

**PLANNING COMMITTEE MEETING AGENDA**

**Monday 28<sup>th</sup> July 2014**

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**NORTH CRAVEN AREA**

**APPLICATIONS TO BE CONSIDERED BY THE COMMITTEE**

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**WARD AND  
APPLICATION No.**

**PROPOSED DEVELOPMENT AND SITE ADDRESS**

COWLING  
22/2014/14311

CONSTRUCTION OF FIVE HOUSES AND EXTENSION TO HIGHWAY TO  
FORM TURNING HEAD

LAND OFF ACRE ROAD, COWLING.

APPLICANT NAME: SKIPTON PROPERTIES LTD

TARGET DECISION DATE: 26/05/2014

CASE OFFICER: Neville Watson

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**This application has been referred to the Planning Committee as it is a resubmission for development on a site which has previously been considered by the Planning Committee.**

1. Site Description

- 1.1 The application site is pasture land lying to the south west side of Cowling village; it is beyond the present housing development accessed by Acre Road and has the modern housing on Acre Meadow to the north and the approved housing of Carr Mill to the east.
- 1.2 The land rises to the south and west and, beyond the site is the detached villa of Moorside with Old Lane beyond.
- 1.3 The site is outside the development limits for the village and in the open countryside. The site is also within the extensive Conservation Area which surrounds the village.

2. Proposal

- 2.1 The application seeks full planning permission for 5no. open market dwellings, comprising three detached houses and a pair of semi-detached properties. The dwellings would be constructed in natural stone and timber with blue slate and natural stone roofs and white uPVC windows and doors.
- 2.2 Amended plans have been received from the applicant in an effort to provide a scheme that more closely reflects the vernacular architecture of the area.

3. Planning History

- 3.1 22/2007/7621. Erection of 13 dwellings. This application was not determined and an appeal lodged against non-determination. The Appeal was dismissed in 2008: the Inspector considering that the impact of the proposal on the Conservation Area was unacceptable.
- 3.2 22/2007/8035. Construction of 13 Dwellings. Refused 15 January 2008 for the following reason: *'The proposed development is on land outside the defined development limits of the village, as set out in the Saved Craven District (outside the Yorkshire Dales National Park) Local Plan, within open countryside and the Conservation Area. In addition to being contrary to the requirements of Saved Policies ENV 1 and ENV2 the development of this site would adversely affect the character and appearance of this area and thus be contrary to the advice contained within Planning Policy Guidance Note 15.'*
- 3.3 22/2010/11079. Construction of 20 affordable dwellings. Refused 16.2.2011 for the following reason:- *The proposed development lies outside the development limits for this village and within the Conservation Area, as is shown on the Inset Map to the Local Plan, and is within the open countryside. Notwithstanding the compliance with the principle of Saved Policy H 12, it is considered that the visual impact of the development would detract from the appearance of the open countryside and the setting of the village and its Conservation Area would thus be contrary to Saved Policies ENV 1, ENV 2 and H 12 of the Craven District (outside the Yorkshire Dales National Park) Local Plan and Policies HE 9.1 and 9.2 of Planning Policy Statement 5.s be contrary to and the advice contained within Planning Policy Guidance Note 15.'*

- 3.4 The above application was the subject of an appeal which was dismissed on 5 September 2011. The Inspector concluded that the development would not preserve or enhance the conservation area.
4. Planning Policy Background
- 4.1 NPPF, NPPG
- 4.2 Interim Affordable Housing Policy adopted March 2012.
- 4.3 Local Plan Policy ENV1 and ENV2
5. Parish Council Comments
- 5.1 Cowling Parish Council object to the development. Their objections are summarised as follows:-
- The site is outside the development limit and is also in the special landscape and conservation area of the village. The Parish Council consider the views of earlier Planning Committees and Planning Inspectors remain relevant. (Officer Note: The Special Landscape Area designation is no longer of relevance).
  - There is no need to develop greenfield sites.
  - The Parish has surveyed residents and the site is not a location that is preferred by the village.
  - The development should be heard by the Planning Committee and not delegated authority.
  - The proposal is piecemeal development and it is suggested that this is to avoid planning gains.
6. Consultations
- 6.1 **NYCC Highways** recommend standard conditions
- 6.2 The **Valuation Surveyor** has considered financial information. Although the information is confidential an assessment of the provision of affordable housing has been considered. Taking into account the costs of developing the Acre Road and Carr Mill sites it is considered that the provision of affordable housing on this site should be waived.
7. Representations
- 7.1 Eleven letters of objection have been received raising the following issues: -
- Development of greenfield land
  - No need for further housing
  - Landscape impact
  - Increased traffic
  - Wildlife impact
  - Impact on public right of way
  - Impact on residential amenity
  - Concern about flood risk
  - Consider that the previous reasons for refusal still apply.
  - The Police Architectural Liaison Officer has provided advice on matters of “Secure by Design” and has recommended that the houses attain Secured by Design Certification.
8. Summary of Principal Planning Issues
- 8.1 Land use/ principle
- 8.2 Design/impact on the conservation area and the countryside.

8.3 Other issues raised in representations

9. Analysis

Land use/principle

- 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 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.
- 9.3 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 The application site is located on the edge of the developed area of the village and is in close proximity to the centre of the settlement. It could not be argued that the location is isolated and it is accepted that in principle this is a sustainable location for development.
- 9.5 One of the 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.
- 9.6 At the time of compiling this report the Council's most recent Housing Position Statement (HPS) provides a summary of housing supply as at 6th November 2013. The summary is based on an emerging housing target of 160 dwellings per annum (which is a figure that is yet to be subject to full public examination) and concludes that the current housing land supply provides 26 dwellings more than the requirement assessed against a five year housing requirement of 960 dwellings throughout the district.
- 9.7 The latest household projection figures from the Department for Communities and Local Government indicate that the Council may require a slightly higher housing requirement than currently proposed and this may impact on the Council's HPS. A recent Appeal Court Judgement has indicated that in the absence of an up to date local plan, the housing requirement figure (or housing target) should be based on the most up-to-date national household projections. The Planning Policy team has prepared a report for the Council's Policy Committee that concludes that there is a need to identify an increased housing target figure based on the latest national household projections. In summary, in the absence of an adopted Local Plan or formally adopted land allocations, the Council does not have an NPPF compliant 5 year housing supply and the Council does not have the evidence to resist housing development proposals on the basis that it already has a sufficiently robust supply of housing sites.
- 9.8 The replacement local plan remains at an early consultation stage and the process still has some way to progress, and therefore it carries limited weight. Nonetheless, the scale of the

scheme is sufficient to make a contribution to the housing land supply for the District, but not so substantial to have a cumulative effect that granting permission could prejudice the strategy of the emerging replacement local plan to a material degree.

