

PLANNING COMMITTEE MEETING AGENDA

Monday 26th October 2015

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

**GLUSBURN
32/2015/15390**

*APPLICATION TO REMOVE CONDITION NO. 11 AND TO VARY
CONDITION NOS. 4, 5 AND 17 OF PLANNING PERMISSION REF:
32/2011/11429 GRANTED ON APPEAL UNDER REF:
APP/C2708/A/11/2165968 (REVISED DESCRIPTION)*

GREEN END, GREEN LANE, GLUSBURN.

APPLICANT NAME: TRUSTEES OF THE JOHN BINNS SETTLEMENT
TARGET DECISION DATE: 23/04/2015
CASE OFFICER: Mark Moore

This application seeks variation/removal of planning conditions attached to an outline planning permission for residential development that was both a major application and a departure and was originally determined by the Planning Committee (and subsequently granted on appeal).

A request for the application to be determined by the Planning Committee has also been submitted by Cllr Philip Barrett on the grounds of ‘the complex planning history and substantial public interest’ in particular in relation to the Inspector’s condition 17 (affordable housing) based on a viability assessment.

1. Site Description

1.1 The application relates to an area of land located to the eastern side of Green Lane in Glusburn.

1.2 The site lies outside of development limits and has an outline planning permission for the erection of 49 dwellings (ref: 32/2011/11429) that was granted on appeal on 29 May 2012 (ref: APP/C2708/A/11/2165968).

2. Proposal

2.1 Permission is sought for removal of one planning condition (no.11) and to vary three conditions (nos. 4, 5 and 17) of outline planning permission ref: 32/2011/11429.

Condition 11:

2.2 This condition is as follows:

Development shall not begin until a scheme (including a timetable for implementation) to secure at least 10% of the energy supply of the development from decentralised and renewable or low carbon energy sources shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented and retained as operational thereafter, unless otherwise agreed in writing by the local planning authority.

2.3 The condition relates to a policy requirement that was set out in the Regional Spatial Strategy and is no longer extant. The requirement for the provision of renewable energy as part of development proposals is presently controlled via the SAP (Standard Assessment Procedure) method under Part L1A of the Building Regulations 2013.

2.4 It is requested that this condition is removed.

Condition 4:

2.5 This condition is as follows:

The development hereby permitted shall be carried out in accordance with the following approved plans: G540/001c, G540/002a, 2270.3A, 2270.4A and G540/005a. In the event of conflicting detail, that shown on drawing no. G540/001c will take preference.

2.6 This condition identifies the approved plans that were submitted with the outline planning application. A variation to this condition is now sought so that the most recent and up to date plans are specified and to ensure that the plans approved under the outline planning permission match those of the reserved matters application (also on this agenda).

2.7 It is proposed that the wording of the condition is revised to the following:

The development shall not be carried out other than wholly in accordance with the drawing no. (see full condition in recommendation for drawings). received by the Local Planning Authority on (see recommendation for dates)

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.

Officer note: The above is the standard wording of the 'approved plans' condition now used by CDC.

Condition 5:

2.8 This condition is as follows:

No dwelling shall have more than two storeys.

2.9 The condition was imposed by the Planning Inspector when reaching his decision on the planning appeal. It is not entirely clear what the basis for the condition was as no reason has been given and it is not referred to in the inspectors' full report on the planning appeal. Notwithstanding, it is reasonable to come to the view that the inspector's intention was to ensure that the overall scale of the development remained as indicated on the plans submitted for consideration at the outline stage n.b. scale was applied for at the outline stage and the illustrative plans that were submitted showed two-storey dwellings.

2.10 It is proposed that the wording of this condition be varied as follows:

No dwelling shall have more than two storeys other than plot nos. 10, 11 and 12 as shown on the site layout plan no. 3901-014 PL-01 revision E received by the local planning authority on 1st July 2015 and the accompanying house type details (Stanbury) shown on plan no. 3901-014 PL -18 revision A received 1st July 2015.

Condition 17:

2.11 This conditions is as follows:

The development shall not begin until a scheme for the provision of affordable dwellings on plots nos. 9, 13-23 inclusive, 40 and 43-49 inclusive has been submitted to and approved in writing by the local planning authority.

The affordable housing shall be provided in accordance with the approved scheme and shall include:

i) the tenure of the affordable dwellings, which shall comprise 70% rental and 30% shared ownership;

ii) the timing of the construction of the affordable housing and their phasing in relation to the occupancy of the market housing;

iii) the arrangements for the transfer of the affordable housing to an affordable housing provider;
iv) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
v) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

2.12 The above planning condition seeks to ensure that affordable housing units are provided as part of the development in a proportion that would accord with the Council's policy (i.e. 40%). The original (outline) plans indicated 20 houses that were proposed as affordable units. Both the overall number of units and their locations had been agreed with CDC Strategic Housing and were specifically identified by the planning inspector in the planning condition as worded above.

2.13 Since the outline approval was granted the scheme has been subject to a financial viability appraisal which has been assessed by an independent surveyor on behalf of the Council. The outcome of that appraisal has shown a reduction in the number of affordable units that the scheme is able to support based on current financial information (from 20 units to 16). However, at present no application to discharge the Affordable Housing condition has been submitted and viability will be assessed at that time. The condition imposed by the Inspector does not have any flexibility in relation to plot numbers, layout, tenure or viability. Financial viability is a matter that the Council must take into account in relation to Affordable Housing and the wording of the current condition is too prescriptive. For the above reason a variation to the wording of the planning conditions is proposed as follows:

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

The scheme shall include:

- i). the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 40% of housing units (subject to viability);*
- ii). the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;*
- iii). the arrangements for the transfer of the affordable housing to an affordable housing provider [or the management of the affordable housing] (if no Registered Provider involved);*
- iv). the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and*
- v). the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced; or*
- vi). details of an equivalent affordable housing contribution to be provided in lieu of affordable housing on site and the means by which such a contribution shall be provided (alternatively, this may be a contribution that is to be provided partly on site and partly in lieu).*

2.14 The above is a standard affordable housing condition and is extracted from the Council's most recent (revised) affordable housing guide (October 2015). In this case it is also proposed to append the condition with the following informative:

A financial viability appraisal that has been assessed by an independent surveyor on behalf of the Council has indicated that the scheme is able to support 16 affordable housing units. CDC Strategic Housing advise that if HCA funding is provided for this development then the full 40% of affordable housing is likely to be achievable for the scheme in which case the Council's assessment of the financial viability appraisal may be re-considered.

Officer note: Unlike the original condition the above revision would allow flexibility for the Council to negotiate on and agree the full extent and location of affordable housing across the site but does not in any way overcome the need for affordable housing to be provided as part of the scheme. It would remain necessary for the applicant/developer to discharge the planning condition before the commencement of development which would most likely entail them signing up to an appropriately worded legal agreement.

The initial indications are that a total of 16 affordable units would be provided across the scheme although this may increase to the full 40% if HCA funding is provided and therefore the informative set out above is proposed.

3. Planning History

- 3.1 There have been a number of planning applications relating to this site. Of most relevance to this application are the original outline planning permission, the application for approval of reserved matters and an application to discharge planning conditions. Those applications are as follows:

32/2011/11429: Proposed development of 49 dwellings, access road, open spaces and car parking. (Outline application for access, landscaping, layout and scale). Originally refused planning permission but subsequently granted on appeal In May 2012.

32/2015/15768: Application for reserved matters for the appearance of 49 dwellings as approved in previous outline consent referenced 32/2011/11429. No decision (this application appears later on this agenda).

32/2015/15785: Discharge of conditions 6, 7, 8, 12, 13, 14, 15, 16 and 18 of previous outline appeal decision referenced 32/2011/11429. No decision at time of compiling this report.

4. Planning Policy Background

- 4.1 Saved Policies in the Craven District (Outside the Yorkshire Dales National Park) Local Plan.
- 4.2 Negotiating Affordable Housing Contributions (CDC October 2015). This document is not planning policy itself, but a statement of how the Council will interpret the planning policy that exists.
- 4.3 The National Planning Policy Framework
- 4.4 National Planning Practice Guidance.

5. Parish/Town Council Comments

- 5.1 **Glusburn and Cross Hills Parish Council:** The Parish Council strongly object to this application. These conditions were imposed by the planning inspectorate and accepted by the client. The PC are totally against any changes and would like this application to come back to the planning committee to give residents and interested parties an opportunity to be party to discussions. These proposals need publishing for residents, and residents need to be informed individually.

6. Consultations

- 6.1 **CDC Strategic Housing:** The final make up and number of affordable units to be provided is a matter that will be resolved through an application to discharge the requirements of the affordable housing planning condition. Strategic Housing has advised that a recent financial viability assessment suggested 16 affordable units could be provided as part of this scheme. Furthermore, if HCA funding is provided for this development, then the full 40% (20 units) is likely to be achievable.
- 6.2 **CDC Tree Officer:** Although initially consulted the Tree Officers comments are no longer relevant as the application no longer seeks variations to the conditions relating to landscaping and tree protection.

7. Representations

- 7.1 There are 4 representations from interested parties whose comments on the proposals are summarised as follows:
- Consultation on the proposed variation/removal of conditions is not adequate.
Officer note: The application was publicised by way of site notices and a press notice in the Craven Herald which meets the Council's statutory requirements. The decision was taken not to undertake individual neighbour notification letters as the main impacts of this application are principally general policy issues rather than matters directly affecting adjoining neighbours.

The proposed variation of conditions 12 and 13 permitting the work in phases does not seem like a good idea and would inevitably double the time during which the site is disrupted by building activities. It would also introduce complexities to the handling of other conditions.
Officer note: Proposals to vary the wording of conditions 12 and 13 relating to landscaping details and tree protection were originally proposed but no longer form part of this application.
 - As the affordable housing mix was extensively discussed in the appeal decision and formed a major component in the success of the appeal it should not be amended and therefore condition 17 should not be amended.
 - The conditions have been set at appeal by a planning inspector and should therefore be referred back to the inspector if they are to be changed.

- 7.2 It should be noted that a number of comments made in response to application 32/2015/15768 are more applicable to this application to vary conditions. Members may therefore wish to view the comments made on the concurrent application.

8. Summary of Principal Planning Issues

- 8.1 The acceptability of the proposed removal/variation of conditions.

9. Analysis

Condition 11:

- 9.1 As this condition relates to a Regional Spatial Strategy policy that has been revoked it is no longer enforceable. Additionally, the requirement for renewable technologies to be incorporated within development is now achieved through the Building Regulations and therefore the condition is not necessary.
- 9.2 For these reasons it is considered that the request to remove this condition is acceptable.

Condition 5:

- 9.3 The application site has distinct variations in the landform which has made parts of the development difficult to design. The reserved matters proposals that have been submitted (Planning Ref. 32/2015/15768) deal with some significant changes in ground levels across one part of the site by proposing dwellings that would be two-storey on the northern elevation and incorporate a garage at basement level to the southern elevation. All of the remaining 46 dwellings across the rest of the development proposed under Planning Ref. 32/2015/15768 would be two-storeys.
- 9.4 This configuration would apply to plot nos. 10, 11 and 12 which are located in the centre of the development where public views of the three-storey elevations would be limited. The proposals would not comply with the inspectors planning condition and therefore without revising the wording of the condition it would not be possible to approve the details of the reserved matters application that appears later on this agenda
- 9.5 The submitted reserved matters application demonstrates that in Officer's opinion the site can be acceptably developed without complying with the requirements of condition 5. It is therefore the case that the requirements of condition 5 are not necessary and it is recommended that the Council agree to this condition being amended as set out at paragraph 2.10 above.
- 9.6 It is considered that the recommended revised wording set out above would allow acceptable design solutions to be agreed without compromising the overall scale of the development or the design approach. In conclusion the proposed variation to Condition 5 is considered to be acceptable.

Condition 17:

- 9.7 Since the original application was determined by the planning inspector the applicants have submitted a financial viability appraisal (FVA) and discussed the affordable housing requirements with CDC Strategic Housing. The FVA has been independently assessed and it has been recommended that the overall number of affordable units should be reduced to 16.
- 9.8 The wording of the condition that was imposed by the planning inspector on the outline planning permission does not accord with that which is normally adopted by the District Council as it specifically identifies the plot numbers of the affordable units that were initially agreed with the developer. The Council's standard policy wording does not identify plot numbers or a specific tally of affordable units and is designed to allow these matters to be agreed following the initial grant of planning permission.
- 9.9 In this case the units that are specified on the original planning condition are no longer correct and an alternative scheme has been negotiated with CDC Strategic Housing which incorporates a reduction in the overall number and includes some changes to the house types and their locations within the development. However, these matters are still under negotiation and may yet be changed as Strategic Housing has stated that the full 40% of affordable units may be secured if HCA funding is provided for the development.
- 9.10 For the above reasons the proposed variation is to replace the planning inspectors condition with the Council's standard wording. As set out above this does not fetter the Council's ability to negotiate further on this site and the proposed informative is therefore also recommended to ensure that the developer is aware that a change in the financial circumstances of the application would likely result in the Council revising its position and seeking a larger percentage of affordable housing.

Officer note: Concerns have been raised by third parties that the affordable housing has been agreed on the outline planning permission and the Council therefore should not now allow any variations. This is not a tenable position for the Council to adopt and it is not uncommon for affordable housing requirements to be subject to revisions post-decision. The Council has to consider the impact that developer contributions can have on the viability of delivering new housing development. In officer's opinion it would be unreasonable for the Council to refuse to allow the requested variation to the planning condition in this case, particularly as the variation sought would be to revise the wording of the condition so that it is consistent with the wording of the condition that the Council has set out in its most up to date guidance.

