



CRAVEN DISTRICT COUNCIL

PLANNING COMMITTEE – SITE VISIT

30th July 2018

AGENDA

Please note that the Committee will visit the following site on Monday, 30th July 2018. Members are asked to meet at **Site A at 11.10am**, or alternatively at the Belle Vue Square Offices car park **no later than 10:50am**.

- a. **2018/19161/COU Change of use of portal framed building and adjacent yard from agriculture / equestrian use to a base for an Agricultural Contracting and Environmental Conservation Business, Craven Barn, Church Street, Gargrave, BD23 3QY. (Gargrave and Malhamdale Ward)**
- b. **2018/19105/FUL Construction of one dwelling and minor alterations to windows (amended scheme), 11 Albert Street, Sutton-in-Craven (Sutton in Craven Ward) Approximately 11.55am**

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

Agenda Contact Officer:

Chris Waterhouse

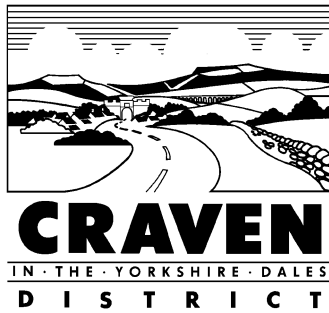
E-mail : cwaterhouse@cravendc.gov.uk

Tel. 01756 706486

20th July 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, 30th 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

Comfort Break : Please note that a formal 15 minute comfort break will be taken following consideration of Item 5 on the Schedule of Plans.

1. **Apologies for absence and substitutes**
2. **Confirmation of Minutes** – 2nd July 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. **Statement by the Chairman**
5. **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.)

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

If Members have any queries regarding individual applications dealt with under the Scheme of Delegation, or if they have any queries regarding an enforcement matter, they are asked

to consider contacting Neville Watson, Development Control Manager (email: nwatson@cravendc.gov.uk, telephone: 01756 706402)

7. **Meetings : Start Time** – The Committee is asked to agree the normal start time for its meetings for the remainder of the current municipal year.
8. **Any other items** which the Chairman decides are urgent in accordance with Section 100B(4) of the Local Government Act, 1972.

Agenda Contact Officer: Chris Waterhouse
Tel. 01756 706486, E-mail cwaterhouse@cravendc.gov.uk
20th July 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

2nd July 2018

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

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

Ward Representatives : Councillor Brown (Application 2017/18762/FUL).

Apologies for absence were received from Councillors Brockbank and Place.
Councillor Heseltine left the meeting at 3.54pm

Start: 1.44pm

Finish: 4.30pm

The minutes of the Committee's meeting held on 4th June 2018 were confirmed and signed by the Chairman.

Exclusion of the Public

Resolved – (1) The Committee resolved to receive advice from the Legal Services Manager and Spatial Planning Manager in closed session under Schedule 12A of the Local Government Act 1972 (paragraph 5) on the basis that legal advice was required regarding PL.868 the determination of application numbered 62/2017/18067, land South of Ingfield Lane and East of Skipton Road, Settle. The Committee were satisfied that the public interest in keeping the information confidential outweighed the public interest in disclosing it.

(2) The Committee resolved to take the item numbered \$PL.870 in closed session under Schedule 12A of the Local Government Act 1972 (paragraph 5) on the basis that legal advice was required and that a claim to legal privilege could be maintained regarding it. The Committee were satisfied that the public interest in keeping the information confidential outweighed the public interest in disclosing it.

Minutes for Report

PL.866

APPLICATIONS FOR PLANNING PERMISSION

a. Declarations of Interest

Members were invited to declare any interests in the business before the Committee – none were declared.

b. Lobbying

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

Application 2017/18456/FUL : All Members present indicated that they had received lobbying against the application.

2018/18990/MMA Minor material amendment to original planning application 72/2016/16636 for additional window adjacent to fireplace. Approved with Conditions.

2018/19016/HH 2 storey extension to side , replace single storey rear extension with 2 storey extension, removal of sectional concrete garage (resubmission of previously withdrawn application 2017/18503/HH). Refused.

2018/19035/FUL Proposed rebuilding of the front elevation as original. Refused.

2018/19036/LBC Proposed rebuilding of the front elevation as original. Refused.

2018/19041/FUL Proposed traditional farm building. Approved with Conditions

2018/19079/CND Application to discharge conditions 1 to 27 on planning approval referenced 21/2016/17019 granted 31 January 2018. Split Decision.

2018/19049/MMA 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. Approved with Conditions.

2018/19062/FUL Full planning permission for re-building the detached masonry building. Approved with Conditions.

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. Approved with Conditions

2018/19091/HH Construction of new garage, conversion of existing garage to bedroom, conversion of existing bedroom to dining area, conversion of existing garden room to study. Approved with Conditions.

2018/19135/HH Upper floor extension of existing build to provide a pitched and flat roof extension providing extra bedroom and bathroom upstairs. Approved with Conditions.

2018/19133/HH Proposed rear single storey extension. Approved with Conditions.

2018/19107/NMA 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.

2018/19108/CND Application to discharge condition nos 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.

2018/19110/FUL Erection of new dwelling. Refused.

2018/19156/HH Construction of first floor bedroom extension over former garage. Approved with Conditions.

2018/19121/TCA T1 and T2 - Sycamores. Crown thin by 15-20 %. Works to remove lower branches overhanging garden and greenhouse.

2018/19159/CND Application to discharge conditions no's 3 (access), 4 (lighting), 5 (hard landscaping), 7 (materials) and 8 (refuse and recycling) of original planning permission 73/2017/17932 granted 26/09/2017. Conditions satisfactorily discharged..

2018/19165/HH 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. Approved no conditions.

2018/19178/HH Construction of 2 no. lay-by parking spaces and new gateway. Refused.

2018/19180/LBC Listed building application for construction of 2 No. lay-by parking spaces and new gateway. Refused.

2018/19181/HH Conversion of outbuilding to garden room. Siting of replacement oil tank in rear garden. Approved with Conditions.

2018/19193/LBC Listed building application for conversion of outbuilding to garden room. Siting of replacement oil tank in rear garden. Approved with Conditions

2018/19149/TPO Remove 4 no. Corsican Pine. Approved Tree Work under Tree Preservation Order (TPO).

2018/19155/TPO Fell 1 no. Pine. Refused Tree Work under TPO.

2018/19158/PNT Installation of electronic communications apparatus (Prior Approval). Deemed Consent.

2018/19167/TCA Fell 2 no. Yew, 1 no. Beech and 1 no. small tree. Crown reduction of 2 no. Beech by 30 %. Approved Tree Works in Conservation Area.

2018/19176/PNAG Proposed agricultural building to house feed to support existing livestock (Prior Notification). Prior Approval Not Required.

2018/19170/HH Provision of lean-to extension to rear of property (resubmission of previously approval application referenced 2017/18225/HH). Approved with Conditions.

2018/19172/FUL New agricultural building. Approved with Conditions.

2018/19173/FUL New agricultural building. Approved with Conditions.

2018/19174/FUL New agricultural building. Approved with Conditions.

2018/19175/FUL New agricultural building. Approved with Conditions.

2018/19218/FUL 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. Approved with Conditions.

2018/19183/HH Demolition of existing porch and proposed new porch. Approved with Conditions.

2018/19227/COU Change of use of annexe to an independent dwelling. Approved with Conditions.

2018/19187/LBC Listed building application for chimney repair. Approved with Conditions.

2018/19192/HH Proposed single storey rear extension and replacement detached double garage. Approved with Conditions.

2018/19195/HH Erection of single garage with mono-pitch roof within existing yard and garden of property, stone clad to match existing walls and outbuildings. Approved with Conditions.

2018/19197/TPO 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.

2018/19203/ADV Replacement of external commercial vehicle dealership and forecourt signs. Approved with Conditions.

2018/19205/LBC 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. Approved with Conditions.

2018/19206/ADV Retrospective application for 2 no internally illuminated fascia signs. Approved with Conditions.

2018/19207/FUL Replacement of existing windows and doors with new PVCu windows and composite doors. Approved with Conditions.

2018/19208/FUL Replacement of existing windows and doors with new PVCu windows and composite doors. Approved with Conditions.

2018/19209/FUL Replacement of existing windows and doors with new PVCu windows and composite doors. Approved with Conditions.

2018/19210/FUL Replacement of existing windows and doors with new PVCu windows and composite doors. Approved with Conditions.

2018/19211/FUL Replacement of existing windows and doors with new PVCu windows and composite doors. Approved with Conditions.

2018/19212/FUL Replacement of existing windows and doors with new PVCu windows and composite doors. Approved with Conditions.

2018/19213/FUL Replacement of existing windows with new uPVC windows. Approved with Conditions.

2018/19214/FUL Replacement of existing windows with new uPVC windows. Approved with Conditions.

2018/19231/TCA 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%. Approved Tree Works in Conservation Area.

2018/19229/NMA 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.

2018/19235/CND Application to discharge condition no. 6 (structural details and proposed bridge details) from planning approval referenced 31/2015/16249 granted 20 November 2015 Condition satisfactorily discharged.

2018/19236/HH Formation of raised balcony and store with new door opening to rear, new steps and internal alterations. Approved with Conditions.

2018/19238/TCA T1 - Lime - Crown lift to 5 metres. Approved Tree Works in Conservation Area.

2018/19241/CND Application to discharge condition no. 25 (archaeological work) of planning permission 2017/18136/VAR granted 16/03/2018. DOC satisfactory.

2018/19244/TPO 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

2018/19247/TPO Horse Chestnut (T1) reduce and prune branches away from touching telephone cables. Approved Tree Work under TPO.

2018/19266/HH Remove Leylandii hedge on Northern boundary or rear garden and replace with double picket style fence. Approved with Conditions.

2018/19268/HH Conversion of outbuildings to create a single garage with associated car port together with creation of additional car port over existing car parking space. Approved with Conditions.

2018/19282/VAR 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. Approved with Conditions.

2018/19255/FUL Installation of a courtyard canopy. Approved with Conditions.

2018/19258/FUL Change of use from newsagents to extension of Bizzie Lizzies Fish Restaurant. Approved with Conditions.

2018/19259/TPO T10 - Sycamore - fell. Split Decision.

2018/19260/FUL 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. Approved with Conditions.

2018/19265/HH Proposed replacement of existing timber porch with enlarged stone porch. Approved with Conditions.

2018/19277/TCA Fell 1 no. Sycamore. Approved Tree Works in Conservation Area

2018/19303/LHSHLD 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.

2018/19304/LHSHLD 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.

2018/19291/DEM Demolition of single detached dwelling with attached garage (prior notification) Prior Approval Granted.

2018/19301/TCA Fell 1 no. Poplar. Approved Tree Works in Conservation Area.

2018/19339/NMA Non-material amendment to original planning consent 2017/18752/COU to re-locate oil tank adjacent to existing garage and alterations to entrance steps. Approved with Conditions.

2018/19344/LHSHLD 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.

b. Applications

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

Permission Granted

2017/18762/FUL Proposed dwelling on brown field site (re-submission of withdrawn application reference 73/2017/18047) at Storage Buildings at Grange Farm Barn, Kildwick, BD20 9AD – subject to the conditions 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. This permission relates to the following plans:

- P1787.001B Elevations received by Craven District Council on the 6th June 2018
- P1787.002B Floor Plans received by Craven District Council on the 6th June 2018
- P1787.003B Roof Plan received by Craven District Council on the 6th June 2018
- P1787.004B Garage Elevations received by Craven District Council on the 6th June 2018
- P1787.005B Garage Plan received by Craven District Council on the 6th June 2018
- P1787.007B Site Plan received by Craven District Council on the 6th June 2018
- P1787.008B Location Plan received by Craven District Council on the 6th 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 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.

2018/19243/FUL Proposed two storey dwelling and associated external works to land adjacent to Raygill House, Quarry Road, Lothersdale BD20 8HH 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 29th 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.

Delegated Authority

62/2017/18067 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 at land south of Ingfield Lane and East of Skipton Road, Settle - subject to the conditions listed below, including any further conditions the Strategic Manager for Planning and Regeneration may consider necessary following statutory consultations and subject also to the applicant first entering into a Section 106 Planning Obligation to secure the following:

- 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.

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.

Permission Refused

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 at Crag Side Farm Cottage, Dick Lane, Cowling, BD22 0JZ

Reasons for Refusal

1. 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 metres x 2 metres cannot be achieved in either direction at the junction with the County highway and therefore, in the opinion of the Local Planning Authority, the intensification of use which would result from the proposed development would be unacceptable in terms of highway safety, and would fail to accord with Saved Policies ENV2 and EMP5 of the Craven District (Outside the Yorkshire Dales National Park) Local Plan and the National Planning Policy Framework.
2. The proposed building, due to its position in relation to neighbouring property Crag Side Farm, would have an unacceptable impact upon the amenities of the occupiers of that property resulting from an increase in noise and activity from the building, and from associated vehicular movements. The proposed development would therefore fail to accord with Saved Policies ENV2 and EMP5 of the Craven District (Outside the Yorkshire Dales National Park) Local Plan and the National Planning Policy Framework.

PL.869

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.870

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

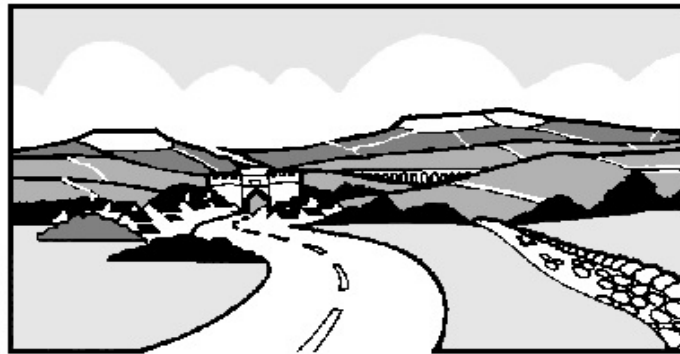
Further to Minute \$PL.865/18-19, the Planning Manager and the Legal Services Manager updated Members on the outcome of an enforcement notice appeal relating to the construction of a new dwelling in the open countryside and the implications for the Council.

Resolved – That the Planning Manager and Legal Services Manager's verbal update is received.

Minutes for Decision

- None -

Chairman.



CRAVEN

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D I S T R I C T

PLANNING COMMITTEE AGENDA

DATE: 30th July 2018

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REPORT TO PLANNING COMMITTEE ON 30th July 2018

Application Number:	2018/19146/FUL
Proposal:	Erection of 98 No. dwellings (resubmission of previous application 63/2016/17313 - amended scheme)
Site Address:	Aldersley Avenue Skipton BD23 2LH
On behalf of:	Persimmon Homes West Yorkshire
Date Registered:	29th March 2018
Expiry Date:	28th June 2018
Case Officer:	Mr Mark Moore

UPDATE TO MEMBERS:

Members of the Planning Committee considered this application previously under application no. 63/2016/17313. Following deferral for a site visit the Committee at its meeting of 12th February 2018 resolved to refuse planning permission for the reason set out in this report. This is a revised re-submission in which the applicants have made changes to the scheme as originally proposed in order to address the reason for refusal.

Although submitted as a full application the scheme is only changed in part from the previously refused application. The policy considerations and many of the planning issues with the exception of the impact on the amenity of the occupiers of neighbouring properties have not changed since the original application was considered. For this reason this report assesses the amended scheme only and does not cover the planning issues addressed in the previous case officers' report. For the benefit of Members the report to the previous application has been attached as an appendix.

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 to the south-eastern periphery of Skipton extending to approximately 5.7 hectares between Aldersley Avenue and Moorview Way. The site currently comprises open farmland with small pockets of scattered outbuildings and piecemeal enclosures. The watercourse of Jenny Beck (part of which is culverted) follows a narrow valley to the western end. Ground level falls steeply in a north-westerly direction across the site down to Moorview Way.
- 1.2 The site falls outside the Development Limits identified on the Craven District (Outside the Yorkshire Dales National Park) Local Plan (CDLP) Proposals Map and is therefore located within open countryside. The land is, however, allocated as a housing site with associated green infrastructure provision (site reference SK013) in the Publication Draft Craven Local Plan dated 19th December 2017 (referred to hereafter as the Emerging Local Plan or 'ELP').
- 1.3 An existing road with a priority (give way) junction onto Aldersley Avenue provides access to a group of garages located to the western end of the site. The site boundary includes these garages and the access road onto Aldersley Avenue which runs between no. 1 Hillside Crescent and no. 47 The Oval.
- 1.4 The northern boundary of the site is flanked by dwellings (a mix of bungalows and two storey houses) on the cul-de-sacs of Moorview Way to the north and two storey houses on The Oval, Hillside Crescent and

Lytham Gardens to the west/southwest. Playgrounds off Shortbank Close and Lytham Gardens are located to the northwest and southwest corners of the site and clusters of trees at the edges of these roads (but outside the site) are protected by Tree Preservation Orders (TPO). The site adjoins areas of open farmland to the east and south which are separated by dry stone walls and landscaped buffers. Ground level continues to rise in a southerly direction away from the site up to Skipton Moor where views are available from elevated vantage points on the Dales High Way Public Right of Way (PROW).

2. **Proposal.**

2.1 Following consideration of the previous planning application (Ref: 63/2016/17313) Members resolved to refuse planning permission for the following reason:

'The site borders a group of bungalows set on lower lying land to the northeast. The bungalows at nos. 282-294 Moorview Way are orientated with their principal garden areas and rearward habitable room windows facing in a southerly direction towards the site. The dwellings proposed on plots 27-36, by virtue of their greater height and scale (ranging from two to three storeys), elevated siting (up to 2.5 metres above the level of the adjacent bungalows), close proximity and southerly aspect in relation to neighbouring dwellings, would result in an oppressive outlook, increased overshadowing and overlooking, and a substantial sense of enclosure to the rear-facing windows and garden areas of the bungalows at nos. 282-294 Moorview Way. Accordingly, the proposed development would have an unacceptable impact on the privacy and amenity of adjoining occupiers and would fail to provide a good standard of amenity for existing residents bordering the site in conflict with the requirements of paragraph 17 of the National Planning Policy Framework'.

2.2 This application is a revised re-submission in which the applicants seek to address the above reason for refusal. For this reason the proposals remain largely unchanged from the previous application other than in the north-east corner of the site where it was considered the relationship of the proposed new housing to the existing bungalows at 282-294 Moorview Way located to the north was unsatisfactory. The amendments to the refused scheme primarily seek to improve the outlook from the existing housing and therefore overcome the reason for refusal.

2.3 In summary the changes that have been made comprise the following:

- A revised hipped roof design to the proposed semi-detached dwelling on plot 27. This replaces the gable ended design previously proposed.
- Revised house types to plots 28 to 35. These now comprise four pairs of 2 bedroom semi-detached (Buckden) bungalows. These are one and a half storeys that incorporate single dormers to the front elevation and are a simple gable ended ridged roof design 6m in height falling to 2.8m at eaves level. The proposed bungalows would be sited in an elevated position relative to the existing bungalows on Moorview way to the north and would lie from 21m away at the closest point (plot 34 to 292 Moorview Way) to 27m at the furthest point (plot 28 to 288 Moorview Way). This replaces the mix of detached, semi-detached and terraced two-storey houses that were previously proposed and represents a reduction in the overall height of 2 to 2.5m and halving of the eaves heights. The interface distances remain very similar to the original scheme.
- Re-location of affordable housing units originally proposed on plots 33 to 40 which are now sited towards the southern side of the site away from the existing housing on plots 40-49.
- Siting of a detached double garage and parking adjacent to plot 35 to the south of existing garaging on Moorview Way. This replaces a communal parking and bin storage area that was originally proposed.
- Revisions to the house types proposed along the eastern site boundary comprising 4 detached houses and a terraced block/pair of affordable units.
- In common with the previous scheme and the remainder of the development the new dwellings would be constructed in artificial stone and artificial slate roofs.
- Additional landscaping across the south-eastern site boundary to provide an extension of the existing tree planting located in an elevated position to the south of the site. This is an addition to the landscaping that has been incorporated at the request of the Councils Tree Officer.

- 2.4 The application has been accompanied by plans showing both streetscapes and cross sections of the proposed development, the latter illustrating the relationship of the proposed new housing to the existing houses located at Moorview Way. In addition the profiles of the originally proposed houses have been illustrated with the revised house types superimposed in order to illustrate the overall reduction in the height and massing of the development.
- 2.5 The revised house types (1.5 storey bungalows) would be elevated comparative to the existing bungalows located at Moorview Way. A cross section of plot 32 relative to 292 Moorview Way shows a ridge height 4m higher although the eaves of the proposed new bungalow would be 1m higher than the ridge of the existing property. The cross sectional plans also show that the ground levels across the application site would be raised comparative to the existing and would step up 1m and 1.7m before levelling out at 1.8m above the existing site profile. The proposed new housing would therefore be sited on a raised flat platform with the ground level 2.2m higher than Moorview Way.
- 2.6 As the site levels change both north to south and east-west across the width of the site the interface distances and height differences to the bungalows on Moorview Way will vary slightly although the variations would not be significantly different from the cross-section of plot 32 to 292 Moorview Way.
- 2.7 It is proposed to retain a 3m wide 'buffer planting' strip that would run between plots 28 to 35 and the existing bungalows at 286 to 294 Moorview Way.

3. **Planning History**

- 3.1 63/2016/17356: Application for a screening opinion under the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 for a proposed residential development relating to planning application 63/2016/17313.
- 3.2 63/2016/17313: residential development of Full application for the erection of 98 dwellings. Refused February 2018.

4. **Planning Policy**

- 4.1 Paragraph 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that development proposals are determined in accordance with the development plan unless material considerations indicate otherwise. The statutory development plan for Craven comprises the saved policies of the Craven District (Outside the Yorkshire Dales National Park) Local Plan 1999 (the 'CDLP').
- 4.2 Craven District Council is in the process of preparing a new Local Plan to cover the period up to 2032. The Emerging Local Plan is at the publication draft stage and has not been subject to independent examination (or submitted for examination). Accordingly, the ELP is not the adopted development plan for the district. Given that the ELP is at a relatively early stage in its preparation, and having regard to paragraph 216 of the NPPF, its policies can carry only limited weight in the decision making process.

4.3 **National Policy:**

National Planning Policy Framework (NPPF)
Planning Practice Guidance (PPG)

4.4 **CDLP:**

ENV1 – Development in the Open Countryside
ENV2 – Requirements for Development in Open Countryside
ENV10 – Protection of Trees and Woodlands
SRC2 – Provision of Recreation Space in New Housing Developments
T2 – Road Hierarchy

4.5 **ELP:**

ENV1 – Countryside and Landscape
ENV3 – Good Design
SP1 – Meeting Housing Need
SP5 – Strategy for Skipton – Tier 1
H2 – Affordable Housing

5. **Parish Council Comments**

Skipton Town Council:

- 5.1 The Town Council have reiterated comments that were made in response to the previous planning application as follows:

'The Town Council would like to state its OBJECTION to the proposed development and would ask that the Planning Authority take into account the following matters in considering the application:

Housing Numbers

The Town Council notes the recent variation in proposed housing numbers as part of the emerging Craven Local Plan and questions the need for a development of this size, given the number of proposed developments already being considered. The Town Council assumes that due weight will be given to this consideration and would ask that careful evaluation is undertaken to ascertain whether the level of housing required under the revised terms of the

Plan can already be achieved through existing approved development.

Highways Infrastructure. The Town Council and local residents are extremely concerned at the impact the proposed development would have on an already stretched highways infrastructure. The impact of the development already under way at Elsey Croft has not yet been ascertained and, given that the proposed new development has a single access which will, ultimately, feed onto Shortbank Road, the Council must raise a serious concern as to whether the infrastructure could cope. The current pinch-point, with single file traffic under the railway bridge on Shortbank Road, is of particular concern. Many local residents already view this point as dangerous with poor lines of sight for traffic heading down towards town. It is felt that the additional traffic generated by the development will increase the risk of accidents and will increase congestion. Should the development be approved, the Town Council would urge that a requirement of the approval should include significant improvements to the highways infrastructure. In terms of traffic volume, residents are also concerned at the level of congestion already experienced on a daily basis along Newmarket Street. Residents feel this will be substantially worse should the development go ahead.

Flood Risk, Water and Sewerage Systems:

The Town Council has concerns that the new development will both remove existing provision for surface water drainage and will itself add to the risk of flooding in the area. The Council would ask that a detailed view is obtained from the Environment Agency, given that the current investment in flood prevention schemes is focussed further 'up stream' than the proposed development. Can the existing beck which runs alongside Shortbank Road cope with any increased water run-off from the proposed development? One local resident raised a concern about the capacity of existing sewerage systems and with the current water pressure levels in this part of town. The resident stated that he believed that water pressure levels were already at the minimum of what was allowed and that a new development would reduce the pressure to an unacceptable level. The Town Council would urge that the Planning Authority explores this angle carefully with Yorkshire Water.

School & Health Infrastructure:

The Council is extremely concerned at the impact the proposed development would have on already badly over-stretched school and health provision. Local schools are already operating at maximum capacity and the Town Council cannot see how these schools can take the additional pupil numbers which would be generated by the proposed development alongside those other developments already underway or with planning consent already granted.

The Council would urge that detailed discussions take place with North Yorkshire County Council regarding potential pupil numbers and how these could be handled. The Council and local residents cannot see how the likely addition numbers could be accommodated without either substantial proper expansion of existing schools – or the provision of an additional school(s).

The Town Council has similar concerns relating to local health provision. It is well documented that the two local doctors' surgeries operate at or near capacity and there is plenty of anecdotal evidence as to how difficult it is to obtain appointments at either surgery, despite the best efforts of the surgeries concerned.

Play Provision:

The Town Council notes that there is no planned play provision on site and that the application proposes improved links to existing play areas at Shortbank and at Lytham Gardens. The Council is content with the provision of the link to Shortbank and has already had detailed discussion with the District Council's Sports Development Officer to look at the level of improvements needed at the existing Shortbank Recreation Ground to provide both adequate and effective access from the new development both for residents using the facilities and for Town Council Grounds Maintenance staff – and the provision of additional equipment. The Town Council does question the proposed footpath to the existing play area at Lytham Gardens and does not believe that the topography of the land surrounding the play area (nor, indeed, the ownership of the land between the proposed development site and the play area) would, in fact, allow such a footpath to be created. The existing play area at Lytham Gardens is small and there is little or no capacity for any additional equipment. The play area is already very well utilised'.

5.2 In addition to the above the Town Council have commented:

'The proposed pedestrian, vehicular and cycle access routes remain unsuitable as these are via Shortbank Road. Councillors remind the planning authority that road safety needs to be of paramount importance and improvements to sustainable transport provision is needed'.

6. Consultations

6.1 CDC Environmental Health:

No objections. Comments as follows:

- The intrusive ground investigation submitted with the application has identified that an area of the site was previously used for landfill purposes. An intrusive ground investigation was carried out to determine the level of type of any land contamination associated with the activity. The results of the intrusive ground investigation show elevated levels of metals, petroleum hydrocarbons and polycyclic aromatic hydrocarbons (PAHs) in soil. The report states the former landfill site falls outside the area of the proposed housing units, however the extent of the landfill area has not yet been determined and roads and services are potentially going to pass through the former landfill area. Monitoring of ground gas is still ongoing and early indication state that ground gas should not be a problem but confirmation is awaited when the monitoring has been concluded.
- CDC EH agree with the conclusions/recommendations in section 10 of the report and consider that the suggested further works detailed in section 11 of the report be undertaken prior to development commencing. This can be secured through condition.
- Conditions should be attached to any permission: (i) limiting operating hours for construction to between 8am and 6pm Monday to Friday, and between 8am and 1pm on Saturdays only; and (ii) requiring a dust management plan.
- The applicant needs to have regard to the BS8233:2014 Guidance on 'Sound Insulation and Noise Reduction for Buildings' which presents guideline noise levels for both inside and outside dwellings.
- The applicant should ensure that any topsoil brought on site is free from metals, plastic, wood, glass, tarmac, paper and odours associated with contaminated soils as specified in BS 3882: 2015 - Specification for Topsoil.

6.2 **CDC Local Plans:**

The Draft Craven Local Plan was submitted to the Secretary of State on the 27th March 2018. The submission Draft Craven Local Plan identifies this site (site reference SK013: Land east of of Aldersley Avenue and south of Moorview Way) as an allocation under policy SP5: Spatial Strategy and Housing Growth for residential development (C3 use).

This policy allocates a 5.746 ha area of land, with a net developable area 3.112 ha. An area of 2.634ha has been identified as green infrastructure within the site. The policy estimates a yield of 100 dwellings and sets out a number of development principles to guide development of the site.

When considering this proposal, submission draft Craven Local Plan policy SP4 and specifically the development principles set out for site SK013 should be taken into account.

6.3 **CDC Strategic Housing:**

The applicants have submitted a planning application for the development of 98 homes of which 20 are proposed as affordable.

In December 2017 a report on the revised affordable housing policy H2 local plan alongside a Viability Assessment evidence base report was considered by Policy Committee. The Viability Assessment recommends that 30% affordable housing is comfortably viable on all types of greenfield sites that are likely to come forward in the plan area.

The 20 units proposed on this scheme are acceptable, even though they provide less than the required 30% affordable housing. A viability appraisal has been submitted by the District Valuer providing evidence that 30% is not viable however 20 units was deemed to be feasible.

The mix provided and the distribution of the homes is acceptable to Strategic Housing and therefore Strategic Housing have no objections to the proposed scheme.

6.4 **CDC Tree Officer:**

'The only trees on site of high value are T2-T5 in the submitted survey which are on the edge of a small woodland to the south of the site (Tree Preservation Order 233 2016). Trees within 'The Gully' to the north west of the site are also protected (Tree Preservation Order 176 2009). The development doesn't look like it poses any threat to these but they should have protective fencing installed to BS 5837. There are some trees running along the pathway of the Moorview Way

boundary. These trees aren't of any particular individual quality but it would be preferable for this to be improved as a green corridor for residents to be able to walk/cycle into town through other green corridors such as 'the gully' and 'the Wilderness'.

The Tree and plant species on the Landscaping plan look to be appropriate however this doesn't show detailed specifications or numbers of trees. Please can this be requested before determination or conditioned if permission is to be granted. The site is very exposed and highly visible from the surrounding landscape and therefore I would like to see more tree planting. A strip of woodland planting along the southern edge of the site (see separate diagram) would be highly beneficial in helping to soften the site when viewed from various areas across the town and the surrounding moorland and hills. A mix of bare root native trees (Oak, Birch, Wild Cherry etc) would provide valuable Green Infrastructure, linking the copse of woodland to the south closer to the new plantations to the north east. This would also be beneficial for natural flood management as a stream runs from east to west along the southern site boundary'.

Officer Note: Following submission of revised landscaping plans the Tree Officer commented further as follows:

'The applicant has amended the Landscape plan to include a native Woodland buffer at the top of the site as requested. This will be highly beneficial in screening the site from the Roman road and moorland footpaths. There will also be ecological and flood management benefits to this as a stream runs along this boundary. To summarise my comments, the development shouldn't be of detriment to any high quality trees within the area and the Landscape scheme is comprehensive'.

6.5 **NYCC Highways:**

The Highways Officer has noted the following:

'See 63/2016/17313 for the principle and detail of this development. TA addendum included in this new application, but only housing layout has been amended. With regard to the layout, one of the 3 pedestrian links to Moorview Way will be a 4m wide shared footway / cycleway / emergency access with bollard. However, as the 3 cul de sacs do not have turning heads, only footways would be adopted in these cul de sacs'.

Officer note: The Highways Officer has recommended that a number of highways conditions are imposed in the event that planning permission is to be granted. These do not vary from the previous recommendations and the following in the case officers' summary of the NYCC Highways response taken from the report on the previous planning application.

The principle and detail of this development has been subject to considerable discussion since 2016, including Newmarket St/Otley Rd junction. The principle of the Transport Assessment has been accepted. With regard to the layout, one of the 3 pedestrian links to Moorview Way will be a 4m wide shared footway / cycleway / emergency access with bollard. However, as the 3 cul de sacs to the north of the site do not have turning heads, only footways would be adopted in these cul de sacs.

Conditions are recommended with respect to:

- (i) detailed plans for the road and footway layout;
- (ii) the construction of roads and footways prior to first occupation; (iii) the construction of the site access;
- (iv) visibility splays for pedestrian and vehicle traffic;
- (v) off-site highway works;
- (vi) provision of access, turning and parking areas;
- (vii) restricting the conversion of garages to living accommodation;
- (viii) a Travel Plan;
- (ix) a construction management plan.

6.6 **NYCC Lead Local Flood Authority:**

'The submitted documents demonstrate a reasonable approach to the management of surface water on the site however the LLFA recommends that the applicant provides further information before any planning permission is granted by the LPA.

1. Runoff Destinations

The applicant has ruled out the use of soakaways on site through site investigations and intrusive trial pits, tests have shown an increased water level indicating an unsuitable ground for infiltration. Surface water will therefore be discharged into Jenny Beck. The applicant has suggested that the discharge rate should be agreed with Yorkshire Water and the IDB however the site does not sit within an IDB area and therefore discharge rate should be agreed with by NYCC as LLFA.

The applicant has suggested consent from the EA will be required to install a new headwall on the watercourse, however the watercourse is classified as Ordinary Watercourse and therefore NYCC as LLFA would be the responsible risk management authority. Land Drainage Consent will be required for any temporary or permanent works that alter the flow of water; this is a separate process from planning.

2. Flood Risk

The site is situated within Flood Zone 1, a low risk of flooding from Rivers and Sea. The site does have a high risk of surface water flooding associated with Jenny Beck however no properties are proposed within this area. The flood risk assessment submitted reasonably addresses all sources of risk to the development and provides mitigation measures where appropriate.

3. Peak Flow Control

The proposed discharge rate for the site is a total of 14.5l/s based on a rate of 5l/s/ha. This is a reasonable approach.

4. Volume Control

Calculations have been provided which demonstrate storage will be provided to accommodate the 1 in 100 year critical storm event, plus climate change and urban creep allowances (40%). Total volume required will be 1221m³.

5. Pollution Control

Pollution from surface water runoff from the development from parking areas and hardstanding areas should be mitigated against by the use of oil interceptors, road side gullies, reedbeds or alternative treatment systems. A scheme, detailing the treatment of all surface water flows, should be submitted.

6. Designing for Exceedance

An exceedance plan is required to show overland flow during an extreme flood event, exceeding the capacity of the proposed drainage system. Mitigation measures should be proposed to minimise the risk of flooding to these properties. 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.

7. Climate Change and Urban Creep

The applicant has made allowances for Climate Change and Urban Creep within the calculations total of 40%.

8. Maintenance

Arrangements for the maintenance of the proposed SuDS surface water runoff attenuation features should be submitted to the Local Planning Authority for approval, this may be subject to a Section 38 agreement with the NYCC Highways department and additionally a Section 104 agreement with Yorkshire Water.

9. Further Comments

Feasibility Plan submitted proposes to culvert the existing watercourse. The LLFA is strongly against the culverting of watercourses and therefore strongly recommends that the applicant proposes an alternative. Culverting may be accepted by the LLFA if it can be demonstrated to provide essential infrastructure to a development and that there will be no detrimental effect on flood risk and biodiversity. Culverting of watercourses will require Land Drainage Consent from the LLFA; this is a separate process from planning'.

Officer note: The LLFA comments above differ from those received in response to the previous application. The overall advice however, is that the scheme represents 'a reasonable approach to the management of surface water from the site'. It is considered that the matters raised by the flood authority can be appropriately dealt with either prior to issuing a decision or by way of planning condition.

6.7 NYCC Education:

Request a financial contribution of £333,102.00 for primary education facilities as a result of the proposed development. No contribution is sought for secondary school facilities.

6.8 NYCC Heritage Services:

Advise that they are unable to comment on application.

Officer note: The County Archaeologist did comment on the previous application and made recommendations that mitigation and archaeological evaluation work be completed on the site either before and/or during the development as appropriate, this to be secured by condition.

6.9 Sport England:

Sport England has advised that they have no comment to make as the proposed development does not fall within their statutory or non-statutory remit.

6.10 Natural England:

NE Advised that they have no comment to make on the application as the development is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes.

6.11 North Yorkshire Police:

Advises that the site is located within an area with moderate crime and disorder levels and that any new development has the potential to increase these levels if the designing out of crime is not considered and implemented. It is recommended that a condition be attached to any planning permission that requires prior approval of crime prevention measures and their subsequent implementation.

6.12 Yorkshire Water:

No objections. Comments as follows:

- The Flood Risk Assessment (prepared by Haigh Huddleston Associates – Report E15/6358/FR01A dated July 2016) confirms: (i) Sub-soil conditions do not support the use of soakaways; (ii) therefore, surface water will discharge to a watercourse (Jenny Beck) which exists near to the site - connection subject to Environment Agency / Local Land Drainage Authority / Internal Drainage Board requirements.
- The public sewer network is for domestic sewage purposes. Land and highway drainage have no right of connection to the public sewer network. An existing 6" diameter live water main is currently laid in a footpath of Aldersley Ave which may be affected by the site access improvements.
- Recommend that a condition should be attached to any permission granted requiring: No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall, other than the local public sewerage, for surface water have been completed in accordance with details submitted to and approved by the Local Planning Authority (reference Flood Risk Assessment (prepared by Haigh Huddleston Associates - Report E15/6358/FR01A dated July 2016). This is to ensure that the site is properly drained and in order to prevent overloading, surface water is not discharged to the foul sewer network.

7. Representations

7.1 Neighbouring properties were notified of the application by letter dated 16th April 2018. Neighbours were subsequently notified of additional information (streetscape plans/ cross sections and amended landscaping plans) on 29th June 2018.

7.2 The application was also advertised by way of site notices and a press notice that were displayed on 20th April 2018.

7.3 Representations have been made by the occupiers of 8 neighbouring properties. In total 15 letters of objection have been received (6 of which are from the occupier of one property). The objections are summarised as follows:

- Concern over the impact and extent of raised land and the means by which it is to be retained.
- Concern over the height, maintenance and impact of the proposed landscaping buffer.
- Concern over security as new development would allow access to the rear of existing properties.
- Proposed housing will still lead to issues of overshadowing and loss of privacy.
- Proposed housing will not have sufficient separation distance from the existing housing.
- Revised scheme is not in accordance with the NPPF.
- If approved the hours of construction should be limited by condition.
- Concern over the effects of contamination on the land and the adequacy of planning conditions to deal with the problems from such contamination.
- The Council are requested to take a proactive approach to enforcement should permission be granted and any breached of planning control occur.
- Proposed 1.5 storey Bucken bungalows have not addressed the overlooking and loss of privacy issues raised by concerned residents.
- Request is made that ground levels are reduced and/or bungalows be changed to one storey or; boundary fence height be increased above 1.8m to overcome loss of privacy.
- Clarification is needed of the proposed boundary treatments.
- Surrounding footpaths and highway network cannot cater for increase in number of residents.

- A crossing point is needed at end of footpath on Shortbank Road.
- The Geo-environmental report is out of date and should be reviewed in respect of the proposed changes to the house types.
- No confirmation from CDC Environmental Health has been obtained to confirm whether use of split level plots, piling or other methods are suitable for development on the existing site slope.
- The Landscape and Visual Impact Assessment should be reviewed to take into account the changes that have been made to the scheme.
- The local highway network cannot cope with increased levels of traffic.
- Proposed traffic calming measures are inadequate.
- The field is subject to flooding.
- Proposal represents over development.
- Development would lead to increased levels of noise.
- Loss of views and loss of open countryside.
- The different house types proposed adjacent to nos. 290-294 Moorview Way to the ones opposite 282 to 288 is unfair.

8. **Main Issues**

- 8.1 Whether or not the amendments to the previously refused scheme are sufficient to overcome the Councils reason for refusal.

9. **Analysis**

- 9.1 Prior to forming an assessment of this application it is necessary to consider the relevance of the application (Ref: 63/2016/17313) that was refused planning permission in February of this year. The previous, now refused, application was for the same development site and was refused for a very specific reason which was the impact upon the existing bungalows at 282-294 Moorview Way, those being the neighbouring properties located immediately adjacent to the north-east corner of the application site.
- 9.2 The decision that was made by the Council is very significant and is a material consideration in the determination of the application that Members are now being asked to consider. In particular the Council has clearly arrived at the conclusion that in all other respects, for example, the principle of development, landscaping, highway safety, flooding, impact on ecology etc. the development of the application site is acceptable. For this reason, and in consideration of the fact that the proposed development has only been changed in part in order to address the specific reason for refusal, it is no longer possible for the Council to consider any other issues in relation to this application other than the acceptability, or not, of those changes.

Officer note: A number of objections have been raised by the Town Council and by objectors which are set out earlier in this report and which, for the reason set out above, comment on matters that can no longer be considered by Council and are not therefore relevant to the determination of this application. The following analysis will address only the matter of whether or not the amendments that have been made are sufficient to overcome the Councils reasons for refusal.

- 9.3 As set out in the Committee report for the previous application *‘the overwhelming majority of the proposed houses bordering Moorview Way would be two-storeys in height. The exception to this is four split level 2/3 storey plots orientated at right angles to detached bungalows at the eastern end’*. It is this that represents the principle change in the revised plans, specifically substitution of the larger house types for 1.5 storey bungalows.
- 9.4 In officers opinion, and notwithstanding the change in the ground levels between the application site and the neighbouring properties on Moorview Way, it is considered that the revised design, the reduction in the height and massing of the proposed bungalows, the interface distances and the 3m landscaped buffer are such that the impact upon the existing bungalows would not be significant enough to justify a refusal of planning permission. In coming to this view it is noted that objectors still consider the design unacceptable and object to the accommodation in the roof space of the revised house types. However, the relationship is considered to be within acceptable parameters and would not give rise to a substantial

loss of amenity or an unacceptably impaired outlook. Equally, the levels of the houses and relative position and orientation of windows are such that there would be no unacceptable degrees of overlooking resulting in loss of privacy.

- 9.5 It is considered that the revised design and other proposed changes to the house types in the north-eastern corner of the application site are minor re-configurations of the development that would have no material effect in terms of the overall visual impact of the development or in terms of the impact on neighbouring properties. Similarly, the other changes outlined above do not result in any significant departure from the overall design of the development and are improvements to the previous scheme.
- 9.6 The key question here is whether or not the revised proposals have overcome the Council's previous reasons for refusal. In Officers' opinion the changes are a significant improvement on the previous scheme and there can be no grounds upon which the Council can now refuse planning permission.
- 9.7 Another aspect of the application is the additional landscaping that is proposed across the southern edge of the site. This has no relevance to the reason for refusal but it should be noted that the enhanced landscaping is an improvement over the previous application and will be a substantially better scheme.

Conclusion:

- 9.8 The revised proposals are considered to be sufficient to overcome the reasons for refusal set out in the previous decision on application ref 63/2016/17313. In all other respects the application is considered to represent sustainable development that would be in accordance with the requirements of paragraph 14 of the NPPF.

10. **Recommendation**

- 10.1 That, subject to the completion of a planning obligation in accordance with the provisions of S106 of the Town and Country Planning Act to secure:
- (i) The provision, tenure, delivery mechanism, occupation criteria and phasing for 20 of the dwellings (equating to 20% of the total) to be provided as affordable housing (as defined in the National Planning Policy Framework) in accordance with the size, mix, layout and distribution identified on drawing no. AAS-2015-002J.
 - (ii) A financial contribution of £140,000 towards the off-site provision, improvement and/or future maintenance of open space to address local deficiencies in youth and adult play and recreation space.

Authority is delegated to the Head of Planning to **GRANT** Planning permission subject to the following conditions:

Conditions

- 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.

- 2 This permission relates to the following plans:

Drawing no. AAS-2015-001A - Scale 1:1250 location plan.
Drawing no. AAS-2015-002K - Proposed planning layout.
Drawing no. YOR.2422-009 E -Landscape Masterplan
Drawing no. AAS-2018-004 - Proposed street scenes.
Drawing no. AAS-2015-004B - Proposed street scenes.
Drawing no. AAS-2015-005A - Proposed site sections.
Drawing no. 423-BOUN-01 - Boundary Treatments
Drawing no. AAS-AN-WD16 - The Alnwick.

Drawing no. AAS-BK-WD16 - Bickleigh.
 Drawing no. AAS-BR-WD16 - The Brampton.
 Drawing no. AAS-BU-WD01 - The Buckden
 Drawing no. AAS-CD-WD10 - Chedworth.
 Drawing no. AAS-CCA-WD16 - Clayton corner.
 Drawing no. AAS-CR-WD16 - Craggside.
 Drawing no. AAS-HB-WD16 - Hanbury.
 Drawing no. AAS-HHSL-WD16 - Hanbury split level.
 Drawing no. AAS-HB (sp)- WD16- Hanbury split level
 Drawing no. AAS-HT-WD16 - Hatfield.
 Drawing no. AAS-RS-WD16 - Roseberry.
 Drawing no. AAS-RS(sp)-WD16 - Roseberry split level.
 Drawing no. AAS-RF-WD16 - Rufford.
 Drawing no. AAS-RF(sp)-WD16 - Rufford split level.
 Drawing no. AAS-SU-WD16 - Souter.
 Drawing no. AAS-WS-WD16 - Winstar.
 Drawing no. AAS-WY-WD16 - Wycliff split level.
 Drawing no. SGD-01 - Single/double garage.
 Drawing no. SGD-02 - Single/double garage.

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

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

- 3 Details of finished floor levels and external ground levels for each plot shall be submitted to and approved in writing by the Local Planning Authority before any development at that plot takes place. The development shall thereafter be implemented in accordance with the duly approved details.

Reason: To ensure a satisfactory relationship between the new dwellings and between the development and surrounding buildings before any ground works take place to establish site levels in the interests of residential and visual amenity in accordance with the requirements of the National Planning Policy Framework.

- 4 Notwithstanding any description of materials in the application, no above ground works shall take place until full details of all materials to be used on the external surfaces of the dwellings have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials. The development shall thereafter be implemented in accordance with the duly approved materials.

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

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

- (i) A phased programme and methodology of site investigation and recording to include:
 - The proper identification and evaluation of the extent, character and significance of archaeological remains within the application area through a targeted archaeological evaluation and area excavation.
 - An assessment of the impact of the proposed development on the archaeological significance of any remains.
- (ii) A programme for post investigation assessment to include:

- Analysis of the site investigation records and finds.
- Production of a final report on the significance of the archaeological interest represented.
- (iii) provision for publication and dissemination of the analysis and report on the site investigation.
- (iv) provision for archive deposition of the report, finds and records of the site investigation.
- (v) nomination of a competent person(s) or organisation to undertake the work set out in the approved WSI.

