

PLANNING COMMITTEE MEETING AGENDA

Monday, 03 July 2017

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**AIRE VALLEY WITH
LOTHERSDALE
21/2017/17854**

APPLICATION TO VARY CONDITION NO 2 OF ORIGINAL
PLANNING CONSENT REFERENCE 21/2016/17038 TO
INCREASE THE HEIGHT AND DEPTH OF DWELLING AND
GARAGE SIZE.

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*LAND OFF NETHERGHYLL LANE, TOWN HEAD FARM,
GIBSIDE LANE, CONONLEY, BD20 8NX.*

APPLICANT NAME: MISS MARY NAYLOR

TARGET DECISION DATE: 19/04/2017

CASE OFFICER: Mark Moore

**SKIPTON WEST
63/2017/17990**

*GENERAL REFURBISHMENT AND INTERNAL
REMODELLING OF EXISTING FLATS INCLUDING THE
INSTALLATION OF DORMER WINDOWS TO FRONT AND
REAR PITCHES OF SLATE COVERED ROOF TO THE
ORIGINAL FORMER DOMESTIC DWELLING.*

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*AIREVIEW HOUSE, BROUGHTON ROAD, SKIPTON, BD23
1SS.*

APPLICANT NAME: CRAVEN DISTRICT COUNCIL

TARGET DECISION DATE: 07/07/2017

CASE OFFICER: Andrea Muscroft

**WARD AND
APPLICATION No.**
GLUSBURN
32/2017/18070

PROPOSED DEVELOPMENT AND SITE ADDRESS
*USE OF GENERAL INDUSTRIAL UNIT (USE CLASS B2) AS A GYMNASIUM
(USE CLASS D2) FOR A TEMPORARY PERIOD OF TWO YEARS.*

*CROSSFIT CROSSHILLS, UNIT 5 RIPARIAN WAY, CROSS HILLS, BD20
7BW.*

APPLICANT NAME: CROSSFIT CROSSHILLS.
TARGET DECISION DATE: 07/07/2017
CASE OFFICER: Matthew Taylor

This application has been referred to the Planning Committee as it is a repeat application for the same form of development as a previous application which was also considered by the Planning Committee (reference 32/2014/15123).

1. **Site Description**

- 1.1 The application relates to Unit 5 Riparian Way – a *circa* 150 square metre, single storey unit in a row of five industrial premises located within ‘The Crossings’ Business Park to the eastern end of Riparian Way, Cross Hills. The property was initially constructed as general industrial (use class B2) unit pursuant to planning permission 32/2008/8571. However, it is presently in use as a gymnasium (‘Crossfit’) following the granting of a temporary permission in 2014 under application 32/2014/15123.
- 1.2 Externally, the unit has a tall roller shutter door to the southwest corner and an L-shaped area of glazing which includes the main entrance to the southeast corner. The remainder of the façade is finished in green cladding. A vehicle forecourt provides a minimum of four parking spaces off Riparian Way to the front of the premises. Internally, the unit is set across a single level and does not have any mezzanine floor space.
- 1.3 The site falls within an Existing Employment Commitment as defined on the Craven District (Outside the Yorkshire Dales National Park) Local Plan Proposals Map. Surrounding uses are industrial in character and include a label printers within the adjoining unit to the west (no. 4) and a vehicle valeting use in the attached premises to the east (no. 6). A larger, two storey industrial unit is orientated at right angles on the opposite side of Riparian Way to the south and land to the southeast is presently vacant.

2. **Proposal**

- 2.1 The application seeks permission for the continued use of the industrial unit (use class B2) as a gymnasium (use class D2) for a further, temporary period of two years. Opening hours for the gym are proposed between 9am and 8.30pm Monday to Friday, between 8am and 12.30pm on Saturdays and between 9am and 12.30pm on Sundays. No external alterations to the building are proposed as part of the scheme.

3. **Relevant Planning History**

- 3.1 32/2008/8571 – Construction of 29 employment units for B2 use – Approved 11/08/2008.
- 3.2 32/2010/10723 – Construction of employment unit for B2 use (amendment to unit types approved under application 32/2008/8571) – Approved 03/08/2010.
- 3.3 32/2014/15123 – Change of use from B2 (general industrial) to D2 as a Crossfit gym – Approved 21/01/2015.

4. **Planning Policy Background**

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

4.2 **National Policy:**

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

4.3 **CDLP:**

EMP2 – Existing Employment Commitments

EMP7 – Change of Use from Industrial to Non-Industrial

T2 – Road Hierarchy

5. **Parish/Town Council Comments**

5.1 Glusburn Parish Council - No response submitted within statutory consultation period.

6. **Consultations**

6.1 *NYCC Highways* – No objections.

6.2 *Environmental Health (nuisance)* – No environmental protection issues.

6.3 *Environmental Health (contamination)* – No known contaminated land issues concerning this development.

7. **Representations**

7.1 The appropriate neighbouring properties were notified of the application by letter and a site notice posted. No representations have been received.

8. **Main Issues**

8.1 Paragraph 14 of the NPPF sets out the presumption in favour of sustainable development which should be seen as the “golden thread” to guide decision making. The NPPF makes clear that, for decision taking, this means:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
 - specific policies in this Framework indicate development should be restricted.

8.2 Having regard to the relevant policy context, the nature of the development applied for and the representations received from consultees, it is considered that the main issues in this case are:

1. The principle of the building's conversion to D2 use for a temporary period of two years in this location.
2. The development's impact on the amenity of surrounding occupiers.
3. The scheme's effects on the operation of the highway network.

9. **Analysis**

Principle of development

- 9.1 The site falls within an area designated as an Existing Employment Commitment on the CDLP Proposals Map. CDLP policy EMP2 states that land within this designation should be developed for industrial and business uses (classes B1, B2 and B8). CDLP policy EMP7 states that proposals to change the use of industrial premises to non-industrial uses will be permitted in accordance with three criteria relating to: (1) the effects of industrial uses on the amenity of neighbouring occupiers; (2) the ability of the road network to accommodate industrial traffic; and (3) the suitability of the building for industrial uses.
- 9.2 Paragraph 22 of the NPPF states that planning policies should “avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose.” Where these circumstances apply, the Framework indicates that “applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.”
- 9.3 Planning permission 32/2014/15123 gave approval for the use of the application premises as a gymnasium (use class D2) for a temporary period of two years. The basis for this permission related to the presence of other vacant industrial units on the estate and the lack of demand for the unit’s use for B1, B2 and B8 purposes, supported by marketing evidence.
- 9.4 Whilst policies EMP2 and EMP7 are broadly in accordance with the NPPF with respect to identifying land for employment use and permitting the conversion of industrial units to other uses, paragraph 22 of the Framework provides greater flexibility for the development of alternative uses in allocated employment areas, providing that there is no reasonable prospect of a site being used for that purpose.
- 9.5 The applicant has provided details of two other vacant units on the business park. These include a 96 sqm office and 1,080 sqm warehouse. Although not directly comparable in scale to the application premises, it is apparent that vacant units remain on the site and the land to the southeast on the opposite side of Riparian Way is yet to be developed. Application 32/2014/15123 was accompanied by evidence which indicated that there was limited interest and no uptake in the use of unit 5 for B1, B2 or B8 purposes during a two-and-a-half year marketing period from July 2012. No similar evidence of the unit’s marketing for industrial purposes has been submitted with this application because the site has been in active use as a gym since the issuing of the previous permission.
- 9.6 In this context, the main issue with respect to the principle of development is whether the benefits arising from the unit’s continued use as a gym for a further, temporary period of two years outweigh the harm arising from the loss of the unit’s floor space for industrial use over the same period. In this respect, it is noted that:
- The gym has been functioning successfully from the premises as a viable leisure use since being established. Accordingly, albeit to a lesser extent than a traditional employment use, it contributes to the local economy.
 - The unit’s temporary occupation for D2 use is preferable to the premises remaining vacant.
 - The application premises, at *circa* 150 sqm, is one of the smallest units on the estate and, accordingly, its value as an employment-generating use is modest in comparison to larger neighbouring premises.
 - There are other vacant units available on the estate which are capable (either individually or through their subdivision) of meeting unmet demand in the market

and the premises has been marketed for employment uses over an extended period within the last five years without attracting a tenant.

- 9.7 Given the above, it is considered that the granting of a further temporary permission to allow Unit 5 to be used as a gym for a limited period of two years would not result in any significant or demonstrable harm to the supply and availability of employment land in the area. In addition, some economic and community benefits would arise from the unit's continued occupation as a gym which would be preferable to its retention as a vacant employment premises.
- 9.8 A condition has been recommended requiring the D2 use to cease after a period of two years unless a further planning permission has been granted. At the end of this period, the building would revert back to its original general industrial (B2) use. This will allow a re-assessment of market conditions and vacancy rates on the estate to take place at the end of the two year period to determine whether there is any reasonable likelihood of the premises being occupied for B1, B2 or B8 purposes. A further condition is recommended withdrawing permitted development rights in relation to the proposed D2 use to ensure that the unit is only occupied as a gym and for no other purpose (including any other use falling within use class D2).

Amenity

- 9.9 CDLP policy EMP7 (1) indicates that the change of use of industrial premises to non-industrial uses will be permitted where the alternative use would have no additional adverse effects on neighbour amenity. In addition, the fourth bullet point to paragraph 17 of the NPPF states that one of the core planning principles of the Framework is to "always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings" and paragraph 123 of the Framework indicates that planning decisions should avoid significant adverse impacts from noise.
- 9.10 The site is located amongst industrial uses to the far eastern end of Riparian Way. The busy thoroughfare of the A629 runs to the north and the railway line is located to the south of the industrial estate. There are no dwellings in the vicinity. The earliest opening hours for the gym are 8am and the latest 8.30pm. Given the site's industrial surroundings and the absence of neighbouring noise-sensitive uses, it is not considered that the gym would have any adverse effects on the amenity of surrounding occupiers. Moreover, it is not considered that there is any need to impose a condition to restrict the opening hours of the use in this location.

