

PLANNING COMMITTEE MEETING AGENDA

Monday, 23 September 2013

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

*BARDEN FELL
24/2013/13815*

*OUTLINE APPLICATION FOR CONSTRUCTION OF TWO FAMILY HOMES
ON FORMER QUARRY SITE*

*FORMER QUARRY TO REAR OF DRAUGHTON HOUSE DRAUGHTON
SKIPTON*

APPLICANT NAME: MR & MRS N HARGREAVES

TARGET DECISION DATE: 03/10/2013

CASE OFFICER: Mark Moore

This application is referred to the Planning Committee as it is for new residential development outside of development limits and is therefore a Departure from the Development Plan.

1. Site Description

- 1.1 The application site comprises a former quarry which is located to the east of the settlement of Draughton.
- 1.2 The site is located outside of development limits and has an existing gated access which connects to Low Lane to the east via a narrow lane to the north of the site. The access within the site is graded and partly covered by loose stone.
- 1.3 There are two parts to the site both of which share the existing access. The northern part comprises a raised platform formed by spoil from the quarry whilst the southern part is a flat area set on a lower level which has a small stone-built storage building and a tennis court located on it. The height differential between the two sites is indicated on the approved plan as 10.7m. The land to the north of the site falls by just over 5m whilst to the south the land levels are higher by 12.2m comparative to the southern site.
- 1.4 There is a small beck that runs to the west of the site.
- 1.5 The land to the east of the site is predominantly open farm land which is described in the Craven District Landscape Appraisal as '*Open Upland Pasture/Irregular Stone Walls*'.
- 1.6 Due to the topography of the surrounding landform both of the sites are well screened from the lane and adjacent settlement. In addition there are a number of well-established trees surrounding the sites although the northernmost site has a relatively open aspect to the east and would be in an elevated position and partially visible when viewed from the surrounding countryside.
- 1.7 In addition to being outside of the village development limits the site is located within the Draughton Conservation Area.

2. Proposal

- 2.1 This is an outline planning application with only the access applied for. All other matters (appearance, landscaping, layout and scale) are reserved.
- 2.2 The application is accompanied by the following:
 - A Planning Justification Statement.
 - A Design and Access and Heritage Statement.
 - A Phase 1 Habitat Survey.

- 2.3 Planning permission is sought for the construction of two dwellings. Whilst the appearance and scale of the proposed dwellings are reserved matters illustrative plans submitted with the application and comments in the design and access statement indicate that the proposed houses would be four bedroomed, two storey properties with attached garages that would be constructed in natural stone and slate.
- 2.4 It is indicated that both properties would use the existing site access onto the lane to the north.
- 2.5 It is proposed to remove and rebuild an existing stone wall on the northern part of the site 10m further to the east.

3. Planning History

- 3.1 There is no recent planning history associated with this site.
- 3.2 The site has historically been a quarry and has clearly not been used for quarrying purposes for a long period of time. The existing limestone storage building on the site may have been built at the time the quarry was in operation or could be a later addition for use in connection with the tennis court.

4. Planning Policy Background

- 4.1 **The National Planning Policy Framework (NPPF).**
- 4.2 **PPS5: Planning for the Historic Environment Practice Guide.**

4.3 **Saved Local Plan Policies:-**

ENV1: Development in the Open Countryside.
 ENV2: Requirements for Development in the Open Countryside.
 T2: Road Hierarchy.

5. Parish Council Comments

- 5.1 Draughton Parish Council was unable to provide a formal response in time for inclusion within the officer report but hope to comment prior to the meeting of the Planning Committee. They have nevertheless sent an interim response in which they outline the following areas which are of concern to the Parish Council members:
1. The development site (and indeed the existing site on which Draughton House is constructed) falls outside the development limits of the village and within the Draughton Conservation Area. Although the consultants' report on the application suggests that the development limits may no longer be up to date, they have not yet been replaced, and we would wish to know the views of the District Council planning authority as regards the extent to which they will be taken into account until such time as the new Local Plan may be approved. The council will wish to query the grounds upon which the original application for Draughton House was approved, and to seek confirmation of any covenants that may be relevant as regards any further proposals for development at this site outside the village development limits. They would like to understand how a decision on this proposal might affect the current consultation on the draft Local Plan which, we understand, does not contain any development sites in Draughton because of the lack of local amenities.
 2. The council will also wish to consider further the extent to which permitting development outside these limits may set a precedent for applicants submitting planning applications in future, and especially during the time when the Local Plan remains in draft form. The consultants' report quotes from our Parish Plan

to support the conclusion that small-scale developments such as this one would be acceptable within the village, but the large majority against more numerous developments, also quoted in the report, indicates the possible adverse community reaction to an increasing number of such developments in the future, if a precedent is set. Also, if weight is to be accorded to community views, the council will need to update this aspect of the Plan, which is over five years old, and survey opinion amongst the current village population.

3. There may be some local concerns with the quarry site as regards its geology. The laying of pipework into the rock may be an issue for developers, and the council would seek assurances as regards the more detailed plans for the siting of sewage pipes and tanks and drainage. There may also be a risk of flooding in the quarry bowl. It would appear that there is an error in the planning proposal where it refers incorrectly to a distance of 20m between the development site and the stream, which would, in fact, run beside the access route.
4. There may also be concerns with the access route up to the site, which, we assume will be laid from the lane by the church, and not from Low Lane, as appears to be indicated in the papers.
5. The council will be interested to seek further assurances from you as regards the position of the agricultural tenancy for the field above the quarry and would wish to be advised that there would be no implications as regards the siting of the public footpath crossing the field.
6. The Council would be interested to know the views of the Tree Officer as regards the removal of established trees at the site during construction works.

6. Consultations

- 6.1 **CDC Environmental Health:** No objections in relation to drainage issues subject to the provision of a package treatment plant and compliance with DETR Circular 03/99.

In relation to contaminated land the initial response was that the application site is a former quarry where lime production took place and has large areas of made ground and spoil heaps. As there is potential for the land to be contaminated it was recommended that if planning permission is granted standard conditions are used in relation to contaminated land. The response also stated that the applicant also needed to provide a site investigation report in order to determine that the site is safe for development.