- 9.9 At the Craven Spatial Planning Sub Committee Meeting on the 3 June 2014 members agreed draft preferred sites for allocation to be consulted on as part of the Pre-Publication Draft Local Plan for Craven (Outside the Yorkshire Dales National Park) in late summer 2014. In Cowling the emerging minimum annual figure for development is 2 dwellings per annum to provide for 30 dwellings over a 15 year Local Plan period. The conclusion of the Spatial Planning Committee was that the application site was one of number of sites that could be allocated to meet the need. Not all of these sites will need to be allocated and the sites will be subject to further consultation as part of the Pre-Publication Draft Local Plan consultation to be held later this year.
- 9.10 The implication of this is that, whilst of very limited weight at the time of consideration of the current application, the site is one of several preferred sites that could potentially be brought forward for development in Cowling. However, this emerging policy can be given very limited weight and the Council's decision on this proposal must be considered on its merits having regard to the relevant national and Saved Local Plan policies currently in force.
- 9.11 Paragraph 14 of the NPPF states that where the development plan is absent, silent or relevant policies are out-of-date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, or specific policies in the Framework indicate development should be restricted. A footnote makes it clear that this applies, for example, to those policies relating to (among other things) land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, Heritage Coast or a National Park as well as to designated heritage assets.
- 9.12 In this case, it is considered that the proposal is in line with the broad objectives of the NPPF in that it has economic benefits and reflects the general need and demand for housing in the area. In conclusion, having regard to the advice in the Framework, taken overall the proposal is considered to be acceptable in principle.
- 9.13 In coming to this view it is noted that the application site lies outside the existing development limits of Cowling and therefore Saved Local Plan Policy ENV1 applies. Policy ENV1 seeks to protect the character and quality of the open countryside from being spoilt by sporadic development and restricts development to small scale proposals appropriate for the enjoyment of the scenic qualities of the countryside and other appropriate small-scale development having a rural character and where the proposal clearly benefits the rural economy; helps to maintain or enhance landscape character; is essential for the efficient operation of agriculture or forestry; or is essential to the needs of the rural community.
- 9.14 This proposed housing development, being located outside development limits for the village, fails to accord with Saved Local Plan policy ENV1. However, the NPPF's presumption in favour of sustainable development, and the need to demonstrate a NPPF compliant 5 year land supply, means that this policy is now inconsistent with the NPPF. The evidence base for the current development limit boundaries date back to 1999 and is clearly out of date as sites outside the development limits set in 1999 will now be required to meet currently projected housing needs. Therefore, at best, only very limited weight can now be given to Saved Policy ENV1 and the policy within it is superseded by the NPPF.
- 9.15 Saved LP Policy ENV2 seeks to ensure that any development acceptable in principle outside development limits is compatible with the character of the area; 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, and if the proposed residential development is held to be 'sustainable development' for the purposes of the NPPF then the application proposals are capable of being assessed against Policy ENV2.

- 9.16 In conclusion, the application site is not located within the recognised development limits of Cowling, as defined in the 1999 Local Plan, but is located immediately adjacent to residential development in the village. 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.

Design/impact on the conservation area and the countryside

- 9.17 The site rises significantly from Acre Road towards the south west. There is a public footpath forming the north western boundary of the site. There are open fields to the north west and the south east. The site falls outside the development limit of Cowling and is therefore open countryside on the edge of the village. The current submission does not propose the development of the whole field in an attempt to retain a green wedge. There are no details of the future management of this land but the applicant has offered to dedicate this free of charge to the Council or the Parish Council. The Parish Council have indicated that they would wish this to happen so that they could ensure that it was retained as green space.
- 9.18 The site also lies within the defined boundaries of Cowling conservation area. Section 72 of the Planning (listed Buildings and Conservation Areas) Act 1990 places a duty on decision makers to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas. The conservation area has been drawn widely around the village and is not limited to the built form of the village but takes in some of the open countryside.
- 9.19 The site plays an important role in contributing to the enclosing open landscape setting of the village and separates the main core of the village from the development on Old Lane. The development of this site would intrude into that space. Notwithstanding the exclusion of the south western part of the field the harm to the openness of the countryside would be significant in landscape terms, particularly bearing in mind the elevated nature of the site. The development of the site would neither preserve nor enhance the conservation area and paragraph 133 of the NPPF advises that permission should be refused where there is substantial harm to a heritage asset.
- 9.20 The Government attaches great importance to the design of the built environment (paragraph 56 of the NPPF refers). Paragraph 60 of the NPPF considers it proper to seek to promote or reinforce local distinctiveness. Paragraph 131 stresses the importance of the desirability of new development making a positive contribution to local character and distinctiveness. This is especially important in a conservation area. The design of the scheme appears to draw inspiration from farm buildings, particularly plots 3, 4 and 5 but the submitted details are considered to be suburban in form with gable widths on some plots in excess of 9 m. and the inclusion of a gable fronted property that are not commonly found in vernacular architecture. The submitted scheme included an eclectic mix of fenestration, some with heads and cills, some with mullions and square windows with heads, cills and jambs.
- 9.21 Amended plans have been received that attempt to address the concerns outlined above but the basic form of the development has not been amended and while there is a more consistent approach to fenestration the scheme as a whole remains suburban in form including principal elevations dominated by garaging. Of particular concern is the gable fronted plot 1, the garage to plot 1 that is only 1.5 m. narrower than the principal elevation, and the integral garaging to plots 4 and 5 dominates the central third of the property in an oversized "cart shed" opening.

9.22 Overall it is concluded that the design of the buildings does not promote or reinforce local distinctiveness and will not preserve and enhance the conservation area. The proposed development would therefore conflict with the guidance in the NPPF

Other issues raised in representations

9.23 Concern has been expressed about traffic generation and parking. It is not considered that five dwellings would create conditions prejudicial to highway safety and adequate parking and garaging facilities are available for each proposed dwelling. No objections have been raised by the Highway Authority.

9.24 Wildlife impact. There are no known protected species on the site.

9.25 Impact on public right of way. There is a public right of way to the north west of the site that is outside the application site and this development would not affect the footpath.

9.26 Impact on residential amenity. The distances between the proposed dwellings and existing dwellings are sufficient to provide acceptable levels of residential amenity both for existing and proposed residents. If permitted there would be no unacceptable loss of privacy, any impact on sunlight / daylight would be acceptable, and the development would not be overbearing.

9.27 Concern about flood risk. The proposed development would create hard surfacing (roofs, drives and hardstandings), but appropriate drainage could be provided on site to prevent any run-off into adjacent properties. This matter could be appropriately controlled by planning condition.

9.28 Concerns have been raised with respect to development on the site being approached on a piecemeal basis and it is suggest this is an attempt to avoid planning contributions. "Site splitting" is a relevant issue that needs to be addressed and furthermore as this is a scheme for 5 houses there is a need to consider affordable housing provision. In this case the applicant has argued that affordable housing provision would render the development unviable given the development costs of the adjacent sites. The viability of the wider development site has been assessed by Harrogate's valuation surveyor on behalf of CDC and the advice we have received is that on this occasion it would be correct to waive a contribution to affordable housing.

