

PLANNING COMMITTEE MEETING AGENDA

Monday 17 November, 2014

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APPLICANT NAME: MR & MRS K & J MARSHALL

TARGET DECISION DATE: 12/09/2014

CASE OFFICER: Neville Watson

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

**SETTLE & RIBBLE
36/2014/14934**

*INSTALLATION OF AN ADDITIONAL 1 NO. WTN 250KW WIND TURBINE
WITH A TIP HEIGHT OF 45M INCLUDING UNDERGROUND CABLING AND
TEMP ACCESS.*

WEST THORNER, WIGGLESWORTH.

APPLICANT NAME: MR & MRS S MOON

TARGET DECISION DATE: 02/10/2014

CASE OFFICER: Andrea Muscroft

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

1. Site Description

- 1.1 The application site is situated approximately 2km to 2.4km south of Wigglesworth and 386m to the North West of West Thorne Farm. The proposed site lies within an area classified as 'Pasture with Wooded Gills and Woodland' by the 2002 Craven District Council Landscape Appraisal; which is characterised by its rolling pastoral landscape within the lower slopes and along valleys which includes a network of dry-stone walls and a scattering of vegetation and concentrations of wooded gills. In addition, the site also lies within the National Character Area 33 – Bowland Fringe and Pendle Hill as described by Natural England in the Character Map of England.
- 1.2 The application site is currently used for grazing cattle and slopes away to the south and west. The field is semi-enclosed by scattered mature hedgerows and trees with an existing turbine that is 45m high to the blade tips (approved under planning ref: 36/2012/12044) located within the eastern corner. There is a wooded area situated along the north eastern boundary. Public rights of way run along the farm yard to the east and south of the application site (passing within approximately between 335m to 461m of the proposed turbine).
- 1.3 The proposed site is located outside of development limits and is within the open countryside and is close to the boundary with the Forest of Bowland Area of Outstanding Natural Beauty (AONB). There is a grassland area that is designated as a SSSI to the east of the application site close to Hellifield / Long Preston.

2. Proposal

- 2.1 The proposal seeks permission for the construction of an additional single wind turbine with a tri-blade design mounted on a central hub. The turbine has a rated output of 250kw. The maximum hub height would be 30m above ground level with an overall height of 45m to the tip of the blades.
- 2.2 The proposal would require the following:-
- Formation of a concrete base (9 m2).
 - A trench to house underground cables.
 - Temporary access track.
- 2.3 The proposal was accompanied by the following documents:-
- Planning & Design & Access Statement.
 - Ecological Appraisal.
 - Landscape and Visual Impact Appraisal.

- Noise Assessment.
- Statement of Community Involvement.
- Supporting plans.

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

3. Planning History

- 3.1 36/2011/11860 - Screening opinion for the installation of 1no. 50Kw wind turbine – Environmental Assessment not required 7th July 2011.
- 3.2 36/2011/12044 - Wind turbine with a hub height of 30m and additional 15m to tip of the rotor (overall height of 45m) – Approved September 2012.
- 3.3 36/2013/13063 – Discharge of condition 5 of previous approval 36/2011/12044 – Approved November 2012.
- 3.4 36/2014/14272 - Screening opinion for the installation of 1no. 50Kw wind turbine – Environmental Assessment not required February 2014.

4. Planning Policy Background

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

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

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

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

4.3 **Other relevant guidance**

- Scottish Natural Heritage Cumulative Effect of Wind farms.
- Natural England Technical Information Note TIN051 Bats and onshore turbines interim guidance.
- DECC: Update of UK Shadow Flicker Evidence Base 2011.
- Managing Landscape Change: Renewable & Low Carbon Energy Developments – a Landscape Sensitivity Framework for North Yorkshire and York (produced by AECOM Ltd on behalf of Craven District Council).
- Landscape Appraisal (Craven District Council Outside the Yorkshire Dales National Park and Forest of Bowland AONB Landscape Appraisal) October 2002.
- English Heritage PPS5 – Planning for the Historic Environment Practice Guide.
- English Heritage – The setting of Heritage Assets.
- A Landscape Strategy for Lancashire – Landscape Character Assessment 2000.
- Guidelines for Landscape and Visual Impacts Assessment (GLVIA) - April 2013.

5. Parish Council Comments

5.1 **Halton West Parish:** No comments received at the time of compiling this report.

- 5.2 **Clerk of Ribblesbank Parish Council:** No comments received at the time of compiling this report.
- 5.3 **Rathmell Parish:** No comments received at the time of compiling this report.
6. Consultations
- 6.1 **CDC Contamination Land:** No known contaminated land implications regarding this application.
- 6.2 **CDC Environmental Protection Team:** In summary there is no objection to the proposal. However, following a complaint to Councils Environment Protection concerning noise disturbance of the existing wind turbine the Council conducted additional baseline noise monitoring at the affected property. The results of the additional monitoring over a 3 week period identified only 1 incident of potential noise nuisance with what appears to be a whooshing noise heard on the recordings for approximately 40 seconds; however this was subsequently drowned out by general farming activity noise and it cannot categorically be stated that the whooshing noise is from the turbine.
- Based on the data available the Councils Environmental Protection Team state that at the present time no statutory noise nuisance can be established. However, they indicate that although unproven there could be an issue when certain weather conditions are prevalent and the wind is blowing from a north westerly direction. This impact would also be influenced by wind speed as a lower wind speed would result in the blades passing the tower at a slower rate and minimising noise propagation.
- To mitigate for the potential for noise disturbance it is recommended that a solution is sought so that when certain weather conditions dictate (i.e. at higher wind speeds when the wind is directly blowing towards East Thornber from the wind turbine) an automatic shut off device is used (such systems are commonly used to prevent shadow flicker). The appropriateness of such control measures will need to be established by the applicant.
- 6.3 **AONB Officer:** No comments received at the time of compiling this report.
- 6.4 **Joint Radio Company:** Object to the proposal due to the proximity of the site to radio systems infrastructure. JRC assess the potential for wind turbines to cause interference to radio systems operated by Energy Industry companies in support of their operational requirements for safety management of critical national infrastructure.
- 6.5 **NERL Safeguard:** No objection to the proposal. However, if the proposal is altered then it would be necessary to re-evaluate the proposal.
- 6.6 **NYCC Highways Authority:** Do not wish to impose restrictions on the grant of permission.
- 6.7 **NYCC Planning Officer:** No comments received at the time of compiling this report.
- 6.8 **Ribble Valley Borough Council:** No objection to the proposal.
- 6.9 **Pendle Borough Council:** No objection to the proposal.
- 6.10 **RSPB:** No comments received at the time of compiling this report.
- 6.11 **The Ramblers:** Object to the proposal on the grounds of visual and noise intrusion.
- 6.12 **Yorkshire Dales National Park:** No comments received at the time of compiling this report.
7. Representations
- 7.1 The proposal was advertised on the 21st August 2014 in the Craven Herald with Site Notices displayed within the surrounding area on the 22nd August 2014. In addition, letters of notification were sent out directly to local residents. As a result 13 letters of objection were received (3 from East Thornber and 2 from Gardenmakers) and 19 letters of support. Objections were also received from The Ramblers on the basis of visual and noise intrusion and the Campaign to Protect Rural England (whose comments are summarised in more detail below). Objections received are summarised below:-

Visual Impact

- Proposal represents a major visual intrusion on the fringe of a nationally protected area.
- Concern over the scale of the turbine.
- Concern over potential cumulative impact.

Amenity Issues

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

Heritage Assets

- Concern over the potential impact on listed buildings.

Wildlife

- Concern over the impact on local wildlife (birds and water voles).

Other Issues

- Question the need for a second turbine.
- Turbine is a commercial venture.
- Concern that the proposal contains omissions and misleading information (e.g. locations of viewpoints, quality of photomontages and methodology of ZTV) detailed within the submitted details.
- Could a token gesture of the profits from this venture be put back into the local community if approved?