This matter was discussed further with Environmental Health with respect to whether there was a need to carry out site investigations in advance of any planning permission being granted. Environmental Health subsequently issued a further response stating that in order to assess whether or not the development is feasible depending on the amount of remediation (if any) is required it may be advisable that the applicant provide a site investigation report prior to planning permission being granted rather than a condition. They state that either way there is potential for the land to be contaminated and it is necessary to ensure the land is suitable for its intended use.

- 6.2 **Environment Agency:** Note that a non-mains drainage system is proposed. As the water environment is of a low sensitivity the EA have no specific comments about the development. However, the proposal should comply with the foul drainage hierarchy set out in DETR Circular 03/99 'Foul Drainage Hierarchy which requires that if connection of foul drainage to a mains sewer is not feasible a package treatment plant

discharged to a soakaway should be considered. A septic tank discharged to a soakaway may also be acceptable or discharging directly to a watercourse or a system without any discharge as a last resort. The EA also indicate that an Environmental Permit may be required.

- 6.3 **NYCC Highways:** No objections subject to the imposition of a condition requiring the prior approval of the details of construction of private access/verge crossings.
- 6.4 **Natural England:** NE is satisfied that the interest features of Hambleton Quarry and Hollywell Bridge SSSI's do not represent a constraint in determining this application. NE also does not object to the proposal in relation to the potential impact upon protected species. It is advised that opportunities be taken to provide biodiversity and landscape enhancements that may be beneficial to wildlife.
- 6.5 **Yorkshire Wildlife Trust:** Advise that they are unable to comment in detail but recommend a Phase 1 ecological survey to ensure that good quality grassland will not be lost and to suggest suitable mitigation and landscaping.

7. Representations

7.1 None received at time of compiling this report.

8. Summary of Principal Planning Issues

- 8.1 The principle of development, sustainability and housing supply.
- 8.2 Impact on amenity.
- 8.3 Visual impact.
- 8.4 Impact on the conservation area.
- 8.5 Access and highway safety.
- 8.6 Flooding and drainage issues.
- 8.7 Impact on trees.
- 8.8 Issues in relation to contamination and safety.

8.9 Ecological Issues

9. Analysis

PRINCIPLE OF DEVELOPMENT, SUSTAINABILITY AND HOUSING LAND SUPPLY:

Principle of development:

- 9.1 The application site is located outside of development limits in an area of open countryside as defined in the Local Plan and therefore falls to be considered under Saved Local Plan Policy ENV1. Policy ENV1 would be prohibitive of residential development in open countryside other than in very special circumstances none of which apply in this particular case. Accordingly, the development proposal is not supported in principle under the relevant saved policy in the adopted Local Plan.
- 9.2 The Craven District (Outside the Yorkshire Dales National Park) Local Plan was adopted in 1999 and whilst a number of policies within the Local Plan, including ENV1, were Saved in September 2007 (under the Secretary of State's direction under Paragraph 1 (3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004) they were not prepared under the said 2004 Act.
- 9.3 Paragraph 215 of the 2012 National Planning Policy Framework (NPPF) makes it clear that policies not adopted in accordance with the Planning and Compulsory

Purchase Act (2004) need to be considered in terms of their degree of consistency with the NPPF, stating that “*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 between the Local Plan and the NPPF, the Local Plan would carry limited or no weight, with the greater weight being given to the policies set out in the NPPF.

- 9.4 The main thrust of the NPPF is an overarching presumption in favour of sustainable development; i.e. the general acceptability of proposals against the stated “*three dimensions to sustainable development: economic, social and environmental.*” The NPPF sets out 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. Where plans are out of date (as with Craven’s Saved Local Plan) there will be a strong presumption in favour of sustainable development that accords with National Planning Policy. Paragraph 14 of the NPPF indicates that development should be approved unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, or specific policies in the Framework indicate that development should be restricted.
- 9.5 It can be seen therefore that the Council’s Saved policy ENV1 has limited weight in relation to this application and the location of the site outside Development Limits is not in itself ground for a refusal of planning permission.
- 9.6 An additional factor for consideration is the status of the application site. The applicant’s agent claims the site to be previously developed land and it is recognised that the site has previously been subject to quarrying. The Draughton Parish Plan comments that “*quarrying had begun in the Parish in the 14th Century and continued for several centuries*” and whilst this comment is not specific to this site it suggests that the quarry may have remained dormant for a very long period of time.
- 9.7 Annex A of the NPPF provides examples of exclusions from the definition of previously developed land which includes land ‘*where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time*’. It could be argued that the quarry has become substantially overgrown and there is little evidence remaining of its presence other than the landform, which has now for the most part blended into the surrounding landscape, and the small storage building which could well be a later addition.
- 9.8 Notwithstanding, this question is something of a moot point and does not necessarily impact significantly upon the principle of allowing development to take place on this site.
- 9.9 In conclusion, it is considered that this site must primarily be considered against NPPF policy which in this case would override the Council’s restrictive Saved Policy ENV1.

Sustainability:

- 9.10 As set out above, the NPPF makes it clear that there is an overarching presumption in favour of sustainable development and it is therefore necessary to consider this aspect of the proposal.
- 9.11 No single definition of the term ‘sustainable’ is present in the NPPF but it does at paragraph 6 outline that the policies set out between paragraphs 18 to 219 ‘*taken as a whole, constitute the Government’s view of what sustainable development in England means*’. It is therefore necessary to consider whether or not the proposals would

contravene any of the broad NPPF policies in order to come to a view whether or not it can be considered to be sustainable.

9.12 In more specific terms the NPPF states at paragraph 55:

“To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby”.

However, it is also stated that LPA’s should avoid ‘new isolated homes in the countryside’, although this may still be acceptable if special circumstances exist.

9.13 The application site is located on the edge of a small village that comprises of 103 dwellings (88 in a compact area) and a further 15 assorted farms and domestic residences in outlying parts of the Parish. There is also a care centre and a village hall. The village itself lies adjacent to the A65 and is roughly 3.5 miles from Skipton to the west and 6.5 miles from Ilkley to the south-east. The smaller settlement of Silsden is located approximately 5m to the south, whilst Addingham lies approximately 4.5m to the south-east.

