

## PLANNING COMMITTEE MEETING AGENDA

Monday 13 April 2015

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

*SETTLE & RIBBLE  
48/2014/15278*

*CHANGE OF USE FOR REDEVELOPMENT AND EXTENSION OF HOLIDAY  
PARK*

*LANGCLIFFE CARAVAN PARK, LANGCLIFFE.*

APPLICANT NAME: MR JOHN SMITH

TARGET DECISION DATE: 09/04/2015

CASE OFFICER: Gemma Kennedy

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**This application has been referred to Planning Committee at the request of Councillor Staveley due to the level of public interest in this application from members of the public and Parish Council.**

1. Site Description

- 1.1 Langcliffe Caravan Park is a site for static and touring holiday caravans and camping, and currently operates with 65 holiday static caravan pitches, 41 seasonal touring pitches and 71 overnight touring and tenting pitches. The site also contains a reception office, laundry, two toilet and shower blocks, a children's play area, and waste/recycling facilities.
- 1.2 The site is located approximately 110 m west of Langcliffe village, and 400 m to the southeast of the hamlet of Stackhouse. To the north west of the site, across a reservoir is the Holme Head residential area, which consists of a group of mostly terraced properties.
- 1.3 Within the site itself is a Grade II Listed property 'Langcliffe Place', which has been converted into flats now privately owned, with the caravan park retaining a small part of the western side of the building for office space. Close to the centre of the park is a privately owned dwelling, 'The Bungalow'. To the south of the site is 'John Roberts Paper Mill', an established industrial site. The caravan park is accessed by a private road from the south, which also serves the Mill and a handful of dwellings.
- 1.4 The application site is located outside any settlement development limits and therefore lies within open countryside, as designated in the Craven District (Outside the Yorkshire Dales National Park) Local Plan. The eastern edge of the site is bounded by the Settle-Carlisle railway, which is designated as a Conservation area. Beyond, to the east, the village of Langcliffe also lies within a Conservation area.
- 1.5 The application site and immediate surroundings are situated within a horseshoe shape area of land that is surrounded, to the north, east and west, by the Yorkshire Dales National Park. The application site is within an area designated as "Settled Valley" in the Craven District (Outside the Yorkshire Dales National Park) Landscape Appraisal.

2. Proposal

- 2.1 The proposal consists of two main elements;

**A) The redevelopment of the existing seasonal touring area**

- 2.2 The area to the north of the Listed 'Langcliffe Place' is currently used for touring caravans. The proposal is to site 40 No. static caravans in this location to replace the touring caravan use. Additionally a further 19 no. static caravans are to be

sited in an area further to the north of the aforementioned touring area, within an area that has an existing approval to be used for up to 25 tents. These parts of the application proposal also involve the creation of new roads around the sites, and parking spaces adjacent to the new static caravan pitches. The existing toilet and shower block is to be removed.

### **B) Extension of the site to the south east corner**

- 2.3 This element of the proposal involves the development of a field, which currently lies outside the boundaries of Langcliffe Park. The application proposes pitches for 34 No. tourers, along with a camping area for tents, where space will also be made for 4 No. camping pods. The extended site is to have its own new access, which will lead through to the existing motor home/touring caravan site towards the north eastern corner.
- 2.4 The new extended area includes digging out to create level sections of land in the currently sloping field. A new reception building with one bedroomed wardens accommodation is proposed, along with a new toilet and shower block, a parking area for those camping, access roads throughout, and a refuse area.
- 2.5 The site as approved has 71 static caravans, the proposal would increase this to 130. The site as approved has 108 camping pitches (tourers/motorhomes/tents) this would reduce to 76. The total number of existing pitches (statics and camping) would increase by 37 from 179 to 216.
- 2.6 The application has been submitted with the following documents;
- Design and Access Statement (including a Heritage Statement)
  - Planning Statement
  - Flood Risk Assessment and Drainage Statement
  - Landscape and Visual Appraisal
  - Ecological Assessment
3. Planning History
- 3.1 In 1975, planning permission was granted on appeal for extension of the caravan site to accommodate 40 touring caravan pitches on a seasonal basis (application SE 3452).
- 3.2 48/2000/0543 – Provision of additional pitches for caravans/motor vans and provision of pitches for tents on existing touring caravan site. Approved 11/10/2000
- 3.3 18/2000/0655 - New toilet and shower block for existing caravan park. Approved 11/10/2000
- 3.4 48/2003/3354 - Storage of touring caravans on existing caravan park from 1st November to 28th/29th February each year, and provision of 4 no. static caravan pitches. Refused 11/11/2003
- 3.5 48/2004/4625 - Variation of condition no. 6 (ii) on application no. SE3452 to extend the opening season to 11 months. Approved 28/09/2004
- 3.6 48/2004/4877 - Alterations to redundant toilet block to provide new offices / reception area for caravan park, first floor extension to provide new flat, renovations / alterations to 4 existing flats, and resiting of existing static caravan to allow provision of improved car parking facilities. Approved 15/04/2005.
- 3.7 48/2004/4878 – Listed building application for alterations to redundant toilet block to provide new offices / reception area for caravan park, first floor extension to

provide new flat, and renovations / alterations to 4 existing flats (Listed Building Consent). Approved 15/04/2005.

- 3.8 48/2005/5009 – Erection of 6 timber chalets. Approved 15/04/2005.
- 3.9 48/2007/7351 - Change of land use to allow reorganisation of Caravan Park boundary to reduce caravan density, incorporating creation of 4 pitches for holiday lodges within the existing site and full landscaping scheme (no net increase in number of caravan pitches). Approved 12/06/2007.
- 3.10 48/2007/7810 - Application to amend the landscaping scheme pursuant to condition 3 of planning application Ref: 48/2007/7351 (Extension of caravan park and creation of 4 pitches for holiday lodges within the existing site). Approved 20/11/2007.
- 3.11 48/2008/8656 - Retrospective application for children's play equipment. Approved 17/07/2008.
- 3.12 48/2009/9433 - Change Of Use of land to create 25 Caravan/tenting pitches extending the present touring/camping field. Refused 01/04/2009.
- 3.13 48/2009/9699 - Removal of condition 7 of approval 48/2005/5009 Erection of 6 Timber Chalets. Approved 07/08/2009.
- 3.14 48/2009/10045 - Change of Use of agricultural land to use as ancillary amenity space in association with existing caravan site. Approved 24/12/2009
- 3.15 48/2010/11157 - Variation of condition 6 (ii) on application no SE3452 and condition 7 on application 48/2007/7351 to allow year round holiday use of the caravan site. Approved 25/01/2011
- 3.16 48/2011/11344 - Resubmission of application 48/2010/11091- Change of use of 4 existing touring sites to static caravan sites. Approved 22/03/2011
- 3.17 48/2011/11730 - Proposed change of use of land to tenting area including associated facilities building. Approved 08/08/2011
- 3.18 48/2011/12024 - Discharge of conditions 4, 5, 6, 7 & 8 to previous approval 48/2011/11730. Approved 12/10/2011
- 3.19 48/2012/13139 - Change of use of amenity space to create additional tenting area. Approved 17/01/2013.
- 3.20 48/2013/13319 - Discharge of condition 5 & 6 to previous approval 48/2012/13139. Approved 05/03/2013
- 3.21 48/2013/13676 - Proposed New Wash And Sanitary Facilities Building. Approved 14/08/2013
- 3.22 48/2013/13890 - Discharge of condition 4 to previous application 48/2013/13676 - New Wash And Sanitary Facilities Building. Approved 23/09/2013.

#### 4. Planning Policy Background

- 4.1 Saved Policies ENV1, ENV2, EMP16, EMP17, EMP18 and EMP19 of the Craven District (Outside the Yorkshire Dales National Park) Local Plan.
- 4.2 The National Planning Policy Framework (NPPF)
- 4.3 National Planning Practice Guidance (NPPG)
- 4.4 Craven District outside the Yorkshire Dales National Park and Forest of Bowland Landscape Appraisal (2002)
- 4.5 Langcliffe: Conservation Area Appraisals in the Yorkshire Dales National Park (2010)

- 4.6 Settle-Carlisle Railway: Conservation Area Appraisals in the Yorkshire Dales National Park (2010)
5. Parish/Town Council Comments
- 5.1 **Langcliffe Parish Council:** “Langcliffe Parish Council...are not in favour of the new plans, they are nearly expanding 100%, the caravan site is supposed to be a small concern this is making the whole place nearly twice as big. They are wanting to put caravans next to the Settle Carlisle railway which will look horrific. The plans do not show enough screening especially in winter when the trees are empty. Langcliffe village does not benefit at all from more caravans coming on this site apart from spoiling the landscape. There will be a lot more noise and pollution and is already a mess from the caravan park, litter and dog fouling is only going to get worse with more people coming to the park. It is not fair on the residents who live down next to the park as it was a small caravan park and with these plans it will be a lot larger.” Received 13/02/2015
- 5.2 **Giggleswick Parish Council:** “The increase of number of tourists will affect the traffic on the narrow highways in the whole area. Farmers of adjacent fields are concerned about an increase of stray dogs going after livestock.” Received 11/02/2015.
6. Consultations
- 6.1 **CDC Contaminated Land:** “No known contaminated land implications regarding this application.” Received 24/02/2015.
- 6.2 **CDC Environmental Protection:** “There is an established industrial site (John Roberts Paper Mill) within 100 metres of the proposed location of the tourer and camping plot that is known to operate from 06.00. Introducing a receptor in the proposed location may result in noise from the mill affecting users of this part of the caravan park. Furthermore, Environmental Health are currently investigating a potential nuisance at the park with regard to noise emanating from the adjoining mills. Regard should be had for the incorporation of a sustainable drainage system (SuDS) provision as detailed in the NPPF. A SuDS scheme should be submitted to and approved by Craven District Council prior to the commencement of construction.” Received 16/01/2015.
- 6.3 **CDC Tree Officer:** “A layout drawing number 2014-07 510-J has been submitted which shows planting proposals. These are insufficient. The notes referring to the planting list several species but then there is a separate schedule of four species which is contradictory. The species are not appropriate, no sizes or numbers or planting centres have been given or any specification for ground preparation and cultivation and planting technique. The planting must be a suitable mix of native trees and shrubs. A full specification must be provided of all the ground works, planting technique and species grouping and density/numbers and pest protection. The access proposed to the reception area for tourers is shown close to a mature Ash tree whose roots are likely to be affected by the construction. It would be preferable and perfectly feasible to move the access a little to the north so it is outside the root protection area (see BS 5837: 2012) of the tree. The drawing does not appear to key the locations of the tourer plots in terms of their marking or construction. Neither does it show any service runs for power etc. for each caravan. If the bases are proposed to be a hard base with excavation and are located under existing tree canopies, then they should be constructed as a raft with only the grass surface carefully scraped no deeper than 100 mm if at all so as not to damage tree roots.” Received 26/03/2015

- 6.4 **English Heritage:** “The application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.” Received 17/03/2015.
- 6.5 **Environment Agency:** “We have no objections to this development, subject to conditions.” Received 30/01/2015.
- 6.6 **Network Rail:** “No comments to make,” received 13/01/2015.
- 6.7 **NYCC Highways Authority:** “Recommends conditions are attached to any permission attached.” Received 20/01/2015.
- 6.8 **Yorkshire Dales National Park Authority (Planning):** “The caravan park is located in close proximity to the National Park boundary and nearby are the settlements of Langcliffe, the majority of which is a Conservation area, and the small settlement of Stackhouse. Both settlements contribute positively to the character and appearance of the National Park. Although close to Settle, the surrounding landscape of the National Park is characterised by a low level of development and has an open agricultural character. The conversion of existing pitches to static units extension and reorganisation of the site relates to the northern and south western boundaries of the caravan park. Both areas are in close proximity to the National Park Boundary. The proposed extension to the south west of the site would be on rising land leading towards the Settle-Carlisle Railway Conservation Area. The siting of caravan units on this area of rising land and the associated development would be visually intrusive in views into and out of the National Park, particularly the adjacent Public Right of Way. The further extension of the caravan park would adversely affect the landscape of this part of the National Park and its enjoyment by visits. The extension to the north and the increase of static caravan numbers within the site would heighten the overall visual impact of the existing caravan park, as seen from numerous public views down into the site. In addition to the negative visual impact of the proposed increase in static caravan units and caravan pitches, the proposal would likely result in increased noise and light pollution. The adverse impact on the landscape character and tranquillity of the National Park could be mitigated through further landscape enhancement within the site and along its boundary. Consideration of appropriate external finishes to caravans as well as noise and light pollution control measures would assist in mitigating the overall impact upon the character of the National Park.” Received 13/02/2015.

## 7. Representations

7.1 Eight letters of representation have been received, raising the following matters;

### 7.2 **Visual considerations;**

- Proposal is not modest and will be in full view from Langcliffe Road.
- Owners have removed mature trees making site more visible from Langcliffe Road, and topography of proposed touring site will further increase visibility of site.
- Proposed extension, in an elevated position, will have detrimental visual impact.
- Even after several years the planting around the previous areas does nothing to screen the visual impact, especially during winter.
- Some of photographs taken from rather dubious angles when the trees are in full foliage is rather misleading.

- Application ignores hamlet of 12 mill cottages at Holmehead, despite its residents living closest to the development and being most affected. There is no photograph from Holme Lane in winter.
- Present site is quite discreet, but to extend it further up the side of the hill would be an eyesore, and would have a negative effect on beautiful area of countryside.
- The footprint of the site dwarfs Stackhouse, and appears as large as the whole of Langcliffe village.
- Further extension of the site, and the significant increase in semi-permanent and permanent structures would adversely change the character of this valley.
- The grazing field (where the extension is proposed) currently forms a green boundary between the campsite and the public pathway, railway bridge and railway line, which is important for the character of the area.
- Tourists come to the area because of its rural nature and views – if the rural character is altered piece by piece then tourism may be affected.
- The existing site is well sheltered in the river valley but the proposed extension is on a significantly rising slope. It will be seen from the National Park, Giggleswick and Langcliffe.

