

PLANNING COMMITTEE MEETING AGENDA

Monday 02 June 2014

CONTENTS

SOUTH CRAVEN AREA

APPLICATIONS TO BE CONSIDERED BY THE COMMITTEE

WARD AND APPLICATION No.	PROPOSED DEVELOPMENT AND SITE ADDRESS	REPORT AT PAGE No.
<i>AIRE VAL W LOTH 21/2014/14241</i>	<i>CONSTRUCTION OF 15 NO. HOUSES AND NEW ACCESS, RE-SITING OF GARAGES AND PARKING TO ADJACENT BARN CONVERSIONS MEADOW LANE / MEADOW CLOSE, CONONLEY. APPLICANT NAME: MR JOHN TEAL TARGET DECISION DATE: 15/04/2014 CASE OFFICER: Neville Watson</i>	4 – 16

PLANNING COMMITTEE MEETING AGENDA

Monday 02 June 2014

CONTENTS

NORTH CRAVEN AREA

APPLICATIONS TO BE CONSIDERED BY THE COMMITTEE

WARD AND APPLICATION No.	PROPOSED DEVELOPMENT AND SITE ADDRESS	REPORT AT PAGE No.
<i>INGLETON & CLAP 31/2013/14022</i>	<i>CONVERSION OF EXISTING REDUNDANT AGRICULTURAL BUILDINGS TO OFFICES ARMITSTEAD HALL, ARMITSTEAD, GIGGLESWICK. APPLICANT NAME: MRS JANET NEWHOUSE TARGET DECISION DATE: 13/02/2014 CASE OFFICER: Jack Sykes</i>	17 – 31

PLANNING COMMITTEE MEETING AGENDA

Monday 02 June 2014

CONTENTS

SKIPTON AREA

APPLICATIONS TO BE CONSIDERED BY THE COMMITTEE

WARD AND APPLICATION No.	PROPOSED DEVELOPMENT AND SITE ADDRESS	REPORT AT PAGE No.
GARGRAVE & MALHAM 65/2014/14449	<i>RETROSPECTIVE APPLICATION FOR THE ERECTION OF A MULTI-FUNCTIONAL BUILDING FOR TOURISM AND AGRICULTURAL USE</i> <i>NIFFANY FARM, BROUGHTON ROAD, SKIPTON.</i> APPLICANT NAME: Mr K & Mrs J Marshall TARGET DECISION DATE: 05/05/2014 CASE OFFICER: Jack Sykes	32 – 36
SKIPTON NORTH 63/2014/14530 & 63/2014/14532	<i>PROPOSED DEMOLITION OF EXISTING TOILET BLOCK TO SOUTH ELEVATION OF SKIPTON TOWN HALL COMPLEX ON JERRY CROFT TO BE REPLACED WITH NEW ACCESSIBLE ACCESS ENTRANCE, TOILETS TO GROUND FLOOR, INTERNAL LIFT AND MINOR INTERNAL ALTERATIONS</i> <i>LISTED BUILDING CONSENT FOR THE PROPOSED DEMOLITION OF EXISTING TOILET BLOCK TO SOUTH ELEVATION OF SKIPTON TOWN HALL COMPLEX ON JERRY CROFT TO BE REPLACED WITH NEW ACCESSIBLE ACCESS ENTRANCE, TOILETS TO GROUND FLOOR, INTERNAL LIFT AND MINOR INTERNAL ALTERATIONS</i> <i>CRAVEN DISTRICT COUNCIL, TOWN HALL, HIGH STREET, SKIPTON .</i> APPLICANT NAME: Craven District Council TARGET DECISION DATE: 26/05/2014 CASE OFFICER: Andrea Muscroft	37 – 43
SKIPTON EAST 63/2014/14429	<i>FELL 7 NO SYCAMORE TREES (T1, T2, T3, T4, T5, T7 & T9)</i> <i>IN RECREATION GROUND ADJACENT TO 70 – 72, 86-88, & 90 – 92 MOORVIEW WAY, SKIPTON</i> APPLICANT NAME: MR LES CHANDLER TARGET DECISION DATE: 25/04/2014 CASE OFFICER: Trees Officer	44 - 46

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

AIRE VAL W LOTH
21/2014/14241

CONSTRUCTION OF 15 NO. HOUSES AND NEW ACCESS, RE-SITING OF
GARAGES AND PARKING TO ADJACENT BARN CONVERSIONS

MEADOW LANE / MEADOW CLOSE, CONONLEY.

APPLICANT NAME: MR JOHN TEAL
TARGET DECISION DATE: 15/04/2014
CASE OFFICER: Neville Watson

The application has been referred to Planning Committee as it is considered to be a Departure from the Development Plan.

1. Site Description

- 1.1 The application site is a roughly rectangular plot of land extending to 0.643 ha. lying immediately to the east of Meadow Close, Cononley, a cul-de-sac of detached dwellings. The Skipton to Leeds railway line forms the north eastern boundary to the site. The site is predominantly grassland pasture with further residential properties to the south east. The boundaries to the site are predominantly formed by drystone walls. Part of the southern area of the site is currently used for caravan storage.
- 1.2 The site immediately abuts the conservation area along the Meadow Lane frontage to the site and is immediately outside the development limit of the settlement. To the southeast of the site on the southern side of Meadow Lane are some stone barns including one that is a Grade II Listed building. It is understood the site formed part of Pear Tree Farm on the south side of Meadow Lane.

2 Proposal

- 2.1 This is an outline application for 15no. dwellings with access, layout and scale to be considered at this stage, reserving appearance and landscaping for subsequent approval. The submitted plans show development off a new cul-de-sac from Meadow Lane. The scheme provides for a total of 15no. properties including 6no. affordable dwellings.
- 2.2 The scheme provides for a mix of houses as follows:-
- 3no. one bed (all affordable)
 - 2no. two bed (1 affordable)
 - 6no. three bed (2 affordable)
 - 4no. four bed (all open market)
- 2.3 The scheme also provides for three double garages and parking for the conversion works at Pear Tree Farm permitted under planning refs 21/2012/12754 and 12749 (see planning history below). The current application proposals modify the parking arrangements for the scheme approved under planning refs. 21/2012/12754 and 12749.
- 2.4 The application includes a planning statement, design and access statement, heritage statement and affordable housing pro-forma.

3 Planning History

- 3.1 Planning Refs. 21/2012/12754 & 12749 granted planning permission and listed building consent for conversion of the barns on the south side of Meadow Lane into 3 units of residential accommodation. On the northern side of Meadow Lane the planning permission granted consent for the erection of new garages and parking areas to provide off street parking for the barns.

4 Planning Policy Background

4.1 NPPF, nPPG.

4.2 Craven District (Outside the Yorkshire Dales National Park) Local Plan: The local plan policies that have been 'saved' (under the Planning & Compulsory Purchase Act 2004) and are relevant to the current application are: -

- Policy ENV1 'Development in Open Countryside'.
- ENV2 'Requirements for Development in Open Countryside'.
- ENV10 'Protection of Trees & Woodland'.
- T2 'Road Hierarchy'.

4.3 In March 2012 the Council 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 considered to be in accordance with the NPPF).

5 Parish Council Comments

5.1 Cononley Parish Council:- Resolved to make a number of objections to this application.

(1) The additional traffic which the development would produce would lead to 'car carnage' at certain times of the day due to the unavoidable bottleneck adjacent to the development. This is a main route to and from the school (100 yards past the proposed development) where a single carriage road mixes cars with pedestrians with no footpath and no refuge. There is a severe risk to safety of pedestrians, especially children accessing school on foot.

(2) The number of houses is not appropriate for the site. The Council accepts that if the exit / ingress to the site could be resolved, this otherwise is an appropriate site for some development and welcomes the construction of smaller houses – which is what the community is in need of – but the number means that the site will be crowded and this will affect the overall amenity of the area.

6 Consultations

6.1 **NYCC Highway Authority** recommends that planning permission can be granted subject to a number of standard conditions.

6.2 The **Environment Agency** states that they have no comments to make.

6.3 **Network Rail** has no objection in principle but recommend conditions and provides other information with respect to protecting railway infrastructure. Matters are raised in respect of drainage, boundary fencing, method statement (for construction in proximity to the railway line), soundproofing of the dwellings, lighting (to prevent train drivers being dazzled) and landscaping.

Officer Note: Where appropriate conditions are recommended to address the issues raised by Network Rail. However much of the consultation response is information for the applicant to note rather than relevant planning conditions. An informative is therefore recommended highlighting to the applicant, or any alternative developer of the site, the comments made by Network Rail.

6.4 **CDC Strategic Housing** states that the SHMA indicates that there is a need for 3 homes to be provided each year in the Aire Valley and Lothersdale Ward in which Cononley falls. This equates to 15 affordable homes over a 5 year period (2011-2016) for which the SHMA is valid. To date no affordable homes have been delivered within this Ward. The provision of these 6 affordable homes will therefore go some way towards meeting the need. The mix is also in accordance with the SHMA which states that there is greater need for 1 and 2 bed homes within the Craven District. However, it recognises that there is a need to meet growing families and therefore the provision of 3 bed homes is also a requirement. The mix provided for on this scheme is in line with the SHMA findings.

6.5 CDC **Environmental Health (Environmental Protection)** advises that noise and vibration assessment should be carried out (this reflects the advice from Network Rail) and that drainage should incorporate a sustainable drainage system (SuDS).

6.6 CDC **Environmental Health (Contaminated Land)** confirms that there are no known contaminated land implications.

6.7 CDC **Sports Development Officer**. Reply awaited, Members will be updated at the meeting.

6.8 **Yorkshire Water Services**. Reply awaited, Members will be updated at the meeting.

7 Representations

7.1 Twelve letters of objection have been received raising the following issues:-

- Surface and foul water drainage.
- Noise and vibration from railway.
- Highway and pedestrian safety and access along Meadow Lane.
- Impact on the conservation area.
- The site is outside the development limit.
- Lack of community consultation.
- Impact on existing utilities.
- There are other preferable sites that could be developed.

8 Summary of Principal Planning Issues

8.1 The principle of residential development at this location and, having regard to the defined settlement boundary identified in the development plan, whether the development is justified by the presumption in favour of sustainable development contained in national planning policy and housing land supply considerations.

8.2 Affordable housing provision.

8.3 The effect of residential development on the character and appearance of the area.

8.4 The impact of development on the local highway network, traffic movement, and vehicle and pedestrian traffic safety.

8.5 Noise, vibration and residential amenity issues.

8.6 The impact of development on drainage and flood risk.

8.7 Residential amenity issues.

9 Analysis

Planning policy and the principle of development

9.1 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.

9.2 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.

- 9.3 The main thrust of the NPPF is an overarching presumption in favour of sustainable development. This new 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.
- 9.4 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.
- 9.5 At the time of compiling this report the Council's most recent Housing Position Statement (HPS) provides a summary of housing supply as at 6th November 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 the current housing land supply provides 26 dwellings more than the requirement assessed against a five year housing requirement of 960 dwellings throughout the district.
- 9.6 The latest household projection figures from the Department for Communities and Local Government indicate that the Council may require a slightly higher housing requirement than currently proposed and this may impact on the Council's HPS. The Planning Policy team are presently working on establishing whether there is a need to identify an amended figure. Even if it remains the case that the Council considers that it can still identify a five year housing requirement, in the absence of an adopted Local Plan or formally adopted land allocations, this is not an NPPF compliant 5 year housing supply. The November HPS is therefore not a reason that is sufficiently strong by itself to resist development on the site.
- 9.7 The replacement local plan remains at an early consultation stage and therefore, the process still has some way to progress, and therefore it carries limited weight. Nonetheless, the scale of the scheme is sufficient to make a contribution to the housing land supply for the District, but not so substantial to have a cumulative effect that granting permission could prejudice the strategy of the emerging replacement local plan to a material degree.
- 9.8 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. In this case, the site falls outside any area of special environmental protection and is in a location on the edge of the existing built up area of Cononley. However, the outline proposals show that the site is suitable for residential use, can achieve high quality and a good mix of housing, and use land effectively and efficiently.
- 9.9 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 considered to be a sustainable form of development.
- 9.10 The application site lies outside the existing development limits of Cononley, 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.

