

## **CRAVEN DISTRICT COUNCIL**

### **PLANNING COMMITTEE – SITE VISIT**

9<sup>th</sup> April 2018

#### **AGENDA**

Please note that the Committee will visit the following site on Monday, 9<sup>th</sup> April 2018. Members are asked to meet at **site (a) at 11.00am**, or alternatively at the Belle Vue Square Offices car park **no later than 10.25am**.

- a. **Application 2017/18744/OUT Outline for a residential development of four dwellings, access, appearance, layout and scale applied for, landscape a reserved matter, land south of Station Road, Giggleswick. (Penyghent Ward)**
- b. **Application 2017/18725/FUL Construction of detached dwelling with associated amenity space and off street parking, land adjacent to 42 East Lane, East Lane , Emsay. (Emsay with Eastby Ward) Approximately 11.55am**

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

Agenda Contact Officer:  
Chris Waterhouse, Committee Officer  
Tel. 01756 706235  
Skipton, 28<sup>th</sup> 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, 9<sup>th</sup> April, 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** – 12<sup>th</sup> March, 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.

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](mailto: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  
28<sup>th</sup> 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.



2017/18518/FUL Erection of subterranean eco-dwelling with subterranean garage, land at Bowerley Gardens, off the B6479, Settle – Refused.

2017/18531/FUL Agricultural storage building Kiln Lodge, Clapham Road, High Bentham - Approved with conditions.

2017/18582/HH Domestic garage and workshop in garden of existing house, 5 Hey Farm Cottages, Park Lane, Cowling - Approved with conditions.

2017/18592/CPE Application for a Certificate of Lawful development for the existing use of a property as a residential dwelling (use Class C3), The View, Burnhead Farm, Mewith, High Bentham - Certificate of lawful development approved.

2017/18652/HH Proposed conservatory, porch and garage extension, 2 Willow Garth Avenue, Cross Hills - Approved with conditions.

2017/18670/FUL Construction of five dwellings with integral garages and off street parking, land at Moorgarth, Ingleton - Approved with conditions.

2017/18715/FUL Residential development for extra care housing comprising 64 apartments and 8 bungalows including associated parking, landscaping and formation of new access off Robin Lane, Former High Bentham Community Primary School, Robin Lane, High Bentham - Approved with conditions.

2017/18738/HH Single storey extension to front of property to provide entrance/utility area and ground floor WC Sycamore House, Cow Lane (east), Cowling - Approved with conditions.

2017/18741/CND 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, Park Lane Garages, Park Lane, Carleton - Conditions satisfactorily discharged.

2017/18770/FUL Change of use from dwelling to holiday accommodation and to replace existing windows, Lowland Farm, Coniston Cold - Approved with conditions.

2017/18771/LBC Change of use from dwelling to holiday accommodation and to replace existing windows, Lowland Farm, Coniston Cold - Approved with conditions.

2017/18758/FUL Change of Use from A1 retail to A4 cafe and bar, 6 High Street, Settle - Approved with conditions.

2017/18765/FUL 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, Souber Dairy, Crossgates Farm, Bank Newton - Approved with conditions.

2017/18766/FUL Steel portal frame agricultural building to be used for the purpose of storing grass silage, Souber Dairy, Crossgates Farm, Bank Newton - Approved with conditions.

2017/18773/HH First floor extension over existing single storey side extension, alterations to front porch, 15 Princes Crescent, Skipton – Refused.

2017/18789/FUL Replacement of all windows and flat entrance doors 8-14 (even), 16-22 (even), 24-30 (even), 32-38 (even), 40-46 (even) and 48-54 (even), Whinny Gill Road, Skipton - Approved with conditions.

2017/18791/NMA Application for non-material amendment of previously approved application 21/2016/17285 to leave the replacement windows unpainted, Kings House, Crosshills Road, Cononley - Application withdrawn.

2017/18792/FUL Change of use of land for the siting of 8 holiday lodges at the Bentham Golf Club, Bentham Golf Club, Robin Lane, High Bentham - Approved with conditions.

2017/18830/CND Application to discharge condition no 3 of previously approved application 2017/18377/FUL garage site adj 44 and 60 Colne Road, Colne Road, Glusburn - Condition satisfactorily discharged.

2017/18821/FUL Demolition of existing dwelling and erection of detached dwelling on same site and construction of detached garage, Loen, Croft Road, Ingleton - Approved with conditions.

2017/18801/LBC Amendment to existing listed building consent ref (21/2016/17292) to leave the new windows unpainted, Kings House, Crosshills Road, Cononley - Application withdrawn.

2017/18802/ADVA new sign to be added to the fascia of the shop unit, 6 High Street, Settle - Approved with conditions.

2017/18828/LBC Replacement of windows in front elevation, Little Clifford, Clifford Hall, Burton in Lonsdale – Refused.

2017/18815/HH Removal of ground floor bay window at rear and erection of single storey dual pitch roofed rear extension, 34 Goodenber Road, High Bentham - Approved with conditions.

2017/18817/FUL Proposed lean-to kitchen extension to the rear of the existing Coffee Shop, 17 Otley Street, Skipton - Approved with conditions.

2017/18819/HH Proposed rear veranda, 3 Hollingworth Close, Skipton - Approved with conditions.

2017/18822/HH 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, Roseneath, The Acres, Sutton-in-Craven - Approved with conditions.

2017/18834/HH Construction of detached garage with home office above, Corn Mill House, Mill Lane, Low Bradley - Approved with conditions.

2017/18843/NMA 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, 2 Haw Park, Embsay - Approved with conditions.

2017/18829/FUL 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), Ermysteds Grammar School, Gargrave Road, Skipton - Approved with conditions.

2017/18833/HH Proposed conversion and other associated alterations of existing integral garage to bedroom, wet room and toilet, associated external alterations, 1 The Old Tanyard, Bank Bottom, Ingleton - Approved with conditions.

2017/18832/FUL 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, Railway Inn, 10 Carleton Street, Skipton - Approved with conditions.

2017/18837/CPL Certificate of proposed lawful development for a single storey rear extension within permitted development requirements, 7 West Street, Gargrave - Certificate of lawful development approved.

2017/18841/LBC Replacement of fire exit door to Memorial Hall; installation of archway gate, and installation of sliding gate, Ermysteds Grammar School, Gargrave Road, Skipton - Approved with conditions.

2017/18853/HH Detached single storey garage, 99 Station Road, Hellifield - Approved with conditions.

2017/18854/FUL Single storey rear extension, 19 Dalesview Close, Clapham - Approved with conditions.

2017/18862/LBC Install black balanced boiler flue termination to new oil fired boiler, new ventilation termination and underfloor heating to the kitchen and ground floor hallway, Withens, Old Road (West), Ingleton - Approved with conditions.

2018/18903/TCA T1 Sycamore-Remove the lowest 2 branches T2 Sycamore-Remove the lowest branch, Bethel Chapel, Calf Wood Lane to Dale End, Lothersdale – Approved.

2018/18914/CND 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, 10 Walton Avenue, Gargrave - Conditions satisfactorily discharged.

2018/18889/CND 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, Three Peaks Filling Station, New Road, Ingleton - Conditions satisfactorily discharged.

2018/18890/VAR Application to remove condition no. 13 (occupancy restriction) on application reference number: 08/2011/12007 dated 16 November 2011, Bull Copy, Windy Hill, Ingleton - Application withdrawn.

2018/18893/LHSHLD 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), 29 Hazel Grove, Sutton-in-Craven - Prior approval not required.

2018/18897/TCA Fell 1 no. Larch, 21 Kirkgate, Settle - Approved.

2018/18902/TCA Fell 1 no. Sycamore, 46 West Street, Gargrave - Approved.

2018/18909/PNAG Agricultural building, land adjacent The Bay Horse, Sutton in Craven - Prior notification refused, application required.

2018/18917/TCA Crown lift 4 no. Sycamore trees to a maximum of 6 metres, Aireville Park, Gargrave Road, Skipton - Approved.

2018/18928/TCA T1- Monkey Puzzle – Fell, 7 High Croft Way, Farnhill - Approved.

2018/18933/TCA T1 Cedar – Fell, 1 West Croft, Sutton-in-Craven - Approved.

2018/18936/TCA T1 Damson-Remove suckers from stem, cut to previous cut points and thin by 20%. T2 Apple tree-Remove suckers from main stem, cut to previous growth points (cutting out broken branches) and thin by 20%. T3 Apple tree - Thin out, remove suckers from stem, reduce in height by 20%, 24 Elm Tree Square, Embsay - Approved.

2018/18941/TCA Fell and remove 1 No. Populus, Bank Ings Farm, Cow Lane (east), Cowling - Approved.

2018/18943/PNAG Application for the creation of a proposed track to separate the residential and agricultural traffic (Prior Notification), agricultural land adjacent to The Farther Fence End Farm Steading, Colne and Broughton Road, Thornton in Craven - Prior approval not required.

2018/18992/PNAG Application for the creation of an agricultural building for the housing of cattle (Prior Notification), Raygill Farm, Raygill Lane, Lothersdale - Prior notification refused, application required.

2018/18970/PNAG Timber frame lambing shed / store (Prior Notification), Little Barn, Back Lane, Giggleswick - Prior notification process not applicable.

## **b. Applications**

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

### **Permission Granted**

**2017/18868/FUL The demolition of existing agricultural buildings and erection of 5 dwellings and a B1 office, College Farm College Road, Bradley** – subject Condition 8 below being amended to include the need for prior approval of a sample stone panel and to the Planning Manager also attaching an appropriately worded informative regarding the provision of electric vehicle charging points.

#### Conditions

##### Time Limit for Commencement

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

##### Approved Plans

2. The approved plans comprise drawing No's

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

Before Development Commences

3. The 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.

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.

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

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.

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

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.

c. 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. 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.

d. 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.

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;

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 100 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.

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).

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.

#### 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.

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.

#### Ongoing 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.

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

#### 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](http://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  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](http://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](http://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 National Planning Policy Framework.

**2017/18355/FUL Demolition of existing dwellinghouse and construction of four new dwellings, Deep Spring, Grange Road, Farnhill** – subject to the conditions listed below, and subject also to the Planning Manager attaching an additional appropriately worded informative regarding the provision of electric vehicle charging points.

#### Conditions

##### Time Limit for Commencement

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

##### Approved Plans

2. This permission relates to the following plans:

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

##### Before Development Commences

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.

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.

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.

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:

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 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.

#### 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.

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.

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.

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.

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

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.

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

#### 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.

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

#### Informatives

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

**2018/18915/VAR Application to vary conditions 2, 3, 4 and 5 of planning permission  
2017/18144/FUL to allow for installation of ATM, Three Peaks Filling Station, New Road,  
Ingleton**

Conditions

Amended Plans

1. This permission relates to the following amended plans:

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

During Building Works

2. 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 and 5945(P) 204.

3. 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.

4. 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.

5. 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.

#### Before the Development is Brought into Use

6. 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.

7. 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.

8. 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.

#### Ongoing Conditions

9. 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:

a. The crossing of the highway verge and/or footway shall be constructed in accordance with the approved details and/or Standard Detail number E6.

b. 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.

c. 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.

d. 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.

e. 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.

10. 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.

11. 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.

12. 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.

#### Informatives

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 and accepted additional information post validation.

**2017/18811/FUL Surface water management scheme (flood meadows) for Phase 2 and 3 of residential development (re-submission of extant planning permission 62/2014/14929), land to south of Ingfield Lane, Settle.**

#### Conditions

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

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

Note : In approving the above application the Committee indicated that it would wish to carry out a site visit when the works had been completed and before determining any proposals for development of housing on the adjoining land at Ingfield previously referred to as Phases 2 and 3.

#### **Delegated Authority**

**2017/18136/VAR Application to vary conditions of original planning consent reference 63/2015/15792, specifically: Nos 1, 5, 8, 9, 10, 13, 15, 16, 21, 24, 26, 27 and 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, land north of A629 and west of Carleton Road, Skipton – the Planning Manager was authorised to approve this application subject to the conditions listed below, and subject also to the applicant first entering into a Section 106 Planning Obligation to provide the following**

a. 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.

b. 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.

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.

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.

4. The proposed flood plain compensation must be designed such that there is no net loss of available floodplain capacity on the proposed site.

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.
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.
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.
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):
- a. 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:
    - i. 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.
    - ii. A mini roundabout at Carleton Road / Burnside Crescent Junction again to current standards as set out in the design manual for roads and bridges.
    - iii. A new junction to North Yorkshire County Council highway specification on Carleton road to access the development south of the cemetery.

b. 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.

c. 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.

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.

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

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.

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.

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.

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.

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.

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.

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.

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

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.

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.

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.

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.

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:

- a. the type, tenure and location on the site of the affordable housing provision to be made;
- b. the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
- c. the arrangements for the transfer of the affordable housing to an affordable housing provider [or the management of the affordable housing] (if no Registered Provider is involved);
- d. the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- e. the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced;
- f. 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).

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

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

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.

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:

- a. a survey of the extent, scale and nature of contamination (including ground gases where appropriate);
- b. 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;
- c. 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.

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.

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.

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.

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.

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.

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.

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

- a. Provision for compensatory flood storage as detailed in Sections 3.11-3.15 on page 16 of the FRA.
- b. 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.

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

### **Permission Refused**

**2017/18743/FUL Residential development of 10 dwellings including creation of village green, land off Gargrave Road, Broughton Village.**

#### Reasons for Refusal

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. (\*) (SV)

Note : In refusing the above application the Committee asked officers to continue dialogue with the Broughton Hall Estate regarding potential development approaches / options.

(\*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**

IN · THE · YORKSHIRE · DALES

**D I S T R I C T**

## **PLANNING COMMITTEE AGENDA**

**DATE: 9th April 2018**

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3	2017/18744/OUT	Mr & Mrs L Fell	Land South Of Station Road, Giggleswick.	10 - 28
4	2017/18728/FUL	Mr Seth Smith	Lyngarth , Keighley Road, Cowling.	29 - 39
5	2017/18596/FUL	Mr Pickard	Land off Rook Street, Lothersdale.	40 - 52

6	2017/18842/FUL	Mr & Mrs Ian Jolly	Bridge End House, Glusburn Bridge, Colne Road, Glusburn.	53 – 63
7.	2018/18873/FUL	Mr & Mrs Nelson	Land At Holly Tree House, Skipton Road, Low Bradley.	64 – 75
8.	2017/18725/FUL	Mr Jonny Newiss	Land Adjacent To 42 East Lane, East Lane, Emsay.	76 - 89
9.	2017/18672/FUL	Mr Sharrafit Ali	Providence House, 21A Newmarket Street, Skipton.	90 – 97
10	34/2012/13074	Yorkshire Dales Ice Cream Ltd	Calm Slate Farm, Holme Lane, Halton East.	98 – 109
11	34/2016/17145	Billy Bob's Ice Cream Parlour	Calm Slate Farm, Holme Lane, Halton East.	110 – 115
12	34/2016/16854	Yorkshire Dales Ice Cream	Calm Slate Farm, Holme Lane, Halton East.	116 - 120

## REPORT TO PLANNING COMMITTEE ON 9th April 2018

**Application Number:** 2017/18785/FUL & 2017/18786/LBC

**Proposal:** Proposed internal and external alterations to form holiday cottage and repairs work to the Hall (resubmission of previously approved details of 73/2017/17980 and 73/2017/17981)

**Site Address:** Kildwick Grange Hall, Skipton Road, Kildwick, BD20 9AD

**On behalf of:** Mr & Mrs B And E Fray

**Date Registered:** 17th January 2018

**Expiry Date:** 14th March 2018

**Case Officer:** Mr Sam Binney

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**The planning and listed building applications have been referred to Planning Committee by Councillor Brown so that the Committee can consider the objections from the Highway Authority and concerns over this heritage site.**

**Officer note:** The following is a joint report covering both the full planning application and the listed building consent.

1. Site Description

1.1 The application site is located within a small hamlet of original/converted buildings lying on the outskirts of Kildwick. Originally the building was a single property known as Grange Hall but in later years the Hall was converted to form two residential dwellings.

1.2 The listing description reads as follows:-

*'House, now 2 houses. 1614-20 for John Coates, enlarged to rear and chimney added in C17-C18 and divided into two properties probably late C19, when alterations were made to south front. Gritstone blocks and rubble, graduated stone slate roof. Quoins. 2½ storeys, 3 bays with large 2-bay west wing, shorter 1-bay east wing and central stair turret to rear. South facade: bay 1, tall 4-light C19 chamfered mullion window to ground and first floor. Bays 2 and 3: on left single-storey open porch with chamfered opening, deep moulded cornice and balustrade with roll-moulded parapet supported by squat moulded balusters; within the porch stone benches and mid C17 board door with applied studded bands. Another board door, left of centre, in surround with sawn stone jambs and Tudor-style lintel flanked by a 3- and 4-light mullioned window, both restored. Recessed chamfered mullion window of 3, 2 and 4 lights to first floor; gable window, bay 3, of 3 stepped lights with hoodmould. Blocked first floor doorway above the porch, bay 2, the much altered gable above having a chimney at the apex, the quoins of which are visible below, in the wall face. Gable chimney and end stacks are C18, corniced, with 2 or 3 flues each.*

*Interior: the division of the house into 2 properties is to the right of the gable chimney stack; the porch entrance bay 1 and the rear west wing form Grange Hall; bay 3, the rear stair and east wing are Grange Hall Cottage. Grange Hall: a straight flight of stairs rises inside the entrance, with living room to left. A C17 stair with remains of splat balusters to the north end of the rear wing; on the first floor a post and panel partition below a massive tie beam; panelled doors with original fittings.*

1.3 *Grange Hall Cottage: the front door opens into a large room, formerly divided by a partition along the western ceiling beam. C17 panelling and overmantle to east gable fireplace and the south west*

corner fireplace. A thin partition wall divides the left end of the room from the rear staircase of 4 straight flights with bulbous turned newels and balusters. A blocked mullioned window in the wall between the front room and rear east wing. First floor right: fine early - mid C17 deeply moulded strapwork to the curved plaster ceiling, relief of vine scrolls in the tympanum. Panelled doors with original fittings'.

- 1.4 *History: Kildwick was a grange of Bolton Abbey by the C14 when building work was in progress on the bridge and church (q.v.). The grange farm was the principal manorial settlement and at the Dissolution (1539) it was divided between 2 speculators, Robert Wilkinson of Bradford and Thomas Drake of Halifax. In the mid C16 Drake sold his share to John Garforth of Farnhill and shortly afterwards it became the property of Henry Currer. It is likely that Robert Wilkinson passed his share, with Grange Hall, to the Coates family c.1573. Deeds record the construction of the house by John Coates. Roger Coates, a staunch puritan persecuted at the Restoration, died in 1660 and was recorded 'of Kildwick Grange', on his tombstone. The inventory of another John Coates (1708) survives, and it appears to include all the existing building, with rear wings. The C18 history is linked with the Netherwood family, the corner fireplaces and the end stacks are of this date. C19 alterations include the south front gables and refenestration together with the division of the property into 2 dwellings'*

*Bradford Metropolitan Council, Kildwick Grange Conservation Area, 1975. Yorkshire Buildings Study Group, Report No. 590, 1979.*

*Group Value.*

- 1.5 Access to the site is via an un-adopted shared driveway off the public highway leading into a courtyard area. Steps lead up from the courtyard to the front amenity area of the property before turning east and then north to access the rear garden. The property has 4 parking spaces which are to be retained.
- 1.6 The building has been subject to some minor alterations with the construction of a single storey side extension and a conservatory to the rear. This application relates specifically to a stone-built former utility/stable with first floor bedroom accommodation located towards the rear, western side of the main house and accessed from an enclosed courtyard area.
- 1.7 The application site is located outside of the development limits of Kildwick and therefore lies within the open countryside. The site is located within the designated heritage asset of the Kildwick Grange Conservation Area.

## 2. Proposal

- 2.1 Both listed building consent and planning permission is sought to convert the rear outrigger to form habitable accommodation which would be used as a holiday let. The proposals also include various alterations to the outrigger and to the main Kildwick Grange Hall building. The proposals are amendments to approved applications 73/2017/17980 and 73/2017/17981 with the only alterations being the change to the proposed internal staircase, the partial infilling of 1 door to form a window, and the alteration of the external door type to the south elevation.
- 2.2 The proposed conversion of the rear outrigger would comprise a lounge and kitchen/diner at ground floor with two bedrooms at first floor level each with en-suite toilet/shower rooms. It is proposed to construct an oak framed glazed canopy to the gable end of the converted outrigger and to build an external store (plant room) with timber doors. This would be faced in stone and would lie forward of the gable adjacent to the side elevation of the neighbouring property. The roofing of the store would be glazed and pitched to link into the proposed canopy.
- 2.3 Internally it is proposed to remove a partition wall that sub-divides the building into its most recent uses as utility room and garage. This partition wall is stone-built and is part of the original building. In addition it is proposed to re-configure the south-east corner of the outrigger to partially close off an existing entrance that currently allows access to both the main dwelling and the existing utility room and to remove an existing toilet. A staircase is proposed in the north-west corner to allow access from the ground floor lounge area to the first floor.

- 2.4 Externally the existing doors and openings to the southern elevation would remain. It is proposed to retain the windows on this elevation but to replace the one door with glazed timber units and to partially block up the other door to form a glazed window opening. To the western gable end it is proposed to remove the existing timber garage doors and install a new glazed timber door and windows.
- 2.5 The proposed alterations to the outrigger are to facilitate proposed conversion of the existing domestic accommodation to form an independent residential unit which in this case would be used as holiday accommodation. There is no supporting information to explain how the proposed holiday let would be operated.
- 2.6 In addition to the above it is proposed to undertake the following internal works to the main building
- Re-open an existing doorway between first floor south facing bedroom and the top of the main staircase.
  - Remove the window head reveal panel to the main window to the lounge and inspect/repair (if necessary) the lintel. Once completed the timber head lining would be reinstalled.
  - Remove the existing 20<sup>th</sup> Century fireplace in the lounge. Re-face the internal walls and hearth and return the fireplace opening to the stone lintel over the original opening. Insert metal spiral flue liner. Retain the 17<sup>th</sup> Century frieze over fireplace.
- 2.7 The internal alterations and replacement doors and windows detailed above do not require planning permission and therefore are only applicable to the LBC application.

### 3. Planning History

- 3.1 73/2003/3153: Re-forming door opening front elevation (to balcony), forming door for garage and windows to lean-to store. Approved August 2003.
- 3.2 73/2008/8635: Internal alterations to staircase. Approved June 2008.
- 3.3 73/2015/16026: Removal of existing upvc conservatory and replace with single storey garden room to rear. Approved September 2015.
- 3.4 73/2015/16027: Listed building consent for removal of upvc conservatory and replace with single storey garden room to rear. Approved September 2015.
- 3.5 73/2016/17035: Make amendments to C17 Grange Hall and to re-connect C15 hall into Grange Hall Cottage and to amend C17 home (from a 4 bed to a 3 bed home). Approved August 2016.
- 3.6 73/2016/17040: Listed building consent for works to grade II listed building.
- 3.7 73/2016/17289: Application to discharge condition nos. 4, 5, 7 and 8 of original planning consent reference 73/2016/17040 and condition no. 3 of original planning consent reference 73/2016/17035. Split decision October 2016.
- 3.8 73/2017/17980: Proposed internal and external alterations to form holiday cottage and repairs work to the Hall. Approved 23/10/2017.
- 3.9 73/2017/17981: Application for listed building consent for proposed external and internal alterations. Approved 23/10/2017.

### 4. Planning Policy Background

#### 4.1 **Saved Policies of the Craven (Outside the Yorkshire Dales National Park) Local Plan:**

ENV1: Development in the Open Countryside

ENV2: Requirements for Development in Open Countryside

H20: Extensions to Existing Dwellings

Appendix F: Residential Extensions.

4.2 **The National Planning Policy Framework.**

4.3 **National Planning Policy Guidance**

5. Parish/Town Council Comments

5.1 **Kildwick Parish Council:** No comments received within statutory consultation period.

6. Consultations

2017/18785/FUL:

**NYCC Highways:**

The design standard for the site is MfS and the required visibility splay is 60 metres by 2 metres. The available visibility is 50 metres by 2 metres westerly and 20 metres by 2 metres easterly. Consequently, the Local Highway Authority recommends that Planning Permission is refused for the following reason:

The existing access, by which vehicles associated with this proposal would leave and rejoin the County highway is unsatisfactory since the required visibility of 60m x 2m cannot be achieved in a westerly direction at the junction with the County highway and therefore, in the opinion of the Planning Authority, the intensification of use which would result from the proposed development is unacceptable in terms of highway safety.

2017/18786/LBC:

No consultations.

7. Representations

7.1 None received in relation to either application.

8. Summary of Principal Planning Issues

8.1 Scale, design and visual impact/impact on heritage assets.

8.2 Impact on amenity.

8.3 Highway safety issues.

9. Analysis

Scale, design and visual impact/impact on heritage assets:

- 9.1 Saved Local Plan Policy H20 is supportive of residential extensions and states that such development is acceptable provided the design, scale, appearance and use of materials respect the original building and would not result in a negative impact on the existing street scene.
- 9.2 The NPPF does not specifically comment on residential extensions but does contain general policy statements in relation to good design which it states is a key aspect of sustainable development that should contribute positively to making places better for people. The NPPF also states that new development should respond to local character and history, add to the overall quality of the area and be visually attractive as a result of good architecture and landscaping.
- 9.3 In terms of policy related to heritage assets the NPPF at paragraph 131 states that when determining planning applications LPA's should take account of the desirability of sustaining and enhancing the significance of heritage assets and at paragraph 126 that that developments should make a positive contribution to local character and distinctiveness.
- 9.4 In addition, paragraph 132, advises LPA's to consider the impact of a proposed development on the significance of a designated heritage asset, and highlights that the significance of a heritage asset can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. For this reason the NPPF advocates that as heritage assets are irreplaceable, any harm to or loss should require clear and convincing justification.

- 9.5 The proposal also needs to be assessed against the provision set out in Section 66(1) of the of the Planning (Listed Buildings and Conservation Areas) Act 1990 Act that requires decision makers, in considering whether to grant listed building consent for any works or development affecting a listed building, or its setting, to have special regard to the desirability of preserving the building or its setting or any feature of special architectural or historic interest that it possesses.
- 9.6 In this case the only aspect of the proposed works that is governed by saved Local Plan Policy H20 is the external alterations. These comprise for the most part changes to replace existing door openings with glazed timber units and the partial blocking up of a doorway to form a window. These are considered to be minor changes that would have no significant impact, and arguably would improve the appearance of the external elevations. The only other external changes would be the glazed canopy and timber/stone 'plant room' which would be constructed at the western end of the building proposed for conversion. These elements are considered to be small scale alterations that would respect the scale and appearance of the existing building and are located such that there would be no views of the structures from the wider public domain.
- 9.7 In terms of the impact on heritage assets, which in this case are the listed building and the conservation area, it is considered that the proposed alterations would improve the overall appearance of the outrigger building and would not have a significant visual impact on either the setting of the building or the wider conservation area. In coming to this view it is noted that the proposed alterations would not be visible other than from very limited viewpoints towards the rear of the main building and within an enclosed courtyard area and that the changes would moreover have no adverse impact on the more significant elements of the listed building.
- 9.8 It is considered that the proposed works comprise good design that would be of an appropriate scale and construction that would not adversely impact on the wider street scene or on the significance of the heritage assets of the grade II listed building or Kildwick Grange conservation area. On this basis the proposals are considered to be consistent with saved Local Plan Policy H20 and are therefore acceptable.

Impact on amenity:

- 9.9 The alterations to the site are relatively minimal. The proposal would not include the provision of additional windows that would result in overlooking of habitable windows or private amenity areas of neighbouring properties.
- 9.10 The timber built plant room extension to the side of the proposed building to be converted is not a habitable room. Additionally it does not feature any windows. As a result, there are no anticipated amenity issues as a result of the proposed development. On this basis, the proposal is considered acceptable in terms of impact on neighbouring amenity.

Highway safety issues:

- 9.11 The Highways Authority has recommended refusal of the proposal due to the visibility splays available at the junction with Skipton Road. The visibility splays required as 60 metres by 2 metres. The available visibility is 10 metres by 2 metres easterly and 15 metres by 2 metres westerly. The Highways Officer has confirmed that due to the junction with Skipton Road, the visibility splay has been taken from a point which is 2m distance back from the continuation line of highway verges at either side of the access which he concedes is open to interpretation.
- 9.12 On balance, it is considered that due to the access serving approximately 20 vehicles associated with 13 surrounding buildings. Additionally, the use of the proposed holiday cottage would be seasonal which would not have cars accessing and egressing the site as regularly as unrestricted dwellings. On this basis, it is considered that the access is appropriate and that the intensification of its use would not be too extreme to justify withholding planning permission.

10. Recommendation

- 10.1 To grant planning permission.

Conditions

### **Time Limit for Commencement**

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

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

### **Approved Plans**

2. The permission relates to the following plans:

- Location Plan received 17<sup>th</sup> January 2018.
- Drawing No. 15/547/8 Rev B received 28<sup>th</sup> November 2017.
- Drawing No. 15/547/9 Rev B received 28<sup>th</sup> November 2017.
- Details contained with the Heritage Statement received 28<sup>th</sup> November 2017.

Except as provided for by other conditions to this permission, the development shall be carried out in complete accordance with the approved drawings.

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 Authority) Local Plan, National Planning Policy Framework.

### **Ongoing Conditions**

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

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

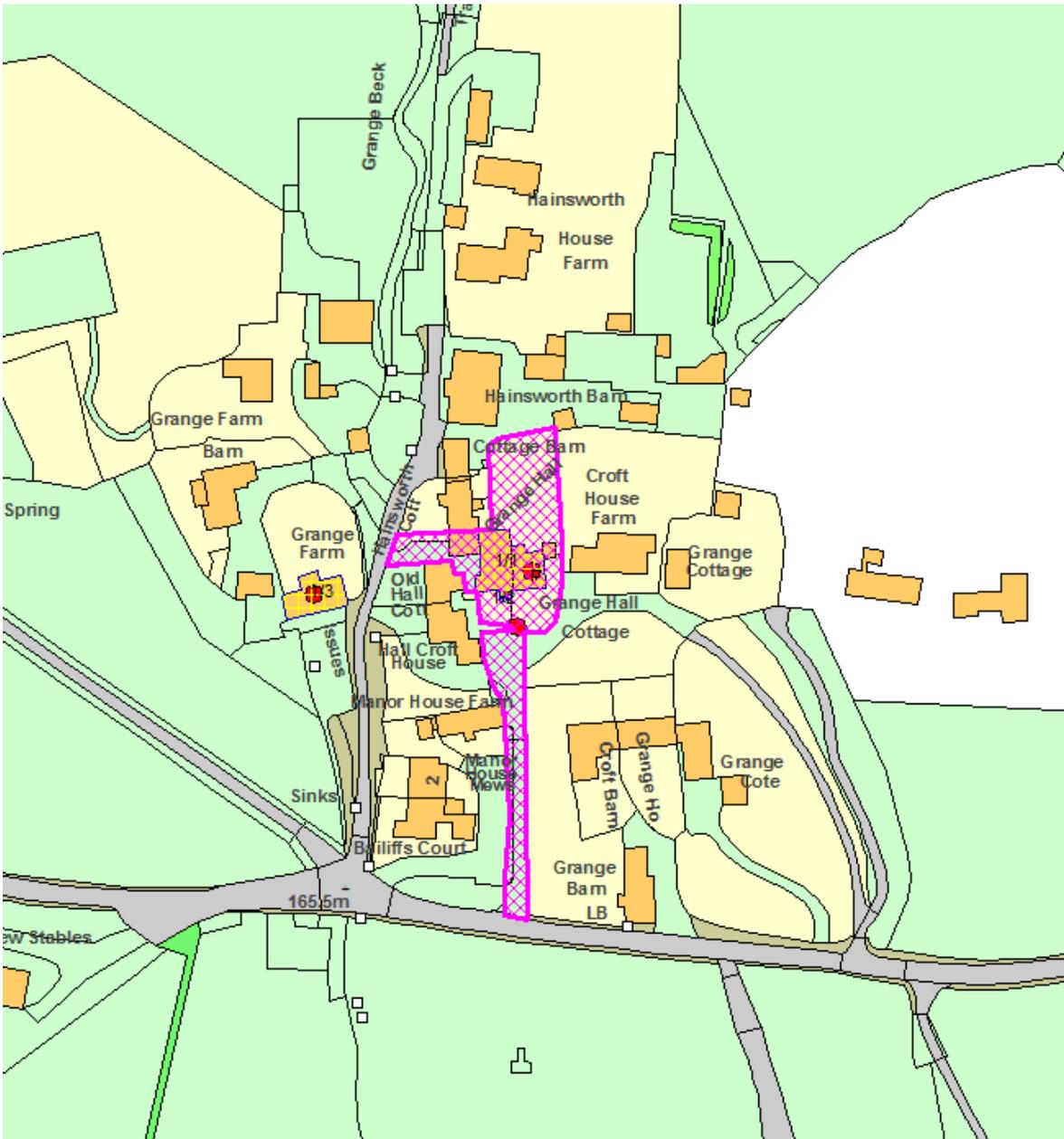
4. Notwithstanding the provisions of Schedule 2, Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any equivalent Order revoking and re-enacting that Order, with or without modification), the premises shall be used as holiday accommodation only and shall not be let, sold or otherwise occupied for any other purpose (including any other use falling within Class C3 of the schedule to the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that class in any statutory instrument amending or replacing that Order).

Reason: The premises lacks sufficient outdoor amenity space to allow its permanent occupation as a dwellinghouse and the creation of a self-contained dwelling within this constrained site would harm the character and appearance of the area. This restriction is required pursuant to the provisions of the National Planning Policy Framework.

### **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:** 2017/18785/FUL and 2017/18786/LBC

**Proposal:** Proposed internal and external alterations to form holiday cottage and repairs work to the Hall (resubmission of previously approved details of 73/2017/17980 and 73/2017/17981)

**Site Address:** Kildwick Grange Hall Skipton Road Kildwick BD20 9AD

**On behalf of:** Mr & Mrs B And E Fray

## REPORT TO PLANNING COMMITTEE ON 9th April 2018

**Application Number:** 2017/18744/OUT

**Proposal:** Outline application for a residential development of 4 dwellings - access, appearance, layout and scale applied for with all other matters reserved

**Site Address:** Land South Of Station Road Giggleswick BD24 0AB

**On behalf of:** Mr & Mrs L Fell

**Date Registered:** 16th November 2017

**Expiry Date:** 11th January 2018

**Case Officer:** Andrea Muscroft

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**The application has been referred to the Planning Committee as it represents a departure from the provisions of the Craven District (Outside the Yorkshire Dales National Park) Local Plan and the officer recommendation is for approval.**

### 1. Site Description

- 1.1 The application relates to a rectangular parcel of land extending to approximately 0.25 hectares in area located to the south of Station Road, Settle. The site is comprised of open grazing land with the River Ribble to the south of the site.
- 1.2 The site forms a strip of land with residential dwellings to the west of the site and open grazing land to the east and south. Located to the north are further residential dwellings.
- 1.3 The site forms part of an area of open agricultural land, divided into smaller parcels of agricultural land. The site would be bound to the east by the remaining open field and beyond the existing agricultural access residential dwellings to the west. The northern boundary of the site consists of a stone boundary wall fronting onto Station Road.
- 1.4 The application site is located outside of but adjacent to the development limits for Settle as identified on the 1999 Local Plan, and therefore lies in open countryside as defined in the Local Plan. The site has also been identified as being within Flood Zone 2 by the Environment Agency.

