

PLANNING COMMITTEE MEETING AGENDA

Wednesday, 27 August 2014

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

*GLUSBURN
32/2014/14727*

*ERECTION OF A NEW AIR DOME STRUCTURE FOR SPORTS ACTIVITIES
TO THE SITE OF THE EXISTING TENNIS COURTS*

SOUTH CRAVEN SCHOOL, HOLME LANE, CROSS HILLS.

APPLICANT NAME: SOUTH CRAVEN SCHOOL

TARGET DECISION DATE: 04/09/2014

CASE OFFICER: Neville Watson

Planning Application No: 32/2014/14727

Referred to Committee at the request of Councillor Barrett due to the degree of public interest.

1. Site Description

- 1.1 South Craven School and associated grounds and playing fields form a large secondary school complex on the southern edge of the built-up area of Cross Hills, lying to the southeast of the central shopping and business areas on Main Street. The buildings are concentrated in a roughly 'square' area to the north-east end of the site (within the settlement development limits) and are bounded by predominantly residential properties to the west and east, and mixed commercial and residential uses to the north.
- 1.2 The playing fields to the south and south-east lie outside of development limits and abut the open fields that form the narrow gap between Cross Hills and Sutton in Craven. There are no significant changes in level across the site.
- 1.3 The application site comprises an area of tarmac surfaced, outdoor tennis courts that are situated close to the eastern boundary of the site, between the Sports Hall and a group of trees that extend to the school boundary with the Clayton Hall housing estate. (This boundary abuts Smalldrink Lane, a narrow footway which is not a public right of way). The new building will be wider than the present courts, extending into the tree belt by approximately 4 metres.
- 1.4 The site lies outside the flood risk area that lies further to the south.

2. Proposal

- 2.1 The proposal is for the erection of an 'air dome' structure to form a covered multi-purpose sports hall, on the site of the present 4 tennis courts. The structure is 59 x 39 metres in plan, and the maximum height (at the top of the radius) is 11 metres. The external colour finish of the covering textile fabric is dark green at the base (to a height of 6 m.) and white across the top ('roof') section. The air generating plant is accommodated in small acoustic enclosure at the north end of the building. Access to the air dome would be via revolving doors at the northern end of the structure with 3 emergency exits on the north, east and south elevation.
- 2.2 The footprint of the building is approximately 8 m. wider than the courts; as a result the development extends some 4m into the tree planted area, requiring the removal of 15 trees. It is proposed to plant 10 new trees along the eastern boundary of the site with Smalldrink Lane.
- 2.3 The existing Sports Hall changing facilities will be used. Surface water drainage will be disposed of partly by the existing tennis court drain and partly by a new soakaway. Therefore, no other services will be required.
- 2.4 The air dome would be used Monday to Friday 08.30 to 22.00, Saturday 09.00 to 17.00, Sundays and Bank Holidays 10.30 to 17.00. The facility would be used by the school throughout the school day for sports only activity and for sports only community use from 17.30.

- 2.5 The application is supported by
- Planning and Design and Access Statement
 - Flood Risk assessment
 - Acoustic Consultancy Report
 - Lighting Report
 - Verified Views Assessment
 - Existing and proposed tree plan

3. Planning History

- 3.1 32/2013/13618 Air Dome refused 16.8.2013 for the following reason:-

Paragraph 14 of the NPPF indicates that development should be approved unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, or specific policies in the Framework indicate development should be restricted. In this case it is recognised that there would be some benefits associated with the proposed development to the school which may weigh in favour of sustainable development. However, the lack of any agreement to wider public community use reduces the social benefits of the scheme. It is also a core planning principle of the NPPF that all developments should provide a good standard of amenity for existing residents, and that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. The submitted application has failed to provide sufficient information to demonstrate that development would avoid any unacceptable impact on the living conditions of the nearest residents, by reason of disturbance from noise and light pollution, particularly in the evenings. The application would not, therefore, represent sustainable development as the public benefits of the application proposals are not considered to significantly and demonstrably outweigh the potential harm to local amenity.

- 3.2 32/2013/13903 Air Dome Withdrawn 9.12.2013

- 3.3 Historically, planning applications for the school have been dealt with by North Yorkshire County Council and there is an extensive planning history relating to various extensions to the main school buildings, the construction of new buildings, additional car parking, boundary fencing, and the retention of various temporary cabins.

- 3.4 More recently the school has transferred to an 'academy', outside of the control of the County Education authority, and as a consequence planning control has fallen to the District Council.

4 Planning Policy Background

4.1 **NPPF, and nPPG**

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

Craven There are no policies specific to educational development within the Saved Local Plan.

ENV10: Protection of Trees and Woodlands.

5 Parish Council Comments

- 5.1 Glusburn and Crosshills Parish Council. The Parish Council feel that the application is too big and intrusive for the proposed area. The trees proposed for removal have already been removed - why? Can the school justify the business case?

6 Consultations

- 6.1 NYCC Highway Authority: Does not wish to impose restrictions on the grant of planning permission.

- 6.2 Environment Agency: Has no objection provided the development is in accordance with the submitted Flood Risk Assessment.
- 6.3 CDC Environmental Protection: Agrees with the conclusions in the Acoustic Consultancy report that the external plant should be housed in a suitably designed enclosure to minimise noise disturbance to nearby dwellings.
- 6.4 CDC Environmental Health (Contaminated Land): No known contaminated land implications.
- 6.5 Sport England: Has considered the proposal against its playing fields policy and does not wish to raise an objection to this application. As the courts are not currently floodlit, their enclosure will allow them to be used for sport during inclement weather and dark autumn / winter evenings and Sport England considers that the proposal (if opened up for managed community use) also has the potential to offer benefits for community sport.

In order that the proposal fulfils its potential in respect of benefit to community sport, Sport England would request the imposition of the following condition on any approval;

- 1) *Use of the development shall not commence until a community use agreement prepared in consultation with Sport England has been submitted to and approved in writing by the Local Planning Authority, and a copy of the completed approved agreement has been provided to the Local Planning Authority. The agreement shall apply to the air-dome enclosed sports courts and include details of pricing policy, hours of use, access by non-school users management responsibilities and a mechanism for review, and anything else which the Local Planning Authority in consultation with Sport England considers necessary in order to secure the effective community use of the facilities. The development shall not be used at any time other than in strict compliance with the approved agreement.*

- 6.6 CDC Sports Development Officer: The Sports Development Officer has no objections to this application and recommends that the Council follows the Sport England advice of entering into a community use agreement in order to secure community use and benefit for such a facility.

The agreement should include:

- Pricing policy that is in line with other such facilities in Yorkshire
- Hours of use that meets community need
- Access arrangements for community users
- Management responsibilities and how the facility is promoted to the community
- Review mechanism for the agreement

7. Representations

- 7.1 Ten letters of objection have been received raising the following concerns

- Visual impact
- Sound emissions
- Ecological Impact
- Light pollution
- Hours of use.
- Drainage
- Loss of trees

- 7.2 Ninety letters of support have been received.

8. Summary of Principal Planning Issues

- 8.1 The principle of development at this location.
- 8.2 The impact of the dome structure on the visual amenities of the surrounding locality, including the effects of illumination during the hours of darkness.
- 8.3 Whether the development would have an unacceptable impact on the living conditions of neighbouring occupiers by reason of noise, light pollution, and general disturbance.
- 8.4 Other issues raised in objections.