### **7.3 Amenity considerations;**

- Due to our position we have experienced the full impact of the previous successful applications; banging of doors, screaming children, breaking of bottles – which occur well into the early hours making it impossible to sleep with windows (The Bungalow).
- Strongly object to position of new toilet block which will be 50% closer to our property (The Bungalow).
- Site will be virtually doubling in size, along with increased noise levels and light pollution.
- Proposal will cause noise nuisance, also disturbance from visitors passing Holmehead.
- Choice of road material unnecessarily increases the ambient noise and should be moved away from our dwelling (The Bungalow).
- Residents to east are already disturbed by noise from caravans and camping in the valley bottom; proposal would bring this closer.
- ‘The Bungalow’ will be entirely surrounded by the caravan park – will encroach on their privacy.
- Noise of construction work.

### **7.4 Other matters;**

- Proposed new entrance to touring site appears to contravene the deeds on usage under the second schedule (b).
- Existing touring site has not been at full capacity for most of 2014, we feel extension is unnecessary.
- No need for this extension on commercial or environmental footing and the grounds for refusal are identical to those in planning application 48/2009/9433.

- No objection to change of use from tents to statics in 'The Pasture' but are greatly concerned on impact any extension to campsite will have.
- Site is underused, even in Summer months, so why the need for extending.
- Application goes against the NPPF.
- Mill pond of historic value; reputed to have been built by monks of Furness Abbey in the 12<sup>th</sup> Century to supply their original corn mill. The bank is currently in a poor state of repair. Is the applicant responsible for the state of the bank, aware of its state and going to take preventative action?
- Why have paragraphs 109, 117, 118 and 119 of the NPPF not been addressed in relation to drainage?
- Already 179 pitches, with an average of 4 people per pitch there will potentially be 700 people on site at full capacity. Proposal would increase this by an extra 100 people. Exceeds numbers of people who live in local area.
- Regarding the building of a warden's accommodation, surely this is outside the permitted building line of Langcliffe.
- Who is responsible for the maintenance of the lane with extra vehicles using it?
- The sewer serving the caravan park overflowed last summer – with added development will this happen again?
- No plans to upgrade any of the services. Are we at risk of power cuts, water pressure reduction?
- Flood risk to houses next to the site as hardstanding surfaces will result in run off of rain.
- Langcliffe is a small village with no amenities for an enlarged holiday park and it will mean we get more holidaymakers coming into the village. Next they will be applying for pubs, clubs and an Aldi supermarket. The essence of the village will be lost.

## 8. Summary of Principal Planning Issues

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

## 9. Analysis

### **Policy background;**

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

9.2 Where development is acceptable in principle under Saved Policy ENV1, it must also comply with Saved Policy ENV2, which sets out criteria relating to design, materials and traffic (amongst other things).

9.3 The other Saved Local Plan Policies applicable to this application are EMP16 'Static caravans and chalets,' EMP17 'Camping and touring caravan sites,' EMP18



'Permanent buildings on camping, caravanning and chalet developments' and EMP19 'Occupancy conditions.' These policies are generally supportive of caravan site developments subject to certain criteria being met relating to landscape impacts, screening and landscaping, neighbouring amenity and highways (amongst other things).

- 9.4 The Craven District (Outside the Yorkshire Dales National Park) Local Plan was adopted in 1999, and it was therefore not prepared under the Planning & Compulsory Purchase Act 2004. Paragraph 215 of the National Planning Policy Framework (NPPF) states that policies not adopted in accordance with the 2004 Act need to be considered in terms of their degree of consistency with the NPPF "the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given". As such, where there is any conflict with the local plan, the local plan policies carry limited or no weight and the application should be assessed against the new Framework.
- 9.5 Paragraph 14 of the NPPF sets out that at its heart is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking. It goes on to state that for decision-making this means (unless material considerations indicate otherwise); approving development proposals that accord with the development plan without delay; and, where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole, or, specific policies in the NPPF indicate development should be restricted.
- 9.6 With regards to Saved Policy ENV1, this policy places significant importance on the presence of development limits. As the development limits were defined in 1999 (and have not been reconsidered or altered since), this aspect of policy ENV1 is out of date, and the development limit boundaries that were defined in relation to this policy no longer carry any weight in the decision making process. However, Policy ENV1 also has an objective of seeking to protect the scenic qualities of the open countryside and preventing harm to landscape character. The policy does not conflict in this respect with the NPPF that includes similar aims and objectives and therefore the policy has some limited weight.
- 9.7 Saved Policy ENV2, whilst linked to Saved Policy ENV1, sets out general planning considerations for development in the open countryside, which are considered to be broadly in line with the NPPF. This policy therefore carries some weight in the decision making process.
- 9.8 With reference to Saved Policies EMP16, EMP17 and EMP18 these policies relating to camping and caravanning development are considered to be in line with the NPPF in terms of supporting such development, subject to harm not being unacceptable. These policies therefore carry weight in the decision making process.
- 9.9 With regards to Saved Policy EMP19, this refers to occupancy conditions that restricts the occupation of static caravans and chalets to occupation by the same person or group of persons to not more than 60 days in any 3 month period. This policy was adopted in 1999, is considered to be out of date, and carry no weight in the decision making process. In 2006 DCLG document 'Good Practice Guide on Planning on Tourism' (which is now out of date itself, but nevertheless provides the most up-to-date recommendations) suggests a different recommended condition to ensure holiday occupancy use only which Craven District Council decisions have used on similar developments in recent years.

9.10 The criteria within the applicable Saved Local Plan Policies, and the NPPF, will be considered in further detail in the following sections of the report.

**Principle of development;**

9.11 The proposal is for development in open countryside. Saved Local Plan Policy ENV1 is not considered to preclude such development so long as the scenic qualities and landscape character of rural areas are not unacceptably impacted upon. Saved Policies EMP16, EMP17 and EMP18 support the principle of the development of caravan and camping sites in the open countryside in Craven, subject to certain criteria being met.

9.12 Saved Policies EMP16 and EMP17 require the site to be located in an area with local opportunities for informal countryside recreation, but should not itself be detrimental to those attractions. The site is located on the edge of a village, in an open countryside location. There is a large network of public rights of ways in the immediate locality, and the site is on the edge of the Yorkshire Dales National Parks.

9.13 The main thrust of the NPPF is an overarching presumption in favour of sustainable development. There are three dimensions to sustainable development; economic (supporting a strong and competitive economy), social (supporting strong, vibrant and healthy communities with regards to housing, health, social and cultural well-being) and environmental (protecting and enhancing the natural, built and historic environment).

9.14 Section 3 of the NPPF sets out that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should support sustainable rural tourism and leisure developments that benefit business in rural areas, communities and visitors, and which respect the character of the countryside. This should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres.

9.15 In conclusion the development proposal is acceptable in principle. In particular the development accords with the economic dimension of sustainable development, as set out in the NPPF. The proposal would allow an existing established caravan site to grow and improve, and in turn support a strong rural economy locally, both through providing employment, and supporting local services and tourist attractions.

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

**Visual impact;**

9.17 The application seeks planning approval for two distinct elements; the redevelopment of the existing seasonal touring and camping area for use for static caravans; and the extension of the campsite into a field to provide a new touring and camping area. For clarity, these two elements to the scheme will be considered separately within this report, as they involve different issues and considerations.

9.18 In terms of policy background, most of the criteria set out in the Saved Local Plan Policies and the NPPF are applicable to both elements of the proposal, with some

variances, particularly in relation to landscaping, which will be explored within each section.

- 9.19** Saved Local Plan Policies ENV1, EMP16, EMP17 and EMP18 require that new development does not have an adverse effect on the character and appearance of the countryside, with the scale of development being in context with its surroundings. Saved Policy EMP17 requires that the scale of development should relate sensitively to its surroundings, and EMP16 and EMP18 require that development is of a good standard of design, satisfactorily blending into the landscape in terms of their siting, design and materials.
- 9.20** Saved Local Plan Policy ENV2 sets out requirements for development in the open countryside. Proposals should be compatible with the character of the surrounding area, not have an unacceptable impact on the landscape and safeguard landscape features, and the design of buildings and structures and the materials proposed should relate to the setting, taking account of the immediate impact and public views of the development.
- 9.21** These objectives are supported by the NPPF, which defines the Environmental dimension of sustainable development as “contributing to protecting and enhancing our natural, built and historic environment” amongst other things. Furthermore, one of the core principles of the NPPF is recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it.
- 9.22** It should also be noted that the site is in close proximity to the Yorkshire Dales National Park. Paragraph 115 of the NPPF sets out that great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and AONBs, which have the highest status of protection in relation to landscape and scenic beauty.
- 9.23** The Craven District Outside the Yorkshire Dales National Park and Forest of Bowland AONB Landscape Appraisal designates the application site as falling within ‘Settled valley – river valley.’ The character of this designation is said to be moderate to weak, with the condition declining. Evidence of some decline in the landscape fabric is stated to arising from the influence of the road/rail transport links, and the combination of built development, and caravan park facilities. It is pointed out that there is an existing small static and touring caravan site within the area (which is understood to be the application site, in 2002). It is recognised that the proximity to the Yorkshire Dales National Park and Settle may create pressures for further tourism and recreation developments in the area, and as such the area is sensitive to change. Landscapes along road/rail transport corridors may be particularly vulnerable to change.
- 9.24** Another strand of visual impact to consider is in relation to Heritage Assets. The site lies adjacent to the Settle-Carlisle Conservation area and in proximity to the Langcliffe Conservation area. There is also a Listed Building (Langcliffe Place0 within the application site. Paragraph 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 sets out statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area.
- 9.25** One of the core principles of the NPPF is for planning to conserve heritage assets in a manner appropriate to their significance, so they can be enjoyed for their contributions to the quality of life of this and future generations.
- 9.26** Paragraph 131 of the NPPF sets out that in determining planning applications, local planning authorities should take account of; the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; the positive contribution that conservation of

heritage assets can make to sustainable communities including their economic vitality; and the desirability of new development making a positive contribution to local character and distinctiveness.

- 9.27 Paragraph 132 of the NPPF goes on to set out 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. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.
- 9.28 Paragraph 133 of the NPPF states that where a proposed development will lead to "substantial harm" to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss. In cases where development leads to "less than substantial harm" to the significance of a heritage asset paragraph 134 explains that the harm caused should be weighed against the public benefits of the proposal, including securing its optimum viable use.
- 9.29 Conservation area appraisals have been undertaken, by the Yorkshire Dales National Park, for both of the Conservation areas adjacent to the site. The Settle-Carlisle Conservation Area Appraisal sets out that due to its confinement to a mostly linear space, the Settle-Carlisle Railway Conservation area simply cannot be experienced without its wider natural surroundings. The Appraisal also states that; "The opportunities that the line affords to experience the landscape dynamically as a sequence of unfolding scenery and imposing views, is fundamental to its identity. The landscape plays a significant part of the character of this Conservation area, not only due to the drama and variety it provides, but also the scarcity of man-made structures."
- 9.30 The Langcliffe Conservation Area Appraisal describes its overall character as rural due to its natural setting and vernacular stone-built architecture, displaying an organically-grown informal plan form. The village of Langcliffe lies on a natural terrace on the eastern side of the Ribble Valley. Topographical features that restricted its expansion include down slopes to the south and west (so in the direction of the application site). Finally, the Conservation Area Appraisal identifies three key views out of the village, one of which is in the direction of the extended site. It sets out that "the B4679 offers a splendid 360-degree panorama towards Langcliffe Place and the western slopes of the Ribble Valley. Despite the industrial character of the mill, much of it is 'swallowed' by the surrounding trees and hills behind, creating an idyllic scenery when seen from that distance. Moreover, the Settle-Carlisle railway, a Conservation area in its own right, is not noticeable from here, although it is very close."

#### **A) The redevelopment of the existing seasonal touring area**

- 9.31 This part of the application relates to the central and northern parts of the site. The central part of the site is currently used for touring caravans, but is already flanked to the west by a row of 11 static caravans, with four further units located to the east. To the north of this central section is the tenting area. An application was originally made to change the use of this northern section to a tenting area in 2009 (48/2009/9433), which was refused due to the lack of vegetation screening in place; it was considered that development would be unsympathetic to the landscape quality of the open countryside as a result. Later two planning applications were submitted (one in 2011 and one in 2012) to change the use of this section of land to tenting; first the eastern side (48/2011/11730) and then the

western side (48/2012/13139). Both applications were approved, with the case officer recognising that landscaping had become more established, reducing views of the extended site from the adjoining countryside. A condition of planning approval restricted the use of this section of the site outside the dates of 1<sup>st</sup> March to 30<sup>th</sup> September.