7.2 Summarised objections from the CPRE:-

Visual impacts

- The proposal due to its scale would lead to an erosion of the rural character of the countryside at a location visible from both the Forest of Bowland Area of Outstanding Natural Beauty and the Yorkshire Dales National Park.
- Concern over cumulative impact.
- Industrialisation of the open countryside.
- Proposal would have adverse impact on the tranquillity of the local area.
- The D&A seeks to justify the need for an additional turbine; however the argument that the turbine can be successfully assimilated in the countryside is flawed.

Tourism

- Negative impact on local tourism.

Other Issues

- The need for an additional turbine indicates an emerging pattern that should alert LPA to an increased need for an Environmental Impact Assessment.
- Supporting documents state that the turbine would help reduce carbon emission through careful management of energy. There is no evidence that this is the case and considers the proposal is purely a commercial venture.
- The turbine fails to meet the three dimension of sustainable development comprising of the economic, social and environmental roles.
- The proposal is contrary to the National Planning Policy Framework.

- Proposal would further impact on the value of house prices.

7.3 The main supportive comments are summarised below:-

Visual Impact

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

Other Issues

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

8. Summary of Principal Planning Issues

8.1 Principle of development.

8.2 Visual impact of the proposed development.

8.3 Impact on the setting & significance of heritage assets.

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

8.5 Impact of the proposed development on Ecology.

8.6 Highway Safety.

8.7 Telecommunications.

8.8 Other Issues.

9. Analysis

1. Principle of development

9.1 As regards the principle of development, The National Planning Policy Framework (NPPF) provides specific national planning guidance on renewable energy.

9.2 The NPPF outlines several core land-use planning principles at paragraph 17 that should underpin both plan-making and decision-taking. One of these core principles is that planning should support the transition to a low carbon future in a changing climate and encourage the use of renewable resources (for example, by the development of renewable energy). Paragraph 98 of the NPPF also states that applications for renewable energy generation should be approved if the impacts are (or can be made) acceptable.

9.3 Of direct relevance to the current proposal is the paragraph 93, section 10 of the NPPF 'Meeting the challenge of climate change, flooding and coastal change'. This states "Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development". Paragraphs 96 to 98 then sets out requirements for local planning authorities when determining planning applications for the use and supply of renewable and low carbon energy developments.

9.4 Also relevant to the current proposal is Section 11 'Conserving and enhancing the natural environment' and Section 12, 'Conserving and enhancing the historic environment' that

requires consideration of the impact of development on the significance of designated heritage assets.

- 9.5 The new planning practice guidance should be read alongside the NPPF and Paragraphs 29 to 45 refer to the particular planning considerations that relate to wind turbines.
- 9.6 The proposed turbine would be situated close to an existing turbine and would be relatively close to the farming complex. The applicant has stated that the additional turbine is required to contribute to the energy requirements at peak time and would offset the energy fuel bill of the farming business and residential properties. In addition, the applicant has stated that any excess electricity generated would be exported directly to the national grid.
- 9.7 Therefore, the proposal would meet the NPPF which is supportive of renewable resources. In addition, the proposal would provide the rural farming business with an additional means of income thus meeting the aims of paragraph 28 of the NPPF.
- 9.8 The Council's local plan was adopted in 1999; however, policies which related to renewable energy and wind turbines were not 'saved'. Notwithstanding this, saved policies in the Local Plan carry some limited weight where they accord with the NPPF including Saved Policies ENV1 'Development in the Open Countryside' and ENV2 'Requirements for Development in Open Countryside'.
- 9.9 The proposed turbine does not accord with the requirements of Saved Policy ENV1 in that the proposal is not a small scale development, which would be essential for the efficient operation of agriculture or forestry or be essential for the needs of the rural economy and therefore, and there would be some impact on the landscape. However, in this case Local Plan policy ENV1 has at best very limited weight as it is superseded by more up-to-date planning policy within the NPPF which at paragraph 98 indicates that applications for renewable energy generation should be approved if the impacts are (or can be made) acceptable and that these projects provide a valuable contribution to cutting greenhouse gas emissions.
- 9.10 In summary, the principle of development is considered acceptable. The application should be approved unless the adverse impact of doing so, particularly with respect to the impact the turbine has on the surrounding landscape, neighbouring amenity, heritage asset, significantly and demonstrably outweigh the benefits.

2. Visual impact of the proposed development

- 9.11 The NPPF states that proposal for renewable energy development should be approved if its impact are (or can be made) acceptable. Section 11 of the NPPF relates to 'Conserving and enhancing the natural environment' and states that the planning system should protect valued landscapes. However, the NPPF does not clarify what a valued landscape is, but it is noted that the landscape does not benefit from any special landscape protection (such as National Park or Area of Outstanding Natural Beauty Status). Notwithstanding this fact, the landscape is clearly of merit and the landscape impact of an additional turbine is an issue of concern. Furthermore the Forest of Bowland AONB is approximately 1.6km away from the application site and therefore the development would have some impact on this valued landscape.
- 9.12 Within the Craven District Council Landscape Appraisal (2002) the site falls within 'Pasture with Wooded Gills and Woodland' which is characterised by its rolling pastoral landscape within the lower slopes and along valleys which includes a network of dry-stone walls and a scattering of vegetation and concentrations of wooded gills. In addition, the site is situated in close proximity to 'Semi-Enclosed Lowland – Undulating Lowland Farmland; and 'Open Upland; Open Upland Pasture and Moorland Mosaic' with 'Valley Pasture Landscapes; Semi-Enclosed Gently Sloping Valley'. In addition, the appraisal advises that the medium vegetation cover provided within the landscape would offer a degree of enclosure to the open upland pasture with narrow roads bounded by dry-stone walls, giving a sense of enclosure and obscuring views. It is arguable that a landscape character of this type, which is of a relatively rolling nature and includes wooded gills and woodlands, may provide suitable sites for wind turbines.

- 9.13 The application has been accompanied by a Landscape and Visual Impact Assessment undertaken by Chartered Members of the Landscape Institute. The report acknowledges that the *“proposed turbine would have a direct effect on the landscape fabric and an indirect effect on landscape character”*. *“However, the extent of visibility within the wider landscape is governed by the rolling topography in combination with the scattered tree cover, with the majority of views within 1.25km of the site”*. The document also states that the impact on visual receptors within the landscape to be negligible to moderate significance with moderate to major when viewed from the nearby footpath. The report concludes that this proposal for one wind turbine could be accommodated without unacceptable landscape or visual effects beyond the immediate setting.
- 9.14 It is accepted that modern turbines are large structures and as such will inevitably have an impact on the landscape and visual environment, the extent of which depends on the height of the particular turbine. Nevertheless, views will generally come and go as views are obscured by intervening structures, topography and natural screening. In addition, adverse weather conditions can also obscure views of turbines. In this instance, whilst the proposed turbine would be located on the lower brow of an agricultural field, there would be some views from the surrounding area, including long distance views from the Yorkshire Dales National Park and the Forest of Bowland.
- 9.15 It is worth noting that the proposed additional turbine would be seen in conjunction with an existing turbine (45m in total height) on the site and also with a 46m high telecommunications tower situated at Dunhazles Farm that lies to the north of the application site. It is accepted that views of the turbine due to the topography of the land would be most visible when viewed from the south and in particular from land to the west of the application site. However, it would be viewed over some distance and in some cases intervening trees and vegetation along field boundaries would act as a partial screen to the proposal. Located approximately 700m to 1km from the application site is Ribbles Valley Borough Council who have been consulted and have raised no objections to the proposal. Further to the west is the boundary of the Forest of Bowland AONB which at the time of generating this report no comments have been received from the Forest of Bowland Landscape Architect.
- 9.16 From land to the east, the impact of the turbine would be reduced due to its position within the agricultural field. The turbine would also be sited close to an existing turbine which is also sited in close proximity to the existing farming enterprise. In addition, located along the north east boundary of the application site is an existing woodland block which sits on the brow of the hill and offers some natural screening to the application site. Furthermore, the topography of the land would help to minimise viewpoints. Therefore, the full height of the turbine would not be apparent and this factor, together with existing planting that at some certain viewpoints would further screen the turbine, means that the impact on the landscape is much less than significant.
- 9.17 It is acknowledged that when viewed from the north the proposed turbine would be more prominent on the skyline when viewed from some viewpoints. However, when viewed in conjunction with the existing turbine it is considered that the landscape has the capacity to absorb an additional turbine without unduly affecting its character or quality.
- 9.18 There would undoubtedly be long distance views of the additional turbine from higher ground in the surrounding area, such as the Yorkshire Dales National Park. However, at these distances it is not considered that an additional turbine would be any more dominant or have an unduly harmful impact on the landscape. Furthermore, Yorkshire Dales National Park have been consulted no comments have been received at the time of compiling this report.
- 9.19 With regards to concerns expressed over the potential cumulative impact of this proposal, it is acknowledged that within the surrounding area there are a number of approved wind turbines (Hammerton Farm and Pikeber Farm). However these turbines are smaller in scale, so their impact is limited, and are some distance from the application site, and generally would not be readily seen in the same visual frame of reference in a harmfully cumulative way. Also, although the recent Government planning practice guidance on

