

PLANNING COMMITTEE MEETING AGENDA

Monday 21 December, 2015

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

**SKIPTON NORTH
63/2015/16036**

*CHANGE OF USE FOR TOURING PARK (20 PITCHES) INCLUDING THE
CREATION OF A NEW ACCESS ROAD TO THE SITE*

COOKRISE CARAVAN PARK, THE BAILEY, SKIPTON.

APPLICANT NAME: MR & MRS NATHAN HUDSON

TARGET DECISION DATE: 16/09/2015

CASE OFFICER: Neville Watson

The application has been referred to Planning Committee at the request of Councillor Dawson given the volume of objections and their contents, the impact on the amenity of neighbours, and the nature of this application.

1. Site Description

- 1.1 The application site extends to 0.4 ha on the north eastern edge of Skipton. The site is bounded by the A65 by-pass to the north with tree planting in the highway verge. There is a railway line (non- passenger) in a cutting to the western boundary of the site, with Overdale Trailer Park to the west of the railway line. A track and public right of way form the southern boundary of the site. There is a paddock to the south of the track that is identified as a protected road approach to Skipton under saved policy BE2 of the Local Plan, with The Bailey on the southern boundary of the paddock. A gas main runs along the western boundary of the site adjacent to the railway cutting.
- 1.2 The site is currently used as a caravan site as a “Certificated Location” for 5 caravans.
- 1.3 The site is outside the development limit and conservation area of Skipton.

2. Proposal

- 2.1 The application seeks permission for a touring caravan site for a total of 20 pitches with warden’s accommodation (a static residential caravan) and a shower/amenity block. The site would be for holiday accommodation only.
- 2.2 Access to the site would be from The Bailey. There is an existing access gate on the by-pass but it is not proposed to use this access to service the site.

3. Planning History

- 3.1 5/63/1080 Gypsy caravan site for 12no. caravans. Refused 4.6.82.
- 3.2 5/63/1080/A Gypsy caravan site for 10no.caravans. Refused 15.7.83.
- 3.3 5/63/1080/B Gypsy caravan site tor 5no families. Refused 10.9.84.
- 3.4 5.63/1080/C Gypsy caravan site for 5no.families. Refused 23.6.86.
- 3.5 5/63/1080/D Erecting four bedroomed house. Refused 13.10.86.

4. Planning Policy Background

- 4.1 National Planning Policy Framework.
- 4.2 Planning Practice Guidance.
- 4.3 Saved Local plan policy ENV1. Development in then open countryside
- 4.4 Saved Local plan policy ENV2. Requirements for Development in the countryside.
- 4.5 Saved Local Plan policy EMP16. Static Caravans and Chalets.
- 4.6 Saved Local Plan policy EMP17. Camping and Touring Caravan Sites.
- 4.7 Saved Local Plan policy EMP18. Permanent Buildings on Caravan Developments.

5. Parish/Town Council Comments

5.1 **Skipton Town Council:** No comments received (due 16.8.2015).

6. Consultations

6.1 **NYCC Highway Authority.** No objections.

6.2 **Network Rail.** No objection in principle but provide detailed guidance on encroachment on to Network Rail land and any works including drainage that may affect rail land.

6.3 **Environmental Health:** Any comments received will be reported to the Planning Committee.

6.4 **Northern Gas Networks (NGN).** Advise that an important 6" gas main crosses the site.

Officer note. Amended plans have been received confirming that no built development would be sited within the easement area of the gas main. NGN have confirmed that the amended drawings take into account the gas main easement.

7. Representations

7.1 Thirty five letters of objection have been received from residents of Overdale Trailer Park raising the following issues:-

- Traffic at entrance to the trailer park.
- Noise and disruption for the many residents over the age of 55. (Unsociable behaviour of visitors).
- Concern about sewage disposal.
- Concern about development over the gas main.
- Pedestrian safety on public footpath alongside the access track.
- Application states that the railway line is not in use.
- Privacy and safety with visitors entering Overdale Park.
- Concern about the site being open for 12 months per year.
- Concern about care of site (disused car has been on site for 3 years).
- Impact of early arrivals and late departures on the amenities of neighbours.
- Visual; impact of the development.
- Rubbish (lack of waste disposal facilities).

8. Summary of Principal Planning Issues

8.1 The principle of development; visual impact; neighbouring amenities; drainage.

9. Analysis

Policy background;

9.1 The application site lies outside development limits, and therefore falls to be assessed under Saved Local Plan Policies ENV1 and ENV2. Saved Policy ENV1 seeks to protect the character and quality of the open countryside from being spoilt by sporadic development by restricting development to small scale proposals appropriate for the enjoyment of the scenic qualities of the open countryside and other appropriate small-scale development having a rural character. Where this is the case, development must also clearly benefit the rural economy; help to maintain or enhance landscape character; be essential for the efficient operation of agriculture or forestry; or be essential to the needs of the rural community.

- 9.2 Where development is acceptable in principle under Saved Policy ENV1, it must also comply with Saved Policy ENV2, which sets out criteria relating to design, materials and traffic (amongst other things).
- 9.3 The other Saved Local Plan Policies applicable to this application are 'EMP16. Static Caravans and Chalets', 'EMP17 'Camping and touring caravan sites' and 'EMP18 'Permanent buildings on camping, caravanning and chalet developments'' These policies are generally supportive of caravan site developments subject to certain criteria being met relating to landscape impacts, screening and landscaping, neighbouring amenity and highways (amongst other things).
- 9.4 The Craven District (Outside the Yorkshire Dales National Park) Local Plan was adopted in 1999, and it was therefore not prepared under the Planning & Compulsory Purchase Act 2004. Paragraph 215 of the National Planning Policy Framework (NPPF) states that policies not adopted in accordance with the 2004 Act need to be considered in terms of their degree of consistency with the NPPF "the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given". As such, where there is any conflict with the local plan, the local plan policies carry limited or no weight and the application should be assessed against the new Framework.
- 9.5 Paragraph 14 of the NPPF sets out that at its heart is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking. It goes on to state that for decision-making this means (unless material considerations indicate otherwise); approving development proposals that accord with the development plan without delay; and, where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole, or, specific policies in the NPPF indicate development should be restricted.
- 9.6 With regards to Saved Policy ENV1, this policy places significant importance on the presence of development limits. As the development limits were defined in 1999 (and have not been reconsidered or altered since), this aspect of policy ENV1 is out of date, and the development limit boundaries that were defined in relation to this policy no longer carry any weight in the decision making process. However, Policy ENV1 also has an objective of seeking to protect the scenic qualities of the open countryside and preventing harm to landscape character. The policy does not conflict in this respect with the NPPF that includes similar aims and objectives and therefore the policy has some limited weight.
- 9.7 Saved Policy ENV2, whilst linked to Saved Policy ENV1, sets out general planning considerations for development in the open countryside, which are considered to be broadly in line with the NPPF. This policy therefore carries some weight in the decision making process.
- 9.8 With reference to Saved Policies EMP16, EMP17 and EMP18 these policies relating to camping and caravanning development are considered to be in line with the NPPF in terms of supporting such development, subject to harm not being unacceptable. These policies therefore carry weight in the decision making process.
- 9.9 The criteria within the applicable Saved Local Plan Policies, and the NPPF, will be considered in further detail in the following sections of the report.

Principle of development;

- 9.10 The proposal is for development in open countryside. Saved Local Plan Policy ENV1 is not considered to preclude such development so long as the scenic qualities and landscape character of rural areas are not unacceptably impacted upon. Saved Policies EMP16, EMP17 and EMP18 support the principle of the development of caravan and camping sites in the open countryside in Craven, subject to certain criteria being met.
- 9.11 Saved Policies EMP16 and EMP17 require the site to be located in an area with local opportunities for informal countryside recreation, but should not itself be detrimental to

those attractions. The site is located on the edge of Skipton, in an open countryside location. There is a network of public rights of ways in the immediate locality, and the site is close to the Yorkshire Dales National Park.

- 9.12 The main thrust of the NPPF is an overarching presumption in favour of sustainable development. There are three dimensions to sustainable development; economic (supporting a strong and competitive economy), social (supporting strong, vibrant and healthy communities with regards to housing, health, social and cultural well-being) and environmental (protecting and enhancing the natural, built and historic environment).
- 9.13 Section 3 (paragraph 28) of the NPPF sets out that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should support sustainable rural tourism and leisure developments that benefit business in rural areas, communities and visitors, and which respect the character of the countryside. This should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres.
- 9.14 In conclusion the development proposal is acceptable in principle. In particular the development accords with the economic dimension of sustainable development, as set out in the NPPF. The proposal would allow an existing established caravan site to grow and improve, and in turn support a strong rural economy locally, both through providing employment, and supporting local services and tourist attractions.

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

Visual impact;

- 9.15 The application seeks planning approval for the expansion of the existing “Certificated Location” caravan site to provide 20 touring pitches, warden’s accommodation and an amenity block.
- 9.16 In terms of policy background, most of the criteria set out in the Saved Local Plan Policies and the NPPF are applicable to the proposal, particularly in relation to landscaping.
- 9.17 Saved Local Plan Policies ENV1, EMP16, EMP17 and EMP18 require that new development does not have an adverse effect on the character and appearance of the countryside, with the scale of development being in context with its surroundings. Saved Policy EMP17 requires that the scale of development should relate sensitively to its surroundings and EMP18 require that development is of a good standard of design, satisfactorily blending into the landscape in terms of their siting, design and materials.
- 9.18 Saved Local Plan Policy ENV2 sets out requirements for development in the open countryside. Proposals should be compatible with the character of the surrounding area, not have an unacceptable impact on the landscape and safeguard landscape features, and the design of buildings and structures and the materials proposed should relate to the setting, taking account of the immediate impact and public views of the development.
- 9.19 These objectives are supported by the NPPF, which defines the Environmental dimension of sustainable development as “contributing to protecting and enhancing our natural, built and historic environment” amongst other things. Furthermore, one of the core principles of the NPPF is recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it.
- 9.20 It should also be noted that the site is in close proximity to the Yorkshire Dales National Park. Paragraph 115 of the NPPF sets out that great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and AONBs, which have the highest status of protection in relation to landscape and scenic beauty. However, the site is not so close to the Park to have any adverse impact.

- 9.21 Historically there had been objections to the use of this site for caravans on visual impact grounds. However, the tree planting in the highway verge on the A65 northern by-pass has now reached a degree of maturity that largely screens the site from views outside the site, although it is accepted that the site is not totally screened and there are views from the public footpath that runs along the southern boundary.
- 9.22 Saved Local Plan Policy EMP17 is the relevant policy for this part of the scheme, dealing with camping and touring caravan sites. In contrast to Saved Policy EMP16 for static caravans, which required the site to be well screened at the time of an application, EMP17 requires the site to be *potentially* well screened by landform and/or existing or additional landscaping from roads, elevated viewpoints and other public spaces. Saved Local Plan Policy EMP18 permits permanent buildings on caravan sites subject to them not having an adverse effect on the character and appearance of the countryside and being of a good standard of design and satisfactorily blend into the landscape in terms of their siting, design and materials. EMP18 also requires that the any permanent buildings related to camping and caravanning sites are necessary for the operation of the site, and their size and nature relate to the needs of site residents. There is therefore the potential for further landscaping to reinforce the planting in the highway and in particular along the southern boundary which can be covered by a condition.

Neighbour amenity;

- 9.23 Saved Local Plan policies EMP16 and EMP17 state that development must not have an unacceptable impact on the character or setting of settlements or the amenity of local residents.
- 9.24 One of the core planning principles of the NPPF is to secure high quality design and a good standard of amenity for all existing and future occupants. Section 7 of the NPPF goes on to state that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
- 9.25 Thirty five letters of objection from residents on the adjacent residential trailer park, most of which comment on the fact that the majority of residents are over 55 and enjoy the peace and tranquillity of their surroundings. Concern is expressed about visitors to the proposed site arriving early or leaving late. However, the number of homes adjacent to the access track is small (7) and given that this is a site for 20 vans and the nature of the access track will restrict vehicle speeds it is not considered that this will have a significant adverse impact on the amenity of neighbours
- 9.26 Concern has also been expressed about noise from visitors socialising outside their caravans. The nearest homes are within 3 m. of the site boundary but would be 30 m. away from the nearest pitch. The homes on the west of the railway cutting are 40 m. away. It is not considered this would have a significant adverse impact. In principle there is no reason why the proposed use cannot take place without unacceptably impacting on the amenities of others. Should antisocial behaviour take place this would be a matter for Environmental Health or the Police.

Highway Safety;

- 9.27 In consideration of highway safety, Saved Local Plan Policies EMP16 and EMP17 require that the site has good access to the road network and that the traffic generated by the proposal can be satisfactorily accommodated on the local highway network. NYCC Highways Authority has been consulted on the application, and has raised no objections on highway safety grounds.

Other issues;

- 9.28 A number of comments have been made in respect of drainage indicating that the existing septic tank is inadequate and that waste is simply been tipped down the railway embankment. The applicant's agent advises that these comments are misinformed and that the Caravan Club would not renew certificates if drainage was inadequate. However,

this relates to the provision for only 5 caravans. The application forms indicate that foul drainage is to be disposed of to a mains sewer connection. Whereas the submitted application plans indicate that the intention is to connect into the existing septic tank.

9.29 Planning Practice Guidance indicates that a foul water connection to the mains sewerage system is the preferable solution, but should this not be feasible (in terms of costs or practicality) then a private package treatment plant can be considered. The indicated proposal to connect this new development to an existing septic tank is unlikely to be acceptable. This matter can be adequately addressed by condition.

9.30 Network Rail also wishes to ensure that surface water from the site does not impact on the railway cutting. The application indicates that surface water is to soakaway and in most instances this is the preferable solution. However, to ensure the surface water solution is also acceptable it is proposed that this is also dealt with by condition.

Conclusion;

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

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
- specific policies in this Framework indicate development should be restricted.

9.30 In this case the relevant Local Plan policies are out of date and therefore the policy within Paragraph 14 of the NPPF is applicable (although it is worth noting that the relevant Saved policies are generally supportive of the proposal and do not greatly conflict with the advice within the NPPF). The development should therefore be permitted unless the adverse impacts of doing so would outweigh the benefits.

9.31 The benefits of the development principally relate to meeting the NPPF's objectives of supporting economic growth in rural areas. The proposal would allow an existing established "Certificated Location" caravan site to grow and improve, and in turn support a strong rural economy locally, both through providing employment, and supporting local services and tourist attractions.

9.32 The key adverse effect would be the additional visual impact of a total of 20 caravans on the site. It is considered that the views of the site are now limited, particularly as the planting on the highway verge and the development does not impinge on the paddock to the south which is identified as a protected approach to Skipton (Saved policy BE2 refers).

10. Recommendation

10.1 That the application be approved conditionally

Conditions

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

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

2. The approved plans comprise drawing 501 Rev B received by the Local Planning Authority on the 18 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 and for the avoidance of doubt.

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

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

REASON: In the interests of the amenity of the area.

4. No development shall take place until details of the proposed means of the disposal of foul and surface water drainage have been submitted for the written approval of the Local Planning Authority and thereafter the development shall be carried out in accordance with the approved details.

REASON: To ensure that the site is properly drained.

Informative: Foul drainage should be disposed of to an existing mains sewer connection, where this is not feasible (in terms of costs or practicality) then a private package treatment plant can be considered. Surface water should soakaway designed on SuDS principles.

5. Prior to first being brought onto site full details of the proposed warden's static caravan shall be submitted for the approval of the Local Planning Authority and no development pursuant to these elements shall be carried out in advance of any such approval. The caravan shall thereafter be retained in accordance with the approved details.

REASON: In the interests of protecting the character and appearance of the area as insufficient details have been provided in this respect.

6. The warden's caravan hereby permitted shall only be occupied by a person or persons managing the everyday operation of the touring caravan site.

REASON: To ensure that the accommodation is occupied on the basis for which planning permission has been applied for.

7. The touring caravans on the site shall be used for holiday accommodation only and shall not be occupied for any other purpose. In particular they shall not be used as the sole or principal residence by any of the occupants. The owners/operators shall maintain an up to date register of the names of all owners/occupiers of individual caravans and of their main home addresses and shall make this information available at all reasonable times to the Local Planning authority.

REASON: Use otherwise in accordance with this condition would be inappropriate in this location.

8. Notwithstanding the details indicated on the submitted plans, planning permission is not granted for the provision of a shower / toilet block building.

REASON: An application for planning permission has been made for the change of use of the land only and not for the erection of a new building. A new grant for planning permission would be needed for the erection of a shower / toilet block and such an application should be accompanied by detailed information on the design and appearance of the proposed building.

Statement of Positive Engagement: -

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

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

Discharge of Condition(s)

1. The developer should note that Condition Nos. 3, 4, and 5, above will require a further application to be submitted to enable the District Council to formally discharge the conditions. In order to avoid unnecessary delays it is advisable for the developer to discuss the details required to discharge the conditions with any relevant statutory Authorities' (other than the Local Planning Authority) e.g. NYCC Highways, the Environment Agency etc. for comment and/or recommendations prior to their formal submission to the District Council for approval.

