

CRAVEN DISTRICT COUNCIL

PLANNING COMMITTEE – SITE VISIT

24th September 2018

AGENDA

Please note that the Committee will visit the following sites on Monday, 24th September 2018. Members are asked **to meet at Site A at 10.30am**, or alternatively at the Belle Vue Square Offices car park **no later than 10:00am**

- a. **62/2017/18064 Outline application with some matters reserved for an employment led mixed-use development, comprising the construction of a new Business Park incorporating B1 Business Units, B2 General Industrial units, a car dealership and residential development, Anley Crag Business Park, land to the west of the B6480 (Skipton Road), Settle (Settle and Ribblesbanks).**
- b. **2018/19269/FUL Proposed single dwelling (previously approved application no. 21/2007/7561), Copper Coin, Nethergill Lane, Cononley, BD20 8PB (Aire Valley with Lothersdale). Approximately 11.40am**

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

Agenda Contact Officer: Chris Waterhouse

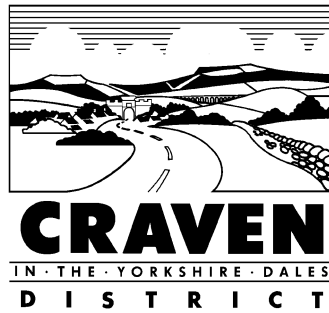
E-mail : cwaterhouse@cravendc.gov.uk

Tel. 01756 706235

14th September 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

1.30pm on Monday, 24th September, 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 at an appropriate point in the Committee's consideration of the Schedule of Plans.

1. **Apologies for absence and substitutes**
2. **Confirmation of Minutes** – 29th August 2018.
3. **Public Participation** – In the event that any questions/statements are received or members of the public wish to ask questions or address the Committee **in respect of matters not appearing on this agenda**, the public participation session will proceed for a period of up to fifteen minutes.
4. **Declarations of Interest** – All Members are invited to declare at this point any interests they have in items appearing on this agenda, including the nature of those interests.

(Note: Declarations should be in the form of:

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

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

5. **Scheme of Delegation** – Further to Minute PL.879/18-19, report of the Strategic Manager for Planning and Regeneration. Attached.

Purpose of Report – To present amended wording to Paragraph 7 Ward Member Referrals of the Committee's proposed Scheme of Delegation.

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

Agenda Contact Officer: Chris Waterhouse
Tel. 01756 706235, E-mail cwaterhouse@cravendc.gov.uk
14th September 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

29th August 2018

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

Officers – Legal Services Manager, Planning Manager, Principal Planning Officer (x2), Planning Officer, Planning Assistant and Committee Officer.

Ward Representatives : Councillors Dawson (2018/19228/HH) and Jaquin (Applications 2017/18804/HH and 2018/19414/FUL).

An apology for absence was received from Councillor Place

Start: 1.40pm

Finish: 4.50pm

Councillor Brockbank arrived at 1.44pm

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

The minutes of the Committee's meeting held on 30th July 2018 were confirmed and signed by the Chairman.

Minutes for Report

PL.875

DECLARATIONS OF INTEREST

Members were invited to declare any interests in the business before the Committee. The following declarations were made:

Application 2017/18804/HH : Councillors Rose and Baxandall declared interests under Paragraph 15 of the Council's Code of Conduct; Councillor Rose left the room and Councillor Baxandall moved to the public seating area taking no part in the discussion or vote.

PL.876

PUBLIC PARTICIPATION

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

Application 2018/19228/HH	Councillor E Jaquin (for Skipton Town Council)
	Mr G Threadgold (objector / for objectors)
	Mrs C Midgley (applicant)
Application 2017/18804/HH	Councillor E Jaquin (for Skipton Town Council)
Application 2018/19459/VAR	Mr C Beebe (for the applicant)
Application 2018/19269/FUL	Mr M Dracup of Glenburn (objector / for objectors)

PL.877

APPLICATIONS FOR PLANNING PERMISSION

a. Delegated Matters

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

32/2016/17097 Conversion and restoration of Malsis Hall to create care facility (use class C2) including demolition of existing extensions and construction of new extensions, upgrading and re-opening of former sports facilities and residential development of 67 dwellings within grounds (including conversion of listed lodge building to dwellinghouse), Malsis Hall, Glusburn - Approved with Conditions.

17/2017/17886 Outline application for residential development, all matters reserved with the exception of highways, Grundy Farm, Carla Beck Lane, Carleton - Application Withdrawn.

2017/18376/FUL Proposed replacement of existing timber rear student door with aluminium door and screen. Proposed replacement of existing timber side kitchen entrance door with aluminium door (amended description - replacement windows removed from scheme, kitchen door added), Craven College, High Street, Skipton - Approved with Conditions.

2017/18679/PNAG Agricultural storage building (Prior Notification), Stone Gappe Hall, Stansfield Bridge to Babyhouse Lane, Lothersdale - Prior Approval Granted.

2018/18891/FUL Proposed residential development to create 13 No dwellings accessed from Back Gate, Ingleton, land behind Panwell Cottage and Spring Cottage to east of Back Gate, Ingleton – Refused.

2018/18906/FUL To drain excess water from field and some levelling off, Winter House Farm, Colne Road, Cowling - Approved with Conditions.

2018/18957/FUL Construction of 6 no residential dwellings, land off Back Gate, Ingleton - Application Withdrawn.

2018/19006/MMA Application for a minor material amendment to vary condition 2 (plans condition) of original planning consent 2017/18182/FUL granted 26/01/2018, barn south of Lower Gill Bottom, Shop Lane, Cowling – Approved with Conditions.

2018/19031/FUL Change of use of holiday cottages to single dwellinghouse with annexe, and continued use of stables for private use, Bull Copy, Windy Hill, Ingleton - Approved with Conditions.

2018/19048/MMA Application for minor material amendment to planning consent reference 63/2014/14688 to Plot nos. 33 to 37 for depth of garages to be increased to create a utility area to the rear and flues added to plots 33 - 37; eaves heights above garage areas raised to improve internal headroom for plots 33, 34, 36 and 37; bedroom 3 and garage roof amended from lean to pitched to plot 35, land bounded by A65, White Hills Lane and Raikes Road, Skipton - Approved with Conditions.

2018/19078/FUL Steel portal framed building for the purposes of storing stock and machinery, Goosebutts, Bark Lane, Eastby, Skipton - Approved with Conditions.

2018/19087/CND Application to discharge condition no 6 of planning consent reference 2018/19086/VAR, Skinner Ground Farm, Old Lane (north), Broughton – Condition satisfactorily discharged.

2018/19105/FUL Construction of 1 dwelling and minor alterations to windows (Amended Scheme), 11 Albert Street, Sutton-in-Craven – Refused.

2018/19100/FUL Demolition of existing commercial/industrial building. Construction of 3 no houses and associated parking/external works (amendment to approved scheme reference 2017/18577/FUL), Pennine Haulage Brow Garage, Rook Street, Lothersdale – Approved with Conditions.

2018/19111/CND Application to discharge Condition no's 3 (Written Scheme of Investigation), 4 (materials external surfaces), 5 (details of windows and doors), 6 (finished floor levels and external ground levels, 7 (contamination report) and 8 (crime prevention measures) on planning approval 2017/18340/FUL granted 16 March 2018, Skipton, land at corner field, to the north of A6131 / The Bailey - Split Decision.

2018/19114/CND Application to discharge Condition no's 9 (roads and footways), 10 (site accesses), 12 (off site highway improvement), 13 (footpath/cycleway), 16 (foul sewer crossing), 17 (disposal of foul and surface water), 20 (boundary treatments), 21 (bird boxes) and 22 (dry stone boundary wall) on planning approval 2017/18340/FUL granted 16 March 2018, land at corner field to the north of A6131 / The Bailey - Split Decision.

2018/19143/FUL Demolition of outbuildings to the north of the existing barn; conversion of existing barn to 2 dwellings; and construction of 6 dwellings (revised scheme pursuant to extant planning permission 19/2009/9478 for the development of 14 dwellings), land to the west of Bell Busk Lane, Coniston Cold – Refused.

2018/19144/FUL Retrospective application for retention of 2 no. dwelling houses and associated new entrance and landscape works (08/2016/17629), Bank View, Doctors Hill, Low Bentham - Approved with Conditions.

2018/19194/VAR Application to remove condition No. 2 of original planning consent reference 5/42/78, dated 31/01/1983, to remove occupancy restriction, Tenley House, Hellifield – Refused.

2018/19264/CPE Certificate of Lawful Development for an existing use of land for plant repairs, crane repairs, wagon repairs, mechanical and electrical repairs, agricultural repairs, farming, Skythorn Farm, Colne Road, Cowling - Approved

2018/19240/TPO Crown reduction of 5 no. Trees (TPO 28 1982), Mevell Hall (Rear), 76 High Street, Gargrave - Split Decision.

2018/19294/LBC Listed building consent for; 1) removal of internal stone cladding and re-plaster in living room; 2) remove modern stone hearth to reveal original fireplace and install woodburner, line chimney and install internal flue; 3) install larger replacement window in rear barn door; 4) replace external yard door with like for like, 9 Kings Street, Skipton - Approved with Conditions.

2018/19263/FUL Construction of an all-weather menage for domestic equestrian use. This would result in a change in use for a subdivision of the land from agricultural to recreational use. In order to achieve a level arena, a small amount of engineering work is proposed. There are no retaining structures proposed, Butterhaugh Farm, Church Street, Gargrave - Approved with Conditions.

2018/19271/MMA Minor material amendment to original application reference 42/2017/17738 for external changes (Condition 2 - Approved Plans), Gallaber Farm, Hellifield - Approved with Conditions.

2018/19272/CND Application to discharge conditions 7 and 12 of original planning consent reference 42/2017/17738, Gallaber Farm, Long Preston - Conditions satisfactorily discharged..

2018/19279/VAR 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 and 4, Plots 3 and 4, College Croft, Hesley Lane, Rathmell - Approved with Conditions.

2018/19280/CND Application to discharge condition no. 3 of original planning permission 62/2017/18098 granted 27.06.2017, North Ribblesdale R U F C, Lower Greenfoot, Settle - Condition satisfactorily discharged..

2018/19321/MMA Material amendment to original planning consent reference 2018/18879/FUL for the resiting of houses 3 and 4 and 5 and 6, Bay Horse, Ellers Road, Sutton-in-Craven - Approved with Conditions.

2018/19300/VAR Application to vary condition no 5 of original planning consent reference 2017/18173/FUL to remove occupancy restriction, Willow Tree, High Street, Austwick - Approved with Conditions.

2018/19307/LBC Listed Building Consent for external and internal alterations to existing property, Dubsyke, Clapham, Ingleton - Approved with Conditions.

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. 12 (engineering details), 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, subsequently replaced by amended outline application 2018/19441/VAR approved 31st July 2018, land at North Parade, Skipton - Conditions satisfactorily discharged.

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, land North Parade, Skipton - Condition satisfactorily discharged.

2018/19326/TPO T1 - Beech - prune away from buildings, crown reduction, crown lifting, crown thinning. T2 Oak - Removal of the lowest 3 branches over the road, Substation 2681, Beech Hill Road, Carleton - Split Decision.

2018/19366/COU Change of use of from retail shop to taxi booking office (ground floor), 9 Main Street, Cross Hills - Approved with Conditions.

2018/19329/VAR 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, Station Works, Cononley Lane, Cononley - Approved with Conditions

2018/19340/HH Single storey rear extension to provide dining room, 14 Ribblesdale Estate, Long Preston – Refused.

2018/19343/HH Erection of single-storey rear extension to dwelling, 1 Box Tree Farm, Main Street, Farnhill - Approved with Conditions.

2018/19345/ADV To fix nine aluminium plates (non-illuminated) underneath existing park signage to sell advertising onto as part of a revenue generation scheme by Craven Council and Swimming Pool, Craven Swimming Pool/Aireville Park, Skipton - Approved with Conditions.

2018/19350/LBC Listed building application for rebuilding of dry stone wall to a height of 1.3m, Bend Gate House, Long Preston - Approved with Conditions.

2018/19390/LBC Renovation of farmhouse including removal of 20th Century insertions, original internal walls and external porch. Insertion of new partitions, damp-proofing, structural steelwork, replacement double glazed windows and doors, plumbing and heating system, electrical system, kitchen and bathrooms, White House, Chapel Lane, Halton East - Approved with Conditions.

2018/19391/FUL Erection of one three bedroomed dwelling, land south of Paget Hall, Church Street, Gargrave - Application Withdrawn.

2018/19353/FUL Replacement of existing windows with new double glazed uPVC windows, 1-4 Riversdale, Giggleswick, Settle - Approved with Conditions.

2018/19355/HH Demolition of workshop/garage and garden store, and erection of new summer house, 75 Raikes Road, Skipton - Approved with Conditions.

2018/19412/CND Application to discharge condition no 16 of original planning consent reference 2018/18656/FUL dated 14.12.2017, Former Allotments And Garages, Skipton - Condition satisfactorily discharged.

2018/19365/HH Proposed two storey side extension to existing dwelling house, 39 Elmore Terrace, Keighley Road, Cross Hills - Approved with Conditions.

2018/19374/CPL Application for Certificate of Lawful Development for proposed hip to gable conversion and construction of rear dormer, 56 Raikeswood Drive, Skipton – Refused.

2018/19375/HH Demolition of existing extension and construction of single storey rear extension, 56 Raikeswood Drive, Skipton - Approved with Conditions.

2018/19379/HH Installation of 3 no. rooflights, Currier Cottage, 14 Victoria Street, Settle - Approved with Conditions.

2018/19381/FUL Change of use of agricultural land to form patio and verandah for approved conversion to dwelling, Binns Lane Farm, Binns Lane, Glusburn - Approved with Conditions.

2018/19382/HH Proposed dormer window and detached garage (re-submission of approved application reference 2017/18610/HH), Cherry Trees , Moorfoot Lane, Cononley - Approved with Conditions.

2018/19385/LBC Application for listed building consent for minor replacement of defective stone roof slates to part and repairs to a render covered chimney stack, Craven Court, High Street, Skipton - Approved with Conditions.

2018/19388/HH Proposed ancillary single storey garden room with a pitched roof, 4 Hall Gardens, Farnhill - Approved with Conditions.

2018/19394/TPO Various work to 1 no. Corsican Pine, Thornton House, Track To All Saints Vicarage, Burton in Lonsdale - Approved Tree Work under Tree Preservation Order

2018/19392/CND Application to discharge condition no 8 of original planning consent reference 2017/18435/LBC, The Folly, Victoria Street, Settle - Condition satisfactorily discharged.

2018/19393/CPL Certificate of lawfulness (proposed) for rear dormer window extension serving existing 2nd floor bedroom, 8 Thorndale Street, Hellifield - Approved.

2018/19395/TPO Fell 5 no. Trees (T1, T2, T3, T5, T9), Skipton Castle, The Bailey - Approved tree work under Tree Preservation Order.

2018/19397/FUL The conversion and roof alterations of an existing residential double garage to provide a single dwelling house, garage to the rear of College Crescent , College Road, Bradley – Refused.

2018/19399/FUL Erection of willow sculpture of an archer figure, Skipton Castle Woods, Skipton - Approved.

2018/19400/FUL Removal of a number of small scale agricultural structures and replace with a purpose built steel portal frame agricultural building, The Lumb, New Hall, Rathmell - Approved with Conditions.

2018/19402/FUL Erection of willow sculpture of stalking horse, Skipton Castle Woods, Skipton - Approved.

2018/19409/FUL New agricultural building and riding arena (for private use), Land At Mill Glen, Hesley Lane, Rathmell – Approved with Conditions.

2018/19410/TPO T1 Beech - Crown lift to 5m and crown thin by 10%. T5 and T6 Beech - Crown lift to 4m and crown thin by 10%. Fell 2 no. Whitebeam, 1 no. Beech and 1 no. Hornbeam, 17 Gainsborough Court, Skipton - Approved tree work under Tree Preservation Order.