9 Analysis

- 9.1 In addition to an overarching presumption in favour of sustainable economic development the National Planning Policy Framework (the Framework) states that the planning system should play an important role in improving the health, social and cultural wellbeing of communities by delivering sufficient facilities and services to meet local needs. Section 8 of the framework includes a requirement that local planning authorities “*take a proactive positive and collaborative*” approach to proposals to create, expand or alter schools. Paragraph 73 highlights that access to high quality open space and opportunities for sport and recreation can make an important contributing to the health and well-being of communities. Therefore, the development of sports facilities of the type proposed in this application can enhance the sustainability of communities and residential environments, and so should be considered positively.
- 9.2 However, the NPPF notes that proposals should be assessed against the Framework as whole (Paragraph 14). It is a core planning principle of the Framework that planning should also always seek to secure high quality design and a good standard of amenity for existing residents (Paragraph 17). Therefore the determining issue in this proposal is whether the benefits of the development, in providing additional sports facilities for the school, would outweigh any adverse impact on the wider visual amenities of the area or on the living conditions of neighbouring residents.

These issues are considered in turn:

(a) The benefits of development:

- 9.3 In terms of the benefits of the development, the school intend to use the dome structure for a range of different sports and thereby extend the curriculum. Unlike the refused application which indicated that it could be used for “*assemblies, presentations, school events and external uses*” the current application is to be used for sports use only.
- 9.4 Sport England and the Council's Sports Development Officer have both commented on the application and acknowledge the commitment by the Governor's to work with Sport England in securing a Community Use agreement.

(b) Character and appearance of the area

- 9.5 The dome structure is to be sited to the east of the main school buildings between the existing Sports Hall and the school boundary adjacent to Smalldrink Lane , a narrow footpath which is not a public right of way but acts to separate the school grounds from the Clayton Hall residential estate beyond. This section of the school grounds has a tapering 20 metre tree belt between the present tennis courts and the boundary.
- 9.6 The planned air dome is of substantial size being of 1,980 square metres in floor area and having a maximum height of 11 metres, albeit the ‘inflated’ structure is curved and therefore has less mass than a conventional building (with walls and eaves). There are other substantial structures alongside the site, in the form of the existing sports and badminton halls, the latter itself being a framed fabric cover structure, so the dome will be of similar height and scale to the existing structures. However, the site is closer to the boundary of the school than the existing school buildings.

- 9.7 The planning application includes a verified views assessment based on agreed principal views of the site.
- 9.8 It is considered that in the context of the school complex as a whole the visual impact of the air dome will be potentially greatest in the immediate locality to the eastern boundary of the school; i.e. from the properties on edge of the Clayton Hall estate. These lie behind the tree belt formed by 'The Coppice' which significantly reduces that impact. From the north and west the new structure would be very effectively screened by existing school buildings and would have little impact; likewise, from the south the playing fields provide a substantial buffer from public viewpoints. There will be long distance views from the higher ground to the north east (Farnhill & Kildwick) and the south (Cowling Pinnacle) but from that distance the building will be seen as part of the existing school complex. Although the unconventional appearance of the structure may be noticeable, as would any light spill in the hours of darkness, this is not considered to be unduly harmful to the landscape.
- 9.9 In conclusion, the impact of the proposed air dome on the character and appearance of the wider area will not be especially significant, but the impact on views from the nearest bordering houses on Clayton Hall Road will be substantially dependant of the continuation of the present tree screen. The removal of fifteen trees to accommodate the air dome will be replaced by 10 trees along the Smalldrink Lane boundary. Although the replanting will take some time to mature it will reinforce the Smalldrink Lane boundary and retain the tree belt buffer between the properties on Clayton Hall Drive. This approach is considered to be consistent with the requirements of Saved Local Plan Policy ENV10.
- (c) Residential amenity:
- 9.10 Representations from local residents have highlighted concern about the potential noise disturbance from both the users of the new facility and from the 24 hour air generating plant that keeps the dome inflated. The concerns are that the dome will only be separated from the houses on Clayton Hall Road by some 36 metres minimum distance, and with the additional loss of a 2 metre strip from the existing tree screen, the development would be un-neighbourly, especially in the evenings or at weekends.
- 9.11 There are further concerns that light spillage through the dome's covering fabric will cause light pollution within the local area in the hours of darkness. Local residents fear that this light spillage also further reduces the amenities of local residents as well as making the dome structure visually intrusive, given the size and height of the building and the resulting incongruous appearance when the 'illuminated' building is viewed from the surrounding area.
- 9.12 The application includes an acoustic consultant's report which includes information on background noise levels. The primary source of noise would be from the generators use to keep the dome inflated. The report concludes that the generators have the potential to increase background noise levels and in mitigation it is recommended that an acoustic screen or enclosure be provided to ensure that there is no adverse impact on the nearest noise sensitive properties on Clayton Hall Road. The Council's Environmental Health Officer has accepted this solution as appropriate to protect the neighbouring dwellings.
- 9.13 Concern has also been expressed about light pollution. The application includes a lighting report that assesses the lighting requirements for the activities likely to take place within the dome (tennis, 5- a- side football and netball) and offers recommendations on the type of lighting that is required while limiting potential light spill to acceptable levels. It concludes that light spill to the neighbouring residential properties will be negligible and that sky glow will be limited by the angle of lighting. However, it acknowledges that the roof of the dome will be visible, as is typical with all uncovered sports stadia.
- 9.14 Concern has also been expressed about hours of use. This issue is linked to the noise and light issues raised above. It is not considered unreasonable to allow community groups to utilise the enclosed sports facility until 22.00 taking into account the open air multi-use games area can be used until 21.00.

Other issues

9.15 Neighbours have raised the issue of drainage on the site given that there would be a large impermeable surface. The consultant's report considers that the proposed dome would increase the impervious area of the current site by 16% and that 35-90 cu. m. attenuation storage would be required. This would be provided by a swale along the eastern boundary with the capacity to take the surface water from the site.

9.16 A resident has expressed concerns about the removal of trees and the foraging area available for bats. It is considered that due to the remaining trees and the proposed replacements there would not be an adverse ecological impact.

Conclusions

9.17 Paragraph 14 of the NPPF indicates that development should be approved unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, or specific policies in the Framework indicate that development should be restricted.

9.18 It is recognised that there would be potential benefits associated with the proposed development to the school and, in general terms, it would be a form of development that meets the Government's wider initiatives through the NPPF to support the creation of jobs and economic growth. In addition the governing body has confirmed that it will work with Sport England to secure a community use agreement. These matters are material considerations which may weigh in favour of sustainable development.

9.19 Furthermore, the NPPF notes that proposals should be assessed against the Framework as whole. It is a core planning principle of the NPPF that all developments should provide a good standard of amenity for existing residents, and that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. It is now considered that sufficient information has been provided to avoid any unacceptable impact on the living conditions of the nearest residents, by reason of noise and light pollution and general disturbance, particularly in the evenings.

9.20 The application would therefore represent sustainable development as the benefits of the application proposals are now considered to "*significantly and demonstrably*" outweigh the potential harm to local amenities, and consequently are sufficient to justify planning permission being granted.

10 Recommendation

10.1 That the application be approved subject to the following conditions:

Conditions

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

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

2. The development shall not be carried out other than wholly in accordance with the drawings 11643 101 Rev A, 11643 1001 Rev A, 11643 511 and AD00152-SK01 Rev P2, the Flood Risk Assessment and Design and Access Statement received by the Local Planning Authority on 5th June 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 the permission and for the avoidance of doubt.