WARD AND**APPLICATION No.****PROPOSED DEVELOPMENT AND SITE ADDRESS****GLUSBURN
32/2015/15768**

APPLICATION FOR RESERVED MATTERS FOR THE APPEARANCE OF 49 DWELLINGS AS APPROVED IN PREVIOUS OUTLINE CONSENT REFERENCED 32/2011/11429 (AND SUBSEQUENTLY AMENDED BY PLANNING REF. 32/2015/15390).

LAND ON THE EAST SIDE OF GREEN LANE, GLUSBURN.

APPLICANT NAME: TRUSTEES OF THE JOHN BINNS SETTLEMENT & SKIPTON PROPERTIES LIMITED

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.

The application was deferred at the October Planning Committee meeting where it was being considered alongside a concurrent application to vary/remove planning conditions (Ref: 32/2015/15390) that were attached to the outline planning permission. The application for variation/removal of conditions was deferred to the November meeting where Members subsequently resolved to allow the removal of one planning condition, to vary two other conditions, but not to amend a condition regarding the height of the proposed dwellings.

This application now seeks approval of the reserved matter (appearance) and has been revised to take into consideration concerns raised by Members at the October meeting regarding the design and the height of three of the proposed houses. The revised plans show amended elevations that incorporate chimneys to a number of properties that were previously shown without this feature and the properties proposed on plots 10, 11 and 12 are now two storeys.

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. Conditions on that outline permission were subsequently amended and the decision re-issued under Planning Ref. 32/2015/15390).

- 2.2 The reserved matter for which approval is now sought is the appearance of the development. 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.

- 2.3 The application has been amended since originally submitted in the following ways:
- Plots 10, 11 and 12 are situated in the centre of the site and are now two storeys in response to decision of the planning committee under planning ref. 32/2015/15390 not to allow properties above two storeys in height.
 - Design detailing for many properties has been improved (such as the inclusion of chimneys on house types).
 - Revised details have been provided indicating the original field boundaries to be retained where possible.

Officer note: The full plans are available to view on the Councils website.

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.
- 3.5 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 that authorised a development of 49 dwellings, access roads, open spaces and car parking. Approved 25 November 2015 subject to the re-imposition of condition 5 requiring properties not to be higher than 2 storeys in height.
- 3.6 32/2015/15785: Discharge of conditions 6, 7, 8, 12, 13, 14, 15, 16, and 18 of 32/2011/11429. Determined 5th November 2015.

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 The National Planning Policy Framework

- 4.3 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.

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 now determined application to vary conditions attached to the original outline planning permission (32/2015/15390).

6.3 **NYCC Highways:** No comments. In response to amended plans submitted on 20/11/2015 Highways has confirmed that they have no objections.

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 were dealt with as part of an application to discharge planning conditions (ref: 32/2015/15785).

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.

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. Slight architectural detailing improvements have been made since the application was originally received and presented to planning committee. In accordance with the previous resolution of the planning committee (with respect to application 32/2015/15390) all properties are no greater than 2 storeys in height.

9.2 A revised schedule of materials has been submitted but lacks sufficient 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 concern of local residents, regarding the splitting of the site between two developers each submitting their own house types, has been noted. 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.

9.4 A further concern that was raised at the previous Planning Committee meeting related to the removal of the existing boundary walling across the site. This was an issue that was considered following a previous appeal decision in which the Planning Inspector was critical

of the removal of dry-stone boundary walling across the site and the consequent loss of the established field pattern. The latest plans have corrected some drafting errors on the previous submission and it is considered that there is no significant change to the extent of retained walling from the existing outline scheme that was approved by the Planning Inspector.

10. Recommendation

10.1 That planning permission for the reserved matters is approved subject to the following conditions.

Conditions

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

- 3901-014 PL-01 revision F (Site Layout Plan) Received 20/11/2015.
- 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 E (Sales Layout) received 20/11/2015.
- 3901-014 PL06 revision C (Proposed Site Sections AA & BB) received 1/7/2015.
- 3901-014 PL07 revision B (Proposed Site Sections C-C) received 20/11/2015.
- 3901-014 PL08 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) revision A received 20/11/2015.
- 3901-014 PL12 (The Dawson) revision A received 20/11/2015.
- 3901-014 PL13 (The Ashton) received 1/5/2015.
- 3901-014 PL14 (The Wharfe) revision B received 20/11/2015.
- 3901-014 PL17 (The Cawder) revision A received 20/11/2015.
- 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 PL22 (The Harper) revision B received 1/7/2015.
- 3901-014 PL23 (The Ayden) revision B received 1/7/2015.
- 3901-014 PL24 (The Knott) revision A received 1/7/2015.
- 3901-014 PL25 (The Emily) revision A received 20/11/2015.
- 3901-014 PL26 (The Bryant) revision B received 20/11/2015.
- 3901-014 PL27 (The Belmont) revision A received 20/11/2015.
- 3901-014 PL28 (The Ermysted) received 20/11/2015.
- 3901-014 PL30 revision B (Proposed Site Layout with Boundary Treatments) received 8/12/2015.
- 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 subsequently amended by Planning Ref. 32/2015/15390) and that conditions of that outline permission (and any subsequent variations) 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****GLUSBURN
32/2015/15584***INSTALLATION OF 13 NO STORAGE VESSELS WITH SAFETY GUARD RAILS, CONCRETE BUND AND BOUNDARY SCREENING (APPLICATION INCLUDES RELOCATION OF VESSELS APPROVED ELSEWHERE ON THE SITE TO ALLOW SITING OF THEM IN ONE LOCATION).**ENTERPRISE CENTRE, SKIPTON ROAD, CROSS HILLS.*

APPLICANT NAME: AIREDALE CHEMICAL CO LTD.

TARGET DECISION DATE: 03/06/2015

CASE OFFICER: Mark Moore

This application was originally referred to the Planning Committee due to the public interest in this proposal and other applications submitted by Airedale Chemicals. In particular concerns had been raised with respect to residential amenity and public health and safety.

Members resolved to defer the application pending the collation of further information and assurances regarding the safety of operations on the site. In particular members asked Officers to write to the Environment Agency and the Health & Safety Executive seeking feedback on how operations at Airedale Chemicals and risks associated with those operations are regulated. Additionally the applicant was also to be contacted to provide feedback in respect of its operations to re-assure members of the Planning Committee and local residents.

The applicants subsequently invited members of the public and the Planning Committee to visit the site and have conducted tours of the chemical plant to explain in greater detail how the business is operated. A summary of that public relations exercise has been provided by the applicant's agent and is attached as an appendix to this report.

The Environment Agency and HSE were written to as requested by the Planning Committee. A copy of the response from the Environment Agency is included at the Appendix, but no further comments were made by the HSE.

1. Site Description

- 1.1 The Airedale Chemical premises are located within the Midland Mills business estate, which is part of a larger employment area located between Station Road and Skipton Road at Cross Hills. The application premises comprise a mixture of old industrial buildings and modern business units, together with associated land. The applicant's full land holding being bounded by the Leeds to Skipton railway line to the south, and other industrial premises to the west, east and north.
- 1.2 The access to the site is from Skipton Road to the east.
- 1.3 The site is located within the development limits of Cross Hills and Glusburn as allocated in the adopted Craven District (Outside the Yorkshire Dales National Park) Local Plan (1999); and allocated as an 'established industrial area' in the local plan.
- 1.4 As Airedale Chemicals is categorised as a Major Hazard Site the application site falls within a buffer zone where consultation with the Health & Safety Executive (HSE) may be necessary.

2. Proposal

- 2.1 This application seeks retrospective approval for the installation of 13 storage vessels with safety guard rails, a concrete bund and boundary screen all contained within an area situated at the western end of the site adjoining the rear boundary of an existing building within the Midland Mills Industrial Estate.

2.2 A supporting letter has been submitted on behalf of the applicant that sets out the reasons for the application. In summary the proposal is following a decision of the applicants to not implement extant planning permissions for:

- A 3 storey office block
- Increase in height of an existing building by 2m
- Installation of 7 storage vessels and bund and erection of gantry/pipe bridge at the eastern end of the site.

2.3 The changes that have been made are that the 7 vessels that were to be located at the eastern end of the site (adjacent to the office block at the site entrance) are now located adjacent to storage tanks that have previously been approved adjacent to Midland Mills. Originally the approval was for 6 large tanks but it is now proposed to have only 3 of the larger tanks and 10 smaller vessels.

2.4 In relation to the use of the containers the applicants have advised:

'We are regulated by the HSE under the COMAH regulations, and by the Environment Agency under the Environmental Permitting Regulations (EPR). As part of our environmentally permitted activities, we have to ensure that we have several levels of containment for our chemicals to ensure that we protect the environment from pollution from potential spills. These tanks are installed in a bunded area that gives us an extra level of secondary containment. These tanks will be used to store raw materials and finished products that are currently stored in either multiple 1000 litre containers or in existing storage tanks on site. The materials that will be stored in these tanks will be chemicals for use in industrial purposes, such as drinking water treatment. This includes acids, such as Phosphoric Acid, Sulphuric Acid and Nitric Acid'.

Officer note: None of these chemicals are included in Schedule 1 'Hazardous Substances and Controlled Quantities' - Part A 'Toxic Substances' or Part B 'Highly Reactive Substances and Explosive Substances' of the Planning (Hazardous Substances) Regulations 1992. As such they are not classed as hazardous substances for the purposes of planning.

2.5 The safety guard rails are located above the vessels around the perimeter of the tank platforms and concrete bund.

2.6 A sound attenuating screen wall is now proposed at the southern end of the storage area. The wall would be 8.5m in height and would be faced with grey cladding.

Officer note: Although lighting is shown on the submitted plans it has not been included in the description of development and therefore does not form part of this application. For the avoidance of doubt, it is proposed to attach a condition to clarify that the permission does not include lighting. The lighting is included in a separate application (ref: 32/2015/16081) that will be referred to the committee at a later date.

3. Planning History

3.1 The Airedale Chemicals site has a long planning history commencing with the change-of-use of an ex gas holder station to office store, workshop and builders yard in November 1975 and followed by several subsequent commercial and industrial use permissions.

3.2 The more recent relevant applications to the application site are: -

3.3 32/2000/0056: Removal of existing north light roof structure and replacement with portal frame roof structure clad in metal profiled steel sheeting. Approval: April 2000.

3.4 32/2005/5306: Demolition of existing office and stores, construction of new workshop/storage units, improvements to existing access roads. Refused May 2005 on highway safety grounds.

3.5 Planning Ref. 32/2006/6600. To construct a breeze block/reinforced steel chemical liquid bund, 25.0 m long, 5.3 m wide and 3.5m tall and erect 5no. Liquid bulk storage tanks each 10 metres in height and 3.08 metres diameter. Refused September 2006 due to the visual harm caused to the wider area.

- 3.6 32/2006/6119: Hazardous Substances Consent for the storage of Sodium Bichromate and Formaldehyde. Approved January 2007.
- 3.7 32/2006/6796: To construct a breeze block/reinforced steel liquid bund, 25.0 m long, 5.3 m wide and 3.5m tall. To place within the bund 5 chemical liquid bulk storage tanks each 8 metres in height and 3.5 metres diameter (re-submission of refused application 32/2006/6600). Approved January 2007.
- 3.8 32/2013/13843: Installation of 7 No. Storage Vessels and Bund, and Erection of Gantry/ Bridge for Pipework. Approved October 2013.
- 3.9 32/2013/13908: Install 6 storage vessels and bund. Approved October 2013.
- 3.10 32/2015/16081: Construction of pipe support gantry with associated pipework installation and installation of additional external yard lighting. Undetermined. To be referred to Planning Committee at a later date.
4. Planning Policy Background
- 4.1 **Saved Policies in the Craven District (Outside the Yorkshire Dales National Park) Local Plan:**
 EMP4: Employment Development within Development Limits and Established Industrial Areas.
 EMP6: Extensions to Existing Employment Uses.
- 4.2 **National Planning Policy Framework.**
- 4.3 **National Planning Practice Guidance.**
5. Parish/Town Council Comments
- 5.1 **Glusburn & Crosshills Parish Council:** Object to the application as the PC consider that development is getting out of proportion for the area that it is sited in. Light pollution to nearby properties is an issue. PC question if it is now higher than the original permission and comment that the gantry in the application is above the mill original plan. There is major concern from residents following the recent press article on the nitric acid escape – residents had previously been assured that no hazardous products were stored on the site. The fork lift truck is operating all night which disturbs the residents.
- 5.2 The PC state that they consider that a site visit is necessary.
6. Consultations
- 6.1 **Environment Agency:** Have no objections. The EA comment that the site benefits from an Environmental Permit regulated by the Environment Agency. Airedale Chemical Company Ltd applied for a variation to their permit to include the 13 bulk storage tanks in this area, the west bund containing 3 bulk storage tanks and the east bund containing 10 new storage tanks. Bund capacity was reviewed as part of the determination process. A permit variation RP3238SE/V007 was issued on 2 April 2015 and also updates the point source emissions to air.
- 6.2 **CDC Environmental Health:** Comment that they have not identified any potential Environmental Protection issues that would give cause for concern. Also comment that the site is operated via an Environment Agency permit and the EA are best placed on any potential contaminated land implications.
- 6.3 **Health & Safety Executive.** As the site is within the 'buffer zone' where consultation with the HSE may be necessary the HSE's consultation requirements have been checked on previous applications relating to storage vessels and it was found that the proposals did not fall within the requirements where consultation with the HSE is necessary. Notwithstanding, the current application has been checked against the HSE's online consultation tool and the response is that the HSE do not advise against the granting of planning permission in this case.
7. Representations

- 7.1 Ten letters of objection have been received from local residents commenting as follows:
- Safety record of Airedale Chemicals is not good as evidenced by recent incident and fine.
 - Storage of increasing range and volume of chemicals within close proximity of residential properties, a children's nursery and a busy railway line is dangerous.
 - Airedale Chemicals should relocate to another site.
 - Application says no toxic waste is involved but chemicals stored on the site are toxic.
 - Existing 3 containers are an eyesore and stand much higher than the old Midland Mills.
 - Bunds are unsightly and obstruct views from nearby properties.
 - Vessels and gantry are visible from nearby residential properties.
 - The EA has commented that surface water drains on the trading estate and lead directly to the River Aire. They are currently investigating an incident of pollution at the River Aire Bridge.
 - If one vessel collapsed the proximity of other vessels would cause a domino effect.
 - There are problems with light pollution at the site.
 - No system is in place to warn local residents of emergencies.
 - Airedale Chemicals have not adhered to previous applications where they agreed that the vessels would not show above the height of the old Midland Mills building.
 - 16 vessels stored in one area of the complex is dangerous and inappropriate within close proximity of residential development.
 - Site operates 24 hours 7 days a week and having so many chemicals stored so near together will create more noise.
 - Application states there will be additional lighting when site is already lit up at night.

8. Summary of Principal Planning Issues

- 8.1 Planning policy and the principle of development at this location.
- 8.2 The impact of the development on the general amenities of the area.

9. Analysis

Principle of development and planning policy:

- 9.1 The main thrust of the National Planning Policy Framework is an overarching presumption in favour of sustainable development; i.e. the general acceptability of the proposals against the stated "three dimensions to sustainable development: economic, social and environmental" (referred to in the NPPF as the roles the planning system should perform). A 'core principle' is that the planning system should proactively drive and support sustainable economic development and growth; and Section 1 of the Framework ('Building a strong, competitive economy') requires local planning authority's to support business sectors. However, in addition, the Framework seeks in broad terms to strike a balance, and securing high quality design and a good standard of amenity for local residents are other core principles.
- 9.2 The application site falls within the recognised development limits of the settlement and is located within an established employment area. In addition the operation of the chemical plant is a lawful use.
- 9.3 In this case the proposal is primarily seeking permission to relocate a number of vessels that have planning approval elsewhere on the site and to contain them within one area located adjacent to the old Midland Mills building. As such, there is no material change of use of the land and the principle of development has been established by virtue of the previous the previous planning approval and has been accepted to be in accordance with the NPPF.

9.4 Therefore, the acceptability of the proposal rests with consideration of the details of the development.

Impact on local amenities:

9.5 Local Plan Policies EMP4 and EMP6 are permissive of new employment development within settlement limits and established business areas subject to several criteria to assess the general acceptability of the proposals. These require, amongst other things, that the development is of a scale and type appropriate to the locality and that it would not adversely alter the appearance or character of the area or have an adverse effect on neighbour amenity and that it is of a satisfactory standard of design.

9.6 In this case the existing tanks are visible from the periphery of the site and are 0.5m higher than those that were previously granted permission i.e. 8.5m x 4.5m as opposed to 8m x 4.5m as originally approved, and, with the addition of the safety rails their overall height increases to 9.5m. However, it is considered that the height increase is not significant enough to justify refusal of planning permission and the substitution of 3 large vessels for 10 narrower vessels (at 2.5 Ø), which would be contained within the same floor area and bunding as previously approved, is not considered to result in the overall massing and scale of the storage compound being significantly greater than that of the previous planning permission. Consequently, the storage tanks are not considered to be unacceptably intrusive and the visual impact is not considered to be significant when compared with the existing planning permission.

