



# **CRAVEN**

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

## **PLANNING COMMITTEE AGENDA**

**DATE: Monday, 25th September 2017**

### **INDEX OF PLANNING APPLICATIONS**

Item No.	Application Reference No.	Name of Applicant	Site Address	Page No's
1.	2017/18269/FUL	Inghams Design And Build LTD	Dovetail, Colne Road, Cowling.	2 – 12
2.	2017/18171/FUL	Mr Brian Rycroft	Fountain House Farm, The Green, Clapham.	13 – 20
3.	2017/18352/VAR	Skipton Golf Club	Skipton Golf Club, Short Lee Lane, Skipton.	21 - 25
4.	2017/18304/FUL	Ms Mary Hanner	Gallaber Barn, Gallaber, Long Preston.	26 – 32
5.	45/2017/18044	Mr John Thistlethwaite	38 High Street, Ingleton.	33 - 36
6.	73/2017/17932	Mrs Nina Baptiste	Crowkeld Smallholding, Grange Lane, Kildwick.	37 - 44
7.	42/2017/18080	CSR Developments Ltd	1-4 St Aidans Court, Gisburn Road, Hellifield.	45 – 52

## REPORT TO PLANNING COMMITTEE ON 25th September 2017

**Application Number:** 2017/18269/FUL

**Proposal:** Re-development of existing retail unit to form 2 number dwellings.  
Formation of 3 number dwellings on car park with associated parking

**Site Address:** Dovetail, Colne Road, Cowling, Keighley, BD22 0NN

**On behalf of:** Inghams Design And Build LTD

**Date Registered:** 19th July 2017

**Expiry Date:** 13th September 2017

**Case Officer:** Andrea Muscroft

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**This application is referred to the Planning Committee as the original proposal ref: 22/2016/16949 was considered by Planning Committee on 24<sup>th</sup> October 2016. Also the proposal is a departure from the Local Plan.**

### 1. Site Description

- 1.1 The application site occupies a large rectangular shaped parcel of land that fronts onto the A6068 and is currently occupied by Dovetail a furniture and kitchen retailer. The land to the north comprises of grassland with a number of trees that slopes downhill in a northerly direction.
- 1.2 The building is split over three levels with the main front entrance and upper level facing south towards the A6068 and the rear lower level situated below the public highway facing northwards across towards Nan Scar. Located to the east of the building is a large tarmac parking area that provides access to the rear of the building. The building has been subjected to a number of alterations to the rear and side of the building.
- 1.3 The land within the application site extends to approximately 0.2 hectares with residential development to the north. Turning eastwards are a number of dwellings on the northern side of the A6068 and beyond is the village of Cowling. A Public Right of Way lies to the east of the site running north to south.
- 1.4 The site is located outside of the development limits of Cowling as defined by the 1999 Local Plan and as such is classified as being located in the open countryside. The site also lies within the designated conservation of area Cowling. In addition, part of the site lies within an area identified as being a contaminated site.

### 2. Proposal

- 2.1 The proposal is seeking consent for the conversion of the existing retail building to form 2 no. dwellings and the construction of 3 dwellings with associated car parking.
- 2.2 Amendments to previously approved scheme:
  - Changes to parking arrangements.
  - Reduction in number of proposed dwellings from 8 dwellings to 5 dwellings.
  - Replacement of 5 terrace dwellings with 3 detached dwellings.
  - Changes to soft and hard landscaping.

- 2.3 Existing Dovetail
- Omission of side extension.
  - Removal of side porch
  - First floor extension over existing store.
- 2.4 The dwellings would be constructed from natural stone under a natural slate roof with timber painted windows and doors. Dry stone walling would be constructed to define the boundaries.
- 2.5 Landscaping proposals show individual grassed amenity areas. The proposal would use the existing access off the A6068.
3. Planning History
- 3.1 5/22/280 – Erection of new male and female toilets and associated bottle store at the Black Bull Hotel – Approved February 1985.
- 3.2 22/2008/8698 - Single storey extension to South elevation and single storey extension to east elevation to provide café – Approved November 2008.
- 3.3 22/2009/9445 - Single storey extension to provide additional storage – Approved April 2009.
- 3.4 22/2009/9684 - Extension to provide additional storage (Amendment to permission 22/2009/9445) – Approved July 2009.
- 3.5 22/2016/16949 - Re-development of existing retail unit to form 3 no. dwellings and formation of 5 no. dwellings on existing car park with associated parking – Approved November 2016.
4. Planning Policy Background
- 4.1 Saved Policies ENV1, ENV2, ENV10 and 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 **Cowling Parish Council:** Recommend that all the previous conditions imposed under ref: 22/2016/16949 are imposed.
6. Consultations
- 6.1 **CDC Contamination Officer:** From the contamination report submitted with the application they comment that further investigations need to be carried out, but essentially they raise no objections subject to the attachment of appropriate conditions.
- 6.2 **CDC Environmental Officer:** No objection but recommends the attachment of a number of conditions.
- 6.3 **CDC Tree Officer:** Comments previously submitted in relation to application 22/2016/16949 are still relevant. Previous comments below:
- 6.4 No objections. He comments that whilst 2 silver birches will be lost they would not justify formal protection by a tree preservation order. He does however recommend conditions requiring compensatory landscaping and the erection of protective fencing to protect trees to the north.
- 6.5 **NYCC Highways:** No objections to the proposal subject to the attachment of appropriate conditions.
- 6.6 **Yorkshire Water:** No comments received within the statutory consultation period.
7. Representations
- 7.1 The proposal was advertised in the Craven Herald and a Site Notice was displayed within the surrounding area. In addition, letters of notification were sent directly to local residents. As a

consequence of the publicity three letters of objection were received. Comments summarised below:

7.2 **Visual impact.**

- Concern over the potential visual impact of the development.
- Proposed dwellings are out of character with the area.

7.3 **Neighbouring amenity.**

- Concern over the loss of privacy & light.
- Proposed dwellings would appear overbearing.

7.4 **Flooding.**

- Concern over increase danger of flooding.

7.5 **Other issues.**

- General dislike of proposal.

8. Summary of Principal Planning Issues

8.1 Principle of development

8.2 Visual impact of the development on the surrounding conservation area.

8.3 Impact of development on neighbouring properties.

8.4 Impact of development on existing trees.

8.5 Highway issues

8.6 Other issues.

9. Analysis

9.1 **1. Principle of development.**

9.2 Planning permission was granted in 2016 (ref: 22/2016/16949) for the conversion of the retail premises to three dwellings and the construction of 5 dwellings on the former car park. Therefore, the principle of development on this site has already been established with the granting of permission in 2016.

9.3 **2. Visual impact of the development on the surrounding conservation area.**

9.4 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 of the immediate impact and public views of the development. In this respect therefore, although predating the NPPF, the Saved Local Plan policy remains consistent with national planning policy.

9.5 Paragraph 109 of the NPPF indicates that the planning system should contribute to and enhance the natural and local environment. The guidance also highlights the importance of design and sets out some objectives for achieving good design. These include the requirements that new development should function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; respond to local character and history, and reflect the identity of local surroundings and materials and creating visually attractive developments through good architecture and appropriate landscaping.

9.6 Section 72 of the Planning (Listed Buildings & Conservation Areas) Act 1990 requires planning authorities "to pay special attention to the desirability of preserving or enhancing the character or appearance of that area" in considering whether to grant planning permission or not.

- 9.7 The site lies within the designated conservation area of Cowling which contains a mixture of properties in a variety of differing styles and periods but with the core of traditional vernacular properties built on plateaus enclosed by stone boundary walls.
- 9.8 The amended scheme still seeks to convert the existing building (Dovetail) to form 2 dwellings a reduction of 1 dwelling and to construct a further 3 detached dwellings on the site of the car park with car parking to the side and rear. To facilitate the conversion of the existing building the proposal seeks to construct a first floor extension over the existing store located to the west of the main building and to alter the existing window/door configurations located to the principle elevations of the existing side extensions. Therefore, the principle elevation of the existing building would retain its distinctive façade and therefore the conversion and alterations of existing building would not result in any visual harm to the existing building, street scene or the wider conservation area.
- 9.9 Turning to the rear of the building, the proposal would see the removal of an existing extension, and alterations to existing window and door openings and the creation of new window/door openings. The rear elevation has already been subjected to a number of changes over the years resulting in the rear of the building being largely devoid of any architectural detail or merit. As such, it is not considered that the proposed works would result in any visual harm to the building or wider conservation area and given that these works are restricted to the rear would not result in any visual harm to the existing street scene.
- 9.10 The proposed detached dwellings would be constructed on the site of the existing car park and due to changes in topography would be constructed over three levels. In contrast to the previously approved scheme, the proposed dwellings would have a greater set back from the A6068 with off street parking positioned to the front. Drawings submitted indicate that principal elevations fronting onto the A6068 would be two storey with the rear lower level set down below existing ground level to provide living/dining room and store area. It is acknowledged that the detached dwellings are more modern in their design than properties to the north and east of the site. However, the design has incorporated some of the simple detailing present within those dwellings and on balance the design approach is considered acceptable.
- 9.11 With regards to soft landscaping the proposal indicates grassed areas to the front enclosed by dry stone walls with additional grassed areas to the rear. Turning to hard landscaping the proposal is seeking to use a permeable surfacing material that will enable water to drain through. Both the soft and hard landscaping are considered acceptable in principle. Notwithstanding this the proposal would result in the loss of 1no. Silver Birch trees. However, the Council's Tree Officer has been consulted and has raised no objection to the removal of this tree, but recommends that a condition it attached requiring further planting to be undertaken that would provide additional screening of the site.
- 9.12 In conclusion, it is considered that the proposal to re-develop the existing building and development of the adjacent parcel of land for housing would be developed in a way that would appropriately relate to the existing character of the area. Furthermore, any potential landscaping, once matured would ensure an attractive and pleasing residential development. It is therefore considered that the proposal meets the aims of the NPPF.
- 9.13 **3. Impact of development on neighbouring properties.**
- 9.14 Within the Core planning principles of the NPPF paragraph 17 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.
- 9.15 With regards to the new proposed dwellings on site it is considered that the separation distance between the application site and the existing properties to the north east is sufficient to ensure no loss of privacy or amenity to the occupiers of these dwellings. .
- 9.16 Turning to the potential impact of the proposed conversion of retail unit to residential on properties to the north of the application site there are a number of windows at both first and second floor. These windows currently serve the showroom. It is acknowledged that as a consequence of the conversion of the existing building that there would be an increase in the level of overlooking between the

application site and properties to the north. However, there is a separation distance in excess of 35m between the nearest dwelling to the north which is considered sufficient to ensure that there would be no unacceptable loss or privacy. Similarly the proposed conversion would not introduce any overshadowing of private amenity or habitable rooms of these dwellings. It is therefore considered the conversion of the existing building would not have any adverse effect on the living conditions of residents positioned to the north of the site.

9.17 The proposed development would provide sufficient residential accommodation and private amenity space to meet the requirements of any future occupants of the dwellings. As such the proposal complies with the core planning principles of the NPPF and is considered acceptable.

9.18 **4. Impact of development on existing trees.**

9.19 The proposal is seeking the removal of 1no. Silver Birch Tree indicated on drawing titled 'Existing North Elevation Plan'. The Council's Tree Officer has confirmed that this tree is not worthy of a TPO, but has recommended a condition requiring replacement planting.

9.20 To the north of the site are a number of trees that lie outside of the application site. Whilst these are not the subject of a Tree Preservation Order they do lie within a designated conservation area and as such are protected by the provisions in section 211 of the T&C Planning Act 1990. These trees are on elevated land and can be viewed when travelling along Nan Scar. Due to the number and size of the trees it is recognised that they make a positive contribution to the character and appearance of the conservation area.

9.21 Submitted details indicate that the proposed development would generally be sited outside the root protection areas of these trees. Notwithstanding this, it is considered appropriate that conditions are imposed to protect the trees during construction stage and to control the storage of materials within the site.

9.22 With regards to any future pressures to fell or inappropriately prune trees, it is considered that the distance between the proposed dwellings and trees is sufficient to ensure that there should not be significant pressure for works to the trees to be undertaken by future occupiers of these dwellings.

9.23 In conclusion, it is considered that the proposed development would not result in any unacceptable harm to the trees and thus the proposal complies with the requirements of Saved policy ENV10 which seeks to protect trees.

9.24 **5. Highway issues.**

9.25 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 capacity 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.

9.26 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:

*'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 with some minor modifications with regards to vehicle movements through the site. The proposal also seeks to provide 14 off street parking spaces plus 4 integral garages. The provision of off street parking meets 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 grounds, although they have suggested conditions relating to the construction of private access/verge crossings and the retention of parking spaces.

9.28 In conclusion, it is considered that the proposal would provide adequate off-street parking and would not create conditions contrary to highway safety. The proposal is therefore considered to meet the

requirements of Saved Policy T2 of the Local Plan that seeks to ensure appropriate off street parking provision and highway safety and the aims and objectives of the NPPF.

9.29 **6. Other issues.**

9.30 Concerns have been raised with regards to the potential for flooding. Whilst these concerns are noted the site lies outside of any designated flood zone and would incorporate permeable surfaces to allow surface water to drain away.

9.31 **Conclusion.**

9.32 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.*

9.33 The benefits of the development include boosting the supply of housing and the economic developments that this proposal can bring. The development does not unacceptably impact on the Conservation Area and is acceptable in all other respects. Therefore, taken overall, 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.

10. Recommendation

10.1 To grant consent subject to the following conditions.

Conditions

**Time conditions**

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 development hereby permitted shall be carried out wholly in accordance with the plans:

- Site location plan received by the Local Planning Authority on 19<sup>th</sup> July 2017
- Location plan received by the Local Planning Authority on 18<sup>th</sup> July 2017
- 1050-received by the Local Planning Authority on 18<sup>th</sup> July 2017.
- 1051/A received by the Local Planning Authority on 18<sup>th</sup> July 2017-
- 29/6/17 received by the Local Planning Authority on 18<sup>th</sup> July 2017.
- 20/6/7 Block Plan received by the Local Planning Authority on 18<sup>th</sup> July 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.