3. Use of the development shall not commence until a community use agreement prepared in consultation with Sport England has been submitted to and approved in writing by the Local Planning Authority, and a copy of the completed approved agreement has been provided to the Local Planning Authority. The agreement shall apply to the air-dome enclosed sports courts and include details of pricing policy, hours of use, access by non-school users

management responsibilities and a mechanism for review, and anything else which the Local Planning Authority in consultation with Sport England considers necessary in order to secure the effective community use of the facilities. The development shall not be used at any time other than in strict compliance with the approved agreement.

Reason: To secure well managed safe community access to the sports facility to ensure sufficient benefit to the development of sport.

4. The proposed trees shown on drawing 11643 511 shall be planted in the first available planting season following the date of this permission. Thereafter the trees shall survive for a minimum of five years and in the event that any tree dies, is diseased or damaged shall be replaced with a similar specimen and size.

Reason: To ensure the satisfactory screening of the site.

- 5 The facility hereby approved shall be used for sports purposes only Monday -Friday 08.30-22.00, Saturday 09.00-17.00 and Sunday and Bank Holidays 10.30-17.00. and notwithstanding the provisions of the Town and Country General Permitted Development Order 1995 (as amended) or any Order revoking or re-enacting that Order shall not be used for any other use without the formal written approval of the Local Planning Authority.

Reason: In the interests of residential amenity.

6. The development hereby approved shall not be carried out other than in accordance with the mitigation measures and surface water management proposals set out in the approved Flood Risk Assessment received by the Local Planning Authority on 5th June 2014.

Reason: To ensure a satisfactory means of drainage and 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 design approaches / information to address the planning issues which have arisen in relation to dealing with this application.

WARD AND APPLICATION No. PROPOSED DEVELOPMENT AND SITE ADDRESS

SETTLE & RIBBLE
62/2014/14767

CONVERSION OF TWO STOREY PREMISES TO PROVIDE 4 NO 1 BEDROOM FLATS.

&

62/2014/14773

LISTED BUILDING APPLICATION FOR THE CONVERSION OF TWO STOREY PREMISES TO PROVIDE 4NO 1 BEDROOM HOLIDAY FLATS (RE-SUBMISSION OF PREVIOUS APPLICATION 62/2014/14581).

LINTON COURT, DUKE STREET, SETTLE.

APPLICANT NAME: MR & MRS J A HARRISON

TARGET DECISION DATE: 15/08/2014

CASE OFFICER: Andrea Muscroft

This application is referred to the Planning Committee by Councillor Staveley due to the level of public interest.

This is a joint report (62/2014/14773 and 62 /2014/14767) for listed building and planning permission for the conversion of Linton Court Settle to 4 no. One bedroomed holiday flats.

1. Site Description

1.1 The application property is a two storey unit within the centre of Settle. The property is accessed via a short alley from Duke St and is of a stone construction. The building presently houses a private gallery and retail use (A2) with some domestic storage/workshop.

1.2 The application property lies within the conservation area and development limits of Settle. The site also falls within an area subject to an Article 4 restriction. This restriction applies only to residential properties. The application property and boundary walls are grade II listed that shares their listing with Linton Court. With reference to the particular buildings this listing states:-

“The drive serves a two storey range of rubble stone outbuildings that backs directly onto 1-3 Commercial Courtyard to the south (1-3 Commercial Courtyard are not included in this designation). This range is shown on early maps as being divided into five units but it has been converted into two units (4a and 4b Duke Street). The range incorporated a coach house (now a garage) and a hay loft (indicated by the two round pitching openings). It probably also included at least one loose box although evidence for this has been obscured by altered openings.”

1.3 Referring to the walls the listing states:-

“The original garden to Linton Court has been subdivided with a lower stone wall that is not of special interest. The original extend of the garden is still largely defined by the high stone walling. The north wall runs from the house to abut the south wall of Weavers Cottage, Kirkgate, the west wall runs south from the south west corner of Weavers Cottage, returning east in line with the rear of 4a Duke Street. The west wall has two inserted openings and the south wall has been partially replaced with a new building.”

2. Proposal

2.1 This proposal covers two applications.

2.2 Planning Reference: 62/2014/14773 seeks Listed Building Consent for the conversion of two storey premises to provide 4no. 1 Bedroom Holiday Flats.

2.3 Planning Reference: 62/2014/14767 seeks full planning consent for the conversion of two storey premises to provide 4no. 1 Bedroom Holiday Flats.

- 2.4 These proposals are a re-submission of previous permissions 62/2014/14581 & 62/2014/14566 which were refused for the following grounds:-

The creation of the car parking area would have an unacceptable impact on the listed wall and the curtilage and setting of the listed building and as such would not meet the requirements of the NPPF in this respect.

- 2.5 The revised applications differ from the original refused applications by the following changes:-

- The creation of parking has been omitted from the scheme.

3. Planning History

- 3.1 62/2014/14581 – Listed Building Consent for the conversion of two storey premises to provide 4no. 1 Bedroom Flats – Refused 11th June 2014.
- 3.2 62/2014/14566 - Full application for the conversion of two storey premises to provide 4no. 1 Bedroom Flats – Refused 11th June 2014.
- 3.3 62/2010/11235 - Permission granted for change of use of the property from an alternative therapist to a mix of uses based around music including retail, training and events.
- 3.4 5/62/148 (29/9/76) Permission granted for minor alterations to former ancillary buildings at Linton Court, Duke Street to upgrade access to first floor room for use as gallery/meeting room

4. Planning Policy Background

- 4.1 The National Planning Policy Framework – NPPF.
- 4.2 Planning Practice Guidance – PPG.
- 4.3 PPS5: Planning for the Historic Environment Practice Guidance.
- 4.4 Planning (Listed Buildings and Conservation Areas) Act 1990.
- 4.5 Saved Policy H3 & T2 of the Craven District (outside the Yorkshire Dales National Park) Local Plan.

5. Town Council Comments

- 5.1 Settle Town Council: No comments received at the time of compiling this report.

6. Consultations

- 6.1 None necessary.

7. Representations

- 7.1 The proposal was advertised on the 3rd July 2014 in the Craven Herald and also by displaying Site Notices within the surrounding area. Letters of notification were sent out directly to local residents as a result of which fourteen letters of objection were received. The comments of the objectors have been summarised below:-

Economy

- Concern that the proposal would have a negative impact on the diversity of the town, with the town needing more retail space not less due to experiencing a retail renaissance.
- Proposal would result in the loss of existing jobs.
- Proposal would have a negative impact on the local economy.
- Concern over the potential impact the proposal would have on the existing artistic offering within the Town, which boosts the local tourism industry.
- Settle requires more facilities to attract visitors not more holiday lets.

Highways

- The existing vehicle access is very poor and potentially dangerous to both pedestrians and other road users.

- Concern that the proposed intensified use of the site would result in access/parking issues.
- Lack of associated off street parking makes this proposal totally unsuitable.

Heritage

- Concern over the potential on the heritage asset with the repositioning of the external steps.
- Proposal would deny the public access to such an interesting historical space.
- Proposal would have a negative impact on the surrounding conservation area.

Other

- The property was sold on the understanding that an art gallery would continue on the site and therefore may be protected by a covenant.
- The proposal if approved would set a dangerous precedent.
- The proposal if approved would result in the termination of the tenancy of the Linton Court Gallery.
- Concern over the storage and collection of refuse waste from the site.

Officers Note: Comments concerning the termination of the tenancy is a private matter and is not a material planning consideration.

