

## **CRAVEN DISTRICT COUNCIL**

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

2<sup>nd</sup> July 2018

#### **AGENDA**

Please note that the Committee will visit the following site on Monday, 2<sup>nd</sup> July 2018. Members are asked to meet at **Site A at 11.45am**, or alternatively at the Belle Vue Square Offices car park **no later than 11.30am**.

- a. 2017/18456/FUL Cessation of commercial animal care use, demolition of buildings and construction of building for storage of agricultural machinery and plant and associated hard standing and access at Crag Side Farm Cottage, Dick Lane, Cowling BD22 0JZ at 11.30am (Cowling Ward)**

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

Agenda Contact Officer:

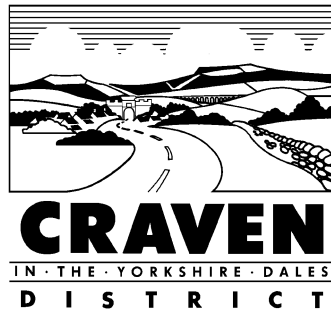
Vicky Davies

Tel. 01756 706486

22<sup>nd</sup> June 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, 2<sup>nd</sup> July, 2018**  
**Belle Vue Suite, Belle Vue Square Offices, Skipton**

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

### Agenda

1. **Apologies for absence and substitutes**
2. **Confirmation of Minutes** – 4<sup>th</sup> June 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@cravenc.gov.uk](mailto:nwatson@cravenc.gov.uk), telephone: 01756 706402)

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

Agenda Contact Officer: Vicky Davies  
Tel. 01756 706486, E-mail [vdavies@cravendc.gov.uk](mailto:vdavies@cravendc.gov.uk)  
22<sup>nd</sup> June 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**

4<sup>th</sup> June 2018

**Present** – The Chairman (Councillor Sutcliffe) and Councillors Baxandall, Brockbank, Harbron, Lis, Morrell, Place, Rose, Shuttleworth, Solloway (substitute for Heseltine), Thompson and Whitaker.

**Officers** – Legal Services Manager, Planning Manager, Planning Officers and Committee Administrator.

Ward Representatives : Councillor Brown (Applications 2018/19016/HH and 2017/18569/FUL).  
Councillor Mulligan (Application 2017/18569/FUL)  
Councillor Myers (Application 30/2017/17787)  
Councillor Dawson (Application 2017/18672/FUL)

An apology for absence was received from Councillor Heseltine.

Councillor Solloway left the meeting at 2.55pm

Councillor Brockbank left the meeting at 6pm

The Chairman (Councillor Sutcliffe) left the meeting at 6pm

Start: 1.45pm

Finish: 6:28pm

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 8<sup>th</sup> May 2018 were confirmed and signed by the Chairman.

### **Minutes for Report**

PL.861

### **APPLICATIONS FOR PLANNING PERMISSION**

#### **a. Declarations of Interest**

Members were invited to declare any interests in the business before the Committee and the following declarations were declared:

Application 30/2017/17787 : Councillors Harbron and Solloway both declared a disclosable pecuniary interest under Appendix A to the Council's Code of Conduct and left the room and did not take part in the discussion or vote.

#### **b. Lobbying**

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

Application 2018/19016/HH : Non declared.

Application 2017/18569/FUL : Non declared.

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

Application 30/2017/17787 : Councillors Baxandall, Brockbank, Morrell, Place, Rose and Shuttleworth indicated that they had received lobbying against the application.

Application 2018/19062/FUL : Non declared.

Application 2018/19086/VAR : Non declared.

Application 2018/19227/COU : Non declared.

Application 2017/18672/FUL : Non declared.

Application 2017/18456/FUL : Non declared.

PL.862

### **PUBLIC PARTICIPATION**

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

Application 2018/19016/HH : Ms J Wareing (for Farnhill Parish Council)  
 Ms S Nelson (objector)  
 Mr S Bye (applicant)

Application 2017/185669/FUL : Mr K Midgley (for Kildwick Parish Council)  
 Mr P Silverton (for objectors)  
 Mr M Binns (for the applicant)

Application 30/2017/17787 : Mr P Ward and Ms C Bradley (for Gargrave Parish Council)  
 Mr Morton and Mr Beck (for the applicant)

Application 2018/19062/FUL : Ms J Wilson (Stirton with Thorlby Parish Council)  
 Mr R Hodgkiss (for the applicant)

Application 2018/19086/VAR : Ms F Tiplady (for the applicant)

Application 2017/18672/FUL : Mr J Fattorini (objector/for objectors)  
 Mr S Ali (applicant)

Application 2017/18456/FUL : Mr D Adams and Mr R Clark (objector / for the objector)  
 Mr W Cartwright (for the applicant)

PL.863

### **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:-

63/2016/16853 Application to discharge condition no. 5 of planning permission referenced 63/2016/17641 granted 3 February 2017. DOC satisfactory

63/2016/17465 Residential development for 67 houses with associated off street parking, access roads and cycle circuit track. Approved with Conditions

2017/00001/FUL TEST CASE-Non-material amendment to allow change to the window material: Previously approved on planning reference 16/99999/FUL dated 31/12/2016. Refused

2017/18185/CND Application to discharge condition no 2 of original planning consent reference 42/2016/17564. DOC satisfactory

2017/18339/CPE Application for certificate of lawful development for an existing use of land for residential purposes. Refused

2017/18733/HH New detached garage. Approved with Conditions

2017/18848/FUL Change of use of agricultural land to equestrian and extension of existing horse arena and hard standing. Approved with Conditions

2017/18861/FUL Proposed 2 No residential units in the grounds of Wellbeck House.  
Application Withdrawn

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. Approved with Conditions

2018/18912/HH Proposed sun room extension (Resubmission of previous application 2017/18199/HH). Approved with Conditions

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

2018/18922/MMA Application to vary condition 2 of original planning consent reference 18/2016/17399 to alter access. Approved with Conditions

2018/18926/FUL Construction of 1 detached bungalow and associated works. Approved with Conditions

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

2018/18953/HH Replacement domestic outbuilding for utility and hobby use. Approved with Conditions

2018/18955/CND Application to discharge condition no 4 of original planning consent reference 2017/18303/VAR. DOC satisfactory

2018/18963/CND 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

2018/18966/TPO 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

2018/18968/CND Application to discharge condition 3 of original planning consent reference 48/2016/16752. DOC satisfactory

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

2018/18975/LBC Replacement of external door to rear elevation. Approved with Conditions

2018/18976/LBC 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. Approved with Conditions

2018/18977/HH 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. Approved with Conditions

2018/18982/OUT Outline application (Including means of Access) with all matters reserved for the proposed development of 4 No domestic dwellings. Approved with Conditions

2018/18983/OUT Outline application with all matters reserved for proposed development for 1 No domestic dwelling. Approved with Conditions

2018/18985/LBC 9 Rake out old pointing and replace with 1:3 natural hydraulic lime and sand mortar (NHL 5 Lime). Approved with Conditions

2018/18993/HH Construction of garage and adjoining workshop outbuilding and associated landscaping. Approved with Conditions

2018/19011/HH 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. Approved with Conditions

2018/19022/VAR 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. Approved with Conditions

2018/19030/HH 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. Approved with Conditions

2018/19021/HH Single storey rear extension. Approved with Conditions

2018/19051/HH 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. Approved with Conditions

2018/19026/FUL Proposed replacement of existing kitchen extract system including associated minor internal and external works, and the retention of existing timber framed pergola. Approved with Conditions

2018/19027/LBC 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. Approved with Conditions

2018/19077/HH Two storey side extension and rear box dormer (resubmission of refused application reference 2017/18343/HH). Approved with Conditions

2018/19034/FUL 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). Approved with Conditions

2018/19038/FUL Erection of proposed detached double garage adjacent to the existing Howgates barn dwelling, with relocation of existing access off Skipton Road. Approved with Conditions

2018/19058/FUL Conversion and extension of barn to form one dwelling. Approved with Conditions

2018/19081/FUL Demolition of single storey outbuildings and construction of 4 No terraced dwellings (amendments to planning consent reference 63/2015/16303). Approved with Conditions



2018/19043/HH 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. Approved with Conditions

2018/19045/FUL 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. Approved with Conditions

2018/19046/FUL Construction of single storey extension. Approved with Conditions

2018/19054/FUL Proposed agricultural building. Approved with Conditions

2018/19056/HH 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. Approved with Conditions

2018/19070/LBC Phase one repairs remedial to listed building. Approved with Conditions

2018/19057/FUL Change of use of land from agricultural to equestrian and siting of stable block for domestic use - not commercial. Approved with Conditions

2018/19063/HH Second storey extension over existing single storey side extension (Resubmission of 2017/18773/HH). Refused

2018/19064/MMA 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. Approved with Conditions

2018/19069/CND 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

2018/19067/FUL Build new domestic double garage with store & workroom over  
Approved with Conditions

2018/19071/HH 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. Approved with Conditions

2018/19076/HH Rear sunroom extension. Approved with Conditions

2018/19083/HH Extension of existing residential annexe. Approved with Conditions

2018/19098/HH Erection of a 2.4m x 2.4m corner studio to be sited in NE corner of garden. Approved with Conditions

2018/19084/FUL Internal alterations to improve boarding house facilities, minimal historic fabric alterations, new platform lift and disabled ramp. Approved with Conditions

2018/19085/LBC Internal alterations to improve boarding house facilities, minimal historic fabric alterations, new platform lift and disabled ramp. 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). Approved with Conditions

2018/19089/CND Application to discharge condition 12 of original planning consent reference 12/2017/17952. Conditions not complied with.

2018/19090/HH Two-storey extension to the south elevation. Approved with Conditions

2018/19092/HH 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). Approved with Conditions

2018/19096/HH Demolition of existing conservatory and construction of replacement conservatory with balcony. Approved with Conditions

2018/19097/ADV 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. Approved with Conditions

2018/19099/HH 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. Approved with Conditions

2018/19102/CND Application to discharge condition no.s 5 and 7 of original planning consent reference 12/2017/17952. DOC satisfactory

2018/19104/TPO T1 - Sycamore - Fell. T2 - Oak - Remove bottom limb and shorten 2nd limb. Split Decision

2018/19106/VAR Application to vary condition no. 1 (plans) and remove condition no. 2 allowed on appeal reference APP/C2708/W/17/3168417. Declined to Determine

2018/19113/HH Construction of single storey porch extension with first floor terrace, installation of doors at first floor level to access terrace. Approved with Conditions

2018/19116/FUL Proposed erection of 9 no. dwellings (outline consent appeal reference APP/C2708/W/16/3144209, CDC ref 26/2015/16037). Application Withdrawn

2018/19157/LBC Replacement of existing timber window frames with aluminium frames. Approved with Conditions

2018/19122/TPO Tree - Trim some branches to allow phone line to run free. Approved Tree Works in Conservation Area

2018/19142/LHSHLD 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

2018/19127/HH Proposed single storey extension with balcony to the rear and proposed detached double garage to replace existing garage. Approved with Conditions

2018/19129/NMA 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

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

2018/19131/HH Proposed side extension with roof over. Approved with Conditions

2018/19134/HH 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. Approved with Conditions

2018/19138/TCA Fell 1 no. Conifer and 2 no. Holly. Approved Tree Works in Conservation Area

2018/19140/TPO 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

2018/19141/TPO T1 Sycamore - Remove hanging branches  
T2 Horse chestnut - Remove  
T4 Oak - Prune to remove deadwood  
Approved Tree Work under TPO

2018/19145/HH Proposed extension to the side of domestic dwelling to form porch, dining room/lounge. Approved with Conditions

2018/19171/OFFRES Proposed conversion of 2nd floor (unoccupied) office space into 2 no 1 bed apartments (prior approval). PN Refuse and Application Required

2018/19152/CPL Certificate of proposed lawful development for a proposed rear elevation extension to form new sunroom. Approve Cert. Lawful Devt

2018/19154/TPO 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

2018/19202/HH Retrospective proposed lean-to greenhouse. Approved no conditions

2018/19162/TCA Remove 1 no. Lime as per Tech Report 20.02.18. Refused Tree Work and Make TPO

2018/19163/HH Replacement of UPVC windows and doors and other associated internal alterations. Approved with Conditions

2018/19166/TCA Crown reduce overall height of 1 no. Birch by one third. Approved Tree Works in Conservation Area

2018/19168/TCA 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  
Approved Tree Works in Conservation Area

2018/19169/TCA T1 - up to 3m of pruning and maintaining. T2 - up to 2m of pruning and maintaining. T3 - up to 4m of pruning and maintaining. Approved Tree Works in Conservation Area

2018/19185/TCA T1 and T2 - Crown lift and 30% reduction. Approved Tree Works in Conservation Area

2018/19189/FUL Multi-purpose agricultural building. Approved with Conditions

2018/19200/HH Single storey rear extension. Approved with Conditions

2018/19204/NMA Application for non-material amendment to original planning consent reference 2017/18710/HH for reduction to the glazing area to East and West elevations  
Approved with Conditions

2018/19219/NMA 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. Approved with Conditions

2018/19226/CPL Certificate of lawfulness (proposed) for rear dormer window extension serving existing 2nd floor bedroom. Approved Cert. Lawful Devt

2018/19251/LHSHLD 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

## **b. Applications**

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

### **Permission Granted**

**2018/18981/OUT Outline application for the development of ten dwellings with landscaping as a reserved matter at land south of Bentham Road, Ingleton** – subject to the completion of a planning obligation in accordance with the provisions of S106 of the Town and Country Planning Act to secure an off-site affordable housing contribution (as defined by the National Planning Policy Framework) is provided and 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 23<sup>rd</sup> February 2018
- Drawing no. 121701-05 A received 6<sup>th</sup> 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 Benthams 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:
- a. Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident's management company; and
- b. 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](http://www.northyorks.gov.uk).

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

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](mailto: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.

2018/19062/FUL Full planning permission for re-building the detached masonry building at land adjacent to 2 Stirton Lane, Stirton, Skipton, BD23 3LN subject to the conditions listed below.

Conditions

**Approved Plans**

1. This permission relates to the following plans:

- Location Plan – Drawing No. 156/1A, received 28<sup>th</sup> February 2018;
- Site + Roof Plan – Drawing No. 156/2J, received 28<sup>th</sup> February 2018;
- Existing Layout – Drawing No. 156/3c, received 28<sup>th</sup> February 2018;
- Proposed Floor Plans – Drawing No. 156/4K, received 28<sup>th</sup> February 2018;
- Proposed Elevations + Section – Drawing No. 156/5L, received 28<sup>th</sup> February 2018;
- Detached Garage – Proposed Plan + Elevations – Drawing No. 156/6, received 11<sup>th</sup> 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 2<sup>nd</sup> 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 or 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 10<sup>th</sup> 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 3<sup>rd</sup> July 2017 (hereinafter called "the second permission") and permission numbered 65/2012/13066 issued on the 2<sup>nd</sup> 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](mailto:paths@northyorks.gov.uk) to obtain up-to-date information regarding the line of the route of the way. The applicant should discuss with the Highway Authority any proposals for altering the route.
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](mailto: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.

**2018/19086/VAR Application to remove condition No. 14 of original planning consent reference 12/2017/17952 to allow unrestricted hours of use for office building at Skinner Ground Farm, Old Lane, (North), Broughton, Skipton, BD23 3AH – subject to the conditions listed below.**

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 27<sup>th</sup> March 2017.

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

### **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](mailto:paths@northyorks.gov.uk) to obtain up-to-date information regarding the line of the route of the way. The applicant should discuss with the Highway Authority any proposals for altering the route.

### **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.

**2018/19227/COU Change of use of annexe to an independent dwelling at The Coach House Annexe, Carr Head, Cowling BD22 0LD – subject to the conditions listed below.**

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.

**2017/18672/FUL 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 back up at Providence House, 21A Newmarket Street, Skipton, BD23 2HX – subject to the conditions listed below.**

Conditions

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

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

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

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

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

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

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

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

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

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

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

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

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

Statement of Positive Engagement: -

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

**Consideration Deferred**

**2017/18456/FUL 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 – deferred pending a site visit. (\*)**

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

### **Permission Refused**

**2018/19016/HH Two storey extension to side, replace single storey rear extension with two storey extension, removal of sectional concrete garage (resubmission of previously withdrawn application 2017/18503/HH) at 13 South View, Kildwick, BD20 9AZ.**

#### **Reasons for Refusal**

1. The application relates to a Victorian end terrace dwelling in the village of Kildwick and although set at a lower level to other dwellings in the terrace the property is significantly elevated by about 7m. The proposed development is considered too large for the setting, having an adverse and overbearing impact on the adjoining property, giving rise to a significant loss of natural light and an unacceptable impact on its amenity.

Note: In refusing the application, the Committee suggested that the applicant continue dialogue with officers regarding a smaller less overbearing extension.

