

**PLANNING COMMITTEE MEETING AGENDA**

**MONDAY 16 JANUARY 2017**

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

*SKIPTON WEST  
63/2016/17312*

*OUTLINE APPLICATION FOR THE ERECTION OF UP TO 20 DWELLINGS,  
ALL MATTERS RESERVED WITH THE EXCEPTION OF HIGHWAYS*

*CLAY HALL, BROUGHTON ROAD, SKIPTON.*

APPLICANT NAME: CLAYHALL CONSTRUCTION

TARGET DECISION DATE: 02/12/2016

CASE OFFICER: Andrea Muscroft

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

1. Site Description

- 1.1 The application site relates to 1 hectare of grass land that lies to the north of Broughton Road. The site is bounded by Clay Hall Farm to the east, the Leeds & Liverpool Canal to the north, Niffany Farm to the west beyond the canal with open agricultural land to the south beyond Broughton Road.
- 1.2 The site is set down from the Leeds & Liverpool Canal with the site sloping southwards. Located along the western & northern boundaries is a mixture of trees/shrubs, the eastern boundary remains open allowing access to Clay Hall Farm. The southern boundary comprises of a mixture of stone boundary wall with trees/shrubs and a new vehicle access created under previous approval 65/2010/10739.
- 1.3 The far southeast edge of the site lies within Flood Zone 2 & 3 as identified by the Environment Agency.
- 1.4 The site is outside of the defined development limits of Skipton with the northern site boundary located adjacent to the designated conservation area for Skipton.

2. Proposal

- 2.1 The proposal is seeking outline permission for a residential development (up to 20 dwellings) with all matters reserved with the exception of the principle of development and access.
- 2.2 The appearance, scale, landscaping of the development are reserved matters.
- 2.3 The proposal is supported by the following documentation:-
- Design & Access Statement
  - Planning Statement.
  - Sustainability Appraisal
  - Housing Land Supply Report.
  - FRA & Drainage Strategy
  - Highway Access Report.
  - Landscape & Visual Assessment.
  - Ecological Appraisal
  - Topographical Survey.
  - Proposed site entrance plan
  - Indicative site plan

- Indicative landscaping plan.

### 3. Planning History

- 3.1 63/2002/2676 – Construction of 3 dwellings with integral garages and conservatories – Withdrawn December 2002.
- 3.2 63/2004/4358 – Construction of 3 dwellings with integral garages, provision of new access road (private) to serve house at Clay Hall Farm, provision of office over existing garage – Refused September 2004.
- 3.3 63/2005/5207 – Construction of 2no. dwellings (with integral garages), new access road, and office over existing garages – Approved August 2005.
- 3.4 63/2010/10739 – Extend time limit on previous approval 65/2005/5207 for construction of two dwellings, access road, and office over existing garage – Approved August 2010.
- 3.5 63/2013/13823 – Extend time limit on previous approval 65/2005/5207 for construction of two dwellings, access road, and office over existing garage. Previous extension of time application 65/2010/10739 – Approved September 2013.
- 3.6 63/201617139 – Discharge of conditions 5, 7 & 14 of planning approval 63/2013/13823 – Split decision August 2016.

### 4. Planning Policy Background

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

### 5. Parish/Town Council Comments

- 5.1 Skipton Town Council: No comments received at the time of compiling this report.

### 6. Consultations

- 6.1 **CDC Contamination Officer:** No known contaminated land implications.
- 6.2 **CDC Environmental Protection:** No objection.
- 6.3 **CDC Technical Officer Sampling** – No comments ref water supply.
- 6.4 **CDC Tree Officer:** No comments received at the time of compiling this report.
- 6.5 **CDC Strategic Housing:** The outline application is for 20 homes of which 8 are proposed as affordable units. This is in accordance with Craven Council's Negotiating Affordable Housing Contributions August 2016. Provided that 40% of the homes delivered on this site are provided as affordable homes, subject to viability and the submission of a signed affordable housing proforma, strategic housing have no objection to this application.
- 6.6 **CDC Sports Development Officer:** Details submitted within the outline application indicate the provision of 1250m<sup>2</sup> of public open space would be provided and an access path onto the Leeds & Liverpool Canal.
- 6.7 At this stage the sports development officer welcomes the onsite provision of POS and the access points onto the Leeds Liverpool Canal and therefore has no objection to the proposal. However, it is necessary to attach a condition to ensure that there is adequate provision of POS.
- 6.8 **Environment Agency:** No comments received at the time of compiling this report.
- 6.9 **Canal & River Trust:** No objection subject to conditions
- 6.10 **Historic England:** Proposal fails to sustain and enhance the significance of this part of Skipton's conservation area and recommends that the application be refused.

- 6.11 **Officers Note:** The application site lies outside but adjacent to the designated conservation area of Skipton. Layout and landscape plans submitted are indicative only and may be subject to change, furthermore, no details have been provided with regards to the appearance of the proposed dwellings. Notwithstanding this, it is considered that these concerns can be dealt with at the reserved matters stage.
- 6.12 **NYCC Footpaths Officer:** No comments received at the time of compiling this report.
- 6.13 **NYCC Highways Authority:** No objection subject to the use of appropriate conditions.
- 6.14 **NYCC Suds Officer:** Originally requested further information. The information requested has subsequently been received. NYCC Suds officer now have no objection subject to conditions.
- 6.15 **Yorkshire Water:** No comments received at the time of compiling this report.

## 7. Representations

7.1 The proposal was advertised on the 22<sup>nd</sup> September 2016 in the Craven Herald with a Site Notice posted adjacent to the site on the 23<sup>rd</sup> September 2016. In addition, notification letters were circulated to nearby neighbouring properties. As a consequence of the publicity 1 letter of support was received. Comments summarised below:

- Proposal would provide a great benefit to users of the towpath.

7.2 Representation was also received from the Police Design Officer who raised no objection to the proposal but did offers advice on the development of this site.

## 8. Summary of Principal Planning Issues

- 8.1 Principle of development.
- 8.2 Affordable Housing Provision.
- 8.3 Open Space Provision.
- 8.4 Visual impact of development.
- 8.5 Impact of development on nearby residential dwellings.
- 8.6 Impact of development on highway network
- 8.7 Drainage.
- 8.8 Other issues.

## 9. Analysis

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

9.2 The application site lies outside but adjacent to the existing development limits of Skipton and as such saved Local Plan Policy ENV1 applies. Policy ENV1 seeks to protect the character and quality 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.

9.3 Saved 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 landscape; the design and materials used relate to the setting; that traffic generated can be accommodated satisfactorily and 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.

