space with impressive landscape views which would be lost.
- Existing roads are too narrow to accommodate construction vehicles.
- The developer has failed to comply with existing planning conditions and has also failed to comply with a condition of an approval for tree works after removing a protected tree.

**Officer note:** The above is a summary of the comments which have been made. The representations can be viewed in full on the Council's website.

## 7.2 **CPRE** Two representations have been received on behalf of the CPRE

Their objections may be summarised as follows:-

- The proposals are contrary to both local and national policies
- The outline application is not justified at this time given that the Council purport to have a 5 YEAR SUPPLY OF VIABLE HOUSING LAND
- The site is a large and locally valued area of green space that should be retained in order to protect the settling of the settlement.
- The detrimental impacts on the designated Heritage Assets are not outweighed by the benefits of these proposals.

## 8 Summary of Principal Planning Issues

- Land use/principle of development
- Housing provision
- Amenity issues
- Design
- Landscape impact
- Heritage
- Highway issues
- Drainage/flood risk

## 9. Analysis

### Principle of development: policy position

9.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that:

*'regard is to be had to the development plan for the purposes 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'.*

9.2 The Development Plan for the area comprises the Craven District (Outside the Yorkshire Dales National Park) Local Plan which was adopted in 1999.

9.3 The most relevant saved Local Plan policies in relation to this application are set out at paragraph 4.3 above. However, paragraph 215 of the National Planning Policy Framework (NPPF) states that policies not adopted in accordance with the 2004 Planning and Compulsory Purchase Act need to be considered in terms of their degree of consistency with the NPPF and that:

*'the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given'.*

9.4 The extent to which the aforementioned Local Plan policies remain up-to-date and of relevance to the decision making process is considered in this report. The NPPF (at paragraph 14) advises that LPA's should be:

*'approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out of date, granting permission unless:*

*a) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this [the] Framework taken as a whole; or*

*b) specific policies in this [the] Framework indicate development should be restricted'.*

9.5 The NPPF states that there are three dimensions to sustainable development: economic, social and environmental, referred to in the NPPF as the roles the planning system should perform (paragraph 7). The NPPF also reaffirms that it is the Government's clear expectation that local planning authorities should deal promptly and favourably with applications that comply with up to date plans and that, where plans are out of date, there will be a strong presumption in favour of sustainable development that accords with national planning policies

9.6 In this case the site is located outside of development limits in an area defined as open countryside in the adopted Local Plan and therefore saved Policy ENV1 applies. This is essentially a restrictive policy that seeks to protect the open countryside from sporadic and inappropriate development.

9.7 The site is not allocated in the adopted Local Plan and there are presently no housing land allocations in the emerging Local Plan which is yet to be finalised. Given the current status of the emerging Local Plan it is considered that it has no bearing on the determination of this application.

9.8 Overall, it is considered that notwithstanding saved Policy ENV1 the proposals can be seen to accord with the key dimensions of sustainable development as set out in the NPPF. Whilst a judgement must be made as to whether or not the benefits of the proposed development would outweigh any dis-benefits it is the case that the development could be consistent with the Framework and is therefore acceptable in principle.

9.9 With regards to the NPPF and the suitability of the site for development in principle, the site is located on the edge of the existing built up area of a principle town within the district and would have both pedestrian and vehicle connections to local facilities and services. The site is a very sustainable location for residential development.

9.10 The site is suitable for a residential use and the plans indicate that a high quality development would be provided within the phase 2 development for which full details have been submitted. As such, it is considered that the proposal is in line with the objectives of the NPPF in that the site would provide both economic and social benefits. Furthermore, the proposed development would not undermine the emerging spatial vision for the District or wider policy objectives of the emerging Local Plan.

Therefore, with regard to advice in the NPPF, taken overall the proposal is in principle considered to be capable of forming sustainable development.

- 9.11 Saved Policy ENV2 is only applicable where development is considered to be acceptable in principle under Saved Policy ENV1 and seeks to ensure that any development acceptable in principle outside the development limits is; compatible with the character of the area; the design, materials used relate to the setting; that traffic generated can be accommodated satisfactorily; and, that services and infrastructure can be provided without any serious harm to the character and appearance of the area. The aims of policy ENV2 are broadly in line with the NPPF and can be given some weight. These will be addressed within the body of this report.
- 9.12 In conclusion, the application site is not within recognised development limits of Settle as defined by the 1999 Local Plan but is located immediately adjacent to the existing built up area of the town. Consequently, residential development at this location is capable of forming sustainable development in accordance with NPPF guidance and is considered to be acceptable in principle.

Principle of development: Housing provision:

- 9.13 Very recently the Council's Planning Policy team published the May 2017 'Five Year Housing Land Supply Methodology and Report' and this is of some relevance with respect to making decisions on planning applications for new housing development, as is the case here.
- 9.14 The report sets out the most recent position with respect to the Council's five year land supply calculations. It indicates that the Council can currently demonstrate a 5 year land supply. The availability of a 5 year supply is a matter that is challenged by the applicant. However, whilst the 'Five Year Housing Land Supply Methodology and Report' indicates that the Council can demonstrate a 5 year land supply at this stage this position may change as new information becomes available. Members may recall that in May 2015 the latest information indicated that a 5 year supply could be demonstrated, only for the position to change in December 2015 when later information indicated that a 5 year land supply could not be demonstrated. Furthermore the report and the assessment methodology for the housing requirement that is used to form the basis for the supply calculation has not yet been subjected to full independent examination and may be subject to legal challenge.
- 9.15 In Officers opinion, the stated existence of a deliverable Five Year Housing Land Supply is not a good reason to justify refusal of a planning application. Specifically, the fact that the development is not necessary in order to help the Council achieve a 5 year supply is only one factor in the overall planning balance that would need to be taken into consideration in the determination of this application. It is also the case that the, as set out above, the Council's 5 year housing land supply position is subject to change, furthermore national policy is clear that local authorities should be planning positively to achieve a significant boost in the supply of housing. Therefore, the implications in terms of housing land supply remains a material consideration in the planning judgement that can be given weight in the decision making process.
- 9.16 Development limit boundaries that were defined by Policy ENV1 of the 1999 Local Plan are now out of date and should not necessarily be given any weight in the decision making process. The NPPF is concerned about sustainable development rather than whether or not it is within a defined spatial limit. In the recent past the Council has both approved and refused applications for residential development in locations that are outside of the development limit boundaries that were defined by Policy ENV1. In Officers opinion this situation remains unchanged. Every application will still need to be assessed on its merits and its suitability for residential development considered. The NPPF advises that permission should be granted unless the adverse impacts significantly and demonstrably outweigh the benefits. The Council's Five Year Housing Land Supply position will be a relevant consideration in that decision but must be considered in the overall planning balance. However, as stated earlier, Officers would not expect that a refusal of permission could be sustained

solely on the grounds that development is not required due to the November 2016 Five Year Housing Land Supply report.

- 9.17 The submitted scheme provides for 65 dwellings to the northern (3.16 ha. Phase 2) part of the site. The scheme has now been revised to provide no affordable housing. This fails to take account of the social dimension of sustainable development. The provision of affordable housing is necessary because there is a local need. In the absence of affordable housing it fails to satisfy the requirements of paragraph 50 and the need to “plan for” applies equally to the act of decision making. Therefore, despite the absence of an adopted policy, the provision of affordable housing is an objective of the NPPF and is a material consideration that should be afforded significant weight. On this issue the application should be refused.

Amenity issues:

- 9.18 There are specific requirements under both saved Local Plan policies and the NPPF that new development should not adversely impact upon the amenity of the occupiers of any neighbouring properties either through a significant loss of outlook, loss of daylight or loss of privacy. In this case the existing properties are located at the southern end of the phase 1 Falcon Gardens and to the west of the site fronting onto the B6480.
- 9.19 In this case the proposed layout for the full residential application indicates that the new development would lie sufficiently distant from the existing housing and be orientated such that there would be no significant loss of amenity to any of those properties. Specifically, the properties at the northern end of the site would be set parallel to and roughly equidistant (minimum 3.5m) from the southern gable ends of the existing houses.
- Officer note:** This (minimum) side separation distance is greater than that of some of the phase 1 properties on the existing estate.
- 9.20 With regards to outlook the proposed development would be a continuation of the existing phase 1 and whilst the existing houses to the north have had the benefit of open views there is no planning requirement to maintain their current outlook. It is considered that the impact on the outlook is acceptable and there are no significantly adverse impacts on the amenity of the existing housing to warrant refusal of this application.
- 9.21 The only other neighbouring properties are those situated at the north-west corner of the site. The proposed houses would be located 25m to the south-east of the existing and are considered to be sufficiently distant that no loss of amenity from outlook, overshadowing or loss of privacy would occur.
- 9.22 Considering the phase 3 (residential) and phase 4 (employment land) outline elements of the application the exact relationship of the new development is not known. However, it is considered that in principle the proposed development could be accommodated within the site boundaries without detriment to the amenity of the existing housing and that the employment land would be sufficiently distanced to prevent any significant problems from arising. The full assessment of residential amenity would be addressed at the reserved matter stage. In any case the proposed business uses would be controlled to ensure their compatibility with the site surroundings.

Design:

- 9.23 The NPPF sets out generic policies that require good design and specifically it is stated as a core planning principle that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
- 9.24 In more detailed policy the NPPF states that good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people. It also states that permission should be refused for poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

- 9.25 In this case Saved Local Plan Policies ENV1 and ENV2 are of some relevance to the consideration of this application as the principles outlined in those policies are still pertinent.
- 9.26 Policy ENV1 seeks to limit development in the open countryside where it fails to maintain or enhance landscape character. More detailed criteria under ENV2 requires that development should not have an unacceptable impact on the landscape, that existing landscape features should be protected, that development should relate well to the setting and public views and finally that it should be accessible and be capable of being serviced without causing a serious harmful change to the locality.
- 9.27 With regards to the detailed design proposals for phase 2 the proposed development would comprise traditional gable ended two-storey properties constructed in a natural stone with artificial stone slates to the roofs. The design would be a continuation of the housing that has been constructed in the phase 1 development and which has previously been approved by the local authority. It is considered that the overall form and detailing of the proposed houses would be appropriate to the locality and would be constructed to the same specifications as the existing phase 1 development. On this basis it is considered that the design of the proposed housing is acceptable. The design of phases 3 and 4 can be adequately controlled through the reserved matters process. It is clearly possible to achieve an acceptable design on the outline part of the site.
- 9.28 It is considered that the overall design of the development and the layout that has been proposed (insofar as details are known at this stage) is a good quality of design that would not erode the key characteristics of the site or nearby heritage assets to an unacceptable extent. A similar result can be achieved on the outline parts of the application at the reserved matters stage. Overall it is considered that the development constitutes good design and would be consistent with the NPPF in this respect.
- Landscape:
- 9.29 In this case the benefits of the provision of housing to meet the Council's housing land supply and the presumption in favour of sustainable development set out in the NPPF needs to be balanced against any dis-benefits of allowing development to take place. The dis-benefits would derive primarily from the loss of the open space, landscape and visual impact of the development and the potential impact upon the designated heritage assets of the Settle-Carlisle Railway conservation area and nearby grade II listed Falcon Manor.
- 9.30 With regards to the loss of the open space it is acknowledged that the land lies outside of development limits but this alone is not sufficient to come to a view that planning permission should not be granted. It is necessary to assess the dis-benefits of the proposals against the benefits of allowing development to take place.
- 9.31 In the first instance it is noted that the application did not initially receive full support from the Yorkshire Dales National Park Authority although it should be noted that their objections were initially focused on the potential visual impact in the wider landscape rather than over concerns over the development.loss of open space. To that end the proposed layout has been revised and additional landscaping incorporated throughout the development, this to include a larger area of open space adjacent to the Falcon Manor and a 'green corridor' running through the estate that would afford long range views of the listed building and its grounds. In addition revisions have been made to the landscaping on the periphery of the site and to the detailed scheme of planting for the adjoining land to be used as flood meadows.
- 9.32 In summary YDNPA has stated that the amendments to the proposal are welcomed and now support development of the site in principle but still have some concerns regarding the density of the development and the potential impact on views into the site from the national park. Equally, Historic England has acknowledged that the amendments to the scheme have reduced the visual impacts on (and subsequently the harm to) the setting of the Falcon Manor and to the Settle-Carlisle railway line but note that there will still be a change in the character of the views given that the access road runs down the centre of the green corridor and the rooftops of the housing will be visible to the east and west.
- 9.33 In the case of the National Park Authority they have requested a reduction in the density of the development towards the outer edge (south-east) and revisions in those areas to create a greater mixture of house types with more space around them with a view to reduce *'the perceived*

*encroachment of development in views from the National Park and produce a softer edge to an extended Settle'.*

- 9.34 Regarding the YDNPA comments it is officer's opinion that the presence of the landscaping and remodelling of the landform to create the flood meadow that would adjoin the site is sufficient to mitigate the impact of the proposed development to views from the National Park. It is also considered that the overall density of the development (which is 20 dwellings per hectare) and the general arrangement and design of the layout are such that there would be no justification for requesting the further revisions that the Park Authority has suggested.

Heritage:

- 9.35 The Council has a statutory duty under the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special regard to the desirability of preserving listed buildings in their settings and any features of special architectural or historical interest it possesses. Para 132 NPPF advises that great weight must be given to the asset's conservation and the more important the asset the greater the weight should be given. Historic England have commented that in its revised form the development would cause less than substantial harm to the significance of the designated heritage assets and that it is therefore a matter for the local planning authority to come to a decision on whether there is a '*clear and convincing justification*' for the harm that the proposals would cause. Para 134 NPPF advises that where development would cause less than substantial harm to a heritage asset it is necessary to weigh that harm against the public benefits of the scheme. The assessment of phases 3 and 4 would be dealt with at the reserved matters stage.
- 9.36 It is officer's opinion that there would not be grounds to refuse planning permission on the basis of the harm to the significance of the designated heritage assets particularly when considering Historic England's assessment that the harm caused would be less than substantial. As regards the planning balance, i.e. the assessment of the benefits against the dis-benefits of the proposal, there can be little doubt that the contribution to the Council's housing land supply coupled with the provision of additional employment land which would offset an identified shortfall in the Settle area represent substantial benefits of development that would more than offset any harm.

Highway issues:

- 9.37 The principal highway concerns associated with this application are as follows:
- The adequacy of the access routes into phase 2 from the existing phase 1 development.
  - The acceptability of the proposed secondary access to the west of the site onto the B6480 (this would serve phase 3. The reserved matters approval can ensure that the access connects up the existing and proposed routes through phases 1 and 2.)
  - The impact of the proposals on the wider road network in terms of capacity.
- 9.38 With regard to the first two bullet points above NYCC Highways has commented on the application and have raised no objections to the capacity of the phase 1 access roads to serve the proposed development of phase 2. Access arrangements for phases 3 and 4 will be considered at the reserved matters stage.
- 9.39 In the case of the secondary access the principal concern lies with the proximity of the junction to the railway bridge and in particular the adequacy of sightlines from the proposed junction and the potential for highway safety to be compromised as a result of the narrowness of the road where it passes under the bridge. In response to those concerns, and subsequent to the applicant's initial submissions, an additional road safety audit of the proposed junction has been prepared by Sanderson Associates on behalf of the applicant. This was compiled in November 2016 and is included in the information pack accompanying this application.
- 9.40 It can be seen that the audit makes a series of recommendations which requires various on and off-site works to be undertaken in order to ensure that the proposed secondary access would not result in a loss of highway safety. The audit has been assessed by the NYCC Highway Engineer who has



concluded that the proposed solutions put forward are acceptable and should be imposed by planning conditions if permission is granted.

- 9.41 As regards bullet point 3 above NYCC Highways consider that the levels of traffic associated with the proposals could be accommodated by the existing road network.
- 9.42 The final remarks of the Highway Engineer are awaited but on the basis of previous advice it is recommended that any planning permission should be granted subject to recommendations for a S106 legal agreement and the stated planning conditions. It is considered therefore that the development is acceptable in terms of highway safety.

Drainage/flood risk:

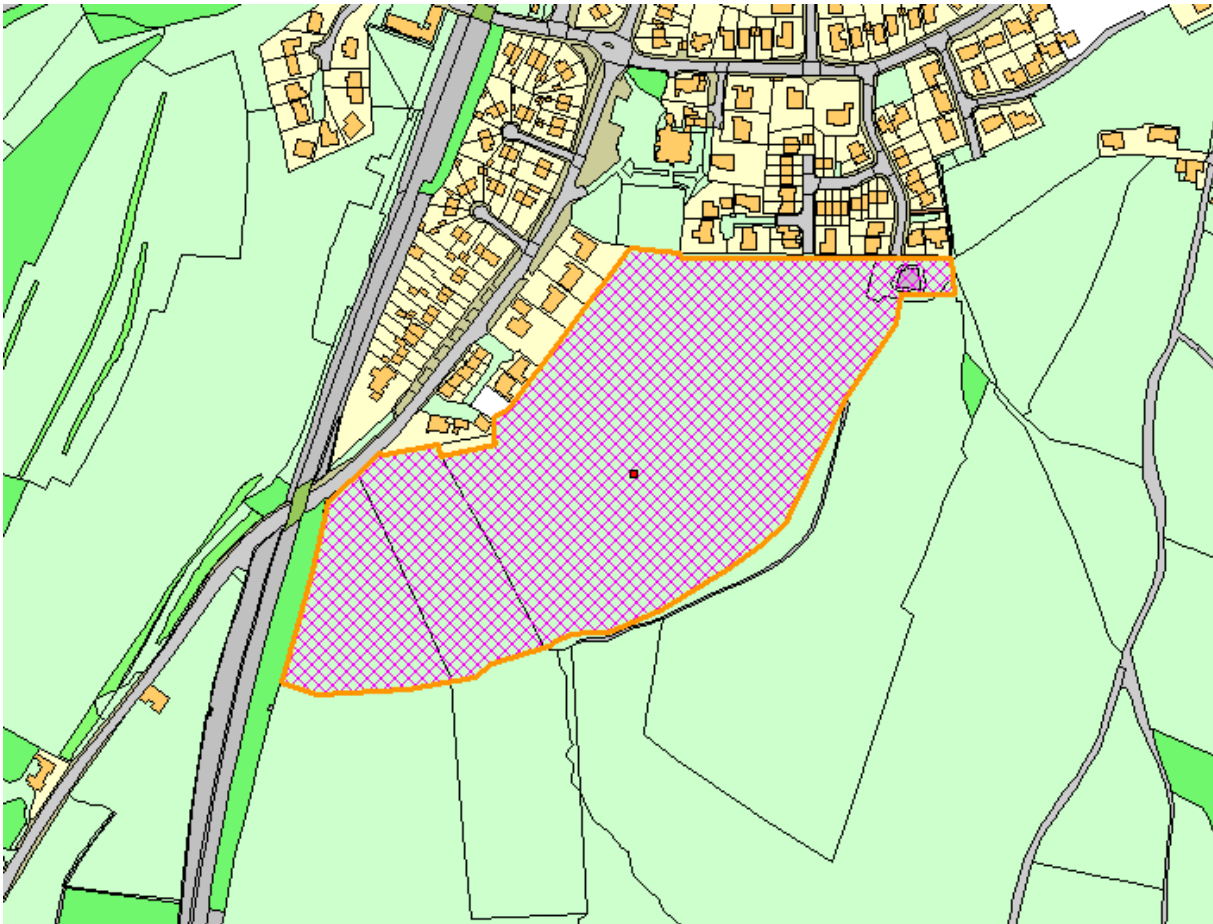
- 9.43 The application has been accompanied by a detailed Flood Risk Assessment and has been subject to consultation with the relevant statutory authorities as summarised above. It is known that the site and its immediately surrounding area is subject to some localised flooding but it is not identified as being a flood risk zone on the Environment Agencies Strategic Flood Risk mapping.
- 9.44 It is noted that no objections to the proposals have been raised by the Environment Agency or the NYCC SuDS officer nor has there been a comment from United Utilities that they have concerns over the capacity of the local network to cope with the foul drainage from the development. Accordingly, subject to the recommended planning conditions, in particular prior approval of a detailed design and associated management/maintenance plan for surface water drainage, it is considered that the proposals are acceptable in terms of drainage and flood risk providing the scheme approved under reference 62/2014/14929. This would be addressed by a Section 106 agreement.

Summary:

- 9.45 This hybrid application raises competing issues that must be considered in the balance. The principal benefits would be the contribution to the Council's five year housing land supply position, which would be strengthened, and the policy imperative of boosting significantly the supply of housing. In relation to housing land supply the proposal for 65 dwellings with a further area proposed in outline which could be expected to provide a similar number of dwellings. However the proposal does not provide any affordable dwellings and on this issue it is recommended that the application be refused.
- 9.46 However, those benefits have to be balanced against the adverse impacts, which in particular comprises the development of a green field site which is outside development limits (albeit the relevant policies are not entirely consistent with the NPPF) and which lies adjacent to heritage assets which would inevitably be impacted upon to some degree (albeit the harm is less than substantial). There are also some issues relating to the wider landscape impacts of the proposed development.
- 9.47 Paragraph 14 of the NPPF advises that LPA's should be *'approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out of date, granting permission unless:*
- a) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
  - b) specific policies in this Framework indicate development should be restricted.'*
- 9.48 In this case the proposal does not fully accord with the development plan. However, it is considered that the relevant Saved Local Plan policies (in particular ENV1 and ENV2) conflict in some instances with the NPPF (as supplemented by the nPPG) and limited weight can therefore be attached to some aspects of them. In particular the Development Limit boundaries identified by Saved Policy ENV1, which indicate that this site is within an open countryside location, are wholly out of date. This is therefore considered to be a circumstance where the relevant development plan policies (taken as a whole) are out of date and the NPPF advises in such circumstances that a) or b) as set out above should be followed. However, Officer's assessment in this case is that the local policies are not wholly consistent with the approach taken in the NPPF and only very limited weight should be attributed to those policies

- 9.49 In cases where there are restrictive policies in play (in particular those relating to heritage) the balance needs to be struck under those policies first before the Committee considers the wider question of whether the adverse impacts of granting permission significantly outweigh the benefits so that planning permission should be refused (for the purposes of para 14 NPPF). As set out above Officers consider that the development is acceptable having regard to paras. 132-134 NPPF.
- 9.50 In coming to this view the comments of Historic England have been noted and it is considered that any potential harm would be mitigated against and outweighed by the benefits of allowing development to take place. In terms of the wider landscape it is considered that the site, in conjunction with the flood meadow proposals, would be well screened and it is not considered that any sensitive views would be affected to a significant extent.
- 9.51 In considering whether the adverse impacts of the proposal significantly and demonstrably outweigh the benefits, Officers conclude that this scheme will provide new dwellings but in the absence of the provision affordable dwellings the adverse impact significantly and demonstrably outweigh the benefits and refusal is recommended.
10. Recommendation  
Refusal.  
Reasons for Refusal
1. The proposed development makes no provision for affordable housing and therefore fails to take account of the social dimension of sustainable development. There is an identified need for affordable housing and the adverse impact fails to satisfy paragraph 50 of the National Planning Policy Framework and the harm significantly and demonstrably outweighs any benefits.

**Officer Note.** After this report was drafted the applicant has made an offer of 20% affordable housing. This late change has very limited detail or justification and has not been the subject to any consultations. Members will be updated at the meeting.



**Application Number:** 62/2017/18067

**Proposal:** Hybrid application for a residential development including: full details of the erection of 65 dwellings (C3), public open space, landscaping and access details (Phase 2); together with an outline application for residential development (C3), with public open space and landscaping (outline) with details of access from Skipton Road (b6480) considered (Phase 3). Amended Plans Submission.

**Site Address:** Land South Of Ingfield Lane And East Of Skipton Road  
Settle

**On behalf of:** Skipton Properties Ltd

## REPORT TO PLANNING COMMITTEE ON 23rd October 2017

**Application Number:** 32/2017/18104

**Proposal:** Outline application with some matters reserved for construction of five detached houses (access, appearance, layout and scale under consideration).

**Site Address:** Land At Ling Haw Hill/Brow Top, Cononley Road, Cross Hills.

**On behalf of:** Mr And Mrs B. H. Green

**Date Registered:** 1st June 2017

**Expiry Date:** 27th July 2017

**Case Officer:** Mrs Gemma Kennedy

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The application has been referred to Planning Committee as the proposal has been advertised as a departure from the development plan under Article 13 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, and the application is the resubmission of an application previously taken to Planning Committee.

### 1. Site Description

- 1.1 The application site relates to two agricultural fields on the northern periphery of Glusburn village. Access is gained from Cononley Road to the west, and the site is close to the junction of Park Road/Lothersdale Road with Cononley Road. In the western of the two fields there are residential properties directly to the south, and across Cononley Road to the west. In the eastern field there is a boundary with Glusburn Park, which is located to the south of the site. Adjoining the site to the north east corner is Lingah Farm, which consists of the former farmhouse and barn conversions.
- 2.6 The northern part of the site has a steep topography, with land sloping down towards agricultural land beyond. A public right of way runs along the southern boundary of the site in the direction of Lingah Farm, and then runs in a south easterly direction through to Glusburn Park.
- 2.7 The site lies outside the development limits, and within Green Wedge, as specified in the Saved Craven District 1999 Local Plan. The site is included in the Strategic Housing Land Availability Assessment (SHLAA) (Ref: SC071) that forms part of the new Local Plan preparation process.

### 3. Proposal

- 3.1 Outline planning permission is sought for the construction of 5 detached houses in the western field. The outline application covers access, appearance, layout and scale, with landscaping to be sought at reserved matters stage. A new access road would be provided from Cononley Road, running across the western the field to serve the proposed dwellings.
- 3.2 **Officer Note:** This is a revised re-submission of an outline application for 20 houses, refused in December 2016, which would reduce the number of houses to 5, and locate the development at the eastern side of the site. An Appeal has been made against this refusal to the Planning Inspectorate, and is yet to receive a decision.

### 4. Planning History

- 4.1 5/32/217/A & 300 – Proposals for residential development, refused between 1979 and 1981.
- 4.2 32/2006/6429 – Retention of double stable unit with fenced hardstanding area to the front and associated development including rain water butt, lean-to shelter to rear of stables for storage of straw, and fenced 'pen' area at entrance to field. Approved 11/10/2006.

- 4.3 32/2008/9127 – Retention of a two block stable. Approved 08/12/2008.
- 4.4 32/2016/17153 – Outline application with some matters reserved for construction of four detached houses with access, layout and scale for consideration. Withdrawn 02/09/2016.
- 4.5 32/2017/17327 – Outline application with all matters reserved for the construction of twenty houses with the exception of access, layout and scale. Refused 21/12/2016 for the following reasons;
- 4.6 *“1. The application site is on the edge of the settlement of Glusburn, in a location where it forms an important gateway to the village. The rural character of the site provides an attractive buffer to the edge of Glusburn village, which is subject to a high level of public views from the adjacent Cononley Road, and more distant far reaching views from the north east. It is considered that the proposed development would result in visual harm to the rural character of the area. The proposal therefore conflicts with the environmental dimension of sustainable development as set out in the National Planning Policy Framework, which aims to protect and enhance our natural environment.*
- 4.7 *2. The application site is in a peripheral location, with limited connectivity to services, including public transport, within the villages of Glusburn and Cross Hills. Furthermore, the site is not well connected with Glusburn Primary School due to a lack of footways along Green Lane. The proposal therefore conflicts with the economic and social dimensions of sustainable development as set out in the National Planning Policy Framework which requires development to be located in accessible positions.”*
- 4.8 This decision is subject of a current appeal to the Planning Inspectorate (reference APP/C2708/W/17/3178551)
5. Planning Policy Background
- 5.1 The National Planning Policy Framework (NPPF)
- 5.2 Planning Practice Guidance (NPPG)
- 5.3 Saved Policies BE3, ENV1, ENV2, ENV10, SRC12 and T2 of the Craven District (Outside the Yorkshire Dales National Park) Local Plan.
6. Parish/Town Council Comments
- 6.1 Glusburn and Cross Hills Parish Council: *“The Parish council object strongly to this application. The proposed development has serious access problems from a narrow busy road and would cause issues, there are also no footways. With regard to the development of green fields, development to the village is preferred to the East of the settlement. This site is also part of SC071-1 of the CDC preferred sites in the Craven Plan which the OPC have already made comments. No significant changes have been made. There is also major issues with the footpath via the park and NYCC are involved with this issue.”* Received 30/07/2017.
- 6.2 Cononley Parish Council: *“Objects. Cononley Parish Council is concerned about the knock-on effect the increase in the volume of traffic will have on congestion in Cononley; the impact on road safety for pedestrians and cyclists on Crosshills Road; the village creep which will impact the character of cononley village, making it a suburb.”* Received 16/06/2017.
7. Consultations
- 7.1 CDC Environmental Protection: *“No known contaminated land implications regarding this proposed development.”* Received 14/06/2017.
- 7.2 CDC Tree Officer: *“I have requested a Tree Preservation Order to protect some of the trees around the site. I have no objections to this application in principle as long as a few concerns are addressed and possibly some slight amendments may need to be made in the interest of the health of the trees on site. One Hawthorn is proposed to be removed to obtain an access road. This isn't a particularly prominent tree and I have no objections to this. A garage is proposed near 'G9' ('G1' on the requested TPO) and also 'T5' on the arboricultural report ('T3' on the requested TPO). Either the plans should be amended so that the garage is outside the root protection area (RPA) or an arboricultural impact assessment should be submitted which addresses this as I have some concerns about the foundations in the RPA. Protective fencing should be constructed before any work takes place. The application proposes to plant 3 Field maples to the north and 1 Silver Birch in*

*a front garden which will help to screen the development when looking across the open countryside from Cononley. It also proposes 3 Birch at the site entrance. I would like to see some more trees planted along the boundary which adjoins the park such as Sorbus species as these will soften the development from the park. I also think that another tree should be planted along the eastern boundary such as Maple or birch to help soften the development when looking across from Kildwick/Farnhill. A length of hedgerow would also be ecologically and visually beneficial along the access road into the site if possible.” Received 17/07/2017*

- 7.3 NYCC Highways Authority: *“In assessing the submitted proposals and reaching its recommendation the Local Highway Authority has taken into account the following matters: The design standard for the site is MfS and the required visibility splay is 60 metres by 2 metres northerly and 35 metres by 2 metres southerly. The available visibility is as above. Consequently the Local Highway Authority recommends that conditions are attached to any grant of permission.” Received 27/06/2017.*
- 7.4 NYCC Public Rights of Way: Recommend an informative protecting the public right of way, and that it be diverted. Received 31/07/2017.
- 7.5 Yorkshire Water Services: In a response received on 3<sup>rd</sup> July 2017, Yorkshire Water objected to the proposed due to the presence of a public water supply running through the site. Yorkshire Water have now been reconsulted on an amended plan, which more clearly shows the route of the existing public water supply along with a proposed diverted route. Yorkshire Water Services have provided a second response, dated 7<sup>th</sup> August 2017, in which they note the revised site layout shows the proposed diversion of the water supply pipe, now recommending a condition be imposed on any grant of planning permission. Yorkshire Water Services also state that the developer must agree a legal deed of easement with YW prior to the diversion of the water main to ensure unobstructed access is maintained. Yorkshire Water Services also consider that the submitted application does not provide evidence to demonstrate that surface water disposal via infiltration or watercourse are not reasonably practical before considering disposal to public sewer. However, they are satisfied that these matters can be controlled by a planning condition.

## 8. Representations

- 8.1 11 letters of representation have been received from 10 individual properties. In addition representations have been received from the Ramblers Association and the CPRE. The following is a summary of objections raised;
- Inadequate public transport provisions
  - Increase in traffic. Cononley village will be used as a rat run.
  - Open Railway Station at Cross Hills before building new houses.
  - Traffic speeds on Cononley Road.
  - Traffic/highways. Fast and congested roads. Traffic calming measures are needed. Access is too dangerous as it leads onto a blind junction at the top of Cononley Brow.
  - No safe access to Park Road – no pavements.
  - Station Road is now at standstill for major parts of the day – this will increase with 12 or more new cars.
  - Increase of pollution
  - Conflict with local plan. Identifies 60% local need is for 1 and 2 bedroom properties. This development is entirely 4 bedroom in size.
  - General dislike of proposal
  - Over development
  - Inadequate access. Would be dangerous turning onto Cononley Road as the brow is blind.
  - Increase danger of flooding
  - Close to adjoining properties

- Privacy and daylight may be affected (4 Highgate)
- Site layout does not provide privacy for our property (Brow Head).
- Out of keeping with character of area. Will change the visual amenity of the area.
- This is only a start of building houses in the field.
- Families will not want to use the park anymore because of Park Road and the safety of Children.
- We would like to be sent a copy of the EIA for this field to show that there are no issues with biodiversity/landscape character/green infrastructure – we have asked for this several times and have never been given a copy.
- Strain on existing community facilities. Concern over how services will be able to cope with increased demand for schooling, health care and transport implications.
- Would affect local ecology. It is a greenfield site and removes ecologically important land.
- Site is known to have drainage issues and there are a number of natural springs. Driveways and roads will exacerbate this problem. Current drainage cannot handle volume of water.
- Over development. Brings Cross Hills closer to Cononley and is encroaching on the Green Belt.
- Housing quota already met through neighbouring approval applications (e.g. Cononley Mill)
- Will detract from views of the site; close by, from Glusburn Park and across the valley.
- Applicant refers to two houses being built on the old farmyard at top of Baxter wood – hardly comparable with building on a green field.
- Traffic build up/pollution – an increase would have serious health risks.
- New houses would benefit from views, a feature on which we bought our house in the first place.
- Yorkshire Water and Highways have confirmed the drains on Park Road are already over capacity.

A letter of representation has been received from the **Ramblers Association** raising the following points;

- Application does not indicate directly what routes are proposed for the diverted right of way.
- Visual impact statement does not refer to correct position of the RoW
- We note the possible cut through of the route from the main estate road at plot 4 and would welcome it (cut through to the park)
- Confined nature of proposed routes would make them seem unfriendly, and difficult to maintain with vegetation encroachment. Route should be wide enough for all users – increase to 3 metres.
- RoW 5.22/10 will need to be diverted as soon as possible.
- Would ask whether this area needs a further 5 x 4+ bedroom houses.

In response to reconsultation on amended plans the Ramblers Association have commented as follows;

- No notice has been taken of our comments regarding the proposed diversion of the existing rights of way.
- We must object to the application until such time as we are satisfied regarding the rights of way.
- We note the plan states that green areas will be 'private grassed areas' does this mean that the residents will not be able to have gardens or is it just a sop to show how green the area will be.

A letter of representation has been received from **The Campaign to Protect Rural England, North Yorkshire (CPRENY)**;

*“Objected to previous applications on the grounds that development on such a prominent hill top field was inappropriate and would compromise the agricultural and rural setting of the area. We also had serious concerns regarding highway safety, for both pedestrians and motorists, as the road is busy and the junctions are blind. Although the current application has moved the position of the houses we are still of the opinion that any development would be seen from many vantage points around the Aire valley and that concerns on other issues still existing. Therefore we suggest that the application should be rejected. If it deemed that approval should be given we would suggest that the scheme is treated in the same way as the nearby 17947, redundant reservoir on Crosshills Road. In that case an access road was allowed but it has to be constructed from gravel so that there would be minimal impact on the rural and agricultural setting.”*

9. Summary of Principal Planning Issues

- 9.1 Principle of development
- 9.2 Layout, scale and landscape impact
- 9.3 Neighbouring privacy and amenity
- 9.4 Highway matters
- 9.5 Public rights of way
- 9.6 Drainage

10. Analysis

10.1 **Policy background;**

10.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states *“regard is to be had to the development plan for the purposes 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.”*

10.3 The development plan for the area comprises the Craven District (Outside the Yorkshire Dales National Park) Local Plan 1999.

10.4 The local plan policies most relevant to this application and have been “saved” are Policy BE3 ‘Green Wedges,’ Policy ENV1 ‘Development in the open countryside’; Policy ENV2 ‘Requirements for development in the countryside’, Policy ENV10 ‘Protection of Trees and Woodlands’, Policy SRC12 ‘Protection of public rights of way’ and T2 ‘Road Hierarchy.’ However, paragraph 215 of the National Planning Policy Framework states that policies not adopted in accordance with the 2004 Planning and Compulsory Purchase Act need to be considered in terms of their degree of consistency with the National Planning Policy Framework (NPPF) “the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given”.

10.5 The extent to which the aforementioned Local Plan policies remain up-to-date and of relevance to the decision making process is considered in this report. The NPPF at paragraph 14 advises that LPA’s should be *‘approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out of date, granting permission unless:*

*a) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*

*b) specific policies in this Framework indicate development should be restricted.’*

10.6 The main thrust of the NPPF is an overarching presumption in favour of sustainable development; i.e. the general acceptability of the proposals against the stated *“three dimensions to sustainable development: economic, social and environmental”* (referred to in the NPPF as the roles the planning system should perform - paragraph 7). This guidance reaffirms that it is the Government’s clear expectation that local planning authorities should deal promptly and favourably with applications that comply with up to date plans and that where plans are out of date, there will be a strong presumption in favour of sustainable development that accords with national planning policies.