8. Summary of Principal Planning Issues

8.1 Principle of the development.

8.2 Whether the proposed works would preserve the special architectural and historic interest of the listed building.

8.3 Impact of the proposal on the character and appearance of the surrounding conservation area.

8.4 Viability and Vitality.

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

8.6 Highway issues.

8.7 Other issues.

9. Analysis

9.1 1. Principle of the development.

9.2 Recent changes to the general permitted development order allow for certain buildings in A1 use to be converted to residential use. It is noted that this does not apply to buildings in conservation areas or listed buildings and as such does not apply in this instance but is of some relevance to the consideration of this proposal. The application site lies outside of the Core Retail Area and as such Local Plan policy R3 is not applicable to this determination. Holiday let accommodation is a form of restricted residential occupation and as such Local Plan policy H3 is of some relevance. This states that residential conversions would be permitted where it involves small scale conversions, subject to the development meeting further requirements. The NPPF also states that LPAs should recognise that residential development can play an important role in ensuring the vitality of centres and encourage residential development on appropriate sites.

9.3 The building is currently in an A1 use and, given the site's location outside of the core retail area, there are no local plan policies that would require the retention of the facility. The National Planning Policy Framework is supportive of sustainable development and the development of strong town centre economies. The conversion would result in the loss of a

retail unit in Settle however would result in the creation of 4 holiday lets that would contribute, although differently, to the local economy. It is noted that a number of respondents are concerned over the loss of the gallery however this is a private facility and falls under the A1 use class. The building could be converted to other A1 uses without requiring planning permission and officers consider that the planning system does not protect such a facility.

- 9.4 It is therefore considered that in the absence of policies to protect the A1 unit from a change of use and the support of local plan policies that the development is acceptable in principle.
- 9.5 **2. Whether the proposed works would preserve the special architectural and historic interest of the listed building. (Heritage issues)**
- 9.6 Local Planning Authorities, in considering whether to grant listed building consent for development affecting a listed building, should have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 9.7 Paragraph 132 of the NPPF also states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
- 9.8 Paragraph 134 also states that where a proposed development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefit of the proposal, including securing its optimum viable use.
- 9.9 The proposal seeks the conversion of Linton Court a Grade II Listed Building. The building would be converted to form 4 1no. Bedroom Holiday Flats within the fabric of the existing building, by rearrangement of internal partitions walls and minor external alterations to the property that will be considered in turn.
- 9.10 **External staircase and altered doorway.**
- 9.11 The doorway is presently halfway up the building with a short staircase and it is proposed to raise the doorway and introduce a new external staircase. Sensitive alterations to listed buildings may be necessary to enable their continued use and it is considered that this alteration would be necessary to use the property as intended for holiday lets and would also not be to the substantial detriment of the significance or fabric of the listed structure itself.
- 9.12 **Internal alterations.**
- 9.13 A number of internal alterations are proposed including the removal of walls and insertion of stud walls. The building has previously been altered internally and the proposed alterations to the layout are not considered to be to the significant detriment of the listed building but would enable its continued use. As such the internal alterations are considered acceptable.
- 9.14 **New doorway to area previously stated as workshop.**
- 9.15 Details submitted show this opening is to be maintained with timber doors in situ. This would preserve the opening and maintain the feature within the structure whilst introducing a visually appropriate treatment. Limited details have been submitted at this stage to the construction of this feature however further details could be requested should the development be acceptable.
- 9.16 In summary it is considered that the proposed external alterations, the conversion of the building reflects the local vernacular architecture in its design and the use of matching materials would ensure that the development makes a positive contribution to the character, appearance and the setting of the listed building.
- 9.17 **3. Visual impact of the development on the character and appearance of the designated conservation area. (Heritage issues)**

- 9.18 Paragraph 17 of the NPPF sets out the Core Principles, amongst which are to always seek high quality design and a good standard of amenity and to take account of the different roles and characters of different areas. Paragraph 58, also states that development is required to respond to local character and history and to be visually attractive. Section 12 of the NPPF “Conserving and enhancing the historic environment” at paragraph 132, requires that great weight should be given to the conservation of heritage assets.
- 9.19 The application site is located within the compact 17th century core of the conservation area of Settle. The character of the area includes irregular terraces of small properties built out of the market place surrounded by narrow lanes and back yards and has managed to retain the character of the small ‘workshop’ economy of the town. Historically, Linton Court has been subject to a number of internal and external alterations; however, the building still makes a positive contribution to the character of the area.
- 9.20 The proposed external alterations with traditional materials would not introduce features that would be significantly at odds with the listed building or the character and appearance of the surrounding conservation area. Furthermore, the application site is in an area set away from the main frontage with views restricted.
- 9.21 Therefore, the proposal would not intrude unacceptably upon the character and appearance of the designated conservation area. Consequently, on balance it is considered that the proposal would not result in any ‘substantial harm’ to the significance of the conservation area as a designated heritage asset, and thus is considered acceptable.
- 9.22 **4. Viability and Vitality and Economic Issues.**
- 9.23 The application site lies to the south of Settle town centre an important tourist destination. Within the surrounding area are a number of uses, including shops, offices, galleries, food establishments, residential and other holiday accommodation. With regard to comments received as to the need for further holiday accommodation at the expense of Settle’s artistic offerings, is considered that from a planning point of view the ‘need’ for more holiday accommodation is ultimately a commercial decision, and not one that can necessarily be judged in planning terms.
- 9.24 With regard to comments received concerning the negative impact on the local economy, it is acknowledged that the loss of the gallery may have some impact on the local economy. However, it is recognised that the tourism is an important driver of economic growth; therefore it is considered on balance that the proposal would offer some economic benefits with visitors using local shops and services within the Settle.
- 9.25 It is acknowledged that the proposal would result in the loss of employment; however, it is considered that the impact of the proposal on employment levels within the town is not sufficient to justify a refusal in this instance in the presence of economic benefits.
- 9.26 **5. Impact of the development on the amenity of neighbouring properties.**
- 9.27 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.
- 9.28 The conversion of the building would not require substantial external building works and the development that is proposed is not considered to result in any unacceptable increase in overshadowing or obstruction of windows.
- 9.29 The change of use would introduce residential occupancy and as such the impact of any overlooking from the windows needs to be considered. The applicant owns the property immediately to the north with all windows to the proposed holiday lets facing in this direction. The holiday lets would be set perpendicular to Linton Court and as such the holiday lets would not unacceptably overlook Linton Court. At ground floor a stone boundary wall would protect views into the neighbouring property’s amenity space. Whilst there would potentially be some overlooking from the holiday lets into the rear amenity area of Linton Court this area is not particularly private due to the density of the built environment in the immediate area. The properties are also in the same ownership and as such the owner of Linton Court would have control over this relationship.

9.30 It is therefore considered that the proposed development would not result in any unacceptable detrimental impact on the amenity of neighbouring properties meeting this requirement of the NPPF.

9.31 6. Highway issues.

9.32 Saved Policy T2 is permissive of development proposal that are appropriate to the highway network where, amongst other things, they do not generate traffic in excess of the highway network; any new or greater use of an access onto a primary, district or local distributor road is acceptable in design and road safety; and the highway impact has regard to the surrounding landscape. The Highways Authority has been consulted on this development proposal and has raised no objections to the development subject to conditions.

9.33 Local residents have expressed concern at the likely effects on the existing roads; especially access and egress from the site. In addition, concern has been expressed with regard to pedestrians and other road user's safety.

