

PLANNING COMMITTEE MEETING AGENDA

Monday, 19th December, 2016

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WARD AND APPLICATION No.	PROPOSED DEVELOPMENT AND SITE ADDRESS
AIRE VAL W LOTH 73/2016/17460	APPLICATION FOR VARIATION OF CONDITION NO 5 OF PREVIOUSLY APPROVED APPLICATION REFERENCE (73/2015/16064) REDUNDANT CHICKEN SHEDS, KILDWICK GRANGE, THE FOLLY TO NEAR WOODSIDE FARM, KILDWICK. APPLICANT NAME: MR N O PERSSON TARGET DECISION DATE: 16/12/2016 CASE OFFICER: Mark Moore

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

1. Site Description

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

2. Proposal

- 2.1 Planning approval was granted under planning permission ref: 73/2015/16064 for the construction of 4 dwellings to replace poultry sheds that were originally on the application site. The poultry sheds have since been demolished and the houses are now under construction.
- 2.2 The planning permission included the following condition (no.5):
'Notwithstanding the details shown on the approved plans the garage doors shall be side hung the details of which shall be submitted to and approved in writing by the Local Planning Authority prior to their first installation.'

Reason: In the interests of visual amenity'.
- 2.3 The condition was attached in order to maintain a more traditional appearance given the location of the site within a conservation area and in close proximity to listed buildings.
- 2.4 The current application seeks a variation to this condition in order to allow alternative types of garage doors to be installed such as a roller shutter door. In a supporting statement the applicant's agent has commented as follows:

HARDWOOD SIDE-HUNG DOORS

There is no doubt that there is an historic precedent for side-hung garage doors in North Yorkshire but this is mainly due to the limited options for doors: Roller shutter doors were not generally available for domestic buildings before the 1980's. Had there been alternatives to side-hung doors then we may have been able to draw upon a greater variety of doors for reference. However, since technology progresses there are now more options for doors – some more appropriate to certain applications than traditional side-hung doors. Typically a roller type door is suitable for garage door applications due to ease of use. Side

hung doors are generally in pairs and require the user to handle two doors and locking mechanisms when opening and when closing the garage. Considerably more cumbersome than a single door.

In addition, large side hung doors require very strong frame fixings due to the pulling force of the top hinge. Traditionally, large wooden doors would have a strap hinge at the top and be fixed into a large quoin stone. Modern cavity wall construction does not generally allow for such fixings and heavy doors often sag as the top hinge fixings move.

In exposed locations such as Kildwick Grange exterior doors are required to be weather resistant and durable and as such are likely to be constructed from a European hardwood such as Oak or an African hardwood such as Iroko or Idigbo. There are pros and cons with each choice: Oak is durable but prone to movement and splitting. Iroko is stable and relatively available but does not take any surface stain or paint treatment well – leaving doors looking poor if not constantly maintained. Idigbo is very stable and machines well but is less available and expensive. Teak is durable but a tropical hardwood and an environmentally irresponsible choice.

Whichever the hardwood chosen there will be similar problems for the end user:

- 1. Twisting of planks due to size;*
- 2. Binding and rubbing meeting stiles;*
- 3. Movement in the material due to temperature differences on the inside of the door to the outside of the door.*
- 4. Hinge strain;*
- 5. Maintaining appearance of door/ finish;*
- 6. Hinge fixing difficulty in modern concrete blocks, and;*
- 7. Inconvenience and difficulty in the use of heavy wooden doors. An elderly person is at risk of serious injury when opening and trying to secure a large wooden door in high winds. The location of the garages at Kildwick Grange are very exposed and it is highly likely that the doors will be affected by high winds.*

- 2.5 In addition to the above the applicant's statement includes examples of panelled roller doors that have recently been approved on nearby properties at Kildwick Grange, Kildwick Hall and Priest Bank Road. The statement concludes:

It is proposed to vary the condition to use a more suitable garage door which also has a precedent in the Kildwick Conservation Area, and which has a more acceptable aesthetic appearance than some of the existing doors in the locality. The door used on The Barn, Priest Bank Road has a large horizontal panel with a realistic, embossed wood grain and a painted finish. It is proposed to use a door of this type. The colour of which could be a heritage green or cream and subject to approval.

The door has the advantage of simple operation but also the appearance of a painted hardwood door. The panels are wider and better proportioned than the unsuitable roller shutter doors at Kildwick Grange. It is therefore it is respectfully requested that the condition be varied to allow the use of a more appropriate door such as the one on The Barn at Priest Bank Road.

3. Planning History

- 3.1 5/73/54: Outline Application for erection of dwelling for agricultural worker. Refused December 1990. Appeal dismissed July 1991.
- 3.2 5/73/83: Erection of poultry shed. Conditional Approval 20 June 1996.

These two permissions relate to the application site. There is a lengthy history in relation to the Grange settlement to the west, including conversions and rebuilding of agricultural buildings to form dwellings.

- 3.3 73/2004/4630: Proposed demolition of existing chicken factory and erection of four dwellings. Refused October 2004.
- 3.4 73/2004/4999: Proposed demolition of existing chicken factory and erection of three detached dwellings. An area of tree planting was also indicated within the site boundary. Refused February 2005.
- 3.5 73/2005/5173: Proposed demolition of existing chicken factory and construction of two dwellings. This application was withdrawn before any decision was made.
- 3.6 73/2005/5360: Proposed erection of two dwellings on the site of the former agricultural buildings. Refused 28 June 2005. An appeal was also dismissed
- 3.7 73/2005/5780: Proposed erection of two houses. Refused December 2005.
- 3.8 73/2007/7479: Conversion of redundant chicken sheds to small workshop units. Approved July 2007.
- 3.9 73/2007/7917: Demolition of existing chicken sheds and erection of two workshops. Refused November 2007. The refusal was based on the fact that the existing buildings on the site had permission for re-use and that new building would not be appropriate in this rural setting.
- 3.10 73/2007/8238: Amendments to approved planning application 73/2007/7479. Approved February 2008.
- 3.11 73/2010/11242: Discharge of conditions 4, 5 & 7 of planning approval 73/2007/8238 for the conversion of redundant chicken sheds to small workshop units (amended scheme to approval 73/2007/7479). Conditions discharged.
- 3.12 73/2013/13298: Demolition of existing business/light industrial units, change of use of land to C3 Residential and construction of four detached houses. Withdrawn December 2014.
- 3.13 73/2014/15178: Demolition Of Existing Business/ Light Industrial Units, Change Of Use Of Land To C3 Residential And Construction Of Four Detached Houses. Withdrawn December 2014.
- 3.11 73/2015/16064: Demolition of existing light industrial units and construction of 4 new houses and associated access and external works. Approved February 2016.
- 3.12 73/2016/17092: Application to wholly discharge condition No 3 and discharge wall and roof materials to condition No. 6 of original planning consent reference 73/2015/16064. Approved September 2016.
- 3.13 73/2016/17461 Discharge of condition no.6 of planning permission ref: 73/2014/16064. Invalid.
- 4. Planning Policy Background
 - 4.1 **The National Planning Policy Framework**
 - 4.2 **National Planning Practice Guidance.**
 - 4.3 **Saved Local Plan Policies:**
 - ENV1: Development in the Open Countryside
 - ENV2: Requirements for Development in the Open Countryside
 - ENV10: Protection of Trees and Woodlands.
 - 4.4 T2: Road Hierarchy
- 5. Parish/Town Council Comments
 - 5.1 **Kildwick Parish Meeting:** No comments received.
- 6. Consultations
 - 6.1 None.

7. Representations

7.1 No comments received.

8. Summary of Principal Planning Issues

8.1 The visual impact arising from the proposed variation.

9. Analysis

9.1 Following consideration of the arguments put forward by the applicant's agent and the examples of roller shutter doors that have been approved elsewhere in the Kildwick conservation area it is considered that, with hindsight, the planning condition that was imposed was not entirely reasonable.

9.2 It is accepted that the examples of roller door installations on the nearby properties clearly demonstrate that a similar installation on the application site can be accommodated without any adverse impact on the visual amenity of the area or the significance of the Kildwick conservation area.

9.3 It is proposed to vary condition 5 to read as follows:

Notwithstanding the details shown on the approved plans the garage doors shall be large panelled roller doors with an embossed wood grain finish and shall be painted to match the painted timber windows to each property (heritage green or cream). The doors shall be retained as such thereafter.

10. Recommendation

10.1 That condition 5 is varied.

Conditions

1. The development hereby permitted shall be begun not later than the expiration of three years beginning with the date of this permission

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

2. The development shall not be carried out other than wholly in accordance with the drawing nos. 001 revision B, 002 revision B and 003 revision A received by the local planning authority on 26th January 2016 and the Design Access and Heritage Statement and Bat, barn Owl and Nesting Survey received on 29th July 2015.

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

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

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

4. **(Amended condition)** Prior to the occupation of the dwellings hereby approved details of private water supply measures have been submitted to and approved by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details.

Reason: To ensure that the development has a satisfactory means of water supply.

5. **(Amended condition):** Notwithstanding the details shown on the approved plans the garage doors shall be large panelled roller doors with an embossed wood grain finish and shall be painted to match the painted timber windows to each property (heritage green or cream). The doors shall be retained as such thereafter.

Reason: In the interests of visual amenity.

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

Reason: In the interests of visual amenity.

7. **(Amended condition)** Prior to the occupation of the dwellings hereby approved a scheme for landscaping, including a detailed tree survey and scheme of planting of trees and/or shrubs shall be submitted to and approved by the Local Planning Authority and shall specify types and species, a programme of planting and the timing of implementation of the scheme, including any earthworks required.

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

Reason: In the interests of visual amenity.

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

Reason: In the interest of satisfactory and sustainable drainage.

9. **(Amended condition):** None of the dwellings hereby approved shall be occupied until the easternmost building on the site has been demolished and all materials arising from the demolition of both that and the westernmost building have been permanently removed from the site.

Reason: In order to ensure that the development is carried out in accordance with the approved plans and in the interests of visual amenity.

Informatives:

1. During construction/demolition, there is a potential for noise nuisance to nearby residential properties. To safeguard the living conditions of nearby residents particularly with regard to the effects of noise the operating times for demolition/construction should be limited to:
 - 0730 to 1800 Monday to Friday
 - 0800 to 1300 Saturday
 - No Sunday or Bank Holiday working.
2. Regard should be had for the safe removal of any potentially asbestos containing material present on site, i.e. roof material. The applicant should ensure removal of any such material is carried out by a suitably qualified, competent contractor/registered waste carrier, licenced in the removal and offsite disposal of asbestos to a registered hazardous waste landfill site.
3. The developer is strongly advised to ensure that the proposal complies with the requirements of the Planning Practice Guidance and the Environment Agency's Pollution Prevention Guidance Note 4.

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

Where a mains sewer connection cannot be achieved, applicants must first consider the use of a package treatment plant discharging to a soakaway. Provided there is sufficient land available and the ground conditions are such that a soakaway will be effective, the ground will provide additional attenuation to the quality of the water discharged. A septic tank discharged to soakaway may also be acceptable in some circumstances.

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

In addition, the developer may also require an Environmental Permit from the Environment Agency for water discharge activity. You are advised to contact the National Permitting Service (Tel. 08708 506506) at the earliest opportunity. For more general advice, applicants are advised to refer to the Environment Agency's Pollution Prevention Guidance Note number 4 via:

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

4. Advice to applicant in relation to contaminated land - It is recommended that developers should:
 - i) Follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination, when dealing with land affected by contamination.
 - ii) Refer to the Environment Agency Guiding Principles for Land Contamination for the type of information that we require in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, such as human health.
 - iii) Refer to our guiding principles on groundwater protection are set out in our document GP3 - Groundwater Protection Policy and Practice, which is intended to be used by anyone interested in groundwater and particularly those proposing an activity which may impact groundwater.
GP3 is available on the Environment Agency website at:
<http://www.environmentagency.gov.uk/research/library/publications/40741.aspx>
 - iv) Refer to the Environment Agency website at; www.environment-agency.gov.uk for more information.
5. All bats and their roosts are fully protected under the Wildlife and Countryside Act 1981 (as amended by the Countryside and Rights of Way Act 2000) and are further protected under Regulation 39(1) of the Conservation (Natural Habitats etc) Regulations 1994. Should any bats or evidence of bats be found prior to or during development, work must stop immediately and Natural England contacted on 0300-060-3900 for further advice. This is a legal requirement under the Wildlife and Countryside Act 1981 (as amended) and applies to whoever carries out the work. All contractors on site should be made aware of this requirement and given information to contact Natural England or the Bat Conservation Trust national helpline on 0345 1300 228.

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

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

Statement of Positive Engagement: -

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

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

Discharge of Condition(s)

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

WARD AND APPLICATION No.	PROPOSED DEVELOPMENT AND SITE ADDRESS
HELLFLD & LNG P 52/2016/17132	APPLICATION FOR VARIATION OF CONDITION 3 OF PLANNING PERMISSION REF: 52/2002/2318 DATED 19 SEPTEMBER 2002 TO ALLOW FOR TOURING CARAVANS TO BE SITED ALL YEAR ROUND BUT OCCUPIED BETWEEN 1ST MARCH AND 14TH JANUARY IN THE FOLLOWING YEAR GALLABER PARK, LONG PRESTON. APPLICANT NAME: MR DAVID THORNLEY TARGET DECISION DATE: 03/10/2016 CASE OFFICER: Mark Moore

This application is referred to the Planning Committee at the request of Councillor Moorby who has expressed concerns regarding the impact of the caravan site remaining open for a longer period of time throughout the year and the possibility of the site becoming a permanent place of residence.

