PLANNING COMMITTEE MEETING AGENDA

Monday 8th May 2017

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WARD AND APPLICATION No.	PROPOSED DEVELOPMENT AND SITE ADDRESS
SKIPTON NORTH ***63/2016/17676***	*PROPOSED ANIMAL MANAGEMENT CENTRE COMPRISING LOWER GROUND FLOOR AND GROUND FLOOR ACCOMMODATION TO PROVIDE EDUCATIONAL FACILITIES AND A RESTRUCTURED CAR PARK OFFERING 27 SPACES* *CRAVEN COLLEGE, AIREVILLE CAMPUS, GARGRAVE ROAD, SKIPTON.* APPLICANT NAME: CRAVEN COLLEGE SKIPTON TARGET DECISION DATE: 13/03/2017 CASE OFFICER: Mark Moore

This application is referred to the Planning Committee for a decision as it is a Departure from the Local Plan.

1. Site Description

1.1 This application relates to Craven College, Aireville School campus which is situated to the south of Gargrave Road, Skipton.

1.2 The site is located at the north-eastern corner of the campus and lies adjacent to the recently built Pen-y-ghent classroom building. It is a level site that comprises part of an informal car parking area incorporating parts of a tree lined embankment. There is a metal storage container and a timber smoking shelter on the site both of which would be removed in order to accommodate the proposed development.

1.3 The application site is raised in level comparative to Gargrave Road to the north but is relatively well screened from the nearest public viewpoints from the main road and to the west by established tree planting and the prevailing landform which rises from south to north. In other directions the site is screened by the existing school buildings which are located in a cluster towards the northern end of the site around tiered parking areas.

1.4 The existing buildings vary from older blocks constructed from coursed stone forming the Aireville school buildings to more modern structures including the recently built 'Pen-y-ghent classroom block on the college site.

1.5 The school site is located in an area of open countryside as defined in the Local Plan but is nevertheless within the curtilage of the college which is an established educational facility situated outside of development limits. It is also located within the recently extended Skipton Conservation Area and lies adjacent to a protected road approach into Skipton.

1.6 The trees to the north and west of the site are subject to a Tree Preservation Order (No. 242 2016).

2. Proposal

2.1 Permission is sought for the construction of a new animal management centre which would replace the existing college animal management facility located at the nearby Auction Mart site.

2.2 The proposed building would have a lower ground floor and ground floor accommodation in a modern style building featuring contrasting cladding materials. The building would feature two shallow pitched roofs one finished with roofing panels the other being a sedum roof. The building would be orientated north/south with its northern elevation being single storey.

2.3 The proposals include a 27 space car parking area and siting of new animal pens and kennels within the wooded area immediately adjacent the site. The applicant's agent has advised that there are 6 staff and 40 students within the existing facility but as the majority

of the students are under the age of 17 the need for parking in relation to the animal management facility is low.

Officer note: The Transport Statement accompanying the application states that the site is presently occupied by 36 car parking spaces which would be reduced by 9 spaces to 27 as a result of the proposed development. To offset the loss of car parking the college has proposed to enter into an agreement with the nearby Skipton Academy to allow for 25 permit holders parking spaces to be made available in their car park. It is stated that the agreement would come into effect from 22nd February 2017.

2.4 The development proposals would require removal of 14 of the protected trees.

3. Planning History

3.1 There is an extensive planning history associated with Craven College but none directly relevant to the application site.

4. Planning Policy Background

4.1 **Saved Policies in the Craven District (Outside the Yorkshire Dales National Park) Local Plan.**

ENV1: Development in Open Countryside.

ENV2: Requirements for Development in Open Countryside

ENV10: Protection of Trees and Woodlands.

BE2: Protection of the Road Approaches to Skipton.

4.2 **The National Planning Policy Framework**

4.3 **National Planning Practice Guidance.**

5. Parish/Town Council Comments

5.1 **Skipton Town Council:** To protect this ancient knoll the trees should be inspected and any removed must be replaced on a like for like basis.

Members ask whether the additional parking spaces correlate to how many students and lecturers will be using the building.

6. Consultations

6.1 **CDC Environmental Health:**

No objections and no environmental health issues identified.

6.2 **CDC Tree Officer:**

No objections. The Tree Officer comments as follows:

'The belt of trees around the north and west boundaries of the site are subject to TPO No. 242, 2016. The trees are highly prominent in the landscape due to their position on the top of the ridge. The trees are affected in two ways;
firstly, those which have to be felled to allow the development and secondly, those which do not have to be felled but whose root protection areas are partially impacted by the development.

The proposed removal of 14 trees to allow for the development is acceptable due to either poor form and/or condition or their young age. There are four large mature trees and the other ten are young and their impact to date is low. The felled trees are internal to the woodland group so their removal will not have a large visual impact in the landscape and the losses can be mitigated by replacement planting.
Four trees will have encroachment into their RPA. One of these, T34 Beech, is in decline with dieback in the top of the crown. Given that the new building and pedestrian routes will be close to this tree after completion, I consider it expedient to fell this tree as part of the development process and mitigate by replacement planting'.

The Tree Officer recommends conditions to ensure:

- That protective fencing and ground protection in accordance with BS 5837 (2012) is erected for the duration of the development.

- That a detailed planting scheme comprising native species is submitted for approval and subsequent implementation during the first available planting season.

6.3 **NYCC Highways:**

The highways engineer has expressed some concerns over the loss of parking and comments that the applicant's agent has not responded to requests for confirmation that the parking agreement with Skipton Academy has been finalised (see para. 2.3 above). Nevertheless, the highways engineer advises that loss of parking would not be grounds to refuse planning permission. Accordingly it is recommended that planning conditions are attached to specify construction of the access/parking areas in accordance with the approved plans prior to use of the building and submission of a Travel Plan.

6.4 **NYCC SuDS:**

No comments.

6.5 **Historic England:**

No objections.

6.6 **Natural England:**

No objections.

7. Representations

7.1 No third party comments received.

8. Summary of Principal Planning Issues

8.1 Principle of the development.

8.2 Design and visual impact.

8.3 Impact on the Conservation Area and Protected Approach to Skipton.

8.4 Highways.

8.5 Tree issues.

9. Analysis

Principle of the development:

9.1 Although the site is located within the open countryside and outside of development limits it is nevertheless part of an established college campus which has been progressively improved and developed with various planning permissions over recent years.

9.2 Saved Local Plan policy ENV1is a protective policy that seeks to prevent inappropriate or sporadic development in the open countryside by only allowing '*small scale development having a rural character'.* Further to this, saved Local Plan policy ENV1 limits development to specific criteria requiring such development to:

- be beneficial to the rural economy;
- maintain landscape character;
- be essential for the efficient operation of agriculture or,
- be essential to the needs of the rural community.

Notwithstanding the above Policy ENV1 does allow for large scale development in instances where '*there is an overriding need for the proposal due to the requirements of the utility services, transport, minerals supply or national security'.*

9.3 Whilst it is acknowledged that the proposal does not meet all the requirements of Policy ENV1 and does not fall into any of the categories of large scale development identified above it is nevertheless considered that further development of the existing college campus, which is a long established use, is acceptable in principle. The basis for this is that notwithstanding the (current) Local Plan designation of the site the campus is lawful and an exception to the normal application of saved planning policy. Moreover, it can be argued that the proposal is to provide and improve upon an educational facility which would be essential to the needs of the rural community and thereby the proposal can be said to be in accordance with one of the criteria identified within policy ENV1.

9.4 In terms of NPPF policy it is considered that the three key dimensions to sustainable development, economic, social and environmental, would all be met by the proposed works. In addition the wider NPPF objectives of seeking positive improvements in the quality of the built environment and the implementation of good design would also be met. For these reasons it is considered that the proposal would constitute a form of sustainable development would be fully in accordance with the key planning objectives outlined above and is acceptable in principle.

Design and visual impact:

9.5 Saved Local Plan Policy ENV2 applies in cases where development in the open countryside is considered to be acceptable in principle. The policy seeks to ensure that such developments are:

- compatible with the surrounding area,
- do not adversely impact on the landscape,
- are of a design that relates to the setting allowing for public views,
- can adequately accommodate traffic and;
- can be provided with services and infrastructure without harming the rural character and appearance of the locality.

9.6 In this case the proposed new building has been designed to reflect the more contemporary college buildings on the site and is to be constructed in modern cladding materials. A design incorporating more traditional materials, whilst possibly being more appropriate in an area of open countryside, is not considered to be necessary in this case where such a building would be visually at odds with the contemporary college structures. On balance therefore it is considered that the design is acceptable. This view also takes into account the ENV2 requirement for design to relate to its setting and for developments to be compatible with the surrounding area.

9.7 The building would be visible in part from the periphery of the site but it is considered that the topography, the low profile design and tree screening would ensure that the impact would not be significant or adverse. The proposed materials for the building have to be agreed and would be covered by a planning condition. Nevertheless it is not considered that the external appearance of the structure would be visually intrusive or have any adverse visual impact to the wider landscape/townscape.

Impact on the Conservation Area and Protected Approach to Skipton:

9.8 The site is located within the Skipton Conservation Area. It is necessary therefore to consider the impact of the proposal in this context having regard principally to the advice of the NPPF.

9.9 In summary the NPPF advises that developments should consider the need to conserve and protect the significance of heritage assets, in this case the Skipton Conservation Area, and to ensure that proposals deliver sustainable development which do not detract or

adversely affect the significance of those assets. The new build would replace an unattractive storage container and timber shelter and it is considered that the proposed development would greatly improve the overall appearance of the area. Overall, it is not considered that any conflict would arise with the significance of the conservation area as a result of the proposed developments.

9.10 For the reasons outlined earlier in this report it is considered that the proposed design of the new build is complimentary to the existing college buildings and acceptable in terms of the context of the site. It can be argued that the distinctiveness of the area in which the college is sited is derived to an extent by the presence of the college buildings that presently exist. The proposals, whilst modern in design and materials, are nevertheless of an appropriate appearance and of a scale and massing which relates to the existing college campus. With regards to the wider context it is considered that contemporary design is acceptable in principle where it is proposed within a conservation area particularly in the location of the application site. Equally, it considered that the design proposed and relative prominence of the location from some aspects would have no adverse impact upon the heritage asset sufficient to warrant refusal of planning permission.

9.11 With regards to the protected road approach to Skipton Saved Policy BE2 only restricts development proposed within those areas identified as protected landscapes, which the application site is not sited within. Notwithstanding, the proposed classroom building would not be visible from the protected area or from Gargrave Road.

Highways:

9.12 The proposal would utilise the existing shared access onto Gargrave Road but does not include an increase in parking on the site with the existing on-site parking being reduced by 9 spaces. To offset this, the applicants propose entering into an agreement with the nearby Skipton Academy to allow use of 25 permit holders car parking spaces on their site.

9.13 Notwithstanding some concerns over loss of parking no objections have been received from NYCC Highways to the proposals. In addition the site has good access to public transport and is accessible to public car parking.

9.14 On balance, it is considered that the proposal would not raise any issues in relation to access, parking or highway safety and is acceptable subject to implementation of a Travel Plan which would be secured by planning condition.

Tree issues:

9.15 The proposal would result in the loss of trees as detailed above. The arboricultural report has been assessed by the Council's Tree Officer who has raised no objections subject to the imposition of appropriate conditions relating to protection of trees and replacement planting.

10. Recommendation

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

Conditions

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.

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

- Drawing Nos: 16527/A3/001
- 457/02, 03, 04, 05, 07 and 08
- Proposed Belowground Drainage Strategy

Received by the Local Planning Authority on 21st December 2017

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

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

3. Prior to their first use on site samples of all the materials and finished colours to be used on the external elevations shall be submitted to and approved in writing by the Local Planning Authority.

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

4. No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas:

   i) Have been constructed in accordance with the approved drawings.
   ii) 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: To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.

