



CRAVEN

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D I S T R I C T

PLANNING COMMITTEE AGENDA

DATE: Tuesday, 8th August 2017

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REPORT TO PLANNING COMMITTEE ON 8th August 2017

Application Number: 32/2017/17833

Proposal: Change of use from A1 sandwich deli to A1 sandwich deli with ancillary A5 hot food takeaway and installation of window grilles and roller shutter to the door on the rear elevation

Site Address: 10 Ashville Terrace Holme Lane Sutton In Craven BD20 7LQ

On behalf of: Mr Basit Hussain

Date Registered: 20th February 2017

Expiry Date: 17th April 2017

Case Officer: Mrs Gemma Kennedy

This application has been referred to Planning Committee at the request of Councillors Barrett and Baxandall due to the level of public interest and concern.

1. Site Description

1.1 A mid-terrace two storey property on Ashville Terrace, Holme Lane, within the development limits of Cross Hills. Ashville Terrace consists of 9 residential properties, with the application property (No. 10) operating as 'Craven Deli' under the A1 (shops) Use class. The property has been operating as a retail business for almost 60 years, having previously been a hairdressers shop. Prior to the 'Craven Deli' a pharmacy operated from the premises, again under the A1 use class.

2. Proposal

2.1 Planning permission is sought for the continued use of the premises as an A1 'retail' use with an ancillary A5 'hot food takeaway'. The menu currently consists of a number of hot food items but the applicant wishes to expand the hot food takeaway element, whilst remaining on an ancillary basis to the sale of cold food.

2.2 The application also proposes the following;

- The retention of two window grilles, and the retention of a roller shutter door, which have been installed on the rear elevation of the premises.
- The provision of an extraction flue to the rear elevation.

2.3 **Amended application details:** The application description as originally proposed sought a change of use from A1 'retail' to A5 'hot food takeaway.' However, the design and access statement submitted with the application sets out that the proposal is for the A1 use to continue with A5 being an ancillary use to that. The case officer therefore proposed an amended description '*Change of use from A1 sandwich deli to A1 sandwich deli with ancillary A5 hot food takeaway and installation of window grilles and roller shutter to the door on the rear elevation*' which the applicant has agreed to. Neighbouring residents, the Parish Council, CDC Environmental Protection and NYCC Highways Authority have been re-consulted on the amended description.

3. Planning History

3.1 SN1998 – Hairdressers shop. Approved 27/11/1959.

3.2 5/32/384 – Conversion of store and office over hairdressing Salon. Approved 13/04/1984

- 3.3 5/32/384/A – New Shopfront and Refurbishment to existing Hair Salon. Approved 08/09/1998
- 3.4 32/2010/11061 – Single storey rear extension and ramped approach to front entrance. Approved 19/11/2010.
4. Planning Policy Background
- 4.1 The National Planning Policy Framework (NPPF)
5. Parish/Town Council Comments
- 5.1 Glusburn and Cross Hills Parish Council: *“The Parish Council feel very strongly that this application should be refused. There are many reasons for this. There is already a problem from this establishment with litter, no one from the café ever clears up any of the litter. This is a residential area and residents are already upset by the amount of litter and it will only get worse should it open as a takeaway. Several years ago CDC set a precedent in this residential street/lane/terrace by refusing a sandwich shop not many doors away from this application from selling hot foot food and being used as a takeaway. This application is no different to that. The parking is a problem for residents now, this would make the problem even worse. At present the property/business in the application are storing the trade waste bins to the side of the property and not at the rear where they belong, this in itself is a fire hazard. The property in the application already have chairs and tables in the shop for the takeaway. Cars and taxi’s are using the very narrow back street and residents suspect that they are collecting and delivering food from the property already. The property already has a motorized shutter door, which disturbs residents at the moment, when this is used at the proposed later hours this will impact on the residents even further. The proposed window grilles are already in situ. No other business in Crosshills have the need for window grilles. Crosshills is already very well catered for with takeaway and hot food outlets. The feeling from residents against this application is a very strong objection. The applicant has already installed a fully equipped kitchen in the basement of this property, residents reported to the council that the equipment was moved in during the early hours of the morning.”* Received 27/03/2017.
- 5.2 In response to the reconsultation on the amended description, the Parish Council has commented as follows;
- 5.3 *“The Parish Council do not support this application in any form or amendment and recommend refusal. As Craven District Council refused a similar application* a few doors away from this application for the exact proposal we cannot see how this application can be even considered.”* Received 19/06/2017
- 5.4 * Officer’s note: The case officer has sought, but not received, clarification from the Parish Council as to the property they refer to. The only planning application the case officer is aware of in the vicinity (4 Holme Lane) was for a change of use from A1 (shop) to A3 (sandwich and partial hot food takeaway) with restricted opening hours of 8am – 2.30 pm Monday to Friday and 9am – 12pm Saturdays (application 32/2004/4913). This application was granted planning permission on 11th January 2005 for a temporary period until 30th June 2005.
6. Consultations
- 6.1 NYCC Highways Authority: *“There are no local highway authority objections to the proposed development.”* Received 17/03/2017.
- 6.2 CDC Environmental Protection: *“Noise – looking at the submitted specification details for the proposed extraction system, noise should not be a problem. However, I still recommend that a silencer be fitted to the system. I also recommend that an external fan is not fitted. Reason – to safeguard the living conditions of nearby residents particularly with regard to the effects of noise. Odour – There is potential for odour nuisance emanating from the extraction system and also through the building structure. Odours from takeaways should not be noticeable in any of the surrounding residential properties in the vicinity at any time. The applicant should be required to carry out an Odour Management Plan which demonstrates how odours from the proposed takeaway are to be controlled; the Odour Management Plan should be submitted to and approved in writing by the Local Planning Authority before the use is commenced. Reason – to safeguard the living*

conditions of neighbouring residents particularly with regard to the effects of odours.” Received 07/03/2017.

6.3 **Officer’s Note:** Following discussions between the case officer and the Environmental Health officer it was considered expedient to require the submission of an Odour Management Plan prior to determining the application. An ‘Odour Risk Assessment’ has therefore been submitted and the Environmental Health Officer has confirmed he is satisfied with the report.

7. Representations

7.1 10 letters of representation have been received from neighbouring residents, 5 of those letters are from the occupants of 1 property. Following reconsultation on the amended description 10 additional comments of objection, from 5 properties, have been received.

7.2 The points raised in response to the original application are summarised below;

- The cooking smells which are already noticeable in my property (12 Ashville Terrace) will become increasingly unwanted and unpleasant.
- It is not right to allow a food takeaway to open in what is mainly a residential area.
- An increase in littering from customers would/could surround our property and those nearby.
- The increase in traffic could increase in volume and affect parking on this already busy road.
- There are already 10 takeaway establishments in the surrounding area. Do we need another?
- Since day one it has been the owners intention to open as a takeaway. It was originally opened as a chemist shop, but there were clandestine movements of cooking equipment in the night...a full kitchen installed in the basement, before any planning had been approved.*
- There is nowhere for food delivery vehicles to park to make food deliveries.
- Higher risk of fires, we are an adjoining property so this worries us
- The owner specifically stated to the council when the enforcement officer attended in 2014 that it was only going to be used as a café, not a takeaway.
- Will devalue the price of our home.
- More members of the public have been hanging around outside our front garden/gate, mostly school children some of which sit on our wall.
- We are worried it will create more noise and disturbance in this residential area. Vehicles coming and going, doors slamming and the inevitable radios and mobile phones.
- Frustrated that Craven District Council have not informed me of the application; a neighbour informed me.
- We are concerned about rats/pests. Until very recently the back of the property was a mess for the last 3 years.
- What if hours of opening are to be extended from 9 to 5pm, to 6-7pm, midnight or later – what safe guards are in place to stop this happening.
- Despite Environmental Health officer’s conclusions, we still have concerns about noise and odour.
- Concern about storage and removal of waste oil and other commercial waste being a fire risk. If waste is stored at back of properties implications from commercial vehicles attempting to collect it impacting the enjoyment of the residential area.
- I have just witnessed the bins being emptied for this business; the lorry stopped in front of our property and took the bins from the front of the premises. The bins should be emptied from the rear. Then there was a jam on emptying and the man had to take a stick to get the contents out

from inside the truck. I have pictures; I would prefer not to watch this from my sitting room. This business is causing so much horridness.

- Concerns about increased staffing mentioned in application and possible impact on parking.
- If given a takeaway licence we are worried that they will sell food until late at night attracting people who have been drinking etc making our residential area noisy during the night and generally creating an atmosphere that isn't family friendly. The current owners were very noisy during recent renovation work and showed little empathy for children and shift workers living next to them, they often worked late at night.
- Object to proposal for shutters and grilles to rear; isn't in keeping with other properties.
- The grilles and shutters have already been fitted and are very industrial looking for this residential area. Nor will the extraction vent pipe 30mm round all the way up to and above the roof be in keeping with the area.

The points raised in relation to the reconsultation on the amended description are summarised below. A number of points already raised in the original comments (above) have not been repeated below, only new points that have been raised;

- Already objected – change of wording does not change the fact that a hot food use is not appropriate for this street.
- Would need to keep my windows closed
- We wish to object again strongly
- Would adversely affect medical centre/pharmacy opposite
- Unhappy with amendments. Problems outweigh the potential benefits.
- Would encourage school pupils to eat unhealthily.
- Affecting value of house

***Officer's note:** The submitted application does not make any reference to the presence of a kitchen in the basement, with the existing and proposed plans both indicating the rooms as being used for storage and a staff WC. The application can only be considered in relation to the submitted details, and the recommendation made will be in line with the contents of the application only.

8. Summary of Principal Planning Issues

8.1 The impact of the proposed development on the character and appearance of the property, street scene and local area; neighbouring amenity including noise and odour; parking and highway safety.

9. Analysis

9.1 **Policy background;**

9.2 The NPPF, at paragraph 14, advises that Local Planning Authorities 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;*

9.3 *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*

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

9.5 The development plan is silent with regards to this proposal, and so it falls to be considered against the NPPF.

9.6 The NPPF sets out three dimensions to sustainable development; economic, social and environmental, and these are referred to in the Framework as the roles the planning system should perform. The Framework 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 for date, there will be a strong presumption in favour of sustainable development that accords with national planning policies.

9.7 **Background information;**

9.8 The application property is located on a terrace of dwellings, Ashville Terrace, on Holme Lane. Whilst the street is residential (apart from the application property) there is a mixture of uses taking place in the locality. Just to the north of the terrace is a small detached building which operates as a dog groomers. Opposite the site is Cross Hills Health Centre and Pharmacy, and behind that is South Craven Academy (secondary school). Holme Lane forms a main road between the villages of Sutton in Craven and Cross Hills/Glusburn and the property is 70 metres from Cross Hills Main Street where there are a variety of businesses.

9.9 The application premises have been in an A1 (retail) use since 1959. This use class permits a variety of retail establishments including shops, hair dressers, undertakers, travel and ticket agencies, pet shops, sandwich bars, domestic hire shops, dry cleaners and internet cafes. The current use as a deli continues to fall within the A1 use class.

9.10 When considering the proposed change of use it is therefore necessary to take account of the existing situation; whilst the property is set within a residential terrace it already has a commercial use, and it is located in an area where there are a number of different businesses and services operating. It will therefore be necessary to assess the impact of the changes beyond the existing conditions.

9.11 At present the deli sells a variety of sandwiches, panini's, salad boxes, cakes, desserts and hot drinks. The current menu also includes a variety of hot food items; jacket potatoes with various fillings, potato wedges, pizza slices, pies and pasties. It is common for sandwich shops, bakeries and deli's to sell a certain amount of hot food – for example High Street bakeries often sell hot pasties, sausage rolls, soups and breakfast baps. In many cases hot food can be sold on an ancillary basis to cold food, without a change of use to a hot food takeaway taking place. The point at which an ancillary use becomes more than minor, and introduces a mixed use of A1 and A5 (therefore requiring planning permission) varies between cases.

9.12 In February 2013 the Local Planning Authority received an enquiry from a local resident concerned that the previous pharmacy had closed and that a hot-food takeaway may be opening. Since that date the Council's planning enforcement team has continued to monitor the site and have been in correspondence with both the business owner/applicant and neighbouring complainants. In December 2016, around the time that the deli opened, the applicant provided the Council's enforcement officers with a copy of the menu (which is the same menu as submitted with the current application), and the enforcement officer's responded to say the use was still considered to be A1, the hot food element being ancillary to the main A1 use, and no breach of planning permission was occurring in relation to the use of the premises.

9.13 The applicant now seeks to sell additional hot food items from the premises, but still on an ancillary basis to the main A1 deli use. In addition to the existing equipment already used to prepare the hot and cold food on the menu, it is proposed to provide a griddle and two fryers that would be sat upon a worktop, and also a toaster. Associated with this a new ventilation system is proposed with an external steel flue. It is possible that the increased hot food menu, proposed to be on an ancillary basis to the A1 use, may not constitute a change of use. However, due to the local concerns raised regarding the selling of hot food at the premises the applicant considers it beneficial to seek planning permission for his proposals in order to regularise the situation, and planning permission is now sought.

9.14 **Principle of development;**

9.15 The proposed application would continue the existing commercial use of the premises, providing wider menu choice to customers.

9.16 The business currently sells food to take away, and whilst the proposal would result in an increase in the sale of hot food items there would be no change to the principle of the existing use in terms of

the continued operation of the business. In principle the continued commercial use of the premises is acceptable, and the proposal fulfils the economic role of sustainable development as set out in the NPPF by contributing to building a strong, responsive and competitive economy. A neighbouring objection states that there are already several shops selling similar food in the local area. Competition between businesses is however not a material planning consideration.