Conclusion

9.29 The proposed development is outside the development limit of Cowling the development of which would have a significant harmful effect on the countryside and would neither preserve nor enhance the conservation area by virtue of both the siting and design of the development. The harm outweighs the contribution the development could have to the housing supply locally.

10 Recommendation

10.1 That the application is refused.

Reasons for Refusal

1. The proposed development would neither preserve nor enhance the character and appearance of Cowling conservation area and would harm the character and quality of the open countryside and would therefore conflict with the guidance in the National Planning Policy Framework and would be contrary to saved policy ENV2 of the Craven (Outside the Yorkshire Dales National Park) Local Plan.

2. The design of the proposed dwellings is suburban in form, lacking local distinctiveness that would not preserve or enhance Cowling Conservation Area and would therefore conflict with the advice in the National Planning Policy Framework and saved policy ENV2 of the Craven (Outside the Yorkshire Dales National Park) Local Plan

Statement of Positive Engagement: -

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

- engaged in pre-application discussions

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

SUTTON  
66/2014/14652

RESERVED MATTERS APPLICATION TO PREVIOUS OUTLINE  
APPLICATION REF: 66/2013/13537 (RESIDENTIAL DEVELOPMENT)

LITTLE CROFT, WEST LANE, SUTTON-IN-CRAVEN.

APPLICANT NAME: R N WOOLER & CO LTD  
TARGET DECISION DATE: 19/08/2014  
CASE OFFICER: Roger France

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**This application is being referred to Planning Committee because the original outline application was advertised as a departure from the development plan [as required by the Town & Country Planning (Development Management Procedure) Order 2010] and that application was determined by the Planning Committee.**

1. Site Description

- 1.1 The application site is situated on the southern edge of the present built-up area of Sutton, on the west side of West Lane. It comprises a triangular shaped plot of land some 0.53 hectares in area. The site is predominantly grassland but includes the applicant's existing bungalow and associated garden (which is excluded from the site area given above).
- 1.2 The site falls outside but adjoining the development limits boundary of the settlement as allocated in the adopted local plan (1999). The surrounding area to the northwest and east is residential in character; to the south is open countryside.
- 1.3 The eastern boundary is formed by West Lane and has a mixed hedgerow frontage, the western boundary is delineated by a narrow metalled track that forms a junction with a West Lane at the northern apex of the site and serves a number of dwellings further to the southwest at Slubbing Hill Farm (and is a public right of way). The southern boundary abuts a tree plantation and levels rise steeply away from the site to the south; the site itself has a gentle fall in levels from west to northeast. In addition to the trees and hedges along the West Lane boundary there is a further group of larger mature trees at the northern tip of the site. These trees are protected by a Tree Preservation Order.

2. Proposal

- 2.1 Outline planning permission for the development of this site for a residential development of 10 dwellings was granted conditional approval by the Planning Committee at their meeting on 29 July 2013. (Application Ref. No. 66/2013/13537). Details that were agreed at that time were the means of access, the layout, and scale of development. Provision for affordable housing was also agreed in principle.
- 2.2 The other matters were reserved for further consideration and approval and this application is, therefore, for the approval of the details of 'appearance' and 'landscaping' only.
- 2.3 N.B. The outline application included conditions relating to affordable housing provision; drainage; archaeological works; highway works, and tree protection – all of which will require discharging through separate application(s).
- 2.4 There are some very minor changes to the positioning of the houses and house types in the layout, but these can be accepted as not materially significant, and the means of access is approved (although visibility splay details are subject to further discussion – see paragraph 9.6).
- 2.5 The architect designed dwellings comprise a mixture of single and two storey houses; i.e. two 2-bed and one 3-bed bungalows; plus one 2-bed, two 3-bed, and four 4-bed two-storey houses. These are to a common modern design appearance, but in keeping with local traditional buildings in the proportions of window and door openings and the external detailing of the elevations. Facing materials are stone walling for the single-storey dwellings and stone

lower-walls and limestone dash render for upper-walls on the houses. Stone window and door surrounds, and stone corbel gutter supports, and timber window frames are specified. The roof cladding is a flat concrete tile. Roof mounted solar panels are included in the design.

- 2.6 The landscape proposals include the measures agreed at the outline stage to protect the existing trees covered by the Tree Preservation Order, and the sections of boundary hedgerow to West Lane that remain un-affected by the new access junction. Two trees require removal but additional tree planting is specified, totalling 13 trees of two species (flowering cherry and flowering thorn); gardens are to be top-soiled and grassed. Hard landscaping includes set paved parking areas (dark grey pavements), and dry stone boundary walls to the frontages with timber fencing to the rear.

### 3. Planning History

- 3.1 5/66/49: Residential development. Refused May 1992.
- 3.2 66/2001/1465: Construction of 2 detached dwellings. Refused October 2001
- 3.3 66/2002/2058: Detached dwelling. Refused June 2002.
- 3.4 66/2013/13537: Outline Application for construction of 10 No. Dwellings and construction of new Highway Access. Approved 30 July 2013.

### 4. Planning Policy Background

- 4.1 The National Planning Policy Framework (NPPF) and National Planning Policy Guidance (nPPG).
- 4.2 Craven District (Outside the Yorkshire Dales National Park) Local Plan.
- 4.3 The local plan policies that are relevant to this application (and have been 'saved' under the Planning & Compulsory Purchase Act 2004) include Policy ENV1 'Development in Open Countryside'; ENV2 'Requirements for Development in Open Countryside'; ENV10 'Protection of Trees & Woodland'; and T2 'Road Hierarchy'. However, paragraph 215 of the new National Planning Policy Framework states that policies not adopted in accordance with the 2004 Act need to be considered in terms of their degree of consistency with the new NPPF; in particular "the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given".
- 4.4 While the LP Policies are broadly in line with the Framework they were not prepared under the aforementioned Act and are now superseded by the more recently published (and therefore more up-to-date) national planning policy; consequently the local plan carries limited weight and the application needs to be principally assessed against the National Planning Policy Framework.
- 4.5 The Council's adopted 'Interim Affordable Housing Policy (March 2012) requires a 40% provision, subject to viability. This was addressed at the outline stage and an appropriate condition attached to the outline application.

### 5. Parish Council Comments

- 5.1 No comments received at the time of the preparation of this report.

### 6. Consultations

- 6.1 **Yorkshire Water:** Drainage details as submitted "unacceptable" due to a query regarding the information contained on the drawings. (Officer Note: The application is a reserved matters submission relating to the appearance of the proposed dwellings and landscaping only. Substantial details have subsequently been submitted by the applicant with respect to drainage matters, but these details will need to be considered as part of an application to discharge the conditions attached to the outline planning permission rather than this current submission).
- 6.2 **NYCC Highways:** Access is not for consideration as a reserved matter, but the highway authority has indicated that further discussions are taking place with the applicant regarding visibility splays - in advance of the discharge of the relevant conditions attached to the outline permission.

