

PLANNING COMMITTEE MEETING AGENDA

Monday, 21st November 2016

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APPLICANT NAME: TASTY PLC
TARGET DECISION DATE: 15/11/2016
CASE OFFICER: Andrea Muscroft

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

*AIRE VAL W LOTH
21/2016/17019*

*REDEVELOPMENT OF FORMER MILL SITE TO INCLUDE THE
CONVERSION AND EXTENSION OF MILL BUILDING TO PROVIDE 46
APARTMENTS, RESTORATION OF EXISTING HOUSE ATTACHED TO THE
MILL BUILDING, 1,445SQM OF NEW B1 COMMERCIAL FLOORSPEACE AND
46 DWELLINGS ON THE REMAINDER OF THE SITE.*

STATION WORKS, CONONLEY LANE, CONONLEY.

APPLICANT NAME: CANDELISA

TARGET DECISION DATE: 23/09/2016

CASE OFFICER: Neville Watson

This application is referred to the Planning Committee as a Major Application that is a Departure from the Development Plan.

1. Site Description

- 1.1 The application site extends to approximately 2.17 ha. located to the north of Cononley Lane, with the railway line to the west, Moorfoot Lane to the north and grassland to the east.
- 1.2 It comprises a former textile mill with attached dwelling and a range of single storey buildings to the north of the mill that have been used for industrial purposes. The three storey mill building and dwelling are constructed in stone with single storey stone / brick buildings to the north.
- 1.3 The application site lies outside the conservation area (although the boundary is on the western side of the railway line) and outside of the development limits of Cononley. Cononley Beck is located to the south of the application site on the southern side of Cononley Lane. The very eastern edge of the application site and the very southern edge of Cononley Mill is identified as being with Flood Risk Area zone 2. The site is also identified as being within a Low Risk former coal mining area.

2. Proposal

- 2.1 This is a full application for residential and light industrial use.
- 2.2 The proposal is to convert and extend the former mill to create 46 apartments (4 no. one bed units, 37 no. two bed units and 5 no. three bed units). Parking would be provided for each apartment at ground floor level.
- 2.3 A single two storey light industrial unit extending to 1,445 sq. m. would be constructed to the rear of the mill adjacent to the railway line. The building could be occupied by a single user or be divided to accommodate smaller occupiers. The unit would have 32 parking spaces and a service yard.
- 2.4 It is proposed to redevelop the rest of the site with 46 new dwellings 18 of which would be affordable on site. Commuted sums in respect of 19 affordable dwelling have been agreed to achieve the equivalent total of 40% affordable housing provision subject to viability. The 28 market units would comprise 5 no. three bed units, 10 no. four bed units and 13 no. five bed units. The affordable units on site would comprise 4 no. one bed units, 10 no. two bed units and 4 no. three bed units. The dwellings would be constructed in stone and render with artificial slate roofs and uPVC glazed windows.

- 2.5 It is proposed to create a new pedestrian and cycle route through the site linking Cononley Lane with Moorfoot Lane.
- 2.6 In addition to full plans the application includes the following supporting documents:-
- Planning statement
 - Design and access statement
 - Heritage statement
 - Flood risk assessment
 - Landscape and visual assessment
 - Transport assessment
 - Contamination report
 - Ecological report
 - Arboricultural report

The documents are available for Members to view on the web site.

3. Planning History

- 3.1 21/2000/0351 Change of use from General industrial B2 to warehousing B8. Approved 27.7.2000
- 3.2 21/2006/6349 Change of use of part of the site for retail use. Approved 27.6.2006
- 3.3 Enforcement action was initiated in 2011 in respect of a hardstanding on site. This issue is now resolved.

4. Planning Policy Background

- 4.1 National Planning Policy Framework
- 4.2 Planning Practice Guidance
- 4.3 Saved Local Plan policies ENV1 (Development in the countryside), ENV2 (Requirements for development in the countryside), EMP7 (Change of use from industrial to non-industrial uses), SRC2 (Provision of recreation space in new housing developments) and T2 (Road hierarchy).

5. Parish/Town Council Comments

- 5.1 **Cononley Parish Council** resolved to make a number of objections. The full response is available on the Council's web site but may be summarised as follows:-
- The PC refer to Section 9 of the NPPF which is protecting Green belt. The PC consider that the extent of the development is too large and should be limited to the extent of the existing buildings and the remainder of the site should be designated green open space.
Officer Note: There is no designated Green Belt within Craven District and Section 9 of the NPPF is of no relevance.
 - The building designated as a commercial unit should be designed for a mixed use, including smaller units.
 - The visual impact of the commercial building is not in keeping with the rest of the village.
 - All of the houses should be constructed in stone and not mixed stone and render.

- It is expected that any amendments to the plan should retain the ratio of affordable dwellings.
- The Council does not consider it appropriate to develop in the north east corner of the site which floods.
- The Council are disappointed that solar panels are not provided on the south facing roof of the mill.
- Insufficient off-street parking and traffic concerns in the village.
- Concern that the village infrastructure and all services to the village will not be adequate. Lack of telephone and broadband capacity.
- School not big enough to take the increase in pupils.

6. Consultations

- 6.1 **CDC Strategic Housing** have agreed the affordable housing provision to deliver 18 new build affordable dwellings on site and commuted sums equivalent to 19 units in lieu of provision within the mill complex, subject to viability. Strategic Housing comment that whilst on site provision is always the preferred choice, in some circumstances this is not possible. For example in an apartment development it is often the case that the service charges associated with the scheme renders the properties at an unaffordable level.
- 6.2 **CDC Sport Development Officer** advises that a scheme for the provision of open space off site will be provided to satisfy Policy SRC2 of the Local Plan. Such a scheme would be the subject of a Section 106 Agreement.
- 6.3 **Sport England** advises that the development is outside there statutory or non-statutory remit.
- 6.4 **Natural England** has no comments to make.
- 6.5 **Network Rail** object to the application as they consider that there is insufficient information in the Transport Assessment to assess the impact on the level crossing. The applicant has not provided any additional information in this respect. Network rail also ask for conditions to be imposed on other matters including drainage, boundary fencing, sound proofing, lighting, and landscaping in the interests of protecting the railway infrastructure.
- Officer note:** The comments of Network Rail are noted in respect of the impact of the development on the level crossing. However, the barriers on the level crossing are controlled by the rail network not the highway network and therefore it is not considered that the development would have an adverse impact on the level crossing.
- 6.6 **CDC Environmental Health** No objection subject to conditions / informatives to control matters relating to noise, vibration, dust and the safe removal of any asbestos. They also comment that possible contamination issues can be dealt with by condition.
- 6.7 **Airedale Drainage Commissioners.** Comment that given the size of the development and the sensitivity of flooding in the local area that they are concerned about drainage. However, the Board believes that the drainage arrangements could be resolved with appropriate attenuation and storage. They therefore recommend a condition to secure the approval of surface water drainage works.
- 6.8 **SuDS and Development Control Officer (NYCC)** advises that they have no objection in principle, but asks that the applicant provides more information on certain matters that would allow a planning condition to be drafted.
- 6.9 **CDC Arboricultural Officer** comments that there are no trees of significant quality that would warrant preservation. Advises that landscaping should be covered by

condition as well as protection measures for existing trees. It is recommended that tree planting to the eastern boundary would be beneficial to help screen the site from the east.

6.10 **Historic England** comment that they have no objection to the application in terms of its impact on the character and appearance of Cononley Conservation Area. They indicate that they very much welcome the retention and conversion of the existing mill buildings and consider the design of the proposed extension is a clever and interesting, yet sympathetic, response to its historic context.

6.11 **NYCC Highway Authority** has no objection subject to standard highway conditions

6.12 **Environment Agency**. No reply.

6.13 **Yorkshire Water**. No reply.

7. Representations

7.1 16 letters of representation have been received.

7.2 There is support for the re-use of the mill, the re-use of brownfield land, commuted sums for open space and the pedestrian and cycle link.

7.3 Objections to the scheme raise the following concerns:-

- Traffic generation
- School oversubscribed
- Objection to the new build visual impact of the development
- Density too high
- Parking problems
- Loss of employment premises
- Design of commercial unit
- Need for parking for rail users
- Adverse impact on local infrastructure
- Too many large houses
- Concern about the delivery of affordable dwellings
- Need for smaller houses
- Use of render
- Insufficient business space
- Development of previously undeveloped land

8. Summary of Principal Planning Issues

- Land use/principle
- Housing provision
- Design
- Heritage and landscape impact
- Economic impact
- Highway issues
- Drainage

- Other issues

9. Analysis

Land use/principle

- 9.1 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"
- 9.2 The development plan for the area comprises the Craven District (Outside the Yorkshire Dales National Park) Local Plan 1999.
- 9.3 The local plan policies most relevant to this application and have been "saved" are Policy ENV1 'Development in the open countryside'; Policy ENV2 'Requirements for development in the countryside', Policy EMP 7 'Change of use from industrial to non-industrial' and Policy SRC2 'Provision of recreation space in new housing developments'. 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 NPPF "the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given".
- 9.4 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.'
- 9.5 The main thrust of the National Framework 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
- 9.6 The site is identified in the latest consultation draft of the Local Plan as a mixed use site providing for employment use and residential use. The emerging plan does not seek to retain the site purely as employment use. As a matter of principle it is considered that the site capable of being developed for the proposed uses and therefore there is no objection in principle.

Housing provision

- 9.7 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.
- 9.8 The report sets out the latest position with respect to the Council's five year land supply calculations. It indicates that the Council can currently demonstrate a 5 year land supply at this stage. Whilst the 'Five Year Housing Land Supply Methodology

and Report' indicates that the Council can demonstrate a 5 year land supply at this stage, this position may change as new information becomes available. Members may recall that in May 2015 the latest information indicated that a 5 year supply could be demonstrated, only for the position to change in December 2015 when later information indicated that a 5 year land supply could not be demonstrated. Furthermore the report and the assessment methodology for the housing requirement that is used has not yet been subjected to full independent examination and may be subject to challenge.

- 9.9 In Officers opinion, the stated existence of the Five Year Housing Land Supply is not a reason by itself to justify refusal of a planning application. It is however a material consideration in the planning judgement that can be given weight in the decision making process. In effect it is one of the many planning issues that should be taken into account when determining a planning application.
- 9.10 Development limit boundaries that were defined by Policy ENV1 of the 1999 Local Plan are now out of date and should not be given any weight in the decision making process. In the recent past the Council has both approved and refused applications for residential development in locations that are outside of the development limit boundaries that were defined by Policy ENV1. In Officers opinion this situation remains unchanged. Every application will still need to be assessed on its merits and its suitability for residential development considered. The Council's Five Year Housing Land Supply position will be a relevant consideration in that decision. 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.
- 9.11 The submitted scheme provides for 46 apartments in the mill building and 46 new dwellings to the north of the mill building of which 18 would be affordable dwellings. The percentage of affordable dwellings on site does not achieve 40%, but the mill's "share" of affordable housing would be provided by commuted sums off-site (subject to further viability information).
- 9.12 The application site is immediately adjacent to the development limit identified in the Local Plan and is in a sustainable location close to the facilities in the village. The scheme provides a permanent link to the village for pedestrians and cyclists via Moorfoot Lane even when the barriers on the level crossing are down. 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. This scheme would provide for a choice of homes and re-use redundant and disused building. Paragraph 51 of the NPPF also advises that Local Planning Authorities should normally approve applications for the change to residential use and any associated development where there is a need for housing and there are no strong economic reason why such development would be inappropriate. It is therefore concluded that the provision of housing (and commercial development) is appropriate and accords with the policies in Section 6 of the NPPF. It is therefore concluded that the provision of dwellings on this site is acceptable.'

Design

- 9.13 The submitted scheme falls into three elements; the conversion and extension of the mill, the construction of 46 new dwellings and the construction of a new light industrial unit immediately to the east of the railway line.
- 9.14 The floor layout for each apartment in the mill is bespoke and responds to the existing structure with minimal external alterations. Each apartment has a recessed balcony. The major alteration in the south elevation is on the third floor where the wall above the second floor windows will be reduced in height to 700 mm. above finished floor

level and a glass balustrade fixed above the reduced wall to create a full balcony across the southern elevation. Although the gables would remain unaltered the roof would be set back by approximately 2 m. from the outer wall. This is an unusual solution and would be visible in long distance views from Crosshills Road. It would not be particularly visible from Cononley Lane due to the height of the building and its proximity to the Lane. On balance the design solution is considered to be acceptable and would represent an interesting design feature of the conversion.

- 9.15 The new build element on the northern side of the mill is of a modern contemporary design, the scale of which reflects the existing mill but does not attempt to replicate the architectural detailing. It is considered that this is an acceptable solution. Parking is provided on the ground floor for all the apartments avoiding the need for external parking.
- 9.16 The proposed dwellings are served from a central spine road from Cononley Lane. The proposed affordable housing would provide a mix of 1, 2 and 3 bedroomed dwellings with 3,4 and 5 bedroomed market dwellings. The proposed dwellings are predominantly two storey with a limited number of the larger market dwellings with accommodation in the roof space and full three storey units adjacent to the mill. The dwellings would be constructed in stone and render with artificial slate roofs and uPVC windows. Although the dominant walling material in Cononley is stone there are examples of rendered properties in the village.
- 9.17 The proposed light industrial unit located adjacent to the railway line is two storey mono-pitched unit constructed with a stone walling plinth to 2.5 m with timber cladding above and powder coating curtain walling. The ground floor would be used for manufacturing and despatch with office accommodation at first floor level. The design is not untypical of modern industrial units and the internal layout is flexible to meet the needs of the occupants.

Heritage and landscape impact

- 9.18 The application site is outside the conservation area and unlike many mills it is not listed. Nevertheless the development will be visible from views into and out of the conservation particularly on the approach to the village from the east. The impact proposal involves the re-use of a substantial existing building on Cononley Lane. The new build housing to the rear of the mill would be subservient in scale to the imposing building and would not have a significant impact on the setting of the conservation area. The new build would largely occupy former industrial land bringing a semi-derelict part of the village back into active use. The non-designated asset of the former mill building would be brought back into use.
- 9.19 The proposed development would have no direct impact on the conservation area and would cause less than substantial harm to the designated heritage asset (paragraph 134 of the NPPF refers). It is considered that any harm is to be weighed against the public benefits that includes the provision of housing, affordable housing and contributions to public open space and sports facilities.
- 9.20 The Landscape Character Appraisal 2002 identifies the site as part of a Valley Pasture Landscape falling within the landscape character type Flat, semi-enclosed floodplain. The development of the site would not compromise the visual character of the mill that would continue to dominate the landscape in the wider context. Short distance views from Cononley Lane, Moorfoot Lane and public footpath to the east will continue to be dominated by the mill and the existing village. The same applies to medium distance views and long distance views are limited. The site does not have any special landscape designation and paragraph 111 actively encourages the effective use of land that has previously been developed, provided it is not of high environmental value.

- 9.21 Overall it is concluded that the redevelopment of the site would not have an unacceptable heritage and landscape visual impact and the development does not conflict with the policies and guidance in the NPPF.

Economic benefits

- 9.22 The site was not specifically allocated for employment use in the Local Plan but clearly has a historic existing use for employment purposes. Paragraph 22 of the NPPF advises that applications for alternative uses should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.
- 9.23 The Local Plan policy EMP7 for the change of use may carry limited weight given the greater flexibility of paragraph 22 of the NPPF. However, the Local Plan policy did offer support for existing employment uses to be used for other purposes providing the building is no longer suitable for industrial or commercial activities but is of sufficient architectural merit to warrant its retention. The existing building has some limited occupation but is not fully occupied. It is unlikely that the mill will satisfy modern business requirements and is in a poor state of repair. The space is unsightly and offers little economic benefit. The conversion of the mill to residential use would satisfy the requirements of policy EMP7.
- 9.24 The proposed business space has the flexibility to create modern space for a single or multiple users. It is considered that this represents an acceptable replacement for the existing business premises on site and while it does not provide the same floorspace as the existing buildings it would nevertheless provide employment opportunities within the village and the District as a whole.

Highway issues

- 9.25 It is proposed to re-position the access onto Cononley Lane, moving it approximately 20 m. to the east to achieve visibility splays specified on Manual for Streets. A shared use footpath/cycleway is provided through the site from the level crossing to Moorfoot Lane which would improve accessibility to the village at times when the barriers at the station are down. The Highway Authority refer to the availability of land on the south site of Cononley Lane for parking but this does not form part of the application
- 9.26 The Parish Council express concerns about traffic in the village and insufficient parking but the Highway Authority do not object to the proposal and recommend standard conditions. The Highway Authority also advise that the traffic generated by the development is too low to warrant any intervention at the A629/ Cononley Lane Ends junction.

Drainage

- 9.27 The flood risk assessment submitted with the application identifies that the majority of the site is within flood zone 1 with a small area in the vicinity of the site entrance in flood zone 2 and 3. The assessment notes that in order to allow the development of the area there will be a need to raise site levels by 300 mm. and finished floor levels by 600 mm. Compensatory flood storage would be provided elsewhere on site. (The Parish Council refers to potential flooding in the north east corner of the site but this is to be used as gardens to the proposed new properties in this part of the site).
- 9.28 Neither the Environment Agency or Yorkshire Water Services have responded to consultations however, the SuDS and Development Control Officer of the County Council advises that the rainfall run-off rate for the development should be re-calculated to take into account climate change and the new development. The runoff volume should not exceed the greenfield runoff volume and should infiltration methods not be suitable to achieve greenfield runoff volume it should be demonstrated that the

increased volume will not increase flood risk on or off site. It is important that the applicant addresses this issue which could be addressed by a condition.

Other issues

- 9.29 The Parish Council and local residents have expressed concern about the capacity of the village primary school. However, the applicant's agent advises that their research indicates that there is some limited capacity. There is no policy base on which to require the payment of commuted sums for education facilities and due consideration should be given to the fact that half of the site (the mill) would be developed for apartments which are less likely to be occupied by families with children of primary school age.
- 9.30 There are two residential properties on Moorfoot Lane and the paddock between the properties would be developed with five dwellings. However, it is not considered that the proposed development would have an overshadowing or overbearing impact on these properties, although there would be some overlooking of their private garden space.

Conclusion

- 9.31 The proposal is for a mixed use development comprising the conversion and extension of the mill to create 46 apartments, the construction of 46 new dwellings of which 18 would be affordable dwellings, the construction of a new industrial unit. Commuted sums for off-site affordable housing would also be required (subject to viability) and commuted sums for open space provision.
- 9.32 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 it is concluded that the proposed development will deliver homes, employment uses and does not conflict with any specific policies in the Framework.

10. Recommendation

- 10.1 That Members resolve to grant delegated authority to the Strategic Manager for Planning & Regeneration to grant planning permission subject to the following conditions and the applicant first entering into a S106 Planning Obligation to secure a contribution towards open space provision and affordable housing provision.

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 nos.
- (000) 200 E
 - (000) 201 D
 - (000) 202 c
 - (000) 203 D
 - (000) 204 B
 - (000) 205 A
 - (000) 300 A
 - (000) 301 B
 - (000) 302 A
 - (000) 303 A
- 102

110
2A-200
2A-300
3A-200 A
3A-300 A
4a-200 A
4a-300 A
6A-200
6A- 300
7619 Design and Access Statement
A1 – 200 A
A1 – 300 A
A4- 200
A4- 300 A
A5 - 200
A5 - 300
C1-200
C1-300
G1- 200
G2- 200
G3- 200 A
H 47- 200
H 47- 300
M1 -200 A
M1 -300 A
M3 -200 A
M3 -300 A
M3a- 200 A
M3a- 300
M4 -200 A
M4 -300 A
M4a- 200
M4a- 300
M4b- 200
M4b- 300
M4c-200
M4c-300
M5 -200
M5 -300
M5a- 200
M5a- 300
M5b- 200
M5b- 300
M5d- 202
M5d- 203
M5d- 204
M5d- 205 A
M5d- 206
M5d- 207
M5d- 208
M5d- 302
M5d- 303
M5d- 304
M5d- 305 A
M5d- 306

M5d- 307
M5d- 308
S- 400
S- 401
T ype 4- 200
T ype 4- 300

received by the Local Planning Authority on the 2 June 2016. The development shall be completed in accordance with the approved plans except where conditions attached to this planning permission indicate otherwise or where alternative details have been subsequently approved following an application for a non material amendment.

REASON: To specify the permission and for the avoidance of doubt

3. Prior to the first use of any external materials of construction for the walls and roof of the development hereby approved details shall be submitted for the written approval of the Local Planning Authority and thereafter the development shall be carried out in accordance with the approved details.