- 10.7 Recently the Council's Planning Policy Team published the May 2017 'Five Year Housing Land Supply Report and Trajectory', which is of relevance with respect to making decisions on planning applications for new housing development.
- 10.8 The report sets out the latest position with respect to the Council's five year land supply calculations. It indicates that the Council can currently demonstrate a 5 year land supply at this stage. However, the report and the assessment methodology for the housing requirement that is used has not yet been subjected to full independent examination and may be subject to challenge.
- 10.9 In Officer's opinion, the stated existence of the Five Year Housing Land Supply is not a reason by itself to justify refusal of a planning application. It is however a material consideration in the planning judgement that can be given weight in the decision making process. In effect it is one of the many planning issues that should be taken into account when determining a planning application.
- 10.10 **Principle of Development;**
- 10.11 The application site is considered in the pre-publication draft Local Plan as part of the 'Residential Site Selection Process' undertaken in June 2017. Under Stage 1 (settlement level analysis) of the process, the 'Sustainability Appraisal', the site is considered to perform satisfactorily with the site considered to be accessible, well connected and enabling residents to live in suitable and affordable housing. The site is therefore a candidate for the Preferred Sites list for Cross Hills and Glusburn. Under Stage 2 (District Level Analysis) of the process the site passes all four of the District Level Analyses (factors such as affordable housing, designated landscape and environmental features). However, the consultation on this site concludes that after a comparison with other Pool of Site options in Cross Hills and Glusburn, the site is not considered suitable as one of the Preferred Sites in this settlement. Although the site is a positive piece of land for development there are other more preferable brownfield sites within Cross Hills and Glusburn.
- 10.12 Therefore if the draft local plan is adopted in its current form, the application site would not be allocated as a site for housing development, largely because its allocation would lead to a surplus of housing in the village based on the calculations within the draft local plan. However, applications for housing on unallocated sites following the adoption of the draft Local Plan could still be deemed acceptable subject to according with Draft Policy SD1 'The Presumption in favour of sustainable development' and Draft Policy SP4 'Spatial Strategy and Housing Growth.'
- 10.13 The Draft Local Plan however can only be given very limited weight in the decision making process. Whilst the recent consultation period on the pre-publication draft local plan has been closed, and a final version is being worked upon following the analysis of responses and further improvements, that final version will be subject to Public Examination before it can be adopted.
- 10.14 As such, at present there is no new development plan, and proposals must be considered against the NPPF and the Saved Local Plan, as detailed under section 9.1 of this report.
- 10.15 Development limit boundaries that were defined by Policy ENV1 of the 1999 Local Plan are now out of date and should not be given any weight in the decision making process. In the recent past the Council has both approved and refused applications for residential development in locations that are outside of the development limit boundaries that were defined by Policy ENV1. In Officers opinion this situation remains unchanged. Every application will still need to be assessed on its merits and its suitability for residential development considered. The Council's Five Year Housing Land Supply position will be a relevant consideration in that decision. However, as stated earlier, Officers would not expect that a refusal of permission could be sustained solely on the grounds that development is not required due to the May 2017 Five Year Housing Land Supply report.
- 10.16 Paragraph 55 of the NPPF sets out that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Local Planning Authorities should avoid new isolated homes in the countryside unless there are special circumstances. The proposed dwellings would be located on the edge of the settlement adjacent to existing dwellings, and the site is not considered to be isolated. In refusing the previous application on the site for 20 houses, Planning Committee Members considered the site to be in a peripheral location that was inadequately connected to services, including public transport. Furthermore Members considered that the lack of footways along Green Lane prevented the site from being well connected with Glusburn Primary School.

- 10.17 Whilst it is acknowledged that the site is on the edge of the village, it is officer's opinion that the application site is in an accessible and sustainable location. The site is adjacent to existing residential development, and is within walking distance of the services on offer in Glusburn and Cross Hills, which includes schools, shops, health care services, restaurants/cafes and bus services. The submitted plans show that in forming visibility splays along Cononley Road, whereby the existing dry stone wall would be set back from the highway, a pavement would be created which would link to an existing pavement adjacent to dwelling 'Brow House.' It is also proposed to reopen a public right of way into Glusburn Park, by rerouting the lawful right of way, which would provide a further pedestrian access route. Furthermore the application has been submitted with an 'accessibility plan' which identifies the paved routes, and those which combine public rights of way and paved routes, between the site and two primary schools (Glusburn and Sutton in Craven) and South Craven School (secondary school), along with the distances involved. For example Glusburn Primary School is 650m from the site via a public right of way route, and 1040m via a fully paved route. The accessibility plan also identifies the nearby bus stops.
- 10.18 It is therefore considered that the principle of residential development in this location is acceptable.
- 10.19 **Layout, scale and landscape impact;**
- 10.20 The application is for outline planning permission, with the layout, scale and appearance being matters for consideration, with landscaping a reserved matter.
- 10.21 The site lies within a large area of 'green wedge' which extends from the site to the north and east in the direction of Kildwick. Saved Local Plan Policy BE3 states that *"within the green wedges development will be resisted where it would compromise the gap between settlements. The council will seek to consolidate, strengthen and enhance the appearance and, where appropriate, the recreational value of these areas."* Whilst the development would be within the green wedge, it would cover only a very small area, and would in no way compromise the gap between the settlements. It is therefore considered that the proposal does not conflict with the aims and objectives of Saved Local Plan Policy BE3.
- 10.22 The Landscape Character Appraisal 2002 identifies this site as 'Pasture with Wooded Gills and Woodland' within the landscape character type 'Semi-enclosed Intermediate Landscape.' The appraisal states that with a setting confined mainly to valley sides, these landscapes are highly visible from large areas of the surrounding landscape.
- 10.23 The field at the western end of the site is particularly visible from the north east, with long distance views achieved when travelling along the A629 in the valley bottom between Skipton and Cross Hills. The site is in an elevated position above the valley bottom, and incorporates a brow, with the sloping valley side plateauing within the site itself. This part of the site would incorporate the highway access, with both the road and vehicles travelling along it being subject to views from Cononley Road and public rights of way as they approach the site. It is considered that this part of the development would result in a negligible landscape impact in terms of long distance views.
- 10.24 The residential development would take place in the eastern field, which is set on a lower level than the western field, yet is still an elevated position on the edge of the settlement. The application has been submitted with photomontages to indicate the appearance of the dwellings as they would appear from surrounding viewpoints. The photomontages indicate that the proposed dwellings would be raised above the development at Lingah Farm, yet set below the properties on Highgate and Cononley Road to the southwest and west of the site. The proposed dwellings are considered to be of a good standard of design and materials (natural stone and artificial stone roof slates), and their scale and proportions would reflect those of neighbouring residential properties. The density of development proposed is greater than adjacent residential development; the houses would be closer to one another and have smaller gardens than their neighbouring counterparts. However, there are no minimum or maximum density requirements set out in the NPPF, and it is each property would have outdoor garden and parking space that is considered to be commensurate with the dwelling size.
- 10.25 In refusing the previous application for outline planning permission, Members considered the site to provide an attractive buffer to the edge of Glusburn village, and an important gateway to the village, and that the proposed development would result in visual harm to the rural character of the area in

views from Cononley Road, and more distant views from the north east. By setting the residential development in the eastern field, which is on a lower level, and is set back from Cononley Road, it would sit more readily into the landscape, set against the backdrop of existing residential development. It is officer's opinion that the amended scheme overcomes the previous refusal of planning permission in terms of landscape impacts.

10.26 **Neighbouring privacy and amenity;**

10.27 The NPPF, at paragraph 17, sets out that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.

10.28 At the western end of the site, where the proposed access road would run, there are 3 adjoining properties in close proximity; Brow Head, No. 3 and No. 4 Highgate. The proposed development would result in some changes in outlook to this property, as they would overlook a highway rather than a field. However, serving 5 houses, the access road would not result in a significant level of vehicular movements, and therefore it is not considered the road would have an unacceptable impact on neighbouring amenity.

10.29 The eastern boundary of No. 4 Highgate would border the dwelling proposed at Plot. 1. The east facing elevation of this property has large windows, and a conservatory, and currently enjoys a view over its own garden and the application site beyond. The proposed dwelling at plot 1 would be between 17.6m and 19m from the east elevation of No. 4 Highgate. The proposed development would inevitably result in the loss of a view over the application site from No. 4 Highgate. However, there is no right to a view, and the consideration of outlook is a more relevant consideration. It is considered that the proposal would result in a reduction in outlook from No. 4 Highgate, however the property will continue to maintain outlook over their own garden, and so it is considered that any loss of outlook would not result in unacceptable harm to their amenity. In terms of neighbouring privacy the west elevation of the proposed dwelling would have no windows, and so No. 4 Highgate would not be overlooked.

10.30 At the eastern end of the site there is development at Lingah Farm, with properties Dairy Cottage and Lingah Farm close to the boundary, and planning permission for two new houses (one of which is currently under construction) has been implemented adjacent to these. Due to changes in land levels between the properties at Lingah and the application site, the proposed dwellings would be elevated above the neighbouring houses. The layout of the site takes account of these neighbouring properties, retaining a distance of 16.8m between Lingah Farm and plot 5, and 24m between the new dwellings at Lingah Farm and plot 5. Whilst it is accepted that the proposed development may have some impact in terms of daylight and sunlight on the occupants of the neighbouring properties at Lingah Farm, it is not envisaged that the impact would be unacceptable, given the space separation between the properties.

10.31 **Highway matters;**

10.32 A new access to the site is proposed south of the existing gated opening to the field. A new boundary stone wall would be provided, set back approximately 2.5 metres, to provide visibility in both directions. In a southerly direction this would allow a pavement to be formed alongside the boundary wall, linking up to the existing pavement adjacent to Brow Head, and providing safe accessibility to the site for pedestrians. NYCC Highways Authority has been consulted on the application, and consider the proposed visibility to be acceptable on highway safety grounds.

10.33 Neighbouring and Parish Council representations have raised concerns relating to highway safety, and the increase in traffic used local roads as a result of the development. Whilst the proposal would result in an intensified use of the site, given that the development can be provided within NYCC Highway Authorities guidelines there can be no objection to the application on highway safety grounds, as the proposal accords with Saved Local Plan Policy R2 and the NPPF.

10.34 **Public rights of way;**

10.35 Saved Local Plan Policy SRC12 requires that where existing public rights of way cross a proposed development site they will be incorporated into the scheme in a sensitive manner which ensures their attractiveness to users. In cases where disruption to existing rights of way is unavoidable, the

Council will require alternative public access routes to be provided as an integral element of the development.

- 10.36 A public right of way runs along the southern boundary of the site in the direction of Lingah Farm, and then runs in a south easterly direction through to Glusburn Park. There should be three access points from the field related to the public right of way, however these have all been blocked. The public rights of way however still remain, and the fact that they have been blocked does not mean they have been lost. Discussions have taken place with NYCC Public Rights of Way Office, and a resolution has been made with regards to the potential rerouting of the public right of way which will need to be dealt with separately as a formal diversion. It is proposed that the public right of way would run along the new estate road and turn south to access through to Glusburn Park. Rather than re-open the existing access to Glusburn Park, which has been blocked and would involve work to land levels, it is proposed that the route enter the park further to the west on level ground. The access through to Lingah Farm would, at the advice of the Public Rights of Way Office be extinguished, the land levels at this point would make it very difficult to achieve access, and there is already a public right of way that links Lingah Farm to Cononley Road which would be unaffected by the application.
- 10.37 The Ramblers Associated commented on the application with regards to the public right of way, including matters such as the width of the footpath leading to the park, that was originally shown to be provided between plot 2 and plot 3. Amended plans have been received seeking to address their concerns, and also to satisfy NYCC public rights of way requirements. Reconsultation was carried out on the amended plans (with neighbours/ramblers, Parish Council, NYCC public rights of way, site notice and press notice) and NYCC public rights of way are satisfied with the proposed amendments and have recommended permission be granted subject to an informative in relation to diverting the public right of way.
- 10.38 **Drainage;**
- 10.39 The application site is not within a flood risk zone, and the Environment Agency has previously advised (in the original application) that the application does not fall within their remit for consultation.
- 10.40 A water main runs through the application site. Yorkshire Water considers that providing the developer agrees a legal deed of easement with Yorkshire Water Prior to the diversion (which can be dealt with by a planning condition) then they raise no objections. Yorkshire Water also commented that they would not wish to see surface water drain to the public sewer, as it has reached capacity, and so a condition requiring surface water disposal via infiltration or a watercourse to be considered (and evidence to be provided) prior to considering disposal to a public sewer is recommended. The submitted plans indicate an area in the rear garden of plot 5 where a sustainable urban drainage system could be provided.
- 10.41 **Ecology;**
- 10.42 Neighbouring residents have raised matters of ecology in their representations, considering the proposed development would affect ecologically important land. There site is not subject to any protection (it is not a Site of Special Scientific Interest, a Special Protection area or a Site of Importance for Nature Conservation), and there are no requirements within the Council's validation guidelines to require an ecological survey for the development proposed on this site.
- 10.43 **Trees;**
- 10.44 Saved Local Plan Policy ENV10 sets out that when considering proposals for development, the Council will seek to safeguard trees protected by a Tree Preservation Order from harm or unjustifiable loss.
- 10.45 Following the case officer's site visit, the Council's tree officer was consulted on the application and a request was made for him to investigate whether a Tree Preservation Order should be imposed on trees within and adjacent to the site. The Tree Officer considered an Order should be made, and on 18<sup>th</sup> July 2017 TPO No. 259 2017 was placed on 4 individual trees, 2 areas of trees and one group of trees. The tree officer also recommended a number of changes were made with regards to the repositioning of garages to move them out of root protection zones, and for the addition of some

further planting along the boundary with Glusburn Park. Amended plans have been received to address the points raised by the Council's tree officer, and it is considered that the proposed development would accord with Saved Local Plan Policy ENV10.

10.46 **Conclusion;**

10.47 Paragraph 14 of the NPPF advises that where the development plan is absent, silent or relevant policies are out of date planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. In this case the proposal will provide housing in the District, and does not conflict with any specific policies in the NPPF.

11. Recommendation

11.1 Approval

Conditions

**Time limit for commencement**

1. No development shall commence until approval of the details of the landscaping (hereinafter called "the reserved matters") has been obtained from the Local Planning Authority in writing.

An application for the approval of the reserved matters shall be made to the Local Planning Authority before the expiration of 3 years from the date of this permission, or before the expiration of 2 years from the date of the approval of the last of the reserved matters to be approved, whichever is the later.

Reason: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.

**Approved plans**

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

- 201 Rev G received by Craven District Council on 18<sup>th</sup> July 2017,
- 203 Rev C received by Craven District Council on 18<sup>th</sup> July 2017,
- 204 received by Craven District Council on 9<sup>th</sup> May 2017,
- 205 received by Craven District Council on 9<sup>th</sup> May 2017,
- 206 received by Craven District Council on 9<sup>th</sup> May 2017,
- 207 received by Craven District Council on 9<sup>th</sup> May 2017,
- 208 received by Craven District Council on 9<sup>th</sup> May 2017,
- 209 Rev C received by Craven District Council on 18<sup>th</sup> July 2017
- Arboricultural Report at Brow Top and Appendix 6: Tree Constraints Plan by JCA Limited received by Craven District Council on 11<sup>th</sup> July 2017.

The development shall be completed in accordance with the approved plans except where conditions attached to this planning permission indicate otherwise or where alternative details have subsequently been approved following an application for a non-material amendment.

Reason: To specify the permission for the avoidance of doubt.

**Before you commence development**

3. No development shall take place until details of the proposed means of disposal of surface water drainage, including details of any balancing works and off-site works, have been submitted to and approved by the Local Planning Authority. If disposal is to public surface water sewer evidence shall be submitted to and approved by the Local Planning Authority that drainage via soakaway and/or watercourse are not practical. Furthermore, unless otherwise approved in writing by the Local Planning Authority, there shall be no piped discharge of surface water from the development prior to completion of the approved surface water drainage works.

Reason: To ensure that no surface water discharges take place until proper provision has been made for its disposal.

4. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works or the depositing of material on the site, until the following drawings and details have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority:
- a. Detailed engineering drawings to a scale of not less than 1:1250 and based upon an accurate survey showing:
    - the proposed highway layout including the highway boundary
    - dimensions of any carriageway, cycleway, footway and verges
    - visibility splays
    - the proposed buildings and site layout, including levels
    - accesses and driveways
    - drainage and sewerage system
    - lining and signing
    - traffic calming measures
    - all types of surfacing (including tactiles), kerbing and edging
  - b. Longitudinal sections to a scale of not less than 1:500 horizontal and not less than 1:50 vertical along the centre line of each proposed road showing:
    - the existing ground level
    - the proposed road channel and centre line levels
    - full details of surface water drainage proposals
  - c. Full highway construction details including:
    - typical highway cross-sections to scale of not less than 1:50 showing a specification for all the types of construction proposed for carriageways, cycleways and footways/footpaths
    - when requested cross sections at regular intervals along the proposed roads showing the existing and proposed ground levels
    - kerb and edging construction details
    - typical drainage construction details
  - d. Details of the method and means of surface water disposal.
  - e. Details of all proposed street lighting.
  - f. Drawings for the proposed new roads and footways/footpaths giving all relevant dimensions for their setting out including reference dimensions to existing features.
  - g. Full working drawings for any structure which affect or form part of the highway network.
  - h. A programme for completing the works. The development shall only be carried out in full compliance with the approved drawings and details unless agreed otherwise in writing by the local Planning Authority in consultation with the Highway Authority.

Informative: In imposing the condition above it is recommended that before a detailed planning submission is made a draft layout is produced for discussion between the applicant, the Local Planning Authority and the Highway Authority in order to avoid abortive work. The agreed drawings must be approved in writing by the Local Planning Authority for the purpose of discharging this condition.

Reason: In accordance with Saved Policy T2 of the Craven District (outside the Yorkshire Dales National Park) Local Plan and to secure an appropriate highway constructed to an adoptable standard in the interests of highway safety and the amenity and convenience of highways users.

5. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the access(es) to the site have been set out and constructed in accordance with the published Specification or the Highway Authority and the following requirements;
- (i) The details of the access shall have been approved in writing by the Local Planning Authority in consultation with the Highway Authority.
  - (ii) The crossing of the highway verge and/or footway shall be constructed in accordance with the approved details and/or Standard Detail number E6.
  - (iii) Any gates or barriers shall be erected a minimum distance of 6 metres back from the carriageway of the existing highway and shall not be able to swing over the existing or proposed highway.
  - (iv) Provision to prevent surface water from the site/plot discharging onto the existing or proposed highway shall be constructed in accordance with the approved details, and/or the specification of the Highway Authority, and maintained thereafter to prevent such discharges.
  - (v) The final surfacing of any private access within 6 metres of the public highway shall not contain any loose material that is capable of being drawn on to the existing or proposed public highway.
  - (vi) Provision of tactile paving in accordance with the current Government guidance. All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.

#### Informative

You are advised that a separate licence will be required from the Highway Authority in order to allow any works in the adopted highway to be carried out. The 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by North Yorkshire County Council, the Highway Authority, is available at the County Council's offices. The local office of the Highway Authority will also be pleased to provide the detailed constructional specification referred to in this condition.

Reason: In accordance with Saved Policy T2 of the Craven District (Outside the Yorkshire Dales National Park) Local Plan and to ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience.

6. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of materials on the site in connection with the construction of the access road or buildings(s) or other works until;
- (i) The details of the following off site required highway improvements works, works listed below have been submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority:
  - (ii) An independent Stage 2 Road Safety Audit for the agreed off site highway works has been carried out in accordance with HD19/03 – Road Safety Audit or any superseding regulations and the recommendations of the Audit have been addressed in the proposed works.
  - (iii) The developer's programme for the completion of the proposed works has been submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority. The required highway improvements shall include:
    - a. Provision of tactile paving
    - b. Provision of visibility splays

Reason: In accordance with Saved Policy T2 of the Craven District (Outside the Yorkshire Dales National Park) Local Plan and to ensure that the details are satisfactory in the interests of the safety and convenience of highway users.

7. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or building(s) or other works hereby permitted until full details of the following have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority:
- tactile paving
  - vehicular, cycle and pedestrian accesses
  - vehicular and cycle parking
  - vehicular turning arrangements
  - manoeuvring arrangements
  - loading and unloading arrangements.

Reason: In accordance with Saved Policy T2 of the Craven District (Outside the Yorkshire Dales National Park) Local Plan and to provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.

8. No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas area available for use, unless otherwise approved in writing by the Local Planning Authority. Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason: In accordance with Saved Policy T2 of the Craven District (Outside the Yorkshire Dales National Park) Local Plan and to provide for appropriate on site vehicle facilities in the interests of highway safety and the general amenity of the development.

#### Informative

The proposals shall cater for all types of vehicles that will use the site. The parking standards are set out in the North Yorkshire County Council publication 'Transport Issues and Development – A Guide' available at [www.northyorks.gov.uk](http://www.northyorks.gov.uk)

9. Before any development takes place barrier fencing shall be erected in compliance with BS 5837 (2012) 'Trees in Relation to Construction – Recommendations' in accordance with details which shall have first been submitted to the Local Planning Authority (based on the findings of 'Arboricultural Report at Brow Top and Appendix 6: Tree Constraints Plan by JCA Limited received by Craven District Council on 11<sup>th</sup> July 2017, and any subsequent tree reports that may be undertaken). Within the fenced area no development, vehicle manoeuvring, storage of materials or plant or removal or addition of soil may take place. The fencing shall not be moved in part or wholly without the written agreement of the Local Planning Authority and shall remain in place until completion of all development works and removal of site vehicles, machinery and materials in connection with the development.

Reason: To prevent damage to trees subject to a Tree Preservation Order.

#### **During building works**

10. Prior to their first use all building facing materials, roofing and finishes, surface material finishes for the access, footpaths, private drives and all other hard surfaces; screen walls, fences and other means of enclosure shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details.

Reason: In the interests of visual amenity and to accord with the NPPF.

11. All new windows and doors shall be set in a minimum external reveal of 100mm.

Reason: To ensure the development is of a good appearance in the interests of visual amenity and to accord with the NPPF.

12. No barge boards, fascia boards or soffit boards shall be used in the carrying out of the development hereby approved.



Reason: To ensure the development is of a good appearance in the interests of visual amenity and to accord with the NPPF.

13. No building or other obstruction including landscape features shall be located over or within 3.0 metres either side of the centre line of the 4" water main i.e. a protected strip width of 6 metres, that crosses the site. If the required stand-off distance is to be achieved via diversion or closure of the pipe, the developer shall submit evidence to the Local Planning Authority that the diversion or closure has been agreed with the relevant statutory undertaker and that prior to construction in the affected area, the approved works have undertaken.

Reason: In order to allow sufficient access for maintenance and repair works at all times.

14. The site shall be development with separate systems of drainage for foul and surface water on and off site.

Reason: In the interest of satisfactory and sustainable drainage.

15. Other than for the purposes of creating the temporary access no vehicles shall be allowed onto the construction site. Once created no vehicles shall access the site except via the approved temporary access as shown on the approved plans.

The access shall be constructed in accordance with details approved in writing by the Local Planning Authority in consultation with the Highway Authority for a minimum distance of 15 metres into the site.

Any damage to the existing adopted highway occurring during use of the access until the completion of all the permanent works shall be repaired immediately. Before the development is first brought into use the highway verge/footway shall be fully reinstated in accordance with the scheme approved in writing by the Local Planning Authority.

Reason: In accordance with Saved Policy T2 of the Craven District (Outside the Yorkshire Dales National Park) Local Plan and in the interests of both vehicle and pedestrian safety and the visual amenity of the area.

#### Informative

These works may include replacing carriageway, kerbs, footways, cycleways and verges to the proper line and level. You are advised that a separate licence will be required from the Highway Authority in order to allow any works in the adopted highway to be carried out. The local office of the Highway Authority will also be pleased to provide the detailed construction specification referred to in this condition.

16. There shall be no access or egress by any vehicles between the highway and the application site until full details of any measures required to prevent surface water from non-highway areas discharging on to the existing or proposed highway together with a programme for their implementation have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The works shall be implemented in accordance with the approved details and programme.

Reason: In accordance with Saved Policy T2 of the Craven District (Outside the Yorkshire Dales National Park) Local Plan and in the interests of highway safety.

17. There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until splays are provided giving clear visibility of 60 metres northerly and 35 metres southerly measured along both channel lines of the major road Cononley Road, Crosshills from a point measured 2 metres down the centre line of the access road. The eye height will be 1.05 metres and the object height shall be 1.05 metres. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason: In accordance with Saved Policy T2 of the Craven District (Outside the Yorkshire Dales National Park) Local Plan and in the interests of road safety.

#### Informative

An explanation of the terms used above is available from the Highway Authority.

18. There shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority in consultation with the Highway Authority. These precautions shall be made available before any excavation or depositing of material in connection with the construction commences on the site and be kept available and in full working order and used until such time as the Local Planning Authority in consultation with the Highway Authority agrees in writing to their withdrawal.

Reason: In accordance with Saved Policy T2 of the Craven District (Outside the Yorkshire Dales National Park) Local Plan and to ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.

19. During construction works there shall be no:
- Light Goods Vehicles exceeding 3.5 tonnes
  - Medium Goods Vehicles up to 7.5 tonnes
  - Heavy Goods Vehicles exceeding 7.5 tonnes permitted to arrive, depart, be loaded or unloaded on Sunday or a Bank Holiday nor at any time, except between the hours of 07.30 to 17:00 on Mondays to Fridays and 07:30 to 13:00 on Saturdays.

Reason: In accordance with Saved Policy T2 of the Craven District (Outside the Yorkshire Dales National Park) Local Plan and to avoid conflict with vulnerable road users.

#### Informatives

There is a 4" water main located within the site boundary and diversion works must be completed prior to any works on the affected area of site commencing, and the developer must agree a legal deed of easement with Yorkshire Water prior to the diversion of the water main, to ensure unobstructed access is maintained. For further information regarding a diversion the developer should contact [Tech\\_Support.Engineer\\_West@yorkshirewater.co.uk](mailto:Tech_Support.Engineer_West@yorkshirewater.co.uk)

#### **Before the development is occupied**

20. No dwelling to which this planning permission relates shall be occupied until the carriageway and any footway/footpath from which it gains access is constructed to basecourse macadam level and/or block paved and kerbed and connected to the existing highway network with street lighting installed and in operation.

The completion of all road works, including any phasing, shall be in accordance with a programme approved in writing with the Local Planning Authority in consultation with the highway Authority before the first dwelling of the development is completed.

Reason: In accordance with Saved Policy T2 of the Craven District (outside the Yorkshire Dales National Park) Local Plan and to ensure safe and appropriate access and egress to the dwellings, in the interests of highway safety and the convenience of prospective residents.

21. There shall be no access or egress by any vehicles between the highway and the proposed highway (estate road) and the proposed vehicular access (except for the purposes of constructing the initial site access) until visibility splays providing clear visibility of 2 metres x 2 metres measured down each side of the access and the back edge of the footway of the major road have been provided. The eye height will be 1.05 metres and the object height shall be 0.6 metres. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason: In accordance with Saved Policy T2 of the Craven District (Outside the Yorkshire Dales National Park) Local Plan and in the interests of road safety to provide drivers of vehicles using the access and other users of the public highway with adequate inter-visibility commensurate with the traffic flows and road conditions.

#### Informative

An explanation of the terms used above available from the Highway Authority.

### **Ongoing conditions**

22. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 or any Order revoking or re-enacting that Order) no development consisting of the enlargement, improvement or other alteration of the dwellinghouse nor the erection of any garages or ancillary buildings, nor the erection of boundary walls or fences, shall be carried out without the prior written permission of the Local Planning Authority.

Reason: To ensure that any future development does not have an un-neighbourly and detrimental impact on the occupiers of nearby property, and to ensure development does not have an unacceptable visual impact on the character of the local area and wider landscape, and to accord with the NPPF.

23. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015 or any subsequent Order, the garage(s) shall not be converted into domestic accommodation without the granting of an appropriate planning permission.

Reason: In accordance with Saved Policy T2 of the Craven District (Outside the Yorkshire Dales National Park) Local Plan and to ensure the retention of adequate and satisfactory provision of off-street accommodation for vehicles generated by occupiers of the dwelling and visitors to it, in the interest of safety and the general amenity of the development.

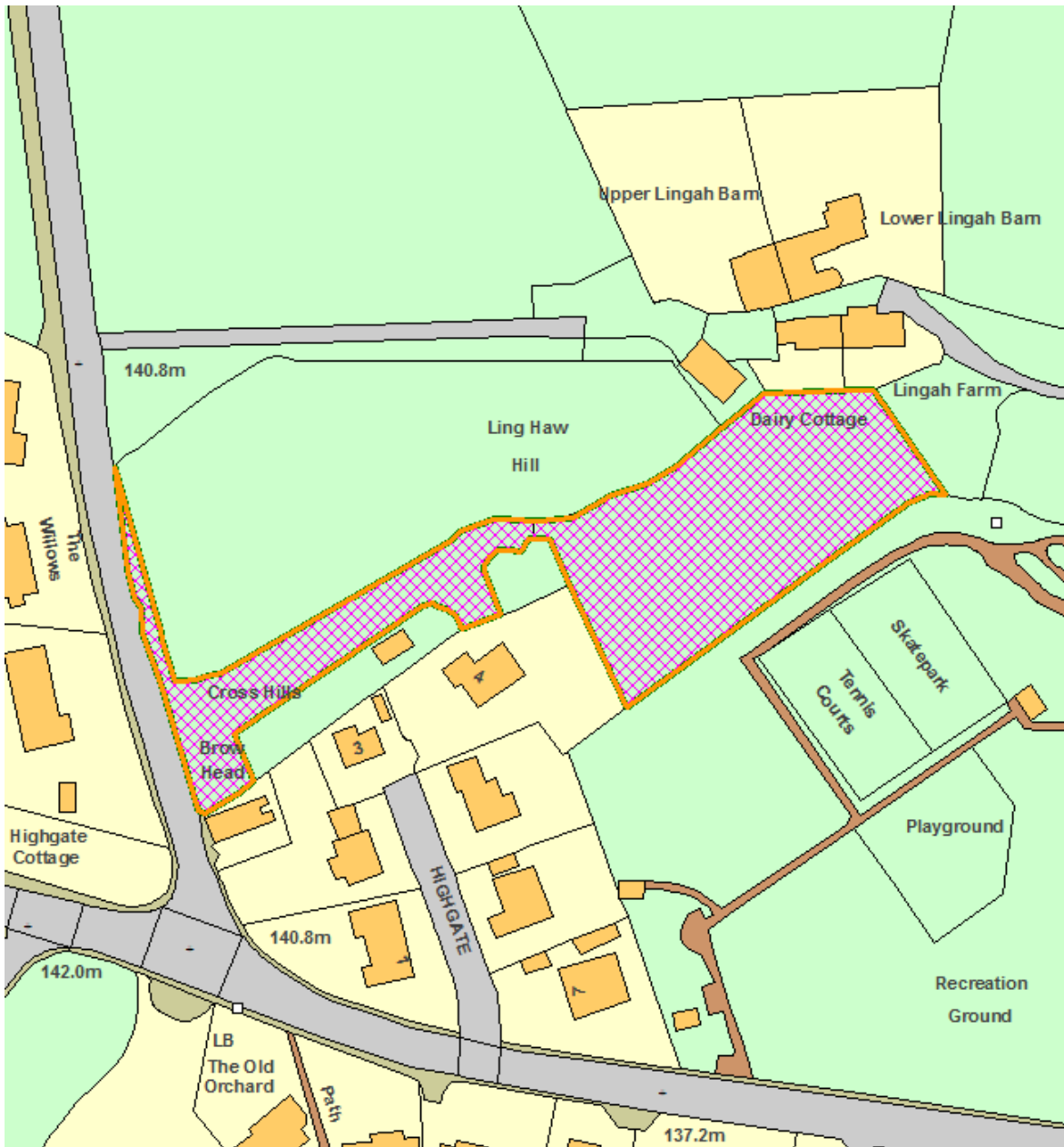
### **Informatives**

1. The existing Public Right(s) of Way on the site must be protected and kept clear of any obstruction until such time as any alternative route has been provided and confirmed under an Order made under the Town and Country Planning Act 1990. Applicants are advised to contact the County Council's Access and Public Rights of Way team at County Hall, Northallerton via [paths@northyorks.gov.uk](mailto:paths@northyorks.gov.uk) to obtain up-to-date information regarding the line of the route of the way. The applicant should discuss with the Highway Authority any proposals for altering the route.
2. During construction/demolition, there is a potential for noise nuisance to nearby residential properties. To safeguard the living conditions of nearby residents particularly with regard to the effects of noise the operating times for construction should be limited to:
  - 0730 to 1800 Monday to Friday
  - 0800 to 1300 Saturday
  - No Sunday or Bank Holiday working

### **Statement of Positive Engagement:** -

In dealing with this application Craven District Council has sought to approach the decision making process in a positive way, in accordance with the requirements of paragraphs 186 and 187 of the NPPF. In particular the Council has: -

- engaged in pre-application discussions
- requested amended design approaches / information to address the planning issues which have arisen in relation to dealing with this application.
- accepted additional information / changes to the scheme post validation
- advised the applicant / agent with respect to the reasons why the application cannot be supported in its current form and provided advice with respect to a resubmission.



**Application Number:** 32/2017/18104

**Proposal:** Outline application with some matters reserved for construction of five detached houses (access, appearance, layout and scale under consideration).

**Site Address:** Land At Ling Haw Hill/Brow Top Cononley Road Cross Hills

**On behalf of:** Mr And Mrs B. H. Green

## REPORT TO PLANNING COMMITTEE ON 23rd October 2017

<b>Application Number:</b>	2017/18332/FUL
<b>Proposal:</b>	Erection of a bungalow to provide suitable accommodation for a disabled child
<b>Site Address:</b>	Land Adjacent To Stockbridge Laithe Colne And Broughton Road Thornton In Craven Skipton
<b>On behalf of:</b>	Mr Mark Bradshaw
<b>Date Registered:</b>	10th July 2017
<b>Expiry Date:</b>	4th September 2017
<b>Case Officer:</b>	Mr Matthew Taylor

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The application has been referred to the Planning Committee as it represents a departure from the provisions of the Craven District (Outside the Yorkshire Dales National Park) Local Plan and the officer recommendation is for approval.

### **1. Site Description**

- 1.1 The application relates to the site of Stockbridge Laithe, Thornton-in-Craven. Stockbridge Laithe is a detached, two storey dwellinghouse which was formed as a result of a barn conversion permitted under application reference 69/2002/2488. The site falls outside the Development Limits identified on the Craven District (Outside the Yorkshire Dales National Park) Local Plan Proposals Map and is therefore in open countryside.
- 1.1 The land in question comprises a broadly square-shaped parcel measuring approximately 0.1 hectares in area to the south of the existing dwelling and adjacent to a private access drive running into the site. A rectangular, single storey stable finished in stone and a slate roof is located to the southeast of the site and a portal-framed agricultural building lies to the east of the stables.
- 1.2 Ground level falls steeply across open land to the south of Stockbridge Laithe, resulting in the site being set at a significantly lower level in relation to the existing dwelling. Outside the site, the surrounding landscape is characterised by open, undulating agricultural land, though a dense woodland on a rising hillside provides a substantial buffer to the south.
- 1.3 Stockbridge Laithe is accessed via a private, single-lane access drive (Stockbridge Lane) branching in a northerly direction off the A56 (Colne and Broughton Road). The village of Thornton-in-Craven is located approximately 0.9km from the site. The closest neighbouring dwelling at Langber Farm is located approximately 500m to the northeast. A public right of way (footpath 05.32/10/1) is located on lower lying land approximately 198m to the southwest.

### **2 Proposal**

- 2.1 The application seeks full planning permission for the erection of a detached bungalow on lower lying land to the south of Stockbridge Laithe. The bungalow would be positioned on a level threshold towards the bottom of the slope approximately 12m northwest of the existing stable building. The bungalow is of a bespoke design to provide dedicated ground floor accommodation for a disabled child (the applicant's daughter) and their carer.
- 2.2 The bungalow would follow a rectangular footprint measuring 16.4m in length and 11.7m in width, and would have a hipped roof reaching 2.8m to the eaves and 5.7m to the ridge. The external walls of the building would be finished in stone, with a slate covering to the roof. Windows would be set in stone

architraves and would have timber frames. A hardstanding forecourt to the front (south) of the bungalow would provide two car parking spaces and a vehicle manoeuvring area. Planting borders would be provided to the east and west sides of the building and a 1.3m high retaining wall would form the northern boundary with adjacent, elevated land outside the site.

- 2.3 For the avoidance of doubt, the application is being considered in accordance with amended plans submitted on 31<sup>st</sup> August and 5<sup>th</sup> September 2017.

### **3 Planning History**

- 3.1 69/2002/2488 – Change of use of existing barn to dwelling including structural works, minor extensions, creation of residential curtilage, ancillary works – Approved November 2002.
- 3.2 69/2004/3994 – Form new stables, tack room and water treatment house – Approved April 2004.