**2017/18569/FUL Proposed development of seven dwellings at land off Skipton Road, Kildwick, BD20 9BB.**

#### **Reasons for Refusal**

1. The site occupies an irregular shaped parcel of land extending to approximately 0.4 hectares to the west of Main Road and south of Skipton Road in the village of Kildwick. Adjacent to the site is an area of land identified as a Green Wedge. The application represents a departure from the Craven District (Outside the Yorkshire Dales National Park) Local Plan.
2. The development's siting is wholly within the Kildwick Conservation Area and is in close proximity to several listed buildings including the Church of St Andrew and the old bridge. The proposal does not satisfy ENV2 and ENV3 as the required standard of design is unsympathetic and does not respect and enhance the form of the historic buildings surrounding the site. The development could permanently damage the national heritage assets of the area and have a negative impact on the designated conservation area.
3. The historic buildings of Kildwick are visible at certain times of the year from all vantage points and this proposal would cause substantial harm to the openness, historic character and beauty of the countryside in conflict with the requirements of Craven District (Outside the Yorkshire Dales National Park), Local Plan policies ENV2 and ENV3 and Para 128 of the National Planning Policy Framework).

**30/2017/17787 Outline application for a residential development of up to 44 dwellings and associated works (access applied for with all other matters reserved).**

#### **Reasons for Refusal**

1. The site, currently used for grazing, extends to approximately 2.1 hectares 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 outline application, for which access is the only matter applied for at this stage, although proposed layouts have been submitted for



indicative purposes only, represents a departure from the Craven District Council (Outside the Yorkshire Dales National Park) Local Plan.

2. The proposal does not fall within any of the categories of development permissible in the open countryside under saved policy ENV1 and conflicts with submitted draft Local Plan policies SD1 SD4 and SD10. The draft Gargrave Neighbourhood Plan, considered and rejected this site because it is outside development limits and although still emerging, the Neighbourhood Plan could not be disregarded. The development's siting and separation from the edge of the village would result in a sporadic proliferation of urbanisation sprawling into open countryside away from the existing dwellings. The proposal would cause substantial harm to the openness, intrinsic character and beauty of the countryside in conflict with the requirements of Craven District (Outside the Yorkshire Dales National Park) Local Plan policies ENV1 and being in a prominent position in the village would cause a significant loss of amenity, detract from the village setting and restrict the future of the playing fields.

PL.864

**PLANNING ENFORCEMENT**

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

\$PL.865

**ENFORCEMENT NOTICE APPEAL – REQUEST FOR DELEGATED AUTHORITY  
TO DEFEND THE POSITION OF THE COUNCIL**

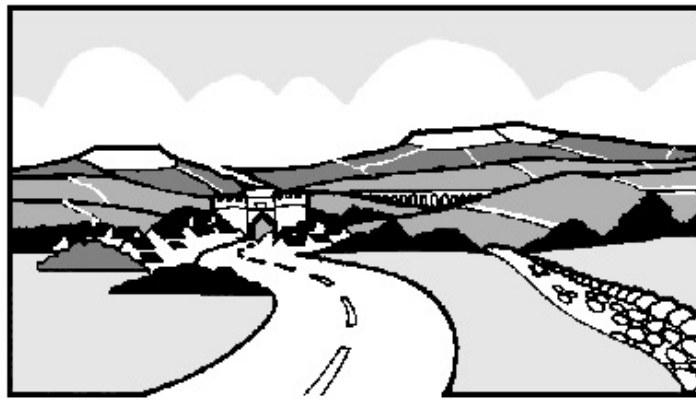
A joint report of the Planning Manager and the Legal Services Manager submitted a report asking Members to consider the way forward and endorse a recommendation to provide authority for the Planning Manager and Legal Services Manager to respond on behalf of the Council in respect of an Enforcement Notice appeal relating to the construction of a new dwelling in the open countryside.

**Resolved** – That the Planning Manager and Legal Services Manager are authorised to use best endeavours to defend the Enforcement Notice appeal on the basis of the reason for the refusal in application numbered 49/2017/17701 (issued on 11<sup>th</sup> April 2017) and are further authorised to use best endeavours to resist any claim for costs thereby protecting the best interests of the Council.

**Minutes for Decision**

- None -

Chairman.



# **CRAVEN**

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

### **PLANNING COMMITTEE AGENDA**

**DATE: 2nd July 2018**

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## REPORT TO PLANNING COMMITTEE ON 2nd July 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, Dick Lane, Cowling, BD22 0JZ

**On behalf of:** Mr Ben Airle

**Date Registered:** 7th September 2017

**Expiry Date:** 2nd November 2017

**Case Officer:** Mrs Gemma Kennedy

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**This application was deferred from the last Committee meeting for a Committee site visit.**

**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 Craiglands Farm (one of which is by a planning consultant on behalf of the objector), one from The Stables at Craiglands 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 Cragside 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 22<sup>nd</sup> 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 Cragside 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 Cragside Farm refer to a culverted stream that drains to a ‘well’ in their rear garden, and to troughs in the yard of Cragside 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 17<sup>th</sup> May 2018.
- 244 2 002 Rev B received by Craven District Council on 2<sup>nd</sup> 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](mailto: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](mailto:paths@northyorks.gov.uk) to obtain up-to-date information regarding the line of the route of the way. The applicant should discuss with the Highway Authority any proposals for altering the route.
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.

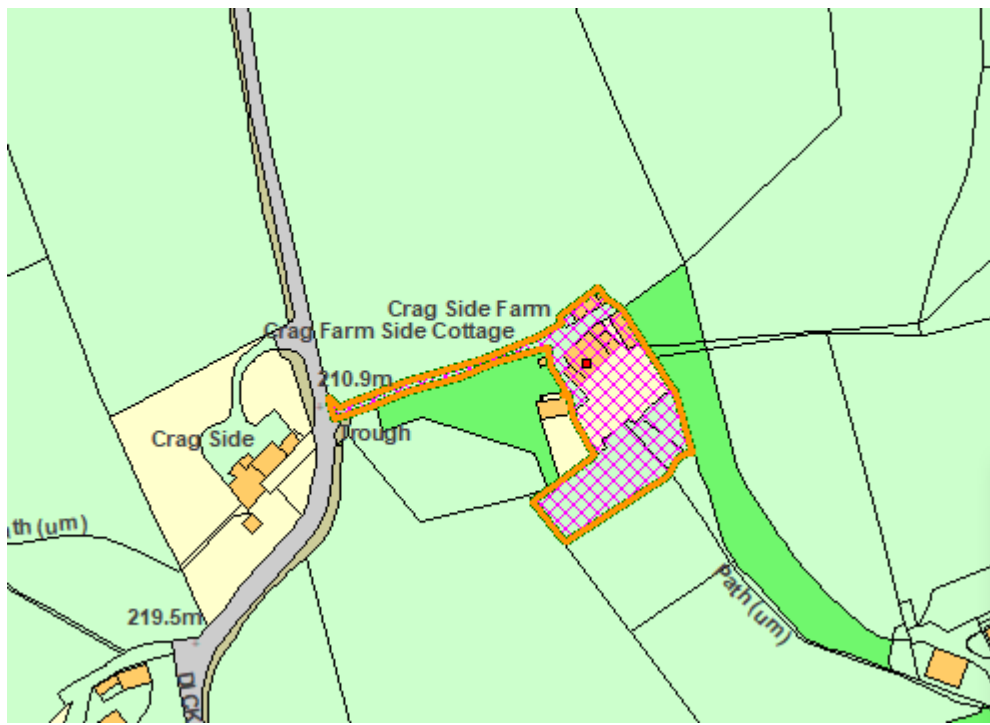
### Statement of Positive Engagement: -

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, Cowling, BD22 0JZ

**On behalf of:** Mr Ben Airlie

## REPORT TO PLANNING COMMITTEE ON 2nd July 2018

**Application Number:** 2017/18762/FUL

**Proposal:** Proposed dwelling on brown field site (re-submission of withdrawn application reference 73/2017/18047)

**Site Address:** Storage Buildings At Grange Farm Barn, Kildwick, BD20 9AD

**On behalf of:** Mr Greenway

**Date Registered:** 23rd November 2017

**Expiry Date:** 18th January 2018

**Case Officer:** Andrea Muscroft

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

1. Site Description

- 1.1 The application relates to an irregularly-shaped parcel of land measuring approximately 260 square metres in area to the northeast of Grange Farm Barn, Kildwick. The land includes a single storey, square-shaped storage building occupying a central location within the site and an L-shaped outbuilding to the southwest corner separated by a gravel forecourt. Two storage containers are located to the north of the storage building where the site adjoins an open area of land which is partially surfaced in gravel but mostly grassed over. Ground level rises steadily in a northerly direction across the site.
- 1.2 Existing buildings on the site are in a poor state of repair. The central storage unit comprises a rectangular stone building with a monopitch roof to the southern end which is bounded by an open-sided timber canopy wrapping round its north and east facing elevations. The L-shaped outbuilding comprises a dilapidated sheet metal 'polytunnel' which merges with a timber clad shed. The site boundaries are formed by a combination of dry stone walls flanking a shared access drive to the south and timber post and rail/wire fencing enclosing the yard to the north where the site adjoins open farmland.
- 1.3 Surrounding buildings are residential in character and include a large, detached dwellinghouse to the southwest (Grange Farm Bank) which has a detached garage set into a banking on lower lying ground and two storey dwellings facing onto the site at right angles to the east (Hainsworth Barn). A row of mature trees, the northern cluster of which are protected by a Tree Preservation Order (TPO), flank the eastern site boundary and intervene between the land and surrounding dwellings, including a grade II listed building set at a lower level to the south (Grange Farm).
- 1.4 The site falls within an area of Open Countryside as defined on the Craven District (Outside the Yorkshire Dales National Park) Local Plan and is also located within the Kildwick Grange Conservation Area.

2. Proposal

- 2.1 The proposal is seeking approval the redevelopment of this site with the construction of a single detached two storey dwelling with detached garage and off site turning and parking areas.
- 2.2 The existing buildings on the site would be demolished to facilitate the redevelopment of the site.

- 2.3 The proposed building and detached garage would be finished in natural stone under a stone slate roof. Windows and doors would be of timber construction externally finish in Window Grey (RAL7040).
- 2.4 Access is to be gained via the private lane branching in a northerly direction off Skipton Road. The existing hardstanding between the two building (and the access to it) would be retained. A new patio area is to be formed to the north of the proposed dwelling.
- 2.5 Boundary treatments would consist of a drystone wall.
3. Planning History
- 3.1 73/2007/7988 – Demolition of storage/workshop and erection of replacement building – Refused for the following reasons:
- The scale and materials proposed for this development are considered to be incompatible with the character and appearance of the Conservation Area and, as such, fail to meet the advice contained within Planning Policy Guidance note 15.
- 3.2 73/2017/18047 Redevelopment of light industrial buildings to form one dwelling and garage – Withdrawn April 2017.
4. Planning Policy Background
- 4.1 Paragraph 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that development proposals are determined in accordance with the development plan unless material considerations indicate otherwise. The statutory development plan for Craven comprises the saved policies of the Craven District (Outside the Yorkshire Dales National Park) Local Plan 1999 (the ‘CDLP’).
- 4.2 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 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.
  - ENV4 – Heritage.
  - ENV3 – Good Design.
  - ENV4 – Biodiversity.
  - INF4 – Parking Provision.
- 4.5 National Policy
- The National Planning Policy Framework – NPPF.
  - Planning Practice Guidance – PPG

5. Parish/Town Council Comments

5.1 **Kildwick Parish Council:** After reviewing the details the PC would like to make the following observations:

- The slate roof is much appreciated.
- The site is within 20m of a water course.
- The proposal would be visible from a PROW but the proposal is more attractive than the existing brown site.
- The use of natural stone for the wall would be preferable to modern cut stone which is alien to this environment.

6. Consultations

6.1 **CDC Contamination Officer:** The historical use of the site has led to some potential contaminated land issues. Therefore as the proposal would introduce a sensitive receptor to the site it is recommended that a condition be imposed requiring the applicant/developer to contact the Council should contamination be found on site.

6.2 **CDC Environmental Health Officer:** No objection to the proposal but recommends the use of conditions to control potential noise and dust nuisance. With regards to water supply if the property is to be connected to the existing borehole water supply or if a new supply is to be commissioned a risk assessment will be required before completion.

6.3 **CDC Tree Officer:** The proposed building is now outside the root protection area of the protected trees along the beck. To ensure no development to the existing roots it is recommended that a condition is imposed requiring a top down pull back technique be employed during demolition of the buildings on site

6.4 **NYCC Highways:** The existing access which would leave the site and re-join the Count

6.5 y highway is unsatisfactory as the required visibility of 60m x 2m cannot be achieved in a westerly direction at the junction. Therefore, it is considered that the intensification of use which would result from the proposed development is unacceptable in terms of highway safety and therefore recommend refusal.

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

7. Representations

7.1 The proposal was advertised on the 21<sup>st</sup> December 2017 in the Craven Herald with a Site Notice displayed within the surrounding area on the 11<sup>th</sup> December 2017. In addition, letters of notification were sent out directly to local residents as a result one letter of support and one letter of observation.

7.2 Other

- Support the proposal
- No comment on the building but recommends a condition requiring the site to be cleared before any building work starts on site. It is also recommended that further investigation is undertaken with regards to the development and the adjacent trees. This is to ensure that there would be no damage to the root system during the construction stage.

8. Summary of Principal Planning Issues

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

- approving development proposals that accord with the development plan without delay; and

- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
  - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
  - specific policies in this Framework indicate development should be restricted.

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

- Whether the development is appropriate within the Open Countryside.
- The development's effects on the character and appearance of the area.
- The scheme's impact on the conservation area and features which contribute to its significance as a designated heritage asset.
- The developments impact on highway safety.
- Impact on protected trees.

## 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 site falls outside the development limits defined on the CDLP Proposals Map and, accordingly, is within the Open Countryside. CDLP policy ENV1 indicates that the Council will protect the character and quality of the Open Countryside and prevent this from being spoilt by sporadic development. The policy states that 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 landscape character;
- Is essential for the efficient operation of agriculture or forestry; or
- Is essential to the needs of the rural community.

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 The overarching objective of CDLP policy ENV1 is to protect the character and quality of the countryside by preventing 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. 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, with the caveat that local planning authorities should avoid “new isolated homes in the countryside unless there are special circumstances”.

- 9.7 The proposed development does not fall comfortably within any of the categories set out in CDLP policy ENV1. Nevertheless, it is situated to the northern periphery of an existing hamlet of dwellings within the Open Countryside and is located circa 1km and 1.2km from the Village of Kildwick (an identified settlement) to the west and the larger town of Silsden to the east.
- 9.8 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.
- 9.9 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.”
- 9.10 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.”
- 9.11 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.
- 9.12 Turning to the three dimensions of sustainable development it is acknowledged that the proposal would provide some 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.
- 9.13 With regards to the environmental dimension of sustainable development the proposal would result in the redevelopment of a previously developed parcel of land. The NPPF defines previously developed land as being ‘land which is or was occupied by a permanent structure’. In this instance, the site is occupied by a number of stone permanent structures of differing sizes and appearance and therefore meets the NPPF definition of previously developed land. Therefore, the redevelopment of this land is considered more preferable than the development of a green field site. As such it is considered that the redevelopment of this site would provide environmental benefits which comply with the guidance contained within the NPPF.
- 9.14 It is considered that the site is suitable for residential use, can achieve a high quality development and use land effectively. As such, it is held that the proposal is in line with the objectives of the NPPF in that the site would provide both economic and social benefits. Furthermore, the proposed development would not be so significant to undermine the emerging spatial vision for the District or wider policy objectives of the new local plan. Therefore, with regard to advice in the NPPF, taken overall the proposal is in principle considered to be capable of forming sustainable development.

- 9.15 The site lies within the designated conservation area of Kildwick. However, given that the site is less than 1 hectare in area, it is considered that the development of this site would not result in any harm to the designated conservation area.
- 9.16 Conclusion
- 9.17 The application site is not within recognised development limits of Kildwick and therefore represents a departure from the provisions of saved Policy ENV1 of the Local Plan. Nevertheless, the development would be situated to the northern periphery of an existing hamlet of dwellings, and would result in the redevelopment of previously developed land that would help contribute to the regions housing needs. In addition, the proposal would provide both economic and social benefits.
- 9.18 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 and conservation area which will be assessed within the report.
- 9.19 **Visual impact of development on the character of the area and conservation area.**
- 9.20 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.
- 9.21 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.
- 9.22 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.
- 9.23 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.
- 9.24 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.
- 9.25 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.