9.7 The development is bounded by other industrial premises on all sides and therefore there is no direct conflict with neighbouring land uses or the general character of the area. It is also noted that the Council has agreed this location as being suitable for storage vessels by virtue of the previous planning permission and therefore can only now consider the implications of the increased height and number of vessels. With regards to the latter it is the officer's view that the increase in the number of the vessels raises no issues in planning terms beyond consideration of the visual impact. In coming to this view it is noted that the safety aspects of the vessels are regulated outside of the scope of planning control and there could be no basis to refuse planning permission over safety concerns.

9.8 In the context of the location within the main industrial and commercial area of Cross Hills it is held that the site is an appropriate location for the development and it is not considered that the application proposals will cause unacceptable visual harm. In addition the application now incorporates a screen wall to the southern side of the storage compound which should provide a degree of sound attenuation and limit views of the vessels from the south of the site.

9.9 Another factor for consideration with this application is that the proposals would result in the storage vessels being contained within one area which is considered to be less visually intrusive than having two separate areas at either end of the site. In the event of planning permission being granted for this proposal it is proposed to attach a planning condition that would require the applicants to only undertake one of the approved schemes.

9.10 There are no technical objections to the proposals from the Environment Agency, CDC Environmental Health or the Health and Safety Executive. There is a separate regime of control for the storage of hazardous substances and if these are to be stored on the site the applicants would require a specific consent under the Planning (Hazardous Substances) Act 1990. This Act requires developers to make a separate Hazardous Substances Consent application for permission to store hazardous materials. Furthermore, it is also understood that a licence from the Environment Agency would be required that would entail inspection of the premises on a regular basis. In conclusion a grant of planning permission would not entitle the applicants to use the vessels to store hazardous materials and the controls on the site would be provided under separate legislation. It is proposed to include an informative to make the applicants aware of the need to comply with the appropriate Health and Safety legislation.

Conclusions

9.11 In conclusion, it is considered that the development, in comparison to the approved vessel storage that it replaces (Ref: 32/2013/13908 and 32/2013/13843) will have minimal

environmental impact and by association with use existing infrastructure and transport facilities constitutes sustainable economic development in accordance with NPPF guidance. In addition, in the absence of any adverse material impact on the general character and amenities of the area, the application proposals accord with the requirements of the criteria contained in saved Local Plan Policies EMP4 and EMP6.

10. **Recommendation**

10.1 Approval.

Conditions

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

Reason: To comply with the requirements of Section 91 of the Town & Country Planning Act 1990

2. The approved plans comprise Drawing No's 1620-21-01 revision E and 1620-90-01 revision D received by the Local Planning Authority on 2nd June 2015. The development shall be completed in accordance with the approved plans except 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 development for which permission is given in this notice (herein after called 'the second permission') shall not be exercised in addition to or in combination, as to part, with the development permitted by the notice of permission numbered 32/2013/13843 issued on the 21st October 2013 (hereinafter called 'the first permission') so that there shall be the option to develop in accordance with either the second permission or the first permission but not both.

Reason: For the avoidance of doubt and to prevent an inappropriate development of the site by the implementation or partial implementation of both planning permissions.

4. Irrespective of any details shown on the approved plans this permission does not grant approval for the installation of any lighting on any part of the application site.

Reason: For the avoidance of doubt as a separate application that includes the installation of lighting has been submitted to the Local Planning Authority.

Informative

1. This permission does not authorise the storage of hazardous materials. There is a separate regime of control for the storage of hazardous substances under the Planning (Hazardous Substances) Regulations 1992. and if these are to be stored on the site it is the responsibility of the occupiers of the site to ensure that all necessary licences and consents are obtained and complied with.

Statement of Positive Engagement: -

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

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

AIRE VAL W LOTH
21/2015/15985

OUTLINE APPLICATION FOR CONSTRUCTION OF 4NO HOUSES AND
GARAGES.

OFF MEADOW LANE/MOORFOOT LANE, CONONLEY.

APPLICANT NAME: MR STEPHEN SHELTON

TARGET DECISION DATE: 28/08/2015

CASE OFFICER: Neville Watson

This application is reported to Planning Committee as it is a Departure from the development plan.

1. Site Description

- 1.1 The application site of approximately 0.19 ha. lies to the north west of Moorfoot Lane, Cononley. The Skipton to Leeds railway line forms the eastern boundary of the site. The site is an agricultural field with drystone wall boundaries. There are residential properties to the south west.
- 1.1 The site immediately abuts land to the west that has the benefit of outline planning permission for 15 dwellings (Ref. 21/2014/14241). That permission has not been implemented, but access to this site would be from the new cul-de-sac to that development onto Meadow Lane. Land to the east of the application site (to the west of Moorfoot Lane and between Main Street and the rail line) also has planning consent for residential development.
- 1.2 The site is immediately outside the development limit boundary identified by the 1999 Local Plan and is outside the conservation area.

2. Proposal

- 2.1 This is an outline application for 4no. detached dwellings with access, layout and scale to be considered at this stage reserving, appearance and landscaping. The scheme has been amended since originally submitted from 5no. dwellings thereby bringing the development under the threshold for affordable housing.

3. Planning History

- 3.1 There is no history relating directly to the site, save for the access arrangements approved under Ref. 21/2014/14241 for a new housing development permitted on the adjoining land to the west.

4. Planning Policy Background

- 4.1 National Planning Policy Framework.
- 4.2 Planning Practice Guidance.
- 4.3 Craven District (Outside the Yorkshire Dales National Park) Local Plan: The local plan policies that have been 'saved' (under the Planning & Compulsory Purchase Act 2004) and are relevant to the current application are: -
- Policy ENV1 'Development in Open Countryside'.
 - ENV2 'Requirements for Development in Open Countryside'.
 - T2 'Road Hierarchy'.

5. Parish/Town Council Comments

- 5.1 Cononley Parish Council requested an extension of time on 26 July 2015 to respond. No further comments have subsequently been received by the Local Planning Authority. The Parish meeting minutes however from 8 September 2015 suggest that the Parish has

concerns about the absence of a footpath along Meadow Lane and suggest that the Highway Authority should assess the vehicle access to the site.

6. Consultations

- 6.1 **NYCC Highway Authority** does not object to the development proposal and recommends standard conditions.
- 6.2 **YWS** raise no objections to the proposal, but advise that the public sewer network does not have the capacity to accept discharge of surface water. Surface water from the development will therefore have to be discharged through soakaway solutions. A condition requiring alternative solutions to be approved is recommended.
- 6.3 **Network Rail** has no objection in principle but recommends conditions and provides other information with respect to protecting railway infrastructure. Matters are raised in respect of drainage, boundary fencing, method statement (for construction in proximity to the railway line), soundproofing of the dwellings, lighting (to prevent train drivers being dazzled) and landscaping.

Officer Note: Where appropriate conditions are recommended to address the issues raised by Network Rail. However much of the consultation response is information for the applicant to note rather than relevant planning conditions. An informative is therefore recommended highlighting to the applicant, or any alternative developer of the site, the comments made by Network Rail.

7. Representations

7.1 Seven letters of objection have been received raising the following issues:-

- Highway safety on Meadow Lane.
- Pedestrian safety on Meadow Lane.
- Drainage issues.
- Number of developments in Cononley too high.
- Brownfield sites should be developed before greenfield sites.
- Residential amenity issues.
- Impact on utilities.

8. Summary of Principal Planning Issues

- 8.1 The principle of residential development at this location and, having regard to the defined settlement boundary identified in the development plan, whether the development is justified by the presumption in favour of sustainable development contained in national planning policy and housing land supply considerations.
- 8.2 The effect of residential development on the character and appearance of the area.
- 8.3 The impact of development on the local highway network, traffic movement, and vehicle and pedestrian traffic safety.
- 8.4 Noise, vibration and residential amenity issues.
- 8.5 The impact of development on drainage and flood risk.

9. Analysis

Principle of development

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

adopted Local Plan were deleted. Therefore, the remaining Local Plan Policies referred to form the 'Saved' policies in the Direction.

- 9.2 The application site lies outside but within close proximity to the existing development limits of Cononley therefore, saved LP Policy ENV1 applies. Policy ENV1 seeks to protect the character and quality of the open countryside from being spoilt by sporadic development and restricts development to small scale proposals appropriate for the enjoyment of the scenic qualities of the countryside and other appropriate small-scale development having a rural character and where the proposal clearly benefits the rural economy; helps to maintain or enhance landscape character; is essential for the efficient operation of agriculture or forestry; or is essential to the needs of the rural community.
- 9.3 Saved LP Policy ENV2 seeks to ensure that any development acceptable in principle under saved policy ENV1 is compatible with the character of the area and does not have an unacceptable impact on the landscape; the design and materials used relate to the setting; that traffic generated can be accommodated satisfactorily and services and infrastructure can be provided without a serious harmful change to the character and appearance of the area. These are general planning considerations, broadly in line with the NPPF.
- 9.4 As the Local Plan was adopted in 1999 it was not prepared under the Planning & Compulsory Purchase Act 2004. Paragraph 215 of the National Planning Policy Framework (NPPF) states that policies not adopted in accordance with the 2004 Act need to be considered in terms of their degree of consistency with the NPPF "the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given". Hence where there is any conflict the local plan policies carry limited or no weight and the application should be assessed against the new Framework.
- 9.5 The main thrust of the NPPF is an overarching presumption in favour of sustainable development. This guidance reaffirms that it is the Government's clear expectation that local planning authorities should deal promptly and favourably with applications that comply with up to date plans and that where plans are out of date, there will be a strong presumption in favour of sustainable development that accords with national planning policies.
- 9.6 One of the key objectives of the NPPF is to widen the choice of high quality homes and to significantly boost the supply of housing. Accordingly, the NPPF requires LPA's to identify and update annually a supply of specific deliverable sites for housing ensuring that there is sufficient to provide for a five year supply against local requirements.
- 9.7 In December 2015 the Council published a revised Five Year Housing Land Supply Methodology and Report covering the period 1 April 2016 to 31 March 2021. The report sets out the Council's five year land supply calculations. To produce the Five Year Housing Land Supply Methodology and Report the Council first had to identify the District's objectively assessed needs for market and affordable housing. That task has been undertaken by Arc4 consultants and is based on the latest 2012 base household projections from DCLG, with adjustments (required by National planning guidance) to reflect factors affecting local demographic and household formation rates which are not captured in past trends (including migration trends and job growth scenarios) and to reflect appropriate market signals of the balance between demand for and supply of dwellings.
- 9.8 The revised Five Year Housing Land Supply Methodology and Report uses the baseline position of the DCLG 2012 household projections, which indicates that the Council's five year requirement (excluding any buffer) is 745 dwellings and the identified supply is 729 dwellings (i.e. there is a shortfall of 16 dwellings). The report therefore indicates that the Council cannot demonstrate a 5 year supply of housing sites. Furthermore, the methodology explains that the NPPF also requires the Council to provide an additional 5% buffer to ensure choice and competition in the housing market and a 20% buffer as there has been a persistent under delivery of housing within the District. Taking these buffers into account the housing requirement becomes 894 dwellings, which indicates a shortfall of 165 dwellings.
- 9.9 The Council is presently preparing a new Local Plan for the District. The findings of Arc4 have resulted in a recommended housing requirement of 256 homes per year. This objectively assessed housing need figure has been accepted by a meeting of the Full Council for the

purposes of the preparation of a Draft Local Plan. The revised Five Year Housing Land Supply Methodology and Report explains that the emerging figure of 256 dwellings per year should not be used for calculating the 5 year housing supply and therefore in Officers opinion limited weight should be attached to this evidence until it is tested properly through the Local Plan process. Furthermore a housing distribution strategy for the 256 homes has also been agreed by a meeting of the Full Council which would suggest that should Cononley Mill come forward for development that further sites for housing may not be required within the village. Whilst this resolution is noted, in Officers opinion limited weight has to be attached to the evidence until it is tested properly through the Local Plan process and furthermore, given the very small scale of the proposal, development would not be prejudicial to the emerging settlement strategy.

- 9.10 In summary the Council is not able to demonstrate a NPPF compliant 5 year supply of housing sites (and emerging evidence indicates that the housing requirement for the District will need to be higher than that included within the revised Five Year Housing Land Supply Methodology and Report). Officers therefore advise that the inability of the Council to demonstrate a NPPF compliant 5 year supply of housing sites and the need to boost the supply of housing sites are important material considerations in the assessment of this application.
- 9.11 The application site at Cononley has not been taken forward as a preferred site for development in the village. Notwithstanding this, the emerging policy within the Council's Pre-Publication Draft Local Plan can be given limited weight in the decision making process and the Council's decision on this specific application must be considered on its own merits having regard to the relevant national and Saved Local Plan policies currently in force.
- 9.12 With regards to the NPPF and the suitability of the site for development in principle, the site is located on the edge of the existing built up area of Cononley with pedestrian and vehicle connections to local facilities and services. In addition, the village is serviced by local transport services which connect with neighbouring villages and towns. The site is therefore considered to be a reasonable sustainable location for residential development.
- 9.13 The site is suitable for residential use and can achieve a high quality development. As such, it is held that the proposal is in line with the objectives of the NPPF in that the site would provide both economic and social benefits. Furthermore, the proposed development would not be so significant to undermine the emerging spatial vision for the District or wider policy objectives of the new local plan. Therefore, with regard to advice in the NPPF, taken overall the proposal is in principle considered to be capable of forming sustainable development.
- 9.14 Saved Policy ENV2 seeks to ensure that any development acceptable in principle outside the development limits is compatible with the character of the area; the design, materials used relate to the setting, that traffic generated can be accommodated satisfactorily and services and infrastructure can be provided without any serious harm to the character and appearance of the area. The weight that can now be given to ENV2 is now limited, but these aims are broadly in line with the NPPF, and will be addressed within the body of this report.
- 9.15 In conclusion, the application site is not within recognised development limits of Cononley, as defined by the 1999 Local Plan, but is located immediately adjacent to the exist built up area of the village. Consequently, in principle, residential development at this location is capable of forming sustainable development in accordance with NPPF guidance.

Effect on the character and appearance of the area.

- 9.16 The application site lies to the north of the conservation area with existing residential development to the west and south (and extant permissions for housing development housing on land directly to the west and east of the application site). The site is included in the special landscape area although that policy was not "saved". Paragraph 56 of the NPPF requires that "good design should contribute positively to making places better for people".
- 9.17 The application proposal is in outline form but details of the access and layout submitted for approval are included in the Design & Access Statement. The application demonstrates that the site is capable of development to a satisfactory layout. The submitted layout of 4 houses

would equate to a density of 20 dwellings per ha, which is a relatively low density development reflecting the character of existing built development in this part of the village.

- 9.18 In conclusion, the application has demonstrated that the impact on the character and appearance of the area would not be significant and would be limited to the immediate surroundings, not extending into the wider rural landscape to any significant degree.

Impact on the local highway network

- 9.19 Section 4 of the NPPF contains guidance on transport and land use planning, including the promotion of sustainable transport choices and reducing travel by car. Paragraph 32 of the NPPF states that “Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.”
- 9.20 Saved Local Plan Policy T2 is permissive of development proposals that are appropriate to the highway network where, amongst other things, they do not generate traffic in excess of the capacity of the highway network; any new or greater use of an access onto a primary, district or local distributor road is acceptable in design and road safety; and the highway impact has regard to the surrounding landscape.
- 9.21 There are representations from local residents concerning traffic safety issues stemming from traffic generation, local road conditions/vehicle speeds and pedestrian safety. However, there is no technical evidence to support these concerns; on the basis of the submitted proposals the County Highway Authority has indicated that it recommends conditional approval of the planning application. In the absence of any technical highway constraints, the proposals accord with NPPF advice and saved Local Plan Policy T2.
- 9.22 The application to the development site proposes the use of the new access road to the proposed development to the west. It is unlikely that the development would proceed in isolation, but nevertheless the current application site does include the access onto Meadow Lane and therefore it would be appropriate to provide visibility splays as required by the adjoining development (and advised by the Highway Authority on the adjoining site). This can be the subject of a condition.

Noise, vibration and residential amenity issues

- 9.23 Issues of noise and vibration have been raised by Network Rail. Network Rail advises that the issues should be addressed by appropriate noise and vibration assessments to ensure that consideration given to the relevant British Standards which can be addressed by conditions.
- 9.24 With respect to residential amenity, the outline proposal indicates a layout that is capable of being undertaken without unacceptably impacting on the amenities of existing residents, and also provides sufficient spacing between the new dwellings themselves.

Drainage and flood risk

- 9.25 Local residents have expressed concern about the ability of the site to be drained with respect to surface water and foul drainage. The site is not identified as being within a flood plain but local evidence does appear to indicate that the site does not drain freely.
- 9.26 No objections to the proposal have been made by Yorkshire Water Services with respect to surface water drainage. Ultimately the application is at this stage submitted in outline form only and satisfactory drainage of the site will be possible. Drainage of the site can therefore be appropriately addressed by planning conditions requiring further details to be provided and approved to ensure proper drainage of the site.
- 9.27 With respect to foul drainage Yorkshire Water advise that the public sewer network is for domestic sewage purposes and land and highway drainage have no right to connect to the public sewer network.