9.17 **Neighbouring amenity;**

9.18 Policy background

9.19 Whilst the principle of change of use from A1 use to A1 use with ancillary A5 use is considered to be acceptable, there are a number of matters, in particular relating to local amenity, to consider. A number of key amenity issues can arise from an A5 use; in particular noise nuisance, odour nuisance, litter and waste, traffic, disturbance from visitors, all of which are points of concern that have been raised by neighbouring residents.

9.20 One of the core principles of the NPPF, set out at paragraph 17, is that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

9.21 In consideration of pollution paragraph 110 of NPPF states that *“The planning system should contribute to and enhance the natural and local environment by...preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution.”*

9.22 Furthermore paragraph 120 of the NPPF states that *“to prevent unacceptable risks from pollution, planning decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account.”*

9.23 Noise and odour nuisance

9.24 The application proposes the installation of an extraction system involving the provision of a canopy above the cooking area at the rear of the premises which would connect to an externally mounted flue and would dispel one metre above the eaves of the roof. The application has been submitted with full details of the extraction system along with an Odour Control Risk Assessment. The Council's Environmental Officer is satisfied with these documents and considers that providing a silencer is added to the proposed extraction system and that an external fan is not fitted (both these matters can be dealt with through a planning condition) odour and noise would not be harmful to neighbouring amenity.

9.25 Despite the positive recommendations of the Environmental Health Officer, neighbouring residents remain particularly concerned about the potential noise and odour that would emanate from a takeaway at the premises. Taking into account the proximity of neighbouring properties the case officer recognises that certain hot food takeaways would not be suitable in this residential location. For example businesses that operate solely as takeaways serving only deep fried food such as fish and chips, or heavily spiced food such as Indian food, have a greater potential to impact neighbouring amenity with odour nuisance. Similarly takeaways that open until 10 pm or later, serving food to people leaving drinking establishments, may not be suitable in residential areas. In this instance the proposal is for a mixed use, the premises would continue to sell cold food items, and the applicant has confirmed that the additional hot food items beyond the existing menu would be burger and chips, fried eggs, hash browns, toast and toasted teacakes. At present the equipment used in the premises are an electric oven, panini grill and commercial microwave. The applicant proposes a griddle, double basket fryer and toaster in addition to these. There is no proposal to extend the opening hours, with the application form setting out hours of 9 am until 5 pm. The hours of opening (which are currently unrestricted as an A1 use) can be controlled by a planning condition. Similarly a planning condition could be imposed to control the types of hot food equipment used in the premises, and the types of hot food prepared and sold. Taking account of the ancillary nature of the hot food takeaway element of the menu and the hours of opening (both of which can be

controlled by planning condition) along with the Environmental Health Officer's satisfaction with the proposed extraction system both in terms of noise and odour, it is considered that the proposed development would not introduce an unacceptable level of harm to the amenity of neighbouring residents beyond existing levels. Furthermore, it is good practice to grant planning permission where possible issues can be controlled by planning conditions; in this instance to grant an unrestricted takeaway use may be detrimental to local amenity, however with the use of planning conditions it is considered that the proposed development would be acceptable.

9.26 Parking and highway safety

9.27 Neighbours have raised concerns regarding the proposal generating an increase in traffic in the vicinity, both in terms of customers and deliveries, and the associated lack of parking spaces. On street parking is available on the Ashfield Terrace side of Holme Lane, with parking restrictions in place on the opposite side. Customers are able to park on Holme Lane if there is space, or on the surrounding streets, or in the two nearby public carparks in the village. It is not envisaged that the sale of hot food to takeaway would necessarily increase traffic either by customers or delivery drivers to the premises beyond the existing situation. However, should an increase in visitors by car occur then they are obliged to park lawfully. NYCC Highways Authority have been consulted on the application and have raised no objections on highway safety grounds.

9.28 Nuisance cause by customers

9.29 Neighbours express concern that the proposal would encourage more people to 'hang around' outside the premises and the neighbouring properties. Again it is not envisaged that the provision of hot food to takeaway would necessarily increase the number of people congregating nearby beyond existing conditions. Whether customers purchase hot or cold food items from the menu they may choose to eat them standing outside the premises or walk or drive elsewhere to eat them. There is also a small amount of seating and tables in the deli (which officers consider to be ancillary to the A1 use). The proposal would restrict the opening hours to between 9am and 5pm, which would reduce the likelihood of any antisocial behaviour that may occur from customers visiting the premises later at night, particularly after leaving drinking establishments.

9.30 Litter

9.31 Waste and litter is another particular cause of local concern. At present bins are stored at the side of the property in a walkway between No. 8 Ashville Terrace and the application property. There is additional space for bins to be stored in the rear yard. The business premises already creates a level of waste, and it is not envisaged that this would increase with the proposed increase in sale of hot food to takeaway, and so existing concerns regarding the storage and collection of waste would not change regardless of the outcome of this planning application. One potential change would be an increase in the use of oil to fry the foods. There is a requirement to follow oil storage regulations if a container holds more than 201 litres of oil (www.gov.uk) and this is a point that the applicant should be made aware of. Similarly, with regards to litter, there is no reason why there should be any increase beyond existing levels – both the sale of hot and cold food to takeaway has the potential to generate litter. For these reasons it is not considered reasonable or necessary to impose a planning condition specifying matters relating to storage of waste or the provision of litter bins. However, a planning informative recommending the applicant consider a suitably placed bin for customers to use within the curtilage of the building may be beneficial.

9.32 Health

9.33 A neighbouring resident has pointed out that the proposal would encourage school pupils to eat unhealthily. The deli is within 15 metres of a walkway that serves South Craven Academy. The Design and Access statement submitted with the application sets out that many of the Deli's customers attend the nearby South Craven School. Following a judicial review of an application submitted to the London Borough of Tower Hamlets (2010) the High Court found that the proximity of a hot food takeaway to a school was capable of being a material planning application. A Government document '*Healthy weight, Healthy Lives: a cross-Government strategy for England*' suggests that local planning authorities can use existing planning powers to control more carefully

the number and location of fast food outlets in their local areas. Due to the proximity of the application premises to South Craven Academy the impact of the proposal on school pupils is considered to be a material planning consideration, particularly as the applicant cites many of the customers as attending the school. In this instance however the sale of hot food including burgers, chips, pizzas and pasties would be sold in addition to healthier hot and cold food choices on the menu including sandwiches, jacket potatoes and salads. The deli would continue to offer a variety of food options for customers to choose from, rather than promoting and selling solely unhealthy foods. As such, despite the proximity of the deli to a school, it isn't considered that the proposal would result in harm to the amenity of school pupils that would warrant a refusal of planning permission.

9.34 Other matters

9.35 Adjoining neighbours are concerned that the proposal would result in a higher risk of fires. There is also concern over rats and pests, although the objection raised suggests that the previous mess that prompted this objection has since been cleared. The applicant is responsible for complying with health and safety legislation, and an envisaged risk of fires, or risk of pests, would not be a justified reason to refuse planning permission.

9.36 Neighbours consider the proposal would devalue the price of their homes; this is not a material planning consideration that can be given any weight in determining this application. Finally a neighbour objects to the application as it would adversely affect the medical centre/pharmacy opposite, however no details of the potential impact have been provided.

9.37 **Visual impact;**

9.38 The application proposes the retention of grilles over two ground floor windows, the retention of a roller shutter door that covers the rear pedestrian access door, and the installation of an externally mounted extraction flue. Neighbours have expressed concern that grilles and roller shutter door have an industrial appearance and are not in keeping with the residential area. It is not unusual for business premises to have shutters and grilles, although it is not a feature seen on other properties in this predominantly residential area. However, the shutter and grilles have been installed on the rear elevation of the property, which is only subject to views from neighbouring residents and people who may walk along the cobbled back street. Furthermore, the structures are viewed in the context of the less formal rear elevation of the property and neighbouring properties, where the more functional features (waste pipes, satellite dishes, various heights and styles of boundary treatments and waste bins are located). The structures grilles and roller shutter door are considered to be acceptable in this location, and would not harm the character and appearance of the street scene or wider area.

9.39 The proposed externally mounted flue, due to its position extending above the eaves of the rear elevation, would be subject to public views from along Victoria Road to the south of the site. However it would not be visible from along Holme Lane, which is subject to a higher level of passing public views. As with the window grilles and roller shutter door, whilst a flue is not an unusual feature to see on a commercial building such as this, it would introduce a new feature into this residential area. Again, located on the rear elevation, and viewed in the context of the existing rear elevation features along the street, it is considered that the proposed flue would not harm the character and appearance of the street scene or wider area.

9.40 **Conclusion;**

9.41 Paragraph 14 of the NPPF states that where the development plan is absent, silent or relevant policies are out-of-date, planning permission should be granted unless; any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole.

9.42 In this instance the adverse impacts are the potential nuisance to neighbouring residents by way of noise, odour and other disturbances. However, it is considered that these potential impacts can be reduced or mitigated through the use of planning conditions and appropriate equipment that meets CDC Environmental Health's requirements. The benefits of the development would be the contribution that would be made to the local community and economy.

9.43 It is not considered that the adverse impacts would significantly and demonstrably outweigh the benefits of the development, and planning permission should therefore be granted.

10. Recommendation

10.1 Approval

Conditions

Type T - 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.

Type L - Approved Plans

- 2) This permission relates to the following plans and documents:

- Project No. HAD2675-03 'Location plan';
- Project No. HAD2675-03 'Existing site plans';
- Project No. HAD2675-03 'Proposed floor plans';
- Project No. HAD2675-03 'Proposed elevations';
- 'Design and Access Statement';
- 'Equipment Specification and Data Sheets', received by Craven District Council on 17th February 2017.

Except as provided for by other conditions to this permission, the development shall be carried out in complete accordance with the approved drawings except where conditions indicate otherwise or where alternative details have been subsequently approved following an application for a non-material amendment.

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

Type O - Before the Development is Occupied/Brought into use

- 3) The plant and equipment including including carbon filtration, condenser units and noise attenuation and insulation measures detailed in document 'Equipment Specification and Data Sheets' received by Craven District Council on 17th February 2017 shall be implanted in full accordance with the details supplied before the ancillary A5 hot food takeaway use is brought into use and shall be maintained in efficient working order for the duration of the approved use.
- 4) Notwithstanding the details shown in the submitted document 'Equipment Specification and Data Sheets' received by Craven District Council on 17th February 2017, an appropriate silencer shall be fitted to the fan in the extraction canopy in order to reduce the noise generated by the fan. The silencer shall be installed before the ancillary A5 hot food takeaway use is brought into use and shall be maintained in efficient working order for the duration of the approved use.

Reason (for 3 and 4): To prevent noise and odour nuisance from adversely affecting the amenity of neighbouring residents, and to accord with the National Planning Policy Framework.

- 5) Notwithstanding the details shown in the submitted document 'Equipment Specification and Data Sheets' and in drawing 'Project No. HAD2675-03 proposed elevations' received by Craven District Council on 17th February 2017, the 'Intake Fan' on the rear elevation shall not be installed until details of the 'Intake Fan' (including the specification and noise levels) have been submitted to and

approved in writing by the Local Planning Authority. The intake fan shall be installed in accordance with the approved details and shall be maintained in efficient working order for the duration of the approved use.

Reason: To prevent noise nuisance from adversely affecting the amenity of neighbouring residents, and to accord with the National Planning Policy Framework.

Type F - Ongoing Conditions

- 6) This grant of planning permission is for an A1 retail use with an ancillary A5 hot food takeaway use only. The hot food takeaway use shall at all times be ancillary to the main class A1 retail use.

Reason: In the interests of neighbouring amenity and for the avoidance of doubt as to what is permitted.

- 7) The premises shall not be open for customers or deliveries outside the following hours:-

- 09:00 – 17:00

Reason: In the interests of neighbouring amenity and for the avoidance of doubt as to what is permitted.

- 8) This grant of planning permission only extends to the use of the following equipment for the preparation of hot food; oven, panini grill, microwave, surface mounted double basket fryer, surface mounted griddle and a toaster.

Note: There is no restriction on equipment for the preparation and storage of cold food items and hot and cold drinks.

Reason: To ensure that the variety and types of equipment do not introduce a level of cooking of hot foods that may be detrimental to neighbouring amenity.

Informatives

- 1) There is a requirement to follow oil storage regulations if a container holds more than 201 litres of oil. The applicant is advised to check the relevant regulations at www.gov.uk and to ensure that oil storage at the premises is undertaken in accordance with the regulations at all times.
- 2) The applicant is advised to consider whether a bin, for customers to put their rubbish, would be beneficial on within their ownership to the front of the property (i.e. not on the public highway). It would be advisable to discuss the position of any bin with the occupants of the adjoining properties in order that it can be positioned so as to not adversely affect their amenity or enjoyment of their properties. Please note that a bin that is physically attached to the ground or any structures would require planning permission.

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 requested amended and additional design approaches / information to address the planning issues which have arisen in relation to dealing with this application.

REPORT TO PLANNING COMMITTEE ON 8th August 2017

Application Number: 18/2017/17834

Proposal: Erection of 3 dwellings, associated access and landscaping

Site Address: Former Dalesview Garage Old Road Clapham Lancaster LA2 8EH

On behalf of: McConnell Homes Ltd

Date Registered: 27th February 2017

Expiry Date: 24th April 2017

Case Officer: Mr 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. The application was deferred from the meeting last month to enable Members to visit the site.

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.