### 2. Proposal

- 2.1 The proposal is seeking outline consent for a residential development of 4 dwellings. Access, layout, scale and appearance are applied for at this stage, with landscaping being reserved for later consideration.
- 2.2 **Officer Note:** Following a request for an additional section drawing to be submitted, a revised plan was submitted which resulted in the inclusion of sections being included for consideration. No changes have been made to the dwellings, access, layout, scale and appearance. The proposal has been assessed based on the revised plan.
- 2.3 The proposed development includes a single access point onto Station Road which would be located in the centre of the site. Each of the proposed homes would be served by the shared single access.
- 2.4 The proposed dwellings would consist of four detached dwellings with attached garages. The proposed dwellings would be two storey and provide four bed accommodation.

- 2.5 The northern stone boundary wall would be retained with the exception of a section that would be removed to create the proposed vehicle/pedestrian access. The eastern, southern and western boundaries to the site would consist of 1.2m high stone boundary walls.
- 2.6 The plots would provide two in-curtilage parking spaces, plus each would benefit from a single garage.
- 2.7 The dwellings would be constructed using reclaimed stone with sawn stone surrounds for windows and doors under a blue slate roof. Windows and doors would be of timber construction and externally painted. Rainwater goods would be black PVC.
- 3 Planning History
- 3.1 5/31/135 – Residential development of part O.S. Field 3222 – Refused August 1985.
- 3.2 5/31/260 – Residential development of land to the west of Penny Bridge – Refused October 1995.
- 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 ('CDLP').
- 4.2 CDLP
- ENV1 – Development in the Open Countryside
  - ENV2 – Requirements for Development in the Open Countryside.
  - SRC12 – Protection of Public Rights of Way.
  - T2 – Road Hierarchy
- 4.3 Pre-publication Draft Craven Local Plan December 2017 – Emerging Local Plan (ELP)
- SD1 – The Presumption in favour of Sustainable Development.
  - SD2 – Meeting the challenge of climate change.
  - SP1 – Meeting Housing Need.
  - SP4 – Spatial Strategy and Housing Growth.
  - SP11 – Strategy for Tier 4A & 4B villages with basic services and bisected villages with basic services.
  - ENV6 – Flood Risk
  - ENV12 – Footpaths, Bridleways, Byways and Cycle Routes.
  - INF4 – Parking Provision.
- 4.4 National Policy
- 4.5 The National Planning Policy Framework – (NPPF)
- 4.6 Planning Practice Guidance (PPG).
- 5 Parish/Town Council Comments
- 5.1 Giggleswick Parish Council: Object to the proposal on the grounds:
- 5.2 The proposed development would be a site that is subject to flooding from The Ribble and from surface water, over spilling from Station Road. EA have identified the site as being in FZ3.
- 5.3 *Officers Note:* The application site lies within Flood Zone 2 and not Flood Zone 3 as identified by the Parish Council.

- 5.4 Concerns that the site may be contaminated as it was used as a tip to dump waste products from Settle Gas Works. It is recommended that a soil test is undertaken before a planning decision is reached.
- 5.5 Proposal would result in the loss of agricultural land which is contrary to the Governments guidance which seeks to protect agricultural land from development.
- 5.6 The development of this field would form a physical and visual incursion into the open countryside to the detriment of the character and appearance of the landscape. As such, the proposal is contrary to paragraph 17 of the NPPF that seeks to protect the intrinsic character and beauty of the countryside.
- 5.7 The proposed diversion of The Ribble Way is not clear but the footpath would be diverted from its natural line to the detriment of the character and the open views of the Ribble Valley looking towards Rathmell.
- 5.8 Consider that the proposal should not be determined until the emerging local plan has been adopted. Giggleswick has been designed as a Tier 4(b) village with housing need of two dwellings per annum for the period 2015 – 2030. The draft SP4 Spatial Strategy and Housing Growth states that Giggleswick housing provision of a total of 40 dwellings are required to meet housing need. These have already been built; therefore the development is no longer relevant.
- 5.9 Concerns over the large volumes of traffic that already travels along Station Road and the potential impact on highway safety.
- 5.10 A similar development was refused in 1995 and the Parish Council are of the opinion that the grounds for that refusal are still relevant.
- 5.11 *Officers Note:* Since the previous refusal there has been a significant change in National Planning Policy with the introduction of the National Planning Policy Framework and Planning Policy Guidance.
- 5.12 *Officer Note:* Further comments from Giggleswick Parish which have been summarised below:
- 5.13 Concern over the results of the Phase I ground investigation which has highlighted a number of chemicals hazardous to human health. Recommend that the application is brought before a planning committee.
- 6 Consultations
- 6.1 **CDC Contamination Officer:** No known contaminated land implications regarding this proposed development.
- 6.1 *Further comment after receiving additional information:*
- 6.2 Information has been provided that historically there may be areas of made ground on the development site and that dumped waste materials may have raised the ground level. Although no documented evidence is available, it is recommended that a condition be imposed requiring the applicant/developer to inform the Council immediately if contamination is located on the site.
- 6.3 **CDC Environmental Health:** No objection but recommend conditions being imposed to control potential noise, flooding, dust nuisances and the transportation of clean topsoil to the site.
- 6.4 **Environment Agency:** No objection as the EA Flood Map shows the site being within FZ2 and the details submitted within the FRA are acceptable as it demonstrates that the development would not pose an unacceptable risk of flooding or exacerbate flood risk elsewhere.
- 6.5 **NYCC Footpaths Officer:** No objection but advises the applicant/developer that the existing Public Right(s) of Way on the site must be protected and kept clear of obstruction. If an alternative route is required the applicant/development will need to contact the Country Council's Access and Public Rights team at County Hall with regards to the need for a diversion order.
- 6.6 **NYCC Highways Authority:** No objection subject to conditions being imposed relating to the construction details of private access/verge crossings, footway/ layout, visibility splays and retention of parking spaces and garage for original use.

- 6.7 **Ramblers Association:** No objection but advise the applicant/developer that should the application be approved then a diversion order will be required.
- 6.8 **United Utilities:** No objection subject to conditions imposed relating to the disposal of foul and surface water. The applicant/developer is advised that a public sewer crosses the site and building over it may not be permitted. An access strip width of 7 metres, 3.5m either side of the centre line of the sewer is required for the maintenance or replacement. Therefore, a modification of the site layout may be necessary at the applicant's expense.
- 6.9 Deep rooted shrubs and trees should not be planted in the vicinity of the public sewer and overflow systems.
- 7 Representations
- 7.1 The proposal was advertised on the 30<sup>th</sup> November 2017 in the Craven Herald with a Site Notice displayed within the surrounding area on the 24<sup>th</sup> November 2017. In addition, letters of notification were sent out directly to local residents.
- 7.2 As a consequence of the publicity 44 letters of objection were received plus a petition with 20 signatures.
- 7.3 Comments have been summarised below:
- 7.4 Local & National Policy
- Proposal conflicts with both the local plan and national policies.
  - Site has not been put forward for development in the emerging local plan.
- 7.5 Visual impact
- Proposal would result in the loss of an open aspect to travellers along Station Road.
  - Development too high.
  - Out of keeping with character of the area.
  - Over development of the site.
  - Proposal would result in the loss of a natural beauty.
  - Proposal would chip away at this green corridor.
- 7.6 Amenity
- Loss of privacy.
  - Noise nuisance.
  - Loss of natural light.
- 7.7 Highway issues
- Concern over highway safety for vehicle and pedestrian users.
  - Increase in traffic.
  - Inadequate access.
- 7.8 Flooding
- Proposal would increase the danger of flooding.
  - Concern over the future maintenance of any proposed soakaways.
- 7.9 Contamination
- Potentially contaminated land.

- Concern over the potential waste products present on the site as a consequence of the production of Town Gas.
- Concern how contaminated soil would be disposed of.
- Concern that contaminated materials are not transferred around the village during construction stage.

#### 7.10 Biodiversity

- Proposal would affect local ecology.

#### 7.11 Other

- Proposal fails to provide for the needs of young people from the area.
- Close to adjoining properties.
- General dislike of proposal.
- There is no need for these building.
- Proposal would have an unacceptable impact on the PROW.
- Insufficient information submitted and details missing from plans.
- Strain on existing community facilities e.g. local schools that are unable to accommodate anymore children.
- Concern that if approved it would set a precedent for further development.
- Priority should be given to development on brownfield sites.
- The site is located within a high Radon Area.
- Who will undertake the monitoring of dust and contamination levels?

### 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. The principle of residential development on the site.
2. The development’s impact on the character and appearance of the area.
3. The development’s impact on the amenity of surrounding occupiers.
4. The developments impact on highway safety.
5. The development’s impact on flood risk.
6. Contamination issues
7. The development’s impact on agricultural land.

8. The developments impact on local wildlife.

## 9 Analysis

9.1 The application is submitted in outline with matters of access, scale, appearance and layout having been applied for at this stage. Therefore, if approved the only matters which would be fixed as part of this application would be (1) the number of dwellings (2) the means of access to the site, (3) the layout (4) the scale and appearance of the dwellings. Landscaping is reserved for future consideration and does not form part of this application.

### 9.3 **Policy context**

9.4 A number of residents have made reference to the emerging local plan (ELP). The consultation document 'Preferred Sites for Housing' dated 22nd July 2016 identified this parcel of land to the south of Station Road as preferred housing sites - site references SG088.

9.5 In contrast, the 'Pre-publication Draft Craven Local Plan' consultation document dated 14th June 2017, which has superseded the Preferred Sites for Housing consultation paper, does not bring forward sites SG088 as housing allocations in the latest version of the ELP.

9.2 Objections received state that as the site was not brought forward it should not be considered for housing. However, the weight to be afforded to the June 2017 version of the ELP was assessed during two recent appeals – a Public Inquiry at Elsey Croft (appeal reference APP.C2708/W/16/3150511 concluding on 2<sup>nd</sup> August 2017). The conclusions to the Inspectors decisions, was that only “very limited” to “limited” weight can be attached to the ELP due to its “very early stage of preparation”.

9.3 Paragraph 38 (6) of the Planning and Compulsory Purchase Act 2004 and paragraph 2 of the NPPF make clear that development proposals are to be determined in accordance with the development plan unless material considerations indicate otherwise. At the present time, 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'). It is this plan, along with the NPPF, that provide the prevailing policy context under which the application is to be assessed.

### 9.4 **Principle of development.**

9.5 The application site lies outside but adjacent to the development limits defined on the 1999 Local Plan and, accordingly, is within the open countryside. As such, saved Policy ENV1 is of relevance. This policy seeks to protect the character and quality of the open countryside and prevent this from being spoilt by sporadic development.

9.6 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.

9.7 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.

9.8 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.”

9.10 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.

- 9.9 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.”
- 9.10 In addition, the first and third bullet points to the ‘Rural Housing’ chapter of the PPG identify that:
- “It is important to recognise the particular issues facing rural areas in terms of housing supply and affordability, and the role of housing in supporting the broader sustainability of villages and smaller settlements. This is clearly set out in the National Planning Policy Framework, in the core planning principles, the section on supporting a prosperous rural economy and the section on housing.”
  - “Assessing housing need and allocating sites should be considered at a strategic level and through the Local Plan and/or neighbourhood plan process. However, all settlements can play a role in delivering sustainable development in rural areas – and so blanket policies restricting housing development in some settlements and preventing other settlements from expanding should be avoided unless their use can be supported by robust evidence”.
- 9.11 Paragraphs 34 and 38 of the NPPF state that:
- “Plans and decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. However this needs to take account of policies set out elsewhere in this Framework, particularly in rural areas”.
  - “For larger scale residential developments in particular, planning policies should promote a mix of uses in order to provide opportunities to undertake day-to-day activities including work on site. Where practical, particularly within large-scale developments, key facilities such as primary schools and local shops should be located within walking distance of most properties”.
- 9.12 The fourth bullet point to paragraph 001 of the ‘Rural Housing’ chapter to the NPPG states that:
- “The National Planning Policy Framework also recognises that different sustainable transport policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas.”
- 9.13 Objections have been received raising concerns that the existing infrastructure is unable to support further development in the village of Giggleswick.
- 9.14 The site is located adjacent to existing residential development and would be within walking/cycling distance of the centre of Giggleswick. It is acknowledged that the services and facilities available within the village of Giggleswick are limited, however the town centre of Settle would provide a wide range of services and facilities is located approximately 1km from Station Road. In terms of public transport, the Settle Railway Station is located within close proximity to the application site and there are a number of bus stops at the junction of Station Road and Raines Road. Although these stops are served by limited services, other bus stops located within the centre of Settle offer services with a greater frequency. It is therefore, considered that the development would not result in the introduction of isolated homes in the countryside for the purposes of the NPPF.
- 9.15 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.”

- 9.16 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.”
- 9.17 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.
- 9.18 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.”
- 9.19 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 abovementioned appeal and assess this application on the basis that the Council is unable to demonstrate a five year supply of housing land.
- 9.20 Notwithstanding the above, it is not considered that a moratorium can be placed on housing development within the open countryside based purely on the presence of a 5 year supply of housing land in any case.
- 9.21 In conclusion, the application site is located within an area of open countryside and the proposal represents a departure from the provisions of policy ENV1 of the 1999 Local Plan. Nevertheless, the development would occupy an edge of settlement location which, is reasonably well related to existing services and facilities in both Giggleswick and Settle. Furthermore, the Council is unable to demonstrate a 5 year housing land supply for the purposes of paragraph 47 of the NPPF. Therefore, in these circumstances, the provision of paragraph 14 of the NPPF are engaged and it follows that planning permission should be granted unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits or specific policies in the Framework indicated development should be restricted.
- 9.22 Impact of the development on the character and appearance of the open countryside**
- 9.23 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.
- 9.24 CDLP policy ENV2 sets out four criteria for developments in the open countryside. The policy seeks to ensure that development is:
- 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.
- 9.25 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.

- 9.26 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”.
- 9.27 The application site comprises of open agricultural land and is classified as a “Valley Pasture Landscape” of “flat open floodplain with stone walls” in the Craven District outside the Yorkshire Dales National Park and Forest of Bowland AONB Landscape Appraisal (October 2002). Paragraph 4.3.2 of the Landscape Appraisal identifies seven key characteristics of the landscape:
- Distinctive flat alluvial floodplain containing meandering river channel;
  - Broad, open flood plain valley providing extensive views framed by high ground;
  - Medium to large-scale landscape with limited vegetation and an open character;
  - Strong pattern of medium scale fields of lush improved pasture enclosed by a network of dry stone walls;
  - Limited vegetation of isolated and scattered trees along field boundaries and river;
  - Open valley contains important transport corridors, and floodplain is often crossed or bounded by road, rail, and canal, marking the boundary to higher ground;
  - Some river banks are artificially raised.
- 9.28 The western boundary of the site would lie within close proximity to 2no. Semi-detached dwellings granted approval under application 5/31/129. These properties are also two storeys, although they have been set down lower than the adjacent public highway. In contrast, the remaining two boundaries of the site are viewed against the backdrop of open fields, separated by dry stone walls. As a result, the site makes a substantial contribution to the character of this landscape on the periphery of the settlement, with its openness being an essential characteristic of this.
- 9.29 The proposed four dwelling development includes the introduction of a stone boundary wall along the western, southern and eastern boundaries. This reflects the existing stone boundaries that enclose the rear amenity areas of properties to the west of the site. Whilst, landscaping is a reserved matter, it is considered that appropriate landscaping would help mitigate any visual impact of the development.
- 9.30** The proposed dwellings would comprise of detached dwellings within integral and detached garages laid out to a low density. The proposed dwellings would be two storey in height to complement the scale of the neighbouring dwellings and would be constructed using reclaimed stone. The proposed roofs would consist of interlocking roofs with gable to gable elements which would add variety to the street scene. The existing northern stone boundary wall with the exception of the section of walling that would be removed would be repaired and retained. A combination of open frontages, consisting of low level stone boundary walls would form the front garden boundaries with the access, and stone boundary walls separating the rear amenity areas.
- 9.31** In conclusion, the proposal by virtue of its layout, scale, materials and design, would be compatible with the character of the surrounding development and would not have any unacceptable adverse effects on the character and appearance of the existing street scene. The proposal therefore accords with the requirements of Saved Policy ENV2 of the Local Plan and the guidance contained within the NPPF.
- 9.32 Amenity**
- 9.33 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 occupiers. Notwithstanding this, 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”.

- 9.34 Concerns have been raised by neighbouring properties with regards to the potential loss of privacy, natural light and noise nuisance.
- 9.35 The nearest dwelling to the application site is Kirkdale located to the west of the site at a separation distance of approximately 20m from Plot 1. This would result in a side to side relationship with Plot 1, and although there is a proposed window at ground floor level to serve the dining room it is considered that the separation distance is sufficient to ensure no loss of privacy. Similarly, due to the orientation the proposal would not appear overbearing when viewed from the habitable or privacy amenity areas associated with this property.
- 9.36 The next nearest group of dwellings to the site are located to the north of Station Road at a separation distance of approximately 37m. It is acknowledged that the proposed detached dwellings would face across towards the habitable windows and front amenity areas of these properties. However, it is considered that the separation distance is sufficient to ensure that the occupants of these properties would not experience any unacceptable loss of privacy.
- 9.38 With regards to concerns expressed over potential loss of natural light, properties to the north of Station Road comprise of two detached bungalows dwellings and a row of two storey terrace dwellings with the primary light source from the front windows. The proposed dwellings have been designed with a similar ridge and eaves height to the existing terrace dwellings located along Station Road. However, the proposed dwellings would be significantly higher than the existing detached bungalows located directly in front of the site. Notwithstanding this, it is considered that due to the separation distance and gaps between the proposed dwellings that the proposal would not result in any unacceptable loss of light or appear overtly dominant when viewed from the habitable rooms and amenity spaces of these properties.
- 9.39 With regards to concerns over noise nuisance, there is no evidence to suggest that the level of noise, nuisance and disturbance associated with the proposed dwellings would generate significant noise, nuisance or disturbance over and above that of a normally family home. As such, it is not considered that a refusal of the application on this basis could be justified.
- 9.40 With regards to the amenity and privacy provide to the future occupants of the proposed dwellings it is considered that there is sufficient space between existing dwelling and proposed dwellings to ensure no unacceptable loss of privacy. In addition, the proposed living space and outside amenity area is considered sufficient to meet the needs of any future occupant of the dwellings.
- 9.41 In conclusion, the proposal would not give rise to any unacceptable loss of privacy or amenity of existing or future residential occupants. The proposal therefore, accords with the requirements of the NPPF.

## **9.42 Highways**

- 9.43 Saved T2 are permissive of development proposals that are appropriate to the highway network where, amongst other things, they do not generate traffic in excess of the highway network; any new or greater use of an access onto a primary, district or local distributor road is acceptable in terms of design and road safety; and, regard is paid to the highway impact and potential for improvement to the surrounding landscape.
- 9.44 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.
- 9.45 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'.*
- 9.46 Vehicle access to the site is to be gained directly off Station Road. The position of the access would be directly between Sandholme Close to the west and Sandholme Drive to the east. A section of the boundary wall that fronts onto Station Road would be removed to create visibility splays of 2.4m x 60m in both directions. A PROW (05.21/55/1) runs north to south through the western section of the site. Drawings indicate that the PROW would be diverted to run along the western boundary.

- 9.47 An existing agricultural access located to the west of the site would remain unaffected by the proposal.
- 9.48 The Local Highway Authority have raised no objections to the proposed means of access to the site subject to conditions requiring adequate visibility splays with the existing highway.
- 9.49 Given the above, it is considered that the proposed access arrangements would provide a safe and suitable means of access to the site for vehicles. Appropriate conditions if approved should be imposed relating to the construction of the access, the provision of the shared footpath and associated off-site highway works as recommended by the Local Highway Authority.
- 9.50 A total of 16 off-street car parking spaces (including garages) would be provided as part of the development. The Local Highway Authority considers the level of parking provision to be sufficient. A condition should be imposed requiring the parking spaces for each dwelling to be retained for their intended use if approved.
- 9.51 In conclusion, the proposal would not create conditions contrary to highway safety. The proposal therefore, accords with the requirements of Saved Policy T2 of the Local Plan and guidance contained within the NPPF.

## **9.52 Flooding**

- 9.53 Paragraph 100 of the NPPF states that “inappropriate development in areas at risk of flooding (and 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 necessary, making it safe without increasing flood risk elsewhere. The aim of the Sequential Test as set out at paragraph 101 of the Framework is to steer new development to areas with the lowest probability of flooding. Development should not be permitted if there are reasonably available site appropriate for the proposed development in areas with a lower probability of flooding.
- 9.54 The Craven District Council Development and Flood Risk Guidance Note (April 2011) sets out how national policy in respect of the Sequential Test for flood risk should be applied in Craven.
- 9.55 The whole of the site is located within Zone 2 Medium Probability Land having between a 1 in 100 and 1 in 1,000 annual probability of river flooding; or land having between a 1 in 200 and 1 in 1,000 annual probability of sea flooding. (Land shown in light blue on the Flood Map). The appellant has submitted a Scoping Study Flood Risk & Drainage Impact Assessment carried out in 2017.
- The submitted FRA considers that whilst the site lies within FZ 3, although the Environment Agency modelling identifies FZ 2< the mitigation measures consisting of:
- The ground floor of the proposed dwellings will be set a min of 700mm above the existing ground levels;
  - The ground floor will be insulated and suspended with regular air bricks;
  - The sub-floor is designed as a void capable of admitting and draining floor water with no loss of flood storage capacity.
- 9.56 This would ensure that the proposal did not increase the risk of flooding either on or off site and that the site can be adequately drained of both surface and foul water, subject to the implementation of an approved drainage scheme based on the recommendations and design principles set out in the FRA.
- 9.57 The Council has undertaken a sequential test approach when considering potential sites for residential development. As a consequence, applicant’s needs to demonstrate that there are no alternative sites ‘reasonably available’. The submitted FRA fails to identify any alternative sites within the Giggleswick area in relation to the residential development. This is in conflict to the Council’s sequential test which has identified a number of suitable alternative sits in Giggleswick that are located outside of the flood zone and that could be potentially developed. On this basis it is not considered that the Sequential Test has been passed satisfactory and therefore the development is not compliant with the NPPF.
- 9.58 With reference to the Exceptions Test it is argued that the development would provide ‘much needed housing stock within the Craven District Council area’. This argument is not considered to be sufficient

to justify planning permission being granted in this instance as, in the Council's opinion, there are alternative sites that could provide housing land in the area and it is not considered that the provision of housing would outweigh the potential harm of allowing development to take place in the flood zone. It is noted that the Exceptions Test is not applicable in this instance as the site is not considered to have passed the Sequential Test.

9.59 Notwithstanding this, paragraph 103 of the NPPF states that LPA's can consider development appropriate in areas of risk of flooding where it can be demonstrated that:

- Within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location; and
- Development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, including by emergency planning; and it gives priority to the use of sustainable drainage systems.

9.60 In this instance, the submitted FRA has been reviewed by the EA who have confirmed that the proposal demonstrates that the development would not be at an unacceptable risk of flooding or exacerbate flood risk elsewhere. It is therefore, considered that subject to the development being constructed in strict accordance with details contained within the FRA and the implementation of the mitigation measures the proposal is acceptable.

9.61 The overall conclusion in relation to flood risk is that although there are sites in relatively close proximity to the application site that are not in areas at risk of flooding which can potentially be developed for housing. The proposal meets the requirements of paragraph 103 of the NPPF in that the development would not be at an unacceptable risk of flooding or exacerbates flooding elsewhere and is therefore considered acceptable for the development of housing.

## **9.62 Contamination**

9.63 Local residents have raised concerns over the potential contamination on the site. The Council's contamination officer has not identified the site as being potentially contaminated, however, he has recommended that if approved a condition should be imposed requiring the applicant/developer to contact the Council immediately should any contamination be found on the site.

## **9.64 Ecology**

9.65 Local residents have raised concerns over the potential impact of the development on the local ecology.

9.66 The third bullet point to paragraph 109 of the NPPF indicates that the planning system should contribute to and enhance the natural and local environment by:

- Minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

9.67 It is acknowledged that the development would result in the loss of an area of agricultural land, sited in a rural setting. However, it is considered that it is unlikely to result in any unacceptable or adverse impacts upon the locale ecological habitats.

## **9.68 Agricultural Land**

9.69 The application site forms pastureland for grazing animals and is designated as 3. The definition in Annex 2 of the NPPF defines 'best and most versatile agricultural land' (BVM) as "land in grades 1, 2 and 3a of the Agricultural Land Classification. Paragraph 112 of the NPPF states that:

*"Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality".*

9.70 There is no extant Local Plan policy relating to the loss of BMV (policy ENV11 of the CDLP was not 'saved' under the Direction from the Secretary of State). Nevertheless, paragraph 122 of the NPPF

affords some protection in cases involving “significant development of agricultural land” and identifies a preference for the use of poorer quality land.

9.71 The Agricultural Land Classification Map is based on the Ministry of Agriculture, Fisheries and Food Soil Survey of England and Wales 1969 which is intended for strategic purposes. The map is not sufficiently accurate for use in assessment of individual sites. Moreover, grade 3 is split into two categories – 3a and 3b – with only the former classified as BMV for the purposes of the definition in the NPPF.

9.72 Given this wider context, and the fact that the development parcel is under 1 hectare in area, it is considered that the site’s individual value for agriculture is limited. Even if operating on the assumption that the land falls in grade 3a and is BMV, the NPPF does not place an absolute embargo on the use of such land for development. Instead, it is only where “significant development of agricultural land” is thought to be necessary that land of a lower quality should be preferred. In this case the area assumed to be BMV is relatively small and it could not be reasonably contended that it represents an essential component in the viability of an agricultural holding. Therefore it is not considered that its loss can be regarded as ‘significant’ and it should not be an overriding consideration in the determination of the application.

9.73 **Other issues.**

9.74 The proposal indicates the diversion of an existing Public Right of Way (PROW). Notwithstanding this, the applicant or developer would need to apply to the County Council’s Access and Public Rights team at County Hall for a diversion order.

**9.75 Conclusion**

9.76 The application seeks outline permission (with access, appearance, layout and scale) for a residential development of 4 dwellings. The site occupies a edge of settlement location within close proximity to local services and public transport. The Council is unable to demonstrate a 5 year supply of housing land and thus the proposal would bring through the delivery of additional housing in the absence of a five supply. In these instance, paragraph 14 of the NPPF are engaged and it follows that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits or specific policies in the Framework indicate development should be restricted.

9.77 The development in terms of siting, scale and appearance would not result in an unacceptable erosion of its rural character.

9.78 The spacing and relationship of the proposed dwellings to neighbouring properties would ensure that the development has no undue impact on the privacy and amenity of adjoining occupiers through loss of outlook, overshadowing or overlooking. The development would also incorporate a safe and suitable means of access and would not give rise to any severe residual cumulative transport effects which would adversely affect highway safety.

10 **Recommendation**

10.1 That planning permission is approval subject to the following conditions

**Conditions.**

**Time limit for commencement (T)**

1. Application for approval of reserved matters must be made not later than the expiration of three years beginning with the date of this permission and the development must be begun not later than: (i) the expiration of three years from the date of this permission; or (ii) two years from the date of approval of the last of the reserved matters to be approved.

Reason: To comply with the requirements of section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

**Approved plans (L)**

2. This permission relates to the following plans:

- Drawing no. 2680 Rev A.

Any application for approval of reserved matters submitted pursuant to this permission shall accord with the outline permission insofar as it relates to the means of access to the site, the scale and layout of the development, the maximum number of dwellings and the site area.

Reason: The application is granted in outline only in accordance with the provisions of Article 4 of the Town and Country Planning (Development Management Procedure) Order 2015. Any application for reserved matters must be in accordance with and/or not exceed the parameters established as part of this permission.

**Before you commence development (P)**

3. The approval of the Local Planning Authority shall be sought in respect of the following matter before the development is commenced; the landscaping of the site.

Reason: The application is granted in outline only under the provisions of Article 4 of the Town and Country Planning (Development Management Procedure) Order 2015 and details of the matters referred to in the condition have not been submitted for consideration.

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

Detailed engineering drawings to a scale of not less than 1:250 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.

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.

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.

Details of the method and means of surface water disposal.

Details of all proposed street lighting.

Drawings for the proposed new roads and footways/footpaths giving all relevant dimensions for their setting out including reference dimensions to existing features.

Full working drawings for any structures which affect or form part of the highway network.

A programme for completing the works. The development shall only be carried out in full compliance with the approved drawings and details unless agreed otherwise in writing by the Local Planning Authority with the Local Planning Authority in consultation with the Highway Authority.

Reason: To secure an appropriate highway constructed to an adoptable standard in the interests of highway safety and the amenity and convenience of highway users in accordance with the requirements of Craven District (Outside the Yorkshire Dales National Park) Local Plan policy T2 and the National Planning Policy Framework.

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 of material on the site until the access(es) to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements:

The details of the access shall have been approved in writing by the Local Planning Authority in consultation with the Highway Authority.

- 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.
- That part of the access(es) extending 6 metres into the site from the carriageway of the existing highway shall be at a gradient not exceeding 1 in 10.
- 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.

Reason: In order to provide a safe and suitable means of access to the site and to ensure a satisfactory standard of engineering works in the interests of highway safety in accordance with the requirements of Craven District (Outside the Yorkshire Dales National Park) Local Plan policy T2 and the National Planning Policy Framework.

6. 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 60 metres measured along both channel lines of the major road Station Road Giggleswick from a point measured 2 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 order to provide a safe and suitable means of access to the site in the interests of highway safety in accordance with the requirements of Craven District (Outside the Yorkshire Dales National Park) Local Plan policy T2 and the National Planning Policy Framework.

7. Prior to the commencement of any development, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions shall be submitted to and approved in writing by the Local Planning Authority.

The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards

and unless otherwise agreed in writing by the Local Planning Authority, no surface water shall discharge to the public sewerage system either directly or indirectly. The development shall be completed in accordance with the approved details.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution. This condition is imposed in light of policies within the NPPF and NPPG.

### **During building works**

8. Should any unexpected significant 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'

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

Reason: To secure proper drainage and to manage the risk of flooding and pollution.

10. Any application which seeks approval for the reserved matter of landscaping pursuant to this permission shall include a landscaping scheme for the site which contains details of:

- the introduction of additional planting within the site which forms part of the internal development layout and
- 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 or shrubs removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced by trees or shrubs of similar size and species to those originally required to be planted.

Reason: To ensure suitable retention and strengthening of landscaping on the site in the interests of visual amenity, to provide a buffer with adjoining agricultural fields located within the open countryside and to provide suitable biodiversity enhancements in accordance with the requirements of Craven District (Outside the Yorkshire Dales National Park) Local Plan policies ENV2 and ENV10 and the National Planning Policy Framework.

11. Notwithstanding any description of materials in the application, no above ground works shall take place until 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.

12. The development hereby approved shall be carried out in conformity with the details contained within the Scoping Study Flood Risk & Drainage Impact Assessment and retained thereafter.

Reason: To ensure that Flood Risk is satisfactorily addressed.

## Ongoing conditions

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, for the time being in force, the garage(s) shall not be converted into domestic accommodation without the granting of an appropriate planning permission.

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.

14. Notwithstanding the provision of any Town and Country Planning (General Permitted Development) (England) Order 2015, for the time being in force, the areas shown on approved site layout plan 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.

15. The hard surface hereby approved 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.

16. Notwithstanding the provisions of Schedule 2, Part 1, Classes A, B, C, D and E of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any equivalent Order following the revocation and re-enactment thereof (with or without modification), the dwellings hereby approved shall not be altered or extended, and no buildings or structures shall be erected within its curtilage.

Reason: In order to prevent overdevelopment of the site, to ensure that satisfactory provision of outdoor amenity space for the dwellinghouse is maintained and to safeguard the privacy and amenity of the occupiers of adjacent dwellings in accordance with the requirements of the National Planning Policy Framework.

## Informative

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.

The existing Public Right(s) of Way on the site must be protected and kept clear of any obstruction until such time as any alternative route has been provided and confirmed under an Order made under the Town and Country Planning Act 1990. Applicants are advised to contact the County Council's Access and Public Rights of team at County Hall, Northallerton via [paths@northyorks.gov.uk](mailto:paths@northyorks.gov.uk) to obtain up-to-date information regarding the line of the route of the way. The applicant should discuss with the Highway Authority any proposals for altering the route.

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/developer is advised that in the interests of promoting sustainable travel opportunities electric vehicle charging points should be provided.

A public sewer crosses this site and we may not permit building over it. We will require an access strip width of 7 metres, 3.5 metres either side of the centre line of the sewer which is in accordance with the minimum distances specified in the current issue of "Sewers for Adoption", for maintenance or replacement. Therefore a modification of the site layout at the applicant's expense may be necessary.

Deep rooted shrubs and trees should not be planted in the vicinity of the public sewer and overflow systems.

The applicant can discuss any of the above with Developer Engineer, Josephine Wong, by email at [wastewaterdeveloperservices@uuplc.co.uk](mailto:wastewaterdeveloperservices@uuplc.co.uk).

The level of cover to the water mains and sewers must not be compromised either during or after construction.

A separate metered supply to each unit will be required at the applicant's expense and all internal pipe work must comply with current water supply (water fittings) regulations 1999.

Should this planning application be approved, the applicant should contact United Utilities on 03456 723 723 regarding connection to the water mains or public sewers.

It is the applicant's responsibility to demonstrate the exact relationship between any United Utilities' assets and the proposed development. United Utilities offers a fully supported mapping service and we recommend the applicant contact our Property Searches Team at [Property.Searches@uuplc.co.uk](mailto:Property.Searches@uuplc.co.uk) to obtain maps of the site.

Due to the public sewer transfer, not all sewers are currently shown on the statutory sewer records, if a sewer is discovered during construction; please contact a Building Control Body to discuss the matter further.

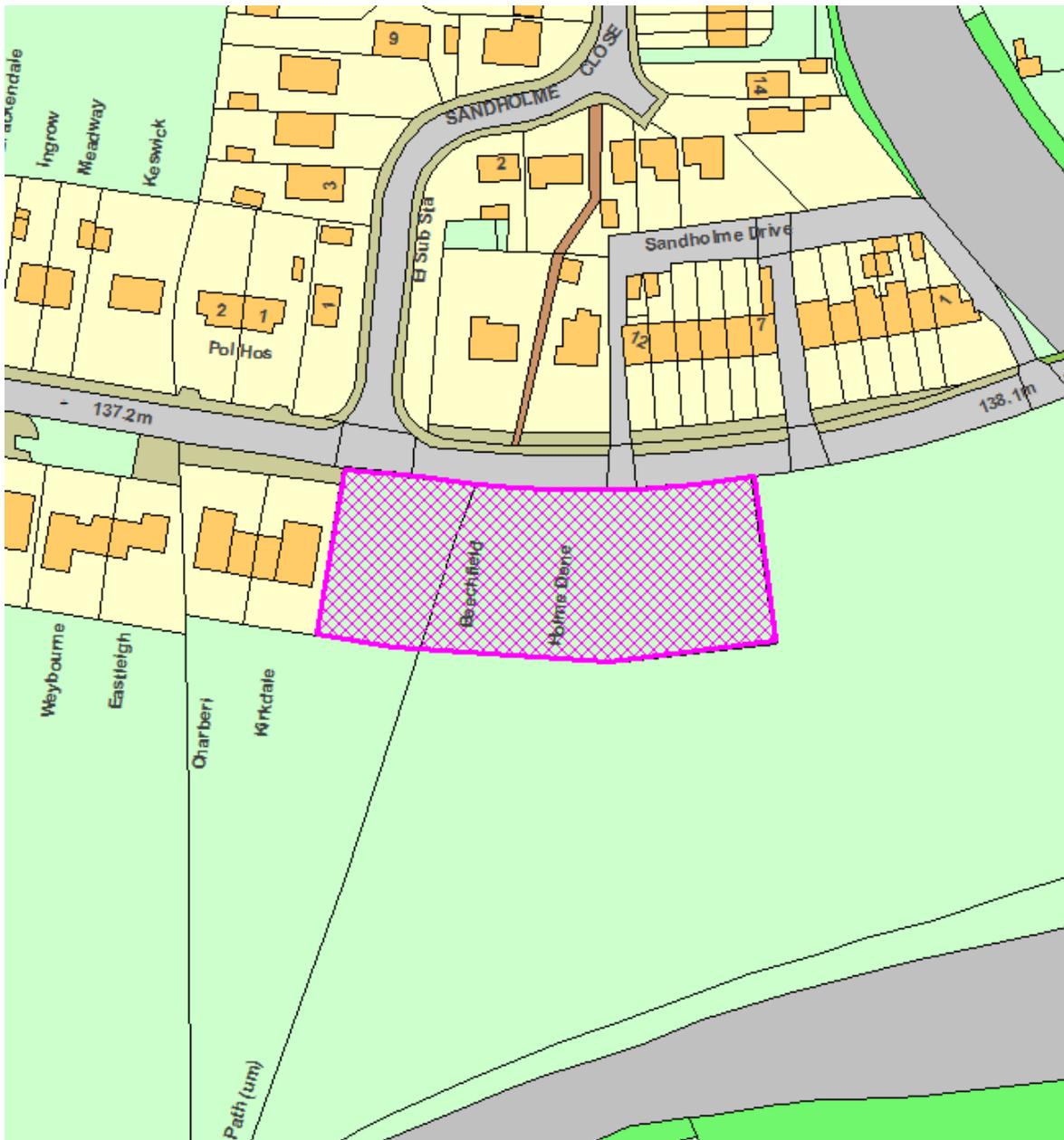
In accordance with the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG), the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way.