1. Site Description

- 1.1 The application site, Gallaber Park, comprises a long-established caravan park located on land to the west of Hellifield between the A65 and the A682 Long Preston to Gisburn road. Access to the site is from the A682.
- 1.2 The site lies within the Hellifield Tourism Development Opportunity site identified under saved policy EMP11 in the adopted Local Plan. The site also adjoins the Long Preston conservation area that lies immediately to the north, north-east and north-west.
- 1.3 The site lies within the Hellifield and Long Preston ward boundary.
- 1.4 Following a number of planning permissions the site has approval for both static and touring caravans the touring site being located at the northern end of the caravan park.

2 Proposal

- 2.1 Planning permission was granted for a phase 2 development of the caravan park in 2001(ref: 52/2001/1221).
- 2.2 This permission included provision for 71 touring pitches which were subject to a planning condition (condition 12) that no touring caravan should remain on the site between the 1st of October and the 1st of April or Good Friday of the following year.

Officer note: The applicants' agent has stated in supporting information that Gallaber Park has a site licence for 67 touring caravans which is less than the planning permission would allow.

- 2.3 The reason given for the restrictive condition was that it was considered necessary in order to mitigate the impact of the development on the character and appearance of the rural location.
- 2.4 In 2002 an application was submitted (ref: 52/2002/2318) which sought to vary condition 12 to allow touring caravans to be kept at the site from 1st March to 31st October.
- 2.5 A subsequent variation of the original 2001 planning permission was granted in 2002 in which condition 12 was amended to read as follows:

'The touring area set out on the approved plan (submitted by David Hill Chartered Surveyors on the 10th July 2002) shall be reserved for touring caravans only and no static caravan shall be parked in this area. No touring caravan shall remain on this part of the site between 31st October in any one year and 1st March in the succeeding year.'

Reason: To mitigate the impact of the development hereby permitted on the character and appearance of the rural locality'.

- 2.6 It can be seen from the above that the variation allowed for use of the touring caravan site for a longer period of time than was allowed under the original planning permission. Specifically, the variation extended the operating season of the touring site by two months by allowing touring caravans to stay until the end of October rather than the beginning of the month and to visit the site from the beginning of March rather than the 1st of April.

Officer note: The revised condition did not lift the restriction on touring caravans being retained on the site during the closed season.

- 2.7 The further variation now being applied for has two proposed changes:

- A further extension of the operating times of the site from 1st March to 14th January the following year. This would extend the season to enable the site to open for 45 weeks of the year.
- Removal of the restriction on touring caravans being left on the site during the closed season.

- 2.8 In a supporting statement prepared on behalf of the applicant it is stated that the extended opening times would provide parity with planning controls on the remainder of the site that allow use of the static caravans from March to January. This, it is argued, would allow a uniform operating period across the whole of the park.

- 2.9 In addition to the above the applicant's agent has argued that modern touring caravans are manufactured with better heating systems and insulation which allows their owners to occupy them during the autumn and winter months. It is also argued that the applicants can offer electricity and water to the individual pitches which enables the site to be occupied throughout the year.

- 2.10 Finally, it is argued that there is year round demand for use of the touring site and the short season which Gallaber Park is presently restricted to affects the viability and sustainability of the business as well as local businesses and attractions which are reliant on and benefit from the tourism that the application site generates.

Officer note: The supporting statement summarised above addresses the proposed changes to the operating times of the touring caravan park. However, there does not appear to be any specific case put forward to justify removal of the restriction on the proposed out of season storage of touring caravans.

3 Planning History

- 3.1 5/52/131/A: (land to the north of the application site): Change of use of caravan park comprising touring and static vans, at Gallaber Farm, Hellifield - conditional planning permission granted 18th March 1996.
- 3.2 52/2000/170 (land to the north of the application site): Use of land as a holiday caravan park and construction of a new access granted August 2000.
- 3.3 52/2001/1221: Planning permission for phase 2 of caravan site granted September 2001.
- 3.4 52/2001/1739: Change of use of land to caravan storage compound and general purpose store building refused February 2002.
- 3.5 52/2002/2024: Change of use of land to Recreation, Sports and Amenity Area Ancillary to Gallaber Caravan Site granted May 2002.
- 3.6 52/2002/2318: Amendments to Phase II of caravan park (ref. 52/2001/1221) to erect new toilet/shower block building incorporating a storage area for machinery used to maintain the site; and to identify the layout of the touring caravan section of the park. Granted September 2002.

4 Planning Policy Background

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

ENV1: Development in the Open Countryside

ENV2: Requirements for Development in Open Countryside.

T2: Road Hierarchy

EMP11: Tourist Development Opportunity Sites.

4.2 The National Planning Policy Framework

4.3 National Planning Practice Guidance.

5 Parish/Town Council Comments

5.1 **Hellifield Parish Council:** No comments received.

5.2 **Long Preston Parish Council:** No comments received.

6 Consultations

6.1 **CDC Environmental Health:** No objections.

7 Representations

7.1 Six responses have been submitted (2 of which are from the CPRE). The comments are summarised as follows:

- Open countryside is not the location for the storage of touring caravans throughout the closed season.
- The impact on the countryside would be adverse.
- The caravan site has had a number of changes to planning conditions and any increase in the time touring caravans remain on the site increases the risk of change to more static caravans.
- The permanent location of touring caravans does not contribute positively to the tourism economy and effectively creates second homes in the countryside in an area where planning would not normally be granted.
- Proposed changes would adversely impact on the setting of the Long Preston conservation area and adjacent grade II listed Bendgate House.
- Proposal will unacceptably impact upon the Yorkshire Dales National Park.
- Screening of the site is inadequate offering only part screening for part of the year.
- Recent appeal decisions illustrate that planning policy exists to limit impact from this development which is rapidly morphing into a settlement outside Hellifield that is unrelated to the local village.
- The impact of the caravan site has slowly degraded the quality of the countryside. That degradation is no reason to further degrade the quality of the local countryside.
- Site is visible from the A65 and through winter is very visible to all areas of the national park, Hellifield Station, the public footpaths above and Long Preston village.
- Landscaping/tree screening of the site is not year round and has not been undertaken in accordance with previous approvals. Screening is only effective in summer months and year round occupation of the site would result in a loss of visual amenity and adverse impact on the rural locality.
- Hellifield is inundated with strangers walking into the village via dangerous roads when park is open. Constant strangers entering the village can erode the quality of village life.
- Application states that there is no public footpath into the park which is untrue and could result in the right of local people to walk within this area.

Officer note: It is not clear what is meant by this statement. It is assumed that objector is concerned that local people could be restricted from using the right of way.

- A recent permission has been granted for six permanent holiday chalets outside the park and near the village. Although not built they will add to the amount of tourists and people traffic in village which has few amenities.
- Noise is an issue for both Bendgate and elevated housing in the village.
- Nearby farms have made it their businesses to store caravans throughout the winter and could suffer should the park be given permanent permission for caravans. The presence of these farms means that there is no potential need in the area.
- All year round caravans and activity could adversely impact on the wildlife in nearby Hellfield Flashes.
- The condition attached to previous planning permissions was intended to mitigate the adverse impact of the development on the character and appearance of the rural locality and yet current proposal seeks to increase the adverse impact. For this reason proposal should be refused.
- No EIA was done on the phase 2 development on this site. CDC has acknowledged that this should have been done. Owners of the site are salami slicing different parts of the site to potentially avoid EIA and CDC should insist on one now to remediate past mistakes.

Officer note: This application seeks approval for a variation of condition and there is no basis on which to request an Environmental Impact Assessment.

- Council has repeatedly failed to consult with local residents and Hellifield Parish Council on planning applications.
- Touring caravans are modern, brightly coloured metal boxes that are incongruous with the local character of the landscape.
- The impact on the amenity of local residents is unacceptable.
- A further increase in light pollution in the area is unacceptable.
- Site management teams often have no controls over the plot given over to permanent tourers which means that owners can personalise their plots with awnings, decking etc. which can visually degrade the site and adversely affect the site surroundings and nearby heritage assets.
- Local employment on the site is minimal and local businesses have not prospered with the existing site.
- There is no data in application to support the assertion that there is a high demand for the proposed facility.

8 Summary of Principal Planning Issues

8.1 The impact of the proposed variation.

9 Analysis

9.1 This application seeks approval for a further variation of a restrictive planning condition that limits the extent of the times that the touring caravan site can operate and specifically prevents year round use of the site. The proposal , if approved, would:

- Extend the season by 2½ months thereby allowing use of the site from 1st March to 14th January
- Allow touring caravans to remain on-site on a year round basis.

It is therefore the planning merits of the above changes that must now be considered.

Extension of season:

9.2 Under the terms of the existing planning permission the touring site is closed for 4 months of the year from November to the end of February. The requested variation would reduce the off-

season to 1½ months from mid-January to the end of February and would result in touring caravans being able to visit the site for an additional 2½ months (10 weeks) a year.

- 9.3 In considering this aspect of the application it is noted that the proposed variation would allow the touring caravan site to be operated to the same timescales as the static caravan site and this is a factor that is material to the determination of this application. Equally, it is necessary to consider the reason why the limitation of the use of the site was imposed in the first place which was specifically to limit the impact of the site on the character and appearance of the rural locality. As a consequence it is important to assess whether or not the proposed extension would have a significantly adverse impact on the wider landscape setting such that planning permission should not be granted.
- 9.4 In considering this matter it is noted that the case officer in assessing the previous extension of opening times commented that:
- 'the landscaping cover around this part of the site [the touring caravan site] is reasonably mature and the trees are now retaining their foliage until later in the year. There is unlikely, therefore, to be any significant adverse effect on the character of the area from extending this period'.*
- 9.5 It is the case that bunding and extensive planting has been provided to the edge of the caravan park site where it adjoins the A65 and the site is generally well screened from the main road to the north and east. To the south and west of the site the park is set some distance from the road (A682) and there is an extensive planted area that largely screens the site from view although there are views of caravans at the northernmost part of the site from both the road and the grounds of Bendgate House that adjoin the north-west site boundary.
- 9.6 Although there are some views of the caravans it is not considered that the visual impact would be substantially impacted upon by the site being occupied for an additional 2½ months. In coming to this view it is noted that tree cover would be less substantial in the winter months but it is considered that the requested change would make the operation of the touring site consistent with that of the static caravan park which would seem to be a reasonable approach to take in terms of the management of the site and its overall economic viability.
- 9.7 Of more significance in planning terms is that it is not considered that the proposed extended season for touring caravans would have such a significant visual impact that the reason for the restrictive condition would no longer be applicable i.e. the limitation would remain pertinent as it would still serve to mitigate against a loss of the overall character and appearance of the locality. It is also noted that although the site could be fully occupied for the extended season it is unlikely that this would happen and therefore the visual impact would be limited. More specifically it is not considered that a refusal of the requested variation could be justified in planning terms as the potential impact of the extended period could not be demonstrably harmful to the rural setting of the site.
- 9.8 With regards to the second element of the application which is to allow permanent siting of touring caravans it is considered that this would raise different issues to the first in that the characteristics of the site would change significantly should caravans remain on site all year round. Unlike the use of the site for touring purposes the use of the site for storage is likely to be more intensive and could result in the site being fully occupied for the period November through to March as owners may choose to store their vans over the winter period (perhaps visiting occasionally in the extended season referred to above). This is considered to be more likely to be visually intrusive than allowing an extension to the operating times but retaining a closed season at the beginning of the year. In addition it is not uncommon for caravan owners to personalise their individual plots and to create a permanency by introducing planting, fencing, garden store buildings or other domestic paraphernalia which would inevitably change the overall appearance and character of the site.
- 9.9 For the above reasons it is not considered that the second element of the requested variation can be approved.

10 Recommendation

- 10.1 That the requested variation be **approved in part only** and the planning permission be varied as follows:

Conditions

1. **Condition deleted:**

2. The development hereby approved shall be carried out in accordance with the amended plans (reference 'Elevations and plan for toilet block and general purpose building' dated 22nd August 2002; the site plan dated the 9th September 2002; and the site layout dated the 11th September 2002) submitted by David Hill Chartered Surveyors (under planning permission ref: 52/2016/2318).

Reason: For the avoidance of doubt and to take account of the revised nature of the proposal.

3. **Condition Amended:** The touring area set out on the approved plan (submitted by David Hill Chartered Surveyors on the 10th July 2002 and on the site plan dated 2nd July 2016 submitted with application ref: 52/2016/17132) shall be occupied for touring caravans only. No storage of caravans shall take place on the touring site and no static caravans shall be sited on the land at any time. The site shall remain vacant and shall not be used for the siting of touring caravans for the period from 14th January to 1st March.

Reason: To mitigate the impact of the development hereby permitted on the character and appearance of the rural locality.

4. No static caravan on the site shall be occupied at any time as a place of permanent residence, or occupied by any person or group of persons during the period from the 14th January to the 1st March in any year.

Reason: The site is in a location where the residential use of caravans would not normally be permitted and the permission hereby granted is therefore restricted to allow short-term holiday use only.

5. **Condition deleted.**

6. **Condition deleted.**

7. **Condition deleted.**

8. **Condition deleted.**

9. **Condition deleted.**

10. **Condition deleted.**

11. **Condition deleted.**

Informative:

The above conditions are numbered as per the previous planning permission (ref: 52/2002/2318) for which the variation of condition is sought. The conditions have been amended or deleted where no longer applicable as appropriate.