**Before you commence development**

3. Prior to the commencement of development, a topographical survey detailing existing levels and proposed levels for the proposed dwellings, vehicle manoeuvring areas, parking areas, and garden areas shall be provided to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details.

**Reason:** To ensure the development is undertaken in satisfactory manner in the interests of protecting the character and appearance of the area, the amenities of neighbouring residents, and the protection of existing trees.

4. Before any equipment, machinery or materials are brought on to the site for the purposes of the development, fencing shall be erected in accordance with BS5837:2012 'Trees in Relation to Construction' along the northern boundary of the application site. The fencing shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made.

**Reason:** To ensure the protection of the trees during the carrying out of the development.

**Informative:**

The fencing erected in accordance with BS5837:2012 'Trees in Relation to Construction' should be sufficiently strong to withstand impacts likely to be caused during any building operations undertaken in the vicinity. The recommendations BS5837:2012 should be consulted and employed. Standards indicate the minimum recommended for fencing erected is to be at least 2.3m in height, comprising a vertical and horizontal framework of scaffolding, well braced to resist impacts, supporting either herras fencing or chain link in accordance with the plan on page 13 figure 2 of the above British Standard.

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 following drawings and details have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority:

- 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 20.
- 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 secure an appropriate highway constructed to an adoptable standard in the interests of highway safety and the amenity and convenience of highway users.

**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.

6. Unless approved otherwise in writing by the Local Planning Authority there shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site until proposals have been submitted to and approved in writing by the Local Planning Authority for the provision of:
- on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway
  - on-site materials storage area capable of accommodating all materials required for the operation of the site.
  - The approved areas shall be kept available for their intended use at all times that construction works are in operation.

**Reason:** To provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.

7. Development shall not commence until a Phase II intrusive site investigation report has been submitted to and approved in writing by the local planning authority. The Phase II Intrusive Site Investigation report shall be prepared in accordance with current best practice.

**Reason:** To ensure that actual or potential land contamination at the site has been investigated and that associated environmental risks have been assessed.

#### **During Building works**

8. Notwithstanding the details submitted with the application, prior the first use of building materials on site samples of the external materials and roofing materials (including stone) to be used in the construction shall be submitted to and approved by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

9. Notwithstanding any details shown on the approved plan, 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.

10. Should remediation be recommended in the Phase II Intrusive Site Investigation report, development 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 timescales 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.

**Reason:** To ensure the development shall be 'suitable for use'; and that identified contamination will not present significant environmental risks.

11. 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 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 approved in writing by the local planning authority at the agreed timescales.

**Reason:** To enable the local planning authority to determine whether the site has been rendered 'suitable for use'; and that contamination has been dealt with so as not to present significant environmental risks.

### **Ongoing conditions**

12. All new windows and doors hereby approved shall be of timber construction, set in a minimum external reveal of 100mm and painted or stained throughout to the same colour specification, the precise colour of which shall have first been agreed in writing with the Local Planning Authority. Once installed the windows and doors shall be retained.

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

13. No barge boards, fascia boards or soffit boards shall be used in the carrying out of the development hereby approved and the roof shall be slated verges.

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

14. 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 levels of sustainability of the development.

15. The planting of 4no. Silver Birch half standard size (175 - 250 cm) as shown in the area enclosed in the blue line on the plan titled 'Location Plan' and dated the 18<sup>th</sup> July 2017 shall be carried out in the first planting season following the first occupation of the development or the completion of the development, whichever is the sooner. Any trees which within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

**Reason:** To enhance the appearance of the development and in the interest of the visual amenities of the area.

16. Notwithstanding the proposed planting shown on the plan titled 'Block Plan' dated the 18<sup>th</sup> July 2017, 3no. Mountain Ash or Sorbus varieties half standard size (175 - 250 cm) shall be planted on the slope between the highway and the proposed westernmost dwelling in the first planting season following the occupation of the building or the completion of the development, whichever is the sooner. Any trees which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

**Reason:** To enhance the appearance of the development and in the interest of the visual amenities of the area.

17. 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.

18. 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.

19. 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 Block Plan 20/6/17 for parking spaces, turning areas and access shall be kept available for their intended purposes at all times.

**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 and to accord with Saved Policy T2 of the Craven District (outside the Yorkshire Dales National Park) Local Plan.

20. 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**

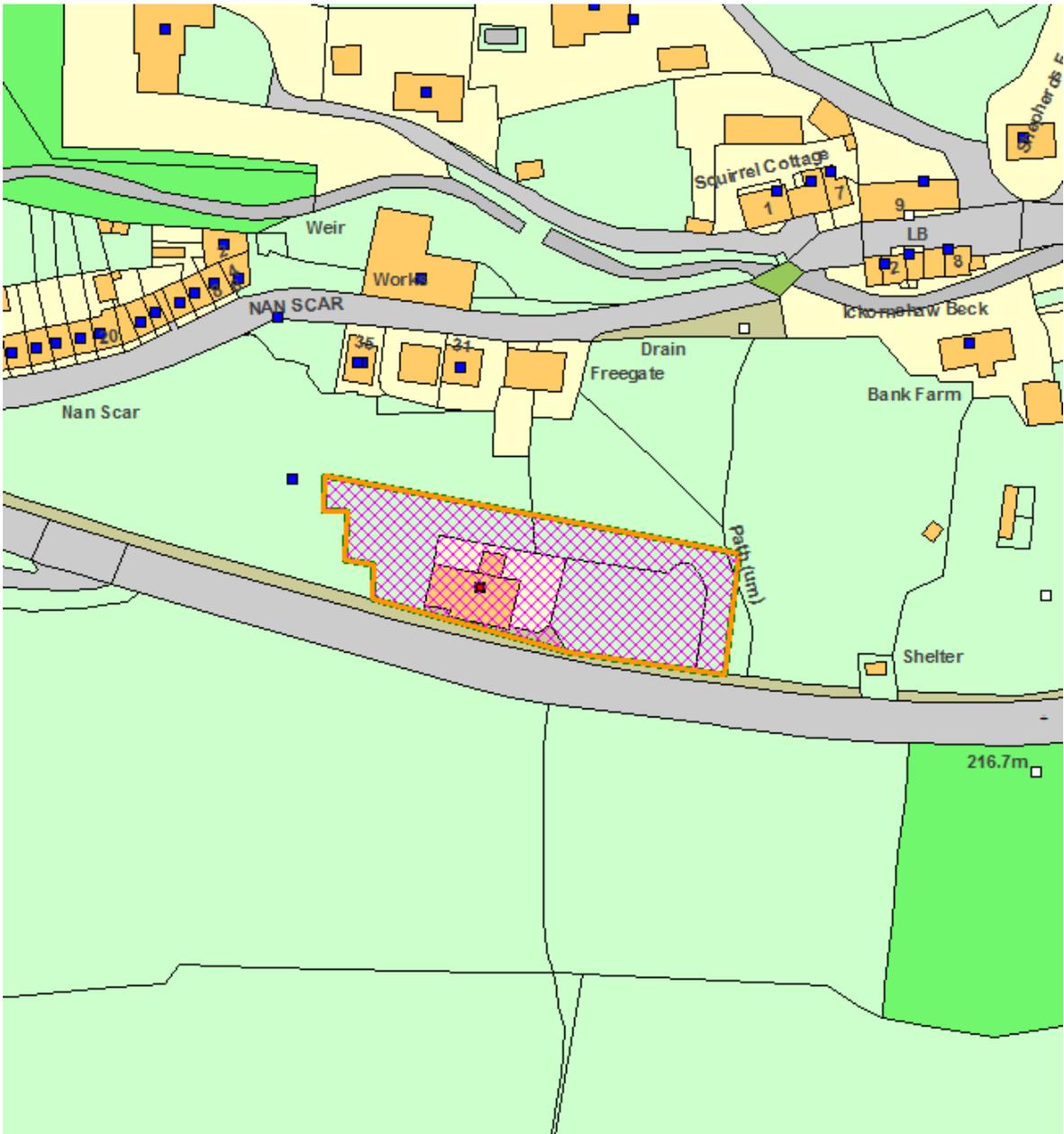
You are advised that a separate licence will be required from the Highway Authority in order to allow any works in the adopted highway to be carried out. The 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by North Yorkshire County Council, the Highway Authority, 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.

Operating times for construction should be limited to 7.30am to 6pm Monday to Friday, 7.30am to 1pm Saturday and no Sunday or Bank Holiday working.

The applicant/developer is reminded that it is their responsibility to ensure that the requirements of each planning condition are met and that the works are undertaken in accordance with the approved plans. Any failure to meet the terms of a planning condition or works which does not accord with the approved plans leaves the applicant/developer liable to formal action being taken. Craven District Council endeavours to monitor on site the compliance with conditions and building works. To assist with this monitoring of development the applicant/development is requested to complete the Start Notice issued with the Decision at least fourteen days prior to the commencement of development to ensure that effective monitoring can be undertaken.

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:** 2017/18269/FUL

**Proposal:** Re-development of existing retail unit to form 2 number dwellings. Formation of 3 number dwellings on car park with associated parking

**Site Address:** Dovetail, Colne Road, Cowling, Keighley, BD22 0NN

**On behalf of:** Inghams Design And Build LTD

## REPORT TO PLANNING COMMITTEE ON 25th September 2017

**Application Number:** 2017/18171/FUL

**Proposal:** Conversion of traditional barn to dwelling with ancillary office and new garage building (resubmission of withdrawn application reference 18/2016/17190)

**Site Address:** Fountain House Farm, The Green, Clapham.

**On behalf of:** Mr Brian Rycroft

**Date Registered:** 7th July 2017

**Expiry Date:** 1st September 2017

**Case Officer:** Mr Sam Binney

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**This application has been referred to Planning Committee at the requested of Councillor Car Lis due to the level of public interest.**

1. Site Description

- 1.1 The site is a farm located close to the southern end of Clapham. The farm features grazing land to the south and residential development to the east, north and west. To the north of the site is a primary school and the centre of Clapham.
- 1.2 The site is within development limits, the Forest of Bowland AONB and on the boundary of the Clapham conservation area.

2 Proposal

- 2.1 The application seeks planning permission for the conversion of a barn to a dwelling with ancillary office and a new garage building.
- 2.2 The barn consists of the main barn building with connected shippons to the east and south and calf pens to the west. The east shippons will be demolished with the floorspace used for the proposed garden area. Additional openings will be created in the north, east and south elevations. The replacement structure to the calf pen will be constructed of stone with no openings to the west elevation.
- 2.3 The ancillary office will be formed by converting the existing small barn to the southern end of the site. There is a large sliding barn door to the north-facing elevation which would be removed and infilled with a large glazed window in a timber frame. The existing single storey lean-to structure to the side would be demolished. In its place a door opening would be created to the side.
- 2.4 The proposed garage will be constructed in the location of the existing implement shed. It will measure 10.56m x 7.72m. The garage would have a pitched roof with a height of 2.3m at eaves level and 4.6m at the ridge. It will be constructed of natural stone for the walls, with dark stained timber boarding for the door, a natural blue slate roof, and have 2 velux windows inserted into the south-facing roof slope.

3 Planning History

- 3.1 18/2016/17190 - Conversion of traditional barn to dwelling with ancillary office and new garage building. Withdrawn 07/12/2016.

#### 4 Planning Policy Background

4.1 National Planning Policy Framework (NPPF).

4.2 National Planning Practice Guidance.

#### 5 Parish/Town Council Comments

5.1 Clapham-cum-Newby Parish Council: Support the application but want objector's comments to be addressed.

#### 6 Consultations

6.1 NYCC Highways: "There are no local highway authority objections to the proposed development. A recommendation of refusal R1 could not be sustained on appeal due to the number of properties already served by this unadopted access road".

6.2 NYCC Public Rights of Way Officer: No objection but recommend an informative regarding the protection of the Public Right of Way during construction.

6.3 Environmental Health: No objection but recommends conditions in regard to noise, asbestos, dust, clean topsoil and contaminated land.

#### 7 Representations

7.1 1 letter of representation has been received. A summary of the objection is outlined below;

- Objection to hard surfacing and requested a condition for a drainage impact study.
- Objection that foul drainage system only mentioned in text and not drawn on plan. Condition requested for an underground works plan.
- Need details of SUDS and concern over flood risk. Condition for drainage impact study requested.

**Officer's Note:** Amended plans have since been received detailing the drainage to be used on site.

- Contamination not mentioned in application. Condition requested for site decontamination plan.

**Officer's Note:** The consultation response from Environmental Health has requested a condition to cover relevant issues regarding, amongst other issues, potentially contaminated land.

#### 8 Summary of Principal Planning Issues

8.1 Policy background; principle of development; design considerations and impact upon character and appearance of area; neighbouring privacy and amenity; ecology; and highway safety.

#### 9 Analysis

##### 9.1 **Policy background;**

9.2 The Craven District (Outside the Yorkshire Dales National Park) Local Plan was adopted in 1999, and it was therefore not prepared under the Planning & Compulsory Purchase Act 2004. Paragraph 215 of the new National Planning Policy Framework (NPPF) states that policies not adopted in accordance with the 2004 Act need to be considered in terms of their degree of consistency with the NPPF "the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given". As such, where there is any conflict with the local plan, the local plan policies carry limited or no weight and the application should be assessed against the new Framework.

9.3 Paragraph 14 of the NPPF sets out that at its heart is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking. It goes on to state that for decision-making this means (unless material considerations indicate otherwise); 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 the NPPF as a whole, or, specific policies in the NPPF indicate development should be restricted.