- 9.32 Saved Policy EMP16 requires that sites for static caravans and chalets should be well screened by landforms and/or existing landscaping from roads, elevated viewpoints and other public places, and that development will not have an adverse effect on the character and appearance of the countryside. The scale of development should be in context with its surroundings, and the site should be of a high standard of layout, design and landscaping with the caravans and chalets satisfactorily blending into the landscape in terms of their siting, colour and materials.
- 9.33 The central part of the site is surrounded by existing development. To the west is the aforementioned row of static caravans with a 15m deep banking of mature trees providing well established screening, and a backdrop to this part of the site. To the south is 'Langcliffe Place' a Grade II Listed building converted to flats. This Listed building is already surrounded by static caravans and touring caravans on all sides, and any setting it originally had has been long since lost with the development of the caravan site. It is considered that the change of use of the central touring section of the site to the siting of static caravans would not result in any further harm to this Listed Building or its setting. To the east of the central section of the site, in addition to the aforementioned 4 static caravans there is a large area currently used for motor homes and touring caravans. The central position of this section of the site, its low lying nature, in addition to existing landscaping in place on the periphery of the site, is such that the change of use to permanent static caravans is not envisaged to have a harmful impact upon the character and appearance of the open countryside or adjacent to heritage assets. A planning condition could ensure that the static caravans are of an appropriate colour to help them blend more successfully into the site. This element of the proposal is therefore considered to accord with Saved Policy EMP16 of the Craven District (Outside the Yorkshire Dales National Park) Local Plan.
- 9.34 The northern section of the site, currently used for camping, was permitted in recognition of the presence of existing landscaping, but subject to a condition limiting camping outside the dates of 1<sup>st</sup> March to 30<sup>th</sup> September. The reason for this condition being, 'in the interests of visual amenity.' In the 2/3 years between an application being refused on this site due to inadequate screening (2009) and two applications being approved (2011 and 2012) the landscaping had established to such an extent that this was no longer a reason for refusal. In the intervening two years the landscaping has established further still. It is recognised that in the winter months the landscaping, which is deciduous, will still not provide the same level of screening as in the summer months. However, the landscaping has nevertheless matured further in the interim (and will continue to do so), and even leafless trees will still provide a reasonable level of screening from public views to the north, east and west. Furthermore, with static caravans being permanent structures a planning condition could control their colour, to ensure they blend into their setting as far as possible. The previous use of the site for tents did not allow such a control, with a mixture of different sizes and colours of tents being on display.
- 9.35 The Yorkshire Dales National Park (YDNP) Planning Authority have commented on the application with regards to the impact on the Yorkshire Dales National Park, and consider that the increase in static caravan numbers within the site would heighten the overall visual impact of the existing caravan park as seen from

numerous public views down into the site. Although they do consider that landscape impacts could be mitigated through further landscape enhancement within the site and along its boundary, which could be covered by a planning condition. Despite the comments of the YDNP Planning Authority, CDC officers are of the opinion that this part of the proposal is well screened in the main part from public roads and viewpoints and Conservation areas, and where it is visible it would be viewed in the context of the large caravan site, which is a well-established feature in the local area.

- 9.36 With respect to Saved Local Plan policy, the northern section of the site is considered to comply with the aims and objectives of Saved Local Plan Policy EMP16, which requires that sites for static caravans be well screened by landforms and/or existing landscaping from roads, elevated viewpoints and other public places. With respect to policy within the NPPF, the proposed development on the existing developed site will cause some very limited harm to the character and appearance of the conservation area, but the harm caused is certainly less than substantial. In such cases the harm caused has to be weighed against the public benefits of the proposal (the weighing of these matters is undertaken in the conclusion at the end of this report).

#### **B) Extension of the site to the south east corner**

- 9.37 This part of scheme is to change the use of a previously undeveloped field to a touring caravan site, as an extension to Langcliffe Caravan Park. The access to the field is gained through an existing gate on the same level as the existing caravan park; that is at 160.350m AOD (above ordinance datum). The field inclines to the east, and over a length of 140 metres, increases in height to 173.830 AOD, an increase in height of 13.5 metres. The field also inclines from south to north, though less sharply; an increase of 5.7m over a length of 138 metres.
- 9.38 The eastern boundary of the field lies immediately adjacent to the Settle-Carlisle railway line, which is a Conservation area. The railway embankment is set slightly down from the boundary – with the railway line cut into the landscape rather than set upon it. Beyond the railway line to the east is another field, which continues to slope upwards in an easterly direction until it abuts the B6479 highway. On the opposite side of the road is the village of Langcliffe, its Conservation area, and the Yorkshire Dales National Park. Adjacent to the southern boundary of the application field runs a public right of way (PROW), set between two dry stone walls. The PROW runs from the highway outside the Caravan Park (having lead on from a PROW running along the access road to the site, and one running past the mill), and at the top of the field passes over the Settle-Carlisle railway via a footbridge, which gives commanding views of the site. The PROW continues its route to the east until it reaches the B6479 to the east.
- 9.39 Set within the application field is a natural landform, a knoll which provides an interesting geological feature or point of interest within the field. The field is open with no landscaping other than some mature trees alongside the western boundary. This openness contrasts with the existing caravan site which is set in the valley bottom and heavily landscaped with mature deciduous trees, as befits a valley bottom location.
- 9.40 The application proposes to preserve the knoll in the main part, when viewed from the south east corner of the field. The section of field between the knoll and the south east corner is to be maintained as existing. However, immediately to the north of the tip of the knoll, extensive digging out is proposed, reducing the land levels by 4 metres at one point. The engineering operations, which would take place over a 50m stretch of land would take a natural incline, and convert it into

four distinct terraces to provide level land for the touring pitches and associated tracks. The full extent of the digging out is unclear, as aside from two sectional drawings through the site (one from east to west, and one north to south) there are no land level markers on either the existing or proposed plans that identify to what extent the levels would be altered beyond the sectional drawings.

- 9.41 Saved Local Plan Policy EMP17 is the relevant policy for this part of the scheme, dealing with camping and touring caravan sites. In contrast to Saved Policy EMP17 for static caravans, which required the site to be well screened at the time of an application, EMP17 requires the site to be *potentially* well screened by landform and/or existing or additional landscaping from roads, elevated viewpoints and other public spaces. Saved Local Plan Policy EMP18 permits permanent buildings on caravan sites subject to them not having an adverse effect on the character and appearance of the countryside and being of a good standard of design and satisfactorily blend into the landscape in terms of their siting, design and materials. EMP18 also requires that the any permanent buildings related to camping and caravanning sites are necessary for the operation of the site, and their size and nature relate to the needs of site residents.
- 9.42 The field would be used for touring caravans in the main part, and so the site would not be used to capacity throughout the year (indeed a planning condition could restrict the use to the spring/summer season only). However, a good deal of permanent work would be required on the site, which would remain in situ permanently even when the site was not in use. Adjacent to the entrance a building is proposed to provide a reception for users of the touring/camping part of the larger caravan site, which would also provide one bedroomed Warden's accommodation. Covering a footprint of 90 square metres the building would be single storey, and have the appearance of a large log cabin/chalet. Of a similar design a shower/toilet block is proposed at the north west corner of the overlapping into the existing touring site to the north, and necessitating the removal of a section of dry stone wall. The layout plan shows this to measure 90 metres on plan, slightly smaller than the elevational drawings of the building, which don't show a scale. The nature of the buildings is semi-permanent, being of a timber chalet design rather than stone built they will have the appearance of less permanent structures. The style of buildings will fit with the tourism use of the site, and viewed in the context of the wider site would be acceptable. In terms of their necessity, as the new touring site (joining the existing touring site) would be physically separated from the static site, it is essential that a new toilet and shower block is provided. Along similar lines the new warden's accommodation and reception means that the site will be secure and monitored successfully.
- 9.43 A 15m x 20m (at the largest points) tarmac hardstanding is proposed to the north of the reception building to provide a waiting area for those checking in and out of the site. This tarmac area is to continue to the north through to the existing site. Branching of this road are two further tracks which connect, serving the touring pitches, of which there are 34 marked out in total.
- 9.44 At the north east corner of the field a further track is to lead off to a new parking area which will serve a camping area. The camping area is to run from the north east corner, in a northerly direction – a narrow strip running 140 m between the existing touring site and the Settle Carlisle railway line. At the southern end of this strip 4 No. camping pods are proposed, with the remaining area used for tents. Whilst the camping area would be set against the backdrop of an existing deep section of landscaping, new landscaping would be limited to the southern half of the strip, alongside the Settle Carlisle railway line, and extending to adjacent to the parking area. Tents in this location, particularly when brightly coloured, will be visible from the B6479, the Conservation areas (Settle Carlisle and Langcliffe), the

village of Langcliffe and therefore the Yorkshire Dales National Park, and the public right of way that runs along the southern boundary of the site and up to Langcliffe. They would be visually distinct from the remainder of the caravan park to the west, particularly as they would be separated by a large section of landscaping. The narrow nature of this section of the campsite is such that the need for space for tent pitches will inevitably compete with the requirement for landscaping to be formed to an extent that would limit public views of the site. It is considered that this element of the scheme fails to comply with the aims and objectives of Saved Local Plan Policy EMP17 as there is considered to be insufficient potential for adequate screening to be provided to mitigate any harm to the character and appearance of the open countryside, the setting of Conservation areas, and views from the Yorkshire Dales National Park. With respect to policy within the NPPF, the proposed development will cause harm to the character and appearance of Heritage Assets. The harm caused is significantly more than that resulting from the redevelopment of the existing caravan park, but is still considered to be less than substantial. In such cases the harm caused has to be weighed against the public benefits of the proposal (the weighing of these matters is undertaken in the conclusion at the end of this report).

- 9.45 With regards to the remaining larger site, it is considered that the knoll as an existing landform will go some way to obscuring public views of part of the touring site. In terms of landscaping, areas of new planting are shown on the plans. Planting is proposed along part of the southern boundary (particularly adjacent to the reception building), and also on and surrounding the knoll. The Council's Tree Officer has commented on the landscaping scheme, advising that the submitted details are insufficient. The species detailed on the submitted plan conflict with species given in a separate schedule, and the species are not considered to be appropriate. Neither are there any details of the sizes or numbers of species. The Tree Officer has also raised concerns that an Ash tree, which is located adjacent to the access to the site, could have its roots affected by construction works.
- 9.46 It is therefore considered that the landscaping scheme does not provide sufficient information to show that the site could be potentially landscaped in accordance with Saved Local Plan Policy EMP17 to the extent that the development would not have an adverse effect on the character and appearance of the countryside, Conservation areas, and the Yorkshire Dales National Park. It is also considered that even if the landscaping scheme was sufficient, the field in question is not a suitable location to introduce landscaping to such a degree that it would obscure views of the site. The field contains a natural landform, and is located upland from the valley bottom where landscaping of the type proposed would naturally occur. Furthermore, the extent to which the site is proposed to be developed, particularly the southern section of track and pitches which form a horseshoe shape, necessitates a large amount of digging out and levelling, which would damage the geological interest and open nature of the field.
- 9.47 It is considered that the extent of earthworks proposed (and the lack of clarity as to the exact details and locations of them), the requirement for landscaping in an unnatural setting (and the lack of clarity and details in relation to the proposed landscaping scheme), and the extent of the development on the site (particularly the horseshoe section at the southern end) is such that the proposal fails to accord with Saved Local Plan Policy EMP17. Specifically criteria 1 and 2 of that policy which do not support development that has an adverse effect on the character and appearance of the countryside, or development that is of a scale that fails to relate sensitively to its surroundings. The proposal also fails to accord with Saved Local Plan Policy ENV2.



9.48 Furthermore the proposal is considered to be harmful to the setting of two Heritage Assets, the Settle-Carlisle Conservation area, and Langcliffe Conservation area. The Settle-Carlisle Conservation area Appraisal pays reference to the opportunity that the railway line affords to experience the landscape dynamically as a sequence of unfolding scenery and imposing views – which is fundamental to its character. The proposal would harm views of the landscape when viewed from the railway line, and in the context of the railway line. It is unclear the extent to which views would be impacted upon by anyone traveling on the train itself, but it is certainly the case that views from the footbridge over the rail line (that is within the Conservation Area) would change significantly as a result of the proposed development. The proposal would also result in harm to one of the key viewpoints identified in the Langcliffe Conservation area appraisal, the view towards Langcliffe Place from the B4769, which is described as ‘idyllic scenery’ in the appraisal. The proposal therefore fails to comply with the NPPF, which sets out that significance of Heritage Assets can be harmed or lost through development in its setting. The harm caused is significantly more than that resulting from the redevelopment of the existing caravan park, but is still considered to be less than substantial. In such cases the harm caused has to be weighed against the public benefits of the proposal (the weighing of these matters is undertaken in the conclusion at the end of this report).

9.49 A landscape and visual appraisal has been submitted with the application. The appraisal judges the landscape sensitivity of the site to be Medium/High. The appraisal considers that views from the wider local area are generally restricted by the nature of the intervening rural landscape, the vegetation and the topography. A view that officer’s would generally agree with in that wider views of the site from a distance are not considered to be the main issue. Officer’s do however maintain that the local views, particularly those from highways and public rights of way in proximity of the extended site, would be harmed.

**Neighbour amenity;**

9.50 Saved Local Plan policies EMP16 and EMP17 state that development must not have an unacceptable impact on the character or setting of settlements or the amenity of local residents.

9.51 One of the core planning principles of the NPPF is to secure high quality design and a good standard of amenity for all existing and future occupants. Section 7 of the NPPF goes on to state that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

9.52 Eight letters of representation have been received objecting to the application, with a variety of points made in relation to residential amenity.

**A) The redevelopment of the existing seasonal touring area**

9.53 The redevelopment of the existing seasonal touring area for static caravans takes place at the central and northern parts of the site. The closest properties to this area of the site are the terraces of dwellings at Holmehead located 55m to the north west beyond a reservoir (former mill pond). The part of the site these properties are closest to is the tenting area, which when approved was given a temporary consent for its use to cease on or before 17<sup>th</sup> January 2016 in order to monitor the effect on neighbouring amenity. Consultation with CDC Environmental protection has not outlined that any complaints have been made regarding this section of the site. There have been two representations made by occupants at Holmehead, one of which states that they have no objection to the principle of

changing the use from tents to statics (but they do object to the south east extension). Although used throughout the year (rather than seasonally as with tents), static caravans are better insulated than tents, and as such it is envisaged that any noise would be reduced. As such, Officers are satisfied that the proposed change of use of this part of the site would not result in any loss of amenity to neighbours beyond the existing use, and the proposal is acceptable.

- 9.54 With regards to the middle part of the site the proposal will move the static units closer to the apartments at Langcliffe Place than the touring pitches presently are. However, they would be no closer than existing static caravans, and therefore the proposal is considered to be acceptable.