4.1 **The National Planning Policy Framework.**

4.2 **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 or where alternative details have subsequently been approved following an application for a non-material amendment.

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

Before you Commence Development

3. 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.
- (v) 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.
- (vi) 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.
- (vii) 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.

REPORT TO PLANNING COMMITTEE ON 8th August 2017

Application Number: 73/2017/18060

Proposal: Application for variation of Condition 2 of planning permission 73/2016/16064, to allow changes in the design of House Type 1 on Plot 1

Site Address: Grange Cottage Kildwick Keighley BD20 9AD

On behalf of: Mr N O Persson

Date Registered: 28th April 2017

Expiry Date: 23rd June 2017

Case Officer: Mr Mark Moore

This application seeks a variation to a planning condition attached to a planning permission that was previously determined by the Planning Committee. For this reason the requested variation must be determined at Committee level.

1. Site Description

- 1.1 The application site lies on the north side of a narrow lane that runs between the settlements of Kildwick and Silsden. It lies immediately to the east of Kildwick Grange and is a rectangular site that was previously occupied by two long, low agricultural buildings that were used for chicken rearing but remained vacant for a number of years.
- 1.2 The access is to the eastern end of the site opening onto the Kildwick - Silsden road at an acute angle. This access also serves Hainsworth House Farm to the north-west of the site.
- 1.3 The site is located outside of development limits in an area defined as open countryside in the Local Plan but is located within Kildwick Grange conservation area and near to Grade II listed buildings at Grange Hall and Grange Farm to the west.

2. Proposal

- 2.1 Planning approval was granted under planning permission ref: 73/2015/16064 for the construction of 4 dwellings to replace poultry sheds that were originally on the application site. The poultry sheds have since been demolished and the houses are now under construction. This permission included a 'land swap' in which the eastern part of the site was removed from the area to be developed in favour of an extension of the western part of the site northwards.
- 2.2 The planning permission included a condition (no.2) that specified the approved plans. It is now proposed to undertake changes to the design of the house approved on plot 1 and therefore it is necessary to vary the approved plans condition in order to supplement the previous plans with the revised plans.
- 2.3 Plot 1 is located at the south-east corner of the application site adjacent to the shared site entrance. On the original planning permission the house type on plot 1 differs from that of plot nos. 2 to 4. It is now proposed to construct a house on plot 1 to replicate the other 3 plots. The use of materials would match those of the houses currently under construction.

3 Planning History

- 3.1 5/73/54: Outline Application for erection of dwelling for agricultural worker. Refused December 1990. Appeal dismissed July 1991.
- 3.2 5/73/83: Erection of poultry shed. Conditional Approval 20 June 1996.
These two permissions relate to the application site. There is a lengthy history in relation to the Grange settlement to the west, including conversions and rebuilding of agricultural buildings to form dwellings.
- 3.3 73/2004/4630: Proposed demolition of existing chicken factory and erection of four dwellings. Refused October 2004.
- 3.4 73/2004/4999: Proposed demolition of existing chicken factory and erection of three detached dwellings. An area of tree planting was also indicated within the site boundary. Refused February 2005.
- 3.5 73/2005/5173: Proposed demolition of existing chicken factory and construction of two dwellings. This application was withdrawn before any decision was made.
- 3.6 73/2005/5360: Proposed erection of two dwellings on the site of the former agricultural buildings. Refused 28 June 2005. An appeal was also dismissed
- 3.7 73/2005/5780: Proposed erection of two houses. Refused December 2005.
- 3.8 73/2007/7479: Conversion of redundant chicken sheds to small workshop units. Approved July 2007.
- 3.9 73/2007/7917: Demolition of existing chicken sheds and erection of two workshops. Refused November 2007. The refusal was based on the fact that the existing buildings on the site had permission for re-use and that new building would not be appropriate in this rural setting.
- 3.10 73/2007/8238: Amendments to approved planning application 73/2007/7479. Approved February 2008.
- 3.11 73/2010/11242: Discharge of conditions 4, 5 & 7 of planning approval 73/2007/8238 for the conversion of redundant chicken sheds to small workshop units (amended scheme to approval 73/2007/7479). Conditions discharged.
- 3.12 73/2013/13298: Demolition of existing business/light industrial units, change of use of land to C3 Residential and construction of four detached houses. Withdrawn December 2014.
- 3.13 73/2014/15178: Demolition Of Existing Business/ Light Industrial Units, Change Of Use Of Land To C3 Residential And Construction Of Four Detached Houses. Withdrawn December 2014.
- 3.11 73/2015/16064: Demolition of existing light industrial units and construction of 4 new houses and associated access and external works. Approved February 2016.
- 3.12 73/2016/17092: Application to wholly discharge condition No 3 and discharge wall and roof materials to condition No. 6 of original planning consent reference 73/2015/16064. Approved September 2016.
- 3.13 73/2016/17461 Discharge of condition no.6 of planning permission ref: 73/2014/16064. Invalid.
- 3.14 73/2016/17460: Application for variation of condition no 5 of previously approved application reference (73/2015/16064). Approved December 2016.

4 Planning Policy Background

4.1 **The National Planning Policy Framework**

4.2 **National Planning Practice Guidance.**

4.3 **Saved Local Plan Policies:**

ENV1: Development in the Open Countryside

ENV2: Requirements for Development in the Open Countryside

ENV10: Protection of Trees and Woodlands.

T2: Road Hierarchy

5 Parish/Town Council Comments

5.2 **Kildwick Parish Meeting:** No comments received.

6 Consultations

6.2 None.

7 Representations

7.2 No comments received.

8 Summary of Principal Planning Issues

8.2 The visual impact arising from the proposed variation.

9 Analysis

The proposed variation would result in a development on plot 1 that would match the remaining 3 houses on the remainder of the development site. It is considered that the proposed house type is acceptable and there are no grounds to object to the proposed substitution which would have no adverse visual impact or result in any harm to the significance of the heritage assets of the Kildwick conservation area or nearby listed buildings.

10 Recommendation

10.1 That condition 2 is varied.

Conditions

Time Limit for Commencement

1. **(Condition no longer applicable as development has commenced).**

Approved Plans

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

- Drawing nos. 002 revision B and 003 revision A received by the local planning authority on 26th January 2016 (under planning permission ref: 73/2015/16064).
- Drawing no. 001 received by the local planning authority on 27th April 2017.
- and the Design Access and Heritage Statement and Bat, barn Owl and Nesting Survey received on 29th July 2015 (under planning permission ref: 73/2015/16064).

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

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

Before you Commence Development

3. **(Condition deleted as now discharged).**

4. **(Condition deleted as now discharged).**

5. **(Amended condition)** Prior to the commencement of the development hereby approved a scheme for landscaping, including a detailed tree survey and scheme of planting of trees and/or shrubs shall be submitted to and approved by the Local Planning Authority and shall specify types and species, a

programme of planting and the timing of implementation of the scheme, including any earthworks required.

The development shall be undertaken in accordance with the approved landscaping scheme and shall be maintained at all times thereafter.

Reason: In the interests of visual amenity.

During Building Works

6. **(Condition deleted)**

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

Reason: In the interests of visual amenity.

Before the Development is Occupied/First Brought into Use

8. 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.

9. **(Amended condition):** None of the dwellings hereby approved shall be occupied until all materials arising from the demolition of the poultry sheds have been permanently removed from the site.

Reason: In the interests of visual amenity.

Informatives:

1. During construction/demolition, there is a potential for noise nuisance to nearby residential properties. To safeguard the living conditions of nearby residents particularly with regard to the effects of noise the operating times for demolition/construction should be limited to:

- 0730 to 1800 Monday to Friday
- 0800 to 1300 Saturday
- No Sunday or Bank Holiday working.

2. Regard should be had for the safe removal of any potentially 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.

3. The developer is strongly advised to ensure that the proposal complies with the requirements of the Planning Practice Guidance and the Environment Agency's Pollution Prevention Guidance Note 4.

The Planning Practice Guidance and the Environment Agency's Pollution Prevention Guidance Note 4 clearly set out a foul drainage hierarchy which aims to encourage foul drainage disposal to a mains sewer system whenever one is available.

Where a mains sewer connection cannot be achieved, applicants must first consider the use of a package treatment plant discharging to a soakaway. Provided there is sufficient land available and the

ground conditions are such that a soakaway will be effective, the ground will provide additional attenuation to the quality of the water discharged. A septic tank discharged to soakaway may also be acceptable in some circumstances.

If neither the use of a soakaway or a direct discharge is possible, consideration may then be given to the use of a system without any discharge such as a sealed cess pool or chemical toilet. Such sealed systems are a last resort given their need to be regularly emptied and their capacity to overflow or be breached. The traffic impacts and carbon emissions associated with regular emptying, and the risk that they may discharge raw sewage direct to the water environment means these solutions have the potential to render such a development unsustainable.

In addition, the developer may also require an Environmental Permit from the Environment Agency for water discharge activity. You are advised to contact the National Permitting Service (Tel. 08708 506506) at the earliest opportunity.

For more general advice, applicants are advised to refer to the Environment Agency's Pollution Prevention Guidance Note number 4 via:

(<http://publications.environmentagency.gov.uk/pdf/PMHO0706BJGL-E-E.pdf?lang=e>).

4. Advice to applicant in relation to contaminated land - It is recommended that developers should:
 - i) Follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination, when dealing with land affected by contamination.
 - ii) Refer to the Environment Agency Guiding Principles for Land Contamination for the type of information that we require in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, such as human health.
 - iii) Refer to our guiding principles on groundwater protection are set out in our document GP3 - Groundwater Protection Policy and Practice, which is intended to be used by anyone interested in groundwater and particularly those proposing an activity which may impact groundwater.
GP3 is available on the Environment Agency website at:
<http://www.environmentagency.gov.uk/research/library/publications/40741.aspx>
 - iv) Refer to the Environment Agency website at; www.environment-agency.gov.uk for more information.

5. All bats and their roosts are fully protected under the Wildlife and Countryside Act 1981 (as amended by the Countryside and Rights of Way Act 2000) and are further protected under Regulation 39(1) of the Conservation (Natural Habitats etc) Regulations 1994. Should any bats or evidence of bats be found prior to or during development, work must stop immediately and Natural England contacted on 0300-060-3900 for further advice. This is a legal requirement under the Wildlife and Countryside Act 1981 (as amended) and applies to whoever carries out the work. All contractors on site should be made aware of this requirement and given information to contact Natural England or the Bat Conservation Trust national helpline on 0345 1300 228.

As bats are a European protected species, a bat handling licence is required to move them. Therefore, the Trust recommends that if any bats are found, that a suitably qualified ecologist is contacted immediately to relocate the bat.

The Trust also recommends that a bat box be installed on the site, prior to commencing demolition works, so that any bats can be easily relocated to a suitable environment.

Statement of Positive Engagement: -

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

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

Discharge of Condition(s)

1. The developer should note that Condition Nos 5 and 7 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.

REPORT TO PLANNING COMMITTEE ON 8th August 2017

Application Number: 08/2017/17887

Proposal: Demolition of existing dwelling and industrial unit and erection of a residential development of 16 dwellings comprising of detached, semi-detached and terraced houses, including 6 affordable homes

Site Address: 1 Felstead Low Bentham Road High Bentham LA2 7BP

On behalf of: Carr & Stocks Development Ltd

Date Registered: 9th March 2017

Expiry Date: 8th June 2017

Case Officer: Mr Mark Moore

This application is referred to the Planning Committee as it is a departure from the development plan.

1. Site Description

- 1.1 The application site lies between High and Low Bentham on the south side of Low Bentham Road. It originally comprised a large detached residential property on the northern part of the site fronting Low Bentham Road and a large commercial shed structure on the southern part of the site. These structures have subsequently been demolished and the site is presently vacant.
- 1.2 There is an existing access to the site located to the north
- 1.3 The commercial premises was originally an agricultural building and was subsequently occupied by E and SJ Pearson who ran a manufacturing company fabricating trailers for HGV's and other commercial vehicles including livestock wagons and horseboxes. There is no record of a planning permission for this use however it is apparent that the business had operated on the site since approximately 1979 and it is therefore considered that the lawful use of the site falls within B2 'General Industry' of the Use Classes Order.
- 1.4 The site lies within open countryside as defined in the adopted Local Plan and is outside of the development limits for both High and Low Bentham.
- 1.5 To the east and west of the application site is 'green wedge' as defined by Saved Local Plan Policy BE3 although the site itself is not within the area covered by this policy.
- 1.6 There is a ribbon of residential development located on the opposite side of the road to the north west of the site and a residential barn immediately to the south. Notwithstanding, the site is generally situated in a fairly prominent position with an open rural aspect.
- 1.7 Although there were a number of trees originally on the site these have been removed and only a single cherry tree located on the western boundary now remains. The site does not have any other distinguishing features or characteristics.

2. Proposal

- 2.1 Permission is sought to construct 16 dwellings on the site comprising a mix of detached, semi-detached and terraced properties arranged around a single access road connected to Low Bentham Road at the northern end of the site.
- 2.2 The proposed houses would be two-storeys and the configuration would be a terraced row of four properties fronting the main road, a pair of semi-detached houses immediately to the rear of those and the remainder of the development comprised of detached properties.
- 2.3 The proposed housing mix would be:
 - 4 x 2 bedroom
 - 4 x 3 bedroom
 - 8 x 4 bedroom
- 2.4 It is proposed to provide a 40% affordable housing contribution comprising 6 dwellings (4 x 2 bedroom and 2 x 3 bedroom). The affordable housing has been discussed and agreed with CDC Strategic Housing prior to submission of the application.
- 2.5 The housing would be constructed from a mix of materials including stone, render and slate roofing. Windows would be grey upvc set within stone surrounds.
- 2.6 It is proposed to provide 50 vehicle parking spaces across the development which includes 6 visitor spaces. Parking would be a mix of hard standing and garaging.
- 2.7 The development would incorporate tree planting and landscaping with rear garden boundaries defined by timber fencing.