9.11 In addition to the above variations it has also been necessary to slightly revise the wording of condition 10 in order to relate the condition to the approved plans.

10. **Recommendation**

10.1 That the application is approved and condition number 11 of planning permission ref: 32/2011/11429 is removed and conditions 4, 5 and 17 are revised.

Officer Note: It is good practice to repeat all previous conditions attached to a planning permission so these are included below along with the revised conditions 4, 5 & 17.

Conditions

- 1) Details of the appearance (hereinafter called "the reserved matter") shall be submitted to and approved in writing by the local planning authority before any development begins. The development shall be carried out as approved.
- 2) Application for approval of the reserved matter shall be made to the local planning authority not later than three years from 29th May 2012.
- 3) The development hereby permitted shall begin not later than two years from the date of approval of the reserved matter.

Reason: (for conditions 1- 3): To comply with the requirements of section 92 of the Town and Country Planning Act 1990.

- 4) **(Revised Condition)** The development shall not be carried out other than wholly in accordance with the following drawings nos:

- 3901-014 PL-01 revision E (Site Layout Plan) Received 1/7/2015.
- 3901-014 PL-02 (Existing Site Layout) received 1/5/2015.
- 3901-014 PL03 (Location Plan) received 30/4/2015.
- 3901-014 PL-05 revision D (Sales Layout) received 1/7/2015.
- 3901-014 PL06 revision C (Proposed Site Sections AA & BB) received 1/7/2015.
- 3901-014 PL07 revision A (Proposed Site Sections C-C) received 1/7/2015.
- 3901-014 revision A (Proposed Site Sections DD, EE & FF) received 1/7/2015.
- 3901-014 PL09 revision A (Proposed Site Section GG) received 1/7/2015.

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

Reason: for the avoidance of doubt.

- 5) **(Revised Condition)** No dwelling shall have more than two storeys other than plot nos. 10, 11 and 12 as shown on the site layout plan no. 3901-014 PL-01 revision E received by the local planning authority on 1st July 2015.

Reason: for the avoidance of doubt.

- 6) Development shall not begin until details of the junctions with Green Lane and the continuation of Black Abbey Lane have been submitted to and approved in writing by the local planning authority. No works in connection with landscaping or the construction of buildings shall take place until those accesses have been constructed in accordance with and to a standard specified in the approved details.
- 7) The access junctions with Green Lane referred to in condition no. 6 above shall be constructed to provide the following sight lines:
- southerly access; 37.0m to the south, 39.0m to the north, both measured along the centre line of the access road from a point 2.4m back from the carriageway edge;
 - northerly access: tangential to the south, 37.6m to the north, measured as above.

These visibility splays shall at all times be kept free of any obstruction exceeding 1.05m in height.

- 8) Development shall not begin until details of the access roads within the site, including all forward visibility and pedestrian inter-visibility at individual accesses, have been submitted to and approved in writing by the local planning authority.
- 9) No dwelling shall be occupied until the means of vehicular access to it and the parking space for it, whether private or shared, has been constructed in accordance with the approved details.
- 10) The dwellings numbered 24 and 25 on drawing no. 3901-014 PL-01 revision E shall have no doors or windows opening on to or over the highway.

Reason (for conditions 6-10): In the interests of highway safety.

- 11) **(Condition Deleted)**
- 12) No development shall take place until full details of hard and soft landscaping, broadly as shown the approved drawings, have been submitted to and approved in writing by the local planning authority. The details shall include: proposed finished levels or contours; existing retained stone walls, new stone walls and other means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; lighting; details of all trees to be retained; planting plans, including written specifications and schedules of plants, noting species, plant sizes and proposed numbers/densities as appropriate; and an implementation and maintenance programme. The works shall be carried out in accordance with the approved details and implementation programme.
- 13) No development shall take place until a scheme for the protection of all trees to be retained as part of the approved landscaping scheme has been submitted to and approved in writing by the local planning authority. In particular, the details shall

include a demolition, excavation and construction specification for the retaining wall on Green Lane adjacent to the protected tree. Approved protective fencing shall be implemented before any equipment, machinery or materials are brought on to the site for the purposes of the development and shall be maintained until all such equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with the approved scheme and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written approval of the local planning authority.

- 14) Development shall not begin until a scheme for the laying out and landscaping of the proposed public open space, including details of the play area, its equipment and any means of enclosure, have been submitted to and approved in writing by the local planning authority. The scheme shall include details of the future management and maintenance of both the public open space and the play area. Both shall be provided in accordance with the approved scheme before completion of the 25th dwelling and retained thereafter for those uses.

Reason (for conditions 12-14): In the interests of visual amenity.

- 15) Development shall not begin until a scheme for foul sewage and surface water drainage has been submitted to and approved in writing by the local planning authority. No dwelling shall be occupied before foul sewage and surface water drainage has been provided in accordance with the approved scheme.

Reason: To ensure that the site is adequately drained.

- 16) Development shall not begin until a scheme for the management and maintenance of all shared car parking areas, including the area intended to serve existing properties on Green Lane, has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details.

Reason: To ensure the future maintenance and management of the shared car parking is satisfactory.

- 17) **(Revised Condition)** The development shall not begin until a scheme for the provision of affordable housing has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved scheme. Affordable housing shall meet the definition of affordable housing in the NPPF or any future guidance that replaces it. The scheme shall include:
- i). the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 40% of housing units (subject to viability);
 - ii). the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
 - iii). the arrangements for the transfer of the affordable housing to an affordable housing provider [or the management of the affordable housing] (if no Registered Provider involved);
 - iv). the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
 - v). the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced; or

vi). details of an equivalent affordable housing contribution to be provided in lieu of affordable housing on site and the means by which such a contribution shall be provided (alternatively, this may be a contribution that is to be provided partly on site and partly in lieu).

Informative: A viability assessment undertaken on behalf of the Council suggests that 16 affordable houses can be provided as part of the scheme. CDC Strategic Housing further advise that if HCA funding is provided for this development then the full 40% of affordable housing is likely to be achievable for the scheme in which case the Council's assessment of the financial viability appraisal may be re-considered.

Reason: To make provision for affordable housing in accordance with the requirements of the National Planning Policy Framework, the Council's document 'Negotiating Affordable Housing Contributions' (October 2015) and the 2011 North Yorkshire Strategic Housing Market Assessment (SHMA) that provides evidence of the high need for affordable housing within Craven District.

Statement of Positive Engagement: -

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

- engaged in pre-application discussions
- requested amended design approaches / information to address the planning issues which have arisen in relation to dealing with this application.
- accepted additional information / changes to the scheme post validation

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

**GLUSBURN
32/2015/15768**

*APPLICATION FOR RESERVED MATTERS FOR THE APPEARANCE OF 49
DWELLINGS AS APPROVED IN PREVIOUS OUTLINE CONSENT
REFERENCED 32/2011/11429*

LAND ON THE EAST SIDE OF GREEN LANE, GLUSBURN.

APPLICANT NAME: TRUSTEES OF THE JOHN BINNS SETTLEMENT &
TARGET DECISION DATE: 31/07/2015
CASE OFFICER: Mark Moore

This application has been referred to the Planning Committee as it is seeking approval for the reserved matters of an outline planning application that was a departure from the Development Plan and was previously considered by the Committee.

1. Site Description

- 1.1 The land forming the application site comprises 2.94 ha of open fields bounded and segregated by dry stone walling. The site is located on the edge of the main settlement area of Glusburn to the north of the A6068 Colne Road.
- 1.2 The site generally rises in level from the south to the north and is bounded by Green Lane to the west; the dwellings fronting Green End and Ryecroft Road to the north; open grazing land and the dwellings on Black Abbey Lane and Bungalow Road to the east and; the dwellings fronting Colne Road to the south.
- 1.3 The site is located outside of development limits in an area of open countryside as defined in the adopted Local Plan.
- 1.4 There are existing trees located at the western end of the site adjacent to Green Lane which are covered by a group TPO (193 2011). A separate single sycamore immediately to the south of the group is also subject to a TPO (132 2001).

2 Proposal

- 2.1 The application is for the approval of reserved matters following an outline planning permission (Ref: 32/2011/11429) that was granted on appeal in May 2012. The outline permission was for 49 dwellings and included the access, landscaping, layout and scale of the development.
- 2.2 The reserved matter for which approval is now sought is therefore the appearance of the development.
- 2.3 In terms of layout the overall setting out of the proposed development i.e. the road layout, is the same as was approved under the outline planning permission. This features three points of access two of which are from Green Lane to the west and one from Black Abbey Lane to the east.
- 2.4 Some changes have been made to the layout in terms of the distribution of the proposed house types i.e. in some cases properties previously shown as semi-detached have been revised to detached. There is a mix of part single/part two-storey, two and three storey, semi-detached and terraced properties across the site. The properties are a mix of 1, 2, 3 and 4 bedrooms.

Officer note: The original outline application incorporated bungalows which are now omitted from the scheme although the properties on plots 33 and 34 (The Bryant) are single storey to the front elevation.

2.5 Plots 10, 11 and 12 are situated in the centre of the site and are two storeys to the north and three storeys to the southern elevation. This design has been adopted in order to accommodate variations in the ground levels and the ground floor of the southern elevation would incorporate a garage. Notwithstanding, the proposed houses would be no higher than the dwellings indicated on the illustrative plans that accompanied the outline planning application.

2.6 A schedule of materials has been submitted with the application as follows:

- Windows - White UPVC
- Doors - Black UPVC.
- Garage Doors - Black UPVC
- Facing Stone -Random coursed stone
- Roof - Grey/Blue concrete slate effect tile.

3 Planning History

3.1 5/32/703: Residential development of land to the east of Green Lane, Glusburn. Refused March 1999.

3.2 32/2008/8572: Construction of 74 dwellings, access roads with car parking and provision of open space. Refused 03 July 2008.

3.3 32/2008/9016: Construction of 74 dwellings, access roads with car parking and provision of public open space. (Resubmission of 32/2008/8572). Refused and appeal subsequently dismissed in April 2010.

3.4 32/2011/11429: Proposed development of 49 dwellings, access road, open spaces and car parking. (Outline application for access, landscaping, layout and scale). Refused September 2011.

This application was subsequently granted outline planning approval on appeal on 29th May 2012.

4 Planning Policy Background

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

ENV1: Development in the Open Countryside

ENV2: Requirements for Development in the Open Countryside.

ENV10: Protection of Trees and Woodlands.

SRC2: Provision of Recreation Space in New Housing Developments.

T2: Road Hierarchy.

4.2 Negotiating Affordable Housing Contributions (CDC October 2015). This document is not planning policy itself, but a statement of how the Council will interpret the planning policy that exists.

4.3 The National Planning Policy Framework

4.4 National Planning Practice Guidance.

5 Parish/Town Council Comments

5.1 **Glusburn and Cross Hills Parish Council:** The PC responded by stating that it would like to know why there were no consultations on this application and also stated that documents were not received by the PC until after their meeting in May of this year.

No further comments have been received from the PC in relation to this application although it is clear from comments made in response to the application to vary the planning conditions attached to the outline planning permission (that appears elsewhere on this agenda) the PC are opposed to any departure from the details that were originally approved at outline planning stage.

6 Consultations

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

6.2 **CDC Strategic Housing:** Detailed comments have been made by Strategic Housing relating to affordable housing provision. However as this is a reserved matters submission relating to the appearance of the development the comments made have been more appropriately attributed to the application to vary conditions attached to the outline planning permission (32/2015/15390).

6.3 **NYCC Highways:** No comments.

Officer note: There is a concurrent planning application to discharge the conditions on the outline planning permission (ref: 32/2015/15785). This includes a number of Highways conditions which the Highways Authority has commented on separately. The reserved matter approval (appearance) which is sought with this application does not raise any Highways issues.

6.4 **NYCC Flood Risk:** No comments.

6.5 **Electricity NW:** No comments.

6.6 **Yorkshire Water:** The revised site and house type plans have been checked on the website, and no comments are required. Yorkshire Water's letter dated 9 June 2015, with respects to comments on rejected drainage proposals, is still relevant.

Officer note: Drainage details are being dealt with as part of an application to discharge planning conditions (ref: 32/2015/15785) that is currently being considered.

6.7 **Environment Agency:** No comments beyond those made at the outline planning stage.

6.8 **Natural England:** No comments. Refer to standing advice (as per response to the outline application).

6.9 **The Wildlife Trust:** No comments.

7 Representations

7.1 The application was publicised by in excess of 200 letters of neighbour notifications, by several site notices, and by a press notice. There have been 20 responses from interested parties (one letter expressing support for the development) whose comments are summarised as follows:

- Existing infrastructure cannot cope with additional development e.g. roads, schools, health services.
- Increased traffic would lead to highway safety issues.
- No mitigation for pedestrians has been taken into account.
- Adverse impact on the value of neighbouring properties.
- Loss of outlook, overshadowing, noise and loss of privacy to neighbouring property, in particular Bungalow Road.