2018/19415/HH External lift shaft, extended second floor balcony with external and internal alterations, Massa Wood House, Raikeswood Drive, Skipton - Approved with Conditions.

2018/19418/MMA Minor material amendment to original planning consent reference 2017/18578/FUL granted 22/11/2017 to increase length of garage, West Barn, Clough Head Farm, West Lane, Sutton-in-craven - Approved with Conditions.

2018/19419/TCA T1 Lime Tree – Fell, 7 Beech Mount, Main Street, Cononley - Approved tree works in Conservation Area.

2018/19420/FUL Change of use and internal alterations to convert former office at second floor into two apartments, 49 - 51 Barclays Bank Chambers, Second Floor, High Street, Skipton - Approved with Conditions.

2018/19421/LBC Listed building application for change of use and internal alterations to convert former office at second floor into two apartments, 49 - 51 Barclays Bank Chambers, Second Floor, High Street, Skipton - Approved with Conditions.

2018/19422/CND Application to discharge condition no. 3 of original planning permission referenced 2017/18733/HH granted 15.05.2018, Mill Lodge, Bell Busk, Skipton - Condition satisfactorily discharged.

2018/19424/HH Single storey garage extension and first floor extension. New conservatory, Green Ways, Glusburn Bridge, Colne Road, Glusburn - Approved with Conditions.

2018/19442/HH Replace upper floor french windows with single windows and re-use upper floor french window to new position at rear of converted ground floor integral garage, 7 Moorland Close, Embsay - Approved with Conditions.

2018/19425/ADV Application for advertisement consent for 1 x internally illuminated letter set and 1 x free-standing internally illuminated gateway sign, A C Price Engineering Ltd Ingleton Industrial Estate, New Road, Ingleton - Approved with Conditions.

2018/19429/TPO Horsechestnut Tree - Crown Clean and thin by 15%. Crown lift to 5.2 metres for Highway Clearance, 47 Rockwood Drive, Skipton - Approved tree work under Tree Preservation Order.

2018/19457/HH Proposed rear conservatory and garden shed, 4 St Aidans Court, Gisburn Road, Hellifield - Approved with Conditions.

2018/19437/HH Single storey rear conservatory extension, 1 St Johns Terrace, Church Street, Settle - Approved with Conditions.

2018/19441/VAR 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, land at North Parade, Skipton - Approved with Conditions.

2018/19443/FUL Exhumation and replacement of below ground fuel storage tanks with 2 No. new 45,000 litre below ground double skin steel monitored fuel storage vessels. Existing canopy over forecourt to be demolished and replaced with new in a 2 islands straight arrangement. New canopy over to be set at min 4.5m high above the highest forecourt level. The existing drainage petrol interceptor is to be exhumed and replaced with a new 10,000 litre class 1 vessel. Existing tank fuelling strategy to be abandoned and new above ground offset fill location to be installed in between the 2 islands together with associated containment drainage, services and resurfacing. Existing tank vents to be replaced in existing location with new. Existing jet wash facility to be removed and area utilised for disabled customer parking bay. 3 No. new parallel parking bays laid out to the site frontage. Existing air / water facility relocated to a more appropriate location, Co-Op, Petrol Whitefriars, 9 Church Street, Settle - Approved with Conditions.

2018/19446/TCA Fell 3 large pollarded trees within the churchyard, St Mary's Church, Main Street, Ingleton - Approved tree works in Conservation Area.

2018/19447/TPO T1 Beech - Crown lift and thin by 30%, 15 Butterbergh, High Bentham - Split Decision.

2018/19452/PNT Installation of electronic communications apparatus (Prior Approval), pavement at junction of Skipton Road and Thornview Road, Hellifield – Prior notification refused, application required.

2018/19461/TCA T1 and T2 Sycamore - Reduce by 2 to 3 meters all around leaving a branch length of 2 to 4 plus meters on both trees, College House, College Farm, College Road, Bradley - Approved tree works in Conservation Area.

2018/19463/HH Creation of single storey side extension, 12 The Close, Skipton - Approved with Conditions.

2018/19466/NMA Application for non-material amendment to original planning permission referenced 2018/18964/HH for 1) Re-arrangement of windows and doors to extension, 2) Lowering of roof pitch and 3) Reduce overall size of proposed windows, Firsbank, Mewith Lane, Low Bentham - Approved with Conditions.

2018/19483/CND Discharge of Condition No. 8 (details of greenhouse) of planning permission 30/216/16566, Higherland House, West Street, Gargrave - Condition satisfactorily discharged.

2018/19465/TPO T1 - Beech - remove deadwood and radially reduce the south spread by 2m, 3 Sunnybank Villas, Bungalow Road, Glusburn - Approved tree work under Tree Preservation Order.

2018/19471/PNAG Agricultural steel portal building, land off New Lane, Kildwick - Prior Approval Not Required.

2018/19476/FUL Proposed dwelling, land off Matthew Lane, Matthew Lane, Bradley - Application Withdrawn.

2018/19495/HH Demolition of garage and outbuilding. Construction of single storey side extension, 9 Princes Drive, Skipton - Approve with Conditions.

2018/19497/CND Discharge of Condition No. 3 (materials) of planning permission 2018/19081/FUL granted 08 May 2018, 28 Back Bridge Street, Skipton - Condition satisfactorily discharged.

2018/19488/VAR Application to vary Condition 2 of previously approved application 2018/19274/HH, to allow for 1 additional new dormer window to rear elevation, and the installation of 2 new obscure glazed windows to side elevations at second floor of the existing dwelling, 1 White Hills Croft, Skipton - Approved with Conditions.

2018/19489/CND Application to discharge condition no's 3 and 4 (Roof: Marley Moderns, Walls: Blockwork and White K Rend Render, RWG: Black Plastic Half Round, Windows: White Plastic) Drive finish: Tarmac, Paths: 600x600 Buff Flags, Fencing type: Hit and Miss Timber Fencing from planning application referenced 66/2016/17316 granted 25 October 2016, land to north of 13 Harper Grove, Sutton-in-Craven - Conditions satisfactorily discharged.

2018/19490/HH Raised patio to rear of single storey dwelling, 18 Moorview Way, Skipton - Approved with Conditions.

2018/19498/TPO, Fell 2 no. Ash. Remove deadwood on various species, 5 Garden Holme, New Road To Bank Bottom, Thornton in Lonsdale, Ingleton - Approved tree work under Tree Preservation Order.

2018/19500/CPL Application for certificate of lawful development for rear dormer window, 31 Ings Avenue, Skipton – Approved.

2018/19502/HH Single storey rear extension, 81 Burnside Avenue, Skipton - Approved with Conditions.

2018/19503/HH Two storey rear extension to provide a bathroom over enlarged kitchen and wet room, 31 Ings Avenue, Skipton - Approve with Conditions.

2018/19510/TCA T1, T3 and T4 Sycamore - Fell T2 Elm - Fell, White House Barn, Chapel Lane, Halton East, Skipton - Approved tree works in Conservation Area.

2018/19512/CND Application to discharge condition no. 3 of original planning permission referenced 2018/19094/LBC granted 22/06/2018, Church View, 9 High Street, Burton In Lonsdale - Condition satisfactorily discharged.

2018/19521/OTHERS The proposal is for the change of use of an agricultural building to Use Class B8 (distribution and storage), New Laithe Farm, Station Road, Cross Hills - Prior Approval Granted.

2018/19524/TPO Fell 28 no. Ash Trees suffering from advanced Ash die back, Skipton Castle Woods, The Bailey, Skipton - Approved tree work under Tree Preservation Order.

2018/19533/PNAG Proposed agricultural building to cover existing yard, Long Bank Farm, Keasden, Clapham - Prior approval not required.

2018/19548/CND Application to discharge conditions 3 (arboricultural method statement) and 4 (tree protection plan) of original planning permission 2018/19017/HH granted 11/04/2018, Wood Cottage, 1 Wood Grove, Skipton - Condition satisfactorily discharged.

2018/19554/TPO 6 Mature Beech Trees - Crown Lift to 5 Metres and thin up to 10%, 1 Mature Lime Tree - Crown lift to 6 metres and thin up to 10%, 1 Mature Beech Tree - Branches to be trimmed, Croft House, 1A Shires Lane, Embsay - Approved tree work under Tree Preservation Order.

2018/19555/TCA Remove early mature Beech Trees from the south west corner of the plot, Remove 1 no. Mature Willow, Croft House, 1A Shires Lane, Embsay - Approved tree works in Conservation Area.

b. Applications

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

Permission Granted

2018/19228/HH Proposed 1 and a half storey extension to front of existing dwelling with dormer. Proposed single storey lean-to extension to rear to create sunroom to replace existing UPVC conservatory, 26 Hall Croft, Skipton.

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.

Approved Plans

2. The permission relates to the following plans:

- Location Plan, Site Plan & Floor Plans as proposed Rev B, received 13th July 2018;
- Elevations as Proposed Rev B, received 13th July 2018;
- Location Plan, Site Plan & Floor Plans as existing, received 10th April 2018;
- Elevations as Existing, received 10th 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.

Ongoing Conditions

3. Notwithstanding the provisions of Schedule 2, Part 1, Classes 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), both the first floor window shown within the southern elevation of the hereby approved plans, and the 2 ground floor windows which surround the door in the southern elevation 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) once installed. These shall be retained as such thereafter.

Informatives

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

- 08:00am to 18:00pm Monday to Friday
- 08:00am to 13:00pm Saturday
- No Sunday or Bank Holiday working.

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

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 paragraph 38 of the National Planning Policy Framework. (*)

2018/19288/FUL Full planning permission for the construction of side extension, and retrospective permission for the change of use of agricultural land to domestic garden, 13 Spring Gardens, Cross Street, Cowling.

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.

Approved Plans

2. This permission relates to the following plans:

- Drawing No. 18/1010-01, received 2nd May 2018;
- Drawing No. 18/1010-02, received 2nd May 2018;
- Drawing No. 18/1010-03, received 2nd May 2018;
- Drawing No. 18/1010-04 Rev A, received 2nd May 2018;
- Drawing No. 18/1010-05 Rev A, received 17th May 2018;
- Drawing No. 18/1010-07, received 2nd May 2018.

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

During Building Works

3. The materials to be used in the construction of the external surfaces of the extension hereby approved shall match those used in the existing dwelling

Informatives

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

- 08:00am to 18:00pm Monday to Friday;
- 08:00am to 13:00pm Saturday;
- No Sunday or Bank Holiday working.

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

3. As the change of use from agricultural land to residential curtilage has already been implemented, condition 1 relates only to the hereby approved extension.

4. The applicant should ensure that the products of combustion from the proposed wood burning stove are adequately dispersed as to not cause a nuisance.

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 38 of the National Planning Policy Framework.

2018/19414/FUL Conversion of existing house to 2 no. self-contained apartments, Springholme, Otley Road, Skipton.

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.

Approved Plans

2. The approved plans consist of: Dwg No. 2785 received by the Council on 29th May, 2018.

Before Development Commences

3. Prior to the commencement of development, details of a scheme of noise attenuation to the dividing walls shall be submitted to and approved in writing by the local planning authority. The noise attention scheme shall be carried out in strict accordance of the approved details and thereafter retained.

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 paragraph 38 of the National Planning Policy Framework. (*)

2018/19433/HH Proposed side extension with associated external works, Thorncroft, Cam Lane, Thornton in Craven.

Conditions

Time Limit for Commencement

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

Approved Plans

2. This permission relates to the following plans and documents:

- 01741-100 – Site location plan as received on 13th June 2018
- 1741-206 – Proposed south elevation as received on 13th June 2018
- 01741-207 – Proposed elevations as received on 13th June 2018
- 01741-209 – Proposed site section as received on 13th June 2018
- 01741-210 – Proposed 3D view from site entrance as received on 13th June 2018
- 01741-211 – 3D sketch view as received on 13th June
- 01741-212 - 3D sketch view as received on 13th June
- 01741-213 - 3D sketch view as received on 13th June
- 01741-SK18 - Proposed site plan as received on 13th June
- 01741-202 - Proposed site plan as received on 21st June 2018
- 01741-203 - Proposed ground floor plan as received on 21st June 2018
- 01741-204 - Proposed first floor plan as received on 21st June 2018
- Design and Access Statement as received on 13th 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.

Ongoing Conditions

3. Unless alternative details have first been submitted to and approved in writing by the Local Planning Authority, the external surfaces of the extension shall be constructed in accordance with the materials detailed in the Design & Access Statement; on the approved plans and the supplementary information as received on the 14th August 2018.

4. 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 dwg no. 01741-SK18 for parking spaces, turning areas and access shall be kept available for their intended purposes 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 paragraph 38 of the National Planning Policy Framework. (*)

2018/19459/VAR Retrospective application to vary condition numbers 2, 3, 4, 5 and 13 to allow for the installation of a jet wash on the south-east corner of the site, the reconfiguration of the existing car park to accommodate the jet wash and minor alterations on application reference number 2018/18915/VAR dated 16/03/2017, Three Peaks Filling Station, New Road, Ingleton.

Conditions

Approved Plans

1. Amended plans condition:

- 5945(P)100 Rev A - Site Location Plan received by Craven District Council on the 15th January 2018.
- 5945(P)101 - Proposed Block Plan received by Craven District Council on the 15th January 2018.
- 5945(P)533 Rev A - Propose Site Plan received by Craven District Council on the 21st June 2018.
- 5945(P)103 Rev A - Proposed Building Plans received by Craven District Council on the 15th January 2018.
- 5945(P)203 Rev A - Proposed Elevations received by Craven District Council on the 15th January 2018.
- 5945(P)204 Rev A - Proposed Elevations received by Craven District Council on the 31st January 2017.
- 170105 - 11 Rev C - Highway Works to Footpath and Crossing received by Craven District Council on the 21st June 2018
- 170105 - 05 Rev K - Finishes Layout received by Craven District Council on the 21st June 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.

During Building Works

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

- 5945(P)103 Rev A
- 5945(P)203 Rev A
- 5945(P) 204 Rev A
- 5945(P) 533 Rev A
- 170105-05 K

3. Unless alternative details have first been submitted to and approved in writing by the Local Planning Authority, boundary treatments to the site shall be erected in accordance with the details (including their siting, height, materials, finish and design) shown on drawing nos. 5945(P) 533 Rev A 170105-05 before the development hereby approved is first brought into use, and shall be retained as such thereafter.

4. Unless alternative details have first been submitted to and approved in writing by the Local Planning Authority, the hard landscaping scheme for the site shown on drawing no. 5945(P) 533 Rev A & 170105-05 K shall be carried out in accordance with the details shown on the approved plan before the development hereby approved is first brought into use, and shall be retained as such thereafter.

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

Before the Development is Occupied

6. Amended Condition. The plant machinery shall be installed in accordance with the details submitted to the Local Planning Authority as part of the Discharge of Conditions application 2018/19123/CND and shall be retained thereafter.

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

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

Ongoing Conditions

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

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

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

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

12. The car parking spaces, turning areas and access shown on 5945(P)533 Rev A shall be kept available for their intended purposes at all times.

Informatives

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

2. 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 38 of the National Planning Policy Framework. (*)

2018/19100/FUL Demolition of timber stable and erection of new dwelling and associated works, Scaleber Farm, Back Lane, Low Bentham.

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.

Approved Plans

2. This permission relates to the following plans:

- Location Plan dated 9/3/2018 and received 22nd March 2018
- Drawing no.1540 01 Site Plan received 22nd March 2018
- Drawing no.1540-02 Plans - Elevations - Section received 22nd 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.

Before Development Commences

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.
4. Prior to the commencement of the development hereby approved protective barrier fencing shall be erected around the existing trees located to the north and west of the proposed house. The fencing shall be erected in accordance with a plan that shall first be submitted to and approved in writing by the Local Planning Authority. 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 .
5. Prior to the occupation of the dwelling hereby approved replacement tree planting shall be undertaken in the areas shown on the approved plans the exact species of which and location for planting shall first be submitted to and approved in writing by the local planning authority. All planting shall be subsequently carried out in accordance with the approved details and shall be maintained as such thereafter including the replacement of any dead, diseased or dying tree with the same species to that originally planted.