- 9.26 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.
- 9.27 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.
- 9.28 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.
- 9.29 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.
- 9.30 In this instance, the proposal has been designed to reflect the traditional agricultural barns located throughout the district with the main characteristics being of a simple shape, strong gables and corners and absence of over-elaboration. Furthermore, the proposed building would be constructed from traditional materials which would ensure that both the design and use of materials would result in a form of development that respects the character of the surrounding area. In addition, the proposal would result in a visual enhancement to the conservation area through the redevelopment of the site.
- 9.31 The nearby grade II listed building is set on lower lying ground to the south of the site and is screened by a line of dense, mature trees which restrict inter-visibility between the two. Given this relationship, it is not considered that the proposed development would result in any appreciable harm to the setting of the listed building for the purposes of paragraphs 132, 133 or 134 of the NPPF.
- 9.32 Whilst, the proposal would facilitate the need to create new stone boundary walls, it is not considered that this would have an unacceptable visual impact on the existing street scene.
- 9.33 It is acknowledged that from the nearby PROW that lies to the east of the site that there would be some intermittent views of the site through the existing tree screening. However, the proposed building would be seen in the context of the adjacent residential dwellings and would replace the existing dilapidated single storey buildings on the site. It is therefore, considered that the proposal would not appear out of scale or cause significant harm to the visual character of the setting of the open countryside.
- 9.34 With regards to soft and hard landscaping the proposal is seeking to provide both grassed areas, plus the provision of hard standing in the form of a patio. Details submitted are limited and therefore it is considered appropriate to impose a condition requiring further details should the proposal be approved.
- 9.35 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, the proposal would not negatively impact on the setting or significance of the nearby Grade II listed building. Therefore, it is considered that the proposal accords with the policy requirements of ENV2 and the guidance contained within the NPPF.



- 9.36 **Impact of development on the amenity of neighbouring properties.**
- 9.37 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.
- 9.38 The nearest dwelling to the proposed development is Hainsworth House Farm located to the east of the site at a separation distance of approximately 26m. It is acknowledged that the eastern elevation would contain window and door openings. However, it is considered that the separation distance combined with the existing mature tree screening 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 proposed dwelling would not appear dominant or overbearing when viewed from the habitable rooms of this dwelling.
- 9.39 The next nearest group of dwellings are located at distances ranging from 28m > 40m. It is considered that the separation distance combined within the orientation between the proposed dwelling and the existing buildings is sufficient to ensure no loss of privacy or overshadowing. Similarly, the proposal would not appear overbearing or dominant.
- 9.40 The proposed dwelling 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.
- 9.41 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.
- 9.42 **Impact on Highways Safety.**
- 9.43 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.
- 9.44 Section 4 of the NPPF contains guidance on transport and land use planning, including the promotion of sustainable transport choices and reducing travel by car.
- 9.45 Paragraph 32 of the NPPF states that: ‘Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe’.
- 9.46 The proposal would utilise the existing access and would provide off street parking and turning area. This is considered sufficient to meet the requirements of saved Policy T2 of the Local Plan.
- 9.47 NYCC Highways have been consulted and have raised an objection to the proposal on the grounds of insufficient visibility splays. However, in this instance, it is considered that as the existing access already serves approximately 20 vehicles associated with the surrounding dwellings that a refusal on these grounds could not be defended at appeal.
- 9.48 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.
- 9.49 **Impact on Protected Trees**
- 9.50 Saved Policy ENV10 seeks to safeguard trees protected by a preservation order from harm or unjustifiable loss.

- 9.51 An Arboricultural Report and Tree Survey has been submitted with regards to this proposal. The Council's Tree Officer has reviewed the information and after the re-siting of the building has not objected to the proposal subject to the use of conditions requiring protective fencing and method of demolition relating to the existing buildings on site.
- 9.52 In conclusion, the proposed development of this site would not result in any unacceptable harm or unjustifiable loss of protected trees and therefore accords with the requirements of saved Policy ENV10 of the Local Plan and guidance contained within the NPPF.
- 9.53 Conclusion.
- 9.54 Paragraph 14 of the NPPF advises that LPA's should be "approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
- Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
- Specific policies in this Framework indicate development should be restricted.
- 9.55 In this case it is considered that there are no adverse impacts that significantly and demonstrably outweigh the overarching presumption in favour of sustainable development contained within paragraph 14 of the NPPF, and there are no grounds to withhold planning permission.
10. Recommendation
- 10.1 To grant 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:
- P1787.001B Elevations received by Craven District Council on the 6<sup>th</sup> June 2018
  - P1787.002B Floor Plans received by Craven District Council on the 6<sup>th</sup> June 2018
  - P1787.003B Roof Plan received by Craven District Council on the 6<sup>th</sup> June 2018
  - P1787.004B Garage Elevations received by Craven District Council on the 6<sup>th</sup> June 2018
  - P1787.005B Garage Plan received by Craven District Council on the 6<sup>th</sup> June 2018
  - P1787.007B Site Plan received by Craven District Council on the 6<sup>th</sup> June 2018
  - P1787.008B Location Plan received by Craven District Council on the 6<sup>th</sup> June 2018
- Except as provided for by other conditions to this permission, the development shall be carried out in complete accordance with the approved drawings or where alternative details have been subsequently approved following an application for a non-material amendment.
- Reason: For the avoidance of doubt and to ensure a satisfactory standard of development in accordance with the policies contained within the Craven District (Outside the Yorkshire Dales National Park) Local Plan and the National Planning Policy Framework.
- During Building Works**
3. The demolition of the existing garage/store shall be carried out undertaken using a top down pull back technique.

Reason: To ensure that the root protection area of the tree is protected during construction by demolishing the building within its own footprint.

4. Following the demolition of the existing outbuildings a Construction Exclusion Zone has been formed around the Root Protection Areas of the protected trees identified as being retained on the approved plan. 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 the approved plan. The Construction Exclusion Zone shall be maintained in the duly installed positions during the entirety of the construction period insofar as it relates to these areas of the site.

Reason: To ensure that adequate measures are put in place to protect existing trees which are to be retained as part of the development before any construction works commence in accordance with the requirements of Saved Policy ENV10 of the Craven District (Outside the Yorkshire Dales National Park) Local Plan and guidance contained within the National Planning Policy Framework.

5. 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.

#### **On-going conditions**

6. 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.

7. 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.

8. 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



## REPORT TO PLANNING COMMITTEE ON 2nd July 2018

**Application Number:** 2018/19243/FUL

**Proposal:** Proposed two storey dwelling and associated external works

**Site Address:** Land Adjacent To Raygill House Quarry Road, Lothersdale, BD20 8HH

**On behalf of:** Mr & Mrs Oliver + Rachel Osborne

**Date Registered:** 23rd April 2018

**Expiry Date:** 18th June 2018

**Case Officer:** Mr Mark Moore

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**This application is referred to the Planning Committee for a decision as it is a Departure from the Local Plan.**

1. Site Description

- 1.1 The application site comprises the foremost part of a large area of private garden that lies to the south of a group of cottages at Raygill House and to the north side of Quarry Road, Lothersdale.
- 1.2 Quarry Road is an un-adopted single-track access that is connected to the main through-route in the village of Lothersdale located further to the east and serves a number of properties including Raygill Fisheries that lies to the south of the application site.
- 1.3 The site is characterised by a change in ground levels with the south-east part falling significantly where it sits behind a stone wall although still at a higher level than the adjacent roadside. It is understood that this area was previously a croquet lawn. The site is grassed over and includes some well-established tree planting around its periphery particularly along the site boundary with Quarry Road.
- 1.4 Access to the site is to the eastern corner and is shared by Raygill House and Raygill Farm, a working farm and residential farmhouse located to the east.
- 1.5 The site is located outside of development limits and is in a relatively secluded location on the periphery of the main settlement of Lothersdale which comprises a small hamlet of predominantly traditional stone-built buildings.
- 1.6 The landscape is described in the Craven Landscape Appraisal as '*Pasture with Wooded Gills and Woodland*'.
- 1.7 There are protected trees lying adjacent to the south-west of the site (ref: 236 2016).

2. Proposal

- 2.1 Permission is sought for the construction of a four-bedroom dwelling with associated landscaping and access.
- 2.2 This application is submitted as an alternative to an extant planning permission for a new dwelling that was granted in 2016 under planning permission ref: 53/2016/16781.
- 2.3 The principal differences from the previously approved scheme are the position of the house within the site and its design which is substantially changed although both the old and new properties are contemporary designs.

- 2.4 The proposed new dwelling is smaller in scale than the previously approved scheme and would be located in a more central position marginally closer to the northern site boundary and further from the roadside site boundary. The design is a much simpler form and is intended to be more reflective of a traditional rural building than the scheme permitted under the extant approval.
- 2.5 The new dwelling would comprise a two-storey building measuring approximately 17m x 6m with a ridged roof 7.5m in height falling to 5m at eaves level. The house would also feature a single-storey lean-to extension to the north-west elevation that would measure 8m in width and project by 1.8m.
- 2.6 Proposed materials would comprise Siberian Larch cladding to the walls with dark grey timber fascias. Roofing would be dark grey concrete interlocking tiles with a mix of glazing and standing seam zinc roofing to the proposed lean-to extension. Other detailing would comprise grey aluminium windows, a projecting frosted bay window, a glass balustrade, oak panelled front door and a Larch batten louvred screen to the principal window on the south-east elevation. The design incorporates three roof lights, two of which would be on the northern roof plane.
- 2.7 The proposed new dwelling would be served off a new gravelled driveway connected to the existing shared access to Quarry Road and would feature a turning area with two parking spaces located adjacent the eastern gable end. An additional small detached bin store is proposed which would be sited adjacent to the parking spaces and would be clad with burnt larch panels.

### 3. Planning History

- 3.1 53/2016/16781: New dwelling and associated landscaping and access. Approved August 2016.

### 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 Woodlands

T2: Road Hierarchy

#### 4.2 **Submission Draft Local Plan (2018)**

SP1 Meeting Housing Need

SP4 Spatial Strategy and Housing Growth

ENV1 Countryside and Landscape

ENV3 Good Design

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.'*

Draft Policy ENV1 'Countryside and Landscape' and Draft Policy ENV3 'Good Design' are both considered to be applicable to this planning application, and there are unresolved objections to both 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 and ENV3 of the Submission Draft Craven Local Plan, the greater weight should remain with the Saved Local Plan Policies and the NPPF.

4.3 **National Planning Policy Framework**

4.4 **National Planning Practice Guidance**

5. Parish/Town Council

5.1 **Lothersdale Parish Council:**

*'Lothersdale Parish Council strongly object to this planning application.*

*The design contradicts the information provided in section 3.5 page 9 of the provided documentation.*

*The development is not in keeping with the rural surroundings and the Council wish to stress their extreme concern regarding this.*

*The Council respectfully request that a site planning meeting is held and would welcome the opportunity to attend and meet the Planning Officer on site'.*

6. Consultations

6.1 **NYCC Highways:**

No objections and no conditions recommended.

6.2 **CDC Environmental Health:**

No objections have been raised. Recommendations made to advise developer of the need to limit construction times, adhere to recommendations for sound insulation, to only import clean topsoil and to manage dust during construction.

With regards to contamination the site has not been identified as potentially contaminated land. However Curtains Geo Environmental Assessment (dated 18th April 20018 ref: 066865-CUR-00-XX-RP-GE-001-V0) has identified the presence of ash and clinker beneath the topsoil on the site. Environmental testing of this identified one elevated level of Arsenic. In view of this CDC Environmental Health Officers agree with Curtains recommendation that the clinker fill, a readily distinguishable material (visually), is removed from any areas of proposed soft landscaping. They also advise that any such areas should be designed to have a 300mm depth of clean fill material.

**Officer note:** It is proposed to attach an informative to address this issue.

6.3 **CDC Tree Officer:**

No objections to the application provided that protective fencing is specified as a condition. Parking spaces and a bin store have been proposed within the Root Protection Area (RPA) of T1 which is a mature Lime tree approaching veteran status. The Tree Officer would encourage these parking spaces to be moved outside of the RPA or request a method statement which demonstrates how the RPA will be protected and also specifying permeable surface materials with a load bearing cell layer.

7. Representations

7.1 The application was advertised by way of neighbour notification letters issued on 10<sup>th</sup> May 2018 and by a site notice posted on 18<sup>th</sup> May 2018. The application was also advertised by press notice on 17<sup>th</sup> May 2018.

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

8. Summary of Principal Planning Issues

8.1 Principle of development.

8.2 Scale, design and visual impact.

8.3 Impact on amenity.

8.4 Highway impacts.

8.5 Impact on trees.

9. Analysis

**Principle of development:**

9.1 In this case the site has extant planning permission which allows for the construction of a new dwelling and therefore the principle of residential development has already been established. This is a material consideration and means that in this case the principle of development does not need to be re-considered.

**Scale, design and visual impact:**

9.2 The proposal is for an alternative design of house to that granted permission under the extant scheme and it is now necessary to consider the acceptability of the new design. However, it is important to note that the current scheme must be assessed on its own merits and not on the basis of a preference for one or other of the alternative designs.

9.3 In terms of the adopted Local Plan there are no specific policies that deal with design that are applicable to this proposal. However, despite the development being inappropriate, and therefore unacceptable in principal, under the terms of saved Policy ENV1 the requirements for development in open countryside set out in Policy ENV2 are of some relevance. Specifically the ENV2 requirements for development (in relation to design) are:

- that it should be compatible with the character of the surrounding area and not impact on the landscape; and,
- for the design to relate to the setting and take into account the immediate impact and public views of the development.

9.4 The NPPF sets out generic policies that require good design and it is specifically stated as a core planning principle that planning should:

*'always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings'.*

9.5 In more detailed policy the NPPF states at paragraph 56 that:

*'Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people'.*

9.6 At paragraph 63 the NPPF states:

*'In determining applications, great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area'.*

9.7 Paragraph 64 of the NPPF states 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'.*

9.8 Taking the above into consideration it can be seen that elements of the saved Local Plan Policy ENV2 are consistent with the NPPF and therefore relevant and that the key requirement in respect of this application is to come to a view as to whether or not the proposal constitutes good design.

9.9 There is no doubt that the proposal is for a contemporary design that is substantially different to both the previously approved scheme and more traditional builds that might typically be found in the Craven area. Looking subjectively the design does not seek to use materials that are traditionally found in the area and this could arguably be a ground to refuse planning permission. However, it is important to consider the extant planning permission which is also a non-traditional design that is of



a radically different form the local vernacular albeit using more traditional materials. In the case of this scheme the overall form of the proposed building is much simpler and reminiscent of a field barn whilst utilising less traditional materials.

9.10 In officer's opinion neither the extant scheme nor the current proposal are designs that would necessarily be compatible with the surrounding area. However, there can be no doubt that the approach taken is innovative and could arguably be said to raise the standard of design in the area. As with the approved scheme the site is not prominently located and there would be no long range views of the development or impact on the wider landscape beyond its immediate setting. Equally, whilst the development would be visible from the adjacent public highway it is not a road that is heavily trafficked and the site would remain relatively secluded. For this reason, as with the previous planning approval, the unique characteristics of the site would allow for a more innovative approach than might be acceptable in other more exposed and publicly visible locations.

9.11 Considering the above it is considered that the proposal is acceptable and should be granted planning permission. In coming to this view it is noted that the contemporary design of the new dwelling might not be seen by all as an appropriate form of development in this location. However, in officer's opinion the design would meet NPPF requirements in that it is innovative and would reinforce local distinctiveness and it not considered that it would be appropriate to refuse planning permission on design grounds in this instance.

**Impact on amenity:**

9.12 The proposed new dwelling would be sited immediately adjacent to and forward of the applicants existing house and a neighbouring property 'Raygill West' and would lie approximately 50m away from the nearest.

9.13 It is considered that the new dwelling would be positioned such that no loss of amenity would arise to the existing properties which are located further to the north in positions where there would be no possibility of overshadowing, loss of outlook or a loss of privacy occurring.

**Highway safety:**

9.14 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'.*

9.15 In addition to the above the NPPF at paragraph 35 advocates the promotion of sustainable transport modes and to this end recommends that developments should be located and designed where practical to 'give priority to pedestrian and cycle movements' and to 'create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians.

9.16 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 or any new or greater use of an access onto a primary, district or local distributor road that is unacceptable in terms of design and road safety; and, regard is paid to the highway impact and potential for improvement to the surrounding landscape.

In this case the proposal utilises an existing access onto an un-adopted shared road and in officer's opinion would not generate sufficient volumes of traffic to justify refusal of planning permission.

**Impact on trees:**

9.17 There are no objections to the proposals in terms of impact on the existing trees. However, the Council's tree officer has commented on the need to attach a condition to ensure that protective fencing is erected during construction to ensure that the trees to be retained are not damaged. It is also necessary to attach a condition to require prior approval of a method statement for the

construction of the proposed parking spaces and bin store to ensure that the root system of the nearby Lime tree is not compromised.

**Conclusion:**

- 9.14 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 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. This permission relates to the following plans:

- Drawing No. 804.01 A101 rev C, A102 rev D, A105 rev C, A106 rev C, A107 rev B and A109 Rev A
- Design and Access Statement rev B (4 April 2018)

Received by the local planning authority on 29<sup>th</sup> 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.

