

## **PLANNING COMMITTEE**

15<sup>th</sup> December 2014

**Present** – The Chairman (Councillor Welch) and Councillors Barrington, Brockbank, Green, Harbron, Hart, Kerwin-Davey, Mason, Place, Quinn and Sutcliffe.

**Officers** – Development Control Manager, Solicitor, Principal Planning Officer, Planning Officer and Committee Officer.

Start: 1.35pm

Finish: 4.30pm

Councillor Hart left the meeting at 3pm

Councillor Harbron left the meeting at 3.20pm

Councillor Place left the meeting at 3.55pm

The minutes of the Committee's meeting held on 17<sup>th</sup> November 2014 were confirmed and signed by the Chairman.

### **Minutes for Report**

PL.740

#### **PUBLIC PARTICIPATION**

The following person addressed the Committee under its public participation scheme:-

Application 63/2014/14916 : Mr M Weaving (objector)

: Mr C Creighton and Mr P Bilbie (agent and company representative)

Application 62/2014/15081 : Mr J Everett (applicant's agent)

Application 62/2014/15089 : Mr J Everett (applicant's agent)

Application 62/2014/14929 : Mr J Everett (applicant's agent)

Application 65/2014/14976 : Mr J Ellis (applicant's agent)

Minute PL743 Barley Croft Cowling : Mr T Wilman (applicant's representative)

PL.741

#### **APPLICATIONS FOR PLANNING PERMISSION**

##### **a. Delegated Matters**

The Strategic Manager for Planning and Regeneration reported the following applications for planning permission within the three areas of the District indicated, which had been dealt with under delegated authority.

##### North Craven Area

08/2014/15185 Prior notification application for the demolition of three garages, Block 1 to 3 Banks Way Garage Site, off Lakeber Drive, High Bentham – Prior approval not required.

18/2014/15065 Erection of single storey side extension to form utility room and WC, Old Manor House, The Green, Clapham – Approval.

31/2014/15013 Residential development for 10 dwellings and associated car parking and a new vehicular access off Lords Close (reserved matters application of outline approval 31/2011/11640) (re-submission of application 31/2014/14594), land between Lords Close and Bankwell Road, Giggleswick – Conditional approval.

31/2014/15140 Remove 5 No Trees - 2 No Yew (1), 1 No Holly (2), 1 No Willow (3), 1 No Horse Chestnut (4), Giggleswick School Campus, Giggleswick – No tree preservation order made.

31/2014/15103 Prior notification application for conversion of agricultural building to provide 1 No dwelling, Leechfield Barn, Back Lane, Giggleswick – Prior approval not required.

31/2014/15102 Discharge of conditions 4, 6, 14, 15, 16, 18 and 19 of outline approval  
31/2011/11640 for ten new dwellings, Lords Close, Giggleswick – Conditional approval.

31/2014/15218 Discharge of conditions 6, 7, 8 and 9 to original approved application  
31/2014/14942 comprising of confirmation of materials and external finishes, Brackenber Cottage, Brackenber Lane, Giggleswick – Conditional approval.

42/2014/14610 Outline application for residential development, land off Back Lane, Hellifield – Refusal.

42/2014/15145 Non illuminated fascia sign - constructed in wood with painted finish, Craven House, Craven Terrace, Hellifield – Conditional approval.

45/2014/14787 Demolition of existing detached garage and construction of replacement garage. Insertion of 2no. Window openings to north east and south west elevations, Ingleholme, Croft Road, Ingleton – Conditional approval.

45/2014/14879 Discharge of conditions 4, 8, 9, 10, 11, 16, 17,18, 20 & 21 to previous application  
45/2014/14538, land off north-west side of Low Demesne Close, Ingleton – Conditional approval.

49/2014/15155 Conversion of existing stone barn and brick lean-to to dwelling (Prior Notification Application), Blaithwaite Higher Barn, Four Lane Ends, Lawkland – Prior approval not required.

62/2014/15104 Air conditioning condenser unit to be installed on eastern elevation (rear) of HSBC building facing courtyard, HSBC, Market Place, Settle – Conditional approval.

72/2014/14855 Erection of new building for business purposes associated with use of live/work unit (resubmission of planning application 72/2014/14444), Stepping Stones, Forest Becks Brow, Wigglesworth – Conditional approval.

#### South Craven Area

05/2014/15121 Extension and alteration to existing dwelling Lock Cottage, Bank Newton – Approval.

09/2014/14930 Change of use from original garage kiosk to display and retail of fires/stoves, Hambleton Garage, Bolton Abbey – Conditional approval.

11/2014/15059 Prior notification application for proposed change of use of an agricultural building to a dwellinghouse and associated operational development, The Barn, Newlands Farm, ,Jacksons Lane, Low Bradley – Refused : Application required.

17/2014/15175 (T1) - Fell 1 No Willow (Incorrectly identified as Ash) & (T2) - 1 No Elm (Incorrectly identified as a Hornbeam), 1 Brook View, Carleton – No tree preservation order made.