- Proximity of boundary of row of terraced properties to existing housing is unacceptable.
- All households should be notified of planning application ref: 32/2015/15785.
- Reduction in the number of affordable houses should not be accepted as it would limit opportunities for local people unable to afford market value houses.
- Removing 10% renewable energy provision is a matter of principle and govt. policy and should not be allowed.
- Approval should not be given for any departure from the scheme that was originally considered by the planning inspector.
- Information on application is difficult to understand and form an opinion on.
- Development should be built in Yorkshire stone with welsh slate roofs and hardwood window frames.
- Public open space contribution should be assigned to the Parish Council and not CDC.
- Having obtained permission the developer now wants to eliminate the environmental conditions which is unacceptable.
- Not clear where the sewage will be exiting.
- Occupier of a property at the southern end of site (fronting Colne Road) is to have the rear garden extended. Some concerns have been raised regarding proposal to re-position an existing stone wall and request made for a parking space to be made available on the development site to the occupier of that property.
- Bespoke housing originally applied for has been replaced by off the peg designs contrary to expectation at outline stage.
- Phasing of development would lead to longer build and more disruption to local residents.
- The infrastructure works must be completed before any housing on site is occupied.
- Development will affect health of trees.
- Cycleway at Harrison Place would be dangerous.
- Dry-stone walling should be retained in order to retain the character of the area.

Officer note: The application under consideration is for reserved matters i.e. the appearance of the development. Consequently a number of the comments above are not relevant. Equally comments have been made that are more pertinent to the concurrent application to vary the planning conditions (planning ref. 32/2015/15390) than to the consideration of this application.

8 Summary of Principal Planning Issues

8.1 The acceptability of the reserved matters i.e. the appearance of the development.

9 Analysis

9.1 The proposed house types are considered to be entirely acceptable and of an appropriate appearance given the wider context of the application site. It is also considered that the changes to the house types in comparison to the layout approved at the outline stage are not significant and do not raise any particular concerns either in terms of the relationship to existing housing, the overall scale

and impact of the proposed new development or the overall character of the site and immediate area.

- 9.2 It is acknowledged that the schedule of materials that has been submitted lacks detail and therefore does not enable a full assessment of the external appearance of the development to be reached. For this reason it is considered that a condition to require prior approval of samples and/or further details of the proposed materials is necessary as part of this permission.
- 9.3 The concerns of local residents regarding the difference in the details submitted for approval under the reserved matters application compared to those considered at outline stage have been noted. Equally, the concerns regarding the splitting of the site between two developers, each submitting their own house types, has been noted.
- 9.4 Notwithstanding those concerns it is the case that the extant permission is an outline application and that appearance was not applied for and now forms the basis of the reserved matters application. The view of the case officer is that the detailed proposals are acceptable and that the reserved matter of the appearance of the development should now be approved.

10 Recommendation

- 10.1 That planning permission for the reserved matters is approved subject to the following conditions:
1. The development shall not be carried out other than wholly in accordance with the following drawing nos:
- 3901-014 PL-01 revision E (Site Layout Plan) Received 1/7/2015.
 - 3901-014 PL-02 (Existing Site Layout) received 1/5/2015.
 - 3901-014 PL03 (Location Plan) received 30/4/2015.
 - 3901-014 PL-05 revision D (Sales Layout) received 1/7/2015.
 - 3901-014 PL06 revision C (Proposed Site Sections AA & BB) received 1/7/2015.
 - 3901-014 PL07 revision A (Proposed Site Sections C-C) received 1/7/2015.
 - 3901-014 revision A (Proposed Site Sections DD, EE & FF) received 1/7/2015.
 - 3901-014 PL09 revision A (Proposed Site Section GG) received 1/7/2015.
 - 3901-014 PL11 (The Worth) received 1/7/2015.
 - 3901-014 PL12 (The Dawson) received 1/7/2015.
 - 3901-014 PL13 (The Ashton) received 1/5/2015.
 - 3901-014 PL14 revision A (The Wharfe) received 1/7/2015.
 - 3901-014 PL17 (The Cawder) received 1/5/2015.
 - 3901-014 PL18 revision A (The Stanbury) received 1/7/2015.
 - 3901-014 PL19 (The Sharp) received 1/5/2015.
 - 3901-014 PL20 (The Whittaker) received 1/5/2015.
 - 3901-014 PL21 (The Oxley) received 1/5/2015.
 - 3901-014 revision B (The Harper) received 1/7/2015.

- 3901-014 PL23 revision B (The Ayden) received 1/7/2015.
- 3901-014 PL24 revision A (The Knott) received 1/7/2015.
- 3901-014 PL25 (The Emily) received 1/7/2015.
- 3901-014 PL26 revision A (The Bryant) received 1/7/2015.
- 3901-014 PL27 (The Belmont) received 1/7/2015.
- G540.1a/001 (Plot 50) received 1/5/2015.
- G540.1a/002 (Plot 50) received 1/5/2015.
- G540.1a/003 (Plot 49) received 1/5/2015.
- G540.1a/003 (Plot 49) received 1/5/2015.
- G540.1a/004 (Plot 48) received 1/5/2015.
- G540.1a/005 (Plot 47) received 1/5/2015.
- G540.1a/006 (Plots 46 & 45) received 1/5/2015.
- G540.1a/007 (Plots 46 & 45) received 1/5/2015.
- G540.1a/008 (Plot 44) received 1/5/2015.
- G540.1a/009 (Plot 43) received 1/5/2015.
- G540.1a/010 (Plot 42) received 1/5/2015.
- G540.1a/011 (Plot 41) received 1/5/2015.
- G540.1a/012 (Plots 40 & 39) received 1/5/2015.
- G540.1a/013 (Plots 40 & 39) received 1/5/2015.

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

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

2. Prior to their first use all building facing materials and finishes, surface material finishes for highways, footpaths, private drives and all other hard surfaces, screen walls, fences and other means of enclosure shall be submitted to and approved in writing by the local planning authority. The development shall be completed in accordance with the approved details thereafter.

Reason: In the interest of visual amenity.

Informatives:

1. The developer should note that this planning approval is for reserved matters relating to outline planning permission Ref: 32/2011/11429 and that conditions of that outline permission and condition 2 of this permission must be discharged before the commencement of development.
2. Please note that where 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.

Statement of Positive Engagement: -

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

- engaged in pre-application discussions
- requested amended design approaches / information to address the planning issues which have arisen in relation to dealing with this application.
- accepted additional information / changes to the scheme post validation

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

*SKIPTON NORTH
63/2015/16035*

CHANGE OF USE FROM RESIDENTIAL BACK TO COMMERCIAL. CHANGE WINDOW AND DOOR AT FRONT TO OPEN SHOP WINDOW AND GLASS DOOR. INSTALL CANOPY ABOVE WINDOW AND DOOR WITH LOGO

12 GARGRAVE ROAD, SKIPTON.

APPLICANT NAME: MRS DAWN ALDERSON

TARGET DECISION DATE: 24/09/2015

CASE OFFICER: Mark Moore

This application is referred to the Planning Committee for a decision at the request of Cllr Kerwin-Davey due to the sensitivity of the geography of the site within the Skipton Conservation Area and the degree of neighbour interest.

1. Site Description

- 1.1 The application site comprises and end terraced residential property located on the northern side of Gargrave Road, Skipton.
- 1.2 The terrace incorporates a mix of both commercial and residential properties including a coffee merchant and a newsagents shop.
- 1.3 The application site was previously a house and shop and was granted permission for a change of use to a dwellinghouse (including alterations to the front elevation) in 1997 (Ref: 5/63/2278) and is shown on mapping to have been used in part as a post office.

Officer note: Differences in the stone work to the ground floor of the front elevation of the property clearly indicate the existence of a shop front which appears to match the dimensions of the frontage of the adjoining coffee shop.

- 1.4 There is a row of residential properties immediately to the rear (north) of the application site (Woodman Terrace) and the southern (opposite) side of Gargrave Road is also predominantly comprised of residential properties. Ermysted's school lies to the east of the site and there is an area of open land to the north forming the grounds of a residential development at Gainsborough Court (formerly a hospital). Further residential development lies to the north-west of the site.
- 1.5 There is a row of controlled parking spaces to the front of the terraced row. Use of these spaces is limited to 20 minutes between 0800 to 1800 Monday to Saturday with no return within 1 hour.
- 1.6 The site is located within the Skipton conservation area and is also within development limits.

2. Proposal

- 2.1 The application seeks permission for a change of use from residential to a commercial use. In this case the proposed use is as a beauty salon that is considered to be a sui generis use under the Town and Country Planning Use Classes Order.

Officer note: A sui generis use is one that does not fall within any specific category. On this basis the assessment of the application falls entirely on the use as proposed i.e. as a beauty salon and would not allow for subsequent change of use of the property for any other purpose.

- 2.2 The proposal would entail the relocation of an existing business that currently operates from premises at Devonshire Place in the town centre.
- 2.3 The applicant has submitted a brochure from the existing business that sets out the range of services that would be provided. Those services are fairly extensive and include permanent make-up, lifestyle treatments e.g. facial massages, detox and cellulite treatments, nail extensions and manicures and tanning.
- 2.4 Externally it is proposed to replace the existing entrance door and window fronting onto Gargrave Road with a new larger timber framed shop window and glass door (in total 2.3m x 3.8m). This would mirror the shop front of the adjoining coffee shop.
- 2.5 It is also proposed to install a canopy (4m x 1.1m) to match the adjoining coffee shop and nearby newsagents. The canopy would be finished in a dark slate grey colour and would feature the business logo. The timber work would be painted in a Farrow and Ball dark grey colour.
- 2.6 The application forms submitted with the application state that the opening hours of the business would be 0900 -1930 Monday to Friday and 0900 – 1500 on Saturday. However, in a subsequent supporting statement the applicant has advised that the intention is for the salon to be open until 1930 only one night per week and would otherwise close between 1730 and 1800 on weekdays.
- 2.7 The applicant has stated that there is one existing parking space serving the property. Staffing for the business would be one full-time and two part-time employees. In supporting information accompanying the application it is stated that the two staff members have long stay annual parking permits which allow them to park in Water St car park. It is also stated that the majority of the customers (90%) would walk to their appointments and that those not walking would be encouraged to park in the long stay town centre car parks.
- 2.8 Based on the operation of her existing business the applicant states that a single standard green bin would be sufficient to meet their waste disposal requirements.
- 2.9 An example of a fixed outdoor wall light (a down light) has been submitted with the application although it is unclear where this is to be located.
- 2.10 In a supporting statement accompanying the application the applicant has commented that existing vacant town centre premises are for rental whereas the application site is available to buy. It is also commented that the business operates in conjunction with the Craven College apprenticeship scheme.

3. Planning History

- 3.1 5/63/2278: Change of use of house and shop to dwelling-house and alterations to front elevation. Approved September 1997.

4. Planning Policy Background

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

EMP8: Conversion of Buildings to Employment Use.

T2: Road Hierarchy.

4.1 **The National Planning Policy Framework**

4.2 **National Planning Policy Guidance.**

5. Parish/Town Council Comments

- 5.1 **Skipton Town Council:** No objection.

6 Consultations

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

6.2 **NYCC Highways:** No objections. Recommends a planning condition to ensure that any projection overhanging the footway is at least 2.4m above the height of the footway and not within 0.5m from the edge of the carriageway.

7 Representations

7.1 There are 6 objections to the application. The objections are summarised as follows:

- The property is within a conservation area and business would not fit in with the requirements of the local population in the Gargrave Road area as all town centre amenities are within a short walk of the area.
- Customers are unlikely to walk to the business and are more likely to cause disruption in the area that already has parking congestion. This would lead to disruption for local residents and additional parking problems in the area.
- Late opening is likely to cause noise and inconvenience to nearby homes.
- There is likely to be noise and disruption from the side entrance and the open window residential extension to the side which looks out on to the residents parking area.
- Success of new farm shop and the HML buildings has led to parking problems/congestion in the area.
- Proposed business will drastically change the character of the conservation area and this part of town.
- Development would create a large number of people and car traffic up to 7.30 at night and would adversely impact upon the amenity of the immediately neighbouring properties.
- Extended part of premises would be much more intrusive as a commercial property.
- Commercial bin would be unsightly and access could well be affected.
- Proposed use is not a necessary amenity and would set a precedent for other properties in the area.
- Use of parking bays would affect the existing businesses.
- The small community in the vicinity of the site is made up of residential, letting and holiday homes and is well served by the two existing businesses both of which are in keeping with the area and add value rather than taking away from a primarily residential area.
- Presence of the business will affect the bookings and incomes of the nearby holiday lets at Woodman Terrace and adversely affect their setting.
- There is a lack of available houses in Skipton so no justification particularly as there are a number of vacant commercial premises in the town centre which would be more suitable for proposed use.
- Property has been badly extended. If this was for residential use could this extension be taken down?
- The newsagent was refused permission to change windows from wood to upvc. The conservation area argument should be applied to this application.

- Proposed salon would become a street corner hang out for the nearby school girls and is an inappropriate use so close to the school entrance.

8 Summary of Principal Planning Issues

- 8.1 Principle of use.
- 8.2 Impact on the appearance and character of the area.
- 8.3 Impact on amenity.
- 8.4 Highway safety.

9 Analysis

Principle of use:

- 9.1 Saved Local Plan Policy EMP8 allows the conversion of buildings to employment generating uses subject to various criteria which include the following requirements that the proposal:
- Be of a scale and type appropriate to the locality and not alter the appearance or character of the surrounding area.
 - Not have an unacceptable effect on residential and/or neighbour amenities.
 - Be of a good standard of design that satisfactorily blends into the locality in terms of design and materials.
 - Will not create conditions prejudicial to highway safety.
- 9.2 In terms of the NPPF there are no prescriptive policies that compare directly with the above saved Local Plan policy. However, the NPPF does advocate a presumption in favour of all forms of sustainable development unless the adverse impacts of allowing development would '*significantly and demonstrably outweigh the benefits*' or if specific NPPF policies indicate that development should be restricted. In other words the proposal is acceptable unless there are significantly adverse impacts that outweigh the presumption in favour.
- 9.3 In summary there are no specific saved Local Plan or NPPF policies that indicate that the proposed change of use is unacceptable in principle.
- 9.4 The following paragraphs deal with the specific policy requirements set out above.