5. Prior to the development being brought into use, a Travel Plan shall have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. This shall include:

   a. the appointment of a travel co-ordinator
   b. a partnership approach to influence travel behaviour
   c. measures to encourage the use of alternative modes of transport other than the private car by persons associated with the site
   d. provision of up-to-date details of public transport services
   e. continual appraisal of travel patterns and measures provided through the travel plan
   f. improved safety for vulnerable road users

   Reason: In the interests of road safety.

6. Unless otherwise agreed in writing the development shall be completed in accordance with the approved Drainage Strategy.

   Reason: To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity of the surface water system.

7. No development shall commence until a scheme indicating the type and distribution of all new trees to be provided within the site has been submitted to, and approved in writing, by the Local Planning Authority. The approved scheme shall be implemented within 12 months of the date from when development on site first commenced (including site clearance). Any tree which is removed, becomes seriously damaged, seriously diseased or dies within 5 years of planting must be replaced by a tree of the same species and be of a similar size to that originally planted.

8. 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 (for 8 and 9): In the interests of the visual amenity of the area.

9. Before the commencement of the development hereby approved barrier fencing shall be erected around all existing trees on the site in compliance with *'BS5837 (2012) Trees in Relation to Construction – Recommendations'.* Within these fenced areas no development, vehicle manoeuvring, storage of materials or plant or removal or addition of soil may take place. The fencing shall not be moved in part or wholly without the written agreement of the Local Planning Authority. The fencing shall remain in place until completion of all development works and removal of site vehicles, machinery and materials in connection with the development.

   Reason: To prevent damage to trees during construction works.

10. Prior to the commencement of the development hereby approved full details of any proposed lighting including flood lighting of the buildings or lighting of the newly constructed pathways shall be submitted to and approved in writing by the Local Planning Authority.

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

    Statement of Positive Engagement: -

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

    - engaged in pre-application discussions

Discharge of Condition(s)

1. The developer should note that Condition Nos 3, 5, 7 and 10 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.

   Any samples of materials that require approval should be made available for inspection either on the site or another suitable location and not brought to or delivered to the Council Offices unless specific arrangements to do so have been made with the relevant planning case officer.

WARD AND APPLICATION No.	PROPOSED DEVELOPMENT AND SITE ADDRESS
COWLING ***22/2016/17439***	*OUTLINE APPLICATION WITH APPEARANCE RESERVED FOR PROPOSED 3 NO DORMER BUNGALOWS.* *LAND OFF DICK LANE, COWLING.* APPLICANT NAME: MR HUGH BROUGHTON TARGET DECISION DATE: 30/01/2017 CASE OFFICER: Mark Moore

This application is referred to the Planning Committee as it is a departure from the Local plan that has been deferred from the Aril 2017 meeting to enable the members to conduct a site visit.

1. Site Description

1.1 The application site comprises a rectangular area of grazing farmland located on the eastern side of Dick Lane, Cowling.

1.2 The site measures 79m along its eastern edge and has a road frontage 58m in length. At its widest point (northernmost edge) the site is 25m but is tapered at its southern end.

1.3 The site lies immediately adjacent to the southern boundary of a development of 3 dormer bungalows that was recently granted planning permission on appeal. The proposed development would be a continuation of existing residential development located on the eastern side of Dick Lane.

1.4 In addition to the new bungalows that adjoin the site there is existing housing situated eastern side of Dick Lane comprised of two, two-storey properties, one a traditional stone built property fronting Dick Lane the other a part stone, part rendered house set back along a shared access and a small group of dwellings, 'Craven Court'. There is a further terraced row of properties to the north-east of the group that fronts onto the main road.

1.5 There is a ribbon of residential properties located opposite the site on the western side of the lane which comprise bungalows at the southern end, two of which were built sometime in the early 1990's, and two storey development at the northern end nearer to the junction with the main road.

1.6 Beyond the residential development and the application site to the west, east and south there is open countryside comprised mostly of farm land whereas to the north lies a main road and the easternmost part of the settlement of Cowling.

1.7 The site is bounded along its frontage by an established hedgerow which is the remaining part of a much larger hedge that previously ran along a substantial part of the eastern side of Dick Lane. There are some trees located towards the southern end of the application site. The remainder of the site is grassed over and generally rises from north to south.

Officer note: The hedgerow at the frontage of the site immediately to the north has been translocated and is subject to monitoring by the planning enforcement team following complaints from the occupiers of neighbouring properties.

1.8 The site lies outside of the Development Limits of Cowling in an area defined as open countryside in the Local Plan (the actual boundary of the development limits lies further to the west running to the rear boundaries of properties on Collinge Road and the neighbouring Welbeck House).

1.9 The western side of Dick Lane, immediately opposite the site, is located within the Cowling conservation area.

1.10 The site is enclosed within a landscape area identified as 'Semi-enclosed Intermediate - Pasture with Wooded Gills & Woodland' in the Craven District Landscape Appraisal (October 2002).

1.11 This is described has having a strong character in a 'good-declining' condition i.e. '*generally good landscape condition with signs of localised decline in some areas, for example sections of dry-stone walls'.*

1.12 In terms of sensitivity to change the Landscape Appraisal identifies that with a setting confined mainly to valley sides the landscape area is highly visible from large areas of the surrounding landscape and that sites of nature conservation value such as Ancient Woodlands are particularly sensitive to change.

1.13 The Landscape Appraisal identifies the following as being significant in terms of conservation/reinforcement:

- Conserve the existing field boundary pattern through conservation of dry-stone walls.
- Conserve and manage areas of Ancient Woodland/wooded gills/woodland pockets.
- Restore disused quarry sites sensitively.
- Conserve and manage the SSSI.

2. Proposal

2.1 This is an outline planning application seeking approval for the access, landscaping, layout and scale of a development comprising of three detached bungalows located in a linear configuration running north-south parallel to the road.

2.2 The appearance of the proposed bungalows and landscaping is a reserved matter.

Officer note: Although appearance is a reserved matter plans have been submitted with the application which indicate that it is proposed to construct dormer bungalows to match the existing newly built development to the north of the site.

2.3 The proposed bungalows would be 6.3m to the ridge falling to 2.4m at the eaves and would be set out with the northernmost pair lying parallel with a shared double width entrance leading to attached garages set adjacent to the rear site boundary. The third, southernmost, bungalow would be set at a slight angle with its own single width access and detached garage.

2.4 The proposal would entail removal of 10.2m of the existing hedgerow to provide access. The remaining hedgerow would be translocated in order to provide visibility splays.

3. Planning History

3.1 There is no planning history directly associated with the application site. However, the adjoining site has had planning permission granted on appeal in July 2014 for the construction of three bungalows.

4. Planning Policy Background

4.1 **The National Planning Policy Framework (NPPF).**

4.2 **National Planning Policy Guidance.**

4.3 **Saved Local Plan Policies:-**

ENV1: Development in the Open Countryside.

ENV2: Requirements for Development in the Open Countryside.

T2: Road Hierarchy.

4.4 The Hedgerow Regulations 1997.

5. Parish/Town Council Comments

5.1 **Cowling Parish Council:** (comments reproduced in full)

‘History:

Application 22/2013/13614 was refused consent on 4/6/2013 and was followed by Appeal APP/C2708/A/14/2213630 which was allowed on a decision dated 23/7/2014. That appeal decision stated the following:

The main issues are the effect of the proposal on the character and appearance of Dick Lane and the ecological integrity of the hedgerow.

On the character and appearance, the Inspector stated:

The development would provide a more cohesive, clearly defined boundary to the pattern of development in the immediate area.

And:

Whilst I accept that approximately 13.5m (of the ancient hedgerow) would be lost in order to accommodate the two vehicular access points, I am not persuaded that any further loss would be the inevitable consequence.

To ensure that only the 13.5 metres would be lost, the Inspector laid down conditions:

13) No development shall take place until full details of a hedgerow translocation scheme have been submitted to and approved in writing by the Local Planning Authority and the scheme shall be carried out as approved. These details shall include a comprehensive method statement; a chronology for the proposed works; a replanting strategy; and an irrigation plan.

14) No development shall take place until a schedule of hedgerow maintenance, including provision for replanting, for a minimum period of 10 years has been submitted to and approved in writing by the local planning authority. The schedule shall include details of the arrangements for its implementation. All development shall be carried out in accordance with the approved schedule.

An application to discharge conditions 13 and 14 of appeal decision ref. APP/C2708/A/14/2213630 was granted 23 July 2014

Regrettably, the conditions have not, as of this date, been met. The Southern site entrance, instead of being the 4.5 meters agreed to on the plan and accepted on the Appeal, is over 10 meters. There are also other gaps in the ancient hedgerow, totalling some 25m instead of the 13.5 stipulated.

Reasons for Refusal:

This application is for a sporadic ‘ribbon’ development which requires the removal of more ancient hedgerow. The appeal Inspector was very precise in 2 matters concerning further development:

1. Removal of the ancient hedgerow must be confined to a total of 13.5 meters.

2. The last development provided a more cohesive, clearly defined boundary to the pattern of development in the immediate area.

Both NPPF and Saved Local Plan Policy ENV2 state that there should be no development which has an unacceptable impact on the landscape, and landscape features including hedgerows worthy of protection should not be impacted upon. This development clearly breaches both NPPF and ENV1, not merely in the opinion of the Parish Council, but also in the opinion of the Planning Inspectorate.

Craven District Council’s policy (ENV1) makes further mention on such development:

In most cases single depth development (ribbon development) along roads leading out of settlements are also excluded

Saved Policy ENV2 states the following:

Development acceptable in principle under policy ENV1.will only be permitted where:

1. 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.

This application clearly does not safeguard this protected hedgerow.

Policy ENV10 states the following:

ENV10. PROTECTION OF TREES AND WOODLANDS

In considering proposals for development, the Council will seek to safeguard the following from harm or unjustifiable loss:

1. A tree or hedgerow protected by a preservation order;

The Parish Council considers that the application, if approved, would breach ENV10:1

Summary:

The Parish Council considers that the application, if approved, would breach Saved Policies ENV1 – ENV2 – ENV10 and NPPF

The Parish Council also requests that the developer (following APP/C2708/A/14/2213630) make good the hedgerow as defined by Para. 13 of the Conditions laid down in that Appeal Decision, if necessary by enforcement'.

6. Consultations

6.1 **NYCC Highways**: Recommend that planning permission is granted subject to conditions relating to the construction of the access/vehicle crossings and suitable visibility splays and restrictions to ensure that the garages are retained for parking of vehicles.

6.2 **NYCC SuDS:** No comments.

6.3 **CDC Contaminated Land**: No known contaminated land implications associated with the proposed development.

6.4 **CDC Environmental Protection**: No objections. Regard should be had for the hours of construction, dust management and use of clean topsoil.

6.4 **CDC Tree Officer**: Initially the tree officer raised concerns about the layout which he considered would result in removal of too much of the hedgerow and also commented that the landscaping was appropriate but could be improved by swapping the positions of the proposed planting. His recommendations have been incorporated in revised plans.

6.5 **Yorkshire Water**: No objections. If planning permission is to be granted recommend that a condition is attached to require prior approval of the means of surface water disposal.

6.6 **Environment Agency**: As the proposal falls outside the scope of issues on which the EA wish to be consulted, the EA recommend using their standing advice in respect of this application. Since the site is not located within a flood zone the EA's standing advice provides no comments. However, having regard to the comments from objectors regarding the presence of a water course near to the site it is proposed to advise the developer that any development needs to comply with the EA standard requirements in relation to flood risk, management of surface water and other sources of flooding.

6.7 **Natural England**: No comments.

7. Representations

7.1 A total of 6 representations have been received and are summarised as follows:

- The proposed bungalows would be highly visible and incompatible with the traditional bungalows on the opposite side of the road. Development should be limited to single storey bungalows with a minimal roof pitch.
- Proposal would conflict with NPPF and Local Plan Policies and should be refused.
- Approval would set precedent for further development.