Ongoing Conditions

6. The residential curtilage associated with the dwelling hereby approved shall be as defined on the approved location plan and for the avoidance of doubt shall not extend northwards behind the rearmost (northern) wall of the approved dwelling or the remaining stone boundary wall that delineates the existing residential curtilage of Scaleber Farm from the adjacent paddock/land in the applicant's ownership.
7. Prior to the occupation of the dwelling hereby approved the vehicle parking and turning areas shall be constructed in accordance with the approved plans. once created the parking/turning areas shall be retained and kept clear of any obstruction at all times.

Informatives

1. National Grid - Pipeline Information

- No buildings should encroach within the Easement strip of the pipeline indicated above.
- No demolition shall be allowed within 150 metres of a pipeline without an assessment of the vibration levels at the pipeline. Expert advice may need to be sought which can be arranged through National Grid.
- National Grid has a Deed of Easement for each pipeline which prevents change to existing ground levels, storage of materials. It also prevents the erection of permanent / temporary buildings, or structures. If necessary National grid will take action to legally enforce the terms of the easement.
- We would draw your attention to the Planning (Hazardous Substances) Regulations 1992, the Land Use Planning rules and PADHI (Planning Advice for Developments near Hazardous Installations) guidance published by the HSE, which may affect this development.
- To view the PADHI Document, please use the link below:
<http://www.hse.gov.uk/landuseplanning/padhi.pdf>
- You should be aware of the Health and Safety Executives guidance document HS(G) 47 "Avoiding Danger from Underground Services", and National Grid's specification for Safe Working in the Vicinity of National Grid High Pressure gas pipelines and associated installations - requirements for third parties T/SP/SSW22. You should already have

received a link to download a copy of T/SP/SSW/22, from our Plant protection Team, which is also available to download from our website.

- To view the SSW22 Document, please use the link below:
<http://www2.nationalgrid.com/WorkArea/DownloadAsset.aspx?id=33968>
- A National Grid representative will be monitoring the works to comply with SSW22.
- To download a copy of the HSE Guidance HS(G)47, please use the following link:
<http://www.hse.gov.uk/pubns/books/hsg47.htm>
- National Grid will also need to ensure that our pipelines access is maintained during and after construction.
- Our pipelines are normally buried to a depth cover of 1.1 metres however; actual depth and position must be confirmed on site by trial hole investigation under the supervision of a National Grid representative. Ground cover above our pipelines should not be reduced or increased.
- If any excavations are planned within 3 metres of National Grid High Pressure Pipeline or, within 10 metres of an AGI (Above Ground Installation), or if any embankment or dredging works are proposed then the actual position and depth of the pipeline must be established on site in the presence of a National Grid representative. A safe working method must be agreed prior to any work taking place in order to minimise the risk of damage and ensure the final depth of cover does not affect the integrity of the pipeline.
- Excavation works may take place unsupervised no closer than 3 metres from the pipeline once the actual depth and position has been confirmed on site under the supervision of a National Grid representative. Similarly, excavation with hand held power tools is not permitted within 1.5 metres from our apparatus and the work is undertaken with NG supervision and guidance.

Pipeline Crossings

- Where existing roads cannot be used, construction traffic should ONLY cross the pipeline at locations agreed with a National Grid engineer.
- All crossing points will be fenced on both sides with a post and wire fence and with the fence returned along the easement for a distance of 6 metres.
- The pipeline shall be protected, at the crossing points, by temporary rafts constructed at ground level. No protective measures including the installation of concrete slab protection shall be installed over or near to the National Grid pipeline without the prior permission of National Grid. National Grid will need to agree the material, the dimensions and method of installation of the proposed protective measure. The method of installation shall be confirmed through the submission of a formal written method statement from the contractor to National Grid.
- Please be aware that written permission from National Grid is required before any works commence within the National Grid easement strip.
- A National Grid representative shall monitor any works within close proximity to the pipeline to comply with National Grid specification T/SP/SSW22.
- A National Grid representative shall monitor any works within close proximity to the pipeline to comply with National Grid specification T/SP/SSW22.
- A Deed of Indemnity is required for any crossing of the easement including cables.

Cables Crossing

- Cables may cross the pipeline at perpendicular angle to the pipeline i.e. 90 degrees.
- A National Grid representative shall supervise any cable crossing of a pipeline.
- An impact protection slab should be laid between the cable and pipeline if the cable crossing is above the pipeline.
- Where a new service is to cross over the pipeline a clearance distance of 0.6 metres between the crown of the pipeline and underside of the service should be maintained. If this cannot be achieved the service must cross below the pipeline with a clearance distance of 0.6 metres. All work should be carried out in accordance with British Standards policy

BS EN 13509:2003 - Cathodic protection measurement techniques

BS EN 12954:2001 - Cathodic protection of buried or immersed metallic structures -
General principles and application for pipelines
BS 7361 Part 1 - Cathodic Protection Code of Practice for land and marine applications

- National Grid Management Procedures

3. During construction there is a potential for noise nuisance to nearby residential properties. In order to safeguard the living conditions of nearby residents operating times for construction should be limited to:

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

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

5. In order to safeguard the living conditions of nearby residents particularly with regard to the effects of dust the applicant should identify all areas of the site and the site operations where dust may be generated and ensure that dust is controlled so as not to travel beyond the site boundary.

6. In order to prevent contamination of the site the applicant should ensure that any topsoil brought on site is free from metals, plastic, wood, glass, tarmac, paper and odours associated with contaminated soils as specified in BS 3882: 2015

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

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 paragraph 38 of the National Planning Policy Framework.

Permission Refused

2017/18804/HH New outbuilding within the curtilage of the site, 86 Otley Road, Skipton – Due to its design and scale the proposed building would have a commercial appearance, which would be exacerbated by its isolated position in relation to No. 86 Otley Road. As such the proposed building, due to its position, scale and design, would be out of keeping with the application property and street scene, and would be harmful to the character and appearance of the area. The proposal therefore fails to comply with the aims and objectives of the National Planning Policy Framework, in particular section 7 of that document, and Saved Policy H20 of the Craven District (Outside the Yorkshire Dales National Park) Local Plan. (SV) (*)

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 38 and 39 of the National Planning Policy Framework. In particular the Council has accepted additional information / changes to the scheme post validation and has advised the agent with respect to the reasons why the application cannot be supported in its current form and provided advice with respect to a resubmission.

Consideration Deferred

2018/19269/FUL Proposed single dwelling (previously approved application no. 21/2007/7561), Copper Coin, Nethergill Lane, Cononley – deferred pending a site visit. (*)

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

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

PL.878

PLANNING ENFORCEMENT

The Strategic Manager for Planning and Regeneration submitted details of enforcement cases closed, and new enforcement complaints registered in the periods 17th July to 14th August 2018 and 17th July to 13th August 2018 respectively.

PL.879

PLANNING SCHEME OF DELEGATION

The Strategic Manager for Planning and Regeneration submitted a report asking the Committee to consider proposed revisions to the Planning Scheme of Delegation.

The Planning Scheme of Delegation had been comprehensively reviewed in 2002 and most recently amended in 2011, but in the period since 2011 there had been a number of legislative changes and as such there was a need to update the Scheme to ensure that decisions were made within the legislative timescales and to ensure that deemed approvals were not granted by default. In recommending changes to reflect the legislative changes it was also recommended that the Scheme be amended so as to clarify and streamline the 7 day notice procedure. Although the changes, if adopted, may reduce the number of applications considered by Committee they would not designed to increase delegation to Officers, save for the revisions to meet legislative requirements.

During the course of the ensuing discussion a Member in referring to the ability to refer an application to committee drew attention to the potential for some applications to have an impact on a neighbouring ward, and on putting the revised scheme to the vote it was

Resolved – That, subject to Paragraph 7 (Ward Member Referrals) of the draft revised Planning Scheme of Delegation being appropriately amended to include reference to members of neighbouring wards also being able to request that an application be referred to Planning Committee, the draft revised Planning Scheme of Delegation is approved for reference to Council for approval.

Notes : 1. The amended wording to Paragraph 7 Ward Member Referrals will be presented to Planning Committee on 24th September, 2018.

2. Under the Council's Constitution the revised Planning Scheme of Delegation would be presented to Audit and Governance Committee before reference to Council.

PL.880

MEETINGS - START TIME

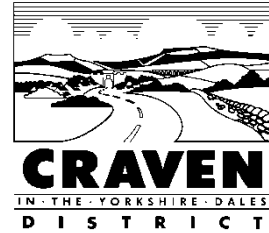
Resolved – That for the remainder of the current municipal year, meetings of this Committee start at 1.30pm.

Minutes for Decision

- None -

Chairman.

Planning Committee– 24 September 2018



REVISED PLANNING SCHEME OF DELEGATION

Report of the Strategic Manager Planning and Regeneration

Ward(s) affected: All areas of the District outside the National Park

1. **Purpose of Report** – To consider revisions to the Scheme of delegation.

2. **Recommendations** – Members are recommended to:

Approve the revised drafting of category 7, planning scheme of delegation, Ward Member referrals, now submitted for inclusion within the revised scheme of delegation approved by Planning Committee on 29 August 2018 for reference to Council for adoption.

3. **Report**

Members will recall in considering the revised scheme of delegation at its meeting on 29 August 2018, the Committee resolved that subject to Category 7 (Ward Member Referrals) of the draft Revised Planning Scheme of delegation being appropriately amended to include reference to members of neighbouring wards also being able to request that an application be referred to Planning Committee, the draft revised Planning Scheme of delegation is approved for reference to Council for approval.

It is proposed that Category 7, Ward Member referrals, be amended as follows:-

Where a ward member requests, in writing, within 21 days of the receipt of the weekly list or by the closure of any publicity which has been carried out on the application (whichever is the latest), that an application be presented to the Planning Committee for decision, identifying the planning reasons for the referral and how the development affects their ward and agreed with the Planning Manager in consultation with the Chairman.

Footnote; As worded Category 7 referrals enables members other than the member for the ward within which the site is located to seek to refer the application to Committee where the development would have an effect on their ward.

4. Implications**4.1 Financial and Value for Money (vfm) Implications – Impact..**

The revised scheme will have a positive impact on the Council's aims to manage its finances and will help to free up officer time to deal with more planning applications.

4.2 Legal Implications – The Proposals in the report shall ensure that the Scheme of Planning Delegation is updated to reflect legislative requirements and best practice and the Constitution updated in accordance with obligations under section 37 of the Local Government Act 2000.**4.3 Contribution to Council Priorities – Impact**

The alterations to the scheme of delegation will actively support the Council's priority to support economic growth in the District by providing much needed certainty and speed up the planning process.

4.4 Risk Management – Impact

Should the recommendations of the report not be adopted the situation will remain as existing with the risk of legal challenge and potential Ombudsman decisions against the Council for not following procedure due to the lack of clarity.

4.5 Equality Analysis – No impact.**5. Consultations with Others – Council Solicitor****6. Access to Information : Background Documents – None****7. Author of the Report – Neville Watson Planning Manager 01756 706402**

Note : Members are invited to contact the author in advance of the meeting with any detailed queries or questions.

Appendices – Report to Planning Committee 29 August 2018

Planning Committee– 29 August 2018

REVISED PLANNING SCHEME OF DELEGATION



Report of the Strategic Manager Planning and Regeneration

Ward(s) affected: All areas of the District outside the National Park

1. **Purpose of Report** – To consider revisions to the Scheme of delegation.

2. **Recommendations** – Members are recommended to:

Approve the revised planning scheme of delegation subject to reference to Full Council for final approval

3. **Background**

3.1 The Council's Constitution is a critical document that sets out the governance arrangements for the Council, setting out the functions of the Council and how they are exercised.

3.2 Section 101 of the Local Government Act 1972 deals with the delegation of local authority functions. Section 101 provides that (subject to any express statutory provision to the contrary) a local authority may arrange for the discharge of any of its functions by a committee, sub-committee or one of its officers.

3.3 For the purposes of expediency and in the interests of good governance, some decisions are delegated to officers of the Council to exercise. This is a key part of the day to day running of the Council and such powers are set out in schemes of delegation contained in the Constitution.

3.4 The Planning Scheme of Delegation applies to decisions/functions around planning/development management. It should be noted that 84 % of planning applications are determined by officers on this basis.

4. **Planning Scheme of Delegation**

4.1 The Council's current Planning Scheme of Delegation was comprehensively reviewed in 2002 and last amended in 2011.

4.2 Since 2011 there have been legislative changes principally in the form of the Town and Country Planning (Development Management Procedure) (England) Order 2015 and the Town and Country Planning (General Permitted Development) Order

2015 (as amended). Against this background there is a need to review the scheme to ensure that decisions are made within the legislative timescales and to ensure that deemed approvals are not granted by default.

- 4.3 Officers consider it pertinent to clarify that the revised scheme of delegation does not increase delegation to Officers, save for the revisions to meet legislative requirements. The proposals in the report are intended to clarify and streamline the 7 day notice procedure and to relieve the Planning Committee from dealing with routine applications, thereby typically reducing the length of Planning Committee agenda's and list of plans to be considered.

5 Explanation and clarification of the terms of the revised scheme 2018.

- 5.1 The current scheme is divided into 10 categories and a commentary on each category is set out below. The current scheme is set out first, **the proposed revisions are shown in red text** with an explanation at the end of each category.

The Strategic Manger for Planning and Regeneration is delegated to undertake all functions in connection with planning (subject to the limits, controls and conditions below) including Listed Buildings, Advertisement Consent, Certificate of Lawfulness applications (in consultation with the Council Solicitor), Planning Enforcement and the preservation of Trees and Hedges.

Limits, Controls and Conditions

This delegation is limited and shall not apply to:

1. Environmental Impact Assessment Applications

1. Any application which is accompanied by an Environmental Impact Statement.

1. **Any application which is accompanied by an Environmental Impact Statement**

No change proposed

2. Significant Departure Applications

2. Any application which is defined as a significant departure from the adopted development plan as identified in planning circular 02/09 or in any successor or document (see definition below) and where officers wish to approve the development.

2. **Any application which is defined as a significant departure from the adopted development plan as identified in the Town and Country Planning (Consultation) (England) Direction 2009 or in any successor Direction or document (see definition below) and where officers wish to approve the development.**

Circular 02/09 was replaced in 2014 by the National Planning Practice Guidance although the 2009 Direction remains extant and identifies significant departures. This does not change the scheme but simply reflects legislative change.

3. Major Departure Applications

- 3 Any applications which are recommended to be approved contrary to the requirements of the Development Plan.

- 3 The application is a major departure in the opinion of the Strategic Manager Planning and Regeneration and the application is recommended for approval

This has been amended to only refer to major departures. Minor applications that do not accord with the provisions of the Development Plan are technically a Departure but approval in appropriate cases would have no impact or undermine the Plan.

4 Council Applications

- 4 Any applications made by or on behalf of the Council.

- 4 Any applications made by or on behalf of the Council and is for development other than domestic applications within the curtilage of a dwelling house or external alterations to abuilding with no significant extensions proposed

In its present form all of the Council's applications are referred to Committee. This has been amended to avoid non-controversial applications by the Council being dealt with by the Planning Committee.

5 Applications by District Councillors

- 5 Any applications made by or on behalf of a District Councillor or his/her partner, children, parents, grandparents or siblings.

- 5 Any applications made by or on behalf of a District Councillor or his/her partner, children, parents, grandparents or siblings.

No change proposed

6 Applications by Members of Staff

- 6 Any application made by an employee within the Development Management, Building Control and Local Planning Teams within the Planning and Regeneration service area or any employee of the Council of Principal Grade or above. Applications submitted by the partner, children, parents, grandparents or siblings of any of the persons referred to above will also be referred to the Planning Committee for determination.