9.34 The existing access would remain unchanged in its current form with no parking provided for the proposed use. However, Whitefiars Street Car Park is situated to the north, with Greenfoot located to the south and Ashfield to the east. The car parks are available 24 hours a day with charges applicable between 9am – 6pm each day and contain a total of 303 parking spaces. Any traffic generated by the proposed change of use can therefore be accommodated by the existing parking arrangements with visitors using the surrounding town centre car parks. In addition, the Highways Authority has no concerns with the proposed development and the development is considered to be acceptable in terms of highway provision. An objection on highway grounds could not be sustained.

9.35 It is considered that the proposal would be unlikely to harm highway safety interests or interrupt the free-flow of traffic along Duke Street. Therefore, in the absence of any highway constraints, the proposal would accord with the NPPF and saved Local Plan Policy T2.

9.36 7. Other matters.

9.37 Local residents have expressed concern that the proposal would set a precedent for similar development. For the reasons outline above it is not considered that similar development would lead to harmful development within the vicinity. In any event, each application would be determined on its individual merits.

9.38 Representation received questioning whether a restrictive covenant on the use of the building exists is a legal matter between the relevant parties and is not a material planning consideration.

9.39 With regard to comments concerning refuse storage it is acknowledged that no details have been submitted at this stage; however, this is a matter that can be suitably addressed by the use of an appropriate condition.

10. Recommendation

10.1 To grant listed building and full consent subject to the following conditions.

Conditions

Listed Building Consent

1. The proposed development hereby permitted shall be begun not later than the expiration of 3 years beginning with the date of the Decision Notice.

Reason: To comply with the requirements of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

2. The approved plans comprise Plan Number Drawing No 645/1B, 645/5, 645/6E & 645/7 received by the Local Planning Authority on the 16th June 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.

3. All new windows shall be of timber construction, set in a minimum external reveal of 100mm and painted 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 shall be retained.

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.

4. Prior to the external doors first installation full details of the proposed doors (design, external finish and profile) including 1:20 scale elevation drawing and 1:1 cross sections have been submitted to and approved in writing by the Local Planning Authority. The external doors shall be implemented in strict accordance with the agreed details and maintained as such thereafter.

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

5. Necessary approved alterations to the external walling of the original listed building shall be finished in natural stone to match the existing building in terms of colour, texture and method of pointing.

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

Informative

Under Section 9 of the Planning (Listed Buildings and Conservation Areas) Act 1990 it is an offence to execute or cause any works for the demolition of a listed building or its alteration or extension in any manner which would affect its character as a building of special architectural or historic interest, unless the works are authorised by and executed in accordance with the terms of a Listed Building Consent and any conditions attached to it.

With regard to Condition 4 above please note that it will be necessary to submit a formal application to discharge the condition. Any samples of materials that require approval should be made available for inspection either on the site or another suitable location and not brought to or delivered to the Council Offices unless specific arrangement to do so have been made with the relevant planning case officer.

Full Planning Permission.

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

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

2. The approved plans comprise Plan Number Drawing No 645/1B, 645/5, 645/6E & 645/7 received by the Local Planning Authority on the 16th June 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.

3. The property shall be used for holiday-let accommodation only and for no other purpose, including any other purpose in Class C of the Town and Country Planning (Uses Classes Order) 1995, or in any provision equivalent to that Class in any subsequent statutory instruction revoking or en-enacting that Order.

Reason: To ensure that inappropriate uses do not occur in this locality.

4. All new windows shall be of timber construction, set in a minimum external reveal of 100mm and painted 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 shall be retained.

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 the external doors first installation full details of the proposed doors (design, external finish and profile) including 1:20 scale elevation drawing and 1:1 cross sections have been submitted to and approved in writing by the Local Planning Authority. The external doors shall be implemented in strict accordance with the agreed details and maintained as such thereafter.

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

6. Necessary approved alterations to the external walling of the original listed building shall be finished in natural stone to match the existing building in terms of colour, texture and method of pointing.

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

7. Prior to the first occupation a scheme for the storage of refuse has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in full as approved plans and shall be retained for use at all times.

Reason: To ensure the provision of satisfactory facilities for the storage of refuse.

Informative

With regard to Conditions 4, 5 & 7 above please note that it will be necessary to submit a formal application to discharge the condition. Any samples of materials that require approval should be made available for inspection either on the site or another suitable location and not brought to or delivered to the Council Offices unless specific arrangement 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

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

SUTTON
66/2014/14793

PROPOSED NEW RAILINGS AND GATES TO FRONT OF EXISTING
PROPERTY

18 ROWAN GARTH SUTTON-IN-CRAVEN KEIGHLEY

APPLICANT NAME: MR JAMES ALDERSON

TARGET DECISION DATE: 21/08/2014

CASE OFFICER: Andrea Muscroft

The application has been referred to Planning Committee by Councillor Hart in view of the level of public interest.

1. Site Description

- 1.1 The application site is a modern two storey semi-detached dwelling located to the south of a cul-de-sac known as Rowan Garth. To the front of the property is a tarmaced area providing off street parking for at least two cars. To the rear of the property is a garden/ patio area.
- 1.2 The house has been extended with the construction of a two storey side extension which includes a garage.
- 1.3 There is a boundary hedge to the front of the property between this property and the adjoining semi-detached dwelling (20 Rowan Garth). The boundary to the north with the adjacent property (16 Rowan Garth) is partially defined by a fence and a concrete pin kerb set into the tarmac drive and parking area.
- 1.3 The building is within the development limits of Sutton in Craven.

2. Proposal

- 2.1 The proposal seeks planning permission for the construction of boundary metal railings between 16 and 18 Rowan Garth and a gate across the frontage of the applicant's property.
- 2.2 The railings would have a maximum height of 930mm and a length of 9400mm. the proposed gate is the same height.
- 2.3 **Officers Note:** Railings and gates of this height would normally be permitted development, but permitted development rights were withdrawn from the original planning permission for the estate.

3. Planning History

- 3.1 SN 3123 – Construction of residential development – Approved.
- 3.2 66/2011/11404 – Construction of two storey side extension and porch – Approved 2011.
- 3.3 66/2014/14681 – Certificate of Lawful Development for proposed new railings and gates to front of existing property. The formal decision of the Council was that the proposed development would not have been lawful within the meaning of Section 192 of the Town and Country Planning Act because planning permission SN 3123 removed permitted development rights.

4. Planning Policy Background

- 4.1 The National Planning Policy Framework – NPPF.
- 4.2 Planning Practice Guidance – PPG.
- 4.3 Saved Policy H20 of the Craven District (outside the Yorkshire Dales National Park) Local Plan.

5. Parish Council Comments

5.1 Sutton Parish Council: The proposed railings and gate would be out of character.

6. Consultations

6.1 NYCC Highways Authority: Do not wish to impose restrictions.

7. Representations

7.1 Seven letters of representation have been received (including 2 from No. 16 Rowan Garth) objecting to the proposal. The comments have been summarised below:-

- Proposal would detract from the open character of the area.
- Proposal would set a precedent for similar developments.
- Proposal would result in congestion and an increase in off street parking.
- Proposal would impede visitors exiting their vehicles.
- Proposal would limit the access to the driveway of No. 16 Rowan Garth.
- Proposal would reduce the level of parking at No. 18 Rowan Garth.
- Concern that the proposal would a negative impact on safety.
- Proposal contravenes a restrictive covenant on the deeds.
- If approved the Council or Applicant should pay for kerbs/footpaths to be altered.
- Conflicting information relating to hard - standing. (The application refers to block paving but the drive and parking area have been recently surfaced in tarmac)
- A previous application was refused as this application does not differ then this should also be refused.