- 9.4 As the Local Plan was adopted in 1999 it was not prepared under the Planning and Compulsory Purchase Act 2004. Paragraph 2015 of the 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 Framework.
- 9.5 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.
- 9.6 One key objective of the NPPF is to widen the choice of high quality homes and to significantly boost the supply of housing. Accordingly, the NPPF requires LPA’s to identify and update annually a supply of specific deliverable sites for housing ensuring that there is sufficient to provide for a five year supply against local requirements.
- 9.7 In November 2016 the Council published a revised Five Year Housing Land Supply Methodology and Report covering the period 1 April 2017 to 31 March 2022. The report sets out the Council’s five year land supply calculations and indicates that the Council can now demonstrate a 5 year supply of housing sites. 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 many planning issues that should be taken into account when determining a planning application.
- 9.8 With respect to the NPPF and the suitability of the site for development in principle, it is accepted that the site is located outside of the development limits. However, the site does lie adjacent to the recognised development limits for Skipton with residential development to the west and east of the site. The site is within walking distance of the town centre where local facilities and services are available. In addition, the town is served by public transport connecting the town with neighbouring villages and towns. It is therefore considered that the site is a sustainable location suitable for residential development.
- 9.9 The NPPF identifies three dimensions to sustainable development, these being economic, social and environmental. It is recognised that the proposed development of this site would provide some economic benefits associated with new housing development including the provision of construction jobs and from future residents of the proposed dwelling. In addition, the proposal would provide some social benefits and help to support the vitality of the rural community.
- 9.10 Turning to the environmental dimension of sustainable development it is acknowledged that the site would result in the development of an open grassed area. However, the site has not been identified as being an important open space in the Adopted Local Plan. Therefore, whilst it is acknowledged that the loss of this open space would inevitably have an impact on the immediate surrounding area, it is considered that the impact is not so significant to justify refusal of the application. Furthermore, the site in recent years has been subject to development with the construction of an access track to Clay Hall Farm located to the east of the site. As such it is considered that the development of this site would not be contrary to the guidance contained within the NPPF.
- 9.11 In conclusion, it is acknowledged that the application site is not within recognised development limits of Skipton, as defined by the 1999 Local Plan. However it is located adjacent to the existing built up area of Skipton. Consequently, in principle, residential development at this location is capable of forming sustainable development in accordance with NPPF guidance.

- 9.12 **Affordable Housing Provision.**
- 9.13 Craven District Council's Negotiating Affordable Housing Contributions (August 2016) states 40% affordable housing should be provided on site of 10 dwellings or more.
- 9.14 The application is seeking outline approval only but the submitted details agree to provide 40% affordable housing. Therefore, agreement to provide the required contribution to affordable housing has been established in principle, but the precise details will need to be clarified later. It would therefore be appropriate to attach a condition.
- 9.15 **Open Space Provision.**
- 9.16 The NPPF, section 8 seeks to promote healthy communities and in particular paragraph 73 which advises the access to high quality open spaces for sport and recreation can make an important contribution to the health and well-being of communities.
- 9.17 Saved Policy SRC2 requires development for 10 dwellings or more to make contribution to public open space. In this instance, submitted details indicate the provision of approx. 1250 sq m of open space. However, as the proposal is in outline only and site layout may be subject to change it is considered necessary to attach an appropriate condition.
- 9.18 **Visual impact of development.**
- 9.19 Saved Policy ENV2 seeks to ensure that any development acceptable in principle outside the development limits is compatible with the character of the area; the design, materials used relate to the setting, that traffic generated can be accommodated satisfactorily and services and infrastructure can be provided without any serious harm to the character and appearance of the area. The weight that can now be given to ENV2 is now limited, but these aims are broadly in line with the NPPF, and will be addressed within the body of this report.
- 9.20 The NPPF states that LPA's should aim to ensure that developments function well and add to the overall quality of the area, optimising the potential of the site to accommodate development. It also states that development should respond to local character and history and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation. It also states that whilst visual appearance and the architecture of individual's buildings are very important factor, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, LPA's should aim to address the connections between people and places and the integration of new development into the built environment.
- 9.21 The application site lies within close proximity to Niffany Farm to the west and Clay Hall Farm to the east with further residential dwellings beyond. To the north is the Auction Mart and to the south lies agricultural fields, free from development.
- 9.22 In this instance, only an indicative plan has been submitted and therefore is not a detailed layout for consideration. Notwithstanding any specific detail, the application proposes development outside the confines of the town, where the character of the surrounding area comprises open agricultural land and low density housing set within a rural landscape.
- 9.23 The illustrative plan indicates a more suburban design approach that may not ultimately be considered acceptable. For example, details submitted indicate parking within the front curtilage, which could appear generally ugly. Furthermore, careful consideration will need to be given to the design of these dwellings given that these dwelling would have dual aspects facing the road and the canal.
- 9.24 However, ultimately it is considered that it is possible for a development to be provided that would have an acceptable impact. It is considered that a suitably designed housing development could be provided that would be complimentary to the character and appearance of the surrounding area. The concerns of Historic England are noted but it is considered that a sensitively designed scheme would cause less than substantial harm to the conservation area and would bring public benefits in the form of housing (including

affordable units) and this would be weighed in the balance (paragraph 132 of the NPPF refers)

- 9.25 Overall, it is considered that the proposal to develop the site for housing is acceptable could be developed in a way that would visually relate to the existing character of the area. Furthermore, any potential landscaping, once matured, would ensure an attractive and pleasing residential development with limited visual impact.
- 9.26 **Impact of development on nearby residential dwellings.**
- 9.27 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.
- 9.28 There is no reason why a scheme could not be produced that provides adequate spacing within the layout and neighbouring properties to meet acceptable amenity and separation standards for privacy and light.
- 9.29 **Impact of development on highway network.**
- 9.30 Saved Local Plan Policies ENV2 and T2 are permissive of development proposals that are appropriate to the highway network where, amongst other things, they do not generate traffic in excess of the highway network; any new or greater use of an access onto a primary, district or local distributor road is acceptable in terms of design and road safety; and, regard is paid to the highway impact and potential for improvement to the surrounding landscape.
- 9.31 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.
- 9.32 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’.*
- 9.33 The proposal is seeking to utilise the existing vehicle access with some minor modifications. NYCC Highways have been consulted and have raised no objection to the proposal on highways grounds, although they have suggested conditions relating to the construction
- 9.34 **Drainage.**
- 9.35 Details submitted indicate that foul water will be disposed of via a Septic tank although no further details have been forthcoming. As such it is recommended that an appropriate condition can be attached to resolve in detail this issue as part of the reserved matters application.
- 9.36 **Other issues.**
- 9.37 From 6th April 2015 decisions on planning proposals relating to major development are required to ensure that sustainable drainage systems (SUDs) are used for the management of surface water. The application form indicates that surface water is to be disposed of via a sustainable drainage system thus meeting the requirements of this policy change. NYCC Suds Officer has been consulted has raised no objection to the proposal, but recommends the use of conditions with regards to management and maintenance plan of surface water drainage.
- 9.38 It is therefore recommended that an appropriate condition can be attached to ensure the implementation of a suitable SUD’s system as part of a reserved matters application.
- 9.39 **Conclusion.**
- 9.40 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.

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

## 10. Recommendation

10.1 To grant planning approval subject to the following conditions.

### Conditions

1. No development shall commence until approval of the details of the layout, appearance of the building(s), the landscaping/boundary treatments, and the scale of development (hereinafter called “the reserved matters”) has been obtained from the local planning authority in writing.

An application for the approval of the reserved matters shall be made to the local planning authority before the expiration of 3 years from the date of this permission.

The development hereby permitted shall be begun either before the expiration of 3 years from the date of this permission, or before the expiration of 2 years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

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

2. The approved plans comprise Drawing No’s

- 003/002/01 – Location Plan received by Craven District Council on the 2nd September 2016
- 003/002/07 – Proposed site entrance received by Craven District Council on the 2<sup>nd</sup> September 2016.

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

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

3. The details submitted in accordance with condition 1 shall include all building facing materials and finishes; surface material finishes for the highways, footpaths, private drives and all other hard surfaces; screen walls, fences and other means of enclosure; existing and proposed ground levels, proposed finished floor levels and building heights.

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

4. The development shall not begin until a scheme for the provision of affordable housing has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved scheme. Affordable housing shall meet the definition of affordable housing in the NPPF or any future guidance that replaces it. The scheme shall include:

- the numbers, type, tenure and location on the site of the affordable housing provision to be made, which shall consist of not less than 40% of housing units unless otherwise agreed with the Local Planning Authority following an assessment of financial viability.
- the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;



- the arrangements for the transfer of the affordable housing to an affordable housing provider (or the management of the affordable housing) (if no Registered Provider involved);
- the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced; or
- details of an equivalent affordable housing contribution to be provided in lieu of affordable housing on site and the means by which such a contribution shall be provided (alternatively, this may be a contribution that is to be provided partly on site and partly in lieu).

