

CRAVEN DISTRICT COUNCIL

PLANNING COMMITTEE – SITE VISIT

4th June 2018

AGENDA

Please note that the Committee will visit the following sites on Monday, 4th June 2018. Members are asked to meet at **Site A at 11.30am**, or alternatively at the Belle Vue Square Offices car park **no later than 11.10am**.

- a. **2018/19016/HH L shaped extension consisting of 1.5 high and single storey elements. (resubmission of previously withdrawn application 2017/18503/HH), 13 South View, Kildwick. Approximately 11.30am (Aire Valley with Lothersdale Ward)**
- b. **2018/19062/FUL rebuilding of a detached masonry building at land adjacent to 2 Stirton Lane, Stirton. Approximately 12 Noon (Gargrave and Malhamdale Ward)**

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

Agenda Contact Officer:
Vicky Davies
Tel. 01756 706486
24th May 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, 4th June, 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

Exclusion of the Public: In accordance with the Council's Access to Information Procedure Rules, Members are recommended to exclude the public from the meeting during consideration of Item \$6 on the grounds that it is likely that if Members of the public were present there would be disclosure to them of exempt information as defined in Paragraph 5 (on the basis that a claim to legal professional privilege could be maintained in legal proceedings and the Council Solicitor is satisfied that the public interest involved in maintaining the exemption outweighs the public interest in disclosing the information) of those Rules and Part 1 of Schedule 12A of the Local Government Act 1972 (as amended).

1. **Apologies for absence and substitutes**
2. **Confirmation of Minutes** – 8th May, 2018.
3. **Public Participation** – In the event that any questions/statements are received or members of the public wish to ask questions or address the Committee **in respect of matters not appearing on this agenda**, the public participation session will proceed for a period of up to fifteen minutes.
4. **Declarations of Interest** – All Members are invited to declare at this point any interests they have in items appearing on this agenda, including the nature of those interests.

(Note: Declarations should be in the form of:

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

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

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

(c) Enforcement - New complaints registered / complaints closed.

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

\$6. Enforcement Notice Appeal – Request for Delegated Authority to Defend the Position of the Council – Joint report of the Planning Manager and the Legal Services Manager. Attached.

Purpose of Report – Members are asked to consider the way forward and endorse the recommendation providing authority for the Planning Manager and Legal Services Manager to respond on behalf of the Council in respect of an Enforcement Notice appeal relating to the construction of a new dwelling in the open countryside.

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

Agenda Contact Officer: Vicky Davies
Tel. 01756 706486, E-mail vdavies@cravendc.gov.uk
24th May 2018.

Recording at Council Meetings

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

(i) the recording being conducted with the full knowledge of the Chairman of the meeting; and

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

Emergency Evacuation Procedure

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

PLANNING COMMITTEE

8th May 2018

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

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

Ward Representatives : Councillor Brown (Applications 2018/18873/FUL and 2018/19016/HH).

Apologies for absence were received from Councillors Baxandall, Harbron and Heseltine.

Start: 1.35pm

Finish: 5.20pm

Duration of Meeting : In accordance with Council Procedure Rule 9, the Committee agreed that the meeting should continue beyond three hours.

The minutes of the Committee's meeting held on 9th April 2018 were confirmed and signed by the Chairman.

Former Councillor Stephen Butcher : The Chairman paid tribute to the late Stephen Butcher, a former Member of Craven District Council and long serving Member of the Planning Committee; he asked the Committee to observe a minutes silence in memory of Mr Butcher.

Minutes for Report

PL.857

APPLICATIONS FOR PLANNING PERMISSION

a. Declarations of Interest

Members were invited to declare any interests in the business before the Committee. Non were declared.

b. Lobbying

Members indicated that they had been lobbied, as follows, on applications to be determined at this meeting:-

Application 2018/18922/MMA : Non declared.

Application 2018/18982/OUT : The Chairman and Councillors Lis and Thompson indicated that they had received lobbying against the above application; Councillor Brockbank indicated that she had received lobbying for.

Application 2018/18983/OUT : Councillor Lis indicated that he had received lobbying against the above application and Councillor Brockbank indicated that she had received lobbying for.

Application 2018/18873/FUL : All Members indicated they had received lobbying against the above application.

Application 2018/18923/OUT : Non declared.

Application 2018/18981/OUT : The Chairman and Councillor Lis indicated that they had received lobbying against the above application.

Application 2018/19016/HH : Non declared.

Application 2018/18926/FUL : Non declared.

PL.858

PUBLIC PARTICIPATION

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

Application 2018/18922/MMA : Ms K Harrison (for the applicant)

Application 2018/18982/OUT and 2018/18983/OUT : Mr V Craven (for the applicant)

Application 2018/18873/FUL : Mr D Booth (for Bradleys Both Parish Council)

: Mr S Matthews (objector / for objectors)

: Mr R Arthur (for the applicant)

Application 2017/18725/FUL : Mr M Gordon (for the applicant)

Application 2017/18744/OUT : Mr L Scarffe (for Farnhill Parish Council)

: Ms S Nelson (objector)

: Mr S Bye (applicant)

Application 2018/18926/FUL : Mr W Cartwright (for the applicant)

PL.859

APPLICATIONS FOR PLANNING PERMISSION

a. Delegated Matters

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

34/2012/13074 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. Approved with Conditions

34/2016/16854 Retrospective application for replacement office block. Approved with Conditions.

34/2016/16907 Change of use from agricultural land to overspill car park for Billy Bob's Ice Cream Parlour. Application Withdrawn

34/2016/17145 Retrospective application for change of use from agricultural to play barn in connection with Billy Bob's Ice Cream Parlour. Approved with Conditions.

11/2017/18097 Outline application with all matters reserved for the erection of three terraced dwellings (resubmission of previously withdrawn application 11/2016/17565). Refused

2017/18279/HH Retrospective application for a fence. Refused

2017/18486/FUL Full planning application for (1) proposed new detached garage (2) proposed new parking and turning area (3) proposed re-siting of an existing stable block (4) partially retrospective to retain an existing fence and double gates. Approved with Conditions

2017/18596/FUL Construction of detached dwelling with associated double garage and turning area. Approved with Conditions

2017/18688/VAR Application to remove condition No 10 of original planning consent reference 18/2013/13681 to allow retention of the farmhouse. Refused.

AGENDA ITEM 2

2017/18706/FUL Demolish existing single storey industrial building and construct new two storey building to house farm animal veterinary facilities with new landscaped forecourt _ parking area. Approved with Conditions

2017/18725/FUL Construction of detached dwelling with associated amenity space and off street parking. Approved with Conditions

2017/18728/FUL Proposed construction of a detached dormer bungalow and detached double garage. Approved with Conditions

2017/18744/OUT Outline application for a residential development of 4 dwellings - access, appearance, layout and scale applied for with all other matters reserved
Approved with Conditions

2017/18752/COU Proposed conversion of existing barn to living accommodation associated with the main house and alterations to existing dwelling. Approved with Conditions

2017/18785/FUL Proposed internal and external alterations to form holiday cottage and repairs work to the Hall (resubmission of previously approved details of 73/2017/17980)
Approved with Conditions

2017/18786/LBC Proposed internal and external alterations to form holiday cottage and repairs work to the Hall (resubmission of previously approved details of 73/2017/17981)
Approved with Conditions

2017/18842/FUL Extension of existing garage to form new five bedrooomed detached dwelling
Approved with Conditions.

2017/18858/FUL Proposed new out building incorporating car port, log store and garden store, proposed re-positioning of windows on converted barn. Approved with Conditions

2017/18860/OUT Outline application with all matters reserved for proposed residential development on redundant car park to the rear of Crosshills Social Club. Approved with Conditions

2018/18904/HH Retrospective application for construction of a raised platform near the beck.
Approved with Conditions

2018/18886/HH Demolition of porch. Erection of double garage. Replace fences with stone walls.
Approved with Conditions

2018/18888/FUL Full planning application for seven residential units and the retention and recladding of existing commercial building. Application Withdrawn

2018/18901/HH Proposed rear single storey extension and porch. Approved with Conditions

2018/18905/HH First floor extension on existing footprint to create additional bedroom and ensuite. Approved with Conditions

2018/18912/HH Proposed sun room extension (Resubmission of previous application 017/18199/HH). Approved with Conditions

2018/18913/LBC Proposed sun room extension (Resubmission of previous application 2017/18200/LBC). Approved with Conditions

2018/18921/HH Single storey rear extension, side window to kitchen and replacement garage
Approved with Conditions

2018/18927/HH Dormer window to rear elevation. Refused

AGENDA ITEM 2

2018/18931/FUL Change of use of land to residential and the construction of a garage.
Approved with Conditions

2018/18932/FUL Creation of designated single staff entrance within existing window bay; replacement of existing manual entrance door system with electronic entrance system with inner protection screen. Approved with Conditions

2018/18934/HH Change of use of garage/store to ancillary residential accommodation with sun room, laundry and games room. Approved with Conditions

2018/19028/ADV 1 x non-illuminated projecting sign to right of main entrance. Approved with Conditions

2018/18952/COU Change of use of A1 shop unit to part of C3 dwelling. Approved with Conditions

2018/18954/LBC Replacement of materials (pointing and stonework) which have been used in the repair of the party wall, carried out under application no. 69/2016/17252. Approved with Conditions.

2018/18961/FUL Proposed upgrade of Level 5 (top floor) rooms into suites with roof terraces
Approved with Conditions.

2018/18967/FUL Conversion of church to 2 no. houses and formation of new car parking spaces.
Approved with Conditions.

2018/18962/CND Application to discharge condition 3 of original planning consent reference 08/2015/15473 (further to initial discharge of condition reference 08/2016/17122).
DOC satisfactory.

2018/19032/FUL Proposed new wall incorporating a new roller shutter door to an opening between two existing warehouses as previously approved in planning applications; 48/2015/15463 & 48/2015/15464. Approved with Conditions.

2018/18971/FUL Change of use of first and second floors above existing restaurant from storage/former living accommodation associated with restaurant to 3 No. apartments. Replacement of window with door, and new external staircase, to south west elevation.
Approved with Conditions.

2018/18973/ADV New external signage and lighting, gilding of lettering above main entrance door
Approved with Conditions

2018/18974/LBC New external signage and lighting, gilding of lettering above main entrance door
Approved with Conditions.

2018/18980/HH Raise roof line over existing garage with study over to form new master bedroom & single storey extension to the rear to form new garden room. Approved with Conditions.

2018/18979/FUL Change of use from C1 Hotel to C3b Dwelling for up to 6 persons with care provided. Approved with Conditions

2018/18996/FUL Single storey extension to west elevation and two storey extension to east elevation. Approved with Conditions.

2018/18999/FUL Amendment to previously approved application ref: 2017/18335/FUL for the inclusion of external staircase. Approved with Conditions

2018/19000/HH Proposed garage. Approved with Conditions

AGENDA ITEM 2

2018/19001/TCA Minor crown work to 1 no. Ash including crown lift. Approved Tree Works in Conservation Area

2018/18998/FUL Proposed building for cattery. Approved with Conditions

2018/19003/FUL Proposed change of use from Methodist Chapel to form two apartments with off street parking. Approved with Conditions

2018/19004/HH Demolition of small single-storey extension and construction of two-storey extension. Approved with Conditions

2018/19007/HH Proposed link to and conversion of detached barn. Approved with Conditions

2018/19008/LBC Proposed link to and conversion of detached barn. Approved with Conditions

2018/19009/HH Single storey side extension to create extended utility room and new main access. Approved with Conditions

2018/19010/HH Application for retention of replacement UPVC windows. Approved no conditions

2018/19017/HH Demolition of existing garden outbuilding and construction of single storey kitchen extension. Approved with Conditions

2018/19012/LBC Listed Building Consent to replace existing ticket machine in Booking Hall with new ticket vending machine, and the installation of additional ticket vending machine and internal works. Approved with Conditions

2018/19014/ADV 2 x internally illuminated fascias (only the Co-op logo illuminates); 2 x externally illuminated fascias, with the co-op logo internally illuminated; 3 x non-illuminated wall mounted flat aluminium panels; 2 x non-illuminated 'max height' hanging panels; 2 x non-illuminated single /sided single post signs; 2 x non-illuminated double / sided twin post signs; 1 x internally illuminated 5.5m totem. Approved with Conditions

2018/19015/ AGRRES Conversion of disused barn to 1 No dwelling (Prior Notification). Prior Approval Granted.

2018/19018/FUL Demolish existing dwelling. Construct 6 no. 4 bed detached dwellings with associated vehicular access and landscaping. Application Withdrawn.

2018/19023/HH Side extension including building over existing lean to extension. Approved with Conditions.

2018/19033/ PNAG Blocking up of access from Sanderber Barns to A65 and creation of extension of existing access North of Waters Farm to Sanderber. Prior Approval Not Required.

2018/19039/CND Application to discharge Condition 3 - Protection of Trees - full details provided on Drawing P1086c/001a, Condition 4 - Track Details - full details provided on Drawing P1086c/002a, Condition 6 - Fence Details - full details provided on Drawing P1086c/003a, Condition 7 - Gate Details - full details provided on Drawing P1086c/004 on original planning permission referenced 42/2015/15833 granted 20.07.2015. DOC satisfactory

2018/19042/HH Two storey side extension. Approved with Conditions

2018/19047/TCA Fell one no. Cypress. Approve Tree Works in Conservation Area.

2018/19050/FUL Proposed florists workshop and store. Approved with Conditions.

2018/19065/HH Proposed rear extension & porch to front elevation. Approved with Conditions

AGENDA ITEM 2

2018/19068/TCA T1 Yew reduce by 25%, small crown lift and rebalance crown. T2 Poplar, reduce crown by 20%, Remove one large damaged branch with rope attached. Approved Tree Works in Conservation Area

2018/19093/HH Construction of new single storey kitchen extension. Approved with Conditions.

2018/19075/HH Proposed rear extension. Approved with Conditions.

2018/19115/HH Proposed 2 storey extension and erection of detached garage to replace existing detached garage. (Re-submission of planning consent reference 2017/18371/HH). Approve with Conditions.

2018/19088/ PNAG Multi-purpose agricultural building (Prior Approval). PN Refuse and Application Required.

2018/19103/TCA T1 - Sycamore – fell. Approved Tree Works in Conservation Area

2018/19119/TCA T1 Maple – Remove. Approved Tree Works in Conservation Area

2018/19120/TCA Remove 1 no. Conifer and 1 no. Larch. Approved Tree Works in Conservation Area

2018/19123/CND Application to discharge condition no. 7 (noise) of original planning permission 2017/18144/FUL granted 30/08/2017. DOC satisfactory.

2018/19130/CND Application to discharge condition no's 8 and 9 of original planning permission 18/2016/16930 granted 27/06/2016. DOC satisfactory.

b. Applications

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

Permission Granted

2018/18922/MMA Application to vary condition 2 of original planning consent reference 18/2016/17399 to alter access, Station Road, Clapham – subject to the conditions listed below, and subject also to the Planning Manager attaching an additional appropriately worded condition requiring the provision of chimney stacks.

Conditions

Time Limit for Commencement

1. The development hereby permitted shall be begun not later than 20th December, 2019.

Approved Plans

2. This permission relates to the following plans:

- Location Plan - 5669-B-B-01 Rev A received by Craven District Council on the 19th April 2018.
- Site Location Plan received by Craven District Council on the 13th October 2016.
- Existing site plan – 5669-B-B-02 Rev A received by Craven District Council on 19th April 2018.
- Proposed site plan – 5669-C-B-01 Rev A received by Craven District Council on 19th April 2018.

AGENDA ITEM 2

- Detached House Elevation Rev A received by Craven District Council on the 13th October 2016.
- Detached House Floor Plan received by Craven District Council on the 13th October 2016.
- Semi Detached Elevation received by Craven District Council on the 13th October 2016.
- Semi Detached Floor Plans received by Craven District Council on the 13th October 2016.

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. 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.

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:

- 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 4.5 metres back from the carriageway of the existing highway and shall not be able to swing over the existing or proposed highway.
- Provision to prevent surface water from the site/plot discharging onto the existing or proposed highway shall be constructed in accordance with the approved details, and/or the specification of the Highway Authority, and maintained thereafter to prevent such discharges.
- The final surfacing of any private access within 4.5 metres of the public highway shall not contain any loose material that is capable of being drawn on to the existing or proposed public highway.

During Building Works

5. Notwithstanding the details included on the approved plans and supporting documents, prior to their first use details of all materials to be used on the external elevations shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall then be constructed in accordance with the approved details.

6. Prior to the first use, full details of the materials to be used within the hard landscaping shall be submitted to and approved in writing by the Local Planning Authority. These details shall include the walls surrounding the dwellings and hard surfacing materials. The development shall be undertaken in accordance with the approved details and shall be maintained at all times thereafter.

AGENDA ITEM 2

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

8. 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.
to the foul sewerage system which will prevent overloading.

9. 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 Clapham from a point measured 2 metres down the centre line of the access road. The eye height shall 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.

Before the Development is Occupied

10. No part of the development shall be brought into use until the existing access on to Station Road Clapham has been permanently closed off and the highway restored. These works shall be in accordance with details which have been approved in writing by the Local Planning Authority in consultation with the Highway Authority. No new access shall be created within the written approval of the Local Planning Authority in consultation with the Highway Authority.

Ongoing Conditions

11. 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 site plan 5669-C-B-01 Rev A for parking spaces, turning areas and access shall be kept available for their intended purposes at all times.

12. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2018 or any subsequent Order, the garage(s) shall not be converted into domestic accommodation without the granting of an appropriate planning permission.

Informatives

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 applicant is advised that advice regarding permeable and porous hardsurfaces 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)

The hours of operation during 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 Mondays to Fridays and 0730 hours to 1300 hours on Saturday. No work should take place on Sundays or Bank/Public Holidays.

It is the applicant's responsibility to demonstrate the exact relationship between any United Utilities' assets and the proposed development. United Utilities offer a fully supported mapping

AGENDA ITEM 2

service and we recommend the applicant contact our Property Searches Team on 0370 751 0101 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.

Discharge of Conditions

The developer should note that Condition Nos 3, 4, 5, 7, 8 and 10 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. 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. In particular the Council has engaged in pre-application discussions and requested amended design approaches / information to address the planning issues which have arisen in relation to dealing with this application.

2018/18982/OUT Outline application with all matters reserved for the proposed development of 4 No domestic dwellings, land off Springfield, High Bentham.

Conditions

1. Approval of the details of the scale, appearance and landscaping of the development (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced and the development shall be carried out as approved.
2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
3. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.
4. The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Location plan as received on 02.02.2018
 - Proposed indicative site plan as received on 12.02.2018
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:
 - a. The details of the access shall have been approved in writing by the Local Planning Authority in consultation with the Highway Authority.

AGENDA ITEM 2

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

c. 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.

d. 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 20.

e. 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.

f. 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.

6. No development above damp proof course level shall take place until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Note: The developer's attention is drawn to the fact that development cannot commence until the facing materials have been agreed. A period of at least 10 working days should be allowed for the submission and approval process. Developers are, however, advised that whilst the Council expects to be able to respond within 10 working days, the lack of a response within that time should not be taken as a deemed approval.

7. No development shall take place on site until full details of both hard and soft landscape works for the whole site together with a programme of implementation have been submitted to and approved in writing by the Local Planning Authority. These works shall be carried out as approved prior to the occupation of any part of the development or as may be otherwise agreed in writing by the Local Planning Authority. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority.

8. All soft landscaping comprised in the approved plans shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

9. 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 B6480 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.

AGENDA ITEM 2

10. No dwelling shall be occupied until the vehicular access has been provided and space has been laid out for cars to be parked in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

11. The details to be submitted for approval in writing by the Local Planning Authority in accordance with Condition (1) above shall include details of the proposed finished floor levels of the building(s) in relation to the existing and proposed levels of the site and the surrounding land. Those details shall include both cross-sections through the site illustrating the relationship of the levels with existing adjoining land levels and building profiles and a site survey illustrating the relationship of existing and proposed levels on this site and adjoining land. The buildings shall then be constructed with the approved levels.

12. Foul and surface water shall be drained on separate systems. In the event of surface water discharging to public sewer, the rate of discharge shall be restricted to the lowest possible rate which shall be agreed with the statutory undertaker prior to connection to the public sewer.

13. The applicant needs to have regard to the BS8233:2014 Guidance on Sound Insulation and Noise Reduction for Buildings which presents guideline noise levels for both inside and outside dwellings. The applicant should adhere to the levels shown in the document and provide evidence to the Local Planning Authority of how the levels will be achieved.

14. The applicant should identify all areas of the site and the site operations where dust may be generated and ensure that dust is controlled so as not to travel beyond the site boundary.

15. 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. At the request of the Local Planning Authority, details of the supplier(s) and confirmation on the source(s) of any topsoil material should be supplied within 21 days of any request being received.

16. No development other than that required to be carried out as part of the site clearance works shall take place until an investigation and risk assessment of land contamination has been completed by competent persons and a report of the findings submitted to and approved in writing by the Local Planning Authority. This shall include an appropriate survey of the nature and extent of any contamination affecting the site, and an assessment of the potential risks to human health, controlled waters, property and ecological systems. Where unacceptable risks are identified, an appropriate scheme of remediation to make the site suitable for the intended use must also be submitted to and approved in writing by the local planning authority. The scheme must include proposed remediation objectives and remediation criteria, an appraisal of remedial options and proposal of the preferred option(s), all works to be undertaken and site management procedures.

Note: The report of the findings must include:

- a. a survey of the extent, scale and nature of contamination;
- 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,
 - groundwaters and surface waters,
 - ecological systems,
 - archeological sites and ancient monuments;
- c. an appraisal of remedial options, and proposal of the preferred option(s).

AGENDA ITEM 2

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'. The remediation 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.

Informatives

Highways : 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.

Protected Species : The granting of planning permission does not absolve the applicants from complying with the relevant law protecting species, including obtaining and complying with the terms of conditions of any licences required, as described in Part IVB of Circular 06/2005. Should any protected species or evidence of protected species be found prior to or during development, work must stop immediately and Natural England contacted for further advice. This is a legal requirement under the Wildlife and Countryside Act 1981 (as amended) and applies to whoever carries out the work. All contractors on site should be made aware of this requirement and be given Natural England's contact details.

Nesting Birds : With certain exceptions, all wild birds, their nests and eggs are protected by the Wildlife and Countryside Act 1981 (as amended by the Countryside and Rights of Way Act 2000). If any proposed works is scheduled to take place in the main bird breeding season (early March to late August) the potential impact on nesting birds and the risk of committing an offence is increased. Therefore, in such an instance the Council would advise that a survey for active bird nests should be carried out by a suitably qualified ecologist immediately prior to commencing works. If active nests are found, all construction works around the nest (including a buffer area determined by the ecologist), should be avoided until the breeding attempt has ended as confirmed by the ecologist.

Landscaping Scheme :

A successful landscaping scheme shall include all that are of relevance to the development approved from the following list:

- Indications of all existing trees and hedgerows on land including species, spread and maturity
- Details of any retained trees, together with measures for their protection in the course of development
- Planting plans
- Written specifications (including cultivation and other operations associated with plant and grass establishment)
- Schedules of plants, noting species, plant sizes and proposed numbers/densities.
- Means of enclosure
- Proposed finished levels or contours
- Hard surfacing materials
- Incorporation of vehicle and pedestrian accesses, parking and circulation areas
- Minor artefacts and structures (eg. furniture, play equipment, refuse or other storage units, signs, lighting, etc)

AGENDA ITEM 2

The scheme shall include a programme for the implementation of the landscaping works and a plan for the future maintenance of the areas not included within private curtilages.

Hours of Operation : 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.

To safeguard the living conditions of nearby residents particularly with regard to the effects of noise.

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. (*)

2018/18983/OUT Outline application with all matters reserved for proposed development for 1 No domestic dwelling, land off Springfield Road, High Bentham - subject to the conditions listed below, and subject also to the Planning Manager attaching an additional appropriately worded informative regarding Electricity North West power lines / distribution assets either adjacent to or affected by the proposed development.

Conditions

1. Approval of the details of the means of foul and surface water drainage, scale, siting, access, appearance and landscaping of the development (hereinafter called "the Reserved Matters") shall be obtained from the Local Planning Authority in writing before any development is commenced and the development shall be carried out as approved.
2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
3. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.
4. The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Location plan as received on 6th February 2018
 - Indicative site plan on 6th February 2018
5. No development above damp proof course level shall take place until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Note: The developer's attention is drawn to the fact that development cannot commence until the facing materials have been agreed. A period of at least 10 working days should be allowed for the submission and approval process. Developers are, however, advised that whilst the Council expects to be able to respond within 10 working days, the lack of a response within that time should not be taken as a deemed approval.

6. No development shall take place on site until full details of both hard and soft landscape works for the whole site together with a programme of implementation have been submitted to and approved in writing by the Local Planning Authority. These works shall be carried out as

AGENDA ITEM 2

approved prior to the occupation of any part of the development or as may be otherwise agreed in writing by the Local Planning Authority. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority.

7. All soft landscaping comprised in the approved plans shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

8. The dwelling shall not be occupied until the vehicular access has been provided and space has been laid out for cars to be parked in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

9. The details to be submitted for approval in writing by the Local Planning Authority in accordance with Condition (1) above shall include details of the proposed finished floor levels of the building(s) in relation to the existing and proposed levels of the site and the surrounding land. Those details shall include both cross-sections through the site illustrating the relationship of the levels with existing adjoining land levels and building profiles and a site survey illustrating the relationship of existing and proposed levels on this site and adjoining land. The buildings shall then be constructed with the approved levels.

10. No development shall take place on site until a scheme for the discharge of surface water from the site, incorporating a sustainable drainage system and associated management and maintenance plan, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied/brought into use until surface water drainage has been constructed in accordance with the approved scheme, and shall be managed and maintained in accordance with the approved plan.

The submitted surface water scheme should include an assessment of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in DEFRA document "National Standards for Sustainable Drainage Systems" (2011). Where a sustainable drainage scheme is to be provided, the submitted details shall:

- a. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- b. include a timetable for its implementation; and
- c. provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

The details should include the provision of oil-interceptor(s) for surface water drainage from impermeable parking areas and hardstanding for vehicles.

11. No development shall take place on site until details of the works for the disposal of sewerage have been submitted to and approved in writing by the Local Planning Authority. The

AGENDA ITEM 2

development shall not be first occupied/brought into use until the approved sewerage details have been fully implemented in accordance with the approved plans.

12. No development other than that required to be carried out as part of the site clearance works shall take place until an investigation and risk assessment of land contamination has been completed by competent persons and a report of the findings submitted to and approved in writing by the Local Planning Authority. This shall include an appropriate survey of the nature and extent of any contamination affecting the site, and an assessment of the potential risks to human health, controlled waters, property and ecological systems. Where unacceptable risks are identified, an appropriate scheme of remediation to make the site suitable for the intended use must also be submitted to and approved in writing by the local planning authority. The scheme must include proposed remediation objectives and remediation criteria, an appraisal of remedial options and proposal of the preferred option(s), all works to be undertaken and site management procedures.

Note: The report of the findings must include:

- a. a survey of the extent, scale and nature of contamination;
- 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,
 - groundwaters 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's 'Model Procedures for the Management of Land Contamination, CLR 11'. The remediation 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.

13. The applicant needs to have regard to the BS8233:2014 Guidance on Sound Insulation and Noise Reduction for Buildings which presents guideline noise levels for both inside and outside dwellings. The applicant should adhere to the levels shown in the document and provide evidence to the Local Planning Authority of how the levels will be achieved.

14. The applicant should identify all areas of the site and the site operations where dust may be generated and ensure that dust is controlled so as not to travel beyond the site boundary.

15. 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. At the request of the Local Planning Authority, details of the supplier(s) and confirmation on the source(s) of any topsoil material should be supplied within 21 days of any request being received.

Informatives

Adjacent Public Rights of Way : No works are to be undertaken which will create an obstruction, either permanent or temporary, to the Public Right of Way adjacent to the proposed development. Applicants are advised to contact the County Council's Access and Public Rights of team at County Hall, Northallerton, via paths@northyorks.gov.uk to obtain up-

AGENDA ITEM 2

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.

Public Sewer : In the event of this application being approved and the above condition included in any subsequent Decision Notice, United Utilities will not provide formal comment on this condition through the Local Authority planning process. If the applicant intends to connect to the public sewer system, discharge rates will instead be reviewed as part of our standard S106 sewer connection process which relates to new connections to the public sewer. For brownfield sites, we wish to target a reduction in accordance with national standards on sustainable drainage which seek to reduce run-off to greenfield rates. Our minimum expectation on a brownfield site will be a 50% reduction in the rate of discharge. In demonstrating the required reduction in discharge rates, full details and associated evidence of existing drainage connections from the site shall be submitted to justify the proposed reduction.

Public Sewer Crossing Site : A public sewer crosses the access road to this site and United Utilities may not permit building over it. United Utilities will require an access strip width of six metres, three 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, or a diversion of the affected public sewer at the applicant's expense, may be necessary. To establish if a sewer diversion is feasible, the applicant must discuss this at an early stage with our Developer Engineer at wastewaterdeveloperservices@uuplc.co.uk as a lengthy lead in period may be required if a sewer diversion proves to be acceptable. Deep rooted shrubs and trees should not be planted in the vicinity of the public sewer and overflow systems.

Connection and Discharge Rate to Public Sewer : In the event of this application being approved and the above condition included in any subsequent Decision Notice, United Utilities will not provide formal comment on this condition through the Local Authority planning process. If the applicant intends to connect to the public sewer system, discharge rates will instead be reviewed as part of our standard S106 sewer connection process which relates to new connections to the public sewer. For brownfield sites, we wish to target a reduction in accordance with national standards on sustainable drainage which seek to reduce run-off to greenfield rates. Our minimum expectation on a brownfield site will be a 50% reduction in the rate of discharge. In demonstrating the required reduction in discharge rates, full details and associated evidence of existing drainage connections from the site shall be submitted to justify the proposed reduction.

Adoption : 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 detailed layout should be prepared with consideration of what is necessary to secure a development to an adoptable standard. This is important as drainage design can be a key determining factor of site levels and layout. 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 S104 agreement, we strongly recommend that no construction commences until the detailed drainage design, submitted as part of the S104 agreement, has been assessed and accepted in writing by United Utilities. Any works carried out prior to the technical assessment being approved are done entirely at the developers own risk and could be subject to change.

Details of both our S106 sewer connections and S104 sewer adoptions processes (including application forms) can be found on our website
<http://www.unitedutilities.com/buildersdevelopers.aspx>

AGENDA ITEM 2

Please note we are not responsible for advising on rates of discharge to the local watercourse system. This is a matter for you to discuss with the Lead Local Flood Authority and / or the Environment Agency if the watercourse is classified as a main river.

Water Supply : If the applicant intends to obtain a water supply from United Utilities for the proposed development, we strongly recommend they engage with us at the earliest opportunity. If reinforcement of the water network is required to meet the demand, this could be a significant project which should be accounted for in the project timeline for design and construction. To discuss a potential water supply or any of the water comments detailed above, the applicant can contact the team at DeveloperServicesWater@uuplc.co.uk. Alternatively, the applicant can visit our website to find further information and relevant application forms <http://www.unitedutilities.com/builders-developers.aspx>
Please note, all internal pipework must comply with current Water Supply (water fittings) Regulations 1999.

General Comments : Where United Utilities exist, the level of cover to the water mains and public sewers must not be compromised either during or after construction. **It is the applicant's responsibility to demonstrate the exact relationship between any United Utilities' assets and the proposed development.** A number of providers offer a paid for mapping service including United Utilities. To find out how to purchase a sewer and water plan from United Utilities, please visit the Property Searches website: <https://www.unitedutilities.com/property-searches/>. You can also view the plans for free. To make an appointment to view our sewer records at your local authority please contact them direct, alternatively if you wish to view the water and the sewer records at our Lingley Mere offices based in Warrington please ring [0370 751 0101](tel:03707510101) to book an appointment. Due to the public sewer transfer in 2011, not all sewers are currently shown on the statutory sewer records and we do not always show private pipes on our plans. If a sewer is discovered during construction; please contact a Building Control Body to discuss the matter further.

For any further information regarding Developer Services and Planning, please visit our website at <http://www.unitedutilities.com/builders-developers.aspx>

Landscaping Scheme :

Note : A successful landscaping scheme shall include all that are of relevance to the development approved from the following list:

- Indications of all existing trees and hedgerows on land including species, spread and maturity
- Details of any retained trees, together with measures for their protection in the course of development
- Planting plans
- Written specifications (including cultivation and other operations associated with plant and grass establishment)
- Schedules of plants, noting species, plant sizes and proposed numbers/densities.
- Means of enclosure
- Proposed finished levels or contours
- Hard surfacing materials
- Incorporation of vehicle and pedestrian accesses, parking and circulation areas
- Minor artefacts and structures (eg. furniture, play equipment, refuse or other storage units, signs, lighting, etc)

The scheme shall include a programme for the implementation of the landscaping works and a plan for the future maintenance of the areas not included within private curtilages.

Working Hours : 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.

To safeguard the living conditions of nearby residents particularly with regard to the effects of noise.

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. (*)

2018/18873/FUL 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, land at Holly Tree House, Skipton Road, Low Bradley – subject to the conditions listed below, and subject also to the Planning Manager attaching an additional appropriately worded condition in respect of construction methodology as requested by the Highway Authority.

Conditions

Time Limit for Commencement

1. The development hereby permitted must 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:

- 799.01(--) 001 Location Plan received by Craven District Council on the 3rd January 2018.
- 799.01(--) 002 Rev I Proposed Site Plan received by Craven District Council on the 18th April 2018.
- 799.01(--) 010 Rev F Proposed detached dwelling received by Craven District Council on 5th January 2018. .
- 799.01(--) 011 Rev D Proposed semi-detached dwellings received by Craven District Council on 5th January 2018.
- 799.01(--) 012 Rev C Site Section received by Craven District Council on 18th April 2018.
- 799.01(--) 013 Proposed Site Section received by Craven District Council on 18th April 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 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.

AGENDA ITEM 2

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 I. 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 I. 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.

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.

During Building Works

6. 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.

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.

8. 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.

Prior to Occupation

9. 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.

Ongoing Conditions

10. 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.

11. Notwithstanding the provision of the Town and Country Planning (General Permitted Development) (England) Order 2018, or any Order revoking or re-enacting that Order, the

AGENDA ITEM 2

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.

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2018, 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.

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

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/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 National Planning Policy Framework. In particular the Council has requested amended design approaches. (*) (SV)

20187/18926/FUL Construction of one detached bungalow and associated works, 1 Ryecroft Road, Glusburn.

Conditions

Time Limit for Commencement

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

Approved Plans

AGENDA ITEM 2

2. This permission relates to the following plans:

- A1/251/2/001 received by Craven District Council on the 17TH January 2018.

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

Before Development Commences

3. 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 4.5 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 4.5 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 4.5 metres of the public highway shall not contain any loose material that is capable of being drawn on to the existing or proposed public highway.

4. 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 25 metres northerly and 35 metres southerly measured along both channel lines of the major road Green Lane, Glusburn 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.

During Building Works

5. 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.

Ongoing Conditions

6. 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 2018, or any equivalent Order following the revocation and re-enactment thereof (with or without

AGENDA ITEM 2

modification), the dwelling hereby approved shall not be altered or extended, and no buildings or structures shall be erected within its curtilage.

7. 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.

8. Notwithstanding the provision of any Town and Country Planning (General Permitted Development) (England) Order 2018, 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.

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

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 National Planning Policy Framework.

Delegated Authority

AGENDA ITEM 2

2018/18923/OUT Outline application for up to 28 dwellings with all matters reserved except access, land off the A65 Crookrise Skipton – 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. The provision, tenure, delivery mechanism, occupation criteria and phasing for a minimum of 30% of the dwellings to be provided as affordable housing as defined in the National Planning Policy Framework; and
- b. A financial contribution of £100,000 towards the off-site provision of public open space and on-site maintenance.

Conditions

Time Limit for Commencement

1. Application for approval of reserved matters shall be made to the local planning authority not later than the expiration of three years from the date of this permission.
2. The development hereby permitted shall be begun not later than two years from the date of approval of the last of the reserved matters to be approved

Approved Plans

3. This permission relates to the following plans:
 - Location plan

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

Before Development Commences

4. The approval of the local planning authority shall be sought in respect of the following matters (hereinafter referred to as “the reserved matters”) before any development takes place
 - the layout, scale, external appearance and landscaping of the development.
5. Any application for approval of reserved matters submitted pursuant to this permission shall include a scheme (including details of appropriate easements, standoff and/or building proximity distances) for the protection of the following apparatus crossing the site:
 - a. A 6” high pressure gas pipeline operated by Northern Gas Networks.
 - b. One main water and one main raw water pipe operated by Yorkshire Water.

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

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

AGENDA ITEM 2

Areas of informal open space – including greenspace, landscaping and footpaths (the indicative locations of which are shown on drawing no.GA11 Rev A), along with associated seating, signage, litter bins and interpretation boards.

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

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

- a. All trees, hedgerows, grassland and any other vegetation on/overhanging the site to be retained;
- b. Compensatory planting to replace any trees or hedgerows to be removed as part of the development;
- c. The strengthening and/or introduction of landscaping buffers along all boundaries of the site including, but not limited to, the indicative areas shown on drawing no. GA11 Rev A flanking the A65, A6131 and PROW to the north of the site. ;
- d. The introduction of additional planting within the site which forms part of the internal development layout and does not fall within (a) to (c);
- e. The type, size, species, siting, planting distances and the programme of planting of hedges, trees and shrubs.