REASON In the interests of the visual amenities of the area.

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

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

REASON: In the interests of the amenity of the area

5. Prior to the commencement of development a Phase II Intrusive Site Investigation report shall be commissioned and should remediation be required development shall not commence until a Remediation Strategy has been submitted to, and approved in writing by, the local planning authority. The Remediation Strategy shall be prepared in accordance with current best practice. The approved remediation measures shall be implemented in accordance with the timescales in the approved Remediation Strategy. In the event that remediation is unable to proceed in accordance with an approved Remediation Strategy or unexpected significant contamination is encountered at any stage of the process, the local planning authority shall be notified in writing immediately. Revisions to the Remediation Strategy shall be submitted to, and approved in writing by, the local planning authority. Works shall thereafter be carried out in accordance with the approved revised Remediation Strategy.

REASON. To ensure that the development shall be suitable for use and that identified contamination will not present significant environmental risk.

6. Following completion of any measures identified in the approved Remediation Strategy, a Validation Report shall be submitted within agreed timescales to, and approved in writing by, the local planning authority. The Validation Report shall be prepared in accordance with current best practice. The site shall not be brought into

use until such time as all the validation data has been approved in writing by the local planning authority at the agreed timescales.

REASON. To enable the Local planning Authority to determine whether the site has been rendered suitable for use and that contamination has been dealt with so as not to present significant environmental risks.

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.

REASON. To secure an appropriate highway constructed to an adoptable standard in the interest of highway safety and amenity and safety of highway users.

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

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

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

9. Other than for the purposes of creating the temporary access no vehicles shall be allowed onto the construction site. Once created no vehicles shall access the site except via the approved temporary access as shown on Drawing Reference drawing number C161061 303. The access shall be constructed in accordance with details approved in writing by the Local Planning Authority in consultation with the Highway Authority for a minimum distance of 20 metres into the site. Any damage to the existing adopted highway occurring during use of the access until the completion of all the permanent works shall be repaired immediately.

REASON. In the interests of both vehicle and pedestrian safety and the visual amenities of the area.

10. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the 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) Any gates or barriers shall be erected a minimum distance of 10 metres back from the carriageway of the existing highway and shall not be able to swing over the existing or proposed highway.
 - (iii) That part of the access(es) extending 10 metres into the site from the carriageway of the existing highway shall be at a gradient not exceeding 1/12.
 - (iv) Provision to prevent surface water from the site/plot discharging onto the existing or proposed highway shall be constructed in accordance with the approved details, and/or the specification of the Highway Authority, and maintained thereafter to prevent such discharges.
 - (v) The final surfacing of any private access within 5 metres of the public highway shall not contain any loose material that is capable of being drawn on to the existing or proposed public highway.
 - (vi) Provision of tactile paving in accordance with the current Government guidance. All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.

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

11. There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until splays are provided giving clear visibility of 45m measured along both channel lines of the major road Cononley Lane from a point measured 2.4m down the centre line of the access road. The eye height will be 1.05 metres and the object height shall be 1.05 metres. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

REASON In the interests of road safety

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

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

13. 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. Works shown on drawing C161061 303 P2 (includes footway widening to 1.5m, crossing points and yellow lines as determined by the highway authority)

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

14. 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 9:

Works shown on dwg C161061 303 P2 (includes footway widening to 1.5m, crossing points and yellow lines as determined by the highway authority).

REASON. In the interests of the safety and convenience of highway users

15. No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas.
 - a. have been constructed in accordance with the submitted drawing (Ref: drawing number 7619/102 H)
 - b. are available for use unless otherwise approved in writing by the Local Planning Authority.Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times
REASON. To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.
16. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015 or any subsequent Order revoking or re-enacting that 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.
17. All doors and windows on elevations of the building(s) adjacent to the existing and/or proposed highway shall be constructed and installed such that from the level of the adjacent highway for a height of 2.4 metres they do not open over the public highway and above 2.4 metres no part of an open door or window shall come within 0.5 metres of the carriageway. Any future replacement doors and windows shall also comply with this requirement.
REASON To protect pedestrians and other highway users
18. Unless approved otherwise in writing by the Local Planning Authority there shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site until proposals have been submitted to and approved in writing by the Local Planning Authority for the provision of:
 - a. on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway
 - b. on-site materials storage area capable of accommodating all materials required for the operation of the site.
 - c. The approved areas shall be kept available for their intended use at all times that construction works are in operation.REASON To provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.
19. Prior to the development being brought into use, a Travel Plan shall have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. This shall include:
 - a. the appointment of a travel co-ordinator
 - b. a partnership approach to influence travel behaviour
 - c. measures to encourage the use of alternative modes of transport other than the private car by persons associated with the site
 - d. provision of up-to-date details of public transport services

- e. continual appraisal of travel patterns and measures provided through the travel plan
- f. improved safety for vulnerable road users
- g. a reduction in all vehicle trips and mileage
- h. a programme for the implementation of such measures and any proposed physical works
- i. procedures for monitoring the uptake of such modes of transport and for providing evidence of compliance.

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

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

20. No development for any phase of the development shall take place until a Construction Method Statement for that phase has been submitted to, and approved in writing by, the Local Planning Authority in consultation with the Local Highway Authority. The approved Statement shall be adhered to throughout the construction period for the phase. The statement shall provide for the following in respect of the phase:

- a. the parking of vehicles of site operatives and visitors
- b. loading and unloading of plant and materials
- c. storage of plant and materials used in constructing the development
- d. erection and maintenance of security hoarding including decorative displays and facilities for public viewing where appropriate
- e. wheel washing facilities
- f. measures to control the emission of dust and dirt during construction
- g. a scheme for recycling/disposing of waste resulting from demolition and construction works
- h. HGV routing to avoid the village

REASON. In the interests of highway safety and the amenities of the area.

21. No development approved by this permission shall be commenced until the Local Planning Authority in consultation with the Internal Drainage Board has approved a Scheme for the provision of surface water drainage works. Any such Scheme shall be implemented to the reasonable satisfaction of the Local Planning Authority before the development is brought into use.

The following criteria should be considered:

- Any proposal to discharge surface water to a watercourse from the redevelopment of a brownfield site should first establish the extent of any existing discharge to that watercourse.
- Peak run-off from a brownfield site should be attenuated to 70% of any existing discharge rate (existing rate taken as 140lit/sec/ha or the established rate whichever is the lesser for the connected impermeable area).
- Discharge from "greenfield sites" taken as 1.4 lit/sec/ha (1:1yr storm).
- Storage volume should accommodate a 1:30 year event with no surface flooding and no overland discharge off the site in a 1:100yr event.

- A 20% allowance for climate change should be included in all calculations.
- A range of durations should be used to establish the worst-case scenario.
- The suitability of soakaways, as a means of surface water disposal, should be ascertained in accordance with BRE Digest 365 or other approved methodology.

REASON: To ensure the development is provided with satisfactory means of drainage and to reduce the risk of flooding.

22. All surface and foul water arising from the proposed works shall be collected and diverted away from Network Rail property. In the absence of detailed plans all soakaways shall be located so as to discharge away from the railway infrastructure. The following points need to be addressed:
1. There shall be no increase to average or peak flows of surface water run off leading towards Network Rail assets, including earthworks, bridges and culverts.
 2. Attenuation ponds, next to the railway, shall be designed by a competent specialist engineer and shall include adequate storm capacity and overflow arrangements such that there is no risk of flooding of the adjacent railway line during either normal or exceptional rainfall events.

REASON. To ensure the satisfactory drainage of the site and to avoid any potential damage to the railway.

23. A safety barrier shall be located in positions to be approved in writing by the Local Planning Authority in consultation with Network Rail where vehicles may be in a position to drive into or roll onto the railway or damage the lineside fencing. Network Rail's existing fencing / wall must not be removed or damaged. Given the considerable number of vehicle movements likely provision shall be made at each turning area/roadway/car parking area adjacent to the railway.

REASON. To ensure the protection of the rail network and residents and users of the site.

24. Prior to the first occupation of the site a suitable trespass proof fence adjacent to Network Rail's boundary at a minimum height of 1.8 m shall be erected and thereafter retained.

REASON. In the interest of public safety.

25. Prior to the construction of plots 23-32 of the development hereby approved details of means of soundproofing of the properties from noise from the railway shall be submitted for the written approval of the Local Planning Authority and thereafter the dwellings shall be constructed with the approved soundproofing.

REASON. To provide a satisfactory level of amenity for residents

26. Prior to the installation of any external lighting (including Street Lighting and colour of lighting) details shall be submitted for the for the written approval of the Local Planning Authority and thereafter installed and retained in accordance with the approved details

REASON. To avoid dazzle to train drivers and to avoid confusion with signalling arrangements.

Informatives

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported to the Coal Authority o 0345 762 6848. It

should be noted that this site may lie in an area where a current licence exists for underground coal mining.

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

To safeguard the living conditions of nearby residents from noise operating times for construction should be limited to:-

08.00 18.00 Monday to Friday;

08.00 to 13.00 Saturday;

No Bank Holiday or Sunday working.

The developer needs to have regard to BS8233:2014 Guidance on Sound Insulation and Noise Reduction for Buildings

As the development is in close proximity to the railway, it may be affected by vibration an assessment of the potential impact should be carried out by a suitably qualified person in accordance with BS6472-1:2008

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.

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.

Regard should be had for the safe removal of any potential asbestos containing material present on site. 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.

All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a "fail safe" manner such that in the event of mishandling, collapse or failure, no materials or plant are capable of falling within 3.0m of the nearest rail of the adjacent railway line, or where the railway is electrified, within 3.0m of overhead electrical equipment or supports. All excavations/ earthworks carried out in the vicinity of Network Rail property/ structures must be designed and executed such that no interference with the integrity of that property/ structure can occur. If temporary works compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Network Rail. Prior to commencement of works, full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence should be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker and the works shall only be carried out in accordance with the approved details. Where development may affect the railway, consultation with the Asset Protection Project Manager should be undertaken. Network Rail will not accept any liability for any settlement, disturbance or damage caused to any development by failure of the railway infrastructure nor for any noise or vibration arising from the normal use and/or maintenance of the operational railway.

No right of support is given or can be claimed from Network Rail's infrastructure or railway land

Security of the railway boundary will need to be maintained at all times. If the works require temporary or permanent alterations to the mutual boundary the applicant must contact Network Rail's Asset Protection Project Manager.

Once planning permission has been granted and at least six weeks prior to works commencing on site the Asset Protection Project Manager (OPE) MUST be contacted, contact details as below. The OPE will require to see any method statements/drawings relating to any excavation, drainage, demolition, lighting and building work or any works to be carried out on site that may affect the safety, operation, integrity and access to the railway.

Any demolition or refurbishment works must not be carried out on the development site that may endanger the safe operation of the railway, or the stability of the adjoining Network Rail structures. The demolition of buildings or other structures near to the operational railway infrastructure must be carried out in accordance with an agreed method statement. Approval of the method statement must be obtained from Network Rail's Asset Protection Project Manager before the development can commence.

Where vibro-compaction machinery is to be used in development, details of the use of such machinery and a method statement should be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker prior to the commencement of works and the works shall only be carried out in accordance with the approved method statement

Any scaffold which is to be constructed within 10 metres of the railway boundary fence must be erected in such a manner that at no time will any poles over-sail the railway and protective netting around such scaffold must be installed.

Consideration should be given to ensure that the construction and subsequent maintenance can be carried out to any proposed buildings or structures without adversely affecting the safety of, or encroaching upon Network Rail's adjacent land, and therefore all/any building should be situated at least 2 metres from Network Rail's boundary. This will allow construction and future maintenance to be carried out from the applicant's land, thus reducing the probability of provision and costs of railway look-out protection, supervision and other facilities necessary when working from or on railway land.

The developer/applicant must ensure that their proposal, both during construction, and after completion of works on site, does not affect the safety, operation or integrity of the operational railway, Network Rail and its infrastructure or undermine or damage or adversely affect any railway land and structures. There must be no physical encroachment of the proposal onto Network Rail land, no over-sailing into Network Rail air-space and no encroachment of foundations onto Network Rail land and soil. There must be no physical encroachment of any foundations onto Network Rail land. Any future maintenance must be conducted solely within the applicant's land ownership. Should the applicant require access to Network Rail land then must seek approval from the Network Rail Asset Protection Team. Any unauthorised access to Network Rail land or air-space is an act of trespass and we would remind the council that this is a criminal offence (s55 British Transport Commission Act 1949). Should the applicant be granted access to Network Rail land then they will be liable for all costs incurred in facilitating the proposal.

All roads, paths or ways providing access to any part of the railway undertaker's land shall be kept open at all times during and after the development. In particular, the access over the adjacent level crossing must remain clear and unobstructed at all

times during and after construction with to ensure that vehicles and pedestrians are able to exit the crossing unimpeded.

Network Rail is required to recover all reasonable costs associated with facilitating these works.

Statement of Positive Engagement: -

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

- engaged in pre-application discussions

Discharge of Condition(s)

1. The developer should note that Condition Nos 4,,5,7,8,9,21 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.
2. With regard to Condition No3 above please note that it will be necessary to submit a formal application to discharge the conditions. Any samples of materials that require approval should be made available for inspection either on the site or another suitable location and not brought to or delivered to the Council Offices unless specific arrangements to do so have been made with the relevant planning case officer.

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

**INGLETON & CLAP
68/2016/17240**

**PROPOSED TOURING CARAVAN SITE INCLUDING ERECTION OF AN
AMENITY BLOCK.**

LUND HOLME FARM, NEW ROAD, INGLETON.

APPLICANT NAME: MR & MRS LUND

TARGET DECISION DATE: 30/09/2016

CASE OFFICER: Sam Binney

The application has been referred to Planning Committee at the request of Councillor Lis as there is significant local interest. A decision was made at the Planning Committee meeting on the 24 October 2016 to defer determination of the application to allow a site visit to be undertaken.

1. Site Description

- 1.1 The application site lies to the south of the A65 to the west of Ingleton. The land forms part of a larger agricultural field which at some point in the past has been partitioned off by a post and wire fence. The northern and western boundaries of the site are formed by dry stone walls. There is some screen planting on the southern and eastern boundaries.
- 1.2 There is a holiday cottage to the south west of the site and a "Certificated Location" (CL) (5 touring caravans) to the west of the site. To the north west of the CL is a static holiday caravan adjacent to the farmhouse.
- 1.3 Access to the site from the A65 is through the farm complex.
- 1.4 There is a public footpath to the south of the site.
- 1.5 The site is in open countryside outside the development limit boundary.

2. Proposal

- 2.1 The application seeks permission for a nine pitch caravan site for touring caravans with an amenity block in the north-west corner. The single storey amenity block extending to 36 sq. m. would be constructed in natural stone with a reproduction stone flag roof.
- 2.2 Additional planting is shown to the north of the dry stone wall in the adjoining field.

3. Planning History

- 3.1 68/2003/3423 – To extend existing caravan site into adjoining field to create 12 additional touring caravan pitches with electrical hook-up and waste water disposal. Refused 17/09/2003.
- 3.2 68/2004/3928 - Extend the existing touring caravan site into the adjoining field to create 12 additional touring caravan pitches (re-submission of 68/2003/3423). Refused 03/03/2004.
- 3.3 68/2015/16152 - Proposed touring caravan site (9 pitches) along with construction of toilet/shower block. Refused 18/12/2015 for the following reason:

'The extension of the "certificated location" caravan site into the field to the south east would have an unacceptable damaging impact on the character and appearance of the open countryside and landscape. Without the caravan site there is no requirement for an amenity building. The proposal therefore fails to accord with Saved

Policies ENV1, ENV2, EMP17 and EMP18 of the Craven District (Outside the Yorkshire Dales National Park Local Plan). The Council considers that the proposal fails to accord with the Environmental dimension of Sustainable Development as set out in the National Planning Policy Framework, as it fails to protect and enhance the natural, environment. The harm to the open countryside that would result is considered to significantly and demonstrably outweigh the benefits of approving development. In these circumstances both Paragraph 134 and Paragraph 14 of the National Planning Policy Framework advise that planning permission should be refused.'

4. Planning Policy Background

- 4.1 National Planning Policy Framework (NPPF).
- 4.2 National Planning Practice Guidance.
- 4.3 Saved Local plan policy ENV1. Development in then open countryside
- 4.4 Saved Local plan policy ENV2. Requirements for Development in the countryside.
- 4.5 Saved Local Plan policy EMP17. Camping and Touring Caravan Sites.
- 4.6 Saved Local Plan policy EMP18. Permanent Buildings on Caravan Developments.

5. Parish/Town Council Comments

- 5.1 Thornton-in-Lonsdale Parish Council: Overall no objection but have some concerns outlined below;
 - The Parish has seen an increase in the number of Touring Caravan Sites over the last couple of years and asks CDC to take this into account when considering this application.
 - The access to and from this site is on an extremely busy and fast section of the A65 and vehicles coming over the brow will approach stationery and turning cars with caravans very quickly.
 - The Parish additionally acknowledged the additional landscaping and screening that was now included with this new application.

6. Consultations

- 6.1 **NYCC Highways:** No objections.
- 6.2 **Environmental Health:** No issues of concern for Environmental Health.
- 6.3 **Trees Officer:** No objection but further planting required and to more detail. Recommended conditions regarding protective fencing for existing planting, and a detailed planting scheme to be submitted.

7. Representations

- 7.1 One letter of representation has been received. A summary of the objection is outlined below;
 - The access to the site is hazardous when approached from the south.
 - The site is very visible from the A65, the footpath to the south of the site boundary, and the Ingleton-Bentham minor road.
 - There are already sufficient [camping] sites within the area.

8. Summary of Principal Planning Issues

- 8.1 The key planning issues are the principle of the development, the impact on the character and appearance of the area, sustainability matters, highway safety

considerations, residential amenity, environmental / wildlife issues, and drainage matters.

9. Analysis

Policy background;

- 9.1 The application site lies outside development limits, and therefore falls to be assessed under Saved Local Plan Policies ENV1 and ENV2. Saved Policy ENV1 seeks to protect the character and quality of the open countryside from being spoilt by sporadic development by restricting development to small scale proposals appropriate for the enjoyment of the scenic qualities of the open countryside and other appropriate small-scale development having a rural character. Where this is the case, development must also clearly benefit the rural economy; help to maintain or enhance landscape character; be essential for the efficient operation of agriculture or forestry; or be essential to the needs of the rural community.
- 9.2 Where development is acceptable in principle under Saved Policy ENV1, it must also comply with Saved Policy ENV2, which sets out criteria relating to design, materials and traffic (amongst other things).
- 9.3 The other Saved Local Plan Policies applicable to this application are 'EMP17 'Camping and touring caravan sites' and 'EMP18 'Permanent buildings on camping, caravanning and chalet developments'. These policies are generally supportive of caravan site developments subject to certain criteria being met including, but not limited to; landscape impacts, screening and landscaping, neighbouring amenity, and highways.
- 9.4 The Craven District (Outside the Yorkshire Dales National Park) Local Plan was adopted in 1999, and it was therefore 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 "the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given". As such, where there is any conflict with the local plan, the local plan policies carry limited or no weight and the application should be assessed against the new Framework.
- 9.5 Paragraph 14 of the NPPF sets out that at its heart is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking. It goes on to state that for decision-making this means (unless material considerations indicate otherwise); 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 NPPF as a whole, or, specific policies in the NPPF indicate development should be restricted.
- 9.6 With regards to Saved Policy ENV1, this policy places significant importance on the presence of development limits. As the development limits were defined in 1999 (and have not been reconsidered or altered since), this aspect of policy ENV1 is out of date, and the development limit boundaries that were defined in relation to this policy no longer carry any weight in the decision making process. However, Policy ENV1 also has an objective of seeking to protect the scenic qualities of the open countryside and preventing harm to landscape character. The policy does not conflict in this

respect with the NPPF that includes similar aims and objectives and therefore the policy has some limited weight.

- 9.7 Saved Policy ENV2, whilst linked to Saved Policy ENV1, sets out general planning considerations for development in the open countryside, which are considered to be broadly in line with the NPPF. This policy therefore carries some weight in the decision making process.
- 9.8 With reference to Saved Policies EMP17 and EMP18 these policies relating to camping and caravanning development are considered to be in line with the NPPF in terms of supporting such development, subject to harm not being unacceptable. These policies therefore carry weight in the decision making process.
- 9.9 The criteria within the applicable Saved Local Plan Policies, and the NPPF, will be considered in further detail in the following sections of the report.