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

Reason: To ensure that a suitable programme of archaeological investigation is implemented prior to the commencement of construction works in order to record and advance the understanding of the archaeological and historical significance of the site for archival and research purposes in accordance with the requirements of the National Planning Policy Framework.

- 6 Notwithstanding any details submitted with the application, no development shall take place until a report containing details of an investigation and risk assessment to determine the nature and extent of any contamination on the site (including whether it originates on the site) has been submitted to and approved in writing by the Local Planning Authority. The submitted report shall include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - human health;
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland, and service lines and pipes;
 - adjoining land;
 - groundwaters and surface waters;
 - ecological systems; and
 - archaeological sites and ancient monuments.
- (iii) an appraisal of any remedial options required and a proposal for the preferred option(s) to form a remediation strategy for the site.

The development shall thereafter be carried out in full accordance with the duly approved remediation strategy and a verification report submitted to and approved in writing by the Local Planning Authority before any of the dwellings hereby approved are first occupied.

Reason: To prevent pollution of the surrounding environment and to ensure the safe development of the site before any groundworks take place in the interests of the amenity of future occupiers and other sensitive receptors in accordance with the requirements of the National Planning Policy Framework.

- 7 No above ground works shall take place until details of all crime prevention measures to be incorporated into the development have been submitted to and approved in writing by the Local Planning Authority. The crime prevention measures should set out how the comments made by North Yorkshire Police in their letter dated 21st September 2016 have been addressed and/or mitigated. The development shall thereafter be carried out in full accordance with the duly approved details.

Reason: In order to limit opportunities for crime and disorder in accordance with the requirements of paragraphs 58 and 69 of the National Planning Policy Framework and Section 17 of the Crime & Disorder Act 1998.

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

- a) Detailed engineering drawings to a scale of not less than 1:250 based upon an accurate survey showing:
- the proposed highway layout, including the highway boundary;
 - dimensions of any carriageway, cycleway, footway, and verges;

- visibility splays;
 - the proposed buildings and site layout, including levels;
 - accesses and driveways;
 - drainage and sewerage system;
 - lining and signing;
 - traffic calming measures;
 - all types of surfacing (including tactiles), kerbing and edging.
- b) Longitudinal sections to a scale of not less than 1:500 horizontal and not less than 1:50 vertical along the centre line of each proposed road showing:
- the existing ground level;
 - the proposed road channel and centre line levels;
 - full details of surface water drainage proposals.
- c) Full highway construction details including:
- typical highway cross-sections to scale of not less than 1:50 showing a specification for all types of construction proposed for carriageways, cycleways and footways/footpaths;
 - cross sections at regular intervals along the proposed roads showing the existing and proposed ground levels;
 - kerb and edging construction details;
 - typical drainage construction details.
- d) Details of the method and means of surface water disposal.
- e) Details of all proposed street lighting.
- f) Drawings for the proposed new roads and footways/footpaths giving all relevant dimensions for their setting out including reference dimensions to existing features.
- g) Full working drawings for any structures which affect or form part of the highway network.
- h) A timetable for completion of the works detailed in a) to g).

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

Reason: To ensure a satisfactory standard of engineering works for the construction of roads and footways to serve the development and to provide satisfactory facilities for vehicle access, circulation and manoeuvring in the interests of highway safety in accordance with the requirements of Craven District (Outside the Yorkshire Dales National Park) Local Plan policy T2 and the National Planning Policy Framework.

- 9 No development shall take place until a scheme for the layout, design and construction of the site access at the crossroad junction with Aldersley Avenue/The Oval/Hillside Crescent (the indicative layout of which is shown on drawing no. 14096/GA/01 forming Appendix D of the Transport Assessment) has been submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing with the Local Planning Authority, the scheme shall include provision for:

- (i) Priority amendments to the crossroad junction and the provision of suitable visibility splays with eye and object heights of 1.05 metres.
- (ii) The crossing of the highway verge and/or footway to be constructed in accordance with North Yorkshire County Council's Standard Detail E6 or another specification which has first been submitted to and approved in writing by the Local Planning Authority.
- (iii) The first 5 metres of the access road extending into the site from the carriageway of the existing highway shall be at a gradient not exceeding 1 in 12 and its final surfacing shall not contain any loose material that is capable of being drawn onto the highway.
- (iv) The prevention of surface water from the site discharging onto the existing or proposed highway.
- (v) Tactile paving in accordance with current Government guidance.

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

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.

- 10 Except for the purposes of constructing the site access, there shall be no access by vehicle traffic between the existing and proposed highway until splays providing clear visibility of 2 metres x 2 metres measured down each side of the access and the back edge of the footway of the existing highway have been provided. The eye height shall be 1.05 metres and the object height shall be 0.6 metres. Once created, the visibility splays shall be maintained clear of any obstructions thereafter.

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

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

- (i) The provision of tactile paving.
- (ii) Unless otherwise agreed in writing with the Local Planning Authority, the provision of three footway connections to Moorview Way in the positions shown on drawing no. ASS-2015-002J. One of these connections shall be 4 metres wide to provide a shared footway, cycleway and emergency access with lockable bollard.

The duly approved off-site highway works shall be implemented and made available for use: in the case of (i), before any of the dwellings to be served by the relevant area of tactile paving are first occupied; and in the case of (ii) before 25% of the dwellings are first occupied.

Reason: To secure improvements to the highway network in order to ensure safe and convenient access for pedestrian and vehicle traffic in the interests of road safety and to promote modal shift and increased use of sustainable methods of travel in accordance with the requirements of Craven District (Outside the Yorkshire Dales National Park) Local Plan policy T2 and the National Planning Policy Framework.

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

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

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

Reason: In order to ensure that appropriate measures are put in place before any development commences to limit the potential for noise, nuisance and disturbance to the occupiers of neighbouring properties during the construction of the development in accordance with the requirements of the National Planning Policy Framework.

- 13 No development shall take place until a scheme for tree protection measures to be implemented during the construction period has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:
- (i) Details of a construction exclusion zone (including protective fencing of a height and design which accords with the requirements BS 5837: 2012) to be formed around the root protection areas of those trees within and/or overhanging the site to be retained.
 - (ii) Details of any excavation to take place within the root protection areas of those trees within and/or overhanging the site to be retained.
 - (iii) Details of the foundations of any building, hardstandings and/or boundary treatments to be constructed within the root protection areas of those trees within and/or overhanging the site to be retained.
- The development shall thereafter be carried out in strict accordance with the protection measures contained in the duly approved scheme throughout the entirety of the construction period.
- Reason: To ensure that adequate measures are put in place to safeguard existing trees on/surrounding the site which are protected by Tree Preservation Order before any construction works commence in accordance with the requirements of Craven District (Outside the Yorkshire Dales National Park) Local Plan policy ENV10.
- 14 No above ground works shall take place until a scheme for the disposal of foul and surface water from the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme 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) and shall follow the principles set out in the Flood Risk Assessment by Haigh Huddleston & Associates dated July 2016 (report reference E15/6358/FR01A Rev A). Unless otherwise agreed in writing with the Local Planning Authority, the scheme shall include:
- (i) Separate systems for the disposal of foul and surface water.
 - (ii) Measures to ensure that no surface water is discharged to the public sewer network.
 - (iii) Details of all attenuation and flow/volume control measures (including the use of SUDS where appropriate) to be implemented to ensure that the post development rate of surface water discharge from the site to any soakaway or watercourse generated during rainfall events up to and including the 1 in 100 year event does not exceed 14.5 litres/second for the whole site.
 - (iv) Details of ground exceedance and/or flood pathways to deal with exceedance flows in excess of the 1 in 100 year rainfall event and to ensure that runoff for all events up to the 1 in 30 year event are completely contained within the drainage system (including the use of areas to hold or convey water).
 - (v) Details of how the system will be maintained and managed after completion.
- The scheme shall be implemented in accordance with the duly approved details before any of the dwellings are first occupied, or within any other timescale which has first been approved in writing by the Local Planning Authority, and shall be maintained/managed as such thereafter.
- Reason: To ensure that the development is not at an unacceptable risk of flooding and does not increase flood risk elsewhere (including an appropriate allowance for climate change and urban creep) in accordance with the requirements of the National Planning Policy Framework.
- 15 No above ground works shall take place until a scheme for the provision and future maintenance of the areas of Public Open Space shown on drawing no. AAS-2015-002J has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the size, layout, design, a schedule of works and future maintenance arrangements for the Public Open Space, and a timetable for its provision. The Public Open Space shall be provided in accordance with the details and timetable contained within the duly approved scheme, and shall be maintained as such thereafter for use as Public Open Space.

Reason: To ensure that the development contributes towards the provision and future maintenance of recreational open space in the vicinity of the site in order to avoid a deficiency in the quantity and quality of recreational open space in the locality and to ensure that the impact of the development on the character of the surrounding landscape is adequately mitigated in accordance with the requirements of Craven District (Outside the Yorkshire Dales National Park) Local Plan policy SRC2, policy SP5 of the Publication Draft Craven Local Plan and the National Planning Policy Framework.

- 16 No development shall take place until a Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the Local Planning Authority. The LEMP shall include:
- a) Details of the role, responsibilities and operations to be overseen by an Ecological Clerk of Works.
 - b) A description and evaluation of features to be managed.
 - c) Ecological trends and constraints on site that might influence management.
 - d) Aims and objectives of management.
 - e) Appropriate management options for achieving aims and objectives.
 - f) Prescriptions for management actions.
 - g) Preparation of a work schedule, including an annual work plan capable of being rolled forward over a five-year period.
 - h) Details of the body or organisation responsible for implementation of the plan including details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured with the management body(ies) responsible for its delivery.
 - i) Ongoing monitoring and remedial measures including, where the results from monitoring show that conservation aims and objectives of the LEMP are not being met, how contingencies and/or remedial action will be identified, agreed and implemented so that the development continues to deliver the fully functioning biodiversity objectives of the LEMP.

The LEMP shall be implemented, and subsequently monitored, reviewed, managed and maintained, in accordance with the duly approved details and the timetable contained therein.

Reason: In order to ensure adequate protection of existing landscape features of ecological value and to achieve appropriate landscape and biodiversity enhancements as part of the development in accordance with the requirements of the National Planning Policy Framework.

- 17 No development shall take place until a Construction Environment Management Plan (CEMP) setting out details of measures to protect watercourses within the site during construction has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include details of:
- a) The extent of open watercourse(s) within the site to be retained and the parts to be culverted.
 - b) The siting, height and design of any protective barrier to provide a construction exclusion zone around the watercourse(s).
 - c) Measures to prevent the release of silt and pollution from the site into the watercourse both during and after construction.
 - d) A drainage plan showing the interception, storage and settlement of surface water.
 - e) A timetable for implementation

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

Reason: To ensure that appropriate mitigation measures are put in place to safeguard the nature conservation interest and habitat value of the watercourse before any development takes place in accordance with the requirements of the National Planning Policy Framework.

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

has been submitted to and approved in writing by the Local Planning Authority. Nest site protection shall thereafter be provided in accordance with the duly approved methodology.

Reason: In order to prevent any habitat disturbance to nesting birds in accordance with the provisions of the Wildlife and Countryside Act 1981 (as amended) and the National Planning Policy Framework.

- 19 Notwithstanding any details shown on the approved plans, within three months of development first taking place a soft landscaping scheme for the site shall be submitted for the written approval of the Local Planning Authority. The scheme shall demonstrate compliance with the Landscape Masterplan forming Figure 1 of the Landscape and Visual Assessment by Pegasus Group dated August 2016 (report reference YOR.2422_007A) and shall include details of:

- (i) all trees, hedgerows and any other vegetation on/overhanging the site to be retained;
- (ii) compensatory planting to replace any trees or hedgerows to be removed as part of the development;
- (iii) the introduction of native planting buffers to the northern, eastern and southern edges of the development, and within the areas of open space to the south and west of the site;
- (iv) the introduction of additional planting within the site which forms part of the internal development layout and does not fall within (i), (ii) or (iii); and
- (v) the type, size, species, siting, planting distances and the programme of planting of hedges, trees and shrubs.

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

Reason: To ensure appropriate strengthening of existing landscaping on the site, to provide adequate screening for parts of the development and to provide biodiversity enhancements in accordance with the requirements of Craven District (Outside the Yorkshire Dales National Park) Local Plan policies ENV2 and ENV10 and the National Planning Policy Framework.

- 20 Notwithstanding any details shown on the approved plans, within three months of development first taking place details of the siting, height, design, materials and finish of boundary treatments (including any retaining walls) for each plot shall be submitted for the written approval of the Local Planning Authority. The boundary treatments for each plot shall be constructed in accordance with the duly approved details before the dwelling on each associated plot is first occupied, and shall be retained as such thereafter.

Reason: To achieve a satisfactory relationship between existing and proposed dwellings in the interests of privacy, to ensure that appropriate measures are put in place to secure the gardens of individual plots and to ensure the use of appropriate materials which are sympathetic to the character and appearance of the site and its surroundings in accordance with the requirements of Craven District (Outside the Yorkshire Dales National Park) Local Plan policy ENV2 and the National Planning Policy Framework.

- 21 Notwithstanding the provisions of Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any equivalent Order following the revocation and re-enactment thereof (with or without modification), no windows other than those expressly authorised by this permission shall be inserted in the north facing elevations of the dwellings on plots 4, 13, 14, 21, 22, 28 and 37 (as identified on drawing no. AAS-2015-002J); and all windows permitted in the north facing elevations of those plots pursuant to this permission shall be obscurely glazed to a minimum of level 3 on the Pilkington Scale (where 1 is the lowest and 5 the greatest level of obscurity) before each associated dwelling is first occupied, and shall be retained as such thereafter.

Reason: In order to safeguard the privacy of adjoining residents by minimising the potential for overlooking of neighbouring dwellings and their garden areas in accordance with the requirements of the National Planning Policy Framework.

- 22 The vehicle access, parking, manoeuvring and turning areas for each dwelling shall be constructed and made available for use in full accordance with the details shown on drawing no. ASS-2015-002J before each associated dwelling is first occupied.

Reason: To ensure that suitable provision is made for vehicle access, parking and manoeuvring concurrently with the occupation of the dwellings 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.

- 23 Notwithstanding any details submitted as part of the application, none of the dwellings hereby approved shall be first occupied until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall demonstrate compliance with the principles of the Travel Plan by 'Optima' dated 25th August 2016 (report reference 14096) and shall contain:

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

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

Reason: In order to promote modal shift and increased use of sustainable methods of travel in accordance with the objectives of the National Planning Policy Framework.

Informatives

Statement of Positive Engagement:

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

Highways:

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

There must be no works in the existing highway until an Agreement under Section 278 of the Highways Act 1980 has been entered into between the Developer and the Highway Authority. It is recommended that before a detailed condition discharge submission is made a draft road and footway layout is prepared for discussion between the applicant, the Local Planning Authority and the Highway Authority in order to avoid abortive work.

Yorkshire water:

The developer should note that the site drainage details submitted have not been approved for the purposes of adoption or diversion. If the developer wishes to have the sewers included in a sewer adoption/diversion agreement with Yorkshire Water (under Sections 104 and 185 of the Water Industry Act 1991), they should contact their Developer Services Team (tel 0345 1208 482, email: Technical.Sewerage@yorkshirewater.co.uk) at the earliest opportunity. Sewers intended for adoption and diversion should be designed and constructed in accordance with the WRc publication 'Sewers for Adoption - a design and construction guide for developers' 6th Edition, as supplemented by Yorkshire Water's requirements.

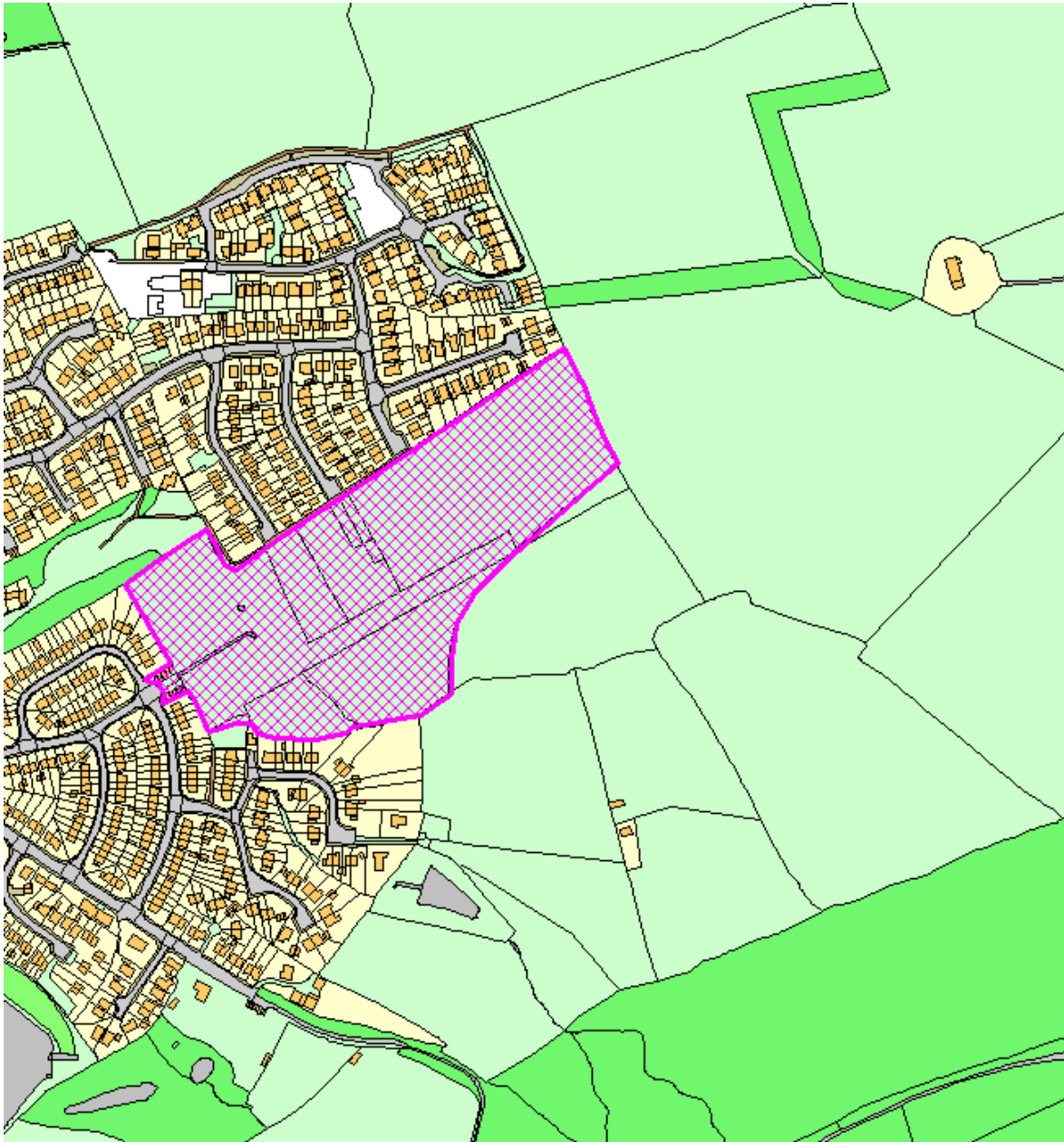
The public sewer network is for domestic sewage purposes. Land and highway drainage have no right of connection to the public sewer network. An existing 6" diameter live water main is currently laid in a footpath of Aldersley Ave which may be affected by the site access improvements.

Environmental Health:

The applicant needs to have regard to the BS8233:2014 Guidance on 'Sound Insulation and Noise Reduction for Buildings' which presents guideline noise levels for both inside and outside dwellings. The applicant should ensure that any topsoil brought on site is free from metals, plastic, wood, glass, tarmac, paper and odours associated with contaminated soils as specified in BS 3882: 2015 - Specification for Topsoil.

Unsuspected contamination:

In the event that contamination is found at any time when carrying out the development that was not previously identified as part of the site investigations undertaken pursuant to the conditions of this permission, it should be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared and submitted for the written approval of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared and submitted for the written approval of the Local Planning Authority.



Application Number: 2018/19146/FUL

Proposal: Erection of 98 No. dwellings (resubmission of previous application 63/2016/17313 - amended scheme)

Site Address: Aldersley Avenue, Skipton, BD23 2LH

On behalf of: Persimmon Homes West Yorkshire

REPORT TO PLANNING COMMITTEE ON 12th February 2018

Application Number:	63/2016/17313
Proposal:	Full application for the erection of 98 dwellings
Site Address:	Aldersley Avenue Skipton North Yorkshire BD23 2LH
On behalf of:	Persimmon Homes West Yorkshire
Date Registered:	2nd September 2016
Expiry Date:	2nd December 2016
Case Officer:	Mr Matthew Taylor

UPDATE TO MEMBERS:

Members of the Planning Committee deferred their decision on this application at their meeting of 15th January 2018 in order to allow a site visit. At that meeting members also requested that a representative from the Local Highway Authority attended any subsequent committee meeting where this application is considered.

The report below includes the following updates to the one presented to members at the Planning Committee on 15th January 2018 as follows:

- 1) The additional objection mentioned in the late information report has been added to the summary of representations at paragraph 7.1.
- 2) Additional paragraphs have been inserted (9.16 and 9.17) which clarify the weight to be attached to a recent appeal decision at Colne Road, Glusburn (appeal APP/C2708/W/17/3177857) that was referred to during the debate at the committee meeting on 15th January 2018 with respect to the Council's housing land supply position.
- 3) Reference to the Emerging Local Plan (or 'ELP') has been updated to refer to the Publication Draft Local Plan released for public consultation on 2nd January 2018.
- 4) The list of plans in condition 2 has been updated to include reference to an additional sectional drawing provided by the applicant (drawing no. AAS-2015-005). This drawing shows, for illustrative purposes, the relationship between the proposed dwellings at plots 22-24; 25-28; and 32 with bungalows at nos. 274, 284 and 292 Moorview Way respectively.
- 5) The maximum extent of land raising associated with the plots located adjacent to properties on Moorview Way has been updated (increasing from 1.5m to 2.5m) in paragraphs 9.36 and 9.44 and the degree of spacing between plot 22 and no. 274 Moorview Way has been updated (increasing from 9.5m to 11m) in paragraph 9.41. These changes reflect the details shown on the additional plan referred to in point 4.

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 to the south-eastern periphery of Skipton extending to approximately 5.7 hectares between Aldersley Avenue and Moorview Way. The site currently comprises open farmland with small pockets of scattered outbuildings and piecemeal enclosures. The watercourse of Jenny Beck (part of which is culverted) follows a narrow valley to the western end. Ground level falls steeply in a north-westerly direction across the site down to Moorview Way.
- 1.2 The site falls outside the Development Limits identified on the Craven District (Outside the Yorkshire Dales National Park) Local Plan (CDLP) Proposals Map and is therefore located within open countryside. The land is, however, allocated as a housing site with associated green infrastructure provision (site reference SK013) in the Publication Draft Craven Local Plan dated 19th December 2017 (referred to hereafter as the Emerging Local Plan or 'ELP').
- 1.3 An existing road with a priority (give way) junction onto Aldersley Avenue provides access to a group of garages located to the western end of the site. The site boundary includes these garages and the access road onto Aldersley Avenue which runs between no. 1 Hillside Crescent and no. 47 The Oval.
- 1.4 The northern boundary of the site is flanked by dwellings (a mix of bungalows and two storey houses) on the cul-de-sacs of Moorview Way to the north and two storey houses on The Oval, Hillside Crescent and Lytham Gardens to the west/southwest. Playgrounds off Shortbank Close and Lytham Gardens are located to the northwest and southwest corners of the site and clusters of trees at the edges of these roads (but outside the site) are protected by Tree Preservation Orders (TPO). The site adjoins areas of open farmland to the east and south which are separated by dry stone walls and landscaped buffers. Ground level continues to rise in a southerly direction away from the site up to Skipton Moor where views are available from elevated vantage points on the Dales High Way Public Right of Way (PROW).

2. Proposal

- 2.1 The application seeks full planning permission for a residential development of 98 dwellings with associated infrastructure including buffers of open space arranged in a meandering 'L' shape alongside the southern and western boundaries of the site which extend to approximately 2.7 hectares.
- 2.2 The main estate road would run an easterly direction from its junction with Aldersley Avenue through the site, with two other cul-de-sacs branching in southerly directions of the main estate road. The proposed dwellings would be laid out to follow the flanks of these cul-de-sacs, with pockets fronting onto four courtyards extending in a northerly direction off the main estate road.
- 2.3 Housing would include a combination of terraced, semi-detached and detached properties delivering a mix of two (18 plots), three (51 plots) and four (29 plots) bed dwellings. A total of 20 plots (equating to 20% of the total) would be provided as affordable housing delivering a mix of 14 x 2 bed; and 6 x 3 bed dwellings in two pockets to the northeast and northwest corners of the development.
- 2.4 The estate road would form an elongated route following a latitudinal, east-west trajectory through the site. The existing garages at the junction onto Aldersley Avenue would be demolished as part of the scheme and a minimum 85m deep area of open space would extend in an easterly direction into the site to the north and south sides of the estate road to provide a buffer on both sides of Jenny Beck. A second swathe of open space flanking the southern boundary and measuring between 30m and 60m in width would provide a buffer between housing proposed to the southern periphery and open land beyond (including an area of TPO woodland and housing on Lytham Gardens).
- 2.5 The majority of dwellings (69 plots) would be two storeys in height. A total of 6 plots would increase to 2.5 storeys to incorporate rooms (with dormer windows) in the roof and a further 23 plots would be split over 2/3 storeys as a result of local topographical changes. The majority of plots would include garage provision, either as integral features or detached, single storey outbuildings. A total of 14

house types are proposed across the site. The external surfaces of the dwellings are to be finished in artificial stone and slate roofs.

- 2.6 The overwhelming majority of dwellings would benefit from a minimum of two in-curtilage parking spaces, with all properties having at least one space (excluding garage provision). Six visitor parking spaces would also be provided within laybys to the side of the estate road.
- 2.7 Vehicle access to the development would be via a single point of ingress/egress facilitated by an easterly extension of the existing highway of Aldersley Avenue into the site. This would create a new crossroad junction between Aldersley Avenue, The Oval and Hillside Crescent, with priority (give way) junctions introduced on The Oval and Hillside Crescent at their junctions with the crossroads. The estate road would merge with Aldersley Avenue to provide a 5.5m wide route with flanking 2m wide footways. Traffic calming features including speed humps and raised tables would be introduced on the estate road.
- 2.8 Additional pedestrian/cycle access would be made available to Moorview Way through the introduction of three points of connection onto an existing footpath which runs between the northern boundary of the site and the southern edge of Moorview Way. This footpath continues into the adjacent playground on Shortbank Close and, subsequently, onto Shortbank Road.

3. Planning History

- 3.1 63/2016/17356 – Application for a screening opinion under the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 for a proposed residential development relating to planning application 63/2016/17313 – Decision pending (not EIA development).

4. Planning Policy

- 4.1 Paragraph 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that development proposals are determined in accordance with the development plan unless material considerations indicate otherwise. The statutory development plan for Craven comprises the saved policies of the Craven District (Outside the Yorkshire Dales National Park) Local Plan 1999 (the 'CDLP').
- 4.2 Craven District Council is in the process of preparing a new Local Plan to cover the period up to 2032. The Emerging Local Plan is at the publication draft stage and has not been subject to independent examination (or submitted for examination). Accordingly, the ELP is not the adopted development plan for the district. Given that the ELP is at a relatively early stage in its preparation, and having regard to paragraph 216 of the NPPF, its policies can carry only limited weight in the decision making process.
- 4.3 National Policy:
National Planning Policy Framework (NPPF)
Planning Practice Guidance (PPG)
- 4.4 CDLP:
ENV1 – Development in the Open Countryside
ENV2 – Requirements for Development in Open Countryside
ENV10 – Protection of Trees and Woodlands
SRC2 – Provision of Recreation Space in New Housing Developments
T2 – Road Hierarchy
- 4.5 ELP:
SP1 – Meeting Housing Need
SP5 – Strategy for Skipton – Tier 1
H2 – Affordable Housing

5. Parish/Town Council Comments

5.1 *Skipton Town Council* – Object to the application. Comments as follows:

Principle of development:

- “The Town Council notes the recent variation in proposed housing numbers as part of the emerging Craven Local Plan and questions the need for a development of this size, given the number of proposed developments already being considered. The Town Council assumes that due weight will be given to this consideration and would ask that careful evaluation is undertaken to ascertain whether the level of housing required under the revised terms of the Plan can already be achieved through existing approved development.

Highways:

- The Town Council and local residents are extremely concerned at the impact the proposed development would have on an already stretched highways infrastructure. The impact of the development already under way at Elsey Croft has not yet been ascertained and, given that the proposed new development has a single access which will, ultimately, feed onto Shortbank Road, the Council must raise a serious concern as to whether the infrastructure could cope.
- The current pinch-point, with single file traffic under the railway bridge on Shortbank Road, is of particular concern. Many local residents already view this point as dangerous with poor lines of sight for traffic heading down towards town. It is felt that the additional traffic generated by the development will increase the risk of accidents and will increase congestion. Should the development be approved, the Town Council would urge that a requirement of the approval should include significant improvements to the highways infrastructure. In terms of traffic volume, residents are also concerned at the level of congestion already experienced on a daily basis along Newmarket Street. Residents feel this will be substantially worse should the development go ahead.

Flooding and drainage:

- The Town Council has concerns that the new development will both remove existing provision for surface water drainage and will itself add to the risk of flooding in the area. The Council would ask that a detailed view is obtained from the Environment Agency, given that the current investment in flood prevention schemes is focussed further ‘up stream’ than the proposed development. Can the existing beck which runs alongside Shortbank Road cope with any increased water run-off from the proposed development? One local resident raised a concern about the capacity of existing sewerage systems and with the current water pressure levels in this part of town. The resident stated that he believed that water pressure levels were already at the minimum of what was allowed and that a new development would reduce the pressure to an unacceptable level. The Town Council would urge that the Planning Authority explores this angle carefully with Yorkshire Water.

School and health infrastructure:

- The Council is extremely concerned at the impact the proposed development would have on already badly over-stretched school and health provision. Local schools are already operating at maximum capacity and the Town Council cannot see how these schools can take the additional pupil numbers which would be generated by the proposed development alongside those other developments already underway or with planning consent already granted. The Council would urge that detailed discussions take place with North Yorkshire County Council regarding potential pupil numbers and how these could be handled. The Council and local residents cannot see how the likely addition numbers could be accommodated without either substantial proper expansion of existing schools – or the provision of an additional school(s). The Town Council has similar concerns relating to local health provision. It is well documented that the two local doctors’ surgeries operate at or near capacity and there is

plenty of anecdotal evidence as to how difficult it is to obtain appointments at either surgery, despite the best efforts of the surgeries concerned.

Play provision:

- The Town Council notes that there is no planned play provision on site and that the application proposes improved links to existing play areas at Shortbank and at Lytham Gardens. The Council is content with the provision of the link to Shortbank and has already had detailed discussion with the District Council's Sports Development Officer to look at the level of improvements needed at the existing Shortbank Recreation Ground to provide both adequate and effective access from the new development both for residents using the facilities and for Town Council Grounds Maintenance staff – and the provision of additional equipment.
- The Town Council does question the proposed footpath to the existing play area at Lytham Gardens and does not believe that the topography of the land surrounding the play area (nor, indeed, the ownership of the land between the proposed development site and the play area) would, in fact, allow such a footpath to be created. The existing play area at Lytham Gardens is small and there is little or no capacity for any additional equipment. The play area is already very well utilised.

6. Consultations

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

- The intrusive ground investigation submitted with the application has identified that an area of the site was previously used for landfill purposes. An intrusive ground investigation was carried out to determine the level of type of any land contamination associated with the activity. The results of the intrusive ground investigation show elevated levels of metals, petroleum hydrocarbons and polycyclic aromatic hydrocarbons (PAHs) in soil. The report states the former landfill site falls outside the area of the proposed housing units, however the extent of the landfill area has not yet been determined and roads and services are potentially going to pass through the former landfill area. Monitoring of ground gas is still ongoing and early indication state that ground gas should not be a problem but confirmation is awaited when the monitoring has been concluded.
- I agree with the conclusions/recommendations in section 10 of the report and consider that the suggested further works detailed in section 11 of the report be undertaken prior to development commencing. This can be secured through condition.
- Conditions should be attached to any permission: (i) limiting operating hours for construction to between 8am and 6pm Monday to Friday, and between 8am and 1pm on Saturdays only; and (ii) requiring a dust management plan.
- The applicant needs to have regard to the BS8233:2014 Guidance on 'Sound Insulation and Noise Reduction for Buildings' which presents guideline noise levels for both inside and outside dwellings.
- The applicant should ensure that any topsoil brought on site is free from metals, plastic, wood, glass, tarmac, paper and odours associated with contaminated soils as specified in BS 3882: 2015 - Specification for Topsoil.

6.2 *Lead Local Flood Authority* – No objections. Comments as follows:

- The applicant proposes to discharge of surface water via a sustainable drainage system and existing watercourse as the geology of the site prevents the use of infiltration.
- The peak runoff rate from the developed site is to be restricted to 5 l/s/ha (14.5 l/s for the whole developable area).
- The runoff volume from the developed site for the 1 in 100 year 6 hour rainfall event must not exceed the greenfield runoff volume for the same event. For a whole or part brownfield site, greenfield runoff volume and/or 70% of demonstrable existing positively drained runoff volume

for those rainfall events will be permitted however greenfield runoff volume should be achieved where possible.

- Should infiltration methods not be suitable and it is not possible to achieve greenfield runoff volume then it must be demonstrated that the increased volume will not increase flood risk on or off site.
- 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. A plan showing exceedance flow routes is required.
- The flood risk assessment states that allowances of 30% for climate change and 10% for urban creep have been used.
- A condition is recommended to ensure suitable surface water management.

6.3 *Natural England* – Advised that they have no comment to make on the application as the development is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes.

6.4 *North Yorkshire Fire & Rescue Service* – The proposals/plans must meet the requirement B5 of Schedule 1 to the Building Regulations 2000 (as amended), access and facilities for the fire service.

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

- The proposed layout includes a number of 'Designing out Crime' features which will reduce the opportunity for crime and disorder. It has outward facing frontages providing natural surveillance over streets and public areas, front entrances are readily visible, parking is provided within curtilages, rear gardens are plotted against each other, footpath links are positioned to ensure surveillance and the majority of front gardens and corner plots will be effectively defined to create defensible space.
- Further consideration should be given to the following elements: (i) affordable housing is concentrated in two clusters which limits its dispersal among the open market housing; (ii) the height of intermediate boundary treatments between dwellings should be 1.8m (with the top 300mm comprising a trellis) for security reasons; (iii) it is unclear how mid-terraced plots will service their rear gardens unless alleyways are provided; (iv) the front garden of plot 24 should be clearly defined by a boundary treatment.
- Various recommendations are made with respect to cycle storage, the positioning of lighting, landscaping and utility meters, and achieving Secured by Design accreditation.
- A condition should be attached to any permission granted setting out how the above measures will be addressed as part of the development.

6.6 *NYCC Archaeologist* – No objections comments as follows:

- The development area is a large greenfield site on the outskirts of the medieval town of Skipton. There has been no previous archaeological work within the site boundary.
- The developer submitted an archaeological desk based assessment with the application. The document provided a summary of the archaeology of the general area. It concluded that the site has archaeological potential, particularly for prehistoric to Roman remains. I support this conclusion.
- The desk based assessment stated that the archaeological potential at the site cannot be confirmed without further site investigation. The NPPF provides guidance that where a desk based assessment is insufficient to characterise the archaeological potential then a scheme of field evaluation should be undertaken (NPPF para. 128). In this case I advised that this evaluation should comprise geophysical survey, to be followed by trial trenching, if the results warranted further investigation. This advice is still reasonable, however it is fair to say that

the type of archaeology expected (i.e. domestic evidence from the prehistoric and Romano-British periods), would be unlikely to form a constraint on development, although this could not be ruled out entirely at this stage.

- If the District Council is minded to approve the application, then it is essential to ensure that the archaeological evaluation work is completed prior to the commencement of development, and that appropriate mitigation is also agreed in advance and implemented either before and/or during development, as appropriate to the findings of the evaluation. These works could be secured through the imposition of an appropriate planning condition.

6.7 *NYCC Education* – Requested a financial contribution of £329,703 for primary education facilities as a result of the development. No contribution is sought for secondary school facilities.

6.8 *NYCC Highways* - No objections. Comments as follows:

- The principle and detail of this development has been subject to considerable discussion since 2016, including Newmarket St/Otley Rd junction. The principle of the Transport Assessment has been accepted. With regard to the layout, one of the 3 pedestrian links to Moorview Way will be a 4m wide shared footway / cycleway / emergency access with bollard. However, as the 3 cul de sacs to the north of the site do not have turning heads, only footways would be adopted in these cul de sacs.
- Conditions are recommended with respect to: (i) detailed plans for the road and footway layout; (ii) the construction of roads and footways prior to first occupation; (iii) the construction of the site access; (iv) visibility splays for pedestrian and vehicle traffic; (v) off site highway works; (vi) provision of access, turning and parking areas; (vii) restricting the conversion of garages to living accommodation; (viii) a Travel Plan; (ix) a construction management plan.

6.9 *CDC Sports Development Officer* – No objections. Comments as follows:

- Following the viability appraisal and negotiations with the developer the scheme will provide:
- Approximately 2.7ha of on-site public open space that will require a full scheme layout, design and specification for the laying out of the on-site POS as well as new access point from the scheme to link to the path that goes to Shortbank Recreation Ground, plus a management and maintenance for this space in perpetuity.
- An off-site contribution of £140,000, to improve the quality of identified local deficiency to meet the play and recreation needs generated by the development. This will need to be included in a S106 agreement.

6.10 *Sport England* – Advised that they have no comments to make as the proposed development does not fall within their statutory or non-statutory remit.

6.11 *CDC Strategic Housing* – Support the application. Comments as follows:

- The provision of affordable housing at a rate of 20% has been established through an assessment of the scheme's viability.
- The Council's SHMA identifies a tenure split of 25% shared ownership to 75% affordable rent.
- The Bickleigh and Alnwick house types cannot be offered for affordable rent as 3 and 2 bed dwellings due to their size and recent changes to welfare reform relating to the payment of Housing Benefit. It is, however, possible for these to be provided as shared ownership units.
- The housing mix should comprise: (i) 4 x 2 bed Alnwick and 2 x 3 bed Bickleigh as shared ownership units; and (ii) 4 x 3 bed Hanbury and 10 x 2 bed Brampton as affordable rented units.
- The revised layout and affordable housing provision shown on plan reference Rev J is in line with the above requirements and is therefore acceptable.

- 6.12 *CDC Tree Officer* – No objections. Comments as follows:
- It appears that all the existing trees, except possibly G5, are to be retained and the development is positioned well away from the trees which are mostly sited around the perimeter. There is a proposed planting scheme which is only indicative and no detail has been provided apart from species lists.
 - Conditions should be attached to any permission granted requiring: (i) a detailed scheme of planting and specification/method statement for approval prior to implementation in order to provide screening of the development in the wider landscape; (ii) that all trees to be retained are protected by fencing in accordance with BS 5837 (2012) for the duration of the development.
- 6.13 *Yorkshire Wildlife Trust* – Comments as follows:
- The site does have value for biodiversity and in particular the areas of higher quality grassland should be protected. There may be some potential for SUDS which could reduce runoff and support biodiversity, the present drainage plan appears to mainly depend on a large tank for attenuating run off. I would recommend that opportunities for a more ecological approach to water storage are considered although it will be important that any additional water storage does not damage areas of higher quality grassland.
 - The suggestions on page 18 and 19 of the Additional Ecological Survey by Brooks Ecological should be conditioned including the conditioning of an Ecological Management Plan and the presence of an Ecological Clerk of Works during the construction phase of the development.
- 6.14 *Yorkshire Water* – No objections. Comments as follows:
- The Flood Risk Assessment (prepared by Haigh Huddleston Associates - Report E15/6358/FR01A dated July 2016) confirms: (i) Sub-soil conditions do not support the use of soakaways; (ii) therefore, surface water will discharge to a watercourse (Jenny Beck) which exists near to the site - connection subject to Environment Agency / Local Land Drainage Authority / Internal Drainage Board requirements.
 - The public sewer network is for domestic sewage purposes. Land and highway drainage have no right of connection to the public sewer network. An existing 6" diameter live water main is currently laid in a footpath of Aldersley Ave which may be affected by the site access improvements.
 - Recommend that a condition should be attached to any permission granted requiring: No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall, other than the local public sewerage, for surface water have been completed in accordance with details submitted to and approved by the Local Planning Authority (reference Flood Risk Assessment (prepared by Haigh Huddleston Associates - Report E15/6358/FR01A dated July 2016). This is to ensure that the site is properly drained and in order to prevent overloading, surface water is not discharged to the foul sewer network.

7. Representations

- 7.1 The appropriate neighbouring properties were notified of the application by letter. In addition, as the proposal represents a departure from the provisions of the CDLP and involves major development, notices have also been posted at the site and in the local press. A total of 15 letters have been received in objection to the application. The points made in the letters are summarised as follows:

Principle of development:

- The requirement for housing in Craven over the next 15 years is likely to be reduced due to changes in Government figures. Until that requirement is known, this application should be refused as it is unnecessary.

- The development would result in the loss of a greenfield site which provides good grazing land.

Character and appearance:

- The site is a prominent feature in the surrounding landscape, particularly in elevated views from the Roman road. A recent TPO placed on trees on Lytham Gardens indicates the value of the landscape in visual terms and this is an important draw for tourism. The proposed development would result in the urbanisation of an open field which would be unsympathetic to the character of the surrounding landscape.
- The three storey height of some of the dwellings, combined with their elevated siting, will tower over existing houses on Moorview Way (especially the neighbouring bungalows) and would result in a mismatched appearance.

Highways:

- The proposal includes access to the development via the cul-de-sacs of Moorview Way. The original plans showed only pedestrian and emergency access between the development and Moorview Way and there is no reason for this to be changed. Moorview Way is unsuitable to provide vehicle access for a development of the size proposed and would remove the existing footpath which links with the nearby recreation ground.

Officer note: The only means of vehicle access will be from Aldersley Avenue. The development does not include any provision for vehicles (except for emergency service vehicles) to access the site from Moorview Way. The only access onto Moorview Way will be for pedestrians and cyclists. Vehicle access onto Moorview Way would be restricted by a lockable bollard which could only be opened by the emergency services.

- The development will generate at least 194 extra vehicle movements based on each household having two cars. This level of traffic, when considered in combination with the nearby Elsey Croft development, would result in unacceptable congestion of the surrounding highway network, especially at the pinch point on Shortbank Road and on the roundabout junction with Newmarket Street approaching the town centre.
- This additional congestion arising from the development would exacerbate existing road safety issues arising from speeding vehicles and restricted visibility for the one-way system under the railway bridge on Shortbank Road which is an accident hotspot. Accordingly, the development will have a detrimental impact on highway safety for both vehicle and pedestrian traffic, including children travelling to nearby nurseries.
- The development should include a link to Otley Road in order to alleviate traffic pressures on Shortbank Road and on Newmarket Street.
- The traffic survey in the transport assessment was undertaken in 2012 and is out of date as it does not include the traffic from the Elsey Croft development.

Officer note: Sections 6.2 and 6.3 of the Transport Assessment make clear that traffic surveys were undertaken in 2015 and that baseline traffic flows include the trip generation estimations set out in the TA for Elsey Croft as a committed development.

Amenity:

- The layout would place new two storey dwellings in close proximity to the houses and gardens of existing dwellings (including bungalows) on Moorview Way. This will result in the development adversely affecting current occupiers due to loss of outlook, overlooking and overshadowing.
- The development also includes three storey properties on elevated land to the south which will affect the outlook from surrounding dwellings. Views across presently open fields will be replaced with housing.

- The orientation, height and elevated siting of the proposed houses would result in an unacceptable impact on the privacy of existing residents through overlooking (particularly between bedrooms) and will also be overbearing, particularly to neighbouring bungalows. Therefore, the conclusion in paragraph 9.42 of the report (as published for the January committee agenda) is flawed.

Other matters:

- There are a lack of public services (e.g. schools and doctors) and infrastructure (e.g. drainage) to support the number of additional residents that would be created by the development.
- Standing water is frequently seen on the site. Developing the land and increasing its impermeable area will result in excess runoff which is likely to have implications for flooding both in the immediate vicinity of the site and further downstream. Surrounding watercourses and drains have reached their capacity.
- The development does not include any 1 bed properties or bungalows which are in short supply and are required to meet the needs of Skipton's population.

8. Main Issues

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

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

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

1. The principle of residential development on the site.
2. The development's effects on the character and appearance of the area.
3. The development's impact on the amenity of surrounding occupiers.
4. The scheme's effects on highway safety.
5. Whether the development would deliver appropriate planning gain contributions in accordance with relevant national and local planning policies.
6. Other material considerations relating to flooding, ecology, trees and archaeology.

9. Analysis

Procedural matters

9.1 Amended plans have been submitted to the Council in response to representations made by consultees and members of the public. The application has been assessed in accordance with these amended plans (a list of which is set out in condition 2). The principal changes to the scheme arising from these amendments are summarised as follows:

- The total number of dwellings has increased from 97 to 98 to allow the provision of a greater number of smaller, affordable units to the northeast corner of the site.
- The number of affordable homes has increased from 10 plots to 20 plots following agreement of viability parameters and affordable housing mix.
- Three points of connection have been included onto Moorview Way. One of these (at 4m in width) would provide a shared footway, cycleway and emergency access, with vehicle access to be restricted through the use of a lockable bollard. The other 2 points of connection would only be wide enough for pedestrians to access the footway flanking the southern edge of Moorview Way.
- Additional visitor parking and speed reducing features have been introduced within the estate road.
- A footpath connecting with the playground on Lytham Gardens has been removed due to third party land restrictions as highlighted by the Town Council.