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

8. Development shall not commence until a scheme detailing foul and surface water drainage has been submitted to and approved in writing by the Local Planning Authority. The scheme shall detail phasing of the development and phasing of drainage provision, where appropriate. Principles of sustainable urban drainage shall be employed wherever possible. The works shall be implemented in accordance with the approved phasing. No part or phase of the development shall be brought into use until the drainage works approved for that part or phase has been completed.

9. Development shall not commence until a scheme restricting the rate of development flow runoff from the site has been submitted to and approved in writing by the Local Planning Authority. The flowrate from the site shall be restricted to a maximum flowrate of 5 litres per second for up to the 1 in 100 year event. A 40% allowance shall be included for climate change effects and a further 10% for urban creep for the lifetime of the development. Storage shall be provided to accommodate the minimum 1 in 100 year plus climate change critical storm event. The scheme shall include a detailed maintenance and management regime for the storage facility. No part of the development shall be brought into use until the development flow restriction works comprising the approved scheme has been completed. The approved maintenance and management scheme shall be implemented throughout the lifetime of the development.

10. No development shall take place until a suitable maintenance of the proposed SuDS drainage scheme arrangement has been demonstrated to the local planning authority. Details with regard to the maintenance and management of the approved scheme to include; drawings

AGENDA ITEM 2

showing any surface water assets to be vested with the statutory undertaker/highway authority and subsequently maintained at their expense, and/or any other arrangements to secure the operation of the approved drainage scheme/sustainable urban drainage systems throughout the lifetime of the development.

11. No development shall take place until an appropriate Exceedance Flow Plan for the site has been submitted to and approved in writing by the Local Planning Authority. Site design must be such that when SuDS features fail or are exceeded, exceedance flows do not cause flooding of properties on or off site. This is achieved by designing suitable ground exceedance or flood pathways. Runoff must be completely contained within the drainage system (including areas designed to hold or convey water) for all events up to a 1 in 30 year event. The design of the site must ensure that flows resulting from rainfall in excess of a 1 in 100 year rainfall event are managed in exceedance routes that avoid risk to people and property both on and off site.

12. 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:

a. 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.

b. Longitudinal sections to a scale of not less than 1:500 horizontal and not less than 1:50 vertical along the centre line of each proposed road showing:

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

c. Full highway construction details including:

- typical highway cross-sections to scale of not less than 1:50 showing a specification for all 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.

d. Details of the method and means of surface water disposal.

e. Details of all proposed street lighting.

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

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

h. 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.

AGENDA ITEM 2

13. 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.

14. 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:

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

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

c. 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.

d. 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.

e. The final surfacing of any private access within 4.5 metres of the public highway shall not contain any loose material that is capable of being drawn on to the existing or proposed public highway.

f. 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.

15. There shall be no movement by construction or other vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until that part of the access(es) extending 20 metres into the site from the carriageway of the existing highway has been made up and surfaced in accordance with the approved details and/or Standard Detail number E6 and the published Specification of the Highway Authority. All works shall accord with the approved details unless otherwise approved in writing by the Local Planning Authority in consultation with the Highway Authority. Any damage during use of the access until the completion of all the permanent works shall be repaired immediately.

16. There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until splays are provided giving clear visibility of 120 metres westerly and 150 metres easterly measured along both channel lines of the major road A6131 from a point measured 2.4 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.

17. There shall be no access or egress by any vehicles between the highway or proposed highway (estate road) and the proposed vehicular access (except for the purposes of constructing the initial site access) until visibility splays providing clear visibility of 2 metres x 2 metres measured down each side of the access and the back edge of the footway of the major road have been provided. The eye height will be 1.05 metres and the object height shall be 0.6 metres. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

AGENDA ITEM 2

18. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or building(s) or other works until the details of the following off site required highway improvement works, works listed below have been submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority:

- a. 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.
- b. The developer's 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.

The required highway improvements shall include:

- a. Provision of tactile paving
- b. Provision of 2m wide footway to the site from junction Overdale Park; amendments to white lining on A6131 The Bailey

19. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or building(s) or other works hereby permitted until full details of the following have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority:

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

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

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

- a. the parking of vehicles of site operatives and visitors
- b. loading and unloading of plant and materials
- c. storage of plant and materials used in constructing the development
- d. erection and maintenance of security hoarding including decorative displays and facilities for public viewing where appropriate
- e. wheel washing facilities

AGENDA ITEM 2

- 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

During Building Works

22. 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.

23. During construction works there shall be no Light Goods Vehicles exceeding 3.5 tonnes, Medium Goods Vehicles up to 7.5 tonnes, or Heavy Goods Vehicles exceeding 7.5 tonnes permitted to arrive, depart, be loaded or unloaded on Sunday or a Bank Holiday nor at any time, except between the hours of 07:30 to 17:00 on Mondays to Fridays and 08:00 to 13:00 on Saturdays.

24. Unless approved otherwise in writing by the Local Planning Authority there shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site until proposals have been submitted to and approved in writing by the Local Planning Authority for the provision of:

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

25. 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.

Prior to Occupation

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

27. No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas.

- a. have been constructed in accordance with the submitted drawing (Ref: Proposed Site Plan)
- b. are available for use unless otherwise approved in writing by the Local Planning Authority.

Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times

Ongoing Conditions

28. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2018, for the time being in force, the garage(s) shall not be converted into domestic accommodation without the granting of an appropriate planning permission

Informatives

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

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

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

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 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 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 National Planning Policy Framework. (*)

AGENDA ITEM 2

Consideration Deferred

2018/18981/FUL Outline application for development of ten dwellings with landscaping as a reserved matter, land south of Bentham Road, Ingleton – pending receipt of drainage details and full highways details, including those listed within condition 4 of the case officer's report now submitted, and dimension drawings showing the impact of the proposed footpath on Bentham Road at its narrowest point approaching the junction with the A65. (*)

Note : In reporting back to the committee need to remember to clarify the sequential issue and explain in greater detail how the conclusions were reached, including the wider sustainable benefits to the community, clarification re ownership of the boundary wall was also requested.

2018/19016/HH 2 storey extension to side , replace single storey rear extension with 2 storey extension, removal of sectional concrete garage (resubmission of previously withdrawn application 2017/18503/HH), 13 South View, Kildwick – deferred pending a site visit. (*)

(*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.)

PL.860

PLANNING ENFORCEMENT

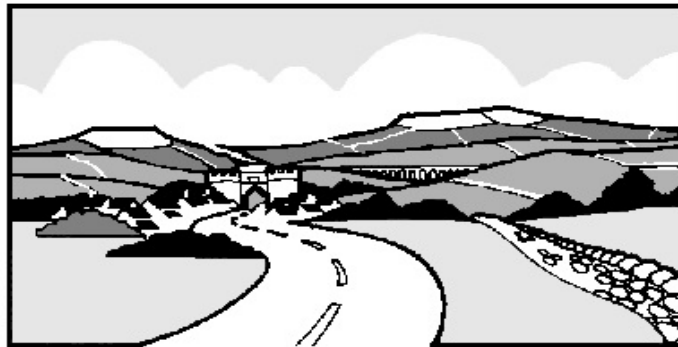
The Strategic Manager for Planning and Regeneration submitted details of enforcement cases closed, and new enforcement complaints registered in March / April 2018.

Minutes for Decision

- None -

Chairman.

Final Meeting of the Committee 2017-18 : This being the last meeting in the current municipal year, the Chairman thanked Members and Officers for their help and support over the course of the year.



CRAVEN

IN · THE · YORKSHIRE · DALES

D I S T R I C T

PLANNING COMMITTEE AGENDA

DATE: 4th June 2018

INDEX OF PLANNING APPLICATIONS

Item No.	Application Reference No.	Name of Applicant	Site Address	Page No's
1	2018/19016/HH	Mr Stephen Bye	13 South View, Kildwick, BD20 9AZ	2 - 11
2	2017/18569/FUL	David Hill Planning Ltd	Land Off Skipton Road Kildwick, BD20 9BB	12 – 30
3	2018/18981/OUT	Mr J Kidd	Land south of Bentham Road, Ingleton	31 – 51
4	2018/19062/FUL	Mr G Mitchell	Land Adjacent To 2 Stirton Lane Stirton	52 – 64
5	2018/19086/VAR	Broughton Custodian Fund	Skinner Ground Farm Old Lane (North) Broughton Skipton	65 – 73
6	2018/19227/COU	Mr Jack Pollard	The Coach House Annexe Carr Head Cowling, BD22 0LD	74 – 81
7	2017/18672/FUL	Mr Sharrafit Ali	Providence House, 21A Newmarket Street, Skipton, BD23 2HX	82 – 87
8	2017/18456/FUL	Mr Ben Airlie	Crag Side Farm Cowling	88 – 102
9	30/2017/17787	KCS Development Ltd	Land Off Skipton Road, Gargrave.	103 – 126

REPORT TO PLANNING COMMITTEE ON 4th June 2018

Application Number: 2018/19016/HH

Proposal: 2 storey extension to side , replace single storey rear extension with 2 storey extension, removal of sectional concrete garage (resubmission of previously withdrawn application 2017/18503/HH)

Site Address: 13 South View Kildwick BD20 9AZ

On behalf of: Mr Stephen Bye

Date Registered: 16th February 2018

Expiry Date: 13th April 2018

Case Officer: Andrea Muscroft

The application was originally referred to the May Planning Committee by Councillor Brown given the level of public interest. Members deferred consideration of the application to enable Members to visit the site. The officer recommendation is for approval.

1. Site Description

- 1.1 The application relates to an end of terrace Victorian dwelling that lies within the village of Kildwick. Although set at a lower level to other dwellings in the terrace, the property is significantly elevated (by *circa* 7m) when viewed from vantage points on Main Street to the west. Accordingly, it forms a prominent building along this vista.
- 1.2 To the front of the dwelling is a grassed amenity area with flag stones leading to the main entrance. A garage projects off the western elevation. Running along the western boundary is a timber post fence with land beyond dropping away steeply towards a car park flanking Main Street. A tall stone retaining wall marks the banking separating these features.
- 1.3 The rear private amenity area is accessed through the existing garage and is enclosed by the existing garage to the west, a stone boundary wall to the north and the external wall of No. 11 South View.
- 1.4 The application site is located within the development limits and designated conservation area of Kildwick. The site has also been identified as being within a 'development low risk area' by the Coal Authority.

2. Proposal

- 2.1 **Officer Note:** The applicant was advised that a revised scheme in terms of reducing the overall scale, design and appearance would help to address the concerns raised in the refusal 2017/18503/HH. Hence, the current revised proposal.
- 2.2 The revised proposal is seeking approval for external and internal alterations consisting of the following:
- 2.3 External alterations.
 - Removal of existing concrete garage.
 - Replace existing single storey rear extension with wrap around two storey side extension and single storey rear extension.

- Solar panels to south facing roof slopes.
- 2.4 Internal alterations.
- 2.5 Reconfiguration of internal space.
- 2.6 **Officer Note:** The changes to the internal configuration could be undertaken without the need for planning permission. Therefore, these internal alterations are not material to the consideration of this application.
3. Planning History
- 3.1 2017/18503/HH - Remove existing sectional concrete garage to side of property, remove single storey kitchen extension to the rear and replace with a 2 storey extension to the rear – Withdrawn November 2017.
4. Planning Policy Background
- 4.1 Paragraph 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that development proposals are determined in accordance with the development plan unless material considerations indicate otherwise. The statutory development plan for Craven comprises the saved policies of the Craven District (Outside the Yorkshire Dales National Park) Local Plan 1999 ('CDLP').
- 4.2 CDPL
- H20 – Home extensions
 - T2 – Road Hierarchy
- 4.3 Supplementary guidance Appendix F of the Local Plan.
- 4.4 National policy
- The National Planning Policy Framework – NPPF.
 - Planning Practice Guidance – PPG.
5. Parish/Town Council Comments
- 5.1 Farnhill Parish Council: Object to the application on the following grounds:
- No dimensions on the drawings submitted.
 - Design and Access Statement is lacking in details with regards to the potential impact of the development on adjacent dwellings.
 - Concern how the building is to be constructed.
 - The proposed development would inevitably place additional loading onto a five metre high masonry retaining wall which forms the rear of the Main Street car park and the rear of the local children's play area. This will increase the risk of failure of the wall and the possibility of catastrophic effects on not only 13 South View but nearby houses as well.
 - Number 11 South View will be particularly badly affected by the proposed two story structure resulting in loss of light and amenity. Number 9 The Arbour and houses on Main Street will be overlooked.
 - Lack of details with regards to boundary treatments.
 - Location plan appears to differ from the Land Registry Title Number 47442 and therefore there is a question over the impact with the loss of parking due to the demolition of the garage.
 - The extension is shown to lie within 800mm of the northern and western boundaries and as scaffolding will be mandatory for two storey building work, it will have to be positioned beyond the boundaries. This will include the local play area which to avoid risks to children will have to be closed for the duration of the building work.

- It is difficult to see how future maintenance of the extension, including simple operations such as window cleaning will be possible with the site boundaries so close to the structure.
- Number 13 South View occupies an extremely prominent position in the Village and any development will be very conspicuous. Whilst there may well be a case for saying an improvement of the existing western elevation would be visually beneficial, the proposals, with the very high proportion of glazing will not provide such an improvement, will certainly not be sympathetic to the surrounding houses and will not benefit the Conservation Area as a whole.
- There are inaccuracies on the submitted plans concerning the availability of parking and separation distances with neighbouring dwellings.

6. Consultations

6.1 None necessary.

7. Representations

7.1 The proposal was advertised in the Craven Herald on 8th March 2018 and by the posting of a site notice on the 9th March 2018. In addition, neighbour notification letters have been distributed.

7.2 As a consequence of the publicity six letters of representation objecting to the proposal were received. Comments have been summarised below:

7.3 Policy

- Conflicts with local plan policies.

7.4 Visual impact

- Proposal would appear overbearing and out of scale compared to the existing property.
- Proposal out of character with the area.
- Over development of the site.
- Porch is out of character with the area.

7.5 Amenity issues.

- Proposal would have an adverse impact on the privacy and amenity of neighbouring properties.
- Proposal would result in an unacceptable level of overshadowing and loss of natural light.
- Concern over potential noise nuisance.
- Concern over the proximity of the development to adjoining properties.

7.6 Highway issues.

- Inadequate parking provision.
- Inadequate access.

7.7 Other issues

- Proposal would obscure views of the Aire Valley.
- Concern over the stability of the land.
- Information missing from plans and application form.
- Dislike of proposal.
- Concern over the potential impact on the local ecology.

- Concern over potential flooding from surface water.
- Concern over the removal of trees and hedges prior to the submission of the application.
- Concern that the proposal has been identified as being under Kildwick when it is in Farnhill.

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. Visual impact
2. Neighbour amenity
3. Highway issues.
4. Other issues.

9. Analysis

9.1 **1. Visual impact of development on the surrounding conservation area.**

9.2 Saved Policy H20 states that planning approval should only be granted where the design, scale, appearance and materials respect the original building and would not have an unacceptable impact on the existing street scene.

9.3 Supplementary guidance Appendix F of the Local Plan expands on the requirements of Saved Policy H20. The guidance aims to promote high standards of design which maintain local distinctiveness and enhance local character.

9.4 Section 3 of the guidance also provides general design considerations with regards to ensuring that new development is compatible with its surroundings.

9.5 Policy 9 of the guidance also states that except in special circumstances no rear extension will be acceptable if it would result in less than 50% of the usable rear garden/amenity space remaining undeveloped.

9.6 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.

9.7 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.

9.8 Paragraph 64 indicates that “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.”

9.9 Paragraph 132 of the NPPF sets out how a local authority should consider the impact of a proposed development on the significance of a designated heritage asset. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of

the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.

- 9.10 Paragraph 133 of the NPPF states that where a proposed development will lead to substantial harm, local authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve public benefits that outweigh that harm or loss.
- 9.11 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.
- 9.12 Also for consideration is the proposal's visual impact on the conservation area. The duty imposed by section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention must be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.
- 9.13 The proposed side extension would be set back from the principal elevation. In addition, the ridge height would be set lower than the existing ridge height of the original dwelling. As such, the set back and set down is not considered contrary to the requirements of saved Policy H20 and would ensure that the proposal appears as a subordinate addition to the front elevation.
- 9.14 With regards to the western elevation, it was noted that the gables of surrounding dwellings were for the majority blank or nearly blank with openings traditionally rarely found in gables. Where windows do occur, they tend to be small and narrow, thereby reinforcing the vertical proportion of the gable. Notwithstanding this, it does not exclude the introduction of new window openings to new developments. In this instance, the proposal seeks to replace existing window openings with the introduction at ground floor level 3 bi-folding door openings and at first floor level full height windows. Whilst, this fenestration arrangement would differ from the majority of fenestrations arrangements immediately adjacent to the application site. It was noted that within Farnhill a number of properties have also introduced contemporary window options most notably the Arbour and properties backing onto the Leeds and Liverpool Canal. Therefore, on balance, it is considered that the proposed window/door arrangements would not result in any visual harm to the existing building, street scene nor the surrounding conservation area.
- 9.15 To address concerns over the size and scale of the previous proposal the current revised scheme has reduced the overall size and scale of the two storey element of the proposal and is now no longer considered to be disproportionate with the existing dwelling. In addition, the revised scheme would retain 50% of usable rear amenity space.
- 9.16 Rear extensions have less immediate impact on the street scene than side extensions. However, the additional mass of an extension does have a material visual impact. In this instance, the proposed extension is considered to be a small scale form of development that has been designed to be sympathetic to the character and appearance of the existing dwelling and the surrounding conservation area.
- 9.17 The proposal would also include the construction of a porch to the south elevation. This is considered to be a small scale form of development that would not result in any visual harm to the existing dwelling or the wider conservation area. Similarly, the alterations to the north roof slope are also considered minor in nature and would not result in any visual harm to either the existing dwelling or the wider conservation area.
- 9.18 The proposal would be constructed using sandstone block and render under a grey slate roof. Windows and doors would be UPVc with black plastic rainwater goods. These materials would match those used in the construction of the original dwelling house and therefore would ensure that the proposal harmonious with the original dwelling.
- 9.19 In conclusion, it is considered that the revised scheme in terms of design, scale, appearance and use of appropriate conditions would not result in any unacceptable harm to the existing dwelling house or to the existing street scene. In addition, it is considered that the proposal would not result in any significant harm to the character and appearance of the designated conservation area. As

such, the proposal is considered to comply with the requirements of saved Policy H20 of the Craven District (Outside the Yorkshire Dales National Park) Local Plan, Policy 9 of Supplementary Guidance Appendix F and paragraphs 58, 61, 64, 132, 133 & 134 of the National Planning Policy Framework.

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

- 9.21 Saved Policy H20 states that development should not have an unacceptable impact on the privacy or amenity of neighbouring properties.
- 9.22 Supplementary guidance Appendix F also provides guidance on how developments should not unduly affect the privacy and amenity of neighbouring properties.
- 9.23 Section 3.6 states that to ensure the privacy of neighbouring properties is maintained, windows should not be positioned directly opposite and/or close to windows on any adjoining property. In addition, section 4.2 states that new extensions should be set back from joint boundary walls to prevent obstruction of neighbouring windows and overshadowing.
- 9.24 Paragraph 17 of the NPPF containing the 'core planning principles' advises that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.
- 9.25 Residents of No. 11 have expressed concern over the potential loss of outlook as a consequence of the proposed development. The proposal would consist of a 1.5 high extension, projecting off the rear elevation by approximately 2.1m at a separation distance of approximately 3.5m from the gable end of No. 11. It is acknowledged that the 1.5m high extension would partially obscure light/outlook to a window at ground floor level. However, this room is already served by a main window, which provides the majority of the daylight. As such, any light loss would not be materially harmful in terms of this room as a whole.
- 9.26 Turning to the potential impact on the lower ground level room. Due to the orientation of no. 11 & no. 13 the gable end of no. 13 would be in shade in the morning by reason of the existing buildings. The proposed 1.5 high extension therefore would not create any unacceptable additional shade at this time to the existing windows located in the end gable.
- 9.27 It is accepted that as the sun rises and moves across the sky, the proposed 1.5 high extension would create some shade to the lower ground level room. However, the degree of shading would be limited to the early evening. Therefore, the reduction of light to this bedroom is unlikely to affect the living conditions of the occupier significantly given the transient nature of this room.
- 9.28 With regards to the first floor window it is accepted that the proposed 1.5 high extension would result in some additional shade during the early evening. However, this room does benefit from another window which would not be affected by the proposal. Therefore, it is considered that the proposed extension would not lead to living conditions becoming unacceptable for the neighbouring occupiers.
- 9.29 The proposal would not appear dominate from the lower ground level bedroom. This is due to the existing fencing which would remain as the dominate visual feature when viewed from this room. With regards to the first floor window it is accepted that the 1.5 high extension would be partially visible when viewed from this window. However, due to the set down of the roof slope and the reduced projection from the rear elevation, combined with the fact that the room is served by another window that the proposed extension would not appear as an unacceptable dominant visual feature when viewed from this room.
- 9.30 The proposed windows to the south elevation, given the separation distance with No. 1 Newby Road, is sufficient to ensure that the proposal does not have an adverse impact on the privacy or amenity of the occupants of this property.
- 9.31 The windows to the western elevation would enable views towards the Aire Valley, the children's play area and towards the private amenity areas of properties located along Main Street. Notwithstanding this, it is considered that the separation distance combined with the orientation between the application site and the front amenity areas of properties along Main Street would ensure that any overlooking would not result in an unacceptable loss of privacy to warrant a refusal.

- 9.32 Regarding the impact of the northern elevation on No. 9 The Arbour, the previous scheme consisted of a two storey extension positioned approximately 0.5m from the joint boundary. This was considered unacceptable as the development would have appeared overbearing and resulted in an unacceptable level of overshadowing.
- 9.33 The revised scheme now consists of a single storey extension situated approximately 1m from the joint boundary with No. 9 The Arbour. It is acknowledged that the private amenity area adjacent to the application site is located at a lower level than the application site. However, given the small scale nature of the rear extension, combined with the 2.5m setback of the 1.5 high side extension, it is considered that the proposal would not have a significant or unacceptable impact on the outlook from side windows located in the Gable of No. 9 The Arbour. Similarly, due to the high density of development adjacent to No. 9 The Arbour it is not considered that the proposal would appear unacceptably overbearing.
- 9.34 The orientation of the proposed development with No. 9 The Arbour would result in the loss of some sunlight to the amenity space during the earlier part of the morning. However, the position of the existing dwelling and adjacent dwellings already have an impact on the available sunlight to the rear amenity area from early morning onwards and it is therefore considered that any additional impact from the proposal would not be significant to withhold planning approval.
- 9.35 In terms of privacy, the loss of privacy can occur due to inadequate distance between the proposal and neighbouring windows and amenity areas resulting in an unacceptable loss of privacy. In this instance, the northern elevation would contain a double window to serve the proposed kitchen, an external door opening and three single window openings at first floor level. These windows would serve the family bathroom, the hallway and a bedroom. Whilst the introduction of these windows would result in an increase of overlooking between the existing dwelling and the garden of No. 9 The Arbour, it is considered, that due to the mutual overlooking that already exists between adjacent dwellings the proposal would not result in any unacceptable increase in loss of privacy.
- 9.36 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 extensions would generate significant noise, nuisance or disturbance over and above that of a normal family home. As such, it is not considered that a refusal of the application on this basis could be justified.
- 9.37 In conclusion, the proposed extension would not result in any unacceptable loss of privacy or amenity to the occupants of neighbouring properties. The proposal therefore complies with the requirements of Saved Policy H20 of the Local Plan and Supplementary Guidance Appendix F of the Local Plan the guidance contained within paragraph 17 of the National Planning Policy Framework.
- 9.38 **3. Highway issues.**
- 9.39 Section 4 of the NPPF contains guidance on transport and land use planning, including the promotion of sustainable transport choices and reducing travel by car. Paragraph 32 of the NPPF states that:
- 9.40 'Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe'.
- 9.41 Saved Policy T2 is permissive of development proposals that are appropriate to the highway network where, amongst other things, they do not generate traffic in excess of the highway network; any new or greater use of 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.
- 9.42 The proposal would result in the loss of a single garage. However, it was noted when visiting site that the garage did not have any vehicle access to it. Instead, off-street parking would be achieved through the continued provision of an area of hardstanding to the south of the property that is currently used for the parking of 2 vehicles.

9.43 Therefore on balance, whilst the proposal would see the removal of a garage, the site would still benefit from two off-street parking spaces. As such, the proposal would not have an adverse impact on highway safety.

9.44 **Other issues.**

9.45 Whilst acknowledging comments expressing concerns over the potential impact of the development on local biodiversity. It is the officers opinion that a proposal of this scale would not significantly adversely impact on the local wildlife to warrant a refusal.

9.46 Concerns have been raised with regards to surface water flooding. The proposed development would result in a decrease in the level of non-permeable material than currently present on site. As such, it is not considered that the proposal would exacerbate any existing surface water flooding that may occur after periods of heavy rainfall.

9.47 As regards, other general matters; there is no current technical evidence that issues concerning the stability of the wall would cause insurmountable problems should the development be granted. Furthermore, the issue of stability of the wall itself is the subject of separate legislation (including building regulations) and would not normally form material planning considerations.

9.48 Comments have been received in relation to the removal of trees/hedges prior to the submission of the application. The Councils Tree Officer has stated that hedges that formed part of a garden are not protected. Similarly, if a tree has a diameter of less than 75mm it is also exempt from protection. In this instance, it is unclear on whether the tree had a diameter of 75mm or more. Notwithstanding this, the Tree Officer has confirmed, that based on photographic evidence that the tree was not worthy of a Tree Preservation Order. As such, it is considered not expedient to take enforcement action.

9.49 **Conclusion**

9.50 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.

9.51 In this instance, 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:

- Block/Site plan received by Craven District Council on the 16th February 2018.
- Proposed elevations received by Craven District Council on the 16th February 2018.

- Proposed floor plan received by Craven District Council on the 16th February 2018.

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 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 H20 and the National Planning Policy Framework.

4. The development shall be constructed in accordance with the appointed Civil Engineer Report.

Reason: To ensure retaining structures are suitably retained and reduce the risk of subsidence.

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.

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.

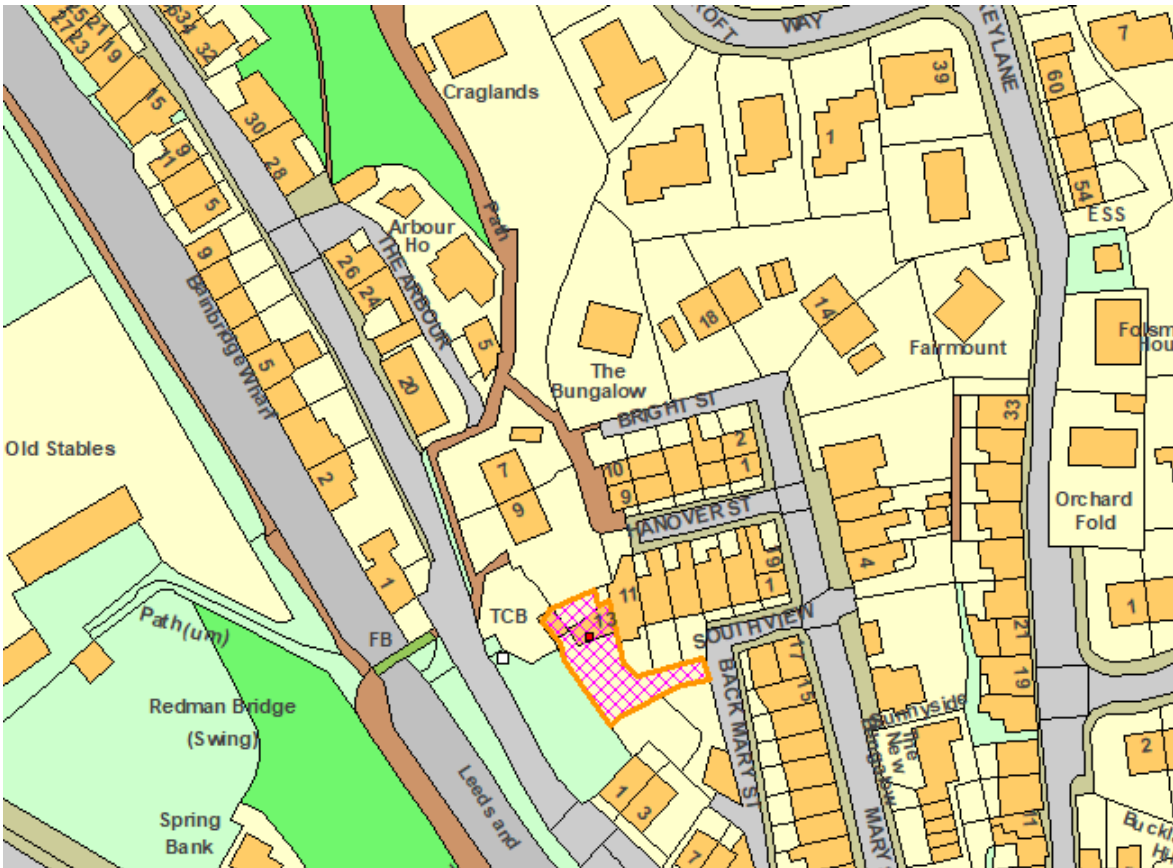
The applicant needs to have regard to the BS8233:2014 Guidance on 'Sound Insulation and Noise Reduction for Buildings' which presents guideline noise levels for both inside and outside dwellings.

The applicant/developer is 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 is advised that details of approved Civil Engineers can be obtained from the Institution of Civil Engineers (ICE) website (<http://www.ice.org.uk>).

The proposed development has 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 7626848. 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



Application Number: 2018/19016/HH

Proposal: 2 storey extension to side , replace single storey rear extension with 2 storey extension, removal of sectional concrete garage (resubmission of previously withdrawn application 2017/18503/HH)

Site Address: 13 South View Kildwick BD20 9AZ

On behalf of: Mr Stephen Bye

REPORT TO PLANNING COMMITTEE ON 4th June 2018

Application Number: 2017/18569/FUL

Proposal: Proposed development of seven dwellings

Site Address: Land Off Skipton Road Kildwick BD20 9BB

On behalf of: David Hill Planning Ltd

Date Registered: 27th September 2017

Expiry Date: 22nd November 2017

Case Officer: Andrea Muscroft

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 site is an irregular shaped parcel of land extending to approximately 0.41 hectares in area to the west of Main Road and south of Skipton Road in the village of Kildwick. The site presently comprises of open grazing land used for chickens. There are a number of structures on the site associated with that use.
- 1.2 The ground levels of the site fall in a southward direction with the perimeter marked by a timber post fence. Located along the northern boundary runs a selection of trees/hedges with further trees along the western and southern boundary. Adjacent to the site is an area of land identified as Green Wedge.
- 1.3 The application site lies outside of the development but within the designated conservation area for Kildwick. In addition, located to the north east of the site is the Church of St Andrews a Grade II listed building.

2. Proposal

- 2.1 The proposal is seeking approval for a residential development of seven dwellings on the site.
- 2.2 Access to the site would be directly off Skipton Road with dwellings organised in four groups. These would consist of a pair of semi-detached dwellings to the northwest corner, a row of three terrace dwellings to the northeast corner and two detached dwellings to the south of the site.
- 2.3 The proposed mix for the proposed development would consist of the following:
 - 3 x 2 bedroom dwellings
 - 2 x 3 bedroom dwellings
 - 2 x 4 bedroom dwellings
- 2.4 The boundaries to the site would consist of existing post & wire fencing, plus some new 1.2m high post & rail fencing to the east, south and west boundaries. The internal boundaries would consist of 1m high stone walls with post and rail fencing separating the dwellings.
- 2.5 Soft landscaping is indicated along the western boundary (to the adjoining field), southern boundary (to the adjoining field) and to the northern boundary (adjacent to Skipton Road).

- 2.6 The proposal indicates the provision of 14 parking spaces.
3. Planning History
- 3.1 5/73/46 – Proposed new agricultural access – Refused September 1988.
- 3.2 549-73PREA – Pre-application advise sought for the development on this site consisting of option 1 – construction of 11 units or option 2 – construction of 18 units.
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 The Emerging Local Plan (ELP) that would cover the period up to 2032 has now been submitted for examination. Notwithstanding this, the ELP is not the adopted development plan for the district. However, the submission draft is considered to be sound and the policies are consistent with the NPPF.
- 4.3 CDLP
- BE3 – Green Wedge
 - ENV1 – Development in the Open Countryside.
 - ENV2 – Requirements for Development in the Open Countryside.
 - ENV10 – Protection of Trees and Woodlands.
 - T2 – Road hierarchy
- 4.4 Submission Draft Craven Local Plan March 2018 – Emerging Local Plan (ELP)
- SP1: Meeting Housing Need
 - SP4: Spatial Strategy and Housing Growth.
 - ENV1 – Countryside and Landscape.
 - ENV2 – Heritage.
 - ENV3 – Good Design.
 - ENV4 – Biodiversity.
 - ENV6 – Flood Risk.
- 4.5 National Policy
- The National Planning Policy Framework – NPPF.
 - Planning Practice Guidance – PPG.
5. Parish/Town Council Comments
- 5.1 **Kildwick Parish Council:** The site is surrounded by a line of trees protected by a Tree Preservation Order, although this does not appear to offer long term protection. In addition, the site is located within the conservation area with several Grade I listed buildings including a National Monument which could be damaged by any building in this field. We feel it is the Council’s statutory duty to protect and preserve such buildings.
- 5.2 If development is permitted it would permanently damage this valuable heritage through the development of a small but important field which is key to the setting of these national assets.
- 5.3 It is also considered that the proposal would appear cramped and unsightly with the level of parking, wheelie bins and other household paraphilia given its location within the conservation area.

- 5.4 Concern over the design of the scheme and use of poor materials. The proposal also offers little to the occupants by the way of amenities.
- 5.5 Recommend that all paved areas are constructed using porous materials to reduce any damage to cottages on Main Street.
- 5.6 Concern that the development will put pressure on the tree screen around the site which currently acts as a buffer to traffic noise and road pollution. It is recommended that if any trees are lost that they are replaced promptly.
6. Consultations
- 6.1 **CDC Listed Building & Conservation Officer:** The site has potential for a sensitively designed development, with the proposal materials considered acceptable. However, the proposal conflicts with the emerging policies ENV1 & ENV2 and therefore it recommended that improvements should be made to the layout and design of the proposal.
- 6.2 **CDC Strategic Housing:** The scheme is not within a designated rural area. It is also under 10 units and 1000sqm and therefore an affordable housing contribution is not required on this site.
- 6.3 **CDC Tree Officer:** A Tree Preservation Order (256 2017) has been issued to protect all the trees within the area around the edge of the site. Details submitted indicate the removal of a section of semi-mature trees and hedge fronting onto Skipton Road. No objection to this in principle, subject to mitigation measures being taken. These should include a landscaping scheme submitted with some ornamental trees planted along the entrance to the site.
- 6.4 The submitted tree report states that the existing trees (drawing P1474/002) shall be managed as a hedge at a height of 2m. I have no objection to this as this would help to maintain the character of the street.
- 6.5 The tree report also recommends that trees within A2 (drawing P1474/002) are crown lifted at the field edge and selectively thinned by 25% which I consider acceptable. The report also states that an evergreen shade tolerant hedge could be planted with some understorey trees. I would recommend a condition requiring a landscaping plan with a schedule of works to manage and improve the woodland to be imposed if planning permission was granted.
- 6.6 I would recommended that the proposed dwellings are positioned at a distance from the trees to reduce any potential future conflict in reduced natural light for the future occupants of the proposed dwellings.
- 6.7 It is also recommended a condition is imposed with regards to the construction of protective fencing before works commences on site and if any excavation or hard surfaces are to be within the root area then an Arboricultural Impact Assessment is submitted.
- 6.8 **Airedale drainage:** It is confirmed that the site lies within the Drainage Commissioner's district; however, the Board does not have any assets immediately adjacent to the site.
- 6.9 Notwithstanding this, the Board advises the applicant/developer that consideration should be given to the disposal of surface water arrangements to ensure that there are no adverse effects on the existing surface water drainage of the area or on the amenity of neighbouring properties. Prior approval would be required for any development including fences or planting within 9.00m of the bank top of any watercourse within or forming the boundary of the site. Any proposal to culvert, bridge, fills in or make a discharge to the watercourse would also require prior approval from the Board.
- 6.10 In conclusion, the Board have no objection in principle to the development and recommend that if permission is granted that a condition is imposed requiring drainage details to be submitted for approval.
- 6.11 **Environment Agency:** The Fra states that development would be located within Flood Zone 1, however, one property in the south eastern corner appears to be partially located within flood zone 2 an area affected by historic flooding. The applicant should therefore provide a plan including flood zones (inc historic) to demonstrate that the proposal is within FZ1 or provide appropriate mitigation measures to address the flood risk from both the development.