renewable energy makes the point that “sequential” cumulative visual and landscape character impact may arise where developments are seen in succession on a journey, it is considered that the existing and proposed turbine would be sufficiently far apart in this case that there would be no real perception of undue visual dominance or of travelling through a “wind farm landscape”.

9.20 On balance, it is acknowledged that the proposed turbine would undoubtedly have an adverse impact on the landscape, particularly when viewed from the north and North West. However, due to its size and scale this is inevitable when considering proposals for wind turbines. The assessment of this proposal is about balancing the benefits of a proposed development against any impacts. There is a strong presumption in favour of renewable energy development and therefore the application should be approved unless the adverse impacts of doing so significantly and demonstrably outweigh the benefits. In this instance, for the reasons explained above, it is not considered that the impact of the additional turbine is so great to outweigh the benefits of the development.

9.21 In response to CPRE comments concerning the increased need for an Environmental Impact Assessment. This comment is noted, however, the assessment on whether a EIA was required was based on the information supplied and the selected criteria of Schedule 2 The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 and determined against the selected criteria of Schedule 3 of the Regulations. The application site is not covered by any landscape designations and whilst visual amenity is a relevant planning issue this was not a reason to justify that an EIA was carried out.

3. Impact on designated heritage assets

9.22 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that ‘in considering whether to grant planning permission for development which affects a listed building or its setting, the LPA, shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.’

9.23 The NPPF continues this theme with paragraph 132 stating that “when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.”

9.24 Furthermore, paragraph 118 states that ‘planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodlands, unless the need for, and benefits of, the development in that location clearly outweigh the loss’.

9.25 PPS5 Practice Guide also offers further guidance. It states that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. However, it also states that where a proposal has a harmful impact on the significance of a designated heritage asset which is less than substantial harm, any such harm should be weighed against the wider benefits of the application.

9.26 In addition, the EH document ‘The Setting of Heritage Assets’ explains how to interpret the setting of listed buildings. It says that, it can be understood that setting embraces all of the surroundings (land, sea, structures, features and skyline) from which the asset can be experienced or that can be experienced from or within the asset and that setting does not have a fixed boundary and cannot be definitively and permanently described as a spatially bounded area or as lying within a set distance of a heritage asset. Of particular relevance, the guidance notes that the construction of a distant but high building may extend what might previously have been understood to comprise setting.

9.27 With respect of heritage assets, Lane Side Farmhouse is a Grade II listed building situated approximately 600m to the North West of the application site. The proposed turbine would be located at the lower brow of the agricultural field and would be partially visible from this building and as such falls within its setting. However, given the separation distances

involved combined with the changes in topography the additional turbine would simply be a peripheral part of the setting of the heritage asset. Therefore, it is not considered that the additional turbine would erode the understanding or appreciation of its significance. It is acknowledged that located to the north and north east of the site are a number of additional listed buildings with the nearest being identified as Deep Head Dale, however, given the separation distances, topography and intervening planting that the proposed turbine would not have a negative impact on these listed buildings, their setting or their significance. It is therefore considered that the proposed turbine would not have a harmful impact on the setting of these listed buildings.

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

- 9.28 The National Planning Policy Framework states that LPAs should seek to achieve a good standard of amenity for all existing and future occupants of land and buildings. Paragraph 109 also states that the planning system should ensure that new development does not contribute to unacceptable levels of noise pollution. The General Development Principles of the Local Plan states that all developments should protect the amenities of neighbouring residents and occupiers.
- 9.29 It is well established in planning practice that “*there is no right to a view*”, but it is a core planning principle of the NPPF that all developments should provide a good standard of amenity for existing residents. However, the visual impact of a proposal is a consideration when impact can result in unreasonable living conditions/amenity for the occupants of individual homes.
- 9.30 The nearest dwellings are West Thornber and New Laithe, however, these are either within the applicants control or family members. The occupiers of these properties are supportive of the proposal.
- 9.31 The next nearest dwellings to the proposed turbine have been identified as North Thornber and East Thorner which are located approximately 675m to the east of the application site. With respect to these properties, it is acknowledged that the movement of blades is not a natural movement within the landscape and that following the construction of the existing turbine the tip of the existing turbine is visible above the existing tree line. However, given the lower set down within the agricultural field of the proposed turbine, it is considered that the blades of the turbine would not be significantly visible above the existing tree line than the existing turbine. On balance, whilst the proposed turbine combined with the existing turbine would be visible from the rear amenity areas of these properties, it is considered given the separation distance, the topography of the land, existing trees and telephone pylons that the proposal would not have an unacceptable impact on the amenity of these properties.
- 9.32 The next nearest dwelling is Dunhazles Farm that is approximately 720 m to the North of the development proposal. This property is located directly alongside the existing 46m high telecommunications tower. It is considered that due to the distances involved, the angle of outlook from principle windows, that the development does not unacceptably impact on the amenities of the occupier of this property. A number of other properties are located at their nearest point approximately 900m from the proposed turbine. These properties have been identified as Lower Thornber, Mere Syke and Agden Farm. With respect to these properties due to the distances involved it is not considered that residential amenity is unacceptably impacted upon.
- 9.33 With regards to shadow flicker there is no standard for the assessment of shadow flicker or guidelines which quantify what exposure levels would be acceptable. However, the DECC have published an independent research study concerning Shadow Flicker. The document advises that flicker effects have been proven to occur at properties within 30 degree either side of north, but only within ten rotor diameters of a turbine. Based on information submitted concerning the proposed location of the turbine and nearby properties, it is considered that no neighbour would be unacceptably affected by shadow flicker. Environmental Health has raised no concerns in respect of this matter.

- 9.34 With respect to noise, Paragraph 97 of the NPPF advises that in assessing the likely impacts of potential wind energy development, the approach in the National Policy Statements EN-3 combined with EN-1 should be followed. In addition, the Institute of Acoustics Good Practice Guide identifies procedures to following when obtaining and analysing background noise data, defining the noise limits, and predicting wind turbine noise level. The Government promotes good health and good quality of life through effective noise management. ETSU-R-97 gives indicative noise levels calculated to offer a reasonable degree of protection to wind farm neighbours, without placing unreasonable restrictions on wind farm development.
- 9.35 Concern has been expressed by neighbouring residents that the operation of the proposed turbine could result in harmful noise disturbance. As such the Environmental Health have undertaken additional noise monitoring and are of the opinion that based on the information analysed following the site testing and the applicants Noise Impact Assessment that there seem to be no issues at the present time that would give concern. However, there is some uncertainty surrounding the matter of excessive Amplitude Modulation (blade 'swish' or 'thump'). As such to ensure that neighbouring properties do not experience harmful noise disturbance it is recommended that a condition is attached to mitigate for the potential for noise disturbance. It is recommended that a condition is attached that requires a solution to ensure that when certain weather conditions dictate (i.e. at higher wind speeds when the wind is directly blowing towards East Thornber from the wind turbine) an automatic shut off device is used.
- 9.36 With the exception of the concerns highlighted above, it is considered that due to the separation distance between the proposed turbine and the nearest dwellings, and also taking into account the close proximity to the working farm yard that would lessen the potential for any significant noise disturbance, that there is unlikely to be any significant increase in noise disturbance to neighbouring properties than currently experienced.
- 9.37 Therefore, it is considered that the proposal would not have a negative impact on the amenity of neighbouring properties and as such does not conflict with the aims of the NPPF or the NPSE.