- 6 Any application made by an employee within the Development Control, Building Control and Local Planning Teams within the Planning and Regeneration service area or any employee of the Council of Principal Grade or above. Applications submitted by the partner, parents or children of any of the persons referred to above will also be referred to the Planning Committee for determination.

No change proposed

7 Ward Member Referrals

- 7 Where a ward member requests, in writing, within 21 days of receipt of the weekly list or by the closure of any publicity which has been carried out on the application (whichever is the latest date), that an application be presented to the Planning Committee for decision
7. Where the ward member requests, in writing, within 21 days of receipt of the weekly list or by the closure of any publicity which has been carried out on the application (whichever is the latest date), that an application be presented to the Planning Committee for decision, identifying the planning reasons for the referral and agreed with the Planning Manager in consultation with the Chairman

This has been amended to ensure that referrals clearly identify the planning reasons for the need for an application to be considered by the Planning Committee.

8. The 7 day notice procedure.

- 8 Where representations by any person, body or organisation have been received (either in support or against the proposal) within the 21 day consultation/publicity period a notice shall be sent to the Chairman and Vice Chairman of the Planning Committee and Ward Representative(s) giving 7 consecutive days to decide on material planning grounds or in the public interest whether the matter should be referred to the Planning Committee for a decision.
- 8 Where representations by any person, body or organisation have been received (either in support or against the proposal) within the 21 day consultation/publicity period and these representations are contrary to the recommendations of Officers a notice shall be sent to the Chairman and Vice Chairman of the Planning Committee and Ward Representative(s) giving 7 consecutive days to decide on material planning grounds or in the public interest whether the matter should be referred to the Planning Committee for a decision. This procedure will not apply to applications for "prior approval" under the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) since such applications benefit from a deemed approval if not determined within the statutory time limits.

Interpretation of the 7 day notice procedure

Where a Town or Parish Council indicate that they have "no objection" or "no comment" to an application this will be taken as a declaration of a neutral stance

that is neither in support of nor against a proposal and accordingly will not trigger a requirement for an application to be referred to the Chairman, Vice Chairman and ward Member(s) under the 7 day notice procedure. Similarly a representation supporting an application will not trigger the 7 day notice procedure if the Officer recommendation is one of approval.

With the exception of consultations to Town and Parish Councils referred to above the 7 day notice procedure shall not apply in respect of representations received from any statutory consultee who has been notified of the application in accordance with Articles 18, 19, 20 and 21 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (or any Order revoking or re-enacting that Order) or from any non-statutory consultee.

Where third party representations have been received solely supporting an application the 7 day notice procedure will not be triggered if the Officer recommendation is for approval.

Where third party representations have been received solely objecting to an application the 7 day notice procedure will not be triggered if the Officer recommendation is for refusal.

The 7 day notice procedure will apply to all applications where there are both objections and support for an application.

In all cases the representations must be on material planning grounds to be considered under category 8.

This category requires amendment to take into account legislative changes in the Town and Country Planning General Permitted Development Order 2015. This allows a range of developments to take place without planning permission including the change of use of agricultural buildings and offices to residential use. The applicant is required to submit an application for “prior approval” by the Council and if a decision is not issued within 56 days the applicant benefits from a “deemed approval”. The existing triggers could result in an application not being determined within 56 days which would almost certainly happen in the vast majority of cases if the application was referred to Committee.

The interpretation sets out at the end of category 8 various scenarios and clarifies the cases where “approving the acceptable” and “refusing the unacceptable” would improve the speed in determination of the applications, providing efficiency savings, avoid the delay of the 7 day notice procedure and potentially Committee time.

9 Repeat applications

9 Any repeat application (where it is fundamentally the same scheme) which has previously been considered by the Planning Committee.

9 Any repeat application (where it is fundamentally the same scheme) which has previously been considered by the Planning Committee. This will not apply to

applications to vary or delete conditions under section 73 of the Town and Country Planning Act 1990 unless those conditions were explicitly imposed by the Planning Committee. This will not apply to applications for non-material amendments to an approved scheme under Section 96A of the Town and Country Planning Act 1990 (as amended).

Frequently applications are made to revise schemes either under Section 73 of the Town and Country Planning Act or Section 96A for a non –material amendment. A Section 73 application could typically be to change approved house types on an approved site. Unless there are specific issues with that application (which would be in any event covered by category 10) there is no merit in referring the application to Committee. An application for a non-material amendment under Section 96A is technically not an application for planning permission and similarly does not merit Committee consideration.

10 Referrals by Strategic Manager

10 Any application which the Strategic Manager for Planning and Regeneration considers should be referred to the Planning Committee for a decision.

10 Any application which the Strategic Manager for Planning and Regeneration considers should be referred to the Planning Committee for a decision.

No change proposed.

Definitions

Significant departures are defined as the following in the Town and Country Planning (Consultation) (England) Direction 2009 where the Local Planning Authority wishes to approve the proposal in terms of the following: -

- Development which includes or consists of retail, leisure or office use and which:
 - a. Is to be carried out on land which is edge of centre, out of centre or out of town; **and**
 - b. Is not in accordance with one or more provisions of the development plan in force in relation to the area in which the development is to be carried out: **and**
 - c. Consists of or includes the provision of a building or buildings where the floor space to be created by the development is:
 - I. 5000 square metres or more: **or**
 - II. Extensions of new development of 2,500 square metres or more which when aggregated with existing floorspace would exceed 5000 square metres.
- Development having an adverse impact on the outstanding universal value, integrity, authenticity and significance of world heritage sites or their settings, including any buffer zone or its equivalent, and being development to which Historic England has objected to and that objection not having been withdrawn.
- Playing field development where the land subject of the application:

- I. Is land of a local authority; or
- II. Is currently used by an educational institution as a playing field; **or**
- III. Has at any time in the 5 years before the application been used by an education institution as a playing field: **and**
- IV. Sport England has been consulted and has objected on one or more of the following grounds:
 - a. That there is a deficiency in the provision of playing fields in the area of the Local Planning Authority;
 - b. That the proposed development would result in such a deficiency; **or**
 - c. That the proposed development involves a loss of playing field and an alternative or replacement playing field is proposed, that alternative or replacement does not match (whether in quality, quantity or accessibility) that which would be lost.
- Major development in flood risk areas to which the Environment Agency has made an objection that it has not been able to withdraw even after discussion with the Local Planning Authority.

6. **Implications**

6.1 **Financial and Value for Money (vfm) Implications – Impact..**

The revised scheme will have a positive impact on the Council's aims to manage its finances and will help to free up officer time to deal with more planning applications.

6.2 **Legal Implications** – The Proposals in the report shall ensure that the Scheme of Planning Delegation is updated to reflect legislative requirements and best practice and the Constitution updated in accordance with obligations under section 37 of the Local Government Act 2000.

6.3 **Contribution to Council Priorities** – Impact

The alterations to the scheme of delegation will actively support the Council's priority to support economic growth in the District by providing much needed certainty and speed up the planning process.

6.4 **Risk Management** – Impact

Should the recommendations of the report not be adopted the situation will remain as existing with the risk of legal challenge and potential Ombudsman decisions against the Council for not following procedure due to the lack of clarity.

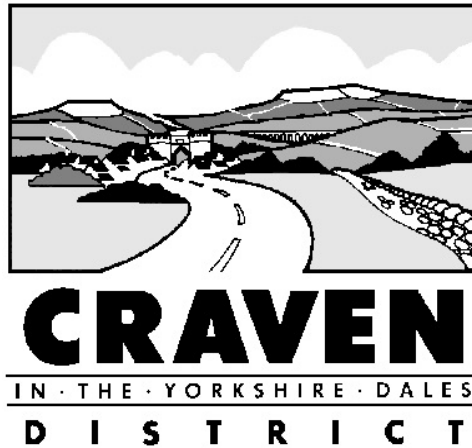
6.5 **Equality Analysis** – No impact.

7. **Consultations with Others** – Council Solicitor

8. **Access to Information : Background Documents** – None

9. **Author of the Report** – Neville Watson Planning Manager 01756 706402

Note : Members are invited to contact the author in advance of the meeting with any detailed queries or questions.



PLANNING COMMITTEE AGENDA

DATE: 24th September 2018

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REPORT TO PLANNING COMMITTEE ON 24th September 2018

Application Number: 2018/19460/NMA

Proposal: Non-material amendment to original planning consent reference 63/2016/17350 to revise position of entrance door, balustrade, handrails + steps, remove 2 windows in south-east elevation and reduce width of north-west window

Site Address: 16 Park Wood Crescent Skipton BD23 1UF

On behalf of: Mr & Mrs T Clayton

Date Registered: 21st June 2018

Expiry Date: 19th July 2018

Case Officer: Ros Parker

This application has been referred to Planning Committee at the request of Councillor Dawson due to public interest.

1. Site Description

- 1.1 The application site comprises a stone and render detached bungalow with integral garage to the East. The site slopes steeply from West to East, so that the property is in a raised position to no. 18 Park Wood Crescent. It is also in a raised position in relation to the property to the rear.
- 1.2 Planning consent 63/2016/17350 granted consent for a single storey sunroom to the rear of the property, which is the subject of this non-material amendment. A revised proposal was approved in September 2017 (63/2017/18117).
- 1.3 The property is situated within the Skipton Development Limits.

2. Proposal

- 2.1 The proposal seeks a non-material amendment to the previously approved application 63/2016/17350 (approved on 16/11/2016). The approved development was described as a 'Single storey rear extension to provide additional sun room'.
- 2.2 The proposed amendments include:
- Reduction in width of the fixed (non-opening) obscure glazed windows on the north west elevation
 - Revised steps, balustrade and handrail with top platform 1800mm x 900mm to the south east elevation. Replacement of double width window and full length glazed single door with full length glazed double door to south east elevation.

3. Planning History

- 3.1 63/2016/17350 - Single storey rear extension to provide additional sun room - Approved November 2016
- 3.2 63/2017/18117 - Single storey rear extension to dwellinghouse (resubmission of application 63/2016/17350)- Approved September 2017

4. Legislative/Guidance/Policy Background

- 4.1 Paragraph 008 of the 'flexible options for planning permissions' chapter to the National Planning Practice Guidance (NPPG) indicates that, in making decisions on non-material amendment applications, the local planning authority should take into account:
- *"The effect of the change, together with any previous changes made under section 96A. They must also take into account any representations made by anyone notified [...], provided they are received within 14 days of notification. **As this is not an application for planning permission, s.38(6) of the Planning Act 2004 does not apply.**"*
- 4.2 Therefore, the proposed amendments are not being assessed in accordance with the policies in the development plan. Instead, the test is whether the effects of the proposal would result in a material change to the original planning permission which would require the issuing of a new planning permission.
5. Parish/Town Council Comments
- 5.1 Not applicable.
6. Consultations
- 6.1 Not applicable.
7. Representations
- 7.1 As an application under s.96A is not an application for planning permission, the DMPO provisions relating to statutory consultation and publicity do not apply. As stated in paragraph 005 of the NPPG Local Planning Authorities *"have discretion in whether and how they choose to inform other interested parties or seek their views. As by definition the changes sought will be non-material, consultation or publicity are unlikely to be necessary"*.
- 7.2 In this case, the Council exercised discretion and notification letters were sent to 3 neighbouring properties (14, 18 Park Wood Crescent and 10 Park View)
- 7.3 Letters of representation have been received from 9 and 10 Park View and 14 Park Wood Crescent which may be summarised as follows (the representations are available on the Council's web site).

Privacy

- Loss of privacy to neighbouring properties from increased size of staircase platform
Officer note The approved staircase platform was only the width of a single door the current proposal is 1800mm wide, the width of the proposed double doors.
- Concern that the window to the north-west elevation will remain non-opening and obscure-glazed to Level 3, in accordance with the original planning consent in order to protect privacy
Officer note The submitted plans show the window to be obscure glazed and non-opening.

Other issues

- Concern that work on site has not been approved, 'flouts' original planning permission and may not follow approved plans.
Officer note The size and scale of the development is as approved, but the development is being constructed incorporating the revisions the subject of this non-material amendment submission.
- Request that application is decided by Planning Committee in view of local concern and possible 'flouting' of original planning permission.
Officer note Notwithstanding the fact that a previous scheme has been considered by the Planning Committee it is not considered necessary to report this application for a non-material amendment to Committee. However, in view of the representations received the application will be dealt with under the "7 day notice" procedure.

8. Summary of Principal Planning Issues
- 8.1 Effect of the proposed changes upon the planning permission originally granted.
9. Analysis
- 9.1 With respect to amending proposals that have planning permission, paragraph 001 of the 'flexible options for planning permissions' chapter to the NPPG identifies that:
- *"New issues may arise after planning permission has been granted, which require modification of the approved proposals. **Where these modifications are fundamental or substantial, a new planning application under section 70 of the Town and Country Planning Act 1990 will need to be submitted.**"*
- 9.2 The paragraph indicates that, *"where less substantial changes are proposed"*, a proposal can be amended through either the *"non-material amendment"* or *"minor material amendment"* procedures.
- 9.3 Paragraph 002 of the NPPG states that:
- *"There is no statutory definition of 'non-material'. This is because it will be dependent on the context of the overall scheme – an amendment that is non-material in one context may be material in another. The local planning authority must be satisfied that the amendment sought is non-material in order to grant an application under section 96A of the Town and Country Planning Act 1990."*
- 9.4 In addition, paragraph 009 of the NPPG clarifies that *"this non-material amendment procedure, which has no consultation requirements and minimal notification requirements, cannot be used to make a material amendment."*
- 9.5 The purpose of this application is to seek the LPA's opinion as to whether the changes to the previously approved development are sufficiently material in their nature and in the context of the approved development so as to require a fresh planning permission. Non-material amendment applications are not an application for planning permission, do not result in the issuing of a new planning permission and relate only to the amendments sought.
- 9.6 The window to the north-west elevation will be reduced in size. It will be non-opening and obscure-glazed (see plan reference 848/8A received on 21st June 2018), addressing the objection raised with this regard. As such, it is not considered to represent a loss of privacy to the neighbouring property, No 14 Park Wood Crescent.
- 9.7 To the south-east elevation, the omission of the double-width window and full-length glazed single door, and their replacement with a full-length glazed double door will result in an overall reduction in the glazed area. This is not considered to result in an unacceptable loss of privacy.
- 9.8 The widening of the entrance platform and steps, and their relocation further to the South, has given rise to objections with regard to loss of privacy from the proposed raised platform. The proposed raised platform will be situated approximately 4.5m from the side boundary and 6.3m from the rear boundary. However, it is considered that the platform is only 1800mm x 900mm and in practical terms would not be used as an outdoor amenity area and would not have an adverse impact on neighbouring properties. It is noted that no representations have been received from the closest neighbour to the south east (18 Park Wood Crescent).
- 9.9 The amendments to the handrail and balustrade are not considered to have a material planning affect in terms of impact upon amenities of neighbouring properties – in terms of privacy or overshadowing.
- 9.10 Visually, the changes will be minor, with no design concerns, and are not considered to materially affect the character and appearance of the building.
- 9.11 Conclusion

9.12 The proposed amendments, by virtue of their size, scale, layout, siting and design would not result in the development having any materially greater impact than the scheme approved as part of application 63/2016/17350. Accordingly, the proposed revisions are considered to constitute a non-material amendment to the original planning permission for the purposes of Section 96A of the Town and Country Planning Act 1990 (as amended).