Impact on the appearance and character of the area:

- 9.5 The application site is located on the outskirts of the town centre on a main road frontage in an area that is predominantly, but not wholly, residential. The site is also within both development limits and the Skipton conservation area.
- 9.6 The EMP8 policy requirement is that the scale and type of the proposed conversion should be appropriate to the locality and that it should not alter the appearance or character of the surrounding area. Policy EMP8 also requires that proposals should satisfactorily blend into the locality in terms of design and materials. This corresponds with the first and third bullet points above.
- 9.7 The EMP8 policy requirements raise two considerations; firstly, whether the use of the building is appropriate in the context of the site and its surroundings and; secondly, whether the external alterations proposed in connection with the use would have an acceptable visual impact.

- 9.8 In terms of the NPPF there is a general policy requirement for development to incorporate good design that contributes positively to making places better for people. More specifically it is stated in the NPPF 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.
- 9.9 In addition to the above it is also necessary to consider the impact of the proposal on the heritage asset of the Skipton conservation area. The NPPF policy requirement is that development proposals should not adversely impact upon the significance of the heritage asset to an unacceptable degree and that, where an adverse impact may arise, the public benefits of allowing development to take place should outweigh the dis-benefits. The NPPF also attaches great importance to design in the built environment by encouraging development that responds to local character and reflects the identity of local surroundings and materials.
- 9.10 In cases where there may be less than substantial harm the NPPF requires the harm to be weighed against the public benefits of the proposal, including securing the optimum viable use.
- 9.11 Considering the above points in turn;
- i) Appropriateness of the use:
- 9.12 The application site is within an area that is predominantly residential but nevertheless features a mix of other uses that includes school premises, a dentist, holiday lets, bed and breakfast accommodation and shop premises. Significantly, there are existing shop premises that lie immediately adjacent to the application site and at the opposite end of the terrace in which the application site is located. As a consequence it can reasonably be argued that the area is characterised by a mix of uses and is not wholly residential.
- 9.13 Taking this into consideration, and also having regard to the fact that the application premises was formerly a shop (Post Office) and dwelling house, it is difficult to sustain the view that the proposed use is inappropriate. The overriding character of the area is such that the addition of a further non-residential use would not have a significant impact and could not reasonably be said to be inappropriate in the wider context of the site. It is also considered that the scale of the proposal, albeit that it is now sought to bring the whole of the property into commercial use, is appropriate to the area.
- Officer note:** There is an existing dental practice located to the south-east of the site at 33 Gargrave Road. The practice occupies an end terraced property adjacent to the main road and is approximately 40m away from the application site. It is considered that this use, which is based on appointments and would operate along similar lines to the proposed beauty salon, is a clear indicator that the proposed use is appropriate and therefore acceptable in the context of the site and its immediate surroundings.
- ii) Visual impact
- 9.14 The proposed alterations to the front elevation of the property would reflect the existing shop fronts that are located adjacent to the application site and at the opposite end of the terrace. As such it is considered that there is precedent for external treatments other than purely residential frontages to the properties in the terrace and also that the proposed changes to the application site would not appear to be in any way incongruous or out of character. In other words, given the fact that the proposal seeks to replicate the existing shop fronts it is not considered that the visual impact of the proposed changes would be in any way adverse.

9.15 It could be argued that the proposed changes are as relevant to the character of the immediate area and terraced row as the residential frontages. In coming to this view it is noted that the property was previously used as a shop and dwelling house and has retained clear evidence of a previous shop front which can be clearly seen from the variation in the facing materials to the front elevation. These points are material in the assessment of this application and suggest further that the proposed external alterations are in no way out of character and that there could be no basis to refuse planning permission on the grounds of visual impact.

iii) Impact on the conservation area

9.16 Taking into account the NPPF requirements it is necessary to consider the significance of the heritage asset before coming to a view on whether or not that significance would be in any way compromised as a result of development.

9.17 In this case the heritage asset comprises the Skipton conservation area which encompasses all of the town centre and substantial parts of the outlying areas of the town. For this reason the existing character of each constituent part of the conservation area must form the basis of an assessment of its significance for the purposes of determining the potential impact of proposed development.

9.18 As set out above, the area within which the application site is located is comprised of a mix of predominantly terraced residential properties and large institutional buildings but also includes other uses such as holiday lets, bed and breakfast accommodation and commercial premises. Given the existing characteristics of the area, and more specifically the immediate setting of the site, it is not considered that the proposed use would cause any harm or adverse impacts to the significance of the conservation area. In a recent appeal relating to the nearby newsagents shop the planning inspector commented that *'the appeal property is prominently located on the busy Gargrave Road and, in conjunction with the other retail unit in the terrace which has a similar traditional shop front, makes a valuable contribution to the character of the Conservation Area'*. (Ref: APP/C2708/A/12/2184078).

9.19 Considering the assessment of the planning inspector and the visual impact of the external alterations as assessed above it is not considered that the location of the site within the conservation area raises any additional concerns not already set out in this report.

Officer note: An objector has referred to the alterations to the newsagent shop front suggesting that the reasons for refusal of the application at this site should be applied to this current proposal. The decision to refuse was based upon the use of inappropriate materials and was upheld by the planning inspectorate on that basis. The current application seeks approval for a timber shop front which is entirely consistent with that appeal decision.

9.20 In summary, for the reasons set out above it is considered that the proposal would not have an adverse impact upon the appearance and character of the area and is therefore consistent with both saved Local Plan and NPPF policies in this respect.

Impact on amenity:

9.21 The proposed commercial use of the premises as a beauty salon is not considered to be one that would raise any amenity issues that would justify refusal of planning permission. The nature of the business is such that it would not give rise to excessive activity or noise and it not considered that it would form a reason to refuse planning permission.

- 9.22 In coming to the above view it is noted that the business would operate on an appointments basis and therefore is not likely to generate large numbers of customers. Late opening hours (until 1930) are proposed but only one evening per week and the salon would cease trading at 1800 four nights per week and at 1500 on Saturdays. The opening times can be conditioned and are not considered to be unreasonable or likely to give rise to significant amenity issues to the occupiers of the neighbouring properties.
- 9.23 It is noted that the business would not be operating at the times when the neighbouring residential units (including holiday lets) are likely to be most frequently occupied. In any case it is not considered that the proposed use is incompatible with residential use and more significantly that a loss of amenity could be demonstrated to a sufficient extent to sustain a refusal of planning permission.
- 9.24 Objectors have commented that the presence of the proposed beauty salon would be detrimental to the overall character of the area and also raise concerns that the use of the extension to the premises would adversely impact upon residential amenity due to the proximity to the adjacent properties. It is considered that these particular concerns are not entirely justified as the type of use that is proposed is relatively low-key and therefore they could not form the basis of a refusal of planning permission.

Highway safety:

- 9.25 The site is in a sustainable location that has public parking immediately adjacent and within close proximity to the site. It is noted that the parking restrictions on the immediately adjacent parking would limit the practicality of its use in connection with the proposed business but nevertheless the site is within walking distance of a long-stay car park and is accessible other than by car.
- 9.26 In planning terms therefore it is considered that there could be no grounds to refuse planning permission because of a lack of parking. The concerns of local residents are noted but whether or not customers choose to park in nearby streets or use the public car parks is a matter of personal choice and cannot justify refusal of planning permission.
- 9.27 Equally, the potential for the proposed use to impact on the availability of the adjacent parking for the existing businesses is not a planning matter. Specifically, this concern cannot be the basis of a refusal of planning permission as the parking is not controlled other than by time limitations and is available for any member of the public to use irrespective of their reasons for doing so.
- 9.28 It is also noted that there have been no objections raised from the proprietors of the existing shop premises and that NYCC Highways (who has highway safety responsibilities for the local highway network) do not advise against planning permission being granted.

Other matters:

- 9.29 The development proposal is for both a change of use of the property and for physical works (i.e. the shop front and canopy). It would be possible to change the use of the premises without undertaking the physical works to the building. In officers opinion it would not be reasonable attach a condition to any planning permission insisting that the physical works are implemented before the use applied for begins.
- 9.30 The concerns of the residents over waste disposal from the business are not considered to be an issue that would justify refusal of planning permission. The applicant has stated that the refuse generated would require no more than a standard domestic bin and therefore the impact is no different from the current domestic use of the site.

- 9.31 Comments have been made that the use is not a necessary amenity and would set a precedent for other properties in the area. In respect of the first point, this a subjective view that is not material to the determination of this application. With regards to the second point this has no planning basis as it is necessary for the planning authority to consider each application on its own merits.
- 9.32 Additional comments have been made regarding the potential for the proposal to affect nearby property values. This again is subjective and is of no relevance to the determination of this application.
- 9.33 The loss of a residential property is a consideration but must be considered in the planning balance. It is considered that the loss is of no material significance and that an argument to refuse planning permission on the basis of housing land supply issues could not be sustained.
- 9.34 Finally, comments have been made that the proposed business should be based in the town centre where there are existing vacant business premises. Notwithstanding that the applicant wishes to own rather than rent their business premises it is not within the remit of the local authority to refuse permission on this basis. NPPF policy requires sequential testing and impact studies for large scale retail developments and moreover specifies what are considered to be appropriate main town centre uses (Annex 2: Glossary). However, the NPPF does not allow for local planning authorities to refuse planning permission simply because it considers a town centre location to be preferable to the one that has been applied for.

10. Recommendation

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

Conditions

1. The development hereby permitted shall be begun not later than the expiration of three years beginning with the date of this permission
Reason: To ensure compliance with Section 91 of the Town and Country Planning Act 1990.
2. The development shall not be carried out other than wholly in accordance with the drawings and details received by the Local Planning Authority on 21st July 2015. The development shall be completed in accordance with the approved plans (including the construction material for the new shop front and finished colours for both the shop front and canopy) except where conditions attached to this planning permission indicate otherwise or where alternative details have been subsequently approved following an application for a non-material amendment.
Reason: To specify the permission for the avoidance of doubt.
3. Prior to its first installation full elevation drawings produced to a recognised metric scale and detailing the external appearance of the proposed shop front, canopy, and any proposed external lighting shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be completed in accordance with the approved plans.
Reason: To ensure that the proposed design reflects that of other neighbouring shop premises, in the interests of protecting the character and appearance of the conservation area.
4. The use hereby permitted shall only operate between the hours of 0900 to 1800 from Monday to Friday with the exception of one day per week to be approved in writing with the local planning authority when the premises shall be open from 0900 to 1930. The premises shall be open from 0900 to 1500 on Saturdays and not at all on Sundays and Bank Holidays.

5. All customers accessing and egressing the premises shall only use the front access door (off Gargrave Road) and no other entrance / exit.

Reason (for 4 & 5): In the interests of residential amenity.

Informatives

1. With regard to Conditions No. 3 & 4 above please note that it will be necessary to submit a formal application to discharge the condition. 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.
2. Separate consent may be required for any advertisements to be erected at the premises under the Town and Country Planning (Control of Advertisements) Regulations 2007.

Statement of Positive Engagement: -

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

- engaged in pre-application discussions
- requested amended design approaches / information to address the planning issues which have arisen in relation to dealing with this application.
- accepted additional information / changes to the scheme post validation

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

*BARDEN FELL
24/2015/15636*

*RESERVED MATTERS APPLICATION FOR CONSTRUCTION OF TWO
FAMILY HOMES AS GRANTED IN OUTLINE CONSENT REFERENCED
24/2013/14195*

FORMER QUARRY, LOW LANE, DRAUGHTON.

APPLICANT NAME: MR NIGEL HARGRAVES

TARGET DECISION DATE: 22/05/2015

CASE OFFICER: Mark Moore

This application is referred to the Planning Committee as it seeks reserved matters approval for new residential development outside of development limits and is therefore a departure from the Development Plan. In addition the outline planning permission was granted following consideration of the application by the Planning Committee.

1. Site Description

- 1.1 The application site is located within a former quarry located to the east of the settlement of Draughton.
- 1.2 The site lies outside of development limits and has an existing gated access which connects to Low Lane to the east via a narrow lane to the north of the site. The access within the site is graded and partly covered by loose stone.
- 1.3 There are two parts to the site both of which share the existing access. The northern part comprises a raised platform formed by spoil from the quarry whilst the southern part is a flat area set on a lower level which has a small stone-built storage building and a tennis court located on it. The height differential between the two sites as indicated on the approved (outline) plan is 10.7m.
- 1.4 There is a small beck that runs to the west of the site.
- 1.5 The land to the east of the site is predominantly open farm land which is described in the Craven District Landscape Appraisal as 'Open Upland Pasture/Irregular Stone Walls'.
- 1.6 Due to the topography of the surrounding landform both of the sites are well screened from the lane and adjacent settlement. In addition there are a number of well-established trees surrounding the sites although the northernmost site has a relatively open aspect to the east and would be in an elevated position and partially visible when viewed from the surrounding countryside.
- 1.7 In addition to being outside of the village development limits the site is located within the Draughton Conservation Area.

2. Proposal

- 2.1 This is an application seeking approval of reserved matters (appearance, landscaping, layout and scale) following the grant of outline planning permission in February 2014 under Ref: 24/2013/14195. Access was approved as part of the outline planning permission for this site. Both properties would use the existing site access from Low Lane to the north.