- Dick Lane has no lighting or footway and is unsuitable for development.
- There is no demand from within the village for housing of this kind or price.
- The development would adversely impact on the infrastructure and public services.
- Development would lead to further closure of Dick Lane.
- Remaining hedgerow is at risk and should be retained.
- Hedgerow on existing development has not been transplanted successfully and does not provide an acceptable boundary as a domestic curtilage.
- Proposal would adversely impact on the conservation area.
- Existing development has led to significant traffic problems and removal of substantial amounts of soil. Proposed development would exacerbate problems and would be a nuisance to local residents.
- Surface water run-off from the existing site has not been dealt with effectively.
- Proposals would result in a loss of privacy to existing properties opposite the site.
- Proposals would lead to road parking which would be a source of danger on such a narrow road.

8. Summary of Principal Planning Issues

8.1 Principle of development, sustainability and housing land supply.

8.2 Layout, scale and visual impact.

8.3 Impact on conservation area.

8.4 Access and highway safety.

8.5 Impact on amenity.

8.6 Hedgerow.

8.7 Drainage.

9. Analysis

PRINCIPLE OF DEVELOPMENT, SUSTAINABILITY AND HOUSING LAND SUPPLY

Principle of development

9.1 The application site is located outside of development limits in an area of open countryside as defined in the Local Plan and therefore falls to be considered under Saved Local Plan Policy ENV1. Policy ENV1 would be prohibitive of residential development in open countryside other than in very special circumstances which do not apply in this particular case. Accordingly, the development proposal is not supported in principle under the relevant saved policy in the adopted Local Plan.

9.2 The Craven District (Outside the Yorkshire Dales National Park) Local Plan was adopted in 1999 and whilst a number of policies within the Local Plan, including ENV1, were Saved in September 2007 (under the Secretary of State's direction under Paragraph 1 (3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004) they were not prepared under the said 2004 Act.

9.3 Paragraph 215 of the 2012 National Planning Policy Framework (NPPF) makes it clear that policies not adopted in accordance with the Planning and Compulsory Purchase Act (2004) need to be considered in terms of their degree of consistency with the NPPF, stating that:

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

As such, where there is any conflict between the Local Plan and the NPPF, the Local Plan would carry limited or no weight, with the greater weight being given to the policies set out in the NPPF.

9.4 The main thrust of the NPPF is the overarching presumption in favour of sustainable development; i.e. the general acceptability of proposals against the stated '*three dimensions to sustainable development: economic, social and environmental'*. The NPPF sets out 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. Where plans are out of date. As is the case with Craven's Saved Local Plan, there will be a strong presumption in favour of sustainable development that accords with National Planning Policy. So paragraph 14 of the NPPF indicates that development should be approved unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, or specific policies in the Framework indicate that development should be restricted.

Sustainability

9.5 As set out above, the NPPF makes it clear that there is an overarching presumption in favour of sustainable development and it is therefore necessary to consider this aspect of the proposal.

9.6 No single definition of the term 'sustainable' is present in the NPPF but it does at paragraph 6 outline that the policies set out between paragraphs 18 to 219 '*taken as a whole, constitute the Government's view of what sustainable development in England means'* and it is therefore necessary to consider whether or not the proposals would contravene any of those identified NPPF policies.

9.7 In more specific terms the NPPF states at paragraph 55:

'To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby'.

It is also stated that LPA's should avoid *'new isolated homes in the countryside'*, although this may still be acceptable if special circumstances exist.

9.8 The application site is located on the edge of a smaller 'satellite' area of approximately 107 dwellings that lies roughly 0.1 miles to the north-east of the development limits of the main village of Cowling and approximately 0.25 to the village centre. The site is also approximately 2.5 miles to the south-west of the village centre of Crosshills. The proposed development would introduce housing along the eastern side of Dick Lane which would extend to approximately the length of the existing housing on the opposite side of the road and would 'round off' the small settlement which presently sits for the most part to the north side of the main A6068 Keighley/Colne Road and to the western side of Dick Lane.

9.9 The site is not directly adjacent to development limit boundaries, but given its location it is not considered that it could be classed as 'isolated'. This is because the site would form part of a 'satellite' area of in excess of 100 dwellings that lies in very close proximity to the main village of Cowling. It is therefore considered that the proposed development is not expressly contrary to NPPF policy (as outlined above). Similarly, the proposals would comply with Paragraph 55 of the NPPF as the development site is on the edge of a small settlement and would in fact support existing services in the nearby Local Service Centre of Cowling.

9.10 One aspect of sustainability is the accessibility of a particular site which in this case is no less accessible than the existing development that lies immediately adjacent and opposite the site including the most recent development on the adjoining land. Moreover, the site is in close proximity to a main arterial road which has bus links to Cowling and Keighley to the north-east and to Colne to the south-west. Whilst it is acknowledged that there are few amenities in the larger Cowling settlement it is difficult to argue that this makes the application site unsustainable as the same situation applies to the existing residential

development in the immediate area and occupiers of the new dwellings would have access to the same services as existing residents and would have to utilise the same means of accessing those services. Conversely, it could not reasonably be argued that the site is unsustainable due to the pressure on existing amenities and services that it might give rise to.

9.11 In summary it is considered that the application site is in a sustainable location and, for the reasons outlined above, it is also considered that the proposals would constitute sustainable development. In coming to this conclusion it is noted that there are other potential housing sites on the edge of the village that are closer to its centre and are therefore in a more sustainable location than the application site. Notwithstanding this, it remains the case that this site is still considered to be sustainable and accordingly, development on the application site is considered to be compliant with the NPPF in principle.

Housing provision:

9.12 The Council's Planning Policy team has recently published the November 2016 'Five Year Housing Land Supply Methodology and Report'. This is of some relevance with respect to making decisions on planning applications for new housing development, as is the case here.

9.13 Development limit boundaries that were defined by Policy ENV1 of the 1999 Local Plan are now out of date and should not necessarily be given any weight in the decision making process. The NPPF is concerned about sustainable development rather than whether or not it is within a defined spatial limit. In the recent past the Council has both approved and refused applications for residential development in locations that are outside of the development limit boundaries that were defined by Policy ENV1. In Officers opinion this situation remains unchanged. Every application will still need to be assessed on its individual planning merits and its suitability for residential development considered. The NPPF advises that permission for sustainable development should be granted unless the adverse impacts significantly and demonstrably outweigh the benefits. The Council's Five Year Housing Land Supply position will be a relevant consideration in that decision but must be considered in the overall planning balance. However, as stated earlier, Officers would not expect that a refusal of permission could be sustained solely on the grounds that development is not required based upon the November 2016 Five Year Housing Land Supply report.

9.14 The conclusion, in relation to the principle of development, sustainability and housing land supply, is that the development proposals are acceptable.

Layout, Scale and Visual Impact:

9.15 It should be noted that the external appearance of the proposals is a reserved matter and therefore cannot form part of the current assessment of the planning application. Notwithstanding, illustrative plans have been submitted that show the scale and potential design of the proposed three bungalows which would most likely replicate the designs of the newly constructed properties on the adjoining site.

9.16 Saved Local Plan Policy ENV2 sets out that where development in the open countryside is considered to be acceptable in principle, it should go on to meet additional criteria set out in the policy. Criterion one states that development should be compatible with the character of the surrounding area, should not have an unacceptable impact on the landscape and should safeguard landscape features, including stone walls and hedgerows, worthy of protection. Criterion two sets out that the design of buildings and structures and the materials proposed should relate to the setting, taking account of the immediate impact and public views of the development.

9.17 The NPPF provides policies that relate to 'good design' and is not overly prescriptive regarding what this would actually consist of but does advocate that it is important to ensure that developments reinforce local distinctiveness and are mindful of the scale, density,

massing, height, landscape, layout, materials and access of neighbouring buildings and the local area generally.

9.18 Of the matters that have been applied for the scale of the proposed bungalows is reflective of the existing development surrounding the site which for the most part consists of single storey properties and would have limited visual impact in comparison to more conventional two storey development in this particular location. Similarly, the linear arrangement, spacing and set back from the road (layout) would all be complimentary to the grain of the existing development that faces the application site and would be the context in which the development would be viewed. The overall layout and scale are in this instance considered to be entirely appropriate for a transitional development on the periphery of an established settlement area.

9.19 It is clear that the proposals will impact on the overall appearance of the lane which is a rural byway that is bounded by open grazing land set behind the remaining part of a hedgerow along its eastern side. However, it would be difficult to justify a refusal of the proposed development on visual impact grounds given that it would extend the built envelope along part of the eastern side of the road in a manner that compliments the existing residential development located immediately opposite the application site. Additionally, whilst the proposals would require two access points and entail the relocation of the existing hedgerow (dealt with in detail later in this report) these changes are not considered to be excessively urban in nature and would not be a significant departure from the predominant character of the lane as it presently exists. It is also considered that the proposed small expansion of the settlement into the adjoining rural land is not of sufficient scale or impact on the wider landscape to constitute grounds for a refusal of planning permission. Overall, it is considered that the proposals comply with both Saved Local Plan Policy ENV2 and the NPPF in terms of layout, scale and visual impact

Impact on the Conservation Area:

9.20 The site lies adjacent to the Cowling conservation area, the boundary of which lies on the opposite side of the road.

9.21 The NPPF recognises the importance of ensuring that development proposals do not adversely impact upon the significance of heritage assets, which in this case is the conservation area, and requires that where any harm does arise it is assessed in terms of the scale of that harm and the balance against any benefits that may arise from allowing development to take place.

9.22 In this case the significance of the heritage asset could only be harmed in terms of its setting which it is considered would not be affected in any adverse manner given that the development proposed is entirely reflective of existing development both within and adjoining the conservation area. The loss of the rural land that borders the heritage asset is not considered to be sufficiently harmful to constitute grounds for refusal of planning permission.

9.23 In coming to the above view it is acknowledged that the Conservation Area is characterised in part by its rural setting. However, the loss of a small area of the farmland surrounding the settlement and erection of the housing proposed would not be considered sufficiently harmful to justify refusal of planning permission.

Access and Highway Safety:

9.24 The proposed access arrangements comprise two access points, one shared and one serving a single property are considered to be acceptable in highway safety terms. No objections have been raised by NYCC Highways subject to compliance with recommended conditions summarised above and it is noted that the application incorporates visibility splays to the specifications of the highways authority.

9.25 Concerns raised by objectors regarding the suitability of the road for additional development, in particular the traffic that would be generated by that development, are not shared by the Highways Engineer and it is not considered that a refusal of planning permission on the grounds of highway safety could be justified.

Impact on Amenity:

9.26 The orientation and overall height of the proposed bungalows are such that no issues of overshadowing would occur to any of the existing properties in the immediate vicinity of the site. Interface distances to the houses on the opposite side of the road range between 20m -26m and would not give rise to any problems from loss of privacy or result in an overbearing relationship.

9.27 The outlook of the existing housing along the western side of Dick Lane would be affected as they currently face an unbroken line of hedgerow with open fields beyond. However, it is not considered that the impact would constitute grounds for refusal of planning permission as the relationship is acceptable in planning terms and protection of the view currently enjoyed by the residents of the existing properties is not a planning matter.

Hedgerow:

9.28 The proposals would require the relocation and partial removal of an existing hedgerow that fronts the application site.

9.29 The application has been submitted with an ecological assessment which concludes that whilst the hedgerow can be categorised as 'important' using indicators laid out in the hedgerow regulations there are no protected species that would prohibit the proposed mitigation works from being undertaken. The report has been prepared and certified by an appropriately qualified Ecologist.

9.30 A number of objections have been raised regarding this aspect of the proposal by the Parish Council and in other letters of representation. In particular there are criticisms of the translocated hedgerow to the adjacent site which it is contended has not been undertaken correctly. The main conclusions are that the removal or translocation of the remaining hedge should not be sanctioned and that it would not be possible to achieve this without substantial or total loss of the hedgerow or a diminishing of its significance and contribution to the overall character of the area.