- 6.12 Therefore, we object to the proposal development until such time as the submitted FRA is amended to include the requested information.
- 6.13 *Further comments following receipt of additional information:*
- 6.14 It is confirmed that following a review of the submitted FRA addendum by Fairhurst, reference D/I/D/120722/02, dated 09/03/2018 that the EA removes its objection to the development. However, it is considered that the proposed development would only meet the requirements of the NPPF if the development is carried out in accordance with the FRA and FRA Addendum.
- 6.15 **Historic England:** No comment with regards to the proposal. We would suggest, that you seek the views of your specialist conservation and archaeological advisors.
- 6.16 **NYCC Highways Authority:** No objection to the proposal subject to the use of appropriate conditions.
7. Representations
- 7.1 The proposal was advertised on the 19th October 2017 in the Craven Herald with a Site Notice displayed within the surrounding area on the 11th October 2017. In addition, letters of notification were sent out directly to local residents as a result three letters of objection were received. Comments summarised below:
- 7.2 Visual impact
- Concern over the potential impact on the designated conservation area and listed buildings.
 - Proposal fails to respect the local context and street pattern.
 - Proposal fails to include garages or outbuilding.
 - Proposal is considerable over development.
 - More open space needed on development.
- 7.3 Amenity
- Removal of trees would result in an increase of noise nuisance and traffic pollution.
 - Concern over the loss of privacy and natural light.
- 7.4 Impact on Biodiversity
- Proposal would have a negative impact on the local wildlife.
- 7.5 Flooding
- Increase rise of surface water flooding
- 7.6 Highway issues
- Concern that the development would encroach upon the only vehicular access into my field, which would impact on the maintenance of vital pieces of public utility and transport infrastructures.
 - Concerns over the potential impact of increased traffic for both vehicle and pedestrian users.
 - Inadequate parking provision.
 - Inadequate public transport provisions.
- 7.7 Impact on protected trees
- Concern over the potential impact on protected trees and hedges.
- 7.8 Other
- Concern that the proposal seeks to build, in part, on land in my ownership for which I did not give consent.

- The village is unable to support any additional housing.

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.

8.1 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 surrounding designated conservation area and listed buildings.
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. Other issues.

9. Analysis

9.1 **Policy context**

9.2 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.

9.3 **Principle of development.**

9.4 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.

9.5 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.

- 9.6 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.”
- 9.7 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.
- 9.8 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.
- 9.9 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”.
- 9.10 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”.
- 9.11 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.”
- 9.12 Objectors have suggested that the village of Kildwick is not capable of supporting a development of the size proposed. Particular reference is made to local schools and doctors.
- 9.13 It is acknowledged that the application site is located on the edge of the existing settlement and that those services and facilities available within the village are limited. However, the town centre of Glusburn which provides a wide range of services and facilities is located approximately 1.3m to the south of the site with Skipton located approximately 6.3m to the west of the site. There is a bus stop

adjacent to the proposed entrance into the site and a further stop to the east of the site on Main Street. Whilst this service is limited there is a footpath leading to the centre of Glusburn which offers services with a greater frequency.

- 9.14 As identified in paragraphs 34 and 38 of the NPPF (and reiterated in the NPPG), 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 The proposed development occupies an edge of settlement location which is closely related to existing dwellings on the periphery of Kildwick. Shops, services and employment opportunities in Glusburn are available within a reasonable walking distance, 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 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.”
- 9.17 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.”
- 9.18 In March 2018 the Council submitted the Council’s New Local Plan to the Secretary of State. The Housing Trajectory 2012 to 2032, including the 2018 update for Submission indicates that the Council can now demonstrate a 5 year supply of housing sites. However, the stated existence of the Five Year Housing Land Supply is not a reason by itself to justify refusal of a planning application. It is a material consideration in the planning judgement that can be given weight in the decision making process. In effect it is one of many planning issues that should be taken into account when determining a planning application.
- 9.19 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.
- 9.20 Nevertheless the proposal would result in the partial development of an open field and therefore the environmental dimension of sustainable development is a consideration. In addition, local residents have indicated that the site is considered to be a valued landscape.
- 9.21 The site lies within the designated conservation area of Kildwick. However, the Kildwick Conservation Area Appraisal dated August 2016 and reviewed by Historic England states that the site makes no or negligible contribution to the designated conservation area. Historic England have been consulted and have raised no objection to the development of this site. Therefore, given that the site is less than 1 hectare in area, it is considered that the development of this site would not result in a significant loss of land identified as important open space which would be sufficient to override the benefits that the proposal would provide.
- 9.22 Conclusion

- 9.23 The application site is located in the open countryside and the proposal represents a departure from the provisions of saved Policy ENV1 of the Local Plan. Nevertheless, the development would be located within close proximity to existing 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 and Kildwick with public transport links to neighbouring villages and towns.
- 9.24 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.
- 9.25 **Visual impact of development on the character of the area and the Green Wedge**
- 9.26 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.
- 9.27 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:
- 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.
- 9.28 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.
- 9.29 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.
- 9.30 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.
- 9.31 Paragraph 128 of the NPPF is of relevance when determining applications, as it advises an applicant to describe the significance of any heritage assets affected, including any contributions made by their setting. This theme is continued in paragraph 131 as it directs LPA's, to take account of the desirability of sustaining and enhancing the significance of heritage assets.
- 9.32 Also for consideration is the proposals potential visual impact on a conservation area. The duty imposed by section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention must be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.

- 9.33 In addition, LPA should when considering whether to grant planning permission for development that affects a listed building or its setting, or whether to grant listed building consent, that special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses (Section 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 9.34 The application site is located within the designated conservation area of Kildwick. The majority of the area contains examples of Victorian terrace dwellings with detached dwellings and converted agricultural buildings to residential accommodation. As such, it is considered that the existing dwellings and street patterns make a positive contribution to the designated area.
- 9.35 Concerns from local residents have been expressed over the scale of the development and that the proposed dwellings would not be in keeping with the character and appearance of the area.
- 9.36 To ensure that new development is in harmony with the character of the surrounding area it is important to create a visual relationship between old and new. This can be achieved by incorporating the three main factors to consider within the design of any development. These include the form, detail and use of materials.
- 9.37 With respect to this scheme, the proposal would consist of two storey dwellings designed to incorporate some of the detailing present within the surrounding street scene such as window and door proportions and roof form. As a consequence of this approach the proposed dwellings would have a good solid to void ratio giving the buildings a strong appearance. In addition, the buildings would be constructed from a similar palette of materials to those used in the construction of adjacent dwellings thus ensuring that the proposal harmonises well with the surrounding area. This approach would ensure that the proposal both respects the character of the surrounding area and result in a visual enhancement to the conservation area through the tidying up of the application site.
- 9.38 The proposal would facilitate the need to create a new vehicle access within the existing hedge boundary that fronts onto Skipton Road. However, it is noted that this would not have an unacceptable visual impact on the existing street scene.
- 9.39 It is acknowledged that the greatest visual impact would be from users of the A65 that runs to the north of the site. However, these buildings would be seen in the context of the existing residential dwellings that lie adjacent to the site. As such, the proposed dwellings would not appear out of scale or cause significant harm to the visual character of the setting of the open countryside.
- 9.40 With regards to soft and hard landscaping the proposal is seeking to provide grassed areas, plus further landscape planting along the southern and western boundaries. Whilst details are limited, it is considered that this could be controlled through the use of an appropriate condition and is not a reason for refusal.
- 9.41 Located to the northeast of the site is Church of St Andrew a Grade II listed building. Paragraph 131 of the National Planning Policy Framework (the Framework) states that in determining planning applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets.
- 9.42 It is acknowledged that the proposed development would lie within the setting of the Grade II building and therefore its impact on this building is a material planning consideration. However, views between the application site and this heritage asset would be limited due to the intervening buildings, natural screening and topography of the land. As such, it is considered that the proposed dwellings would be a minor element in the setting of this listed building. Similarly, it is considered that the proposed development would not result in any unacceptable harm to the significance of this listed building.
- 9.43 On balance, it is acknowledged that the proposal would not preserve the setting of the listed building and as such the proposal would result in some harm to the significance of the listed building. However, it must be noted that the setting is only part of the significance of any heritage asset. In this instance the proposal would not result in any loss of historical fabric or architectural details of the Grade II listed Church. For this reason, the proposal would result in less than substantial harm to the significance of the Church of St Andrew.

- 9.44 Finally, the application site is located adjacent to a 'green wedge' designated on the 1999 Local Plan, where in accordance with 'saved' policy BE3 development would be resisted which might compromise the gap between adjacent villages.
- 9.45 In this instance, the application site forms only a small part of the 'green wedge' and as such it is not considered that the proposal would erode or compromise the gaps between existing settlements. The proposal would therefore not harm the purpose of the 'green wedge'. The development is not considered to be contrary to the aims and objectives of the 'Saved' local policy BE3 or the NPPF.
- 9.47 In conclusion, the proposed development of this site would result in a visual improvement with the tidying up of the site. Furthermore, the impact on the conservation area (resulting from a change in its setting) would be less than substantial as the impact of the proposal would be relatively localised in relation to the whole of the designated conservation area. In addition, any harm to the significance of the Church of St Andrews would be less than substantial. Paragraph 134 of the Framework states that where a proposal would lead to less than substantial harm to the significance of a heritage asset, this harm should be weighed against the public benefits of the proposal. In this case the main public benefits resulting from the scheme would be the provision housing relatively accessible to local services and facilities combined with the social and economic benefits. As such, the proposal accords with the policy requirements ENV2 and BE3 of the Local Plan and the guidance contained within the NPPF.
- 9.48 **Impact of development on nearby residential dwellings.**
- 9.49 Within the Core planning principles of the NPPF paragraph 17 it states that the planning system should, amongst other things, "always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
- 9.50 The nearest dwelling located to the proposed development is The Old Smithy which is located approximately 23m from the rear elevations of 1 -3. Whilst it is acknowledged that the rear elevation would contain window and door openings it is considered that the separation distance is sufficient to ensure that the occupants of this property do not experience any unacceptable loss of privacy or overshadowing. In addition, it is considered that the separation distance is sufficient to ensure that the proposal would not appear dominant or overbearing when viewed from the habitable rooms of this dwelling.
- 9.51 The next nearest dwelling located to the proposed development is No. 10 Main Street which is located approximately 24m from the western gable of plot 4. Drawings submitted indicate that the western gable would remain blank. It is therefore considered that the occupants of this dwelling would not experience any unacceptable loss of privacy. Similarly the proposed development due to its position would not result in any unacceptable overshadowing or obstruction of habitable rooms. Finally, due to the orientation the proposal would not appear overtly dominate or overbearing when viewed from the habitable windows or private amenity areas of this dwelling.
- 9.52 Located to the west of the site are a number of properties at a separation distance of approximately 34m. As such, it is not considered that the proposal would have an adverse impact on the amenity or privacy of the occupants of these properties.
- 9.53 The next nearest dwelling is the Vicarage located to the north of the site at a separation distance of approximately 35m. This property is partially screened from the application site by mature trees. Therefore, it is considered that the separation distance, combined with the intervening screening is sufficient to ensure that the occupants of the property do not experience any unacceptable loss of privacy or amenity.
- 9.54 The proposed dwellings would provide sufficient residential accommodation split over two levels. In addition, the proposal would provide private amenity space with off street parking. It is therefore considered that the proposal would meet the needs of any future occupants and as such is acceptable.
- 9.55 In conclusion, it is considered that the proposed development would not result in any unacceptable loss of privacy or amenity of existing nearby neighbouring properties and would provide acceptable

residential accommodation for any future occupiers of these dwellings. It is therefore considered that the proposal meets the aims and objectives of the NPPF.

9.56 Highways.

- 9.57 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.
- 9.58 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.
- 9.59 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*'.
- 9.60 The proposal would create a new vehicle/pedestrian access directly onto Skipton Road. Concerns have been expressed by local residents that the proposal would not provide adequate turning and off street parking areas. Details submitted show the inclusion of turning areas and off street parking. Submitted plans show the inclusion of turning area and off street parking. This is considered sufficient to meet the requirements of Saved Policy T2 of the Local Plan.
- 9.61 NYCC Highways have been consulted and have not objected 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.
- 9.62 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.

9.63 Flooding issues

- 9.64 The River Aire flanks the northern boundary of the site. As a result, the site is located in flood zones 2 (land with between a 1 in 100 and 1 in 1000 or 1% - 0.1% annual probability of river/sea flooding) and 3 (land with a > 1 in 100, or >1% annual probability of river/sea flooding) as defined on the Environment Agency's Flood Map. The remainder of the site (which forms the majority of the site area) falls in flood zone 1 (land with a less than 1 in 1,000 or <0.1% annual probability of river/sea flooding).
- 9.65 Paragraph 100 of the NPPF states that "inappropriate development in areas at risk of flooding [land within Flood Zones 2 and 3; or land within Flood Zone 1 which has critical drainage problems and which has been notified to the local planning authority by the Environment Agency] should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere".
- 9.66 Paragraph 103 also states that when determining planning applications, LPA's should ensure flooding risk is not increase elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site specific flood risk assessment following a Sequential Test, and if required the Exception Test.
- 9.67 In this instance, flood risk vulnerability classification identifies this proposal as being within the 'more vulnerable' classification where the need for an exception test is not necessary.
- 9.68 A site specific flood risk assessment has been submitted which outlines the mitigation measures. The EA have been consulted and state that the proposed development of this site would meet the requirements of the NPPF if the development is carried out in accordance with the submitted FRA.
- 9.69 In conclusion, it is considered that the proposal would not increase the risk of flooding elsewhere and would be safe for its lifetime. The proposal therefore meets the requirements outlined in the NPPF.

9.70 Other issues.

- 9.71 Whilst acknowledging comments expressing concern over the potential impact on biodiversity it is the officers opinion that a proposal of this scale would not significantly impact on the local wildlife to warrant a refusal.
- 9.72 Concerns have been expressed over the potential impact on the protected trees. It is acknowledged that the proposal would result in the removal of a section of hedging fronting onto Skipton Road and the crown lifting at the field edge and selectively thinned by 25%. The Council's tree officer has been consulted and had not raised any objections to the proposal subject to the use of appropriate condition with regards to a proposed landscaping scheme.
- 9.73 **Conclusion.**
- 9.74 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.
- 9.75 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 permission 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:
- P1474/002c Site Plan received by Craven District Council on the 21st December 2017.
 - P1474/003c Sections and Plan received by Craven District Council on the 21st December 2017.
 - P1474/004a Plots 1 – 3 Elevations and Plans received by Craven District Council on the 21st December 2017.
 - P1474/005 Plots 4 & 5 Elevations and Plans received by Craven District Council on the 21st December 2017.
 - P1474/006a Plots 6 & 7 Elevations and Plans received by Craven District Council on the 21st December 2017.
 - P1474/007c Location Plan received by Craven District Council on the 21st December 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.

Pre-commencement

3. No development shall take place until a Construction Exclusion Zone has been formed around the Root Protection Areas of the protected trees identified as being retained on drawing no. P1474/002c. 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 I. 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.

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:
- a. 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.
 - b. Longitudinal sections to a scale of not less than 1:500 horizontal and not less than 1:50 vertical along the centre line of each proposed road showing:
 - the existing ground level
 - the proposed road channel and centre line levels
 - full details of surface water drainage proposals.
 - c. Full highway construction details including:
 - typical highway cross-sections to scale of not less than 1:50 showing a specification for all 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.
 - d. Details of the method and means of surface water disposal.
 - e. 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.

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

Informative

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

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

Reason: To mitigate additional flood impact from the development proposals and ensure that flood risk is not increased elsewhere.

6. 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 4.5 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 4.5 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 4.5 metres of the public highway shall not contain any loose material that is capable of being drawn on to the existing or proposed public highway.
- Provision of tactile paving in accordance with the current Government guidance.

All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: 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.

7. There shall be no movement by construction or other vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until that part of the access(es) extending 10 metres into the site from the carriageway of the existing highway has been made up and surfaced in accordance with the approved details and/or Standard Detail number E6 and the published Specification of the Highway Authority. All works shall accord with the approved details unless otherwise approved in writing by the Local Planning Authority in consultation with the Highway Authority. Any damage during use of the access until the completion of all the permanent works shall be repaired immediately.

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.

8. There shall be no access or egress by any vehicles between the highway or proposed highway (estate road) and the proposed vehicular access (except for the purposes of constructing the initial site access) until visibility splays providing clear visibility of 2 metres x 2 metres measured down each side of the access and the back edge of the footway of the major road have been provided. The eye height will be 1.05 metres and the object height shall be 0.6 metres. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason: 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.

9. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or building(s) or other works hereby permitted until full details of the following have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority:

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

Reason: To ensure that the details are satisfactory in the interests of the safety 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.

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

Reason: To ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety in accordance with the requirements of Craven District (Outside the Yorkshire Dales National Park) Local Plan policy T2 and the National Planning Policy Framework.

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

Reason: To provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area in accordance with the requirements of Craven District (Outside the Yorkshire Dales National Park) Local Plan policy T2 and the National Planning Policy Framework.

12. No development approved by this permission shall be commenced until the Local Planning Authority in consultation with the Internal Drainage Board has approved a Scheme for the provision of surface water drainage works. Any such Scheme shall be implemented to the reasonable satisfaction of the Local Planning Authority before the development is brought into use.

The following criteria should be considered:

- Any proposal to discharge surface water to a watercourse from the redevelopment of a brownfield site should first establish the extent of any existing discharge to that watercourse.
- Peak run-off from a brownfield site should be attenuated to 70% of any existing discharge rate (existing rate taken as 140lit/sec/ha or the established rate whichever is the lesser for the connected impermeable area).
- Discharge from "greenfield sites" taken as 1.4 lit/sec/ha (1:1yr storm).
- Storage volume should accommodate a 1:30 yr event with no surface flooding and no overland discharge off the site in a 1:100yr event.
- A 20% allowance for climate change should be included in all calculations.
- A range of durations should be used to establish the worst-case scenario.
- The suitability of soakaways, as a means of surface water disposal, should be ascertained in accordance with BRE Digest 365 or other approved methodology.

Reason: To ensure the development is provided with satisfactory means of drainage and to reduce the risk of flooding.

13. The applicant shall provide evidence that surface water from the existing site currently discharges to the adjacent watercourse and shall provide details of those points of discharge.

Reason: To prevent the increased risk of flooding.

14. The Applicant states that surface water is to be discharged to an adjacent watercourse. The condition and ability of this watercourse to accept this flow should be determined by the Applicant prior to works commencing.

Reason: To ensure that the receiving watercourse is capable of accepting the increased discharge without detriment to other users.

During building works

15. 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.

16. 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.

17. 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.

Prior to occupation

18. No dwelling to which this planning permission relates shall be occupied until the carriageway and any footway/footpath from which it gains access is constructed to basecourse macadam level and/or block paved and kerbed and connected to the existing highway network with street lighting installed and in operation.

The completion of all road works, including any phasing, shall be in accordance with a programme approved in writing with the Local Planning Authority in consultation with the Highway Authority before the first dwelling of the development is occupied.

Reason: To ensure safe and appropriate access and egress to the dwellings, in the interests of highway safety and the convenience of prospective residents in accordance with the requirements of Craven District (Outside the Yorkshire Dales National Park) Local Plan policy T2 and the National Planning Policy Framework.

20. No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas.

b. have been constructed in accordance with Standard Detail Number E6

c. are available for use unless otherwise approved in writing by the Local Planning Authority.

Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason: To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development in accordance with the requirements of Craven District (Outside the Yorkshire Dales National Park) Local Plan policy T2 and the National Planning Policy Framework.

21. All doors and windows on elevations of the building(s) adjacent to the existing and/or proposed highway shall be constructed and installed such that from the level of the adjacent highway for a height of 2.4 metres they do not open over the public highway and above 2.4 metres no part of an open door or window shall come within 0.5 metres of the carriageway. Any future replacement doors and windows shall also comply with this requirement.

Reason: To protect pedestrians and other 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.

Ongoing conditions

22. 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.
23. 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.
24. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2018, 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.

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.

You are advised that a separate licence will be required from the Local 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 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.

Under the terms of the Land Drainage Act. 1991 and the Board's Byelaws, the prior written consent of the Board is required for any proposed works or structures in, under, over or within 9 metres of the top of the bank of any watercourse.

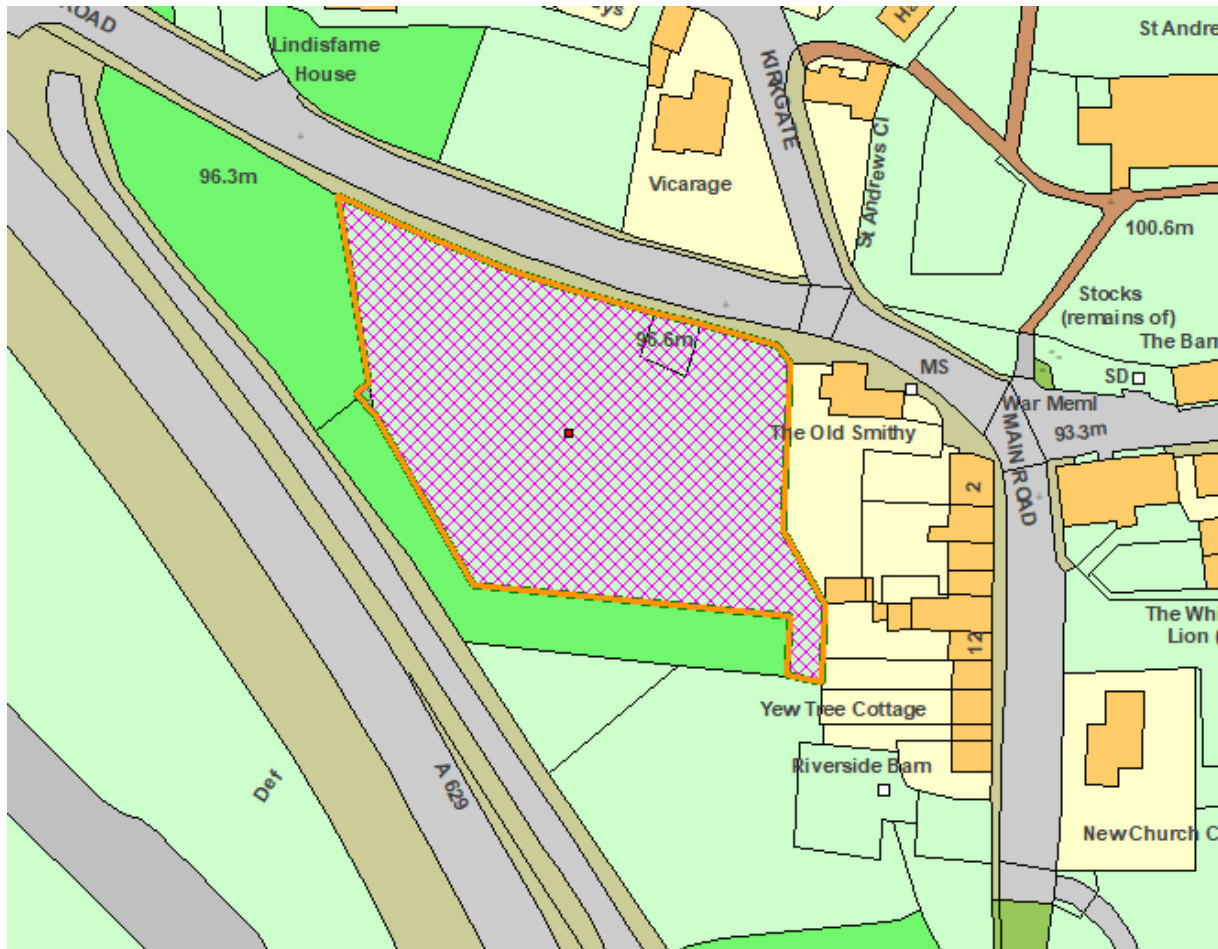
Any new outfall to a watercourse requires the prior written consent of the Board under the terms of the Land Drainage Act. 1991 and should be constructed to the satisfaction of the Board.

Under the Board's Byelaws the written consent of the Board is required prior to any discharge into any watercourse within the Board's District.

Statement of Positive Engagement: -

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

- requested amended design approaches / information to address the planning issues which have arisen in relation to dealing with this application.
- accepted additional information / changes to the scheme post validation



Application Number: 2017/18569/FUL
Proposal: Proposed development of seven dwellings
Site Address: Land Off Skipton Road Kildwick BD20 9BB
On behalf of: David Hill Planning Ltd

REPORT TO PLANNING COMMITTEE ON 4th June 2018

Application Number:	2018/18981/OUT
Proposal:	Outline application for development of ten dwellings with landscaping as a reserved matter.
Site Address:	Land South Of Bentham Road Ingleton.
On behalf of:	Mr J Kidd
Date Registered:	6th February 2018
Expiry Date:	8th May 2018
Case Officer:	Andrea Muscroft

The application was originally referred to the May Planning Committee as the proposal represented a departure from the provisions of the Craven District (Outside the Yorkshire Dales National Park) Local Plan. Members deferred consideration of the application to enable the agent to provide further clarification with regards to the 'Pinch Point', Sequential Test and clarification on the ownership of the wall. Members will up up-dated with a "late information report" and presentation to Committee.

1. Site Description

- 1.1 The application relates to a triangular parcel of land extending approximately 0.36 hectares in an area located to the south of Bentham Road, Ingleton. The site comprises of open grazing land with residential dwellings to the east, west and north of the site.
- 1.2 The site is divided from agricultural land to the south by an existing stone boundary wall with the northern boundary consisting of a stone wall fronting onto Bentham Road.
- 1.3 The application site is located outside of but adjacent to the development limits of Ingleton as defined on the 1999 Local Plan, and therefore lies in open countryside. The site has also been identified as being within Flood Zone 2 & 3 by the Environment Agency.
- 1.4 The site also lies within Low Risk Area for development by the Coal Authority.

2. Proposal

- 2.1 The proposal is seeking outline consent for a residential development consisting of 10 dwellings. Access, layout, scale and appearance are applied for at this stage, with landscaping being reserved for later consideration.
- 2.2 The proposed development includes a single vehicle access point onto Bentham Road which would be located to the west of the site. The dwellings would be organised into three groups flanking the north, east and south of the site. Each of the proposed dwellings would also direct pedestrian access onto a proposed footpath.
- 2.3 The proposed dwellings would consist of the following:
Plots 1 – 4
- 2.4 Two storey x 3 bedroom semi-detached dwellings. Plots 1 – 3 would have attached single garages and one off street parking space. Plot 4 would have two off street parking spaces.

Plot 5

2.5 Two storey x 2 bedroom end of terrace dwelling with two off street parking spaces.

Plot 6

2.6 Two storey x 1 bedroom mid terrace dwelling with two off street parking spaces.

Plot 7

2.7 Two storey x 2 bedroom end of terrace dwellings with attached single garage.

Plot 8

2.8 Two storey x 3 bedroom end terrace dwelling. Plot 8 would benefit from an attached single garage and one off street parking space.

Plot 9

2.9 Two storey x 3 bedroom mid terrace dwelling. Plot 9 would have two off street parking spaces.

Plot 10

2.10 Two storey x 3 bedroom end terrace dwelling with attached two storey side extension to provide single garage. The plot would also have a single off street parking space.

2.11 The proposal would also provide a visitor parking bay.

2.12 The existing stone wall fronting onto Bentham Road would be retained with the exception of four sections being removed to create pedestrian access onto proposed footpath. Internally, the plot boundaries would consist of stone walls and timber fencing

3. Planning History

3.1 None.

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 The Emerging Local Plan (ELP) that would cover the period up to 2032 has now been submitted for examination. Notwithstanding this, the ELP is not the adopted development plan for the district. However, the submission draft is considered to be sound and the policies are consistent with the NPPF.

4.3 CDLP

- ENV1 – Development in the Open Countryside
- ENV2 – Requirements for Development in the Open Countryside.
- H12 – Affordable Housing for local people on exception sites.
- SRC12 – Protection of Public Rights of Way.
- T2 – Road Hierarchy

4.4 Submission Draft Craven Local Plan March 2018 – 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.
 - ENV12 – Footpaths, Bridleways, Byways and Cycle Routes.
 - INF4 – Parking Provision.
- 4.5 National Policy
- 4.6 The National Planning Policy Framework – (NPPF)
- 4.7 Planning Practice Guidance (PPG).
5. Parish/Town Council Comments
- 5.1 Ingleton Parish Council: No comments received within the statutory consultation period.
6. Consultations
- 6.1 **CDC Environment Health:** No comments received within the statutory consultation period.
- 6.2 **CDC Strategic Housing Officer:** Details submitted indicate that 3 of the dwellings would be affordable. Craven has a need of 126 affordable homes according to the November 2017 SHMA. National Planning Policy states that in designated rural areas (which Ingleton is) that on between 6-10 units and over 1000sqm in size that tariff style affordable housing obligations should be sought. Therefore an off-site contribution would be required in lieu of an on-site provision.
- 6.3 **Environment Agency:** No objection. It is considered that the proposed development would only meet the requirements of the NPPF if the development is carried out in accordance with the FRA.
- 6.4 **NYCC Highways:** No objection subject to appropriate conditions imposed with regards to the submission of detailed plans of road and footway layout, construction of roads and footway prior to occupation, construction of private access/verge crossings, construction of visibility splays, approval of site works in the highway, requiring the completion of works in the highway prior to occupation, the provision of approved access, turning and parking areas, the retention of garages and submission of construction management plan.
- 6.5 **NYCC Suds:** No objections subject to appropriate conditions imposed with regards to disposal of four and surface water, a submission of a scheme demonstrating restricting the rate of development flow runoff, treatment of surface water, submission of an exceedance flow plan and maintenance plan.
- 6.6 **United Utilities:** No objection subject to appropriate conditions imposed with regards to foul and surface water drained on separate systems and the submission of a surface water drainage scheme.
7. Representations
- 7.1 The proposal was advertised on the 22nd February 2018 in the Craven Herald with a site notice posted adjacent to the site on the 23rd February 2018. In addition, letters of notification were sent out directly to local residents.
- 7.2 As a consequence of the publicity 19 letters of objection were received.
- 7.3 Comments have been summarised below:
- 7.4 National & Local Policy
- Conflicts with local plan.
- 7.5 Visual impact
- Proposal would be out of character with the area.
 - Over development of the site.
 - Development too high.
 - Concern over the loss of this unique field.

7.6 Amenity issues

- Close to adjoining properties.
- Concern over potential noise nuisance.
- Loss of privacy.
- Loss of light.

7.7 Highway issues

- Inadequate access.
- Inadequate public transport provisions.
- Increase in traffic.
- Loss of on street parking.
- Concern that the proposed footpath would impact on highway safety.

7.9 Flooding.

- Increased danger of flooding.

7.10 Other issues

- Concern over the potential effect on local ecology
- General dislike of proposal.
- Increase in pollution.
- Not enough information provided with application.
- Strain on existing community facilities.
- Concern over impact on tourism.
- More open space needed on development.

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. Affordable housing contribution.
3. The development’s impact on the character and appearance of the area.
4. The development’s impact on the amenity of surrounding occupiers.
5. The developments impact on highway safety.

- 6. The development's impact on flood risk.
- 7. 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.

9.2 **Policy context**

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 as 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."

9.9 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.

9.10 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."

9.11 Objections have been received raising concerns that the existing infrastructure is unable to support further development in the village of Ingleton.

- 9.12 The application site is located adjacent to existing residential development and would be within walking/cycling distance of the centre of Ingleton which provides a range of services and facilities that would serve any future occupants on a day to day basis. Furthermore, the proposed footpath would encourage future occupants to travel on foot to and from the centre of Ingleton. In addition, a bus service connects Ingleton with neighbouring towns and villages at regular intervals with a bus stop within close proximity to the application site. It is therefore considered that the application site would have a functional relationship with Ingleton and would not appear detached from the main settlement or appear as sporadic sprawling form of development. As such, the development would not introduce isolated dwellings into the countryside for the purposes of the NPPF.
- 9.13 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.”
- 9.14 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.”
- 9.15 In March 2018 the Council submitted the Council’s New Local Plan to the Secretary of State. The Housing Trajectory 2012 to 2032, including the 2018 update for Submission indicates that the Council can now demonstrate a 5 year supply of housing sites. However, the stated existence of the Five Year Housing Land Supply is not a reason by itself to justify refusal of a planning application. It is a material consideration in the planning judgement that can be given weight in the decision making process. In effect it is one of many planning issues that should be taken into account when determining a planning application.
- 9.16 Turning to the three dimensions to sustainable development, economic, social and environmental as defined by the NPPF, 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 an agricultural field. However, the application site lies within close proximity to existing dwellings and the A65, and combined with the topography has limited scenic quality. Notwithstanding this, the proposed development would result in an evident change to the landscape, especially when viewed from the A65 and when travelling along Bentham Road and would result in the urbanisation of the land and reduce its openness. However, on balance, given its relatively low lying topography and position adjacent to Bentham Road and the A65, the surrounding development and the natural boundary to the site that the proposal would not have a serious and harmful impact on the environmental dimension of sustainable development with regards to the impact on the landscape character of the area.
- 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 within close proximity to existing 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 Ingleton with public transport links to neighbouring villages and towns.
- 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 **Affordable Housing Provision.**

- 9.21 Paragraph 7 of the NPPF refers to the social dimension of sustainable development and the need to provide a supply of housing to meet the needs of present and future generations. Paragraph 17 indicates as a core principle the need to identify and meet the housing needs of an area. Paragraph 50 advises of the need to deliver a wide range of high quality homes and to create sustainable inclusive and mixed communities. It goes on to state that local authorities should plan for a mix of housing based on the needs of different groups in the community and identify the size, type, tenure and range of housing that is required in different locations.
- 9.22 There is no adopted policy in the CDLP relating to the provision of affordable housing. However, policy H2 of the ELP (as updated following the Full Council meeting on 19.12.17) seeks affordable housing at a minimum rate of 30% for schemes of 11 dwellings or more.
- 9.23 Despite the absence of an adopted Local Plan policy concerning the provision of affordable housing and the 'limited weight' which can be attached to ELP policy H2, the delivery of affordable housing is an objective of the NPPF and so is a material consideration which must be given significant weight.
- 9.24 The applicant has identified that 3 of the proposed dwellings would be affordable homes to the northeast of the site. These would comprise of a mixture of 2 bed dwellings and a single bed dwelling. The Council's Strategic Housing Service have identified the need for 126 affordable homes within the District each year, according to the November 2017 SHMA. National Planning Policy states that in designated rural areas (which Ingleton is) that on sites between 6-10 units and over 1000sqm in size that a tariff style affordable housing obligations should only be sought. Therefore an off-site contribution would be required in compliance with the Written Ministerial Statement 2014.
- 9.25 In conclusion, it is considered that the delivery of affordable contribution can be secured through a planning obligation as set out in the resolution below.
- 9.26 **Visual impact of development.**
- 9.27 The overarching objective of CDLP policy ENV1 is to protect the character and quality of the countryside by preventing sporadic, unrestricted development within it. This objective is broadly in accordance with the fifth core land-use planning principle in paragraph 17 of the Framework which requires that the intrinsic character and beauty of the countryside is recognised.
- 9.28 CDLP policy ENV2 sets out four criteria for developments in the open countryside. 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.
- 9.29 In addition, paragraph 58 of the NPPF sets out six principles that developments should follow in order to achieve good design. Paragraph 64 of the Framework indicates that permission should be refused for development of a poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 9.30 The first bullet point to paragraph 109 of the NPPF also indicates that the planning system should contribute to and enhance the natural and local environment by "protecting and enhancing valued landscapes".
- 9.31 The far western corner of the site would lie adjacent to Barnold a detached residential dwelling and the eastern boundary adjacent to Highwood Cottage. These properties are two storey. The northern boundary fronts onto Bentham Road with residential properties beyond. These properties consist of

both two storey and single storey properties. In contrast, the remaining western boundary and southern boundary would be viewed against the backdrop of open fields, separated by a dry stone wall. As such, the application site does make a contribution to the character of the landscape on the periphery of the settlement.

- 9.32 The proposed 10 dwelling development includes the introduction of stone walls to enclose for the majority front amenity areas associated with the dwellings. This approach reflects existing boundary treatments present within the surrounding area. In addition, the proposal would also see the introduction of timber post and wire fencing to separate the rear amenity areas. Whilst, landscaping is a reserved matter, it is considered that appropriate landscaping would help to mitigate any visual impact of the development.
- 9.33 The proposed dwellings would comprise of two storey dwellings with plots 1, 2, 3, 8 & 10 also benefiting from an attached single garage. The proposed dwellings have been laid out into three separate groups with spacing between each grouping. The scale of the proposed dwellings would be of a similar scale to the majority of neighbouring dwellings. In addition, the overall appearances of the dwellings have been designed to reflect both the detailing and simple form present both in adjacent dwellings and in the surrounding area. Therefore, whilst the development is a modern interpretation of the surrounding traditional dwellings, it is considered that the proposal would blend successfully with the existing dwellings through the incorporation of details and form present within the surrounding area.
- 9.34 Furthermore, the proposal seeks to use materials sympathetic to the locality which 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.
- 9.35 To facilitate the proposal, sections of the existing boundary wall would be removed to provide pedestrian access to the proposed footpath. It is accepted that this element of the proposal would have a material visual impact on the existing street scene. However, it is considered that these minor alterations would not adversely impact on the existing street scene to the extent that planning permission should be refused.
- 9.36 Within the application site the proposal would see the construction of footpaths, shared grassed amenity spaces and hardstanding to the parking and turning areas. It is not considered that these elements of the proposal would result in any visual harm.
- 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 17 and 58 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 group of dwellings to the application site are located to the north of Bentham Road at a separation distance of between approximately 19 >21m. The proposed dwellings would see the introduction of windows at ground floor level to serve the sitting room and bedroom at first floor level facing across to the principle windows of these properties. Notwithstanding that the separation distance in some instances is below the minimum recommended distance, it is considered that on balance the separation distances are sufficient to ensure no unacceptable loss of privacy to the occupants of these dwellings. In addition, given the location and separation distance the proposed dwellings would not result in any unacceptable overshadowing to the habitable rooms or private amenity areas associated with these dwellings. Similarly, it is not considered given the separation distance that when viewed from the habitable rooms of these properties that the proposed dwellings would appear overtly dominant.
- 9.41 The next nearest dwelling is Barnold located to the west of the site at a separation distance of approximately 17 m. This property would have a side to side relationship with plot 1. To ensure the

privacy of this property the side elevation would remain blank. Similarly, due to the orientation of plot 1 the proposal would not appear overbearing when viewed from the habitable or privacy amenity areas associated with this property nor would there be any unacceptable overshadowing.