10. Recommendation

10.1 Non-material amendment approved

Conditions

Approved Plans

1 This permission relates to the following plans:

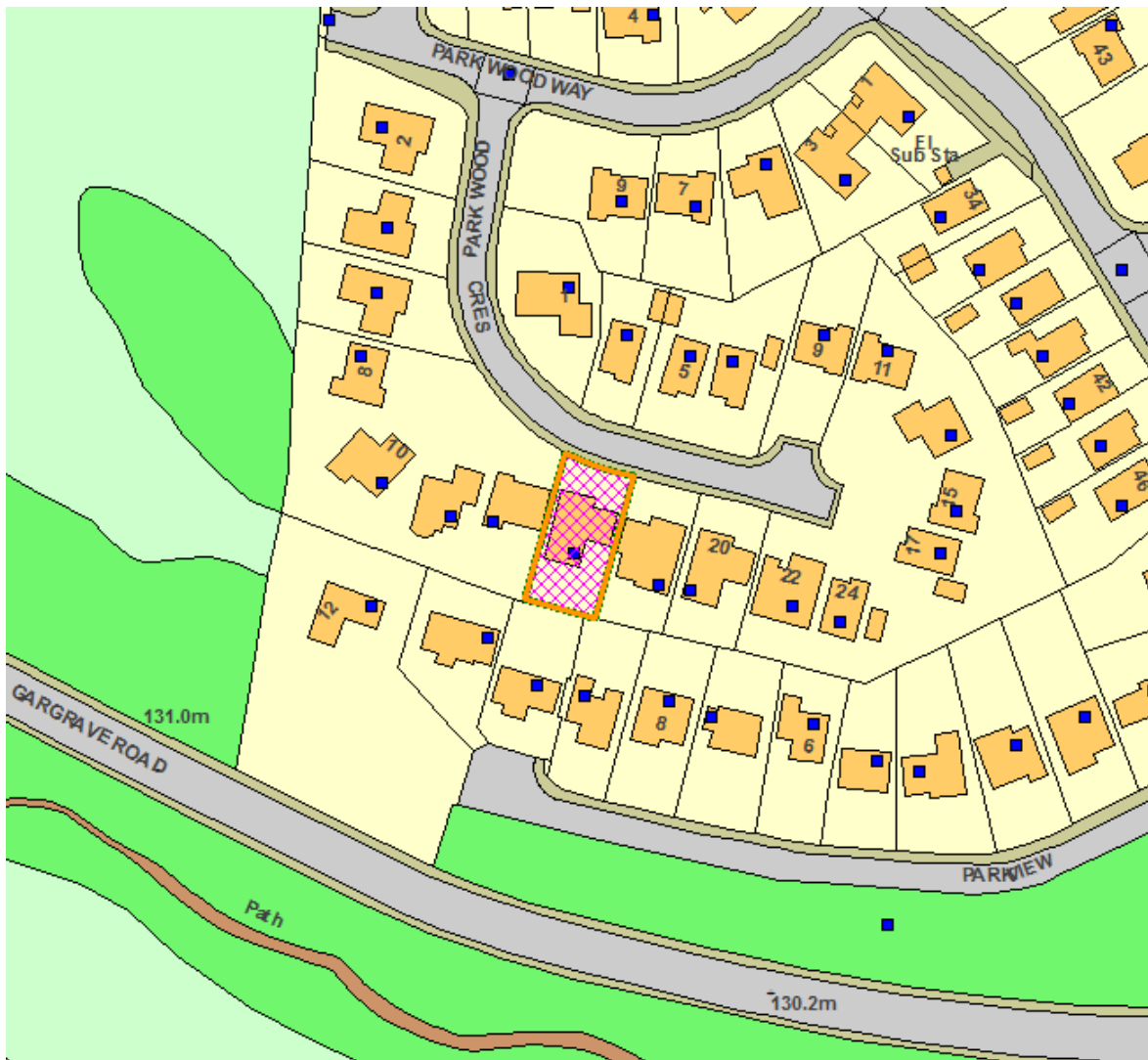
- Drawing no. 848/2D received 13th July 2018
- Drawing no. 848/7 received 21st June 2018
- Drawing no. 848/8A received 21st June 2018.

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 policies contained within the Craven District (Outside the Yorkshire Dales National Park Authority) Local Plan and the National Planning Policy Framework.

Informatives

1. This decision notice should be read in conjunction with planning permission 63/2016/17350. All conditions that were imposed on planning permission 63/2016/17350 apply to the development as now amended (in addition to the conditions imposed under this permission), except where these have already been discharged.



Application Number: 2018/19460/NMA

Proposal: Non-material amendment to original planning consent reference 63/2016/17350 to revise position of entrance door, balustrade, handrails + steps, remove 2 windows in south-east elevation and reduce width of north-west window

Site Address: 16 Park Wood Crescent, Skipton, BD23 1UF

On behalf of: Mr & Mrs T Clayton

REPORT TO PLANNING COMMITTEE ON 24th September 2018

Application Number:	2018/19269/FUL
Proposal:	Proposed single dwelling (previously approved application no. 21/2007/7561)
Site Address:	Copper Coin Nethergill Lane Cononley BD20 8PB
On behalf of:	Mr & Mrs Martin Wiseman
Date Registered:	30th April 2018
Expiry Date:	25th June 2018
Case Officer:	Mr Mark Moore

This application was referred to the Planning Committee for a decision on the 29th August 2018 at the request of Cllr Brown who wished for the Parish Council's concerns to be considered by the full committee before a decision was made.

At the August meeting the Committee decided to defer the application pending a site visit in order that the Members could more fully assess the proposal.

1. Site Description.
 - 1.1 The application site comprises the rearmost (southern) part of the garden of a residential property, 'Copper Coin', located on the southern side of Netherghyll Lane in Cononley. The western boundary of the site lies immediately adjacent to the rear garden of a neighbouring property 'Glenburn'.
 - 1.2 The site also lies adjacent to Piper Lane which is an un-made roadway located to the east that drops down from Netherghyll Lane towards Cononley Beck and provides a shared access to the rear of the neighbouring properties (Ghyll Cottage, Glenburn and Westfield), parish council owned land and an electricity sub-station. The applicants house 'Copper Coin' also has access from Piper Lane to an existing integral garage via a small driveway at the side of the property.
 - 1.3 The site is well screened from the roadside by agricultural buildings and existing housing that fronts onto Netherghyll Lane and is also screened by extensive tree and hedgerow planting that lies along both sides of the adjacent beck. There is planting on the site that would require removal but none of the planting within or adjacent to the site is protected other than by virtue of the location of the site within the Cononley Conservation Area. Because of the location of the site it is considered that there is little public visual amenity afforded by the existing planting which is comprised predominantly of ornamental shrubs and hedgerows.
 - 1.4 The application site is located within development limits as defined in the adopted Local Plan.
 - 1.5 The land adjoining the beck immediately to the south of the site is identified on the Environment Agencies' strategic flood mapping as lying within Flood Zones 2, 3 and 3a although the application site itself is not within a flood zone other than its southernmost tip.

2. Proposal.

- 2.1 This is a full application seeking planning permission for the construction of a single dwelling house and attached garage which would be located within what is presently the rear garden of the applicant's property, 'Copper Coin'.
Officer note: This is a slightly revised re-submission following lapse of a planning permission that was granted in 2008 under planning permission ref: 21/2007/7561. The changes that have been made to the previously approved scheme are improved landscaping and inclusion of a screen wall to the rear of a proposed balcony area but otherwise the proposal has not been altered from the previous scheme.
- 2.2 The submitted plans show a two-storey, stone-built dwelling with a ridged roof that has been designed to meet the specific constraints of the site. The northern elevation, facing the southern aspect of the applicant's dwelling would appear as a single storey with a dining room window facing across the common boundary between the existing and proposed dwellings. It is proposed to landscape this boundary in order to provide screening to protect the privacy of the two dwellings.
- 2.3 The principal elevation of the proposed dwelling would face east onto Piper Lane and would have bedrooms at the lower level, the upper storey being utilised as living accommodation. The southern gable elevation would be shielded at the ground floor level by the proposed attached garage and would feature windows and doors at first floor level that would allow access onto an enclosed balcony. The balcony would be screened from the adjacent property to the west by a 2m high wall.
- 2.4 Access to the site is proposed from Piper Lane and access to the attached garage would be from the south-east corner of the site via the shared access/turning area. Aside from the single garage space it is proposed to provide a second hard standing area forward of the house (to the east).
Officer note: The existing access onto Piper Lane that serves the integral garage at 'Copper Coin' is to be closed off and the garage opening in the side elevation of the property is to be walled up.
- 2.5 The proposals include a small area of private amenity space that would comprise a narrow (3m wide) garden strip to the northern side of the proposed new house. An existing hawthorn hedge that runs along the western site boundary (shared with the adjacent property Glenburn) is to be retained.

Officer note: In an e-mail following the last Committee meeting the applicant has advised that the proposed new house was designed by his late father who passed away before he could build it. The intention is now for the applicant and his wife to build the house in his late father's memory with a view to moving there once it is completed. The applicant has also commented that the house has been designed to be more in keeping with the traditional Cononley houses in the immediate vicinity and to ensure that no overlooking of the neighbouring houses would occur.

3. Planning History.

- 3.1 21/2007/7561: Single dwelling. Approved January 2008.

4. Planning Policy Background.

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

4.2 **Saved Policies in The Craven District Local Plan (1999):**

ENV10: Protection of Trees and Woodlands

- H3: Residential Development within the Development Limits of Skipton and the Named Local Service Centres
T2: Road Hierarchy

4.3 National Planning Policy Framework (July 2018).

4.4 National Planning Practice Guidance

4.5 Submission Draft Local Plan (2018):

- SP1: Meeting Housing Need
ENV2: Heritage
ENV3: Good Design
INF4: Parking Provision

- 4.6 In terms of the status of the Submission Draft Craven Local Plan, this document was submitted to the Secretary of State on 27th March 2018. The submission of the Local Plan is at an advanced stage and therefore weight can be given to it. However, the NPPF (2018) at paragraph 48 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 this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).'

Officer note: Under paragraph 214 of the NPPF the policies in the previous Framework (2012) will apply to the consideration of the emerging plan policies as the LPA has now submitted its draft Local Plan for examination but the weight to be attached to the policies in the emerging plan remains the same under both the old and new Frameworks. The policies in the 2018 Framework are material considerations which should be taken into account in dealing with applications from the day of publication.

- 4.7 The draft Local Plan policies set out above are considered to be applicable to this planning application although there are unresolved objections to some policies and an assessment of the significance of those objections has not yet been made. For this reason it is considered beneficial to adopt a precautionary approach and consider that whilst some weight can be given to those policies, in particular those that have no outstanding objections, the greater weight should remain with the Saved Local Plan Policies and the NPPF. Consequently, for the purposes of this report only the relevant saved Local Plan policies and the policies set out in the NPPF will be considered.

5. Parish/Town Council Comments.

5.1 *'Cononley Parish Council objects to this proposal for the following reasons:*

1. *The overall impact the proposal will have on the surrounding conservation area. The adjacent Pinfold is a small space within the village much valued for its ecological importance. The proposed application will cause severe disturbance of the Pinfold and the adjoining Piper Lane.*
2. *There will be restricted visibility when entering and exiting Piper Lane on to Netherghyll Lane. In the view of the Parish Council, this is dangerous. Vehicles often speed up and down Netherghyll Lane and a restricted line of visibility will certainly increase the possibility of an accident occurring either during entry onto or exit out of Netherghyll Lane and Piper Lane.*

3. *The proposed plan indicates that the new building will be within 10 metres of the neighbouring property. The proposed building will be sited within a small back garden and will overlook the neighbouring property causing a significant loss of privacy.*
4. *There is no mention of how it is proposed to deal with the run off from the site, nor is there mention of how the sewerage will be pumped uphill for disposal. The soak away is not mentioned either.*
5. *Finally, this proposed development falls within the conservation area. The Parish Council feels that there is already sufficient development within the village at present'.*

6. **Consultations.**

6.1 **NYCC Highways:**

The Highways Engineer objects to the proposal and recommends refusal for the following reason:

The existing access, by which vehicles associated with this proposal would leave and re-join the County Highway is unsatisfactory since the required visibility of 45 metres x 2 metres cannot be achieved looking east at the junction with the County Highway and therefore, in the opinion of the Planning Authority, the intensification of use which would result from the proposed development is unacceptable in terms of highway safety.

Officer note: The Highways Engineer has objected to this proposal because of the lack of visibility at the junction of Piper Lane and Netherghyll Lane and has commented that the intensification of the use of the access would create highway safety issues. As with the previous planning application the use of the existing garage in the lower storey of 'Copper Coin' is to be discontinued with both the site access and garage opening beings closed off. 'Copper Coin' would subsequently use the existing driveway and garage to the front of the property which, although accessed adjacent to the junction, is nevertheless a separate access. For this reason there would be no intensification of the use of Piper Lane and a refusal of planning permission for the reason set out by NYCC Highways could not be sustained. It is also necessary to consider that the details of the application have not changed from the previous approval and there would consequently be no new highway safety grounds that would justify refusal of planning permission.

Should planning permission be granted for this application it is proposed to attach a planning condition that requires stopping up of the existing driveway and garage opening prior to occupation of the proposed new dwelling.

6.2 **CDC Environmental Health:**

No objections raised and no contaminated land identified. If permission is granted EH has recommended that the developer be made aware of the need to limit construction times, ensure noise guidelines are met, control dust during construction and to ensure that only clean topsoil is brought onto the site.

6.3 **The Environment Agency:**

Subject to the development being carried out in accordance with the details of the FRA produced by JBA Consulting (dated 25 October 2007) the EA has no objection to the proposal on flood risk grounds.

7. **Representations.**

- 7.1 The application was advertised with a press notice on 17th May 2018 and by a site notice on 18th May 2018 (posted 11th May).

- 7.2 Neighbour notification letters were posted on 10th May 2018.
- 7.3 Third party representations have been received from the occupiers of three neighbouring properties and are summarised as follows:
- The access serves 3 garages and is the only access to Ghyll Cottage parking.
 - Parking and turning on Piper Lane is extremely tight.
 - Proposal would cause increase in traffic.
 - The track is an unmade narrow, single width track with no visibility turning right onto the road.
 - Highways have assessed the exit route as having sub-standard visibility splays and this ought to be sufficient grounds for refusal.
 - There is limited parking on the road.
 - Wheelie bins are taken to the top of the track and collected from the road side which causes obstruction and visibility issues.
 - Proposal is overdevelopment of the site.
 - Site is not in the Local Plan and land is of ecological significance.
 - Development would involve a reduction of tree cover.
 - Proposal would significantly affect the character and appearance of the conservation area.
 - Proposal would result in a loss of visual amenity and outlook.
 - Proposed house would be too close to Glenburn with only 8.6m interface.
 - Submitted Design and Access Statement is out of date.
 - There are sufficient new dwellings proposed in Cononley.
 - Replacement tree shown on plan is within 5m of neighbouring house and root spread could undermine the foundations of that property.
- Officer note:** The proposed replacement tree has been removed from the application since this comment was made.
- New development would be at risk of flooding.
 - Proposal is backland development.

8. Summary of Principal Planning Issues.

- 8.1 The principle of development.
- 8.2 The potential impact on the amenities of the occupiers of adjacent properties.
- 8.3 The effect on the character and appearance of the Conservation Area.
- 8.4 The impact on highway safety.

9. Analysis.

The principle of development:

- 9.1 In the assessment of this application it is important to note that planning permission was granted for development of the site in January 2008 and that, with the exception of some very minor changes, the current application is fundamentally the same as that previous submission. The relevance of that previous permission, albeit that it is no longer extant, is that it remains a material consideration and must therefore be taken into account when reaching a decision on the current application.
- 9.2 In this case the relevance of the previous planning approval is that it is only now possible for the local planning authority to refuse planning permission if:
- there has been some significant change in the policy position that would impact on the principle of development since that decision has been made; or,

- there have been changes either to the proposal or to the site surroundings that would lead to a change in the impact of the development and therefore a re-assessment of that material consideration e.g. outlook, overshadowing, loss of privacy, impact on designated heritage assets or highway safety.

9.3 With regards to the policy position it is the case that the NPPF sets out a need for local planning authorities to adopt a positive and proactive approach towards new development and to approve applications for sustainable development unless the benefits of doing so would be significantly outweighed by any dis-benefits. Essentially the current policies remain supportive of development in principle and the saved Local Plan policy H3 is broadly consistent with the current Framework. On this basis it is considered that there has not been any change in policy that would justify refusal of planning permission.