9.31 In this case outright removal of the hedge is not sought but the LPA is required to consider the acceptability of its translocation and partial removal as part of the planning application under consideration. The application has been referred to Natural England who has raised no objections to the proposed development and the information submitted in support of the planning application is considered to comply with the standing advice issued by that particular agency. Consequently, it is not considered that it would be possible to sustain refusal of planning permission on ecological grounds or concerns over the proposed mitigation works.

9.32 In coming to this view it is noted that refusal of planning permission cannot be justified in cases where the reason for refusal can be overcome by planning conditions. In this case, the translocation of the hedge would be achievable via a planning condition and would moreover be consistent with the relevant tests set out in planning policy guidance. It is also important to note the conclusions of the Planning Inspector who did not agree that concerns regarding the risks of translocating the hedgerow where sufficient grounds for refusal of planning permission in relation to the appeal against refusal of the adjoining site which were as follows:

Officer note: The applicant's agent has submitted a review of the success of the hedgerow translocation at the adjoining site undertaken by a firm of consultant ecologist. The conclusion of the ecologist was that the translocation has resulted in 79% of hedgerow remaining alive. The hedgerow on the existing development site remains the subject of an ongoing enforcement investigation.

9.33 In summary it is considered that the hedgerow can be translocated, that this can be achieved via appropriate planning conditions and therefore the value of the hedgerow both ecologically and visually can be retained. On this basis, subject to compliance with a suitable planning condition, it is considered that this aspect of the proposal is acceptable and that there are no grounds for refusal of planning permission on the basis of the loss of the hedgerow.

Drainage:

9.34 A number of objections have been received that express concerns over problems with drainage of the site. Having regard to the consultation responses from Yorkshire Water, the Environment Agency and CDC Environmental Protection it is clear that there are no objections from the statutory authorities' responsible for these particular matters and that the site could be safely developed subject to compliance with the conditions that they have recommended. Accordingly, a refusal of planning permission based on flooding or drainage issues could not be sustained and would moreover not be supported by the relevant agencies.

Summary:

9.31 This application raises competing issues that must be considered in the balance. The principal benefit would be the contribution to the Council's five year housing land supply position, albeit by a modest amount.

9.32 However, that benefit has to be balanced against the adverse impact, which in particular comprises the development of a green field site which is outside development limits (albeit the relevant policies are not entirely consistent with the NPPF). There are also some potential issues relating to the wider landscape impacts of the proposed development.

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

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

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

9.34 In this case the proposal does not fully accord with the development plan. However, it is considered that the relevant Saved Local Plan policies (in particular ENV1 and ENV2) conflict in some instances with the NPPF (as supplemented by the nPPG) and limited weight can therefore be attached to some aspects of them. In particular the development limit boundaries identified by Saved Policy ENV1, which indicate that this site is within an open countryside location, are wholly out of date. This is therefore considered to be a circumstance where the relevant development plan policies (taken as a whole) are out of date and the NPPF advises in such circumstances that a) or b) as set out above should be followed. However, officer's assessment in this case is that the local policies are not wholly consistent with the approach taken in the NPPF and therefore only very limited weight should be attributed to those policies.

9.35 In cases where there are restrictive policies in play (in particular those relating to heritage) the balance needs to be struck under those policies first before the Committee considers the wider question of whether the adverse impacts of granting permission significantly outweigh the benefits so that planning permission should be refused (for the purposes of para 14 NPPF). As set out above officers consider that the development is acceptable having regard to paras. 132-134 NPPF.

9.36 In considering whether the adverse impacts of the proposal significantly and demonstrably outweigh the benefits, officers conclude that this scheme will provide new dwellings. Overall, the development would have some minor adverse impacts but it is concluded that the adverse impacts do not significantly and demonstrably outweigh the benefits of providing much needed housing and the proposed scheme is therefore acceptable and benefits from the presumption in favour of sustainable development.

10. Recommendation

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

Conditions

A. Conditions relating to the approval of reserved matters and time within which development is to begin.

1. Approval of the details of the external appearance of the buildings (hereinafter called "the reserved matters") shall be obtained from the local planning authority in writing before any development is commenced.

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

2. Plans and particulars of the reserved matters referred to in condition 1 above, relating to the external appearance of any buildings to be erected shall be submitted in writing to the local planning authority for approval, and shall be carried out as approved.

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

3. The development shall be begun before the expiry of 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.

4. The details to be submitted to and approved in writing by the local planning authority as part of the reserved matters shall include specifications for all materials to be used in the construction of the external surfaces of the buildings hereby permitted. Development shall be carried out in accordance with the approved details.

   Reason: To ensure the delivery of sustainable development and facilitate community involvement and informed decision making as explained in the National Planning Policy Framework.

B. Condition to specify the approved plans:

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

   - Drawing 2016-172-A001A received by the Local Planning Authority 24th January 2017.
   - Drawing 2016-172-B050A received by the Local Planning Authority 5th December 2016.
   - Drawing 2016-172-B051B received by the Local Planning Authority 24th January 2017.
   - The method of hedgerow translocation and mitigation set out in the Extended Phase 1 Habitat Survey Report received by the Local Planning Authority 10th October 2016.

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

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

   Informative:

   Drawing nos. 2016-172-B052 and B053 detailing Proposed Floor Plans and Elevations are not approved drawings as the appearance of the bungalows is a reserved matter.

C. Pre-commencement conditions:

6. No development shall take place until details of a sustainable drainage scheme for the disposal of surface and foul water has been submitted to and approved in writing by the

Local Planning Authority. All development shall be carried out in accordance with the approved scheme and retained thereafter.

Reason: To ensure that the site is properly drained.

7. No development shall take place until details showing the verge and footway crossings have been submitted to, and approved in writing by, the Local Planning Authority. All development shall be carried out in accordance with the approved details and retained thereafter.

Reason: In the interests of highway safety.

8. No development shall take place until a schedule of hedgerow maintenance, including provision for replanting, for a minimum period of 10 years has been submitted to and approved in writing by the local planning authority. The schedule shall include details of the arrangements for its implementation. All development shall be carried out in accordance with the approved schedule.

Reason: In the interests of visual amenity and to ensure that the ecological and amenity value of the hedgerow is retained.

9. Development shall not begin until the access to the site has been set out and constructed in accordance with the following requirements:

i) Any gates or barriers shall be erected a minimum distance of 4.5m back from the existing highway and not open in such a way that they would cause an obstruction to the carriageway;

ii) The gradient of the two proposed access points from the highway shall not exceed 1 in 10 over a distance of 4.5m from the point at which they join the highway;

iii) No unbound material capable of being dragged onto the highway shall be used in the surface of the site access within 4.5m of the highway boundary; and

iv) Provision to prevent the discharge of surface water from the development onto the highway shall be constructed in accordance with details submitted to, and approved in writing by, the Local Planning Authority and maintained thereafter for this purpose.

10. No development, including construction or related ground works but excluding any works necessary to construct the proposed accesses and translocate the existing hedgerow, shall take place until the visibility splays specified on the approved plan are provided. Once created the visibility splays shall be maintained clear of any obstruction and retained thereafter.

Reason (for conditions 9 and 10): In the interests of highway safety.

D. Other conditions:

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, re-enacting or modifying that Order), no fences, gates or walls shall be erected within the curtilage of any dwelling house forward of any wall of that dwelling house which fronts onto a road.

Reason: To ensure the appropriate boundary treatment of the site.

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

Discharge of Condition(s)

1. The developer should note that in addition to the need to submit an application for approval of the reserved matters condition nos 6, 7 and 8 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. Please note that any samples of materials that require approval should be made available for inspection either on the site or another suitable location and not brought to or delivered to the Council Offices unless specific arrangements to do so have been made with the relevant planning case officer.

WARD AND APPLICATION No.	PROPOSED DEVELOPMENT AND SITE ADDRESS
EMBSAY W EASTBY ***26/2017/17783***	*CONVERSION OF STABLE BUILDING TO SINGLE DWELLING* *6 KIRK LANE, EASTBY.* APPLICANT NAME: MR ALEX MCINTOSH TARGET DECISION DATE: 21/04/2017 CASE OFFICER: Sam Binney

The application is referred to planning committee at the request of Councillor Shuttleworth on planning grounds and the associated public interest.

1. Site Description

1.1 The site is a small stable block to the south of Kirk Lane, Eastby. The block is situated in excess of 90m from Kirk Lane to the north. To the south of the site is a ménage for use by horses of the stables. To the north of the site are residential dwellings, a farm approximately 150m to the east and open fields to the south.

1.2 The topography of the land slopes downhill from Kirk Lane to the application site.

2 Proposal

2.1 The application seeks planning permission for the conversion of the stable block to a single dwelling.

2.2 The building is currently a U-Shaped stable block serving 5 stable rooms and 3 hay, feed, and tack rooms. The existing stable block has a concrete render finish and concrete tile roof and a paved yard in the centre.

2.3 The proposal would infill the yard and include a new grey slate roof above the yard, agricultural style sliding shutters would also be installed to the principal elevation in front of new glazed windows and doors. The infill roof will also feature a glazed roof lantern to provide lighting to the new accommodation. The footprint of the accommodation is not to be extended. The building will also be fitted with vertical cedar cladding to all elevations.

3 Planning History

3.1 5/26/94/C – single storey extensions to house, and erection of stables. Approved 24/09/1998.

4 Planning Policy Background

4.1 Saved Local Plan Policies H8.

4.2 National Planning Policy Framework (NPPF).

4.3 National Planning Practice Guidance.

5 Parish/Town Council Comments

5.1 Embsay with Eastby Parish Council: Object. A summary of the objection is outlined below:

- The alignment of levels and restricted visibility on egress from the site is restricted.
- Development would increase vehicular use of access.
- The building is still in use not redundant.
- Believed that ménage and stable block are restricted to use by occupier of Hawlands.

Officer's Note: The planning history shows that the stables aren't restricted to the occupier of Hawlands.

- The proposal weakens the traditional linear alignment of Eastby.

6 Consultations

6.1 Environmental Health: No objection but recommend conditions regarding asbestos, noise, dust and clean topsoil.

6.2 NYCC Highways: No objection. The Highways Authority accepts that despite poor visibility at the entrance to the site, there would be a traffic generation trade off from the site.

7 Representations

7.1 There are 6 letters of representation for the application. 5 letters of objection and 1 stating no objection. A summary is outlined below;

7.2 **Objections**:

7.3 The exit onto Kirk Lane is treacherous.

7.4 Would create a precedent for similar schemes in the area.

7.5 Loss of privacy to neighbouring residents.

7.6 It would change the character and appearance of this conservation area which should be protected.

Officer's Note: The application site is not within a conservation area. The closest area that is a conservation area is 120m to the east of the existing stables.

7.7 Could seriously harm the rural character of this area.

7.8 Not appropriate within a special landscape character area.

7.9 **No objection:**

7.10 No objection provided that any consent for residential use is made subject to the property being used as ancillary accommodation for the principal residence.

7.11 **Officer's Note**: The application is not presented as an ancillary building but as a house available on the open market.

8 Summary of Principal Planning Issues

8.1 Principle of development.

8.2 The scale and visual impact of the proposed development.

8.3 Impact of the development upon the amenity of neighbouring occupiers.

8.4 Highway Safety.

8.5 Tree Issues.

9 Analysis

9.1 **Principle of development.** The site is located within the Open Countryside as defined in the adopted Local Plan. In close proximity to the site there are residential properties to the north and the main highway Kirk Lane. As the land is Open Countryside, the requirements of saved policies ENV1 and ENV2 are of relevance although since the emergence of the NPPF these policies carry limited weight. These policies seek to protect the character and quality of the open countryside from being spoilt by sporadic and inappropriate development. The proposal is in accordance with saved policies ENV1 and ENV2.

9.2 Saved Local Plan Policy H8 is applicable as it is for a conversion of a rural building for residential use. This policy has numerous criteria which must be met for the conversion to be acceptable.

9.3 The first criterion is that every reasonable attempt has been made to secure suitable business reuse. A planning statement has been supplied which addresses this in limited detail. The statement suggests that the conversion to a residential property is the most suitable reuse of the building. In officer's opinion it is considered that given the location of the site there is no suitable business reuse which could take place at the site.