Principle of development

Site designation and policy context:

- 9.2 The site falls outside the development limits defined on the CDLP Proposals Map and, accordingly, is within the open countryside. CDLP policy ENV1 indicates that the Council will protect the character and quality of the open countryside and prevent this from being spoilt by sporadic development. The policy states that “large scale development in the open countryside will only be permitted where it is demonstrated that there is an overriding need for the proposal due to the requirements of the utility services, transport, minerals supply or national security.”
- 9.3 Despite its designation in the CDLP and the restrictions set out in policy ENV1, the land is allocated as a housing site with associated green infrastructure under draft policy SP5 of the ELP (site reference SK013). The policy identifies that the site is capable of delivering approximately 100 dwellings over a developable area of 3.1 hectares, along with 2.6 hectares of open space. The delivery of housing on this site is anticipated in the short term (1-5 year) period of the plan. In addition to this allocation, ELP policy SP5 sets out six development principles for the site.
- 9.4 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.
- 9.5 Paragraph 216 of the Framework identifies that decision-takers may give weight to relevant policies in emerging plans according to:
- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
 - 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 this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).
- 9.6 The weight to be afforded to the ELP (albeit that this referred to the pre-publication version dated June 2017) has been assessed at two recent appeals – a Public Inquiry at Elsey Croft (appeal reference APP/C2708/W/16/3150511 concluding on 3rd August 2017) and a hearing at Holme Lane (appeal reference APP/C2708/W/17/3166843 concluding on 2nd August 2017). Paragraphs 9 and 38 of the respective Inspector’s decisions conclude as follows with respect to the weight to be attached to policies contained within the June 2017 version of the ELP:

- “Policy H2 of the emerging Craven Local Plan seeks affordable housing at a rate of 40% for schemes of 11 dwellings or more. However, **it is at a very early stage of preparation** with the consultation period for the pre-publication consultation draft concluding at the time of the inquiry. The consultation exercise identified a number of objections to Policy H2, and **so I am of the view that the policy can carry no more than very limited weight.**”
- “There is no dispute between the parties that **only limited weight can be given to draft Policy ENV13 of the emerging Local Plan.**”

- 9.7 Given the conclusions in the above Inspector’s decisions, it is clear that only “very limited” to “limited” weight can be attached to the ELP due to its “very early stage of preparation”. Nevertheless, policy SP5 of the ELP indicates the Council’s direction of travel with respect to the development of this site in the short term of the plan period and identifies a number of general principles which can carry some (albeit ‘limited’) weight in the decision making process. In particular, in allocating the site for residential development, the evidence base to the ELP has concluded that the land is, as a matter of principle, a sustainable location for housing on the edge of the Tier 1 settlement of Skipton.
- 9.8 With reference to the adopted CDLP, the overarching objective of policy ENV1 is to protect the character and quality of the countryside by preventing sporadic, unrestricted development within it. This objective is broadly in accordance with the fifth core land-use planning principle in paragraph 17 of the Framework which requires that the intrinsic character and beauty of the countryside is recognised.
- 9.9 However, the NPPF also makes allowances for other types of development in rural areas which do not fall strictly within the categories identified in policy ENV1. In particular, paragraph 55 of the NPPF recognises that, depending on its location, housing is capable of contributing to the vitality of rural communities by supporting services within neighbouring settlements. With respect to housing in rural areas, the main aim of paragraph 55 is to avoid “new isolated homes in the countryside unless there are special circumstances”, though paragraph 29 of the Framework also recognises that “opportunities to maximise sustainable transport solutions will vary from urban to rural areas.”
- 9.10 The proposed development does not fall comfortably within any of the categories set out in CDLP policy ENV1 and, accordingly, represents a departure from the adopted Local Plan. It does not, however, follow that this in itself provides sufficient grounds to resist the principle of residential development, particularly as there is conflict between CDLP policy ENV1 and paragraph 55 of the NPPF which is supportive of housing in rural areas providing that it would not lead to the introduction of new isolated homes in the countryside.
- 9.11 There is a strong indication through the site’s allocation for housing in the ELP that the principle of residential development in the immediate (short) term of the plan period will be permissible in accordance with the criteria set out in ELP policy SP5. The proposed development, with respect to the number and density of the dwellings, the developable area of the site and the area to be provided as open space, would accord with the general development principles identified in ELP policy SP5. In addition, the site would occupy a sustainable location on the edge of Skipton which is readily accessible to shops, services and public transport by modes of access other than private car.

Housing Land Supply:

- 9.12 Paragraph 47 of the NPPF requires local planning authorities to boost significantly the supply of housing by identifying “a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply.”
- 9.13 Paragraph 49 of the NPPF indicates that “housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing

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

9.14 The Council’s latest ‘Five Year Housing Land Supply Methodology and Report’ (published 11 May 2017) indicates that it is able to demonstrate a supply equivalent to 5.49 years. This position has subsequently been updated through the submission of a Statement of Common Ground on 31 July 2017 in connection with an appeal for a residential development at Holme Lane (reference APP/C2708/W/17/3166843) to indicate a housing land supply equivalent to 5.28 years.

9.15 The abovementioned appeal provides the most up-to-date independent assessment of the Council’s housing land supply position. Paragraph 39 of the Inspector’s decision for that appeal concludes that:

- “As I find the evidence before me relating to housing land supply to be inconclusive **I have adopted a precautionary approach on the basis that five year supply has not been demonstrated**” (emphasis added).

9.16 Another appeal decision for land to the southeast of Colne Road, Glusburn (reference APP/C2708/W/17/3177857) issued on 22 November 2017 concludes, at paragraph 10, as follows with respect to the Council’s current housing land supply position:

- “The Council states that they can demonstrate a five year housing land supply, although they further state that this position has not yet been subject to examination in public. **Whilst I accept that the Council’s evidence has not been tested, the appellant has offered no substantive evidence to the contrary, and so I have been given no proper basis on which to do anything other than accept the Council’s position**” (emphasis added).

9.17 Unlike the Holme Lane appeal where the appellant successfully challenged the Council’s housing land supply position at an informal hearing, the appellant for the Colne Road appeal (dealt with through the written representation procedure) did not submit any evidence to refute the Council’s position and, accordingly, failed to convince the Inspector otherwise. As a result, it is considered that the Inspector’s conclusions in respect of the Holme Lane appeal provide the most robust assessment of the Council’s current housing land supply position. Moreover, paragraph 9 of the Inspector’s decision for the Colne Road appeal makes clear that this was dismissed on the grounds of the development’s “unacceptable visual harm [...] in the open countryside” and the outcome did not turn on the question of the presence or absence of a 5 year supply of housing.

9.18 Given the above, and as the Council’s position concerning the presence of a five year supply of housing land is marginal, it is considered that the most robust course of action is to adopt the precautionary approach taken by the Inspector in the Holme Lane appeal and assess this application on the basis that the Council is unable to demonstrate a five year supply of housing land.

Conclusion concerning principle of development:

9.19 The site is located within an area of open countryside and the proposal represents a departure from the provisions of policy ENV1 of the CDLP. However, the site is allocated for housing under policy SP5 of the ELP and the proposal follows the general development principles set out in that policy with respect to the number and density of housing and the extent of developable and open space areas. The development would occupy an edge of settlement location which is well related to existing shops, services, employment opportunities and public transport in Skipton in order that it would not result in the introduction of isolated homes in the countryside. In addition, it is not considered that the Council is able to robustly demonstrate a 5 year supply of housing land for the purposes of paragraph 47 of the NPPF. 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.

Character and appearance:

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 In addition, the second and fourth development principles for site SK013 set out in ELP policy SP5 indicate that:

- Development proposals for this site shall incorporate green infrastructure in the west, south and south east of the site to provide a buffer to the open moorland to the south and east, enhance biodiversity and provide a green corridor connection with the existing residential area at Aldersley Avenue and the play park to the north west of the site.
- The site is in a prominent location on the edge of Skipton. Development proposals should be carefully and sensitively designed to minimise visual impact on the character and appearance of the area.

9.23 Paragraph 58 of the NPPF sets out six principles that developments should follow in order to achieve good design and paragraph 64 of the Framework indicates that permission should be refused for development of a poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Landscape character:

9.24 The site currently comprises open pastureland which is classified as "open Moorland and Moorland Fringe" (and under the subsection of "Moorland") in the 'Craven District Outside the Yorkshire Dales National Park and Forest of Bowland AONB Landscape Appraisal' (October 2002). Paragraph 4.7.2 of the Landscape Appraisal identifies 5 key characteristics of this landscape type as follows:

- "Gently rolling landform on high fell tops;
- Unenclosed upland moorland habitats of acid moorland vegetation often dominated by moorland grass;
- Trees mainly absent with occasional wooded gills following topography;
- Large-scale, open, exposed landscape with expansive views over surrounding hills;
- Sense of elevation, isolation and exposure."

9.25 The northern boundary of the site is viewed alongside housing at a lower level on Moorview Way and Elsey Croft and the western/southwestern boundary flanks dwellings occupying an elevated position on The Oval, Hillside Crescent and Lytham Gardens. Accordingly, these areas of the site are seen against the built-up periphery of Skipton in both near and distant views.

9.26 In contrast, the southern and eastern boundaries of the site border open pastureland at the point of transition between the urban and rural fringes on the edge of Skipton. When combined with the rising ground level to the south/southeast of the site (though levels continue to rise by between 2.5m and 10m towards the crest of a hillside outside the site), views from the south and east give a

greater impression of distinction between urban and rural settings and increase exposure in the surrounding landscape.

- 9.27 The application is accompanied by a Landscape and Visual Impact Assessment (LVIA) which considers the development's visual effects from 10 vantage points around the site in both near and distant views. Figure 1 of the LVIA also includes a landscape masterplan which identifies opportunities for strengthening of landscaping within the site to provide screening and enhancement of open spaces. The LVIA makes the following conclusions with respect to the development's effects on the surrounding landscape:
- "Effects on character notably reduce within relative close proximity of the Site owing to the semi-enclosed nature of the surrounding suburban landscape, particularly to the north and west. From the south and east the new development would form the foreground to an existing area of residential development. Within the wider landscape context the effects on landscape character would be less apparent."
 - "The key receptors are residents in immediately adjacent properties and people using the Dales High Way long distance trail that passes along the northern edge of Skipton Moor to the south of the Site. There would be a major visual effect upon the private visual amenity of residents that overlook the Site. Separation would generally be provided from existing properties by rear gardens or new buffer planting."
 - "The proposed development responds sympathetically to the local landscape and the surrounding residential context and has been designed to minimise visual intrusion through the avoidance of developing the most visible part of the site and the rounding off of the existing built form. The proposed layout also provides a positive green infrastructure network for footpaths and access to a new public open space. The proposal would generally be discreet in the wider landscape and forms an appropriate development within the eastern portion of Skipton."
- 9.28 The photomontages in the LVIA include viewpoints both immediately adjacent to the site and from distant vantage points up to 3.5km away. In wider landscape terms, it is apparent that the most sensitive views of the site would be from vantage points to the north (around the A6131 - The Bailey) and south (Dales High Way on Skipton Moor).
- 9.29 In views from the north, the site is seen behind the Elsey Croft development which appears as a prominent foreground feature marking the edge of the settlement on higher ground in relation to Moorview Way. While the proposed development would envelope elevated land to the south of Elsey Croft, this pattern of housing 'stepping up' onto higher ground is a characteristic of the existing settlement pattern further west of the site. Despite the southerly rise in levels across the site, this steepens considerably beyond the site boundary up to Skipton Moor. The development includes the provision of a wide L-shaped buffer of open space, the depth of which ranges between 30m and 60m alongside the southern perimeter. Importantly, this buffer incorporates the highest land on the southern fringes of the site where no development is proposed. The landscape masterplan in Figure 1 of the LVIA also provides for the introduction of a planting buffer alongside the eastern and southern edges of the housing to increase screening within this area. As a result, the development's effects of 'creeping' up the moorland would be substantially mitigated.
- 9.30 In views from the Dales High Way to the south the development would be seen against the backdrop of existing housing on Moorview Way and Elsey Croft which extends to the east of Shortbank Road. Development off Aldersley Avenue and Lytham Gardens would also provide a backdrop to the west, though the significant buffer of open space to the western fringes of the site would have the effect of somewhat detaching the development from this urbanised fringe. Instead, the development would be viewed as a southerly extension to Moorview Way on land which, in vantage points from Dales High Way, would appear as low lying. From this vantage point, and having regard to the mitigation provided by buffers of landscaping and open space to the southern fringe, the site is seen as being contained by the built-up edge of Moorview Way and the change in levels is less apparent.

- 9.31 In closer vantage points from Moorview Way, the LVIA recognises that there would be a “major visual effect” on views from surrounding dwellings and to users of the footpath through to Shortbank Close. This is, however, a result of the high magnitude of change which would be experienced as a result of altering the current view from the rear/side of these dwellings. It is not to say that the development would have a “major visual impact” impact on the amenity of those properties, but that the change in their view from an open, undeveloped field to a residential estate would represent a high magnitude of change in comparison to the existing scenario. This would be the case for any development proposed on an open field where a current, unimpeded view would be interrupted by the introduction of buildings.
- 9.32 The proposed development, by virtue of its size and scale, would result in a significant incursion of urbanisation into the open countryside which would erode its openness and diminish some of the characteristics of the Moorland landscape of which it forms a component. This is, however, an inevitable consequence of any greenfield development in the open countryside and it does not follow that this, in itself, should translate to a refusal of permission. In this case, the harm to the surrounding landscape would be substantially mitigated by: (i) the siting of housing on predominantly lower lying land which is closely related to and seen in conjunction with the built-up edge of the settlement comprising existing dwellings on Elsey Croft and Moorview Way; and (ii) the retention of a deep undeveloped buffer of open space to the southern and western areas of the site, including the introduction of landscaping within these areas. When considered in combination, these measures would ensure that the level of harm to the surrounding landscape is minimised in order to preserve a sense of naturalistic openness to the most sensitive areas of the site.
- Layout, scale and design:***
- 9.33 The proposed dwellings would be laid out in three main parcels following an L-shaped layout as follows:
- Parcel A – 42 plots to the north side of the estate road bordering Moorview Way – all but four of which would be two storeys in height (with the remainder being split level 2/3 storey).
 - Parcel B – 32 plots meandering around the southern/south-eastern fringe of the estate road including a mix of 2, 2.5 and 2/3 storey units.
 - Parcel C – 24 plots to the southwestern parcel between two cul-de-sacs comprising a mix of two and 2/3 storey units.
- 9.34 The layout of the development would place the proposed dwellings alongside the existing built-up fringe of Moorview Way, with open spaces providing buffers straddling Jenny Beck and the adjoining recreation ground to the west, and with higher ground to the south.
- 9.35 Dwellings on Moorview Way to the north include a mix of detached, semi-detached and terraced two storey houses to the western end and bungalows to the eastern stretches of the cul-de-sac which are mostly detached. The overwhelming majority of the proposed houses bordering Moorview Way would be two storeys in height. The exception to this is four split level 2/3 storey plots orientated at right angles to detached bungalows at the eastern end. Elsewhere, split level 2/3 storey dwellings would be grouped together on higher land at the edges of parcels B and C and 2.5 storey plots would be located to the south of 2 storey dwellings.
- 9.36 The proposed development would necessitate re-contouring of the current topography to create level thresholds for the new dwellings. In the majority of cases, and particularly on the higher parts of the site, this would involve excavating up to 4m of ground to reduce the steepness of slopes. Some ground raising of up to approximately 2.5m would, however, be required on parcel A flanking Moorview Way. When considered in combination with these level changes, the location, distribution and grouping of housing within the site would create character areas which utilise existing topographical changes to minimise the visual impact of taller house types and facilitate a continuous ‘stepping down’ of ridgelines towards Aldersley Avenue and Moorview Way.
- 9.37 The external surfaces of all house types would comprise artificial stone walls below slate effect roofs. Elevations would comprise simple facades with a sense of rhythm between dwellings afforded

through consistent windows proportions and protruding garages, porches and canopies to the ground floor. Where dormers are proposed (four plots in total), these would comprise small dormer windows located centrally and discreetly within the roof space.

- 9.38 The proposal, by virtue of its layout, scale, materials and design, would be compatible with the density and character of surrounding development and would maintain a spacious, open aspect and landscape strengthening to sensitive areas adjoining open pastureland. The proposed housing would be viewed against the backdrop of dwellings on Moorview Way and Elsey Croft to the north and would be assimilated in the surrounding landscape as an extension to the built-up fringe of the settlement. Accordingly, it is not considered that the development would have any unacceptable harmful effects on the character and appearance of the area or the wider landscape.

Amenity:

- 9.39 There are no saved Local Plan policies setting out specific criteria for residential developments outside Development Limits with respect to their effects on the amenity of existing occupiers. Nevertheless, the fourth bullet point to paragraph 17 of the NPPF states that one of the core planning principles of the Framework is to “always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings”.
- 9.40 The closest neighbouring dwellings border the northern boundary of the site on Moorview Way. These include a mix of two storey houses (western end) and bungalows (eastern end). A narrow footpath linking Moorview Way with the recreation ground on Shortbank Close intervenes between the side of two storey dwellings at nos. 170, 172, 228, 230 and 272 Moorview Way and the site. While two storey houses are orientated at right angles with their side elevations facing onto the site, bungalows to the eastern end (with the exception of nos. 274 and 296 which maintain a side-facing aspect) back onto the site. These bungalows are, however, set on higher ground in comparison to the neighbouring two storey houses on Moorview Way.
- 9.41 With the exception of four split-level 2/3 storey plots, all dwellings bordering Moorview Way would be two storeys in height. Where side-to-side relationships would occur between existing and proposed dwellings, these would be laid out in broad alignment with each other (incorporating flanking gables) and a minimum separation of 11m would be achieved. Where back-to-back or back-to-side relationships are proposed a minimum spacing of 22m would be achieved.
- 9.42 Principal (habitable room) windows are proposed in the front and rear elevations of the dwellings. The only windows in side elevations facing towards Moorview Way would be for non-habitable bathroom and landing areas. The level of spacing achieved between the existing and proposed dwellings would be in excess of that currently afforded between houses on Moorview Way (e.g. a back-to-back spacing of approximately 19-19.5m between nos. 272/230 and 228/172) and, accordingly, would be compatible with the density and spacing of surrounding development. It is also noted that the landscape masterplan in Figure 1 of the LVIA shows the introduction of a planting buffer along the northern site boundary where it flanks bungalows on Moorview Way in order to provide screening between these buildings.
- 9.43 While objections have been received from neighbouring occupiers concerning the loss of views across open fields, it is an established principle of the planning system that the ‘loss of a view’ is not a sustainable reason to refuse planning permission. Instead, the question is whether a proposed development, by virtue of its specific characteristics and relationship with surrounding buildings, would have an unacceptable impact on the amenity of neighbouring occupiers which ought to be protected in the wider public interest.
- 9.44 Although dwellings on the site would occupy an elevated aspect (up to *circa* 2.5m) in relation to properties on Moorview Way, the level of separation, orientation, fenestration arrangement and scale of the proposed dwellings would ensure that the development does not have any undue effects on the privacy and amenity of neighbouring occupiers through overlooking, overshadowing or loss of outlook. Similarly, commensurate spacing would be achieved between dwellings within the site in order to ensure appropriate living conditions for future occupiers.

- 9.45 All detached garages would be of a single storey height reaching 2.6m to eaves and 4.5m to ridge. None of these garages would be positioned adjacent to existing dwellings on Moorview Way and their siting and height would ensure that they do not appear as oppressive or imposing features in the outlook of surrounding properties.

Highways:

- 9.46 CDLP policy T2 indicates that development proposals will be permitted provided that they are appropriately related to and do not generate volumes of traffic in excess of the capacity of the highway network.
- 9.47 In addition, the fifth development principle for site SK013 set out in ELP policy SP5 indicates that:
- Access to the site is to be gained from Moorview Way. A traffic impact assessment will be required.
- 9.48 The second and third bullet points to paragraph 32 of the NPPF stipulate that planning decisions should take account of whether:
- Safe and suitable access to the site can be achieved for all people.
 - Improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

Access:

- 9.49 Vehicle access is to be gained through the easterly extension of Aldersley Avenue into the site from its current junction with The Oval and Hillside Crescent. The existing crossroad junction would be realigned to give priority to traffic travelling along on Aldersley Avenue and the creation of priority (give way) junctions for The Oval and Hillside Crescent. Visibility splays of 2.4m x 40m would be achieved at the crossroad junction with Aldersley Avenue. All existing garages would be demolished to provide a 5.5m wide estate road flanked by 2m footway. Traffic calming features would be introduced along the estate road in the form of speed humps and raised tables to slow vehicles when approaching internal and external junctions.
- 9.50 Additional access for pedestrians and cycles would be achieved through the provision of three separate linkages permeating through the northern boundary onto the footpath running between Moorview Way and Shortbank Close. Two linkages would be 2m in width and a third would be 4.5m wide to provide a secondary access for emergency vehicles (with vehicle access restricted by a demountable bollard).
- 9.51 The Local Highway Authority have raised no objections to the proposed means of access to the site subject to conditions requiring details of access construction, junction realignment, visibility splays and delivery of off-site highway works.
- 9.52 ELP policy SP5 suggests that access to the site should be gained from Moorview Way. A number of objections have been received from neighbouring residents concerning any proposed means of vehicle access between the site and Moorview Way. The application is accompanied by a Transport Assessment (TA) which includes a design for the realigned crossroad junction onto Aldersley Avenue and the junction capacity assessment in the TA demonstrates that this access is suitable to serve the volume of traffic generated by the development. This is not contested by the Local Highway Authority who consider that a single point of access onto Aldersley Avenue is acceptable, subject to the introduction of appropriate traffic calming measures on the approach to the crossroad junction.
- 9.53 Notwithstanding the limited weight that can be attached to ELP policy SP5, it is not considered that there is any specific justification to require vehicle access to be taken from Moorview Way. Therefore, access between the site and Moorview Way will be restricted to pedestrians, cycles and emergency service vehicles.

9.54 The proposed access arrangements would provide a safe and suitable means of access to the site for vehicles, cycles and pedestrians in accordance with CDLP policy T2 and the NPPF. Appropriate conditions have been imposed as recommended by the Local Highway Authority.

Traffic generation:

9.55 With reference to the Trip Rate Information Computer System (TRICS) database, the TA estimates that the development would generate 59 vehicle movements during the AM peak (8am-9am) and 61 vehicle movements in the PM peak (5pm-6pm). This equates to approximately 1 vehicle movement per minute during peak periods.

9.56 With reference to census data for workplace destinations of residents in Skipton, the TA includes an analysis of trip distribution and assignment onto surrounding highways and junctions. The development's effects on the capacity of the following junctions during the peak morning and evening periods has been assessed. This analysis includes an 'in combination' impact assessment which combines predicted development traffic with other committed developments at North Parade (112 dwellings) and Elsey Croft (107 dwellings):

- Aldersley Avenue/Shortbank Road;
- Otley Road/Newmarket Street/Brougham Street;
- Newmarket Street/High Street/Swadford Street; and
- Swadford Street/Keighley Road.

9.57 The TA identifies that the development trip generations demonstrate that the maximum predicted peak hour quantum of trips at the Newmarket Street/High Street/Swadford Street and Swadford Street/Keighley Road junctions are 23 and 17 vehicles respectively. As the level of trips falls below the 30-movement threshold set out in DCLG guidance where further junction capacity analysis would be required, the TA concludes that the development would not have any material impact on the operation of these two junctions.

9.58 With respect to the Aldersley Avenue/Shortbank Road and Otley Road/Newmarket Street/Brougham Street (mini-roundabout) junctions the TA indicates that, in the worst case scenario (during the busiest 15 minute period), the development is predicted to increase the average queue by 1 vehicle and the average delay by 7 seconds at the mini-roundabout junction. The TA suggests that this impact will be imperceptible and "certainly not severe" as both junctions will continue to operate within capacity for 'with' and 'without' development flows. Accordingly, the TA concludes that no off-site mitigation works are required to alleviate the development's effects on surrounding junctions.

9.59 The TA includes an analysis of accident data for the 5 year period between 01.01.12 and 31.05.16 which covers areas on Shortbank Road and Newmarket Street up to the junction of Newmarket Street/Otley Road, including Aldersley Avenue and the proposed site access. The TA indicates that, over the 5 year period, there have been a total of 3 recorded accidents within the study area, all of which were 'slight' (i.e. none 'serious' or 'fatal'). Accordingly, the TA concludes that there is no specific accident concern in the area which would be exacerbated by the development.

9.60 The traffic generation, trip distribution, junction capacity and accident analysis undertaken in the TA provide a proportionate assessment of the development's impact on the surrounding highway network, both individually and in combination with other committed developments in the locality. The Local Highway Authority have not raised any objections to the conclusions set out in the TA and it is noted that the site is allocated for a development of up to 100 dwellings in the ELP. The TA demonstrates that the proposed development would not have a "severe" impact on the capacity of the surrounding highway network, either adjacent to or further away from the site. Accordingly, the development would not create conditions prejudicial to highway safety and is in compliance with the requirements of CDLP policy T2 and the NPPF.

9.61 The applicant has submitted a Travel Plan (TP) in support of the application. The TP considers the site's accessibility by modes of transport other than private car and identifies objectives, targets and a series of measures to encourage future occupiers to travel by more sustainable modes of

transport. The TP indicates that the implementation, monitoring and review of the TP will be achieved through the appointment of a Travel Plan Co-ordinator. The implementation of the TP can be secured through condition.

Parking:

- 9.62 The overwhelming majority of dwellings would benefit from a minimum of two in-curtilage parking spaces, with all properties having at least one space (excluding garage provision). Six visitor parking spaces would also be provided within laybys to the side of the estate road. The Local Highway Authority consider the level of parking provision to be sufficient. A condition has been imposed requiring the parking spaces for each dwelling to be constructed before the associated dwelling is first brought into use.

Developer contributions and viability:

- 9.63 Paragraph 204 of the NPPF indicates that planning obligations should only be sought where they meet all of the following tests:
- necessary to make the development acceptable in planning terms;
 - directly related to the development; and
 - fairly and reasonably related in scale and kind to the development.
- 9.64 A development of the size proposed would be required to make contributions towards the delivery of affordable housing (at a rate of up to 30% of the total, subject to viability) and open space in accordance with ELP policy H2, policy SRC2 of the CDLP and the NPPF. The Local Education Authority (NYCC) have also requested an off-site financial contribution towards the provision of new primary school places.
- 9.65 With respect to ensuring that contributions to be achieved through planning obligation do not prejudice a scheme's viability, paragraphs 173 and 205 of the NPPF state that:
- Pursuing sustainable development requires careful attention to viability and costs in plan-making and decision-taking. Plans should be deliverable. Therefore, the sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.
 - Where obligations are being sought or revised, local planning authorities should take account of changes in market conditions over time and, wherever appropriate, be sufficiently flexible to prevent planned development being stalled.

Affordable Housing:

- 9.66 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.
- 9.67 There is no adopted policy in the CDLP relating to the provision of affordable housing. However, policy H2 of the ELP (as updated following the Full Council meeting on 19.12.17) seeks affordable housing at a minimum rate of 30% for schemes of 11 dwellings or more. The weight which can be attached to ELP policy H2 (albeit in relation an earlier, pre-publication version of the plan which included a requirement for 40% affordable housing provision) has been tested at a recent public

inquiry relating to an appeal at Elsey Croft, Skipton (appeal reference APP/C2708/W/16/3150511). Paragraph 9 of the Inspector's decision concludes as follows in this respect:

- "Policy H2 of the emerging *Craven Local Plan* seeks affordable housing at a rate of 40% for schemes of 11 dwellings or more. However, it is at a very early stage of preparation with the consultation period for the pre-publication consultation draft concluding at the time of the inquiry. The consultation exercise identified a number of objections to Policy H2, and so I am of the view that the policy can carry no more than very limited weight."

- 9.68 Despite the absence of an adopted Local Plan policy concerning the provision of affordable housing and the 'very limited weight' which can be attached to ELP policy H2 (though its requirements have changed since the abovementioned appeal), the delivery of affordable housing is an objective of the NPPF and so is a material consideration which must be given significant weight.
- 9.69 The Council's Strategic Housing Market Assessment (SHMA) identifies a need for 145 affordable dwellings per annum in the district. While this cannot translate into a policy requirement, it is nevertheless clear that the evidence in the SHMA provides a strong indication of ongoing need for affordable housing in the district.
- 9.70 Taking all the above into account, it is considered that a requirement for 30% of the dwellings to be provided as affordable housing is justified in this case.
- 9.71 The applicant has provided a viability appraisal which outlines estimated build costs for the development and anticipated values/revenues. The appraisal indicates that the development would incur significant abnormal costs associated principally with the proposed land re-contouring works, retaining structures and bespoke foundations required to deal with topographical changes across the site.
- 9.72 The viability appraisal has been assessed by the District Valuation Office (DVO) and numerous alternations have been made to cost and revenue estimates as a result of negotiations occurring over several months. Following these negotiations, the DVO concludes that the development is capable of delivering affordable housing at a rate of 18.56% of the total (equating to 18 units). However, as the calculation in the DVO's report included an off-site contribution for education which, for the reasons set out below, cannot be required from this development, the level of affordable housing has increased to 20% of the total (equating to 20 units) in order to offset the omission of the education contribution. This position is accepted by the Council's Strategic Housing Service.
- 9.73 The applicant has identified 20 units (equating to 20% of the total) to be delivered as affordable homes in 2 pockets to the northeast and northwest corners of the site. These would comprise a mix of 14 x 2 bed; and 6 x 3 bed dwellings. The Council's Strategic Housing Service have indicated their support for this mix and distribution of affordable housing and consider that their tenure should include a split of 6 shared ownership units (the Alnwick and Bickleigh house types) and 14 affordable rented units (the Hanbury and Brampton house types).
- 9.74 The scheme's provision for 20 of the dwellings to be delivered as affordable housing, and the inclusion of an appropriate mix and distribution of that housing, is a substantial social benefit which weighs heavily in favour of the proposal. The delivery of affordable housing is to be secured through a planning obligation as set out in the resolution below.

Open Space

- 9.75 CLDP policy SRC2 requires new residential developments to provide local open space "within or close to the site" commensurate with the size and nature of the development.
- 9.76 The submitted plans include the provision of approximately 2.7 hectares of informal open space on the site and connections through to the recreation ground on Shortbank Close. The Council's Sports Development Officer considers that on-site provision is sufficient to meet the development's requirements for informal play, but that an off-site contribution of £140,000 is necessary to meet the balance of youth and adult play and recreational space requirements under policy SRC2 which would not be met through the proposed on-site provision. This contribution would be used for the

provision, improvement and/or future maintenance of open space to address local deficiencies in youth and adult play and recreation space.

- 9.77 The delivery of the on-site public open space can be secured through an appropriately worded planning condition which will set alongside the wider landscape management plan for the site. The payment of the off-site contribution of £140,000 is to be secured through a planning obligation as set out in the resolution below.

Education

- 9.78 The Education Authority (NYCC) have requested that the applicant makes a contribution of £329,703 towards the provision of new primary school places in the area. Whilst paragraph 72 of the NPPF indicates support for developments that ensure “a sufficient choice of school places [are] available to meet the needs of existing and new communities”, this does not translate into a policy requirement for applicants to make financial contributions towards the delivery of new school places. While ELP policy INF6 will (once adopted) allow such contributions to be sought in the future by providing the policy basis for these, there is presently no adopted Local Plan policy to support this requirement. Accordingly, there are insufficient grounds to require the applicant to make the financial contribution requested by the Education Authority in accordance with the Community Infrastructure Levy Regulations.

Other matters:

Flooding

- 9.79 The site falls wholly within Flood Zone 1 (land with a less than 1 in 1,000 or <0.1% annual probability of river/sea flooding) as defined on the Environment Agency’s Flood Map. However, as it is over 1 hectare in area a Flood Risk Assessment (FRA) has been submitted with the application.
- 9.80 Paragraph 100 of the NPPF states that “inappropriate development in areas at risk of flooding [land within Flood Zones 2 and 3; or land within Flood Zone 1 which has critical drainage problems and which has been notified to the local planning authority by the Environment Agency] should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere”.
- 9.81 The submitted FRA considers the site’s risk of flooding from separate sources. As the whole of the site fall within flood zone 1, the risk from fluvial flooding is considered to be low. The FRA notes that the watercourse running on higher ground along the southern boundary (Jenny Beck) is “in a small valley and has a limited catchment area. Any flows in the beck are therefore contained within this valley and would not reach the proposed residential development.”
- 9.82 The FRA indicates that flood risks from overland flows and rainwater would be mitigated by a combination of: (i) flows from higher land to the south being channelled around the site via Jenny Beck; (ii) the introduction of storm water attenuation systems to deal with discharges up to a 1 in 100 year rainfall event (including allowances for climate change and urban creep); (iii) the inclusion of an overland flow flood route; (iv) the setting of floor levels for the dwellings a minimum of 300mm above existing ground levels.
- 9.83 The submitted FRA includes an indicative drainage strategy for the development based on the following principles:
- The geology of the site, and specifically the depth of overlying clays, means that infiltration systems and soakaways are not feasible.
 - A surface water discharge rate to the existing watercourse of 5 l/s/ha (14.5 l/s for the whole site) is proposed. This is below the current agricultural discharge rate and, accordingly, represents a betterment in comparison to the existing scenario. In order to reduce the discharge rate to this level, estimated volumes of storm water attenuation storage are 504 m³ for the 1 in 30 year storm and 724 m³ for the 1 in 100 year storm, with the latter rising to 1067 m³ when factoring in a 30% allowance for climate change.

- Attenuation systems can take the form of open swales, ponds or detention basis, or engineering solutions including underground tanks and over-sized pipes to store storm water and limit the rate of discharge from the site.
- If the site is developed with attenuation systems and an agreed discharge rate reduced to agricultural rates of discharge, there would be no increase in the flood risk to properties off site or in the drainage networks downstream of the site.
- Risks from overland flows can be minimised by providing a flood water route through the site to direct flood flows away from existing and proposed housing.
- The floor levels of the proposed buildings should be a minimum of 300mm above the existing ground level.

9.84 Neither the LLFA or Yorkshire Water have raised any objections to the proposed drainage scheme. Instead, conditions have been recommended requiring: (i) no discharge of surface water to the local surface water sewer; (ii) the submission of a detailed drainage strategy to restrict surface water discharge from the site to a rate of 5 litres per second per hectare as set out in the FRA, including appropriate flow attenuation mechanisms and 30%/10% allowances for climate change and urban creep respectively; (iii) a flood routing plan to deal with exceedance of peak rainfall events. This can be controlled through condition. Therefore, adequate measures can be put in place in order to ensure that the development poses no unacceptable risk in terms of flooding in accordance with the requirements of the NPPF.

Ecology

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

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

9.86 The application is accompanied by an ecological survey which includes an impact assessment of the development's effects on protected habitats and species and sets out necessary mitigation measures. The survey identifies that the site is dominated by semi-improved grassland used by grazing animals which is of low ecological value. Habitats of greatest value include strips of 'less improved' grassland, trees and riparian habitats straddling watercourses alongside the southern boundary and to the west of the site. The ecology survey identifies that these areas have the potential to provide habitats for breeding amphibians (though not great crested newt), bats and common birds (associated with perimeter trees). No evidence of badger or water vole was present on the site. A separate survey for bats and white-clawed crayfish on the site concludes that:

- Bats – "Survey results suggest that bats do not have any dependence on Jenny Beck and that potential impacts to it during the construction or operation of the proposed development do not require specific mitigation in respect of this group. Bats clearly roost in local housing and commute across the Site to their foraging grounds. The current proposals do not present impacts on features which could be important to bats and it is likely that in the longer term they could benefit local populations by providing structures such as homes and gardens to roost in and forage around. The proposals should incorporate integrated roost features as there is a good chance of their uptake."
- Crayfish – "Given that no crayfish were observed within the impact footprint, specific precaution relating to direct impacts should not be required. However, although no crayfish were observed during this survey, the presence of bull head in the stream and the potential for crayfish to occur down-stream means that precautionary mitigation should still be put in place. Mitigation would involve the retention of the maximum extent of open watercourse within the site as is possible. Measures should also be put in place to prevent the release of silt or pollution from the site into the watercourse during construction or operation of the Site."

These measures should be secured through the conditioning of a suitable Construction Environment Management Plan CEMP detailing measures such as silt traps and settlement areas, and a suitable Drainage Plan showing the interception, storage and settlement of surface water.”

- 9.87 The ecology survey concludes that the development will not impact adversely on any protected habitats and species as the most important habitat features (the perimeter grassland, trees and watercourse, will be retained as a buffer of open space. In terms of mitigation, the ecology survey includes recommendations with respect to:
- The preparation of an Ecological Management Plan.
 - Appointment of an Ecological Clerk of Works to advise in minimising the loss of and/or translocation of valuable grassland habitat.
 - A construction Environment Management Plan.
 - Avoiding clearance of vegetation during the bird breeding season (March to August).
- 9.88 The proposed development layout follows the principles set out in the ecology survey by retaining existing trees to the perimeter of the site and incorporating buffers of open space within areas identified as valuable grassland and riparian habitats alongside the watercourse. Biodiversity enhancements would also be delivered through the provision of additional landscaping along the boundaries of the developed site and around the banks of the watercourse.
- 9.89 Natural England have not raised any objections to the development based on its potential effects on designated statutory nature conservation sites. With respect to local, site-specific impacts, the Yorkshire Wildlife Trust have indicated that conditions should be imposed to secure the mitigation measures set out in the ecology survey. In particular, conditions are recommended with respect to the provision of: (i) an Ecological Management Plan; and (ii) the presence of an Ecological Clerk of Works during the construction phase.
- 9.90 The site is not designated for its nature conservation value and has habitats of limited value which are unlikely to support any protected species. The development layout would ensure that habitats of greatest importance are preserved and appropriate mitigation measures would be put in place and biodiversity enhancements delivered as part of the development to ensure compliance with the objectives of paragraph 109 of the NPPF.

Trees

- 9.91 Criteria (1) and (2) of CDLP policy ENV10 state that the Council will seek to safeguard trees protected by a preservation order and within conservation areas from harm or unjustifiable loss.
- 9.92 Groups of trees to the southwest of the site bordering Lytham Gardens and to the northwest bordering the Shortbank Close recreation ground are protected by TPO. The proposed development would ensure a significant stand-off distance with these specimens in order to avoid any adverse effects on TPO trees. The Council's Tree Officer has recommended that conditions are attached to any permission granted requiring the installation of protective fencing around those trees to be retained and the submission of a detailed landscaping scheme to supplement the indicative scheme set out in the landscape masterplan.

Archaeology

- 9.93 Paragraph 128 of the NPPF requires applicants to assess the significance of any heritage assets with archaeological interest affected by developments through appropriate desk-based and, where necessary, field evaluations. In addition, paragraph 141 of the Framework requires developers to record and advance understanding of the significance of any heritage assets to be lost in a manner proportionate to their importance.
- 9.94 The application is accompanied by an archaeological desk-based assessment which has been evaluated by the County Archaeologist. The desk based assessment concludes that the site has

archaeological potential for prehistoric to Roman remains and recommends that field evaluation is required to confirm the site's archaeological potential.

- 9.95 The County Archaeologist agrees with the approach set out in the desk-based assessment and concludes that as “the type of archaeology expected [i.e. domestic evidence from the prehistoric and Romano-British periods] would be unlikely to form a constraint on development” the necessary field evaluations could be secured through a planning condition requiring these to be carried out before any development commences. Therefore, measures can be put in place in order to ensure that the development does not unacceptably impact on heritage assets with archaeological significance and that arrangements are made for the recording of any assets which would be lost in accordance with the requirements of the NPPF.

10. Conclusion

- 10.1 The application seeks full planning permission for a residential development of 98 dwellings and *circa* 2.7 hectares of open space on an irregularly shaped parcel of land extending to approximately 5.7 hectares on the south-eastern fringe of Skipton. The site falls outside the Development Limits identified on the Craven District (Outside the Yorkshire Dales National Park) Local Plan Proposals Map and is therefore within an area of open countryside. The land is, however, identified as a housing allocation (site reference SK013) for up to 100 dwellings under policy SP5 of the Emerging Local Plan (ELP).
- 10.2 The site occupies a sustainable location for housing which is well connected and accessible to services in Skipton. The scheme, with respect to the quantum and layout of housing and green infrastructure, follows the general development principles identified in ELP policy SP5. In addition, it is not considered that the Council is able to robustly demonstrate a 5 year supply of housing land for the purposes of paragraph 47 of the NPPF. 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.
- 10.3 The proposed development, by virtue of its location, size and scale, would result in a significant incursion of urbanisation into the open countryside which would erode its openness and diminish some of the characteristics of the Moorland landscape of which it forms a component. Nevertheless, the harm to the surrounding landscape would be substantially mitigated by the siting of housing in relation to the built-up edge of the settlement, the use of topographical changes to minimise its visual impact and the provision of deep, undeveloped buffers of open space to the southern and western areas of the site, including the introduction of landscaping within these areas. The layout, scale, density, design and materials of the housing would be compatible with the character of the area and surrounding buildings, and 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 surrounding occupiers through loss of outlook, overshadowing or overlooking.
- 10.4 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. The development would deliver appropriate contributions towards affordable housing and open space commensurate with the scheme's viability and measures can be put in place to ensure that the proposal has no adverse effects with respect to trees, flooding, ecology and archaeology.
- 10.5 The benefits arising as a result of the development would outweigh any adverse effects of granting permission. Therefore, the proposal is considered to comprise sustainable development in accordance with relevant local and national planning policies.

11. Recommendation

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

- (i) The provision, tenure, delivery mechanism, occupation criteria and phasing for 20 of the dwellings (equating to 20% of the total) to be provided as affordable housing (as defined the National Planning Policy Framework) in accordance with the size, mix, layout and distribution identified on drawing no. AAS-2015-002J.
- (ii) A financial contribution of £140,000 towards the off-site provision, improvement and/or future maintenance of open space to address local deficiencies in youth and adult play and recreation space.

Authority is delegated to the Head of Planning to **GRANT** Planning permission subject to the following conditions:

Time limit for commencement (T)

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 (L)

2. This permission relates to the following plans:
 - Drawing no. AAS-2015-001A – Scale 1:1250 location plan.
 - Drawing no. AAS-2015-002J – Proposed planning layout.
 - Drawing no. AAS-2015-003A – Proposed site sections sheet 1 of 2.
 - Drawing no. AAS-2015-004A – Proposed street scenes.
 - Drawing no. AAS-2015-005 – Proposed site sections sheet 2 of 2.
 - Drawing no. AAS-AN-WD16 – The Alnwick.
 - Drawing no. AAS-BK-WD16 – Bickleigh.
 - Drawing no. AAS-BR-WD16 – The Brampton.
 - Drawing no. AAS-CD-WD16 – Chedworth.
 - Drawing no. AAS-CCA-WD16 – Clayton corner.
 - Drawing no. AAS-CR-WD16 – Cragside.
 - Drawing no. AAS-HB-WD16 – Hanbury.
 - Drawing no. AAS-HB(sp)-WD16 – Hanbury split level.
 - Drawing no. AAS-HT-WD16 – Hatfield.
 - Drawing no. AAS-RS-WD16 – Roseberry.
 - Drawing no. AAS-RS(sp)-WD16 – Roseberry split level.
 - Drawing no. AAS-RF-WD16 – Rufford.
 - Drawing no. AAS-RF(sp)-WD16 – Rufford split level.
 - Drawing no. AAS-SU-WD16 – Souter.
 - Drawing no. AAS-WS-WD16 – Winster.
 - Drawing no. AAS-WY-WD16 – Wycliff split level.
 - Drawing no. SGD-01 – Single/double garage.
 - Drawing no. SGD-02 – Single/double garage.

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

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

Before you commence development (P)

3. Details of finished floor levels and external ground levels for each plot shall be submitted to and approved in writing by the Local Planning Authority before any development at that plot takes place. The development shall thereafter be implemented in accordance with the duly approved details.

Reason: To ensure a satisfactory relationship between the new dwellings and between the development and surrounding buildings before any ground works take place to establish site levels in the interests of residential and visual amenity in accordance with the requirements of the National Planning Policy Framework.

4. Notwithstanding any description of materials in the application, no above ground works shall take place until full details of all materials to be used on the external surfaces of the dwellings have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials. The development shall thereafter be implemented in accordance with the duly approved materials.

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

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

- (i) A phased programme and methodology of site investigation and recording to include:
 - The proper identification and evaluation of the extent, character and significance of archaeological remains within the application area through a targeted archaeological evaluation and area excavation.
 - An assessment of the impact of the proposed development on the archaeological significance of any remains.
- (ii) A programme for post investigation assessment to include:
 - Analysis of the site investigation records and finds.
 - Production of a final report on the significance of the archaeological interest represented.
- (iii) provision for publication and dissemination of the analysis and report on the site investigation.
- (iv) provision for archive deposition of the report, finds and records of the site investigation.
- (v) nomination of a competent person(s) or organisation to undertake the work set out in the approved WSI.

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

Reason: To ensure that a suitable programme of archaeological investigation is implemented prior to the commencement of construction works in order to record and advance the understanding of the archaeological and historical significance of the site for archival and research purposes in accordance with the requirements of the National Planning Policy Framework.

6. Notwithstanding any details submitted with the application, no development shall take place until a report containing details of an investigation and risk assessment to determine the nature and extent of any contamination on the site (including whether it originates on the site) has been submitted to and approved in writing by the Local Planning Authority. The submitted report shall include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - human health;

- property (existing or proposed) including buildings, crops, livestock, pets, woodland, and service lines and pipes;
 - adjoining land;
 - groundwaters and surface waters;
 - ecological systems; and
 - archaeological sites and ancient monuments.
- (iii) an appraisal of any remedial options required and a proposal for the preferred option(s) to form a remediation strategy for the site.

The development shall thereafter be carried out in full accordance with the duly approved remediation strategy and a verification report submitted to and approved in writing by the Local Planning Authority before any of the dwellings hereby approved are first occupied.

Reason: To prevent pollution of the surrounding environment and to ensure the safe development of the site before any groundworks take place in the interests of the amenity of future occupiers and other sensitive receptors in accordance with the requirements of the National Planning Policy Framework.

7. No above ground works shall take place until details of all crime prevention measures to be incorporated into the development have been submitted to and approved in writing by the Local Planning Authority. The crime prevention measures should set out how the comments made by North Yorkshire Police in their letter dated 21st September 2016 have been addressed and/or mitigated. The development shall thereafter be carried out in full accordance with the duly approved details.