- 9.42 It is acknowledged that due to the orientation of plots 10 & 9 that these dwellings would result in some distance views of the rear amenity and habitable rooms of Barnold. However, it is considered that the separation distance is sufficient to ensure that the occupants of this property do not experience any unacceptable loss of privacy.
- 9.43 The next nearest dwelling to the application site is Highwood Cottage located to the east of the site at a separation distance of approximately 21m. It is acknowledged that whilst plot 4 would have a side to side relationship with this property, devoid of window openings, plots 5 to 7 would see the introduction of windows facing towards the side and rear amenity areas associated with this dwelling. Notwithstanding this, it is considered that the separation distance is sufficient to ensure no unacceptable loss of privacy would occur from the proposal. Similarly, due to the separation distance and the location of the proposed dwellings the development would not appear overtly dominant or result in any unacceptable overshadowing.
- 9.44 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.
- 9.45 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.
- 9.46 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.
- 9.47 **Highways**
- 9.48 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.
- 9.49 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.
- 9.50 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'.
- 9.51 Vehicle access to the site is to be gained directly off Bentham Road. To facilitate this element of the proposal a section of the boundary wall would be removed with the remaining wall being repositioned to create visibility splays of 2.4m x 60m in both direction.
- 9.52 The Local Highway Authority has raised no objections to the proposed means of access to the site subject to conditions requiring adequate visibility splays with the existing highway.
- 9.53 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.
- 9.54 A total of 20 off-street car parking spaces (including garages and visitors parking space) 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.

- 9.55 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.
- 9.56 **Flooding**
- 9.57 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.
- 9.58 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.
- 9.59 The application site is located in Zone 2 (medium probability), Zone 3 and Zone 3a (high probability) of flooding. The applicant has submitted a Flood Risk Assessment and Drainage Strategy Report produced by KRS Environmental Ltd dated January 2018.
- 9.60 The submitted report states that flooding sources will be managed and mitigated on the site by using a number of techniques, and mitigation strategies to manage and reduce the overall flood risk at the site. The measured used:
- The dwellings are situated on the situated on the higher part of the site at a lower risk of flooding.
 - Finished floor levels would be constructed 300mm above the 1 in 200 year water level for Jenkin Brook. In addition, it is recommended that occupants of the proposed dwellings sign up to receive flood warnings from the EA and implement flood evacuation plan to a safe area way from the buildings.
 - Buildings would be constructed with flood risk mitigation measures to help resist floodwaters entering a property.
- 9.61 The submitted document concludes that the residential development would be expected to remain dry in all but extreme conditions. Providing the recommendations made in the FRA are instigated, flood risk from all sources would minimised, the consequences of flooding are acceptable, and the development would be in accordance with the requirements of the NPPF. The proposed development would also not increase flood risk elsewhere.
- 9.62 The Council has undertaken a sequential test approach when considering potential sites for residential development. As a consequence, applicant’s need to demonstrate that there are no alternative sites ‘reasonably available’. The submitted FRA states that this is the only site in the ownership of the client and therefore the only site available to them to develop. The cost of buying a similar site and the cost to construct a similar development would make the proposal uneconomical. Therefore, the proposal cannot be located in another site elsewhere. In conclusion, there are no ‘reasonably available’ alternative sites identified within the sites identified for residential use within the Ingleton area. The sites are already developed and are not available to construct the site proposal.
- 9.63 This conflicts with the Council’s sequential test which has identified a number of suitable alternative sites in Ingleton that are located outside of the flood zone and could be potentially developed. On this basis it is not considered that the Sequential Test has been passed satisfactory.
- 9.64 In such instances, the next stage is to apply the Exception Test. For the test to be passed it must be demonstrated that the development:

- *provides wider sustainability benefits to the community that outweigh flood risk, and*
 - *that the development would be safe for its lifetime taking account of the vulnerability of its users without increasing flood risk overall and where possible, would reduce flood risk overall.*
- 9.65 Both elements of the test will need to have passed for development to be permitted as per outlined in paragraph 102 the NPPF.
- 9.66 Guidance set out in PPG under the heading 'Manage and mitigate flood risk' advises that 'where development needs to be locations where there is a risk of flooding as alternative sites are not available, LPA's and developers should ensure development is appropriately flood resilient and resistant, safe for its users for the developments lifetime, and would not increase flood risk overall.
- 9.67 In this instance, the site lies within flood zones 2 & 3a. The flood mapping provided by the EA shows that the site lies for the majority in Z2. With the exception of plots 5, 6 & 7 which would be located within FZ3.
- 9.68 In section 10.6 of the submitted FRA the document outlines the risk management for the site and concludes with the statement that the development would be safe for its lifetime without increasing flood risk elsewhere. The EA have been consulted and state that the proposed development of this site would meet the requirements of the NPPF if the development is carried out in accordance with the submitted FRA.
- 9.69 In conclusion, it is considered that the proposal would provide wider sustainability benefits to the local community in the terms of its sustainable location and the social and economic benefits that would be provided. In addition, the proposal would be appropriately flood resilient and resistant, safe for its users for the developments lifetime, and would not increase flood risk overall. The proposal therefore meets the requirements of paragraph 103 of the NPPF.
- 9.70 **Ecology**
- 9.71 Local residents have raised concerns over the potential impact of the development on the local ecology.
- 9.72 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.
- 9.73 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.
- 9.74 **Other**
- 9.75 It is acknowledged that tourism is important to the national economy and that visitor's help support the local rural economy. In regards of this proposal, it is considered that the proposed development would result in a change in the appearance of the landscape. However, notwithstanding this view, without supportive evidence concerning any potential negative impact on local tourism, it is considered that there is insufficient information to warrant a refusal on the basis.
- 9.76 **Conclusion;**
- 9.77 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.

9.78 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 That subject to the completion of a planning obligation in accordance with the provisions of S106 of the Town and Country Planning Act to secure:

- A off-site affordable housing contribution (as defined by the National Planning Policy Framework) is provided.

Authority is delegated to the Head of Planning to Grant Planning permission 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. 121701-01 H received 23rd February 2018
 - Drawing no. 121701-05 A received 6th February 2018.

Any application for approval of the landscaping as a 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.
- (a) The access shall be formed with 6 metre radius kerbs, to give a minimum carriageway width of 5.5 metres, and that part of the access road extending into the site shall be constructed in accordance with 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 1/20.
- 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.
- Provision of tactile paving in accordance with the current Government guidance. All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: 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 60m measured along both channel lines of the major road Bentham Rd from a point measured 2.4m 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. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or building(s) or other works until:
- 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:
 - 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.
 - The developer's 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.
 - The required highway improvements shall include:
 - Provision of tactile paving
 - Footway along Bentham Rd, between site access and footway at A65 junction, min 1.5m wide

Reason: To ensure that the details are satisfactory in the interests of the safety 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.

8. No development for any phase of the development shall take place until a Construction Method Statement for that phase has been submitted to, and approved in writing by, the Local Planning Authority in consultation with the Local Highway Authority. The approved Statement shall be adhered to throughout the construction period for the phase. The statement shall provide for the following in respect of the phase:
- a. the parking of vehicles of site operatives and visitors
 - b. loading and unloading of plant and materials
 - c. storage of plant and materials used in constructing the development
 - d. erection and maintenance of security hoarding including decorative displays and facilities for public viewing where appropriate
 - e. wheel washing facilities
 - f. measures to control the emission of dust and dirt during construction
 - g. a scheme for recycling/disposing of waste resulting from demolition and construction works
 - h. HGV routing

Reason: To ensure that the details are satisfactory in the interests of the safety 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.

9. Development shall not commence until a scheme detailing foul and surface water drainage has been submitted to and approved in writing by the Local Planning Authority. The scheme shall detail phasing of the development and phasing of drainage provision, where appropriate. Principles of sustainable urban drainage shall be employed wherever possible. The works shall be implemented in accordance with the approved phasing. No part or phase of the development shall be brought into use until the drainage works approved for that part or phases have been completed.

Reason: To ensure the provision of adequate and sustainable means of drainage in the interests of amenity and flood risk.

10. Development shall not commence until a scheme restricting the rate of development flow runoff from the site has been submitted to and approved in writing by the Local Planning Authority. The flowrate from the site shall be restricted to 6.5 litres per second. A 30% allowance shall be included for climate change effects and a further 10% for urban creep for the lifetime of the development. Storage shall be provided to accommodate the minimum 1 in 100 year plus climate change critical storm event. The scheme shall include a detailed maintenance and management regime for the storage facility. No part of the development shall be brought into use until the development flow restriction works comprising the approved scheme have been completed. The approved maintenance and management scheme shall be implemented throughout the lifetime of the development.

Reason: To mitigate additional flood impact from the development proposals and ensure that flood risk is not increased elsewhere.

11. The development shall not commence until a scheme, detailing the treatment of all surface water flows from parking areas and hardstanding through the use of road side gullies, oil interceptors, reedbeds or alternative treatment systems, has been submitted to and approved in writing by the Local Planning Authority. Use of the parking areas/hardstanding shall not commence until the works comprising the approved treatment scheme have been completed. Roof water shall not pass through the treatment scheme. Treatment shall take place prior to discharge from the treatment scheme. The treatment scheme shall be retained, maintained to ensure efficient working and used throughout the lifetime of the development.

Reason: To prevent pollution of the water environment from the development site.

12. No development shall take place until an appropriate Exceedance Flow Plan for the site has been submitted to and approved in writing by the Local Planning Authority. Site design must be such that when SuDS features fail or are exceeded, exceedance flows do not cause flooding of properties on or off site. This is achieved by designing suitable ground exceedance or flood pathways. Runoff must be completely contained within the drainage system (including areas designed to hold or convey water) for all events up to a 1 in 30 year event. The design of the site must ensure that flows resulting from rainfall in excess of a 1 in 100 year rainfall event are managed in exceedance routes that avoid risk to people and property both on and off site.

Reason: to prevent flooding to properties during extreme flood events and to mitigate against the risk of flooding on and off the site.

13. No development shall take place until a suitable maintenance plan of the proposed SuDS drainage scheme arrangement has been demonstrated to the local planning authority. Details with regard to the maintenance and management of the approved scheme to include; drawings showing any surface water assets to be vested with the statutory undertaker/highway authority and subsequently maintained at their expense, and/or any other arrangements to secure the operation of the approved drainage scheme/sustainable urban drainage systems throughout the lifetime 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 (or any subsequent update or replacement for that document).

Reason: To prevent the increased risk of flooding and to ensure the future maintenance of the sustainable drainage system.

14. 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. In the event of surface water draining to the public surface water sewer, the pass forward flow rate to the public surface water sewer must be restricted to 6.5 l/s for any storm event.

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

15. 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.

16. 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.

17. 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.

Prior to occupation

18. No dwelling to which this planning permission relates shall be occupied until the carriageway and any footway/footpath from which it gains access is constructed to basecourse macadam level and/or block paved and kerbed and connected to the existing highway network with street lighting installed and in operation.

The completion of all road works, including any phasing, shall be in accordance with a programme approved in writing with the Local Planning Authority in consultation with the Highway Authority before the first dwelling of the development is occupied.

Reason: To ensure safe and appropriate access and egress to the dwellings, in the interests of highway safety and the convenience of prospective residents in accordance with the requirements of Craven District (Outside the Yorkshire Dales National Park) Local Plan policy T2 and the National Planning Policy Framework.

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

- Footway along Bentham Rd, between site access and footway at A65 junction, min 1.5m wide.

Reason: To ensure safe and appropriate access and egress to the dwellings, in the interests of highway safety and the convenience of prospective residents in accordance with the requirements of Craven District (Outside the Yorkshire Dales National Park) Local Plan policy T2 and the National Planning Policy Framework.

20. No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas.

a. have been constructed in accordance with the submitted drawing (Ref: drawing number 121701-01H)

b. are available for use unless otherwise approved in writing by the Local Planning Authority.

Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times

Reason: To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development in accordance with the requirements of Craven District (Outside the Yorkshire Dales National Park) Local Plan policy T2 and the National Planning Policy Framework.

21. Prior to occupation of the development a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the local planning authority and agreed in writing. The sustainable drainage management and maintenance plan shall include as a minimum:
- Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident's management company; and
 - Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.
- The development shall subsequently be completed, maintained and managed in accordance with the approved plan.
- Reason: To ensure that management arrangements are in place for the sustainable drainage system in order to manage the risk of flooding and pollution during the lifetime of the development.

Ongoing conditions

22. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2018, 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.
23. Foul and surface water shall be drained on separate systems.
- Reason: To secure proper drainage and to manage the risk of flooding and pollution.
24. Notwithstanding the provision of any Town and Country Planning (General Permitted Development) (England) Order 2018, 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.
25. 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.
26. 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 2018, 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.

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.

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.

The applicant can discuss any of the above with Developer Engineer, Josephine Wong, by email at wastewaterdeveloperservices@uuplc.co.uk.

Please note, United Utilities are not responsible for advising on rates of discharge to the local watercourse system. This is a matter for discussion with the Lead Local Flood Authority and / or the Environment Agency (if the watercourse is classified as main river).

If the applicant intends to obtain a water supply from United Utilities for the proposed development, we strongly recommend they engage with us at the earliest opportunity. If reinforcement of the water network is required to meet the demand, this could be a significant project and the design and construction period should be accounted for.

To discuss a potential water supply or any of the water comments detailed above, the applicant can contact the team at DeveloperServicesWater@uuplc.co.uk.

Please note, all internal pipework must comply with current Water Supply (water fittings) Regulations 1999.

Where United Utilities assets exist, the level of cover to the water mains and public sewers must not be compromised either during or after construction.

It is the applicant's responsibility to demonstrate the exact relationship between any United Utilities' assets and the proposed development.

A number of providers offer a paid for mapping service including United Utilities. To find out how to purchase a sewer and water plan from United Utilities, please visit the Property Searches website; <https://www.unitedutilities.com/property-searches/>.

You can also view the plans for free. To make an appointment to view our sewer records at your local authority please contact them direct, alternatively if you wish to view the water and the sewer records at our Lingley Mere offices based in Warrington please ring 0370 751 0101 to book an appointment.

Due to the public sewer transfer in 2011, not all sewers are currently shown on the statutory sewer records and we do not always show private pipes on our plans. If a sewer is discovered during construction; please contact a Building Control Body to discuss the matter further.

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 detailed layout should be prepared with consideration of what is necessary to secure a development to an adoptable standard. This is important as drainage design can be a key determining factor of site levels and layout. 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.

Should this planning application be approved the applicant should contact United Utilities regarding a potential water supply or connection to public sewers. Additional information is available on our website <http://www.unitedutilities.com/builders-developers.aspx>.

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.

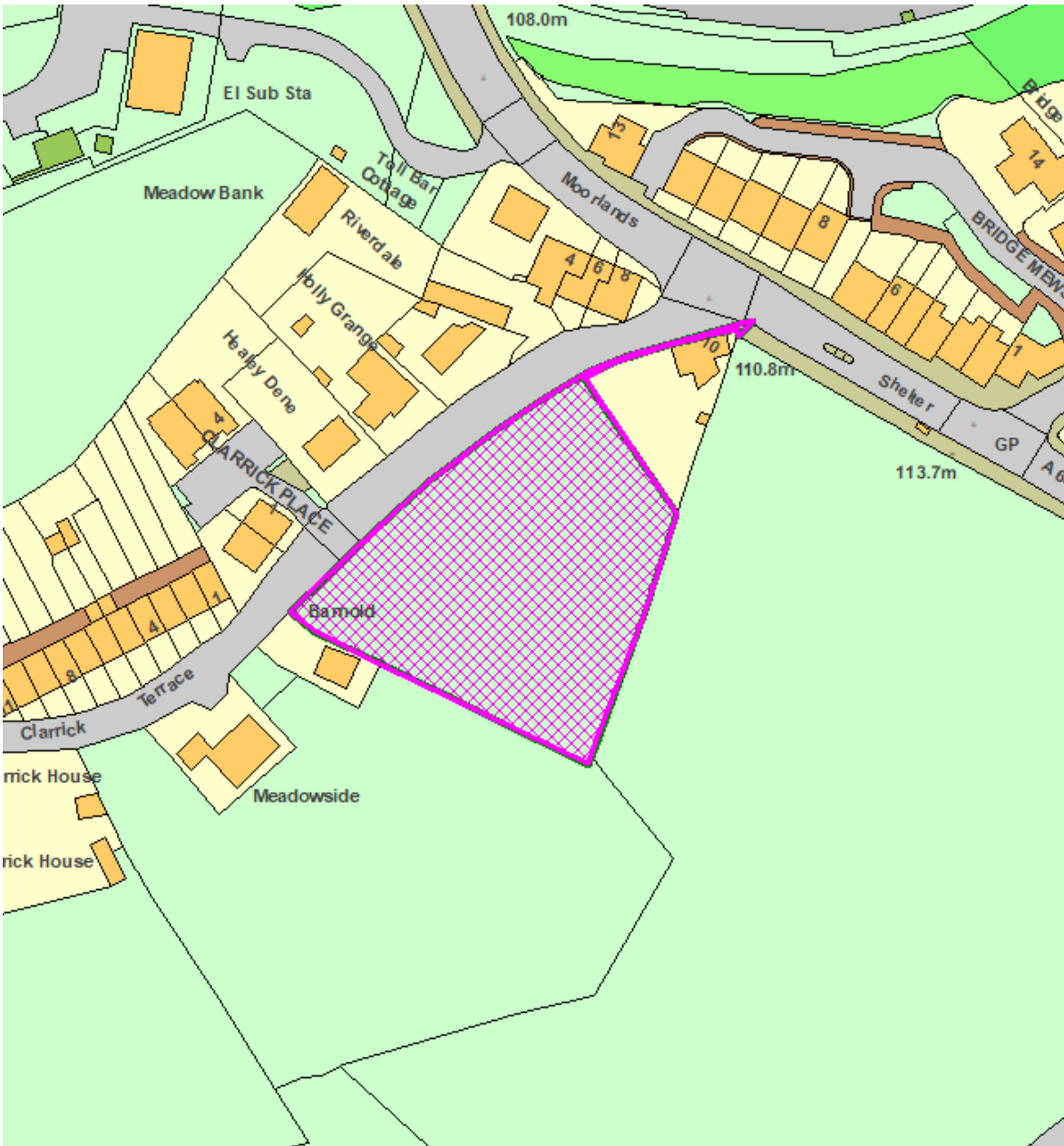
The applicant should ensure that any topsoil brought on site is free from metals, plastic, wood, glass, tarmac, paper and odours associated with contaminated soils as specified in BS 3882: 2015 - Specification for Topsoil.

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.



Application Number: 2018/18981/OUT

Proposal: Outline application for development of ten dwellings with landscaping as a reserved matter.

Site Address: Land South Of Bentham Road Ingleton

On behalf of: Mr J Kidd

REPORT TO PLANNING COMMITTEE ON 4th June 2018

Application Number: 2018/19062/FUL

Proposal: Full planning permission for re-building the detached masonry building

Site Address: Land Adjacent To 2 Stirton Lane Stirton Skipton BD23 3LN

On behalf of: Mr G Mitchell

Date Registered: 28th February 2018

Expiry Date: 25th April 2018

Case Officer: Miss Katie Chew

This application is to be determined by committee as it is a departure from the Local Plan.

1. Site Description

- 1.1 The application site is identified within the adopted Craven District Local Plan (1999) as being located in open countryside. It is an irregularly shaped plot of land which sits within a small residential settlement. It is located approximately 120 metres south of the junction at Sour Lane and Stirton Lane within Stirton Village.
- 1.2 There are 3 Tree Preservation Orders on site located along the western boundary. There are also a number of Grade II listed buildings located to the south of the application site. The site comprises a partly finished detached single storey garage and a partly finished detached two storey building which both gained planning approval through application 65/2017/17921. Access is gained from an existing road off of Stirton Lane.

2. Proposal

- 2.1 The application seeks approval for the rebuilding of a detached masonry building and construction of a single storey detached garage at land adjacent to 2 Stirton Lane, Stirton. The proposed masonry building will measure approximately 12.5m x 9.3m with a ridge height of 7.5m. The garage measures approximately 5.9m x 5.9m, with an approximate ridge height of 4m.
- 2.2 The existing vehicular access from Stirton Lane will serve the new garage and turning area, located directly to the rear (north-east) of the proposed residential dwelling.

Officer Note: An enforcement file was opened up at this site on the 13th April 2017. The breach referred to the removal of part of the stone wall which borders the application site and the field located to the north to create a new vehicular access. The Council's enforcement team investigated the potential breach and concluded based on the information received that the changes made were done under Permitted Development as they are for temporary use, to enable materials and deliveries to be brought on to the development site. The Enforcement Team did state within a letter sent to Mr. G. Mitchel on the 27th April 2017 that the wall that has been removed adjacent to the road will need to be rebuilt and the land separated from the curtilage of the new dwelling house by the boundary wall/fence approved by planning application 65/2016/179681. The file was closed 27th April 2017.

- 2.3 Both buildings are constructed from natural stone; they have pitched roofs made from natural blue slate. Windows and doors are to be white painted timber. The materials have been taken from the previous detached masonry building which has now been demolished and have been reused within these proposals.

2.4 This application is a resubmission of application 65/2017/17921, which gained planning approval for the rebuilding of detached masonry building and construction of single storey detached garage as a live/work unit. This application seeks to remove the live work unit restriction and be used strictly for domestic purposes. The application also seeks approval for some internal and external alterations. These include:

- Internal restructuring to remove work element and provide more bedrooms and domestic living space;
- 5 no. roof lights have been removed since the previously approved plans;
- The door to the rear has been moved slightly to the right;
- A new window has been included within the front elevation, excavation works have been undertaken to allow for this.

Officer Note: It is important to note that construction works have begun on approved application 65/2017/17921; the minor changes noted above have also been implemented before receiving planning permission.

Planning History

2.5 2017/18287/CND – Application to discharge condition no 5 and 6 of planning permission 65/2017/17921. Approved 24th August 2017.

2.6 65/2017/17921 – Re-building of detached masonry building and construction of single storey detached garage. Approved with conditions, 3rd July 2017.

2.7 Enforcement Reference 2619/2017 – Alleged breach of Planning Control (Wall being removed to create new access, possibly damaging protected tree). Case closed 27th April 2017.

2.8 65/2016/17681 – Full planning permission for material amendments to previous planning approval 65/2012/13066 for re-design of side extension. Approved 9th February 2017.

2.9 65/2015/16302 – Discharge of condition no's 5, 6 and 17 of previously approved application 65/2012/13066. Approved 10th December 2015.

2.10 65/2014/15113 – Fell & Remove 3 No Horse Chestnut (T1, T3 & T4) & 1 No Sycamore (T2). Refused 4th December 2014 as:

'The reasons given for felling of the three TPO trees are several minor faults which are not sufficient to warrant removal of the protected trees. The trees are healthy, prominently positioned with high local public amenity value and there is significant local public support for their retention'.

2.11 65/2012/13066 – Conversion, extension and alterations to existing redundant masonry barn to provide employment generating use with ancillary living accommodation and construction of single storey detached garage. Approved 2nd January 2013.

2.12 65/2010/10979 – Resubmission of 65/2010/10708 (with amendments) conversion, alterations and extension of existing barn to form live/work unit. Withdrawn 27th October 2010.

2.13 65/2010/10708 – Conversion, alterations and extension of existing barn to form live/work unit and erection two storey garage/store/office building. Refused 24th August 2010. The application was refused as:

"In the view of the Local Planning Authority it has not been satisfactorily demonstrated that this proposal would lead to the creation of genuine employment premises. It is contended that it has not been satisfactorily demonstrated that a suitable level of employment and residential accommodation can reasonably be provided without extending the building. It is also contended that the proposal fails to provide employment premises wholly in one place and at ground floor level and to maintain a suitable degree of separation between the residential and employment uses. In view of this the proposal is considered to be contrary to the provisions of Policy EMP9 of the Craven District (Outside the Yorkshire Dales National Park) Local Plan, and the provisions of Supplementary Planning Guidance 'The Conversion of Rural Buildings to Live/Work Units within Craven'".

- 3. Planning Policy Background
- 3.1 Draft Submission Local Plan (2018)
- 3.2 The National Planning Policy Framework (2012)
- 3.3 Planning Practice Guidance (2012)
- 3.4 Saved Policies ENV1, ENV2 and T2 of the Craven District (Outside the Yorkshire Dales National Park) Local Plan.
- 4. Parish/Town Council Comments
- 4.1 Stirton with Thorlby Parish Council – Comments received 5th April 2018.

'The application has been publicised on the Parish website and I have consulted with colleagues on the Parish Planning Committee.

1. *The drawings show a four bedroom house although the application form and Design and Access Statement both refer to only 2 bedrooms. These comments are made on the assumption that the intention is to build a 4 bedroom property.*
 2. *Residents have expressed mixed views on the construction of a 4 bedroom detached house rather than the 2 bedroom live/work unit which already has planning approval. There are concerns from some residents that an increase in windows may adversely affect their privacy and increase light pollution in the surrounding area. Stirton Lane has no pavement and is relatively narrow so a possible increase in traffic/parking was also seen as a problem, particularly where access to neighbouring properties are concerned. However, much would depend on the type of business which would use a live/work unit so other residents were of the opinion that, assuming sufficient off road parking is provided, a domestic property would generate less traffic problems.*
 3. *Water to the property will be supplied from the Stirton Water Trust system. Stirton Water Trust has been consulted and the supply is sufficient to cope with the possible extra demand from this proposed property. However, in the future, if there are further development applications, developers should ensure an adequate water supply will be available from the Stirton Water Trust system.*
 4. *The Design and Access Statement refers to three mature trees to the south west of the development site but not to the fact that they carry tree preservation orders. We would welcome a reminder to the developer about his obligations in respect of these trees.*
 5. *Complaints have been received about the unsightly 'temporary' access and driveway which have been constructed across the adjacent land from Stirton Lane to the development. Access was facilitated by the removal of a portion of a boundary wall. This section of Stirton Lane is particularly prone to flooding during heavy rainfall and water is now able to drain more freely onto the roadway carrying mud and stones with it, exacerbating the problem. There was flooding there during the recent spell of bad weather. We ask that this driveway be removed immediately, the wall reconstructed and any debris be removed from the roadway.*
 5. *This application is one of a series for this development which has made following the planning process difficult for residents of the Parish. Parishioners were surprised to find that what, at the outset, was to be the redevelopment of old farm buildings to a two bedroom live/work unit had, during the planning process, become a new build four bedroom domestic property. It may be that correct procedures have been followed but people feel there has been a lack of transparency. This is not to say that people necessarily had objections to the construction of a domestic property rather than the intentions of the developers should have been made clear at the outset so people could comment accordingly before building started'. Consultations*
- 5.1 **CDC Environmental Health** – Comments received 19th March 2018. Comments included a number of conditions and Informatives which relate to noise, asbestos, dust and clean topsoil. Further

comments were received on 19th March 2018. The historical use of the agricultural building could have led to some potential contaminated land issues, namely fuel or agricultural chemical storage. The proposal is to introduce a sensitive receptor to the site and this must be taken into account. However any potential contamination is likely to be isolated, in order to ensure any potential risk is suitably addressed. Therefore a condition has been provided which relates to contaminated land, this should be attached to a decision notice, if the application is granted planning permission.

- 5.2 **NYCC Highways** – Comments received 21st March 2018. In assessing the submitted proposals and reaching its recommendation the Local Highway Authority has taken into account the following matters:

It has been assumed that previous use [building] is still extant in planning terms ie this planning application involves no intensification of use.

Consequently the Local Highway Authority recommends that a condition relating to parking for dwellings is included within the decision notice, if the application is approved.

- 5.3 **Natural England** – Comments received 26th March 2018. Natural England have no comments to make on this application.

- 5.4 **CDC Tree Officer** – Comments received 27th March 2018. No objections to this application, protective tree fencing conditions should be attached as per the previous planning application.

6. Representations

- 6.1 Site Notice – Expired 13th April 2018.

- 6.2 Press Notice – Expired 12th April 2018.

- 6.3 Neighbour Letters – Expired 6th April 2018.

- 6.4 One representation has been received from the occupier of 2 The Cottages, they state:

'I believe it would take away any uncertainty relating to work use and associated deliveries/vehicle numbers'.

- 6.5 A further representation has been received from the occupier of Stirton House, they state:

'I am concerned that this is a retrospective application and wonder whether the intention was for a 4 bedroomed dwelling from the outset. With the capability for an additional 4 vehicles access, parking and general volume of traffic will become an increased issue particularly when access is required through drive leading to the garage for maintenance and deliveries to the neighbouring 2 properties. The application made is fundamentally different in purpose to the original application and currently presents the façade of a detached house and not for a workshop for which there is current approval'.

7. Summary of Principal Planning Issues

- 7.1 Principle of development.

- 7.2 Impact of the proposed development upon the character and appearance, scale, design and visual impact of the area.

- 7.3 Impact of the proposed development upon the privacy and amenity of neighbouring properties.

- 7.4 Highway issues.

- 7.5 Condition of site.

8. Analysis

Principle of development

- 8.1 In March 2018 the Council submitted the Council's New Local Plan to the Secretary of State. The Housing Trajectory 2012 to 2032, including the 2018 update for Submission indicates that the Council can now demonstrate a 5 year supply of housing sites. However, the stated existence of the Five Year Housing Land Supply is not a reason by itself to justify the refusal of a planning

application. It is a material consideration in the planning judgement that can be given weight in the decision making process. In effect it is one of many planning issues that should be taken into account when determining a planning application.

- 8.2 The submission of the Local Plan is at an advanced state, and therefore weight can be given to it. However, the NPPF at paragraph 216 sets out that the weight that should be given to draft policies will depend upon 'the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given)'. Draft Policy ENV3 'Good Design', is considered to be applicable to this planning application, and there are unresolved objections to this policy. An assessment of the significance of these objections has not yet been made, and as such it is considered beneficial to adopt a precautionary approach and consider that less weight should be given to this draft policy than to those policies that have no outstanding objections. In conclusion, whilst some weight can be given to the above policy, the greater weight should remain with the Saved Local Plan Policies and the NPPF.
- 8.3 The application site lies outside of existing development limits; 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 and/or inappropriate development by limiting development to small scale proposals appropriate for the enjoyment of the scenic qualities of the countryside and other small scale development that:
- Has a rural character;
 - Clearly benefits the rural economy;
 - Helps to maintain or enhance landscape character;
 - Is essential for the efficient operation of agricultural or forestry; or
 - Is essential to the need of the rural community.
- 8.4 Saved Local Plan Policy ENV2 seeks to ensure that any development that is considered to be acceptable in principle under Saved Policy ENV1 is:
- Compatible with the character of the area;
 - Does not have an unacceptable impact on the landscape;
 - Has a design and uses materials which relate to the setting;
 - Can accommodate traffic generated satisfactorily;
 - Can provide services and infrastructure without a serious harmful change to the character and appearance of the area.

These are general planning considerations, broadly in line with the NPPF.

- 8.5 Submission Draft Local Plan Policy SD1 'The Presumption in Favour of Sustainable Development' identifies that at the heart of the local plan is the aim to deliver sustainable growth, and that the Council will take a positive and proactive approach to the consideration of development proposals.
- 8.6 In terms of the NPPF there is a presumption in favour of all forms of sustainable development provided the benefits of allow development are not outweighed by any dis-benefits that may arise. The NPPF also advocates the provision of new housing to meet established housing needs.
- 8.7 Although the NPPF is supportive of sustainable development, paragraph 17 of the NPPF also states that plan making and decision taking 'should take account of the different roles and character of different areas, recognising the intrinsic character and beauty of the countryside whilst actively managing the patterns of growth'.
- 8.8 Furthermore, paragraph 55 of the NPPF advises that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Paragraph 111 continues this theme by stating that planning policies and decisions should

encourage the effective use of land by re-using land that has been previously developed (brownfield land).

8.9 With respect to the NPPF and the suitability of the site for development in principle, it is accepted that the site lies outside of the recognised development limits, however, It is important to note that although identified within the 'open countryside', due to the nature of the area being a built up hamlet of residential dwellings it is not a standard 'open countryside' setting in which this policy typically relates. There are a number of residential properties located on Stirton Lane, although this property would not be used in relation to agriculture or forestry, it would be reusing a brownfield site which is promoted within the National Planning Policy Framework. The nearest bus route to the property would be within a 5 minute walk and the nearest train station is a 7 minute car journey.

8.10 As such the site is considered to be suitable for residential development that would provide both economic and social benefits. Therefore it is considered that the proposed development accords with the aims and objectives of the NPPF and Saved Policy ENV1. Consequently, in principle, residential development at this location is capable of forming sustainable development in accordance with NPPF guidance.

Impact of the proposed development upon the character and appearance, scale, design and visual impact of the area.

8.11 Saved Policy ENV2 states that development that is considered to be acceptable in principle under ENV1 should only be permitted where it is compatible and does not have an unacceptable impact on the surrounding area. The design of structures should also relate well to the setting taking into account of the immediate impact and public views of the development.

8.12 The NPPF states that LPA's should aim to ensure that developments function well and add to the overall quality of the area, optimising the potential of the site to accommodate development. It also states that development should respond to local character and history and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation. It also states that whilst visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design go beyond aesthetic considerations. Therefore, LPA's should aim to address the connections between people and places and the integration of new development into the built environment.

8.13 In terms of the historic environment the NPPF sets out the broad policy requirement that when the LPA consider the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the assets conservation. 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 this proposal.

8.14 The property was subject to a structural survey in November 2012 under application 65/2012/13066 in which it was detailed that conversion would be appropriate. However, under application 65/2017/17921 it was suggested that the underpinning detailed within the structural survey would be impossible without serious risk to the stability of the premises. Therefore, demolition and re-construction was applied for. It was acknowledged that the building was not of a typical agricultural building construction in terms of its design and materials and is of an irregular construction. As the building is located within a small village it is in officers opinion that the reuse of the building whether it be for conversion or demolition and rebuild would be beneficial to the area and would improve the street scene of Stirton Lane.

8.15 The application proposes one new dwelling within a brownfield site located off Stirton Lane, Stirton. The property is to be of two storeys and is located within a small portion of land which once housed agricultural buildings. It is noted that the proposed dwelling will be small in scale and size and does differ in appearance to other residential dwellings within the area. However, it is important to note that the proposed dwelling is similar in appearance to the original detached masonry building which has stood within the site for a number of years; furthermore, the other residential dwellings already all differ in ages and designs and therefore the proposals would not appear incongruous to its surroundings.

- 8.16 Part of the site has been excavated to allow for the proposed dwelling once the detached masonry building was demolished, this has helped to limit the impact of the property. Due to the open nature of the site the property will be considerably noticeable from Stirton Lane. However, as highlighted previously, there are a number of other residential dwellings within the area, some of which front the highway, with the majority of the properties having open frontages. The proposed dwelling will be stepped back from the highway and will be partially screened by the existing TPO trees which line the western boundary of the site.
- 8.17 The application site lies to the north of a number of Grade II Listed Buildings, it is therefore important that the character and appearance of the area is retained and not compromised through these proposals. With regards to the detailing of the dwelling, the surrounding area comprises of traditional vernacular designed dwellings and some more modern detached properties. The proposals have re-used the materials from the demolished masonry building within this new structure and have kept key features from the previous building such as infilling the previous barn door with a large window to the southern elevation to help the property look similar to what was there previously and harmonise with the immediate area.
- 8.18 Overall, the proposed residential dwelling is considered to be of a scale, proportion, design and material that would not have a significant detrimental impact on the character or appearance of the surrounding area or the wider landscape and is therefore considered to meet the requirements of the National Planning Policy Framework and Saved Policy ENV2 of the Local Plan.

Impact of the proposed development upon the privacy and amenity of neighbouring properties.

- 8.19 The National Planning Policy Framework states that Local Planning Authorities should seek to achieve a good standard of amenity for all existing and future occupants of land and buildings. The General Development Principles of the Local Plan also states that all development should protect the amenities of neighbouring residents and occupiers.
- 8.20 The application property is surrounded by residential dwellings to the south and west. The nearest property with the potential to be affected is No. 2 Stirton Lane.
- 8.21 No. 2 Stirton Lane is located to the south of the application site. The proposed development extends the unit to the northern elevation and as such would not cause any significant increase in overshadowing or obstruction of windows above the existing structure. The development would introduce a window to the southern elevation which would face onto No. 2 Stirton Lane however, with the separation distance that is available, the angle of the view and the small windows to both dwellings it is not considered that the development would result in any significant increase in overlooking.
- 8.22 It is in officers' opinion taking the above into consideration that the amenity of the occupiers of the neighbouring properties will not be significantly impacted by the proposals. It is therefore considered that the proposed development would not result in any unacceptable impacts on neighbouring properties privacy or amenity in accordance with the requirements of the National Planning Policy Framework and the general development principles of the Local Plan.

9. Conclusion

- 9.1 Paragraph 14 of the Framework indicates that development should be approved unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole, or specific policies in the Framework indicate development should be restricted. In this case it is considered that the proposals would not be harmful to the existing character and amenities of the surrounding area. The living conditions of neighbouring occupiers would not be harmed by any substantial loss of privacy, sunlight or general outlook. In conclusion, it is considered that the requirements of the NPPF and Saved Local Plan Policy are met and that planning permission should be granted.