- 9.4 Paragraph 17 of the NPPF sets out 12 planning principles which includes the need for planning to 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 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. One such special circumstance is where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting. The NPPF does not specify that an economic use would be preferable to a residential use when converting rural buildings, instead saying at paragraph 28 that planning policies should support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well- designed new buildings.
- 9.6 **Principle of development**
- 9.7 The NPPF concentrates on sustainable forms of development, for example the preference would be for new residential development being located in proximity to services, public transport and jobs. For that reason, paragraph 55 of the NPPF sets out that isolated new homes in the countryside should be avoided. However, paragraph 55 goes on to set out special circumstances under which isolated new homes would be acceptable, one of which is where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting.
- 9.8 The reuse of the farm buildings is preferable as it would lead to the enhancement to the immediate setting. As the site is relatively central to Clapham with located services and amenities being readily available, the principle of the barn to dwelling conversion is acceptable.
- 9.9 Paragraph 55 therefore recognises that a new home formed from a redundant or disused building may not be as sustainable in terms of location as newly built dwellings would be expected to be. Notwithstanding this, the main thrust of the NPPF in terms of its presumption in favour of sustainable development is such that this should be achieved as far as possible.
- 9.10 In this instance the site is not isolated in the same way as a field barn. The farm and associated buildings form part of a cluster of buildings in Clapham, where a variety of services including schools, shops and public transport links can be easily accessed. The site is accessed from an unadopted lane leading from Old Road to the north which is a classified 'B' road.
- 9.11 The development would lead to enhancement of the immediate setting, particularly with the demolition of the large shippon to the east of the site which has fallen into disrepair. The proposal is therefore considered to comply with the aims and objectives of the NPPF, in particular paragraph 55 of the Framework.
- 9.12 **Visual considerations;**
- 9.13 There are four main buildings that are to be developed, named on the plans as 'Small Barn', 'Shippon', 'Barn' and 'Calf Pens'. There is also an implement shed to the north of the site which is to be demolished and replaced with a garage. Although the shippon and the calf pens are connected to the barn, their construction is vastly different so are to be discussed below as separate entities.
- 9.14 **Small Barn;**
- 9.15 The Small Barn is a rectangular building located to the southern end of the site. It measures 7.8m x 5.6m and has a height of 3.8m to the eaves and 5.8m to the ridge. The roof currently is constructed of a corrugated steel sheet, with natural stone walls and painted timber boarding for the barn entrance. It is proposed to replace the roof with natural blue slate and insert two conservation rooflights to the south elevation to allow more light into the building. The existing timber boarding barn entrance is proposed to be altered to an enlarged window. Additionally a new door is proposed to the east elevation of timber boarded construction. Although the above described alterations change the character of the barn to some extent it is not considered that these alterations would be inappropriate and overall they would respect the appearance of the original barn.

9.16 **Shippon;**

9.17 The shippon is a large irregular rectangle shaped building to the east of the site and attached to the main barn to the west. The shippon is of a primitive construction featuring a corrugated steel sheet roof. In its current state it cannot be reasonably converted to habitable accommodation. The proposal however recognises this and is demolishing the shippon to use its footprint as a walled garden to be associated with the converted barn. The loss of the shippon would change the character of the building away from an operational farm appearance more toward that of residential. The shippon is however of no architectural merit such that its loss is considered to improve the character of the surrounding area.

9.18 **Barn;**

9.19 The barn is of a traditional construction consisting of a natural blue slate roof, natural stone walls and timber boarding doors. The barn also features 3 windows – 1 to the north elevation and 2 to the south elevation. Additionally there are rooflights present to the southern roofslope.

9.20 The barn is worthy of retention and is a classic example of an agricultural barn. The building appears structurally sound and when converted to a dwelling would enhance the immediate setting. The works involve fitting glazing to the existing barn entrance, creating a new window opening to the north elevation and a new window to the newly exposed east elevation. To the south elevation, the shippon would be replaced with a small sun room and an open yard.

9.21 **Calf Pens;**

9.22 The calf pens are typical of an agricultural building wherein the building is open-fronted with a corrugated steel sheet roof. The building itself is not realistically able to be converted and has no architectural merit to make a case for its retention. The proposal acknowledges this and proposes this be rebuilt to match the existing barn in style, appearance and materials. In order to make this section appear subservient to the main barn, the eaves and ridge line are set at a lower level. This section of the development is the most readily visible from public viewpoints due to the unadopted road to the west and the Public Right of Way along the road. This development would enhance the appearance in the immediate setting.

9.23 The proposed works and conversions are considered to comply with paragraph 56 of the NPPF which sets out 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.

9.24 **Implement Shed;**

9.25 The implement shed is to the north boundary of the site. It is similar in design to the calf pens to the west boundary. The building has no architectural merit and although not in a state of disrepair is not worthy of retention. As the barn is to be converted into a dwelling, the footprint where the implement shed currently stand is proposed to be used for a garage. In close proximity to the current implement shed is Clapham C of E VC Primary School which could be affected by development to this side of the site.

9.26 The proposed garage is to measure 10.5m in length and to a depth of 7.7m. This will provide for a double garage and storage adjacent to the cars. The eaves level will be 2.2m rising to 4.5m at the ridge. The walls will be constructed of natural stone, with a natural blue slate roof, dark stained timber boarding door and will feature 2 velux windows to the south elevation. The materials are proposed to match the main barn to be converted so will be instantly recognisable as being associated with the same property.

9.27 **Neighbouring privacy and amenity;**

9.28 In close proximity to the farm buildings are residential properties to the west and currently in construction to the east, a school directly to the north and open land to the south. The works don't involve increasing the footprint of any of the buildings but rather converting the existing buildings or demolishing and rebuilding to a smaller size. As such the proposals at least from a scale perspective would not have an adverse impact on amenity of surround occupiers.

- 9.29 The calf pens being converted are to the western boundary of the site backing on to a dwelling under separate ownership ("The Old Manor House"). The proposal is set lower than the ridge line of the main barn building although higher than the existing calf pens on the site. Despite this, it is not considered it would create additional overshadowing to neighbouring properties. Additionally, the proposed west elevation doesn't have a window so would not lead to overlooking of neighbouring properties.
- 9.30 The proposal complies with the core principles of the NPPF, one of which states that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land (paragraph 17).
- 9.31 **Ecology;**
- 9.32 Paragraph 109 of NPPF sets out that the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity.
- 9.33 Paragraph 99 in Circular 06/2005 'Biodiversity and geological conservation' states that it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances, with the result that the surveys are carried out after planning permission has been granted.
- 9.34 A full bat survey has been submitted with the application and was prepared to establish the capability of the buildings as habitats for protected species. The survey was conducted on 2 days on 10<sup>th</sup> May and 24<sup>th</sup> May 2017 which is within the peak bat season of May-August. The survey found that the bat activity was limited and that no bats were seen emerging from or re-entering buildings with the survey boundary. However, the dusk survey suggests that this area is an important area for foraging for a roof likely in close proximity within the village. The dawn emergence survey additionally observed a number of soprano pipistrelle and common pipistrelle bats commuting in a north-south direction.
- 9.35 The survey concluded that a 'day' roost determined to be of low importance for common pipistrelle bats has been identified within the gable end of Fountain House Barn. As a result a mitigation licence will be required and mitigation for the inclusion of a bat box incorporated into the structure of the building. The submitted plans include details for the provision of the bat box.
- 9.36 In summary, the ecology report states that subject to the aforementioned mitigation measures, development would be acceptable and would maintain the quality of habitat for bats.
- 9.37 **Highway Safety;**
- 9.38 The site is accessed off an unadopted road to the west of the site, leading to the adopted road B6480 'Old Road' to the north. The site is accessed directly off the unadopted road. The proposal would constitute a traffic trade-off, with the new dwellings replacing farming operations. NYCC Highways Authority have stated at paragraph 6.1 that this form of development from an unadopted road would typically lead to an objection. However, in this instance it is not necessary due to the number of properties already served from the access road. Therefore NYCC Highways does not object to this application. The property once converted will retain 4 parking spaces which for the size of the property itself is sufficient to provide adequate off road parking facilities.
- 9.39 **Conclusion;**
- 9.40 The proposed conversion of these former agricultural buildings to a dwellinghouse with ancillary office is considered to be acceptable in principle, complying with the aims and objectives of the NPPF. The benefits of the re-use of the existing buildings would outweigh any harm and satisfies the guidance in paragraph 14 of the NPPF. The proposal is also considered to be acceptable in terms of design, neighbouring amenity and, highway safety. Additionally, the information contained with the ecology report states satisfies the requirements for the potential impact upon protected species. Therefore, the proposal is in accordance with Paragraph 109 of the NPPF.

10 Recommendation

10.1 To grant planning permission.

Conditions

**Time Limit for Commencement**

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 permission relates to the following plans:

- Site Location Plan received 22<sup>nd</sup> August 2017.
- First Floor Plan Rev A received 22<sup>nd</sup> August 2017.
- Ground Floor Plan Rev A received 22<sup>nd</sup> August 2017.
- Site Plan Rev A received 22<sup>nd</sup> August 2017.
- Proposed Elevations received 30<sup>th</sup> May 2017.
- Proposed Elevations (2)B received 07<sup>th</sup> July 2017.
- Proposed Elevations received 07<sup>th</sup> July 2017.
- Small Barn received 30<sup>th</sup> May 2017.
- Garage 1 received 30<sup>th</sup> May 2017.
- Details contained within the "drainage" document received 22<sup>nd</sup> August 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: 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.

**Ongoing Conditions**

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

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

4. Unless otherwise approved in writing by the Local Planning Authority, no external lighting shall be installed on any of the external elevations of the bedroom and en-suite extension.

Reason: To ensure that any external lighting installed at the site does not cause a nuisance to surrounding occupiers, detract from the visual amenity in the surrounding area as a result of light pollution, or disrupt the commuting routes of protected species at the site as outlined in Section 5 and Appendix 2 of the Bat Scoping and Activity Survey, and in accordance with Paragraph 109 of the NPPF.

**During Building Works**

5. Should any unexpected 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'.

6. Regard should be had for the safe removal of any potential asbestos containing material present on site. The applicant should ensure removal of any such material is 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.

Reason: To ensure that risks from asbestos to the environment, future users of the land and neighbouring land are minimised, to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

7. The applicant should 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 BD3882: 2015 – Specification for Topsoil.

At the request of the Local Planning Authority, details of the supplier(s) and confirmation of the source(s) of any topsoil material should be supplied within 21 days of any request being received.

Reason: To ensure that no contaminated materials are brought onto the site.

#### Informatives

1. During construction there is a potential for noise nuisance to nearby residential properties. Operating times for construction shall be limited to:

- 8:00 am to 6:00pm Monday to Friday
- 8:00am to 1:00pm Saturday
- No Sunday or Bank Holiday working.

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

The applicant needs to have regard to the BS8233:2014 Guidance on 'Sound Insulation and Noise Reduction for Buildings' which presents guideline noise levels for both inside and outside dwellings.

2. The applicant should identify all areas of the site and the site operations where dust may be generated and ensure that it is controlled so as not to travel beyond the site boundary.

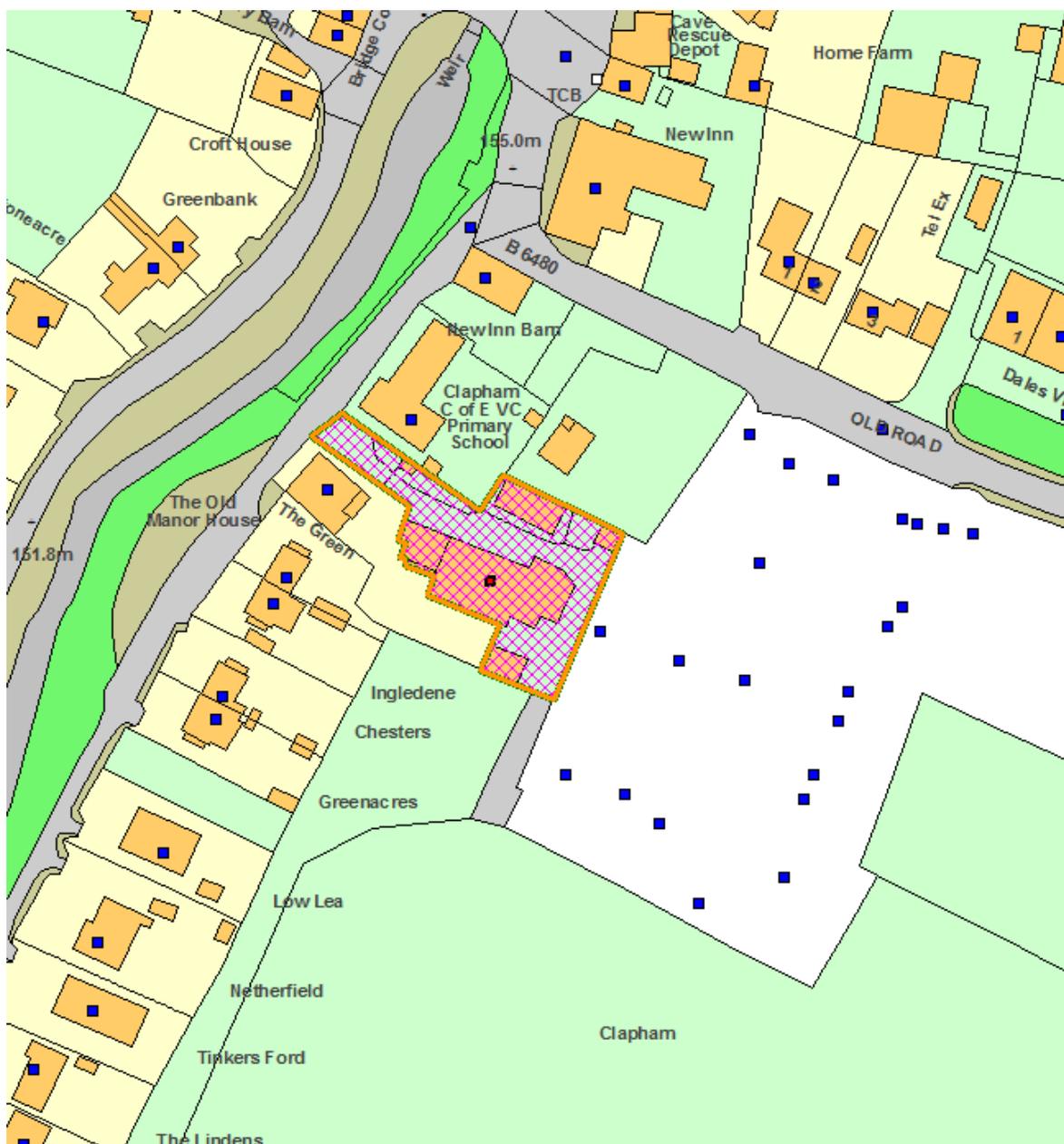
Reason: To safeguard the living conditions of nearby residents particularly with regard to the effects of dust.