Reason: In order to limit opportunities for crime and disorder in accordance with the requirements of paragraphs 58 and 69 of the National Planning Policy Framework and Section 17 of the Crime & Disorder Act 1998.

8. No above ground works shall take place until a scheme for the layout, design and construction of all roads and footways for the development has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following details:
- a) Detailed engineering drawings to a scale of not less than 1:250 based upon an accurate survey showing:
 - the proposed highway layout, including the highway boundary;
 - dimensions of any carriageway, cycleway, footway, and verges;
 - visibility splays;
 - the proposed buildings and site layout, including levels;
 - accesses and driveways;
 - drainage and sewerage system;
 - lining and signing;
 - traffic calming measures;
 - all types of surfacing (including tactiles), kerbing and edging.
 - b) Longitudinal sections to a scale of not less than 1:500 horizontal and not less than 1:50 vertical along the centre line of each proposed road showing:
 - the existing ground level;
 - the proposed road channel and centre line levels;
 - full details of surface water drainage proposals.
 - c) Full highway construction details including:
 - typical highway cross-sections to scale of not less than 1:50 showing a specification for all types of construction proposed for carriageways, cycleways and footways/footpaths;

- cross sections at regular intervals along the proposed roads showing the existing and proposed ground levels;
 - kerb and edging construction details;
 - typical drainage construction details.
- d) Details of the method and means of surface water disposal.
- e) Details of all proposed street lighting.
- f) Drawings for the proposed new roads and footways/footpaths giving all relevant dimensions for their setting out including reference dimensions to existing features.
- g) Full working drawings for any structures which affect or form part of the highway network.
- h) A timetable for completion of the works detailed in a) to g).

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

Reason: To ensure a satisfactory standard of engineering works for the construction of roads and footways to serve the development and to provide satisfactory facilities for vehicle access, circulation and manoeuvring in the interests of highway safety in accordance with the requirements of Craven District (Outside the Yorkshire Dales National Park) Local Plan policy T2 and the National Planning Policy Framework.

9. No development shall take place until a scheme for the layout, design and construction of the site access at the crossroad junction with Aldersley Avenue/The Oval/Hillside Crescent (the indicative layout of which is shown on drawing no. 14096/GA/01 forming Appendix D of the Transport Assessment) has been submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing with the Local Planning Authority, the scheme shall include provision for:
- (i) Priority amendments to the crossroad junction and the provision of suitable visibility splays with eye and object heights of 1.05 metres.
 - (ii) The crossing of the highway verge and/or footway to be constructed in accordance with North Yorkshire County Council's Standard Detail E6 or another specification which has first been submitted to and approved in writing by the Local Planning Authority.
 - (iii) The first 5 metres of the access road extending into the site from the carriageway of the existing highway shall be at a gradient not exceeding 1 in 12 and its final surfacing shall not contain any loose material that is capable of being drawn onto the highway.
 - (iv) The prevention of surface water from the site discharging onto the existing or proposed highway.
 - (v) Tactile paving in accordance with current Government guidance.

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

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.

10. Except for the purposes of constructing the site access, there shall be no access by vehicle traffic between the existing and proposed highway until splays providing clear visibility of 2 metres x 2 metres measured down each side of the access and the back edge of the footway of the existing highway have been provided. The eye height shall be 1.05 metres and the object height shall be 0.6 metres. Once created, the visibility splays shall be maintained clear of any obstructions thereafter.

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

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

- (i) The provision of tactile paving.
- (ii) Unless otherwise agreed in writing with the Local Planning Authority, the provision of three footway connections to Moorview Way in the positions shown on drawing no. ASS-2015-002J. One of these connections shall be 4 metres wide to provide a shared footway, cycleway and emergency access with lockable bollard.

The duly approved off-site highway works shall be implemented and made available for use: in the case of (i), before any of the dwellings to be served by the relevant area of tactile paving are first occupied; and in the case of (ii) before 25% of the dwellings are first occupied.

Reason: To secure improvements to the highway network in order to ensure safe and convenient access for pedestrian and vehicle traffic in the interests of road safety and to promote modal shift and increased use of sustainable methods of travel in accordance with the requirements of Craven District (Outside the Yorkshire Dales National Park) Local Plan policy T2 and the National Planning Policy Framework.

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

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

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

Reason: In order to ensure that appropriate measures are put in place before any development commences to limit the potential for noise, nuisance and disturbance to the occupiers of neighbouring properties during the construction of the development in accordance with the requirements of the National Planning Policy Framework.

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

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

- (iii) Details of the foundations of any building, hardstandings and/or boundary treatments to be constructed within the root protection areas of those trees within and/or overhanging the site to be retained.

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

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

14. No above ground works shall take place until a scheme for the disposal of foul and surface water from the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme 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) and shall follow the principles set out in the Flood Risk Assessment by Haigh Huddleston & Associates dated July 2016 (report reference E15/6358/FR01A Rev A). Unless otherwise agreed in writing with the Local Planning Authority, the scheme shall include:

- (i) Separate systems for the disposal of foul and surface water.
- (ii) Measures to ensure that no surface water is discharged to the public sewer network.
- (iii) Details of all attenuation and flow/volume control measures (including the use of SUDS where appropriate) to be implemented to ensure that the post development rate of surface water discharge from the site to any soakaway or watercourse generated during rainfall events up to and including the 1 in 100 year event does not exceed 14.5 litres/second for the whole site.
- (iv) Details of ground exceedance and/or flood pathways to deal with exceedance flows in excess of the 1 in 100 year rainfall event and to ensure that runoff for all events up to the 1 in 30 year event are completely contained within the drainage system (including the use of areas to hold or convey water).
- (v) Details of how the system will be maintained and managed after completion.

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

Reason: To ensure that the development is not at an unacceptable risk of flooding and does not increase flood risk elsewhere (including an appropriate allowance for climate change and urban creep) in accordance with the requirements of the National Planning Policy Framework.

15. No above ground works shall take place until a scheme for the provision and future maintenance of the areas of Public Open Space shown on drawing no. AAS-2015-002J has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the size, layout, design, a schedule of works and future maintenance arrangements for the Public Open Space, and a timetable for its provision. The Public Open Space shall be provided in accordance with the details and timetable contained within the duly approved scheme, and shall be maintained as such thereafter for use as Public Open Space.

Reason: To ensure that the development contributes towards the provision and future maintenance of recreational open space in the vicinity of the site in order to avoid a deficiency in the quantity and quality of recreational open space in the locality and to ensure that the impact of the development on the character of the surrounding landscape is adequately mitigated in accordance with the

requirements of Craven District (Outside the Yorkshire Dales National Park) Local Plan policy SRC2, policy SP5 of the Publication Draft Craven Local Plan and the National Planning Policy Framework.

16. No development shall take place until a Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the Local Planning Authority. The LEMP shall include:
- a) Details of the role, responsibilities and operations to be overseen by an Ecological Clerk of Works.
 - b) A description and evaluation of features to be managed.
 - c) Ecological trends and constraints on site that might influence management.
 - d) Aims and objectives of management.
 - e) Appropriate management options for achieving aims and objectives.
 - f) Prescriptions for management actions.
 - g) Preparation of a work schedule, including an annual work plan capable of being rolled forward over a five-year period.
 - h) Details of the body or organisation responsible for implementation of the plan including details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured with the management body(ies) responsible for its delivery.
 - i) Ongoing monitoring and remedial measures including, where the results from monitoring show that conservation aims and objectives of the LEMP are not being met, how contingencies and/or remedial action will be identified, agreed and implemented so that the development continues to deliver the fully functioning biodiversity objectives of the LEMP.

The LEMP shall be implemented, and subsequently monitored, reviewed, managed and maintained, in accordance with the duly approved details and the timetable contained therein.

Reason: In order to ensure adequate protection of existing landscape features of ecological value and to achieve appropriate landscape and biodiversity enhancements as part of the development in accordance with the requirements of the National Planning Policy Framework.

17. No development shall take place until a Construction Environment Management Plan (CEMP) setting out details of measures to protect watercourses within the site during construction has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include details of:
- a) The extent of open watercourse(s) within the site to be retained and the parts to be culverted.
 - b) The siting, height and design of any protective barrier to provide a construction exclusion zone around the watercourse(s).
 - c) Measures to prevent the release of silt and pollution from the site into the watercourse both during and after construction.
 - d) A drainage plan showing the interception, storage and settlement of surface water.
 - e) A timetable for implementation

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

Reason: To ensure that appropriate mitigation measures are put in place to safeguard the nature conservation interest and habitat value of the watercourse before any development takes place in accordance with the requirements of the National Planning Policy Framework.

During building works (c)

18. No clearance of any un-grazed grassland, trees, scrub or dense tall herbs in preparation for or during the course of development shall take place during the bird nesting season (March to August inclusive) unless an ecological survey has first been submitted to and approved in writing by the Local Planning Authority which demonstrates that the vegetation to be cleared is not utilised for bird nesting. Should the survey reveal the presence of any nesting species, then no clearance of any

vegetation shall take place during the bird nesting season until a methodology for protecting nest sites during the course of the development has been submitted to and approved in writing by the Local Planning Authority. Nest site protection shall thereafter be provided in accordance with the duly approved methodology.

Reason: In order to prevent any habitat disturbance to nesting birds in accordance with the provisions of the Wildlife and Countryside Act 1981 (as amended) and the National Planning Policy Framework.

19. Notwithstanding any details shown on the approved plans, within three months of development first taking place a soft landscaping scheme for the site shall be submitted for the written approval of the Local Planning Authority. The scheme shall demonstrate compliance with the Landscape Masterplan forming Figure 1 of the Landscape and Visual Assessment by Pegasus Group dated August 2016 (report reference YOR.2422_007A) and shall include details of:
- (i) all trees, hedgerows and any other vegetation on/overhanging the site to be retained;
 - (ii) compensatory planting to replace any trees or hedgerows to be removed as part of the development;
 - (iii) the introduction of native planting buffers to the northern, eastern and southern edges of the development, and within the areas of open space to the south and west of the site;
 - (iv) the introduction of additional planting within the site which forms part of the internal development layout and does not fall within (i), (ii) or (iii); and
 - (v) the type, size, species, siting, planting distances and the programme of planting of hedges, trees and shrubs.

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

Reason: To ensure appropriate strengthening of existing landscaping on the site, to provide adequate screening for parts of the development and to provide biodiversity enhancements in accordance with the requirements of Craven District (Outside the Yorkshire Dales National Park) Local Plan policies ENV2 and ENV10 and the National Planning Policy Framework.

20. Notwithstanding any details shown on the approved plans, within three months of development first taking place details of the siting, height, design, materials and finish of boundary treatments (including any retaining walls) for each plot shall be submitted for the written approval of the Local Planning Authority. The boundary treatments for each plot shall be constructed in accordance with the duly approved details before the dwelling on each associated plot is first occupied, and shall be retained as such thereafter.

Reason: To achieve a satisfactory relationship between existing and proposed dwellings in the interests of privacy, to ensure that appropriate measures are put in place to secure the gardens of individual plots and to ensure the use of appropriate materials which are sympathetic to the character and appearance of the site and its surroundings in accordance with the requirements of Craven District (Outside the Yorkshire Dales National Park) Local Plan policy ENV2 and the National Planning Policy Framework.

Before the development is occupied (O)

21. Notwithstanding the provisions of Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any equivalent Order following the revocation and re-enactment thereof (with or without modification), no windows other than those expressly authorised by this permission shall be inserted in the north facing elevations of the

dwellings on plots 4, 13, 14, 21, 22, 28 and 37 (as identified on drawing no. AAS-2015-002J); and all windows permitted in the north facing elevations of those plots pursuant to this permission shall be obscurely glazed to a minimum of level 3 on the Pilkington Scale (where 1 is the lowest and 5 the greatest level of obscurity) before each associated dwelling is first occupied, and shall be retained as such thereafter.

Reason: In order to safeguard the privacy of adjoining residents by minimising the potential for overlooking of neighbouring dwellings and their garden areas in accordance with the requirements of the National Planning Policy Framework.

22. The vehicle access, parking, manoeuvring and turning areas for each dwelling shall be constructed and made available for use in full accordance with the details shown on drawing no. ASS-2015-002J before each associated dwelling is first occupied.

Reason: To ensure that suitable provision is made for vehicle access, parking and manoeuvring concurrently with the occupation of the dwellings 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.

23. Notwithstanding any details submitted as part of the application, none of the dwellings hereby approved shall be first occupied until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall demonstrate compliance with the principles of the Travel Plan by 'Optima' dated 25th August 2016 (report reference 14096) and shall contain:

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

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

Reason: In order to promote modal shift and increased use of sustainable methods of travel in accordance with the objectives of the National Planning Policy Framework.

Statement of Positive Engagement

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

Informative:

Highways:

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

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

It is recommended that before a detailed condition discharge submission is made a draft road and footway layout is prepared for discussion between the applicant, the Local Planning Authority and the Highway Authority in order to avoid abortive work.

Unsuspected contamination:

In the event that contamination is found at any time when carrying out the development that was not previously identified as part of the site investigations undertaken pursuant to the conditions of this permission, it should be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared and submitted for the written approval of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared and submitted for the written approval of the Local Planning Authority.

Environmental Health:

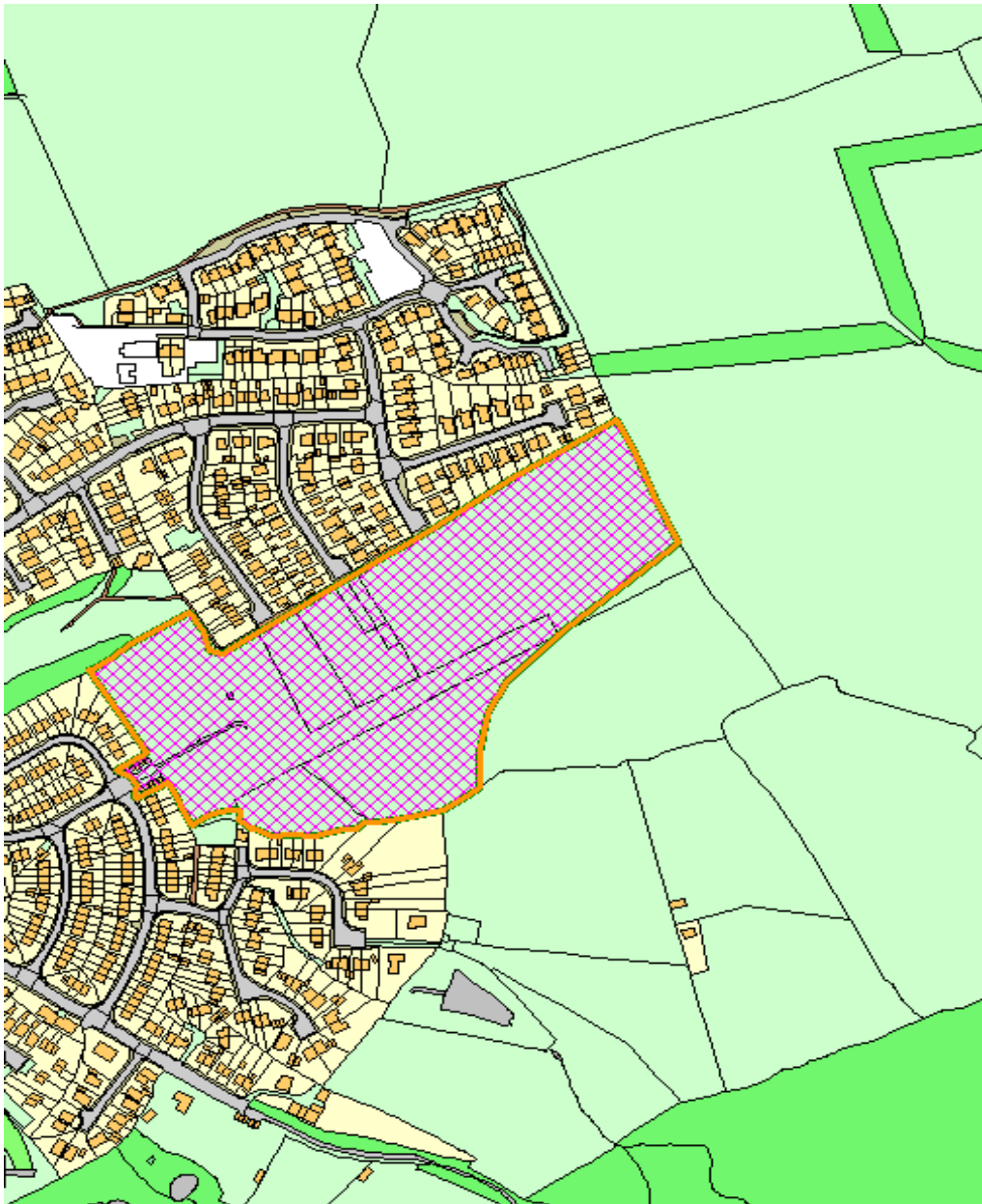
The applicant needs to have regard to the BS8233:2014 Guidance on 'Sound Insulation and Noise Reduction for Buildings' which presents guideline noise levels for both inside and outside dwellings.

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

Yorkshire water:

The developer should note that the site drainage details submitted have not been approved for the purposes of adoption or diversion. If the developer wishes to have the sewers included in a sewer adoption/diversion agreement with Yorkshire Water (under Sections 104 and 185 of the Water Industry Act 1991), they should contact their Developer Services Team (tel 0345 1208 482, email: Technical.Sewerage@yorkshirewater.co.uk) at the earliest opportunity. Sewers intended for adoption and diversion should be designed and constructed in accordance with the WRc publication 'Sewers for Adoption - a design and construction guide for developers' 6th Edition, as supplemented by Yorkshire Water's requirements.

The public sewer network is for domestic sewage purposes. Land and highway drainage have no right of connection to the public sewer network. An existing 6" diameter live water main is currently laid in a footpath of Aldersley Ave which may be affected by the site access improvements.



Application Number: 63/2016/17313

Proposal: Full application for the erection of 98 dwellings

Site Address: Aldersley Avenue Skipton North Yorkshire BD23 2LH

On behalf of: Persimmon Homes West Yorkshire

REPORT TO PLANNING COMMITTEE ON 30th July 2018

Application Number: 2018/19144/FUL

Proposal: Retrospective application for retention of 2 no. dwelling houses and associated new entrance and landscape works (08/2016/17629)

Site Address: Bank View Doctors Hill Low Bentham.

On behalf of: K&R Developments Ltd.

Date Registered: 11th May 2018

Expiry Date: 6th July 2018

Case Officer: Mr Mark Moore

1. Site Description

1.1 The application site comprises a former playing field located on the eastern side of Bank View (Doctors Hill) within the village of Low Bentham. The site slopes downhill from north to south and is elevated relative to the road and the land to the south. A number of mature trees were located in the southern part of the site but have since been removed although there is fairly extensive tree and hedgerow planting surrounding the south-eastern and north-eastern parts of the site. The trees to the north-east of the site are subject to a TPO.

1.2 To the south and west the site boundary is formed by Ellergill Beck and there are residential properties located immediately to the south of that. Residential properties adjoin the application site to the north. To the west of the application site is Doctors Hill and this road serves the access which is located at the northern end of the site. To the east is pastoral agricultural land and to the west on the opposite side of the road is a well-established area of tree planting.

1.3 Following planning permission granted in 2017 the site has been developed by the construction to two detached houses which are located towards the northern end and lie side by side at right angles to the adjacent road. As part of the development the profile of the site has been changed and comprises a level raised platform (on which the new housing stands) with a fairly steep embankment running along the southern edge where the site falls towards the adjacent Ellergill Beck.

Officer note: Although the site has extant planning permission the housing that has been built is not in accordance with that permission and this application therefore seeks to regularise the situation. Details of the changes to the approved scheme are set out below.

1.4 Although located centrally within the village the site is actually outside of the development limit boundaries identified by the 1999 Local Plan which skirt around the edges of the former playing field. The site is also identified as existing recreation/amenity space in the 1999 Local Plan. A number of utilities cross the site or have infrastructure on the site including a water main, an electric substation and easements for electricity cables and a high pressure gas pipeline. The site is also within an area identified as being a low risk former coal mining area.

2. Proposal

2.1 The application site has outline planning permission and a reserved matters approval for construction of two three bedroomed dwellings with integral garages and the construction of a new access onto Doctors Hill.

2.2 Two houses have been built on the site but not fully in accordance with the extant planning permissions and this application now seeks to regularise the development.

2.3 In a supporting statement the applicant's agent has commented that it was necessary to re-position the houses during the construction phase in order to avoid conflict with protective fencing around the trees covered by the TPO and to take into account easements for the electricity sub-station and the water mains to the south of the site. The change that has been made is that the dwellings are now

located 4m further to the north than was originally approved. In all other respects the development has been carried out in accordance with the extant permissions although it is noted that the original outline planning permission included highway conditions that have not been formally discharged.

- 2.4 The re-positioning of the houses has overcome the site constraints and has also enabled larger rear gardens to be provided and car parking to be incorporated to the side of each of the dwellings although the turning space forward (north) of the houses has been compromised and is now much tighter than as was originally proposed.
- 2.5 As development of the site has already taken place it has been possible to consider the landscaping of the site and the impact of the boundary treatments. In this case 1.8m timber fencing had been erected around the southern boundary of the western plot (House 1) which was in a prominent and elevated position that was highly visible, incongruous and out of character with the wider street scene. It was also apparent that the re-contouring of the site had resulted in the fencing appearing very obtrusive in terms of the outlook from the neighbouring properties located to the south of the site.
- 2.6 In order to overcome the above concerns the fencing has since been removed from the southern boundary of House 1 and a revised landscaping scheme has been submitted which has been agreed with the Councils Tree Officer. The amendment represents a 'softer' edge to the development and incorporates additional tree planting to the road frontage as well as indigenous shrub and hedgerow planting to the side of the beck.

3. Planning History

- 3.1 08/2016/16604: Outline planning permission for construction of two detached houses. Approved in August 2016.
- 3.2 08/2016/17629: Reserved matters (access, layout, appearance, landscaping and scale). Approved in February 2017.

4. Planning Policy Background

4.1 **Saved Policies in the Craven District (outside the Yorkshire Dales National Park) Local Plan:**

- ENV1: Development in the open countryside.
- ENV2: Requirements for development in the open countryside.
- ENV10: Protection of trees and woodlands.
- T2: Road Hierarchy.

4.2 **Submission Draft Local Plan:**

- SD1: The presumption in favour of sustainable development
- ENV1: Countryside and landscape
- ENV3: Good design

- 4.3 Paragraph 38 (6) of the Planning and Compulsory Purchase Act 2004 and paragraph 2 of the NPPF make it clear that development proposals are to be determined in accordance with the development plan unless material considerations indicate otherwise. At the present time the emerging Local Plan is at draft submission stage, has not been subject to an examination in public and has not as yet been formally adopted by the Council. For this reason the emerging policies in the draft Local Plan can only be afforded limited weight and 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 this application is to be assessed.

4.4 **National Planning Policy Framework**

4.5 **Planning Practice Guidance.**

5. Parish/Town Council Comments

- 5.1 No comments received from the Parish Council at the time of compiling this report.

6. Consultations

6.1 NYCC Highways:

The Highways Officer has no objections to the application and has recommended planning conditions requiring prior approval of; the construction of the access; provision of visibility splays; and, retention of the parking and turning areas.

Officer note: As this is a retrospective planning application it is not possible to apply pre-commencement conditions. It is proposed to re-word the standard Highways conditions in order that they can be relevant and meet the requisite legal tests.

6.2 CDC Tree Officer:

At the case officers request the Tree Officer commented on the application and verbally offered recommendations for improving the landscaping on the site. This, together with removal of unsightly boundary fencing to House 1, has resulted in a scheme that the Tree Officer has formally commented on and supports. He has also advised that the siting does not interfere with the root systems of any of the protected trees.

7. Representations

7.1 The application was advertised by way of a press notice on 18th May 2018, site notices on 25th May 2018 and by letters sent to adjacent occupiers on 17th May 2018.

7.2 The neighbours were subsequently notified by letter of amended plans showing revised landscaping proposals on 28th June 2018.

7.3 At the time of compiling this report there have been no third party representations received in relation to this application.

8. Summary of Principal Planning Issues

8.1 The impact of the proposed changes to the approved scheme.

9. Analysis

The impact of the proposed changes to the approved scheme.

9.1 In this case the principle of development of the application site has already been established and it is therefore not necessary to re-consider this aspect of the application. Specifically, the development that has been undertaken differs from the approved scheme only in the position of the houses which have been moved further to the north (by 4m) than was approved. For this reason it is only that change that needs to be considered in determining whether or not to grant retrospective planning permission.

9.2 In consequence the main considerations are the need to assess whether the revised siting of the houses has led to any of the following issues:

- Loss of amenity to the occupiers of neighbouring properties.
- Any adverse visual impact.
- Loss of highway safety.
- Impacts on protected trees.

9.3 Before addressing the above it is important to note that under both the relevant saved Local Plan policies and national planning policies it is necessary for local planning authorities to promote good design that *'contributes positively to making places better for people'* whilst ensuring that development does not give rise to any unacceptably adverse impacts. This, in summary, is the assessment that must be undertaken in respect of this application.

9.4 In terms of the impact to neighbouring properties and visual impact the amended siting of the new houses is closer to the properties to the north of the site than was previously approved and it is therefore the proximity to those properties that must be given consideration.

9.5 The neighbouring houses to the north front onto the main road and it is only the southernmost of these, 1 Bank View, which could potentially be affected. This property is actually located to the north-west of the nearest new house and would remain 20m away as well as being elevated comparative to the

application site and well screened by existing planting. For these reasons it is not considered that the re-siting has given rise to any loss of amenity to the nearest of the neighbouring houses.

- 9.6 To the south of the site the impact has potentially lessened given that the new houses are now further north and therefore it is considered there are no issues in respect of the interface and relationship to the existing houses facing onto the beck. It is also the case that the visually intrusive fencing has been removed from the site and is to be replaced by much more appropriate landscaping. This is considered to be beneficial to the outlook of the occupiers of the existing housing and to the general character and appearance of the street scene.
- 9.7 The re-positioning of the houses has little or no impact on the street scene and does not make the houses any more visually intrusive than they might have been under the approved scheme.
- 9.8 For the above reasons it is considered that the re-positioning of the houses has not given rise to any loss of amenity, visual impact or unacceptably adverse impacts on the neighbouring housing and is therefore acceptable as an alternative to the approved scheme.
- 9.9 The access to the site has not been altered where it adjoins the road although it has been amended within the site itself due to the compression of the hardstanding/turning areas within the northern part of the site. Parking forward of the integral garages has now given way to parking alongside and the space forward of the houses has been considerably reduced whilst the shared driveway itself has been widened within the site compared to the previously approved scheme. Nevertheless, there is sufficient turning space for vehicles to be able to enter and leave the site in forward gear and each property has adequate parking provision. For these reasons it is not considered that there are any highway safety implications arising from the amended siting of the housing. It is also noted that no objections to the application have been raised by the highway engineer.
- Officer note:** The access construction has not been approved by the local planning authority as required under condition 2 of the previous outline planning permission. It is proposed to re-stipulate this requirement and to make the trigger point of the condition prior to the occupation of the houses.
- 9.10 Finally, the re-siting of the houses has been carried out without impacting on the root protection zones of any of the protected trees to the north-east of the site and there is no tree loss associated with the development beyond that which had been sanctioned under the previous planning permission. Additionally, the applicant has incorporated improvements to both the hard and soft landscaping of the site which will result in a better relationship with the neighbouring houses and the surrounding area generally.

Conclusion:

- 9.11 It is considered that the revised location of the new houses does not give rise to any adverse impacts whatsoever and that the application represents sustainable development consistent with paragraph 14 of the National Planning Policy Framework that should be granted planning permission.

10. Recommendation

- 10.1 Approve with Conditions

Conditions

Approved Plans

- 1 This permission relates to the following plans:

Drawing no. 1232.P.3 A, P4 A, P5 A, P6 A, P7 A, P8 A received by the local planning authority on 29th March 2018 and 1232.P.30 E received 27th 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.

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

- 2 Prior to the occupation of the houses hereby granted approval the following highway works shall be carried out in accordance with the following:
- i) The details of the site access shall be submitted to and approved in writing by the local planning authority. The crossing of the highway verge and/or footway shall be constructed in accordance with the approved details and to the specifications of the Highway Authority
 - ii Any gates or barriers shall be erected a minimum distance of 6m back from the carriageway of the existing highway and shall not be able to swing over or to obstruct the highway.
 - iii) That part of the site access extending 6m into the site from the edge of the carriageway shall be constructed to a gradient that does not exceed 1 in 10.
 - iv) Details by which provision to prevent discharge of surface water from the site discharging onto the existing highway shall be submitted to and approved by the local planning authority. The approved details shall be implemented and maintained thereafter.
 - vi) There shall be no loose material capable of being drawn onto the highway used on the final surfacing of the access within 6m of any part of the public highway.

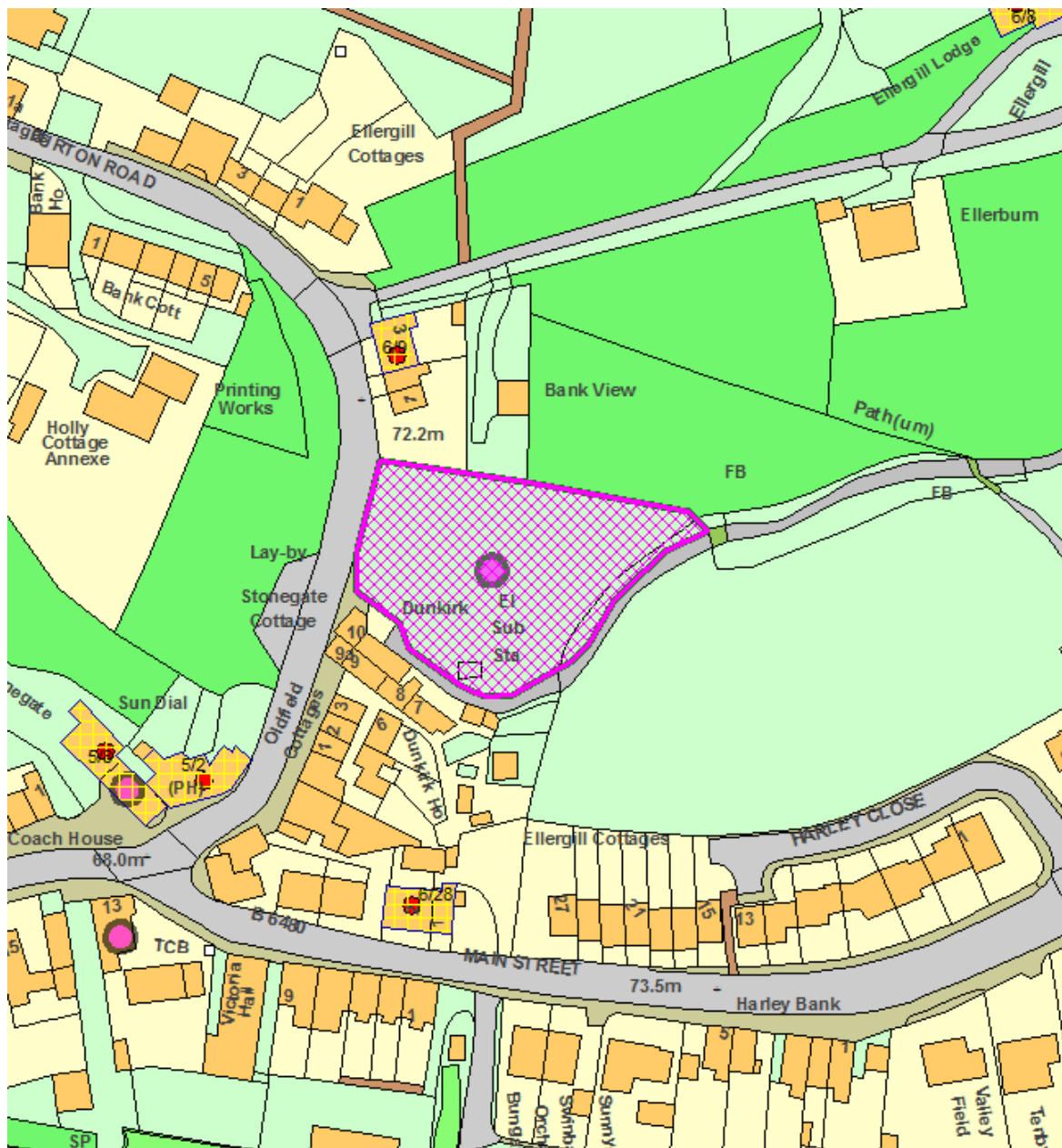
Reason: In the interests of highway safety.

- 3 Prior to the occupation of the houses hereby approved visibility splays providing clear visibility of 45m measured along both channel lines of the highway (Burton Road) from a point measured 2m down the centre line of the access road. The eye height shall be 1.05m and the object height shall be 1.05m. These visibility splays shall be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason: In the interests of highway safety.

Informatives

1. 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: 2018/19144/FUL

Proposal: Retrospective application for retention of 2 no. dwelling houses and associated new entrance and landscape works (08/2016/17629)

Site Address: Bank View Doctors Hill Low Bentham Lancaster

On behalf of: K&R Developments Ltd.

REPORT TO PLANNING COMMITTEE ON 30th July 2018

Application Number: 2018/19078/FUL

Proposal: Steel portal framed building for the purposes of storing stock and machinery

Site Address: Goosebutts Bark Lane Eastby BD23 6SL

On behalf of: Mr & Mrs Paul & Marion Wilby

Date Registered: 14th March 2018

Expiry Date: 9th May 2018

Case Officer: Miss Katie Chew

This application has been referred to committee by Councillor Shuttleworth due to concerns about the scale of the development on a small parcel of land and the landscape impact that is of wider public interest.

1. Site Description

- 1.1 The application site relates to a portion of agricultural land measuring approximately 3.1 acres in size. The piece of land is accessed via an existing track 'Bark Lane'; this lane adjoins Barden Road in Eastby. The piece of land is surrounding by agricultural fields in all directions and is located to the east of the centre of Eastby.
- 1.2 The application site is located outside of Development Limits as identified within the Craven District (Outside the Yorkshire Dales National Park Authority) Saved Local Plan (1999). The site is also located within the Middle Zone (330m) High – Major Hazard Pipeline.

2. Proposal

- 2.1 The application seeks planning permission to erect a steel portal framed building for the purposes of storing stock and machinery. The proposed building will measure approximately 13.8m x 13.8m, and will be constructed from pre-cast concrete panels, with Yorkshire boarding cladding. It will have an approximate ridge height of 5.2m, and the roof will be finished with fibre cement.
- 2.2 The agricultural building is to be constructed within the applicants holding which was purchased last year. It will be used for the storage of machinery, forage, straw and livestock. There is currently 7 acres available of further land which the applicant intends to rent. The applicant is set to retire from work in the near future and wishes to pursue retirement employment here at this site.
- 2.3 The applicant intends to have solar lighting and rainwater harvesting to service the building for when stock are housed. E.g. for lambing, during wet conditions and for security.

3. Planning History

- 3.1 No planning history post 1974.

4. Planning Policy Background

- 4.1 Submission Draft Local Plan (2018).
- 4.2 The National Planning Policy Framework (2012)
- 4.3 Planning Practice Guidance (2012)
- 4.4 Saved Policies ENV1, ENV2 and ENV13 of the Craven District (outside the Yorkshire Dales National Park) Local Plan.

5. Parish/Town Council Comments

5.1 Embsay Parish Council – Comments received 19th April 2018. The Parish Council is concerned that this application provides for an agricultural building which appears to be unduly prominent in an open countryside setting. Dark brown, grey and green colours to external surfaces is recommended. The Parish Council suggests it may be thought appropriate to seek confirmation as to the viability of the associated agricultural holding connected to the application and justification of the proposal. The Parish Council is also mindful of the need for sustainable drainage of roof and other hard surface water run off which is to be encouraged – as ultimately the run off will contribute to the increased risk of flooding at Bow Bridge.

6. Consultations

6.1 SABIC – Comments received 6th April 2018. SABIC have no observations to make in this instance, as it is approximately 7,700m the development will not affect pipeline apparatus.

6.2 NYCC Highways – Comments received 6th April 2018. There are no local highway authority objections to the proposed development.

6.3 National Grid Plant Protection – No comments received within statutory timescales.

6.4 Northern Gas Networks – Comments received 13th April 2018. Northern Gas Networks have no objections to the proposals, however there may be apparatus in the area that may be at risk during construction works and should the planning application be approved, then the promoter of the works should contact Northern Gas Works to discuss the requirements in detail. If diversionary works are required, they will be fully chargeable.

6.5 Environmental Health – Comments received 4th April 2018. Having considered this application, I have not identified any potential Environmental Protection issues that would give cause for concern. Further comments were received 11th April 2018. In respect to the application, there are no known contaminated land implications regarding the proposed development.

6.6 CDC Trees Officer – Comments received 18th May 2018. The tree is of a good quality and has amenity value along the public footpath. The roots will extend approximately 12 metres from the trunk. It is suggested that the building is located outside of this to ensure that the tree remains healthy in the future. Protective fencing should be installed to bs 5837 during construction.

Officer Note: revised plans were then received on 29th May 2018. The proposed building has been moved approximately 12 metres away from the trunk of the identified tree above. Therefore, further comments were received from the CDC Trees Officer on 1st June 2018, which state that the building has been moved out of the RPA of the mature Sycamore. It is also requested that a condition for protective fencing is provided.

7. Representations

7.1 Site Notice – Expired 4th May 2018.

7.2 Press Notice – Expired 19th April 2018.

7.3 Neighbour Letters – Expired 18th April 2018. A further 7 day consultation period was undertaken for neighbours due to the proposed building being moved further into the site away from the Sycamore tree to the east. This expired 14th June 2018.

7.4 One representation has been received from No. 19 Barden Road. They state:

'I wish to object very strongly against the application to erect an agricultural building or steep portal building at Goosebutts Field, Eastby... May I remind you, that it is in a Conservation Area, and why should somebody with a small field need such a large building anyway. its ridiculous. Next thing the owner will be wanting to apply for planning permission to building a house there, it is plainly obviously. Its blatant property speculation. I object strongly'.

8. Summary of Principal Planning Issues

8.1 Policy background and principle of development.

8.2 Visual impact upon the surrounding area.

8.3 Impact on neighbouring amenity.

8.4 Highway issues.

9. Analysis

Policy background and principle of development

- 9.1 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 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 '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.
- 9.2 Saved Local Plan Policies ENV1 and ENV2 are supportive of appropriate development in the open countryside in particular that which is essential for the efficient operation of agriculture and is undertaken in such a way that there is no unacceptable impact on the landscape and where the design relates to the setting. Other criteria under the saved policies require that there should be no adverse impact on public views, that the highway network can accommodate traffic generated by the development and infrastructure is in place to accommodate the development.
- 9.3 Saved Local Plan Policy ENV13 allows for new agricultural buildings provided they are located adjacent to an existing group of buildings, are of an appropriate scale and construction, do not impact upon sites of nature or conservation value and incorporate landscaping where necessary. In addition ENV13 requires that proposals should not have an unacceptable impact on the character of local settlements or the amenity of existing residents and that there is no conflict with other Local Plan policies or highway safety issues.
- 9.4 Draft Policy EC3 'Rural Economy' identifies that it is important to enable farm, forestry and other land-based businesses to build new and replacement buildings and infrastructure they need to function effectively. Proposals of this type will be supported provided that they accord with all relevant local plan policies and any relevant neighbouring plan policies, and will help to achieve sustainable development.
- Officer Note:** Saved Local Plan Policy ENV13 and Draft Policy EC3 do not specifically refer to 'hobby farming'; therefore these policies are not directly relevant to the consideration of the application. Notwithstanding, it is in officers opinion that the general principles set out within the policies can be considered in the determination of this application as it provides a broad outline on what is and isn't acceptable when constructing new agricultural buildings. Saved Policy ENV13 refers to new buildings having to be located adjacent to an existing group of buildings. In this case this would not be possible as the applicant only owns this parcel of land, the proposals are not part of an established farming business, and unfortunately there are no other agricultural buildings in close proximity to this land. However, it is considered that the proposed building is modest in scale and size and is set within the landscape and not in a prominent raised location. It is therefore considered that landscaping would not be necessary here and may, if provided, draw more attention to the proposed building and detract from the character and appearance of the area.
- 9.5 Under the NPPF there is a general presumption in favour of all forms of sustainable development and more specifically a requirement to support economic growth in rural areas by taking a positive approach to sustainable new development. In addition there are more general policy requirements that development should be of good design and not adversely impact upon the amenity of the occupiers of neighbouring properties. Paragraph 58 of the NPPF states that planning decisions should aim to ensure that developments will function well and add to the overall quality of the area (not just for the short term but over the lifetime of the development).
- 9.6 In terms of the degree of consistency of Saved Local Plan Policies with the NPPF, Saved Policy ENV1's definition of development limits is no longer material as they were defined in 1999 and are now

out of date. However, the contents of Saved Policy ENV1 with reference to seeking to maintain or enhance landscape character, as well as the contents of Saved Policies ENV2 and ENV13, are considered to be consistent with the aims of the NPPF in seeking to achieve sustainable development.

- 9.7 On the basis of the supporting information received within the application submission on the 6th March 2018, it is considered that although there is not a functional need for the proposed building as this is to be used by the applicant as 'hobby farming'. The proposal is considered to be appropriate development, which is of an appropriate scale and construction, it would not have any adverse impacts on the character and appearance of the area, and is required in order for the applicant to undertake this hobby. It is consistent with Saved Local Plan Policies ENV1, ENV2 and ENV13 and the NPPF and is therefore acceptable in principle.

Visual impact upon the surrounding area.

- 9.8 The proposed building would be of a standard agricultural design and materials, constructed from pre-cast concrete panels to the walls with fibre cement sheets to the roof. The building would measure approximately 190.57 sq. metres.
- 9.9 The proposed building would be located to the north-eastern side of the piece of land. Due to the openness of the site, there are public views from Barden Road where the junction of Bark Lane meets. Up along Barden Road are a number of trees which provide screening across to the east, therefore views would be restricted. At the top of Barden Road due to the topography of the land, the proposed building would be set down and therefore views would be limited. The proposed building would be located down Bark Lane in an agricultural field which is stepped back from the main highway and therefore will be somewhat isolated, it is therefore considered to be visually acceptable.
- 9.10 The design, materials, siting and level of the proposed building is such that it would sit well within the context of the landscape and in the context of farm buildings located further afield. The use of the Yorkshire cladding finish as proposed will help to minimise the visual impact the proposal would have upon the surrounding landscape. On this basis, the proposal is considered to be acceptable in terms of the impact upon the open countryside.

Impact on neighbouring amenity.

- 9.11 The building is to be used for the storage of machinery, forage, straw and livestock, it is considered unlikely that any noise or odour issues would arise from the proposed development. Environmental Health has raised no objections with regards to noise or odour nuisance.
- 9.12 Due to the proposed building having a large separation distance from neighbouring properties, there would be no overbearing or overshadowing impacts from the proposed development. As such the proposed development would not raise any adverse amenity issues.

Highway issues.

- 9.13 The proposal will utilise the existing access on Bark Lane, which adjoins Barden Road to the west. The Highway Authority has been consulted and has no objections to the proposal. Although there will be a slight increase to the usage of the road if the proposals are approved, it is not considered that this would be significant and that the proposal is acceptable in terms of highway safety.

Conclusion

- 9.14 Paragraph 14 of the NPPF states that where the development plan is absent, silent or relevant policies are out-of-date, granting planning permission unless; any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole.
- 9.15 In this instance it is considered that there are no adverse impacts that would significantly and demonstrably outweigh the benefits of the development, and planning permission should therefore be granted.

10. Recommendation

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

Condition

Time Limit for Commencement

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

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

Approved Plans

2. The permission relates to the following plans:
 - Site Location Plan, received 29th May 2018;
 - Block Plan, received 29th March 2018;
 - Proposed Floor Plan and Elevations, received 14th March 2018.

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

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.

Pre-commencement

3. Before any site activity is commenced in association with the development, barrier fencing shall be erected around the mature Sycamore tree located to the eastern 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 the 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.

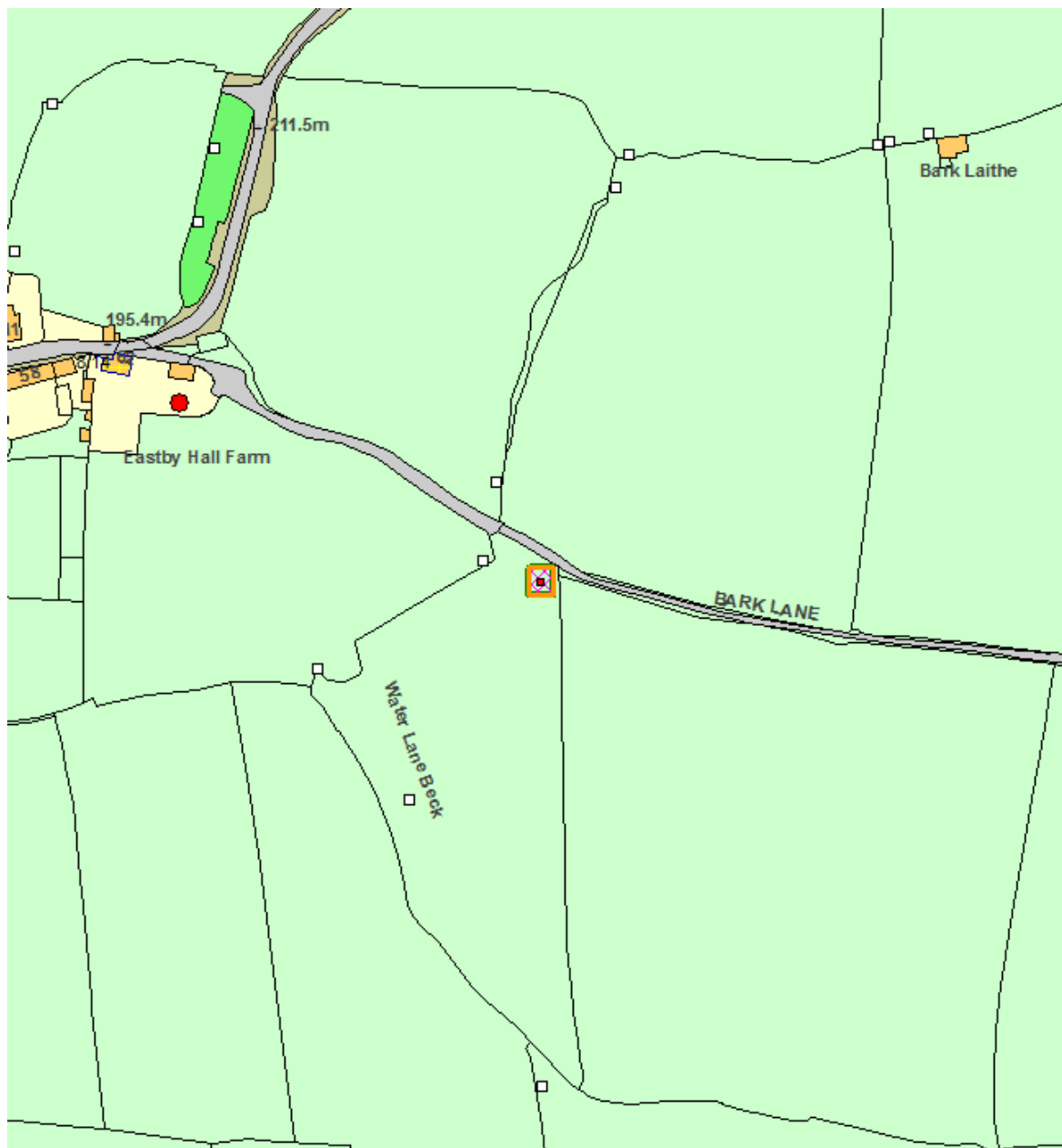
Ongoing Conditions

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

Reason: To ensure the use of appropriate materials which are sympathetic to the character of the open countryside in accordance with the requirements of Craven District (Outside the Yorkshire Dales National Park) Local Plan Policies ENV2 and ENV13, and the National Planning Policy Framework.