Other matters.

- 9.28 The development of the site for four dwellings is below the threshold for affordable housing and below the threshold triggering a contribution to public open space. If collectively considered with the undeveloped housing site to the west (through which access to this site

has to be gained), a contribution towards affordable housing and open space would be required. However, the sites are in separate ownership and there is no known evidence of landowners seeking to subdivide an existing potential development site to avoid planning policy requirements. It therefore has to be accepted that such contributions cannot be required.

- 9.29 Comments have been made about the availability of other sites for housing development, however this application has to be considered on its merits and for the reasons explained in this report this site is acceptable. Concerns have also been raised about the impact on other utilities (such as electric) however there is no evidence to justify refusal of the application on this basis.

Conclusions.

- 9.30 Paragraph 14 of the NPPF advises that LPA's should be 'approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out of date, granting permission unless:
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
 - specific policies in this Framework indicate development should be restricted.'
- 9.31 In this case it is considered that the benefits of the development principally relate to the delivery of land for housing development. This is an important consideration particular given the absence of a five year land supply. There are no adverse impacts that in the opinion of Officers significantly and demonstrably outweigh the benefits of permitting the application.

10. **Recommendation**

- 10.1 That the application be approved.

Conditions

1. No development shall take place without the prior written approval of the Local Planning Authority of all details of the following reserved matters:-
- (a) appearance;
 - (b) landscaping;

Thereafter the development shall not be carried out otherwise than in strict accordance with the approved details.

Reason: To ensure compliance with section 51 of the Planning and Compulsory Purchase Act 2004 and to safeguard the rights of control by the Local Planning Authority in respect of the reserved matters.

2. An application for the approval of the reserved matters shall be made to the local planning authority before the expiration of 2 years from the date of this permission.
3. The development hereby permitted shall be begun not later than 2 years from the date of approval of the last of the reserved matters to be approved.

Reason (for 2 & 3): Permission has been granted to meet an identified shortfall in the 5 year land supply and therefore to meet this need the site needs to be genuinely deliverable within the next 5 years.

4. The details submitted in accordance with condition 1 shall include all building facing materials and finishes; surface material finishes for the highways, footpaths, private drives and all other hard surfaces; screen walls, fences and other means of enclosure; existing and proposed ground levels, proposed finished floor levels and building heights, proposed measures to reduce noise disturbance for occupiers of the development from the adjacent railway, and proposed measures to prevent trespass onto the adjacent railway. The submitted reserved matters shall accord with the parameters and objectives laid out in the Design and Access

Statement dated July 2015 and accompanying the planning application. The development shall be carried out in accordance with the approved details.

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

5. A detailed scheme for landscaping, including the planting of trees and/or shrubs shall be submitted to the Local Planning Authority as part of the submission of reserved matters; such scheme shall specify types and species, a programme of planting and the timing of implementation of the scheme, including any earthworks required. The scheme should also have regard to the advice of Network Rail to minimise any potential impact on the rail network.

Reason: To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity.

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

Reason: In the interest of satisfactory and sustainable drainage.

7. No development shall take place until details of the proposed means of foul and surface water drainage, including details of any balancing works and off-site works, has been submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed the approved surface water drainage scheme shall be based on Sustainable Drainage Systems (SUDS) principles. The development shall thereafter be implemented in accordance with the approved scheme.

Reason: To ensure that the site is properly drained.

8. No land drainage shall be connected to the public sewer.

Reason: The public sewer does not have the capacity to accept any discharge of surface water.

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

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

(ii) The crossing of the highway verge and/or footway shall be constructed in accordance with the approved details and/or Standard Detail **number E6**.

(iii) Any gates or barriers shall be erected a minimum distance of **4.5 metres** back from the carriageway of the existing highway and shall not be able to swing over the existing or proposed highway.

(v) Provision to prevent surface water from the site/plot discharging onto the existing or proposed highway shall be constructed in accordance with the approved details, and/or the specification of the Highway Authority, and maintained thereafter to prevent such discharges.

(vi) The final surfacing of any private access within **4.5 metres** of the public highway shall not contain any loose material that is capable of being drawn on to the existing or proposed public highway

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

10. Notwithstanding the provision of any Town and Country Planning General Permitted Order 2015, the areas shown on **2590A** for parking spaces, turning areas and access shall be kept available for their intended purposes at all times.

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

11. The approved plans comprise 2590A received by the Local Planning Authority on the 7 August 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 and for the avoidance of doubt.

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

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

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

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

Reason: In the interests of highway safety.

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

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

16. There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until splays are provided giving clear visibility of 35 metres southeasterly measured along centre line of the major road Meadow Lane from a point measured 2 metres down the centre line of the access road. The eye height will be 1.05 metres and the object height shall be 1.05 metres. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
17. There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until visibility splays providing clear visibility of 2 metres x 2 metres measured down each side of the access and the back edge of the footway of the major road have been provided. The eye height will be 1.05 metre and the object height shall be 0.6 metres. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason (for 14 to 17): In the interests of highway safety

Informatives

1. The applicants or any future developer's attention is drawn to the advice provided by Network Rail and dated 7 August 2015 with respects to their requirements for developments that are undertaken adjacent to an operational railway line.

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: -

- accepted additional information / changes to the scheme post validation

Discharge of Condition(s)

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

WARD AND**APPLICATION No.****PROPOSED DEVELOPMENT AND SITE ADDRESS****COWLING
22/2015/16219***CONSTRUCTION OF DETACHED DWELLING WITH ASSOCIATED OFF STREET PARKING AND CREATION OF ADDITIONAL PARKING ON NAN SCAR.**LAND TO WEST OF KITCHEN SHOWROOM DOVETAIL, COWLING.*APPLICANT NAME: MR LES INGHAM
TARGET DECISION DATE: 01/12/2015
CASE OFFICER: Andrea Muscroft

This application is referred to the Planning Committee as it is an amended submission following the refusal on the 20th October 2014 by Councillors of an earlier application for residential development on this site.

1. Site Description

- 1.1 The application site is located on the western edge of the built-up area of Ickornshaw and occupies a narrow, triangular shaped strip of steeply sloping grassland land lying between the A6068 Colne Road to the south, and Nan Scar to the north. The roads form a junction to the west of the site.
- 1.2 The immediate locality is characterised by small groups of residential and commercial buildings surrounded by open countryside. The site falls outside (but adjacent to) the development limits of Cowling as adopted in the approved Local Plan, but is included within the designated Cowling Conservation Area - which includes the wider countryside setting.
- 1.3 The land within the application site extends to 0.1 hectares and is bounded by new residential development and some established business premises to the northeast; older cottages on the opposite side of Nan Scar to the north; and Colne Road and open countryside to the south. Just beyond the south east boundary is a former public house (Black Bull) now a furniture showroom.
- 1.4 Levels fall steeply across the site from the south and west to the northeast. There are a number of semi-mature trees along the higher section of the site, running parallel to Colne Road.

2. Proposal

- 2.1 The application seeks permission for the construction of a detached dwelling with detached garage and associated turning and parking area. In addition, the proposal would see the creation of 7 parking spaces adjacent to Nan Scar.
- 2.2 The proposed dwelling would be located to the south east of the site. The vehicle access would be obtained directly off Nan Scar. The remaining residential curtilage would be landscaped with boundary treatments comprising of a drystone wall.
- 2.3 The proposal would require the removal of four trees identified as T5, T6, T7 & T9 on Drawing No. 15915.
- 2.4 The proposal would also see the reposition of a section of the existing retaining wall along Nan Scar to create 7 parking spaces for nearby residents.
- 2.5 The application has been supported by the following documents:
 - Design & Access Statement
 - Tree Survey Report.

- 2.6 **Officer Note:** The proposal is a resubmission of a previous refused application ref: 22/2015/15039. The revised proposal has been submitted with an attempt to address the issues raised in both the refusal and dismissed appeal decision. The key issues related to the following:
- Impact of the development on the character and appearance of the conservation area.
 - Impact of development on the amenity of neighbouring properties with regard to outlook.
- 2.7 The revised proposal would result in a reduction in the footprint of the proposed building from 73.44 sqm to 59.2sqm thus resulting in a 21.5% reduction and a reduction in the overall residential curtilage. In addition, the orientation of the building has been rotated to try to help reduce the potential for overlooking.
- 2.8 Although the garage would remain approximately the same size as previously it has been repositioned to the southwest of the site.
- 2.9 The proposed bin collection storage area is now shown at the entrance to the site.
- 2.10 The proposal would result in a greater loss of trees than previously (up from two trees to four trees).
- 2.11 The proposed dwelling would be constructed from natural stone under a natural slate roof with proposed windows and doors would be of timber construction.
3. Planning History
- 3.1 22/2014/15039 - Construction of four bedroom detached dwelling with associated turning and parking area (Re- Submission of previous planning application 22/2014/14612) – Refused for the following reason:
- 3.2 *The proposed dwelling when viewed within the context of its surroundings, in terms of design, siting and height fails to successfully relate to, or preserve the character of the conservation area. The heritage asset includes both the built up area of the village and its countryside setting, and the proposal would introduce a built form of development that would be detrimental to the present spatial pattern, appearance and setting of this part of the conservation area. Notwithstanding the overarching economic and social benefits of housing provision within the National Planning Policy Framework, in the absence of any overriding public benefit the Local Planning Authority considers that the development would not form sustainable development defined by the National Planning Policy Framework or accord with the statutory duty under Section 72 of the Planning (Listed Buildings & Conservation Areas) Act 1990.*
- 3.3 *It is a core planning principle of the National Planning Policy Framework that all developments should provide a good standard of amenity for existing residents, and be of good design. It is considered that the height and scale of the proposed dwelling would be visually dominant when viewed from Nan Scar. As such, it is held that the overbearing impact on the existing properties on Nan Scar would be unreasonably oppressive, and the design scheme would have an unacceptable effect on the living conditions of adjoining residents. The current application is, therefore, unacceptable as the development fails to safeguard the living conditions of neighbouring occupiers contrary to the requirements of the Framework.*
- 3.4 *The application was subsequently dismissed at Appeal Ref: APP/C2708/W/14/3001713 on the 20th April 2015.*
- 3.5 22/2014/14612 - Construction of four bedroom detached dwelling with associated turning and parking area – Refused for the following reason:
- 3.6 *It is a core planning principle of the National Planning Policy Framework that all developments should provide a good standard of amenity for existing residents, and be of good design. It is considered that the proposed dwelling would be visually dominant when viewed from Nan Scar. As such, it is held that the overbearing impact on the existing properties on Nan Scar would be unreasonably oppressive, and the design scheme would have an unacceptable effect on the living conditions of adjoining residents. The current application is, therefore,*

unacceptable as the development fails to safeguard the living conditions of neighbouring occupiers contrary to the requirements of the Framework.

3.7 22/2014/14485 – Re-submission of previous planning application (ref: 22/2014/14254) for the formation of 2 detached houses. Withdrawn 18th March 2014.

3.8 **Officers Note:** Prior to the determination of this proposal the applicant withdraw application ref: 22/2014/14485 over concerns relating to the design of the proposed dwellings.

3.9 22/2013/14254: Erection of 2 Detached Houses. Refused under delegated powers on 25 February 2014 for the following reasons: -

1. *The proposed development fails to preserve or enhance the character and appearance of the designated Cowling Conservation Area, by reason of the obtrusive siting, imposing scale, and incongruous design of the proposed dwellings. The heritage asset includes both the built up area of the village and its countryside setting, and the proposal would introduce a built form of development that would be detrimental to the present spatial pattern, appearance and setting of this part of the conservation area. Notwithstanding the overarching economic and social benefits of housing provision within the National Planning Policy Framework, in the absence of any overriding public benefit the Local Planning Authority considers that the development would not form sustainable development in accordance with national planning guidance, or comply with saved Local Plan Policies ENV1, or accord with the statutory duty under Section 72 of the Planning (Listed Buildings & Conservation Areas) Act 1990.*
2. *It is a core planning principle of the National Planning Policy Framework that all developments should provide a good standard of amenity for existing residents, and be of good design. It is considered that the height, scale and mass of the proposed dwellings would be visually dominant when viewed from Nan Scar. As such, it is held that the overbearing impact on the existing properties on Nan Scar would be unreasonably oppressive, and the design scheme would have an unacceptable effect on the living conditions of adjoining residents. The current application is, therefore, unacceptable as the development fails to safeguard the living conditions of neighbouring occupiers contrary to the requirements of the Framework.*

The application was subsequently dismissed at Appeal ref: APP/C2708/A/14/2215633 on the 4th June 2014.

4. Planning Policy Background

4.1 The National Planning Policy Framework – NPPF.

4.2 Planning Practice Guidance – PPG.

4.3 The local plan policies that are relevant to the current application and have been ‘saved’ (under the Planning & Compulsory Purchase Act 2004) are Policies ENV1 ‘Development in the Open Countryside’; ENV2 ‘Requirements for Development in Open Countryside’; H2 ‘New Residential Development’; T2 ‘Road Hierarchy’ and ENV10 ‘Protection of Trees & Woodland’.

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

5. Parish/Town Council Comments

5.1 **Cowling Parish Council:** The parish is of the opinion that the reasons for refusal (ref: 22/2014/14524) are still relevant with this proposal, therefore, the parish recommends refusal. In addition, the parish considered that the current proposal fails to relate well with the surrounding area in terms of its design, and that the proposed loss of trees in the conservation area is unacceptable. The proposed dwelling would appear visually dominant and

overbearing. Finally, the proposed access is poor and the significant engineering works to widen the lane is not acceptable and totally out of keeping with the rural setting.

6. Consultations

6.1 **CDC Tree Officer:** The proposal would see the removal of a number of trees including two mature native trees that provide both a screening and noise barrier to the A6068 road. They are visually prominent from the road and their loss would have a detrimental impact on the amenity of the area.

6.2 **NYCC Highways:** No objections subject to appropriate conditions relating to construction requirements and retention of parking spaces.

6.3 **Yorkshire Water:** Any comments received will be reported to the Planning Committee.

7. Representations

7.1 The proposal was advertised on the 22nd October 2015 in the Craven Herald with a Site Notice displayed within the surrounding area on the 16th October 2015. In addition, letters of notification were sent directly to local residents. To date 9 letters of objection have been received. Issues raised are summarised below:-

7.2 **Visual impact.**

- Concern over the visual appearance of the proposed dwelling on the character and appearance of the conservation area.
- Concern over the potential visual impact due to the loss of trees.

7.3 **Amenity Issues.**

- Concern over the loss of privacy.
- Development would appear overbearing and dominate when viewed by existing residents.
- Concern that the proposal would impact on the outlook and level of sunlight to existing residents.

7.4 **Highway Safety.**

- Additional traffic will result in residents parking on the road.
- Concern that the proposal would have a negative impact on both vehicle and pedestrians using Nan Scar.
- Nan Scar is narrow, with minimal car parking; further traffic will increase congestion/cause obstructions, and the new access will remove parking space.
- The proposed additional parking spaces would only be replacing those lost at the top of the land therefore no new parking spaces would be created.

7.5 **Other issues.**

- The proposal is contrary to both national and local saved policies.
- The proposed dwelling does not meet any identified housing need for Cowling.
- Proposal would result in further loss of green land within the village.
- Development would increase local/drainage flooding problems.
- Concern over the impact on wildlife.
- No economic benefit to the community.
- Concern that the proposal would result in a landslide.
- Concern over the potential disturbance during the construction stage.