3. No works are to be undertaken which will create an obstruction, either permanent or temporary, to the Public Right of Way adjacent to the proposed development.

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 and proposals for altering the route.

4. 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:** 2017/18171/FUL

**Proposal:** Conversion of traditional barn to dwelling with ancillary office and new garage building (resubmission of withdrawn application reference 18/2016/17190)

**Site Address:** Fountain House Farm, The Green, Clapham.

**On behalf of:** Mr Brian Rycroft

## REPORT TO PLANNING COMMITTEE ON 25th September 2017

**Application Number:** 2017/18352/VAR

**Proposal:** Application for variation to condition no 2 of planning permission referenced 63/2015/15547 granted 08/07/2015 to replace original drawing with Rev 1A dated 18.07.17 enabling the club to retain the refurbished access and storage compound off Brackenley Lane

Condition Number(s): Condition No 2

Conditions(s) Removal: To enable the club to retain the refurbished access and storage compound off Brackenley Lane.

To replace the original drawing with Rev 1A dated 18.7.17

**Site Address:** Skipton Golf Club, Short Lee Lane, Skipton, BD23 3LF

**On behalf of:** Skipton Golf Club

**Date Registered:** 31 July 2017

**Expiry Date:** 18 September 2017

**Case Officer:** Mr Sam Binney

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**This application is referred to the Planning Committee as it is a variation to an extant planning permission that was a departure from the Local Plan and was previously determined by the Committee.**

1. Site Description

- 1.1 The application site relates to part of a field located directly north-west of Skipton Golf Club. The holes for the course have been repositioned as part of the Flood Alleviation Works.
- 1.2 The north boundary of the site abuts Brackenley Lane. The southern and eastern boundary of the site joins the golf course. The northern part of the site rises quite steeply from the boundary with Brackenley Lane before levelling out approximately a third of the way along the field. In close proximity to the site is agricultural land used for grazing and silage.
- 1.3 The site is in close proximity to the Yorkshire Dales National Park, which is 20 metres (at the nearest point) to the north of site, roughly following the line of Eller Beck.
- 1.4 The Craven District Outside the Yorkshire Dales National Park and Forest of Bowland AONB Landscape Appraisal describes the landscape the application site is set in as 'Pasture with wooded gills and woodland.'
- 1.5 A high pressure mains gas pipeline runs to the north west of the application site (although not actually across it).

2. Proposal

- 2.1 The application seeks planning permission for the variation to condition 2 of planning permission 63/2015/15547 relating to the approved plans.

## Condition 2

*The approved plans comprise Drawings 'Location Plan 1:2500' and 'sss-5456-Skipton Golf Club revision A' received by Craven District Council on (13<sup>th</sup> March 2015. 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 terms of the permission and for the avoidance of doubt.*

### 3 Planning History

- 3.1 63/2015/15547 - Application to change the use of agricultural land to golf course and alterations to practice areas. Approved 08<sup>th</sup> July 2015.
- 3.2 63/2015/16188 - Discharge of condition 5 of approved application reference 63/2015/15547 regarding changes to existing ground levels. Approved 26<sup>th</sup> October 2015.
- 3.3 63/2016/16722 - Proposed new green keeper's building. Approved 28<sup>th</sup> April 2016.
- 3.4 63/2016/17291 - Proposed loose material and general storage area on the site of part of the existing Environment Agency site compound plus access track to existing club roads. Approved 02<sup>nd</sup> November 2016.
- 3.5 63/2016/17302 - Retrospective planning application to erect a storage building over the site of the existing concrete storage bunkers. Approved 24<sup>th</sup> October 2016.
- 3.6 63/2016/17464 - Proposed new Green Keepers building (resubmission of application 63/2016/16722). Approved 08<sup>th</sup> December 2016.

### 4 Planning Policy Background

- 4.1 National Planning Policy Framework (NPPF)
- 4.2 National Planning Practice Guidance (NPPG)

### 5 Parish/Town Council Comments

- 5.1 Skipton Town Council: "Objection - The Committee feel this is a temporary compound and should be removed".

### 6 Consultations

- 6.1 NYCC Highways: Recommendations that the application is refused due to unsatisfactory visibility onto Brackenley Lane. However, it is also stated that if the Local Planning Authority are satisfied that the proposal does not involve intensification of use then refusal can be withdrawn.
- 6.2 Public Rights of Way Officer: No comments received. Due 12<sup>th</sup> September 2017.
- 6.3 Ramblers Association: Objections summarised below:
- Concern over potential diversion of the public right of way.
  - The track is currently separated by a temporary fence and unclear whether the whether it will be separated or whether walkers would be required to walk on the track.
  - Concern over the lack of information for the compound and whether new cabins, sheds or fencing would be erected in future.
  - Concern over views from the National Park.
- 6.4 **Officer's Note:** The scheme proposes to retain the existing access and the site compound used during the works to modify the golf course. The application will need to be determined on its own merits so contemplating potential future buildings on the site at this stage is irrelevant. Additionally, there are no plans to divert the public rights of a way. An informative will be included to notify the applicant how to apply to divert the Public Right of Way if they decide they wish to do so. However,

the potential diversion is not a material planning consideration for this variation of condition submission.

7 Representations

7.1 Site Notices dated 25<sup>th</sup> August 2017.

7.2 Press Notice not required.

7.3 Notification letters sent to 3 neighbouring properties.

7.4 No representations have been received.

8 Summary of Principal Planning Issues

8.1 The potential impact of the retention of the site access and site compound.

9 Analysis

9.1 The condition, the subject of this application, was imposed as a standard condition to the approval of planning permission 63/2015/15547. All planning applications granted permission have a condition specifying which plans have been approved. There is no condition on the previous planning permission requiring the removal of the existing track once work has been completed.

9.2 The applicant's agent has stated their case for now wanting to have the condition varied is contained within a report dated 22<sup>nd</sup> August 2017. A summary of the report is as follows:

9.3 The track toward the site compound is an existing track as shown on the original plan of permission 63/2015/15547. It has been re-surfaced as part of the works to the golf course to create two new holes. The relaying of the track was for the benefit of the vehicles accessing and egressing the site during those construction works. The construction works have now finished on the site. The temporary buildings on the site were to be removed on the day of the case officer's site visit on 24<sup>th</sup> August 2017.

9.4 The triangular area of the site compound was created for the construction works for the golf club. It has also been made clear that discussions have taken place between the applicant's agent and the "footpath association" to ensure that once the site is clear the footpath route is correctly marked and accessible for walkers.

9.5 The reasoning and justification for the retention of the compound now that works have been completed for the creation of the new holes is to retain storage facilities in the future. The cost of removing the existing track and compound would be great and feel that there is sufficient justification to keep the compound area available for storage for the club.

9.6 The storage requirements at the club have been addressed previously by virtue of planning application 63/2016/17291, 63/2016/17302, 63/2016/17464 and 63/2016/16722. Details of these applications are available at section 3 of this report. Additionally, during the case officer's site visit on 24<sup>th</sup> August 2017, it was noted that materials were still being stored in car parking areas such so the storage available on site is not sufficient to meet the needs of the club.

9.7 Highways Issues

9.8 The Highways Authority has objected to the application, unless the Local Planning Authority are of the opinion that it would not result in the intensification of use of the access to and from Brackenley Lane. The applicant's agent has stated that access to the site by the golf club will be from existing internal infrastructure and not from Brackenley Lane.

9.9 Some concern has been raised regarding the future use of the track and the compound. The original track in place from Brackenley Lane was used for agricultural purposes for farming land between the golf course and Craven Heifer to the west. The track had a hard surface previously and it is intended to allow the replacement surface to grow over in the same manner.

9.10 On this basis, the future use of the track will not be altered as it would be accessed from the internal network of the golf club and there would be no intensification of use of the access to Brackenley Lane. Therefore the objection is considered to be withdrawn.

9.11 Given the above, it is considered that the amended plan reference "Rev 1A" is acceptable. On this basis, it is considered that the variation of condition 2 of planning permission 63/2015/15547 is acceptable and should be granted planning permission.

## 10 Recommendation

10.1 That condition 2 of planning permission 63/2015/15547 shall be varied to allow the retention of the existing access and storage compound.

### Conditions

1. **(Condition Deleted)** Condition 1 of 63/2015/15547 was a time condition, but as development has commenced it is no longer applicable.

2. **(Condition Amended)** The permission relates to the following plans:

- "Rev 1A" received 28<sup>th</sup> July 2017.
- Details contained within "Report" received 22<sup>nd</sup> August 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: 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.

3. Prior to the first use of the development hereby approved, a scheme for the landscaping of the open areas of the site shall be submitted to and approved in writing by the Local Planning Authority. Any scheme submitted under the requirements of this condition shall include details of numbers, species and sizes of trees and shrubs to be planted and any arrangements for the future maintenance of the landscaped areas.

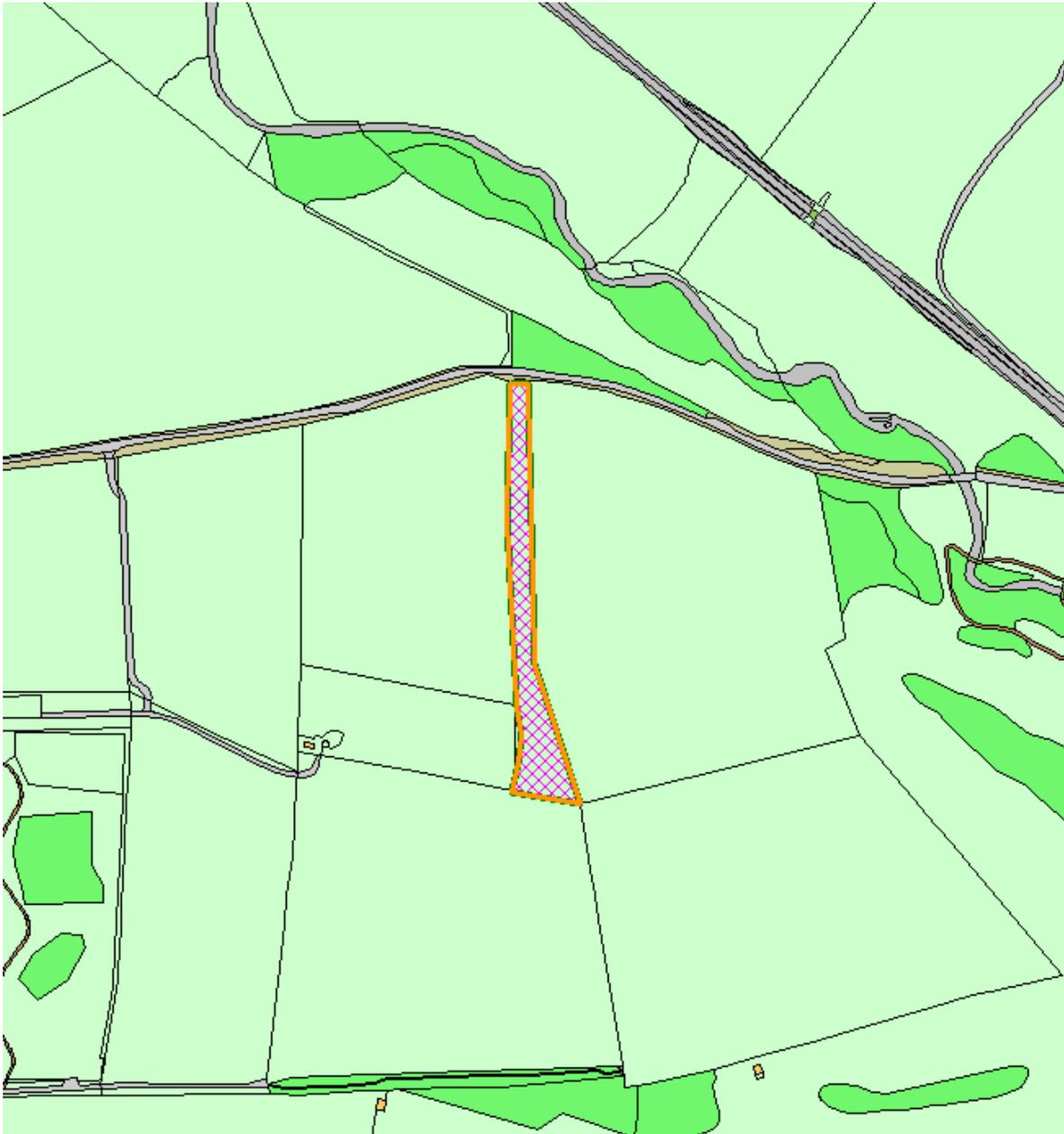
4. The landscaping scheme required by condition 3 above, shall be implemented during the first planting season following completion of the development hereby approved and shall thereafter be retained and maintained as such. Any trees or shrubs planted in accordance with this condition shall, in the event of their death within 5 years from their date of planting, be replaced by similar specimens as soon as is practicably possible and no later than the end of the planting season following their death.

Reason (for 3 & 4): To ensure that the development is of attractive appearance in the interests of visual amenity and to accord with the NPPF.

5. **(Condition Deleted)** Condition 5 of 63/2015/15547 was a condition requiring details of changes to ground levels. This condition was discharged by virtue of permission 63/2015/16188.

### 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:** 2017/18352/VAR

**Proposal:** Application for variation to condition no 2 of planning permission referenced 63/2015/15547 granted 08/07/2015 to replace original drawing with Rev 1A dated 18.07.17 enabling the club to retain the refurbished access and storage compound off Brackenley Lane  
Condition Number(s): Condition No 2  
Conditions(s) Removal: To enable the club to retain the refurbished access and storage compound off Brackenley Lane. To replace the original drawing with Rev 1A dated 18.7.17

**Site Address:** Skipton Golf Club Short Lee Lane Skipton BD23 3LF

**On behalf of:** Skipton Golf Club

## REPORT TO PLANNING COMMITTEE ON 25th September 2017

**Application Number:** 2017/18304/FUL

**Proposal:** Proposed 3no detached bungalows each with a detached garage (Resubmission of previously withdrawn application 42/2017/18075)

**Site Address:** Gallaber Barn, Gallaber, Long Preston, Skipton, BD23 4HS

**On behalf of:** Ms Mary Hanner

**Date Registered:** 14th July 2017

**Expiry Date:** 8th September 2017

**Case Officer:** Mr Sam Binney

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**This application has been referred to Planning Committee as the proposal is a departure from the Local Plan**

### 1. Site Description

- 1.1 The application site comprises a small (0.44ha) parcel of land to the west of the A65 to the north of Hellifield. The land forms part of a site that is adjacent to the Gallaber Caravan Park which has previously been granted permission for the erection of 6 holiday lodges, associated parking facilities and vehicular access.
- 1.2 The site is outside the development limit boundary for Hellifield, the closest point of which is just in excess of 300m from the edge of the site.
- 1.3 Surrounding the site is Gallaber Caravan Park to the north, and residential properties directly to the south. To the west there is one residential dwelling with the A682 beyond, and the A65 to the east.
- 1.4 The site is accessed from the A65 utilising an existing access toward the neighbouring residential properties.