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: -

- advised the applicant / agent with respect to the reasons why the application cannot be supported in its current form.

WARD AND APPLICATION No.	PROPOSED DEVELOPMENT AND SITE ADDRESS
GLUSBURN 32/2016/17327	<p>OUTLINE APPLICATION WITH ALL MATTERS RESERVED FOR THE CONSTRUCTION OF TWENTY HOUSES WITH THE EXCEPTION OF ACCESS, LAYOUT & SCALE (AMENDED PLANS - LAYOUT)</p> <p>LAND AT LING HAW HILL/BROW TOP, CONONLEY ROAD, CROSS HILLS.</p> <p>APPLICANT NAME: MR & MRS BH GREEN TARGET DECISION DATE: 22/12/2016 CASE OFFICER: Gemma Kennedy</p>

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

1. Site Description

- 1.1 The application site is an agricultural field on the northern periphery of Glusburn village. Access is gained from Cononley Road to the west, and the site is close to the junction of Park Road/Lothersdale Road with Cononley Road. At the western side of the site there are residential properties directly to the south, and across Cononley Road to the west. At the eastern end of the site there is a boundary with Glusburn Park, which is located to the south of the site. Adjoining the site to the north east corner is Lingah Farm, which consists of the former farmhouse and barn conversions.
- 1.2 The northern part of the site has a steep topography, with land sloping down towards agricultural land beyond. A public right of way runs along the southern boundary of the site in the direction of Lingah Farm, and then runs in a south easterly direction through to Glusburn Park.
- 1.3 The site lies outside the development limits defined by the Craven District 1999 Local Plan. The site is included in the Strategic Housing Land Availability Assessment (SHLAA) (Ref: SC071) that forms part of the current local plan preparation process. The site lies within Green Wedge as specified in the Saved Local Plan.

2 Proposal

- 2.1 Outline planning permission is sought for the construction of 20 houses on the site. The outline application covers access, layout and scale, with appearance and landscaping to be sought at reserved matters stage.
- 2.2 The proposal is for 12 open market dwellings (8 No. 4 bedrooms and 4 No. 3 bedrooms) and 8 affordable dwellings (2 No. 3 bedrooms, 4 No. 2 bedrooms and 2 No. 1 bedroom).

3 Planning History

- 3.1 5/32/217/A & 300 – Proposals for residential development, refused between 1979 and 1981.
- 3.2 32/2006/6429 - Retention of double stable unit with fenced hardstanding area to the front and associated development including rain water butt, lean-to shelter to rear of stables for storage of straw, and fenced 'pen' area at entrance to field. Approved 11/10/2006.
- 3.3 32/2008/9127 – Retention of a two block stable. Approved 08/12/2008.
- 3.4 32/2016/17153 - Outline application with some matters reserved for construction of four detached houses with access, layout and scale for consideration. Withdrawn 02/09/2016.

4 Planning Policy Background

- 4.1 The National Planning Policy Framework (NPPF)

- 4.2 Planning Practice Guidance (PPG)
- 4.3 Saved Policies BE3, ENV1, ENV2, SRC2, SRC12 and T2 of the Craven District (Outside the Yorkshire Dales National Park) Local Plan
- 5 Parish/Town Council Comments
- 5.1 Glusburn and Cross Hills Parish Council: "The Parish Council feel that the access to the development has serious access problems from a narrow busy road and would cause issues, there are also no footways. The development planning is completely the wrong way round. The whole development is congested. With regard to the development of green fields, development to the village is preferred to the East of the settlement. This site is also part of SC07101 of the CDC Preferred sites in the Craven Plan which the OPC have already made comments." Received 06/11/2016.
- 5.2 Cononley Parish Council: "The Council would like to voice its concerns regarding this application due to the knock-on impact it will have on Cononley's infrastructure. The main route through the village is already a very dangerous one and this development will only add further to this situation." Received 25/10/2016
- 6 Consultations
- 6.1 CDC Affordable Housing: Satisfied with the affordable housing type and provision. Received 29/11/2016.
- 6.2 CDC Contaminated Land: No known contaminated land implications. Received 04/10/2016.
- 6.3 CDC Environmental Protection: Recommend restrictions on operating times for construction, conditions/informatives relating to dust. Received 03/10/2016.
- 6.4 CDC Sports Development Officer: "Subject to considering footpath alterations and adequate access point from the development and into Glusburn Park as well as agreeing an off-site contribution of £56,000, to improve the quality of identified local deficiency, to meet the needs generated by the development: both Glusburn Park and Crosshills FC and Glusburn CC ground, the Sports Development officer is supportive of the proposals. Therefore, should the application deemed acceptable and approved the Officer recommends the following: That Members resolve to grant delegated authority to the Strategic Manager for Planning and Regeneration to grant Planning permission subject to conditions and the applicant first entering into a S106 Planning Obligation to secure a contribution towards open space provision. The payment trigger points are flexible to meet the needs of the developer/owner and can be negotiated as above." Received 30/11/2016.
- 6.5 Environment Agency: "This development is outside of our remit. Surface water management from this site should be discussed with the LLFA." Received 29/11/2016.
- 6.6 NYCC Designing Out Crime Officer: Recommendations made with regards to designing out crime. Received 06/10/2016.
- 6.7 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." Recommend conditions attached to any permission granted. Received 11/10/16
- 6.8 NYCC Public Rights of Way: Recommend approval subject to an informative relating to the public right of way.
- 6.9 SuDS and Development Control Officer (LLFA) (NYCC): The information supplied isn't enough to satisfy our requirements as shown in section 8.1 of the SuDS Design Guidance. Require further information. Received 29/11/2016.
- 6.10 Yorkshire Water Services: It appears from the submitted site layout that buildings i.e. plots 9 & 10 will be sited over public water supply infrastructure located within the site. This could seriously jeopardise Yorkshire Water's ability to maintain the public water network and is not acceptable. We therefore object to the development layout as currently shown. The public sewer does not have the capacity to accept any surface water from the site. Sustainable

systems (SUDS), for example the use of soakaways and/or permeable hardstanding may be a suitable solution for surface water disposal that is appropriate in this situation.

7 Representations

7.1 Letters of representation have been received from 9 neighbouring residents. Comments raised are summarised below;

- Loss of privacy and light
- Noise during construction and after
- Concerns regarding access to the site.
- Increased traffic volume with this development and Cononley Mill
- Highway safety for pedestrians and cyclists
- Detrimental to views
- Density out of keeping with local development
- How will services (Doctor's, School, public transport) cope with the transport implications
- Public right of way runs through the site and has not been addressed
- Concern about movement of spoil from a very old quarry at eastern end of site
- Drainage – in heavy rain our property will be flooded. The field floods.
- Would be an oversupply of housing (with Cononley Mill), and size of homes doesn't match needs analysis for one-bedroomed.
- Risk of creeping development turning Cross Hills into a big town.

8 Summary of Principal Planning Issues

8.1 Principle of development;

8.2 Housing provision;

8.3 Layout and scale and landscape impact;

8.4 Neighbouring privacy and amenity;

8.5 Highway issues;

8.6 Public rights of way and public open space;

8.7 Drainage.

9 Analysis

9.1 **Principle of development;**

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 most relevant to this application and have been "saved" are Policy BE3 'Green Wedges,' Policy ENV1 'Development in the open countryside'; Policy ENV2 'Requirements for development in the countryside', Policy SRC2 'Provision of recreation space in new housing, Policy SRC12 'Protection of public rights of way' and T2 'Road Hierarchy.' 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 The application site is identified in the latest consultation draft of the Local Plan as a site for residential use. As a matter of principle it is considered that the site is capable of being developed for the proposed uses and therefore there is no objection in principle.
- 9.8 Housing provision;**
- 9.9 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.
- 9.10 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.
- 9.11 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.
- 9.12 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.
- 9.13 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.

9.14 The submitted scheme is for 20 houses, 8 of which would be affordable, achieving 40% affordable housing on site. The application site is immediately adjacent to the development limit identified in the Local Plan and is in a sustainable location within walking distance of facilities and services in the local villages of Glusburn and Cross Hills. Paragraph 55 of the NPPF advises that to promote sustainable development in rural areas housing should be located where it will enhance or maintain the vitality of rural communities. The scheme would provide a mixture of housing sizes, and tenures (affordable and open market), in a location that would maintain the vitality of the local community. It is therefore considered that the proposed housing on the site is acceptable, and that it would accord with the policies in Section 6 of the NPPF.

9.15 Layout, scale and landscape impact;

The application is for outline planning permission, and whilst the layout and scale of the development are matters for consideration, the external appearance of the proposed dwellings is not.

9.16 The site lies within a large area of 'green wedge' which extends from the site to the north and east in the direction of Kildwick. Saved Local Plan Policy BE3 states that *"within the green wedges development will be resisted where it would compromise the gap between settlements. The Council will seek to consolidate, strengthen and enhance the appearance and, where appropriate, the recreational value of these areas."* Whilst the development would be within the green wedge, it would cover only a very small area, and would in no way compromise the gap between the settlements. It is therefore considered that the proposal does not conflict with the aims and objectives of Saved Local Plan Policy BE3.

9.17 The Landscape Character Appraisal 2002 identifies this site as 'Pasture with Wooded Gills and Woodland' within the landscape character type 'Semi-enclosed Intermediate Landscape.' The appraisal states that with a setting confined mainly to valley sides, these landscapes are highly visible from large areas of the surrounding landscape. The site is particularly visible from the north east, where long distance views are obtained of the site when travelling along the A629 in the valley bottom between Skipton and Cross Hills. The site is in an elevated position above the valley bottom, and incorporates a brow, with the sloping valley side plateauing within the site itself. The application as originally submitted proposed development within the steeper part of the site adjacent to the northern boundary. In order to reduce the visual impact of the development, amended plans have been submitted pulling the development back from the valley side, and proposing copse planting within the undeveloped area. It is acknowledged that the site would be subject to views from across the valley due to its elevated position on the edge of the settlement. However, the development can be described as rounding off of the settlement, and would not project beyond the northern line of existing built development at Baxter Wood, in addition to properties on the western side of Cononley Road and at Lingah Farm.

9.18 The application is in outline and includes the layout and scale of the houses; the external treatments would be dealt with at reserved matters stage. The development incorporates a mixture of detached, semi-detached and terraced housing, with the detached properties located on the north and west peripheries where they would be viewed in the context of surrounding detached properties. The scale of the properties would also reflect the character of the surrounding area, being two storey in height with pitched roofs.

9.19 It is therefore considered that the development of the site for housing would not have an unacceptable visual impact on the landscape, and does not conflict with Saved Local Plan Policies and the NPPF.

9.20 Neighbouring privacy and amenity;

9.21 The layout of the proposed housing has been assessed in relation to existing residential development surrounding the site. Amendments have been received to the plans to protect the privacy of 'Brow Head', the ground floor windows of which almost abut the boundary with the application site, by reducing the size of the garden to No. 20 and creating an open space which would incorporate low level planting. With regards to other properties to the south and west of the site, it is acknowledged that the open outlook they currently enjoy over the site will

be lost. However, there is no right to a view, and in terms of space separation, privacy, daylight and sunlight, it is considered that the proposal would not result in an adverse loss of privacy or amenity to neighbouring properties to the south or west.

- 9.22 At the eastern end of the site there is development at Lingah Farm, with properties Dairy Cottage and Lingah Farm close to the boundary, and planning permission for two new houses has been implemented adjacent to these. Neighbours to east at Lingah – new houses approved and commenced. Due to the change in land levels between the properties at Lingah and the application site, the proposed dwelling at plot 7 would be elevated above the neighbouring houses. Amended plans have been received increasing the distance between Dairy Cottage and Lingah Farm, and plot 7, from 13m to 16.5m, but taking the property no closer to the approved dwellings. Whilst it is accepted that the development will have some impact in terms of daylight/sunlight on the occupants of Dairy Cottage and Lingah Farm, it is not envisaged that the impact would be adverse given the space separation. Due to space separation and orientation of properties, the proposal would not have an unacceptable impact on the dwellings to be built adjacent to the application site.

9.23 Highways;

- 9.24 A new access to the site is proposed south of the existing gated opening to the field. The existing stone boundary wall would be set back from the highway by approximately 2.5 metres to provide visibility in both directions. NYCC Highways Authority has been consulted on the application, and consider the proposed visibility to be acceptable on highway safety grounds. They have recommended approval subject to conditions, and within those conditions require highway improvements to be undertaken outside the site; these are the creation of a mini-roundabout at the junction of Cononley Road with Park Road, and widening of the pavement adjacent to property Brow Head. Neighbouring and Parish Council representations have raised concerns relating to highway safety, and the increase in traffic used local roads as a result of the development. Whilst the proposal would result in an intensified use of the site, given that the development can be provided within NYCC Highway Authorities guidelines, and highway improvements are proposed, there can be no objection to the application on highway safety grounds, as the proposal accords with Saved Local Plan Policy R2 and the NPPF.