5. Impact of the development on Ecology and Hydrogeology

- 9.38 NPPF states that planning decisions should avoid harm to biodiversity and consent should not be granted where there would be significant harm without adequate mitigation strategies in place. If significant harm cannot be prevented or mitigated against then permission should be refused.
- 9.39 The submitted Ecological Appraisal acknowledges the presence of open ground nesting birds such as Hen harrier, Curlew and Lapwing within a 5km radius of the proposed turbine and cabling route, and acknowledges that some small scale displacement may occur, but overall, the impact is considered to be negligible. However, the document concludes by stating that 'a pre-construction check for badger setts, and a series of RAMS for reptiles and amphibians' is proposed.
- 9.40 With respect to bats, the document states that 'given the sparse distribution of high value bat habitat features with the local landscape ... no significant cumulative impacts are anticipated on bat populations'. Therefore the risk of adverse impact to bats from the turbine is very low.
- 9.41 Based on the information submitted, the Council has assessed the submitted details using Natural England's Standing Advice Species sheet for Bats together with its flow chart for 'Guidance on how to assess a bat survey and mitigation strategy'. Based on the information submitted, the LPA are of the opinion that the proposal would not have a significant impact on species or habitats on the application site or the surrounding area subject to the appropriate ecological mitigation measures being applied during construction. It is considered that there are no grounds to refuse planning permission over concerns in relating to impact on ecology.

6. Highway Safety

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

7. Telecommunications

- 9.43 Wind turbines have the potential to affect electromagnetic transmissions, including TV and radio signals and telecommunications. In this instance JRC have objected to the proposal on the grounds of potential interference to radio systems operated by Energy Industry companies. The developer is aware of this objection and is undertaking further assessments to establish the potential for interference. The case officer has informally discussed this matter with the JRC and it seems that subject to the receipt of satisfactory assessments that there objection to the application will be withdrawn. It is therefore recommended that if members were mindful to approve this application, delegated authority could be given to Planning Officers to grant permission for the development proposal subject to the JRC first formally withdrawing its objection.

8. Other Issues

- 9.44 Concerns expressed about the effect upon the value of their properties is not a material planning consideration and would not be a sound reason to withhold planning permission.
- 9.45 Comments made stating that the proposal is a commercial venture is not a reason to withhold planning permission.
- 9.46 It is acknowledged that tourism is important to the national economy and that visitor's help support the local rural economy. In regards of this proposal, it is recognised that the proposed turbine would be detrimental to the appearance of the landscape. There would be a succession of views from nearby PRoWs and bridleways of the installation, which may be seen by some visitors to the area. However, it is considered that there is insufficient information to warrant a refusal on this basis. Tourism is important to the local economy, but the impacts on the landscape are acceptable and the harm caused is not considered to outweigh the positive benefits of the proposal.
- 9.47 In response to comments concerning the photomontages, the submitted Landscape Appraisal, the ZTV and photomontages are produced to assist in the assessment of the likely or potential visual impact of the proposal. However, whilst these are beneficial, they do require careful interpretation because in reality they are computer generated photomontages where features may appear closer or more prominent than shown within the documentation. As such this supporting information should be considered as a guide only.
10. **Recommendation**
- 10.1 That members resolve to grant planning permission subject to confirmation being received from the Joint Radio Company (who assess the potential for wind turbines to cause interference to radio systems operated by Energy Industry Companies) that they have no objection to the development.
- 10.2 Following the receipt of confirmation from the JRC that they have no objections then delegated authority is given to the Development Control Manager to add any conditions to prevent interference to radio systems as necessary to take account of advice received from JRC and to grant planning permission subject to the following conditions (as amended where necessary to take account of the response from JRC).

Conditions

1. The development hereby permitted shall be begun not later than the expiration of three years beginning with the date of this permission.
Reason: To ensure compliance with Section 91 of the Town and Country Planning Act 1990.
2. The approved plans comprise Drawing No MOON – 001, 002 and 250 – 00 -30 -300 received by the Local Planning Authority on 5th August 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. Within 25 years of the date of this planning permission, the turbine shall be permanently removed and a scheme for the restoration of the site to its former condition shall have been submitted to and approved in writing by the Local Planning Authority. This scheme shall then be implemented in accordance with a timetable approved within the scheme for the restoration of the site.
4. If the turbine hereby permitted fails to produce any electricity for a continuous period of 6 months the operator of the development shall notify the local planning authority in writing no later than one month after the end of that period. The wind turbine and its associated equipment shall be removed from the site no later than 12 months from the end of that period, and the site restored, in accordance with a decommissioning and restoration scheme, including a timetable for its implementation, which shall have been submitted to the local planning authority for written approval not later than 3 months after the date of the notification to the local planning authority.
Reason (for 3 & 4): To safeguard the landscape setting of the site and the general character and amenities of the area should the environmental benefits of the development cease.
5. The wind turbine hereby permitted shall precisely match the existing adjacent turbine (permitted under planning ref. 36/2012/12044) in terms of its external appearance, colour and finish.
Reason: To safeguard the visual amenities of the area.
6. All electricity and transmission lines leading from the turbine shall be laid underground in accordance with the details provided in the plans hereby approved.
Reason: For the avoidance of doubt and to safeguard the landscape setting of the site and the general character and amenities of the area.
7. The development shall not begin until a site specific scheme to prevent the potential for excessive noise (amplitude modulation) nuisance caused by blade ‘swish’ or ‘thump’ has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be undertaken by appropriately qualified persons(s) that have previously been approved in writing by the Local Planning Authority, and shall establish measures to prevent excessive amplitude modulation. Such measures could include the automatic shutdown of the wind turbine at times when weather conditions indicate that the turbine may unacceptably impact on the amenities of adjoining neighbours (for example, at times of high wind speed when the wind is blowing in the direction from the turbine to affected nearby residents). The approved scheme shall subsequently be implemented in full and retained for the life of the approved wind turbine.
Reason: The existing installation has resulted in a noise nuisance complaint. The matter has been investigated by Environmental Health and a period of monitoring undertaken. The outcome of this monitoring did not provide sufficient evidence of a statutory noise nuisance, but the outcome was inconclusive. It is therefore considered prudent to require further measures to protect the amenities of neighbouring properties.

Informative:

All bats and their roosts are fully protected under the Wildlife and Countryside Act 1981 (as amended by the Countryside and Rights of Way Act 2000) and are further protected under Regulation 39(1) of the Conservation (Natural Habitats) Regulations 1994. Should any bats or evidence of bats be found prior to or during development, work must stop immediately and Natural England contacted for further advice. This is a legal requirement under the Wildlife and Countryside Act 1981 (as amended) and applies to whoever carries out the work. All contractors on site should be made aware of this requirement and given the relevant contact number for Natural England, which is via the Bat Conservation Trust on 0845 1300 228.

Statement of Positive Engagement: -

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

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

WARD AND APPLICATION No.	PROPOSED DEVELOPMENT AND SITE ADDRESS
HELLFLD & LNG P 42/2014/15051	RESERVED MATTERS TO PREVIOUS APPLICATION 42/2012/12585 (OUTLINE APPLICATION FOR TWO SEMI-DETACHED DWELLINGS WITH ASSOCIATED PARKING) FOR PROPOSED APPEARANCE AND LANDSCAPE. LAND AT MART FARM BARN, HAW GROVE, HELLIFIELD. APPLICANT NAME: MRS JENNY GREEN TARGET DECISION DATE: 10/11/2014 CASE OFFICER: Andrea Muscroft

The application is to be considered by the Planning Committee as the proposal was granted outline planning permission by the Planning Committee (in 2009 & 2012).