Appearance:

- 2.2 Planning permission is sought for the construction of two 2 storey, 4 bedroom properties with attached garages.
- 2.3 Each property would have a small entrance porch to the front elevation and have a single garage to one side which would incorporate a mono-pitched roof.
- 2.4 The houses would be constructed in natural stone with slate roofing. No specific details or samples of the proposed materials have been submitted for consideration nor has it been confirmed whether the windows and doors are to be timber or UPVC.

Officer note: The application seeks approval for details of the dwellings that were submitted for illustrative purposes as part of the outline planning application.

Landscaping:

- 2.5 The Council's tree officer originally advised that the submitted drawing that detailed landscaping had no key, schedule or specification and that there was no programming of planting or timing of implementation. Consequently, his recommendation was that the requirements of conditions 6 and 7 of the original outline planning permission had not been met and the landscaping details could not therefore be approved.
- 2.6 Revised landscaping details have been submitted that show three areas of planting comprising a mix of 20 small native trees and shrubs. All of the existing tree and shrub planting across the site are to be retained.

Layout:

- 2.7 These details are as shown on the illustrative plan submitted with the outline application.
- 2.8 It is proposed to construct the properties on two parts of the old quarry site that have distinctly different characteristics, the northern site being on a raised area formed by spoil from the quarry workings, the southern site set within the quarry walls on a flat area that currently has a tennis court and small storage building sited on it.
- 2.9 In addition to the works set out above it is proposed to remove and rebuild an existing stone wall 10m further to the east on the northern part of the site.

Scale:

- 2.10 The proposed houses would be gable ended and measure approximately 12m x 8m with ridged roofs 7.8m in height falling to 5.5m at eaves level.

3. Planning History

- 3.1 The site has historically been a quarry but has not been used for that purpose for a long period of time. The existing limestone storage building on the site may have been built at the time the quarry was in operation but is more probably a later addition for use in connection with the tennis court.
- 3.2 24/2013/13815: Outline Application for construction of two family homes on former quarry site. Refused September 2013.
- 3.3 24/2013/14195: Outline Application for construction of two family homes on former quarry site (Re-submission of previous planning application ref: 24/2013/13815). Approved February 2014.

4 Planning Policy Background

- 4.1 **Saved Local Plan Policies in 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.
T2: Road Hierarchy.

4.2 **National Planning Policy Framework.**

4.3 **National Planning Practice Guidance.**

5. Parish/Town Council Comments

5.1 **Draughton Parish Council:** Has no comments on the papers originally submitted in respect of the reserved matters but requested to see a copy of the landscaping report referred to in the application that was not available either online or in the paper pack sent out for comment.

5.1 The PC were subsequently re-consulted on amended landscaping proposals and responded in September 2015 that they had no comments to make on the application.

5.3 **Officer note:** Further landscaping plans have been submitted containing additional detail at the request of the CDC Tree Officer and the PC has been consulted on those. At the time of compiling this report there are no further comments from the PC in respect of this application.

6 Consultations

6.1 **CDC Environmental Health:** There are no environmental protection or contaminated land issues with the site.

6.2 **CDC Tree Officer:** The Tree Officer was originally critical of the submitted drawings for landscaping as there was no key, schedule or specification and no programming of planting or timing of implementation. Consequently, the requirements of conditions 6 and 7 of the original outline planning permission could not have been met. In addition the schedule was a tree survey of existing trees but was not in accordance with BS 5837 (2012) and did not give management recommendations or root protection distances etc.

Revised landscaping plans have been submitted that have addressed the concerns of the Tree Officer and he now confirms that the landscaping details are acceptable.

6.3 **Environment Agency:** No objections.

6.4 **NYCC Highways:** Recommends that permission is granted subject to conditions to require approval of the means of construction of the access and prevent conversion of the proposed garages to habitable accommodation.

Officer Note: Appropriate conditions on the access provision were attached at the outline stage. However, conditions to prevent the conversion of garages are not considered necessary. Each dwelling has a generously proportioned garden area and there is not considered to be reasonable justification to insist the garages are retained for vehicle parking.

6.5 **Natural England:** No objections and proposals are unlikely to affect any statutorily protected sites.

6.6 **Yorkshire Water:** No comments on the proposals submitted with the application. However YW note that no drainage proposals have been included and therefore make reference to their previous comments on the outline application which recommended planning conditions to require approval of a scheme that provides separate sustainable systems for foul and surface water drainage.

Officer Note: Appropriate foul and surface water drainage conditions were attached at the outline planning stage.

7 Representations

7.1 None received at time of compiling this report.

8 Summary of Principal Planning Issues

8.1 The principle of development and access has already been established as acceptable by the outline planning permission. This application therefore assesses the acceptability of the details submitted as reserved matters; appearance; landscaping; layout; and, scale.

9. Analysis

Appearance:

9.1 The proposed houses are to be constructed of stone with slate roofs and are of a modern gabled design that would respect the local vernacular. The plans are the exact same ones that were submitted for illustrative purposes as part of the outline permission and detail properties that are considered to be appropriate in the context of this site.

9.2 There is a lack of detail in the application regarding the exact materials that are proposed and a condition is therefore recommended to require further details. Furthermore, whilst some levels information is provided it is considered that more detailed information is required by planning condition to ensure that finished floor levels of the dwellings and ground level of other land is acceptable.

9.3 Subject to the above conditions, it is considered that the development proposal will be acceptable with respect to its appearance.

Landscaping:

9.4 Following initial criticism of the landscaping proposals that were initially submitted the CDC tree Officer has now confirmed that the revised scheme is acceptable.

9.5 The site is heavily screened with well-established mature tree and hedgerow planting all of which is to be retained. The proposed planting areas would supplement that existing vegetation and is considered to be acceptable.

Layout:

9.6 Although not applied for at the outline stage the layout was shown for illustrative purposes and has not changed from what was originally envisaged. It is considered that the general arrangement is acceptable and can be approved. The layout ensures that no unacceptable residential amenity considerations occur.

Scale:

9.7 The proposed houses are of a relatively modest scale comprising two storey dwellings and are as those originally shown for illustrative purposes on the outline planning application.

9.8 In view of the site characteristics and the location of the application site it is considered that the scale of the proposed houses is acceptable.

10. Recommendation

That planning permission is granted for the reserved matters subject to the following planning conditions:

1. The development shall not be carried out other than wholly in accordance with the location plan and house type (revision A) received by the local planning authority on

15th July 2015, existing and proposed site plan (revision A) received 22nd September 2015 and existing and proposed site sections received 27th March 2015 and also the landscaping plans and planting schedule received on 22nd September 2015.

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

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

2. Prior to their first use all building facing materials and finishes, surface material finishes for highways, footpaths, private drives and all other hard surfaces, screen walls, fences and other means of enclosure shall be submitted to and approved in writing by the local planning authority. The development shall be completed in accordance with the approved details thereafter.

Reason: In the interest of visual amenity.

3. Prior to the commencement of development a full site survey shall be carried out and details of the existing and proposed ground levels proposed and the proposed finished floor levels shall be submitted to the local planning authority for approval. The development shall be completed in accordance with the approved details thereafter.

Reason: In the interest of visual amenity and for the avoidance of doubt.

Informatives:

1. The developer should note that this planning approval is for reserved matters relating to outline planning permission Ref: 24/2013/14195 and that condition nos. 8, 9 and 10 of that outline permission must be discharged before the commencement of development.
2. The developer should note that Condition nos. 8, 9 and 10 of the outline planning permission (ref: 24/2013/14195) and condition 2 and 3 of the reserved matters approval (ref: 24/2015/15636) 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. In particular the Council has: -

- engaged in pre-application discussions
- requested amended design approaches / information to address the planning issues which have arisen in relation to dealing with this application.
- accepted additional information / changes to the scheme post validation

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

*BENTHAM
08/2015/15982*

*INSTALLATION OF SOLAR FARM AND ASSOCIATED INFRASTRUCTURE
(WITH A POTENTIAL CAPACITY OF 3.8MW OF ELECTRICITY AT ITS
PEAK). RE-SUBMISSION OF 08/2015/15473.*

LAND SOUTH OF RAVENS CLOSE BROW, LOW BENTHAM.

APPLICANT NAME: TAU SOLAR LTD
TARGET DECISION DATE: 22/10/2015
CASE OFFICER: Neville Watson

This application is reported to Planning Committee as it is essentially a repeat application of a proposal that was previously considered by Members.

1. Site Description

- 1.1 The application site comprises a field in the Parish of Bentham to the south of Ravens Close Brow. The total site area extends to 6.7 ha. and is currently used for grazing.
- 1.2 The site is approximately 1.2 km south of Burton in Lonsdale, 700 m. north of Low Bentham and 2 km. north west of Bentham in open countryside. The site is not subject to any special designation such as National Park or Area of Outstanding Beauty.
- 1.3 There is a caravan site at Goodenbergh Farm some 250 m. to the west (at its closest point) and isolated residential properties on the Burton Road approximately 700 m. to the east.
- 1.4 The site is within an area of semi-enclosed lowland, rolling drumlin field pasture as described in the Landscape Appraisal 2002. The agricultural land classification is predominantly grade 3b with some grade 4. Field boundaries are defined by hedge rows with hedge row trees.
- 1.5 A network of Public Rights of Way (PRoW) exist in the vicinity of the application site with one PRoW running southwards from Ravens Close Brow following the western boundary of the site.

2. Proposal

- 2.1 The proposal is for a solar voltaic power (solar PV) plant of approximately 3.8 Megawatt. The development would provide a renewable source of electricity capable of supplying 1,050 homes which will be supplied to domestic and commercial consumers via the national grid. This compares to the scheme refused earlier this year for a 5 Megawatt scheme that consisted of solar arrays in two separate fields. The current submission omits one of the fields, but to achieve the proposed capacity requires a greater number of solar arrays in the field. The proposed scheme increases the number of rows to 55 compared to the refused scheme of 42 rows, reducing the gaps between the rows
- 2.2 The principal elements of the proposed development are as follows:-
 - Fixed solar PV panels mounted on metal frames arranged in east-west rows tilted southward at approximately 20-25 degrees. The lower edge of the panels are some 700 mm- 900 mm. above ground with a maximum height of 2.4 m.

- Inverters and transformers stored in cabinets 12.8 m. x 2.5 m. x 3.1 m. The solar panels produce direct current electricity (DC) that needs to be converted to alternating current (AC) electricity for the national grid. These cabinets are steel “containers” dark green in colour. Two cabinets are proposed
- A sub station comprising two cabinets 5.9 m. x 2.9 m. x 3.5 m. (steel “containers”, dark green, located in the north east corner of the site.
- Control room 12.2 m. x 4.1 m. x 2.9 m. A single storey steel building.
- Security/ deer fencing 2 m. high Welded mesh construction with steel/wood posts. The fence would allow the passage of small animals.
- No permanent lighting is proposed.
- CCTV Infra-red security cameras at a height of 3.5 m located around the perimeter fence at 50 m. intervals.

2.3 The application is accompanied by the following that Members are invited to view on the Council’s web site:-

- Planning statement
- Design and access statement
- Landscape and visual impact assessment
- Flood risk assessment
- Ecology assessment
- Agricultural land classification report
- Heritage/archaeology assessment
- Topographical survey
- Transport assessment
- Construction management statement
- Site selection report
- Statement of community involvement.

3. Planning History

3.1 08/2015/15473. Proposed solar farm. Refused 10.6.2015 for the following reason:-

The proposed solar farm would be located in attractive undulating open countryside with the Yorkshire Dales National Park to the north east and the Forest of Bowland Area of Outstanding Natural Beauty to the south west. The development would be visually intrusive and cause significant harm to the intrinsic character and beauty of the landscape. The Local Planning Authority considers that the adverse visual impact of the development would significantly and demonstrably outweigh the benefits of approving the development.

3.2 An appeal against that decision has been lodged with the planning Inspectorate.

4. Planning Policy Background

4.1 NPPF

4.2 nPPG

4.3 Saved Local Plan Policies ENV1, ENV2, ENV10 and SRC12 are of relevance.

5. Parish/Town Council Comments

5.1 Bentham Town Council.

It felt that the visual impact of the smaller site and all its added infrastructure of fences, lights etc would still be unacceptable in a rural area. It is also still worried that the planning is only for 30 years, and was extremely concerned as to what powers Craven would have to enforce returning the area to its original state? The Council believes that water tight assurances are required, as there is no guarantee that Tau Solar will still be in business in 2045.

The Council would therefore urge refusal of this application. The Council is not against the use of renewables but was unanimous in its decision that more suitable sites must be available that are not so visible from neighbouring properties or Ingleborough.

6. Consultations

6.1 **Yorkshire Dales National Park.** No reply. Consulted 24.7.2015.

6.2 **AONB Officer.** No reply. Consulted 24.7.2015.

6.3 **NYCC Highway Authority.** Recommend standard conditions.

6.4 **National Grid.** No reply. Consulted 24.7.2015.

6.5 **United Utilities.** Advise that the site should be drained with separate foul and surface water systems in a sustainable way.

6.6 **Environment Agency.** Advise that it is outside the scope of issues the Environment Agency wish to be consulted on.

7. Representations

7.1 Four letters of objection have been received and one letter of support.

7.2 The issues raised in the objections are as follows:-

- Adverse visual impact including views from Ingleborough.
- Adverse impact on tourism (solar farm will make the area less attractive to tourists).
- Unsuitable topography (site is not flat) and does not lend itself to screening.
- Increase in the number of panels making it unsuitable for grazing.
- Amenity value of public footpath to the west will be lost.
- Reference to Ministerial statement about the impact of solar farms on the countryside.
- Limited consideration of brownfield alternatives.