8. Summary of Principal Planning Issues

8.1 Principle of development

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

9. Analysis

1. Principle of development

- 9.1 Following the Coalition Government's abolition of The Yorkshire and Humber Plan (Regional Spatial Plan) on 22 February 2013 the 'development plan' comprises the 'Craven District (Outside the National Park) Local Plan. Further to the Secretary of State's direction in September 2007 (under Paragraph 1 (3) of Schedule 8 to the Planning & Compulsory Purchase Act 2004) the County Structure Plan and a number of Local Plan policies of the adopted Local Plan were deleted. Therefore, the remaining Local Plan Policies referred to form the 'Saved' policies in the Direction.
- 9.2 Saved Local Plan Policy H2 seeks, in general terms, to locate the majority of new residential development in the existing main service centre settlements. Development Limits for settlements are defined in the adopted Local Plan (1999) and, to avoid sporadic development in the countryside, and there is a presumption against new residential development outside development limits under Saved Local Plan Policies ENV1 and ENV2. In this case, the site is located outside the development limits of Cowling; hence for planning purposes falls within open countryside.
- 9.3 However, the land does fall on the edge of the existing built up area, close to existing residential development. The adopted Local Plan in terms of development limit boundaries and housing supply policies is out of date and the proposal should be principally considered against the NPPF. The main thrust of the NPPF is an overarching presumption in favour of sustainable development. This new guidance reaffirms that it is the Government's clear expectation that local planning authorities should deal promptly and favourably with applications that comply with up to date plans and that where plans are out of date, there will be a strong presumption in favour of sustainable development that accords with national planning policies.
- 9.4 With regards to the NPPF and the suitability of the site for development in principle, it is accepted that the site lies outside of the development limits for Cowling. However, the site has good pedestrian connects to the village of Cowling where a number of services and facilities are available. Furthermore, there are public transport links within close proximity to the site connecting it to the village and neighbouring villages and towns. The site is therefore considered to be a sustainable location for residential development.
- 9.5 Although the site has been put forward for housing (ref: CW018) at the present time the site has not been taken forward as a preferred site for development in Cowling. Notwithstanding this, the emerging policy within the Council's Pre-Publication Draft Local Plan can be given very limited weight in the decision making process and the Council's decision on this specific application must be considered on its own merits having regard to the relevant national and Saved Local Plan Policies currently in force.
- 9.6 It is worth noting that during the previously dismissed appeal (ref: 22/2014/15039) the Planning Inspectorate in assessing the acceptability of the development did not highlight that the principle of development was an issue of concern.
- 9.7 In conclusion, the site is not located within the recognised service centre of Cowling as defined in the 1999 Local Plan, but is located on the periphery of the village and adjoins existing residential development. In addition, community and other facilities are reasonably accessible within the area, and there are good existing public transport links along the A6068. Consequently, in principle, residential development at this location is capable of forming sustainable development in accordance with NPPF guidance and the application falls to be assessed on the merits of the details of the development; in particular, the impact on the conservation area and the general amenities of the locality.

2. Visual impact of development on the surrounding conservation area.

- 9.8 Section 72 of the Planning (Listed Buildings & Conservation Areas) Act 1990 requires planning authorities “to pay special attention to the desirability of preserving or enhancing the character or appearance of that area” in considering whether to grant planning permission or not.
- 9.9 In addition to this legal provision the NPPF provides overlapping material planning considerations to be taken into account. Listed buildings and designated Conservation Areas are ‘heritage assets’ for the purposes of NPPF guidance (under which there is a presumption in favour of their conservation). Within the overarching roles of the NPPF are 12 principles set out in Para 17. These include high quality design and conservation of heritage assets. Especially relevant to this proposal are Section 7 ‘Requiring good design’ (Para’s 56 to 68), and Section 12 ‘Conserving and enhancing the historic environment’ (Para’s 126 to 141). Para 56 states that the ‘Government attaches great importance to the design of the built environment’ and that good design “is a key aspect of sustainable development”; while Para 129 confirms that “Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset).”
- 9.10 Saved Policy ENV2 states that development acceptable in principle under policy ENV1 should only be permitted where it is compatible with the character of the surrounding area and does not have an unacceptable impact on the surrounding area. The design of structures should also relate well to the setting taking into account the immediate impact and public views of the development.
- 9.11 The application site is located within the designated conservation area of Cowling which contains a mixture of properties in a variety of differing styles and periods, but with a core of traditional vernacular properties built on plateaus enclosed by stone boundary walls. To the east it is characterised by relatively high density, traditional 19th and early 20th century stone terraces. To the west the area is more rural by comparison, albeit the predominantly traditional houses along Nan Scar still create a clearly defined and broadly linear pattern of development following the road. Combined with the adjoining areas of countryside this pattern of development contributes positively to the character of the conservation area, and is part of its significance as a designated heritage asset.
- 9.12 The application site runs parallel to the Colne Road, the A6068. The site slopes steeply and comprises of rough grassland with the occasional trees. Located to the north of the site is a small, articulated terrace facing towards the site.
- 9.13 To overcome some of the concerns relating to the proposal visual impact the revised scheme has seen a reduction in the footprint of the building by approximately 21.5% there has also been a reduction in the proposed domestic curtilage. Notwithstanding these revisions the proposed dwelling in terms of its design and detailing appears at odds with the established vernacular development of the immediate area. Although, it is acknowledged that the proposal would be constructed using traditional materials. It is considered that this is not sufficient to overcome the negative visual impact on the surrounding conservation area.
- 9.14 Although the revised proposal has seen a reduction in the extent of the domestic residential curtilage in an attempt to retain the open character of the area. The revised proposal now requires the removal of additional trees up from 2 to 4. In an attempt to reduce the mass of the proposed development when viewed from public viewpoints the building has been rotated with the result that west & north elevations would front onto Nan Scar. Notwithstanding this revision, it is considered that this approach fails to reflect the present linear pattern of development that fronts onto Nan Scar where active frontages face onto Nan Scar and onto the majority of roads within the wider surrounding area. As such it is considered that this approach would introduce an incongruent feature that would have a negative visual impact on the surrounding conservation area.
- 9.15 The proposed garage has been repositioned to the northwest end of the site and as such would have a greater visual impact than its previous position on refused application 22/2014/15039. Notwithstanding that this would have a material impact on the character and appearance of the immediate area it is considered to be minimal.

- 9.16 The proposed parking spaces would require the repositioning of the existing retaining wall. Whilst this would result in some much need additional parking, it does not overcome the material harm to the character and appearance through the visual erosion of the existing street scene.
- 9.17 In conclusion, the proposed dwelling would result in significant harm to the character and appearance of the local area and would fail to preserve or enhance the character of the conservation area thus failing to meet the requirements of S72 of the LBCA 1990 Act. Therefore, the proposal fails to meet the requirements of Saved Policy ENV2 or the aims and objectives of the NPPF that seeks to ensure new development responds to local character and history.

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

- 9.18 Within the Core planning principles at paragraph 17 of the NPPF it states that the planning system should, amongst other things “always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings”.
- 9.19 The principal objection to the proposal from local residents occupying properties along Nan Scar is the potential loss of privacy, over bearing and loss of natural sunlight.
- 9.20 With regard to the Appeal Decision ref: APP/C2708/W/14/3001713 it was deemed that the proposal had failed to overcome the perceived imposing nature of the proposal and its impact on the adjacent dwellings.
- 9.21 The revised proposal, the subject of this application, has not only reduced the footprint of the building but has also rotated the building in an attempt to reduce its visual dominance. It is acknowledged that this is a genuine attempt to mitigate the impact of the dwelling on adjacent dwellings. However, the proposed dwelling would still appear highly oppressive especially acute for the occupants of No. 8 – 20 Nan Scar. This is due to the positioning of the dwelling and its orientation that would provide two expanse elevations, resulting in arc of open sky being significantly limited from the ground floor rooms of these dwellings.
- 9.22 Windows proposed to the northern elevation (incorrectly annotated as the southern elevation in the application plans) would serve downstairs living accommodation and first floor bedrooms. These windows would face towards to communal parking area to the east of No. 6 Nan Scar. As such it is not envisaged that these windows would result in any unacceptable loss of privacy. With regards to the west elevation this would see small windows/door openings at ground floor level serving the kitchen and a W.C and small window openings at first floor level serving a bedroom and bathroom. However, there is a separation distance in excess of 34m between these dwellings and the proposed dwelling. As such it is considered that this is sufficient to ensure the privacy of the occupiers of No's 28 & 30 of Nan Scar.
- 9.23 In relation to the eastern elevation, the proposal would also see the introduction of window and door opening which would face land to the rear of 'Dovetail' a non-residential dwelling. However, given the nature of this land, existing trees/shrubs combined with the separation distance of approximately 38m it is not considered that the proposal would appear overbearing or result in any loss of privacy to the visitors of this building. Similarly, the proposed windows and doors to the south elevation (incorrectly annotated as the northern elevation in the application plans) would face towards the bank and thus would not result in any loss of privacy.
- 9.24 In conclusion, whilst the applicant has genuinely attempted to address the previous concerns for the refusal at appeal it is considered that the current proposal would result in significant harm to the living conditions of nearby residents with respect of the creation of an overbearing development that has an unacceptable impact on neighbours' outlook. Such an impact is considered to be contrary to the core planning principles of the NPPF as outlined in paragraph 17, which seeks to ensure that all development secures a good standard of amenity for all existing and future occupants of land and buildings.

4. Highway issues.

- 9.25 Section 4 of the NPPF contains guidance on transport and land use planning, including the promotion of sustainable transport choices and reducing travel by car. Paragraph 32 of the NPPF states that “Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.”
- 9.26 Saved Local Plan Policy T2 is permissive of development proposals that are appropriate to the highway network where, amongst other things, they do not generate traffic in excess of the highway network; any new or greater use of an access onto a primary, district or local distributor road is acceptable in design and road safety; and the highway impact has regard to the surrounding landscape.
- 9.27 Representation has been received from local residents regarding inadequate road widths and the effects of traffic generation on pedestrians and vehicle safety. However, the highway authority recommends approval of the application subject to standard conditions regarding the specifications for the provision of satisfactory junction at the site entrance, including appropriate visibility splays; and the laying out of the proposed off-street car parking prior to occupation.
- 9.28 Therefore, despite neighbour objections, there is no technical evidence that the additional dwelling will prejudice highway safety in the vicinity of the site sufficient to withhold planning permission.

5. Impact on trees.

- 9.29 Saved Local Plan Policy ENV10 seeks to safeguard trees and woodland that contribute significantly to landscape diversity, wildlife habitats and visual amenity. Trees on the site are not specifically protected by a Tree Preservation Order, but given the sites location within the conservation area they have some protection through this designation. In this case, there are 12 trees within or directly adjacent to the site that form a significant group large enough to have a visual impact outside the site and contribute to the visual amenity within the conservation area.
- 9.30 The details submitted with the proposal has identifies the removal of a number of trees including T6 & T7 two mature native species. However, the survey fails to include any details on the ‘impact and recommendation schedules’ of the survey (i.e. the impact that the development will have on the trees). Therefore it is the officers opinion that implementation of the scheme would have far more impact on the remaining trees than the application suggests.
- 9.31 However, whilst the CDC Tree officer identifies the impact of the loss on the amenity of the surrounding area, overall, it is considered that the trees are not of especially high amenity quality and, as such, the application need not be directly in conflict with saved LP Policy ENV10 providing there was sufficient public benefit to justify development. With respect to the previously refused application 22/2014/15039, which would have resulted in the loss of Trees T5 to T7 (inclusive) officers did not cite tree loss as a reason for refusal. The Council’s Arboriculturist advised that Trees T8-T12 could be retained and a condition requiring protective fencing was recommended. (Officer Note. T1 & T2 are adjacent to the application site, but not within it, and are not considered to be unacceptably impacted on).
- 9.32 It is also worth noting that the previously dismissed appeal (Planning Ref. 22/2014/15039) also resulted in the loss of Trees T5 to T7 (inclusive), the Planning Inspector in assessing the acceptability of the development did not highlight the loss of these trees as an issue of concern.
- 9.33 In conclusion whilst trees will be lost it is not considered that they are of sufficient quality or make such a great contribution to the visual amenity of the area to justify a reason for refusing the development. The proposed development is held to be compatible with the character or appearance of the conservation area and is therefore considered acceptable.

5. Other issues.

- 9.34 Representation has been received in relation to concerns that the proposal would exacerbate surface water flooding that may occur after periods of heavy rainfall. In this respect the applicant proposes to use a permeable material (gravel) along the drive and turning areas to reduce any runoff.
- 9.35 As the proposal is for development on a site less than one hectare in an area not in Flood Zone 2 or 3, a flood risk assessment was not required. However appropriate conditions are recommended to ensure the development provides satisfactory drainage and furthermore the Building Regulations process will address matters within its remit if planning permission is granted (Building Regulations 2000. Approved Document H: H3 Rainwater Drainage).
- 9.36 As regards, other general matters; there is no technical evidence that issues concerning land stability will cause insurmountable problems. In any event, a condition could be attached requiring any retaining walls to be constructed in accordance with advice produced by an appropriately qualified person. Other considerations such as the stability of the house itself are the subject of separate legislation (including building regulations) and would not normally form material planning considerations.

Conclusion.

- 9.37 Paragraph 14 of the NPPF advises that LPA's should be 'approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
- Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
- Specific policies in this Framework indicate development should be restricted.
- 9.38 In this case it is considered that the benefit in terms of providing housing would be significantly and demonstrably outweighed by the adverse impacts on the character and appearance of the designated conservation area and the living conditions of the occupants of adjacent residential dwellings.

10. Recommendation

- 10.1 To refuse planning permission.

Reasons for Refusal

1. The proposed dwelling when viewed within the context of its surroundings, in terms of design, siting and height fails to successfully relate to, or preserve the character of the conservation area. The heritage asset includes both the built up area of the village and its countryside setting, and the proposal would introduce a built form of development that would be detrimental to the present spatial pattern, appearance and setting of this part of the conservation area. Notwithstanding the overarching economic and social benefits of housing provision within the National Planning Policy Framework, in the absence of any overriding public benefit the Local Planning Authority considers that the development would not form sustainable development defined by the National Planning Policy Framework or accord with the statutory duty under Section 72 of the Planning (Listed Buildings & Conservation Areas) Act 1990.
2. It is a core planning principle of the National Planning Policy Framework that all developments should provide a good standard of amenity for existing residents, and be of good design. It is considered that the height and scale of the proposed dwelling would be visually dominant when viewed from Nan Scar. As such, it is held that the overbearing impact on the existing properties on Nan Scar would be unreasonably oppressive, and the design scheme would have an unacceptable effect on the living conditions of adjoining residents. The current application is, therefore, unacceptable as the development fails to safeguard the living conditions of neighbouring occupiers contrary to the requirements of the Framework.

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****INGLETON & CLAP
18/2015/16278****CHANGE OF USE OF DERELICT FORMER CHURCH HALL TO FORM A
CAMPING BARN****TEMPERANCE HALL, KEASDEN.****APPLICANT NAME: MR ANDREW ENTWISTLE****TARGET DECISION DATE: 04/12/2015****CASE OFFICER: Ian Lunn**

Councillor Ireton has requested that this application be referred to Committee due to concerns about the lack of 'off street' parking available for use in conjunction the building.

1. Site Description

1.1 The building, the subject of this application, is a freestanding single storey structure constructed of a combination of natural stone and rendered stonework, for the external walls, under a stone slate roof. It occupies a remote location within the open countryside on land that forms part of the Forest of Bowland Area of Outstanding Natural Beauty. The building is currently vacant but was apparently last used as a church hall.

1.2 The site also falls within Flood Risk Zone 2 and the building is sited alongside an existing public right of way. Additionally the building is sited alongside the "Way of the Roses Coast to Coast Cycle route".

2. Proposal

2.1 Planning permission is sought to convert the building into a camping barn for use by up to eight people at any one time. No new window or door openings are proposed, but the application does seek permission for the insertion of 4 rooflights to the rear roofslope and 6 solar panels to the rear roofslope. The application indicates that the building is not to be connected to the powergrid, but the solar panels will allow for a battery bank to be charged (e.g. to power low energy lighting and allow for charging of devices such as phones).

2.2 The application site comprises just the footprint of the building to be converted. Land enclosing the building is not within the control of the applicant and the applicant has indicated that the neighbouring landowner does not wish to see any development on their land.

3. Planning History

3.1 None.

4. Planning Policy Background

4.1 National Planning Policy Framework (2012) – Sections 7, 10 and 11.

4.2 Saved Local Plan Policies ENV1, ENV2, EMP13, EMP14 and EMP15 of the Craven District Council (Outside the Yorkshire Dales National Park Authority) Adopted Local Plan.

5. Parish/Town Council Comments

5.1 **Clapham-cum-Newby Parish Council:-** Support the proposal but are concerned that the removal of the existing render may lead to damp problems.

6. Consultations

6.1 **NYCC Highways:** - No objections

6.2 **Environment Agency:** - The EA originally objected to the application as it was not accompanied by a Flood Risk Assessment. This assessment has now been received and provided to the EA. Any further response on this matter will be reported to the Planning Committee.

7. Representations

7.1 One letter of objection has been received in respect of this proposal. The objections are:-

- a) that an approval of this proposal would not be in the best interests of highway safety or the safety of any children using the building. Vehicles and children visiting the premises would likely park/play to the front of them adjoining the road which would not be in the best interests of the safety of either.
- b) that the use of Keasden Beck to provide drinking water is unacceptable. The Beck is often short of water and the water it provides is substandard.
- c) that the applicant does not own or have the right to use the land to the front and rear of the building.

If the application is to be recommended for approval they have asked that it be referred to the Planning Committee for a decision.

7.2 The applicant has submitted an e-mail in response to the comments from the Parish Council in which he states that the existing render will only be replaced if it is shown to be causing damage to the stonework underneath.

8. Summary of Principal Planning Issues

8.1 The principle of the change of use; the likely impact of the proposal upon the character and appearance of the host building and the surrounding area; the likely impact of the development upon the amenity of neighbouring properties and upon highway safety; issues of flood risk; ecological issues; and drainage.