1. Site Description
 - 1.1 The application site is located within an existing built-up residential area to the east of the village centre, on the north side of the A65. It comprises part of a larger triangle of open land to the back of surrounding traditional terraced housing (situated to the east and west). Mart Farm is a group of former farm buildings, in residential use, and modern detached dwelling facing onto Skipton Road, that are located to the south (i.e. as the 'base' of the triangle). The land in question is used as domestic amenity land in association with its occupation of Mart Farmhouse.
 - 1.2 The site is located within the allocated development limits as identified in the Local Plan. Access to the site is from an unmade track of the A65. There are no significant changes in level across the site
2. Proposal
 - 2.1 Outline planning permission for the development of this site for a residential development of two semi-detached dwellings was granted by the Planning Committee in May 2009 (Application Ref: 42/2009/9549). Details approved at that time were the 'layout', 'scale' and the means of access of the development.
 - 2.2 The application was subsequently renewed in 2012 (Application Ref: 42/2012/12585). Outline planning permission therefore already exists for the erection of a pair of 2 storey semi-detached dwellings on this site.
 - 2.2 Matters reserved for further consideration and approval comprise of the appearance and landscaping of the development. The application is seeking approval for these reserved matters.
 - 2.3 There have been some minor changes to the position of the houses, however, these can be accepted as not materially significant and do not impact on the approved scheme.
 - 2.4 **Officers Note:** Following discussions with the agent revised drawings were received by Craven District Council on the 29th October 2014. The revised plans omitted the small gable feature at the front of the houses and altered building materials. (Originally the front and rear elevations were stone at ground floor level and render at first floor level separated by a drip course. The application has been amended and now proposes the front elevation to be completed in stone and the rear elevation in render).
 - 2.5 The proposed dwellings shown on the submitted plans would be two storey with an 'conservative' approach to the appearance, with regard to the style and appearance of properties generally in the vicinity of the site. Proposed windows and door proportions and external detailing of the elevations are in keeping with the adjacent dwellings located to the east, south and west of the site. The external finish of the dwellings would comprise of

random stone to the northern elevation and cream coloured render to remaining elevations with stone quoin corners under a Spanish blue slate roof. UPVc windows and doors with artstone surrounds.

- 2.6 The landscape proposal includes grassed garden areas to the front and rear with block paved patio areas running along the north, east and south elevations. The boundary treatments would comprise of 1m boarded timber fencing to the rear and sides of the dwellings with a 900mm timber fence separating the dwellings.
- 2.7 Hard standing includes permeable block paving turning and parking areas. In addition to the east and west of the proposed parking areas new shrub planting is also proposed with wheelie bin storage located to the east and west of the proposed parking spaces.

3 Planning History

- 3.1 42/2009/9549 – Outline application for erection of two semi-detached dwellings – Approved 2009.
- 3.2 42/2012/12585 - Renewal of Outline Permission 42/2009/9549 for erection of two semi-detached dwellings – Approved 2012.

4 Planning Policy Background

- 4.1 The National Planning Policy Framework – NPPF.
- 4.2 Planning Policy Guidance – PPG.
- 4.3 Saved Local Policies H3 & T2 of the Craven District (outside the Yorkshire Dales National Park) Local Plan.

5 Parish/Town Council Comments

- 5.1 Hellifield Parish Council:- No comments received at the time of compiling this report.

6 Consultations

- 6.1 None necessary.

7 Representations

- 7.1 Two letters of representation have been received. Comments have been summarised below:-

7.2 Amenity Issues

- Impact of construction vehicles in terms of disruption.

7.3 Highway Issues

- Concern over the potential impact of construction vehicles on the tarmac road.
- Concern how construction will get to the site.
- Request that should damage occur to the road or parking spaces located along Back Thorndale Street that the developer is responsible for making good any damage.

8 Summary of Principal Planning Issues

- 8.3 Whether the appearance/scale of the development and the landscaping is acceptable having regard to the design parameters set out in the outline application and the requirement for good design as set out in the NPPF.
- 8.4 Other issues.

9 Analysis

9.3 Principle of development

- 9.4 The principle of residential development on this site was established in May 2009 (Ref: 42/2009/9549), and subsequently in June 2012. The original permission approved the

means of access to the site from Beck Thorndale Street, the site layout and scale of the development.

9.5 Appearance

9.6 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 on to 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".

9.7 As referred to in paragraph 2.1 there are two semi-detached dwellings proposed for this site. The application site is located within the development limits of Hellifield with traditional Victorian dwellings to the east, south and west of the site.

9.8 The proposed dwellings are considered to be of an acceptable design that is appropriate to the setting, taking into account the adjacent style and appearance of properties generally in the vicinity of the site. Furthermore, the use of sympathetic materials with the surrounding properties would ensure that the proposed dwellings reflect the adjacent dwellings and would blend into the surrounding area.

9.9 The proposed windows to the principle elevation would face northwards, and due to the orientation of properties located along Haw Grove would face towards the rear amenity areas of No. 34 to 22 Haw Grove. It is considered however, that due to the orientation of these properties, boundary treatments combined with the separation distance that the proposal would not result in any unacceptable loss of privacy or overshadowing to the occupiers of these properties. Similarly, properties located to the south are located approximately 23m from the proposal site with existing garages and boundary treatments providing further screening. It is therefore considered that the proposal would not result in any loss of privacy or loss of overshadowing to the occupiers of these properties.

9.10 In terms of proposed windows to the east and west elevation, the proposed windows would serve a ground floor WC and a landing area at first floor. Given the transient nature of both areas combined with obscure glazing at ground floor that these windows would not result in any loss of privacy to the occupiers of properties located to the east and west of the site.

9.11 Landscaping

9.12 The general layout was approved at the outline stage with the provision to allow for appropriate soft and hard landscaping treatment on site.

9.13 The landscape details shown on drawing 574-12 shows that the entrance to the site and associated parking spaces/turning would have a permeable block paving finish. In addition, shrub planting (4no. Red Robin Photinia, Cotoneaster horizontalis shrubs and Spotted Laurel shrubs) has also been indicated to the east and west of the proposed parking/turning areas.

9.14 To the front and rear would be a grassed lawn area with a block paved path leading to a paved patio area to the rear. Proposed boundary treatments would comprise of timber fencing. Overall, the proposal is considered to be acceptable in respect of hard and soft landscaping.

9.15 Other issues

9.16 Concerns have been expressed over the potential impact of construction vehicles on the tarmac road, and the need for payment should the road be damaged. However this is a private matter between the relevant landowners and therefore is not a material planning consideration.

10 Recommendation

10.1 To grant planning permission subject to the following conditions.

Conditions

1. The development hereby approved shall be begun either before the expiration of 3 years from the date of the outline planning permission, or before the expiration of 2 years from the date of the permission herein whichever is the later.

Reason: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.

2. The approved plans comprise Plan Numbers 574:10 received on 15th September 2014 and details contained within the 'Design and Access Statement' document received on the 15th September 2014. Also approved plans numbers 574:11 Rev A, 574:12 & 574:13 received on 29th October 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 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.

4. 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.

Informatives

1. Attention is drawn to the planning conditions attached to the outline planning permission Ref 62/2011/12180 regarding the highway authority requirements.
2. 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 site or another suitable location and not brought to or delivered to the Council Offices unless specific arrangements to do so would have been made with the relevant planning case officer.
3. The applicant is reminded that any construction on the site should be carried out in consideration of the amenities of others. To avoid disturbance to neighbouring dwellings the Council's Environmental Health Department have advised that the construction site should only be operated from 7.30am to 6pm Monday – Friday, 8am to 1pm Saturday with no working on Sundays and Bank Holidays.