Highways

- 9.11 CDLP policy T2 indicates that development proposals will be permitted provided that they are appropriately related and do not generate volumes of traffic in excess of the capacity of the highway network.
- 9.12 Paragraph 32 of the NPPF states that development should only be refused on transport grounds where the residual cumulative impacts are severe and, in relation to parking provision, paragraph 39 of the Framework indicates that local planning authorities should take into account the accessibility and type of development and the availability of public transport.
- 9.13 The site occupies an edge-of-settlement location which is accessible to the community by modes of transport other than private car. Bus stops are located within comfortable walking distance on Station Road and services vary in frequency between intervals of 25 minutes at peak times to an hour off-peak.
- 9.14 The property has four dedicated parking spaces within a forecourt to the front of the unit. As these are 'oversized' spaces for normal vehicles and the gym operates on the basis of pre-arranged classes, it would also be possible for two further vehicles to park behind this spaces if arranged with other members of same class. This is an arrangement that occurs elsewhere on the estate. In addition, further communal

on-street parking is available along Riparian Way. Accordingly, and having regard to the limited scale of the use, it is not considered that the proposed would result in a level of traffic generation or unmet parking demand which would severely affect the safe and efficient operation of the surrounding highway network. It is also noted that NYCC Highways have not raised any objections to the application on transport grounds. Therefore, it is not considered that the development would be in conflict with the requirements of CDLP policy T2 or paragraph 32 of the NPPF.

Other matters:

- 9.15 The site falls within flood zone 3 as identified on the Environment Agency's Flood Map. However, as the building has already been constructed pursuant to a previous planning permission and there is no difference in the vulnerability classifications of the established and proposed uses (both as classed as 'less vulnerable' development), there is no requirement for the applicant to undertake a flood risk assessment. Moreover, there is no reason to conclude that the proposed D2 use would have any materially greater effects in terms of flooding in comparison to the established B2 use.

10. **Conclusion**

- 10.1 The site falls within the Crossings Business Park which is designated as an Existing Employment Commitment on the CDLP Proposals Map. The proposed gymnasium does not fall within any of the categories of development (B1, B2 and B8) which will, as a matter of principle, be permitted within the employment area. Nevertheless, given the presence of other vacant units within the business park, the limited size of the application premises, the temporary nature of the use applied for and the economic and social benefits arising from the continued, viable use of the unit for leisure purposes, it is considered that the granting of a temporary permission would not result in any significant or demonstrable harm to the supply and availability of employment land in the area.

- 10.2 The proposal would have no adverse effects on the amenity of surrounding occupiers by reason of noise, scale or hours of opening, nor would it have a detrimental impact on highway safety or network capacity. The proposal is therefore in accordance with relevant local and national planning policies.

11. **Recommendation**

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

Time limit for commencement

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

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

Approved plans

2. This permission relates to the following plans:

- Drawing no. 01 – Scale 1:1250 location plan.
- Drawing no. 02 – Scale 1:250 location plan.

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

Reason: For the avoidance of doubt and to ensure a satisfactory standard of development in accordance with the policies contained within the Craven District

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

Ongoing conditions

3. Unless a further planning permission is granted on application to the Local Planning Authority, the use hereby permitted shall cease and all associated appurtenances shall be removed from the site on or before the expiration of two years from the date of this permission.

Reason: The land and premises fall within an Existing Employment Land Commitment as designated on the Craven District (Outside the Yorkshire Dales National Park) Local Plan Proposals Map. The proposed D2 use does not fall within the categories of development which would normally be permitted in this designation. The issuing of a temporary permission will allow the Local Planning Authority to reassess market conditions, vacancy rates, the demand for employment uses and whether there is a reasonable prospect of the application premises being used for employment purposes once the relevant period expires in accordance with the requirements of Craven District (Outside the Yorkshire Dales National Park) Local Plan policy EMP2 and paragraph 22 of the National Planning Policy Framework.

4. Notwithstanding the provisions of Schedule 2, Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any equivalent Order following the revocation and re-enactment thereof (with or without modification), for the duration of this permission (subject to the restriction set out in condition 3 and while the permitted use remains in operation) the premises shall only be used as a gymnasium and for no other purpose (including any other use falling within Class D2 of the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that class in any statutory instrument amending or replacing that Order).

Reason: The land and premises fall within an Existing Employment Land Commitment as designated on the Craven District (Outside the Yorkshire Dales National Park) Local Plan Proposals Map. The proposed gymnasium use does not fall within the categories of development which would normally be permitted in this designation. This permission is issued on the basis of the merits of the proposed use of the premises as a gymnasium only and for no other purpose (including any other use falling within class D2). Therefore, in accordance with the requirements of Craven District (Outside the Yorkshire Dales National Park) Local Plan policies EMP2 and EMP7 and paragraph 22 of the National Planning Policy Framework, it is appropriate to remove permitted development rights which would otherwise allow the property to be used for alternative purposes to that which forms the basis of the permission.

Statement of Positive Engagement

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

WARD AND**APPLICATION No.****PROPOSED DEVELOPMENT AND SITE ADDRESS**

INGLETON &
CLAPHAM
18/2017/17834

*ERECTION OF 3 DWELLINGS, ASSOCIATED ACCESS AND
LANDSCAPING.*

FORMER DALESVIEW GARAGE, OLD ROAD, CLAPHAM, LA2 8EH.

APPLICANT NAME: MCCONNELL HOMES LTD

TARGET DECISION DATE: 24/04/2017

CASE OFFICER: Mark Moore

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

1. Site Description

- 1.1 The application site comprises a small (0.17ha) parcel of land on the southern side of Old Road in Clapham. The land forms part of a site that was previously used by a Mercedes car dealership for car sales, servicing and repairs and which was granted permission for residential development that is now under construction.
- 1.2 The site immediately adjoins but is not within the development limit boundary for Clapham. The site also lies in close proximity to the conservation area boundary which is located 50m to the north-west at its closest point.
- 1.3 The site is within the boundary of the Forest of Bowland Area of Outstanding Natural Beauty and also immediately adjoins the boundary of the Yorkshire Dales national Park which lies on the northern side of Old Road.
- 1.4 To the south and east of the site is open countryside. To the north, on the opposite side of Old Road, are residential properties and light industrial buildings.
- 1.5 The site has an open frontage, is bounded to the south and east by low stone walls and is grassed over and flat with no distinctive features or planting. The north-west corner of the site has recently been brought into use as a car parking/storage area in connection with the residential development on the adjoining site.

2. Proposal

- 2.1 Permission is sought to construct three, two-storey, detached 4 bedroom houses each with an integral garage and a single storey rear garden room.
- 2.2 The proposed houses would be constructed with a mix of stone and rendered external elevations with slate roofing and would match the existing housing under construction on the adjoining site.

Officer note: The application has been submitted by the developer of the adjoining site and is intended to be an extension of that development.

- 2.3 It is proposed to set the houses back from the immediate road frontage where they would share a single point of entry onto Old Road and a private drive located behind a landscaped strip across the site frontage. The site frontage would be defined by a 1m high stone wall.

- 2.4 In addition to an integral garage each property would have a driveway providing parking for a single vehicle.
- 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 There is an extensive planning history for the adjoining former garage site but none that relates specifically to the application site.
4. Planning Policy Background
- 4.1 **Saved Policies of the Craven (Outside the Yorkshire Dales National Park) Local Plan:**
 ENV1: Development in the Open Countryside
 ENV2: Requirements for Development in Open Countryside.
 T2: Road Hierarchy.
- 4.2 **The National Planning Policy Framework.**
- 4.3 **National Planning Policy Guidance**
5. Parish/Town Council Comments
- 5.1 **Clapham cum Newby Parish Council:**
'Clapham cum Newby parish council has decided to oppose this planning application. These 3 houses will be built on what should have been amenity land for the whole community. This was a condition of the original planning permission and was included in a 106 order. Unfortunately, due to an error by CD Planning Department, the 106 order was omitted from the final planning permission. Thus also failing to ensure affordable housing was included in the scheme. The Parish Council therefore feel that granting Planning permission on land that should be an amenity for the whole community would be compounding the original mistake by CDC Planning department. Under these circumstances the Parish Council has no option but to oppose the granting of planning permission for this development.'
- Officer note:** The comments of the PC refer to planning decisions connected to the adjoining site. Notwithstanding any errors made on those past decisions of the Council there are no extant legal agreements or planning obligations that apply to the application site. For this reason the concern raised by the Parish Council has no bearing on the determination of the current planning application which must be considered on its own merits.
6. Consultations
- CDC Environmental Health:**
- 6.1 No objections but recommend that the applicant is advised of need to limit hours of construction and manage dust in the interests of the amenity of the occupiers of neighbouring properties.
- 6.2 As the site forms part of a former garage development EH advise that it will be necessary to condition any planning approval to determine whether

contamination is present on the site and, if so, that appropriate mitigation is undertaken in order to overcome any potential health and safety issues.

6.3 NYCC Highways:

No objections. Recommend conditions to ensure adequate visibility splays are provided, road construction is of an appropriate standard and that parking spaces/garaging are retained.

6.4 United Utilities:

No objections. Recommends that conditions are attached to ensure that the site is drained on separate foul and surface water systems and that developer undertakes works to compliance with UU specifications.