### **4 Planning Policy**

- 4.1 Paragraph 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that development proposals are determined in accordance with the development plan unless material considerations indicate otherwise. The statutory development plan for Craven comprises the saved policies of the Craven District (Outside the Yorkshire Dales National Park) Local Plan 1999 (the ‘CDLP’).

#### **4.2 National Policy:**

National Planning Policy Framework (NPPF)  
Planning Practice Guidance (PPG)

#### **4.3 CDLP:**

ENV1 – Development in the Open Countryside  
ENV2 – Requirements for Development in Open Countryside  
T2 – Road Hierarchy

### **5 Parish/Town Council Comments**

- 5.1 *Thornton-in-Craven Parish Council* – Comments as follows:
- “Thornton in Craven Parish Council has no objections and supports this application which will make a great difference to the care of one particular resident.”

### **6 Consultations**

- 6.1 *Environmental Health Officer (EHO)* – Advised they have no comments to make.
- 6.2 *NYCC Highways* – No Local Highway Authority objections to the development.

### **7 Representations**

- 7.1 The appropriate neighbouring properties were notified of the application by letter. In addition, as the proposal represents a departure from the provisions of the CDLP notices were also posted on site and in the local press. Neighbouring occupiers were also re-notified on 6<sup>th</sup> September following the receipt of amended plans and given a further 21 days to comment on the proposal.
- 7.2 No representations have been received.

### **8 Main Issues**

- 8.1 Paragraph 14 of the NPPF sets out the presumption in favour of sustainable development which should be seen as the “golden thread” to guide decision making. The NPPF makes clear that, for decision taking, this means:
- approving development proposals that accord with the development plan without delay; and
  - where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
    - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or

- specific policies in the Framework indicate development should be restricted.
- 8.2 Having regard to the relevant national and local planning policies, the site's designation within the CDLP and the nature of the development applied for, it is considered that the main issues in this case are:
1. The principle of residential development on the site, having particular regard to whether the policy presumption against new housing in the open countryside is outweighed by the accommodation needs of the applicant and his family, especially those of his daughter.
  2. The development's effects on the character and appearance of the area.

## 9 **Analysis**

### Principle of development:

- 9.1 The site falls outside the development limits defined on the CDLP Proposals Map and, accordingly, is within the open countryside. CDLP policy ENV1 indicates that the Council will protect the character and quality of the open countryside and prevent this from being spoilt by sporadic development. The policy states that appropriate small scale development which has a rural character will only be permitted in the Open Countryside where it:
- Clearly benefits the rural economy;
  - Helps to maintain or enhance landscape character;
  - Is essential for the efficient operation of agriculture or forestry; or
  - Is essential to the needs of the rural community.
- 9.2 Paragraph 215 of the NPPF states that decision takers may give weight to relevant policies in adopted development plan documents according to their degree of consistency with the Framework. As the CDLP was adopted in 1999, in instances where conflicts between the Local Plan and the NPPF arise, paragraph 215 of the NPPF makes clear that the policies in the Framework must take precedence.
- 9.3 The overarching objective of CDLP policy ENV1 is to protect the character and quality of the countryside by preventing sporadic, unrestricted development within it. This objective is broadly in accordance with the fifth core land-use planning principle in paragraph 17 of the Framework which requires that the intrinsic character and beauty of the countryside is recognised.
- 9.4 However, the NPPF also makes allowances for other types of development in rural areas which do not fall strictly within the categories identified in policy ENV1. In particular, paragraph 55 of the NPPF recognises that, depending on its location, housing is capable of contributing to the vitality of rural communities by supporting services within neighbouring settlements. With respect to the location of housing in rural areas, the main aim of paragraph 55 is to avoid "new isolated homes in the countryside unless there are special circumstances".
- 9.5 The proposed development does not fall within any of the categories set out in CDLP policy ENV1 and, accordingly, represents a departure from the Local Plan. In addition, given the site's separation of *circa* 0.9km with the nearest settlement of Thornton-in-Craven and its remote location within the open countryside, it would also result in a "sporadic" form of development for the purposes of CDLP policy ENV1 and a new isolated home in the countryside as set out in paragraph 55 of the NPPF.
- 9.6 Paragraph 2 of the NPPF states that "planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise."
- 9.7 In this case, the applicant has indicated that the proposed bungalow is required to provide purpose built, wheelchair accessible living accommodation for his 14 year old disabled daughter and her carer. The application is supported by a letter from the applicant's daughter's physiotherapist which outlines the details of her profound disability and an up-to-date assessment of her needs. The supporting letter from the physiotherapist states that:
- "[The applicant's daughter] has been known to our service since she had meningitis as an infant resulting in Cerebral Palsy. This affects all four limbs and her trunk. [The applicant's daughter] uses

an attendant propelled wheelchair and does not have any independent mobility. She suffers from severe epilepsy.”

- “[The applicant’s daughter’s] physical difficulties are extremely severe. She has specialist seating, a standing frame, and a specialist wheelchair. Large amounts of space are required to store all of her equipment. The family would benefit from a house on one level with easy access to outdoor space. They will also require a house which can have ceiling track hoisting in place to meet the Manual Handling needs of [the applicant’s daughter], and her parents and carers, as [she] grows.”

9.8 Paragraph 55 of the NPPF sets out four “special circumstances” where new isolated homes in the countryside can be permitted. These include rural worker’s dwellings; proposals which would secure the optimal viable use of heritage assets; developments which would re-use redundant or disused buildings and enhance their setting; or dwellings of an exception quality or innovative design. The provision of bespoke accommodation to meet the needs of people with disabilities does not fall within one of the exceptions in paragraph 55.

9.9 With respect to whether it is appropriate to use conditions to limit the benefits of a planning permission to a particular person (a ‘personal permission’), paragraph 015 of the ‘Use of Planning Conditions’ chapter to the PPG (reference ID 21a-015-20140306) advises as follows:

- “Unless the permission otherwise provides, planning permission runs with the land and it is rarely appropriate to provide otherwise. There may be exceptional occasions where granting planning permission for development that would not normally be permitted on the site could be justified on planning grounds because of who would benefit from the permission. For example, conditions limiting benefits to a particular class of people, such as new residential accommodation in the open countryside for agricultural or forestry workers, may be justified on the grounds that an applicant has successfully demonstrated an exceptional need.”
- “A condition used to grant planning permission solely on grounds of an individual’s personal circumstances will scarcely ever be justified in the case of permission for the erection of a permanent building.”

9.10 The first bullet point to paragraph 50 of the NPPF indicates that, in order to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, local planning authorities should:

- “Plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as, but not limited to, families with children, older people, **people with disabilities**, service families and people wishing to build their own homes).”

9.11 The proposed bungalow, by virtue of its remote location and siting in open rural surroundings, would result in a sporadic and isolated form of development which conflicts with the objectives of CDLP policy ENV1 and paragraphs 17 and 55 of the NPPF. Accordingly, it is inappropriate development in the open countryside which, as a matter of principle, would harm the openness and character of the countryside.

9.12 Given the development’s conflict with local and national planning policies, and in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, planning permission should only be granted if “material considerations indicate otherwise”. With respect to conflicts with the CDLP, as this was adopted prior to the Planning and Compulsory Purchase Act 2004, the provisions of paragraph 14 of the NPPF which require a Local Planning Authority to consider whether any adverse impacts of granting permission would significantly and demonstrably outweigh its benefits when assessed against the policies in the Framework (taken as a whole) are also triggered.

9.13 It is clear from the supporting evidence provided by the physiotherapist that the proposed bungalow would be of substantial benefit to the applicant’s daughter’s current and future living conditions. Notwithstanding the development’s conflict with paragraphs 17 and 55 of the NPPF, the purpose-built bungalow would also address a real and properly evidenced housing need for a disabled resident – a scenario which is supported by paragraph 50 of the NPPF. In this case, the personal circumstances of the applicant are a material consideration in favour of the development and one which will not be repeated on many occasions.



- 9.14 The PPG makes clear that it would not be appropriate to impose a condition restricting the occupancy of the bungalow to a specific person (i.e. a personal permission which would require the occupation of the bungalow to cease if the resident in question no longer resided at the property). Accordingly, when the applicant's family ceases to occupy the bungalow it would become market housing in an isolated location which is poorly related to services. It is, however, the case that each application must be considered on its own merits and, in this case, the special circumstances put forward by the applicant are unique and would not set a general precedent for new isolated dwellings in the open countryside.
- 9.15 The personal circumstances evidenced by the applicant represent a material consideration in favour of the development which attracts significant weight. Although the policy presumption against new housing in the open countryside and the site's location away from services within an identified settlement must count against it, there is a pressing need for a bungalow in this location to satisfy the accommodation needs of the applicant and his family. In this respect, and on balance, it is considered that the social benefits arising as a result of the scheme would outweigh the environmental and social harm the development would cause through the creation of an isolated new dwelling in the open countryside.
- 9.16 As set out below, it is also the case that the applicant has sought to minimise the development's visual effects on the surrounding landscape as far as possible through consideration of the building's siting, height, layout, massing, materials and design.

#### Character and appearance

- 9.17 CDLP policy ENV2 sets out four criteria where development in the open countryside will be permitted as follows:
- It is compatible with the character of the surrounding area, does not have an unacceptable impact on the landscape and safeguards landscape features including stone walls and hedgerows, worthy of protection.
  - The design of buildings and structures and the materials proposed relate to the setting, taking account of the immediate impact and public views of the development.
  - Rural access roads can accommodate the traffic likely to be generated by the proposal.
  - Services and infrastructure can be provided without causing a serious harmful change to the rural character and appearance of the locality.
- 9.18 There are three existing buildings at the site. The split level two/single storey dwellinghouse of Stockbridge Laithe is set at a high point to the north and fronts onto a hardstanding courtyard. The dwelling's garden area is enclosed by a combination of dry stone walls and hedging. A single storey stable block is located to the south of the development site. Both these buildings are externally faced in natural stone walls below stone slate roofs. A third portal-framed agricultural building is located to the east of the stable block.
- 9.19 The surrounding landscape is characterised by undulating open farmland with field boundaries formed by a combination of dry stone walls and linear tree belts. A densely wooded hillside is located to the south and provides a substantial screen from vantage points approaching along Stockbridge Lane and from part of the public footpath which runs approximately 198m to the southwest.
- 9.20 The proposed bungalow would be located on lower lying ground towards the bottom of a hill at the southern end of the site. The existing topography would require the remodelling of land within the site to provide a level threshold for the bungalow. This would require approximately 1.2m of land to be excavated – principally to the rear of the bungalow – and the construction of a 1.4m high retaining wall alongside the northern boundary of the curtilage.
- 9.21 Whilst large in footprint, surrounding topographical changes would ensure that the bungalow is seen at a low point on the site and as a subservient feature to Stockbridge Laithe in more open and distant vantage points on higher ground to the north and east. When viewed from the south the bungalow would be substantially screened by the adjacent woodland, and would be seen in conjunction with the existing stables and agricultural building from vantage points to the west.
- 9.22 The visual impact of the bungalow and its prominence in the surrounding landscape would be further minimised by its single storey height, low eaves level and hipped roof – all of which would contribute to a reduced massing. The external surfaces of the bungalow would comprise stone walls and a slate roof to complement Stockbridge Laithe and the adjacent stable block, and with the exception of sliding patio

doors to provide access onto the garden area, window openings would be discreet in size and of an inherently rural character with respect to their style and materials (including timber frames to match the existing dwelling).

- 9.23 The retaining wall to the northern edge of the site would be largely screened by the proposed dwelling in views from the south and would be set below ground in views from other vantage points. The materials for boundary treatments can be controlled through condition, as can the introduction of additional screen planting along the western and eastern boundaries.
- 9.24 Given the above, it is considered that the siting, scale, massing, layout, materials and design of the bungalow have maximised the opportunities available to limit the development's impact on the openness of the surrounding landscape and would relate well to the rural appearance of surrounding buildings on the site and in the wider landscape. The bungalow's siting adjacent to Stockbridge Lane would also minimise the length of the access road to it and the extent of hardstanding required for vehicle parking and manoeuvring. The size of the dwelling's curtilage has also been kept to a minimum. Accordingly, it is considered that the development is in accordance with the objectives of CDLP policy ENV2.

Other matters:

- 9.25 The site occupies a remote location which is separated significantly from surrounding properties. The closest neighbouring dwelling at Langber Farm is located approximately 500m to the northeast and surrounding topography restricts inter-visibility between this property and the site. Therefore, the development would not have any adverse effects on the privacy and amenity of neighbouring residents. While it is the case that the bungalow could be occupied independently of Stockbridge Laithe in the future rather than for single family purposes, the level of separation and topographical changes between the two dwellings would ensure that the living conditions of any future occupiers would not be prejudiced through loss of outlook, overshadowing or overlooking.
- 9.26 The bungalow would be accessed via the private, single-lane track of Stockbridge Lane. This is a narrow route with a scarcity of passing places. Nevertheless, it is very lightly trafficked and serves such a limited number of dwellings (particularly to its northern end) that the introduction of a single bungalow would not generate a volume of additional traffic which is incapable of being served safely by this route. It is noted that the Local Highway Authority have not raised any objections to the application on the grounds of highway safety.
- 9.27 The bungalow includes a 'pump room' for borehole water filtering/pumping equipment. The bungalow would be served by the same water source as Stockbridge Laithe and the Council's EHO has not raised any objections to the application on this basis.

**10 Conclusion**

- 10.1 The application seeks full planning permission for the erection of a detached bungalow at Stockbridge Laithe – a remote property which falls within the open countryside approximately 0.9km from the settlement of Thornton-in-Craven. The proposed bungalow is required to provide purpose-built living accommodation for the applicant's daughter who is profoundly disabled.
- 10.2 The personal circumstances evidenced by the applicant represent a material consideration in favour of the development which attracts significant weight. Although the policy presumption against new housing in the open countryside and the site's location away from services within an identified settlement must count against it, there is a pressing and well evidenced need for a bungalow in this location to satisfy the accommodation needs of the applicant and his family. Accordingly, it is considered that there are special and unique circumstances in this case to justify a departure from the provisions of the Craven District (Outside the Yorkshire Dales National Park) Local Plan.
- 10.3 The applicant has sought to minimise the development's visual effects on the surrounding landscape as far as possible through sympathetic consideration of the building's siting, height, layout, massing, materials and design. The development would not give rise to any other adverse effects with respect to matters concerning highways, residential amenity or drainage.
- 10.4 Given the above, and when considered in the overall planning balance, it is concluded that the social benefits arising as a result of the scheme would outweigh the environmental and social harm the development would cause through the creation of an isolated new dwelling in the open countryside.

## **11. Recommendation**

11.1 That planning permission is **granted** subject to the following conditions:

### **Time limit for commencement (T)**

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 (L)**

2. This permission relates to the following plans:

- Drawing no. 3283/101a – Proposed floor plan (amended plan received 31 August 2017).
- Drawing no. 3283/102a – Proposed elevations (amended plan received 31 August 2017).
- Drawing no. 3283/104a – Site plan (amended plan received 5 September 2017).
- Drawing no. 3283/105 – Section A (amended plan received 5 September 2017).

Except as provided for by other conditions to this permission, the development shall be carried out in complete accordance with the approved drawings.

Reason: For the avoidance of doubt and to ensure a satisfactory standard of development in accordance with the policies contained within the Craven District (Outside the Yorkshire Dales National Park Authority) Local Plan and the National Planning Policy Framework.

### **Before you commence development (P)**

3. Notwithstanding any description of materials in the application, no above ground works shall take place until samples or full details of all materials to be used on the external surfaces of the dwelling have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials. The development shall thereafter be implemented in accordance with the duly approved materials.

Reason: To ensure use of appropriate materials which are sympathetic to the rural character of the site and its surroundings in accordance with the requirements of Craven District (Outside the Yorkshire Dales National Park) Local Plan policy ENV2 and the National Planning Policy Framework.

4. Notwithstanding any details shown on the approved plans, no above ground works shall take place until details of all windows and doors have been submitted to and approved in writing by the Local Planning Authority. Such details shall include their design, materials (including sill and lintel treatments), finishes, colour treatment, reveals and opening profile. The windows and doors shall be installed in accordance with the duly approved details before the dwelling hereby approved is first occupied, and shall be retained as such thereafter.

Reason: To ensure use of appropriate materials which are sympathetic to the rural character of the site and its surroundings in accordance with the requirements of Craven District (Outside the Yorkshire Dales National Park) Local Plan policy ENV2 and the National Planning Policy Framework.

### **During building works (c)**

5. Notwithstanding any details shown on the approved plans, within 3 months of development first taking place details of the siting, height, design, materials and finish of all boundary treatments to the site (including any retaining walls) shall be submitted to and approved in writing by the Local Planning Authority. The duly approved boundary treatments shall be constructed in full accordance with the approved details before the dwelling hereby approved is first occupied, and shall be retained as such thereafter.

Reason: To ensure use of appropriate boundary treatments which are sympathetic to the rural character of the site and its surroundings in accordance with the requirements of Craven District

(Outside the Yorkshire Dales National Park) Local Plan policy ENV2 and the National Planning Policy Framework.

6. Within 3 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 dwelling is first occupied 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: In order that appropriate soft landscaping is introduced at the site to screen the development and to mitigate its visual effects on landscape character in accordance with the requirements of Craven District (Outside the Yorkshire Dales National Park) Local Plan policy ENV2 and the National Planning Policy Framework.

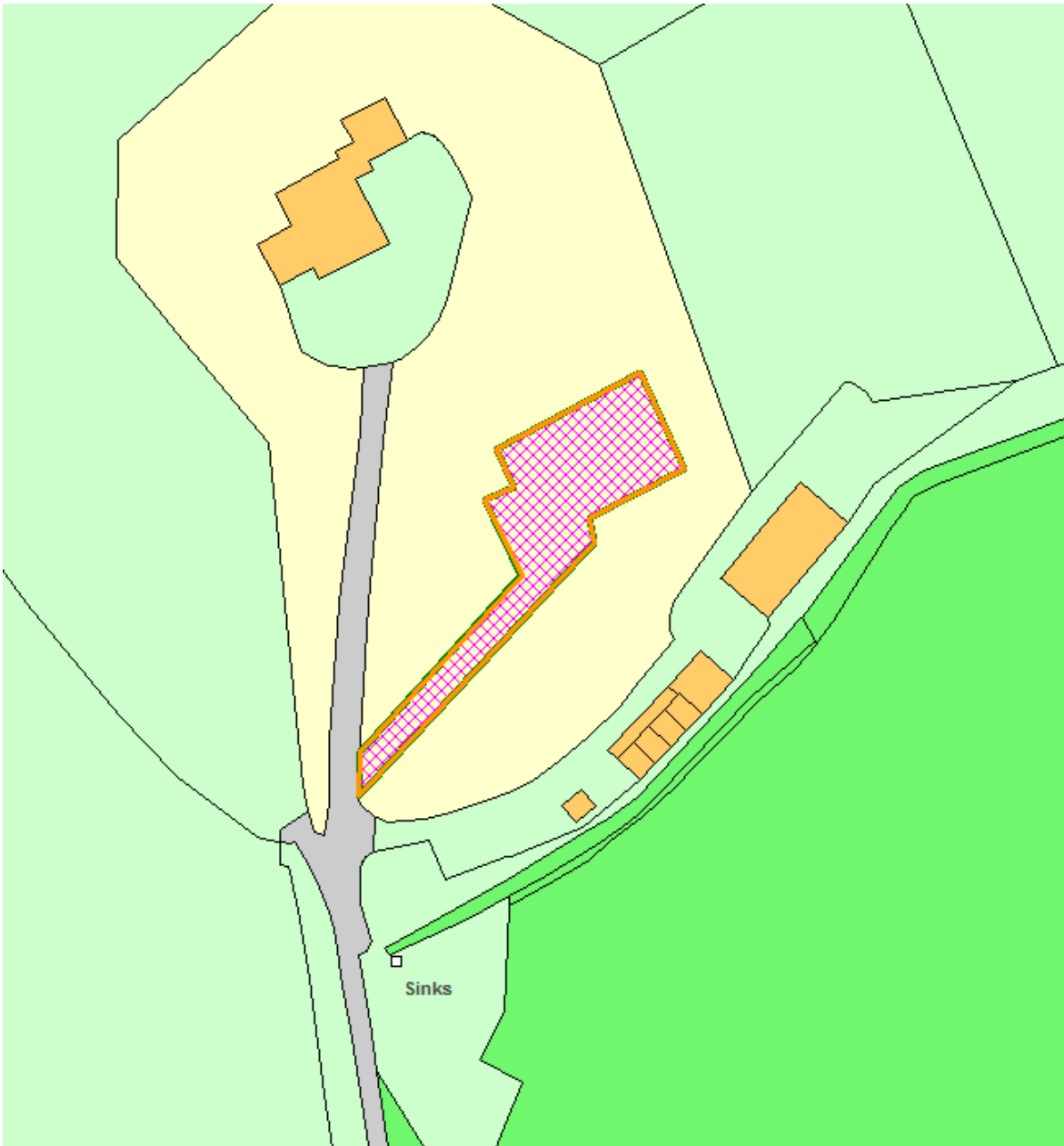
**Before the development is occupied (O)**

7. The two car parking spaces and vehicle manoeuvring areas shown on drawing no. 3283/104a shall be constructed and made available for use before the dwelling is first occupied, and shall be retained as such thereafter.

Reason: In order to ensure adequate provision for vehicle parking off the highway in the interests of road safety and the amenity of future occupiers in accordance with the requirements of Craven District (Outside the Yorkshire Dales National Park) Local Plan policy T2 and the National Planning Policy Framework.

Statement of Positive Engagement

The Local Planning Authority worked positively and proactively with the applicant to identify solutions during the application process in order to ensure that the proposal comprises sustainable development and improves the economic, social and environmental conditions of the area in accordance with the development plan. These amendments have been incorporated into the scheme and/or secured by planning condition. The Local Planning Authority has therefore implemented the requirement in Paragraphs 186-187 of the National Planning Policy Framework.



**Application Number:** 2017/18332/FUL

**Proposal:** Erection of a bungalow to provide suitable accommodation for a disabled child

**Site Address:** Land Adjacent To Stockbridge Laithe Colne And Broughton Road Thornton In Craven.

**On behalf of:** Mr Mark Bradshaw

## REPORT TO PLANNING COMMITTEE ON 23rd October 2017

**Application Number:** 2017/18303/VAR

**Proposal:** Application to vary condition 3 of planning consent reference 18/2015/15338 to amend the lodge type and design of 7 no. lodges

**Site Address:** Flying Horse Shoe Caravan Site Clapham Lancaster LA2 8ES

**On behalf of:** Mr Myles McCarthy

**Date Registered:** 22nd June 2017

**Expiry Date:** 17th August 2017

**Case Officer:** Mrs Cathy Dakin

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**This application has been referred to Planning Committee as the previous applications relating to the development were determined by Planning Committee.**

### 1. Site Description

- 1.1 The application site comprises land to the east of the former Flying Horse Shoe Hotel (a grade II listed building) that is now in use as residential flats.
- 1.2 The site has planning permission for holiday static caravans and lodges. To date one holiday lodge (plot 6) is occupied and another (plot 1) has been positioned on site but has not been sold. The adjoining land immediately to the north of this site is now operating as 'The Flying Horseshoe Caravan Park' where static caravans are sited and in use as holiday accommodation.
- 1.2 The application site is outside development limit boundaries identified by the Adopted Local Plan and is therefore classed as open countryside. The site also falls within the boundaries of the Forest of Bowland AONB. Numerous mature trees enclose the site and are protected by a preservation order.

### 2. Proposal

- 2.1 To vary planning permission 18/2015/15338 by siting 7 no. Atlas 'Laburnum' lodges with decking and balustrade (instead of the previously approved 'Contemporary' or 'Ikon' Lodges which, according to the planning statement submitted with this application, are no longer available).

Officer Note: the application form originally stated that the condition to be varied was condition 3 of 18/2015/14488 but the case officer has realised that planning permission 18/2015/15338 supersedes that application and the same condition was attached (number 3).

- 2.2 Each proposed lodge measures approximately 12m x 6m with a height of 7.7m. The walls are of white cladding, grey pantile style metal roof tiles, grey pvc window frames, local stone plinth, timber entrance steps, black rainwater gutters and pipes.
- 2.3 Plots 1, 2, 3 & 4 have a decked area measuring approximately 3.2m x 1.2m with stainless steel handrails and balustrade, armoured glass panels and deck edging coloured mais stain.
- 2.4 Plots 5, 6 & 7 have a wrap-around decking area of the same materials referred to in paragraph 2.3 above.
- 2.5 The application is made under Section 73 of the Town and Country Planning Act 1990. Where an application under section 73 is granted, the effect is the issue of a new planning permission, sitting alongside the original permission, which remains intact and un-amended.

### 3. Planning History

- 3.1 Planning Enforcement Investigation 2631/17: Alleged breach of planning control - white plastic boarded bungalows on site instead of lodges. No representations have been received about the planning application itself but it was requested as the result of a planning enforcement investigation. The original complaint received queried whether 'white plastic' was appropriate in the Forest of Bowland and stated that 'everyone around believed them to be log cabins which is a completely different concept to the caravans pretending to be bungalows that are being erected'.
- 3.2 18/2015/15563: Proposal to form new opening in stone wall within curtilage of grade II listed building. LBC 02/06/15. Officer Note: It is known by the case officer's visit on 27/07/17 that this permission has been implemented
- 3.3 18/2015/15338: New highway access and revised layout to approved application 18/2014/14488 (Change of use from touring caravans, caravan storage and holiday cottages to holiday static caravans and lodges). C/A 18/02/15. Officer Note: It is known by the case officer's visit on 27/07/17 that this permission has been implemented
- 3.4 18/2014/14488: Change of use from touring caravans, caravan storage and holiday cottages to holiday static caravans and lodges. C/A 08/05/17.  
Officer Note: It is known by the case officer's visit on 27/07/17 that this permission has been superseded by 18/2015/15338.
- 3.5 18/2011/12213: Application to discharge condition 9 to previous approval 18/2009/10122. Information satisfactory to meet requirements of condition – approved.
- 3.6 18/2010/11276: Permission granted for discharge of condition 2 on planning consent 18/2010/10930 requiring the submission of landscaping details. Approved 8<sup>th</sup> February 2011.
- 3.7 18/2010/10930 Permission granted for revised use of land for holiday caravans, caravan storage, camping site, recreation and play area and site wardens caravan. Approved 25<sup>th</sup> October 2010.
- 3.8 18/2009/10122 Application approved for extension of time limit for implementation of approved permission 18/2006/6802. Approved January 2010.
- 3.9 18/2009/9122: Removal of condition 6 of approved permission 18/2006/6802 (Condition 6 currently prevents the use of the proposed manager's accommodation until such a time as the new proposed holiday cottages have been Constructed). Refused.
- 3.10 18/2006/6802 Application approved in January 2007 for the construction of 8 no self-contained holiday cottages together with manager's accommodation (on land to the east of the former hotel).
- 3.11 Other applications that relate to the site are 18/2000/0275, 18/2000/0425, 18/2001/1754, 18/2002/2699, 18/2003/3887, 18/2004/4816, 18/2005/5645, 18/2005/6003, 18/2007/8138, 18/2009/9394 but the relevant applications are listed 3.1 to 3.10.
- 4 Planning Policy Background
- 4.1 National Planning Policy Framework (2012)
- 4.2 Planning Practice Guidance (2012)
- 4.3 Saved Policies ENV1, ENV2 and EMP16 of the Local Plan.
- 5 Parish Council Comments
- 5.1 None
- 6 Consultations
- 6.1 **Environmental Protection CDC:** No objection as the variation still complies with model standards. However, the licence will need wording change should this application be agreed and licence owner should make contact.

6.2 **North Yorkshire Highways (28/07/17):** No Local Highways Objections.

6.3 **Natural England:** None

6.4 **AONB Officer:** None

6.5 **CDC Trees Officer:** None

7 Representations

7.1 None.

8 Summary of Principal Planning Issues

8.1 Principle of the development

8.2 Visual impact of the proposal

8.3 Impact of the development on the amenity of neighbouring properties.

8.4 Impact of the development on the setting of the listed building.

9 Analysis

### **Principle of the development**

9.1 The principle of development has already been established by the granting of planning permissions 18/2014/14488, 18/2015/15338 and 18/2015/15563. It has been accepted that, whilst saved local plan policies ENV1 and EMP16 are restrictive in terms of what would be permissible in open countryside locations, the NPPF is supportive of rural business and it was considered by the Local Planning Authority that this site was acceptable in principle for chalets (and static caravans) but it would need to be acceptable in visual terms and all other planning considerations

### **Visual impact of the development**

9.2 The National Planning Policy Framework states that LPAs should always seek to secure high quality design and ensure developments are “visually attractive as a result of good architecture and appropriate landscaping”. Permission should be “refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions”. The NPPF also requires that great weight should be given to conserving landscape and scenic beauty in AONBs which have the highest status of protection in relation to landscape and scenic beauty.

9.3 Saved Policy ENV2 states that development acceptable in principle under policy ENV1 should only be permitted where it is compatible with the character of the surrounding area and does not have an unacceptable impact on the surrounding area. The design of structures should also relate well to the setting taking into account the immediate impact and public views of the development.

9.4 Saved Policy EMP16 requires that sites are well screened by landforms or existing landscaping from key viewpoints and is of a scale of development in context with its surroundings. The site should also be of a high standard of layout, design and landscaping with the caravans and chalets satisfactorily blending into the landscape in terms of their siting, colour and materials.

9.5 The ‘Wessex Contemporary’ Lodge previously approved had walls with a dark brown stain finish, grey roof tiles and black/grey window frames. The ‘Ikon’ Lodge previously approved had cream cladding walls with a cedar panel and glazing in the gable and 8 no. narrow, tall glazed windows with white frames in the side elevations. The roof tiles were grey.

9.6 The Atlas ‘Laburnum’ Lodge now proposed has less windows/glazing than those previously approved and so more of the white cladding is visible. In addition, this proposal is for lodges that are not sat on the ground but are raised by approximately 1.2 metres.



- 9.7 Site visits have been undertaken by Council Officers on 25/04/17 (planning enforcement visit), 27/07/17 and 25/08/17 (assessment of this application) and during the second and third visits (summer) the existing mature trees and new planting did screen the site from the highway/footpath to the south east and it is anticipated that as the planting matures the site will be further screened. The existing stone wall screens the lodges from the (green) static caravans to the north east and the existing mature trees (protected by a TPO) screens the site from the public viewpoints to the south west.
- 9.8 Whilst there is a boundary fence separating the Flying Horseshoe residential properties to the north-west there will be some overlooking of the site from the windows of those residential properties. However, there is a recreation area adjoining the boundary and trees and a hedge is to be planted.
- 9.9 The proposed development is therefore considered to have an acceptable visual impact on the character and appearance of the surrounding area meeting this requirement of the NPPF and Saved Policies ENV2 and EMP16 of the Local Plan.

#### **Impact of the development on the amenity of neighbouring properties**

- 9.10 The 7 no. holiday lodges to which this application relates are/will (1 is in occupation already) be used for holiday accommodation. Neighbours to the north east are also holiday makers staying in the static caravans on 'The Flying Horseshoe Caravan Park'. The use of the site for holiday accommodation has taken place for many years. The current owner gained planning permission in 2015 and the site to the north east was cleared of the touring caravans that previously were sited there and new statics were brought on. To the south west are a number of residential apartments and cottages.
- 9.11 No representations have been received about the use of the site and it is considered appropriate to recommend approval as there is no known detrimental impact on the amenity of neighbouring properties.

#### **Impact of the development on the setting of the listed building.**

- 9.14 It is not considered that the proposed alternative materials and design of the 7 no. lodges will have a detrimental impact on the setting of the listed building (former Flying Horseshoe now in residential use as apartments) and the proposal is therefore acceptable.

#### **Analysis of the conditions attached to planning permission 18/2015/15338**

- 9.15 Condition 1: Planning permission expires 18/02/18 if not implemented. Case Officer visited site in March 2015 at which point the site had been cleared of the touring caravans. During a site visit by the Council's Trees Officer on 03/08/16, statics were on land and the use of the site had begun. No need to re-attach as the development has commenced.
- 9.16 Condition 2: Drawing FS/P/10 was submitted and subsequently approved by 18/2015/15338 to show the layout of the whole site, which is made up of 20 no. static caravans and 7 no. lodges. The red line site plan and layout drawing submitted with this application (FS/P/20) shows only the layout of the 7 no. lodges. Therefore in this case, planning application 18/2015/15338 was implemented and relates to the 20 no. statics and this new application relates to the 7 no. lodges. Attach condition.
- 9.17 Condition 3: This application has been submitted to vary condition 3 about the types of lodges that can be sited. This condition needs to be re-worded and re-attached.
- 9.18 Condition 4: Development underway but not complete. Re-attach
- 9.19 Condition 5: Ongoing compliance required, re-attach. Agent has confirmed in writing (05/09/17) that the caravans are for holiday use only.
- 9.20 Condition 6: Ongoing compliance required, re-attach.

9.21 Condition 7: Bin storage and refuse collection, details were supposed to be discharged prior to the first use of any of the static caravans or lodges. No discharge of condition has been submitted and approved. The agent has written (05/09/17) to advise that his client would like to deal with this by varying the condition and dealing with it through this application and plans were submitted. The case officer has advised that consultation will be necessary and this would extend the timescale for determination of this application.

Officer Note: 25/09/17: The agent has verbally confirmed that his client wishes this application to be determined on the basis it was submitted and that a separate application will be submitted within two weeks to deal with condition 7. There is currently a breach of condition 7, however, there have not been any complaints about this to date and on that basis the condition will be re-worded and reattached as condition 5.

9.22 Condition 8: The condition will need re-wording as the agent has advised in writing (05/09/17) that static caravan No. 8 is now being used. Re-attach referring to static 8.

9.23 Condition 9: The case officer asked the agent about this. He replied (05/09/17) to confirm that the land on which planning permission 18/2009/10122 was granted is now in the ownership of the applicant. They believe that planning application 18/2009/10122 was installed but the lodges approved by 18/2014/14488, which was superseded by 18/2015/15338, are now on that site and so the application will not be implemented. Re-attach for certainty.

9.24 Condition 10: The lighting has not yet been installed as the site is not yet complete. Compliance required, re-attach condition.

9.25 Condition 11: The agent has confirmed compliance with the requirements of the condition (05/09/17). Do not re-attach.

9.26 Condition 12 was required before any access or egress by any vehicle. The agent has confirmed that the visibility splay to the north is unobstructed but visibility to the south requires the wall to be reduced from apx 1.3m to 1.0m and this work will be carried out soon. It therefore appears that there was a breach of planning control.

## 10 Recommendation

10.1 Approval with conditions.

## 11. Conditions

(1) This permission relates to the following plans:

- FS/P/20 received by Craven District Council on 21<sup>st</sup> June 2017.
- Letter sent by email from Colin Holmes to Craven District Council, dated 05 September, reference CSH/Flying Horseshoe/03/variation.

Except as provided for by other conditions to this permission, the development shall be carried out in complete accordance with the approved drawings.

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

(2) The Lodges hereby permitted shall be of the Atlas 'Laburnum' Lodges with decking and balustrade of the design only as indicated on drawing FS/P/20 received by Craven District Council on 21<sup>st</sup> June 2017 unless otherwise agreed in writing by the Local Planning Authority.

Reason: To specify the permission and for the avoidance of doubt as to what is permitted.

(3) The approved planting scheme as part of 18/2015/15338, that includes replacement planting for trees that are to be felled, shall be implemented in the first planting season following completion of the development, or first occupation/use, whichever is the soonest. The approved scheme shall be

maintained by the applicant or their successors in title thereafter for a period of not less than 10 years to the satisfaction of the Local Planning Authority. The maintenance shall include the replacement of any tree or shrub which is removed, becomes seriously damaged, seriously diseased or dies, by the same species or different species, and shall be agreed in writing by the local planning authority. The replacement tree or shrub must of a similar size to that originally planted.

Reason: In the interests of the amenity of the area.

- (4) With the exception of the approved warden's caravan (identified to be No. 8 in the letter from Colin Holmes dated 05/09/17), the lodges and caravans on the site shall be occupied for holiday purposes only and shall not be occupied as a person's sole or main place of residence
- (5) The owners/operators shall maintain an up-to-date register of all the names of all owners/occupiers of individual caravans and lodges on the site and of their main home addresses, and shall make this information available at all reasonable times to the Local Planning Authority.

Reason (for conditions 4 & 5): The occupation of the caravans as a main or sole residence would be contrary to national and local planning guidance within the NPPF and Saved Local Plan Policy ENV1 of the Craven (outside the Yorkshire Dales national Park) Local Plan.

- (6) Within two months from the date of this approval details shall be submitted to and approved in writing by the Local Planning Authority of the bin storage and refuse arrangements for the site, and of the gas tank storage area. The approved details for the bin storage and refuse arrangements for the site and of the gas tank storage area shall be implemented within six months from the date of this approval and permanently retained for use thereafter.

Reason: In the interests of the amenity of the area.