Officer note: In coming to the above view it is officers opinion that the previous planning approval was flawed in that the case officer took the view that approval of the scheme was justified on the basis that development of the rear garden of the application site constituted 'infill' which, according to the Local Plan was defined as *'the filling-in by development of an incongruous gap in the otherwise built-up frontage'*. Clearly, the site does not fall within this definition and consequently the previous planning permission was not justified under the terms of Local Plan policy H3. Nevertheless, the decision of the Council remains a material consideration and the question that must now be addressed is whether the most recent planning policies would expressly prevent development of what is back land development of a residential garden.

9.5 In answer to the above the current NPPF policies do not expressly preclude development of residential gardens identifying such sites in the glossary to the NPPF as 'previously developed land' when they are not located in 'built-up areas'. It is clear that whilst the site is located in close proximity to other residential properties the area could not be described as 'built-up' for the purposes of planning policy and therefore the site can be considered as previously developed land. On this basis the proposed development is acceptable in principle. More significantly, there has been no shift in policy that would now expressly prevent development of the site in principle.

The potential impact on the amenities of the occupiers of adjacent properties:

9.6 As with the question of the principle of development the issue of the impact on amenity in relation to the current application is whether or not there have been any physical changes that have taken place since the previous planning application was determined that would now warrant the Council refusing to grant planning permission.

9.7 The location, scale, design and orientation of the proposed new dwelling have not changed in any way from the previous planning permission and therefore there can be no basis for the Council to now effectively reverse its previous decision. Following consideration of the application some revisions to the scheme have been requested and the most recent plans incorporate a screen wall at the rear (western) side of the proposed balcony in order to prevent overlooking of the neighbouring property. Additionally the planting along the shared boundary with the host dwelling has been improved from what was originally proposed. In all other respects the submission remains as originally approved and therefore there can be no basis on which the Council can now refuse to grant planning permission.

Officer note: It is the opinion of the case officer is that the proposal represents over-development and that the relationship to the neighbouring property 'Glenburn' is unsatisfactory. Notwithstanding this, for the reason set out above it is no longer possible for the Council to effectively reverse its decision to grant planning permission by refusing this application on amenity grounds when there have been no significant changes to the application or the site surroundings. In coming to this view there has been a change in circumstances since the last approval in that planning permission has been granted for development of a detached house and garage to the south of the site on the opposite side of Cononley

Beck under planning permission ref: 21/2016/17038. This property has yet to be built but would be located approximately 25-30m away and it is not considered that there would be any amenity issues in relation to this application arising from its construction.

The effect on the character and appearance of the Conservation Area:

- 9.8 The application site is located within the Cononley conservation area which is defined as a heritage asset. The NPPF policies in relation to heritage assets are set out at paragraphs 184 to 202 and, in summary, require local planning authorities *'to avoid or minimise any conflict between the heritage assets conservation and any aspect of the proposal'* and to refuse to grant planning permission *'where a proposed development will lead to substantial harm (or total loss of significance of) a designated heritage asset....unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss'*.
- 9.9 In terms of planning policy the approach advocated in the NPPF as summarised above is no different to that which was set out in the adopted Local Plan policies that would have applied when the previous planning decision was made. Consequently, unless details of the application had changed there would be no reason to refuse planning permission on the grounds of adverse impact on the conservation area. The details of the proposal have not been substantially altered and the relationship between the application site and the wider conservation area is unchanged, i.e. the site is well screened, not prominently located and is not out of character with the wider designated area.
- 9.10 Given that there are no changes in policy or to the detail of the application it is concluded that there are no grounds for refusal of planning permission based on the impact on the heritage asset of the Cononley conservation area.

The impact on highway safety:

- 9.11 The NPPF at paragraph 109 states that:

'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe'.

In this case the Highways Engineer has objected to the proposal and recommended that planning permission be refused due to limited visibility at the entrance of the access track to Netherghyll Lane, as was the case with the previous planning application. In consideration of that previous objection the case officer commented that *'the cessation of use of the existing garage which accesses Piper Lane is considered to be an adequate trade off which will not result in any overall increase in traffic on this lane or be a substantive additional danger to road users at the junction with Netherghyll Lane'*.

- 9.12 In consideration of the current application the Highways Engineer has raised the same objection as previously notwithstanding that the proposed access, garaging and parking arrangements have not been changed. In common with the previous case officers assessment it is considered that, subject to discontinuance of the use of the existing integral garage, there can be no grounds to refuse planning permission on the basis of highway safety.

Conclusion:

- 9.13 The proposal is considered to be sustainable development that would comply with the relevant saved Local Plan policy requirements and those of the NPPF and is therefore acceptable.

10. Recommendation

10.1 Approve with 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. 454 01 received by the local planning authority 30th April 2018

Drawing no. 454 02 rev. A received by the local planning authority 5th June 2018

Flood Risk Assessment dated 25th October 2007 and received by the local planning authority 30th 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 policies contained within the Craven District (outside the Yorkshire Dales National Park) Local Plan and the NPPF.

Before you Commence Development

- 3 No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works has been submitted to and approved in writing by the Local Planning Authority. The approved drainage works shall be completed in accordance with the details and timescale agreed.

Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.

- 4 Prior to the commencement of the development hereby approved full details of the proposed boundary fencing and planting on the boundaries to the north and west of the development site shall be submitted to and approved in writing by the Local Planning Authority. The agreed boundary treatment shall be provided and brought into use before the dwelling is occupied and subsequently maintained in its agreed form thereafter.

Reason: To ensure that the development is of a good standard and to protect the amenities of the occupiers of adjacent dwellings.

During Building Works

- 5 Prior to their first use full details of the materials to be used on the exterior of the dwelling hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The approved materials shall be subsequently used unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of visual amenity.

- 6 The development shall only be carried out in accordance with the approved Flood Risk Assessment; JBA report dated 25 October 2007, and shall incorporate all the proposed mitigation measures into the development.

Finished ground floor level for habitable residential development shall be set no lower than 117.0m A.O.D.

Finished ground floor level for the garage development shall be set no lower than 111.2m. A.O.D.

Reason: In the interests of flood control and to reduce the risk of flooding to the the proposed new dwelling.

Before the Development is Occupied

- 7 Before the development is brought into use the windows in the north gable shall be fitted with obscured glass to a minimum of Code 5 and thereafter be maintained as such thereafter.

Reason: In the interests of residential amenity.

- 8 Before the development hereby approved is brought into use the use of the garage and access to Piper Lane, on the east side of Copper Coin, shall cease and the access to that lane be permanently sealed by the erection of a wall or other barrier sufficient to preclude its use by any motor vehicle. The barrier shall subsequently be maintained in position unless its removal is specifically agreed in writing by the Local Planning Authority.

Reason: In order to ensure that there is no additional vehicular traffic using Piper Lane and its junction with Netherghyll Lane in the interests of vehicular and pedestrian safety.

Ongoing Conditions

- 9 The garage shall not be changed or adapted for living purposes or used for any other purpose except as a private domestic garage, without the prior written permission of the Local Planning Authority.

Reason: To ensure that a garage is always available for use with the house.

Informatives

1. In order to safeguard the living conditions of nearby residents particularly with regard to the effects of noise operating times for construction should be limited to:
 - 8:00am to 6:00pm Monday to Friday
 - 8:00am to 1:00pm Saturday
 - No Sunday or Bank Holiday working.
2. 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.
3. In order to safeguard the living conditions of nearby residents the applicant should identify all areas of the site and the site operations where dust may be generated and ensure that dust is controlled so as not to travel beyond the site boundary.

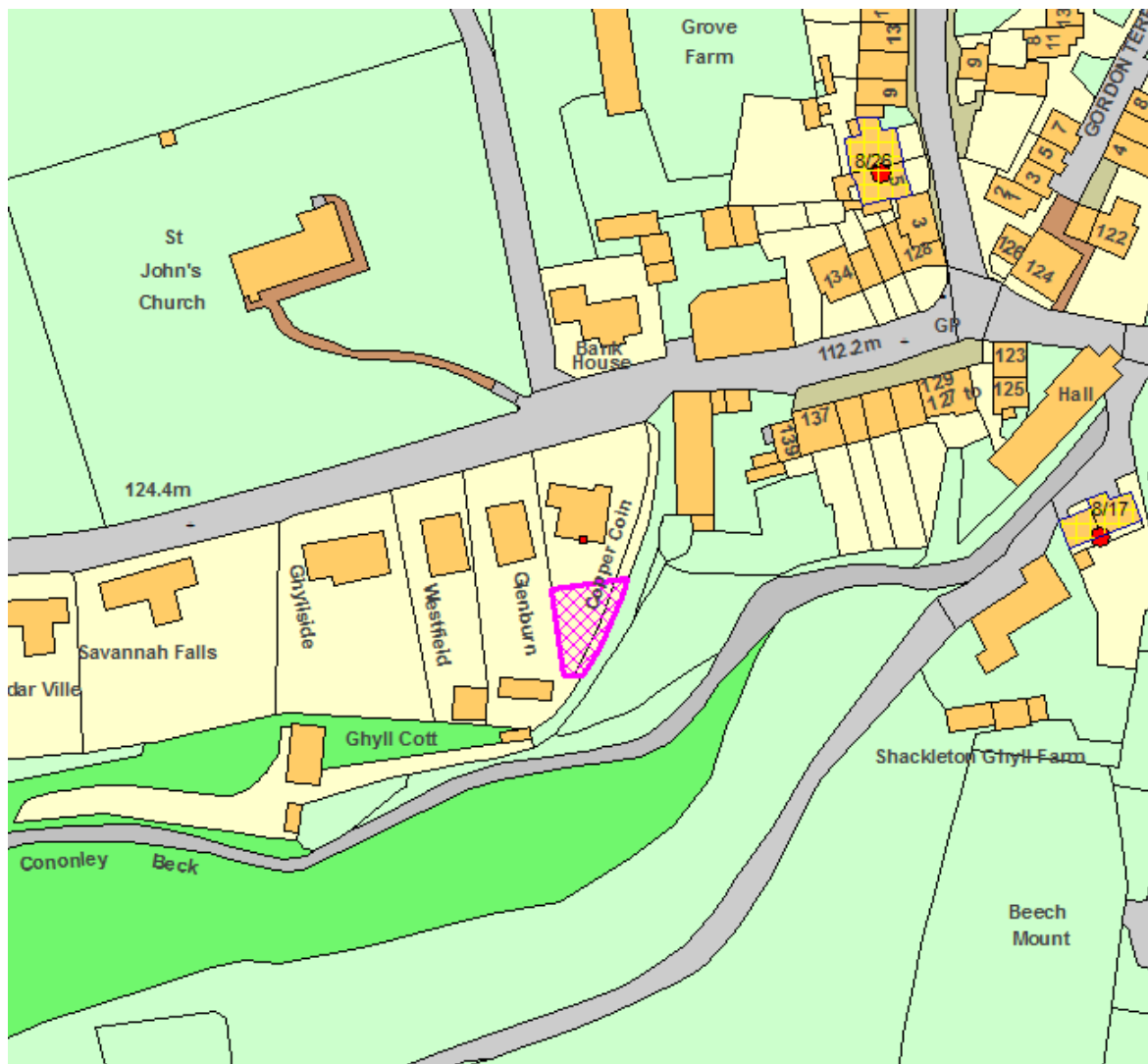
4. In order to ensure that no contaminated materials are brought onto the site the applicant should ensure that any topsoil brought on site is free from metals, plastic, wood, glass, tarmac, paper and odours associated with contaminated soils as specified in BS 3882: 2015
- Specification for Topsoil.

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

5. This permission refers only to that required under the Town and Country Planning Acts and does not include any consent or approval under any other enactment, restrictive covenant, Byelaw, Order or Regulation. The permission does not confer any rights of access over any land outside the ownership of the applicant or developer.

Statement of Positive Engagement:

In dealing with this application Craven District Council has sought to approach the decision making process in a positive and creative way, in accordance with the requirements of paragraph 38 of the NPPF.



Application Number: 2018/19269/FUL

Proposal: Proposed single dwelling (previously approved application no. 21/2007/7561)

Site Address: Copper Coin , Nethergill Lane, Cononley, Keighley, BD20 8PB

On behalf of: Mr & Mrs Martin Wiseman

REPORT TO PLANNING COMMITTEE ON 24th September 2018

Application Number: 2018/19386/FUL

Proposal: Proposed erection of 9 no. dwellings (outline consent appeal reference APP/C2708/W/16/3144209, CDC ref 26/2015/16037) (re-submission of withdrawn application reference 2018/19116/FUL)

Site Address: Land To The East Of Laurel Croft Embsay

On behalf of: Snell Developments Ltd

Date Registered: 13th June 2018

Expiry Date: 8th August 2018

Case Officer: Mr Mark Moore

This application is referred to the Planning Committee as it is a revised re-submission following approval for a residential development (granted on appeal) that was previously determined by the Planning Committee.

1. Site Description

- 1.1 The application site comprises a 0.21 ha area of land located on the eastern side of Laurel Croft, Embsay.
- 1.2 The site falls in level slightly from south to north and adjoins Embsay Village Hall at its northern end. To the east the site is bounded by a distinctive double row of mature beech trees that run through the centre of a larger, enclosed area of undeveloped land that partially fronts onto Main Street. The trees are protected by virtue of their location within the conservation area.
- 1.3 Public views of the site are limited to Laurel Croft which is a cul-de-sac with a development of sheltered housing located on its western side.
- 1.4 The site is entirely grassed over and is partially enclosed by dry-stone walling.
- 1.5 The site lies within development limits and the Embsay Conservation Area. The boundary of the Yorkshire Dales National Park lies on the opposite side of Main Street to the north of the site.
- 1.6 There is a Grade II listed war memorial located within a small publicly accessible area that lies to the east of the village hall facing onto Main Street.
- 1.7 The site lies within the outer consultation zone (400m) of the Nether Kellet gas pipeline.

2. Proposal

- 2.1 This application seeks full planning permission for the erection of 9 dwellings and whilst submitted as a new application it is in fact a revised submission following planning approval for 9 dwellings that was granted on appeal under planning application ref: 26/2015/16037 in August 2015.
- 2.2 The proposed houses would face onto Laurel Croft and would be set back from the road frontage behind a mix of small gardens and car parking. The overall footprint of the development would not be significantly different to that of the approved scheme. Other than for the car parking areas the frontages of the properties would be enclosed by 1m high stone walls.
- 2.3 The proposed houses would be divided into three blocks of three each having a rear garden (the southernmost property (plot 9) having an additional side garden). It is proposed to construct 2 x two-bedroom and 7 x three-bedroom houses.