9.14 The application site is located close to the village development limit which wraps tightly around the existing housing lying adjacent to Low Lane, the main road through the village. The site is not directly adjacent to development limit boundaries, but given its location it is not considered that it could be classed as ‘isolated’. It is considered that the principle of the proposed development is not expressly contrary to NPPF policy as outlined above. Similarly, the proposals would comply with Paragraph 55 of the NPPF as the development site is on the edge of a small settlement and would in fact support existing services in the nearby centres of Skipton and Ilkley and the smaller settlements of Silsden and Addingham.

9.15 Whilst it is acknowledged that there are very limited amenities in the village it is difficult to argue that this makes the application site unsustainable as the same situation applies to the existing residential development in the immediate area and occupiers of the new dwellings would have access to the same services as existing residents and would have to utilise the same means of accessing those services. Conversely, it could not reasonably be argued that the site is unsustainable due to the pressure on existing amenities and services that it might give rise to. In coming to this view it is also noted that the proposal is for two houses which would arguably have a marginal impact and would represent a proportional development in terms of general sustainability.

9.16 Concern has been raised by the Parish Council regarding the effect that a (favourable) decision might have on the new Local Plan process. In particular the PC comment that Draughton has not been identified as being suitable for development sites due to the lack of local amenities. It is assumed that this statement derives from the report submitted to the Craven Spatial Planning Sub-Committee on 30th October 2012 in which Draughton, along with a number of other small settlements, were excluded from the additional settlements to receive housing site allocations in the emerging spatial strategy for Craven. The basis for this was that the excluded settlements have populations below 1,000 and have limited or no services or facilities. There are a couple of pertinent points with regards to this issue:

- i) The emerging spatial strategy has not as yet been formally adopted and therefore only has limited weight.

- ii) The application site is realistically too small to be specifically allocated as a new site for housing. Whether or not the village has allocated development sites it does not prevent the Council from considering development proposals on 'windfall sites' which are defined in Annex 2 of the NPPF as:

'Sites which have not been specifically identified as available in the Local Plan process'

Whilst these normally comprise previously developed sites (and it is not entirely accepted that this site falls within that definition) other sites that are not previously developed are not entirely ruled out in the NPPF. The key issue here is that development of windfall sites can be considered irrespective of whether or not there are housing allocations in any particular area.

- iii) A planning approval does not set a precedent that would automatically allow further development to take place nor would it compromise the emerging Local Plan. As with all planning applications each has to be considered on its own merits having regard to the Development Plan and any other material considerations. It is unlikely other sites would exist in Draughton that would have the same characteristics as the quarry site and applications submitted after the adoption of the Local Plan or in different circumstances, such as the Council being able to demonstrate that it has a five year supply of housing land, are unlikely to be considered favourably unless there are compelling planning reasons to do so.

9.17 In summary it is considered that the application site is in a sustainable location and that the proposals would constitute sustainable development. In coming to this conclusion it is noted that there are no identified development sites in Draughton and the Council's priorities for housing development will lie elsewhere throughout the district. Notwithstanding, it remains the case that this site is still considered to be sustainable and accordingly, the development is considered to be compliant with the NPPF in principle.

Housing land supply:

- 9.18 One of the objectives of the NPPF is to widen the choice of high quality homes and to significantly boost the supply of housing. Accordingly, the NPPF requires LPA's to identify and update annually a supply of specific deliverable sites for housing ensuring that there is sufficient to provide for a five year supply against local requirements.
- 9.19 At the time of compiling this report the Council's most recent Housing Position Statement (HPS) provides a summary of housing supply as at 22nd August 2013. The summary is based on an emerging housing target of 160 dwellings per annum which is a figure that is yet to be subject to full public examination and concludes that there is presently a shortfall of 29 dwellings assessed against a five year housing requirement of 960 dwellings throughout the district.
- 9.20 Given that the housing target figure upon which the HPS is based could be subject to revision through the local plan process and there is any case a shortfall in housing land supply, the Council is not currently able to demonstrate that a NPPF compliant five year land supply is in place. As a result of this it is not considered that refusal of this application could be sustained on the basis of housing land supply. It is acknowledged that the shortfall is very low and this comprises a very minimal development that would not substantially affect the overall housing situation but equally it should be noted that the proposals would still make a small contribution in a sustainable manner.

Summary (of principle of development):

- 9.21 In conclusion, where plans are out of date (as with Craven's Saved Local Plan) and where a 5 year housing supply cannot be demonstrated, there is a strong presumption in favour of sustainable development that accords with the National Planning Policy Framework. This small scale development of 2 dwellings is considered to contribute to the NPPF's aim of supporting the viability of rural communities and in the context of the NPPF the development is sustainable. It is therefore recommended that development on the land should be accepted in principle.

IMPACT ON AMENITY

- 9.22 Both of the proposed sites are located in such a way that there would be no overlooking, overshadowing or adverse impact on the amenity of any neighbouring properties. The relationship between the two properties is also considered to be acceptable.

VISUAL IMPACT

- 9.23 It should be noted that the external appearance, landscaping, layout and scale elements of the proposals are reserved matters and therefore cannot form part of the assessment of the current planning application.
- 9.24 Saved Local Plan Policy ENV2 sets out that where development in the open countryside is considered to be acceptable in principle, it should go on to meet additional criteria set out in the policy. Criterion one states that development should be compatible with the character of the surrounding area, should not have an unacceptable impact on the landscape and should safeguard landscape features, including stone walls and hedgerows, worthy of protection. Criterion two sets out that 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.
- 9.25 The NPPF provides policies that relate to 'good design' and is not overly prescriptive regarding what this would actually consist of but does advocate that it is important to ensure that developments reinforce local distinctiveness and are mindful of the scale, density, massing, height, landscape, layout, materials and access of neighbouring buildings and the local area generally.
- 9.26 Although this application is only seeking approval for the principle of development and the access to the site it is reasonable to consider whether or not the visual impact of the proposals is likely to be significantly adverse or constitute grounds why planning permission should not be granted. As the site is effectively two distinct and separate areas it is proposed to consider each in turn.

i) Northern (elevated) Site:

This site comprises a raised plateau which would be screened to a large extent by both the topography of the surrounding land and the presence of well-established tree planting to most of the periphery of the site and the nearby lane. The site would be partially visible from some long distance views and the public footpath to the east, and intermittently from some points along the lane to the north

One issue to consider in relation to the northern site is the raised position relative to the immediate site surroundings. This would result in a prominently

positioned house relative to the land immediately to the north, west and south. It would also be raised comparative to existing development in the vicinity which for the most part sits level with the main road through the village and falls gradually from south to north. Notwithstanding, the site is well screened and the proposed house would only be visible intermittently from the lane to the north and from the east. On balance it is not considered that the site would create an adverse impact on the wider landscape.

ii) Southern (quarry) Site:

Whilst this lies immediately adjacent to the northern site the southern site has very different characteristics in that it is set in a 'bowl' formed by the quarry workings and would be screened from view. The site is also screened by the existing tree planting that encompasses the entire site apart from the access. A dwelling in this location would not impact visually beyond the immediate periphery of the site. On balance it is considered that this site could be developed without detriment to the visual amenity of the area.

9.27 Overall, it is considered that the proposals taken as a whole comply with Saved Local Plan Policy ENV2 and the NPPF in terms of visual impact.

IMPACT ON THE CONSERVATION AREA

9.28 The site lies within the Draughton conservation area and it is necessary therefore to consider the impact that the proposals would have on this particular heritage asset.

9.29 The NPPF recognises the importance of ensuring that development proposals do not adversely impact upon the significance of heritage assets, which in this case is the conservation area, and requires that where any harm does arise it is assessed in terms of the scale of that harm and the balance against any benefits that may arise from allowing development to take place.

9.30 In this case it is considered that significance of the heritage asset could only be harmed in terms of its setting as detailed elevations of the proposed dwellings are not for consideration at this outline stage. Notwithstanding, the illustrative drawings indicate that it is possible for appropriately designed properties to be built which would respect the local vernacular and could be constructed from appropriate materials.

9.31 With regards to the impact on the setting of the conservation area it is considered that both sites would be acceptably screened from view and there would be no impact. The northern site, for the reasons outlined above, would be more prominent relative to the existing development in the village, but would remain well screened and therefore its impact would not be significant. The boundaries of the conservation area extend marginally to the east of the site where views of the village principally form a linear development framed by extensive areas of tree planting. It is considered that on balance the elevated position of the proposed northern dwelling would not sit in an ideal position in relation to the setting of the conservation area when viewed from the east however, views of the property would be limited and would not disrupt the existing pattern of development. In coming to this view it is noted that there are two large properties that lie outside of the village on either side of the lane which are not contiguous with the main part of the village. These are established developments which are both remote from the village and sit adjacent to the lane.

9.32 The NPPF requires that the balance of harm against the benefits of development is considered. In this case it is considered that the provision of new dwellings is a benefit, albeit very small scale in terms of housing supply, and there are no

significantly adverse impacts that would outweigh that benefit in terms of impact on the conservation area.

ACCESS AND HIGHWAY SAFETY.

- 9.33 The sites would utilise an existing gated quarry access onto the lane to the north. No objections to the proposals have been raised by NYCC Highways subject to compliance with the condition outlined in Section 6 of this report and it is considered that the visibility at the junction of the access to the public highway is satisfactory. It is noted that there is no footpath to either side of the lane onto which the site exits but this is not considered to be a major concern given that the traffic levels are very low.

FLOODING AND DRAINAGE ISSUES.

- 9.34 The application site is not located within an area identified as being at risk of flooding and there are as a consequence no grounds for concern over this aspect of the proposals.
- 9.35 With regards to drainage issues it is clear from the consultation responses summarised above that subject to compliance with the appropriate DETR regulations the site can be developed. Accordingly, it is considered that the proposals are acceptable in terms of flooding and drainage.

IMPACT ON TREES

- 9.36 The site has a number of trees that lie immediately adjacent to the boundaries and are situated within the Conservation Area. The applicants agent has stated on the application form that there are no trees or hedges on land adjacent to the proposed development site that could influence the development or might be important as part of the local landscape character and has not provided a tree survey or any information on the submitted plans as to the position or species of the trees that surround the site.
- 9.37 Notwithstanding the lack of detailed information on trees contained within the application the site has been inspected by the Council's Tree Officer. Trees that could potentially be affected all lie outside of the application site boundaries. For the most part trees would be unaffected by the proposed development and therefore the Tree Officer is satisfied that development can take place provided appropriate planning conditions are attached to any planning approval to ensure the impact on the trees would be acceptable. It should be noted that as the trees are within the village Conservation Area they already have some protection. Therefore if the application was approved the details required by conditions could be considered whilst the trees continue to be protected by the Conservation Area designation.

ISSUES IN RELATION TO CONTAMINATION AND SAFETY

- 9.38 In relation to contaminated land the initial response from the Council's Environmental Protection team was that the application site is a former quarry where lime production took place and has large areas of made ground and spoil heaps. As there is potential for the land to be contaminated it was recommended that if planning permission is granted standard conditions should be used in relation to contaminated land. They also stated that the applicant would need to provide a site investigation report in order to determine that the site is safe for development.
- 9.39 This matter has been discussed with Environmental Protection who has issued a further response stating that in order to assess whether or not the development is feasible depending on the amount of remediation (if any) is required it may be advisable that the applicant provide a site investigation report prior to planning permission being granted rather than a condition. They state that either way there is potential for the land to be contaminated and it is necessary to ensure the land is suitable for its intended use.