- 9.11 This proposal is for the development of some 0.6 hectares which cannot be considered small scale and, therefore, 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 and the policy within it is superseded by the NPPF.
- 9.12 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 if the proposed residential development is held to be 'sustainable development' for the purposes of the NPPF then the application proposals are capable of being assessed against Policy ENV2.
- 9.13 In conclusion, the application site is not located within the recognised development limits of Cononley, as defined in the 1999 Local Plan, but is located immediately adjacent to residential development in the village. 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.

Affordable Housing Provision

- 9.14 Craven District Council's Interim Approach to Negotiating Affordable Housing (2012) requires affordable housing at 40% provision on sites of 5 dwellings or more. The proposal is for 15 dwellings, with 40% provision equating to some 6 dwellings. The Strategic Housing Market Assessment (SHMA) 2011 provides evidence of the affordable housing need in the District, and identifies a need in the Aire Valley and Lothersdale Ward for 15 affordable homes over a 5 year period (2011-2016) for which the SHMA is valid. To date no affordable homes have been delivered within this Ward.
- 9.15 The provision of these 6 affordable homes will therefore go some way towards meeting the identified need. The mix is in accordance with the SHMA which states that there is greater need for 1 and 2 bed homes within the Craven District. However, the SHMA also recognises that there is a need to meet growing families and therefore the provision of 3 bed homes is also a requirement. The mix provided for on this scheme is in line with the SHMA findings.
- 9.16 This proposal should provide a significant number of affordable units on the application site to meet affordable housing needs, and this contribution is a material consideration.

Effect on the character and appearance of the area.

- 9.17 The application site lies immediately adjacent to the conservation area and a listed building, with residential development to the west, south and part of the eastern boundary. It is included in the special landscape area although that policy was not "saved". However, paragraph 56 of the NPPF requires that "good design should contribute positively to making places better for people".
- 9.18 The application proposal is in outline form but details of the access and layout submitted for approval are included in the Design & Access Statement. The application demonstrates that the site is capable of development to a satisfactory layout. It is understood that access from Meadow Close is precluded by a ransom strip, hence a new access direct from Meadow Lane is proposed. The submitted layout of 15 houses would equate to a density of 25

dwellings per ha, which is a relatively low density development reflecting the character of existing built development in this part of the village.

- 9.19 In conclusion, the application has demonstrated that the impact on the character and appearance of the area would not be significant and would be limited to the immediate surroundings, not extending into the wider rural landscape to any significant degree. Taking into account the limited frontage with the conservation area it is not considered that it would have an adverse impact on the heritage asset. Furthermore, it is considered that a reserved matters submission could be made acceptable with respect to the impact on the setting of the adjacent listed building.

Impact on the local highway network

- 9.20 Section 4 of the NPPF contains guidance on transport and land use planning, including the promotion of sustainable transport choices and reducing travel by car. Paragraph 32 of the NPPF states that “Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.”
- 9.21 Saved Local Plan Policy T2 is permissive of development proposals that are appropriate to the highway network where, amongst other things, they do not generate traffic in excess of the highway network; any new or greater use of an access onto a primary, district or local distributor road is acceptable in design and road safety; and the highway impact has regard to the surrounding landscape.
- 9.22 There are representations from local residents concerning traffic safety issues stemming from traffic generation, road and junction geometry local road conditions/vehicle speeds and pedestrian safety. However, there is no technical evidence to support these concerns; on the basis of the submitted proposals the County Highway Authority has indicated that it recommends conditional approval of the planning application. In the absence of any technical highway constraints, the proposals accord with NPPF advice and saved Local Plan Policy T2.

Noise, vibration and residential amenity issues

- 9.23 Issues of noise and vibration have been raised by Network Rail, Environmental Health Officers and local residents. Network Rail and the Environmental Health Officer advise that the issues should be addressed by appropriate noise and vibration assessments to ensure that consideration given to the relevant British Standards which can be addressed by conditions.
- 9.24 With respect to residential amenity, the outline proposal indicates a layout that is capable of being undertaken without unacceptably impacting on the amenities of existing residents, and also provides sufficient spacing between the new dwellings themselves.

Drainage and flood risk

- 9.25 Local residents have expressed concern about the ability of the site to be drained both with respect to surface water and foul drainage. The site is not identified as being within a flood plain but photographic evidence submitted by objectors does appear to indicate that the site does not drain freely.
- 9.26 No objections to the proposal have been made by the Council’s Environmental Health team or the Environment Agency with respect to surface water drainage. Ultimately the application is at this stage submitted in outline form only and satisfactory drainage of the site will be possible. Drainage of the site can therefore be appropriately addressed by planning conditions requiring further details to be provided and approved to ensure proper drainage of the site.
- 9.27 With respect to foul drainage any comments from Yorkshire Water will be reported verbally to the planning committee meeting. A verbal discussion between officers and Yorkshire Water has taken place that has established that Yorkshire Water is very unlikely to object. Sewerage infrastructure is available in the locality for new foul drainage connections. If members resolve to approve the application it is recommended that the resolution should be to give delegated authority to approve, subject to no objections being raised by

Yorkshire Water and subject to any appropriate additional conditions being added following receipt of advice from Yorkshire Water

Other matters

- 9.28 Saved Policy SRC2 requires developments for 10 dwellings or more to make a contribution to public open space. At the time of writing comments from the Sports Development Officer have not been received however it is apparent from the application layout that provision is not being made for onsite facilities. However, it is envisaged that a commuted sum to improve existing provision elsewhere is very likely to be an acceptable way forward. The application site is unlikely to be physically large enough to make a meaningful provision of land for sporting use and with respect to children's play space there is already a park in the vicinity. An appropriate condition is recommended to address this matter. Comments have been made about the availability of other sites for housing development, however this application has to be considered on its merits and for the reasons explained in this report this site is acceptable. Concerns have also been raised about the impact on other utilities (such as electric) however there is no evidence to justify refusal of the application on this basis.
- 9.29 The application as submitted asks for details of scale to be taken into account. However there is insufficient information on this aspect of the proposal and therefore it is recommended that this is treated as a reserved matter.
- 9.30 Finally concerns have been raised about the lack of community consultation. The application was publicised by letters sent directly to adjoining neighbours, by site notice and by a press notice. The Council's statutory requirements to publicise applications are believed to have been met.

10 Recommendation

- 10.1 That members resolve to grant planning permission subject to confirmation being received from Yorkshire Water that they have no objections to the development.
- 10.2 Following the receipt of confirmation from Yorkshire Water that they have no objections then delegated authority is given to the Development Control Manager to amend / add drainage conditions as necessary to take account of advice received from Yorkshire Water and to grant planning permission subject to the following conditions (as amended where necessary to take account of the response from Yorkshire Water).

Conditions

1. No development shall take place without the prior written approval of the Local Planning Authority of all details of the following reserved matters:-
- (a) appearance;
 - (b) scale and
 - (c) landscaping;

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

Reason: To ensure compliance with section 51 of the Planning and Compulsory Purchase Act 2004 and to safeguard the rights of control by the Local Planning Authority in respect of the reserved matters.

2. An application for the approval of the reserved matters shall be made to the local planning authority before the expiration of 2 years from the date of this permission.
3. The development hereby permitted shall be begun not later than 2 years from the date of approval of the last of the reserved matters to be approved.

Reason (for 2 & 3): Permission has been granted to meet an identified shortfall in the 5 year land supply and therefore to meet this need the site needs to be genuinely deliverable within the next 5 years.

4. The details submitted in accordance with condition 1 shall include all building facing materials and finishes; surface material finishes for the highways, footpaths, private drives and all other hard surfaces; screen walls, fences and other means of enclosure; existing and proposed ground levels, proposed finished floor levels and building heights, proposed measures to reduce noise disturbance for occupiers of the development from the adjacent railway, and proposed measures to prevent trespass onto the adjacent railway. The submitted reserved matters shall accord with the parameters and objectives laid out in the Design and Access Statement dated June 2013 and accompanying the planning application. The development shall be carried out in accordance with the approved details.

Reason: To ensure the delivery of sustainable development and facilitate community involvement and informed decision making as explained in the National Planning Policy Framework.

5. A detailed scheme for landscaping, including the planting of trees and/or shrubs shall be submitted to the Local Planning Authority as part of the submission of reserved matters; such scheme shall specify types and species, a programme of planting and the timing of implementation of the scheme, including any earthworks required. The scheme should also have regard to the advice of Network Rail to minimise any potential impact on the rail network.

Reason: To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity.

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

Reason: In the interest of satisfactory and sustainable drainage.

7. No development shall take place until details of the proposed means of foul and surface water drainage, including details of any balancing works and off-site works, has been submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed the approved surface water drainage scheme shall be based on Sustainable Drainage Systems (SUDS) principles. The development shall thereafter be implemented in accordance with the approved scheme.

Reason: To ensure that the site is properly drained.

8. The development shall not begin until 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:

- (i) the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 40% provision of housing units and shall be, in matters of tenure and type, in accordance with the findings of the North Yorkshire Strategic Housing Market Assessment 2011 or any replacement thereof;
- (ii) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
- (iii) the arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing;
- (iv) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- (v) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

Reason: To make provision for affordable housing in accordance with the requirements of the National Planning Policy Framework, the Council's adopted 'Interim Approach to Negotiating affordable Housing Provision', and the 2011 North Yorkshire Strategic Housing Market Assessment (SHMA) that provides evidence of the high need for affordable housing within Craven District.

9. 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 in writing 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.
 - (ii) Alternative arrangements for the provision of open space have been secured and approved in writing by the Local Planning Authority.

Reason: In the interests of residential amenity to ensure adequate provision of Public Open Space to meet local needs in accordance with the National Planning Policy Framework and Saved Policy SRC2 of the Craven District (Outside the Yorkshire Dales National Park) Local Plan.

10. There shall be no excavation or other groundworks, except for investigative works or the depositing of material on the site, until the following drawings and details have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.
- (1) Detailed engineering drawings to a scale of not less than 1:250 and based upon an accurate survey showing:
 - (a) the proposed highway layout including the highway boundary
 - (b) dimensions of any carriageway, cycleway, footway, and verges
 - (c) visibility splays
 - (d) the proposed buildings and site layout, including levels
 - (e) accesses and driveways
 - (f) drainage and sewerage system
 - (g) lining and signing
 - (h) traffic calming measures
 - (i) all types of surfacing (including tactiles), kerbing and edging.
 - (2) Longitudinal sections to a scale of not less than 1:500 horizontal and not less than 1:50 vertical along the centre line of each proposed road showing:
 - (a) the existing ground level
 - (b) the proposed road channel and centre line levels
 - (c) full details of surface water drainage proposals.
 - (3) Full highway construction details including:
 - (a) typical highway cross-sections to scale of not less than 1:50 showing a specification for all the types of construction proposed for carriageways, cycleways and footways/footpaths
 - (b) when requested cross sections at regular intervals along the proposed roads showing the existing and proposed ground levels
 - (c) kerb and edging construction details

- (d) typical drainage construction details.
- (4) Details of the method and means of surface water disposal.
- (5) Details of all proposed street lighting.
- (6) Drawings for the proposed new roads and footways/footpaths giving all relevant dimensions for their setting out including reference dimensions to existing features.
- (7) Full working drawings for any structures which affect or form part of the highway network.
- (8) A programme for completing the works.

The development shall only be carried out in full compliance with the approved drawings and details.

Informative: In imposing condition number above it is recommended that before a detailed planning submission is made a draft layout is produced for discussion between the applicant, the Local Planning Authority and the Highway Authority in order to avoid abortive work. The agreed drawings must be approved in writing by the Local Planning Authority for the purpose of discharging this condition.