**Reason:** To make provision for affordable housing in accordance with the requirements of the National Planning Policy Framework, the Council's adopted 'Interim Approach to Negotiating Affordable Housing Provision', and the 2011 North Yorkshire Strategic Housing Market Assessment (SHMA) that provides evidence of the high need for affordable housing within Craven District.

**5.** No development shall take place until either:

- Full details of public open space to serve the development in accordance with Saved Policy SRC2 of the Craven District (Outside the Yorkshire Dales National Park) Local Plan and paragraph 73 of the NPPF have been submitted to and approved in writing by the Local Planning Authority and agreement has been reached with the Local Planning Authority as to the provision of the same and its subsequent management and maintenance. And;
- Alternative arrangements for the provision of open space, recreation and sports facilities have been secured and approved in writing by the Local Planning Authority.

**Reason:** In the interests of residential amenity to ensure adequate provision of Public Open Space to meet local needs in accordance with the National Planning Policy Framework and Saved Policy SRC2 of the Craven District (Outside the Yorkshire Dales National Park) Local Plan.

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

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

**7.** No development shall take place until a detailed design and associated management and maintenance plan of surface water drainage for the site based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development has been submitted to and approved in writing by the Local Planning Authority. The surface water drainage design should demonstrate that the surface water runoff generated during rainfall events up to and including the 1 in 100 years rainfall event, to include for climate change and urban creep, will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The approved drainage system shall be implemented in accordance with the approved detailed design prior to completion of the development. The scheme to be submitted shall demonstrate that the surface water drainage system(s) are designed in accordance with the standards detailed in North Yorkshire County Council SuDS Design Guidance (or any subsequent update or replacement for that document).

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

8. Prior to construction, details of the proposed foundations, excavations and works method statement are submitted to the LPA for approval in order to determine the impact of the works on the structural integrity of the Leeds & Liverpool canal.
- Reason:** To ensure that the development does not adversely affect the canal and accords with the advice and guidance contained in paragraphs 120-121 of the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance. It is necessary to undertake these works before development commences as they are required to inform the means of carrying out the development from the initial stages.
9. The applicant should ensure that any topsoil brought on site is free from metals, plastic, wood, glass, tarmac, paper and odours associated with contaminated soils as specified in BS 3882: 2007 - Specification for Topsoil and requirements for use. At the request of the Local Planning Authority, details of the supplier(s) and confirmation on the source(s) of any topsoil material should be supplied within 21 days of any request being received.
- Reason:** To ensure that no contaminated materials are brought onto the site.
10. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works or the depositing of material on the site, until the following drawings and details have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority:
- a. Detailed engineering drawings to a scale of not less than 1:250 and based upon an accurate survey showing:
- the proposed highway layout including the highway boundary
  - dimensions of any carriageway, cycleway, footway, and verges visibility splays
  - the proposed buildings and site layout, including levels
  - accesses and driveways
  - drainage and sewerage system
  - lining and signing
  - traffic calming measures
  - all types of surfacing (including tactiles), kerbing and edging
- b. Longitudinal sections to a scale of not less than 1:500 horizontal and not less than 1:50 vertical along the centre line of each proposed road showing:
- the existing ground level
  - the proposed road channel and centre line levels
  - full details of surface water drainage proposals.
- c. Full highway construction details including:
- typical highway cross-sections to scale of not less than 1:50 showing a specification for all the types of construction proposed for carriageways, cycleways and footways/footpaths
  - when requested cross sections at regular intervals along the proposed roads showing the existing and proposed ground levels
  - kerb and edging construction details
  - typical drainage construction details.
- Details of the method and means of surface water disposal.
- e. Details of all proposed street lighting.
- f. Drawings for the proposed new roads and footways/footpaths giving all relevant dimensions for their setting out including reference dimensions to existing features.

g. Full working drawings for any structures which affect or form part of the highway network.

h. A programme for completing the works. The development shall only be carried out in full compliance with the approved drawings and details unless agreed otherwise in writing by the Local Planning Authority with the Local Planning Authority in consultation with the Highway Authority.

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

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

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

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

12. There shall be no access or egress between the highway and the application site by any vehicles other than via the existing access with the public highway at A6069 Broughton Road Skipton. The access shall be maintained in a safe manner which shall include the repair of any damage to the existing adopted highway occurring during construction.

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

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

**Reason:** In the interests of highway safety.

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

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

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

- Any gates or barriers shall be erected a minimum distance of 4.5 metres back from the carriageway of the existing highway and shall not be able to swing over the existing or proposed highway.
- That part of the access(es) extending 4.5 metres into the site from the carriageway of the existing highway shall be at a gradient not exceeding 1 in 10.
- Provision to prevent surface water from the site/plot discharging onto the existing or proposed highway shall be constructed in accordance with the approved details, and/or the specification of the Highway Authority, and maintained thereafter to prevent such discharges.
- The final surfacing of any private access within 4.5 metres of the public highway shall not contain any loose material that is capable of being drawn on to the existing or proposed public highway.

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

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

15. There shall be no movement by construction or other vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until that part of the access(es) extending 20 metres into the site from the carriageway of the existing highway has been made up and surfaced in accordance with the approved details and/or Standard Detail number A2 and the published Specification of the Highway Authority. All works shall accord with the approved details unless otherwise approved in writing by the Local Planning Authority in consultation with the Highway Authority. Any damage during use of the access until the completion of all the permanent works shall be repaired immediately.

**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.

16. No part of the development shall be brought into use until the existing access on to A6069 Broughton Road Skipton has been permanently closed off and the highway restored. These works shall be in accordance with details which have been approved in writing by the Local Planning Authority in consultation with the Highway Authority. No new access shall be created without the written approval of the Local Planning Authority in consultation with the Highway Authority.

Reason: In the interests of highway safety.

#### INFORMATIVE

These works shall include, where appropriate, replacing kerbs, footways, cycleways and verges to the proper line and level.

17. There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until splays are provided giving clear visibility of 160 metres south easterly and 70 metres north westerly measured along both channel lines of the major road A6069 Broughton Road Skipton from a point measured 2 metres down the centre line of the access road.

The eye height will be 1.05 metres and the object height shall be 1.05 metres. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason: In the interests of road safety.

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

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

19. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or building(s) or other works hereby permitted until full details of the following have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority:

- a. tactile paving
- b. vehicular, cycle, and pedestrian accesses
- c. vehicular and cycle parking
- d. vehicular turning arrangements
- e. manoeuvring arrangements
- f. loading and unloading arrangements.

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

**Reasons** (19 & 20) To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.

**INFORMATIVE**

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

21. 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.

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

order and used until such time as the Local Planning Authority in consultation with the Highway Authority agrees in writing to their withdrawal.

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

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

**Reason:** To protect pedestrians and other highway users.

24. Unless approved otherwise in writing by the Local Planning Authority there shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site until proposals have been submitted to and approved in writing by the Local Planning Authority for the provision of:

- a. on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway
- b. on-site materials storage area capable of accommodating all materials required for the operation of the site.
- c. The approved areas shall be kept available for their intended use at all times that construction works are in operation.