9.25 Public rights of way and public open space;

- 9.26 Saved Local Plan Policy SRC12 requires that where existing public rights of way cross a proposed development site they will be incorporated into the scheme in a sensitive manner which ensures their attractiveness to users. In cases where disruption to existing rights of way is unavoidable, the Council will require alternative public access routes to be provided as an integral element of the development.
- 9.27 A public right of way runs along the southern boundary of the site in the direction of Lingah Farm, and then runs in a south easterly direction through to Glusburn Park. There should be three access points from the field related to the public right of way, however these have all been blocked. The public rights of way however still remain, the fact that they have been blocked does not mean they have been lost. Discussions have taken place with NYCC Public Rights of Way Office, and a resolution has been made with regards to the potential rerouting of the public right of way which will need to be dealt with separately as a formal diversion. It is proposed that the public right of way would run along the new estate road and turn south to access through to Glusburn Park. Rather than re-open the existing access to Glusburn Park, which has been blocked and would involve work to land levels, it is proposed that the route enter the park further to the west on level ground. The access through to Lingah Farm would, at the advice of the Public Rights of Way Office be extinguished, the land levels at this point would make it very difficult to achieve access, and there is already a public right of way that links Lingah Farm to Cononley Road which would be unaffected by the application.
- 9.28 Saved Local Plan Policy SRC2 requires that new residential development includes local open space for residents. Developers of new housing will normally be required to provide local open space within or close to the development site concerned commensurate with the size and nature of the development. This is a requirement on all sites in excess of 10 dwellings. The application as originally submitted proposed an area of open landscaped space on the

site, but was removed to allow for amendments to the layout needed to remove housing from the steeper northern section of the site. Furthermore, Glusburn Park is directly adjacent to the site, and is accessible via the existing (albeit presently blocked) public right of way. In this case the applicant has agreed to enter into a legal agreement to provide a sum of money (based on calculations by the Council's Sports Development Officer) to be put towards open space provision in Glusburn and Cross Hills, including Glusburn Park.

9.29 Drainage;

- 9.30 The application site is not within a flood risk zone, and the Environment Agency has advised the application does not fall within their remit for consultation. Yorkshire Water Services would not wish to see a connection be made for surface water to drain to the public sewer, as it has reached capacity. The application proposes the creation of three areas of surface water drainage on the site to deal with surface water. The SuDS and Development Control Officer at North Yorkshire County Council requires further information to satisfy SuDS requirements, which the applicant has not provided at the time of writing this report. The applicant now proposes to seek advice from a Drainage Engineer to satisfy NYCC SuDS further. It is advised that planning permission not be granted until such time as the further information requested by NYCC SuDS is submitted to them, and considered to be acceptable.

9.31 Other matters;

- 9.32 Yorkshire Water Services have identified that a water main runs across the eastern end of the site, and that development cannot take place above, or in close proximity to the pipe. The applicant proposes to re-route the water main to address this.

9.33 Conclusion;

- 9.34 Paragraph 14 of the NPPF advises that where the development plan is absent, silent or relevant policies are out of date planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. In this case the proposal will provided housing in the District, and does not conflict with any specific policies in the NPPF.

10 Recommendation

To grant delegated authority to the Strategic Manager for Planning and Regeneration to grant planning permission subject to:

- i. the applicant first entering into a s106 Planning Obligation to secure:
 - a. a contribution in relation to public open space
 - b. the provision of affordable housing on site
- ii. the applicant providing further acceptable information relating to the provision of Sustainable Urban Drainage on site
- iii. the conditions below
- iv. any further conditions the Strategic Manager for Planning and Regeneration considers appropriate following consultation with the SuDs Officer on any information submitted under (ii)

Conditions

1. No development shall commence until approval of the details of the appearance of the buildings and the landscaping (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 and Country Planning Act 1990.

2. The approved plans comprise 2652.3D received by the Local Planning Authority on 1st December 2016. The development shall be completed in accordance with the approved plans except where conditions attached to this planning permission indicated 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. The details submitted in accordance with condition 1 shall include all building materials and finishes; surface materials 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. All new windows and doors shall be set in a minimum external reveal of 100mm.
5. No barge boards, fascia boards or soffit boards shall be used in the carrying out of the development hereby approved.

Reason (4 & 5): To ensure the development is of a good appearance in the interests of visual amenity.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 or any Order revoking or re-enacting that Order) no development consisting of the enlargement, improvement or 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 ensure that any future development does not have an un-neighbouring and detrimental impact on the occupiers of nearby property, and to ensure development does not have an unacceptable visual impact on the character of the local area and wider landscape, and to accord with the NPPF.

7. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works or the depositing of material on the site, until the following drawings and details have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority:

- a. Detailed engineering drawings to a scale of not less than 1:250 and based upon an accurate survey showing:
 - the proposed highway layout including the highway boundary
 - dimensions of any carriageway, cycleway, footway, and verges
 - visibility splays
 - the proposed buildings and site layout, including levels
 - accesses and driveways
 - drainage and sewerage system
 - lining and signing
 - traffic calming measures
 - all types of surfacing (including tactiles), kerbing and edging.
- b. Longitudinal sections to a scale of not less than 1:500 horizontal and not less than 1:50 vertical along the centre line of each proposed road showing:
 - the existing ground level
 - the proposed road channel and centre line levels
 - full details of surface water drainage proposals.
- c. Full highway construction details including:

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

Informative

In imposing condition number 7 above it is recommended that before a detailed planning submission is made a draft layout is produced for discussion between the applicant, the Local Planning Authority and the Highway Authority in order to avoid abortive work. The agreed drawings must be approved in writing by the Local Planning Authority for the purpose of discharging this condition.

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

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

(i) The details of the following off site required highway improvement works, works listed below have been submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority:

(ii) An independent Stage 2 Road Safety Audit for the agreed off site highway works has been carried out in accordance with HD19/03 - Road Safety Audit or any superseding regulations and the recommendations of the Audit have been addressed in the proposed works.

(iii) The developer's programme for the completion of the proposed works has been submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority.

The required highway improvements shall include:

- a. Provision of tactile paving
- b. Mini roundabout at Cononley Rd / Park Rd junction, widening of footway [to 1.5m] past "Brow Head", widening of narrow footway [approx. 50m] in carriageway 16-20 Park Rd.

Reason: In accordance with the NPPF and to ensure that the details are satisfactory in the interests of the safety and convenience of highway users.

9. Unless otherwise approved in writing by the Local Planning Authority in consultation with the Highway Authority, the development shall not be brought into use until the following highway works have been constructed in accordance with the details approved in writing by the Local Planning Authority under condition number 8 “ **Mini roundabout at Cononley Rd / Park Rd junction, widening of footway [to 1.5m] past “Brow Head”, widening of narrow footway [approx. 50m] in carriageway 16-20 Park Rd”**

Reason: In accordance with the NPPF and in the interests of the safety and convenience of highway users.

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

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

Reason: In accordance with the NPPF and 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. 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) 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**.
 - (v) Provision to prevent surface water from the site/plot discharging onto the existing or proposed highway shall be constructed in accordance with the approved details, and/or the specification of the Highway Authority, and maintained thereafter to prevent such discharges.
 - (vi) The final surfacing of any private access within **4.5 metres** of the public highway shall not contain any loose material that is capable of being drawn on to the existing or proposed public highway.
 - (vii) Provision of tactile paving in accordance with the current Government guidance. All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Informative

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

Reason: 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.

12. 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 **80 metres northerly and 45 metres southerly** measured along both channel lines of the major road **Cononley Road Crosshills** from a point measured **2.4 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.

Informative

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

Reason: In accordance with policy number and in the interests of road safety

13. 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 accordance with the NPPF and 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.

14. No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas have been constructed in accordance with the submitted drawing (Ref: **2652.2D**) and 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

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

Reason: In accordance with the NPPF and to ensure appropriate on-site facilities in the interests of highway safety and the general amenity of the development.

15. 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 the development.

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

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

17. During construction works there shall be no:
- a. Light Goods Vehicles exceeding 3.5 tonnes
 - b. Medium Goods Vehicles up to 7.5 tonnes
 - c. Heavy Goods Vehicles exceeding 7.5 tonnes permitted to arrive, depart, be loaded or unloaded on Sunday or a Bank Holiday nor at any time, except between the hours of **07:30 to 17:00** on Mondays to Fridays and **08:00 to 13:00** on Saturdays.

Reason: In accordance with the NPPF and to avoid conflict with vulnerable road users.

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

Reason: In accordance with the NPPF and to protect pedestrians and other highway users.

19. Any projection overhanging the footway shall be securely fixed and no part shall be less than **2.4 metres** above the footway level and no closer than **0.5 metres** from the edge of the carriageway.

Reason: In accordance with the NPPF and to protect pedestrians and other highway users.

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

21. Unless otherwise approved 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 details of the routes to be used by HCV construction traffic have been submitted to, and approved in writing by, the Local Planning Authority in consultation with the Highway Authority. Thereafter the approved routes shall be used by all vehicles connected with construction on the site.

Reason: In accordance with the NPPF and in the interests of highway safety and the general amenity of the area.

22. 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 Cononley village

Reason: In accordance with the NPPF and in the interests of highway safety and the general amenity of the area.

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

Reason: In the interests of satisfactory and sustainable drainage.

24. No building or other obstruction including landscape features shall be located over or within 3.0 (three) metres either side of the centre line of the water main i.e. a protected strip width of (6) metres, that enters the site. If the required stand-off distance is to be achieved via diversion or closure of the water main, the developer shall submit evidence to the Local Planning Authority that the diversion or closure has been agreed with the relevant statutory undertaker.

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

25. No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall, other than the local public sewerage, for surface water have been completed in accordance with the details submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the site is properly drained in order to prevent overloading, surface water is not discharged to the foul sewer network.

Informatives

- 1) The existing Public Right(s) of Way on the site must be protected and kept clear of any obstruction until such time as any alternative route has been provided and confirmed under an Order made under the Town and Country Planning Act 1990. Applicants are advised to contact the County Council's Access and Public Rights of team at County Hall, Northallerton via paths@northyorks.gov.uk to obtain up-to-date information regarding the line of the route of the way. The applicant should discuss with the Highway Authority any proposals for altering the route.
- 2) Operating times for construction should be limited to:
 - 8:00am to 6:00pm Monday to Friday
 - 8:00am to 1:00pm Saturday
 - No Sunday or Bank Holiday working
- 3) The applicant needs to have regard to the BS8233:2014 Guidance on "Sound Insulation and Noise Reduction for Buildings"; which presents guideline noise levels for both inside and outside dwellings. The applicant should adhere to the levels shown in the document and provide evidence to the Local Planning Authority of how the levels will be achieved.
- 4) Prior to the commencement of the development, the developer shall submit a Dust Management Plan in writing for approval of the Local Planning Authority. The Dust Management Plan should identify all areas of the site and the site operations where dust may be generated and further identify control measures to ensure that dust does not travel beyond the site boundary. Once in place, all identified measures shall be implemented, retained and maintained for the duration of the approved use.
- 5) Prior to the importation of topsoil, details of the supplier and confirmation on the source(s) of any soil material should be supplied to the Local Planning Authority for approval. The soil should be 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.

Statement of Positive Engagement: -

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

Discharge of Conditions

1. The developer should note that Condition No's 7, 8, 10, 11, 16, 20, 21 and 22 above will require a further application to be submitted to enable the District Council to formally discharge the conditions. In order to avoid unnecessary delays it is advisable for the developer to discuss the details required to discharge the conditions with any relevant statutory Authorities' (other than the Local Planning Authority) e.g. NYCC Highways, the Environment Agency etc. for comment and/or recommendations prior to their formal submission to the District Council for approval.

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

**INGLETON & CLAP
18/2016/17343**

**RE-CONSTRUCTION OF PARTIALLY COLLAPSED BARN TO FORM B1
WORKPLACE AND ANCILLARY LIVING ACCOMMODATION**

BENCE BARN, KEASDEN ROAD, CLAPHAM.

APPLICANT NAME: MR G & MRS K WALLBANK

TARGET DECISION DATE: 06/12/2016

CASE OFFICER: Sam Binney

Councillor Ireton has commented that there is considerable public interest and support for this application and therefore he would like it to be determined in the public arena for the benefit of those who are interested.

1. Site Description

- 1.1 The application site is located off Keasden Road; this road serves a number of other agricultural buildings, farmsteads and dwellings within the area along with smaller villages including Keasden and further to Mewith near Bentham. The building remaining on site comprises a north east gable wall with a substantial structural crack, part of the north west elevation, part of the south west elevation (only 7 sq. m. of the original 32 sq. m.). The south east elevation no longer exists. The structure has no roof, although the roof trusses and slates remain on site.
- 1.2 The land and building to which the application relates is located within the Forest of Bowland Area of Outstanding Natural Beauty.

2 Proposal

- 2.1 The application seeks planning permission for the re-construction of the partially collapsed barn to form a B1 workplace and ancillary accommodation. The proposal would provide three bedroomed accommodation with a ground floor studio and gallery. A single storey mono-pitched single storey extension would be constructed on the south west gable providing space for a studio and lobby/WC. The submitted scheme is ostensibly the same as approved in 2015, save for the minor relocation of a door and an additional rooflight.

3 Planning History

- 3.1 18/2015/15791 - Conversion of redundant agricultural barn to B1 workspace with ancillary living accommodation. Approved 03/07/2015.

Officer's Note: A structural report was submitted with that application that identified a limited amount of rebuilding. The extent of the works on site exceed what was authorised by the 2015 permission and now cannot be considered as a conversion.

4 Planning Policy Background

- 4.1 National Planning Policy Framework (2012)
- 4.2 Saved Local Plan Policies ENV1, ENV2, EMP9, and H8 of the Craven District Council (Outside the Yorkshire Dales National Park Authority) Adopted Local Plan.