Statement of Positive Engagement: -

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

- 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
SKIPTON NORTH 63/2014/15083	INTERNAL AND EXTERNAL ALTERATIONS; APPLICATION TO CLARIFY OUTSTANDING ITEMS RELATING TO PREVIOUS APPLICATIONS REFERENCED 63/2014/14530 AND 63/2014/14532
& 63/2014/15084	LISTED BUILDING CONSENT FOR INTERNAL AND EXTERNAL ALTERATIONS; APPLICATION TO CLARIFY OUTSTANDING ITEMS RELATING TO PREVIOUS APPLICATIONS REFERENCED 63/2014/14530 AND 63/2014/14532
	CRAVEN DISTRICT COUNCIL, TOWN HALL, HIGH STREET, SKIPTON.
	APPLICANT NAME: CRAVEN DISTRICT COUNCIL TARGET DECISION DATE: 21/11/2014 CASE OFFICER: Andrea Muscroft

These applications are referred to the Planning Committee as the applicant and building owner is Craven District Council.

1. Site Description
 - 1.1 The application site relates to Skipton Town Hall, a Grade II Listed building constructed in 1862. The main elevation fronting onto the High Street is particularly detailed, with columns and pilasters, moulded architraves to the windows, and arches to the entrance. The side elevation facing Jerry Croft is less assuming, yet nevertheless has attractive detailing.
 - 1.2 There are later additions to the Town Hall in the form of a single storey flat roofed toilet block which has recently been granted permission to be demolished and replaced with a more contemporary building. There is also a small lean-to projection enabling disabled access and fire exit from Jerry Croft into the main exhibition hall.
 - 1.3 The site occupies a prominent position at the northern end of the High Street in Skipton town centre. Whilst the building lies within the development limits and designated conservation area of Skipton it lies outside of the Core Retail Area which runs north to south adjacent to the principle elevation of the building.
 - 1.4 The High Street is subject to two Article 4 Directions which restrict:-

The erection or construction of gates, fences, walls or other means of enclosure not exceeding one metre in height where abutting on a highway used by vehicular traffic, or two metres high in any other case, and the maintenance, improvement or other alteration of any gates, fences, walls or other means of enclosure so long as such improvement or alteration does not increase the height above the height appropriate for a new means of enclosure.

Development consisting of the painting of the exterior of any building or wall. "Painting" shall include any application of colour. "Wall" shall include reveals around doors, windows and other openings and include any porch, stairway or other projecting or recessed feature except for joinery, rainwater goods, lighting apparatus and advertisement signs.
2. Proposal
 - 2.1 This report covers two applications (Planning Refs: 63/2014/15083 & 15084) seeking planning permission and listed building consent for both internal and external works.

2.2 **Principle Elevation**

- Replacement of existing central balustrades.
- Removals of security shutters and make good the wall.
- Remove existing railings to central archway and make good stone slabs.
- Disconnect and remove existing platform lift.
- Re-instate stone slabs steps and paving to central doorway.
- Installation of additional railings.

2.3 **South Elevation**

- Installation of replacement 2no. PPC Louvers to the existing openings.
- Alterations to existing ramp to provide platform.
- Installation of Tegula paving.

2.4 **Basement**

- Install new sub floor above basement stairs to provide structural base for new ramp above.
- Installation of new mechanical flue within existing chimney breast.

2.5 **Ground floor**

- Removal of existing roller shutters to Craven Museum.
- Enlargement and repositioning of replacement roller shutters.
- Conversion of existing cupboard to form WC – involving the removal of the existing door and a new stud partition facing towards the lobby. A new opening would be formed to the side.
- Creation of corridor from lobby involving the removal of the existing door and masonry wall.
- Suspended ceiling and new lighting arrangements.
- Formation of new opening into masonry wall to provide disabled toilet.
- Installation of new internal double doors between main hall lobby and lobby area.
- Install paving and a new 1100x1500mm galvanized mild steel barrel hatch doors.
- Removal of dado rail.

2.6 **First floor**

- Removal of existing screen to expose existing corridor.
- Removal of existing masonry wall and door full height.
- Formation of new opening in masonry wall (2250mmx2300mm).
- Widen of existing opening in masonry wall (1400mmx2300mm).
- Formation of new opening in masonry wall (1700mmx2100mm).
- Removal of existing studwalls and door full height.
- Formation of new opening in masonry wall (3150mmx2500mm).
- Removal of existing studwork and door full height.

- 2.7 **Officers Note:** The proposal also involves the redecoration and replacement of existing carpets of the lobby areas and the first floor rooms. It is the Council's opinion that these minor internal alterations do not require listed building consent or planning permission and therefore do not form part of this application.
3. Planning History
- 3.1 5/63/1528 – Construction of chair store formed by covering part of rear yard area. Withdrawn 1988.
- 3.2 5/63/1558/LB – Improvements to stage dressing room. Approved 1988.
- 3.3 5/63/1528A/LB – Listed building consent for the construction of disabled access to side entrance comprising ramp, stone retaining wall with cast iron railing posts and rails painted black. Approved 1991.
- 3.4 63/2005/5931 – Internal alterations to reception area. Approved 2006.
- 3.5 63/2006/6322 – Internal alterations to provide disabled access. Approved 2006.
- 3.6 63/2013/13734 – Change of use of main ground floor rooms fronting High Street to A1 Retail, A2 Financial & Professional Services, A3 Restaurants and Cafes and A4 Drinking Establishments – Refused 28th August 2013.
- 3.7 63/2014/14333 - Demolish unsafe lean-to, alter internal door and frame to suit external location. Rebuild dwarf walls to accommodate concrete pad to give level access to the hall, install steel bollards and rails to give edge protection to level access. Approved May 2014.
- 3.8 63/2014/14532 - Listed Building Consent for the proposed demolition of existing toilet block to South elevation of Skipton Town Hall complex on Jerry Croft to be replaced with new accessible access entrance, toilets to ground floor, internal lift and minor internal alterations – Approved July 2014.
- 3.9 63/2014/14530 - Proposed demolition of existing toilet block to south elevation of Skipton Town Hall complex on Jerry Croft to be replaced with new accessible access entrance, toilets to ground floor, internal lift and minor internal alterations – Approved June 2014.
- 3.8 63/2014/14902 - Proposed change of use to A1, A3 and A4 retail, restaurant, café and drinking establishment – Approved 23rd September 2014.
- 3.9 63/2014/15012 – Listed building consent for internal works – Withdrawn October 2014.
4. Planning Policy Background
- 4.1 The National Planning Policy Framework – NPPF.
- 4.2 Planning Practice Guide – PPG.
- 4.3 PPS5: Planning for the Historic Environment Practice Guide.
- 4.4 English Heritage: Conservation Principles.
5. Town Council Comments
- 5.1 Skipton Town Council: Decline to comment as Skipton Town Council may become a future tenant.
6. Consultations
- 6.1 English Heritage has confirmed that they do not wish to comment in detail, but are supportive in principle.
- 6.2 A formal response from the Council's retained Conservation Consultant with respect to these applications has not been obtained, but he has provided informal advice to the case officer on the merits of these applications.
7. Representations
- 7.1 None received at the time of compiling this report.

8. Summary of Principal Planning Issues

8.1 Visual impact of the development.

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

9. Analysis

Visual Impact of the development

9.1 The NPPF states that good design is a key aspect of sustainable development. New development should respond to local character and history, add to the overall quality of the area and be visually attractive as a result of good architecture and landscaping.

9.2 Furthermore, section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 advises LPA's to pay special attention to the desirability of preserving or enhancing the character or appearance of a designated conservation area.

9.3 The application site is a Grade II listed building fronting onto the High Street within the designated Conservation Area of Skipton with its period design positively contributing to the character and appearance of the conservation area. The proposal seeks to remove inappropriate additions, reinstate historical features and re-configure the internal layout to bring back vacant space into use as detailed in paragraphs 2.2 to 2.6.