Principle of development;

- 9.10 The proposal is for development in open countryside. Saved Local Plan Policy ENV1 is not considered to preclude such development so long as the scenic qualities and landscape character of rural areas are not unacceptably impacted upon. Saved Policies EMP17 and EMP18 support the principle of the development of caravan and camping sites in the open countryside in the Craven area, subject to certain criteria being met.
- 9.11 Saved Policy EMP17 requires the site to be located in an area with local opportunities for informal countryside recreation, but should not itself be detrimental to those attractions. The site is located 1 km. to the west of Ingleton in an open countryside location. There is a network of public rights of ways in the immediate locality, the site is close to the Yorkshire Dales National Park and is within 5 km. of the Forest of Bowland Area of Outstanding Natural Beauty.
- 9.12 The main thrust of the NPPF is an overarching presumption in favour of sustainable development. There are three dimensions to sustainable development; economic (supporting a strong and competitive economy), social (supporting strong, vibrant and healthy communities with regards to housing, health, social and cultural well-being) and environmental (protecting and enhancing the natural, built and historic environment).
- 9.13 Section 3 (paragraph 28) of the NPPF sets out that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should support sustainable rural tourism and leisure developments that benefit business in rural areas, communities and visitors, and which respect the character of the countryside. This should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres.
- 9.14 In conclusion the development proposal is acceptable in principle. In particular, the development accords with the economic dimension of sustainable development, as set out in the NPPF. The proposal would allow an existing “certificated location” caravan site to grow and improve, and in turn support a strong rural economy locally, both through providing employment, and supporting local services and tourist attractions.

- 9.15 Whilst the proposal is considered to be acceptable in terms of the economic dimension of sustainable development, it must also meet the social and environmental dimensions as set out in the NPPF, which will be considered in the following sections of the report.

Visual impact;

- 9.16 The application seeks planning approval for the expansion of the existing “Certificated Location” caravan site to provide 9 touring pitches and an amenity block.
- 9.17 In terms of policy background, most of the criteria set out in the Saved Local Plan Policies and the NPPF are applicable to the proposal, particularly in relation to landscaping.
- 9.18 Saved Local Plan Policies ENV1, EMP17 and EMP18 require that new development does not have an adverse effect on the character and appearance of the countryside, with the scale of development being in context with its surroundings. Saved Policy EMP17 requires that the scale of development should relate sensitively to its surroundings and EMP18 requires that development is of a good standard of design, satisfactorily blending into the landscape in terms of their siting, design and materials.
- 9.19 Saved Local Plan Policy ENV2 sets out requirements for development in the open countryside. Proposals should be compatible with the character of the surrounding area, not have an unacceptable impact on the landscape and safeguard landscape features, and the design of buildings and structures and the materials proposed should relate to the setting, taking account of the immediate impact and public views of the development.
- 9.20 These objectives are supported by the NPPF, which defines the Environmental dimension of sustainable development as “contributing to protecting and enhancing our natural, built and historic environment” amongst other things. Furthermore, one of the core principles of the NPPF is recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it.
- 9.21 It should also be noted that the site is in close proximity to the Yorkshire Dales National Park. Paragraph 115 of the NPPF sets out that great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and AONBs, which have the highest status of protection in relation to landscape and scenic beauty. However, the site is not so close to the Park to have any adverse impact.
- 9.22 Historically there had been objections to the use of this site for caravans on visual impact grounds. Tree planting has since taken place on the southern and eastern boundaries but this does not adequately screen the site from views from the A65 to the north and the public footpath to the south.
- 9.23 Saved Local Plan Policy EMP17 is the relevant policy for this part of the scheme, dealing with camping and touring caravan sites. In contrast to Saved Policy EMP16 for static caravans, which required the site to be well screened at the time of an application, EMP17 requires the site to be *potentially* well screened by landform and/or existing or additional landscaping from roads, elevated viewpoints and other public spaces. However, it is clear from the reasoned justification for Policy EMP17 that this does not mean that any site is acceptable in landscaped terms as it can be potentially well screened. Paragraph 17.1 of the reasoned justification explains that unless rigorously controlled, development may have an adverse impact on the countryside and landscape. Furthermore paragraph 17.2 explains that ‘where

landscaping is to form important screening it is essential that it is established before development of the site. Any subsequent tree / foliage planting should complement existing landscaping’.

- 9.24 Saved Local Plan Policy EMP18 permits permanent buildings on caravan sites subject to them not having an adverse effect on the character and appearance of the countryside and being of a good standard of design and satisfactorily blend into the landscape in terms of their siting, design and materials. EMP18 also requires that the any permanent buildings related to camping and caravanning sites are necessary for the operation of the site, and their size and nature relate to the needs of site residents.
- 9.25 In Officer’s opinion, due to the topography of landform particularly to the north and the lack of screening the site would be visible for many years from the A65. The planting on the southern and eastern boundaries does not effectively screen the site and again while there may be potential to plant additional screening the site would remain visually intrusive for many years.
- 9.26 Further to the refused planning application 68/2015/16152, amended plans have been received as well as a Landscape and Visual Impact Assessment which has been provided to try to address the reasons for refusal.
- 9.27 The amended plans are much the same as those refused under reference 68/2015/16152. The only noticeable amendment to the scheme is the proposed landscaping to the northern boundary of the site which has been moved further up the banking toward the A65. The scheme in regard to all landscaping to the other boundaries, as well as the proposed site plan for the location of the pitches has remained the same.
- 9.28 The Landscape and Visual Impact Assessment provided goes into great detail for background to the site including soil types and character appraisal, going further onto visual impacts of the development, constraints, landscape considerations, and concluding with a short section on how their assessment has impacted the design of the proposal from the previous refusal.
- 9.29 The main views of the site and landscape beyond are received from the A65 to the north as well as by foot along the public right of way running east to west situated to the south of the site. Screening is already in place around the site to the south and the east but the tree officer confirms that it will be necessary to provide further planting to adequately screen the site from the south.
- 9.30 While it is accepted that the screening proposed would be more acceptable than that previously proposed, the visual impact that the proposal would have on the area especially when viewed from the north is too great without the landscaping already in place and established. It is considered that while in principle it is possible in the long term to be effectively screened from public views and from elevated viewpoints, the landscaping and screening must be more effectively established prior to the LPA being in favour of this proposal from a visual impact perspective.

Neighbour amenity;

- 9.31 Saved Local Plan policy EMP17 states that development must not have an unacceptable impact on the character or setting of settlements or the amenity of local residents.

- 9.32 One of the core planning principles of the NPPF is to secure high quality design and a good standard of amenity for all existing and future occupants. Section 7 of the NPPF goes on to state that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
- 9.33 The nearest residential property (that is also a guest house) is on the A65 some 100 m. to the north of the site. The physical separation distance in this case is such that the amenity of that property would not be adversely affected.

Highway Safety;

- 9.34 Concerns have been raised in objections and by the Parish about highway safety. However, NYCC Highways has been consulted and has raised no objections.

Conclusion;

- 9.35 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.
- 9.36 In this case the relevant Local Plan policies are out of date and therefore the policy within Paragraph 14 of the NPPF is applicable (although it is worth noting that the relevant Saved policies are generally supportive of the proposal and do not greatly conflict with the advice within the NPPF). The development should therefore be permitted unless the adverse impacts of doing so would outweigh the benefits.
- 9.37 The benefits of the development principally relate to meeting the NPPF's objectives of supporting economic growth in rural areas. The proposal would allow an existing established "Certificated Location" caravan site to grow and improve, and in turn support a strong rural economy locally, both through providing employment, and supporting local services and tourist attractions.
- 9.38 The key adverse effect would be the additional visual impact of a total of a further 9 caravans to the site. It is considered that there are open public views of the site including from public rights of way, highways and elevated viewpoints. While there are no controls over the "Certificated Location" site adjacent, a further 9 touring caravans would be visually intrusive and harmful to the visual amenities of the area.

10 Recommendation

- 10.1 To refuse planning permission.

Reasons for Refusal

The extension of the caravan site into the field to the south east would have an unacceptable damaging impact on the character and appearance of the open countryside and landscape. Without the caravan site there is no requirement for an amenity building. The proposal therefore fails to accord with Saved Policies ENV1,

ENV2, EMP17 and EMP18 of the Craven District (Outside the Yorkshire Dales National Park Local Plan). The Council considers that the proposal fails to accord with the Environmental dimension of Sustainable Development as set out in the National Planning Policy Framework, as it fails to protect and enhance the natural environment. The harm to the open countryside that would result is considered to significantly and demonstrably outweigh the benefits of approving development. In these circumstances both Paragraph 134 and Paragraph 14 of the National Planning Policy Framework advise that planning permission should be refused.

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**

**SETTLE & RIBBLE
36/2016/17317**

*RETROSPECTIVE APPLICATION FOR THE RETENTION OF 1 NO WTN
250KW WIND TURBINE WITH A TIP HEIGHT OF 45M INCLUDING
VEHICULAR ACCESS AND ASSOCIATED APPARATUS.*

WEST THORNER, WIGGLESWORTH.

APPLICANT NAME: MRS HELEN MOON

TARGET DECISION DATE: 10/11/2016

CASE OFFICER: Andrea Muscroft

This application is referred to the Planning Committee as a previous proposal was considered by the Committee.

1. Site Description

- 1.1 The application site is situated approximately 2km to 2.4km south of Wigglesworth and to the North West of West Thorne Farm. The site lies within an area classified as 'Pasture with Wooded Gills and Woodland' by the 2002 Craven District Council Landscape Appraisal; which is characterised by its rolling pastoral landscape within the lower slopes and along valleys which includes a network of dry-stone walls and a scattering of vegetation and concentrations of wooded gills. In addition, the site also lies within the National Character Area 33 – Bowland Fringe and Pendle Hill as described by Natural England in the Character Map of England.
- 1.2 The application site forms part of a pastoral field and slopes away to the south and west. The field is semi-enclosed by scattered mature hedgerows and trees. There is a wooded area situated along the north eastern boundary. Public rights of way run along the farm yard to the east and to the south of the application site.
- 1.3 The field contains two turbines each of which is 45 m high to the blade tips and 30 m to the hub. The south eastern most turbine (nearest to the farmstead) is authorised by planning ref. 36/2012/12044. The north western most turbine is unauthorised. Planning permission was given for a second turbine under planning ref. 36/2014/14934, but the turbine has been erected in the wrong location (it is sited approximately 55 to 80 m to the north east of its approved location).
- 1.4 The site is located outside of development limits and is within the open countryside and is close to the boundary with the Forest of Bowland Area of Outstanding Natural Beauty (AONB). There is a grassland area that is designated as a SSSI to the east of the application site close to Hellifield / Long Preston.

2 Proposal

- 2.1 The proposal seeks permission for the retention of the unauthorised turbine with a tri-blade design mounted on a central hub. The maximum hub height of the turbine is 30m above ground level with an overall height of 45m to the tip of the blades.
- 2.2 The proposal was accompanied by the following documents:-
- Planning & Design & Access Statement.
 - Ecological Appraisal.
 - Landscape and Visual Impact Appraisal.
 - Noise Assessment.

- Statement of Community Involvement.
- Supporting plans.

2.3 **Officers Note:** The submitted D&A Statement indicates that after the expected operational life of the turbine (25 years) the turbine would be removed, and the land reinstated at surface level to agricultural land.

3 Planning History

- 3.1 36/2011/11860 - Screening opinion for the installation of 1no. 50Kw wind turbine – Environmental Assessment not required 7th July 2011.
- 3.2 36/2011/12044 - Wind turbine with a hub height of 30m and additional 15m to tip of the rotor (overall height of 45m) – Approved September 2012.
- 3.3 36/2013/13063 – Discharge of condition 5 of previous approval 36/2011/12044 – Approved November 2012.
- 3.4 36/2014/14272 - Screening opinion for the installation of 1no. 50Kw wind turbine – Environmental Assessment not required February 2014.
- 3.5 36/2014/14934 - Installation of an additional 1 no. WTN 250KW wind turbine with a tip height of 45m including underground cabling and temp access- Approved February 2015.
- 3.6 36/2015/15589 – Discharge of condition 7 of planning approval 36/14/14934 – Refused April 2015.
- 3.7 36/2015/16426 – Application to vary condition 2 of original planning permission referenced 36/2014/14934 to allow the retention of the turbine in an alternative location – Not validated as Officers did not consider this to be a valid application.
- 3.8 Enf Ref. 2079/2015. Enforcement Notice dated 18 February 2016 that requires the unauthorised turbine to be removed.

Officer Note: There were specific reasons why the Enforcement Notice required the unauthorised turbine to be removed. These reasons are explained in the Enforcement Implications section of this report and in the attached appendix that comprises the Enforcement Report that was presented to the Planning Committee on the 24 November 2016, the minutes from that meeting, and the enforcement notice itself.

4 Planning Policy Background

4.1 **National Planning Policy and legislation of particular relevance comprises:**

- National Planning Policy Framework – March 2012 (NPPF).
- Planning Practice Guidance – (PPG)
- National Policy Statement for Energy (EN1).
- National Policy Statement for Renewable Energy Infrastructure (EN3).

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

- ENV1 - Development in the Open Countryside.
- ENV2 – Requirements for Development in the Open Countryside.
- ENV12 – Protection of Public Rights of Way.

4.3 **Other relevant guidance**

- Scottish Natural Heritage Cumulative Effect of Wind farms.

- Natural England Technical Information Note TIN051 Bats and onshore turbines interim guidance.
- DECC: Update of UK Shadow Flicker Evidence Base 2011.
- Managing Landscape Change: Renewable & Low Carbon Energy Developments – a Landscape Sensitivity Framework for North Yorkshire and York (produced by AECOM Ltd on behalf of Craven District Council).
- Landscape Appraisal (Craven District Council Outside the Yorkshire Dales National Park and Forest of Bowland AONB Landscape Appraisal) October 2002.
- English Heritage – The setting of Heritage Assets.
- A Landscape Strategy for Lancashire – Landscape Character Assessment 2000.
- Guidelines for Landscape and Visual Impacts Assessment (GLVIA) - April 2013.

5 Parish/Town Council Comments

- 5.1 **Halton West Parish:** No comments received at the time of compiling this report.
- 5.2 **Ribblebank Parish Council:** Have verbally advised that comments will be made and sent to the LPA on the 16 November 2016 after their meeting on the 15 November 2016.

6 Consultations

- 6.1 **CDC Contaminated Land:** No known contaminated land implications regarding this application.
- 6.2 **CDC Environmental Protection Team:** No objection to the proposal.
- Officer Note:** The Council's Environment Protection Team received a noise complaint in 2014. As a consequence, the Council conducted baseline noise monitoring at the affected property but were unable to establish that a statutory noise nuisance existed. Since then it is understood that the Council's Protection Team have not received any further complaints.
- 6.3 **ANOB Officer:** No comments received at the time of compiling this report.
- 6.4 **Joint Radio Company:** No objection to the proposal. However, if the proposal is altered then it will be necessary to re-evaluate the proposal.
- 6.5 **NERL Safeguard:** No objection to the proposal. However, if the proposal is altered then it would be necessary to re-evaluate the proposal.
- 6.6 **NYCC Highways:** No objection
- 6.7 **NYCC Planning Officer:** No comment.
- 6.8 **Pendle Borough Council:** No objection.
- 6.9 **RSPB:** No comments received at the time of compiling this report.
- 6.10 **Yorkshire Dales National Park:** No comments in respect of the unauthorised turbine.

7 Representations

- 7.1 The proposal was advertised on the 29th September 2016 in the Craven Herald with Site Notices displayed within the surrounding area on the 30th September 2016. In addition, letters of notification were sent out directly to local residents.
- 7.2 As a result 7 letters of objection were received (2 from Hyles Moor Farm), 66 letters of support were sent (approximately 22 from the immediate area, and the remaining 44 from both within and outside of the district) and 1 letter of observation.

7.3 Objections were also received from The Ramblers and the Campaign to Protect Rural England. Their comments are summarised in more detail below.

7.4 **Objections** received are summarised below:-

Visual Impact.

- Proposal would result in greater visual damage.
- No special relationship between farm buildings and second turbine.

Amenity Issues.

- Concern over the potential impact on neighbouring properties (e.g. noise disturbance, outlook).

Wildlife.

- Concern over the impact on local wildlife.

Other Issues.

- Concern that the previous permission would be implemented resulting in three turbines on site.
- Turbine is a commercial venture.
- The proposal hasn't fully addressed the concerns of the community.
- Council should not bend to this twin track approach.

7.5 Letters of **support** received are summarised below: -

Visual Impact.

- The turbines are largely screened by landform and trees.
- The turbine is located very close to the location where it should have been sited. The amended location makes no difference visually.
- The turbines are fascinating and attractive.

Amenity Issues.

- No unacceptable noise nuisance occurs.

Wildlife.

- The turbines have had no effect on wildlife.

Other Issues.

- Turbines are an environmentally friendly means to produce electricity.
- Support should be given to dairy farmers diversifying at this time of uncertainty.
- Removal / or relocation of the turbine would unnecessarily cause more disturbance and traffic chaos.

7.6 Summarised objections from the **CPRE**:-

Visual impacts

- The proposal would present danger in the creation of a wind farm.
- The application cannot be considered objectively in view of the enforcement notice appeal.
- There is concern that a third turbine could be constructed on the site.

7.7 The main supportive comments are summarised below:-

Visual Impact

- Turbines are temporary structures and therefore would not have a lasting effect on the landscape.
- The existing turbine is not an unpleasant or obtrusive effect and cannot see that an additional turbine having any further impact.

Amenity issues

- Distance from residential dwelling ensures no noise nuisance.

Other Issues.

- The turbine would help to meet the Government's renewable targets and reduce the carbon foot print of the farming business.
- Supportive of green renewable energy.
- The turbine would ensure the long term viability of the farming business whilst also supporting local businesses.
- No issue with noise concerning the existing turbine.
- The proposed use of renewable energy is a crucial initiative in securing business between the farm and retailer.
- The removal of the turbine would result in disturbance and traffic chaos.

Summarised objections from **The Ramblers**:

- Comment that the original turbine may have been required to meet the farm needs, but the second turbine is probably income producing.
- Object to the proposal on the grounds of the cumulative impact and visual intrusion. The number of turbines in the area is starting to spoil south Craven
- The Ramblers note that the turbines are visible from many locations on the local footpath network.
- The turbines will be overbearing and dominate the outlook from neighbouring residential properties.

8 Summary of Principal Planning Issues

- Principle of development.
- Visual impact of the proposed development.
- Impact on the setting & significance of heritage assets.
- Impact of the proposed development on the amenities of neighbouring properties.
- Impact of the proposed development on Ecology.
- Highway Safety.
- Telecommunications.
- Other Issues.
- Enforcement matters.
- Conclusions.

9 Analysis

Principle of development.

9.1 In February 2015 planning permission was granted by the Planning Committee for the construction of a second 45m high turbine at this site. The proposal was considered against Saved Local Policy ENV1, the aims and objectives of the NPPF and the requirements of the PPG which determined that the principle of development was acceptable. Therefore, the principle of the erection of a second turbine at this site has been established as acceptable by the Planning Committee.

9.2 However, since the grant of planning permission the Government has issued a Written Ministerial Statement (WMS) dated 18th June 2015 which expresses the Governments amended approach in respect of wind energy development. The WMS statement reads as follows:

“When determining planning applications for wind energy development involving one or more wind turbines, local planning authorities should only grant planning permission if:

- *the development site is in an area identified as suitable for wind energy development in a Local or Neighbourhood Plan; and*
- *following consultation, it can be demonstrated that the planning impacts identified by affected local communities have been fully addressed and therefore the proposal has their backing.*

In applying these new considerations, suitable areas for wind energy development will need to have been allocated clearly in a Local or Neighbourhood Plan. Maps showing the wind resource as favourable to wind turbines, or similar, will not be sufficient. Whether a proposal has the backing of the affected local community is a planning judgement for the local planning authority.

9.3 The WMS therefore has some weight in the determination of this application.

9.4 With respect to the first bullet point in the WMS, the LPA does not have any designated sites that have been identified as suitable for wind energy development in the local plan. The development proposal cannot therefore meet this criterion.

9.5 With respect to the second bullet point the WMS also seeks to ensure that concerns of the local community are fully addressed before the grant of planning permission and that the proposal has their backing.