The NPPG clearly outlines the hierarchy to be investigated by the developer when considering a surface water drainage strategy. We would ask the developer to consider the following drainage options in the following order of priority:

1. into the ground (infiltration);
2. to a surface water body;
3. to a surface water sewer, highway drain, or another drainage system;
4. to a combined sewer.

If the applicant intends to offer wastewater assets forward for adoption by United Utilities, the proposed detailed design will be subject to a technical appraisal by an Adoptions Engineer as we need to be sure that the proposal meets the requirements of Sewers for adoption and United Utilities' Asset Standards. The proposed design should give consideration to long term operability and give United Utilities a cost effective proposal for the life of the assets. Therefore, should this application be approved and the

applicant wishes to progress a Section 104 agreement, we strongly recommend that no construction commences until the detailed drainage design, submitted as part of the Section 104 agreement, has been assessed and accepted in writing by United Utilities. Any works carried out prior to the technical assessment being approved is done entirely at the developers own risk and could be subject to change.



**Application Number:** 2017/18744/OUT

**Proposal:** Outline application for a residential development of 4 dwellings - access, appearance, layout and scale applied for with all other matters reserved

**Site Address:** Land South Of Station Road Giggleswick BD24 0AB

**On behalf of:** Mr & Mrs L Fell

## REPORT TO PLANNING COMMITTEE ON 9th April 2018

**Application Number:** 2017/18728/FUL

**Proposal:** Proposed construction of a detached dormer bungalow and detached double garage.

**Site Address:** Lyngarth Keighley Road Cowling BD22 0LA

**On behalf of:** Mr Seth Smith

**Date Registered:** 11th December 2017

**Expiry Date:** 5th February 2018

**Case Officer:** Andrea Muscroft

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**The application has been referred to the Planning Committee as it represents a departure from the provisions of the Craven District (Outside the Yorkshire Dales National Park) Local Plan and the officer recommendation is for approval.**

### 1. Site Description

- 1.1 The application relates to a triangular parcel of and on the fringe of the settlement of Cowling. The site currently consists of garden amenity space for Lyngarth house.
- 1.2 Located within the site to the west of the existing dwelling is a detached garage with the remaining land with the exception of the driveway grassed over. A beck runs along the north and south boundary and three protected trees lie along the boundary with Keighley Road.
- 1.3 The application site lies outside of the development limits but adjacent to the designated conservation area of Cowling.

### 2 Proposal

- 2.1 The proposal is seeking full planning permission for the construction of a detached dormer bungalow adjacent to the eastern boundary with four off street parking spaces.
- 2.2 The bungalow would occupy a square footprint measuring approximately 10m x 10m. The bungalow would be topped by a gable roof with a maximum height of 5.7m.falling to 2.5m at the eaves. A porch with a lower roof would be located off the front elevation. Window openings are proposed to all four elevations and two dormer windows to both the front and rear roof slopes.
- 2.3 The bungalow would be constructed using natural coursed stone under a blue slate roof.
- 2.4 Access to the site would be gained directly off Keighley Road, utilising the existing access which would open onto a hardstanding vehicle driveway. The access would serve both the existing and proposed dwellings. Two parking spaces would serve the proposed dwelling. A new hardstanding would be provided to serve the existing dwelling in the front garden of that property.

### 3 Planning History

- 3.1 22/2005/5842 – Construction of boundary fence above existing stone wall – Refused December 2005.

### 4 Planning Policy Background

- 4.1 Saved Policy ENV1, ENV2, ENV10 & T2 of the Craven District (Outside the Yorkshire Dales National Park) Local Plan.
- 4.2 The Publication Draft Craven Local Plan December 2017 – Emerging Local Plan (ELP)
- 4.3 SD1 – The presumption in favour of sustainable development.
- 4.4 SP1 – Meeting housing need.
- 4.5 ENV2 – Heritage
- 4.6 ENV8 – Water resources, water quality and ground water.
- 4.7 INF4 – Parking provision.
- 4.8 The National Planning Policy Framework – NPPF.
- 4.9 Planning Practice Guidance – PPG

### 5 Parish/Town Council Comments

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

### 6 Consultations

- 6.1 CDC Contamination Officer: No comments received within the statutory consultation period.
- 6.2 CDC Environment Health Officer: No comments received within the statutory consultation period.
- 6.3 CDC Tree Officer: One parking space is proposed to be within the root protection area of T2 which I consider could be acceptable. I would suggest a permeable surface with some sort of free draining ground protection underneath.
- 6.4 Please can we request further details specifying details of the materials and excavation depths etc. Any excavation within the Root Protection Area (RPA) should be with hand tools to BS 5837 (2012). We might also need a method statement as these 3 trees will require protective fencing during the construction of the property. This will need to be removed for construction of the drive and therefore we need reassurances that the RPA won't be damaged or compacted at this stage. This would ideally be done after the construction of the house.
- 6.5 NYCC Highways: No objection subject to the use of conditions relating to the retention of the parking spaces and garages for original use.

### 7 Representations

- 7.1 The proposal was advertised on the 28<sup>th</sup> December 2017 in the Craven Herald with a Site Notice displayed within the surrounding area on the 13<sup>th</sup> December 2017. In addition, letters of notification were sent out directly to local residents.
- 7.2 No third party representation 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 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.
  2. The development's effects on the surrounding designated conservation area.
  3. The development's impact on the amenity of surrounding occupiers.
  4. The scheme's effects on highway safety.
  5. The scheme's effect on Protected Trees.

## 9 Analysis

### 9.1 **Principle of development.**

- 9.2 The application site lies outside of the development limits defined on the 1999 Local Plan, and accordingly the site lies within the open countryside. Saved Policy ENV1 is therefore of relevance. Saved 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. However, this policy does not preclude development in the open countryside. The policy is supportive of small scale development subject to meeting certain criteria. These include that development should be small scale and where it clearly benefits the rural economy; helps to maintain or enhance landscape character, is essential for the efficient operation of agriculture or forestry; or is essential to the needs of the rural community. These objectives are broadly compliant with paragraph 17 of the NPPF which requires that the intrinsic character and beauty of the countryside is recognised.
- 9.3 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.
- 9.4 However, the NPPF also makes allowances for other types of development in rural areas which do not strictly fall 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 In this instance, the proposal does not strictly fall within the categories of development permissible within the open countryside as set out in policy ENV1, and thus represents a departure from the adopted Local Plan. Notwithstanding this, it does not follow that this is sufficient grounds to resist the principle of residential development, particularly as there is

conflict between 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.

- 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 nearby village. However, LPA should avoid new isolated homes in the countryside unless there are special circumstances.
- 9.7 The application site is located on the edge of the existing settlement of Cowling which provides a number of services and facilities. In addition, the village of Glusburn is located approximately 3 km to the east of the site and which also provides a wide range of services and facilities and good public transport connections to nearby villages and towns. A bus stop is located near to the application site which connects with neighbouring towns and villages. Furthermore, a footpath links the application site with both the main centre of Cowling and the village of Glusburn. Therefore, it is considered that the application site would be located in a sustainable location and would not result in the introduction of an isolated home in the open countryside for the purposes of the NPPF.
- 9.8 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.”
- 9.9 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.”
- 9.10 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.
- 9.11 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.”
- 9.12 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 abovementioned appeal and assess this application on the basis that the Council is unable to demonstrate a five year supply of housing land.

- 9.13 Nevertheless, irrespective of the housing land supply position, it is necessary to consider whether the proposal would be sustainable development for which there is a presumption in favour.
- 9.14 Turning to the three dimensions to sustainable development, economic, social and environmental as defined by the NPPF, it is recognised that the proposed development of this site would provide economic benefits associated from new housing development including the provision of construction jobs and from future residents of the proposed dwellings. In addition, the proposal would provide some social benefits and help to support the vitality of the rural community.
- 9.15 However, when considering the proposal against the environment dimension the proposal would result in the development of a residential garden. Paragraph 53 of the NPPF states 'LPA's should consider the case of setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area'.
- 9.16 The Council does not have any saved policies resisting the development of residential gardens. However, the application site is located in the open countryside and the proposal does represent a departure from the provisions of saved Policy ENV1 of the Local Plan. Nevertheless, the development would occupy an edge of settlement location which, relative to its rural setting, is reasonably well related to existing services and facilities in Cowling and Glusburn including public transport links. In addition, it is considered that the Council is unable to robustly demonstrate a 5 year housing supply land for the purposes of paragraph 47 of the NPPF.
- 9.17 Therefore, 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.
- 9.18 Visual impact of development.**
- 9.19 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.
- 9.20 CDLP 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:
- 9.21 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.
- 9.22 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.
- 9.23 Services and infrastructure can be provided without causing a serious harmful change to the rural character and appearance of the locality.
- 9.24 Section 7 of the NPPF highlights the importance of good design and its key role in providing sustainable development. Paragraph 58 advises that development should respond to local

character and history, and reflect the identity of the local surroundings and materials. The guidance also advises that when considering the use of design codes these should avoid unnecessary prescription or detail and should not attempt to impose architectural styles or particular tastes and that they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles.

- 9.25 Paragraph 61 also recognises that securing high quality and inclusive design goes beyond aesthetic considerations and that planning should address the connections between people and places and the integration of new development into the built and historic environment. For reasons outlined above the NPPF advises that when determining applications, great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area.
- 9.26 However, the NPPF also advises that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 9.27 Cowling is a roadside settlement of semi-urban character associated principally with mid to late-nineteenth century steam powered textile industry. Unfortunately, a number of the mills have failed to survive and with inappropriate window and door replacements to the terrace streets of Cowling which have contributed to an erosion of character.
- 9.28 The proposal is seeking to construct a detached dormer bungalow, with associated off street parking. Within the surrounding area there is a wide range of buildings of differing styles and scale. As such, in this part of Cowling there is not definitive building style. Notwithstanding this, the proposed dwelling has been designed to be of a similar scale to the adjacent dwellings located to the north of Keighley Road. In addition, the proposal follows the existing pattern of development along Keighley Road which involves dwellings set back behind well-defined building lines.
- 9.29 Whilst the proposed bungalow would be of a modern design with dormer windows to the front and rear roof planes, the proposal seeks to incorporate a number of features present within the existing street scene and would be constructed from materials used in the construction of nearby dwellings to ensure that the development harmonises with the character of the area. It is therefore considered that the proposed dwelling would not result in any visual harm to the character of the surrounding area, nor the adjacent conservation area or street scene.
- 9.30 The proposal would also see the removal of a section of boundary wall to provide a pedestrian/vehicle access to the proposed dwelling. This alteration is considered minor and would not have an unacceptable adverse impact on the existing street scene.
- 9.31 In conclusion
- 9.32 The proposed detached dwelling due to its position, scale, form, appearance and use of appropriate materials would result in a form of development that accords with the existing appearance and setting of adjacent dwellings, and thus, would not result in any visual harm to the immediate area or wider area. Consequently, the proposal would integrate well with the existing dwelling and would not have a detrimental visual impact on the existing street scene. The proposal therefore accords with the policy requirements of Policy ENV2 of the Local Plan and the NPPF.
- 9.33 Impact on the amenity of neighbouring properties.**
- 9.34 One of the core planning principles of the NPPF is that all developments should provide a good standard of amenity for all existing and future occupants of land and buildings.

- 9.35 The dwelling directly adjacent to the application is in the ownership of the applicant. Notwithstanding this, the existing dwelling has three gable windows that would be approximately 2m from the proposed dwelling. The agent has confirmed that these windows serve a WC and utility room. It is accepted that the proposed dwelling would cause a degree of enclosure and some additional loss of light to these windows. However, these rooms are not considered to be habitable rooms. Furthermore, to ensure that the occupants of this property do not experience any unacceptable loss of privacy the side gable would remain blank. Therefore, it is not considered that the proposed development would have a significant detrimental impact upon the residential amenity of this property.
- 9.36 The nearest dwelling located outside of the ownership of the applicant is Longmoor which is located to the east of Lyngarth House. Given the position of the detached dwelling to this property the proposal would not result in any unacceptable loss of privacy or amenity. Similarly, the proposal would not result in any overshadowing.
- 9.37 The next nearest dwelling to the application site is The Hollies to the north of the site at a separation distance of approximately 46m. Due to the orientation between this building and the proposed dwelling the proposal would not result in any unacceptable loss of privacy or amenity to the occupants of this property.
- 9.38 With regards to the amenity of future occupiers of the dwelling it is considered that the proposal would provide adequate living accommodation and a satisfactory level of private garden/amenity area to meet the needs of any future occupier of the property.
- 9.39 In conclusion.
- 9.40 The proposed dwelling due to its position, orientation and scale would not result in any unacceptable harm to neighbouring properties in terms of loss of privacy or amenity. Consequently the proposal meets the aims of the NPPF which seeks to protect the amenity of existing and future residents.

#### **9.41 Impact of development on highway.**

- 9.42 Saved Policy T2 is supportive of proposals provided they are appropriately related to the highway network and in particular; do not generate volumes of traffic in excess of the capacity of the highway network; does not lead to the formation of a new access or greater use of an existing access onto a primary, district or local distributor road unless the access is such that it is acceptable to the Council and its design achieves a high standard of safety; and have full regard to the highway impact on, and potential for improvement to the surrounding landscape.
- 9.43 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.
- 9.44 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'.
- 9.45 The proposal seeks to utilise the existing access directly off Keighley Road. Details submitted show that the proposal would provide a turning area and off street parking total 2 for the proposed dwelling and two spaces in the front garden of Lyngarth. This is considered sufficient to meet the requirements of Saved Policy T2 of the Local Plan.
- 9.46 NYCC Highways have been consulted and have raised no objection to the proposal on highway safety grounds. As such it is considered that the proposal would not result have a significant adverse impact upon the highway network.

9.47 In conclusion, it is considered that the proposal would not result in any conditions contrary to highway safety for both pedestrians and vehicle users and as such the proposal complies with Saved Policy T2 and the aims and objectives of the NPPF.

#### 9.48 **Impact of development on Protected Trees.**

9.49 Saved Policy ENV10 seeks to safeguard protected trees from harm or unjustifiable loss.

9.50 The proposal is seeking to construct four parking spaces, one of which would be located within the RPA of T2 as identified on drawing 08 rev A. The Council's Tree Officer has reviewed the information and subject to a condition requiring details in relation to the construction and materials to be used for the proposed off street parking space to ensure no damage occurs to the existing root system has not objected to the proposal and the construction of protective fencing has not objected to the proposal. It is considered that these issues can be control through the use of an appropriate condition.

9.51 In conclusion.

9.52 The proposal subject to the use of appropriate conditions would not result in any harm or unjustifiable loss of protected trees and therefore the proposal complies with the requirements of Policy ENV10 of the Local Plan.

#### 9.53 **Conclusion.**

9.54 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.*

9.55 In this case it is considered that there are no adverse impacts that significantly and demonstrably outweigh the overarching presumption in favour of sustainable development contained within paragraph 14 of the NPPF, and there are no grounds to withhold planning permission.

## 10 Recommendation

10.1 To grant planning approval subject to the following conditions.

### Conditions

#### **Time limit for commencement**

1. The development must be begun not later than the expiration of three years from 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:

- 1083\_01 Rev A Location Plan received by Craven District Council on the 23<sup>rd</sup> November 2017.
- 1083\_03 Ground Floor Plan received by Craven District Council on the 10<sup>th</sup> November 2017.

- 1083\_04 First Floor Plan received by Craven District Council on the 10th November 2017.
- 1083\_05 Roof Plan received by Craven District Council on the 10th November 2017.
- 1083\_06 Section Plan received by Craven District Council on the 10th November 2017.
- 1083\_07 Elevation Plan received by Craven District Council on the 10th November 2017.
- 1083\_08 Rev B Proposed Site Plan received by Craven District Council on the 4<sup>th</sup> March 2018.

Except as provided for by other conditions to this permission, the development shall be carried out in accordance with the approved plans 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.

### **Prior to the commencement of work**

3. 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**

4. Notwithstanding any description of materials in the application, no above ground works shall take place until full details of all materials to be used on the external surfaces of the dwellings 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.

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

Reason: In the interest of satisfactory and sustainable drainage.

### **On-going conditions**

6. Notwithstanding the provision of The Town and Country Planning (General Permitted Development) (England) Order 2015 for the time being in force, the areas shown on the approved site layout plan 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 and to accord with the requirements of Craven District (Outside the Yorkshire Dales National Park) Local Plan policy T2 and 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](http://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 <sup>2</sup> 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 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/developer is advised that in the interests of promoting sustainable travel opportunities electric vehicle charging points should be provided

### **Statement of Positive Engagement: -**

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

- requested amended design approaches



**Application Number:** 2017/18728/FUL

**Proposal:** Proposed construction of a detached dormer bungalow and detached double garage.

**Site Address:** Lyngarth Keighley Road Cowling BD22 0LA

**On behalf of:** Mr Seth Smith

## REPORT TO PLANNING COMMITTEE ON 9th April 2018

**Application Number:** 2017/18596/FUL

**Proposal:** Construction of detached dwelling with associated double garage and turning area.

**Site Address:** Land Off Rook Street Lothersdale BD20 8EH

**On behalf of:** Mr Pickard

**Date Registered:** 17th November 2017

**Expiry Date:** 12th January 2018

**Case Officer:** Andrea Muscroft

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**The application has been referred to the Planning Committee as it represents a departure from the provisions of the Craven District (Outside the Yorkshire Dales National Park) Local Plan and the officer recommendation is for approval.**

1. Site Description

- 1.1 The application relates to an irregular parcel of land covering approximately 0.14ha within the village of Lothersdale. The site is currently used as residential curtilage in connection with no. 2 Peel Terrace which adjoins the site to the south.
- 1.2 There is an existing vehicle access through the site that leads to Seatoller located to the southwest of the site. The topography of the site gently falls southwards and is devoid of any structures with the exception of a swing and trampoline.
- 1.3 Lothersdale does not have any development limits defined within the Local Plan and as such any development within the village is considered as development in open countryside. However, the site does lie adjacent to an area protected by Saved Policy H5 which seeks to protect areas of street frontages in the village.
- 1.4 The site also lies within the designated conservation area of Lothersdale.

2. Proposal

- 2.1 The proposal is seeking full planning approval for the construction of a detached dwelling with associated double garage and turning area.
- 2.2 The dwelling would have a maximum height of 6.8m to ridge height falling to 5m at the eaves and would be constructed from traditional stone under a blue slate roof. Windows and doors would be of timber construction.
- 2.3 The detached garage would measure approximately 6.5m x 6m and would have a maximum height of 4.3m falling to 2.3m at the eaves and would be constructed from traditional stone under a blue slate roof.

3. Planning History

- 3.1 5/53/5 – Residential development – Refused November 1974.
- 3.2 53/2008/8424 - Construction of new village hall parking, 4 no cottages and repositioning of site entrance – Refused May 2008.

4. Planning Policy Background
- 4.1 Saved Policy ENV1, ENV2 & 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 Lothersdale Parish Council: No comments received within the statutory consultation period.
6. Consultations
- 6.1 CDC Contamination Officer: No known contaminated land implications regarding this proposed development.
- 6.2 CDC Environment Health Officer: No objection but recommend conditions relation to noise, dust, clean topsoil and flood issues are imposed if planning permission is granted.
- 6.3 NYCC Highways Authority: Following receipt of a revised plan NYCC Highways have withdrawn their objection and subject to the use of appropriate conditions concerning the construction of private access/verge crossing, visibility splays, and retention of parking spaces and garage for original use if the proposal is approved.
- 6.4 Yorkshire Water: No comments received within the statutory consultation period.
7. Representations
- 7.1 The proposal has been advertised in the Craven Herald on the 30th November 2017 and a Site Notice posted on the 22<sup>nd</sup> November 2017. In addition, notifications letters were sent to neighbouring properties. As a consequence, four letters of objection and two letters of support. All comments have been summarised below:-
- 7.2 Objections
- 7.3 Policy Context
  - Proposal conflicts with local plan.
- 7.4 Visual impact
  - Development too high.
- 7.5 Impact of development on heritage assets
  - Proposal would have an adverse impact on the conservation area and would block long distance views to and from the Grade II listed building on Rook Street.
- 7.6 Highways issues
  - Increase in traffic movement.
  - Loss of parking.
  - Inadequate access as it fails to meet current visibility standards.
- 7.7 Ecology
  - Proposal would adversely affect local ecology.
- 7.8 Other
  - Yet another borehole being installed in an area where there is already a high concentration of borehole extraction and so the impact of further aquifer depletion should not be ignored.

- No objection to a local resident wanting to building a family home but have concerns with the current proposal.
- Proposal would set a precedent for further development on this plot.

#### 7.9 Supportive correspondence

#### 7.10 Visual

- Dwelling is well designed and the entrance changes would have a massive improvement for many people.
- The dwelling would be set at a lower level than the nearby dwellings.

#### 7.11 Highway

- Parking will not have an unacceptable effected on residents on Rook Street who have parking to the rear.
- The proposed access would be an improvement on the existing access.

### 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. The principle of residential development on the site.
2. The development’s effects on the character and appearance on heritage assets.
3. The development’s impact on the amenity of surrounding occupiers.
4. The scheme’s effects on highway safety.
5. The development’s impact on flood risk.
6. The development’s impact on ecology

### 9. Analysis

#### 9.1 **Principle of development.**

9.2 Following the Coalition Government’s abolition of The Yorkshire and Humber Plan (Regional Spatial Plan) on 22 February 2013 the ‘development plan’ comprises the ‘Craven District (Outside the National Park) Local Plan. Further to the Secretary of State’s direction in September 2007 (under Paragraph 1 (3) of Schedule 8 to the Planning & Compulsory Purchase Act 2004) the County Structure Plan and a number of Local Plan policies of the adopted Local Plan were deleted. Therefore, the remaining Local Plan Policies referred to form the ‘Saved’ policies in the Direction.

9.3 The application site lies in the open countryside and therefore, saved LP Policy ENV1 applies. Policy ENV1 seeks to protect the character and quality of the open countryside from being spoilt by sporadic development and restricts development to small scale proposals appropriate for the enjoyment of the scenic qualities of the countryside and other appropriate small-scale development having a rural

character and where the proposal clearly benefits the rural economy; helps to maintain or enhance landscape character; is essential for the efficient operation of agriculture or forestry; or is essential to the needs of the rural community.

- 9.4 Saved LP Policy ENV2 seeks to ensure that any development acceptable in principle outside development limits is compatible with the character of the area; the design and materials used relate to the setting; that traffic generated can be accommodated satisfactorily and services and infrastructure can be provided without a serious harmful change to the character and appearance of the area. These are general planning considerations, broadly in line with the NPPF.
- 9.5 As the Local Plan was adopted in 1999 it was not prepared under the Planning & Compulsory Purchase Act 2004. Paragraph 215 of the NPPF states that policies not adopted in accordance with the 2004 Act need to be considered in terms of their degree of consistency with the NPPF “the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given”. Hence where there is any conflict with the local plan the local plan policies carry limited or no weight and the application should be assessed against the new Framework.
- 9.6 The main thrust of the NPPF is an overarching presumption in favour of sustainable development. This guidance reaffirms that it is the Government’s clear expectation that local planning authorities should deal promptly and favourably with applications that comply with up to date plans and that where plans are out of date, there will be a strong presumption in favour of sustainable development that accords with national planning policies.
- 9.7 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.”
- 9.8 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.”
- 9.9 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.
- 9.10 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.”*
- 9.11 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 abovementioned appeal and assess this application on the basis that the Council is unable to demonstrate a five year supply of housing land.
- 9.12 With respect to Saved Policy ENV1, the village of Lothersdale does not have any defined development limits as referred to by this policy. In addition, it is acknowledged that the proposal would not be for agricultural, forestry, or other essential countryside workers dwellings. In light of the above, the proposal would conflict with Saved Policy ENV1. However, it is considered that this policy is now significantly out of date and can be given limited weight in the decision making process.
- 9.13 The site occupies a site of the edge of the village of Lothersdale. Whilst it is recognised that the availability of local shops and services in Lothersdale itself is significantly limited – though there is a

school and public house – the village centre of Glusburn which provides various shops and services is located approximately 3.6 miles to the west of the site. Although the public transport to the village is also limited, other bus stops within the centre of Glusburn offer services with a greater frequency.

- 9.14 As identified in paragraphs 34 and 38 of the NPPF (and reiterated in the PPG), it is inevitable that sites within the countryside will not benefit from the same accessibility to services as those within the urban area. It does not, however, follow that all development within rural areas is always unsustainable and, as acknowledged at paragraph 55 of the NPPF, the introduction of housing in rural areas is capable of enhancing the vitality of rural communities by supporting local shops and services. Indeed, the test in paragraph 55 of the NPPF is to avoid “*new isolated homes in the countryside*”.
- 9.15 In this instance, the proposed development is located within the settlement of Lothersdale and is closely related to existing dwellings to north, east, south and west of the site. Shops, services and employment opportunities in Glusburn are available, as are public transport connections by bus. Therefore, it is considered that the development would have reasonable access to local shops, schools, employment sources, public transport and other community facilities relative to its rural setting and would not result in the introduction of isolated homes in the countryside for the purposes of the NPPF.
- 9.16 Turning to the three dimensions to sustainable development, economic, social and environmental as defined by the NPPF, it is recognised that the proposed development of this site would provide economic benefits associated from new housing development including the provision of construction jobs and from future residents of the proposed dwellings. In addition, the proposal would provide some social benefits and help to support the vitality of the rural community.
- 9.17 Nevertheless, when considering the proposal against the environment dimension the proposal would result in the development of a residential garden. Paragraph 53 of the NPPF states ‘LPA’s should consider the case of setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area’. In this instance, the Council does not have a policy resisting development of residential gardens.
- 9.18 In conclusion, the application site is located in the open countryside and the proposal does represent a departure from the provisions of saved Policy ENV1 of the Local Plan. Nevertheless, the development would be located on land surrounded by residential dwellings, and would be of a scale form of development that would contribute to the regions housing needs. The site is reasonably well related to existing services and facilities in Glusburn the nearest neighbouring village including public transport links. In addition, it is considered that the Council is unable to robustly demonstrate a 5 year housing supply land for the purposes of paragraph 47 of the NPPF.
- 9.19 Therefore, 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.

## **9.20 Visual impact of the development on the surrounding conservation area.**

- 9.21 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.
- 9.22 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.

- 9.23 Also of relevance is Policy H5 which seeks to retain the unique character of Lothersdale by restricting development along certain key road frontages in order to preserve the separation of the dispersed groups of buildings that is fundamental to the character of Lothersdale. However, in this instance the development would be set back from the road frontage and would therefore not result in any change to the existing gap. Thus the proposal would not result in any gradual urbanisation and erosion of the rural character of the Lothersdale.
- 9.24 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.
- 9.25 Paragraph 133 of the NPPF states that where a proposed development will lead to “substantial harm” to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss. In cases where development leads to “less than substantial harm” to the significance of a heritage asset paragraph 134 explains that the harm caused should be weighed against the public benefits of the proposal, including securing its optimum viable use.
- 9.26 Paragraph 137 also states that “LPA’s should look for new development within Conservation Areas which would preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably”.
- 9.27 Lothersdale’s conservation area is characterised by its overall character as being rural due to its natural setting and vernacular stone-built architecture, displaying an organically-grown informal plan form. Situated within the conservation area are a number of key buildings including Dale End Mills which is a good example of the industrial character of the mill.
- 9.30 The proposal seeks to construct a detached two storey dwelling with a detached double garage within the conservation area of Lothersdale. Currently the site consists of an access track and two parcels of grassed areas. Within the surrounding area is a mixture of traditional terrace, detached and semi-detached dwellings, all of which are predominantly two storey and of a vernacular design.
- 9.31 Concerns have been expressed by local residents with regards to the scale of the dwelling. It is acknowledged, that the proposed dwelling would due to changes in topography be in an elevated position compared to properties on Peel Terrace. However, when viewed in comparison from Rook Street the property would be set lower than properties to the east, north and west of the site. As such, it is not considered that the proposed dwelling would appear visually intrusive to such a level to warrant a refusal.
- 9.32 The surrounding buildings have evolved out of the functional need to keep the buildings up and the weather out. Key detailing of these buildings consists of their detailing which includes window and doors openings, chimneys, stone quoins and the use of traditional materials. Therefore, whilst the building is 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. In addition, the proposed dwelling has been designed to incorporate stone corner quoins which would give both a structural and visual strength to the corners of the building and well as replicating dwellings within the surrounding area. Therefore, it is considered that the dwelling would not result in any unacceptable visual harm to the character of the conservation area or the existing street scene.

- 9.33 Similarly, the detached garage given its design, scale and appearance would not have an adverse impact on the designated conservation area or existing street scene.
- 9.34 Furthermore, the proposed materials would include traditional stone under a traditional slate roof with timber windows and doors. Rainwater goods would be Ogee profile guttering. It is considered that the use of traditional materials would further ensure that the development blends well with the character of the conservation area and would not result in any visual harm to the existing street scene.
- 9.35 To facilitate the proposal a section of boundary wall would be removed and the remaining wall repositioned back within the application site. It is acknowledged that this would have a material visual impact on the existing street scene. However, the existing stone would be used to rebuild the walls and as such it is considered that this element of the proposal would not adversely impact on the existing street scene to the extent that planning permission should be refused.
- 9.36 The proposal would also see the construction of a low level stone boundary wall, with hardstanding to the parking and turning areas, soft landscaping would consist of grassed area with additional hedgerow planting.
- 9.37 In conclusion, the proposed detached dwelling and garage are considered appropriate and acceptable in terms of design, scale and appearance. The proposal is therefore considered not to conflict with policy ENV2 of the Local Plan, which seeks to ensure that all development respects the character of the surrounding area. The proposal would also not conflict with paragraphs 58, 133, 134 & 137 of the NPPF.

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

- 9.39 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.
- 9.40 The nearest dwelling to the application site is No. 4 Peel Terrace, located to the south of the site at a separation distance of approximately 13m from the south west gable. The rear windows of this existing property serve the kitchen and utility areas at ground level and a bedroom and En-suite at first floor level. To ensure that there is no unacceptable loss of privacy between the occupants of the dwelling and adjacent properties on Peel Terrace the south west gable would be devoid of window or door openings with the exception of a side window to the porch. This opening would front towards Rook Street. As such, the proposal would not result in any unacceptable loss of privacy. It is acknowledged, that the proposal would result in an increase in overshadowing during the morning period. However, given the separation distance, combined with the orientation between the proposed dwelling and the existing row of terrace houses, it is not considered that the level of overshadowing would not be significant to warrant a refusal.
- 9.41 It is acknowledged that due to changes in topography between the application site and properties along Peel Terrace that the dwelling would be in an elevated position. However, given the separation distances involved, the orientation of proposed dwelling, combined with the set down of the remaining private rear amenity, with the exception of No. 1 Peel Terrace it is not considered that the dwelling would appear overtly dominant when viewed from the private amenity areas of these properties.
- 9.42 The next nearest dwelling to the application is No. 9 Rook Street, located to the northeast of the site at a separation distance of approximately 15m. To reduce any potential overlooking between the proposed dwelling and No. 9 Rook Street, the north east elevation would remain blank with the exception of two windows serving a W.C at ground floor level and bathroom at first floor level. As such, it is not considered that the proposal would have an adverse impact on the privacy of the occupant of this property. In addition, due to the separation distance and orientation the proposed dwelling would not appear overtly overbearing or result in any unacceptable overshadowing.
- 9.43 The next nearest dwelling to the application site is Seatoller, located to the southeast of the site at a separation distance of 25m. The proposed dwelling would see the introduction of patio doors to the ground floor level and bedroom windows at first floor level. These openings would front across towards

the off street parking area of Seatoller and towards the side sides of this existing dwelling. However, due to the existing oblique angle of mutual overlooking currently present between the existing dwellings, the partial screening by existing foliage, combined with the separation distance. It is considered that the proposal would not result in any unacceptable loss of privacy or amenity to the occupants of this property.

- 9.44 With regards to the potential impact of the development on the occupants of properties located on Rook Street. It is considered, that the development due to the separation distances involved would not have an adverse impact on the privacy or amenity of the occupants of these dwellings.
- 9.45 The proposed garage would be located to the northeast corner of the site. It is considered that the garage would not give rise to any unacceptable relationship with adjacent properties.
- 9.46 Turning to the amenity spaces for future occupiers of the dwelling the proposal has been designed to provide sufficient living accommodation to meet the needs of any future family. In addition, the proposal would provide private amenity areas which are considered adequate for the future occupiers of this dwelling. It is acknowledged, that due to the proposals relationship with adjacent dwellings, that there would be some mutual overlooking between existing properties and the proposed dwellings. However, it is not considered to be so significant to warrant a refusal.
- 9.47 In conclusion.
- 9.48 The proposed dwelling 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.
- 9.49 **Highway Issues.**
- 9.50 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.
- 9.51 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.
- 9.52 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.
- 9.53 The proposal seeks to create a new vehicle access directly onto Rook Street by removing a section of boundary wall and repositioning the remaining wall either side of the proposed entrance approximately 2m within the site. To achieve visibility the existing boundary wall to the Village Hall would also be lowered. These alterations would improve the visibility splays present at the existing private drive located to the northwest of the site. The existing track would also be realigned through the site and would also incorporate a turning area. A 2m footpath would be created to the north of the site. This is considered sufficient to meet the requirements of Saved Policy T2 of the Local Plan.
- 9.54 Representations have been made relating to the loss of on street parking and the new access point to the dwelling would restrict parking on the highway. It is acknowledged that the proposal may result in some inconvenience for local residents who use the public highway for parking on a regular basis. However, parking on the public highway cannot be treated as 'private' parking spaces.