- (7) The static caravan identified as warden's accommodation (identified to be No. 8 in the letter from Colin Holmes dated 05/09/17) shall be used as warden's accommodation only and its' occupation shall be limited to a person solely or mainly employed as a warden in connection with the use of the land as a caravan site.

Reason: The permanent residential occupation of the caravan has only been justified in support of the chalet and caravan site and would only meet the requirements of the NPPF and Saved Policy ENV1 of the Craven District (Outside the Yorkshire Dales National Park) Local Plan if the occupation was by a site warden.

- (8) The warden's static caravan (identified to be No. 8 in the letter from Colin Homes dated 05/09/17) approved by this consent shall not be residentially occupied if the managers accommodation approved and implemented under planning approval reference 18/2009/10122 is built and occupied. In such circumstances the warden's static caravan shall be used only as holiday accommodation only in accordance with the requirements of conditions 6 and 7 of this planning permission.

Reason: The site is a relatively small scale development and the provision of 2 worker's units has not been justified and is unlikely to be acceptable in line with the NPPF and Saved Policy ENV1 of the Craven District (Outside the Yorkshire Dales National Park) Local Plan.

- (9) The lighting shall be installed on the site in accordance with the details submitted to the Local Planning Authority as part of planning application 18/2015/15338. These are a letter from Colin Holmes dated 10th January 2015, an email from Colin Holmes dated 27th January 2015 and the associated annotated 'general arrangement, layout plan' drawing number P6/P/10 received by Craven District Council on 5th January 2015, and shall be retained as such thereafter.

Reason: In the interests of the amenity of the area.

- (10) Visibility splays are to be provided giving clear visibility of 60 metres measured along both channel lines of the major road 'Station Road, Clapham' from a point measured 2 metres down the centre line of the access road. The eye height will be 1.05 metres and the object height shall be 1.05 metres. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

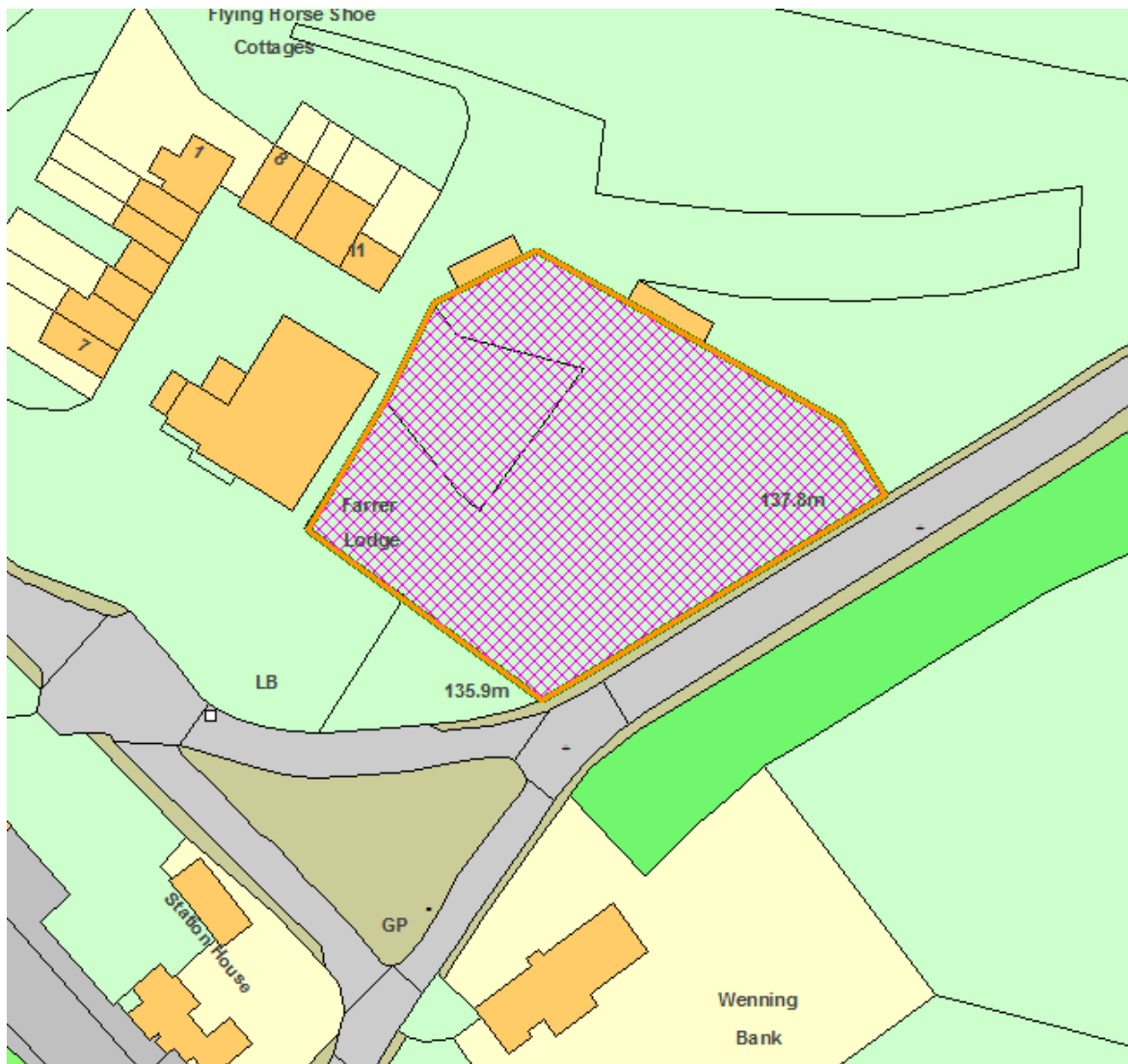
Reason: In accordance with Saved Policy EMP16 of the Craven District (Outside the Yorkshire Dales National Park) Local Plan and in the interests of road safety.

Informative

Craven District Council Environmental Protection has advised that the variation still complies with model standards, however, the licence will need wording change on approval of this application and the licence owner should make contact to deal with this issue.

Statement of Positive Engagement: -

In dealing with this application Craven District Council has sought to approach the decision making process in a positive way, in accordance with the requirements of paragraphs 186 and 187 of the NPPF.



**Application Number:** 2017/18303/VAR

**Proposal:** Application to vary condition 3 of planning consent reference 18/2015/15338 to amend the lodge type and design of 7 no. lodges

**Site Address:** Flying Horse Shoe Caravan Site Clapham Lancaster LA2 8ES

**On behalf of:** Mr Myles McCarthy

## REPORT TO PLANNING COMMITTEE ON 23rd October 2017

**Application Number:** 2017/18325/VAR

**Proposal:** Application for variation to condition no. 3 of planning reference 62/2015/15606 granted 10/06/2015 to allow 1 no. additional window in the ground floor gable of plot 4 and 1 no. additional window in the ground floor gable of plot 3.

**Site Address:** Town Head Way Settle BD24 9RG

**On behalf of:** R N Wooler & Co Limited

**Date Registered:** 24th July 2017

**Expiry Date:** 18th September 2017

**Case Officer:** Mrs Cathy Dakin

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**This application has been referred to Planning Committee as it relates to a development previously determined by Planning Committee (62/2015/15606 - 08/06/15).**

### 1. Site Description

- 1.1 The application site was a vacant piece of land located between the residential development on Townhead Way and the grounds of the Holy Ascension Church close to the centre of Settle. Immediately to the south is the Health Centre.
- 1.2 Works are underway and partially complete to build 4 no. dwellings on the site.
- 1.3 The Holy Ascension Church, a grade II listed Building, is located a short distance to the south of the application site with the church grounds bounding the application site to the west.

### 2. Proposal

- 2.1 This application seeks to vary condition 3 of planning reference 62/2015/15606 to allow:-
  - 1 no. ground floor window to be inserted into the west facing gable (living room) of plot 3 which faces towards the graveyard; and
  - 1 no. ground floor window to be inserted into the east facing gable (living room) of plot 4 facing towards Townhead Way.
- 2.2 The application is made under Section 73 of the Town and Country Planning Act 1990. Where an application under section 73 is granted, the effect is the issue of a new planning permission, sitting alongside the original permission, which remains intact and unamended.

### 3. Planning History

- 3.1 5/62/417 (17/6/91) Permission granted for change of use of land to burial ground.
- 3.2 5/62/417/a (9/1/95) Outline permission granted for residential development of land to rear of 1-11 Townhead Way (No reserved matters application was made).
- 3.3 5/62/135/b (12/6/96) Permission granted for creation of community cemetery, incorporating an area for the burial of cremated remains on the land north of Holy ascension Church.
- 3.4 62/2011/12180 - Outline application for 4 no dwellings - approval sought for access & layout of site – Approved Jan 2012. *Officer Note: Paragraph 9.16 of Officer Report 'The applicant has indicated a scheme that would not need to contain windows to the eastern and western elevations. As such there*

*would be no significant overlooking of either the dwellings adjacent to the site to the east or the church property to the west'.*

- 3.5 62/2014/14965 - Application for reserved matters for 4 No dwellings, approval sought for appearance, landscaping and scale (outline consent reference 62/2011/12180 dated 17 January 2012) – Approved October 2014.
- 3.6 62/2015/15606 - The re orientation of plots 1 & 2 of approved scheme Reserved matters 62/2014/14965 and outline consent 62/2011/12180 and relocation of parking spaces for plot 3 and associated works – Approved 10/06/15.
- 3.7 62/2016/16880: Application To Discharge Conditions 4,5,7,8 And 12 Of Previously Approved Application Referenced (62/2015/15606) And Condition 3 Of Previously Approved Application Referenced (62/2014/14965). Information submitted satisfactory – conditions discharged 06/06/16
- 3.8 Planning Enforcement Investigation 2673/17: Unauthorised windows in gable ends. Breach of condition 3 of 62/2015/15606.

#### 4 Planning Policy Background

- 4.1 National Planning Policy Framework (2012)
- 4.2 Planning Practice Guidance (2012)

#### 5 Settle Town Council Comments

- 5.1 05/09/17: The Town Council strongly object to this application, there has been a blatant breach of planning permission by the developer. The windows will overlook the neighbours and the church yard.

#### 6 Consultations

- 6.1 North Yorkshire Highways (23/08/17): No Local Highways Objections.

#### 7 Representations

- 7.1 Neighbour Letters – Expired 05-09-17.
- 7.2 Site Notice – Expired 05-09-17.
- 7.3 One letter of objection has been received. Comments are made about the motives of the developer in carrying out the works without permission, the difficult decision the Council must now make considering the application is retrospective; and a lack of confidence in the Council's decision making. None of these comments are material planning considerations.
- 7.4 The letter questions why re-orientation of plots has suddenly caused the loss of light as the original buildings would have faced east and west rather than north and south. In their opinion, the change in orientation has meant that it has been possible to put PV cells on the roof, not viable with the original orientation.

Officer Note: Plots 1 & 2 gained consent to be re-orientated in 62/2015/15606, although the 'material sample list' submitted in support of 62/2015/15606 does refer to Slate & PV Panels, only details of roof slates were submitted and therefore it does not appear that solar panels have been approved. In any case, the merits of the reorientation is not being assessed under this application and has already been approved.

- 7.5 The objection states that the plot 3 is now very close to the graveyard wall, as will be any window in this gable end, and that this will have a detrimental impact on relatives and friends of those buried, their privacy is very important both at the time of a funeral and when graves are visited and tended later.

#### 8 Summary of Principal Planning Issues

- 8.1 Whether or not it is reasonable in planning terms to allow the 2 no. ground floor, (into the living room of each plot), windows in plots 3 & 4 to be retained, taking into account their impact on the amenity of neighbouring properties.

8.1 Analysis of the conditions attached to the original planning permission 62/2015/15606.

9 Analysis

9.1 Condition 3 was attached “to safeguard the residential amenities of the occupiers of adjoining property and the privacy of the adjacent church property”. Therefore the principal planning issues are:-

**Living room window in ground floor of eastern gable of Plot 4 facing Townhead Way**

9.1 The distance between the gable window and the nearest properties (5 & 7 Townhead Way) is approximately 15.8m. 5 & 7 Townhead Way are elevated in relation to the application site, although the finished floor levels of them is not shown on the submitted drawing (1411-906 received 18/09/17). It is known that:-

- The finished floor level of plot 3 is 151.07
- The finished floor level of plot 4 is 151.95
- The ground level immediately to the west of the boundary of the development site adjacent to 5 & 7 Townhead Way is 153.18
- At the front (east) of 5 & 7 Townhead Way the ground level is 165.22 on the pavement.
- The bottom of the external window cill is 900mm above FFL of plot 4 = 152.85
- The top of the external window is 2550mm above FFL of plot 4 = 155.40

9.3 No supporting information has been submitted about why the 2 no. windows are required.

9.4 The NPPF places a strong emphasis on good design. Within paragraph 17, one of the twelve core planning principles is that both in decision-taking and plan-making planning should “always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings”.

9.5 The proposed living room window in the gable of plot 4 will be overlooked by the rear ground and first floor windows of 5 & 7 Townhead Way. The difference in ground levels, with Townhead Way being significant higher, means that the views will not be unrestricted and there is existing screening in the form of shrubs and trees in the gardens of 5 & 7 Townhead Way.

Officer Note: The Council cannot require that the shrubs and trees are retained as they are outside the application site.

It is considered that, given the separation distance with neighbouring dwellings, the changes in topography and the screening in place between them, that the proposed ground floor living room window in the eastern gable of plot 4 will not lead to an unacceptable level of overlooking or loss of privacy which would unduly affect the amenity of neighbouring occupiers. Therefore, the development is considered to meet the requirements of the NPPF.

**1 no. ground floor window to be inserted into the west facing gable (living room) of plot 3 which faces towards the graveyard**

9.6 The part of the graveyard where the ground floor window is to be introduced is already overlooked by 1-11 Townhead Way to the east and by the railway line to the west. Whilst it is accepted that the gable of plot 3 will be approximately 26 metres closer to the graveyard than the rear of the nearest property on Townhead Way, it is not considered that the ground floor window in this elevation introduces a level of overlooking that is unacceptable.

9.7 Condition 3 has been varied to allow the insertion of the two new ground floor windows. However, it is necessary to reimpose this condition to restrict the insertion of further openings in the future.

10 Analysis of the conditions attached to the original planning permission 63/2013/15606

10.1 Condition 1 – Time Limit. No need to re-attach.

- 10.2 Condition 2: Approved plans will be attached.
- 10.3 Condition 3: Permitted Development rights removed to insert windows in gables – this application seeks planning permission. Varied rather than deleted - re-attach.
- 10.4 Condition 4: Site Levels – discharged by 62/2016/16880 and implemented. Not to be re-attached.
- 10.5 Condition 5: Prior to first use – discharged by 62/2016/16880. To be complied with, ongoing to be retained.
- 10.6 Condition 6: Separate surface and foul water systems. To be reattached.
- 10.7 Condition 7: Scheme for disposal of foul and surface water drainage – discharged by 62/2016/16880. Not to be re-attached.
- 10.8 Condition 8: Discharged by 62/2016/16880, not to be re-attached.
- 10.9 Condition 9: Parking spaces and turning areas, updated with plan number submitted with this application and reattached.
- 10.10 Condition 10: permitted development rights removed – re-attach.
- 10.11 Condition 11.Re-attach.
- 10.12 Condition 12: Discharged by 62/2016/16880. Condition not to be re-attached.

## 11 Conclusion

- 11.1. That condition 3 of planning reference 62/2015/15606 be varied to allow for the retention of the 2 no. ground floor windows; one in the east gable of plot 4 and one in the west gable of plot 3.

### Conditions

#### **Approved Plans**

- (1) This permission relates to the following plans:
  - 1411-102(P) Rev B 'General Arrangement Planning Information Proposed House Types – Plans and Elevations' received by Craven District Council on 20/07/17.
  - 1411-906 received by Craven District Council on 18/09/17.

Except as provided for by other conditions to this permission, the development shall be carried out in accordance with the approved drawings.

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

- (2) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that Order with or without modification) no windows or other openings, other than those expressly authorised by this permission, shall be inserted at any time in the eastern or western elevations of plots 3 or 4 hereby approved.

REASON: To safeguard the residential amenities of the occupiers of adjoining property and the privacy of the adjacent church property.

- (3) Prior to the first residential use of the site both the northern and southern accesses to the site shall be completed and signage erected on site, in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority, indicating a one way system with access to the site from the southern access and egress from the northern access. The signage shall be retained on site in accordance with the approved details thereafter.

REASON: In accordance with policy T2 and to ensure that the development has an acceptable relationship with the highway network

- (4) The development hereby permitted shall be drained on separate surface and foul water systems.

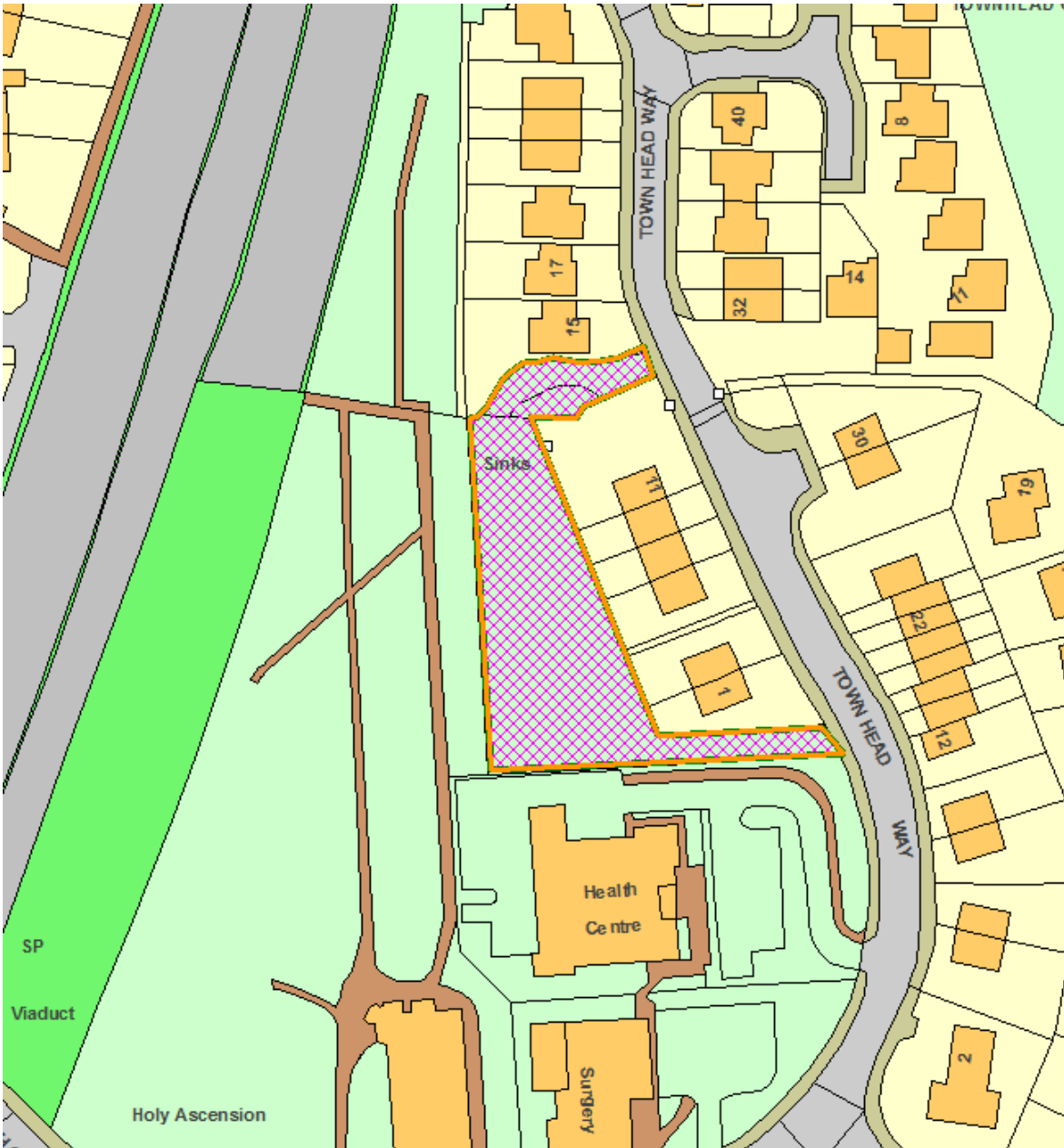
REASON: In the interests of satisfactory and sustainable drainage.



- (5) 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 Drawing no. 1411-906 for parking spaces, turning areas and access shall be kept available for their intended purposes at all times.  
REASON: In accordance with Saved Local Plan Policy T2 and to ensure these areas are kept available
- (6) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that Order with or without modification) no development consisting of the enlargement, improvement or other alteration of the dwellinghouse nor the erection of any garages or ancillary buildings, nor the erection of boundary walls or fences, shall be carried out without the prior written permission of the Local Planning Authority.  
REASON: The development is of a restricted size and as such any future development may have an unneighbourly.
- (7) The approved landscape planting scheme shall be implemented in the first planting season following completion of the development or first occupation/use, whichever is the soonest, and shall be maintained thereafter for a period of not less than 5 years to the satisfaction of the Local Planning Authority. This maintenance shall include the replacement of any tree or shrub which is removed, becomes seriously damaged, seriously diseased or dies by the same species. The replacement tree or shrub must be of similar size to that originally planted.  
REASON: To ensure that the development is of attractive appearance and to safeguard the wider

Statement of Positive Engagement: -

In dealing with this application Craven District Council has sought to approach the decision making process in a positive way, in accordance with the requirements of paragraphs 186 and 187 of the NPPF.



**Application Number:** 2017/18325/VAR

**Proposal:** Application for variation to condition no. 3 of planning reference 62/2015/15606 granted 10/06/2015 to allow 1 no. additional window in the ground floor gable of plot 4 and 1 no. additional window in the ground floor gable of plot 3.

**Site Address:** Town Head Way Settle BD24 9RG

**On behalf of:** R N Wooler & Co Limited

## REPORT TO PLANNING COMMITTEE ON 23rd October 2017

**Application Number:** 2017/18282/FUL

**Proposal:** Construction of 5 no. dwellings and associated works

**Site Address:** Merritt And Fryers Firth Street Works Firth Street Skipton.

**On behalf of:** Merritt & Fryers

**Date Registered:** 7th July 2017

**Expiry Date:** 1st September 2017

**Case Officer:** Andrea Muscroft

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**Application is referred to Planning Committee by Councillor Heseltine due to concerns over the incremental development of this site with regards to planning policy and public interest.**

### 1. Site Description

- 1.1 The application relates to a parcel of land of industrial land which occupies a site adjacent to the Leeds and Liverpool Canal. This site was formerly occupied by Firth Mill Boiler House.
- 1.2 The overall site area is approximately 1471 sqm and is currently used by Merritt and Fryers for the storage of building materials.
- 1.3 The site is partially screened from views along Sackville Street by Firth Mill and adjacent buildings located on Reward Manufacturing Sackville Mills sited to the north of the site. The site can be viewed when travelling along the towpath.
- 1.4 To the rear of the site is Firth Mill an 'L' shaped former industrial mill which was granted planning approval for its conversion to residential under ref: 63/2016/16584.
- 1.5 The proposal would front towards Whinfield Court and Union House located to the west of the site beyond the Leeds and Liverpool Canal.
- 1.6 Vehicle access is directly off Firth Street to the north of the site.
- 1.7 The application site lies within the development limits and conservation area of Skipton. The site also lies within Flood Zones 2 & 3 as identified by the Environment Agency.

### 2. Proposal

- 2.1 The proposal is seeking approval for the construction of 5 terrace dwellings with integrated garages and additional off street parking and associated landscaping works.
- 2.2 **Officers note:** Following concerns over the number of dwellings on the site revised drawings were received by the Council on the 14<sup>th</sup> September 2017. The key revision to the revised drawings is the reduction in the number of dwellings from 6 units to 5 units. In addition, there were changes to the integral parking arrangements. The proposal has been assessed based on these revised details and plans.
- 2.3 The proposed dwellings would be three storeys in height with balconies projecting at first floor level and second floor level on the western elevation. Projecting off the eastern elevation would be interlocking canopies over the integral garage and entrance with a two storey projection above. The proposed roof ridges would be stepped down with the dwellings staggered back.
- 2.4 The proposed buildings would be a modern interpretation of the vernacular surrounding properties.

- 2.5 The proposed dwellings would be constructed using natural stone under a natural slate roof. Window lintels and cills would be precast stone with aluminium powder coated windows and doors. Balconies would be constructed using a structural frameless glass with powder coated handrail. Rainwater goods would also be powder coated aluminium. Boundary treatments would comprise of timber close boarded fencing and natural stone walls.
- 2.6 Externally the proposal includes the provision of 10 off street parking spaces.
- 3 Planning History
- 3.1 SK 1354 – Installation of underground petrol tank and pump – Approved December 1963.
- 3.2 5/63/2123/LB – Listed Building consent for the demolition of unlisted single storey building – Approved August 1995.
- 4 Planning Policy Background
- 4.1 Saved Local Plan Policies H2, H3, EMP7, SRC11 & T2 of the Craven District (Outside the Yorkshire Dales National Park) Local Plan.
- 4.2 The National Planning Policy Framework – NPPF.
- 4.3 Planning Practice Guidance – PPG.
- 5 Parish/Town Council Comments
- 5.1 **Skipton Town Council:** Object to the proposal on the grounds that the ground is possibly contaminated also concerns over the stability of the land for this type of development.
- 6 Consultations
- 6.1 **CDC Contamination Officer:** No objections to the proposal but recommend the use of appropriate contamination conditions.
- 6.2 **CDC Environmental Health:** No objection but recommend the use of conditions with regards to construction times, noise, dust and top soil control.
- 6.3 **CDC Tree Officer:** No objection to the proposal based on the existing trees on site. There is currently just one poor quality Sycamore tree which has a narrow, imbalanced crown and relatively low vigour located close to the canal.
- 6.4 The plans show some tree planting to the east of the proposed buildings which would be valuable in providing amenity value and some separation from the mill building. I would recommend *Tilia cordata* 'Greenspire' in this location or something similar which will thrive in this environment. If possible I would like to request that the applicant plants some trees along the canal edge to provide some greenspace in this highly used part of the canal towpath. These trees would likely have to be planted in small raised pits along the canal front and would have to be narrow species so they don't interfere with the buildings. *Pyrus Chanticleer* or certain varieties of Birch could work here. Another small/medium sized tree planted by the Car parking spaces to the north east of the proposed buildings would also be desirable.
- 6.5 **Canal & River Trust:** No objections but recommend the use of appropriate condition requiring the submission of a Structural Report and the restriction of permitted development rights.
- 6.6 **Historic England:** Based on information provided Historic England do not wish to offer any comments except that we recommend that views of sought from your specialist conservation and archaeological advisers, as relevant.
- 6.7 **NYCC Highways:** No objection subject to the use of appropriate conditions restricting any change of use of the garages and the retention of proposed parking spaces.
- 6.8 **Yorkshire Water:** No objection to the proposal subject to the use of an appropriate condition with regards to the disposal of surface water. The Flood Risk Assessment has been assessed and is considered acceptable.
- 7 Representations
- 7.1 The proposal was advertised in the Craven Herald on the 3<sup>rd</sup> August 2017 and by the posting of a site notice on the 4<sup>th</sup> August 2017. In addition, neighbour notification letters have been distributed. As a

consequence of the publicity 24 letters of representation have been received ( 4 letters from 16 Tower Mill, 2 letters from St Andrews Building, 3 letters from 15 Weavers Court, 2 letters from 2.12 Firth Street Mill & 2 letters from 19 Whinfield Court) with comments summarised below:

## **7.2 Policy**

- Conflicts with Local Plan.

## **7.3 Visual**

- Concern that the proposal is out of keeping with the character of the area.
- Concern over the scale of the development.
- Recommend that dwellings are reduced to two storey.
- Over development of the site.
- Concern over the potential impact on the conservation area.
- Concern over the loss of space between Union Mill and Firth Mill.
- Lack of any landscaping to improve the development.

## **7.4 Heritage impact**

- Concern over impact on listed Union Mill opposite.

## **7.5 Amenity**

- Concern over the close proximity to adjacent dwellings.
- Concern over the loss of privacy.
- Lack of amenity space for future occupants.

## **7.6 Highway**

- Concern that proposed parking arrangements are not sufficient.
- Concern over the potential increase in traffic on highway safety.
- Inadequate provision for refuse or emergency vehicles.
- Consider the access is inadequate.

## **7.7 Other**

- Concern that the site is potentially contaminated land.
- Concern over the potential impact on ecology.
- No Structural Report submitted.
- Question why this development cannot be incorporated into the future development of Merritt & Fryers.
- Proposal should be considered together with the proposed 100 new dwellings on the Merritt & Fryer site once they vacate the premises.
- The site should be used as amenity space for the future development of the Merritt & Fryer site.
- Merritt & Fryer should be required to make the appropriate planning gain.
- Concern over the loss of trees and recommend that replacement planting is undertaken.
- Concern over how effectively any fire in the mill could be tackled and the rescue of residents if space is further restricted.
- Concern over the potential impact of plot 6 on the movability of emergency vehicles.

## **7.8 Officer Note; The revised plans have omitted plot 6.**

- Concern that the proposal would set a precedent for similar development.

- Information missing from plans.
- 7.9 Officers Note: No details provided with regards what information is missing from the plans.
- Details submitted within the Design and Access is confusing due to different proposals included.
  - Potential increase in pollution.
- 7.10 Officer Note: Three letters of notification were returned to the Council undelivered.
- 7.11 Representation was also received from the Police Design Officer who raised no objection to the proposal but did offer advice on the development on the site.
- 7.12 Representation has also been received from the Skipton and Craven History Society objecting to the proposal on the grounds that the proposal would be an incongruous intrusion into the former cotton weaving district of the town and would disrupt the spatial relationship between Firth Mill and the Canal.

## 8 Summary of Principal Planning Issues

- 8.1 Loss of employment land.
- 8.2 Principle of development.
- 8.3 Visual impact of development on the surrounding designated conservation area.
- 8.4 Impact of development on nearby residential dwellings.
- 8.5 Impact of development on highway network
- 8.6 Drainage.
- 8.7 Other issues.

## 9 Analysis

### 9.1 **Loss of employment land.**

- 9.2 The site is of a non-residential use, the latter falling primarily under Class B2 'General Industry', therefore, Saved Local Plan Policy EMP7 is of relevance.
- 9.3 Policy EMP7 seeks to retain existing business uses but does outline limited circumstances where the loss of such premises will be accepted. In summary these are:
- Where the location of the building is such that industrial or commercial uses are considered inappropriate due to an adverse effect on neighbour amenity
  - The road network or access is considered to be unsuitable given the size of vehicles or level of traffic generated by industrial or commercial use
  - The building is no longer suitable for commercial/industrial use, but is of sufficient architectural merit to warrant its retention.
- 9.4 Whilst it is acknowledged that the policy makes reference to a building rather than just land the requirements of the policy are considered still relevant in the consideration of this proposal.
- 9.5 In relation to the first criterion the site is located within a high density residential area with properties located to the west, north and to the east. Due to the nature of the general industrial use and the high level of traffic generated from such uses it is acknowledged that at times this can result in conflict. Therefore, given the predominately residential nature of the surrounding area it is considered that the continued use of the site could give further rise to amenity issues. In addition, due to the redevelopment of adjacent former industrial mills to residential dwellings it is questionable whether the proximity of general industrial premises to residential development is acceptable in planning terms given that typically such uses do not generally co-exist successfully.
- 9.6 Turning to the second criterion of EMP7 it is recognised that there is an existing vehicle access onto Firth Street which connects onto Keighley Road and that during the previous use of the premises there has been no known highway safety issues. However, redevelopment for residential purposes within the surrounding area has resulted in on-street parking on Sackville Street/Firth Street. The continued use of the site for general industrial use is likely to generate traffic by large vehicles including heavy goods

delivery vehicles and as a consequence it is now considered that the existing road system is no longer suitable for industrial activities.

- 9.7 The final criterion allows for the loss of employment premises in instances where the building is no longer suitable for such use but is worthy of retention. In this instance, changes to business operation at Merritt and Fryers has resulted in the need for smaller buildings and associated areas being required to meet the current needs of the business. Therefore, given the scale of the business it is considered surplus to the needs of the business. Furthermore, the application site is not considered to be of any merit to warrant its retention.
- 9.8 In conclusion, the proposed re-development of this site is considered acceptable as the continued use of this land for general industry could potentially result in a loss of amenity to neighbouring residential properties. It is considered that the loss of the employment site can be justified in terms of Saved Local Plan policy EMP7 on the basis that it would result in no significant impact on the wider strategic aims for employment land in the Craven area.
- 9.9 **Principle of development.**
- 9.10 With regards to residential development Saved Policy H3 sets out that residential development will be acceptable within named local service centres subject to meeting certain criteria. Residential development will be permitted where it involves infilling, small scale conversions, small scale development of neglected, derelict or under used land or the redevelopment of land, provided such development:
- Will not result in loss or damage to spaces identified as important to the settlement character;
  - Will not result in loss of land of recreation or amenity value;
- 9.11 It is considered that the redevelopment of this parcel of land which has not been identified as being important to the settlement character nor identified as being of any recreation or amenity value does not conflict with the broad principles of Saved Policy H3 of the Local Plan.
- 9.12 It is considered that the above saved LP policy accords with the general presumption in favour of sustainable development advocated by the NPPF and, in particular, to the social role of planning system set out in paragraph 7 of the document. The guidance seeks to ensure that sustainable development contributes towards the provision of housing, creates a high quality environment with accessibility to local services, and be supportive of health, social and cultural well-being.
- 9.13 The guidance reaffirms that it is the Government's clear expectation that local planning authorities should deal promptly and favourably with applications that comply with up to date plans and that where plans are out of date, there will be a strong presumption in favour of sustainable development that accords with national planning policies.
- 9.14 One of the key objectives of the NPPF is to widen the choice of high quality homes and to significantly boost the supply of housing. Accordingly, the NPPF requires LPA's to identify and update annually a supply of specific deliverable sites for housing ensuring that there is sufficient to provide for a five year supply against local requirements.
- 9.15 In May 2017 the Council published a revised Five Year Housing Land Supply Methodology and Report covering the period 1 April 2017 to 31 March 2022. The report sets out the Council's five year land supply calculations and indicates that the Council can now demonstrate a 5 year supply of housing sites with a five year land supply of 5.49 years. Whilst the stated existence of a Five Year Housing Land Supply is not a reason by itself to justify refusal of a planning application. It is a material consideration in the planning balance that can be given weight in the decision making process. In effect it is one of many planning issues that should be taken into account when determining a planning application.
- 9.16 With regards to sustainable development the NPPF states that proposals should be assessed against the three dimensions of sustainable development which comprise of three broad roles "economically, socially and environmentally". The economic role should involve ensuring that land is available in the right places and identifying and co-ordinating the provision of infrastructure. The social role, an element of which is accessible local services. Finally the environmental role, which includes the prudent use of natural resources. Therefore, to meet the requirements of sustainable development, a location where

the existence or provision of infrastructure offer or provides access to local services whilst minimising the need to travel would contribute to the achievement of sustainable development in a variety of ways.

- 9.17 Paragraph 14 of the NPPF also indicates that development should be approved unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole, or specific policies in the NPPF indicate development should be restricted. Furthermore, the core planning principles at paragraph 17 of the NPPF recognise that planning should contribute to “conserving heritage assets’ in a manner appropriate to their significance.
- 9.18 Paragraph 17 of the NPPF also identifies that one of the core planning principles of the Framework is to “actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling”. Paragraph 29 of the NPPF indicates that “the transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. However, the Government recognises that different policies and measures will be required in different communities and opportunities to maximise sustainable transport solution will vary from urban to rural areas.
- 9.19 Paragraph 17 & 111 of the NPPF encourages the effective use of land by re-using land that that been previously developed (brownfield land), provided that it is not of high environmental value.
- 9.20 In this instance, the application is for the construction of 5 terrace dwellings within easy walking distance to the town centre where there is a wide range of services and facilities. In addition, the site is well connected to public transport that links Skipton with neighbouring villages and town. As such the application site is located within a sustainable location.
- 9.21 The proposal would also bring economic benefits in terms of investment and employment during the construction phase. Any new residents would also generate additional expenditure within the local economy. In addition, the proposal would provide social benefits with new residents helping to support the local community.
- 9.22 Turning the environmental dimension of sustainable development the proposal would see the re-use of previously developed land that has not been identified as being of high environmental value. Furthermore, the re-use of this land is preferable to the development of new development out in the open countryside. As such the proposal would also provide environmental benefits.
- 9.23 In conclusion, the re-use of this previously developed land for housing which is located within in a sustainable location would provide economic, social and environmental benefits. As such it is considered that the proposal accords with the policy requirements of Saved Policy H3 of the Local Plan and the aims and objectives of the NPPF. Therefore, it is considered that there is no objection in principle to the development of this site.
- 9.24 Visual impact of development on the surrounding designated conservation area and listed building.**
- 9.25 To protect the character and appearance of urban areas within named local service centres Saved Policy H3 seeks to ensure that new development will not have an adverse effect on areas or building of historic or architectural interest.
- 9.26 Section 7 of the NPPF highlights the importance of good design and its key role in providing sustainable development. Paragraph 58 advises that development should respond to local character and history, and reflect the identity of the local surroundings and materials. The guidance also advises that when considering the use of design codes these should avoid unnecessary prescription or detail and should not attempt to impose architectural styles or particular tastes and that they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles.
- 9.27 Paragraph 61 also recognises that securing high quality and inclusive design goes beyond aesthetic considerations and that planning should address the connections between people and places and the integration of new development into the built and historic environment. For reasons outlined above the NPPF advises that when determining applications, great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area.
- 9.28 However, the NPPF also advises that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.