Officer's Note: While it is considered that the building can't be converted but moreover re-built using the remaining walls, policy EMP9 technically wouldn't apply. The criteria outlined within the policy however do remain relevant.

- 4.3 SPG – 'The conversion of rural buildings to live/work units within Craven.

5 Parish/Town Council Comments

- 5.1 Clapham-cum-Newby Parish Council: In support of the plans.

6 Consultations

- 6.1 United Utilities: No comments received at time of compiling the report. Due 08/11/2016.
- 6.2 NYCC Highways: No objections and visibility is acceptable. Condition recommended for private access/verge crossings.
- 6.3 AONB Planning Officer: No comments received at time of compiling the report. Due 08/11/2016.

7 Representations

- 7.1 26 letters of representation have been received, all in support of the application. 1 letter was from the applicant, and 2 were sent as duplicates. A summary of the representations is outlined below;

- The barn is derelict and an eyesore in a beautiful dales landscape and could be an attractive building providing a home for a local family.
- A business opportunity to benefit the local area.
- Unfair to halt conversion of this barn.
- The scheme would improve quality of life for the applicants.
- The scheme will allow for improved running of the farm.
- Representations have been received from agents acting on behalf of the applicant for the original application. While the circumstances are unfortunate they consider that the LPA should have predicted the outcome in considering the application

Officer's Note: The application was considered on the basis of the evidence submitted on behalf of the applicant and considered as a conversion with limited rebuild. Officer's cannot be expected to disregard professional submission and predict that more extensive demolition and rebuild would take place.

8 Summary of Principal Planning Issues

- 8.1 Principle of the development.
- 8.2 Impact of the development upon neighbouring properties.
- 8.3 Highway Issues.

9 Analysis

9.1 **Principle of development.**

- 9.2 The National Planning Policy Framework promotes sustainable development and highlights at paragraph 17 core planning principles encourages the reuse of existing resources including the conversion of existing buildings. This point is reiterated at paragraph 3 of the NPPF "Supporting a prosperous rural economy" which states that development plans should support the: - "Sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well-designed new buildings."
- 9.3 Paragraph 55 of the Framework also identifies the need to promote sustainable development within the countryside, advising that housing should be placed where it will enhance and maintain the vitality of rural communities. It goes onto add that new isolated homes in the countryside should be avoided unless there are special circumstances. One such circumstance is the re-use of redundant buildings that would lead to the enhancement of the immediate setting.
- 9.4 The application site is isolated and lies within a remote part of the countryside. The site is not ideally located to access key services or facilities with occupiers of the dwelling dependent upon private transport to meet basic needs. It is considered therefore that the development fails to comply with the main aims and objectives of the NPPF in terms of sustainable development.

- 9.5 The conversion of rural buildings to live work units is acceptable in principle under the guidance of Saved Policy EMP9 of the Local Plan provided that the development would meet a number of further criteria. It was on the basis of conversion that the application was considered to be acceptable but the extent of demolition/collapse means that the development on site can now no longer be considered as a conversion and therefore Policy EMP9 carries little to no weight. However, it is important to note that criterion 4 of the policy states;
“Concerns a building which is of some architectural merit in its own right, is important to the character of the locality and is structurally sound and capable of the proposed re-use without major re-building”.
- 9.6 Given that over 50% of the original building has collapsed, which doesn't include the sections of the north-west and north-east elevations highlighted above, it is considered that that the proposal isn't structurally sound and would require major re-building. The merits that were considered architecturally significant are mostly lost including the stone archway to the north elevation. It is considered that the barn requires significant works to bring into use as a dwelling and Policy EMP9 cannot be used to support the application. Therefore, the main provisions of the analysis of the acceptability of the scheme in principle should be based on policies ENV1 and ENV2.
- 9.7 Saved Policy ENV1 is in regard to development in the open countryside. There are 4 main criteria that state when development is acceptable. Development will only be permitted where it:
1. Clearly benefits the rural economy;
 2. Helps to maintain or enhance landscape character;
 3. Is essential for the efficient operation of agriculture or forestry; or
 4. Is essential to the needs of the rural community.
- 9.8 The proposal is for a live/work unit for the applicant for her painting work and to utilise some of the space as a studio/gallery to showcase some works. This small unit would therefore deliver some element of money into the local economy. Keasden has little facilities to it so the inclusion of a gallery/studio could benefit the local economy.
- 9.9 The scheme is situated within the Forest of Bowland AONB and paragraph 115 of the NPPF attaches great weight to conserving landscape and scenic beauty in the AONB. It is not uncommon in the AONB or indeed in the open countryside to see “controlled ruins” where farm buildings fall into disrepair and the materials are recycled and reused elsewhere. Although the remaining structure could be considered to detract from the character of the landscape the reconstruction of a controlled ruin could be repeated and it is clear from paragraph 55 of the NPPF that the intention is to re-use existing buildings, not to use the fact that a building previously existed on site to justify a new house.
- 9.10 With regards to Saved Policy ENV1 it is acknowledged that the proposal would be considered to be small scale but there is no evidence to show that the development is required for the efficient operation of agriculture or forestry. The proposed development would be for a local family but is not considered to be essential to the needs of the rural community. As the scheme is not acceptable in principle by virtue of saved policy ENV1, the provisions of ENV2 do not apply.
- 9.11 Also of relevance is Saved Policy H8 that seeks to bring back into use neglected or under used rural buildings for residential accommodation subject to meeting set criteria. These include that the building is structurally sound and capable of the proposed re-use without major rebuilding; that the building is large enough to provide sufficient accommodation for the reasonable requirements of a normal household without the need for substantial extensions or alterations; that any scheme of alterations are kept to a minimum so as to retain the essential character of the building and the surrounding area and that any proposed domestic curtilage should be minimal, unobtrusive and capable of being screened. Whilst the requirement that a building is capable of conversion without major or complete reconstruction is not directly replicated in the NPPF it is considered that for a building to be re-used it is inherent that the

main elements of the structure would be retained as part of any conversion scheme. If a proposal required the major or complete reconstruction then this would amount to a new building as opposed to the re-use of an existing one. As such it is considered that this policy is broadly consistent with the objectives of the NPPF.

- 9.12 In this instance the proposal relates to the “conversion” of a former barn to a live/work unit accommodation, providing three bedroom accommodation over the studio/gallery on the ground floor. During the site visit it became apparent the significance of the scheme in that majority re-building works would be required. Additionally, two walls have collapsed which further demonstrates that the structure is not sound.
- 9.13 Considerable rebuilding would be required for the entirety of the south-east elevation, and the majority of the south-west and north-west elevations. It was acknowledged that the majority of the north-east wall remains standing but is proposed to be rebuilt. As such it is considered that the proposal is not a conversion of an existing building, but given the level of rebuilding necessary it is the erection of a new residential dwelling in the open countryside. As such the proposal fails to meet the requirements of Saved Policy H8 in that the re-use of buildings in the countryside will be permitted provided that the buildings are capable of conversion without major reconstruction.
- 9.14 **Officer note.** In the interests of consistency, the application shares many similarities to application reference 49/2016/17022 approximately 4km to the east of this site. This application was also considered a re-build rather than conversion resulting in inappropriate development in the open countryside which lead to a refusal of planning permission.
- 9.15 In conclusion, the proposed development would constitute inappropriate development in the open countryside and therefore fails to meet the requirements of Saved Policies ENV1 & H8 of the Local Plan or the objectives of the NPPF.
- 9.16 **Impact of the development upon neighbouring properties.**
- 9.17 The National Planning Policy Framework states that Local Planning Authorities should seek to achieve a good standard of amenity for all existing and future occupants of land and buildings. The Local Plan also states that developments should protect the amenities of neighbouring properties.
- 9.18 In this instance the structure is located within a relatively isolated location with no immediate neighbouring properties that are likely to be affected by the development. It is not considered that the proposal would result in an unacceptable impact upon the privacy or amenity of any dwellings within the locality given the separation distances between them in this isolated rural location.
- 9.19 **Highway Issues.**
- 9.20 North Yorkshire County Council have suggested conditions should the application be recommended for approval. It is not considered that the development would lead to a significant increase in vehicles using the existing road which is of a good standard and lightly trafficked. The development is not considered prejudicial to highway safety.
- 9.21 **Conclusion.**
- 9.22 Paragraph 14 of the NPPF states that a presumption in favour of sustainable development should be seen as the ‘golden thread’ running through both plan making and decision taking. In terms of decision making, this key paragraph within the Framework goes on to state ‘approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out- of- date, granting permission unless: any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or specific policies in the Framework indicate development should be restricted.’
- 9.23 In this case it is considered that there would be some benefits arising from the proposal with regards to the provision of a live/work unit. However, when weighed against the inappropriateness of a new dwelling in the open countryside located in an unsustainable

location, the adverse impacts significantly and demonstrably outweigh the benefits of approving the scheme. As such the proposal should be refused.

10 Recommendation

10.1 To refuse planning permission.

11 Reasons for Refusal

11.1 Due to the collapse which occurred at this site, the structure is now incapable of being converted to a live/work unit and as such the development proposed is a new dwelling in the open countryside. The proposal given its remote location fails to comply with the main aims and objectives of sustainable development and is not in accordance with saved local plan policies. It is therefore considered that this development is unacceptable in principle as it constitutes sporadic unjustified development in a rural open countryside location and this adverse impact is considered to outweigh the benefits of approving development. As such the proposal is contrary to the requirements of Saved Policy ENV1 & H8 of the Craven District (Outside the Yorkshire Dales National Park) Local Plan and the aims and objectives of the NPPF including the NPPF's core planning principles of preventing development that would be harmful to the intrinsic open character of the countryside.

Statement of Positive Engagement: -

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

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

**GLUSBURN
32/2016/17446**

FORMATION OF NEW DWELLING WITHIN THE FORMER RESERVOIR

REDUNDANT RESERVOIR, CONONLEY ROAD, CROSS HILLS.

APPLICANT NAME: MR JAMES WADE

TARGET DECISION DATE: 07/12/2016

CASE OFFICER: Emma Howson

This application is referred to the Planning Committee at the request of Councillor Baxendall who considers that despite the countryside location the proposal to be sustainable development that has the support of the Parish Council.

1. Site Description

- 1.1 The application site comprises a redundant reservoir tank. The reservoir structure is constructed in stone and is situated in an open field outside the development limits of Glusburn in open countryside. The site can be accessed from a field gate but no access track exists. The field slopes from south to north and west to east and the site is highly visible from a number of locations.

2 Proposal

- 2.1 The application seeks permission to erect a four bedroomed detached dwelling with double garage and external courtyard within the confines of the existing reservoir structure. The dwelling would sit within the level of the existing structure and would utilise a grass roof. A new gravelled access track is proposed from the existing field gate across the field to the reservoir with raised bankings to either side.

3 Planning History

- 3.1 No relevant planning history

4 Planning Policy Background

- 4.1 National Planning Policy Framework
4.2 Saved Local Plan Policies ENV1, ENV2 and T2

5 Parish/Town Council Comments

- 5.1 The Parish Council is in favour of the application. It is environmentally friendly, cannot be seen from the road and makes use of a redundant reservoir.

6 Consultations

- 6.1 Environmental Health Contaminated Land – The risk of contamination is low therefore a contaminated land investigation is not required.
6.2 Environmental Health – recommend condition relating to noise during construction
6.3 Private Water Supply – if the property is to be supplied by a private water supply it would require risk assessing and sampling
6.4 NYCC Highways – The required level of visibility can be provided. Conditions are recommended.

7 Representations

- 7.1 CPRE – If the planning department is to approve this application, the living roof should be a condition of any approval. Any development outside the reservoir walls would have a major impact on the character and appearance of the area and thus development rights should be removed. The access track should be adequately screened.

- 7.2 One other representation has been received. This does not object to the proposal subject to a green roof and that any alterations to the scheme i.e. increase in roof height would be subject to full planning permission. Also request that no new windows and doors are fitted to the reservoir sides. The representation also questions if the access would be safer if made further down the hill.

8 Summary of Principal Planning Issues

- 8.1 Principle of Development
- 8.2 Impact on the character and appearance of the open countryside
- 8.3 Impact on residential amenity
- 8.4 Highway safety
- 8.5 Other Issues

9 Analysis

Principle of Development

- 9.1 At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development which should be seen as the golden thread running through both plan making and decision making. The NPPF advises that development proposals that accord with the development plan should be approved and where plans are out of date approval should be granted unless the adverse impacts significantly outweigh the benefits.
- 9.2 The application is for the provision of a residential unit and therefore the Council's supply of housing land should also be considered as part of this application.
- 9.3 Very recently the Council's Planning Policy team published the November 2016 'Five Year Housing Land Supply Methodology and Report' and is of relevance with respect to making decisions on planning applications for new housing development.
- 9.4 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.
- 9.5 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.
- 9.6 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. 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.