#### **B) Extension of the site to the south east corner**

- 9.55 The main property affected by the extension to the south east corner of the site is 'The Bungalow.' This property is currently surrounded by the caravan site on three sides due to its unusual position within the boundaries of the site. 'The Bungalow' gains access along a private road (which also serves the apartments at 'Langcliffe Place') and has a good sized garden to the north.
- 9.56 The submitted plans show that a landscaping strip would be provided between 'The Bungalow' and the access road that would serve the northern part of the touring site. The access road (16m to the east) would be surfaced in tarmac in order to reduce any noise impact that may result from other materials such as hardcore. Beyond the access road the toilet/shower block is proposed – more landscaping would be incorporated, and the building would be 26.7m from 'The Bungalow.' The applicants have also agreed to install soft closing doors within the toilet block. Whilst the toilet block is closer than the existing one which serves the touring site (which will be removed), which is 39m away, it is considered that the space separation is still acceptable. The closest touring pitch would be 20m from 'The Bungalow' (the nearest static is 15m), and the refuse and recycling area would be 61 metres away (the current one to be removed is 34m away). It is appreciated that the proposal would result in 'The Bungalow' being surrounded by the campsite on all sides. However, whilst this is not ideal, the question is whether this would result in an unacceptable loss of amenity to the occupiers of 'The Bungalow' beyond existing conditions. In terms of outlook, views onto the current open field to the east would be replaced by landscaping. However, there is no right to a view, and in terms of overshadowing and loss of outlook, it is not considered that there would be any harmful loss. Furthermore, the landscaping will provide the occupants of 'The Bungalow' with privacy from the touring site. Based on the analysis above, it is considered that the proposal would not result in any unacceptable increase in loss of amenity. Furthermore, whilst the property would be surrounded, it is also the case that the majority of the development to the east of the 'The Bungalow' would only be in use for throughout the spring and summer seasons, and whilst there may be some visitors in the winter months these are more likely to be limited.
- 9.57 Other issues raised by neighbours in the village of Langcliffe include concerns regarding noises travelling uphill from the site, and light. CDC Environmental Protection has not raised any objections on the grounds of noise from the site travelling towards the village, which is 135m away. Given the space separation and the intervening highway, it is not envisaged that any noise would result in an unacceptable loss of amenity, and should any noise nuisance occur in the future then this could be investigated as a Statutory Nuisance by CDC Environmental Protection. With regards to lighting, this is a matter for further consideration, and a planning condition would require further details to be submitted to cover this.

**Other issues;**

- 9.58 In consideration of highway safety, Saved Local Plan Policies EMP16 and EMP17 require that the site has good access to the road network and that the traffic generated by the proposal can be satisfactorily accommodated on the local highway network. NYCC Highways Authority has been consulted on the application, and has raised no objections on highway safety grounds.
- 9.59 New requirements have recently come into place relating to the requirement for details of 'Sustainable Drainage Systems' (SuDS) to be submitted with Major Planning applications after 6<sup>th</sup> April 2015. The Local Planning Authority then needs to consult the Lead Local Flood Authority (North Yorkshire County Council) on such proposals. In this case NYCC has informally commented by email that they have viewed the Flood Risk Assessment and have no concerns about the development. If Members were minded to approve the planning application a condition of consent would require full details of a SuDS scheme to be submitted to the Local Planning Authority for approval.
- 9.60 Paragraph 109 of the NPPF sets out that the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible. An Ecological Assessment has been submitted with the application which raises no concerns related to protected species but does make recommendations in order to provide biodiversity enhancement, and to limit the impact on any bats that may roost or nest in trees on the site.
- 9.61 CDC Environmental Protection has advised that objections may occur from the extended camping/touring site to the John Robert's Paper Mill which is 100 metres to the west of the site, and is known to operate from 6am. Environmental Protection is currently investigating a potential nuisance at the park emanating from the Mill. As the camping and touring site is for more sporadic and shorter stays than the static caravans (some of which lie immediately adjacent to the boundary with the Mill) it is not considered that a potential conflict of this nature would warrant a refusal of planning permission.
- 9.62 A number of objections letters have made reference to the need for the development, querying if the site isn't already used to its full capacity why does it need to extend. The proposal is as much about reorganisation as extending, as the existing number of pitches would only be increased by 37. The proposal would allow the static and touring sites to be physically separated, and improve access to both sites (by creating an additional access rather than continuing to share one. The proposals would improve the existing business, and allow it to continue to contribute to the rural economy.

**Conclusion;**

- 9.63 Paragraph 14 of the NPPF advises that LPA's should be 'approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
  - specific policies in this Framework indicate development should be restricted.
- 9.64 In this case the relevant Local Plan policies are out of date and therefore the policy within Paragraph 14 of the NPPF is applicable. The development should therefore be permitted unless the adverse impacts of doing so would outweigh the benefits.

- 9.65 In addition to the test at Paragraph 14, consideration also needs to be given to Paragraph 134 of the NPPF that explains that the harm caused to heritage assets by the development proposal should be weighed against its public benefits.
- 9.66 The benefits of the development principally relate to meeting the NPPF's objectives of supporting economic growth in rural areas. The proposal would allow an existing established caravan site to grow and improve, and in turn support a strong rural economy locally, both through providing employment, and supporting local services and tourist attractions.
- 9.67 The adverse impacts essentially relate to the extension of the caravan site into the field to the south east corner of the site, and the adjoining strip of land to be used for camping. This aspect of the proposal would have a damaging impact on the character and appearance of the open countryside and landscape (that includes the Yorkshire Dales National Park), and adjacent Heritage Assets; the Settle Carlisle Conservation Area, and the Langcliffe Conservation Area. It is considered the development is of a scale that fails to relate sensitively to its surroundings. Furthermore the Planning (Listed Buildings and Conservation Areas) Act 1990 requires development to preserve or enhance the character or appearance of Conservation Areas. The development does not meet this requirement.
- 9.68 Officer's therefore consider that harm to the open countryside and heritage assets outweigh the public benefits and that the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits. In these circumstances both Paragraph 134 and Paragraph 14 of the National Planning Policy Framework advise that planning permission should be refused.

## 10. **Recommendation**

### 10.1 **Refuse.**

#### Reason for refusal

1. The extension of the caravan site into the field to the south east corner, together with the adjoining strip of land to be used for camping, would have an unacceptable damaging impact on the character and appearance of the open countryside and landscape (that includes the Yorkshire Dales National Park), and adjacent Heritage Assets (the Settle Carlisle Conservation Area and the Langcliffe Conservation Area). The proposal therefore fails to accord with Saved Policies ENV1, ENV2 and EMP17 of the Craven District (Outside the Yorkshire Dales National Park Local Plan). The Council considers that the proposal fails to accord with the Environmental dimension of Sustainable Development as set out in the National Planning Policy Framework, as it fails to protect and enhance our natural, built and historic environment. The harm to the open countryside and heritage assets that would result are considered to significantly and demonstrably outweigh the benefits of approving development. In these circumstances both Paragraph 134 and Paragraph 14 of the National Planning Policy Framework advise that planning permission should be refused. Furthermore Paragraph 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 sets out statutory duty to ensure development preserves or enhances the character or appearance of Conservation Areas and the development does not meet this requirement.

#### Statement of Positive Engagement: -

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

requested amended design approaches / information to address the planning issues which have arisen in relation to dealing with this application, accepted additional information / changes to the scheme post validation and advised the applicant / agent with respect to the reasons why the application cannot be supported in its current form and provided advice with respect to a resubmission.

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**WARD AND****APPLICATION No.****PROPOSED DEVELOPMENT AND SITE ADDRESS****63/2014/15313***APPLICATION FOR VARIATION OF CONDITIONS 5 AND 17 OF PLANNING PERMISSION REFERENCED 63/2013/14200 (ENVIRONMENTAL STATEMENT RECEIVED)**WALLER HILL BECK; GINNEL MEWS; DEVONSHIRE PLACE; SPINDLE MILL; MORRISONS CULVERT, SKIPTON*

APPLICANT NAME: ENVIRONMENT AGENCY

TARGET DECISION DATE: 18/03/2015

CASE OFFICER: Gemma Kennedy

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**This application has been referred to the Planning Committee as it is an application to vary conditions on an application previously approved by the Planning Committee (which was accompanied by an Environmental Impact Assessment).**

**1. Site Description**

1.1 The application relates to 5 sites in and around Skipton, which form part of the Skipton Flood Alleviation Scheme, which is due to be undertaken by the Environment Agency.

1.2 The five sites are as follows;

**1.3 Waller Hill Beck**

This part of the application is Waller Hill Beck and adjacent agricultural land located to the east of Skipton between the A65 and A6069 (Otley Road). The site is within a valley that slopes down from the roads to the valley bottom and is primarily grassland.

This site lies outside of the development limits of Skipton in an area classified as Open Countryside by the Local Plan.

**1.4 Spindle Mills**

This part of the site includes Eller Beck, properties at Spindle Mill (a recent housing development accessed off the northern end of Coach Street), and the Springs Branch of the canal. The beck lies to the south of the application site before flowing into a culvert. A footpath access runs along the northern side of the beck to the rear of the properties located on the Spindle Mill Site.

This sites lies within the development limits and Conservation Area of Skipton.

**1.5 Morrisons open Channel**

This site is an area of land between Morrisons and B&M stores to the south of Broughton Road. The site includes an open beck area between two culverts. Eller Beck is currently surrounded by a mixture of walls and fencing with pedestrian footpaths running along the northern and western sides of the site.

This site is within the development limits of Skipton

**1.6 Ginnel Mews and Devonshire Place**

These sites are adjoining and lie to the south of Skipton town centre. To the western side of this section there are residential properties sited on the northern bank and a steep banking with footpath to the south. To the eastern end of the site the southern banking remains steep with an open grass area and playground to

the north. A pedestrian bridge crosses Waller Hill Beck to the eastern edge of the site.

These sites lie within the development limits and conservation area of Skipton.

## 2 Proposal

- 2.1 Planning permission 63/2013/14200 was granted by Planning Committee on 12<sup>th</sup> March 2014 for works to protect the centre of Skipton from flooding by constructing a flood storage reservoir at Waller Hill Beck, and constructing flood walls at various locations within the centre of Skipton. The current application is to vary conditions 5 and 17 of planning approval 63/2013/14200.
- 2.2 Condition 5 reads as follows; *No development shall commence until details of the landscaping of the sites including wherever possible the retention of existing trees and hedges have been submitted to, and approved in writing by, the Local Planning Authority. The approved scheme shall be implemented in the first planting season following completion of the development, or first occupation/use, whichever is the soonest.*
- 2.3 *The approved scheme shall be maintained by the applicant or their successors in title thereafter for a period of not less than **10 years** to the satisfaction of the local planning authority. This maintenance shall include the replacement of any tree or shrub which is removed, becomes seriously damaged, seriously diseased or dies, by the same species or different species, and shall be agreed in writing by the local planning authority. The replacement tree or shrub must be of similar size to that originally planted.*
- 2.4 The variation of condition application seeks to amend the time period for the landscaping to be maintained from 10 years to 5 years.
- 2.5 Condition 17 reads as follows; *Prior to the commencement of development to the works on the Waller Hill Beck storage reservoir site, a programme for the restoration of the land once the development has been completed shall be submitted to and approved in writing by the Local Planning Authority. Included within this programme shall be a timetable for the restoration of the site and the materials and methods to be used in the restoration. The site shall then be restored in accordance with these approved details.*
- 2.6 The variation of condition application seeks to amend the description from '**prior to the commencement of development to the works on the Waller Hill Beck storage reservoir site...**' to '**prior to the restoration of the Waller Hill Beck storage site...**'

## 3 Planning History

- 3.1 63/2013/14200 – Construction of a flood storage reservoir on Waller Hill Beck and associated works. Installation of flood walls at Ginnel Mews, Devonshire Place, Morrisons Supermarket and Spindle Mews. Approved 11/03/2014.
- 3.2 C/26/765 – Full planning permission for construction of flood storage reservoir including dam with a crest height of 14 metres, spillway, stilling basin, control structure, minor diversion of Eller Beck, new road junction and access road from the A65 and landscaping and habitat creation. Approved 14/08/2014 by the Yorkshire Dales National Park.
- 3.3 NY/2013/0417/ENV – Extraction of clay from borrow pit for use at Eller Beck and Waller Hill Beck Flood storage reservoirs. Land at Waller Hill Beck, between A6069 and A65 East of Skipton. Approved 12/09/2014 by North Yorkshire County Council.
- 3.4 NY/2013/0407/ENV – Construction of a flood storage reservoir on Eller Beck including a dam with a crest height of approximately 14 metres, a spillway to the

east of the dam, a stilling basin, a control structure, minor diversion of Eller Beck, a new road junction and access road from the A54 and landscaping and habitat creation. Land at Eller Beck to the south of Skipton Golf Course. Approved 02/09/2014 by North Yorkshire County Council.

#### 4 Planning Policy Background

- 4.1 Saved Policies ENV1, ENV2 and ENV10 of the Craven District (Outside the Yorkshire Dales National Park) Local Plan.
- 4.2 The National Planning Policy Framework (NPPF) and National Planning Practice Guidance (NPPG)

#### 5 Parish/Town Council Comments

- 5.1 Skipton Town Council: "Members express great concern that work to prepare the town for a once in 100 years flood would be guaranteed for only 5 years. The Committee would like to ask how the riparian owners are expected to maintain the land after the 5 year period and suggest that the time should be set at 100 years." Received 20/01/2015.
- 5.2 **Officer's Note:** Skipton Town Council appear to have misunderstood what the condition to be varied refers to. They are concerned that the proposal would only guarantee the flood works for 5 years. The proposal is to amend the time period which the soft landscaping needs to be maintained until, and is not related to the flood works themselves.

#### 6 Consultations

- 6.1 **Yorkshire Water:** "No comments," received 30/12/2014
- 6.2 **Natural England:** "No comment to make," received 09/01/2015.
- 6.3 **Canal and River Trust:** "No comments," received 07/01/2015.
- 6.4 **Airedale Drainage Commissioners:** "No objections," received 23/12/2014.
- 6.5 **CDC Tree Officer:** "If CDC usually go with 5 years and National Park and NYCC do too, then it seems reasonable that we amend this to 5."