Reason: To secure an appropriate highway constructed to an adoptable standard in the interests of highway safety and the amenity and convenience of highway users.

11. No dwelling to which this planning permission relates shall be occupied until the carriageway and any footway/footpath from which it gains access is constructed to basecourse macadam level and/or block paved and kerbed and connected to the existing highway network with street lighting installed and in operation. The completion of all road works, including any phasing, shall be in accordance with a programme approved in writing with the Local Planning Authority in consultation with the Highway Authority before the first dwelling of the development is occupied.

Reason: To ensure safe and appropriate access and egress to the dwellings, in the interests of highway safety and the convenience of prospective residents.

12. There shall be no access or egress by any vehicles between the highway and the application site until full details of any measures required to prevent surface water from non-highway areas discharging on to the existing or proposed highway together with a programme for their implementation have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The works shall be implemented in accordance with the approved details and programme.

Reason: In the interests of highway safety.

13. 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) 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 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 **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.

14. 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 **35 metres northwesterly** measured along both channel lines of the major road **Meadow Lane** 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.
15. 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 **35 metres southeasterly** measured along centre line of the major road **Meadow Lane** 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.
16. 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 visibility splays providing clear visibility of **2 metres x 2 metres** measured down each side of the access and the back edge of the footway of the major road have been provided. The eye height will be **1.05 metre** and the object height shall be **0.6 metres**. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason (for 13 to 16): In the interests of highway safety

17. 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 in connection with the construction of the access road or building(s) or other works until:

(i) The details of the required highway improvement works, listed below, have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.

(ii) An independent Stage 2 Safety Audit has been carried out in accordance with HD19/03 - Road Safety Audit or any superseding regulations.

(iii) A programme for the completion of the proposed works has been submitted.

The required highway improvements shall include:

- a. Provision of tactile paving
- b. Footway to link to Meadow Lane/Meadow Close junction including provision of tactile paving

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

18. Unless otherwise approved in writing by the Local Planning Authority in consultation with the Highway Authority, the development shall not be brought into use until the following highway works have been constructed in accordance with the details approved in writing by the Local Planning Authority under condition number 17:

Footway to link to Meadow Lane/Meadow Close junction including provision of tactile paving

Reason: In the interests of the safety and convenience of highway users.

19. 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 **2487, 1A** 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.

20. 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: To ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.

21. 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: To provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.

22. Prior to the commencement of development a site specific noise and vibration assessment shall be carried out and submitted for the written approval of the Local Planning Authority and shall include mitigation measures to reduce the impact of the adjacent railway. Thereafter, the development shall incorporate the identified mitigation measures.

Reason: In the interests of the amenities of the occupiers of the dwellings.

23. The garages and parking marked on the approved plan for use by the 'Peartree Farm Barn conversions' shall be retained for use by the occupants and visitors to the Peartree Farm Barn conversions and shall not be used for any other purpose.

Reason: To ensure that this off street parking provision is provided in the interests of highway safety.

Informatives

1. The applicants or any future developer's attention is drawn to the advice provided by Network Rail and dated 31 January 2014 with respects to their requirements for developments that are undertaken adjacent to an operational railway line.

Statement of Positive Engagement: -

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

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

**INGLETON & CLAP
31/2013/14022**

**CONVERSION OF EXISTING REDUNDANT AGRICULTURAL BUILDINGS
TO OFFICES**

ARMITSTEAD HALL, ARMITSTEAD, GIGGLESWICK.

APPLICANT NAME: MRS JANET NEWHOUSE

TARGET DECISION DATE: 13/02/2014

CASE OFFICER: Jack Sykes

This application has been referred to the planning committee as it is considered to be a departure from the Local Plan.

1. Site Description

1.1 The application site is a farmhouse and associated buildings located between Giggleswick and Lawkland. The site is relatively isolated from other residential properties with the nearest neighbouring residences at around 350m to the north. The site is accessed along a private single width lane from the public road.

1.2 Armitstead Hall is a Grade II Listed building with the following listing description:-

“Farmhouse, c.1790 with C17 origins and C20 alterations. Slobbered rubble, stone dressings, stone slate roof. 2 storeys, 3 bays with pedimented central bay which breaks forward slightly. Central entrance in pedimented surround supported by 4 Doric pilasters, fanlight and 2 flanking single-light windows; c.1980 fixed lights. c.1980 door. 2 ground floor and 3 upper floor tripartite windows with projecting surrounds and flat-faced mullions; 12-pane sashes to central light, 8-pane sashes to flanking lights. Upper floor sill band. Projecting quoins. Fluted rainwater heads c.1780s to left and right of central bay. Shaped modillions at eaves. Gable end kneelers and coping. Gable end ridge stacks. Left-hand return: tall round-headed staircase window with projecting surround. Rear: left-hand outshut under catslide roof. Left-hand entrance with c.1740s eared architrave; 6-panel door, upper 2 now glazed. Central heightened 3-light ovolo mullioned chamfered window with 8-pane casement and fixed lights. Right-hand former 2-light double chamfered window with mullion now missing; 8-pane fixed light and hoodmould.

Interior: entrance hall with Tuscan pillars. Former dining room has C18 fireplace with moulded surround, decorated segmental lintel with fluted imitation keystone; cornice.

Garden wall: rubble. Right-hand entrance, bowed front. Adjoining 14-bay range of farm buildings to right contains 4 entrances with C17 chamfered surrounds and basket arched lintels and 2 waggon entrances, now blocked to form windows.”

1.3 The application site lies within the inner consultation zone of a high pressure gas pipeline and therefore the Health & Safety Executive have been consulted. A public right of way runs along the access track to the site and then through the middle of the development site.

1.4 The site is also located outside of development limits in an area classified as Open Countryside by the Local Plan and also within the Forest of Bowland Area of Outstanding Natural Beauty (AONB).

2. Proposal

- 2.1 Permission is sought for the conversion of existing redundant agricultural buildings to offices. Supporting information states that in total the development will create approximately 996 m² of office space split into 17 units (although the units will be flexible to meet the needs of businesses). In summary the works include: -
- a. Conversion of the central spine of listed barns (referred to as ‘the spine buildings’) into a complex of 6 offices.
 - b. Part convert & part re-build the ‘eastern barns’ to provide a complex of 5 offices.
 - c. Demolish ‘middle barn’ and rebuild to form a complex of 4 offices.
 - d. Rebuilding of an already demolished building (“the Bath House”) to form a 2 storey office building.
 - e. Demolish a large steel portal frame agricultural building and use its footprint for car parking.
 - f. The provision of 2 passing places within the Highway to improve access to the site.
- 2.2 Through negotiations the design of the scheme has been altered since originally submitted and the amount of office space to be provided has reduced slightly. The applicant’s also agreed to the timescale to determine the application being extended to allow these negotiations and changes to the scheme to be undertaken.

3. Planning History

- 3.1 31/2014/14621 Listed Building Consent has also been sought for the works proposed as part of this development. This application has been recently submitted and takes account of the changes to the scheme that have been negotiated. The original application for Listed Building Consent (Planning Ref. 31/2013/14023) was withdrawn prior to determination. It is envisaged that this application will be determined at a later date under delegated powers.
- 3.2 31/2013/14018 & 31/2014/14620 Full and listed building consent sought simultaneously for the conversion of the same buildings to event venue and guest accommodation. The Listed Building application was recently submitted and takes account of the changes to the scheme that were negotiated. The original application for Listed Building Consent (Planning Ref. 31/2013/14019) was withdrawn prior to determination. These applications are at present undetermined.
- 3.3 5/31/49 (18/2/77) Permission granted for the erection of silage and cubicle sheds at Armitstead Hall.

4. Planning Policy Background

- 4.1 National Planning Policy Framework.
Saved Policies ENV1, ENV2, EMP5, EMP8 and T2 of the Local Plan.

5. Parish/Town Council Comments

- 5.1 The majority of the site is within Giggleswick Parish, but a small part is within Lawkland Parish. Both Parish Councils were therefore consulted, but neither has raised objections.

6. Consultations

- 6.1 The **Highways Authority** has recommended that if permission is granted a condition is attached to any consent requiring the retention of car parking spaces for their intended use.

- 6.2 The Council's **Environmental Health** Department has raised no concerns with the proposed development.
- 6.3 The Council's **Economic Development** department has no comments to make on the proposed development.
- 6.4 The **Forest of Bowland AONB Officer** has been consulted on the proposed development however a response has yet been received.
- 6.5 The Council has also consulted the **Health and Safety Executive's** PADHI+ software system regarding the development and this does not advise against the proposal.
- 6.6 The Council's **Listed Building and Conservation Area advisor** has made the following comments:-
- Works to the spine building are acceptable with the new openings fitting into the overall random arrangement of door/window openings.
 - Although the middle barn looks like a field barn conversion with some amendments it would be much better. There are still some very large areas of glass especially at the barn door type openings. To the north east elevation the ground floor split between glass and timber looks fine. To the NW opening the small panels of timber look feeble and hardly worth the effort. Either there should be more timber and less glass or the openings should be narrowed to be only glass.
 - The eastern barn functional group works well with a good mixture of original traditional and clean modern buildings. The way the ridge roof lights have been extended works well with the proposed use. The new building has some good honest modern elements fit for its new use and purpose.

7. Representations

- 7.1 The Ramblers Association have no objection to the proposed development but have stated that a public right of way runs directly through the site and although the route would not be blocked by the conversions or new buildings the PROW should be left open at all times for the use of the public. The building work is likely to impede the use of the route and an alternative route should be provided that is no less commodious and of a short a length as possible.
- 7.2 Two further letters of representation have been received. (These responses refer to both this scheme and the application for the events / conference centre scheme with letting accommodation (Planning Ref. 31/2013/14018)). The letters raise the following points:-

Principle of the development

- The respondent does not see how office units outside of local towns and village would help the local economy with office users not wishing to travel to Settle every day to get their lunch which would also put additional traffic onto the country road.
- Many farms have evolved and changed to keep up with modern farming purposes and are thriving.
- Local towns may become ghost towns with businesses moving out to the development site and the respondent does not see the similarities between the proposed development and the Broughton Hall site. Businesses should be encouraged to use empty units in the town instead.

- Many local hotels and pubs have closed down in the area due to falling trade and the respondent considers that we should be encouraging people to use existing facilities. A function venue that has all the facilities it needs would not encourage people to use the local towns. There have been recent developments in the town which should be sufficient to cover the small rural area when it comes to office and business space. The only people who would gain financially would be the applicants.
- The respondent disagrees that the buildings are obsolete and is aware that local farmers have had to rent agricultural buildings many miles away due to the lack of available space nearby. The first step should be to use the site as a farm as originally intended.

Highway Issues

- The ice and water on the country lane has caused problems and the extra traffic using the road during construction and on completion may cause further issues.
- The nearby working farm move livestock on the roads from field to field up to twice daily in summer which would make it extremely difficult and dangerous to the farm if there were additional vehicles on the road.
- The entrance is not suitable for the additional traffic being of a low visibility on a narrow corner.
- The road is used by many farm vehicles with current users of the highway used to such traffic. People attending the functions would not be used to reversing or manoeuvring on narrow country roads.
- The proposed development would lead to a great increase in traffic flowing to the site
- The flow of traffic onto the A65 during construction and operation would be increased with neither junction with the road suitable for the traffic increase.

Impact on neighbouring amenities

- The additional noise and vehicles would disrupt the enjoyment of the neighbours' property which would overlook the site.
- The farmer who works on the nearby dairy farm starts work at 5am and should the functions run into the night it would disturb the neighbours. Lights would also shine into the bedroom window from users of the vehicle entrance. There is no mention as to what times functions would be held or what days and also whether the offices would be open 24 hours a day also.
- The respondent questions whether extra lighting would be installed that may cause light pollution to the neighbours and surrounding area.