Highway issues

- 9.2 Section 4 of the NPPF contains guidance on transport and land use planning, including the promotion of sustainable transport choices and reducing travel by car. Paragraph 32 of the NPPF states that:
- ‘Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe’.*
- 9.3 Draft Submission Local Plan Policy INF4 ‘Parking Provision’ identifies that it is important to encourage sustainable transport modes and reduce conflict between road users. It is important that the provision is safe and convenient for an appropriate quantity of vehicles, minimum parking standards should apply. However, the Council will adopt a flexible approach with each case being determined on its own merits.
- 9.4 Saved Policy T2 is permissive of development proposals that are appropriate to the highway network where, amongst other things, they do not generate traffic in excess of the highway network; any new or greater use of an access onto a primary, district or local distributor road is acceptable in terms of design and road safety; and regard is paid to the highway impact and potential for improvement to the surrounding landscape.
- The proposal is seeking to utilise the existing vehicle access and provide a detached garage with turning area for vehicles. As such the proposal would not have an adverse impact on the existing highway system. NYCC Highways were consulted on this application and stated that:
- ‘It has been assumed that previous use [building] is still extant in planning terms i.e. this planning application involves no intensification of use.*
- Consequently the Local Highway Authority recommends that a condition relating to parking for dwellings is included within the decision notice, if the application is approved’.*
- 9.5 In conclusion, it is considered that the proposal accords with the policy requirements of Saved Policy T2 of the Saved Local Plan and the guidance contained within the NPPF and is therefore considered to be acceptable in terms of highway safety.

Condition of site

- 9.6 The application site before demolition was in poor condition with the detached masonry building being vacant and of a tired appearance, there was also a dilapidated agricultural building located on the site. The buildings detracted from the attractive street scene which currently exists on Stirton Lane. There are 3 No. trees which are subject to Tree Preservation Orders which are located to the west of the application site and are to be protected during construction if the application is granted planning permission. To the south of the application site are a number of Grade II Listed Buildings, it is therefore important that the character and appearance of the area is protected and enhanced where possible in order to protect the setting of these Listed Buildings. By demolishing the decaying buildings on site and tidying up the properties curtilage the appearance of the area was drastically improved, and the setting of the Listed Buildings enhanced. The proposed live/work unit is currently under construction, alongside the detached garage, it is in officers opinion that these new buildings have brought the site back into use and have improved the look of the area compared to what previously existed. By bringing the site back into use, the economy will also be benefited.

10. Recommendation

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

Conditions

Approved Plans

1. This permission relates to the following plans:
 - Location Plan – Drawing No. 156/1A, received 28th February 2018;

- Site + Roof Plan – Drawing No. 156/2J, received 28th February 2018;
- Existing Layout – Drawing No. 156/3c, received 28th February 2018;
- Proposed Floor Plans – Drawing No. 156/4K, received 28th February 2018;
- Proposed Elevations + Section – Drawing No. 156/5L, received 28th February 2018;
- Detached Garage – Proposed Plan + Elevations – Drawing No. 156/6, received 11th May 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.

During Building Works

2. Should any 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'.

3. The development hereby approved shall be carried out wholly in accordance with the recommendations and mitigation measures of the Protected Species Survey by Earthworks Environmental Design received by the Council on the 2nd November 2012 and approved under the terms of planning approval number 65/2012/13066.

Reason: To ensure the development does not have an adverse impact on any protected species in accordance with Section 11 of the National Planning Policy Framework.

4. No materials or equipment shall be stored outside the building except for waste materials contained within bins for periodic removal.

Reason: For the avoidance of doubt and to ensure that the use of the site does not detract from the general amenities of the countryside, and to accord with Saved Policies ENV1 and ENV2 of the Craven District (Outside the Yorkshire Dales National Park) Local Plan.

5. The stone and roofing materials found in the previously demolished masonry building shall be re-used within the newly constructed detached masonry building. Samples of any additional materials needed shall be submitted to, and approved in writing by, the Local Planning Authority. The submitted materials, once approved by the Local Planning Authority, shall be used within the construction of the detached masonry building where necessary and retained thereafter.

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

6. During construction works barrier fencing shall be erected around all existing trees located on the western boundary of the site in compliance with BS 5837 (2005) Trees in Relation to Construction – Recommendations. Within these fenced areas no development, vehicle manoeuvring, storage of materials or plant removal or addition of soil may take place. The fencing shall not be moved in part of wholly without written agreement of the local planning authority. The fencing shall remain in place until completion of all development works and removal of site vehicles, machinery, and materials in connection with the development.

Reason: To prevent damage to trees during construction works.

Before the Development is Occupied/First Brought into Use

7. The dwelling shall not be occupied until 4 parking facilities (minimum size 4.8m x 2.4m) have been constructed. Once created these parking areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason: To provide for adequate and satisfactory provision of off-street accommodation for vehicles in the interest of safety and the general amenity of the development.

8. Prior to the first occupation of the building details of bat habitat enhancements on or around the barn shall be submitted to and be approved in writing by the Local Planning Authority. These mitigation measures shall then be constructed as approved also prior to the first occupation of the structure and remain in situ thereafter.

Reason: To avoid adverse impacts on protected species by the development and in accordance with the National Planning Policy Framework.

9. All soil stacks shall be internal and before the development hereby permitted is first brought into use, all gutters and downpipes shall be finished in black and shall be so retained thereafter.

Reason: To help ensure that the building remains agricultural in appearance in the interests of the visual amenity of the Open Countryside.

Ongoing Conditions

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(Amendment)(No.2)(England) Order 2018 (or any other revoking and re-enacting that Order with or without modification), the buildings shall not be extended or altered, no new buildings or means of enclosure shall be constructed, and no plant or machinery shall be installed or hardstanding provided outside the buildings (unless expressly authorised by this permission).

Reason: To avoid ancillary development of a type which may detract from the appearance of the building or its setting, in the interests of preserving the character of the rural locality, and to accord with Saved Policies ENV1 and ENV2 of the Craven District (Outside the Yorkshire Dales National Park) Local Plan.

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

Reason: In the interests of the character and appearance of the surrounding area.

12. Notwithstanding the provision of any Town and Country Planning (General Permitted Development)(Amendment)(No 2)(England) Order 2018 or any Order revoking or re-enacting that

Order, the areas shown on the approved plans 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)(Amendment)(No 2)(England) Order 2018, the garage shall not be converted into domestic accommodation without the granting of an appropriate planning permission.

Reason: To ensure the retention of adequate and satisfactory provision of off-street accommodation for vehicles generated by occupiers of the dwelling and visitors to it, in the interest of safety and the general amenity of the development.

14. Foul and surface water from the development shall be drained in the manner set out in the details approved by the Local Planning Authority on 10th December 2015 under planning approval number 65/2015/16302 unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the site is appropriately drained so as to not impact on neighbouring residents.

15. The site shall be landscaped in accordance with the details shown on the approved plans. The scheme shall be implemented in the first planning season following completion of the development, or first occupation/use, whichever is sooner.

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

Reason: In the interests of the visual amenity of the area, in accordance with the requirements of Saved Policies ENV1 and ENV2 of the Craven District (Outside the Yorkshire Dales National Park Authority) Local Plan and Section 11 of the National Planning Policy Framework.

16. Notwithstanding the details on the approved plans all new windows and doors shall be of timber construction, set in a minimum external reveal of 100mm and painted throughout to the same colour specification. Once installed the windows and doors shall be retained as such thereafter unless otherwise agreed in writing by the Local Planning Authority.

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

17. The development for which permission is given in this notice of consent (hereinafter called "the third permission" shall not be exercised in addition to or in combination, as to part with the development permitted by the notice of permission numbered 65/2017/17921 issued on 3rd July 2017 (hereinafter called "the second permission") and permission numbered 65/2012/13066 issued on the 2nd January 2013 (hereinafter called "the first permission") so that there shall only be the option to develop in accordance with either the third, second or first permission.

Reason: For the avoidance of doubt and to prevent an inappropriate development of the site by the implementation or partial implementation of all three permissions, and to accord with Saved Local Plan Policies ENV1 and ENV2.

INFORMATIVE

1. No works are to be undertaken which will create an obstruction, either permanent or temporary, to the Public Right of Way adjacent to the proposed development. Applicants are advised to contact the County Council's Access and Public Rights of Way team at County Hall, Northallerton via 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.
2. All bats and their roosts are fully protected under the Wildlife and Countryside Act 1981 (as amended by the Countryside and Rights of Way Act 2000) and are further protected under Regulation 41(1) of the Conservation of Habitats and Species Regulations 2010. Should any bats or evidence of bats be found prior or during development, work must stop immediately and in the first instance contact the National Bat Helpline 0845 1300 228. Developers/contractors may need to take further advice from Natural England on the need for a European Protected Species Licence in order to continue the development in a lawful manner. Natural England can be contacted at consultations@naturalengland.org.uk, or by calling 0300 060 3900, or Natural England, Consultation Service, Hornbeam House, Crewe Business Park, Electra Way, Crewe, Cheshire, CW1 6GJ.
3. During construction there is a potential for noise nuisance to nearby residential properties.

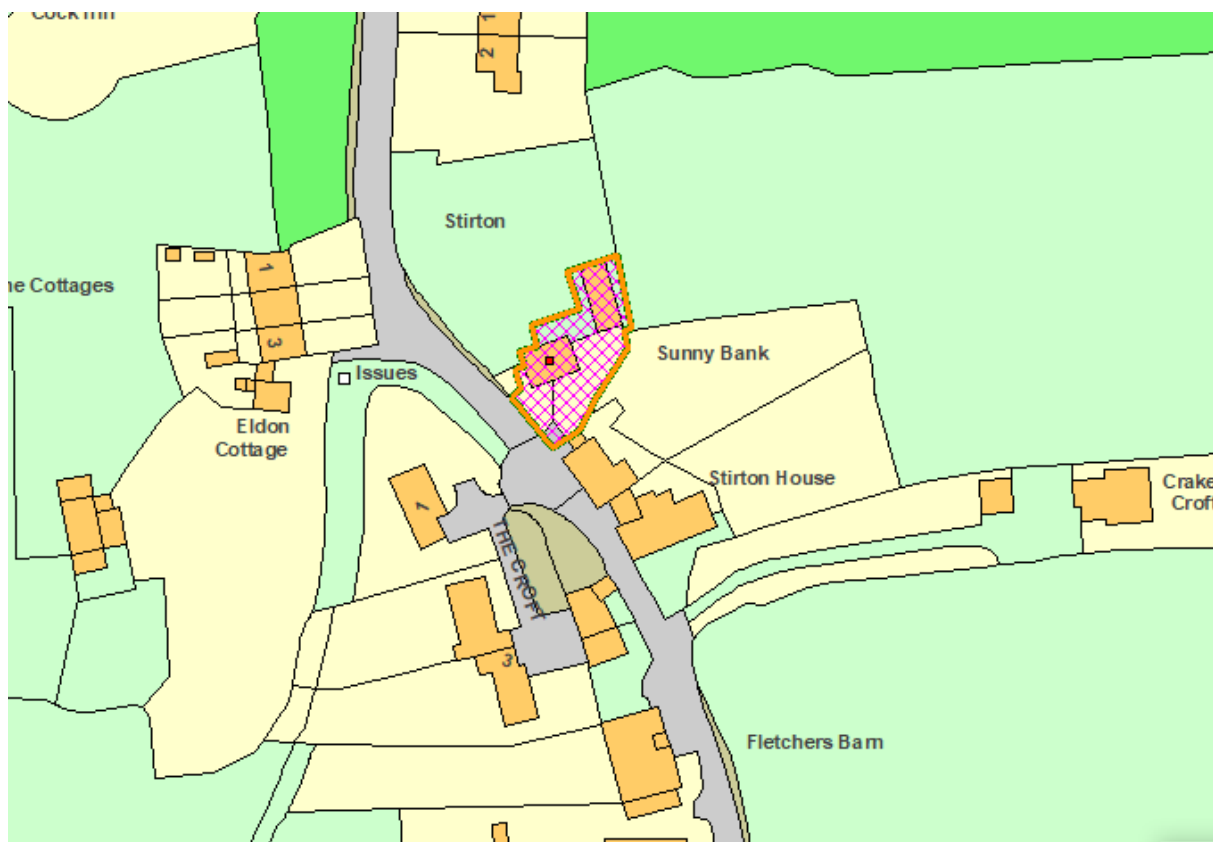
Operating times for construction should be limited to:

- 8:00am to 18:00pm Monday to Friday
- 8:00am to 13:00pm Saturday
- No Sunday or Bank Holiday working

4. The applicant needs to have regard to the BS8233:2014 Guidance on 'Sound Insulation and Noise Reduction for Buildings' which presents guideline noise levels for both inside and outside dwellings. The applicant should adhere to the levels shown in the document.
5. The applicant should identify all areas of the site and the site operations where dust may be generated and ensure that dust is controlled so as not to travel beyond the site boundary.
6. 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.
At the request of the Local Planning Authority, details of the supplier(s) and confirmation on the source(s) of any topsoil material should be supplied within 21 days of any request being received.
7. Regard should be had for the safe removal of any potential asbestos containing material present on site, i.e. roof material. The applicant should ensure removal of any such material is 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.
8. The applicant is advised that a separate license 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 details constructional specification referred to in this informative.

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: 2018/19062/FUL

Proposal: Full planning permission for re-building the detached masonry building

Site Address: Land Adjacent To 2 Stirton Lane Stirton Skipton
BD23 3LN

On behalf of: Mr G Mitchell

REPORT TO PLANNING COMMITTEE ON 4th June 2018

Application Number: 2018/19086/VAR

Proposal: Application to remove condition no. 14 of original planning consent reference 12/2017/17952 to allow unrestricted hours of use for office building

Condition Number(s): Condition 14

Conditions(s) Removal:

This application is to remove condition 14 to allow for unrestricted hours of use for this office building. Refer to the attached supporting statement made with this submission

This application seeks to remove condition 14 from the planning permission

Site Address: Skinner Ground Farm Old Lane (North) Broughton Skipton
BD23 3AH

On behalf of: Broughton Custodian Fund

Date Registered: 9th March 2018

Expiry Date: 4th May 2018

Case Officer: Mr Mark Moore

This application is referred to the Planning Committee for a decision as it is seeking a variation to an extant planning permission that was determined at Planning Committee.

1. Site Description
- 1.1 The application site is located at Skinner Ground Farm which is sited in open countryside to the north of the A59 at Broughton.
- 1.2 Access to the site is via a long track (Old Lane) that exits at two points onto Gargrave Road to the east. The site lies adjacent to converted farm buildings (Skinner Ground Farmhouse Barn) that are in use as commercial premises.
- 1.3 The proposal relates to the western part of the farm where there is an existing large farm storage building and a slurry store which it is proposed to demolish. There is no planning history associated with this building although the applicant's agent has stated that the site and building has been in use by the Broughton Hall Estate as an estate yard to service the estate buildings for over 15 years. This use has included joinery, mechanics, storage, paint store, machinery store and storage of building materials.
- 1.4 Although set back from the main road the site is visible from the A59 to the south. The site is set within a landscape of rolling fields defined as '*Lowland – Rolling Drumlin Pasture*' in the Craven District Landscape Appraisal.

- 1.5 A very small part of the site access is located within the outer zone buffer of the Nether Kellet high pressure gas pipeline (the actual pipeline itself is approximately 330 m to 400 m to the north of the site access).
- 1.6 The site access and land to the south of the existing building that is within the application site is also a Public Right of Way (05.8/5/1 Broughon).
2. Proposal
- 2.1 Planning permission was granted in July 2016 for the demolition of the existing farm building and the erection of new offices and pharmaceutical laboratories (ref: 12/2017/17952). This application seeks permission to remove condition 14 of that permission in order to allow unrestricted hours of use (24 hour operation) of the proposed office building.
- 2.2 Condition 14 limits operation of the premises between the hours of 0700 to 1800 Monday to Saturday
3. Planning History
- 3.1 12/2: Erection of cattle unit. Approved November 1979.
- 3.2 12/35: Proposed dairy unit. Approved July 1992.
- 3.3 12/2016/16593: Demolition of existing building and erection of new offices and pharmaceutical laboratories. Approved July 2016.
- 3.4 12/2017/17951: The erection of a stability storage shed with vehicle turning area – Annex to main pharmaceutical building permitted as part of application ref: 12/2016/16593. Not determined – application to be considered at same Planning Committee meeting.
- 3.5 12/2017/17952: Application to vary condition no 2 of previously approved application (12/2016/16593) to allow amendments to the original plans. Approved July 2017.
- 3.6 2018/19087/CND: Application to discharge condition no.6 of original planning consent 12/2017/17952. Awaiting decision.
- 3.7 2018/19089/CND: Application to discharge condition no.12 of original planning consent 12/2017/17952. Condition not discharged.
- 3.8 2018/19102/CND: Application to discharge condition nos. 5 and 7 of original planning consent reference 12/2017/17952. Conditions discharged May 2018.
4. Planning Policy Background.
- 4.1 **Saved Policies in The Craven District Local Plan:**
- ENV1: Development in the Open Countryside.
- ENV2: Requirements for Development in Open Countryside.
- ENV10: Protection of Trees and Woodland.
- EMP5: New Employment Development outside Development Limits and Established Industrial Area (Excluding Conversions).
- T2: Road Hierarchy.
- 4.2 **Submission Draft Local Plan (2018)**
- 4.3 **National Planning Policy Framework**
- 4.4 **National Planning Practice Guidance**
5. Parish/Town Council
- 5.1 **Broughton Parish Council:** No comments received..
6. Consultations

None requested.

7. Representations

7.1 The application was advertised by way of neighbour notification letters issued on 29th March 2018 and by a site notice posted on 9th April 2018.

7.2 No third party representations have been received in response to the application.

8. Summary of Principal Planning Issues

8.1 The implications of the proposed removal of condition 14

9. Analysis

9.1 This application relates to a site that has extant planning permission and seeks to remove condition 14 of that permission in order to allow unrestricted operation hours of the proposed laboratory/office premises (as described at section 2 of this report). In view of this it is not now necessary to consider the principle of development and this report therefore deals solely with the implications of the proposed removal of condition 14.

9.2 The site is remotely located and well screened from public view and it is considered that unrestricted hours would not give rise to any issues in terms of the impact on the wider landscape or open countryside setting.

9.3 In terms of the potential for noise arising from the use of the site there is precedent from the use of the established commercial laboratory premises adjacent to the site which has operated for a number of years without giving rise to any noise complaints. The proposal is for a similar use and for this reason it is reasonable to assume that no potential amenity problems are likely to arise from noise.

9.4 It is also worth noting that the development that has been approved would fall within Part B, Class B1 (Business) of the Town and Country Planning (Use Classes) Order 1987 which limits the use of the approved building to only those uses that would not involve any unneighbourly operations '*by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit*'. Given these limitations therefore it is considered that it is highly unlikely there would be any direct loss of amenity arising from the proposed extended operating hours of the site.

9.5 There are accesses to the site to the east and south, the southernmost of which exits onto the A59 immediately adjacent to residential properties at Sulphur Wells. This particular access has recently been upgraded to allow some limited vehicular use although this was primarily to remain a footpath under the terms of the original planning permission. The matter is currently under investigation and it is anticipated an application will be submitted in the near future that would regularise some limited use of a revised access for vehicles. Notwithstanding, the principal site access remains the one to the east where it opens onto Gargrave Road adjacent to a small group of residential properties. It is considered therefore that the only amenity consideration in relation to unrestricted operating hours is that of the concurrent 24 hour use of the site accesses, both vehicular and pedestrian, that lay in close proximity to existing residential properties.

9.6 In coming to a decision of this matter it is necessary to consider that the existing commercial premises that lie immediately to the east of the application site and share the access do not have restricted hours of operation and therefore the accesses to the application site already have 24 hour use. As a consequence the issue becomes a question of whether or not the intensification of the use over 24 hours would be such that a loss of amenity to the neighbouring residential properties would occur.

9.7 This is a difficult matter to quantify and it is necessary to consider that the additional use of the access over what would be permissible under the current restriction would occur from 6pm through to 7am. There is no doubt that vehicular activity would potentially be more harmful outside of normal business hours than during the daytime but the reality is that the majority of use would not occur at unsocial hours. It is also unlikely that the use from the new development would intensify the

movement of vehicles to a sufficient degree to give rise to excessive noise and a resultant loss of amenity.

9.8 **Conclusion:**

9.9 It is considered that the proposal is fully in accordance with the relevant saved Local Plan policy requirements and represents sustainable development that should be granted planning permission under the terms of paragraph 14 of the NPPF.

10. Recommendation

10.1 That permission to remove condition 14 of planning permission ref: 12/2017/17952 is granted subject to the following conditions:

10.2 That planning permission is granted 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. The development shall not be carried out other than wholly in accordance with the following:

Drawing nos:

- PL101 Revision E (Location Plan)
- PL002 Revision D (Site Plan)
- PL110 Revision B (Site Plan)
- GA 100 Revision D
- GA 101 Revision E
- GA 300 Revision E

Received by the local planning authority on the 27th March 2017.

- PL003 (Access Plan), PL004 (Old Lane Junction) PL201 (received 26th January 2016 under planning permission ref: 12/2016/16593).
- PL110 (Site plan showing drainage) (received 25th May 2016 under planning permission ref: 12/2016/16593).
- Design and Access Statement, Transport Statement and Workplace Travel Plan (received 26th January 2016 under planning permission ref: 12/2016/16593).

The development shall be completed in accordance with the approved plans except where conditions attached to this planning permission indicate otherwise.

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 and the National Planning Policy Framework.

Before you Commence Development

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

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

Reason: In the interests of visual amenity.

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) (c) 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 10 metres back from the carriageway of the existing highway and shall not be able to swing over the existing or proposed highway.

(v) 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.

(vi) The final surfacing of any private access within 10 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.

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: To ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience.

5. **Condition Discharged.**

6. 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 run-off generated during rainfall events up to and including the 1 in 100 years rainfall event, to include for climate change, will be less than the run-off from the site prior to the proposed development 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 and be retained thereafter.

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 (or any subsequent update or replacement for that document).

Reason: To prevent the increased risk of flooding; to ensure the future maintenance of the sustainable drainage system, to improve and protect water quality and improve habitat and amenity.

During Building Works

7. Condition discharged

8. Prior to the first installation on site full details of the proposed external lighting of the site, including any lighting attached to the buildings, shall be submitted to and approved in writing by the local planning authority.

The development shall subsequently be undertaken in accordance with the approved details and no other external lighting shall be installed on the site or approved buildings without the prior approval of the local planning authority.

Reason : In the interests of visual amenity.

9. No building or other obstruction including landscape features shall be located over or within 15 feet (4.572m) of either side of the centre line of the water main i.e. a protected strip width of 30 feet (9.144m), that traverses the site.

Reason: In order to allow sufficient access for maintenance and repair work at all times.

10. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or building(s) or other works until:

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

- a. Provision of tactile paving
 - b. 1.5m wide footway [kerbed, adjacent to carriageway] connecting footpath at Sulpher Well Houses with Broughton Mill Business Park [Watermill Park] and with bus stop [south side of A59].
- (ii) An independent Stage 2 Road Safety Audit for the agreed off site highway works has been carried out in accordance with HD19/03 - Road Safety Audit or any superseding regulations and the recommendations of the Audit have been addressed in the proposed works.
- (iii) A programme for the completion of the proposed works has been submitted to and approved writing by the Local Planning Authority in consultation with the Local Highway Authority.

The required highway improvements shall be completed in accordance with the approved programme and shall include:

- a. Provision of tactile paving
- b. 1.5m wide footway [kerbed, adjacent to carriageway] connecting footpath at Sulpher Well Houses with Broughton Mill Business Park [Watermill Park] and with bus stop [south side of A59].

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

Before the Development is Occupied/First Brought into Use

11. There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until splays are provided giving clear visibility of 60 metres measured along both channel lines of the major road Gargrave Road Broughton from a point measured 2 metres down the centre line of the access road. The eye height will be 1.05 metres and the object height shall be 1.05 metres. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
- Reason: In the interests of road safety.
- Informative:
- An explanation of the terms used above is available from the Highway Authority.
12. Unless otherwise approved in writing by the Local Planning Authority in consultation with the Highway Authority, the development shall not be brought into use until the following highway works have been constructed in accordance with the details which shall first be submitted to and approved in writing by the Local Planning Authority and shall be retained as such thereafter:
- Direct surfaced path, e.g. crushed stone, between development and bus stop at Sulpher Wells (A59).
- Reason: In the interests of the safety and convenience of highway / bus users.
13. Prior to the development being brought into use, a Travel Plan shall have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. This shall include:
- the appointment of a travel co-ordinator
 - a partnership approach to influence travel behaviour
 - measures to encourage the use of alternative modes of transport other than the private car by persons associated with the site
 - provision of up-to-date details of public transport services
 - continual appraisal of travel patterns and measures provided through the travel plan
 - improved safety for vulnerable road users
 - a reduction in all vehicle trips and mileage
 - a programme for the implementation of such measures and any proposed physical works
 - procedures for monitoring the uptake of such modes of transport and for providing evidence of compliance.

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

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

Ongoing Conditions

14. **Condition deleted**
15. Notwithstanding the provision of the Town and Country Planning General Permitted Order 2015 or any Order subsequently revoking or re-enacting that Order, the areas shown on the approved plans 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.

Informatives:

1. To ensure that risks from asbestos to the environment, future users of the land and neighbouring land are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors regard should be had for the safe removal of any potential asbestos containing material present on site, i.e. roof material. The applicant should ensure

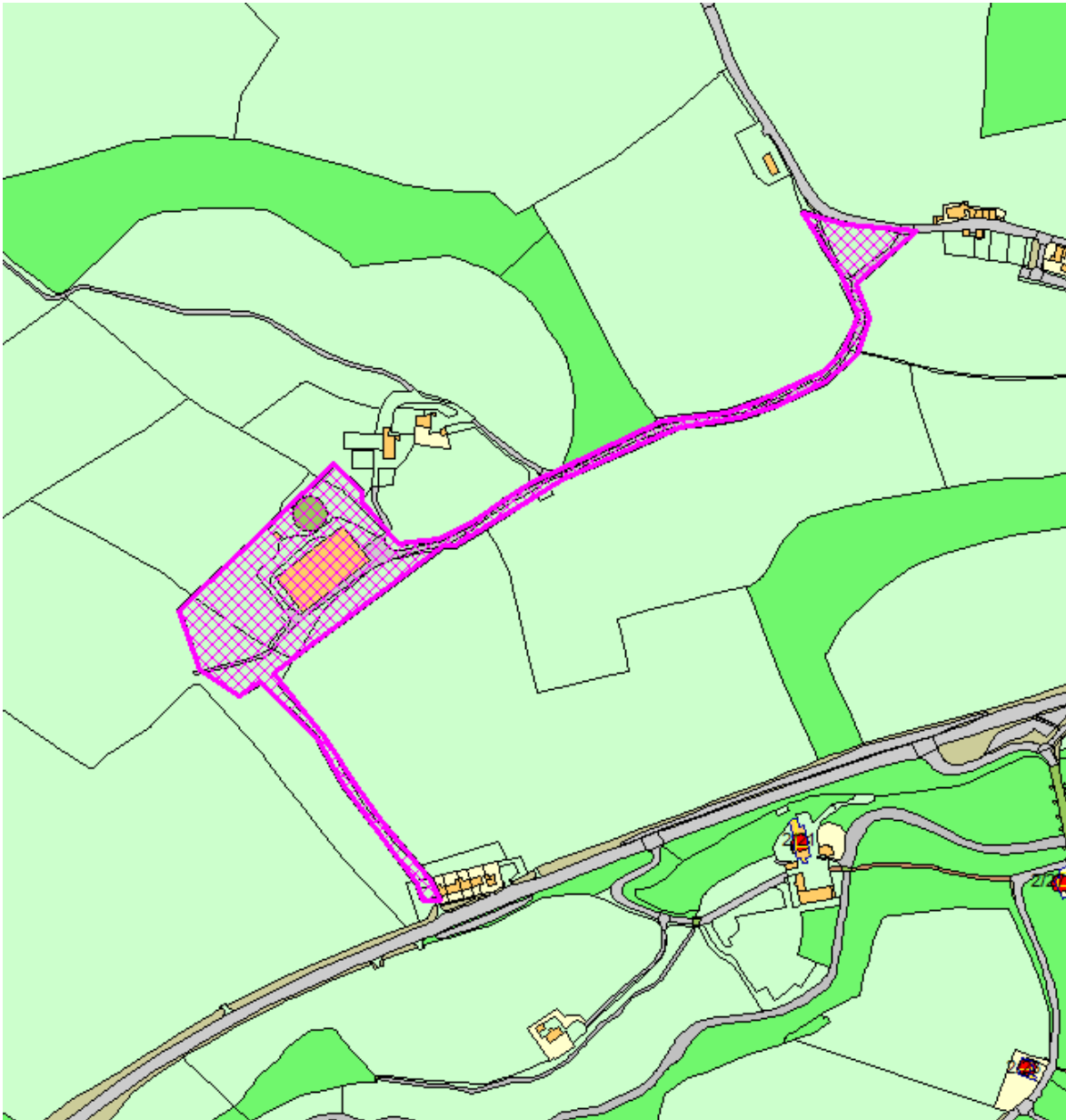
removal of any such material is carried out by a suitably qualified, competent contractor/registered waste carrier, licenced in the removal and offsite disposal of asbestos to a registered hazardous waste landfill site.

2. 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 to obtain up-to-date information regarding the line of the route of the way. The applicant should discuss with the Highway Authority any proposals for altering the route.

Statement of Positive Engagement: -

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



Application Number: 2018/19086/VAR

Proposal: Application to remove condition no. 14 of original planning consent reference 12/2017/17952 to allow unrestricted hours of use for office building
Condition Number(s): Condition 14
Conditions(s) Removal:
This application is to remove condition 14 to allow for unrestricted hours of use for this office building. Refer to the attached supporting statement made with this submission
This application seeks to remove condition 14 from the planning permission

Site Address: Skinner Ground Farm Old Lane (North) Broughton BD23 3AH

On behalf of: Broughton Custodian Fund

REPORT TO PLANNING COMMITTEE ON 4th June 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

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

4. 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.

5. The permission relates to the following plans;

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

6. 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.
7. 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.
8. 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.
9. 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 4th June 2018

Application Number: 2018/19227/COU

Proposal: Change of use of annexe to an independent dwelling

Site Address: The Coach House Annexe Carr Head Cowling BD22 0LD

On behalf of: Mr Jack Pollard

Date Registered: 23rd April 2018

Expiry Date: 18th June 2018

Case Officer: Mandy Cooper

This 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

- 1.2 The annexe is set within the grounds of Carr Head Hall, where the adjacent former outbuildings have all been converted to residential properties. The site for the proposed development is located adjacent to a group of buildings and is situated to the southwest of the Coach House. The Coach House is also a Grade II Listed Building, therefore the annexe is listed by association as it originally formed the garages to the Coach House.
- 1.3 There is also a more recently constructed large, detached building, used as four garages to the northeast of the Coach House, which is obscured from the annexe. Beyond the garages and further northeast is Carr Head Hall; with The Maltings to the north.
- 1.4 Access to the site is in the form of an estate road which is taken from the northwest off Carr Head Lane and also serves Coach House and Chauffer's Cottage.
- 1.5 The larger site comprises of typical parkland within a large estate, with open lawns and substantial wooded areas. Much of the areas of woodland are subject to Tree Preservation Orders (TPO); one of which covers an extensive area and is immediately adjacent to the annexe to the southwest.

2. Proposal

- 2.1 This application seeks permission for the change of use of an annexe to an independent dwelling. The building is L – shaped, single storey and measures 30m in length and 3.9m in depth, apart from the proposed lounge which is 7.45m in depth. All of the rooms are single aspect with the windows facing the estate road. There is however a rear door with steps down to a small patio area which is enclosed by wrought iron fencing.
- 2.2 The building was approved for conversion from a garage to an annexe some years ago and all material changes both internal and external have taken place under that permission and no further changes are proposed under this application.
- 2.3 The submitted Design & Access Statement advises that the annexe was used by dependent parents and latterly sub-let as an independent dwelling but still forms part of the Coach House in terms of ownership. It is unclear however whether the annexe is currently occupied.

3. Planning History

5/22/141 – Change of use of redundant coach house with former residential accommodation over to detached dwelling – Approved 08.09.1978

5/22/141/A – Alteration of existing coach house (in accordance with approval 5/22/141) to form dwelling – Approved 09.05.1979

5/22/141/B – Conversion of garage to dwelling – Approved 24.06.1983

5/22/141/C – Conversion of outbuilding to detached bungalow (Annexe) – Approved 15.04.1991

5/22/141/D/LB – Listed Building Consent for conversion of outbuilding to dwelling – Approved 15.04.1991

5/22/141/E - In February 1999 an application to convert an existing outbuilding to a dwelling and to construct a new garage on the same site as the present application was received by the District Planning Authority. During a site visit members of the planning committee considered that the garage may be too imposing on neighbouring property and requested that the applicant consider a reduction in size. However, the applicant decided to withdraw the garage proposal from the scheme for consideration at a later date. – Approved 12.10.1999

5/22/141/F – Construction of a Garage – Approved 07.03.2000

22/2016/16596 – Construction of a Bungalow – Refused 03.05.2016

4. Planning Policy Background

Planning Policy/Guidance:

The National Planning Policy Framework (NPPF) (2012)

National Planning Practice Guidance (2014)

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

ENV1 Development in the Open Countryside

ENV2 Requirements for Development in the Open Countryside

T2 Road Hierarchy

Submission Draft Craven Local Plan March 2018 – 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

ENV1 Countryside & Landscape

ENV2 Heritage

NF4 Parking Provision

5. Parish/Town Council Comments

No response

6. Consultations

None

7. Representations

A site notice has been displayed and a neighbour notification letter sent to the occupant of Chauffeur's Cottage. No representations have been received to date.

8. Summary of Principal Planning Issues

Principle of Development

- ***Housing Land Supply***

Residential Impact

Highways

9. Analysis

9.1 Principle of Development

9.2 Paragraph 38 (6) of the Planning and Compulsory Purchase Act 2004 requires development proposals are determined in accordance with the Development Plan unless material considerations indicate otherwise. In this case the Development Plan comprises the Craven District (outside the Yorkshire Dales National Park) Local Plan. The National Planning Policy Framework (NPPF) and the National Planning Practice Guide (NPPG) are also material considerations.

9.3 The site is outside the development limits as defined in the CDLP Proposals Map and accordingly is situated in open countryside. The primary objective of saved CDLP policy ENV1 is to protect the character and quality of the open countryside by preventing sporadic and unrestricted development. This policy states that appropriate small scale development which has a rural character will only be permitted in the open countryside where it:

- Clearly benefits the rural economy
- Helps to maintain or enhance existing landscape character
- Is essential for the efficient operation of agriculture or forestry;
- Or Is essential to the needs of the rural community

9.4 The proposal does not fall within any of the categories set out in CDLP saved policy ENV1 and accordingly represents a departure from the local plan. However, it is located within an existing group of dwellings within the open countryside. This is broadly in accordance with paragraph 17 of the NPPF, which makes allowances for some development in rural areas which does not strictly accord with the identified categories. Paragraph 55 (NPPF) in particular, recognises (amongst other things) that the main aim is to avoid *'new isolated homes in the countryside, unless there are special circumstances.'*

9.5 In terms of the status of the Submission Draft Craven Local Plan, this document was submitted to the Secretary of State on 27th March 2018. The submission of the Local Plan is at an advanced stage, and therefore weight can be given to it. However, the NPPF at paragraph 216 sets out that the weight that should be given to draft policies will depend upon the 'the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given)' and 'the degree of consistency of the relevant policies in the emerging plan to the policies in the Framework, the greater the weight that may be given.'

9.6 The NPPF's Core Planning Principles state that planning should actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling and focus significant development in locations which are or can be made sustainable (para 17).

9.7 The application site lies outside of development limits and therefore, saved Local Plan policy ENV1 applies. Policy ENV1 seeks (amongst other things) to protect the character and quality of the open countryside from being spoilt by sporadic development and that it is maintained and enhanced. This is broadly in accordance with land use planning principles (para. 17) in the NPPF. The NPPF however also makes allowances for development in rural areas which do not strictly accord with policy ENV1.

- 9.8 In particular, paragraph 55 of the NPPF recognises that, depending on location, housing is capable of contributing to the vitality of rural communities by supporting services within neighbouring settlements. The main objective of paragraph 55 is to avoid new isolated homes in the countryside but this development site does not compare in respect of being 'isolated.' It is an existing converted building which is in the open countryside but which sits amongst a group of other residential properties, so it is not remote in this respect.
- 9.9 On this basis it is considered that despite the proposal not strictly being in accordance with the current development plan, it is acceptable in principle due to its location amongst existing adjacent dwellings and by way of the fact that it has already been converted, albeit to an annexe.
- 9.10 *Housing Land Supply***
- 9.11 Paragraph 47 (NPPF) requires the Local Planning Authority (LPA) to significantly boost the housing supply by identifying 'a supply of specific deliverable sites sufficient to provide five years of housing, 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, LPAs 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 The NPPF identifies that housing applications should be considered in the context of the presumption in favour of sustainable development (para 49). Relevant policies for the supply of housing should not be considered up to date if the LPA cannot demonstrate a five year supply of deliverable housing sites.
- 9.13 In March 2018 the Council submitted the Council's New Local Plan to the Secretary of State. The Housing Trajectory 2012 to 2032, including the 2018 update for Submission indicates that the Council can now demonstrate a 5 year supply of housing sites. However, the stated existence of the Five Year Housing Land Supply is not a reason by itself to justify refusal of a planning application. It is a material consideration in the planning judgement that can be given weight in the decision making process. In effect it is one of many planning issues that should be taken into account when determining a planning application.
- 9.14 The property does not have immediate access to local services and facilities (e.g. Primary School, Public House & Local Shops) and there are no local transport services which connect to neighbouring villages and towns. The application site is however, situated within an existing group of residential properties. In addition, the proposal would not involve any further changes to the external appearance of the existing property.
- 9.15 The proposal would contribute to the overall mix of housing in the area. The principle of the proposed scheme is therefore considered to be acceptable in spite of not being strictly in accordance with the saved policies within the CDLC.
- 9.16 *Visual Impact / Residential Amenity***
- 9.17 Paragraph 17 of the NPPF states that (amongst other things) development should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
- 9.18 The proposal is for the change of use of an existing annexe which has been established for a number of years. As previously stated, the existing residential properties surrounding the site, comprise a variety of dwelling types in terms of scale, height, form. The building is existing and has been used as an annexe therefore any matters of impact to the adjacent property Chauffeurs Cottage have already been assessed. It is worth noting however, that whilst there are windows to the annexe which face the frontage of this property, they are offset and with a gap of 15m (minimum).