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

**Before you commence development:**

3. Before their first use on site samples of the materials to be used in the construction of the external surfaces of the dwelling and the hard surfacing areas hereby permitted, shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure use of appropriate materials which are sympathetic to the character of surrounding buildings and the street scene in the interests of visual amenity in accordance with the requirements of Craven District (Outside the Yorkshire Dales National Park) Local Plan.

4. Prior to the commencement of the development hereby approved protective barrier fencing shall be erected around the Common Lime Tree (T1) located to the north of the proposed house. The barrier fencing shall comply with BS 5837 (2012) and within the fenced areas no development, vehicle manoeuvring, storage of materials or plant or the addition of soil shall take place. The fencing shall not be moved and shall remain in place until completion of all of the development work hereby approved (other than the bin store and parking spaces).

Reason: To prevent damage to trees during construction work.

5. Prior to the construction of the proposed bin store and car parking spaces a method statement detailing the precise means of construction of these elements shall be submitted to and approved in writing by the local planning authority. The method statement shall detail the means by which the development will be undertaken without damaged to the root system of the Common Lime tree lying adjacent.

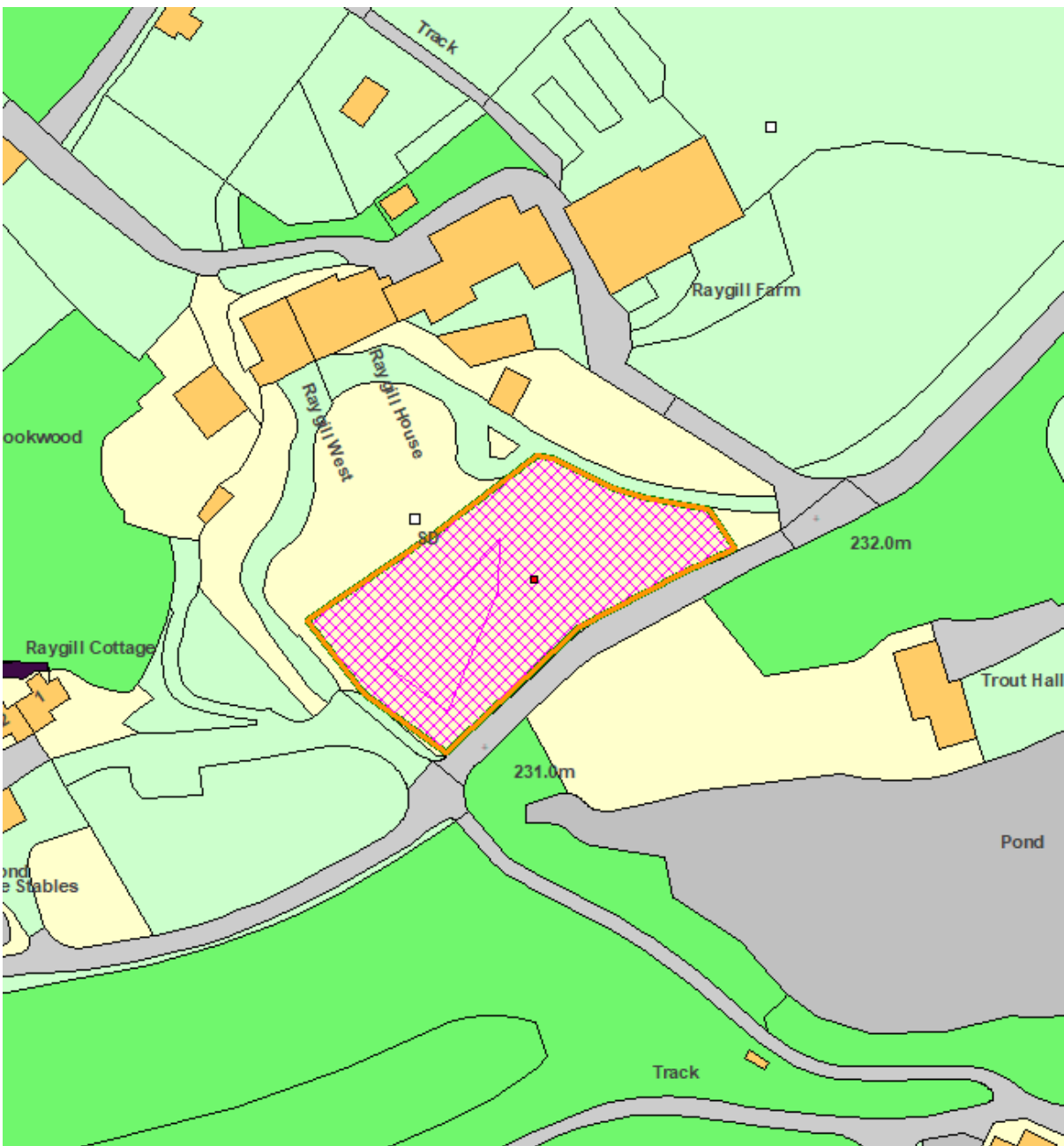
Reason: To prevent damage to trees during construction work.

**Informatives:**

1. During construction there is a potential for noise nuisance to nearby residential properties for this reason operating times for construction should be limited to:  
  
0800 to 1800 Monday to Friday  
0800 to 1300 Saturday  
No Sunday or Bank Holiday working.
2. Due to the proximity of the site to a working farm the development needs to be constructed in accordance with BS8233:2014 Guidance on Sound Insulation and Noise Reduction for Buildings which presents guideline noise levels for both inside and outside dwellings.
3. Contamination the site has not been identified as potentially contaminated land. However, the Curtains Geo Environmental Assessment (dated 18th April 20018 ref: 066865-CUR-00-XX-RP-GE-001-V0) has identified the presence of ash and clinker beneath the topsoil on the site. Environmental testing of this has identified one elevated level of Arsenic. In view of this it is the responsibility of the developer to ensure that this material is removed from any areas of proposed soft landscaping and that any such areas should be designed to have a 300mm depth of clean fill material.

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:** 2018/19243/FUL

**Proposal:** Proposed two storey dwelling and associated external works

**Site Address:** Land Adjacent To Raygill House Quarry Road Lothersdale,  
BD20 8HH

**On behalf of:** Mr & Mrs Oliver + Rachel Osborne

## REPORT TO PLANNING COMMITTEE ON 2nd July 2018

**Application Number:** 62/2017/18067

**Proposal:** Hybrid application for a residential development including: full details of the erection of 65 dwellings (C3), public open space, landscaping and access details (Phase 2); together with an outline application for residential development (C3), with public open space and landscaping (outline) with details of access from Skipton Road (b6480) considered (Phase 3). Amended Plans Submission.

**Site Address:** Land South Of Ingfield Lane And East Of Skipton Road, Settle.

**On behalf of:** Skipton Properties Ltd

**Date Registered:** 28th April 2017

**Expiry Date:** 28th July 2017

**Case Officer:** Mr Neville Watson

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**This application is being referred to the Planning Committee because it relates to a major application with significant public interest that extends a residential site that has previously been granted planning permission by the Planning Committee. In addition, due to its location outside of Development Limits, the proposal is a departure from the Local Plan and also affects the setting of designated heritage assets (a listed building and a conservation area).**

1. Site Description

- 1.1 The application site comprises a 6.83ha area of land located to the south of Ingfield Lane, Settle.
- 1.2 The site adjoins an existing residential development and the extended garden of the Falcon Manor Hotel to the north and its north-west boundary would lie to the rear of existing residential properties fronting onto the B6480. The western site boundary lies adjacent to the Settle-Carlisle railway which is on a raised embankment whilst the remaining site boundaries adjoin open countryside.
- 1.3 The site lies outside of development limits in an area defined as open countryside in the adopted Local Plan but does adjoin the settlement boundary.
- 1.4 The Settle-Carlisle railway that adjoins the western edge of the site is a designated conservation area.
- 1.5 The Falcon Manor Hotel to the north of the site is a grade II listed building.
- 1.6 The site lies approximately 200m west of the boundary of the Yorkshire Dales National Park and approximately 450m to the south of the boundary of the Settle conservation area.
- 1.7 The land on which the site is located is classed as Grade 4 agricultural land and is classified as 'Valley Pasture Flat Open Floodplain' in the Craven District Landscape Appraisal 2002. The site is not situated within a flood zone as identified in the Environment Agency's Strategic Flood mapping.
- 1.8 A public sewer runs across the north-west corner of the site where it adjoins the grounds of the Falcon Manor Hotel.
- 1.9 The north-east corner of the site incorporates a balancing pond that was granted approval in connection with the existing (phase 1) residential development that fronts onto Ingfield Lane.

- 1.10 The site is comprised of open fields and is undulating although the land generally falls away in level to the south and east with the highest parts of the site lying adjacent to the boundary of the existing residential development on Ingfield Lane to the north.
2. Proposal
- 2.1 The application was originally submitted as a resubmission of the same scheme refused by the Planning Committee on 3 February 2017 and was the subject of an appeal (now withdrawn). The application was a hybrid application including a full application for 65 dwellings of which 26 dwellings would be affordable (40%); an outline application for 2.83 ha. of residential development and an outline application for 1.2ha of serviced employment land.
- 2.2 The application was subsequently amended in August 2017 to change the employment land to residential development. The revised submission now comprises:-
- A full planning application for a phase 2 residential development providing 65 dwellings of which 30% would be affordable (20 dwellings)
  - Outline application for a phase 3 area of residential development on 3.43ha of land.
- 2.3 The proposed housing in the phase 2 development would comprise:
- 5 x 1 bed
  - 20 x 2 beds
  - 20 x 3 beds
  - 20 x 4 beds
- The applicant's are proposing that 20 dwellings would be affordable (30%) with 4 no. 1 bed units, 12 no. 2 bed units and 4 no. 3 bed units, subject to viability. At this stage no viability assessment has been submitted.
- 2.4 All of the proposed units would be two storeys and would include a mix of house types including detached, semi-detached and terraced houses. The proposals include some garages and overall there are 96 parking spaces shown throughout the development. The overall density of development would be 27 dwellings per hectare.
- 2.5 In relation to the phase 3 outline application, full details have only been provided in relation to a new site access onto the B6480 Skipton Road. This would lie to the north-east of an existing railway bridge that crosses the road. The proposed access would incorporate visibility splays of 2.4m x 43m (west) and 48m (east) and would include reconfiguration of the road signage in accordance with the recommendations of a Road Safety Audit commissioned by the applicant at the request of NYCC Highways. All other detailed matters (ie. appearance, layout, scale, access (aside from the proposed new access referred to above) and landscaping) are reserved for future consideration. Accordingly, Members at this stage are considering whether the phase 3 developments is acceptable in principle, bearing in mind that the precise scale, layout, appearance and landscaping of that phase is not settled at this point.
- 2.6 Following consultations with both Historic England and the National Park Authority the phase 2 layout has been revised and includes increased areas of open space to the north-west corner of the site and a 'green corridor' running southwards.
- Officer note:** The application site as a whole (both full and outline areas) would be bounded by a combined area of flood meadows and landscaping that has an extant planning permission (6/2017/18811).
3. Planning History
- 3.1 62/2015/15462: Screening opinion for a mixed residential and commercial use. EIA not required March 2015.

- 3.2 62/2016/17147: Application for environmental impact assessment screening opinion request for mixed use of commercial and residential development. EIA not required August 2016.
- 3.3 The following relates to the adjacent sites:
- 3.4 62/2009/9632: Outline application for the erection of 37 dwellings including layout and access (relates to phase 1). Refused September 2009 for the following reason:
- 'The proposed development by virtue of its siting and layout and due to the proximity of existing properties on Brockhole View and Inglehurst on Ingfield Lane which have limited depth to their rear garden areas is likely to cause disturbance and loss of privacy to those properties to such a degree as to be detrimental to residential amenity. This would be contrary to PPS1 'Delivering Sustainable Development' and PPS3 'Housing'.*
- An appeal was lodged against the refusal of planning permission. In summary, the Inspector came to the view that the development was acceptable in principle but did agree with the Council's reason for refusal concluding that the proposed layout would result in conditions detrimental to the living conditions of adjacent occupiers. The appeal was subsequently dismissed.
- 3.5 62/2010/10975: Outline application for 37 dwellings including layout and access (relates to phase 1). This was a re-submission of 62/2009/9632 with revisions to the layout to address the amenity issues identified by the Planning Inspector. The application was approved in January 2011.
- 3.6 62/2013/13496: Request for screening opinion for a residential development of 37 houses. Screening opinion that EIA not required issued May 2013. Relates to phase 1.
- 3.7 62/2013/13590: Residential development of 37 dwellings. Approved August 2013. Relates to phase 1.
- 3.8 62/2013/14087: Discharge Of Conditions 3,4,5,7,9,10,12,15,18,19,22,23,24 And 25 Of Previous Planning Approval Ref: 62/2013/13590 For Residential Development Of 37 Dwellings. Approved April 2014. Relates to phase 1
- 3.9 62/2014/14854 Fell 1 No Mature Beech T5 on plan (T4 on the TPO) and replace with semi mature tree. Approved September 2014. Relates to phase 1.
- 3.10 62/2014/14926: Variation of condition 24 to previous approval 62/2013/13590. Withdrawn January 2015. Relates to phase 1.
- 3.11 62/2014/14929: Development of surface water management scheme (flood meadows) for phase 2 of residential development. Approved December 2014. Relates to the area of land shown within the blue line on the site location plan PL01-A.
- 3.12 62/2014/15081: Application for temporary surface water attenuation pond on land to the south of phase 1 residential development (as approved by permission 62/2013/13590). Approved December 2014. Relates to phase 1 but included within the site boundary of the current application.
- 3.13 62/2014/15073 Application to vary Section 106 agreement in respect of affordable housing. Approved 22 January 2015.
- 3.14 62/2014/15089: Amendments to design of surface water drainage scheme. Approved December 2014.
- 3.15 62/2015/15462: Screening opinion for a mixed residential and commercial use at Ingfield Lane. Determined that EA was not required. March 2015. Relates to application site.
- 3.16 62/2016/17147: Application for environmental impact assessment screening opinion request for mixed use of commercial and residential development. Screening opinion sent August 2016. Relates to application site.
- 3.17 62/2016/17189: Partial discharge of condition 3 and discharge of condition 5 of planning approval 62/2014/14929. Approved December 2014.
- 3.18 62/2017/18048 Discharge of conditions 3 and 5 of 62/2014/14929 Approved September 2017.

- 3.19 2017/18811/FUL Development of surface water management scheme. Resubmission of 62/2014/14929 approved 12.3.2018
4. Planning Policy Background
- 4.1 **The National Planning Policy Framework.**
- 4.2 **National Planning Practice Guidance.**
- 4.3 **Saved Local Plan Policies:**
- ENV1: Development in the Open Countryside
- ENV2: Requirements for Development in the Open Countryside
- EMP5: New Employment Development outside Development Limits and Established Industrial Areas (Excluding Conversions)
- ENV10: Protection of Trees and Woodland
- SRC2: Provision of Recreation Space in New Housing Developments
- T2: Road Hierarchy.
- 4.4 **Submission Draft Craven Local Plan March 2018 – Emerging Local Plan (ELP)**
- SP1- Meeting Housing Need
  - SP6- Strategy for Settle- Tier 2
  - ENV1 – Countryside and Landscape.
  - ENV2 – Heritage.
  - ENV3 – Good Design.
  - ENV6 – Flood Risk.
5. Parish/Town Council Comments
- 5.1 **Settle Parish Council:** Objects to the application and has commented as follows:
- ‘The application does not appear to be very different from the previous one refused. Access onto the B6480 at the railway bridge very dangerous and standing water under the bridge will make it even more so. The proposed accesses from the Anley Cragg Business Park were recommended for refusal by the Highway Authority and the Council cannot reconcile this. The access for the Ingfield Lane development poses a far greater safety risk*
- Flood Risk- The Council have local knowledge to support the fact that for much of the year the area has substantial standing water. Flooding remains a concern and underground water across the fields. The amount of concrete and tarmac that the development will be laying down will exacerbate the situation.*
- The visual impact of the development on the Settle to Carlisle railway and the National Park Boundary and the Falcon manor as a grade II listed building.*
- 6 Consultations
- 6.1 **CDC Strategic Housing:** The scheme provides for 30% affordable housing as the agreed submission.
- 6.2 **CDC Sports Development Officer:**
- SRC2 Policy and Existing local provision:
- The Sports Development officer’s assessment of this application is that the proposed Flood Meadow application (2017/18811/FUL) and the on-site provision of phase 2 will fully meet the SRC2 policy requirements for this development. However, as some of the works required to comply with Saved



Local Plan Policy SRC2 are off-site should the Council be mindful to grant planning permission the following recommendation is made:

*That members resolve to grant delegated authority to the Strategic Manager for Planning & Regeneration to grant planning permission subject to the applicant first entering into a S106 Planning Obligation to secure the management and maintenance in perpetuity of the proposed on-site Public open space and off-site flood meadow scheme (62/2016/17189).*

It is considered that the S106 agreement is necessary in the interests of residential amenity to ensure adequate provision of Public Open Space to meet local needs in accordance with the National Planning Policy Framework and Saved Policy SRC2 of the Craven District (Outside the Yorkshire Dales National Park) Local Plan.