- 9.55 NYCC Highway Authority has been consulted and has raised no objections only specifying the use of appropriate conditions to be attached should the proposal be granted planning permission. Therefore, it is considered that subject to the attachment of appropriate conditions the site could be developed without detriment to highway safety.
- 9.56 In conclusion.
- 9.57 The proposal would not create conditions contrary to highway safety and therefore accords with the requirement of saved Policies ENV2 & T2 of the Local Plan and the guidance contained within paragraph 32 of the NPPF.
- 9.58 **Other issues.**
- 9.59 Local residents have expressed concerns over the further impact of additional borehole extraction. Whilst no details have been supplied it is considered that the use of an appropriate condition can be used to resolve in detail this issue.
- 9.60 Whilst acknowledging comments expressing concerns over the potential impact of the development on local biodiversity it is the officers opinion that the proposal of this scale would not significantly adversely impact on the local wildlife to warrant a refusal.
- 9.61 **Conclusion;**
- 9.62 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.
- 9.63 In this case the relevant Local Plan policies are out of date and therefore the policy within Paragraph 14 of the NPPF is applicable. Taken overall, it is considered that there are no adverse impacts that significantly and demonstrably outweigh the overarching presumption in favour of sustainable development contained within paragraph 14 of the NPPF, and there are no grounds to withhold planning permission that in officer's view would be sustained at appeal.

## 10 Recommendation

- 10.1 To grant planning approval subject to the following conditions.

### Conditions

#### **Time limit for commencement**

1. The development must be begun not later than the expiration of three years from 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:
  - P1822/001a received by Craven District Council on the 17<sup>th</sup> November 2017
  - P1822/002a received by Craven District Council on the 17<sup>th</sup> November 2017
  - P1822/003a received by Craven District Council on the 29<sup>th</sup> January 2018
  - P1822/004a received by Craven District Council on the 17<sup>th</sup> November 2017
  - P1822/005a received by Craven District Council on the 17<sup>th</sup> November 2017
  - P1822/007 received by Craven District Council on the 18<sup>th</sup> 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 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. Prior to the commencement of development, full details of a scheme for the provision of a water supply for the dwelling, including an implementation plan, has been submitted to and approved in writing by the Local Planning Authority and thereafter the scheme shall be implemented in accordance with the approved details.

Reason: Insufficient information has been submitted.

4. No development shall commence until a Private Water Supply Protection Plan has been submitted to and approved in writing by the Local Planning Authority. The details shall include details relating to:-
- The establishment of baseline data to adequately characterise the quality and quantity of water provided by any private water supply that may be affected by the development.
  - The mitigation measures for the protection of private water supplies where a risk is identified.
  - The provision of alternative suitable and sufficient water supplies on a temporary and/or permanent basis in the event of any interruption or adverse change caused by the development in the quantity or quality of water previously enjoyed.

The Private Water Supply Protection Plan, shall thereafter be implemented and maintained at the developers/operators own expense, unless otherwise first agreed in writing with the Local Planning Authority.

Reason: To protect the private water supplies of adjacent dwellings which could adversely affected by the development and in accordance with the National Planning Policy Framework.

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 of material on the site until the access to the site has been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements:
- The details of the access shall have been approved in writing by the Local Planning Authority in consultation with the Highway Authority.
  - 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.
  - That part of the access extending 6 metres into the site from the carriageway of the existing highway shall be at a gradient not exceeding 1 in 20.
  - 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.

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 requirements of Saved Policy T2 of the Craven District (Outside the Yorkshire Dales National Park) Local Plan and guidance contained within the National Planning Policy Framework.

6. There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until visibility splays are provided as shown on drawing 10061-003B. 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 road safety and to accord with the requirements of Saved Policy T2 of the Craven District (Outside the Yorkshire Dales National Park) Local Plan and guidance contained within the National Planning Policy Framework.

#### **During building works**

7. Notwithstanding any description of materials in the application, no above ground works shall take place until 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. 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 treatment for the dwelling is completed prior to the occupation of that dwelling, and the approved boundary treatments for the whole site.

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

#### **Ongoing conditions**

9. Notwithstanding the provisions of Schedule 2, Part 1, Classes A, B, C, D and E of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any equivalent Order following the revocation and re-enactment thereof (with or without modification), the dwelling hereby approved shall not be altered or extended, and no buildings or structures shall be erected within its curtilage.

Reason: In order to prevent overdevelopment of the site, to ensure that satisfactory provision of outdoor amenity space for the dwellinghouse is maintained and to safeguard the privacy and amenity of the occupiers of adjacent dwellings in accordance with the requirements of the National Planning Policy Framework.

10. 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.

11. The hard surface hereby approved 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.

12. Notwithstanding the provision of any Town and Country Planning (General Permitted Development) (England) Order 2015, for the time being in force, the areas shown on approved site layout plan 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.

- 13.** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, for the time being in force, the garage shall not be converted into domestic accommodation without the granting of an appropriate planning permission.

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.

#### 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).

The applicant/developer is advised that in the interests of promoting sustainable travel opportunities electric vehicle charging points should be provided.

#### 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:** 2017/18596/FUL

**Proposal:** Construction of detached dwelling with associated double garage and turning area.

**Site Address:** Land Off Rook Street Lothersdale BD20 8EH

**On behalf of:** Mr Pickard

## REPORT TO PLANNING COMMITTEE ON 9th April 2018

**Application Number:** 2017/18842/FUL

**Proposal:** Extension of existing garage to form new five bed roomed detached dwelling

**Site Address:** Bridge End House Glusburn Bridge Colne Road Glusburn BD20 8DP

**On behalf of:** Mr & Mrs Ian Jolly

**Date Registered:** 20th December 2017

**Expiry Date:** 14th February 2018

**Case Officer:** Andrea Muscroft

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**The application has been referred to the Planning Committee as it represents a departure from the provisions of the Craven District (Outside the Yorkshire Dales National Park) Local Plan and the officer recommendation is for approval.**

1. Site Description

- 1.1 The application relates to an existing single storey double garage located to the west of the access into Bridge End House which is a large semi-detached dwelling.
- 1.2 The garage is set back from the highway with hardstanding to the north and east. Residential dwellings Bridge End House and Bridge End Cottage lie to the east of the site with an expansive garden area to the southeast.
- 1.3 The application site is located outside of development limits as defined by the 1999 Local Plan.

2. Proposal

- 2.1 The proposal is seeking approval the extension of an existing garage to form a four bedroom dwelling with associated off street parking.
- 2.2 **Officers Note:** The description of the development as stated on the planning application is set out above. However, the Council is of the opinion that due to the extent of the rebuilding of the Garage this proposal should be more appropriately treated as a new building in the open countryside as the originally building would be substantially extended.
- 2.3 **Officers Note;** Following concerns expressed by the Case Officer revised drawings were received by Craven District Council on the 21<sup>st</sup> and 23<sup>rd</sup> March 2018. The revised drawings have made the following amendments:
  - Reduction in overall height of dwelling.
  - Replacement of two storey side extension with a single storey garage.
  - Omission of raised terrace area.
  - Construction of privacy fencing.
- 2.4 The proposal has been assessed based on the revised drawings.
- 2.5 The existing double garage covers an area of approximately 75sqm with an additional lean-to covering 6sqm, giving a total area of approximately 80sqm.

- 2.6 The proposed development would involve extending the existing garages at ground floor level; converting the garages to habitable accommodation; building a new first floor extension over the existing garages and the proposed extension and constructing a new single garage attached to the north of the existing structure.
- 2.7 Therefore, the total new build floor area of this development would measure approximately 170 sq. m, an increase of approximately 90 sq. m, which more than doubles the floorspace of the existing structure.
- 2.8 The proposed development has a maximum height of approximately 7.2m an overall increase in height of approximately 3.1m which relates to an increase in excess of 75%.
- 2.9 In addition, a further dry stone wall measuring approximately 37m in length would be constructed adjacent to the proposed parking spaces to define the residential curtilage.
- 2.10 The proposed dwelling would provide main habitable rooms on the ground floor by the conversion and extension of the existing garages. A new first floor extension across the new ground floor space would provide 4 bedroomed accommodation with en-suite bathrooms. A new garage would be constructed as an extension to the north.
- 2.11 The proposal would be constructed using natural stone under an Art stone roof with stone cills and surrounds. The proposed windows would be UPVc.
- 2.12 Foul water would be disposed via a septic tank.

### 3 Planning History

- 3.1 32/2007/7382 - Two storey extension – Approved

### 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 ENV1, ENV2 and T2 of Craven District (outside the Yorkshire Dales National Park) Local Plan.
- 4.3 The National Planning Policy Framework – NPPF.
- 4.4 Planning Practice Guidance - PPG

### 5 Parish/Town Council Comments

- 5.1 Glusburn Parish Council: Strongly objects to the application for the following reasons:
- The site has already been turned down a number of times.
- 5.2 **Officer Note:** The previous applications submitted and subsequently refused related to a parcel of land to the east of Bridge End Cottage and not the current application site.
- Proposal would result in overdevelopment.
  - Concern over the access/exit on highway grounds.
  - Intensification of vehicles using the existing access.

### 6 Consultations

- 6.1 CDC Contaminated Land Officer: No known contaminated land implication regarding this proposed development.
- 6.2 CDC Environmental Health: No objection but recommends conditions relating to noise and dust control.

- 6.3 NYCC Highways Authority: No objection subject to the use of conditions being imposed relating to the retention of parking spaces, removal of permitted development rights restricting any change of use of the garage,
- 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 10<sup>th</sup> January 2018. In addition, notification letters were distributed to neighbouring properties.
- 7.2 As a consequence of the publicity no 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 this Framework indicate development should be restricted.
- 8.2 Having regard to the relevant policy context, the nature of the development applied for and the representations received from consultees, it is considered that the main issues in this case are:
- Principle
  - Visual Impact
  - Amenity Issues
  - Highway Issues
- 9 Analysis
- 9.1 Principle of development**
- 9.2 The application site lies outside of development limits and therefore, saved Local Plan policy ENV1 applies. Policy ENV1 seeks to protect the character and quality of the open countryside from being spoilt by sporadic development and restricts development to small scale proposals appropriate for the enjoyment of the scenic qualities of the countryside and other appropriate small-scale development having a rural character and where the proposal clearly benefits the rural economy; helps to maintain or enhance landscape character; is essential for the efficient operation of agriculture or forestry; or is essential to the needs of the rural community.
- 9.3 Saved Local Plan policy ENV2 seeks to ensure that any development acceptable in principle under saved policy ENV1 is compatible with the character of the area and does not have an unacceptable impact on the landscape; that the design and materials used relate to the setting; that traffic generated can be accommodated satisfactorily and that services and infrastructure can be provided without a serious harmful change to the character and appearance of the area. These are general planning considerations, broadly in line with the NPPF.
- 9.4 As the Local Plan was adopted in 1999 it was not prepared under the Planning & Compulsory Purchase Act 2004. Paragraph 215 of the National Planning Policy Framework (NPPF) states that policies not adopted in accordance with the 2004 Act need to be considered in terms of their degree of consistency with the NPPF stating that ‘the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given’. Consequently, where there is any conflict the Local Plan policies carry limited weight and the policies in the NPPF will take precedence.
- 9.5 The main thrust of the NPPF is an overarching presumption in favour of sustainable development. This guidance reaffirms that it is the Government’s clear expectation that local planning authorities should deal promptly and favourably with applications that comply with up to date plans and that where plans

are out of date, there will be a strong presumption in favour of sustainable development that accords with national planning policies.

- 9.6 With respect to Saved Policy ENV1, it is acknowledged that the proposal would not be for agricultural, forestry, or other essential countryside workers dwellings. In light of the above, the proposal would conflict with Saved Policy ENV1.
- 9.7 However, the NPPF 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 paragraph 55, the key aim is to avoid 'isolated homes' in the countryside unless there are special circumstances.
- 9.8 Therefore, whilst it is recognised that the proposal does not fall within any of the categories of development permissible in the open countryside under policy ENV1. It does not follow that this in itself is sufficient grounds to resist the principle of residential development, particularly as there is conflict between the 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.
- 9.9 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'.
- 9.10 The application site lies to the west of the settlement of Glusburn with a footpath located to the north of Colne Road running down into the village. The settlement contains a number of services and facilities as well good public transport links with neighbouring villages and towns. It is therefore, considered that the application site would have reasonable access to local services and facilities and other community services and thus would not result in the introduction of an isolated dwelling in the countryside for the purposes of the NPPF.
- 9.11 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."
- 9.12 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."
- 9.13 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.
- 9.14 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:
- 9.15 "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."
- 9.16 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 above mentioned appeal and assess this application on the basis that the Council is unable to demonstrate a five year supply of housing land.

- 9.17 Turning to the three dimensions to sustainable development, economic, social and environmental as defined by the NPPF, it is recognised that the proposed development of this site would provide economic benefits associated from the detached dwelling including the provision of construction jobs and from future residents of the proposed dwelling. In addition, the proposal would provide some social benefits and help to support the vitality of the rural community.
- 9.18 Turning to the environmental dimension the site is considered to meet the definition of previously developed land (PDL) as set out in Annex A of the NPPF as the land which forms this application is occupied by a permanent structure and a level of hardstanding. Therefore, the development of this PDL would help contribute to the protection of the natural rural environment.
- 9.19 In conclusion, the application site is located outside of development limits and thus lies in the open countryside and therefore represents a departure from the provisions of saved Policy ENV1 of the Local Plan. Nevertheless, the application site is considered to be close to the existing settlement of Glusburn which contains a wide range of services and facilities and public transport links to neighbouring properties. In addition, it is considered that the Council is unable to robustly demonstrate a five year housing land supply for the purposes of paragraph 47 of the NPPF.
- 9.20 Therefore, 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.
- 9.21 Visual impact**
- 9.22 CDLP policy ENV2 sets out four criteria for developments in the open countryside. 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.
- 9.23 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.
- 9.24 The proposal seeks to extend an existing detached garage to form a two storey detached dwelling with an attached garage and off street parking on PDL. Located to the east are existing dwellings. To the north beyond Colne Road is the former Malsis School which has recently been granted planning approval for redevelopment. To the west and south of the site lie open fields, with isolated buildings beyond.
- 9.25 The surrounding buildings consist of a mixture of traditional detached, semi-detached and detached dwellings and converted agricultural buildings with some more modern designed dwellings located to the northeast of the site.
- 9.26 The proposed dwelling has been designed as a modern interpretation of these traditional dwellings in terms of scale and form with key design detailing present in the surrounding area being incorporated into the overall appearance of the dwelling. For example, the simple robust detailing to windows and doors, with stone mullions and surrounds. Therefore, it is considered that the overall appearance of the dwelling would not result in any unacceptable visual harm to the character of the area. Similarly, given the set back and orientation of the proposed dwelling it is not considered that the proposal would result in any visual harm to the existing street screen.
- 9.27 Furthermore, the proposed materials would include traditional stone under a traditional slate roof with timber windows and doors. Rainwater goods would be Ogee profile guttering. It is considered that the use of traditional materials would further ensure that the development blends well with the character of the area and would not result in any visual harm to the existing street scene.

- 9.28 The proposal would involve the construction of a low level boundary wall to enclose the private amenity area and also to define off street parking spaces. The proposal would also provide for a patio area in the enclosed private garden area. It is considered that these elements of the proposal given the small scale nature of these elements combined with the use of traditional materials would not result in any visual harm to the surrounding area or street scene.
- 9.29 In conclusion, the proposed detached dwelling and garage are considered appropriate and acceptable in terms of design, scale and appearance. The proposal is therefore considered not to conflict with policy ENV2 of the Local Plan, which seeks to ensure that all development respects the character of the surrounding area. The proposal would also not conflict with paragraphs 58 of the NPPF.
- 9.30 Amenity issues**
- 9.31 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 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”. In addition, paragraph 123 of the NPPF states that planning decisions should avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development.
- 9.32 The nearest dwelling located to the application site is Bridge End House. Whilst this dwelling is owned by a family member it is considered necessary to assess any potential impact of the development on the amenity of this property.
- 9.33 The orientation of the proposed dwelling would result in the principal windows facing towards Bridge End House. In addition, it was noted that during the site visit there was little screening between the application site and Bridge End House to provide the necessary sense of privacy for the occupants of this property. As a consequence of this lack of screening the lower windows and upper bedroom windows would provide any future occupants the opportunity to look over the patio area. This would result in an unacceptable level of overlooking for the occupants of Bridge End House.
- 9.34 To overcome this issue the agent has stated that a 1.8m fence combined with new tree planting would be constructed along the boundary of Bridge End House. Whilst this area of land lies outside of the red outline, the land is within the ownership of the applicant and therefore, the proposed mitigation measures are considered to be acceptable, subject to a condition (Grampian condition) to ensure the implementation of the screening along the boundary with Bridge End House.
- 9.35 It is acknowledged that the proposal would result in an increase in overshadowing than currently experienced. However, this would be limited to late afternoon early evening and to the far rear area of patio area and is not considered sufficient to warrant a refusal.
- 9.36 The proposal would not appear overtly dominant when viewed from the habitable windows of Bridge End House.
- 9.37 The next nearest dwelling to the application site is Bridge End Cottage located to east of Bridge End House at a separation distance of approximately 30mtrs. It is acknowledged that the occupants of this dwelling have currently enjoyed a good degree of privacy and that the proposal would result in an increase in overlooking of the private amenity area associated to this dwelling. However, it is considered that the separation distance of approximately 30mtrs is sufficient to ensure that the proposal does not result in any unacceptable overlooking. Similarly, the separation distance is sufficient to ensure that the development does not appear overtly dominant or result in any overshadowing of habitable windows or private amenity areas.
- 9.38 Turning to the amenity spaces for future occupiers of the dwelling the proposal has been designed to provide sufficient living accommodation to meet the needs of any future family. In addition, the proposal would provide private amenity areas which are considered adequate for the future occupiers of this dwelling. It is acknowledged, that due to the proposals relationship with adjacent dwellings, that there would be some mutual overlooking between existing properties and the proposed dwellings. However, it is not considered to be so significant to warrant a refusal.

- 9.39 In conclusion.
- 9.40 The proposed dwelling 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.

#### **9.41 Highway issues**

- 9.42 Criterion (3) of CDLP policy ENV2 states that development will only be permitted in the open countryside where “rural access roads can accommodate the traffic likely to be generated by the proposal”.
- 9.43 CDLP policy T2 indicates that development proposals will be permitted provided that they are appropriately related and do not generate volumes of traffic in excess of the capacity of the highway network.
- 9.44 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 costs 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.
- 9.45 The proposal seeks to utilise the existing access onto Colne Road and provide off street parking. This is considered sufficient to meet the requirements of saved Policy T2 of the Local Plan.
- 9.46 The local Parish Council have expressed concerns over the potential increase of vehicles using the access on highway safety. It is acknowledged should the proposal be approved that this would result in an intensified use of the access. However, NYCC Highways have been consulted and have raised no objection to the proposal subject to the use of appropriate conditions.
- 9.47 It is acknowledged Bridge End Cottage has a right of way over land within the application to the main entrance onto Colne Road. However, any issues with regards to continued access is a private matter between affected individuals and not a planning consideration.
- 9.48 In conclusion.
- 9.49 The proposal would not create conditions contrary to highway safety and therefore accords with the requirement of saved Policies ENV2 & T2 of the Local Plan and the guidance contained within paragraph 32 of the NPPF.

#### **9.50 Conclusion;**

- 9.51 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.*

- 9.52 In this case the relevant Local Plan policies are out of date and therefore the policy within Paragraph 14 of the NPPF is applicable. Taken overall, it is considered that there are no adverse impacts that significantly and demonstrably outweigh the overarching presumption in favour of sustainable development contained within paragraph 14 of the NPPF, and there are no grounds to withhold planning permission that in officer’s view would be sustained at appeal.

#### **10 Recommendation**

- 10.1 To grant approval subject to the following conditions

## Conditions

### **Time limit for commencement**

1. The development must be begun not later than the expiration of three years from 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:

- 01 Rev A Location Plan received by Craven District Council on the 20<sup>th</sup> December 2017.
- 09 Rev A Plans and Sections received by Craven District Council on the 22<sup>nd</sup> March 2018.
- 10 Rev A Proposed Elevations received by Craven District Council on the 22<sup>nd</sup> March 2018
- 11 Rev A Proposed Site Plan received by Craven District Council on the 22<sup>nd</sup> March 2018
- 12 3D Visuals received by Craven District Council on the 22<sup>nd</sup> March 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.

### **During building works**

3. Notwithstanding details shown on the approved plans, no above ground works shall take place until details of the the 1.8 timber fencing to be constructed adjacent to the stone boundary wall of Bridge End House have been submitted and approved in writing by the Local Planning Authority. The development shall thereafter be implemented and retained in accordance with the approved details.

Reason: In the interests of visual and privacy 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.

4. Notwithstanding any description of materials in the application, no above ground works shall take place until 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 rural 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.

5. 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 the dwelling are completed prior to the occupation of that dwelling.

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

6. Notwithstanding any details shown on the approved plan, 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

### **Before the Development is Occupied**

7. The dwelling shall not be occupied until the 1.8m timber fencing to be constructed along the boundary with Bridge End House has been constructed in accordance with approved details.

Reason: To ensure the privacy of neighbouring properties in accordance with guidance contained within the National Planning Policy Framework.

### **Ongoing conditions**

8. The hard surface hereby approved 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.

9. Notwithstanding the provision of any Town and Country Planning (General Permitted Development) (England) Order 2015, for the time being in force, the areas shown on the approved site plan for parking spaces, turning areas and access shall be kept available for their intended purposes at all times.

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

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, for the time being in force, the garage shall not be converted into domestic accommodation without the granting of an appropriate planning permission.

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.

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.

### **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.

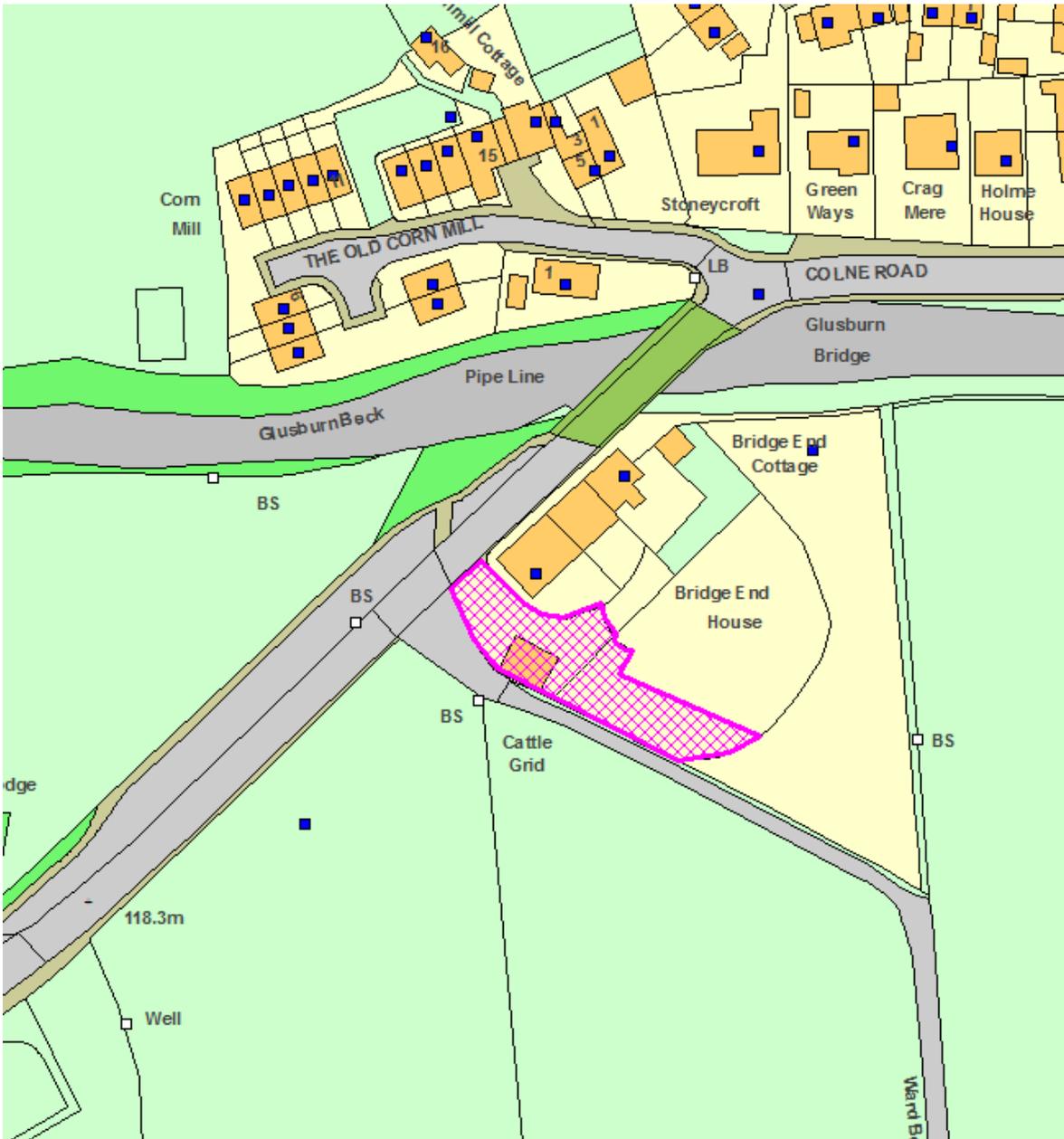
The applicant needs to have regard to the BS8233:2014 Guidance on 'Sound Insulation and Noise Reduction for Buildings' which presents guideline noise levels for both inside and outside dwellings.

The applicant/developer is advised that in the interests of promoting sustainable travel opportunities electric vehicle charging points should be provided

Statement of Positive Engagement: -

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

- requested amended design approaches



**Application Number:** 2017/18842/FUL

**Proposal:** Extension of existing garage to form new five bedroomed detached dwelling

**Site Address:** Bridge End House Gusburn Bridge Colne Road Gusburn BD20 8DP

**On behalf of:** Mr & Mrs Ian Jolly

## REPORT TO PLANNING COMMITTEE ON 9th April 2018

**Application Number:** 2018/18873/FUL

**Proposal:** 3 no. new dwellings on land associated with an existing property (Holly Tree House). Dwellings proposed are 1no. five bedroom house with an attached 3 car garage and 2no. three bedroom houses with attached single car garages (arranged as a semi-detached unit). Application proposal includes new associated driveways, parking, boundary fences/walls and associated gardens.

**Site Address:** Land At Holly Tree House Skipton Road Low Bradley BD20 9EF

**On behalf of:** Mr & Mrs Nelson

**Date Registered:** 3rd January 2018

**Expiry Date:** 28th February 2018

**Case Officer:** Andrea Muscroft

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**The application has been referred to the Planning Committee as it represents a departure from the provisions of the Craven District (Outside the Yorkshire Dales National Park) Local Plan and the officer recommendation is for approval.**

1. Site Description

- 1.1 The application relates to a rectangular parcel of land currently used as the residential garden to Holly Tree House which lies to the north of Skipton Road in the village of Bradley.
- 1.2 To the west and east of the site are residential dwellings with open agricultural land to the north. Located within the application site along the eastern and northern boundaries are a number of trees that are subject to a draft Tree Preservation Order Notice.
- 1.3 The application site is located outside of development limits as defined by the 1999 Local Plan and therefore lies in the open countryside.

2. Proposal

- 2.1 The proposal is seeking approval for the construction of residential dwellings consisting of 1no. five bedroomed detached dwelling with attached triple garage and off street parking and 1 pair of three bedroomed semi-detached dwellings with attached garages and areas of hard standing. The dwellings would be constructed in stone and render with slate roofs.
- 2.2 The proposed development would share the access with the existing access serving Holly Tree House. The boundary wall fronting Skipton Road would be lowered to improve visibility spalys.
- 2.3 The existing timber boundary fencing along the western boundary would be retained. The remaining northern and eastern boundary would be defined by a 1.8m timber fence with the remaining southern boundary defined by a stone boundary wall.

3. Planning History

- 3.1 None of relevance.

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 ENV1, ENV2 and T2 of Craven District (outside the Yorkshire Dales National Park) Local Plan.
- 4.3 The National Planning Policy Framework – NPPF.
- 4.4 Planning Practice Guidance - PPG
- 5 Parish/Town Council Comments
- 5.1 Bradley Parish Council: Object to the proposal for the following reasons:
- Concern over road safety for both vehicle and pedestrians.
  - Proposal is contrary to the Neighbourhood Plan.
- 6 Consultations
- 6.1 CDC Environmental Health: No objection but recommends the use of conditions to control potential noise and dust nuisance and the transportation of topsoil to the site.
- 6.2 CDC Tree Officer: No objection but recommend a condition is imposed with regards the construction of protective fencing as per the Arboricultural report.
- 6.3 NYCC Highways: No objections subject to the use of appropriate conditions relating to the construction of visibility splays and the retention of garages for their intended use.
- 6.4 Yorkshire Water: No objection subject to the use of an appropriate condition with regards to the disposal of surface water drainage.
- 7 Representations
- 7.1 The proposal was advertised in the Craven Herald on the 12<sup>th</sup> January 2018 and a site notice was posted adjacent to the site on the 26<sup>th</sup> January 2018. In addition, notification letters were distributed to neighbouring properties.
- 7.2 As a consequence of the publicity nine letters of objection were received:
- 7.3 Local and National Policies.
- Conflicts with local plan.
- 7.4 Visual
- Over development of the site.
  - Close to adjoining properties.
  - Concern over the proposed materials.
  - Lack of detail to show the relative heights between existing and proposed dwellings.
  - Development in terms of proportions, materials and architectural detailing is unsympathetic to the character of the area.
  - Negative impact on conservation area.
- 7.5 **Officer Note:** The application site lies outside of the designated conservation area.
- 7.6 Amenity
- Concern over the loss of privacy.
  - Concern over potential noise nuisance.

- Proposal would appear overbearing.
- Concern over the proposed compost facilities.
- Proposal would result in an unacceptable loss of outlook.
- Concern over the loss of natural light.

#### 7.7 Highways

- Unacceptable increase in traffic

#### 7.8 Other issues

- Concern over the lack of consultation.
- Trees removed prior to submission of application.

7.9 **Officer Note:** The trees removed were not the subject of a Tree Preservation Order nor were they located within a designated conservation area. As such, approval from the Council for their removal was not required.

- Unclear what the impact of the development will have on the village school.
- Concern over the increase demand on the utility services within the village.
- Lack of affordable new 'starter homes' in the village.

### 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 this Framework indicate development should be restricted.

8.2 Having regard to the relevant policy context, the nature of the development applied for and the representations received from consultees, it is considered that the main issues in this case are:

- Principle
- Visual Impact
- Amenity Issues
- Highway Issues
- Impact on Trees

### 9 Analysis

#### 9.1 **Principle of development**

9.2 The application site lies outside of development limits and therefore, saved Local Plan policy ENV1 applies. Policy ENV1 seeks to protect the character and quality of the open countryside from being spoilt by sporadic development and restricts development to small scale proposals appropriate for the enjoyment of the scenic qualities of the countryside and other appropriate small-scale development having a rural character and where the proposal clearly benefits the rural economy; helps to maintain or enhance landscape character; is essential for the efficient operation of agriculture or forestry; or is essential to the needs of the rural community.

9.3 Saved Local Plan policy ENV2 seeks to ensure that any development acceptable in principle under saved policy ENV1 is compatible with the character of the area and does not have an unacceptable impact on the landscape; that the design and materials used relate to the setting; that traffic generated can be accommodated satisfactorily and that services and infrastructure can be provided without a

serious harmful change to the character and appearance of the area. These are general planning considerations, broadly in line with the NPPF.

- 9.4 As the Local Plan was adopted in 1999 it was not prepared under the Planning & Compulsory Purchase Act 2004. Paragraph 215 of the National Planning Policy Framework (NPPF) states that policies not adopted in accordance with the 2004 Act need to be considered in terms of their degree of consistency with the NPPF stating that 'the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given'. Consequently, where there is any conflict the Local Plan policies carry limited weight and the policies in the NPPF will take precedence.
- 9.5 The main thrust of the NPPF is an overarching presumption in favour of sustainable development. This guidance reaffirms that it is the Government's clear expectation that local planning authorities should deal promptly and favourably with applications that comply with up to date plans and that where plans are out of date, there will be a strong presumption in favour of sustainable development that accords with national planning policies.
- 9.6 With respect to Saved Policy ENV1, it is acknowledged that the proposal would not be for agricultural, forestry, or other essential countryside workers dwellings. In light of the above, the proposal would conflict with Saved Policy ENV1.
- 9.7 However, the NPPF 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 paragraph 55, the key aim is to avoid 'isolated homes' in the countryside unless there are special circumstances.
- 9.8 Therefore, whilst it is recognised that the proposal does not fall within any of the categories of development acceptable in the open countryside under policy ENV1. It does not follow that this in itself is sufficient grounds to resist the principle of residential development, particularly as there is conflict between the 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.
- 9.9 With regards to the NPPF and the suitability of the site for development in principle, the site is located on the edge of the existing built up area of Bradley and has pedestrian and vehicle connections to local facilities and services. In addition, the village is serviced by local transport services, albeit limited, which connect with neighbouring villages and towns. The site is therefore considered to be a reasonable sustainable location for residential development.
- 9.10 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."
- 9.11 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.
- 9.12 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."*
- 9.13 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 abovementioned appeal and assess this application on the basis that the Council is unable to demonstrate a five year supply of housing land.

- 9.14 Turning to the three dimensions of sustainable development, economic, social and environmental as defined by the NPPF, it is recognised that the proposed development of this site would provide economic benefits associated from the proposed dwellings including the provision of construction jobs and from future residents of the proposed dwellings. In addition, the proposal would provide some social benefits and help to support the vitality of the rural community.
- 9.15 Turning to the environmental dimension of sustainable development the proposal would result in the development of a residential garden. Paragraph 53 of the NPPF states that 'LPA's should consider the case of setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area'. In this instance, the Council does not have a policy resisting development of residential gardens. Furthermore, it is considered that this small scale form of development would infill a modest gap between existing buildings resulting in a rounding off of the settlement within a logical boundary.
- 9.16 The emerging Bradley Neighbourhood Plan with regards to housing policy is given very limited weight in the decision making process due to the documents prematurity.
- 9.17 In conclusion, the application site is located outside of development limits and thus lies in the open countryside and therefore represents a departure from the provisions of saved Policy ENV1 of the Local Plan. Nevertheless, the application site is well related to existing services and facilities and would provide a natural rounding off of development. Furthermore, the Council is unable to demonstrate a 5 year housing land supply for the purposes of paragraph 47 of the NPPF. Therefore, in these circumstances, the provision of paragraph 14 of the NPPF are engaged and it follows that planning permission should be granted unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits or specific policies in the Framework indicated development should be restricted.

#### **9.18 Visual impact**

- 9.19 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.
- 9.20 CDLP policy ENV2 sets out four criteria for developments in the open countryside. 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.
- 9.21 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.
- 9.22 The western boundary of the site would lie adjacent to Hawthorn Park development (ref: 11/2015/16057), the southern boundary adjacent to Holly Tree House and the eastern boundary adjacent to properties on Oak Lea and High Bank. These properties are two storey's, although due to changes in topography properties to the west would be set at a higher level than the application site. In contrast the properties to the south and east would be set lower than the proposed dwellings. Land beyond the northern boundary consists of open agricultural fields.

