



CRAVEN DISTRICT COUNCIL

PLANNING COMMITTEE – SITE VISIT

12th March 2018

AGENDA

Please note that the Committee will visit the following site on Monday, 12th March 2018. Members are asked to meet at **the following site at 11.55am**, or alternatively at the Belle Vue Square Offices car park **no later than 11.40am**.

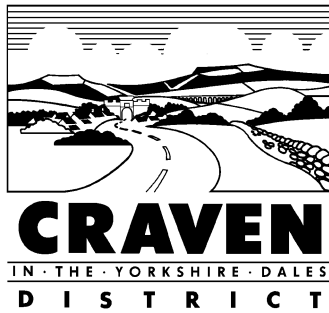
Application 2017/18743/FUL Residential development of 10 dwellings including creation of village green, land off Gargrave Road, Broughton. (West Craven Ward)

Following the site visit refreshments will be available at the Belle Vue Square Offices.

Agenda Contact Officer:
Chris Waterhouse, Committee Officer
Tel. 01756 706235
Skipton, 2nd March 2018.

Planning Committee Site Visit Procedure

- A. On arrival, the Chairman will call the Members of the Planning Committee, any Ward Representative(s) and others invited to be present to order. The Chairman will explain the purpose of the site visit so that all are aware that it is a fact finding exercise only and that no decision will be taken until the Committee meeting.
 - B. The Chairman will then ask the appropriate officer to describe the proposal to Members, identify relevant features of the site, and raise the principal planning considerations. The Officer may also draw Members' attention to the relevant points regarding objections/observations received.
 - C. The Chairman will then ask any other officer, e.g. Highways Officer, Environmental Health Officer, to address the Members.
 - D. Members will then be invited through the Chairman to ask any questions or seek clarification of facts from the Officers present. Members should not direct these questions to the applicant or others present. Any matters not to hand will be reported at the Committee meeting. Discussion on the merits of the application will not be permitted, and Members should refrain from making comments on the proposal.
 - E. A representative of the Parish or Town Council or Parish Meeting will be invited to advise Members on matters of fact relating to the application site.
 - F. The applicant and others present will not be allowed to speak unless he or she is specifically asked by the Chairman or a senior officer to
 - point out particular matters on site, or
 - to clarify or respond to Member's questions in respect of particular factual matters, relevant to the site of the planning application/planning matter.
- Applicants/agents will be given prior notice of the time and date of the site visit.
- G. When the Chairman considers that the purpose of the site visit has been achieved, (s)he will declare the site visit finished and Members will promptly leave the site.
 - H. Whilst conducting the site visits Members will have due regard to the health and safety of themselves and others and will follow appropriate safety instructions on site, including any guidance on parking and access. Under no circumstances will Members or Officers enter a site without wearing the appropriate safety equipment (if any) required.
 - I. A note will be taken by the appropriate officer of those present at each site visit.
 - J. Members should be aware at all times that site visits mainly take place on privately owned land. They should be careful not to damage any property or do anything that may cause problems for or distress to the landowner.
 - K. Where arrangements have been made for a site visit to take place on land which does not form part of the specific area under consideration/application site, the appropriate officer will have sought the necessary permission from the occupier of that land in writing.



PLANNING COMMITTEE

1.35pm on Monday, 12th March, 2018
Belle Vue Suite, Belle Vue Square Offices, Skipton

Committee Members: The Chairman (Councillor Sutcliffe) and Councillors Baxandall, Brockbank, Harbron, Heseltine, Hull, Lis, Morrell, Place, Rose, Shuttleworth and Thompson.

Agenda

1. **Apologies for absence and substitutes**
2. **Confirmation of Minutes** – 12th February, 2018.
3. **Public Participation** – In the event that any questions/statements are received or members of the public wish to ask questions or address the Committee **in respect of matters not appearing on this agenda**, the public participation session will proceed for a period of up to fifteen minutes.
4. **Declarations of Interest** – All Members are invited to declare at this point any interests they have in items appearing on this agenda, including the nature of those interests.

(Note: Declarations should be in the form of:

a “**disclosable pecuniary interest**” under Appendix A to the Council’s Code of Conduct, or “**other interests**” under Appendix B or under Paragraph 15 where a matter arises at the meeting which relates to a financial interest of a friend, relative or close associate.

A Member of Council who has a disclosable pecuniary interest must leave the room and not take part in the discussion or vote. When declaring interests under Appendix B or Paragraph 15 of the Code, Members must move to the public seating area, not vote, and speak only if members of the public are also allowed to speak at the meeting.)

5. **Schedule of Plans** – Attached. The schedule is comprised of the following:-
 - (a) Applications to be determined by the Committee.
 - (b) Details of applications determined by officers under the Scheme of Delegation.
 - (c) Enforcement - New complaints registered / complaints closed.

If Members have any queries regarding individual applications dealt with under the Scheme of Delegation, or if they have any queries regarding an enforcement matter, they are asked to consider contacting Neville Watson, Development Control Manager (email: nwatson@cravencd.gov.uk, telephone: 01756 706402)

6. **Any other items** which the Chairman decides are urgent in accordance with Section 100B(4) of the Local Government Act, 1972.

Agenda Contact Officer: Chris Waterhouse
Tel. 01756 706235, E-mail cwaterhouse@cravenc.gov.uk
2nd March 2018.

Recording at Council Meetings

Recording is allowed at Council, committee and sub-committee meetings which are open to the public, subject to

- (i) the recording being conducted with the full knowledge of the Chairman of the meeting; and
- (ii) compliance with the Council's protocol on audio/visual recording and photography at meetings, a copy of which is available on request. Anyone wishing to record must contact the Agenda Contact Officer (details above) prior to the start of the meeting. Any recording must be conducted openly and not disrupt proceedings.

Emergency Evacuation Procedure

In case of an emergency or if the alarm sounds, leave the committee room and leave the building using the nearest available door. The assembly point is in the main square at the front entrance. An officer will take a roll call at that point. Please do not leave without telling the Chairman or the Democratic Services Section's representative.

PLANNING COMMITTEE

12th February 2018

Present – The Chairman (Councillor Sutcliffe) and Councillors Baxandall, Brockbank, Harbron, Heseltine, Hull, Lis, Morrell, Rose, Shuttleworth and Thompson.

Officers – Legal Services Manager, Planning Manager, Principal Planning Officer, Planning Assistant and Committee Officer.

An apology for absence was received from Councillor Place.

Start: 1.45pm

Finish: 4.30pm

The minutes of the Committee's meeting held on 15th January 2018 were confirmed and signed by the Chairman.

Minutes for Report

PL.853

PUBLIC PARTICIPATION

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

Application 63/2016/17313 : Mr C McGrath (objector / for objectors)

: Mr P Owen (for the applicant)

Application 2017/18237/OUT : Mr C Calvert (for the applicant)

PL.854

APPLICATIONS FOR PLANNING PERMISSION

a. Delegated Matters

The Strategic Manager for Planning and Regeneration reported the following applications for planning permission which had been dealt with under delegated authority:-

21/2016/17019 Redevelopment of former mill site to include the conversion and extension of mill building to provide 46 apartments, restoration of existing house attached to the mill building, 1,445sqm of new B1 commercial floorspace and 46 dwellings on the remainder of the site, Station Works, Cononley Lane, Cononley - Approved with conditions.

31/2016/16637 Discharge of condition no 7 and part discharge of condition no 4 of previously approved application referenced 31/2013/13807- Development of 7 houses resubmission of 31/2013/13627 and discharge of condition no 3 and part discharge of condition no 8 (i) and 8 (iii) for application 31/2014/15285 - reserved matters application for the development of 7 houses for appearance, landscape, layout and scale for outline application 31/2013/13807, land adjacent to Raines Road, Giggleswick – Disposed.

2017/18145/FUL Construction of new agricultural access track, land adj Farther Fence End Steading, Colne and Broughton Road, Thornton in Craven - Refused

2017/18182/FUL Conversion of barn to dwellinghouse, barn south of Lower Gill Bottom, Shop Lane, Cowling - Approved with conditions.

2017/18245/CND Application to discharge Condition no 5 of the outline planning permission (as set out in the appeal decision APP/C2708/W/16/3144209) that was varied under a non-material

amendment permission (reference 26/2016/17630), land at Laurel Croft, Embsay - Conditions satisfactorily discharged.

2017/18298/CND Application to discharge condition no 7 and partial discharge of condition no 6 of previously approved application 73/2016/16782 Canal Wharf Yard, Priest Bank Road, Kildwick - Conditions satisfactorily discharged.

2017/18342/FUL Construction of new clubhouse and fitness room, land at Gallaber Park, Back Lane to Long Preston Bridge, Hellifield - Approved with conditions.

2017/18350/FUL Creation of a maintenance layby on the south side of the A65, west of Eller Beck, Skipton, land on south side of A65/A59, approximately 260m west of where the road crosses Eller Beck, Skipton - Approved with conditions.

2017/18384/LBC Listed building consent for refurbishment works to be carried out to existing staff facilities including male, female WC's, locker areas, driver booking area, union office and staff mess facilities Skipton Railway Station, Broughton Road, Skipton - Approved with conditions.

2017/18389/LBC Replacement of bathroom window with double glazed window in a timber frame. Replacement of 4 light mullion kitchen windows with double glazed units, Sutcliffe House, Belle Hill, Giggleswick - Approved with conditions.

2017/18393/CND Application to discharge condition no's 3, 4, 6, 13, 16, 21 and 22 of previously approved application Clitheroe Works, Clitheroe Street, Skipton - Conditions satisfactorily discharged 63/2014/15027.

2017/18395/FUL Retrospective application for the retention of an area of hardstanding adjacent to the stable block approved by planning consent reference 66/2015/16211, land off Ellers Road Sutton-in-Craven – Approved.

2017/18472/FUL Construction of 7 woodland holiday lodges with associated parking spaces including formation of new access road and re-siting of existing 4X4 experience cabin and parking, The Coniston Hotel, Coniston Cold - Approved with conditions.

2017/18527/FUL Conversion and extension of existing church hall to form 10 apartments with access from Main Street including formation of associated parking and communal garden areas St Peter's Methodist Church, Main Street, Cross Hills - Approved with Conditions.

2017/18560/HH Lift up section of roof over garage to allow first floor bedroom extension and other alterations to existing dwelling, 7 Springfield Crescent, High Bentham - Approved with conditions.

2017/18543/CND Application to discharge condition no's 3, 4, 5, 8, 10, 13, 14, 15 and 16 of planning permission 32/2016/17488 granted 14/02/2017, 3 White Abbey, Green Lane, Glusburn - Conditions satisfactorily discharged.

2017/18549/HH Proposed porch and formation of off-street car parking space to front of property. Repositioning of existing old telephone box to north west corner of the curtilage, Post Office Low Lane to A65, Draughton - Approved with conditions.

2017/18570/FUL Minor engineering works to form new filter bed of clean stone on line of existing septic tank outlet to existing soak away system The Bungalow, Coach House Residential Home, Carla Beck Lane, Carleton - Approved with conditions.

2017/18571/FUL Subdivision of existing shop into 2 units, erection of rear entrance extension to first floor apartment including roof terrace, Linden House, 9 and 11 Main Street, Ingleton - Approved with conditions.

2017/18583/HH Demolition of existing conservatory and porch and construction of new porch, 5 Hey Farm Cottages, Park Lane, Cowling - Approved with conditions.

2017/18607/HH Construction of two storey extension to existing detached residential dwelling, and demolition of detached garage, Hollin Root Barn, off West Lane, Sutton-in-craven - Approved with conditions.

2017/18620/CND Retrospective application for smoke control and roof vents pursuant to condition 9 of planning permission 63/2016/176702, Belle Vue Square, Broughton Road, Skipton - Condition satisfactorily discharged.

2017/18639/CND Application to discharge conditions 2 and 4 of original planning permission 63/2015/16427 approved under appeal reference APP/C2708/W/16/31505, 11 Elsey Croft Development, Moorview Way, Skipton - Conditions satisfactorily discharged.

2017/18657/HH Replace flat roof with pitched slated roof to rear single storey outbuilding, take down rear single storey outbuilding and build 2no new two storey rear extensions, 58 Broughton Road, Skipton - Approved with conditions.

2017/18658/LBC Re-plastering, kitchen replacement and bathroom installation and other internal works 6 Queens Street, Skipton - Approved with conditions.

2017/18669/FUL Conversion and extension of stable block to form one bedroom annexe to Priory Cottage, Marton Hall Priory, Thornton Road, West Marton, Skipton - Approved with conditions.

2017/18678/FUL Erection of timber stables with associated storage and construction of detached garage, Gasker, Lawkland - Approved with conditions.

2017/18697/FUL Internal alterations at ground floor to enlarge existing commercial kitchen through removal of staircase and reconfiguration of office space at first floor including insertion of doorway on north facing elevation to form external entrance to self contained flat and office, Ye Old Naked Man Café, Market Place, Settle - Approved with conditions.

2017/18698/LBC Internal alterations at ground floor to enlarge existing commercial kitchen through removal of staircase and reconfiguration of office space at first floor including insertion of doorway on north facing elevation to form external entrance to self contained flat and office, Ye Old Naked Man Café, Market Place, Settle - Approved with conditions.

2017/18699/CND Application to discharge conditions 3, 4, 5 and 6 of planning permission 2017/18332/FUL, Stockbridge Laithe, Thornton in Craven - Conditions satisfactorily discharged.

2017/18704/FUL Change of use of building from two holiday cottages to one residential dwelling (resubmission of refused planning application reference 42/2017/18093), Dales Valley View Cottage, Swinden – Refused.

2017/18707/COU Change of use from A1 Lingerie Shop to A3 Pancake House, to include enclosed external seating area, 8A Main Street, Cross Hills - Approved with conditions.

2017/18710/HH Erection of outbuilding to provide garage, store and jacuzzi therapy suite including demolition of existing garage and greenhouse, Kimberley, Skipton Road, Low Bradley - Approved with conditions.

2017/18711/MMA Application for a minor material amendment to original planning consent reference 73/2016/16782 to alter roof form, Canal Wharf Yard, Priest Bank Road, Kildwick - Approved with conditions.

2017/18712/HH Two storey and single storey rear extension, 22 Gisburn Street, Skipton - Approved with conditions.

2017/18716/FUL Erection of L-shaped stable block, consisting of two stables and a small feed area land adjacent to Green Smithy, Mewith, Bentham - Approved with conditions.

2017/18717/HH Replace existing windows with PVC and build new stone shed, 5 Aireville Grange Gargrave Road, Skipton - Approved with conditions.

2017/18722/HH Proposed three storey side extension (resubmission of application reference 63/2017/17747), 28 Tarn Moor Crescent, Skipton - Refused

2017/18723/MMA Application to vary Condition 6 of previously approved application 2017/18408/ADV to allow alterations to sign 12 W M Morrison Supermarkets Plc, Broughton Road, Skipton - Approved with conditions.

2017/18729/HH Retrospective application for erection of raised platform to rear of dwelling, 6 Moorland Avenue, Back Ermysted, Skipton – Approved.

2017/18748/TCA Ash – Remove, Howgill House, Low Lane, Draughton – Approved.

2017/18734/FUL New general agricultural building, Lower Weasel Green Farm, Moorside, Stockshott Lane, Cononley - Approved with conditions.

2017/18735/FUL Multi-purpose agricultural building, land off Strikes Lane, Sutton in Craven - Approved with conditions.

2017/18736/CND Application to discharge condition no. 7 (access details only - no materials) from original planning application referenced 2017/18269/FUL approved 26/09/2017, Dovetail, Colne Road, Cowling - Condition satisfactorily discharged.

2017/18737/HH Demolition of two single storey lean-to extensions, to be replaced with a single storey extension, 39 High Street, Gargrave - Approved with conditions.

2017/18739/HH Single storey extension to existing barn conversion and two storey extension to existing garage to form gym/studio and home office/occasional bedroom, Fox Croft Barn, White Hill Lane, Lothersdale - Approved with conditions.

2017/18740/HH Proposed single storey rear extension and rear first floor extension above existing kitchen, 1 Garden Terrace, West Road, Carleton - Approved with conditions.

2017/18742/TCA T5 - Wild Cherry - Remove due to unacceptable risk of damage to property (i.e. parked cars). T6 - Italian Alder - Remove due to short remaining life expectancy. G2 - Beech, Ash, Cherry - Thin group by removal of 1no. young Ash (most easterly in group, with stem nearly in contact with wall), 1no. semi-mature Ash, and 1no. early-mature Cherry (locations identified on Tree Survey Plan). G7 - Ash, Field Maple, Wild Cherry - Thin group by removal of 2no. semi-mature Ash and 1no. young Rowan in closely spaced group to rear of refuse and charity skips, and removal of 1no. semi-mature Alder standing to south of this area between Sycamore and Lime (locations identified on Tree Survey Plan) and prune, where necessary, to reduce lateral spread of boundary group in order to obtain a 1m clearance from lights and signs. G9 - Downy Birch, Lilac, Sycamore - Prune, where necessary, to reduce lateral spread of boundary group to obtain a clearance of 1m from north-west street light, and to obtain a 1.5m clearance from stair-case and carpark, Skipton Building Society, The Bailey, Skipton - Approved.

2017/18745/FUL Erection of a detached two storey dwellinghouse (revision to planning approval reference 08/2016/16590), Lairgill House, Mount Pleasant, High Bentham - Approved with conditions.

2017/18747/ADV Post-mounted totem sign, sunk into ground, Keighley Filling Station, Station Road, Cross Hills - Approved with conditions.

2017/18750/FUL Extension of an existing livestock building, to include additional housing, a milking parlour and a general storage area, Lower Sirebank Farm, Jacksons Lane, Low Bradley - Approved with conditions.

2017/18764/COU Change of use of existing office to residential use and retention of existing commercial storage, Green Head Offices, Cross Lane, Low Bentham - Approved with conditions.

2017/18751/FUL Erection of agricultural workers dwelling, Brown House Farm, Old Lane to Brown House, Thornton in Craven - Approved with conditions.

2017/18760/FUL Widen the existing gateway by removing 2m of limestone wall, the existing flower bed is also to be removed and tarmaced, Thornton Village Hall, Colne and Broughton Road, Thornton in Craven - Approved with conditions.

2017/18763/HH Proposed detached private garage with playroom over and associated engineering works, Woodlands, Nethergill Lane, Cononley - Approved with conditions.

2017/18779/TPO G1 - 1m clearance where possible around BT wire; T1 Beech - fell tree as its in major decline and rotten; T2 Horse chestnut - remove first large lowest limb growing towards building, remove heavy large limb and weight towards building; T3 - reduce back canopy by 1.5m and reduce weight to bring tree into natural shape, Summers Gill/Horrocks Close, Lothersdale – Approved.

2017/18780/TPO T1 Scotts Pine - remove limb overhanging the property (T14 of TPO 35 1985), 1 Pine Close, Granville Street, Skipton - Split Decision

2017/18774/TCA T1 Silver Birch – fell, Gott Hill Farm, Ellers Road, Sutton-in-Craven – Approved.

2017/18781/TCA T1 and T2 Yew - Crown thin by 30% and crown reduction by 3m, Prospect House, North Road, Sutton-in-Craven – Approved.

2017/18796/PNAG Application for proposed new replacement general purpose agricultural building on site of former agricultural building (Prior Notification), Agricultural Barn - Fence End Farm Colne and Broughton Road to Farther Fence End, Thornton in Craven - Prior approval not required.

2017/18790/FUL Proposed 3 bed dwelling, site of The Old Barbers Shop, 1 Main Road, Hellifield - Approved with conditions.

2017/18795/TCA T1 Plum - re-shape and 15% reduction; T2 Lilac and T3 and T4 Apple - re-shape and 20% reduction; T5 Cherry - re-pollarding; T6 Conifer – remove, Oakleigh, 2 Granville Close, Skipton – Approved.

2017/18799/FUL To erect a steel portal frame building to extend an existing grass silage store for the purposes of housing grass silage produced on the farm, Heber House, Robins Barn to Anchor Bridge, Gargrave - Approved with conditions.

2017/18824/LBC Replace existing front windows and doors from single glazed timber painted to double glazed timber painted and change the style of the window to reflect the original appearance of the house, Shady Grove Farm, Skipton Road, Cononley - Approved with conditions.

2017/18810/CND Application to discharge condition no. 14 (revised details) of original planning approval 32/2015/15390 granted 25/11/2015, land on the east side of Green Lane, Glusburn - Condition satisfactorily discharged.

2017/18812/TPO T1 - Oak - Reduce height of tree by 15%, shorten outer limbs as per diagram attached, Queens Rock House, Bankwell Road, Giggleswick – Approved.

2017/18813/LHSHLD Single storey rear extension measuring: measuring 3.635m beyond the rear wall; 3.350m in height from ground level; 2.550m in height to eaves from ground level (Prior Approval Notification), Pinnacle View, Baxter Wood, Cross Hills – Prior approval not required.

2017/18816/TCA To remove one Norway spruce, Fairbanks House, Bunkers Hill, Skipton – Approved.

2017/18820/TCA T1 - Silver Birch - Crown reduce by 10% and re-shape, Woodlands Lodge, Woodlands Drive, Skipton – Approved.

2017/18825/CND Application to discharge condition no. 12 (details of replacement tree planting) of original planning permission 31/2016/17348 dated 20 December 2016 site adjacent to Bankwell Road, Giggleswick - Conditions satisfactorily discharged.

2017/18849/CND Application to discharge condition no's 3 (external doors/windows) and 4 (windows) of original planning permission referenced 30/2016/16566 and listed building consent referenced 30/2016/16567 granted 04 April 2016, Higherland House, West Street, Gargrave - Conditions satisfactorily discharged.

2017/18847/CND Application to discharge condition no 3 of original planning consent reference 2017/18181/HH, 7 Lidget Road, Low Bradley - Condition satisfactorily discharged.

2017/18855/NMA Non material amendment to original planning consent reference 31/2015/15799 to change pitch of and remove PV panels from car port roof, Orchard Cottage, 2 Tems Side, Giggleswick - Approved with conditions.

2017/18856/NMA Non-material amendment to original planning application referenced 26/2017/17783 to change the bed 4 window to become larger to become a means of escape window, outside store no longer to be located under this window and to change the window to bed/games to become sliding glazed door, Hawlands, 6 Kirk Lane, Eastby - Non-material amendment approved.

2017/18857/CND Application to discharge condition no. 5 (external wall) of original planning application referenced 26/2017/17783 granted 09/05/2017, Hawlands, 6 Kirk Lane, Eastby - Condition satisfactorily discharged.

2017/18877/TCA T1 Laburnum – Fell, 3 The Bailey, Skipton – Approved.

2017/18867/TPO T1 Hawthorn – fell, Wilderness, Otley Road, Skipton – Approved.

2017/18872/TCA Reduction in height to 5 trees (3 prunus and 2 mountain ash), 4 Church Croft, Gargrave – Approved.

2018/18882/TCA Remove 5 no. trees (Irish yew), All Saints Church Yard, Burton in Lonsdale – Approved.

2018/18919/CND Application to discharge condition 2 of original planning permission 2017/18718/OTHERS, 6 Swadford Street, Skipton - Conditions satisfactorily discharged.

b. Applications

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

Permission Granted

2017/18495/FUL Re position existing air conditioning units away from gable of restaurant to location within car park area, 59 Main Street Cross Hills.

Conditions

Time Limit for Commencement

1. The air conditioning units hereby permitted shall be relocated from the gable wall of the property to the position shown on drawing P02 Rev A within six months of the date of this permission.

Approved Plans

2. The permission relates to the following plans: Drawing No. P02 Rev A received 12th October 2017. Except as provided for by other conditions to this permission, the development shall be carried out in complete accordance with the approved drawings

Before Development Commences

3. The Prior to the commencement of development, a noise assessment of the proposed development shall be carried out to BS 4142 by a suitably qualified person. A narrow band frequency analysis should also be carried out and the graph showing the results should be attached to the report to prove there is no tone. The assessment shall be submitted to and agreed in writing by the Local Planning Authority. The development shall not be carried out otherwise than in complete and full accordance with the agreed specifications, recommendations and noise attenuation. The agreed measures shall be thereafter, retained and maintained for the duration of the approved use

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

Delegated Authority

2017/18237/OUT Outline application for a residential development of up to 140 dwellings with associated infrastructure and open space (access applied for with all other matters reserved), land at Hawbank Field, Skipton – the Planning Manager was authorised to approve this application subject to the conditions listed below, including revision to Condition 13 as indicated, and subject also to

a. Natural England being notified under Section 28I(6) of the Wildlife and Countryside Act 1981 (as amended), of the intention to grant permission, the terms on which it is proposed to grant it and how, if at all, the Authority has taken account of Natural England's advice; and

b. the prior completion of a Section 106 Agreement to secure

a. The provision, tenure, delivery mechanism, occupation criteria and phasing for a minimum of 30% of the dwellings to be provided as affordable housing as defined in the National Planning Policy Framework

b. A financial contribution towards the off-site provision, improvement and/or future maintenance of open space to address local deficiencies to comprise either: (a) in the event that no on-site provision is made for youth play space pursuant to condition 10 of this permission - £1,063 per dwelling or; (b) in the event that full on-site provision is made for youth play space pursuant to condition 10 of this permission - £719 per dwelling.

c. A financial contribution of £15,000 towards a study for the investigation and design of improvements to the junction of the A6131 and A59 located to the northeast of the site.

Conditions

Time Limit for Commencement

1. Application for approval of reserved matters shall be made to the local planning authority not later than the expiration of three years from the date of this permission.

2. The development hereby permitted shall be begun not later than two years from the date of approval of the last of the reserved matters to be approved.

Approved Plans

3. This permission relates to the following plans:

- Drawing no. YOR.2621.001A – Site location plan (amended plan received 7.11.17).
- Drawing no. YOR.2621.018F – Illustrative masterplan (amended plan received 7.11.17),
- Drawing no. SK008 Rev A – Proposed site access arrangement & highways improvement (amended plan received 31.10.17).
- Drawing no. SK009 Rev A – Site access visibility splays (amended plan received 31.10.17).

Any application for approval of reserved matters submitted pursuant to this permission shall accord with the outline permission insofar as it relates to the site area, the means of access to the development and shall not exceed the maximum number of dwellings applied for.

Before Development Commences

4. The approval of the local planning authority shall be sought in respect of the following matters (hereinafter referred to as “the reserved matters”) before any development takes place:- the layout, scale, external appearance and landscaping of the development.

5. Any application for approval of reserved matters submitted pursuant to this permission shall ensure that all the dwellings (including their garden areas) are located:

a. Entirely within flood zone 1 and outside the areas of flood zones 2 and 3 as identified on the Environmental Agency’s “Flood Map for Planning”, and there shall be no ground raising within flood zones 2 and 3.

b. Unless otherwise agreed in writing with the Local Planning Authority (in consultation with the Environment Agency), outside the likely extent of reservoir flooding as identified on the Environmental Agency’s “Flood Map for Planning”.

6. Any application for approval of reserved matters submitted pursuant to this permission shall include details of the size, siting, height, materials, finish (including colour treatment) and design of a trespass proof fence to be erected along the site’s western boundary with the adjacent railway line. The trespass proof fence shall be erected in accordance with the duly approved details before any of the dwellings are first occupied, and shall be maintained as such thereafter.

7. Any application for approval of reserved matters submitted pursuant to this permission shall include a scheme to protect the dwellings from noise emissions emanating from passing road and rail traffic. The scheme shall: (a) identify the location of each plot where noise attenuation

measures are required; (b) include specific details of the noise attenuation measures to be introduced for each plot; and (c) ensure noise levels of not more than:

- a. 30 dB(A) Leq (8 hours) and 45 dB(A) Lmax within bedrooms between 23:00 and 07:00;
- b. 35 dB(A) Leq (16 hours) in habitable rooms at all other times; and
- c. 55 dB(A) Leq (16 hours) in garden areas.

Where windows need to remain shut in order to achieve these levels other means of ventilation shall be provided. The development shall thereafter be implemented in accordance with the duly approved scheme.

8. Any application for approval of reserved matters submitted pursuant to this permission shall include a scheme (including details of appropriate easements, standoff and/or building proximity distances) for the protection of the following apparatus crossing the site:

- a. A 6" high pressure gas pipeline operated by Northern Gas Networks.
- b. Two water mains and an electrical cable operated by Yorkshire Water.

If the scheme includes the diversion of any apparatus then the applicant shall provide written evidence to the Local Planning Authority confirming that the proposed diversion(s) have been agreed with the relevant statutory undertaker before any development on the affected areas of the site first takes place. The development shall thereafter be carried out in full accordance with the duly approved scheme.

9. Any application for approval of reserved matters submitted pursuant to this permission shall include details of finished floor levels and external ground levels for each plot. The development shall thereafter be implemented in accordance with the duly approved details.

10. Any application for approval of reserved matters submitted pursuant to this permission shall include a scheme for the provision and future maintenance of public open space on the site. Unless otherwise agreed in writing with the Local Planning Authority, the scheme shall include the provision of the following elements of public open space within the site:

- a. Areas of informal open space – including greenspace, landscaping and footpaths (the indicative locations of which are shown on drawing no.YOR.2621.018F), along with associated seating, signage, litter bins and interpretation boards.
- b. A Neighbourhood Equipped Area for Play (NEAP) providing a minimum of 7 square metres of activity space per dwelling for equipped children's play and containing no less than 12 play equipment items catering for age ranges from toddlers to 12 year olds.
- c. Informal children's play space at a minimum size of 11 square metres per dwelling.
- d. Equipped youth play and recreation provision at a minimum size of 7 square metres per dwelling.

The scheme shall include details of the size, siting, layout, design, a schedule of works and future maintenance arrangements for all elements of the public open space, and a timetable for its provision. The public open space shall be provided in accordance with the details and timetable contained within the duly approved scheme, and shall be maintained as such thereafter for use as public open space.

11. Any application for approval of reserved matters submitted pursuant to this permission shall include a landscaping scheme containing the following details:

- a. All trees, hedgerows, grassland and any other vegetation on/overhanging the site to be retained;
- b. Compensatory planting to replace any trees or hedgerows to be removed as part of the development;

- c. The strengthening and/or introduction of landscaping buffers along all boundaries of the site including, but not limited to, the indicative areas shown on drawing no. YOR.2621.018F and within the river corridor (including atop the banking of the watercourse) flanking Otley Road;
- d. The introduction of additional planting within the site which forms part of the internal development layout and does not fall within (i) to (iii);
- e. The type, size, species, siting, planting distances and the programme of planting of hedges, trees and shrubs.