21/2014/15146 Discharge of condition 6 of planning application Ref: 21/2014/14963 concerning details of roof, verge and eaves details, Meadow Croft, Cononley – Conditional approval.

22/2014/15062 Construction of replacement stables and livery prior to demolition of existing stables

and livery, Green Syke Farm, Cowling – Conditional approval.

22/2014/15091 Re-Submission of previous planning application ref: 22/2014/14801 for proposed agricultural storage building, Court House Farm, Old Oakworth Road, Cowling – Conditional approval.

22/2014/15061 Change of use of agricultural land to form extension to existing manege, Green Syke Farm, Colne Road, Cowling – Conditional approval.

22/2014/15148 Two storey side extension and construction of conservatory to rear, 14 Bannister Walk, Cowling – Refusal.

22/2014/15187 T2 Sycamore - Fell, remove and poison stump to prevent regrowth, T3 Sycamore - Remove string from branch, T5 Sycamore - Remove lateral branch South growing from the trunk at 3m high, T6 Elder group - Fell, remove and treat stumps to prevent re growth, T7 – Reduce length of lateral branch to West, crown lift canopy to provide 3m ground clearance remove secondary branches and G9 - Fell and remove all Ash along boundary wall and poison stumps to prevent re growth, Main Recreational Ground and Memorial Gardens, Cowling – No tree preservation order made.

22/2014/15184 1 group of Ash - Fell, remove and treat stumps to prevent re growth of all trees, land at Nan Scar / Colne Road, Main Street, Cowling – No tree preservation order made.

22/2014/15154 Non material amendment to previous planning application ref: 22/2014/14822 for conversion and extension of residential annexe, Farling Top Farm, Farling Top, Cowling – Conditional approval.

32/2014/14986 Re-submission of previous planning application ref: 32/2014/14668 for construction of detached dwelling with associated off street parking, Bridge End House, Glusburn Bridge, Glusburn – Refusal.

32/2014/15106 Alterations to the front porch, the rear extension and the roof to improve both the aesthetics and the internal layout of the house, Craig Cottage, Green Lane, Glusburn – Approval.

32/2014/15136 Two storey side extension and construction of rear dormer, 7 Beanlands Place, Glusburn – Approval.

32/2014/15063 1 no. Illuminated bronze letters and 1 no. Non-illuminated bronze letters, Burberry, Junction Mills, Skipton Road, Cross Hills – Conditional approval.

32/2014/15135 2 no. illuminated fascia signs affixed to building and 2no. illuminated free- standing signs, White Rose Garage, Skipton Road, Cross Hills – Conditional approval.

53/2014/15120 Construction of steel portal frame lean to for the housing of sheep, New Woodhead Farm, Lothersdale – Conditional approval.

53/2014/15096 Two storey extension to rear, demolition of existing workshop and storage buildings and construction of new workshop building, 4 Peel Terrace, Dale End, Lothersdale – Approval.

65/2014/15113 Fell and Remove 3 No Horse Chestnut (T1, T3 and T4) and 1 No Sycamore (T2) land opposite, 1, 2, 3 The Cottages, Stirton Lane, Stirton – Refusal.

66/2014/15094 Removal of condition No's 6 and 9 of previous planning approval ref: 66/2007/7290 to allow property to be occupied as a dwelling without office use, Stable Cottage, Lower Malsis, Sutton in Craven – Refusal.

66/2014/15088 Detached double garage, 2 Holme Close, Sutton-in-Craven – Approval.

69/2014/15125 Removal of 1 No coniferous tree, Throstle Nest, Old Road, Thornton in Craven – No tree preservation order made.

69/2014/15180 1 No Copper Beech - crown lift (remove three branches), crown reduce by 30% and crown thin, Elmtree House, Colne and Broughton Road, Thornton in Craven – No tree preservation order made.

73/2014/15156 Discharge of condition No. 3 of planning application Ref: 73/2014/14587 and 73/2014/14588 concerning door details, Lane House Farm, Skipton Road, Silsden – Conditional approval.

#### Skipton Area

19/2014/14937 Prune Leylandi which is restricting growth of trees remove Ash tree from beck wall transplant 2 No Ash, 1 No Hawthorn and 3 No Damson to bank opposite plantation, Raven Flatt, Bell Busk – No tree preservation order made.

30/2014/15137 Two storey lean to extension to rear of the property 17 East Street, Gargrave – Approval.

30/2014/15194 1 No Willow trim low lying branch (the 3 No willows mentioned in the application fall outside of the Conservation Area and are not protected by a tree preservation order), River Aire, Gargrave – No tree preservation order made.

30/2014/15139 Application to discharge condition no. 4 of listed building consent 30/2014/14812, 74 High Street, Gargrave – Conditional approval.