**Reason:** To ensure adequate off-street parking during construction in the interests of highway safety.

25. No development for any phase of the development shall take place until a Construction Method Statement for that phase has been submitted to, and approved in writing by, the Local Planning Authority in consultation with the Local Highway Authority. The approved Statement shall be adhered to throughout the construction period for the phase. The statement shall provide for the following in respect of the phase:
- a. the parking of vehicles of site operatives and visitors
  - b. loading and unloading of plant and materials
  - c. storage of plant and materials used in constructing the development
  - d. erection and maintenance of security hoarding including decorative displays and facilities for public viewing where appropriate
  - e. wheel washing facilities
  - f. measures to control the emission of dust and dirt during construction
  - g. a scheme for recycling/disposing of waste resulting from demolition and construction works
  - h. HGV routing to avoid the Skipton town centre

**Reason:** In the interests of highway safety.

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

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

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

#### Informative

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

The applicant is advised that advice regarding permeable and porous hard surfaces can be found in the Department of Communities and Local Government document 'Guidance on

the permeable surfacing of front gardens' which can be accessed on the DCLG website ([www.communities.gov.uk](http://www.communities.gov.uk)) .

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

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

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

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.

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

**COWLING  
22/2016/17241**

*DEMOLITION OF A LARGE RESERVOIR AND CONVERSION OF A  
SMALLER RESERVOIR INTO A HOUSE*

*REEDSHAW FARM, REEDSHAW LANE, COWLING.*

APPLICANT NAME: MR MIKE MEDLEY

TARGET DECISION DATE: 22/11/2016

CASE OFFICER: Gemma Kennedy

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

1. Site Description

- 1.1 The application site is located alongside Reedshaw Lane, approximately 130m to the south of the A6068, and to the west of Cowling village. The immediate area contains a mixture of dispersed properties; farmsteads and cottages. The closest property to the site, Reedshaw Farm, is in the ownership of the applicants. Reedshaw Farm is a Grade II Listed farmhouse and attached barn dating to 1618 and 1886.
- 1.2 The site for the proposed development was formerly a Yorkshire Water reservoir and consists of two concrete structures, adjacent to one another, that were decommissioned in 2013. A reservoir was first shown to have been on site in 1896. Changes in the mid-1980s involved the draining of the reservoirs and the installation of 2 large tanks (which have now been removed following decommissioning) along with an increase in height of surrounding walls to create bankings.

2. Proposal

- 2.1 The proposal has two elements;
- 2.2 Firstly, to convert the smallest of the two reservoirs (located at the eastern end of the site) to form a dwelling. Set within the concrete structure itself would be four bedrooms at below ground floor level. Above would be living areas and a double garage. An existing access off Reedshaw Lane to farmland to the east of the site would be used to gain access to the garage – with a new access road formed between the two points. The proposal is for an earth covered house with a grass roof.
- 2.3 Secondly, to undertake engineering operations to remove and infill the larger of the two concrete reservoir structures, and to re-grade the land to slope gently upwards and over the new dwelling.

3. Planning History

- 3.1 22/2011/11869 - Construction of a new service reservoir opposite the existing service reservoir site on Reedshaw Lane. Decommission and dismantle existing reservoir structures. Approved 02/12/2011.
- 3.2 22/2012/13004 - Discharge Of Conditions 4 & 5 of planning approval 22/2011/11869. Approved 07/12/2012.
- 3.3 22/2016/16905 - Proposed agricultural building for cattle accommodation, straw and hay storage and machinery storage (prior notification). Prior Approval not required 08/06/2016.
- 3.4 22/2016/16904 - Proposed agricultural building, yard and upgrade of existing agricultural track. Approved 23/06/2016.

4. Planning Policy Background

- 4.1 Saved Policies ENV1, ENV2 and SRC12 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 None received
- 6. Consultations
- 6.1 Yorkshire Water Services: “Yorkshire Water sold this land some time ago and as part of the terms of the sale we arranged for access to be maintained to an existing water pumping station (WSP) which is located within the site. The pumping station (WPS) is under the control of Yorkshire Water, therefore, vehicular access, including large tankers, could be required at any time.” “A new water supply can be provided under the terms of the Water Industry Act, 1991.” “This proposal is in an area not served by the public sewerage network. It is noted that the planning application states ‘Private Treatment Plant’ for foul water. Therefore, this application should be referred to the Environment Agency and the Local Authority’s Environmental Health Section for comment on private treatment facilities.” Received 08/11/2016.
- 6.2 NYCC Highways Authority: “In assessing the submitted proposals and reaching its recommendation the Local Highway Authority has taken into account the following matters: Visibility is acceptable. Consequently the Local Highway Authority recommends that Conditions are attached to any permission granted.” Received 12/10/2016.
- 6.3 NYCC Public Rights of Way: Recommend an informative requiring the adjacent public right of way is not obstructed. Received 10/10/2016.
- 6.4 CDC Environmental Protection: “Due to the nature and construction of the former reservoirs on site any risk of possible contamination would be very low. I am therefore in agreement with Worms Eye Report dated 26<sup>th</sup> September 2016. They have advised a limited intrusive investigation to confirm the presence/absence any extent of any contamination on the site.” Therefore recommend a planning condition. Received 04/10/2016.
- 6.5 CDC Environmental Health: “During construction there is a potential for noise nuisance to nearby residential properties.” Recommend conditions relating to building hours/dates, and a condition relating to the importation of top soil. Received 03/10/2016.
- 6.6 Environment Agency: No reply response due 21.10.2016
- 7. Representations
- 7.1 Rambler’s Association: “We have considered this application and consider it a very useful proposal for improving this derelict site. The only point we are concerned with is how it is proposed to deal with public right of way 5.14/40 which runs immediately adjacent to the site. The only reference to it in the application is a reference to a photograph taken from it and it is not shown on any of the plans. The route of the right of way runs alongside the eastern boundary. According to the plan this boundary will be opened out and cut by the new exit to the existing road access. Additionally it will no longer be a straight line, as the existing boundary is and will bulge to the east where the new drive crosses it. We have no objection to the very minor diversion following the new site boundary but if, for any reason, it is intended to move it further east this will require a formal diversion. Also if it is to be obstructed during the building process an equally commodious route should be provided for users of the right of way. We would refer you to the comments from the North Yorkshire Highway Authority relating to this.” Received 12/10/2016.
- 8. Summary of Principal Planning Issues
- 8.1 Principle of development; visual consideration and impact on heritage assets; impact on amenity; highway safety and public rights of way.
- 9. Analysis
- 9.1 **Principle of development and Housing provision;**

- 9.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states “regard is to be had to the development plan for the purposes of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.”
- 9.3 The development plan for the area comprises the Craven District (Outside the Yorkshire Dales National Park) Local Plan 1999.
- 9.4 The local plan policies that are most relevant to this application and have been “saved” are Policy ENV1 ‘Development in the open countryside’; Policy ENV2 ‘Requirements for development in the countryside’ and Policy SRC12 ‘Protection of public rights of way’. However, paragraph 215 of the National Planning Policy Framework states that policies not adopted in accordance with the 2004 Planning and Compulsory Purchase Act need to be considered in terms of their degree of consistency with the National Planning Policy Framework (NPPF) “the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given”.
- 9.5 The extent to which the aforementioned Local Plan policies remain up-to-date and of relevance to the decision making process is considered in this report. The NPPF at paragraph 14 advises that LPA’s should be ‘approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out of date, granting permission unless:
- a) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
  - b) specific policies in this Framework indicate development should be restricted.’
- 9.6 The main thrust of the NPPF is an overarching presumption in favour of sustainable development; i.e. the general acceptability of the proposals against the stated “three dimensions to sustainable development: economic, social and environmental” (referred to in the NPPF as the roles the planning system should perform - paragraph 7). This guidance reaffirms that it is the Government’s clear expectation that local planning authorities should deal promptly and favourably with applications that comply with up to date plans and that where plans are out of date, there will be a strong presumption in favour of sustainable development that accords with national planning policies.
- 9.7 Very recently the Council’s Planning Policy team published the November 2016 ‘Five Year Housing Land Supply Methodology and Report’, which is of relevance with respect to making decisions on planning applications for new housing development.
- 9.8 The report sets out the latest position with respect to the Council’s five year land supply calculations. It indicates that the Council can currently demonstrate a 5 year land supply at this stage. 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.
- 9.9 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.
- 9.10 Development limit boundaries that were defined by Policy ENV1 of the 1999 Local Plan are now out of date and should not be given any weight in the decision making process. In the recent past the Council has both approved and refused applications for residential development in locations that are outside of the development limit boundaries that were defined by Policy ENV1. In Officers opinion this situation remains unchanged. Every

application will still need to be assessed on its merits and its suitability for residential development considered. The Council's Five Year Housing Land Supply position will be a relevant consideration in that decision.