9.6 Only 7 letters of objection were received from local residents compared to the 22 letters of support received (more letters of support have also been received from further afield). Objections to the proposal are therefore limited compared with the number of letters of support, however it is also important to consider whether the planning impacts that have been identified by objectors in the local community are addressed by the application. Whether these impacts are addressed, and whether the proposal therefore has the backing of the local community, is a judgement that needs to be made by the Planning Authority. This issue will be considered in the report.

9.7 Also of consideration in the assessment of this application is the fall-back position. The appellant has an extant permission which allows the erection of a turbine in a different position (the location approved under planning ref: 36/2014/14934). Even if the Council was to refuse planning permission the applicant could implement the scheme approved by 36/2014/14934 (that permission authorised the erection of an identical turbine albeit in a slightly revised location). As such this is a material consideration in the determination of this proposal.

9.8 The weight to be attached to the fall-back position in the decision making process is influenced by whether the fall-back position is a realistic possibility. If the likelihood of

the fall-back position occurring is small then little weight should be given to the fall-back position in the decision making process. In this instance the likelihood of the fall-back position occurring is high. An existing permission is in place for a turbine, and the turbine is already on site in the general vicinity of where it should be erected. It therefore seems very likely that if enforcement action is taken that the turbine will be re-sited rather than removed from the site entirely. The fall-back position is therefore an important consideration.

- 9.9 As the existing turbine is erected in the wrong location it is still possible for the applicant to erect the turbine permitted by planning ref. 36/2014/14934 resulting in a third 45 m high turbine being present on site. To prevent this from occurring the applicant has submitted a S106 Planning Obligation with the application confirming that the applicant would not to seek compensation for the revocation of the existing planning approval granted under planning ref: 36/2014/14934 (should this current application be granted permission).

Visual impact of the proposed development.

- 9.10 The NPPF states that proposals for renewable energy development should be approved if its impact are (or can be made) acceptable. Section 11 of the NPPF relates to 'Conserving and enhancing the natural environment' and states that the planning system should protect valued landscapes. However, the NPPF does not clarify what a valued landscape is, but it is noted that the landscape does not benefit from any special landscape protection (such as National Park or Area of Outstanding Natural Beauty Status). Notwithstanding this fact, the landscape is clearly of merit and the landscape impact of this turbine is an issue of concern. Furthermore the Forest of Bowland AONB is approximately 1.6km away from the application site and therefore the development would have some impact on this valued landscape.
- 9.11 Within the Craven District Council Landscape Appraisal (2002) the site falls within 'Pasture with Wooded Gills and Woodland' which is characterised by its rolling pastoral landscape within the lower slopes and along valleys which includes a network of dry-stone walls and a scattering of vegetation and concentrations of wooded gills. In addition, the site is situated in close proximity to 'Semi-Enclosed Lowland – Undulating Lowland Farmland; and 'Open Upland; Open Upland Pasture and Moorland Mosaic' with 'Valley Pasture Landscapes; Semi-Enclosed Gently Sloping Valley'. In addition, the appraisal advises that the medium vegetation cover provided within the landscape would offer a degree of enclosure to the open upland pasture with narrow roads bounded by dry-stone walls, giving a sense of enclosure and obscuring views. It is arguable that a landscape character of this type, which is of a relatively rolling nature and includes wooded gills and woodlands, may provide suitable sites for wind turbines.
- 9.12 The application has been accompanied by a Landscape and Visual Impact Assessment undertaken by FPCR Environment and Design Ltd. The report acknowledges that the "turbine has had a direct effect on the landscape fabric and an indirect effect on landscape character". "However, the extent of visibility within the wider landscape is governed by the rolling topography in combination with the scattered tree cover, with the majority of views within 1.25km of the site". The document also states that the impact on visual receptors within the landscape is negligible to moderate significance with moderate to major when viewed from the nearby footpath. The report concludes that this proposal for the retention of one wind turbine can be accommodated without unacceptable landscape or visual effects on the wider setting.
- 9.13 It is accepted that modern turbines are large structures and as such will inevitably have an impact on the landscape and visual environment, the extent of which depends on the height of the particular turbine. Nevertheless, views will generally come and go as views are obscured by intervening structures, topography and natural screening. In addition, adverse weather conditions can also obscure views of turbines. In this

instance, the 'as built' turbine is visible from some views taken within the surrounding area, including long distance views from the Yorkshire Dales National Park and the Forest of Bowland.

- 9.14 It is worth noting that the 'as built' turbine is seen in conjunction with an existing turbine (45m in total height) on the site and also with a 46m high telecommunications tower situated at Dunhazles Farm that lies to the north of the application site. It is accepted that views of the 'as built' turbine due to the topography of the land are for the majority visible when viewed from the south and in particular from land to the west of the application site. However, at greater distances the 'as built' turbine is viewed through intervening trees and vegetation along field boundaries providing a partial screen for the turbine.
- 9.15 Located in excess of 700m from the application site is Ribbles Valley Borough Council and no comments from them have been received. Further to the west is the boundary of the Forest of Bowland AONB which at the time of generating this report no comments have been received from the Forest of Bowland Landscape Architect.
- 9.16 When viewed from the east, the impact of the 'as built' turbine is reduced due to its position within the agricultural field. The turbine is sited close to an existing approved turbine which is also sited in close proximity to the existing farming enterprise. In addition, located along the north east boundary of the application site is an existing woodland block which sits on the brow of the hill and offers some natural screening to the application site. Furthermore, the topography of the land helps to minimise viewpoints. Therefore, the full height of the turbine is not apparent and this factor, together with existing planting that at some certain viewpoints provides further screening of the turbine, means that the impact on the landscape is much less than significant.
- 9.17 It is acknowledged that when viewed from the north the turbine is more prominent on the skyline when viewed from some viewpoints. However, when viewed in conjunction with the existing approved turbine it is considered that the landscape has absorbed this turbine without unduly affecting its character or quality.
- 9.18 There are undoubtedly long distance views of the additional turbine from higher ground in the surrounding area, such as the Yorkshire Dales National Park. However, at these distances it is not considered that this additional turbine appears dominate or has had a harmful impact on the landscape. Furthermore, Yorkshire Dales National Park has been consulted and has raised no objections.
- 9.19 With regards to concerns expressed over the potential cumulative impact of this proposal, it is acknowledged that within the surrounding area there are a number of approved wind turbines (Hammerton Farm and Pikeber Farm). However these turbines are smaller in scale, so their impact is limited, and are some distance from the application site, and generally would not be readily seen in the same visual frame of reference in a harmful cumulative way.
- 9.20 Finally, it should also be noted that in the assessment of planning ref. 36/2014/14934 the Council has already previously considered and assessed as acceptable the erection of a second 45 m high wind turbine at this site. It is of course recognised that the siting of this turbine is different to that which was approved, but the impacts of the unauthorised turbine are certainly very similar to the impacts that would have arisen if the turbine had been erected in the correct location.
- 9.20 On balance, it is acknowledged that the additional turbine has undoubtedly had an impact on the landscape, particularly when viewed from the north and North West. However, due to their size and scale this is inevitable when considering proposals for wind turbines. The assessment of this proposal is about balancing the benefits of a proposed development against any impacts.

Impact on designated heritage assets.

- 9.21 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that ‘in considering whether to grant planning permission for development which affects a listed building or its setting, the LPA, shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.’
- 9.22 The NPPF continues this theme with paragraph 132 stating that “when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.”
- 9.23 Furthermore, paragraph 118 states that ‘planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitat’s, including ancient woodlands, unless the need for, and benefits of, the development in that location clearly outweigh the loss’.
- 9.24 In addition, the EH document ‘The Setting of Heritage Assets’ explains how to interpret the setting of listed buildings. It says that, it can be understood that setting embraces all of the surroundings (land, sea, structures, features and skyline) from which the asset can be experienced or that can be experienced from or within the asset and that setting does not have a fixed boundary and cannot be definitively and permanently described as a spatially bounded area or as lying within a set distance of a heritage asset. Of particular relevance, the guidance notes that the construction of a distant but high building may extend what might previously have been understood to comprise setting.
- 9.25 With respect of heritage assets, Lane Side Farmhouse is a Grade II listed building situated in excess of 1000m to the North West of the application site. The turbine is located at the lower brow of the agricultural field and would be partially visible from this building and as such falls within its setting. However, given the separation distances involved combined with the changes in topography the additional turbine is simply a peripheral part of the setting of the heritage asset. Therefore, it is not considered that the additional turbine erodes the understanding or appreciation of its significance. It is acknowledged that located to the north and north east of the site are a number of additional listed buildings with the nearest being identified as Deep Head Dale, however, given the separation distances, topography and intervening planting the turbine does not have a negative impact on these listed buildings, their setting or their significance. It is therefore considered that the turbine does not have a harmful impact on the setting of these listed buildings.

Impact of the proposed development on the amenities of neighbouring properties.

- 9.26 The National Planning Policy Framework states that LPAs should seek to achieve a good standard of amenity for all existing and future occupants of land and buildings. Paragraph 109 also states that the planning system should ensure that new development does not contribute to unacceptable levels of noise pollution. The General Development Principles of the Local Plan states that all developments should protect the amenities of neighbouring residents and occupiers.
- 9.27 It is well established in planning practice that “there is no right to a view”, but it is a core planning principle of the NPPF that all developments should provide a good standard of amenity for existing residents. However, the visual impact of a proposal is a consideration when impact can result in unreasonable living conditions/amenity for the occupants of individual homes.

- 9.28 The nearest dwellings are West Thornber and New Laithe, however, these are either within the applicants control or family members. The occupiers of these properties are supportive of the proposal.
- 9.29 The next nearest dwellings to the proposed turbine have been identified as North Thornber and East Thornber which are located in excess of 600m to the east of the application site. With respect to these properties, it is acknowledged that the movement of the blades is not a natural movement within the landscape and that the tips of the both turbines are visible above the existing tree line. However, on balance, whilst the blades of the turbine combined with the existing blades of the approved turbine are visible from the rear amenity areas of these properties, it is considered given the separation distance, the topography of the land, existing trees and telephone pylons that the turbine has not had an unacceptable impact on the amenity of these properties.
- 9.30 The next nearest dwelling is Dunhazles Farm that is in excess of 700m to the North of the development proposal. This property is located directly alongside the existing 46m high telecommunications tower. It is considered that due to the distances involved, and the angle of outlook from principle windows, that the development does not unacceptably impact on the amenities of the occupier of this property. A number of other properties are located at their nearest point approximately 900m from the turbine. These properties have been identified as Lower Thornber, Mere Syke and Agden Farm. With respect to these properties due to the distances involved it is not considered that residential amenity is unacceptably impacted upon.
- 9.31 With regards to shadow flicker there is no standard for the assessment of shadow flicker or guidelines which quantify what exposure levels would be acceptable. However, the DECC have published an independent research study concerning Shadow Flicker. The document advises that flicker effects have been proven to occur at properties within 30 degree either side of north, but only within ten rotor diameters of a turbine. Based on information submitted concerning the proposed location of the turbine and nearby properties, it is considered that no neighbour would be unacceptably affected by shadow flicker. Environmental Health has raised no concerns in respect of this matter.
- 9.32 With respect to noise, Paragraph 97 of the NPPF advises that in assessing the likely impacts of potential wind energy development, the approach in the National Policy Statements EN-3 combined with EN-1 should be followed. In addition, the Institute of Acoustics Good Practice Guide identifies procedures to following when obtaining and analysing background noise data, defining the noise limits, and predicting wind turbine noise level. The Government promotes good health and good quality of life through effective noise management. ETSU-R-97 gives indicative noise levels calculated to offer a reasonable degree of protection to wind farm neighbours, without placing unreasonable restrictions on wind farm development.
- 9.33 The applicant has submitted a Noise Assessment generated by Philip Dunbavin Acoustics Ltd. CDC Environmental Protection Team has been consulted and has raised no objection to the retention of the turbine with regards to noise nuisance. Furthermore, the Council's Environmental Protection Team has not received any noise nuisance complaints since the turbine was constructed.
- 9.34 Therefore, in the absence of evidence to the contrary, it is considered that the retention of the turbine does not had a negative impact on the amenity of neighbouring properties and as such does not conflict with the aims of the NPPF.

Impact of the development on Ecology

- 9.35 NPPF states that planning decisions should avoid harm to biodiversity and consent should not be granted where there would be significant harm without adequate

mitigation strategies in place. If significant harm cannot be prevented or mitigated against then permission should be refused.

- 9.36 The submitted Ecological Appraisal acknowledges the presence of open ground nesting birds such as Hen harrier, Curlew and Lapwing within a 5km radius of the 'as built' turbine and cabling route, and acknowledges that some small scale displacement may have occurred, but overall, the impact is considered to have been negligible.
- 9.37 With respect to bats, the document states that 'the site offers limited roosting potential for bats, with no notable roosting opportunities noted'. Therefore the risk of adverse impact to bats from the 'as built' turbine is very low.
- 9.38 Based on the information submitted, Officers have assessed the submitted details using Natural England's Standing Advice Species sheet for Bats together with its flow chart for 'Guidance on how to assess a bat survey and mitigation strategy'. Based on the information submitted, Officers are of the opinion that the development does not have a significant impact on species or habitats on the application site or the surrounding area. It is considered that there are no grounds to refuse planning permission over concerns in relating to the impact on ecology.

Highway Safety.

- 9.39 Views of the 'as built' turbine jointly or singly are seen mostly from moving vehicles passing along the small lanes and roads in the locality. However, due to the undulating landscape and sporadic woodland, these views are intermittent. Consequently, it is not considered that the turbine 'as built' has negatively impacted on highway safety in terms of possible distraction to drivers. Furthermore, NYCC Highways has been consulted and have raised no objection in principle to the turbine. It is therefore considered that the proposal is acceptable with respect to highway safety.

Telecommunications.

- 9.40 Wind turbines have the potential to affect electromagnetic transmissions, including TV and radio signals and telecommunications. JRC has been consulted and has raised no objection to the retention of the turbine.

Other Issues.

- 9.41 Comments made stating that the proposal is a commercial venture is not a reason to withhold planning permission.

Enforcement Matters

- 9.42 An enforcement notice has been served dated 18 February 2016 that requires the removal of the turbine that this application seeks to retain. An appeal against the requirements of this notice has been lodged with the Planning Inspectorate, but remains undetermined. The Planning Committee endorsed the recommendation that an enforcement notice should be served and a copy of the Officers report recommending that enforcement action is taken, along with the notice itself, is attached as an appendix to this report.
- 9.43 There were very specific technical reasons why it was necessary to serve the enforcement notice. It is important to note that the reasons for issuing the notice related to the inability of the Council to control certain aspects of the development rather than the unacceptability of the development in principle. The reason for serving the notice are set out in the notice itself, but in summary comprise: -
- a. As the turbine was unauthorised it would have become immune from enforcement action after a four year period and could have remained on site even if no longer operational. The only way to ensure the removal of the turbine in the long term, in the interests of protecting the character and appearance of the landscape, was through the service of an enforcement notice.

- b. Based on the information available at the time there was an unacceptable risk of noise pollution.
 - c. There was a risk that three turbines could be established on the site (these being the original turbine approved under 36/2011/12044, the turbine proposed and approved under 36/2014/14934, and the unauthorised turbine subject to this application).
 - d. Evidence suggested that the turbine did not have the backing of the local community.
- 9.44 With respect to (a) it is now possible to impose a condition on this application (if approved) to require the removal of the turbine at the end of its operational lifespan.
- 9.45 With respect to (b) the turbine has now been in situ for approximately 18 months. The recommendation from Officers is that no unacceptable noise nuisance is occurring.
- 9.46 With respect to (c) the application is accompanied by a S106 planning obligation that confirms the applicant would not to seek compensation for the revocation of the existing planning approval granted under planning ref: 36/2014/14934 (should this current application be granted permission).
- 9.47 Finally, with respect to (d) representations submitted with this application suggest that it is not the case that the development does not have the backing of the local community.
- 9.48 In summary, in Officers opinion the approval of this application would address the reasons why it was necessary to serve the enforcement notice and take formal action against the unauthorised turbine.

Conclusions

- 9.49 Paragraph 14 of the NPPF advises that where the development plan is absent, silent, or relevant policies are out of date the Council should approve development unless: -
- 'any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this framework taken as a whole; or specific policies in this framework indicate development should be restricted'*
- 9.50 In favour of the application the planning policy within the NPPF still offers significant support to renewable energy development and supporting sustainable development proposals. Achieving sustainable development is a key objective of the NPPF. However the government's written ministerial statement (WMS) from 18 June 2015 has recommended an amended approach with respect to wind turbines. The development does not comply with the first requirement of the WMS which is to only allow development in areas identified on development plans as suitable for wind energy (as the site is not within an area identified for windfarm development). However it is considered that application meets the second requirement of the WMS as the application successfully addresses the planning impacts of the development raised by the local community and, having regard to the representations received, it is considered that the development has the backing of the local community. The WMS is a material consideration.
- 9.51 The key adverse impact in Officers opinion is on the local landscape. There are also other impacts including the potential impacts on the amenities of neighbours, the impact on heritage assets, and ecology. However in Officers opinion, for the reasons set out in the report, the development is acceptable with respect to all of the above issues. Furthermore, whilst it is acknowledged the siting is slightly different, the Council has reached a decision on the above matters previously and has found the development to be acceptable and granted planning permission.

9.52 The fall-back position is also a relevant material consideration. The appellant has an extant permission which allows the erection of a turbine in a different position (the location approved under planning ref: 36/2014/14934). Even if the Council was to refuse planning permission the applicant could implement the scheme approved by 36/2014/14934 (that permission authorised the erection of an identical turbine albeit in a slightly revised location). In Officers opinion the fall-back position is therefore an important consideration.

9.53 In summary, it is considered that the adverse impacts of permitting development do not significantly and demonstrably outweigh the benefits. For the reasons set out in the report it is recommended that the application should be granted subject to a S106 to ensure that the applicant does not seek compensation for the revocation of planning ref 36/2014/14934.

10. Recommendation

10.1 That Members resolve to grant delegated authority to the Strategic Manager for Planning and Regeneration to grant planning permission subject to the applicant first entering into a S106 Planning Obligation to ensure that the applicant does not oppose or seek compensation for the revocation of planning ref 36/2014/14934.

Conditions

1. The approved plans comprise:

- Drawing Nos 109043-001A, M109043-002A, and 109043-004A received by the Local Planning Authority on 15th September 2016.
- The West Thornber Landscape and Visual Appraisal produced by FPCR and received by the Local Planning Authority on 15th September 2016.
- Drawing Nos 250-00-30-300 (pages 1 & 2) received by the Local Planning Authority on 5th September 2016.
- The West Thornber Ecological Assessment produced by Avian Ecology, The West Thornber Noise Survey and Impact Assessment produced by Philip Dunbavin Acoustics Ltd, and the Planning, Design and Access Statement received by the Local Planning Authority on 5th 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.

2. Within 25 years of the date of this planning permission, the turbine shall be permanently removed and a scheme for the restoration of the site to its former condition shall have been submitted to and approved in writing by the Local Planning Authority. This scheme shall then be implemented in accordance with a timetable approved within the scheme for the restoration of the site.
3. If the turbine hereby permitted fails to produce any electricity for a continuous period of 6 months the operator of the development shall notify the local planning authority in writing no later than one month after the end of that period. The wind turbine and its associated equipment shall be removed from the site no later than 12 months from the end of that period, and the site restored, in accordance with a decommissioning and restoration scheme, including a timetable for its implementation, which shall have been submitted to the local planning authority for written approval not later than 3 months after the date of the notification to the local planning authority.

Reason (for 2 & 3): To safeguard the landscape setting of the site and the general character and amenities of the area should the environmental benefits of the development cease.

Informative:

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) Regulations 1994. Should any bats or evidence of bats be found prior to or during development, work must stop immediately and Natural England contacted 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 the relevant contact number for Natural England, which is via the Bat Conservation Trust on 0845 1300 228.