6.5 Yorkshire Dales National Park Authority:

'Whilst there are no objections to the principle of development on this site, the following comments are made with regard to the design and layout;

The site lies within a traditional dales village on the edge of Clapham Conservation Area. As required by the NPPF new development should respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation and should reinforce local distinctiveness.

The development also has the potential to impact on the setting of the Conservation Area. As required by the NPPF, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.

The Heritage Statement produced refers to the Conservation Area but does not acknowledge that the site, and Old Road more broadly, forms part of the wider setting of the Conservation Area. As a route into the village, and given that the majority of the village is within the Conservation Area, development within the remaining parts of the village can have an impact on the setting of the Conservation Area. The heritage Statement refers the Conservation Area Appraisal, which in turn refers to the development opposite the site on Old Road, rather than specifically to this site. However, the statement 'any future replacement will need to take account of their close proximity to the conservation area and consider a more sympathetic design' is equally pertinent to this site. Section 4.4(e) of the Clapham Conservation Area Appraisal discusses traditional materials and local details which should assist in identifying the local distinctiveness of the village.

In this case, the buildings have not been designed to be innovative, nor do they reflect the local distinctiveness of the village. The buildings are 9.4m to ridge, are detached large yet identical buildings, have a repetitive wide gable to the front, integral garages, rendered rear elevations and large rendered conservatories to the rear. It is recommended that the scale, layout and design reflect the local distinctiveness of the village and respect the setting of the Conservation Area. This could be achieved by the use of a simple terrace

design, a reduction in the height to that of typical two-storey domestic buildings in the village (approximately 7m in height), rectilinear forms used; avoiding the use of heavy gables to frontages, the use of local natural stone and roofing slate, avoid integral garages and omit the use of mullions to windows. Houses in Clapham generally front the public road with small front gardens. A terrace would enable parking to be contained to the rear of the buildings’.

6.6 **Natural England:**

NE does not raise any objections to the application. NE refer to their standing advice which does not indicate any specific objections to the application.

7. Representations

7.1 No comments received.

8. Summary of Principal Planning Issues

8.1 Principle of development.

8.2 Layout, scale, landscape/visual impact.

8.3 Impact on amenity.

8.4 Highway safety.

9. Analysis

Principle of development:

- 9.1 The development plan for the area comprises the Craven District (Outside the Yorkshire Dales National Park) Local Plan 1999. ‘Saved’ policies within the Local Plan most relevant to this application are ENV1 ‘Development in the open countryside’ and Policy ENV2 ‘Requirements for development in the countryside’, However, paragraph 215 of the National Planning Policy Framework requires that policies not adopted in accordance with the 2004 Planning and Compulsory Purchase Act need to be considered in terms of their degree of consistency with the National Planning Policy Framework (NPPF) stating that *‘the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given’*.
- 9.2 The NPPF at paragraph 14 advises that LPA’s should be *‘approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out of date, granting permission unless:*
- a) *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
 - b) *specific policies in this Framework indicate development should be restricted.’*
- 9.3 The main thrust of the NPPF therefore is an overarching presumption in favour of sustainable development; specifically the general acceptability of the proposals against the stated *‘three dimensions to sustainable development: economic, social and environmental’* (referred to in the NPPF as the roles the planning system should perform - paragraph 7). This guidance reaffirms that it is the Government’s clear expectation that local planning authorities should deal promptly and favourably with applications that comply with up to date

plans and that where plans are out of date, as is the case here, there will be a strong presumption in favour of sustainable development that accords with national planning policies.

- 9.4 In consideration of the saved Local Plan policies ENV1 and ENV2 it is the case that they are primarily protective of the open countryside and seek to prevent sporadic and/or inappropriate development that may be harmful or limit development considered to be acceptable in order to minimise any adverse impacts.
- 9.5 In this case the development site is an area of land that adjoins an existing residential development on previously developed land (former garage site) and seeks to provide a modest extension of that site. The land for which permission is sought sits on the edge of the existing settlement immediately opposite existing commercial units and seeks permission for development of a small, enclosed area of land that would represent rounding-off of the established built up area. It is considered that the development would not be harmful to the open countryside or represent inappropriate development that would be contrary to the NPPF.
- 9.6 In coming to the above view it is noted that the development would provide a small contribution to the Council's overall housing land supply. Whilst it is not considered that the contribution is sufficient to allow significant weight to be attributed to this aspect of the application it is nevertheless the case that the additional housing would be a benefit of the development that would need to be considered in the overall planning balance.

Layout, scale, landscape/visual impact:

- 9.7 The proposed layout sets the housing back from the main road and would provide an access to the development independent of the larger housing development on the adjoining site. The set back and inclusion of a shared access allows for landscaping to be incorporated across the site frontage that would both soften the edge of the proposed development and that of the development currently under construction.
- 9.8 The overall visual impact of the site is considered to be acceptable as the proposed development would immediately adjoin the larger residential development under construction to the west where its visual impact would be considerably reduced. In addition, the development would be sited opposite existing commercial development to the north where the proposed new housing and associated landscaping would screen long range views and provide a natural extension to the village envelope.
- 9.9 In coming to the above view the comments of the YDNP have been noted. It is considered that the construction of a terrace as suggested would be somewhat monotonous and moreover would remove the opportunity to provide landscaping which would be beneficial to the overall streetscape and views into the village from along Old Road from the east.
- 9.10 The need to consider the impacts on the AONB, the National Park and also the setting of the Clapham conservation area has also been considered in accordance with the requirements of the NPPF. In this case it is officer's opinion that the proposal represents good design that would not be harmful to any of those designated assets to a degree that would warrant refusal of planning permission. In particular it is considered that the development would

be viewed in conjunction with the new housing development bordering the site and against the backdrop of the commercial development on the northern side of Old Road and therefore the scale and massing together with the proposed layout are such that no significant harm would arise.

Impact on amenity:

- 9.11 The site is located away from existing dwellings and would align with the gable ends of the neighbouring properties that are under construction. Consequently, it is considered that no adverse impacts to the amenity of the occupiers of neighbouring properties through overshadowing or loss privacy would occur.

Highway safety:

- 9.12 The application proposes a separate access to the site and includes a shared driveway, garaging and hard standing for each of the proposed houses.
- 9.13 No objections to the proposal have been raised by the NYCC Highways engineer and it is considered the development would not give rise to any issues in relation to highway safety.
- 9.14 Accordingly, the development is considered to be in accordance with the NPPF and NYCC requirements in terms of access, parking provision and highway safety and therefore acceptable.

Conclusion

- 9.15 Paragraph 14 of the NPPF advises that Local Planning Authority'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
- 9.16 *Specific policies in this Framework indicate development should be restricted.'*
- 9.17 In this instance it is considered that there are no adverse impacts that would significantly and demonstrably outweigh the benefits of the proposed development and accordingly it is recommended that planning permission is granted.

10. Recommendation

- 10.1 That planning permission is granted subject to the following 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 development shall not be carried out other than wholly in accordance with the following:

- Planning and Heritage Statement
- Drawing nos. 17.05.01 revision A
- Drawing no. 17.05.02 revision A

Received by the local planning authority on 20th February 2017.

The development shall be completed in accordance with the approved plans except where conditions attached to this planning permission indicate otherwise.

Reason: To specify the permission 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 have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements:
 - (i) The details of the access shall have been approved in writing by the Local Planning Authority in consultation with the Highway Authority.
 - (ii) The crossing of the highway verge and/or footway shall be constructed in accordance with the approved details and/or Standard Detail number E6.
 - (iii) Any gates or barriers shall be erected a minimum distance of 4.5 metres back from the carriageway of the existing highway and shall not be able to swing over the existing or proposed highway.
 - (iv) Provision to prevent surface water from the site/plot discharging onto the existing or proposed highway shall be constructed in accordance with the approved details, and/or the specification of the Highway Authority, and maintained thereafter to prevent such discharges.
 - (v) The final surfacing of any private access within 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.
 - (vi) Provision of tactile paving in accordance with the current Government guidance. All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Informative:

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

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

4. No development shall commence until full details of the landscaping of the site including wherever possible the retention of existing trees and hedges have been submitted to, and approved in writing by, the Local Planning Authority. The approved scheme shall be implemented in the first planting season following completion of the development, or first occupation/use, whichever is the soonest.

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

Reason: In the interests of visual amenity.

5. The application site has been identified as being potential at risk from the effects of contamination. For this reason the following requirements shall be met:
 - i) The development hereby approved shall not commence until actual or potential land contamination at the site has been investigated and a Phase I desk study report has been submitted to and approved in writing by the local planning authority.

The Phase 1 desk study report shall be prepared in accordance with current best practice.

- ii) In the event that the Phase 1 desk study report identifies a need for further intrusive investigation then the development hereby approved 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.

- iii) Should the need for remediation be recommended in the Phase II Intrusive Site Investigation report, the development hereby approved shall not commence until a Remediation Strategy has been submitted to, and approved in writing by, the local planning authority.

The Remediation Strategy shall be prepared in accordance with current best practice.

The approved remediation measures shall be implemented in accordance with the agreed timescales set out in the approved Remediation Strategy.

- iv) 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.
- v) Following completion of the measures identified in the approved Remediation Strategy, a Validation Report shall be prepared and submitted to, and approved in writing, by the Local Planning Authority. The submission of the Validation Report shall be undertaken within the approved timescales.

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

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

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

During Building Works

- 6. Unless otherwise approved in writing by the local planning authority the external materials to be used on the development hereby approved shall be the same as those approved on the adjoining development site located immediately to the west of the application site (in the process of being constructed pursuant to reserved matters approval ref: 18/2015/15634)

Reason: In the interests of visual amenity.