The duly approved landscaping scheme shall be carried out during the first planting season after the development is substantially completed and the areas which are landscaped shall be retained as landscaped areas thereafter. Any trees, hedges or shrubs removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced by trees, hedges or shrubs of similar size and species to those originally required to be planted.

12. Any application for approval of reserved matters submitted pursuant to this permission shall include a scheme which specifies the extent of existing drystone walls on the site to be demolished, retained and/or renovated. The scheme shall include details of the location, length and height of all drystone walls on the site and shall specify any modifications to be made to these features. Development shall thereafter be carried out in full accordance with the duly approved scheme and the sections of dry stone wall to be retained and/or renovated shall be maintained as such thereafter.

13. Unless otherwise agreed in writing with the Local Planning Authority, any application for approval of reserved matters submitted pursuant to this permission shall include a scheme for the provision of a footpath to link pedestrian traffic from the development with the existing footway on the A6069 (Otley Road). The scheme shall include details of the route, size, layout, design and construction specification of the footpath and its point of connection with the existing footway on Otley Road (including identifying the need to remove any existing vegetation and/or boundary treatments). The footpath shall be constructed and made available for use in accordance with the duly approved scheme before 25% of the dwellings are first occupied, and shall be retained as such thereafter.

Note 1 : The Planning Manager was authorised to amend the above condition to require connection to the existing / an extension of the existing pavement on the A6069 under the railway bridge, together with associated lighting and signage.

Note 2 : In accordance with the above instruction Condition 13 was subsequently amended to read as follows:-

Unless otherwise agreed in writing with the Local Planning Authority, any application for approval of reserved matters submitted pursuant to this permission shall include a scheme for the provision of a footpath to link pedestrian traffic from the development with the existing footway on the A6069 (Otley Road). The scheme shall include details of:

- a. the route, size, layout, design and construction specification of the footpath;*
- b. its point of connection with the existing footway on Otley Road including, where necessary, the extension and/or enlargement of the existing footway on Otley Road and associated street lighting and signage; and*
- c. any existing vegetation and/or boundary treatments to be removed or altered.*

The footpath shall be constructed and made available for use in accordance with the duly approved scheme before 25% of the dwellings are first occupied, and shall be retained as such thereafter.

14. Any application for approval of reserved matters submitted pursuant to this permission shall include details of:

- a. Tactile paving.
- b. Vehicular, cycle and pedestrian accesses.
- c. Vehicular and cycle parking.
- d. Vehicular turning arrangements.
- e. Manoeuvring arrangements.
- f. Loading and unloading arrangements.

Development shall thereafter be carried out in full accordance with the duly approved details and the parking, manoeuvring and turning areas shall be provided and made available for use before any dwelling to be served by those areas is first occupied.

15. No development (including any works of site preparation) shall take place until a Written Scheme of Investigation (WSI) outlining a programme and timetable of archaeological investigation has been submitted to and approved in writing by the local planning authority. The WSI shall include:

- a. A phased programme and methodology of site investigation and recording to include:
 - a desk-based assessment including, where appropriate, historic building assessment(s), detailed survey and interpretative record;
 - a targeted archaeological evaluation; and
 - where appropriate, targeted area excavation.
- b. A programme for post investigation assessment to include:
 - analysis of the site investigation records and finds;
 - production of a final report on the significance of the archaeological interest represented.
- c. provision for publication and dissemination of the analysis and report on the site investigation.
- d. provision for archive deposition of the report, finds and records of the site investigation.
- e. nomination of a competent person(s) or organisation to undertake the work set out in the approved WSI.

The development shall thereafter be carried out in full accordance with the approved WSI and the timetable contained therein.

16. No development shall take place until a scheme for tree protection measures to be implemented during the construction period has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

- a. Details of a construction exclusion zone (including protective fencing of a height and design which accords with the requirements BS 5837: 2012) to be formed around the root protection areas of those trees within and/or overhanging the site to be retained.
- b. Details of any excavation to take place within the root protection areas of those trees within and/or overhanging the site to be retained.
- c. Details of the foundations of any building, hardstandings and/or boundary treatments to be constructed within the root protection areas of those trees within and/or overhanging the site to be retained.

The development shall thereafter be carried out in strict accordance with the protection measures contained in the duly approved scheme throughout the entirety of the construction period.

17. No development shall take place until a Construction Environment Management Plan (CEMP) setting out details of measures to protect the watercourse of Skibeden Beck during construction has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include details of:

- a. The extent of open watercourse within the site to be retained and any parts to be culverted.
- b. The siting, height and design of any protective barrier to provide a construction exclusion zone around the watercourse.
- c. Measures to prevent the release of silt and pollution from the site into the watercourse both during and after construction.
- d. A drainage plan showing the interception, storage and settlement of surface water.
- e. A timetable for implementation

Development shall thereafter be carried out in strict accordance with the details and timetable contained within the duly approved CEMP.

18. No development shall take place until a Habitat Management Plan (HMP) to protect and enhance: (a) the watercourse of Skibeden Beck and its surrounding wetland habitat; and (b) the woodland to the southwest corner of the site, has been submitted to and approved in writing by the Local Planning Authority. The HMP shall include:

- a. Details of the siting, height, materials, design and finish (including colour treatment) of any fencing to be erected to the perimeter of the areas referred to in (a) and (b) to restrict access to those areas.
- b. A scheme to enhance the ecological diversity of the areas referred to in (a) and (b).
- c. Details of the routing, layout, design and construction specification of footpaths crossing the areas referred to in (a) and (b) to provide pedestrian desire lines.
- d. Details of light spillage towards the areas referred to in (a) and (b) and measures indicating how this will be minimised.
- e. A timetable for the implementation of (a) to (d).

Development shall thereafter be carried out in full accordance with the HMP and the timetable contained therein.

19. No above ground works shall take place until a scheme for the layout, design and construction of all roads and footways for the development has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following details:

- a. Detailed engineering drawings to a scale of not less than 1:500 based upon an accurate survey showing:
 - the proposed highway layout, including the highway boundary; dimensions of any carriageway, cycleway, footway, and verges;
 - visibility splays;
 - the proposed buildings and site layout, including levels;
 - accesses and driveways;
 - drainage and sewerage system;
 - lining and signing;
 - traffic calming measures;
 - all types of surfacing (including tactiles), kerbing and edging.
- b. 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:
 - the existing ground level;

- the proposed road channel and centre line levels;
- full details of surface water drainage proposals.

c. Full highway construction details including:

- typical highway cross-sections to scale of not less than 1:50 showing a specification for all types of construction proposed for carriageways, cycleways and footways/footpaths;
- cross sections at regular intervals along the proposed roads showing the existing and proposed ground levels;
- kerb and edging construction details;
- typical drainage construction details.

d. Details of the method and means of surface water disposal to prevent surface water from non-highway areas discharging onto the existing or proposed highway.

e. A timetable for completion of the works detailed in a) to d).

All roads and footways shall be provided in full accordance with the duly approved scheme and the timetable contained therein, and shall be made available for use before any of the dwellings to be served by that road and/or footway are first occupied.

20. No development shall take place until a scheme for the design and construction of the site access at the junction with the A6131 (The Bailey) – the position and layout of which is shown on drawing nos. SK008 Rev A and SK009 Rev A – has been submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing with the Local Planning Authority, the scheme shall include provision for:

- Splays giving clear visibility of 215 metres westerly and 160 metres easterly measured along both channel lines of the A6131 from a point measured 2.4 metres down the centre line of the access road. The eye height shall be 1.05 metres and the object height shall be 0.6 metres.
- A right hand turn lane for eastbound vehicles entering the site from the A6131, including associated ghost island approach and carriageway widening, signing and lining to comply with the standards set out in the Design Manual for Roads and Bridges.
- Associated tactile paving.

The site access shall be constructed in accordance with the duly approved scheme before any of the dwellings are first occupied, and the visibility splays shall be maintained clear of any obstructions above the relevant height referred to in (i) thereafter.

21. Except for the purposes of constructing the site access, there shall be no access by vehicle traffic between the existing highway and the site until 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 existing highway have been provided. The eye height shall be 1.05 metres and the object height shall be 0.6 metres. Once created, the visibility splays shall be maintained clear of any obstructions thereafter.

22. No development shall take place until a scheme for the siting, layout, construction, design and phasing of the following off-site highway improvement works has been submitted to and approved in writing by the Local Planning Authority:

- The provision of tactile paving.
- A pedestrian crossing (including associated refuge island) over the carriageway of the A6131 in the position shown on drawing no. SK008 Rev A.
- The provision of 2 metre wide footways on the southern (running in a westerly direction from the site access to the junction of Greenacres) and northern (running in an easterly direction from the rear of no. 3 Skibeden Court to the junction of The Avenue) frontages of the A6131 in the positions shown on drawing no. SK008 Rev A.

The scheme shall be accompanied by an independent Stage 2 Road Safety Audit for the off-site highway improvement works which has been carried out in accordance with HD19/15 – Road Safety Audit (or any superseding regulations) and shall include details of how the recommendations of the Road Safety Audit have been addressed in the design of the proposed off-site highway works. The duly approved off-site highway works shall be implemented and made available for use before any of the dwellings are first occupied, or within any other timescale which has first been agreed in writing with the Local Planning Authority.

23. No development shall take place until a Construction Method Statement (CMS) has been submitted to and approved in writing by the Local Planning Authority. The CMS shall include:

- a. hours of work for site preparation, delivery of materials and construction;
- b. arrangements for the parking of vehicles for site operatives and visitors clear of the public highway;
- c. details of areas designated for the loading, unloading and storage of plant and materials;
- d. details of the siting, height and maintenance of security hoarding;
- e. arrangements for the provision of wheel washing facilities or other measures to be taken to prevent the deposit of mud, grit and dirt on the public highway by construction vehicles travelling to and from the site;
- f. measures to control the emission of dust and dirt during construction;
- g. a scheme for the recycling/disposing of waste resulting from demolition and construction works;
- h. details for the routing of HCVs to the site to avoid Skipton Town Centre.

The duly approved CMS shall be implemented and adhered to throughout the entirety of the construction period.

24. No Heavy Construction Vehicles (HCVs) shall be permitted to access the site until a survey recording the pre-commencement condition of the surface of the A6131 along the stretch where HCVs are to be routed to the site has been submitted to and approved in writing by the Local Planning Authority. Within 1 month of the development's practical completion (the point when all the dwellings are substantially constructed but not yet occupied) a survey showing the post-development condition of the same stretch of the A6131 shall be submitted to and approved in writing by the Local Planning Authority. The post-development survey shall be accompanied by a scheme which details the extent and construction specification for the resurfacing and/or repair of any potholes or areas of the road surface which have deteriorated between the pre-commencement and post-development surveys. The works of resurfacing and/or repair set out in the scheme accompanying the post-development survey shall be implemented in full within 1 month of the Local Planning Authority giving its written approval.

25. No above ground works shall take place until a scheme for the disposal of foul and surface water from the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing with the Local Planning Authority, the scheme shall include:

- a. Separate systems for the disposal of foul and surface water.
- b. Measures to ensure that the peak pumped foul water discharge rate does not exceed 4 litres per second.
- c. Details of the rate of surface water discharge from the site to any soakaway, watercourse or sewer which shall ensure that the rate of development flow runoff is restricted to a maximum flow rate of 5 litres per second. A 30% allowance shall be made for climate change and an additional 10% allowance made for urban creep for the lifetime of the development. The

surface water drainage design should demonstrate that the surface water runoff generated during rainfall events up to and including the 1 in 100 year event (including allowances for climate change and urban creep) will not exceed the runoff from the undeveloped site for the corresponding rainfall event.

d. Details of any flow attenuation measures required to achieve the discharge rate set out in (i). Storage of runoff on the site shall be provided to accommodate the minimum 1 in 100 year critical storm event (including appropriate allowances for climate change and urban creep).

e. Details of the treatment of all surface water flows from parking areas and hardstandings (but excluding roof water) through an oil interceptor, road side gullies, reedbed or alternative treatment system prior to their first use.

f. Details of ground exceedance and/or flood pathways to deal with exceedance flows in excess of the 1 in 100 year rainfall event and to ensure that runoff for all events up to the 1 in 30 year event are completely contained within the drainage system (including through the use of areas to hold or convey water).

g. Details of how the drainage system will be maintained and managed after completion throughout the lifetime of the development.

The scheme shall be implemented in accordance with the duly approved details before any of the dwellings are first occupied, or within any other timescale which has first been approved in writing by the Local Planning Authority, and shall be maintained/managed as such thereafter.

During Building Works

26. No topsoil stripping or clearance of any grassland, trees, scrub or dense tall herbs in preparation for or during the course of development shall take place during the bird nesting season (March to August inclusive) unless an ecological survey has first been submitted to and approved in writing by the Local Planning Authority which demonstrates that the vegetation to be cleared is not utilised for bird nesting. Should the survey reveal the presence of any nesting species, then no clearance of any vegetation shall take place during the bird nesting season until a methodology for protecting nest sites during the course of the development has been submitted to and approved in writing by the Local Planning Authority. Nest site protection shall thereafter be provided in accordance with the duly approved methodology.

Before the Development is Occupied

27. Notwithstanding any details submitted as part of the application, none of the dwellings hereby approved shall be first occupied until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall demonstrate compliance with the principles of the Framework Travel Plan by 'SCP' dated May 2017 (report reference TH/16558/TP/1) and shall contain:

- a. details of the appointment of a Travel Plan co-ordinator;
- b. a partnership approach to influence travel behaviour;
- c. measures to encourage the use of alternative modes of transport other than the private car by persons associated with the site;
- d. provision of up-to-date details of public transport services;
- e. continual appraisal of travel patterns and measures provided through the travel plan;
- f. improved safety for vulnerable road users;
- g. a reduction in all vehicle trips and mileage;
- h. a programme and timetable for the implementation of such measures and any proposed physical works;

i. procedures for monitoring the uptake of such modes of transport and for providing evidence of compliance.

The Travel Plan shall thereafter be implemented in accordance with the duly approved details and the timetable contained therein.

Ongoing Conditions

28. Any projection overhanging existing or proposed footways shall be securely fixed and, unless otherwise agreed in writing with the Local Planning Authority, no part shall be less than 2.4 metres above the footway level and no closer than 0.5 metres from the edge of the carriageway.

Informatives

Highways: You are advised that a separate licence will be required from the Highway Authority in order to allow any works in the adopted highway to be carried out. The 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by North Yorkshire County Council, the Highway Authority, is available at the County Council's offices. The local office of the Highway Authority will also be pleased to provide the detailed constructional specification.

There must be no works in the existing highway until an Agreement under Section 278 of the Highways Act 1980 has been entered into between the Developer and the Highway Authority.

Works of repair to the adopted highway as a result of damage caused by construction traffic may include replacing carriageway, kerbs, footways, cycleways and verges to the proper line and level

Environment Agency: This development may require a permit under the Environmental Permitting (England and Wales) Regulations 2010 from the Environment Agency for any proposed works or structures, in, under, over or within eight metres of the top of the bank of Waller Hill Beck/Skibeden Beck, designated a 'main river'. This was formerly called a Flood Defence Consent. Some activities are also now excluded or exempt. A permit is separate to and in addition to any planning permission granted. Further details and guidance are available on the GOV.UK website: <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>.

Environmental Health: The applicant should ensure that any topsoil brought on site is free from metals, plastic, wood, glass, tarmac, paper and odours associated with contaminated soils as specified in BS 3882: 2015 - Specification for Topsoil.

During construction there is a potential for noise nuisance to nearby residential properties. In order to minimise the potential for any adverse effects from noise, it is recommended that operating times for construction should be limited to:

- 8:00am to 6:00pm Monday to Friday
- 8:00am to 1:00pm Saturday
- No Sunday or Bank Holiday working

Network Rail: The Given the location of the site at the crest of a railway cutting and adjacent to an operation railway tunnel, it is imperative that the developer liaises with Network Rail's Asset Protection Team prior to work commencing on site to ensure that work can be undertaken safely and that the proposed development will have no adverse impact on the safety of the operational railway environment, including the Hawbank Tunnel. Network Rail note that preliminary contact with our Asset Protection Team was made earlier this year and require that this liaison continue going forward.

All surface and foul water arising from the proposed works must be collected and diverted away from Network Rail property. All soakaways must be located so as to discharge away from the railway infrastructure.

All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property must at all times be carried out in a "fail safe" manner such that in the event of mishandling, collapse or failure, no materials or plant are capable of falling within 3.0m of the nearest rail of the adjacent railway line, or where the railway is electrified, within 3.0m of overhead electrical equipment or supports.

All excavations/ earthworks carried out in the vicinity of Network Rail property/ structures must be designed and executed such that no interference with the integrity of that property/ structure can occur. If temporary works compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Network Rail. Prior to commencement of works, full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence should be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker and the works shall only be carried out in accordance with the approved details. Where development may affect the railway, consultation with the Asset Protection Project Manager should be undertaken. Network Rail will not accept any liability for any settlement, disturbance or damage caused to any development by failure of the railway infrastructure nor for any noise or vibration arising from the normal use and/or maintenance of the operational railway. No right of support is given or can be claimed from Network Rails infrastructure or railway land.

Method statements may require to be submitted to Network Rail's Asset Protection Project Manager for approval prior to works commencing on site. This should include an outline of the proposed method of construction, risk assessment in relation to the railway and construction traffic management plan. Where appropriate an asset protection agreement will have to be entered into. Where any works cannot be carried out in a "fail-safe" manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic i.e. "possession" which must be booked via Network Rail's Asset Protection Project Manager and are subject to a minimum prior notice period for booking of 20 weeks. Generally if excavations/piling/buildings are to be located within 10m of the railway boundary a method statement should be submitted for NR approval. Once planning permission has been granted and at least six weeks prior to works commencing on site the Asset Protection Project Manager (OPE) must be contacted. The OPE will require to see any method statements/drawings relating to any excavation, drainage, demolition, lighting and building work or any works to be carried out on site that may affect the safety, operation, integrity and access to the railway.

Where vibro-compaction machinery is to be used in development, details of the use of such machinery and a method statement should be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker prior to the commencement of works and the works shall only be carried out in accordance with the approved method statement.

The developer/applicant must ensure that their proposal, both during construction, and after completion of works on site, does not affect the safety, operation or integrity of the operational railway, Network Rail and its infrastructure or undermine or damage or adversely affect any railway land and structures. There must be no physical encroachment of the proposal onto Network Rail land, no over-sailing into Network Rail air-space and no encroachment of foundations onto Network Rail land and soil. There must be no physical encroachment of any foundations onto Network Rail land. Any future maintenance must be conducted solely within the applicant's land ownership. Should the applicant require access to Network Rail land then must seek approval from the Network Rail Asset Protection Team. Any unauthorised access to Network Rail land or air-space is an act of trespass and we would remind the council that this is a criminal offence (s55 British Transport Commission Act 1949). Should the applicant be

granted access to Network Rail land then they will be liable for all costs incurred in facilitating the proposal.

Where trees/shrubs are to be planted adjacent to the railway boundary these shrubs should be positioned at a minimum distance greater than their predicted mature height from the boundary. Certain broad leaf deciduous species should not be planted adjacent to the railway boundary. Network Rail would wish to be involved in the approval of any landscaping scheme adjacent to the railway. Where landscaping is proposed as part of an application adjacent to the railway it will be necessary for details of the landscaping to be known and approved to ensure it does not impact upon the railway infrastructure. Any hedge planted adjacent to Network Rail's boundary fencing for screening purposes should be so placed that when fully grown it does not damage the fencing or provide a means of scaling it. No hedge should prevent Network Rail from maintaining its boundary fencing. A comprehensive list of permitted tree species is available upon request.

Where new lighting is to be erected adjacent to the operational railway the potential for train drivers to be dazzled must be eliminated. In addition the location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway.

All roads, paths or ways providing access to any part of the railway undertaker's land shall be kept open at all times during and after the development.

Security of the railway boundary will need to be maintained at all times. If the works require temporary or permanent alterations to the mutual boundary the applicant must contact Network Rail's Asset Protection Project Manager.

Northern Gas Networks: A 6" high pressure gas pipeline runs through the site. There are specific building proximity distances for individual Pipelines dependant on predefined risk levels and the type of development. It is essential you contact Plant Protection Officer Dave Turner on 07811970224 to verify the actual distances for the apparatus shown prior to detailed design stage as this will influence the locations of buildings.

Yorkshire Water: Company records indicate that raw and treated mains are located within the site boundary (along with an electrical cable). Both pipes are live and operational and critical to the public water supply for the Skipton area and the areas further north and west within Craven and the Dales served by Embsay water treatment works. The two pipes and cable are laid alongside each other and are protected via a deed of easement. The presence of the mains may affect the layout of the site. Although the application is for outline permission only, and therefore subject to change at reserved matters stage, Yorkshire Water advise that the submitted site layout details are not currently acceptable to them as it appears that buildings will be located over the line of the water mains which would jeopardise Yorkshire Water's ability to maintain the public water supply network. No obstruction should encroach within 5 metres on either side of the centre line between the two pipe mains (i.e. a protected strip width of 10 metres). It may be possible for the mains to be diverted under s.185 of the Water Industry Act 1991. These works would be carried out at the developer's expense. No houses, gardens, outbuildings, parking spaces should be located within the pipes' easement. It may be possible to locate the access roads over them subject to any ground raising requirement.

Statement of Positive Engagement : The Local Planning Authority worked positively and proactively with the applicant to identify solutions during the application process in order to ensure that the proposal comprises sustainable development and improves the economic, social and environmental conditions of the area in accordance with the development plan. These amendments have been incorporated into the scheme and/or secured by planning condition. The Local Planning Authority has therefore implemented the requirement in Paragraphs 186-187 of the National Planning Policy Framework. (SV) (*)

(Councillors Harbron and Heseltine stated that they had received lobbying against the above application.)

Permission Refused

63/2016/17313 Full application for the erection of 98 dwellings, Aldersley Avenue, Skipton – the Planning Manager to formulate appropriate reasons for refusal based on grounds of amenity arising from the proposed development's overall impact on the neighbouring, existing development, and in particular the impact associated with proposed ground levels.

Statement of Positive Engagement : The Local Planning Authority worked positively and proactively with the applicant to identify solutions during the application process in order to ensure that the proposal comprises sustainable development and improves the economic, social and environmental conditions of the area in accordance with the development plan. Those amendments had been incorporated into the scheme and/or secured by proposed planning condition. The Local Planning Authority has therefore implemented the requirement in Paragraphs 186-187 of the National Planning Policy Framework. (SV) (*)

Note : During the course of the debate a motion to refuse the above application on grounds related to saved Local Plan Policy ENV.1, existence of a five year land supply and design/layout (amenity) was lost.

(Councillors Harbron, Lis and Shuttleworth stated that they had received lobbying against the above application. Councillor Heseltine stated that he had received both lobbying against and some in favour of the above application.)

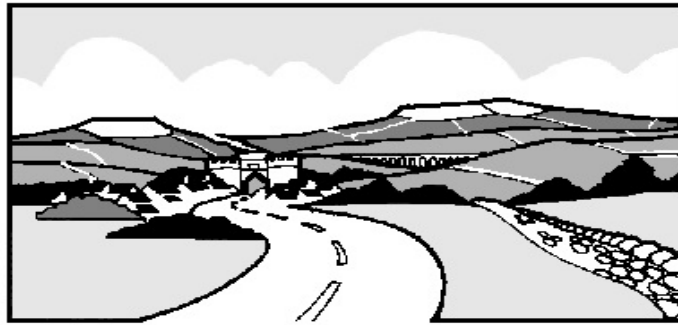
(*Representations received were reported within the case officer's report / were reported at the meeting.)

(SV Indicates site visit held on the morning of the meeting.)

Minutes for Decision

- None -

Chairman.



CRAVEN

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D I S T R I C T

PLANNING COMMITTEE AGENDA

DATE: 12th March 2018

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REPORT TO PLANNING COMMITTEE ON 12th March 2018

Application Number: 2017/18868/FUL

Proposal: The demolition of existing agricultural buildings and erection of 5 dwellings and a B1 office

Site Address: College Farm College Road Bradley BD20 9DT

On behalf of: Grange Developments Yorkshire Ltd

Date Registered: 2nd January 2018

Expiry Date: 27th February 2018

Case Officer: Andrea Muscroft

The application has been referred to Planning Committee as a previous proposal ref: 11/2017/17956 was considered by Planning Committee on the 5th June 2017. The proposal has also been advertised as a departure from the development plan under Article 13 of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

1. Site Description

- 1.1 The application site comprises of 0.65 hectares of farm yard known as College Farm that lies at the end of College Road to the north of the centre of Bradley. The application site was granted full planning approval (ref: 11/2017/17956) for the demolition of the existing agricultural buildings and the construction of five dwellings with B1 office unit.
- 1.2 Within the application site are a number of large modern farm buildings located to the north of the site with an office unit located adjacent to the entrance to the farm. The site is enclosed by traditional stone walls which separate the site from the agricultural fields that lie beyond.
- 1.3 Located to the south and southwest of the site are residential dwellings and to the north is Ghyll Farm.
- 1.4 The site lies within the designated conservation area of Bradley. Located adjacent to the existing access into the Farm is a Grade II building identified as the Old Hall with further listed buildings to the southwest.
- 1.5 The topography of the site comprises of an incline west to east with land beyond the site climbing up to Bradley Moor. The majority of the site has been subjected to some level of hard standing.
- 1.6 A Public Right of Way lies to the west (ref:05.7/21/1) and north (ref; 05.7/51/1) with a further Public Rights of Way to the south(ref: 05.7/20./2) and east (ref: 05.7/20/3).
- 1.7 The application site is partially located outside of the development limits for the village of Bradley and therefore lies within the open countryside as designated by the 1999 Local Plan.

2. Proposal

- 2.1 The proposal is seeking approval for demolition of existing agricultural buildings and the construction of 5 detached dwellings and a B1 office (Amendment to previous approval 11/2017/17956)
- 2.2 The key differences between the previously approved scheme relate to the changes to the approved site layout and increased plot sizes.
- 2.3 Officers Note: The proposal has made no alterations to the approved number of dwellings, scale, design and appearance of dwellings and B1 unit granted under planning approval 11/2017/17956.
- 2.4 The proposal is supported by the following documentation:

- Planning Statement
- Design & Access Statement
- Affordable Housing Statement
- Heritage Statement
- Highway Statement
- Civil Design Statement
- Phase I Geoenvironmental Assessment.

3. Planning History

- 3.1 5/11/71 – Construction of Portal Frame Building with two adjoining lean-to buildings for use as a feed and cubicle shed – Approved May 1977.
- 3.2 5/11/71A – Construction of cubicle house for 100 – Approved June 1981.
- 3.3 5/11/117 – Construction of detached bungalow and garage for agricultural worker – Approved June 1980.
- 3.4 5/11/117A – Construction of detached bungalow being matters reserved in outline approval granted under 5/11/117 – Approved April 1981.
- 3.5 5/11/117/B – Construction of Conservatory – Approved September 1996.
- 3.6 5/11/200 – Construction of new silage clamp and covering of existing silage clamp to form cubicle shed – Approved July 1988.
- 3.7 11/2005/5097 – Certificate of Lawfulness – Refused April 2008.
- 3.8 11/2010/10279 - Certificate of lawful development for an existing mixed use of site for agriculture and as a civil engineering, contracting, plant hire and storage facility Withdrawn September 2010.
- 3.9 11/2016/17253 - Demolition of existing agricultural buildings and construction of 5 detached dwellings with associated off street parking and the construction of the construction of a B1 Office unit – Withdrawn September 2016.
- 3.10 11/2017/17956 - The demolition of existing agricultural buildings and erection of 5 dwellings and a B1 office - resubmission of withdrawn application – Approved July 2017.

4. Planning Policy Background

- 4.1 Paragraph 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that development proposals are determined in accordance with the development plan unless material considerations indicate otherwise. The statutory development plan for Craven comprises the saved policies of the Craven District (Outside the Yorkshire Dales National Park) Local Plan 1999 (the 'CDLP').
- 4.2 Saved Policies of the Craven District (outside the Yorkshire Dales National Park) Local Plan.
- 4.3 ENV1: Development in the Open Countryside
- 4.4 ENV2: Requirements for Development in Open Countryside.
- 4.5 ENV10: Protection of Trees and Woodlands
- 4.6 H4: Residential development within the development limits of villages.
- 4.7 T2: Road Hierarchy
- 4.8 The National Planning Policy Framework – NPPF.
- 4.9 Planning Practice Guidance – PPG.

5. Parish/Town Council Comments

- 5.1 **Bradley Parish Council:** No comments received within the statutory consultation period.

6. Consultations

- 6.1 **CDC Contamination Officer:** The site has been identified as being at potential risk from the effects of contamination. Therefore, should the application be recommended for approval, a condition should be attached requiring the necessary investigation works are undertaken.
- 6.2 **CDC Environmental Protection:** No objection subject to the use of conditions relating to the removal of Asbestos, Noise, Dust nuisance, the importing of Top Soil.
- 6.3 **Historic England:** No comments received at the time of compiling this report.
- 6.4 **NYCC Highways:** No objections subject to conditions relating to the retention of parking spaces,
- 6.5 **NYCC Suds Officer:** No comments received within the statutory consultation period.
- 6.6 **Yorkshire Water:** No objection subject to conditions being imposed with regards to the disposal of surface water.

7. Representations

- 7.1 The proposal was advertised in the Craven Herald on the 18th January 2018 and a site notice was posted adjacent to the site on the 19th January 2018. In addition, notification letters were distributed to neighbouring properties.
- 7.2 As a consequence of the publicity not third party representations have been received within the statutory consultation period.

8. Summary of Principal Planning Issues

- 8.1 Paragraph 14 of the NPPF sets out the presumption in favour of sustainable development which should be seen as the “golden thread” to guide decision making. The NPPF makes clear that, for decision taking, this means:
- approving development proposals that accord with the development plan without delay; and
 - where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
 - specific policies in the Framework indicate development should be restricted.
- 8.2 Having regard to the relevant national and local planning policies, the site’s designation within the CDLP, the representations received and the nature of the development applied for, it is considered that the main issues in this case are:
1. Principle of development
 2. Visual impact of development on the designated heritage asset.
 3. Impact of development on the amenity of neighbouring properties.
 4. Highway issues.

9. Analysis

9.1 **1. Principle of development.**

- 9.2 It is recognised that the majority of the site is located within the development limits for Bradley with the exception of the western part of the site and as such the site is partially located within the open countryside as defined by the 1999 Local Plan. However, a previous planning proposal ref: 11/2017/17956 for the construction of five dwellings with B1 unit and associated off street parking was considered by the June Planning Committee 2017 and subsequently approved. Therefore as the current proposal is within the limits of the approved boundary site as per the 2017 planning approval, there is no objection in principle of development on this site has been established.