- 9.29 Paragraph 128 of the NPPF is of relevance when determining applications, as it advises an applicant to describe the significance of any heritage assets affected, including any contributions made by their setting. This theme is continued in paragraph 131 as it directs LPA's, to take account of the desirability of sustaining and enhancing the significance of heritage assets.
- 9.30 Also for consideration is the proposals potential visual impact on a conservation area. The duty imposed by section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention must be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.
- 9.31 In addition, LPA should when considering whether to grant planning permission for development that affects a listed building or its setting, or whether to grant listed building consent, that special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses (Section 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 9.32 The application site is located within the designated conservation area of Skipton known locally as Middle Town. The majority of the area contains examples of Victorian terrace dwellings with end of terrace corner shops. In addition, due to the re-development of some of the former mills and depots previously located adjacent to the canal there are examples of modern maisonettes and three storey dwellings to the north of the site. Notwithstanding this, it is considered that the existing dwellings and street patterns make a positive contribution to the designated area. In addition, the site lies adjacent to the Leeds and Liverpool canal where there is a mixture of differing residential styles and scales beyond to the east identified as Whinfield Court.
- 9.33 With respect to the design and detailing of the proposed dwellings, the proposal would comprise of three storey terrace dwellings with set down roof ridges and a staggered footprint with projecting balconies fronting the Leeds and Liverpool Canal. In addition, the proposal would private amenity areas.
- 9.34 As referred to previously the core of the conservation area has managed to retain a coherence of styles and materials with its strong vernacular terraced dwellings. However, more modern development with Sedgewick Court to the North, Whinfield Court to the west and Trinity Mews to the east has resulted in a wider range of two and three storey dwellings present within the conservation.
- 9.35 Concerns from local residents have been expressed over the scale of the development and that the proposed dwellings would not be in keeping with the character and appearance of the area.
- 9.36 To ensure that new development is in harmony with the character of the surrounding area it is important to create a visual relationship between old and new. This can be achieved by incorporating the three main factors to consider within the design of any development. These include the form, detail and use of materials.
- 9.37 In this instance, whilst it is acknowledged that the proposed dwellings are a modern interpretation of the surrounding vernacular buildings located to the north, east and south of the site. The overall design of the proposed dwellings has seen the incorporation of the basic form and scale of these dwellings situated within the surrounding area. The principle elevations fronting across the Leeds and Liverpool Canal include for the majority vertical proportion windows and doors in a simple and symmetrical arrangement. This mimics the window and door arrangements of surrounding properties fronting onto the Leeds and Liverpool Canal and properties to the east of the site.
- 9.38 Traditionally rear elevations were less formal than the front with fewer openings. As such the rear elevations includes a strong solid to void ratio with the walls being the dominate feature. In addition, the gables would only have small narrow windows which are also reflective of adjacent dwellings.
- 9.39 The proposal seeks to use materials sympathetic to the locality. This means that the proposed dwellings would be constructed from a similar palette of materials used in the construction of buildings in the surrounding area. This approach would ensure that the proposal both respects the character of the surrounding area and result in a visual enhancement to the conservation area.
- 9.40 Located to the west of the site at a separation distance of approximately 23m is Union Mill a Grade II listed building that has been converted to residential accommodation. Paragraph 131 of the National Planning Policy Framework (the Framework) states that in determining planning applications, local

planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets.

- 9.41 It is acknowledged that the proposed development would lie within the setting of Union Mill a Grade II building and therefore its impact on this building is a material planning consideration.
- 9.42 The mill is of historic interest due to its scale and its survival as an individual feature contributes to the significance of this heritage asset. The industrial use of the mill is no longer present as the building is now residential apartments with areas around the mill in separate ownership.
- 9.43 It is acknowledged that views of the former industrial mill would be possible from the application especially from the upper levels. However, whilst the proposal would result in some limited views of the mill when viewed from Firth Mill it is considered that the proposed dwellings would be a minor element in the setting of the listed building.
- 9.44 On balance, it is acknowledged that the proposal would not preserve the setting of the listed building and as such the proposal would result in some harm to the significance of the listed building. However, it must be noted that the setting is only part of the significance of any heritage asset. In this instance the proposal would not result in any loss of historical fabric or architectural details of the Grade II listed mill. For this reason, the proposal would result in less than substantial harm to the significance of Union Mill.
- 9.45 With regards to the impact of the proposal on the Leeds and Liverpool Canal it is considered that the proposal would not distract from the overall character and appearance of the canal corridor to be considered contrary to Saved Policy SRC11.
- 9.46 In conclusion, the proposed re-development of this site would result in a visual improvement with the removal of the builder's yard. Furthermore, the impact on the conservation area (resulting from a change in its setting) would be limited. In addition, any harm to the significance of the Union Mill would be less than substantial. As such, the proposal accords with the policy requirements of H3 & SRC11 of the Local Plan and the guidance contained within the NPPF.
- 9.47 Impact of development on nearby residential dwellings.**
- 9.48 Within the Core planning principles of the NPPF paragraph 17 it states that the planning system should, amongst other things, "always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
- 9.49 The application site is located within a predominately residential area with properties located within the surrounding area. As such the proposals potential impact on neighbouring properties in terms of loss of privacy, natural daylight, noise or overbearing will need to be assessed.
- 9.50 The proposed dwellings would face towards Whinfield Court. However, given the separation distances involved it is not considered that the proposal would result in any unacceptable loss of privacy to the occupiers of these properties or appear overbearing when viewed from the habitable windows of these properties. Similarly, the proposal would not result in any unacceptable loss of natural light.
- 9.51 Located to the north is Firth Mill which is currently being converted to residential accommodation. It is acknowledged that at first floor level the end gable of Firth Mill will contain windows fronting across the canal. However, these apartments also contain windows to the north and south and therefore the proposal would not result in any unacceptable loss of outlook. Furthermore, the proposal would not result in any unacceptable overshadowing to the occupants of these flats at first floor level.
- 9.52 Similarly, the overall height of the proposed dwellings would be lower than the window cill of the second floor window to the end gable of Firth Mill. As such, the proposal would also not result in any unacceptable loss of outlook, overshadowing or loss of privacy to the occupants of the apartments or to the future occupants of the dwellings.
- 9.53 In terms of the impact upon privacy windows to the end gable of Firth Mill would provide views towards the rear elevation of the proposed dwelling although it is acknowledged that the change in scale between Firth Mill and the proposed dwellings would result in a different level of overlooking. In this instance, it is considered that the views afforded between the proposed dwellings and Firth Mill would be at an angle rather than direct. On this basis it is not considered that the proposal would result in any unacceptable loss of privacy to the habitable rooms of both Firth Mill and the proposed dwellings.

- 9.54 Also of relevance is the potential impact on the future occupants of the adjacent site to the north identified as Reward Manufacturing Sackville Mills which was granted planning approval for the re-development of the site for housing under ref: 63/2015/15417.
- 9.55 Plots 1 & 2 under ref: 63/2015/15417 would lie to the east of the proposed dwellings adjacent to the joint boundary. The proposed dwellings would see the introduction of three single windows to the northern elevation to serve a utility at ground floor level, and en-suite at both first and second level. To ensure no loss of privacy the majority of these windows would be obscured glazed. Notwithstanding this these windows would front across towards a blank gable. As such, the proposal would not result in any unacceptable loss of privacy between the adjacent site and the application site.
- 9.56 Similarly, the proposed dwellings given their height and location would not appear overbearing/dominate or result in any unacceptable loss of privacy.
- 9.57 The proposed dwellings would provide 3 bedroom accommodation split over three levels. In addition, the proposal would provide private amenity space with off street parking. It is therefore considered that the proposal would meet the needs of any future occupants and as such is acceptable.
- 9.58 In conclusion, the proposal would not result in any unacceptable loss of privacy or amenity to adjacent properties or future occupants of adjacent sites and would also provide sufficient residential accommodation to meet the needs of any future occupants of these dwellings. The proposal therefore accords with the core principles set out in the NPPF.

#### **9.59 Impact of development on highway network**

- 9.60 Saved T2 are permissive of development proposals that are appropriate to the highway network where, amongst other things, they do not generate traffic in excess of the highway network; any new or greater use of an access onto a primary, district or local distributor road is acceptable in terms of design and road safety; and, regard is paid to the highway impact and potential for improvement to the surrounding landscape.
- 9.61 Section 4 of the NPPF contains guidance on transport and land use planning, including the promotion of sustainable transport choices and reducing travel by car.
- 9.62 Paragraph 32 of the NPPF states that:
- 9.63 *'Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe'.*
- 9.64 The proposal would utilise an existing access directly off Firth Street and would provide a total of 10 off street parking spaces plus a single integral garage for each property. NYCC Highways have been consulted and have raised no objection on highway safety grounds. As such it is considered that the proposal would not result in a significant adverse impact upon the highway network.
- 9.65 Concerns have been expressed by local residents that the proposal would not provide adequate turning facilities for refuse and emergency vehicles. It is noted that the use of the site is already accessed by large delivery vehicles. As such, it is not considered given that the site is already accessed by delivery vehicles combined with the turning facilities on the proposed site layout plan that the proposal would negatively impact on the movement of refuse and emergency vehicles to warrant a refusal.
- 9.66 In conclusion, it is considered that the proposal would not result in any conditions contrary to highway safety for both pedestrians and vehicle users and as such the proposal complies with Saved Policy T2 and the aims and objectives of the NPPF.
- 9.67 **Other issues.**
- 9.68 Concerns have been raised over the potential impact of the proposal of ecology. It is considered that the site is of limited ecological value given its location and the amount of built form and hardstanding that dominates the site. However, the proposal does offer the opportunity for biodiversity enhancement something that the Councils Tree Officer is supportive of. It is therefore considered that this can be adequately controlled through the imposition of a condition in relation to the submission of a suitable landscaping scheme to be submitted.

- 9.69 Concerns have also been raised over the structural integrity of the canal bank. No structural survey has been submitted. However, notwithstanding this it is considered that a condition can be imposed requiring the applicant/developer to submit a structural survey prior to commencement of works on site.
- 9.70 Local residents have expressed concern over the potentially contaminated land. CDC Contaminated Officer has been consulted on the proposal and has raised no objection to the proposal subject to the use of appropriate conditions. Therefore, it is considered that this issue can be managed by the use of appropriate conditions.

**9.71 Conclusion;**

- 9.72 Paragraph 14 of the NPPF advises that LPA's should be 'approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

*any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*

*specific policies in this Framework indicate development should be restricted.*

- 9.73 In this case the relevant Local Plan policies are out of date and therefore the policy within Paragraph 14 of the NPPF is applicable. The benefits of the development include boosting the supply of housing and the economic developments that this can bring. Boosting the supply of housing remains an important planning consideration, but this also needs to be weighed against the publication of the Council's latest 5 Year Housing Supply Report (May 2015) indicates the Council can now demonstrate a 5 year housing supply and buffer.

10 Recommendation

- 10.1 To grant approval subject to the following conditions.

Conditions

Time

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

Reason: To ensure a compliance with section 91 of the Town and Country Planning Act 1990.

Approved plans

25. The development hereby permitted shall be carried out wholly in accordance with the plans:
- AL-00-001 P2 – Location plan received by the Local Planning Authority on 7<sup>th</sup> July 2017.
  - AL-00-002 P4 – Site levels plan received by the Local Planning Authority on 14<sup>th</sup> September 2017.
  - AL-20-001 P3 – Site plan received by the Local Planning Authority on 14<sup>th</sup> September 2017.
  - AE-20-001 P2 – Proposed Elevations received by the Local Planning Authority on 14<sup>th</sup> September 2017.
  - AL-20-003 P2 – Proposed plan received by the Local Planning Authority on 14<sup>th</sup> September 2017.
  - AS-20-001 P3 – Site plan received by the Local Planning Authority on 14<sup>th</sup> September 2017.
  - 11373-L01 - General arrangement received by the Local Planning Authority on 14<sup>th</sup> September 2017.
  - 11373-L02 – Soft Landscaping received by the Local Planning Authority on 14<sup>th</sup> September 2017.
  - 11373-L03 – Hard Landscaping received by the Local Planning Authority on 14<sup>th</sup> September 2017.

The development shall be completed in accordance with the approved plan except where conditions attached to this planning permission indicate otherwise or where alternative details have been subsequently approved following an application for a non-material amendment.

Reason: To specify the approved plans for the avoidance of doubt.

### Pre commencement works

- 26.** A structural report shall be submitted to and approved in writing to the Local Planning Authority. The Structural Report shall provide details to demonstrate that the loading of the development shall not result in additional loads over what the wall can support (calculations may be necessary).

Reason: To sure the structural integrity of the canal bank.

- 27.** The Phase II Intrusive Site Investigation report shall be prepared in accordance with current best practice.
- Should the need for remediation be recommended in the Phase II Intrusive Site Investigation report, the development hereby approved shall not commence until a Remediation Strategy has been submitted to, and approved in writing by, the local planning authority.
  - The Remediation Strategy shall be prepared in accordance with current best practice.
  - The approved remediation measures shall be implemented in accordance with the agreed timescales set out in the approved Remediation Strategy.
  - In the event that remediation is unable to proceed in accordance with an approved Remediation Strategy or unexpected significant contamination is encountered at any stage of the process, the local planning authority shall be notified in writing immediately. Revisions to the Remediation Strategy shall be submitted to, and approved in writing by, the local planning authority. Works shall thereafter be carried out in accordance with the approved revised Remediation Strategy.
  - Following completion of the measures identified in the approved Remediation Strategy, a Validation Report shall be prepared and submitted to, and approved in writing, by the Local Planning Authority. The submission of the Validation Report shall be undertaken within the approved timescales.

The Validation Report shall be prepared in accordance with current best practice.

The site shall not be brought into use until such time as all the validation data has been submitted to and approved in writing by the local planning authority.

Reason: To ensure that actual or potential land contamination at the site has been investigated and that any associated environmental risks have been assessed and mitigated against in an appropriate and effective manner.

- 28.** Prior to the commencement of the development, the developer shall submit a Dust Management Plan in writing for approval of the Local Planning Authority. The Dust Management Plan should identify all areas of the site and the site operations where dust may be generated and further identify control measures to ensure that dust does not travel beyond the site boundary. Once in place, all identified measures shall be implemented, retained and maintained for the duration of the approved use.

Reason: To safeguard the living conditions of nearby residents particularly with regard to the effects of dust.

### During Building Works

- 29.** Prior to their first use on site all building external materials (e.g. roof tiles, windows, doors, rainwater goods and surface material finishes) shall be submitted to and approved in writing by the local planning authority.

The development shall thereafter be implemented in accordance with the approved details.

Reason: In the interests of visual amenity.

- 30.** Notwithstanding any details shown on the approved plans, the site's internal and external boundaries shall be enclosed in accordance with a detailed scheme and programme of implementation which shall first have been submitted to and approved by the Local Planning Authority. The programme shall ensure that the approved boundary treatments for each dwelling are completed prior to the occupation of that dwelling, and the approved boundary treatments for the whole site are completed prior to the occupation of the last dwelling.

Reason: To ensure a satisfactory appearance to the development within the Conservation area.

- 31.** The approved scheme of landscaping shall be carried out in the first planting season following the first use of the development. Any trees or plants that within a period of 5 years die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar species (unless otherwise agreed in writing with the Local Planning Authority).

Reason: To ensure the implantation of appropriate landscaping which will improve the environmental quality of the development.

- 32.** Foul and surface water shall be drained on separate systems.

Reason: To secure proper drainage and to manage the risk of flooding and pollution.

- 33.** A scheme of hard landscaping works for the site shall be submitted to and approved in writing by the local planning authority. The details shall include: car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; proposed and existing functional services above and below ground; and an implementation programme;. All hard landscape works shall be carried out in accordance with the approved details.

Reason: To safeguard the character and appearance of the surrounding area.

#### Ongoing conditions

- 34.** Notwithstanding the provision of the Town and Country Planning General Permitted Order 2015 (or any equivalent provisions of any order revoking and re-enacting that Order) for the time being in force, the areas shown on AL-20-001 P2 453-16 for parking spaces, turning areas and access 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.

- 35.** Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015 (or any equivalent provisions of any order revoking and re-enacting that Order) the garage(s) shall not be converted into domestic accommodation without the granting of an appropriate planning permission.

Reason: To ensure the retention of adequate and satisfactory provision of off-street accommodation for vehicles generated by occupiers of the dwelling and visitors to it, in the interest of safety and the general amenity the development.

- 36.** Notwithstanding the provisions of Classes A, B, C, D & E of Part 1 Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (or any equivalent provisions of any order revoking and re-enacting that Order), there shall be no extension to any of the dwellings hereby permitted and no ancillary buildings or structures shall be erected within the curtilage of any dwelling without the prior grant of planning permission.

Reason: In the interests of visual amenity and to ensure the development avoids an overdeveloped or cluttered appearance.

- 37.** No bargeboards, fascia boards or soffit boards shall be used in the carrying out of the development hereby approved and the roof shall have slated verges.

Reason: To ensure a satisfactory appearance to the development within the Conservation area.

- 38.** The hard surface hereby approved shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwellings.

Reason: To reduce the risk of flooding and pollution and increase the level of sustainability of the development.

#### Informative

With regard to conditions above please note that it will be necessary to submit a formal application to discharge the conditions. Any samples of materials that require approval should be made available for inspection either on the site or another suitable location and not brought to or delivered to the Council Offices unless specific arrangements to do so have been made with the relevant planning case officer.

The applicant is advised that advice regarding permeable and porous hard surfaces can be found in the Department of Communities and Local Government document 'Guidance on the permeable surfacing of front gardens' which can be accessed on the DCLG website ([www.communities.gov.uk](http://www.communities.gov.uk)).

The applicant/developer is advised to contact Alan Daines (0113 200 5713) in order to ensure that any necessary consents are obtained and that the works comply with the Canal & River Trust "Code of Practice for Works affecting the Canal & River Trust".

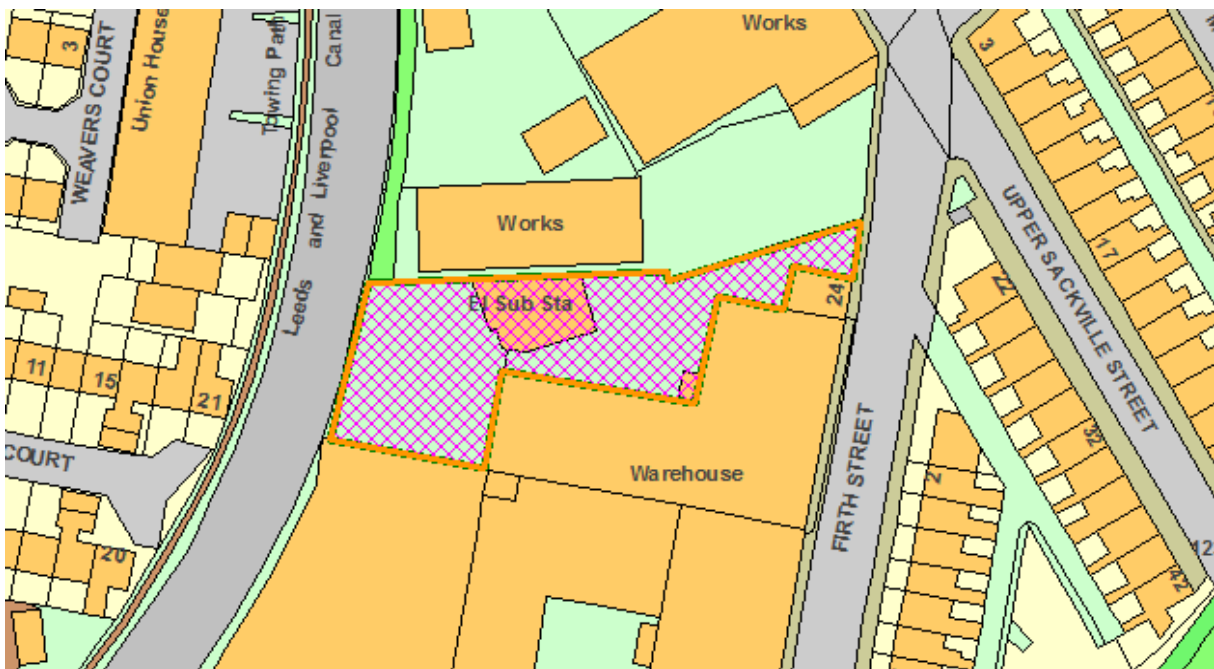
The hours of operation during construction phase of development and delivery of construction materials or equipment to the site and associate with the construction of the development hereby permitted should be limited to 0730 hours to 1800 hours on Monday to Fridays and 0730 hours to 1300 hours on Saturday.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

The applicant is advised it is the responsibility of the developer to ensure that any topsoil brought on site is free from metals, plastic, wood, glass, tarmac, paper and odours associated with contaminated soils as specified in BS 3882: 2015 Specification for Topsoil. Supplier(s) details and confirmation on the source(s) of any topsoil materials brought on site should be made available for inspection at the request of the Council's Environmental Health Department.

The applicant is advised that buildings will need to be constructed to BS8233:2014 Guidance 'sound Insulation and Noise Reduction for Buildings' guidelines.

Statement of Positive Engagement: -

In dealing with this application Craven District Council has sought to approach the decision making process in a positive way, in accordance with the requirements of paragraphs 186 and 187 of the NPPF.



**Application Number:** 2017/18282/FUL

**Proposal:** Construction of 5 no. dwellings and associated works

**Site Address:** Merritt And Fryers Firth Street Works Firth Street Skipton

**On behalf of:** Merritt & Fryers

## REPORT TO PLANNING COMMITTEE ON 23rd October 2017

**Application Number:** 2017/18255/VAR

**Proposal:** Application to vary condition no. 2 (Static Caravan) no 3 (design and detail), no 8 (parking and turning), no 9 (pedestrian access), no 10 (soft landscaping), no 11 (lighting design), no 12 (scheme of hard landscaping), no 17 (caravan external finishes), no 18 (external finishes plots 5 and 6) of original planning consent reference 08/2016/17386

**Site Address:** Toll Bar Gardens Wennington Road Low Bentham LA2 7DD

**On behalf of:** Mr John Beard

**Date Registered:** 19th July 2017

**Expiry Date:** 13th September 2017

**Case Officer:** Andrea Muscroft

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**This application has been referred to Planning Committee as the proposal was previously determined by Planning Committee.**

### 1. Site Description

- 1.1 The application site comprises of a former horticultural nursery and adjacent field located in open countryside to the west of Low Bentham. The site has been cleared of the dilapidated buildings/rubble and existing hardstanding. New soil has been deposited on site and the installation of concrete bases for the location of the remaining holiday caravans have taken place with the exception of plots 5 & 6 which are currently occupied by caravans.
- 1.2 In addition, some soft landscaping has been undertaken.
- 1.3 To the north of the site is a railway embankment, to the south the B6480 and the River Wenning beyond. To the west of the site is located Gate House and its curtilage and to the east a residential property known as Glebe House and its garden area.
- 1.4 The site is in open countryside, outside of development limit boundaries identified by the Local Plan.
- 1.5 The significant majority of the site is within Flood Risk Zone 2, with the very western extremity of the application site is also within Flood Risk Zone 3.
- 1.6 The site also lies within a Coal Low Risk Area

### 2. Proposal

- 2.1 The proposal is seeking variations to a planning permission for the purposes of Section 73 of the Town and Country Planning Act 1990. The variations of conditions are to the previously approved caravan site (ref: 08/2016/17386).
- 2.2 The amendments relate to the following conditions:
  - Condition 2, (approved plans)
  - Condition 3 (design & detail of caravans 1, 2 & 4 & 7-26),
  - Condition 8 (parking & turning),
  - Condition 9 (pedestrian access),



- Condition 10 (soft landscaping),
- Condition 11 (external illumination),
- Condition 12 (hard landscaping),
- Condition 17 (external caravan finishes)
- Condition 18 (external finishes plots 5 & 6) of original planning consent reference 08/2016/17386.

2.3 Officers Note: The proposal has been subject to ongoing discussions since the July 2017. During the consideration of this application additional information has been submitted in response to concerns raised by the case officer. The proposal has been assessed based on the submitted details.

### 3 Planning History

- 3.1 08/2006/6658. Change of use of land for the siting of 19 caravans / chalets. Withdrawn prior to determination.
- 3.2 08/2006/6868 – Change of use of the land to allow the siting of 19 holiday caravans. Approved December 2006.
- 3.3 08/2009/10133 – Discharge of conditions 3, 6 & 7 of approved permission 08/2006/6868 – Approved February 2010.
- 3.4 08/2016/16863 - Variation of conditions 2 and 4 of previously approved application for a caravan site (08/2006/6868) to allow revised site layout (increasing the number of caravans from 19 to 26) and revised wording for the holiday occupancy restriction – Approved July 2016.
- 3.5 08/2016/17386 – Variation of condition 2 & 4 of previous approval 08/2016/16863 to allow a revised site layout and allow caravan 1 to be occupied as permanent living accommodation by a site warden – Approved April 2017.
- 3.6 The Council is currently investigating a number of breaches of planning approval.

### 4 Planning Policy Background

- 4.1 Saved Local Plan Policies ENV1, ENV2 and EMP16 of the Craven District (outside the Yorkshire Dales National Park) Local Plan.
- 4.2 The National Planning Policy Framework – NPPF
- 4.3 Planning Practice Guidance – PPG.

### 5 Parish/Town Council Comments

- 5.1 Bentham Parish Council: No comments received within the statutory consultation period.

### 6 Consultations

- 6.1 NYCC Highways: No objections.

### 7 Representations

- 7.1 No third party representations received during the statutory consultation period.

### 8 Summary of Principal Planning Issues

- 8.1 This application seeks permission to vary some conditions, previously approved as part of planning application 08/2016/17386 and to discharge other conditions.
- 8.2 Accordingly, this report does not consider the principle of the holiday accommodation, as this has already been considered on the previous application.

### 9 Analysis

9.1 Planning approval 08/2016/17386 was granted by the Council's planning committee after careful consideration of the issues arising from the proposal and in particular:-

- Its impact on the visual amenity of the area;
- Its impact on neighbouring amenity in terms of loss of privacy and overlooking.

- 9.2 The conditions that were attached to the original permission were considered important to ensure that:-
- The appearance of the static caravans, the soft and hard landscaping would not have a negative visual impact on the character and appearance of the open countryside;
  - The proposal did not have a negative impact on the privacy or amenity of neighbouring properties.
- 9.3 The current application seeks to vary some of the conditions and to discharge others. The following assessment is made for each of the conditions applied for:-
- 9.4 Wording of Condition 2**
- 9.5 The approved plans comprise of the following:
- Location Plan received by the Local Planning Authority on 3rd January 2016
  - Site Layout Plan received by the Local Planning Authority on the 14th March 2017.
  - TBR EID5-6 for Plots 5 & 6 received by the Local Planning Authority on the 20th March 2017.
- 9.6 The development shall be completed in accordance with the approved plans except where conditions attached to this planning permission indicate otherwise or where alternative details have been subsequently approved following an application for a non-material amendment.
- 9.7 The application seeks to vary condition 2 to specify an additional approved static caravan design.
- 9.8 It is considered that the additional static caravan design would not result in any significant adverse visual impact. The overall massing and scale of the approved static caravan would remain unchanged and the revised design would not result in any unacceptable visual impact on the wider landscape than previously approved under planning ref: 08/2017/17386. The proposed design of the approved static caravans shown on drawing TBR EID5-6 for Plots 5 & 6 R2 is considered acceptable.
- 9.9 The proposal also includes a revised site layout ref: 2618/01 Rev A. This plan shows Caravan no. 3 at a separation distance of approx. 8m from the western boundary. This separation distance is contrary to condition 19 imposed on planning approval 08/2017/17386 by Planning Committee members which limited the siting of caravan no. 3 to a minimum distance of 12m from the western boundary due to concerns over the potential impact of the development on the amenity of the neighbouring property. As such, the revised plan is not considered acceptable and it is not proposed to approve the submitted revision.
- 9.10 The number of caravans would remain unchanged.
- 9.11 Wording of Condition 3**
- 9.12 Prior to their first installation on site details of the design of the static caravans (no 1-4 & 7-26) including associated amenity areas (e.g. decking areas) and the materials and external finishes to be used in the construction of their external surfaces shall be submitted to and approved in writing by the Local Planning Authority. Only the approved static caravans shall be used on the site, and no replacement, or variation of size, siting or appearance shall be undertaken. The development shall be carried out in accordance with the approved details.
- 9.13 The application is seeking to discharge condition 3.
- 9.14 The condition was imposed by planning approval 08/2016/17386 to ensure that the design of the static caravans and building materials were appropriate for this type of development and did not result in any visual harm to the character and appearance of the rural countryside.
- 9.15 Details submitted now show two designs for the proposed static caravans (annotated by the case officer as version A & B for clarification). In addition, details have been provided in relation to the materials and external finishes of the proposed static caravans. Subject to a reduction in the number of proposed external finishes for the static caravans and the removal of Fern Lea from the proposed Indian Sandstone selection it is considered that the choice of static caravan and building materials are acceptable and would not result in any visual harm. Therefore, it is recommended that this condition subject to implementation can be discharged.
- 9.16 Wording of Condition 8**

- 9.17 Prior to the first use of the development details of the off street parking and turning / manoeuvring arrangements shall be set out in accordance with the Craven District Council's Model Standards 2008 for Caravan Sites in England and submitted to and approved in writing by the Local Planning Authority.
- 9.18 The proposal is seeking a variation of this condition allow for it to be replaced with a condition that requires the site operator to retain the off street parking and turning/manoeuvring arrangements in accordance with the CDC Model Standards 2008 for Caravan Sites in England.
- 9.19 This condition was imposed on planning approval 08/2016/17386 to ensure that the internal parking/turning and manoeuvring arrangements were in accordance with the standards set out in the Council's Model Caravan Standards 2008.
- 9.20 The applicant has now set out the off street parking and turning/manoeuvring arrangements in accordance with the requirements set out in the approved documentation. However, for the reason set out at paragraph 12.7 above the submitted site layout plan has not been approved. Consequently the condition remains unaltered.
- 9.21 Wording of Condition 9**
- 9.22 Prior to the first use of the site a pedestrian access to the adjoining B6480 shall be installed at the eastern end of the site in accordance with details that have previously been submitted to and agreed in writing with the Local Planning Authority.
- 9.23 The proposal is seeking a variation of this condition to allow for the site operator to retain the pedestrian access that now adjoins the B6480.
- 9.24 This condition was imposed on planning approval 08/2006/6868 following concerns expressed by members over pedestrian safety.
- 9.25 The applicant has now implemented the pedestrian access to the eastern end of the site in accordance with details previously submitted under planning approval 08/2006/6868. However, it is advised that the condition is re-worded as set out at the end of this report to ensure that the pedestrian access is retained thereafter.
- 9.26 Wording of Condition 10**
- 9.27 A scheme of soft landscaping for the site shall be submitted to and approved in writing by the Local Planning Authority. The details shall include means of boundary planting, planting plans, written specifications (including cultivation and other operations associated with plant and grass establishment): schedule of plants noting species, plant supply sizes and proposed numbers/densities where appropriate; an implementation programme. All details in the approved scheme of landscaping shall be carried out in the first planting season following the first use of the development. Any trees or plants that within a period of 5 years die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar species (unless otherwise agreed in writing with the Local Planning Authority).
- 9.28** The proposal is seeking a variation of this condition to allow it to be replaced with a condition that specifies the soft landscaping scheme and its retention for the specified 5 years.
- 9.29 This condition was imposed on planning approval 08/2016/17386 to ensure that the development did not result in any visual harm to the character and appearance of the rural countryside.
- 9.30 It is acknowledged that the applicant has undertaken some level of soft landscaping with the thickening of the existing hawthorn hedge and the provision of turfed areas. The agent on behalf of the applicant has also submitted a landscaping plan.
- 9.31 Notwithstanding the submitted details, the landscape plan is not considered acceptable as the site layout shown on the submitted plan has not been approved. It is therefore recommended that the condition remains unaltered.
- 9.32 Wording of Condition 11**
- 9.33 Prior to its first installation details of the design, nature, position and intensity of any external lighting to be provided as part of the development shall be submitted to, and approved in writing by, the Local Planning Authority. The approved lighting shall be installed in the approved positions and shall thereafter be satisfactorily retained at all times.

- 9.34 The proposal is seeking to discharge condition 11 – external illumination.
- 9.35 This condition was imposed on planning approval 08/2016/17386 to ensure that the proposal did not create any light pollution in this rural location.
- 9.36 The applicant does not intend to use any flood lighting on the site. Instead the applicant proposes to install 14 illuminated domed top bollards measuring 1m high. The bollards would be positioned throughout the site as shown on submitted site plan ref 2618/01A. Whilst, the low level illumination generated by these lights would not result in light pollution for the reason set out at paragraph 12.7 above the submitted site layout plan has not been approved. Consequently it is recommended that the condition is not discharged.
- 9.37 Wording of Condition 12**
- 9.38 A scheme of hard landscaping works for the site shall be submitted to and approved in writing by the local planning authority. The details shall include: means of enclosure including construction of any walls/fencing, car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; proposed and existing functional services above and below ground; and an implementation programme;. All hard landscape works shall be carried out in accordance with the approved details.
- 9.39 The condition was imposed by planning approval 08/2016/17386 to ensure that the development did not result in any visual harm to the character and appearance of the surrounding area.
- 9.40 The proposal is seeking a variation of this condition to allow it to be replaced with a condition that specifies the hard landscaping.
- 9.41 The applicant intends to construct random stone walls into the entrance of the site using either natural stone or limestone with stone sets/cobbles set back from Wennington Road (approx. 6m). Gravel is proposed along pedestrian paths with amenity areas surfaced with Indian sandstone. In addition, the internal road network shall be constructed using hot rolled asphalt with 10mm wearing course granite.
- 9.42 Notwithstanding the submitted details, for the reason set out at paragraph 12.7 above the submitted site layout plan has not been approved. Consequently the condition remains unaltered. It is therefore recommended that the condition remains unaltered.
- 9.43 Wording of Condition 17**
- 9.44 The external surfaces of each of the caravans hereby approved shall be one of four colours/finishes as detailed on the LP Canaxel colour sheet received by the Local Planning Authority on the 9th February 2017. The four agreed colours/finishes are Pine Forest, Dutch Green, Granite or Acadia.
- 9.45 This condition was imposed by planning approval 08/2016/17386 to gain some control over the use of external finishes on site and to ensure that the development did not have a detrimental visual impact on the character and appearance of the rural area or on the existing street scene.
- 9.46 The proposal is seeking a variation of this condition to allow it to be replaced with a condition specifies the approved external finishes.
- 9.47 The applicant does not intend to use two of the previously agreed external finishes Dutch Green and Pine Forest as these have been discontinued by the manufacturer. Instead he now intends to use six external finishes Walnut, River Rock, Mist Grey, Scotia Blue, Granite (previously approved) and Arcadia (previously approved).
- 9.48 The originally approved external finishes were relatively muted in colour and provided a cohesive appearance. In contrast, the proposed external finishes vary in both colour and tone and whilst Scotia Blue and Walnut are considered acceptable, River Rock and Mist Grey are not considered acceptable. Therefore, it is considered appropriate to reword the condition specifying the approved external finishes to ensure that the development does not have a detrimental visual impact on the character and appearance of the rural countryside and the existing street scene.
- 9.49 Wording of Condition 18**
- 9.50 Prior to their first installation on site details of the materials and external finishes to be used in the construction of The Londinium caravans as submitted for plots 5 & 6 shall be submitted to and approved in writing by the Local Planning Authority. Only the approved static caravans shall be used

on the site, and no replacement, or variation of size, siting or appearance shall be undertaken. The development shall be carried out in accordance with the approved details.

- 9.51 This condition was imposed by planning approval 08/2016/17386 to gain some control over the use of external finishes and building materials on site and to ensure that the development did not have a detrimental visual impact on the character and appearance of the rural area or on the existing street scene.
- 9.52 The proposal is seeking a variation of this condition to allow it to be replaced with a condition that specifies the approved caravan designs for plots 5 & 6.
- 9.53 The Londinium caravans for plots 5 & 6 have been delivered to site prior to the details being submitted to the LPA for consideration. Notwithstanding this, the overall design, materials and external finish have not resulted in any visual harm on either the character or appearance of the rural countryside nor on the existing street scene.
- 9.54 It is recommended that the condition is re-worded as set out at the end of this report to control any future changes in terms of design, materials and external finishes.