- 9.7 The application site is situated in open countryside and outside development limits thus the principle of development should be assessed against the NPPF and Saved Policies ENV1 and ENV2 of the Craven Local Plan.
- 9.8 Paragraph 14 of the NPPF introduces the presumption in favour of sustainable development. The proposal is situated outside development limits and in open countryside, however it is in close proximity to a settlement and within walking distance of a bus route and local facilities.
- 9.9 Paragraph 55 of the NPPF advises that new homes in the countryside should be avoided unless there are special circumstances such as:
- The essential need for a rural worker to live permanently at or near their place of work in the countryside; or*
- Where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or*
- Where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or*
- The exceptional quality of innovative nature of the design of the dwelling.*
- 9.10 Policy ENV1 (Development in the Open Countryside) states that 'small scale development in the open countryside will only be permitted where:
- It clearly benefits the local community*
- Helps to maintain or enhance landscape character*
- Is essential for the efficient operation of agriculture or forestry, or*
- Is essential for the needs of the rural community*
- 9.11 The proposal is for a new dwelling in the countryside, albeit within the structure of an existing disused reservoir. The proposal is not for the purposes of agriculture or forestry or for a rural worker, does not involve a heritage asset and whilst being constructed within an existing reservoir structure does not involve the reuse of a building. Whilst the design of the property is contemporary it is not considered to be exceptional or innovative other than in the fact that it sits within the reservoir itself. This is not considered to outweigh the harm of the proposal in the open countryside.
- 9.12 It is therefore considered that the proposed dwelling is not in accordance with the guidance within the NPPF or the Craven Local Plan and thus is not acceptable in principle.
- Impact on the character and appearance of the open countryside**
- 9.13 The proposed dwelling is to be situated within the confines of the reservoir structure, however the reservoir structure itself is an incongruous feature in the landscape and is highly visible from both short range and long range views of the site from across the valley. The proposal would seek to retain this structure to house a dwelling.
- 9.14 The proposed dwelling is to include a grassed roof to reduce its impact on the open countryside and an enclosed garage and courtyard. The access track would however be required to cross the entire field and due to the topography of the land this would not run along the lower section of the site adjacent to the boundary wall but through the middle section, which is highly prominent. The proposal includes banking to both sides of the access track to reduce its visibility. It is considered that whilst this would lessen the impact of the track, it would still be visible from long range views across the valley and would detract from the open nature of the countryside in this location.
- 9.15 It is therefore considered that the proposed retention of the existing structure for housing and the associated access track would have a detrimental impact on the character and appearance of the open landscape and thus would be contrary to Policy ENV2 of the Craven Local Plan and the guidance within the NPPF.

Design

- 9.16 The design of the proposal is to provide a 'subterranean eco home' which sits within the existing reservoir structure. The dwelling is to be of modern design constructed of render, timber cladding and high level of glazing with a sedum roof. The application states that the design will be sustainable in that it has been designed to reduce the amount of lighting required, would be highly insulated and energy efficient and would increase the use of renewable resources through the use of photovoltaic cells, however these are not shown on the submitted plans. No detailed external lighting scheme has been provided and any planning approval would require further details to ensure that the proposal does not create unnecessary light pollution in an area of open countryside.

Impact on residential amenity

- 9.17 Paragraph 17 of the NPPF seeks 'to secure a good standard of amenity for all existing and future occupants of land and buildings'.
- 9.18 The proposed dwelling would provide a four bedroomed property with a double garage and associated accommodation. The property would be located within the reservoir structure and no openings are proposed within this structure save for the vehicular access in the south east wall of the reservoir approximately 7 m. wide. It is unknown how much natural light would be available within the property and a number of roof lights are proposed.
- 9.19 The level of accommodation would appear to be acceptable, however no future openings would be considered to be appropriate, due to the impact that these would have in terms of increasing its visibility within an open area of land and also due to the potential for light pollution. Should this application be considered to be acceptable, conditions are recommended to remove any permitted development rights from the property to ensure that the dwelling is not extended beyond the confines of the reservoir and that no new openings are created.
- 9.20 It is also recommended that conditions be attached to any approval to ensure that the garage is retained as such, as is the proposed parking and turning area, as the creation of external car parking would have a detrimental impact on the character of the open countryside in this highly visible location.
- 9.21 The application site has no immediate neighbours and thus there would be no significant adverse impact upon the residential amenity of the neighbouring residents.

Highway Safety

- 9.22 The application includes the creation of an access track using an existing field access gate to the south of the site. Policy T2 of the Craven Local Plan sets down the requirements for development in terms of highways impacts. The Highway Authority has been consulted on the new access arrangement and has confirmed that a suitable access can be created which would not adversely impact on highway safety providing a number of conditions are imposed on any planning approval. These conditions relate to the construction of the access, the provision of visibility splays and the retention of the garage and parking areas. It would be expedient to any planning approval for these conditions to be imposed. Representation has been received with regards to the moving of the access arrangement; however the application can only be determined upon the scheme submitted.

Other Issues

- 9.23 The site is considered to be of a low contamination risk therefore no further investigation is required with regards to ground contamination. The proposal does not provide adequate details with regards to the provision of a sustainable urban drainage system or the provision of waste storage. Any planning approval should require these details as a condition to be discharged.

Conclusion

9.24 The proposal is not acceptable in principle as there are no special circumstances that outweigh the harm from the creation of a dwelling in open countryside. The proposed dwelling would have an adverse impact upon the landscape in this area as it would lead to the retention of an incongruous feature in the landscape and the creation of an access track through an open field, which would be visible in long distance views into the site. The proposal would therefore be contrary to Saved Policies ENV1 and ENV2 of the Craven Local Plan and the advice within the NPPF.

10 Recommendation

10.1 That the application be refused.

11 Reasons for Refusal

11.1 There are no special circumstances that outweigh the harm to the open countryside that would be created by a new dwelling in this location. The retention of the reservoir structure and associated access track would have a significant adverse impact on the character and appearance of the landscape, especially from long range views into the site. The proposed dwelling is therefore contrary to Saved Policies ENV1 and ENV2 of the Craven Local Plan and the advice within the NPPF

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

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

**INGLETON & CLAP
18/2016/17399**

THE CONSTRUCTION OF 3 RESIDENTIAL DWELLINGS (2 SEMI-DETACHED AND 1 DETACHED) WITH ASSOCIATED ACCESS AND LANDSCAPING. (RESUBMISSION OF REFUSED PERMISSION 18/2016/16738)

LAND TO THE SOUTH OF CLAPHAM, BOUNDED BY STATION ROAD, CLAPHAM.

APPLICANT NAME: THE EXECUTORS OF THE LATE DR J A FARRER
TARGET DECISION DATE: 08/12/2016
CASE OFFICER: Andrea Muscroft

Councillor Ireton has referred the application to Planning Committee due to public interest.

1. Site Description

- 1.1 The application site relates to a parcel of agricultural land covering approximately 0.14 hectares within the northern corner of a triangular field located to the south of Clapham. The site lies adjacent to Station Road and the A65. Changes in topography mean that the land slopes uphill westwards.
- 1.2 To the north of the site are a number of residential dwelling and further dwellings on the other side of the beck to the east of the site.
- 1.3 The field is enclosed by traditional stone boundary walls with the application site devoid of any trees.
- 1.4 Access to the field is directly off Station Road.
- 1.5 The application site lies outside of the development limits for Clapham and therefore the site lies within the open countryside as defined by the 1999 Local Plan.
- 1.6 The site also lies within the Forest of Bowland Area of Outstanding Natural Beauty

2 Proposal

- 2.1 The proposal is for the construction of three residential dwellings (two semi-detached and one detached) with associated vehicle access and landscaping. The proposal is a resubmission of a previous refused proposal ref: 18/2016/16738.
- 2.2 The current proposal has been amended to address the issues raised in the refusal notice, although since the previous decision was made there has been a change in the Council's stated position with respect to the 5 year housing land supply.
- 2.3 The Council's November 2016 published Housing Land Supply Methodology and Report indicates that the Council is unable to demonstrate a five year housing supply of housing sites (the previous report published in December 2015 indicated that the Council could not demonstrate a 5 year supply of housing sites).
- 2.4 The current proposal remains a full application for the construction of three residential dwellings (two semi-detached and one detached) with associated vehicle access and landscaping.
- 2.5 The foot print of semi-detached dwellings would cover approximately 154.36sqm and would have a maximum height of 8.1m to the roof ridge dropping to 5.4m at the eaves.
- 2.6 The foot print for the detached dwelling would cover 104.14sq m with a maximum height of 8.1m to the roof ridge dropping to 4.5m at the eaves.
- 2.7 Submitted drawings indicate that the dwellings would be constructed using traditional materials.
- 2.8 Boundaries treatments would comprise of traditional stone walls with the potential for further tree planting.

3 Planning History

- 3.1 18/2016/16738 – Construction of three residential dwellings (two semi-detached and one detached) with associated vehicle access and landscaping - refused for the following reasons:
- 3.2 *The proposed construction of three dwellings in a location outside of development limits that is in a prominent location due to its elevated position and lack of any natural screening resulting in views of the site from both Station Road and the A65 combined with the absence of any exceptional justification for the need of housing in the open countryside the proposal is considered contrary to the requirements of Saved Policy ENV1 of the Local Plan and the objectives of the National Planning Policy Framework.*
- 3.3 *The proposal also fails to meet the environmental dimension of sustainable development due to the impact of the inappropriate ribbon development on the intrinsic character of the rural countryside and the Forest of Bowland Area of Outstanding Natural Beauty and therefore is not considered to be sustainable development as defined by the National Planning Policy Framework. It is therefore, considered that the proposal fails to meet the requirements of Saved Policies ENV1 & ENV2 of the Local Plan and the aims and objectives of the National Planning Policy Framework and the Landscape Strategy for Lancashire which seeks to prevent inappropriate development in the open countryside.*

4 Planning Policy Background

- 4.1 Saved Policies ENV1, ENV2, H12 & 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.
- 4.4 Other relevant documents.
- 4.5 Forest of Bowland Landscape Character Assessment 2009.
- 4.6 A Landscape Strategy for Lancashire 2000.

5 Parish/Town Council Comments

- 5.1 **Clapham Parish Council:** Supportive of the proposal but recommends more off road parking.

6 Consultations

- 6.1 **Forest of Bowland Officer:** No objection to the proposal.
- 6.2 **NYCC Highways Authority:** No objection subject to the use of appropriate conditions.
- 6.3 **United Utilities:** No objection to the proposal. However, the applicant is advised that the site should be drained on a separate system with foul water draining to the public sewer and surface water draining. Each individual unit will also require a separate metered supply at the applicant's expense.

7 Representations

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

8 Summary of Principal Planning Issues

- 8.1 Principle of development
- 8.2 Visual impact of development.
- 8.3 Impact of development on the amenity of neighbouring properties.
- 8.4 Highway issues.

9 Analysis

9.1 **Principle of development.**

- 9.2 The Craven District (Outside the Yorkshire Dales National Park) Local Plan was adopted in 1999 and whilst a number of policies within the Local Plan, including ENV1, were Saved in September 2007 (under the Secretary of State's direction under Paragraph 1 (3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004) they were not prepared under the said 2004 Act.
- 9.3 The application site lies outside but adjacent to the existing development limits of Clapham and therefore is located within an area of open countryside where saved Local Plan Policy ENV1 applies. Policy ENV1 seeks to protect the character and quality of the open countryside. However, the policy does set out some exceptions to this, stating that small scale development would be permitted in the open countryside where it can be demonstrated that it; clearly benefits the rural economy, helps to maintain or enhance landscape character, is essential for the efficient operation of agriculture or forestry or is essential to the needs of the rural community. This policy is broadly in accordance with the NPPF which advises at paragraph 55 that new isolated homes in the countryside should be avoided unless there are special circumstances.
- 9.4 In this instance, it is accepted that the proposal would provide some economic benefits. However, the development of this agricultural field located outside the settlement limits would not maintain or enhance the landscape character. In addition, no evidence has been provided that the dwellings are essential for the efficient operation of agriculture or forestry or would be essential to the needs of the rural community. As such the proposal fails to fall within any of the exception set out in Saved Policy ENV1 and therefore conflicts with the Saved Local Plan Policy.
- 9.5 Saved Local Plan Policy ENV2 seeks to ensure that any development acceptable in principle under saved policy ENV1 is compatible with the character of the area and does not have an unacceptable impact on the landscape; that the design and materials used relate to the setting; that traffic generated can be accommodated satisfactorily and that services and infrastructure can be provided without a serious harmful change to the character and appearance of the area. These are general planning considerations, broadly in line with the NPPF.
- 9.6 As the Local Plan was adopted in 1999 it was not prepared under the Planning & Compulsory Purchase Act 2004. Paragraph 215 of the National Planning Policy Framework (NPPF) states that policies not adopted in accordance with the 2004 Act need to be considered in terms of their degree of consistency with the NPPF stating that 'the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given'. Consequently, where there is any conflict the Local Plan policies carry limited or no weight and the application should be assessed against the new Framework.
- 9.7 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.
- 9.8 One of the key objectives of the NPPF is to widen the choice of high quality homes and to significantly boost the supply of housing. Accordingly, the NPPF requires 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.
- 9.9 Since the refusal of the previous application ref: 18/2016/16738 the Council have 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 5 year supply 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 the many planning issues that should be taken into account when determining a planning application.