Statement of Positive Engagement: -

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



Application Number: 2018/19078/FUL

Proposal: Steel portal framed building for the purposes of storing stock and machinery

Site Address: Goosebutts Bark Lane Eastby BD23 6SL

On behalf of: Mr & Mrs Paul & Marion Wilby

REPORT TO PLANNING COMMITTEE ON 30th July 2018

Application Number:	2018/19441/VAR
Proposal:	Variation of condition 17 of outline application reference 63/2012/13167 granted 13th March 2013 to require highway improvement works to be approved before the occupation of 30 dwellings instead of prior to the commencement of the development.
Site Address:	Land At North Parade Skipton BD23 2ST
On behalf of:	Keyhaven Homes Limited
Date Registered:	26th June 2018
Expiry Date:	25th September 2018
Case Officer:	Mrs Gemma Kennedy

This application has been referred to Planning Committee at it is an application to vary a condition on an application previously considered by Planning Committee.

1. Site Description

- 1.1 The application site is approximately 4.2 acres of land situated on the eastern edge of the built-up area of Skipton, alongside the Horse Close and Greatwood housing estates. The site lies to the east of North Parade; to the south of Simbach Close, Hollingworth Close, and Greatwood Avenue; and southwest of Whinny Gill reservoir.
- 1.2 The site consists of a greenfield area of pasture land located on higher sloping ground to the south and east, with a smaller levelled playing field area fronting North Parade to the western end of the site.
- 1.3 There is an extant planning permission on the site for the construction of 105 houses, 32 of which would be affordable properties. The development will also include open and recreation space, a multi-use games area (MUGA) sports pitch, and a contribution towards NYCC education provision. The affordable housing, open space provision and educational contribution are all in the process of being secured with the applicant entering into a Section 106 agreement via a discharge of condition application (2018/19309/CND).

2. Proposal

- 2.1 In granting outline and reserved matters planning permissions, the Local Planning Authority imposed a range of planning conditions. These conditions range from securing the affordable housing, open space and education provision, to the materials used in the construction of the dwellings, as well as matters such as archaeology and drainage, and a number of conditions required by North Yorkshire County Council (NYCC) Highways Authority.
- 2.2 The current application seeks to vary the wording of condition 17 which requires the submission of details of highway improvement works to be submitted to, and approved in writing by the Local Planning Authority, in consultation with NYCC Highways Authority. The condition requires the details to be approved prior to any ground works taking place on site. The application was originally submitted with a proposal to change the wording to require those details to be submitted and agreed prior to the occupation of 30 dwellings on the site. However, following consultation with NYCC Highways Authority, the applicant has agreed to amend the wording to require the details be submitted and agreed prior to the occupation of any of the dwellings.

3. Planning History

- 3.1 63/2012/13167 – Construction of 114 dwellings, retail unit, and MUGA sports pitch. Outline application, all matters reserved except means of access. Approved 14/03/2013.

- 3.2 63/2015/15503 – Reserved matters application for the erection of 105 dwellings and associated infrastructure, MUGA sports pitch and areas of open space granted in outline consent reference 63/2012/13167 on 14 March 2013. Approved 02/08/2016
- 3.3 63/2015/15504 – Request for Environmental Impact Assessment screening opinion. EIA not required – 19/03/2015.
- 3.4 2018/19309/CND - Application to discharge condition no. 4 (materials), condition no. 5 (Flood Risk Assessment), condition no. 6 (foul and surface water drainage), condition no. 8 (archaeology), condition no. 9 (affordable housing), condition no. 10 (open space), condition no. 11 (education), condition no. 12 (engineering details), conditions 17 and 18 (highway improvements and road safety audit), condition 19 (construction access and parking), condition no. 21 (site compound details) and condition no. 22 (construction traffic management plan) on outline planning application referenced 63/2012/13167 granted 14 March 2013. Current application - not yet determined.
- 3.5 2018/19310/CND - Application to discharge condition no. 2 (footpath links) and condition no. 4 (designing out crime) on reserved matters planning application referenced 63/2015/15503 granted 02 August 2016. Current application - not yet determined.
4. Planning Policy Background
- 4.1 The National Planning Policy Framework
- 4.2 Guidance – Use of Planning Conditions (MHCLG – 2018)
- 4.3 Saved Policies ENV1, ENV2 and T2 of the Craven District (Outside the Yorkshire Dales National Park) Local Plan.
- 4.4 Draft Policy SP4 'Spatial strategy and housing growth' of the Submission Draft Craven Local Plan
5. Parish/Town Council Comments
- 5.1 Skipton Town Council: No comments received at time of writing this report. Any comments received will be provided at Planning Committee.
6. Consultations
- 6.1 NYCC Highways Authority: *"I note that the developer is requesting that all highway improvement works are to be approved before the occupation of the 30th dwelling instead of prior to commencement on site. Whilst this is not acceptable to allow units to be occupied the Local Highway Authority would allow construction on the site to start. However no units should be allowed to be occupied. This allows the developer to implement his permission but the site will only generate construction traffic before any highway works are agreed and implemented."* Received 04/07/2018
7. Representations
- 7.1 51 representations have been received. 45 of those representations relate to the principle of development on the site – they object to the construction of housing on the site, the loss of outdoor space, the impact upon schools and highways, and so on. However, the site already has planning permission for a housing development, and so objections to the principle of development on this site are not material planning considerations.
- 7.2 6 letters of representations have, however, raised comments that relate to the current application. The following is a summary of the points raised;
- Developer should make effective, proper highway improvements before any building works take place site. Level of site traffic means this is a necessity. Too many times Skipton developers have not only not made proper access along roads to sites, but have then gone on to cause damage to roads, residents property and vehicles and have caused traffic disruption too.
 - As Chair of the Greatwood and Horseclose Residents Association and Estate Committee I disagree with the proposal to build dwellings before road and access improvements have been carried out. The road access onto and within the estate are insufficient for residents without heavy plant and equipment being brought onto the proposed building area. I have already had meetings with the Head of NYCC Highways, Craven District and Skipton Town Council about the lack of car parking and the narrow roads on the estate. At present the estate has almost become grid locked at certain times of the day, making the estate a virtual one-way system due to lack of parking.

- It's imperative that this (roads) be addressed before any development commences.
- Developers should not be allowed to alter conditions when planning has already been passed. They should have to abide by regulations already in place.

8. Summary of Principal Planning Issues

8.1 The impact of the proposed amendments to the wording of condition 17 upon highway safety.

9. Analysis

9.1 **Policy background;**

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

9.3 The principle of residential development on this has already been established by the granting of outline planning permission 63/2012/13167 followed by reserved matters planning permission 63/2015/15503. These decisions were made following the consideration of Saved Local Plan Policies ENV1 and ENV2, which relate to development in the open countryside, alongside the NPPF. The current application is in relation to highway matters only, and so criterion 3 of Saved Policy ENV2 is of relevance, which requires that *'rural access roads can accommodate the traffic likely to be generated by the proposal'*. In consideration of the NPPF, paragraph 32 states that "Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe."

9.4 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 SP4 is considered to be applicable to this planning application, and states that residential development that is acceptable in principle should generate traffic that can be satisfactorily accommodated by the highway network. However, there are a number of unresolved objections to this policy. An assessment of the significance of these objections has not yet been made, and as such it is considered beneficial to adopt a precautionary approach and consider that less weight should be given to those draft policies that have outstanding objections than to those policies that have none. In conclusion, whilst some weight can be given to Draft Policy SP4 of the Submission Draft Craven Local Plan, the greater weight should remain with the Saved Local Plan Policies and the NPPF.

9.5 Finally, guidance on the use of planning conditions is set out at paragraph 206 of the NPPF, which states that planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. In addition, Government document 'Use of Planning Conditions' provides guidance for Local Planning Authorities on the requirements for using planning conditions, why and how they are imposed, and the use of pre-commencement conditions.

9.6 **Consideration of condition 17;**

9.7 The key point to consider is whether the proposed rewording of condition 17 would result in an severe adverse impact upon highway safety, that would make it necessary to refuse the application on transport grounds paragraph 32 of the NPPF (as referenced in paragraph 9.2 above).

9.8 NYCC Highways Authority were consulted on the outline planning application and agreed improvements to the mini roundabout at the Shortbank Road/Newmarket Street junction to address the capacity issues at that location, and the construction of a footway on the existing canal bridge to improve safety. NYCC Highways Authority recommended the following condition (condition 17) be imposed on the grant of outline permission, to ensure that the works (improvements to mini roundabout, construction of a footway, and additional works including traffic calming and tactile paving) would be undertaken;

- 9.9 *17. 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:*
- 9.10 *a) The details of the required highway improvement works, listed below, have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.*
b) An independent Stage 2 Safety Audit has been carried out in accordance with HD19/03 - Road Safety Audit or any superseding regulations.
c) A programme for the completion of the proposed works has been submitted.
The required highway improvements shall include:
a) Provision of tactile paving
b) Footway improvements including construction of new paved area across Cawder bridge and traffic calming features. Final design to be agreed.
c) Improvements to mini roundabout on New Market Street and Shortbank Road to improve capacity of junction. Design to be agreed.
d) Measures to control the speed of traffic on Greatwood Avenue.
Reason: To ensure that the details are satisfactory in the interests of the safety and convenience of highway users.
- 9.11 *The wording of the condition requires the details to be agreed before any works take place on site; "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..."*
- 9.12 *However, the condition does not require the works to be undertaken prior to any development taking place on site, only to be agreed. The following condition (18) requires that the highway improvements works have been constructed prior to the development being brought into use.*
- 9.13 **Consideration of proposed changes to condition 17;**
- 9.14 *The developer originally proposed the re-wording of the condition 17 to be changed such that the highway improvements could be agreed prior to the occupation of the 30th dwelling on the site. However, following consultation with NYCC Highways Authority, highways have suggested the wording be amended to require the highway improvements to be agreed prior to the occupation of any dwelling, an approach which the developer is in agreement with. The proposal is therefore to amend the wording of condition 17 to as follows;*
- 9.15 *17. No dwelling shall be occupied until;*
a) The details of the required highway improvement works, listed below, have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.
b) An independent Stage 2 Safety Audit has been carried out in accordance with HD19/03 - Road Safety Audit or any superseding regulations.
c) A programme for the completion of the proposed works has been submitted.
The required highway improvements shall include:
a) Provision of tactile paving
b) Footway improvements including construction of new paved area across Cawder bridge and traffic calming features. Final design to be agreed.
c) Improvements to mini roundabout on New Market Street and Shortbank Road to improve capacity of junction. Design to be agreed.
d) Measures to control the speed of traffic on Greatwood Avenue.
Reason: To ensure that the details are satisfactory in the interests of the safety and convenience of highway users.

- 9.16 The only change proposed is to the timing of the submission of details of the proposed highway improvements to the local planning authority. The proposal is to change the condition from a 'pre-commencement' condition (which requires the condition to be agreed and discharged prior to any works starting on site) to a standard condition, which would allow the developer to commence on site, and to agree the highway improvements before any of the dwellings are occupied. No changes are proposed to the highway improvements themselves, and condition 18 will remain in place, which will still require that the agreed highway improvement works must be constructed prior to the first use of the development.
- 9.17 **Pre-commencement conditions;**
- 9.18 The existing condition is a pre-commencement condition, which prevents any works from commencing on site before the condition is discharged. The applicant's agent has set out, in their letter submitted with the application, that in order to fully address the requirement of condition 17, specifically 17d which requires details of measures to control the speed of traffic on Greatwood Avenue, community consultation will need to be undertaken. The developer is unable to undertake the consultation prior to any development commencing on site, as the planning permission on the site expires on the 2nd August 2018. The proposed re-wording of the condition would allow the developer to commence on site in order to implement the planning permission, but would give the developer sufficient time to undertake the necessary public consultation to ensure a suitable scheme for traffic calming on Greatwood Avenue can be agreed and constructed prior to the occupation of any dwelling upon the site.
- 9.19 The existing 'pre-commencement condition' (condition 17) was imposed when the local planning authority granted outline planning permission on 14th March 2013. More recently the Government has discouraged local planning authorities from using pre-commencement conditions in granting planning permission. For example, at paragraph 007 dated 15th June 2018 of Government document 'Use of Conditions' it is stated that;
- 9.20 *"Care should be taken when considering using conditions that prevent any development authorised by the planning permission from beginning until the condition has been complied with. This includes conditions stating that 'no development shall take place until...' or 'prior to any works starting on site...'.
Such conditions should only be used where the local planning authority is satisfied that the requirements of the condition (including the timing of compliance) are so fundamental to the development permitted that it would have been otherwise necessary to refuse the whole permission (and from 1 October 2018 the applicant has given written consent to such a condition – see below).
A pre-commencement condition that does not meet the legal and policy tests may be found to be unlawful by the courts and therefore cannot be enforced by the local planning authority if it is breached. Development carried out without having complied with a pre-commencement condition would be unlawful and may be the subject of enforcement action."*
- 9.21 As is referenced in the extract above, whilst not applicable to this application, from 1st October 2018 Local Planning Authorities will be required to receive written agreement from an applicant before granting any planning permission which includes a pre-commencement condition.' This imminent requirement stems from the Government's White Paper 'Fixing Our Broken Housing Market' (February 2017) which recommends tackling the delays in the delivery of housing brought about by planning conditions. Pre-commencement conditions are particularly onerous, as they can prevent developers from commencing on site within the requisite period, and result in the expiry of planning permissions.
- 9.22 **Acceptability of proposed amendment to condition 17;**
- 9.23 The existing wording of condition 17 is standard of the conditions that have been recommended by NYCC Highways Authority, and are then imposed on decision notices by the local planning authority. If the condition was to be imposed on a current application officers would need to consider whether it would be compliant with the Governments guidance on the use of planning conditions. As set out at paragraph 9.19 above, the use of pre-commencement conditions should only be in circumstances where the requirements of the condition, and the timing of the compliance, are so fundamental to the development permitted that it would otherwise have been necessary to refuse the whole permission.

- 9.24 In this instance, the proposed re-wording of condition 17 will still require the necessary highway improvements to undertaken in line with a schedule to be agreed by the local planning authority in consultation with the highways authority. The proposed change would however allow development to commence on site, and as such associated construction traffic would access the site.
- 9.25 In the representations received that raise material planning considerations, concern has been expressed that to allow construction traffic onto the site before agreeing the highway improvements would be detrimental to the local area. Concern has been raised with regards to damage to roads, property and vehicle, traffic disruption, and that the existing road network within the estate is not suitable for the heavy plant and equipment that will be used on the site.
- 9.26 However, even if the developer were able to comply with the existing wording of condition 17, this would not make any difference to the timing of construction works. The existing wording of condition 17 does not require the highway improvement works to be completed before any development is commenced on site, but that the highway improvements should be agreed before any development is commenced on site. It is condition 18, which will remain the same, which sets out that the highway improvement works be constructed prior to the first use of the site. As such there would be no change in terms of when and how construction traffic would be brought onto the site. Therefore the concerns raised in the representations would not be affected by the proposed rewording of condition 17, and the proposal is considered to be acceptable in terms of highway safety, and accord with Saved Local Plan Policy ENV2 and Draft Local Plan Policy SP4.
- 9.27 **Conclusion;**
- 9.28 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:
- 9.29 *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*
- 9.30 *Specific policies in this Framework indicated development should be restricted.'*
- 9.31 In this case, the benefits of approving the application relate to the developers ability to commence on site within the requisite time period and move towards the delivery of affordable housing, market housing, open space provision as well as the contribution towards education on this site. The amended condition wording is compliant with the NPPF and Government Guidance on the Use of Planning Conditions.
- 9.32 The adverse impacts would relate to highway safety, however as the developers are still required to undertake the highway improvements required by condition 17, it is not considered that the changes to the wording of the condition would be detrimental to highway safety. In conclusion it is considered that there are no adverse impacts that would significantly and demonstrably outweigh the benefits of granting planning permission, and the proposal complies with the NPPF, Saved Policy ENV2 of the Craven District (Outside the Yorkshire Dales National Park) Local Plan and Draft Policy SP4 of the Submission Draft Craven Local Plan.
10. Recommendation
- 10.1 Approval
- Conditions
1. Condition 1 – discharged by the approval of reserved matters application 63/2015/15503.
 2. Condition 2 – discharged by the approval of reserved matters application 63/2015/15503.
 3. The development hereby permitted shall be begun not later than 2 years from the date of approval of the last reserved matters to be approved.

Reason: Permission has been granted to meet an identified shortfall in the 5 year land supply and therefore to meet this need the site needs to be genuinely deliverable within the next 5 years.
 4. Prior to the first use of any building facing materials and finishes, and surface material finishes for highways, footpaths, private drives and all other hard surfaces, details of those material shall be

submitted to and approved in writing by the Local Planning Authority prior to their first use on site. The development shall be carried out in full accordance with the approved details.

Reason: The details of materials required to be submitted under outline application 63/2012/13167 were not accepted in the reserved matters application, and details were required to be submitted in a discharge of outline application (condition 4).

5. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) dated 27 November 2012 and the following mitigation measures detailed within the FRA:

(i) Limiting the surface water run-off generated to greenfield run off rates (27.7 litres/sec/ha) so it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site. This applies for up to and including the 1 in 100 year (plus climate change) rainfall event.

(ii) Overland flow interception methods as detailed in the Flood Risk Assessment Addendum letter dated 22 January 2013, are implemented.

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

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site and to reduce the risk of flooding to the proposed development and the surrounding area.

6. No development shall take place until a scheme for the disposal of foul and surface water drainage, which is based on sustainable drainage principles and includes details of any balancing works and offsite works, has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved scheme.

Reason: To ensure that the site is properly drained.

7. Unless otherwise approved in writing by the Local Planning Authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works and no buildings shall be occupied or brought into use prior to the completion of the approved foul drainage works.

Reason: To ensure that no foul or surface water discharges take place until proper provision has been made for their disposal.

8. No development shall take place within the application area until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.

Reason: The site is of archaeological interest.

9. The development hereby permitted shall not begin until the Local Planning Authority has approved in writing a scheme to secure the provision of affordable housing as part of the development, together with an appropriate mechanism for delivery. The affordable housing shall be provided in accordance with the approved scheme.

In the case of on-site provision the scheme shall include:

(i) the numbers, type, tenure and location on the site of the affordable housing provision to be made in the development and shall be, in matters of tenure and type, in accordance with the findings of the North Yorkshire Strategic Housing Market Assessment 2011 or any replacement thereof; the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;

(ii) the arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing;

(iii) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and

(iv) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

Reason: To make provision for affordable housing in accordance with the requirements of the National Planning Policy Framework, the Council's adopted 'Interim Approach to Negotiating affordable Housing Provision', and the 2010 North Yorkshire Strategic Housing Market Assessment (SHMA) that provides evidence of the high need for affordable housing within Craven District.

10. The development hereby permitted shall not take place until either:

(i) Full details of public open space to serve the development in accordance with saved Policy SRC2 of the Craven District (Outside the Yorkshire Dales National Park) Local Plan have been submitted to and approved by the Local Planning Authority and agreement has been reached with the Local Planning Authority as to an appropriate mechanism for the delivery of the open space and its subsequent management and maintenance.

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

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

11. The development hereby permitted shall not begin until the Local Planning Authority has approved in writing a scheme to secure the provision of additional educational facilities as part of the development, together with an appropriate mechanism for delivery. The education provision shall be provided in accordance with the approved scheme.

Reason: Improvements towards education facilities are needed to accommodate the additional pressure that would arise from occupation of the development.

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

(1) Detailed engineering drawings to a scale of not less than 1:500 and based upon an accurate survey showing:

- (a) the proposed highway layout including the highway boundary
- (b) dimensions of any carriageway, cycleway, footway, and verges
- (c) visibility splays
- (d) the proposed buildings and site layout, including levels
- (e) accesses and driveways
- (f) drainage and sewerage system
- (g) lining and signing
- (h) traffic calming measures
- (i) all types of surfacing (including tactiles), kerbing and edging.

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

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

(3) Full highway construction details including:

- (a) typical highway cross-sections to scale of not less than 1:50 showing a specification for all the types of construction proposed for carriageways, cycleways and footways/footpaths
 - (b) when requested cross sections at regular intervals along the proposed roads showing the existing and proposed ground levels
 - (c) kerb and edging construction details.
 - (d) typical drainage construction details.
- (4) Details of the method and means of surface water disposal.
- (5) Details of all proposed street lighting.
- (6) Drawings for the proposed new roads and footways/footpaths giving all relevant dimensions for their setting out including reference dimensions to existing features.
- (7) Full working drawings for any structures which affect or form part of the highway network.
- (8) A programme for completing the works.

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

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

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

- 13.** 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.

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

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

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.

- 15.** There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until splays are provided giving clear visibility of 45 metres measured along both channel lines of the major road North Parade from a point measured 2.4 metres down the centre line of the access road. The eye height will be 1.05m and the object height shall be 0.6m. 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.

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

Reason: In the interests of road safety to provide drivers of vehicles using the access and other users of the public highway with adequate inter-visibility commensurate with the traffic flows and road conditions.

- 17.** No dwelling shall be occupied until;

- a) The details of the required highway improvement works, listed below, have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.
- b) An independent Stage 2 Safety Audit has been carried out in accordance with HD19/03 - Road Safety Audit or any superseding regulations.

- c) A programme for the completion of the proposed works has been submitted.

The required highway improvements shall include:

- a) Provision of tactile paving
- b) Footway improvements including construction of new paved area across Cawder bridge and traffic calming features. Final design to be agreed.
- c) Improvements to mini roundabout on New Market Street and Shortbank Road to improve capacity of junction. Design to be agreed.
- d) Measures to control the speed of traffic on Greatwood Avenue.

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

- 18.** The development shall not be brought into use until the scheme of highway improvement works submitted under condition 17 have been constructed in accordance with the details submitted to and approved in writing by the Local Planning Authority.

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

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

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

Informative: 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

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

- 20.** No dwelling shall be occupied until the related parking facilities have been constructed in accordance with the approved drawing. 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.

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

The approved areas shall be kept available for their intended use at all times that construction works are in operation.

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

- 22.** Prior to the commencement of development a construction traffic management plan to demonstrate how highway safety risks and disruption to other road users is to be controlled shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be implemented in accordance with the requirements of the approved construction traffic management plan.

Reason: In the interests of managing highway safety during the construction of the development, particularly given the proximity of a local primary school to the application site.

- 23.** During construction works there shall be no: Light Goods Vehicles exceeding 3.5 tonnes; Medium Goods Vehicles up to 7.5 tonnes; or Heavy Goods Vehicles exceeding 7.5 tonnes, permitted to arrive, depart, be loaded or unloaded on Sunday or a Bank Holiday nor at any time, except between the hours of 7:30am to 17:00pm on Mondays to Fridays and 8:00 to 12:30 on Saturdays.

Reason: To avoid conflict with vulnerable road users.

- 24.** 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.

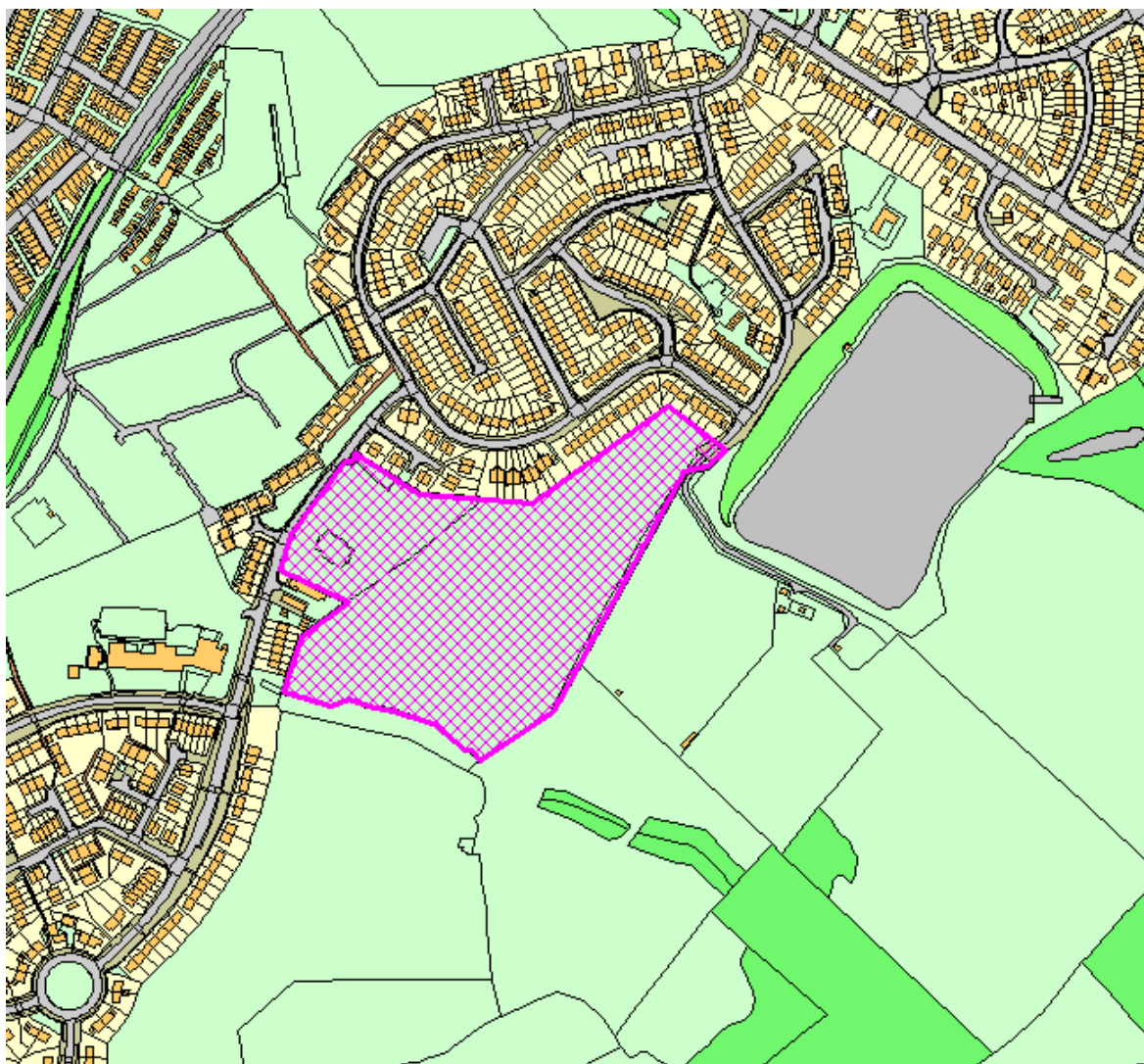
Reason: To establish measures to encourage more sustainable non-car modes of transport.

Informatives

1. All doors and windows on elevations of the building(s) adjacent to the existing and/or proposed highway shall be constructed and installed such that from the level of the adjacent highway for a height of 2.4 metres they do not open over the public highway and above 2.4 metres no part of an open door or window shall come within 0.5 metres of the carriageway. Any future replacement doors and windows shall also comply with this requirement.
2. Any projection overhanging the footway shall be securely fixed and no part shall be less than 2.4 metres above the footway level and no closer than 0.5 metres from the edge of the carriageway.
3. Precautions should be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site. Facilities should include the provision of wheel washing facilities where considered necessary. These precautions should be made available before any excavation or depositing of material in connection with the construction commences on the site and be kept available and in full working order throughout the construction period.
4. Northern Gas Networks Property Team confirmed that the easement protecting the gas main that crosses the site is forty feet in width, centred on the gas main. This means that no properties should be constructed within that easement and any work within that easement should comply with the terms of the easement.

Statement of Positive Engagement: -

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



Application Number: 2018/19441/VAR

Proposal: Variation of condition 17 of outline application reference 63/2012/13167 granted 13th March 2013 to require highway improvement works to be approved before the occupation of 30 dwellings instead of prior to the commencement of the development.

Site Address: Land At North Parade Skipton BD23 2ST

On behalf of: Keyhaven Homes Limited

REPORT TO PLANNING COMMITTEE ON 30th July 2018

Application Number: 2018/19031/FUL

Proposal: Change of use of holiday cottages to single dwellinghouse with annexe, and continued use of stables for private use

Site Address: Bull Copy Windy Hill Ingleton LA2 7AJ

On behalf of: Mr & Mrs Swales

Date Registered: 20th February 2018

Expiry Date: 17th April 2018

Case Officer: Mrs Gemma Kennedy

This application has been presented to Planning Committee as the proposed development is a departure from the Saved Local Plan.

1. Site Description

- 1.1 The application site is located on Windy Hill, in open countryside to the north east of Bentham. The site located to the rear of a detached dwelling Bull Copy, and accessed via a driveway running adjacent to the boundary of that property.
- 1.2 The site consists of a single storey block of buildings that were originally in use as stables associated with Bull Copy. Planning permission has been granted for the change of use of the stable buildings to form 2 holiday cottages with the retention of a stable block at the western end. The holiday cottages were granted planning permission subject to a condition tying their ownership to that of Bull Copy.

2. Proposal

- 2.1 Full planning permission is sought for the change of use of the holiday cottages to form a single dwelling with annexe, and the continued use of the stables for private use. The proposal would effectively remove the ownership tie currently in place with Bull Copy, and allow the occupation of the existing holiday cottage at the eastern end of the building as an unrestricted dwelling. The holiday cottage at the centre of the building would be occupied as an annexe to the new unrestricted dwelling, and the existing stables would continue to be used for the same purpose.
- 2.2 The application also proposes to regularise the external space at the eastern end of the site which includes a patio, parking area and wildlife garden which extends beyond the area granted planning permission under application 08/2009/10215.

3. Planning History

- 3.1 08/2009/10215 - Alterations and change of use to stable buildings to form holiday letting accommodation with associated works to an existing site access (resubmission of 08/2009/9844). Approved 26/03/2010
- 3.2 08/2010/10640 - Discharge conditions 3, 5 & 11 on original application 08/2009/10215. Approved 28/07/2010.
- 3.3 08/2011/12007 - Extension to an approved scheme (08/2009/10215) to convert existing stables to holiday accommodation. Approved 16/11/2011.
- 3.4 08/2014/14273 – Retention of car port and oak windows (amendments to approval 08/2011/12007). Approved 18/03/2014.
- 3.5 08/2014/14452 - Removal of conditions 9,10,11 & 13 to previous application 08/2011/12007 to allow residential occupation of the holiday cottages. Approved 17/04/2014.

- 3.6 2018/18890/VAR – Application to remove condition no. 13 (occupancy restriction) on application reference number: 08/2011/12007 dated 16 November 2011. Withdrawn 19/02/2011.
4. Planning Policy Background
- 4.1 The National Planning Policy Framework (NPPF)
- 4.2 Saved Policies ENV1 and ENV2 of the Craven District (Outside the Yorkshire Dales National Park) Local Plan.
5. Parish/Town Council Comments
- 5.1 None received
6. Consultations
- 6.1 CDC Contaminated Land: *“No known contaminated land implications.”* Received 28/07/2010.
- 6.2 CDC Environmental Protection: *“Having considered this application, I have not identified any potential Environmental Protection issues that would give cause for concern.”* Received 13/03/2010.
- 6.3 NYCC Highways Authority: *“In assessing the submitted proposals and reaching its recommendation the Local Highway Authority has taken into account the following matters: The design standard for the site is MfS and the required visibility splay is 60 metres by 2 metres. This can only be achieved by removing existing hedges and small trees. Consequently the Local Highway Authority recommends that the following Conditions are attached to any permission granted: HC-10 VISIBILITY SPLAYS and HC-15 PARKING SPACES TO REMAIN AVAILABLE FOR VEHICLE PARKING.”* Received 20/03/2010.
7. Representations
- 7.1 The application was originally advertised with a site notice, along with individual letters to two neighbouring properties. Following discussion with the Council's solicitor it was considered that the application is a departure from the Local Plan, and should therefore be subject to advertisement as a departure by site notice and in the Craven Herald. This publicity has not been undertaken, and expires on 2nd August 2018.
8. Summary of Principal Planning Issues
- 8.1 The principle of development; the impact upon the character and appearance of the open countryside; the impact upon neighbouring privacy and amenity; the impact upon highway safety.
9. Analysis
- 9.1 **Planning history in more detail;**
- 9.2 There have been various planning applications on this site, but none of them appear to have been completed in full. The planning permissions that were granted under applications 08/2009/10215, 08/2011/12007 and 08/2014/11452 related to the conversion of the entire stable building to 3 units of living accommodation. Whilst planning permission for 3 units may have been implemented, the development hasn't been completed in full with the third unit not having been provided. Furthermore, the approved patio and hardstanding area at the eastern end of the site has been extended by approximately 10 metres and outside the original red line of the application site; and so the development that has taken place in respect of this part of the development, has not been undertaken in line with any of the approved plans for the site.
- 9.3 The applicants sought to remove restrictive conditions from the holiday cottages to allow them to be occupied independently in 2014 as three individual private dwellings, however whilst planning permission was granted the only change to the restrictions were to allow the applicant's mother in law Mrs Jackson to occupy the holiday cottage in the middle of the building for temporary residential use, requiring that use to revert back to a holiday cottage when the unit was no longer required by Mrs Jackson. As such, whilst the extant use of the site would appear to be that of three holiday units (one temporarily being used as a private dwelling), the lawfulness of this arrangement is questioned due to the development as existing differing from that which has gained approval (with particular regard to the extended application site). As such, following the submission of application 2018/18890/VAR in January 2018, the case officer advised the applicant's agent to withdraw that application, as the

application was considered to be seeking to vary conditions on a consent that had not been lawfully in use.

9.4 Proposal in more detail;

9.5 The applicant Mr Peter Swales and his wife currently reside at the two storey property 'Bull Copy' adjacent to the site. The applicant's mother in law, Mrs Jackson currently resides within the application property under the temporary residential use. As set out in the Planning Statement submitted with the application, Mr Swales is unable to occupy the first floor of Bull Copy due to his ill health. The original proposal was to make an application to remove the tie between the holiday cottages and Bull Copy so that the applicant could retain the business and stables at Bull Copy and sell the house to find a single storey dwelling to occupy. The current application proposes that the existing single storey holiday unit at the eastern end of the building would be occupied by Mr and Mrs Swales as an unrestricted dwellinghouse. The holiday cottage in the middle of the building would continue to be occupied by Mrs Jackson as an annexe; when no longer required by Mrs Jackson this unit would continue to be an annexe to the end unit rather than reverting back to a holiday cottage. Finally, the stable unit at the western end of the building would continue to be used as such by Mr and Mrs Swales.

9.6 The site plan submitted with the application shows that 5 No. parking spaces would be provided on site along with residential curtilage.

9.7 Principle of development;

9.8 The application site falls outside development limits and in the open countryside for the purposes of Saved Local Plan Policy ENV1. Paragraph 215 of the NPPF states that decision takers may give weight to relevant policies in the adopted local plan according to their degree of consistency with the Framework. As the Local Plan 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.

9.9 The development limit boundaries set out in the proposals maps of the Saved Local Plan, and defined within Saved Local Plan Policy ENV1, are out of date and inconsistent with the NPPF. Saved Local Plan Policy ENV1 restricts development in open countryside, outside the development limits. However, the NPPF recognises, at paragraph 55, 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"*. In this instance, the proposed development does not fall comfortably within any of the 'special circumstances' set out in the NPPF, except for the following special circumstance which it is considered to align closely with; *"where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting"*. The difference in this case is that the former stable buildings have already been converted to form a type of residential use (albeit with restricted, non-permanent occupancy), however the principle of this approach is considered to be relevant.

9.10 As there is conflict between Saved Local Plan Policy ENV1 and paragraph 55 of the NPPF, having regard to paragraph 215 of the Framework, in these circumstances it is considered that paragraph 55 of the NPPF should take precedence. Accordingly, the main issue in this case is whether the proposal would result in the creation of a new isolated home in the countryside, and, if so, whether there are any material considerations sufficient to amount to the special circumstances required to justify it.

9.11 In terms of the Submission Draft Craven Local Plan, Draft Policy EC4 'Tourism' is of relevance, and sets out an intention for tourism to grow in a sustainable way, so that it helps to improve the economy, environment and quality of life. Draft Policy EC4 includes a number of criteria to encourage the growth and promotion of tourism developments in the District, but does not specifically restrict any changes of use from tourism to any other use. 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 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. There are outstanding objections to Draft Policy EC4, and 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 Policy EC4, the greatest weight should remain with the NPPF.

9.12 **Site location, isolation and special circumstances;**

9.13 The proposed dwelling and annexe would be located outside the main settlement of Bentham, and in the open countryside. In this respect the proposal would be isolated from the main settlement. However, the site is adjacent to a group of 6 residential properties, and the dwelling would be viewed in relation to an existing (albeit small) settlement rather than physically isolated by itself. In terms of accessibility to services, the site is within walking distance of Bentham, being less than 1 mile to the centre of the town (0.9 miles, 16 minute walk) where there are a number of facilities including shops, Doctor's surgery and public houses. Bentham train station is 1.1 miles (19 minute walk) from the application site, and Bentham Primary School is 1.3 miles (25 minute walk) from the site. The access to the village is along a 500 metre length of metalled road which leads to the B6480. The quicker route, which would then lead onto a section of the B6480 with pedestrian footpaths along to the village, would be via a public right of way, 300 metres to the south west of the site, which provides a short cut towards the village across fields. Whilst it is envisaged that the occupants of the property would benefit from a car to access a wider variety of jobs and services, it would nevertheless be feasible for the property to be occupied by a family without a vehicle. The site is therefore considered to be in a sustainable location, and the principle of development for the change of use to a single dwelling with annex is considered to be acceptable.

9.14 **Impact on rural economy;**

9.15 Paragraph 28 of the NPPF sets out that planning *"should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development."*

9.16 The proposal will involve the loss of two holiday cottages. Whilst the applicant has not provided any evidence concerning the viability of the existing use as holiday cottages, for example that there is no longer a demand for the units, they have submitted a document setting out a list of holiday cottages in the village of Bentham and closely surrounding the village, which total 31. Taking account of the level of existing holiday accommodation in the village, and the fact that there are additional forms of holiday accommodation in the local area (caravans, camp sites, guest houses, hotels) there is no evidence that the two holiday cottages perform a particularly important function with respect to supporting the local economy. Although it is the case that visitors to the cottages would spend in the local area, future permanent residents of the proposed dwelling would make a similar contribution to the local economy. It is therefore likely to be the case that the development would have a neutral impact on the vitality and viability of the local economy in comparison to the existing use of the buildings. Accordingly, the proposal is considered to be acceptable in relation to paragraph 28 of the NPPF.

9.17 **Neighbouring privacy and amenity;**

9.18 One of the core principles of the NPPF, set out at paragraph 17, is for planning to always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

9.19 The existing situation is such that the owners of the holiday cottages and the stables occupy Bull Copy, and so any impact upon their amenity in terms of views from the holiday cottages, would be acceptable and under their control. The proposed situation would result the two properties being in separate ownership, and as such it is necessary to consider the potential impact upon neighbouring privacy and amenity.

9.20 The proposed dwelling and annex is, at the closest point, just over 3 metres from the boundary wall of Bull Copy (the closest point being the projecting bedroom to the proposed dwelling). Bull Copy is on a raised level above the application property, and the bedroom would have views towards the boundary wall of Bull Copy, rather than any direct views of windows. It is envisaged that they may be some impact upon neighbouring privacy if occupiers of Bull Copy are in the northern part of their garden, where views could take place into neighbouring windows. However, given these views would be from part of the garden rather than from the house itself, it is not envisaged that there would be an unacceptable loss or privacy to the detriment of neighbouring amenity.

- 9.21 In consideration of the stables, these would remain linked in ownership to the occupiers of the proposed dwelling and annex. At the closest point they would be 12.2 metres from Bull Copy (which would be in separate ownership), and approximately 2.5 metres from the garden of Bull Copy. The stables are in private ownership rather than commercial, and so the activity takes place on a small scale. CDC Environmental Protection have been consulted on the application, and have raised no objections in relation to Environmental Health Matters.
- 9.22 The proposed development is therefore considered to accord with paragraph 17 of the NPPF.
- 9.23 **Highway safety;**
- 9.24 NYCC Highways Authority have been consulted on the application, and have raised no objections subject to a condition to ensure visibility can be achieved by the removal of small trees and hedges. In terms of parking provision, the proposed dwelling and annex would have space for the parking of at least 5 vehicles. The proposed development is considered to be acceptable in terms of highway safety.
- 9.25 **Conclusion;**
- 9.26 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:
- 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 indicated development should be restricted.'*
- 9.27 In this case it is considered that there are no adverse impacts that would outweigh the benefits of granting planning permission, and the proposal is considered to accord with the NPPF.
10. Recommendation
- 10.1 To delegate Authority to the Development Control Manager to approve the application on or after 3rd August 2018, subject to no public objections to the application being received in the interim period.

Conditions

Time limit for commencement of development

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

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

Approved plans

2. This permission relates to the following plans:
 - Drawing A118 Rev B received by Craven District Council on 3rd July 2018
 - Drawing A120 Rev B received by Craven District Council on 3rd July 2018
 - Drawing A123 Rev A received by Craven District Council on 3rd July 2018
 - Drawing A124 Rev B received by Craven District Council on 3rd July 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 policies contained within the Craven District (Outside the Yorkshire Dales National Park) Local Plan and the National Planning Policy Framework.

Before you commence development

3. There shall be no access or egress by any vehicles between the highway and the application site until splays are provided giving clear visibility of 60 metres measured along both channel lines of the major road Windy Hill 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 accordance with the NPPF and in the interests of road safety.

Informative: An explanation of the terms used above is available from the Highway Authority.

Ongoing conditions

4. The family annex (as identified on the approved drawing A120 Revision B) hereby approved shall be used wholly in conjunction with, and ancillary to, the use of the single dwellinghouse (formerly a holiday cottage). In particular, it shall not be occupied, sold, disposed of or otherwise let as a separate dwelling.

Reason: An additional independent dwelling would may be inappropriate in this location taking account of residential amenity and parking provision.

5. The stables shall be used wholly in conjunction with, and ancillary to, the use of the single dwellinghouse (formerly a holiday cottage) and annex. In particular, the stables shall not be occupied, sold, disposed of or otherwise let as separate to the dwellinghouse and annex.

Reason: The position of the stables in relation to the dwellinghouse and annex is such that their ownership by a separate party to the occupiers of the dwellinghouse may result in harm to the amenity of the occupiers of the dwellinghouse and annex.

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

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

Statement of Positive Engagement: -

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



Application Number: 2018/19031/FUL

Proposal: Change of use of holiday cottages to single dwellinghouse with annexe, and continued use of stables for private use

Site Address: Bull Copy Windy Hill Ingleton Carnforth
LA2 7AJ

On behalf of: Mr & Mrs Swales

REPORT TO PLANNING COMMITTEE ON 30th July 2018

Application Number: 2018/19279/VAR

Proposal: Application to vary condition no. 2 of appeal reference APP/C2708/A/08/2071923 to allow the retention of brown UPVC windows on plots 3 & 4

Site Address: Plots 3 & 4 College Croft Hesley Lane Rathmell, BD24 0LG

On behalf of: Mr S Hopley

Date Registered: 16th May 2018

Expiry Date: 11th July 2018

Case Officer: Mr Sam Binney

This application is referred to the Planning Committee for a decision as it is a variation to an application previously determined by Planning Committee.

1. Site Description

- 1.1 The application site is a small development approved at appeal with reference APP/C2708/A/08/2071923 for the construction of 4 houses at College Croft, Rathmell. The development is currently under construction with plots 3 and 4 substantially completed. The development is surrounded by dwellings to the north, east and south.
- 1.2 The application site lies within the development limits of Rathmell, with fields to the west being outside this boundary and classed as open countryside.

2. Proposal

- 2.1 The proposal is seeking to vary condition 2 of planning permission of the planning permission.
- 2.2 The condition reads as follows:-
- 2.3 **Condition 2**
- 2.4 Before the development begins on site, details of the following shall be submitted to and approved in writing by the local planning authority: materials to be used in the construction of the external surfaces of the development, including an indication of the manner of their use and boundary treatment and other means of enclosure. The development shall be carried out in accordance with the approved details.
- 2.5 This condition has previously been discharged by virtue of permission 59/2011/11533. However, this condition is sought a variation to allow the use of brown upvc windows to plots 3 and 4 instead of the approved white upvc. Plots 1 and 2 are still intended to remain white upvc.