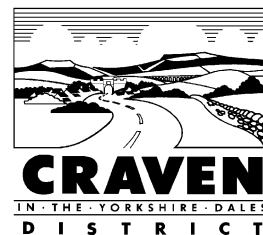
Statement of Positive Engagement: -

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

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Planning Committee – 24th November 2015



ERECTION OF UNAUTHORISED WIND TURBINE AT WEST THORNBUR, WIGGLESWORTH, SKIPTON, BD23 4RS

Report of the Strategic Manager of Planning and Regeneration

Lead Member: Councillor Foster
Ward affected: Settle and Ribble Banks

1. **Purpose of Report** – To seek a resolution on whether it is expedient to take formal enforcement action in respect of a wind turbine erected at coordinate E380855 N454502, West Thornber, Wigglesworth.
2. **Recommendation** – Members are recommended: -
 - 2.1 **To resolve to take formal enforcement action to require the removal of the unauthorised second wind turbine at West Thornber Farm, Wigglesworth.**
3. **Planning History**
 - 3.1 36/2011/11860. Screening opinion for the installation of 1no. 50Kw wind turbine. Environmental Assessment not required 7th July 2011.
 - 3.2 36/2011/12044. Wind turbine with a hub height of 30m and additional 15m to tip of the rotor (overall height of 45m). Approved September 2012. **Officer Note:** This approved turbine has been erected.
 - 3.3 36/2013/13063. Discharge of condition 5 of previous approval 36/2011/12044. Approved November 2012.
 - 3.4 36/2014/14272. Screening opinion for the installation of an additional 1no. 50Kw wind turbine. Environmental Assessment not required February 2014.
 - 3.5 36/2014/14934. Installation of an additional 1 no. WTN 250KW wind turbine with a tip height of 45m including underground cabling and temp access. Conditional Approval 18/02/15.
4. **The Unauthorised Development**

- 4.1 The wind turbine approved under planning ref. 36/2014/14934 has been erected in the wrong location. The approved plans state two slightly different (but similar) approved locations for the turbine. These are as set out below: -

MOON 001	E380825 N454456
MOON 002	E380809 N454437

The wind turbine that has actually been erected is at (approximate) coordinates E380855 N454502. The wind turbine has therefore been erected either 79 metres away from its approved location or 54 metres (depending on whether drawing no. MOON 001 or 002 is considered to be correct). To the best of Officer's knowledge the design and height of the unauthorised turbine is as previously approved. A plan indicating the location of the unauthorised development is included at Appendix A.

- 4.2 The applicant has been advised that Officers consider that the second wind turbine is unauthorised. They have been invited to submit a retrospective planning application to retain the turbine and advised that if no application was received the Council would consider the expediency of taking formal enforcement. Discussions with the applicant's solicitors have been ongoing and correspondence exchanged, but ultimately no planning application to retain the turbine has been made.

5. **The expediency of taking formal enforcement action**

- 5.1 In July 2015 as no retrospective planning application had been submitted by the developer Officers carried out consultation to seek views on the merits of the unauthorised turbine by writing to:-

- the statutory consultees who had been previously consulted for planning application 36/2014/14934 and
- All properties within 1km of the unauthorised wind turbine.

Officer Note: In the Council's consultation / notification letter dated 16/07/15 the stated coordinates referred to as being the approved location was incorrectly specified. However, a plan was attached to the correspondence that indicated the approximate difference between the location of the approved turbine and the location that it had been erected at.

Consultation responses on the unauthorised location of the second turbine.

- 5.2 **JRC (31/07/15)** does not foresee any potential problems based on known interference scenarios and the data provided.
- 5.3 **Yorkshire Dales National Park (04/08/15)** have no comments in respect of the unauthorised turbine, however, should the turbine approved under 36/2014/14934 also be erected at the site then the expediency of this enforcement case should be reviewed, this is because the collective presence of another turbine on the land may raise other impacts on which we would like to assess.
- 5.4 **North Yorkshire County Council Highways (20/07/15)** has no objections to the relocated turbine.

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- 5.5 **NAT/NERL (17/07/15):** The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS (En Route) Public Limited Company ("NERL") has no safeguarding objection to the proposal.
- 5.6 **RSPB:** No response.
- 5.7 **Pendle Borough Council:** No response.
- 5.8 **The Ramblers Association:** No response.
- 5.9 **AONB:** No response.
- 5.10 **Ribble Valley Borough Council:** No response.
- 5.11 **Ribble Banks Parish Council (05/08/15):** The Parish Council has been contacted by a number of parishioners with serious concerns.

The unauthorised siting of the second turbine in its new position has significantly increased the expected negative visual and audio impact on the two houses at North and East Thornber. At Planning Committee, the applicant and his agent stated that the second turbine would not be seen from East Thornber because it would be situated behind the wood. If the turbine had been correctly sited, this would have been correct, however, the unauthorised location of the turbine means that it is now clearly visible as it is not shielded by the wood.

The occupiers of both properties are also experiencing considerably more noise, if the wind is in the west, or the north-west, from the wrongly sited second turbine as the wood should act as a partial buffer.

There has been an increase in negative visual impact at Hyles Moor Farm as it no longer has the benefit of the wood behind it.

In its unauthorised position, the second wind turbine is further away from the farm buildings at West Thornber Farm. This removes any spatial relationship between the turbine and the buildings it serves and has the effect of making the area look like a wind farm, rather than two farm turbines.

Regarding the visual impact from the Forest Becks-Wigglesworth and Wigglesworth-Paythorne Roads, its unauthorised position means the visual impact of the turbine is greatly increased and clearly more evident when viewed from these roads. The isolation of its position is the more striking for the second turbine being sited further to the north-east rather than its correct position.

There is local concern that if the unauthorised turbine is permitted to be retained in its current position, then a further wind turbine in the originally authorised position may also be erected. This would not be acceptable to the local community, who fear a wind farm by stealth.

- 5.12 **Campaign to Protect Rural England (04/08/15):** Consider that enforcement proceedings should be taken by the Council as it is an offence under the Removal of Surface Soil Act 1953 to remove surface soil, which constitutes development, from agricultural land without planning permission. (**Officer Note:** A prosecution for this offence would not be brought by the Council).

The breach has increased the impact on the neighbouring property and the amenity of residents and there can be no acceptable justification for such a change of location without prior discussion with the planning authority.

The submission also draws attention to Paragraph 207 of the NPPF and Paragraph 013 of Planning Practice Guidance regarding effective enforcement. Furthermore the submission refers to the Ministerial Statement dated 18th June 2015.

Letters of representation.

- 5.13 There have also been 4 letters of representation from people who live within 1km of the turbine (2 letters on behalf of Hyles Moor Farm and 2 letters from East Thornber), the following is a summary of those concerns:-

- The unauthorised position of the second turbine has a more damaging visual effect on the residents of Hyles Moor Farm and East Thornber. The approved location (36/2014/14934) was screened by a wood but the unauthorised location is not screened.
- The unauthorised siting of the second turbine has moved it further away from the farm buildings it is meant to serve and there is now no spatial relationship between the buildings and the turbine.
- There is concern that there is the possibility of a third turbine being erected in accordance with approval 36/2014/14934.
- The cost implications for the applicant of moving the unauthorised second turbine to its approved location should not be a reason not to require it.

The relevant planning policy

- 5.14 Relevant planning policy comprises:

- The National Planning Policy Framework (NPPF).
- National Planning Policy Guidance (NPPG).
- Written Ministerial Statement 18th June 2015.

Summary of the principle planning issues

- 5.15 The key planning issues comprise:

- Principle of Development.
- Visual impact of the development.
- Impact on the setting & significance of heritage assets.
- Impact of the development on the amenities of neighbouring properties.

- Impact of the development on Ecology.
- Highway Safety.
- Telecommunications.
- The Fall-back Position.

Principle of development

- 5.16 There are no Saved Local Plan policies of relevance. The National Planning Policy Framework (NPPF) therefore provides specific national planning policy on renewable energy. The NPPF outlines several core land-use planning principles at paragraph 17 that should underpin both plan-making and decision-taking. One of these core principles is that planning should support the transition to a low carbon future in a changing climate and encourage the use of renewable resources (for example, by the development of renewable energy). Paragraph 98 of the NPPF also states that applications for renewable energy generation should be approved if the impacts are (or can be made) acceptable.
- 5.17 Of direct relevance to the current application is paragraph 93, section 10 of the NPPF 'Meeting the challenge of climate change, flooding and coastal change'. This states "Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development". Paragraphs 96 to 98 then sets out requirements for local planning authorities when determining planning applications for the use and supply of renewable and low carbon energy developments.
- 5.18 Also relevant to the current proposal is Section 11 'Conserving and enhancing the natural environment' and Section 12, 'Conserving and enhancing the historic environment' that requires consideration of the impact of development on the significance of designated heritage assets.
- 5.19 Due regard must also now be given to the recent Ministerial Statement on Local Planning made by Greg Clark MP on 18 June 2015 (HCWS42). This statement has been brought into the Planning Practice Guidance on Renewable and Low Carbon Energy (Chapter 5, paragraph 33) that states:

"The Written Ministerial Statement made on 18 June 2015 is quite clear that when considering applications for wind energy development; local planning authorities should (subject to the transitional arrangement) only grant planning permission if:

- *The development site is in an area identified as suitable for wind energy development in a Local or Neighbourhood Plan; and*
- *Following consultation, it can be demonstrated that the planning impacts identified by affected local communities have been fully addressed and therefore the proposal has their backing.*

Whether the proposal has the backing of the affected local community is a planning judgement for the local planning authority.”

- 5.20 The ministerial statement advises that it should be taken into account in planning decisions. The provisions referred to in paragraph 33 of Chapter 5 of the PPG are a material consideration in the assessment of this application. They suggest that the Local Planning Authority should only grant planning permission if planning impacts resulting from new turbine development that are identified by local communities have been fully addressed and the development therefore has the backing of the local community.
- 5.21 It is clear from both the letters of representation and the Parish comments received objecting to the unauthorised turbine that the development does not have the backing of the affected local community (the Parish Council are the body elected by the Local Community to represent them). Concerns have been raised about the increased visual harm of the wind turbine in this unauthorised location, the increased noise issues it causes, and the concern that a wind farm is being erected by stealth of which they have concerns about the cumulative impact and the resulting visual harm caused by the scale of the turbines.

Visual impact of the unauthorised wind turbine

- 5.22 Representations have been received from residents and the Parish Council who consider that the unauthorised siting is detrimental to visual amenity.
- 5.23 If the second turbine had been erected in its approved location it would have been located to the west of the existing turbine lower down a sloping field rather than to the north-west in a more raised location as it is now. Representations from East Thornber state that its approved location was more screened by woodland than its current position. Using the Council's mapping system, the approved location was approximately 774 metres away from East and North Thornber and the actual location is approximately 747 metres away from East and North Thornber.
- 5.24 Officers have taken photographs of the unauthorised turbine from the same locations as many of the viewpoints submitted with the montage for planning application 36/2014/14934 (these will be included in the presentation at Planning Committee).
- 5.25 It is the opinion of Council Officers, that the visual impact of the unauthorised second location does not have a significantly worse detrimental impact on the amenity of any neighbouring property, or on the landscape in general, to justify taking formal enforcement action.
- 5.26 However, whilst the visual impact is considered to be acceptable, of greater concern to Officers is the fact that because the second turbine is unauthorised, there are no conditions requiring the wind turbine to be removed and the land restored either within 25 years or sooner if it ceases to produce electricity. Without these conditions the turbine can be retained on a permanent basis even if it is no longer operational. The conditions therefore safeguard the long term landscape setting of the site and the general character and amenities of the area should the environmental benefits of the development cease. The ability to ensure the

removal of the turbine in the future is a matter that could be overcome by conditions imposed on a retrospective application, but in the absence of such an application the planning harm caused by the potential permanent retention of the second turbine beyond its lifetime is a reason to take formal enforcement action.

Impact on the setting & significance of heritage assets

- 5.27 With respect of heritage assets, Lane Side Farmhouse is a Grade II listed building situated approximately 600m to the North West of the application site. The second turbine is sited on the brow of the agricultural field and is visible from this building and as such falls within its setting. However, given the separation distances involved combined with the changes in topography the additional turbine would simply be a peripheral part of the setting of the heritage asset. Therefore, it is not considered that the unauthorised turbine erodes the understanding or appreciation of its significance. It is acknowledged that located to the north and north east of the unauthorised turbine are a number of additional listed buildings with the nearest being identified as Deep Head Dale, however, given the separation distances, topography and intervening planting the unauthorised turbine would not have a negative impact on these listed buildings, their setting or their significance. It is therefore considered that the alternative location of the turbine does not have a harmful impact on the setting of these listed buildings.

Impact of the development on the amenities of neighbouring properties

- 5.28 The representation from East Thornber states that the unauthorised second turbine results in increased turbine noise when the wind comes from behind the turbines towards East Thornber.
- 5.29 With regards to the noise nuisance being caused by the second turbine, the Council's Environmental Protection Team made comments during the consultation period for planning application 36/2014/14934 and as a result condition 7 was attached to the decision (see Appendix B). Had planning approval 36/2014/14934 been implemented, information was required to be submitted (in the form of a discharge of condition application for condition 7) prior to erection to prevent noise nuisance. An application (36/2014/15589) was submitted to discharge condition 7 of planning approval 36/2014/14934 but it was refused as insufficient details were submitted.
- 5.30 During the Council Officer's visit on 13th October 2015, there was no obvious noise nuisance but it was verbally explained by objectors that when experienced, the noise was similar to a heavy item going round in a tumble dryer, a systematic thudding. To date there has been no submission providing adequate information about how noise nuisance will be prevented from the second wind turbine and this remains an area of concern to Officers.
- 5.31 In conclusion, Officers cannot support the retention of the second turbine in its current location as the potential planning harm that has been raised by the affected local community has not been properly addressed through the planning process. This is a matter that could potentially be overcome by conditions imposed on a retrospective application, but no such application has been submitted. This is

therefore a factor to be taken into account in determining whether formal enforcement action should be taken.

Impact of the development on ecology

- 5.32 An assessment was made of the approved position of the second turbine but no information has been submitted to make a similar assessment with regards to its actual position. It is anticipated that the revised location results in little difference in ecological terms, but this has not been confirmed.

Highway safety

- 5.33 NYCC has been consulted and has raised no objection to the second turbine. Therefore it is considered acceptable in terms of highway safety.

Telecommunications

- 5.34 Wind turbines have the potential to affect electromagnetic transmissions, including TV and radio signals and telecommunications. In this instance JRC does not foresee any potential problems based on known interference scenarios and the data that has been provided. This is based on the second turbine being the WTN 250KW with a tip height of 45m, the height and model has not been confirmed.

The ability to erect a third turbine

- 5.35 As the turbine has not been erected in the position approved by Planning Ref. 36/2014/14934 this planning permission for a second turbine has not been implemented. It is therefore possible that the developer could erect a third wind turbine at the site at the approved location for Planning Ref. 36/2014/14934. Such an outcome would not be acceptable.
- 5.36 Council Officers invited the applicant to submit a retrospective planning application to retain the unauthorised wind turbine. It was suggested that the application should be accompanied by a formal commitment (possibly achieved by a S106 Legal Agreement) that the developers would:-
- not oppose/seek compensation for the revocation of the existing planning permission 36/2014/14934 (to avoid 3 turbines being erected on site).
 - pay the Council's reasonable legal costs for revoking planning permission 36/2014/14934, and
 - agree to and comply with the planning conditions previously imposed
- 5.37 A retrospective application accompanied by such a commitment has not however been made. Therefore it is not possible for the Local Planning Authority to prevent the implementation of 36/2014/14934 and prevent the erection of a third turbine (without risking claims for compensation for revoking the permission). This is a matter that could potentially be overcome by a S.106 attached to a retrospective application, but no such application has been submitted. This is therefore a factor to be taken into account in determining whether formal enforcement action should be taken.

Conclusions

- 5.38 Paragraph 14 of the NPPF sets out that at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development. It advises that where the development plan is absent or silent (as is the case here) that planning permission should be granted 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.
- 5.39 In this instance the benefits of the development proposal is principally the benefit of renewable energy development and helping to support the transition to a low carbon future. This is an important consideration in the assessment of the application and significant weight should be attached to it.
- 5.40 However there are numerous dis-benefits. Firstly, whilst in Officers view the visual impact on the landscape is acceptable it could only be made acceptable by the imposition of planning conditions that would ensure the removal of the turbine at the end of its lifespan or should it no longer be required for electricity generating purposes. In the absence of a retrospective planning application enforcement action is considered necessary to resolve this matter.
- 5.41 Secondly, the applicant is still entitled to implement the turbine approved by planning ref. 36/2014/14934. The establishment of a third turbine on the site would in Officers view have an unacceptable impact on the landscape. This existing permission cannot be revoked without the Council risking a claim for compensation against it and therefore in the interests of protecting the landscape enforcement action is considered necessary to ensure that 3 turbines are not established in the landscape.
- 5.42 Thirdly, the potential noise nuisance impacts and ecological impacts are not properly addressed and cannot be addressed without the imposition of planning conditions. Therefore in absence of a retrospective planning application enforcement action is considered necessary to resolve these matters.
- 5.43 Finally, the Planning Practice Guidance and ministerial statement from 18 June 2015 need to be considered. These suggest that the Local Planning Authority should only grant planning permission if planning impacts resulting from new turbine development that are identified by local communities have been fully addressed and the development therefore has the backing of the local community. In this case the consultation undertaken suggests that the proposal does not have the backing of the local community. The local community has in fact raised wider issues of concern than Council Officers, it is not the case that the issues of concern that have been raised have been fully addressed, and therefore it cannot be concluded that the development has the backing of the local community. The Planning Practice Guidance and ministerial statement from 18 June 2015 therefore very clearly suggest that the unauthorised turbine should not be accepted and consequently enforcement action should be taken to secure its removal.
- 5.44 It is therefore considered that having regard to Paragraph 14 of the NPPF that the adverse impacts of the unauthorised development significantly and demonstrably

outweigh the benefits. It is therefore considered necessary to take enforcement action to require the removal of the turbine.

The fall-back position

- 5.45 Having reached the conclusion that the unauthorised turbine is unacceptable, and that enforcement action should be taken, it is also necessary to consider the fall-back position. The fall-back position is essentially the works that the applicant can do anyway. In this instance the fall-back position is that even if the Council was to take enforcement action to require the removal of the unauthorised turbine the applicant could implement the scheme approved by 36/2014/14934 anyway.
- 5.46 The fall-back position is a material consideration in the decision of whether or not to take enforcement action. The Local Planning Authority should ask itself the question of whether enforcement action is necessary given the rights the developer has to erect a wind turbine in a very similar location anyway. Would enforcement action achieve anything of great benefit?
- 5.47 The weight to be attached to the fall-back position in the decision making process is influenced by whether the fall-back position is a realistic possibility. If the likelihood of the fall-back position occurring is small then little weight should be given to the fall-back position in the decision making process. In this instance the likelihood of the fall-back position occurring is high. An existing permission is in place for a turbine, and the turbine is already on site in the general vicinity of where it should be erected. It therefore seems very likely that if enforcement action is taken that the turbine will be re-sited rather than removed from the site entirely. The fall-back position is therefore an important consideration.
- 5.48 However, even taking the fall-back position into account it still considered that enforcement action is necessary. Without taking formal enforcement action it is not possible to control or address a number of important matters that rely on formal action being taken (such as preventing 3 turbines being present on site and, ensuring the removal of the turbine once it has reached the end of its useful lifespan, and ensuring the recently introduced need to ensure that the development has the backing of the Local Community is complied with).
- 5.49 It is therefore recommended that Members resolve to consider that it is expedient to take formal enforcement action and that an Enforcement Notice is served on the applicant requiring the second turbine to be removed and the land reinstated to its original condition within three months from the date that the notice takes effect.

6. Implications

- 6.1 **Financial and Value for Money (vfm) Implications** – As is always the case with such matters should an enforcement notice be served an appeal against the notice may be made. Financial costs would be incurred defending the Council's case. Such costs are normally small and can be accommodated by the existing budget provision for Planning Services, however there is a risk that higher additional costs could be incurred and these would require a supplementary estimate to be approved by the Policy Committee.

Version No	AGENDA ITEM
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6.2 **Legal Implications** – None other than those indicated elsewhere in the report.

6.3 **Contribution to Council Priorities** – N/A

6.4 **Risk Management** – N/A

6.5 **Equality Impact Assessment** – N/A

7. **Consultations with Others** – Financial Services, Legal Services, and other external consultees as included at section 5.2 to 5.12 of this report.

8. **Access to Information : Background Documents** – Planning application file ref. 36/2014/14934

9. **Author of the Report** – Cathy Dakin, Planning Enforcement Team Leader, telephone 01756 706447, e-mail: cdakin@cravendc.gov.uk

Note: Members are invited to contact the author in advance of the meeting with any detailed queries or questions.

10. **Appendices**

Appendix A – Plan indicating the approved locations of the turbine under Planning Ref. 36/2014/14934, the location of the unauthorised turbine, and the location of the turbine previously erected and approved under planning ref. 36/2011/12044.