9.4 The building is in a relatively remote location in the open countryside with an existing access with the nearest buildings being residential properties. It is considered therefore that the potential impact on the character and appearance of the area caused by a conversion would be limited.

9.5 There is no structural survey supplied with the application. However, the planning statement confirms that the building is in a fair condition but in need of maintenance and repair. It is considered that the building can be converted without any major rebuilding.

9.6 The provision of an ecological survey to consider the impact upon barn owl and bat roosts is often required. In this instance it has been considered unnecessary due to the nature of the building being converted. The proposal is considered to be in accordance with saved policy H8.

9.7 **The scale and visual impact of the proposed development.**

9.8 There will be no increase to the existing footprint of the building as a result of the development. The scale therefore is considered to be acceptable. The external walls will be fitted with vertical cedar cladding. Visually the cladding will be more in keeping with the surrounding area and would help the building to blend into the landscape.

9.9 The property would utilise an existing access track to the north. This therefore would not result in a visual impact from creation of a new access and new movement of cars to and from the site.

9.10 The building is well screened from public viewpoints due to the topography of the site and the extensive landscaping already present on the site. Due to the area tree preservation order present to the west of the site this landscaping would be retained.

9.11 As a result of the above considerations, the design and scale of the building are considered to be appropriate for the proposed development. The building would be suitable for the surrounding area.

9.12 **Impact of the development upon the amenity of neighbouring occupiers.**

9.13 The building is in excess of 70m from the nearest properties, though their rear garden/amenity space extends toward the boundary of the site. The height of the building is not being increased and is not extending toward the boundary of neighbouring properties. As a result, there will be no detrimental impacts from any additional overshadowing.

9.14 The north elevation of the building faces toward neighbouring properties. Currently in this elevation there is a large window into one of the stable rooms. It is proposed to enlarge this opening by dropping the cill to form patio doors to the proposed garden area. There would also be two additional windows to this elevation. These however would be 1.9m above ground level at the lowest point. As such, it is considered that the proposal not result in a detrimental impact on privacy to the neighbouring properties.

9.15 **Highway Safety**.

9.16 The proposed development would utilise the existing access from Kirk Lane to the north. The Highways Authority has voiced their concern at the limited visibility available at this entrance from the highway. They have since mentioned however that due to the stables being unrestricted for usage, its conversion to a residential dwelling would result in a traffic generation trade off. On this basis, the Highways Authority has no objections to the scheme. As a result, it is therefore considered that the proposal would not result in conditions prejudicial to highway safety.

9.17 **Tree Issues**.

9.18 In close proximity to the site there is an area Tree Preservation Order No. 2 (1971) in particular Group 16 of this TPO to the western boundary. The TPO states that this consists of 12 sycamores, 1 beech, and 1 ash. The tree officer has been consulted and has stated that there are no objections to the scheme but recommends a condition regarding protective fencing to this group of protected trees during construction.

9.19 **Conclusion**

9.20 To conclude, Paragraph 14 of the Framework indicates that development should be approved unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole, or specific policies in the Framework indicate development should be restricted. In this case it is considered that the proposals would not be harmful to the existing character and amenities of the surrounding area as to justify withholding planning permission. The living conditions of neighbouring occupiers would not be harmed by any substantial loss of privacy, sunlight or general outlook. In conclusion, it is considered that the requirements of the NPPF and Saved Local Plan Policy are met and that there are no reasonable grounds to withhold planning permission.

10 Recommendation

10.1 To grant planning permission.

Conditions

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.

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

   - Drawings SK01, SK02, SK03, and SK04 received by the Local Planning Authority 03rd 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 been subsequently approved following an application for a non-material amendment.

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

3. Protective fencing and ground protection in accordance with BS5837 (2012) shall be erected around the respective root protection zones (RPA's) of the TPO protected trees to the western boundary of the site. This shall be erected before development commences and shall thereafter be retained at all times until the development has been completed and all machinery, compounds and materials have been removed from the site. Nothing shall, at any time, be stored within these areas.

   Reason: In order to safeguard existing trees in accordance with the requirements of Saved Local Plan Policy H8 of the Craven District Council (Outside the Yorkshire Dales National Park) Local Plan and Section 11 of the National Planning Policy Framework.

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

   Reason: The development is such that the local planning authority would wish to control any future development in the interests of visual amenity and the amenity of the occupiers of the neighbouring properties.

5. No development shall commence until details of all the materials to be used on the external elevations have been submitted to, and approved in writing, by the Local Planning Authority. The development shall then be constructed in accordance with the approved details.

   Reason: In the interests of visual amenity.

Informatives:

1. 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 41(1) of the Conservation of Habitats and Species Regulations 2010. Should any bats or evidence of bats be found prior to or during development, work must stop immediately and in the first instance contact the National Bat Helpline on 0845 1300 228. Developers/ contractors may need to take further advice from Natural England on the need for a European Protected Species Licence in order to continue the development in a lawful manner. Natural England can be contacted at consultations@naturalengland.org.uk, or by calling 0300 060 3900, or Natural England, Consultation Service, Hornbeam House, Crewe Business Park, Electra Way, Crewe, Cheshire, CW1 6GJ.

2. All works (including any site clearance work) should take place outside of the main bird breeding season, which runs from 1st March to 30th September. If works during this period are unavoidable, there should first be an inspection by a qualified ecologist to check for the presence of nests, and if any nests are found, works should be delayed until the young have fledged.

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.

WARD AND APPLICATION No.	PROPOSED DEVELOPMENT AND SITE ADDRESS
AIRE VAL W LOTH ***11/2016/17657***	*PROPOSED DEVELOPMENT FOR THE CONSTRUCTION OF FOUR DETACHED DWELLINGS WITH ASSOCIATED OFF STREET PARKING AT LAND OFF MATTHEW LANE, BRADLEY.* *LAND OFF MATTHEW LANE, MATTHEW LANE, BRADLEY.* APPLICANT NAME: MR THROUP TARGET DECISION DATE: 24/04/2017 CASE OFFICER: Andrea Muscroft

This application has been referred to the Planning Committee as it is on a site which has previously been considered by the Planning Committee and the proposal is a departure from the Development Plan.

1. Site Description

1.1 The application site relates to 0.33ha of land that lies to the west of Matthew Lane, situated to the south of the village centre of Bradley. Residential dwellings are located southeast, east and north of the site with agricultural land to the northwest and southwest.

1.2 The parcel of land slopes southwest towards the Leeds and Liverpool Canal and is devoid of trees. A mixture of trees/shrubs lies along the southwest and northwest boundaries.

1.3 The site lies outside of the development limits for the village, but does lies within the designated conservation area for Bradley. The site has also been identified as being within a Low Risk Development Area by the Coal Board.

2. Proposal

2.1 The proposal is seeking planning approval for the construction of four detached open market dwellings with associated off street parking.

2.2 The proposal is supported by the following documents:

- Design and Access Statement.
- Traffic Report.
- Tree Survey.

2.3 Plots 1 & 2 would provide 3 bedroom accommodation over two levels with integral single garage.

2.4 Plot 3 would provide 4 bedroom accommodation split over two levels with a separate detached double garage.

2.5 Plot 4 would provide 4 bedroom accommodation split over two levels with a separate detached double garage.

2.6 Boundaries would be defined by stone walls and post & rail fencing.

2.7 Access to the site would be directly off Matthew Lane.

2.8 The proposed materials would comprise of coursed natural stone walls under a Artstone reproduction stone slate roof, natural stone window surrounds, white painted timber window frames, dark stained timber with black painted cast iron guttering.

3. Planning History

3.1 None

4. Planning Policy Background

4.1 Saved Policies ENV1, ENV2, ENV10 & T2 of the Craven District (outside the Yorkshire Dales National Park) Local Plan.

4.2 The National Planning Policy Framework – NPPF

4.3 Planning Practice Guidance – PPG.

5. Parish/Town Council Comments

5.1 Bradley Parish Council: The parish need to declare an interest in the development of this site due to on-going discussions with the landowner. It is therefore requested that the application is deferred until this matter can be resolved.

5.2 **Officers Note**: With regards to above comments this is not a material planning consideration and will not form part of the assessment of this application.

6. Consultations

6.1 CDC Environmental Protection: No objection to the proposal subject to the use of appropriate conditions and informative.

6.2 CDC Contamination Officer: No known contaminated land implications regarding this application.

6.3 CDC Tree Officer: Trees on site are not considered worthy of a Tree Preservation Order and therefore have no objection to the proposal subject to the use of an appropriate condition relating to ensuring sufficient landscaping is provided. And that protective fencing to BS 5837 is constructed to protect the trees on the northern boundary and the hedgerow.

6.4 Historic England: No comments received at the time of compiling this report.

6.5 NYCC Highways: No objection subject to the use of appropriate conditions with regards to construction of requirements, retention of parking spaces and restriction on garage conversions to habitable rooms.

6.6 Yorkshire Water: No comments received at the time of writing this report.

7. Representations

7.1 The proposal was advertised in the Craven Herald on the 9th March 2017 with a Site Notice posted on the 10th March 2017. In addition, notification letters were circulated to neighbouring properties. As a consequence of the publicity, two letters of representation have been received. Comments summarised below:

7.2 Biodiversity.

- Concern over the potential loss of natural habitat.

7.3 Other issues

- The field is an obvious place to extend the existing leisure facility.
- Proposal would result in the loss of calming views of canal boats that wind along the canal.

8. Summary of Principal Planning Issues

8.1 Principle of development

8.2 Visual impact of the development on the conservation area and the rural countryside.

8.3 Impact of development on the amenity of neighbouring properties.

8.4 Highways

8.5 Other issues

9. Analysis

9.1 **Principle of development**.

9.2 Following the Coalition Government's abolition of The Yorkshire and Humber Plan (Regional Spatial Plan) on 22 February 2013 the 'development plan' comprises the 'Craven District (Outside the National Park) Local Plan. Further to the Secretary of State's direction in September 2007 (under Paragraph 1 (3) of Schedule 8 to the Planning & Compulsory Purchase Act 2004) the County Structure Plan and a number of Local Plan policies of the adopted Local Plan were deleted. Therefore, the remaining Local Plan Policies referred to form the 'Saved' policies in the Direction.

9.3 The application site lies outside but adjacent to the development limits of Bradley, and therefore saved Local Plan Policy ENV1 applies. Policy ENV1 seeks to protect the character and appearance of the open countryside from being spoilt by sporadic development and restricts development to small scale proposals appropriate for the enjoyment of the scenic qualities of the countryside and other appropriate small-scale development having a rural character and where the proposal 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.

9.4 Saved Local Plan policy ENV2 seeks to ensure that any development acceptable in principle under saved policy ENV1 is compatible with the character of the area and does not have an unacceptable impact on the landscape; that the design and materials used relate to the setting; that traffic generated can be accommodated satisfactorily and that services and infrastructure can be provided without a serious harmful change to the character and appearance of the area. These are general planning considerations, broadly in line with the NPPF.

9.5 As the Local Plan was adopted in 1999 it was not prepared under the Planning & Compulsory Purchase Act 2004. Paragraph 215 of the National Planning Policy Framework (NPPF) states that policies not adopted in accordance with the 2004 Act need to be considered in terms of their degree of consistency with the NPPF stating that 'the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given'. Consequently, where there is any conflict the Local Plan policies carry limited or no weight and the application should be assessed against the new Framework.

9.6 The main thrust of the NPPF is an overarching presumption in favour of sustainable development. This guidance reaffirms that it is the Government's clear expectation that local planning authorities should deal promptly and favourably with applications that comply with up to date plans and that where plans are out of date, there will be a strong presumption in favour of sustainable development that accords with national planning policies.

9.7 One of the key objectives of the NPPF is to widen the choice of high quality homes and to significantly boost the supply of housing. Accordingly, the NPPF requires local authorities' to identify and update annually a supply of specific deliverable sites for housing ensuring that there is sufficient to provide for a five year supply against local requirements.