- 2.4 The two-bedroom properties are proposed to be affordable units.
- 2.5 The proposed houses would be two-storeys and would be constructed in natural stone with stone windows surrounds and corbels, art stone roofing tiles, timber framed windows and painted timber doors. RWG's would be black pvc.
- 2.6 The proposed houses would be pitch roofed with very slight variations in height and all would feature stacked chimneys. The proposed layout of the housing would be predominantly linear although it is proposed to step the properties rather than presenting a straight terraced frontage. Seven of the houses would feature front entrance porches.
- 2.7 It is proposed to provide a total of 16 parking spaces comprising a block of 8 spaces located at the southern end of the site immediately behind the village hall the remainder located forward of the houses. In addition to the parking spaces the southernmost house at plot 9 would have an attached garage with a lean-to roof. All parking spaces would be accessed from Laurel Croft.
- 2.8 The main differences between this and the extant planning approval are:
- The number of 2 bedroom properties has been reduced from 4 units to 2 in the revised scheme.
 - Porches have been added to the 7 three bedroom properties.
 - The proposed houses have been split into three blocks rather than a continuous terrace.
 - The overall design of the housing has been modified from the approved scheme with the stone door surrounds simplified and larger window openings at ground floor to the three bedroom units.
 - Car parking has been increased from 13 plus 1 garage to 16 plus a garage.
 - A proposed communal bin store area has been removed from a location immediately adjacent to the village hall and replaced with individual bin stores forward of each of the proposed houses.
- 2.9 In the Design and Access Statement accompanying the application the reasons for the revised proposals are set out as follows:
- The previous scheme did not provide adequate access to the rear gardens. The revised scheme provides shared access between properties 3-4 and 6-7.
 - The revised scheme does not feature pedestrian paths to the rear of the properties which would have been less secure.
 - The previous scheme incorporated ground floor entrances and wc's located directly off living rooms. This has been updated within the scheme by the introduction of entrance porches.
 - Traditional chimney details have been added to reflect the local vernacular.
3. Planning History
- 3.1 26/2005/5348: Tree Works – Clean through two parallel hedge lines of principally Beech, to remove dead/stunted trees, light crown lift to 3 metres & clear away from overhead telephone lines. Removal of no more than 25% of the trees, and no reduction of height of the trees retained. Approved June 2005.
- 3.2 26/2014/14631: Construction of 21 dwellings and new access. Refused September 2014 for the following reasons:
- 1. The proposed development would lead to an increase in the number of vehicles using the junction of Laurel Croft with Main Street where clear visibility of 60m cannot be achieved along the public highway (Main Street) in a westerly direction from a point 2m from the carriageway edge measured down the centre line of Laurel Croft and consequently traffic generated by the proposed development would be likely to create conditions prejudicial to highway safety. This Highway Safety*

impact is considered to be severe and it is therefore considered that the proposals do not comply with the planning guidance within NPPF.

2. S72 of the Planning (Listed Buildings & Conservation Area) Act 1990 requires Local Planning Authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of Conservation Areas. It is considered that the proposed development would "significantly and demonstrably" harm the Embsay and Eastby Conservation Area through the loss of open space that makes an important contribution to the character, appearance and significance of the designated heritage asset and would therefore conflict with the guidance in the National Planning Policy Framework.

- 3.3 26/2014/15324: Construction of 14 no. dwellings and new access (resubmission of refused application 26/2014/14631). Refused February 2015 for the following reasons:

1. The Local Planning Authority considers that clear visibility of 30 metres cannot be achieved along the public highway in a westerly direction from a point 2.4metres from the carriageway edge measured down the centre line of the junction of Laurel Croft/Main Street and consequently traffic generated by the proposed development would be likely to create conditions prejudicial to highway safety. This highway safety impact is considered to be severe and it is therefore considered that the proposals do not comply with the planning guidance within NPPF.

2. S72 of the Planning (Listed Buildings & Conservation Area) Act 1990 requires Local Planning Authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of Conservation Areas. It is considered that the proposed development would "significantly and demonstrably" harm the Embsay and Eastby Conservation Area through the loss of open space that makes an important contribution to the character, appearance and significance of the designated heritage asset and would therefore conflict with the guidance in the National Planning Policy Framework.

- 3.4 26/2015/16037: Outline application with some matters reserved for the erection of 9 no. dwellings. Refused September 2015 for the following reasons:

1. The Local Planning Authority considers that clear visibility of 30 metres cannot be achieved along the public highway in a westerly direction from a point 2m metres from the carriageway edge measured down the centre line of the junction of Laurel Croft/Main Street and consequently traffic generated by the proposed development would be likely to create conditions prejudicial to highway safety. This Highway Safety impact is considered to be severe and it is therefore considered that the proposals do not comply with the planning guidance within NPPF.

2. S72 of the Planning (Listed Buildings & Conservation Area) Act 1990 requires Local Planning Authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of Conservation Areas. It is considered that the proposed development would "significantly and demonstrably" harm the Embsay and Eastby Conservation Area through the loss of open space that makes an important contribution to the character, appearance and significance of the designated heritage asset and would therefore conflict with the guidance in the National Planning Policy Framework.

Following an appeal planning permission was granted in November 2016.

- 3.5 2018/19116/FUL: Proposed erection of 9 no. dwellings (outline consent appeal reference APP/C2708/W/16/3144209, CDC ref 26/2015/16037). Withdrawn May 2018.

4. Planning Policy Background

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

The Local Plan policies that have been 'saved' (under the Planning & Compulsory Purchase Act 2004) and are relevant to the current application are:

H4: Residential Development within the Development Limits of Villages.

ENV10: Protection of Trees & Woodland.

T2: Road Hierarchy.

4.2 **Submission Draft Local Plan**

ENV2: Heritage

ENV3: Good Design

H2: Affordable Housing

INF4: Parking Provision

- 4.3 Regarding 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 (2018) at paragraph 48 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 this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).’*

Officer note: Under paragraph 214 of the NPPF the policies in the previous Framework (2012) will apply to the consideration of the emerging plan policies as the LPA has now submitted its draft Local Plan for examination but the weight to be attached to the policies in the emerging plan remains the same under both the old and new Frameworks. The policies in the 2018 Framework are material considerations which should be taken into account in dealing with applications from the day of publication.

- 4.4 The draft Local Plan policies set out above are considered to be applicable to this planning application although there are unresolved objections to some policies and an assessment of the significance of those objections has not yet been made. For this reason it is considered beneficial to adopt a precautionary approach and consider that whilst some weight can be given to those policies, in particular those that have no outstanding objections, the greater weight should remain with the Saved Local Plan Policies and the NPPF. Consequently, for the purposes of this report only the relevant saved Local Plan policies and the policies set out in the NPPF will be considered.

4.5 **National Planning Policy Framework (2018)**

4.6 **National Planning Policy Guidance**

5 Parish/Town Council Comments

5.1 **Embsay with Eastby Parish Council:**

‘Objection

Embsay with Eastby Parish Council’s main objection to the application is that the current plan, as submitted, remains different from that which was approved under appeal.

The original submission for a row of two storey terraced houses with “linear form and design” was deemed by the Inspector to be a requirement to ensure that the “dwellings would complement the historic environment of the village and sit comfortably into the village form”. The current proposal, whilst going some way towards this, does not fully meet the terms of the appeal decision. The Parish Council would suggest that a formation of a ‘true terrace’ at roof and first floor level (for those properties not currently adjoining) would then follow more closely the recommendations of the planning appeal decision.

Similarly, in granting the original permission, it was noted by the Inspector that “the front gardens would be surrounded by low drystone walls’ and that the provision of car parking spaces to four of the nine dwellings, enhanced with parking spaces behind the village hall “would ensure that car

parking would not dominate the frontages of the terrace". As an increased number (5) of the proposed properties still feature forecourt parking this, in turn, reduces the beneficial visual impact of the 'stone boundary walls. The Parish Council remains concerned that this arrangement could cause pressure and a detrimental effect both upon Laurel Croft roadway and upon the Main public car park, by those not wishing to use their allocated parking space. However, the Parish Council recognises, that the terrace style does complement the vernacular style of the older properties within the conservation area. This being so the Parish Council would suggest that consideration be given to a condition that the walled forecourts are retained, in perpetuity, for planning house numbers 1 – 4.

The Inspector placed emphasis upon the preservation of the setting of the listed war memorial noting "land would be retained between the rear garden boundaries and that the trees ...retain the framed, long distance views towards the open countryside from the war memorial". The Parish Council is pleased to see that the corridor of land behind the War Memorial has been retained but would wish to see a condition imposed to ensure that the provision of a 'green' backdrop to the Memorial remains protected and maintained.

Whilst (in paragraph 40) the Inspector notes that permitted development rights be removed for boundary treatments in order to protect the setting there is no specific provision made for garden areas, which could have a detrimental effect on the overall impact on the Village Institute and the War Memorial. The Parish Council would ask that a condition be applied to extend the removal of permitted development rights to the outside spaces at both the front and rear of the properties.

Finally, the Parish Council, whilst welcoming the provision of 'affordable housing' believes that there is an understanding that there should be no differentiation, by external design, between 'affordable' and market value houses. It is the Parish Council's opinion that the current application design falls short of this ideal.

The Parish Council would wish to see the current application amended to fully comply with the Inspector's comments and conditions and therefore has no option other than to oppose this application'.

6 Consultations

6.1 **CDC Environmental Health:**

No objections but recommends that the developer complies with requirements to minimise noise and disturbance during construction, to ensure development is compliant with guidance for sound insulation and noise reduction, that dust is controlled and only clean topsoil is brought onto the site.

6.2 **CDC Strategic Housing:**

Strategic Housing has confirmed that following a Financial Viability Assessment undertaken in July 2017 it has been agreed that only 2 affordable homes are viable on this scheme.

6.3 **NYCC Highways:**

No objections. Recommend planning conditions to ensure that the development is constructed to adoptable standards with appropriate access, turning and parking areas and a construction management plan is submitted for approval.

6.4 **NYCC Heritage Services:**

Due to potential presence of archaeological remains it is recommended that a planning condition be imposed on any approval to require submission of a written scheme of investigation and post-investigation assessment if required.

6.5 **Yorkshire Water:**

No objections provided the development is carried out in accordance with the submitted drainage strategy.

Historic England:

'Embsay is an ancient settlement, mentioned in the Domesday Book. Main Street and Pasture Lane to its west form a spine of historic development at the core of Embsay's conservation area, containing buildings of the 17th, 18th and 19th centuries. The conservation area has significance as the historic core of this ancient rural settlement, which is located in a pastureland setting. This rural context makes a strong contribution to its overall significance and is easily appreciated at a number of places in the village. The General Introduction to the Craven Conservation Area Assessment Project notes that in the villages of the Aire Gap the distinctive form of upland village is such that the farmed landscape frequently extends into the historic core, blurring the distinction between open space within the settlement and the landscape beyond. This is so of Laurel Croft, Embsay.

The land at Laurel Croft is one of several pasture paddocks which run behind the buildings of Main Street and Pasture Lane and in some case fronting onto the roads themselves. This has the effect of carrying the surrounding agricultural fields into the heart of the settlement and together helping to impart a predominantly rural appearance to the conservation area. The grade II listed war memorial sits adjacent to the proposal site, against a backdrop of pastureland and of a dense avenue of low trees which bisect the proposal site, features which contribute to the rural appearance of its setting. The proposal site lies within the conservation area. This site and the adjoining land make a strong contribution to the significance of the conservation area, not only providing a rural context for the core of the village but also acting as a visual break between the historic core and the modern development to the south.

Changes have been made to the proposal since we wrote to your Council on 24th April 2018 and the scheme has been considerably improved. The houses are now less regimented, grouping in a more organic way and they appear to have the potential to 'read' as a terrace from Main Street. The houses towards Main Street now have stone garden walls to the front and the front gardens all have separating stone walls between them. These changes help the scheme to fit more comfortably into the historic core of Embsay. We also welcome the retention of the separate grassed area with its double hedges behind the Grade II listed War Memorial.

If your Council is minded to grant consent we strongly suggest the car park behind the Village Hall is surfaced with grasscrete rather than pavements and tarmac, in order to maintain a greener appearance which better reflects the present paddock and in order to avoid any unnecessary sub-urbanisation, which we consider would harm this part of the conservation area. (We considered the grasscrete previously proposed in 26/2015/16037, upon which we wrote to your Council on 18th August 2015, to be a favourable feature of that scheme.)

It would appear that timber fencing is proposed for the boundary treatment between the remaining part of the croft (behind the War Memorial) and the rear gardens of the property. We have concerns about this. We would expect this boundary to be either of dark painted steel fencing (as previously proposed in Application 26/2015/16037) or appropriate rubble stone walling, or a hedge of a native species. We would also expect this remaining part of the croft to be retained and maintained as such along with the trees which form the double hedge along the eastern boundary of this grassed area. We consider these measures to be necessary in order to maintain this important part of the setting of the War Memorial. We would also expect the other mature trees on the site to be retained. We recommend that if your Council is minded to grant consent these matters are covered by conditions.

If your Council is minded to grant consent we suggest that the choice and treatment of stone, mortar mix and bonding pattern and the choice of other materials is covered by conditions; also that a condition is applied to cover the upkeep of the land behind the war memorial; also that the materials and treatment of the proposed bin stores are conditioned and that consideration is given to providing as discreet a location for these as possible.

Recommendation

Historic England does not object to the application on heritage grounds. However we consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraphs 131 to 134 of the NPPF.

In determining this application you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess; also section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

Your authority should take these representations into account in determining the application. If there are any material changes to the proposals, or you would like further advice, please contact us. Please advise us of the decision in due course’.

6.7 Yorkshire Dales National Park Authority:

‘The Authority objected to a previous planning application (ref: 26/2014/14631) in 2014 in relation to the harm to the conservation area and National Park due to the proposed layout, scale of development and potential impact on trees.

Having reviewed the current proposal, the layout has been amended and the number of units significantly reduced. The amended layout moves the developed area away from the trees and if the tree protection measures proposed by the Applicant are implemented and conditioned should the scheme be approved, the trees will be unaffected. As such, it is considered that the proposed scheme will not have a harmful impact on the conservation area or the National Park, and the Authority has no objections to the scheme’.

7 Representations

7.1 The application was advertised by way of site notices posted on 22nd June 2018 and by press notice published on 15th June 2018.

7.2 Neighbour notification letters were issued on 15th June 2018.

7.3 There have been 4 third party representations received three of which are from neighbouring residents and one on behalf of the village institute management committee. The neighbour representations are summarised as follows:

- Plan would be overdevelopment of the site.
- Plots 5 – 9 have parking spaces to the front which would concentrate noise and disturbance opposite the sheltered housing on Laurel Croft.
- Water draining from car parking spaces will affect neighbouring properties set at a lower level.
- Development will lead to tree damage on properties lying adjacent to site.
- Proposal is not appropriate in conservation area.
- Numbers of houses should be reduced in order to lessen impact on village hall.
- Plot 9 has window overlooking neighbouring property (2 Laurel Close).
- Development is close to adjoining properties.
- There is inadequate public transport.
- Development would increase traffic.
- Development would result in loss of privacy.
- Development would increase danger of flooding.
- Increase in pollution.
- There would be a strain on local facilities.
- Application does not comply with the layout/design granted on appeal.
- Original application was rejected by highways because of lack of visibility at junction of Laurel Croft with Main Street.

7.4 The following summarised comments are on behalf of the Embsay with Eastby Village Institute:

- Village institute users have enjoyed green, open space behind and management committee would have liked to buy the field which would have been an asset for the hall.
- The management committee are pleased that the strip of land is now being left at the rear of the houses and hope that this will be maintained and possibly of some use to the community. The management committee would be interested in helping to maintain the strip of land.
- Management committee are pleased that it will be parking spaces backing onto the village hall and not gardens which would be safer for users of the hall.
- Village institute management committee has no objections to the development.

8 Summary of Principal Planning Issues

- 8.1 There is an extant planning permission for residential development on this site and this is a material consideration in the determination of this application. For that reason, and in view of the fact that this proposal is a revision to that approved scheme, it is not necessary to consider the principle of development as part of this application.
- 8.2 The current scheme is not significantly different from the scheme that has approval and therefore it is only the implications of the proposed changes that now need to be addressed. Those changes and the reasons for them have been set out at paragraphs 2.8 and 2.9 above.
- 8.3 The issues raised by the changes to the approved scheme are considered to be as follows:
- The effect of the development on the character and appearance of the area and nearby heritage assets.
 - The impact of the development on residential amenity.