Appendix B – The Decision Notice for Planning Ref. 36/2014/14934.

Planning Ref. 32/2015/16220

Proposal. Proposed residential development of three, two storey, two bedroom town houses starter homes with associated off street parking.

Additional Information Received

1 letter of representation from Mr Sanderson the Flood Warden for Shielings Estate concerning the importance of maintaining a storage facility for sandbags.

Amendments to the Report or Recommendation

None necessary.

Enforcement Ref. 2079/2015

Development. Alleged unauthorised wind turbine at West Thornber, Wigglesworth.

Additional Information Received

Following the publication of the Enforcement Report the applicant has indicated that they will submit an application for the wind turbine and this application will be submitted before the end of December 2015. The applicant also asked that the report be taken off the Committee Agenda to allow this process to take place.

Officers have written to the applicant and welcomed the offer to make an application in principle, but declined to take the report off the Committee agenda. In Officers opinion more than adequate opportunity has already been given to the applicant to make an application and they are concerned about further delay in the process. However, this matter is brought to Committee Members attention should they choose not to accept Officers recommendation.

Amendments to the Report or Recommendation

N/A

- engaged in pre-application discussions.
- accepted additional information / changes to the scheme post validation. (*)

Note : During the course of the discussion a motion to refuse this application was lost.

(Councillor Green informed the Committee that his family owned land adjacent to the South Skipton Site but having considered his position was of the view that this had no effect in terms of a need to declare an interest.)

(Councillor Harbron drew the Committee's attention to his appointment as the Council's representative to the Coulthurst Craven Sports Centre which had submitted representations in respect of the above application, having considered his position he did not declare an interest.)

(*Representations received were reported within the case officer's report / were reported at the meeting.)

PL.777

PLANNING ENFORCEMENT

The Strategic Manager for Planning and Regeneration submitted details of enforcement cases closed, and new enforcement complaints registered in the period 1st to 31st October 2015.

PL.778

ERECTION OF UNAUTHORISED WIND TURBINE - WEST THORNER

The Strategic Manager for Planning and Regeneration submitted a report seeking a decision as to whether the Committee considered it expedient to take formal enforcement action in respect of a wind turbine erected at West Thornber, Wigglesworth.

Members were reminded that in September 2012 consent had been granted for the erection of a wind turbine at West Thornber Farm, that turbine had been erected, and in February 2015 consent had been granted for a second turbine. Unfortunately that second turbine had been erected away from its approved location and was therefore considered to be unauthorised development. In the absence of a retrospective application the currently unauthorised turbine could not be made the subject of planning conditions, for example relating to removal at the end of its lifespan and measures to mitigate potential noise nuisance. The applicant was also still entitled to implement the consent granted in February 2015, potentially resulting in three turbines on the site and an unacceptable impact on the landscape.

The Development Control Manager stated that only minutes before the start of the meeting he had been informed by the applicant's representative that an application seeking to regularise the situation had been submitted, it was therefore recommended, and

Resolved – That formal enforcement action is taken to require the removal of the unauthorised second wind turbine at West Thornber Farm, Wigglesworth should the retrospective application received on 24th November 2015 not be validated promptly or be refused by the Local Planning Authority.

(Councillor Mason informed the Committee that the applicant was known to him, but not to such a degree as to warrant a declaration under the Council's Code of Conduct.)

PL.779

AFFORDABLE HOUSING CONDITION

The Strategic Manager for Planning and Regeneration submitted a report drawing the Committee's attention to the impact of Government budget decisions on the ability of registered providers to



IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY

TOWN & COUNTRY PLANNING ACT 1990
(as amended by the Planning & Compensation Act 1991)

ENFORCEMENT NOTICE

ISSUED BY: **Craven District Council**

1. **THIS NOTICE** which is issued by the Council because it appears to them that there has been a breach of planning control, within paragraph (a) of s171A (1) of the above Act, at the land described below. They consider that it is expedient to issue this notice, having regard to the provisions of the development plan and to other material planning considerations. The Annex at the end of this Notice and the enclosures to which it refers contain important additional information.

2. **THE LAND TO WHICH THE NOTICE RELATES**

Land adjacent to West Thornber Farm, Wigglesworth, BD23 4RS

as shown edged red on the attached plan (the Land).

3. **THE BREACH OF PLANNING CONTROL ALLEGED**

Without planning permission the erection and installation of a 250KW wind turbine with a tip height of 45m, concrete base, associated cabling and hardcore access track

4. **REASONS FOR ISSUING THIS NOTICE**

The erection and installation of a 250KW wind turbine with a tip height of 45m, concrete base, associated cabling and hardcore access track is development which in the absence of planning permission is unauthorised and a breach of planning control

It appears to the Council that the above breach of planning control has occurred within the last 4 years

The Council is of the opinion that the turbine

- i. results in unacceptable harm to the long term appearance of the local landscape, in particular as there is no requirement to remove the turbine from the land the turbine may remain after it has ceased to be used for electricity generation and/or has deteriorated in appearance

- ii. based on the information available results in unacceptable risk from or adverse effects from unacceptable levels of noise pollution (amplitude modulation) and;
 - iii. based on the information available would in combination with both the erected authorised turbine and the turbine permitted under planning permission reference 36/2014/14934 (that has not been erected) result in unacceptable harm to the character and appearance of the local landscape
 - iv. does not have the backing of the local community
- and accordingly is contrary to the requirements of Saved Policy ENV1 of the Craven District (outside the Yorkshire Dales National Park) Local Plan, the National Planning Policy Framework, Planning Practice Guidance and Written Ministerial Statement (HCWS42) 18 June 2015.

5. POLICIES AND PROPOSALS IN THE DEVELOPMENT PLAN RELEVANT TO THE DECISION TO ISSUE THIS NOTICE

Development Plan policies of relevance include:

ENV1 Craven District (Outside the Yorkshire Dales National Park) Local Plan

The Council will protect the character and quality of the open countryside from being spoilt by sporadic development by defining development limits. Small scale development appropriate for the enjoyment of the scenic qualities of the countryside and other appropriate small scale development having a rural character will only be permitted in the open countryside 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.*

Large scale development in the open countryside will only be permitted where it is demonstrated that there is an overriding need for the proposal due to the requirements of the utility services, transport, minerals supply or national security.

National Planning Policy Framework

6. WHAT YOU ARE REQUIRED TO DO

Within four months from the date that the notice takes effect, you are required to:

- 6.1 permanently remove the wind turbine, concrete base, associated cabling and hardcore access track from the Land
- 6.2 make good any damage caused to the Land resulting from compliance with step 6.1 above
- 6.3 permanently remove from the Land all debris resulting from compliance with steps 6.1 and 6.2 above

7. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on 20 April 2016 unless an appeal is made against it beforehand.

Dated: 11th March 2016

Signed:.....

Chief Executive
on behalf of Craven District Council

Council Offices
1 Belle Vue Square
SKIPTON
BD23 1FJ

EXPLANATORY NOTE

Craven District Council has issued an enforcement notice relating to land at adjacent to West Thornber Farm, Wigglesworth, BD23 4RS and I now serve on you a copy of that notice as you have an interest in the land. Copies of the notice are also being served on the parties listed at the end of this letter who, it is understood, also have an interest in the land.

There is a right of appeal to the Secretary of State (at The Planning Inspectorate) against the notice. Unless an appeal is made, as described below, the notice will take effect on 20 April 2016 and you must then ensure that the required steps, for which you may be held responsible, are taken within the period specified in the notice.

Please find enclosed an information sheet from The Planning Inspectorate which tells you how to make an appeal.

If you decide that you do want to appeal against the enforcement notice you must ensure that you send your appeal so that it will be delivered by post/electronic transmission to the Secretary of State (at The Planning Inspectorate) before 20 April 2016.

Under section 174 of the Town and Country Planning Act 1990 (as amended) you may appeal on one or more of the following grounds:

- (a) that, in respect of any breach of planning control which may be constituted by the matters stated in the notice, planning permission ought to be granted or, as the case may be, the condition or limitation concerned ought to be discharged;
- (b) that those matters have not occurred;
- (c) that those matters (if they occurred) do not constitute a breach of planning control;
- (d) that, at the date when the notice was issued, no enforcement action could be taken in respect of any breach of planning control which may be constituted by those matters;
- (e) that copies of the enforcement notice were not served as required by section 172;
- (f) that the steps required by the notice to be taken, or the activities required by the notice to cease, exceed what is necessary to remedy any breach of planning control which may be constituted by those matters or, as the case may be, to remedy any injury to amenity which has been caused by any such breach;
- (g) that any period specified in the notice in accordance with section 173 (9) falls short of what should reasonably be allowed.

Not all of these grounds may be relevant to you.

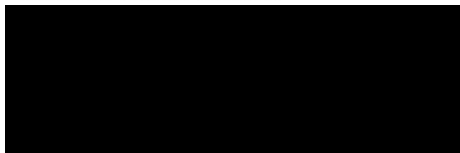
If you appeal under Ground (a) of section 174 (2) of the Town and Country Planning Act 1990 (as amended) this is the equivalent of applying for planning permission for the development alleged in the notice and you will have to pay a fee of £770.00 to Craven District Council. Joint appellants need only pay one set of fees.

If you decide to appeal, when you submit it, you should state in writing the ground(s) on which you are appealing against the enforcement notice and you should also state briefly the facts on which you intend to rely in support of each of those grounds. If you do not do this when you make your appeal the Secretary of State will send you a notice requiring you to do so within 14 days.

Also enclosed is a copy of sections 171A, 171B and 172 to 177 of the Town and Country Planning Act 1990 (as amended).

Parties on whom a copy of the enforcement notice has been served:

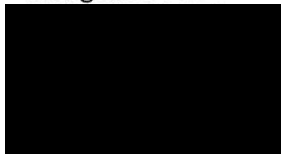
Simon John Moon



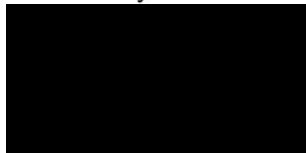
Helen Mary Moon



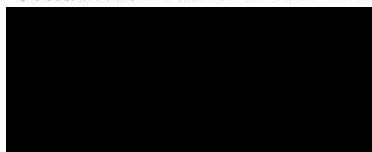
Margaret Jane Moon



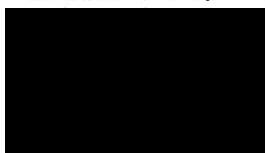
John Royals Moon

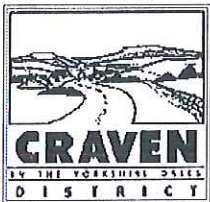
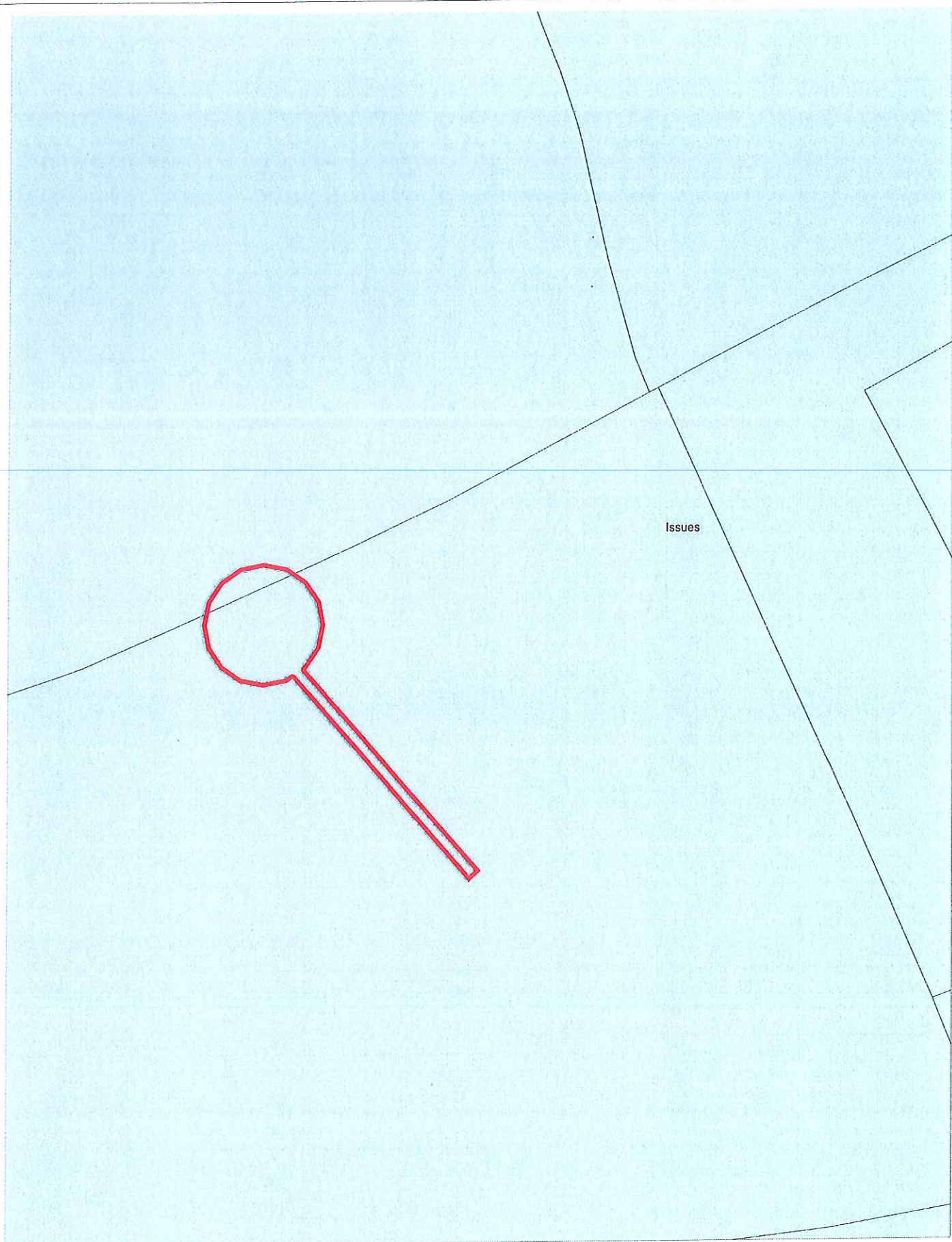


National Westminster Bank Plc



Charles Scrope Edward Yorke





Unauthorised Wind Turbine - ENF 2079/15

at West Thornber, Wigglesworth BD23 4RS

SCALE : 1:1250

Based on Ordnance Survey Mapping

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Drawing Issued By: LM
7th December 2015

WARD AND APPLICATION No.	PROPOSED DEVELOPMENT AND SITE ADDRESS
INGLETON & CLAP 45/2016/17387	CONSTRUCTION OF FOUR DETACHED DWELLINGS WITH ASSOCIATED OFF STREET PARKING.
	LAND OFF MAIN STREET, INGLETON.
	APPLICANT NAME: MR BRENNAN TARGET DECISION DATE: 25/11/2016 CASE OFFICER: Andrea Muscroft

Members deferred consideration of application (ref: 45/2016/17013) for this site at the Planning Committee meeting on 31th August 2016 to allow the applicant time to address its concerns regarding the number of proposed accesses onto Main Street. Application 45/2016/17013 remains undetermined.

This application (ref. 45/2016/17387) is an alternative proposal that seeks to address the concerns of the Planning Committee. It is referred to Planning Committee as it is a repeat application that has previously been considered by the Committee.

1. Site Description

- 1.1 The application relates to a parcel of land covering an area of approximately 0.53ha. However, due to the position of sewers on the site only 0.28ha of the site is proposed for development.
- 1.2 The topography of the site is mainly flat with the exception of land to the east of the site which rises upwards. The majority of the site lies adjacent to Main Street and Laundry Lane with a further section opening onto Croft Road. The site is surrounded by residential dwellings of differing ages, styles and scale with the majority set back from the roadside behind low level boundary walls.
- 1.3 A PROW (ref: 05.26/36/1) runs east to south across the site.
- 1.4 The site lies within the development limits of Ingleton and has been identified by the Coal Authority as being a development low risk area.

2. Proposal

- 2.1 The proposal is seeking consent for four detached dwellings with associated off street parking.
- 2.2 The previous application ref: 45/2016/17013 was deferred at Planning Committee to allow the applicant to address concerns in relation to the number of vehicle accesses onto Main Street.
- 2.3 The revised proposal reduces the number of vehicle access from four to two. One directly onto Laundry Lane and one directly onto Main Street. As a consequence of the amendments there have been some minor alterations to the site layout including Plot 1 being repositioned approx. 2.5m westwards.
- 2.4 The proposal is supported by the following documentation:
 - Site Location Plan.
 - Site Layout Plan.
 - Elevation Drawings for plots 1 - 4.
 - Floor Plans for plots 1 – 4.

- Elevation Drawings for detached garages.
- Cross Sections through the site.
- Constraints Plan.
- Plot Boundaries Plan.

3. Planning History

- 3.1 45/2016/17013 – Four self-build dwelling plots with associated off street parking – Deferred by Planning Committee 31st August 2016. Application undetermined.

4. Planning Policy Background

- 4.1 Saved Policies H3 & 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 **Ingleton Parish Council:** No comments received at the time of writing. With respect to the previous application the Parish Council commented that the number of vehicular access points should be reduced, and raised concerns about flood risk and the loss of green space.

6. Consultations

- 6.1 **Electricity Northwest:** It is noted that the development could have an impact on our infrastructure. Therefore, it is considered appropriate to include a number of informatives advising the applicant on their responsibilities should the Council be minded to approve the proposal.
- 6.2 **North Yorkshire Public Rights of Way Officer:** Recommends an informative with regards to the adjacent Public Rights of Way.
- 6.3 **NYCC Highways Authority:** No objection subject to use of appropriate conditions.
- 6.4 **The Ramblers Association:** It is suggested that land bordering the footpath is dedicated for public access with an appropriate condition, as so much of the previously open aspects of the fields of the village have now been built upon.
- 6.5 **United Utilities:** No objection to the proposal subject to the use of appropriate conditions. The applicant is advised that several public sewers cross the site and we may not permit building over them. We require an access strip width of 8m, 4m either side of the centre line of each sewer.

7. Representations

- 7.1 The proposal was advertised in the Craven Herald on the 13th October 2016 and a site notice was posted adjacent to the site on the 14th October 2016. In addition, notification letters were distributed to neighbouring properties. As a consequence of the publicity a total of 2 letters have been received. Comments have been summarised below:-

7.2 **Amenity.**

- Concern that the proposal would have a detrimental impact upon business amenities due to loss of on street parking.

7.3 Highway issues

- Proposed drop kerb will have an adverse impact on our guest parking on the road.
- Concern that the proposal would reduce the level of on street parking.

7.4 Drainage

- Concern that the proposal would increase the risk of flooding.

7.5 Other issues.

- The planning permission could be extended from four to eight or ten houses.

7.6 One letter of support.

- Site appears to be well laid out with homes designed to reflect existing properties.
- Request that a condition is attached to ensure soft landscaping is undertaken as indicated on submitted plans.
- Recommend that all services should be underground.

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.

8.5 Other issues.

9. Analysis

Principle of development.

- 9.1 The application site lies within the development limits of Ingleton and therefore Saved Policy H3 applies. Policy H3 is supportive of residential development where it involves infilling, small scale conversions, small scale development of neglected, derelict or under used land or the redevelopment of land or premises subject to meeting a set criteria. These include that new development will not result in the loss of or damage to spaces identified as important to the settlement character; would not result in the loss of land of recreation or amenity value, such as parks, playing fields, playgrounds, informal open space or allotments. These are general planning considerations, broadly in line with the NPPF.
- 9.2 As the Local Plan was adopted in 1999 it was not prepared under the Planning & Compulsory Purchase Act 2004. Paragraph 215 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 new Framework.
- 9.3 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.