6.3 **NYCC archaeology:** Reiterate the planning condition recommended at the outline stage

6.4 **CDC Strategic Housing:** Affordable housing provision is subject to a planning condition attached to the outline consent, but additional comments have been received as below: -

“The planning application submitted for the above site indicates that of the 10 units proposed, 4 will be provided as affordable. This is in line with the Councils Interim Affordable Housing Position Statement which requires 40% of homes provided on site to be made available as affordable housing.

The 2011 Strategic Housing Market Assessment states that between 2011-2016 from which the SHMA is valid, that the Sutton in Craven Ward requires a total of 3 affordable homes to be developed each year. To date 0 affordable homes have been provided. Whilst affordable housing was provided in Greenroyd Mill, this scheme was completed in May 2011 and so the calculation into the number of affordable units to be provided in Sutton in Craven will have taken into account the provision that was made through this development.

The applicant is proposing to provide 2 x 2 bed bungalows @ 67sqm in size, 1 x 2 bed homes @ 70sqm in sizes and 1 x 3 bed home @ 85sqm in size. The units are well integrated within the scheme and are of the sizes agreed with the housing department prior to the planning application being submitted. The units will be transferred to a Registered Provider, as allocated by the Council, at a price of £950 per sqm. As per the SHMA, 1 of the units will be made available for intermediate home ownership, which will enable it to be offered at an affordable rent or as a shared ownership product dependant on the market at the time of transfer. The remaining 3 homes will be made available for Affordable rent. The tenure of the units does not affect the values at which they are transferred to a Registered Provider.

We have no objections to this development.”

## 7. Representations

7.1 None at the time of the preparation of this report.

## 8. Summary of Principal Planning Issues

8.1 Whether the design of the house types would reflect the distinctive local character of the wider area and represent good design (as required by the NPPF).

8.2 Whether the appearance of the development and the landscaping is acceptable on design grounds having regard to the design parameters set out in the outline application, landscape impact, the requirement for good design as set out in the NPPF, and the retention of adequate privacy and amenity for existing residents.

## 9. Analysis

9.1 The principle of residential development at this location has been established through the 2013 outline permission; which also approved the means of access to the site from West Lane, the site layout, and the general scale of one and two-storey development.

### 1. Appearance

9.2 The NPPF places a strong emphasis on good design within its policy guidance. Section 7 of the NPPF entitled ‘Requiring good design’ sets out a number of policies which support the delivery of good design. Importantly, design quality is a ‘core principle’ identified in paragraph 17 and Paragraph 56 goes onto confirm “good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people”. In paragraph 64 it is made clear that “permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions”.

9.3 The site lies on the periphery of the village, outside the older core area and the conservation area, and there are a variety of modern detached and semi-detached house styles to the north and east. It was determined at the outline stage that the houses should be two-storey, or lower, in scale with variations in roof heights and massing. The design style reflects the

parameters set at the outline stage, and the elevations and use of materials are sympathetic to local building styles and to the site's surroundings. As such the appearance of the proposed dwellings is held to be satisfactory.

## 2. Landscaping

- 9.4 The general layout was approved at the outline stage and provision was made to retain as many existing trees and hedgerows as was practicable, and allow scope for the appropriate soft and hard landscape treatment of the site.
- 9.5 The details submitted with the application include a schedule of additional tree planting, as well as confirmation of protective fencing to safeguard the protected trees and the existing roadside hedgerow to be retained on amenity grounds (appropriate conditions were applied at the outline stage).
- 9.6 The submitted details are held to be appropriate to safeguard the amenities of the site and its surroundings.

## 3. Other matters

- 9.7 Further contemporaneous consultations are taking place with the highway authority and Yorkshire Water with regard to the works required to create the required visibility splays at the access road junction and the details of the foul and surface water drainage systems respectively. Whilst these issues have been raised by the relevant consultees strictly speaking these are technical matters that are the subject of planning conditions applied to the original outline application, and will require detailed submissions and approval through the separate discharge of conditions process. Hence they fall outside the scope of the current application but should these details require any material change to the agreed development (e.g. the layout of the access) the revisions would require a further planning application).

## 10. Recommendation

### 10.1 Approval.

#### Conditions

1. The approved plans comprise Plan Numbers 2438.1, 1438.2 and 2438.3 received on 20 May 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 terms of the permission and for the avoidance of doubt.

2. The approved landscape planting scheme shall be implemented in the first planting season following completion of the development or first occupation/use, whichever is the soonest, and shall be maintained thereafter for a period of not less than 5 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. The replacement tree or shrub must be of similar size to that originally planted.

Reason: To ensure that the development is of attractive appearance and to safeguard the wider character and appearance of the site's surroundings, in the interests of visual amenity.

3. Notwithstanding the details submitted with the application, prior to the first use of building materials on the site samples of the external walling and roofing materials shall have been submitted to and approved in writing by the Local Planning Authority. Development shall subsequently be carried out in accordance with approved details.

Reason: To ensure that the development is of good appearance and to safeguard the character of the locality, in the interests of visual amenity.

### Informative

Attention is drawn to the planning conditions attached to the outline planning permission Ref 66/2013/13537 regarding the submission of a programme of archaeological work; a scheme for the provision of affordable housing; foul and surface water drainage details; highway authority requirements; and agreed tree protection measures.

### 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 additional information to address the planning issues which have arisen in relation to dealing with this application.
- accepted additional information to the scheme post validation.

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

INGLETON & CLAP  
31/2013/14018

CONVERSION OF EXISTING REDUNDANT AGRICULTURAL BUILDINGS  
TO EVENT VENUE AND GUEST ACCOMMODATION

ARMITSTEAD HALL GIGGLESWICK SETTLE

APPLICANT NAME: MRS JANET NEWHOUSE

TARGET DECISION DATE: 13/02/2014

CASE OFFICER: Jack Sykes

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**This application has been referred to the planning committee as it is considered to be a departure from the Local Plan.**

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.*

*Interior: entrance hall with Tuscan pillars. Former dining room has C18 fireplace with moulded surround, decorated segmental lintel with fluted imitation keystone; cornice.*

*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.”*

1.3 The application site lies within the inner consultation zone of a high pressure gas pipeline and therefore the Health & Safety Executive have been consulted. A public right of way runs along the access track to the site and then through the middle of the development site.

1.4 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 Permission is sought for the conversion of the buildings on site to events accommodation and associated guest accommodation. In summary the works include:-

- Conversion of the central spine of listed barns (referred to as the spine buildings) into 3 self contained guest accommodation units.
- Part convert and part rebuild the “eastern barns” to provide a function suite and leisure facilities.

- Demolish the “middle barn” and rebuild to form 2 self contained guest accommodation units.
- Rebuilding of an already demolished building (“the Bath House”) to form a 2 storey office building.
- Demolish a large steel portal frame agricultural building and use its footprint for car parking.