Before the Development is Occupied/First Brought into Use

- 7. There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until visibility splays providing clear visibility of 100 metres easterly x 60 metres westerly along both channel lines of the B6480 from a point measures 2 metres down the centre line of the access road. The eye height will be 1.05 metres and the object height shall be 1.05 metres. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason: In the interests of road safety to provide drivers of vehicles using the access and other users of the public highway with adequate inter-visibility commensurate with the traffic flows and road conditions.

Ongoing Conditions

8. The application 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.

9. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015 or any Order subsequently replacing or re-enacting that Order, the areas shown on the approved plans 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.

10. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015 or any Order subsequently replacing or re-enacting that Order, the garage(s) shall not be converted into domestic accommodation.

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.

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

Discharge of Condition(s)

1. The developer should note that Condition Nos. 3 and 4 above will require a further application to be submitted to enable the District Council to formally discharge the conditions. In order to avoid unnecessary delays it is advisable for the developer to discuss the details required to discharge the conditions with any relevant statutory Authorities' (other than the Local Planning Authority) e.g. NYCC Highways, the Environment Agency etc. for comment and/or recommendations prior to their formal submission to the District Council for approval.
2. Any samples of materials that require approval should be made available for inspection either on the site or another suitable location and not brought to or delivered to the Council Offices unless specific arrangements to do so have been made with the relevant planning case officer.

WARD AND**APPLICATION No.****PROPOSED DEVELOPMENT AND SITE ADDRESS**

*WEST CRAVEN
12/2017/17952*

APPLICATION TO VARY CONDITION NO 2 OF PREVIOUSLY APPROVED APPLICATION (12/2016/16593) TO ALLOW AMENDMENTS TO THE ORIGINAL PLANS.

SKINNER GROUND FARM, BROUGHTON ESTATE, BROUGHTON.

APPLICANT NAME: BROUGHTON CUSTODIAN FUND

TARGET DECISION DATE: 22/05/2017

CASE OFFICER: Mark Moore

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 is located at Skinner Ground Farm which is sited in open countryside to the north of the A59.
- 1.2 Access to the site is via a long track (Old Lane) that exits at two points onto Gargrave Road to the east. The site lies adjacent to converted farm buildings (Skinner Ground Farmhouse Barn) that are in use as commercial premises.
- 1.3 The proposal relates to the western part of the farm where there is an existing large farm storage building and a slurry store which it is proposed to demolish. There is no planning history associated with this building although the applicant's agent has stated that the site and building has been in use by the Broughton Hall Estate as an estate yard to service the estate buildings for over 15 years. This use has included joinery, mechanics, storage, paint store, machinery store and storage of building materials.
- 1.4 Although set back from the main road the site is visible from the A59 to the south. The site is set within a landscape of rolling fields defined as 'Lowland – Rolling Drumlin Pasture' in the Craven District Landscape Appraisal.
- 1.5 A very small part of the site access is located within the outer zone buffer of the Nether Kellet high pressure gas pipeline (the actual pipeline itself is approximately 330 m to 400 m to the north of the site access).
- 1.6 The site access and land to the south of the existing building that is within the application site is also a Public Right of Way (05.8/5/1 Broughon).

2. Proposal

- 2.1 Planning permission was granted in July 2016 for the demolition of the existing farm building and the erection of new offices and pharmaceutical laboratories (ref: 12/2017/17952). This application seeks permission to vary condition 2 of that permission to allow substitutions to the approved drawings.
- 2.2 The approved development is to provide new premises for Broughton Laboratories which is an existing company trading on the nearby Broughton Hall Business Park. The new build would enable the established business to expand and is also intended to provide floor space for other similar businesses.
- 2.3 The approved development comprises of two 'U' shaped buildings set within a large car parking/service area and includes landscaping. The development also includes a single storey communal building located towards the rear (north-west) of the site adjacent to the main buildings. This communal building would measure 14m x 7m and

would have been located in an elevated position to the north-west of the main buildings.

- 2.4 The main change to the scheme that is now proposed involves the removal of the detached communal building and the construction of a linked building between the two 'U' shaped buildings. Some minor alterations to the external elevations of the buildings are also proposed including changes to the external materials which are now proposed to be a mix of Oak shingles, corrugated iron roofing and horizontal and vertical hardwood cladding built over an engineered timber frame as opposed to zinc profiled sheeting, lime rendered masonry, hardwood external blinds, larch soffits and oak glazing frames as originally proposed
- 2.5 The proposed changes to the approved scheme are summarised as follows:
- The position of the building has altered very slightly to the south east in order to deal with topography;
 - Alteration to the cladding from lime rendered masonry walls to oak or western red cedar cladding panels, with areas of matching timber shingles.
 - Replacement of the standing seam zinc roofs with corrugated galvanised steel roof sheets.
 - Alterations to the glazing areas to reflect alterations to the floor plans. However, it should be noted that the design allows for glazing panels and cladding panels to be interchanged should the building user requirements change over time.
 - Alteration to the access and car park layout have been made to accommodate the proposed Stabilisation Storage Unit
 - The provision of green landscape areas to peripheries of the units. Introduction of hard landscaping to provide a strong visual entrance and allow ease of access.
- 2.6 In addition to the above alterations it is proposed to reconfigure the proposed landscaping and car parking. The revised scheme would see an increase from 92 to 118 car parking spaces.
- 2.7 The site would use the existing access which would be upgraded to include passing places and improvements to the visibility splays at the junction with Gargrave Road. A footpath link is also proposed that would allow pedestrian access from the site to an existing bus stop adjacent to the cottages (Sulphur Wells Houses) located on the A59 to the south of the site.

3. Planning History

- 3.1 12/2: Erection of cattle unit. Approved November 1979.
- 3.2 12/35: Proposed dairy unit. Approved July 1992.
- 3.3 12/2016/16593: Demolition of existing building and erection of new offices and pharmaceutical laboratories. Approved July 2016.
- 3.4 12/2017/17951: The erection of a stability storage shed with vehicle turning area – Annex to main pharmaceutical building permitted as part of application ref: 12/2016/16593. Not determined – application to be considered at same Planning Committee meeting.

4. Planning Policy Background

4.1 **Saved Policies of the Craven (Outside the Yorkshire Dales National Park) Local Plan:**

ENV1: Development in the Open Countryside.

ENV2: Requirements for Development in Open Countryside.

ENV10: Protection of Trees and Woodland.

EMP5: New Employment Development outside Development Limits and Established Industrial Area (Excluding Conversions).

T2: Road Hierarchy.

4.2 **The National Planning Policy Framework.**

4.3 **National Planning Policy Guidance**

5. Parish/Town Council Comments

5.1 No comments.

6. Consultations

6.1 No consultations were undertaken.

7. Representations

7.1 None.

8. Summary of Principal Planning Issues

8.1 The implications of the proposed alterations in terms of the visual impact and scale of the development.

9. Analysis

9.1 This application relates to a site that has extant planning permission and seeks to vary condition 2 of that permission in order to allow substitution of amended plans (as described at section 2 of this report). In view of this it is not now necessary to consider the principle of development and this report therefore deals solely with the implications of the proposed changes to the approved design and site layout.

9.2 It is considered that the proposed changes would not result in any significant adverse impacts and would represent either positive impacts, such as the improvements to the accessibility of the building, or neutral as is the case with the variation to the proposed materials. The overall massing and scale of the development would not be altered to any significant degree and it is considered therefore that the visual impact and that the wider landscape will not be adversely affected in comparison to the approved scheme. The re-configured car parking and landscaping proposals would be improvements upon the approved layout in that the functionality of the car parking would be improved whilst the landscaping changes are not considered to be significant.

9.3 The requirement set out under paragraph 14 of the NPPF is that all forms of sustainable development should be approved unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole or where specific policies indicate that development should be restricted. It is considered that the proposed amendments to the extant planning permission would not result in adverse impacts or dis-benefits and that accordingly, the application to vary condition 2 of planning permission ref: 12/2016/16593 is acceptable.

10. Recommendation

10.1 That permission to vary condition 2 of planning permission ref: 12/2016/16593 is granted subject to the following conditions:

Conditions

Time Limit for Commencement

1. The development hereby permitted shall be begun not later than the expiration of three years beginning from 27th July 2016.

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

Approved Plans

2. The development shall not be carried out other than wholly in accordance with the following:

Drawing nos:

- PL101 Revision E (Location Plan)
- PL002 Revision D (Site Plan)
- PL110 Revision B (Site Plan)
- GA 100 Revision D
- GA 101 Revision E
- GA 300 Revision E

Received by the local planning authority on the 27th March 2017.

- PL003 (Access Plan), PL004 (Old Lane Junction) PL201 (received 26th January 2016 under planning permission ref: 12/2016/16593).
- PL110 (Site plan showing drainage) (received 25th May 2016 under planning permission ref: 12/2016/16593).
- Design and Access Statement, Transport Statement and Workplace Travel Plan (received 26th January 2016 under planning permission ref: 12/2016/16593).

The development shall be completed in accordance with the approved plans except where conditions attached to this planning permission indicate otherwise.

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

Before you Commence Development

3. No development shall commence until full details of the landscaping of the site including wherever possible the retention of existing trees and hedges have been submitted to, and approved in writing by, the Local Planning Authority. The approved scheme shall be implemented in the first planting season following completion of the development, or first occupation/use, whichever is the soonest.

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

Reason: In the interests of visual amenity.