Visual impact

- The plans that have been submitted are not in keeping with the local area which is farming
- The respondent does not consider that the removal of the agricultural building and replacing it with a car park would improve the visual appearance of the landscape.

Other issues

- The respondent would be concerned that users of the accommodation would bring their dogs which if let off their leads may worry livestock.

- The proposed development may pose a bio-security risk. If there is an outbreak where visitors are from it may be brought to the area which is a relatively secluded area being away from the risk of the spread of disease.
- There would be an increase theft risk from the development should computers, televisions, alcohol etc. be left on site. It would encourage unscrupulous people to come to the area to thief putting other people's property at risk.
- The electricity supply in the area is very poor in the area as well as the telephone and broadband lines.
- Parties In the function rooms may let off fireworks or lanterns that may lead to an increased fire risk or risk being eaten by the livestock.
- There would be a risk of increased drink driving as not all party goers would be able to stay on site
- The respondent is concerned that should the application be approved the applicant would then put in further facilities such as an off road quad bike track and shooting range to go with the onsite function rooms and accommodation.
- The site is not considered to be ideal due to the close locality of the busy railway line and the recently installed gas pipeline.
- Bats would not wish to remain in the locality if the development goes ahead and even with mitigation would not once disturbed return to the site.
- The survey does not mention any owl activity which the respondent has seen and heard in the area and are also believed to have nested in local barns.
- The farmhouse is unoccupied with the applicant living elsewhere and the respondent questions who would be living in the farmhouse and who would oversee the accommodation and functions if any celebrations are parties get out of hand.
- The development would increase waste and pollution especially in the local area.
- The respondent considers that keeping the barns in their original state would be more beneficial to keeping the heritage alive.

8. Summary of Principal Planning Issues

- Principle of the development
- Visual Impact of the Development (including the impact on the Forest of Bowland AONB and the setting of listed buildings).
- Impact of the development on the amenity of neighbouring properties
- Highway Issues & site sustainability
- Impact on protected species

9. Analysis

Principle of the development

- 9.1 At the heart of the National Planning Policy Framework is the presumption in favour of sustainable development. Councils should approve development proposals that accord with the local plan without delay and where the development plan is absent, silent or relevant policies are out of date granting permission unless any adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF or where specific policies in the

Framework indicate that development should be restricted. In terms of the rural economy the NPPF is generally supportive and suggests that LPAs should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. In order to support the economy LPAs should support the sustainable growth and expansion of all types of business and enterprise in rural areas through the conversion of existing buildings and well-designed new buildings.

9.2 Within designated areas such as AONBs the NPPF advises at paragraph 115 that great weight should be given to conserving landscape and scenic beauty as they have the highest status of protection. The NPPF also advises at paragraph 116 that permission should be refused for major developments in AONB's except in exceptional circumstances and where it can be demonstrated that they are in the public interest. In considering such applications there should be an assessment of:

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- the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
- the cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way; and
- any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.

9.3 As the proposal involves the formation of less than 1000 m² of floorspace and the site area is less than 1 ha the proposal is not classed as a major development for the purposes of completing the Council's statistical returns. The advice at paragraph 116 is therefore arguably not applicable, but in the context of what is proposed and in relation to the rural surroundings the development proposal is undoubtedly a scheme of some significance.

9.4 It is also noted that there have been recent changes to the General Permitted Development Order 1995 (as amended in 2013) that allow for certain agricultural buildings to be changed into a flexible use, such as B1 office use, under a prior notification system. This means that planning permission is not required for a change of use although certain matters are under the Council's control through the prior approval process. In this process prior approval is only required should the Council have concerns over the transport and highways impact, noise impacts, contamination risks or flooding risks. These are detailed matters that the Council retains control over, but it cannot question the acceptability in principle of whether the office development can happen. However, in this case planning permission is needed for a number of reasons and the prior approval process is not applicable, but these rights to undertake similar development in open countryside locations without planning permission is an indicator that the conversion of agricultural buildings to business uses is not wholly unacceptable in principle.

9.5 Saved Policy ENV1 of the Craven District (Outside the Yorkshire Dales National Park) Local Plan states that small scale development would only be permitted in the Open Countryside where it can be demonstrated that it; clearly benefits the rural economy, helps to maintain or enhance landscape character and is essential for the efficient operation of agriculture or forestry or is essential to the needs of the rural community. Developments that can be demonstrated to meet these requirements would then need to be considered under Saved Policy ENV2 of the Craven District (Outside the Yorkshire Dales National Park) Local Plan.

9.6 Saved Policy EMP5 states that outside development limits and established industrial areas the construction of buildings for industrial and business uses would not normally be permitted. Such development would only be acceptable in exceptional circumstances where it is demonstrated to be essential for the social and/or economic needs of the community and where there is no suitable alternative site within the development limits or industrial area of a nearby settlement.

9.7 Saved Policy EMP8 states that planning permission for the conversion of buildings to employment generating uses would be acceptable in principle provided that the proposal accords with the relevant Local Plan policies and a number of further criteria.

9.8 In assessment of the principle of this development there are 2 different elements for which need consideration and to which different policies apply. The conversion of the buildings has different policy considerations to the construction of the new buildings on site.

Conversion of farm buildings

9.9 The conversion of farm buildings to employment generating uses is considered to be acceptable in principle under the guidance of Saved Policy EMP8. The NPPF is also generally supportive of rural businesses and this is followed through with the recent changes to the GPDO. The conversion of the farm buildings to an office use is therefore considered to be acceptable in principle.

Construction of new buildings/extensions.

9.10 Saved Policy EMP5 states that the construction of new buildings for business use outside of development limits would not normally be permitted unless there are exceptional circumstances where it can be demonstrated that there is no suitable alternative site within the development limits or area of a nearby settlement. It is however noted that the development plan established by the Council is a number of years old and the approach is not wholly consistent with the NPPF that refers to the sustainability of a location rather than any allocated classification such as development limit boundaries. The requirement for justification is however considered to be broadly consistent with the NPPF's approach to developing land within the AONB. The application has been submitted with some justification as to the need for the proposed office buildings. This justification looks at a range of information including other available facilities in the local area, the success of similar nearby developments and the potential growth of employment in the district. It is considered that this identifies that there is a shortage of quality office provision in the area and should the development be completed that there is a reasonable likelihood that the units would be filled. It is also noted that whilst the proposed works do entail the construction of new structures and extensions this would generally involve replacement of existing structures on the site.

9.11 On balance, it is recommended that the justification together with the general support in the NPPF for employment development in rural areas is sufficient for Officers to conclude that the development is acceptable in principle.

Visual Impact of the Development (including the impact on the Forest of Bowland AONB and the setting of listed buildings).

9.12 The National Planning Policy Framework states that LPAs should always seek to secure high quality design and ensure developments are "visually attractive as a result of good architecture and appropriate landscaping". Permission should be "refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions."

- 9.13 The National Planning Policy Framework states that in determining planning applications affecting heritage assets LPAs should take account of:-
- 9.14 “The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- 9.15 The positive contribution that conservation of heritage assets can make to sustainable communities including their economic viability; and
- 9.16 The desirability of new development making a positive contribution to local character and distinctiveness.”
- 9.17 The application site also lies within the Forest of Bowland AONB. The NPPF states that great weight should be given to conserving the landscape and scenic beauty in such areas which have the highest level of protection in relation to landscape and scenic beauty.
- 9.18 Saved Policy ENV2 states that development acceptable in principle under policy ENV1 should only be permitted where it is compatible with the character of the surrounding area and does not have an unacceptable impact on the surrounding area. The design of structures should also relate well to the setting taking into account the immediate impact and public views of the development.
- 9.19 Should development be acceptable in principle under Saved Policy EMP5 development should respect the scale and level of activity in the locality and not unacceptably affect the character and appearance of the countryside. Buildings should also be of a good standard of design and blend into the landscape in terms of their design, siting and materials. Where necessary schemes should incorporate high quality and appropriate landscaping.
- 9.20 Saved Policy EMP8 states that the conversion of buildings to employment generating uses would be acceptable provided that the development is of a scale and type appropriate to the locality, is of a good standard of design and blends into the locality in terms of design and materials and is structurally sound and capable of reuse without major rebuilding. Rural developments should also be large enough to be converted without the need for substantial extensions and should not have an adverse impact on the visual amenity of the area.

Spine Buildings

- 9.21 The spine buildings, as named such by the applicants, are noted within the listing of Armitstead Hall and as such are listed structures. A separate application for listed building consent for the alterations has also been submitted.
- 9.22 The spine buildings contain evidence of a number of former openings such as stone surrounds and mismatched stonework. The scheme for alteration proposes the re-opening of a number of these former openings and it is not considered that this is wholly inappropriate. The proposal would also introduce roof lights to the building which would add character and light to the internal areas whilst having a minimal impact on the character and appearance of the barns. A small number of openings would be added to the south east elevation that are considered to be broadly in keeping with the character of the barn. A small window is also proposed to the south west elevation which would not be wholly out of place with the character of the barn. Similarly an alteration to the window on the northeast elevation that although in a prominent position on the site is not considered to be unacceptable.
- 9.23 In terms of materials the structure would be repaired using matching materials where appropriate. The submitted scheme indicates that the doors and windows would be of a stained natural timber as existing however the windows and doors

viewed on site were of a painted timber finish. The use of a painted timber finish to doors and windows is considered to be more appropriate and as such would be conditioned on any approval.

- 9.24 It is therefore considered that the proposed conversion of the “spine buildings” would be of an acceptable visual appearance.

Middle Barn

- 9.25 To the middle of the site lies a cluster of buildings identified as the middle barn by the applicant. Whilst there are some stone walls within this structure the building has been extended using different materials and also has a corrugated roof. The barn in its current state is therefore considered to add little to the character or appearance of the surrounding area.
- 9.26 This part of the development would be wholly rebuilt to provide a new office building. The proposed structure would be a two storey stone built structure with painted timber windows and doors. This building would have some interest through the design of the openings and the orientation. Whilst Officers are happy with the built form as proposed they, and the listed building advisor, have concerns over the design of the mock barn door to the north west elevation. However it is considered that an improvement to this opening could be achieved via condition. It is therefore considered that, with appropriate conditions, the middle barn would be acceptable.

Eastern Barns

- 9.27 To the east of the site lies a cluster of agricultural buildings that are partially of a traditional stone appearance and partially of a more modern concrete block and timber boarding construction. It is proposed to convert the stone barns and in place of the modern agricultural building construct a functional modern building.
- 9.28 The conversion of the existing barns is considered to be sensitively done and reflect existing openings to the barn and traditional agricultural buildings. The new building would be a functional development that although modern in appearance is considered to reflect the nature of the site with its use of traditional materials and would not dominate the traditional barn or the site. The modern building would be considered to be a feature building within the development, subject to approval of full details of the external appearance that would have an acceptable visual impact on the existing structures.
- 9.29 The conversion and extension of the eastern barns are therefore considered to be of an appropriate visual impact to respect the original buildings and to not have a significant detrimental impact on the character or appearance of the surrounding area.

Bath House

- 9.30 This structure no longer exists on site. An old photo aerial was submitted with the application indicating its existence, but the building is not indicated on Google Earth maps dated 2002. It is proposed to rebuild this structure to provide estate office accommodation from where the facility would be run. This structure would be of a simple appearance and of traditional materials that is considered to have an acceptable visual impact on the surrounding area due to its small size and position in relationship to the existing built form. It is noted that timber stained doors and windows which would be somewhat at odds with that found on the original buildings in the area and it is considered that a painted timber finish would be more appropriate. However with conditions this part of the development is considered to be visually acceptable.