- 9.40 This point is contended by the applicant's agent who considers that the use of planning conditions is appropriate as he has been advised by the Council's Environmental Protection team that *'there is almost always some type of mitigation for the vast majority of contamination problems and it is just a matter of remediation and construction method (and cost)'*. He points out that whilst there may be some fill on the site it is not known that this fill is contaminated or strongly suspected and refers to Circular 11/95 that advises on the use of planning conditions. This states at paragraph 74 that where it is known or strongly suspected that a site is contaminated an investigation of the hazards by the developer and proposals for remedial action will normally be required before the application can be determined by the planning authority. However, it further states at paragraph 75 that in cases where there is only a suspicion that a site might be contaminated planning permission may be granted subject to conditions that development will not be permitted to start until a site investigation and assessment have been carried out and that the development itself will incorporate any remedial measures shown to be necessary. He also points out that the applicants house lies adjacent to the site and was constructed in the quarry with no adverse impacts.
- 9.41 Notwithstanding the Circular advice outlined above Annex 2: Glossary of the NPPF comments on 'Site Investigation Information'. It states:
'Includes a risk assessment of land potentially affected by contamination, or ground stability and slope stability reports, as appropriate. All investigations of land potentially affected by contamination should be carried out in accordance with established procedures (such as BS10175 (2001) Code of Practice for the Investigation of Potentially Contaminated Sites). The minimum information that should be provided by an applicant is the report of a desk study and site reconnaissance'.
- 9.42 In this case no reports of any description have been submitted in support of the application which is contrary to the NPPF requirement set out above. It is considered that, notwithstanding the comments of the applicant's agent, the issue of potential contamination of the site must be addressed before it can be adequately ascertained that the site is safe to be developed. The Council's Environmental Protection team have indicated that they consider that it would be advisable for a site investigation report to be submitted prior to a decision being made on the application.
- 9.43 In addition to the above there are concerns regarding the stability of the land given that it is intended to develop on top of quarry spoil heaps . In the absence of any engineers report and given the stated intention to conduct engineering operations in order to lower the ground level by 2m it is considered that there is insufficient information accompanying the application to enable the Council to determine whether or not the site can be developed safely. Having regard to the NPPF, which is very clear on the need for a desk study and site reconnaissance as a minimum requirement it is not considered that the application is compliant with the NPPF or that there is sufficient information to enable it to be considered favourably.

ECOLOGICAL ISSUES

- 9.44 The application was accompanied by a Phase 1 Habitat Survey which is considered to be of an adequate standard and has been considered by Natural England who has raised no objections to the development proposals on ecological grounds.
- 9.45 The conclusions of the habitat survey are that the development would have no significant impact on either protected species or habitats (statutory or non-statutory) on the application site or in the surrounding area subject to appropriate ecological mitigation measures being applied during construction.
- 9.46 It is considered that there are no grounds to refuse planning permission over concerns in relation to impacts on ecology.

OTHER MATTERS

- 9.47 Some issues raised by the Parish Council (PC) in their initial comments outlined at section 5 above have not yet been addressed within this report. They are as follows:
- 9.48 The PC question whether there are any covenants on the approval for Draughton House to restrict further development outside of the village development limits. Restrictive covenants fall outside of the scope of planning control and therefore would not be a material consideration in the determination of this application.
- 9.49 The PC question the situation with regards to the agricultural tenancy for the field above the quarry and whether there would be implications as regards the siting of the public footpath across the field. Firstly, issues in relation to tenancy agreements are not material to the consideration of planning matters. However, it is noted that the applicant's agent has made a declaration that notice of the application has been served on the owner/agricultural tenant at Lane End Farm, Draughton. With regards to the footpath this lies outside of the application site boundaries to the east and would be unaffected by the proposals.

10. Recommendation

That planning permission is refused for the following reason:

11. Reason for Refusal

1. The application site comprises a former quarry where contamination issues may exist and it is therefore necessary for the risk to be assessed before the site can be considered with certainty to be suitable for development. Additionally, the proposals include development on areas of spoil, and in particular entail engineering operations to reduce the ground levels formed by spoil by 2 m prior to the construction of the northern plot. These works may give rise to land stability problems in addition to contamination issues. No engineering report, desk study or site reconnaissance information has been submitted in support of the application. It is therefore concluded that the application does not comply with the minimum requirement set out in the National Planning Policy Framework and there is insufficient information to enable the Local Planning Authority to consider the application favourably.

Statement of Positive Engagement: -

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

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

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

**GLUSBURN
32/2013/13758**

*CONSTRUCTION OF 5 NO. 2 STOREY TOWNHOUSES; GROUND FLOOR
RETAIL DEVELOPMENT, AND 8 NO. RESIDENTIAL APARTMENTS AT
GROUND, FIRST AND SECOND FLOORS*

19 - 25 MAIN STREET CROSS HILLS KEIGHLEY

APPLICANT NAME: LONDON PROPERTY INVESTMENTS LTD

TARGET DECISION DATE: 18/10/2013

CASE OFFICER: Roger France

This application falls to be considered by the Planning Committee under the agreed Scheme of Delegation as a previous application for a similar development on this site was previously determined by the Planning Committee.

1. Site Description

- 1.1 The application site is located within the central area of Cross Hills to the south side of Main Street (A629), adjacent to its junction with Hall Street, and opposite the entrance to the Co-op Supermarket. It extends to 0.2 hectares and is occupied by two-storey stone built premises with a frontage to Main Street. The property was formerly occupied as a print works, now vacant, although the building also incorporates an estate agent's office at the east (19 Main Street) which has its own small car parking area accessed of Hall Street.
- 1.2 The site falls within the 'development limits' of the settlement and the Core Retail Area as allocated in the adopted Local Plan (1999). The surrounding area is of mixed land use character, being predominantly commercial to the north, east and west, and residential to the south. The residential properties to the rear of the site, South View, form a two-storey terrace separated by a 'back street' and rear yards, and have their rear outlook onto the site. On the east side of Hall Street is a public car park with associated public conveniences and Council re-cycling facilities.
- 1.3 The Main Street frontage is constructed of regular coursed natural stone. The buildings to the rear, which extend behind other properties facing Main Street, include more 'modern' structures and are mainly red brick or pebble dash and include a sloping roof canopy over a loading bay accessed of Hall Street/South View.
- 1.4 There is an extant planning permission approved in 2008 and renewed in 2010 for the demolition of the buildings (but excluding 19 Main Street), and the redevelopment of the site for ground floor retail use and 12 residential flats at ground, first and second floor levels.