- 9.23 The proposal is to construct one pair of semi-detached dwellings with attached single garage(s) with off street parking to the front and a detached dwelling with an attached triple garage and associated hard standing. All dwellings would have private rear amenity areas.
- 9.24 The semi-detached dwellings would be constructed on land to the southwest of the site. The proposed dwellings whilst modern in appearance have been designed to blend well with the development approved to the west of the site (ref: 11/2015/16057) and similar dwellings within the village. This is achieved due to the dwellings incorporating the three main factors present within the surrounding dwellings. The proposed dwellings would be of a similar basic form and scale of dwellings to the west and east of the site. In addition, the appearance of the dwellings consists of a single arrangement of openings with a good balance of proportions between the overall shape of the walls and the openings they contain. Furthermore, the dwellings would be constructed using materials from a similar palette of materials used traditionally in the area. It is therefore, considered that the semi-detached dwellings would not result in any visual harm to the surrounding area, and due to the set back from the public highway would not result in any visual harm to the existing street scene.
- 9.25 Turning to the 'L' shaped detached dwelling this would be constructed on the northern part of the site. It is acknowledged that this dwelling is a modern interpretation of some of the buildings located throughout the district. Notwithstanding this, the building has been designed to be sympathetic with its surroundings. The edge of settlement location has resulted in the design of the dwelling emulating the horizontal form of traditional buildings. Furthermore, the irregular roof plans also helps to reduce the overall massing of the building.
- 9.26 Turning to the external appearance, the proposed detached dwelling has incorporated into the overall design some of the detailing present in traditional buildings and the use of traditional material, whilst designing a more modern form of development. Notwithstanding this, it is considered that the proposed dwelling would not result in any visual harm to the surrounding area, nor to the existing street scene.
- 9.27 The proposal would involve the construction of a boundary wall to enclose the amenity areas and also to define to off street parking spaces. The proposal would also provide for enclosed private garden area. It is considered that these elements of the proposal given the small scale nature of these elements combined with the use of traditional materials would not result in any visual harm to the surrounding area or street scene.
- 9.28 In conclusion, the proposed development is considered appropriate and acceptable in terms of design, scale and appearance. The proposal is therefore considered not to conflict with policy ENV2 of the Local Plan, which seeks to ensure that all development respects the character of the surrounding area. The proposal would also not conflict with paragraphs 58 of the NPPF.

### **9.29 Amenity issues**

- 9.30 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 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".
- 9.31 In addition, paragraph 123 of the NPPF states that planning decisions should avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development.
- 9.32 The nearest neighbouring dwellings are located to the west of the site on Hawthorn Park. No 1 is orientated with its rear elevation backing onto the site, whereas no. 2 has a side on relationship with the site.
- 9.33 The semi-detached dwellings have been orientated with the rear elevation facing the rear elevation of No. 1 at a separation distance of approximately 20.5m. Running along the joint boundary is an existing timber fencing measuring approximately 1.8 – 2m in height. It is therefore considered, that the separation distance combined with the existing boundary treatment would ensure that the proposed semi-detached dwellings would not result in any unacceptable loss of privacy. Similarly, the proposal

would not result in any unacceptable overshadowing or appear overtly dominant when viewed from the private amenity areas or habitable rooms of this property.

- 9.34 With regards to the potential impact of the development on No. 2 the proposed detached dwelling would see the introduction of two windows at ground floor level to serve the proposed dining area and three windows at first floor level to serve 2 no. En-suites and an office area. With regards to the potential impact on privacy at ground floor level it is acknowledged that the separation distance falls below the recommended guidance levels. However, in this instance, due to the changes in levels combined with the existing boundary treatment, it is not considered that the inclusion of windows to serve the proposed dining room would result in any unacceptable loss of privacy.
- 9.35 With regards to the upper windows, two of the three windows would be obscure glazed thus maintaining the existing privacy levels that the occupants of No. 2 experience. Turning to the window serving the office, it is acknowledged that this window would provide any future occupants the opportunity to look over the rear amenity area of No. 2. However, any overlooking of this area would be at an angle, thus reducing the level of any direct overlooking. Furthermore, this window would be set back approximately 17m from the side elevation of No. 2. It is therefore, considered that the upper window would not result in any unacceptable loss of privacy to warrant a refusal.
- 9.36 The next nearest dwellings are located to the east of the site with rear elevations facing towards the site. To ensure the privacy of High Bank Cottage the side elevation of the detached dwelling with the exception of a window to serve the main bathroom would be devoid of window openings, thus ensuring no unacceptable loss of privacy from this window opening. At ground floor level it is accepted that the proposal would result in an intensified use of the land as any future occupants use the private amenity areas proposed for the detached dwelling. Therefore, to ensure that the development does not result in any unacceptable loss of overlooking between the proposed detached dwelling and High Bank Cottage the proposal would provide a timber fence measuring approximately 1.8m along the joint boundary with these properties. This would be an improvement on the current situation where an open wire and post fence runs along the joint boundary which results in a degree of overlooking between the application site and the rear amenity area of this property. Furthermore, it is considered that the detached dwelling would not appear overtly dominant or result in any unacceptable overshadowing.
- 9.37 With regards to the potential impact on No. 3 High Bank Cottage the orientation of the semi-detached dwelling would result in the main windows facing towards the rear amenity area of this property. However, it is considered that the separation distance in excess of 30m, combined with the proposed fencing would ensure that the occupants of this property do not experience any unacceptable loss of privacy. Similarly, the proposed semi-detached dwellings would not appear overtly dominant or result in any unacceptable overshadowing.
- 9.38 With regards to concerns over noise nuisance, there is no evidence to suggest that the level of noise, nuisance and disturbance associated with the proposed dwellings would generate significant noise, nuisance or disturbance over and above that of normal family homes. As such, it is not considered that a refusal of the application on this basis could be justified.
- 9.39 Turning to the amenity spaces for future occupiers of the dwelling the proposal has been designed to provide sufficient living accommodation to meet the needs of any future family. In addition, the proposal would provide private amenity areas which are considered adequate for the future occupiers of these dwellings. It is acknowledged, that due to the proposals relationship with adjacent dwellings, that there would be some mutual overlooking between existing properties and the proposed dwellings. However, it is not considered to be so significant to warrant a refusal.
- 9.40 In conclusion.
- 9.41 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.

#### **9.42 Highway issues**

- 9.43 Criterion (3) of CDLP policy EVN2 states that development will only be permitted in the open countryside where “rural access roads can accommodate the traffic likely to be generated by the proposal”.
- 9.44 CDLP policy T2 indicates that development proposals will be permitted provided that they are appropriately related and do not generate volumes of traffic in excess of the capacity of the highway network.
- 9.45 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 costs 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.
- 9.46 The proposal seeks to utilise the existing access off Skipton Road and provide turning areas and off street parking. This is considered sufficient to meet the requirements of saved Policy T2 of the Local Plan.
- 9.47 The local Parish Council have expressed concerns over highway safety and the existing congestion associated with limited off street parking due to parents parking adjacent the site when dropping or collecting up children. It is acknowledged that should the proposal be approved, that this would result in an intensified use of the access. However, NYCC Highways have been consulted and have raised no objection to the proposal subject to the use of appropriate conditions.
- 9.48 In conclusion.
- 9.49 The proposal would not create conditions contrary to highway safety and therefore accords with the requirement of saved Policies ENV2 & T2 of the Local Plan and the guidance contained within paragraph 32 of the NPPF.

#### **9.50 Impact on Trees**

- 9.51 The current situation is that a draft Tree Protection Order has been served with regards to the existing trees on the site. Whilst this order has not been confirmed it is considered necessary to assess the impact of the proposal on these trees.
- 9.52 The proposed detached dwelling would be located to the north and west of the protected trees. An Arboricultural Report has been submitted which the Council's Tree Officer has reviewed. Based on the information provided the Council's Tree Officer has not objected to the proposal subject to the erection of protective fencing.
- 9.53 In conclusion.
- 9.54 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.

#### **9.55 Conclusion;**

- 9.56 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.*
- 9.57 In this case the relevant Local Plan policies are out of date and therefore the policy within Paragraph 14 of the NPPF is applicable. Taken overall, it is considered that there are no adverse impacts that significantly and demonstrably outweigh the overarching presumption in favour of sustainable

development contained within paragraph 14 of the NPPF, and there are no grounds to withhold planning permission that in officer's view would be sustained at appeal.

## **10 Recommendation**

10.1 To grant approval subject to the following conditions

### Conditions

#### **Time limit for commencement**

1. The development must be begun not later than the expiration of three years from 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:

- 799.01(-- )001 Location Plan received by Craven District Council on the 3<sup>rd</sup> January 2018.
- 799.01(-- )002 Rev H Proposed Site Plan received by Craven District Council on the 27<sup>th</sup> March 2018.
- 799.01(-- )010 Rev F Proposed detached dwelling received by Craven District Council on 5<sup>th</sup> January 2018. .
- 799.01(-- )011 Rev D Proposed semi-detached dwellings received by Craven District Council on 5<sup>th</sup> January 2018.
- 799.01(-- )012 Rev A Site Section received by Craven District Council on 5<sup>th</sup> 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.

#### **Pre-commencement**

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 45 metres measured along both channel lines of the major road Skipton Road Bradley 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 interest of highway safety and to accord with Saved Policy T2 of the Craven District (Outside the Yorkshire Dales National Park) Local Plan and guidance contained within the National Planning Policy Framework.

4. No development shall take place until a Construction Exclusion Zone has been formed around the Root Protection Areas of those trees and hedgerows identified as being retained on drawing no. 799.01(-- )002 Rev G. The Construction Exclusion Zone shall be provided in the form of protective fencing of a height and design which accords with the requirements BS 5837: 2012 and shall be installed in the positions indicated by a brown dot-and-dash line on drawing no. 799.01(-- )002 Rev G. The Construction Exclusion Zone shall be maintained in the duly installed positions during the entirety of the construction period insofar as it relates to these areas of the site.

Reason: To ensure that adequate measures are put in place to protect existing trees which are to be retained as part of the development before any construction works commence in accordance with the

requirements of Saved Policy ENV10 of the Craven District (Outside the Yorkshire Dales National Park) Local Plan and guidance contained within the National Planning Policy Framework.

5. No development shall take place until details of the proposed means of disposal of surface water drainage, including but not exclusive to :-
- a) evidence to demonstrate that surface water disposal via infiltration or watercourse are not reasonably practical ;
  - b) evidence of existing positive drainage to public sewer and the current points of connection; and
  - c) the means of restricting the 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

#### **During building works**

5. Notwithstanding details shown on the approved plans, no above ground works shall take place until details of the the 1.8 timber fencing to be constructed adjacent to the boundaries have been submitted and approved in writing by the Local Planning Authority. The development shall thereafter be implemented and retained in accordance with the approved details.

Reason: In the interests of visual and privacy 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.

6. Notwithstanding any description of materials in the application, no above ground works shall take place until 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 rural 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.

7. Notwithstanding any details shown on the approved plan, 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

#### **Before the Development is Occupied**

8. The dwellings shall not be occupied until the 1.8m timber fencing to be constructed along the eastern boundary has been constructed in accordance with approved details.

Reason: To ensure the privacy of neighbouring properties in accordance with guidance contained within the National Planning Policy Framework.

#### **Ongoing conditions**

9. The hard surface hereby approved 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.

10. Notwithstanding the provision of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any Order revoking or re-enacting that Order, the areas shown on the approved site plan 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.

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any Order revoking or re-enacting that Order, the garage(s) shall not be converted into domestic accommodation without the granting of an appropriate planning permission.

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.

12. 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.

#### 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.

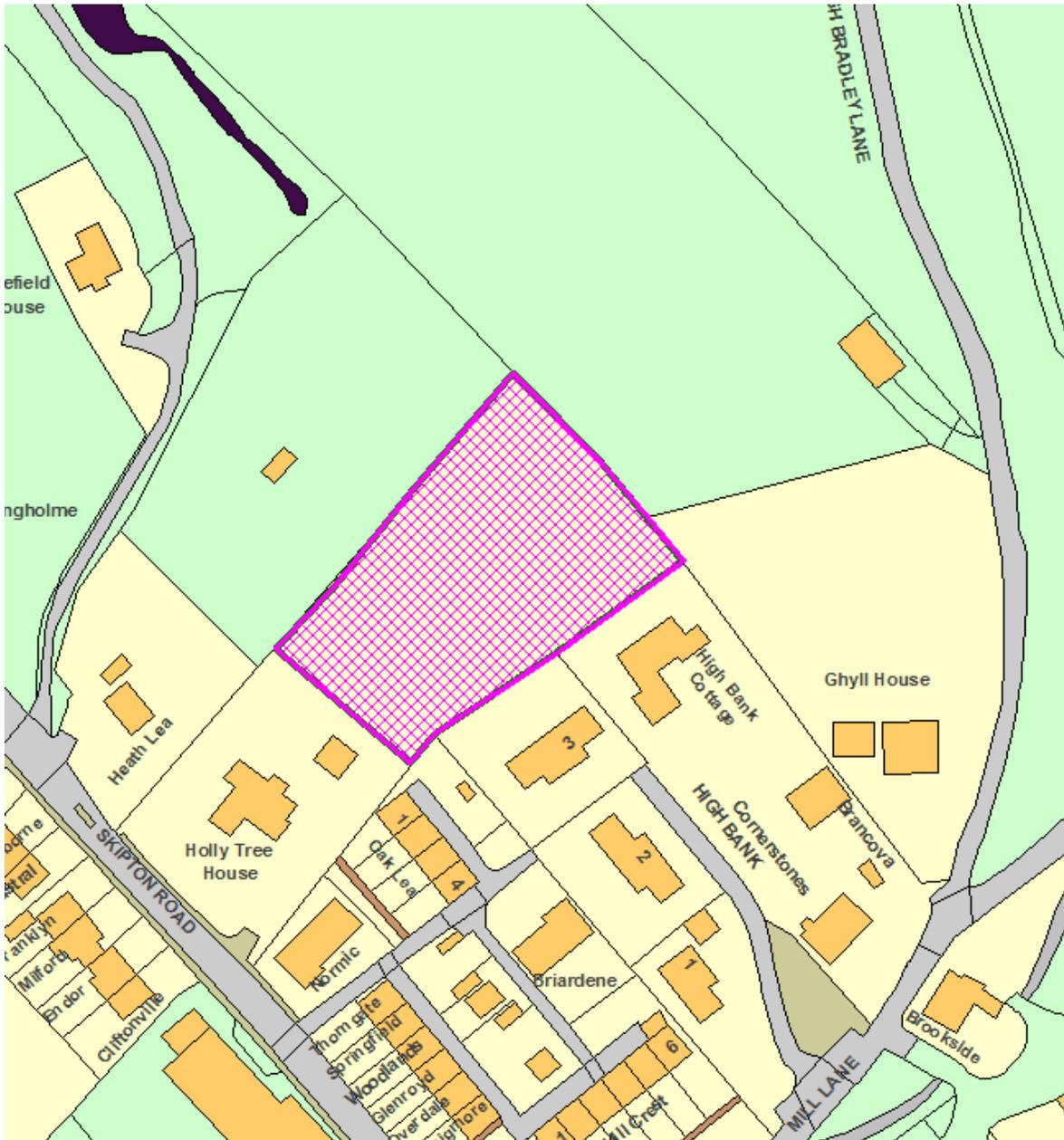
The applicant needs to have regard to the BS8233:2014 Guidance on 'Sound Insulation and Noise Reduction for Buildings' which presents guideline noise levels for both inside and outside dwellings.

The applicant/developer is advised that in the interests of promoting sustainable travel opportunities electric vehicle charging points should be provided.

#### Statement of Positive Engagement: -

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

- requested amended design approaches.



**Application Number:** 2018/18873/FUL

**Proposal:** 3 no. new dwellings on land associated with an existing property (Holly Tree House). Dwellings proposed are 1no. five bedroom house with an attached 3 car garage and 2no. three bedroom houses with attached single car garages (arranged as a semi-detached unit). Application proposal includes new associated driveways, parking, boundary fences/walls and associated gardens.

**Site Address:** Land At Holly Tree House Skipiton Road Low Bradley BD20 9EF

**On behalf of:** Mr & Mrs Nelson

## REPORT TO PLANNING COMMITTEE ON 9th April 2018

**Application Number:** 2017/18725/FUL

**Proposal:** Construction of detached dwelling with associated amenity space and off street parking.

**Site Address:** Land Adjacent To 42 East Lane East Lane Embsay

**On behalf of:** Mr Jonny Newiss

**Date Registered:** 10th November 2017

**Expiry Date:** 5th January 2018

**Case Officer:** Mrs Gemma Kennedy

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**This application has been referred to Planning Committee at the request of Councillor Shuttleworth in view of the level of public interest.**

### 1. Site Description

- 1.1 The application site is a triangular plot forming the side garden to semi-detached property 42 East Lane. Located at the junction of East Lane with Dalacres Drive, the site is within the development limits of Embsay village. The immediate area is characterised by terraced and semi-detached local authority properties on the west side of East Lane, with open fields to the east with a small number of residential properties along the eastern side of East Lane.
- 1.2 Embsay Conservation area is located 138 metres to the north east of the site, and the boundary with the Yorkshire Dales National Park is 100 metres to the west as the crow flies.

### 2 Proposal

- 2.1 The proposal is for a modern detached dwelling fronting East Lane, set over four floors. Pentagonal in shape, the dwelling would have 2 bedrooms at basement level, 2 bedrooms at ground floor level and living, dining and kitchen areas at first floor level. The top of the first floor would be 0.2 metres higher than the eaves of the adjacent house No. 42 East Lane. The second floor would consist of an 'L' shaped balcony leading from a reception room. The dwelling would have a flat roof, planted with sedum.
- 2.2 The dwelling would incorporate a mixture of materials – Natural stone work at ground floor level, off white concrete render and cedar timber cladding at first floor level, with cedar timber cladding at second floor level. Window frames and doors would be fabricated from aluminium in an anthracite grey colour.
- 2.3 The property would have off road parking and turning space for two vehicles to the front.

### 3 Planning History

- 3.1 5/26/302 – Proposed parking space for car. Approved 12/08/1992

### 4 Planning Policy Background

- 4.1 The National Planning Policy Framework (NPPF)

4.2 National Planning Practice Guidance (NPPF)

4.3 Saved Policy H4 of the Craven District (Outside the Yorkshire Dales National Park) Local Plan

## 5 Parish/Town Council Comments

5.1 Embsay with Eastby Parish Council: *“The Parish Council recognises the individual, innovative style of this proposal. However, it considers that the prominent location, fronting an established area of traditional 1950s housing of architecturally vernacular style, within approximately 100m of the boundary of the Yorkshire Dales National Park to be totally inappropriate and therefore recommends the application be refused.”* Received 15/12/2017

## 6 Consultations

6.1 NYCC Highways Authority: *“In assessing the submitted proposals and reaching its recommendation the Local Highway Authority has taken into account the following matters: the design standard for the site is MfS and the required visibility splay is 60 metres by 2 metres. The available visibility is 60 metres by 2 metres. Consequently the Local Highway Authority recommends that the following Conditions are attached to any permission granted: ‘HC-07 Private Access/Verge Crossings: Construction Requirements’ and ‘HC-15 Parking Spaces to remain available for vehicle parking’.”* Received 30/11/2017.

6.2 Yorkshire Water Services: *“Based on the information submitted, no comments are required from Yorkshire Water.”* Received 21/12/2017.

6.3 Yorkshire Dales National Park: Consultation expiry date 08/01/2018. No response received at the time of writing this report.

## 7 Representations

7.1 Letters of objection have been received from the occupants of 9 properties. In addition, 2 letters of support have been received. The points raised are summarised below;

7.2 Objections:-

- Close to adjoining properties
- Development too high
- General dislike of proposal
- Loss of light
- Conflict with local plan
- Loss of privacy
- More open space needed on development
- Over development. Plot not large enough to accommodate a detached dwelling over 4 floors.
- Residential amenity
- Inadequate parking provision
- Increase in traffic. Would reduce visibility at junction and increase likelihood of a collision.
- Design and Access Statement claims a sustainable development, but there is little evidence of this.
- Affect local ecology

- Strain on existing community facilities
- Street scene drawings appear inaccurate – believe drawing represents the new house as having a more minor impact on neighbours that it probably would.
- Overdevelopment of site outside the National Park, whereas the houses in the National Park have expensive constraints on every tiny decision
- I understand this property is in the Yorkshire Dales National Park, and they are the relevant planning authority \*
- Will overshadow our south facing garden and remove privacy – exacerbated by roof terrace (1 Dalacres Drive)
- Will remove our view, reduce light and make our property less private (3 Dalacres Drive)
- Size relative to plot creates an unacceptable high density – will destroy open aspect and views of countryside.
- Design out of keeping with area – in particular the roof terrace. Shape, colours and glazing out of keeping.
- Would detract from the rural heritage of the village

7.3 \* Officer's Note: the site is not located within the Yorkshire Dales National Park

7.4 Support:-

- Very pleasing to see a modern design which is eco-friendly and very practical.
- we must embrace new ideas to ensure we keep in line with other forward thinking areas supporting environmentally friendly initiatives long term.
- A refreshing and positive addition to the village.
- Design is an excellent example of what can be achieved in a relatively small space opening up ideas for others.

Neighbouring residents and the Parish Council were reconsulted on 22<sup>nd</sup> February on an amended plan which involved no changes to the proposals, but corrected the 'indicative side street scene across East Lane and along Dalacres Drive'. In response the following is a summary of the comments received from the occupants of 9 properties;

- Amended plan doesn't address my objections; objection still stands.
- Revised plans don't address concerns already made by the majority.
- Plans not in keeping and infringe on privacy and outlook.
- Size and height excessive for village.
- Increasing concerns regarding congestions at junction of Dalacres Drive and East Lane.
- Perspective shown on 'Massing street scene...' is taken several metres back from the street, in a field behind a stone wall.
- Bus stop and shelter not shown on plans.
- In the plans the hedge running along the southern edge of our garden has been removed – this hedge belongs to us and we have not given permission for this to happen. (1 Dalacres Drive)\*

- 7.5 \*Officer's note: The submitted plans indicate that a hedgerow running along the boundary of the application site and 1 Dalacres Drive would be removed. Whilst the hedgerow cannot be removed from No. 1's land, the applicant does have the right to cut back the hedgerow to the boundary so that it is not overhanging their land. This however is a private legal matter, and not a material planning consideration.
- 8 Summary of Principal Planning Issues
- 8.1 The principle of development; the impact upon the character and appearance of the street scene and area; neighbouring privacy and amenity; highway safety.
- 9 Analysis
- 9.1 Principle of development;**
- 9.2 Policy background: Section 38(6) of the Planning and Compulsory Purchase Act 2004 states "regard is to be had to the development plan for the purposes of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."
- 9.3 The development plan for the area comprises the Craven District (Outside the Yorkshire Dales National Park) Local Plan 1999. The local plan policy that is most relevant to this application and has been "saved" is Policy H4 'residential development within the development limits of villages'. Paragraph 215 of the National Planning Policy Framework (NPPF) states that policies not adopted in accordance with the 2004 Planning and Compulsory Purchase Act need to be considered in terms their degree of consistency with the NPPF "the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given." The NPPF at paragraph 14 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.'
- 9.4 Saved Policy H4 permits conversions and small scale developments within the development limits of villages, to form new houses. To comply with saved policy H4 development must accord with a number of criteria; be of a scale appropriate to the size and form of the village, be able to provide a satisfactory standard of residential amenity and not have an unacceptable impact on the amenity of neighbouring properties, and not create conditions prejudicial to highway safety. Saved Policy H4 is considered to be consistent with the NPPF in that it supports sustainable forms of residential development. For example paragraph 55 of the NPPF requires housing to be located in sustainable locations in rural areas where houses will sustain or enhance the vitality of rural communities.
- 9.5 Proposal in consideration of Saved Policy H4: The proposal involves the construction of a single detached dwelling which is considered to be small scale development for the purposes of Saved Policy H4. As such, the proposed development can be considered under this planning policy.
- 9.6 Housing supply: 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.”

- 9.7 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.”
- 9.8 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.
- 9.9 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.”
- 9.10 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 abovementioned appeal and assess this application on the basis that the Council is unable to demonstrate a five year supply of housing land.
- 9.11 Location: The application site is in a central location in a residential area within Embsay village, and within walking distance of a variety of amenities including shops, primary school, Church, village hall, library and public houses. The village is also served by a two bus services, with bus stops located in close proximity to the site (one directly opposite the site). The site is therefore considered to be sustainable in terms of accessibility to amenities, which would in turn reduce reliance upon the use of private vehicles.
- 9.12 The site for the proposed dwelling forms the side garden of the adjacent residential property. Paragraph 53 of the NPPF sets out that Local Planning Authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area. Craven’s Saved Local Plan has no policies specifically to development within gardens. Craven’s Emerging Local Plan only makes reference to development within gardens in Draft Policy SP4: ‘Spatial Strategy and Housing Growth’. Only where gardens within the curtilage of buildings relate more to the countryside than to the built up area of the settlement would housing development be precluded under this draft policy. In this instance the site is surrounded by residential development on three sides, and is separated from open countryside to the south by East Lane. Whilst in proximity to open countryside, the site does not relate to the countryside more than to the built up area of the settlement. Only limited weight can be given to the Emerging Local Plan, as it has not yet been subject to public examination. However, the Saved Local Plan and NPPF do not contain any specific policies that would restrict the development of this residential garden.
- 9.13 Conclusion of principle of development: The application site is in a sustainable location within a village setting. The Council is currently unable to demonstrate a 5 year supply of housing, and so subject to all other matters being considered acceptable, the principle of residential

development should be supported. Based on these points it is considered that the principle of residential development on the site accords with the aims and objectives of the NPPF.

#### **9.14 Visual impact;**

- 9.15 Section 7 of the NPPF details what is meant by ‘good design.’ Paragraph 56 sets out that *“The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.”*
- 9.16 Amongst other things paragraph 58 sets out that developments should establish a strong sense of place, respond to local character and history, and reflect the identify of local surroundings and materials, while not preventing or discouraging appropriate innovation.
- 9.17 Paragraph 60 of the NPPF states that *“planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness. Paragraph 61 goes on to state that; “Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.”*
- 9.18 Paragraph 63 states that *“in determining applications, great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area.”*
- 9.19 Saved Policy H4 sets out that residential development should be of a scale, density and layout appropriate to the size and form of the village. Furthermore development should be of a design which in terms of proportions, materials and architectural detailing is sympathetic to the character of the settlement and the locality. With regards to design, Saved Policy H4 is largely consistent with Section 7 of the NPPF. However, the reference to proportions, materials and architectural detailing that is sympathetic to the character of the settlement and locality is dealt in a more flexible manner in the NPPF, where local distinctiveness should be reinforced, but development should not have to conform to certain development forms or styles.
- 9.20 The site for the proposed dwelling lies within a street scene of terraced and semi-detached mid-twentieth century former local authority properties, which extends to the west of East Lane to form a residential estate. These dwellings are characteristic of their period; simple and functional in their design and constructed from economical materials including pebble dash render and concrete roof tiles. From the application site a number of more traditional stone built properties are visible along East Lane to the south west and north east. Whilst the site is within proximity of both the Embsay Conservation area and the boundary with the Yorkshire Dales National Park Authority, the inter-visibility between the site and those areas is negligible, and it is not considered that the proposed development would have any impact upon the setting of these areas. The Yorkshire Dales National Park Authority Planning Department have been consulted on the proposals and have made no comments.
- 9.21 In terms of density, No. 42 East Lane, being on a corner plot, has an oversized triangular side garden. Neighbouring objections have expressed concern that there isn’t sufficient room on the plot for a detached dwelling, and that the site relative to the plot creates a high density of development in this location. There are no housing densities set out in local or national planning policy; instead it is necessary to consider whether a proposed dwelling can function effectively on a site, and whether the proposed dwelling would appear as overdevelopment of a

site. Whilst the proposed and adjacent dwelling (No. 42) would have a reduced curtilage as a result of the proposed development compared to neighbouring properties, they would both maintain a good level of amenity in terms of remaining outdoor space, and the proposal would not result in an increase in housing density to the detriment to the character of the area.

- 9.22** The proposed dwelling is modern in design with a flat roof and incorporating a mixture of materials, large glazed windows and a balcony. Preference for modern architectural design can be subjective; this is represented in the variety of comments received from local residents with some considering it to be out of keeping with the village, and others considering it to be a positive and refreshing design. The NPPF provides guidance in paragraphs 56 to 64 (as outlined at 9.15 to 9.18 of this report) to assist with decision making on design, to ensure that proposals are considered objectively. For example, *“planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.”* In officer’s opinion, the proposed dwelling viewed on its own is a good quality unique design. Its innovative design allows for a good level of living accommodation on a restricted plot, and makes use of natural lighting with the careful placement of windows, whilst seeking to address neighbouring privacy (a matter which will be considered in detail further along in this report). In terms of how the proposed dwelling would relate to the street scene, it is recognised that the design of the flat roof and mixture of materials are such that it would not reflect the appearance of the neighbouring properties. However, the proposed dwelling would have similarities with the neighbouring properties to reinforce local distinctiveness; the use of render and natural stone work as the key materials picks up on the pebbledash render of the adjacent properties, and the stone built properties further along East Lane. The windows, whilst mostly larger than those on the adjoining properties, have a symmetry that reflects existing windows in the street scene. Finally, the dwelling has been designed to have a dual roofline – the upper roof above the 2<sup>nd</sup> floor accommodation and balcony would be set marginally below the roof of the adjacent property No. 42 East Lane, and the lower roof would be set marginally above the eaves level of No. 42.
- 9.23** Whilst it is appreciated that the proposed design is not standard in the local area, and is disliked by some, it is considered that the proposed dwelling is nevertheless of a good quality of design and would incorporate materials that seek to reinforce local distinctiveness. To refuse planning permission on the basis that the architectural style differs from the street scene would be at odds with the aims and objectives of the NPPF, in particular paragraph 60 which discourages planning decisions from stifling innovation and originality.
- 9.24 Neighbouring privacy and amenity;**
- 9.25** Saved Local Plan Policy H4 requires that new residential development provides a satisfactory standard of residential amenity and does not have an unacceptable impact on the amenity of neighbouring properties. One of the core principles of the NPPF, set out at paragraph 17, is that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and building.
- 9.26** Privacy: The proposed dwelling would have limited windows in the elevations facing neighbouring properties 1 Dalacres Drive and 42 East Lane and their gardens. A bank of windows on the north west elevation would serve a WC and stairwells; although these are non-habitable spaces, given their height and proximity to the boundary with 1 Daleacres Drive (1m at the closet point) it is considered necessary to require these windows to be obscure glazed, as even views in passing could result in a loss of privacy to the outdoor space of 1 Dalacres Drive. The obscuring of this bank of windows would also benefit the occupants of 3 Dalacres

Drive and future occupants of adjacent property 42 East Lane from overlooking of their garden. The balcony on the 2<sup>nd</sup> floor of the dwelling has the potential to directly overlook 1 Dalacres Drive, and the occupants of this property have raised this as a concern in their representation against the application. However the balcony would include a 2.1m high obscure glazed screen on the north elevation to prevent such overlooking from taking place. This screen would also prevent any direct harmful views of No. 2 Dalacres Drive to the north. A small window serving a non-habitable utility room and a solid door in the north elevation would not result in privacy concerns.

- 9.27** The balcony and door on the north east elevation of the proposed dwelling would be 17m (balcony) and 19m (door) from the boundary of the front garden of 40 East Lane. At this distance any overlooking would not be unduly harmful, and there would be no direct views of windows in this property. In terms of the protection of the amenities of future occupants of 42 East Lane to the west, an obscure glazed screen would be provided to the balcony and a single window would serve a bathroom (a non-habitable room). With the measures proposed (obscuring glazing of windows and balcony screening) and space separations involved, it is considered that the proposed development would not adversely affect neighbouring privacy.
- 9.28** Amenity: Concern has been raised by the occupants of No's 1 and 3 Dalacres Drive that the proposed dwelling would overshadow their gardens and reduce light to their properties/gardens. The occupants of No. 3 also object to the loss of a view from their garden, however there is no right to a view and this is not a material planning consideration.
- 9.29** No. 1 Dalacres Drive has a small front garden, driveway and a triangular rear garden on the same level as the main house. The property has an additional larger area of garden set below the level of the main house. This area is directly adjacent to the application site, and is on a similar (marginally higher) land level than the application site. The side elevation of No. 1 Dalacres Drive has 3 windows. Based on the traditional layout of this style of house, 2 of the windows are envisaged to serve landing and hall way. The third window (closer to the rear of the property on the ground floor) would appear to serve an area under the stairs/possibly a WC, or a secondary window serving the living room or kitchen.
- 9.30** The proposed dwelling would be no higher than adjacent property No. 42, and would be approximately 2.8m lower (based on the indicative side street scene) than No. 1 Dalacres Drive when comparing heights. The proposed dwelling would be 19m (at the closest point) from the side elevation of No. 1 Dalacres Drive, and the same distance from the gardens that run directly in front of and behind the property. Given the land levels and space separation it is considered that the proposed dwelling would not result in any harmful loss of daylight/sunlight or outlook to these parts of the property. With regards to No. 2 Dalacres Drive the boundary with their property would be 29m from the proposed dwelling, and on a similar elevated level, and so it is considered that the proposed dwelling would not incur in a harmful loss of daylight/sunlight or outlook to this property. The larger garden to No. 1 Dalacres Drive, set on a similar level to the application site and lower than the house, would experience overshadowing and a reduction in sunlight as a result of the proposed dwelling. The dwelling would be 0.6m from the boundary with this garden and would be located to its south. A small area at the rear (western) part of the neighbouring triangular garden would be overshadowed in the morning. As the sun changes position in the sky it is envisaged that various parts of the triangular garden would be overshadowed throughout the middle of the day until mid/late afternoon. It is therefore accepted that the height of the dwelling, its proximity to the boundary with the garden No. 1 Dalacres and its position to the south, would combine to result in some loss of sunlight to the detriment of the enjoyment of the larger section of garden. The matter to consider is whether this loss of amenity would be so harmful to the amenity of the occupiers of

1 Dalacres to necessitate a refusal of planning permission. If this garden was the only outdoor space serving the No. 1 Dalacres Drive, or if the proposed dwelling would overshadow habitable room windows in No. 1 Dalacres Drive, then a refusal of planning permission could be substantiated. In this instance whilst overshadowing of the triangular section of garden will take place throughout the day, the occupiers of No. 1 Dalacres Drive would be able to continue to use their house, and outdoor space to the front and rear of their property, which would not be adversely affected by the proposed development. It is therefore considered that the overall amenity currently enjoyed by the occupiers of No. 1 Dalacres Drive would not be harmed to the extent that planning permission should be refused on this basis.

- 9.31** In consideration of the amenities of future occupants of 42 East Lane, the proposed dwelling would result in overshadowing of part of the rear garden for a few hours in the mornings. It is not considered that this would result in an unacceptable loss of amenity, and the property also has a front garden which would continue to receive sunshine throughout the day.
- 9.32** Finally, the amenity of the future occupiers of the proposed dwellinghouse should be considered. Despite the use of obscure glazing to protect neighbouring privacy, the dwelling would have a good level of outlook and daylight with the majority of windows being in the front south east elevation. The property would have a small garden area outside, with a bin storage area to the rear, with additional outdoor space being provided on the balcony. It is considered that the proposed dwelling would have a good level of amenity.
- 9.33 Highway safety;**
- 9.34** A number of residents have expressed concern regarding highway safety, raising inadequate parking provision and increased congestion, increased likelihood of a collision, and reduction in visibility at the junction of Dalacres Drive with East Lane.
- 9.35** Adjacent property 42 East Lane has an existing driveway accessed from East Lane, which crosses a deep partially grassed highway verge. It is proposed to widen this driveway and the crossing of the highway verge by 5 metres. This would be 2 metres to the south west to provide a new driveway to No. 42, and 3 metres to the north east to provide access to the new dwelling. Existing property 42 East Lane would have the length of its driveway reduced by 3m, and would be able to accommodate 1 vehicle rather than 2 as at present. NYCC Highways Authority have raised no objections to this change. The property does not currently benefit from any turning facilities on site (vehicles must either reverse onto the drive or onto the road) and this would not change as a result of the proposal development.
- 9.36** The proposed dwelling would have 2 parking spaces and turning space to the front of the property to allow vehicles to access and leave the property in a forwards gear. NYCC Highways Authority are satisfied with the proposed parking arrangement and have recommended conditions be attached to any grant of permission.
- 9.37** The proposed development would bring an average of 2 further vehicles to the site. As such there will be a small increase in vehicular journeys in the vicinity, but it is not of a level that would increase road movements to the detriment of highway safety. Neighbours express concern about reduced visibility at the junction of Dalacres Drive. The parking and turning facilities provided for the proposed dwelling are considered to be acceptable, and would not necessitate the need for parking on the highway verge, or reversing onto East Lane. The reduction in a parking space to 42 East Lane may result in occupiers choosing to park on the highway verge to the front of that property, however due to the existing parking arrangements (where one vehicle must park in front of the other, effectively blocking it in) it is probably that parking already takes place on the highway verge, and would continue to do so even were the proposed development not put forwards.