Car park

- 9.31 The office scheme would also include the provision of a large car park on the site of the existing modern agricultural building. This would be a large development with parking for 51 vehicles with the parking area measuring approximately 40 metres x 30 metres. It is proposed to be enclosed with a stone wall approximately 1.2 m high and landscaping to help assimilate the development within the landscape.
- 9.32 It is considered that the formation of this large car parking area would have a far greater impact on the character and appearance of the area than many of the building works. If fully used parked vehicles could have a significant impact on the character of the Forest of Bowland AONB. The impact on the AONB is an issue that should be given great weight in the decision making process.
- 9.33 On balance it is considered that as the development is located immediately adjacent to the built form the prominence within the landscape would be diminished. Furthermore the issue of securing a viable use for the listed farm buildings is also a relevant consideration that has been taken into account in reaching the decision to recommend approval of the application.
- 9.34 It is therefore considered that on balance the proposed car park, with conditions regarding landscaping and the stone walling, would have an acceptable visual impact on the surrounding area.

Summary of Visual Impact

- 9.35 The proposed conversion and extension of buildings is considered to have been sensitively designed and would not have an unacceptable detrimental impact on the existing buildings, the surrounding AONB or the setting of the Listed Building. The development would therefore meet this requirement of the NPPF and Saved Policies ENV2, EMP5 and EMP8 of the Local Plan.

Impact of the development on the amenity of neighbouring properties

- 9.36 The National Planning Policy Framework states that LPAs should seek to achieve a good standard of amenity for all existing and future occupants of land and buildings.
- 9.37 Saved Policy EMP5 and EMP8 also require that developments do not have an unacceptable impact on the amenity of existing residents or neighbours.
- 9.38 The application site is located at a distance of around 350m from the nearest neighbouring property. Given the size of the development proposed and this separation distance it is not considered that any built works would have an adverse impact in terms of overshadowing or obstruction of windows.
- 9.39 The proposed office use of the site is not considered to be a noisy use of the site however given the distance between the application site and the nearest neighbours it is not considered that there would be an unacceptable noise increase.
- 9.40 Limited detail has been provided as to any external site lighting however it is considered that given the site's isolated position it would be appropriate for this to be conditioned.
- 9.41 The proposed development is therefore considered to have an acceptable impact on the amenities of neighbouring properties meeting this requirement of NPPF and Saved Policies EMP5 and EMP8 of the Local Plan.

Highway Issues & site sustainability

- 9.42 Saved Policies EMP5 and EMP8 require that employment developments should not create conditions prejudicial to highway safety and that the site is served or capable of being served by cycle/pedestrian routes and is served or capable of being served by public transport.
- 9.43 Saved Policy T2 requires that development proposals are appropriately related to the highway network and do not generate volumes of traffic in excess of the capacity of the highway network. Proposals should 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 the access is acceptable and achieves a high standard of safety.
- 9.44 The NPPF defines office development as a main town centre use. The NPPF suggests that LPA's should apply a sequential test to planning applications for main town centre uses requiring proposals to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. However at paragraph 25 of the NPPF it is stated that this sequential approach should not be applied to applications for small scale rural offices. Additionally, and as highlighted earlier, permitted development rights now allow for offices to be formed in rural areas without the need for planning permission (although not to the extent of this development proposal).
- 9.45 The application site is located a short distance outside of Giggleswick with Giggleswick station lying between the application site and the village itself. There are no pavements however between the station and the site with the access along a narrow country lane. The site is considered to be reasonably accessible by cycle, and provides a cycle stand; however the pedestrian accessibility is considered to be poor due to the distance from the village and the lack of walkways. Public transport is also considered to be wanting in the area with no regular service that could adequately serve the development as an office complex. The applicants have suggested that passing places are constructed between the A65 and Armitstead Hall and this would upgrade the current vehicular access. The Highways Authority has been consulted and has no concerns with respect to any increased traffic to and from the site and the suitability of the roads to accommodate that increase.
- 9.46 The site is not considered to be ideally located in terms of access but is located a short distance from the A65 and would be in cycling proximity to the towns of Giggleswick and Settle. Whilst it is considered unlikely that many users of the site would walk to the site the benefits of the economic development are considered to not be substantially outweighed by any shortcomings in the sustainability of the site's location.
- 9.47 A public right of way runs through the site but the development would not cause an obstruction to this path.
- 9.48 It is therefore considered that the proposed development would not have a significant detrimental impact on highway safety within the vicinity or due to the scale of the proposal be unacceptable with respect to sustainability considerations. The development is therefore considered to be acceptable with respect to planning policy within the NPPF and saved policies EMP5, EMP8 and T2 of the Local Plan.

Impact on protected species

- 9.49 The NPPF states that when determining planning applications LPAs should aim to conserve and enhance biodiversity. Should significant harm resulting from a development not be avoided, adequately mitigated or as a last resort compensated for then planning permission should be refused.

9.50 The application has been supported by a bat survey that has identified the presence of some bats within the premises at the time of the survey. The submitted assessment is considered to have been carried out to an adequate standard and also makes a number of recommendations in terms of mitigation strategies. It is considered with the mitigation strategies proposed the development would not have an unacceptable impact on bats in the area.

9.51 It is however noted that some of the mitigation strategies involve works to the listed barn including the introduction of bat bricks and bat lofts however the impact of this on the listed building would be assessed under the associated listed building application.

Other issues

9.52 The application site is within the inner zone of the Feeder Pannal/Nether Kellet pipeline and the council have consulted the Health and Safety Executive's Padhi+ system in this respect. PADHI+ does not advise against the development proposed and as such the scheme is considered acceptable despite its proximity to the pipeline.

9.53 Surface water drainage is to soakaway and given the open countryside location of this site, and the fact that the extent of built form / hardsurfaced area is essentially unchanged from existing, this is considered to be acceptable. With respect to foul drainage a connection to mains sewer is not proposed (presumably because no connections are available in the local area). The site is not within a sensitive ground water zone, and an environmental permit would be needed to discharge any treated effluent from a septic tank or private sewerage treatment plant. An appropriate informative is recommended.

9.54 It is noted that responses have raised concerns over the electricity and broadband supply in the vicinity however no concerns have been raised by consultees and ensuring a good supply of these utilities would be the requirement of the owner of the site.

9.55 The development is considered to be acceptable with respect to all other material planning considerations.

10. Recommendation

10.1 **That the application is approved subject to the following 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 ensure compliance with Section 91 of the Town and Country Planning Act 1990.

2. The approved plans comprise Spine Buildings Proposed Layout and Existing and Proposed Site Plans, received on the 9th December 2013, Bath House Proposed Layout received on the 8th January 2014, Passing Places received on the 16th January 2014 and Eastern Barns Proposed Layout Rev A and Middle Barn Proposed Office Building received by the Local Planning Authority on the 30th April 2014. The development shall be completed in accordance with the approved plans except where conditions attached to this planning permission indicate otherwise or where alternative details have been subsequently approved following an application for a non material amendment.

REASON: To specify the permission and for the avoidance of doubt

3. The offices hereby approved shall be for B1 use only.

REASON: The development is in a relatively isolated rural location and not considered to be suitable for other uses due to the potential impact on the surrounding area and highways.

4. Notwithstanding the details on the submitted plans no works to the middle barn hereby approved shall commence until a revised scheme for the treatment to the windows and door openings has been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

REASON: The submitted window and door detailing are not considered to be satisfactory and to ensure a development of acceptable visual appearance.

5. Notwithstanding the details indicated on the approved plans and supporting documents, no construction of the middle barns, bath house or the extension to the eastern barn shall commence until details of all the materials to be used on the external elevations have been submitted to, and approved in writing by, the Local Planning Authority. The development shall then be constructed in accordance with the approved details.

REASON: In the interest of the visual amenity of the area

6. No work shall commence on any external walling of the extension to the eastern barn, bath house or the middle barn until such time as a sample panel of walling, of at least 2m² area, showing the natural stone to be used, the method of coursing and the styles and colour of its pointing has been constructed on site and inspected and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with those approved details.

REASON: To ensure that the proposed development is of a high quality and appropriate appearance in the interests of the visual amenities of the locality.

7. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing buildings.

REASON: To ensure that the proposed development is of a high quality and appropriate appearance in the interests of the visual amenities of the locality.

8. All new buildings shall be finished with slated and pointed roof verges and barge boards shall not be used. Rainwater goods should be attached directly to the building with brackets and fascia's or soffits boards should not be used.

REASON: To ensure that the proposed development is of a high quality and appropriate appearance in the interests of the visual amenities of the locality.

9. All new windows and doors shall be of timber construction, set in a minimum external reveal of 100 mm and painted throughout to the same colour, the precise specification of the windows and colour shall have first been approved in writing with the Local Planning Authority. Once installed the windows and doors shall be retained as such thereafter unless otherwise agreed in writing with the Local Planning Authority.

REASON: To ensure that the proposed development is of a high quality and appropriate appearance in the interests of the visual amenities of the locality.

10. The development hereby approved shall not be first used until details of the landscaping of the site including wherever possible the retention of existing trees and hedges have been submitted to, and approved in writing by, the Local Planning Authority. The approved scheme shall be implemented in the first planting season following completion of the development, or first occupation/use, whichever is the soonest.

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

REASON: In the interests of the amenity of the area

11. Prior to the first use of the development hereby approved, full details of the hard landscape works shall be submitted to and approved in writing by the Local Planning Authority. These details shall include proposed finished levels, means of enclosure (including the walls), pedestrian access and circulation areas, hard surfacing materials, lighting columns, seating and other minor artefacts. The approved works shall be implemented prior to the first use of the development and in accordance with these approved details.

REASON: To ensure the satisfactory detailed appearance of the development.

12. The roof-lights hereby approved shall be 'Conservation' roof-lights which shall fit flush with the plane of the roof slope unless otherwise agreed in writing by the Local Planning Authority.

REASON: To protect the character of the building and the surrounding area.

13. Prior to the first use of the development hereby approved, details of the lighting in and around the development, hereby approved, shall be submitted to and agreed in writing by the Local Planning Authority. The scheme shall include:

- (i) the location and height of any lighting columns;
- (ii) the details of any light fittings;
- (iii) the colour of any lights;
- (iv) the lux levels; and
- (v) the details of any louvers on any light fittings.

The approved lighting details shall be installed prior to the occupation of the office accommodation and retained in an effective state thereafter.

REASON: To provide adequate lighting for the office development and for the avoidance of doubt.

14. The first use of the development hereby approved shall not commence until the mitigation measures indicated in document titled "Bat risk assessment and surveys" produced by Naturally Wild and received by the LPA on the 28th October 2013 have been fully implemented by a competent, professional person (as approved by the Wildlife Trust) to protect the habitat of bats and birds within the vicinity. These measures shall be retained within the development at all times thereafter.

REASON: To ensure that adequate provision is made for these protected species in accordance with the requirements of the NPPF

15. 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 **Proposed Site Plan** 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.

16. The development shall not begin until the proposed passing places submitted to the Council in the plan titled "Passing Places" on the 16th January have been constructed in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure that an appropriate access is in place prior to the commencement of the development in the interests of highway safety.

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, 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 or any future developer should ensure that the relevant Environmental Permit is obtained for any discharge of treated waste into a soakaway or nearby watercourse.
3. No works are to be undertaken which will create an obstruction, either permanent or temporary, to the Public Right of Way running through the proposed development. Applicants are advised to contact the County Council's Access and Public Rights of Way Manager at County Hall, Northallerton on 0845 8 727374 to obtain up-to-date information regarding the line of the route of the way. The applicant should discuss with the Highway Authority any proposals for altering the route.

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

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

GARGRAVE &
MALHAM
65/2014/14449

RETROSPECTIVE APPLICATION FOR THE ERECTION OF A MULTI-FUNCTIONAL BUILDING FOR TOURISM AND AGRICULTURAL USE

NIFFANY FARM, BROUGHTON ROAD, SKIPTON.

APPLICANT NAME: Mr K & Mrs J Marshall

TARGET DECISION DATE: 05/05/2014

CASE OFFICER: Jack Sykes

This application has been referred to Planning Committee by Councillor Sutcliffe due to the level of public interest and the implications on the Tour de France arrangements.