### 2. Proposal

- 2.1 Permission is sought to construct three, detached bungalows each with a detached garage with a home office/storage space above.
- 2.2 The proposed dwellings would be constructed with reclaimed stonework to match the adjacent houses. They would have a blue slate roof, painted timber framed windows and doors.
- 2.3 The dwellings would be constructed to the north of the site with the detached garages to the south toward the access road.
- 2.4 In addition to the detached garage each property would have a driveway and turning area providing parking for additional vehicles.
- 2.5 The proposed boundary treatments would comprise a mix of cedar fence panels and stone walling to match the adjoining development and would feature picket fences to the frontage of each of the houses.

### 3. Planning History

- 3.1 52/2002/2024 - Recreation, Sports and Amenity Area Ancillary to Gallaber Caravan Site. Approved 23/05/2002.

- 3.2 42/2015/16324 - Erection of 6 holiday lodges, associated parking facilities and vehicular access – Approved 18<sup>th</sup> February 2016
- 3.3 42/2017/18075 - Proposed 5 no. holiday Lodges (Amendment to existing planning approval 42/2015/16324). Withdrawn 12/07/2017.
- 4 Planning Policy Background
- 4.1 National Planning Policy Framework – Sections 6, 7 and 11
- 4.2 Saved Local Plan Policies of the Craven District Council (Outside the Yorkshire Dales National Park Authority) Adopted Local Plan:
- 4.3 ENV1: Development in the Open Countryside
- 4.4 ENV2: Requirements for development in Open Countryside
- 4.5 ENV10: Protection of Trees and Woodlands
- 4.6 T2: Road Hierarchy
- 5 Parish/Town Council Comments
- 5.1 Hellifield Parish Council: No comments received within statutory consultation period.
- 6 Consultations
- 6.1 NYCC Highways: “visibility is acceptable at junction with A65. It is County Council Policy that where an access serves more than 5 dwellings, that access shall be made up to adoptable standard”. Consequently, the Local Highway Authority recommends that Planning Permission is REFUSED for the following reasons:
- R1 Road Leading To The Site
- The Planning Authority considers that the roads leading to the site are by reason of their poor alignments/poor junctions/insufficient widths/poor condition/unsuitable gradients and lack of footways/lighting/turning area considered unsuitable for the traffic which would be likely to be generated by this proposal”.
- 6.2 NYCC Public Rights of Way Officer: No objections but recommends informatives advising the applicant to ensure that the adjoining public footpath is kept clear of obstructions at all times both during the construction works and thereafter.
- 6.3 CDC Environmental Health Officer: No objections and recommends conditions regarding hours of construction, noise, dust, and clean topsoil.
- 6.4 Yorkshire Water: No objection.
- 7 Representations
- 7.1 Four letters of support has been received. A summary of the letters is outlined below:
- The bungalows would be more appropriate on the site and will blend in with the other houses already here.
  - Supporter would feel happy if they were residential properties as we would know who is around and they would be more considerate for their neighbours.
- 8 Summary of Principal Planning Issues
- 8.1 The principle of the development; The likely impact of the proposal upon the character and appearance of the surrounding area; The likely impact of the development upon the amenity of neighbouring properties and upon highway safety.

## 9 Analysis

### Principle

9.1 The application site is located outside of the development limits of Hellifield and is therefore considered, in policy terms, to be open countryside. This proposal therefore needs to be considered initially against the requirements of saved Policies ENV1 and ENV2 of the Local Plan. It is contended that it will meet some of the aims and requirements of these in that:-

- a) the proposal is for three dwellings and as such could reasonably be viewed as small scale development,
- b) the development is considered to be acceptable in design and scale terms and would not, it is contended, unduly impact upon the character or appearance of the surrounding countryside (for reasons outlined below),
- c) the proposal is considered to be acceptable in highway safety terms (for reasons outlined below)

However, balanced against this it has not been demonstrated:-

- a) that the development will have any benefits to the rural economy,
- b) that it is essential for the efficient operation of agriculture or forestry businesses, or
- c) that it is essential for the needs of the rural community.

9.2 Putting the above aside Paragraph 215 of the National Planning Policy Framework states that policies that were not adopted in accordance with the Planning and Compulsory Purchase Act 2004 need to be considered in terms of their degree of consistency with the NPPF. Whilst the local plan policies are broadly in line with the Framework they were adopted in 1999 and were not prepared under this Act. In view of this it is considered that in this instance the provisions of the NPPF outweigh local plan policy and should be given significantly greater weight when considering this application.

9.3 Paragraph 55 of the NPPF states that Local Planning Authorities should avoid new isolated houses in the countryside unless special circumstances can be demonstrated for allowing them. It refers to four such circumstances none of which would be satisfied by this proposal. However, the wording allows for developers to demonstrate others and it is felt that in this instance there is another that can reasonably be used to justify the new properties. A small housing development of some six properties lies to the immediate south-west of this site, approval was also given last year for the development of the land to the immediate south for one additional dwelling and there is a large caravan park directly north of the site. With this in mind it is considered that the new dwellings and associated garages could reasonably be viewed as 'infill' or 'rounding off', a form of development that in principle is normally considered acceptable within the open countryside. On this basis, and as the proposal satisfies a number of the requirements of policies ENV1 and ENV2, it is considered, on balance, to be acceptable in planning policy terms in this instance.

### The likely impact of the proposal upon the character and appearance of the surrounding area

9.4 The dwellings and garages are considered to be acceptable in design terms. They will incorporate pitched roofs and are to be constructed of reclaimed natural stone and natural blue slate with painted timber windows and doors (vertically boarded in the case of the garage) and black aluminium rainwater goods.

9.5 The buildings are also considered to be acceptable in scale terms. The dwellings will occupy quite a large footprint of approximately 19.5 x 12 metres overall. However, as a bungalow with a maximum height of 6.4 metres it will appear smaller than the adjacent housing to the south-west. Additionally, Gallaber Caravan Park to the north of the site is set on higher ground than the application site. The garages would be smaller measuring approximately 6.8 metres in length, 6.8 metres in width and 5.5 metres (overall height to ridge).

9.6 The development will be visible to users of the adjoining public footpaths to the north-west and south-west. However, in the context of the wider open countryside it will occupy a relatively secluded position. The site is set just in excess of 140 metres back from the A65 and is not readily visible from that highway. It is also screened from the access road serving the site by trees. In view of this it is not envisaged that the development or its associated curtilage would have a significant impact upon the appearance of the surrounding countryside.

The likely impact of the development upon the amenity of neighbouring properties

9.7 The development will not give rise to unacceptable overlooking of neighbouring properties nor will it have an adverse effect upon the level of light that they currently receive. The proposed dwellings will stand in excess of 25 metres from the nearest property (measured between proposed bungalow No. 1 and No. 1 Gallaber Farm to the south-west).

9.8 The proposal has been assessed by Environmental Health who considers it to be acceptable. They have recommended conditions:-

- a) requiring the dwellings to be insulated to safeguard future occupiers from external noise,
- b) controlling dust during the construction works,
- c) limiting the hours of construction of the development to safeguard surrounding local residents, and
- d) requiring any topsoil brought onto the application site is free from contamination.

However, conditions to this end are not considered necessary in this instance as these issues can all reasonably be controlled under separate Building Regulations and/or Environmental Health legislation. Informatives will be added to the decision to highlight these issues to the developer.

The likely impact of the development upon highway safety

9.9 It is not envisaged that this proposal will give rise to any undue highway safety concerns. It makes provision for the parking of at least two cars within the curtilage of each proposed property, a level of parking that is considered to be satisfactory for a three bedroom bungalow. Furthermore it will be possible to satisfactorily manoeuvre vehicles within the site so as to enable them to leave the property in a forward gear.

9.10 Vehicular access to the development is to be gained from the access road serving the adjoining residential development to the south. This arrangement is also considered acceptable as the proposal will not lead to any significant increase in vehicular use of that road. County Highways have been consulted for their views on the proposal and have raised no objections. The proposal will not affect the line of the public footpaths which run adjacent to this site.

9.11 The Highways Authority has been consulted for this application. They have recommended refusal of the application due to the road leading to the site not being suitable for the proposed development (as highlighted in full at paragraph 6.1).

9.12 Planning permission 42/2015/16324 was granted for 6 holiday lodges, associated parking facilities and vehicular access with no objection from the Highways Authority. The application was approved without any restriction regarding usage during the year. On this basis, it can be considered that 3 permanent dwellings will result in no greater intensification of use than that created by the approved unrestricted holiday lodges. Therefore, despite a recommendation to the contrary, the application is considered to be suitable in terms of highway safety.

10 Conclusion

10.1 Whilst the proposal will not fully comply with adopted local plan policies ENV1 and ENV2 it is considered that special circumstances can be demonstrated in this instance to justify it under the terms of the National Planning Policy Framework. Since the latter carries greater weight in this instance the proposal is, on balance, considered to be acceptable in planning policy terms.

- 10.2 The new dwellings are otherwise considered to be acceptable in terms of their design and scale and would not harm the openness of its countryside location. The proposal additionally shall not adversely affect the amenities of neighbouring premises, surrounding trees or highway safety.

## 11 Recommendation

- 11.1 That planning permission be granted subject to conditions.

### Conditions

#### **Time Limit For Commencement**

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 permission relates to the following plans:

- Drawing No. 01 Rev C "Proposed Site Plan" received 14<sup>th</sup> July 2017.
- Drawing No. 03 "Site Location Plan" received 14<sup>th</sup> July 2017.
- Drawing No. 04 "Proposed Floor Plan & Elevations Bungalow No 1" received 14<sup>th</sup> July 2017.
- Drawing No. 05 "Proposed Floor Plan & Elevations Bungalow No 2" received 14<sup>th</sup> July 2017.
- Drawing No. 06 "Proposed Floor Plan & Elevations Bungalow No 3" received 14<sup>th</sup> July 2017.
- Drawing No. 07 "Proposed Floor Plan & Elevations Detached Garage" received 14<sup>th</sup> July 2017.
- Drawing No. sss-7351 Rev A "Location Plan" received 14<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 been subsequently approved following an application for a non-material amendment.

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.

#### **Ongoing Conditions**

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

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

4. All new roof lights shall be of the 'Conservation' style recessed into, or installed flush with, the roof plane and constructed of metal painted to match the colour of the roof slates unless otherwise agreed in writing by the Local Planning Authority. Following their installation they shall thereafter be satisfactorily 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 and ENV2 of the Craven District Council (Outside the Yorkshire Dales National Park Authority) Adopted Local Plan and Sections 7 and 11 of the National Planning Policy Framework.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) 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 outbuildings, nor the erection or installation of any walls, fences,

gates or other means of enclosure within the curtilage of the dwellinghouses hereby approved with the prior written approval of the Local Planning Authority.

Reason: In order to enable the Local Planning Authority to retain a degree of control over the development having regard to the sensitive location of the dwellings within the open countryside.

### **Before the Development is Occupied**

6. All areas to be used by vehicles shall be surfaced and laid out using the materials specified/in the manner shown on the approved details, before the dwellings hereby approved are first occupied. They shall thereafter be retained at all times solely for the parking and turning of vehicles in conjunction with the approved development and in order to allow vehicles access to and from the site.

Reason: In the interests of the visual amenity of the area and in the interests of highway safety, in accordance with the requirements of saved Local Plan Policies ENV1, ENV2 and T2 of the Craven District Council (Outside the Yorkshire Dales National Park Authority) Adopted Local Plan and Sections 7 and 11 of the National Planning Policy Framework.

#### Informatives

1. During construction there is a potential for noise nuisance to nearby neighbouring properties.

Operating times for construction shall be limited to:

- 8:00am to 6:00pm Monday to Friday

- 8:00am to 1:00pm Saturday

- No Sunday or Bank Holiday working.

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

2. The applicant needs to have regard to the BD8233:2104 Guidance on 'Sound Insulation and Noise Reduction for Buildings' which presents guideline noise levels for both inside and outside dwellings. The applicant shall adhere to the levels shown in the document.

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

3. The applicant shall identify all areas of the site and the site operations where dust may be generated and ensure that dust is controlled so as not to travel beyond the site boundary.

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

4. The applicant shall 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 38822:2015 Specification for Topsoil.

At the request of the Local Planning Authority, details of the supplier(s) and confirmation on the source(s) of any topsoil material shall be supplied within 21 days of any request being received.

Reason: To ensure that no contaminated materials are brought onto the site.

5. 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 County 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.

6. No works are to be undertaken which will create an obstruction, either permanent or temporary, to the Public Right of Way adjacent to the proposed development.

Applicants are advised to contact the County Council's Access and Public Rights or 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.

7. Notwithstanding the submitted plan, no works are to be undertaken which may create an obstruction, either permanent or temporary, to the route of the claimed Public Right of Way.

Applicants are advised to contact the County Council's Access and Public Rights or 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 proposal for altering the route.

#### 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:** 2017/18304/FUL

**Proposal:** Proposed 3no detached bungalows each with a detached garage (Resubmission of previously withdrawn application 42/2017/18075)

**Site Address:** Gallaber Barn, Gallaber, Long Preston, BD23 4HS

**On behalf of:** Ms Mary Hanner

## REPORT TO PLANNING COMMITTEE ON 25th September 2017

**Application Number:** 45/2017/18044

**Proposal:** Application for non-material amendment of previously approved application (45/2016/17160) to alter the type of fixings for the glass safety screen.