3. Planning History

- 3.1 5/8/161: Change of use from hatchery to storage. Approved May 1978
- 3.2 5/8/161/A: Erection of prefabricated scout hut. Approved October 1978
- 3.3 08/2000/524: Construction of new access and stopping up of existing access. Withdrawn
- 3.4 08/2000/843: Alterations and change of use of out-barn to provide farm holiday accommodation and construction of new access. Approved March 2001.

Officer Note: This permission relates to a barn to the south of the application site with new access to be provided.

- 3.5 08/2004/4964: Erection of block of six flats and eleven houses, demolition of existing house and workshop, construction of new vehicular access. Refused April 2005.
- 3.6 Also of relevance to the east of the application site is NY/2010/0504/FUL: Erection of a new primary school including change of use of land currently in agricultural use to provide ancillary sports facilities and formation of new vehicular and pedestrian access. The school has now been constructed.
- 3.7 08/2011/11560: Outline planning permission for residential development Approved 23.8.2011.
- 3.8 08/2014/15067: Residential development. Approved April 2015.

4. Planning Policy Background

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

ENV1: Development in Open Countryside

ENV2: Requirements for Development in Open Countryside

BE3: Green Wedges

EMP7: Change of Use from Industrial to Non-Industrial

T2: Road Hierarchy

4.2 **The National Planning Policy Framework.**

4.3 **National Planning Policy Guidance**

5. Parish/Town Council Comments

5.2 **Bentham Town Council:**

The Council is happy with the application as long as NYCC Highways have no issues with the access and the potential number of vehicles – although in this case access is wider and will allow vehicles to pass.

6. Consultations

6.1 **CDC Strategic Housing:**

The applicants have submitted an application for the development of 16 dwellings including the provision of 6 affordable homes, equating to 40% onsite provision.

Craven District Council has substantial unmet affordable housing need for 145 homes per year, evidence of which is provided within the SHMA 2016. The SHMA further evidences the affordable tenure split to meet identified need stating '*In terms of tenure, a split of 15%-25% intermediate tenure and 75%-85% affordable rented would be recommended*'. Further evidence of need can be found in the form of the Housing Waiting List (North Yorkshire Homechoice) which currently has 470 people registered for affordable housing in the Craven District (May 2017).

The consequences of not meeting housing need are severe as sections of the community will lose the opportunity to access housing that meets their needs. Furthermore, developments consisting solely of market housing will not deliver mixed and inclusive residential communities.

The provision of these 6 affordable homes will help to address significant affordable housing need and is in line with emerging policy.

The mix provided has been assessed as acceptable following a viability exercise and comprises:

- 4 x 2 bed homes at 70sqm plots 1-4
- 2 x 3 bed homes at 85sqm. Plots 5-6

The units will be transferred to a Registered Provider, nominated by the council at transfer values of £1000 per sqm, this is irrespective of tenure.

Strategic housing has no objections to the application.

6.2 **CDC Trees Officer:**

The site has been almost completely cleared of any trees at some point in the recent past, some of which appeared to be decent quality, medium/ large specimens visible from along the road. The only tree left on site is a small cherry tree on the western boundary which is of relatively low quality and not worthy of a Tree Preservation Order. Protective fencing should still be installed to BS 5837 (2012) to retain this established tree during construction.

The site sits between two open fields along the main road in Bentham and is therefore a relatively high impact site visually. Should the application be granted permission request that landscaping plans are conditioned which include some high quality trees including some large trees planted along the boundaries to lessen the impact from along the road and from the open countryside to the south.

6.3 **CDC Sports Development Officer:**

The application triggers the saved policy requirement under SRC2 for the provision of play and recreation to meet the needs generated by the development. There is no on-site POS proposed as part of the scheme but there is an identified local quality deficiency. The SDO considers that this application is acceptable in relation to saved Local Plan Policy SRC2 subject to an off-site contribution of £46,000 to address the quality deficiency in play and recreation provision in Bentham.

6.4 **NYCC Highways:**

The Highways engineer has commented that visibility at the site entrance has been proven acceptable by radar speed gun. Consequently no objections are raised and it is recommended that planning permission is granted subject to conditions that require approval of highway construction and layout, limitations to garage conversions and the management of construction traffic

6.5 **NYCC SuDS Officer:**

National Planning Policy Framework (NPPF) and House of Commons Written Statement HCWS161 require planning authorities to ensure that sustainable drainage systems for the management of runoff are put in place unless demonstrated to be inappropriate. Planning authorities must also ensure that through the use of planning conditions or planning obligations there are clear arrangements in place for ongoing maintenance over the lifetime of the development. There has not been sufficient information submitted with this application to enable a response on the propriety of surface water management proposals. Information requirements are detailed in North Yorkshire County Council SuDS Design Guidance.

6.6 **United Utilities:**

No objections. Recommend conditions to ensure details of surface water drainage are satisfactory and appropriately managed.

6.7 **Police Designing Out Crime Officer:**

No objections subject to a condition that requires prior approval of any crime prevention measures that are to be incorporated into the development.

7. Representations

7.1 One representation has been received raising the following objection:

- 'The site was originally passed we believe with permission for 7 houses which would improve the site without doubt. We believe the site was turned down for an application to build 17 houses a few years ago on the grounds of it being considered a 'large scale development' and we think that 16 is still too many for the site and the location as it is in open countryside, and would generate too much traffic onto a busy road with limited visibility and close to a primary school'.

Officer note: The above comments relate to planning application ref: 08/2004/4964 which sought approval for a block of 6 flats and 11 houses. This application was for a different development to the one currently proposed and moreover was determined in 2005 prior to the NPPF (2012). Whilst it is necessary to consider each proposal of its own planning merits it is considered that for the above reasons the previous decision of the Council has no significant weight in the determination of the current planning application.

8. Summary of Principal Planning Issues

8.1 Principle of development.

8.2 Scale, design and impact on the character of the area and the green wedge.

8.3 Residential amenity.

8.4 Highway safety.

8.5 Drainage.

9. Analysis

Principle of development

- 9.1 The application site has been cleared of the house and commercial buildings that were originally sited there. Of particular relevance is the fact that the application site has planning permission for a residential development of 7 houses that was granted in 2015 (ref: 08/2014/15067). As this permission remains extant it is material to the consideration of this application and it is the case that the Council has now determined that the site is suitable for residential development.
- 9.2 There have been no changes in local or national planning policies since that decision was made and therefore the principle of residential development of the site has already been established and does not need to be re-considered.
- 9.3 In terms of the principle of development there are no specific policy restrictions that would limit the numbers of dwellings within the site. It is also noted that the NPPF advocates that there is a presumption in favour of all forms of sustainable development particularly where it can be demonstrated that development constitutes an effective re-use of previously developed land as is the case here. The only matters for consideration in respect of the current proposal are therefore the impacts arising from the changes to the scheme, principally from the increase in the number of houses from 7 to 16 and the changes to the proposed housing mix.
- 9.4 In terms of a comparison to the extant planning approval there is no doubt that the current application represents an intensification of the development of the site by the proposed increase of 9 houses. It is considered that this actually represents a more efficient use of land whilst also providing an opportunity to provide a broader mix of housing across the site i.e. 2, 3 and 4 bedroom properties. It is also necessary to consider the fact that, unlike the extant outline planning permission, the current scheme triggers requirements for affordable housing and public open space whilst making a greater contribution towards the Council's housing land supply.
- 9.5 On balance, it is considered that the proposed development of the site, and more specifically the intensification of the land use, does not raise any issues in terms of the principle of development.

Scale, design and impact on the character of the area and the green wedge:

- 9.6 The application site comprises a previously developed site located in open countryside which originally featured a large dwelling house and a fairly substantial commercial building both of which were prominent and clearly visible from Low Bentham Road. Although partially screened by existing tree and shrub planting the buildings on the site were visible from long range views and were much larger in relation to the surrounding built development. The site was also generally unkempt and had various scrap vehicles and waste materials stored throughout, although this is not in itself material to consideration of this application. It is also necessary to consider that the site has now been cleared and therefore is relatively featureless.
- 9.7 Of particular note is the fact that, in addition to the location of the site in open countryside, it is located between, but not within, the open land between Low and High Bentham classed as 'green wedge' under Saved Local Plan policy BE3. The purpose of the 'green wedge' is to maintain and reinforce the individual character of the nearby settlements and to prevent their physical coalescence by restricting developments that might compromise the gap between them.
- 9.8 In this case it has to be acknowledged that the site is previously developed and therefore remains potentially available for commercial re-development. It is the case that whether re-developed or developed in accordance with the extant planning permission the site would remain a physical, visual barrier which would appear as a pocket of developed land located within the allocated green wedge areas. It could be reasonably argued that residential development, suitably designed and laid out, would be less visually intrusive than commercial development of the site and also that the proposals would have negligible impact in terms of undermining the purposes of the designated 'green wedge'. It is also noted that the criteria upon which this site must be assessed would not apply to the adjacent land, which is 'green wedge' and therefore granting permission has not set a precedent in relation to policy BE3.

- 9.9 In summary, it is not considered that the proposal would be contrary to the aims and objectives of Saved Local Plan policy BE3. The guidance in the NPPF, which at paragraph 17 sets out a requirement to take account of the different roles and different character of different areas, is not considered to change that position.
- 9.10 In consideration of the details of the proposal it is necessary to draw comparisons with the extant approval although in doing so it is also important to recognise that the outline planning permission only sought approval for the principle of development and access and therefore only included illustrative plans. The relevant point is that more development on the site would arguably have a greater visual impact and it is this matter that consequently bears some consideration.
- 9.11 The proposed development, with the exception of the terraced row fronting the main road, would be arranged around the periphery of the site and facing inwards towards a shared access road. The development would also be two-storeys throughout and therefore of a scale that would be appropriate in the wider street scene. The proposals show some small pockets of landscaping to the southern and western boundaries but otherwise the site boundaries would be defined by timber fencing. Notwithstanding, it is considered that the layout would represent good design that would not be visually intrusive or result in any adverse impact in the wider landscape that would warrant refusal of planning permission. In coming to this view it is considered that the detailed proposals in the current scheme would have no significantly greater visual impact than the extant outline planning approval. In addition it is proposed to include conditions that would require approval of building materials, boundary treatments and landscaping which would allow detailed consideration of these matters in order to ensure the development would be in keeping with the surroundings.
- 9.12 In summary it is considered that the proposal is acceptable in terms of scale, design and visual impact.
- Residential amenity:
- 9.13 The development site is located such that the nearest residential properties are located to the northern side of Low Bentham Road (Burrow Barn) and to the south (Bellfleckers Barn). Neither of these properties would be adversely impacted upon by the proposed development and would not suffer any significant loss of outlook, privacy or loss of light. The increased number of houses would arguably result in more activity and noise than the smaller extant approval but this is not considered to be a factor that would constitute grounds for refusal of planning permission.
- Highway safety:
- 9.14 No objections to the application have been raised by NYCC Highways and it is considered the proposed development is acceptable in terms of highway safety. In coming to this view it is noted that the proposal is a more intensive development than the extant planning permission. Notwithstanding, it is not considered that the increased number of houses would give rise to any significantly adverse cumulative impacts on highway safety. Accordingly, the proposal is considered to be acceptable in this respect.
- Summary
- 9.15 The proposal seeks re-development of a site comprising previously developed land. Notwithstanding its location outside development limits and sandwiched between a 'green wedge' part of which has now been developed for a school, it is considered that the proposed residential development can be justified both in terms of the loss of employment land and the principle of developing a site in open countryside. Moreover, the proposal is considered to be acceptable in terms of amenity issues and highway safety. It is considered that any adverse impact arising from the development would not significantly and demonstrably outweigh the benefits of providing housing on a site in a sustainable location and therefore the requirements of paragraph 14 of the NPPF have been met.
10. Recommendation
- 10.1 **That Members resolve to grant delegated authority to the Strategic Manager for Planning & Regeneration to grant planning permission subject to the applicant first entering into a S106 Planning Obligation to secure the following:**
- **A scheme for the contribution of affordable housing.**

- **The provision of commuted sums for off-site Public Open Space .**

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. The development shall not be carried out other than wholly in accordance with the following drawing nos. received by the local planning authority on the 9th March 2017:

- (02) 001, 002 revision A, 003 revision C, 010, 011, 012, 013, 014, 015, 016, 020, 021, 022, 023, 024 and 025
- Design and Access Statement.

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

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

a. Detailed engineering drawings to a scale of not less than 1:250 and based upon an accurate survey showing:

- the proposed highway layout including the highway boundary
- dimensions of any carriageway, cycleway, footway, and verges
- visibility splays
- the proposed buildings and site layout, including levels
- accesses and driveways
- drainage and sewerage system
- lining and signing
- traffic calming measures
- all types of surfacing (including tactiles), kerbing and edging.

b. Longitudinal sections to a scale of not less than 1:500 horizontal and not less than 1:50 vertical along the centre line of each proposed road showing:

- the existing ground level
- the proposed road channel and centre line levels
- full details of surface water drainage proposals.

c. Full highway construction details including:

- typical highway cross-sections to scale of not less than 1:50 showing a specification for all the types of construction proposed for carriageways, cycleways and footways/footpaths
 - when requested cross sections at regular intervals along the proposed roads showing the existing and proposed ground levels
 - kerb and edging construction details
 - typical drainage construction details.
- d. Details of the method and means of surface water disposal.
 - e. Details of all proposed street lighting.
 - f. Drawings for the proposed new roads and footways/footpaths giving all relevant dimensions for their setting out including reference dimensions to existing features.
 - g. Full working drawings for any structures which affect or form part of the highway network.
 - h. A programme for completing the works. The development shall only be carried out in full compliance with the approved drawings and details unless agreed otherwise in writing by the Local Planning Authority with the Local Planning Authority in consultation with the Highway Authority.