1. Site Description

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

2 Proposal

- 2.1 Retrospective permission is sought for the erection of a multi-functional building for tourism and agricultural use.

3 Planning History

- 3.1 5/65/105: Conversion of part of barn to agricultural worker's dwelling. Conditional approval 16 April 1996.
- 3.2 65/2004/4574. Conversion of redundant barn to holiday accommodation. Refused August 2004.
- 3.3 65/2005/5039: Conversion of Agricultural Barn to Holiday Accommodation (Re-submission of application 65/2004/4574). Conditional approval 28 February 2005.
- 3.4 65/2013/13383. Erection of three holiday cottages including landscaping and car parking. Approved April 2013.

4 Planning Policy Background

- 4.1 National Planning Policy Framework
- 4.2 Saved Policies ENV1, ENV2, ENV12, ENV13 and EMP18 of the Local Plan

5 Parish Council Comments

- 5.1 Skipton Town Council has no comment to make on the proposal.
- 5.2 Stirton Parish Council states that whilst regretting the necessity for retrospective comment they have no other remarks to make on the application.

6 Consultations

- 6.1 None required

7 Representations

- 7.1 20 letters of support have been received raising the following points:-
- 7.2 Benefit for people with boat moorings to have shower/laundry facilities.
- 7.3 Campers would have somewhere to store bikes and shower
- 7.4 Development would be an asset to tourism in the area
- 7.5 The building is in keeping with others on the holding
- 7.6 Taking down the old building and using the stone for a new one makes the lane to the camp site more accessible and pleasing to look at
- 7.7 The building does not overshadow other buildings nor block out light
- 7.8 Applicants have been big supporters of Aireville School PTA
- 7.9 Applicants gave the respondents daughter work experience on the farm and the extra sanitation facilities would be beneficial to the farm

8 Summary of Principal Planning Issues

- 8.1 Principle of the development
- 8.2 Visual impact of the development on surrounding area
- 8.3 Impact of the development on the amenity of neighbouring properties

9 Analysis

Principle of the development

- 9.1 The NPPF is broadly supportive of sustainable rural tourism and leisure development that benefit business in rural areas and which respect the character of the countryside.
- 9.2 Saved Policy ENV1 of the Craven District (Outside the Yorkshire Dales National Park) Local Plan states that small scale development would only be permitted in the Open Countryside where it can be demonstrated that it; clearly benefits the rural economy, helps to maintain or enhance landscape character and is essential for the efficient operation of agriculture or forestry or is essential to the needs of the rural community. Developments that can be demonstrated to meet these requirements would then need to be considered under Saved Policy ENV2 of the Craven District (Outside the Yorkshire Dales National Park) Local Plan.
- 9.3 Saved Policy ENV12 states that farm diversification would normally be acceptable in principle but should not conflict with the operational requirements of the farm and where possible reuse existing buildings.
- 9.4 Saved Policy EMP18 states that proposals for permanent buildings including clubhouses and dining or leisure facilities provided in association with camping, caravanning or chalet development would only be permitted where they are necessary for the operation of the site with the size and nature of the buildings relating to the needs of site residents.

- 9.5 The proposed building will be examined in more detail later in this report in terms of its visual impact however it is considered that the structure would be of the type that could maintain landscape character. However the building would still need to be beneficial to the rural economy and essential to the efficient operation of agriculture or the needs of the rural community.
- 9.6 The building is stated by the applicant as being a multi-purpose structure for tourism and agricultural purposes (this being the storage of implements and machinery). However, the building, as constructed, does not have the appearance of a farm building for the storage of farm machinery or implements. The building as constructed has a 'feature' exposed timber roof structure, large amounts of upvc glazed windows, glazed 'cart opening' barn doors and open kitchen area leading into the main room of the building. As constructed the building would appear to be unsuitable for the agricultural uses proposed. Furthermore, the original planning statement indicates that the building is located away from the central farmyard to avoid an impact on the farm business however this justification for the position does not seem to make sense if the building is used for farm machinery storage.
- 9.7 In terms of tourism activity on the site there is a certified camping site with 5 pitches, one holiday cottage and 3 further under construction as well as mooring facilities for up to 28 canal boats. The building is justified for tourism uses by the applicant on the basis that it would provide WC facilities (also for farm staff), a kitchen, laundry room (primarily to service the holiday cottages) and storage facilities for bikes, fishing gear and other associated items. It is also stated that the building would be used for occasional events which it would be able to do for up to 28 days in a year. Letters of support for the building and the tourism benefits that it would bring have also been received.
- 9.8 In Officers opinion the building would appear to be excessive in its size for its stated function and furthermore would also appear to have not been constructed for its intended purpose. Certified sites for 5 pitches would not normally require the provision of WC or laundry facilities nor would the 4 holiday cottages require WC facilities. The moorings may benefit from the provision of some facilities however the building is not closely related to the moorings and the Officers question the size of the building provided and furthermore the design of the building for use for storage purposes. Officers therefore consider that whilst there may be some benefit in providing extra facilities for the tourism interests on the site the building is of an excessive size for what the Council considers to be reasonably required or needed and to a large extent is not designed for the stated use.
- 9.9 After initial concerns regarding the justification for the building Officers contacted the agent and received a further response on the 25th April. This reiterated some of the initial comments made in the first planning submission and did not add significant weight to the applicant's case. The supplied justification does not appear to fit the building constructed on site with inconsistencies within the case. The building does appear to be more akin to the use for occasional events as stated within the supporting statement received on the 25th April 2014, but such a permanent brand new building in the rural location for use for occasional events would not normally be supported.
- 9.10 In summary, the building is in a rural location where, under the guidance of the NPPF and the Local Plan policies, development would need to be justified. The development as stated is for a multi- purpose building the justification for which does not seem to match the reality of what has been built. Such a development may be suitable in an urban location or as a conversion scheme however the construction of a new building in an open countryside location needs to be adequately justified within the submission and as such is unacceptable in principle under the relevant policies.

Visual impact of the development on surrounding area

- 9.11 The National Planning Policy Framework states that LPAs should always seek to secure high quality design and ensure developments are “visually attractive as a result of good architecture and appropriate landscaping”. Permission should be “refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.”
- 9.12 Saved Policy ENV2 states that development acceptable in principle under policy ENV1 should only be permitted where it is compatible with the character of the surrounding area and does not have an unacceptable impact on the surrounding area. The design of structures should also relate well to the setting taking into account the immediate impact and public views of the development.
- 9.13 Saved Policy ENV12 requires that farm diversification development should be of a character and scale complementary to the rural surroundings and should be of a good standard of design and satisfactorily complement the landscape in terms of its design, siting and materials.
- 9.14 Saved Policy ENV13 requires that new agricultural buildings and structures should be located within or adjacent to existing groups of buildings and should be sympathetic to their surroundings in terms of scale, materials, colour and siting. Where necessary the proposal should also incorporate landscaping and planting to help minimise its impact on its surroundings.
- 9.15 Saved Policy EMP18 states that permanent buildings to holiday developments should not have an adverse effect on the character and appearance of the countryside and should be of a good standard of design and blend into the landscape in terms of their siting, design and materials.
- 9.16 At the time of the officer’s visit the building was predominantly completed however was not fully completed or in use. The building is located broadly within the enclave of the farm holding with principle views of the building viewing the structure in the context of the existing structures in the area. The location of a tourist facility to the edge of the farm holding away from the main farming activities would also be reasonable to allow the two separate enterprises to co-exist. As such whilst at the edge of the farm complex the location of the structure is considered to be in an acceptable location.
- 9.17 In terms of scale in relation to the size of the farm holding and the structures already on site the building is not in itself an overly large structure that would be considered to be out of scale or proportion.
- 9.18 In terms of materials the building has natural stone walls, slate roof and uPVC doors and windows. Whilst the walls and materials are considered to be of a good quality of appearance and construction the use of white uPVC for the doors and windows is considered to be an overly domestic form of development. The negative visual impact of the uPVC doors and windows is exacerbated by the use of the material within the large door opening. As noted in the planning statement the building attempts to look like a traditional farm building however the uPVC doors and windows do not sit well within a structure designed to look traditional. The Council’s Supplementary planning guidance on conversion of rural buildings notes that UPVC doors and windows would be unacceptable in the conversion of most rural buildings and that window frames and doors would typically be of painted (not white) timber. Whilst the building is not a conversion this advice is considered to be applicable to the construction of faux traditional rural buildings. However should the proposal be acceptable for all other reasons the use of appropriate doors and windows could be required and controlled by condition.

9.19 In terms of design the building has some of the design features of a traditional farm building. It is considered that, with appropriate fenestration treatment, the building would have an acceptable visual impact on the surrounding area and as such would meet this requirement of the NPPF and Saved Policies ENV2, ENV12 and EMP18 of the Local Plan.

Impact of the development on the amenity of neighbouring properties

9.20 The National Planning Policy Framework states that LPAs should seek to achieve a good standard of amenity for all existing and future occupants of land and buildings.

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

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

Other issues

9.23 Other issues have been raised in support of the application, but they are not considered to be reasons that would justify approving the development proposal.

10 Recommendation

10.1 That the application is refused for the following reason

Reason for refusal

1. The proposed development is considered to be an unjustified building within the open countryside that has not been adequately demonstrated as being beneficial to the rural economy or being essential to the needs of the rural community or agriculture within the vicinity. The development would therefore not meet the requirements of the NPPF or Saved Local Plan policies ENV1, ENV12 or EMP18.

Statement of Positive Engagement: -

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

- requested amended design approaches / information to address the planning issues which have arisen in relation to dealing with this application.

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

SKIPTON NORTH
63/2014/14530

PROPOSED DEMOLITION OF EXISTING TOILET BLOCK TO SOUTH ELEVATION OF SKIPTON TOWN HALL COMPLEX ON JERRY CROFT TO BE REPLACED WITH NEW ACCESSIBLE ACCESS ENTRANCE, TOILETS TO GROUND FLOOR, INTERNAL LIFT AND MINOR INTERNAL ALTERATIONS.

&

63/2014/14532

LISTED BUILDING CONSENT FOR THE PROPOSED DEMOLITION OF EXISTING TOILET BLOCK TO SOUTH ELEVATION OF SKIPTON TOWN HALL COMPLEX ON JERRY CROFT TO BE REPLACED WITH NEW ACCESSIBLE ACCESS ENTRANCE, TOILETS TO GROUND FLOOR, INTERNAL LIFT AND MINOR INTERNAL ALTERATIONS

Craven District Council, Town Hall, High Street, Skipton.

APPLICANT NAME: Craven District Council

TARGET DECISION DATE: 26/05/2014

CASE OFFICER: Andrea Muscroft

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

1. Site Description

- 1.1 The majority of the proposed works relate to the removal of an existing toilet block and the creation of a new building with associated ramp access off the southern elevation of Skipton Town Hall, a Grade II Listed building constructed in 1862.
- 1.2 The front (western) elevation is particularly detailed, with columns and pilasters, moulded architraves to the windows, and arches to the entrance.
- 1.3 The southern side elevation facing Jerry Croft is less assuming, yet nevertheless has attractive detailing. There are later additions to the Town Hall in the form of single storey flat roofed extensions to the side and rear of the building.
- 1.4 The application site is within the development limits and conservation area of Skipton. Other buildings in the vicinity are also listed.

2. Proposal

- 2.1 This report covers two applications (Planning Refs: 63/2014/14532 and 14530) seeking listed building consent and planning permission for the proposed demolition of the existing toilet block to the south elevation of Skipton Town Hall complex on Jerry Croft to be replaced with new accessible access entrance, toilets to ground floor, internal lift and other minor internal alterations.
- 2.2 The proposed building is intended to provide male and female toilets. A new internal lift to the first floor is also proposed, but this is within the existing building. The building would be curved in shape and externally finished in Zinc with a single ply EDPM waterproof roofing membrane. The building would measure 12m x 7.5m with a maximum height of 3.5m giving a total new floor area of 25sq.m.
- 2.3 The proposed building would project off the southern elevation of the Town Hall enabling access directly off Jerry Croft.