9.8 With regards to the housing provision, the Council published in November 2016 its 'Five Year Housing Land Supply Methodology and Report', which is of relevance with respect to making decisions on planning applications for new housing development.

9.9 The report sets out the latest position with respect to the Council's five year land supply calculations. It indicates that the Council can currently demonstrate a 5 year land supply at this stage. Whilst the 'Five Year Housing Land Supply Methodology and Report' indicates that the Council can demonstrate a 5 year land supply at this stage, this position may change as new information becomes available. Members may recall that in May 2015 the latest information indicated that a 5 year supply could be demonstrated, only for the position to change in December 2015 when later information indicated that a 5 year land supply could not be demonstrated. Furthermore the report and the assessment methodology for the housing requirement that is used has not yet been subjected to full independent examination and may be subject to challenge.

9.10 In Officers opinion, the stated existence of the Five Year Housing Land Supply is not a reason by itself to justify refusal of a planning application. It is however a material

consideration in the planning judgement that can be given weight in the decision making process. In effect it is one of the many planning issues that should be taken into account when determining a planning application.

9.11 It is recognised that the site is located outside of the development limits as defined by Policy ENV1 of the 1999 Local Plan. However, it is considered that as Policy ENV1 was not prepared under the Planning & Compulsory Purchase Act 2004 that it can be given limited weight in the decision making process. In addition, the Council has recently both approved and refused applications for residential development in locations outside of the defined development boundaries. In officers opinion this situation remains unchanged. Each application will still need to be assessed on its own merits and its suitability for residential development. However, whilst the Council's Five Year Housing Land Supply position will be a relevant consideration in officers opinion it is not expected that a refusal of permission could be sustained solely on the grounds that development is not required due to the November 2016 Five Year Housing Supply Report.

9.12 The site has not been identified as a preferred site for housing in the emerging Local Plan. Notwithstanding this, the emerging policy within the Pre-Publication Draft Local Plan can be given very limited weight in the decision making process and the Council's decision on this specific application must be considered on its own merits having regard to the relevant national and Saved Local Plan policies currently in force.

9.13 Similarly, whilst Bradley Parish make reference to the emerging Neighbourhood Plan with regards to housing policy. It is considered that due to the documents prematurity that it can be given very limited weight in the decision making process.

9.14 With regards to the NPPF, paragraph 7 of the NPPF identifies three dimensions to sustainable development, economic, social and environmental. It is recognised that the proposal would provide economic benefits associated from new housing development including the provision of construction jobs and from future residents of the proposed dwellings. The site has a range of services including a primary school, a public house and local shop. The village also has a bus service that connects to neighbouring villages and towns. It is therefore considered that the proposal would also help to support the vitality of the rural community thus providing social benefits.

9.15 Nevertheless the proposal would result in the partial development of an open field and therefore the environmental dimension of sustainable development is a consideration. In addition, local residents have indicated that the site is considered to be a valued landscape.

9.16 Although the application site lies within the designated conservation of Bradley the site has not been identified as being an important open space in the Local Plan. Notwithstanding this, the proposed development would change the character of this site to an urban environment, but given its small scale nature it is not considered that its loss would be so unacceptable to withhold approval.

9.17 In conclusion, it is acknowledged that the site lies outside of the recognised development limits of Bradley. However, given its close proximity to the village centre which is served by local transport services, connecting Bradley with neighbouring villages and towns. The site is considered to be a sustainable location for residential development. Furthermore, the proposal would provide some economic and social benefits and any adverse impacts of the proposal would not significantly or demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole to withhold consent.

9.18 **Visual impact.**

9.19 Saved Policy ENV2 states that development acceptable in principle under policy ENV1 should only be permitted where it is compatible with the character of the surrounding area and does not have an unacceptable impact on the surrounding area. The design of structures should also relate well to the setting taking into account of the immediate impact and public views of the development. In this respect therefore, although predating the NPPF, the Saved Local Plan policy remains consistent with national planning policy.

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

9.21 The advice of the NPPF is that when determining planning applications that have conservation elements to consider it is necessary to take account of:

- The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- The positive contribution that conservation of heritage assets can make to sustainable communities including their economic activity; and
- The desirability of new development making a positive contribution to the local character and distinctiveness.

9.22 More specifically the NPPF requires that in assessing planning proposals that may affect heritage assets it is necessary to understand the significance of the heritage asset and to consider whether any harm to that significance would occur as a result of the development. The NPPF also makes it clear that the more important a heritage asset the greater weight should be given to its conservation and that any harm which may arise would require clear and convincing justification.

9.23 Section 72 of the Planning (Listed Building & Conservation Areas) Act 1990 requires LPAs to “pay special attention to the desirability of preserving or enhancing the character and appearance of that area” in considering whether to grant planning permission or not.

9.24 The NPPF also states that LPA’s should aim to ensure that developments function well and add to the overall quality of the area, optimising the potential of the site to accommodate development.

9.25 The application site lies within the Conservation area of Bradley which was designated in 2016. The character of the conservation area with regards to the village centre is derived in part by the uniformity of traditional vernacular designed and constructed dwellings using matching materials and methods of construction. In contrast, the character of the conservation area applicable to the application site for the majority comprises of more modern detached dwellings in a variety of differing styles, although the dwellings have been constructed on the whole using traditional materials.

9.26 Although it is acknowledged that within the surrounding area there are a couple of single storey buildings the majority of buildings are two storey. Therefore, to ensure that the proposed dwellings harmonise well with the surrounding character the proposed dwellings would also be two storey in height.

9.27 Turning to the detailing of the proposed dwellings, the surrounding area comprises of a mixture of differing periods and styles of buildings and as such there is no dominant detailing present within the street scene. As such the proposal has been designed to incorporate some of the detailing present within the street scene and adjacent cul-de-sac such as window and door proportions and roof form. As a consequence of this approach the proposed dwellings would have a good solid to void ratio giving the buildings a strong appearance.

9.28 The proposal would also see the construction of attached and detached single storey garages. These have been designed to be sympathy with the surrounding area and thus would not appear visually intrusive within the wider street scene.

9.29 In addition, the buildings would be constructed from a similar palette of materials to those used in the construction of adjacent dwellings thus ensuring that the proposal harmonises well with the surrounding area.

9.30 The proposal would facilitate the need to create a new vehicle access within the existing stone boundary wall. However, it is noted that this element of the proposal would not have an unacceptable visual impact on the existing street scene.

9.31 It is acknowledged that the greatest visual impact would be from users of the nearby canal towpath, however, the buildings would be seen against existing residential dwellings that lie adjacent to the site. As such, the proposed dwellings would not appear out of scale or cause significant harm to the visual character of the setting of the open countryside.

9.32 With regards to soft and hard landscaping the proposal is seeking to provide grassed areas to the front, side and rear of the proposed dwellings with additional tree/shrub planting with some areas of hard standing. Whilst details submitted are limited, it is considered that this could be controlled through the use of an appropriate condition and is not a reason for refusal.

9.33 In conclusion, it is considered that the proposal to develop this parcel of land for housing could be developed in a way that would visually relate to the existing character of the area. Furthermore, any potential landscape, once matured would ensure an attractive and pleasing residential development. It is therefore considered that the proposal meets the aims and objectives of the NPPF.

9.34 **Impact of development on the amenity of neighbouring properties.**

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

9.36 The nearest dwelling located to the proposed development is The Old Barn which is located approximately 18m from the side gable of Plot 4 separated from the site by an existing stone wall and outbuilding. Drawings submitted indicate that the site gable would remain blank. It is therefore considered that the occupants of this dwelling would not experience any unacceptable loss of privacy. Similarly, the proposed development due to its position would not result in any unacceptable overshadowing or obstruction of habitable rooms. Finally, due to the orientation and changes in topography the proposal would not appear overtly dominant or overbearing when viewed from the habitable windows located on this dwelling.

9.37 The next nearest dwelling is High Noon which is located to the north of the site at a separation distance of approximately 29m from plot 1 and 30m from plot 4. Whilst it is acknowledged that the orientation of plot 4 would mean that the principle windows of this dwelling would face towards High Noon. It is considered that the separation distance is sufficient to ensure that there would be no unacceptable loss of privacy, overshadowing or appear dominant or overbearing when viewed from the habitable rooms of this dwelling.

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

9.39 In conclusion, it is considered that the proposed development would not result in any unacceptable loss of privacy or amenity of existing nearby neighbouring properties and would provide acceptable residential accommodation for any future occupiers of these dwellings. It is therefore considered that the proposal meets the aims and objectives of the NPPF.

9.40 **Highways**.

9.41 Saved Policy T2 is supportive of proposals provided they are appropriately related to the highway network and in particular; do not generate volumes of traffic in excess of the capacity of the highway network; does not lead to the formation of a new access or greater use of an existing access onto a primary, district or local distributor road unless the access

is such that it is acceptable to the Council and its design achieves a high standard of safety; and have full regard to the highway impact on, and potential for improvement to the surrounding landscape.

9.42 Section 4 of the NPPF contains guidance on transport and land use planning, including the promotion of sustainable transport choices and reducing travel by car.

9.43 Paragraph 32 of the NPPF states that: 'Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe'.

9.44 The proposal would create a new vehicle/pedestrian access directly onto Matthew Lane. Submitted plans show the inclusion of turning area and off street parking. This is considered sufficient to meet the requirements of Saved Policy T2 of the Local Plan.

9.45 NYCC Highways have been consulted and have raised no objection only specifying the use of appropriate conditions to be attached should the proposal be granted planning permission. Therefore, it is considered that subject to the attachment of appropriate conditions the site could be developed without detriment to highway safety.

9.46 **Other issues**.

9.47 Whilst acknowledging comments expressing concern over the potential impact on biodiversity it is the officers opinion that a proposal of this scale would not significantly impact on the local wildlife to warrant a refusal.

9.48 **Conclusion**.

9.49 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.

9.50 In this case it is considered that there are no adverse impacts that significantly and demonstrably outweigh the overarching presumption in favour of sustainable development contained within paragraph 14 of the NPPF, and there are no grounds to withhold planning permission.

10. Recommendation

10.1 To grant planning approval subject to the following conditions.

Conditions

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.

2. The approved plans comprise Plan Numbers

- DL67/002a 'Site plan as proposed' received by the Local Planning Authority on the 20th April 2017.
- DL67/003a 'Sections & plan as proposed' received by the Local Planning Authority on the 21st April 2017.
- DL67/004 'Units 1 & 2' received by the Local Planning Authority on the 16th December 2016.
- DL67/005a 'Unit 4' received by the Local Planning Authority on the 21st April 2017.
- DL67/006a 'Unit 4' received by the Local Planning Authority on the 20th April 2017.

- DL67/008a ‘Location Plan’ received by the Local Planning Authority on the 20th April 2017.

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

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

3. Prior to their first use, samples of the proposed materials (including colour of render, paintwork, stone, roof tile) to be used in the construction of the external surfaces of the development shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and retained thereafter.

Reason: To ensure a satisfactory appearance to the development.

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

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

5. Prior to the commencement of development on site, a scheme of soft landscaping for the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of boundary planting, planting plans, written specifications (including cultivation and other operations associated with plant and grass establishment): schedule of plants noting species, plant supply sizes and proposed numbers/densities where appropriate; and an implementation programme.

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

Reason: To achieve a satisfactory standard of landscaping in the interests of the amenities of the area.

6. Prior to the commencement of development on site, barrier fencing shall be erected along the northern boundary in compliance with BS 5837 (2012) Trees in Relation to Construction – Recommendations. Within these fenced areas no development, vehicle manoeuvring, storage of materials or plant or removal or addition of soil may take place. The fencing shall not be moved in part or wholly without the written agreement of the Local Planning Authority. The fencing shall remain in place until completion of all development works and removal of site vehicles, machinery, and materials in connection with the development.

Reason: To prevent damage to trees and hedgerow located along the northern boundary during construction works.