INFORMATIVE

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

Reason: In order to secure an appropriate highway constructed to an adoptable standard in the interests of highway safety and the amenity and convenience of highway users.

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

Reason: In the interests of highway safety.

5. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the access(es) to the site have been set out and constructed in accordance with the published Specification 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 6 metres back from the carriageway of the existing highway and shall not be able to swing over the existing or proposed highway.
 - (iv) Provision to prevent surface water from the site/plot discharging onto the existing or proposed highway shall be constructed in accordance with the approved details, and/or the specification of the Highway Authority, and maintained thereafter to prevent such discharges.
 - (v) The final surfacing of any private access within 6 metres of the public highway shall not contain any loose material that is capable of being drawn on to the existing or proposed public highway.

- (vi) Provision of tactile paving in accordance with the current Government guidance. All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.

INFORMATIVE

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

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

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

Reason: In order to ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.

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

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

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

Reason: To ensure use of appropriate materials which are sympathetic to the character of the surrounding area and the street scene in accordance with the requirements of the National Planning Policy Framework.

9. Notwithstanding any details shown on the approved plans and supporting documentation of this permission, no above ground works shall take place until details of all windows and doors have been

submitted to and approved in writing by the Local Planning Authority. Such details shall include their design, materials (including sill and lintel treatments), finishes, colour treatment, reveals and opening profile. The windows and doors shall be installed in accordance with the duly approved details before any of the [dwellings/apartments hereby approved are first occupied, and shall be retained as such thereafter.

Reason: To ensure use of appropriate materials which are sympathetic to the character of the building and its surroundings in the interests of visual amenity in accordance with the National Planning Policy Framework.

10. No above ground works shall take place until a scheme for the disposal of foul and surface water from the site has been submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing with the Local Planning Authority, the scheme shall include:
- (i) separate systems for the disposal of foul and surface water;
 - (ii) details of the rate of surface water discharge from the site to any soakaway, watercourse or surface water sewer for the 1 in 1 year and 1 in 100 year rainfall events (including an appropriate allowance for climate change), which shall not exceed the pre-development rate;
 - (iii) details of any necessary flow attenuation measures, including the use of SUDS where appropriate;
 - (iv) evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltrations rates;
 - (v) details of flood exceedance routes (both on and off site);
 - (vi) details of how surface water will be managed and pollution prevented during the construction phase;
 - (vii) a timetable for implementation, including details of any phased delivery; and
 - (viii) details of a management and maintenance plan for the drainage system after completion, including any arrangements for adoption by an appropriate public body or statutory undertaker.

The scheme shall be implemented in accordance with the duly approved details before any of the dwellings hereby approved are first occupied, and maintained as such thereafter.

Reason: To ensure that the development is not at risk of flooding and does not increase flood risk elsewhere, and that adequate measures are put in place for the disposal of foul and surface water in accordance with the requirements of the National Planning Policy Framework.

During Building Works

11. All doors and windows on elevations of the building(s) adjacent to the existing and/or proposed highway shall be constructed and installed such that from the level of the adjacent highway for a height of 2.4 metres they do not open over the public highway and above 2.4 metres no part of an open door or window shall come within 0.5 metres of the carriageway. Any future replacement doors and windows shall also comply with this requirement.

Reason: In order to protect pedestrians and other highway users.

12. Notwithstanding any details shown on the approved plans and the requirements of condition 2 of this permission, within 3 months of development first taking place details of the siting, height, design, materials and finish of all boundary treatments to the site shall be submitted to and approved in writing by the Local Planning Authority. The duly approved boundary treatments shall be constructed in full accordance with the approved details before any part of the development hereby approved is first occupied, and shall be retained as such thereafter.

Reason: In the interests of site security and to ensure a satisfactory relationship with the character of surrounding buildings and the street scene in accordance with the requirements of the NPPF.

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

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

Before the Development is Occupied/First Brought into Use

14. No dwelling to which this planning permission relates shall be occupied until the carriageway and any footway/footpath from which it gains access is constructed to basecourse macadam level and/or block paved and kerbed and connected to the existing highway network with street lighting installed and in operation. The completion of all road works, including any phasing, shall be in accordance with a programme approved in writing with the Local Planning Authority in consultation with the Highway Authority before the first dwelling of the development is occupied.

Reason: In order to ensure safe and appropriate access and egress to the dwellings, in the interests of highway safety and the convenience of prospective residents.

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

Reason: In 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.

16. No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas.
- a. have been constructed in accordance with the approved plans.
 - b. have been constructed in accordance with the approved plans
 - c. are available for use unless otherwise approved in writing by the Local Planning Authority.

Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

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

Ongoing Conditions

17. There shall be no access or egress between the highway and the application site by any vehicles other than via the existing access with the public highway. The access shall be maintained in a safe manner

which shall include the repair of any damage to the existing adopted highway occurring during construction.

Reason: In the interests of both vehicle and pedestrian safety and the visual amenity of the area.

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

Reason: In order 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

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.

Discharge of Condition(s)

1. The developer should note that Condition Nos. 3, 4, 5, 6, 7, 8, 9, 10, 12, 13 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.

REPORT TO PLANNING COMMITTEE ON 8th August 2017

Application Number: 22/2017/18068

Proposal: Outline application for the demolition of existing buildings and a residential development of up to three dwellings with associated garages (access applied for with all other matters reserved)

Site Address: Lumb Mill Farm Carr Head Lane Cowling Keighley BD20 8DX

On behalf of: Mr Martyn Jennings

Date Registered: 5th May 2017

Expiry Date: 30th June 2017

Case Officer: Mr Matthew Taylor

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

1. Site Description

- 1.1 The application relates to a group of buildings and a hardstanding yard area associated with Lumb Mill Farm fronting onto Carr Head Lane, Cowling. The site follows a square-shaped footprint measuring approximately 1980 square metres in area. To the northern end there is a large, portal-framed agricultural building finished in concrete block and a cement fibre roof. The building has a steep, dual-pitched roof presenting two storey high facing gables to the front (north) and rear (south) elevations. A two storey stone barn is attached to the northeast corner of the agricultural building and a series of single storey, lean-to additions have been made to the east side abutting an access drive to Lumb Mill Barn.
- 1.2 The site has an existing vehicle access to the northwest corner which merges with a gravel access track. This track opens onto a hardstanding apron to the rear of the buildings. Silage is stored externally on a gravel courtyard to the southwest corner of the site which is separated from adjoining fields by a low post-and-wire fence. A row of semi-mature trees are located to the southeast corner of the building.
- 1.3 The site falls outside the Development Limits identified on the Craven District (Outside the Yorkshire Dales National Park) Local Plan Proposals Map and is therefore located within the open countryside. A row of three dwellings follow a linear pattern fronting onto Carr Head Lane to the east and have gardens backing onto open fields to the south. Two detached buildings at Lumb Ghyll are located to the east of the terrace at the junction with Lumb Mill Bridge. The site is bounded by open fields to the south and west which fall away towards the watercourse of Lumb Mill Beck to the south. The opposite side of Carr Head Lane comprises open agricultural land.

2. Proposal

- 2.1 The application is submitted in outline and seeks permission for the demolition of the existing agricultural buildings and the erection of up to three dwellings with associated garages in their place. Access is the only matter applied for at this stage, with issues of layout, scale, external appearance and landscaping being reserved for later consideration. The development site includes the existing buildings and hardstanding yard and access areas to the south and west, but omits the external silage store and adjoining field parcel to the southwest and southeast of the buildings.

2.2 An indicative layout has been submitted as part of the scheme in order to demonstrate how the proposed development could be brought forward on the site. This shows a row of three dwellings substantially following the footprint of the existing agricultural buildings flanking Carr Head Lane to the northern end of the site, with garages and parking on the existing hardstanding areas to the southwest corner. Properties would be set in rectangular plots with elongated gardens backing onto the adjoining field to the south. The existing row of trees to the southeast corner would be retained and incorporated into the gardens of the dwellings. The existing midden to the western boundary would be removed and additional landscaping introduced to the southwest corner to screen the development from the adjoining field.

2.3 The existing access to the northwest corner of the site onto Carr Head Lane would be retained and would provide a visibility splay of 2.4m x 90m in both directions at its junction with the highway. The access would merge with a 5m wide driveway entering the site which would open onto a courtyard providing two off-road parking spaces for each dwelling, including a garage serving each property.

3. **Planning History**

3.1 5/22/117 – Use of existing buildings for preparation of animal feeds – Approved 28/04/1978.

3.2 5/22/117B – Conversion of stone building for residential purposes – Refused 01/12/1978.

3.3 5/22/117C – Change of use of existing building from agriculture to servicing and garaging of contractor's wagons – Refused 01/12/1978.

4. **Planning Policy**

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

4.2 **National Policy:**

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

4.3 **CDLP:**

ENV1 – Development in the Open Countryside
ENV2 – Requirements for Development in Open Countryside
ENV10 – Protection of Trees and Woodlands
T2 – Road Hierarchy

5. **Parish/Town Council Comments**

5.1 *Cowling Parish Council* - Indicated that they have no comments to make.

6. **Consultations**

6.1 *NYCC Highways* - No objections. Comments as follows:

- Visibility at the site access is acceptable. Conditions should be attached to any permission granted requiring:
 - Details of the design and construction of the access.
 - The retention of shared access, turning and parking areas.
 - The retention of garages for vehicle parking in order to prevent their conversion to extended residential accommodation.

6.2 *Yorkshire Water* – Advised that they have no observations.

7. **Representations**

7.1 The appropriate neighbouring properties were notified of the application by letter. In addition, as the proposal represents a departure from the provisions of the CDLP, notices were also posted on site and

in the local press. Four letters of representation have been received in connection with the application. The points made in the letters are summarised as follows:

- The address given for the site is incorrect.

Officer note: The address for the site has been altered following clarification from the applicant and the application was re-publicised following the receipt of these revised details.

- The submitted plans show a connection to a sewer which runs down Carr Head Lane. There are five property specific pipes running from Colne Road, but these do not provide a water supply to the site.
- Although an incremental strain on existing services the development will put pressure on already under provisioned highway and utility services.
- The development will result in a visual improvement to existing buildings on the site. However, any approval of this scheme should not set a precedent for future development of the fields adjacent to the site.

8. **Main Issues**

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

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

8.2 Having regard to the relevant national and local planning policies, the site’s designation within the CDLP, the representations received and the nature of the development applied for, it is considered that the main issues in this case are:

1. The principle of residential development on the site.
2. The development’s effects on the character and appearance of the area.
3. The development’s impact on the amenity of surrounding occupiers.
4. The scheme’s effects on highway safety.

9 **Analysis**

Procedural matters

9.1 The indicative layout initially submitted with the application showed a development of four dwellings and the postcode given for the site referred to an address away from the land in question. The applicant subsequently submitted amended information on 16 June reducing the number of dwellings to three (including an updated indicative layout), reducing the area of the site to be developed and clarifying the site address.

9.2 Following the receipt of amended details the description of development and site address were updated and the amended application was re-advertised by neighbour letter, site notice and press notice. The application is now being assessed in accordance with the amended plans and information submitted on 16 June.

9.3 The application is submitted in outline with access being the only matter applied for. Accordingly, the only matters which would be fixed as part of this application are the amount of development (the maximum number of dwellings in this case) and the means of access to the site. Matters of layout, scale, external appearance and landscaping are reserved for future consideration and are not before

the Council for detailed assessment as part of this application. The submitted layout is for indicative purposes only to demonstrate how a development of the size proposed could be accommodated on the site.

Principle of development

- 9.4 The site falls outside the development limits defined on the CDLP Proposals Map and, accordingly, is within the open countryside. CDLP policy ENV1 indicates that the Council will protect the character and quality of the open countryside and prevent this from being spoilt by sporadic development. The policy states that appropriate small scale development which has a rural character will only be permitted in the Open Countryside where it:
- Clearly benefits the rural economy;
 - Helps to maintain or enhance landscape character;
 - Is essential for the efficient operation of agriculture or forestry; or
 - Is essential to the needs of the rural community.
- 9.5 Paragraph 215 of the NPPF states that decision takers may give weight to relevant policies in adopted development plan documents according to their degree of consistency with the Framework. As the CDLP was adopted in 1999, in instances where conflicts between the Local Plan and the NPPF arise, paragraph 215 of the NPPF makes clear that the policies in the Framework must take precedence.
- 9.6 The overarching objective of CDLP policy ENV1 is to protect the character and quality of the countryside by preventing sporadic, unrestricted development within it. This objective is broadly in accordance with the fifth core land-use planning principle in paragraph 17 of the Framework which requires that the intrinsic character and beauty of the countryside is recognised.
- 9.7 However, the NPPF also makes allowances for other types of development in rural areas which do not fall strictly within the categories identified in policy ENV1. In particular, paragraph 55 of the NPPF recognises that, depending on its location, housing is capable of contributing to the vitality of rural communities by supporting services within neighbouring settlements. With respect to housing in rural areas, the main aim of paragraph 55 is to avoid “new isolated homes in the countryside unless there are special circumstances”, though paragraph 29 of the Framework also recognises that “opportunities to maximise sustainable transport solutions will vary from urban to rural areas.”
- 9.8 The proposed development does not fall comfortably within any of the categories set out in CDLP policy ENV1 and, accordingly, represents a departure from the Local Plan. Nevertheless, it borders an existing hamlet of dwellings within the open countryside and is already occupied by agricultural buildings and hardstandings which form a ‘ribbon’ of buildings flanking Carr Head Lane. The site is located approximately 1.05km from the settlement boundary of Sutton and Glusburn and there is a footway along the A6068 (Colne Road) which provides a pedestrian link with Carr Head Lane (though this route itself does not benefit from a designated footpath). The junction of Carr Head Lane with the A6068 is approximately 0.5km from the site and there are two bus stops in this location frequented by services running at half hourly intervals towards Burnley (westbound) and Keighley (eastbound). Therefore, the site has reasonable access to public services by modes of transport other than private car and would not result in the introduction of isolated homes in the countryside for the purposes of paragraph 55 of the NPPF.
- 9.9 Paragraph 47 of the NPPF requires local planning authorities to boost significantly the supply of housing by identifying “a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply.”
- 9.10 Paragraph 49 of the NPPF indicates that “housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing

should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.”