3 Planning History

- 3.1 5/63/1528 – Construction of chair store formed by covering part of rear yard area. Withdrawn 1988.
- 3.2 5/63/1558/LB – Improvements to stage dressing room. Approved 1988.
- 3.3 5/63/1528A/LB – Listed building consent for the construction of disabled access to side entrance comprising ramp, stone retaining wall with cast iron railing posts and rails painted black. Approved 1991.
- 3.4 63/2005/5931 – Internal alterations to reception area. Approved 2006.
- 3.5 63/2006/6322 – Internal alterations to provide disabled access. Approved 2006.
- 3.6 63/2014/14333 - Demolish unsafe lean-to, alter internal door and frame to suit external location. Rebuild dwarf walls to accommodate concrete pad to give level access to the hall, install steel bollards and rails to give edge protection to level access. Approved 2014.

4 Planning Policy Background

- 4.1 The National Planning Policy Framework – NPPF.
- 4.2 The National Planning Policy Guidance – nPPG.
- 4.3 PPS5: Planning for the Historic Environment Practice Guide.
- 4.4 English Heritage: Conservation Principles.

5 Town Council Comments

- 5.1 Skipton Town Council: No objection in principle to the proposal. However, it is considered that the use of traditional materials would be more in keeping with the original building.

6 Consultations

- 6.1 **CDC Conservation and Listed Building Consultant:** Supportive of the proposal and due to the overall scale of the Town Hall this form of bold contemporary design can be easily incorporated to the listed building without any harm to the building's significance. Furthermore, the proposal would be clearly visible and would help to draw people into the listed building.
- 6.2 **English Heritage:** Supportive of the proposal which would remove existing unsympathetic elements from the listed building. The proposed zinc clad building would provide a visually interesting addition to the existing building and appears to meet the English Heritage Conservation Principles. The full comments of English Heritage are included as an Appendix to this report.
- 6.3 **NYCC Highways Authority:** Do not wish to impose any restrictions.

7 Representations

- 7.1 No comments received at the time of compiling this report.

8 Summary of Principal Planning Issues

- 8.1 Visual Impact of development.
- 8.2 Whether the proposed demolition of the existing toilet block and construction of a replacement access entrance, internal lift and minor internal alterations would preserve the special architectural and historic interest of the listed building.

9 Analysis

Visual impact of development.

- 9.1 The NPPF states that good design is a key aspect of sustainable development. New development should respond to local character and history, add to the overall quality of the area and be visually attractive as a result of good architecture and landscaping.
- 9.2 The application site is a Grade II listed building fronting onto the High Street within the designated Conservation Area of Skipton and as such is a prominent feature within the High Street. However, the rear of the building which lies adjacent to Jerry Croft is less formal and has been subject to a number of inappropriate and unsympathetic additions over the years. This proposal seeks to demolish the existing inappropriate flat roof toilet block and create a new entrance building incorporating the toilet facilities and lift with internal alterations.
- 9.3 The existing toilet block is characterised as a strong vertical concrete urban block. The building is both dominating and out of keeping with the listed building due to the buildings scale and use of unsympathetic materials. Furthermore, the building also fails to respect the style of the existing building or the character and appearance of the surrounding conservation area. As a result the building appears incongruous and totally out of keeping with the existing building.
- 9.4 The proposed development comprises of the demolition of the existing toilet block, the construction of a ramp with associated railings, replacement of existing window with doorway in western elevation, improvements to existing access off Jerry Croft with the installation of double glazed doors and the construction of a curved building. The materials used in the construction of the ramp and rails would be traditional stone with metal railings. However, the building would be externally finished in Zinc.
- 9.5 Within the surrounding area there is a mixture of traditional buildings with more contemporary buildings to the east. The proposal has been designed to contrast with the original building whilst complementing the buildings to the east in terms of form. It is considered that the contemporary design which would be restrained in detailing would provide an interesting feature within the street scene. In addition, the vertical emphasis of the external finish would retain the vertical emphasis of the existing building.
- 9.6 It is therefore considered that the removal of the existing toilet block and the construction of a contemporary building with associated works would enhance the character and appearance of the existing building and the surrounding conservation and street scene. Furthermore development would not unacceptably impact on the setting of any other listed buildings. The proposal is considered to meet the requirements of the NPPF & PPS5 Practice Guide.

Impact on the listed building.

- 9.7 In terms of considering a proposal for listed building consent, LPA under section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard must be had to the desirability of preserving the building or its setting or any features of special architectural or historical interest. Furthermore, section 72 advises LPA's to pay special attention to the desirability or preserving or enhancing the character or appearance of a designated conservation area.
- 9.8 Paragraph 132 of the NPPF also states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
- 9.9 PPS5 Practice Guide is also advises that there should be a presumption in favour of the conservation of 'designated heritage assets' such as listed buildings, whose significance can be harmed or lost through alteration.
- 9.10 English Heritage has been involved in pre-application discussions and are supportive of the proposal.

- 9.11 The proposal is modern in materials and design and would have a contemporary visual impact that would evidently contrast with the existing architectural detailing of the listed building. Some may argue that any intervention to a listed building ought to reflect or imitate the architectural detailing of the original building. However, the contrast between the contemporary design and the historic architectural style of the listed building is considered appropriate. The extension will clearly be marked as a modern addition to the original building allowing the original structure to be seen and understood. Furthermore, the extension will give prominence to this new access into the listed building.
- 9.12 Internally the building has been significantly altered over the years, and outside of the main entrance area there are considered to be few internal historical features of interest. The proposed changes are therefore considered to be acceptable and would not significantly impact on any historical features or lead to any adverse impacts on any external features.
- 9.13 In conclusion, it is considered that the proposal would not result in any loss of architectural or historical fabric of the building or have a negative impact on the character and appearance of the surrounding conservation area. Hence the proposal is not considered to conflict with the aims of protecting the historic environment nor does it undermine the visual amenities of the area. It is therefore considered that the proposal meets the criteria of the NPPF and PPS5 Practice Guide.

Other matters

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

10 Recommendation

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

Conditions

Listed Building Consent Planning Ref: 63/2014/14532.

1. The proposed development hereby permitted shall be begun not later than the expiration of 3 years beginning with the date of the Decision Notice.
Reason: To comply with the requirements of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
2. The approved plans comprise Drawing No. 7352 P (000) 003, 004 & 005 received by Craven District Council on 31st March 2014. The development hereby approved shall be completed in accordance with the approved plans except where conditions attached to this planning permission indicate otherwise.
Reason: To specify the terms of the permission and for the avoidance of doubt
3. Prior to the installation of the new external door (located to the west of the toilet block at the western end of the new accessible route) details of the new door (including external finish) shall be provided to and approved in writing by the Local Planning Authority. The door shall thereafter be installed in accordance with the approved details and retained thereafter.

4. Prior to their first installation more detailed specifications / plans / supporting information of the following features shall be submitted to, and approved in writing by, the Local Planning Authority: -
- The balustrade to be installed alongside the accessible route to the entrance.
 - The new glazed entrance doors and adjacent glazing that forms the new entrance into the town hall.
 - Details of any permanent signage to be attached to the extension.
 - Details of any measures to be installed to accommodate temporary signage (in a clean and tidy manner) to be used for advertising events at the town hall.
 - The facing material to be used to the new RSJ / Lintel that will be located on the southern elevation and positioned above the new glazed entrance to the building and the link between the new extension and the existing building.

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

5. Prior to its first installation full specification details of the zinc cladding shall be submitted to, and approved in writing by, the Local Planning Authority. The details required include: -
- A sample of the product to be used.
 - Full clarification of the cladding profile such as the treatment to the joints between the cladding sheets, the join with the roof, and the join with the main building.

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

6. Necessary approved alterations to the external walling of the original listed building shall be finished in natural stone to match the existing building in terms of colour, texture and method of pointing.
7. Notwithstanding the Town & Country Planning (Control of Advertisements) (England) Regulations 2007, or any superseding order, no external signage shall be attached to the development hereby permitted (other than that authorised by other conditions specified by this decision notice).

Reason (3 to 7): In the interests of the appearance and character of the listed building and surrounding conservation area.

INFORMATIVE

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

Full Planning Permission 63/2014/14530

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

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

2. The approved plans comprise Drawings 7352 P (000) 003, 004 & 005 received by Craven District Council on the 31st March 2014. The development shall be completed in accordance with the approved plans except where conditions attached to this planning permission indicate otherwise or where alternative details have been subsequently approved following an application for a non-material amendment.

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

3. The bollards and rails hereby approved shall be painted 'black' unless otherwise agreed writing by the Local Planning Authority.

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

4. Prior to the installation of the new external door (located to the west of the toilet block at the western end of the new accessible route) details of the new door (including external finish) shall be provided to and approved in writing by the Local Planning Authority. The door shall thereafter be installed in accordance with the approved details and retained thereafter.

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

- The balustrade to be installed alongside the accessible route to the entrance.
- The new glazed entrance doors and adjacent glazing that forms the new entrance into the town hall.
- Details of any permanent signage to be attached to the extension.
- Details of any measures to be installed to accommodate temporary signage (in a clean and tidy manner) to be used for advertising events at the town hall.
- The facing material to be used to the new RSJ / Lintel that will be located on the southern elevation and positioned above the new glazed entrance to the building and the link between the new extension and the existing building.

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

6. Prior to its first installation full specification details of the zinc cladding shall be submitted to, and approved in writing by, the Local Planning Authority. The details required include: -

- A sample of the product to be used.
- Full clarification of the cladding profile such as the treatment to the joints between the cladding sheets, the join with the roof, and the join with the main building.

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

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

8. Notwithstanding the Town & Country Planning (Control of Advertisements) (England) Regulations 2007, or any superseding order, no external signage shall be attached to the development hereby permitted (other than that authorised by other conditions specified by this decision notice).

Reason (4 to 8): In the interests of the appearance and character of the listed building and surrounding conservation area.

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

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

Statement of Positive Engagement: -

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

- engaged in pre-application discussions

YORKSHIRE OFFICE

Miss Andrea Muscroft
Craven District Council
1 Belle Vue Square
Broughton Road
Skipton
North Yorkshire
BD23 1FJ

Direct Dial: 01904 601973
Direct Fax: 01904 601999

Our ref: L00396698

29 April 2014

Dear Miss Muscroft

CRAVEN DISTRICT COUNCIL, TOWN HALL, HIGH STREET, SKIPTON, NORTH YORKSHIRE, BD23 1AH

Thank you for consulting English Heritage about Listed Building Consent Application **No. 63/2014/14532** for the proposed demolition of the existing toilet block to the south elevation, to be replaced with a new accessible entrance, toilets on the ground floor, internal lift and other minor alterations.


Significance

Skipton Town Hall dates from 1862 and has an original or near-contemporary public hall to the rear. This has an attractive pilastered interior (with art deco pendant lights of some interest) and a 1930s stage and proscenium inserted in the easternmost bay. The street frontage building has an original open well staircase, whilst at first floor level the Council Chamber has 'Mouseman' Thompson furnishings. The building has aesthetic (design) value, along with considerable communal value as an important focus for community life in Skipton; also illustrative historical value as a town hall of its period.

The proposal and English Heritage advice

English Heritage has had pre-application discussions concerning the current proposal. It is proposed to demolish the present ugly post-war toilet block and to replace it with a new one of curved shape, in conjunction with the creation of a new wheelchair/pushchair friendly entrance for the Town Hall; also to insert a new platform lift in the void between the front and rear blocks to provide access to the first floor.

We consider that these changes would be beneficial. In our view they would fully sustain the significance of the Town Hall and would have the potential to enhance its aesthetic value. This is providing the materials and the detailed treatment are carefully conditioned and handled.