3. Planning History

- 3.1 5/59/18: Erection of porch extension to existing bungalow. Approved 16/11/1979.
- 3.2 5/59/18/A: Replacement of single garage and garden sheds with a double garage. Approved 19/11/1997.
- 3.3 59/2006/6515: Proposed construction of new dwelling and garage. Approved 22/08/2006.
- 3.4 59/2007/7797: Demolition of existing dwelling and construction of 3 No. detached dwellings. Withdrawn 15/10/2007.
- 3.5 59/2007/8005: Demolition of existing dwelling and construction of 4 No. dwellings. Refused 17/12/2007. Appeal Allowed 30/07/2008.

- 3.6 59/2011/11553: Discharge of Conditions 2 & 3 of planning approval 59/2007/8005 for demolition of existing dwelling and construction 4 no. dwellings. Approved 29/06/2011.
- 3.7 59/2016/16739: Listed building consent for overhead lines in Rathmell are to be removed to accommodate the development on the site of the former 'Rose Lea', Hesley Lane, Rathmell. This will necessitate alterations to the provision of electricity services at Cross Keys, College Fold and BT kiosk. Approved 09/05/2016.
4. Planning Policy Background
- 4.1 The National Planning Policy Framework.
- 4.2 National Planning Practice Guidance.
5. Parish/Town Council Comments
- 5.1 Ribble Banks Parish Council:
- 5.2 *"Yet another application attempting to vary planning conditions – this one seeking permission to legitimise windows that are already installed. At our previous meeting we were asked to comment on the appropriateness of Juliette windows on a build where the spaces for these had already been constructed.*
- 5.3 *RBPC and residents are fed up with having to deal with variations to applications and the seemingly routine lifting of planning conditions. There will be cases when, for valid reasons, variations are sought and in these case our parish council will address the applications thoughtfully. In cases such as this one, where a developer has failed to follow the details of an original application, we see no reason to be supportive.*
- 5.4 *Instances such as these bring nothing but disrepute on the planning process and we would urge officers to be rigorous in ensuring that the conditions associated with approved applications are observed to the full."*
- Officer's Note:** The above comment states that the "developer has failed to follow the details of the original application" and that the parish and residents are "fed up with having to deal with variations to applications". However, varying planning conditions is a legitimate part of the planning process. Additionally, the intentions of the developer are stated in the supporting letter to be more compatible with the cottage style design of plots 3 and 4. In either case, the alteration to the finish to the windows and doors of plots 3 and 4 will be considered as to whether or not it is acceptable, regardless of the reasoning for the change.
6. Consultations
- 6.1 No additional consultations necessary.
7. Representations
- 7.1 Site Notice not required.
- 7.2 Press Notice not required.
- 7.3 Notification letters sent to 15 neighbouring properties.
- 7.4 4 letters of representation have been received from 3 neighbouring properties. a summary of the objections is outlined below:
- Two houses with brown windows and two with white is not in keeping with the rest of the village.
 - The site so it is no longer what the planning inspector passed due to number of changes.
 - 2 listed houses on College Fold look directly onto these which is not in keeping.
 - The properties do not look like cottages.
 - The practice of submitting unreasonable and inappropriate variations to approvals appears to have become the norm.
8. Summary of Principal Planning Issues

8.1 The acceptability of the requested variation of the planning condition attached to the original planning approval.

9. Analysis

9.1 Condition 2.

9.2 This condition is in regard to the finish of the previously approved windows to plots 3 and 4 only. The approved finish is for white uPVC windows to all 4 plots, while the variation seeks to amend the finish to brown uPVC on plots 3 and 4.

9.3 It is appreciated that the majority of the properties in the surrounding area have uPVC with a white finish. However, there are several instances across Rathmell where there are brown windows instead of white, including to properties with more prominent frontages directly onto Main Street. The change of finish to 2 plots and not the other 2 plots could appear incongruous. However, the house types for plots 1 and 2 differ from plots 3 and 4.

9.4 Paragraph 17 of the NPPF states that planning should always seek to secure high quality design, while paragraph 60 states that planning policies and decisions should not attempt to impose architectural styles or particular tastes.

9.5 It is considered that altering the finish for the windows on plots 3 and 4 to brown uPVC instead of uPVC still retains the high quality design of the development in the context of the surrounding area and is acceptable.

9.6 **Conclusion.**

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

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.

9.8 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

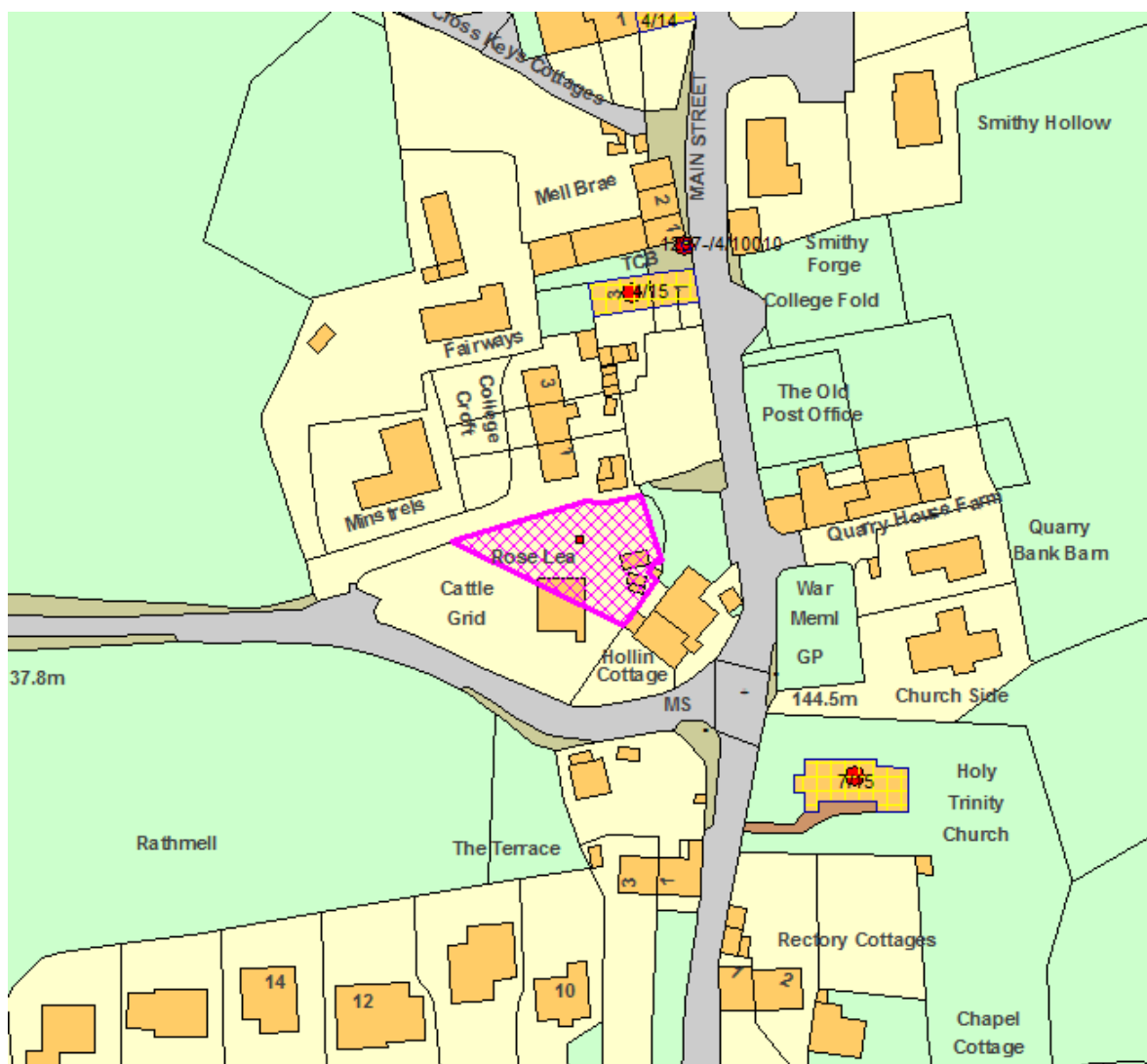
10.1 To grant approval subject to the following conditions.

Conditions

1. Time Limit: Implemented under appeal reference APP/C2708/A/08/2071923.
2. The external surfaces of the constructed dwellings shall be retained as built unless otherwise approved in writing by the Local Planning Authority. Boundary treatment and enclosure approved under application 59/2011/11553, continued compliance required.
3. Details approved under application 59/2011/11553, continued compliance required.
4. Prior to first use of the development, the parking and turning facilities shown on approved drawing ref. 25/2007 10 shall be laid out and made available for use. Any gates, barriers or other means of enclosure shall be erected a minimum distance of 4.5 metres from the carriageway of the existing highway and shall open into the site. These details shall thereafter be retained for their intended purpose at all times.

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: 2018/19279/VAR

Proposal: Application to vary condition no. 2 of appeal reference APP/C2708/A/08/2071923 to allow the retention of brown UPVC windows on plots 3 & 4

Site Address: Plots 3 & 4 College Croft Hesley Lane Rathmell BD24 0LG

On behalf of: Mr S Hopley

REPORT TO PLANNING COMMITTEE ON 30th July 2018

Application Number: 2018/19105/FUL

Proposal: Construction of 1 dwelling and minor alterations to windows (Amended Scheme)

Site Address: 11 Albert Street Sutton-in-craven BD20 7HU

On behalf of: Mrs Armstron

Date Registered: 20th March 2018

Expiry Date: 15th May 2018

Case Officer: Mandy Cooper

This application has been referred to Committee by Coucillor Morrell die to wider public interest in highway matters and Parish Council concerns about an underground culvert.

1. Site Description

- 1.1 The application site comprises a small area of open space which adjoins the end (south elevation) of a row of five terraced properties to the east side of Albert Street, close to the eastern edge of Sutton in Craven. For the purposes of planning, the application site is located within the development limits under the current Craven District (Outside the Yorkshire Dales National Park) Local Plan.
- 1.2 Albert Street is typical in its appearance and form in relation to other parallel and adjacent streets such as Victoria Street; Dixon Street and Main Street. All of which are narrow (approximately 5m wide) and the majority having a 2m pedestrian footway to each side of the street. Properties are two up, two down with a small rear garden to most.

2. Proposal

- 2.1 This application seeks permission for the construction of a single dwelling (previously two) which would adjoin No. 11 Albert Street following the demolition of an existing single storey, attached outbuilding. The proposed dwelling would be a two storey end of terrace with the same window and door arrangement to the front (west) elevation. Two parking spaces are proposed to the south side of the property.
- 2.2 The dwelling would be constructed in natural stone for the walls; blue slates for the roof and painted timber for the windows and doors. Stone/concrete plinths are also shown for supports and sills to the proposed windows and doors. All of which would match the adjoining (host) and adjacent properties.
- 2.3 The frontage would be 6.5m wide; depth at 8m being the same as the adjoining existing property. Roof height at 4.7m to eaves and 6.5m to pitch; which again would be precisely the same as No.11 and the other properties surrounding.
- 2.4 **Officer Note: The proposed development was originally for two terraced properties but there were objections from the Highway Officer in respect of the proposed parking arrangements. The application is now for one dwelling only and the access has been amended twice since the original submission in line with the Highway Officer's recommendations.**

3. Planning History

5/66/203A – Change of use of workshop to living accommodation (11 Albert Street) – Approved 18.01.1988

5/66/203 – Conversion of single storey workshop to bedsit accommodation – Withdrawn

4. Planning Policy Background

The National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

H3 Residential development within the development limits of Skipton, and the named local service centres' of the Craven District (Outside the Yorkshire Dales National Park) Local Plan

T2 Road Hierarchy

Submission Draft Craven Local Plan (March 2018)

SP1 Meeting Housing Need

SP3 Housing Mix & Density

SP4 Spatial Strategy & Housing Growth

ENV3 Good Design

INF4 Parking Provision

5. Parish/Town Council Comments

Final Amendments (Sutton in Craven): The Council object to this application for the following reasons:

- Overdevelopment.
- The street is unusually narrow. Houses on the left-hand side stop where the houses from the right-hand side begin, thus no houses are opposite each other.
- The development would add more than two vehicles parking on the full width of the pavement on an already narrow road (visitor parking).
- Access for Emergency Services and Council Vehicles will be restricted.
- Parking on the full width of the pavement puts pedestrians in danger.
- The dropped kerb would displace resident's cars who already park outside their properties as the street is too narrow to turn in.
- Properties will be overlooked. Loss of light and privacy.

SEE OFFICER COMMENTS BELOW

Comments to 1st Amendment: The Parish Council would like some clarification on this proposal: That the scheme has been reduced to a single dwelling

Officer Note: Email sent to Sutton-in-Craven confirming that proposal is now for one dwelling only. There has however been further changes to the parking spaces as per the Highway Officer's advice and advising that they should by now have received a further consultation.

Initial Comments: Sutton in Craven Parish Council: Access limited due to the narrow road and parking. Flooding (run-off water) development will exacerbate the problem. Unclaimed section off land - This is believed to have a Water culvert underneath it. It is the PC's understanding Yorkshire Water have previously objected to development on this area previously. Open Reach (BT) also regarding the telegraph pole.

Officer Note: Telegraph pole is situated outside and beyond the site. Yorkshire Water Services have been consulted on the proposal but have not responded. Highways Officer has not made comments regarding surface water

6. Consultations

NYCC Highways - Final Consultation - In assessing the submitted proposals and reaching its recommendation the Local Highway Authority has taken into account matters relating to - The design standard for the site is MfS and required visibility splay is 15m by 2m and the available visibility accords with this requirement. Consequently the Local Highway Authority recommends that conditions are attached to any permission granted.

NYCC Highways - Further Consultation -

NYCC Highways – Recommend refusal - In assessing the submitted proposals and reaching its recommendation the Local Highway Authority has taken into account the following matters:

The proposed visibility at the new parking space P2 on Dwg No AL(2-)02 is estimated as 2m x 6m MfS required visibility is 2m x 15m based on estimated speeds. NYCC parking standards quotes two parking spaces per dwelling.

- Clear visibility of 15m metres cannot be achieved along the public highway in a northward and southward direction from a point 2m from the carriageway edge measured down the centre line of Albert Street so traffic generated by the proposed development would likely create conditions prejudicial to highway safety
- Proposed development would be likely to result in vehicles being parked outside the site (due to the lack of on-site parking) on the County Highway to the detriment of the free flow of traffic and road safety.

Yorkshire Water Services – No response

7. Representations

The proposal has had two further amendments to the original submission with regards to both a reduction from two dwellings to one and in response to the Highway Officer's requirements. Because of the changes there have been three consultations sent out to the Parish Council; in addition to letters of notification to the adjacent/adjoining neighbours. In total, 19 letters of comment/objection have been received from 9 properties in the immediate locality making the following comments:

- Close to adjoining properties – loss of light and privacy and would overlook our front room and bedroom windows (10 Albert Street) in addition to directly overlooking No.s 4 & 6 Albert Street –
Officer Note: No overlooking as a result of the amendment from two dwellings to one dwelling
- Conflict with local plan
Officer Note: This comment does not specify how it conflicts
- Inadequate access & Inadequate parking provision; Increase in traffic
Officer Note: Two amendments made to satisfy Highway Officer requirements in terms of highway safety/parking arrangement
- Loss of parking - There is very little space around the immediate area for any additional car parking that 2 dwellings would generate. Because of the immediate area being mainly narrow back streets any more cars would contribute to even more risk to pedestrian than already exists. If an emergency vehicle was needed it could be severely impeded by cars parked in this area.
Officer Note: Off street parking would be provided for two cars
- The existing open ground attached to the applicant's property is currently used for parking to No. 11 and has been in use for years so no actual increase in off street parking
Officer Note: Highways Officer has approved the amended layout
- Overdevelopment - More open space needed on development
Officer Note: The proposal (now amended to one dwelling) would have approximately 50sqm of open space (excluding parking area) which is in line and in some cases more than that of gardens to adjacent properties and streets
- Affect local ecology –
Officer Note: The site is not within any designated area in terms of local wildlife or protected species and is within an urban area, therefore officer is unclear as to how the proposal could impact on local ecology
- Development too high -
Officer Note: The height of the proposal is in keeping and no greater than No. 11 Albert Street and the adjacent properties
- Information missing from plans -
Officer Note: Not aware of any information missing

- Would increase danger of flooding –
Officer Note: There is an existing building on the site which already has its own services. There would be very little increase in footprint
- Noise nuisance and increase of pollution - the construction traffic would also block the road for considerable amounts of time
Officer Note: Any new development can cause some disturbance to adjacent neighbours but this would be temporary. Additionally, if the street was blocked as a result, police can be contacted to remove any obstruction
- Strain on existing community facilities
Officer Note: One dwelling would not have an impact and there are sufficient facilities within Sutton-in-Craven and Glusburn
- Out of keeping with character of the area - **see comments in section below**
- The two proposed parking spots will still make it difficult for occupants to access as a result of the parked cars opposite, plus any visitors to the proposed property would have to park fully on the pavement and therefore quite possibly cause obstruction for council and emergency vehicles. I strongly object to the property being built.
- Amendments to plans are still going to change the character of the street as new property would directly overlook houses opposite. The street is currently staggered terraces.
Officer Note: The terrace would remain staggered and direct overlooking would not occur as a result of the development
- Dropped kerb drive has doubled in size causing more problems than original proposal as would displace our cars as street is too narrow to turn in and we would not be able to park opposite this.
Officer Note: Providing the cars are able to access and egress the site, without obstruction or danger there is nothing to stop vehicles parking opposite the site access
- Development would set a precedent if approved
Officer Note: If others were to apply for planning permission, each application would be judged on individual merits as is always the case.
- There are two other sites within 100m of the application site which are much better and with more land – if this is approved, should they also re-apply
Officer Note: Cannot comment on other applications without assessing the individual merits of each

Neutral Comments

- Proposed house is on footprint of what was No.13 Albert Street so there has always been a dwelling with its own electricity, drainage and parking
- Scheme would improve access to Albert Street by preventing cars/vans parking on the pavement – allowing for its safe use by pedestrians
- Proposed house is not opposite No. 6 Albert Street
- Outbuilding which was once No. 13 was once a Dental Technicians/Workshop which is why it has its own electricity and water supply

8. Summary of Principal Planning Issues

8.1 **Principle of Development**

8.2 **Visual Impact**

8.3 **Amenity**

8.4 **Highway Safety/Parking**

8.5 **Drainage**

9. Analysis

9.1 **Principle of Development**

9.2 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 above policies are considered to be applicable to this planning application and 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.’*

9.3 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states “regard is to be had to the development plan for the purposes of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.”

9.4 The Development Plan for the area comprises saved policies within the Craven District (Outside the Yorkshire Dales National Park) Local Plan 1999. The local plan policy that is most relevant to this application is Saved policy H3 which advises that within the development limits of named service centres residential development will be permitted where (amongst other things) the development would *‘not damage the character and amenity of existing residential areas.’*

9.5 Paragraph 215 of the National Planning Policy Framework (NPPF) advises that policies not adopted in accordance with the 2004 Planning and Compulsory Purchase Act should 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.’*

9.6 In terms of the principle of residential development on this site and 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 currently occupied by an extension to the host dwelling – which appears to have formerly been a building quite independent of the host dwelling 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 and as such its redevelopment would provide environmental benefits which comply with the guidance contained within the NPPF. The site is suitable for residential use, can achieve a quality development and use land effectively. As such, it is considered that the proposal is in line with the objectives of the NPPF in that the site would provide both economic and social benefits.

9.7 **Visual Impact**

9.8 Paragraph 58 of the NPPF sets out that planning decisions should encourage development to establish a strong sense of place, respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation.

9.9 Saved policy H3 advises that proposed residential development should not damage the character of existing residential areas. Draft Policy ENV3 of the Submission Draft Local Plan states that designs of new development should respect the form of surrounding buildings. The properties on Albert Street and the adjacent streets within the locality comprise of terraced blocks, averaging between four and seven dwellings per block. The dwellings are all constructed in natural stone blocks, the majority of which have darkened from decades of pollution.

9.10 The proposed new dwelling would utilise the same materials, style and scale of openings to those of the existing properties in the immediate vicinity. The design and form of the dwelling is consistent with the character and urban grain of the area and, would be visually acceptable within the existing street scene.

9.11 **Residential Amenity**

- 9.12 Saved policy H3 sets out that proposed residential development should not damage the amenity of existing residential areas. Draft Policy ENV3 of the Submission Draft Local Plan states that development should protect the amenity of existing residents as well as create acceptable amenity conditions for future occupants.
- 9.13 Representations received in regard to the application, include concerns about loss of privacy and light. No.4 Albert Street is situated to the west side of the street, with approximately 2.2m of the frontage area directly facing the proposal site and therefore offset. Whilst the occupant of this property has not objected, other neighbours have stated that there is only a gap of 8m (26.4ft) between the frontages of the existing properties and the proposed dwelling. Whilst there are no properties currently to the east side of this part of Albert Street, it is the pattern of development for much of this part of Sutton-in Craven; particularly to Main Street, Harker Street and Victoria Street.
- 9.14 The proposal is situated east of the existing properties on Albert Street and would be level with the adjoining dwelling at approximately 2m higher than the existing outbuilding. Its proximity in relation to properties on Albert Street and the sloping roof could not justifiably warrant a refusal on this basis, as there would be no loss of light or overshadowing.
- 9.15 Other properties which could be affected by the new dwelling is No.13 Dixon Street, which is located 9m to the south east of the east facing (rear) elevation of the proposal. There are no windows on the west (facing) elevation of No. 13 Dixon Street, there are however windows to the rear (east) of the proposed and existing adjoining dwelling (No.11 Albert Street). There would be four windows to the rear, serving two bedrooms to first floor and a kitchen/diner to ground floor. These windows would be at an (almost) acute angle to the rear windows of No. 13 Dixon Street so no overlooking would arise as a result of the proposal.
- 9.16 There is a property to the northeast of the site (No.2 Wilson Street) and a further property located directly south of the application site. Both are situated at a significant distance of more than 32m therefore there would be no impact upon the amenity currently enjoyed by both of these properties' occupants.
- 9.17 Other points raised by neighbours, including the loss of views and the impact upon the value of their houses. These are not material planning considerations, and cannot be given any weight in the decision making process.
- 9.18 The layout and position of the proposed dwelling in addition to the orientation of the property to neighbouring gardens and windows, has been considered in detail. The distance between properties and the equal height, would ensure that no unacceptably harmful loss of neighbouring amenity would occur.
- 9.19 **Highway Safety**
- 9.20 Saved Local Plan Policy H3 states that residential development should not create conditions prejudicial to highway safety. 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.
- 9.21 Section 4 of the NPPF contains guidance on transport and land use planning, including the promotion of sustainable transport choices and reducing travel by car.
- 9.22 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.*'
- 9.23 In regards to draft policy INF4 'Parking Provision' (Submission Draft Craven Local Plan – March 2018) there are **no** unresolved objections, therefore it carries somewhat greater weight. This policy advises that the parking provision and management of cars and other vehicles is an important consideration on new developments in order to (amongst other things) reduce conflict between road users and that the incorporation of sustainable drainage systems (SuDS), through the use of permeable surfaces should be used.

9.24 The proposed dwelling would be served by a new access from the site onto Albert Street and would be capable of accommodating two vehicles. However, this change is only insofar as the proposal has been amended twice since the initial submission with regards to the Highway Officer's requirements. The Highway Officer has been consulted on the final amended details and has confirmed that the proposed development is acceptable with regards to visibility and highway safety.

9.25 In conclusion, the proposal would not create conditions contrary to highway safety. The proposal therefore, accords with the requirements of Saved Policy T2; the relevant parts of saved policy H3 and guidance contained within the NPPF.

9.26 **Other Considerations**

9.27 The application form states that surface water and foul sewage would discharge to the existing mains drainage via a connection already available on site. Yorkshire Water Services have been consulted in respect of the drainage and have not responded. The site is located in Flood zone 1 and is not at risk from any other form of flooding such as from surface water. However, in terms of sustainability and prevention of surface water flooding to the public highway drainage systems in the future it is preferable in the drainage hierarchy to dispose of surface water within the site. A condition would therefore be included requiring separate systems of drainage in order to prevent such an event. There are therefore no concerns with regards to foul drainage or surface water.

9.28 **Conclusion;**

9.29 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:

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

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

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

10. Recommendation

10.1 That permission be granted subject to the following conditions:

Conditions

Time Limit

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 permission relates to the following plans:

- AL(2) 01 Rev A (1) – Site location plan & existing elevations & site plan as received on 16th March 2018
- AL(2) 02 Rev D – (As amended) Proposed elevations & site plan as received on 5th 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 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.

Pre-Commencement

3. No development shall take place on site until the existing building has been permanently demolished and all of the demolition materials and debris resulting has been removed from the site.

This condition is imposed in the interests of the character and appearance of the area and neighbouring amenities.

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

Reason: This pre-commencement condition is imposed to prevent the increased risk of flooding and to prevent pollution of controlled waters by ensuring the provision of a satisfactory means of surface water disposal.

5. No development shall take place on site until details of the works for the disposal of sewerage have been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied/brought into use until the approved sewerage details have been fully implemented in accordance with the approved plans.

Reason: This pre-commencement condition is imposed in order to ensure that the proposal is provided with a satisfactory means of drainage.

On-going conditions

6. Unless alternative details have first been submitted to and approved in writing by the Local Planning Authority, the development shall be constructed in accordance with the materials detailed on the approved plans (drawing no. AL(2) 02 Rev D – As amended).

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.

7. The hard surface hereby approved shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the proposed dwelling.

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

8. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015, 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.

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that order with or without modification), no extension, enlargement, or other alteration of the dwelling house shall be carried out without planning permission obtained from the Local Planning Authority.

Reason: The Local Planning Authority wish to control any future development on the site to ensure the amenity of future residents of the dwelling.

Highway Works

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

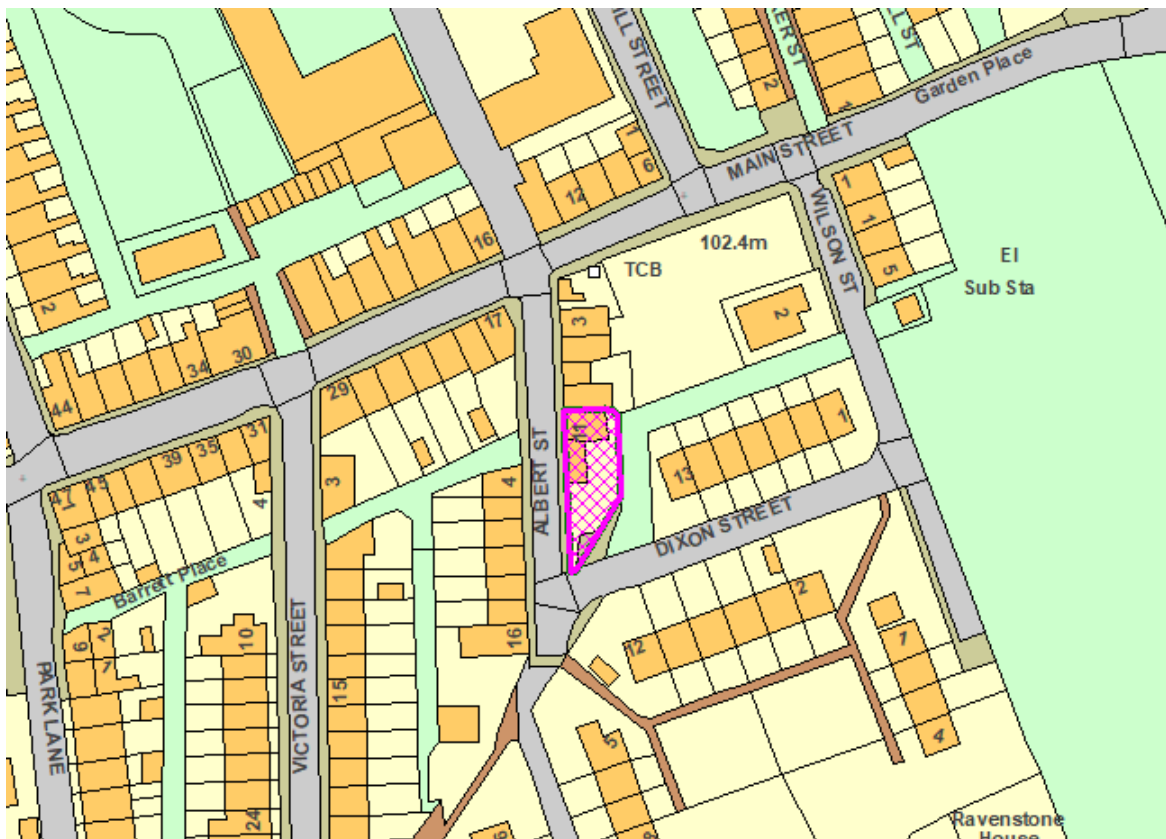
Authority, is available at the County Council's offices. The local office of the Highway Authority will also be pleased to provide the detailed constructional specification referred to in this condition.

Statement of Positive Engagement: -

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

Discharge of Condition(s)

The developer should note that Condition No.s 3, 4 & 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:	2018/19105/FUL
Proposal:	Construction of 1 dwelling and minor alterations to windows (Amended Scheme)
Site Address:	11 Albert Street Sutton-in-craven Keighley BD20 7HU
On behalf of:	Mrs Armstron

REPORT TO PLANNING COMMITTEE ON 30th July 2018

Application Number: 2018/19161/COU

Proposal: Change of use of portal framed building and adjacent yard from agriculture / equestrian use to a base for an Agricultural Contracting and Environmental Conservation Business (Sui Generis)

Site Address: Craven Barn Church Street Gargrave BD23 3QY

On behalf of: Marsden AES

Date Registered: 27th April 2018

Expiry Date: 22nd June 2018

Case Officer: Andrea Muscroft

This application is referred to the Planning Committee at the request of Cllr Myers for the reason of neighbour amenity.

1. Site Description

- 1.1 The application site forms part of a group of buildings located on the western side of Church Street, Gargrave. The group comprises of a stone built barn which has been converted to residential accommodation, with other nearby buildings being used historically for agriculture and/or equestrian uses. To the northeast of the existing buildings is the original farmhouse (Butterhaugh Farm) which is now in separate ownership.
- 1.2 The application site is located outside of any development limits as defined by the 1999 Local Plan and therefore lies within the open countryside.

2. Proposal

- 2.1 The proposal is seeking approval for a change of use of a portal framed building and adjacent yard from agricultural/equestrian use to a base for an Agricultural Contracting and Environmental Conservation Business (Sui Generis).
- 2.2 The hours of the proposed business are:
- ☐ 0630 to 2200 Monday to Saturday
 - ☐ 0630 to 1900 Sunday
- 2.3 There would be 7 full time members of staff at the site.
- 2.4 The types of work undertaken by the applicant include the following:
- 2.5 Boundary Management
- 2.6 Drainage.
- 2.7 Forestry Services.
- 2.8 Habitat Restoration.
- 2.9 Public Right of Way.
- 2.10 Track & Path Construction or Repair.

3. Planning History

- 3.1 30/2000/0554 – Change of use of farm buildings to livery stables and formation of new vehicle access – Approved September 2009.

- 3.2 30/2005/5574 – Conversion of barn to form two units of accommodation with two adjacent businesses – Withdrawn 2005.
- 3.3 30/2005/5727 - Conversion of agricultural building to workspace, and conversion of barn to form two dwellings to be used on an ancillary basis to the business – Approved October 2005.
- 3.4 30/2007/7370 - Demolition of part barn and detached single storey storage building, Proposed change of use of redundant barn to 4no. Bedroom dwelling. Alterations to existing single storey storage building to form additional 6no. Stables. Single storey extension to southwest of existing stable to form office, rest room, tack room and washroom/wcs. Repositioning of horse exerciser and alterations to existing parking area to form additional parking and turning facilities – Approved June 2007.
- 3.5 30/2012/12741 – Removal of condition 2 (Occupation restriction) of previous approval 30/2007/7370 – Approved November 2012.
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.
 - ☐ T2 – Road Hierarchy.
- 4.4 Submission Draft Craven Local Plan March 2018 – Emerging Local Plan (ELP).
- ☐ ENV1 – Countryside and Landscape
 - ☐ ENV3 – Good Design.
 - ☐ INF4 – Parking Provision.
- 4.5 National Policy
- ☐ The National Planning Policy Framework – NPPF.
 - ☐ Planning Practice Guidance - PPG
5. Parish/Town Council Comments
- 5.1 Gargrave Parish Council: Object to the proposal as the change of use from leisure to a commercial venture. This proposal is outside of the industrial area of the village and there is a dispute as to the land ownership. We recommend that the application is not determined until land ownership issues are resolved.
- 5.2 **Officers Note:** Land ownerships disputes would be a private matter between the parties involved. As such, the issue of land ownership is not a material planning consideration.
6. Consultations
- 6.1 NYCC Highways Authority: No objection subject to conditions relating to the construction of private access/verge crossings being imposed if recommended for approval.
- 6.2 **Officer Note:** The proposal is utilising an existing access and therefore it is not considered necessary to impose the recommended conditions.
7. Representations

- 7.1 The proposal was advertised on the 10th May 2018 in the Craven Herald with a Site Notice displayed within the surrounding area on the 4th May 2018. In addition, letters of notification were sent out directly to local residents.
- 7.2 As a result 3 letters of representation have been received.
- 7.3 Policy
- ☐ Conflicts with local plan.
- 7.4 Visual
- ☐ Out of keeping with character of area.
- 7.5 Amenity
- ☐ Close to adjoining properties.
 - ☐ Concern over the loss of privacy.
 - ☐ Operation times should be limited to ensure residents do not experience any noise nuisance.
- 7.6 Highway
- ☐ Inadequate access
 - ☐ Concern over highway safety with regards to the existing road network.
 - ☐ Road had a weight limit and heavy machinery would exceed that limit.
 - ☐ Increase in traffic
- 7.7 Other issues
- ☐ Increased pollution.
 - ☐ Concern over the rights of way to Butterhaugh Farm.
 - ☐ Restrictive covenants which prevent the proposed usage.
 - ☐ Recommend that any commercial use proposed should be tied to the use of the house.
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:
- 8.2 Approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
- ☐ *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
 - ☐ *specific policies in the Framework indicate development should be restricted.*
- 8.3 Having regard to the relevant national and local planning policies, the site’s designation within the CDLP, the representations received and the nature of the development applied for, it is considered that the main issues in this case are:
- ☐ The principle of residential development on the site.
 - ☐ The development’s effects on the surrounding countryside.
 - ☐ The development’s impact on the amenity of surrounding occupiers.
 - ☐ The scheme’s effects on highway safety.
 - ☐ Other issues.
9. Analysis
- 9.1 **Policy context**

- 9.2 Paragraph 38 (6) of the Planning and Compulsory Purchase Act 2004 and paragraph 2 of the NPPF make clear that development proposals are to be determined in accordance with the development plan unless material considerations indicate otherwise. At the present time, the statutory development plan for Craven comprises the saved policies of the Craven District (Outside the Yorkshire Dales National Park) Local Plan 1999 (the 'CDLP'). It is this plan, along with the NPPF, that provide the prevailing policy context under which the application is to be assessed.
- 9.3 **Principle of development**
- 9.4 The application site lies outside of the development limits defined on the 1999 Local Plan, and accordingly the site lies in the open countryside. Saved Policy ENV1 is therefore of relevance. Saved Policy ENV1 indicates that the Council will protect the character and quality of the open countryside and prevent this from being spoilt by sporadic development. However, the policy does not preclude development in the open countryside. The policy is supportive of small scale forms of development subject to meeting certain criteria. These include that development should be small scale and clearly benefits the rural economy; helps to maintain or enhance landscape character, is essential for the efficient operation of agriculture or forestry; or is essential to the needs of the rural community. These objectives are broadly compliant with paragraph 17 of the NPPF which requires that the intrinsic character and beauty of the countryside is recognised.
- 9.5 Paragraph 215 of the NPPF states that decision makers 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 One of the objectives of the NPPF is to build a strong, competitive economy. Paragraph 21 of the NPPF states that LPA's should support existing business sectors, taking account of whether they are expanding or contracting. Plans should be flexible enough to accommodate needs not anticipated in the plan and to allow a rapid response to changes in economic circumstance.
- 9.7 Paragraph 28 of the NPPF also advises LPA's to support the sustainable growth and the expansion of all types of business and enterprise in rural areas; both through conversion of existing buildings and well-designed new buildings.
- 9.8 The proposal is for a change of use of an existing building portal frame building and yard. A previous commercial livery use on the site has now ceased due to the grass sickness which is a disease affecting the nervous system of horses and ponies. The proposed business operation relates to agricultural and environmental conservation work provided to local authorities, government bodies and private estates.
- 9.9 The application states that the business currently has a workforce of 7 full time employees and that the proposal is the consequences of the business outgrowing the existing premises. It is therefore recognised that the proposal would provide economic benefits and also the continued provision of local employment opportunities and thus accords with the objectives of Policy ENV1 and NPPF.
- 9.10 In conclusion it is considered that the re-use of an existing site which would provide economic benefits and help to enhance landscape character means that the principle of the proposal is acceptable, subject to ensuring that there would be no unacceptable impacts upon the visual amenity, local amenity and highway safety.
- 9.11 **Visual impact of the development.**
- 9.12 Saved LP Policy ENV2 seeks to ensure that any development acceptable in principle outside of development limits is compatible with the character of the area; the design and materials used relate to the setting; that traffic generated can be accommodated satisfactorily and services and infrastructure can be provided without a serious harmful change to the character and appearance of the area. These are general planning considerations, broadly in line with NPPF.
- 9.13 Paragraph 109 of the NPPF advises that the planning system should contribute to and enhance the natural and local environment by; protecting and enhancing valued landscapes.
- 9.14 The application site does not fall within any area of special environmental designation. However, paragraph nos. 109 – 113 of the NPPF requires that 'good design should contribute positively to making places better for people'.

- 9.15 In this instance, the proposal would utilise an existing building and associated yard. No external alterations are proposed to the building or the surrounding topography. Therefore, whilst the proposal would result in an increase in vehicles on the site in connection with the proposed use, it is considered that due to the location of the building, topography and existing tree screening the proposal would not adversely affect the character and appearance of the rural open countryside.
- 9.16 In conclusion, it is considered that the proposal would not result in any visual harm to the character and appearance of the rural countryside and therefore accords with the requirements of Saved Policy ENV2 of the Local Plan and the aims of the NPPF.
- 9.17 **Impact of development on amenity.**
- 9.18 There are no saved LP policies setting out specific criteria for development outside of development limits with respect to the effects on the amenity of neighbouring occupants. Nevertheless, paragraph 17 of the NPPF states that one of the core planning principles is to secure a good standard of amenity for all existing and future occupants.
- 9.19 The application site has previously been used for an equestrian business which was considered to be capable of being carried out without detriment to the amenity of any adjacent dwellings with regards to noise.
- 9.20 Since the grant of the original business use permission, a former agricultural barn located to the east of the site has been converted to residential use (Craven Barn). The original farmhouse is located to the northeast of the site with associated farm buildings located to the north and east of the existing building the subject of this application.
- 9.21 In the submitted supporting statement it is stated that the majority of works carried out by the applicants business would be conducted off-site. However, the document also states that the building would be used for the storage of equipment and machinery and also be used for the repair and service of machinery used by the business although in the case of larger equipment this would for the most part stay out on-site.
- 9.22 The nearest dwelling to the application site is located to the north-east of the site at a separation distance of approximately 20m. It is acknowledged that the proposed business would result in an increase in overlooking greater than currently experienced. However, it is not considered that this would be so significant to withhold planning approval, given the separation distances involved.
- 9.23 The next nearest dwelling is Butterhaugh Farm located to the north of the site at a separation distance of approximately 50m. As a consequence of the separation distance, intervening buildings and the orientation between the application site and Butterhaugh Farm. It is considered that the occupants of this building would not experience any unacceptable loss of privacy or amenity.
- 9.24 In terms of noise generated from vehicle repairs submitted details indicate that these works would be contained within the existing building. The Council's Environmental Health (EH) department have been consulted and have not objected to the proposal. Therefore, given the nature of the business and the characteristics of the site combined with no objection by the EH department it is considered that the proposal would not have an unacceptable impact on the occupants of nearby properties.
- 9.25 Although there is likely to be some noise associated with the off-loading, parking and movement of vehicles and traffic generated from the business, it is considered given the location and the proposed number of vehicle movements with the inclusion of a working hours condition that neighbouring properties would not be unacceptably affected by traffic movements associated with this proposal.
- Officer note:
- 9.26 In conclusion it is considered that the specified activities of the proposed use would have no greater unacceptable impact on the amenity of neighbouring properties than the existing agricultural or previous equestrian use with regards to proposed noise generated by the proposal. The proposal is therefore considered to accord with the requirements of paragraph 17 of the NPPF.
- 9.27 **Highway issues.**
- 9.28 Saved Local Plan T2 is permissive of development proposals that are appropriate to the highway network where, amongst other things, they do not generate traffic in excess of the highway network; any new or greater use of an access onto a primary, district or local distributor road is acceptable in

terms of design and road safety; and, regard is paid to the highway impact and potential for improvement to the surrounding landscape.

- 9.29 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.
- 9.30 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’.
- 9.31 The proposal would utilise the existing access and turning and parking areas adjacent to the existing building which was previously assessed and considered to comply with the requirements of Saved Policy T2 of the Local Plan. NYCC Highways have been consulted and have raised no objection to the proposal on highway safety grounds.
- 9.32 Concerns have been raised with regards to a weight restriction on the access road leading to the site. NYCC Highways have confirmed that there is a 7.5t weight restriction on this road, however, there is an exemption of ‘except for access’. Notwithstanding, this remains a matter outside of the control of the district council and would be the responsibility of the highways authorities should breaches of the highways regulations occur. In any case it is considered unlikely that the vehicles operated by the applicants business would be significantly different in terms of their overall weight than those that could legitimately be operated during the course of the lawful operation of the site under extant planning permissions.
- 9.33 In conclusion it is considered that the proposal would not have an adverse impact on highway safety and therefore complies with the requirements of Saved Policy T2 of the Local Plan and accords with the aims and objectives of the NPPF.
- 9.34 **Others**
- 9.35 The residents concerns about potential pollution being generated by the proposal have been noted. However, it is not considered that this proposed change of use would result in any significant environmental impacts that would justify a refusal of planning permission.
- 9.36 Conclusion.
- 9.37 Paragraph 14 of the NPPF advises that LPA’s should be *“approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:*
Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
Specific policies in this Framework indicate development should be restricted.
- 9.38 In this case it is 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 hereby permitted shall not be begun later than the expiration of three years beginning with the date of this permission.
Reason: To ensure a compliance with section 91 of the Town and Country Planning Act 1990.

Approved Plans

- 2 The development shall be carried out in accordance with the following:

- Site location plan received by Craven District Council on the 27th April 2018.
- Site plan received by Craven District Council on the 27th April 2018.
- Proposed floor plan received by Craven District Council on the 27th April 2018.

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

Reason: To specify the approved plans for the avoidance of doubt.

Ongoing Conditions

- 3 The premises shall only operate (including deliveries) between 0630 hours and 2200 hours Monday to Saturday and between 0630 hours and 1900 hours on Sundays.

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 guidance contained within the National Planning Policy Framework.

- 4 The use of the application site shall be limited to the business operating as Marsden ASE only with all materials and equipment brought onto the land/into the premises in connection with the use, removed within one month following the cessation of the business use by the named business.

Reason: To restrict the occupation of the site to a use that is acceptable in a rural location in accordance with the requirements the National Planning Policy Framework.

Informatives

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: 2018/19161/COU

Proposal: Change of use of portal framed building and adjacent yard from agriculture / equestrian use to a base for an Agricultural Contracting and Environmental Conservation Business (Sui Generis)

Site Address: Craven Barn Church Street Gargrave Skipton
BD23 3QY

On behalf of: Marsden AES

REPORT TO PLANNING COMMITTEE ON 30th July 2018

Application Number: 2018/19100/FUL

Proposal: Demolition of existing commercial/industrial building. Construction of 3 no houses and associated parking/external works (amendment to approved scheme reference 2017/18577/FUL)

Site Address: Pennine Haulage Brow Garage Rook Street Lothersdale

On behalf of: Pinnacle View Homes

Date Registered: 18th April 2018

Expiry Date: 13th June 2018

Case Officer: Andrea Muscroft

This application is referred to the Planning Committee at the request of Cllr Brown for the reason of public interest.

1. Site Description

- 1.1 The application site relates to a parcel of former industrial land that lies on the edge of the rural settlement of Lothersdale. The site fronts onto Rook Street, with short rows of traditional terraced dwellings to the east and south, and more modern detached dwellings situated beyond the application site to the north and north east boundaries.
- 1.2 Vehicle access and pedestrian access to the site is gained directly off Rook Street. In addition, three existing rights of way link the site to properties to the north, an amenity area to the west and the rear amenity areas of properties along Rook Street.
- 1.3 To the east of the site running north to south is Surgill beck with Public Rights of Way beyond the site boundaries to the east, north and west of the site.
- 1.4 Planning permission (ref: 2017/18577/FUL) was granted 22.11.2017 for the construction of four dwellings with associated off street parking. The current development on site is unauthorised, as the pre-development conditions of that planning permission have not been fulfilled and therefore no valid planning permission exists.
- 1.5 The sites lie within the Lothersdale Conservation Area. The western most dwelling of the terrace of properties on the northern side of Rook Street (12 Rook Street) is an 18th Century Grade II Listed Building.
- 1.6 Lothersdale does not have any development limits defined within the Local Plan and as such any development within the village is considered as development in open countryside. However, the site does lie adjacent to an area protected by Saved Policy H5 which seeks to protect areas of street frontages in the village.

2. Proposal

- 2.1 The proposal is seeking approval for the demolition of existing commercial/industrial building and construction of three houses and associated parking/external works.
- 2.2 **Officers Note:** Following concerns with regards to design, detail and materials the agent has amended the scheme. Revised drawings were received by Craven District Council on the 22nd June 2018. The proposal has been assessed based on the revised submission.
- 2.3 The proposal is supported by the following documentation:
 - Design & Access Statement.