- 9.11 The Council’s latest ‘Five Year Housing Land Supply Methodology and Report’ (published 11 May 2017) indicates that it is able to demonstrate a supply equivalent to 5.49 years. However, paragraph 47 of the Framework also requires local planning authorities to identify a supply of specific, developable sites for years 6-10 and, where possible, for years 11-15 in order to boost the supply of housing and paragraph 49 indicates that housing applications should be considered in the context of the presumption in favour of sustainable development set out in paragraph 14. Therefore, it is not considered that a moratorium can be placed on housing development within the open countryside based purely on the presence of a 5 year supply of housing land.
- 9.12 Having regard to the presumption in favour of sustainable housing development set out in paragraph 49 of the Framework and the provisions of paragraph 14, it is considered that the acceptability of the scheme depends on whether any adverse impacts of granting permission would significantly and demonstrably outweigh its benefits when assessed in the overall planning balance.

Character and appearance

- 9.13 CDLP policy ENV2 sets out four criteria for developments in the open countryside. Criteria (1), (2) and (4) of the policy indicate that development within the open countryside will only be permitted where:
- It is compatible with the character of the surrounding area, does not have an unacceptable impact on the landscape and safeguards landscape features including stone walls and hedgerows, worthy of protection.
 - The design of buildings and structures and the materials proposed relate to the setting, taking account of the immediate impact and public views of the development.
 - Services and infrastructure can be provided without causing a serious harmful change to the rural character and appearance of the locality.
- 9.14 Existing buildings on the site include a portal-framed agricultural barn flanked by a stone building and lean-tos on its east side. This building is bordered by a hardstanding yard following an ‘L’ shape to the rear and west side. Agricultural buildings are specifically excluded from the definition of “previously developed land” in Annex 2 of the NPPF. Nevertheless, it is also the case that the existing buildings have an urbanising effect on the surrounding landscape, though they are viewed immediately adjacent to an existing ribbon of dwellings to the east rather than as isolated features.
- 9.15 The application proposes a development of three dwellings to the northern edge of the site in a similar position to the existing agricultural buildings. Although not fixed at this stage, the indicative layout shows that the size of the replacement dwellings would, in overall terms, be significantly less than the existing agricultural buildings and that their gardens and garages would not extend outside the areas of existing hardstanding. The current agricultural buildings are two storeys in height and their siting in relation to adjacent dwellings results in the site forming the built up edge to the western end of the group.
- 9.16 The proposed dwellings would have a reduced size, scale and massing in comparison to existing buildings on the site. The dwellings would follow the linear pattern of development onto this stretch of Carr Head Lane and would be seen as a continuation of the existing ribbon of buildings without encroaching onto adjacent farmland. Existing boundaries with adjoining fields would be maintained or reduced in size (e.g. with respect to returning the midden and silage store to agricultural fields) and a combination of retained and supplementary planting would screen the development from views across open fields to the south.
- 9.17 When the visual effects of the development are considered in comparison to those of existing buildings and hardstandings on the site the scheme, by virtue of its size, scale and area, would result in a net reduction in the massing and extent of built development on the site and, in turn, a lesser impact on the openness of the surrounding landscape. Additional benefits would arise in visual terms through the removal of a midden and silage store which presently encroach onto open fields.

- 9.18 The proposed access road and parking courtyard would follow the route of the existing gravel track and concrete apron to the side and rear of the buildings and would not appear as intrusive features in the surrounding landscape. The detached garages would be of a modest size and closely related to the dwellings in order that they are seen as lower, smaller and subservient buildings. These would also be screened through the introduction of additional planting along the southern and western boundaries.
- 9.19 Given the above, it is not considered that the visual effects of the scheme would result in a sporadic or isolated form of development which would unacceptably erode the openness, character or quality of the open countryside, particularly when this impact is considered in comparison to that of existing built development on the site. The proposal is therefore in accordance with the objectives of CDLP policies ENV1 and ENV2, and paragraph 17 of the NPPF.

Amenity:

- 9.20 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”.
- 9.21 Although matters of layout and scale are reserved for later consideration, the effects of the amount and use of the development on the amenity of neighbouring occupiers can be considered at outline stage, having particular regard to the indicative layout provided.
- 9.22 A row of three dwellings are located to the east of the site. All three buildings are two storeys in height and step up to follow a general westerly rise in levels along Carr Head Lane. The closest of these dwellings (Lumb Mill Barn) flanks the eastern site boundary, with an access road for that property intervening between the two sites. There is an existing first floor window in the western gable of Lumb Mill Barn, though it is unclear what room this window serves and its existing outlook is onto the east side of a stone, two storey barn over a distance of approximately 7m.
- 9.23 The indicative layout shows that the proposed dwellings would broadly follow the alignment of the front elevations of adjacent properties to the east. The degree of spacing between buildings would not be significantly different to the present scenario (having particular regard to the two storey height of the existing stone barn) and the westerly position of the proposed dwellings in relation to Lumb Mill Barn would avoid any undue effects through overshadowing providing that an appropriate scale is put forward at reserved matters stage.
- 9.24 The proposed residential use of the site would be compatible with the nature of adjacent uses and would have no adverse effects on the amenity of neighbouring occupiers by reason of added noise and disturbance.

Highways:

- 9.25 Criterion (3) of CDLP policy EVN2 states that development will only be permitted in the open countryside where “rural access roads can accommodate the traffic likely to be generated by the proposal”.
- 9.26 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.
- 9.27 The second and third bullet points to paragraph 32 of the NPPF stipulate that planning decisions should take account of whether:
- Safe and suitable access to the site can be achieved for all people.
 - Improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
- 9.28 Access to the site is proposed from the existing vehicle crossing to the northwest corner onto Carr Head Lane. Visibility splays of 2.4m x 90m would be provided in both directions at the junction of the site access with the highway. This access would merge with a 5m wide private driveway allowing two-way

traffic flow to and from the site which would open onto a shared courtyard providing two off-road parking spaces and garaging for each dwelling.

- 9.29 The Local Highway Authority consider that the visibility splays shown at the junction of the site access with Carr Head Lane are sufficient to allow a safe and suitable means of vehicle access to the site. An appropriate condition has been attached requiring the detailed design and construction of this access to be submitted in accordance with the recommendations of NYCC.
- 9.30 The Local Highway Authority have also recommended conditions requiring the retention of the access road, turning and parking areas in perpetuity. However, as these areas are shown to fall outside the curtilage of any of the proposed dwellings, such a condition would be superfluous as no permitted development rights would exist which could result in their obstruction. A further condition is recommended to prevent the garages from being converted to ancillary living accommodation. However, as each dwelling would benefit from two off-road parking spaces regardless of any additional garaging provision, it is not considered that such a condition would be reasonable or necessary.
- 9.31 An objector has referred to the additional traffic generated by the development as having an adverse effect on existing highway infrastructure. Notwithstanding that the existing agricultural use is likely to generate reasonably frequent movements by larger vehicles which are more likely to cause an obstruction of the surrounding road network, it is not considered that the level of traffic arising from a development of three dwellings could be considered to have any severe, residual cumulative impact on the capacity of the network. The proposed development would not have any adverse impact on the safe and efficient operation of the surrounding highway network, either adjacent to or further away from the site, and is therefore in accordance with the requirements of CLDP policies ENV2 and T2, and paragraph 32 of the NPPF.

Other matters:

- 9.32 Criterion (4) of CDLP policy ENV10 indicates that tree belts which contribute to landscape diversity, the setting of nearby buildings and visual amenity will be protected. An existing row of trees are located alongside the southern boundary of the site. These trees are semi-mature specimens which, by virtue of their siting to the rear of existing buildings, have limited amenity value when seen from Carr Head Lane. Nevertheless, the indicative layout shows that they would be retained and supplemented by additional planting in order to provide screening from adjacent open fields.
- 9.33 Objectors have referred to the lack of a water supply to the site. However, the applicant has confirmed that there is a mains water connection to the existing building and the indicative layout shows a connection to the mains sewer to the south, though there is also a second option to connect to another sewer in the applicant's field over Carr Head Lane to the north. An appropriate condition has been attached in this regard to ensure that any works required for the installation of these services preserve existing landscape features of importance.
- 9.34 The application is accompanied by a bat survey which has been undertaken by a suitably qualified ecologist at an optimal time of the year. The survey includes details of building inspections and a 7 night bat activity survey undertaken in June 2017. The report concludes that there is no evidence to suggest bats are roosting within the building as part of the building inspections and no bats were recorded as using the building for roosting during the activity survey. In accordance with Natural England's standing advice, it is considered that the building has low roosting potential and no further survey work is required with respect to establishing the presence of protected species. Therefore, appropriate evidence has been provided to demonstrate that the proposed development would not adversely affect the favourable conservation status of protected species.

10. **Conclusion**

- 10.1 The application seeks outline permission (access only) for the demolition of existing farm buildings and the erection of three replacement dwellings with associated garages and gardens in the open countryside. The site occupies a sustainable location which, relative to its rural setting, has good access to local services in nearby settlements by modes of transport other than private car in order that it would not result in the creation of new isolated homes in the countryside.

- 10.2 The indicative layout demonstrates that the proposed dwellings, by virtue of their siting, size and massing, would be compatible with and relate well to the pattern of surrounding development without encroaching onto adjoining fields. The proposed development would have no greater effects on the openness, character and quality of the surrounding landscape in comparison to existing buildings on the site and additional mitigation would be introduced to further limit its visual impact. The development would be compatible with the residential character of adjacent uses and would have no undue effects on the amenity of neighbouring occupiers. The scheme would facilitate a safe and suitable means of access to the site and the level of traffic generated would not have a severe residual cumulative impact on network capacity. Appropriate measures can be put in place to ensure that the development has no adverse effects in terms of flooding, the provision of services and ecology.
- 10.3 The economic and social benefits of granting permission would not be significantly and demonstrably outweighed by any adverse environmental impacts arising from the development and appropriate mitigation would be put in place to minimise any harmful effects in this regard. The proposal is therefore considered to comprise sustainable development in accordance with relevant local and national planning policies.

11. **Recommendation**

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

Time limit for commencement

1. Application for approval of reserved matters must be made not later than the expiration of three years beginning with the date of this permission and the development must be begun not later than: (i) the expiration of three years from the date of this permission; or (ii) two years from the date of approval of the last of the reserved matters to be approved.

Reason: To comply with the requirements of section 92 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:

- Scale 1:1250 Location Plan received 16 June 2017.
- Drawing no. 2696B – Indicative layout.

Any application for approval of reserved matters shall accord with the outline permission insofar as it relates to the means of access to the site, the maximum number of dwellings and the site area.

Reason: The application is granted in outline only in accordance with the provisions of Article 4 of the Town and Country Planning (Development Management Procedure) Order 2015. Any application for reserved matters must be in accordance with and/or not exceed the parameters established as part of this permission.

Before you commence development

3. The approval of the Local Planning Authority shall be sought in respect of the following matters before the development is commenced:- the layout of the development; the scale and external appearance of the buildings; and the landscaping of the site.

Reason: The application is granted in outline only under the provisions of Article 4 of the Town and Country Planning (Development Management Procedure) Order 2015 and details of the matters referred to in the condition have not been submitted for consideration.

4. No development shall take place until a scheme for the design and construction of the site access (the layout and position of which is shown on drawing no. 2696B) has been submitted to and approved in

writing by the Local Planning Authority. Unless otherwise agreed in writing with the Local Planning Authority, the scheme shall include:

- (i) Details of the crossing over the highway verge and/or footway which shall demonstrate compliance with the Highway Authority's Standard Detail number E6.
- (ii) Provision for any gates or barriers to be erected a minimum of 4.5 metres away from the back edge of the carriageway and that they do not open over the highway.
- (iii) Provision to prevent surface water from the site discharging onto the highway.
- (iv) Provision to ensure that the final surfacing of any private access road located within 4.5 metres of the public highway does not contain any loose material that is capable of being drawn onto the highway.

The site access shall be constructed in accordance with the duly approved scheme before any above ground works take place, and shall be retained as such thereafter.

Reason: In order to provide a safe and suitable means of access to the site for construction vehicles and development traffic, and to ensure a satisfactory standard of engineering works in the interests of highway safety in accordance with the requirements of Craven District (Outside the Yorkshire Dales National Park) Local Plan policy T2 and the National Planning Policy Framework.