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

- (i) The details of the access shall have been approved in writing by the Local Planning Authority in consultation with the Highway Authority.
- (ii)(c) The crossing of the highway verge and/or footway shall be constructed in accordance with the approved details and/or Standard Detail number E6.
- (iii) Any gates or barriers shall be erected a minimum distance of 10 metres back from the carriageway of the existing highway and shall not be able to swing over the existing or proposed highway.
- (iv) Provision to prevent surface water from the site/plot discharging onto the existing or proposed highway shall be constructed in accordance with the approved details, and/or the specification of the Highway Authority, and maintained thereafter to prevent such discharges.
- (v) The final surfacing of any private access within 10 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.

Informative:

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

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

- 5. No development shall take place and 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:
 - a. on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway
 - b. on-site materials storage area capable of accommodating all materials required for the operation of the site.
 - c. 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.

- 6. No development shall take place until a detailed design and associated management and maintenance plan of surface water drainage for the site based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development has been submitted to and approved in writing by the Local Planning Authority.

The surface water drainage design should demonstrate that the surface water run-off generated during rainfall events up to and including the 1 in 100 years rainfall event, to include for climate change, will be less than the run-off from the site prior to the proposed development following the corresponding rainfall event. The approved drainage system shall be implemented in accordance with the approved detailed design prior to completion of the development and be retained thereafter.

The scheme to be submitted shall demonstrate that the surface water drainage system(s) are designed in accordance with the standards detailed in North Yorkshire

County Council SuDS Design Guidance (or any subsequent update or replacement for that document).

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

During Building Works

7. Prior to their first use on site samples of all the external materials including roofing materials shall be submitted to and approved in writing by the local planning authority. The development shall subsequently be constructed in accordance with the approved details and retained as such thereafter.

8. Prior to the first installation on site full details of the proposed external lighting of the site, including any lighting attached to the buildings, shall be submitted to and approved in writing by the local planning authority.

The development shall subsequently be undertaken in accordance with the approved details and no other external lighting shall be installed on the site or approved buildings without the prior approval of the local planning authority.

Reason (for conditions 7 and 8): In the interests of visual amenity.

9. No building or other obstruction including landscape features shall be located over or within 15 feet (4.572m) of either side of the centre line of the water main i.e. a protected strip width of 30 feet (9.144m), that traverses the site.

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

10. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or building(s) or other works until:

- (i) The details of the following off site required highway improvement works, works listed below have been submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority:
 - a. Provision of tactile paving
 - b. 1.5m wide footway [kerbed, adjacent to carriageway] connecting footpath at Sulpher Well Houses with Broughton Mill Business Park [Watermill Park] and with bus stop [south side of A59].
- (ii) An independent Stage 2 Road Safety Audit for the agreed off site highway works has been carried out in accordance with HD19/03 - Road Safety Audit or any superseding regulations and the recommendations of the Audit have been addressed in the proposed works.
- (iii) A programme for the completion of the proposed works has been submitted to and approved writing by the Local Planning Authority in consultation with the Local Highway Authority.

The required highway improvements shall be completed in accordance with the approved programme and shall include:

- a. Provision of tactile paving

- b. 1.5m wide footway [kerbed, adjacent to carriageway] connecting footpath at Sulpher Well Houses with Broughton Mill Business Park [Watermill Park] and with bus stop [south side of A59].

Reason: To ensure that the details are satisfactory in the interests of the safety and convenience of highway users.

Before the Development is Occupied/First Brought into Use

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

Reason: In the interests of road safety.

Informative:

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

12. Unless otherwise approved in writing by the Local Planning Authority in consultation with the Highway Authority, the development shall not be brought into use until the following highway works have been constructed in accordance with the details which shall first be submitted to and approved in writing by the Local Planning Authority and shall be retained as such thereafter:

Direct surfaced path, e.g. crushed stone, between development and bus stop at Sulpher Wells (A59).

Reason: In the interests of the safety and convenience of highway / bus users.

13. Prior to the development being brought into use, a Travel Plan shall have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. This shall include:
 - a. the appointment of a travel co-ordinator
 - b. a partnership approach to influence travel behaviour
 - c. measures to encourage the use of alternative modes of transport other than the private car by persons associated with the site
 - d. provision of up-to-date details of public transport services
 - e. continual appraisal of travel patterns and measures provided through the travel plan
 - f. improved safety for vulnerable road users
 - g. a reduction in all vehicle trips and mileage
 - h. a programme for the implementation of such measures and any proposed physical works
 - i. procedures for monitoring the uptake of such modes of transport and for providing evidence of compliance.

The Travel Plan shall be implemented and the development shall thereafter be carried out and operated in accordance with the Travel Plan.

Reason: To establish measures to encourage more sustainable non-car modes of transport.

Ongoing Conditions

14. The employment premises hereby approved shall only operate between the following hours:

0700 to 1800 Monday to Saturday.

Reason: In the interests of the amenity of occupiers of the nearby residential properties.

15. Notwithstanding the provision of the Town and Country Planning General Permitted Order 2015 or any Order subsequently revoking or re-enacting that Order, the areas shown on the approved plans 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.

Informatives:

1. To ensure that risks from asbestos to the environment, future users of the land and neighbouring land are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors regard should be had for the safe removal of any potential asbestos containing material present on site, i.e. roof material. 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.

2. The existing Public Right(s) of Way on the site must be protected and kept clear of any obstruction until such time as any alternative route has been provided and confirmed under an Order made under the Town and Country Planning Act 1990.

Applicants are advised to contact the County Council's Access and Public Rights of team at County Hall, Northallerton via 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.

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

Discharge of Condition(s)

1. The developer should note that Condition Nos 3, 4, 5, 6, 7, 8, 10, 11 and 14 above will require a further application to be submitted to enable the District Council to formally discharge the conditions. In order to avoid unnecessary delays it is advisable for the developer to discuss the details required to discharge the conditions with any relevant statutory Authorities' (other than the Local Planning Authority) e.g. NYCC Highways, the Environment Agency etc. for comment and/or recommendations prior to their formal submission to the District Council for approval.
2. Any samples of materials that require approval should be made available for inspection either on the site or another suitable location and not brought to or delivered to the Council Offices unless specific arrangements to do so have been made with the relevant planning case officer.

WARD AND**APPLICATION No.****PROPOSED DEVELOPMENT AND SITE ADDRESS**

*WEST CRAVEN
12/2017/17951*

*THE ERECTION OF A STABILITY STORAGE SHED WITH VEHICLE
TURNING AREA - ANNEX TO MAIN PHARMACEUTICAL BUILDING
PERMITTED AS PART OF APPLICATION REF: 12/2016/16593.*

*SKINNER GROUND FARM, OLD LANE (NORTH), BROUGHTON ESTATE,
BROUGHTON.*

APPLICANT NAME: BROUGHTON CUSTODIAN FUND

TARGET DECISION DATE: 22/05/2017

CASE OFFICER: Mark Moore

This application is referred to the Planning Committee for a decision as it relates to development in the open countryside that is a departure from the Local Plan.

1. Site Description

- 1.1 The application site is located at Skinner Ground Farm which is sited in open countryside to the north of the A59.
- 1.2 Recent planning permission has been granted to re-develop Skinner Ground Farm (ref: 12/2017/16593) to construct office/laboratories and a concurrent application has been submitted seeking approval for revisions to that approved scheme (ref: 12/2017/17952). The concurrent application for revisions to the approved scheme appears elsewhere on this agenda.
- 1.3 The site to which this application relates is located immediately adjacent to the north-eastern boundary of the above site and occupies a position that lies between the site that has extant planning permission and the remainder of the Skinner Ground Farm that consists of a farmhouse and barn that are now in use as commercial premises.
- 1.4 Access to the site is via a long track (Old Lane) that exits at two points onto Gargrave Road to the east.
- 1.5 There is no relevant planning history associated with the site although the applicant's agent has confirmed under previous planning applications that the site and buildings have been in use by the Broughton Hall Estate as an estate yard to service the estate buildings for over 15 years. This use has included joinery, mechanics, storage, paint store, machinery store and storage of building materials.
- 1.6 Although set back from the main road the site is visible from the A59 and is set within a landscape of rolling fields defined as 'Lowland – Rolling Drumlin Pasture' in the Craven District Landscape Appraisal.
- 1.7 A very small part of the site access is located within the outer zone buffer of the Nether Kellet high pressure gas pipeline (this means the actual pipeline itself is approximately 330 m to 400 m to the north of the site access).
- 1.8 The site access and land to the south is also a Public Right of Way (05.8/5/1 Broughton).

2. Proposal

- 2.1 Permission is sought to construct a detached 'stability storage shed' that would be operated in conjunction with the larger scale development of offices/laboratories on the adjoining site to the south-west.
- 2.2 The proposed building would be two-storeys measuring 10.8m x 19.6m with a ridged roof 10.8m in height falling to 6m at the eaves. The building would feature oak farmed

glazing panels with larch cladding and a galvanised tin roof (materials designed to be complimentary to the revised materials to be used on the office/laboratory building on the adjoining site).

- 2.3 The proposed building would share the existing site access and service road and would benefit from improvements that would be required to the site entrance and access as part of the extant planning permission. Access to the existing Skinner Ground Farm would be retained through the application site which would include a large hardstanding/vehicle turning area.
- 2.4 The site would represent an expansion of the developed area in comparison to the site that currently has planning permission but occupies an area that lies immediately between existing buildings and would be developed in conjunction with the proposed office/laboratory development. It is proposed to incorporate additional landscaping to screen the proposed building in all directions.