	<p>37 TANNER ROW YORK YO1 6WP Telephone 01904 601901 Facsimile 01904 601999 www.english-heritage.org.uk</p>	
<p>English Heritage is subject to the Freedom of Information Act, 2000 (FOIA) and Environmental Information Regulations 2004 (EIR). All information held by the organisation will be accessible in response to an information request, unless one of the exemptions in the FOIA or EIR applies.</p>		

YORKSHIRE OFFICE

We welcome the proposed removal of the existing unsympathetic wheelchair lift from the front steps and the reinstatement of these important steps, which will further enhance the aesthetic value and therefore the significance of the Town Hall.

We also welcome the modern idiom and concept of the new addition, which contrasts in a visually interesting way with the existing Town Hall buildings, whilst the proposed zinc cladding complements the stone walls of the Town Hall. The proposal appears to us to '*aspire to a quality of design and execution which may be valued now and in the future.*' (*Conservation Principles*, page 9 para14c)

It is expected that the changes will enhance the vitality, usability and the viability of the Town Hall and we wholeheartedly welcome this.

We consider that the requirements of Paras. 131 to 134 of the *National Planning Policy Framework* are fulfilled.

Recommendation

We recommend that consent may be granted, with appropriate conditions applied to the choice of materials and the detailed treatment.

Please contact me if we can be of further assistance. We would be grateful to receive a copy of the decision notice in due course. This will help us to monitor actions related to changes to historic places.

Yours sincerely

Dr Diane Green

Inspector of Historic Buildings

E-mail: diane.green@english-heritage.org.uk

cc Hazel Smith, Craven District Council



37 TANNER ROW YORK YO1 6WP

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www.english-heritage.org.uk

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

SKIPTON EAST
63/2014/14429

FELL 7 NO SYCAMORE TREES (T1, T2, T3, T4, T5, T7 & T9)

IN RECREATION GROUND ADJACENT TO 70 - 72, 86-88, & 90 - 92
MOORVIEW WAY, SKIPTON.

APPLICANT NAME: MR LES CHANDLER

TARGET DECISION DATE: 25/04/2014

CASE OFFICER: Trees Officer

Councillor Harbron has asked for this application to be referred to Planning Committee as there is a lot of public interest in the proposal both for and against it.

1. Site Description

1.1 The application site comprises part of the recreation ground located to the south and east of Moorview Way Skipton. More precisely, the application site is that part of the recreational ground located adjacent to the south of 70–72, 86–88 & 90–92 Moorview Way.

1.2 The recreation ground is owned and maintained by Skipton Town Council (STC). Trees within the application site are protected by a Tree Preservation Order (TPO). Many other trees within the recreation ground are also protected by a preservation order.

2 Proposal

2.1 The application seeks consent to fell 7 Sycamore trees (T1, T2, T3, T4, T5, T7 & T9) that are protected by a Tree Preservation Order. The application has been made by STC.

2.2 The proposal has been submitted with an accompanying supporting statement provided by STC that explains the reasons behind the application. The supporting information explains that the application has been made as residents who live adjacent to the trees want to see their removal.

3 Planning History

3.1 TPO – 176 2009. Trees on the site were first protected by CDC in 2009. It is understood that prior to 2009 STC had carefully managed the trees for a number of years, but in response to requests from local residents consented to their removal. As the trees were not protected by a preservation order or within a conservation area there was no requirement for CDC to be notified of their removal. However, when felling operations on site began CDC Officers received numerous complaints about tree removal. CDC Officers investigated and decided that the trees definitely merited protection and a TPO was served before further operations could continue. The vast majority of trees were therefore retained. CDC officers were keen to protect the trees due to the valuable contribution that they made to the amenity of the area. The impact on local residents was noted, but the relationship wasn't considered to unacceptable. It was suggested that STC carry out new tree planting further down slope away from Moorview Way residents and allow this to establish. In time these new trees would become sufficiently established to succeed the existing trees and their removal could be authorised. New trees were subsequently planted by STC, although they are still at an early stage of growth.

- 3.2 Since this TPO was made there have been several applications to carry out works to the protected trees some of which have been approved and these are detailed below:
-
- 3.3 63/2009/9860 - 2 x Sycamore - Fell + 1 x Sycamore - Crown Thin by 20%. – Conditional Approval – 11/09/2009
- 3.4 63/2011/11763 - 1 x - Sycamore Crown Thin By 20% - Conditional Approval – 12/08/2011
- 3.5 63/2013/14058 - 2 No Sycamore trees (T9 & T11) - Remove the crowns and leave the trunks as standing dead timber – Withdrawn 10/12/2013
- 3.6 63/2013/14165 - Remove 2 No Sycamore Trees (T10 & T11 as numbered on plan submitted with the application) – Conditional Approval – 23/12/2013
- 4 Planning Policy Background
- 4.1 N/A
- 5 Town Council Comments
- 5.1 The trees are on Town Council land and therefore no comment can be made – 28/03/2014
- 6 Consultations
- 6.1 None. The proposal has however been inspected by the Council’s professionally qualified arboriculturist.
- 7 Representations
- 7.1 None however, publicity on these applications is not required. Ordinarily the views of the Town/Parish Council would be obtained, but as they are the applicant it is not appropriate for them to make comment.
- 8 Summary of Principal Planning Issues
- 8.1 Whether or not it is appropriate to fell the 7 trees taking into consideration their health and amenity value.
- 9 Analysis
- 9.1 The trees form a very strong visual line along the top of the embankment between the houses on Moorview Way and the recreation ground below. An application to fell trees that are protected by a TPO requires there to be justification of the reasons for the application. The arboriculturist advises that upon inspection, the trees appear to be healthy and sound although it has to be conceded that sycamore will deposit sticky honeydew which can be troublesome. He comments that the trees have reasonable ground clearance to the lowest branches which will allow light and sun to permeate under the crown and into the adjacent gardens to the north.
- 9.2 The arboriculturist also noted that in the supporting information that another reason given to fell the trees is to allow more light to the recently planted younger trees on the embankment. However, this reason is not accepted as the seven trees to be felled are at the top of the bank and are to the north of the young trees. The result is that the young trees will benefit from ample light from the south.
- 9.3 In conclusion, the arboriculturist indicates that there is sound justification to refuse the application. However he notes that the trees are irregularly spaced in the line and notes that 90 Moorview Way has four trees along its boundary. He therefore indicates that as part of a phased process of removal of the sycamore trees that 2 of the trees adjacent to 90 Moorview Way (no. T1 and T3) be approved for removal with the

application being refused for all other trees. He comments that the situation of the other trees in the line can be kept under review in the future.

STC was asked if they would be willing to amend the application and apply to just remove tree T1 and T3. However STC advised that they wish the application to be determined as submitted. Unlike planning applications it is possible to issue split decisions and the officer recommendation with this proposal is therefore to grant consent to remove trees T1 and T3, but refuse consent to remove all other trees.

10 Recommendation

- 10.1 Members are recommended to issue a split decision by granting consent to remove trees T1 & T3, but refuse consent to remove all other trees.

Conditions for approval

1. (1) BS 3998 (2010) – All tree work shall be carried out in accordance with British Standard 3998 (2010) ‘Tree Work’

Reason: In the interests of the safety of persons and properties, including any neighbouring trees which are not to be felled, and in the interests of the health of the trees upon which the work is to be carried out.

2. The felled trees shall be replaced by trees of at least half standard size (10-12 cms Girth), of the following species: [Oak].

Reason: To maintain tree cover and diversity in the area

3. All replacement trees shall be planted in the first planting season following the felling of the existing trees (November to March inclusive).

Reason: In the interests of amenity.

4. Any replacement tree which dies or is removed or wilfully damaged in a 5 year period from planting shall be replaced during the next available planting season, to the satisfaction of the Local Planning Authority.

Reason: In the interests of amenity.

Informative

1. No tree operations specified in this consent shall be carried out later than 2 years from the date of this notice. If for any reason such works are not carried out within this period, a new and separate application must be made to the Local Planning Authority.

Reason for refusal

1. The trees form a strong visual line that contribute positively to the amenity of the area. They appear to be healthy and in sound condition and have reasonable ground clearance to the lowest branches which will allow light and sun to permeate under the crown and into the adjacent gardens to the north. The trees do not impact unacceptably on the growth of other newly planted trees to the south. There is therefore no justified arboricultural reason for their removal.

SCHEDULE 1 – PROPOSED WORKS

It is proposed to fell the seven remaining sycamore trees along the northern boundary of Shortbank Recreation Ground (T1, T2, T3, T4, T5, T7 and T9 on the attached plan), leaving the stumps in the ground and the cut timber and brash *in situ* to attract wildlife.

The sycamores stand at the top of a bank which rises up from the main playing field. The Town Council's long term plan for this part of the recreation ground is to create a natural, native woodland mirroring that on the opposite, southern bank. To fulfil this aim 33 broad-leaved tree specimens (advanced nursery stock), including beech, birch, rowan, oak, and field maple, were planted on the north bank of the recreation ground in 2009. Most of these trees are now showing well.

The original plan was to remove the sycamores at the top of the bank over an extended period, as the new trees became established:

- (a) to provide the light required to encourage the growth of the new native trees; and
- (b) to support the long-term, naturalistic vision for the area by reducing the regimentation effect the dominant sycamores create along the northern skyline.

However, the owners of the residential properties on Moorview Way, immediately adjacent to the recreation ground, have persuaded the Town Council to seek approval to bring forward the removal of the sycamores. Living close to the trees they advise that, because they are so large and dominant, the sycamores are shading out the new native species which have been planted along the north bank of the recreation ground. Their fear (shared by the Town Council) is that the sycamores will prevent the vision of an established mixed-species woodland being properly realised. They also point to the negative impact the sycamores are having on the lives of those living next to them.

Several of the householders report that over the last few months the sycamores have begun to shed branches - some of them "quite substantial", to quote Mr Gill at 88 Moorview Way. Falling branches have damaged the fabric of several of the houses and of the adjoining garages and, although no-one has been hit directly, fallen debris from the trees regularly provides tripping hazards for residents. On top of this the trees create the dark, damp conditions which encourage excessive moss growth, both on built structures and on the ground. Moss on the rooves of the houses is not a problem in itself (it doesn't damage the roof tiles or the stonework) but birds pull it off and it builds up in gutters and downpipes, causing blockages. The other problem with moss is where it grows on the ground, which it does quite extensively beneath the sycamores. A number of residents report having slipped and fallen on the slippery surfaces created by wet moss and it is clear that this, perhaps more so than the danger of falling branches, is a serious and very real safety risk.

The other problems the trees create for the residents are more intangible but no less distressing. Householders report that the noise from the trees in high winds is frightening and, combined with the constant fear of falling branches, keeps people awake. More insidious is the effect the trees have on the state of mind of those living beneath them. All of the residents concerned report that they are "at their wits end with the trees". They have lived in their shadow for so long that they now despair of anything ever being done to lift the depression the trees create. As Mr Gill puts it: "These trees are ruining our lives and have been for the last thirty years. People say that we chose to live here and the trees were here when we moved in but they weren't this size. And there wasn't the moss, and the fear of injury there is now. These trees have grown beyond all expectation. They're monsters."

Listening to the residents it is clear that the trees represent a nuisance, in every sense of the word, and especially in the legal sense. They quite clearly have had, and continue to have,

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a material effect on the comfort and convenience of the householders living in their shadow, interfering with their use and enjoyment of their properties to a substantial and unreasonable degree.

It is because of this, and their deleterious effect on the trees which have been planted to replace them, that the Town Council has been persuaded to seek approval to fell the sycamores sooner rather than later. It is clear that these trees have caused injury in the past, that they risk doing so again, and that they continue to cause emotional distress to the owners of the properties bordering Shortbank Recreation Ground. As the authority responsible for the trees, with a good neighbour policy in place, the Council is keen to resolve this problem as soon as possible – by felling the sycamores and transferring the Tree Preservation Order to the new, native species planted to replace them.