- 9.4 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.
- 9.5 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.
- 9.6 The site has been identified as a 'potential site option' (ref: IN015) for housing development by the Council's second informal pre-publication draft of the new Local Plan for the District (5th April 2016). Notwithstanding this, the policy and potential allocations within this emerging plan can be given very limited weight in the decision making process. Members are advised that the Council's decision on this specific application must be considered on its own merits having regard to the relevant national and Saved Local Plan policies currently in force.
- 9.7 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. 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 village nearby.
- 9.8 The application site forms part of a field comprising of rough grassland. It is bounded to the west and north by a stone boundary wall with residential dwellings beyond. To the east the and north the site is bounded by established residential dwellings with the exception of a gated access directly onto Croft Road. The site lies within close proximity to the centre of Ingleton which has a range of services and facilities including shops, public house, nursery/primary schools and community centre. The settlement also has a bus service connecting Ingleton with neighbouring villages and towns. The site is therefore considered to be a sustainable location for residential development.
- 9.9 Turning to the three dimensions to sustainable development, economic, social and environmental as defined by the NPPF, it is recognised that the proposed development of this site would provide economic benefits associated from new housing development including the provision of construction jobs and from future residents of the proposed dwellings. In addition, the proposal would provide some social benefits and help to support the vitality of the rural community.
- 9.10 Nevertheless the proposal would result in the partial development of an open field and therefore the environmental dimension of sustainable development is a consideration. In addition, local residents have indicated that the site is considered to be a valued landscape. The site lies outside of the designated conservation area of Ingleton and has not been identified as being an important open space in the Local Plan. It is acknowledged that the development of this site would change the character of this site to an urban environment but it loss is not considered unacceptable and would be preferable to new residential development in the open countryside.

- 9.11 In conclusion, the application site is located within the development limits of Ingleton, as defined by the 1999 Local Plan. Consequently, in principle, residential development at this location is capable of forming sustainable development.

Visual impact of development

- 9.12 The NPPF states that LPA's should aim to ensure that developments function well and add to the overall quality of the area, optimising the potential of the site to accommodate development. It also states that development should respond to local character and history and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation. It also states that whilst visual appearance and the architecture of individual buildings are very important 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.
- 9.13 The application site lies directly adjacent to Main Street and comprises of a parcel of land devoid of any trees and as such when travelling along Main Street and Laundry Lane there are clear views of the site. In addition, due to changes in topography the land climbs eastwards and as such part of the site is in an elevated location.
- 9.14 Due to a number of sewer easements located within the site the proposal is only seeking to develop part of the site with the construction of four detached dwelling with associated off street parking.
- 9.15 Although it is acknowledged that within the surrounding area there are a couple of single storey buildings the majority of buildings are two storey. Therefore, to ensure that the new buildings harmonise well with the surrounding character the proposed buildings would be two storey in height. In addition, to ensure that the buildings do not appear overtly dominant the site will be excavated to ensure that the proposed eaves are positioned lower to those on No. 53 Main Street located adjacent to the site.
- 9.16 Turning to the detailing of the proposed dwellings, the surrounding area comprises of a mixture of differing periods and styles of building and as such there is no dominant detailing present within the street scene. As such the proposal has been designed to incorporate some of the detailing within the street such as window and door proportions reflecting those within the street. The proposed dwellings have a good solid to void ratio giving the buildings a strong appearance.
- 9.17 The proposal would also see the construction of attached and detached single storey garages. These have been designed to be sympathy with the surrounding area and thus would not appear intrusive within the wider street scene.
- 9.18 In addition, the buildings would be constructed from a similar palette of materials to those used in the adjacent dwellings thus ensuring that the proposal harmonise well with the surrounding area.
- 9.19 It is acknowledged that to facilitate the proposal two new opening are proposed within the existing stone boundary wall. However, it was noted during a site visit that a number of nearby dwellings have already removed sections of walling to create off street parking and as such it is not considered that these works would have an unacceptable visual impact on the existing street scene.
- 9.20 With regards to soft landscaping the proposal is seeking to provide grassed areas to the front and rear with the additional planting of trees/shrubs. With regards to the proposed hard standing no details have been submitted. However, notwithstanding this, it is considered that this could be controlled through the use of an appropriate condition and is not a reason for a refusal.

- 9.21 In conclusion, it is considered that the proposal to develop this parcel of land for housing could be developed in a way that would visually relate to the existing character of the area. Furthermore, any potential landscape, once matured would ensure an attractive and pleasing residential development. It is therefore considered that the proposal meets the aims of the NPPF and requirements of Saved Policy H3 of the Craven District (Outside the Yorkshire Dales National Park) Local Plan.

Impact of development on the amenity of neighbouring properties.

- 9.22 Within the Core planning principles of the NPPF paragraph 17 it states that the planning system should, amongst other things, “always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
- 9.23 The nearest dwelling to the proposed development is No. 53 Main Street which would be located approximately 14m from the side gable of Plot 1 separated from the site by an existing boundary wall. Drawings submitted indicate that the side elevation of Plot one would contain two windows at ground floor level serving the lounge and two windows at first floor level serving the En-suite and family bathroom. Whilst the proposal would result in some overlooking this would be limited to the rear amenity area which is partially screened by the existing boundary wall and a group of mature trees. It is therefore not considered that the proposal would result in any unacceptable loss of privacy to the occupiers of this dwelling. Similarly, the proposed development due to its position north of No. 53 would not result in any unacceptable overshadowing or obstruction of habitable windows. Finally, due to the orientation of No. 53 the proposal would not appear overtly dominant or overbearing when viewed from the side windows to this dwelling.
- 9.24 The next nearest dwellings are Millstone and The Croft both located to the east and southeast of the proposed development. Due to the constraints of the site the proposed development would be positioned in excess of 30m from these dwellings. As such the proposal would not result in any unacceptable loss of privacy, overshadowing or appear dominant or overbearing when viewed from the habitable rooms and private amenity areas to these dwellings.
- 9.25 With regards to the potential impact of the development on the remaining residential dwelling located along Main Street and Laundry Lane it is considered that the separation distances of approx. 27m > 35m are sufficient to ensure that the occupiers of these dwellings do not suffer any adverse impact as a consequence of any subsequent approval.
- 9.26 Local residents have expressed concerns over potential noise nuisance due to future occupants using their private amenity areas. The site is located within a residential area and as such it is not considered that the use of these private amenity areas would result in any unacceptable increase in noise nuisance to warrant a refusal.
- 9.27 The submitted drawings show that the proposed dwellings would provide sufficient residential accommodation to meet the needs of any future occupiers of these dwellings. Furthermore, each dwelling would have its own private amenity area.
- 9.28 It is therefore considered that the revised scheme would not result in any unacceptable loss of privacy or amenity of existing nearby neighbouring properties and would provide acceptable residential accommodation for any future occupiers of these dwellings. It therefore meets the aims and objectives of the NPPF that seeks to ensure a high quality of amenity for all existing and future occupiers of development.

Highway Issues.

- 9.29 T2 are permissive of development proposals that are appropriate to the highway network where, amongst other things, they do not generate traffic volumes in excess

of the capacity highway network; any new or greater use of an access onto a primary, district or local distributor road is acceptable in terms of design and road safety; and, regard is paid to the highway impact and potential for improvement to the surrounding landscape.

- 9.30 Section 4 of the NPPF contains guidance on transport and land use planning, including the promotion of sustainable transport choices and reducing travel by car.
- 9.31 Paragraph 32 of the NPPF states that: 'Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe'.
- 9.32 The revised proposal would create two vehicle/pedestrian accesses one directly onto Main Street and one onto Laundry Lane. Submitted plans show the inclusion of turning area and off street parking. This is considered sufficient to meet the requirements of Saved Policy T2 of the Local Plan.
- 9.33 Representations have been made relating to the loss of on street parking and the new access points to the dwellings would restrict parking on the highway. It is acknowledged that the proposal may result in some inconvenience for local residents who use the public highway for parking on a regular basis. However, parking on the public highway cannot be treated as 'private' parking spaces.
- 9.34 NYCC Highway Authority has been consulted and has raised no objections only specifying the use of appropriate conditions to be attached should the proposal be granted planning permission. Therefore, it is considered that subject to the attachment of appropriate conditions the site could be developed without detriment to highway safety.

Drainage.

- 9.35 Local residents have expressed concerns about the ability of the site to be drained both with respect to surface water and foul drainage. The site is not identified by the Environment Agency as being within flood plain or an area of flood risk.
- 9.36 Details submitted indicate that foul water would be disposed via the main sewer. United Utilities have been consulted and have raised no objection subject to the use of appropriate conditions.
- 9.37 With regards to concerns relating to surface water details supplied indicate that a soakaway would be incorporated into the site layout with regards to dealing with surface water. Whilst no further details have been supplied it is considered that the use of an appropriate condition can be attached to resolve in details this issue.

Other issues.

- 9.38 Concerns have been raised over the lack of infrastructure in Ingleton to cope with increased housing. In particular it has been stated that the local school cannot accommodate any more pupils. 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.
- 9.39 Whilst acknowledging comments expressing concern over the growth of the village it is the officers opinion that a proposal of this scale would not significantly impact on the village to warrant a refusal.
- 9.40 With regards to comments about increasing land value this is not a material planning consideration and will not form part of the assessment of this application.

Conclusion.

- 9.41 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.

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

10. Recommendation

- 10.1 To grant planning approval subject to the following conditions

Conditions

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

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

2. The approved plans comprise Plan Numbers

1434DH/IVI/LP01 '**Location Plan**' received by the Local Planning Authority on the 30th September 2016.

1434DH/IVI/CP-01 Rev C '**Constraints Plan**' received by the Local Planning Authority on the 30th September 2016.

1434DH/IVI/PL01 Rev C '**Planning Layout colour coded plan**' received by the Local Planning Authority on the 30th September 2016.

1434DH/IVI/PL01 Rev C '**Planning Layout**' received by the Local Planning Authority on the 30th September 2016.

1434DH/IVI/PB-01 Rev C '**Plot boundary Plan**' received by the Local Planning Authority on the 30th September 2016.

1434DH/IVI/P01 Rev B - **SS 'Site Sections'** received by the Local Planning Authority on the 30th September 2016.

1434DH/IVI/P1-EL Rev B '**Elevation drawings for Plot 1**' received by the Local Planning Authority on the 30th September 2016.

1434DH/IVI/P2_4-EL '**Elevation drawings for Plots 2 & 4**' received by the Local Planning Authority on the 30th September 2016.

1434DH/IVI/P3-EL '**Elevation drawings for Plots 3**' received by the Local Planning Authority on the 30th September 2016.

1434DH/IVI/P1- DGP(E) '**Detached garages**' received by the Local Planning Authority on the 30th September 2016.

1434DH/IVI/P1-FP Rev B '**Floor Plan for Plot 1**' received by the Local Planning Authority on the 30th September 2016.

1434DH/IVI/P3-FP '**Floor Plan for Plot 3**' received by the Local Planning Authority on the 30th September 2016.

1434DH/IVI/P1-FP 'Floor Plans for Plots 2 & 4' received by the Local Planning Authority on the 30th September 2016.

The development shall be completed in accordance with the approved plans including the insertion of the stone jambs, heads, cills and stone quoins except where conditions attached to this planning permission indicate otherwise or where alternative details have been subsequently approved following an application for a non-material amendment.

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

3. Notwithstanding the details indicated on the approved plans and supporting documents, prior to their first use details of all the materials, colour and finish 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: In the interest of the visual amenity of the area.

4. Prior to the commencement of development, full details of the hard landscape works shall be submitted to and approved in writing by the Local Planning Authority. These details shall include proposed finished levels, means of enclosure (including the walls surrounding the turning yards) 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. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the access(es) to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements:
 - (i) The details of the access shall have been approved in writing by the Local Planning Authority in consultation with the Highway Authority.
 - (ii) (c) The crossing of the highway verge and/or footway shall be constructed in accordance with the approved details and/or Standard Detail number E6.
 - (iii) Any gates or barriers shall be erected a minimum distance of 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.

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.

6. There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until splays are provided giving clear visibility of 45 metres measured along both channel

lines of the major road Laundry Lane Ingleton from a point measured 2 metres down the centre line of the access road. The eye height will be 1.05 metres and the object height shall be 1.05 metres. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason: In the interests of road safety.

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

Reason: In the interests of road safety.

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

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

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

10. Prior to the commencement of any development, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions shall be submitted to and approved in writing by the Local Planning Authority.

The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards and unless otherwise agreed in writing by the Local Planning Authority, no surface water shall discharge to the public sewerage system either directly or indirectly.

The development shall be completed in accordance with the approved details.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution. This condition is imposed in light of policies within the NPPF and NPPG.

11. Prior to the commencement of the development a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the Local Planning authority and agreed in writing. The sustainable drainage management and maintenance plan shall include as a minimum:
 - a. The arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a Resident's Management Company; and
 - b. Arrangements concerning appropriate funding mechanisms for its ongoing maintenance of all elements of the sustainable drainage system (including mechanical

components) and will include elements such as ongoing inspections relating to performance and asset condition assessments, operation costs, regular maintenance, remedial works and irregular maintenance caused by less sustainable limited life assets or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime.

The development shall subsequently be completed, maintained and managed in accordance with the approved plan.

Reason: To manage flooding and pollution and to ensure that a managing body is in place for the sustainable drainage system and there is funding and maintenance mechanism for the lifetime of the development.

12. Development shall not commence until a scheme detailing provision for onsite parking for construction workers for the duration of the construction period has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented throughout the construction period.

Reason: To ensure the provision of adequate parking arrangements during construction in the interests of highway safety.

Informative

The development is shown to be adjacent to or affect Electricity North West operational land or electricity distribution assets. Where the development is adjacent to operational land the applicant must ensure that the development does not encroach over either the land or any ancillary rights of access or cable easements. If planning permission is granted the applicant should verify such details by contacting Electricity North West, Estates and Wayleaves, Frederick Road, Salford, Manchester M6 6QH.

The applicant should be advised that great care should be taken at all times to protect both the electrical apparatus and any personnel working in its vicinity.

The applicant should also be referred to two relevant documents produced by the Health and Safety Executive, which are available from The Stationery Office Publications Centre and The Stationery Office. Bookshops, and advised to follow the guidance given.

The documents are as follows:-

- HS(G)47 – Avoiding danger from underground services.
- GS6 – Avoidance of danger from overhead electric lines.

The applicant should also be advised that, should there be a requirement to divert the apparatus because of the proposed works, the cost of such a diversion would usually be borne by the applicant. The applicant should be aware of our requirements for access to inspect, maintain, adjust, repair, or alter any of our distribution equipment. This includes carrying out works incidental to any of these purposes and this could require works at any time of day or night. Our Electricity Services Desk (Tel No. 0800 195 4141) will advise on any issues regarding diversions or modifications.

Electricity North West offers a fully supported mapping service, at a modest cost, for our electricity assets. This is a service which is constantly updated by our Data Management Team who can be contacted by telephone on 0800 195 4141 or access the website <http://www.enwl.co.uk/our-services/know-before-youdig!>

It is recommended that the applicant give early consideration in project design as it is better value than traditional methods of data gathering. It is, however, the applicant's responsibility to demonstrate the exact relationship on site between any assets that may cross the site and any proposed development.

Deep rooted shrubs and trees shall not be planted within the canopy width (at mature height) of the public sewer and overflow systems. Trees should not be planted directly over sewers or where excavation onto the sewer would require removal of the tree.

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 offers a fully supported mapping service and we recommend the applicant contact our Property Searches Team on 03707 510101 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.

The applicant is advised that advice regarding permeable and porous hardsurfaces can be found in the Department of Communities and Local Government document 'Guidance on the permeable surfacing of front gardens' which can be accessed on the DCLG website (www.communities.gov.uk)

No works are to be undertaken which will create an obstruction, either permanent or temporary, to the Public Right of Way adjacent to the proposed development.

Applicants are advised to contact the County Council's Access and Public Right of Way Manager at County Hall, Northallerton on 0845 8 727274 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.

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.

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

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

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

Statement of Positive Engagement: -

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

- engaged in pre-application discussions

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

*BENTHAM
08/2016/17369*

*RESERVED MATTERS APPLICATION FOR APPROVAL OF DETAILS
CONCERNING APPEARANCE, LANDSCAPING AND LAYOUT AS
RESERVED IN OUTLINE CONSENT REFERENCE 08/2015/15552*

VACANT SITE, GREENHEAD LANE, LOW BENTHAM.

APPLICANT NAME: MR EDWARD METCALFE

TARGET DECISION DATE: 24/11/2016

CASE OFFICER: Andrea Muscroft

This application is referred to Planning Committee because the original outline application ref: 08/2015/15552 was determined by the Planning Committee.

1. Site Description

- 1.1 The application site relates to a parcel of land that lies directly to the south of Greenhead Lane in Low Bentham. Greenhead Lane ceases to be public highway some way to the east of the application site and is single carriageway width with a hard core surface. The application site is partially covered in gravel hard standing with grass to the southern and western parts. It is surrounded by hedges along the south, west and northern boundaries with a low level wall and timber fencing to the east.
- 1.2 To the east of the application site is a row of 4 terrace dwellings with further dwellings to the north and dwellings further along Greenhead Lane to the west. The village of Low Bentham is located to the east and is characterised by a mix of terraced, semidetached and detached dwelling in a variety of ages and styles. To the rear of the site (south) the land is currently open fields.
- 1.3 A Public Right of Way runs along Greenhead Lane adjacent to the application site and another runs from west to southeast behind the site.
- 1.4 The application site is located outside of the development limits of Low Bentham and therefore lies on land classified as open countryside. The site is also within a Low Risk Area for previous Coal Development

2. Proposal

- 2.1 Outline planning permission for one detached dwelling was granted conditional approval by the Planning Committee on the 6th July 2015. Details approved at that time were the scale and means of access of the development.
- 2.2 Matters reserved for further consideration and approval comprise the appearance, landscaping and layout of the development. The application is seeking approval for these reserved matters.
- 2.3 The proposed dwelling shown on the submitted drawing would be two storey and would be external finished in natural stone, with natural stone cills and lintels under a natural slate roof. Proposed windows would be powder coated aluminium with external doors of English oak construction.
- 2.4 The landscaping proposal states that garden areas to be grassed. The northern boundary would comprise of a stone wall with an existing timber vertical fencing along the eastern boundary. Hardstanding includes stone paving and tarmac to parking and turning areas.

3. Planning History
 - 3.1 05/8/434 – Outline application for the erection of dwelling at Green Head Cottages – Refused October 1988.
 - 3.2 08/2014/14883 – Outline planning permission for the construction of a detached four bedroom dwelling with integral double garage including access – Withdrawn September 2014.
 - 3.3 08/2015/15552 - Outline planning permission for the construction of a detached four bedroom dwelling/integral double garage with details relating to scale and access included for consideration. (All other matters reserved for subsequent application). (resubmission of withdrawn application 08/2014/14883) – Approved July 2015.
4. Planning Policy Background
 - 4.1 The National Planning Policy Framework – NPPF.
 - 4.2 Planning Practice Guidance – PPG.
 - 4.3 Saved Local Policies ENV1, ENV2, and T2 of the Craven District (outside the Yorkshire Dales National Park) Local Plan.
5. Parish/Town Council Comments
 - 5.1 Bentham Parish Council: No comments received at the time of compiling this report.
6. Consultations
 - 6.1 NYCC Highways Authority: No objection subject to the use of appropriate conditions.
7. Representations
 - 7.1 No third party representations received at the time of compiling this report.
8. Summary of Principal Planning Issues
 - 8.1 Whether the appearance, landscaping and layout of the development is acceptable having regard to the design parameters set out in the outline application, and the requirement for good design as set out in the NPPF.
9. Analysis

Principle of development

 - 9.1 The principle of residential development on this site was established in July 2015 (Ref: 08/2015/15552); which also approved the means of access to the site from Greenhead Lane and the scale.

Appearance

 - 9.2 The NPPF places a strong emphasis on good design within its policy guidance. Section 7 of the NPPF entitled ‘Requiring good design’ sets out a number of policies which support the delivery of good design. Importantly, design quality is a ‘core principle’ identified in paragraph 17 and Paragraph 56 goes onto confirm “good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people”. In paragraph 64 it is made clear that “permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions”.
 - 9.3 The proposal relates to the construction of a single dwelling. The application site lies on the periphery of Low Bentham where there is a variety of differing ages and styles of dwellings to the east, north and west of the site.

- 9.4 Notwithstanding the variety in the design and appearance of the surrounding dwellings it is considered that the proposed dwelling is of an acceptable design that is appropriate to its setting, taking account of the nearby residential dwellings. Furthermore, the use of high quality materials similar to those used in the construction of nearby dwellings would ensure that the proposed dwelling does not appear as an incongruous feature within the surrounding area. As such the appearance of the proposed dwelling is held to be satisfactory.

Layout.