8. Summary of Principal Planning Issues

8.1 Visual impact of development.

8.2 Impact of development on neighbouring properties in terms of privacy and amenity.

8.3 Highway issues.

8.4 Other Issues.

9. Analysis

9.1 1. Visual impact of development.

9.2 Saved Policy H20 states that planning permission should only be granted where the design, scale, appearance and materials respect the original building and would not have a negative impact on the street scene.

9.3 The proposal is to construct a section of metal railing and a gate as a form of enclosure to the property. It is acknowledged that within the surrounding area boundaries comprise of low level hedges and open front lawns and as such the proposal would introduce a new feature within the street scene. However, given the transparent, lightweight nature, limited scale and external finish that the proposal would not have a detrimental impact on the character and appearance of the existing street scene and is therefore considered acceptable.

9.4 2. Impact of development on neighbouring properties in terms of privacy and amenity.

9.5 Saved Policy H20 also states that development should not have a negative impact on neighbouring properties in terms of loss of privacy or amenity.

9.6 The proposed fencing would be located along a section of the northern boundary finishing at the new proposed gates which would be located within the northeast boundary. The proposed fencing is of an open design it is not considered that the proposal would result in any

overshadowing to the occupiers of neighbouring property. Similarly the fencing would have no impact on privacy.

- 9.7 Concern has been expressed that the proposal would impede visitors exiting their vehicles when visiting No. 16 Rowan Garth which lies adjacent to the application site. However, during the site visit it was noted that the off street parking area at No. 16 and neighbouring properties was typical of many residential areas with parking provision sufficient to enable door clearance. It is therefore not considered that the proposal would have any significant impact on visitors exiting their vehicles when visiting no. 16 to warrant a refusal.
- 9.8 Therefore, the proposed fencing and gate is not considered to have a detrimental impact on the amenities of neighbouring properties and therefore meets the requirements of Saved Policy H20 of the Craven District (Outside the Yorkshire Dales National Park) Local Plan.

9.9 3. Highway Issues.

- 9.10 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.
- 9.11 Local residents have expressed concern at the likely effects on the existing roads, especially at peak times. In addition, concern has been expressed with regard to parking on the roadside having an adverse impact on highway safety.
- 9.12 The existing access would remain unchanged in its current form with no loss of parking provision within the site. Moreover, based on the submitted proposal the Highway Authority has not raised any objection to the proposal on highway issues. It is not considered that an objection on highway safety grounds could be sustained.
- 9.13 It is considered that the proposal would be unlikely to harm highway safety interests or interrupt the free-flow of traffic Rowan Garth. Therefore, in the absence of any highway constraints, the proposal would accord with the NPPF and saved Local Plan Policy T2.

9.14 4. Other Matters.

- 9.15 Local residents have expressed concern that the proposal would set a precedent for similar development. For the reasons outline above it is not considered that similar development would lead to harmful development within the vicinity. In any event, each application would be determined on its individual merits.
- 9.16 Comments relating to payments for works to be undertaken to the existing kerbs/footpaths are not a material planning consideration.
- 9.17 Comments have been received relating to discrepancies over the hard standing, being described on the application form as block paving. It is understood that the drive has recently been replaced with tarmac. It is considered that the surfacing is a matter for the owner and there are no special controls or restrictions in this respect.
- 9.18 Representations have been made about a previous "refusal". This was not a planning application but an application for a Certificate of Lawful Proposed Development. The conclusion was that the development would not have been lawful, not because the development was unacceptable, but that the railings and gate could not lawfully be erected as permitted development, because those rights had been withdrawn by a condition of the original planning permission for the estate.

10. Recommendation

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

Conditions

1. The development and works hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason: in accordance with Section 91 of the Town and Country Planning Act 1990

2. The approved plans comprise of drawing no 05 received by the Local Planning Authority on the 25th June 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: For the avoidance of doubt as to the terms of this 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.

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

**INGLETON & CLAP
45/2014/14789**

*VARIATION OF CONDITION 9 OF PREVIOUS PLANNING APPLICATION
REF: 45/2014/14334 FOR THE DEMOLITION OF 16 NO. EXISTING
GARAGES AND THE ERECTION OF 6 NO. NEW DWELLINGS FOR
AFFORDABLE RENT WITH ASSOCIATED PARKING*

LAND OFF BURNMOOR CRESCENT, INGLETON.

APPLICANT NAME: R P TYSON CONSTRUCTION LTD

TARGET DECISION DATE: 19/08/2014

CASE OFFICER: Natasha Szuszko

Planning Application No: 45/2014/14789

This application has been referred to the Planning Committee as the previous approval 45/2014/14334 was determined at committee in accordance with the Council's Scheme of Delegation.

1. Site Description

- 1.1 The application site is a former garage site close to the centre of Ingleton. There are no public rights of way through the site although there are existing private access routes across it.
- 1.2 The Craven Heifer public house lies immediately to the north west of the site with the residential Burnmoor Crescent to the east and south. Burnmoor Crescent is a residential street made up of predominantly semi-detached properties. The garden space to the south of the application site is attached to St. Mary's Vicarage.
- 1.3 The application site is located within the development limits of Ingleton and is immediately adjacent to the Conservation Area.

2. Proposal

- 2.1 The application seeks to vary of Condition 9 of the previously approved application 45/2014/14334. Condition 9 of that approval states '*All external faces of windows and doors shall receive reveals of at least 100mm deep from the external face of the walls*'
- 2.2 The reason for imposing the original condition is as follows; '*To ensure the development is of good appearance in the interests of visual amenity*'.
- 2.3 The applicant now requests that the condition be varied to allow for a reveal of 70mm from the external face of the walls.

3. Planning History

- 3.1 5/45/543 – Permission granted for erection of single domestic garage on Council garage plot at Burnmoor Crescent – Approved 6.09.1993
- 3.2 5/45/582 – Permission granted for erection of single domestic garage – Approved 4.12.1995
- 3.3 45/2009/9845 – Planning Permission refused in 2009 for the construction of 4 dwellings and associated car parking for the following reason:-

'The proposed redevelopment of the site would result in the loss of a valuable amenity which in turn would lead to displacement of vehicles resulting in on street parking to the detriment of vehicular movement in the vicinity of the site and in particular in

Burnmoor Crescent. As such the proposed development would not accord with the requirements of Saved Policy H3 of the Craven District (Outside the Yorkshire Dales National Park) Local Plan.'

- 3.4 45/2013/14182 – Application invalidated. Demolition of 16 garages and erection of 6 no. dwellings for affordable rent with associated parking.
- 3.5 45/2014/14334 – Planning permission granted for the demolition of 16 no. existing garages and the erection of 6 no. new dwellings for affordable rent with associated parking – resubmission of 45/2013/14182 due to inaccurate land ownership certificate – Approved 11.03.2014
- 3.6 45/2014/14765 – Application to discharge conditions 4, 6, 7, 8, 10, 11, 13, 14 and 17 of previous approval 45/2014/14334. Part approved.

4. Planning Policy Background

- 4.1 National Planning Policy Framework (2012) and National Planning Practice Guidance 2014.
- 4.2 Saved Policy H20 and Appendix F of the Craven District (Outside the Yorkshire Dales National Park) Adopted Local Plan 1999.
- 4.3 Officer Note: Whilst Saved Policy H20 and Appendix F refer to household extensions it is considered that the guidance contained within this policy is of some assistance to this determination.

5. Parish/Town Council Comments

- 5.1 N/A

6. Consultations

- 6.1 N/A

7. Representations

- 7.1 None received

8. Summary of Principal Planning Issues

- 8.1 Principle of development.
- 8.2 Visual impact of the proposed change upon the surrounding area.