- 9.3 In conclusion

- 9.4 In this instance, the proposal is considered acceptable in principle. As such, the key test is whether the revised layout would cause harm to the character of the local rural area which will be considered within the report.
- 9.5 **2. Visual impact of development on the designated heritage asset.**
- 9.6 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 of the immediate impact and public views of the development. In this respect therefore, although predating the NPPF, the Saved Local Plan policy remains consistent with national planning policy.
- 9.7 Paragraph 109 of the NPPF indicates that the planning system should contribute to and enhance the natural and local environment. The guidance also highlights the importance of design and sets out some objectives for achieving good design. These include the requirements that new development should function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; respond to local character and history, and reflect the identity of local surroundings and materials and creating visually attractive developments through good architecture and appropriate landscaping.
- 9.8 The advice of the NPPF is that when determining planning applications that have conservation elements to consider it is necessary to take account of:
- The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - The positive contribution that conservation of heritage assets can make to sustainable communities including their economic activity; and
 - The desirability of new development making a positive contribution to the local character and distinctiveness.
- 9.9 More specifically the NPPF requires that in assessing planning proposals that may affect heritage assets it is necessary to understand the significance of the heritage asset and to consider whether any harm to that significance would occur as a result of the development.
- 9.10 The NPPF also makes it clear that the more important a heritage asset the greater weight should be given to its conservation and that any harm which may arise would require clear and convincing justification.
- 9.11 Section 72 of the Planning (Listed Building & Conservation Areas) Act 1990 requires LPAs to “pay special attention to the desirability of preserving or enhancing the character and appearance of that area” in considering whether to grant planning permission or not.
- 9.12 The NPPF also states that LPA’s should aim to ensure that developments function well and add to the overall quality of the area, optimising the potential of the site to accommodate development.
- 9.13 The application site lies within the Conservation area of Bradley which was designated in 1979. The character of the conservation area with regards to the village centre is derived in part by the uniformity of traditional vernacular designed and constructed dwellings using matching materials and methods of construction. And as such, it is these buildings and surrounding rural area that makes a positive contribution to the character and appearance of the conservation area.
- 9.14 The proposal would see the replacement of a number of large agricultural buildings that are at different states of disrepair, areas of hard standing with residential development and office unit.
- 9.15 The proposed dwellings would be two storey in height and located within large plots. It is acknowledged that the dwellings would be of a substantial scale, however, within the surrounding area there are a number of large detached properties set within large grounds of land. As such the proposed dwellings in terms of scale and layout would not appear out of place.

- 9.16 With regards to the detailing of the dwellings, the surrounding area comprises on the whole of traditional vernacular designed dwellings with common architectural features present. The proposal is seeking to incorporate a number of these key features within the design of the dwellings (e.g. Stone quoins, stone heads, sills and kneelers). In addition, the proposed dwellings would be constructed from a similar palette of materials to those used in the construction of adjacent dwellings thus further ensuring that the development harmonises with the immediate area and wider conservation area.
- 9.17 The proposal also proposes soft landscaping with grassed areas to the amenity areas of the dwellings with additional tree/shrub planting with some areas of hard standing. Whilst details submitted are limited, it is considered that this could be controlled through the use of an appropriate condition and is not a reason for refusal.
- 9.18 With regards to the proposed office/garage/store unit the building has been designed to complement both the character of the surrounding conservation area and also the proposed dwellings with regards to its scale, design and appearance. In addition, the building would be constructed using materials that in officer's opinion would not detract from the character and appearance of the street scene or the designated conservation area.
- 9.19 In conclusion, it is considered that the proposal to development this site for housing could be developed in a way that would visually relate to the existing character of the area. Furthermore, any potential landscaping, once mature would ensure an attractive and pleasing residential development. It is therefore considered that the proposal meets the aims and objectives of the NPPF.
- 9.20 **3. Impact of development on the amenity of neighbouring properties.**
- 9.21 Within the Core planning principles of the NPPF paragraph 17 it states that the planning system should, amongst other things, 'always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings'.
- 9.22 The nearest dwelling outside of the ownership of the applicant is Old Hall located to the west of the site at a separation distance of approximately 8m from the western gable of the office. The western gable would contain two windows serving the office area which would face towards the rear amenity area of the Old Hall. However, it is considered that due to the set down, combined with the stone boundary wall and existing trees that the occupiers of this dwelling would not experience any unacceptable loss of privacy. Similarly, the proposal would not result in any overshadowing or appear dominant when viewed from any habitable room or private amenity area at this property.
- 9.23 The next nearest dwelling to the application site would be Ghyll Farm located to the north of the site at a separation distance in excess of approximately 40m. It is considered that the separation distance is sufficient to ensure that the occupiers of this property do not experience any loss of privacy or amenity from the proposal.
- 9.24 With regards to the potential impact of the development on the remaining residential dwelling located along College Lane it is considered that the separation distances are sufficient to ensure that the occupiers of these dwellings do not suffer any adverse impact as a consequence of any subsequent approval.
- 9.25 Local residents have expressed concerns over potential noise nuisance, light pollution and nuisance from vehicles. However, it is officer's opinion that the provision of five dwellings would not lead to any unacceptable adverse impacts to warrant a refusal.
- 9.26 The submitted drawings show that the proposed dwellings would provide sufficient residential accommodation to meet the needs of any future occupiers of these dwellings. Furthermore, each dwelling would have its own private amenity area.
- 9.27 It is therefore considered that the revised scheme would not result in any unacceptable loss of privacy or amenity of existing nearby neighbouring properties and would provide acceptable residential accommodation for any future occupiers of these dwellings. It therefore meets the aims

and objectives of the NPPF that seeks to ensure a high quality of amenity for all existing and future occupiers of development.

9.28 **4. Highway issues.**

9.29 T2 are permissive of development proposals that are appropriate to the highway network where, amongst other things, they do not generate traffic volumes in excess of the capacity highway network; any new or greater use of an access onto a primary, district or local distributor road is acceptable in terms of design and road safety; and, regard is paid to the highway impact and potential for improvement to the surrounding landscape.

9.30 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.

9.31 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'.

9.32 The revised proposal is seeking to utilise an existing vehicle access along College Road and provide off street parking for both the residential dwellings and the office/store building. This is considered sufficient to meet the requirements of Saved Policy T2 of the Local Plan.

9.33 NYCC Highways have been consulted and have raised no objection to the proposal on highway grounds. Therefore, it is considered that subject to the attachment of appropriate conditions the site could be developed without detriment to highway safety.

9.34 In conclusion

9.35 The proposal would provide adequate on site car parking and manoeuvring and thus would not create conditions contrary to highway safety. As such, the proposal accords with the requirements of saved Policies ENV2 & T2 of the Local Plan and guidance contained within paragraph 32 of the NPPF.

9.36 **Conclusion**

9.37 Paragraph 14 of the NPPF advises that LPA's should be 'approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

- *Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
- *Specific policies in this Framework indicate development should be restricted.*

9.38 In this case it is accepted that the proposal would have a visual impact on the rural character of the area. However, this impact does not significantly and demonstrably outweigh the benefits provided by the proposal in terms of boosting the supply of housing and the provision of both economic and social benefits and is therefore considered acceptable.

10. Recommendation

10.1 To grant approval subject to the following conditions.

Conditions

Time condition

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

Reason: To comply with the requirements of section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Approved Plan

2. The approved plans comprise drawing No's:

- 16119-C-52 Rev A 'Site Drainage Plan' received by the Local Planning Authority on the 2nd January 2018.
- 16119-C-53 Rev A 'Impermeable Area' received by the Local Planning Authority on the 2nd January 2018.
- MCN-GD003 'Site Location Plan' received by the Local Planning Authority on the 2nd January 2018.
- A1/244/2/002 'Proposed Site Layout' received by the Local Planning Authority on the 2nd January 2018.
- A1/244/2/003 'Plots 1, 2 & 4 – Plots 3 & 5 handed' received by the Local Planning Authority on the 2nd January 2018.
- A1/244/2/004 'Proposed site sections A & B' received by the Local Planning Authority on the 2nd January 2018.
- A1/244/2/005 'Proposed site sections C & D' received by the Local Planning Authority on the 2nd January 2018.

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.

Before you commence development.

3. Development shall not commence until a scheme detailing provision for onsite parking for construction workers for the duration of the construction period has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented throughout the construction period.

Reason: To ensure the provision of adequate parking arrangements during construction in the interests of highway safety and to accord with Saved Policy T2 of Craven District (Outside the Yorkshire Dales National Park) Local Plan and the National Planning Policy Framework.

4. The development hereby approved shall not commence until actual or potential land contamination at the site has been investigated and a Phase I desk study report has been submitted to and approved in writing by the local planning authority.

The Phase 1 desk study report shall be prepared in accordance with current best practice.

ii) In the event that the Phase 1 desk study report identifies a need for further intrusive investigation then the development hereby approved shall not commence until a Phase II intrusive site investigation report has been submitted to and approved in writing by the local planning authority.

The Phase II Intrusive Site Investigation report shall be prepared in accordance with current best practice.

iii) Should the need for remediation be recommended in the Phase II Intrusive Site Investigation report, the development hereby approved shall not commence until a Remediation Strategy has been submitted to, and approved in writing by, the local planning authority.

The Remediation Strategy shall be prepared in accordance with current best practice.

The approved remediation measures shall be implemented in accordance with the agreed timescales set out in the approved Remediation Strategy.

iv) In the event that remediation is unable to proceed in accordance with an approved Remediation Strategy or unexpected significant contamination is encountered at any stage of the process, the local planning authority shall be notified in writing immediately. Revisions to the Remediation Strategy shall be submitted to, and approved in writing by, the local planning authority. Works shall thereafter be carried out in accordance with the approved revised Remediation Strategy.

v) Following completion of the measures identified in the approved Remediation Strategy, a Validation Report shall be prepared and submitted to, and approved in writing, by the Local Planning Authority. The submission of the Validation Report shall be undertaken within the approved timescales.

The Validation Report shall be prepared in accordance with current best practice.

The site shall not be brought into use until such time as all the validation data has been submitted to and approved in writing by the local planning authority.

Reason: To ensure that actual or potential land contamination at the site has been investigated and that any associated environmental risks have been assessed and mitigated against in an appropriate and effective manner.

5. No development shall take place until details of the proposed means of disposal of surface water drainage, including but not exclusive to :-

a) the submitted drawing should show foul and surface water drainage proposals both on and off site; and

b) evidence should be submitted to show that other (than discharge to public sewer) means of surface water disposal have been considered and why they have been discounted

c) the means of restricting a discharge to public sewer to the existing rate less a minimum 30% reduction, based on the existing peak discharge rate during a 1 in 1 year storm event, to allow for climate change have been submitted to and approved by the Local Planning Authority. Furthermore, unless otherwise approved in writing by the Local Planning Authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works.

Reason: To ensure that no surface water discharges take place until proper provision has been made for its disposal and in the interest of sustainable drainage and to accord with the guidance contained within the National Planning Policy Framework.

6. Prior to the commencement of development on site, a scheme of soft landscaping for the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of boundary planting, planting plans, written specifications (including cultivation and other operations associated with plant and grass establishment): schedule of plants noting species, plant supply sizes and proposed numbers/densities where appropriate; and an implementation programme.

The approved scheme of landscaping shall be carried out in the first planting season following the first use of the development. Any trees or plants that within a period of 5 years die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar species (unless otherwise agreed in writing with the Local Planning Authority).

Reason: To achieve a satisfactory standard of landscaping in the interests of the amenities of the area in accordance with the requirements of Craven District (Outside the Yorkshire Dales National Park) Local Plan policy ENV2 and the National Planning Policy Framework.

7. A scheme of hard landscaping works for the site shall be submitted to and approved in writing by the local planning authority. The details shall include: car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; proposed and existing functional services above and below ground; and an implementation programme;. All hard landscape works shall be carried out in accordance with the approved details.

Reason: To safeguard the character and appearance of the surrounding area in accordance with the requirements of Craven District (Outside the Yorkshire Dales National Park) Local Plan policy ENV2 and the National Planning Policy Framework.

During building works

8. Prior to their first use, samples of the proposed materials (including colour of render, paintwork, stone, roof tile) to be used in the construction of the external surfaces of the development shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and retained thereafter.

Reason: To ensure use of appropriate materials which are sympathetic to the character of the conservation area and the site's surroundings in the interests of visual amenity in accordance with the requirements of Craven District (Outside the Yorkshire Dales National Park) Local Plan policy ENV2 and the National Planning Policy Framework.

9. All of the internal and external site boundaries shall be enclosed in accordance with the details shown on the approved site layout plan. The approved boundary treatments for each dwelling shall be completed prior to the occupation of the dwellings, and all of the approved boundary treatments shall be completed prior to the occupation of the last dwelling on the site.

Reason: In the interests of visual amenity and residential amenity and to accord with the National Planning Policy Framework.

On-going conditions

10. Notwithstanding the provision of any Town and Country Planning General Permitted 2015 or Special Development Order for the time being in force, the areas shown on **Proposed site layout** 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 to accord with Saved Policy T2 of Craven District (Outside the Yorkshire Dales National Park) Local Plan and the National Planning Policy Framework.

11. Foul and surface water shall be drained on separate systems.

Reason: To secure proper drainage and to manage the risk of flooding and pollution to accord with the National Planning Policy Framework.

Informative

The applicant is advised that advice regarding permeable and porous hard surfaces can be found in the Department of Communities and Local Government document 'Guidance on the permeable surfacing of front gardens' which can be accessed on the DCLG website (www.communities.gov.uk)

During construction there is a potential for noise nuisance to nearby residential properties. Operating times for construction should be limited to:

- 8:00am to 6:00pm Monday to Friday
- 8:00am to 1:00pm Saturday
- No Sunday or Bank Holiday working.

The applicant is advised it is the responsibility of the developer to ensure that any topsoil brought on site is free from metals, plastic, wood, glass, tarmac, paper and odours associated with contaminated soils as specified in BS 3882: 2015 ² Specification for Topsoil. Supplier(s) details and confirmation on the source(s) of any topsoil materials brought on site should be made available for inspection at the request of the Council's Environmental Health Department.

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to The Coal Authority on

0345 762 6848. It should also be noted that this site may lie in an area where a current licence exists for underground coal mining.

Further information is also available on The Coal Authority website at:
www.gov.uk/government/organisations/the-coal-authority

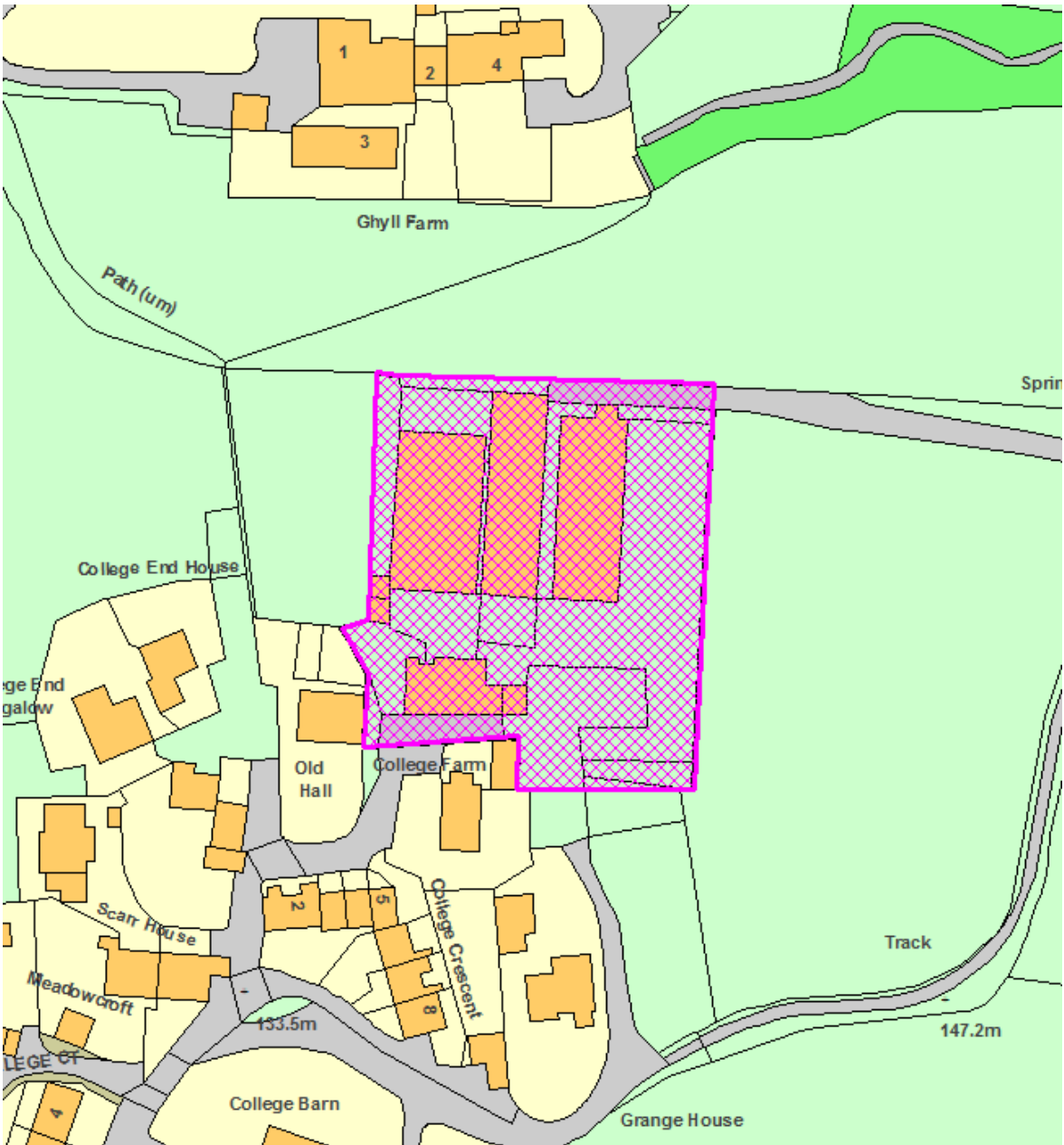
Property specific summary information on past, current and future coal mining activity can be obtained from www.goundstability.com

The applicant is advised that the removal of any potential asbestos containing materials present on site should be carried out by a suitably qualified, competent contractor/registered waste carrier, licenced in the removal and offsite disposal of asbestos to a registered hazardous waste landfill site.

With regard to conditions above please note that it will be necessary to submit a formal application to discharge the conditions. Any samples of materials that require approval should be made available for inspection either on the site or another suitable location and not brought to or delivered to the Council Offices unless specific arrangements to do so have been made with the relevant planning case officer.

Statement of Positive Engagement: -

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



Application Number: 2017/18868/FUL

Proposal: The demolition of existing agricultural buildings and erection of 5 dwellings and a B1 office

Site Address: College Farm College Road Bradley BD20 9DT

On behalf of: Grange Developments Yorkshire Ltd

REPORT TO PLANNING COMMITTEE ON 12th March 2018

Application Number:	2017/18355/FUL
Proposal:	Demolition of existing dwellinghouse and construction of four new dwellings
Site Address:	Deep Spring Grange Road Farnhill BD20 9AE
On behalf of:	Croft Building
Date Registered:	22nd August 2017
Expiry Date:	17th October 2017
Case Officer:	Andrea Muscroft

This application is referred to the Planning Committee as a previous application was considered by Planning Committee ref 73/2016/17005. The proposal is also a departure from the development plan.

1. Site Description

- 1.1 The application site extends to approximately 0.51 ha and lies to the north of Grange Road, Kildwick. The application site lies within the designated Conservation Area but outside the development limit.
- 1.2 The site is currently occupied by a large detached dwelling (Deep Springs) dating from the 1960's. There is a residential property immediately to the east of the site with further residential properties to the east at the junction of Grange Road and Priest Bank Road. Kildwick Hall, a Grade II* listed building lies approximately 70 m. to the west of the curtilage to the existing dwelling. The land between Deep Springs and the Hall is wooded. The field to the north of the application site is in the applicant's ownership.
- 1.3 Trees on site are protected by woodland Tree Preservation Order.
- 1.4 The site has also been identified as being within a low risk development area by the Coal Board.

2. Proposal

- 2.1 The proposal is to demolish the existing property replacing it with four large detached dwellings.
- 2.2 **Officers Note:** Following concerns expressed by the Council Tree officer due to the scale of development and its close proximity to the protected trees. As a consequence, revised drawings were received which resulted in a reduction in the overall height of the proposed dwellings and some repositioning to reduce the potential impact on the protected trees. The proposal has been assessed based on the revised plans.
- 2.3 The proposed dwellings would include:
 - Plot 1 – 5 bedroom 2.5 storey dwelling with integral single garage.
 - Plot 2 – 4 bedroom 2.5 storey dwelling with integral single garage.
 - Plot 3 – 5 bedroom 2.5 storey dwelling with integral tandem garage.
 - Plot 4 – 4 bedroom 2.5 storey dwelling with integral single garage.
- 2.4 The proposal would provide 16 parking spaces broken down into the following:
- 2.5 Each property would have two parking spaces with three visitor parking space serving the detached dwellings.
- 2.6 Access to the site would be via the existing vehicle and pedestrian access off Grange Road.

2.7 Details contained within the Arboricultural Report (Appendix 4) indicate the removal of two Lawson Cypress trees.

2.8 The application is supported by the following document:-

- Planning Statement.
- Design and Access and Heritage Statement.
- Arboricultural Report
- Ecological Bat Roost Potential Survey
- Phase I Environmental Assessment.

3. Planning History

3.1 73/2015/15882 Demolition of existing dwellings and construction of six dwellings. Application withdrawn.

3.2 73/2016/17005 – Demolition of existing dwelling, creation of 3 new dwellings and a replacement 5 bedroom dwelling with double garage (resubmission of withdrawn application reference 73/2015/15882) – Approved September 2016.

4. Planning Policy Background

4.1 Paragraph 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that development proposals are determined in accordance with the development plan unless material considerations indicate otherwise. The statutory development plan for Craven comprises the saved policies of the Craven District (Outside the Yorkshire Dales National Park) Local Plan 1999 (the 'CDLP').

4.2 Saved Policies in the Craven District (Outside the Yorkshire Dales National Park) Local Plan

4.3 ENV1: Development in the Open Countryside.

4.4 ENV2: Requirements for Development in Open Countryside.

4.5 ENV10: Protection of Trees and Woodlands

4.6 T2: Road Hierarchy

4.7 National Planning Policy Framework - NPPF

4.8 Planning Practice Guidance – PPG.

5. Parish/Town Council Comments

5.1 **Kildwick Parish Meeting**, summary of comments.

Concern over the number of houses proposed for the site, and the number of trees that will need to be felled to accommodate the proposal. Also the proposed dwellings would be three storey which is the result of trying to get too many houses on the site.

Concern over the use of materials that are out of keeping with the character of the area and the potential impact on the Grange a Grade II* listed building.

This is a very prestigious site in a most sensitive place and deserves to be treated with respect.

6. Consultations

6.1 **CDC Contamination Officer:** The submitted Phase I Environmental Assessment has identified potential contamination on the site. Therefore, it is recommended that a condition is imposed should planning permission be granted requiring the applicant or developer to notify the LPA in writing immediately if significant contamination is encountered during development.

6.2 **CDC Environmental Health:** No objection subject to standard conditions in respect of noise, dust and soil management.

- 6.3 **CDC Conservation & Listed Building Consultant:** No objection is raised on heritage grounds but recommend that a) appropriate conditions be imposed to ensure protection of the trees and use of appropriate materials and b) the treatment of the boundary fence to Plot 5 be amended to either run to the side boundary and landscape with indigenous shrubs or be replaced by a low stone wall.
- 6.4 **Historic England:** No objection on heritage grounds to the proposed four dwellings on this location. However careful consideration should be given to matters of details which can be controlled by condition including materials, no widening of driveway or any additional lighting, screening of car parking and further landscaping.
- 6.5 **Highway Authority:** No objection subject to a standard condition in respect of visibility splays.
- 6.6 **Yorkshire Water Services:** Recommend standard conditions in respect of foul and surface water drainage.
- 6.7 **CDC Arboricultural Officer:** Comments on the amended scheme:
- 6.8 The proposal also recommends the removal of two trees identified as T34 & T51 these are semi-mature Lawsons Cypress. The loss of these trees is considered acceptable and could be mitigated by suitable replanting, possibly with Holly trees planted along the front of the site.
- 6.9 The proposed hardstanding is considered minimal and would not have a detrimental effect on the protected trees. Although to ensure that these trees are not affected by the proposal it is recommended that should permission be granted that a condition is attached requesting an arboricultural method statement specifying no dig construction methods, protective fencing and porous surfaces are incorporated. In addition, a condition requiring replacement planting.
- 6.10 Overall given the reduction in scale I have no objection to the proposal.

7 Representations

- 7.1 The proposal has been advertised in the Craven Herald on the 14th September 2017 and a Site Notice posted on the 5th September 2017. In addition, notification letters were sent to neighbouring properties. As a consequence of the publicity, four letters of objection representation have been received.
- 7.2 Comments summarised below:
- 7.3 Visual impact
- Proposal would be out of keeping with the character of the area.
 - Concern over the use of inappropriate materials.
 - Concern over the over development of the site.
- 7.4 Heritage impact
- Concern over the potential impact on the Grade II* listed building.

8 Summary of Principal Planning Issues

- 8.1 Paragraph 14 of the NPPF sets out the presumption in favour of sustainable development which should be seen as the “golden thread” to guide decision making. The NPPF makes clear that, for decision taking, this means:
- approving development proposals that accord with the development plan without delay; and
 - where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
 - specific policies in the Framework indicate development should be restricted.

- 8.2 Having regard to the relevant national and local planning policies, the site's designation within the CDLP, the representations received and the nature of the development applied for, it is considered that the main issues in this case are:
- Principle of development.
 - Visual impact and design/impact on heritage assets.
 - Impact on amenity.
 - Highway safety.
 - Impact on trees.

9 Analysis

Principle of development:

- 9.1 It is recognised that the application site is located outside of any recognised development limits. However, a previous proposal ref: 73/2016/17005 for the construction of four dwellings with off street parking was considered by Planning Committee August 2016 and subsequently approved. Therefore, as the current proposal is within the limits of the approved boundary site as per the 2016 permission, there is no objection in principle to the revised proposal on this site.

9.2 In conclusion

- 9.3 Whilst the proposal is considered acceptable in principle the key test is whether the development would cause harm to the character of the local area which will be considered within the report.

Visual impact and design/impact on heritage assets:

- 9.4 The overarching objective of policy ENV1 is to protect the character and quality of the countryside by preventing sporadic, unrestricted development within it. This objective is broadly in accordance with the fifth core land-use planning principle in paragraph 17 of the Framework which requires that the intrinsic character and beauty of the countryside is recognised.
- 9.5 Saved policy ENV2 sets out four criteria for developments in the open countryside. While the opening text to the policy indicates that policy ENV2 is most directly applicable to development deemed acceptable in principle under policy ENV1 (which is not the case with this development), it contains more detailed general design criteria for developments in the open countryside which are considered to be relevant in assessing the scheme's layout. Specifically, criteria (1), (2) and (4) of the policy indicate that development within the open countryside will only be permitted where:

It is compatible with the character of the surrounding area, does not have an unacceptable impact on the landscape and safeguards landscape features including stone walls and hedgerows, worthy of protection.

The design of buildings and structures and the materials proposed relate to the setting, taking account of the immediate impact and public views of the development.

Services and infrastructure can be provided without causing a serious harmful change to the rural character and appearance of the locality.

- 9.6 The NPPF sets out generic policies that require good design and specifically it is stated as a core planning principle that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
- 9.7 In more detailed policy the NPPF states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. It also states that permission should be refused for poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 9.8 Paragraph 132 of the NPPF advises 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. In this case the application site is within the Kildwick conservation area and entails development that would affect its setting.

- 9.9 At paragraph 133 the NPPF advises that where a proposed development will lead to substantial harm to a heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss. In cases where a development proposal will lead to less than substantial harm to the significance of a heritage asset, paragraph 134 of the NPPF advises that the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
- 9.10 In this case, the benefits of the provision of housing to meet the Council's housing land supply and the presumption in favour of sustainable development set out in the NPPF need to be balanced against any dis-benefits of allowing development to take place. The dis-benefits derive primarily from the visual impact of the development and the impact on the setting of the conservation area. In terms of planning balance it is the case that the provision of four dwellings would be of limited benefit in terms of the provision of housing land but equally it is considered that no significant harm would arise from the proposal and the development could arguably be said to represent an efficient use of land.
- 9.11 Currently the site consists of a vehicle access directly off Grange Road and a substantial modern detached dwelling with hardstanding to the front and rear of this dwelling. Adjacent to the site is a mixture of traditional dwellings including detached, semi-detached and converted agricultural buildings, which are predominantly vehicular in design.
- 9.12 The proposal seeks to construct four detached modern dwellings with integral garages and off street parking within the conservation area of Kildwick. Therefore, whilst the buildings are of a more modern design the proposal seeks to ensure that the development blends successfully with the existing dwellings through the incorporation of many of the details present within the surrounding area. For example, simple robust detailing to windows and doors, enclosed by full stone surrounds. Therefore, it is considered that the dwellings would not result in any visual harm to the character of the conservation area or the existing street scene.
- 9.13 Concerns have been expressed by local residents and parish over the use of inappropriate materials. Notwithstanding the details submitted within the Design & Access Statement it is considered that the use of appropriate materials can be controlled through the imposition of an appropriate condition.
- 9.14 The proposal would also see the introduction of stone boundary walls and timber fencing to define the boundaries of the residential plots with soft landscaping consisting of grassed private amenity areas.
- 9.15 Turning to the potential impact on heritage assets, Kildwick Hall lies approximately 70 m. to the west of the application site and forms the centrepiece of a group of listed structures which include the south gate and numerous garden features. This group sits within Kildwick's conservation area that also includes the development site. Although the development would be within the wider setting of the listed buildings, taking into account the advice from Historic England it is considered that the development would have a less than substantial impact on the listed buildings, particularly taking into account the existing protected trees on the site and those within the grounds of the Hall.
- 9.16 In conclusion
- 9.17 It is considered that the detailed design of the dwellings with regards to the overall scale and design reflects local distinctiveness and constitutes good design that would accord with NPPF policy. Furthermore, the location within an established curtilage and mature landscaping is such that the development would not give rise to unacceptable impacts on the significance of the conservation area and it is not considered to be appropriate to refuse planning permission on design grounds. The proposal therefore accords with saved Policy ENV2 of the Local Plan and guidance contained within paragraphs 64, 133, 134 & 137 of the NPPF.