- 2.4 The proposed dwellings would include a 3 terrace plot fronting towards Rooks Street. Details submitted show that the proposed dwellings would be three bed with private amenity areas to the front and rear.
- 2.5 The existing shed walls that lies to the east, north and west of the site would act as the retaining wall for the gardens associated with the proposed terrace dwellings.
- 2.6 Details submitted indicate that the proposed dwellings would be constructed Art stone under concrete tiles. Proposed windows and doors would be UPVc.
- 2.7 The proposed dwellings would be accessed directly off Rook Street. It is proposed to provide 8 off street parking spaces. The parking and turning areas would be constructed using grasscrete.
- 2.8 Boundary treatments would comprise of stone boundary walls and timber fencing. The proposal has identified the location for communal bin storage, to the northeast beyond the proposed parking identified on drawing SR-2075-1A.
- 2.9 **Officer Note:** No details have been provided with regards to the sites own private water supply. It is therefore considered if approved that a condition is imposed requiring further details should the application be approved.
- 2.10 **Officers Note:** The current development on site is unauthorised, as the pre-development conditions of the previous planning permission have not been fulfilled and therefore no valid planning permission exists.
- 2.11 **Officers Note:** The former commercial/industrial building was demolished prior to the submission of this application.

3. Planning History

- 3.1 53/2014/14329 – Demolition of existing workshop and construction of 6no. Two bedroom dwellings with associated car parking – Withdrawn May 2014.
- 3.2 53/2014/15296 – Demolition of ex commercial building and construction of 6no. Two storey dwellings and parking spaces (Re-submission of previous planning application Ref: 53/2014/14329) – Withdrawn January 2015.
- 3.3 53/2016/16902 - Resubmission of previously refused application 53/2015/15618 for demolition of commercial garage; provision of four two-bedroomed dwellings with ancillary parking and detached garage – Approved June 2016.
- 3.4 53/2016/17166 - Application for non-material amendment to original planning consent 53/2016/16902 for change of garage door elevation from South to West – Application returned as process not applicable.
- 3.5 53/2017/17852 - Resubmission of previously approved application (53/2017/16902) for demolition of existing commercial/industrial building and construction of four houses and associated parking/external works – Approved May 2017.
- 3.6 2017/18577/FUL - Demolition of existing commercial/industrial building and construction of four houses and associated parking/external works (resubmission of previous approval 53/2017/17852) – Approved November 2017.

4. Planning Policy Background

- 4.1 Paragraph 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that development proposals are determined in accordance with the development plan unless material considerations indicate otherwise. The statutory development plan for Craven comprises the saved policies of the Craven District (Outside the Yorkshire Dales National Park) Local Plan 1999 (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
 - H5: Frontage Protection at Lothersdale, Stirton, Eastby and Wigglesworth.
 - EMP7: Change of use from Industrial to Non Industrial
 - 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.
 - INF4 – Parking Provision.
- 4.5 National Policy
- The National Planning Policy Framework – NPPF.
 - Planning Practice Guidance – PPG.
5. Parish/Town Council Comments
- 5.1 **Lothersdale Parish Council:** The proposed roof lights, plastic window and stone are not consistent to those present in the village. Parking spaces 5 & 6 on submitted details would impede emergency vehicles. The spaces for the bins impede the access to the neighbour's gate. The Council would also like to object to the commencement of works on site prior to planning permission being granted.
- 5.2 **Officers Note:** No amendments are sought for the location of the bins or parking spaces approved under application 2017/18577/FUL.
6. Consultations
- 6.1 **CDC Environmental Health Team:** No objection to the proposal but would recommend that conditions are attached with regards to the removal of asbestos, construction times, dusts and clean topsoil.
- 6.2 **CDC Environmental Contamination Team:** No objection to the proposal but would recommend that conditions are attached requiring the following assessments are undertaken, an Intrusive Site Investigation Report, Implementation and Amendment of Remediation Strategy, Validation Report and Unexpected Contamination Report to ensure that development will not present any environmental risks and that the site will be made suitable for use.
- 6.3 **CDC Environmental Technical Officer:** If properties are to be served by a borehole then a risk assessment and samples taken prior to works commencing on site. The supply would also require suitable and sufficient treatment.
- 6.4 **CDC Conservation and Listed Building Consultant:** The proposal failed to provide a Heritage Statement and the Design and Access Statement fails to make any reference to the Conservation area. Notwithstanding these omissions the overall change from four x 2 bed units to 3 x 4 bed units would make any significance difference on the conservation area.
- 6.5 However, the proposed materials and design detailing is far less satisfactory and would have a more harmful impact than previously approved. The use of square corbels for gutters and chimney stacks are strong features of the village and should be re-instated. Similarly, materials proposed for the previously approved scheme should be re-instated. The approved scheme also provided satisfactory details for the front doors. It is recommended that working drawings for the windows and doors are submitted for assessment. The landscape scheme is minimal; it should be enhanced with a low stone wall in lieu of rails and fencing.
- 6.6 It is recommended that should the proposal fail to address concerns outlined above that the application is refused on the grounds that the proposal would cause harm to the conservation area.
- 6.7 **Canal & River Trust:** No comment on proposal.

- 6.8 **NYCC Highways Authority:** No objection subject to the use of appropriate conditions relating to construction details for private access/verge crossings and retention of parking spaces.
- 6.9 **NYCC Suds Officer:** Details have been reviewed but request further details before making a formal response.
- 6.10 **Yorkshire Water:** No comments received within the statutory consultation period.
7. Representations
- 7.1 The proposal has been advertised in the Craven Herald on the 26th October 2017 and Site Notices. In addition, notifications were sent to neighbouring properties. As a consequence of the consultation 10 letters of objection have been received (2 from Stansfield House).
- 7.2 Comments have been summarised below:-
- 7.3 **Policy**
- Conflicts with Local Plan
- 7.4 **Visual amenity**
- Proposal out of character with area.
 - Over development of the site.
 - Scale of development.
- 7.5 **Amenity issues**
- Concern that the proposal will impede the current vehicle and pedestrian access to the rear amenity areas of properties along Rook Street.
- 7.6 **Highway issues.**
- Proposed parking arrangements are ill planned and would affect the ability to safely access the private right of way.
 - Concern that the proposal would impede the access of emergency and fuel delivery vehicles.
 - Concern over the increase in parking spaces.
 - No provision of footpaths to access.
 - Concern over visibility.
- 7.6 **Flood Risk**
- Concern over an inadequate flood risk assessment and drainage details shown on approved plan.
- 7.7 **Other issues**
- Refuse area appears insufficient
 - Concern over the location of the timber bin store.
 - Information missing from plans and inconsistency in submitted documents.
8. Summary of Principal Planning Issues
- 8.1 Principle of development.
- 8.2 Loss of Employment Land
- 8.3 Visual impact of the development / Impact on Heritage Assets.
- 8.4 Impact of development on neighbouring properties.
- 8.5 Highways Issues.
- 8.6 Other matters.
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 and the loss of employment land.**
- 9.4 This application is a re-submission of a previously approved planning permission (ref: 2017/18577/FUL). The principle of the development was previously considered against Saved Local Plan Policies and against the aims and objectives of the NPPF. Since the grant of planning approval ref: 2017/18577/FUL there has been no changes to planning policies.
- 9.5 **Visual impact of the development/Impact on Heritage Assets.**
- 9.6 Saved Policy ENV2 states that development acceptable in principle under policy ENV1 should only be permitted where it is compatible with the character of the surrounding area and does not have an unacceptable impact on the surrounding area. The design of structures should also relate well to the setting taking into account the immediate impact and public views of the development.
- 9.7 Also of relevance is Policy H5 which seeks to retain the unique character of Lothersdale by restricting development along certain key road frontages in order to preserve the separation of the dispersed groups of buildings that is fundamental to the character of Lothersdale. However, in this instance the development which would be located on a previously developed site would not result in any change to the existing gap. Thus the proposal would not result in any gradual urbanisation and erosion of the rural character of the Lothersdale.
- 9.8 The NPPF also makes it clear that the government attaches great importance to high quality design of the built environment, and considers this aspect to be indivisible from good planning. To achieve this LPA's should consider using design codes, although policies should avoid being unnecessarily prescriptive or detailed. The NPPF also makes it clear that although visual appearance and the architectural design of buildings is important, high quality design goes beyond just aesthetic considerations.
- 9.9 Paragraph 133 of the NPPF states that where a proposed development will lead to "substantial harm" to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss. In cases where development leads to "less than substantial harm" to the significance of a heritage asset paragraph 134 explains that the harm caused should be weighed against the public benefits of the proposal, including securing its optimum viable use.
- 9.10 Paragraph 137 also states that "LPA's should look for new development within Conservation Areas which would preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably".
- 9.11 Lothersdale's conservation area is characterised by its overall character as being rural due to its natural setting and vernacular stone-built architecture, displaying an organically-grown informal plan form. Situated within the conservation area are a number of key buildings including Dale End Mills which is a good example of the industrial character of the mill.
- 9.12 The proposal seeks approval for the redevelopment of an existing developed site for residential dwellings within the conservation area of Lothersdale. Currently the site comprises of hardstanding leading to the site of a former industrial building now demolished. Within the surrounding area is a mixture of traditional and detached, terrace and semi-detached dwellings, all of which are predominantly two storey. However, it is acknowledged that on the outskirts of the village are a number of modern detached dwellings.
- 9.13 The previously approved scheme consisted of a row of 4 two storey terrace dwellings with 9 off street parking spaces. The buildings were to be constructed using materials sympathetic to the character of the conservation area.

- 9.14 The revised proposal is now seeking approval for the construction 3 two storey terrace dwellings. The current proposal is not seeking any change to the overall height of the previously approved dwellings. Notwithstanding this, the proposal has resulted in a change to the previously approved sitting and footprint of the dwellings. In addition, instead of four chimneys the proposal has included 2 chimneys and velux rooflights to the front and rear roof slopes.
- 9.15 Following changes to the proposal with regards to addressing concerns over the potential visual impact of the development, the revised proposal is now considered to be more reflective of the traditional local building style in terms of their detailing and fenestration. This is an approach that is endorsed by Historic England. In addition, details with regards to windows/doors and the use of more appropriate materials have also been submitted which address the concerns expressed by the Council's Conservation and Listed Building Consultant. Therefore, it is considered that the proposed dwellings due to no changes to their overall height and a reduction in the footprint and massing would not appear prominent when viewed from the street or from wider public views and would achieve an appropriate visual relationship with the adjacent dwellings.
- 9.16 Notwithstanding details submitted with regards to the proposed materials it is considered appropriate to impose a condition requiring samples to be provided prior to use should the proposal be approved.
- 9.17 To the west of the application site is a grade II listed 18th century dwelling (no. 12 Rook Street). It is not considered that this development proposal would have any adverse impact on the setting or significance of that building.
- 9.18 In conclusion
- 9.19 Plots 1 – 3 are considered appropriate and acceptable in terms of design, scale and appearance and that the minor alterations to the previous proposal would not result in any visual harm. The proposal is therefore considered not to conflict with policy ENV2 of the Local Plan, which seeks to ensure that all development respects the character and appearance of the surrounding area. The proposal would also not conflict with paragraph 64 of the NPPF which 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.
- 9.20 **Impact of development on neighbouring properties.**
- 9.21 One of the core planning principles of the NPPF is to secure high quality design and a good standard of amenity for all existing and future occupants. The proposed dwellings (house plots 1 – 4) would be located to the north of the site approximately 23m from the rear of the nearest building facing onto Rook Street and approximately 40m from dwellings located to the south of Rook Street. The nearest building facing onto Rook Street is a former office building that was granted permission for a change of use to a dwelling in 2014. However, the separation distance of approximately 23m between these buildings is considered adequate and that the proposal would provide an acceptable standard of privacy to the occupiers of the properties.
- 9.22 Properties to the north and north east of plots 1-3 are situated on elevated land separated from the application site between 14.5m to in excess of 24m. The proposed rear windows on house types 1 – 3 would face across towards Lynmouth located to the north. However, given Lynmouth's elevated position, the orientation of the dwelling in relation to the proposed dwellings combined with existing screening it is not envisaged that the proposal would result in any unacceptable loss of privacy to the occupiers of this property. Similarly, the western and eastern elevations of these dwellings would remain blank thus ensuring no overlooking of the amenity land of Ghyll End located to the east or the allotment gardens to the west.
- 9.23 Turning to the amenity space for future occupiers of plots 1 - 3 the proposal has been designed to provide each dwelling with a small private amenity area. On this basis it is considered that the proposal would provide adequate level of private amenity space for future occupiers of these dwellings. Furthermore, the layout would ensure that a plot 1 - 3 receives adequate levels of natural light.
- 9.24 It is acknowledged that the redevelopment of this site could result in some noise disturbance during the construction stage of the development. However, should any noise complaints be received these could be dealt with by separate legislation enforced by the Council's Environmental Health Department.

- 9.25 In conclusion
- 9.26 The proposal would not result in any harm to adjacent dwellings in terms of loss of privacy or amenity. In addition, it is considered that the proposal would provide appropriate living conditions for future residents. The proposal is considered not to conflict with the aims and objectives of Section 7 of the NPPF which seeks to ensure that all development achieves an adequate level of amenity for existing and future occupiers.
- 9.27 **Highway issues**
- 9.28 Saved Policy ENV2 of the Local Plan requires that rural access roads would be able to accommodate the traffic likely to be generated by the proposal.
- 9.29 Saved T2 are permissive of development proposals that are appropriate to the highway network where, amongst other things, they do not generate traffic in excess of the highway network; any new or greater use of an access onto a primary, district or local distributor road is acceptable in terms of design and road safety; and, regard is paid to the highway impact and potential for improvement to the surrounding landscape.
- 9.30 Section 4 of the NPPF contains guidance on transport and land use planning, including the promotion of sustainable transport choices and reducing travel by car.
- 9.31 Paragraph 32 of the NPPF states that:
- 9.32 'Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe'.
- 9.33 Concerns have been raised by local residents with regards the onsite parking arrangements.
- 9.34 The proposal is not seeking any changes to the previously approved off street parking or the vehicle/pedestrian access onto the site. These arrangements were assessed previously against saved Policy T2 of the Local Plan and guidance contained within the NPPF. Therefore, the proposal is considered to conform with the policy requirements of the Local Plan.
- 9.35 NYCC Highways have been consulted on this proposal and have raised no objection to the proposal on highway safety grounds.
- 9.36 Local residents have also raised concerns about access for emergency vehicles being impeded by on street parking arrangements. These concerns are not shared by the Highway Authority and there are no reasons to disagree with their professional assessment.
- 9.37 In conclusion
- 9.38 It is considered that the proposal would not result in any conditions contrary to highway safety and meets the objectives of the NPPF and Saved Policies ENV2, and T2 of the Craven District (outside the Yorkshire Dales National Park) Local Plan.
- 9.39 Other issues.
- 9.40 Concern has been expressed over the potential blocking of rights of way situated within the site. The site layout has obviously been constrained by the number of private accesses onto the application site. However, these are private rights of way and should they be obstructed this would be a civil matter between affected parties.
- 9.41 **Conclusion;**
- 9.42 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.*
- 9.43 In this case the relevant Local Plan policies are out of date and therefore the policy within Paragraph 14 of the NPPF is applicable. The benefits of the development include boosting the supply of housing and the economic developments that this proposal can bring. In addition to the test at Paragraph 14, consideration also needs to be given to Paragraph 134 of the NPPF that explains that the harm

caused to heritage assets by the development proposal should be weighed against its public benefits. In Officers opinion the proposed development would also provide a visual enhancement to the character and appearance of the conservation area.

- 9.44 On balance, it is considered that there are no adverse impacts that significantly and demonstrably outweigh the overarching presumption in favour of sustainable development contained within paragraph 14 of the NPPF, and there are no grounds to withhold planning permission that in officer's view would be sustained at appeal.

10. Recommendation

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

Conditions

Time

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

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

Approved plans

2. The development hereby permitted shall be carried out wholly in accordance with the plan's

- SR-2075-1A received by the Local Planning Authority on 22nd June 2018

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

Reason: To specify the approved plans for the avoidance of doubt.

Pre-commencement

3. Prior to the commencement of development, full details of a surface water drainage scheme based on SUDs principles shall be submitted to and approved in writing by the Local Planning Authority. That scheme shall include interceptors and other measures to prevent pollution of the adjacent watercourse. Thereafter, the scheme shall be implemented in accordance with the approved details unless otherwise agreed in writing.

Reason: The information is required prior to the commencement of development to ensure that surface water from the site is disposed of in a safe and appropriate manner in order to protect the water quality and prevent pollution in accordance with paragraphs 109 & 120 of the National Planning Policy Framework.

4. Prior to the commencement of development, full details of a scheme for the provision of a water supply for dwellings, including an implementation plan, has been submitted to and approved in writing by the Local Planning Authority and thereafter the scheme shall be implemented in accordance with the approved details.

Reason: Insufficient information has been submitted.

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

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

Reason: To protect the private water supplies of adjacent dwellings which could adversely affected by the development.

6. Development shall not commence until actual or potential land contamination at the site has been investigated and a Phase I desk study report has been submitted to and approved in writing by the local planning authority. Reports shall be prepared in accordance with current best practice.

Reason: To ensure that actual or potential land contamination at the site has been investigated and that associated environmental risks have been assessed.

7. Should further intrusive investigation be recommended in the Phase I report, development shall not commence until a scope of works has been submitted to and approved in writing by the local planning authority. The scope of any Phase II Intrusive Site Investigation shall be prepared in accordance with current best practice.

Reason: To ensure that the scope of the Site Investigation works is sufficient to investigate actual or potential land contamination at the site and to assess associated environmental risks.

8. Should remediation be recommended in the Phase II Intrusive Site Investigation report, development shall not commence until a Remediation Strategy has been submitted to, and approved in writing by, the local planning authority. The Remediation Strategy shall be prepared in accordance with current best practice. The approved remediation measures shall be implemented in accordance with the timescales in the approved Remediation Strategy. In the event that remediation is unable to proceed in accordance with an approved Remediation Strategy or unexpected significant contamination is encountered at any stage of the process, the local planning authority shall be notified in writing immediately. Revisions to the Remediation Strategy shall be submitted to, and approved in writing by, the local planning authority. Works shall thereafter be carried out in accordance with the approved revised Remediation Strategy

Reason: To ensure the development shall be suitable for use and that identified contamination will not present significant environmental risks.

9. 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 Validation Report shall be prepared in accordance with current best practice. The site shall not be brought into use until such time as all the validation data has been approved in writing by the local planning authority at the agreed timescales.

Reason: To enable the local planning authority to determine whether the site has been rendered suitable for use; and that contamination has been dealt with so as not to present significant environmental risks.

10. Prior to commencement, a Construction Method Statement shall be submitted to and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

The parking of vehicles of site operatives and visitors.

- Loading and unloading of plant and materials.
- Storage of plant and materials used in the constructing the development; the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate:
- Measures to control the emission of dust and dirt during construction.
- A scheme for recycling/disposing of waste resulting from demolition and construction works.

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

During building works

11. Notwithstanding the details submitted with the application, prior the first use of building materials on site samples of the external materials and roofing materials (including stone, colour of render) to be used in the construction shall be submitted to and approved by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
Reason: To ensure a satisfactory appearance to the development within the Conservation Area.
12. All new windows and doors hereby approved shall be of timber construction, set in a minimum external reveal of 100mm and painted or stained throughout to the same colour specification, the precise colour of which shall have first been agreed in writing with the Local Planning Authority. Once installed the windows and doors shall be retained.
Reason: To ensure a satisfactory appearance to the development within the conservation area.
13. Notwithstanding any details shown on the approved plan, the site's internal and external boundaries shall be enclosed in accordance with a detailed scheme and programme of implementation which shall first have been submitted to and approved by the Local Planning Authority. The programme shall ensure that the approved boundary treatments for each dwelling are completed prior to the occupation of that dwelling, and the approved boundary treatments for the whole site are completed prior to the occupation of the last dwelling.
Reason: To ensure a satisfactory appearance to the development within the conservation area.
14. Prior to the first occupation of the dwellings hereby approved the refuse storage facilities indicated on the approved plans shall be fully implemented and made available for use. These facilities shall thereafter be retained for use at all times.
Reason: To ensure the provision of satisfactory facility for the storage of refuse.
15. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site 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 4.5 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 4.5 metres of the public highway shall not contain any loose material that is capable of being drawn on to the existing or proposed public highway.
- 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.
- On-going**
16. No barge boards, fascia boards or soffit boards shall be used in the carrying out of the development hereby approved and the roof shall be slated verges.
Reason: To ensure a satisfactory appearance to the development within the conservation area.
17. 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.
18. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that order with or without modification), no

extension, enlargement, or other alteration of the dwellinghouses shall be carried out without planning permission obtained from the Local Planning Authority.

Reason: The Local Planning Authority wish to control any future development on the site to ensure the amenity of future residents of the dwellings.

19. Notwithstanding the provision of any Town and Country Planning General Permitted Order 2015 or any Order revoking or re-enacting that Order, the areas shown on the approved **Site Location 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.

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.

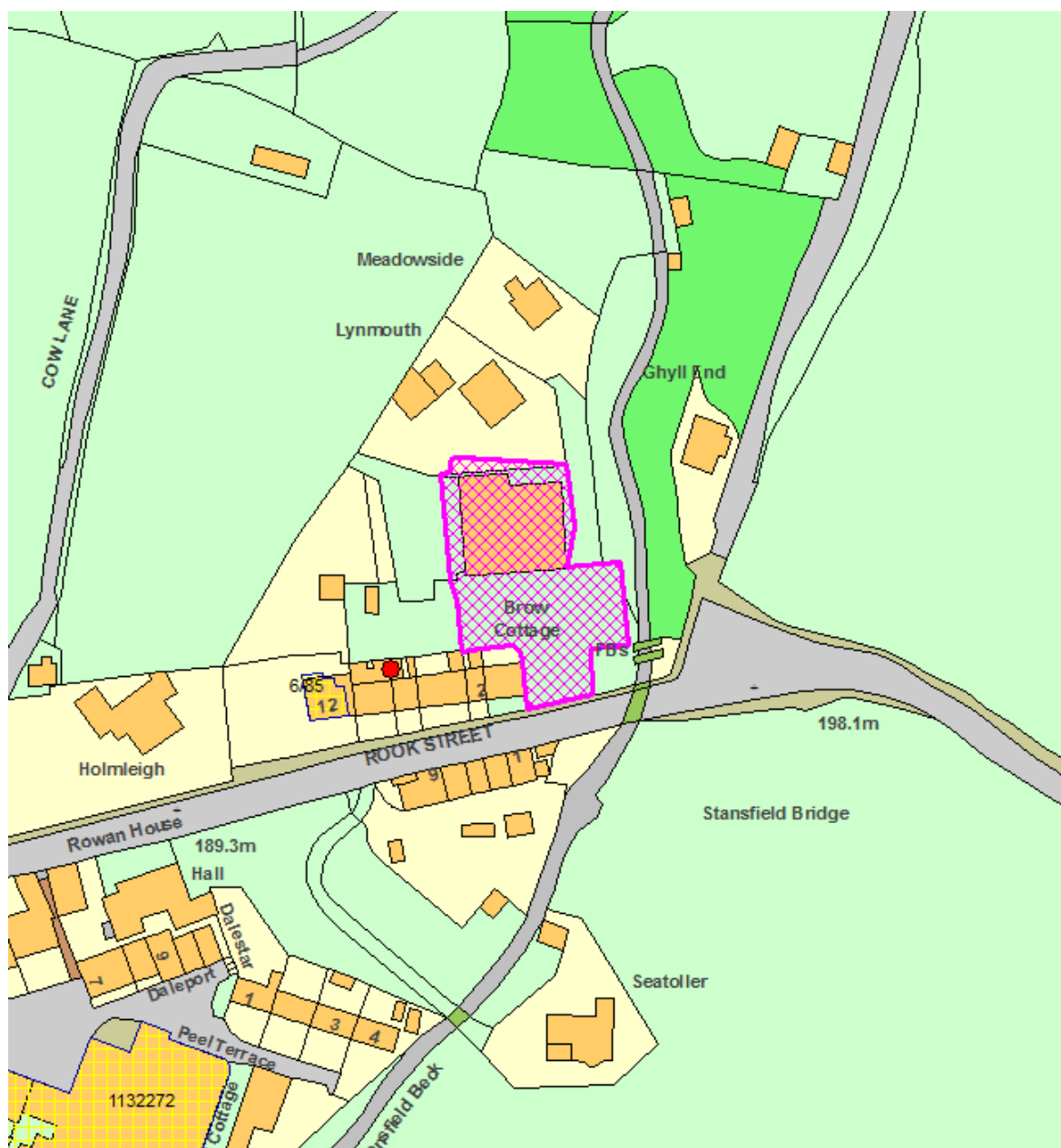
Operating times for construction should be limited to 7.30am to 6pm Monday to Friday, 7.30am to 1pm Saturday and no Sunday or Bank Holiday working.

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.

Statement of Positive Engagement: -

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

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



Application Number: 2018/19100/FUL

Proposal: Demolition of existing commercial/industrial building. Construction of 3 no houses and associated parking/external works (amendment to approved scheme reference 2017/18577/FUL)

Site Address: Pennine Haulage Brow Garage Rook Street Lothersdale Keighley

On behalf of: Pinnacle View Homes

REPORT TO PLANNING COMMITTEE ON 30th July 2017

Application Number: 2018/19329/VAR

Proposal: Application to vary condition no's 2 (approved plans) and 27 (external walls) of original planning approval referenced 21/2016/17019 to change the wording of condition 2 so that it is relevant to the new plans and condition 27 to allow the limited use of materials other than stone.

Site Address: Station Works Cononley Lane Cononley BD20 8LN

On behalf of: Candelisa

Date Registered: 14th May 2018

Expiry Date: 13th August 2018

Case Officer: Andrea Muscroft

This application is referred to the Planning Committee as in November 2016 Planning Committee recommended approval for the original redevelopment of the site under planning reference 21/2016/17019. The current proposal is seeking amendments to the original scheme approved by Planning Committee.

1. Site Description

- 1.1 The application site extends to approximately 2.17 ha. located to the north of Cononley Lane, with the railway line to the west, Moorfoot Lane to the north and grassland to the east.
- 1.2 It comprises a former textile mill with attached dwelling. The three storey mill building and dwelling are constructed in stone.
- 1.3 The application site lies outside the conservation area (although the boundary is on the western side of the railway line) and outside of the development limits of Cononley. Cononley Beck is located to the south of the application site on the southern side of Cononley Lane. The very eastern edge of the application site and the very southern edge of Cononley Mill is identified as being with Flood Risk Area zone 2. The site is also identified as being within a Low Risk former coal mining area.

2. Proposal

- 2.1 The proposal has been submitted under Section 73 of the Town and Country Planning Act 1990, and seeks to vary condition 2 (Drawings and Details) and 27 (External Materials) attached to Planning Decision Notice 21/2016/17019.
- 2.2 If the variations are considered acceptable, a new planning permission would be granted, though this sits alongside the extant permission.
- 2.3 Condition 2 – Revised approved plans.
- 2.4 The approved plans comprise drawing no's: -
- 2.5 (000) 200 E, (000) 201 D, (000) 202 c, (000) 203 D, (000) 204 B, (000) 20 5 A, (000) 300 A, (000) 301 B, (000) 302 A, (000) 30 3 A, 102, 110, 2A-200, 2A-300, 3A-200 A, 3A-300 A, 4a-200 A, 4a-300 A, 6A-200, 6A- 300, 7619 Design and Access Statement, A1 - 200 A, A1 - 300 A, A4- 200, A4- 300 A, A5 - 200, A5 - 300, C1-200, C1-300, G1- 200, G2- 200, G3- 200 A, H 47- 200, H 47- 300, M1 -200 A, M1 -300 A, M3 - 200 A, M3 -300 A, M3a- 200 A, M3a- 300, M4 -200 A, M4 -300 A, M4a- 200, M4a- 300 , M4b- 200, M4b- 300, M4c-200, M4c-300, M5 -200, M5 -300, M5a- 200, M5a- 300, M5b- 200, M5b- 300, M5d- 202, M5d- 203, M5d- 204, M5d- 205 A, M5d- 206, M5d- 207, M5d- 208, M5d- 302, M5d- 303, M5d- 304, M5d- 305 A, M5d- 306, M5d- 307, M5d- 308, S- 400, S- 401, Type 4- 200, Type 4- 300 received by the Local Planning Authority on the 2 June 2016.

- 2.6 The development shall be completed in accordance with the approved plans except where conditions attached to this planning permission indicate otherwise or where alternative details have been subsequently approved following an application for a non-material amendment.
- 2.7 Condition 27 – Revised external materials.
- 2.8 Notwithstanding the submitted details the external walls of the new dwellings (plots 1-46 inclusive) shall be constructed in stone, samples of which shall be provided on site for the written approval of the Local Planning Authority prior to the first use of the external walling and thereafter the development shall be carried out in accordance with the approved materials.
- 2.9 The amendments consist of the following:
- ☐ Amendments to design, scale, appearance and siting of plots 1 - 7, 38 - 46.
 - ☐ Amendments to proposed materials.
 - ☐ Replacement of plot 2 with substation.
 - ☐ Amendments to the internal road layout.
 - ☐ Amendments to the internal parking arrangements.
 - ☐ Increase in the number of apartments in the Mill from 46 to 49.
- 2.10 South elevation of the Mill
- ☐ Reduction in the overall height of the Chimney.
 - ☐ Increased and alignment of the roof lights to the Mill roof slope.
 - ☐ Inclusion of Masonry panel to the gable end of the Mill.
 - ☐ Increase in the number of balconies to the 1st & 2nd floor of the Mill.
- 2.11 Western elevation of the Mill
- ☐ Reduction in the overall height of the link extension.
 - ☐ Balcony to 1st & 2nd floors in lieu of window (Existing building).
 - ☐ Dormers and balcony added to roof in lieu of roof lights (Existing building).
 - ☐ Reduction in the number of openings at ground floor level (Existing building).
- 2.12 East elevation of the Mill
- ☐ 2nd floor inset balcony position no aligned with balcony above (Existing building).
 - ☐ Position of windows realigned and two additional windows to 3rd floor level (new building).
- 2.13 North elevation of the Mill
- ☐ Reduction in the overall height of the link extension and the right hand stair case has been repositioned.
 - ☐ Number of openings within the roof/mezzanine level have been reduced.
 - ☐ Replacement of 5 large dormers with 7 smaller dormers (new building).
 - ☐ 1st & 2nd floor window positions altered.
3. Planning History
- 3.1 21/2000/0351 - Change of use from General industrial B2 to warehousing B8. Approved 27.7.2000
- 3.2 21/2006/6349 - Change of use of part of the site for retail use. Approved 27.6.2006
- 3.3 ENF 0503/2009 Enforcement Investigation in respect of a hardstanding on site. Case Closed 2011.
- 3.4 21/2016/17019 - Redevelopment of former mill site to include the conversion and extension of mill building to provide 46 apartments, restoration of existing house attached to the mill building, 1,445sqm of new B1 commercial floor space and 46 dwellings on the remainder of the site – Approved November 2017.

- 3.5 ENF 0275/2017 Enforcement investigation in respect to unauthorised works. Investigation ongoing.
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 Saved Policies in The Craven District (Outside the Yorkshire Dales National Park) Local Plan (1999).
- ☐ ENV1 – Development in the countryside.
 - ☐ ENV 2 – Requirements for development in the countryside.
 - ☐ EMP7 – Change of use from industrial to non-industrial uses.
 - ☐ SRC2 – Provisions of recreation space in new housing development.
 - ☐ 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.
 - ☐ ENV2 – Heritage.
 - ☐ ENV3 – Good Design.
 - ☐ H2 – Affordable Housing.
 - ☐ INF1 – Planning Obligations.
 - ☐ INF – Sport, Open Space and Recreation Facilities.
 - ☐ INF4 – Parking Provision.
- 4.5 National Policy
- ☐ The National Planning Policy Framework – NPPF.
 - ☐ Planning Practice Guidance - PPG
5. Parish/Town Council Comments
- 5.1 **Cononley Parish Council:** No objection to the proposed change to the planning condition relating to plots 42, 43, 44, 45 & 46
6. Consultations
- 6.1 **CDC Contamination Officer:** Submitted details have confirmed contamination on site. The report recommends further testing is necessary. Therefore, it is recommend that if planning approval is granted that conditions are imposed with regards to a remediation strategy and a validation report are submitted to the Council.
- 6.2 **CDC Open Space Officer:** Amendments to conditions 2 or 27 do not affect the previously approved open spaces.
- 6.3 **CDC Strategic Housing:** The layout changes do not impact on the 8 affordable homes to be provided (plots 25 – 32).
- 6.4 **CDC Tree Officer:** There are no trees of significant quality that would warrant preservation. Advises that landscaping should be covered by condition as well as protection measures for existing trees. It is recommended that tree planting to the eastern boundary would be beneficial to help screen the site from the east.

- 6.5 **Airedale Drainage:** No material effect on the Board's operations, and therefore the Board has any comment to make.
- 6.6 **Environment Agency:** No comments received within the statutory consultation period.
- 6.7 **Historic England:** Do not wish to offer any comments, except the recommendation that views are sought from your specialist conservation and archaeological advisers.
- 6.8 **Network Rail:** No comments received within the statutory consultation period.
- 6.9 **NYCC Suds Officer:** No comments with respect to drainage but expect to be consulted on any relevant conditions imposed on the full permission.
- 6.10 **Yorkshire Water:** No comments received within the statutory consultation period.
7. Representations
- 7.1 The proposal was advertised on the 8th June 2018 in the Craven Herald and a Site Notice was displayed adjacent to the site on the 15th June 2018. Notification letters were circulated to neighbouring properties.
- 7.2 As a consequence of the publicity the Council received no third party representation were received within the statutory consultation period.
8. Summary of Principal Planning Issues
- 8.1 Paragraph 14 of the NPPF sets out the presumption in favour of sustainable development which should be seen as the "golden thread" to guide decision making. The NPPF makes clear that, for decision taking, this means:
- 8.2 Approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
- ☐ any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
 - ☐ specific policies in the Framework indicate development should be restricted.
- 8.3 Having regard to the relevant national and local planning policies, the site's designation within the CDLP, the representations received and the nature of the development applied for, it is considered that the main issues in this case are:
- ☐ Whether the changes to the layout, parking arrangements, design, appearance and siting of plots is acceptable.
 - ☐ Whether the proposed materials would result in any visual harm.
 - ☐ Other issues.
9. Analysis
- 9.1 **Policy context**
- 9.2 Paragraph 38 (6) of the Planning and Compulsory Purchase Act 2004 and paragraph 2 of the NPPF make clear that development proposals are to be determined in accordance with the development plan unless material considerations indicate otherwise. At the present time, the statutory development plan for Craven comprises the saved policies of the Craven District (Outside the Yorkshire Dales National Park) Local Plan 1999 (the 'CDLP'). It is this plan, along with the NPPF, that provide the prevailing policy context under which the application is to be assessed.
- 9.3 **Variation of conditions**
- 9.4 Section 73 of the Town and Country Planning Act 1990 provides that an application may be made for planning permission without complying with conditions applied to a previous permission. It is stated that LPA's may decide whether to grant permission subject to differing conditions (this can include imposing new conditions), remove the conditions altogether or refuse to alter conditions. Thus it is possible to apply for conditions to be struck out, or for their modification or relaxation. The section makes it clear that in considering such an application a LPA may only consider the question of the condition and not revisit the principle of the original development.

- 9.5 Therefore, only the acceptability of the proposal in the context of the reasons for the imposition of the conditions falls to be considered in the determination of the current proposal. Notwithstanding this, a section 73 application should be treated just like any other application, and due regard paid to the Local Plan and other material considerations.
- 9.6 **Principle of development.**
- 9.7 This application is seeking variations to conditions 2 and 27 imposed on planning decision 21/2016/17019 which required the development to be constructed in accordance with approved plans and approval of materials to be used in the construction of the proposed dwellings.
- 9.8 Therefore, as the principle of development on this site has been established, it is not necessary to assess the principle of development again. As such, the key issues for consideration are visual impact, neighbouring amenity, highway implications and any other relevant matters.
- 9.9 **Affordable Housing.**
- 9.10 A Section 106 Agreement was negotiated and agreed which set out the requirement for commuted sum of £570,000 (affordable housing contribution).
- 9.11 The Council's Strategic Housing Officer has reviewed the amended proposal and has confirmed that they are satisfied with the number of affordable units on the site and therefore have no object to the proposal.
- 9.12 **Open Space**
- 9.13 A Section 106 Agreement was negotiated and agreed which set out the requirement for commuted sum of £228,000 (public open space contribution).
- 9.14 The applicant is not seeking any change to the agreed commuted sum. The Council's Open Space Officer has reviewed the amendment proposal and has confirmed that there is no objection to the proposal.
- 9.15 **Visual impact of development.**
- 9.16 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.
- 9.17 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.
- 9.18 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.
- 9.19 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.
- 9.20 Also for consideration is the proposals potential visual impact on a conservation area and adjacent listed buildings.
- 9.21 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.
- 9.22 In addition, under section 16(2) and 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990, LPA's when considering any development which may affect a listed building or its setting

shall have 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.

- 9.23 The proposal is seeking to vary the condition relating to plan numbers to allow revisions to the layout, alterations to the design of plots 1 - 7, 38 – 46 and the mill, plus amendments to the parking arrangement.

Mill

- 9.24 The original layout and external appearance of the approved mill conversion was in response to the existing structure, resulting in a bespoke conversion with the introduction of recessed balconies, Juliet balconies, creating new window and door openings, utilising existing openings and the construction of an extension. The revised proposal seeks amendments to the previously approved external appearance of the original mill building and the proposed extension (detailed in paragraph 2.9).

- 9.25 It is acknowledged that the proposed changes would have a material visual impact on both the character of the original mill and the existing street scene. However, the amendments follow the character of the previously approved elements. Therefore, it is considered that the proposed amendments to the mill element of the proposal are visually appropriate in terms of the general character of the building and thus would not have a significant detrimental impact on the existing building, the wider conservation area nor on the existing street scene.

Amendments to plots 1 - 7, 38 – 46

- 9.26 The previously approved dwellings consisted for the majority of two storey dwellings with a limited number of three storey dwellings being served from a central spine road directly off Cononley Lane. The current amendments seek to amend the design, scale, appearance and siting of a limited number of plots previously approved under 22/2016/17019.

- 9.27 In order to accommodate the amended dwellings some of the plots have been amended, for example, plots 6 – 8 were approved as a row of terrace dwellings. These have been amended and become 3 plots, consisting of 1 x detached dwelling and 2 x semi-detached dwellings. The revised design of the identified plots is sought to enable the development to both respect the character of the surrounding area and provide for a more modern contemporary twist on the traditional buildings location within the surrounding area.

- 9.28 The general design of the proposed dwellings is considered to be acceptable and provides variation throughout the development. The scale of the proposed dwellings is also considered appropriate for the surrounding area. The amendments to the layout also allows for a reasonable amount of spacing between the proposed dwellings. Therefore, in officer opinion, it is considered that the proposed changes to the layout would not result in any visual harm to the immediate surrounding area, the wider conservation area or existing street scene.

Materials

- 9.29 In terms of materials, the proposal is seeking to re-use materials that have previously been used in the construction of the former industrial units on the site, for example brick. The use of brick for the site has been put forward by the applicant on the grounds of sustainability as this would result in the re-use of reclaimed materials from the site rather than the transportation of new materials to site. It is acknowledged that there is a mixture of materials in the surrounding area although natural stone predominates in the immediate vicinity along Cononley Lane with some alternative materials present along Main Street.

Layout

- 9.30 The proposal is also seeking amendments to the internal layout of the site. This amendment has occurred as a result in the changes to plots identified above and to the parking arrangements serving the mill. Notwithstanding these changes, it is considered that these amendments would not result in any visual harm and are therefore considered acceptable.

- 9.31 In conclusion, it is considered that the proposed amendments on balance are considered acceptable and would not have an adverse visual impact on the surrounding area, the wider conservation area nor the existing street scene.

- 9.32 **Amenity issues.**
- 9.33 Paragraph 17 of the NPPF states that one of the core planning principles is to secure a good standard of amenity for all existing and future occupants.
- 9.34 In this instance, it is considered that the proposed alterations to the mill element of this proposal would not result in any unacceptable loss of privacy or amenity to existing nearby dwellings due to the existing separation distances and the orientation of this element with nearby dwellings. Similarly, the proposal would not result in any loss of privacy or amenity to the occupants of the future units located to the east and north of the mill.
- 9.35 With regards to the plots it is considered that there is sufficient separation distance between these plots to ensure that any future occupants of these units do not experience any unacceptable loss of privacy or amenity as a consequence of the amendments.
- 9.36 In conclusion, it is considered that the proposed amendments would not result in any loss of privacy or amenity to the occupants of existing dwellings nor would the proposal have an adverse impact on the privacy or amenity of any future resident of the development.
- 9.37 **Parking.**
- 9.38 Saved T2 are permissive of development proposals that are appropriate to the highway network where, amongst other things, they do not generate traffic in excess of the capacity of the highway network; any new or greater use of an access onto a primary, district or local distributor road is acceptable in terms of design and road safety; and, regard is paid to the highway impact and potential for improvement to the surrounding landscape.
- 9.39 Section 4 of the NPPF contains guidance on transport and land use planning, including the promotion of sustainable transport choices and reducing travel by car.
- 9.40 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’.
- 9.41 The original approval was for the provision of parking bays, detached garages and integral garages. The amended proposal seeks the reconfiguration of the parking spaces. NYCC Highways have been consulted and have raised no objection to the revised proposal on the grounds of highway safety.
- 9.42 In conclusion, it is considered that the proposed amendments to the approved parking arrangements would not have an adverse impact on highway safety and therefore are considered acceptable.
- 9.43 **Conclusion;**
- 9.44 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.
- 9.45 For reasons outlined above, the amendments to the previously approved scheme are considered acceptable and accord with the Saved Local Plan Policies and guidance contained within the NPPF.
10. **Recommendation**
11. The application is recommended for approval subject to the imposition of conditions on the original planning permission.
12. As this is a Section 73 application, previous conditions have been imposed/amended as necessary.

Conditions

Time Limit for Commencement

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

Reason: To 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 approved plans comprise drawing nos: -

102 J - Proposed Site Layout

110 Location plan

(000) 200 F Grd Floor Plan

(000) 201 E 1st Floor Plan

(000) 202 D 2nd Floor Plan

(000) 203 F 3rd Floor Plan

(000) 204 D Mezz Plan

(000) 20 5 B Roof Plan

(000) 300 B Proposed Mill Conversion South elevation

(000) 301 C Proposed Mill Conversion East and West elevation

(000) 302 C Proposed Mill Conversion North elevation

(000) 303 B Proposed Mill Conversion East and West elevations

C1-200 Industrial unit Floor plans

C1-300 Industrial unit Elevations

G1- 200 Single Garage floor and elevations

G2- 200 Double Garage floor and elevations

G3- 200 A Double Garage floor and elevations

2A-200 A Plots 39 - 40 Floor plans

2A-300 A Plots 39 - 40 Elevations

3A-200 A Plots 31 - 32 Floor plans

3A-300 A Plots 31 - 32 Elevations

4a-200 A Plot 10 Floor plans

4a-300 A Plot 10 Elevations

6A-200 Plots 26 - 27 Floor plans

6A- 300 Plots 26 - 27 Elevations

A1 - 200 B Plots 42 - 46 Floor plans

A1 300 B Plots 42 - 46 Elevations

A4- 200 Plots 28 - 30 Floor plans

A4- 300 A Plots 28 - 30 Elevations

A5 - 200 Plots 23 - 25 Floor plans

A5 - 300 Plots 23 - 25 Elevations

M1 -200 C Floor Plans Plots 5 & 6

M1 -300 C Elevations 5 & 6

M3 -200 B Floor Plans Plot 38

M3 -300 B Elevations Plot 38

M3a- 200 B Floor Plans Plots 3 & 4

M3a- 300 A Elevations Plots 3 & 4

M3b- 200 Floor Plans Plot 7

M3b-300 Elevations Plot 7

M3c-200 Floor Plans Plot 41

M3c-300 Elevations Plot 41

M4 -200 A Plots 21 & 22 Floor plans
 M4 -300 A Plots 21 & 22 Elevations
 M4a- 200 A Floor Plan Plot 1
 M4a- 300 A Elevation Plot 1
 M4b- 200 A Floor Plan Plot 2
 M4b- 300 A Elevations Plot 2
 M4c-200 Plot 33 Floor plans
 M4c-300 Plot 33 Elevations
 M5 -200 Plot 12 & 15 Floor plans
 M5 -300 Plot 12 & 15 Elevations
 M5a- 200 Plot 18 Floor plans
 M5a- 300 Plot 18 Elevations
 M5b- 200 Plot 14 Floor plans
 M5b- 300 Plot 14 Elevations
 M5d- 200 Plot 11 Floor plans
 M5d-300 Plot 11 Elevations
 M5d- 202 Plot 16 Floor plans
 M5d- 203 Plot 17 Floor plans
 M5d- 205 A Plot 25 Floor plans
 M5d- 206 Plot 34 Floor plans
 M5d- 207 Plot 35 Floor plans
 M5d- 208 Plot 36 Floor plans
 M5d- 302 Plot 16 Elevations
 M5d- 303 Plot 17 Elevations
 M5d- 304 Plot 19 Elevations
 M5d- 305 A Plot 20 Elevations
 M5d- 306 Plot 34 Elevations
 M5d- 307Plot 35 Elevations
 M5d- 308 Plot 36 Elevations
 Type 4- 200 Plot 9 Floor Plans
 Type 4- 300 Plot 9 Elevations

Sub-200 B Sub Station Floor and Elevation Plans.

received by the Local Planning Authority on the 2 June 2016. The development shall be completed in accordance with the approved plans except where conditions attached to this planning permission indicate otherwise or where alternative details have been subsequently approved following an application for a non material amendment.

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

Before you Commence Development

- 3 Prior to the commencement of development a Phase II Intrusive Site Investigation report shall be commissioned and should remediation be required development shall not commence until a Remediation Strategy has been submitted to, and approved in writing by, the local planning authority. The Remediation Strategy shall be prepared in accordance with current best practice. The approved remediation measures shall be implemented in accordance with the timescales in the approved Remediation Strategy In the event that remediation is unable to proceed in accordance with an approved Remediation Strategy or unexpected significant contamination is encountered at any stage of the process, the local planning authority shall be notified in writing immediately. Revisions to the Remediation Strategy shall be submitted to, and approved in writing by, the local planning authority. Works shall thereafter be carried out in accordance with the approved revised Remediation Strategy.