9.4 The majority of the proposed works would be internal with the exception of the re-instatement of the main steps to the principle elevation and minor works to the southern elevation in the form of a barrel drop, replacement louvers to existing openings and alterations to approved ramp (Ref: 63/2014/14333). In visual terms, the proposed external works have been designed to reflect the character and appearance of the listed building, furthermore, the use of traditional materials would ensure that the proposed works are not out of keeping with the listed building or wider surrounding area. As such the proposed external works would result in a visual improvement with regard to the existing street scene and wider conservation area.

9.5 It is therefore considered that the internal and external works would enhance the character and appearance of the existing building and the surrounding conservation and street scene. Furthermore, development would not unacceptably impact on the setting of any other listed buildings. The proposal is considered to meet the requirements of the NPPF & PPS5 Practice Guide.

Impact on the listed building

9.6 In terms of considering a proposal for listed building consent, section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard must be had to the desirability of preserving the building or its setting or any features of special architectural or historical interest.

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 PPS5 Practice Guide is also advises that there should be a presumption in favour of the conservation of 'designated heritage assets' such as listed buildings, whose significance can be harmed or lost through alteration.

Basement

9.9 The proposal seeks to construct a concrete platform fixed to the internal wall of the basement steps to provide structural support for the new ramp that will enclose the proposed single storey extension off Jerry Croft (ref: 63/2014/14532 & 14530). Following an inspection by the Listed building and Conservation consultant on the 26th September it was agreed that this approach was acceptable as the works could be removed without any major damage to the building. Furthermore, the proposed platform would help preserve the basement staircase which is considered an important characteristic of the listed building. It

is therefore considered that the proposal would not significantly harm the listed building or lead to any adverse impact on any external features.

Principle Elevation.

- 9.10 The proposed alterations to the principle elevation comprise of the removal of the disabled lift and the re-introduction of the steps and associated railings. It is considered that these alterations would provide a visual improvement to the listed building and existing street scene. In addition, the proposed works would be more reflective of the character and appearance of the building overall resulting in a more attractive and unified appearance. It is therefore considered that the proposed alterations to the principle elevation would enhance the character and appearance of the listed building thus meeting the requirements of the NPPF and PPS5.

Internal configuration (ground floor).

- 9.11 Internally the ground floor layout has not been subjected to substantial re-configuration and as such the original layout can still be understood. The proposal involves the removal of later modern additions, relocation of roller shutters, the creation of new WC facilities/corridor and the installation of double doors between the two lobby areas. Notwithstanding that at ground floor level some elements of historical and architectural fabric still exists, noticeably the main hall. However, this is not the case in the main lobby areas, where original cornices, dado rails, door surrounds and skirts have been either been removed, altered or replaced. Hence the proposal is considered to be acceptable and would not significantly impact on any historical features or lead to any adverse impact on any external features.
- 9.12 In terms of the alterations to the lobby ceiling with the introduction of a suspended ceiling and associated new lights, it is considered that this element would not result in any unacceptable loss of historical or architectural fabric to the listed building. Furthermore, the existing ceiling could be reinstated without any damage to the main structure of the building. The proposed changes are therefore considered to be acceptable and would not significantly impact on any historical features or lead to any adverse impacts on any external features.

Internal configuration (first floor).

- 9.13 At first floor level the building has been subject to extensive re-configuration with new rooms and corridors created with the result that the legibility of its original layout is no longer present. The proposal is to simplify the first floor arrangement through the removal and relocation of partition walls to maximise the provision of useable space. This part of the first floor level of the building contains very little historically or architectural fabric and as such the re-configuration of this area would not have a negative impact on the listed building.
- 9.14 In conclusion, it is considered that the proposal would not result in any loss of architectural or historical fabric of the building or have a negative impact on the character and appearance of the surrounding conservation area. Hence the proposal is not considered to conflict with the aims of protecting the historic environment nor does it undermine the visual amenities of the area. It is therefore considered that the proposal meets the criteria of the NPPF and PPS5 Practice Guide.

Other matters

- 9.15 The development proposal is not considered to unacceptably impact on the amenities of others. The Highway Authority has been consulted and has raised no objections and requested no conditions. The proposal is considered to be acceptable with respect to all other planning matters.

10. Recommendation

- 10.1 Members are recommended to approve the planning application and to notify the Secretary of State that the Local Authority is minded to Grant Listed Building Consent.

Conditions

Listed Building Consent Planning Ref: 63/2014/15084.

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 of the following:-

Drawing No. L(500) 006 received by Craven District Council on 31st March 2014.

Drawing No's P(00) 010 Rev B, P(00)011 Rev A, P(00) 012 Rev A, P(00) 013 & P(00) 014 received by Craven District Council on 3rd October 2014.

The development hereby approved shall be completed in accordance with the approved plans except where conditions attached to this planning permission indicate otherwise.

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

3. Prior to the installation of the new barrel drop (located to the west of the proposed toilet block) details of the external finish shall be provided to and approved in writing by the Local Planning Authority. The barrel drop shall thereafter be installed in accordance with the approved details and retained thereafter.

4. Prior to their first installation more detailed specifications / plans / supporting information of the following features shall be submitted to, and approved in writing by, the Local Planning Authority: -

- The PPC Louvers.
- Roller Shutters.
- New internal glazed double doors.
- New sub floor above basement stairs to provide structural base for development above.

The development shall thereafter be implemented in accordance with the approved details.

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: In the interests of the appearance and character of the listed building and 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 to execute 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.

Full Planning Permission 63/2014/14583

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 of the following:-

Drawing No. L(500) 006 received by Craven District Council on 31st March 2014.

Drawing No's P(00) 010 Rev B, P(00)011 Rev A, P(00) 012 Rev A, P(00) 013 & P(00) 014 received by Craven District Council on 3rd October 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 bollards and rails hereby approved shall be painted 'black' unless otherwise agreed writing by the Local Planning Authority.

Reason: In the interest of visual amenity of the building and surrounding area.

4. Prior to the installation of the new barrel drop (located to the west of the proposed toilet block) details of the external finish shall be provided to and approved in writing by the Local Planning Authority. The barrel drop shall thereafter be installed in accordance with the approved details and retained thereafter.

5. Prior to their first installation more detailed specifications / plans / supporting information of the following features shall be submitted to, and approved in writing by, the Local Planning Authority: -

- The PPC Louvers.

The development shall thereafter be implemented in accordance with the approved details.

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.

7. The new accessible route to the entrance shall be paved in regular paving to precisely match new paving direct to the east.

Reason: In the interest of visual amenity of the building and surrounding area.

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

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

GARGRAVE&
MALHAM
65/2014/14874

RETROSPECTIVE APPLICATION FOR THE ERECTION OF AN AMENITY
BUILDING FOR TOURISM USE. RESUBMISSION OF APPLICATION
REFERENCE 65/2014/14449

NIFFANY FARM , BROUGHTON ROAD, SKIPTON.

APPLICANT NAME: MR & MRS K & J MARSHALL

TARGET DECISION DATE: 12/09/2014

CASE OFFICER: Neville Watson

This application is referred to Planning Committee as a similar application was refused by the Committee on 2 June 2014.

1. Site Description

- 1.1 Niffany Farm is located in open countryside to the west of the Skipton By-Pass, adjacent to the Leeds-Liverpool Canal. It is a working farm and the holding covers an extensive area to the south and west outskirts of the town. The stone built farmhouse and associated outbuildings and garden are located adjacent to the canal swing bridge that gives access off Broughton Road (A6069). The farmyard lies adjacent to the house and there is a number of existing modern and older livestock structures, predominantly on the rising land to the north of the original farm buildings.
- 1.2 It is understood the traditional barn attached to the farm house has been converted to an agricultural worker's dwelling, and a holiday cottage which supports the farm business. Work has also commenced on the construction of the holiday cottages approved under application ref 65/2013/13383.
- 1.3 The site lies outside but close to the Skipton Conservation area which follows the canal ending at the swing bridge (from the Skipton direction).