9.55 **Conclusion.**

- 9.56 Paragraph 14 of the NPPF advises that LPA's should be 'approving' development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

*Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*

*Specific policies in this Framework indicate development should be restricted.*

- 9.57 In this instance, it is considered that there are no adverse impacts with regards to the additional static caravan design, changes to the external finishes, the materials used in the construction of the static caravans and pedestrian access.
- 9.58 However, the site plan submitted fails to comply with condition 19 imposed on planning approval 08/2016/17386. As such conditions relating to approved plans, soft/hard landscaping, position of external illumination and internal network layout cannot be varied or discharged in full although conditions have been re-worded to allow for a partial discharge were appropriate.

10 Recommendation

- 10.1 Recommend approval of the variation of conditions 3, 9, 17 & 18 of planning approval 08/2016/17386 subject to the following conditions.
- 10.2 Officer's note: It is necessary to re-attach relevant conditions attached to the original permission as this is a grant of a new planning permission.

Conditions

1. Condition Deleted: (Condition 1 of 08/2016/17386) was a time limit condition, but as development has commenced it is no longer applicable).

Approved plans

2. **Amended Condition:** The approved plans comprise of the following:
- Location Plan received by the Local Planning Authority on 3rd January 2016
  - Site Layout Plan received by the Local Planning Authority on the 14th March 2017 (approved under planning permission ref: 08/2016/17386)..
  - TBR EID5-6 for Plots 5 & 6 R1 received by the Local Planning Authority on the 26<sup>th</sup> June 2017.
  - TBR EID5-6 for Plots 5 & 6 R2 received by the Local Planning Authority on the 26<sup>th</sup> June 2017.
  - 63766-101 Balustrade received by the Local Planning Authority on the 4<sup>th</sup> October 2017

The development shall be completed in accordance with the approved plans except where conditions attached to this planning permission indicate otherwise or where alternative details have been subsequently approved following an application for a non-material amendment.

Reason: To specify the permission and for the avoidance of doubt.

#### During Building Works

3. Prior to the first use of the development hereby approved details of the off street parking and turning / manoeuvring arrangements shall be set out in accordance with the Craven District Council's Model Standards 2008 for Caravan Sites in England and submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the provision of satisfactory off street parking in the interests of highway safety and to ensure compliance with Local Plan policies EMP16, T2.

4. **Amended Condition.** Notwithstanding unauthorised works that have been undertaken on-site and the details shown on the most recent landscaping plan (not all of which are acceptable) within 3 months of the date of this permission a scheme of soft landscaping for the site shall be submitted to the Local Planning Authority for approval.

The details shall include means of boundary planting, planting plans, written specifications (including cultivation and other operations associated with plant and grass establishment): schedule of plants noting species, plant supply sizes and proposed numbers/densities where appropriate; an implementation programme.

All details in the approved scheme of landscaping shall be carried out in the first planting season following the first use of the development.

Any trees or plants that within a period of 5 years die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar species (unless otherwise agreed in writing with the Local Planning Authority).

Reason: To achieve a satisfactory standard of landscaping in the interests of the amenities of the area and to ensure compliance with saved Local Plan Policies EMP4 and R6.

5. **Amended Condition:** Prior to its first installation details of the position of the approved LED outdoor bollard external lighting to be provided as part of the development shall be submitted to, and approved in writing by, the Local Planning Authority. The approved lighting shall be installed in the approved positions and shall thereafter be retained at all times.

Reason: To safeguard the character and appearance of the surrounding area, in accordance with the requirements of saved Local Plan Policies ENV1, ENV2 and EMP16 of the Craven District Council (Outside the Yorkshire Dales National Park Authority) Adopted Local Plan.

6. A scheme of hard landscaping works for the site shall be submitted to and approved in writing by the local planning authority. The details shall include: means of enclosure including construction of any walls/fencing, car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; proposed and existing functional services above and below ground; and an implementation programme.

All hard landscape works shall be carried out in accordance with the approved details.

Reason: To safeguard the character and appearance of the surrounding area, in accordance with the requirements of saved Local Plan Policies ENV1, ENV2 and EMP16 of the Craven District Council (Outside the Yorkshire Dales National Park Authority) Adopted Local Plan.

#### Before development is occupied

7. Prior to the first use of the caravans full details of the refuse and recycling storage facilities shall be submitted to and approved in writing by the Local Planning Authority.

The scheme shall be carried out in full as approved and retained for use at all times.

Reason: To ensure the provision of satisfactory facilities for the storage of refuse.

On-going condition

8. **Amended Condition:** Unless alternative details are first submitted to and approved in writing by the Local Planning Authority, the approved static caravan shall be of a design as per approved on drawings TBR EID5-6 R1 & R2 and constructed of materials specified comprising of:
- Canoxel Ridgeboard (approved colours Arcadia, Granite & Scotia Blue, Titanium Grey)
  - Ultratile Roof Tile,
  - UPVC double glazed anthracite finish windows
  - UPVC anthracite finish rainwater goods, half round galvanised steel gutters and round galvanised steel downpipes.
  - Indian Sandstone for the decking surface areas in colours of Fossil, Umbra and Olive Smooth.
  - Balustrades shall be constructed using stainless steel frame with grey glass infill panels and natural Yorkshire stone for the stone plinths.

Only the approved static caravans shall be used on the site, and no replacement, or variation of size, siting or appearance shall be undertaken without the prior written approval of the local planning authority. The development shall only be carried out in accordance with the approved details.

Reason: In the interests of the visual amenities of the area.

9. The caravans hereby approved shall be used for holiday accommodation purposes only and shall not be occupied for any other purpose. In particular the accommodation shall not be used as the sole or principal residence by any of the occupants.

The owners/operators shall maintain an up-to-date register of the names of all owners and occupiers of individual properties and of their main home addresses and shall make this information available at all reasonable time to the Local Planning authority.

Reason: For the avoidance of doubt as this is an open countryside location where new dwellings would not normally be viewed as acceptable in planning policy terms.

10. Unless alternative details are first submitted to and approved in writing by the Local Planning Authority, the development shall be implemented in accordance with the highway safety details that were approved under discharge of conditions application 08/2009/10133 to meet the requirements of condition 6 of planning ref. 08/2006/6868.

NOTE: You are advised that a separate licence will be required from the Highway Authority in order to allow any works in the adopted highway to be carried out. The local office of the Highway Authority will also be pleased to provide the detailed constructional specification referred to in this condition.

Reason: To ensure a satisfactory means of access to the site from the public highway, in the interests of vehicle and pedestrian safety and convenience, and to ensure compliance with Local Plan policies EMP16, T2 and T3.

11. Visibility splays approved under discharge of conditions application 08/2009/10133 (to meet the requirements of condition 7 of planning ref. 08/2006/6868) shall be retained for the duration of the development. Any amendment to the approved details shall first be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of road safety to provide drivers of vehicles using the access road to the site & public highway with a standard of inter-visibility commensurate with the vehicular traffic flows & road conditions, and to ensure compliance with Local Plan policies EMP16 and T2.

12. **Amended Condition:** The site's pedestrian access to the adjoining B6480 to the eastern end of the site shall be maintained and retained for use at all times.

Reason: In the interests of pedestrian safety and to ensure compliance with Local Plan policies EMP16, T2.

13. The development hereby approved shall be carried out in conformity with the details contained within the Flood Risk Assessment and retained thereafter.

Reason: To ensure that Flood Risk is satisfactorily addressed.

14. The existing hedgerow fronting onto Wennington Road shall be retained and properly maintained. Any hedgerow shrub which is removed or dies within 5 years of the completion of the development shall be replaced during the next planting season by a shrub of a species and size which shall first have been agreed in writing by the Local Planning Authority.

Reason: To protect the hedgerow in the interest of visual amenity.

15. **Amended Condition:** The external surfaces of each of the caravans hereby approved shall be one of three colours/finishes as detailed on the LP Canexel colour sheet received by the Local Planning Authority on the 9th February 2017. The three agreed colours/finishes are Granite, Scotia Blue or Acadia.

Only the approved colours shall be used on the site, and no variation shall be undertaken without the prior written approval of the Local Planning Authority. The development shall be carried out in accordance with the approved details and retained as such thereafter.

Reason: In the interest of the amenity of the area.

16. **Amended Condition:** The approved static caravan plots 5 & 6 shall be of a design as per approved on drawings TBR EID5-6 R1 & R2 and constructed of materials specified comprising of:

- Canexel Ridgeboard (approved colours Arcadia, Granite & Scotia Blue, Titanium Grey)
- Ultratile Roof Tile,
- UPVC double glazed anthracite finish windows,
- UPVC anthracite finish rainwater goods, half round galvanised steel gutters and round galvanised steel downpipes.
- Indian Sandstone for the decking surface areas in colours of Fossil, Umbra and Olive Smooth.
- Balustrades shall be constructed using stainless steel frame with grey glass infill panels and natural Yorkshire stone for the stone plinths.

Only the approved static caravans shall be used on the site, and no replacement, or variation of size, siting or appearance shall be undertaken without the prior written approval of the local planning authority. The development shall be carried out in accordance with the approved details.

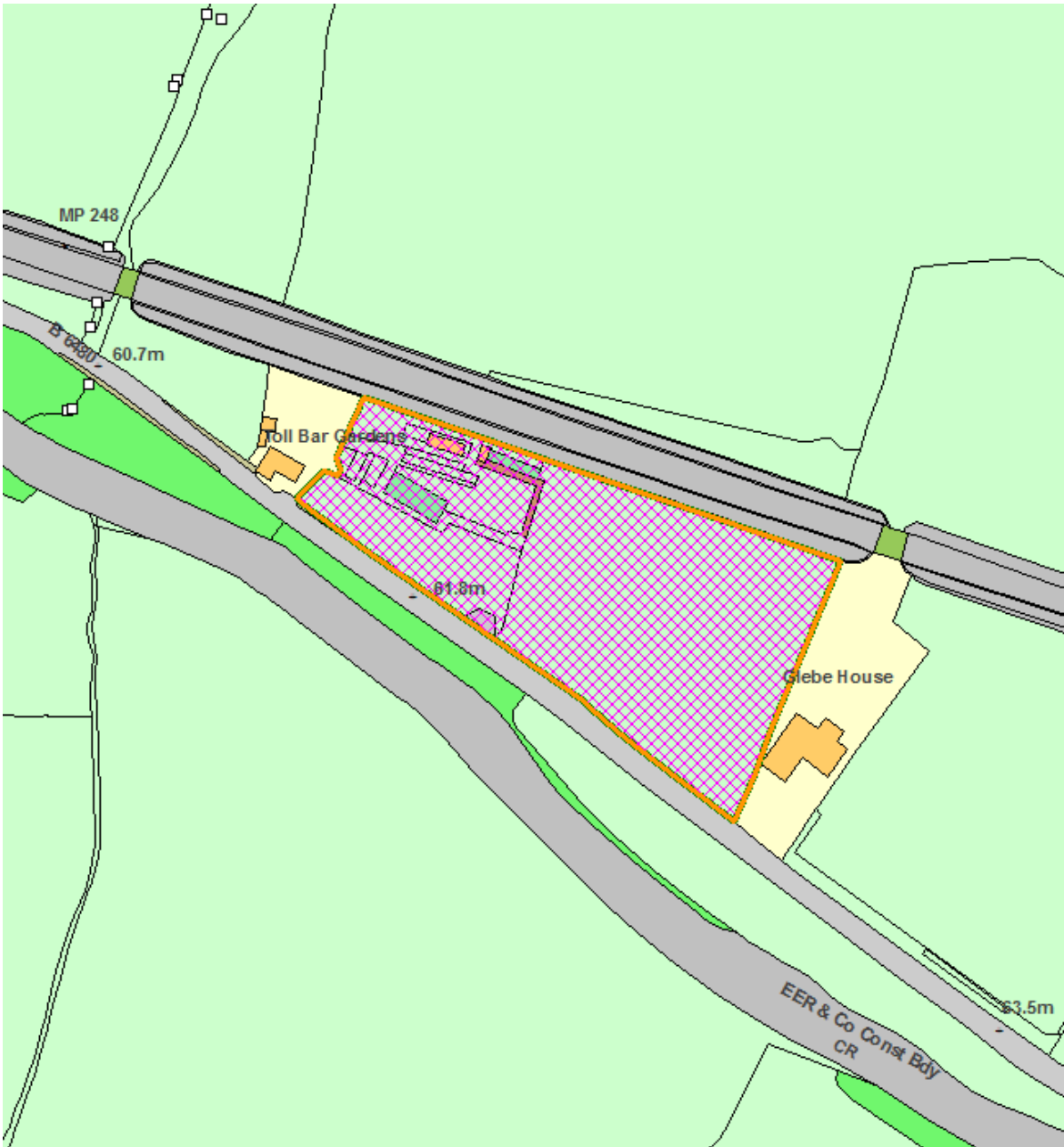
Reason: In the interests of the visual amenities of the area.

#### Statement of Positive Engagement: -

In dealing with this application Craven District Council has sought to approach the decision making process in a positive way, in accordance with the requirements of paragraphs 186 and 187 of the NPPF. In particular the Council has: -

- engaged in pre-application discussions
- requested amended design approaches / information to address the planning issues which have arisen in relation to dealing with this application.
- accepted additional information / changes to the scheme post validation





**Application Number:** 2017/18255/VAR

**Proposal:** Application to vary condition no. 2 (Static Caravan) no 3 (design and detail), no 8 (parking and turning), no 9 (pedestrian access), no 10 (soft landscaping), no 11 (lighting design), no 12 (scheme of hard landscaping), no 17 (caravan external finishes), no 18 (external finishes plots 5 and 6) of original planning consent reference 08/2016/17386

**Site Address:** Toll Bar Gardens Wennington Road Low Bentham  
Lancaster  
LA2 7DD

**On behalf of:** Mr John Beard

## REPORT TO PLANNING COMMITTEE ON 23rd October 2017

**Application Number:** 17/2017/18073

**Proposal:** Erection of four detached dwellings and B1 office space

**Site Address:** Carla Beck Farm Carla Beck Lane Carleton BD23 3BU

**On behalf of:** R N Wooler And Co

**Date Registered:** 8th September 2017

**Expiry Date:** 3rd November 2017

**Case Officer:** Andrea Muscroft

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**The application has been referred to Planning Committee as the proposal has been advertised as a departure from the development plan under Article 13 of the Town and Country Planning (Development Management Procedure) (England) Order 2015.**

### 1. Site Description

- 1.1 The application site comprises of 0.9 hectares of farm yard known as Carla Beck Farm that fronts onto Cara Beck Lane located to the west of a separate hamlet on the outskirts of the village of Carleton. Within the site there are a number of large modern farm buildings located close to the eastern boundary, a medium sized farm building to the northwest corner of the site, a silage building to the northeast corner and some smaller traditional building adjacent to Carla Beck Road.
- 1.2 The site is partially enclosed along the western boundary by a section of trees & shrubs with wire fencing beyond and timber and wire fence along the northern boundary. These boundary treatments separate the site from the surrounding agricultural fields. Located along the eastern boundary are traditional stone walls separating the site from residential properties to the east.
- 1.3 Located to the south of the site are a small group of residential dwellings and a farm yard recently granted outline consent for residential development. Travelling northwest is the settlement of Carleton which is designated as a conservation area. To the southwest of the site are two Grade II buildings identified as Spence's Court and The Rectory.
- 1.4 Running along the western boundary is Carla Beck and a PROW public right of way (05.10/6/1).
- 1.5 Ground levels throughout the site are for the most part level with the exception of buildings located close to the southeast corner of the site which are sited on elevated land. The majority of the site at some time has been subject to some level of hardstanding with the remaining area comprising of overgrown waste land.
- 1.6 Historically there were three trees on site protected by Tree Preservation Orders however subsequent approvals has resulted in only one protected tree remaining on the site.
- 1.7 The application site is located outside of the development limits for the village of Carleton and therefore lies within the open countryside as designated by the Local Plan.

### 2. Proposal

- 2.1 The proposal is seeking planning permission for the construction of four detached dwellings with both linked and detached garages and associated turning and off street parking spaces.
- 2.2 Officers Note: The proposal comprises of the demolition of existing agricultural building on site and land to the north of the site approx. 0.38ha reverting back to grassland for sheep grazing.
- 2.3 The proposed housing would comprise of:

- 2 x four bedroom detached dwellings
  - 2 x five bedroom detached dwellings.
- 2.4 The proposed site layout shows that each dwelling would include a garage and private garden area.
- 2.5 The proposal also seeks to provide an Office unit (B1 use) covering 765sqm.
- 2.6 The palate of materials comprises:
- Traditional Yorkshire Stone
  - Grey Slate Roof Tiles
  - Stone Surrounds to windows and doors.
  - Timber sash windows
  - Timber doors
  - Black Metal Rainwater Goods.
  - Buff Resin Bound Gravel.
  - Traditional Natural Stone for boundary walls.

### 3 Planning History

- 3.1 5/17//52 – Erection of cow cubicle building and covered silage building – Approved June 1979.
- 3.2 5/17/72 – Siting of refrigerated milk store – Approved August 1982.
- 3.3 5/17/173 – Erection of portal framed building to be used as loose housing for dairy cattle – Approved November 1994.
- 3.4 5/17/214 – Extension of agricultural buildings – Approved February 1999.
- 3.5 17/2002/2659 – Temporary siting of agricultural workers mobile home – Approved January 2003.
- 3.6 17/2016/16571 - Outline application with all matters reserved for residential development of 0.9ha – Approved July 2016.

### 4 Planning Policy Background

- 4.1 The National Planning Policy Framework – NPPF.
- 4.2 Planning Practice Guidance – PPG.
- 4.3 Saved Policies ENV1, ENV2, ENV10 & T2 of the Craven District (outside the Yorkshire Dales National Park) Local Plan.

### 5 Parish/Town Council Comments

- 5.1 Carleton Parish Council: Whilst the proposal would result in a visual enhancement the Parish feel that an opportunity has been missed to provide a reasonable quantity of two or three bedroom dwellings for which there is a demand in the village.

### 6 Consultations

- 6.1 CDC Contamination Officer: The historical use of the agricultural building could have led to some potential contaminated land issues; therefore it is recommended that conditions are imposed with regards to reporting of unexpected contamination.
- 6.2 CDC Environmental Team: No objection but recommends conditions relating to construction hours, noise management, and removal of asbestos and dust management.
- 6.3 CDC Tree Officer: No comments received at the time of compiling this report. Members will be updated at Planning Committee.
- 6.4 Airedale Drainage: Indicates that where possible the risk of flooding should be reduced and that, as far as is practicable, surface water arising from a developed site should be managed in a sustainable manner to mimic the surface water flows arising from the site prior to the proposed development. The

board notes that the proposal is for the construction of four detached dwellings and office space and as such there is the potential to increase the rate of surface water run-off from the site if this is not effectively constrained. Therefore, no objection to the proposal but recommends the use of conditions with regards to drainage issues.

- 6.5 Environment Agency: No comments received at the time of compiling this report. However, notwithstanding the lack of comment from the EA, the current proposal now lies outside of the recognised Flood Zones.
- 6.6 NYCC Footpath Officer: No objection subject to the use of an informative advising the applicant/developer of their responsibilities.
- 6.7 NYCC Highways: No objection to the proposal subject to the use of appropriate conditions.
- 6.8 Yorkshire Water: Water supply can be provided to the site under the terms of the Water Industry Act 1991. The site is not served by the public sewerage network, and therefore, the application should be referred to the Environment Agency and the LPA's Environmental Health Section for comment on private treatment facilities.

## 7 Representations

7.1 Three letters of support has been received with regards to the proposal. Comments summarised:

7.2 Visual impact

- Proposal is of a sensible and realistic size with existing dwellings on Carla Beck Lane.
- Visual improvement as a consequence of the removal of the farm buildings.
- Proposal landscaping would be sympathetic and consistent with the rest of Carla Beck Lane.

7.3 Highway issues

- Request that the entrance to the development is made clear.

7.4 Drainage

- Will the development pay adequate attention to minimising surface water flooding and treating foul water.

7.5 Other issues.

- Recommend careful management of dust control due to asbestos present on site.

7.6 Comments have also been received from the Ramblers requesting that the footpath that runs alongside the beck should be kept clear and walkable at all times and that arrangements for its maintenance are agreed with the North Yorkshire Rights of Way Section.

7.7 Officer Note: The responsibility of maintaining the foot path lies with the NYCC Footpaths and not with the land owner.

## 8 Summary of Principal Planning Issues

8.1 Principle of development.

8.2 Visual impact of the development.

8.3 Impact of the development nearby residential dwellings.

8.4 Impact of development on highway network.

8.5 Impact of development on protected trees.

8.6 Drainage.

## 9 Analysis

### 9.1 **Principle of development.**

9.2 Outline planning permission was granted for the construction for up to 24 dwellings on the site under ref: 17/2016/16571. The principle of this form of development on this site is therefore established.

### **9.3 Visual impact of the development on the rural countryside and designated heritage assets.**

- 9.4 Saved Policy ENV2 seeks to ensure that any development acceptable in principle outside the development limits is compatible with the character of the area; the design, materials used relate to the setting, that traffic generated can be accommodated satisfactorily and services and infrastructure can be provided without any serious harm to the character and appearance of the area. The weight that can now be given to ENV2 is now limited, but these aims are broadly in line with the NPPF, and will be addressed within the body of this report.
- 9.5 The NPPF states that LPA's should aim to ensure that developments function well and add to the overall quality of the area, optimising the potential of the site to accommodate development. It also states that development should respond to local character and history and reflect the identify of local surroundings and materials, while not preventing or discouraging appropriate innovation. It also states that whilst visual appearance and the architecture of individual's buildings are very important factor, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, LPA's should aim to address the connections between people and places and the integration of new development into the built environment.
- 9.6 The application site lies adjacent to Carla Beck House 1 -7, The Bungalow and The Coach House (Nursing Home). A further group of dwellings are located to the south identified as The Old Byre, Swallow House and Byre Cottage. To the southern and western boundaries of the site backs onto agricultural fields, free from development.
- 9.7 The proposal comprises four detached dwellings with interlinked and detached garages and an office building (B1) arranged coming off a central area on the edge of the settlement of Carleton.
- 9.8 In the open countryside new development should sit comfortably in the landscape. This can be achieved by emulating the horizontal form of traditional buildings with their strong eaves and ridge lines.
- 9.9 In this instance, the proposal has been designed spaced apart and set back from the road, this approach mimics similar development within the village and is considered appropriate in this small hamlet of buildings.
- 9.10 The proposed dwellings have been designed to incorporate the form of existing dwellings thus resulting in the residential development being in harmony with surrounding development. In addition, the proposal would also incorporate detailing present within both the village and surrounding area. This includes a balance of proportions between the overall shape of the walls and openings that they contain; a good solid to void ratio and a simple arrangement of openings.
- 9.11 The proposed dwellings would be constructed from the same palette of materials used traditionally in the area.
- 9.12 The proposal also includes the integration of soft landscaping with the provision of grassed areas with proposed tree and shrub planting. In addition, boundaries will comprise of traditional stone walls. In addition, the proposal would revert 0.38ha of former farmyard and land to grassland. Therefore on balance, the proposal would integrate well with the landscape.
- 9.13 With regards to the proposed office unit the building has been designed to complement both the character of the surrounding area and also the proposed dwellings with regards to its scale, design and appearance. In addition, the building would be constructed using materials that in officer's opinion would not detract from the character and appearance of the street scene or the surrounding area.
- 9.14 Located to the west of the site are a number of listed building and the designated conservation area of Carleton. Paragraph 131 of the National Planning Policy Framework (the Framework) states that in determining planning applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets.
- 9.15 The proposed development would be visible from the upper floors of Spence's Court and The Rectory and thus falls within the setting of these listed building. However, it is considered that the separation distance in excess of 370m is sufficient to ensure that any impact on the setting of these heritage assets is less than substantial.
- 9.16 In conclusion, it is considered that the proposal to development this site for housing could be developed in a way that would visually relate to the existing character of the area. Furthermore, any potential

landscaping, once mature would ensure an attractive and pleasing residential development. It is therefore considered that the proposal meets the aims and objectives of the NPPF.

**9.17 Impact of the development nearby residential dwellings.**

9.18 Within the Core planning principles of the NPPF paragraph 17 it states that the planning system should, amongst other things, “always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

9.19 The nearest dwellings are identified as The Bungalow located to the west of the site and The Old Byre Coach House located to the south at separation distances of approximately 19m from the proposed dwellings and office building. The gables of these two buildings front across to these two dwellings would remain blank thus ensure that the development would not result in any unacceptable loss of privacy. Similarly, given the separation distances and the existing and proposed planting the proposal would not result in any overshadowing or appear dominant when viewed from any habitable room or private amenity areas associated with these dwellings.

9.20 With regards to the potential impact of the development on the remaining residential dwellings located along Carla Beck Lane it is considered that the separation distances combined with the existing and proposed landscaping are sufficient to ensure that the occupiers of these dwellings do not suffer any adverse impacts as a consequence of any subsequent approval.

9.21 The submitted drawings show that the proposed dwellings would provide sufficient residential accommodation to meet the needs of any future occupiers of these dwellings. Furthermore, each dwelling would have its own private amenity area.

9.22 In conclusion, it is considered that the revised scheme would not result in any unacceptable loss of privacy or amenity of existing nearby neighbouring properties and would provide acceptable residential accommodation for any future occupiers of these dwellings. It therefore meets the aims and objectives of the NPPF that seeks to ensure a high quality of amenity for all existing and future occupiers of the development.

**9.23 Impact of development on highway network.**

9.24 Saved Local Plan Policies ENV2 and T2 are permissive of development proposals that are appropriate to the highway network where, amongst other things, they do not generate traffic in excess of the highway network; any new or greater use of an access onto a primary, district or local distributor road is acceptable in terms of design and road safety; and, regard is paid to the highway impact and potential for improvement to the surrounding landscape.

9.25 Section 4 of the NPPF contains guidance on transport and land use planning, including the promotion of sustainable transport choices and reducing travel by car. Paragraph 32 of the NPPF states that:

9.26 ‘Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe’.

9.27 The proposal is seeking to utilise the existing vehicle access off Carla Beck Lane and provide covered and off street parking for both the residential dwellings and the office building. This is considered sufficient to meet the requirements of Saved Policy T2 of the Local Plan. NYCC Highways have been consulted and have raised no objection to the proposal on highway safety grounds.

9.28 In conclusion, it is considered that the proposal accords with the policy requirements of Saved Policy T2 Local Plan and the aims and objectives of the NPPF.

**9.29 Impact of development on protected trees.**

9.30 Saved Policy ENV10 seeks to safeguard protected trees from harm or unjustifiable loss as they can both individually and in groups, play an important role in forming the character and attractiveness of the landscape.

9.31 In 1976 a Tree Protection Order was placed on three trees within the site (T10, T11 & T12). However, over the years due to the continued development of the farm two of these trees have been removed as a result of sought consent (T12) or that the tree had died and its retention presented a risk of serious harm (T10). The remaining protected tree (T11) is located close to the southeast corner of the site adjacent to Carla Beck Lane and continues to make a positive contribution to the character and

appearance of the area. Therefore, with careful consideration there is no reason why this tree cannot be retained. It is therefore considered that with an appropriate scheme the long term retention of this protected tree can be achieved.

9.32 **Drainage.**

9.33 Although the submitted details state that foul water will be disposed by other means no further details have been forthcoming. As such it is recommended that an appropriate condition can be attached to resolve in details this issue as part of the reserved matters application.

9.34 It is therefore recommended that an appropriate condition can be attached to ensure the implementation of a suitable SUD's system as part of a reserved matters application.

9.35 **Conclusion.**

9.36 Paragraph 14 of the NPPF advises that LPA's should be 'approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

*Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*

*Specific policies in this Framework indicate development should be restricted.*

9.37 In this case it is accepted that the proposal would have a visual impact on the rural character of the area. However, this impact does not significantly and demonstrably outweigh the benefits provided by the proposal in terms of boosting the supply of housing and the provision of both economic and social benefits and is therefore considered acceptable.

10 Recommendation

10.1 To grant approval subject to the following conditions.

Conditions

**Time condition**

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

Reason: To ensure a compliance with section 91 of the Town and Country Planning Act 1990.

**Approved Plans**

2. The approved plan comprises drawing No's

- Ancillary Building Floor and Elevation Plan received by Craven District Council 15<sup>th</sup> June 2017.
- Plot 4 Garage Floor and Elevation Plan received by Craven District Council 15<sup>th</sup> June 2017.
- Plot 4 House type Elevation Plan received by Craven District Council 15<sup>th</sup> June 2017.
- Plot 4 House type Floor Plan received by Craven District Council 15<sup>th</sup> June 2017.
- Plot 3 House type Elevation Plan received by Craven District Council 15<sup>th</sup> June 2017.
- Plot 3 House type Floor Plan received by Craven District Council 15<sup>th</sup> June 2017.
- Plot 2 House type Elevation Plan received by Craven District Council 15<sup>th</sup> June 2017.
- Plot 2 House type Floor Plan received by Craven District Council 15<sup>th</sup> June 2017.
- Plot 1 House type Elevation Plan received by Craven District Council 15<sup>th</sup> June 2017.
- Plot 1 House type Floor Plan received by Craven District Council 15<sup>th</sup> June 2017.

- Proposed Site Plan received by Craven District Council 15th June 2017.
- Location Plan received by Craven District Council 15th June 2017.

The development shall be completed in accordance with the approved plans except where conditions attached to this planning permission indicate otherwise or where alternative details have been subsequently approved following an application for a non- material amendment.

Reason: To specify the permission and for the avoidance of doubt.

**Before commencement**

3. No development approved by this permission shall be commenced until the Local Planning Authority in consultation with the Internal Drainage Board has approved a Scheme for the provision of surface water drainage works. Any such Scheme shall be implemented to the reasonable satisfaction of the Local Planning Authority before the development is brought into use.

The following criteria should be considered:

- Any proposal to discharge surface water to a watercourse from the redevelopment of a brownfield site should first establish the extent of any existing discharge to that watercourse.
- Peak run-off from a brownfield site should be attenuated to 70% of any existing discharge rate (existing rate taken as 140lit/sec/ha or the established rate whichever is the lesser for the connected impermeable area).
- Discharge from “greenfield sites” taken as 1.4 lit/sec/ha (1:1yr storm).
- Storage volume should accommodate a 1:30 yr event with no surface flooding and no overland discharge off the site in a 1:100yr event.
- A 20% allowance for climate change should be included in all calculations.
- A range of durations should be used to establish the worst-case scenario.
- The suitability of soakaways, as a means of surface water disposal, should be ascertained in accordance with BRE Digest 365 or other approved methodology.

Reason: To ensure the development is provided with satisfactory means of drainage and to reduce the risk of flooding.

4. No development approved by this permission shall be commenced until a Scheme for the provision, implementation and maintenance of a regulation system has been approved by and implemented to the reasonable satisfaction of the Local Planning Authority in consultation with the Internal Drainage Board for any surface water and foul discharges. The rate of discharge would not be expected to exceed that of a "greenfield site".

Reason: To prevent the increased risk of flooding.

5. Prior to commencement of development, a detailed scheme for the foul water drainage of the development shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented prior to the occupation of any new building.

Reason: To ensure effective drainage of the site.

6. Prior to any site activity commencing in association with the development, barrier fencing shall be erected for the protection of tree (T11) adjacent to the site in compliance with BS 5837 (2012) Trees in Relation to Construction – Recommendations. Within this fenced area no development, vehicle manoeuvring, storage of materials or plant or removal or addition of soil may take place. The fencing shall not be moved in part or wholly without the written agreement of the Local Planning Authority. The fencing shall remain in place until completion of all development works and removal of site vehicles, machinery, and materials in connection with the development.

Reason: To prevent damage to the protected tree during construction works.



7. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the access(es) to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements:

The details of the access shall have been approved in writing by the Local Planning Authority in consultation with the Highway Authority.

- The crossing of the highway verge and/or footway shall be constructed in accordance with the approved details and/or Standard Detail **number E6**.
- Any gates or barriers shall be erected a minimum distance of **6 metres** back from the carriageway of the existing highway and shall not be able to swing over the existing or proposed highway.
- Provision to prevent surface water from the site/plot discharging onto the existing or proposed highway shall be constructed in accordance with the approved details, and/or the specification of the Highway Authority, and maintained thereafter to prevent such discharges.
- The final surfacing of any private access within **6 metres** of the public highway shall not contain any loose material that is capable of being drawn on to the existing or proposed public highway.

Reason: To ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience.

There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until splays are provided giving clear visibility of 70 metres measured along centre line of the major road Carla Beck Lane from a point measured 2 metres down the centre line of the access road. The eye height will be 1.05 metres and the object height shall be 1.05 metres or height. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason: In the interests of road safety.

8. Development shall not commence until a scheme detailing provision for onsite parking for construction workers for the duration of the construction period has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented throughout the construction period.

Reason: To ensure the provision of adequate parking arrangements during construction in the interests of highway safety.

#### **During building works**

9. A detailed scheme for soft landscaping, including the planting of trees and/or shrubs shall be submitted to the Local Planning Authority as part of the submission of reserved matters; such scheme shall specify types and species, a programme of planting and the timing of implementation of the scheme, including any earthworks required.

The approved scheme of landscaping shall be carried out in the first planting season following the first use of the development. Any trees or plants that within a period of 5 years die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar species (unless otherwise agreed in writing with the Local Planning Authority).

Reason: To ensure the implantation of appropriate landscaping which will improve the environmental quality of the development.

10. All of the internal and external site boundaries shall be enclosed in accordance with the details shown on the approved site layout plan. The approved boundary treatments for each dwelling shall be completed prior to the occupation of the dwellings, and all of the approved boundary treatments shall be completed prior to the occupation of the last dwelling on the site.

Reason: In the interests of visual amenity and residential amenity.

11. Foul and surface water shall be drained on separate systems.  
Reason: To secure proper drainage and to manage the risk of flooding and pollution.
12. A scheme of hard landscaping works for the site shall be submitted to and approved in writing by the local planning authority. The details shall include: car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; proposed and existing functional services above and below ground; and an implementation programme;. All hard landscape works shall be carried out in accordance with the approved details.  
Reason: To safeguard the character and appearance of the surrounding area.
13. 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'.
14. 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 Plot 1, 2, 3 & 4 House Elevations, Plot 4 garage & Proposed ancillary building.  
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 the Local Plan and the National Planning Policy Framework.
- On-going condition**
15. No excavation or grading shall be undertaken within the Root Protection Area without the prior approval of the Local Planning Authority.  
Reason: To prevent damage to the protected trees during construction works.
16. 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 Design and Access Statement 6.0 Proposed Site Plan for parking spaces, turning areas and access 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.
17. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015 or any subsequent Order, the garage(s) shall not be converted into domestic accommodation without the granting of an appropriate planning permission.  
Reason: To ensure the retention of adequate and satisfactory provision of off-street accommodation for vehicles generated by occupiers of the dwelling and visitors to it, in the interest of safety and the general amenity the development.

**Informative**

With regard to conditions above please note that it will be necessary to submit a formal application to discharge the conditions. Any samples of materials that require approval should be made available for inspection either on the site or another suitable location and not brought to or delivered to the Council Offices unless specific arrangements to do so have been made with the relevant planning case officer.

The applicant is advised that advice regarding permeable and porous hard surfaces can be found in the Department of Communities and Local Government document 'Guidance on the permeable surfacing of front gardens' which can be accessed on the DCLG website ([www.communities.gov.uk](http://www.communities.gov.uk)).

The existing Public Right(s) of Way on the site must be protected and kept clear of any obstruction until such time as any alternative route has been provided and confirmed under an Order made under the Town and Country Planning Act 1990. Applicants are advised to contact the County Council's Access and Public Rights of team at Country Hall, Northallerton via [paths@northyorks.gov.uk](mailto:paths@northyorks.gov.uk) to obtain up-to-date information regarding the line of the route of the way. The applicant should discuss with the Highway Authority any proposals for altering the route.

In imposing conditions above relating to highways it is recommended that before a detailed planning submission is made a draft layout is produced for discussion between the applicant, the Local Planning Authority and the Highway Authority in order to avoid abortive work. The agreed drawings must be approved in writing by the Local Planning Authority for the purpose of discharging this condition.

You are advised that a separate licence will be required from the Highway Authority in order to allow any works in the adopted highway to be carried out. The 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by North Yorkshire County Council, the Highway Authority, is available at the County Council's offices. The local office of the Highway Authority will also be pleased to provide the detailed constructional specification referred to in this condition

The hours of operation during construction phase of development and delivery of construction materials or equipment to the site and associate 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.

The applicant is advised that the removal of any potential asbestos containing materials present on site should be carried out by a suitably qualified, competent contractor/registered waste carrier, licenced in the removal and offsite disposal of asbestos to a registered hazardous waste landfill site.

The applicant is advised it is the responsibility of the developer to ensure that any topsoil brought on site is free from metals, plastic, wood, glass, tarmac, paper and odours associated with contaminated soils as specified in BS 3882: 2015 Specification for Topsoil. Supplier(s) details and confirmation on the source(s) of any topsoil materials brought on site should be made available for inspection at the request of the Council's Environmental Health Department.