Impact on amenity:

- 9.18 There are no saved LP policies setting out specific criteria for residential development outside of development limits with respect to the effects on the amenity of neighbouring occupants. Nevertheless, paragraph 17 of the NPPF states that one of the core planning principles is to secure a good standard of amenity for all existing and future occupants.
- 9.19 The proposed dwellings are set at right angles to each other and therefore there is no direct inter-visibility between principal rooms. The orientation and position of the dwellings within the plot is that there would be no overshadowing or over-bearing impact. It is concluded that the proposed dwellings would have an acceptable level of amenity and would have no impact on the amenities of the properties to the south east.
- 9.20 Turning to the amenity spaces for future occupiers of the dwellings the proposal has been designed to provide sufficient living accommodation to meet the needs of any future families. In addition, the proposal would provide private amenity areas which are considered adequate for the future occupiers of these dwellings.
- 9.21 In conclusion.
- 9.22 The proposed dwellings would not result in any harm to the adjacent dwellings in terms of loss of privacy or amenity. In addition, it is considered that the proposal would provide appropriate living conditions for future residents. The proposal is considered not to conflict with the aims and objectives of section 7 of the NPPF which seeks to ensure that all development achieves an adequate level of amenity for existing and future occupants.

Highway safety:

- 9.23 Saved Policy ENV2 of the Local Plan requires that rural access roads would be able to accommodate the traffic likely to be generated by the proposal.
- 9.24 Saved Policy T2 also requires that new development; is appropriately related to the highway network; does not generate volumes of traffic in excess of the capacity of the highway network; would not lead to the formation of a new access or greater use of an existing access onto a primary, district or local distributor road and would have full regard to the highway impact on, and potential for improvements to the surrounding landscape.
- 9.25 The second and third bullet points to paragraph 32 of the NPPF stipulate that planning decisions should take account of whether:
- Safe and suitable access to the site can be achieved for all people.
 - Improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
- 9.26 In this case the proposals include improvements to the visibility splays that have been accepted by the NYCC Highways engineer.
- 9.27 In conclusion
- 9.28 The proposal would provide adequate on site car parking and manoeuvring and thus would not create conditions contrary to highway safety. As such, the proposal accords with the requirements of saved Policies ENV2 & T2 of the Local Plan and guidance contained within paragraph 32 of the NPPF.

Impact on trees:

- 9.29 Saved Policy ENV10 seeks to safeguard trees protected by a preservation order from harm or unjustifiable loss.
- 9.30 The submitted Arboricultural Report has identified the loss of two trees and specified works including some surgery works to the remaining trees on the site. The Councils Tree officer has reviewed the

information and subject to the use of appropriate conditions with regards to the construction of tree protection barriers and additional planting has no objection to the proposal.

9.31 In conclusion.

9.32 The proposed development of this site would not result in any harm or unjustifiable loss of protected trees and therefore accords with the requirements of saved Policy ENV10 of the Local Plan and guidance contained within the NPPF.

Conclusion

9.33 Paragraph 14 of the NPPF advises that LPA's should be 'approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

*any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
specific policies in this Framework indicate development should be restricted.*

9.34 The proposed dwellings are located in a sustainable location in close proximity to the centre of Kildwick. It is considered that the mix of house types will contribute to the housing supply and the development would have less than substantial impact on heritage assets. Taking into account the guidance in paragraph 14 of the NPPF it is considered that the development is acceptable.

10 Recommendation

10.1 That planning permission is granted subject to the following conditions.

Conditions

Time condition

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

Reason: To comply with the requirements of section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Approved Plans

2 This permission relates to the following plans:

- 1488-105 Rev E received by Craven District Council on the 17th January 2018.
- 1488-106 Rev E received by Craven District Council on the 17th January 2018.
- 1488-107 Rev D received by Craven District Council on the 17th January 2018.
- 1488-109 Rev D received by Craven District Council on the 17th January 2018.
- 1488-110 Rev D received by Craven District Council on the 17th January 2018.
- 1488-111 Rev E received by Craven District Council on the 17th January 2018.
- 1488-112 Rev E received by Craven District Council on the 17th January-2018.

Except as provided for by other conditions to this permission, the development shall be carried out in complete accordance with the approved drawings or where alternative details have been subsequently approved following an application for a non-material amendment.

Reason: For the avoidance of doubt and to ensure a satisfactory standard of development in accordance with the policies contained within the Craven District (Outside the Yorkshire Dales National Park) Local Plan and the National Planning Policy Framework.

Before you commence development

3. 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 **90** metres measured along both channel lines of the major road, Grange Road Kildwick, from a point measured **2** metres down the centre line of the access road. The eye height will be 1.05 metres and the object height shall be 1.05 metres. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason: In the interests of highway safety

4. No development shall commence until details of the soft 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.

Reason: In the interests of the amenity of the area

5. No development shall commence until a scheme indicating the type and distribution of all new trees to be provided within the site has been submitted to, and approved in writing by, the Local Planning Authority. The approved scheme shall be implemented within 12 months of the date from when development on site first commenced (including site clearance). Any tree which is removed becomes seriously damaged, seriously diseased or dies within 5 years of planting must be replaced by a tree of the same species and be of a similar size to that originally planted.

Reason: In the interests of the amenity of the area

6. No development shall take place until a scheme for tree protection measures (both above and below ground) to be implemented during the construction period has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

- (i) Details of a construction exclusion zone (including protective fencing of a height and design which accords with the requirements BS 5837: 2012) to be formed around the root protection areas of those trees within and/or overhanging the site to be retained.
- (ii) Details of any excavation to take place within the root protection areas of those trees within and/or overhanging the site to be retained.
- (iii) Details of the hardstandings to be constructed within the root protection areas of those trees within and/or overhanging the site to be retained.

The development shall thereafter be carried out in strict accordance with the protection measures contained in the duly approved scheme throughout the entirety of the construction period.

Reason: To ensure that adequate measures are put in place to safeguard existing trees on the site which are protected by Tree Preservation Order and are shown to be retained as part of the development before any construction works commence in accordance with the requirements of Craven District (Outside the Yorkshire Dales National Park) Local Plan policy ENV10.

During building works

7. Notwithstanding any description of the materials on site in the application, full details of all materials to be used on the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials. The development shall thereafter be implemented in accordance with the duly approved materials.

Reason: To ensure use of appropriate materials which are sympathetic to the character of the conservation area and the site's surroundings in the interests of visual amenity in accordance with the requirements of Craven District (Outside the Yorkshire Dales National Park) Local Plan policy ENV2 and the National Planning Policy Framework.

8. Prior to their first use, details of all materials to be used in the hard landscaping shall be submitted to and approved in writing by the Local Planning Authority. The development shall be built using only the approved materials.

Reason: In the interests of the amenity of the area

9. Notwithstanding any details shown on the approved plan, the site's internal and external boundaries shall be enclosed in accordance with a detailed scheme and programme of implementation which shall first have been submitted to and approved by the Local Planning Authority. The programme shall ensure that the approved boundary treatments for each dwelling are completed prior to the occupation of that dwelling, and the approved boundary treatments for the whole site are completed prior to the occupation of the last dwelling.

Reason: To ensure a satisfactory appearance to the development within the conservation area and in accordance with the National Planning Policy Framework.

10. Details of the proposed domestic bin stores including screening shall be submitted for the written approval of the Local Planning Authority and thereafter provided and retained in accordance with the approved details.

Reason: In the interests of the visual amenities of the area and in accordance with the National Planning Policy Framework.

11. 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 and in accordance with the National Planning Policy Framework.

12. No development shall take place until details of the proposed means of disposal of surface water drainage, including details of any balancing works and off-site works, have been submitted to and approved by the local planning authority.

Reason: To ensure that the development can be properly drained and in accordance with the National Planning Policy Framework.

13. Unless otherwise approved in writing by the local planning authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works.

Reason: To ensure that no surface water discharges take place until proper provision has been made for its disposal

Ongoing conditions

14. All new windows and doors hereby approved shall be of timber construction, set in a minimum external reveal of 100mm and painted or stained throughout to the same colour specification, the precise colour of which shall have first been agreed in writing with the Local Planning Authority. Once installed the windows and doors shall be retained.

Reason: To ensure a satisfactory appearance to the development within the conservation area and in accordance with the National Planning Policy Framework.

15. Hard surfacing on the site shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwellings.

Reason: To reduce the risk of flooding and pollution and increase the levels of sustainability of the development.

Informative

The hours of operation during the construction phase of development and delivery of construction materials or equipment to the site and associated with the construction of the development hereby

permitted should be limited to 0730 hours to 1800 hours on Monday to Fridays and 0730 hours to 1300 hours on Saturday. No work should take place on Sundays or Bank/Public Holidays.

The applicant/developer is reminded that it is their responsibility to ensure that the requirements of each planning condition are met and that the works are undertaken in accordance with the approved plans. Any failure to meet the terms of a planning condition or works which does not accord with the approved plans leaves the applicant/developer liable to formal action being taken. Craven District Council endeavours to monitor on site the compliance with conditions and building works. To assist with this monitoring of development the applicant/development is requested to complete the Start Notice issued with the Decision at least fourteen days prior to the commencement of development to ensure that effective monitoring can be undertaken.

The applicant should ensure that any topsoil brought on site is free from metals, plastic, wood, glass, tarmac, paper and odours associated with contaminated soils as specified in BS 3882: 2015 - Specification for Topsoil.

The applicant needs to have regard to the BS8233:2014 Guidance on 'Sound Insulation and Noise Reduction for Buildings' which presents guideline noise levels for both inside and outside dwellings.

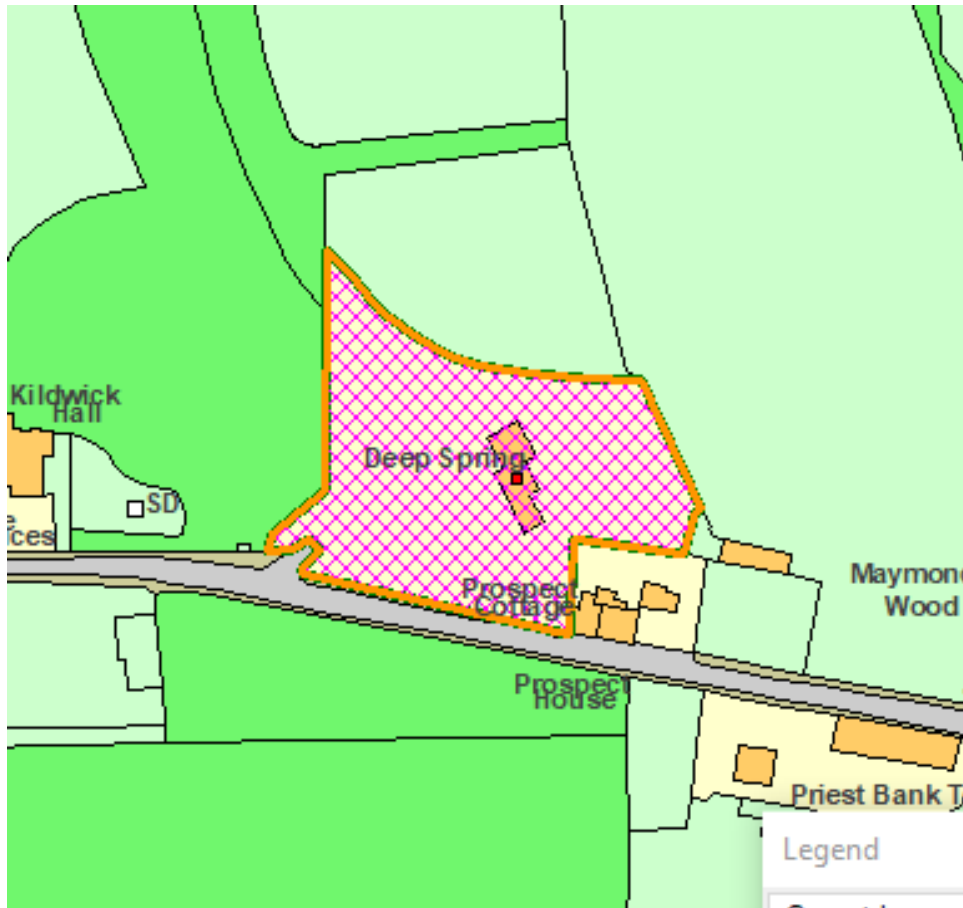
The applicant is reminded that under the Habitat Regulations it is an offence to disturb, harm or kill bats. If a bat is found during the development all work should cease immediately and a suitably licensed bat worker employed to assess how best to safeguard the bat(s). Any works involving the destruction of a bat roost will require a European Protected Species License from Natural England.

The applicant is reminded that, under the Wildlife and Countryside Act 1981 as amended it is an offence to remove, damage or destroy the nest of a wild bird, while the nest is in use or being built. Planning consent does not provide a defence against prosecution under this act. If a bird's nest is suspected work should cease immediately and a suitably experienced ecologist employed to assess how best to safeguard the nest(s).

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
- accepted additional information / changes to the scheme post validation



Application Number: 2017/18355/FUL

Proposal: Demolition of existing dwellinghouse and construction of four new dwellings

Site Address: Deep Spring Grange Road Farnhill BD20 9AE

On behalf of: Croft Building

REPORT TO PLANNING COMMITTEE ON 12th March 2018

Application Number: 2017/18136/VAR

Proposal: Application to vary conditions of original planning consent reference 63/2015/15792, specifically: no.s 1, 5, 8, 9, 10, 13, 15, 16, 21, 24, 26, 27, 28 to permit separate discharge in relation to development in the residential and employment sub areas shown on the approved plans; no 12 to clarify if the proposed limitation on external lighting equipment relates to the construction period only; no 23 to reduce the on-site affordable housing requirement from 40% to 20%; no 32 to require provision of the ball stop netting prior to first occupation of any dwelling on site.

Site Address: Land North Of A629 And West Of Carleton Road Skipton BD23 3BT

On behalf of: Henry Boot Developments Ltd

Date Registered: 25th May 2017

Expiry Date: 24th August 2017

Case Officer: Andrea Muscroft

This application is referred to Planning Committee as an earlier proposal for mixed use development on this site was determined by the Planning Committee.

1. Site Description

- 1.1 The application site is located to the southern edge of the main built up area of Skipton. The application site extends to 17.66 hectares gross and currently comprises a number of agricultural fields which are used for the grazing of sheep.
- 1.2 The application site is bounded to the south /south west by the A629. Carleton Road and Skipton Crematorium & Waltonwrays Cemetery lie to the east of the site. There is a mix of employment land (predominantly on Ings Lane and Engine Shed Lane), grazing land and the playing pitches associated with Sandylands Sport Centre to the north. Skipton Town Centre lies approximately 1.3km to the north east of the application site.
- 1.3 Skipton Conservation Area lies immediately to the east of the application site (The cemetery and the Carleton Road frontage to the site).
- 1.4 The whole site is outside the development limit of Skipton

2. Proposal

- 2.1 Planning permission (ref 63/2015/15792) was granted conditionally in March 2016 for a mixed use development on a site now known as Wyvern Park. The proposal is seeking variations to the following conditions of that permission.

2.2 Wording of Condition 1

- 2.3 No development shall commence until approval of the details of the layout, scale, appearance of the building(s), and the landscaping/boundary treatments (hereinafter called "the reserved matters") has been obtained from the local planning authority in writing. An application for the approval of the reserved matters shall be made to the local planning authority before the expiration of 3 years from the date of this permission. The development hereby permitted shall be begun either before the

expiration of 3 years from the date of this permission, or before the expiration of 2 years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

2.4 Wording of Condition 5

2.5 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 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:

- a. Detailed engineering drawings to a scale of not less than 1:500 and based upon an accurate survey showing:
 - the proposed highway layout including the highway boundary
 - dimensions of any carriageway, cycleway, footway, and verges
 - visibility splays
 - the proposed buildings and site layout, including levels
 - accesses and driveways
 - drainage and sewerage system
 - lining and signing
 - traffic calming measures
 - all types of surfacing (including tactiles), kerbing and edging.
- b. Full highway construction details including:
 - 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
 - when requested cross sections at regular intervals along the proposed roads showing the existing and proposed ground levels
 - kerb and edging construction details
 - typical drainage construction details.
- c. Details of the method and means of surface water disposal.
- d. Details of all proposed street lighting.
- e. Drawings for the proposed new roads and footways/footpaths giving all relevant dimensions for their setting out including reference dimensions to existing features.
- f. Full working drawings for any structures which affect or form part of the highway network.
- g. A programme for completing the works.

2.6 Wording of Condition 8

2.7 Unless otherwise approved in writing by the Local Planning Authority in consultation with the Highway Authority there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the following highway works have been constructed in accordance with the details that have previously been submitted to and approved in writing by the Local Planning Authority (in consultation with the Local Highway Authority):

- (i) The details of the following off site required highway improvement works, works listed below have been submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority:
 - a) A new roundabout on the A629 to access the development. The highway improvement shall be designed to meet current standards for highway works set out in the Design Manual for Roads and Bridges.
 - b) A mini roundabout at Carleton Road / Burnside Crescent Junction again to current standards as set out in the design manual for roads and bridges.
 - c) A new junction to North Yorkshire County Council highway specification on Carleton road to access the development south of the cemetery.
- (ii) An independent Stage 2 Road Safety Audit for the agreed off site highway works has been carried out in accordance with HD19/03 - Road Safety Audit or any superseding

regulations and the recommendations of the Audit have been addressed in the proposed works.

- (iii) A programme for the completion of the proposed works has been submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority.

2.8 Wording of Condition 9

2.9 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 hereby permitted until details of the following have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority:

- a. tactile paving
- b. vehicular, cycle, and pedestrian accesses
- c. vehicular and cycle parking
- d. vehicular turning arrangements
- e. manoeuvring arrangements
- f. loading and unloading arrangements.

2.10 Wording of Condition 10

2.11 No part of the development shall be brought into use until the associated approved vehicle access, parking, manoeuvring and turning areas approved under condition number 9 have been constructed in accordance with the approved drawing. Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

2.12 Wording of Condition 12

2.13 No external lighting equipment shall be used other than in accordance with details previously approved in writing by the Local Planning Authority in consultation with the Highway Authority.

2.14 Wording of Condition 13

2.15 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:

- a. on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway
- b. on-site materials storage area capable of accommodating all materials required for the operation of the site.
- c. The approved areas shall be kept available for their intended use at all times that construction works are in operation.

2.16 Condition 15 – Travel Plan.

2.17 Prior to the development being brought into use, a Travel Plan shall have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. This shall include:

- a. the appointment of a travel co-ordinator
- b. a partnership approach to influence travel behaviour
- c. measures to encourage the use of alternative modes of transport other than the private car by persons associated with the site
- d. provision of up-to-date details of public transport services
- e. continual appraisal of travel patterns and measures provided through the travel plan
- f. improved safety for vulnerable road users
- g. a reduction in all vehicle trips and mileage
- h. a programme for the implementation of such measures and any proposed physical works
- i. procedures for monitoring the uptake of such modes of transport and for providing evidence of compliance.

2.18 Wording of Condition 16

2.19 No development for any phase of the development shall take place until a Construction Method Statement for that phase has been submitted to, and approved in writing by, the Local Planning Authority in consultation with the Local Highway Authority. The approved Statement shall be adhered to throughout the construction period for the phase. The statement shall provide for the following in respect of the phase:

- a. the parking of vehicles of site operatives and visitors
- b. loading and unloading of plant and materials
- c. storage of plant and materials used in constructing the development
- d. erection and maintenance of security hoarding including decorative displays and facilities for public viewing where appropriate
- e. wheel washing facilities
- f. measures to control the emission of dust and dirt during construction
- g. a scheme for recycling/disposing of waste resulting from demolition and construction works
- h. HGV routing to avoid Skipton High Street and Carleton Road. Some vehicles will be allowed between the new mini roundabout and the access to the business site south of the cemetery.

2.20 Wording of Condition 21

2.21 Unless otherwise approved in writing by the local planning authority, no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.

2.22 Wording of Condition 23

2.23 The development shall not begin until a scheme for the provision of affordable housing has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved scheme. Affordable housing 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% of housing units unless otherwise agreed with the local planning authority following an assessment of financial viability;
- (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] (if no Registered Provider involved);
- (iv). the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- (v). the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced; or

- (vi). details of an equivalent affordable housing contribution to be provided in lieu of affordable housing on site and the means by which such a contribution shall be provided (alternatively, this may be a contribution that is to be provided partly on site and partly in lieu).

2.24 Wording of Condition 24

2.25 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 implementation, management and maintenance.

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

2.26 Wording of Condition 26

2.27 Prior to the commencement of development, an investigation of land contamination and risk assessment (in addition to any assessment provided with the planning application) must be undertaken to assess the nature and extent of any land contamination. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

1. a survey of the extent, scale and nature of contamination (including ground gases where appropriate);
2. an assessment of the potential risks to human health; property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwater and surface waters ; ecological systems, archaeological sites and ancient monuments;
3. an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency; Model Procedures for the Management of Land Contamination.

2.28 Wording of Condition 27

2.29 A detailed remediation scheme to bring the site to a condition suitable for the intended use (by removing unacceptable risks to human health, buildings and other property and the natural and historical environment) must be prepared and is subject to the approval in writing of the Local Planning Authority.

The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

2.30 Wording of Condition 28

2.31 The approved remediation scheme must be carried out in accordance with its terms and a verification report that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval in writing of the Local Planning Authority.

- 2.32 Wording of Condition 32.
- 2.33 No residential development shall commence until details of the design and layout of ball stop netting or fencing in relation to the cricket field have been submitted to and approved in writing by the Local Planning Authority, after consultation with Sport England. The ball stop netting or fencing shall be designed to meet the requirements of a risk assessment undertaken by a suitably qualified consultant and will include a timetable for the construction and completion of the ball stop netting or fencing.
- 2.34 The scheme has already been granted outline consent under planning reference 63/2015/15792 for the mixed use development comprising business/employment floor space (use classes B1, B2 & B8) and residential dwellings (use class C3) with access from the A629 and Carleton Road, provision of infrastructure and associated landscaping.
- 2.35 The variation of the conditions 1, 5,8,9,10,13,15,16,21,24,26,27 & 28 will allow these conditions to be discharged separately independently.
- 2.36 The variation of condition 12 is to provide clarification with regards to the limitations on external lighting equipment relating to the construction period only.
- 2.37 The variation of condition 23 seeks a reduction in the provision of affordable housing on site from 40% to not less than 20%.
- 2.38 The variation of condition 32 seeks to change the trigger for information to be submitted in relation to the discharge of this condition from 'no development shall commence' to 'prior to occupation'.
- 2.39 **Officers Note:** The agents states on behalf of the applicant that the variations would allow greater flexibility for the developer whilst maintaining the Council's ability to secure the required elements covered by these conditions.

3. Planning History

- 3.1 63/2013/14114 Mixed use development including employment , supermarket, hotel, public house and hot food takeaway was refused in April 2014 for the following reasons:
1. *The proposed supermarket would have a significant adverse impact on the vitality and viability of the Town Centre and would therefore conflict with the advice in the National Planning Policy Framework which specifically advises at paragraph 27 that the application should be refused.*
 2. *The proposed design of the industrial units, including Healthcare House and supermarket are not considered to reinforce local distinctiveness, particularly given their prominence within the site and furthermore the siting of the supermarket and business innovation units adjacent to the cemetery would by virtue of their size, scale, mass and design would have a severely adverse and detrimental impact on the visual amenities and tranquillity of this part of the designated conservation area and would therefore conflict with the guidance in the National Planning Policy Framework and policies EMP5, ENV2, and R2 of the Craven Outside The Yorkshire Dales National Park Local Plan.*
 3. *Due to lack of structural planting and absence of space within the detailed site layout to accommodate structural planting it is considered that the proposal would therefore fail to maintain and enhance the landscape and would therefore conflict with advice in the NPPF and saved policies EMP5, ENV2 and R2 of the Craven District Outside the Yorkshire Dales National Park Local Plan.*
- 3.2 63/2015/15792 - Outline application for mixed use development comprising business/employment floorspace (use classes B1, B2 & B8) and residential dwellings (use class C3) with access from the

A629 and Carleton Road, provision of infrastructure and associated landscaping – Approved March 2016.

4. Planning Policy Background

4.1 The National Planning Policy Framework (NPPF) and the national Planning Practice Guidance (nPPG).

4.2 Craven District (Outside the Yorkshire Dales National Park) Local Plan “saved” policies:

- Policy ENV1 ‘Development in the Open Countryside’
- Policy ENV2 ‘Requirements for Development in Open Countryside’
- Policy ENV10 ‘Protection of Trees & Woodland’
- Policy ENV18 ‘Light Generating Development’
- Policy EMP1 ‘Industrial Land Supply’
- Policy EMP5 ‘New Employment Development Outside Development Limits’
- Policy BE2 ‘Protection of Road Approaches to Skipton’
- Policy T2 ‘Road Hierarchy’
- Policy T6 ‘Encourage provision of Effective Public Transport Services’
- Policy H1 ‘Housing Provision up to 2006’
- Policy SRC2 ‘Provision of Recreation Space in Housing Developments’

5. Parish/Town Council Comments

5.1 **Skipton Town Council:** No comments received within the statutory consultation period.

6. Consultations

6.1 **NYCC Highway Authority:** No objection.

6.2 **Environment Agency:** No comment.

6.3 **Yorkshire Water Services:** No comments received within the statutory consultation period.

6.4 **Airedale Drainage Commissioner:** No comment.

6.5 **NYCC Lead Local Flood Authority:** No comment.

6.6 **CDC Economic Development Officer:** No comments received within the statutory consultation period.

6.7 **CDC Strategic Housing Officer.** No comment to make on the viability report.

6.8 **CDC Environmental Health (Contaminated Land):** No objections.

6.9 **CDC Environmental Health (Environmental Protection):** No comments received within the statutory consultation period.

6.10 **CDC Sports Development Officer:** No objection to the rewording of condition 24.

6.11 **Sport England:** The principle of altering the trigger for when details of the ball netting will be delivered is acceptable. However, the applicant’s proposed wording would result in dwellings being occupied prior to the necessary information has been approved which is not acceptable. In light of this, it is suggested that the following wording is acceptable:

No dwelling shall be occupied until details of the design and layout of ball stop netting or fencing in relation to the cricket field have been submitted to and approved in writing by the Local Planning Authority, after consultation with Sport England. The ball stop netting or fencing shall be designed to meet the requirements of a risk assessment undertaken by a suitably qualified consultant and will be

constructed and completed in accordance with the approved details before the dwellings are first occupied"

- 6.12 *Sport England would be pleased to review an amended variation of condition taking the above into account with a view to potentially withdrawing our objection.*
- 6.13 **Natural England:** No comments received within the statutory consultation period.
- 6.14 **Historic England:** No comments received within the statutory consultation period.
- 6.15 **Canal and River Trust:** No comments received within the statutory consultation period.
- 6.16 **NYCC Education Authority:** No comments received within the statutory consultation period.
- 6.17 **NYCC Historic Environment Team:** No comment received within the statutory consultation period.

7. Representations

- 7.1 Two letters of objection have been received and two letters of support.

Affordable provision

- Unacceptable reduction in affordable provision.

Highway issues

- Dangerous access
- Highway/pedestrian safety particularly on Carleton New Road
- Need to link development to Engine Shed Lane

8. Summary of Principal Planning Issues

- 8.1 The application seeks permission to vary conditions, previously approved as part of planning application 63/2015/15792.

9. Analysis

- 9.1 The principle of the proposal, including the proposed uses, scale of development, amenity and highway issues were considered and approved as part of the original outline consent (reference 63/2015/15792).
- 9.2 Granting a Section 73 application has the effect of providing the applicant/developer with a new planning permission. It is therefore necessary to ensure that any controls or restrictions imposed via condition on the previous planning approval, if they remain relevant, are copied across onto any new consent granted.
- 9.3 At the present time no conditions have been discharged. Therefore, the current proposal seeks variations to a number of conditions detailed in section 2 of this report imposed by planning approval 63/2015/15792.
- 9.4 Details submitted include drawing DE166_003 which shows the proposed land uses identified on the site. Site A and B relates to employment with the remaining land identified as residential.
- 9.5 The proposal seeks to insert the following wording '*in any sub area or for that sub area*' in to previously imposed conditions 1, 5, 8, 9, 10, 13, 15, 16, 21, 24, 26, 27 & 28. The reason for this variation to the wording is to allow greater flexibility with conditions relating to sub areas identified on drawing DE166_003 being discharge separately. This would allow for a faster delivery of development on site.
- 9.6 Taking into consideration the reasoning for the rewording, it is considered that there is sufficient justification for the proposed variations and are therefore considered acceptable.
- 9.7 The proposal is also seeking to insert the following wording '*during construction*' in previously imposed condition 12. The proposed variation is required to allow greater clarification on the use of external lighting equipment on site during the construction stage of development.

- 9.8 The proposed variation would result in an increase in illumination during the winter months. However, on balance, the impact of the proposed variation is considered acceptable as the proposed variation would have a limited impact when compared scale of development.
- 9.9 The variation to condition 23 seeks to reduce the level of affordable housing provided on site from 40% to not less than 20% in light of the viability issues. To justify the reduction a Development Viability Assessment has been submitted. This document has been independently verified by the District Valuer who states that based on the figures provided that the level of affordable housing provision should be reduced given the increased costs which makes the scheme less viable.
- 9.10 The proposal also seeks approval for a variation to condition 32, substituting '*No residential development shall commence*' with '*no dwelling shall be occupied*'. A supporting statement states that the condition does not need to be worded as a condition precedent in order to achieve its objective.
- 9.11 Sport England have been consulted and whilst not objecting in principle to a variation of this condition, have objected to the proposed rewording of the condition. Instead, Sport England have suggested an alternative wording which would include an additional trigger requiring that "*any ball stop netting or fencing shall be constructed and completed in accordance with the approved details*".
- 9.12 The proposed variation of this condition, would allow for the commencement of the residential development on the site which would help provide for a faster delivery of development on site. As such, the rewording of this condition is acceptable.