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

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

8. 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:

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

2. The access shall be formed with 6 metre radius kerbs, to give a minimum carriageway width of 4.5 metres plus footways, and that part of the access road extending 6 metres into the site shall be constructed in accordance with Standard Detail number E6.

3. 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.

4. That part of the access(es) extending 6m into the site from the carriageway of the existing highway shall be at a gradient not exceeding 1 in 10.
5. 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.

6. The final surfacing of any private access within 6 metres of the public highway shall not contain any loose material that is capable of being drawn on to the existing or proposed public highway.

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

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.

9. There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until splays are provided giving clear visibility of 45 metres westerly and 35 metres easterly measured along centre line of the major road Matthew Lane Bradley from a point measured 2 metres down the centre line of the access road. The eye height will be 1.05 metres and the object height shall be 1.05 metres or height. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

   Reason: In the interests of road safety.

10. Notwithstanding the provision of any Town and Country Planning General Permitted or Special Development Order for the time being in force, the areas shown on the approved Site Layout 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 interest of highway safety and the general amenity of the development.

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

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

12. Foul and surface water shall be drained on separate systems.

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

Informative

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

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

   8:00am to 1:00pm Saturday

   No Sunday or Bank Holiday working.

2. The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to The Coal Authority on 0345 762 6848. It should also be noted that this site may lie in an area where a current licence exists for underground coal mining.

Further information is also available on The Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority

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

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

Statement of Positive Engagement: -

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

- requested amended design approaches

Discharge of Condition(s)

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

WARD AND APPLICATION No.	PROPOSED DEVELOPMENT AND SITE ADDRESS
SKIPTON NORTH ***63/2017/17856***	*APPLICATION TO REMOVE CONDITION NO 4 (HOLIDAY OCCUPATION) OF ORIGINAL PLANNING CONSENT REFERENCE 63/2014/14866 TO ALLOW PREMISES TO BE USED AS AN ORDINARY DWELLING.* *GARAGE, PRIMROSE COTTAGE, CHAPEL HILL, SKIPTON.* APPLICANT NAME: MR PAUL PETHYBRIDGE TARGET DECISION DATE: 03/05/2017 CASE OFFICER: Andrea Muscroft

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

1. Site Description

1.1 The application site is situated in a small group of 5 no. residential properties at the foot of Skipton Woods, to the North of Skipton Town Centre. Access is gained from Chapel Hill approximately 200m to the West, via a tree-lined private road. Skipton Woods extends to the North and to the South is a former mill dam, Eller Beck and Springs Canal. Between the beck and canal there is a public footpath and beyond the canal, on a high outcrop of rock is Skipton Castle, which is a Grade I Listed Building.

1.2 The application property is a one storey former detached double garage associated with Primrose Cottage which lies to the North. The building lies over 35m from the associated residential property and is accessed via a separate road.

1.3 An outbuilding to the North of the site was converted into Holiday Let accommodation in 2010, and a casual B&B is being run from 1 Wood Grove.

1.4 The application site is situated within the Conservation area and is outside Development Limits.

2. Proposal

2.1 The proposal is seeking to remove condition 4 (holiday occupation) of original planning approval ref: 63/2014/14866 to allow premises to be used as an ordinary dwelling.

2.2 The permission that has been granted is for the following development:

2.3 '*Change of use of garage to Holiday Let*'

2.4 Condition 4 of the planning permission reads as follows:

2.5 *'The property shall be used for holiday-let accommodation only and for no other purpose, including any other purpose in Class C of the Town & Country Planning (Use Classes Order) 2005, or in any provision equivalent to that Class in any subsequent Statutory instrument revoking or re-enacting that Order'*.

2.6 Reason: To ensure that inappropriate uses do not occur in this locality.

2.7 Officers Note: The consequence of the removal of this condition would be to create a new residential dwelling which, in this case, would be located in an area of open countryside as defined by the 1999 Local Plan.

2.8 The former garage has planning permission for conversion to provide two bedroom accommodation with living/dining area, kitchen area and family bathroom. The building is stone built under a blue slate roof with timber windows.

2.9 In a supporting statement the applicant's agent has compiled an assessment of relevant planning policies and concludes that the removal of this planning condition, thereby

allowing the holiday accommodation to be occupied as a dwelling, would contribute positively to the supply of housing in a rural area and in a sustainable location.

3. Planning History

3.1 5/63/1789 – Proposed double garage at Primrose Cottage, Skipton Woods, Skipton. Approved 17/12/1990

3.2 5/63/1789/A – Extension to existing garage to form garden store/workshop at Primrose Cottage, Skipton Woods, Skipton. Approved 02/09/1991 subject to conditions including condition 2: The workshop hereby approved and the adjoining garage shall be used only for a purpose incidental to the enjoyment of the occupants of the dwelling house as such, and shall not be used for any commercial business purposes. Reason: For the avoidance of doubt, this application has been considered only on the basis that the proposal is for a domestic workshop and garage, to safeguard the amenities of people living nearby and in the interests of visual amenity in the Skipton Conservation Area.

3.3 63/2011/12165 – Conversion of existing garage to form ancillary accommodation – Withdrawn December 2011.

3.4 63/2014/14866 - Change of use of garage to Holiday Let – Approved September 2014. Not implemented.

4. Planning Policy Background

4.1 Saved Local Policies ENV1, ENV2 and H8 of the Craven District (outside the Yorkshire Dales National Park) Local Plan.

4.2 The National Planning Policy Framework – NPPF.

4.3 Planning Practice Guidance – PPG.

5. Parish/Town Council Comments

5.1 Skipton Town Council: Object to the proposal on the grounds that the current vehicular access is inadequate with 5 properties using the un-adopted road. The road state would be exacerbated by an additional permanent resident using it.

6. Consultations

6.1 NYCC Highways: No comments received at time of compiling this report.

7. Representations

7.1 No third party representations received at the time of compiling this report.

8. Summary of Principal Planning Issues

8.1 Principle of development.

8.2 Visual impact of development.

8.3 Highway issues.

8.4 Amenity issues.

9. Analysis

9.1 **Principle of development**.

9.2 In this instance, the proposal relates to a building which has previously been granted planning approval for holiday accommodation. The application seeks to remove condition 4 of the previous planning approval which would equate to the creation of a new independent residential unit in the open countryside and therefore the application needs to be considered on that basis.

9.3 The application site is located in an area defined as open countryside in the adopted Local Plan and therefore saved Local Plan policies ENV1 and ENV2 are of relevance. Policy ENV1 seeks to protect the open countryside from inappropriate or sporadic development whilst ENV2 identifies criteria that must be met where development is considered to be

appropriate and therefore acceptable in principle. Policies ENV1 and ENV2 are not supportive of new residential development in open countryside.

9.4 Also of relevance is Saved Policy H8 that seeks to bring back into use neglected or under used rural buildings for residential accommodation subject to meeting a set criteria. These include that the building is structurally sound and capable of the proposed re-use without major rebuilding; that the building is large enough to provide sufficient accommodation for the reasonable requirements of a normal household without the need for substantial extensions or alterations; that any scheme of alterations are kept to a minimum so as to retain the essential character of the building and the surrounding area and that any proposed domestic curtilage should be minimal, unobtrusive and capable of being screened. Whilst the requirement that a building is capable of conversion without major or complete reconstruction is not directly replicated in the NPPF it is considered that for a building to be re-used it is inherent that the main elements of the structure would be retained as part of any conversion scheme. If a proposal required the major or complete reconstruction then this would amount to a new building as opposed to the re-use of an existing one. As such it is considered that this policy is broadly consistent with the objectives of the NPPF.

9.5 In terms of the NPPF there is a presumption in favour of all forms of sustainable development and it is stated at paragraph 14 that development proposals that accord with the development plan should be approved without delay. However, the caveat to this is that the development plan must be in accordance with the NPPF to be of any weight. With this in mind the NPPF sets out a test that where there are no relevant Local Plan policies or where policies are out of date, the adverse impacts of development must 'significantly and demonstrably outweigh the benefits' before planning permission can be refused.

9.6 Elsewhere in the NPPF at paragraph 55 it is stated that 'local planning authorities should avoid new isolated homes in the countryside' unless there are special circumstances that would support such development. Examples of 'special circumstances' are set out in the NPPF and includes 'where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting'.

9.7 In assessing the acceptability of the proposal it is necessary to consider the significance of the above policies.

9.8 ENV1 and ENV2 are broadly consistent with the NPPF but it is considered that they are not of any great weight in the determination of this application which is not proposing new development but would result in a change of use of an existing building from holiday accommodation use to an independent residence. It is considered that the NPPF approach towards support of sustainable development is of more relevance. In this case the proposal would not result in any substantial harm to the setting of the area and the benefit to be accrued from the creation of a new dwelling would have some weight in the overall planning balance, albeit that the provision of a single dwelling could only be afforded limited weight.

9.9 Turning to the requirements of H8 the building was previously granted planning permission with some minor external alterations which comprised of new window openings and replacing garage doors with glazed units. The current proposal is not seeking any additional external alterations to those previously approved under ref 63/2014/14866. In addition, there are no proposed changes to the curtilage which is considered to be minimal.

9.10 No structural survey has been submitted with the proposal to ascertain whether the building is capable of conversion without major or complete reconstruction. Nevertheless, the previous decision of the Council is indicative is structurally sound and capable of conversion. It is also important to note that the extant permission could be implemented if the current proposal was not successful. As such this fall-back position is given some weight in the assessment of this proposal.

9.11 Overall, it is not considered that the dis-benefits of the proposal outweigh the benefits of allowing the removal of the restrictive occupancy condition and on the basis of the above, and in consideration of the benefit of the creation of a new dwelling that would contribute

towards the Councils housing targets, albeit a very limited contribution, the proposal is considered to be acceptable in principle.

9.12 **Visual impact of development.**

9.13 The NPPF states that LPA's should aim to ensure that developments function well and add to the overall quality of the area, optimising the potential of the site to accommodate development. It also states that development should respond to local character and history and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation. It also states that whilst visual appearance and the architecture of individual buildings are very important factors securing high quality and inclusive design goes beyond aesthetic considerations.

9.14 In this instance the proposal is not seeking any external alterations to the previously approved scheme. As such the proposal would not result in any visual harm to the character of the area or the wider conservation area.

9.15 **Amenity issues.**

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

9.17 Located to the north and south are existing residential dwellings. It is considered that the separation distances involved combined with the topography of the land and existing structures are such that the occupants of these properties would not experience any unacceptable loss of privacy or amenity.

9.18 It is considered that the former garage which has been approved for conversion to holiday accommodation would provide sufficient residential accommodation to meet the needs of any future occupiers of this building. Furthermore, the building would have its own private amenity area.

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

9.20 **Highway issues**.

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

9.22 Section 4 of the NPPF contains guidance on transport and land use planning, including the promotion of sustainable transport choices and reducing travel by car.

9.23 Paragraph 32 of the NPPF states that: 'Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe'.

9.24 The previously approved two parking spaces would be retained. It is accepted that the access road serving this group of properties is narrow and has minimal passing points. However, it is considered that the daily trips likely to be associated with a two bedroom dwelling would be low. NYCC Highways have been consulted but no comments have been received. Notwithstanding this, in terms of the NPPF requirements it is considered that the development would not give rise to any severe cumulative impacts.

9.25 It is therefore considered that the proposal would be not have an unacceptable impact on highway safety. Consequently, the proposal is considered to meet both the requirements of Saved Policy T2 of the Local Plan and the aims and objectives of the NPPF.

9.26 **Conclusion;**

9.27 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.

9.28 In this case the relevant Local Plan policies are out of date and therefore the policy within Paragraph 14 of the NPPF is applicable. Taken overall, it is considered that there are no adverse impacts that significantly and demonstrably outweigh the overarching presumption in favour of sustainable development contained within paragraph 14 of the NPPF, and there are no grounds to withhold planning permission that in officer's view would be sustained at appeal.