9. Analysis

Principle of development.

- 9.1 The principle of the development has already been assessed and approved under application reference 45/2014/14334. It is not considered that the request to vary condition no.9 will have any significant impact upon the principle of development.

Visual impact of the proposed change upon the surrounding area.

- 9.2 The National Planning Policy Framework states that Local Planning Authorities 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 make the opportunities available for improving the character and quality of an area and the way it functions'.
- 9.3 The reduction in the reveal by 30mm is not considered to have a significant detrimental visual impact upon the development or the surrounding wider area. The development site is surrounded by a mixture of existing properties which comprise of bungalows to the north of the site and two storey properties located to the east and west, all of which have varying window reveal depths with some being more 'flush'

than others. It is considered that as the development will be constructed using materials that are commensurate with the surrounding properties the small difference in reveal (of 30mm) is unlikely to be prominent. It is not suggested that the smaller reveal will have no impact, but that visual impact is considered to be minimal.

10. Recommendation

10.1 That Condition 9 of 45/2014/14334 can be varied.

Conditions

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

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

2. The approved plans comprise drawings 100 rev C, 101 and 200 Rev A received by the Local Planning Authority on the 11th February 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 window to the kitchen/living/dining area of flat 4 in the first floor northern elevation of the development hereby approved shall be obscured to level 5 and be non-opening. Once in place the glazing shall be retained as such thereafter.

Reason: To protect the amenity of the occupants of the nearby residential properties and to accord with Saved Policy H20 of the Craven District (Outside the Yorkshire Dales National Park) Local Plan.

4. The development shall not begin until a scheme for the provision of 100% affordable housing has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in the NPPF or any future guidance that replaces it.

The scheme shall include:

(i) the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 100% provision of housing units and shall be, in matters of tenure and type, in accordance with the findings of the North Yorkshire Strategic Housing Market Assessment 2011 or any replacement thereof;

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

(iii) the arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing;

(iv) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and

(v) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

Reason: The application has been assessed as wholly for affordable housing and therefore the development needs to make provision for affordable housing in accordance with the requirements of the National Planning Policy Framework, the Council's adopted 'Interim approach to Negotiating affordable Housing Provision', and

the 2011 North Yorkshire Strategic Housing Market Assessment (SHMA) that provides evidence of the high need for affordable housing within Craven District.

5. Surface water must drain separate from the foul and no surface water will be permitted to discharge to the foul sewerage system

Reason: To secure proper drainage.

6. The development shall be completed in accordance with the details approved under discharge of conditions application 45/2014/14765 in order to meet the requirements of Condition 6 of planning permission 45/2014/14334 which refers to details of the proposed surface water drainage arrangements, which where possible should be based on Sustainable Drainage (SuDS) principles. No part of the development shall be occupied until the approved surface water drainage arrangements have been fully implemented. Or alternatively, in accordance with other details that have first been submitted to and approved in writing by the Local Planning Authority prior to their first use.

Reason: To secure proper drainage and to prevent flooding.

7. Before the development hereby permitted is first commenced full details of the means of foul water drainage/disposal shall have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the works for foul water drainage/disposal have been completed in accordance with the approved details.

Reason: To ensure proper drainage of the development.

8. The development shall be completed in accordance with the details approved under discharge of conditions application 45/2014/14765 in order to meet the requirements of Condition 8 of planning permission 45/2014/14334 which refers to building materials on the site details of all new materials to be used in the external surfaces of the buildings, including proposed external walling and roofing materials, the colour, texture and finish of the render, and the design and colour of all window frames, doors, rainwater goods, and the details of hard surfaced areas. Or alternatively, in accordance with other details that have first been submitted to and approved in writing by the Local Planning Authority prior to their first use. Development shall subsequently be carried out in accordance with approved details.

Reason: To ensure the development is of good appearance in the interests of visual amenity.

9. All external faces of windows and doors shall be set into reveals of not less than 70mm from the external face of the walls.

Reason: To ensure the development is of good appearance in the interest of visual amenity.

10. The development shall be completed in accordance with the details approved under discharge of conditions application 45/2014/14765 in order to meet the requirements of Condition 10 of planning permission 45/2014/14334 which refers to details of proposed ground levels, proposed floor levels of any dwellings, paths, drives, and parking areas, and the height of any retaining walls or boundary fencing within the development. The development shall thereafter be completed strictly in accordance with the approved plans. Or alternatively, in accordance with other details that have first been submitted to and approved in writing with the Local Planning Authority prior to their first use.

Reason: To ensure that the works are carried out at suitable levels in relation to adjoining properties and in the interests of the character of the area.

11. The walling materials shall be completed in accordance with the details approved under discharge of conditions application 45/2014/14765 in order to meet the requirements of Condition 11 of planning permission 45/2014/14334. Or alternatively, in accordance with other details that have first been submitted to and approved in writing with the Local Planning Authority prior to their first use.

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.
12. No occupation of the units hereby permitted 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.
13. The scheme for the protection of all trees/hedges being retained as part of the approved landscaping scheme or immediately adjacent to the site shall be completed in accordance with the details approved under discharge of conditions application 45/2014/14765 in order to meet the requirements of Condition 13 of planning permission 45/2014/14334. Or alternatively, in accordance with other details that have first been submitted to and approved in writing with the Local Planning Authority. The protection measures shall be retained for the duration of the works, and only removed once the development is complete and all machinery and works material removed from the site.

Reason: To prevent damage to trees/hedges during construction works.
14. Should any unexpected significant contamination be encountered during development, the local planning authority shall be notified in writing immediately. The Remediation Strategy shall be completed in accordance with the details approved under discharge of conditions application 45/2014/14765 in order to meet the requirements of Condition 14 of planning permission 45/2014/14334. The approved remediation measures shall be implemented in accordance with the timescales in the approved Remediation Strategy. Following completion of any measures identified in the approved Remediation Strategy, a Validation Report shall be submitted within agreed timescales to, and approved in writing by, the local planning authority. The site shall not be brought into use until such time as all the validation data has been approved in writing by the local planning authority at the agreed timescales. The Remediation Strategy and Validation Report shall be prepared in accordance with current best practice.

Reason: To enable the local planning authority to ensure that unexpected contamination at the site will not present significant environmental risks and that the site will be made 'suitable for use'.
15. 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 5 metres back from the carriageway of the existing highway and shall not be able to swing over the existing or proposed highway.
- (iv) That part of the access(es) extending 45 metres into the site from the carriageway of the existing or proposed highway shall be at a gradient not exceeding 1 in 20.

Reason: In the interest of highway safety.

16. No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas approved under condition number:

- (i) have been constructed in accordance with the submitted drawing (Reference Drawing No. 7307/100 (rev C)
- (ii) are available for use unless otherwise approved in writing by the Local Planning Authority.

Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason: In accordance with policy T2 and to provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.

17. The following shall be completed in accordance with the details approved under discharge of condition application 45/2014/14765 to meet the requirements of Condition 17 of planning permission 45/2014/14334. Or alternatively, in accordance with other details that have first been submitted to and approved in writing with the Local Planning Authority prior to their first use. There shall be provision of:

- (i) on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway
- (ii) on-site materials storage area capable of accommodating all materials required for the operation of the site.

And no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site until the above has been laid out. The approved areas shall be kept available for their intended use at all times that construction works are in operation.

Reason: In accordance with policy T2 and to provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.

Informatives

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

2. No construction works should be carried out on the site outside of 7:30 am to 6:00pm Monday to Friday and 8:00am to 1:00pm Saturday.
3. Adequate security must be in place during the construction phase. This should include robust perimeter fencing of the site and a monitored alarm system for the site cabins, including those cabins housing materials.