9. Analysis

Principle

9.1 Given the nature and location of the proposed development it is considered that it needs to be judged initially against the requirements of Policies ENV1, ENV2, EMP13, EMP14 and EMP15 of the Local Plan and the relevant provisions of the National Planning Policy Framework. It is considered that it will essentially meet the aims and requirements of these for the reasons given below:-

- a) the building is considered to be structurally sound and capable of conversion without significant rebuilding. It is also considered to be large enough to be used for the purpose proposed without significant alteration,
- b) the building is considered to be worthy of retention. It is also considered that the proposed conversion works will safeguard the character and appearance of the building (for reasons outlined below),
- c) it is contended that converting the building as proposed will not unduly harm the character and appearance of the surrounding countryside (for reasons outlined below). For the record there is no associated curtilage with the building,
- d) the development will not, it is considered, give rise to any undue amenity or highway safety concerns (for reasons outlined below),
- e) the building is located on the route of a definitive footpath,

- f) the development will not adversely affect sites of nature conservation value, archaeological or historic importance. The application merely seeks approval to convert the existing building.

9.2 In view of the above the proposal is considered to be acceptable in principle.

The likely impact of the proposal upon the character and appearance of the host building and the surrounding countryside

9.3 The external alterations proposed in the course of converting the building involve the following:-

Front (Western Facing) Elevation

- a) the insertion of two new painted timber sliding sash windows within the two existing window openings, the repair or replacement of the timber shutters, and the repair of the existing timber door,
- b) the replacement of the existing render, if deemed necessary, with a local lime mortar based render, and
- c) the restoration and reinstatement of the existing cast iron gutter and downpipe.

Rear (Eastern Facing) Elevation

- a) the insertion of a new painted timber window within an existing opening,
- b) the installation of six solar panels and four conservation roof lights within the rear facing roof plane,
- c) the insertion of a metal flu inside the chimney pot, and
- d) the installation of new cast iron rainwater goods.

Side (Northern facing) Elevation

The insertion of two new painted timber sliding sash windows within the two existing window openings and the repair or replacement of the timber shutters.

Side (Southern facing) Elevation

The insertion of a new painted timber door within the existing door opening.

- 9.4 The alterations involve the re-use of existing openings within the building proposing either the repair of, or the installation of replacement, timber windows, doors and shutters. Four new openings are proposed but all in the form of conservation roof lights. The existing cast iron rainwater goods are to be repaired and retained and new ones are to be installed to the rear. It is considered that, subject to controls over the repair works and the design of the new windows, doors, shutters, roof lights and rainwater goods, the proposed works will retain the character of the building and in so doing preserve the character of the surrounding countryside.
- 9.5 The applicant originally proposed to re-roof the building using artificial stone slates. However, given the remote rural location of the building within an AONB it was considered that natural stone slates should be used. This has subsequently been discussed with the applicant who has since agreed to use these materials. A condition requiring their use is therefore recommended.
- 9.6 The introduction of solar panels will have an impact. However, they will be relatively few in number (six). Furthermore, they are shown as being reasonably well positioned on the rear facing roof plane in a relatively unobtrusive position where they will only be readily visible from the adjoining field. On this basis, again subject to controls over their design, they too are considered to be acceptable.

9.7 Given the above the proposal is considered to be acceptable in design terms.

The likely impact of the development upon the amenity of neighbouring dwellings.

9.8 Light: - It is not proposed to increase the size of the building in the course of its conversion. Furthermore, it stands some 190 metres from the nearest residential property ('Clapham Wood Hall'). Consequently, the development will have no effect upon the level of light currently received by neighbouring properties.

9.9 Overlooking: - The proposal will not lead to unacceptable overlooking of neighbouring properties either given the relatively remote position that the building occupies.

9.10 Noise: - It is not envisaged that using a building of this modest size as a camping barn is likely, in itself, to generate a level of noise that would unduly disturb the occupiers of nearby properties. This aside the building occupies a relatively isolated position some 190 metres away from the nearest dwelling with some tree screening in between.

The likely impact of the development upon highway safety.

9.11 It is proposed to allocate some space within the building for cycle storage. However, the premises do not currently benefit from any dedicated 'off street' car parking facilities and none could reasonably be conditioned to be provided as no other land is within the applicants control. This aside it is contended that a refusal of this proposal on highway safety grounds could not reasonably be sustained in this instance despite the concerns of a local resident.

9.12 This is a small building with a floor area of just 65 square metres and the applicant has indicated that it is to accommodate a maximum of 8 people at any one time more than likely in the form of two families. This means that on the balance of probability no more than two cars are likely to be parked outside the building at any one time (and in most instances there will be less). It should be noted that this is an existing building and whatever it is used for it is likely to result in some vehicle movements. It is possible that visitors to the barn may not have any vehicles (e.g. overnight stays from cyclists or walkers). It is considered that the proposed use is likely to result in less vehicle movements than that which could reasonably be expected if were the building to be brought back into use as a church hall. Vehicles could, land ownership issues aside, reasonably be accommodated to the front of the building without obstructing either the adjoining road or the access to 'Clapham Wood Hall'. County Highways have been consulted on this proposal and have raised no objections.

Flood Risk Issues.

9.13 The application site lies within an identified flood zone and a Flood Risk Assessment has therefore been submitted with this application. The Environment Agency's views on this are still awaited and will be reported to Members at the meeting itself. This aside it seems likely, on the balance of probability, that at most they will recommend that mitigation measures are undertaken to safeguard future users of the barn from flooding. Should they do so these could reasonably be required to be provided by way of a condition. With this in mind, and as the development is unlikely to exacerbate problems of flooding elsewhere there being no intention to enlarge the building, it is contended that a refusal of this proposal on flood risk grounds could not reasonably be substantiated.

Ecological Issues

9.14 The building has been surveyed but no evidence of nesting birds, bats or other protected species has been found. It is therefore contended that the proposed development is unlikely to have any ecological implications.

Drainage

- 9.15 The building already exists and therefore surface water run-off would not increase as a result of the development. In fact the application proposes collection of rainwater from the building, storing that water, and purifying that water for drinking. If such an approach is implemented the development would actually result in less surface water run-off.
- 9.16 The application indicates a mains drainage connection is not possible. Furthermore given the absence of other land within the applicants control a private water treatment plant would also not be possible. The only practical solution is therefore a holding tank within the building that would need to be pumped and taken away by a tanker. Whilst such a solution is not ideal, this is an existing building and in Officers view refusal could not be sustained due to the proposed foul drainage solution.

Other Issues

- 9.17 Given the absence of outdoor space rubbish will need to be stored within the building until put out for collection.
- 9.18 The concerns of the objector to the scheme have been considered but are not accepted for reasons given earlier in the report and below:-
- a) It is not considered that a refusal based on the highway safety risks for children could be sustained. Only a very limited number of children are likely to occupy this building at any one time and it is the responsibility of the parents / guardians to ensure that they are supervised. In view of this, and given the relatively low level of vehicular use that the adjoining road is likely to experience, it seems unlikely that those children would at undue risk from traffic should this application be approved.
 - b) Concerns about land ownership, damp, the acceptability of harvesting rain water / and extracting water from Keasden Beck (and the suitability of that water for drinking) are not considered to be reasons that could justifiably be used to refuse planning permission.

Conclusion

- 9.19 It is contended that the proposal will comply with the requirements of saved Local Plan Policies ENV1, ENV2, EMP13, EMP14 and EMP15 of the Craven District Council (Outside the Yorkshire Dales National Park Authority) Adopted Local Plan and the requirements of Sections 7, 10 and 11 of the National Planning Policy Framework. It is considered to be acceptable in principle and will not, it is contended, give rise to any undue amenity, highway safety, flood risk or ecological concerns.

10. Recommendation

- 10.1 That members resolve to grant planning permission subject to confirmation being received from the Environment Agency that they have no objection to the development.
- 10.2 Following the receipt of confirmation from the Environment Agency that they have no objections then delegated authority is given to the Development Control Manager to add any conditions to address flood risk as necessary to take account of advice received from the Environment Agency and to grant planning permission subject to the following conditions (as amended where necessary to take account of the response from the Environment Agency).

Conditions

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

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

2. The approved plans comprise drawing numbers LOC 001, LOC 002, LOC 003, 001(B), 002(B), 003(B), 004(B), 005(B), 006(B), 007, 008, 008 (changes), 009 and 010, received by the Local Planning Authority on 9 October 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 and for the avoidance of doubt.

3. Prior to its first application, details of the colour and finish of the render to be applied to the front (western facing) elevation of the building shall be submitted to, and approved in writing by, the Local Planning Authority. The approved render shall be applied to the western facing elevation and shall thereafter be satisfactorily retained.

Reason: To safeguard the appearance of the host building and to preserve the character and appearance of the surrounding area, in accordance with the requirements of Saved Local Plan Policies ENV1, ENV2, EMP13, EMP14 and EMP15 of the Craven District Council (Outside the Yorkshire Dales National Park Authority) Adopted Local Plan and Sections 7 and 11 of the National Planning Policy Framework.

4. Notwithstanding the details given on the approved plans the roof of the building shall be constructed using natural stone slates.

Reason: To safeguard the appearance of the host building and to preserve the character and appearance of the surrounding area, in accordance with the requirements of Saved Local Plan Policies ENV1, ENV2, EMP13, EMP14 and EMP15 of the Craven District Council (Outside the Yorkshire Dales National Park Authority) Adopted Local Plan and Sections 7 and 11 of the National Planning Policy Framework.

5. Prior to their first use, details of the design and finish of all replacement windows, doors and shutters, and of the proposed means of repairing the existing windows, doors and shutters to be retained, shall be submitted to, and approved in writing by, the Local Planning Authority. The approved windows, doors and shutters shall be installed in the positions shown on the approved plans, set in reveal to match the existing windows/doors/shutters, and painted using the approved finish(es) before the camping barn is first brought into use. The windows, doors and shutters to be repaired shall be repaired in accordance with the approved details and restored to their original positions within the same timescale. All of the windows, doors and shutters shall thereafter be satisfactorily retained at all times.

Reason: To safeguard the appearance of the host building and to preserve the character and appearance of the surrounding area, in accordance with the requirements of Saved Local Plan Policies ENV1, ENV2, EMP13, EMP14 and EMP15 of the Craven District Council (Outside the Yorkshire Dales National Park Authority) Adopted Local Plan and Sections 7 and 11 of the National Planning Policy Framework.

6. The new roof lights shall be of the 'Conservation' style recessed into, or installed flush with, the roof plane and constructed of metal painted to match the existing slates.

Reason: To safeguard the appearance of the host building and to preserve the character and appearance of the surrounding area, in accordance with the requirements of Saved Local Plan Policies ENV1, ENV2, EMP13, EMP14 and EMP15 of the Craven District Council (Outside the Yorkshire Dales National Park Authority) Adopted Local Plan and Sections 7 and 11 of the National Planning Policy Framework.

7. All rainwater goods shall be constructed of cast iron or aluminium and painted black unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the appearance of the host building and to preserve the character and appearance of the surrounding area, in accordance with the requirements of Saved Local Plan Policies ENV1, ENV2, EMP13, EMP14 and EMP15 of the Craven District Council (Outside the Yorkshire Dales National Park Authority) Adopted Local Plan and Sections 7 and 11 of the National Planning Policy Framework.

8. The existing chimney stack and pot shall be retained unless otherwise agreed in writing by the Local Planning Authority.

Reason: For the avoidance of doubt, to safeguard the appearance of the host building and to preserve the character and appearance of the surrounding area, in accordance with the requirements of Saved Local Plan Policies ENV1, ENV2, EMP13, EMP14 and EMP15 of the Craven District Council (Outside the Yorkshire Dales National Park Authority) Adopted Local Plan and Sections 7 and 11 of the National Planning Policy Framework.

9. No more than eight people shall be accommodated within the camping barn hereby approved unless otherwise agreed in writing by the Local Planning Authority.

Reason: For the avoidance of doubt, and in the interest of highway safety, in accordance with the requirements of Saved Local Plan Policies ENV2, EMP13, EMP14 and EMP15 of the Craven District Council (Outside the Yorkshire Dales National Park Authority) Adopted Local Plan and Sections 7 and 11 of the National Planning Policy Framework.

10. The building shall be used as a camping barn only for holiday accommodation purposes and shall not be occupied for any other purpose. In particular the accommodation shall not be used as the sole or principal residence by any of the occupants. The owners/operators shall maintain an up to date register of the names of all owners/occupiers of individual properties and of their main home addresses and shall make this information available at all reasonable times to the Local Planning authority.

Reason: For the avoidance of doubt.

Statement of Positive Engagement: -

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

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

WARD AND**APPLICATION No.****PROPOSED DEVELOPMENT AND SITE ADDRESS****31/2015/16262**

VARIATION OF CONDITIONS 14 AND 16 OF ORIGINAL PLANNING APPLICATION 31/2013/14018.

&**31/2015/16266**

VARIATION OF CONDITIONS 14 AND 16 OF ORIGINAL PLANNING CONSENT 31/2014/14022.

ARMITSTEAD HALL, ARMITSTEAD, GIGGLESWICK.

APPLICANT NAME: MRS JANET NEWHOUSE

TARGET DECISION DATE: 03/12/2015

CASE OFFICER: Andrea Muscroft

These applications are referred to Planning Committee as they seek to vary conditions on planning permissions that were originally approved by the Committee. This single report covers two separate planning applications.

1. Site Description

- 1.1 The application site is a farmhouse and associated buildings located between Giggleswick and Lawkland. The site is relatively isolated from other residential properties with the nearest neighbouring residences at around 350m to the north. The site is accessed along a private single width lane from the public road.
- 1.2 Armitstead Hall is a Grade II Listed building with the following listing description:-
“Farmhouse, c.1790 with C17 origins and C20 alterations. Slobbered rubble, stone dressings, stone slate roof. 2 storeys, 3 bays with pedimented central bay which breaks forward slightly. Central entrance in pedimented surround supported by 4 Doric pilasters, fanlight and 2 flanking single-light windows; c.1980 fixed lights. c.1980 door. 2 ground floor and 3 upper floor tripartite windows with projecting surrounds and flat-faced mullions; 12-pane sashes to central light, 8-pane sashes to flanking lights. Upper floor sill band. Projecting quoins. Fluted rainwater heads c.1780s to left and right of central bay. Shaped modillions at eaves. Gable end kneelers and coping. Gable end ridge stacks. Left-hand return: tall round-headed staircase window with projecting surround. Rear: left-hand outshut under catslide roof. Left-hand entrance with c.1740s eared architrave; 6-panel door, upper 2 now glazed. Central heightened 3-light ovolo mullioned chamfered window with 8-pane casement and fixed lights. Right-hand former 2-light double chamfered window with mullion now missing; 8-pane fixed light and hoodmould.
- 1.3 Interior: entrance hall with Tuscan pillars. Former dining room has C18 fireplace with moulded surround, decorated segmental lintel with fluted imitation keystone; cornice.
- 1.4 Garden wall: rubble. Right-hand entrance, bowed front. Adjoining 14-bay range of farm buildings to right contains 4 entrances with C17 chamfered surrounds and basket arched lintels and 2 waggon entrances, now blocked to form windows.”
- 1.5 The site is also located outside of development limits in an area classified as Open Countryside by the Local Plan and also within the Forest of Bowland Area of Outstanding Natural Beauty (AONB).

2. Proposal

- 2.1 This report covers two applications (Planning Ref. 31/2015/16262 & 31/2015/16266) that seek to vary conditions 14 & 16 on Planning Refs. 31/2013/14018 & 31/2013/14022.
- 2.2 Planning Ref. 31/2013/14018 granted consent for the conversion of existing redundant agricultural buildings at Armitstead Hall, Giggleswick to an event venue and guest accommodation.

2.3 Planning Ref. 31/2013/14022 was an alternative scheme to the above permission and granted consent for the conversion of existing redundant agricultural buildings at Armitstead Hall, Giggleswick to an office use.

2.4 Both Planning Refs. 31/2013/14018 & 31/2013/14022 were granted subject to conditions and in both cases condition 14 and 16 were identical. The applicant now wishes to vary the wording of conditions 14 & 16. The wording of these conditions and the proposed variation is explained below:

Condition 14 (as per existing planning permission refs. 31/2013/14018 & 31/2013/14022)

'The first use of the development hereby approved shall not commence until the mitigation measures indicated in document titled Bat risk assessment and surveys produced by Naturally Wild and received by the LPA on the 28th October 2013 have been fully implemented by a competent, professional person (as approved by the Wildlife Trust) to protect the habitat of bats and birds within the vicinity. These measures shall be retained within the development at all times thereafter.'

2.5 The variation sought is to revise the condition so that the condition is reflective of the revised and updated Bat Report and Method Statement received on the 8th October 2015.

Condition 16 (as per existing planning permission refs. 31/2013/14018 & 31/2013/14022)

'The development shall not begin until the proposed passing places submitted to the Council in the plan titled Passing Places on the 16th January 2014 have been constructed in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority.'

2.6 The variation sought is to revise the wording of the condition to "Prior to occupation the proposed passing places submitted to the Council in the plan titled Passing Places on the 16th January have been constructed in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority."

2.7 Essentially the variation to condition 16 sought is to allow the passing places to be constructed at a later stage ('prior to occupation') rather than 'prior to the commencement of development'.