Reason: To ensure that the development shall be suitable for use and that identified contamination will not present significant environmental risk.

- 4 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 Validation Report shall be prepared in accordance with current best practice. The site shall not be brought into use until such time as all the validation data has been approved in writing by the local planning authority at the agreed timescales.

Reason: To enable the Local planning Authority to determine whether the site has been rendered suitable for use and that contamination has been dealt with so as not to present significant environmental risks.

- 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 following drawings and details have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority:

a. Detailed engineering drawings to a scale of not less than 1:250 and based upon an accurate survey showing:

- the proposed highway layout including the highway boundary
- dimensions of any carriageway, cycleway, footway, and verges
- visibility splays
- the proposed buildings and site layout, including levels
- accesses and driveways
- drainage and sewerage system
- lining and signing
- traffic calming measures
- all types of surfacing (including tactiles), kerbing and edging.

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

- the existing ground level
- the proposed road channel and centre line levels
- full details of surface water drainage proposals.
- c. Full highway construction details including:
 - typical highway cross-sections to scale of not less than 1:50 showing a specification for all the types of construction proposed for carriageways, cycleways and footways/footpaths
 - when requested cross sections at regular intervals along the proposed roads showing the existing and proposed ground levels
 - kerb and edging construction details
 - typical drainage construction details.

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

e. Details of all proposed street lighting.

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

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

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

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

- 6 Other than for the purposes of creating the temporary access no vehicles shall be allowed onto the construction site. Once created no vehicles shall access the site except via the approved temporary access as shown on approved plan. The access shall be constructed in accordance with details approved in writing by the Local Planning Authority in consultation with the Highway Authority for a minimum distance of 20 metres into the site. Any damage to the existing adopted

highway occurring during use of the access until the completion of all the permanent works shall be repaired immediately.

Reason: In the interests of both vehicle and pedestrian safety and the visual amenities of the area.

- 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 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) 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.
- (iii) That part of the access(es) extending 10 metres into the site from the carriageway of the existing highway shall be at a gradient not exceeding 1/12.
- (iv) Provision to prevent surface water from the site/plot discharging onto the existing or proposed highway shall be constructed in accordance with the approved details, and/or the specification of the Highway Authority, and maintained thereafter to prevent such discharges.
- (v) The final surfacing of any private access within 5 metres of the public highway shall not contain any loose material that is capable of being drawn on to the existing or proposed public highway.
- (vi) Provision of tactile paving in accordance with the current Government guidance. All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.

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

- 8 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 45m measured along both channel lines of the major road Cononley Lane 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 the interests of road safety

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

Reason: In the interests of road safety to provide drivers of vehicles using the access and other users of the public highway with adequate inter-visibility commensurate with the traffic flows and road conditions.

- 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:
- (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) The developer's programme for the completion of the proposed works has been submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority.

The required highway improvements shall include:

- a. Provision of tactile paving
- b. Works shown on approved plan (includes footway widening to 1.5m, crossing points and yellow lines as determined by the highway authority)

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

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

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

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

- 12 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.

- 13 No development for any phase of the development shall take place until a Construction Method Statement for that phase has been submitted to, and approved in writing by, the Local Planning Authority in consultation with the Local Highway Authority. The approved Statement shall be

adhered to throughout the construction period for the phase. The statement shall provide for the following in respect of the phase:

- a. the parking of vehicles of site operatives and visitors
- b. loading and unloading of plant and materials
- c. storage of plant and materials used in constructing the development
- d. erection and maintenance of security hoarding including decorative displays and facilities for public viewing where appropriate
- e. wheel washing facilities
- f. measures to control the emission of dust and dirt during construction
- g. a scheme for recycling/disposing of waste resulting from demolition and construction works
- h. HGV routing to avoid the village

Reason: In the interests of highway safety and the amenities of the area.

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

The following criteria should be considered:

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

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

- 15 Amended Condition: The safety barrier shall be located in positions approved under 2018/19079/CND. Network Rail's existing fencing / wall must not be removed or damaged. Given the considerable number of vehicle movements likely provision shall be made at each turning area/roadway/car parking area adjacent to the railway.

Reason: To ensure the protection of the rail network and residents and users of the site.

- 16 Prior to the commencement of development details of the landscaping of the site including wherever possible the retention of existing trees and hedges have been submitted to, and approved in writing by, the Local Planning Authority. The approved scheme shall be implemented in the first planting season following completion of the development, or first occupation/use, whichever is the soonest.

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

Reason: In the interests of the amenity of the area and to accord with Saved Local Policy ENV2 and the National Planning Policy Framework.

During Building Works

- 17 Prior to the first use of any external materials of construction for the walls and roof of the dwellings hereby approved samples shall be submitted for the written approval of the Local Planning Authority and thereafter the development shall be carried out in accordance with the approved details.

Reason: In the interests of the visual amenities of the area.

- 18 Prior to the first occupation of the site a suitable trespass proof fence adjacent to Network Rail's boundary at a minimum height of 1.8 m shall be erected and thereafter retained.

Reason: In the interest of public safety.

- 19 Prior to the first occupation of plots 23-32 of the development hereby approved details of means of soundproofing of the properties from noise from the railway shall be submitted for the written approval of the Local Planning Authority and thereafter the dwellings shall be constructed with the approved soundproofing.

Reason: To provide a satisfactory level of amenity for residents

- 20 Prior to the installation of any external lighting (including Street Lighting and colour of lighting) details shall be submitted for the for the written approval of the Local Planning Authority and thereafter installed and retained in accordance with the approved details

Reason: To avoid dazzle to train drivers and to avoid confusion with signalling arrangements.

Before the Development is Occupied

- 21 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.

- 22 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 9:

Works shown on approved plan (includes footway widening to 1.5m, crossing points and yellow lines as determined by the highway authority.

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

- 23 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 approved drawing
- 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.

- 24 All surface and foul water arising from the proposed works shall be collected and diverted away from Network Rail property. In the absence of detailed plans all soakaways shall be located so as to discharge away from the railway infrastructure. The following points need to be addressed:
1. There shall be no increase to average or peak flows of surface water run off leading towards Network Rail assets, including earthworks, bridges and culverts.
 2. Attenuation ponds, next to the railway, shall be designed by a competent specialist engineer and shall include adequate storm capacity and overflow arrangements such that there is no risk of flooding of the adjacent railway line during either normal or exceptional rainfall events.

Reason: To ensure the satisfactory drainage of the site and to avoid any potential damage to the railway.

Ongoing Conditions

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

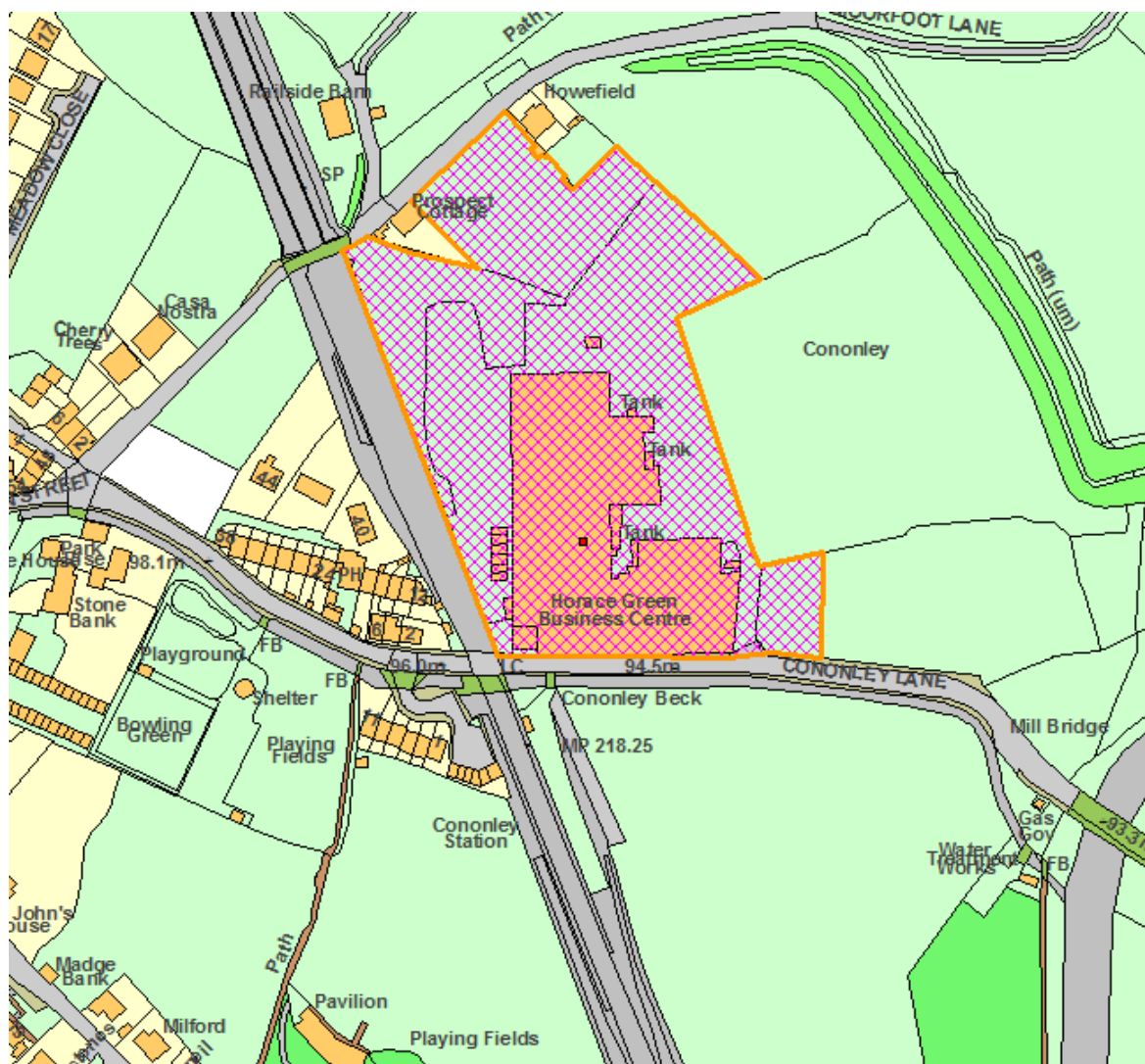
Reason: To protect pedestrians and other highway users.

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

Reason: To ensure 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 the development.

Informative

1. 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: 2018/19329/VAR

Proposal: Application to vary condition no's 2 (approved plans) and 27 (external walls) of original planning approval referenced 21/2016/17019 to change the wording of condition 2 so that it is relevant to the new plans and condition 27 to allow the limited use of materials other than stone.

Site Address: Station Works Cononley Lane Cononley Keighley
BD20 8LN

On behalf of: Candelisa

REPORT TO PLANNING COMMITTEE ON 30th July 2018

Application Number:	2018/19300/VAR
Proposal:	Application to vary condition no 5 of original planning consent reference 2017/18173/FUL to remove occupancy restriction
Site Address:	Willow Tree High Street Austwick
On behalf of:	Mr D Shackleton
Date Registered:	23rd May 2018
Expiry Date:	18th July 2018
Case Officer:	Andrea Muscroft

The application is referred to Planning Committee as planning permission was granted by Planning Committee on the 18th December 2017 with a condition (5) restricting the use of the building for holiday accommodation. The current application is to remove condition 5 to allow unrestricted occupation. Since the grant of planning approval an Appeal against an enforcement notice has been allowed. The enforcement notice has been quashed and planning permission has been granted for an unrestricted dwelling without any occupancy restriction.

1. Site Description

- 1.1 The application relates to a former agricultural Shippon located adjacent to Willow Tree House a large detached dwelling in the parish of Lawkland. The building lies to the east of the existing residential dwelling and is single storey. To the north of the shippon is a large agricultural barn recently granted consent for conversion to residential accommodation.
- 1.2 The site lies outside of any recognised development limits defined by the Local Plan and also lies within the Forest of Bowland AONB.

2. Proposal

- 2.1 The application has been submitted under Section 73 of the Town and Country Planning Act 1990, and seeks the deletion of Condition 5 attached to Planning Decision Notice 2017/18173/FUL. This condition restricts the occupancy of the application building to holiday residential use, which reads as follows:
 - 2.2 *The shippon hereby approved shall be used for holiday accommodation purposes only and shall not be occupied for any other purpose. In particular the accommodation shall not be used as the sole or principal residence by any of the occupants.*
 - 2.3 *The owners/operators shall maintain an up-to-date register of the names of all owners and occupiers of individual properties and of their main home addresses and shall make this information available at all reasonable time to the Local Planning authority.*
- 2.4 The removal of condition 5 is requested to allow for an unrestricted dwelling in the open countryside.
- 2.5 **Officers Note:** An appeal was lodged (ref: APP/C2708/C/17/3180912) and allowed on the 18th June 2018 which removed the holiday occupation restriction
- 2.6 **Officers Note:** No changes are proposed to the proposed site layout, external appearance, scale or design. Nor are any changes proposed to the parking arrangements.

3. Planning History

- 3.1 49/2017/17022 – Conversion of a redundant Shippon building to form a single dwelling with associated off street parking – Refused at Planning Committee September 2016.

- 3.2 49/2017/17701 – Conversion of a partially rebuilt redundant Shippon building to form a single dwelling (resubmission of refused application 49/2016/17022) – Refused by Planning Committee April 2017.
- 3.3 2017/18173/FUL – Conversion of a partially rebuilt shippon to form a three bedroom unit of holiday accommodation – Approved by Planning Committee 8th December 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 Saved Policies in The Craven District (Outside the Yorkshire Dales National Park) Local Plan (1999)
- ☐ ENV1- Development in the Open Countryside.
 - ☐ ENV2 – Requirements for Development in Open Countryside.
 - ☐ EMP14 – Rural Buildings for Tourism Related Uses.
 - ☐ H8 – Rural Buildings for Residential Use.
 - ☐ T2 - Road Hierarchy.
- 4.4 Submission Draft Local Plan (2018)
- ☐ ENV1- Countryside and Landscape
 - ☐ ENV3 – Good Design.
 - ☐ EC4 – Tourism.
 - ☐ SP1 – Meeting Housing Need
 - ☐ INF4 – Parking Provision
- 4.5 National Planning Policy Framework
- 4.6 Planning Practice Guidance - PPG
5. Parish/Town Council Comments
- 5.1 Lawkland Parish Council: No comments received within the statutory consultation period.
6. Consultations
- 6.1 NYCC Highways: No objection.
7. Representations
- 7.1 The proposal was advertised on the 1st June 2018 in the Craven Herald with a Site Notice displayed within the surrounding area on the 8th June 2018. As a consequence of the publicity no third party representations were received within the statutory consultation period.
8. Summary of Principal Planning Issues
- 8.1 Paragraph 14 of the NPPF sets out the presumption in favour of sustainable development which should be seen as the “golden thread” to guide decision making. The NPPF makes clear that, for decision taking, this means:
- 8.2 Approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
- ☐ any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or

- ☐ specific policies in the Framework indicate development should be restricted.

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

- ☐ Whether the removal of holiday occupancy condition is acceptable in principle.
- ☐ Whether the application building is suitable for occupation as a permanent dwelling.

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 **Variation of conditions**

9.4 Section 73 of the Town and Country Planning Act 1990 provides that an application may be made for planning permission without complying with conditions applied to a previous permission. It is stated that LPA's may decide whether to grant permission subject to differing conditions (this can include imposing new conditions), remove the conditions altogether or refuse to alter conditions. Thus it is possible to apply for conditions to be struck out, or for their modification or relaxation. The section makes it clear that in considering such an application a LPA may only consider the question of the condition and not revisit the principle of the original development.

9.5 Therefore, only the acceptability of the proposal in the context of the reasons for the imposition of the conditions falls to be considered in the determination of the current proposal. Notwithstanding this, a section 73 application should be treated just like any other application, and due regard paid to the Local Plan and other material considerations.

9.6 **Principle of development.**

9.7 This application seeks the removal of planning condition 5 imposed on planning decision 2017/18173/FUL which restricts the occupancy of the application building to holiday accommodation use. The use granted in 2017 for holiday use has not been implemented.

9.8 In this instance, the applicant applied for holiday accommodation and the Council simply imposed the holiday occupancy condition as applied for but also to retain control over the use of the property which at the time was considered to be unsuitable for full residential use.

9.9 In conclusion, taking into account that the Inspector has now granted permission for an unrestricted dwelling refusal of this application would be wholly inconsistent with the appeal decision. On this basis it is considered that the proposed removal of condition 5 is acceptable.

9.10 **Conclusions**

9.11 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.'

9.12 The principle of development on this site is established through the grant of the planning for holiday accommodation and approval of an unrestricted dwelling on appeal. Condition 5 can no longer be enforced.

10. Recommendation

That the removal of condition 5 of planning approval 2017/18173/FUL is approved.

Conditions

Time Limit for Commencement

- 1 Condition deleted (Condition 1 - 2017/18173/FUL) was a time condition, but as the development has been commenced it is no longer applicable).

Approved Plans

- 2 This permission relates to the following plans:

Sha/704/2297/01 Existing and Proposed Floor Plans, Elevations and Section received by Craven District Council on the 31st May 2017.

- Sha/704/2297/02 Location Plan received by Craven District Council on the 31st May 2017.

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

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

During Building Works

- 3 Prior to installation, details of all windows and doors for the development shall be submitted and approved in writing by the Local Planning Authority. Such details shall include their design, materials (including surrounds, sill and lintel treatments), finishes, colour treatment, reveals and opening profile. The windows and doors shall be installed in accordance with the duly approved details before the dwelling is first occupied and shall be retained as such thereafter.

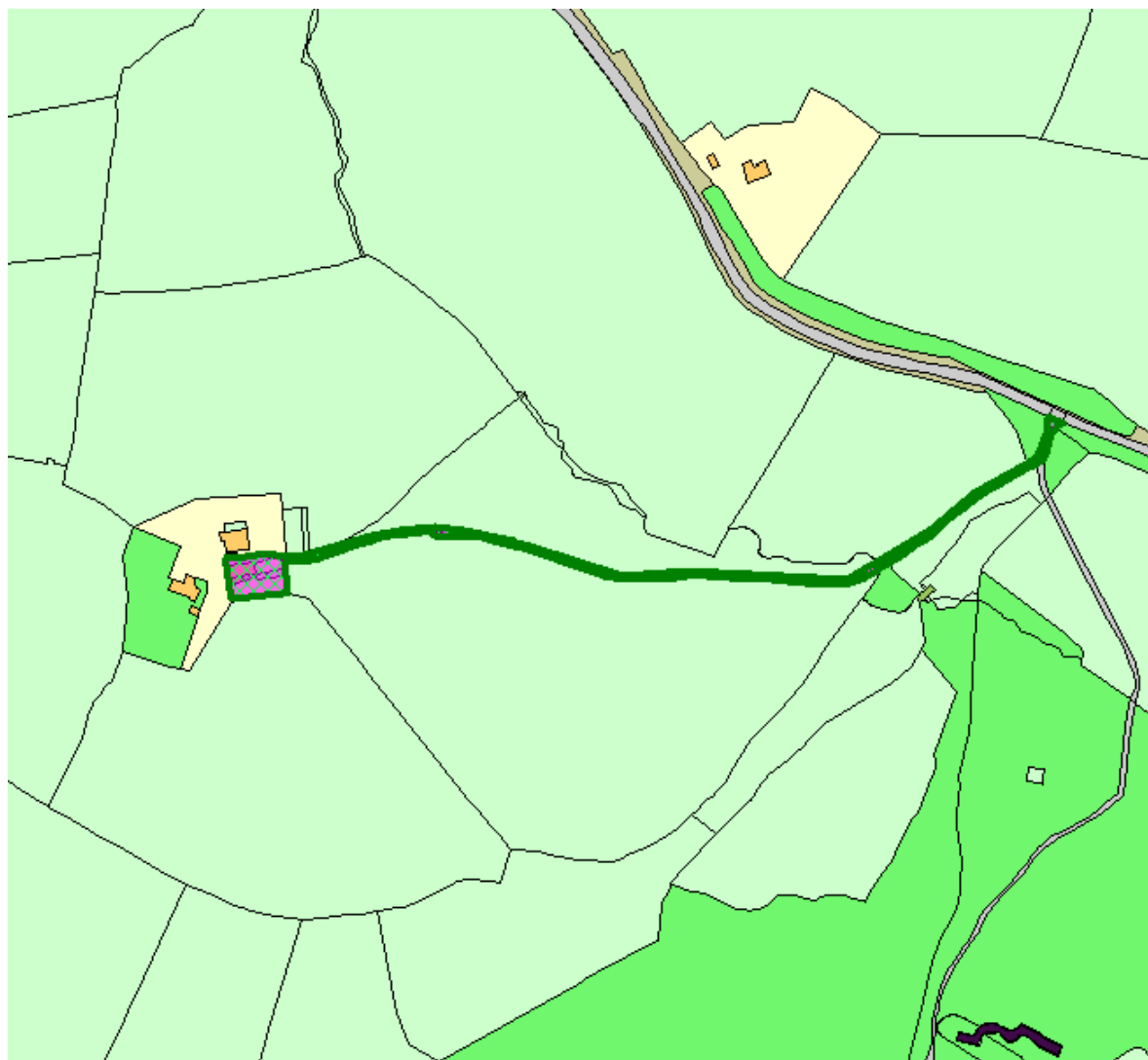
Reason: To ensure the use of appropriate materials which are sympathetic to the character of the rural open countryside and to accord with the aims and objectives of the National Planning Policy Framework.

- 4 Prior to first use, details of the roofing materials shall be submitted to and approved in writing by the Local Planning Authority and retained thereafter.

Reason: To ensure the use of appropriate materials which are sympathetic to the character of the rural open countryside and to accord with the aims and objectives of the National Planning Policy Framework.

Informative

- 1 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.

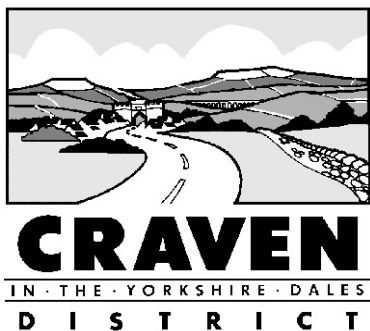


Application Number: 2018/19300/VAR

Proposal: Application to vary condition no 5 of original planning consent reference 2017/18173/FUL to remove occupancy restriction

Site Address: Willow Tree High Street Austwick Lancaster

On behalf of: Mr D Shackleton



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

(Main Switchboard) Telephone: 01756 700600

Craven District Council – Issued Decisions Notices from 21 June to 19 July 2018

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

Application Number	Applicant	Location	Proposal	Decision	Date of Decision
30/2015/16492	Rebecca Hall	The Old Saw Mill Marton Road Gargrave Skipton North Yorkshire BD23 3NN	Proposed removal of approximately 25 caravans with permanent residential status to be replaced by 2 No. apartments in the converted mill, 3 No. pairs of semi-detached houses and 6. No terraced cottages along with improved infrastructure. Also demolition of a single-storey dwelling attached to the mill.	Refuse	11.07.2018
49/2016/16631	Ms C Marsden	Crow Nest House Crow Nest Road Austwick Lancaster LA2 8AS	Demolish defective part (South West) of two storey dwelling and reinstate identical in size and appearance the premises. Sub-divide the premises and change use of South West end to holiday accommodation	Finally Disposed Of	22.06.2018
49/2016/16632	Ms C Marsden	Crow Nest House Crow Nest Road Austwick Lancaster North Yorkshire LA2 8AS	Application for listed building consent to demolish defective part (South West) of two storey dwelling and reinstate identical in size and appearance the premises. Sub-divide the premises and change use of South West end to holiday accommodation	Finally Disposed Of	22.06.2018
2017/18456/FUL	Mr Ben Airlie	Crag Side Farm Dick Lane To Crag Side Farm Cowling Keighley BD22 0JZ	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	Refuse	04.07.2018

Application Number	Applicant	Location	Proposal	Decision	Date of Decision
2017/18762/FUL	Mr Greenway	Storage Buildings At Grange Farm Barn Kildwick Keighley BD20 9AD	Proposed dwelling on brown field site (re-submission of withdrawn application reference 73/2017/18047)	Approve with Conditions	05.07.2018
2017/18859/FUL	Mr Robert Lishman	Enter Farm Enter Lane Ingleton LA6 3DL	Change of use of former barn and adjoining loose boxes to dwelling, associated external alterations/erection of decking	Approve with Conditions	21.06.2018
2018/18894/FUL	Mr & Mrs Michael Ingham	Peat Gill Head Farm Moorside Cononley Keighley BD20 8PD	Proposed redevelopment of site including the conversion of a traditional barn to form one additional dwelling (including associated external alterations and partial demolition), along with the demolition of agricultural buildings and replacement with a new double garage, stable block, outdoor menage and borehole building	Approve with Conditions	25.06.2018
2018/18895/LBC	Mr & Mrs Michael Ingham	Peat Gill Head Farm Moorside Cononley Keighley BD20 8PD	Proposed redevelopment of site including the conversion of a traditional barn to form one additional dwelling (including associated external alterations and partial demolition), along with the demolition of agricultural buildings and replacement with a new double garage, stable block, outdoor menage and borehole building	Approve with Conditions	25.06.2018
2018/18925/FUL	Mr I Lewthwaite	Bloomsberry Meadow 14 Park Lane Bottom Keighley Road Cowling Keighley BD22 0ND	Proposed cattery with customer parking area	Approve with Conditions	11.07.2018

Application Number	Applicant	Location	Proposal	Decision	Date of Decision
2018/18950/FUL	Housing And Care 21	Site Of Former St. Monica's Convent Raikes Road Skipton BD23 1NT	Extra care development comprising 58 apartments and associated communal facilities, parking and amenity spaces	Approve with Conditions	22.06.2018
2018/19094/LBC	Mr Lloyd Egerton	9 High Street Burton In Lonsdale Carnforth LA6 3JU	Listed Building Consent to replace/fix the roof, replace all batons and treat the new ones, new lead flashing to be fitted to the sides of the adjoining house and chimney stack, pointing to be undertaken, and existing windows to the front elevation and front door to be replaced.	Approve with Conditions	22.06.2018
2018/19147/FUL	Mr Mike Godson	Low Watson House Clapham Lancaster LA2 8HE	Single storey holiday chalet 3 beds on site of former hen house	Approve with Conditions	11.07.2018
2018/19186/CPE	Mr & Mrs N. Persson	Land And Building East Of Hainsworth House Farm Kildwick Grange Kildwick Keighley BD20 9AD	Certificate of lawful development for existing use of property for the storage of building materials, with access from Skipton Road via track (resubmission of application reference 2017/18322/CPE)	Approve Cert. Lawful Devt	26.06.2018
2018/19196/VAR	Gary Molloy	Park Foot Bentham Road Ingleton Carnforth LA6 3HR	Application to vary condition No. 1 to permit year round occupancy of holiday caravans/lodges of planning consent reference 5/45/136/H.	Approve with Conditions	02.07.2018

Application Number	Applicant	Location	Proposal	Decision	Date of Decision
2018/19201/FUL	Mr Phillip Cartman	Shop Units 1 And 2 Regal Buildings Keighley Road Skipton BD23 2LT	Replacement of existing shop front with new painted timber doors, and new painted timber framed windows above black granite plinths.	Approve with Conditions	26.06.2018
2018/19217/HH	Mr & Mrs Andrew Bradley	Sandrigg Laithe Gildersleets Lane Giggleswick Settle BD24 0JZ	Two story extension onto the north elevation.	Approve with Conditions	28.06.2018
2018/19220/FUL	Mr Stuart Evans	Birch Lea 20A Main Street Embsay Skipton BD23 6RD	Change of use of agricultural land to domestic curtilage, single storey extension to front and side of property to include garage and equipment store	Approve with Conditions	26.06.2018
2018/19237/AGR RES	Mr P Fortune	Tosside Fold Farm Tosside Skipton BD23 4SD	Change of use from agricultural building to 2 no. dwellings (Prior Notification)	PN Approve	25.06.2018
2018/19239/TCA	Mrs Lucy Auckland	6 West Street Gargrave Skipton BD23 3RD	T1 Sycamore - Fell T3 & T4 Cherry - Crown thinning. T7 Ash - Crown reduction.	Approve Tree Works in Conservation Area	28.06.2018
2018/19243/FUL	Mr & Mrs Oliver + Rachel Osborne	Land Adjacent To Raygill House Quarry Road Lothersdale Keighley BD20 8HH	Proposed two storey dwelling and associated external works	Approve with Conditions	04.07.2018

Application Number	Applicant	Location	Proposal	Decision	Date of Decision
2018/19267/HH	Mr James Tudhope	9 Raikes Avenue Skipton North Yorkshire BD23 1LP	Demolition of existing detached garage. Erection of proposed attached garage	Approve with Conditions	04.07.2018
2018/19250/FUL	Just Citroen	Airedale Trading Park, Unit A Skipton Road Cross Hills Keighley BD20 7DS	Internal and external alterations to form new car showroom with associated offices, parking and display	Approve with Conditions	04.07.2018
2018/19283/LBC	Mr & Mrs Jonathan Hardie	Lowlands Farm Barn Coniston Cold Skipton BD23 4EA	Part demolition of existing boundary wall to make way for new extension (planning permission granted)	Approve with Conditions	28.06.2018
2018/19257/TPO	North Yorkshire Fire _ Rescue Authority	Skipton Fire Station Broughton Road Skipton BD23 1RT	Crown lift 8 no. Sycamore up to 5 metres. Crown thin 7 no. Sycamore along the pavement by 10 %. Crown reduction of the Sycamore which overhangs the fire station by 20 %.	Approved Tree Work under TPO	28.06.2018
2018/19281/FUL	Ripon Farm Services Ltd	Ripon Farm Services Ltd Dalesgate Works Kildwick Keighley BD20 7BX	Erection of storage building	Approve with Conditions	13.07.2018
2018/19305/FUL	Mr And Mrs M And J Gibson	Barn At Israel Farm Israel Cottage Austwick Lancaster LA2 8AN	Conversion of barn to 1 no. dwelling	Approve with Conditions	27.06.2018

Application Number	Applicant	Location	Proposal	Decision	Date of Decision
2018/19261/FUL	Mr Ben Whitehead	31 Nan Scar Main Street Ickornshaw Keighley BD22 0DL	Change of use of agricultural land to C3 residential and siting of decking/lawn	Approve with Conditions	21.06.2018
2018/19262/HH	Mrs Amanda Walters	13 East Lane Embsay Skipton BD23 6QX	2-storey pitched roof side extension with a small open porch to the front elevation, a single-storey shallow pitch rear extension, modified highway access to widened drive (for 2 cars side by side).	Approve with Conditions	10.07.2018
2018/19311/HH	Mr And Mrs Stephen John And Anne Virginia Wilkinson	15 Whinfield Court Skipton BD23 2UY	Replacement windows and doors to front and rear	Approve with Conditions	04.07.2018
2018/19276/AGR RES	Mr N Sykes	Agricultural Building Sykes House Farm Moorside Cononley Keighley BD20 8ED	Change of use from agricultural building to 1 no. dwelling (Prior Notification)	PN Approve	21.06.2018
2018/19274/HH	Mr Bernard Boylan	1 White Hills Croft Skipton BD23 1LW	Installation of new dormer windows to rear elevation and the installation of one new rooflight.	Approve with Conditions	26.06.2018
2018/19275/HH	Mr Craig Lister	2 Fence End Avenue Colne And Broughton Road Thornton In Craven Skipton BD23 3SU	Retrospective planning application to extend decking with railings to the front of the property.	Approve no conditions	26.06.2018

Application Number	Applicant	Location	Proposal	Decision	Date of Decision
2018/19284/HH	Mr & Mrs D Thornborrow	33 Sunmoor Drive Skipton BD23 2JS	Two storey rear extension to provide a larger bedroom over, and an enlarged kitchen and dining room	Approve with Conditions	28.06.2018
2018/19285/LBC	Glusburn Community & Arts Centre	Glusburn Institute Institute Street Glusburn Keighley BD20 8PR	Remove 20th Century concrete and steel stair and install enclosed passenger lift and associated works within main part of building. Remove partially built lift shaft and reinstate access to rear part of building. Form new openings to rear part of stage and between main part of building and rear part of 1st and 2nd floors and associated works within rear part of building. Re-submission of expired listed building consent reference 32/2010/11143.	Approve with Conditions	04.07.2018
2018/19286/FUL	Lark Architects Ltd	Land Off Bungalow Road Bungalow Road Glusburn Keighley BD20 8QA	Retrospective application for proposed alterations to approved detached garage including size, position & added rear window (Approved application number 2017/18396/FUL)	Approve with Conditions	12.07.2018
2018/19287/HH	Ms Wellock	Homesteads Peel Green Hellifield Skipton BD23 4LD	Front single storey (North) elevation extension to provide new entrance and utility room; rear single storey (South) elevation extension to provide additional space to proposed dining / kitchen	Approve with Conditions	26.06.2018
2018/19322/COU	All Signage Ltd	Unit 17 Millennium Road Airedale Business Centre Skipton BD23 2TZ	Change of Use from sale of vehicles / vehicle showroom to B1 light industrial use.	Approve with Conditions	12.07.2018

Application Number	Applicant	Location	Proposal	Decision	Date of Decision
2018/19293/CND	Grange Developments Yorkshire Ltd	Land Of Jacksons Lane Jacksons Lane Low Bradley Keighley BD20 9HG	Application to discharge condition 4 of original planning consent reference 11/2017/17950	DOC satisfactory	26.06.2018
2018/19296/REM	Mr J Rucastle	Land North Of Raber Top Lane Raber Top Lane Ingleton Carnforth LA6 3DN	Application for reserved matters for the approval of landscaping as reserved by condition in outline consent referenced APP/C2708/W/17/3190127 (appeal reference) for 5 dwellings	Approve with Conditions	03.07.2018
2018/19298/LBC	Mrs Susan Beazley	11 South Street Gargrave Skipton BD23 3RT	Listed building application for internal alterations to remodel kitchen; utility room and ground floor WC and for the provision of an en-suite shower room to the principle bedroom. Replacement of existing windows to the south elevation. Amended windows and door openings to the rear elevation.	Approve with Conditions	29.06.2018
2018/19302/HH	Mr & Mrs Cruzinho	44 Greatwood Avenue Skipton BD23 2RT	Proposed porch extensions	Approve with Conditions	29.06.2018
2018/19354/CND	JA & JM Wade And Son	Land North West Of Royd House Crosshills Road Cononley Keighley	Application to discharge condition no's. 3 & 4 of original planning approval 2017/18192/FUL granted 12/10/2017	DOC satisfactory	06.07.2018

Application Number	Applicant	Location	Proposal	Decision	Date of Decision
2018/19313/CPE	Mr & Mrs Minikin	The Mistal Malsis Colne Road Glusburn Keighley BD20 8DS	Application for a Certificate of Lawful Use to establish the existing use of the property is wholly C3 - Dwellinghouse.	Approve Cert. Lawful Devt	04.07.2018
2018/19317/HH	Mrs Michelle Martin	Royd House Royd Street Cowling Keighley BD22 0BN	Proposed first floor side extension	Approve with Conditions	02.07.2018
2018/19318/FUL	Mr & Mrs Hodgkinson	Thornbrook Barn Thornton In Lonsdale Ingleton LA6 3PD	Erection of an agricultural building	Approve with Conditions	05.07.2018
2018/19319/HH	Mr & Mrs Wilson	30 Tarn Moor Crescent Skipton BD23 1LT	Proposed garage to frontage; alterations to existing house including pitched roof over existing garage to rear	Approve with Conditions	13.07.2018
2018/19320/FUL	Craven College	Craven College Aireville Campus Gargrave Road Skipton BD23 1US	Four extra car parking spaces added to North of car park	Application Withdrawn	02.07.2018
2018/19323/FUL	Mr J Kendall	Fir Croft Wigglesworth Skipton BD23 4RR	Conversion of detached single storey building to one bedroom accommodation for dependent relative and single storey side extension of agricultural building to provide shelter for timber and implements associated with the adjacent forestry plantation	Approve with Conditions	04.07.2018

Application Number	Applicant	Location	Proposal	Decision	Date of Decision
2018/19325/LBC	Mrs Tamsin Candeland	2 Chapel Street Settle BD24 9HS	Listed Building Consent to replace four defective double glazed timber windows with powder-coated aluminium double glazed windows; replace three existing external timber doors with factory painted Acoya wood doors and paint the remaining woodwork to match the new doors and windows.	Approve with Conditions	04.07.2018
2018/19372/HH	Mr Nigel Hawkins	2 Carleton Park Gate Park Lane Carleton Skipton BD23 3BE	Demolition of existing side extension and construction of 2 storey side extension	Approve with Conditions	04.07.2018
2018/19332/VAR	Mr P Murray	The Laithe High Bentham Lancaster LA2 7AT	Application to vary condition no. 3 of on application reference number 18/2015/16232 granted 14/01/2016.	Application Withdrawn	21.06.2018
2018/19334/HH	Mr K Coyne + Ms S Jackson	Greta Mount Low Bentham Lancaster LA6 3LW	Erection of porch. Erection of extension to west side. Erection of extension to east side.	Approve with Conditions	04.07.2018
2018/19337/FUL	JP Walker (Developments) Ltd	Cross Keys Farm Main Street Rathmell Settle	Proposed Detached Garage and Extension of Residential Curtilage	Refuse	11.07.2018
2018/19347/HH	Mrs Brenda Boardman	15 Eller Mews Skipton BD23 2TG	Creation of off street parking space	Application Withdrawn	05.07.2018

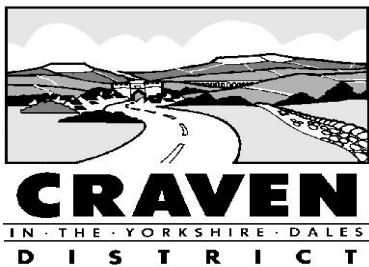
Application Number	Applicant	Location	Proposal	Decision	Date of Decision
2018/19384/TCA	Ermysteds Grammar School Foundation	Ermysteds Grammar School Gargrave Road Skipton BD23 1PL	Remove 2 no. Sycamore (T1 & T2), Remove self Sown Sycamore (T119), Remove broken branches on one Sycamore (T67), Crown reduce one Ash by 3 metres (T85)	Approve Tree Works in Conservation Area	28.06.2018
2018/19348/TCA	Dalesview Developments Ltd	The Bay Horse Inn Ravens View Ellers Road Sutton-in-craven Keighley BD20 7LY	Fell 1 no. Elm & 1 no. Ash	Approve Tree Works in Conservation Area	28.06.2018
2018/19349/LHS HLD	Mr & Mrs M Whitehouse	14 Craven Cottages Kirkgate Settle BD24 9DF	Proposed single storey rear extension measuring 5.265m beyond the rear wall; 3.850m in height from ground level; 2.575m in height to eaves from ground level (Prior Approval Notification).	Prior Approval Not Required	02.07.2018
2018/19357/CND	Mr & Mrs B Coultherd	Site Adjacent To Bankwell Road Giggleswick Settle BD24 0AP	Application to discharge condition no 3 of original planning consent reference 31/2016/17348 decided 20.12.2016	DOC satisfactory	09.07.2018
2018/19360/TPO	Ermysteds Grammar School Foundation	Ermysteds Grammar School Gargrave Road Skipton BD23 1PL	Remove 2 no. Beech	Split Decision	28.06.2018
2018/19413/CND	Gallaber Park Limited	Gallaber Park Limited Long Preston Skipton BD23 4QF	Application to discharge conditions 3 (Tree Protection), 4 (Construction Method Statement), 5 (Materials), 6 (Landscaping), 7 (Bin Store) and 9 (External Lighting) of original planning permission 2017/18342/FUL granted 26/01/2018	DOC satisfactory	13.07.2018

Application Number	Applicant	Location	Proposal	Decision	Date of Decision
2018/19368/CND	Allen Green And Son Ltd	Allen Green And Son Ltd North Road Sutton-in-craven Keighley BD20 7PE	Application to discharge condition no. 1 of previous approval referenced 66/2016/17331 granted 05 April 2017	DOC satisfactory	09.07.2018
2018/19406/LHS HLD	Mr & Mrs M Thwaite	8 Thorndale Street Hellifield Skipton BD23 4JE	Proposed single storey rear extension measuring 4.38m beyond the rear wall; 3.00m in height from ground level; 2.265m in height to eaves from ground level (Prior Approval Notification).	Prior Approval Not Required	19.07.2018
2018/19380/NMA	Mr Verner Wheelock	Binns Lane Farm Binns Lane Glusburn Keighley BD20 8JJ Keighley	Non-material amendment to original planning consent reference 32/2016/16758 granted 27.03.2017 to widen new building by 500mm without lifting the roof. Amend a number of window and door positions.	Non-material amendment approved	26.06.2018
2018/19411/LHS HLD	Mr And Mrs North	40 East Lane Embsay Skipton BD23 6QD	Proposed single storey conservatory to rear measuring 3.5m beyond the rear wall; 3.1m in height from ground level; 2.2m in height to eaves from ground level (Prior Approval Notification).	Prior Approval Not Required	02.07.2018
2018/19458/CND	Mr Bruce Elsworth	18 - 20 Coach Street Skipton BD23 1LH	Application to discharge condition no.s 1 and 2 of original planning consent reference 2017/18755/OTHERS	DOC satisfactory	18.07.2018
2018/19449/PNA G	Mr Andrew Stapleton	Switchers Farm Hellifield Skipton BD23 4JL	Proposed agricultural silo building to exclude rainwater and reduce pollution (Prior Notification)	Prior Approval Not Required	12.07.2018

Planning Committee Report of Monthly New Complaints Registered **From 20/06/2018 to 16/07/2018**

Enforcement Reference	Alleged Breach	Site Address	Ward
ENF/02884/2018	Felling of a tree in a Conservation Area & removal of wall abutting a highway for the erection of a drive.	6 West Lane Sutton-in-craven Keighley BD20 7NU	Sutton-in-Craven
ENF/02885/2018	Rear of property has been cladded/ rendered yellow.	Thorn Cottage 6 Dale End Lothersdale Keighley BD20 8EN	Aire Valley With Lothersdale
ENF/02886/2018	Change of use to holiday let.	Dale End Mill Dale End Lothersdale Keighley BD20 8EL	Aire Valley With Lothersdale
ENF/02887/2018	Works not implemented as set out in application ref: 73/2017/17916- Tree not been re-planted and the wall has not been repaired.	The Vicarage Kirkgate Kildwick Keighley BD20 9BB	Aire Valley With Lothersdale
ENF/02888/2018	Untidy garden and scrap vehicles	9 Hillside Road Low Bentham Lancaster LA2 7EN	Bentham
ENF/02889/2018	Application 72/2014/14828 not built in accordance with approved plans.	Tosside Fold Farm Dam Head To Tosside Fold Tosside Skipton BD23 4SD	Settle And Ribble Banks
ENF/02890/2018	Creation of raised platform	2 Greta Heath Burton In Lonsdale Ingletton LA6 3LH	Bentham

Enforcement Reference	Alleged Breach	Site Address	Ward
ENF/02891/2018	Building rubble up outside the house.	17 West Lane Sutton-in-craven Keighley BD20 7NT	Sutton-in-Craven
ENF/02892/2018	Garage being used for business.	Top Of Royd Close Cross Hills Keighley BD20 8TW	Glusburn
ENF/02893/2018	Possible breach of construction management plan of application 2017/18656/FUL	Former Allotment Gardens Ings Avenue Skipton	Skipton West
ENF/02894/2018	Green fence having been erected at the front of the property abutting a highway.	148 Keighley Road Cowling Keighley BD22 0AS	Cowling
ENF/02895/2018	Alleged unauthorised erection of summerhouse in front garden	3 Prospect Terrace St Stephens Close Skipton BD23 1PA	Skipton North
ENF/02896/2018	Alleged lack of construction phase parking in relation to application ref: 2017/18340/FUL	Land At Corner Field To The North Of A6131/Harrogate Road Skipton	Skipton North
ENF/02897/2018	Installation of new windows to the toilets in a conservation area.	Albion Inn 27 Otley Street Skipton BD23 1DY	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 Monthly Cases Closed
From 20/06/2018 to 16/07/2018

Enforcement Reference	Date Received	Date Closed	Reason for Closure	Alleged Breach	Site Address	Ward
2072/2015	11th March 2015	3rd July 2018	Breach Resolved	Engineering operation. Untidy land - illegal disposal of waste	Land At Greens Mill Station Works Cononley Lane Cononley Keighley BD20 8LN	Aire Valley With Lothersdale
2295/2016	14th January 2016	5th July 2018	Case Closed	Unauthorised advertisements - Canalside Gym	Canalside Gym Unauthorised Adverts Little Chef Roundabout (A59/A65) Gargrave Road Skipton North Yorkshire BD23 1UD	Gargrave And Malhamdale
2475/2016	19th September 2016	16th July 2018	Retrospective Planning	Erection of fence and stables.	The Heigh Hollin Lane To The Heigh Clapham Lancaster North Yorkshire LA2 7AU	Ingleton And Clapham

Enforcement Reference	Date Received	Date Closed	Reason for Closure	Alleged Breach	Site Address	Ward
ENF/02675/2017	26th June 2017	26th June 2018	Breach Resolved	Shed 3.2m high constructed in rear garden.	11 Western Road Skipton BD23 2RU	Skipton South
ENF/02796/2018	16th January 2018	16th July 2018	Retrospective Planning	Made access from upstairs of gin bar to upstairs of adjoining property, to create kitchen	VSQ Gin Bar 1 Victoria Square Skipton BD23 1JF	Skipton North
ENF/02819/2018	16th February 2018	16th July 2018	Retrospective Planning	Extension of residential curtilage onto grass verge.	31 Nan Scar Main Street Ickornshaw Keighley BD22 0DL	Cowling
ENF/02833/2018	20th March 2018	20th June 2018	Breach Resolved	2 properties made into 1	9 & 11 Pendle Street Skipton BD23 1SN	Skipton West
ENF/02868/2018	17th May 2018	3rd July 2018	No Breach	Un-authorized shipping container.	Site Of Brookland Burton In Lonsdale Ingleton LA6 3ND	Bentham
ENF/02884/2018	21st June 2018	16th July 2018	No Breach	Felling of a tree in a Conservation Area & removal of wall abutting a highway for the erection of a drive.	6 West Lane Sutton-in-craven Keighley BD20 7NU	Sutton-in-Craven