10. Recommendation

10.1 That planning permission is granted for the removal of condition 4 of planning permission ref: 63/2017/17856.

Conditions

1. **Amended Condition**: The development hereby approved shall be begun not later than the 25th September 2017.

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

2. **Amended Condition**: The development hereby permitted shall not be carried out other than wholly in accordance with drawing no.

- 2341.1 received by the Local Planning Authority on 17th July 2014.
- 17856 - Site Location Plan (annotated by case officer for clarification) received by the Local Planning Authority on 8th March 2017.
- 17856/1 - Site Location Plan (annotated by case officer for clarification) received by the Local Planning Authority on 8th March 2017.

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

Reason: In order to specify the approved plan for the avoidance of doubt.

3. The materials to be used in the construction of the external surfaces and windows of the development hereby permitted shall match those used in the existing building.

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.

4. **Condition Deleted**: (This condition restricted the use of the building for holiday accommodation and is no longer relevant).

5. **Amended Condition**: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2015 (or any order revoking or re-enacting that Order with or without modification) no development consisting of the enlargement, improvement or other alteration of the dwelling (e.g dormers) nor the erection of any garages or ancillary buildings, nor the erection of boundary walls or fences, shall be carried out without the prior written permission of the local Planning Authority.

Reason: The development is of a restricted size and as such any future development may have an un-neighbourly and detrimental impact on the occupiers of nearby property.

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

   Reason: To enable the Local Planning Authority to ensure that unexpected contamination at the site will not present significant environmental risks and that the site will be made suitable for use.

7. Notwithstanding the provision of any Town and Country Planning General Permitted or Special Development Order for the time being in force, the areas shown on the approved Location and Site Layout 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.

   Informative

   The applicant's attention is drawn to the provisions of the Wildlife and Countryside Act, 1981, and related European legislation and is advised that it is a criminal offence to knowingly remove or destroy the habitats of protected species which may be found on the site. The applicant is advised that the granting of this planning permission does not authorise the loss or destruction of a protected species or its habitat and works affecting such a species or habitat are likely to require a licence from DEFRA (0117 372 8291 www.defra.gov.uk) or Natural England depending on the protected species involved. Should such a habitat be discovered during the construction works the applicant is advised to contact Natural England.

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.

WARD AND APPLICATION No.	PROPOSED DEVELOPMENT AND SITE ADDRESS
SKIPTON NORTH ***63/2017/17957***	*APPLICATION FOR LISTED BUILDING CONSENT FOR MINOR ALTERATIONS TO THE PREVIOUSLY APPROVED PROPOSALS FOR EXTERNAL STAIRS REDUCED BY A STOREY, FIRE LOBBIES TO INTERNAL STAIR AT GROUND,FIRST AND SECOND FLOOR, REVISED FURNITURE LAYOUTS TO GROUND AND FIRST FLOOR, LARGE STORE ON SECOND FLOOR AND REMOVAL OF EXISTING PARTITIONS* *ACCESSIBLE ENTRANCE AND TOILETS, TOWN HALL, HIGH STREET, SKIPTON.* APPLICANT NAME: MR DAVID STREET TARGET DECISION DATE: 22/05/2017 CASE OFFICER: Neville Watson

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

1. Site Description

1.1 The application relates to No. 17-19 High Street, a Grade II listed building located adjacent to the Town Hall. The main elevation fronting onto the High Street is particularly detailed with end pilasters, double scrolls and moulded cornice to the principal elevation. Located at ground floor are central double doors in a square moulded doorway with frieze, cornice and pilasters. The rear elevation is less assuming, well screened from public views by the rear eastern block of the Town Hall.

1.2 The building occupies a prominent position at the northern end of the High Street in Skipton town centre. The building lies within the development limits and conservation area of Skipton. Other buildings within the vicinity are also listed.

2. Proposal

2.1 Planning and listed building consent was granted in 2014 to convert the building into a restaurant. The principal of the development has been established and this application seeks listed building consent for the internal configuration of the proposed restaurant.

2.2 The main revisions are the removal of the toilets on the first floor thereby increasing dining and bar facilities and the omission of the dining facilities on the second floor. It is now proposed to use the second floor for storage facilities and toilets only. The provision on the ladies toilets on the second floor would result in two large windows on the High Street frontage being obscure glazed.

2.3 The only external alterations are proposed modifications to the fire escape to the rear of the property. As it is now proposed to have no dining facilities on the second floor the proposed fire escape only serves the first. There are modifications to a window opening to allow access to the fire escape.

3. Planning History

3.1 5/63/1528 – Construction of chair store formed by covering part of rear yard area. Withdrawn 1988.

3.2 5/63/1558/LB – Improvements to stage dressing room. Approved 1988.

3.3 5/63/1528A/LB – Listed building consent for the construction of disabled access to side entrance comprising ramp, stone retaining wall with cast iron railing posts and rails painted black. Approved 1991.

3.4 63/2005/5931 – Internal alterations to reception area. Approved 2006.

3.5 63/2006/6322 – Internal alterations to provide disabled access. Approved 2006.

3.6 63/2013/13734 - Change of Use of main ground floor rooms fronting High Street to A1 Retail, A2 Financial & Professional Services, A3 Restaurants and Cafes and A4 Drinking Establishments – Refused in 2013 as insufficient information was submitted in support of the application to enable all the potential impacts of the proposed uses on the town centre, the Listed Building and the Conservation Area to be adequately assessed.

3.7 63/2013/13920 - Remedial works to building comprising of removal of redundant extractor fans and replace with clear glazed pane, removal of metal bar from cills and make good stonework. Replace missing mastics and putties and re-paint gloss white. Replace patterned glazed panes with clear glazed panes and undertake repairs to rotten wooden cills. Removal wall situated behind main entrance and undertake repairs to the doors including repainting the doors and frame. Remove redundant gas flues and make good the stone work – Withdrawn 2013.

3.8 63/2013/13921 - Listed building consent for remedial repairs to the building and repainting of window frames and doors – The proposal was withdrawn in 2013 as the proposed remedial repairs fell under the scope of general repairs and therefore do not require listed building consent .

3.9 63/2014/14333 - Demolish unsafe lean-to, alter internal door and frame to suit external location. Rebuild dwarf walls to accommodate concrete pad to give level access to the hall, install steel bollards and rails to give edge protection to level access. Approved 2014.

3.10 63/2014/14530 - Proposed demolition of existing toilet block to south elevation of Skipton Town Hall complex on Jerry Croft to be replaced with new accessible access entrance, toilets to ground floor, internal lift and minor internal alterations – Approved 2014.

3.11 63/2014/14532 - Listed Building Consent for the proposed demolition of existing toilet block to South elevation of Skipton Town Hall complex on Jerry Croft to be replaced with new accessible access entrance, toilets to ground floor, internal lift and minor internal alterations – Approved 2014.

3.12 63/2014/14902 - Proposed change of use to A1, A3 and A4 retail, restaurant, café and drinking establishment – Approved 2014.

3.13 63/2014/15083 - Internal and external alterations; application to clarify outstanding items relating to previous applications referenced 63/2014/14530 and 63/2014/14532 – Approved 2014.

3.14 63/2014/15084 - Listed building consent for internal and external alterations; application to clarify outstanding items relating to previous applications referenced 63/2014/14530 and 63/2014/14532 – Approved 2014.

3.15 63/2014/15311 - Application to discharge condition numbers 4, 5, 6, 7 and 10 of planning permission referenced 63/2014/14530 and condition numbers 3, 4, 5 and 6 of planning permission referenced 63/2014/14532 – Split decision 2014.

3.16 63/2015/15516 - Application to discharge condition no's 4 and 5 of planning consent 63/2014/15083 and condition no's 3 and 4 of planning consent 63/2014/15084 – Approved 2015.

3.17 63/2015/15649 - Application for approval of conditions 4 & 5 of applications - 63/2014/14530 & 63/2014/14532 – Approved 2015.

3.18 63/2016/16612 External alterations pursuant to the use of the building as a restaurant Approved 2016

3.19 63/2016/16430 Listed building consent pursuant to the use of the premises as a restaurant. Approved 2016.

3.20 63/2017/17865 – Application for approval of conditions 3 & 6 of planning permission 63/2015/16430 – not determined.

4. <u>Planning Policy Background</u>

4.1 The National Planning Policy Framework – NPPF.

4.2 Planning Practice Guidance – PPG.

5. Parish/Town Council Comments

5.1 Skipton Town Council. Reply awaited.

6. Consultations

6.1 None

7. Representations

7.1 None

8. Summary of Principal Planning Issues

8.1 Whether the proposed internal and external alterations would preserve the special architectural and historic interest of the listed building

9. Analysis

Whether the proposed internal and external alterations would preserve the special architectural and historic interest of the listed building

9.1 In terms of considering a proposal for listed building consent, LPA under section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard must be had to the desirability of preserving the building or its setting or any features of special architectural or historical interest. Furthermore, section 72 advises LPA's to pay special attention to the desirability or preserving or enhancing the character or appearance of a designated conservation area.

9.2 Paragraph 132 of the NPPF also states that 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.

9.3 With regards to the proposed internal alterations the building has been significantly altered over the years, and outside of the main external entrance there are considered to be few internal historical features of interest. The proposed changes are therefore considered to be acceptable and would not significantly impact on any historical features or lead to any adverse impacts on any external features.

9.4 In conclusion, it is considered that the proposed works would not result in any unacceptable loss of historical fabric or architectural interest, its setting or negatively impact on the significance of the building or any other listed buildings adjacent to the site.

10. Recommendation

10.1 To grant listed building consent subject to the following conditions.

Conditions

1. The proposed development hereby permitted shall be begun not later that the expiration of 3 years beginning with the date of the Decision Notice.

Reason: To comply with the requirements of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

2. The approved plans comprise the following drawings

Drawings 1075 P00, P01,P02, P30, P04 and P05 received by Craven District Council on 27 March 2017.

Reason To specify the permission and for the avoidance of doubt

3. Prior to their first installation more detailed specifications / plans / supporting information of the following features shall be submitted to, and approved in writing by, the Local Planning Authority: -

- New internal double doors and surrounds.
- Spiral Fire Escape.
- The Full Height Weather Louvres

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

Reason: In the interest of the appearance and character of the listed building and surrounding conservation area.

4. Prior to the removal of any historic/architectural features, a schedule of all features to be removed, moved, replaced or reinstated shall be submitted to and approved in writing by the Local Planning Authority. All replacement and reinstatement features must be completed in accordance with the approved schedule and match exactly the original in materials and details.

   Reason: As insufficient information has been submitted, to ensure the satisfactory preservation of this listed building.

5. All existing doors and windows are to be retained, except where indicated on the drawings hereby approved.

   Reason: To ensure the satisfactory preservation of this listed building.

6. Prior to the start of the first floor internal alterations hereby approved, a scheme for soundproofing between the Council chambers and the restaurant shall be submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in strict accordance with the approved details prior to the occupation of the development and shall thereafter be retained as such.

   Reason: To ensure any necessary works protect the listed building.

7. No development shall take place within the application site until the applicant has secured the maintenance of an on-site watching brief by a suitably qualified and experienced expert during construction work in accordance with written details which have been submitted to and approved in writing by the Local Planning Authority. The recording/watching brief is to be undertaken throughout the course of the works affecting the listed building concerned by a suitably qualified and experienced expert provided by the developer. In the event that additional historical/architectural features are discovered that will be impacted upon by the development, and which are beyond the scope of the this listed building consent, then no further work shall be undertaken affecting that historical/architectural feature until the applicant has secured the implementation of a further listed building consent from the Local Planning Authority.

   Reason: In order to provide a reasonable opportunity to record the history of the listed building.

   Informatives

   Under Section 9 of the Planning (Listed Buildings and Conservation Areas) Act 1990 it is an offence to execute or cause to execute any works for the demolition of a listed building or its alteration or extension in any manner which would affect its character as a building of special architectural or historic interest, unless the works are authorised by and executed in accordance with the terms of a Listed Building Consent and any conditions attached to it.

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