9.11 However, as stated earlier, Officers would not expect that a refusal of permission could be sustained solely on the grounds that development is not required due to the November 2016 Five Year Housing Land Supply report.

9.12 Paragraph 55 of the NPPF sets out that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Local Planning Authorities should avoid new isolated homes in the countryside unless there are special circumstances. The proposed dwelling would be outside the main settlement of Cowling, but is not in an isolated location. There are a number of residential properties in the locality; the site is within walking distance of Cowling village where there are a number of services (shop, school, village hall etc), and public transport is accessible with two bus stops located 160 metres from the site. Whilst it is envisaged that the occupants of the property would benefit from a car to access a wider variety of jobs and services, it would nevertheless be feasible for the property to be occupied by a family without a vehicle. The site is therefore considered to be in a sustainable location, and the principle of development for the construction of a single dwelling is considered to be acceptable.

### **9.13 Visual considerations and impact upon setting of heritage assets;**

9.14 The NPPF sets out, as one of its core planning principles, that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

9.15 At paragraph 56 of the NPPF it is stated that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Paragraph 64 of the NPPF goes on to state that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

9.16 Saved Local Plan Policies ENV1 and ENV2 are also considered to be applicable in terms of visual considerations. Whilst Saved Policy ENV1 and its definition of development limits is no longer material, the objectives of the policy in terms of seeking to maintain or enhance landscape character are consistent with the aims of the NPPF.

9.17 Moving on to Heritage, paragraph 129 of the NPPF sets out that Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal. Paragraph 132 of the NPPF advises 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.

9.18 Paragraph 131 of the NPPF states that in determining planning applications, local planning authorities should 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 vitality; and the desirability of new development making a positive contribution to local character and distinctiveness. Finally, paragraph 137 of the NPPF states that Local Planning Authorities should look for opportunities for new development within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably.

9.19 The application site involves two former reservoirs, set into the ground with banking around. The land levels are such that there is a retaining wall separating the site from Reedshaw Lane. Reedshaw Lane itself slopes down from East to West, and the land levels are between 1m

and 4.5m above the highway. On top of the bankings, set back from the highway, there is fencing; 1.3m high post and rail fencing to the smaller reservoir and 1.8m high security fencing to the larger reservoir. The proposed dwelling would be in the form of an earth mound, and would see the highest part of the mound towards the eastern end of the site, where at its highest point it would be 4.8m above the level of Reedshaw Lane (an increase of 3.8m in height). The retaining wall surrounding the larger reservoir is to be removed and the earth mound would gently slope down towards the access road to Reedshaw Farm.

- 9.20 The east elevation of the dwelling would be formed from the existing dry stone wall, part of which would be increased in height to form an arch shape with a maximum height of 2.4m. Within the wall 2 doors, a window and a garage door (which would retract into the ground) would be formed. The property would be accessed from the east via an existing farm access off Reedshaw Lane. A new road would be formed through the field leading to the property. The north elevation, running alongside Reedshaw Lane, would be devoid of any openings, appearing only as a grassed mound. The south elevation, not subject to public views, would see the most glazing which would partly wrap around the west elevation.
- 9.21 The proposal would result in the creation of a man-made grass mound, and an increase in existing land levels. However, the mound would not be out of place in the local undulating landscape, and the incorporation of the existing dry stone wall into the east elevation would help to root the development into the rural landscape. The proposed dwelling is considered to be a good quality design, that is sympathetic to its surroundings, and have a limited visual impact in its rural location. In this respect the proposal would accord with Saved Local Plan Policies ENV1 and ENV2, and the NPPF.
- 9.22 The former reservoirs are located within the setting of Grade II Listed Heritage asset Reedshaw Farm – the banking surrounding the larger reservoir is only 3m from the property. Paragraph 129 of the NPPF requires Local Planning Authorities to identify and assess the particular significance of a Heritage Asset, taking account of available evidence. The application has been submitted with a ‘Heritage Design and Access Statement.’ The author of the document considers *“Reedshaw Farmhouse is likely to have been listed principally because it is a laithe house incorporating some fabric of considerable age and it exhibits simple yet pleasing vernacular aesthetics. Such buildings are rare, only comprise a small proportion of the nation’s building stock and deservedly merit protection.”*
- 9.23 At the time of the Officer’s site visit large evergreen trees obscured views of Reedshaw Farm when travelling along Reedshaw Lane in a westerly direction. These trees have now been removed, already opening up views of the heritage asset. Access to Reedshaw Farm is along a straight single width road from Reedshaw Lane. When viewing the property from the junction of these roads, the bankings to the former reservoir are dominant features on the eastern side of the road, and partially obscure views of the heritage asset. These bankings would be removed, allowing the land to gently incline to meet the new earth covered house – and opening up views of Reedshaw Farm from Reedshaw Lane.
- 9.24 Reedshaw Farm is an example of a vernacular farmstead, set in a rural landscape. The existing reservoir development, due to its scale and proximity to the farmhouse, is considered to harm the setting of the Heritage Asset. The proposed development would take place at the eastern end of the site, farthest from the farmhouse, allowing the frontage and immediate setting to be revealed. The proposal is considered to be both sensitive to the adjacent listed building, and to improve its setting. In line with paragraph 137 of the NPPF, the proposal reveals the significance of the heritage asset, and as such should be treated favourably.
- 9.25 Neighbouring privacy and amenity;**
- 9.26 The removal of the former reservoirs and bankings, and re-grading of the land, will improve both outlook and daylight levels to Reedshaw Farm, improving their existing amenity. The largest areas of glazing to the new dwelling would be in the south and east elevations (just to the north east of Reedshaw Farm) – however at a minimum distance of 44m from the property, it is not envisaged that there would be any loss of privacy to either property.
- 9.27 Highway safety and public right of way;**

9.28 Reedshaw Farm would maintain the existing access off Reedshaw Lane, and the new dwelling would be accessed from an existing agricultural access, also off Reedshaw Lane. NYCC Highways Authority have been consulted on the application, and are satisfied with the access arrangements.

9.29 A public right of way runs through the application site, along the eastern elevation of the proposed dwelling. The eastern elevation curves out, and may slightly alter the route of the public right of way, as highlighted in a representation from the Rambler's Association. However, NYCC Public Rights of Way have raised no objections to the application and recommend an informative preventing obstruction of the right of way. Should the public right of way require rerouting at a future date, then this would be a matter for the applicant to discuss with the public rights of way Officer.