- 9.10 The application site has not been put forward for allocation under the Strategic Housing Land Availability Assessment (SHLAA). Notwithstanding this, the policy and potential allocations within this emerging plan can be given limited weight in the decision making process. However, in terms of potential housing the NPPF is not considered supportive of residential development in open countryside other than in very special circumstances none of which apply in this particular case.
- 9.11 With respect to the NPPF and the suitability of the site for development in principle, paragraph 7 identifies three dimensions to sustainable development; economic, social and environmental each of which need to be assessed jointly and simultaneously. Paragraph 55 advises that to promote sustainable development, housing should be located where it will enhance or maintain the vitality of rural communities. For example where there are a group of smaller settlements, development in one village may support services in a nearby village.
- 9.12 The application site is located on the edge of the existing built up area of Clapham which is recognised as having a thriving local community with a number of key facilities and services available. The settlement also has public transport connections to neighbouring villages and towns. In addition, the settlement and surrounding area is intersected by a network of public rights of ways and the national cycle network.
- 9.13 Local Saved Policy H12 is also of some relevance as the policy is supportive of small scale residential schemes, on sites which would not otherwise be released for housing subject to meet a set criteria, including that any proposal would provide 100% affordable accommodation. In this instance, the agent makes reference to the proposed dwelling would deliver market family accommodation. As such the proposal fails to meet the requirements of Saved Policy H12 with regards to the lack of 100% affordable accommodation.
- 9.14 With regards to the three dimensions of sustainable development it is accepted that the proposal would provide some economic benefits during the construction stage and from potential future occupiers of these dwellings as they access facilities and services. However, these benefits would be modest. Turning to the issue of social benefits the submitted planning statement makes reference to the provision of social benefits through the delivery of family accommodation. Whilst it is accepted that the provision of housing would help towards supporting the local community the lack of providing affordable housing upon this site, fails to make a better contribution to the social dimension of sustainable development and as such this benefit only carries limited weight in support of the proposal. In addition, wider considerations such as contributing to protecting and enhancing the natural environment are necessary if sustainable development is to be achieved.
- 9.15 Paragraph 17 of the NPPF with regards to the environmental dimension of sustainable development states that that plan making and decision taking 'should take account of the different roles and character of different areas, recognising the intrinsic character and beauty of the countryside whilst actively managing patterns of growth. In contrast, paragraph 116 also advises that permission should be refused in designated areas except in exceptional circumstances where it can be demonstrated they are in the public interest.
- 9.16 It is acknowledged that the application site which is located outside of the development limits of Clapham lies adjacent to residential development located to the north; however, the application site has a relatively open and rural context which is reflective of its agricultural use. Furthermore, it is evident that development within the boundary limits tapers off to the north of the site from the more densely populated village centre. It is accepted that further dwellings are located to the east, with further dwellings to the south on the opposite side of Station Road to the east of the River Wenning. However, these dwellings are located within the recognised development limits of.
- 9.17 In contrast, the application site is devoid of any development and would be separated from the built edge of the village by an intervening access track. As such the application site does not form part of the established character of linear road side dwellings and thus would introduce a sporadic development into the open countryside.

- 9.18 Therefore, with no overriding justification for the housing provided the development is considered to be an unacceptable incursion into an existing undeveloped field, publically prominent that would lead to continued ribbon development. Consequently, the proposal fails to contribute to protecting and enhancing the natural rural environment of the surrounding rural area including the AONB. As such the proposal would conflict with the environmental role of sustainability. The creation of stone boundary walls would not mitigate this harm.
- 9.19 For reasons outlined above it is considered that the proposed development would result in unacceptable harm arising from the inappropriate nature of the development and the associated conflict with Saved Policies ENV1 & H12 and the aims and objectives of the NPPF and therefore is not considered acceptable in principle.

9.20 Visual impact

- 9.21 Section 7 of the NPPF sets out the importance of good design. It states 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. The guidance also states that development should respond to local character and history, and reflect the identity of local surroundings and materials. Whilst the guidance advises that LPA's should consider using design codes the guidance also advises against imposing architectural styles or particular tastes and that they should not stifle innovation, originality or initiative through requirements to conform to certain development forms or styles.
- 9.22 Section 11 of the NPPF also sets out guidance to ensure that the planning system contributes to and enhances the natural and local environment by protecting and enhancing valued landscapes. Paragraph 115 of the document advises that great weight should be given to the conserving landscape and scenic beauty in National Parks, and Areas of Outstanding Natural Beauty, which have the highest status protection in relation to landscape and scenic beauty.
- 9.23 Clapham lies within the Forest of Bowland Area of Outstanding Natural Beauty of which the Lancashire landscape assessment describes as being Drumlin Field land. The document states that the land is characterised by its distinctive, undulating topography with lush green pasture contrasting with the colour and profile of the distant fells. The landscape is punctuated with small mixed woodlands with strong field patterns created by distinctive stone walls and hedgerows enhancing landform and providing visual texture. There is a dispersed pattern of stone villages, hamlets and farmsteads sited in sheltered locations on the mid slopes of drumlins and larger settlements clustered at significant road junctions and river crossings. This is defined as the character of the area already strong and largely intact. Also the majority of the northern part of the village lies within the Yorkshire Dales National Park. In addition, the centre of the village and a section of Station Road are also included within the designated conservation area of Clapham although the application site lies outside of the designated conservation area.
- 9.24 The application site does however lie within land identified by the Craven District outside the Yorkshire Dales National Park and Forest of Bowland AONB Landscape Appraisal 2002 as being Open upland Drumlin Pasture and Moorland Mosaic. The guidance states that the character is characterised by its distinctive drumlin forms and a feeling of openness and exposure. The site also lies within the Forest of Bowland AONB
- 9.25 The field lies directly off Station Road and also abuts the A65. The field is devoid of trees with the exception of two trees that lie to the south of the application site adjacent to Station Road. As a consequence of the lack of existing screening there are clear views of the site when travelling along the A65. Moving within the site the land which is the subject of this application slopes westwards and as such the application site is in an elevated location.
- 9.26 The proposal is seeking to construct one detached dwelling plus a pair of semi-detached dwellings with off street parking enclosed by stone boundary walls within the northern corner of a triangular shaped field. It is acknowledged that the applicant has strived to achieve a well-designed development. However, the loss of openness and the continuity of development on this site would diminish the contrast between the built-up part of the village and the open rural space that forms an important part of its character. Furthermore, whilst it is acknowledged that the applicant has suggested the possibility of potential tree planting it is not considered that this

would be sufficient to mitigate the unacceptable visual intrusion that would occur as a consequence of the unjustified sporadic development in the open countryside.

- 9.27 Furthermore, permission for this development would make it difficult to resist similar development, resulting in the piecemeal development eroding the character and appearance of the surrounding rural area and the AONB.
- 9.28 In conclusion, it is considered that the proposed development fails to meet the requirements of Saved Policies ENV2 & H12 of the Local Plan or the aims and objectives of the NPPF which seeks to ensure development contributes to and enhances the natural and local environment.

9.29 Impact of development on the amenity of neighbouring properties.

- 9.30 The core planning principles set out key principles that should underpin plan-making and decision-taking. With regards to amenity it states that planning should seek to ensure a good standard of amenity for all existing and future occupants of land and buildings.
- 9.31 The nearest residential dwelling to the site is located to the north of the site approximately 8m from the northern boundary at its narrowest point. Given the proposals location it would not result in any unacceptable overshadowing. Similarly, the northern elevation would be devoid of any opening thus maintaining the level of privacy that the occupier of this property enjoys. To the east of the site beyond the River Wenning are a number of residential dwelling located approximately 45m away. The separation distance combined with the intervening screening are considered sufficient to ensure that the proposal doesn't have a negative impact on the privacy or amenity of the occupiers of these properties.
- 9.32 In conclusion, it is considered that the proposal would not result in any loss of privacy or amenity to nearby residents.

9.33 Highways issues.

- 9.34 Saved Policy T2 is permissive of development proposal 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 design and road safety; and the highway impact has regard to the surrounding landscape. The Highways Authority has been consulted on this development proposal and has raised no objections to the development subject to conditions.

9.35 Conclusion

- 9.36 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.

- 9.37 In conclusion, whilst it is accepted that the proposal would provide economic and some social benefits however, these would be limited, the NPPF is clear in paragraph 8 that the 3 roles of sustainability should not be taken in isolation, because they are mutually dependent. Therefore, in the absence of any exceptional circumstances for the construction of three dwellings in the open countryside as detailed above combined with the fact that the proposal would conflict with the environmental role in terms of its failure to contribute or enhance the rural character and appearance of the surrounding area including the Forest of Bowland AONB through inappropriate ribbon development, it is considered that the proposal would result in inappropriate development in the open countryside.
- 9.38 Therefore on balance the proposal therefore conflicts with Saved Policies ENV1, ENV2 and H12 of the Craven District (outside the Yorkshire Dales National Park) Local Plan and the aims and objectives of the NPPF.

10 Recommendation

- 10.1 To refuse planning consent.

11 Reasons for Refusal

The proposed construction of three dwellings in a location outside of development limits that is in a prominent location due to its elevated position, lack of any natural screening resulting in views of the site from both Station Road and the A65 combined with the absence of any exceptional justification for the need of housing in the open countryside or that the proposal fails to provide 100% affordable housing the proposal is considered contrary to the requirements of Saved Policies ENV1 & H12 of the Craven District (outside the Yorkshire Dales National Park) Local Plan and the objectives of the National Planning Policy Framework.

The proposal also fails to meet the environmental dimension of sustainable development due to the impact of the inappropriate ribbon development on the intrinsic character of the rural countryside and the Forest of Bowland Area of Outstanding Natural Beauty and therefore is not considered to be sustainable development as defined by the National Planning Policy Framework. It is therefore, considered that the proposal fails to meet the requirements of Saved Policies ENV1 & ENV2 of the Craven District (outside the Yorkshire Dales National Park) Local Plan and the aims and objectives of the National Planning Policy Framework.

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

**PENYGHENT
31/2016/17348**

**CONSTRUCTION OF DETACHED DWELLING WITH ASSOCIATED OFF
STREET PARKING.**

SITE ADJACENT TO BANKWELL ROAD, GIGGLESWICK.

APPLICANT NAME: MR & MRS B COULTHERD

TARGET DECISION DATE: 14/11/2016

CASE OFFICER: Andrea Muscroft

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

1. Site Description

- 1.1 The application site relates to 3,752 sq m of overgrown grass land that lies to the east of Bankwell Road. The site is bounded by residential development to the south and north and also Settle College. Further residential dwellings lies to the west of Bankwell Road and to the east beyond the River Ribble.
- 1.2 The site rises eastwards with a bank of trees to the North West and further trees and shrubs to the northeast and eastern boundaries.
- 1.3 Located along the northwest boundary are a number of trees protected by a Tree Preservation Order (ref: 2 1964).
- 1.4 The site is outside but adjacent to the development limits of Giggleswick. The western half of the site lies within the designated conservation of Giggleswick.

2 Proposal

- 2.1 The proposal is seeking to construct a five bedroom detached dwelling with integral garage.
- 2.2 A new access would be created directly off Bankwell Road. As a consequence of the proposed access a section of existing retaining wall and Tree T7 (identified on drawing 02 Rev A) will be removed.
- 2.3 To facilitate the proposal a number of retaining walls will be constructed along the proposed access drive to the dwelling.
- 2.4 The proposal is seeking to undertake some tree planting within the site.
- 2.5 The proposal is supported by the following documentation:
 - Site Layout
 - Proposed Floor Plans
 - Proposed Elevations
 - Arboricultural Plan
 - Planning Statement
 - Tree Survey

3 Planning History

- 3.1 Nothing of relevance.

4 Planning Policy Background

- 4.1 Saved Policies ENV1, ENV2 and T2 of the Craven District (Outside the Yorkshire Dales National Park) Local Plan

- 4.2 The National Planning Policy Framework – NPPF.
- 4.3 Planning Practice Guidance - PPG
- 5 Parish/Town Council Comments
- 5.1 **Giggleswick Parish Council:** No comments received at the time of compiling this report.
- 6 Consultations
- 6.1 **CDC Contamination Officer:** No known contaminated land issues.
- 6.2 **CDC Environmental Protection Officer:** No objections but suggest the use of informatives.
- 6.3 **CDC Tree Officer:** Detailed comments on the trees that will be lost and impacted upon by the implementation of the development. These comments are incorporated into the assessment in section 9 below.
- 6.4 **NYCC Highways Authority:** No objection subject to the use of appropriate conditions.
- 6.5 **United Utilities:** No objection but wish to draw the applicant's attention to ensuring that the site should be drained to a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way.
- 6.6 **Historic England** Advised that they do not wish to comment on the application.
- 7 Representations
- 7.1 The proposal was advertised on the 13th October in the Craven Herald with Site Notices displayed within the surrounding area on the 14th October 2016. In addition, letters of notification were sent out directly to local residents.
- 7.2 As a result 1 letter of objection was received and 6 letters of observation (2 from Settle College, 2 from Sycamore Lodge and 2 from Rallin Brow).
- 7.3 Objections received are summarised below:-
- 7.4 **Visual impact**
- Proposed dwelling will be out of character with the surrounding historic area.
- 7.5 **Other issues**
- The village will not allow any further infrastructure.
- 7.6 Observations summarised below:-
- 7.7 **Amenity issues**
- Top windows may look into classrooms
 - Dwelling is very close to school boundaries.
- 7.8 **Highway issues**
- Concerns over the safety of pedestrian users.
 - Concern that the new vehicle access may impede visibility when exiting Rallin Brow.
 - Are the proposed visibility splays achievable and who will maintain them.
 - Can the visibility splays be added to the drawings and are they in an acceptable.
 - Can the vehicle access be moved away from Rallin Brow towards Belle Orchard.
- 7.9 **Trees**
- Omission of Sycamore tree from Tree Report.

- Disagree with the suggestion that T3 is subjected to a crown lift.

7.10 Other issues

- Concern that the proposal would undermine the foundations of nearest dwelling
- Concern that the proposal would lead to surface water flooding.
- What measures are proposed for the disposal of surplus excavated material from the site.
- How will the boundaries to Rallin Brow including the perimeter stone wall be protected during construction.