2. Proposal

- 2.1 This is a retrospective application for the erection of an amenity building for tourism use. The plans as originally submitted for this application were identical to the details refused by Planning Committee on 2 June 2014, but reference to a multi-functional building including an agricultural use had been removed with the building now proposed for tourism use only.
- 2.2 Additional plans have been requested and received showing revisions to the main entrance doorway and which identify the uses of the building. This includes a reception and booking office, a recreation area, kitchen, toilets and showers.

3. Planning History

- 3.1 5/65/105. Conversion of part of barn to agricultural worker's dwelling. Conditional approval 16 April 1996.
- 3.2 65/2004/4574. Conversion of redundant barn to holiday accommodation. Refused August 2004.
- 3.3 65/2005/5039: Conversion of Agricultural Barn to Holiday Accommodation (Resubmission of application 65/2004/4574). Conditional approval 28 February 2005.

- 3.4 65/2013/13383. Erection of three holiday cottages including landscaping and car parking. Approved April 2013.
- 3.5 65/2014/14449. Retrospective application for the erection of a multi-functional building for tourism and agricultural use. Refused for the following reason:-
The proposed development is considered to be an unjustified building within the open countryside that has not been adequately demonstrated as being beneficial to the rural economy or being essential to the needs of the rural community or agriculture within the vicinity. The development would therefore not meet the requirements of the NPPF or Saved Local Plan policies ENV1, ENV12 or EMP18.
4. Planning Policy Background
- 4.1 NPPF, NPPG
- 4.2 Saved policies ENV1, ENV2, ENV12, ENV13 and EMP18 of the Local Plan
5. Parish Council Comments
- 5.1 Skipton Town Council. The Committee believe that Stirton Parish Council should be commenting on the application. Although they would like to make comment on the large amount of retrospective planning applications which are spoiling the view when leaving or arriving in Skipton.
- 5.2 Stirton Parish Council. No comments at the time of compiling this report.
6. Consultations
- 6.1 None required.
7. Representations
- 7.1 15 letters of support have been received raising the following issues:-
- Provision of much needed facilities for campers and boaters
 - Benefit to tourism in the town(visitor spending)
 - Storage facility for bikes
 - Useful meeting place for boaters
 - Excellent shower facilities
 - Contained within farm complex.
 - Base for fundraising events
 - Attractive and functional building.
8. Summary of Principal Planning Issues
- Principle of the development
 - Visual impact of the development on surrounding area
 - Impact of the development on the amenity of neighbouring properties
9. Analysis
- Principle of the development**
- 9.1 The NPPF is broadly supportive of sustainable rural tourism and leisure development that benefit business in rural areas and which respect the character of the countryside.

- 9.2 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 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. Developments that can be demonstrated to meet these requirements would then need to be considered against Policy ENV2. However, these policies carry only limited weight.
- 9.3 Saved Policy ENV12 states that farm diversification would normally be acceptable in principle but should not conflict with the operational requirements of the farm and where possible reuse existing buildings.
- 9.4 Saved Policy EMP18 states that proposals for permanent buildings including clubhouses and dining or leisure facilities provided in association with camping, caravanning or chalet development would only be permitted where they are necessary for the operation of the site with the size and nature of the buildings relating to the needs of site residents.
- 9.5 The proposed building will be examined in more detail later in this report in terms its visual impact however it is considered that the structure would be of the type that could maintain landscape character. However the building would still need to be beneficial to the rural economy or the needs of the rural community.
- 9.6 The building is stated by the applicant as being a structure for tourism. The building as constructed has a 'feature' exposed timber roof structure, large amounts of upvc glazed windows, glazed 'cart opening' barn doors and open kitchen area leading into the main room of the building.
- 9.7 In terms of tourism activity on the site there is a certified camping site with 5 pitches, one holiday cottage and 3 further under construction as well as mooring facilities for up to 28 canal boats. The building is justified for tourism uses by the applicant on the basis that it would provide WC facilities (also for farm staff), a kitchen, laundry room (primarily to service the holiday cottages). The main room in the building would provide accommodation for reception area and booking office with the rear part of the room given over to recreation space. It is also stated that the building would be used for occasional events which it would be able to do for up to 28 days in a year. Letters of support for the building and the tourism benefits that it would bring have also been received.
- 9.8 Clearly the size of the building has not changed, but the plans and information now supplied show how the building provides facilities for the tourist base at Niffany farm. Officers are now satisfied that the applicants have provided a reasonable justification for the building. References to agricultural and storage uses have now been omitted except in exceptional circumstances as it is acknowledged that the interior of the building would have to be protected
- 9.9 In summary, the building is in a rural location where, under the guidance of the NPPF and the Local Plan policies, development would need to be justified. The development for the uses now proposed is considered, on balance, to be acceptable.

Visual impact of the development on surrounding area

- 9.10 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."

- 9.11 Saved Policy ENV2 states that development acceptable in principle under policy ENV1 should only be permitted where it is compatible with the character of the surrounding area and does not have an unacceptable impact on the surrounding area. The design of structures should also relate well to the setting taking into account the immediate impact and public views of the development.
- 9.12 Saved Policy ENV12 requires that farm diversification development should be of a character and scale complementary to the rural surroundings and should be of a good standard of design and satisfactorily complement the landscape in terms of its design, siting and materials.
- 9.13 Saved Policy ENV13 requires that new agricultural buildings and structures should be located within or adjacent to existing groups of buildings and should be sympathetic to their surroundings in terms of scale, materials, colour and siting. Where necessary the proposal should also incorporate landscaping and planting to help minimise its impact on its surroundings.
- 9.14 Saved Policy EMP18 states that permanent buildings to holiday developments should not have an adverse effect on the character and appearance of the countryside and should be of a good standard of design and blend into the landscape in terms of their siting, design and materials.
- 9.15 The building is now in use. The building is located broadly within the enclave of the farm holding with principle views of the building viewing the structure in the context of the existing structures in the area. The location of a tourist facility to the edge of the farm holding away from the main farming activities would also be reasonable to allow the two separate enterprises to co-exist. As such whilst at the edge of the farm complex the location of the structure is considered to be in an acceptable location.
- 9.16 In terms of scale in relation to the size of the farm holding and the structures already on site the building is not in itself an overly large structure that would be considered to be out of scale or proportion.
- 9.17 With respect to materials the building has natural stone walls, slate roof and uPVC doors and windows. The walls and materials are considered to be of a good quality appearance and construction. The design of the building is such that it appears as the conversion of a traditional building although the use of uPVC windows and doors would not normally be encouraged. However, in this particular case and location it is not considered that refusal on this issue alone could be sustained.
- 9.18 In terms of design the building has some of the design features of a traditional farm building. It is considered that the building would have an acceptable visual impact on the surrounding area and as such would meet this requirement of the NPPF and Saved Policies ENV2, ENV12 and EMP18 of the Local Plan.

Impact of the development on the amenity of neighbouring properties

- 9.19 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.
- 9.20 Saved Policy ENV12 requires that farm diversification developments should not result in unacceptable harm to the amenities of local residents. Saved Policy ENV13 also requires that new agricultural buildings should not have a detrimental impact on the amenity of neighbouring residents.

- 9.21 The building would be located to the centre of the farm complex and is located a significant distance away from residential properties outside of the applicant's ownership. As such the development is not considered to result in any unacceptable impact on the amenities of neighbouring properties meeting this requirement of the NPPF and Saved Policies ENV12 and ENV13 of the Local Plan.

10. **Recommendation**

- 10.1 That the application is approved.

Conditions

1. The approved plans comprise Drawings 0001.2 and 0001.4 received by the Local Planning Authority on 18 July 2014 and the amended plan 0001.3 dated 16/09/2014. The revisions to the south elevations shown on drawing 0001.3 (dated 16/9/2014) shall be implemented within 3 months of the date of this permission and shall be so retained thereafter.

Reason: To specify the permission 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. Additional and amended details have now been received following discussions with the applicant's agent.