### 3. Planning History

- 3.1 31/2014/14620 Listed Building Consent was granted for the works proposed as part of this development on the 25 June 2014. The original application for Listed Building Consent (Planning Ref. 31/2013/14019) was withdrawn prior to determination.
- 3.2 31/2013/14022 & 31/2014/14621 Full and listed building consent sought simultaneously for the conversion of the same buildings to office accommodation. The planning application was approved on 3 June 2014 by the Planning Committee. The Listed Building application was approved on the 25 June 2014. The original application for Listed Building Consent (Planning Ref. 31/2013/14023) was withdrawn prior to determination.
- 3.3 5/31/49 (18/2/77) Permission granted for erection of silage and cubicle sheds at Armitstead Hall

### 4. Planning Policy Background

- 4.1 National Planning Policy Framework, nPPG.  
Saved Policies ENV1, ENV2, EMP5, EMP8, EMP14 and T2 of the Local Plan

### 5. Parish Council Comments

- 5.1 Lawkland Parish Council have made the following comments:-
- Original buildings offer scope for creative conversion to perpetuate their life and as an alternative to agricultural use.
  - The access point is in an awkward part of the lane which is a single track lane with a few passing places and several blind bends and hills. The junction with the A65 at Cross Keys is a notorious accident spot with a hidden dip towards Settle.
  - There are four other working farms along the lane with livestock that are moved along the lane regularly. Tractors, trailers, milk tankers and school buses also regularly use the lane.
  - The road is also a very popular route for cyclists as an alternative to the A65.
  - A number of residents have also raised concerns about the impact of the additional traffic particularly around the access to Armitstead Hall.
  - The condition of the lane has also caused some concern with the verges of the lane lined with trenches and mud. Further long the lane there is an area where water flows across the road in all but the driest conditions and in winter it becomes an ice sheet in several places. To the left of the access road is a sharp incline with limited visibility with flooding occurring to the left of the entrance.
  - Several residents have also voiced concerns about the impact of increased noise from an event venue particularly at late evening functions and if Marquees are used.

### 6. Consultations

- 6.1 Craven District Council's **Environmental Health** Department have not raised any issues of concern. EH have identified that the nearest noise sensitive property appears to be approximately 350m away from the site and at this distance the attenuation of the noise due to the distance from the source would be approximately 62dB. It would therefore be unlikely that noise from the application site would affect neighbouring properties. If there were any noise issues they would be able to deal with any issues under the nuisance provisions of the Environmental Protection Act.

- 6.2 **Natural England** have no comments to make on the proposed development in terms of the impact on protected landscapes. NE have not assessed the application for impact on protected species and have directed the LPA to their standing advice. NE have stated that the proposal may provide opportunities to provide biodiversity or landscape enhancements.
- 6.3 The **Highways Authority** initially recommend refusal of the development due to the unsuitable roads leading to the premises. However the applicant has suggested that passing places are provided along the public road between the A65 and the premises and as such the Highways Authority consider this mitigation to be sufficient. The HA therefore have withdrawn the objection to the development.
- 6.4 The **Health and Safety Executive** have stated that the pipeline in the area has been strengthened using thicker walled pipe to the west of the proposed development. Due to this strengthening the proposed development now lies within the middle and outer zone of the pipeline. Using the revised consultation the HSE do not advise against the granting of planning permission for the conversion and extension of the buildings to an event venue and guest accommodation.
- 6.5 The Council's **Listed Building and Conservation Area advisor** has made the following comments:-
- Most of the proposed works are acceptable.
  - Works to the spine building are acceptable with the new openings fitting into the overall random arrangement of door/window openings.
  - Although the middle barn looks like a field barn conversion with some amendments it would be much better. There are still some very large areas of glass especially at the barn door type openings. To the north east elevation the ground floor split between glass and timber looks fine. To the NW and SE openings the small panels of timber look feeble and hardly worth the effort. Either there should be more timber and less glass or the openings should be narrowed to be only glass.
  - The eastern barn functional group works well with a good mixture of original traditional and clean modern buildings. The way the ridge roof lights have been extended works well with the proposed pool use. The new building has some good honest modern elements fit for its ne use and purpose.

## 7. Representations

- 7.1 Three letters of representation have been received objection to this application. It is noted that two of the letters received also refer to the application submitted at the same time for office accommodation (31/2013/14022). These representations have made the following points:-

### **Principle of the development**

- 7.2 The respondent does not see how office units outside of local towns and village would help the local economy with office users not wishing to travel to settle every day to get their lunch which would also put additional traffic onto the country road.
- 7.3 Many farms have evolved and changed to keep up with modern farming purposes and are thriving.
- 7.4 Local towns may become ghost towns with businesses moving out to the development site and the respondent does not see the similarities between the proposed development and the Broughton Hall site. Businesses should be encouraged to use empty units in the town instead.
- 7.5 Many local hotels and pubs have closed down in the area due to falling trade and the respondent considers that we should be encouraging people to use existing facilities. A function venue that has all the facilities it needs would not encourage people to use the local towns. There has been recent developments in the town which should be sufficient to cover the small rural area when it comes to office and business space. The only people who would gain financially would be the applicants.

- 7.6 The respondent disagrees that the buildings are obsolete and is aware that local farmers have had to rent agricultural buildings many miles away due to the lack of available space nearby. The first step should be to use the site as a farm as originally intended.

### **Highway Issues**

- 7.7 The ice and water on the country lane has caused problems and the extra traffic using the road during construction and on completion may cause further issues.
- 7.8 The nearby working farm move livestock on the roads from field to field up to twice daily in summer which would make it extremely difficult and dangerous to the farm if there were additional vehicles on the road.
- 7.9 The entrance is not suitable for the additional traffic being of a low visibility on a narrow corner.
- 7.10 The road is used by many farm vehicles with current users of the highway used to such traffic. People attending the functions would not be used to reversing or manoeuvring on narrow country roads.
- 7.11 The proposed development would lead to a great increase in traffic flowing to the site
- 7.12 The flow of traffic onto the A65 during construction and operation would be increased with neither junction with the road suitable for the traffic increase.
- 7.13 A transport assessment has not been submitted with regard to the potential impact of the proposals on the highway network. The only detail provided is that the wedding venue would require a 51 space car park suggesting that approximately 50 vehicles could be entering and leaving the site within a short space of time. There is no justification that the level of parking is sufficient or the maximum capacity of the venue. There are also no details provided with regard to the frequency of events or timing in order to gauge the potential for traffic conflicts.
- 7.14 Given the rural nature of the roads and concentrated frequency of traffic movements associated with the proposed use it is likely that conflicts between vehicle movements would arise. There may also be implications for traffic either queuing back onto the A65 into the Lawkland turn and vice versa with vehicles exiting onto the A65.
- 7.15 In the absence of technical information to prove that the proposals would not have an adverse effect on the local highway network the proposals must be considered as contrary to the above adopted development plan policies.