9.19 The proposed residential use of the building would be compatible with that of the adjacent residential uses and would not adversely affect the amenity of neighbouring occupiers from noise, disturbance or direct overlooking.

9.20 Highways

9.21 Section 4 of the NPPF contains guidance on transport and land use planning, including the promotion of sustainable transport choices and reducing travel by car. Paragraph 32 of the NPPF states that:

'Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe'.

9.20 Saved Local Plan Policies ENV2 and 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 impact on a highway and the potential for improvement to the surrounding landscape.

9.21 The annexe being the subject of the change of use already utilises an existing shared access and has parking within the frontage area for two cars. There would be no changes to this arrangement and therefore no additional impact on highway safety.

9.22 Conclusion

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.'

In this instance, 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

Planning permission is **granted** subject to the following conditions:

Conditions

Time Condition

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

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

Informatives:

Alterations

Please note that any further structural or external alterations over and above the works approved and completed under the original approval for the annexe may need Listed Building Consent and/or Planning permission. If you are uncertain, please contact Craven District Council on tel: 01756 706470.

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: 2018/19227/COU
Proposal: Change of use of annexe to an independent dwelling
Site Address: The Coach House Annexe Carr Head Cowling Keighley BD22 0LD
On behalf of: Mr Jack Pollard

REPORT TO PLANNING COMMITTEE ON 4th June 2018

Application Number: 2017/18456/FUL

Proposal: Cessation of Commercial Animal Care Use, Demolition of Buildings and the Construction of a Building for the Storage of Agricultural Machinery and Plant and Associated Hardstanding and Access Track

Site Address: Crag Side Farm Cowling BD22 0JZ

On behalf of: Mr Ben Airlie

Date Registered: 7th September 2017

Expiry Date: 2nd November 2017

Case Officer: Mrs Gemma Kennedy

This application has been referred to Planning Committee at the request of Councillor Mercer due to concerns raised by neighbouring properties.

1. Site Description

- 1.1 The application site is on land to the rear of Crag Side Farm Cottage, a detached dwelling with attached barn located in open countryside to the east of the village of Cowling. The property is served by an access track off Dick Lane, which is in the ownership of neighbouring property Crag Side Farm – the track passes Crag Side Farm to reach the application property.
- 1.2 The previous owner of the property operated a boarding kennels business from the site, until retirement in 2007. There are numerous small outbuildings in the grounds of the property that were previously used to house animals, a number of which would have been linked to the former business.
- 1.3 The site lies within landscape character type *Pasture with Wooded Gills and Woodland* as part of a *Semi-enclosed Intermediate Landscapes*, as designated in the Craven District Council outside the Yorkshire Dales National Park and the Forest of Bowland AONB Landscape Appraisal (2002).

2. Proposal

- 2.1 Planning permission is sought for the construction of an agricultural/commercial style building on land 26m to the south west of the application property. Measuring 10m x 15m the building would have a natural stone plinth and profile coloured steel sheeting (in juniper green) above and to the pitched roof.
- 2.2 The applicant is an agricultural and ground works contractor and proposes to use the building for the storage of equipment and machinery required for the operation of his business.
- 2.3 The proposed development also involves the removal of 15 small buildings from the site, 8 outbuildings and 7 structures which are attached to the dwelling. Also proposed is a new crushed stone access track to serve the proposed building, along with a hardstanding/turning area to the front.
- 2.4 The applicant has provided further information on the application;
- 2.5 *“I am a self-employed agricultural and groundworks contractor and I do not employ any other persons. I am not solely an agricultural contractor. Common types of work undertaken include: excavations of all types for builders, farmers and landowners; agricultural drainage works; hedge*

cutting with tractor attachment, fencing. As explained in the design access and planning statement I do normally leave for work in the morning and return in the late afternoon or evening. However, I do sometimes make one additional two-way journey home for lunch and/or to collect equipment or materials. When vehicle movements are made I would like to stress that these do not always involve large or heavy equipment. For example, I would normally take a mini-digger to site at the start of a contract and remove it when work is complete. In their objection my neighbour at Crag Side Farm refers to activity at evenings and weekends. I do sometimes work on Saturdays but for the majority of the activity noted outside of normal working hours will have been for domestic/personal reasons. For example, I frequently use my van for personal journeys. The majority of materials associated with my business are heavy bulky items such as top soil and crushed stone. These are nearly always delivered directly to my clients' premises as their movement is expensive and labour intensive. Other less heavy items such as drainage pipe and fencing supplies will be kept on site in the proposed building. However, initial delivery of large loads would normally be made to clients', with only surplus materials being brought back to Crag Side Farm Cottage. At Crag Side Farm Cottage I expect to receive less than one delivery of materials or equipment per week for business purposes, post construction of the proposed building. Large deliveries of bulky or heavy goods, which are then taken off-site, would not be made. My neighbour at Crag Side Farm refers to a delivery of crushed stone. I can confirm a delivery of 16 tonnes was recently received at my property and used on-site, 4 tonnes of crushed stone was used on the access track from Dick Lane to fill in pot holes. I am self-employed and I do not employ any other persons. I do not expect this to change in the foreseeable future. I do not and will not regularly receive clients' or business related visitors at Crag Side Farm Cottage. The building is required to securely store equipment including the following; tractor, tractor trailer, hedge cutter (tractor attachment), mini digger and trailer, dumper, grass mower, fencing equipment and materials, drainage pipes and fittings, miscellaneous tools and materials. No vehicles or plant larger than my tractor listed above will be stored on site."

3. Planning History

- 3.1 5/22/8 – Conversion of existing barn, mistals and outbuildings into dog kennels at Crag Side Cottage (change of use to Dog Boarding/Breeding Establishment). Approved 03/09//1974. The permission was made personal to the applicant and expired on 28/02/1976.
- 3.2 5/22/11 – Conversion of part of farm buildings adjoining Crag Side Cottage, to additional living accommodation. Approved 11/10/1979.
- 3.3 5/22/78 – Continuation of use of buildings at Crag Side Cottage as dog boarding/breeding establishment. Approved 11/03/1977. The planning permission was made personal to the applicant.

4. Planning Policy Background

- 4.1 The National Planning Practice Framework (NPPF)
- 4.2 National Planning Practice Guidance (NPPG)
- 4.3 Draft Policies ENV1 'Countryside and Landscape', ENV3 'Good Design', EC3 'Rural Economy' and INF4 'Parking Provision' of the Submission Draft Craven Local Plan
- 4.4 Saved Policies ENV1 'development in the open countryside', ENV2 'requirements for development in open countryside', EMP5 'new employment development outside development limits and established industrial areas' and SRC12 'protection of public rights of way.'

5. Parish/Town Council Comments

- 5.1 Cowling Parish Council: *"Recommend refusal. This is overdevelopment of the site and an excessive over development of a green field site which should remain protected for agricultural use. If approved request a condition be put in place that all redundant outbuildings are demolished and the site cleared before commencement of the new buildings. This will ensure compliance with what is proposed."* Received 03/10/2017.

6. Consultations

- 6.1 CDC Environmental Protection: Recommended conditions relating to noise (operating times for construction) and the safe removal of asbestos. Received 14/09/2017.
- 6.2 NYCC Highways Authority: *“There are no local highway authority objections to the proposed development. A traffic generation trade-off is accepted.”* Received 26/09/2017. Following correspondence between the case officer and the Highways Engineer, NYCC Highways Authority have provided an updated consultation response: *“Amended recommendation as traffic generation trade off no longer exists. The design standard for the site is MfS and the required visibility is 60 metres by 2 metres. The available visibility is 40 metres by 2 metres southerly and 15 metres by 2 metres northerly to nearside and 25 metres by 2 metres northerly to centre line. These distances may be reduced during summer months due to growth of hedges. Consequently the Local Highway Authority recommends that Planning Permission is Refused for the following reasons: The existing access, by which vehicles associated with this proposal would leave and rejoin the County highway is unsatisfactory since the required visibility of 60 meters x 2 metres cannot be achieved in a 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.”* Received 07/02/2018.
- 6.3 NYCC Public Rights of Way: Recommend an informative protecting the route of the existing public right of way. Received 13/09/2017.

7. Representations

- 7.1 **Letters of objection have been received from 4 separate properties/parties.** Three letters have been received from the occupants of the closest property to the site, Crag Side Farm, two from the occupants of Craiglunds Farm (one of which is by a planning consultant on behalf of the objector), one from The Stables at Craiglunds Farm, and one from the Ramblers Association. **Letters of support have been received from two separate properties** within Cowling village.
- 7.2 The comments raised are summarised below;
- 7.3 Crag Side Farm: (letter dated 22/09/17) (letter dated 21/11/2017)
- Red line boundary is incorrect *. Track is 2.7m wide at narrowest and only suitable for residential use. Access onto Dick Lane has poor visibility and the speed limit is 60mph.
 - We believe this property is residential and not commercial. We have occupied Crag Side Farm for 20 years and during that time the property has not operated as a Commercial Kennels.
 - The applicant operates a drainage and building contracting company, SMO Services. This is not specifically for agricultural use; he is a ground worker.
 - Concern over level of activity, storage of delivered materials, parking for residential visitors – unsuitable in area occupied by young families.
 - Application states development is not within 20m of a watercourse, however there is a culverted stream that drains to a ‘well’ in our rear garden and to troughs in the yard of Crag Side Cottage and adjacent fields. In heavy rainfall our property has flooded. The excavation works will interrupt the natural hydrology of the site and create a flood risk to our house. Also concerns about the location of pipe work supplying our property.
 - Concern building would overshadow our property, and loss of sunlight to our habitable rooms – would be to south and more than twice the floor space of our house. No survey details showing how the building would relate to our property.
 - Visual impact and screening concerns – a sensitive location below Cowling Pinnacle. Would also be prominent from the Lane Ends section of the village due to height and elevation. The landscaping in our garden would afford some screening of the building, but not sufficient.
 - Bats have been present on our land, and they forage along the tree-line of the track and within the rear garden. They will most certainly be roosting within the barn, sheds and outbuildings at Crag Side Cottage. A survey should be carried out.

- Many of the old sheds have asbestos sheeting – these should be removed by a suitably qualified person.
- 7.4 *Officer's note: An amended plan has been received correcting the red line, and excluding the access track that is in the ownership of Cragside Farm.
- 7.5 (letter dated 21/11/2017) We have not received answers to the points raised in our letter of 22nd September apart from a revision of the red line and true ownership and a correction of the applicant's house name. **Officer's Note:** Officer's do not normally enter into individual correspondence in response to neighbours representations to planning applications, as the comments raised by neighbours are addressed within the officer's report. In this instance the case officer has advised that the questions they have raised when in a position to do so.
- 7.6 Craiglands Farm:
- The development site is not a farm with agricultural rights. It is also not a commercial enterprise – the infrastructure required for this would be detrimental to the countryside.
 - The proposal will require over 600 tonnes of earth to be removed – no indication as to where this will be taken or how it will be removed.
 - Insufficient access to site access proposed to accommodate heavy plant and machinery – concerned that another access will be required.
- 7.7 An additional representation has been submitted by Arrowsmith Associates (Planning Consultants) on behalf of Craiglands Farm.
- There is no need for the contractor's base to be in the countryside and no benefit to the local economy from such a location
 - building will neither maintain nor enhance the landscape character
 - Applicant argues because the proposal includes the demolition of existing unsightly buildings, it would achieve a net improvement in landscape character and visual amenity. Allowing the condition of existing buildings to dictate development decisions is a dangerous precedent.
- 7.8 The Stables:
- 7.9 Officer's note: The representation received from this property relates to concerns raised relating to work to gateway and track at the southern end of the applicant's land. The works referred to have been highlighted to the Council's Enforcement team, and fall outside the remit of this application as they fall outside the application site.
- 7.10 The Rambler's Association object to the application on the following grounds;
- Depending on the final use of the site we would probably have no objection to the proposed diversion of the right of way 5.14/88 providing it was constructed to the correct standard and property arrangements were made for its maintenance.
 - We do object to a further spoliation of the view from the area between Lunds Tower, Wainman's Pinnacle and beyond. This is open access land and the best view point looking north in this area of Cowling.
 - Proposal would be sporadic development in the countryside, does not fall within policy ENV1, is therefore unacceptable in principle and would have an adverse effect on landscape.
- Letters of support from 8 Pinnacle View and 14 Acre Road:
- Development should be given go ahead. Old buildings are better out of the way.
 - Would not spoil view.
8. Summary of Principal Planning Issues

- 8.1 The principle of development; impact upon character and appearance of the open countryside; neighbouring privacy and amenity; highway safety; ecology; flood risk; hazardous substances.
9. Analysis
- 9.1 **Policy background;**
- 9.2 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.” The development plan for the area comprises the Craven District (Outside the Yorkshire Dales National Park) Local Plan 1999.
- 9.3 The local plan policies that are most relevant to this application, and have been “saved” are Policy ENV1 ‘Development in the open countryside’; Policy ENV2 ‘requirements for development in open countryside’; Policy EMP5 ‘new employment development outside development limits and established industrial areas’ and Policy SRC12 ‘protection of public rights of way.’ However, 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 of their degree of consistency with the NPPF stating *“the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given.”*
- 9.4 The extent to which the aforementioned Local Plan policies remain up-to-date and of relevance to the decision making process is considered in this report. 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.’
- 9.5 The main thrust of the NPPF is an overarching presumption in favour of sustainable development; i.e. the general acceptability of the proposals against the stated “three dimensions to sustainable development: economic, social and environmental” (referred to in the NPPF as the roles the planning system should perform - paragraph 7). 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 In terms of the status of the Submission Draft Craven Local Plan, this document was submitted to the Secretary of State on 27th March 2018. The submission of the Local Plan is at an advanced stage, and therefore weight can be given to it. However, the NPPF at paragraph 216 sets out that the weight that should be given to draft policies will depend upon the ‘the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given)’ and ‘the degree of consistency of the relevant policies in the emerging plan to the policies in the Framework, the greater the weight that may be given.’
- 9.7 Draft Policies ENV1 ‘Countryside and Landscape’, ENV3 ‘Good Design’ and EC3 ‘Rural Economy’ of the Submission Draft Craven Local Plan are considered to be applicable to this planning application, and there are unresolved objections all three Draft policies. An assessment of the significance of these objections has not yet been made, and as such it is considered beneficial to adopt a precautionary approach and consider that less weight should be given to these draft policies than to those policies that have no outstanding objections. In conclusion, whilst some weight can be given to Draft Policies ENV1, ENV3 and EC3 of the Submission Draft Craven Local Plan the greatest weight should remain with the Saved Local Plan Policies and the NPPF.
- 9.8 **Principle of development;**

- 9.9 The NPPF, at section 3, sets out that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. This includes the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well-designed new buildings; and through promotion of the development and diversification of agricultural and other land-based rural businesses.
- 9.10 Saved Local Plan Policy ENV1 sets out that the Council will protect the character and quality of the open countryside from being spoilt by sporadic development by defining development limits. Small scale development appropriate for the enjoyment of the scenic qualities of the countryside and other appropriate small scale development having a rural character will only be permitted in open countryside 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.
- 9.11 Where a development is considered to be acceptable under Saved Local Plan Policy ENV1, it then falls to be considered under Saved Local Plan Policy ENV2 which requires development to be compatible with the character of the surrounding area, not have an unacceptable impact on the landscape and safeguard landscape features including stone walls and hedgerows worthy of protection. Furthermore, the design of buildings and structures and the materials proposed should relate to the setting, taking account of the immediate impact and public views of the development. Finally rural access roads should be capable of accommodating the traffic likely to be generated by the proposal, and service and infrastructure should be provided without causing a serious harmful change to the rural character and appearance of the locality.
- 9.12 Saved Local Plan Policy EMP5 set out that outside development limits and established industrial areas, the construction of buildings for industrial and business use will not be permitted. In exceptional circumstances, where it is demonstrated to be essential to the social and/or economic needs of the community, permission may be granted for development where there is no suitable alternative site within the development limits of a nearby settlement or an established industrial area and meets certain criteria. In the justification to the policy it is stated the general presumption against industrial development in the open countryside relates to the seriously detrimental impact industrial development can have upon the quality landscape and countryside of the District. As such, wherever possible the Council will expect industry to be located within industrial areas and/or settlements. However, in exceptional circumstances, where such a location is unsuitable and where the industrial use fulfils a specific economic and/or social need, development within the countryside may be considered acceptable provided that it does not detract from the quality of the environment. Small scale developments are more likely to be acceptable than large scale developments as they are less likely to cause harm to the environment.
- 9.13 Draft Policy EC3 of the Submission Draft Local Plan seeks to support Craven's Rural Economy so that it may grow and diversify in a sustainable way. The draft policy sets out that this can be achieved in a number of ways including; enabling enterprise, welcoming innovation and supporting economic development proposals that will benefit the local economy, environment and quality of life; helping existing and new rural business to succeed, grow and expand, by working with them co-operatively and proactively, so that development proposals can be supported wherever possible; and enabling farm, forestry and other land-based businesses to build the new and replacement buildings and infrastructure they need to function efficiently.
- 9.14 The development limits that were defined by Policy ENV1 of the 1999 Local Plan, and are used to restrict the location of industrial and business development in Policy EMP5, are now out of date and should not be given any weight in the decision making process. Saved Policies ENV1 and EMP5 are considered to lack consistency with the NPPF in terms of the type of development that will be permitted and where it should be located. First of all, Saved Policies ENV1 and EMP5, and the references within those policies to development limits, is no longer material. Furthermore, Saved Policy ENV1 only permits development where is *'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 economy' and Saved Policy EMP5 only permits development outside of settlements and industrial areas in exceptional circumstances. Whereas the NPPF is supportive of well-designed new buildings for economic purposes in rural areas, not restricting the development to areas of existing development, or requiring development to '*clearly benefit the rural economy*' or be '*essential for the efficient operation of agriculture*'. Paragraph 28 of the NPPF is supportive of "*the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well-designed new buildings*" as well as promoting "*the development and diversification of agricultural and other land based rural businesses.*" Whilst Saved Policies ENV1 and EMP5 can be given no weight in relation to the location of development (e.g. outside development limits), the objectives of Saved Policy EMP5, and of Saved Policy ENV2 (which follows on from Saved Policy ENV1) in terms of their aims to maintain or enhance landscape character, are considered to be consistent with the aims of the NPPF, and will be considered in further sections of this report.

- 9.15 The proposed development would provide storage for the applicant's business vehicles and equipment in relation to his work as an agricultural and groundworks contractor. The building would provide secure and dry storage for the applicant's vehicles and equipment and allow him to operate his business in a rural area, and so in an accessible location for the work that he undertakes. Subject to the building being considered 'well designed', the proposal is considered to be supported by the NPPF which permits new buildings for economic purposes in rural areas, and in particular promotes the development and diversification of agricultural and other land-based rural businesses. The principle of a building for the purposes of the applicants agricultural and groundworks business is therefore considered to be acceptable in this location.
- 9.16 **Visual impact;**
- 9.17 Whilst supportive of new buildings for economic purposes in rural areas, the NPPF does specify that those buildings should be well designed. With regards to good design, paragraph 58 of the NPPF requires development to respect local character and history and reflect the identity of local surroundings and materials. Saved Local Plan Policy ENV2 requires the design and materials of buildings in the open countryside to relate to the setting, taking account of the immediate impact and public views of the development. Saved Local Plan Policy EMP5 states that buildings should be of a good standard of design, and satisfactorily blend into the landscape in terms of their design, siting and materials.
- 9.18 The application site lies within an area characterised as *Pasture with Wooded Gills and Woodland* in the Council's Landscape Appraisal (2002), and is described as a rolling pastoral landscape with distinctive pockets of woodland and wooded gills following the topography. The landscape is described as sensitive to change; with a setting confined mainly to valley sides these areas are described as being highly visible from large areas of surrounding landscape. In the case of the setting of the application site, the land slopes upwards from Keighley Road towards Earl Crag, a local valued landscape feature, home to Grade II Listed Wainman's Pinnacle. The proposed building would be located to the south of the application property and neighbouring property Cragside Farm, and on approaching the site from the north, along Dick Lane, the building would be partly obscured by these properties. From the north, including views from the Lane Ends area of the village, the building would be viewed against the backdrop of the field it would lie within, and would be viewed in the context of other existing buildings (for example those at Craiglands Farm to the south). In closer proximity to the site, viewing the site in an easterly and northerly direction from the various points along Dick Lane, the building would be less sheltered from wider public views. The building would also be viewed at yet closer proximity by users of the public right of way that runs in an easterly direction from Dick Lane to the front of the applicant's property.
- 9.19 It is therefore the case that the proposed building would be subject to public views, more so from the south and west than from the north and east. From a northerly direction the building would be visible against the backdrop of Earls Crag; however the space separation and low level position of the building in relation to the Crag would prevent any harm to the setting of the listed building. In terms of views of the building from Dick Lane, it would be viewed in relation to the applicant's dwelling and

neighbouring property rather than in isolation. Furthermore, it is considered that the proposed building would be in keeping with the scale, design and materials of buildings in the local area. At 154 square metres the building would not be excessive in scale. In terms of materials, on a natural stone plinth the building would be clad in green profile sheeting to the walls and roof, replicating the style of modern agricultural buildings. Finally, the southern part of the building would be built into the inclining land to reduce its overall impact, and it is proposed to plant additional landscaping around the site to soften views of the building from all directions.

- 9.20 Finally, the application proposes the removal of a total of 15 structures (8 outbuildings and 7 small additions to the dwelling) from the site. These structures are of poor quality in terms of materials, design and state of repair. Largely sheltered from wider public views of the site, the majority are located directly adjacent to the public right of way that runs through the site, and are considered to adversely affect the character and appearance of the immediate setting to those who use the public right of way. It is therefore considered that the proposed demolition of the outbuildings would make a positive enhancement to the character and appearance of the area.
- 9.21 **Neighbouring amenity;**
- 9.22 One of the core principles set within paragraph 17 of the NPPF is that planning should always seek to secure a high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Saved Local Plan Policy EMP5 requirements that new employment development will not have an unacceptable impact on the amenity of existing residents and/or neighbours.
- 9.23 Whilst a number of points have been raised in the letters of representation against this application (which are addressed throughout this report) those matters relating to the amenity of residential property are specifically addressed in this section of the report. The closest neighbouring property to the application site is 'Cragside Farm', the occupants of which have objected to the planning application, expressing concern that the proposed building would overshadow their property and result in loss of sunlight to habitable rooms. They state that the proposed building would be to the south of their property, more than twice the floor space of their property, and that no survey details have been provided showing how it would relate to their property. In response to the point raised about no survey details being submitted showing how the building would relate to Cragside Farm, the submitted application shows the position of Cragside Farm in relation to the proposed building on a site plan. Although Cragside Farm is not shown on the elevational drawings, the case officer is satisfied that an assessment can be made without having to seek such further additional details.
- 9.24 The building would be located 20 metres to the south east of Cragside Farm, and 5 metres from the end of the rear garden. There is an existing group of deciduous trees along this rear boundary. The land slopes upwards to the south east of Cragside Farm, and as such the proposed building would be located on a higher land level than this property. The application has been submitted with details of land levels within the application boundary. These show that the proposal would involve some excavation to allow the building to be set into the sloping land, and that the ground level of the proposed building would be set slightly below (120mm) the ground level of the stable building located adjacent to the south east corner of Cragside Farm's rear garden. Whilst it has been established that the proposed building would be on a higher level than Cragside Farm, there are a number of factors that would prevent this from creating an unacceptable relationship with Cragside Farm. The building would be between 20m and 24m from the rear elevation of Cragside Farm, and the proposed building would be off-set from this property so that only one-fifth of the building would be directly in line with the dwelling. During the summer months it is envisaged that there may be some overshadowing of Cragside Farm's garden from approximately 10 am until 1pm, however this would be largely off-set by the presence of trees along the boundary which already result in some overshadowing. During the winter months overshadowing would be from around 8am until mid-day, and at that point the sun would be lower in the sky and the trees would not be in leaf – this would cause some increased loss of sunlight beyond the summer levels. In conclusion, taking account of the off-set position of the proposed building in relation to Cragside Farm, the distance between the buildings and the presence of existing landscaping along the garden boundary, whilst it is

acknowledged that the proposal may result in some reduction in sunlight and daylight to the rear of Cragside Farm and their garden, it is considered that this would not be of a level that would cause unacceptable harm to the amenity of the occupiers of Cragside Farm either through loss of sunlight and daylight or loss of outlook.

- 9.25 In terms of neighbouring privacy, no windows are proposed in the north elevation of the building, and tree planting and screening is proposed adjacent to the proposed hardstanding and turning area to reduce inter-visibility between this area and Cragside Farm's garden. Finally, the building is proposed for the storage of agricultural machinery and plant, and is not proposed to be used for any purpose that would generate visits from members of the public. Whilst it would be reasonable to expect the applicant may undertake repairs to his machinery and plant within the building which may generate some associated noise, this is not the primary proposed use of the site and so would not cause a level of noise that would be harmful to neighbouring amenity. There would also be additional noise beyond existing levels from the applicant driving vehicles to and from the building as agricultural and plant vehicles are generally noisy. However, such movements would not be constant and so not of a level that would cause unacceptable harm to neighbouring amenity.
- 9.26 **Highways;**
- 9.27 Saved Local Plan Policy ENV2 requires rural access roads to be able to accommodate the traffic likely to be generated by a proposal. Saved Policy EMP5 requires that development will not create conditions prejudicial to highway safety. Saved Policy EMP5 also requires that sites are served, or capable of being served by cycle/pedestrian routes and public transport. However, the nature of the proposed development, which is for the storage of machinery and equipment that would be transported for use on farms and building sites in the local area, is such there would be no benefit in locating the proposed building near cycle/pedestrian routes or public transport.
- 9.28 The previous owner of Crag Side Cottage operated a business from the site, 'Harland Boarding Kennels' and the application has been submitted with a description of "cessation of commercial animal care use". There are a variety of buildings on the site, and whilst most of these are in a very dilapidated condition, it is evident that these have been used for a variety of animals in the past. However, following consultation with the Council's business rates section it has been established that business rates ceased to be paid on Harland Boarding Kennels from February 2007 and so the business is considered to have ceased at that time. Furthermore, in granting planning permission for the boarding kennels, the Local Planning Authority made that planning permission personal to the applicant, and so in any case the previous use would have ceased in any different ownership.
- 9.29 In the original consultation with NYCC Highways Authority, the Highway Engineer stated that a traffic generation trade-off was accepted on this site, and they recommended the application for approval. A traffic generation trade off can apply where there is an extant use on a site (a use that has not been lost by either abandoning that use or by changing to another use), and where the Local Planning Authority is satisfied that the proposed use would not result in an increase in traffic beyond the extant situation.
- 9.30 NYCC Highway Authorities original recommendation had been made on the basis of there being an extant use on the site in the form of the Boarding Kennels. However, the case officer has since advised NYCC Highways Authority that the Boarding Kennels use ceased in 2007, and they have now confirmed that they no longer view this as an extant use. As a result, due to substandard visibility at the junction with Dick Lane NYCC Highways Authority have changed their recommendation to refusal. In summary, NYCC Highways Authority were originally accepting of the proposed development on the basis that it would not result in an intensification of use of the sub-standard junction with Dick Lane. Their change of recommendation is based on an assumption that the proposed building would generate an increase in traffic beyond the extant use of the site. It would therefore be the case that any intensification of use of the junction would generate a reason for refusing the application on highway safety grounds. However, if no intensification of use would be taking place beyond those that could reasonably take place already, then a refusal of planning permission could not be substantiated in the opinion of the Local Planning Authority.

- 9.31 The application site, including the house, outbuildings and hardstandings, extends to 2 acres. The applicant and his family have a right to use this land and outbuildings for private domestic use including the parking of domestic vehicles and related movements. The applicant could also lawfully keep livestock in the field, which could result in associated vehicular movements including bringing feed and supplies onto the land and moving animals between this site any other land he may own/rent. Without livestock it is reasonable to expect that the applicant may need to bring farm vehicles onto the site to maintain the land. In conclusion whilst the previous commercial use of the site has been abandoned, the extant use on the site makes it lawful for the applicant to occupy the land for residential purposes and to use and maintain the agricultural field to the rear of the property for agricultural purposes, and these lawful uses in turn generate vehicular movements.
- 9.32 In terms of a business use at the site, the parking of a commercial vehicle at a residential property, either as a means of travelling to and from a place of work, or when that property is used as a base for a business operation, is beyond what would be considered as ancillary to the use of a residential property. The parking of commercial vehicles would introduce a business use, and whether the applicant gains planning permission for a building to store business vehicles, or parks them on the hardstanding outside the property, a change of use would be occurring that requires planning permission. The point to consider is whether the proposed commercial building would result in an increase in journeys that would be detrimental to highway safety due to the substandard visibility at the junction with Dick Lane.
- 9.33 Details of the applicant's business are set out at paragraph 2.5 of this report. The applicant has stated that he is a self-employed agricultural and ground works contractor with no employees. He travels to his place of work in the required vehicle in a morning and returns in the evening, making an additional two-way journey home on occasions for lunch and/or to collect equipment or materials. Whilst it is appreciated that the business vehicles will generally be larger than domestic vehicles, it is considered that the nature of the movements would not be beyond those which may normally take place from a residential property. Even were the applicant returning home for lunch each day, this again would not be beyond those journeys that would be expected to take place from any residential property with agricultural land. The main difference is the size of the vehicles involved; however it is not considered that this would make the visibility at the junction with Dick Lane any worse, it may even improve visibility due to the height of the vehicles and driver's eye level.
- 9.34 In this instance the type and level of journeys that would take place would not, it is considered, result in an increased use of the junction with Dick Lane to the extent that a recommendation of refusal could be sustained. There are a number of scenarios where it is considered that the operation of the business could lead to an increase in vehicular journeys to the detriment of highway safety, and these are factors that must be capable of being controlled by planning condition if the development can be supported. For example, an unacceptable increase in traffic may occur if the applicant employs members of staff who collect vehicles or plant from the premises on a daily basis. If the applicant operated a plant hire business from the premises, where members of the public collect vehicles or plant for hire, or where the applicant delivers vehicles or plant to sites for their own use, this may also result in an unacceptable increase in traffic. It is considered that planning conditions could be imposed that would acceptably control the business to the extent that it would not generate vehicular journeys beyond those that could take place under the existing residential and associated agricultural use of the site. In conclusion, it is considered that NYCC Highway Authorities recommendation of refusal could not be substantiated at Appeal as it assumes that there would be an increase in traffic when in fact there would be no increase beyond the lawful situation subject to the use of planning conditions.
- 9.35 Finally, the neighbouring residents at Crag Side Farm have expressed concern over the commercial use of the site due to the narrow access road to site, that also serves their property. The track is 72 metres long and 3.5 metres wide; the neighbouring resident states that this reduces to 2.7 metres at the narrowest point. The proposed commercial use of the site would result in larger vehicles using the shared access drive. However, it is considered that the level of journeys would not be increased beyond those that could occur in the normal domestic/agricultural use of the site. Furthermore, the

track is not wide enough to allow two domestic vehicles to pass one another, and so the existing situation would not be compounded by the proposed development.

9.36 **Other matters;**

9.37 *Public right of way;*

9.38 Saved Local Plan Policy SRC12 sets out that where existing public rights of way cross a proposed development site they will be incorporated into the scheme in a sensitive manner which ensures their attractiveness to users.

9.39 A public right of way runs along the access track and past the north east elevation of Crag side Farm Cottage. It is proposed to reroute the public right of way to a position 6 metres to the north east, to run along the proposed access track to the building, and alongside the boundary wall. NYCC Public rights of way have been consulted on the application and have raised no objections, recommending an informative requiring the public right of way to be formally rerouted. They consider the route should be diverted under the Town and Country Planning Act, however Section 257 of the Act sets out that a footpath can be diverted if an application for planning permission has been made, and *“if the application were granted it would be necessary to authorise the diversion of the footpath to which this order relates in order to enable the development to be carried out.”* In this instance the footpath is proposed to be modified to improve the line of the route, but is not necessary to enable the development to be carried out as the public right of way is not obstructed, and would not be obstructed as a result of the proposed development. As such the case officer considers it would be applicable to divert the public right of way under the 1980 Highway Act.

9.40 *Flood risk;*

9.41 In their letter of objection the neighbours at Crag side Farm refer to a culverted stream that drains to a ‘well’ in their rear garden, and to troughs in the yard of Crag side Farm Cottage and adjacent fields. They state that in heavy rainfall their property has flooded, and they express concern that the excavation works will interrupt the natural hydrology of the site and create a flood risk to their property, and that the works may affect pipe work supplying their property.

9.42 The application site does not lie within any flood risk zones identified by the Environment Agency. The application has been submitted with a plan showing the approximate location of a surface water culvert which would be approximately 2.5m from the proposed building at the closest point. The application does not propose any changes to this watercourse, and it is proposed to direct surface water drainage from the building to an existing land drain at the eastern side of the site which will ensure water is directed away from the neighbouring property. It is the applicant’s responsibility, and a private matter, to ensure that the proposed building works do not adversely affect the existing land drains in the field. Any works near a watercourse may require consent from North Yorkshire County Council flood risk management team, and so an informative is recommended to direct the applicant to seek their advice.

9.43 *Excavation;*

9.44 A neighbouring representation considers that over 600 tonnes of earth would require excavating to allow for the construction of the building (that would be set into the landscape). The applicant has advised that the earth would not be removed on the site but would be used in the field to in-fill depressions. A planning condition would require details of these works to be submitted.

9.45 *Ecology;*

9.46 The neighbouring resident at Crag side Farm states that bats are present in the immediate vicinity and suggests a bat survey be carried out. The applicant proposes to demolish 8 small individual outbuildings, the largest of which is 21 square metres, in addition to 7 similar structures attached to the dwelling. The removal of four of these buildings is required for the construction of the access track to serve the new building.

9.47 A bat survey has been undertaken of the 15 buildings to be demolished. The resulting report sets out that the survey *“recorded no signs of current or recent potential bat roosting activity associated*

with the building. The building structures offer negligible potential for bat roosting. It is assessed that the works are able to proceed without the need for further survey or a European Protected Species Licence.”

9.48 *Hazardous substances;*

9.49 The neighbouring residents have stated that many of the old outbuildings have asbestos sheeting and should be removed by a suitably qualified person. The Council's Environmental Health Officer has been consulted on the application and has advised that an informative be imposed on any grant of consent in relation to the safe removal of asbestos.

9.50 **Conclusion;**

9.51 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:

9.52 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

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

9.54 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;

- 244 2 001 Rev C received by Craven District Council on 17th May 2018.
- 244 2 002 Rev B received by Craven District Council on 2nd May 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.

During building works (Type C)

3. Notwithstanding any details shown on the approved plans and the requirements of condition 2 of this permission, within three months of development first taking place a landscaping scheme for the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall indicate all existing trees and hedgerows on the land; detail any to be retained, together with measures for their protection in the course of the development; indicate the types, species, siting, planting distances and the programme of planting of trees, hedges and shrubs, and detail any changes of ground level or landform.

Reason: To ensure that the development is of attractive appearance in the interests of visual amenity, and to accord with Saved Policies ENV2 and EMP5 of the Craven District (Outside the Yorkshire Dales National Park) Local Plan and the NPPF.

4. The landscaping scheme required by condition 3 above, shall be implemented during the first planting season following completion of the development hereby approved 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, and to accord with Saved Policies ENV2 and EMP5 of the Craven District (Outside the Yorkshire Dales National Park) Local Plan and the NPPF.

Before the development is occupied (Type O)

5. The material excavated as part of the development hereby approved shall not be moved off the application site. Within three months of the commencement of the development hereby permitted, plans showing existing land levels and proposed land levels (where the excavated material is to be repositioned) shall be submitted to and approved in writing by the Local Planning Authority. The repositioning of the material shall be completed prior to the first use of the building hereby permitted.

Reason: To ensure the repositioning of material in the field is visually acceptable.

6. The outbuildings labelled No's 1, 2, 3, 4, 12, 13, 14 and 15 on drawing No. 244 2 001 Rev C shall be demolished within 3 months of the first use of the building hereby permitted.

Reason: In accordance with the development hereby permitted.

Ongoing conditions (Type F)

7. No areas outside the building hereby permitted shall be used for the carrying out of any industrial operations or for the storage of materials, plant, equipment or waste.

Reason: For the avoidance of doubt as to what is permitted and to ensure that the use of the site does not detract from the general amenities of the countryside, and to accord with Saved Policies ENV2 and EMP5 of the Craven District (Outside the Yorkshire Dales National Park) Local Plan and the NPPF.

8. The building hereby permitted shall not be used other than for the purposes of the storage of machinery, equipment and plant in relation to the operation of an agricultural and ground work contractors business. This grant of consent does not extend to the sale or hire of any machinery, equipment and plant.

Reason: The vehicular access to the site is such that any alternate use of the building may result in an increase in vehicular traffic to the detriment of highway safety. To accord with Saved Policies ENV2 and EMP5 of the Craven District (Outside the Yorkshire Dales National Park) Local Plan and the NPPF.

9. The building hereby permitted shall only be used for storage and movement of machinery, equipment and plant by the operator of an agricultural and ground work contractors business. This grant of consent does not extend to the use of the building for the storage and movement of machinery, equipment and plant by any employees or associates of the operator of said agricultural and ground work contractors business.