3. Planning History

- 3.1 12/2: Erection of cattle unit. Approved November 1979.
- 3.2 12/35: Proposed dairy unit. Approved July 1992.
- 3.3 12/2016/16593: Demolition of existing building and erection of new offices and pharmaceutical laboratories. Approved July 2016.
- 3.4 12/2017/17952: Variation of condition 2 of planning permission ref: 12/2016/16593. Not determined – application to be considered at same Planning Committee meeting.

4. Planning Policy Background

4.1 **Saved Policies of the Craven (Outside the Yorkshire Dales National Park) Local Plan:**

ENV1: Development in the Open Countryside.

ENV2: Requirements for Development in Open Countryside.

ENV10: Protection of Trees and Woodland.

EMP5: New Employment Development outside Development Limits and Established Industrial Area (Excluding Conversions).

T2: Road Hierarchy.

4.2 **The National Planning Policy Framework.**

4.3 **National Planning Policy Guidance**

5. Parish/Town Council Comments

- 5.1 No Parish Council comments.

6. Consultations

6.1 **CDC Environmental Health:**

No objections but recommends that developer be made aware of need to limit construction times and minimise dust in the interests of the amenity of the occupiers of neighbouring properties. There are no contamination issues associated with the application site.

6.2 **NYCC Highways:**

No objections and no recommendations for conditions.

6.3 **NYCC SuDS Officer:**

No comments.

7. Representations

7.1 No comments received.

8. Summary of Principal Planning Issues

8.1 Principle of development

8.2 Design and visual impact.

8.3 Impact on amenity.

8.4 Highway safety.

8.5 Drainage.

9. Analysis

Principle of development:

9.1 The site lies in open countryside as defined in the adopted Local Plan and therefore Saved Local Plan policies ENV1 and ENV2 are of relevance.

9.2 Policy ENV1 is prohibitive of inappropriate or sporadic new development in open countryside and only permits development that is of benefit to the rural economy, helps to maintain or enhance landscape character, is essential for the operation of agriculture or forestry or is essential to the needs of the rural community. Saved Policy ENV2 sets out detailed criteria for new development in open countryside that is considered to be consistent with the requirements of ENV1 and therefore acceptable in principle.

9.3 Saved local Plan Policy EMP5 is of more direct relevance to this application and seeks to limit new employment development outside of development limits and established industrial areas. Under EMP5 such development would only be permissible where it can be demonstrated that exceptional circumstances exist i.e. that development is essential to the social and/or economic needs of the community, but it must also be demonstrated that there are no alternative sites available within development limits or an established nearby industrial area before planning permission could be granted under EMP5.

9.4 NPPF policies are more permissive than the Local Plan policies and are supportive of all forms of sustainable development with the proviso that the adverse impacts of granting permission do not significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. The NPPF also sets out a requirement for local planning authorities to secure both economic growth and to support a prosperous rural economy through the sustainable growth and expansion of all types of business and enterprise including conversion of existing buildings and well-designed new buildings.

9.5 It can be seen from the above that development of the application site would be contrary to the Local Plan policies but is capable of being compliant with the NPPF. In this instance paragraph 14 of the NPPF is of relevance as it sets out a requirement that where relevant development plan policies are out of date permission should not be refused unless the adverse impacts outweigh the benefits of allowing development or where specific policies in the Framework indicate that development should be restricted.

9.6 In this case it is considered that whilst Saved Local Plan policies ENV1 and ENV2 are broadly consistent with the NPPF they remain of limited relevance to consideration of this application. However, the prohibitive policy EMP5 is of relevance but is not consistent with the NPPF. Consequently it is necessary to consider whether there are substantial dis-benefits to allowing development in this case or whether any NPPF policies indicate that permission should be refused.

- 9.7 Considering the above policy requirements it is significant that both the neighbouring converted farm and the large storage building that would be replaced by the proposed offices/laboratories on the adjacent site have been in commercial use for in excess of 10 years. As a consequence it is arguable that the site of Skinner Ground Farm has a lawful use for employment related uses and that this is a material consideration in the determination of this planning application. As neither of the existing buildings on the neighbouring sites has been subject to an application for a Lawful Development Certificate the absolute planning position cannot be stated but it is nevertheless very clear that the land and buildings have not been in agricultural use for a considerable period of time. In addition, and material to the consideration of this particular application, is the extant planning approval for the construction of the offices/laboratories on the adjacent site which clearly establishes the principle of development in this particular location.
- 9.8 Irrespective, the NPPF is clearly supportive of proposals that contribute towards economic growth and in particular to development that would contribute towards a prosperous rural economy and therefore the principle of this application is in accordance with national planning policy. It is also the case that the application seeks to construct a high quality bespoke building that would enable an established business located at the nearby Broughton Estate to expand and it is considered that the application would represent further investment in the local economy that is worthy of support.
- 9.9 In summary, it is considered that there are no significant dis-benefits to this proposal and that the employment development proposed would be consistent with NPPF policy. Accordingly it is concluded that the application is acceptable in principle.
- Design and visual impact:
- 9.10 NPPF policy advocates good design and states that this is indivisible from good planning and should contribute positively to making places better for people.
- 9.11 In this case the proposed design is modern but is considered to be an appropriate design for the rural setting of the site and to represent a quality build that would contribute positively to the wider landscape and match the revised details of the modern office/laboratory development that has permission on the adjoining site. In coming to this view it is noted that further landscaping is proposed as part of the development and that it will be necessary to ensure that the full details of this are submitted for prior approval and subsequently implemented.
- Impact on amenity:
- 9.12 There are no residential properties located within close proximity of the site although it is visible from a row of cottages located to the south and the access point is near to other dwellings forming the main hamlet of Broughton.
- 9.13 It is considered that the proposals would not adversely affect the visual amenity of any of the nearby properties and in fact, in conjunction with implementation of the larger planning permission on the adjoining site, would be an improvement on the existing site which has a building in poor condition and a disused slurry store neither of which are visually appealing. The building itself would also be well screened and set adjacent to development where its overall visual impact would be lessened.
- 9.14 The use of the site would not give rise to issues of noise or disturbance from excessive activity although it is noted that the proposal, which is linked to a wholesale re-development of the Skinner Ground Farm site, would inevitably give rise to increased vehicular activity and noise. Nevertheless, proportionally, the application site would not give rise to any increase in activity that would constitute grounds to refuse planning permission and it is considered that elements of 'trade-off' exist given that the existing large agricultural building on the adjacent site could be put to similar uses to that might give rise to noise. It is also noted that the site would be subject to a

planning condition that would limit the operating hours and in doing so ensure that no operations would take place at unsocial hours.

- 9.15 Overall, it is considered that the proposed building would not cause any significant loss of amenity to the occupiers of existing properties located near to the site. Accordingly, the proposal is considered to be acceptable in terms of amenity.

Highway safety:

- 9.16 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'.

- 9.17 Saved Local Plan Policies ENV2 and T2 are permissive of development proposals that are appropriate to the highway network where, amongst other things, they do not generate traffic in excess of the highway network; any new or greater use of an access onto a primary, district or local distributor road is acceptable in terms of design and road safety; and, regard is paid to the highway impact and potential for improvement to the surrounding landscape. Similarly EMP5 requires that new employment development outside of development limits and industrial areas should not create conditions prejudicial to highway safety.
- 9.18 NYCC Highways has raised no objections to the application and in the absence of any technical highway constraints the proposals are considered to be in accordance with NPPF advice and saved Local Plan Policy T2 and are therefore acceptable in terms of highway safety issues.

Officer note: There are a number of highway conditions attached to the planning permission for the adjoining site which would require improvements to the existing access. It is not considered necessary to replicate those conditions as part of this application which could stand alone as a new building without generating a need for access improvements in its own right.

Drainage:

- 9.19 Drainage proposals have been submitted to the NYCC SuDS Officer for consideration as part of the larger development of the adjacent site. This proposal is not a major development and there is consequently no requirement for a specific SuDS scheme to be approved as part of this application. Nevertheless, the proposed development is to be undertaken in tandem with the larger development site and will therefore benefit from the SuDS scheme required in connection with that proposal.

Summary:

- 9.20 It is considered that the proposal, which is to be undertaken in conjunction with extant planning approvals for a larger development on the adjoining land, is consistent with paragraph 14 of the NPPF in that there will be no significant dis-benefits. Specifically, the proposed development would contribute positively to the rural economy whilst having no significant visual impact or giving rise to any loss of amenity by way of noise or increased highway activity.

Officer note: It is acknowledged that the proposal could be implemented independently of the planning permission for the office/laboratory development on the adjacent site. In this case it is not considered necessary to link the separate planning permissions or inhibit development of the application site until the larger development has been undertaken as it is considered that development of the approved storage building would be consistent with the relevant saved Local Plan and national planning policies in its own right.

10. Recommendation

10.1 That planning permission is granted subject to the following conditions:

Conditions

Time Limit for Commencement

1. The development hereby permitted shall be begun not later than 3 years from the date of this permission.

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

Approved Plans

2. The development shall not be carried out other than wholly in accordance with the following:

Drawing nos:

- PL101 Revision B (Location Plan)
- PL002 Revision B (Site Plan)
- PL110 Revision B (Site Plan)
- PL003 revision B (Drainage Plan)

Received by the local planning authority on the 27th March 2017.

The development shall be completed in accordance with the approved plans except where conditions attached to this planning permission indicate otherwise.

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

Before you Commence Development

3. No development shall commence until full details of the landscaping of the site including wherever possible the retention of existing trees and hedges have been submitted to, and approved in writing by, the Local Planning Authority. The approved scheme shall be implemented in the first planting season following completion of the development, or first occupation/use, whichever is the soonest.

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

Reason: In the interests of visual amenity.