### **9.38 Other considerations;**

**9.39** Some additional concerns have been raised by local residents, which will be addressed below;

**9.40** Impact on local ecology: As with the entire village of Embsay, the site falls within the impact zones of two Sites of Special Scientific Interest (SSSI) at 'West Nidderdale, Barden and Blubberhouses Moors' (0.8m from site) and 'Holywell Bridge' (1 mile from site). The site is also 0.8 miles to the south of the North Pennine Moors 'Special area of Conservation' which contains a variety of habitats including blanket bogs, woodlands and heathland. The distance of the site from these protected areas, as well as the nature of the proposed development which involves development in an existing built up area, is such that the Local Planning Authority is satisfied that the proposed works would not adversely impact the Special area of Conservation or the SSSI's. Furthermore, no evidence has been put forwards of any protected species on site that would be harmed by the proposed development.

**9.41** Strain on existing community facilities: It is not envisaged that the addition of a single dwelling would put strain on existing community facilities; indeed it may well support those existing facilities.

**9.42** Street scene drawings appear inaccurate: Concern has been raised that the proposed street scene drawings are inaccurate, and that the street scene along East Lane appears to have been taken from within the field opposite the site, rather than from East Lane itself. The street scene drawings submitted with the application are indicative only, as is normally the case with visualisation drawings such as these, compared to elevational drawings which would be accurate. The street scene visualisations (along East Lane and East Lane Dalacres Drive) indicate that the proposed dwelling would be no higher than the existing dwelling. It is considered that this would be acceptable, but to ensure the development is constructed as such (based on the fact that these drawings are only indicative) it is considered appropriate to impose a planning condition requiring the submission of levels and heights of the existing site and surrounding buildings, and the proposed building.

**9.43** Bus stop and shelter not shown on plans: There is a bus stop and shelter directly opposite the application site. However, the fact that these are not shown on the submitted plans is not considered to be detrimental to the consideration of the application.

### **9.44 Conclusion;**

9.45 Paragraph 14 of the NPPF advises that Local Planning Authority'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:

9.46 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

9.47 Specific policies in this Framework indicate development should be restricted.'

9.48 In this instance it is considered that no adverse impacts that would significantly and demonstrably outweigh the benefits of the development and planning permission should be granted.

## **10 Recommendation**

### **10.1 Approval**

#### **Conditions**

#### **Time limit for commencement (Type T)**

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

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

#### **Approved plans (Type L)**

2. The permission relates to the following plans;
  - Drawing No. AD 100 received by Craven District Council on 9<sup>th</sup> November 2017.
  - Drawing No. AD 103 Rev A received by Craven District Council on 20<sup>th</sup> March 2018.
  - Drawing No. AD 104 Rev A received by Craven District Council on 20<sup>th</sup> March 2018.
  - Drawing No. AD 106 Rev A received by Craven District Council on 2<sup>nd</sup> February 2018.

Except as provided for by other conditions to this permission, the development shall be carried out in complete accordance with the approved drawings except where conditions indicate otherwise 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 (Type P)**

3. Details of the finished floor levels, external ground levels and the height of the proposed dwelling in relation to 42 East Lane (both to the top of the roof, and to the balcony level) shall be submitted to and approved in writing by the Local Planning Authority before the commencement of any development on site. The top of the roof shall be no higher than the ridge of 42 East Lane, and the wall surrounding the balcony level (that forms the roof to the first floor) shall be no higher than the eaves of 42 East Lane. The development shall thereafter be implemented in accordance with the duly approved details.

Reason: In order to ensure a satisfactory relationship between the development, surrounding buildings and the street scene before any ground works take place to establish site levels in the interests of residential and visual amenity in accordance with Saved Policy H4 of the Craven District (Outside the Yorkshire Dales National Park) Local Plan the NPPF.

4. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the access(es) to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements:
  - (i) The details of the access shall have been approved in writing by the Local Planning Authority in consultation with the Highway Authority.
  - (ii) The crossing of the highway verge and/or footway shall be constructed in accordance with the approved details and/or Standard Detail number E6.
  - (iii) Any gates or barriers shall be erected a minimum distance of 4.5 metres back from the carriageway of the existing highway and shall not be able to swing over the existing or proposed highway.
  - (iv) Provision to prevent surface water from the site/plot discharging onto the existing or proposed highway shall be constructed in accordance with the approved details, and/or the

specification of the Highway Authority, and maintained thereafter to prevent such discharges.

- (v) The final surfacing of any private access within 4.5 metres of the public highway shall not contain any loose material that is capable of being drawn onto the existing or proposed public highway.

Informative: 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.

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

#### **During building works (Type C)**

- 5. Notwithstanding any description of materials in the application and the requirements of condition 2 of this permission, prior to the first use of any external materials on the dwellinghouse hereby permitted samples or full details of all materials to be used on the external surfaces of the dwelling (the external timber cladding, walling, rendering and roofing) shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of materials. The development shall thereafter be implemented in accordance with the duly approved details.

Reason: To ensure the use of appropriate materials which are sympathetic to the character of the area and in the interests of visual amenity in accordance with Saved Policy H4 of the Craven District (Outside the Yorkshire Dales National Park) Local Plan and the NPPF.

#### **Before the development is occupied (Type O)**

- 6. Notwithstanding any details shown on the approved plans and the requirements of condition 2 of this permission, within 3 months of development first taking place details of the siting, height, design, materials and finish of all boundary treatments shall be submitted to and approved in writing by the Local Planning Authority. The duly approved boundary treatments shall be constructed in full accordance with the approved details before the first dwelling is occupied, and shall be retained as such thereafter.

Reason: In the interests of ensuring adequate levels of privacy between neighbours, and to ensure that the boundary treatments are of a good appearance in the interests of visual amenity in accordance with Saved Policy H4 of the Craven District (Outside the Yorkshire Dales National Park) Local Plan and the NPPF.

- 7. The 2.1m high privacy screen to the north side of the balcony and the 2.35m privacy screen to the south west side of the balcony on the dwelling hereby approved shall be fitted with obscured glass which achieves a minimum of level 4 on the Pilkington Scale (where 1 is the lowest and 5 is the greatest level of obscurity) and shall be installed in the positions shown on drawing number 'AD 106 Rev A' before the balcony is first brought into use. The duly installed privacy screen shall be retained as such thereafter.

Reason: To safeguard the privacy of occupiers of neighbouring properties and to ensure satisfactory levels of amenity, in accordance with Saved Policy H4 of the Craven District (Outside the Yorkshire Dales National Park) Local Plan and the NPPF.

8. Notwithstanding the provisions of Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any equivalent Order following the revocation and re-enactment thereof (with or without modification), all windows on north west elevation (serving the stairwell and WC) shall be obscurely glazed to a minimum of level 4 on the Pilkington Scale (where 1 is the lowest and 5 is the greatest level of obscurity) and shall be non-opening before the dwelling hereby approved is first occupied and shall be retained as such thereafter.

Reason: To safeguard the privacy of adjoining occupiers by minimising the potential for overlooking.

### **Ongoing conditions (Type F)**

9. Notwithstanding the provisions of Schedule 2, Part 1, Classes A, B, C, D, E and G of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any equivalent Order following the revocation and re-enactment thereof (with or without modification), the dwellings hereby approved shall not be altered or extended, and no buildings or structures shall be erected within their curtilage.

Reason: The development has been permitted due to its unique architectural quality. It is considered that extensions or alterations to the building may undermine the architectural quality of the proposal, and the Local Planning Authority wishes to retain control over future alterations to the dwelling. In addition, the proximity of the property to neighbouring dwellings to the north and west is such that extensions, curtilage buildings, and the addition of any new windows or doors to the dwelling, may result in harm to the privacy or amenity of neighbouring residents, and the Local Planning Authority wishes to retain control over any future development that may affect neighbouring amenity, and to accord with Saved Policy H4 of the Craven District (Outside the Yorkshire Dales National Park) Local Plan and the NPPF.

10. Notwithstanding the provision of any Town and Country Planning General Permitted or Special Development Order for the time being in force, the areas shown on drawing AD 103 Rev A for parking spaces, turning areas and access shall be kept available for their intended purposes at all times.

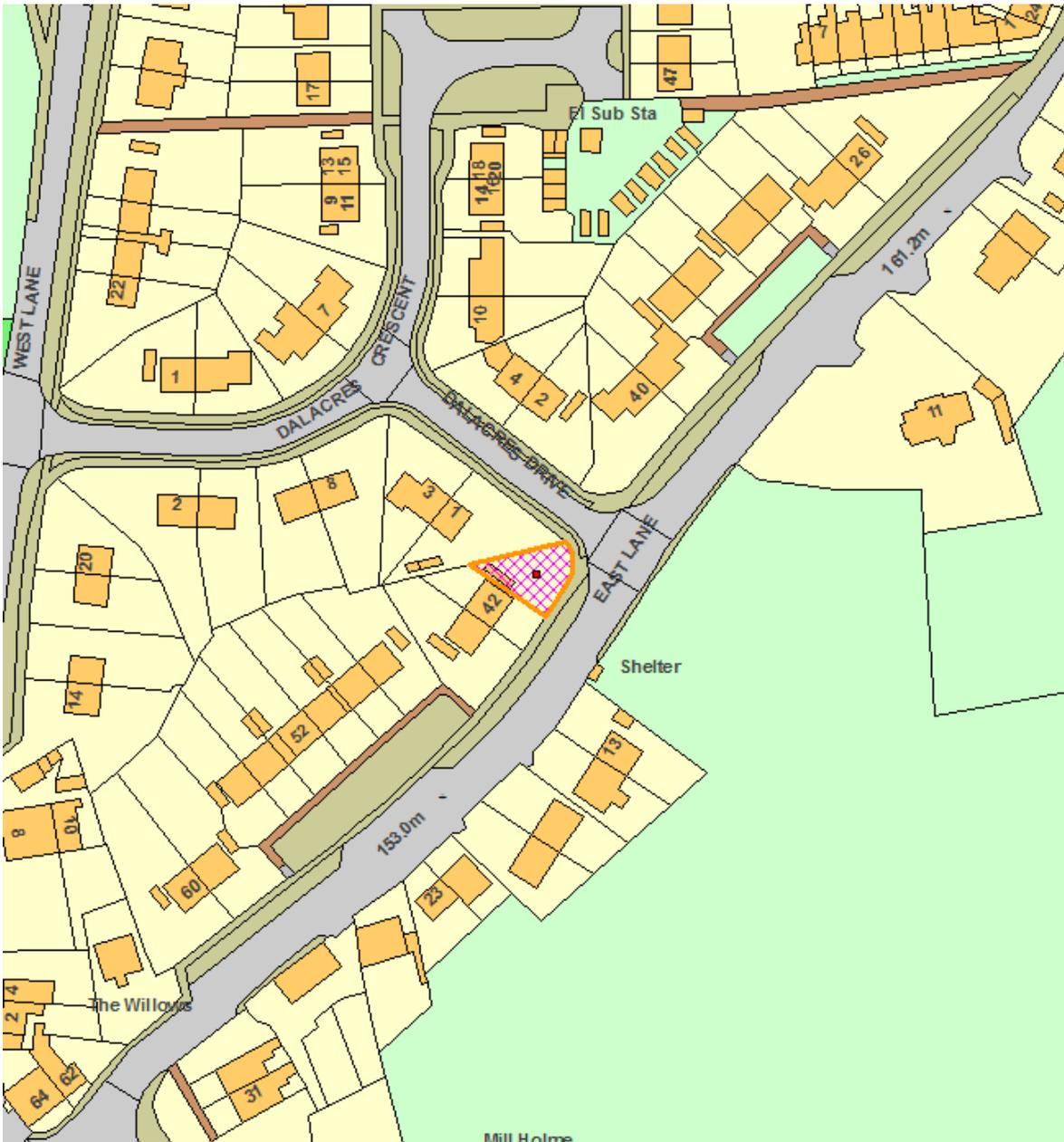
Reason: In accordance with the NPPF and to ensure these areas are kept available for their intended use in the interests of highway safety and the general amenity of the development.

### **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 and has sought corrections to the submitted plans.

### **Discharge of Condition(s)**

1. The developer should note that Condition Nos 3 & 4 above will require a further application to be submitted to enable the District Council to formally discharge the conditions. In order to avoid unnecessary delays it is advisable for the developer to discuss the details required to discharge the conditions with any relevant statutory Authorities' (other than the Local Planning Authority) e.g. NYCC Highways, the Environment Agency etc. for comment and/or recommendations prior to their formal submission to the District Council for approval.



**Application Number:** 2017/18725/FUL

**Proposal:** Construction of detached dwelling with associated amenity space and off street parking.

**Site Address:** Land Adjacent To 42 East Lane East Lane Embsay

**On behalf of:** Mr Jonny Newiss

## REPORT TO PLANNING COMMITTEE ON 9th April 2018

**Application Number:** 2017/18672/FUL

**Proposal:** Change of use of part of premises to taxi booking office by a computer despatch system, no access to public and erection of external antenna to the rear of the property for backup

**Site Address:** Providence House 21A Newmarket Street Skipton BD23 2HX

**On behalf of:** Mr Sharrafit Ali

**Date Registered:** 22nd December 2017

**Expiry Date:** 16th February 2018

**Case Officer:** Mrs Gemma Kennedy

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**This application has been referred to Planning Committee at the request of Councillor Dawson in light of the actions before grant of permission and due to the concerns of local residents.**

### 1. Site Description

1.1 The application site is located within the rear part of 21 Newmarket Street, within the development limits of Skipton. The application site is known as 21A Newmarket Street. An insurance business (A2 use class) operates on the ground and first floors of 21 Newmarket Street. To the rear of the application building is an apartment building, Providence Quarter.

### 2. Proposal

- 2.1 Planning approval is sought for the change of use of part of the Insurance premises to a taxi booking office. The applicant states that the business would operate by a computer despatch system, with no access to members of the public. Consent is also sought for the retention of an antenna on the rear of the building, which was brought to the attention of the Council's Enforcement officers in July 2017.
- 2.2 The applicant has advised that the opening hours would be Monday to Friday, and Sundays - 7am until 11pm, Saturdays and Bank Holidays - 7am until 2am.
- 2.3 The applicant has advised that a taxi business is not currently operating from 21A Newmarket Street. Representations to the application (set out later in this report) suggest however that the business is already in operation.

### 3. Planning History

- 3.1 5/63/1525 – Change of use of former Vet's premises to offices at 21 Newmarket Street. Approved 18/01/1988
- 3.2 5/63/1525/A – Amended window and door detail to 21 Newmarket Street. Approved 20/06/1988

### 4. Planning Policy Background

- 4.1 The National Planning Policy Framework (NPPF)
- 4.2 Planning Practice Guidance (PPG)
- 4.3 Saved Local Plan Policy T2 'Road Hierarchy' of the Craven District (Outside the Yorkshire Dales National Park) Local Plan.

## 5 Parish/Town Council Comments

5.1 Skipton Town Council: No comments received at time of writing this report.

## 6 Consultations

6.1 CDC Environmental Protection: *"Having considered this application, I have not identified any potential Environmental Protection issues that would give cause for concern."* Received 08/01/2018

6.2 NYCC Highways Authority: *"There are no local highway authority objections to the proposed development."* Received 08/01/2018

## 7 Representations

7.1 Letters of representation have been received from 13 properties - including one from Providence Quarter Ltd who manage Providence Quarter on behalf of the leaseholders;

- Object because the aerial was erected before planning application was put in.
- Will cause more traffic if taxi's are outside.
- Busy junction at Newmarket Street/Court Lane
- Double yellow lines, and access will be restricted due to cars being parked outside.
- Will cause noise and light pollution. Car lights through my window and noise on an evening not acceptable.
- Taxi office is open very late at night.
- I believe that all the taxi drivers will have to visit property on a regular basis to hand in work tickets, collect wages etc, causing traffic congestion on Court Lane/Providence Place.
- To put a taxi rank in the building is not acceptable. Taxis are turning up late at night and already creating more noise in a predominantly town centre residential area.
- We have seen Taxis parking outside the premises and blocking access to Providence Place and the service areas at the rear of the High Street premises.
- If compliance with parking restrictions is not shown during the application process it is difficult to be confident that compliance will improve if the application is granted and the use under less scrutiny
- We have more than enough noise to put up with.
- Building has many residential properties next to and overlooking it.
- There is plenty of commercial, industrial premises in the district where this type of office can operate from.
- Existing staff park on double yellow lines creating access issues. Providence House has only one assigned parking place.
- Aerial is an eyesore. Nearly double height of building and out of keeping with the area and the character and age of the building. Not appropriate in Conservation area.

## 8 Summary of Principal Planning Issues

8.1 The main issues are; the impact of the change of use on the amenity of surrounding occupiers (with particular regard to noise and disturbance) and highway safety, and the impact of the antenna on the character and appearance of the building, street scene, Conservation area and the setting of Listed buildings.

## 9 Analysis

### 9.1 **Amenity considerations;**

- 9.2 There is no saved Local Plan policy relating specifically to taxi booking offices or amenity considerations associated with this type of use. General amenity considerations (particularly those associated with noise) are, however, addressed in the NPPF.
- 9.3 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.”* Having particular regard to noise, paragraph 123 of the Framework indicates that planning decisions should:
- Avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development.
  - Mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions.
- 9.4 Research into the planning history of the application building and adjoining properties (no’s 19 and 21 Newmarket Street), and an enquiry made to the Council’s Local Taxation Team, has found no evidence of any residential occupation within or adjacent to the application building. The adjoining buildings are commercial, and any noise generated from within the taxi booking office (telephone’s ringing, members of staff speaking) would not impact on adjoining residential amenity. Internal noise transmission through shared party walls would not therefore be a cause for objection to this application.
- 9.5 The application site is in a mixed use area; the majority of uses are retail and offices, operating during daytime hours. However, in proximity to the site there is a Wetherspoons Public House, small bars and a Hotel on Newmarket Street, and restaurant/takeaway uses on Court Lane, which will generate noise outside normal daytime hours. There are also residential properties in the vicinity; immediately behind the application site is Providence Quarter (the former HML building, converted to 38 apartments).
- 9.6 The applicant has indicated that the booking office would act as a base for telephone operators only, stating that the drivers used by the business all operate Hackney Carriages which use the town’s taxi ranks. For that reason the applicant states that the drivers would not need to visit the premises. Similarly, the applicant states that the booking office would not be open to visits from members of the public, bookings would only be taken via the telephone.
- 9.7 The Council’s Licensing Section has been asked to comment on whether taxi drivers would normally use the booking office. They have advised that Hackney Carriages can work either from the taxi ranks that are provided, or via telephone bookings from a booking office. Whilst Hackney Carriage drivers do not need access to offices, as bookings are taken via telephone, the Council’s Licensing Section points out that Hackney Carriage drivers do utilise the offices of other taxi firms in the town due to a lack of taxi rank space, as well as the fact that the taxi drivers are not so busy that they are constantly in operation, so there will be periods of down time.
- 9.8 As such, whilst the applicant states that there is no intention for taxi drivers to visit the premises, it is not unreasonable to assume that taxi drivers may visit the office on occasions. Such visits would incur external noise associated with vehicle movements and drivers coming and goings. For the main part such movements would cease at 11pm (Sunday to Friday) and therefore earlier than the nearby Wetherspoons public house, which closes at 12pm. However, on Saturdays and bank holidays, it is proposed that the business operates until 2pm, which would be beyond the operating times of existing businesses in the vicinity.
- 9.9 There is inconsistency between the applicant’s explanation that the business is not currently operating, and the neighbouring residents who consider that it is in operation. Neighbours state that they have seen taxi’s parking outside the premises, however the applicant says these are not related to his business. Only one of the letters of representation, from a property on Court Lane, states that *“The taxi booking office is already being used without planning consent and taxi’s are turning up late at night already creating more noise in a predominantly town centre residential area. The taxi office is open very late at night and causes more noise pollution for the local residents in nearby properties.”*
- 9.10 As such, if the taxi office is currently in operation as the neighbours consider it to be, it does not appear to be causing substantial harm to neighbouring amenity through noise nuisance. However, if the taxi

office is not currently in operation as the applicant states, then the potential impact on neighbouring property cannot be fully appreciated at this stage. The closest group of residents occupy Providence Quarter 17 metres away. At this distance it may be that the noise generated by the proposed taxi business, despite opening one day a week (and on Bank Holidays) until 2am, may not result in unacceptable harm to their amenities. However, until the taxi office is in operation, the extent to which neighbouring amenity may be affected is uncertain.

**9.11 Highway considerations;**

- 9.12 Saved Local Plan Policy T2 requires that developments are appropriately related to and do not generate volumes of traffic in excess of the capacity of the highway network. In addition, paragraph 32 of the NPPF makes clear that development should only be refused on transport grounds where its “residential cumulative impacts are severe.”
- 9.13 The application site is in a sustainable location close to Skipton Town Centre where new business uses would normally be supported; within walking distance to car parks, bus station and train station. However, the very nature of the proposed business, whereby taxi drivers need to have quick access to their vehicle in order to respond to jobs, is such that if taxi drivers visit the premises then it is inevitable that they will park their cars in close proximity, and there is no parking available for such an eventuality. The only way taxi drivers would be able to park in close proximity to the site would be by illegally parking on the double yellow lines (unless the parking is for dropping off / picking up customers for a period of up to five minutes). The access to the premises fronts onto a single width road, with double yellow lines along either side. The illegal parking of vehicles in this location would cause access issues for occupants of Providence Quarter, a particular concern that has been raised in letters of objection.
- 9.14 As with the amenity issues, the impact of the taxi business upon highways in the vicinity will largely depend upon the extent to which taxi drivers visit the premises. If they pay no visits to the premises then there should be no residual issues with illegal parking and blocking access to Providence Quarter. The proposal as detailed by the applicant would not conflict with Saved Local Plan Policy T2 or the NPPF as the proposal would not be expected to result in volumes of traffic in excess of the capacity of the highway network, or result in severe residential cumulative impacts. Furthermore, NYCC Highways Authority have been consulted on the application, and have raised no objections on highway safety grounds.

**9.15 Impact upon visual amenity;**

- 9.16 The application site is within Skipton Conservation area, and within proximity of a number of Grade II Listed Buildings (No’s 22, 23 and 25 Newmarket Street and The Devonshire (Wetherspoons)).
- 9.17 Paragraph 131 of the NPPF sets out the desirability of sustaining and enhancing the significance of heritage assets. Paragraphs 132 – 134 go on to state 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. Significance can be lost through alteration or destruction of a heritage asset, and consideration must be given to whether a proposal would result in substantial harm to, total loss of, or less than substantial harm to, a heritage asset.
- 9.18 In more general design guidance, paragraph 56 of the NPPF details the great importance the Government attaches to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
- 9.19 The application seeks the retention of an antenna on the rear of the building that is shown on the submitted plan to project 2.7 metres above the ridge of the building. However, from the case officer’s site visit the antenna in place on the building appears significantly taller than shown on the submitted plan. It is estimated that the antenna is 2 to 3 metres taller than shown on the plan, and so actually projects an estimated 4.7 to 5.7 metres above the ridge of the building.
- 9.20 There are a mixture of building heights in the vicinity of the application site, with the application property being amongst a number of the lowest level two storey properties. Providence Quarter to the rear is five storeys high, and there are a number of three storey properties on Newmarket Street. It is therefore presumably necessary for an antenna of the length installed to be used to achieve reception over the

surrounding buildings. However, the antenna projects significantly higher above the ridge of the building than similar apparatus projects in the vicinity project from their respective buildings (largely television aerials, also antennae and masts on the British Telecom building). As a result the installed antenna appears out of proportion with the building upon which it fixed.

- 9.21 The height of the antenna and its projection above the ridge of the application building is considered to have an adverse impact upon the character and appearance of the two storey properties on Newmarket Street, and in turn harms the character and appearance of the Conservation Area and the setting of Listed buildings. The antenna is not considered to cause substantial harm (which Planning Practice Guidance states to be a high test, that may not arise in many cases) to heritage assets as it is a structure that can be removed, and does not cause permanent damage. However, due its length and projection above the ridge of the two storey application property, it is considered to cause less than substantial harm to designated heritage assets. Paragraph 134 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. In this instance the public benefits of the proposal must be balanced against the public harm. If the Local Planning Authority could be satisfied that the taxi office would not result in unacceptable harm to the amenities of neighbouring residents as a result of noise or highway issues, then the public benefits that would arise would be the efficient operation of a taxi business providing transport for members of the public. However, depending upon the operation of the taxi business, it is possible that public harm will result, outweighing any public benefits.
- 9.22 In the event that the Local Planning Authority are satisfied that the public benefits of the taxi office would be positive (i.e. no unacceptable harm caused to neighbouring amenity) then it is considered in this scenario, the public benefits could outweigh the less than substantial harm caused by the antenna. However, if the Local Planning Authority consider that the public benefits would be limited, due to unacceptable harm caused to neighbouring amenity, then the public benefits would not outweigh the less than substantial harm to the Heritage assets.

### **9.23 Conclusion;**

- 9.24 Paragraph 203 of the NPPF states that *“Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions.”*
- 9.25 With regards to the change of use subject of this application, the main issue would be the potential adverse impact upon neighbouring amenity through the noise and highway issues generated by taxi drivers visiting the booking office. The applicant has stated that there is no intention for such visits to occur, however such verbal statements cannot hold any weight in the planning process.
- 9.26 In a High Court Decision (*Davenport & Another v Hammersmith & Fulham London Borough Council - 22/3/99*) it was reasoned that a planning condition preventing the storage or parking of vehicles on the road, that had been left with or were in control of the appellant, could be complied with. A typical condition (set out in ‘Development Control Practice’) which may be employed would read *“no cabs belonging to the appellant or those belonging to freelance drivers operating through the radio control at the premises, shall call at the office hereby permitted for the purposes of waiting or taking orders and instructions, collecting clients or for the purpose of taking refreshment.”* In terms of the enforceability of such a condition, it is noted that the hours when a breach of condition may occur would incur some difficulties in monitoring such a condition – however, initial monitoring by members of the public could lead to monitoring and subsequent enforcement by the Local Planning Authority. Furthermore, there are parking restrictions in place outside the premises, and so lawful compliance with these restrictions would be required in addition to the planning condition.
- 9.27 Planning Practice Guidance ‘Use of Planning Conditions’(paragraph 14) states that; *“under Section 72 of the Town and Country Planning Act 1990 the Local Planning Authority may grant planning permission for a specified temporary period only. Circumstances where a temporary permission may be appropriate include where a trial run is needed in order to assess the effect of the development on an area.”* The guidance goes on to state that; *“It will rarely be justifiable to grant a second temporary permission – further permissions should normally be granted permanently or refused if there is clear justification for doing so. There is no presumption that a temporary grant of permission should be granted permanently.”*

9.28 In this case it considered both reasonable and necessary to impose a planning condition for a temporary period only. This will allow the business to operate for a short period of time to allow the Local Planning Authority to assess whether the business, in operation, will adversely affect neighbouring amenity. This, coupled with the imposition of a condition restricting taxi drivers from parking at the premises, will provide a clearer picture at the end of the temporary period as to the long term impacts of the development.

9.29 It is therefore recommended that planning permission be granted for temporary period of 6 months. Following this period the applicant would be required to make a new planning application requiring public consultation and an officer's assessment to be made. As specified in the Planning Practice Guidance, there is no presumption that a temporary grant of permission should subsequently be granted permanently. However, it will allow a balanced recommendation to be reached by planning officers in view of public comments on the operation of the business at the end of the temporary period.

## 10 Recommendation

### 10.1 Approval

#### Conditions

1. The taxi booking office use hereby permitted shall only be undertaken by the applicant Mr Sharrafit Ali for a temporary period of six months starting with the date of this planning permission. Should the applicant cease operating from these premises within the temporary period, the use shall revert to an A2 use at that time. Otherwise the use shall revert to an A2 use after the temporary period of six months has ended.

Reason: The full extent of the impact of the taxi booking office on neighbouring amenity (through noise, disturbance and traffic congestion) cannot be fully assessed and considered prior to the proposed use taking place and to accord with the requirements of the NPPF.

2. The permission relates to the following plans;

- Site location plan 'getmapping.com' at scale 1:200 received by Craven District Council on 24<sup>th</sup> November 2018.
- Drawing 'proposals' dated 2<sup>nd</sup> November 2018 and received by Craven District Council on 6<sup>th</sup> November 2018.

Except as provided for by other conditions to this permission, the development shall be carried out in complete accordance with the approved drawings except where conditions indicate otherwise 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.

3. Notwithstanding condition 2 above, within 1 month of the date of this planning permission, an amended plan accurately showing the height of the antenna that has been installed on the building, shall be submitted to and agreed in writing by the Local Planning Authority.

Reason: The antenna in situ appears to be 2 to 3 metres higher than shown on the submitted plan.

4. The use hereby approved shall operate solely as a telephone/computer operated booking office in association with a taxi/minicab hire business. At no time shall drivers employed for the purposes of operating the taxi/minicab hire business wait at, collect fares, visit the office for the purpose of taking refreshment or comfort breaks, or be dispatched from, the application site/premises.

Reason: The applicant has stated that there is no requirement for drivers to visit the offices. Due to the proximity of residential properties, and the lack of legal parking provision in the vicinity, visits to the offices by drivers may result in an adverse impact upon neighbouring amenity due to noise, disturbance and traffic congestion and to accord with the requirements of the NPPF.

5. The premises shall only be open for trade or business between 0700 hours and 2300 hours Monday to Saturday and between 0700 hours and 0200 hours on Sundays and Bank Holidays (i.e. from 0700 hours until 0200 of the following morning).

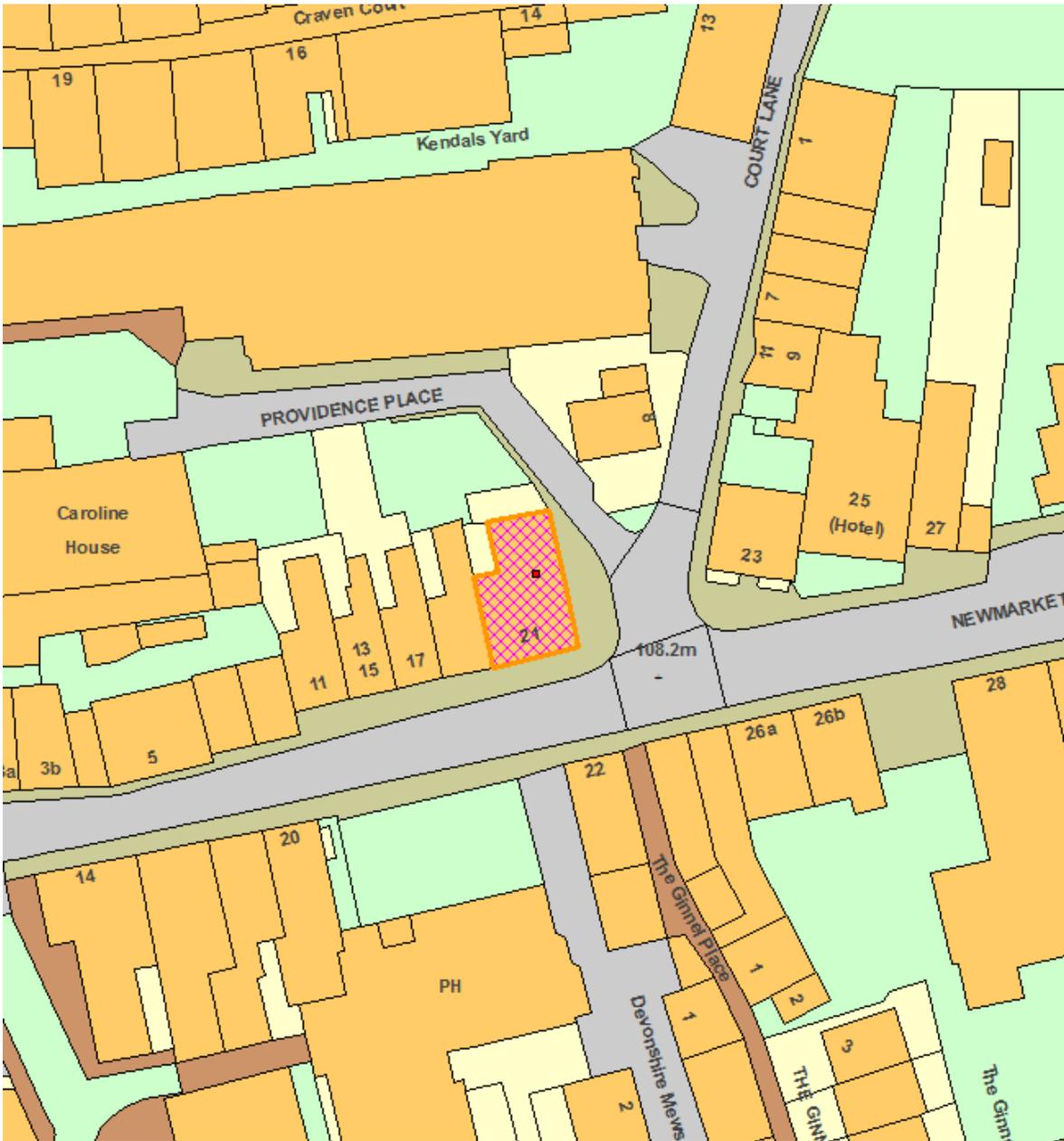
Reason: To limit the potential for noise generation during unsocial hours and to prevent nuisance arising in order to safeguard the amenity of the occupiers of surrounding residential properties in accordance with the requirements of the NPPF.

6. The antenna and brackets shall be dismantled and permanently removed from the building if the antenna ceases to be used for a period exceeding 6 months.

Reason: In order to ensure that the redundant antenna is removed from the building to prevent the proliferation of unsightly apparatus in the area in the interests of visual amenity and to preserve the character, appearance and setting of Skipton Conservation area and the setting of Listed buildings in accordance with the NPPF.

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



**Application Number:** 2017/18672/FUL

**Proposal:** Change of use of part of premises to taxi booking office by a computer despatch system, no access to public and erection of external antenna to the rear of the property for backup

**Site Address:** Providence House 21A Newmarket Street Skipton BD23 2HX

**On behalf of:** Mr Sharrafit Ali

## REPORT TO PLANNING COMMITTEE ON 9th April 2018

**Application Number:** 34/2012/13074

**Proposal:** Extension of ice cream parlour, change of use to indoor play space, creation of covered play space with extension of site to accommodate tree screening, and retrospective application for extension to car park.