Security of plant equipment and security of any fuel storage should be demonstrated.

There should be a dedicated secure area in which contractors can park their vehicles, which may have a significant value of tools stored in them when the contractor is working on site. Theft from such vehicles in these circumstances is not uncommon and should be addressed.

The name of the contractor and signage with an emergency contact telephone no. should be displayed at several places on the perimeter fencing. This allows the public to report suspicious circumstances.

4. There should be no access or egress by any vehicles between the highway and the application site until precautions have been taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site. These facilities should include the provision of wheel washing facilities where necessary. These precautions shall be made available before any excavation or depositing of material in connection with the construction commences on the site and be kept available and in full working order throughout the implementation of the development.

Statement of Positive Engagement: -

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

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

*SKIPTON NORTH
63/2014/14775*

*NON ILLUMINATED HANGING SIGN, INCORPORATING TENANT SIGNS.
9 HIGH STREET, SKIPTON.*

APPLICANT NAME: MAPLE GROVE DEVELOPMENTS LTD
TARGET DECISION DATE: 27/08/2014
CASE OFFICER: Polly Johnson

Planning Application No: 63/2014/14775

This application is referred to the Planning Committee because it is a revised scheme of an item that was previously refused at Planning Committee.

1. Site Description

- 1.1 The application site is a new retail development situated behind Skipton Town Hall and Skipton High Street. The application relates specifically to the South East corner of the development adjacent to the High Street car park.
- 1.2 The application site has a number of large fascia signs advertising the companies trading in the units; the building was approved with a condition requiring all signage to receive planning permission. Permission was granted for a hanging sign on the South-West corner of the units fronting the highway, under application 63/2013/14207 however this has not yet been implemented. 2 No. hanging signs are present on the elevation fronting the high street.
- 1.3 The application property is situated within the Conservation Area and Development Limits of Skipton, and is positioned behind the Grade II Listed Town Hall.

2. Proposal

- 2.1 Proposed is a non-illuminated hanging sign on the South East corner of the development.
- 2.2 The sign is proposed to measure (including wall brackets) 3.7m x 0.8m with a width of 0.1m. It is proposed to be situated 180mm from the South East corner of the building on the South elevation (see Appendix 1).
- 2.3 Proposed materials are Steel, with polyester powder coating in various colours.
- 2.4 **Officer's comment:** This application forms an amended version of application no. 63/2014/14207 which was given a split decision at planning committee. This application has amended the aspect of the original proposal which was refused, and has decreased the number of proposed signs from 2 no. to 1 no – this was discussed as the reason for refusal in planning committee as stated in the attached email from the agent dated '23rd July 2014, 10.47am'. All other aspects other than colour scheme remain the same.
- 2.5 In a supporting statement the applicant's agent has commented; 'one main discussion point at Committee was the number of signs in this location, with the Ward Councillor saying if there was one sign that she would have found this acceptable. As illustrated on the revised drawings submitted, 1 no. sign has been omitted... the colour scheme of the tenant's logos has also been made more subtle to take on board comments made in the planning decision notice.'

3. Planning History
 - 3.1 63/2013/14207 – Installation of 4 no. fascia signs and 3 no. projecting or hanging signs. Split decision at Planning Committee. Signs at the rear of Museum Yard and South West corner fronting the High Street approved. Signs on South East corner on South and East elevation refused 11/02/2014 for the following reason;

‘The proposed signage, due to its size and colour scheme, is considered to be unnecessarily and unacceptably harmful to the character and appearance of Skipton Conservation Area. The proposal is therefore contrary to the requirements of the National Planning Policy Framework.’
 - 3.2 63/2011/11816 – Demolition of No 9 High Street, Skipton, and construction of new two storey building for A1 or A3 use and associated external works. Construction of new two storey retail development for A1 use on land to the rear of Skipton Town Hall and associated external works. Refused 07/10/2011. Allowed on appeal 12/06/2012
4. Planning Policy Background
 - 4.1 The National Planning Policy Framework- March 2012 (NPPF)
5. Town Council Comments
 - 5.1 Skipton Town Council – Objection. The Committee reiterate previous comments relating to signage in this area. They believe that the proposal is neither in-keeping nor appropriate for this location. Comments received 15/07/2014.
6. Consultations
 - 6.1 NYCC Highways – Recommend permission is granted subject to a condition regarding projections over footways is attached to an approval. Comments received 17/07/2014.
7. Representations
 - 7.1 None received at the time of compiling this report (11/08/2014)
8. Summary of Principal Planning Issues
 - 8.1 The impact of the development on the character and appearance of the Conservation area.
 - 8.2 Highways issues
9. Analysis
 - 9.1 **The impact of the development on the character and appearance of the Conservation area;**
 - 9.2 The placement of advertisements is commented on in the NPPF, it states that poorly placed advertisements can have a negative impact on the appearance of the built and natural environment. It suggests that control over outdoor advertisements should be efficient, effective and simple in concept and operation, and that they should have a clear appreciable impact on a building and surroundings.
 - 9.3 The size of the proposed signage is large; however the application property is relatively large in scale. The proposed signage will complement the scale of the building and will not look disproportionate or dominate the appearance of the property. The revised plans from the original refusal creates less bulk on the application site and are therefore much more appropriate for the Conservation area. The dimensions produce a long, thin sign that will not look bulky or intrusive against its backdrop and surrounding area.
 - 9.4 The proposed signage is simple and contemporary in concept. It is also non-illuminated which decreases the impact of it significantly. The amended colour scheme is less vibrant than the original design and deemed acceptable.

9.5 The sign is for functional reasons only and provides clear directions. Although the Council would not normally support advance directional signs for commercial properties, it is considered that due to the unusual layout of the application site, they are necessary to ensure the businesses on the East elevation are successful.

9.6 It is therefore considered that the impact the proposal will have on the surrounding Conservation area is minimal and is therefore deemed acceptable.

9.7 **Highways issues;**

9.8 NYCC Highways has been consulted on the proposal and has not raised any objections. Recommended conditions regarding projections over footways will be attached to an approval. Therefore, the proposal is considered acceptable on the grounds of highway safety and thus meets the requirements of the NPPF.

10. Recommendation

10.1 To grant permission subject to conditions.

Conditions

1. The development hereby permitted shall not be carried out other than wholly in accordance with drawing no. (500) 066 rev B received by the Local Planning Authority on 19th June 2014 and drawing no. (100) 043 rev A received by the Local Planning Authority on 2nd July 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: In order to specify the approved plan for the avoidance of doubt.

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

Reason: To protect pedestrians and other highway users.

3. The consent hereby granted is valid for only 5 years.

4. All advertisements displayed, and any land used for the display of advertisements, shall be maintained in a clean and tidy condition to the reasonable satisfaction of the District Planning Authority.

5. Any hoarding or similar structure, or any sign, placard, board or device erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition to the reasonable satisfaction of the District Planning Authority.

6. Where any advertisement is required under these Regulations to be removed, the removal thereof shall be carried out to the reasonable satisfaction of the District Planning Authority.

7. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

8. No advertisement shall be sited or displayed so as to obscure, or hinder the ready interpretation of, any road traffic sign, to render hazardous the use of any highway.

9. Reasons 3 to 8: To comply with the requirements of the Town and Country Planning (Control of Advertisements) (England) 2007.

Statement of Positive Engagement: -

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

- accepted additional information / changes to the scheme post validation.