Conclusions

- 9.13 Paragraph 14 of the NPPF advises that LPA's should be 'approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out of date, granting permission unless:
- a) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
 - b) specific policies in this Framework indicate development should be restricted.'
- 9.14 The principle of development on this site is established through the grant of the previous planning approval. The proposed variations are acceptable in planning terms and meet the relevant tests. **The proposed variations are highlighted red in the report below.**

10. Recommendation

That Members resolve to grant delegated authority to the Development Control Manager to grant planning permission subject to the following conditions and the applicant first entering into a S106 Planning Obligation to provide the following:

(i) Highway works comprising

- **Replacement of signs directing HGV's on the A629 approach to the junction with Keighley Road.**
- **Car parking bays and traffic calming improvement on Carleton Road.**
- **Signage and road marking to reduce traffic speeds on the A629 County Road.**
- **Improvements to Carleton Road/Carleton New Road junction to narrow the kerb radii and provide a raised table.**
- **Provision of a footway from the residential part of the site through the sports ground directly north of the site to provide a shorter pedestrian link to the town centre.**
- **Shared footway/cycleway between the west of the site and Ings Lane/Engine Shed Lane**
- **Widening works on the A629/A65 roundabout to mitigate the impact of the development**

(ii) A programme for the phasing and delivery of the employment land.

Conditions

1. No development shall commence **on any sub area** until approval of the details of the layout, scale, appearance of the building(s), and the landscaping/boundary treatments (hereinafter called “the reserved matters”) **for that sub area** has been obtained from the local planning authority in writing.
An application for the approval of the reserved matters shall be made to the local planning authority before the expiration of 3 years from the date of this permission.
The development hereby permitted shall be begun either before the expiration of 3 years from the date of this permission, or before the expiration of 2 years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
Reason: To comply with the requirements of Section 92 of the Town & Country Planning Act 1990.
2. The approved plans comprise DE166-02, DE166-03, DE116-04, DE166-05, DE166-007, LDH/2112/F1 Rev F1, LDH/2112/004/Rev P2, LDH/2112/005/Rev P2 and LDH/2112/007/Rev P1 received by the Local Planning Authority on the 8 May 2015. The development shall be completed in accordance with the approved plans except where conditions attached to this planning permission indicate otherwise or where alternative details have been subsequently approved following an application for a non- material amendment.
Reason: To specify the permission and for the avoidance of doubt
3. No development shall take place until a detailed design and associated management and maintenance plan of surface water drainage for the site based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development has been submitted to and approved in writing by the Local Planning Authority. The surface water drainage design should demonstrate that the surface water runoff generated during rainfall events up to and including the 1 in 100 years rainfall event, to include for climate change and urban creep, will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The approved drainage system shall be implemented in accordance with the approved detailed design prior to completion of the development.
The scheme to be submitted shall demonstrate that the surface water drainage system(s) are designed in accordance with the standards detailed in North Yorkshire County Council SuDS Design Guidance.
Reason: To prevent the increased risk of flooding; to ensure the future maintenance of the sustainable drainage system, to improve and protect water quality and improve habitat and amenity.
4. The proposed flood plain compensation must be designed such that there is no net loss of available floodplain capacity on the proposed site.
Reason: To ensure no loss of available floodplain capacity.
5. 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 material on the site **on any sub area**, until the following drawings and **details for that sub area** have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority:
 - a. Detailed engineering drawings to a scale of not less than 1:500 and based upon an accurate survey showing:
 - the proposed highway layout including the highway boundary
 - dimensions of any carriageway, cycleway, footway, and verges
 - visibility splays
 - the proposed buildings and site layout, including levels
 - accesses and driveways
 - drainage and sewerage system

- lining and signing
 - traffic calming measures
 - all types of surfacing (including tactiles), kerbing and edging.
- b. Full highway construction details including:
- 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
 - when requested cross sections at regular intervals along the proposed roads showing the existing and proposed ground levels
 - kerb and edging construction details
 - typical drainage construction details.
- c. Details of the method and means of surface water disposal.
- d. Details of all proposed street lighting.
- e. Drawings for the proposed new roads and footways/footpaths giving all relevant dimensions for their setting out including reference dimensions to existing features.
- f. Full working drawings for any structures which affect or form part of the highway network.
- g. A programme for completing the works.

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

6. No part of the development to which this permission relates shall be brought into use until the carriageway and any footway/footpath from which it gains access has been 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 any part of the development is brought into use.

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

7. 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

8. Unless otherwise approved in writing by the Local Planning Authority in consultation with the Highway Authority there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the following highway works have been constructed in accordance with the details that have previously been submitted to and approved in writing by the Local Planning Authority (in consultation with the Local Highway Authority):

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

- a). A new roundabout on the A629 to access the development. The highway improvement shall be designed to meet current standards for highway works set out in the Design Manual for Roads and Bridges.

- b). A mini roundabout at Carleton Road / Burnside Crescent Junction again to current standards as set out in the design manual for roads and bridges.
- c) A new junction to North Yorkshire County Council highway specification on Carleton road to access the development south of the cemetery.
 - (ii) An independent Stage 2 Road Safety Audit for the agreed off site highway works has been carried out in accordance with HD19/03 - Road Safety Audit or any superseding regulations and the recommendations of the Audit have been addressed in the proposed works.
 - (iii) A programme for the completion of the proposed works has been submitted to and approved writing by the Local Planning Authority in consultation with the Local Highway Authority.

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

9. 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 hereby permitted in **any sub area** until details of the following have been submitted to and approved in writing **for that sub area** by the Local Planning Authority in consultation with the Highway Authority:

- a. tactile paving
- b. vehicular, cycle, and pedestrian accesses
- c. vehicular and cycle parking
- d. vehicular turning arrangements
- e. manoeuvring arrangements
- f. loading and unloading arrangements.

Reason: To ensure appropriate on-site facilities in the interests of highway safety and the general amenity of the development.

10. No **sub area** of the development shall be brought into use until the associated approved vehicle access, parking, manoeuvring and turning areas approved under condition number 9 **for that sub area** have been constructed in accordance with the approved drawing. Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times

Reason: To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development

11. 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.

12. No external lighting equipment shall be used **during construction** other than in accordance with details previously approved in writing by the Local Planning Authority in consultation with the Highway Authority.

Reason: In the interests of highway safety and visual amenity.

13. Unless approved otherwise in writing by the Local Planning Authority there shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on any sub area until proposals have been submitted to and approved in writing by the Local Planning Authority for that sub area for the provision of:
- a. on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway
 - b. on-site materials storage area capable of accommodating all materials required for the operation of the site.
 - c. 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.

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

Reason: In the interests of highway safety and the general amenity of the area.

15. Prior to any sub area of the development being brought into use, a Travel Plan for that sub area shall have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. This shall include:
- a. the appointment of a travel co-ordinator
 - b. a partnership approach to influence travel behaviour
 - c. measures to encourage the use of alternative modes of transport other than the private car by persons associated with the site
 - d. provision of up-to-date details of public transport services
 - e. continual appraisal of travel patterns and measures provided through the travel plan
 - f. improved safety for vulnerable road users
 - g. a reduction in all vehicle trips and mileage
 - h. a programme for the implementation of such measures and any proposed physical works
 - i. procedures for monitoring the uptake of such modes of transport and for providing evidence of compliance.

The Travel Plan shall be implemented and the development shall thereafter be carried out and operated in accordance with the Travel Plan.

Reason: To establish measures to encourage more sustainable non-car modes of transport

16. No development in any sub area of the development shall take place until a Construction Method Statement for that phase has been submitted to, and approved in writing by, the Local Planning Authority in consultation with the Local Highway Authority. The approved Statement shall be adhered to throughout the construction period for that sub area. The statement shall provide for the following in respect of the sub area:
- a. the parking of vehicles of site operatives and visitors
 - b. loading and unloading of plant and materials

- c. storage of plant and materials used in constructing the development
- d. erection and maintenance of security hoarding including decorative displays and facilities for public viewing where appropriate
- e. wheel washing facilities
- f. measures to control the emission of dust and dirt during construction
- g. a scheme for recycling/disposing of waste resulting from demolition and construction works
- h. HGV routing to avoid Skipton High Street and Carleton Road. Some vehicles will be allowed between the new mini roundabout and the access to the business site south of the cemetery.

Reason: In the interests of highway safety.

17. 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 65 m. measured along both channel lines of Carleton Road from a point measured 2.4 , down the centre line of the access road. The eye height will be 1.05 m. and the object height shall be 0.6 m. Once created, these visibility areas shall be maintained clear of any obstruction and retained for its intended purpose at all times.

Reason: In the interests of road safety.

18. 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

19. No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall for surface water have been completed in accordance with details to be submitted to and approved by the local planning authority before development commences.

Reason: To ensure that the site is properly drained and surface water is not discharged to the foul sewerage system which will prevent overloading

20. No development shall take place until details of the proposed means of disposal of foul water drainage, including details of any balancing works and off-site works, have been submitted to and approved by the local planning authority.

Reason: To ensure that the development can be properly drained

21. Unless otherwise approved in writing by the local planning authority, no buildings **in any sub area** shall be occupied or brought into use prior to completion of the approved foul drainage works **for that sub area**.

Reason: To ensure that no foul water discharges take place until proper provision has been made for its disposal

22. Surface water from vehicle parking and hardstanding areas shall be passed through an interceptor of adequate capacity prior to discharge. Roof drainage should not be passed through any interceptor.

Reason: In the interest of satisfactory drainage

23. The development shall not begin until a scheme for the provision of **36 affordable housing units** has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved scheme. Affordable housing shall meet the definition of affordable housing in the NPPF or any future guidance that replaces it. The scheme shall include:

- (i) the type, tenure and location on the site of the affordable housing provision to be made;
- (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] (if no Registered Provider is involved);
- (iv) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- (v) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced;
- (vi) details of an equivalent affordable housing contribution to be provided in lieu of affordable housing on site and the means by which such a contribution shall be provided (alternatively, this may be a contribution that is to be provided partly on site and partly in lieu).

Reason: To secure the provision of affordable housing on site in accordance with NPPF policy.

24. No development shall take place **in any sub area** until either:

- (i) Full details of public open space to serve **that sub area** 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 **for that sub area**, as to the provision of the same and its subsequent implementation, 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: Such details are required prior to the commencement of works to ensure the development makes 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.

25. No development, including site clearance, shall commence until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which shall be submitted to, and approved in writing by, the Local Planning Authority.

Reason: The site is considered to be of archaeological significance

26. Prior to the commencement of development **in any sub area**, an investigation of land contamination and risk assessment (in addition to any assessment provided with the planning application) must be undertaken to assess the nature and extent of any land contamination **within that sub area**. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

1. a survey of the extent, scale and nature of contamination (including ground gases where appropriate);
2. an assessment of the potential risks to human health; property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwater and surface waters ; ecological systems, archaeological sites and ancient monuments;
3. an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency; Model Procedures for the Management of Land Contamination.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

27. A detailed remediation scheme **for any sub area** to bring the site to a condition suitable for the intended use **that sub area** (by removing unacceptable risks to human health, buildings and other property and the natural and historical environment) must be prepared and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
- Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.
28. The approved remediation scheme **for any sub area** must be carried out in accordance with its terms and a verification report that demonstrates the effectiveness of the remediation carried out **for that sub area** must be produced and is subject to the approval in writing of the Local Planning Authority.
- Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems.
29. In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.
- Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.
30. The application for the approval of reserved matters shall include an assessment and scheme for the mitigation of possible noise nuisance from the industrial units on the proposed residential dwellings shall be submitted for the written approval of the Local Planning Authority and thereafter the development shall be carried out in accordance with the approved details.
- Reason: To ensure that residents of domestic dwellings in the development are protected from noise nuisance.
31. Prior to the first installation of any external lighting for the industrial units details shall be submitted for the written approval of the Local Planning Authority and thereafter the development shall be carried out in accordance with the approved scheme.
- Reason: To ensure that residential properties are protected from light nuisance.
32. No **dwelling shall be occupied** until details of the design and layout of ball stop netting or fencing in relation to the cricket field have been submitted to and approved in writing by the Local Planning Authority, after consultation with Sport England. The ball stop netting or fencing shall be designed to meet the requirements of a risk assessment undertaken by a suitably qualified consultant **and will be constructed and completed in accordance with the approved details before the dwellings are first occupied**.
- Reason: To enable the cricket field to be used for sport without causing nuisance to the amenity of the occupants of the proposed residential development.

33. The development hereby permitted shall only be carried out in accordance with the approved Flood Risk assessment (FRA) by BWB dated February 2015 and the following mitigation measures detailed within the FRA
1. Provision for compensatory flood storage as detailed in Sections 3.11-3.15 on page 16 of the FRA
 2. Finished floor levels that are set no lower than 96.67 m. above Ordnance Datum and no lower than 300 mm. above the 1 in 100 year flood level

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed in writing by the Local Planning Authority.

Reason: To prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided and to reduce the risk of flooding to the proposed development and future occupants.

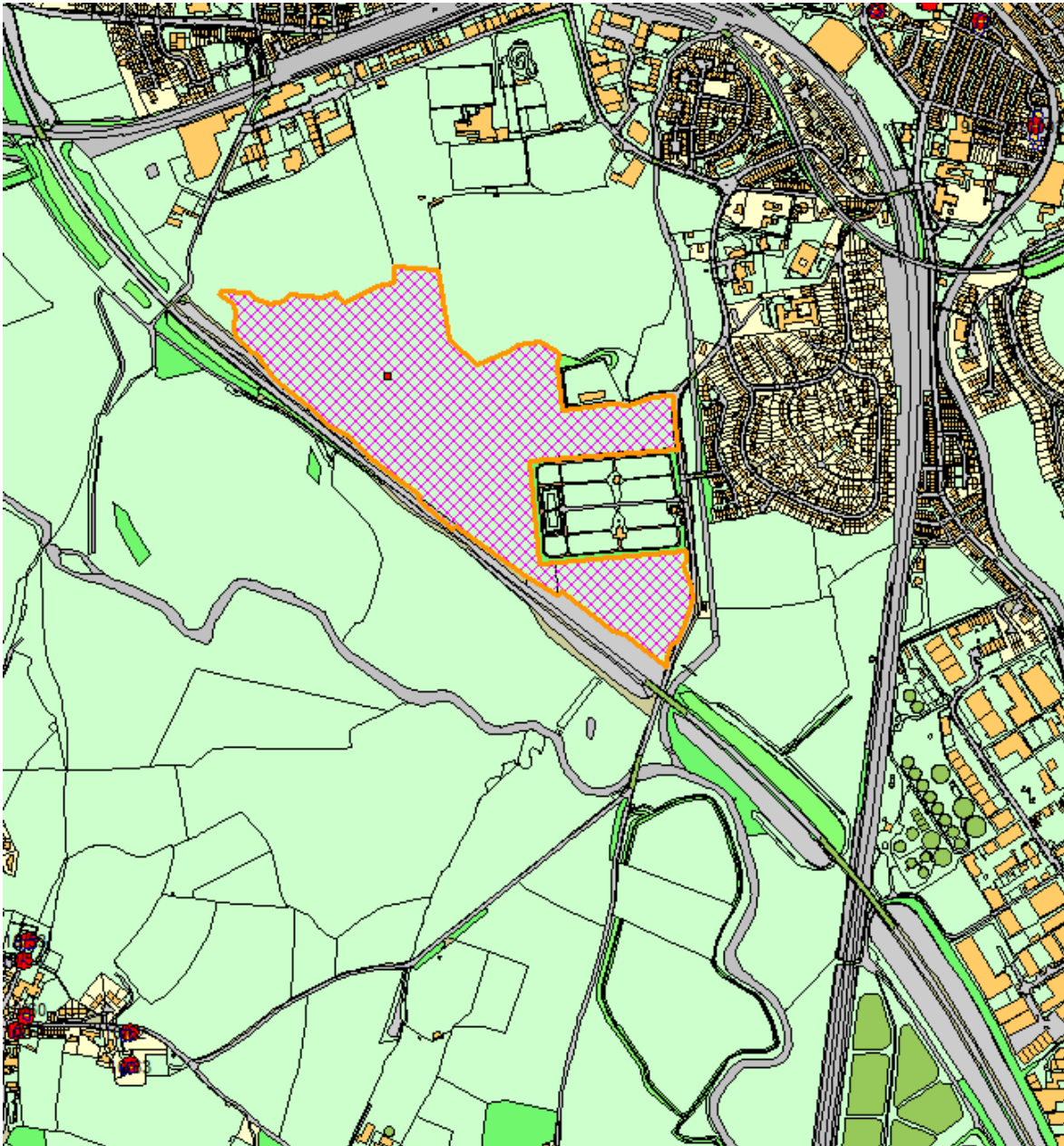
INFORMATIVES

1. In imposing conditions 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.
2. The proposals shall cater for all types of vehicles that will use the site. The parking standards are set out in the North Yorkshire County Council publication 'Transport Issues and Development - A Guide' available at www.northyorks.gov.uk

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
- accepted additional information / changes to the scheme post validation



Application Number: 2017/18136/VAR

Proposal: Application to vary conditions of original planning consent reference 63/2015/15792, specifically: no.s 1, 5, 8, 9, 10, 13, 15, 16, 21, 24, 26, 27, 28 to permit separate discharge in relation to development in the residential and employment sub areas shown on the approved plans; no 12 to clarify if the proposed limitation on external lighting equipment relates to the construction period only; no 23 to reduce the on-site affordable housing requirement from 40% to 20%; no 32 to require provision of the ball stop netting prior to first occupation of any dwelling on site.

Site Address: Land North Of A629 And West Of Carleton Road Skipton BD23 3BT

On behalf of: Henry Boot Developments Ltd

REPORT TO PLANNING COMMITTEE ON 12th March 2018

Application Number: 2018/18915/VAR

Proposal: Application to vary conditions 2, 3, 4 and 5 of planning permission 2017/18144/FUL to allow for installation of ATM.

Site Address: Three Peaks Filling Station New Road Ingleton LA6 3DL

On behalf of: Co-op Estates

Date Registered: 15th January 2018

Expiry Date: 12th March 2018

Case Officer: Andrea Muscroft

This application has been referred to Planning Committee as a previous application ref 2017/18144/FUL was considered and approved by Planning Committee August 2017.

1. Site Description

- 1.1 The application site relates to the former petrol filling station, car wash/ aire facility and convenience goods store that was located on the southern side of the A65. Located within the application site is a detached bungalow currently empty.
- 1.2 The rear boundaries of the site lie adjacent to the residential caravans within the Three Peaks Caravan Park. Properties to the west (High View) are separated from the site by an intervening stone boundary wall and a private vehicle access. Beyond the residential properties located on High View is an established industrial estate.
- 1.3 Located to the east of the site is the Pit Yard a business premises selling used tractors with an associated residential dwelling beyond. To the north of the A65 are residential dwellings.
- 1.4 Access to the site is directly off the A65.
- 1.5 The application site is within the development limits of Ingleton and also lies Flood Zone 2 & 3 as defined by the Environment Agency.

2. Proposal

2.1 The application is seeking variations to the following conditions:

2.2 Wording of condition 2

2.3 The approved plan comprises drawing No's

- 5945(P)100 Rev A – Site Location Plan received by Craven District Council on the 19th May 2017.
- 5945(P)101 – Proposed Block Plan received by Craven District Council on the 19th May 2017.
- 5945(P)503 – Propose Site Plan received by Craven District Council on the 19th May 2017.
- 5945(P)103 – Proposed Building Plans received by Craven District Council on the 19th May 2017.
- 5945(P)203 – Proposed Elevations received by Craven District Council on the 19th May 2017.
- 5945(P)204 – Proposed Elevations received by Craven District Council on the 19th May 2017.

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

2.4 Wording of condition 3

2.5 Unless alternative details have first been submitted to and approved in writing by the Local Planning Authority, the development shall be constructed in accordance with the materials detailed on the approved plans

- 5945(P)103
- 5945(P)203
- 5945(P) 204

2.6 Wording of condition 4

2.7 Unless alternative details have first been submitted to and approved in writing by the Local Planning Authority, boundary treatments to the site shall be erected in accordance with the details (including their siting, height, materials, finish and design) shown on drawing nos. 5945(P) 503 before the development hereby approved is first brought into use, and shall be retained as such thereafter.

2.8 Wording of condition 5

2.9 Unless alternative details have first been submitted to and approved in writing by the Local Planning Authority, the hard landscaping scheme for the site shown on drawing no. 5945(P) 503 shall be carried out in accordance with the details shown on the approved plan before the development hereby approved is first brought into use, and shall be retained as such thereafter.

2.10 The site has already been granted planning approval under planning reference 2017/18144/FUL for the redevelopment of existing petrol filling station to create a new petrol filling station kiosk.

2.11 The variations to condition 2, 3, 4 & 5 are requested to allow variation to the external appearance of the building to facilitate the introduction of a ATM and changes to the internal layout.

3. Planning History

3.1 5/45/118 – Construction of new forecourt canopy and carrying out of associated forecourt works for improved petrol sales room – Approved December 1976.

3.2 5/45/118/A – New forecourt canopy and associated forecourt works – Approved July 1977.

3.3 5/45/118/B – Change of use of service station to include sales of motor cycles, cars etc – Approved 1978.

3.4 5/45/118/C – Construction of new car and motorcycle showroom – Approved February 1979.

3.5 5/45/118/D – Extension to existing shop for sale of good associated with motorcycles and cars – Approved May 1979.

3.6 5/45/118/E – Construction of portable kiosk – Approved March 1980.

3.7 5/45/118/F – Demolition of existing garage and shop, extension of existing bungalow, erection of new cafeteria and shop, and alterations to vehicular access – Approved February 1981.

3.8 5/45/118/G – Change of use of existing café to form supermarket – Approved October 1984.

3.9 5/45/118/H – Alterations to existing filling station mini market entrance, with extension to existing pump area canopy over 2no. new pump stations – Approved March 1992.

3.10 5/45/118/J – change of use of detached shop unit to fast food outlet and erection of glazed extension to front of main building – Approved March 1994.

3.11 45/2015/15633 - The installation of a new covered area to the rear of the store – Approved May 2015.

- 3.12 2017/18144/FUL - Redevelopment of existing petrol filling station to create a new petrol filling station kiosk – Approved August 2017
4. Planning Policy Background
- 4.1 Saved Policies R1, R2 & T2 of the Craven District (outside the Yorkshire Dales National Park) Local Plan.
- 4.2 The National Planning Policy Framework – NPPF.
- 4.3 Planning Practice Guidance - PPG
5. Parish/Town Council Comments
- 5.1 Ingleton Parish Council: No comments received within the statutory consultation period.
6. Consultations
- 6.1 None necessary.
7. Representations
- 7.1 A Site Notice was posted adjacent to the site on the 26th January 2018. In addition, notification letters were distributed to neighbouring properties. As a consequence, of the publicity no third party representation were received within the statutory consultation period.
8. Summary of Principal Planning Issues
- 8.1 The application seeks permission to vary conditions, previously approved as part of planning application 2017/18144/FUL.
9. Analysis
- 9.1 The principle of the proposal, including the scale and appearance of the development, parking and highway safety were considered and approved as part of the original planning approval. Notwithstanding this, the impact of the proposed development on visual amenity, residential amenity is assessed below within the report.
- 9.2 Granting a Section 73 application has the effect of providing the applicant/developer with a new planning permission. It is therefore necessary to ensure that any controls or restrictions imposed via condition on the previous planning approval, if they remain relevant, are copied across onto any new consent granted.
- 9.3 At present there is an application to approve details ref: 2018/18889/CND under consideration. However, as this application has not been determined the current proposal seeks variation to a number of conditions detailed in paragraph 2 of this report imposed by planning approval 2017/18144/FUL.
- 9.4 The proposal seeks to vary condition 2 of approval 2017/18144/FUL in order to substitute proposed amended plans and subsequent conditions 3, 4 & 5 which quoted approved plans. Consequently, the key consideration for consideration in respect of this application is the effect of the proposed revisions which principally comprise of new door openings to elevation D, a different position of for the retail entrance to elevation A, and the inclusion of a ATM machine to elevation B with protective bollards. No alterations are proposed to the footprint of the building or the overall height of the building, on-site parking and vehicle/pedestrian access or the proposed barriers.
- 9.5 The site is located adjacent to the A65 with a commercial business to the east and residential dwellings to the south and west with further residential dwellings to the north beyond the A65. With regards to the proposed alterations it is considered that these changes are marginal and would not represent a significant departure from the approved proposal. Similarly, the proposed alterations would not result in any amenity issues by way of loss of outlook or overshadowing to any neighbouring properties. To ensure, that neighbouring properties do not experience any noise nuisance as a consequence of the installation of the ATM the agent has confirmed that the ATM would be turned off when the premises close.

9.6 In this instance, the proposed variations to the previously approved scheme are considered to be marginal and would not represent a significant departure from the approved scheme or give rise to visual harm, amenity issues or highway safety issues. On this basis it is considered that the proposed variation of these conditions is acceptable.

9.7 **Conclusions**

9.8 Paragraph 14 of the NPPF advises that LPA's should be 'approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out of date, granting permission unless:

- a) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
- b) specific policies in this Framework indicate development should be restricted.'

9.9 The principle of development on this site is established through the grant of the previous planning approval. The proposed variations are acceptable in planning terms and meet the relevant tests.

10 Recommendation

10.1 That variation of conditions 2, 3, 4 & 5 of planning approval 2018/18915/VAR is approved.

Conditions

1. Condition deleted: (Condition 1 – 2017/18144//FUL) was a time limit condition, but as the development has been commenced it is no longer applicable).

2. Amended plans condition:

- 5945(P)100 Rev A – Site Location Plan received by Craven District Council on the 15th January 2018.
- 5945(P)101 – Proposed Block Plan received by Craven District Council on the 15th January 2018.
- 5945(P)503 Rev C – Propose Site Plan received by Craven District Council on the 15th January 2018.
- 5945(P)103 Rev A – Proposed Building Plans received by Craven District Council on the 15th January 2018.
- 5945(P)203 Rev A – Proposed Elevations received by Craven District Council on the 15th January 2018.
- 5945(P)204 – Proposed Elevations received by Craven District Council on the 19th May 2017.

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.

During building works

3. Unless alternative details have first been submitted to and approved in writing by the Local Planning Authority, the development shall be constructed in accordance with the materials detailed on the approved plans

- 5945(P)103 Rev A
- 5945(P)203 Rev A
- 5945(P) 204

Reason: To ensure use of appropriate materials which are sympathetic to the character of surrounding buildings and the street scene in the interests of visual amenity in accordance with the aims and objectives of the National Planning Policy Framework.

4. Unless alternative details have first been submitted to and approved in writing by the Local Planning Authority, boundary treatments to the site shall be erected in accordance with the details (including their siting, height, materials, finish and design) shown on drawing nos. 5945(P) 503 Rev C before the development hereby approved is first brought into use, and shall be retained as such thereafter.

Reason: In the interests of the security of future occupiers, to ensure adequate levels of privacy between neighbouring dwellings and to achieve an acceptable relationship with the street scene in accordance with the aims and objectives of the National Planning Policy Framework.

5. Unless alternative details have first been submitted to and approved in writing by the Local Planning Authority, the hard landscaping scheme for the site shown on drawing no. 5945(P) 503 Rev C shall be carried out in accordance with the details shown on the approved plan before the development hereby approved is first brought into use, and shall be retained as such thereafter.

Reason: In the interests of the security of future occupiers, to ensure adequate levels of privacy between neighbouring dwellings and to achieve an acceptable relationship with the street scene in accordance with the aims and objectives of the National Planning Policy Framework

6. Unless alternative details have first been submitted to and approved in writing by the Local Planning Authority, the development hereby approved shall be carried out in full accordance with the strategy outlined in the Flood Risk Assessment by EWE Associates Ltd dated May 2017. The measures contained within the Flood Risk Assessment which are designed to ensure that any risk of flooding is reduced to an acceptable level and shall be implemented before the first use of the building hereby approved, and shall be retained as such thereafter.

Reason: To ensure that the development does not increase flood risk elsewhere, and that adequate measures are put in place for the disposal of surface water in accordance with the requirements the National Planning Policy Framework.

Before building brought into use.

7. Prior to the first use of the plant machinery a scheme shall be submitted to and approved in writing by the Local Planning Authority to demonstrate that noise from this equipment (both individually and cumulatively) will not lead to Statutory Noise nuisance at the closes sensitive premises.

The plant equipment shall thereafter be installed in accordance with the details in the duly approved scheme.

Reason: To ensure that the development does not give rise to unacceptable noise and disturbance to the occupiers of surrounding residential properties, particularly during unsocial hours, in accordance with the requirements the National Planning Policy Framework.

8. Amended Condition: The external lighting shall be installed on site in accordance with the details submitted to the Local Planning Authority as part of the Discharge of Conditions Application 2018/18889/CND and shall be retained as such thereafter.

Reason: To ensure that any external lighting to be installed at the site does not cause a nuisance to surrounding occupiers or detract from visual amenity in the surrounding area and in accordance with the requirements the National Planning Policy Framework.

9. Amended Condition: The vehicle barriers shall be installed on site in accordance with Drawing 5945(P)523 and details contained within Bailey Streetscene specification sheets submitted to the Local Planning Authority as part of the Discharge of Conditions Application ref 2018/18889/CND and shall be retained as such thereafter.

Reason: In the interest of highway safety and in accordance with Saved Policy T2 of the Craven District (Outside the Yorkshire Dales National Park) Local Plan.

Ongoing conditions.

10. Prior to the development being brought into use the site access shall have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements:

- The crossing of the highway verge and/or footway shall be constructed in accordance with the approved details and/or Standard Detail number E6.
- Any gates or barriers shall be erected a minimum distance of 6 metres back from the carriageway of the existing highway and shall not be able to swing over the existing or proposed highway.
- 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.
- The final surfacing of any private access within 6 metres of the public highway shall not contain any loose material that is capable of being drawn on to the existing or proposed public highway.
- Provision of tactile paving in accordance with the current Government guidance. All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience and to accord with the aims and objectives of the NPPF.

11. The retail unit hereby approved shall only be open for trade or business between 06.00 and 23.00 Monday to Sunday (inclusive), and deliveries of goods to the site shall only take place between 05.00 and 20.00.

Reason: In order to safeguard the amenity of surrounding occupiers and to limit the potential for noise and disturbance in accordance with the aims and objectives of the National Planning Policy Framework.

12. Should any contamination be encountered during development, the Local Planning authority shall be notified in writing immediately. A Remediation Strategy shall be submitted to, and approved in writing by, the Local Planning Authority. The approved remediation measures shall be implemented in accordance with the timescales in the approved Remediation Strategy.