**Officer note:** The SDO has agreed the Policy SRC2 obligations on the understanding that additional residential development would be forthcoming under phase 3. The open space provision, which is to be provided under the application for the adjoining flood meadow, would exceed the requirement for the phase 2 development alone and would need to be re-assessed when details of the phase 3 residential development are known. The precise requirements of the open space provision for phase 3 are not known, taking into account this part of the application is in outline form only. It would therefore be appropriate to address this matter by a bespoke condition in the event that there is a requirement for open space over and above the open space provided by the open space shown on application reference 62/2016/17189.

### 6.3 **CDC Tree Officer:**

Commented as follows:

*'I have looked at the plans for the meadow and consider them to be acceptable.*

*I refer to Landscape Masterplans GL0161 15C GLO61 17 & GL061 14C which I also consider are acceptable. An avenue of medium/large ornamental trees has been specified which will break up the site when looking from the hills beyond and also provide a green sight line from the Falcon Manor'.*

**Officer note:** The Tree Officer comments relate to both the phase 2 residential scheme and the details submitted for the adjoining flood meadow under planning application ref: 62/2016/17189.

### 6.4 **NYCC Highways:**

Final comments on the revised submission are awaited. Members will be updated at the meeting.

Comments on the original submission are as follows:-

In assessing the submitted proposals and reaching its recommendation the Local Highway Authority has taken into account the following matters:

Prior to this application, capacity checks were undertaken on the now existing access onto Ingfield Lane, completed when Phase 1 of the development was built, and the B6480/ Cammock Lane /Ingfield Lane cross roads. These checks confirmed that traffic flows generated by the development will be low and there will be no capacity issues at either junction when the phases relating to this application are built. In addition, the proposed junction on B6480 has been assessed; this shows junction capacity is not an issue.

The appropriateness of the new junction on the B6480, given its proximity to the railway bridge, was reviewed at the time of this application and at a subsequent site visit. It was noted that HGVs passing under the bridge are in the centre of the road. Following the second visit it was considered prudent to ask the developer to commission a formal independent Road Safety Audit of the junction. Recommendations outlined in the Road Safety Audit have been brought forward solutions identified which will be included in the approved layout of the new junction. This matter can be covered by condition.

The Local Highway Authority recommends that the following matters are addressed through inclusion in a Section 106 Agreement or by the imposition of conditions any planning permission the Planning Authority is minded to grant. Matters to be included in a Section 106 Agreement to which the Local Highway Authority would wish to be a party:

1. Introduction of a new footway crossing of the Craven District Council car park to provide a sustainable link between the development and the Town Centre.
2. To provide road lighting in accordance with current standards, along the B6480 to improve pedestrian safety for residents of the new development and existing residents.

It is recommended that the following matters are covered by the imposition of conditions:

- Approval of road and footway layout.
- Construction of roads and footways prior to occupation.
- Approval of details of discharge of surface water.
- Provision of vehicle/pedestrian visibility splays.
- Provision of off-site works.
- Provision of approved access, turning and parking areas.
- Restriction on garage conversions.
- Prevention of mud on carriageway.
- Management of construction traffic/highway condition survey.
- Limitation on door/window openings over highway.
- Submission/approval of details of construction compound.

#### 6.5 **NYCC SuDS Officer:**

Information provided by the applicant has now satisfactorily addressed previously unresolved issues and the following condition is recommended for any approval:

*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 improve habitat and amenity.*

#### 6.6 **NYCC Education:**

Based upon an estimated 65 additional properties there is no requirement for any developer contribution.

## 6.7 North Yorkshire Police:

No objections and has commented as follows (based on original submission)

- The drawings do not indicate that a suitable gate will be provided as close as possible to the front building line of each dwelling, in order to secure rear gardens by preventing casual access to the rear, where the majority of property crime occurs. This measure was provided on phase 1 and is therefore strongly recommended.
- The site layout drawing for phase 1 showed that all sub divisional boundaries consisted of 1.8m high timber fences. I note that for this phase, a number of sub divisional boundaries are only shown as being 1.2m high. Sub-divisional boundaries to the rear of properties should reduce the potential for offenders to be able to move freely between gardens; therefore it is preferable for this to be 1.8m in height. This can be achieved by having close boarded fencing to a height of 1500mm topped with 300mm trellis.
- As an observation, it is not clear how residents of some of the terraced properties will be able to service their rear gardens without having to walk through the property itself with garden waste and rubbish etc.
- It is recommended that each plot should be provided with lighting to illuminate all external doors and if appropriate, car parking and garage areas. Lighting should be switched using a photo electric cell (dusk to dawn) with a manual override.
- Appropriate street lighting complying with BS5489:2013 is recommended. This helps to improve the quality of the built environment and increases pedestrian activity after dark. It is important that users feel safe and comfortable using routes at night. An increased provision of lighting is likely to lead to an increased notice of criminal activity.
- Any proposed tree planting should be developed in tandem with the street lighting scheme in order to avoid the scenario of tree canopies eventually obscuring lighting or creating shadow.
- No concerns regarding the security of accessible windows and doors as this is now covered by Approved Document Q, Building Regulations (all must meet BS PAS 24 – Secured by Design standards).
- There are many crimes that occur during the construction phase of building. Common crimes include the theft of plant, equipment, materials, tools and diesel fuel. It is therefore strongly recommended that site security must be given serious consideration should this application be successful.

## 6.8 Yorkshire Dales National Park Authority:

Comments on the revised submission are awaited although the Parks previous comments are included in the landscape assessment of this report.

6.9 **Environment Agency:**

Comments on previous submission are as follows:-

No objections. The EA has commented that if a mains connection is proposed for foul drainage the LPA must be satisfied that there is capacity in both the receiving sewer and sewage treatment works to accommodate the discharge proposed. United Utilities can provide this information. If no capacity an alternative solution must be found.

6.10 **United Utilities**

Recommend standard conditions

6.11 **Historic England:**

Summary:

Welcome the updated Heritage Impact assessment

The amendments that have been made to the Phase II layout, particularly the increase in the amount of open space, have further reduced the harm to the setting of the listed building and the conservation area. We particularly welcome the amendments to the green space that runs south through the site. The presence of housing to the south and south east will cause some harm to the significance of the Falcon Manor Hotel but consider the harm would be less than substantial and the harm to the conservation area. This should be weighed against the public benefits.

6.12 **Network Rail:**

Comments on previous submission.

Network Rail has sent a lengthy response that sets out a number of legislative and regulatory requirements that relate to development in close proximity to rail tracks and assets.

In summary Network Rail request the following:

- The developer must enter into an asset protection agreement.
- The developer must submit a risk assessment for any works within 10m of the operational railway.
- The developer should observe the requirements of the Party Wall Act.
- The developer must provide a 1.8m palisade/trespass-proof fence adjacent to Network Rail's boundary. Alternatively an acoustic fence may be provided subject to approval.
- No encroachment should occur over the railway during construction.
- A method statement must be submitted prior to the use of any equipment that might cause vibration.
- All surface water must be subject to prior approval and be directed away from the railway soak-away and suitable drainage of the site be provided such that there is no impact on Network Rail's assets.
- All excavations within 10m of the railway boundary must be notified to Network Rail for approval.
- The developer must accept responsibility for ensuring that the site will not be affected by contamination or land stability issues.
- New development must lie at least 2m from the railway boundary.
- Mitigation measures must be agreed to ensure that new development is not unduly affected by noise and/or vibration.
- No trees are to be planted within 'fall over' height of the operational railway.

- Suitable protective fencing should be erected to prevent vehicle incursion onto railway.
- There is potential for an increase in bridge strikes (Ingfield Bridge) and therefore consultation should be undertaken with Network Rails Asset Protection Engineers both during construction works and as a permanent arrangement.

6.13 **Yorkshire Wildlife Trust:**

Has now accepted the details for the adjoining wildlife meadow approved under reference 62/2017/18048:

6.14 **Settle and Carlisle Railway Development Company:**

Has commented as follows:

*'We are neither for nor against the proposal. We would like to see such a large local development contribute towards increased usage of Settle station and promotion of rail as a means of reducing road transport from the development. Funding towards customer benefits or cycle storage at Settle Station would be welcomed in addition to the marketing of rail services to new tenants, perhaps through the complementary purchase for buyers of the local Dales railcard to stimulate rail usage. The train service to Settle will be increasing in 2017 and 2019, as this development would be coming on stream towards 2019 it would help to promote sustainable journeys to it'.*

7 **Representations**

7.1 There are 17 representations to the revised submission which are summarised as follows:

- The visibility splays at the junction as shown is of concern.
- Development will have serious detrimental visual impact and would result in loss of an historic vista.
- Development would adversely affect views from the historic railway line.
- Development would adversely affect tourism in the area.
- Area is prone to flooding and further development would make flooding problems in the area worse.
- Any proposed water management scheme should be tested to see if it works before any housing is built.
- The materials and designs of the phase 1 development detract from the area with sub-standard roofing materials. Further similar development would not be out of character with the area and would not be acceptable.
- Development is outside of the Settle boundary.
- Proposals are contrary to both local and national policies.
- The development will adversely impact upon an AONB, the Settle conservation area and the National Park.
- Concerns about restricted access and nuisance to existing properties.
- Development will result in loss of privacy for occupiers of existing housing adjacent to the site and some properties are not shown on the drawings.
- The land is not vacant as stated in application. It is agricultural grazing land.
- Application in its entirety would be massively out of proportion with Settle and would change the character of the town irreversibly.
- Access close to the railway bridge is potentially unsafe.
- Proposal would result in increased traffic, noise and congestion in the area.

- Increased traffic using narrow entrance adjacent to a play area would represent a highway safety issue..
- Proposed tree planting would block light to and obstruct views from existing housing.
- Secondary access near to the railway bridge will be a highway safety issue and would limit opportunity for existing residents to park their cars outside of their houses.
- How will the already overstretched locals services cope with the added increased population?
- Site is a valuable amenity space with impressive landscape views which would be lost.
- Existing roads are too narrow to accommodate construction vehicles.
- The developer has failed to comply with existing planning conditions and has also failed to comply with a condition of an approval for tree works after removing a protected tree.

**Officer note:** The above is a summary of the comments which have been made. The representations can be viewed in full on the Council's website.

## 7.2 CPRE Two representations have been received on behalf of the CPRE

Their objections may be summarised as follows:-

- The proposals are contrary to both local and national policies
- The outline application is not justified at this time given that the Council purport to have a 5 year supply of viable housing land.
- The site is a large and locally valued area of green space that should be retained in order to protect the settling of the settlement.
- The detrimental impacts on the designated Heritage Assets are not outweighed by the benefits of these proposals.

## 8 Summary of Principal Planning Issues

- Land use/principle of development
- Housing provision
- Amenity issues
- Design
- Landscape impact
- Heritage
- Highway issues
- Drainage/flood risk

## 9. Analysis

### **Principle of development:**

- 9.1 The application site lies outside the Settle 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 adjacent 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 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.
- 9.13 The application site lies to the south of the settlement of Settle 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, albeit adjacent to the Settle /Carlisle railway conservation area. 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.
- 9.14 Before concluding this section on the principle of the proposed development mention should be made of the emerging new local plan.
- 9.15 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.
- 9.16 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
  - SP6: Strategy for Settle-Tier 2 and Housing Growth – this policy defines Settle as a secondary location for growth in the plan area providing housing growth to reflect the role of Settle as a key service centre for the mid sub area. Development will provide housing to meet local needs. This site is identified as preferred option site SG025 delivering up to 125 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.
  - H2: Affordable Housing- this policy seeks affordable housing at a minimum rate of 30% for schemes of 11 dwellings or more.
- 9.17 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 accord with SDLP draft policy SP6. The application site is considered to be in a sustainable location close to the existing settlement of Settle 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**

- 9.18 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.

- 9.19 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.
- 9.20 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.
- 9.21 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 on-going need for affordable housing in the district.
- 9.22 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 20 affordable dwellings on the site,
- 9.23 If approved the delivery of affordable housing is to be secured through a planning obligation as set out in the recommendation.

**Amenity issues:**

- 9.24 There are specific requirements under both saved Local Plan policies and the NPPF that new development should not adversely impact upon the amenity of the occupiers of any neighbouring properties either through a significant loss of outlook, loss of daylight or loss of privacy. In this case the existing properties are located at the southern end of the phase 1 Falcon Gardens and to the west of the site fronting onto the B6480.
- 9.25 In this case the proposed layout for the full residential application indicates that the new development would lie sufficiently distant from the existing housing and be orientated such that there would be no significant loss of amenity to any of those properties. Specifically, the properties at the northern end of the site would be set parallel to and roughly equidistant (minimum 3.5m) from the southern gable ends of the existing houses.

**Officer note:** This (minimum) side separation distance is greater than that of some of the phase 1 properties on the existing estate.

- 9.26 With regards to outlook the proposed development would be a continuation of the existing phase 1 and whilst the existing houses to the north have had the benefit of open views there is no planning requirement to maintain their current outlook. It is considered that the impact on the outlook is acceptable and there are no significantly adverse impacts on the amenity of the existing housing to warrant refusal of this application.
- 9.27 The only other neighbouring properties are those situated at the north-west corner of the site. The proposed houses would be located 25m to the south-east of the existing and are considered to be sufficiently distant that no loss of amenity from outlook, overshadowing or loss of privacy would occur.
- 9.28 Considering the phase 3 (residential) outline element of the application the exact relationship of the new development is not known. However, it is considered that in principle the proposed development could be accommodated within the site boundaries without detriment to the amenity of the existing

housing. The full assessment of residential amenity would be addressed at the reserved matter stage.

### **Design:**

- 9.31 The NPPF sets out generic policies that require good design and specifically it is stated as a core planning principle that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
- 9.32 In more detailed policy the NPPF states that good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people. It also states that permission should be refused for poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 9.33 In this case Saved Local Plan Policies ENV1 and ENV2 are of some relevance to the consideration of this application as the principles outlined in those policies are still pertinent.
- 9.34 Policy ENV1 seeks to limit development in the open countryside where it fails to maintain or enhance landscape character. More detailed criteria under ENV2 requires that development should not have an unacceptable impact on the landscape, that existing landscape features should be protected, that development should relate well to the setting and public views and finally that it should be accessible and be capable of being serviced without causing a serious harmful change to the locality.
- 9.35 With regards to the detailed design proposals for phase 2 the proposed development would comprise traditional gable ended two-storey properties constructed in a natural stone with artificial stone slates to the roofs. The design would be a continuation of the housing that has been constructed in the phase 1 development and which has previously been approved by the Council. It is considered that the overall form and detailing of the proposed houses would be appropriate to the locality and would be constructed to the same specifications as the existing phase 1 development. On this basis it is considered that the design of the proposed housing is acceptable. The design of phase 3 can be adequately controlled through the reserved matters process. It is clearly possible to achieve an acceptable design on the outline part of the site.
- 9.36 It is considered that the overall design of the development and the layout that has been proposed (insofar as details are known at this stage) is a good quality of design that would not erode the key characteristics of the site or nearby heritage assets to an unacceptable extent. A similar result can be achieved on the outline parts of the application at the reserved matters stage. Overall it is considered that the development constitutes good design and would be consistent with the NPPF in this respect.

### **Landscape:**

- 9.37 In this case the benefits of the provision of housing to meet the Council's housing land supply and the presumption in favour of sustainable development set out in the NPPF needs to be balanced against any dis-benefits of allowing development to take place. The dis-benefits would derive primarily from the loss of the open space, landscape and visual impact of the development and the potential impact upon the designated heritage assets of the Settle-Carlisle Railway conservation area and nearby grade II listed Falcon Manor.
- 9.38 With regards to the loss of the open space it is acknowledged that the land lies outside of development limits but this alone is not sufficient to come to a view that planning permission should not be granted. It is necessary to assess the dis-benefits of the proposals against the benefits of allowing development to take place.
- 9.39 In the first instance it is noted that the application did not initially receive full support from the Yorkshire Dales National Park Authority although it should be noted that their objections were initially focused on the potential visual impact in the wider landscape rather than over concerns over the development. To that end the proposed layout has been revised and additional landscaping incorporated throughout the development, this to include a larger area of open space adjacent to the Falcon Manor and a 'green corridor' running through the estate that would afford long range views of

the listed building and its grounds. In addition revisions have been made to the landscaping on the periphery of the site and to the detailed scheme of planting for the adjoining land to be used as flood meadows.