5. No development shall take place until a scheme for tree protection measures to be implemented during the construction period has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

- (i) Details of a construction exclusion zone (including protective fencing of a height and design which accords with the requirements BS 5837: 2012) to be formed around the root protection areas of those trees within and/or overhanging the site to be retained.
- (ii) Details of any excavation to take place within the root protection areas of those trees within and/or overhanging the site to be retained.
- (iii) Details of the foundations of any building, hardstandings and/or boundary treatments to be constructed within the root protection areas of those trees within and/or overhanging the site to be retained.

The development shall thereafter be carried out in strict accordance with the protection measures contained in the duly approved scheme throughout the entirety of the construction period.

Reason: To ensure that adequate measures are put in place to protect existing trees which are to be retained as part of the development before any construction works commence in accordance with the requirements of Craven District (Outside the Yorkshire Dales National Park) Local Plan policy ENV10.

6. No above ground works shall take place until a scheme for the disposal of foul and surface water from the site has been submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing with the Local Planning Authority, the scheme shall include:

- (i) Separate systems for the disposal of foul and surface water.
- (ii) Details of the rate of surface water discharge from the site to any soakaway, watercourse or sewer, including any necessary flow attenuation measures and the use of SUDS (where appropriate) to ensure that the post-development discharge rate does not exceed the pre-development rate (including an appropriate allowance for climate change).
- (iii) Details of the routing of services and any existing landscape features which would be affected, including provision for their protection and/or replacement.
- (iv) Details of how the system will be maintained and managed after completion.

The scheme shall be implemented in accordance with the duly approved details before any of the dwellings are first occupied and maintained/managed as such thereafter.

Reason: To ensure that the development is not at risk of flooding and does not increase flood risk elsewhere (including an appropriate allowance for climate change), and that infrastructure can be put in place for the disposal of foul and surface water without causing any unacceptable harm to the surrounding landscape and those features which contribute to its character and quality in accordance with the requirements of Craven District (Outside the Yorkshire Dales National Park) Local Plan policy ENV2 and the National Planning Policy Framework.

7. No development shall take place until a Construction Method Statement (CMS) has been submitted to and approved in writing by the Local Planning Authority. The CMS shall include:
- (a) hours of work for site preparation, delivery of materials and construction;
 - (b) arrangements for the parking of vehicles for site operatives and visitors;
 - (c) details of areas designated for the loading, unloading and storage of plant and materials;
 - (d) details of the siting, height and maintenance of security hoarding;
 - (e) arrangements for the provision of wheel washing facilities for vehicles accessing the site;
 - (f) measures to control the emission of dust and dirt during construction; and
 - (g) a strategy to inform neighbouring occupiers (which as a minimum, shall include those adjoining the site boundaries) of the timing and duration of any piling operations, and contact details for the site operator during this period.

Development shall thereafter be carried out in accordance with the duly approved CMS.

Reason: In order to ensure that appropriate measures are put in place before any development commences to limit the potential for noise, nuisance and disturbance to the occupiers of neighbouring properties during the construction of the development in accordance with the requirements of the National Planning Policy Framework.

8. Any application which seeks approval for the reserved matter of landscaping shall include a landscaping scheme for the site which contains details of:
- (i) any trees, hedgerows and any other vegetation on/overhanging the site to be retained;
 - (ii) the introduction of a landscaping buffer along the southern and western boundaries of the site in the positions shown on drawing no. 2696B;
 - (iii) the introduction of additional planting within the site which forms part of the internal development layout and does not fall within (i) or (ii); and
 - (iv) the type, size, species, siting, planting distances and the programme of planting of hedges, trees and shrubs.

The duly approved landscaping scheme shall be carried out during the first planting season after the development is substantially completed and the areas which are landscaped shall be retained as landscaped areas thereafter. Any trees or shrubs removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced by trees or shrubs of similar size and species to those originally required to be planted.

Reason: To ensure suitable retention and strengthening of landscaping on the site in the interests of visual amenity and to provide a buffer with adjoining agricultural fields located within the open countryside in accordance with the requirements of Craven District (Outside the Yorkshire Dales National Park) Local Plan policies ENV2 and ENV10 and the National Planning Policy Framework.

Statement of Positive Engagement

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

Planning Authority has therefore implemented the requirement in Paragraphs 186-187 of the National Planning Policy Framework.

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 condition 4.

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

REPORT TO PLANNING COMMITTEE ON 8th August 2017

Application Number: 42/2017/18080

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

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

On behalf of: CSR Developments Ltd

Date Registered: 16th May 2017

Expiry Date: 11th July 2017

Case Officer: Andrea Muscroft

This application has been referred to Planning Committee at the request of Councillor Moorby because of concerns of the Parish Council in respect of the parking arrangements.

1. Site Description

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

2 Proposal

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

- 2.3 This is a standard condition that specifies the approved plans. In this case, the applicant is seeking to extend approved Plot 1 with both a two storey side extension and a single storey rear extension.
- 2.3 The two storey side extension would measure 3.4m x 7.4m with a maximum height with 7.6m to the ridge falling to 5.1m at the eaves and would be constructed using materials used in the construction of the original dwelling.
- 2.4 The single storey extension would measure 2m x 3.4m with a maximum height of 8.3m to the ridge falling to 2.6m at the eaves and would be constructed using matching materials used in the construction of the original building.
- 2.5 As a consequence of the side extension the proposal would result in a reduction in the number of approved parking spaces from 8 parking spaces to 6 parking spaces.
- 2.6 **Officer's note:** No changes are proposed to the appearance, scale, design, materials of the remaining 3 plots, the boundary treatments, vehicle access and turning areas.

3 Planning History

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

4 Planning Policy Background

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

5 Parish/Town Council Comments

- 5.1 Hellifield Parish Council:- Objections to original planning application still stand in particular points regarding vehicular access.
- There is no dropped kerb with access being directly onto the main road.
 - Conflicting information concerning the proposed access to the site.
 - Visibility compromised by poor sight lines
 - Original application ref: 42/2015/16308 included a new vehicular access in a straight line from the site onto Gisburn Road adjacent to Rook Cottage. Following an objection from NYCC Highways an amended access plan was submitted and accepted by NYCC Highways.
 - The current proposal shows access onto Gisburn Road, as per the original proposed location and not across the forecourt of Hellifield House (as per given permission).

- Disturbingly, the wall between Gisburn Road and the site adjacent to Rook Cottage has been demolished given the appearance that this non approved access is proposed to be used would suggest a breach of planning giving rise to highway safety.
 - CDC Planning Officers should ensure that the original planning approval is complied with and that the approved access across the forecourt of Hellifield House is the only access to be used.
- 5.2 **Officers Note:** The submitted proposal relates to the construction of a two storey side extension and a single storey rear extension only. No details have been received showing any amendment to the previously approved vehicle access to the site. As such the proposal has been considered on this basis only.
- Additional, the proposed extension would be located on the site of two parking spaces.
- 5.3 Other issues.
- The documentation mentions reducing a wall between the Social Club and Rook Cottage. There is no stone wall on this site it is a 6- 7ft timber fence.
 - The wooden fence does not belong to the Social Club.
 - In what capacity is the applicant applying?
- 5.4 **Officers Note:** The proposal is not seeking approval for amendments to the previously approved (ref: 42/2015/16308) vehicle access to the site.
6. Consultations
- 6.3 NYCC Highways: No comments received at the time of compiling this report.
7. Representations
- 7.3 2 letters of representation have been received. Comments have been summarised below:-
- 7.4 **Amenity issues.**
- Concern over the siting of the extension to adjacent dwellings.
- 7.5 **Highway issues.**
- Concern that the proposal would be in breach of the existing planning approval with regards to vehicle access to the site.
 - Concern over the loss of two parking spaces.
- 7.6 **Other issues.**
- Concern that the wall between Gisburn Road and Rook Cottage has been demolished.
 - Planning officers should ensure that the original planning approval is complied with.
- 7.7 **Officers Note:** The proposal is not seeking approval for amendments to the previously approved (ref: 42/2015/16308) vehicle access to the site.
8. Summary of Principal Planning Issues
- 8.3 The acceptability of the requested variation of the approved plans condition attached to the original planning approval.
9. Analysis
- 9.3 Condition 2
- 9.4 This variation seeks to update the list of approved plans to ensure that it refers to the most up to date revisions with regards to the proposed extension of Plot 1.

- 9.5 The current proposal is seeking to construct a two storey side extension and a single storey rear extension as per drawing 2015.041.209B. It is considered that the proposed extensions have been designed to be subservient to the original dwelling with the roof ridge set down and the principle elevation set back. This approach is in line with guidance contained within supplementary guidance Appendix F of the Local Plan. Furthermore, the proposal would be constructed from materials used in the construction of Plots 2 - 4. As such the proposal would not have a negative visual impact on the surrounding area.
- 9.6 Third party correspondence has been received with regards to the close proximity of the two storey extension to adjacent properties and the potential noise nuisance, overshadowing and loss of privacy that could arise.
- 9.7 In this instance, the proposed side extension would be located at a separation distance in excess of 30m from the nearest dwelling, separated from the neighbouring properties by an existing stone boundary wall. Furthermore, the side elevation would remain blank. As such, it is considered the proposal as a consequence of the separation distance combined with the boundary treatments would not result in any unacceptable loss of privacy, or overshadowing nor give rise to any unacceptable noise disturbance to the occupiers of these dwellings.
- 9.8 With regards to the rear extension it is considered that due to the separation distance and the orientation of the application site dwellings and adjacent dwellings that the occupiers of adjacent dwellings would not experience any unacceptable loss of privacy or amenity from this element of the proposal.
- 9.9 It is acknowledged that the proposal would result in the loss of two parking spaces. However, it is considered given the site central location within the village close to public transport links combined with the remaining 6 parking spaces that the proposal would not create any unacceptable increase in on street parking or conditions contrary to highway safety.
- 9.10 It is considered that the request to vary condition 2 is acceptable and the condition will be re-worded to the following:

This permission relates to the following plans:

- 2015.041.000A received by the Local Planning Authority 3rd July 2017.
- 2015.041.101D received by the Local Planning Authority 3rd July 2017.
- 2015.041.103A received by the Local Planning Authority 3rd July 2017.
- 2015.041.208B received by the Local Planning Authority 3rd July 2017.
- 2015.041.209B received by the Local Planning Authority 3rd July 2017.

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

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

9.11 **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 there are no grounds to withhold planning permission.

10. Recommendation

10.3 To grant planning approval subject to the following conditions.

Conditions

Time conditions

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

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

Approved plans condition

2. This permission relates to the following plans:

- 2015.041.000A received by the Local Planning Authority 3rd July 2017.
- 2015.041.101D received by the Local Planning Authority 3rd July 2017.
- 2015.041.103A received by the Local Planning Authority 3rd July 2017.
- 2015.041.208B received by the Local Planning Authority 3rd July 2017.
- 2015.041.209B received by the Local Planning Authority 3rd July 2017.

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

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

Before you commence development.

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

Reason: To ensure a satisfactory appearance to the development.

Before the development is occupied

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

Reason: In the interests of visual amenity.

Ongoing conditions.

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

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

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

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

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

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

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

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

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order) no new windows shall be fitted to the dwellings (other than those expressly authorised by this permission).

Reason: In the interests of the amenity of neighbouring properties.

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order) no alterations, extensions, outbuildings, fences, gates or walls shall be undertaken to the dwellings or within the curtilages of the dwellings (other than those expressly authorised by this permission).

Reason: In the interests of the amenity of neighbouring properties.

10. Notwithstanding the provision of any Town and Country Planning (General Permitted Development) Order 2015 for the time being in force, the areas shown on Proposed Site Plan for parking spaces, turning areas and access shall be kept available for their intended purposes at all times.

Reason: To ensure these areas are kept available for their intended use in the interests of highway safety and the general amenity of the development.

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

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

The crossing of the highway verge and/or footway shall be constructed in accordance with the approved details and/or Standard Detail number E6.

- Any gates or barriers shall be erected a minimum distance of 4.5 metres back from the carriageway of the existing highway and shall not be able to swing over the existing or proposed highway.
- Provision to prevent surface water from the site/plot discharging onto the existing or proposed highway shall be constructed in accordance with the approved details, and/or the specification of the Highway Authority, and maintained thereafter to prevent such discharges.
- The final surfacing of any private access within 4.5 metres of the public highway shall not contain any loose material that is capable of being drawn on to the existing or proposed public highway.
- Provision of 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.

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.

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.

REPORT TO PLANNING COMMITTEE ON 8th August 2017

Application Number: 68/2017/18119

Proposal: Application seeks to remove conditions 2, 3, 4 and amend condition 13 of planning approval 68/2013/13658. To allow for an 11 month holiday season from 1st March to 5th January (closed period February).

Site Address: Caravan Site Thornbrook Barn Thornton In Lonsdale LA6 3PD

On behalf of: Mr A Hodgkinson

Date Registered: 15th May 2017

Expiry Date: 10th July 2017

Case Officer: Andrea Muscroft

This application has been referred to Planning Committee at the request of Councillor Lis because of concerns of the Parish Council in respect of the parking arrangements.

1. Site Description

- 1.1 The application site lies to the north east of the A65, approximately 70 m. to the south west of the properties in Thornton in Lonsdale. The site is an established touring caravan site. The applicant's property lies to the south west of the caravan site with a dismantled railway line and embankment to the north.
- 1.2 The application site lies outside of development limits in an area classified as Open Countryside by the Local Plan. The Craven District outside the Yorkshire Dales National Park and Forest of Bowland AONB Landscape Appraisal (October 2002) also identifies the area as being "Rolling drumlin field pasture". The National Park boundary is immediately to the north of the site.