Following completion of any measures identified in the approved Remediation Strategy, a Validation Report shall be submitted within agreed timescales to, and approved in writing by, the Local Planning Authority. The site shall not be brought into use until such time as all the validation data has been approved in writing by the Local Planning Authority at the agreed timescales. The Remediation Strategy and Validation Report shall be prepared in accordance with current best practice.

Reason: To enable the Local Planning Authority to ensure that unexpected contamination at the site will not present significant environmental risks and that the site will be made 'suitable for use' and to accord with the aims and objectives of the National Planning Policy Framework.

13. The car parking spaces, turning areas and access shown on 5945(P)503 Rev C 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 and to accord with the aims and objectives of the National Planning Policy Framework.

Informative

No site preparation, delivery of materials or construction works, other than quiet internal building operations such as plastering and electrical installation, shall take place other than between 08:00 hours and 18:00 hours Monday-Friday and between 08:00 hours and 13:00 hours on Saturdays. No Sunday or Bank Holiday working.

In respect of condition 7 you are advised to consider BS 8233:2014 Guidance on sound insulation and noise reduction for buildings.

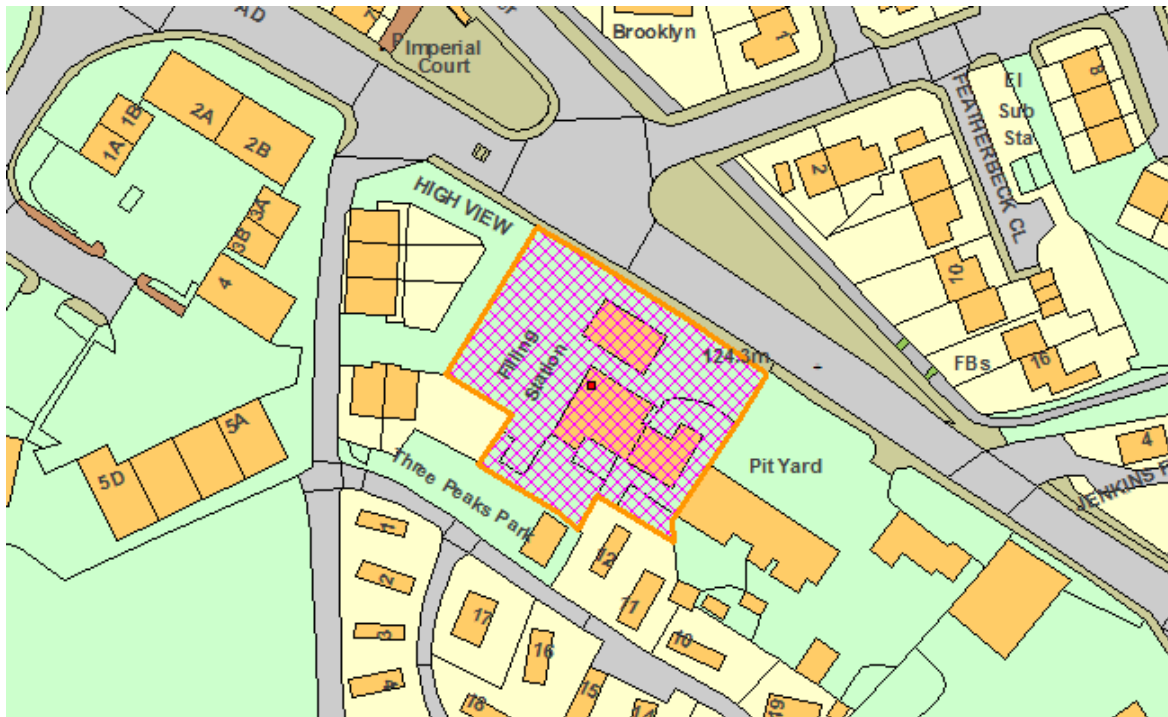
You are advised that a separate licence will be required from the Highway Authority in order to allow any works in the adopted highway to be carried out. The 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by North Yorkshire County Council, the Highway Authority,

is available at the County Council's offices. The local office of the Highway Authority will also be pleased to provide the detailed constructional specification referred to in this condition.

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



Application Number: 2018/18915/VAR

Proposal: Application to vary conditions 2, 3, 4 and 5 of planning permission 2017/18144/FUL to allow for installation of ATM.

Site Address: Three Peaks Filling Station New Road Ingleton Carnforth LA6 3DL

On behalf of: Co-op Estates

REPORT TO PLANNING COMMITTEE ON 12th March 2018

Application Number:	2017/18743/FUL
Proposal:	Residential development of 10 dwellings including creation of village green
Site Address:	Land Off Gargrave Road Broughton Village
On behalf of:	Broughton Custodian Fund
Date Registered:	21st November 2017
Expiry Date:	20th February 2018
Case Officer:	Mr Matthew Taylor

The application has been referred to the Planning Committee at the request of Councillor Robert Mason following its publication on the 7 day notice. Councillor Mason has given the following reason for the call-in request: “there is support within the community and given the increase in employment opportunities within the parish and no new housing development for some time, consideration should be given to approving some new housing, although in open countryside the proposed scheme is well related to existing development.”

1. Site Description

- 1.1 The application relates to an irregularly shaped parcel of open grassland extending to approximately 0.9 hectares in area to the south of a hamlet of dwellings fronting onto Gargrave Road, Broughton. The site is relatively flat and forms an area of open pastureland enclosed by timber post and rail fencing to its northern, eastern and southern boundaries. The site borders a cul-de-sac (North Street) extending to the rear of a row of properties to the north; a triangular woodland (‘Tom Hill Wood’) to the east; and the channel of a tributary to Broughton Beck along its southern edge. The site falls to the eastern end of a wider (*circa* 1.8 hectare) parcel of open pastureland which extends up to Old Lane further to the west. The site is not segregated from the wider land parcel and forms part of the same field.
- 1.2 Surrounding buildings include two clusters of two storey properties fronting onto the southern (11) and northern (5) flanks of Gargrave Road to the north of the site. With the exception of the corner property at the junction with North Street which appears to be used as an office (no. 19 Gargrave Road), the remaining buildings are occupied as dwellings. The two clusters of buildings are organised in tightly-grouped rows forming a ribbon of development straddling the roadside. A short row of allotments opposite the northern group of dwellings border the northwest corner of the site and appear to be used by the adjacent dwellings. Single storey outbuildings have been erected on two of these allotments. The route of Old Lane which meanders up to Skinner Ground Farm to the west/southwest of the site is also a designated Public Right of Way (footpath 05.8/5/1).
- 1.3 Ground level rises gently away from the site across adjacent land toward hilltops at Deer Haw Plantation and Skinnerground Wood to the south and west respectively. A general south-easterly fall is evident along Gargrave Road travelling away from the site towards its junction with the A59. While the site itself does not contain any trees, there are four nearby clusters of woodland to the north (Hall Close Wood), southeast (Tom Hill Wood), south/southwest (Deer Haw Plantation) and west (Skinnerground Wood) in the immediate surrounding landscape.
- 1.4 The site is outside the Development Limits identified on the Craven District (Outside the Yorkshire Dales National Park) Local Plan Proposals Map and, accordingly, falls within an area of open countryside. Moreover, the surrounding hamlet of dwellings (referred to by the applicant as ‘Broughton Village’) do not form an identified settlement in the CDLP.

2. **Proposal**

- 2.1 The application seeks full planning permission for a residential development of 10 dwellings, including the construction of a circular access road off North Street and the provision of a rectangular shaped area of open space referred to by the applicant as a 'village green'.
- 2.2 The 10 dwellings would be laid out in a generally linear pattern along the southern edge of the site as four semi-detached pairs and two detached houses. Eight of the dwellings would follow an east-west trajectory with rear gardens backing onto a road flanking the southern boundary. The remaining dwellings (a pair of semis to the western end) would be orientated at right angles to the remainder of the group. While three of the dwellings would benefit from in-curtilage parking spaces, parking for the remainder of the properties would be provided in courtyards to the rear of the cluster accessed off the flanking road. All dwellings would be two storeys in height and would be finished in a mix of stone and render below slate roofs. Three different house types (A, B and C) are proposed to deliver a mix of 3 x 2 bed (type B) and 7 x 3 bed houses (types A and C) with a total gross internal floor area of 987 sqm.
- 2.3 Access to the site would be gained via the existing junction of North Street with Gargrave Road. A circular access road would branch off the current cul-de-sac to form two 'islands' encircling the village green proposed to the northern end of the site and, separately, the group of 10 dwellings to the southern end. Indicative areas of planting are shown to the edges of the village green and alongside a narrow verge to the southern boundary of the site. Scattered planting is also shown within the adjoining field to the west of the site, though this area falls outside the red line application boundary.

3. **Planning History**

- 3.1 No records of previous applications on this site.

4. **Planning Policy**

- 4.1 Paragraph 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that development proposals are determined in accordance with the development plan unless material considerations indicate otherwise. The statutory development plan for Craven comprises the saved policies of the Craven District (Outside the Yorkshire Dales National Park) Local Plan 1999 (the 'CDLP').
- 4.2 Craven District Council is in the process of preparing a new Local Plan to cover the period up to 2032. The Emerging Local Plan (ELP) is at the publication draft stage and has not been subject to independent examination (or submitted for examination). Accordingly, the ELP is not the adopted development plan for the district. Given that the ELP is at a relatively early stage in its preparation, and having regard to paragraph 216 of the NPPF, its policies can carry only limited weight in the decision making process.
- 4.3 **National Policy:**
National Planning Policy Framework (NPPF)
Planning Practice Guidance (PPG)
- 4.4 **Craven District (Outside the Yorkshire Dales National Park) Local Plan:**
ENV1 – Development in the Open Countryside
ENV2 – Requirements for Development in Open Countryside
SRC2 – Provision of Recreation Space in New Housing Developments
T2 – Road Hierarchy
- 4.5 **Publication Draft Local Plan:**
SP1 – Meeting Housing Need
SP4 – Spatial Strategy and Housing Growth
H2 – Affordable Housing

5. **Parish/Town Council Comments**

5.1 *Broughton Parish Council* – No comments received within statutory consultation period (notification sent 27.11.17).

6. **Consultations**

6.1 *CDC Contaminated Land Officer* – Comments as follows:

- The proposed development is within 80m of a former landfill site known as Micklethorn and Broughton Bridge site. This site was landfilled in the early 1980's and is close enough to impact on the proposed development.
- Therefore, a condition should be attached to any permission granted requiring an investigation of land contamination to be undertaken prior to any development commencing.

6.2 *CDC Environmental Health Officer* – No objections. Comments as follows:

- Conditions should be attached to any permission: (i) limiting operating hours for construction to between 8am and 6pm Monday to Friday, and between 8am and 1pm on Saturdays only; and (ii) requiring a dust management plan.
- The applicant needs to have regard to the BS8233:2014 Guidance on 'Sound Insulation and Noise Reduction for Buildings' which presents guideline noise levels for both inside and outside dwellings.
- The applicant should ensure that any topsoil brought on site is free from metals, plastic, wood, glass, tarmac, paper and odours associated with contaminated soils as specified in BS 3882: 2015 - Specification for Topsoil.

6.3 *Lead Local Flood Authority (LLFA)* – No objections. Updated comments 07.02.18 as follows:

- It has been proposed to discharge to a watercourse at a discharge rate of 5l/s for the site, due to the low likelihood of infiltration being feasible. The development must provide storage to accommodate the 1 in 100 year, plus climate change storm event and the design of the system must include an additional allowance for Urban Creep of 10%.
- Micro Drainage calculations are requested to confirm the required Surface water attenuation volume. The proposed SuDS attenuation features should be able to provide the 1 in 100 year design flood event plus an allowance for climate change and for urban creep. This should be incorporated into the detail drainage design.
- Exceedance flow routes must be required at detailed design to ensure that no properties flood on and off site for up to and including the 1 in 100 year, plus climate change rainfall event.
- The applicant has proposed the use of permeable paving, however has not stated which method of drainage will be used. Permeable paving can still be used for sites with very poor, unviable infiltration rates below the threshold provided that the sub-base material of the permeable paving is lined with an impermeable geo-textile layer and a formal outlet pipe is provided in the design.
- It must be demonstrated to the satisfaction of the LPA that maintenance will be ensured for the lifetime of the development.
- Temporary flood risk measures during the construction phase should be submitted to the Local Planning Authority to mitigate the impact of flooding during the construction of the site.
- The applicant has addressed concerns from previous correspondence with the LLFA and therefore it is recommended that conditions should be attached to any permission granted requiring: (1) a detailed drainage design; (2) storage requirements for surface water run off; (3) a maintenance scheme for the drainage system; (4) a plan showing exceedance flow routes.

6.4 *North Yorkshire Police* – No objections. Comments as follows:

- A condition should be attached to any permission granted requiring a scheme to be provided detailing what crime prevention measures are to be incorporated into the development. The scheme should address issues identified in the letter from North Yorkshire Police dated 1.12.17 in relation to (1) areas of ambiguous space to the eastern and western fringes of the site; (2)

demarcation of defensible spaces; (3) boundary protection; (4) car parking provision (including clarification of parking arrangements for one particular plot); (5) cycle storage; and (6) lighting

6.5 *NYCC Highways* – Preliminary comments 13.02.18 as follows:

- The design standard for the site is Manual for Streets and the required visibility splay is 60m x 2m based on estimated speeds.
- While the 60m x 2m visibility splay is available to the east, visibility to the west of the junction is currently obstructed by the wall to the northern edge of the allotments. It is understood that the allotment walls are owned by the applicant and can, therefore, be lowered to a height of 1.05m to provide the required 60m x 2m visibility splay.
- The highway layout would need to be revised to meet adoptable standards to provide a 4.5m wide carriageway with 2m wide footway.
- Conditions are recommended with respect to: (i) detailed plans of road and footway layouts; (ii) access construction; (iii) visibility splays; (iv) vehicle parking and manoeuvring areas; (v) wheel washing; (vi) provision to prevent windows and doors opening over the highway; and (vii) a construction management plan.

Officer note: The agent has indicated that the allotments fall within the applicant's ownership and, accordingly, that it would be possible to lower the wall to provide the required 60m visibility splay to the west of the junction. Therefore, it is considered that the lowering of this wall could be required through the imposition of an appropriate planning condition.

6.6 *Yorkshire Water* – Objected to the application by letter dated 15.12.17. Comments as follows:

- Company records indicate a water main crosses the red line site boundary and this apparatus would be disrupted by the construction of the proposed dwellings. The presence of the main affects the layout of the development and is therefore considered to be material to the determination of the application.
- Yorkshire water object to the development layout as currently shown and advise that, prior to determination of this application, the site layout is amended to allow for adequate protection of the 300mm diameter public water main. It is recommended that no obstruction encroaches within 3 metres on either side of the main (i.e. a protected strip width of 6 metres).
- The exact line of the main will have to be determined on site under Yorkshire Water Services supervision. It may be possible for the main to be diverted under s.185 of the Water Industry Act 1991. These works would be carried out at the developer's expense. The cost of these works may be prohibitive.
- Subsequent e-mail exchanges between the agent and a representative from Yorkshire Water (the last of which is dated 24.01.18) identify the precise position of the water main and clarify that this crosses the site of the proposed buildings. Accordingly, and as an alternative to amending the layout, the agent has proposed a diversion to the water main to follow a new route around the site along Gargrave Road and Old Road. While Yorkshire Water indicate that the cost of diverting the water main in the manner proposed is likely to be prohibitive (though no cost estimate is provided) and that the works would need to be carried out by Yorkshire Water themselves (and not the applicant's contractors), they accept that it provides a potential solution which is capable of overcoming their objection.

7. **Representations**

7.1 The appropriate neighbouring properties were notified of the application by letter. In addition, as the proposal involves major development and represents a departure from the provisions of the Local Plan, notices were also posted on site and in the local press. Two letters of representation have been received, both of which express their support for the scheme. The points made in the letters are summarised as follows:

- Broughton 'village' at present, consists of a dozen, or so cottages, the old Agent's house and a couple of small businesses occupying converted redundant buildings. The current number of

dwelling is too small to give the place a critical mass and the nature of them, strung along Gargrave Road, means that there is no focal point to the community. The proposals address both these points, in terms of a virtual doubling in the size of the settlement and by realigning it away from the Gargrave Road to the new focus of the village green.

- The development will contribute to addressing the shortage of housing in the Craven District in a way that will vastly improve the amenity of Broughton as a place to live, whilst being relatively unobtrusive from any public viewing point.
- The proposed housing and village green development is a forward thinking idea. Housing built in the tradition of existing villages can only enhance the area and the village. The village green would be idyllic for both existing and future residents.

8. **Main Issues**

8.1 Paragraph 14 of the NPPF sets out the presumption in favour of sustainable development which should be seen as the “golden thread” to guide decision making. The NPPF makes clear that, for decision taking, this means:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
 - specific policies in the Framework indicate development should be restricted.

8.2 Having regard to the relevant national and local planning policies, the site’s designation within the CDLP and the nature of the development applied for, it is considered that the main issues in this case are:

1. The principle of residential development on the site, having particular regard to whether its location is sustainable in terms of access to everyday services and facilities by a range of modes of transport.
2. The development’s effects on the character and appearance of the area.
3. The development’s impact on the amenity of surrounding occupiers and whether it would provide satisfactory living conditions for future occupiers.
4. Other material considerations relating to the scheme’s effects on highway safety, whether the development would deliver appropriate planning gain contributions and its impact on utility infrastructure.

9. **Analysis**

Principle of development

Site designation and policy context:

9.1 The site falls outside the development limits defined on the CDLP Proposals Map and, accordingly, is within the open countryside. CDLP policy ENV1 indicates that the Council will protect the character and quality of the open countryside and prevent this from being spoilt by sporadic development. The policy states that “large scale development in the open countryside will only be permitted where it is demonstrated that there is an overriding need for the proposal due to the requirements of the utility services, transport, minerals supply or national security.”

9.2 Paragraph 215 of the NPPF states that decision takers may give weight to relevant policies in adopted development plan documents according to their degree of consistency with the Framework. As the CDLP was adopted in 1999, in instances where conflicts between the Local Plan and the NPPF arise, paragraph 215 of the NPPF makes clear that the policies in the Framework must take precedence.

- 9.3 The overarching objective of CDLP policy ENV1 is to protect the character and quality of the countryside by preventing sporadic, unrestricted development within it. This objective is broadly in accordance with the fifth core land-use planning principle in paragraph 17 of the Framework which requires that the intrinsic character and beauty of the countryside is recognised.
- 9.4 However, the NPPF also makes allowances for other types of development in rural areas which do not fall strictly within the categories identified in policy ENV1. In particular, paragraph 55 of the NPPF recognises that, depending on its location, housing is capable of contributing to the vitality of rural communities by supporting services within neighbouring settlements. With respect to housing in rural areas, the main aim of paragraph 55 is to avoid “new isolated homes in the countryside unless there are special circumstances”, with paragraph 29 of the Framework also recognising that “opportunities to maximise sustainable transport solutions will vary from urban to rural areas.”
- 9.5 The proposal does not fall comfortably into any of the categories of development permissible within the open countryside as set out in CDLP policy ENV1 and, accordingly, represents a departure from the adopted Local Plan. It does not, however, follow that this in itself provides sufficient grounds to resist the principle of residential development, particularly as there is conflict between CDLP policy ENV1 and paragraph 55 of the NPPF which is supportive of housing in rural areas providing that it would not lead to the introduction of new isolated homes in the countryside.

Sustainability of location:

- 9.6 Paragraph 55 of the NPPF states that “to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances.”
- 9.7 The eleventh bullet point to paragraph 17 of the NPPF identifies that one of the core planning principles of the Framework is to “actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling”. Paragraph 29 of the NPPF indicates that “the transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. However, the Government recognises that different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas”.
- 9.8 The site is not part of or adjacent to a defined village or settlement – the boundaries of which are identified by the development limits on the CDLP Proposals Map. Buildings fronting onto Gargrave Road to the north of the site form a tightly-packed hamlet of dwellings which lack any shops or services and form a sporadic roadside ribbon development which has arisen principally from the conversion of former farm buildings. Therefore, despite the applicant’s description of this hamlet as ‘Broughton Village’, it could not be reasonably concluded that this modest collection of converted farm buildings – which are isolated from any identified settlement and lack any shops or services – constitute a village.
- 9.9 The closest defined settlement of Gargrave is located approximately 2.9km to the north of the site, with the shortest route to it being along Gargrave Road/Chruch Street. This is a rural highway which lacks any footways or street lighting until the point where it reaches Gargrave Railway Station *circa* 2.6km from the site. There are no bus stops along the route.
- 9.10 The town of Skipton is located approximately 4km to the east of the site and is accessible by the A59 – a busy, classified road subject to a 60mph speed limit which, for the overwhelming majority of its length between Gargrave Road and Skipton, lacks any footways, street lighting or designated pedestrian crossings. There are bus stops on either side of the A59 in close proximity to the junction with Gargrave Road some 450m from the site. These bus stops are served by two services (the ‘Witch Way X43’ which runs between Skipton and Manchester and the ‘280’ which runs between Skipton and Preston) which run with half hourly to hourly frequency. However, with the exception of a short stretch of footway to the east side of the Gargrave Road/A59 junction, there are no footways connecting the site with these bus stops. Accordingly, pedestrians would be forced to walk in the carriageway of Gargrave Road to access these bus stops.

- 9.11 Although the applicant has referred to a walking route off the highway between the site and Gargrave Road through Tom Hill Wood, the path through the woodland terminates at a retaining drystone wall to the north of Tom Hill House over 100m from the junction and two stone slabs protruding from the wall stepping down from the path onto Gargrave Road are neither visible or accessible to all pedestrians. In addition, any pedestrians seeking to cross the A59 from the footways that are available around the junction with Gargrave Road would be forced to either: (i) enter dedicated turning lanes into Gargrave Road from the A59 to the north and east of the junction; or (ii) cross between short stretches of footway on the north and south sides of the A59 to the east of the junction over the central reservation of the A59 where this forms a 'ghost island' approach to two dedicated right hand turn lanes at either side.
- 9.12 For the same reasons, the abovementioned routes to Gargrave and Skipton would be equally unattractive to cyclists who are unlikely to travel along narrow, unlit routes alongside vehicles travelling at high speed as a principal means of transport.
- 9.13 The closest shops and services which future occupiers would need to access to meet their everyday needs are located in Gargrave and Skipton. While there is a pub (The Bull Inn) on the opposite side of the A59/Gargrave Road junction and Broughton Hall Business Park falls further to the south off Old Lane on the opposite side of Broughton Beck, it could not be reasonably concluded that these are capable of meeting the everyday needs for future occupiers for convenience goods and services (e.g. schools, health facilities etc.). Instead, future occupiers would be heavily reliant on shops and services in Gargrave and, more so, in Skipton to meet their everyday needs. Given the substantial distance between the site and these settlements, the lack of any safe and suitable walking routes connecting them and the constraints associated with pedestrian access between the site and bus stops on the A59, future occupiers would be heavily reliant on journeys by private car and the remote, rural location of the development provides little realistic choice in modes of travel.
- 9.14 The applicant has referred to an allowance for housing within Tier 5 locations identified under policy SP4 of the Publication Draft Craven Local Plan dated 19.12.17 (referred to hereafter as the 'Emerging Local Plan' or 'ELP'). As highlighted in paragraph 4.2 of this report, the ELP has not been submitted for examination, is not the adopted development plan for the district and remains at a relatively early stage of preparation. Accordingly, the policies within the ELP can carry only limited weight. This assertion is supported by two recent appeal decisions for the district – a Public Inquiry at Elsey Croft (appeal reference APP/C2708/W/16/3150511 concluding on 3rd August 2017) and a hearing at Holme Lane (appeal reference APP/C2708/W/17/3166843 concluding on 2nd August 2017). Paragraphs 9 and 38 of the respective Inspector's decisions conclude as follows with respect to the weight to be attached to policies contained within the June 2017 (pre-publication) version of the ELP:
- "Policy H2 of the emerging Craven Local Plan seeks affordable housing at a rate of 40% for schemes of 11 dwellings or more. However, **it is at a very early stage of preparation** with the consultation period for the pre-publication consultation draft concluding at the time of the inquiry. The consultation exercise identified a number of objections to Policy H2, and **so I am of the view that the policy can carry no more than very limited weight.**"
 - "There is no dispute between the parties that **only limited weight can be given to draft Policy ENV13 of the emerging Local Plan.**"
- 9.15 As set out above, and in accordance with paragraph 216 of the NPPF, the policies in the ELP can carry only limited weight. Table 2 to paragraph 4.41 of the ELP defines "tier 5" settlements as "small villages, hamlets and open countryside in the plan area not listed in Tiers 1 to 4b. The application site – and, more specifically Broughton – is not identified as a settlement in the hierarchy at Table 2 and, accordingly would constitute a "tier 5" location. In this case, the description of the adjacent ribbon of buildings fronting Gargrave Road as a "hamlet" would be most relevant, though the site itself is open countryside.
- 9.16 With respect to tier 5 settlements, the spatial strategy in criterion (f) of ELP policy SP4 states that "a low level of growth" will be directed to tier 5 settlements and open countryside "to support a sustainable, vibrant and healthy rural economy and communities". Furthermore, criterion (j) of ELP policy SP4 states that proposals for housing in tier 5 settlements will be supported where they are "necessary to maintain

a sustainable, vibrant and healthy rural economy and communities” in accordance with four five criteria (a – e) where proposals are:

- a) small in scale compared to the size of the settlement, unless justified by special economic, environmental and/or social circumstances ; or
- b) for an affordable housing rural exception site in accordance with policy H2; or
- c) required in order to secure significant improvements to the environment or conservation of designated heritage assets in accordance with the National Enabling Policy; or
- d) justified through the neighbourhood planning process, and
- e) the proposal accords with all other relevant policies in the local plan.

9.17 Paragraph 4.52 of the reasoned justification to policy SP4 identifies that “the plan does not allocate land for housing in the small Tier 5 settlements. The majority of suitable housing sites in these villages are likely to be below the plan’s threshold for allocation (less than 5 dwellings). Housing in these settlements is to be supported where it can be demonstrated that it is necessary to maintain a sustainable, vibrant and healthy rural economy and communities, but clearly these settlements’ only have access to few or no services and sustainable growth to them is very limited. For this reason proposals should be small in scale compared to the size of the settlement, unless there are environmental, social and economic reasons why not.”

9.18 The development does not include the provision of any affordable housing and there are no designated heritage assets in the vicinity. Therefore, criteria (b) and (c) of ELP policy SP4(j) are not met. As there is no adopted neighbourhood plan for the area criterion (d) is not applicable. In terms of criterion (a) which requires new developments to be “small in scale compared to the size of the settlement”, the existing hamlet to the north of the size comprises a total of 16 properties. Accordingly, the proposed development of 10 dwellings would represent an enlargement in the order of 63% to the existing hamlet which could not be considered to be small scale enlargement. There are no “special economic, environmental and/or social circumstances to justify an enlargement of the scale proposed and, accordingly, criterion (a) of the policy is not satisfied. Therefore, notwithstanding that the ELP can only carry limited weight due to its early stage of preparation and, as such, is not relied on in the Council’s reasons for refusal, the proposal fails to meet any of the circumstances where development could be permitted in/adjacent to tier 5 settlements and/or within the open countryside under ELP policy SP4. Accordingly, the applicant’s case in support of the application with reference to ELP policy SP4 is flawed.

9.19 The remote location of the proposed development in relation to the closest identified settlements of Gargrave and Skipton is not capable of catering for the needs of future occupiers with respect to access to services and facilities to meet their everyday requirements without undue reliance on travel by private motor vehicle. Accordingly, it would increase the number and frequency of less sustainable trips contrary to the objectives of paragraph 29 of the NPPF and the core planning principle outlined in the eleventh bullet point to paragraph 17 which requires developments to make the fullest possible use of public transport, walking and cycling. As a result, the site is not a sustainable location for housing.

Housing Land Supply:

9.20 Paragraph 47 of the NPPF requires local planning authorities to boost significantly the supply of housing by identifying “a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply.”

9.21 Paragraph 49 of the NPPF indicates that “housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing

should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.”

- 9.22 The Council’s latest ‘Five Year Housing Land Supply Methodology and Report’ (published 11 May 2017) indicates that it is able to demonstrate a supply equivalent to 5.49 years. This position has subsequently been updated through the submission of a Statement of Common Ground on 31 July 2017 in connection with an appeal for a residential development at Holme Lane (reference APP/C2708/W/17/3166843) to indicate a housing land supply equivalent to 5.28 years.
- 9.23 The abovementioned appeal provides the most up-to-date independent assessment of the Council’s housing land supply position. Paragraph 39 of the Inspector’s decision for that appeal concludes that:
- “As I find the evidence before me relating to housing land supply to be inconclusive **I have adopted a precautionary approach on the basis that five year supply has not been demonstrated**” (emphasis added).
- 9.24 Another appeal decision for land to the southeast of Colne Road, Glusburn (reference APP/C2708/W/17/3177857) issued on 22 November 2017 concludes, at paragraph 10, as follows with respect to the Council’s current housing land supply position:
- “The Council states that they can demonstrate a five year housing land supply, although they further state that this position has not yet been subject to examination in public. **Whilst I accept that the Council’s evidence has not been tested, the appellant has offered no substantive evidence to the contrary, and so I have been given no proper basis on which to do anything other than accept the Council’s position**” (emphasis added).
- 9.25 Unlike the Holme Lane appeal where the appellant successfully challenged the Council’s housing land supply position at an informal hearing, the appellant for the Colne Road appeal (dealt with through the written representation procedure) did not submit any evidence to refute the Council’s position and, accordingly, failed to convince the Inspector otherwise. As a result, it is considered that the Inspector’s conclusions in respect of the Holme Lane appeal provide the most robust assessment of the Council’s current housing land supply position. Moreover, paragraph 9 of the Inspector’s decision for the Colne Road appeal makes clear that this was dismissed on the grounds of the development’s “unacceptable visual harm [...] in the open countryside” and the outcome did not turn on the question of the presence or absence of a 5 year supply of housing.
- 9.26 Given the above, and as the Council’s position concerning the presence of a five year supply of housing land is marginal, it is considered that the most robust course of action is to adopt the precautionary approach taken by the Inspector in the Holme Lane appeal and assess this application on the basis that the Council is unable to demonstrate a five year supply of housing land. Nevertheless, the significant and demonstrable harm which would arise as a result of the development’s inaccessible and unsustainable location would not be outweighed by any benefits with respect to its contribution to Craven’s housing land supply.