**Site Address:** 38 High Street, Ingleton, LA6 3AF

**On behalf of:** Mr John Thistlethwaite

**Date Registered:** 2nd May 2017

**Expiry Date:** 27th June 2017

**Case Officer:** Mr Neville Watson

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**This application is referred to the Planning Committee under paragraph 9 of the Scheme of Delegation as a repeat application which is a similar scheme that has previously considered by the Planning Committee**

1. Site Description

1.1 The application site lies in the heart of Ingleton Conservation Area. The property is in the middle of a crescent of terraced stone built dwellings with a shared common yard to the rear. A number of the properties, including the application dwelling, have single storey extensions to the rear commonly constructed in dashed render.

2. Proposal

2.1 The proposal is to carry out alterations to the approved scheme to create an external structure at first floor level to create a balcony accessed from first floor patio doors. The external "walls" to the deck would be constructed from acid etched glass 1500 mm. high to the northern elevation and 900 mm. high acid etched glass to the west and south elevation. The glass would be fixed to a 300 mm upstand above the decking level. The void below the floor/deck to the balcony, above the monopitched slate roof would be closed off using rendered mesh and dash to match the existing ground floor extension. The balcony is approximately 4 m wide, projects approximately 1.6 m. from the rear elevation of the house, and is approximately 3.3 m. from ground level. The work has now been carried out.

3. Planning History

3.1 5/45/366 First floor extension. Approved 10.7.1986 Officer note: It is understood this extension was removed to create the balcony.

3.2 An unauthorised balcony was the subject of an enforcement investigation in 2015, resulting in an enforcement notice being served in January 2016 requiring the removal of the balcony. An appeal was lodged against the notice on ground (c) only, that the balcony does not constitute a breach of planning control. However, alterations to dwelling houses are covered by Part 1 Class A of the Town and Country Planning General Permitted Development Order 2015. Class A.1(k)(i) specifically states that development is not permitted if it would consist of or include the construction or provision of a veranda, balcony or raised platform. The Inspector concluded that the balcony does require planning permission and upheld the enforcement notice. The period for compliance was 17 August 2016. The structure has not been removed completely.

3.3 Concurrently an application for the retention of the unauthorised balcony was submitted (ref.45/2016/16610). This application was refused by the Planning Committee in April 2016 for the following reasons:-

*1. The balcony by virtue of its design, scale, form and construction materials introduces an alien and incongruous addition to the property. The design of the balcony does not preserve or enhance the character and appearance of the conservation area, and in particular, the use of garden boundary fencing for construction material is particularly harmful. The adverse impact significantly and demonstrably outweighs any benefit for the occupiers of the property for which there are no public benefits. The development therefore conflicts with the policies in the National Planning Policy Framework and Local Plan policy H20.*

*2. The unauthorised balcony for which retrospective planning permission is sought is in a location where its use gives rise to overlooking and consequent loss of privacy of neighbouring properties thereby adversely impacting upon the amenity of the occupiers of those properties contrary to the requirements of Saved Policy H20 and Appendix F of the Craven District (Outside the Yorkshire Dales National Park) Local Plan and the National Planning Policy Framework.*

3.4 45/2016/17160 Alterations to existing first floor structure to form a balcony Approved 26.9.2016.

#### 4. Planning Policy Background

4.1 National Planning Policy Framework (NPPF)

4.2 National Planning Practice Guidance (PPG)

4.3 Saved Local Plan Policy H20 and Appendix F

#### 5. Parish/Town Council Comments

5.1 No consultation carried out on this non-material amendment

#### 6. Consultations

6.1 None

#### 7. Representations

7.1 One representation has Been received commenting “we have no problem with this application.”

#### 8. Summary of Principal Planning Issues

8.1 Design and impact on the conservation area.

8.2 Impact on residential amenity.

#### 9. Analysis

9.1 Design and impact on the conservation area

9.2 Section 12 of the NPPF gives guidance on conserving and enhancing the historic environment. In particular paragraph 131 advises that Local Planning Authorities should take account of the desirability of new development making a positive contribution to local character and distinctiveness. Paragraph 132 goes on to advise when considering the impact of a proposed development on the significance of a heritage asset, great weight should be given to the asset’s conservation. Where a proposed development would lead to substantial harm, local authorities should refused consent, unless it can be demonstrated that the substantial harm is necessary to achieve substantial public benefits that outweigh the harm (paragraph 133 refers).

9.3 It is concluded that the balcony as now proposed by virtue of its design, scale, form and construction materials would not introduce an alien and incongruous addition to the property and that it does not cause substantial harm to the host property or the conservation area

- 9.4 The NPPF also stresses that the Government attaches great importance to the design of the built environment and that good design is a key aspect of sustainable development. However, decisions should not attempt to impose architectural styles or particular tastes. The design of the balcony has been modified and as each application must be judged on its own merits it is not considered to have an adverse impact on the conservation area. 9.4 Policy H20 of the Local Plan remains broadly consistent with the advice in the NPPF and advises that permission will be granted for the extension to a dwelling will be granted for an extension to a property in order to provide improved living accommodation providing that the scale, design, proportion and material of construction are such that they respect the original property. For the reasons outlined above it is considered that the proposal does not conflict with Policy H20.
- 9.5 In conclusion on this issue the proposal causes less than substantial harm to the designated heritage asset, the conservation area. The proposal does not conflict with the guidance in the NPPF and saved Policy H20 of the Craven District (Outside the Yorkshire Dales National Park) Local Plan.
- 9.6 Impact on residential amenity
- 9.7 Both the NPPF and saved Local Plan Policy H20 emphasise that new development should not result in any unacceptable loss of privacy or amenity to neighbouring residents. In particular Appendix F in relation to privacy requires that the design of any new extension should ensure the privacy from being overlooked which is currently enjoyed by a neighbouring property is not significantly reduced.
- 9.8 The key issue here is considered to be the loss of privacy to neighbouring residents that would arise from overlooking by any persons using the balcony for which planning permission is sought.
- 9.9 In this case the balcony is in a raised location that overlooks the rear yards and gardens of the properties on the High Street and Uppergate and a detached property (Edenhill) to the rear of the High Street. It is considered that the 1.5 m high acid etched glass on top of the 300 mm with a total height of 1800 mm (as previously approved to the boundary with the neighbour's property (no 36) will prevent views into the bedroom. The interface of adjoining private gardens is within 15 m.
- 9.10 It is considered that due to its elevated position there would still be views of neighbouring properties if the occupier was standing on the proposed balcony with consequent loss of privacy. However, the etched glazing to the west and southern walls are proposed to be 1200 mm. high above the deck level and therefore anyone sitting on the balcony would not have direct views of neighbours' amenity space and therefore on balance the loss of privacy would not conflict with national and local policy.
- 9.11 In coming to this conclusion it is noted that the existing housing is arranged in such a way that neighbouring windows are in close proximity to each other and some consequent overlooking of windows and private amenity areas occurs in much the same way that it would within a more conventional residential layout. However, the impacts are less noticeable with windows as it is not typical for the occupiers of properties to spend time standing at a window whereas the purpose of a balcony is specifically as an outdoor amenity area. The revised glazing arrangements are such that it would not result in prolonged periods when overlooking would occur.
- 9.12 It is concluded that on balance that the balcony would not have an adverse impact on the amenities of neighbouring properties.
10. Recommendation
- 10.1 That the application be approved as a non-material amendment.

#### Conditions

1. The work has been completed and no additional conditions are necessary

#### 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:** 45/2017/18044

**Proposal:** Application for non-material amendment of previously approved application (45/2016/17160) to alter the type of fixings for the glass safety screens

**Site Address:** 38 High Street, Ingleton, LA6 3AF

**On behalf of:** Mr John Thistlethwaite

## REPORT TO PLANNING COMMITTEE ON 25th September 2017

**Application Number:** 73/2017/17932

**Proposal:** Proposed change of use of agricultural land to provide six holiday accommodation units including parking and turning area (revision to previously refused application referenced 73/2016/17134)

**Site Address:** Crowkeld Smallholding, Grange Lane, Kildwick, BD20 9BZ

**On behalf of:** Mrs Nina Baptiste

**Date Registered:** 20th March 2017

**Expiry Date:** 15th May 2017

**Case Officer:** Andrea Muscroft

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**This application has been referred to Committee at the request of Cllr Brown due to the concerns of the Parish Council and wider public interest.**

1. Site Description

- 1.1 The site comprises an area of land within a small agricultural holding to the South of Kildwick Conservation Area situated on a hillside in open countryside.
- 1.2 Access to the site is via a vehicle track directly off Grange Lane.
- 1.3 The application site is located outside of any development limits and therefore lies within an area classified as Open Countryside by the Craven District (outside the Yorkshire Dales National Park) Local Plan.

2. Proposal

- 2.1 The proposal is seeking approval for a change of use of land from agricultural to tourism use with the siting of six holiday units with associated parking and turning areas. (Resubmission of previously refused application reference 73/2016/17134).
- 2.2 Officer Note: Following the refusal the agent sought pre-app advice before re-submitted the proposal. The revised proposal has implemented the following changes to the previous scheme:-
  - The foot print and height of the Shire pods have been reduced.
  - The layout of the Shire pods has been staggered with a more random formation.
  - The Shire pods would be constructed from natural materials and not from shipping containers, with a timber frame and timber cladding.
  - The scheme has increased the level of planting proposed.

3. Planning History

- 3.1 73/2016/17134 - Proposed change of use of agricultural land to provide six holiday accommodation units including parking and turning area – Refused for the following reason:
- 3.2 *The proposed development, by virtue of its location and design, would form an incongruous feature in the landscape which would detract from the character and appearance of the open countryside and the setting of Kildwick Conservation Area and would therefore be contrary to Saved Policies ENV2 and*

*EMP16 of the Craven District (outside the Yorkshire Dales National Park) Local Plan 1999 and the guidance within the NPPF.*

#### 4 Planning Policy Background

4.1 Saved Policies ENV1, ENV2, EMP16 and 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 Kildwick Parish Council: Our objections from the previous application still apply.

- Loss of agricultural land
- Visual appearance
- Inappropriate development
- Damage to the historic landscape
- Highly visible

#### 6 Consultations

6.1 CDC Contamination Officer: No known contaminated land implications on this site.

6.2 CDC Environmental Health Officer: No objection but recommends a condition with regards to potential noise nuisance arising during the construction phase.

6.3 NYCC Highways: No objection but recommend conditions are imposed with regards to the construction requirements of verge/private access.

6.4 NYCC Footpath Officer: No objection but suggests an informative is imposed advising the applicant/developer that the PROW should not be obstruct.

#### 7 Representations

7.1 Two letters of representation have been received. Comments summarised below:-

7.2 Grounds raised in the objection

- The proposed development is out of character with the surrounding area, particularly the neighbouring Kildwick Grange Conservation Area and would be inconsistent with the use of all the surrounding land.

7.3 Grounds raised in support

- The proposal if carefully managed, will prove to be an asset to the local area which relies heavily on the tourist industry for employment and revenue.

#### 8 Summary of Principal Planning Issues

8.1 Principle of development.

8.2 Impact of development on the character and appearance of the open countryside.

8.3 Highway safety.

8.4 Conclusion.

#### 9 Analysis

9.1 The previous application was dismissed as the proposal conflicted with Local Plan Policies ENV1, ENV2 & EMP16 which cumulatively seek to ensure that development in the open countryside helps to maintain landscape character and does not have an unacceptable impact on the landscape.

## 9.2 Principle of development

- 9.3 The Shire Pods, are relatively recent innovations, and are not specifically referred to within the local plan policies. With regards to their status, camping pods fall within the statutory definition of a caravan – in that it is a structure designed or adapted for human habitation which is capable of being moved from one place to another (whether by being towed, or by being transported on a motor vehicle or trailer). The camping pods are fabricated elsewhere and then delivered to site.
- 9.4 The proposal is seeking consent for the construction of camping pods and associated hardstanding with turning area with the creation of natural screening.
- 9.5 The application site is located outside of the recognised development limits of Kildwick and as such the application site is located within the open countryside; as defined by the 1999 Local Plan. As such the key policy considerations are ENV1, ENV2 & EMP16.
- 9.6 Saved Policy ENV1 of the Craven District (Outside the Yorkshire Dales National Park) Local Plan states that small scale development would only be permitted in the Open Countryside where it can be demonstrated that it; clearly benefits the rural economy, helps to maintain or enhance landscape character and is essential for the efficient operation of agriculture or forestry or is essential to the needs of the rural community. Developments that can be demonstrated to meet these requirements would then need to be considered under Saved Policy ENV2 of the Craven District (Outside the Yorkshire Dales National Park) Local Plan. Whilst stating that development should be directed to sites within development limits the justification for ENV1 identifies that certain development such as caravan sites would be more appropriately located outside of development limits.
- 9.7 Saved Policy EMP16 states that new static caravan or chalet development in the Open Countryside would be permitted providing that a number of further criteria are met. These criteria will be addressed in more detail later in the report.
- 9.8 The NPPF indicates that to promote a strong local economy, local plans should support sustainable rural tourism and leisure development that benefits businesses in rural areas, communities and visitors, and which respect the character of the countryside. It explains that this should include supporting the provision of tourist and visitor facilities in appropriate locations.
- 9.9 In this instance, the proposal seeks to introduce six Shire pods with associated landscaping and turning/parking areas to a parcel of land to the east of the village of Kildwick which is situated approximately 0.9miles from the application site. Whilst, there is no footpaths or street lighting along Grange Lane it is a common feature that visitors would walk or cycle the distance into the village of Kildwick to access the local public house and other services within nearby settlements. On this basis, the development would contribute to the local economy, which is one of the dimensions of sustainable development.
- 9.10 Furthermore, visitors would help support and maintain the vitality of the village of Kildwick thus meeting the social dimension of sustainable development which includes supporting strong, vibrant and healthy communities.
- 9.11 Turning to the environmental dimension of sustainable development it is acknowledged that the proposal would have an impact on the character and appearance of the rural countryside. However, the proposal would effectively use land that in part has already been subject to some development with a form of development that due to the proposed design, scale, appearance and soft landscaping would not have a detrimental visual impact on the character and appearance of the rural countryside. Furthermore, the application site is not considered to be of high environmental value.
- 9.12 Therefore, in conclusion, any adverse environmental impacts arising from the development do not significantly or demonstrably outweigh the economic and social benefits that would arise for this proposal. As such, it is considered that the proposal accords with the policy requirements of Saved Policy ENV1 of the Craven District (outside the Yorkshire Dales National Park) Local Plan and the guidance contained within the NPPF.