2. Proposal

- 2.1 Thornbrook Barn is a touring caravan parking. In 2012 planning approval (ref: 68/2012/12977) was granted for touring caravan (29 sites) and camping site plus toilets and shower block. In 2013 planning permission was granted for an amendment to the pitch layout and location of the ablutions block (ref: 68/2013/13658). The relevant condition for the purposes of this application is Condition 13.
- 2.2 Condition 13 of permission 68/2013/13658 states:-
All accommodation on the site shall be occupied only between 1st March and September 30th in any calendar year.
Reason: To avoid the site having an adverse impact on the character and appearance of the surrounding area during the winter months when screening is at its least effective.
- 2.3 The applicant's agent advises that they are turning away trade in the October/November school holidays and over the Christmas/New Year holidays.
- 2.4 It is proposed to vary condition 13 to extend the season from 1st March to 5th January i.e. to allow the site to open during the months of October, November and December.

- 2.5 The current application seeks to address the reason for previous refusal ref: 68/20169/16717 which was refused on the following grounds:
- 2.6 *It is considered that the existing screening is not of a type, density or sufficiently mature to provide effective and adequate screening during the winter months and therefore the use of the site for tourist accommodation together with the activities and comings and goings of visitors would be visually intrusive and harmful to the visual amenities of the area and the character and appearance of the National Park to the north and the residential amenities of the area that would conflict with the guidance in the National Planning Policy Framework and Saved Policy EMP17 of the Craven District (Outside the Yorkshire Dales National Park) Local Plan.*
- 2.7 The revised proposal has implemented additional planting along the northern boundary as recommended within the submitted Arboricultural Report by JB Consulting.
- 2.8 The proposal also seeks the removal of conditions 2, 3 & 4 that read as follows:
- 2.9 Condition 2
- 2.10 The caravans and camping pods shall be occupied for holiday purposes only.
- 2.11 Reason: To ensure that the approved holiday accommodation is not used for unauthorised permanent residential occupation.
- 2.12 Condition 3
- 2.13 The caravans and camping pods shall not be occupied as a person's sole, or main place of residence.
- 2.14 Reason: To ensure that the approved holiday accommodation is not used for unauthorised permanent residential occupation.
- 2.15 Condition 4
- 2.16 The owners/operators shall maintain an up-to-date register of the names of all owners/occupiers of individual caravans and camping pods on the site and of their main home addresses, and shall make this information available at all reasonable times to the local planning authority.
- 2.17 Reason: To ensure that the approved holiday accommodation is not used for unauthorised permanent residential occupation.
- 2.18 It is not proposed to remove the occupancy restrictions imposed by conditions 2, 3 and 4 but rather to incorporate them within a single condition which would be worded to be compliant with current Planning Practice Guidance. That condition would be as follows:
- All touring caravans on the site shall be occupied only between the 1st March and January 5th in any calendar year.*
- The touring caravans hereby approved shall be used for holiday accommodation purposes only and shall not be occupied for any other purpose. In particular the accommodation shall not be used as the sole or principal residence by any of the occupants.*
- The owners/operators of the touring caravan site shall maintain an up-to-date register of the names of all owners and occupiers of individual properties and of their main home addresses and shall make this information available at all reasonable time to the Local Planning authority.*
- 2.19 REASON: To avoid the site having an adverse impact on the character and appearance on the surrounding area during the winter months when screening is at its least effective and to accordance with the National Planning Policy Framework.
3. Planning History
- 3.1 68/2012/12977 – Change of use of land for touring caravans and tents, erection of camping pods, construction of access road and car parking and erection of ablution building. Approved 6.12.2012.
- 3.2 68/2013/13658 Amended pitch layout and revised siting of amenity block. Approved 12.8.2013.

3.3 68/2016/16717 – Application to vary condition No. 13 of original planning consent reference 68/2013/13658 (determined 12.8.13) – Refused 26.04.2016.

4. Planning Policy Background

4.1 Saved Policy EMP17 of the Craven District (Outside the Yorkshire Dales National Park) Local Plan

4.2 The National Planning Policy Framework - NPPF

4.3 The Planning Practice Guidance – PPG.

5. Parish/Town Council Comments

5.1 The Parish Council objects to the application for the following reasons:

- 1) Affects local ecology
- 2) Close to adjoining properties.
- 3) General dislike of proposal.
- 4) Increase in traffic.
- 5) Loss of privacy.
- 6) Noise nuisance.
- 7) Strain on existing community facilities.

5.2 Deciduous screening not suitable for extended season. Screening not yet mature enough to provide cover/privacy. There is an imbalance between the needs of residents and business. Thornton has 3 caravan sites. No material change since last application.

Consultations

5.3 CDC Environmental Protection: No known noise/light nuisance complainants received with regards to this site.

6. Representations

6.1 Six letters of objection have been received raising the following concerns:-

- Increase light pollutions.
- Increased visibility of site.
- Disturbance of wildlife.
- Current proposal is an attempt to reverse the decision made by the Council on the 1st March 2016.
- Lack of effective screening.
- Existing landscaping has affected the character of the area.
- Photographs taken are misleading.
- Concern over increase noise.
- Proposal would not provide any economic benefits.
- Question whether the site is appropriate for an expansion of activity.
- Visual impact from roads, paths and residences
- Impact on the character of Thornton
- Impact on the setting of the National Park
- More caravans in the area than residents
- Concerns about caravans on the site over winter

- Other sites in the area have restricted season and therefore there is no unfair competition as claimed in the application.
- Concern about traffic implications and pedestrian safety (also raised by the Parish Council).
- Landscaping has not matured to effectively screen the site.
- Site should not be extended.
- Concern that should the site be sold then current management practise may change.

7.2 **Officer notes.** Issues about traffic implications appear to be about the use of the site in general rather than about an extended season.

Issues of commercial competition are not a material consideration in the determination of this application.

Issues concerning possible changes in management practises are not a material consideration in the determination of this application.

The proposal is not seeking any enlargement to the approved number of touring caravans or pitches.

7. Summary of Principal Planning Issues

7.1 The potential impact of the extension of the opening season of the caravan park to from 1st March to January 5th. In particular the potential visual impact of the proposal in the winter months and the effect on the living conditions of residents of nearby dwellings taking particular account of noise and disturbance.

8. Analysis

8.1 As referred to above the principle of a touring caravan site at this location has already been established. The original campsite was approved in December 2012 and it is not considered that there has been any significant change in national or local policy regarding such a development. There have also been no significant consents granted close to the caravan site that may be affected by the development. It is therefore considered that there have been no significant alterations in policy or site circumstances relating to the site that would need to be taking into consideration in the determination of this application.

8.2 The original application and the subsequent 2013 revisions to the layout were assessed against the guidance in the NPPF and against policy EMP17 of the Local Plan. It was accepted that the rolling drumlin topography provided a degree of natural screening which together with existing woodland provided screening from the east, south and west.

8.3 The principle of extending the period that the site is open to facilitate the economic growth of an existing business and tourism facility is supported by the National Planning Policy Framework (NPPF).

8.4 Specifically, Paragraph 19, Part 1 of the NPPF states that “*the Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not to act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system*”.

8.5 Visual impact.

8.6 The application site allows touring caravans to use the site between 1st March and 30th September. It is considered that the proposed variation of condition 13 to allow to extend the holiday season from 1st March to 5th January (closed period February) would not result in a material increase in built form within the site. Notwithstanding this, the site is located adjacent to the YDNP and therefore the potential visual impact that would occur throughout the winter months is a key consideration.

8.7 Since the previous application ref: 68/2016/16717 (which sought to vary condition 13) the applicant has undertaken some additional planting. The planting has involved the translocation of semi-

mature Scots Pine (evergreen) as per the guidance contained within submitted Arboricultural Report (paragraph 4.4). As such, it is considered that the provision of additional all year round planting has provided an acceptable level of screening between the application site and nearby residential properties located to the north east of the site.

- 8.8 It is acknowledged that from some elevated viewpoints to the north of the site, which are within the YDNP, the application site would be visible. However, this would be at a distance and would result in the application site appearing small within the wider panorama. In addition, whilst it is noted that tree cover would be less substantial in the winter months it is considered that provision of additional all year round planting would help to mitigate any potential visual impact arising from the proposal. For reasons outlined previously, it is considered that the proposals impact on views from the YDNP would not be significant.
- 8.9 Impact of development on the amenity of neighbouring properties.
- 8.10 With regards to potential impacts on neighbouring amenities the Council have received third party representations raising concerns regarding additional noise, privacy, disturbance and light pollution as a result of the extended holiday season.
- 8.11 The closest property (Brooklyn) to the application site is located to the NE of the site at a separation distance of approx. 70m from the nearest pitch no.14. Located within the intervening land is the dismantled railway and existing boundary screening beyond. It is acknowledged, that the extended holiday season would result in a more intensive use of the site giving rise to a material increase in noise. However, it is considered that the shortened daylight hours would result in less outdoor activity noise in the winter months than would be experienced in the summer months. Therefore, it is considered that the separation distance combined with the natural screening would be sufficient to ensure that the occupiers of these properties do not experience any unacceptable noise disturbance. Furthermore, CDC Environmental Health has confirmed that they have received no noise nuisance complaints arising from this site.
- 8.12 With regards to any potential loss of privacy, the nearby residential dwellings are located at separation distances ranging from approx. 70m > 145m. In addition, the rear elevations of the nearest 7 residential dwellings face southeast towards open fields. It is acknowledged that from some of these properties at first floor, parts of the application site would be visible. However, given the transient use of these upper rooms combined with the separation distance and screening. It is considered that the proposal would not result in any unacceptable loss of privacy to the occupants of these dwellings sufficient to recommend refusal.
- 8.13 Similarly, whilst the rear of The Sidings faces southwest towards the site it is considered that the separation distance of approx. 145m combined with the screening and changes in topography that the occupiers of this dwelling would not experience any unacceptable loss of privacy or amenity over and above the existing situation.
- 8.14 Turning to the issue of light pollution. It is considered that any light generated from vehicle headlights or torches, as a consequence of the extended holiday season, would not due to the separation distances, boundary treatments and the orientation of the nearby dwellings, give rise to any unacceptable light pollution sufficient to warrant a refusal. Similarly it is less likely that local residents would be spending significant times in their gardens in the extended season.
- 8.15 Removal of conditions 2, 3 & 4.
- 8.16 These conditions were attached with the intention of preventing permanent residential occupation of the caravans on this site.
- 8.17 The applicant is seeking to incorporate the wording of these conditions within a single condition in accordance with guidance set out in paragraph 206 of the NPPF whilst also maintaining the restriction on permanent residential occupation. The substituted condition would re-enforce that the site is for holiday accommodation and not for permanent residential accommodation.
- 8.18 In this instance, the requirements of conditions 2, 3 & 4 have been included in the revised wording of condition 13.

- 8.19 Rewording of condition 13
- 8.20 The nature of holidays in this country has become increasingly diverse, in location, in season and in duration. Historically the use of a condition known as a 'seasonal occupancy' condition was routinely applied which sought to restrict use of holiday accommodation during particular times of the year. However, there have been significant changes in national policy with these types of conditions considered to be overly restrictive and to limit the potential for all year round tourism. As such there is no longer a presumption against extending the holiday season at caravan sites.
- 8.21 The substituted condition reinforces that the site is for holiday accommodation and not for permanent residential use, the condition also puts responsibility onto the site owner to maintain a register of users of the caravan site and that the caravans shall not be used as a main or sole residence. It is recognised that the condition allows for the accommodation to be occupied by a single person or group for a longer period than the condition it replaces, but the replacement condition proposed by the applicant has now become the commonly adopted approach by LPA's to enforce a holiday restriction and that it meets the tests set out in the NPPF.
- 8.22 In summary, the substituted condition meets the aims and objectives of the NPPF and would ensure that the use of the caravans remain as intended for holiday accommodation only during the specified holiday season. It is therefore considered that the proposed variation is acceptable.

9. **Conclusion**

- 9.1 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.
- 9.2 The benefits of the development principally relate to meeting the NPPF's objectives of supporting economic growth in rural areas. The proposal would allow an existing established touring caravan site to improve, and in turn support a strong rural economy locally, both through providing employment, and supporting local services and tourist attractions.
- 9.3 In summary, it is considered that the adverse impacts of development do not significantly and demonstrably outweigh the benefits. For the reasons set out in the report it is recommended that the application should be granted approval.

Recommendation

To grant planning approval subject to the following conditions.

10. Conditions

Time condition.

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. This permission relates to the following plans:

- Drawing No. 2

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

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

Ongoing conditions

3. No more than 29 caravans (including the 5 located on the certified site) shall be located within the site hereby approved at any one time.

Reason: For the avoidance of doubt and in the interests of visual amenity and to accord with policies contained within the Craven District (Outside the Yorkshire Dales National Park Authority) Local Plan and the National Planning Policy Framework.

4. All touring caravans on the site shall be occupied only between the 1st March and January 5th in any calendar year.

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

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

Reason: To avoid the site having an adverse impact on the character and appearance on the surrounding area during the winter months when screening is at its least effective and to accordance with the National Planning Policy Framework.

5. The approved landscaping scheme as detailed in paragraph 4.4 of the Arboricultural Report by JB Consulting dated 30th January 2017 shall be maintained 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 original planted.

Reason: In the interests of the amenity of the area and to accordance with the policies contained within the Craven District (Outside the Yorkshire Dales National Park Authority) Local Plan and the National Planning Policy Framework.

Statement of Positive Engagement: -

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