2. Proposal

- 2.1 This current full application is for a revised scheme for the redevelopment of the site. The proposal now includes 19 Main Street allowing the demolition of all the structures on the site, and is for the construction an 'L' shaped development of 2 ground floor retail units; 5 three-bed town houses; and 8 flats (1 two-bed flat at ground floor level, 4 two-bed flats at first floor level, and in the roofspace at second floor level 1 two-bed flat and 2 one-bed flats) i.e. a total of 13 residential units.
- 2.2 The proposed layout retains the existing continuous frontage building-line to Main Street, but returns the building around the Hall Street frontage. Again the space to the rear (south) is utilised for car parking, as well as bin and cycle storage. This area is

accessed from Hall Street but now through an opening in the ground floor of the building. A total of 17 car parking spaces are provided.

- 2.3 The external design is two-storey to maintain roof heights in scale with the existing surrounding properties; the 5 town houses form the west section of the Main Street and are linked to the existing shops, the two new shop units occupy the ground floor to the eastern section with the flats above. The roof height of the east section, which also forms the Hall Street frontage, is higher to allow roof space for the second floor flats and incorporates several small dormers of 'traditional' pitched roof design (as did the original scheme). The elevations have a simple architectural treatment with vernacular features reflected in the window proportions, eaves details, chimneys (on the town houses), and the design of the shop fronts. Facing materials are natural stone and a slate roof is proposed.
- 2.4 No provision for affordable housing is made in the application on the grounds of financial viability.

3. Planning History

- 3.1 32/2006/6117: Retail & residential development comprising retail space at ground floor level and 9 No apartments at first & second floor levels, and car parking to rear. Refused April 2006 (on design and highway safety grounds).
- 3.2 32/006/6514: Retail and residential development, retail at ground floor and 8 apartments at first and second floor). Approved September 2006.
- 3.3 32/2007/7532: Redevelopment for retail and residential development. Approved July 2007.
- 3.4 32/2008/8578: Ground floor retail development and 12 No. apartments at ground, first & second floor levels. Approved July 2008
- 3.5 32/2011/11201: Ground Floor Retail Development Plus 12 No. Apartments at Ground, First and Second Floor Levels (Renewal of planning permission 32/2010/8578).

4. Planning Policy Background

- 4.1 National Planning Policy Framework (NPPF).
- 4.2 Craven District (Outside the Yorkshire Dales National Park) Local Plan: Saved Local Plan Policies R1 'The Sequential Approach for New Retail Development'; R2 'New Retail, Development'; H2 'New Residential Development'; H3 'Residential Development in Skipton and Local Service Centres'; and T2 'Road Hierarchy', are relevant to this development and have been 'saved' (under the Planning & Compulsory Purchase Act 2004). However, Paragraph 215 of the new National Planning Policy Framework states that policies not adopted in accordance with the 2004 Act need to be considered in terms of their degree of consistency with the new NPPF; in particular "the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given".
- 4.3 In this case the saved retail policies of the Local Plan (LP), Policies R1 and R2, are now not wholly in accord with the Framework and superseded by the more recently published (and therefore more up-to-date) national planning policy. LP Policies H2 and H3 are broadly in line with the framework and carry some limited weight. Consequently, the application needs to be principally assessed against the National Planning Policy Framework.
- 4.4 Finally, in March 2012 the Council's adopted an 'Interim Affordable Housing Policy that requires a 40% provision, subject to viability, and the application needs to address this policy (which supersedes the former Local Plan Policy and is held to be in accordance with the NPPF).

5. Parish Council Comments
- 5.1 Glusburn Parish Council: No Comments received.
6. Consultations
- 6.1 **NYCC Highways:** recommend approval subject to standard conditions concerning the technical details of the crossing of the highway verge and the prior provision of the car parking.
- 6.2 **CDC Environmental Health:** The proposed development is on the site of a former print works. Due to the lands historical use there is a potential for the land to be contaminated. If permission is granted the standard conditions regarding site investigations and remediation should be used.
- 6.3 **Yorkshire Water:** No comments to make.
7. Representations
- 7.1 None.
8. Summary of Principal Planning Issues
- 8.1 The principle of residential development at this location.
- 8.2 Affordable housing provision.
- 8.3 The impact of the proposal on the character and appearance of the surrounding area.
- 8.4 The effects of development on the general amenities of neighbouring occupiers.
- 8.5 Highway safety.
9. Analysis
- 1. The principle of development**
- 9.1 The site falls within the central area of the allocated 'development limits' of Glusburn & Cross Hills and the redevelopment of the site for a mixed residential and retail use has already been established through previous unimplemented planning permissions dating back to 1996. Although these permissions pre-date the introduction of the NPPF, in principle, the current revised proposals would accord with the general thrust of the National Planning Policy Framework (NPPF) and its overarching presumption in favour of sustainable development.
- 9.2 The residential element of the proposal also still complies with saved LP Policies H2 and H3. H2 seeks to locate the majority of new residential development in Skipton and the local service centres (which includes Cross Hills). Policy H3 is permissive of small scale residential development of neglected, derelict or underused land where the land is, amongst other things, not identified as important to the settlement character and will not result in the loss of land of recreation or amenity value; and the development does not harm the character and amenity of existing residential areas, or prejudice highway safety. Similarly, the proposed retail units are in accordance with Policies R1 and R2, even though these policies can now be afforded little or no weight.
- 9.3 In conclusion, the site is centrally located within one the District's main settlements, with education, community, public transport, and other facilities readily accessible. Consequently, in principle, a mixed residential and retail 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; in particular the impact on the general amenities of the locality.

2. Affordable Housing

- 9.4 The original 2008 permission for 12 dwelling units (still extant) was determined under the then threshold for affordable housing provision; however, this new application falls to be considered against the new 'Interim Affordable Housing Policy' adopted in 2012. The Interim Policy requires 40% provision subject to viability in developments of 5 or more dwellings.
- 9.5 In this case, an independent financial appraisal has been carried out to assess firstly, the value of the existing premises; secondly the viability of the scheme for which planning permission has already been obtained; and finally, the viability of the proposals the subject of the current application. This appraisal has concluded that the original 2008 scheme is not currently financially viable. Further that while the new proposal is "a more valuable scheme and would produce a surplus" compared with the current use value of the site, even in its present condition, "there is certainly no room for an affordable housing contribution."
- 9.6 In conclusion, Strategic Housing has agreed that an affordable provision is not required in this instance.