7.3 The letter of support draws attention of the general need to contribute to the provision of renewable energy and the need to balance the environmental impact against the greater environmental impact of climate change.

7.4 Additionally, the Ramblers have stated that they have no objection providing the screening conditions set out in the Planning Statement are complied with.

8. Summary of Principal Planning Issues

8.1 Principle of Development.

8.2 Landscape/visual impact.

8.3 Other issues.

9. Analysis

Principle of Development

- 9.1 Section 38(6) of the planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. However, the Craven Local Plan is somewhat aged and does not include directly applicable policies to this development proposal.
- 9.2 Policy ENV1 'Development in the open countryside' whilst not directly applicable to renewable energy developments is of relevance to any development proposals within open countryside locations. The policy states that 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 will only be permitted where it benefits the local economy; helps maintain or enhance landscape character; is essential for the efficient operation of agriculture or forestry or is essential to the needs of the rural community. The policy goes on to state that large scale development 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.
- 9.3 In this case the scale of the development is considered to be large scale and not small scale. However, the advice within policy ENV1 on how to consider such proposals is out of date and not in accordance with more recent planning policy and guidance for renewable energy proposals contained within the NPPF and PPG. It is therefore considered that minimal weight should be given to the advice within policy ENV1.
- 9.4 Paragraph 14 of the NPPF states that:-
- At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan making and decision taking.*
- For decision taking this means:*
- *Approving development proposals that accord with the development plan without delay; and*
 - *Where the development plan is absent, silent or relevant policies are out of date, granting planning 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.*
- 9.5 With respect to this application, it is essentially the case that Local Plan policies to effectively assess the development proposal are absent or out of date. The development should therefore be considered in accordance with the advice at paragraph 14 of the NPPF; planning permission should be granted unless the adverse impacts significantly and demonstrably outweigh the benefits, or policies in the NPPF itself indicate that development should be restricted.
- 9.6 With respect to Planning Policy within the NPPF one of the core planning principles set out in paragraph 17 is to support the transition to a low carbon future in a changing climate by encouraging the use of renewable resources which includes the development of renewable energy.
- 9.7 Paragraph 93 of the NPPF advises that planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing reliance 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.

- 9.8 Advice within the NPPF indicates that when determining planning applications, local planning authorities should not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy; and approve the application, unless material considerations indicate otherwise if the impacts are (or can be made) acceptable (paragraph 98 of the NPPF).
- 9.9 Relevant advice on solar development that is directly applicable to the development proposal can be found in Planning Practice Guidance at paragraph 13 (updated on 27 March 2015). The PPG advises on the following particular planning considerations that relate to large scale ground mounted solar photovoltaic farms.
- 9.10 It states that the deployment of large-scale solar farms can have a negative impact on the rural environment, particularly in undulating landscapes. However, the visual impact of a well-planned and well-screened solar farm can be properly addressed within the landscape if planned sensitively.
- 9.11 Particular factors a local planning authority will need to consider are set out in the PPG and these factors are listed below:
- encouraging the effective use of land by focussing large scale solar farms on previously developed and non-agricultural land, provided that it is not of high environmental value;
 - where a proposal involves greenfield land, whether (i) the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land; and (ii) the proposal allows for continued agricultural use where applicable and/or encourages biodiversity improvements around arrays.
 - that solar farms are normally temporary structures and planning conditions can be used to ensure that the installations are removed when no longer in use and the land is restored to its previous use;
 - the proposal's visual impact, the effect on landscape of glint and glare and on neighbouring uses and aircraft safety;
 - the extent to which there may be additional impacts if solar arrays follow the daily movement of the sun;
 - the need for, and impact of, security measures such as lights and fencing;
 - great care should be taken to ensure heritage assets are conserved in a manner appropriate to their significance, including the impact of proposals on views important to their setting. As the significance of a heritage asset derives not only from its physical presence, but also from its setting, careful consideration should be given to the impact of large scale solar farms on such assets. Depending on their scale, design and prominence, a large scale solar farm within the setting of a heritage asset may cause substantial harm to the significance of the asset;
 - the potential to mitigate landscape and visual impacts through, for example, screening with native hedges;
 - the energy generating potential, which can vary for a number of reasons including, latitude and aspect.

- 9.12 The PPG also advises that the approach to assessing cumulative landscape and visual impact of large scale solar farms is likely to be the same as assessing the impact of wind turbines. However, in the case of ground-mounted solar panels it should be noted that with effective screening and appropriate land topography the area of a zone of visual influence could be zero.
- 9.13 With respect to renewable energy developments on agricultural land the Planning Practice Guidance whilst not precluding such development it does require the applicant to demonstrate that the use of agricultural land is necessary. Supporting information does consider the issue of need and the applicants have made an assessment of alternatives to the use of agricultural land by considering brownfield land and commercial and industrial rooftops in the District. The applicant has provided evidence from the National Land Use Database that identified only six previously developed sites over 0.5 ha were identified within the District. These included land at Firth Street Skipton, Backgate Ingleton, New Road Ingleton, The Bailey Skipton, Old Road Clapham and land north of Kings Mill Settle. The assessment reaches the conclusion that there are no viable non-agricultural alternatives as none of the sites are large enough to accommodate a 5MW solar farm and it is therefore necessary to use agricultural land.
- 9.14 The land is predominantly grade 3b and 4 and therefore is not the best and most versatile land. The proposal could allow for the continued use of the grazing. The application also indicates that the land will be sown with wild grasses and seed rich flowers aiding biodiversity around the arrays.
- 9.15 Taking into account the above planning policy and guidance it is concluded that as a matter of principle there is no objection to the proposed solar farm. However, this is not the only consideration.

Landscape/visual impact

- 9.16 The site lies within an area identified as Special Landscape Area in the Craven District Local Plan. However, Policy ENV4 is not a “saved” policy and therefore carries no weight. This does not in itself diminish the value of the landscape.
- 9.17 The Yorkshire Dales National Park is located approximately 5 km. to the north east of the site and the Forest of Bowland Area of Outstanding Natural Beauty to the south west is approximately 1.5 km away (in Lancaster City). Due to the local topography the actual distances to the site and its immediate context is physically and visually detached from both the National Park and the AONB which are afforded the highest status of protection in relation to landscape and scenic beauty (paragraph 115 of the NPPF refers).
- 9.18 The Landscape and Visual Impact Assessment that accompanies the application includes a Zone of Theoretical Visibility (ZTV) model. The ZTV incorporates a 10 km. study area which extends as far as Ingleborough to the east and the Forest of Bowland to the south. The modelling is based on a bare earth model (i.e. based solely on topography) and takes no account of buildings, woodland, trees and hedgerows. Within the 1-1.5 km radius of the application site there are theoretical views from much of the localised area but this does not take into account hedgerows and trees, which restrict views of the site. Between 1.5 km and 2.5 km theoretical views are greatly reduced to less than 50% as a result of the topography. Beyond 2.5 km the theoretical visibility of the site is more apparent in part due to the higher ground to the south in the AONB and to the north east from the National Park.
- 9.19 It is considered that the site is located within a gently undulating, agricultural area with strong field boundaries, pockets of woodland and established vegetation. The areas of woodland hedgerows and undulating topography provide a degree of containment. The site will be visible from Ravens Close Brow and the public footpath that runs to

the west of the site. Parts of the site will be visible from the eastern boundary of Goodenbergh Holiday Park. The most significant visual impact will be from the public footpath to the west of the site from which both fields are visible and will have a major impact until proposed boundary planting becomes established. The topography restricts views of the site from the public footpaths to the north.

- 9.20 Each application must be judged on its own merits. Officer's assessed the original application and reached the view that the impact on the landscape would be acceptable (taking into account other benefits of the development proposal).
- 9.21 Planning Committee Members also very recently made a clear assessment on the landscape impact, following a site visit to the application site and surrounding area, and decided that the impact of the proposal on the landscape was unacceptable and this impact formed the basis for refusing the previous submission.
- 9.22 This revised proposal now excludes the eastern field. However, the impact previously identified by the Planning Committee as being unacceptable still remains. Whilst less land is now proposed the development will still have a similar impact on landscape character and the field that is to be developed is now to be developed more intensively. In effect the amended scheme does not offer significant improvements over the proposal that was previously refused by the Planning Committee and therefore it would be entirely consistent for the Committee to also refuse this amended application. Taking into account the more intensive use of the site and a greater site coverage of the field your Officer's have reviewed their assessment of the landscape impact having also had the opportunity of viewing other solar farms outside the District. Officer's concur with the view previously taken by Members and consider that this current proposal would have an unacceptable and adverse impact on the local landscape.

Other issues

- 9.23 There is no permanent lighting, although there would be bulkhead lighting on the inverters which would be switched on in the event that emergency work in the dark but this would be for health and safety reasons only. The CCTV cameras for security purposes on the site boundary would use infra-red technology and therefore there would be no light pollution in the open countryside. The site would be further secured by a 2 m high deer/security fence.
- 9.24 The Planning Policy Guide advises that great care should be taken to ensure that heritage assets are conserved in an appropriate manner appropriate to their significance, including the impact of the proposals on views important to their setting. Careful consideration should be given to the impact of large solar farms on heritage assets. A large scale farm may cause substantial harm to the significance of the asset.
- 9.25 An assessment has been carried out by consultants on behalf of the applicant of the potential effects of the proposed development upon the settings of designated heritage assets within the wider surroundings of the site. It concludes that due to the effects of screening provided by vegetation and topography, there will be no visual impacts upon the majority of the designated heritage assets, including mostly Grade II Listed Buildings, the Castle Hill Scheduled Monument and Burton in Lonsdale Conservation Area. Your Officers concur with those conclusions. The closest listed building is at Calf Cop Farm some 550 m. to the south east. The application site does not form part of the setting within which the asset can be appreciated and your Officers therefore do not consider the proposed development would have any adverse impact on the setting of the listed building. In conclusion, with respect to the visual impact, the proposal would not conflict with the local and national planning policy and guidance.

- 9.26 The Planning Policy Guide advises that solar farms are normally temporary structures and planning conditions can be used (should permission be granted) to ensure that the installations are removed when they are no longer in use and the land is restored to its previous use. This would address the concerns of Bentham Town Council in this respect.
- 9.27 Residents have also raised concerns about the adverse impact the solar farm would have on tourism. The views expressed consider that the solar farm would make the area less attractive which would deter visitors from visiting the area. Notwithstanding the conclusions on landscape impact landscape impact it is considered that this is not a significant issue that could justifiably lead to refusal of the application.

Conclusions

- 9.28 The saved policies in the Local Plan, referred to in paragraph 4.3, are for the purposes of this application considered to be out of date and not to offer any specific guidance on solar farms. Taking into account the guidance in paragraph 14 of the NPPF approval should be granted unless any adverse impacts do not significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole or that specific policies in the Framework indicate that development should be restricted. The specific policies referred to include those sites protected as areas designated as National Park, AONB or designated heritage assets. In this particular case the adverse impacts are considered to be principally the landscape impact. Paragraph 98 of the NPPF advises that Local planning Authorities should approve the application unless material considerations indicate otherwise and the impacts are (or can be made) acceptable. The potential energy generating benefits must be balanced against the landscape impact. Notwithstanding the conclusions reached by Officers in the report to Committee in June it is not considered that this submission overcomes the objections to the scheme set out in the previous refusal. This proposal would still have a significant and unacceptable impact on the landscape. It is not considered that hedgerow planting would mitigate the adverse impact.
- 9.29 In conclusion it is considered that the adverse impacts outweigh the benefits in this case, and therefore planning permission should be refused

10. Recommendation.

- 10.1 That the application be refused

Reason for refusal

1. The proposed solar farm would be located in attractive undulating open countryside with the Yorkshire Dales National Park to the north east and the Forest of Bowland Area of Outstanding Natural Beauty to the south west. The development would be visually intrusive and cause significant harm to the intrinsic character and beauty of the landscape. The Local Planning Authority considers that the adverse visual impact of the development would significantly and demonstrably outweigh the benefits of approving the development and the proposal is therefore contrary to Planning Policy within the NPPF.

Statement of Positive Engagement: -

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

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

WEST CRAVEN
12/2015/16126

RETROSPECTIVE APPLICATION FOR RETENTION OF REPLACEMENT
AGRICULTURAL BUILDING (RE-SUBMISSION OF REFUSED APPLICATION
12/2015/15723)

NEW LAITHE BARN, NEWTON GRANGE FARM, BANK NEWTON.

APPLICANT NAME: MR JOHN HOWARD
TARGET DECISION DATE: 13/10/2015
CASE OFFICER: Natasha Szuszko

This application has been referred to Planning Committee at the request of Councillor Mason due to the sites recent planning history.

1. Site Description

- 1.1 New Laithe barn is an isolated building located within the confines of the Newton Grange Estate. The barn is accessed via a metalled track from the main road and is within range of another agricultural building that is modern in appearance approximately 250m away in a westerly direction.
- 1.2 The building is finished to a high standard with stone corbels, stone heads and cills to the window and door openings with stone flags surrounding the tarmacked hard standing area around the building plus new cart opening entrance doors.
- 1.3 To the west of the site is a public right of way which forms part of the 'Pennine Way'. The site falls outside any area of special control.

2. Proposal

- 2.1 The application seeks retrospective planning permission for the retention of a replacement agricultural building. This application is a resubmission of a previously refused application under reference 12/2015/15723.