**9.13 Visual impact of development.**

- 9.14 Saved Policy ENV2 requires proposals to demonstrate good design by ensuring that development is compatible with the character of the surroundings area, does not have an unacceptable impact on the landscape and safeguards landscape features, including stone walls and hedgerows, worthy of protection; that the design of structures and the materials proposed relate to the setting and takes account of the immediate impact and public views of the development.
- 9.15 Paragraph 58 of the NPPF encourages good design by stipulating that planning policies' and decisions should aim to ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development and respond to local character and history.
- 9.16 Paragraph 109 of the NPPF advises that the planning system should contribute to and enhance the natural and local environment.
- 9.17 Paragraph 131 of the NPPF states that in determining planning applications, LPA's should take account of the desirability of sustainability and enhancing the significance of heritage assets. Paragraph 132 also states that great weight should be given to the conservation of a designated heritage asset, in this case the Conservation Area, and paragraph 133 states that consent should be refused where substantial harm would result.
- 9.18 The application site lies within open countryside on a hillside to the east of the village of Kildwick and above the Leeds and Liverpool canal. The surrounding landscape comprises of open fields with stone/wire fencing along the field boundaries and groups of trees. The site comprises of an existing corrugated iron farm building with a number of abandoned vehicles located throughout the site. To the east of the existing farm building is an existing Orchard with an established food growing area to the north and further trees beyond. To the south of the orchard is a bank of trees which would remain. The topography of the site means that land to the north rises towards Grange Lane and land to the south of the site falls away towards the Leeds and Liverpool canal.
- 9.19 The proposal seeks to position 6 camping pods down within the landscape with the provision of additional landscaping which would help mitigate any potential visual impacts from the development. Unlike previously, the current scheme has replaced the covered shipping containers with purpose built timber pods which are of a smaller scale than previously considered. In addition, the external dark finish and horizontal timber cladding would further reduce any visual impact. Therefore, whilst it is acknowledged that the proposal given its prominent position on the hillside would be partially visible when moving through the landscape it is considered that the reduction in the scale of the camping pods, the use of natural materials and the additional planting are in officers opinion sufficient to ensure that the development does not appear unduly dominant or unsympathetic to the character and appearance of the surrounding rural countryside.
- 9.20 Concern has been expressed over the potential impact of the development on the conservation area of Kildwick located to the east and north of the site. It is acknowledged that the proposed development may be visible from some public viewpoints with the conservation area; however, it is considered that due to the separation distances involved, the proposal would not result in any unacceptable visual harm to the setting of the conservation area, and therefore its significance is not impacted upon. There is also a number of listed buildings in the wider landscape, however as outlined above it is considered that the separation distances involved would mean that the proposal would not negatively impact on their setting or significance.
- 9.21 In conclusion, it is considered that the revised scheme as outlined above would not have a harmful impact on the character and appearance of the surrounding rural countryside nor on the conservation area of Kildwick. Nor will the proposal result in any unacceptable harm to the setting or significance of listed buildings situated within the surrounding area. Therefore, the proposal accords with the policy requirements of Saved Policy ENV2 of the Craven District (outside the Yorkshire Dales National Park) Local Plan and guidance contained within the NPPF.

## 9.22 Highway issues.

- 9.23 T2 are permissive of development proposals that are appropriate to the highway network where, amongst other things, they do not generate traffic volumes in excess of the capacity 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.
- 9.24 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.
- 9.25 Paragraph 32 of the NPPF states that: 'Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe'.
- 9.26 The revised proposal would utilise the existing track that directly leads off Grange Lane down towards an area of hardstanding. The proposal would provide an area for vehicle turning and parking to the north of the pods. NYCC Highways have been consulted and have raised no objection to the proposal subject to the use of appropriate conditions.
- 9.27 In conclusion, the proposed changes to the entry/exit points and parking/turning arrangements would not create conditions contrary to highway safety. The proposal is therefore considered to meet the requirements of Saved Policy T2 of the Local Plan and the aims and objectives of the NPPF

## 9.28 Others

- 9.29 Concerns have been expressed with regards to the loss of agricultural land, however it is considered that the proposal would be an acceptable form of diversification to outweigh the loss of land for agricultural purposes.

## 9.30 Conclusion

- 9.31 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.'*

- 9.32 In this instance, any adverse environmental impacts arising from the development do not significantly or demonstrably outweigh the economic and social benefits that would arise for this proposal.

## 10 Recommendation

- 10.1 To grant approval subject to the following conditions.

### Conditions

#### **Time conditions**

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
  - P1723/001a Proposed Plans and elevations received by Craven District Council on the 5<sup>th</sup> September 2017.
  - P1723/002a Proposed Sections received by Craven District Council on the 5<sup>th</sup> September 2017.
  - P1723/004a Proposed Plans received by Craven District Council on the 20<sup>th</sup> March 2017.

- P1723/005a Proposed Location Plan received by Craven District Council on the 20<sup>th</sup> March 2017.

The development shall be completed in accordance with the approved drawings except where conditions attached to this 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 you commence development.**

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 has 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 10 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 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 10m of the public highway shall not contain any loose materials that is capable of being drawn onto 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 and to accordance with Saved Policy T2 of the Craven District Council (Outside the Yorkshire Dales National Park Authority) Adopted Local Plan

**During building works**

4. Prior to their first installation of the Shire pods on site details of the external materials and surface finishes shall be submitted and approved in writing by the Local Planning Authority and retained thereafter.
 

**Reason:** In the interest of visual amenity of the area and to accord with Saved Policy ENV2 of the Craven District Council (Outside the Yorkshire Dales National Park Authority) Adopted Local Plan.
5. 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.
 

**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. Unless alternative details have first been submitted to and approved in writing by the Local Planning Authority, the landscaping scheme for the site shown on drawing no. P1723/004a shall be carried out during the first planting season after the development is substantially completed and the areas which are landscaped shall be maintained as landscaped areas thereafter in accordance with the details shown on the approved plan. Any trees, hedges or shrubs removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced by trees, hedges or shrubs of similar size and species to those originally required to be planted.

**Reason:** To ensure appropriate landscaping of the site in the interests of visual amenity, to enhance the character of the street scene and to provide biodiversity enhancements in accordance with the

requirements of saved Local Plan Policies ENV2 of the Craven District Council (Outside the Yorkshire Dales National Park Authority) Adopted Local Plan and the National Planning Policy Framework.

7. 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, hard surfacing materials proposed; 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 the development is occupied**

8. Prior to the first use of the caravans full details of the refuse and recycling storage facilities have been 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.

#### **Ongoing conditions**

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 have first been submitted to and approved in writing by the Local Planning Authority, the Shire pods shall be constructed in accordance with approved drawing ref: P1723/001A. Only the approved Shire pods 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.

**Reason:** To ensure use of appropriate materials which are sympathetic to the character of surrounding buildings and the street scene in the interests of visual amenity in accordance with the requirements of Craven District Council (Outside the Yorkshire Dales National Park Authority) Adopted Local Plan and the National Planning Policy Framework.

#### **Informative**

The applicant is advised to that the grant of this planning approval does not override the need to comply with the fire regulations for caravan site. Please contact the North Yorkshire Fire & Rescue Service for further information. Their address is Thurston Road, Northallerton, North Yorkshire, DL6 2ND (tel: 01609 780150).

Your 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 Road and Private Streets 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.

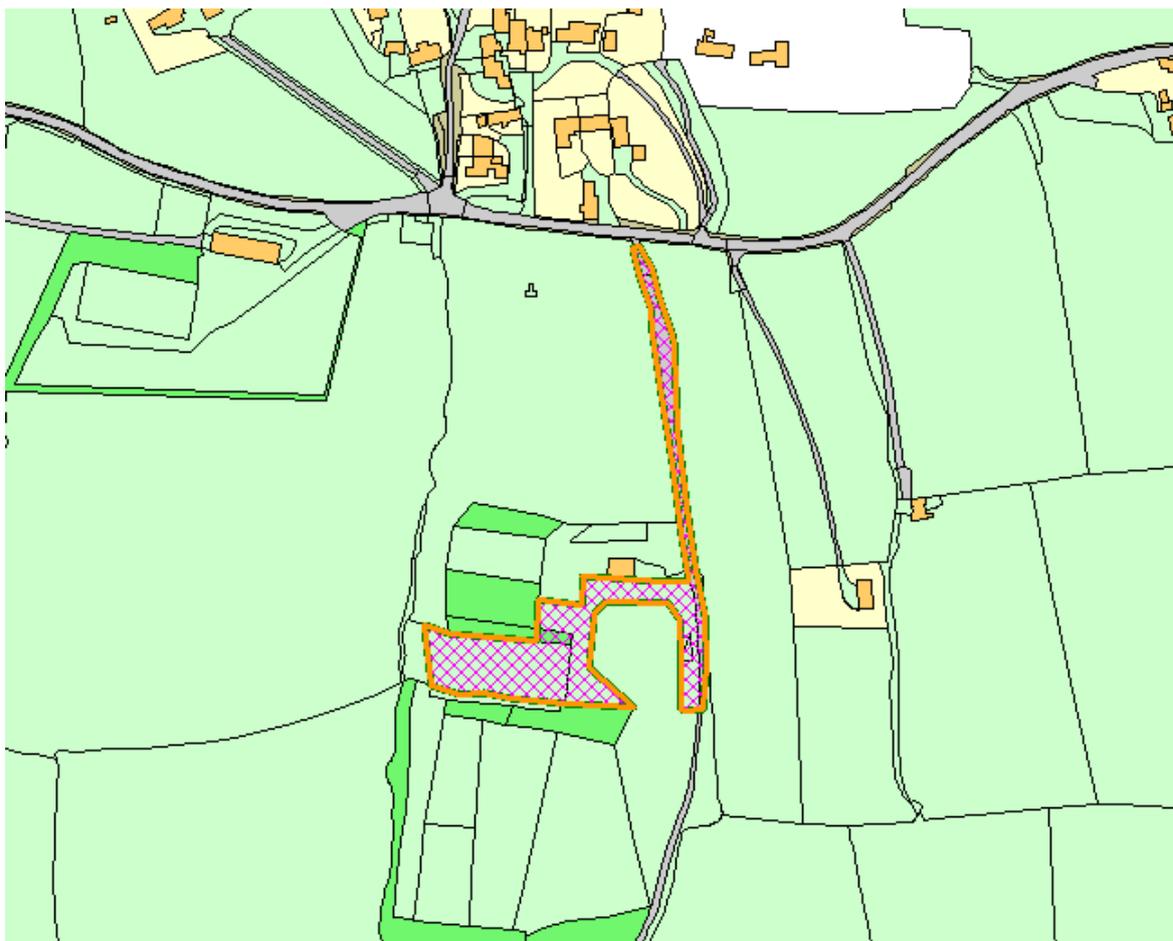
Operating times for construction should be limited to:

- 8am to 6pm Monday to Friday
- 8am – 1pm Saturday
- No Sunday or Bank Holiday working.

Existing Public Rights of Way on the site should remain unobstructed and available for use unless and until an application (whether temporary or permanent) under Sections 247 or 257 of the Town and Country Planning Act (or any other relevant legislation) is approved to allow the diversion or stopping up of any of these routes. Approval of any such application should be confirmed prior to the carrying out of any operations that would obstruct the use of the relevant Public Rights of Way.

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:** 73/2017/17932

**Proposal:** Proposed change of use of agricultural land to provide six holiday accommodation units including parking and turning area (revision to previously refused application referenced 73/2016/17134)

**Site Address:** Crowkeld Smallholding Grange Lane Kildwick Keighley BD20 9BZ

**On behalf of:** Mrs Nina Baptiste

## REPORT TO PLANNING COMMITTEE ON 8th August 2017

Application Number: 42/2017/18080

Proposal: Application to vary condition no. 2 (plans) of original planning consent reference 42/2015/16308 to allow for a two storey side extension and single store rear extension

Site Address: 1-4 St Aidans Court Gisburn Road Hellifield BD23 4HU

On behalf of: CSR Developments Ltd

Date Registered: 16th May 2017

Expiry Date: 11th July 2017

Case Officer: Andrea Muscroft

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**This application was previously considered by Planning Committee on the 8<sup>th</sup> August 2017. Considering comments the application was deferred to a future meeting of the Committee. The current position is that issues over parking arrangements have been resolved.**

### 1. Site Description

- 1.1 This application relates to an area of land located to the rear of Hellifield House, Gisburn Road, Hellifield. Planning approval ref: 42/2015/16308 was granted in 2015 for the construction of 4 terrace dwellings with associated infrastructure. The buildings are currently under construction.
- 1.2 Adjacent to the site is Hellifield House a Grade II listed building presently in use as a social club with the application site comprising of land enclosed to the rear and within its curtilage which was previously used as a mobile caravan park.
- 1.3 The site is level and part grassed/part hard surfaced and is enclosed by low stone walling. To the north the site faces onto the rear of Hellifield House and there are residential properties to the west (Rook Cottage, Close House and Gisburn Road Cottages) and east (Sunnyside and Sunningdale House), those to the west being largely screened by conifer hedging and tree planting along their rear boundaries. The properties surrounding the site are constructed in a mix of materials from stone, painted render and slate/stone slate roofs.
- 1.4 The site adjoins open farmland to the south and has an existing access which passes the south-west elevation of Hellifield House and opens directly onto Gisburn Road to the north. The access would be shared with the social club and would serve a parking area to the northern end of the site and to the rear of the club in addition to the proposed houses.
- 1.5 The site has no trees although there is a large well established specimen adjacent to the western boundary which appears to lie within the curtilage of Rook Cottage and another adjacent to the western boundary at the rear of Close House.
- 1.6 The site is located within the Development Limits of Hellifield and there are no constraints identified other than it being within the curtilage of the Grade II listed Hellifield House.