- 9.5 The proposed layout would allow for the construction of a single dwelling with associated amenity space and off street parking. Whilst not applied for at the outline stage the layout was shown for illustrative purposes and whilst there have been some minor changes to the position of the house, this change has not impacted on the approved scheme.
- 9.6 The dwelling would be positioned to the west of No. 4 Greenhead Lane and set back from Greenhead Lane by approx. 3m. Based on the submitted drawings it is considered that the proposed layout is acceptable. Furthermore, the layout ensures that no unacceptable residential amenity issues occur.

Landscape.

- 9.7 The landscaping details shown on the submitted plans show that the entrance to the site would be tarmac finish with the parking and turning areas associated with the dwelling also of a tarmac finish. Private amenity areas would comprise of grassed areas with patio areas created using stone pavers. Boundary treatments would comprise of stone walls. Overall, the proposal is considered to be acceptable in respect of hard and soft landscaping.

10. Recommendation

- 10.1 To grant reserved matters approval subject to the following conditions.

Conditions

1. The approved plans comprise Plan Numbers 02 Rev F, 03 Rev E & 101 received on 22nd 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.

2. The development shall not begin until full details of the existing and proposed ground levels and proposed building slab levels (all relative to ground levels adjoining the site), have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter only be carried out in conformity with the approved details.

Reason: In the interests of the appearance of the locality and the amenity of the occupiers of neighbouring properties.

3. Prior to the first use of materials used in the external surfaces of the development hereby permitted samples shall be supplied and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory appearance to the development.

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

of material on the site 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:

- Provision of tactile paving
- Improvements to Greenfoot Lane [see indicative dwg 1012/101]

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

5. 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:

- Improvements to Greenfoot Lane [see indicative dwg 1012/101]

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

Informatives:

The developer should note that this planning approval is for reserved matters relating to outline planning permission Ref: 08/2015/15552 and that condition no. 6 of that outline permission must be discharged.

The developer should note that Condition no. 6 of the outline planning permission (ref: 08/2015/15552) and condition 2 & 3 of the reserved matters approval (ref: 08/2016/17369) 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.

Statement of Positive Engagement: -

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

WARD AND APPLICATION No.	PROPOSED DEVELOPMENT AND SITE ADDRESS
SKIPTON SOUTH 63/2016/17338	<i>RESIDENTIAL DEVELOPMENT OF FOUR 2 BEDROOM, THREE PERSON STARTER HOMES</i> <i>LAND ADJACENT TO 50 NORTH PARADE, SKIPTON.</i> APPLICANT NAME: CRAVEN DISTRICT COUNCIL TARGET DECISION DATE: 07/11/2016 CASE OFFICER: Andrea Muscroft

This application is referred to the Planning Committee as the previous proposals (Planning Refs: 63/2009/9991 & 63/2012/12841) were considered by the Planning Committee. Furthermore the applicant is Craven District Council.

1. Site Description

- 1.1 The application site is situated within the development limits of Skipton but outside of the conservation area. The site is located within an area of established residential development.
- 1.2 The subject site is located on the eastern side of North Parade opposite the junction of North Parade/Pinhaw Road. Greatwood Primary School is located to the west of site, on the northern aspect of the North Parade/Pinhaw Road junction.
- 1.3 To the north, south and south west of the subject site are residential properties that are predominately two storey with a mixture of finishing materials.
- 1.4 The application site slopes steeply downhill from east to west and has a water course flowing through it on its northern side. There is also a footpath that links the houses to the south with North Parade.

2. Proposal

- 2.1 The proposal is seeking consent for the construction of four 2 bedroom starter homes with off street parking. Each of the properties also has a small boxroom / study on the first floor in addition to the bedrooms.
- 2.2 The application proposes that the dwellings would be 100% affordable.
- 2.3 The proposal is supported by the following documentation:-
 - Site location plan
 - Proposed site layout.
 - Proposed elevations
 - Proposed floor plans
 - Planning Statement.

3. Planning History

- 3.1 63/2009/9991 - Outline for the construction of 4 dwellings with approval of the details relating to layout, scale and access – Approved November 2009.
- 3.2 63/2012/12841 - Outline permission for the construction of four new hillside dwellings with associated car parking – Approved September 2012.

4. Planning Policy Background
 - 4.1 Saved Policies H3 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 **Skipton Town Council:** No comments received at the time of compiling this report.
6. Consultations
 - 6.1 **CDC Contamination Officer:** No known contaminated land implications.
 - 6.2 **CDC Environmental Protection Team:** No objection, but recommend the use of informatives.
 - 6.3 **Northern Gas Networks:** No comments received at the time of compiling this report.
 - 6.4 **NYCC Country Footpaths:** No objection but recommends the use of an informative.
 - 6.5 **NYCC Highways Authority:** No objection subject to the attachment of appropriate conditions.
7. Representations
 - 7.1 One letter of representation has been received from the Ramblers. The comments are summarised below:
 - No objection to the use of this land for housing and have no comment to make on the layout and density.
 - However, we are concerned with regards to the proposed diversion of PROW 5.37/12. Previous approvals re-routed the path to the other side of the houses.
8. Summary of Principal Planning Issues
 - 8.1 Principle of development
 - 8.2 Visual impact
 - 8.3 Impact of development on the amenity of neighbouring properties
 - 8.4 Highway Issues.
 - 8.5 Other issues.
9. Analysis

Principle of development

 - 9.1 The application site lies within the development limits of Skipton and therefore Saved Policy H3 applies. Policy H3 is supportive of residential development where it involves infilling, small scale conversions, small scale development of neglected, derelict or under used land or the redevelopment of land or premises. The application site is clearly an “infill” site (as defined by saved policy H3) and given the size of the site (0.07h) firmly falls within the category of “small scale” development. The proposal is therefore supported in principle by Policy H3, subject to meeting the detailed criteria of that policy. These criteria include that new development will not result in the loss of or damage to spaces identified as important to the settlement character; would not result in the loss of land of recreation or amenity value, such as parks, playing fields, playgrounds, informal open space or allotments. These are general planning considerations, broadly in line with the NPPF.

- 9.2 As the Local Plan was adopted in 1999 it was not prepared under the Planning & Compulsory Purchase Act 2004. Paragraph 215 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 new Framework.
- 9.3 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.
- 9.4 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.
- 9.5 In November 2016 the Council published a revised Five Year Housing Land Supply Methodology and Report covering the period 1 April 2016 to 31 March 2021. The report sets out the Council’s five year land supply calculations and indicates that the Council can currently demonstrate a 5 year supply of housing sites at this stage.
- 9.6 In officer’s 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.
- 9.7 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. 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 village nearby.
- 9.8 The site is located within the development limits of the town as defined by the 1999 local plan and is within reasonable proximity to the centre of Skipton which has a wide range of services and facilities. The settlement also has a bus & train service connecting Skipton with neighbouring villages and towns. The site is therefore considered to be a sustainable location for residential development.
- 9.9 Turning to the three dimensions to sustainable development, economic, social and environmental as defined by the NPPF, it is recognised that the proposed development of this site would provide economic benefits associated from new housing development including the provision of construction jobs and from future residents of the proposed dwellings. In addition, the proposal would provide some social benefits and help to support the vitality of the rural community.
- 9.10 Nevertheless the proposal would result in the development of an open grassed area and therefore the environmental dimension of sustainable development is a consideration. The loss of this open space inevitably does have an impact on the area, but 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 will make a small, but meaningful contribution towards meeting the Council’s housing supply requirements without having to extend out into open countryside locations. Finally, the site has not been identified as being an important open space in the Adopted Local Plan.

- 9.11 In conclusion, residential development at this location is capable of forming sustainable development and any adverse impacts of the proposal would not significantly or demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole to warrant refusal.

Visual impact

- 9.12 Saved Policy H3 states that residential development should not damage the character of existing residential areas. Housing development should not have an adverse effect on areas or buildings of historic or architectural interest. In addition, the General Development Principles of the Local Plan state that all developments should respect the density, scale, height, proportion, massing and materials of surrounding buildings.
- 9.13 The NPPF states that LPA's should aim to ensure that developments function well and add to the overall quality of the area, optimising the potential of the site to accommodate development. It also states that development should respond to local character and history and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation. It also states that whilst visual appearance and the architecture of individual buildings are very important 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.
- 9.14 The application sites lies on the northern edge of a built up area which is characterised by housing of a suburban character to the north, west and south. However, opposite the site on the eastern side of the application site is agricultural land which is separated from the application site by a stone wall. As such the application site visually relates more directly to the existing built-up area and forms a natural continuation of the existing building line.
- 9.15 The proposal would see the construction of a row of four terrace dwellings fronting onto North Parade with off street parking to the north of the proposed dwellings. The design of the dwellings has been kept relatively similar in appearance to those present within the surrounding area. In addition, the regular built pattern of the adjacent dwellings has been replicated. As such it is not considered that the proposed row of terrace dwellings would result in any visual harm to the adjacent dwellings or the character of the surrounding area.
- 9.16 The dwellings would be constructed using materials that would harmonise well with the surrounding area.
- 9.17 With regards to soft and hard landscaping the proposal is seeking to provide private grassed areas to the sides and rear of these dwellings separated by of 1.1m high timber fencing. No details have been provided with regards to the proposed materials for the hardstanding. However, notwithstanding this, it is considered that this could be controlled through the use of an appropriate condition and is not a reason for a refusal.
- 9.18 In conclusion, it is considered that the proposed development of this parcel of land for housing could be developed in a way that would visually relate to the existing character of the area. It is therefore, considered that the proposal meets the aims of the NPPF and requirements of Saved Policy H3 of the Craven District (outside the Yorkshire Dales National Park) Local Plan.

Impact of development on the amenity of neighbouring properties.

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

- 9.20 The nearest dwellings to the proposed development are No. 48 & 50 North Parade located to the south of the site, on elevated land with a separation distance of approximately 15m. The proposed southern elevation of this row of terrace dwellings would be blank thus ensuring no loss of privacy to the occupants of this dwelling. Furthermore, due to the positioning of these two dwellings the proposed terrace dwellings would not appear dominating or overbearing. The proposed terrace dwellings would be positioned to the north of this dwelling and therefore the development would not result in any unacceptable overshadowing of habitable rooms or private amenity areas to these dwellings.
- 9.21 The next nearest dwelling would be No. 91 Rombalds Drive located to the west of the site with a separation distance in excess of 20m. It is acknowledged that the proposal would see the introduction of window/door openings facing across towards Rombalds Drive. However, the eastern elevation of this dwelling is blank, and whilst the proposal would result in some overlooking of the private amenity space located to the north of the dwelling. It is considered that the separation distance combined with the existing level of mutual overlooking that the proposal would not result in any unacceptable loss of privacy. In addition the proposed row of terrace dwellings would not result in any unacceptable overshadow to the habitable rooms or private amenity spaces of this dwelling.
- 9.22 The next nearest dwelling is located to the north of the site at a separation distance in excess of 15m. Due to the orientation of this dwelling and the separation distance it is not considered that the proposal would have an unacceptable impact on the privacy or amenity of the occupants of this property.
- 9.23 It is acknowledged that Greatwood Community Primary School is located to the west of the site and that the development of this site would result in an increase of overlooking. However, there already exists a mutual overlooking between the school and neighbouring properties on North Parade and Rombalds Drive and it is not considered that this development would result in any unacceptable overlooking for the users and visitors for the school to warrant a refusal.
- 9.24 The positioning of the proposed dwellings will ensure that the occupants do not experience any unacceptable loss of privacy and will not be affected by overshadowing. With regards to living space, it is considered that the proposal would provide an acceptable level of living accommodation.
- 9.25 In conclusion, it is considered that the proposal meets the aims and objectives of the NPPF that seeks to ensure a high standing of living for existing and future occupants.

Highway Issues.

- 9.26 Saved Policy T2 is supportive of development which is appropriately related to the highway network and does not in particular; generate volumes of traffic in excess of the capacity of the highway network; would not lead to the formation of a new access or greater use of an existing access onto a primary, district or local distributor road unless the access is such that it is acceptable to the Council and its design achieves a high standard of safety; and would have full regard to the highway impact on, and potential for improvement to the surrounding landscape.
- 9.27 Section 4 of the NPPF contains guidance on transport and land use planning, including the promotion of sustainable transport choices and reducing travel by car.
- 9.28 Paragraph 32 of the NPPF states that 'Development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe'.

- 9.29 The proposal is seeking to create four off street parking spaces directly off North Parade. This is considered sufficient to meet the requirements of Saved Policy T2 of the Local Plan. NYCC Highways have been consulted and have raised no objection to the proposal only specifying the use of appropriate conditions to be attached should the proposal be grant planning approval. Therefore, it is considered that subject to the attachment of appropriate conditions the site could be developed without detriment to highway safety.

Other issues.

- 9.30 Concerns have been raised regarding the division of the footpath, but it is not considered that this concern could justifiably be used as a reason to refuse planning permission. NYCC Footpaths has raised no objections subject to an informative requiring the footpath route to be protected until such time as it has been diverted.

Conclusion.

- 9.31 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.

- 9.32 It is considered that there are no adverse impacts that significantly and demonstrably outweigh the overarching presumption in favour of sustainable development contained within paragraph 14 of the NPPF, and there are no grounds to withhold planning permission that in officer's view would be sustained at appeal.

10. Recommendation

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

Conditions

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

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

2. The approved plans comprise Plan Numbers

02 Rev A received by the Local Planning Authority on the 26th October 2016.

03 Received by the Local Planning Authority on the 12th October 2016.

04 Received by the Local Planning Authority on the 26th October 2016.

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

Reason: To specify the 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 «distance» metres of the public highway shall not contain any loose material that is capable of being drawn on to the existing or proposed public highway.
- Provision of tactile paving in accordance with the current Government guidance. All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.

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

7. Notwithstanding the provision of the Town and Country Planning General Permitted Development Order 2015 (as amended), or any subsequent replacement order, the areas shown on 923/02 for parking spaces, turning areas and access shall be kept available for their intended purposes at all times.

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

Informative

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.

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.

The applicant is advised that advice regarding permeable and porous hardsurfaces can be found in the Department of Communities and Local Government document 'Guidance on the permeable surfacing of front gardens' which can be accessed on the DCLG website (www.communities.gov.uk)

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

Statement of Positive Engagement: -

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

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

**SKIPTON NORTH
63/2016/17332**

*APPLICATION TO VARY CONDITION NO 2 OF PREVIOUSLY APPROVED
APPLICATION REFERENCED 63/2014/14902 TO ALLOW EXTENDED
OPENING HOURS.*

TOWN HALL, HIGH STREET, SKIPTON.

APPLICANT NAME: TASTY PLC

TARGET DECISION DATE: 15/11/2016

CASE OFFICER: Andrea Muscroft

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

1. Site Description

1.1 The application relates to No. 17 – 19 High Street which are Grade II Listed Buildings constructed in 1862. The buildings occupy a prominent position at the northern end of The High Street. The principle two storey elevation of the Town Hall (no. 19) is particularly detailed, with columns and pilasters, moulded architraves to the windows, and arches to the entrance. In contrast, the principle three storey elevation of No. 17 is less detailed with a centre double door set within a square moulded doorway with frieze, cornice and pilasters.

1.2 The application site comprises only part of the ground floor of no. 19 (which was last used as Tourist Information Centre) and all 3 floors of no. 17. No. 17 was previously used as office accommodation by the Council, but in recent years has been underused.

1.3 The site is within the Conservation Area of Skipton. The High Street is also subject to two Article 4 Directions which restrict the erection or construction of gates, fences, walls or other means of enclosure and development consisting of the painting of the exterior of any building or wall.

Saved policies from the 1999 Craven Local Plan identify that the site is outside of the area identified as Core Retail area.

2. Proposal

2.1 Under Planning Ref. 63/2014/14902 planning permission was given to change the use of the premises to A1 (Retail), A3 (Food and Drink), and A4 (Drinking Establishments). The application seeks planning permission to vary condition 2 of the existing planning permission to allow extended opening hours of the premises. Permission is sought to extend the opening hours from:

- 0830 to 2300 hours

to:

- 0800 to 2400 hours

3. Planning History

3.1 63/2013/13920 - Remedial works to building comprising of removal of redundant extractor fans and replace with clear glazed pane, removal of metal bar from cills and make good stonework. Replace missing mastics and putties and re-paint gloss white. Replace patterned glazed panes with clear glazed panes and undertake repairs to

rotten wooden cills. Removal wall situated behind main entrance and undertake repairs to the doors including repainting the doors and frame. Remove redundant gas flues and make good the stone work. – Withdrawn October 2013.

- 3.2 63/2013/13921 - Listed building consent for remedial repairs to the building and repainting of window frames and doors – Withdrawn October 2013.
- 3.3 63/2014/14333 - Demolish unsafe lean-to, alter internal door and frame to suit external location. Rebuild dwarf walls to accommodate concrete pad to give level access to the hall, install steel bollards and rails to give edge protection to level access – Approved April 2014.
- 3.4 63/2014/14530 - Proposed demolition of existing toilet block to south elevation of Skipton Town Hall complex on Jerry Croft to be replaced with new accessible access entrance, toilets to ground floor, internal lift and minor internal alterations – approved May 2014.
- 3.5 63/2014/14532 - Listed Building Consent for the proposed demolition of existing toilet block to South elevation of Skipton Town Hall complex on Jerry Croft to be replaced with new accessible access entrance, toilets to ground floor, internal lift and minor internal alterations – Approved July 2014.
- 3.6 63/2014/14902 - Proposed change of use to A1, A3 and A4 retail, restaurant, café and drinking establishment – Approved September 2014
- 3.7 63/2014/15083 - Internal and external alterations; application to clarify outstanding items relating to previous applications referenced 63/2014/14530 and 63/2014/14532 – Approved November 2014.
- 3.8 63/2014/15084 - Listed building consent for internal and external alterations; application to clarify outstanding items relating to previous applications referenced 63/2014/14530 and 63/2014/14532 – Decision January 2015.
- 3.9 63/2015/15648 - Application for advertisement consent for a full colour LED built in display and the installation non illuminated lettering – Approved June 2015.
- 3.10 63/2015/16430 - Application for listed building consent for internal reconfiguration of rooms on ground, first and second floors to create a family restaurant, incorporating commercial kitchen, diners area and customer WC's – Approved March 2016.
- 3.11 63/2016/16612 - New fire exit door at first floor level, and alterations to an existing window to convert it into a door at second floor level. The spiral stair will then serve both these floors. Bulkhead lights are proposed over the fire escape doors – Approved March 2016.
- 3.12 63/2016/17119 - Application for listed building consent for removing, sorting/cleaning and re-fixing the existing stone and slate covering and making up any shortfall with reclaimed stone and slates to be fixed to rear pitches. The existing parapet gutter lining is to be stripped out and relined with new 18mm WBP plywood and code 5 lead to existing falls – Approved September 2016.
- 3.13 63/2016/17277 - Application for listed building consent for halo illuminated lettering; 2 externally illuminated projections signs and 1 internally illuminated menu box – Approved October 2016.

4. Planning Policy Background

- 4.1 Saved Local Policies R1 & R2 of the Craven District (outside the Yorkshire Dales National Park) Local Plan.
- 4.2 The National Planning Policy Framework - NPPF.
- 4.3 National Planning Policy Guidance – PPG.

5. Parish/Town Council Comments

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

6. Consultations

6.1 **CDC Environmental Health:** No potential environmental health protection issues have been identified that would give cause for concern. The Council's Licensing Officer has also confirmed that Licensing Opening Hours are 0800 to 2400.

7. Representations

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

8. Summary of Principal Planning Issues

8.1 The key consideration is the impact of the proposed change of opening hours would have on occupiers of any neighbouring properties.

9. Analysis

9.1 The principle of development, considered under Saved Local Plan Policy R1 & R2 and NPPF, has already been accepted under original application 63/2014/14902.

9.2 It is considered that the proposed change of opening hours would not have any greater impact than the existing uses within the Town Centre. Furthermore, there are no residential properties within close proximity to the site that could be adversely affected by this permission in terms of noise disturbance as a result of an increase in activity and opening hours that the proposed use would require. In addition, the site is facing onto the High Street where there already exist a number of other public houses and restaurants nearby which open late at night. It is not considered that this proposal would result in any unacceptable additional noise to justify refusal of planning permission, particularly given the town centre location of the site. Environmental Health has been consulted and has raised no objections.

Conclusion.

9.3 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.

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

10. Recommendation

10.1 To grant planning approval subject to the following conditions.

Conditions

1. The changes of use hereby permitted shall be begun not later than 23 September 2017.

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

2. No A3/A4 use within the development shall be open for business on any day of the week outside of 0800 to 2400 hours.

Reason: To ensure that any end user does not have an unacceptable impact on the amenities of others

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.