34/2014/14764 Extension to form garage and ancillary buildings, Calm Slate Farm, Holme Lane, Halton East – Conditional approval.

34/2014/15117 Demolition of existing flat roofed double garage and redundant concrete slab (former greenhouses) and replacement with pitched roofed double garage and oil tank storage building, engineering works and landscaping, Dyneley House, Halton East, Skipton – Approval.

63/2014/14737 Single storey extension to front restaurant, covering over the existing terrace area (Resubmission of previous application 63/2014/14451), Calico Jacks, 36 Water Street, Skipton – Conditional approval.

63/2014/15133 Proposed flat roof access dormer for maintenance and repair of existing roof mounted mechanical air handling equipment, Bizzie Lizzies, 36 Swadford Street, Skipton – Conditional approval.

63/2014/15124 Extension of time to the siting of a marquee for use as a mosque for prayer purposes for temporary period until 6th February 2015 on the green area behind Greenfield Street while construction works are being done to existing mosque premises at 21-25 Midland Street, Skipton, Back of Greenfield Street, Green Area, Skipton – Conditional approval.

63/2014/14982 Conversion and creation of 7 no apartments and other associated development, Caroline House, High Street, Skipton – Application withdrawn.

63/2014/15082 Demolition of existing lean-to and replacement with proposed MOT bay extension on north elevation, Peter Watson (Skipton) Ltd, Otley Road, Skipton – Conditional approval.

63/2014/15064 Application for change of use of three vacant first floor offices to form three flats Skipton House, Thanets Yard, Skipton – Conditional approval.

63/2014/15093 Change of use from shop (A1) to drinking establishment (A4), Unit 16 High Corn

Mill, Chapel Hill, Skipton – Conditional approval.

63/2014/15099 Proposed single storey extension, 47 Hurrs Road, Skipton – Approval.

63/2014/15130 Two storey side extension to provide additional living accommodation at first floor level and utilise existing roofspace with access below. Re-submission of refused planning application 63/2014/14577, 16 Brookside, Skipton – Approval.

63/2014/15168 Construction of rear first floor extension to provide bathroom, 28 Greenfield Street, Skipton – Approval.

63/2014/15101 Installation of external wall insulation to front and rear of the property, 4 Heather View, Skipton – Approval.

63/2014/15171 Construction of single storey extension to provide garage with terrace area, 1 Consort Street, Skipton – Approval.

63/2014/15131 Proposed conservatory to west elevation of property, decking, and two storey bay window extension to south elevation (front), 15 Gainsborough Court, Skipton – Approval.

63/2014/15071 1 No Ash - reduce in height by 2m to give an overall height of 6m, 11 Gainsborough Court, Skipton – Conditional approval.

63/2014/15118 Fell 1 No Corsican Pine, 4 Beechwood Drive, Skipton – Conditional approval.

63/2014/15119 Crown thinning, lifting and reduction by no more than 25% to 2 No Apple trees (1 and 2), 1 No Cherry Blossom (3), 1 Japanese Maple (identified wrongly as a Beech) (4) and 1 No Lilac (5) Oakleigh, 2 Granville Street Close, Skipton – No tree preservation order made.

63/2014/15151 Section fell 5 no willow and 1 no beech, The Gate House, Waltonwrays Cemetery, Carleton Road, Skipton – Refusal.

63/2014/15141 Crown lift 1 No multi stem Field Maple (wrongly identified as Hawthorn) to 2.5 metres above ground level rear of Glista Mill, Broughton Road, Skipton – No tree preservation order made.

63/2014/15150 2 No Sycamore - Remove/ reduce crown by 30%, Telephone Exchange, Newmarket Street, Skipton – No tree preservation order made.

63/2014/15197 1 No Sycamore - Crown thin by 10%, crown lift by 5% and shorten long limbs towards 3 Pine Croft, Ronaldsway House, Brook Street, Skipton – No tree preservation order made.

63/2014/15149 Remove 6 No trees - 5 No Sycamore (T1, T2, T3, T4 and T6) and 1 No Apple (T5), Skipton Girls High School, Gargrave Road, Skipton – No tree preservation order made.

63/2014/14797 Discharge of condition no's 7 and 9 of planning consent ref. 63/2013/14656 and condition no's 5, 6 and 7 of listed building consent ref. 63/2013/14657, Eller House Site, Belle Vue Mills, Broughton Road, Skipton – Conditional approval.

63/2014/15057 Application to discharge Condition No.11 of planning permission 63/2014/14371 dated 7 May 2014 Belle Vue Square, Broughton Road, Skipton – Conditional approval.

63/2014/15191 Certificate of Lawful Development for a proposed use for the demolition of existing detached garage and construction of new single storey side extension, 8 Bowling View, Skipton – Refusal.