During Building Works

4. Prior to their first use on site samples of all the external materials including roofing materials shall be submitted to and approved in writing by the local planning authority. The development shall subsequently be constructed in accordance with the approved details and retained as such thereafter.

5. Prior to the first installation on site full details of the proposed external lighting of the site, including any lighting attached to the buildings, shall be submitted to and approved in writing by the local planning authority.

The development shall subsequently be undertaken in accordance with the approved details and no other external lighting shall be installed on the site or approved buildings without the prior approval of the local planning authority.

Reason (for conditions 4 and 5): In the interests of visual amenity.

6. No building or other obstruction including landscape features shall be located over or within 15 feet (4.572m) of either side of the centre line of the water main i.e. a protected strip width of 30 feet (9.144m), that traverses the site.

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

Ongoing Conditions

7. The employment premises hereby approved shall only operate between the following hours:

0700 to 1800 Monday to Saturday.

Reason: In the interests of the amenity of occupiers of the nearby residential properties.

8. Notwithstanding the provision of the Town and Country Planning General Permitted Order 2015 or any Order subsequently revoking or re-enacting that Order, the areas shown on the approved plans 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.

Informative:

9. The existing Public Right(s) of Way on the site must be protected and kept clear of any obstruction until such time as any alternative route has been provided and confirmed under an Order made under the Town and Country Planning Act 1990.

Applicants are advised to contact the County Council's Access and Public Rights of team at County Hall, Northallerton via 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.

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

Discharge of Condition(s)

1. The developer should note that Condition Nos. 3, 4 and 5 above will require a further application to be submitted to enable the District Council to formally discharge the conditions. Any samples of materials that require approval should be made available for inspection either on the site or another suitable location and not brought to or delivered to the Council Offices unless specific arrangements to do so have been made with the relevant planning case officer.

WARD AND**APPLICATION No.****PROPOSED DEVELOPMENT AND SITE ADDRESS**

AIRE VALLEY WITH
LOTHERSDALE
21/2017/17854

APPLICATION TO VARY CONDITION NO 2 OF ORIGINAL PLANNING
CONSENT REFERENCE 21/2016/17038 TO INCREASE THE HEIGHT AND
DEPTH OF DWELLING AND GARAGE SIZE.

LAND OFF NETHERGHYLL LANE, TOWN HEAD FARM, GIBSIDE LANE,
CONONLEY, BD20 8NX.

APPLICANT NAME: MISS MARY NAYLOR

TARGET DECISION DATE: 19/04/2017

CASE OFFICER: Mark Moore

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 previously determined by the Committee.

1. Site Description

- 1.1 The application site is a 0.4ha area of land located in open countryside off the northern side of Gibside Lane, Cononley.
- 1.2 The site lies between Cononley Beck and Gibside Lane which is an un-adopted road that runs from Main Street, Cononley and connects to an extended single width track leading to Netherghyll Lane further to the west. At this point the track is connected to the Netherghyll Lane via a wide access. The access to Main Street at the eastern end of Gibside Lane is narrow and has poor visibility particularly to the northern side where it immediately adjoins the village hall. The access road is also a Public Right of Way.
- 1.3 The application site lies adjacent to but outside the Cononley development limits and is located within the Cononley conservation area.
- 1.4 The northern and western parts of the application site lie within flood zones 2 and 3. The site is also identified as a low risk former coal mining area.
- 1.5 There is a 5m easement either side of an underground Yorkshire Water pipeline that runs across the north-eastern part of the application site.
- 1.6 Shackleton Gyll Farmhouse is a grade II listed building located to the north-east of the site on the opposite side of the Gibside Lane.

This has the following listing description:

'Former farmhouse, later C17 or early C18. Coursed rubble with stone slate roof. Two storeys. South front has to ground floor 2 double chamfered stone mullion windows with hoodmoulds, that to the left beside a later door, that to the right lacking its mullions. First floor has one double chamfered window formerly of 2-lights but lacking its mullion. At the rear (facing the lane) is an outshut with 2 small chamfered openings. Gable chimneys. Interior not fully accessible at time of survey. Group Value'.

2 Proposal

- 2.1 Planning permission was granted in October 2016 for a detached house and garage on the site (ref: 21/2016/17038).
- 2.2 This application seeks approval for revisions to the approved development comprising:
 - enlargement of the footprint of the house by approximately 19.5m²

- a marginal increase in the height from 6.8m to 7.3m (0.5m increase)
 - an increase in the footprint of the attached garage by 8.04m²
 - an increase in the ridge height of the attached garage from 4.2m to 4.7m (0.5m increase)
 - enlargement and modification of the front entrance porch to represent a more traditional design
- 2.3 The overall design, materials and general arrangement of the windows and doors remain unchanged from the original design with the exception of the inclusion of a side window to the south-west elevation of the porch, enlargement of a ground floor side window to the south-west elevation of the house and a new entrance door to the rear (north-east elevation) of the garage.
- 2.4 The proposed revisions also include some modifications to the hard landscaping surrounding the house and garage. The scheme now shown has been simplified in comparison to that approved under the extant permission but is not significantly different.
- 2.5 In a supporting letter submitted with the application the applicant's agent has explained that the alterations are needed in order to provide a level floor at ground floor level (the original being stepped) and to increase the dimensions of the garage and thereby improve its functionality. In the case of the removal of the stepped ground floor the applicant's agent has also explained that this change has been required in order to comply with Building Regulations and has necessitated the increase in roof height.
- 2.6 The application has been submitted as a variation of planning condition and specifically is seeking approval to vary condition 2 of planning permission ref: 21/2016/17038 in order to substitute the proposed amended plans for those of that approval.
- 3 Planning History
- 3.1 21/2016/17038: Proposed new dwelling. Approved October 2016.
- 4 Planning Policy Background
- 4.1 **Saved Policies of the Craven (Outside the Yorkshire Dales National Park) Local Plan:**
- ENV1: Development in the Open Countryside.
- ENV2: Requirements for Development in Open Countryside.
- ENV10: Protection of Trees and Woodlands.
- SRC12: Protection of Public Rights of Way.
- T2: Road Hierarchy.
- 4.2 **The National Planning Policy Framework.**
- 4.3 **National Planning Policy Guidance**
- 5 Parish/Town Council Comments
- 5.1 **Cononley Parish Council:** No comments.
- 6 Consultations
- 6.1 **CDC Environmental Health (Contaminated Land):**
- No contaminated land implications.
- 6.2 **NYCC Highways:**

No objections. Recommend a planning condition to ensure that the garage and vehicle hardstanding/manoeuvring areas are provided before the use of the site commences and that they are retained thereafter.

6.3 NYCC Highways (Footpaths Officer):

No objections. The Footpaths Officer requests that an informative is attached to ensure that no obstruction of the adjacent PROW occurs.

6.4 NYCC (Fire and Rescue):

The Fire Officer comments that the plans are not sufficiently detailed to assess whether or not the requirements of B5 of Schedule 1 of the Building Regulations 2000 in relation to access and facilities for the fire service have been met.

Officer note: Comments of the Fire Officer were not submitted at the time the extant planning permission was determined. It is proposed to attach an informative to this decision to advise the developer of the need to meet the appropriate Building Regulations requirements.

6.5 Yorkshire Water:

No objections.

7 Representations

7.1 None received.

8 Summary of Principal Planning Issues

8.1 The effect of the proposed variations to the extant planning permission.

9 Analysis

9.1 It is the case that planning permission has been granted for the construction of a dwelling house with an attached garage on the application site and that this permission remains extant. Therefore the principle of development has been established and does not need to be considered as part of this application.

9.2 The application seeks to vary condition 2 of that approval in order to substitute proposed amended plans. Consequently, the only issue for consideration in respect of this application is the effect of the proposed revisions which principally comprise a marginal increase in the overall dimensions of the property and some modifications to the design of the front entrance porch.

9.3 The site is located in a position that is separated from any other residential development and is not in close proximity to existing properties albeit there are houses to the north of the site on Netherghyll Lane on the opposite side of Cononley Beck and a cluster of buildings situated to the east. The salient point is that the site is well screened from and set at a lower level relative to the dwellings to the north and is also positioned such that there are no amenity issues by way of loss of outlook or overshadowing to any neighbouring properties. Similarly, the site is relatively secluded and not visible from the wider public domain or from long-range views where the overall scale and massing might be critical.

9.4 In this case the proposed alterations are considered to be marginal and would not represent a significant departure from the approved scheme or give rise to any amenity issues. On this basis it is considered that the proposed variation of condition is acceptable and can be approved.

10 Recommendation

10.1 That the variation of condition 2 of planning permission ref: 21/2016/17038 is approved.

Conditions

Time Limit for Commencement

1. The development hereby permitted shall be begun not later than the expiration of three years from 25th October 2016.

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

Approved Plans

2. The approved plans comprise the following:
 - Location plan.
 - Drawing nos. P1729a/001, 002, 003, 005, 006 and 007 received by the Local Planning Authority on the 27th February 2017.
 - Flood Risk Assessment received by the Local Planning Authority on 8th June 2016 (submitted under planning application ref: 21/2016/17038).

The development shall be completed in accordance with the approved plans except where conditions attached to this planning permission indicate otherwise.

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

Before you Commence Development

3. Before any site activity is commenced in association with the development hereby approved barrier fencing shall be erected around all existing trees on and adjoining the site in compliance with BS 5837 (2012) Trees in Relation to Construction - Recommendations. Within these fenced areas no development, vehicle manoeuvring, storage of materials or plant or removal or addition of soil may take place. The fencing shall not be moved in part or wholly without the written agreement of the local planning authority. The fencing shall remain in place until completion of all development works and removal of site vehicles, machinery, and materials in connection with the development.