3. Planning History

3.1 31/2015/16298 - Variation of conditions 3 and 5 of previously approved listed building consent 31/2014/14620 – Approved December 2015.

3.2 31/2015/16297 - Variation of conditions 3 and 5 of previously approved listed building consent 31/2014/14620 – Approved December 2015.

3.3 31/2015/16263 - Application to discharge condition No's 4,5,6,9,10,11 & 13 of original planning consent ref 31/2013/14018, and condition No's 3 & 5 of original listed building consent application ref 31/2015/14620 – Not yet determined.

3.4 31/2015/16259 - Application to discharge condition No's 4,5,6,9,10,11 & 13 of original planning consent application ref 31/2013/14022, and condition No's 3, 4 & 5 of original listed building consent application ref 31/2014/14621 – Not yet determined.

3.5 31/2014/14621 - Listed Building Consent for the conversion of existing redundant agricultural buildings to offices (resubmission of application 31/2014/14232) – Approved June 2014.

3.6 31/2014/14620 - Listed Building Consent for the conversion of existing redundant agricultural buildings to event venue and guest accommodation (resubmission of application 31/2014/14233) – Approved June 2014.

3.7 31/2013/14023 Listed building application for conversion of existing buildings to offices – Withdrawn December 2013.

3.8 31/2013/14022 - Permission granted for conversion of existing redundant agricultural buildings to offices – Approved May 2014

3.9 31/2013/14019 - Conversion of existing redundant agricultural buildings to event venue and guest accommodation – Withdrawn December 2013

- 3.10 31/2013/14018 - Conversion of the same buildings to event venue and guest accommodation – Approved May 2014.
- 3.11 5/31/49 (18/2/77) Permission granted for the erection of silage and cubicle sheds at Armitstead Hall.
4. Planning Policy Background
- 4.1 The National Planning Policy Framework – NPPF.
- 4.2 Planning Practice Guidance – PPG.
5. Parish/Town Council Comments
- 5.1 The application site is split by Giggleswick Parish and Lawkland Parish (the majority of the site is within Giggleswick Parish).
- 5.2 **Giggleswick Parish Council:** No comments received at the time of compiling this report.
- 5.3 **Lawkland Parish Council:** The Parish objects to the variation of condition 16 (relating to the timing for the construction of the passing places). The Parish Council is concerned for the following reasons: -
- Passing places will not be available to serve construction traffic.
 - The road network is unsuitable without the passing places, e.g., narrow, blind bends, steep inclines, flooding and ice.
 - Concern that if the passing place construction is delayed they may never be completed.
6. Consultations
- 6.1 **NYCC Highways:** No objection to the amendment to the wording of condition 16.
7. Representations
- 7.1 Three letters of objection have been received to both applications. These comprise a separate letter sent to each application by one objector, and a letter of objection to just planning ref. 31/2015/16266 sent by a different objector. Comments have been summarised below:-
- Concern over the potential impact of not creating the passing places would have on highway safety due to the combination of existing traffic and additional traffic generated by the development.
8. Summary of Principal Planning Issues
- 8.1 The acceptability of the proposed variation of conditions.
9. Analysis
- Condition 14:**
- 9.1 There has been no objection to the variation of this condition. This is a standard condition that requires the implementation of mitigation measures to ensure that adequate provision is made for these protected species. Considering details contained within the submitted Bat Survey Report & Update Method Statement it is considered appropriate to re-word the condition. The proposed wording for this planning condition is as follows:
- 'No development shall commence until the mitigation measures indicated in the Bat Survey Report & Update Method Statement' received on the 8th October 2015 hereby approved have been fully implemented by a competent, professional person (as approved by the Wildlife Trust) to protect the habitat of bats. These measures shall be retained within the development at all times thereafter.'*
- Condition 16:**
- 9.2 Discussions took place during the assessment of applications 31/2013/14018 & 14022 to deliver 2 additional passing places on the highway network to mitigate highway safety

concerns. This formed the basis of the assessment of the acceptability of the proposed scheme and was addressed by condition 16 set out at section 2 of this report.

- 9.3 This type of condition (a *Grampian*) is often imposed to prohibit development by a planning permission until a specified action has been undertaken. To this end the NYCC Highways withdrew their original consultation response objecting to the original planning applications.
- 9.4 NYCC Highways have been consulted with regards to the re-wording of the condition to allow the passing places to be formed prior to occupation rather than prior to commencement. They have stated that they have no objections. The comments from NYCC Highways are noted. However, planning officers remain of the opinion that the request to re-word the planning condition to "Prior to first occupation..." is not acceptable.
- 9.5 As presently worded condition 16 provides security that the passing places will be acceptably provided. The passing places are outside of the application site boundary and whilst there seems to be a reasonable prospect that the passing places can be formed there remains a slight element of doubt. The condition as currently drafted and imposed ensures that no other development can take place until the passing places are formed. If it transpires that the passing places cannot be provided, for example because a landowner refuses to make the land available to form the passing places or there is some other problem that prevents construction, then the remainder of the permission cannot be implemented. The current condition 16 prevents the development from being fully implemented only for it to later transpire that the developer is unable to form the passing places.
- 9.6 NYCC Highways still require the passing places to be undertaken to mitigate highway safety concerns. Therefore to ensure that the passing places are formed Officers recommend that the wording of condition 16 is not varied.
- 9.7 Concerns have also been raised by objectors and Lawkland Parish that if the passing places are not formed whilst construction works are ongoing this will exacerbate highway safety problems. These concerns are understood and in Officers opinion add weight to the recommendation that condition 16 should not be amended.

10. Recommendation

- 10.1 That condition 14 of planning permission ref: 31/2013/14018 & 31/2013/14022 is varied as requested.
- 10.2 That condition 16 of planning permission ref:31/2013/14018 & 31/2013/14022 is not amended and therefore the original planning condition 16 should continue to apply.

Officer Note: In cases where conditions are varied it is good practice to re-issue a planning approval with all conditions attached including the amended conditions. In this case it is recommended that condition 14 will be amended, but that condition 16 is re-imposed unaltered.

Conditions

Application Ref 31/2015/16266 (to vary conditions on Planning Approval 31/2013/14018

1. **(Amended Condition)** The development hereby permitted shall be begun no later than the 29th July 2017.
- Reason:** To ensure compliance with Section 91 of the Town and Country Planning Act 1990.
2. The approved plans comprise Spine Buildings Proposed Layout, and Proposed Block Plan, received on the 9th December 2013, Passing Places received on the 16th January 2014, and Bath House Proposed Layout, Eastern Barns Proposed Layout Rev A and Middle Barn Proposed Accommodation received by the Local Planning Authority on the 30th April 2014. The development shall be completed in accordance with the approved plans except where conditions attached to this planning permission indicate otherwise or where alternative details have been subsequently approved following an application for a non-material amendment.
- Reason:** To specify the permission and for the avoidance of doubt.

3. The units of guest accommodation hereby permitted shall be used for holiday accommodation only and shall not be occupied as permanent places of residence.

Reason: To ensure that the guest accommodation remains available to help support the successful operation of the event venue.

4. Notwithstanding the details on the submitted plans no works to the middle barn hereby approved shall commence until a revised scheme for the treatment to the windows and door openings has been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

Reason: The submitted window and door detailing are not considered to be satisfactory and to ensure a development of acceptable visual appearance.

5. Notwithstanding the details indicated on the approved plans and supporting documents, no construction of the middle barns, bath house or the extension to the eastern barn shall commence until details of all the materials to be used on the external elevations have been submitted to, and approved in writing by, the Local Planning Authority. The development shall then be constructed in accordance with the approved details.

Reason: In the interest of the visual amenity of the area

6. No work shall commence on any external walling of the extension to the eastern barn, bath house or the middle barn until such time as a sample panel of walling, of at least 2m² area, showing the natural stone to be used, the method of coursing and the styles and colour of its pointing has been constructed on site and inspected and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with those approved details.

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

7. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing buildings.

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

8. All new buildings shall be finished with slated and pointed roof verges and barge boards shall not be used. Rainwater goods should be attached directly to the building with brackets and fascia's or soffits boards should not be used.

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

9. All new windows and doors shall be of timber construction, set in a minimum external reveal of 100 mm and painted throughout to the same colour, the precise specification of the windows and colour shall have first been approved in writing with the Local Planning Authority. Once installed the windows and doors shall be retained as such thereafter unless otherwise agreed in writing with the Local Planning Authority.

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

10. The development hereby approved shall not be first used until details of the landscaping of the site including wherever possible the retention of existing trees and hedges have been submitted to, and approved in writing by, the Local Planning Authority. The approved scheme shall be implemented in the first planting season following completion of the development, or first occupation/use, whichever is the soonest.

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

different species, and shall be agreed in writing by the local planning authority. The replacement tree or shrub must be of similar size to that originally planted.

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

11. Prior to the first use of the development hereby approved, full details of the hard landscape works shall be submitted to and approved in writing by the Local Planning Authority. These details shall include proposed finished levels, means of enclosure (including the walls), pedestrian access and circulation areas, hard surfacing materials, lighting columns, seating and other minor artefacts. The approved works shall be implemented prior to the first use of the development and in accordance with these approved details.

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

12. The roof-lights hereby approved shall be 'Conservation' roof-lights which shall fit flush with the plane of the roof slope unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the character of the building and the surrounding area.

13. Prior to the first use of the development hereby approved, details of the lighting in and around the development, hereby approved, shall be submitted to and agreed in writing by the Local Planning Authority. The scheme shall include:

- (i) the location and height of any lighting columns;
- (ii) the details of any light fittings;
- (iii) the colour of any lights;
- (iv) the lux levels; and
- (v) the details of any louvers on any light fittings.

The approved lighting details shall be installed prior to the occupation of the office accommodation and retained in an effective state thereafter.

Reason: To provide adequate lighting for the office development and for the avoidance of doubt.

14. **(Amended Condition)** No development shall commence until the mitigation measures indicated in the Bat Survey Report & Update Method Statement' received on the 8th October 2015 hereby approved have been fully implemented by a competent, professional person (as approved by the Wildlife Trust) to protect the habitat of bats. These measures shall be retained within the development at all times thereafter.

Reason: To ensure that adequate provision is made for these protected species in accordance with the requirements of the NPPF.

15. Notwithstanding the provision of any Town and Country Planning General Permitted or Special Development Order for the time being in force, the areas shown on Proposed Block Plan for parking spaces, turning areas and access shall be kept available for their intended purposes at all times.

Reason: In accordance with policy T2 and to ensure these areas are kept available for their intended use in the interests of highway safety and the general amenity of the development.

16. The development shall not begin until the proposed passing places submitted to the Council in the plan titled "Passing Places" on the 16th January 2014 have been constructed in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that an appropriate access is in place prior to the commencement of the development in the interests of highway safety. It is necessary to use a 'Grampian' type condition requiring this work to be undertaken prior to the commencement of development as it will ensure that the passing places can be formed in accordance with the approved plans as they are considered essential to make the proposal acceptable with respect to highway safety. Furthermore, the provision of these passing places prior to the commencement of construction

works will help alleviate highway safety problems and be of benefit to the amenities of other users of the highway network during the construction phase.

17. Prior to their first installation the colour and finish of the proposed flues shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details and retained thereafter.

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

18. Prior to their first installation, details of all external plumbing and piping shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the agreed details and be so retained thereafter.

Reason: The application premises include Grade II Listed former agricultural buildings and it is considered that unnecessary external plumbing connections that could potentially be incorporated internally (particularly those to provide foul water drainage), may detract from the agricultural heritage of the application premises.

Application Ref 31/2015/16262 (to vary conditions on Planning Approval 31/2013/14022

1. **(Amended Condition)** The development hereby permitted shall be begun no later than the 3rd June 2017.

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

2. The approved plans comprise Spine Buildings Proposed Layout and Existing and Proposed Site Plans, received on the 9th December 2013, Bath House Proposed Layout received on the 8th January 2014, Passing Places received on the 16th January 2014 and Eastern Barns Proposed Layout Rev A and Middle Barn Proposed Office Building received by the Local Planning Authority on the 30th April 2014. The development shall be completed in accordance with the approved plans except where conditions attached to this planning permission indicate otherwise or where alternative details have been subsequently approved following an application for a non-material amendment.

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

3. The offices hereby approved shall be for B1 use only.

Reason: The development is in a relatively isolated rural location and not considered to be suitable for other uses due to the potential impact on the surrounding area and highways.

4. Notwithstanding the details on the submitted plans no works to the middle barn hereby approved shall commence until a revised scheme for the treatment to the windows and door openings has been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

Reason: The submitted window and door detailing are not considered to be satisfactory and to ensure a development of acceptable visual appearance.

5. Notwithstanding the details indicated on the approved plans and supporting documents, no construction of the middle barns, bath house or the extension to the eastern barn shall commence until details of all the materials to be used on the external elevations have been submitted to, and approved in writing by, the Local Planning Authority. The development shall then be constructed in accordance with the approved details.

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

6. No work shall commence on any external walling of the extension to the eastern barn, bath house or the middle barn until such time as a sample panel of walling, of at least 2m² area, showing the natural stone to be used, the method of coursing and the styles and colour of its pointing has been constructed on site and inspected and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with those approved details.

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

7. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing buildings.

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

8. All new buildings shall be finished with slated and pointed roof verges and barge boards shall not be used. Rainwater goods should be attached directly to the building with brackets and fascia's or soffits boards should not be used.

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

9. All new windows and doors shall be of timber construction, set in a minimum external reveal of 100 mm and painted throughout to the same colour, the precise specification of the windows and colour shall have first been approved in writing with the Local Planning Authority. Once installed the windows and doors shall be retained as such thereafter unless otherwise agreed in writing with the Local Planning Authority.

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

10. The development hereby approved shall not be first used until details of the landscaping of the site including wherever possible the retention of existing trees and hedges have been submitted to, and approved in writing by, the Local Planning Authority. The approved scheme shall be implemented in the first planting season following completion of the development, or first occupation/use, whichever is the soonest.

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

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

11. Prior to the first use of the development hereby approved, full details of the hard landscape works shall be submitted to and approved in writing by the Local Planning Authority. These details shall include proposed finished levels, means of enclosure (including the walls), pedestrian access and circulation areas, hard surfacing materials, lighting columns, seating and other minor artefacts. The approved works shall be implemented prior to the first use of the development and in accordance with these approved details.

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

12. The roof-lights hereby approved shall be 'Conservation' roof-lights which shall fit flush with the plane of the roof slope unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the character of the building and the surrounding area.

13. Prior to the first use of the development hereby approved, details of the lighting in and around the development, hereby approved, shall be submitted to and agreed in writing by the Local Planning Authority. The scheme shall include:

- (i) the location and height of any lighting columns;
- (ii) the details of any light fittings;
- (iii) the colour of any lights;
- (iv) the lux levels; and
- (v) the details of any louvers on any light fittings.

The approved lighting details shall be installed prior to the occupation of the office accommodation and retained in an effective state thereafter.

Reason: To provide adequate lighting for the office development and for the avoidance of doubt.

14. **(Amended condition)** (Amended Condition) No development shall commence until the mitigation measures indicated in the Bat Survey Report & Update Method Statement' received on the 8th October 2015 hereby approved have been fully implemented by a competent, professional person (as approved by the Wildlife Trust) to protect the habitat of bats. These measures shall be retained within the development at all times thereafter.

Reason: To ensure that adequate provision is made for these protected species in accordance with the requirements of the NPPF.

15. Notwithstanding the provision of any Town and Country Planning General Permitted or Special Development Order for the time being in force, the areas shown on Proposed Site Plan for parking spaces, turning areas and access shall be kept available for their intended purposes at all times.

Reason: In accordance with policy T2 and to ensure these areas are kept available for their intended use in the interests of highway safety and the general amenity of the development.

16. The development shall not begin until the proposed passing places submitted to the Council in the plan titled "Passing Places" on the 16th January have been constructed in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that an appropriate access is in place prior to the commencement of the development in the interests of highway safety. It is necessary to use a 'Grampian' type condition requiring this work to be undertaken prior to the commencement of development as it will ensure that the passing places can be formed in accordance with the approved plans as they are considered essential to make the proposal acceptable with respect to highway safety. Furthermore, the provision of these passing places prior to the commencement of construction works will help alleviate highway safety problems and be of benefit to the amenities of other users of the highway network during the construction phase.

Informatives (for both applications)

1. All bats and their roosts are fully protected under the Wildlife and Countryside Act 1981 (as amended by the Countryside and Rights of Way Act 2000) and are further protected under Regulation 41(1) of the Conservation of Habitats and Species Regulations 2010. Should any bats or evidence of bats be found prior to or during development, work must stop immediately and in the first instance contact the National Bat Helpline on 0845 1300 228. Developers/contractors may need to take further advice from Natural England on the need for a European Protected Species Licence in order to continue the development in a lawful manner. Natural England can be contacted at consultations@naturalengland.org.uk, or by calling 0300 060 3900, or Natural England, Consultation Service, Hornbeam House, Crewe Business Park, Electra Way, Crewe, Cheshire, CW1 6GJ
2. The applicant or any future developer should ensure that the relevant Environmental Permit is obtained for any discharge of treated waste into a soakaway or nearby watercourse.
3. No works are to be undertaken which will create an obstruction, either permanent or temporary, to the Public Right of Way running through the proposed development. Applicants are advised to contact the County Council's Access and Public Rights of Way Manager at County Hall, Northallerton on 0845 8 727374 to obtain up-to-date information regarding the line of the route of the way. The applicant should discuss with the Highway Authority any proposals for altering the route.