**b. Applications**

**Resolved** – That decisions on applications for planning permission are made as follows: -

**Permission Granted**

**62/2014/15081 Application for temporary surface water attenuation pond on land to the south of Phase 1 residential development (as approved by permission 62/2013/13590), land south of Ingfield Lane, Settle** – subject to the following conditions and to an additional, appropriately worded, condition to be formulated by the Development Control Manager requiring submission of details of a protective enclosure to be provided around the pond.

Summary of Conditions

1. The development hereby permitted shall be begun not later than the expiration of three years beginning with the date of this permission.
2. The development shall not be carried out other than wholly in accordance with the drawing NO. 7985/FP/003 Revision B and the supporting statement received by the Local Planning Authority on 26<sup>th</sup> September 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.
3. All infrastructure associated with the development hereby permitted shall be decommissioned, removed from the site and the land made good within 5 years of the date of this planning permission, or within 6 months of the completion and operation of an approved alternative surface water drainage solution, whichever is the sooner.

Informative : It is the responsibility of the developer to ensure that all necessary permissions and/or licences to divert any watercourse has been obtained from the appropriate statutory authority.

Statement of Positive Engagement : In 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 National Planning Policy Framework. In particular the Council has engaged in pre-application discussions. (\*)

**62/2014/15089 Amendments to design of surface water drainage scheme, land south of Ingfield Lane, Settle.**

Summary of Conditions

1. The development shall not be carried out other than wholly in accordance with the following drawings that were approved under planning application ref: 62/2013/13590 and 62/2013/14087 by way of discharge of Conditions nos. 3, 4, 5, 7, 9, 10, 12, 15, 18, 19, 22, 23, 24 and 25 of planning permission Ref: 62/2013/13590. 3901-06 PL – 01 Revision C, 02, 03, 10 Revision A, 11 Revision A, 12 Revision A, 13 Revision A, 14 Revision A, 15 Revision A , 20, 2130, 31, 32 and 33. RF13-126L01, L02 and L03 Revision C and L04 Revision C. 13026-C-SK02 Revision A. C13163/001 Revision A.

In addition to the above, the following plans that detail revisions to the drainage scheme and specifications of the highway construction are also approved:

7985/38/001 Revision B, 002 Revision C, 003 Revision C, 004, 005 Revision B and 006 Revision B.

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.

2. The development shall be carried out in accordance with the submitted flood risk assessment ref 8033/DH/001/03 August 2014), the Channel Realignment and Surface Water Management Scheme Final Report v1.0, and Drg No. 7985/38/003 Rev C and the following mitigation measures:

a. Surface water run-off generated by the 1 in 100 year plus climate change critical storm shall be limited so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.

b. As stated in the Surface Water Management Scheme Final Report v1.0, surface water run-off from the development as a whole shall be limited to the 1 in 1 year greenfield rate.

These measures shall be fully implemented prior to occupation, and according to the scheme's phasing arrangements (or with any other period, as agreed in writing, by the Local Planning Authority)

3. Unless alternative details have first been submitted to and approved in writing by the Local Planning Authority, all building materials to be used in the external elevations of the development shall be completed in accordance with the plans and details approved under discharge of conditions application ref: 62/2013/14087 to meet the requirements of conditions 3 and 4 of planning permission ref: 62/2013/13590.

4. Unless alternative details have first been submitted to and approved in writing by the Local Planning Authority, the means of enclosure and details of plot boundaries shall be completed in accordance with the plans and details approved under discharge of conditions application ref: 62/2013/14087 to meet the requirements of condition 5 of planning permission ref: 62/2013/13590.

5. During the construction period, all trees to be retained shall be protected by fencing as specified in BS 5837 (2012) at a distance from the tree trunk equivalent to the outermost limit of the branch spread, or at a distance from the tree trunk equal to half the height of the tree (whichever is further from the tree trunk), or as may be first agreed in writing with the Local Planning Authority. No construction materials, spoil, rubbish, vehicles or equipment shall be stored or tipped within the area(s) so fenced. All excavations within the area so fenced shall be carried out by hand.

6. Unless alternative details have first been submitted to and approved in writing by the Local Planning Authority, landscaping of the site shall be completed in accordance with the details previously approved under discharge of conditions application ref: 62/2013/14087 in order to meet the requirements of conditions 7 and 9 of planning permission 62/2013/13590. The approved landscaping scheme shall be implemented in the first planting season following completion of the development.

7. The proposed ground levels, floor levels of any dwellings, paths, drives, garages and parking areas and the height of any retaining walls within the development site shall be completed strictly in accordance with the approved plans detailed in Condition 1 above or alternatively by approval from the Local Planning Authority following the submission of further details.

8. Unless alternative details have first been submitted to and approved in writing by the Local Planning Authority, the Landscape Management Plan (indicating long-term design objectives, management responsibilities and maintenance schedules for all landscaped areas (other than any privately owned residential gardens)) that has been approved under discharge of

conditions application 62/2013/14087 (in order to meet the requirements of conditions 7, 9 and 25 attached to Planning Application 62/2013/13590) shall be implemented.