- 9.40 Historic England has acknowledged that the amendments to the scheme have reduced the visual impacts on (and subsequently the harm to) the setting of the Falcon Manor and to the Settle-Carlisle railway line but note that there will still be a change in the character of the views given that the access road runs down the centre of the green corridor and the rooftops of the housing will be visible to the east and west.
- 9.41 In the case of the National Park Authority they have requested a reduction in the density of the development towards the outer edge (south-east) and revisions in those areas to create a greater mixture of house types with more space around them with a view to reduce *'the perceived encroachment of development in views from the National Park and produce a softer edge to an extended Settle'*.
- 9.42 Regarding the YDNPA comments it is officer's opinion that the presence of the landscaping and remodelling of the landform to create the flood meadow that would adjoin the site is sufficient to mitigate the impact of the proposed development to views from the National Park. It is also considered that the overall density of the development (which is 27 dwellings per hectare) and the general arrangement and design of the layout are such that there would be no justification for requesting the further revisions that the Park Authority has suggested.

**Heritage:**

- 9.43 The Council has a statutory duty under the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special regard to the desirability of preserving listed buildings in their settings and any features of special architectural or historical interest it possesses. Para 132 NPPF advises that great weight must be given to the asset's conservation and the more important the asset the greater the weight should be given. Historic England have commented that in its revised form the development would cause less than substantial harm to the significance of the designated heritage assets and that it is therefore a matter for the local planning authority to come to a decision on whether there is a *'clear and convincing justification'* for the harm that the proposals would cause. Paragraph 134 NPPF advises that where development would cause less than substantial harm to a heritage asset it is necessary to weigh that harm against the public benefits of the scheme. The assessment of phase 3 would be dealt with at the reserved matters stage.
- 9.44 It is officer's opinion that there would not be grounds to refuse planning permission on the basis of the harm to the significance of the designated heritage assets particularly when considering Historic England's assessment that the harm caused would be less than substantial. As regards the planning balance, i.e. the assessment of the benefits against the dis-benefits of the proposal, there can be little doubt that the contribution to the Council's housing land supply would offset an identified shortfall in the Settle area represent substantial benefits of development that would more than offset any harm.

**Highway issues:**

- 9.45 The principal highway concerns associated with this application are as follows:
- The adequacy of the access routes into phase 2 from the existing phase 1 development.
  - The acceptability of the proposed secondary access to the west of the site onto the B6480 (this would serve phase 3. The reserved matters approval can ensure that the access connects up the existing and proposed routes through phases 1 and 2.)
  - The impact of the proposals on the wider road network in terms of capacity.
- 9.46 With regard to the first two bullet points above NYCC Highways has commented on the application and have raised no objections to the capacity of the phase 1 access roads to serve the proposed

development of phase 2. Access arrangements for phase 3 will be considered at the reserved matters stage.

- 9.47 In the case of the secondary access the principal concern lies with the proximity of the junction to the railway bridge and in particular the adequacy of sightlines from the proposed junction and the potential for highway safety to be compromised as a result of the narrowness of the road where it passes under the bridge. In response to those concerns, and subsequent to the applicant's initial submissions, an additional road safety audit of the proposed junction has been prepared by Sanderson Associates on behalf of the applicant. This was compiled in November 2016 and is included in the information pack accompanying this application.
- 9.48 It can be seen that the audit makes a series of recommendations which requires various on and off-site works to be undertaken in order to ensure that the proposed secondary access would not result in a loss of highway safety. The audit has been assessed by the NYCC Highway Engineer who has concluded that the proposed solutions put forward are acceptable and should be imposed by planning conditions if permission is granted.
- 9.49 As regards bullet point 3 above NYCC Highway Authority consider that the levels of traffic associated with the proposals could be accommodated by the existing road network.
- 9.50 The final remarks of the Highway Engineer are awaited but on the basis of previous advice it is recommended that any planning permission should be granted subject to recommendations for a S106 legal agreement and the stated planning conditions. It is considered therefore that the development is acceptable in terms of highway safety.

**Drainage/flood risk:**

- 9.51 The application has been accompanied by a detailed Flood Risk Assessment and has been subject to consultation with the relevant statutory authorities as summarised above. It is known that the site and its immediately surrounding area is subject to some localised flooding but it is not identified as being a flood risk zone on the Environment Agencies Strategic Flood Risk mapping.
- 9.52 It is noted that no objections to the proposals have been raised by the Environment Agency or the NYCC SuDS officer nor has there been a comment from United Utilities that they have concerns over the capacity of the local network to cope with the foul drainage from the development. Accordingly, subject to the recommended planning conditions, in particular prior approval of a detailed design and associated management/maintenance plan for surface water drainage, it is considered that the proposals are acceptable in terms of drainage and flood risk providing the scheme approved under reference 62/2014/14929. This would be addressed by a Section 106 agreement.

**Summary:**

- 9.53 This hybrid application raises competing issues that must be considered in the balance. The principal benefits would be the contribution to the Council's five year housing land supply position, which would be strengthened, and the policy imperative of boosting significantly the supply of housing. In relation to housing land supply the proposal for 65 dwellings with a further area proposed in outline which could be expected to provide a similar number of dwellings.
- 9.54 However, those benefits have to be balanced against the adverse impacts, which in particular comprises the development of a green field site which is outside development limits (albeit the relevant policies are not entirely consistent with the NPPF) and which lies adjacent to heritage assets which would inevitably be impacted upon to some degree (albeit the harm is less than substantial). There are also some issues relating to the wider landscape impacts of the proposed development.
- 9.55 Paragraph 14 of the NPPF advises that LPA's should be '*approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out of date, granting permission unless:*

*a) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*

*b) specific policies in this Framework indicate development should be restricted.'*

- 9.56 In this case the proposal does not fully accord with the development plan. However, it is considered that the relevant Saved Local Plan policies (in particular ENV1 and ENV2) conflict in some instances with the NPPF (as supplemented by the nPPG) and limited weight can therefore be attached to some aspects of them. In particular the Development Limit boundaries identified by Saved Policy ENV1, which indicate that this site is within an open countryside location, are wholly out of date. This is therefore considered to be a circumstance where the relevant development plan policies (taken as a whole) are out of date and the NPPF advises in such circumstances that a) or b) as set out above should be followed. However, Officer's assessment in this case is that the local policies are not wholly consistent with the approach taken in the NPPF and only very limited weight should be attributed to those policies
- 9.57 In cases where there are restrictive policies in play (in particular those relating to heritage) the balance needs to be struck under those policies first before the Committee considers the wider question of whether the adverse impacts of granting permission significantly outweigh the benefits so that planning permission should be refused (for the purposes of paragraph 14 NPPF). As set out above Officers consider that the development is acceptable having regard to paragraphs. 132-134 NPPF.
- 9.58 In coming to this view the comments of Historic England have been noted and it is considered that any potential harm would be mitigated against and outweighed by the benefits of allowing development to take place. In terms of the wider landscape it is considered that the site, in conjunction with the flood meadow proposals, would be well screened and it is not considered that any sensitive views would be affected to a significant extent.
- 9.59 **CONCLUSION**
- 9.60 The application seeks full planning permission for a residential development of 65 dwellings and outline permission for phase 3 of the site. The site occupies an edge-of-settlement location which, relative to its rural setting, has access to local services in Settle by modes of transport other than private car and would not result in the creation of new isolated homes in the countryside (see paragraph 9.7 of this report). The Council is unable to robustly demonstrate a 5 year supply of housing land and the proposed development would not result in a significant loss of the District's best and most versatile agricultural land which would be sufficient to override the benefits the scheme would bring through the delivery of additional housing in the absence of a five year supply. In these circumstances, the provisions of paragraph 14 of the NPPF are engaged and it follows that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits or specific policies in the Framework indicate development should be restricted.
- 9.61 The development would encroach into an area of open countryside beyond the edge of the village and would result in a loss of openness and urbanisation beyond existing Development Limits. However, the development's effects on wider landscape character would be significantly mitigated by its layout, scale, landscaping, relationship with the built-up edge of the village and the shape and topography of the site. Accordingly, on balance, it is not considered that any adverse environmental effects on the character and appearance of the area would significantly and demonstrably outweigh the economic and social benefits the development would bring through the delivery of additional housing, particularly in the absence of a five year supply.
- 9.62 The spacing and relationship of the proposed dwellings with neighbouring properties would ensure that the development has no undue impact on the privacy and amenity of adjoining occupiers through loss of outlook, overshadowing or overlooking. The development would incorporate a safe and suitable means of access and would not give rise to any severe residual cumulative transport effects. Accordingly, it would not prejudice the safe and efficient operation of the surrounding highway network, either adjacent to or further away from the site.

- 9.63 The development would deliver a substantial number of affordable homes (equivalent to 30% of the total) on the site and would also make provisions for informal open space on the site. Appropriate measures would be put in place to ensure that the scheme has no adverse effects with respect to flooding and ecology.
- 9.64 The economic and social benefits arising as a result of the scheme would outweigh any adverse environmental effects of granting permission. Therefore, the proposal is considered to comprise sustainable development in accordance with relevant local and national planning policies.
10. Recommendation
- 10.1 To grant delegated authority to the Strategic Manager for Planning and Regeneration to grant planning permission subject to:
- i) The applicant first entering into a s106 Planning Obligation to secure:
    - a. Affordable Housing: The provision of 30% affordable housing within Phase 2 and Phase 3 subject to viability.**
    - b. Drainage: The submission and approval of surface water drainage proposals for Phase 2 in conjunction with a programme for the implementation and completion of the associated surface water storage mitigation scheme (the Flood Meadow) and the arrangements for its management and maintenance, as approved under Planning Permission 2017/18811/FUL granted 15th March 2018.**
    - c. Off-Site POS: A programme for the implementation and completion of the landscaping and recreation facilities within the off-site public open space (the Flood Meadow) and the arrangements for its management and maintenance, as approved under Planning Permission 2017/18811/FUL granted 15th March 2018.**
    - d. Off-Site Highway Works: A scheme and programme for the construction of the off-site highway improvement works to include: a new junction on the B6480; new zebra crossing at crossroads of Ingfield Lane and B6480; 8 lighting columns on the B6480; and new footpath across Lower Greenfoot.**
  - ii) The conditions below:-
  - iii) Any further conditions the Strategic Manager for Planning and Regeneration may consider necessary following statutory consultations.
1. The development hereby permitted on the Phase 2 area as shown on drawing 3901-012-PL04 Rev H - Proposed Masterplan Layout shall be begun not later than the expiration of three years beginning with the date of this permission  
Reason: To comply with S.91 of the Town and Country Planning Act 1990.
  2. No development of the Phase 3 areas as shown on drawing 3901-012-PL04 Rev H - Proposed Masterplan Layout shall commence until approval of the details of the layout, scale, appearance of the buildings and the landscaping treatments (hereinafter called the 'reserved matters') have been obtained from the local planning authority in writing.  
  
An application for the approval of the reserved matters shall be made to the local planning authority before the expiration of 3 years from the date of this permission.  
  
The phase 3 development thereby permitted shall be begun either before the expiration of 3 years from the date of this permission or before the expiration of 2 years from the date of approval of the last of the reserved matters to be approved, whichever is the later.  
  
Reason: The area marked Phase 3 on the submitted drawing are in outline only and the information is necessary for the consideration of the detailed proposal and to safeguard the

rights of control of the Local Planning Authority in respect of the reserved matters, as required by Section 92 of the Town and Country Planning Act 1990.

CONDITIONS RELATING TO PHASE 2 (THE FULL APPLICATION PART OF THE HYBRID APPLICATION)

3. The Phase 2 development shall be carried out in accordance with the following plans:

3901-012-PL01 Rev A-Site Location Red Line Plan

3901-012-PL02-Topo Survey

3901-012-PL03 Rev M - Proposed Phase 2 Layout

3901-012-PL04 Rev H - Proposed Masterplan Layout

3901-012-PL10 Rev H - Proposed Site Sections

3901-012-PL110 - Rev B - Harrier - Plans & Elevations

3901-012-PL130 - Rev B - Ashton - Plans & Elevations

3901-012-PL140 - Rev C - Whittington - Plans & Elevations

3901-012-PL150 - Rev B - Cawder - Plans & Elevations

3901-012-PL160 - Rev D - The Whittaker - Plans & Elevations

3901-012-PL170 - Rev C – Branwell - Plans & Elevations

3901-012-PL180 - Rev B - Stainforth - Plans & Elevations

3901-012-PL210 - Rev B - Emily (Narrow)\_Emily - Plans Elevations

3901-012-PL230 - Rev A - The Clifford - Plans & Elevations

3901-012-PL240 – Rev A - The Belmont - Plans & Elevations

3901-012-PL300 - Rev C - The Worth - Plans & Elevations

3901-012-PL310 – Rev C - The Wharfe - Plans & Elevations

3901-012-PL320 - Rev B - The Taylor - Plans & Elevations

GL0161 14E Soft Landscape Proposals

GL0161 15E Soft Landscape Proposals

GL0161 17 - Composite Landscape Masterplan (26-07-2016)

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.

PHASE 2 LANDSCAPING CONDITIONS

4. No development shall commence within Phase 2 until a Tree Protection Plan, setting out details for the protection of retained trees (as shown at Appendix 7 of the Tree Survey and AIA 12965-Rev1 by JCA Ltd submitted 28/4/2017) has been submitted to and approved and approved, in writing by the Local Planning Authority. The approved Tree Protection Plan shall be adhered to throughout the construction period.

Reason: The development hereby approved shall be constructed in accordance with the submitted details as modified by the attached conditions and any subsequent details approved as non-material amendments.

5. The Phase 2 scheme of landscaping and tree planting shown on drawing no. GL0161 14E and GL0161 15E Soft Landscape Proposals received by the LPA on the 21st August 2017 shall be completed prior to the occupation of the 33rd dwelling within Phase 2 or within such longer period as may be first agreed in writing by the Local Planning Authority. All planting shall be

adequately maintained for 5 years, beginning with the date of completion of the scheme and during that period all losses shall be replaced during the next planting season. Management of the landscaping shall be undertaken in accordance with the submitted Landscape Management Plan.

Reason: To ensure a satisfactory appearance and setting for the development and continued maintenance of the approved landscaping in the interests of local amenity.

6. The scheme of landscaping, recreation facilities and maintenance shown on the following drawings and documents (submitted and approved under Planning Permissions 62/2014/14929 and 62/2017/18048) shall be completed prior to the occupation of the 33rd dwelling within Phase 2 or within such longer period as may be first agreed in writing by the Local Planning Authority:

GL0161 13E Meadow Detailed Landscape Proposals (submitted 24-04-2017)

GL0161 16C LEAP Detail Plan (submitted 24-04-2017)

GL0161 - Implementation Specification - Infield Lane Settle - 18-10-2016 (submitted 21-10-2016)

GL0161 - Landscape Management Plan - Infield Lane Settle - 18-10-2016 (submitted 24-04-2017)

All planting shall be adequately maintained for 5 years, beginning with the date of completion of the scheme and during that period all losses shall be replaced during the next planting season. Management of the landscaping and recreation facilities shall be undertaken in accordance with the approved Landscape Management Plan.

Reason: To ensure a satisfactory appearance and setting for the development and continued maintenance of the approved landscaping in the interests of local amenity.

#### PHASE 2 DRAINAGE CONDITIONS

7. No dwelling in Phase 2 shall be occupied until works for the disposal of surface water have been provided on the site to serve the development hereby permitted, in accordance with a detailed scheme that has first been submitted to and approved in writing by the local planning authority. The submitted scheme shall include:

The detailed design and associated management and maintenance plan of surface water drainage for Phase 2.

A programme for the implementation and completion of the associated surface water storage mitigation scheme (the Flood Meadow) as approved under Planning Permission 62/2014/14929.

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.

8. No dwelling in Phase 2 shall be occupied until works for the disposal of sewage have been provided on the site to serve the development hereby permitted, in accordance with details that have first been submitted to and approved in writing by the local planning authority.

Reason: To ensure that an appropriate scheme of foul water disposal is in place, in the interests of residential amenity for future and nearby occupiers.

#### PHASE 2 MATERIALS CONDITIONS

9. Before the first use of external materials for the construction of the dwellings begins within Phase 2 samples of the materials to be used in the construction of the external surfaces of the dwellings (walls and roofs) and the hard-surfacing areas hereby permitted, shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.



Reason: To ensure the development has an acceptable external appearance and is in keeping with the visual amenity and character of the area.

#### PHASE 2 HIGHWAY CONDITIONS

10. No dwelling within Phase 2 shall be occupied until the vehicular access, parking, lighting, manoeuvring space and pedestrian/cycle route have been provided on the site to serve the development hereby permitted, in accordance with a detailed scheme that has first been submitted to and approved in writing by the local planning authority. The submitted scheme shall include details showing the location, layout, design and method of construction of the proposed vehicular accesses, parking areas, lighting and manoeuvring space, and pedestrian/cycle routes.

Reason: In the interests of highway safety.

#### PHASE 2 CONSTRUCTION MANAGEMENT CONDITION

11. No development shall commence within Phase 2 until a Construction Method Statement has been submitted to, and approved, in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period and shall provide for:-
- details how construction traffic shall enter and leave the site
  - the routing and management of construction traffic,
  - the parking of vehicles of site operatives and visitors,
  - loading and unloading of plant and materials,
  - storage of plant and materials used in construction of the development,
  - the erection and maintenance of any security hoarding including decorative displays and facilities for public viewing, where appropriate,
  - wheel cleaning facilities,
  - measures to control the emission of dust and dirt during construction,
  - details of noise reduction measures,
  - a scheme for recycling/disposing of waste resulting from construction work,
  - the hours during which machinery may be operated, vehicles may enter and leave, and works may be carried out on site.