3. Impact on character & appearance

- 9.7 The site falls outside of any area of special environmental protection but the securing of high quality design and a good standard of amenity for all residents is a core planning principle of the NPPF. As such, it is not considered that there is any significant planning policy change since the 2008 application and 2010 renewal.
- 9.8 The previous permission for the redevelopment of the site was considered to represent a beneficial opportunity to improve the Main Street frontage. This revised scheme now also includes the property at the eastern end of the site (i.e. 19 Main St) and a comprehensive redevelopment of the site is now possible. While the current scheme is similar in layout and scale to that already approved in 2008, the proposals are considered to be a further improvement in terms of the overall design and the architectural treatment of the main elevations.
- 9.9 The proposed building will be compatible with surrounding development in terms of its general scale and mass, and the appearance of the building will assimilate with the style of buildings found in the local street scene, in particular through similar ridge and eaves height, and similar facing materials as the adjacent buildings in Main Street. In the absence of any significant impact on the character and appearance of the surrounding area and there would be no conflict with NPPF guidance or saved LP policies.

4. Effect on the Amenities of Neighbours

- 9.10 The nearest existing dwellings are on South View to the rear (south) of the site, and as with the approved 2008 scheme the rear elevations of the existing and proposed dwellings face each other separated by the car parking area. The separation distance of at least 20 m. between the faces of these dwellings has been maintained in the new design and it is not considered that there will be any significant loss of privacy or any direct overshadowing of the existing dwellings from the new development.
- 9.11 The relationship between the proposed residential accommodation and the existing Conservative Club and the potential noise nuisance from those premises was an issue raised in the previous applications. The proposal does not materially change the relationship from the existing approval; the previous decision took into account the degree of physical separation and the location within an area of existing mixed commercial and residential land use.
- 9.12 In the 2008 permission it was noted that the retail element of this proposal (located in Local Service Centre) may come under pressure for food/takeaway uses which may not be compatible with the residential uses above (and at that time with the 'Core

Retail Area' policies – now superseded). Therefore, it is again considered advisable to limit this aspect of the land use to Class A1 (and now A2 uses given the NPPF guidance) and to specifically exclude uses within Classes A3 A4, and A5.

5. Highway Safety

- 9.13 There are no objections to the proposals from the County highway authority and it is not considered that the development will lead to any conditions detrimental to highway safety. The application proposals are therefore held to comply with saved LP Policy T2.

10. Recommendation

- 10.1 Approve with conditions.

Conditions

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

Reason: To comply with the requirements of Section 91 of the Town & Country Planning Act 1990.

2. The approved plans comprise Plan Numbers 3035-017 Revision A; 3035-018 Revision A; 3035-019 Revision A; 3035-022; and 3035-022, received by the Local Planning Authority on the 16 July 2013. The development shall be completed in accordance with the approved plans except where conditions attached to this planning permission indicate otherwise or where alternative details have been subsequently approved following an application for a non-material amendment.

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

3. Prior to the first use of building materials on the site details and/or samples of all new materials to be used on the external surfaces of the buildings, including the proposed external walling and roofing materials, the design and colour of all window frames, doors, rainwater goods, and details of hard surfaced areas, shall be submitted to and approved in writing by the Local Planning Authority. Development shall subsequently be carried out in accordance with approved details.

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

4. No work shall commence on the external walling of the proposed building until such time as a sample panel, of at least 2 metres square area, showing the type of walling to be used and the style and colour of its pointing has been constructed on the site and inspected and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with approved details.

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

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 interests of visual amenity.

6. No barge boards, fascia boards or soffit boards shall be used in the carrying out of the development hereby approved and the roof(s) shall have slated verges.

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

7. The development hereby permitted shall not commence until full details of the proposed shop front(s) have been submitted to and approved in writing by the Local Planning Authority. The submitted details should be in the form of large-scale drawings and sections and show the design and materials of proposed pilasters, corbels, stallriser, fascia boards, and the shape and section of any mullions, transoms, and glazing bars. Development shall be carried out in accordance with the approved details.

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

8. There shall be no excavation or other groundworks, 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 crossing of the highway verge and/or footway shall be constructed in accordance with the approved details and/or Standard Detail number E6.
- (ii) Any gates or barriers shall be erected a minimum distance of 4.5 metres back from the carriageway of the existing highway and shall not be able to swing over the existing 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 4.5 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.

All works shall accord with the approved details.

Reason: In the interests of highway safety.

9. 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 Drawing No 3035-017' Scheme Layout (Ground Floor)' for parking spaces, turning areas and access shall be kept available for their intended purposes at all times.

Reason: To ensure these areas are kept available for their intended use in the interests of highway safety and the general amenity of the development

10. Development shall not commence until actual or potential land contamination at the site has been investigated and a Phase I desk study report has been submitted to and approved in writing by the local planning authority. Should further intrusive investigation be recommended in the Phase I report, development shall not commence until a scope of works has been submitted to and approved in writing by the local planning authority.

Reason: To ensure that actual or potential land contamination at the site has been investigated and that associated environmental risks have been assessed.

11. Should remediation be recommended in the Phase II Intrusive Site Investigation report, development shall not commence until a Remediation Strategy has been submitted to, and approved in writing by, the local planning authority. The approved remediation measures shall be implemented in accordance with the timescales in the approved Remediation Strategy. In the event that remediation is unable to proceed in accordance with an approved Remediation Strategy or unexpected significant contamination is encountered at any stage of the process, the local planning authority shall be notified in writing immediately. Revisions to the Remediation Strategy shall

be submitted to, and approved in writing by, the local planning authority. Works shall thereafter be carried out in accordance with the approved revised Remediation Strategy.

Reason: To ensure the development shall be suitable for use and that identified contamination will not present significant environmental risks

12. Following completion of any measures identified in the approved Remediation Strategy, a Validation Report shall be submitted within agreed timescales to, and approved in writing by, the local planning authority. The site shall not be brought into use until such time as all the validation data has been approved in writing by the local planning authority at the agreed timescales.

Reason: To enable the local planning authority to determine whether the site has been rendered suitable for use and that contamination has been dealt with so as not to present significant environmental risks.

13. Notwithstanding the layout shown on the approved plans no development shall take place until details of the provision to be made for the storage of refuse and recycling have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and the refuse storage facilities shall be provided prior to the first occupation of the flats hereby permitted and retained thereafter.