9. Unless alternative details have first been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority, the development shall be undertaken in strict accordance with the highway engineering details that have previously been approved under discharge of condition application 62/2013/14087 in order to meet the requirements of conditions 10, 12 and 15 of planning permission 62/2013/13590.

10. Prior to the occupation of any dwelling, or within 2 months of this planning permission being granted (whichever is the later), the carriageway and any footway/footpath from which it gains access shall be constructed to base course macadam level and/or block paved and kerbed and connected to the existing highway network with street lighting installed and in operation. The completion of all road works, including any phasing, shall be in accordance with a programme approved in writing with the Local Planning Authority in consultation with the Highway Authority before the first dwelling of the development is occupied or within 2 months of this planning permission being granted (whichever is the later).

11. The access(es) to the site shall be set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements:

- i. The crossing of the highway verge and/or footway shall be constructed in accordance with the approved details and/or Standard Detail number E6.
- ii. Any gates or barriers shall be erected a minimum distance of 6m back from the carriageway of the existing highway and shall not be able to swing over the existing or proposed highway.
- iii. That part of the access(es) extending 6 metres into the site from the carriageway of the existing or proposed highway shall be at a gradient not exceeding 1 in 20.
- iv. Provision to prevent surface water from the site/plot discharging onto the existing or proposed highway shall be constructed in accordance with the approved details, and/or the specification of the Highway Authority and maintained thereafter to prevent such discharges.
- v. The final surfacing of any private access within 6 metres of the public highway shall not contain any loose material that is capable of being drawn on to the existing or proposed public highway.
- vi. Provision of tactile paving in accordance with the current Government guidance.

All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Informative: With reference to condition No. 12 above, information relating to Standard Detail number E6 can be obtained from North Yorkshire County Council Highways Authority (0845 8727 374).

12. There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) unless splays are available giving clear visibility of 60m measured along both channel lines of the major road Ingfield Lane from a point measured 4.5m down the centre line of the access road. The eye height will be 1.05m and the object height shall be 1.05m. These visibility splays shall be maintained clear of any obstruction and retained for their intended purpose at all times.

13. There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) unless visibility splays providing clear visibility of 2 metres x 2 metres measured down each side of the access and the back edge of the footway of the major road are available. The eye height will be 1.05m and the object height shall be 0.6m. These visibility splays shall be maintained clear of any obstruction and retained for their intended purpose at all times.



14. Unless alternative details have first been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority, the development shall be undertaken in strict accordance with the highway engineering details that have previously been approved under discharge of condition application 62/2013/14087 in order to meet the requirements of conditions 15 of planning permission 62/2013/13590.

15. No part of the development shall be brought into use, or within 2 months of this planning permission being granted (whichever is the later), until the approved vehicle access, parking, manoeuvring and turning areas approved have been constructed in accordance with the approved drawing and made available for use. Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

16. All doors and windows on elevations of the building(s) adjacent to the existing and/or proposed highway shall be constructed and installed such that from the level of the adjacent highway for a height of 2.4 metres they do not open over the public highway and above 2.4 metres no part of an open door or window shall come within 0.5 metres of the carriageway. Any future replacement doors and windows shall also comply with this requirement.

17. Within one month of this planning permission being granted, proposals shall be submitted to and approved in writing by the Local Planning Authority for the provision of:

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

The approved areas shall be kept available for their intended use at all times that construction works are in operation.

18. Unless alternative details have first been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority, the routes to be used by HGV construction traffic shall be in accordance with the details approved under discharge of conditions application 62/2013/14087 in order to meet the requirements of condition 19 of planning permission 62/2013/13590.

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

20. By 31st January 2015 either

A: a scheme for the provision of affordable housing as part of the development shall be 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. The scheme shall include:

- i. the numbers, type, tenure and location on the site of the affordable housing provision to be made in the development and shall be, in matters of tenure and type, in accordance with the findings of the North Yorkshire 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 a registered provider or the management of the affordable housing if no Registered Provider is involved;
- iv. the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- v. the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

or,

B: confirmation has been obtained in writing from the Local Planning Authority that for viability reasons a contribution towards affordable housing is not required.

Informative: An appropriate way forward to meet the requirements of condition 21 would be a deed of variation for the existing S106 Planning Obligation (signed to secure affordable housing provision with respect to Planning Ref. 62/2013/13590) to make the S106 applicable to this revised planning permission.

21. By 31st January 2015 either,

a. full details of public open space to serve the development in accordance with Saved Policy SRC2 of the Craven District (outside the Yorkshire Dales National Park) Local Plan shall be submitted to and approved in writing by the Local Planning Authority and agreement reached with the LPA as to the provision of the same and its subsequent management and maintenance; or

b. alternative arrangements for the provision of open space have been secured and approved in writing by the Local Planning Authority.