### **Impact on neighbouring amenities**

- 7.16 The additional noise and vehicles would disrupt the enjoyment of the neighbours property which would overlook the site.
- 7.17 The farmer who works on the nearby dairy farm starts work at 5am and should the functions run into the night it would disturb the neighbours. Lights would also shine into the bedroom window from users of the vehicle entrance. There is no mention as to what times functions would be held or what days and also whether the offices would be open 24 hours a day also.
- 7.18 The respondent questions whether extra lighting would be installed that may cause light pollution to the neighbours and surrounding area.
- 7.19 The rural nature of the site is characterised by extremely quiet ambient noise levels. The events venue would inevitably include noise generating activities and given the speculative nature of the planning application (no end user is known) the applicant is unable to provide any details of either the number, frequency or duration of these events. The application forms state that the hours of operation of the venue are unknown.
- 7.20 The premises may host multiple functions in order to be viable which raises the prospect of noise generating activities on multiple evenings in any given week extending into the late evening and early hours.
- 7.21 The submitted plans heighten concerns over noise with multiple patio doors facing onto a terrace with an open northern aspect. Coupled with a low ambient noise level and the direction of prevailing winds this raises the prospect of noise from wedding events being clearly audible and causing significant disturbance to local residents.

- 7.22 In the absence of technical information to prove that the proposals would not have an adverse impact on the amenities of local residents the proposals must be considered as contrary to adopted development plan policies.
- 7.23 Although the Council's Environmental Protection team in its consultation response has not raised any objections but given the lack of information there appears to be no sound basis for arriving at that judgement.

**Visual impact**

- 7.24 The plans that have been submitted are not in keeping with the local area which is farming
- 7.25 The respondent does not consider that the removal of the agricultural building and replacing it with a car park would improve the visual appearance of the landscape.
- 7.26 The respondent does not agree that the development is small scale.

**Other issues**

- 7.27 The respondent would be concerned that users of the accommodation would bring their dogs which if let off their leads may worry livestock.
- 7.28 The proposed development may pose a bio-security risk. If there is an outbreak where visitors are from it may be brought to the area which is a relatively secluded area being away from the risk of the spread of disease.
- 7.29 There would be an increase theft risk from the development should computers, televisions, alcohol etc be left on site. It would encourage unscrupulous people to come to the area to thief putting other people's property at risk.
- 7.30 The electricity supply in the area is very poor in the area as well as the telephone and broadband lines.
- 7.31 Parties In the function rooms may let off fireworks or lanterns that may lead to an increased fire risk or risk being eaten by the livestock.
- 7.32 There is poor broadband access to the area and the respondent questions whether additional facilities would need to be supplied.
- 7.33 There would be a risk of increased drink driving as not all party goers would be able to stay on site
- 7.34 The respondent is concerned that should the application be approved the applicant would then put in further facilities such as an off road quad bike track and shooting range to go with the onsite function rooms and accommodation.
- 7.35 The site is not considered to be ideal due to the close locality of the busy railway line and the recently installed gas pipeline.
- 7.36 Bats would not wish to remain in the locality if the development goes ahead and even with mitigation would not once disturbed return to the site.
- 7.37 The survey does not mention any owl activity which the respondent has seen and heard in the area and are also believed to have nested in local barns.
- 7.38 The farmhouse is unoccupied with the applicant living elsewhere and the respondent questions who would be living in the farmhouse and who would oversee the accommodation and functions if any celebrations are parties get out of hand.
- 7.39 The development would increase waste and pollution especially in the local area.
- 7.40 The respondent considers that keeping the barns in their original state would be more beneficial to keeping the heritage alive.

8. Summary of Principal Planning Issues

- 8.1 Principle of the development
- 8.2 Visual Impact of the Development

8.3 Impact of the development on the amenity of neighbouring properties

8.4 Highway Issues

8.5 Impact on protected species

9. Analysis

#### **Principle of the development**

- 9.1 At the heart of the National Planning Policy Framework is the presumption in favour of sustainable development. Councils should approve development proposals that accord with the local plan without delay and where the development plan is absent, silent or relevant policies are out of date granting permission unless any adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF or where specific policies in the Framework indicate that development should be restricted. In terms of the rural economy the NPPF is generally supportive and suggests that LPAs should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. In order to support the economy LPAs should support the sustainable growth and expansion of all types of business and enterprise in rural areas through the conversion of existing buildings and well-designed new buildings.
- 9.2 Within designated areas such as AONBs the NPPF advises at paragraph 115 that great weight should be given to conserving landscape and scenic beauty as they have the highest status of protection. The NPPF also advises at paragraph 116 that permission should be refused for major developments in AONBs except in exceptional circumstances and where it can be demonstrated that they are in the public interest. In considering such applications there should be an assessment of:
- the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
  - the cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way; and
  - any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.
- 9.3 As the proposal involves the formation of less than 1000 m<sup>2</sup> of floorspace and the site area is less than 1 ha the proposal is not classed as a major development for the purposes of completing the Council's statistical returns. However, it does not necessarily follow that the proposal should not be classed as major development in terms of applying the planning policy within the NPPF. On balance it is not considered that the proposal should be treated as a major scheme, given the relatively limited floor areas of development involved, and in particular the fact that the development essentially re-uses the footprint of existing buildings and does not extend out into previously undeveloped land. The advice at paragraph 116 is therefore arguably not applicable, but in the context of what is proposed and in relation to the rural surroundings the development proposal is undoubtedly a scheme of some significance.
- 9.4 It is also noted that there have been recent changes to the General Permitted Development Order 1995 (as amended in 2013) that allow for certain agricultural buildings to be changed into a flexible use, such as D2 assembly and leisure use, under a prior notification system or for conversion for up to 3 residential dwellings. This means that planning permission is not required for a change of use although certain matters are under the Council's control through the prior approval process. In this process prior approval is only required should the Council have concerns over the transport and highways impact, noise impacts, contamination risks, flooding risks or where the siting or location of the building is unsuitable for residential use. These are detailed matters that the Council retains control over, but it cannot question the acceptability in principle of whether the development can happen. However, in this case planning permission is needed for a number of reasons and the prior approval process is not applicable, but these rights to undertake similar development in open countryside locations without planning permission is an indicator that the conversion of agricultural buildings to such uses is not wholly unacceptable in principle.