Reason: The vehicular access to the site is such that any intensified use of the site by employees or associates of the business may result in an increase in traffic to the detriment of highway safety. To accord with Saved Policies ENV2 and EMP5 of the Craven District (Outside the Yorkshire Dales National Park) Local Plan and the NPPF.

Informatives

1. The applicant is advised to consult North Yorkshire County Council flood risk management to check whether consent is required to carry out works in, over, under or near a water course. Please email floodriskmanagement@northyorks.gov.uk or telephone 01609 780 780.
2. 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 or under the Highway Act 1980. Applicants are advised to contact the County Council's Access and Public Rights of Way team at County Hall, Northallerton via 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.
3. Whilst the site has been assessed as low risk for bats, 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 demolition all work should cease immediately and a suitably licensed bat worker employed to assess how best to safeguard the bat(s). Natural England should also be informed.
4. Regard should be had for the safe removal of any potential asbestos containing material present on site, i.e. roof material. The applicant should ensure removal of any such material is 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.
5. 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.

Statement of Positive Engagement: -

In dealing with this application Craven District Council has sought to approach the decision making process in a positive way, in accordance with the requirements of paragraphs 186 and 187 of the NPPF. In particular the Council has requested amended design approaches / information to address the planning issues which have arisen in relation to dealing with this application.

Discharge of Condition(s)

1. The developer should note that Condition Nos 3, 4 and 5 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: 2017/18456/FUL

Proposal: Cessation of Commercial Animal Care Use, Demolition of Buildings and the Construction of a Building for the Storage of Agricultural Machinery and Plant and Associated Hardstanding and Access Track

Site Address: Crag Side Farm Dick Lane To Crag Side Farm Cowling Keighley BD22 0JZ

On behalf of: Mr Ben Airlie

REPORT TO PLANNING COMMITTEE ON 4th June 2018

Application Number: 30/2017/17787

Proposal: Outline application for a residential development of up to 44 dwellings and associated works (access applied for with all other matters reserved)

Site Address: Land Off Skipton Road Gargrave Skipton North Yorkshire

On behalf of: KCS Development Ltd

Date Registered: 7th February 2017

Expiry Date: 9th May 2017

Case Officer: John Studholme/Neville Watson

This 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 site extends to approximately 2.1ha bounded by Skipton Road to the south, recreation land to the west, the Leeds Liverpool Canal to the north and agricultural land to the east. The site itself comprises a flat grassed field used for grazing. The boundaries are defined by existing hedgerows.
- 1.2. The site is indicated on Inset Map 14 of the Craven District (Outside the Yorkshire Dales National Park) Local Plan as outside both the development limit and the conservation area of Gargrave.

2. Proposal

- 2.1. The application is for outline planning permission for a residential development of up to 45 dwellings. Access is the only matter applied for at this stage with layout, scale, external appearance and landscaping reserved for later consideration. Proposed layouts have been submitted but for indicative purposes only and not for consideration as part of the current application. Initial plans showed proposals for 45 dwellings. A subsequent plan indicated 44 dwellings.
- 2.2. The main vehicle/pedestrian access point is proposed from the A65 to the southwest of the site. A pedestrian link would be created to connect to the canal towpath to the north.

3. Planning History

- 3.1. None

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. A Submission Draft Local Plan (SDLP) to cover the period up to 2032 has now been submitted for examination. Notwithstanding this, the SDLP is not the adopted development plan for the district.
- 4.3. CDLP saved policies
- 4.4. ENV1 – Development in the Open Countryside
- 4.5. ENV2 – Requirements for Development in Open Countryside
- 4.6. ENV10 – Protection of Trees and Woodlands
- 4.7. ENV18 – Light Generating Development
- 4.8. H1 – Housing Provision up to 2006
- 4.9. H2 – New Residential Development
- 4.10. SRC2 – Provision of Recreation Space in New Housing Developments
- 4.11. SRC11 – The Leeds and Liverpool Canal
- 4.12. T2 – Road Hierarchy
- 4.13. SDLP draft policies
- 4.14. SD1 – The Presumption in Favour of sustainable development
- 4.15. SP1 – Meeting Housing Need
- 4.16. SP3 – Housing Mix and Density
- 4.17. SP4 – Spatial Strategy and Housing Growth
- 4.18. SP10 – Strategy for Gargrave –Tier 3
- 4.19. ENV1 – Countryside and Landscape
- 4.20. H2 – Affordable Housing
- 4.21. National Policy
- 4.22. The National Planning Policy Framework – NPPF.
- 4.23. Planning Practice Guidance – PPG.
5. Parish/Town Council Comments
- 5.1. **Gargrave Parish Council** - object on the grounds that:
 - The site is in an unsustainable location;
 - Risk of flooding would exacerbate existing problems;
 - There would be a severe adverse traffic impact from the proposed access amalgamation with the Cricket Club entrance and potential improvements to the canal path for cycling would be compromised;
 - Inappropriate easterly extension to the village would harm the wider landscape and rural character;
 - Heritage impacts are not properly assessed; and

- Expansion of existing recreational facilities would be prevented.

6. Consultations

- 6.1. **CDC Environmental Health** – No objection subject to the use of appropriate conditions relating to construction hours, noise nuisance, dust disturbance and the importation of topsoil free from contaminants. Comment was also made on the need for flood resilience measures.
- 6.2. **NYCC Heritage Services** – there are no known archaeological sites within or near the site and nothing was revealed in the applicant’s evaluation. There are therefore no objections.
- 6.3. **NYCC Education** – based on the proposed 45 dwelling development it is assessed that the need will arise for an additional 11.25 primary school places for which a planning contribution of £152,955.00 is sought.
- 6.4. **Airedale Drainage Commissioners** – no objection in principle. The surface water drainage strategy based on infiltration and soakaways as set out in the applicant’s revised FRA (Reference 13318/FRA, Revision E, dated March 2017) was welcomed subject to conditions relating to drainage scheme and soakaway details.
- 6.5. **CDC Strategic Housing** – confirms that the proposed mix of housing as shown on the indicative layout is acceptable and the proposal for 18 affordable dwelling out of the total 45 dwellings would meet the 40% requirement set out in the August 2016 “Negotiating Affordable Housing Contributions”.
- 6.6. **Natural England** – initial comments were that additional viewpoints should be included in the Abbreviated Visual Impact Assessment in order that a full assessment could be made in accordance with NPPF paragraphs 115 and 116 and that the National Parks advisor would be best placed to comment on visual impact. It was also advised that local biodiversity and geodiversity sites, local landscape character and local and national priority species and habitats should be considered. Subsequently, following receipt of a revised Abbreviated Visual Impact Assessment and Landscape Character Assessment, extensive comments were provided regarding further consideration of impacts on the landscape.
- 6.7. **Sport England** – initially issued a holding objection pending resolution of issues relating to ball retaining features for the adjacent football and cricket pitches. Following submission of revised proposals and consultation with the FA and ECB, it was confirmed there would be no objection subject to a recommended condition. The recommended condition requires the submission, approval and implementation of a scheme to mitigate potential ball strikes including details of management and maintenance responsibilities.
- 6.8. **Yorkshire Dales National Park Authority** – no objections but asked for consideration of the potential for: a smaller development with more landscaping, limiting external lighting, provision of amenity areas within the development, provision of public transport within the development and a wildlife enhancement scheme.
- 6.9. **NYCC Suds Officer** (Lead Local Flood Authority) – no objection subject to a condition requiring a detailed design and associated management and maintenance plan of surface water drainage to manage any potential flood risk and drainage issues.
- 6.10. **Canals and River Trust** – no objections subject to conditions, relating to links and repairs to the canal towpath, checks on the embankment stability, a Phase II Geotechnical Study on potential watercourse contamination, and informatives about the need for consultations with the Trust on other necessary consents. The Trust has also asked to be a signatory to any s106 agreements relating to their ownership.

- 6.11. **NYCC Highways** – expresses concerns that, in the indicative layout, there are too many houses accessed by private drives, driveways are too short and footways should extend further. However, there are no objections and conditions are recommended with requirements for details relating to the road layout, towpath improvements, a phasing programme for the works, off site works, a construction management plan and a travel plan.
- 6.12. **CDC Sports Development Officer** – in view of an existing deficiency in recreation provision and the prospect of increased maintenance requirements for the Gargrave Playground arising from increased users from the proposed development, it is recommended that in line with CDLP saved policy SRC2 a contribution of £170,000 be secured through a section 106 contribution. This would include contributions towards the Playing Fields, the Leeds Liverpool Canal, Craven Lawn Tennis Club and Gargrave Playground.
- 6.13. **Environment Agency (EA)** – no objections provided the development is carried out in accordance with the submitted Flood Risk Assessment (FRA). The EA confirmed the applicant's challenge relating to the flood zone designation was successful.
- 6.14. **Designing Out Crime Officer** – recommendations were made relating to: towpath and parking space surveillance, safety fencing, peripheral planting and management for the attenuation pond, defensible space with clearly defined private areas, lighting to British Standard 5489-2013 subject to any dark sky policy and with avoidance of overshadowing from trees, secure doors and windows, maintenance of public open space, secure cycle storage and construction phase security.

7. Representations

- 7.1. Site and press notices were posted and neighbours were notified. 108 responses were recorded of which 20 were in support.
- 7.2. Objections related to the following issues:
- Adverse impact on the character, landscape and views affecting the village, the surrounding countryside and the adjacent Yorkshire Dales National Park
 - Policy conflicts including conflicts with CDLP saved policies ENV1, ENV2, G8, G11, G14 and T2; the NPPF and the Gargrave Neighbourhood Plan
 - Unsustainability of the location/proposals
 - Increased traffic
 - More housing is not needed
 - None of the housing would be affordable
 - Increased load on infrastructure and facilities including health, schools and shops
 - Increased flood risk
 - Nature of the geology and soil structure and implications for flooding
 - Adverse impacts on tourism
 - Potential canal bank failure
 - Impact on the heritage value of the canal
 - Prevention of potential Sustrans canal towpath cycle route
 - Prevention of potential sports field expansion

- Noise nuisance from the Systagenix factory.

7.3. Comments in support referred to:

- The need for more housing
- The provision of affordable housing
- Good accessibility
- Green travel through accessible public transport
- Potential new members for the cricket club
- Improved access to the cricket club
- The sites being better than other prospective housing sites.

8. Summary of Principal Planning Issues

- The principle of residential development
- Affordable housing provision
- The impact on the character and appearance of the area
- Residential amenity
- Access and highway issues
- Flood Risk
- Open Space.
- Biodiversity

9. Analysis

The principle of residential development

- 9.1. The application site lies outside the Gargrave development limits shown on the CDLP Policies Map and therefore saved policy ENV1 applies. Policy ENV1 seeks to protect the character and quality of the open countryside from being spoilt by sporadic development by defining development limits. The policy permits small scale development in the open countryside where it benefits the rural economy, rural community, or the efficient operation of agriculture. Large scale development will only be permitted where there is an overriding need for the proposal for the utility services, transport, minerals supply or national security.
- 9.2. 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.
- 9.3. 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.

- 9.4. The main thrust of the NPPF is an overarching presumption in favour of sustainable development. This reaffirms 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.
- 9.5. Saved Policy ENV1 only permits large scale development where there is an "overriding need for the proposal due to the requirements of the utility services, transport, minerals supply or national security". The proposal does not fall into any of these categories and on this basis it would conflict with Saved Policy ENV1.
- 9.6. 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.
- 9.7. The interpretation of the term "isolated homes in the countryside" as set out in paragraph 55 of the NPPF was considered in a recent appeal case, Braintree District Council v Secretary of State for Communities and Local Government, Greyread Limited & Granville Developments Limited [2017] EWHC 2743 (Admin); [2018] EWCA Civ 610. In the judgement on that case 'isolated' in the context of the NPPF should be given its dictionary meaning, with the distinction between settlements and the countryside being a physical analysis rather than a mixture of the functional and physical. Based on this judgement therefore, a key test to apply when considering proposals is whether the proposal is physically immediate to other dwellings.
- 9.8. 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 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. 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. 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."
- 9.12. 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.”

- 9.13. 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.”
- 9.14. In March 2018 the Council submitted the Council’s New Local Plan to the Secretary of State. The Housing Trajectory 2012 to 2032, including the 2018 update for Submission indicates that the Council can now demonstrate a 5 year supply of housing sites. However, the stated existence of the Five Year Housing Land Supply is not a reason by itself to justify refusal of a planning application. It is a material consideration in the planning judgement that can be given weight in the decision making process. In effect it is one of many planning issues that should be taken into account when determining a planning application.
- 9.15. The application site lies to the east of the settlement of Gargrave separated from it by the recreation ground but close to services and facilities as well good public transport links with neighbouring villages and towns. It would not result in the introduction of isolated dwellings in the countryside and is outside any area of special environmental protection. It is considered that the proposal is in line with the broad objectives of the NPPF in that it has economic and social benefits linked with new housing development and it would help accommodate general and affordable housing needs in the area.
- 9.16. Before concluding this section on the principle of the proposed development mention should be made of the emerging new local plan and the status of the neighbourhood plan.
- 9.17. The Submission Draft Local Plan (the “SDLP”) has now been published and submitted to the Planning Inspectorate. As yet it has not been approved and adopted. Its policies therefore carry varying weight depending on their status in relation to objections received or resolved.
- 9.18. Relevant SDLP draft policies in terms of the principle of the development proposals are:
 - SP1: Meeting Housing Need – this policy sets out an overall strategy for the location of housing
 - SP4: Spatial Strategy and Housing Growth – this policy defines a five tier settlement hierarchy. Gargrave is a Tier 3 settlement to which, through SP4C, a “proportionate level of growth” would be directed and where, through SP4I, the release of non-allocated sites for housing that adjoin the main built up area of settlements would be supported. However, with regard to the latter point, the policy clarifies that, “The main built up area is defined as the continuous built form of the settlement and excludes ... Outdoor sports and recreational facilities and other formal open spaces on the edge of the settlement”.
 - SP10: Strategy for Gargrave –Tier 3 – this identifies sites allocated housing. The application site is not an allocated site, although a site immediately to the north is allocated (GA009 Land off Eshton Road, north of Canal, Gargrave, 2.542ha, potential for 60 dwellings).
 - ENV1: Countryside and Landscape – this policy seeks to conserve the countryside. ENV1g would enable settlements to grow subject to respect for their form, distribution and landscape setting.

- 9.19. A draft Gargrave Neighbourhood Plan has also been prepared and submitted to the Council. However, this draft has not been approved and as such can be given no weight.
- 9.20. To conclude on the matter of principle, 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 CDLP Policy ENV1. The proposal would also conflict with SDLP draft policies SP1, SP4 and SP10. On the other hand, the application site is considered to be in a sustainable location close to the existing settlement of Gargrave which contains a wide range of services and facilities and good public transport links and on that basis it accords with the NPPF. On this basis it would be permissible under the terms of draft policy ENV1g. On the point of principle therefore the application proposal is balanced between conflict with local plan policies and compliance with the NPPF. Given the CDLP was approved before the Planning & Compulsory Purchase Act 2004 and that the SDLP has yet to be formally approved, the weight of the balance is heavily in favour of the NPPF and on that basis the proposals must be regarded as acceptable in principle.

Affordable housing provision

- 9.21. Paragraph 7 of the NPPF refers to the social dimension of sustainable development and the need to provide a supply of housing to meet the needs of present and future generations. Paragraph 17 indicates as a core principle the need to identify and meet the housing needs of an area. Paragraph 50 advises of the need to deliver a wide range of high quality homes and to create sustainable inclusive and mixed communities. It goes on to state that local authorities should plan for a mix of housing based on the needs of different groups in the community and identify the size, type, tenure and range of housing that is required in different locations.
- 9.22. There is no adopted policy in the CDLP relating to the provision of affordable housing. However, draft policy H2 of the SDLP seeks affordable housing at a minimum rate of 30% for schemes of 11 dwellings or more.
- 9.23. Despite the absence of an adopted Local Plan policy concerning the provision of affordable housing and the 'limited weight' which can be attached to ELP policy H2, the delivery of affordable housing is an objective of the NPPF and as such is a material consideration which must be given significant weight.
- 9.24. The Council's Strategic Housing Market Assessment (SHMA) identifies a need for 145 affordable dwellings per annum in the district. While this cannot translate into a policy requirement, it is nevertheless clear that the evidence in the SHMA provides a strong indication of ongoing need for affordable housing in the district.
- 9.25. Therefore, it is considered that a requirement of 30% of the dwellings to be provided as affordable housing is justified. The applicant has confirmed via the agent the intention to enter into a planning obligation to secure the delivery of 18 affordable dwellings on the site, a rate of 40% which would exceed the policy requirements and be a substantial social benefit weighing heavily in favour of the proposal. Details concerning size, mix and tenure of the affordable units, or for the development as a whole, cannot be established at this stage as all matters are reserved except for access.
- 9.26. If approved the delivery of affordable housing is to be secured through a planning obligation as set out in the recommendation.

The impact on the character and appearance of the area

- 9.27. 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:

(1) 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.

(2) 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.

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

(ENV2(3) relates to the capacity of rural roads which is covered in the section below on access and highways.)

- 9.28. 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.
- 9.29. The applicants have submitted a Visual Impact Assessment (VIA) and a Landscape Character Assessment (LCA). The former was revised following requests from Natural England to include additional viewpoints. Both documents were produced in line with best practice guidance from the Landscape Institute and from the Institute of Environmental Management and Assessment.
- 9.30. The VIA assessment considers the sensitivity of receptors (residents and recreational users) and the magnitude and significance of the visual impact. Major adverse impacts are anticipated for residents of Airedale Avenue but these would be reduced to moderate over time with the establishment of appropriate structural planting to screen the development. For walkers in the surrounding countryside on Sharp Haw the impact would be minor adverse given the distance involved, the scale of the development and its appearance in relation to the backdrop of the rest of Gargrave. For recreational users viewing the site from the north the impacts would be moderate adverse in the short term but minor adverse as landscaping mitigation establishes. Impacts on the towpath users would remain moderate adverse given the change from green field to residential and the loss of open views to the south. Overall it is considered that based on the VIA and with appropriate design and landscaping, which would be considered at the reserved matters stage, the main impacts on visual amenity would be localised and restricted and minor except towpath users and a limited number of residents for whom the impacts would be moderate adverse. On balance it is considered that these impacts would not outweigh the significant benefits of the proposed new dwellings, especially bearing in mind that existing residents would still have open views across the sports field and future residents of the proposed development would themselves be able to enjoy the views of the surrounding area, including views across the sports field for those on the west of the development and views into the Yorkshire Dales National Park for those on the east and north.
- 9.31. According to the LCA, the site and its surroundings are rural in character and Gargrave village exerts an urbanizing influence. The LCA concludes that with an appropriate style of architecture and landscape mitigation the proposed development would have no significant impact on the character of the area. Whilst the development would increase the size of Gargrave village this would not have a detrimental effect on the Yorkshire Dales National Park character or setting. It is considered that the landscape has sufficient capacity to accommodate change of the type proposed and the long term impacts of development on the landscape character of the wider study area would be negligible to minor adverse. The most significant landscape effects will be experienced locally around the site itself but this would be mitigated

with appropriate design and landscaping which is for consideration at the reserved matters stage.

- 9.32. The Yorkshire Dales National Park Authority has not objected to the proposals. Natural England initially requested additional VIA viewpoints. Subsequently, after submission of the revised VIA, Natural England asked that consideration be given to including a landscape buffer alongside the canal and that light pollution be minimized. Although matters of layout and landscaping are reserved at this stage, it is considered expedient to impose a condition requiring full details of a landscaping scheme to be submitted as part of any application for reserved matters. A condition can be used to control potential light pollution. Accordingly, satisfactory mitigation measures can be put in place to ensure that the development is integrated into its surroundings without causing unacceptable harm to its character and quality.
- 9.33. Lack of consideration of heritage issues has been raised in some of the objections received. Gargrave Conservation Area is well to the west of the application site and separated from it by residential development as well as the sports field. Low Warehouse Bridge and Ray Bridge on the Leeds Liverpool Canal are both Grade II listed but neither is considered to be sufficiently close to the development to be affected by it. On this basis it is considered that there would be no unacceptable adverse impacts or harm affecting heritage assets from the proposed development.
- 9.34. The need for ball strike protection and its visual impact is not covered in the VIA and the LCA. In order to protect the development it is proposed that 3m high temporary protective netting should be provided along the development boundary in a position and of a width corresponding to the football pitch 18 yard box. This would be removed once appropriate landscaping is provided and established along this boundary. For the cricket pitch a large part of the development would be protected by a proposed attenuation pond. However, the proposed site access would be within potential striking distance of cricket balls. It is therefore proposed that there should be ball stop netting extending approximately 43m from the site entrance along the boundary with the cricket pitch. The netting would be 4m high adjacent to the entrance increasing in height to 12m at the northern end. The proposals are shown on drawing no. 664.02 (--) 100 Rev C).
- 9.35. Prior to finalisation of these proposals Sport England had issued a holding objection. That objection has been withdrawn following discussion between Sport England, the Football Association (FA) and the English Cricket Board (ECB) and subject to a condition which says that further details, including management and maintenance details, are submitted in line with the Labosport Technical Report LSUK.17-0393_Rev B. However, this Labosport report relates only to the cricket netting, not the football, and refers to temporary fencing rather than permanent. Sport England does not object to amendments to the condition but wish to be consulted on any amendments. In the light of this the recommendation includes an amended condition.

“The development hereby approved shall not be occupied until full details of the design and specification of the mitigation, including details of management and maintenance responsibilities, ~~as set out~~ in line with the *“Revised Boundary Risk Assessment in Relation to the Proposed Development North of Skipton Road, Gargrave,”* received from Johnson Mowat and dated 28th February 2018, the *Constraints Plan*, received 16th February 2018, and the Labosport Technical Report titled: *Technical Report: Boundary Risk Assessment: Gargrave Cricket Club (LSUK.17-0393_Rev B)*, have been submitted to and approved in writing by the Local Planning Authority, ~~after consultation with Sport England~~. The approved details shall be installed in full before the development is first occupied.

“Reason: To provide protection for *pedestrians, vehicles and the occupants* of the development from potential ball strike from the adjacent playing field and ~~to accord with policy in the interests of visual amenity in accordance with Craven District (Outside the Yorkshire Dales National Park) Local Plan saved policies T2 and ENV2 and the National Planning Policy Framework.~~”

Amendments are as indicated with additions in italics and deletions underlined and struck through. Sport England has been consulted and an update will be provided at the committee meeting.

- 9.36. With regard to visual amenity, the Johnson Mowat document includes example photographs of ball strike netting to illustrate that the netting which according to the document would be “discrete” and “not obscure views into or out of the site”. The document says that the ECB has been in touch with Tildenet, netting suppliers, about net specifications. For cricket the netting would be made from 2mm twine in a 48mm by 48mm grid supported on box section steel posts at 5m spacings. Drawing no. 663.02 (--) 100 Rev C shows the positions of the proposed cricket and football netting. What is not clear from the drawings or the documentation is how much of the cricket fencing would be 12m high, how much 4m high and how much in between. Nor are post and netting finishes or colours specified. However, based on the submitted details, it is considered that the proposals would not have an unacceptable impact on visual amenity especially when viewed against proposed new landscaping which would soften the effects of the netting and supporting posts as well as add further ball strike protection.
- 9.37. Based on the above it is considered that the development including the ball strike protection would not have an unacceptable detrimental effect on the character and appearance of the area, including the immediate surroundings, the wider village and the surrounding countryside and the Yorkshire Dales National Park. The proposals would therefore comply with the requirements of CDLP saved policy ENV2 and the NPPF.

The impact on residential amenity

- 9.38. There are no saved Local Plan policies setting out specific criteria for residential developments outside Development Limits with respect to their effects on the amenity of existing occupiers. Nevertheless, the fourth bullet point to paragraph 17 of the NPPF states that one of the core planning principles of the Framework is to “always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings”.
- 9.39. In addition, paragraph 123 of the NPPF states that planning decisions should avoid giving rise to significant adverse impacts on health and quality of life as a result of new development.
- 9.40. The nearest residential properties to the development are in Airedale Avenue and would be over 100m away from the proposed development. At this distance there would be no adverse impacts on the Airedale Avenue properties or the proposed new properties from overlooking, overshadowing or any disturbance that would adversely affect residential amenity. For future residents there is some potential for adverse impacts arising from the use of the adjacent playing field and from activity along the canal. Possible issues arising from these areas that could affect future occupiers could be overlooking, loss of privacy and noise disturbance. These issues and issues arising from the massing and spacing of dwellings can be considered when layout and landscape proposals are submitted as part of a reserved matters application should the current application be approved.
- 9.41. Residents have objected on the grounds that the proposed development would affect the views from their properties. This impact has already been considered in the previous section. Environmental Health has recommended conditions to avoid noise and dust nuisance during construction which can be controlled through conditions. Exacerbation of existing noise problems from the Systagenix factory has been raised as an issue but this a separate issue which is considered to be unaffected by and to have no effect on the proposed development.

- 9.42. On the basis of the above it is considered that the proposed development would not have any unacceptable adverse impacts on residential amenity for existing or future residents and in this respect the proposals would comply with the NPPF.

Access and highway issues

- 9.43. 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”.
- 9.44. 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. 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.
- 9.46. 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’.
- 9.47. A number of objections have been made to the development proposals regarding highways issues. Such issues raised have included the additional traffic on the A65, turning traffic into the development causing a backup on the road and into the village, the impact on the Systagenix junction and the amalgamation of the Cricket Club junction into the proposals.
- 9.48. A Transport Statement prepared by Brian G Hall and dated December 2016 was submitted as part of the development proposals and includes an assessment of highway network capacity and the proposed access. Full consideration has been given to the Systagenix junction and the vehicle movements associated with that facility. The proposed access arrangement, which incorporates a new access to the sports field, is intended to improve safety for users of the sports field and for future residents of the proposed development.
- 9.49. Notwithstanding that there have been representations with objections on traffic grounds, North Yorkshire County Council Highways have confirmed that the junction design and visibility standards are acceptable and conditions and informatives are recommended. Amongst the recommended conditions is a condition to the effect that dwellings should not be occupied until improvement works are completed to the towpath between the site and Mark House Lane. It is proposed that improvement work to the canal would be carried out as part of the s106 works discussed in the next section. In the circumstances it would not be necessary to duplicate the requirement as a condition. Highways also advise that the indicative housing layout has problems with too many houses sharing private drives, some short driveways, and footways that should extend further. As this is an outline application with layout a reserved matter, these issues are not for consideration at this stage. On this basis the proposals are considered satisfactory and comply with the requirements of CDLP saved policies ENV2 and T2 and the NPPF.

Flood Risk

- 9.50. Paragraph 100 of the NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from the areas at highest risk. Paragraph 103 also states that when determining planning applications, LPA’s should ensure flooding risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where Sequential and Exception Tests are satisfied.

- 9.51. 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.
- 9.52. In this case the majority of the site is identified on the published Environment Agency (EA) Flood Zone maps as within Flood Zones 2 and 3, which is land at risk of flooding. However, the EA has accepted modelling by the applicant's drainage consultants which demonstrates that the whole site is within Flood Zone 1. On this basis the Environment Agency, the Lead Local Flood Authority (LLFA) and the Airedale Drainage Commissioners have all accepted that satisfactory drainage can be provided and offer no objections subject to conditions requiring additional details of the drainage proposals. The LLFA's condition effectively embraces more detailed requirements from the Airedale Drainage Commissioners. It is therefore recommended that the LLFA condition is attached to the planning permission and the more detailed Airedale Drainage Commissioners' requirements are included within the informatives.
- 9.53. In a submission on behalf of Gargrave Parish Council, planning consultants have argued that there is an alternative site available within Gargrave which is available and within Flood Zone 1 and therefore the proposals would fail the sequential test. In addition objectors have referred to extensive flooding of the site in the past and are concerned this would be exacerbated by the proposed development. In response the applicant, via the agent, has pointed out that, as outlined in the FRA, the flood risk would be appropriately managed and, subject to conditions, there are no objections from the Lead Local Flood Authority or the Airedale Drainage Commissioners. They also mention that the Environment Agency has accepted that the site is within Flood Zone 1 and at low risk of flooding. The sequential test is not required for such sites and therefore the availability of other sites is irrelevant. The proposals would therefore comply with the requirements of the NPPF.

Open Space

- 9.54. CLDP saved policy SRC2 requires new residential developments to provide local open space "within or close to the site" commensurate with the size and nature of the development. NPPF para 73 states out that "access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities."
- 9.55. The Council's Sports Development Officer has reviewed the application. An existing deficiency in recreation provision has been identified along with the prospect of increased maintenance requirements for the Gargrave Playground arising from increased users from the proposed development. and confirms that no formal on site play provision would be required. Based on the requirements of CDLP saved policy SRC2 it is calculated that a 45 unit development would generate the following open space requirement:
- 304sqm Children's Equipped play areas – £33,109
 - 506sqm Children's informal play space – £7,594
 - 1823sqm Youth and Adult play space – £129,398
 - Total – £170,101
- 9.56. The indicative proposals submitted with the application show there would be some amenity space within the development. This would comprise landscaping alongside the A65 frontage and the proposed towpath link in addition to an attenuation pond in the southwest corner adjacent to the sports field. The indicated proposals are for illustrative purposes only at this stage and not for consideration as part of the current application. Notwithstanding any on-site provision the agent has confirmed that the applicant would enter into a section 106 to secure a contribution of £170,000. This would be used to fund improvements to the adjacent sports field, the Gargrave Playground, the Craven Lawn Tennis Club and the canal towpath.

- 9.57. Subject to a section 106 agreement as outlined the development proposals would be in accordance with the requirements of CLDP saved policy SRC2 and the NPPF.

Biodiversity

- 9.58. The National Planning Policy Framework states that if significant harm cannot be avoided by a development, adequately mitigated for or as a last resort compensated for then planning permission should be refused. Opportunities to incorporate biodiversity around the property should also be encouraged.
- 9.59. The applicant's Ecology report is clear that the proposed development would not result in adverse impacts or significant constraints to protected species, subject to appropriate consideration during site works to the nesting birds in breeding season. There is no reason for doubt regarding the conclusion of the report. Biodiversity enhancements to be delivered as part of the proposals are outlined in sections 6.1 and 6.2 of the report including planting up gaps in boundary hedges and the provision of bird nesting and bat roosting boxes. Subject to conditions to ensure that nesting birds are protected and that enhancements are carried out the proposed development would comply with the requirements of the NPPF.

Other issues

- 9.60. As noted previously a section 106 agreement will be required in order to secure affordable housing provision and improvements to public open space. A need for additional primary school places to meet demand arising from the proposed development has been identified by the County Council who have requested a contribution of £152,955.00 to meet that need. Currently however there is no policy requirement for such a contribution.

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 it is accepted that the proposed development would conflict with CDLP saved policy ENV1 in so far as it would be located outside the Gargrave development limit. It would also have some visual impact on the rural character of the area. However, the proposal is in a sustainable location close to Gargrave and in line with NPPF policy which outweighs saved policy ENV1 and it is considered that the adverse visual impact would not significantly and demonstrably outweigh the benefits provided by the proposal. These would include benefits to the supply of housing and the provision of both economic benefits, in terms of construction job benefits and additional local income from future residents, and social benefits including 40% additional affordable housing provision which exceeds the requirements of SDLP draft policy H2. On balance, having considered these factors along with other matters and objections received, it is considered that the proposals are sustainable and acceptable and should be approved.

10. Recommendation

That, authority is delegated to the Head of Planning to GRANT Planning permission subject to the following conditions and subject to the completion of a planning obligation in accordance with the provisions of S106 of the Town and Country Planning Act to secure:

- The provision, tenure, delivery mechanism, occupation criteria and phasing for a minimum of 40% of the dwellings to be provided as affordable housing as defined in the National Planning Policy Framework, and

- A financial contribution of £170,000 towards public open space improvements, namely, improvements to the adjacent sports field, the Gargrave Playground, the Craven Lawn Tennis Club and the canal towpath.

Conditions

Time limit for commencement (T)

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

3. This permission relates to the following plans:
 - Location Plan, drawing no 664.02(--)-001, received 6th February 2017

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

Reason: The application is granted in outline only in accordance with the provisions of Article 5 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)

4. The approval of the local planning authority shall be sought in respect of the following matters (hereinafter referred to as “the reserved matters”) before any development takes place:- the layout, scale, external appearance and landscaping of the development.
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.
5. Any application for approval of reserved matters submitted pursuant to this permission shall include a scheme for the provision and future maintenance of public open space on the site.
The scheme shall include details of the size, siting, layout, design, a schedule of works and future maintenance arrangements for all elements of the public open space, and a timetable for its provision. The public open space shall be provided in accordance with the details and timetable contained within the duly approved scheme, and shall be maintained as such thereafter for use as public open space.
Reason: To ensure that the development contributes towards the provision and future maintenance of public open space in the vicinity of the site in order to avoid a deficiency in the quantity and quality of recreational open space in the locality in accordance with the requirements of Craven District (Outside the Yorkshire Dales National Park) Local Plan policy SRC2, policy SP5 of the Submission Draft Craven Local Plan, the National Planning Policy Framework and the Conservation of Habitats and Species Regulations 2010
6. Any application for approval of reserved matters submitted pursuant to this permission shall include a landscaping scheme containing the following details:
 - (i) All trees, hedgerows, grassland and any other vegetation on/overhanging the site to be retained;

- (ii) Compensatory planting to replace any trees or hedgerows to be removed as part of the development;
- (iii) The strengthening and/or introduction of landscaping buffers along all boundaries of the site;
- (iv) The introduction of additional planting within the site which forms part of the internal development layout and does not fall within (i) to (iii);
- (v) The type, size, species, siting, planting distances and the programme of planting of hedges, trees and shrubs.

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

Reason: To ensure appropriate strengthening of existing landscaping on the site, to provide adequate screening for parts of the development and to provide biodiversity enhancements in accordance with the requirements of Craven District (Outside the Yorkshire Dales National Park) Local Plan policies ENV2 and the National Planning Policy Framework.

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 contained within the application, no development shall take place until a comprehensive method statement, indicating how bats and birds are to be safeguarded during the construction period and how appropriate mitigation measures (including habitat compensation and enhancement) are to be incorporated into the development, has been submitted to and approved in writing by the Local Planning Authority. The method statement shall demonstrate compliance with the principles of, but not be limited to, Section 6 of the "Report of ecology & protected species survey of a site off Skipton Road, Gargrave, North Yorkshire" by Tim Smith, dated October 2016, reference 2016/10/401. The duly approved method statement shall be implemented in full accordance with the details, recommendations and timescales contained therein and any mitigation measures shall be fully implemented before any of the dwellings hereby approved are first occupied, and retained as such thereafter.

Reason: To ensure that adequate mitigation measures are introduced as part of the development in order that it does not adversely affect the favourable conservation status of any protected species and to ensure the provision of appropriate habitat compensation in accordance with the requirements of the National Planning Policy Framework, the Conservation of Habitats and Species Regulations 2010 and the Wildlife and Countryside Act 1981 (as amended).

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, until the following drawings and details have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority:
- a. Detailed engineering drawings to a scale of not less than 1:250 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.
- b. Longitudinal sections to a scale of not less than 1:500 horizontal and not less than 1:50 vertical along the centre line of each proposed road showing:
- the existing ground level
 - the proposed road channel and centre line levels
 - full details of surface water drainage proposals.
 - 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. 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 Saved Policy T2 of Craven District (Outside the Yorkshire Dales National Park) Local Plan and the National Planning Policy Framework.

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

- (i) The details of the access shall have been approved in writing by the Local Planning Authority in consultation with the Highway Authority.
- (ii) The access shall be formed with 10 metre radius kerbs, to give a minimum carriageway width of 6.5 metres, and that part of the access road extending 20 metres into the site shall be constructed in accordance with Standard Detail number A1.
- (iii) Any gates or barriers shall be erected a minimum distance of 15 metres back from the carriageway of the existing highway and shall not be able to swing over the existing or proposed highway.
- (iv) That part of the access(es) extending 15 metres into the site from the carriageway of the existing highway shall be at a gradient not exceeding 1/20.
- (v) 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.
- (vi) The final surfacing of any private access within 15 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.
- (vii) Provision of tactile paving in accordance with the current Government guidance. All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience and in accordance with Saved Policy T2 of Craven District (Outside the Yorkshire Dales National Park) Local Plan and the National Planning Policy Framework.

- 11.** There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until splays are provided giving clear visibility of 120m measured along both channel lines of the major road A65 from a point measured 4.5m 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: 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 in accordance with Saved Policy T2 of Craven District (Outside the Yorkshire Dales National Park) Local Plan and the National Planning Policy Framework.

- 12.** There shall be no access or egress by any vehicles between the highway or proposed highway (estate road) and the proposed vehicular access (except for the purposes of constructing the initial site access) until visibility splays providing clear visibility of 2 metres x 2 metres measured down each side of the access and the back edge of the footway of the major road have been provided. The eye height will be 1.05 metres and the object height shall be 0.6 metres. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason: In the interests of road safety to provide drivers of vehicles using the access and other users of the public highway with adequate inter-visibility commensurate with the traffic flows and road conditions and in accordance with Saved Policy T2 of Craven District (Outside the Yorkshire Dales National Park) Local Plan and the National Planning Policy Framework.

- 13.** Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or building(s) or other works until details of the following have been 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 has been carried out in accordance with HD19/03 - Road Safety Audit or any superseding regulations and details of how the recommendations of the Audit are to be addressed in the proposed works.

(ii) The developer's 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. The required highway improvements shall include: Revised layout on A65 per dwg 15/427/TR/001rev D (Appendix BGH6, Transport Statement, Bryan G Hall dated December 2016).