Informative: The applicant has entered into a legal agreement to secure:

a. Details of the maintenance of the on-site POS and LAP together with agreement of a commuted sum to cover the 10 year costs.

b. The payment of a commuted sum for off-site provision of open space in lieu of the on-site provision required under Saved Local Plan Policy SRC2.

An appropriate way forward to meet the requirements of condition 22 would be a deed of variation for the existing S106 Planning Obligation (signed to secure open space provision with respect to Planning Ref. 62/2013/13590) to make the S106 applicable to this revised planning permission.

Statement of Positive Engagement : In dealing with this application Craven District Council has sought to approach the decision making process in a positive way, in accordance with the requirements of paragraphs 186 and 187 of the National Planning Policy Framework. In particular the Council has engaged in pre-application discussions. (\*)

**62/2014/14929 Development of surface water management scheme (flood meadows) for Phase 2 of residential development, land to south of Ingfield Lane, Settle.**

Summary of Conditions

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

2. The development shall not be carried out other than wholly in accordance with the following (received by the Local Planning Authority on the 6<sup>th</sup> August and 9<sup>th</sup> October 2014):

- The submitted Flood Risk Assessment (Ref: 8033/DH/001/03) and addendum dated August 2014,
- The Channel Re-alignment and Surface Water Management Scheme Final Report v1.0; and,
- Drawing Nos. 7985/38/003 Revision C and SK001A.

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.

3. No development shall commence until a comprehensive scheme of the surface water management proposals has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include: -

- Full schedules of all proposed planting, including indicate the types and numbers of trees and shrubs, their distribution on site, and those areas seeded or turfed.
- A full assessment undertaken by an appropriately qualified person to demonstrate that the proposed planting within the proposed swales and flood plains is appropriate to prevent particulate pollutants from contaminating neighbouring wetland areas or watercourses.
- Details for the protection of trees and hedges compliant with BS 5837 (2012) including details of trees and hedges to be retained or removed, root protection zones, barrier fencing and a method statement for all works in proximity to those trees or hedges to be retained during the development and construction period.
- Details of all hard landscaping works, fencing and screening, and the finished appearance of any above ground built infrastructure (i.e. any necessary infrastructure works other than the proposed swales and flood meadows).
- Details of all changes in level or landform.
- Full details of the how the permitted development is to be managed and maintained in perpetuity. Information should include details of how the maintenance of the proposal is to be financed and furthermore the measures that will be undertaken to ensure the permitted development continues to fulfil its intended purpose.

The development shall subsequently be undertaken in strict accordance with the terms of the approved management plan and its provisions and requirements maintained thereafter.

4. During the construction period all trees to be retained shall be protected by fencing as specified in BS 5837 (2012) at a distance from the tree trunk equivalent to the outermost limit of their branch spread, or at a distance from the tree trunk equal to half the height of the tree (whichever is further from the tree trunk), or as may be first agreed in writing with the Local Planning Authority. No construction materials, spoil, rubbish, vehicles or equipment shall be stored or tipped within the area(s) so fenced. All excavations within the area shall be carried out by hand.

5. The development shall be carried out in accordance with the submitted flood risk assessment ref 8033/DH/001/03 August 2014), the Channel Realignment and Surface Water Management Scheme Final Report v1.0, and Drg No. 7985/38/003 Rev C and the following mitigation measures:

a. Surface water run-off generated by the 1 in 100 year plus climate change critical storm shall be limited so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.

b. As stated in the Surface Water Management Scheme Final Report v1.0, surface water run-off from the development as a whole shall be limited to the 1 in 1 year greenfield rate. These measures shall be fully implemented prior to occupation, and according to the scheme's phasing arrangements (or with any other period, as agreed in writing, by the Local Planning Authority).

6. Prior to the commencement of the development hereby permitted a full nesting bird survey shall be undertaken by an appropriately qualified person. The findings/recommendations of that survey shall be submitted to the Local Planning Authority for approval and any recommendations and or/mitigation measures agreed with the Local Planning Authority shall be subsequently implemented.

Informatives :

1. Notwithstanding any details shown on the submitted and approved plans and documentation accompanying this planning application this permission relates to the implementation of the proposed surface water management scheme detailed on the approved plans only and is in no way prejudicial towards the determination of any subsequent planning application(s) for development of the adjoining land.
2. The applicant should note that it will be necessary to contact North Yorkshire County Council in order to obtain consent for the proposed diversion of the ordinary watercourse that will be required in order to implement the development hereby approved.

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 National Planning Policy Framework. In particular the Council has engaged in pre-application discussions and accepted additional information / changes to the scheme post validation. (\*)

**65/2014/14976 Minor material amendment to 65/2013/13928 with change to front elevations, associated plans and elevations, former Nicholas Smith, Garage Site, Gargrave Road, Skipton.**

Summary of Conditions

1. The development hereby permitted shall be carried out in accordance with the following approved plans and supporting documentation:

Drawing Nos: P09 revision C, P10 revision D, P11 revision C and P20 revision B received by the Local Planning Authority on 19th August 2014 under planning application Ref: 65/2014/14976.