- 9.5 Saved Policy ENV1 of the Craven District (Outside the Yorkshire Dales National Park) Local Plan states that small scale development would only be permitted in the Open Countryside where it can be demonstrated that it; clearly benefits the rural economy, helps to maintain or enhance landscape character and is essential for the efficient operation of agriculture or forestry or is essential to the needs of the rural community. Developments that can be demonstrated to meet these requirements would then need to be considered under Saved Policy ENV2 of the Craven District (Outside the Yorkshire Dales National Park) Local Plan.
- 9.6 Saved Policy EMP5 states that outside development limits and established industrial areas the construction of buildings for industrial and business uses would not normally be permitted. Such development would only be acceptable in exceptional circumstances where it is demonstrated to be essential for the social and/or economic needs of the community and where there is no suitable alternative site within the development limits or industrial area of a nearby settlement.
- 9.7 Saved Policy EMP8 states that planning permission for the conversion of buildings to employment generating uses would be acceptable in principle provided that the proposal accords with the relevant Local Plan policies and a number of further criteria.
- 9.8 In assessment of the principle of this development there are 2 different elements for which need consideration and to which different policies apply. The conversion of the buildings has different policy considerations to the construction of the new buildings on site.
- 9.9 With the government's recent indication that various alternative uses may be acceptable for agricultural buildings including employment uses and residential uses the proposed use of the existing structures as a part of an event venue is considered acceptable.
- 9.10 Whilst the conversion of the existing buildings is considered acceptable the construction of new buildings to support the proposed facilities would need to be assessed under different policies. The site is located in a relatively isolated location away from settlements and although Giggleswick Station lies between the village itself and the proposed development there are not good transport links between the two with no pavement and single lane roads between them.
- 9.11 Officers do have reservations with respect to the limited evidence available to justify the demand for the proposed event use (the evidence provided to justify a demand for the alternative scheme for office use was significantly better (Planning Ref. 31/2013/14022)) and this application was therefore not put forward to Planning Committee at the same as Planning Ref. 31/2013/14022. No new additional information of significance has since been received and therefore it is necessary for the Council to either approve or refuse the application on the basis of the current submission.
- 9.12 On balance it is recommended that in principle the proposal should still be supported and is acceptable when considered against up-to-date planning policy within the NPPF. The NPPF is supportive in principle of economic development and this proposal will contribute to these objectives. The site location is not ideal, but the Council has already accepted the site is suitable for office development which also should preferably be located in town centre locations. The quality of new built development is indicated to be of a high standard and there are positive benefits in terms of securing an active use for the listed buildings. It is also worth noting that the significant majority of new buildings to be constructed are replacements for existing buildings on the site and the development proposals do not particularly alter the built form of the existing complex. There is therefore, in principle, no significant impact on the landscape quality of the AONB.

**Visual Impact of the Development (including the impact on the Forest of Bowland AONB and the setting of listed buildings).**

- 9.13 The National Planning Policy Framework states that LPAs should always seek to secure high quality design and ensure developments are "visually attractive as a result of good architecture and appropriate landscaping". Permission should be "refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions."

- 9.14 The National Planning Policy Framework states that in determining planning applications affecting heritage assets LPAs should take account of:-
- “The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
  - The positive contribution that conservation of heritage assets can make to sustainable communities including their economic viability; and
  - The desirability of new development making a positive contribution to local character and distinctiveness.”
- 9.15 The application site also lies within the Forest of Bowland AONB. The NPPF states that great weight should be given to conserving the landscape and scenic beauty in such areas which have the highest level of protection in relation to landscape and scenic beauty.
- 9.16 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.

#### Spine Buildings

- 9.17 The spine buildings, as named such by the applicants, are noted within the listing of Armitstead Hall and as such are listed structures.
- 9.18 The spine buildings contain evidence of a number of former openings such as stone surrounds and mismatched stonework. The scheme for alteration proposes the re-opening of a number of these former openings and it is not considered that this is wholly inappropriate. The proposal would also introduce roof lights to the building which would add character and light to the internal areas whilst having a minimal impact on the character and appearance of the barns. A small number of openings would be added to the south east elevation that are considered to be broadly in keeping with the character of the barn. A small window is also proposed to the south west elevation which would not be wholly out of place with the character of the barn. Similarly an alteration to the window on the northeast elevation that although in a prominent position on the site is not considered to be unacceptable. Woodburners would also be installed within the property and as such 3 flues are proposed within the roof planes. Should the development be approved the colour and finish of these flues would be conditioned to be submitted but it is not considered the presence of these flues is wholly inappropriate.
- 9.19 In terms of materials the structure would be repaired using matching materials where appropriate. The submitted scheme indicates that the doors and windows would be of a stained natural timber as existing however the windows and doors viewed on site were of a painted timber finish. The use of a painted timber finish to doors and windows is considered to be more appropriate and as such would be conditioned on any approval.
- 9.20 It is therefore considered that the proposed conversion of the “spine buildings” would be of an acceptable visual appearance.

#### Bath House

- 9.21 This structure no longer exists on site. An old photo aerial was submitted with the application indicating its existence, but the building is not indicated on Google Earth maps dated 2002. It is proposed to rebuild this structure to provide estate office accommodation from where the facility would be run. This structure would be of a simple appearance and of traditional materials that is considered to have an acceptable visual impact on the surrounding area due to its small size and position in relationship to the existing built form. It is noted that timber stained doors and windows which would be somewhat at odds with that found on the original buildings in the area and it is considered that a painted timber finish would be more appropriate. However with conditions this part of the development is considered to be visually acceptable.

### Middle Barn

- 9.22 To the middle of the site lies a cluster of buildings identified as the middle barn by the applicant. Whilst there are some stone walls within this structure the building has been extended using different materials and also has a corrugated roof. The barn in its current state is therefore considered to add little to the character or appearance of the surrounding area.
- 9.23 This part of the development would be wholly rebuilt to provide guest accommodation. The proposed structure would be a two storey stone built structure with painted timber windows and doors. This building would have some interest through the design of the openings and the orientation. Whilst Officers are happy with the built form as proposed they, and the listed building advisor, have concerns over the design of the mock barn door openings to the north west and south east elevations. However it is considered that an improvement to this opening could be achieved via condition. It is therefore considered that, with appropriate conditions, the middle barn would be acceptable.

### Eastern Barns

- 9.24 To the east of the site lies a cluster of agricultural buildings that are partially of a traditional stone appearance and partially of a more modern concrete block and timber boarding construction. It is proposed to convert the stone barns and in place of the modern agricultural building construct a functional modern building.
- 9.25 The conversion of the existing barns is considered to be sensitively done and reflect existing openings to the barn and traditional agricultural buildings. The new building would be a functional development that although modern in appearance is considered to reflect the nature of the site with its use of traditional materials and would not dominate the traditional barn or the site. The modern building would be considered to be a feature building within the development, subject to approval of full details of the external appearance that would have an acceptable visual impact on the existing structures.
- 9.26 The conversion and extension of the eastern barns are therefore considered to be of an appropriate visual impact to respect the original buildings and to not have a significant detrimental impact on the character or appearance of the surrounding area.