Reason: To ensure adequate storage for the disposal waste and recycling bins, in the interests of public amenity.

14. Notwithstanding any rights conferred by the Town and Country Planning (General Permitted Development) Order 1995 (as amended), or any order revoking and re-enacting that Order, the Class A1 (shop) units hereby permitted shall not be put to a primary use within Class A3 (restaurants and cafes), A4 (drinking establishments) or A5 (hot food takeaways) of the Use Classes Order 1987 (as amended).

Reason: For the avoidance of doubt and to safeguard the amenities of the occupants of the residential accommodation hereby permitted.

Statement of Positive Engagement: -

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

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

GARGRAVE &
MALHAM
19/2013/13865

*PRIOR NOTIFICATION FOR CHANGE OF USE OF GENERAL PURPOSE
AGRICULTURAL BUILDING TO USE CLASS B1.*

FOGGA FARM, CONISTON COLD.

APPLICANT NAME: YORKSHIRE DALES ATV CENTRE LTD

TARGET DECISION DATE: 18/10/2013

CASE OFFICER: Andrea Muscroft

This application is referred to the Planning Committee as the agent acting on behalf of the applicant is Cllr Sutcliffe.

1. Site Description

- 1.1 The application site is located on the south side of the A65, approximately 0.5 miles to the west of Coniston Cold village. The agricultural building is located to the south of Fogga Farm and is accessed via a private track with a large car parking/turning area to the west and north of the building.
- 1.2 The building measures approximately 15m x 17.5m and is constructed from breeze block (walls) and metal sheeting to the sides and roof. The application site is outside of development limits within open countryside.

2. Proposal

- 2.1 The notification seeks to establish whether Prior Approval is required from the Local Planning Authority for a change of use of a general purpose agricultural building to use Class B1 (office, light industry, and research & development). No details have been submitted concerning the need for any physical alterations to the existing building or associated parking/turning area.
- 2.2 Officer Note: On 30th May 2013, new rules governing changes of use of land and buildings came into force. Part 3, Class M of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013 allows for a building and any land within its curtilage to change from use as an agricultural buildings to a flexible use falling within either Class A1, A2, A3, B1, B8 & D2. Under these new rules planning permission is not required and the principle of the development cannot be questioned, however a developer is first required to make an application to the local planning authority for a determination as to whether prior approval will be required of certain technical matters (these are set out a Section 8 of the report).

3. Planning History

- 3.1 There is a long planning history to these premises, complicated by the fact that the building has been subject to enforcement action.
- 3.2 19/2007/7254 – Change of use of ex-agricultural building to use for the sale and repair of ATV's and farm vehicles – Not determined and file closed.
- 3.3 1st August 2007 – Enforcement notice served requiring the building to be demolished and cease use as an ATV's business.
- 3.4 28th May 2008 – Appeal against enforcement notice withdrawn.

- 3.5 2nd June 2008 – Revised Enforcement noticed served requiring that the storage of all-terrain vehicles, other vehicles, machinery and equip, the maintenance, service and repair of ATV's, and the sale of ATV's cease to operate from this building. A site visit in 2009 confirmed that the applicant had complied with the enforcement notice and that the building could be retained for agricultural use.
4. Planning Policy Background
- 4.1 The National Planning Policy Framework – March 2012 (NPPF)
- 4.2 Saved Policies ENV1, ENV2 & T2 of the Craven (Outside the Yorkshire Dales National Park) Local Plan.
5. Parish/Town Council Comments
- 5.1 None to date, but the deadline to make comments on this notification has not yet lapsed.
6. Consultations
- 6.1 NYCC Highways Authority: That permission is granted subject to a condition relating to the construction requirements for the access/verge crossing. Received 5th September 2013.
- 6.2 CDC Environmental Protection: Verbally confirmed no known contaminated land implications regarding this site.
7. Representations
- 7.1 None to date, but the deadline to make comments on this notification has not yet lapsed.
8. Summary of Principal Planning Issues
- 8.1 The change of use is considered to be permitted development under Schedule 2, Part 3, Class M of the Town and Country Planning (General Permitted Development) Order 1995. The LPA have 56 days to decide whether it requires prior approval due to the transport and highways impact of the development, any noise impacts of the development, any concerns with respect to contamination, and any flooding concerns.
9. Analysis
- 9.1 This proposal is for the change of use of the building to business use (Class B1) as defined within the Schedule of the Use Classes Order.
- Transport and highways**
- 9.2 The proposed access arrangements comprises of a private track leading directly from the building onto the A65, which is the main route leading to Skipton to the east and Hellifield to the west. This access is shared opening onto a turning area serving 2no. Holiday cottages and the original farm dwelling.
- 9.3 NYCC Highways have been consulted and have raised no objections subject to the compliance with conditions relating to the construction of the access/verge crossing. They require the initial 5 metres of the access road to be surfaced in such a manner so that loose material is not drawn onto the public highway.
- 9.4 As this is a prior approval notification it is not possible to attach a condition in the manner specified by the Highways Authority. However, the applicant's agent has agreed to modify the notification and has confirmed to Officers that the initial 5 metres of the access from the highway shall be finished with a surface that does not contain any loose material and constructed in accordance with the published Specification of the Highway Authority.

Noise

- 9.5 In terms of noise disturbance, the adjacent residential buildings are within the control of the applicant. Furthermore Class B1 uses are by definition capable of being undertaken without causing unacceptable harm to the amenities of adjoining residential properties.

Contamination

- 9.6 The Council's Environmental Protection department have not identified any potential risk from land contamination at this site. It is considered therefore that the proposal would not result in any risk of contamination to the future users of the land and building.

Flooding

- 9.7 In respect to flooding the application site is located in an elevated position and lies outside of any identified Flood Risk Areas. In addition, the proposed change of use would not require any excavation or engineering works. It is considered therefore that the proposed change of use would not result in any unacceptable risk of flooding to nearby properties.

10. Recommendation

- 10.1 That delegated authority is given to Officers, upon the expiry of the relevant consultation periods, to issue the decision that the Prior Approval of the Local Planning Authority is not required.

Conditions

Not applicable.