Statement of Positive Engagement: -

In dealing with this application Craven District Council has sought to approach the decision making process in a positive way, in accordance with the requirements of paragraphs 186 and 187 of the NPPF.



**Application Number:** 17/2017/18073

**Proposal:** Erection of four detached dwellings and B1 office space

**Site Address:** Carla Beck Farm Carla Beck Lane Carleton Skipton  
BD23 3BU

**On behalf of:** R N Wooler And Co

## REPORT TO PLANNING COMMITTEE ON 23rd October 2017

**Application Number:** 2017/18377/FUL

**Proposal:** Residential development of four two bedroom three person starter homes (resubmission of previous application referenced 32/2016/17300)

**Site Address:** Garage Site Adj 44 And 60 Colne Road Colne Road Glusburn

**On behalf of:** Craven District Council

**Date Registered:** 11th August 2017

**Expiry Date:** 6th October 2017

**Case Officer:** Andrea Muscroft

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**The application has been referred to Planning Committee as the proposal was considered by Planning Committee on the 24<sup>th</sup> October 2016. The application has also been submitted by the Council on Council owned land.**

### 1. Site Description

- 1.1 The application site comprises of a parcel of land 0.13h in area, situated to the southwest of the centre of Glusburn. The site is predominantly open in character with 12 garages on site.
- 1.2 There is a slight decrease in levels from north to south through the site. There are no special landscape features contained within the site other than some trees and shrubs along the northern boundary.
- 1.3 The surrounding area to the north and east is residential in character with allotments to the south and west of the site with a mixture of residential and local services beyond. Access to and from the site is from Colne Road to the north.
- 1.4 The site lies outside of the development limits of the village of Glusburn as defined by the Local Plan 1999. Part of the site also lies within Flood Zone 2 as identified by the Environment Agency.

### 2. Proposal

- 2.1 The proposal is seeking an amendment to previously approved application 32/2016/17300 which was granted planning approval for the construction of four 2 bedroom starter homes with off street parking in October 2016.
- 2.2 The revised proposal is seeking amendments to the access to the site.
- 2.3 Officer note: No changes are proposed to the siting/design of the dwellings nor the

### 3. Planning History

- 3.1 5/32/499 – Erection of precast concrete garage – not determined.
- 3.2 32/2016/17300 - Residential development of four 2 bedroom three person starter homes with off street parking – Approved 25.10.2016

### 4. Planning Policy Background

- 4.1 The National Planning Policy Framework – NPPF.
- 4.2 Planning Practice Guidance – PPG.

- 4.3 Saved Policies ENV1, ENV2, H12 & T2 of the Craven District (outside the Yorkshire Dales National Park) Local Plan.
- 5 Parish/Town Council Comments
- 5.1 Glusburn Parish Council: No formal comments received at the time of compiling this report.
- 6 Consultations
- 6.1 **CDC Contamination Officer:** Historical use of the site could have led to potential contamination land issues. Therefore it is recommended to attach an appropriate condition should contamination be encountered during the development.
- 6.2 **CDC Environmental Protection:** No objection but suggests the use of conditions.
- 6.3 **CDC Tree Officer:** The trees along the front of the site include a Cherry, Maple and Spruce. The Trees have some amenity value along the Colne road however they aren't highly prominent. The Cherry and Maple have poor structure with multiple stems from ground level and included bark unions. They are also starting to obstruct the street light. Their loss would be partially mitigated visually by the Ash situated on the land next door. The Spruce is young and has limited amenity value. If necessary a condition can be imposed requesting replacement planting.
- 6.4 **Environment Agency:** No objection but recommend that the developer considers opportunities to reduce the potential impact of flooding by raising floor levels wherever possible and incorporating flood proofing and resilience measures.
- 6.5 **NYCC Highways:** No objection subject to the use of appropriate conditions.
- 6.6 **Yorkshire Water:** No comments with regards to this proposal.
- 7 Representations
- 7.1 The proposal was advertised in the Craven Herald on the 24<sup>th</sup> August 2017 and a site notice was posted adjacent to the site on the 25<sup>th</sup> August 2017. Notification letters were also distributed to neighbouring properties. As a consequence of the publicity 2 letters of representation have been received. Comments summarised below:-
- Visual impact**
- Proposed dwellings are not in keeping with the character of the area.
- Highway issues.**
- The loss of garages would result in an increase in on street parking.
  - Insufficient parking proposed for users of the allotments.
  - Concern that emergency vehicles would be unable to reach the allotments.
  - Concern for pedestrian safety as they cross the access to the site.
- Flooding**
- Concern that the development will increase the risk of flooding.
- Drainage**
- Concern that the drainage system would be unable to accommodate any more surface water.
- Other issues**
- No justification for more houses in Craven.
  - Local infrastructure and public services would be unable to cope.
  - Concern that the Council will sell off the allotments.
  - Concern no pedestrian access is proposed to the allotments.
  - The proposal would make it impossible for deliveries to occur to the allotments.
  - Where will local residents park.

## 8 Summary of Principal Planning Issues

- 8.1 Principle of development.
- 8.2 Visual impact of development.
- 8.3 Impact of development on the amenity of neighbouring properties.
- 8.4 Highway issues.
- 8.5 Flooding
- 8.6 Drainage
- 8.7 Other issues.

## 9 Analysis

### **Principle of development.**

- 9.1 The application site has been subject to a previous planning approval ref: 32/2016/17300 for the construction of four 2 bedroom starter homes with off street parking. This proposal was assessed against the policy requirements of Saved Policy ENV1 & H12 of the Craven Local Plan. In addition, the proposal was considered against the aims and objectives of the NPPF. As a consequence of this assessment the proposal was considered acceptable in principle. Therefore, the principle of development on this site has been established.

### **Visual impact of development.**

- 9.2 Saved Policy ENV2 seeks to ensure that any development acceptable in principle outside the development limits is compatible with the character of the area; the design, materials used relate to the setting, that traffic generated can be accommodated satisfactorily and services and infrastructure can be provided without any serious harm to the character and appearance of the area. The weight that can now be given to ENV2 is now limited, but these aims are broadly in line with the NPPF, and will be addressed within the body of this report. Similarly policy H12 has similar design objectives that should be met.
- 9.3 The NPPF states that LPA's should aim to ensure that developments function well and add to the overall quality of the area, optimising the potential of the site to accommodate development. It also states that development should respond to local character and history and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation. It also states that whilst visual appearance and the architecture of individual's buildings are very important factor, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, LPA's should aim to address the connections between people and places and the integration of new development into the built environment.
- 9.4 The application site lies directly adjacent to Colne Road and comprises of a parcel of land with a number of garages throughout the site of which are situated on hardstanding. The eastern boundary of the site abuts the residential curtilage of No. 60 with land to the south and west comprising of allotments.
- 9.5 The proposed dwellings have been designed to respect the existing parcel of land with footprints and garden areas being of a proportionate size, thus ensuring that the proposal doesn't appear cramped. In terms of form and appearance the proposed buildings have been designed to reflect properties situated to the north of Colne Road, through the buildings basic form and simple window and door openings. It is acknowledged that the proposal would deviate from the present linear pattern of development that fronts towards the highway. However, the proposal which would be set back from the road would be seen in the context of the residential developments that lie adjacent to the site. It is therefore considered that the proposal would achieve an appropriate visual relationship with nearby dwellings given its similar design. As such it is considered that due to the proposals modest scale, design and appropriate boundary treatments that the proposal would not have a negative visual impact on the character and appearance of the adjacent dwellings or the surrounding area.
- 9.6 In terms of materials no details have been submitted. Notwithstanding the lack of information, it is considered that the use of a suitable condition requiring further details could be attached to ensure that the development harmonises well with the surrounding area.

- 9.7 The proposal is seeking to provide private grassed amenity areas to the rear of the properties enclosed by timber fences. With regards to the proposed hard standing no details have been submitted. However, notwithstanding this, it is considered that this could be controlled through the use of an appropriate condition and is not a reason for a refusal.
- 9.8 In conclusion, it is considered that the proposal to develop this parcel of land for housing could be developed in a way that would visually relate to the existing character of the area. It is therefore considered that the proposal meets the aims of the NPPF and requirements of Saved Policy ENV2 of the Craven District (Outside the Yorkshire Dales National Park) Local Plan.

#### **Amenity issues**

- 9.9 Within the Core planning principles of the NPPF paragraph 17 it states that the planning system should, amongst other things, “always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
- 9.10 The nearest dwelling to the application site is No. 60 Colne Road located to the northeast at a separation distance of 15m. Drawings submitted indicate that the proposed dwellings would be positioned to the south of No. 60 with the rear elevations fronting across far rear garden area of this property. As a consequence of the orientation of both the proposed dwellings and No. 60 Colne Road it is not considered that the proposal would result in any unacceptable loss of privacy. Similarly, the proposal would not result in any unacceptable overshadowing or appear overtly dominate when viewed from the habitable rooms of this property.
- 9.11 The next nearest dwellings are located to the north of Colne Road at a distance in excess of 35m as such it is not considered that the proposal would have any adverse impacts on the privacy or amenity of the occupants of these dwellings. Similarly, the separation distance between the application site and Glusburn Community Primary School is considered sufficient to ensure that users of this facility would not experience any unacceptable overlooking or loss of privacy.
- 9.12 The proposed development has been designed to provide two bedroom accommodation with private amenity space. The positioning of the dwellings would ensure that the occupants of these dwelling did not experience any unacceptable loss of privacy or be affected by overshadowing. With regards to living space, it is considered that the proposal would provide an acceptable level of living accommodation that would meet the needs of any future occupant of these dwellings.
- 9.13 In conclusion, the proposed row of terrace dwellings would not result in any unacceptable loss of privacy or amenity to the adjacent dwellings. Furthermore, the proposal would provide an acceptable standard of living accommodation to meet the needs of any future occupant of these dwellings. It is therefore considered that the proposal meets the aims and objectives of the NPPF that seeks to ensure a high standing of living for existing and future occupants.

#### **Highway issues.**

- 9.14 Saved Policy T2 is supportive of development which is appropriately related to the highway network and does not in particular; generate volumes of traffic in excess of the capacity of the highway network; would not lead to the formation of a new access or greater use of an existing access onto a primary, district or local distributor road unless the access is such that it is acceptable to the Council and its design achieves a high standard of safety; and would have full regard to the highway impact on, and potential for improvement to the surrounding landscape.
- 9.15 Section 4 of the NPPF contains guidance on transport and land use planning, including the promotion of sustainable transport choices and reducing travel by car.
- 9.16 Paragraph 32 of the NPPF states that ‘Development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe’.
- 9.17 The proposal is seeking to create four off street parking spaces plus 2 visitor parking spaces directly off Colne Road. This is considered sufficient to meet the requirements of Saved Policy T2 of the Local Plan.
- 9.18 Representations have been made relating to the likely effects on the existing road especially with regards to on street parking. NYCC Authority have been consulted and have raised no objections only specifying the use of appropriate conditions to be attached should the proposal be granted planning



permission. Therefore, it is considered that subject to the attachment of appropriate conditions the site could be developed without detriment to highway safety.

- 9.19 Whilst the proposal would reduce the amount of vehicle parking currently available on the site for users of the allotments the proposal does indicate an area to the south of the site dedicated to parking for users of the allotments. Therefore it is not considered that the reduction in parking for the users of the allotments is sufficient to withhold approval.
- 9.20 In conclusion, it is considered that the proposal would not create any conditions contrary to highway safety. It is therefore considered that the proposal meets the requirements of Saved Policy T2 of the Local Plan and the aims and objectives of the NPPF.

### **Flooding**

- 9.21 Paragraph 99 of the NPPF advises that new development should be planned to avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures. Paragraph 100 also advises that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas of highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.
- 9.22 The southern part of the application site has been identified as being within Flood Zone 2 by the Environment Agency (EA) as such the proposal has been supported with a flood risk assessment. In the Government's Planning Practice Guidance residential development is considered acceptable within Flood Zone 2, so long as the application is accompanied by a site specific flood risk assessment to show the risks will be appropriately addressed.
- 9.23 Basic mitigation measures are proposed including ensuring that the finished floor levels of the dwellings are at least 300 mm above external ground levels and electrical supplies being top fed. The site is already developed and the re-development of the site will not unacceptably exacerbate flood risk elsewhere. The Environment Agency have been consulted but at the time of compiling this report no comments have been received. Notwithstanding the lack of comments from the Environment Agency it is considered that the proposal subject to ensuring that mitigation measures detailed within the FRA are implemented is acceptable. Therefore, it is considered that the use of appropriate conditions would ensure that the redevelopment of the site is acceptable.

### **Drainage**

- 9.24 Submitted details indicate that foul water will be disposed via a mains sewer and that surface water runoff from the development would be disposed via a water surface water collection chamber. Yorkshire Water and have not objected to the proposal. Therefore the disposal of foul and surface water is considered acceptable in principle subject to the attachment of an appropriate condition requiring submission of further details for prior approval.

### **Affordable Housing**

- 9.25 The application is made on the basis that it is for 100% affordable housing. The size of the development proposal is actually below the threshold where the Council would ordinarily require a contribution to affordable housing. If the application proposal was only acceptable as an 'exception site' (in accordance with policy H12) it would be necessary to impose a planning condition requiring a scheme for affordable housing to be submitted and approved. However as outlined earlier in this report, given the District's housing land supply position and the age of the adopted local plan, the development is acceptable in principle outside of the identified development limit boundaries regardless of whether the proposal involves the delivery of affordable housing. It is therefore not necessary or reasonable for the local planning authority to impose a condition limiting the properties to just affordable dwellings.

### **Other issues.**

- 9.26 Concern has been expressed over the potential impact of the development on Boundary Avenue (there is an alternative access to the allotments from Boundary Avenue). These comments are noted, but the proposal retains an area of land that is specifically to be allocated for parking by allotment holders. It is not considered that a refusal of planning permission could be justified on the basis of the impact on Boundary Avenue residents.

- 9.27 Third party representation has expressed concern that if the proposal is approved that this would set a precedent for further development of the allotments. The area to be re-developed is a former Council garage site and not the allotments. Any development of the allotments would require a separate application for planning permission. Each proposal is considered on its own merits with regard to the site constraints and as such the proposal would not set a precedent for further development.
- 9.28 Comments have been expressed with regards to where local residents will be able to obtain the use of a garage. The decision of the Council as to whether it should or can provide garages for others to use is not a matter for the Local Planning Authority and therefore does not form part of the assessment of this proposal.
- 9.29 The proposal would result in the cutting back or total removal of existing trees at the entrance into the site. These trees lie outside of any designated conservation area and are not protected by a Tree Preservation Order. Notwithstanding this, the Council's Tree Officer has visited site and states that the trees are not worthy of any protection and whilst they do have some amenity value they are not highly prominent. Also any loss would be partially mitigated visually by the Ash located on adjacent land. Therefore no objection to the proposal.

### **Conclusion**

- 9.30 Paragraph 14 of the NPPF advises that LPA's should be 'approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

*any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*

*specific policies in this Framework indicate development should be restricted.*

- 9.31 It is considered that there are no adverse impacts that significantly and demonstrably outweigh the overarching presumption in favour of sustainable development contained within paragraph 14 of the NPPF, and there are no grounds to withhold planning permission that in officer's view would be sustained at appeal.

### **10 Recommendation**

- 10.1 To grant planning approval subject to the following conditions.

#### **Conditions**

##### **Time**

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

**Reason:** To ensure compliance with Section 91 of the Town and Country Planning Act 1990.

##### **Approved plans**

2. The approved plans comprise Plan Numbers

E0501 D02 Proposed Site and Roof Plan received by the Local Planning Authority on the 21<sup>st</sup> July 2017.

02 Proposed Floor Plans received by the Local Planning Authority on the 2<sup>nd</sup> September 2016.

04 Proposed Elevations received by the Local Planning Authority on the 2<sup>nd</sup> September 2016.

The development shall be completed in accordance with the approved plans except where conditions attached to this planning permission indicate otherwise or where alternative details have been subsequently approved following an application for a non-material amendment.

**Reason:** To specify the permission and for the avoidance of doubt

##### **Pre commencement**

3. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the

access(es) to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements:

- The details of the access shall have been approved in writing by the Local Planning Authority in consultation with the Highway Authority.
- The crossing of the highway verge and/or footway shall be constructed in accordance with the approved details and/or Standard Detail number E6.
- Any gates or barriers shall be erected a minimum distance of 6 metres back from the carriageway of the existing highway and shall not be able to swing over the existing or proposed highway.
- That part of the access(es) extending 6 metres into the site from the carriageway of the existing highway shall be at a gradient not exceeding 1 in 10.
- Provision to prevent surface water from the site/plot discharging onto the existing or proposed highway shall be constructed in accordance with the approved details, and/or the specification of the Highway Authority, and maintained thereafter to prevent such discharges.
- The final surfacing of any private access within 6m of the public highway shall not contain any loose material that is capable of being drawn on to the existing or proposed public highway.

**Reason:** To ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience.

#### **During Building Works**

4. Notwithstanding the details indicated on the approved plans and supporting documents, prior to their first use details of all the materials to be used on the external elevations shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall then be constructed in accordance with the approved details.

**Reason:** To ensure the satisfactory appearance of the development with regards to the visual amenity of the area.

5. Prior to the first use, full details of the materials to be used within the hard landscaping shall be submitted to and approved in writing by the Local Planning Authority. These details shall include the walls surrounding the dwellings and hard surfacing materials. The development shall be undertaken in accordance with the approved details and shall be maintained at all times thereafter.

**Reason:** To ensure the satisfactory detailed appearance of the development.

6. No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall for surface water have been completed in accordance with details to be submitted to and approved by the local planning authority.

**Reason:** To ensure that the site is properly drained and surface water is not discharged to the foul sewerage system which will prevent overloading.

Ongoing conditions

7. The site shall be developed with separate systems of drainage for foul and surface water on and off site.

**Reason:** In the interest of satisfactory and sustainable drainage.

8. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015 (as amended), or any document superseding that order, the areas shown on E0501 D02 for parking spaces, turning areas and access 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.

8. 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'.

9. The development hereby permitted shall only be carried out in accordance with the approved Flood Risk Assessment (FRA), dated August 2016. The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

**Reason:** To prevent flooding by ensuring the satisfactory disposal of surface water from the site, and to reduce the risk of flooding to the proposed development and future occupants.

### **Informative**

You are advised that a separate licence will be required from the Highway Authority in order to allow any works in the adopted highway to be carried out. The 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by North Yorkshire County Council, the Highway Authority, is available at the County Council's offices. The local office of the Highway Authority will also be pleased to provide the detailed constructional specification referred to in this condition.

The applicant is advised that advice regarding permeable and porous hardsurfaces can be found in the Department of Communities and Local Government document 'Guidance on the permeable surfacing of front gardens' which can be accessed on the DCLG website ([www.communities.gov.uk](http://www.communities.gov.uk))

The hours of operation during construction phase of development and delivery of construction materials or equipment to the site and associate 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.

The applicant is advised that for the safe removal of any potential asbestos containing material present on site, i.e. garage roof material that this material should be removed by a suitably qualified, competent contractor/registered waste carrier, licenced in the removal and offsite disposal of asbestos to a registered hazardous waste landfill site.

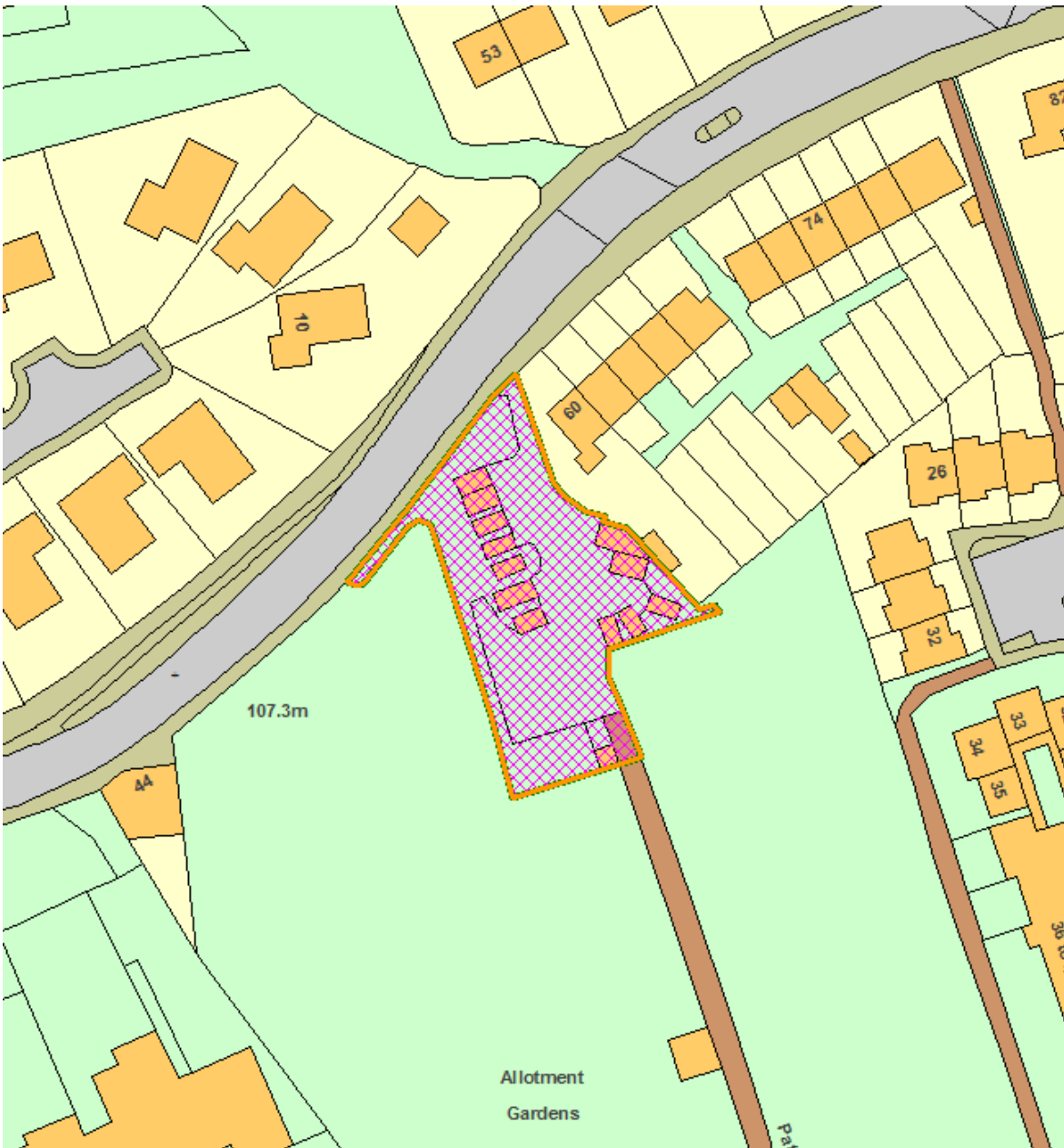
The application is advised that measures should be implemented to ensure that dust generated from operations on the site does not travel beyond the site boundary.

The applicant is advised that before importation of topsoil, details of the supplier and confirmation on the source(s) of any soil material should be submitted the Council's Environmental Team for approval. The soil should be free from metals, plastic, wood, glass, tarmac, paper and odours associated with contaminated soils as specified in BS 3882:2007 – Specification for Topsoil and requirements of use.

### **Statement of Positive Engagement:** -

In dealing with this application Craven District Council has sought to approach the decision making process in a positive way, in accordance with the requirements of paragraphs 186 and 187 of the NPPF. In particular the Council has: -

- engaged in pre-application discussions



**Application Number:** 2017/18377/FUL

**Proposal:** Residential development of four two bedroom three person starter homes (resubmission of previous application referenced 32/2016/17300)

**Site Address:** Garage Site Adj 44 And 60 Colne Road Colne Road  
Glusburn

**On behalf of:** Craven District Council

## REPORT TO ON 23rd October 2017

**Application Number:** 2017/18297/ADV  
2017/18508/ADV  
2017/18509/ADV  
2017/18510/ADV  
2017/18511/ADV  
2017/18512/ADV  
2017/18513/ADV  
2017/18514/ADV  
2017/18515/ADV  
2017/18516/ADV

**Proposal:** Application for advertisement consent for three sponsorship signs placed on the roundabout using two posts and an aluminium plate per sign located one facing each road entrance.

**Site Address:** Various sites across the Craven District

**On behalf of:** Community Partners Ltd

**Date Registered:** 11th July 2017

**Expiry Date:** 5th September 2017

**Case Officer:** Mr Sam Binney

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**This application has been referred to Planning Committee by the Planning Manager under the provisions of paragraph 10 of the Development Control Scheme of Delegation and Planning Protocol**

1. Site Description

- 1.1 The sites are roundabouts spread across the district. Each site is summarised below.
- 1.2 **2017/18297/ADV:** This site is a roundabout located on the A6131 Keighley Road in Skipton. Surrounding the site is Snaygill Industrial Estate to the north-west, The Bay Horse pub to the east, and Airedale Business Centre to the south-west. It is within the development limits of Skipton and the parish of Bradley.
- 1.3 **2017/18508/ADV:** This site is a roundabout located on the A65 and B6480 on the outskirts of Settle. There are no properties in close proximity to the site. Settle is 1km north-east of the site, with Long Preston 4km to the south-east and Rathmell 1.8km south-west. It is outside development limits and within the parish of Settle.
- 1.4 **2017/18509/ADV:** This site is a roundabout located on the A59 to the west of Skipton. Surrounding the site is Little Chef, Burger King and Travelodge to the south-east. It is outside development limits and within the Stirton-with-Thorlby parish.
- 1.5 **2017/18510/ADV:** The site is a roundabout located on the A65 and Grassington Road to the North of Skipton. Surrounding the site is the White Hills housing development to the south-west and Raikes estate to the south. It is outside development limits and within Skipton Parish.

- 1.6 **2017/18511/ADV:** The site is a roundabout located on the A65/A59 to the East of Skipton. Surrounding the site are open agricultural fields, Low Skibeden House B&B to the south-west, a dwelling to the north, and Skibeden Household Waste and Recycling Centre to the north-east. It is outside development limits and within Skipton parish.
- 1.7 **2017/18512/ADV:** The site is a roundabout located on the A59/B6160 to the south of Bolton Abbey. Surrounding the site are agricultural fields and Bolton Bridge and River Wharfe to the east. It is outside development limits and within Draughton parish.
- 1.8 **2017/18513/ADV:** The site is a roundabout located on the A629/B6172 to the south of Kildwick. Surrounding the site is Kildwick and River Aire to the north, south-west to the co-op petrol station and Cross Hills. It is outside development limits and within Kildwick parish.
- 1.9 **2017/18514/ADV:** The site is a roundabout located on the A629 and A6131 to the south of Skipton. Surrounding the site is Airedale Business Centre to the north, the Leeds-Liverpool Canal to the east and the River Aire to the west which runs through open agricultural fields. It is outside development limits and within Bradleys Both parish.
- 1.10 **2017/18515/ADV:** The site is a roundabout located on the A59 and A56 Colne and Broughton Road to the north of Elslack and south-west of Broughton. Surrounding the site are open agricultural fields, Silver Cross (UK) Ltd to the north-east and Broughton Beck to the south-east. It is outside development limits and within Broughton parish.
- 1.11 **2017/18516/ADV:** The site is a roundabout located on the A6068 Skipton Road in Cross Hills. Surrounding the site is The Crossings Business Park to the east and commercial businesses to the west including The Trawlerman Restaurant and T F Smiths Car Hire. It is within development limits and Glusburn and Cross Hills Parish.

## 2 Proposal

- 2.1 The applications seek advertisement consent for the installation of advertisement signs comprising of non-illuminated free-standing signs. Each roundabout will have one sign facing each entrance to the roundabout, except from the roundabout at 18510 at north of Raikes Road which has a sign shared between 2 entrances.
- 2.2 18297: 4 free-standing signs.
- 2.3 18508: 3 free-standing signs.
- 2.4 18509: 5 free-standing signs.
- 2.5 18510: 4 free-standing signs.
- 2.6 18511: 4 free-standing signs.
- 2.7 18512: 5 free-standing signs.
- 2.8 18513: 5 free-standing signs.
- 2.9 18514: 3 free-standing signs.
- 2.10 18515: 3 free-standing signs.
- 2.11 18516: 4 free-standing signs.
- 2.12 The face of each sign will measure 0.5m in height, 1.2m in width and a depth of 0.05m. The signs will be 0.45m above ground level and erected on posts fabricated in recycled plastic. The plates of the sign will be aluminium with vinyl graphics added. The signs will all be non-illuminated. They have been applied for by Community Partners Ltd on behalf of Craven District Council. Each sign will be used to advertise local businesses as part of a sponsorship scheme to raise revenue for the Council.

## 3 Planning History

- 3.1 No planning history since 1974.

## 4 Planning Policy Background

- 4.1 National Planning Policy Framework (NPPF).

## 5 Parish/Town Council Comments

5.1 The following Parish/Town councils were consulted on the applications.

5.2 Bradleys Both, Broughton, Draughton, Glusburn and Cross Hills, Kildwick, Settle, Skipton and Stirton-with-Thorlby. 2 responses were received objection to the proposals. The objections is outlined below:

5.3 Bradleys Both Parish Council (App Ref: 2017/18297/ADV):

- *“The Parish Council objects to this planning application for signage on the roundabout in the parish. We feel that unnecessary road signage spoils the entrance into Skipton. There is already too much advertising at the roundabout and at the entrance to the industrial estate. There are also safety concerns as drivers are distracted by the clutter around the area. We would also be interested to know, if this application is passed, would any of the revenue collected be passed onto the parishes affected?”*

5.4 Stirton-with-Thorlby Parish Council (App Ref: 2017/18509/ADV):

- *“The roundabout in question is a key entry point to ‘Skipton, The Gateway to the Dales’. Creating a good impression at this intersection is important if the town wishes to maintain a positive image.*
- *The preference would be for no advertisement signs to be allowed. Once a precedent is set then it may act as a catalyst for the posting of more signs. Stirton with Thorlby Parish has made complaints in the past about a number of what were presumably unofficial advertisements on the land surrounding this roundabout. This is a very busy intersection and signs may be a distraction when drivers should be paying full attention to the traffic.*
- *We realise maintaining this roundabout in an attractive condition requires financial outlay. If its maintenance can only be achieved by using sponsors then any signs acknowledging the sponsors should be relatively discreet and attractive otherwise it defeats the object. The signs in their current form, particularly the one for Armstrong Luty, could be construed as an endorsement by Craven District Council for a particular solicitor or business. There is no indication that the businesses are sponsoring anything.”*

5.5 **Officer’s Note:** Settle Town Council also objected to application 2017/18297/ADV stating that there is a *“misleading and inaccurate proposal and location description. Application not valid for consultation”*. Since this comment was received, the application was split into 10 references. The roundabout in question was allocated with reference 2017/18508/ADV and Settle Town Council was consulted with an updated description. No comments were received from Settle Town Council within the statutory consultation period for that application.

## 6 Consultations

6.1 NYCC Highways: The Highways authority did not object to any of the proposals. They stated “signage is sufficiently small so as not to cause a distraction to drivers. Wording should be kept to a minimum. “For applications 18508, 18509, 18510, 18511 and 18515 it was also stated “your local experts in just compensation’ should be removed”.

**Officer’s Note:** The signage forms part of a sponsorship scheme generating revenue. However, the information provided by the sponsors to be placed onto the advertisements would be out of the planning authority’s control. Therefore, a request to remove specific words from the signage cannot be enforced.

## 7 Representations

7.1 Site Notices dated 15<sup>th</sup> September 2017.

7.2 Press Notices not required.

7.3 No neighbour notification letters required.

7.4 No letters of representation have been received.

## 8 Summary of Principal Planning Issues

8.1 Impact of the advertisements upon the character and appearance of the surrounding area.

## 9 Analysis



- 9.1 Paragraph 67 of the National Planning Policy Framework states that ‘Poorly placed advertisements can have a negative impact on the appearance of the built and natural environment. Control over outdoor advertisements should be efficient, effective and simple in concept and operation. Only those advertisements which will clearly have an appreciable impact on a building or on their surroundings should be subject to the local planning authority’s detailed assessment. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts’.
- 9.2 The proposed application sites are located outside designated conservation areas, though 2 roundabouts, 1 north of Raikes Road Skipton (18510) and 1 south of Kildwick (18513) are adjacent to the boundary of conservation areas. Therefore it is considered that section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 has some relevance. Section 72 imposes a statutory duty on a decision maker that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area. It is therefore appropriate to consider the visual effect of the proposed advertisements on the Kildwick and Skipton designated conservation areas.
- 9.3 Existing signage is in situ at all of the roundabouts in the same locations as the proposed signs. The signage will be a consistent size at all locations on all of the roundabouts. However, the individual sponsors advertising on the proposed advertisements, including the type of business and the colours used on the signage, would be out of the control of the planning authority. The applicant has stated that the colour of the text and background would be “various colours but likely to be white” and the letters on the signage would be 12cm in height.
- 9.4 The proposed signage would measure 0.5m x 1.2m and the base of each sign would be 0.45m above ground level. The signage plates would be aluminium with vinyl graphics added. The signs would be supported on fabricated recycled plastic posts. The signs will be non-illuminated. The surrounding areas feature a road network and either open fields or commercial/retail/industrial areas. As a result, there are some instances where advertisements for local businesses are present in close proximity to the sites.
- 9.5 When considering the requirements of the NPPF the signs are considered to be ‘effective and simple in concept and operation’ and would not have an unacceptable impact on the street scene or on the neighbouring conservation areas.
- 9.6 Highway safety.
- 9.7 NYCC Highways have been consulted and have no adverse comments to make for the application. They have stated that the signs are of insufficient size to cause a distraction to drivers. The signs are free-standing and would not project over any walkways. On this basis, it is considered that the signs are acceptable in terms of highway safety and amenity.
- 9.8 To conclude, Paragraph 14 of the National Planning Policy Framework indicates that development should be approved unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole, or specific policies within the Framework indicate development should be restricted.
- 10 Recommendation
- 10.1 To grant advertisement consent.
- Conditions
1. This approval is for a period not exceeding five years from the date of this consent.
  2. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
  3. No advertisement shall be sited or displayed so as to—
    - (a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
    - (b) obscure or hinder the ready interpretation of any traffic sign, railway signal or aid to navigation by water or air; or
    - (c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

4. Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.
5. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.
6. Where an advertisement is required under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

Reason: Conditions 1-6 are applicable to all applications for advertisement consent in accordance with the provisions of Schedule 2 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended).