**Site Address:** Calm Slate Farm Holme Lane Halton East BD23 6EU

**On behalf of:** Yorkshire Dales Ice Cream Ltd

**Date Registered:** 21st November 2012

**Expiry Date:** 16th January 2013

**Case Officer:** Mr Neville Watson

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### This application has been reported to Planning Committee on two previous occasions

#### 1. Introduction and Purpose of the Report

- 1.1 This full planning application was originally submitted to the Council on 02/11/12 and has previously been considered by the Planning Committee on 11<sup>th</sup> February 2013 and 3<sup>rd</sup> June 2013.
- 1.2 At the meeting on 11 February 2013 [Minute PL.663(b)], the Committee resolved to approve the application subject to conditions, and to the signing of a deed of variation to modify the existing Section 106 Agreement regarding the premises to ensure it also applied to the development then approved.
- 1.3 The Deed of Variation for the Section 106 Agreement was signed on 25/10/17 and so this application can now be presented to Planning Committee for a third time (almost 4 and a half years later), for further discussion.
- 1.4 The Council has taken the opportunity to review the whole site from a planning perspective. As well as this report the Planning Committee is being asked at the same time to consider the following planning applications:-
  - 34/2016/16854: Retrospective planning application to retain replacement office block.
  - 34/2016/17145: Retrospective planning application for change of use from agricultural to play barn in connection with Billy Bob's Ice Cream Parlour.
  - Enforcement issue: Unauthorised use of storage of ice cream vans and equipment associated with Yorkshire Dales Ice Cream Ltd/Billy Bob's Ice cream parlour.

#### 2. Site Description

- 2.1 Calm Slate Farm is located in open countryside of attractive rural character to the north west of Halton East village and east of the Yorkshire Dales National Park Boundary. It forms part of the Bolton Abbey Estate and consists of a livestock farming business (cattle and sheep) with 120 acres of pasture land; the holding is also the business base of Yorkshire Dales Ice Cream Ltd and Billy Bobs' Ice Cream Parlour.
- 2.2 The farmstead comprises a group of farm buildings that includes the original stone built farm house and a range of modern agricultural buildings.

- One of the farm buildings is partly used to produce Yorkshire Dales Ice Cream (approval under planning application 34/2004/4962).
- Two of the farm buildings are being used as unauthorised additional play areas relating to Billy Bob's Ice Cream Parlour (approval for agricultural purposes under planning application 34/2007/7345; and 34/2012/17145 seeks to regularise the use as a play area).
- One of the farm buildings has been demolished and in its place a new office block has been built (approval sought under planning application 34/2016/16854).
- The remaining farm buildings are being used for agricultural purposes. The applicant confirmed on 09/08/16 that they continue to farm 120 acres of land with Charolais cattle, Hampshire Down sheep, a new rare breeds flock of Greyface Dartmoors and a flock of commercial sheep.
- To the south of the main agricultural group is a farm diversification development that opened in 2011. This comprised of a purpose built, single storey ice-cream parlour with an associated 'party room', toilets, outdoor children's play area, and car parking. The parlour buildings were designed to an American 'farmstead' architectural style externally and a 1950's 'Diner' internally, to create a commercial theme to the visitor attraction (approval under planning applications 34/2008/9834 and 34/2008/9876). The existing ice cream parlour has an internal floor area of 254 sqm.

2.3 The original vehicle access to the farm is from Moor Lane to the east (which also forms a public right of way) but the main/public access to the Billy Bobs is a driveway from the south off Holme Lane (the Embsay-Halton East road).

2.4 The applicant has supplied the following information since the application was originally submitted in 2012 and these are outlined below.

- The applicant has apologised for the delay in signing the Deed of Variation to the Section 106 Agreement, which has been due to negotiations with their landlord as they were required to renegotiate their lease.
- The farming operation continues as set out in 2012.
- The applicant has seen a phenomenal growth in the numbers visiting Billy Bobs, beyond their own expectations. This has created challenges for them in trying to balance the needs and expectations of visitors and the care of their neighbours and employees. They had no blueprint to follow, a lack of infrastructure and were simultaneously dealing with various legal agreements and planning issues.
- In 2013 they had 44 employees, they now have 89 and with the help of this large and skilful team of employees the business has grown and they believe they have a firm foundation to ensure long term sustainability and success within Craven.
- Details have been provided about the large increase in 'spends' with their local (within 30 miles) suppliers between 2013 and 2015 who have remained the same.
- Details about how the business operates, including feedback from visitors and how the applicant has responded to issues raised by both visitors and local people. They have introduced their own new policy to limit visitor numbers and have erected further signage in an attempt to assist with traffic problems in Halton East.
- Information about tree planting, see paragraphs 10.23 to 10.39 of this report.
- Information about closing times, see proposed condition at paragraph 14.18 of this report.
- Information about parking, see paragraphs 10.20 to 10.22 of this report.

### 3. Proposal

3.1 **Erection of extension to existing ice cream parlour:** The existing parlour (254 sqm internal floorspace) will be extended eastwards to create 136 sqm additional internal floorspace. Officer Note: 09/08/16 - The extension has already been built.

- 3.2 **Conversion of existing workshop/store building to ice cream parlour:** Existing building measured 9.2m x 23m creating 212 sqm of new floorspace. Officer Note: This part of the development is now complete.
- 3.3 **A new link extension:** (20 sqm of internal floorspace) will link the existing ice cream parlour, the converted workshop/store and the new parlour. This will accommodate additional servery and wash-up facilities. Officer Note: This part of the development is now almost complete (11/08/16).
- 3.4 **A new covered play space:** this aspect of the development measures 26.1m x 11.7m with an internal floorspace of 314 sqm (including an external covered walkway).
- 3.5 The applicant's agent has confirmed (17/10/16) that the vertical cladding for the ice cream parlour extension, the converted workshop and the covered playspace is manufactured by the Bedec Paint Company, the particular product is called Multi Surface Paint which is water based and for exterior use and the colour is light grey which is unique to the Bedec Paint Company who have informed them that the closest British Standard colour is BS00A05 often known as Goose Grey (not an exact match).
- 3.6 **Landscaping Scheme:** An area of proposed new tree planting will take place to the east of the proposed covered playspace (drawing 598/030A submitted 06/09/16).
- 3.7 **Car Parking:** This application includes an additional 110 car parking spaces on a rectangular piece of land to the west of the 31 spaces approved previously as indicated on drawing number 598/030A submitted on 06/09/16 on the land outlined in red on the site plan submitted on 22/04/13.
4. Planning History
- 4.1 34/2016/16907: Change of use from agricultural land to overspill car park for Billy Bob's Ice Cream Parlour. Decision due 02/08/16
- 4.2 34/2016/16854: Retrospective application for replacement office block. No decision yet.
- 4.3 Deed of Variation to Section 106 Agreement signed by G S Rogers 06/11/15 but not yet signed by the Council.
- 4.4 34/2012/13074: Extension of ice cream parlour, change of use of indoor play space and creation of covered play space with extension of site to accommodate tree screening, retrospective application for extension to car park. No decision issued yet.
- 4.5 34/2009/9876: Formation of farm retail outlet. For the sale of ice cream, coffee and local produce. (approval of reserved matters: scale, design, appearance and landscaping, following outline permission for Outline permission 34/2008/8384). C/A 22/09/09.
- 4.6 Section 106 Agreement signed 30/06/09.
- 4.7 34/2008/8384: Outline application for the formation of farm retail outlet for the sale of ice cream, coffee and local produce. C/A 10/07/09.
- 4.8 34/2007/7665: Ice cream cabin. C/A 07/09/07 NB: condition 8 of 34/2008/8384 required this to be removed.
- 4.9 34/2007/7345: Roof over existing silo and midden. C/A 18/05/07.
- 4.10 34/2007/7330. Livestock building for agricultural purposes. C/A 18/05/07.
- 4.11 34/2007/7136. New Building for Livestock and Feed Store. Prior notification not determined as required full planning permission.
- 4.12 34/2005/5877. Extension of house into barn. Approved January 2006.

4.13 34/2004/4962. Change of use of Agricultural buildings to form Garage and Dairy for Ice Cream production and distribution; access track and junction improvements. Approved February 2005.

5. Planning Policy Background

5.1 National Planning Policy Framework (NPPF).

5.2 Planning Practice Guidance (PPG)

5.3 Saved Local Plan Policy ENV1 (Development in the Open Countryside); ENV2 (Requirements for Development in Open Countryside).

6. Parish Council Comments

**6.1 Halton East Parish Meeting:** Initially wrote to the Council (29/06/16) to advise that they needed a clear understanding of what planning permissions have been granted and what is outstanding.

**6.2 Halton Parish Meeting:** Following a meeting on 12/07/16 which the applicant attend, they have responded that they now have a clear understanding of what planning permissions have been granted and what is outstanding. The applicant updated those present of his plans and gave assurances that:-

- 1) There would be no further expansion of the car parking area or utilising the field to the west of the development, as previous, nor parking permitted down the access lane.
- 2) Signage would be erected within the applicants land to steer/prevent vehicles from entering the village.
- 3) A planning application was to be submitted to change the use of the farm buildings to play barns.
- 4) The ice cream vans would be removed from view by screenage.
- 5) The footpath access to Eastby was in the process of being diverted with clear signage to the rear of the property.

The applicant has also volunteered to fund the provision of reduced speed signage into the village (20 miles per hour) which Councillor David Pighills, who was present, has taken the action to liaise with the Highways Department to establish how this is undertaken

6.3 Taking the applicant at his word and in lieu of the above the Parish Meeting wished to put on record that they have no objections to this application.

6.4 No further comments have been received to the consultation on amended plans received 06/09/16.

7. Consultation Responses

7.1 **Yorkshire Water Authority** (11/12/12): From the information submitted, no comments are required from YWA.

7.2 **CDC Environmental Protection** (11/12/12): No potential Environmental Protection issues that would give cause for concern.

7.3 **CDC Environmental Protection** (18/12/12): No known contaminated land issues.

7.4 **North Yorkshire Highway Authority** (18/12/12): That permission be granted subject to conditions being attached.

7.5 North Yorkshire Highways (20/10/16): In assessing the submitted proposals and reaching its recommendation the Local Highway Authority has taken into account the following matters:

- Visibility is acceptable. NB A short but reasonable timescale will be required for signing improvements [HC-12a and 12c]. Consequently the Local Highway Authority recommends that a number of conditions are attached regarding off site highway works, signage, completion of works in the highway before occupation and parking spaces to remain available for vehicle parking in the car park.

7.6 **Health and Safety Executive** (08/09/16): Do not advise against the granting of planning permission in this case on safety grounds.

7.7 **The Council's Trees Officer (06/10/16):** in response to this planning application and 34/2012/16907:-

- It is proposed that previous planting belts are to be re-stocked to infill gaps from failures in the scheme and there are also new areas to the north west of the farm to extend previous planting there. This will assist in screening the main area of the site, i.e. the buildings, in views from vantage points such as Halton Moor. No scheme detail or specification has been provided. Despite the proposed planting, the area of existing car park and the proposed car park extension will still be very visible in such views and should be screened.
- A belt of native tree and shrub planting with an irregular-shaped outer edge to soften its appearance in the landscape should be provided and a detailed scheme and specification should be submitted. All planting should be adequately protected against stock or pests such as rabbits or deer.
- The plan annotates that a length of hedgerow is to be restored by in-fill planting to gaps. No scheme detail or specification has been provided.

8 Representations

8.1 A letter has been received in response to planning application 34/2016/16907 but it raises issues that relate to the whole site.

- Does Billy Bobs' just keep expanding?
- Is the inadequate road network (2 no. 1 car wide roads from the main road, resulting in unacceptable traffic levels in the village with locals meeting aggressive and abusive drivers, an accident waiting to happen) being considered? What highway analysis has been undertaken?
- An increase in capacity will worsen an already unacceptable level of speeding cars through the back of our village to both Hesketh Farm and the camp site.
- The Council must ensure a balance is achieved and sustained for both parties.

9 Summary of Principal Planning Issues

9.6 The principle of development for extended visitor/tourist attraction facilities at this open countryside location, in relation to national and local planning policy.

9.7 Design issues and the visual impact of the development on the character of the surrounding area.

9.8 Highway Safety.

10 Analysis

**10.1 Principle of development for extended visitor/tourist attraction facilities at this open countryside location, in relation to national and local planning policy**

10.2 The site lies in open countryside. However, the existing ice cream parlour and children's play facilities (Billy Bobs) form a successful commercial farm diversification project, and the purpose built structures are located alongside the established farm building group. Hence the visitor development is physically closely related to the main building group.

10.3 The National Planning Policy Framework (NPPF) supports sustainable rural tourism and leisure developments that benefit rural businesses, communities and visitors, provided that the development respects the character of the area and is in an appropriate location where identified needs are not met by existing facilities in rural service centres. The NPPF also identifies, as part of its core planning principles, the intrinsic character and beauty of the countryside and the need to conserve and enhance the natural environment.

10.4 NPPF policies are more permissive than the Local Plan policies and are supportive of all forms of sustainable development with the proviso that the adverse impacts of granting permission do not significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

- 10.5 Saved Local Plan Policy ENV1 supports ‘small scale development having a rural character’ subject to specific criteria requiring that such development be beneficial to the rural economy and maintains landscape character. This policy is generally in accordance with the NPPF and can be given some weight.
- 10.6 Saved Policy ENV2 applies where development is considered acceptable in principle under Policy ENV1 and seeks to ensure that such proposals are compatible with the surrounding area; does not adversely impact on the landscape; is of a design that relates to the setting allowing for public views; can accommodate traffic; and can be provided with services and infrastructure without harming the rural character and appearance of the area.
- 10.7 In this case, the manufacture of ice cream at the farm is long established. Ice cream is sold from a fleet of vans both locally at visitor attractions and agricultural events; and nationally at approximately 200 predominantly agricultural shows and events. In addition the company supplies numerous independent outlets, shops, cafes and visitor attractions across the region.
- 10.8 Billy Bob’s Ice Cream parlour opened in June 2011 and is clearly a successful part of the farm enterprise. The parlour serves Yorkshire Dales Ice Cream and traditional diner items such as burgers, hot dogs and chilli with fries, corn and coleslaw.
- 10.9 The original approval (34/2008/8384) included outside play areas but in response to the impact of poor summer weather this proposal includes undercover play space to make the business more resilient to climate change.
- 10.10 **Scale of development**
- 10.11 The scale of this proposal was considered acceptable when Planning Committee resolved to approve it at meetings on 11/02/13 and 03/06/13 and this specific proposal has not ‘grown or extended’.
- 10.12 In principle, the proposal to extend the existing facilities is in accordance with the thrust of the NPPF and saved Local Plan Policy ENV1, but the acceptability of the application depends on the impact of the details of the proposal assessed against saved Local Plan Policy ENV2.
- 10.13 **Design issues and the visual impact of the development on the character of the surrounding area.**
- 10.14 Calm Slate Farm is located in attractive ‘Dales’ countryside on the edge of the Yorkshire Dales National Park boundary and is visible from various public view points including mid distance views from the Holme Lane approach to Halton East and from the village itself. It is overlooked to the north by Halton Moor. Groupings of farm buildings within this landscape are a characteristic feature of the area and larger modern functional livestock buildings are not uncommon. The existing ice cream parlour building is low in profile and visually forms part of the existing farm group that consists of typical traditional stone building and large modern agricultural sheds. In terms of the siting of the extensions i.e. to form a ‘courtyard’ by building to the east and south of the existing structure, this is a logical location both by retaining development close to the main group of buildings and by enclosing the main areas of activity from views from the village (to the southeast).
- 10.15 As stated in the ‘Planning Statement’ submitted on 02/11/12, the design style for the established Parlour development is that of a ‘traditional American farmstead’. This is described as a “Cape Cod, New England’ style look, with a wrap-around decking, cupolas and feature doors”. This style is reinforced by the internal décor/imagery of an American diner, and it is recognised that there are commercial reasons for doing this. By reason of the small scale nature of the buildings to date this has not had any impact outside the site.
- 10.16 The proposed parlour extension walls (now almost complete) are finished in coloured timber shiplap effect board, the roof is blue slate and includes new timber clad dormers with slate roof. The doors & windows are painted timber to match the existing. The new steps, decking and handrail will match the existing painted timber and the gutters are to be black upvc.

- 10.17 The covered playspace (not yet built) walls will be finished in coloured timber shiplap effect board, with slate effect roofing, new cupola to match the existing and guttering in black upvc. Officer Note: In 2013, as part of negotiations between the Local Planning Authority and the applicant, the design of the covered play area was amended to keep its appearance more in keeping with modern livestock buildings so that it is more easily assimilated into the wider landscape, this design has been included in the recently received amended plans.
- 10.18 The east elevation of the converted workshop/store (now complete and in use) has an external 'light grey' finish to the timber shiplap effect board walls. During previous negotiations in 2013, an amendment was submitted (drawing 598/09A, now superseded) to include the whole east elevation (facing the village) to be clad in timber and left as a **natural** finish.
- 10.19 Whilst the amended plan (598/10B received by the LPA on 06/09/16) does not propose a natural finish to the timber, it is not considered that the 'light grey' causes any visual harm and it is considered acceptable.
- 10.20 The **car parking** element of this application originally proposed a rectangular piece of land [drawing 598/06 recommended for approval at Planning Committee 11/02/13] in OS Field 7422 (to the west of the 31 spaces approved under 34/2009/9876) indicating an additional 38 spaces would be provided, 69 in total.
- 10.21 However, following discussion in April 2013, at which time the Council were receiving complaints about the use of OS Field 7422 for car parking that was very visually prominent, an amended plan [drawing 598/030] was received on 22<sup>nd</sup> April 2013.
- 10.22 Drawing 598/030 has now been superseded by drawing 598/030A (received 06/09/16) which indicates that 110 parking spaces will be created (as in paragraph 10.19 above) on the land outlined in red on the amended site plan submitted on 22/04/13. The 110 car parking spaces were proposed in this location in an attempt to reduce the visual impact of the parked cars by screening them from the village of Halton East by them being 'hidden' behind the farm buildings as much as is possible.
- 10.23 **Landscaping/Tree Planting:**
- 10.24 This proposal includes on drawing 598/030A:-
- the retention of existing tree planting directly to the south of Billy Bobs' Ice Cream Parlour.
  - An area of proposed planting to the south of a band of existing tree planting that is to the east of the proposed covered playspace.
- 10.25 A landscaping scheme was submitted and approved as part of planning permission 34/2009/9876. This scheme showed Areas A to F around Calm Slate Farm and the information received on 17/10/16 includes a plan showing these areas and provide further clarification about existing planting. It appears that in 2009, the planting required by planning permission 34/2009/9876 was carried out but at the same time a wider scheme to create further woodland at Calm Slate Farm was carried out on a c-operative arrangement between Yorkshire Dales Ice Cream Ltd, Bolton Abbey Estates and the Yorkshire Dales Millennium Trust (YDMT).
- 10.26 Area A: Is approximately 725 metres to the north of Calm Slate Farm. The applicant's agent advised verbally (10/10/16) that the trees were planted in 2009 by the Yorkshire Dales Millennium Trust (YDMT) as part of the wider scheme referred to in paragraph 10.25 above.
- 10.27 Area B: Is approximately 920 metres to the north east of Calm Slate Farm. The applicant's agent advised verbally (10/10/16) that this land is outside the control of the applicant.
- 10.28 Area C: This band of planting is directly to the north of the car park (34/2016/16907). The planting was carried out in 2009 again by the YDMT in conjunction with Bolton Abbey Estates. The YDMT Trees Officer visited in August 2016 and reported back to the applicant 'the planting areas on the hills above the farm are actually better than they look when you get up there, they are growing much more slowly but that is to be expected in the more exposed conditions the trees have to deal with' .

- 10.29 Area D: Is approximately 250 metres to the east of Calm Slate Farm. The applicant's agent advised verbally (10/10/16) that this piece of land is outside the control of the applicant. Officer Note: From google earth it appears that there are some mature trees in this location but no apparent area of less mature tree planting.
- 10.30 Area E: Is directly to the south of Billy Bobs' Ice Cream Parlour and this is the planting that is affected by this proposal. These trees were planted in 2009. The tree survey submitted by Andrew Durham in support of this application (labelled 'existing plan' received 02/11/12) shows that it is necessary to clear some of the trees planted to build the ice cream parlour extension (now almost complete) and the covered playspace (not yet built). However, drawing 598/030A received by the LPA on 06/09/16 shows that there is an area of 'proposed tree planting' to the south of the 'existing tree planting'
- 10.31 Area F: Is approximately 410 metres to the south west of Calm Slate Farm. This band of trees is now well established and can be seen when driving along Holme Lane between Halton East Quarry and the approach to the visitor entrance.
- 10.32 The screening of Calm Slate Farm has been carefully considered as part of the analysis of this and the other current planning applications. Additional information has been received from the applicant about tree planting (09/08/16 as mentioned in paragraph 2.4 of this report which is to be circulated to Members).
- 10.33 The applicant has advised that the Yorkshire Dales Millennium Trust (YDMT) visited on 03/08/16 to review tree planting that was carried out in 2009 as part of a scheme jointly undertaken by the YDMT and the landowner of Calm Slate Farm, Bolton Abbey Estates.
- 10.34 The applicant advises (09/08/16) that the landscaping approved by 34/2009/9876 was planted in November 2009.
- 10.35 The case officer has seen that tree planting/existing natural screening (area F on plan submitted for 34/2009/9876) is becoming established as you drive along the road between Halton East Quarry and the visitor entrance to Calm Slate Farm. YDMT confirmed that 'all the woodlands are actually doing quite well, though there is a problem with Ash dieback'.
- 10.36 The case officer has seen that there are existing mature trees that screen the site as you pass the visitor entrance to Calm Slate Farm and drive along Holme Lane to the village.
- 10.37 The case officer has seen that trees have been planted along the visitor access drive to Calm Slate Farm.
- 10.38 There is an existing line of trees/hedge on the field boundary of OS Field 5822 that provides some screening.
- 10.39 In summary, it is considered that the existing tree planting, along with the additional planting/landscaping proposed as part of this application is acceptable.
- 11. Highway Safety**
- 11.1 One letter of representation has been received questioning whether the road network is inadequate for the amount of traffic visiting Billy Bob's Ice Cream Parlour. When consulted North Yorkshire Highway Authority has never objected to the proposals but has recommended that permission be granted with conditions attached.
- 11.2 'Brown signs' have been erected on the A59 and along Holme Lane on the approach to the visitor entrance at Calm Slate Farm to ensure that visitors find Billy Bobs'.
- 11.3 It would appear from the representations received that some vehicles do still make their way through the village of Halton East but it is acknowledged in the representation that some of the vehicles are visiting other attractions e.g. Hesketh Farm Park and a camp site at Catgill Farm. On occasion, it would appear that some vehicles travel to Billy Bobs' using an unclassified road called 'Green Lane' that leads from Bolton Abbey to the village of Halton East and then join 'Holme Lane' to travel between Halton East and the visitor entrance at Calm Slate Farm. Another local visitor attraction (Hesketh Farm Park) is sited on Green Lane along with the campsite at Catgill Farm.

- 11.4 Billy Bobs website (<http://www.billybobsparlour.com/location-and-hours>) has a link to their location and hours of opening and it states:-

*"Look out for the brown visitor signage (Billy Bob's Parlour) either direction on the A59, about half way between Bolton Abbey and Skipton, that'll guide you the short half a mile drive to our door.*

*Older Sat Navs just don't seem to have our postcode nailed and can end up taking you to a field a couple of miles away! BD23 6AD will bring you off the A59 at the correct turning, just half a mile from our door, from here you can follow the brown visitor signage".*

- 11.5 From the recent comments made by Halton East Parish Meeting (17/07/16) it appears that the applicant has made an offer to fund measures to reduce vehicle speed through the village of Halton East and discussion is underway with North Yorkshire Highways through the elected Member representing Halton East. Officer Note: This matter is not an issue that the LPA has any control over.
- 11.5 Having reviewed the situation (case officer 10/10/16 site visit and correspondence with North Yorkshire Highways) it appears that the applicant has made an attempt to direct visitors to Billy Bobs' from the A59.
- 11.6 Following the most recent comments from NYCC (20/10/16) further conditions are recommended to be attached to this planning permission that will direct visitors to arrive from and leave by the A59 although it is officer opinion that the LPA cannot control which route road users decide to take and some people may wish to drive through the dales. It is considered that the applicant is making every reasonable attempt to direct visitors without driving through the village of Halton East.

#### **Overall conclusion**

- 11.7 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.'

The Planning Committee have previously offered support for this business and there have been no material change in circumstances.

## 12. Recommendation

### 12.1 Approval

#### Conditions

- (1) The approved plans comprise the Amended Site Plan 598/02 received by the Council on 22<sup>nd</sup> April 2013, Drawing Numbers 598/07A, 598/08/B, 598/10/B 598/030A received by the Local Planning Authority on the 6<sup>th</sup> September 2016. The development shall be retained in accordance with the approved plans except where conditions attached to this planning permission indicate otherwise or where alternative details have been subsequently approved following an application for a non-material amendment.

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

- (2) Within three months from the date of approval, a scheme of planting for the 'area of proposed tree planting' indicated on approved drawing 598/030/A with detailed specification should be submitted for approval prior to implementation.

Reason: in the interests of amenity to screen the development in landscape views.

- (3) On approval of the scheme required by condition (2), the planting shall be implemented during the first planting season following completion of the development hereby permitted and shall thereafter be retained and maintained as such. Any trees or shrubs planted in accordance with this condition shall, in the event of their death within 5 years from their date of planting, be replaced by similar specimens as soon as is practicably possible and no later than the end of the planting season following their death.

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

- (4) Within three months from the date of this approval the details of the following off site required highway improvement works shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority.

(i) An independent Stage 2 Road Safety Audit for the agreed off site highway works shall be carried out in accordance with HD19/03 – Road Safety Auditor or any superseding regulations and the recommendations of the Audit have been addressed in the proposed works.

(ii) The developers programme for the completion of the proposed works. The required highway improvements shall include:-

(iii) Existing sign and post (A59) at the junction of Holme Lane/Newbridge Lane shall be relocated at site egress. A new brown sign shall be erected in the three lane section of A59 westbound directing traffic to the western (quarry) junction for site access. Sign design shall be approved by the Highway Authority. The applicant's web site shall be update to direct A59 westbound traffic to access site via the western (quarry) junction.

- (5) Within two months from the date of approval of sign design as specified at 4(iii), the signage (Existing sign and post (A59) at the junction of Holme Lane/Newbridge Lane shall be relocated at site egress. A new brown sign shall be erected in the three lane section of A59 westbound directing traffic to the western (quarry) junction for site access) shall be erected in accordance with the approved details.
- (6) Within two months from the date of approval by the Local Planning Authority of wording to update the applicant's website, the website shall be updated in accordance with the approved wording.

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

- (7) Notwithstanding the provision of any Town and Country Planning General Permitted or Special Development Order for the time being in force, the areas shown on Drawing No. 598/030/A received by the Council on 6<sup>th</sup> September 2016 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.

- (8) No external lighting shall be installed without the prior approval in writing of the local planning authority.

Informative: 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.

Reason: To safeguard the amenities of the surrounding area.

- (9) The approved colour of the timber shiplap effect boarding is 'Light Grey', manufactured by The Bedec Paint Company as specified by Andrew Durham on 17/10/16. No other colour shall be used without the prior approval of the Local Planning Authority.

Reason: To specify the terms of the permission and to ensure that no inappropriate colour is applied to the external walls.

- (10) The 110 no. individual car parking spaces specified on the approved Drawing No 598/030/A, received by the Council on 6<sup>th</sup> September 2016, shall be set out and marked within the site outlined in red on the amended site plans, received by the Council on 22<sup>nd</sup> April 2013 within three months from the date of this

approval. Officer Note: This condition replaces the new condition 7 recommended at Planning Committee on 03/06/13.

Reason: To ensure the adequate and satisfactory provision of off-street parking for vehicles generated by visitors to the development, in the interests of the general amenity of the area.

Informative: The passing places already constructed within Holme Lane and Newbridge Lane, in accordance with the plan that was provided by North Yorkshire Highways with their consultation response dated 02/05/13, will remain in situ as a licence to work in the public highway would be needed for their removal and this would not be granted for such works.

- (12) The ice cream parlour premises and associated children's play facilities shall not be open for business or used by any member of the public after 18.00 on any evening, or before 09.00 on any day. [This condition replaces the new condition 9 as recommended by Planning Committee on 03/06/13].

Reason: To safeguard the general amenities of the locality

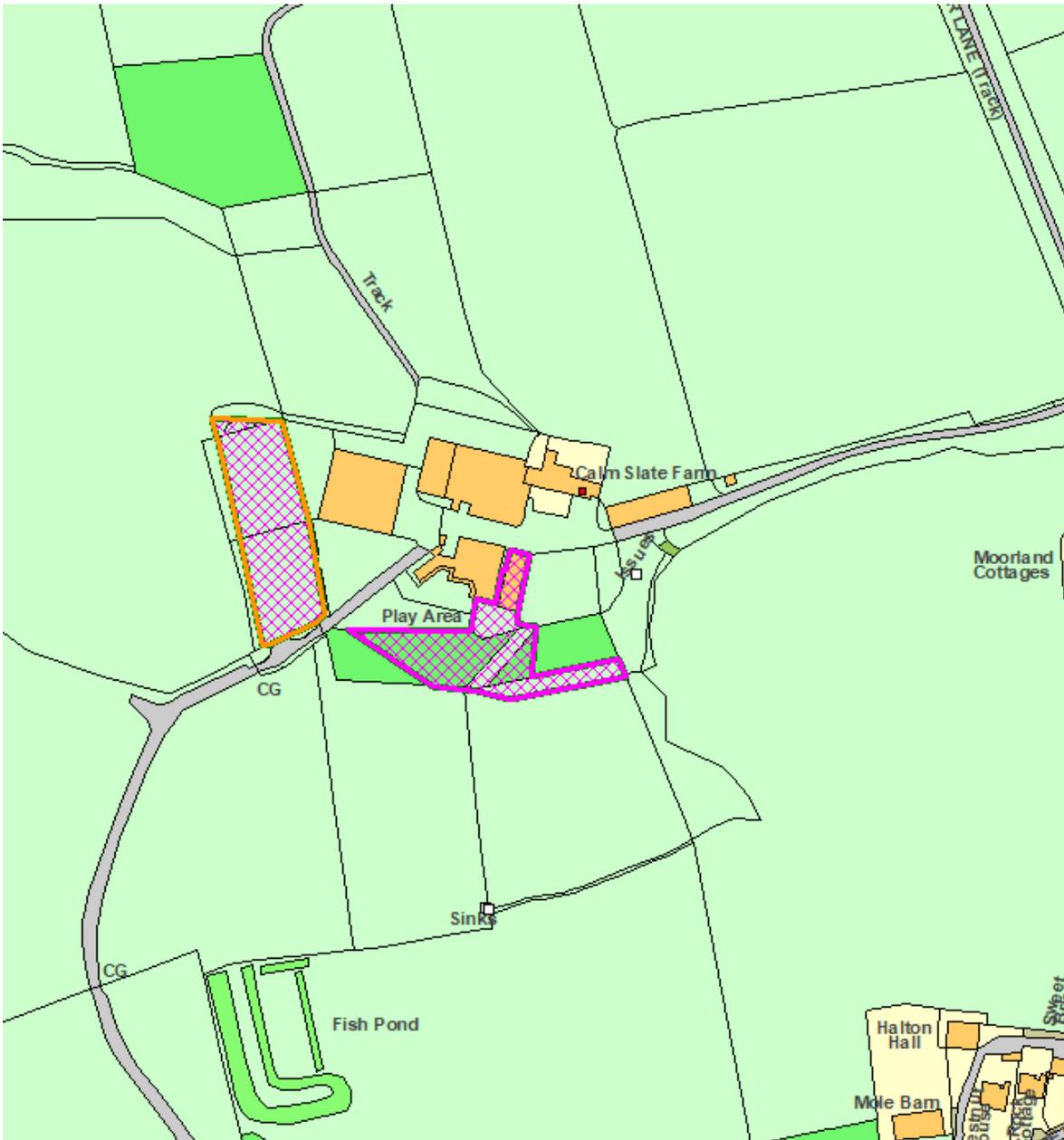
Statement of Positive Engagement: -

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

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

Discharge of Condition(s)

1. The developer should note that Condition Nos 3 & 4 above will require a further application to be submitted to enable the District Council to formally discharge the conditions. In order to avoid unnecessary delays it is advisable for the developer to discuss the details required to discharge the conditions with any relevant statutory Authorities' (other than the Local Planning Authority) e.g. NYCC Highways, the Environment Agency etc. for comment and/or recommendations prior to their formal submission to the District Council for approval.
2. With regard to Condition Nos 3 & 4 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.



**Application Number:** 34/2012/13074

**Proposal:** Extension of ice cream parlour, change of use to indoor play space, creation of covered play space with extension of site to accommodate tree screening, and retrospective application for extension to car park.

**Site Address:** Calm Slate Farm Holme Lane Halton East BD23 6EU

**On behalf of:** Yorkshire Dales Ice Cream Ltd

## REPORT TO PLANNING COMMITTEE ON 9th April 2018

**Application Number:** 34/2016/17145

**Proposal:** Retrospective application for change of use from agricultural to play barn in connection with Billy Bob's Ice Cream Parlour

**Site Address:** Calm Slate Farm Holme Lane Halton East BD23 6EU

**On behalf of:** Billy Bob's Ice Cream Parlour

**Date Registered:** 15th July 2016

**Expiry Date:** 9th September 2016

**Case Officer:** Mr Neville Watson

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**This application is referred to Committee as previous applications on the site have been considered by Members.**

1. Site Description

1.1 Calm Slate Farm is located in open countryside of attractive rural character to the north west of the hamlet/village of Halton East, and east of the Yorkshire Dales National Park boundary by approximately 250 metres. It forms part of the Bolton Abbey Estate and consists of a livestock farming business (cattle and sheep) with 120 acres of pasture land; the holding is also the business base of Yorkshire Dales Ice Cream and Billy Bob's Ice Cream Parlour.

2. Proposal

2.1 This is a retrospective planning application to retain 2 no. Agricultural buildings as playbarns in conjunction with Billy Bob's Ice Cream Parlour.

2.2 The total internal floorspace of the 2 no. Buildings is 1180sqm.

2.3 The appearance of the existing agricultural buildings has already been altered to replicate the other buildings associated with Billy Bob's Ice Cream Parlour by the walls being covered in light grey coloured timber shiplap effect board. The original steel portal frame buildings remain with the original roof of profiled cement fibre cladding incorporating profiled rooflights.

3. Planning History

3.1 34/2004/4962: Gave permission for the conversion of an agricultural building for the use for the manufacture of and the garaging of ice cream vehicles and the formation of a new access. Conditional approval 21 February 2005. (Officer Note: This is the building in the north eastern corner of the application site that is to be converted to play space / party room).

3.2 34/2005/5877: Extension of house into barn. Approved January 2006.

3.3 34/2007/7136: New building for livestock and feed store. Prior Notification not determined as required full planning permission.

3.4 34/2007/7330: Livestock building for agricultural purposes. C/A 18/05/07

3.5 34/2007/7345: Roof over existing silo and midden. Conditional Approval 18/05/07 Officer Note: It is these agricultural buildings to which this application relates.

- 3.6 334/2007/7665: Ice cream cabin. Conditional Approval 07/09/07. Officer Note: Condition 8 of 34/2008/8384 required this cabin to be removed and it is no longer on site.
- 3.7 34/2008/8384: (Outline Application) gave approval for the formation of farm retail outlet. The decision to approve was made by the Planning Committee in April 2008 but the decision notice was only issued after the signing of a S.106 Agreement on 10 July 2009. This agreement limited the range of goods which may be sold.
- 3.8 34/2009/9876: Granted approval of the reserved matters (scale, design, appearance and landscaping), following the outline permission 34/2008/8384, on 22 September 2009.
- 3.9 34/2012/13074: Extension of ice cream parlour, change of use to indoor play space and creation of covered play space with extension of site to accommodate tree screening, retrospective planning application for extension to car park. Pending determination (see separate report on this agenda yet as Deed of Variation to Section 106 Agreement had to be signed which happened on 25/10/17. (see separate report on this agenda)
- 3.6 34/2016/16854: Retrospective application for replacement office block. Pending determination.(see separate report on this agenda).