Statement of Positive Engagement (for both applications): -

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**

*PENYGHENT
31/2015/16238*

*CONVERSION OF AN EXISTING BARN TO FORM TWO HOLIDAY LETS
WITH ANCILLARY CAR PARKING AND TREATMENT PLANT.*

HUNTWORTH FARM, GIGGLESWICK.

APPLICANT NAME: MR AND MRS HOWARD WILSON

TARGET DECISION DATE: 20/11/2015

CASE OFFICER: Andrea Muscroft

The application has been referred to the Planning Committee as an extremely similar proposal was previously determined and approved by Planning Committee in 2010 (Planning Ref. 31/2010/10594).

1. Site Description

- 1.1 The application site comprises a former farmstead, to the north of Giggleswick, located within the Forest of Bowland Area of Outstanding Natural Beauty. Access to the site is gained via a rough track that crosses Settle Golf Club and joins Buck Haw Brow. Visibility at the junction with Buck Haw Brow is very poor and the angle that the access road joins is acute.
- 1.2 The application relates to a large barn to the west of the main farm dwelling.
- 1.3 The application site is outside of Development Limits.

2. Proposal

- 2.1 The application is practically a repeat submission of a scheme that was originally granted in 2010 that has since lapsed (Planning Ref. 31/2010/10594). The proposal is seeking permission for the conversion of an existing barn to form two holiday lets with ancillary car parking and treatment plant. The 2010 planning permission was subject to a legal agreement ensuring the closure of the equestrian business upon the commencement of the conversion to holiday cottages. It is proposed that the S106 also be applied to this current submission.
- 2.2 A small curtilage would be provided around the buildings. New openings would be added to the building with a package treatment plant within the curtilage to deal with foul sewage.
- 2.3 The walls and roofs would be as existing with high performance painted timber windows. There would be an additional 7 parking spaces provided including one disabled space.

3. Planning History

- 3.1 5/31/257B - Change of use of existing building to use for Livery purposes. Approved December 1999.
- 3.2 5/31/257/A - Retention of equestrian ménage. Approved January 1997.
- 3.3 5/31/257 - Change of use of existing agricultural buildings to form livery stables. Approved March 1995.
- 3.4 31/2010/7129 - Permission granted for variation of condition No. 2 of Planning Ref: 5/31/257/B to allow livery at Huntworth Farm, to be operated by new owners. Approved March 2007.
- 3.5 31/2010/10299 – Conversion of barn to two holiday lets. Refused March 2010.
- 3.6 31/2010/10594 – Conversion of barn to form two holiday lets. Approved September 2012.
- 3.7 31/2015/15877 – Discharge of condition 11 of previous approval 31/2010/10594. Approved August 2015.

4. Planning Policy Background

- 4.1 The National Planning Policy Framework – NPPF.
- 4.2 Planning Practice Guidance – PPG.

- 4.3 Saved Policies ENV1, ENV2 and EMP14 of the Craven District (outside the Yorkshire Dales National Park) Local Plan.
5. Parish/Town Council Comments
- 5.1 **Giggleswick Parish Council:** Concerned about that the access onto the B6480 and suggests warning signs are erected (such as 'concealed entrance' or 'slow').
6. Consultations
- 6.1 **Environment Agency:** Raise no objections and suggest that a foul drainage hierarchy be followed. Where connection to a foul sewer cannot be achieved then the next best solution is to a package treatment plant discharging to a soakaway.
- 6.2 **Forest of Bowland:** No comments received.
- 6.3 **Natural England:** No comment to make on this application.
- 6.4 **NYCC Highway:** No objection to proposal.
- 6.5 **CDC Building Control:** No comments received at the time of compiling this report.
- 6.6 **Yorkshire Dales National Park:** No objection but suggests a condition restricting the installation of external lighting to protect the amenity of the area from unnecessary light pollution.
7. Representations
- 7.1 No third party representation received.
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 Following the Coalition Government's abolition of The Yorkshire and Humber Plan (Regional Spatial Plan) on 22 February 2013 the 'development plan' comprises the 'Craven District (Outside the National Park) Local Plan. Further to the Secretary of State's direction in September 2007 (under Paragraph 1 (3) of Schedule 8 to the Planning & Compulsory Purchase Act 2004) the County Structure Plan and a number of Local Plan policies of the adopted Local Plan were deleted. Therefore, the remaining Local Plan Policies referred to form the 'Saved' policies in the Direction.
- 9.2 In terms of the Council's LP, The Craven District (Outside the Yorkshire Dales National Park) Local Plan was adopted in 1999 and whilst a number of policies within the Local Plan, including ENV1, were Saved in September 2007 (under the Secretary of State's direction under Paragraph 1 (3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004) they were not prepared under the said 2004 Act.
- 9.3 The application site is located outside of any recognised development limits as identified by the Local Plan and as such Saved Policy ENV1 is of relevance. Saved Policy ENV1 states that small scale development may be appropriate within the open countryside where it clearly benefits the rural economy, helps to maintain or enhance landscape character, is essential for the efficient operation of agriculture or is essential to the needs of the rural community.
- 9.4 Developments that can be demonstrated to meet these requirements would then need to be considered under Saved Policy ENV2 of the Craven District (Outside the Yorkshire Dales National Park) Local Plan.

- 9.5 Saved Policy EMP14 is also of relevance as the policy suggests that the conversion of rural buildings to a tourism related use would be permitted provided that a number of criteria are met.
- 9.6 The proposed development would be a small scale conversion of existing buildings that would be an appropriate tourism related reuse of the buildings. As such the proposal is considered to be acceptable in principle as it would be clearly beneficial to the rural economy. The development is therefore considered acceptable in principle under the guidance of Saved Policies ENV1 and EMP14 of the Local Plan.
- 9.7 Notwithstanding this, since the grant of permission in 2010 there have been significant changes to national policy guidance with the introduction of the NPPF and PPG. Paragraph 28 of the NPPF is of relevance with regards to development that would be supporting of a prosperous rural economy. The guidance states that to promote a strong rural economy, local plans should be supportive of sustainable growth and expansion of all types of business and enterprise. This can be achieved through the conversion of existing buildings for the provision of sustainable rural tourism and leisure developments. In this instance, the proposal is for the conversion of existing buildings to form two holiday lets. The site is within close proximity to the town of Settle which has good local facilities and services as well as good public transport connecting the town with neighbouring settlements. The proposal is therefore considered to be a sustainable rural tourism and leisure development.
- 9.8 In conclusion, the conversion of existing buildings to form two holiday lets at this location is acceptable in principle. Furthermore, the granting of previous planning permission in 2010 (ref: 31/2010/10594) established the principle of tourism development on this site.

2. Visual impact of development.

- 9.9 Saved Policy ENV2 states that when development is acceptable under policy ENV1 it should meet a number of other criteria. This guidance states that development should be compatible with the character of the surrounding area and should not have an unacceptable impact on the landscape. The design of the structures should also relate to the setting taking into account the immediate impact and public views of the development.
- 9.10 Saved Policy EMP14 suggests that the conversion of rural buildings would be appropriate for a tourism use provided that the building is not in an exposed or prominent location where conversion would harm the character and appearance of the area. The curtilage should also be minimal with alterations to the original building being minimal.
- 9.11 With regards to the NPPF paragraph 17 indicates that planning should take account of the different roles and character of different areas, including recognising the intrinsic character and beauty of the countryside.
- 9.12 The application site is located to the southwest of the dwelling house with boundaries along the southeast and southwest abutting against open countryside. The proposal is seeking to convert an existing barn within an established group of farm building. The barn appears to be in good condition and is considered worthy of retention. The barn is also of a substantial size and would not require any extensions to facilitate the conversion. Open views across the valley to the east would be limited due to the location of Huntworth Farm. It is acknowledged that the proposal would introduce minimal new window/door openings to the property. However, these would be reflective of existing opening in terms of appearance and proportions and therefore would have a minimal visual impact on the existing building and the wider views of the site. Similarly, the proposed curtilage has been restricted in size to reduce any visual harm to the open countryside.
- 9.13 The proposed hard and soft landscaping would comprise of a new stone path laid around the barn with gravel margins for drainage and beds of native species shrubs and small trees. This is considered acceptable.
- 9.14 The proposed external materials are considered to be high quality and of an appropriate appearance to ensure that any external alterations harmonise well with the existing building and would not have a negative visual impact on the existing building or the wider open countryside.

- 9.15 The application site is located within the Forest of Bowland Area of Outstanding Natural Beauty (AONB) as such it is appropriate to consider the proposals impact on this designated asset. The proposal is seeking a change of use of an existing building with minimal external alterations. This approach is preferable to new development in the open countryside. Furthermore, the building is located within close proximity to adjacent buildings and therefore, when viewed from public viewpoints would be seen in the context of the adjacent buildings. It is therefore considered that the development would not create in any visual harm to the character and appearance of the designated AONB.
- 9.16 There would be 7 parking spaces to the holiday lets located a short distance to the north of the buildings. This hard standing is currently in situ and there are no changes proposed to the finish of this area which is therefore considered appropriate.
- 9.17 In conclusion, it is considered that the proposed conversion of the barn, in terms of the external alterations, soft/hard landscaping and use of appropriate materials can be accommodated without any unacceptable harm to the character and appearance of the existing building or the wider open countryside.

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

- 9.18 The General Development Principles of the local plan state that all development should protect the amenities of neighbouring residents and occupiers.
- 9.19 Aside from the applicant's residence at Huntworth Farm there are no other properties in close proximity.
- 9.20 There are a number of windows to the north east elevation which would face the applicant's dwelling including one at first floor level. This relationship is considered acceptable in that the applicant would have control over both properties with one part being within holiday cottage use
- 9.21 It is therefore considered that the proposed development would be acceptable in terms of its impact on the amenities of neighbouring properties meeting the requirements of the General Development Principles of the Craven District (Outside the Yorkshire Dales National Park) Local Plan.

4. Highway Issues.

- 9.22 Saved policy EMP14 states that conversion of rural buildings to a tourism use would be acceptable provided that the development is well related to the highway network and would not give rise to unacceptable highway access or service provisions. The development should also be able to provide sufficient and adequate off road vehicle parking.
- 9.23 Saved Policy T2 is supportive of development which is appropriately related to the highway network and does not in particular; generate volumes of traffic in excess of the capacity of the highway network; would not lead to the formation of a new access or greater use of an existing access onto a primary, district or local distributor road unless the access is such that it is acceptable to the Council and its design achieves a high standard of safety; and would have full regard to the highway impact on, and potential for improvement to the surrounding landscape.
- 9.24 The proposed development would provide 7 parking spaces including one disabled facility which is considered adequate provision for the two cottages.
- 9.25 The Highways Authority has stated that should the livery business be closed that there would be an acceptable trade off with traffic flows onto the B6480. The exit from Huntworth Farm onto this road is very poor with restricted visibility to the south. No intensification of the use of the access to Huntworth Farm would be acceptable as it would create conditions prejudicial to highway safety.
- 9.26 As a stipulation of the previous permission (ref: 31/2010/15094) the applicant entered into a legal agreement ensuring the closure of the equestrian business on the commencement of the conversion of the holiday cottage development. The legal agreement was drawn up and subsequent signed by all parties. However, this proposal will require amendments to the

original s106 agreement. The agent on behalf of the applicant has verbally agreed to the revised s106 agreement but at the time of compiling this report the document had not be finalised. As such any approval would only be granted on the reception of an appropriate signed agreement which would ensure that an appropriate trade off in traffic flows occurs.

- 9.27 Therefore, without the s106 agreement, the development would not be considered to accord with the guidelines of Saved Policy EMP14 of the Craven District (Outside the Yorkshire Dales National Park) Local Plan.

5. Wastewater treatment.

- 9.28 Details submitted show the proposed sewage treatment plant is to be located in a field southeast of the convert building and that a 'BioDisc' would be the method of disposal. Based on the information submitted it is considered that this would provide an acceptable method to deal with any foul drainage generated by the occupants of the holiday accommodation.

6. Other issues.

- 9.29 With regards to comments from the Parish requesting new signage NYCC Highways have confirmed that there already exists a 'Slow' painted sign on the road and junctions on both approaches to the site.

7. Conclusion.

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

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

Specific policies in this Framework indicate development should be restricted.

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

10. Recommendation

- 10.1 That Members resolve to grant delegated authority to the Development Control Manager to grant planning approval subject to the following conditions and the applicant first entering into an amended S106 agreement to ensure the closure of the existing livery **business before the commencement of the development.**

Conditions

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

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

2. The development hereby permitted shall be carried out wholly in accordance with the following plans:

- SKA 01 received by the Local Planning Authority 25TH September 2015.
- SKA 02 received by the Local Planning Authority on 25TH September 2015.
- SKA 03 received by the Local Planning Authority on 25TH September 2015.

The development hereby approved 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 approved plans for the avoidance of doubt.

3. Notwithstanding the provision of any Town and Country Planning General Permitted or Special Development Order for the time being in force, the areas shown on Highways Drawing for parking spaces, turning areas and access shall be kept available for their intended purposes at all times.

REASON: In accordance with policy EMP 14 and to ensure these areas are kept available for their intended use in the interests of highway safety and the general amenity of the development.

4. The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

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

5. Prior to their first installation, full details of the treatment of all the proposed windows and doors shall have been submitted to and been approved in writing by the Local Planning Authority. The submitted details shall include the proposed method of construction, the materials to be used, fixing details (including cross sections) and their external finish including any surrounds, cills or lintels.

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

6. All new windows and doors shall be of timber construction, set in a minimum external reveal of 100 mm and painted or stained throughout to the same colour specification, the precise colour of which shall have first been agreed in writing with the Local Planning Authority. Once installed the windows and doors shall be retained as such thereafter unless otherwise agreed in writing with the Local Planning Authority.

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

7. Prior to the first occupation full details of the landscaping of the site including wherever possible the retention of existing trees and hedges have been submitted to, and approved in writing by, the Local Planning Authority. The approved scheme shall be implemented in the first planting season following completion of the development, or first occupation/use, whichever is the soonest.

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

REASON: In the interests of the amenity of the area.

8. The development hereby approved shall be carried out in strict accordance with the Structural Survey received by Craven District Council on 25TH September 2015. No additional sections of the building shall be dismantled and / or rebuilt without the prior written approval of the Local Planning Authority.

REASON: The re-development/new build of this site would be inappropriate as it is outside of development limits.

9. The development hereby approved shall be carried out in strict accordance with the Mitigation strategy in section E1 of the Bat and Barn Owl Survey by Gail Armstrong received by Craven District Council on 25th September 2015. These measures shall be retained within the development at all times thereafter.

REASON: To ensure that protected species have appropriate mitigation to protect their habitats.

10. The roof-lights hereby approved shall be 'Conservation' roof-lights which shall fit flush with the plane for the roof slope unless otherwise agreed in writing by the Local Planning Authority.
REASON: To protect the character of the development and the surrounding area.
11. The converted barn shall be used for holiday accommodation only and shall not be occupied for any other purpose. In particular the accommodation shall not be used as the sole or principal residence by any of the occupants. The owners/operators shall maintain an up to date register of the names of all owners/occupiers of individual properties and of their main home addresses and shall make this information available at all reasonable times to the Local Planning authority.
REASON: To ensure that inappropriate uses do not occur in this locality in accordance with Saved Policy ENV1 and EMP14 of the Craven District (Outside the Yorkshire Dales National Park) Local Plan.
12. Prior to the first occupation foul water drainage/disposal shall be implemented in complete accordance with the approved details.
REASON: To ensure appropriate drainage of the development
13. Prior to the installation of any external lighting to the barns full details shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall then be constructed in accordance with the approved details
REASON: In the interest of the visual amenity of the area.

Informative

1. The applicant may also require an Environmental Permit from the Environment Agency for water discharge activity. They would be advised to contact our National Permitting Service (Tel. 08708 506506) at the earliest opportunity. For more general advice, applicants are advised to refer to our Pollution Prevention Guidance Note number 4 via our website (<http://publications.environment-agency.gov.uk/pdf/PMHO0706BJGL-E-E.pdf?lang=e>).
2. This decision to grant planning permission is subject to a S106 Planning Obligation.
Officer Note: (It is expected that this obligation should be entered into within 3 months of any resolution of the planning committee to grant planning permission).

Statement of Positive Engagement: -

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

Discharge of Condition(s)

1. With regard to Condition Nos. 5, 6, and 7 above please note that it will be necessary to submit a formal application to discharge the conditions. Any samples of materials that require approval should be made available for inspection either on the site or another suitable location and not brought to or delivered to the Council Offices unless specific arrangements to do so have been made with the relevant planning case officer.