8 Summary of Principal Planning Issues

8.1 Principle of development

8.2 Visual impact of development on the character and appearance of the designated conservation area.

8.3 Impact of development on adjacent listed buildings.

8.4 Impact of development on neighbouring properties.

8.5 Impact of development on existing trees.

8.6 Highway issues

8.7 Other issues

9 Analysis

9.1 Principle of development

9.2 The application site lies outside but adjacent to the existing development limits of Giggleswick 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 satisfactory 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 Giggleswick with residential development to the north and south of the site with further residential development to the west and to the east beyond the River Ribble. The site is within walking distance of Giggleswicks village centre and town centre of Settle where local facilities and services are available. In addition, the village is served by public transport connecting the village 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 areas, it is recommended that the impact is not so significant to justify refusal of the application. Furthermore, there are other benefits such as the development of this parcel of land is preferable to the development of a greenfield site. As such it is considered that the redevelopment of this site would provide an environmental benefit which compiles with the guidance contained within the NPPF.
- 9.11 In conclusion, the application site is not within recognised development limits of Giggleswick, as defined by the 1999 Local Plan, but is located adjacent to the existing built up area of Giggleswick. The proposal accords with the aims and objectives of the NPPF. Consequently, in principle, residential development at this location is capable of forming sustainable development in accordance with NPPF guidance
- 9.12 Visual impact of development on the character and appearance of the designated conservation area and setting of adjacent listed buildings.**
- 9.13 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.
- 9.14 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.

- 9.15 Section 12 of the NPPF deals with conserving and enhancing the historic environment and advises LPA to take account of the desirability of sustaining and enhancing the significance of heritage assets and the desirability of new development making a positive contribution to local character and distinctiveness. In this instance as the application is partially located within the designated conservation area of Giggleswick the affect upon its setting is a consideration.
- 9.16 At paragraph 133 the NPPF advises that where a proposed development will lead to substantial harm to a heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss. In cases where a development proposal will lead to less than substantial harm to the significance of a heritage asset, paragraph 134 of the NPPF advises that the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
- 9.17 In this case the benefits of the provision of housing to meet the Council's housing land supply and the presumption in favour of sustainable development set out in the NPPF needs to be balanced against any dis-benefits of allowing development to take place. The dis-benefits derive primarily from the visual impact of the development and the impact on the setting of the conservation area. In terms of planning balance it is the case that the provision of a single new dwellinghouse would be of limited benefit in terms of the provision of housing land but equally it is considered that no significant harm would arise from the proposal..
- 9.18 In consideration of the detail of the application it is considered that the proposed mix of traditional and modern materials and overall scale and design of the proposed new dwelling do constitute good design that would accord with NPPF policy. Additionally, the location adjacent to the existing cluster of residential dwellings combined by the setback and existing and proposed planting it is not considered that the development would give rise to any unacceptable adverse visual impacts on the significance of the conservation area. These considerations also hold true for the proposed new access to the site.
- 9.19 It is concluded that the design would meet NPPF requirements in that is innovative and would reinforce local distinctiveness and it is not considered that it would be appropriate to refuse planning permission on design grounds in this particular instance.
- 9.20 Located to the south and west of the application site are a number of Grade II listed buildings and thus the potential impact of the development on the setting of these listed building is a consideration.
- 9.21 The proposed dwelling due to its setback would not obscure views of these heritage assets, and thus would not result in any harm to the setting of these buildings. As such the setting and therefore the significance of these Grade II buildings would not suffer any adverse effects as a result of this development.
- 9.22 **Impact of development on neighbouring properties.**
- 9.23 Within the Core planning principles of the NPPF paragraph 17 states that the planning system should, amongst other things, "always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
- 9.24 The nearest dwelling identified as Orchard House to the site lies to the south at a separation distance in excess of 40m. Located along the joint boundary with the application site is a bank of protected trees that continue along the southeast boundary of this property with Settle College. The proposal would see the introduction of windows to the northern elevation; however, given that these windows are at ground level combined with the orientation between this dwelling and the proposed dwelling, it is not considered that these windows would result in any unacceptable loss of privacy. Furthermore, whilst the proposal would see the introduction of a full height glazed link, this would serve the hallway and as such would not result in any unacceptable loss of privacy to the occupants of this dwelling. In addition, the proposal given the separation distance combined with the intervening trees would not result in any overshadowing or appear overbearing when viewed from this dwelling.

- 9.25 The remaining surrounding dwellings are located to the north, west and south of the site at separation distance ranging from between 50m > 70m. It is therefore considered that the separation distance between the application site and the existing properties is sufficient to ensure no loss of privacy or amenity to the occupiers of these dwellings. Similarly the proposed dwelling would not introduce any overshadowing of private amenity or habitable rooms of these dwellings. It is therefore considered the conversion of the existing building would not have any adverse effect on the living conditions of residents positioned to the north, west and south of the site.
- 9.26 The proposed development would provide sufficient residential accommodation and private amenity space to meet the requirements of any future occupants of the dwelling. As such the proposal accords with the core planning principles of the NPPF and is therefore considered acceptable.
- 9.27 Concerns have been raised over the potential overlooking between top windows on the rear elevation and class rooms. It is acknowledged that the rear elevation would contain windows but these would be restricted to the ground floor level with the exception of the full height glazing link. Notwithstanding this element, it is considered that due to the transient nature of the hallway combined with the orientation between the application site and Settle College that there would be no unacceptable loss of privacy to the users of the class rooms.
- 9.28 Impact of development on existing trees**
- 9.29 Saved Local Plan Policy ENV10 seeks to safeguard the harm or unjustifiable loss of any trees protected by a Tree Preservation Order or located within a designated Conservation Area. The policy does state that were the Council approves the loss of a tree then suitable replacement planting either within the application site or on land within the applicant land.
- 9.30 Located to the north but outside of the application site are a number of trees protected by Tree Preservation Order 2 1964. Also along the southeast and southwest boundaries are a number of additional trees. These trees lie within the designated conservation area.
- 9.31 Trees identified as T1 to T6 on submitted drawings (Protected by TPO 1964) are located off site; however some minimal work is specified to these trees which are considered acceptable. The proposal indicates the creation of a new access but this would be outside the root protection zone of these protected trees.
- 9.32 The report indicates the removal of a Sycamore tree. Whilst this tree is not identified on the submitted plans the tree officer advises that this tree is of a poor quality and is growing from the base of the existing retaining wall. Its removal would benefit the Horse Chestnut as they are currently competing for space.
- 9.33 Tree T7 is also indicated for removal on submitted plans. The removal of this tree is required for the access and the tree officer is not opposed to its removal. Tree T8 is to be retained with remedial pruning which the tree officer considers acceptable.
- 9.34 A group of trees identified as G1 on submitted plans are located outside but adjacent to the easterly edge of the site. To ensure that these trees suffer no damage during construction stage the tree officer recommends that protective fencing is erected to BS 5837 standard.
- 9.35 Trees T10 & T11 are also proposed for removal. The tree officer has advised that these trees are of poor form and therefore not worthy of a Tree Preservation Order.
- 9.36 On balance, it is considered that whilst the proposal would result in the felling of 4 trees the majority of trees would remain unaffected. The trees affected are of poor quality and their removal would not harm the contribution that the trees make to the visual amenity of the area. Conditions are recommended that require protective fencing to be installed in accordance with the details supplied and for replacement tree planting.
- 9.37 Highway issues.**
- 9.38 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.

- 9.39 Section 4 of the NPPF contains guidance on transport and land use planning, including the promotion of sustainable transport choices and reducing travel by car. Paragraph 32 of the NPPF states that:
- 9.40 'Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe'.
- 9.41 The proposal is seeking to create a new vehicle access directly off Bankwell Road that would lead to a turning area and integral double garage. The provision of off street parking meets the requirements of Saved Policy T2 of the Local Plan. NYCC Highways have been consulted and have raised no objection to the proposal on highway grounds, although they have suggested conditions relating to the construction of private access/verge crossing and the retention of parking spaces.
- 10 In conclusion, it is considered that the proposal would provide adequate off-street parking and would not create conditions contrary to highway safety. The proposal is therefore considered to meet the requirements of Saved Policy T2 of the Local Plan that seeks to ensure appropriate off street parking provision and highway safety and the aims and objectives of the NPPF.

10.1 Other issues

- 10.2 Concerns have been raised over the lack of infrastructure in Giggleswick to cope with increased housing. The site is not an isolated site and has access to a wide range of services and facilities within nearby towns and villages which would be accessible to residents.

10.3 Conclusion

- 10.4 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:
- 10.5 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.
- 10.6 In this case it is considered that the benefits in terms of providing housing outweigh significantly and demonstrably any adverse impacts on the character and appearance of the designated conservation area, the protected trees and the living conditions of the occupants of adjacent residential dwellings.

11 Recommendation

- 11.1 To grant planning approval subject to the following conditions.

Conditions

1. The development hereby permitted shall be begun not later than the expiration of three years beginning with the date of this permission
Reason: To ensure compliance with Section 91 of the Town and Country Planning Act 1990.
2. The approved plans comprise Drawing No's
 - 02 Rev A – Site Layout received by Craven District Council on the 14th September 2016.
 - 04 – Proposed Plans received by Craven District Council on the 14th September 2016.
 - 05 – Proposed Elevations received by Craven District Council on the 14th 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 doubt.

3. Notwithstanding the details indicated on the approved plans and supporting documents, prior to their first use details of all the materials to be used on the external elevations shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall then be constructed in accordance with the approved details.

Reason: To ensure the satisfactory appearance of the development with regards to the visual amenity of the area.

4. Prior to the first use, full details of the materials to be used within the hard landscaping shall be submitted to and approved in writing by the Local Planning Authority. These details shall include the walls surrounding the dwellings and hard surfacing materials. The development shall be undertaken in accordance with the approved details and shall be maintained at all times thereafter.

Reason: To ensure the satisfactory detailed appearance of the development.

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

Reason: In the interest of satisfactory and sustainable drainage.

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

- The details of the access shall have been approved in writing by the Local Planning Authority in consultation with the Highway Authority.
- The crossing of the highway verge and/or footway shall be constructed in accordance with the approved details and/or Standard Detail number **E6**.
- Any gates or barriers shall be erected a minimum distance of **4.5 metres** back from the carriageway of the existing highway and shall not be able to swing over the existing or proposed highway.
- 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

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.

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

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

9. Notwithstanding the provision of any Town and Country Planning General Permitted Order 2015 or any Order revoking or re-enacting that Order for the time being in force, the areas shown on 05/2016/04 for parking spaces, turning areas and access shall be kept available for their intended purposes at all times.

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

10. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015 or any 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.

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

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

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

12. The permission hereby given does not include the removal of the trees T1 to T6, T8 & T9 that are identified to be retained in the Tree Report by I Tavendale (and 1:250 plan that accompanied that appraisal) received by the Local Planning Authority on 14th September 2016. With the exception of this stipulation, the development hereby permitted shall otherwise be carried out wholly in accordance with the aforementioned appraisal and accompanying plan.

Reason: For the avoidance of doubt, to limit damage to trees during construction works, and to accord with Saved Policy ENV10 from the Craven Local Plan.

13. Prior to any development occurring on site full details of the replacement tree planting shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To enhance the appearance of the development in the interests of the visual amenity of the area.

14. 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.

15. 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.

Informative

A separate metered supply to each unit will be required at the applicant's expense and all internal pipe work must comply with current water supply (water fittings) regulations 1999. Should this planning application be approved, the applicant should contact United Utilities on 03456 723 723 regarding connection to the water mains or public sewers.

It is the applicant's responsibility to demonstrate the exact relationship between any United Utilities' assets and the proposed development. United Utilities offer a fully supported mapping

service and we recommend the applicant contact our Property Searches Team on 0370 751 0101 to obtain maps of the site.

Due to the public sewer transfer, not all sewers are currently shown on the statutory sewer records, if a sewer is discovered during construction; please contact a Building Control Body to discuss the matter further.

If the applicant intends to offer wastewater assets forward for adoption by United Utilities, the proposed detailed design will be subject to a technical appraisal by an Adoptions Engineer as we need to be sure that the proposal meets the requirements of Sewers for adoption and United Utilities' Asset Standards. The proposed design should give consideration to long term operability and give United Utilities a cost effective proposal for the life of the assets. Therefore, should this application be approved and the applicant wishes to progress a Section 104 agreement, we strongly recommend that no construction commences until the detailed drainage design, submitted as part of the Section 104 agreement, has been assessed and accepted in writing by United Utilities. Any works carried out prior to the technical assessment being approved is done entirely at the developers own risk and could be subject to change.

Any further information regarding Developer Services and Planning please visit our website at <http://www.unitedutilities.com/builders-developers.aspx>

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 dwelling hereby permitted should be limited to 0730 hours to 1800 hours on Monday to Fridays and 0730 hours to 1300 hours on Saturday. No works should take place on Sundays or Bank/Public Holidays.

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

Statement of Positive Engagement: -

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

Discharge of Condition(s)

1. The developer should note that Condition No 7 above will require a further application to be submitted to enable the District Council to formally discharge the conditions. In order to avoid unnecessary delays it is advisable for the developer to discuss the details required to discharge the conditions with any relevant statutory Authorities' (other than the Local Planning Authority) e.g. NYCC Highways, the Environment Agency etc. for comment and/or recommendations prior to their formal submission to the District Council for approval.
2. With regard to Condition No's 4, 5 & 13 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.