#### 4. Planning Policy Background

- 9.37 National Planning Policy Framework (NPPF)
- 9.38 National Planning Practice Guidance (NPPG)
- 9.39 Saved Local Plan Policies ENV1 (Development in Open Countryside); ENV2: (Requirements for Development in Open Countryside)

#### 10 Parish Council Comments

- 10.1 None.

#### 11 Consultations

- 6.1 **Health and Safety Executive** (08/09/16): Do not advise against the granting of planning permission in this case in safety grounds.
- 6.2 **CDC Environmental Health:** No known contaminated land issues and no known environmental protection issues that would give cause for concern.
- 6.3 **NYCC Public Rights of Way Officer:** The existing Public Right(s) of Way on the site must be protected and kept clear of any obstruction until such time as any alternative route has been provided and confirmed under an Order made under the Town and Country Planning Act 1990.

Planning consent was granted in 2007 for an agricultural building across the line of the public footpath. A condition was attached to the planning consent that the footpath must remain unobstructed until the path was diverted. A Diversion Order was confirmed on 12 December 2017

#### 12 Representations

- 12.1 A letter has been received from the author of a book about Lady Anne's Way a long distance route that runs through the site. The author says that through her website she receives many complaints about the obstruction of the PROW and asks that a condition is attached to any planning permission granted requiring the PROW to be diverted.

#### 13 Summary of Principal Planning Issues

- 13.1 The principle of development of the change of use of the existing agricultural building to use as a children's indoor playbarn.
- 13.2 Design issues and the visual impact of the development on the character of the surrounding area.
- 13.3 Impact on the amenities of local residents, including potential noise disturbance.

13.4 Highway safety.

14 Analysis

**The principle of development of the change of use of the existing agricultural building to use as a children's indoor playbarn.**

- 14.1 The authorised use of the 2 no. Buildings to which this application relates is agricultural but the applicant has stated in this application that the unauthorised use as playbarn in conjunction with Billy Bob's Ice Cream Parlour started on 01/09/12.
- 14.2 An additional 314 sqm of covered playspace is proposed as part of planning application 34/2012/13074.
- 14.3 The National Planning Policy Framework (NPPF) supports sustainable rural tourism and leisure developments that benefit rural businesses, communities and visitors, provided that the development respects the character of the area and is in an appropriate location where identified needs are not met by existing facilities in rural service centres. The NPPF also identifies, as part of its core planning principles, the intrinsic character and beauty of the countryside and the need to conserve and enhance the natural environment.
- 14.4 NPPF policies are more permissive than the Local Plan policies and are supportive of all forms of sustainable development with the proviso that the adverse impacts of granting permission do not significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
- 14.5 Saved Local Plan Policy ENV1 supports 'small scale development having a rural character' subject to specific criteria requiring that such development be beneficial to the rural economy and maintains landscape character. This policy is generally in accordance with the NPPF and can be given some weight.
- 14.6 Saved Local Plan Policy ENV2 applies where development is considered acceptable in principle under ENV and seeks to ensure that such proposals are compatible with the surrounding area; does not adversely impact on the landscape; is of a design that relates to the setting allowing for public views; can accommodate traffic; and can be provided with services and infrastructure without harming the rural character and appearance of the area.
- 14.7 Billy Bobs' Ice Cream Parlour opened in June 2011 and is clearly a successful part of the farm enterprise. The applicant has submitted up to date information (09/08/16) in support of planning application 34/2012/13074 explaining that there has been a phenomenal growth in the numbers of visitors to Billy Bobs', beyond their own expectations. This has created challenges for them in trying to balance the needs and expectations of visitors and the care of their neighbours and employees. The reason they have not applied previously for this change of use was because they were not certain whether the buildings would remain in long term use as playbarns but they have proved very popular.
- 14.8 Further information has been submitted in support of planning application 34/2012/13074 that is also relevant to this application. A new company policy (not enforceable by the LPA) has been introduced earlier this year which requires that for children to be able to play in the playbarns to which this application relates, a receipt must be produced to demonstrate that they have eaten a full meal in the diner. The applicant has also provided customer feedback (e.g. trip advisor) indicating a mixed response to the Company policy, but the LPA are advised that what it has done is regulate the number of visitors present at any one time.
- 14.9 The buildings to which this application relate are sited immediately to the north of the approved car park (31 spaces approved 34/2008/9876); and immediately to the east of the other car parking areas (110 spaces as part of 34/2012/13074 and overspill area of 2470 sqm proposed as part of 34/2016/16907) and to the west of Billy Bobs' Ice Cream Parlour.

- 14.10 In support of planning application 34/2012/13074 the applicant has recently (09/08/16) confirmed that in addition to entering into a new commercial lease agreement between Bolton Abbey Estate and Billy Bobs' Parlour they also entered into a new farm business tenancy to cover all their farming and domestic interests at Calm Slate Farm. 'Nothing domestically has changed and we will continue to farm the 120 acres of land with our Charolais Cattle, Hampshire Down Sheep, a new rare breed flock of Greyface Dartmoors and flock of commercial sheep'.
- 14.11 There is a complex of existing agricultural buildings to the north of Billy Bobs' Ice Cream Parlour (part of one is used to produce Yorkshire Dales Ice Cream) and to date there has been no indication from the applicant that the remaining buildings are not sufficient from which to operate the farming business in conjunction with the 120 acres of land.
- 14.12 Whilst it is accepted that Billy Bob's Ice Cream Parlour has grown relatively quickly, it is still considered by the LPA to be a small scale development. In principle, the proposal to change the use of the 2 no. Agricultural buildings to be used as playbarns in conjunction with Billy Bob's Ice Cream Parlour is in accordance with the thrust of the NPPF and saved Local Plan Policy ENV1, but the acceptability of the application depends on the impact of the details of the proposal assessed against saved Local Plan Policy ENV2.
- 14.13 Design issues and the visual impact of the development on the character of the surrounding area.**
- 14.14 The walls of the application buildings have been changed from their 'modern farm building appearance (as approved by 34/2007/7345) and are now finished with 'light grey coloured timber shiplap effect board' to match the existing Ice Cream Parlour, its extension, the converted workshop and the proposed covered playspace attached to the extension. Whilst it is accepted that the design of the buildings is 'traditional American farm buildings' - rather than traditional Yorkshire farm buildings - it is still considered that the overall visual appearance of the Billy Bob complex of buildings has a rural character.
- 14.15 The buildings are screened by a hedge that separates the car park from the land on which they are sited. There have been no objections to the application in respect of the appearance of the buildings and they are partially screened by the car parks and by Billy Bobs' Ice Cream Parlour itself.
- 14.16 In summary, the design and visual appearance of the former agricultural buildings is acceptable and does not have a detrimental impact on the landscape character of the local area, in particular the nearby Yorkshire Dales National Park, which has the highest status of protection in terms of conserving landscape and scenic beauty.
- 14.17 Impact on the amenity of local residents, including potential noise disturbance**
- 9.18 The playbarns are open on their east elevation which faces towards the office and Billy Bobs' Ice Cream Parlour. There have been no objections by the Council's Environmental Protection Team and any noise nuisance issues would be investigated as a Statutory Nuisance by the Council's Environmental Health Team. As the buildings are used in conjunction with Billy Bobs' Ice Cream Parlour the hours of opening should be the same but for the avoidance of doubt a condition can be applied.
- 9.19 **Highway Safety**
- 9.20 No known issues.
- 9.21 **Public Right of Way Issues**

9.22 The public footpath that was obstructed by this development has formally been diverted..

10 Recommendation

10.1 That the application be approved.

Conditions

- (1) The approved plans comprise drawing number PLAY/PARK 1, PLAY/PARK 2 and PLAY/PARK 10 received by the Local Planning Authority on the 14<sup>th</sup> July 2016. The development shall be retained in accordance with the approved plans except where conditions attached to this planning permission indicate otherwise or where alternative details have been subsequently approved following an application for a non-material amendment.

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

- (2) The approved colour of the timber shiplap effect boarding is 'Light Grey', manufactured by The Bedec Paint Company as specified by Andrew Durham on 17/10/16. No other colour shall be used without the prior approval of the Local Planning Authority.

Reason: To specify the terms of the permission and to ensure that no inappropriate colour is applied to the external walls.

- (3) The playbarn facilities shall not be open for business or used by any member of the public after 18.00 on any evening, or before 09.00 on any day.

Reason: To safeguard the general amenities of the locality

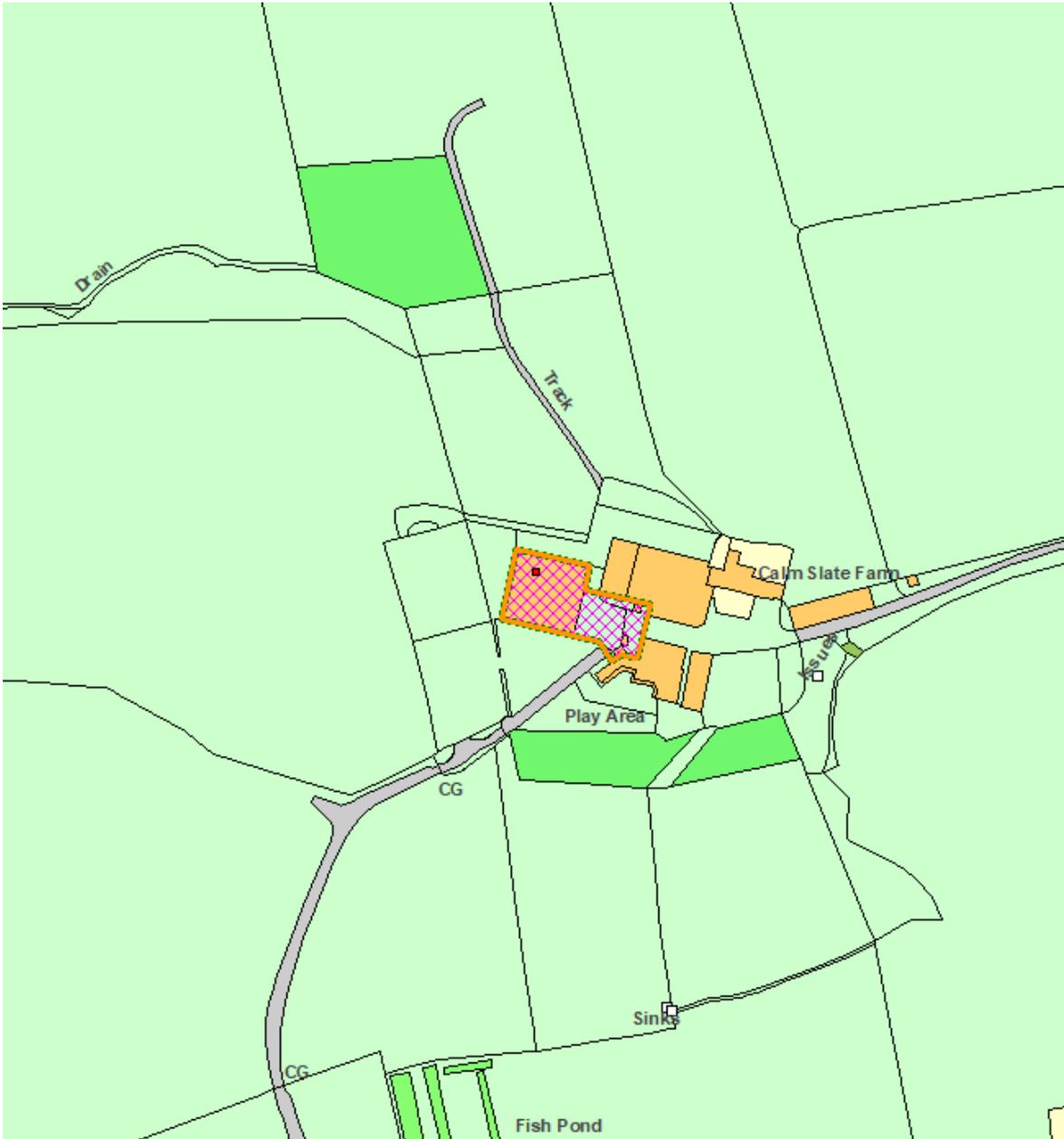
- (4) The approved diverted Public Right of Way (NYCC application reference CRA/2016/01/DO) shall be protected and kept clear of any obstruction until such time as any alternative route has been provided and confirmed under an Order made under the Town and Country Planning Act 1990.

Reason: To protect the route of the public in the interests of and to protect the general amenity for all prospective users.

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:** 34/2016/17145

**Proposal:** Retrospective application for change of use from agricultural to play barn in connection with Billy Bob's Ice Cream Parlour

**Site Address:** Calm Slate Farm Holme Lane Halton East BD23 6EU

**On behalf of:** Billy Bob's Ice Cream Parlour

## REPORT TO PLANNING COMMITTEE ON 9th April 2018

**Application Number:** 34/2016/16854

**Proposal:** Retrospective application for replacement office block

**Site Address:** Calm Slate Farm Holme Lane Halton East BD23 6EU

**On behalf of:** Yorkshire Dales Ice Cream

**Date Registered:** 21st April 2016

**Expiry Date:** 16th June 2016

**Case Officer:** Mr Neville Watson

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**This application is referred to Committee as previous applications on this site have been considered by Members.**

1. Site Description

1.1 Calm Slate Farm is located in open countryside of attractive rural character to the north west of the hamlet/village of Halton East, and east of the Yorkshire Dales National Park boundary by approximately 250 metres. It forms part of the Bolton Abbey Estate and consists of a livestock farming business (cattle and sheep) with 120 acres of pasture land; the holding is also the business base of Yorkshire Dales Ice Cream and Billy Bob's Ice Cream Parlour.

2. Proposal

- 2..1 Retrospective application for the erection of replacement office block previously on the site of an agricultural building.
- 2.2 The new office block is two storey and has an internal floorspace of 170sqm. The ground floor is used as a store, tea room and locker area and the first floor is an office.
- 2.3 The building has an external finish of light grey timber shiplap effect boards, a slate effect roof of artificial tiles in dark grey and timber doors and windows giving it the same appearance as Billy Bob's Ice Cream Parlour which has been designed to look like a 'traditional American farmstead' which is described (34/2009/9876) as a "Cape Cod, New England" style look.

3 Planning History

- 3.1 34/2004/4962: Conversion of an agricultural building for the use for the manufacture of and the garaging of ice cream vehicles and the formation of a new access. Conditional approval 21 February 2005. (Officer Note: This is the building in the north eastern corner of the application site that is to be converted to play space / party room).
- 3.2 34/2008/8384: (Outline Application) Farm retail outlet. The decision to approve was made by the Planning Committee in April 2008 but the decision notice was only issued after the signing of a S.106 Agreement on 10 July 2009. This agreement limited the range of goods which may be sold.
- 3.3 34/2009/9876: Approval of the reserved matters (scale, design, appearance and landscaping), following the outline permission 34/2008/8384, on 22 September 2009.

- 3.4 34/2012/13074: Extension of ice cream parlour, change of use to indoor play space and creation of covered play space with extension of site to accommodate tree screening, retrospective planning application for extension to car park. (see separate report on this agenda).
- 4 Planning Policy Background
- 4.2 National Planning Policy Framework (NPPF)
- 4.3 National Planning Practice Guidance (NPPG)
- 4.4 Saved Local Plan Policies ENV1 (Development in Open Countryside); ENV2: (Requirements for Development in Open Countryside)
- 5 Parish Council Comments
- 5.1 None to date.
- 6 Consultations
- 6.2 CDC Environmental Health: No known Environmental Protection or contaminated land issues.
- 6.3 NYCC Highways: Office is well removed from public highway. Parking is unaffected.
- 6.4 YDNPA: The Authority has no comments to make.
- 6.5 NYCC Public Rights of Way Officer: The development does not obstruct the public right of way.
- 6.6 Health and Safety Executive (08/09/16): Do not advise against the granting of planning permission in this case on safety grounds.
- 7 Representations
- 7.1 None
8. Summary of Principal Planning Issues
- 8.1 The principle of development.
- 8.2 Design issues and the visual impact of the development on the character of the surrounding area.
- 8.3 Highway safety.
9. Analysis
- 9.1 **Principle of development**
- 9.2 Calm Slate Farm site lies in open countryside, however, the existing Billy Bob's Ice Cream Parlour and children's play facilities form a successful commercial farm diversification project, and this new office building is located to the north of Billy Bob's Ice Cream Parlour and to the south of a complex of agricultural buildings, one of which is used to produce Yorkshire Dales Ice Cream. It has been sited within the established group of farm buildings.
- 9.3 The original agricultural building (now demolished) previously sited in this location was labelled as 'office' on the drawing submitted with this application suggesting that it was previously used as an office.
- 9.4 The new two storey office building was built in January 2015 and brought into use in March 2015. It was during a site visit by the case officer on 11/02/16 that the Local Planning Authority became aware of the demolition of the existing agricultural building and the erection of this new building.
- 9.5 The National Planning Policy Framework (NPPF) supports sustainable rural tourism and leisure developments that benefit rural businesses, communities and visitors, provided that the development respects the character of the area and is in an appropriate location where identified needs are not met by existing facilities in rural service centres. The NPPF also identifies, as part of its core planning

principles, the intrinsic character and beauty of the countryside and the need to conserve and enhance the natural environment.

- 9.6 NPPF policies are more permissive than the Local Plan Policies and are supportive of all forms of sustainable development with the proviso that the adverse impacts of granting permission do not significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
- 9.7 Saved Local Plan Policy ENV1 supports 'small scale development having a rural character' subject to specific criteria requiring that such development be beneficial to the rural economy and maintains landscape character. This policy is generally in accordance with the NPPF and can be given some weight.
- 9.8 Saved Policy ENV2 applies where development is considered acceptable in principle under Policy ENV1 and seeks to ensure that such proposals are compatible with the surrounding area; does not adversely impact on the landscape; is of a design that relates to the setting allowing for public views; can accommodate traffic; and can be provided with services and infrastructure without harming the rural character and appearance of the area.
- 9.9 In this case, the manufacture of ice cream at the farm is long established (planning permission granted 2005 34/2004/4962). Ice cream is sold from a fleet of vans both locally at visitor attractions and agricultural events; and nationally at approximately 200 predominantly agricultural shows and events. In addition the company supplies numerous independent outlets, shops, cafes and visitor attractions across the region.
- 9.10 Billy Bob's Ice Cream Parlour opened in June 2011 and is clearly successful part of the farm enterprise. The parlour serves Yorkshire Dales Ice Cream and traditional diner items such as burgers, hot dogs and chilli with fries, corn and coleslaw. Officer Note: In addition to the original parlour, a converted workshop building (planning application 34/2012/13074) has already been brought into use as part of the parlour and a new extension is partially built.
- 9.11 Whilst no supporting statement has been submitted with this application, it is accepted from supporting information submitted as part of planning application 34/2012/13074, which is to be determined at the Planning Committee at the same time as this application, that Yorkshire Dales Ice Cream and Billy Bob's Ice Cream Parlour will need office space, storage space and staff facilities such as a tea room and lockers.
- 9.12 In principle, the proposal to erect a new building for the purposes outlined is in accordance with the thrust of the NPPF and saved Local Plan Policy ENV1, but the acceptability of the application depends on the impact of the details of the proposal assessed against saved Local Plan Policy ENV2.
- 9.13 **Design issues and the visual impact of the development on the character of the surrounding area**
- 9.14 Calm Slate Farm is located in attractive 'Dales' countryside on the edge of the Yorkshire Dales National Park boundary and is visible from various public viewpoints including mid distance views from the Holme Lane approach to Halton East and from the village itself. It is overlooked to the north by Halton Moor.
- 9.15 Because of its position (to the north of Billy Bob's Ice Cream Parlour and to the south of existing farm buildings and the building where Yorkshire Dales Ice Cream is manufactured), the new office building is partially 'hidden' from view.
- 9.16 Visually, this building is of the same appearance as the other buildings (the existing ice cream parlour, its partially complete extension, the proposed covered playspace and the converted workshop already

in use which are all included in planning application 34/2012/13074) on site that are associated with Billy Bob's Ice Cream Parlour, it is of the same 'traditional American farmstead' design that has previously been recommended for approval at Planning Committee (34/2012/13074 - 04/06/13) as the design was considered acceptable in terms of being in keeping with the existing modern livestock buildings and assimilating into the wider landscape.

9.17 The new building is partially visible (at a distance of approximately 265 metres), within the complex of buildings at Calm Slate Farm, from Moor Lane which is within the Yorkshire Dales National Park (YDNP). The NPPF states that great weight should be given to conserving landscape and scenic beauty in National Parks, which have the highest status of protection in this respect, the building blends in well to the existing complex of buildings and does not cause any visual harm in terms of the landscape and scenic beauty of the YDNP. Neither is it considered that this building causes material harm to the character and appearance of the local area or the general amenities of the locality.

#### 9.18 **Highway Safety**

9.19 There are no known Highway safety issues.

#### 9.20 **Overall conclusion**

9.21 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.'

This development forms part of the business complex with economic and social benefits. There are no adverse environmental impacts

### 10 Recommendation

#### 10.1 Approval

##### Conditions

- (1) The approved plans comprise drawings labelled OFFICE/1 and OFFICE/2 received by the Local Planning Authority on the 13<sup>th</sup> April 2016. The development shall be retained in accordance with the approved plans except where conditions attached to this planning permission indicate otherwise or where alternative details have been subsequently approved following an application for a non-material amendment.

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

- (2) The approved colour of the timber shiplap effect boarding is 'Light Grey' manufactured by the Bedec Paint Company as specified by Andrew Durham on 17/10/16. No other colour should be used without the prior approval in writing of the local planning authority.

Reason: To specify the terms of the permission and to ensure that no inappropriate colour is applied to the external walls.

#### 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:** 34/2016/16854

**Proposal:** Retrospective application for replacement office block

**Site Address:** Calm Slate Farm Holme Lane Halton East BD23 6EU

**On behalf of:** Yorkshire Dales Ice Cream



**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 Decisions Issued from 01 to 27 March 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
2017/18136/VAR	Henry Boot Developments Ltd	Land North Of A629 And West Of Carleton Road Skipton North Yorkshire BD23 3BT	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.	Approve with Conditions	16.03.2018
2017/18183/FUL	Mr David Booth	Land At Broom House Farm Bleara Road Earby North Yorkshire	Construction of agricultural workers dwelling to serve Broom House Farm	Approve with Conditions	15.03.2018

<b>Application Number</b>	<b>Applicant</b>	<b>Location</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date of Decision</b>
2017/18174/VAR	Mr & Mrs Holt	Low Barn Keighley Road Low Bradley Keighley North Yorkshire BD20 9HF	Retrospective application to vary condition 6 (occupation), meet the requirements of condition 7 (occupation), vary condition 10 (methodology statement for adaptation/alteration), vary condition 11 (domestic curtilage) and vary condition 12 (external materials) of planning permission 11/2012/12439	Approve with Conditions	15.03.2018
2017/18268/FUL	South Craven School	South Craven School Holme Lane Cross Hills Keighley BD20 7RL	Installation of 4 no. wall mounted 775W LED floodlights and 26 no. 775W LED floodlights mounted to masts for tennis courts, all-weather pitch and multi-use games area	Approve with Conditions	21.03.2018
2017/18340/FUL	Miller Homes	Land At Corner Field To The North Of A6131/Harrogate Road Skipton	Residential development of 73 dwellings including associated infrastructure	Approve with Conditions	16.03.2018
2017/18355/FUL	Croft Building	Deep Spring Grange Road Farnhill Keighley BD20 9AE	Demolition of existing dwellinghouse and construction of four new dwellings	Approve with Conditions	14.03.2018
2017/18483/HH	Mr Chris Hawkins	Calf Cop Farm Calf Cop Low Bentham Lancaster LA2 7ET	Renovation of existing farmhouse, including upgrading electrical and plumbing systems. Partial conversion of listed barn to form new dining area and new access to rear garden. Addition of conservation metal roof lights to rear and offshot roofs.	Approve with Conditions	20.03.2018

<b>Application Number</b>	<b>Applicant</b>	<b>Location</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date of Decision</b>
2017/18484/LBC	Mr Chris Hawkins	Calf Cop Farm Calf Cop Low Bentham Lancaster LA2 7ET	Renovation of existing farmhouse, including upgrading electrical and plumbing systems. Partial conversion of listed barn to form new dining area on new access to rear garden. Addition of conservation metal roof lights to rear and offshot roofs.	Approve with Conditions	20.03.2018
2017/18548/CPE	Mr & Mrs Nigel and Sarah Hargreaves	Draughton House Low Lane Draughton Skipton BD23 6EA	Application for a lawful development certificate (existing) for the implementation of permissions to erect two dwellings on land adjacent Draughton House relating to applications referenced: 24/2015/15636 and 24/2013/14195	Approve Cert. Lawful Devt	13.03.2018
2017/18743/FUL	Broughton Custodian Fund	Land Off Gargrave Road Broughton Village	Residential development of 10 dwellings including creation of village green	Refuse	14.03.2018
2017/18759/FUL	Skipton CC	Sandylands Sports Centre Carleton New Road Skipton BD23 2AZ	Demolition and replacement of existing cricket pavilion and creation of disabled drop-off point	Approve with Conditions	21.03.2018
2017/18777/HH	Mr Jesse Fox	13 Neville Road Gargrave Skipton BD23 3RE	First-floor side extension above existing garage and single-storey rear extension	Approve with Conditions	14.03.2018
2017/18793/HH	Mr Kevin Watt	4 Grasmere Drive High Bentham Lancaster LA2 7JP	Gable extension to the south boundary. Dormer window to rear elevation. Single storey garden room to rear.	Approve with Conditions	08.03.2018

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2017/18811/FUL	Skipton Properties Ltd	Land To South Of Ingfield Lane Settle North Yorkshire BD24 9BA	Surface water management scheme (flood meadows) for Phase 2 and 3 of residential development (re-submission of extant planning permission 62/2014/14929)	Approve with Conditions	15.03.2018
2017/18814/FUL	Mr & Mrs James Lampkin	Grasmere House College Road Bradley Keighley BD20 9DT	Amendments to previous application 11/2017/17927 to move property away from existing garage 0.7m and addition of enlarged bedroom to the rear	Approve with Conditions	05.03.2018
2017/18844/FUL	Mr & Mrs V & K Wilknsn	Parkfield Nurseries Chapel Hill Skipton BD23 1UH	Construction of detached three bedroom dwelling	Approve with Conditions	21.03.2018
2017/18846/HH	Mr Varney	66 Starkey Lane Kildwick Keighley BD20 9AN	Removal of single storey extension and construction of two storey extension, insertion of side facing window - all to Eastern elevation	Approve with Conditions	08.03.2018
2017/18852/FUL	Sandylands Fitness Centre	Sandylands Sports Centre Carleton New Road Skipton BD23 2AZ	Creation of window within the West facing wall of the building	Approve with Conditions	13.03.2018
2017/18863/HH	Mr & Mrs R Walker	Park House Park Lane Cowling Keighley BD22 0NH	Erection of a ground floor extension to the front	Approve with Conditions	09.03.2018

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2017/18864/CPL	Mr S Ali And Mrs M Akhtar	17 Pendle Street Skipton BD23 1SN	Certificate of lawfulness (proposed) for rear dormer extension	Approve Cert. Lawful Devt	08.03.2018
2017/18868/FUL	Grange Developments Yorkshire Ltd	College Farm College Road Bradley Keighley BD20 9DT	The demolition of existing agricultural buildings and erection of 5 dwellings and a B1 office	Approve with Conditions	14.03.2018
2017/18869/FUL	Mr Atif Zia	Post Office 7 - 11 Swadford Street Skipton BD23 1RD	Conversion of attic to form self-contained apartment and replacement of first and second floor windows to the Swadford Street elevation	Approve with Conditions	20.03.2018
2018/18871/HH	Mr & Mrs C Wilson	14 Longdale Avenue Settle BD24 9BB	Proposed 2 storey side extension, alterations to existing single storey rear extension and general layout alterations.	Approve with Conditions	06.03.2018
2018/18878/MMA	Reverend Trevor Vaughan	Throstle Nest Cottage Old Road Thornton In Craven Skipton BD23 3TB	Minor material amendment to original planning consent reference 2017/18394/HH to add window to gable end	Refuse	06.03.2018
2018/18885/LBC	Mr Simon Johnson	Liverpool House Chapel Square Settle BD24 9HR	Proposed replacement windows and internal alterations	Approve with Conditions	14.03.2018
2018/18892/NMA	Mr Phil Natusch	The Wenning Bentham LA2 7LS	Non material amendment to original planning consent reference 08/2017/17904 to fill proposed courtyard window, retain proposed door to South elevation as a window, add additional rooflight over kitchen area.	Non-material amendment approved	13.03.2018

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2018/18898/FUL	GTEC Solutions Ltd	High Bentham Former Water Treatment Works Mewith Lane High Bentham Lancaster LA2 7AY	Conversion of former water treatment works building to a residential dwelling	Approve with Conditions	02.03.2018
2018/18899/HH	Mr Baines	26 Main Street Embsay Skipton BD23 6RE	Proposed porch to side elevation	Approve with Conditions	08.03.2018
2018/18900/HH	Mr Stan Prell	25 Tile Close Skipton BD23 2LG	Erection of a single storey side extension	Approve with Conditions	12.03.2018
2018/18911/HH	Mrs Ann Howarth	58 Roughaw Road Skipton BD23 2QA	Concrete sectional lean to garage	Approve with Conditions	07.03.2018
2018/18910/FUL	Mr Philip Simnett	18 Gooselands Rathmell Settle BD24 0LT	Change of use of agricultural land to garden lawn.	Approve with Conditions	08.03.2018
2018/18915/VAR	Co-op Estates	Three Peaks Filling Station New Road Ingleton Carnforth LA6 3DL	Application to vary conditions 2, 3, 4 and 5 of planning permission 2017/18144/FUL to allow for installation of ATM.	Approve with Conditions	16.03.2018
2018/18916/HH	Miss Laura Noble	16 West Lane Embsay Skipton BD23 6RN	Proposed two storey side extension to create garage and first floor en-suite bedroom & proposed single storey rear lean-to extension to create ground floor WC, utility and dining/living room	Approve with Conditions	21.03.2018
2018/18920/HH	Mr Andrew Peak	5 Butterbergh High Bentham Lancaster LA2 7FG	Erection of barbeque hut	Approve with Conditions	12.03.2018

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2018/18929/TCA	Kildwick New Church Centre	New Church Centre Main Road Kildwick Keighley BD20 9BD	Crown lift 6 trees to provide highway and roof clearance (Trees A,B,C,E,G & H). Remove 2 Trees (Tree D & F). Partial Crown lifting of 1 Tree over the grass area (Tree I). Crown reduction of 1 Hawthorn by up to 30% and prune branches to balance and clear pathways.	Approve Tree Works in Conservation Area	16.03.2018
2018/18939/AGRR ES	Mr B Lawson	Hazelwood Barn Westhouse Ingleton Carnforth LA6 3PF	Change of use of agricultural building to 2 No dwelling houses with associated curtilage and installation of sewage treatment plant (prior notification)	PN Refuse and Application Required	19.03.2018
2018/18942/LBC	Mr & Mrs M Bogg	1 Pendle View Giggleswick Settle BD24 0AZ	Internal alterations, re-roofing and re-painting external walls.	Approve with Conditions	12.03.2018
2018/18944/LBC	Mr & Mrs M Bogg	1 Pendle View Giggleswick Settle BD24 0AZ	Part removal of boundary wall to provide additional parking and access to existing parking space	Approve with Conditions	12.03.2018
2018/18947/TPO	Mr Steven Ridsdale	5 Rockwood Close Skipton BD23 1UG	T1 and T2 Lime - Fell (TPO No 1 1967 Rockwood)	Refuse Tree Work under TPO	19.03.2018
2018/18949/HH	Mr & Mrs M Foalkes	Gruntland Hall Sandyforth Lane Cowling Keighley BD22 0NB	Construction of 2 storey extension, bedrooms over living room	Approve with Conditions	19.03.2018
2018/18960/HH	Mr Peter Bywell	Winterley Moorber Lane Coniston Cold Skipton BD23 4EQ	Construction of attached garage	Approve with Conditions	12.03.2018

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2018/18959/TPO	Giggleswick School	Giggleswick School Mill Hill Lane Giggleswick Settle BD24 0DE	Fell 1 no. Ash & manage woodland by selectively thinning up to 10% leaving continuous cover.	Approved Tree Work under TPO	16.03.2018
2018/18964/HH	Mrs Michelle Hudson	Firsbank Mewith Lane Low Bentham Lancaster LA2 7DH	Extension to existing kitchen	Approve with Conditions	12.03.2018
2018/18978/TCA	Ms Helen Josland	Ingleborough Nursing Home 1 High Street Ingleton Carnforth LA6 3AB	Fell 1 no. Copper Beech and 2 no. Laburnum.	Approve Tree Works in Conservation Area	16.03.2018
2018/18986/TPO	Skipton Properties	Land To East Of Green Lane Glusburn Keighley	Selectively fell 11 no. Trees and crown lift trees along the eastern boundary to 3 metres as specified in the submitted arboricultural report.	Approved Tree Work under TPO	16.03.2018
2018/19002/TCA	Mrs Pat Rasche	Westways Low Lane Draughton Skipton BD23 6EA	Remove T1 Prunus. Remove T2 Conifer. Remove T3 Conifer. Remove T4 Conifer.	Approve Tree Works in Conservation Area	16.03.2018
2018/18995/LHSH LD	Mr Dale Mason	20 Meadow Lane Cononley Keighley BD20 8NB	Proposed single storey rear extension measuring 4.8m beyond the rear wall; 3.25m in height from ground level; 2.7m in height to eaves from ground level (Prior Approval Notification).	PD HH PA Not Required	09.03.2018
2018/19005/TCA	Mr Christopher Clark	3 Crossley Place Skipton BD23 1PZ	T1 - middle tree - fell T2 and T3 - outside trees - prune to half current height	Approve Tree Works in Conservation Area	16.03.2018

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2018/19019/TCA	Mrs Teena Douglass Taylor	Tatham Lodge Low Street Burton In Lonsdale Carnforth LA6 3LF	G1 - 4 x apple - reduce in height, re-balance crowns T1 - Dogwood - reduce in height and spread by 25% T2 - Sorbus - reduce in height and spread by 25%	Approve Tree Works in Conservation Area	20.03.2018
2018/19020/TCA	Mr Dave McDermott	Adelaide House 22 Low Street Burton In Lonsdale Carnforth LA6 3LF	T1 - Yew, Reduction in height and spread by 25%. Lift canopy roadside, rebalance crown.	Approve Tree Works in Conservation Area	20.03.2018
2018/19029/TPO	Mr D Foster	Sunningdale House Main Road Hellifield Skipton BD23 4HX	T1 - Ash - Fell	Approved Tree Work under TPO	23.03.2018
2018/19037/TCA	Mrs Sheila Poole	The Old School House 4 East Lane Embsay Skipton BD23 6QA	T1 - Sycamore - crown thin by 20% T2 - Hornbeam - crown thin by 20%	Approve Tree Works in Conservation Area	20.03.2018
2018/19055/PNAG	Mr James Hodgkinson	Thornbrook Barn New Road To Bank Bottom Thornton In Lonsdale Ingleton LA6 3PD	Proposed agricultural building for the storage of feedstuffs, bedding, machinery, wintering animals, lambing stock and sick animals (Prior Notification)	PN Refuse and Application Required	21.03.2018
2018/19073/NMA	Mr & Mrs A Cairns	39 High Street Gargrave Skipton BD23 3RA	Non material amendment to original planning consent reference 2017/18737/HH to change the width of extension and amendment to roof design	Approve with Conditions	22.03.2018