Drawing No: P17 received by the Local Planning Authority on 23rd December 2013 under planning permission 65/2013/14204 granting a non-material amendment to planning permission Ref: 65/2013/13928.

Drawing Nos: P06 revision B, P07 Revision B, P08 Revision B, P12 revision B received by the Local Planning Authority on 7th May 2014 under planning permission ref: 65/2013/14633 granting a non-material amendment to planning permission Ref: 65/2013/13928.

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.

2. The development shall be completed in accordance with the approved plans or alternatively with other details that have first been submitted to and approved in writing by the Local Planning Authority.
3. The development shall not be occupied until full and complete details of the following aspects of the development proposal have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be completed in accordance with the approved details except where conditions attached to this planning permission indicate otherwise. Those details requiring prior approval are : -
  - i. the timber canopy
  - ii. roof verge and eaves detail

iii. treatment of window openings and entrance doors including the “cart opening” type doors to the activity barn.

4. The development shall be subject to the following floor space restrictions;

a. The total gross floor space of the commercial development hereby permitted shall not exceed 2,334m<sup>2</sup> including any mezzanine floor space.

b. The total net retail sales area of the food store hereby permitted shall not exceed 1015m<sup>2</sup> including any mezzanine floor space.

c. The total retail sales area for the sale and display of convenience goods shall not exceed 672m<sup>2</sup> including any mezzanine floor space.

d. The total retail sales area for the sale and display of comparison goods shall not exceed 343m<sup>2</sup> including any mezzanine floor space.

e. There shall be no display for retail of any of the following comparison goods:

- i. Clothing and footwear
- ii. Chemist/pharmaceutical goods
- iii. Jewellery and luggage
- iv. Perfume and toiletries
- v. Sports clothing and equipment
- vi. Audio and visual recordings
- vii. Mobile phones and musical instruments

5. Within 2 months of the date of this planning permission, a scheme to ensure that there is no increase in surface water run-off shall be submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

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

7. Unless otherwise approved in writing by the Local Planning Authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works and no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.

8. All soft landscape works shall be carried out in accordance with the approved plans and shall be implemented during the first planting season following completion of the development hereby permitted and shall thereafter be retained and maintained as such. Any trees or shrubs planted in accordance with this condition shall, in the event of their death within 5 years from their date of planting, be replaced by similar specimens as soon as is practicably possible and no later than the end of the planting season following their death.

9. No retained tree shall be (a) cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars. If any retained tree is (b) removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority. The erection of fencing for the protection of any retained tree shall be undertaken in accordance with BS 5837 (2005) Trees in Relation to Construction – Recommendations and submitted with the planning application, before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority.

Informative: In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and (a) and (b) above shall have effect until the expiration of two years from the completion of the development.

10. The following highway engineering details shall be completed in accordance with the approved plans or alternatively with other details that have first been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.

i. The details of the access.

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 10 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 extending 5 metres into the site from the carriageway of the existing highway shall be at a gradient not exceeding 1 in 20.

v. Provision to prevent surface water from the site/plot discharging onto the existing or proposed highway shall be constructed in accordance with the approved details shown on the approved drawings and maintained thereafter to prevent such discharges.

vi. The final surfacing of any private access within 10 metres of the public highway shall not contain any loose material that is capable of being drawn on to the existing or proposed public highway.

vii. Provision of tactile paving in accordance with the current Government guidance.

All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Informative: 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 NYCC, 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 construction specification referred to in the above condition.

11. No building or other obstruction shall be located over or within 3.0 (three) metres either side of the centre line of the water main which crosses the site.

12. Within two months of the date of this planning permission:

a. The details of the required highway improvement works, listed in Condition 13 below, shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.

b. An independent Stage 2 Safety Audit has been carried out in accordance with HD19/0 Road Safety Audit or any superseding regulations.

c. A programme for the completion of the proposed works has been submitted and approved in writing by the Local Planning Authority in consultation with the Highway Authority.

13. Unless otherwise approved in writing by the Local Planning Authority in consultation with the Highway Authority, the development shall not be brought into use until the following highway works have been constructed in accordance with the details approved in writing by the Local Planning Authority. The required highway improvements shall include:

a. Provision of tactile paving.

b. Provision on Gargrave Road of a bus shelter, bus stop and pedestrian island with associated footways, drop kerbs and tactile paving as per the approved plan P06 revision B received by the Local Planning Authority 7th May 2014.