3. Planning History

- 3.1 Letter submitted as a Prior Notification to change the use of an agricultural building under Class M Part 3 of the 1995 General Permitted Development Order (as amended) to a use class D2 Assembly and Leisure. – Received 6th August 2013, but returned as invalid.
- 3.2 12/2014/14377 - Full Planning Permission for the Retention of Extensions Carried out during Repair Work to the Agricultural Barn – Application returned as invalid 18th June 2014.
- 3.3 12/2014/14378 - Change of Use of Agricultural Barn Known as New Laithe to D2 Use; 'Assembly and Leisure' – Application returned as invalid 18th June 2014.
- 3.4 12/2015/15723 - Retrospective application for retention of replacement agricultural building – Refused for the following reason: -
- 3.5 *'The National Planning Policy Framework advises at Paragraph 14 that development should be approved unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. The building is not considered to be in an appropriate location given its isolation from other buildings within the holding. The design of the building is not considered to be concordant with modern day farming practices. The lack of information as to the need for the building does not demonstrate*

that it would contribute to the continued efficient running of the farming operation or contribute to the rural economy. It is for those reasons that the proposal is considered to conflict with the guidance contained within Saved Local Plan Policy ENV13 and the objectives within the National Planning Policy Framework. It is considered that the harm caused by the new building does significantly and demonstrably outweigh the benefits of approving the development.'

4. Planning Policy Background

4.1 National Planning Policy Framework (2012).

4.2 Saved Local Plan Policy ENV1, ENV2 and ENV13 of the Craven District Council (Outside the Yorkshire Dales National Park Authority) Adopted Local Plan.

5. Parish/Town Council Comments

5.1 Broughton Parish Council – No comments received at the time of compiling this report.

6. Consultations

6.1 North Yorkshire County Council Highway Authority – No objections – Received 4th September 2015

7. Representations

7.1 Three letters of representation have been received, two are in support of the development and another is an anonymous objection. Given the anonymity of the objection it will be given limited weight. The letters of support are summarised as follows:

- The works have been undertaken very sympathetically and are an asset. Quality materials have been used and the building sits well in the rural landscape.
- It was previously a broken down old building that had fallen into total disrepair and it is now as it should be.
- More farmers should consider the surroundings rather than erecting huge concrete buildings. This farmer is enhancing the countryside and should be supported.
- Other buildings at the site have been brought up to modern standards whilst at the same time preserving the facilities and features of the buildings.

7.2 The letter of objection raises the following points:

- The building was previously a small ruin and this is a new building without planning permission.
- If the applicant gets permission will the general public also be allowed to put up buildings around Skipton?
- The building should be dismantled and CDC should stand its ground.

8. Summary of Principal Planning Issues

8.1 Planning Policy Position.

8.2 Location of the building and agricultural need.

8.3 Design of the building.

8.4 Enforcement Matters.

9. Analysis

Planning Policy Position

- 9.1 The National Planning Policy Framework is supportive of economic growth in rural areas and takes a positive approach to sustainable new development. It requires the promotion of a strong rural economy, and local plans should support the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings. The presumption in favour of sustainable development is seen as the 'golden thread' running through the Framework. Paragraph 17 of the NPPF identifies core planning principles. One of these core principles of the NPPF is that the planning decisions should recognise the intrinsic character and beauty of the countryside and supporting thriving rural communities within it.
- 9.2 Paragraph 215 of the National Planning Policy Framework 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 Framework. In this instance, the Craven District (Outside the Yorkshire Dales National Park) Local Plan was adopted in 1999 and was therefore not prepared under the Planning and Compulsory Purchase Act 2004.
- 9.3 As regards the relevance of the Local Plan Policies (ENV1, ENV2 & ENV13), they are considered to be broadly in accordance with the principles contained within the Framework in terms of protecting the amount of development within the open countryside and ensuring that any development permitted is appropriate.
- 9.4 The aforementioned policies, are amongst other things, permissive of small scale development in open countryside locations provided that it; clearly benefits the rural economy, helps to maintain or enhance landscape character and is essential for the efficient operation of agriculture or forestry or is essential to the needs of the rural community. Developments that can be demonstrated to meet these requirements would then need to be considered under Saved Policy ENV2. Where development is acceptable in principle, Saved Policy ENV2 ensures that development is compatible with the character of the surrounding area and does not have an unacceptable impact. The design of structures should also relate well to the setting taking into account the immediate impact and public views of the development.
- 9.5 Local Plan Policy ENV13 is permissive of buildings that are located within or adjacent to an existing group of buildings that are sympathetic in terms of scale, siting, and materials that are used in their construction and will not have an unacceptable impact on the character or setting of local settlements or on the amenity of existing residents.
- Location of the building and Agricultural need.**
- 9.6 The previous refusal was made up of three main points, those being that the applicant had failed to provide sufficient information as to the need for the building, the acceptability of the location, and the design which was not considered concordant with modern day farming practices. As part of this submission the applicant has addressed those reasons for refusal with further justification as to how they consider that the retention of the building meets the requirements of the Saved and National Plan Policy.

- 9.7 The building is already in situ and has replaced a traditional stone built field barn. It is acknowledged that a field barn has in the recent past been on the site in this location. Although the building is in a reasonably isolated location, it is subject to a number of public viewpoints due to its positioning within close proximity to the Pennine Way. The impact of the replacement building upon the surrounding landscape character of the area is considered to be minimal, insofar as it is not unusual to see isolated field barns which form a distinctive part of the landscape across the Craven District.
- 9.8 Saved Local Plan Policy ENV13 indicates that new buildings should be located within an existing group of buildings, unless it can be demonstrated that a more isolated location is essential to the needs of the enterprise. The first application was not considered to provide sufficient information to demonstrate this and was subsequently refused. The additional supporting information within this submission advises that the building is centrally located within the Newton Grange Farm holding as a whole and it is located 'in close proximity to the lambing shed which functions it relates closely to.' The agricultural holding at Newton Grange extends to 240 acres; the application advises that it is a livestock unit which comprises over 1,600 ewes.
- 9.9 Supporting information provided with this amended application indicates that the applicant has now begun to use the building for agricultural purposes. Officers believe that previously the building had not been used for any agricultural purpose since it was rebuilt. The information submitted within this application advises that the applicant did not use the building previously due to the ongoing enforcement investigation.
- 9.10 It is this isolation and separation from existing farm buildings within the holding that would not ordinarily comply with the requirements of Saved Local Plan Policy ENV13. Therefore, where a building is not located within an existing group of buildings it must be demonstrated that a more isolated location is essential to the needs of the enterprise.
- 9.11 In this instance the location and the need are considered to be closely linked. Whilst the applicant is able to find a plausible agricultural use for the building the actual genuine need for the building in this location it is still in doubt. Based upon the information provided, it is not considered that the building is essential to the efficient operation of the farming enterprise. Officers are still of the opinion that a better siting for a new agricultural building would have been alongside the applicants other buildings located approximately 250 m away. Particularly as the applicant advises that this building is required for storage in connection with the sheep building that was constructed in 2005.
- 9.12 The actual need for a building in this location is further undermined as it is understood that the previous building that stood on this site was in a state of disrepair and has been so since the applicant acquired the farm in 1986 (the applicant's supporting information confirms this). This would suggest that the former building had not been in the best condition for some time and does not support the claim that this building is needed in this location for the efficient operation of the farming operation (had it been needed then arguably it is likely that building repairs would have been carried out sooner). Furthermore, even when the new building was constructed, it seems it was still not put to any agricultural use until this planning application was made. Instead of the new building being used for the necessary agricultural use that is now claimed, the Council instead received requests from the applicant to use the building for other none agricultural purposes (this supports the Council's view that the building is not needed for agricultural purposes).

- 9.13 The applicant advises that ‘the need for the building to support the efficient farming operation today is one that relates to the sheep enterprise. The use of the agricultural building at New Laithe Barn is needed for the storage of agricultural related produces associated with the lambing shed which are kept separate from the sheep themselves. The need for this facility has become more acute as the space within the lambing shed is fully utilised’
- 9.14 If this were an application for a new building in this location then it is unlikely that the Council would find the siting of it acceptable, irrespective of whether or not a building had previously stood in that location. Whilst the applicant advises that the building is centrally located in comparison to the whole holding, it is not considered to be within a close proximity to the building to which it relates (the lambing shed). Prior to the rebuilding of the barn it is unknown where feed and other farming implements and machinery were stored in connection with the operation and more specifically the lambing shed that was constructed in 2005.
- 9.15 The applicant does advise that the use of the building alleviates storage issues as a result of the main hard standing and car parking areas of the farm needing to be clear of all farming equipment when functions are held in other parts of the farm (including civil ceremonies, marquee weddings and guest accommodation). Therefore efficiencies can be gained by having an extra storage facility. If it is the case that further storage is required to ensure the main yard area and parking is free of equipment associated with the tourism and leisure aspect of the business then it is considered that a more suitable location could be found. It is unknown what machinery would be stored in the building given that it has not been designed to accommodate large vehicles. The areas surrounding the existing lambing shed are used for muck heaps and therefore the applicant advises that space is limited, the increase in ewes in recent years has meant that there is limited covered space for feed and storage of hay and straw.
- 9.16 It is not considered that the justification submitted as part of this application for a new building demonstrates the need for a building in this location other than being based upon the fact that historically there was previously a building on that site. A better siting for a new agricultural building would have been alongside the applicants other buildings located approximately 250 m away.
- 9.17 The applicant’s justification submitted as part of the application makes reference to the relevance of Saved Local Plan Policy ENV13 and that they consider the Saved Local Policy ENV13 to be outdated. In determining the application the Council have given weight to Saved Local Plan Policies ENV1, ENV2 & EN13. When determining planning applications planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise and paragraph 12 of the NPPF makes it clear that the NPPF does not change the statutory status of the development plan as the starting point for decision making. The policies were saved in 2007 following the earlier Planning and Compulsory Purchase Act (2004). As noted in Paragraph 211 of the NPPF; ‘For the purposes of decision taking, the policies in the local plan should not be considered out of date simply because they were adopted prior to the publication of this framework’.

- 9.18 The NPPF is a material consideration in the determination of a planning application and where there is conflict between the NPPF and the Local Plan policies, the older local plan policies may be considered out of date and have little weight within the planning decision. However, for the purposes of this assessment there is considered to be little conflict between the saved local plan policies (ENV1, ENV2 & ENV13) and the NPPF. As such the Council consider that these policies should be given weight within the determination of the application as they are consistent with the sustainable development aims of the NPPF and not contrary to the policies within that document.
- 9.19 It is accepted that Paragraph 28 of the Framework supports growth and expansion of all types of rural business and it is not disputed that the building has been sensitively restored, however the assessment of the application must take into account the adverse impacts of approving development and if they would significantly and demonstrably outweigh the benefits when assessed against the policies within the Framework taken as a whole.

Design of the building

- 9.20 As regards its compliance with the criterion contained within Saved Policy ENV1 & ENV2, the building has been constructed from traditional materials emulating its predecessor. Ordinarily, new or replacement agricultural buildings take on a more modern appearance using pre cast fibre cement sheets and Yorkshire boarding. However, it cannot be argued that the building has a detrimental impact upon the surrounding area because a more traditional approach has been taken in its design.
- 9.21 However, there have been a number of additions and alterations to the building that are not necessarily reflective of typical working agricultural buildings, including the cart door that was finished to a very high standard. Additionally as designed it is unlikely that large machinery or vehicles would be able to easily gain entry to the building given the size of the opening and the fact that it is not flush with ground level, there is finished step up into the building. The yard area is also particularly well finished which would suggest that the building has not been designed with genuine agricultural purposes in mind.
- 9.22 The applicant has responded to this by removing the cart doors and replacing them with solid plywood doors of a simpler design. The applicant has also advised that the building was never intended for large machinery and vehicles; it is solely for the storage of hay, straw and feed for the sheep farming enterprise. A steel ramp will be used to access the building and take deliveries. The applicant acknowledges the high standard of the finish and has advised that this has been done in order to sympathetically restore buildings at Newton Grange.

Enforcement Matters

- 9.23 An enforcement notice was served on 2nd March 2015 with the notice alleging the following breach of planning control 'the construction of a new building in the open countryside'. The notice requires the building to be demolished. An appeal lodged against the enforcement notice is currently underway and is with the Planning Inspectorate for consideration.
- 9.24 The purpose of this application is to retain the agricultural building and it has been made without prejudice to the outcome of the appeal against the enforcement notice. As such, the building if approved by this permission would not benefit from the new Permitted Development Rights that allow for the conversion of agricultural buildings to a variety of uses (a condition could be attached to any permission to re-affirm this).

- 9.25 Therefore, if approved the applicant could retain the building and use it for agricultural purposes, but not for a variety of other alternative uses (such as residential or leisure) that are now allowed as permitted development.

Conclusions

- 9.26 To conclude, Paragraph 14 of the Framework indicates that development should be approved unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole, or specific policies in the Framework indicate development should be restricted.
- 9.27 The claimed benefits for this development essentially relate to the building helping to support the rural economy. However, whilst it is accepted that the applicant can find a plausible agricultural use for the building, it is not considered that based upon the further supporting information provided a new building in this location was essential to the efficient operation of the farming enterprise. If an application had been made to the Council prior to the building's erection, it would instead have sought to ensure that the building was sited adjacent to the existing group of agricultural buildings at the farm. It is therefore considered that this development is unacceptable in principle as it is sporadic unjustified development in a rural open countryside location and this adverse impact is considered to outweigh the benefits of approving development. The development is therefore not considered to meet the requirements of the Council's Saved Local Plan Policies ENV1 or ENV13 or the NPPF including one of the NPPF's core planning principles of preventing development that would be harmful to the intrinsic open character of the countryside.