#### 7 Representations

- 7.1 Two letters of representation have been received on behalf of KG Stapleton and Sons of Low Skibeden Farm, who own and farm the land where the construction of the flood storage reservoir at Waller Hill Beck is proposed. Their first letter raises the following points in relation to the variation of condition 17;
- The flood storage reservoir scheme at Waller Hill Beck is going to have a significant effect on the landscape of the area and how the Stapleton family can farm the land productively in the future; hence it is imperative that it is protected for the future through a detailed restoration programme at the outset.
  - The applicant has not provided any feasible reasons as to why the restoration programme cannot be agreed prior to commencement of development.
  - It only seems fair and right that the landowners affected by the scheme are fully aware and in agreement with the restoration programme before the applicant enters on to their land to carry out works. Our clients are very concerned that the applicant does not seem willing to provide a detailed restoration programme before taking access on to their land to carry out the flood storage works.
  - We respectfully ask that this application be refused as having a detailed restoration programme before access is taken is a vital element to this scheme



within the context of understanding long term impact on the landscape and farm viability.

The Environment Agency has) commented in response to the representation above and their comments are summarised below;

- Detailed method statements are typically prepared close to when they are required so they reflect the most up to date situation on site, for example to include the impact of groundwater and rainfall, and would not be available until well into the construction work.
- Since the letter (from George F White on behalf of KG Stapleton and Sons) we have had further discussions and meetings with the landowner to look to agree on what is required. The most recent of these was held on site on 26 February 2015 where for example we discussed surveying the depth of topsoil over the works area.
- Amending the planning condition to allow the restoration to be agreed after the construction work has started in our view gives more time to work with the landowner on these matters and to achieve a mutually acceptable solution without compromising the programme for the scheme or impacting on the availability of wider Government funding.

The second letter on behalf of K G Stapleton and Sons, in response to the Environment Agency's letter above was received on 27<sup>th</sup> March 2015. A summary of the points they raised are set out below;

- We still strongly object to the planning application.
- Contrary to the comments made by the EA in their letter of 12<sup>th</sup> March, they have not been working closely with the Stapleton family and in particular submitted both the original planning application and this planning application without consultation with the Stapleton family.
- The EA's lack of consultation with the Stapleton family was raised as a concern by the committee members at the committee meeting for the original planning application (63/2013/14200), who made it clear to the EA that they should be liaising very closely with the Stapleton family going forward in regards to all future matters in relation to the scheme.
- The EA commented in their letter of 12<sup>th</sup> March that they have provided some details to the Stapletons on how the land will be restored. However, this detail falls woefully short of any detailed specification and we have informed the EA on numerous occasions that the detail provided is not sufficient.
- The Waller Hill Beck flood alleviation scheme is of a very significant size and the contractor appointed by the EA should have a clear idea from the start on how the land is to be restored and reinstated before taking any access on to the land. The EA has commented that the detailed method statements for this would not be available until well into the construction of the work; this is incorrect, on all large schemes such as this the detailed method statements are agreed before any access is taken on site and they should cover off all eventualities such as changing weather conditions etc.
- The EA have not provided any feasible reasons as to why this restoration program cannot be agreed prior to commencement of development and in every other scheme that we have been involved within, this has been agreed at the outset.

8 Summary of Principal Planning Issues

8.1 Whether the proposed variations to the planning conditions are acceptable in consideration of the principle of development, visual impact and amenity.

9 Analysis

**Use of conditions in planning permission;**

9.1 Planning Practice Guidance sets out advice on the Use of Planning Conditions. Paragraph 003 sets out that conditions should be necessary; relevant to planning and; to the development to be permitted; enforceable; precise and; reasonable in all other respects – this policy requirement is referred to as the ‘six tests.’

9.2 In consideration of the need for a condition Paragraph 004 of the Planning Practice Guidance ‘Use of Planning Conditions’ sets out that a condition must not be imposed unless there is a definite planning reason for it, i.e. it is needed to make the development acceptable in planning terms. Furthermore, if a condition is wider in scope than is necessary to achieve the desired objective, it will fail the test of necessity.

9.3 Paragraph 007 of Planning Practice Guidance ‘Use of Planning Conditions’ states that care should be taken when considering using conditions that prevent **any** development authorised by the planning permission from beginning until the condition has been complied with. Such conditions should only be used where the local planning authority is satisfied that the requirements of the condition (including the timing of compliance) are so fundamental to the development permitted that it would have been otherwise necessary to refuse the whole permission. A condition precedent that does not meet the legal and policy tests may be found to be unlawful by the courts and therefore cannot be enforced by the local planning authority if it is breached.

**Variation of condition 5;**

9.4 Condition 5 reads as follows;

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

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

9.5 The variation of condition application seeks to amend the time period for the landscaping to be maintained from 10 years to 5 years. The applicants propose this amendment so that the planning condition would be consistent with conditions placed on approvals granted by North Yorkshire County Council (C5/63/2013/14200) and the Yorkshire Dales National Park (C/26/765) for other parts of the flood alleviation scheme.

9.6 It is important for landscaping schemes to be maintained for a minimum period, to ensure that any tree or shrub that has not become established, and has died or become damaged or diseased within that minimum period, is replaced. This allows

for the scheme to become established, and if planting has survived for the first few years, then generally it will thrive in the long term.

- 9.7 The 'Landscape Institute' suggest a minimum period of maintenance for the establishment of new planting would be 5 years, although up to 10 years might be considered reasonable in certain circumstances. In a quick online search of planning conditions used by other Local Planning Authorities, only 3 could be found (Wiltshire, Peterborough and Bristol) and in all cases the 5 year period was used in their standard conditions. It is also understood that both Harrogate and South Ribble Councils also use the 5 year period rather than 10 years.
- 9.8 There is no evidence in the Committee report for planning application 63/2014/15313 as to why the condition specified 10 rather than 5 years. The reason for the condition does not provide any explanation either, stating "In the interests of the amenity of the area." It appears that there was no particular reason why the 10 year period was imposed instead of a 5 year period. The Council's tree officer also considers that it seems reasonable to amend the condition wording from 10 years to 5 years, particularly as North Yorkshire County Council and the Yorkshire Dales National Park have specified 5 years for part of the same wider flood alleviation scheme.
- 9.9 In consideration of paragraph 004 of Planning Practice Guidance 'Use of Planning Conditions' it therefore seems that the existing condition is wider in its scope than is necessary to achieve the desired objective, and therefore fails the test of need. The condition itself is necessary, however the 10 year maintenance period is beyond that considered necessary.
- 9.10 For these reasons it is considered acceptable to vary the wording of condition 5 as the application proposes.

**Variation of condition 17;**

- 9.11 Condition 17 currently reads as follows;
- "Prior to the commencement of development to the works on the Waller Hill Beck storage reservoir site, a programme for the restoration of the land once the development has been completed shall be submitted to and approved in writing by the Local Planning Authority. Included within this programme shall be a timetable for the restoration of the site and the materials and methods to be used in the restoration. The site shall then be restored in accordance with these approved details."*
- 9.12 The variation of condition application seeks to amend the description from '**prior to the commencement** of development to the works on the Waller Hill Beck storage reservoir site...' to '**prior to the restoration** of the Waller Hill Beck storage site...'
- 9.13 However, the applicant's proposed rewording of the condition is not considered to meet one of the six tests for conditions set out in paragraph 003 of Planning Practice Guidance 'Use of Planning Conditions', that is the ability to Enforce a condition. The wording of the condition as proposed by the applicant is such that the restoration of the site could be avoided. Details of restoration would only need to be submitted prior to restoration taking place, but if the applicant chooses not to restore the site the requirements of this condition would be bypassed. Whilst it is unlikely that the applicant (the Environment Agency) would choose not to restore the site, it is still necessary to ensure that the condition is worded to ensure that restoration does take place and that the condition would be enforceable.
- 9.14 Officer's consider that a more appropriate and effective condition would be worded as below;

- 9.15 ***“Within 12 months of the commencement of development of the works on the Waller Hill Beck Storage reservoir site, or prior to the Waller Hill Beck Storage reservoir first being brought into use, whichever is the soonest, a programme for the restoration of the land once the development has been completed shall be submitted to and approved in writing by the Local Planning Authority. Included within this programme shall be a timetable for the restoration of the site and the materials and methods to be used in the restoration. The site shall then be restored in accordance with these approved details.”***
- 9.16 The applicant envisages that it will take approximately 2 years to complete the works at Waller Hill Beck Storage reservoir site, and say they are not able to provide a programme of restoration before the development has begun, but can provide that information during the development.
- 9.17 The landowners of the site where the Waller Hill Beck Storage reservoir site is proposed have objected to the variation of condition 17. They consider it is necessary for the detailed restoration programme to be provided at the outset so that the long term impact of the scheme on the landscape and farm viability can be understood. Conversely, the applicants argue that providing a method statement at a later stage, when works are underway, will allow that statement to reflect the most up to date situation on site.
- 9.18 However, the question for the Local Planning Authority is whether it is necessary for material planning reasons for the details of the site restoration to be submitted before any works commence on site, or whether they can be provided at a later date, prior to the restoration taking place.
- 9.19 Referring again to paragraph 004 of Planning Practice Guidance ‘Use of Conditions’, *“In so far as a condition is wider in its scope than is necessary to achieve the desired objective, it will fail the test of need.”* The ‘desired objective’ of the condition is to ensure that the site is suitably restored, and its appearance and productivity when restored is acceptable. The imposition of the restoration condition as a pre-commencement condition is not considered necessary. To have the details provided prior to commencement is not ‘so fundamental to the development permitted that it would have been otherwise necessary to refuse the whole permission.’ (Paragraph 007 of Planning Practice Guidance ‘Use of Conditions.’ The rewording of the condition would continue to require the site to be restored; with full details of the restoration, including a timetable, to be submitted prior to the restoration taking place. The amended condition would achieve the same result, despite the timing for submission of details being altered. Whilst the objections raised by the landowners are appreciated, officers are satisfied that the requirements of the condition can be met through the amended wording in just the same way as through the original wording. The objectors request for more information sooner rather than later is understood, but essentially this is a private issue between the landowner (who understandably wants the information as soon as possible) and the Environment Agency. However ultimately, for planning purposes, the Local Planning Authority does not need to have this information prior to the commencement of development and cannot reasonably insist upon it being supplied prior to works beginning as it can be acceptably supplied at a later date.

## 10 Recommendation

10.1 Approval.

## 11 Conditions

11.1 1. The development hereby permitted shall be begun not later than 11<sup>th</sup> March 2017.

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

2. The approved plans comprise Environmental Statement and drawings TW\_101, WH\_101, TW\_102, TW\_103, WH\_103, TW\_MS\_103, TW\_SM\_103, TW\_DP\_103, TW\_GM\_103, WH\_206, WH\_302, WH\_303, WH\_501, WH\_601, WH\_602, WH\_603 and WH\_604 received by the Local Planning Authority on the 17<sup>th</sup> December 2013 under original planning application reference 63/2013/14200. The development shall be completed in accordance with the approved plans except where conditions attached to this planning permission indicate otherwise or where alternative details have been subsequently approved following an application for a non-material amendment.

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

3. No works shall commence on the construction of the flood walls to the town centre sites until full details of the external appearance of the walls including the materials and details of the coursing and pointing have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and retained as such thereafter.
4. Prior to their first installation on site, and in accordance with the submitted plans, details of the coping stones for the flood walls shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with these approved details and retained as such thereafter.

Reason (for 3 & 4): In the interests of the character and appearance of the surrounding area.

5. No development shall commence until details of the landscaping of the sites including wherever possible the retention of existing trees and hedges have been submitted to, and approved in writing by, the Local Planning Authority. The approved scheme shall be implemented in the first planting season following completion of the development, or first occupation/use, whichever is the soonest.  
  
The approved scheme shall be maintained by the applicant or their successors in title thereafter for a period of not less than 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 or different species, and shall be agreed in writing by the Local Planning Authority. The replacement tree or shrub must be of a similar size to that originally planted.

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

6. No development, including site clearance, shall commence until a scheme for the protection of all trees/hedges being retained as part of the approved landscaping scheme has been submitted to, and approved in writing by, the Local Planning Authority. The protection measures shall be retained for the duration of the works, and only removed once the development is complete and all machinery and works material removed from the site.

Reason: To prevent damage to trees/hedges during construction works.

7. Notwithstanding the details on the approved plans and supporting information, no fences shall be installed to the Waller Hill Beck, Morrisons Culvert, Devonshire Place or Ginnel Mews sites until details of the fencing, including its design, height and finish, have been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved plans and retained as such thereafter.

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

8. Notwithstanding the details on the approved plans and supporting information no installation of the new bridge, access ramps and stairs to the bridge at Ginnel Mews shall occur until full details of the installation including the design, size, finish and construction of the bridge and the associated works have been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved plans and retained as such thereafter.

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

9. Prior to the commencement of development to the town centre site developments a Bat work method statement shall be submitted to and approved in writing by the Local Planning Authority (as recommended in the report by bl-ecology dated the 21<sup>st</sup> August 2013, received with original application reference 63/2013/14200). The development shall then be carried out wholly in accordance with the approved document.

Reason: To ensure the development does not unacceptable impact on any bats.

10. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the access(es) to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements:
  - (i) The crossing of the highway verge and/or footway shall be constructed in accordance with the approved details and/or Standard Detail number E6.
  - (ii) 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.
  - (iii) 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.

Reason: In accordance with policy T2 and in the interests of road safety.

11. There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until splays are provided giving clear visibility of 160 metres measured along both channel lines of the A6069 from a point measured 2 metres down the centre line of the access road. The eye height will be 1.05 metres and the object height shall be 1.05 metres. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason: In accordance with policy T2 and in the interests of road safety.

12. There shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority in consultation with the Highway Authority. These precautions shall be made available before any excavation or depositing of material in connection with the construction commences on the site and be kept available and in full working order and used until such time as the Local Planning Authority in consultation with the Highway Authority agrees in writing to their withdrawal.

Reason: In accordance with policy T2 and to ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.