14. No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas have been constructed in accordance with the approved drawings and are available for use. Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

15. Prior to the development being brought into use, and notwithstanding the supporting information submitted with the application, a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. This shall include:

- a. The appointment of a travel co-ordinator
- b. A partnership approach to influence travel behaviour
- c. Measures to encourage the use of alternative modes of transport other than the private car by persons associated with the site
- d. Provision of up-to-date details of public transport services
- e. Continual appraisal of travel patterns and measures provided through the travel plan
- f. Improved safety for vulnerable road users
- g. A reduction in all vehicle trips and mileage
- h. A programme for the implementation of such measures and any proposed physical works
- i. Procedures for monitoring the uptake of such modes of transport and for providing evidence of compliance. The Travel Plan shall be implemented and the development shall thereafter be carried out and operated in accordance with the Travel Plan.

16. Following completion of any measures identified in the Remediation Strategy approved by Craven District Councils Environmental Health Officers a Validation Report shall be submitted to the Local Planning Authority. The Validation Report shall be prepared in accordance with current best practice and the site shall not be brought into the use hereby granted planning permission, until such time as the validation report has been approved in writing by the Local Planning Authority.

17. No materials, produce, equipment or waste materials shall be stored outside the buildings except for waste materials contained within bins for periodic removal. There shall be no obstruction of the delivery/vehicle manoeuvring areas.

18. The use of the retail store hereby permitted shall be restricted to the hours of 0700 and 2300.

19. Prior to their installation on site details of the external lighting in and around the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority.

#### Informatives

1. Precautions should be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site. Facilities should include the provision of wheel washing facilities where considered necessary. These precautions should 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 construction period.

2. The developer must ensure that the petting farm element of the approved development complies with the HSE Guidance : 'Preventing or controlling ill health from animal contact at visitor attractions – with supplement for teachers' and others to organise visits for children' (ACDP/96/Annex 1).

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 National Planning Policy Framework. In particular the Council has engaged in pre-applications discussions.

(Councillor Hart drew the Committee's attention to the interest he had previously declared in respect of the above proposal, he left the meeting for the discussion and voting thereon.)

### **Consideration Deferred**

**63/2014/14916 Partial demolition, extension and refurbishment of the existing guyson international advanced manufacturing facility and the redevelopment of part of the site for non-food bulky goods retail, with new access from Keighley Road and associated parking, Guyson International Ltd, Keighley Road, Skipton** – to enable officers to review and consider strengthening the proposed conditions, particularly those in respect of goods to be sold from the proposed units if consent were to be granted. (\*)

(\*Representations received were reported within the case officer's report / were reported at the meeting.)

PL.742

### **PLANNING ENFORCEMENT**

The Strategic Manager for Planning and Regeneration submitted details of enforcement cases closed, and new enforcement complaints registered in the period 1<sup>st</sup> to 30<sup>th</sup> November 2014.

PL.743

### **BARLEY CROFT COWLING – SECTION 106 AGREEMENT**

The Strategic Manager for Planning and Regeneration submitted a report seeking a decision on whether a Section 106 Agreement attaching a local occupancy restriction to a property known as Barley Croft, Fold Lane, Cowling should be removed.

The occupancy restriction attached to the property by the Agreement required occupation of the dwelling to be limited to persons who lived and worked locally, in the Parishes of Cowling, Glusburn and Cross Hills, Lothersdale and Sutton-in-Craven. No affordability criteria had been attached but the occupancy restriction indirectly limited the amount for which the property could be sold. In submitting the application the owners had expressed the view that Cowling was now primarily a dormitory village and there was an adequate supply of affordable housing in neighbouring parishes.

At Minute PL.690(c)/13-14, the Committee had removed an identical Section 106 Agreement from a neighbouring property, Stoney Croft, following a marketing exercise as provided for within the terms of the Agreement. There had been no such exercise undertaken in respect of Barley Croft and the Council's Strategic Housing Department had objected to the application, as had Cowling Parish Council. It was recommended that the application be refused.

It was pointed out that if the application was refused the applicant had a right of appeal to the Secretary of State.

**Resolved** – That the application to remove the Section 106 Planning Obligation in respect of the property known as Barley Croft, Fold Lane, Cowling is refused.

Note : On being put to the vote a motion to remove the 106 Agreement was lost on the Chairman's casting vote.

PL.744

### **DEVELOPMENT CONTROL PERFORMANCE**

Further to Minute PL.703/13-14, the Strategic Manager for Planning and Regeneration submitted a report presenting details of the Development Control Service's performance in 2013/14, and for the first two quarters of 2014/15. Targets for determining major, minor and other applications for



planning consent had all been achieved in 2013/14 and performance had been maintained in the first two quarters of 2014/15. In the current year to date 21% of the Council's decisions subject to appeal had been allowed, compared to 36% in total for 2013/14. The national average in 2013/14 had been 35%. No appeal costs had been awarded against the Council in 2013/14 or in the first half of the current year.

The Strategic Manager also reported that the Development Control Service was not at risk of Government intervention as for the most recent assessment period no decisions on major applications had been overturned at appeal.

**Resolved** – That the Strategic Manager's report is noted and that the Committee remains mindful of its content when making decisions on planning applications.

**Minutes for Decision**

- None -

Chairman.