### Car park

- 9.27 The events scheme would also include the provision of a large car park on the site of the existing modern agricultural building. This would be a large development with parking for 51 vehicles with the parking area measuring approximately 40 metres x 30 metres. It is proposed to be enclosed with a stone wall approximately 1.2 m high and landscaping to help assimilate the development within the landscape.
- 9.28 It is considered that the formation of this large car parking area would have a far greater impact on the character and appearance of the area than many of the building works. If fully used parked vehicles could have a significant impact on the character of the Forest of Bowland AONB. The impact on the AONB is an issue that should be given great weight in the decision making process.
- 9.29 On balance it is considered that as the development is located immediately adjacent to the built form the prominence within the landscape would be diminished. Furthermore the issue of securing a viable use for the listed farm buildings is also a relevant consideration that has been taken into account in reaching the decision to recommend approval of the application.
- 9.30 It is therefore considered that on balance the proposed car park, with conditions regarding landscaping and the stone walling, would have an acceptable visual impact on the surrounding area.

### Summary of Visual Impact

- 9.31 The proposed conversion and extension of buildings is considered to have been sensitively designed and would not have an unacceptable detrimental impact on the existing buildings, the surrounding AONB or the setting of the Listed Building by virtue of its scale, proportion, design and materials.

### **Impact of the development on the amenity of neighbouring properties**

- 9.32 The National Planning Policy Framework states that LPAs should seek to achieve a good standard of amenity for all existing and future occupants of land and buildings.
- 9.33 Saved Policy EMP5 and EMP8 also require that developments do not have an unacceptable impact on the amenity of existing residents or neighbours.
- 9.34 The application site is located at a distance of around 350m from the nearest neighbouring property. Given the size of the development proposed and this separation distance it is not considered that any built works would have an adverse impact in terms of overshadowing or obstruction of windows.
- 9.35 It is noted that some respondents have concerns regarding the noise generated by the development however the Council's Environmental Health Department are satisfied that due to the distance between the proposed development and neighbouring properties it would be unlikely to cause any noise issues. They also noted that any such issues could be dealt with under the nuisance provisions of the Environmental Protection Act.
- 9.36 Given the separation distance between the site and neighbouring residential properties it is also not considered that the proposal would result in any unacceptable impact in terms of lights however any permission would condition that further details of external lighting are provided.
- 9.37 It is therefore considered that, with appropriate conditions, the development would not result in any unacceptable impact on the amenities of neighbouring properties meeting this requirement of the NPPF and Saved Policies EMP5 and EMP8 of the Local Plan.

### **Highway Issues and site sustainability**

- 9.38 Saved Policies EMP5 and EMP8 require that employment developments should not create conditions prejudicial to highway safety and that the site is served or capable of being served by cycle/pedestrian routes and is served or capable of being served by public transport.
- 9.39 Saved Policy T2 requires that development proposals are appropriately related to the highway network and do not generate volumes of traffic in excess of the capacity of the highway network. Proposals should 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 the access is acceptable and achieves a high standard of safety.
- 9.40 The NPPF defines leisure and entertainment facilities as well as conference facilities as main town centre uses. The NPPF suggests that LPA's should apply a sequential test to planning applications for main town centre uses requiring proposals to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. However at paragraph 25 of the NPPF it is stated that this sequential approach should not be applied to applications for small scale rural developments. Additionally, and as highlighted earlier, permitted development rights now allow for D2 and C3 uses to be formed in rural areas without the need for planning permission (although not to the extent of this development proposal).
- 9.41 The application site is located a short distance outside of Giggleswick with Giggleswick station lying between the application site and the village itself. There are no pavements however between the station and the site with the access along a narrow country lane. The site is considered to be reasonably accessible by cycle, and provides a cycle stand; however the pedestrian accessibility is considered to be poor due to the distance from the village and the lack of walkways. Public transport is also considered to be wanting in the area with no regular service that could adequately serve the development. The applicants have suggested that passing places are constructed between the A65 and Armitstead Hall and this would upgrade the current vehicular access. The Highways Authority has been consulted and has no concerns with respect to any increased traffic to and from the site and the suitability of the roads to accommodate that increase.

- 9.42 The site is not considered to be ideally located in terms of access but is located a short distance from the A65 and would be in cycling proximity to the towns of Giggleswick and Settle. Whilst it is considered unlikely that many users of the site would walk to the site the benefits of the economic development are considered to not be substantially outweighed by any shortcomings in the sustainability of the site's location.
- 9.43 A public right of way runs through the site but the development would not cause an obstruction to this path.
- 9.44 It is therefore considered that the proposed development would not have a significant detrimental impact on highway safety within the vicinity or due to the scale of the proposal be unacceptable with respect to sustainability considerations. The development is therefore considered to be acceptable with respect to planning policy within the NPPF and saved policies EMP5, EMP8 and T2 of the Local Plan.

#### **Impact on protected species**

- 9.45 The NPPF states that when determining planning applications LPAs should aim to conserve and enhance biodiversity. Should significant harm resulting from a development not be avoided, adequately mitigated or as a last resort compensated for then planning permission should be refused.
- 9.46 The application has been supported by a bat survey that has identified the presence of some bats within the premises at the time of the survey. The submitted assessment is considered to have been carried out to an adequate standard and also makes a number of recommendations in terms of mitigation strategies. It is considered with the mitigation strategies proposed the development would not have an unacceptable impact on bats in the area.
- 9.47 It is however noted that some of the mitigation strategies involve works to the listed barn including the introduction of bat bricks and bat lofts however the impact of this on the listed building would be assessed under the associated listed building application.

#### **Other issues**

- 9.48 Responses have been received raising a number of other issues such as increased dog fouling, potential for fireworks, increase in drunk driving, increase in theft in the area, the potential for further proposals and the possible bio-security risk. It is considered that these matters are not issues that can be given significant weight within in this determination that would justify a reason to refuse planning permission.
- 9.49 The application site is within the inner zone of the Feeder Pannal/Nether Kellet pipeline and the council have consulted the Health and Safety Executive's Padhi+ system in this respect. PADHI+ does not advise against the development proposed and as such the scheme is considered acceptable despite its proximity to the pipeline.
- 9.50 Surface water drainage is to soakaway and given the open countryside location of this site, and the fact that the extent of built form / hardsurfaced area is essentially unchanged from existing, this is considered to be acceptable. With respect to foul drainage a connection to mains sewer is not proposed (presumably because no connections are available in the local area). The site is not within a sensitive ground water zone, and an environmental permit would be needed to discharge any treated effluent from a septic tank or private sewerage treatment plant. An appropriate condition would be recommended should the application be approved.
- 9.51 The development is considered to be acceptable with respect to all other material planning considerations.

#### 10. Recommendation

- 10.1 That the application is approved subject to conditions

#### Conditions

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

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

2. The approved plans comprise Spine Buildings Proposed Layout, and Proposed Block Plan, received on the 9<sup>th</sup> December 2013, Passing Places received on the 16<sup>th</sup> 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 30<sup>th</sup> 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 2m<sup>2</sup> 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. 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 28<sup>th</sup> 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.

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 16<sup>th</sup> 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.

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.

### **Informatives**

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](mailto: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: -**

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

- requested amended design approaches / 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