13. Unless approved otherwise in writing by the Local Planning Authority there shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site until proposals have been submitted to and approved in writing by the Local Planning Authority for the provision of:
- (i) on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway
  - (ii) on-site materials storage area capable of accommodating all materials required for the operation of the site.
- The approved areas shall be kept available for their intended use at all times that construction works are in operation.

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

14. Unless otherwise approved in writing by the Local Planning Authority, there shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site until details of the routes to be used by HCV construction traffic have been submitted to, and approved in writing by, the Local Planning Authority in consultation with the Highway Authority. Thereafter the approved routes shall be used by all vehicles connected with construction on the site.

Reason: In accordance with policy T2 and in the interests of highway safety and the general amenity of the area.

15. No demolition/development shall take place/commence on the Waller Hill Beck site until a Written Scheme of Archaeological Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:
- a. The programme and methodology of site investigation and recording
  - b. Community involvement and/or outreach proposals
  - c. The programme for post investigation assessment
  - d. Provision to be made for analysis of the site investigation and recording
  - e. Provision to be made for publication and dissemination of the analysis and records of the site investigation
  - f. Provision to be made for archive deposition of the analysis and records of the site investigation
  - g. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

No demolition/development shall subsequently take place other than in accordance with the approved Written Scheme of Investigation and the development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the approved Written Scheme of Investigation and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: To ensure accordance with Section 12 of the NPPF as the site is of archaeological interest.

16. Unless otherwise agreed in writing by the local planning authority, no obstruction shall be located over or within 3.0 (three) metres either side of the centre line of any sewers and water main(s), which cross the sites.

Reason: To ensure that the proposed development does not have an adverse impact on sewers within the vicinity and to allow for their continued maintenance.

17. Within 12 months of the commencement of development of the works on the Waller Hill Beck Storage reservoir site, or prior to the Waller Hill Beck Storage reservoir first being brought into use, whichever is the soonest, a programme for the restoration of the land once the development has been completed shall be submitted to and approved in writing by the Local Planning Authority. Included within this programme shall be a timetable for the restoration of the site and the materials and methods to be used in the restoration. The site shall then be restored in accordance with these approved details.

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

18. Unless conditions attached to this planning permission indicate otherwise, or where alternative details have been subsequently approved by a further application, the proposed development shall be carried out wholly in accordance with the Environmental Action Plan submitted as part of the Environmental Statement.

Reason: To ensure the development does not have an unacceptable impact on the environment.

### **Informatives**

1. All bats and their roosts are fully protected under the Wildlife and Countryside Act 1981 (as amended by the Countryside and Rights of Way Act 2000) and are further protected under Regulation 41(1) of the Conservation of Habitats and Species Regulations 2010. Should any bats or evidence of bats be found prior to or during development, work must stop immediately and in the first instance contact the National Bat Helpline on 0845 1300 228. Developers/ contractors may need to take further advice from Natural England on the need for a European Protected Species Licence in order to continue the development in a lawful manner. Natural England can be contacted at [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk), or by calling 0300 060 3900, or Natural England, Consultation Service, Hornbeam House, Crewe Business Park, Electra Way, Crewe, Cheshire, CW1 6GJ
2. The applicant's attention is drawn to the provisions of the Wildlife and Countryside Act, 1981, and related European legislation and is advised that it is a criminal offence to knowingly remove or destroy the habitats of protected species which may be found on the site. The applicant is advised that the granting of this planning permission does not authorise the loss or destruction of a protected species or its habitat and works affecting such a species or habitat are likely to require a licence with DEFRA (0117 372 8291 [www.defra.gov.uk](http://www.defra.gov.uk)) or Natural England depending on the protected species involved. Should such a habitat be discovered during the construction works the applicant is advised to contact Natural England. Applicants are also advised that it is a criminal offence to disturb any wild bird listed in Schedule 1 of the Wildlife and Countryside Act while it is (a) nest building, (b) at a nest containing eggs or young, or (c) there is a dependent young bird at the nest. The typical nesting period for British birds is mid February to mid July though this can begin earlier and run later. Typical affected habitats include scrub grassland and any sites containing trees but applicants are advised that birds may nest in any location that suits them.
3. The application sites are in a number of different ownerships and the applicants should ensure that they have the appropriate permissions to carry out the work prior to its commencement.
4. You are advised that a separate licence will be required from the Highway Authority in order to allow any works in the adopted highway to be carried out. The



'Specification for Housing and Industrial Estate Roads and Private Street Works' published by North Yorkshire County Council, the Highway Authority, is available at the County Council's offices. The local office of the Highway Authority will also be pleased to provide the detailed constructional specification referred to in this condition.

5. Yorkshire Water has advised that there is no company infrastructure in the main part of the site, however, Devonshire Place/ Ginnel Mews area has foul and surface water sewers (discharging into watercourse) and live water mains within the red line site boundary which are likely to be affected by defence works. They have therefore requested plans which show the site surveyed position of all sewers and water main(s) in relations to the works being carried out and Method Statements to show how Yorkshire Water assets will be protected during the proposed works on site.

Statement of Positive Engagement: -

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

- engaged in pre-application discussions

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

*WEST CRAVEN  
17/2015/15386*

*CONSTRUCTION OF BUNGALOW, GARAGE AND HARDSTANDING  
(RESUBMISSION OF WITHDRAWN APPLICATION REFERENCED  
17/2014/15327)*

*IVY COTTAGE FARM, CARLA BECK LANE, CARLETON.*

APPLICANT NAME: MR STEVE HALL  
TARGET DECISION DATE: 16/03/2015  
CASE OFFICER: Andrea Muscroft

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**This application is being referred to Planning Committee because it has been advertised as a departure from the development plan as required by the Town and Country Planning (Development Management Procedure) Order 2010.**

**Addendum**

This application was previously considered by the Planning Committee on 16 March 2015. Members deferred the application to request further information with respect to finished site levels. This information has now been received and is available to view on the Council's website. The case officer during the presentation will also provide further photographs to demonstrate the proposed relationship between Newlands and the proposed building.

The report set out below is identical to that previously presented to members with the exception that condition 2 is amended to specify the additional proposed plans (that provide the levels information) and a condition that previously requested levels information has now been deleted (as the information is now provided).

1. Site Description

- 1.1 The application site relates to a parcel of land to the rear of Ivy Cottage a traditional stone built detached house (a former farm house) located on the south-eastern outskirts of Carleton village, fronting Main Street, and forming part of a small group of residential properties on the site of the original farm. The property is flanked by a modern bungalow (Meadow View) immediately to the west.
- 1.2 Steps lead up to land located to the south which is partially used as a garden area with sections partitioned off to house chickens. The land backs onto agricultural fields.
- 1.3 The parcel of land is located outside but adjoins the recognised development limits of the village of Carleton. In addition, the site is partially within the designated conservation area of Gargrave.

2. Proposal

- 2.1 The proposal seeks permission for the construction of a two bedroom detached bungalow with detached double garage providing a dining/kitchen area, living room, bathroom and two bedrooms with patio area located to the southwest.
- 2.2 Details submitted state that existing boundary treatments would be retained.
- 2.3 Access to the site would be via a shared access with Newlands, Glenholme and Ivy Cottage Farm off Carla Beck Lane.
- 2.4 The dwelling would be constructed from natural stone under an Art stone slate roof with timber windows and doors.

### 3 Planning History

- 3.1 The Planning History below sets out applications for extensions and alterations to Ivy Cottage.
- 3.2 5/17/4 – Alterations, improvements and extension (by conversion of attached buildings) – Approved August 1974.
- 3.3 5/17/121/A – Conversion of barn to form extension of dwelling – Approved June 1989.
- 3.4 17/2006/6272 – Demolition of rendered block outbuilding and erection of two – storey extension to south elevation of property – Approved June 2006.
- 3.5 17/2006/6490 – Single storey extension on east elevation – Approved August 2006.
- 3.6 17/2008/8774 – Change of use of part of property to form Bed & Breakfast – Approved October 2008.
- 3.7 17/2011/12183 – Demolition of existing side extension. Construction of new extension to create self-contained holiday/Granny annexe. Formation of new parking lay by off Main Street - Approved January 2012.
- 3.8 17/2014/14228 – Conservatory – Approved April 2014
- 3.9 17/2014/15327 - Construction of detached 3 bedroom two storey dwelling with detached double garage and an area of hardstanding – Withdrawn January 2015.

### 4 Planning Policy Background

- 4.1 Saved Policies ENV1, ENV2, and T2 of the Craven District (outside the Yorkshire Dales National Park) Local Plan and guidance contained within Appendix F.
- 4.2 The National Planning Policy Framework – NPPF.
- 4.3 Planning Practice Guidance – PPG.
- 4.4 PPS5: Planning for the Historic Environment Practice Guide.

### 5. Parish/Town Council Comments

- 5.1 Carleton Parish Council:- Consider that the axis of the proposed dwelling should be parallel to that of Ivy Cottage Farm Buildings to reduce the potential of overlooking between the application site and Glenholme.

### 6. Consultations

- 6.1 NYCC Highways Authority:- No objection to the proposal subject to the use of appropriate conditions requiring the retention of parking spaces.

### 7. Representations

- 7.1 Two letters of representation have been received expressing the following concerns:-

#### 7.2 **Visual issues.**

- Loss of green belt land.
- The proposal would result in overdevelopment of this site.
- Given the land levels the building would be in an elevated position and thus would appear to be considerably higher than adjacent dwellings.
- Garage would appear overbearing due to differences in land levels.

7.3 **Amenity issues.**

- Concern that the proposal would result in a loss of privacy.

7.4 **Highway issues.**

- Proposal would exceed the legal allowed limit in terms of cars and thus would set a dangerous precedent which would have an impact on highway safety as vehicles access and exit the site.

7.5 **Other issues.**

- Concern the proposal would exacerbate an existing flooding issue.
- Concern that the proposed gate to the proposal would block my right of way.
- Proposal may devalue my property.

8. Summary of Principal Planning Issues

8.1 Principle of development.

8.2 Visual Impact of development.

8.3 Impact of development on the amenity of neighbouring properties.

8.4 Highway Issues.

8.5 Other Issues.

9. Analysis

**Principle of development.**

9.1 In terms of saved Local Plan Policies, Policy ENV1 is of relevance. ENV1 is supportive of small scale development subject to meeting the criteria set out in the LP Policy. The aim of this policy is to manage change and development pressures within the countryside, in order to protect it from inappropriate development and as such is considered to be broadly in line with the aims of the NPPF.

9.2 Policy ENV1 also identifies development limit boundaries. This site is just outside the development limit boundaries and the site is therefore classed as open countryside by Saved Local Plan. In such a location new residential development would ordinarily be resisted (unless justified as being necessary for a use such as by an agricultural worker for example). However given the age of Saved Local Plan policies and the existence of more up-to-date planning policy within the NPPF the weight that can be given to the development limit boundaries is now extremely limited.

9.3 The main thrust of the NPPF is an overarching presumption in favour of sustainable development and identifies three dimensions to sustainable development; economic, social and environmental. The document advises that these roles should not be undertaken in isolation, because they are mutually dependent; and states economic, social and environmental gains should be sought jointly and simultaneously.

9.4 The NPPF also enforces the Governments expectation that LPA's should deal promptly and favourably with applications that comply with up to date plans and that where plans are out of date, there will be a strong presumption in favour of sustainable development that accords with national planning policies. Paragraph 14 also advises approving development proposals without delay, except where any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies within the NPPF taken as a whole; or specific policies in the NPPF indicating development should be restricted.

9.5 It is acknowledged that gardens fall outside of the NPPF's definition of previously developed land. However, the NPPF does not preclude the development of such land subject to other policy considerations. In this instance it is accepted that the application site would comprise of a small infill site boarded by residential development to the east, north and west of the site and has good connections to education, community and other nearby facilities including existing public transport links to Skipton and Keighley. Consequently it is considered that the proposal accords with the aims of national planning policy in terms of being located within a sustainable location and it is therefore considered that the proposal meets the aims of the NPPF and should be supported in principle.

9.6 Saved Policy ENV2 is also applicable as the policy seeks to ensure that any development acceptable in principle outside of development limits is compatible with the character of the area without any serious harmful impact. The policy includes several detailed criteria that are addressed in the body of the following report.

**Visual Impact of development.**

9.7 Saved Policy ENV2 states that development 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.

9.8 Paragraph 56 of the NPPF also identifies the importance of good design, and states that development should function well and add to the overall quality of the area whilst also responding to the local character.

9.9 Also relevant to the current application 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.

9.10 The application relates to the rear garden area of Ivy Cottage located in the designated conservation area of Carleton. The proposal is to construct a two bedroom bungalow with detached double garage and turning area.

9.11 The surrounding area is a mixture of traditional and modern detached, terrace and semi-detached dwellings, which are predominantly two storeys, however, to the east of the site are some modern detached bungalows.

9.12 It is acknowledged that the proposal would depart from the general linear pattern of development in the area, but the dwelling would be seen in the context of the adjacent bungalows that are located to the east of the site. It would also utilise the existing vehicular access and would achieve an appropriate visual relationship with the adjacent dwellings given their similar design. Furthermore, the dwellings modest scale and mass would ensure that the dwelling would not appear prominent when viewed from the street or from wider public views to the south.

9.13 The use of high quality materials would also ensure that the proposed dwelling assimilates well with the character and appearance of the adjacent dwellings and surrounding conservation area.

9.14 It is acknowledged that the site benefits from partial screening as a result of the surrounding properties. However, notwithstanding this, the proposed dwelling would be visible from certain public and private vantage points, including rooms within Spences Court to the north east. Nevertheless, it is considered that the vast majority of views would be restricted to some extent and any sight of the dwelling, from the highway network, would be glimpsed. It is therefore considered that the

proposal would not result in any visual harm to the surrounding conservation area or existing street scene. Premises some distance to the east of the application site are listed buildings. The development does not have any unacceptable impact on the setting of these buildings.