Reason: In the interests of local amenity

#### CONDITIONS RELATING TO PHASE 3 (THE OUTLINE APPLICATION PART OF THE HYBRID APPLICATION)

##### PHASE 3 HIGHWAY CONDITIONS

12. No dwelling within Phase 3 shall be occupied until the vehicular access, parking, lighting, manoeuvring space and pedestrian/cycle route have been provided on the site to serve the development hereby permitted, in accordance with a detailed scheme that has first been submitted to and approved in writing by the local planning authority. The submitted scheme shall include details showing the location, layout, design and method of construction of the proposed vehicular accesses, parking areas, lighting and manoeuvring space, and pedestrian/cycle routes.

Reason: In the interests of highway safety.

##### PHASE 3 DRAINAGE CONDITIONS

13. No dwelling in Phase 3 shall be occupied until works for the disposal of surface water have been provided on the site to serve the development hereby permitted, in accordance with a detailed scheme that has first been submitted to and approved in writing by the local planning authority. The submitted scheme shall include the detailed design and associated management and maintenance plan of surface water drainage for Phase 3.

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.

14. No dwelling in Phase 3 shall be occupied until works for the disposal of sewage have been provided on the site to serve the development hereby permitted, in accordance with details that have first been submitted to and approved in writing by the local planning authority.

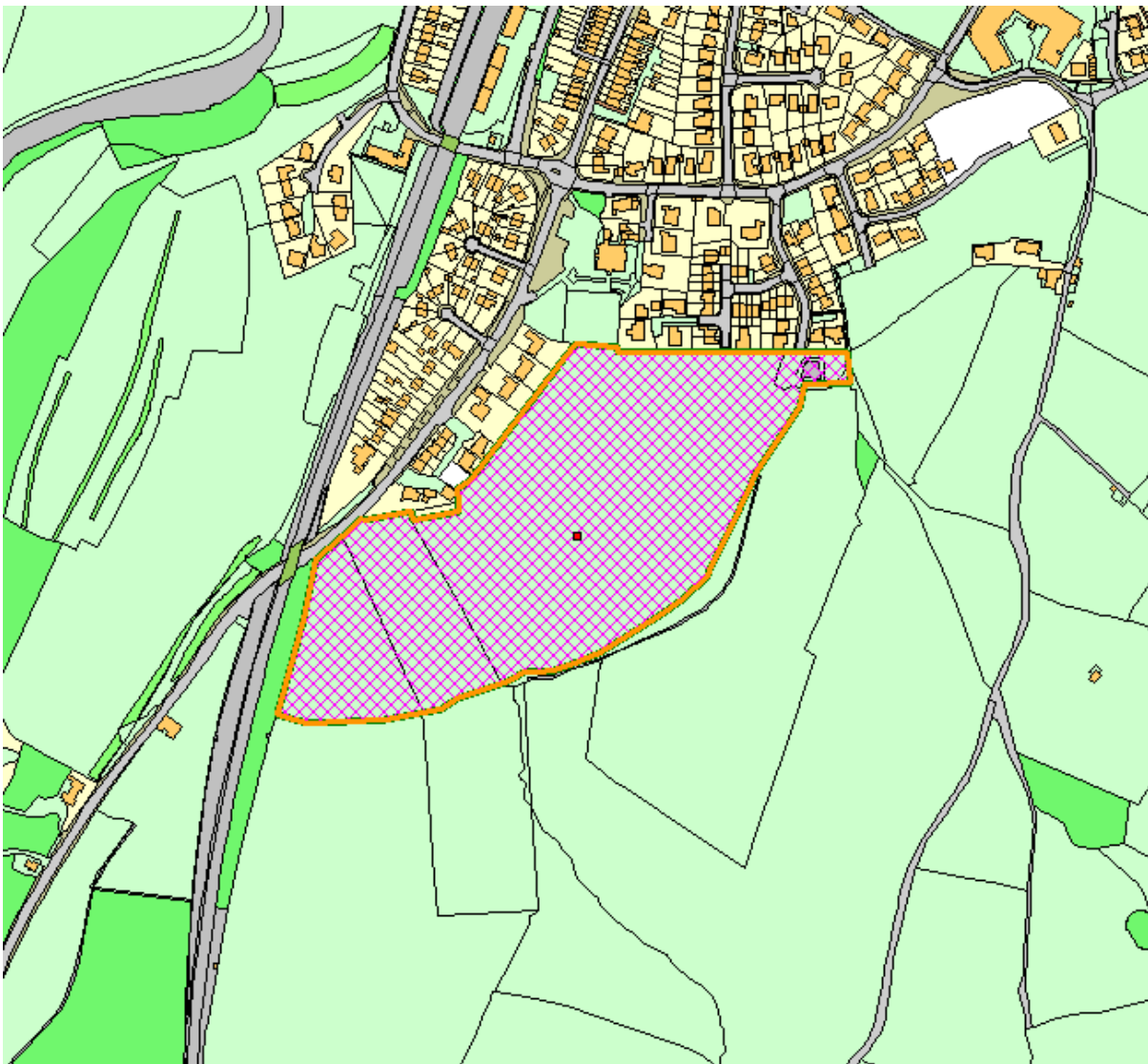
Reason: To ensure that an appropriate scheme of foul water disposal is in place, in the interests of residential amenity for future and nearby occupiers.

#### PHASE 3 CONSTRUCTION MANAGEMENT CONDITION

15. No development shall commence within Phase 3 until a Construction Method Statement has been submitted to, and approved, in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period and shall provide for:-

- details how construction traffic shall enter and leave the site
- the routing and management of construction traffic,
- the parking of vehicles of site operatives and visitors,
- loading and unloading of plant and materials,
- storage of plant and materials used in construction of the development,
- the erection and maintenance of any security hoarding including decorative displays and facilities for public viewing, where appropriate,
- wheel cleaning facilities,
- measures to control the emission of dust and dirt during construction,
- details of noise reduction measures,
- a scheme for recycling/disposing of waste resulting from construction work,
- the hours during which machinery may be operated, vehicles may enter and leave, and works may be carried out on site.

Reason: In the interests of local amenity.

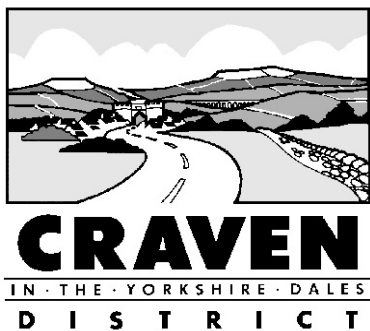


**Application Number:** 62/2017/18067

**Proposal:** Hybrid application for a residential development including: full details of the erection of 65 dwellings (C3), public open space, landscaping and access details (Phase 2); together with an outline application for residential development (C3), with public open space and landscaping (outline) with details of access from Skipton Road (b6480) considered (Phase 3). Amended Plans Submission.

**Site Address:** Land South Of Ingfield Lane And East Of Skipton Road, Settle.

**On behalf of:** Skipton Properties Ltd



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

(Main Switchboard) Telephone: 01756 700600

## **Craven District Council - List of Decisions Issued between 25 May and 20 June 2018**

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

<b>Application Number</b>	<b>Applicant</b>	<b>Location</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date of Decision</b>
63/2016/17352	Mr Brian Patchett	Clay Hall Broughton Road Skipton North Yorkshire BD23 3AA	Application for Lawful Development Certificate for confirmation of compliance conditions 7 & 14 from application No. 63/2013/13823	DOC satisfactory	13.06.2018
30/2017/17787	KCS Development Ltd	Land Of Skipton Road Skipton Road Gargrave Skipton BD23 3SD	Outline application for a residential development of up to 44 dwellings and associated works (access applied for with all other matters reserved)	Refuse	11.06.2018
2017/18569/FUL	David Hill Planning Ltd	Land Off Skipton Road Kildwick Keighley BD20 9BB	Proposed development of seven dwellings	Refuse	12.06.2018
2017/18672/FUL	Mr Sharrafit Ali	Providence House 21A Newmarket Street Skipton BD23 2HX	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.	Temporary Consent Issued	11.06.2018

<b>Application Number</b>	<b>Applicant</b>	<b>Location</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date of Decision</b>
2017/18689/FUL	Ingleton Cricket Club	The Football / Cricket Field Main Street Ingleton	Storage building	Approve with Conditions	05.06.2018
2017/18838/HH	Miss Alexis Alexander	Endor Skipton Road Low Bradley Keighley BD20 9EF	'Retrospective application for retention of raised platform with railings along front edge, fence along south east edge and storage area underneath at rear of house, and retention of lean-to storage shed to front elevation. Proposed re-rendering of all elevations of property (excluding existing stone work).	Approve with Conditions	20.06.2018
2017/18826/HH	Mr Gary Feather	Long House Farm Ellers Road Sutton-in-Craven Keighley BD20 7BH	Erection of double garage and tarmac residential drive and yard	Approve with Conditions	19.06.2018
2017/18827/LBC	Mr Gary Feather	Long House Farm Ellers Road Sutton-in-craven Keighley BD20 7BH	Erection of double garage and tarmac residential drive and yard	Approve with Conditions	19.06.2018
2018/18935/TCA	K Ashby	Gargrave Village Green Gargrave Skipton BD23 3RT	Fell 7 Trees	Approve Tree Works in Conservation Area	19.06.2018

Application Number	Applicant	Location	Proposal	Decision	Date of Decision
2018/18958/REM	Mrs Valerie and Lynn Webster and Whitaker	Valyn The Acres Sutton-in-Craven Keighley BD20 7AT	Reserved matters application for approval of appearance, site layout, landscaping and scale of 2 dwellings as reserved in outline planning consent reference 66/2016/17307, along with confirmation that sewerage will be discharged via the existing mains drainage connection available on the site.	Approve with Conditions	31.05.2018
2018/18990/MMA	Mr Jonathan Reed	Higher Meresyke Farm Wigglesworth Skipton BD23 4SN	Minor material amendment to original planning application 72/2016/16636 for additional window adjacent to fireplace	Approve with Conditions	11.06.2018
2018/19016/HH	Mr Stephen Bye	13 South View Kildwick Keighley BD20 9AZ	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)	Refuse	12.06.2018
2018/19035/FUL	Mr David Eckersall	Nuttercote Farm Church Road Thornton In Craven Skipton BD23 3TT	Proposed rebuilding of the front elevation as original	Refuse	13.06.2018
2018/19036/LBC	Mr David Eckersall	Nuttercote Farm Church Road Thornton In Craven Skipton BD23 3TT	Proposed rebuilding of the front elevation as original	Refuse	13.06.2018
2018/19041/FUL	Mrs Whitaker	Land To West Of Raygill Farm Raygill Lane Lothersdale Keighley	Proposed traditional farm building	Approve with Conditions	01.06.2018

<b>Application Number</b>	<b>Applicant</b>	<b>Location</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date of Decision</b>
2018/19079/CND	Candelisa LLP	Station Works Cononley Lane Cononley Keighley BD20 8LN	Application to discharge conditions 1 to 27 on planning approval referenced 21/2016/17019 granted 31 January 2018	Split Decision	14.06.2018
2018/19049/MMA	Mr David Cocks	Canal Wharf Yard Priest Bank Road Kildwick Keighley BD20 9BH	Application for a minor material amendment to original planning consent reference 73/2016/16782 to alter roof form, use UPVC gutters/fall pipes and thin profile UPVC timber effect windows and doors.	Approve with Conditions	29.05.2018
2018/19062/FUL	Mr G Mitchell	Land Adjacent To 2 Stirton Lane Stirton Skipton BD23 3LN	Full planning permission for re-building the detached masonry building	Approve with Conditions	06.06.2018
2018/19086/VAR	Broughton Custodian Fund	Skinner Ground Farm Old Lane (North) Broughton Skipton BD23 3AH	Application to remove condition no. 14 of original planning consent reference 12/2017/17952 to allow unrestricted hours of use for office building	Approve with Conditions	06.06.2018
2018/19091/HH	Mr & Mrs Darren Silcock	The Paddock Main Street Cononley Keighley BD20 8LR	Construction of new garage, conversion of existing garage to bedroom, conversion of existing bedroom to dining area, conversion of existing garden room to study.	Approve with Conditions	31.05.2018
2018/19135/HH	Mr Peter Smith	Woodcutters Cottage 1 The Bungalows Glusburn Keighley BD20 8QQ	Upper floor extension of existing build to provide a pitched and flat roof extension providing extra bedroom and bathroom upstairs	Approve with Conditions	14.06.2018

<b>Application Number</b>	<b>Applicant</b>	<b>Location</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date of Decision</b>
2018/19133/HH	Mr John Hosker	Dale Cottage 23 Church Street Giggleswick Settle BD24 0BE	Proposed rear single storey extension	Approve with Conditions	20.06.2018
2018/19107/NMA	Skipton Properties Ltd	Elsey Croft Development Moorview Way Skipton BD23 2TW	Application for a non-material amendment to original planning consent referenced 63/2015/15726 to retrospectively authorise a minor non-material change to the siting of the play equipment erected as part of the on-site public open space pursuant	Non-material amendment approved	30.05.2018
2018/19108/CND	R N Wooler & Co Ltd	Reward Manufacturing Sackville Mills Sackville Street Skipton BD23 2PR	Application to discharge condtion no.s 3, 4, 6, 11, 12, 13, 14, 16, 20, 22, 23, 24, 25, 26, 27, 28, 29 of planning approval 63/2015/15417	Split Decision	05.06.2018
2018/19110/FUL	Mr & Mrs D Waring	Land At Stock Shott Lane Cononley Keighley BD20 8PD	Erection of new dwelling	Refuse	01.06.2018
2018/19156/HH	Mr John Bateman	Woodlands Nethergill Lane Cononley Keighley BD20 8PB	Construction of first floor bedroom extension over former garage	Approve with Conditions	07.06.2018
2018/19121/TCA	Mr Keigh Southernwood	5 Garden Terrace Lothersdale Keighley BD20 8ER	T1 & T2 - Sycamores. Crown thin by 15-20 %. Works to remove lower branches overhanging garden & greenhouse.		19.06.2018



<b>Application Number</b>	<b>Applicant</b>	<b>Location</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date of Decision</b>
2018/19159/CND	Mrs Nina Baptiste	Grange Track Barn Grange Lane Kildwick Keighley BD20 9BZ	Application to discharge conditions no's 3 (access), 4 (lighting), 5 (hard landscaping), 7 (materials) and 8 (refuse & recycling) of original planning permission 73/2017/17932 granted 26/09/2017	DOC satisfactory	11.06.2018
2018/19165/HH	Miss Yvonne Parrott	11 Western Road Skipton BD23 2RU	Retention of replacement shed which is full length of garden with decking to level the bottom of the garden plus a shed which totals 3.2m including decking at its highest point. This is half the size of the original shed.	Approve no conditions	01.06.2018
2018/19178/HH	Trustees Of R N Wooler Settlement	Carleton Old Hall Beck Side Carleton Skipton BD23 3ET	Construction of 2 no. lay-by parking spaces and new gateway.	Refuse	06.06.2018
2018/19180/LBC	Trustees Of R N Wooler Settlement	Carleton Old Hall Beck Side Carleton Skipton BD23 3ET	Listed building application for construction of 2 No. lay-by parking spaces and new gateway.	Refuse	06.06.2018
2018/19181/HH	Mr Jan Droste	High Jackfield Farm Dick Lane Sutton-in-craven Keighley BD20 7EJ	Conversion of outbuilding to garden room. Siting of replacement oil tank in rear garden.	Approve with Conditions	19.06.2018
2018/19193/LBC	Mr Jan Droste	High Jackfield Farm Dick Lane Sutton-in-craven Keighley BD20 7EJ	Listed building application for conversion of outbuilding to garden room. Siting of replacement oil tank in rear garden.	Approve with Conditions	19.06.2018

<b>Application Number</b>	<b>Applicant</b>	<b>Location</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date of Decision</b>
2018/19149/TPO	INGLETON PARISH COUNCIL	The Brow Bank Bottom Ingleton Carnforth LA6 3EZ	Remove 4 no. Corsican Pine	Approved Tree Work under TPO	19.06.2018
2018/19155/TPO	Woodfellas Logging	The Barn The Peel Peel Green Hellifield Skipton BD23 4LD	Fell 1 no. Pine	Refuse Tree Work under TPO	29.05.2018
2018/19158/PNT	Arquiva Ltd	SW Junction Of Ings Lane And Ings Drive Bradley Keighley North Yorkshire BD20 9EL	Installation of electronic communications apparatus (Prior Approval)	Deemed Consent	01.06.2018
2018/19167/TCA	Mrs Grace White	Burlington House Dale End Lothersdale Keighley BD20 8EL	Fell 2 no. Yew, 1 no. Beech & 1 no. small tree. Crown reduction of 2 no. Beech by 30 %.	Approve Tree Works in Conservation Area	29.05.2018
2018/19176/PNAG	Mr John Whitelock	Agricultural Building Kelber Hill Farm Church Street Gargrave Skipton BD23 3PD	Proposed agricultural building to house feed to support existing livestock (Prior Notification)	Prior Approval Not Required	31.05.2018
2018/19170/HH	Mr & Mrs Dane Robinson	4 West Road Carleton Skipton BD23 3ED	Provision of lean-to extension to rear of property (resubmission of previously approval application referenced 2017/18225/HH)	Approve with Conditions	01.06.2018