### 2. Proposal

- 2.1 The proposal is seeking to vary condition 2 (approved plans) to allow for the construction of a two storey side extension and a single storey rear extension to Plot 1.

## 2.2 Condition 2

- 2.3 This is a standard condition that specifies the approved plans. In this case, the applicant is seeking to extend approved Plot 1 with both a two storey side extension and a single storey rear extension.
- 2.3 The two storey side extension would measure 3.4m x 7.4m with a maximum height with 7.6m to the ridge falling to 5.1m at the eaves and would be constructed using materials used in the construction of the original dwelling.
- 2.4 The proposed two storey side extension would provide an integral garage with conservatory to the rear at ground floor level and an additional bedroom at first floor level.
- 2.5 The single storey extension would measure 2m x 3.4m with a maximum height of 3.4m to the ridge falling to 2.6m at the eaves and would be constructed using matching materials used in the construction of the original building.
- 2.6 As a consequence of the side extension the proposal would result in changes to the parking provision for plot 1 with the provision of 1 covered parking space and two additional parking spaces to the north of plot 2. Thus providing an increase in 1 parking space than previously approved.
- 2.7 **Officer's note:** No changes are proposed to the appearance, scale, design, materials of the remaining 3 plots, the boundary treatments, vehicle access/turning areas and parking spaces which were assessed and granted planning permission under planning ref 42/2015/16308 on the 9<sup>th</sup> December 2015.

## 3 Planning History

- 3.1 42/2008/8890 – Outline for the construction of 2 houses - Withdrawn on 29.9.2008.
- 3.2 42/2008/9116 - Construction of 2 houses and garages – Approved March 2009.
- 3.3 42/2008/9117 – Listed building consent for the construction of two houses and garages - Approved March 2009.
- 3.4 42/2011/12103 - Application to replace extant planning permission - 42/2008/9116 - Construction of 2 houses and garages – Approved December 2011.
- 3.5 42/2011/12106 - Planning permission to replace extant planning permission to previous application - 42/2008/9117- Construction of 2 houses and garages – Approved December 2011.
- 3.6 42/2015/16308 - Full application for erection of a terrace of 4 new 3-bedroom dwellings. Approved December 2015.
- 3.7 42/2016/17328 - Application to discharge condition no 3 of previously approved planning permission 42/2015/16308. Approved October 2016.
- 3.8 42/2016/17647 – Application for a variation of condition 5 of approved application 42/2015/16308 to amend the windows from timber to UPVc – Approved February 2017.

## 4 Planning Policy Background

- 4.1 The National Planning Policy Framework – NPPF.
- 4.2 Planning Practice Guidance – PPG.
- 4.3 Saved Policy H3 and T2 of the Craven District (outside the Yorkshire Dales National Park) Local Plan.

## 5 Parish/Town Council Comments

- 5.1 Hellifield Parish Council:- Objections to original planning application still stand in particular points regarding vehicular access.
- There is no dropped kerb with access being directly onto the main road.
  - Conflicting information concerning the proposed access to the site.
  - Visibility compromised by poor sight lines

- Original application ref: 42/2015/16308 included a new vehicular access in a straight line from the site onto Gisburn Road adjacent to Rook Cottage. Following an objection from NYCC Highways an amended access plan was submitted and accepted by NYCC Highways.
- The current proposal shows access onto Gisburn Road, as per the original proposed location and not across the forecourt of Hellifield House (as per given permission).
- Disturbingly, the wall between Gisburn Road and the site adjacent to Rook Cottage has been demolished given the appearance that this non approved access is proposed to be used would suggest a breach of planning giving rise to highway safety.
- CDC Planning Officers should ensure that the original planning approval is complied with and that the approved access across the forecourt of Hellifield House is the only access to be used.

5.2 **Officers Note:** The submitted proposal relates to the construction of a two storey side extension and a single storey rear extension and changes to the parking arrangements for Plot 1 only. The applicant is not seeking any amendments to the previously approved vehicle access or parking arrangements that would serve Plots 2 – 4 which were granted approval under ref: 42/2015/16308. As such the proposal has been considered on this basis only.

- Additional, the proposed extension would be located on the site of two parking spaces.

5.3 Other issues.

- The documentation mentions reducing a wall between the Social Club and Rook Cottage. There is no stone wall on this site it is a 6- 7ft timber fence.
- The wooden fence does not belong to the Social Club.
- In what capacity is the applicant applying?

6. Consultations

6.3 **NYCC Highways:** Further to the submission of a revised parking arrangement for Plot 1, it is confirmed that the proposed parking arrangements are acceptable. The positioning of the 2 parking spaces to the north of Plot 1 would provide sufficient turning area to allow forward facing vehicle movements onto Gisburn Road. Therefore there is no objection to the proposal.

7. Representations

7.3 9 letters of representation have been received (2 from Rook Cottage). Comments have been summarised below:-

7.4 **Amenity issues.**

- Concern over the siting of the extension to adjacent dwellings.

7.5 **Highway issues.**

- Concern that the proposal would be in breach of the existing planning approval with regards to vehicle access to the site.
- Concern over the loss of two parking spaces.
- No additional parking would be allowed on land owned by the Hellifield Social Club

7.6 **Officers Note:** The proposal is not seeking any amendments to the previously approved vehicle access or parking arrangements that would serve Plots 2 – 4 which were granted approval under ref: 42/2015/16308.

7.7 **Other issues.**

- Concern that the wall between Gisburn Road and Rook Cottage has been demolished.
- Planning officers should ensure that the original planning approval is complied with.

## 8. Summary of Principal Planning Issues

8.3 The acceptability of the requested variation of the approved plans condition attached to the original planning approval.

## 9. Analysis

9.3 Principle of development.

9.4 Planning permission was originally granted for the construction of 4 terrace dwellings with associated off street parking under ref: 42/2015/16308. In 2016, an amended scheme was submitted ref: 42/2016/17647 which involved a variation in window materials from timber to UPVc. This was granted approval and the development commenced. As such, it is considered that the principle of development on this site has been established.

## 9.5 Condition 2

9.6 This variation seeks to update the list of approved plans to ensure that it refers to the most up to date revisions with regards to the proposed extension of Plot 1.

9.7 The current proposal is seeking to construct a two storey side extension and a single storey rear extension as per drawing 2015.041.209B. It is considered that the proposed extensions have been designed to be subservient to the original dwelling with the roof ridge set down and the principal elevation set back. As such, the proposed extension reflects the style established under the previous permission ref: 42/2015/16308. In addition, the proposal would be constructed from materials previously approved under ref: 42/2016/17328. As such the proposal would not have a negative visual impact on the surrounding area.

9.8 Third party correspondence has been received with regards to the close proximity of the two storey extension to adjacent properties and the potential noise nuisance, overshadowing and loss of privacy that could arise.

9.9 Turning to the two storey side extension, the nearest dwelling identified to the application site is Rose Cottage Barn located at a separation distance in excess of 22m from the proposed extension. Located along the boundary is a traditional stone wall with a hedge at a height of approximately 3m. The eastern elevation of this dwelling includes a lean-to outshot with windows at ground floor level fronting towards the existing 3m hedge. It is acknowledged that further along the eastern elevation there is a triple bedroom window.

9.10 To maintain the current level of privacy between the application site and Rose Cottage Barn the proposed western elevation would remain blank. Therefore, it is considered that as a consequence of the separation distance, the orientation and existing boundary treatments that the proposed extension would not give rise to any unacceptable loss of privacy or overshadowing nor give rise to any unacceptable noise disturbance to the occupiers of this dwelling.

9.11 The next nearest group of properties are No. 1 – 5 Gisburn Road to the west of the application site at a separation distance of between 24m > 25m. Located along the joint boundary with these properties and the application site is the existing 3m hedge. It is acknowledged that at first floor level the northern elevation of the extension would include a bedroom window. However, it is considered that as a consequence of the separation distance and the orientation between these properties and the proposed two storey extension that the proposal would not give rise to any unacceptable loss of privacy/overshadowing to the occupants of these dwellings.

9.12 Similarly, given the separation distance between Close House located to the west of the site at a separation distance of approximately 25m with the application site, combined with the existing boundary treatments and the orientation between this property and the application site. It is not considered that this proposal would have an unacceptable impact on the privacy or amenity of the occupants of this property.

9.13 Concerns have been raised by the occupants of Rook Cottage with regards to the loss of privacy as a consequence of the proposal. This single storey property fronts onto Gisburn Road with rear windows facing onto a private amenity area. Running along the boundary with the application site is an existing

timber fence measuring approximately 1.8m with an additional hedge above. In terms of overlooking, the proposed bedroom windows would front towards the rear elevation of the social club. However, any potential views of the private rear amenity area of Rook Cottage would be screened by the existence of a tree located to the south of the joint boundary with Rook Cottage and Close House. Therefore, it is not considered that the proposal would result in any loss of privacy to an unacceptable level than has already been permitted on the previous scheme.

- 9.14 The rear elevation overlooks an open field is the proposed location for the single storey extension. There are no immediate dwellings to the south and as such there would be no unacceptable overlooking/privacy issues to the south.
- 9.15 Concerns have been raised over the parking arrangements for Plots 2 – 4. However, as stated in paragraph 2.7 of this report the proposal is not seeking any amendments to the access onto the site nor the parking and turning areas for plots 2 – 4 previously approved under ref: 42/2015/16308. Therefore, the previously approved access of Gisburn Road and the approved turning area and parking spaces for plots 2-4 would remain unchanged.
- 9.16 However, the proposal as a consequence of the proposed extension would result in a change to the previously approved parking arrangements for plot 1. The revised parking arrangements would involve the provision of 1 covered parking space and two additional parking spaces to the north of Plot 1. The provision of three parking spaces exceeds the NYCC Highways residential parking standards requirements. As such, it is considered that the proposal would provide an adequate level of car parking provision for the occupants of Plot 1. NYCC Highways have reviewed the submitted details and have confirmed that the proposal would provide sufficient car parking provision and enable enough room for vehicles to manoeuvre through the site and continue on towards the highway in a forward motion. As such the Highways Authority have not objected to the proposal on highway safety grounds.
- 9.17 It is therefore considered that the request to vary condition 2 is acceptable and the condition will be re-worded to the following:

2. This permission relates to the following plans:

- 2015.041.101H received by the Local Planning Authority 8<sup>th</sup> September 2017.
- 2015.041.103A received by the Local Planning Authority 3<sup>rd</sup> July 2017.
- 2015.041.107B received by the Local Planning Authority 15<sup>th</sup> August 2017.
- 2015.041.209B received by the Local Planning Authority 3<sup>rd</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: To specify the approved plans for the avoidance of doubt.

9.18 **Conclusion.**

9.19 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.

9.20 In this case 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.

10. **Recommendation**

10.1 To grant planning approval subject to the following conditions.

## Conditions

### **Time conditions**

1. The development hereby permitted shall not be begun not later than 9<sup>th</sup> December 2018.

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

### **Approved plans condition**

2. This permission relates to the following plans:

- 2015.041.101H received by the Local Planning Authority 8th September 2017.
- 2015.041.103A received by the Local Planning Authority 3rd July 2017.
- 2015.041.107B received by the Local Planning Authority 15th August 2017.
- 2015.041.209B received by the Local Planning Authority 3rd July 2017.

The development shall be completed in accordance with the approved drawings except where conditions attached to this 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.

### **Before you commence development.**

3. Prior to their first use on-site, samples of the proposed external materials and roofing materials (including stone, colour of render) to be used in the construction of the dwellings hereby approved shall be submitted to and approved by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

**Reason:** To ensure a satisfactory appearance to the development.

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

4. No dwelling to which this planning permission relates shall be occupied until the boundary treatments have been constructed in accordance with the details shown on the approved site plan and retained thereafter.

**Reason:** In the interests of visual amenity.

### **Ongoing conditions.**

5. All new windows and doors shall be of upvc construction in accordance with the approved plans. Once installed the windows and doors shall be retained as such thereafter unless otherwise agreed in writing with the Local Planning Authority.

**Reason:** To ensure that the proposed development is of a high quality and appropriate appearance in the interests of the visual amenities of the locality.

6. No barge boards, fascia boards or soffit boards shall be used in the carrying out of the development hereby approved and the roofs shall have slated verges.

**Reason:** In the interests of the visual amenity of the area and to ensure that the materials used and design are appropriate to the locality.

7. The hard surfaces 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.

8. No surface water from the development shall be discharged into the foul sewerage system.

**Reason:** To avoid overloading the foul sewerage system in the interest of public health.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order) no new windows shall be fitted to the dwellings (other than those expressly authorised by this permission).
- Reason:** In the interests of the amenity of neighbouring properties and to accord with Saved Policy H20 of the Craven District (outside the Yorkshire Dales National Park) Local Plan and the aims of the National Planning Policy Framework
9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order) no alterations, extensions, outbuildings, fences, gates or walls shall be undertaken to the dwellings or within the curtilages of the dwellings (other than those expressly authorised by this permission).
- Reason:** In the interests of the amenity of neighbouring properties and to accord with Saved Policy H20 of the Craven District (outside the Yorkshire Dales National Park) Local Plan and the aims of the National Planning Policy Framework..
10. Notwithstanding the provision of any Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order) for the time being in force, the areas shown on 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 and to accord with Saved Policy T2 of the Craven District (outside the Yorkshire Dales National Park) Local Plan and the aims of the National Planning Policy Framework.
11. Notwithstanding the provision of any Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order) for the time being in force, the garage shall be retained for parking motor vehicles at all times and shall not be adapted to be used for any other purposes.
- Reason:** To retain adequate on-site parking provision in the interest of highway safety and to accord with Saved Policy T2 of the Craven District (outside the Yorkshire Dales National Park) Local Plan and the aims of the National Planning Policy Framework.
12. 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 4.5 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 4.5 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.
  - Provision of tapctile 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.

**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 accord with Saved Policy T2 of the Craven District (outside the Yorkshire Dales National Park) Local Plan and the aims of 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:** 42/2017/18080

**Proposal:** Application to vary condition no. 2 (plans) of original planning consent reference 42/2015/16308 to allow for a two storey side extension and single store rear extension

**Site Address:** 1-4 St Aidans Court Gisburn Road Hellifield Skipton

**On behalf of:** CSR Developments Ltd