Character and appearance:

- 9.27 The overarching objective of CDLP policy ENV1 is to protect the character and quality of the countryside by preventing sporadic, unrestricted development within it. This objective is broadly in accordance with the fifth core land-use planning principle in paragraph 17 of the Framework which requires that the intrinsic character and beauty of the countryside is recognised.
- 9.28 CDLP policy ENV2 sets out four criteria for developments in the open countryside. While the opening text indicates that policy ENV2 is most directly applicable to development deemed acceptable in principle under policy ENV1 (which is not the case with this development), it contains more detailed general design criteria for developments in the open countryside which are considered to be relevant. Specifically, criteria (1), (2) and (4) of the policy indicate that development within the open countryside will only be permitted where:

- It is compatible with the character of the surrounding area, does not have an unacceptable impact on the landscape and safeguards landscape features including stone walls and hedgerows, worthy of protection.
 - The design of buildings and structures and the materials proposed relate to the setting, taking account of the immediate impact and public views of the development.
 - Services and infrastructure can be provided without causing a serious harmful change to the rural character and appearance of the locality.
- 9.29 In addition, paragraph 58 of the NPPF sets out six principles that developments should follow in order to achieve good design and paragraph 64 of the Framework indicates that permission should be refused for development of a poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 9.30 The first bullet point to paragraph 109 of the NPPF also indicates that the planning system should contribute to and enhance the natural and local environment by “protecting and enhancing valued landscapes”.
- 9.31 The site currently comprises open pasture land which is classified as “semi-enclosed Lowland” and in the subcategory of “Rolling Drumlin Field Pasture” in the ‘Craven District Outside the Yorkshire Dales National Park and Forest of Bowland AONB Landscape Appraisal’ (October 2002). Paragraph 4.4.2 of the Landscape Appraisal identifies 8 key characteristics of this landscape type as follows:
- Distinctive landscape of a 'field' of rolling drumlins;
 - Low, markedly undulating, landscape of interlocking rounded hills, with consistent orientation giving the landscape a uniform grain;
 - Undulating drumlin topography limits views from within and provide views from drumlin tops;
 - Small to medium-scale irregular fields, enclosed by a mixture of dry-stone walls and hedgerows, which accentuate the relief of the hills, and enhance the landform;
 - Medium tree cover, with boundary and hedgerow trees, clumps and small pockets of woodland;
 - Boggy areas between drumlins;
 - Sparse road network with roads winding through area enclosed by trimmed hedgerows and walls;
 - Settlement scattered in small hamlets and villages, built in local stone.
- 9.32 The site comprises an area of open pastureland which forms a sub-parcel of a larger, rectangular-shaped field running between Old Lane and Gargrave Road to the south of a row of two storey buildings fronting onto Gargrave Road. The site is enclosed by low post and rail fencing and is bordered by the open channel of a watercourse and woodland to the south and southeast respectively.
- 9.33 Neighbouring buildings to the north of the site are arranged in two tightly packed groups forming a narrow, rectilinear ribbon of development to the roadside. These comprise a total of 16 properties finished in natural stone below slate roofs. Windows are predominantly in timber and are typically arranged in a regimented fashion exhibiting a strong degree of rhythm and symmetry. It is apparent that a number of the existing dwellings have been created through the historical conversion of agricultural barns. This results in a strong building frontage onto Gargrave Road with the built-up areas of the hamlet limited to roadside locations where they do not encroach onto adjoining open fields. In particular, the cul-de-sac of North Street marks the edge of the cluster to the southern flank and the allotments opposite those on the northern flank compensate for the absence of gardens to the rear of this group where they back onto open fields.
- 9.34 The proposed development seeks to introduce a group of 10 dwellings alongside the southern boundary of the site. The dwellings would be laid out in a staggered, L-shaped arrangement and would be separated from existing properties fronting onto Gargrave Road by a minimum distance of *circa* 46m via an intervening village green. The number and siting of the dwellings across a narrow parcel flanking

the southern boundary of the site would result in a substantial, elongated encroachment of built development into the open countryside to the southern fringe of the field where it borders open agricultural land beyond. The development's size, siting and separation from the ribbon of dwellings fronting onto Gargrave Road would result in a sporadic extension of urbanisation sprawling into open countryside away from the existing hamlet of roadside dwellings and would be incompatible with the pattern and layout of neighbouring development.

- 9.35 Although the site is relatively well screened from vantage points on the A59 and along the northbound approach from Gargrave Road by a combination of topographical changes and interning buffers of woodland, it is prominently in view across open land from the southbound approach along Gargrave Road/Church Street (north/northwest) and from the public right of way of Old Lane to the west. In these views, the land is seen as a separate and distinct parcel of open pastureland to the rear of a narrow and sparse ribbon of tightly arranged roadside dwellings on Gargrave Road. Accordingly, when viewed from vantage points to the north and west, the proposed development could not fail to appear as a sporadic and inorganic encroachment of built development which would cause substantial harm to the openness, character and quality of the countryside. Scattered areas of tree planting are proposed along the southern edge of the development and within the adjoining field to the west (though this is outside the red line boundary). A village green to the north of the site is also proposed – though this is, in essence, a retained 'island' of open space which forms part of the existing field rather than a functional recreational space. These areas of soft landscaping would not, however, mitigate the development's visual intrusion into open countryside away from the built-up roadside frontage of the hamlet.
- 9.36 While the materials and elevational treatments to the dwellings would, in the main, reflect the strong sense of symmetry, rhythm and regimentation which is characteristic of neighbouring dwellings in the roadside hamlet to the north, the development's harmful effects on the open countryside would be exacerbated by the extensive coverage and siting of hardstanding areas. In particular, the area and length of the proposed internal access roads would be excessive and the siting and lack of separation or soft landscaping to break up hardstanding parking courtyards to the rear of some dwellings would introduce large areas of uninterrupted hardstanding which would appear as suburban features that are unsympathetic to the site's rural character and setting.
- 9.37 The proposed development, by virtue of its size, scale, layout, siting and design, would fail to preserve the openness, intrinsic character and beauty of the countryside and would result in substantial harm to the character and appearance of the surrounding area in conflict with the requirements of CDLP policies ENV1 and ENV2, and paragraphs 17, 58, 64 and 109 of the NPPF.

Amenity:

- 9.38 There are no saved Local Plan policies setting out specific criteria for residential developments outside development limits with respect to their effects on the amenity of existing and future occupiers. Nevertheless, the fourth bullet point to paragraph 17 of the NPPF states that one of the core planning principles of the Framework is to "always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings".
- 9.39 The closest neighbouring dwellings to the north of the site would be located approximately 46m away and would be separated from the development by the buffer of an intervening village green. Given the level of spacing between these properties, the proposed dwellings would have no adverse effects on the privacy and amenity of existing occupiers through loss of outlook, overlooking or overshadowing.
- 9.40 The proposed dwellings would be laid out in an L-shaped arrangement with 8 plots fronting onto the village green to the north and two plots to the western end of the group – a pair of 'type A' semi-detached houses – orientated at right angles to face in a westerly direction. The northern of these two dwellings would be orientated with its rear elevation facing onto the western gable of a detached house ('type C'). An outrigger to the rear (northeast corner) of type A would be located between 5m and 8m from the western gable of type C and includes habitable room windows at ground (a kitchen) and first (a bedroom) floor levels. The western elevation of type C would follow a chamfered profile extending along the shared boundary with type A immediately adjacent to its garden area.

9.41 The layout of the abovementioned dwellings would result in a cramped arrangement and lack of spacing between the two plots which, by virtue of their close proximity, scale and the arrangement of habitable room windows, would result in an oppressive outlook and a substantial sense of enclosure from the rear facing windows and garden area of the right-angled, type A dwelling. Accordingly, the proposed development would result in substandard living conditions for future occupiers of this dwelling in conflict with the requirements of paragraph 17 of the NPPF.

Other matters:

Highways:

9.42 CDLP policy T2 indicates that development proposals will be permitted provided that they are appropriately related to and do not generate volumes of traffic in excess of the capacity of the highway network.

9.43 The second and third bullet points to paragraph 32 of the NPPF stipulate that planning decisions should take account of whether:

- Safe and suitable access to the site can be achieved for all people.
- Improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

9.44 Vehicle access is to be gained via the existing junction between North Street and Gargrave Road. The Local Highway Authority (LHA) have indicated that the dry stone wall to the west side of the junction needs to be lowered in height in order to provide adequate visibility in this direction when exiting onto Gargrave Road. The required alterations to the access are justified on the basis of an intensification of its use – currently North Street serves as the access to 11 properties and this would increase to 21 following the development.

9.45 The agent has confirmed that land surrounding the site, including the allotments, is also owned by the applicant. Reference has also been made to a separate application for industrial development at Skinner Ground Farm submitted by the same applicant which included the lowering of a section of the same wall to a height of 0.9m at its western end adjacent to the junction with Old Lane (application references 12/2016/16593 and 12/2017/17952). Accordingly, it would be possible to impose a planning condition requiring the lowering of the wall in order to increase visibility in a westerly direction at the junction before any of the dwellings are first occupied.

9.46 The LHA have also indicated that the internal estate road shown on the plans would not be adopted due to the absence of footways and/or an appropriate shared surface. It does not, however, follow that the highway needs to be constructed to a specification capable of adoption by the LHA in order to operate safely. The development is capable of providing a safe and suitable means of access to the site and the final design of the highway could be controlled through the imposition of appropriate planning conditions.

9.47 This stretch of Gargrave Road is a reasonably lightly trafficked route and there are a limited number of buildings taking access from it. Accordingly, it is not considered that the modest level of traffic likely to be generated by a development of 10 dwellings would have any severe residual cumulative impact on network capacity.

Developer contributions:

9.48 Paragraph 204 of the NPPF indicates that planning obligations should only be sought where they meet all of the following tests:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

9.49 Paragraph 031 of the 'Planning Obligations' chapter to the NPPG was inserted on 19 May 2016. The guidance in paragraph 031 follows an order of the Court of Appeal dated 13 May 2016 which gives legal effect to the policy set out within a Written Ministerial Statement dated 28 November 2014. This policy states that "there are specific circumstances where contributions for affordable housing and tariff style planning obligations (section 106 planning obligations) should not be sought from small scale and self-build development." These circumstances are stated as follows:

- Developments of 10 units or less, and which have a maximum combined gross floorspace of no more than 1000 square metres (gross internal area).
- Developments of 5 units or less in "rural areas" as defined in section 157(1) of the Housing Act 1985 (which includes National Parks and Areas of Outstanding Natural Beauty). Contributions from schemes of between 6 and 10 units in rural areas should only be in the form of cash payments which are commuted until after completion of the units.
- Development consisting only of the construction of a residential annex or extension to an existing home.

9.50 There is no adopted policy in the CDLP relating to the provision of affordable housing. However, policy H2 of the ELP (as updated following the Full Council meeting on 19.12.17) reflects the provisions of the PPG by requiring affordable housing contributions on sites of 11 dwellings or more (and with a combined gross floor area of more than 1000 sqm), with a lower threshold for sites in designated rural areas of 6 to 10 dwellings. Paragraph 6.12 of the reasoned justification to ELP policy H2 indicates that:

- "The Spatial Strategy of the local plan at Policy SP4 makes an allowance for sites to be delivered in the smaller Tier 5 settlements across the plan area, most of which are designated rural areas. The conclusion of the Viability Assessment is that the provision of 30% affordable housing on small sites between the thresholds of 5 to 10 dwellings is viable. This means that developments of 6 to 10 dwellings can contribute in a small, but nevertheless important way to a key objective of the local plan to improve housing choice in terms of house type, size, tenure, price and location and to address the issue of a shortfall in affordable homes across Craven, as evidenced in the SHMA 2017."

9.51 CDLP policy SRC2 also requires new residential developments to make contributions towards the provision of recreational open space for schemes "in excess of 10 dwellings".

9.52 The application site would be classified as a "tier 5" settlement under ELP policy SP4. It does not, however, fall within a "designated rural area" for the purposes of the definition in the PPG or ELP policy H2 (these areas being listed in footnote 42 of the ELP). Despite the site's location adjacent to a tier 5 settlement (which would attract contributions towards affordable housing and public open space under the provisions of ELP policy SP4), as ELP policy SP4 does not currently form part of the adopted development plan, it is considered that the provisions of the PPG must take precedence at this time.

9.53 The proposal involves a development of 10 dwellings with a combined gross internal floor area of 987 sqm. Accordingly, the development does not exceed either of the thresholds identified in the PPG and, as a result, no contributions towards affordable housing or open space are applicable in this case.

Flooding and utility infrastructure:

9.54 The watercourse to the south of the site is not a 'main river' and the site falls wholly within Flood Zone 1 (land with a less than 1 in 1,000 or <0.1% annual probability of river/sea flooding) as defined on the Environment Agency's Flood Map. The site is also under 1 hectare in area. Accordingly, there is no requirement for the application to be accompanied by a flood risk assessment.

9.55 Paragraph 100 of the NPPF states that "inappropriate development in areas at risk of flooding [land within Flood Zones 2 and 3; or land within Flood Zone 1 which has critical drainage problems and which has been notified to the local planning authority by the Environment Agency] should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere".

- 9.56 The Lead Local Flood Authority (LLFA) and Yorkshire Water (YW) have been consulted on the application. The LLFA have recommended a series of conditions to be imposed as part of any permission granted concerning the management and rate of surface water discharge to be incorporated into a detailed drainage design. There are, however, no objections to the scheme on flood risk grounds.
- 9.57 YW have identified the presence of a water main crossing the site and have indicated that an easement of 6m (3m to either side of the centre line of the main) is required to allow access to it. Subsequent correspondence from YW clarifies the precise position of the main and it is apparent that a number of the proposed dwellings would infringe on the 6m easement. As a result, the applicant's agent has, in principle, agreed a diversion of the water main around the site through the carriageway of Gargrave Road and along the junction with Old Lane in order to avoid any conflict with the proposed dwellings. While YW have indicated that the cost of diverting the main in this manner is likely to be prohibitive, the applicant has nonetheless provided a solution which is capable of overcoming YW's objection. The diversion of the water main could form a condition of any planning permission and, accordingly, there is no reason to refuse planning permission on these grounds.
- 9.58 Therefore, adequate measures can be put in place in order to ensure that the development poses no unacceptable risk in terms of flooding in accordance with the requirements of the NPPF.

10. Conclusion

- 10.1 The application relates to an irregularly shaped parcel of open pastureland located within an area of open countryside outside the Development Limits identified on the Craven District (Outside the Yorkshire Dales National Park) Local Plan Proposals Map. The site is remote to nearby identified settlements and forms an area of rolling drumlin field pasture which is distinct from the ribbon of buildings that form a hamlet of roadside dwellings fronting onto Gargrave Road to the north.
- 10.2 Whilst the Council is unable to demonstrate a five year supply of housing land, paragraph 49 of the NPPF makes clear that "housing applications should be considered in the context of the presumption in favour of sustainable development". Accordingly, it does not follow that every application for housing should automatically be found to be acceptable simply by virtue of the absence of a 5 year supply of housing.
- 10.3 In this case, significant and demonstrable harm would arise by virtue of the development's inaccessible and unsustainable location, its adverse effects on the character and appearance of the area and its failure to provide satisfactory living conditions for future occupiers. This harm would outweigh any benefits the scheme would bring by boosting the supply of housing land in the District. Accordingly, the proposal does not constitute sustainable development for the purposes of the NPPF and is also in conflict with the requirements of CDLP policies ENV1 and EVN2.

11. Recommendation

- 11.1 That planning permission is **refused** for the following reasons:
1. The site occupies a remote location in relation to the closest identified settlements of Gargrave and Skipton, the respective Development Limits of which are approximately 2.9km and 4km from the site. Access between the site and these settlements by a choice of transport modes is limited by the distance between them, the lack of connectivity via safe and suitable walking routes and constraints associated with access to public transport provision. Accordingly, future occupiers of the development would be heavily reliant on travel by private motor vehicle in order to access shops and services to meet their everyday needs. This would give rise to an increase the number and frequency of less sustainable trips contrary to the objectives of paragraph 29 of the National Planning Policy Framework and the core planning principle outlined in the eleventh bullet point to paragraph 17 which requires developments to make the fullest possible use of public transport, walking and cycling. The significant and demonstrable harm arising as a result of the development's poor accessibility to services and its unsustainable location would outweigh any benefits the scheme would bring in terms of boosting the supply of housing land in the District. Therefore, the proposal does not constitute sustainable development.

2. The site comprises an irregularly shaped parcel of open pastureland located within an area of open countryside outside the Development Limits identified on the Craven District (Outside the Yorkshire Dales National Park) Local Plan Proposals Map. When viewed from vantage points to the north – particularly along the southbound approach of Gargrave Road/Church Street – and west (including the public right of way on Old Lane) the application land forms a prominent component of the wider rolling drumlin field pasture which characterises the surrounding landscape, and is distinct from the ribbon of buildings which form a hamlet of roadside properties following a rectilinear pattern fronting onto Gargrave Road. The proposed development, by virtue of its siting, size, scale and layout (including the extent and positioning of hardstanding areas), would result in an elongated incursion of built development into the open countryside on the southern fringe of the site that would be poorly related, unsympathetic and incompatible with the pattern of surrounding development. The development's siting and separation in relation to the ribbon of properties fronting onto Gargrave Road would result in a sporadic proliferation of urbanisation sprawling into open countryside away from the existing hamlet of roadside dwellings and would appear as an inorganic incursion of built development. The proposal would cause substantial harm to the openness, intrinsic character and beauty of the countryside in conflict with the requirements of Craven District (Outside the Yorkshire Dales National Park) Local Plan policies ENV1 and ENV2, and paragraphs 17, 58, 64 and 109 of the National Planning Policy Framework.
3. The constrained layout of the proposed dwellings to the western end of the development – specifically the relationship between the detached plot 'Type C' and the semi-detached house orientated at right angles to it ('Type A') – would result in a substandard spacing (ranging from 5 to 8 metres) between habitable room windows in the rear elevation of Type A and the western (side) elevation of Type C, the gable end of which would be positioned along the shared boundary immediately adjacent to the rear garden of Type A. The relationship between the abovementioned plots would give rise to cramped layout and a lack of spacing between the two dwellings which, by virtue of their close proximity, scale, siting and the arrangement of habitable room windows, would result in an oppressive outlook and a substantial sense of enclosure from the rear facing windows and garden area of the dwelling labelled 'Type A'. Accordingly, the proposed development would fail to provide a good standard of amenity for future occupiers of this dwelling in conflict with the requirements of paragraph 17 of the NPPF.

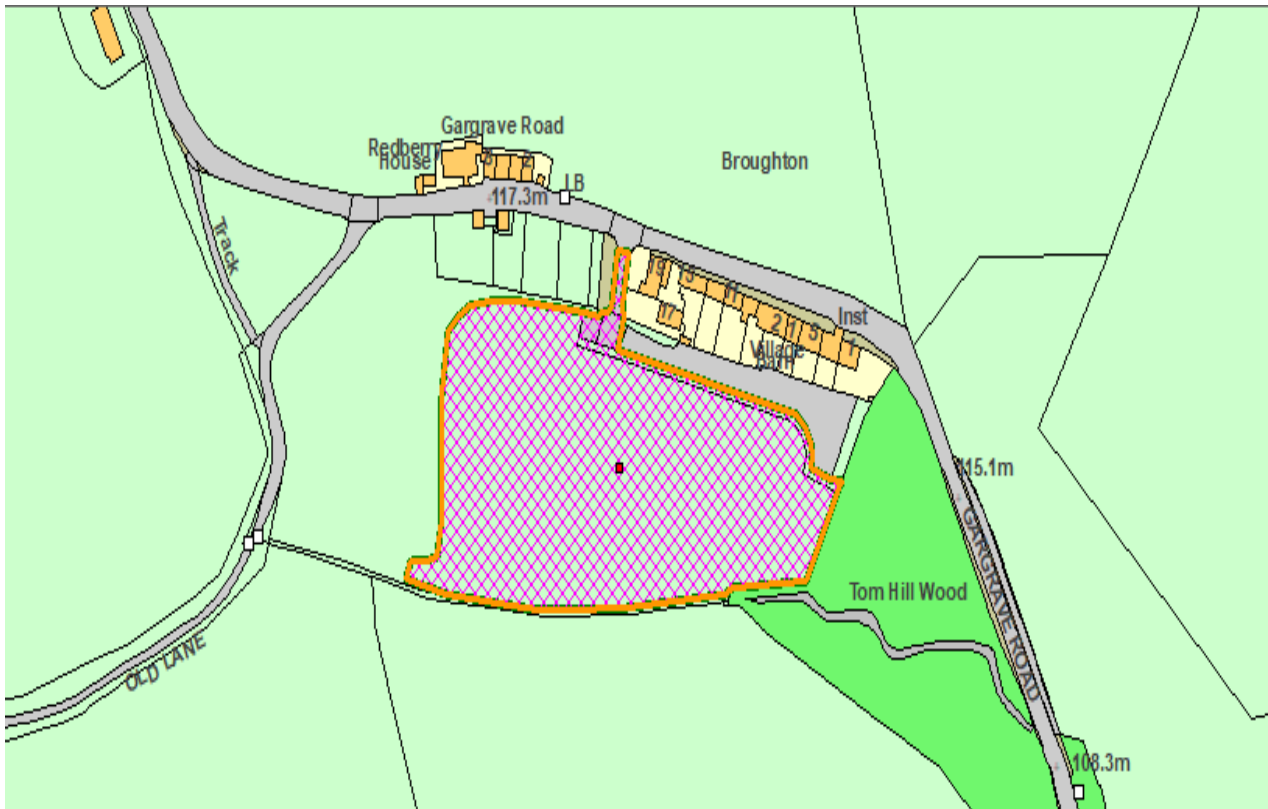
Statement of Positive Engagement

The proposal would not improve the economic, social and environmental conditions of the area and it does not comply with the development plan. Therefore, it does not comprise sustainable development. There were no amendments to the scheme or conditions which could reasonably have been imposed to make the development acceptable and, accordingly, it was not possible to approve the application. The Local Planning Authority has therefore implemented the requirement in Paragraphs 186-187 of the National Planning Policy Framework.

Informative:

For the avoidance of doubt, this decision relates to the following plans:

- Drawing no. 2403L/2 – Site layout and street scene elevation.
- Drawing no. 2403L/3 – Location plan.
- Drawing no. 2403L/04 – Existing site plan.
- Drawing titled 'Broughton Village Cottage A' – Scale 1:100 floor plans and elevations.
- Drawing titled 'Broughton Village Cottage B' – Scale 1:100 floor plans and elevations.
- Drawing titled 'Broughton Village Cottage C' – Scale 1:100 floor plans and elevations.



Application Number: 2017/18743/FUL

Proposal: Residential development of 10 dwellings including creation of village green

Site Address: Land Off Gargrave Road Broughton Village

On behalf of: Broughton Custodian Fund

REPORT TO PLANNING COMMITTEE ON 12th March 2018

Application Number: 2017/18811/FUL

Proposal: Surface water management scheme (flood meadows) for Phase 2 and 3 of residential development (re-submission of extant planning permission 62/2014/14929)

Site Address: Land To South Of Ingfield Lane Settle BD24 9BA

On behalf of: Skipton Properties Ltd

Date Registered: 12th December 2017

Expiry Date: 13th March 2018

Case Officer: Mr Neville Watson

This application is reported to the Planning Committee as a previous application was determined by the Planning Committee

1. Site Description

- 1.1 The application site comprises a 4.22 ha area of open grassland that runs in an arc from the south of Ingfield Lane, Settle and to the east of the Settle/Carlisle railway line.
- 1.2 The land is described in the Craven Landscape Appraisal as 'Valley Pasture Landscape' comprised of flat open floodplain although it is not identified as a flood zone in the Strategic Flood Risk Assessment.
- 1.3 There are three individual protected trees (Refs: 2278 – 2280 177 2009) and a group TPO (Ref: 2283 177 2009) located towards the north eastern end of the site. A public footpath is located adjacent to the north-east part of the site outside of the site boundary.
- 1.4 The site is located outside of development limits in an area of open countryside as defined in the Local Plan.

2. Proposal

- 2.1 The application seeks planning permission for the development of a surface water management scheme (flood meadows) to deal with the drainage of the applicant's proposed second phase of residential development on the adjoining land to the north and west.
- 2.2 The proposal is for a sustainable drainage system that would be achieved by the creation of a low lying flood meadow that would store and attenuate the surface water from the site and from the surrounding area. It is proposed that the site would provide a dual function of providing a drainage strategy whilst also acting as a landscaped buffer between the proposed development of the adjoining land and the wider open landscape to the south and east. The applicant's agent has stated that the proposals would also provide public open space and ecological habitats.
- 2.3 In essence the scheme comprises a series of swales and flood meadows excavated to a depth of between 750mm and 1.5m that would accommodate existing watercourses and run-off. The areas would be sown with meadow grassland for seasonally flooded areas and a wetland mix for the proposed swales that would be more regularly flooded.
- 2.4 It is proposed to make the proposed flood meadow publicly accessible via series of footpaths and to introduce new tree planting and landscaping. Although indicative plans have been provided no detailed landscape proposals have been submitted for consideration, the applicant's agent requesting that this be addressed by a planning condition should planning permission be granted.

3. Planning History

- 3.1 Part of the application site lies within an area identified as being potentially suitable for a mixed use of housing and employment with potential for strategic open space in the Craven Local Plan – Preferred Sites for Consultation – Consultation Draft 2014 (Site SG025).
- 3.2 The application site has no planning history although there is a recent residential development on a site that adjoins Ingfield Lane to the north. The relevant planning history of the adjoining development site is as follows:
- 3.3 62/2009/9632: Outline application for the erection of 37 dwellings including layout and access. Refused September 2009 by the Local Planning Authority. An appeal was lodged against the refusal of planning permission and the Inspectorate dismissed the appeal as the proposed layout would result in conditions detrimental to the living conditions of adjacent occupiers (the scheme was considered to be acceptable in all other respects).
- 3.4 62/2010/10975: Outline application for 37 dwellings including layout and access. This was a re-submission of 62/2009/9632 with revisions to the layout to address the amenity issues identified by the Planning Inspector. The application was approved in January 2011.
- 3.5 62/2013/13496: Request for a screening opinion for a residential development of 37 houses. Screening opinion that EIA was not required was issued in May 2013.
- 3.6 62/2013/13590: Residential development of 37 dwellings. Approved August 2013.
- 3.7 62/2013/14087: Discharge Of Conditions 3,4,5,7,9,10,12,15,18,19,22,23,24 And 25 Of Previous Planning Approval Ref: 62/2013/13590 For Residential Development Of 37 Dwellings. Approved April 2014.
- 3.8 62/2014/14926: Variation of condition 24 of previous approval 62/2013/13590 (to allow less than 40% affordable housing provision). Withdrawn.
- 3.9 62/2014/14929 Development of surface water drainage system. Approved December 2014
- 3.10 62/2014/15073. Application to vary the terms of the S. 106 Planning Obligation that applies to affordable housing provision for the residential scheme permitted under Planning Ref. 62/2013/13590. Approved January 2015.
- 3.11 62/2014/15081: Temporary surface water attenuation pond on land to the south of phase 1 residential development (as approved by permission 62/2013/13590). Approved December 2014.
- 3.12 62/2014/15089: Amendments to design of drainage system (as approved under Application Ref: 62/2013/13590 and Discharge of Condition Application Ref: 62/2013/14087). Approved December 2014.
- 3.13 62/2017/18048 Discharge of conditions of application 62/2014/14929 Approved September 2017.

4. Planning Policy Background

- 4.1 The National Planning Policy Framework.
- 4.2 National Planning Policy Guidance.
- 4.3 Saved Local Plan Policies:
 - ENV1: Development in the Open Countryside.
 - ENV2: Requirements for Development in Open Countryside.
 - ENV10: Protection of Trees and Woodlands.
 - SRC12: Protection of Public Rights of Way.

5. Parish/Town Council Comments

- 5.1 Settle Town Council object to the application

The Town Council has serious concerns for this application given that the first phase flood system is inadequate and houses have been flooded and gardens are waterlogged even when it hasn't rained for days. A local resident attended the meeting who is also a developer in that specific area of Ingfield Lane and he says the flow of the beck has been broken.

Our previous objections to 14929 remain.

The previous comments were:-

The Town Council strongly object to the application. The application did not provide enough information about the issue of where the water goes after the main culvert near the bridge- where will the run-off go to. Will it back up given that the size of the pipes leading into and out of the huge culvert are considerably smaller. Given the information provided the Council considers the scheme is not deliverable. External issues beyond this application have not been considered.

6. Consultations

6.1 **Environment Agency** No comments on this proposal.

6.2 **Highway Authority** No local highway authority objections.

6.3 **Network Rail** Advise that the developer should discuss directly with Network Rail to ensure that the proposal will not impact on the adjacent railway.

6.4 **NYCC Public Rights of Way** Advise that an informative be added to ensure that the adjacent right of way is not obstructed.

6.5.1 **Natural England** No comments on this application.

6.6 **CDC Environmental Health** Advise that there are no known contaminated land implications.

7. Representations

7.1 Nine letters of objection have been received.

7.2 The full representations are available for inspection on the Council website but may be summarised as follows:-

- Affect local ecology
- General dislike of the proposal
- Increased danger of flooding
- Increase in pollution.
- increase in traffic
- Strain on existing community facilities.
- Out of keeping with the character of the area.
- Conflict with the local plan.

8. Summary of Principal Planning Issues

8.1 Principle of development.

8.2 Visual impact.

8.3 Ecological issues:

9. Analysis

Principle of development:

9.1 The proposed development comprises a form of engineering works that are not specifically referred to in saved Local Plan policies but could be loosely termed as development that would be essential to the

needs of the rural community under Policy ENV1 given that the intention is to address drainage problems albeit that these are associated with a development that has yet to be considered

- 9.2 Under Saved Policy ENV2 development in the open countryside is only acceptable where it would not have an adverse impact on the character of the surrounding area and safeguards landscape features that are worthy of retention. Additional criteria under Policy ENV2 require the use of appropriate materials in order to minimise the visual impact of the development and identify a need to ensure the highway network can accommodate traffic that may be generated by the development.
- 9.3 The above policies are now of very limited weight and policies within the NPPF will take precedence when planning applications are being determined. The NPPF states that local authorities and developers should seek opportunities to reduce the overall level of flood risk in the area and beyond and also that this can be achieved in some instances through the layout and form of development, including green infrastructure and the appropriate application of sustainable drainage systems, through safeguarding land for flood risk management and, where appropriate, through designing off-site works to protect and support development.
- 9.4 It is considered that the proposal constitutes a form of sustainable drainage system that would be compliant with the NPPF.
- 9.5 In coming to the above view it is noted that the surface water management scheme is related very closely to a proposed phase 2 development of the land that immediately adjoins the site. The scheme has already been approved and the conditions discharged. However the scheme was not implemented within the timescales set out in that permission.
- 9.6 It is considered that the proposed scheme, would be compliant with the relevant NPPF policy requirements and is therefore acceptable in principle.