**9.30 Other matters;**

9.31 There are two buildings which form a water pumping station located inside the larger former reservoir on the western wall. Yorkshire Water require access to these structures. Amended plans have been received showing the structures to be retained in a 'cut-in' to the western banking that is to be formed. These changes would not affect public views of the development, and a scheme for landscaping surrounding the structures can be required by condition, and subject to further consideration by Yorkshire Water.

**9.32 Conclusion;**

9.33 Whilst located outside the main built settlement of Cowling, the location of the proposed dwelling is considered to be sustainable and would not constitute an isolated home in the open countryside. The proposal is for a good quality design, which is sympathetic to its surroundings, and would improve the setting of the adjacent heritage asset, Reedshaw Farm. Matters of neighbouring privacy and amenity, and highway safety are considered to be acceptable.

**9.34** Therefore, on balance, 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 Approval

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;

2442 001A, 2442 002AB and 244 003A received by the Local Planning Authority on the 8<sup>th</sup> November 2016, and

2442 004 and 2442 005 received by the Local Planning Authority on 26<sup>th</sup> August 2016.

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

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

3. Prior to the commencement of any works to infill the large reservoir, or any works to remove the banking around the large reservoir, a method statement shall be submitted to and approved in writing by the Local Planning Authority. The method statement shall include a schedule and order of works for the development (including the infilling of the reservoir, regrading of land, construction of the dwellinghouse and the roofing of the dwellinghouse and regarded land) and details of the materials to be used to infill reservoir (type, quantity and

source). Development shall not be carried out other than in full accordance with the approved method statement.

Reason: In the interest of the visual amenity of the area and the setting of a Heritage asset, and to accord with the NPPF.

4. The development shall not be occupied until full details of landscaping of the site, included but not limited to the roof of the dwellinghouse, and in relation to the water pumping stations, have been submitted to, and approved in writing by, the Local Planning Authority. The approved scheme shall be implemented in the first planting season following completion of the development, or first occupation/use, whichever is the soonest.

The approved scheme shall be maintained by the applicant or their successors in title thereafter for a period of 10 years to the satisfaction of the local planning authority. This maintenance shall include the replacement of any section of grass or sedum, or 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. Any replacement tree or shrub must be of a similar size to that originally planted.

Reason: In the interest of the visual amenity of the area and the setting of a Heritage asset, and to accord with the NPPF.

5. The development hereby permitted shall not be occupied until full and complete details of the following aspects of the development proposal have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be completed in accordance with the approved details except where conditions attached to this planning permission indicate otherwise. Those details requiring prior approval are:-

- i. All external walling materials to the dwelling house
- ii. All external windows, doors and garage doors (including materials, colour and finish)
- iii. Boundary treatments and hard landscaping/paving

Reason: In the interest of the visual amenity of the area and the setting of the Heritage asset, and to accord with the NPPF.

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

Reason: To safeguard the visual amenity of the development, and the setting of the adjacent Heritage asset, and to accord with the NPPF.

7. The development shall not be carried out other than in accordance with the recommendations set out on page 8 of document 'Preliminary Risk Assessment (Desk Study)' undertaken by 'Worms Eye' dated 26<sup>th</sup> September 2016.
8. Should investigations required by condition 10 above, or development, find any contamination the Local Planning Authority shall be notified in writing immediately. Where requested by the Local Planning Authority, 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 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 (for 7 & 8): To enable the Local Planning Authority to ensure that unexpected contamination at the site will not present significant environmental risks and that the site will be made suitable for use.

9. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the access(es) to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements:
  - (i) The details of the access shall have been approved in writing by the Local Planning Authority in consultation with the Highway Authority.
  - (ii) The crossing of the highway verge and/or footway shall be constructed in accordance with the approved details and/or Standard Detail number E6.
  - (iii) Any gates or barriers shall be erected a minimum distance of 4.5 metres back from the carriageway of the existing highway and shall not be able to swing over the existing or proposed highway.
  - (iv) Provision to prevent surface water from the site/plot discharging onto the existing or proposed highway shall be constructed in accordance with the approved details, and/or the specification of the Highway Authority, and maintained thereafter to prevent such discharges.
  - (v) The final surfacing of any private access within 4.5 metres of the public highway shall not contain any loose material that is capable of being drawn on to the existing or proposed public highway.

#### 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 the North Yorkshire County Council, the Highway Authority, is available at the County Council's offices. The local office of the Highway Authority will also be pleased to provide the detailed constructional specification referred to in this condition.

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

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

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

#### Informatives

1. No works are to be undertaken which will create an obstruction, either permanent or temporary, to the Public Right of Way adjacent to the proposed development. Applicants are advised to contact the County Council's Access and Public Rights of Way team at County Hall, Northallerton via [paths@northyorks.gov.uk](mailto:paths@northyorks.gov.uk) to obtain up-to-date information regarding the line of the route of the way. The applicant should discuss with the Highway Authority any proposals for altering the route.
2. The hours of operation during the construction phase of the development and delivery of materials and equipment to the site and associated with the construction of the development hereby permitted should be limited to 0730 hours to 1800 hours on Mondays to Fridays and 0730 hours to 1300 hours on Saturday. No work should take place on Sundays or Bank/Public Holidays.
3. The applicant is advised that before importation of topsoil, details of the supplier and confirmation of the source(s) of any soil materials should be submitted to the Council's Environmental Health Team for approval. The soil should be free from metals, plastics, wood, glass, tarmac, paper and odours associated with contaminated soils as specified in BS 3882:2007 – Specification for Topsoil and requirements of use.

### Statement of Positive Engagement: -

In dealing with this application Craven District Council has sought to approach the decision making process in a positive way, in accordance with the requirements of paragraphs 186 and 187 of the NPPF. In particular the Council has requested amended design approaches and information to address the planning issues which have arisen in relation to dealing with this application, and accepted additional information / changes to the scheme post validation.

### Discharge of Conditions

1. The developer should note that Condition No 9 above will require a further application to be submitted to enable the District Council to formally discharge the condition. In order to avoid unnecessary delays it is advisable for the developer to discuss the details required to discharge the condition 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. With regard to Condition No's. 3, 4 and 5 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.



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

**SKIPTON NORTH  
63/2016/17497**

*CHANGE OF USE FROM MIXED A1/A3 TO MIXED A1/A4 USE, WITH  
ASSOCIATED INTERNAL AND EXTERNAL ALTERATIONS*

*4-6 HIGH STREET, SKIPTON.*

APPLICANT NAME: PEEL ENTERTAINMENT GROUP

TARGET DECISION DATE: 04/01/2017

CASE OFFICER: Emma Howson

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**This application has been referred to Committee by Councillor Whitaker who is concerned about the impact of the development on the Conservation area, listed buildings, residential amenity and noise.**

1. Site Description

- 1.1 The application site comprises of no's 4 and 6 High Street, Skipton. The building is presently vacant, but is a Grade II listed building positioned at the junction of Mill Bridge and the High Street. The property comprises three storeys, a basement and attic.
- 1.2 The listing of the building provides the following description:  
*Ashlar, late Georgian, 3 storeys. Ground floor has centre door and flanking shop windows with glazing bars and round-headed lights, and fascia. Each upper floor has three 16-paned sash windows in stone architraves. The rear has a round-arched stair window with Gothic glazing.*
- 1.3 The property has had a number of extensions and alterations in its more recent history.
- 1.4 The site is located within the Skipton Conservation Area and is bounded to the west by Springs Canal.
- 1.5 The building was previously used as a mixed A1/A3 use to the ground floor and an A3 Café on the first floor and ancillary residential accommodation to the second and attic floors.