- 9.15 It is therefore considered that the proposed dwelling in terms of its scale, design, appearance and use of appropriate materials would not result in any visual harm to the character and appearance of the surrounding area and as such would not conflict with Saved Policy ENV2, the NPPF or guidance contained within PPS5 Practice Guidance.

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

- 9.16 Located approximately 10m to the west of the site is Meadow View a detached bungalow. Running along the western boundary between the application site and Meadow View is a 2.5m Leylandi hedge. It is understood that this hedge is in joint ownership with the applicant and the owners of Meadow View and therefore both parties have control over the level of screening provided. Given the existence of the natural screening and the orientation of the proposed dwelling it is considered that the proposal would not have a detrimental impact on the occupiers of this property. Should the leylandi hedge be removed in the future it would be possible for either occupier to provide replacement screening should they wish to do so.
- 9.17 The next nearest dwelling is Newlands located approximately 19m to the south east of the proposed dwelling with the detached garage located approximately 6m from this property. It is noted that due to the topography of the land that the proposed dwelling would be in a slightly elevated position. However, given the scale of the proposed dwelling and associated detached garage, combined with the separation distance and that Newlands is located further south than the proposed dwelling would not result in any unacceptable loss of privacy. Similarly, due to the location of the proposed dwelling it is not considered that there would be any loss of natural/sunlight to the habitable rooms or amenity areas of this property.
- 9.18 With regards to the proposals impact on the occupiers of Glenholme, it is acknowledged that due to the orientation of the proposed dwelling, the proposed living room, main entrance opening, kitchen and dining room window would face northeast towards Glenholme. However, there would be a separation distance in excess of 21m between the proposed dwelling and Glenholme. Furthermore, when combined with the changes in topography, the retention of existing screening (fencing/hedging) along the eastern boundary, the orientation of these buildings and the high level of mutual overlooking that already exists it is not considered that the proposal would result in any unacceptable loss of privacy to warrant a refusal. Similarly, the proposal would not result in any loss of natural light to the habitable room or amenity area of this property.
- 9.19 It is acknowledged that the proposal would result in the partial loss of garden area to Ivy Cottage. However, it is considered that there is ample amenity space remaining with the partitioned off garden area and patio area located to the rear of Ivy Cottage to ensure that the proposal would not have a negative impact on the current or future occupiers of this property. Other recent planning decisions for extension to Ivy Cottage have been taken into account.

**4. Highway Issues.**

- 9.20 Saved Policy T2 is supportive of development provided that it is appropriately related to the highway network and in particular; would not generate volumes of traffic in excess of the capacity of the highway network; would not lead to the formation of a new access or greater use of an existing access onto a primary,

district or local distributor road unless the access is such that it is acceptable to the Council and its design achieves a high standard of safety; and has full regard to the highway impact on, and potential for improvement to the surrounding landscape.

- 9.21 Submitted details state that there would be no changes proposed to the existing access/exit onto Carla Beck Lane or to the current parking arrangements of Ivy Cottage Farm. Similarly, the proposal would not result in any loss of parking for the occupiers of the adjacent dwellings. Consequently, the proposal would not result in any increase in on-street parking or lead to the formation of a new vehicle access onto a primary road. It is acknowledged that the proposal would result in an increase in vehicle traffic; however, it is not considered that the increase in traffic would result in conditions contrary to highway safety. NYCC Highways have been consulted and have not objected to the proposal on highway safety grounds.
- 9.22 Therefore, it is considered that the proposal is not contrary to Saved Policy T2 or the aims of the NPPF.

#### **5. Other Issues.**

- 9.23 Objections raised by local residents concerning flooding issues, relates to a drainage system installed on land located outside of the application site. Furthermore, the site is not located in any Flood Zone Area as identified by the Environment Agency. It is therefore considered that this concern is not justification to withhold planning permission.
- 9.24 With regards to concerns expressed over property values this is not a material planning consideration.
- 9.25 With regards to concerns expressed that the proposal would impede the right of access of adjacent residents this is a private matter between affected individuals and not a material planning consideration.

#### **10. Recommendation**

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

#### **11. Conditions**

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

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

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

- 2559A received by the Local Planning Authority on 9<sup>th</sup> January 2015.
- Site Plan 1:200 received by the Local Planning Authority on 25<sup>th</sup> March 2015, and
- Site Sections 1:200 received by the Local Planning Authority on 25<sup>th</sup> March 2015.

The development hereby approved shall be completed in accordance with the approved plans except where conditions attached to this planning permission indicate otherwise or where alternative details have been subsequently approved following an application for a non-material amendment.

Reason: To specify the approved plans for the avoidance of doubt.

3. Prior to the first use of the building materials on site samples/details of all materials to be used in the development hereby approved shall be submitted to and

approved in writing by the Local Planning Authority. The details as approved shall be implemented in full and retained thereafter.

Reason: In the interest of visual amenity.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) 1995 (or any order revoking or re-enacting that Order with or without modification) no development consisting of the enlargement, improvement or other alteration of the dwelling house nor the erection of any garages or ancillary buildings, nor the erection of walls or fences, shall be carried out without the prior written permission of the Local Planning Authority.

Reason: The development is of a restricted size and as such any future development may have an un-neighbourly and detrimental impact on the occupiers of nearby property.

5. All external faces of windows and doors shall receive reveals of at least 100mm deep from the external face of the walls.

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

6. All new windows and doors shall be of timber constructed and shall be retained as such.

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

7. No barge boards, fascia boards or soffit boards shall be used in the carryout of the development hereby approved.

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

8. Notwithstanding the provision of any Town and Country Planning General Permitted or Special Development Order for the time being in force, the areas shown on 2559A for parking spaces, turning areas and access shall be kept available for their intended purposes at all times.

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

9. Before any equipment, machinery or materials are brought on to the site for the purposes of the development, the erection of fencing for the protection of the hedgerows on the eastern and western boundaries of the site shall be undertaken, in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority. The fencing 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 Craven District Council.

Reason: In the interests of the amenity of the area and the amenities of neighbouring residents.

#### **Informative.**

With regard to condition no. 3, & 9 above please note that it will be necessary to submit a formal application to discharge the condition. Any samples of materials that require approval should be made available for inspection either on the site or another suitable location and not brought to or delivered to the Council Offices



unless specific arrangements to do so have made with the relevant planning case officer.

Statement of Positive Engagement: -

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

- engaged in pre-application discussions
- requested amended design approaches

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

*BENTHAM  
08/2014/15067*

*RESIDENTIAL DEVELOPMENT*

*FELSTEAD, LOW BENTHAM ROAD, BENTHAM.*

APPLICANT NAME: E & S J PEARSON

TARGET DECISION DATE: 29/12/2014

CASE OFFICER: Neville Watson

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**This application is referred to Planning Committee as a departure from the development plan**

1.      Site Description

- 1.1      The application site lies between High and Low Bentham on the south side of Low Bentham Road. It comprises a large detached residential property on the northern part of the site fronting Low Bentham Road and a large commercial shed structure on the southern part of the site.
- 1.2      There is an existing access to the site located to the north which serves both the dwelling and the commercial premises.
- 1.3      The house is presently vacant and is stated in the supporting information accompanying the application to have been vacant for two years, although it is noted that the property was vacant at the time a previous officer report was produced in relation to this site in 2004.
- 1.4      The commercial premises was originally an agricultural building and is now occupied by the applicants, E and SJ Pearson, who run a manufacturing company which makes trailers for HGV's and other commercial vehicles including livestock wagons and horseboxes. There is no record of a planning permission for this use however it is apparent that the business has operated on the site since approximately 1979 and it is considered that the use has now become lawful. The use falls within B2 'General Industry' of the Use Classes Order. The applicants' agent has also stated that vehicle breaking is undertaken on the site falling under a sui generis use class.
- 1.5      Generally the site is in an untidy condition with various remnants of vehicles stored throughout although there is fairly substantial screening in the form of tree and hedge planting which is largely unmanaged and overgrown. None of the planting on the site is subject to a TPO and none is considered to be worthy of protection.
- 1.6      The site lies within open countryside as defined in the local plan and is outside of the development limits for both High and Low Bentham. To the east and west of the application site is 'green wedge' as defined by Saved Local Plan Policy BE3. There is a ribbon of residential development located on the opposite side of the road to the north west of the site and a residential barn immediately to the south. Notwithstanding, the site is generally situated in a fairly prominent position with an open rural aspect.

2.      Proposal

- 2.1      The proposal seeks outline planning permission to undertake a residential development of the site with all matters other than access being reserved. An identical proposal has previously been permitted by the Council, but that permission recently lapsed and was not implemented.

- 2.2 Notwithstanding the above an indicative layout has been submitted showing a linear development of 7 dwellings off a single road utilising an access onto Low Bentham Road. It is proposed to reposition the access towards the east. NYCC Highways in their consultation response state that 'visibility is acceptable as confirmed by radar speed check'. The application also includes an illustrative plan showing a three bedroom house with an attached double garage.
- 2.3 It is worth noting that the indicative information details a scheme at a density of just 11.6 dwellings per hectare. The actual number of dwellings is not specified, and it very possible that reserved matters might detail a more densely developed scheme.
3. Planning History
- 3.1 5/8/161: Change of use from hatchery to storage. Approved May 1978
- 3.2 5/8/161/A: Erection of prefabricated scout hut. Approved October 1978
- 3.3 08/2000/524: Construction of new access and stopping up of existing access. Withdrawn
- 3.4 08/2000/843: Alterations and change of use of out-barn to provide farm holiday accommodation and construction of new access. Approved March 2001.  
Officer Note: This permission relates to a barn to the south of the application site with new access to be provided.
- 3.5 08/2004/4964: Erection of block of six flats and eleven houses, demolition of existing house and workshop, construction of new vehicular access. Refused April 2005.
- 3.6 Also of relevance to the east of the application site is NY/2010/0504/FUL: Erection of a new primary school including change of use of land currently in agricultural use to provide ancillary sports facilities and formation of new vehicular and pedestrian access. The school has now been constructed.
- 3.7 08/2011/11560: Outline planning permission for residential development Approved 23.8.2011.
4. Planning Policy Background
- 4.1 NPPF, nPPG.
- 4.2 Saved Local Plan Policies:  
ENV1: Development in Open Countryside  
ENV2: Requirements for Development in Open Countryside  
BE3: Green Wedges  
EMP7: Change of Use from Industrial to Non-Industrial  
T2: Road Hierarchy
5. Parish/Town Council Comments
- 5.1 Bentham Town Council has no objections
6. Consultations
- 6.1 **NYCC Highway Authority.** No objection subject to standard conditions.
- 6.2 **United Utilities.** Advise that the site should be developed with a separate drainage system.

6.3 **CDC Strategic Housing.** Advise that affordable housing should be required by condition.

7. Representations

7.1 None

8. Summary of Principal Planning Issues

8.1 The loss of employment land.

8.2 The principle of new residential development.

8.3 Impact on the character of the area and the green wedge.

8.4 Residential amenity.

8.5 Highway safety.

8.6 Open Space.

8.7 Affordable Housing.

8.8 Drainage.

9 Analysis

**The loss of employment land:**

9.1 Whilst no planning permissions exist in relation to the current commercial use of the site it is nevertheless accepted that the lawful use of the whole site is that of a mixed use comprising both residential and non-residential use, the latter falling primarily under Class B2 'General Industry'. For this reason Saved Local Plan Policy EMP7 is of relevance.

9.2 Policy EMP7 seeks to retain existing business uses but does outline limited circumstances where the loss of such premises will be accepted. In summary these are:

- Where the location of the building is such that industrial or commercial uses are considered inappropriate due to an adverse effect on neighbour amenity
- The road network or access is considered to be unsuitable given the size of vehicles or level of traffic generated by industrial or commercial use
- The building is no longer suitable for commercial/industrial use, but is of sufficient architectural merit to warrant its retention.

9.3 In relation to the first criterion the nearest residential property is located on the site itself (and within the same land ownership) whilst the nearest neighbouring properties are 'Bell Fleckers Barn' to the south and 'Burrow Barn' on the opposite side of the road to the north. It is debateable whether any of these properties have been adversely affected by the operations on the application site given that the commercial use has been in operation for a number of years without any conflict arising. However, it is necessary to consider the principle of the commercial use of the site and the implications of the lawful use continuing rather than the characteristics of the current operator. In this respect it is noted that the commercial element of the site is located directly between two residential properties and has an access opposite one other. Arguably, the continued commercial use of the site could give rise to amenity issues and would moreover prejudice the potential for the property at 'Felstead' and adjacent barn. It is also questionable whether the proximity of the premises to residential development is acceptable in planning terms given that typically such uses do not generally co-exist very well. On balance it is considered that the site is not ideally suited to commercial use given that it is

situated in a predominantly rural location characterised by residential land uses. On this basis it is considered that the proposals would accord with the first criterion of EMP7.

- 9.4 The second criterion is considered to be inapplicable as the site is accessed directly off the B6480 with a good connection onto the wider road network. Moreover, the existing use has operated for over 30 years without any known highway safety issues arising. Regarding the access itself NYCC Highways have confirmed that they consider visibility at the junction to be acceptable. For these reasons it is not considered that there would be any specific planning gain from allowing the change of use in terms of highway safety and that the second criterion of Policy EMP7 is therefore not met.
- 9.5 The final criterion allows for loss of employment premises in cases where the building is no longer suitable for such use but is worthy of retention. In this case the building is presently not used and is of no particular architectural merit.
- 9.6 In summary, the proposal to re-develop the site can only be substantiated under the terms of the first criterion of Saved Local Plan Policy EMP7. Specifically, the location of the commercial building is considered to be such that its continued use could potentially result in a loss of amenity to the neighbouring residential properties. In addition, it is acknowledged that both the existing house and commercial building are in poor condition and somewhat incongruous in terms of the visual impact and effect on the quality of the environment in this particular area of open countryside. It is considered that the loss of the employment site can be justified in terms of Saved Local Plan policy EMP7 and on the basis that it would result in no significant impact on the wider strategic aims for employment land in the North Craven area.
- 9.7 Since the last application was approved the NPPF has been published. This encourages the re-use of previously developed land. It also advises that Council's should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Furthermore in the absence of an up-to-date Local Plan the advice at paragraph 14 of the NPPF has to be considered that advises that permission should be granted for sustainable development proposals unless the adverse impact would significantly and demonstrably outweigh the benefits. The proposal does not conflict with the guidance in the NPPF.