Visual impact:

- 9.7 Detailed landscaping proposals, together with planting details and a landscape management plan have previously been approved and there are no change in circumstances.
- 9.8 Overall, it is not considered that the introduction of the proposed swales, flood meadows and landscaping would give rise to any adverse visual impact to an extent that would justify planning permission being withheld
- 9.9 There are a small cluster of protected trees that would fall within the applications site. It is considered that these trees would not be under threat
- 9.10 In terms of the NPPF and relevant Local Plan policies it is considered that the proposed development would not impact upon or change the character of the area to any significant extent or in a way that would justify refusal of planning permission.

Ecological issues:

- 9.11 The application site does not impact upon any SSSI or a locally identified wildlife site and there are no specific planning objections from either Natural England or the Yorkshire Wildlife Trust. Additionally, the Phase 1 Habitat Survey Report submitted with the application verifies that there are no indications that any protected wildlife species is present on the site. The only mitigation that is recommended is that works do not take place during the bird breeding season (February to August) 9.12

Other matters:

- 9.13 Concerns have been raised regarding the potential impacts of the proposals on the wider area, specifically for the proposals to create problems of flooding outside of the site. The Environment Agency also originally raised concerns about the proposed drainage solution. These issues have now been resolved in the discharge of conditions.

10. Recommendation

- 10.1 That planning permission is granted subject to the following conditions:

The list of plans and supporting information includes those details that have previously been approved in the original submission and the discharge of conditions.

Conditions

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

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

- 2 The Application therefore comprises the following details all as previously approved:

F1a - APC Covering Ltr to CDC 06-12-2017

F1b – Application Forms and Certs 06-12-2017

F1c - Site Location Red Line-Blue Line Plan Dwg 3901-12-SK12

F2a - FRA and Drainage Strategy 8033-001-03a

F2b - Settle Channel Realignment and Flood Meadows Layout Plan Dwg SK0001A

F2c- FRA Addendum -001

F2d - Microdrainage Network Results and Sims - Sept 2014

F3a - Planning Permission 62-2014-14929 -171214

F3b - CDC Discharge of Condition Letter 18048 27-09-2017

F4 - GL0161 13E Meadow Detailed Landscape Proposals

F5 - GL0161 16C LEAP Detail

F6 - Ecological Assessment of Proposed Planting by JCA Ltd 190417

F7a - Tree Survey and AIA 12965-Rev1

F7b - Protective Fencing Spec BS5837 2012 Section 6.2

F8a - 117972-1001-Existing Contours

F8b - 117972-1002-Proposed Contours

F8c - 117972-1003-Proposed Cross Sections

F9 - GL0161 - Implementation Specification - Infield Lane Settle - 18-10-2016

F10 - GL0161 - Landscape Management Plan - Ingfield Lane, Settle – 190417

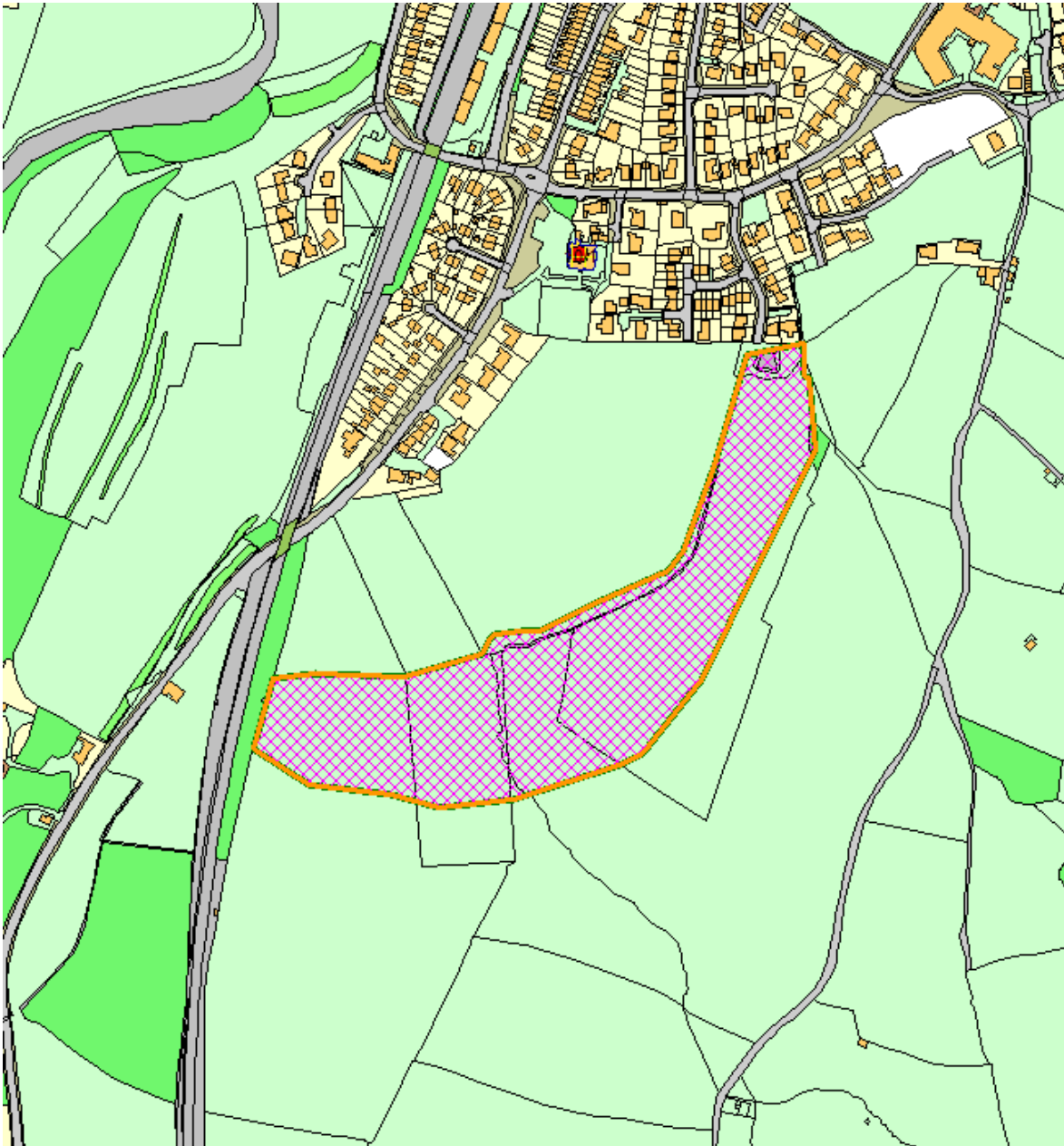
F11 - 12965b Ingfield Lane Nesting Bird Survey 110417

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

Statement of Positive Engagement: -

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

- engaged in pre-application discussions

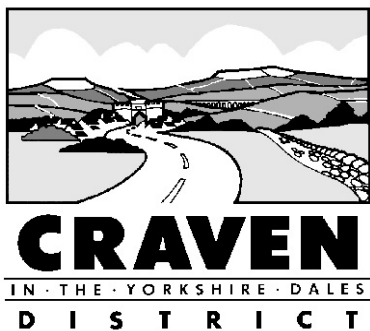


Application Number: 2017/18811/FUL

Proposal: Surface water management scheme (flood meadows) for Phase 2 and 3 of residential development (re-submission of extant planning permission 62/2014/14929)

Site Address: Land To South Of Ingfield Lane, Settle, BD24 9BA

On behalf of: Skipton Properties Ltd



Development Management
 Craven District Council
 1 Belle Vue Square
 Broughton Road
 SKIPTON
 North Yorkshire
 BD23 1FJ

(Main Switchboard) Telephone: 01756 700600

Craven District Council - List of Planning Decisions from 02-02-2018 to 01-03-2018

The undermentioned decision notices are available to view online at <https://publicaccess.cravencd.gov.uk/online-applications/>

Application Number	Applicant	Location	Proposal	Decision	Date of Decision
32/2016/17098	Malsis Ltd	Malsis Hall Colne Road Glusburn Keighley BD20 8DS	Listed building consent for conversion and restoration of Malsis Hall to create care facility (use class C2) including demolition of existing extensions and construction of new extensions, upgrading and re-opening of former sports facilities and conversion of listed lodge building to dwellinghouse	Approve with Conditions	16.02.2018
63/2016/17313	Persimmon Homes West Yorkshire	Aldersley Avenue Skipton North Yorkshire BD23 2LH	Full application for the erection of 98 dwellings	Refuse	15.02.2018
63/2016/17356	Persimmon Homes	Land At Aldersley Avenue Skipton North Yorkshire BD23 2LH	Application for screening opinion under the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 for proposed residential development of 98 dwellings (relating to planning application ref: 63/2016/17313)	Env. Assessment Not Required	20.02.2018
2017/18495/FUL	22 The Square	59 Main Street Cross Hills Keighley BD20 8TT	Re position existing air conditioning units away from gable of restaurant to location within car park area.	Approve with Conditions	14.02.2018

Application Number	Applicant	Location	Proposal	Decision	Date of Decision
2017/18499/LBC	Mr Steven Briggs	2 The Almshouses Church Road Thornton In Craven BD23 3TR	Installation of gas central heating requiring an external flue to be attached to the roof	Approve with Conditions	23.02.2018
2017/18518/FUL	Mr P Wales	Land At Bowerley Gardens Off The B6479 Settle BD24 9LY	Erection of subterranean eco-dwelling with subterranean garage	Refuse	27.02.2018
2017/18531/FUL	Doug Taylor	Kiln Lodge Clapham Road High Bentham Lancaster LA2 7FH	Agricultural storage building	Approve with Conditions	02.02.2018
2017/18582/HH	Mr Chris Medley	5 Hey Farm Cottages Park Lane Cowling Keighley BD22 0NH	Domestic garage and workshop in garden of existing house.	Approve with Conditions	14.02.2018
2017/18592/CPE	Mr Steve Ellershaw	The View Burnhead Farm Mewith High Bentham Lancaster LA2 7AR	Application for a Certificate of Lawful development for the existing use of a property as a residential dwelling (use Class C3)	Approve Cert. Lawful Devt	20.02.2018
2017/18652/HH	Mr & Mrs Priestley	2 Willow Garth Avenue Cross Hills Keighley BD20 7DY	Proposed conservatory, porch and garage extension	Approve with Conditions	09.02.2018
2017/18670/FUL	Roost Architects	Land At Moorgarth Ingleton Carnforth LA6 3DN	Construction of five dwellings with integral garages and off street parking.	Approve with Conditions	06.02.2018

Application Number	Applicant	Location	Proposal	Decision	Date of Decision
2017/18715/FUL	Housing & Care 21	Former High Bentham Community Primary School Robin Lane High Bentham Lancaster LA2 7JY	Residential development for extra care housing comprising 64 apartments and 8 bungalows including associated parking, landscaping and formation of new access off Robin Lane	Approve with Conditions	12.02.2018
2017/18738/HH	Mr C Lumsden	Sycamore House Cow Lane (east) Cowling Keighley BD22 0AW	Single storey extension to front of property to provide entrance/utility area and ground floor WC.	Approve with Conditions	15.02.2018
2017/18741/CND	R N Wooler & Co Ltd	Park Lane Garages Park Lane Carleton Skipton BD23 3DJ	Application to discharge condition no 3 (materials) and no's 4 (hard landscaping), 5 (drainage) and 6 (surface water drainage) relating to original planning permission referenced 17/2016/17560 granted 14.11.2016	DOC satisfactory	22.02.2018
2017/18770/FUL	Coniston Hotel And Country Estate	Lowland Farm Coniston Cold Skipton BD23 4EA	Change of use from dwelling to holiday accommodation and to replace existing windows.	Approve with Conditions	22.02.2018
2017/18771/LBC	Coniston Hotel And Country Estate	Lowland Farm Coniston Cold Skipton BD23 4EA	Change of use from dwelling to holiday accommodation and to replace existing windows.	Approve with Conditions	22.02.2018
2017/18758/FUL	Katy Pot's Ltd	6 High Street Settle BD24 9EX	Change of Use from A1 retail to A4 cafe and bar	Approve with Conditions	13.02.2018
2017/18765/FUL	J R Dodgson & Son	Souber Dairy Crossgates Farm Bank Newton Skipton BD23 3NT	To erect an extension to an existing agricultural building, being a steel portal frame mono-pitch structure, for the purpose of storing dry cattle feeds.	Approve with Conditions	09.02.2018

Application Number	Applicant	Location	Proposal	Decision	Date of Decision
2017/18766/FUL	John Dodgson & Son	Souber Dairy Crossgates Farm Bank Newton Skipton BD23 3NT	Steel portal frame agricultural building to be used for the purpose of storing grass silage	Approve with Conditions	09.02.2018
2017/18773/HH	Mr Crispin Howell Jones	15 Princes Crescent Skipton BD23 1HH	First floor extension over existing single storey side extension, alterations to front porch.	Refuse	08.02.2018
2017/18789/FUL	Yorkshire Housing	8-14 (even), 16-22 (even), 24-30 (even), 32-38 (even), 40-46 (even) And 48-54 (even) Whinny Gill Road Skipton BD23 2RP	Replacement of all windows and flat entrance doors	Approve with Conditions	15.02.2018
2017/18791/NMA	Ms Leach	Kings House Crosshills Road Cononley Keighley BD20 8LA	Application for non material amendment of previously approved application 21/2016/17285 to leave the replacement windows unpainted.	Application Withdrawn	07.02.2018
2017/18792/FUL	Mr & Mrs Thomas & Jane Marshall	Bentham Golf Club Robin Lane High Bentham Lancaster LA2 7AG	Change of use of land for the siting of 8 holiday lodges at the Bentham Golf Club	Approve with Conditions	09.02.2018
2017/18830/CND	Cravenn District Council	Garage Site Adj 44 And 60 Colne Road Colne Road Glusburn	Application to discharge condition no 3 of previously approved application 2017/18377/FUL	DOC satisfactory	23.02.2018
2017/18821/FUL	Mr And Mrs Martyn Park	Loen Croft Road Ingleton Via Carnforth LA6 3BZ	Demolition of existing dwelling and erection of detached dwelling on same site and construction of detached garage.	Approve with Conditions	14.02.2018

Application Number	Applicant	Location	Proposal	Decision	Date of Decision
2017/18801/LBC	Ms Leach	Kings House Crosshills Road Cononley Keighley BD20 8LA	Amendment to existing listed building consent ref (21/2016/17292) to leave the new windows unpainted.	Application Withdrawn	07.02.2018
2017/18802/ADV	Katy Pots Ltd	6 High Street Settle BD24 9EX	A new sign to be added to the fascia of the shop unit.	Approve with Conditions	14.02.2018
2017/18828/LBC	Mr Cliff Randall	Little Clifford Clifford Hall Burton In Lonsdale North Yorkshire LA6 3LW	Replacement of windows in front elevation	Refuse	15.02.2018
2017/18815/HH	Mr & Mrs Mike Mellers	34 Goodenber Road High Bentham Lancaster LA2 7JD	Removal of ground floor bay window at rear and erection of single storey dual pitch roofed rear extension.	Approve with Conditions	09.02.2018
2017/18817/FUL	Bean Loved	17 Otley Street Skipton BD23 1DY	Proposed lean-to kitchen extension to the rear of the existing Coffee Shop	Approve with Conditions	02.02.2018
2017/18819/HH	Mr & Mrs Matthews	3 Hollingworth Close Skipton BD23 2SF	Proposed rear veranda	Approve with Conditions	02.02.2018
2017/18822/HH	Mr & Mrs B Philbin	Roseneath The Acres Sutton-in-Craven Keighley BD20 7AT	Proposed first floor/roof alterations/extensions to provide new bedrooms and house bathroom as well as internal/external alterations to ground floor with new front porch and rear extension to form new kitchen/dining room with mezzanine	Approve with Conditions	02.02.2018
2017/18834/HH	Mr Mark Holmes	Corn Mill House Mill Lane Low Bradley Keighley BD20 9EE	Construction of detached garage with home office above	Approve with Conditions	02.02.2018

Application Number	Applicant	Location	Proposal	Decision	Date of Decision
2017/18843/NMA	Miss Penelope Blakey	2 Haw Park Embsay Skipton BD23 6RY	Application for a non-material amendment to planning permission 26/2017/18094 to change the external front, side and garage door colour from grey to navy, the double glazing from grey to white and that there will be no composite cladding - the house will be fully rendered.	Approve with Conditions	05.02.2018
2017/18829/FUL	Ermysteds Grammar School	Ermysteds Grammar School Gargrave Road Skipton BD23 1PL	Installation of archway gate, and installation of sliding gate to safeguard students and staff as per Ofsted requirements (resubmission of approved planning consent reference 2017/18369/FUL)	Approve with Conditions	02.02.2018
2017/18833/HH	Mrs L Van Delft	1 The Old Tanyard Bank Bottom Ingleton Carnforth LA6 3HB	Proposed conversion and other associated alterations of existing integral garage to bedroom, wet room and toilet, associated external alterations.	Approve with Conditions	21.02.2018
2017/18832/FUL	Mrs Carol Boothman	Railway Inn 10 Carleton Street Skipton BD23 2AJ	Change of use from Public House with 1 x 3-bedroom self-contained flat above, to Public House with 7-bedroom B & B accommodation; replacement of all existing windows/doors.	Approve with Conditions	20.02.2018
2017/18837/CPL	Mrs Tracey Westcote	7 West Street Gargrave Skipton BD23 3RD	Certificate of proposed lawful development for a single storey rear extension within permitted development requirements.	Approve Cert. Lawful Devt	27.02.2018
2017/18841/LBC	Ermysteds Grammar School	Ermysteds Grammar School Gargrave Road Skipton BD23 1PL	Replacement of fire exit door to Memorial Hall; installation of archway gate, and installation of sliding gate	Approve with Conditions	02.02.2018
2017/18853/HH	Mr & Mrs G Dawson	99 Station Road Hellifield Skipton BD23 4HP	Detached single storey garage	Approve with Conditions	22.02.2018

Application Number	Applicant	Location	Proposal	Decision	Date of Decision
2017/18854/FUL	McConnell Homes Ltd	19 Dalesview Close Clapham Lancaster LA2 8RP	Single storey rear extension	Approve with Conditions	21.02.2018
2017/18862/LBC	Mrs Claire Allnutt	Withens Old Road (West) Ingleton Carnforth LA2 8HZ	Install black balanced boiler flue termination to new oil fired boiler, new ventilation termination and underfloor heating to the kitchen and ground floor hallway.	Approve with Conditions	15.02.2018
2018/18903/TCA	Mr Stephen Kane	Bethel Chapel Calf Wood Lane To Dale End Lothersdale Keighley BD20 8HB	T1 Sycamore-Remove the lowest 2 branches T2 Sycamore-Remove the lowest branch	Approve Tree Works in Conservation Area	13.02.2018
2018/18914/CND	Mr Keith Hughes	10 Walton Avenue Gargrave Skipton BD23 3NP	Application to discharge conditions no. 3 (dust management), no. 4 (external materials), no 5 (site access), 6 (landscaping) and no. 7 (boundary finishes) on planning approval referenced 2017/18659/FUL granted 19-12-2017	DOC satisfactory	07.02.2018
2018/18889/CND	Co-op Estates	Three Peaks Filling Station New Road Ingleton Carnforth LA6 3DL	Application to discharge condition no 8 (Lighting details) and condition no 9 (vehicle barriers) on planning permission referenced 2017/18144/FUL granted 30 August 2017	DOC satisfactory	22.02.2018
2018/18890/VAR	Mr Peter Swales	Bull Copy Windy Hill Ingleton Carnforth LA2 7AJ	Application to remove condition no. 13 (occupancy restriction) on application reference number: 08/2011/12007 dated 16 November 2011	Application Withdrawn	19.02.2018
2018/18893/LHS HLD	Mr And Mrs Dixon	29 Hazel Grove Sutton-in-Craven Keighley BD20 7QR	Proposed single storey rear extension measuring 3.91m beyond the rear wall; 3.6m in height from ground level; 2.5m in height to eaves from ground level (Prior Approval Notification).	PD HH PA Not Required	23.02.2018

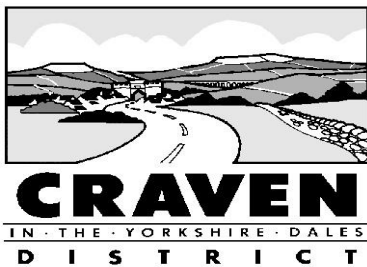
Application Number	Applicant	Location	Proposal	Decision	Date of Decision
2018/18897/TCA	Mr Philip McNichol	21 Kirkgate Settle BD24 9DX	Fell 1 no. Larch	Approve Tree Works in Conservation Area	13.02.2018
2018/18902/TCA	Mr Southwall	46 West Street Gargrave Skipton BD23 3RJ	Fell 1 no. Sycamore.	Approve Tree Works in Conservation Area	13.02.2018
2018/18909/PNA G	Ms Jackie Rushton	Land Adjacent The Bay Horse Sutton In Craven BD20 7LY	Agricultural building	PN Refuse and Application Required	12.02.2018
2018/18917/TCA	Mr Terence Oliver	Aireville Park Gargrave Road Skipton BD23 1QN	Crown lift 4 no. Sycamore trees to a maximum of 6 metres.	Approve Tree Works in Conservation Area	28.02.2018
2018/18928/TCA	Mrs Karen Cox	7 High Croft Way Farnhill Keighley BD20 9AP	T1- Monkey Puzzle - Fell	Approve Tree Works in Conservation Area	21.02.2018
2018/18933/TCA	Ms Janet Throup	1 West Croft Sutton-in-craven Keighley BD20 7AW	T1 Cedar - Fell	Approve Tree Works in Conservation Area	13.02.2018
2018/18936/TCA	Mr Darren Best	24 Elm Tree Square Embsay Skipton BD23 6RA	T1 Damson-Remove suckers from stem, cut to previous cut points & thin by 20%. T2 Apple tree-Remove suckers from main stem, cut to previous growth points (cutting out broken branches) & thin by 20%. T3 Apple tree- Thin out, remove suckers from stem, reduce in height by 20%.	Approve Tree Works in Conservation Area	13.02.2018

Application Number	Applicant	Location	Proposal	Decision	Date of Decision
2018/18941/TCA	Mr B Root	Bank Ings Farm Cow Lane (east) Cowling Keighley BD22 0AW	Fell and remove 1 No. Poplus	Approve Tree Works in Conservation Area	21.02.2018
2018/18943/PNA G	Second Trinity Limited	Agricultural Land Adjacent To The Farther Fence End Farm Steading Colne And Broughton Road Thornton In Craven Skipton	Application for the creation of a proposed track to separate the residential and agricultural traffic (Prior Notification)	Prior Approval Not Required	28.02.2018
2018/18992/PNA G	Mrs Whitaker	Raygill Farm Raygill Lane Lothersdale Keighley BD20 8HH	Application for the creation of an agricultural building for the housing of cattle (Prior Notification)	PN Refuse and Application Required	14.02.2018
2018/18970/PNA G	Mr Sam Lawrence	Little Barn Back Lane Giggleswick Settle BD24 0JS	Timber frame lambing shed / store (Prior Notification)	PN Process Not Applicable	05.02.2018

Planning Committee Report of Monthly New Complaints Registered February 2018

Enforcement Reference	Alleged Breach	Site Address	Ward
ENF/02810/2018	Unauthorised removal of 2 no. stone hoods over 2 no. doors on Grade II Listed Building.	13 Craven Court High Street Skipton BD23 1DG	Skipton North
ENF/02811/2018	Alleged unauthorised use of holiday cottages as residential dwelling, in breach of Condition 3 of 67/2003/3284	Dales Valley View Holiday Cottages Swinden Manor Mill Lane Hellifield Skipton BD23 4LS	Hellifield And Long Preston
ENF/02812/2018	Unauthorised house extension	Wapping Hall Commercial Street Settle BD24 9HP	Settle And Ribble Banks
ENF/02813/2018	Large metal storage container (2.5m x 8m)	1 Hazel Grove Road Sutton-in-craven Keighley BD20 7QT	Sutton-in-Craven
ENF/02814/2018	Conditions 3, 4 and 5 of application 22/2015/16045 not discharged prior to commencement	Green Syke Farm Colne Road Cowling Keighley BD22 0NA	Cowling
ENF/02815/2018	Extensions not carried out in accordance with approved plans (63/2017/18031)?	74 Raikes Road Skipton BD23 1LS	Skipton North
ENF/02817/2018	Untidy land on the site of planning application ref: 2017/18657/HH.	58/60 Broughton Road Skipton BD23 1SS	Skipton West

Enforcement Reference	Alleged Breach	Site Address	Ward
ENF/02819/2018	Extension of residential curtilage onto grass verge.	31 Nan Scar Main Street Ickornshaw Keighley BD22 0DL	Cowling
ENF/02820/2018	Extension of residential curtilage onto grass verge.	Freigate House Main Street Ickornshaw Keighley BD22 0DJ	Cowling
ENF/02825/2018	Untidy development which has remained unfinished for some time.	1 Pendle Street Skipton BD23 1SN	Skipton West
ENF/02822/2018	Vehicle sales/ repairs outside of 20 Montgomery Street, Skipton.	20 Montgomery Street Skipton BD23 2ER	Skipton South
ENF/02823/2018	Drain pipe removed. Water from roof now runs into neighbouring yard.	7 Duke Street Settle BD24 9DU	Settle And Ribble Banks
ENF/02824/2018	Alleged unauthorised development (concrete foundations)	Nuttercote Farm Church Road Thornton In Craven Skipton BD23 3TT	Thornton in Craven
ENF/02826/2018	Noise from residential caravan and roofing materials potentially not in accordance with planning application ref:	Land At Scarfes Farm Mewith Lane Low Bentham Lancaster LA2 7DQ	Bentham
ENF/02827/2018	New dwelling not being constructed in accordance with approved plans (22/2016/17141)	Dwelling Carr Head Lane Cowling Keighley	Cowling
ENF/02828/2018	Allegedly not built in accordance with approved plans (11/2015/16057)	Heath Lea Skipton Road Low Bradley Keighley BD20 9EF	Aire Valley With Lothersdale



Planning Enforcement
 Craven District Council
 1 Belle Vue Square
 Broughton Road
 SKIPTON
 North Yorkshire
 BD23 1FJ
 Telephone: 01756 706254

Planning Committee Report of Monthly Cases Closed February 2018

Enforcement Reference	Date Received	Date Closed	Reason for Closure	Alleged Breach	Site Address	Ward
2167/2015	8th July 2015	13th February 2018	Not Expedient to Enforce	Possible unauthorised building works to the rear (construction of wall?) (2) Omission of door from front elevation	Brow Cottage Rook Street Lothersdale Keighley BD20 8EH	Aire Valley With Lothersdale
2381/2016	23rd May 2016	13th February 2018	Not Expedient to Enforce	Unauthorised Fence	Holme field Holme Lane Sutton-In-Craven Keighley North Yorkshire BD20 8DD	Sutton-in-Craven
2398/2016	13th June 2016	13th February 2018	Other Reason	Conservatory to the rear	8 Moor Crescent Skipton BD23 2LJ	Skipton East
2591/2017	16th January 2017	7th February 2018	No Breach	Storage of building equipment in a residential area.	2 Rook Street Lothersdale Keighley BD20 8EH	Aire Valley With Lothersdale

Enforcement Reference	Date Received	Date Closed	Reason for Closure	Alleged Breach	Site Address	Ward
2570/2017	9th February 2017	13th February 2018	No Breach	Outhouse being converted into toilet for taxi firm workers & new foot access from the pavement.	4 Sackville Street Skipton BD23 2PH	Skipton South
2638/2017	25th April 2017	7th February 2018	Other Reason	Ground works far in excess required for 22/2014/14306.	The Paddock Carr Head Cowling Keighley BD22 0LD	Cowling
ENF/02655/2017	23rd May 2017	13th February 2018	Breach Resolved	Increased use and change of business ownership. In breach of 19/2003/2867	The Old School House Coniston Cold Skipton BD23 4EA	Gargrave And Malhamdale
ENF/02682/2017	8th July 2017	12th February 2018	Breach Resolved	Is Development being built in accordance with planning approval? Houses built too large/too close to boundary - Plot is larger than approved. Conditions not discharged?	Land Adjacent To Raines Road Giggleswick Settle BD24 0AQ	Penyghent
ENF/02705/2017	19th July 2017	13th February 2018	Breach Resolved	Unauthorised erection of sign, causing visibility issues	Morrisons Filling Station Station Road Cross Hills Keighley BD20 7DT	Glusburn

Enforcement Reference	Date Received	Date Closed	Reason for Closure	Alleged Breach	Site Address	Ward
ENF/02708/2017	1st August 2017	13th February 2018	Not Expedient to Enforce	External wall painted in Article 4/Conservation Area	Le Bistro Des Amis Jerry Croft Skipton BD23 1DX	Skipton North
ENF/02742/2017	14th September 2017	7th February 2018	Other Reason	Built large shed in garden to work from (wood work)	55 Greatwood Avenue Skipton BD23 2RX	Skipton South
ENF/02747/2017	21st September 2017	13th February 2018	Breach Resolved	Development not in accordance with approved plans 63/2014/15027 - Temporary fencing around site	Vasco (GB) Ltd Clitheroe Works Clitheroe Street Skipton BD23 1SU	Skipton West
ENF/02754/2017	3rd October 2017	7th February 2018	Not Expedient to Enforce	Installation of gazebo and hot tub - Is this operational development?	Curlew Cottage Springs Farm Lothersdale BD20 8HH	Aire Valley With Lothersdale
ENF/02763/2017	9th November 2017	20th February 2018	Not Expedient to Enforce	Erection of a fence	5 The Bailey Skipton BD23 1AP	Skipton North
ENF/02765/2017	9th November 2017	6th February 2018	No Breach	Extension not been built in accordance with approved plans - Extending onto next doors wall	5 Halsteads Terrace Duke Street Settle BD24 9AP	Settle And Ribble Banks
ENF/02806/2018	26th January 2018	7th February 2018	No Breach	Rear extension - concerned extension will be put on her boundary wall	6 Church Street Skipton BD23 2AR	Skipton West