2. Proposal

- 2.1 This application seeks permission to change the use of the property to form a bar and restaurant (A4/A3 use) and a self-contained managers flat on the second floor. The proposal includes the creation of a restaurant and bar at the rear of the ground floor retaining a retail element in the form of a gelato and coffee shop to the front of the premises serving food and drink during the day for on and off site consumption and will form part of the restaurant for the remainder of the opening hours. The proposed opening hours are 08.00 to 23.00 Mondays to Wednesday and 08.00 to 01.00 Thursday to Sunday. It is proposed to provide live entertainment primarily on Thursday to Sunday and on other special occasions.
- 2.2 The proposal involves a number of alterations to the building both internal and external. In the basement a number of internal walls require removal or alteration and new walls and openings are required. The basement will then house the kitchen facilities, dry store, cellar, cold store and staff WC.
- 2.3 A dumbwaiter is proposed which will require holes to be cut into the floors to accommodate the hoists. The ground floor requires a number of internal walls to be removed and a bar, stage and new WC provision to be provided.
- 2.4 At first floor level alterations are also required to the internal walls and new walls formed. Alterations are also required to the skylights and roofing of the ground floor rear extension.
- 2.5 The second floor will require some alterations to the layout to provide for the manager's flat and the attic is to be used for storage.

- 2.6 Externally the alterations include the replacement of the existing shopfront, the alteration of the terraces to the rear of the building, the replacement of the glazed doorways on the rear extension of the building and the creation of a glazed canopy to the rear. Acoustic screens and planting are also proposed.
- 2.7 The application also includes the following documents that can be viewed on the Council's web site.-
- Planning Statement
  - Heritage Statement
  - Noise impact assessment
3. Planning History
- 3.1 63/2016/17015 – Remove 1 no. Beech tree. Approved 11/7/16
- 3.2 63/2014/14970 – Change of use of 2<sup>nd</sup> floor to dwelling and internal alterations. Approved 5/11/14
- 3.3 63/2014/14744 – Crown reduce and remove lower branches of 1 no. Beech tree and 1 no. Horse Chestnut. Approved 16/7/14
- 3.4 63/2014/14973 – Listed Building Consent for changes to the external rear garden area and decking and re-branding of the existing signage. Approved 5/11/14.
- 3.5 63/2011/11780 – Change of use form A1 to A1/A3. Approved 16/9/11
- 3.6 63/2004/3986 – Single storey extension to rear of shop. Approved 22/3/04
- 3.7 63/2004/3987 – Single storey pitched roof extension to existing shop. Flat roof link between previous extension and new. Glazed pitched roof area abutting existing building and previous extension. Approved 22/3/04
4. Planning Policy Background
- 4.1 National Planning Policy Framework
- 4.2 Saved Local Plan Policies R3- Ground Floor Use and T2 – Road Hierachy
5. Parish/Town Council Comments
- 5.1 Skipton Council Town Council have raised the following grounds of objection:
- Noise - any sound emanating from the building must remain inside. Members believe that noise may be pushed upwards and affect higher land.
  - Bin storage - The Committee would like to be assured that bins will be moved by staff for collection by waste management. The access to the High Street is through a very narrow ginnel which may cause major issues for waste removal and also exiting in case of an emergency.
  - Outdoors – no tables or chairs should be placed outdoors as the pavement narrows at this point on the High Street.
  - Location – A listed building (Holy Trinity Church) and the cenotaph are nearby and need to be protected. The Committee would like a condition placed on any approval that all memorial services are respected.
6. Consultations
- 6.1 Environmental Health – Conditions are requested in relation to noise insulation and sewerage.
7. Representations
- 7.1 Police – Should this application be granted I would ask that a planning condition be placed on it requiring that prior to the commencement of any works that the applicant provides full written details of what crime prevention measures are to be incorporated into the development and these measures must be agreed in writing by the Authority in consultation with North Yorkshire Police.

## 8. Summary of Principal Planning Issues

### 8.1 Principle of Development

### 8.2 Impact on heritage assets

### 8.3 Impact on residential amenity

### 8.4 Other issues

## 9. Analysis

### 9.1 Principle of Development

9.2 Paragraph 23 of the NPPF seeks to ensure the vitality of town centres by promoting competitive town centre environments.

9.3 Saved Local Plan Policy R3 seeks to protect ground floor uses for retail within core retail areas.

9.4 The application seeks permission to change the use of the property to a mixed use A4/A3 use. The proposal includes a retail element in the form of a gelato/coffee shop on the ground floor and thus meets the requirements of Policy R3 and thus is acceptable in principle.

### 9.5 Impact on heritage assets

9.6 The property is located within Skipton Conservation Area and is also a Grade II Listed building. Externally the proposal involves the removal and replacement of the existing shopfront. This shopfront is not original to the building and thus is of limited heritage value, the proposed replacement retains the curved opening to the front of the building and the design is considered appropriate to both the listed building and the wider Conservation Area.

9.7 The rear of the building has been significantly altered with the erection of several extensions. The proposed alterations do not impact on the fabric of the original building and will improve the overall appearance of the rear fenestration by tying the arrangement of previous extensions together. The glazed canopy is a modern addition to the rear and is considered to be in keeping with the recent extensions.

9.8 The building has been the subject of a number of internal alterations in recent years and much of the heritage value has been lost. The proposed removal of walls relate mainly to new internal dividers and not the original walls. The alterations to the original walls include retaining the top 300mm which will allow the pattern of the original layout to remain visible.

9.9 The proposed development of the rear terraces will lead to the removal of 1 no. tree, however permission has previously been granted for this due to its poor condition. The proposed landscaping and screening works will improve the appearance of the rear of the property, which is highly visible from both the Canal and the properties beyond.

9.10 It is considered that the proposed alterations will not have a significant adverse impact on the heritage value of the building and will lead to improvements in the wider Conservation Area.

### 9.11 Impact on residential amenity

9.12 The property is situated within Skipton town centre, where a mixture of uses exist. Several other nearby properties are in use as bars/restaurants and cafes. The application includes a noise impact assessment and Environmental Protection have requested that the application be conditioned to ensure that the development is undertaken in accordance with the measures proposed.

9.13 Noise, disturbance and antisocial behaviour issues have been raised by the Police. They have requested a condition to require a crime prevention scheme to be put in place, however this can be dealt with under the licensing scheme.

9.14 Skipton Town Council has raised an objection based on noise, but it is considered that this can be controlled by condition and Environmental Protection legislation.

9.15 On the basis that mitigation measures are put into place, it is not considered that the proposal would have a significant adverse impact on the amenity of the local area.

9.16 Other Issues

9.17 Saved Policy T2 relates to new development and the road hierarchy. The application property is situated within the core retail area, and adequate parking provision and access to public transport exists. It is not considered that the proposal would affect the road hierarchy in this area.

9.18 Environmental Protection have raised concerns with regards to the sewerage provision. The applicant has submitted further details and the proposal is considered acceptable.

9.19 Skipton Town Council have raised objections with regards to bin storage and access. Bin storage would be provided to the rear of the property as shown on the plans and can be taken through the property and not through the narrow ginnel if required. Environmental Protection has not raised any issues in connection to this.

9.20 Skipton Town Council has also raised concerns with the proximity to the memorial services held nearby and have requested a condition in relation to this. As the application does not relate to the memorial it would not be considered to meet the conditions test to attach a condition in relation to this.

9.21 Conclusion

9.22 The proposed change of use and the alterations required are acceptable in principle, and would not have a significant adverse impact on the character or appearance of the listed building or the surrounding conservation area, residential amenity, highways or drainage. The proposal is therefore in accordance with the advice within the NPPF and Saved Policies R3 and T2 of the Craven District (Outside the National Park) Local Plan 1999.