10. Recommendation

- 10.1 To refuse retrospective planning permission.

Reasons for Refusal

1. The National Planning Policy Framework advises at Paragraph 14 that development should be approved unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. It is not considered that, based upon the further supporting information provided with this application, a new building in this location was essential to the efficient operation of the farming business or to contribute to the rural economy. If an application had been made to the Council prior to the building's erection, it would instead have sought to ensure that the building was sited adjacent to the existing group of agricultural buildings at the farm which would have had less impact on the open countryside. It is therefore considered that this development is unacceptable in principle as it constitutes sporadic unjustified development in a rural open countryside location and this adverse impact is considered to outweigh the benefits of approving development. The development is therefore not considered to meet the requirements of the Council's Saved Local Plan Policies ENV1 or ENV13 or the NPPF including one of the NPPF's core planning principles of preventing development that would be harmful to the intrinsic open character of the countryside.

Statement of Positive Engagement: -

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

- engaged in pre-application discussions
- requested amended design approaches / information to address the planning issues which have arisen in relation to dealing with this application.
- accepted additional information / changes to the scheme post validation

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

**GLUSBURN
32/2015/16020**

*APPLICATION FOR CHANGE OF USE FROM A1 (RETAIL) TO A4
(DRINKING ESTABLISHMENT). PREMISES TO BE USED AS A MICROPUB*

1 EAST KELTUS, MAIN STREET, CROSS HILLS

APPLICANT NAME: MR STEVEN BANKS

TARGET DECISION DATE: 24/09/2015

CASE OFFICER: Andrea Muscroft

Councillor Barrett has asked that the application be presented to Planning Committee to consider the proposal in respect of its potential impact on the amenity of adjacent properties.

1. Site Description

- 1.1 The application site relates to a former retail unit located in the centre of the village of Glusburn that fronts onto a small paved area known as East Keltus. Main Street lies to the south east of the site with both retail and commercial premises either side of the street. In addition, located to the west of the site is the Co-op store and a public car park that lies both to the west and north of the site.
- 1.2 Pedestrian access to the premises is available directly off East Keltus and also via a narrow pedestrian access situated to the north of the site between East Keltus and the public car park located to the north.
- 1.3 The application site is located within the development limits and also lies within an area identified as a low risk area by the Coal Board. The site has been identified as being located within the Core Retail Area (CRA) of Cross Hills.

2 Proposal

- 2.1 The proposal is seeking permission for the change of use from Retail (A1) to Drinking Establishment (A4).
- 2.2 The micro pub would operate the following hours:-
- Monday to Saturday: Noon – 23:00 hrs.
 - Sunday: Noon – 22.30 hrs.
- 2.3 No details have been supplied in relation to the storage of cask barrels and other waste products.
- 2.4 Deliveries to the premises would be completed by 6pm.
- 2.5 The proposal seeks to employ 1 full time and 2 part-time employee's.
- 2.6 There is no dedicated parking associated with the application site, however, the site is in a central location which is well served by a public car park and good public transport links.
- 2.7 **Officers Note:** No external alterations are proposed to the building.

3 Planning History

- 3.1 32/2005/5376. Use as a taxi Office. Refused 2005.
- 3.2 32/2006/6258 Resubmission of the previous proposal which included off-site car parking. Refused. A subsequent appeal was dismissed.

- 3.3 32/2007/7509 Change of use of premises to taxi operators. Refused July 2007.
- 3.4 32/2008/8540. Change of use of first and second floor to taxi office (Retrospective) Refused June 2008
- 3.5 32/2009/9835 - Change of Use of first floor premises from Hairdressers Salon (A1) to Holistic Therapy Treatment Rooms (D1). Approved September 2009
- 3.6 32/2012/13140 – Reinstatement of ground floor window opening – Approved 2012.

4 Planning Policy Background

- 4.1 The National Planning Policy Framework – NPPF.
- 4.2 Planning Practice Guidance – PPG.
- 4.3 Saved Policy R3 of the Craven District (outside the Yorkshire Dales National Park) Local Plan.

5 Parish/Town Council Comments

- 5.1 **Glusburn Parish Council:** Express concerns over the opening hours due to the amount of school children around during the day. There are already a large number of drinking establishments in a very small area.

6 Consultations

- 6.1 **CDC Contamination Team:** No known contaminated land implications regarding this site.
- 6.2 **CDC Environmental Protection Team:** No identified potential environmental protection issues that would give cause for concern.

7 Representations

- 7.1 One letter has been received from No. 1-3 East Keltus (first floor) supporting the proposal.

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 Other issues.

9 Analysis

1. Principle of development.

- 9.1 The application site is located within the CRA as defined by the 1999 Local Plan and therefore the proposal needs to be considered against Saved Policy R3. The objective of Saved Policy R3 is to maintain a high proportion of units within the CRA for retail use to help ensure the viability and vitality of CRA within town centres.
- 9.2 However, since this policy was saved in 1999 there have been significant changes in policy with the introduction of the NPPF. The NPPF states that at its heart is a presumption in favour of sustainable development with its core planning principles including building a strong, competitive economy and ensuring the vitality of town centres. Notwithstanding that the objective of Saved Policy R3 is to maintain a strong, competitive economy the policy cannot achieve this aim due to its embargo on all changes of use of ground floor properties within the CRA. In addition, the NPPF requires Local Plans to define the extent of Town Centre and primary shopping areas based on a clear definition of primary and secondary frontages. The Local Plan fails to define primary and secondary frontages and therefore fails to comply with the NPPF in

this regard. Finally, the NPPF requires Councils to ensure that the Local Plan is based on adequate, up-to-date and relevant evidence. Contained within Saved Policy R3 is a requirement to maintain 64% of the CRA to A1 use. However, there is no evidence base for the 64% figure referred to in Policy R3 to substantiate this requirement. It is therefore considered that the Saved Policy R3 is out of date. This has been confirmed by recent appeal decisions that have concluded that Policy R3 is out of date due to its restriction on all change of use of ground floor level properties in the CRA, which is considered contrary to the objectives of the NPPF which requires policies to be positive and promote competitive town centre environments.

- 9.3 Furthermore, this consideration is supported by 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; in particular “the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given”. In this instance, the policy is considered contrary to the NPPF. It has therefore been superseded by up-to-date national planning policy as such the policy carries limited weight.
- 9.4 Therefore it is necessary to assess the proposal against the NPPF. At the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking. Paragraph 2 of the NPPF states that LPA’s should recognise town centres as the heart of their communities and pursues policies to support their viability and vitality through the promotion of competitive town centres that provide customer choice and a diverse retail offer which reflect the individuality of town centres. The NPPF states that it is important that the needs for retail, leisure, office and other main centre uses are met in full and are not compromised by limited site availability. The documents also states that planning should operate to encourage and not act as an impediment to sustainable growth with significant weight placed on the need to support economic growth through the planning system with a proactive approach to meet the development needs of the business. In addition, the NPPF states that the development should be located where there is access to high quality public transport facilities.
- 9.5 Thus the NPPF recognises the importance of town centres and that proposals should reflect the individuality of the town centre whilst also promoting competitive town centres that provide customer choice.
- 9.6 The application site is located within the commercial and main shopping centre of Glusburn. The centre is technically not a town centre, but it acts as the main retail and commercial centre for a number of surrounding villages. The development is therefore considered to be located within a sustainable location near to public transport links. Notwithstanding that the proposal would result in the loss of a retail unit (A1) within the defined CRA, it is recognised that the proposal would broaden the range of facilities currently available within the centre whilst also helping to maintain the centres vitality and viability during the day and evening. Moreover, it is considered that the occupation of the unit will support linked trips to nearby retail units.
- 9.7 In conclusion, it is considered that the development of this site would contribute to the NPPF’s aims of supporting the vitality of town centres and therefore is considered acceptable in principle.

2. Visual impact of the development.

- 9.8 Details submitted state that there would be no external alterations proposed, thus the proposal would maintain the character and appearance of the surrounding area. The existing windows and doors would also been retained. Therefore, the proposal would not have a negative visual impact on the character and appearance of the area.

3. Impact of development on the amenity of neighbouring properties.

- 9.9 The NPPF states that planning should always provide a good standard of amenity for all existing and future occupants of land and buildings.
- 9.10 The application site is located within the heart of the designated centre surrounded by other commercial and retail premises adjacent and within the surrounding area.
- 9.11 The nearest residential dwellings to the application appear to be those located to the west (No. 1 Milligans Place) a recently converted building to flats and also to the northwest (North Street) a row of terrace dwellings. Both of these groups of buildings are situated approximately 35 > 43m from the application site, separated by a busy public car park and existing buildings. Planning permission also exists to redevelop buildings on the southern side of Main Street (at a former print works) for residential. It is acknowledged that the proposal would result in a potential increase in noise disturbance as visitor's access and exit the premises especially in the evening. However, the proposal is located within a central area where it has to be accepted that there is already an existing high level of noise and activity. As such it is not envisaged that the proposal would result in any unacceptable increase in noise to warrant a refusal.
- 9.12 The applicant has stated that there would be no amplified noise emanating from the premises. However, to ensure this, it is considered appropriate to attach a condition in the interest of protecting the amenities of adjacent dwellings.
- 9.13 In conclusion, it is not considered that the proposed change of use would cause any unacceptable additional noise disturbance to have an unacceptable effect on the occupiers of North Street or Milligan's Place. The CDC Environmental Health Team has been consulted and has raised no objection based on noise disturbance. If however, any noise nuisance compliant subsequently arises in the future it would be a matter that would need to be addressed through environmental health through a statutory nuisance compliant.
- 9.14 With regard to other amenity issues in terms of overlooking, given the separation distances, existing buildings and its location within a busy commercial and retail centre it is not envisaged that the proposal would result in any unacceptable loss of privacy or overlooking to the occupiers of North Street or Milligan's Place.
- 9.15 Details submitted state that the proposal would provide limited snacks such as crisps and nuts and such the proposal would not result in any odour nuisance to nearby residential dwellings.
- 9.16 Therefore, it is not considered that the proposal would not result in any unacceptable adverse impacts on residents to warrant a refusal.

4. Highway Issues.

- 9.17 The proposal doesn't have any designated car parking facility. However, it is located adjacent to an existing public car park and near to public transport links. In addition, the premises can be easily accessed via pedestrian routes to and from the village centre to the surrounding area. It is therefore considered that the proposal would not have a negative impact on highway safety.

5. Other issues.

- 9.18 With regards to comments expressed by the Parish Council there is no evidence that this proposal would have any negative impact on school children visiting the village centre during the day. Furthermore, it is noted that similar drinking establishments exist within the surrounding area and thus the proposed use is acceptable within the centre.

- 9.19 The application site is located within a predominantly commercial/retail area and as with other premises in the area; the proposed delivery vehicles would service the premises from the rear with deliveries occurring approximately once a week. It is therefore, not considered that the number of proposed deliveries would be significantly greater than that associated with the last use of the site.
- 9.20 Whilst submitted details state that Craven District Council would collect waste from the site no details have been submitted concerning the storage of empty casks and other associate waste products. As such, it is considered appropriate that prior to the change of use being brought into use that details of the storage of waste products are submitted to the Local Planning Authority.

10 Recommendation

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

Conditions

1. The change of use 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 Number Drawing 16020, 16020/1, 16020/2 & 16020/3 (annotated by the case officer for clarification) received by the Local Planning Authority on the 17th July 2015. The development shall be completed in accordance with the approved plans except where conditions attached to this planning permission indicate otherwise or where alternative details have been subsequently approved following an application for a non-material amendment.
Reason: To specify the terms of the permission and for the avoidance of doubt.
3. The A4 use hereby approved shall not be open for business on any day of the week outside of:
Monday to Saturday: Noon – 23:00 hrs.
Sunday: Noon – 22.30 hrs.
Reason: To ensure that any end user does not have an unacceptable impact on the amenities of others.
4. Prior to the development first being brought in to use, provision shall be made for storing commercial waste relating to the A4 use in accordance with a scheme which shall first have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved waste materials storage facilities scheme shall be operated in accordance with the approved details.
Reason: In the interest of visual amenity and to ensure the provision of waste storage facilities.
5. No hot food shall be sold from the premises at any time whatsoever.
Reason: To safeguard the amenities of nearby residents.
6. No amplified music shall be produced or played within or outside of the premises.
Reason: To protect the amenities of adjacent residents.

Informatives

1. The applicant is advised that this permission does not override the need to obtain a licence under the Licensing Act 2003. Please contact the Council's Licensing team for further information. Their address is Licensing Team, 1 Belle Vue Square, Broughton

Road, Skipton, North Yorkshire, BD23 1FJ (telephone 01756 706251). This planning permission is for the change of use of the building only and does not authorise any other development works or the display of advertisements which may require planning permission or advertisement consent.

2. The applicant/developer is reminded that it is their responsibility to ensure that the requirements of each planning condition are met and that the works are undertaken in accordance with the approved plans. Any failure to meet the terms of a planning condition or work which does not accord with the approved plans leaves the applicant/developer liable to formal action being taken. Craven District Council endeavours to monitor on site the compliance with conditions and building works. To assist with this monitoring of development the applicant/developer is requested to complete the Start Notice issued with the Decision at least fourteen days prior to the commencement of development of development to ensure that effective monitoring can be undertaken.
3. With regard to Condition Nos. 4 above please note that it will be necessary to submit a formal application to discharge the conditions.

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.