Reason: to ensure that the details are satisfactory in the interests of the safety and convenience of highway users and in accordance with Saved Policy T2 of Craven District (Outside the Yorkshire Dales National Park) Local Plan and the National Planning Policy Framework.

- 14.** 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 approved in writing by the Local Planning Authority under condition number 13: Revised layout on A65 per dwg 15/427/TR/001 rev D (Appendix BGH6, Transport Statement, Bryan G Hall dated December 2016)

Reason: in the interests of the safety and convenience of highway users and in accordance with Saved Policy T2 of Craven District (Outside the Yorkshire Dales National Park) Local Plan and the National Planning Policy Framework.

- 15.** Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or building(s) or other works hereby permitted until full details of the following have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority:

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

Reason: in the interests of the safety and convenience of highway users and in accordance with Saved Policy T2 of Craven District (Outside the Yorkshire Dales National Park) Local Plan and the National Planning Policy Framework.

- 16.** Unless approved otherwise in writing by the Local Planning Authority there shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site until proposals have been submitted to and approved in writing by the Local Planning Authority for the provision of:

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

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

District (Outside the Yorkshire Dales National Park) Local Plan and the National Planning Policy Framework.

17. No development for any phase of the development shall take place until a Construction Method Statement for that phase has been submitted to, and approved in writing by, the Local Planning Authority in consultation with the Local Highway Authority. The approved Statement shall be adhered to throughout the construction period for the phase. The statement shall provide for the following in respect of the phase:
- a. the parking of vehicles of site operatives and visitors
 - b. loading and unloading of plant and materials
 - c. storage of plant and materials used in constructing the development
 - d. erection and maintenance of security hoarding including decorative displays and facilities for public viewing where appropriate
 - e. wheel washing facilities
 - f. measures to control the emission of dust and dirt during construction
 - g. a scheme for recycling/disposing of waste resulting from demolition and construction works
 - h. HGV routing

Reason: in the interests of highway safety and the general amenity of the area and in accordance with Saved Policy T2 of Craven District (Outside the Yorkshire Dales National Park) Local Plan and the National Planning Policy Framework.

18. 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 (or any subsequent update or replacement for that document).

Reason: To prevent the increased risk of flooding; to ensure the future maintenance of the sustainable drainage system, to improve and protect water quality and to improve habitat and amenity in accordance with the National Planning Policy Framework.

Prior to occupation

19. No part of the development shall be brought into use until the existing sports ground access on to the A65 has been permanently closed off and the highway restored. These works shall be in accordance with details which have been approved in writing by the Local Planning Authority in consultation with the Highway Authority. No new access shall be created without the written approval of the Local Planning Authority in consultation with the Highway Authority.

Reason: To ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience and in accordance with Saved Policy T2 of Craven District (Outside the Yorkshire Dales National Park) Local Plan and the National Planning Policy Framework.

20. The development hereby approved shall not be occupied until full details of the design and specification of the mitigation, including details of management and maintenance responsibilities, in line with the "Revised Boundary Risk Assessment in Relation to the Proposed Development North of Skipton Road,

Gargrave,” received from Johnson Mowat and dated 28th February 2018, the Constraints Plan, received 16th February 2018, and the Labosport Technical Report titled: Technical Report: Boundary Risk Assessment: Gargrave Cricket Club (LSUK.17-0393_Rev B), have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be installed in full before the development is first occupied.

Reason: To provide protection for pedestrians, vehicles and the occupants of the development from potential ball strike from the adjacent playing field and in the interests of visual amenity in accordance with Craven District (Outside the Yorkshire Dales National Park) Local Plan saved policies T2 and ENV2 and the National Planning Policy Framework.

- 21.** No dwelling to which this planning permission relates shall be occupied until details of proposed external lighting have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity and in accordance with Craven District (Outside the Yorkshire Dales National Park) Local Plan saved policy ENV2 and the National Planning Policy Framework.

- 22.** No dwelling to which this planning permission relates shall be occupied until a Travel Plan shall have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. This shall include:

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

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

Reason: to establish measures to encourage more sustainable non-car modes of transport and in accordance the National Planning Policy Framework.

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

Reason: to ensure safe and appropriate access and egress to the dwellings, in the interests of highway safety and the convenience of prospective residents and in accordance with Saved Policy T2 of Craven District (Outside the Yorkshire Dales National Park) Local Plan and the National Planning Policy Framework.

On-going conditions

24. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2018, for the time being in force, the garages 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.

Informatives

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

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

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

Existing Public Right(s) of Way 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 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 Airedale Drainage Commissioners Internal Drainage Board should be consulted on the Scheme for the provision of surface water drainage works. Any such Scheme shall be implemented to the reasonable satisfaction of the Local Planning Authority before the development is brought into use. The following criteria should be considered: Any proposal to discharge surface water to a watercourse from the redevelopment of a brownfield site should first establish the extent of any existing discharge to that watercourse.

- Peak run-off from a brownfield site should be attenuated to 70% of any existing discharge rate (existing rate taken as 140lit/sec/ha or the established rate whichever is the lesser for the connected impermeable area).
- Discharge from "greenfield sites" taken as 1.4 lit/sec/ha (1:1yr storm).
- Storage volume should accommodate a 1:30 yr event with no surface flooding and no overland discharge off the site in a 1:100yr event.
- A 20% allowance for climate change should be included in all calculations.
- A range of durations should be used to establish the worst-case scenario.
- The suitability of soakaways, as a means of surface water disposal, should be ascertained in accordance with BRE Digest 365 or other approved methodology.

EFFECTIVE SOAKAWAYS The suitability of new soakaways, as a means of surface water disposal, should be ascertained in accordance with BRE Digest 365 to the satisfaction of the Approving Authority, who is generally the Local Authority. If the soakaway is proved to be unsuitable then in agreement with the Environment Agency and/or the Drainage Board, as appropriate, peak run-off must be attenuated to 70% of the existing rate (based on 140 l/s/ha of connected impermeable area). If the location is considered to be detrimental to adjacent properties the Applicant should be requested to re-submit amended proposals showing how the Site is to be drained. The suitability of any existing soakaway to

accept any additional flow that could be discharged to it as a result of the proposals should be ascertained. If the suitability is not proven the Applicant should be requested to re-submit amended proposals showing how the Site is to be drained.

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.

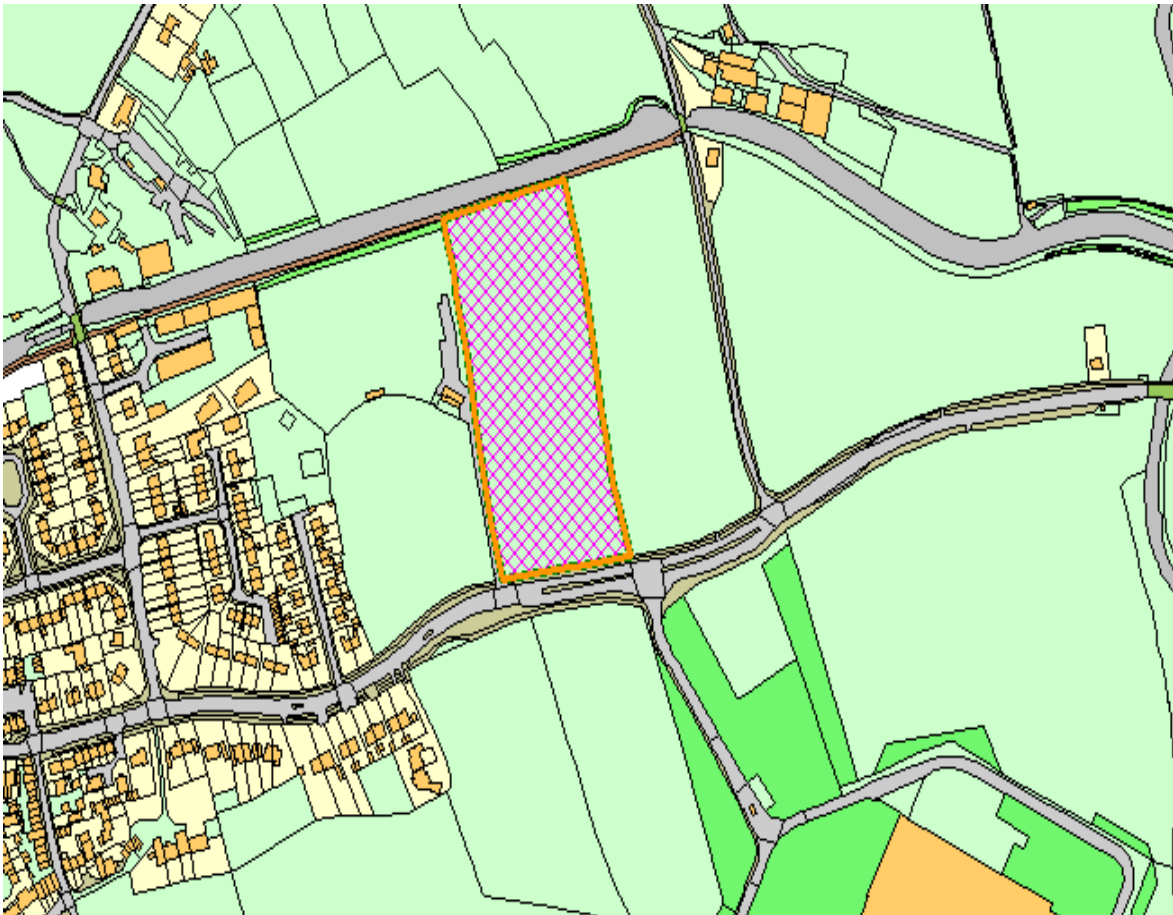
The applicant needs to have regard to the BS8233:2014 Guidance on 'Sound The applicant should ensure that any topsoil brought on site is free from metals, plastic, wood, glass, tarmac, paper and odours associated with contaminated soils as specified in BS 3882: 2015 - Specification for Topsoil.

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 engaged in discussions with the applicant to address issues relating to the following: ball strike protective measures, flood risk and visual impact.

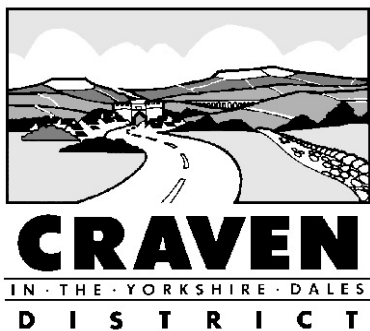


Application Number: 30/2017/17787

Proposal: Outline application for a residential development of up to 44 dwellings and associated works (access applied for with all other matters reserved)

Site Address: Land Off Skipton Road Gargrave Skipton North Yorkshire

On behalf of: KCS Development Ltd



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

(Main Switchboard) Telephone: 01756 700600

Craven District Council - List of Planning Decisions Issued 26.04.2018 – 25.05-2018

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

Application Number	Applicant	Location	Proposal	Decision	Date of Decision
63/2016/16853	Chapel Allerton Investments LLP	Westgate Shopping Centre 17-31 Swadford Street Skipton North Yorkshire BD23 1RD	Application to discharge condition no. 5 of planning permission referenced 63/2016/17641 granted 3 February 2017.	DOC satisfactory	23.05.2018
63/2016/17465	Candelisa Ltd	Land At Carleton Road Skipton BD23 2BJ	Residential development for 67 houses with associated off street parking, access roads and cycle circuit track.	Approve with Conditions	18.05.2018
2017/00001/FUL	Mr H Steptoe	100 Cavendish Street Skipton North Yorkshire BD23 1AB	TEST CASE-Non-material amendment to allow change to the window material: Previously approved on planning reference 16/99999/FUL dated 31/12/2016.	Refuse	02.05.2018
2017/18185/CND	Mr Thornley	The Reception Gallaber Park Gallaber Long Preston Skipton North Yorkshire BD23 4QF	Application to discharge condition no 2 of original planning consent reference 42/2016/17564	DOC satisfactory	23.05.2018

Application Number	Applicant	Location	Proposal	Decision	Date of Decision
2017/18339/CPE	Mr Jason Glover	Top Mill Dam The Wend Carleton Skipton BD23 3EH	Application for certificate of lawful development for an existing use of land for residential purposes	Refuse	27.04.2018
2017/18733/HH	Mr D Lampkin	Mill Lodge Bell Busk Skipton BD23 4DU	New detached garage	Approve with Conditions	15.05.2018
2017/18848/FUL	Mr Verner Wheelock	Binns Lane Farm Binns Lane Glusburn Keighley BD20 8JJ	Change of use of agricultural land to equestrian and extension of existing horse arena and hard standing	Approve with Conditions	03.05.2018
2017/18861/FUL	Mr & Mrs Abril	Welbeck House Keighley Road Cowling Keighley BD22 0AB	Proposed 2 No residential units in the grounds of Wellbeck House	Application Withdrawn	08.05.2018
2018/18873/FUL	Mr & Mrs Nelson	Land At Holly Tree House Skipton Road Low Bradley Keighley BD20 9EF	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.	Approve with Conditions	09.05.2018

Application Number	Applicant	Location	Proposal	Decision	Date of Decision
2018/18912/HH	Mr & Mrs Barns	Lower Coppy Farm Park Lane Cowling Keighley BD22 0NH	Proposed sun room extension (Resubmission of previous application 2017/18199/HH)	Approve with Conditions	26.04.2018
2018/18913/LBC	Mr & Mrs Barns	Lower Coppy Farm Park Lane Cowling Keighley BD22 0NH	Proposed sun room extension (Resubmission of previous application 2017/18200/LBC)	Approve with Conditions	26.04.2018
2018/18922/MMA	Mr & Mrs P Redfearn	Station Road Clapham Lancaster LA2 8ER	Application to vary condition 2 of original planning consent reference 18/2016/17399 to alter access	Approve with Conditions	10.05.2018
2018/18926/FUL	Mr & Mrs Spencer	1 Ryecroft Road Glusburn Keighley BD20 8RT	Construction of 1 detached bungalow and associated works	Approve with Conditions	10.05.2018
2018/18931/FUL	Mr N O Persson	Grange Cottage The Folly To Near Woodside Farm Kildwick Keighley BD20 9AD	Change of use of land to residential and the construction of a garage.	Approve with Conditions	26.04.2018
2018/18953/HH	Mr Robert Dugdale	Caravan Clay Barn Bentham Moor Road Burton-in-Lonsdale Carnforth North Yorkshire LA6 3LL	Replacement domestic outbuilding for utility and hobby use	Approve with Conditions	02.05.2018

Application Number	Applicant	Location	Proposal	Decision	Date of Decision
2018/18955/CND	Nationwide Caravans Ltd	Flying Horse Shoe Caravan Site Clapham Lancaster LA2 8ES	Application to discharge condition no 4 of original planning consent reference 2017/18303/VAR	DOC satisfactory	10.05.2018
2018/18963/CND	Mr & Mrs JN & CE Whitfield	The Cross 3 High Street Burton In Lonsdale Carnforth LA6 3JU	Application to discharge condition no 4 and 5 of original planning consent reference 15/2017/18123 and condition no 3 and 4 of listed building consent reference 15/2017/18134	DOC satisfactory	17.05.2018
2018/18966/TPO	JCA LTD	Malsis School Colne Road Glusburn Keighley BD20 8DT	Various work to trees as per report ref.12802 including the felling of 2 Sycamore trees, crown lifting for vehicle access, Removal of fractured stems and various woodland management.	Split Decision	11.05.2018
2018/18968/CND	John Roberts Holdings Ltd	Christies High Mill Langcliffe Road To Langcliffe Place Caravan Park Langcliffe Settle BD24 9LX	Application to discharge condition 3 of original planning consent reference 48/2016/16752	DOC satisfactory	10.05.2018
2018/18971/FUL	Fulcrum Disaster Management Limited	Zolsha Indian Restaurant Skipton Road Cross Hills Keighley BD20 7SA	Change of use of first and second floors above existing restaurant from storage/former living accommodation associated with restaurant to 3 No. apartments. Replacement of window with door, and new external staircase, to south west elevation.	Approve with Conditions	26.04.2018
2018/18975/LBC	North Craven Building Preservation Trust	The Folly Victoria Street Settle BD24 9EY	Replacement of external door to rear elevation	Approve with Conditions	09.05.2018

Application Number	Applicant	Location	Proposal	Decision	Date of Decision
2018/18976/LBC	Mr Stuart Conroy	Old Hall Farm High Bradley Lane High Bradley Keighley BD20 9EX	Demolition of boiler house and replacement with a single storey extension on north-western gable elevation, building of a single storey extension on south-eastern side elevation, insertion of first floor window in previously walled up window opening on north-eastern rear elevation and the insertion of conservation skylight in north-west facing bathroom roof.	Approve with Conditions	16.05.2018
2018/18977/HH	Mr Richard Benn	12 Overdale Grange Skipton BD23 6AG	Replacement of all existing timber windows with powder coated aluminium windows, and replacement and enlargement of existing sliding patio door on north elevation with powder coated aluminium bi-fold door	Approve with Conditions	02.05.2018
2018/18982/OUT	Mr & Mrs P Longton	Land Off Springfield High Bentham Lancaster LA2 7LA	Outline application (Including means of Access) with all matters reserved for the proposed development of 4 No domestic dwellings	Approve with Conditions	16.05.2018
2018/18983/OUT	Mr P Longton	Land Off Springfield Road High Bentham Lancaster LA2 7LA	Outline application with all matters reserved for proposed development for 1 No domestic dwelling.	Approve with Conditions	16.05.2018
2018/18985/LBC	Mr Robert Winter	Great Slack Farm New Lane Silsden Keighley BD20 9HL	9Rake out old pointing and replace with 1:3 natural hydraulic lime and sand mortar (NHL 5 Lime)	Approve with Conditions	03.05.2018

Application Number	Applicant	Location	Proposal	Decision	Date of Decision
2018/18993/HH	Mr & Mrs Cottrell	Hollin Root Farm West Lane Sutton-in-craven Keighley BD20 7AU	Construction of garage and adjoining workshop outbuilding and associated landscaping	Approve with Conditions	09.05.2018
2018/19011/HH	Mr Paul Barker	Airemont 49 Green Lane Glusburn Keighley BD20 8RU	Demolition of existing garage outbuilding and construction of a new garage and store. Blocking off existing entrance onto Green Lane and the formation of a new gated entrance with dropped crossing leading to a new drive and turning.	Approve with Conditions	16.05.2018
2018/19022/VAR	Mr Stanislaw Berkiet	The Old Chapel Gisburn Road Hellifield Skipton BD23 4LA	Application to remove conditions 8, 9, 10 and 11 of planning permission referenced 5/42/119/B to replace existing windows with a white uPVC in a wood grain finish	Approve with Conditions	02.05.2018
2018/19030/HH	Mr Gerald Benn	Sheepleas Duke Street Settle BD24 9AN	Replace existing wood-framed single-glazed conservatory with white uPVC units on the existing dwarf wall and to infill the existing open-sided front door porch area with white uPVC units	Approve with Conditions	16.05.2018
2018/19021/HH	Mr & Mrs Gee	21 Cedar Grove Sutton-in-Craven Keighley BD20 7QS	Single storey rear extension	Approve with Conditions	10.05.2018
2018/19051/HH	Mr Andrew Crossley	Croft House 54 Main Street High Bentham Lancaster LA2 7HY	Erection of 2-storey extension at the rear of the property to create a garage (replacing existing vehicular hardstanding area) with office/studio at first floor level	Approve with Conditions	01.05.2018

Application Number	Applicant	Location	Proposal	Decision	Date of Decision
2018/19026/FUL	EI Group Plc	Cock And Bottle 30 Swadford Street Skipton BD23 1RD	Proposed replacement of existing kitchen extract system including associated minor internal and external works, and the retention of existing timber framed pergola.	Approve with Conditions	04.05.2018
2018/19027/LBC	EI Group Plc	Cock And Bottle 30 Swadford Street Skipton BD23 1RD	Listed building works application for proposed replacement of existing kitchen extract system, including associated minor internal and external works, and the retention of existing timber frame pergola	Approve with Conditions	04.05.2018
2018/19077/HH	Mrs Joan Raby	42 Manse Way Sutton-in-Craven Keighley BD20 8BX	Two storey side extension and rear box dormer (resubmission of refused application reference 2017/18343/HH)	Approve with Conditions	10.05.2018
2018/19034/FUL	Mr Stuart Weatherill	The Barn Peel Green Hellifield Skipton BD23 4LD	New location and size of stand alone garage and addition of solar PV panels into the roof (flush fitting) of main barn (amendment to previously approved scheme referenced 2017/18170/FUL)	Approve with Conditions	01.05.2018
2018/19038/FUL	RN Wooler And Co.	Howgates Barn Skipton Road Bradley BD20 9HA	Erection of proposed detached double garage adjacent to the existing Howgates barn dwelling, with relocation of existing access off Skipton Road.	Approve with Conditions	02.05.2018
2018/19058/FUL	Mr Tony Forshaw	Bottom Barn Manor Farm Nappa Skipton BD23 4LT	Conversion and extension of barn to form one dwelling	Approve with Conditions	01.05.2018

Application Number	Applicant	Location	Proposal	Decision	Date of Decision
2018/19081/FUL	Pinnacle View Homes	28 Back Bridge Street Skipton BD23 1RN	Demolition of single storey outbuildings and construction of 4 No terraced dwellings (amendments to planning consent reference 63/2015/16303)	Approve with Conditions	08.05.2018
2018/19043/HH	Mr Stuart Conroy	Old Hall Farm High Bradley Lane High Bradley Keighley BD20 9EX	Demolition of boiler house and replacement with a single storey extension on north-western gable elevation; single storey extension on south-eastern side elevation. Insertion of first floor window in previously walled up window opening on north-eastern rear elevation. Insertion of conservation skylight in north-west facing bathroom roof.	Approve with Conditions	16.05.2018
2018/19045/FUL	Ms Suzanne Johnson	Keasden Head Keasden Road Clapham Lancaster LA2 8EZ	Extension to existing classroom at Keasden Head. Create a timber extension to be 50.1sqm with a veranda of 27sqm for the use of tables for eating at for the mental health/disabled visitors for educational visits	Approve with Conditions	04.05.2018
2018/19046/FUL	Hellifield Institute	The Institute Main Road Hellifield Skipton BD23 4HT	Construction of single storey extension	Approve with Conditions	04.05.2018
2018/19054/FUL	Ms Jackie Rushworth	Land Off Ellers Road Sutton In Craven Keighley	Proposed agricultural building	Approve with Conditions	02.05.2018
2018/19056/HH	Mrs K Dobosz	51 Burnmoor Crescent Ingleton Carnforth LA6 3BS	Single storey extensions to front and rear, demolition of garage, store and shed and replacement with combined garage/store. Block-paving of front lawn to form additional parking area.	Approve with Conditions	09.05.2018

Application Number	Applicant	Location	Proposal	Decision	Date of Decision
2018/19070/LBC	Mr Matt Hough	Halsteads Thornton In Lonsdale Ingleton LA6 3PD	Phase one repairs remedial to listed building	Approve with Conditions	02.05.2018
2018/19057/FUL	Ms Aysha Chowdhury	Barn 1 Stott Fold Farm Cowling Hill Lane Cowling Keighley	Change of use of land from agricultural to equestrian and siting of stable block for domestic use - not commercial	Approve with Conditions	10.05.2018
2018/19063/HH	Mr Crispin Howell Jones	15 Princes Crescent Skipton BD23 1HH	Second storey extension over existing single storey side extension (Resubmission of 2017/18773/HH)	Refuse	16.05.2018
2018/19064/MMA	Mr Mao Chen	13 Main Street Cross Hills Keighley BD20 8TA	Minor material amendment to original planning consent reference 32/2016/17604 for the enlargement of Unit 1 footprint and reduction of Unit 2 footprint, and the addition of 3 windows to Unit 1	Approve with Conditions	11.05.2018
2018/19069/CND	Mr David Gratrix	April Cottage 2 Castlebergh Lane Settle BD24 9ET	Application to discharge condition no. 3 (external materials), condition no. 5 (render to sunroom) and condition no. 6 (surface water) of planning approval referenced 62/2016/16543 granted 19 February 2016	Conditions complied with	23.05.2018
2018/19067/FUL	Mr & Mrs Patrick McGowan	12 Ings Drive Low Bradley Keighley BD20 9EL	Build new domestic double garage with store & workroom over	Approve with Conditions	02.05.2018
2018/19071/HH	Mr Raymond Hill	27 Lords Close Giggleswick Settle BD24 0EG	To erect a timber shed in the rear garden. The shed would be 2.4m x 1.8m floor area and 1.90m high to the ridge. This would replace an existing timber shed (now rotting), in the same location.	Approve with Conditions	02.05.2018

Application Number	Applicant	Location	Proposal	Decision	Date of Decision
2018/19076/HH	Mr Christopher Frankland	Valley View Newhall Farm Rathmell Settle BD24 0AJ	Rear sunroom extension	Approve with Conditions	09.05.2018
2018/19083/HH	Mrs Michelle Mansell	1 Mount Pleasant Green Lane Glusburn Keighley BD20 8RN	Extension of existing residential annexe.	Approve with Conditions	08.05.2018
2018/19098/HH	Ms Gillian Baldwin	67 Middleton Cowling Keighley BD22 0DQ	Erection of a 2.4m x 2.4m corner studio to be sited in NE corner of garden	Approve with Conditions	02.05.2018
2018/19084/FUL	Giggleswick School	Nowell House Giggleswick School Craven Bank Lane Giggleswick Settle BD24 0DE	Internal alterations to improve boarding house facilities, minimal historic fabric alterations, new platform lift and disabled ramp.	Approve with Conditions	02.05.2018
2018/19085/LBC	Giggleswick School	Nowell House Giggleswick School Craven Bank Lane Giggleswick Settle BD24 0DE	Internal alterations to improve boarding house facilities, minimal historic fabric alterations, new platform lift and disabled ramp.	Approve with Conditions	02.05.2018
2018/19115/HH	Miss Laura Brennand	111 Burnside Avenue Skipton BD23 2DB	Proposed 2 storey extension and erection of detached garage to replace existing detached garage. (Re-submission of planning consent reference 2017/18371/HH).	Approve with Conditions	26.04.2018

Application Number	Applicant	Location	Proposal	Decision	Date of Decision
2018/19089/CND	Broughton Custodian Fund	Skinner Ground Farm Old Lane (north) Broughton Skipton BD23 3AH	Application to discharge condition 12 of original planning consent reference 12/2017/17952	Conditions not complied with	17.05.2018
2018/19090/HH	Mr & Mrs Redman	Field House Farm Draughton Skipton BD23 6ED	Two-storey extension to the south elevation.	Approve with Conditions	04.05.2018
2018/19092/HH	Miss D Kendray	63 Shortbank Road Skipton BD23 2LQ	Single storey side and two/single storey rear extensions including first floor side extension and the erection of detached garden room. (Resubmission of previously approved application ref: 2017/18264/HH)	Approve with Conditions	21.05.2018
2018/19096/HH	Mr & Mrs C Metcalfe	62 Raikeswood Drive Skipton BD23 1LY	Demolition of existing conservatory and construction of replacement conservatory with balcony.	Approve with Conditions	09.05.2018
2018/19097/ADV	Star Pubs & Bars	Albion Inn 27 Otley Street Skipton BD23 1DY	SIGN A - 1 x new set of 20mm chisel-faced perspex housename letters finished gold with signwritten secondary detail. SIGN B - 1 x new aluminium bullnose fascia sign with applied vinyl detail. New trough light to illuminate. SIGN C - 2 x new aluminium fascia signs with applied 20mm chisel-faced housename letters. New trough lights to illuminate. SIGN D - 1 x new double sided pictorial sign to existing bracket. New linolites to illuminate. SIGN E - 1 x new brass lantern. SIGN F - 5 x new led floodlights. SIGN G - 3 x new aluminium bullnose amenity/chalk boards. SIGN H - 2 x new frosted window vinyl's fixed to the inside of front elevation windows. SIGN I - 2 x new A1 lockable poster cases.	Approve with Conditions	03.05.2018

Application Number	Applicant	Location	Proposal	Decision	Date of Decision
2018/19099/HH	Mr D Batty	Marridales Off Green Lane Newby Clapham Lancaster LA2 8HR	Proposed replacement of existing conservatory structure with new garden room structure, enlarge window to South elevation and to form a glazed UPVC porch to the existing main entrance on the South elevation.	Approve with Conditions	17.05.2018
2018/19102/CND	Broughton Custodian Fund	Skinner Ground Farm Old Lane (north) Broughton Skipton BD23 3AH	Application to discharge condition no.s 5 and 7 of original planning consent reference 12/2017/17952	DOC satisfactory	08.05.2018
2018/19104/TPO	Mr Macdonald	16 Park Wood Close Skipton BD23 1QW	T1 - Sycamore - Fell. T2 - Oak - Remove bottom limb and shorten 2nd limb.	Split Decision	10.05.2018
2018/19106/VAR	Mr John Howard	New Laithe Barn Newton Grange Farm East Marton Skipton BD23 3NT	Application to vary condition no. 1 (plans) and remove condition no. 2 allowed on appeal reference APP/C2708/W/17/3168417	Declined to Determine	23.05.2018
2018/19113/HH	Mr & Mrs Fisher	Bailiffs Court Hainsworth House Farm Kildwick Keighley BD20 9AD	Construction of single storey porch extension with first floor terrace, installation of doors at first floor level to access terrace.	Approve with Conditions	15.05.2018
2018/19116/FUL	Snell Developments Ltd	Land To The East Of Laurel Croft Embsay Skipton	Proposed erection of 9 no. dwellings (outline consent appeal reference APP/C2708/W/16/3144209, CDC ref 26/2015/16037)	Application Withdrawn	01.05.2018
2018/19157/LBC	Skipton House Management Co Ltd	1 - 12 Skipton House Thanets Yard Skipton BD23 1EE	Replacement of existing timber window frames with aluminium frames	Approve with Conditions	09.05.2018

Application Number	Applicant	Location	Proposal	Decision	Date of Decision
2018/19122/TPO	Mr Jamie Adamson	Lowlands Farm Barn Robins Barn To Anchor Bridge Coniston Cold Skipton BD23 4EA	Tree - Trim some branches to allow phone line to run free.	Approve Tree Works in Conservation Area	11.05.2018
2018/19142/LHSHLD	Mr Andrew Quirk	6 Hazel Grove Road Sutton-in-craven Keighley BD20 7QT	Proposed single storey side extension measuring 4.4m beyond the rear wall; 3.9m in height from ground level; 2.6m in height to eaves from ground level (Prior Approval Notification).	Prior Approval Not Required	03.05.2018
2018/19127/HH	Mr Nathan Crabtree	Summerfield Baxter Wood Cross Hills Keighley BD20 8BB	Proposed single storey extension with balcony to the rear and proposed detached double garage to replace existing garage	Approve with Conditions	15.05.2018
2018/19129/NMA	JP Walker (Developments) Ltd	Plot 2 Adjacent To The Coach House Rathmell Settle BD24 0LA	Application for non-material amendment to original planning permission referenced 59/2017/18037 for 1) change windows from opening casement to vertical sliding sash; 2) amend 2 no. windows to first floor north elevation by reducing cill and adding Juliette balconies; 3) reduce width of bedroom 3 south elevation window; 4) increase width of first floor windows to the west elevation.	Non-material amendment approved	03.05.2018
2018/19130/CND	Mr Duncan Morrison	Greenways Newby Clapham Lancaster LA2 8HS	Application to discharge condition no's 8 and 9 of original planning permission 18/2016/16930 granted 27/06/2016	DOC satisfactory	26.04.2018

Application Number	Applicant	Location	Proposal	Decision	Date of Decision
2018/19131/HH	Mr & Mrs Hothersall	Gooda Farm High Street To New Road Burton In Lonsdale Carnforth LA6 3PF	Proposed side extension with roof over	Approve with Conditions	21.05.2018
2018/19134/HH	Mr & Mrs S Mattison	29 Manor Close Burton In Lonsdale Ingleton LA6 3NE	Construction of new external chimney stack on rear elevation and removal of existing side elevation chimney stack. Replace existing side elevation window with new external door and replace existing side elevation external door with new window. Replace rear elevation window with bi-folding doors	Approve with Conditions	11.05.2018
2018/19138/TCA	Mr Heaton	48 Barden Road Eastby Skipton BD23 6SN	Fell 1 no. Conifer and 2 no. Holly	Approve Tree Works in Conservation Area	11.05.2018
2018/19140/TPO	Sutton In Craven Parish Council	Sutton Park Main Street Sutton-in-craven Keighley BD20 7JS	T1 - Horse Chestnut - Prune to reduce back 3 - 4 metres. T5 - Whitebeam - Prune to remove 270mm diameter primary branch with defects. T6 - Whitebeam- Remove Ivy and defect branches T7 - Ash - Prune to remove defect branch T8 - Wild Cherry - Remove		11.05.2018
2018/19141/TPO	Sutton Parish Council	Lumb Clough Hall Drive Sutton-in-craven Keighley BD20 7AX	T1 Sycamore - Remove hanging branches T2 Horse chestnut - Remove T4 Oak - Prune to remove deadwood	Approved Tree Work under TPO	11.05.2018
2018/19145/HH	Mr B France	Maiden Croft House Gas House Lane High Bentham Lancaster LA2 7HQ	Proposed extension to the side of domestic dwelling to form porch, dining room/lounge.	Approve with Conditions	22.05.2018

Application Number	Applicant	Location	Proposal	Decision	Date of Decision
2018/19171/OFFRES	Vale Real Estate	49 High Street Skipton BD23 1DT	Proposed conversion of 2nd floor (unoccupied) office space into 2 no 1 bed apartments (prior approval)	PN Refuse and Application Required	23.05.2018
2018/19152/CPL	Mr & Mrs L Rollinson	23 Ingfield Lane Settle BD24 9BA	Certificate of proposed lawful development for a proposed rear elevation extension to form new sunroom	Approve Cert. Lawful Devt	22.05.2018
2018/19154/TPO	Mr & Mrs JR and SE Stockton	Laurel Bank 3 Shires Lane Embsay Skipton BD23 6RR	Crown thin 2 no. Sycamore & 1 no Oak by 15 %. Crown lift trees overhanging the road to match 3.8 m from road level.	Approved Tree Work under TPO	11.05.2018
2018/19202/HH	Mrs Felicity Hey	Old Pottery Barn High Bentham Lancaster LA2 7DL	Retrospective proposed lean-to greenhouse	Approve no conditions	22.05.2018
2018/19162/TCA	Mrs Oliver	32 Brook Street Skipton BD23 1PP	Remove 1 no. Lime as per Tech Report 20.02.18	Refuse Tree Work and Make TPO	10.05.2018
2018/19163/HH	Mrs N Teesdale	6 Kirkgate Settle BD24 9DX	Replacement of UPVC windows and doors and other associated internal alterations.	Approve with Conditions	18.05.2018
2018/19166/TCA	Mr Peter Johnson	1 Beeches Close Gargrave Skipton BD23 3PE	Crown reduce overall height of 1 no. Birch by one third	Approve Tree Works in Conservation Area	11.05.2018

Application Number	Applicant	Location	Proposal	Decision	Date of Decision
2018/19168/TCA	Mr _ Mrs J R And S E Stockton	Laurel Bank 3 Shires Lane Embsay Skipton BD23 6RR	Crown lift Beech avenue (old hedgerow) to 2.5 metres. Crown thin and reduce by 10%. Remove 15 of the poorer species from the group. Cherry T4 - crown thin 15% and crown lift to 2.5m Cherry T5 - crown thin 15% and crown lift to 2.5m Pine T6 - fell (crowded and severe die back) Walnut T7 - crown lift to 2.5m	Approve Tree Works in Conservation Area	11.05.2018
2018/19169/TCA	Mr Anthony Broster	Ashbank Bright Street Farnhill Keighley BD20 9AX	T1 - up to 3m of pruning and maintaining. T2 - up to 2m of pruning and maintaining. T3 - up to 4m of pruning and maintaining.	Approve Tree Works in Conservation Area	11.05.2018
2018/19185/TCA	Stonewater	19 Willow Way Skipton BD23 3BP	T1 and T2 - Crown lift and 30% reduction	Approve Tree Works in Conservation Area	11.05.2018
2018/19189/FUL	Charles Fazackerley Farming	Higher Blaithwaite Barn Stackhouse Lane Lawkland Lancaster BD24 0FE	Multi-purpose agricultural building.	Approve with Conditions	21.05.2018
2018/19200/HH	Mr Duncan Bullough	12 Kirk Lane Eastby Skipton BD23 6SH	Single storey rear extension	Approve with Conditions	16.05.2018
2018/19204/NMA	Mr & Mrs Jeremy Holderness	Kimberley Skipton Road Low Bradley Keighley BD20 9ED	Application for non-material amendment to original planning consent reference 2017/18710/HH for reduction to the glazing area to East and West elevations	Approve with Conditions	15.05.2018

Application Number	Applicant	Location	Proposal	Decision	Date of Decision
2018/19219/NMA	GTEC Solutions Ltd	High Bentham Former Water Treatment Works Mewith Lane High Bentham Lancaster LA2 7AY	Non-material amendment to original planning consent reference 2018/18898/FUL for low level planting to the southern boundary; alterations to internal accommodation and openings	Approve with Conditions	15.05.2018
2018/19226/CPL	Mr A Wright	13 East View Duke Street Settle BD24 9AU	Certificate of lawfulness (proposed) for rear dormer window extension serving existing 2nd floor bedroom	Approve Cert. Lawful Devt	22.05.2018
2018/19251/LHSHLD	Mr L Davey	54 Station Road Hellifield Skipton BD23 4HP	Proposed single storey rear extension measuring 4.7m beyond the rear wall; 3.8m in height from ground level; 2.8m in height to eaves from ground level (Prior Approval Notification).	PD HH PA Not Required	21.05.2018