10. Recommendation

10.1 That the application be approved subject to conditions

Conditions

1. The development hereby approved shall be begun not later than the expiration of 3 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 permitted shall not be carried out other than wholly in accordance with drawings 1083-110C; 109B; 108B; 113B; 107C; 112B; 111D; received by Craven District Council on 8<sup>th</sup> December 2016 and drawings 116A and 115A received by Craven District Council on the 24<sup>th</sup> October 2016.

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

3. The applicant shall ensure that the noise mitigation measures and recommendations identified in the Noise Impact Assessment undertaken by Clement Acoustics dated 6 October 2016 are adhered to. Details of the acoustic screen shall be submitted for the written approval of the Local Planning Authority and thereafter installed and retained prior to the first use of the development hereby approved.

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

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
- accepted additional information / changes to the scheme post validation

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

SKIPTON NORTH  
63/2016/17499

LISTED BUILDING CONSENT FOR CHANGE OF USE FROM MIXED A1/A3  
TO MIXED A1/A4 USE, WITH ASSOCIATED INTERNAL AND EXTERNAL  
ALTERATIONS

4-6 HIGH STREET, SKIPTON.

APPLICANT NAME: PEEL ENTERTAINMENT GROUP

TARGET DECISION DATE: 04/01/2017

CASE OFFICER: Emma Howson

---

**This application has been referred to Committee by Councillor Whitaker who is concerned about the impact of the development on the Conservation area and listed buildings.**

1. Site Description

- 1.1 The application site comprises of no's 4 and 6 High Street, Skipton. The building is presently vacant, but is a Grade II listed building positioned at the junction of Mill Bridge and the High Street. The property comprises three storeys, a basement and attic.
- 1.2 The listing of the building provides the following description:  
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- 1.3 The property has had a number of extensions and alterations in its more recent history.
- 1.4 The site is located within the Skipton Conservation Area and is bounded to the west by Springs Canal.
- 1.5 The building was previously used as a mixed A1/A3 use to the ground floor and an A3 Café on the first floor and ancillary residential accommodation to the second and attic floors.

2 Proposal

- 2.1 This application seeks listed building consent for the internal and external alterations required to change the use of the property to form a bar and restaurant (A4/A3 use) and a self-contained managers flat on the second floor. The proposal includes the creation of a restaurant and bar at the rear of the ground floor and a gelato and coffee shop to the front of the premises, which will be open during the day and will form part of the restaurant for the remainder of the opening hours.
- 2.2 The proposal involves a number of alterations to the building both internal and external. In the basement a number of internal walls require removal or alteration and new walls and openings are required. The basement will then house the kitchen facilities, dry store, cellar, cold store and staff WC.
- 2.3 A dumbwaiter is proposed which will require holes to be cut into the floors to accommodate the hoists. The ground floor requires a number of internal walls to be removed and a bar, stage and new WC provision to be provided.
- 2.4 At first floor level alterations are also required to the internal walls and new walls formed. Alterations are also required to the skylights and roofing of the ground floor rear extension.
- 2.5 The second floor will require some alterations to the layout to provide for the managers flat and the attic is to be used for storage.
- 2.6 Externally the alterations include the replacement of the existing shopfront, the alteration of the terraces to the rear of the building, the replacement of the glazed doorways on the rear

extension of the building and the creation of a glazed canopy to the rear. Acoustic screens and planting are also proposed.

### 3 Planning History

- 3.1 63/2016/17015 – Remove 1 no. Beech tree. Approved 11/7/16
- 3.2 63/2014/14970 – Change of use of 2<sup>nd</sup> floor to dwelling and internal alterations. Approved 5/11/14
- 3.3 63/2014/14744 – Crown reduce and remove lower branches of 1 no. Beech tree and 1 no. Horse Chestnut. Approved 16/7/14
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- 3.7 63/2004/3987 – Single storey pitched roof extension to existing shop. Flat roof link between previous extension and new. Glazed pitched roof area abutting existing building and previous extension. Approved 22/3/04

### 4 Planning Policy Background

- 4.1 National Planning Policy Framework

### 5 Parish/Town Council Comments

- 5.1 Skipton Town Council have objected on the following grounds:

- Noise - any sound emanating from the building must remain inside. Members believe that noise may be pushed upwards and affect higher land.
- Bin storage - The Committee would like to be assured that bins will be moved by staff for collection by waste management. The access to the High Street is through a very narrow ginnel which may cause major issues for waste removal and also exiting in case of an emergency.
- Outdoors – no tables or chairs should be placed outdoors as the pavement narrows at this point on the High Street.
- Location – A listed building (Holy Trinity Church) and the cenotaph are nearby and need to be protected. The Committee would like a condition placed on any approval that all memorial services are respected.

### 6 Consultations

- 6.1 None

### 7 Representations

- 7.1 None received

### 8 Summary of Principal Planning Issues

- 8.1 Impact on heritage assets

- 8.2 Other Issues

### 9 Analysis

#### 9.1 Impact on heritage assets

- 9.2 Paragraph 14 of the NPPF states that there 'is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision making'.

- 9.3 Paragraph 58 states that planning policies and decision should aim to ensure that developments respond to local character and history.

- 9.4 Paragraph 64 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of the an area
- 9.5 Paragraph 17 sets out the core planning principles, one of which is to 'conserve heritage assets in a manner appropriate to their significance'.
- 9.6 The property is located within Skipton Conservation Area and is also a Grade II Listed building. Externally the proposal involves the removal and replacement of the existing shopfront. This shopfront is not original to the building and thus is of limited heritage value, the proposed replacement retains the curved opening to the front of the building and the design is considered appropriate to both the listed building.
- 9.7 The rear of the building has been significantly altered with the erection of several extensions. The proposed alterations do not impact on the fabric of the original building and will improve the overall appearance of the rear fenestration by tying the arrangement of previous extensions together. The glazed canopy is a modern addition to the rear and is considered to be in keeping with the recent extensions.
- 9.8 The building has been the subject of a number of internal alterations in recent years and much of the heritage value has been lost. The proposed removal of walls are mainly new internal dividers and not the original walls. The alterations to the original walls include retaining the top 300mm which will allow the pattern of the original layout to remain visible.
- 9.9 The proposed development of the rear terraces will lead to the removal of 1 no. tree, however permission has previously been granted for this due to its poor condition. The proposed landscaping and screening works will improve the appearance of the rear of the property, which is highly visible from both the Canal and the properties beyond.
- 9.10 It is considered that the proposed alterations will not have a significant adverse impact on the heritage value of the building and will lead to improvements in the appearance of the site as a whole.
- 9.11 Other Issues
- 9.12 Skipton Town Council have raised objections to the proposal in relation to:
- Noise - this is not a consideration on a listed building application and is considered under the accompanying change of use application.
  - Bin storage – the application includes bin storage and there have been no Environmental Protection or access issues raised by consultees on the accompanying change of use application
  - Outdoor tables – the application does not include any tables or chairs to the pavement area to the front of the property
  - Condition request relating to memorial services – this would not be considered appropriate in relation to a listed building consent.
- 10 Recommendation
- 10.1 That listed building consent be granted subject to conditions
- Conditions
1. Works to which this consent relates shall be begun not later than the expiration of three years beginning with the date of the decision notice.
- Reason: To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990
2. The development hereby permitted shall not be carried out other than wholly in accordance with drawings 1083-110C; 109B; 108B; 113B; 107C; 112B; 111D; received by Craven District Council on 8<sup>th</sup> December 2016 and drawings 116A and 115A received by Craven District Council on the 24<sup>th</sup> October 2016.

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

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