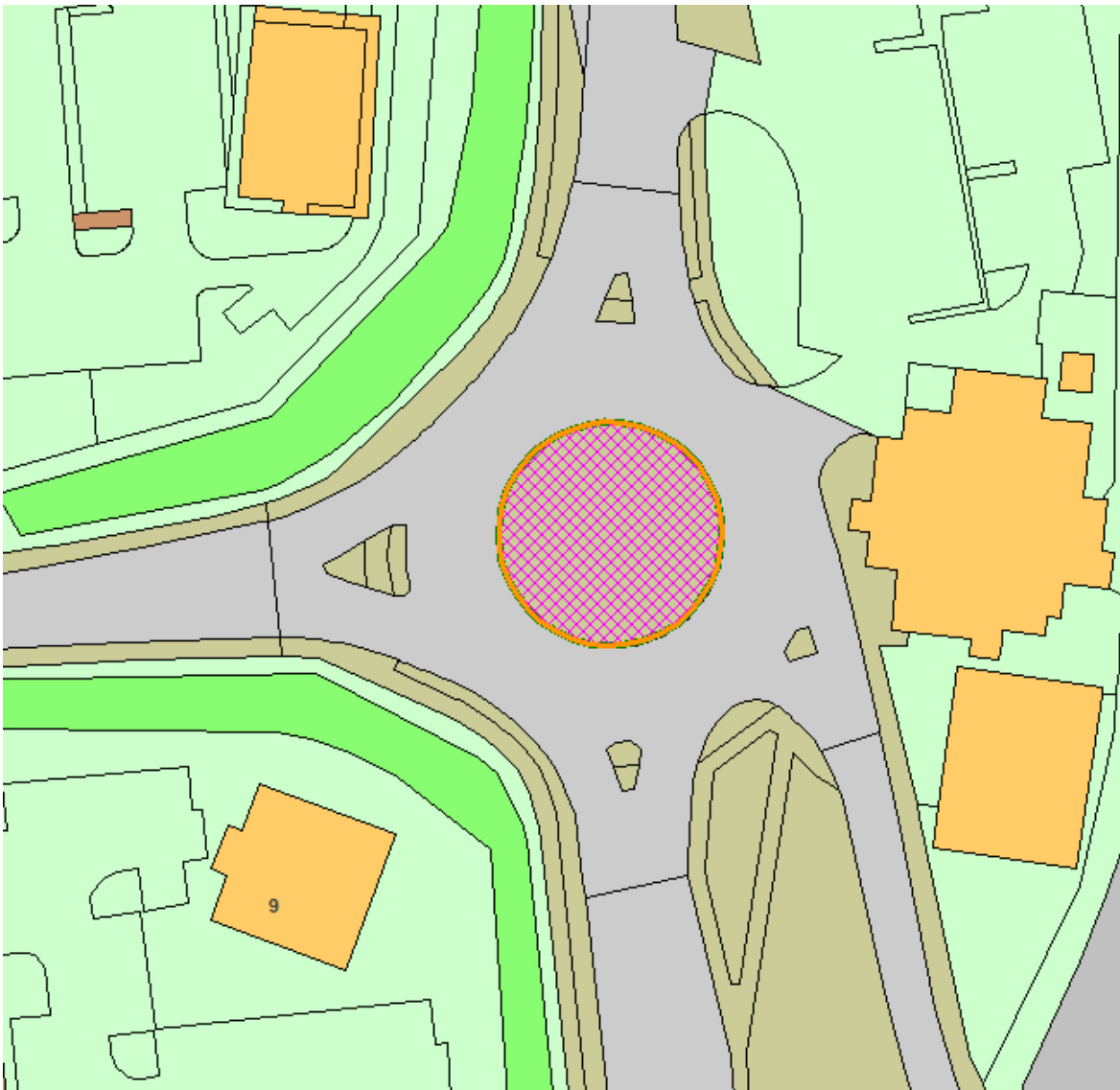
7. This permission relates to the following plans:
  - Drawing No. CDR01 Site Location Plan received 11<sup>th</sup> July 2017.
  - Drawing No. CDR01 Site Plan received 11<sup>th</sup> July 2017.
  - Drawing No. CDR02 Site Location Plan received 11<sup>th</sup> July 2017.
  - Drawing No. CDR02 Site Plan received 11<sup>th</sup> July 2017.
  - Drawing No. CDR03 Site Location Plan received 11<sup>th</sup> July 2017.
  - Drawing No. CDR03 Site Plan received 11<sup>th</sup> July 2017.
  - Drawing No. CDR04 Site Location Plan received 11<sup>th</sup> July 2017.
  - Drawing No. CDR04 Site Plan received 11<sup>th</sup> July 2017.
  - Drawing No. CDR05 Site Location Plan received 11<sup>th</sup> July 2017.
  - Drawing No. CDR05 Site Plan received 11<sup>th</sup> July 2017.
  - Drawing No. CDR06 Site Location Plan received 11<sup>th</sup> July 2017.
  - Drawing No. CDR06 Site Plan received 11<sup>th</sup> July 2017.
  - Drawing No. CDR07 Site Location Plan received 11<sup>th</sup> July 2017.
  - Drawing No. CDR07 Site Plan received 11<sup>th</sup> July 2017.
  - Drawing No. CDR08 Site Location Plan received 11<sup>th</sup> July 2017.
  - Drawing No. CDR08 Site Plan received 11<sup>th</sup> July 2017.
  - Drawing No. CDR10 Site Location Plan received 11<sup>th</sup> July 2017.
  - Drawing No. CDR10 Site Plan received 11<sup>th</sup> July 2017.
  - Drawing No. CDR11 Site Location Plan received 11<sup>th</sup> July 2017.
  - Drawing No. CDR11 Site Plan received 11<sup>th</sup> July 2017.
  - Details contained within the covering letter received 11<sup>th</sup> July 2017.

Except as provided for by other conditions to this permission, the development shall be carried out in complete accordance with the approved drawings.

Reason: For the avoidance of doubt and to ensure a satisfactory standard of development in accordance with the policies contained within the Craven District (Outside the Yorkshire Dales National Park Authority) Local Plan and the National Planning Policy Framework.

Statement of Positive Engagement: -

In dealing with this application Craven District Council has sought to approach the decision making process in a positive way, in accordance with the requirements of paragraphs 186 and 187 of the NPPF.

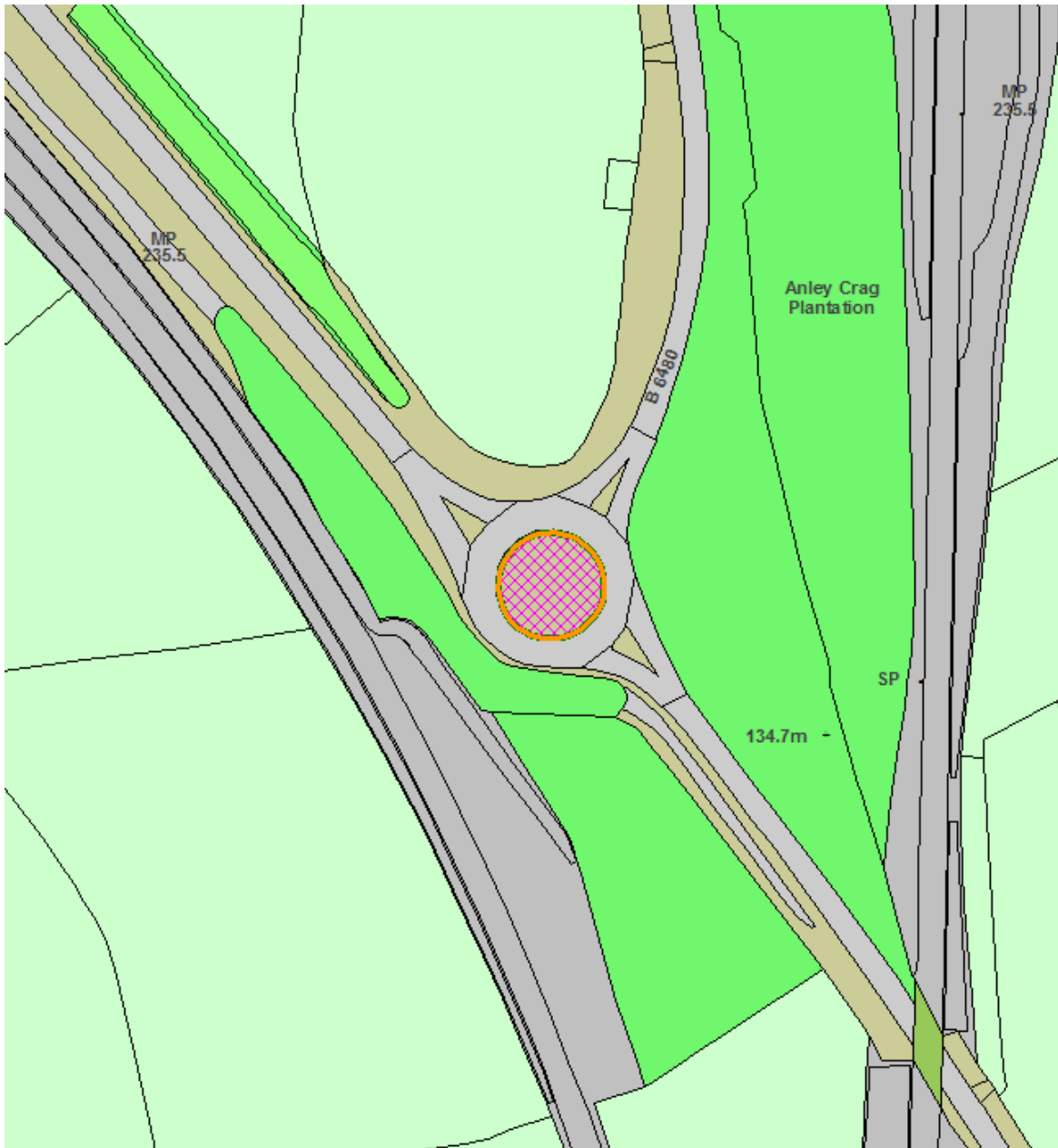


**Application Number:** 2017/18297/ADV

**Proposal:** Application for advertisement consent for three sponsorship signs placed on the roundabout using two posts and a aluminium plate per sign located one facing each road entrance.

**Site Address:** Land At A6131 Roundabout Keighley Road Skipton

**On behalf of:** Community Partners Ltd

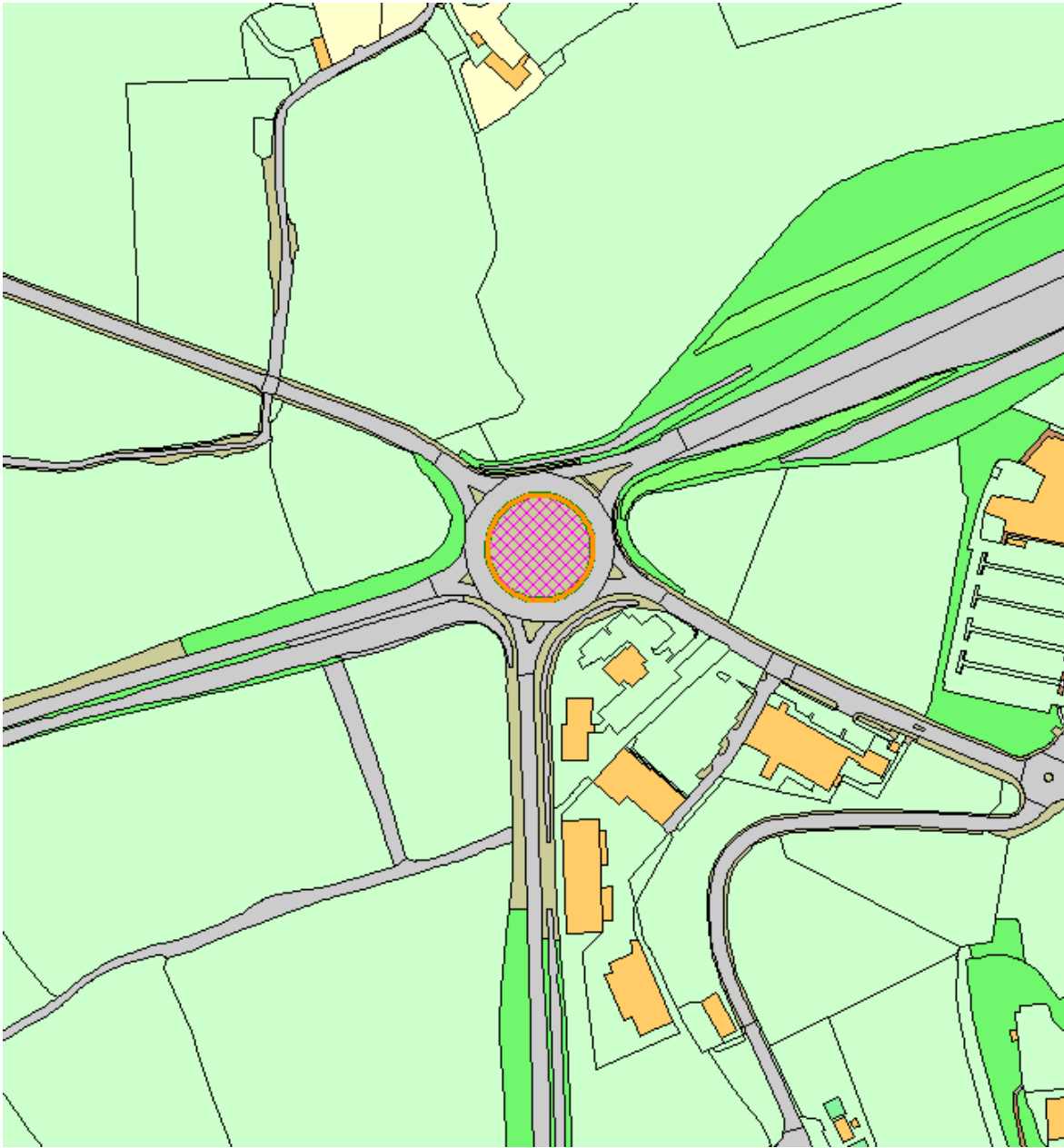


**Application Number:** 2017/18508/ADV

**Proposal:** Application for advertisement consent for sponsorship signs placed on the roundabout using two posts and a aluminium plate per sign located one facing each road entrance.

**Site Address:** Land Adjoining Roundabout At A65 Settle/B6480 Settle

**On behalf of:** Community Partners Ltd

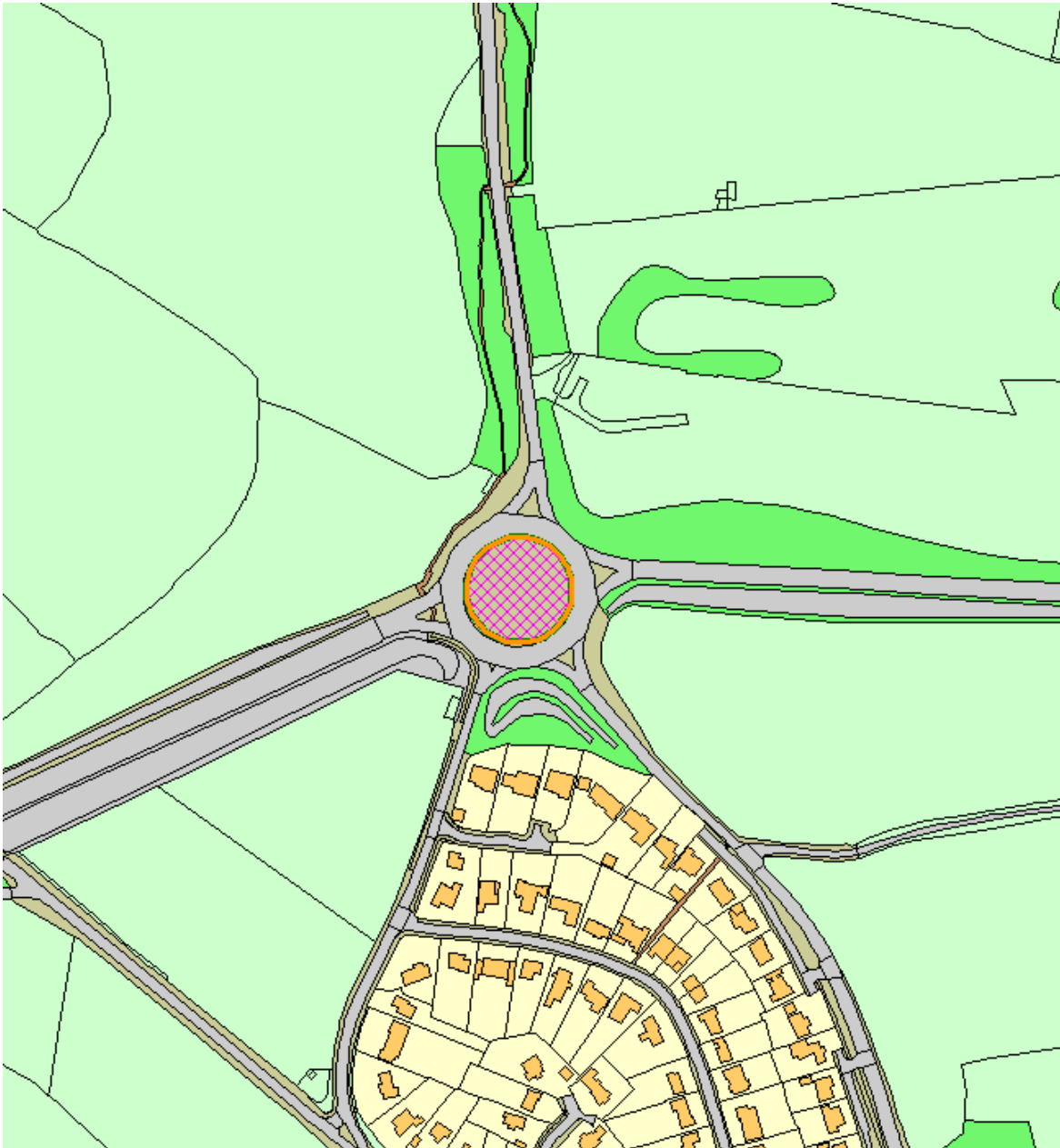


**Application Number:** 2017/18509/ADV

**Proposal:** Application for advertisement consent for sponsorship signs placed on the roundabout using two posts and a aluminium plate per sign located one facing each road entrance.

**Site Address:** Land Adjoining Roundabout At A59 Skipton By-Pass/Gargrave Road/A65/A629 Gargrave Skipton

**On behalf of:** Community Partners Ltd

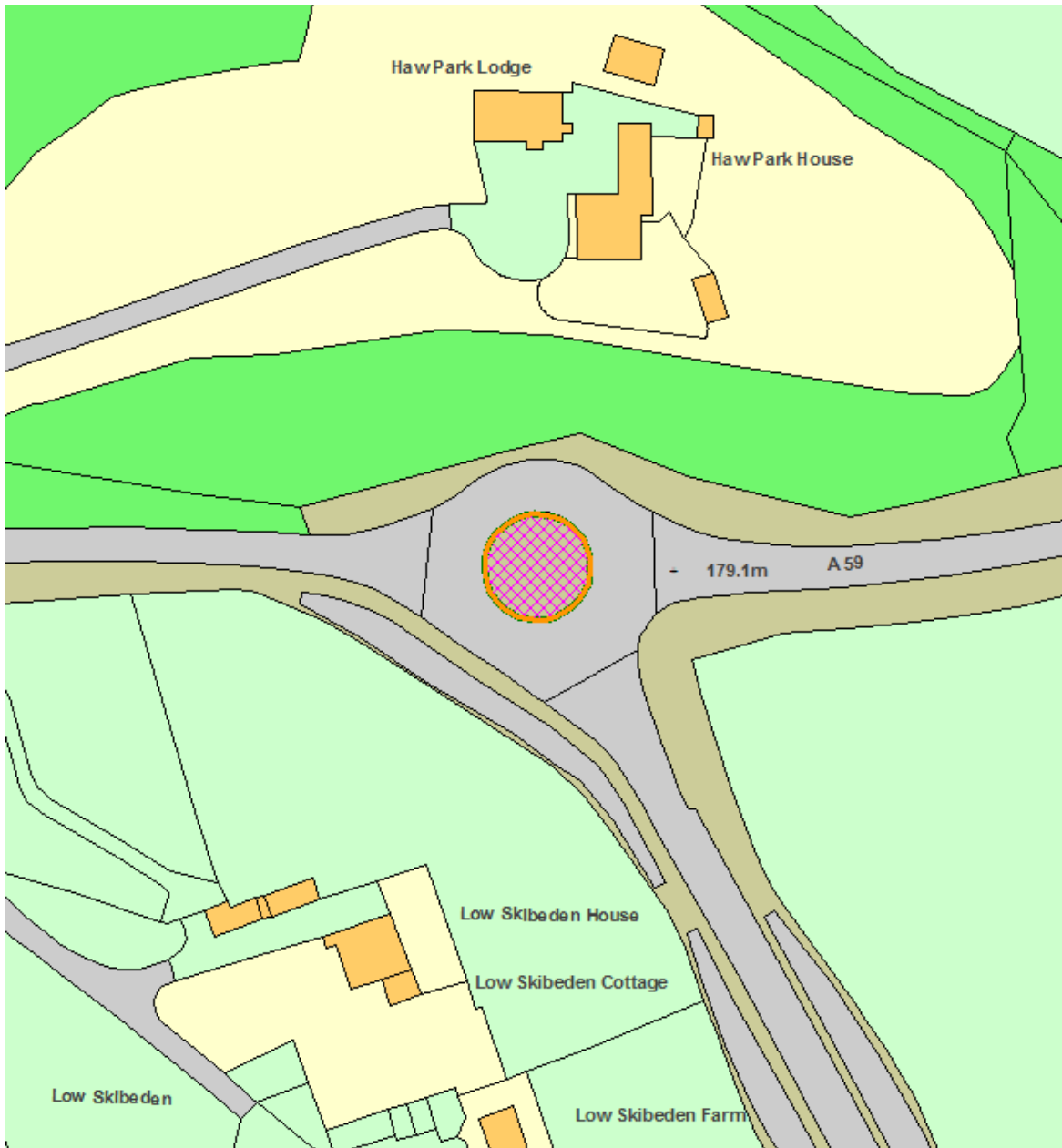


**Application Number:** 2017/18510/ADV

**Proposal:** Application for advertisement consent for sponsorship signs placed on the roundabout using two posts and a aluminium plate per sign located one facing each road entrance.

**Site Address:** Land Adjoining Roundabout At A65/Grassington Road The Tarn Moor Estate Broughton Road Skipton

**On behalf of:** Community Partners Ltd



**Application Number:** 2017/18511/ADV

**Proposal:** Application for advertisement consent for sponsorship signs placed on the roundabout using two posts and a aluminium plate per sign located one facing each road entrance.

**Site Address:** Land Adjoining Roundabout At A65/A59 Skipton By-Pass Skipton

**On behalf of:** Community Partners Ltd



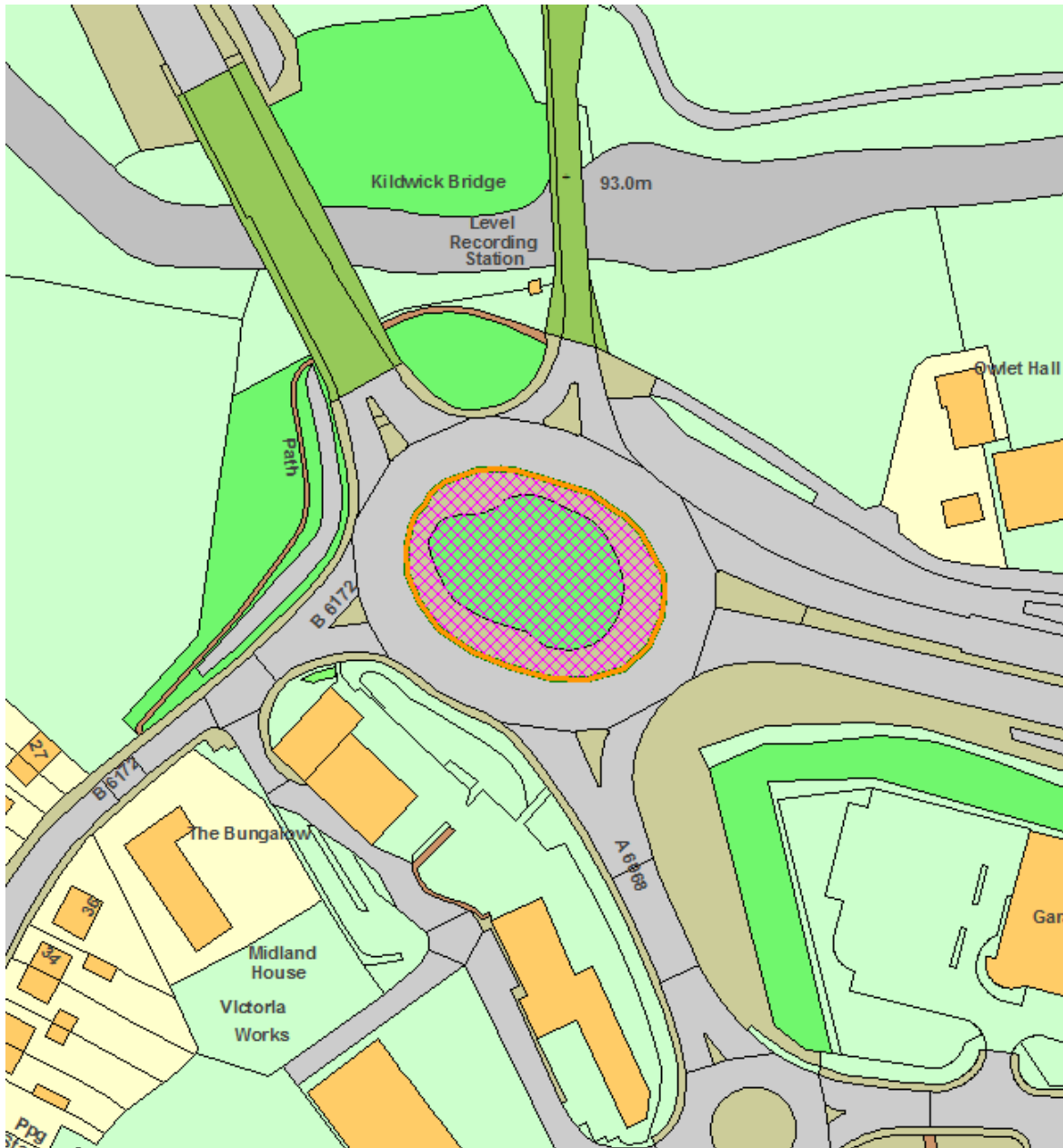
**Application Number:** 2017/18512/ADV

**Proposal:** Application for advertisement consent for sponsorship signs placed on the roundabout using two posts and a aluminium plate per sign located one facing each road entrance.

**Site Address:** Land Adjoining Roundabout At A59 Bolton Bridge/Bolton Road/B6160 Draughton

**On behalf of:** Community Partners Ltd



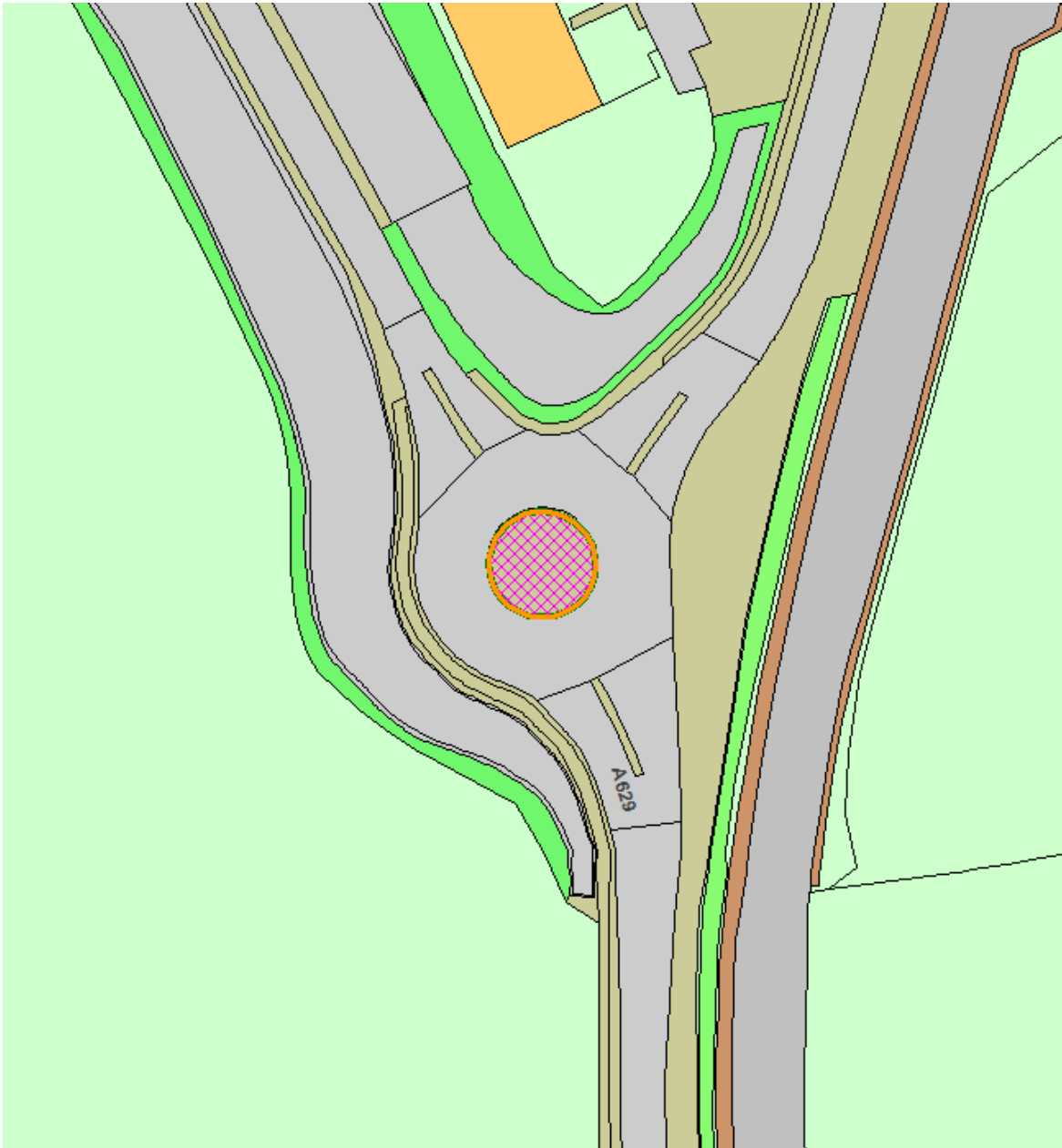


**Application Number:** 2017/18513/ADV

**Proposal:** Application for advertisement consent for sponsorship signs placed on the roundabout using two posts and a aluminium plate per sign located one facing each road entrance.

**Site Address:** Land Adjoining Roundabout At A629 Kildwick/Skipton Road/Main Road/B6172 Cross Hills

**On behalf of:** Community Partners Ltd

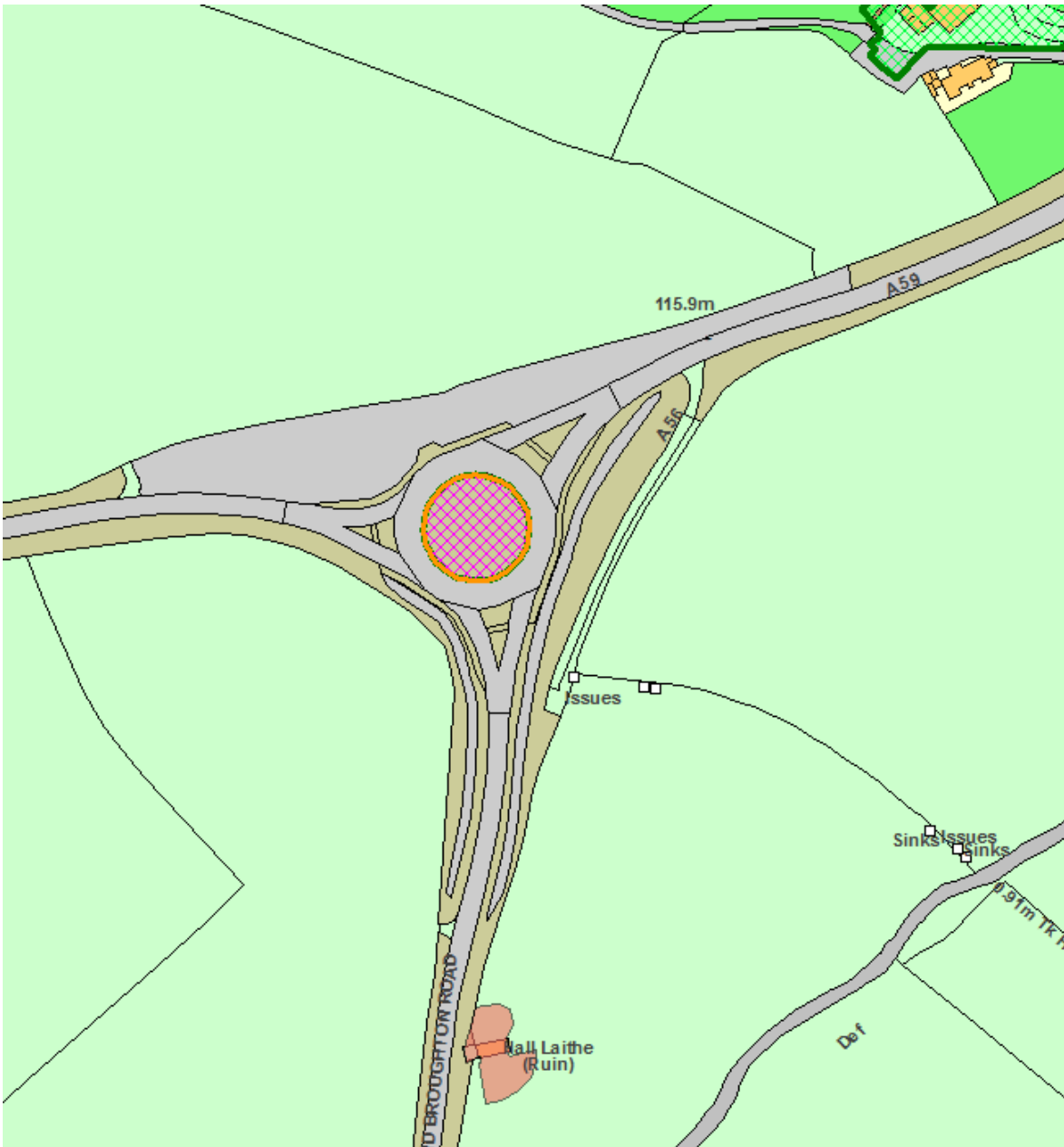


**Application Number:** 2017/18514/ADV

**Proposal:** Application for advertisement consent for sponsorship signs placed on the roundabout using two posts and a aluminium plate per sign located one facing each road entrance.

**Site Address:** Land Adjoining Roundabout At A629 Keighley Road/A6131 Skipton Low Bradley

**On behalf of:** Community Planners Ltd

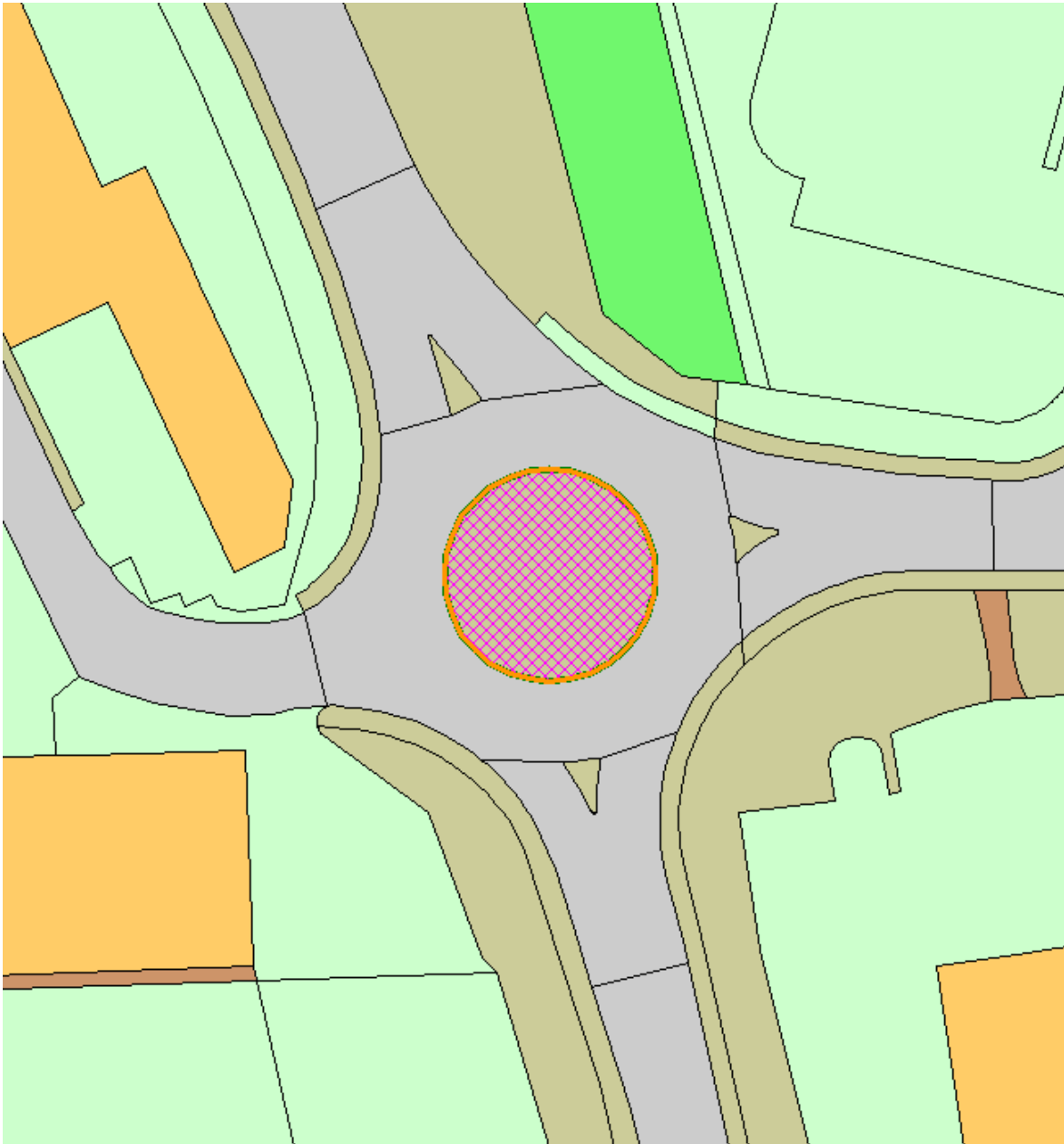


**Application Number:** 2017/18515/ADV

**Proposal:** Application for advertisement consent for sponsorship signs placed on the roundabout using two posts and a aluminium plate per sign located one facing each road entrance.

**Site Address:** Land Adjoining Roundabout At A56/A59 Colne And Broughton Road Elslack

**On behalf of:** Community Partners Ltd



**Application Number:** 2017/18516/ADV

**Proposal:** Application for advertisement consent for sponsorship signs placed on the roundabout using two posts and a aluminium plate per sign located one facing each road entrance.

**Site Address:** Land Adjoining Roundabout At Riparian Way,  
Crosshills/A6068 Skipton Road Cross Hills

**On behalf of:** Community Partners Ltd