**The principle of new residential development:**

- 9.8 Following the Coalition Government's abolition of The Yorkshire and Humber Plan (Regional Spatial Plan) on 22 February 2013 the 'development plan' comprises the 'Craven District (Outside the National Park) Local Plan. Further to the Secretary of State's direction in September 2007 (under Paragraph 1 (3) of Schedule 8 to the Planning & Compulsory Purchase Act 2004) the County Structure Plan and a number of Local Plan policies of the adopted Local Plan were deleted. Therefore, the remaining Local Plan Policies referred to form the 'Saved' policies in the Direction.
- 9.9 The application site lies outside the existing development limits of Bentham therefore, saved LP Policy ENV1 applies. Policy ENV1 seeks to protect the character and quality of the open countryside from being spoilt by sporadic development and restricts development to small scale proposals appropriate for the enjoyment of the scenic qualities of the countryside and other appropriate small-scale development having a rural character and where the proposal clearly benefits the rural economy; helps to maintain or enhance landscape character; is essential

for the efficient operation of agriculture or forestry; or is essential to the needs of the rural community.

- 9.10 Saved LP Policy ENV2 seeks to ensure that any development acceptable in principle outside development limits is compatible with the character of the area; the design and materials used relate to the setting; that traffic generated can be accommodated satisfactorily and services and infrastructure can be provided without a serious harmful change to the character and appearance of the area. These are general planning considerations, broadly in line with the NPPF.
- 9.11 As the Local Plan was adopted in 1999 it was not prepared under the Planning & Compulsory Purchase Act 2004. Paragraph 215 of the new National Planning Policy Framework (NPPF) states that policies not adopted in accordance with the 2004 Act need to be considered in terms of their degree of consistency with the NPPF “the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given”. Hence where there is any conflict with the local plan the local plan policies carry limited or no weight and the application should be assessed against the new Framework.
- 9.12 The main thrust of the NPPF is an overarching presumption in favour of sustainable development. This guidance reaffirms that it is the Government’s clear expectation that local planning authorities should deal promptly and favourably with applications that comply with up to date plans and that where plans are out of date, there will be a strong presumption in favour of sustainable development that accords with national planning policies should be assessed against the new Framework.
- 9.13 Paragraph 14 of the NPPF states that where the development plan is absent, silent or relevant policies are out-of-date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, or specific policies in the Framework indicate development should be restricted. A footnote makes it clear that this applies, for example, to those policies relating to (among other things) land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, Heritage Coast or a National Park as well as to designated heritage assets.
- 9.14 With respect to Policy ENV1, this proposal is for the development of some 0.6 hectares which cannot be considered small scale and, therefore the proposal fails to accord with Saved Local Plan Policy ENV1. However, the NPPF’s presumption in favour of sustainable development, and the need to demonstrate an NPPF compliant 5 year land supply, means that this policy is now inconsistent with the NPPF. The evidence base for the current development limit boundaries date back to 1999 and is clearly out of date as sites outside the limits set in 1999 will now be required to meet currently projected housing needs. Therefore, at best, only very limited weight can be now be given to Saved Policy ENV1 with respect to this development proposal and the policy within it is superseded by the NPPF.
- 9.15 With respect to the NPPF and the suitability of the site for development in principle, the site is in a location on the edge of the existing built up area of Bentham. The settlement has some facilities and is considered to be a sustainable location for residential development. The outline proposals show that the site is suitable for residential use, can achieve high quality and use land effectively, although it is accepted that the layout is illustrative only and the numbers and mix of house types may change. As such, it is held that the proposal is in line with the objectives of the NPPF in that it has economic benefits, reflects the general need and demand for housing in the area, and the development would not be so significant as to undermine the emerging spatial vision for the District or wider policy objectives in the new local plan. Therefore, having regard to the advice in the Framework, taken

overall the proposal is in principle considered to be a sustainable form of development.

9.16 Saved LP Policy ENV2 seeks to ensure that any development acceptable in principle outside development limits is compatible with the character of the area; the design and materials used relate to the setting; that traffic generated can be accommodated satisfactorily and services and infrastructure can be provided without a serious harmful change to the character and appearance of the area. These are general planning considerations, broadly in line with the NPPF, and the issues raised are addressed in the body of this report.

9.17 In conclusion, the application site is not located within the recognised development limits of Bentham, as defined in the 1999 Local Plan, but is located immediately adjacent to the recently constructed school. Consequently, in principle, residential development at this location is capable of forming sustainable development in accordance with NPPF guidance and the application falls to be assessed on the merits of the details of the development.

**Impact on the character of the area and the green wedge:**

9.18 The application site comprises a developed site located in open countryside which features a large dwelling house and a fairly substantial commercial building both of which are prominent and clearly visible from Low Bentham Road. Although partially screened by existing tree and shrub planting the buildings on the site are visible from long range views and much larger in relation to the surrounding built development. The site is generally unkempt and has various scrap vehicles and waste materials stored throughout, although this is not in itself material to consideration of this application.

9.19 Of particular note, in addition to the location of the site in open countryside, is the fact that it is located between, but not within, the open land between Low and High Bentham classed as 'green wedge' under Saved Local Plan policy BE3. The purpose of the 'green wedge' is to maintain and reinforce the individual character of the nearby settlements and to prevent their physical coalescence by restricting developments that might compromise the gap between them.

9.20 In this case it has to be acknowledged that the site is already developed and as previously developed land is potentially available for commercial re-development or even to accommodate a replacement dwelling. Whether re-developed or left to continue in its present form the site would remain a physical, visual barrier which appears as a pocket of developed land located within the allocated green wedge areas. It could be reasonably argued that residential development, suitably designed and laid out, would be less visually intrusive than the current buildings and that the proposals would have negligible impact in terms of undermining the purposes of the designated 'green wedge'. It is also noted that the criteria upon which this site must be assessed would not apply to the adjacent land, which is 'green wedge' and therefore granting permission would not set a precedent in relation to policy BE3.

9.21 In summary, it is not considered that the proposal would be contrary to the aims and objectives of Saved Local Plan policy BE3. The guidance in the NPPF is not considered to change that position.

**Residential amenity:**

9.22 Although the present use of the site has not given rise to amenity issues it is not necessarily the case that such problems would not occur as a result of future lawful uses. Notwithstanding, the proposed residential development is not considered to be a proposal that would be likely to create issues of loss of outlook, noise, loss of

privacy, overshadowing or be overbearing in relation to the existing residential properties nearby. In terms of activity on the site the proposed sole residential use in comparison to the lawful mixed use would have marginal impact although it is likely that the comings and goings of vehicles would be slightly increased overall. Nonetheless, it would be difficult to sustain an argument that the proposal would result in a diminution of the amenities currently enjoyed by neighbouring residents and the proposal is therefore considered to be acceptable in terms of residential amenity.

**Highway safety:**

- 9.23 As the application seeks outline planning permission only it is not possible to comment on a detailed layout and the only issues for consideration here are whether or not the access can safely accommodate the proposed residential development and whether increased usage would compromise highway safety.
- 9.24 The proposals include a revision to the site access which would maintain adequate sight lines onto Low Bentham Road. NYCC Highways raise no objections to the proposed revision and only specify that any development of more than 5 dwellings would have to incorporate a layout to an adoptable standard. Significantly, they raise no objections in principle to the proposed residential development of the site.
- 9.25 It is considered that, subject to appropriate conditions, the site could be developed without detriment to highway safety. It is also noted that there is an element of 'trade-off' to consider when the present use of the site is compared with activity that might arise should the lawful use of the site be intensified.

**Open Space:**

- 9.26 The NPPF at Section 8 seeks to promote healthy communities and in particular paragraph 73 advises that access to high quality open spaces for sport and recreation can make an important contribution to the health and well-being of communities.
- 9.27 Saved Policy SRC2 requires a contribution towards open space for residential development schemes of 10 dwellings or more. The site area is 0.6 ha and until recently PPS3 (now revoked by the NPPF) specified a minimum density of 30 dwellings / ha. At 30 dwellings / ha the site would previously easily have triggered the requirement to make a contribution to open space, but the minimum density requirements have been deleted and at this stage it is now not known whether a requirement towards public open space will become necessary or not. The illustrative scheme is for less than 10 dwellings, but it is very possible that a reserved matters application may exceed this requirement. A condition is therefore recommended requiring the reserved matters application to clarify the open space requirements.

**Affordable Housing:**

- 9.28 The previous application required the provision of affordable housing by condition. A Ministerial statement which resulted in revisions to the national planning policy guidance at the end of last year changed the requirements for affordable housing. However, as this is an outline application with an unspecified number of dwellings the requirements for on and/or off site affordable housing provision cannot be firmly established at this stage it would therefore be appropriate to address this issue by condition.

**Drainage:**

- 9.29 From 6 April 2015 decisions on planning applications relating to major development are required to ensure that sustainable drainage systems (SuDS) are used for the



management of surface water. The application form indicates that surface water is to be disposed of to the main sewerage system. As a result of the recent policy change this is unlikely to be acceptable. However, there are no known reasons why the site could not be drained using SuDS and therefore an appropriate condition is recommended to secure this.

**Summary:**

- 9.30 The proposal seeks re-development of a site comprising previously developed land which incorporates an employment generating use. Notwithstanding its location outside development limits and sandwiched between a 'green wedge' part of which has now been developed for the school, it is considered that the proposed residential development can be justified both in terms of the loss of employment land and the principle of developing a site in open countryside. Moreover, the proposal is considered to be acceptable in terms of amenity issues and highway safety. It is considered that any adverse impact arising from the development would not significantly and demonstrably outweigh the benefits of providing housing on a site in a sustainable location and therefore satisfies the requirements of paragraph 14 of the NPPF.

**10 Recommendation**

**10.1 That permission is granted subject to conditions.**

11 Conditions

1. Notwithstanding the submitted plans no development shall commence until approval of the details of the layout, scale and appearance of the buildings and the landscaping/boundary treatments (hereinafter called the 'reserved matters') has been obtained from the Local Planning Authority.

An application for the approval of the reserved matters shall be made to the Local Planning Authority before the expiration of 3 years from the date of this permission.

The development hereby permitted shall be begun either before the expiration of 3 years from the date of this permission, or before the expiration of 2 years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

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

Reason: To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The outline planning permission hereby approved relates to the site detailed on Drawing No: PDM/11/NA/BR01 and access detailed on the Drawing No: PDM/11/N.A/03 received by the Local Planning Authority 19th September 2014. For the avoidance of doubt the site layout detailed on the approved plan together with Drawing No: PDM/11/N.A/BR/04 are for illustrative purposes only.

Reason: For the avoidance of doubt.

3. No development shall take place until either:
- (i) 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 have been submitted to and approved by the Local Planning Authority and agreement has been reached with the Local Planning Authority as to the provision of the same and its subsequent management and maintenance, or
  - (ii) Alternative arrangements for the provision of open space have been secured and approved in writing by the Local Planning Authority, or

(iii) Confirmation has been obtained in writing from the Local Planning Authority that due to the nature of the development that has been clarified by a reserved matters submission a contribution towards open space is not required.

Reason: The details of the outline application are not specific on the number of dwellings that are proposed and minimum density requirements are no longer applicable. The design and access statement suggests that 'the development would probably comprise 7 units', but no more definite commitment is given. In the absence of this information it is not possible to state with certainty whether a contribution towards open space is necessary to ensure compliance with Saved Local Plan policy SRC2

4. No development shall take place until either:

(i) A scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in the NPPF or any future guidance that replaces it. The scheme shall include:

a. the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 40% of housing units comprised in the development and shall be, in matters of tenure and type, in accordance with the findings of the North Yorkshire Strategic Housing Needs Assessment 2011 or any replacement thereof;

b. the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;

c. 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;

d. the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and

e. 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,

(ii) Confirmation has been obtained in writing from the Local Planning Authority that due to the nature of the development that has been clarified by a reserved matters submission a contribution towards affordable housing is not required.

Reason: The details of the outline application are not specific on the number of dwellings that are proposed and minimum density requirements are no longer applicable. The design and access statement suggests that 'the development would probably comprise 7 units', but no more definite commitment is given. In the absence of this information it is not possible to state with certainty whether a contribution towards affordable housing is necessary to ensure compliance with the Councils Adopted Affordable Housing Guide.

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

(i) The access shall be formed with 6m radius kerbs, to give a minimum carriageway width of 6.5m, and that part of the access road extending 10m into the site shall be constructed in accordance with Standard Detail number E7.

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

(iv) The final surfacing of any private access within 6m of the public highway shall not contain any loose material that is capable of being drawn on to the existing or proposed public highway

Reason: to ensure that the details are satisfactory in the interests of the safety and convenience of highway users.

6. Prior to the commencement of development details of a surface water drainage scheme, which unless otherwise demonstrated as not being reasonably practicable is based on Sustainable urban Drainage Principles (SuDS), shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall comprise: -

- Full technical details of the proposed surface water drainage solution.
- Details of the organisation responsible for the SuDS (unless demonstrated that SuDS is not practicable)
- Arrangements for how SuDS will be maintained in perpetuity (unless demonstrated that SuDS is not practicable).

The development shall be implemented strictly in accordance with the approved scheme and retained in accordance with its provisions thereafter.

Reason: To ensure satisfactory drainage and that SuDS are used where reasonably practicable.

Informative: Full details of the information required to meet the terms of condition 6 can be found on the website of the Lead Local Flood Authority (North Yorkshire County Council). <http://www.northyorks.gov.uk/article/25991/Flooding-and-drainage>

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