<b>Application Number</b>	<b>Applicant</b>	<b>Location</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date of Decision</b>
2018/19172/FUL	Mr J Gooch	Tow Top Farm Babyhouse Lane Cononley Keighley	New agricultural building	Approve with Conditions	14.06.2018
2018/19173/FUL	Mr J Gooch	Tow Top Farm Babyhouse Lane Cononley Keighley BD20 8HY	New agricultural building	Approve with Conditions	14.06.2018
2018/19174/FUL	Mr J Gooch	Agricultural Building Tow Top Farm Babyhouse Lane Cononley Keighley	New agricultural building	Approve with Conditions	14.06.2018
2018/19175/FUL	Mr J Gooch	Tow Top Farm Babyhouse Lane Cononley Keighley BD20 8HY	New agricultural building	Approve with Conditions	14.06.2018
2018/19218/FUL	Mrs Lorraine Forshaw	3 Victoria Square Skipton BD23 1JF	Retrospective change of use of first floor of No. 3 from A1 to A4 and A3 use to incorporate with first floor of No 1 Victoria Square.	Approve with Conditions	20.06.2018
2018/19183/HH	Mr & Mrs Coats	Selber House Ingleton Carnforth LA6 3NJ	Demolition of existing porch and proposed new porch	Approve with Conditions	05.06.2018

<b>Application Number</b>	<b>Applicant</b>	<b>Location</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date of Decision</b>
2018/19227/COU	Mr Jack Pollard	The Coach House Annexe Carr Head Cowling Keighley BD22 0LD	Change of use of annexe to an independent dwelling	Approve with Conditions	11.06.2018
2018/19187/LBC	Corporate Real Estate	HSBC 61 High Street Skipton BD23 1DW	Listed building application for chimney repair	Approve with Conditions	31.05.2018
2018/19192/HH	Mr & Mrs Peter Brewer	Waysmeet Raikeswood Drive Skipton BD23 1NA	Proposed single storey rear extension & replacement detached double garage	Approve with Conditions	31.05.2018
2018/19195/HH	Dr Richard Vesey	The Old Post Office Main Street Rathmell Settle BD24 0LA	Erection of single garage with mono-pitch roof within existing yard and garden of property, stone clad to match existing walls and outbuildings	Approve with Conditions	12.06.2018
2018/19197/TPO	Mrs Knapp	2 Broughton Mews Skipton BD23 1TW	T1 - Silver Birch - Reduce height of tree by 2m. Crown lift to 5.2m statutory clearance. Re shape crown and remove dead wood.	Approved Tree Work under TPO	31.05.2018
2018/19203/ADV	Mercedes Benz UK	Mercedes Benz Keighley Road Skipton BD23 2TA	Replacement of external commercial vehicle dealership and forecourt signs	Approve with Conditions	07.06.2018
2018/19205/LBC	Mrs Tamsin Candeland	2 Chapel Street Settle BD24 9HS	Listed building application to re-roof main house with existing tiles, replacing damaged slates with matching stone slates; re-build chimney stack to match existing with reclaimed stone; replace existing guttering and downpipes; re-roof workshop with existing tiles.	Approve with Conditions	04.06.2018

<b>Application Number</b>	<b>Applicant</b>	<b>Location</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date of Decision</b>
2018/19206/ADV	Gorgemead Ltd	Cross Hills Group Practice Holme Lane Cross Hills Keighley BD20 7LG	Retrospective application for 2 no internally illuminated fascia signs	Approve with Conditions	05.06.2018
2018/19207/FUL	Yorkshire Housing	53 54, 53A, 55, 55A, 57, 57A, 59, 59A Colne Road Glusburn Keighley BD20 8PL	Replacement of existing windows and doors with new PVCu windows and composite doors.	Approve with Conditions	05.06.2018
2018/19208/FUL	Yorkshire Housing	1, 1A, 3, 3A Green Way Glusburn Keighley BD20 8SB	Replacement of existing windows and doors with new PVCu windows and composite doors.	Approve with Conditions	05.06.2018
2018/19209/FUL	Yorkshire Housing	2, 2A, 4, 4A Green Way Glusburn Keighley BD20 8SB	Replacement of existing windows and doors with new PVCu windows and composite doors.	Approve with Conditions	05.06.2018
2018/19210/FUL	Yorkshire Housing	26, 26A, 28, 28A Green Way Glusburn Keighley BD20 8SB	Replacement of existing windows and doors with new PVCu windows and composite doors.	Approve with Conditions	05.06.2018
2018/19211/FUL	Yorkshire Housing	38, 38A, 40, 40A Green Way Glusburn Keighley BD20 8SB	Replacement of existing windows and doors with new PVCu windows and composite doors.	Approve with Conditions	05.06.2018

<b>Application Number</b>	<b>Applicant</b>	<b>Location</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date of Decision</b>
2018/19212/FUL	Yorkshire Housing	50, 50A, 52, 52A Green Way Glusburn Keighley BD20 8SB	Replacement of existing windows and doors with new PVCu windows and composite doors.	Approve with Conditions	05.06.2018
2018/19213/FUL	Yorkshire Housing	5, 7, 9, 11 Heath Crescent Low Bradley Keighley BD20 9EH	Replacement of existing windows with new uPVC windows.	Approve with Conditions	31.05.2018
2018/19214/FUL	Yorkshire Housing	16, 16A Heath Crescent Low Bradley Keighley BD20 9EH	Replacement of existing windows with new uPVC windows.	Approve with Conditions	31.05.2018
2018/19231/TCA	Mrs Anne Crowe	3 The Croft Draughton Skipton BD23 6DZ	T1 - Elder - remove T2 - Crown reduce by 50% T3 - Remove T4 - Crown reduce by 50% T5 - Silver Birch - crown reduce by 50% and lift to 4 metres T6 - Crown lift to 4 meters H1 - Row of Leylandii - reduce by 50%	Approve Tree Works in Conservation Area	29.05.2018
2018/19229/NMA	Mr David McKnight	1 St Aidans Court Gisburn Road Hellifield Skipton BD23 4BQ	Non-material amendment to original planning consent reference 42/2017/18080 to add Velux rooflights to rear elevation, replace conservatory roof with glazed roof, add front porch canopy.	Non-material amendment approved	04.06.2018
2018/19235/CND	Mr A Knights	Rear Of 1 Bankwell Road Giggleswick Settle North Yorkshire BD24 0AN	Application to discharge condition no. 6 (structural details and proposed bridge details) from planning approval referenced 31/2015/16249 granted 20 November 2015	DOC satisfactory	05.06.2018

<b>Application Number</b>	<b>Applicant</b>	<b>Location</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date of Decision</b>
2018/19236/HH	Mr & Mrs Matthew Cox	1 Woodlands Walk Skipton BD23 1TZ	Formation of raised balcony and store with new door opening to rear, new steps and internal alterations	Approve with Conditions	06.06.2018
2018/19238/TCA	Mr D Hewitt	Skipton General Hospital Keighley Road Skipton BD23 2RJ	T1 - Lime - Crown lift to 5 metres	Approve Tree Works in Conservation Area	29.05.2018
2018/19241/CND	Henry Boot Developments Ltd	Land North Of A629 And West Of Carleton Road Skipton BD23 3BT	Application to discharge condition no. 25 (archaeological work) of planning permission 2017/18136/VAR granted 16/03/2018	DOC satisfactory	31.05.2018
2018/19244/TPO	Home Group Ltd	22 Broughton Mews Skipton BD23 1TW	Fell 1 no. Cherry (021). Prune back 2 no. Birch (022 & 025) & 2 no. Cherry (023 & 026) to clear the building by up to 2 metres. Prune 1 no. Maple (028) to clear the building by up to 3 metres.	Approved Tree Work under TPO	19.06.2018
2018/19247/TPO	Mr Stuart Evans	20A Main Street Embsay Skipton BD23 6RD	Horse Chestnut (T1) reduce and prune branches away from touching telephone cables.	Approved Tree Work under TPO	19.06.2018
2018/19266/HH	Mr Steven Clayton	13 Low Bank Embsay Skipton BD23 6SQ	Remove Leylandii hedge on Northern boundary or rear garden and replace with double picket style fence	Approve with Conditions	05.06.2018
2018/19268/HH	Mr Keith Southernwood	5 Garden Terrace Lothersdale Keighley BD20 8ER	Conversion of outbuildings to create a single garage with associated car port together with creation of additional car port over existing car parking space	Approve with Conditions	19.06.2018

<b>Application Number</b>	<b>Applicant</b>	<b>Location</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date of Decision</b>
2018/19282/VAR	Wine By Slow Food Kitchen	16 Otley Street Skipton BD23 1DZ	Application to change to opening hours from 1600-2230 to 1200-2230 Monday to Sunday including Bank Holidays as approved on planning application 2017/18674/COU granted 09 February 2018	Approve with Conditions	12.06.2018
2018/19255/FUL	Skipton Little Theatre	Skipton Little Theatre Clifford Street Skipton BD23 2AD	Installation of a courtyard canopy.	Approve with Conditions	14.06.2018
2018/19258/FUL	Bizzies Lizzies Ltd	Dalesway News Albion Yard Otley Street Skipton BD23 1ED	Change of use from newsagents to extension of Bizzie Lizzies Fish Restaurant	Approve with Conditions	19.06.2018
2018/19259/TPO	Mr Jonathan Hardie	Lowlands Farm Barn Robins Barn To Anchor Bridge Coniston Cold Skipton BD23 3EA	T10 - Sycamore - fell.	Split Decision	19.06.2018
2018/19260/FUL	Mr & Mrs D Isherwood	Airedale House Farm Skipton Road Silsden Keighley BD20 9AB	Restoration of existing dwelling and re-roofing of attached barn with conversion of part of barn to extend dwelling to provide assisted living accommodation for dependent relative.	Approve with Conditions	19.06.2018
2018/19265/HH	Mr & Mrs Bayer	Holgate House Main Street Cononley Keighley BD20 8LJ	Proposed replacement of existing timber porch with enlarged stone porch.	Approve with Conditions	14.06.2018

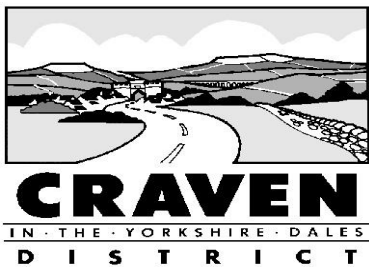


<b>Application Number</b>	<b>Applicant</b>	<b>Location</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date of Decision</b>
2018/19277/TCA	Skipton Town Council	Allotment 55 Behind 71 North Parade Skipton BD23 2SH	Fell 1 no. Sycamore	Approve Tree Works in Conservation Area	19.06.2018
2018/19303/LHSH LD	Mr Andrew Wright	13 East View Duke Street Settle BD24 9AU	Proposed single storey rear extension measuring 5.9m beyond the rear wall; 4.0m in height from ground level; 3.0m in height to eaves from ground level (Prior Approval Notification).	PD HH PA Not Required	07.06.2018
2018/19304/LHSH LD	Mr Andrew Wright	13 East View Duke Street Settle BD24 9AU	Proposed single storey rear extension measuring 5.9m beyond the rear wall; 4.0m in height from ground level; 3.0m in height to eaves from ground level (Prior Approval Notification).	PD HH PA Not Required	07.06.2018
2018/19291/DEM	Firth Developments Ltd	Rockwood House Park Wood Close Skipton BD23 1QW	Demolition of single detached dwelling with attached garage (prior notification)	Prior Approval Granted	31.05.2018
2018/19301/TCA	Ms Jenny Ward	24 Low Street Burton In Lonsdale Carnforth LA6 3LF	Fell 1 no. Poplar	Approve Tree Works in Conservation Area	19.06.2018
2018/19339/NMA	Mr Coupe	Matchless House Draughton Skipton BD23 6EA	Non-material amendment to original planning consent 2017/18752/COU to re-locate oil tank adjacent to existing garage and alterations to entrance steps	Approve with Conditions	12.06.2018
2018/19344/LHSH LD	Mr T Brothers	4 Smithy Croft Road Gargrave Skipton BD23 3SL	Proposed single storey rear extension measuring 5.00m beyond the rear wall; 3.55m in height from ground level; 2.55m in height to eaves from ground level (Prior Approval Notification).	PD HH PA Not Required	15.06.2018

## **Planning Committee Report of New Complaints Registered** **From 23/05/2018 to 19/06/2018**

<b>Enforcement Reference</b>	<b>Alleged Breach</b>	<b>Site Address</b>	<b>Ward</b>
ENF/02872/2018	Un-authorised bed and breakfast.	1 Aireville Grange Gargrave Road Skipton BD23 1UB	Gargrave And Malhamdale
ENF/02873/2018	Erection of a large extractor, internal amendments and windows not in accordance with 2017/18832/FUL?	Railway Inn Carleton Street Skipton North Yorkshire BD23 2AJ	Skipton West
ENF/02874/2018	Has work commenced on site when only outline permission 42/2015/15870 has been granted?	Land Off A65 Kendal Road Hellifield Skipton	Hellifield And Long Preston
ENF/02876/2018	Table and chairs on the pavement outside	44 Sheep Street Skipton	Skipton North
ENF/02877/2018	Development not carried out in accordance with decision notice - Condition 3 not discharged prior to commencement	Land Adjacent To Clarrick Terrace Bentham Road Ingleton Carnforth LA6 3HP	Ingleton And Clapham
ENF/02878/2018	Application 66/2015/16246 not carried out in accordance with approved plans - Footpath has not been implemented	Sutton Gate Lodge Sutton Lane Sutton-in-craven Keighley	Sutton-in-Craven

<b>Enforcement Reference</b>	<b>Alleged Breach</b>	<b>Site Address</b>	<b>Ward</b>
ENF/02879/2018	Large caravan and dumping of soil	Land North Of Ravenstones Farm Strikes Lane Sutton-in-craven Keighley	Sutton-in-Craven
ENF/02880/2018	Development started prior to discharging conditions and not in accordance with approved plans	Barn Fourlands House Farm Four Ends Lane To Bentham Road High Bentham Lancaster	Bentham
ENF/02881/2018	Alleged unauthorised creation of bin store with high fencing	The Woolly Sheep Inn 38 Sheep Street Skipton BD23 1HY	Skipton North



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

## **Planning Committee Report of Cases Closed** **From 23/05/2018 to 19/06/2018**

<b>Enforcement Reference</b>	<b>Date Received</b>	<b>Date Closed</b>	<b>Reason for Closure</b>	<b>Alleged Breach</b>	<b>Site Address</b>	<b>Ward</b>
2065/2015	9th March 2015	23rd May 2018	Not Expedient	A number of unauthorised banners/signs	Snaygill Roundabout Keighley Road Skipton North Yorkshire BD23 2RA	Aire Valley With Lothersdale
2255/2015	16th October 2015	30th May 2018	Breach Resolved	Shelter erected in breach of planning permission 63/2015/16032	Cock And Bottle 30 Swadford Street Skipton BD23 1RD	Skipton North
2391/2016	7th June 2016	29th May 2018	Breach Resolved	Satellite dish in conservation area	83 Main Street Farnhill Keighley BD20 9BW	Aire Valley With Lothersdale
2646/2017	29th April 2017	23rd May 2018	No Breach	Noise, working hours, height of stone, lack of screening expanding along embankment.	J.W Stone Sales Station Yard Church Street Gargrave Skipton BD23 3NE	Gargrave And Malhamdale

<b>Enforcement Reference</b>	<b>Date Received</b>	<b>Date Closed</b>	<b>Reason for Closure</b>	<b>Alleged Breach</b>	<b>Site Address</b>	<b>Ward</b>
ENF/02721/2017	23rd August 2017	30th May 2018	No Breach	Agricultural building being used for storing plant machinery for construction.	Green Bottom Farm Low Lane Embsay Skipton BD23 6SD	Embsay-with-Eastby
ENF/02767/2017	15th November 2017	29th May 2018	Breach Resolved	Untidy land	3 Railway Terrace Keighley Road Skipton BD23 2RH	Skipton West
ENF/02859/2018	26th April 2018	23rd May 2018	Case Closed	Erection of garage	39 Park Crescent Hellifield Skipton BD23 4HD	Hellifield And Long Preston