Reason: To prevent damage to trees during construction works.

Before the Development is Occupied/First Brought into Use

4. No work shall commence on any external walling of the proposed dwelling until such time as the following have been submitted to and approved in writing by the local planning authority:
 - a sample panel of walling, of at least 2m² area, showing the natural stone to be used, the method of coursing and the style and colour of its pointing has been constructed on site and;
 - samples of the proposed roof slates have been made available for inspection

The development shall be carried out in accordance with the approved details.

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

5. Prior to the occupation of the development hereby approved details of any proposed domestic bin store including screening shall be submitted for the written approval of the Local Planning Authority and thereafter provided and retained in accordance with the approved details.

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

6. No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas have been constructed in accordance with the approved drawings and are available for use. Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times

Reason: To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.

Ongoing Conditions

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

Reason: In the interest of satisfactory and sustainable drainage.

Informatives:

1. 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 team at County Hall, Northallerton via paths@northyorks.gov.uk to obtain up-to-date information regarding the line of the route of the way. The applicant should discuss with the Highway Authority any proposals for altering the route.
2. The developer is advised that the site is located within close proximity to a watercourse and has been identified in a Flood Risk Assessment (dated 13th April 2016) as being highly vulnerable to flooding. It is the responsibility of the developer to incorporate appropriate flood resilience measures to mitigate the risk of flooding. Further advice on flooding can be found on the Environment Agencies' website using the following link:
<https://www.gov.uk/guidance/flood-risk-assessment-standing-advice>
3. The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to The Coal Authority on 0345 762 6848. It should also be noted that this site may lie in an area where a current licence exists for underground coal mining.

Further information is also available on The Coal Authority website at:

www.gov.uk/government/organisations/the-coal-authority

Property specific summary information on past, current and future coal mining activity can be obtained from: www.groundstability.com

4. It is the responsibility of the developer to ensure that the development is undertaken in accordance with Part B5 of Schedule 1 of the Building Regulations 2000 in order that suitable access and facilities for the fire service have been provided.

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

Discharge of Condition(s)

1. The developer should note that Condition Nos 4 and 6 above will require a further application to be submitted to enable the District Council to formally discharge the conditions. Any samples of materials that require approval should be made available for inspection either on the site or another suitable location and not brought to or delivered to the Council Offices unless specific arrangements to do so have been made with the relevant planning case officer.

WARD AND**APPLICATION No.****PROPOSED DEVELOPMENT AND SITE ADDRESS**

**SKIPTON WEST
63/2017/17990**

GENERAL REFURBISHMENT AND INTERNAL REMODELLING OF EXISTING FLATS INCLUDING THE INSTALLATION OF DORMER WINDOWS TO FRONT AND REAR PITCHES OF SLATE COVERED ROOF TO THE ORIGINAL FORMER DOMESTIC DWELLING.

AIREVIEW HOUSE, BROUGHTON ROAD, SKIPTON, BD23 1SS.

APPLICANT NAME: CRAVEN DISTRICT COUNCIL

TARGET DECISION DATE: 07/07/2017

CASE OFFICER: Andrea Muscroft

The application is referred to the Planning Committee as the owner of the building is Craven District Council and the Council will continue to have an interest in the building.

1. Site Description

- 1.1 The application relates to a property situated on land to the rear of the NHS Ambulance Station on the northerly side of Broughton Road, Skipton. The building is a former residential dwelling now in multiple occupation comprising of 11 flats split over three blocks.
- 1.2 The application site adjoins the towpath of the Leeds Liverpool canal with step access from the site to the tow path.
- 1.3 The application site is located within the development limits of Skipton.

2. Proposal

- 2.1 The proposal is seeking refurbishment and internal remodelling of the existing flats resulting in a reduction in the number of apartments (from 11 to 9) and the installation of dormer windows to the front and rear roof pitches.

Officers Note: The reduction in the number of apartments and the associated internal reconfiguration do not constitute development under the provision of s.55 of the Town and Country Planning Act 1990. As such, these works fall outside of the scope of this application.

2.2 **Northern elevation.**

- Installation of two dormer windows measuring 0.9m (h) x 2.6m (w) x 1.4m (d).
- Installation of one roof light.

2.3 **Eastern elevation.**

- Former ground floor external door blocked up.

2.4 **Southern elevation.**

- Former ground floor external door blocked up.
- Installation of two dormer windows measuring 0.9m (h) x 2.6m (w) x 1.4m (d).
- Installation of one roof light.

2.5 **Western elevation.**

- Removal of concrete steps.
- Construction of porch.

- Enlargement of ground floor window.
 - Existing door opening modified to new window opening.
 - Existing single window opening at first floor level reduced.
 - Installation of new window opening at first floor level.
- 2.6 Demolition of former garage block and replaced with hard-standing to provide additional parking spaces.
3. Planning History
- 3.1 5/63/1216 – Change of use to offices – Approved December 1983.
- 3.2 5/63/1216A – Change of use of residential dwelling to flats for multiple occupation – Approved December 1983.
- 3.3 5/63/1216/B – change of use of Class XIV of the Town and Country Planning (Use Classes) Order 1972 – Approved January 1984.
- 3.4 5/63/1216/C – Change of use of existing garage to probation/community workshop and store – Approved July 1986
- 3.5 5/63/1216/E - Change of use of existing garage to probation/community workshop and store – Approved July 1986
4. Planning Policy Background
- 4.1 The National Planning Policy Framework – NPPF.
- 4.2 Planning Practice Guidance – PPG.
5. Parish/Town Council Comments
- 5.1 Skipton Town Council: No objection.
6. Consultations
- 6.1 None necessary.
7. Representations
- 7.1 No third party representations received at the time of compiling this report.
8. Summary of Principal Planning Issues
- 8.1 Visual impact of development.
- 8.2 Impact of development on the amenity and privacy of neighbouring properties.
9. Analysis
1. Visual impact of development.
- 9.1 The NPPF places a strong emphasis on good design in particular, paragraph 7 of the NPPF 'Requiring good design' sets out a number of policies which support the delivery of good design. Paragraph 56 of the NPPF also highlights *that 'good design is a key aspect of sustainable development, and is indivisible from good planning and should contribute positively to making places better for people'*.
- 9.2 The proposal is seeking a number of external alterations as detailed above. These works are considered minor in nature and have been designed to respect the character and proportions of the original dwelling house. Furthermore, the proposed alterations would not result in any loss of architectural detail from the principle elevation.
- 9.3 Turning to the potential visual impact of the proposed dormer windows these have been designed to be discrete additions to the existing roof as a consequence of being set down from the ridge, up from the eaves and set in from the sides. In addition, the

scale of the dormers would ensure that they do not dominate the roof plan. Equally, the positioning of the doors would provide a balanced appearance to both the principle and rear elevations.

- 9.4 It is acknowledged that the majority of the proposed external alterations would not have a negative impact on the existing street scene. In contrast, the dormer windows due to their elevated position would be visible from Broughton Road and from the tow path located to the rear of the building. Notwithstanding, the proposed dormers would be of a size and scale that would not dominate the existing roof and would be positioned to maintain the symmetry of the building. As such it is not considered that the installation of the proposed dormer windows would have an unacceptable impact on the existing street view or when viewed from the tow path.
- 9.5 The proposal is also seeking the demolition of a former garage block that is structurally unsound. The area will then be hard paved to provide additional parking spaces including an accessible bay. It is not considered that the loss of this structure would have an unacceptable impact on the existing street scene or when viewed from the tow path given its location set back from the highway and down from the tow path.
- 9.6 The materials proposed would match the existing dwelling and thus ensure that the development harmonises well with both the original building and the surrounding area.
- 9.7 In conclusion, it is considered that the proposed external alterations have been designed in terms of the appearance, scale, proportions proposed and use of matching materials to respect the original building. The proposal therefore accords with the aims and objectives of the NPPF.

2. Impact of development on the amenity and privacy of neighbouring properties.

- 9.8 The core planning principles contained within section 17 of the NPPF sets out a number of principles that should underpin both plan-making and decision taking such as ensuring that proposals should secure a good standard of amenity for all existing and future occupants of the land and buildings.
- 9.9 The proposal would see the introduction of new window openings to the western elevation but it is considered that, given the separation distance in excess of 15m to the joint boundary of No. 44 combined with the boundary treatments, the proposal would not result in any loss of privacy or amenity to the occupiers of this property.
- 9.10 With regard to the potential impact of the dormer windows on neighbouring properties it is considered that due to the elevated position and setback there would be no unacceptable loss of privacy to those properties.
- 9.11 In conclusion, the proposal would not result in any loss of privacy or amenity and therefore accords with the aims and objectives of the NPPF.

Conclusion

- 9.12 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'

- 9.13 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 therefore no grounds to withhold planning permission.

10. Recommendation

10.1 To grant approval subject to the following 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 approved plans comprise drawing No's:

- CS/089141-04/04 'Proposed Dormers' received by the Local Planning Authority on the 4th April 2017.
- CS/089141-04/05 'Proposed lower and upper ground floor layouts' received by the Local Planning Authority on the 4th April 2017.
- CS/089141-04/06 'Proposed first and second floor layouts' received by the Local Planning Authority on the 4th April 2017.
- CS/089141-04/07 'Existing and Proposed north, east and south elevations' received by the Local Planning Authority on the 4th April 2017. CS/089141-04/08 'Existing and Proposed western elevations and proposed section A-A and Roof Plan' received by the Local Planning Authority on the 4th April 2017.

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

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

Ongoing Conditions

3. The materials to be used shall be those specified in section 9 of the application form.

Reason: To ensure the visual amenity of the area and to comply with paragraph 56 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.