9 Analysis

The effect of the development on the character and appearance of the area and nearby heritage assets:

- 9.1 The main difference between the current proposal and the approved scheme is the separation of the housing from a continuous terrace into three blocks of houses.
- 9.2 The applicants' agent has stated that the layout has been designed so that the development would appear as a terrace when viewed from the junction of Laurel Croft with Main Street. Whilst it is accepted that the row of housing would appear as a terrace as the gaps between the houses are narrow and would not be readily visible other than from Laurel Croft it is nevertheless the case that the proposed development is not a terrace. However, in officer's opinion this is not in itself grounds to refuse planning permission as the village centre of Embsay is not exclusively populated by terraced properties and there is no policy requirement for the application to adopt this particular building type. In addition the immediate context of the application site is that of more modern development comprised of the village hall, sheltered housing and contemporary detached houses with the older terraced housing being sited along Main Street to the west of the site. Nevertheless it is considered that the proposed design is reflective of the more traditional housing in the area whilst retaining a contemporary appearance that would remain appropriate in the wider street scene.
- 9.3 In coming to the above view the comments of the Parish Council have been noted and in particular the observations of the planning inspector in relation to the planning appeal who stated (commenting on the terraced proposal) that '*subject to satisfactory detailing, the scale, linear form, design and materials of the proposed development would ensure that the dwellings would complement the historic environment of the village and sit comfortably into the village form*'. In officer's opinion the revised proposals are not a significant departure from the previous approval in terms of scale, design and materials and still retain a linear form and therefore remain consistent with the planning inspector's assessment. In addition it is considered that the requirements of

saved Local Plan policy H4 have been met in that the proposal is of a design which in terms of proportions, materials and architectural detail is sympathetic to character of the settlement and the locality. It is also considered that the proposals represent good design that would not result in any adverse impact on the nearby heritage assets of the war memorial and surrounding conservation area and therefore are consistent with national planning policy as set out in the NPPF.

- 9.4 With regards to the other changes from the approved scheme it is considered that they are not significant and the overall appearance of the development would not be changed to such a degree that a refusal of planning permission would be justified. In particular the introduction of porches to some of the properties is considered to be acceptable and reflective of other properties in the village notably those at the eastern end of Main Street.
- 9.5 In consideration of the additional parking that is proposed as part of the scheme it is officer opinion that the removal of on-street parking would be beneficial in this case as the proximity of the site to the village hall means that congestion of parked vehicles in the vicinity of the application site can be problematic at times. In terms of the change to the appearance of the development it is the case that a loss of frontage boundary walling comparative to the approved scheme would be necessary in order to accommodate the additional parking spaces. However, this is considered to be acceptable as it entails removal of a 5m section forward of plot 7 and is not considered to be sufficient to effect a substantial change in the overall appearance of the development. On balance it is not considered that this particular change is sufficient to constitute grounds to refuse planning permission. In coming to this view the concerns of the Parish Council have been noted and it is proposed to impose a planning condition that would remove Permitted Development rights in relation to alterations to the front of the properties including substitution, removal or alteration of the boundary walling.

Officer note: The comments of Historic England in relation to the shared parking area are noted i.e. that 'grasscrete' should be used rather than paviers and tarmac in order to maintain a 'greener' appearance. The applicants' agent has advised that subsequent maintenance of this area would be problematic and that such materials would become unkempt and the appearance would consequently deteriorate over time. For this reason the applicant is unwilling to use 'grasscrete' and has requested permission for tumbled block paviers. In officer's opinion this is an acceptable material in this location and would not be detrimental to the overall appearance of the development or the wider setting of the site.

The impact of the development on residential amenity:

- 9.6 The proposals do not give rise to any loss of amenity that would warrant refusal of planning permission. The basis for this is that in terms of interface distances, overshadowing and privacy the design of the revised scheme does not differ from the approved scheme in such a way that amenity issues would arise.

Conclusion:

- 9.7 It is considered that the revised scheme is acceptable and will not be incongruous or inappropriate in the context of the application site and its surroundings including the designated heritage assets of the nearby scheduled ancient monument and Embsay and Eastby conservation area.
- 9.8 In officer's opinion the proposed changes to the scheme would have some benefits over the approved scheme and at worst would result in a neutral impact that would be entirely consistent with both relevant saved Local Plan policy and that of the NPPF. On this basis the proposal is considered to be sustainable development that should be granted planning permission in accordance with the requirements of paragraph 11 of the National Planning Policy Framework.

10. Recommendation

- 10.1 Approve with 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. 351.03	Location Plan
Design and Access Statement	
Drawing no. 351.09	Window/Door Details
Drawing no. 351.14	Proposed Floor Plans
Drawing no. 351.15	Proposed Street Scene Elevations
Drawing no. 351.16	Proposed 3D Visuals
Drawing no. 351.17	Proposed Elevations

Received by the Local Planning Authority 1st June 2018

Drawing no. 351.13 revision D	Proposed Site Plan
Drawing no. 351.18	Bin Store Detail

Received by the local planning authority 5th September 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 Local Plan and the National Planning Policy Framework.

Before you Commence Development

- 3 No development shall commence until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the local planning authority.

The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex 2: Glossary of the National Planning Policy Framework (2018) and any future guidance that replaces it.

The scheme shall include:

- i) the numbers, type, tenure and location on the site of the affordable housing provision to be made as agreed with the District Council.
- ii) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing.
- iii) the arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no affordable housing provider is involved.

- iv) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing.
- v) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

or:

- vi) details of an equivalent affordable housing contribution to be provided in lieu of affordable housing on site and the means by which such a contribution shall be provided.

Reason: To make provision for affordable housing in accordance with the requirements of the National Planning Policy Framework.

The affordable housing shall be retained in accordance with the approved scheme.

Reason: To make provision for affordable housing in accordance with the requirements of the National Planning Policy Framework.

- 4 No development shall commence until a programme of archaeological work for the northern part of the site has been implemented in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority.

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.

- 5 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.

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.

- 6 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 the site which are protected by Tree Preservation Order and are shown to be retained as part of the development before any construction works commence in accordance with the requirements of the Craven District (Outside the Yorkshire Dales National Park) Local Plan policy ENV10 and the National Planning Policy Framework.

During Building Works

- 7 Prior to their first use on site samples of the materials to be used in the construction of the external surfaces of the dwellings hereby approved shall be submitted to and approved in writing by the local planning authority. The development shall subsequently be carried out in accordance with the approved details.

Reason: In the interests of visual amenity and to ensure the development is of an appropriate appearance.

- 8 No dwelling shall be occupied until the parking and turning areas shown on the approved plans have been constructed and laid out in accordance with the approved plans. These areas shall thereafter be kept available at all times for the parking/manoeuvring of vehicles.

Reason: In the interests of highway safety.

Before the Development is Occupied

- 9 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 include:

- (i) Separate systems for the disposal of foul and surface water.
- (ii) Details of the rate of surface water discharge from the site to any soakaway, watercourse or sewer which shall ensure that the post-development surface water runoff rate generated during rainfall events up to and including the 1 in 100 year event does not exceed the pre-development runoff rate for the corresponding rainfall event, including appropriate allowances for climate change and urban creep and details of any necessary flow attenuation measures to achieve this.
- (iii) Details of ground exceedance and/or flood pathways to deal with exceedance flows in excess of the 1 in 100 year rainfall event and to ensure that runoff for all events up to the 1 in 30 year event are completely contained within the drainage system (including through the use of areas to hold or convey water).
- (iv) 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.

Ongoing Conditions

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

Reason :In order to ensure the site is properly serviced in the interests of amenity.

- 11 The garage provided to Plot 9 shall be kept available at all times for the parking of motor vehicles by the occupants of the dwelling and their visitors and for no other purpose.

Reason: In the interests of highway safety.

- 12 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 fences, gates, walls or other means of enclosure shall be erected within the curtilage of any of the dwellinghouses hereby permitted unless otherwise approved in writing by the local planning authority.

Reason: In the interests of visual amenity and to ensure a satisfactory appearance appropriate to the setting of the application site within the Embsay with Eastby Conservation Area and in adjacent to a Grade II listed war memorial

Informatives

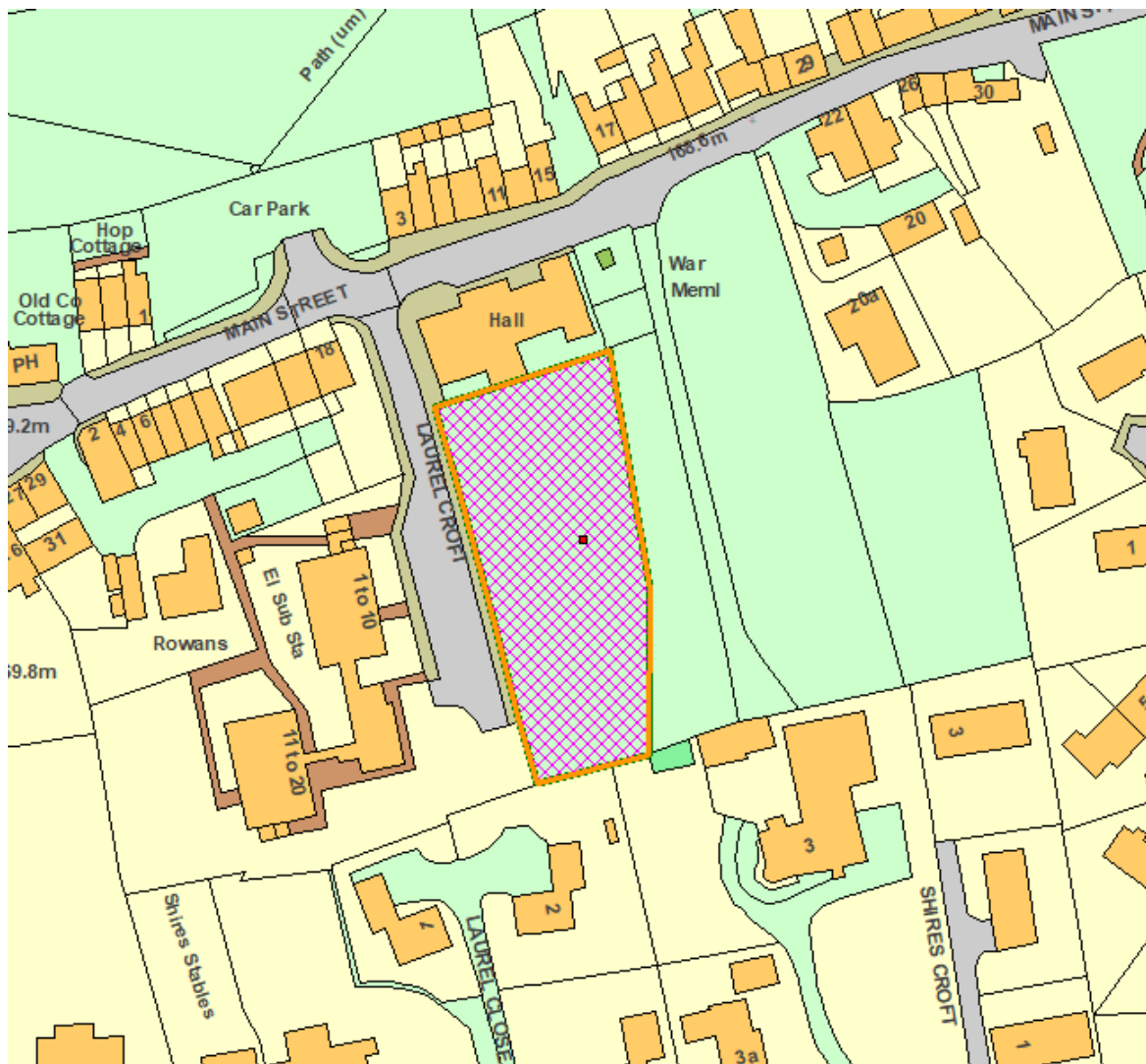
1. In order to safeguard the living conditions of nearby residents particularly with regard to the effects of noise operating times for construction should be limited to:
 - 8:00am to 6:00pm Monday to Friday
 - 8:00am to 1:00pm Saturday
 - No Sunday or Bank Holiday working.
2. The applicant needs to 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.
3. In order to safeguard the living conditions of nearby residents the applicant should identify all areas of the site and the site operations where dust may be generated and ensure that dust is controlled so as not to travel beyond the site boundary.
4. In order to ensure that no contaminated materials are brought onto the site the applicant should ensure that any topsoil brought on site is free from metals, plastic, wood, glass, tarmac, paper and odours associated with contaminated soils as specified in BS 3882: 2015
 - Specification for Topsoil.

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

5. With regards to condition no. 3 above the developer should note that the existing Sn106 Agreement between the applicant and the Council refers to the extant planning permission ref: 26/2015/16037 and is only applicable if that permission is implemented. In order to discharge condition 3 of this permission the applicant is advised to instruct their solicitor to request a deed of variation to the existing Sn 106 Agreement to relate that Agreement to the current planning decision.

Statement of Positive Engagement:

In dealing with this application Craven District Council has sought to approach the decision making process in a positive and creative way, in accordance with the requirements of paragraph 38 of the NPPF.



Application Number: 2018/19386/FUL

Proposal: Proposed erection of 9 no. dwellings (outline consent appeal reference APP/C2708/W/16/3144209, CDC ref 26/2015/16037) (re-submission of withdrawn application reference 2018/19116/FUL)

Site Address: Land To The East Of Laurel Croft, Embsay

On behalf of: Snell Developments Ltd

REPORT TO PLANNING COMMITTEE ON 24th September 2018

Application Number:	2018/19508/FUL
Proposal:	Extension of existing caravan site for a further 38 static caravans, 10 camping pods and a multiuse sports court area, formation of new road layout and associated works.
Site Address:	Tarn Caravan Park Stirton BD23 3LQ
On behalf of:	Partingtons Holiday Centres Ltd
Date Registered:	9th July 2018
Expiry Date:	8th October 2018
Case Officer:	Andrea Muscroft

This application has been referred to by Committee by Councillor Sutcliffe in view of resident's concerns and objections collated by Stirton and Thorlby Planning Committee

1. Site Description
 - 1.1 Tarn Caravan Park is located close to the Yorkshire Dales National Park boundary, in open countryside between the north-western outskirts of Skipton and the hamlets of Stirton and Thorlby.
 - 1.2 The caravan park occupies rising land to the north of White Hills Land and to the east of the private drive to Tarn House Hotel. It presently comprises of 260 static caravans, 12 twin units and 32 touring caravans split between two areas with an open area of grassland that forms an informal recreation/amenity area. This area is the subject of this application.
 - 1.3 The majority of the site boundaries consist of trees/shrubs which provide a level of screening.
 - 1.4 The application site is located outside of any identified development limits and therefore lies in open countryside as defined by the 1999 Local Plan.
2. Proposal
 - 2.1 The application is seeking planning permission for the siting of 38 static caravans, 10 camping pods, a multiuse sports court area, formation of new road layout and associated works.
 - 2.2 The static caravans would measure approximately 13m x 4m and would be clad in Canexl.
 - 2.3 The camping pods would measure approximately 3m x 4m and would be constructed using natural certified Nordic pine/Scandinavian spruce.
 - 2.4 The multiuse sports court would measure approximately 30m x 15m and would be enclosed by a 3m PVC coated chain-link fence.
 - 2.5 **Officer Note:** No details have been provided with regards any proposed external illumination of the multiuse sports court.
 - 2.6 In addition, the proposal seeks to retain an area of wild meadow within the centre of the caravan and camping pods.
 - 2.7 The proposal also includes proposed lighting consisting of 11 Victoria lamp posts and 10 up lighters positioned along the main road to the site, plus 13 bollard lighting within the proposed camping area.
 - 2.8 **Officer Note:** No alterations are proposed to the existing road leading off White Hills Lane to the caravan park. Nor are any alterations proposed to the existing boundary treatments.

3. Planning History

- 3.1 SN 3195/1: Use of 3 hectares (7.5 acres) of land as a caravan park, permission granted 1 July 1965.
- 3.2 SN 3195/2: Use of 7.7 hectares (19 acres) of land as a caravan park, permission refused 1 July 1965.
- 3.3 5/65/6 – Approval of details of layout, toilet block, sewage treatment plant (temporary), tree planting scheme and other matters reserved by conditions of outline consent SM 5050 – Approved February 1975.
- 3.4 5/65/10 – Garage and storage of chemicals for water supply and watercourse apparatus – Approved March 1973.
- 3.5 5/65/15 – Approval of details of site layout, toilets, site manager's residence and office, tree planting and other matters reserved by conditions of outline consent SM 5050
- 3.6 5/65/17 – Extension of mains water supply from YW to serve Tarn House Caravan Park – Approved July 1976.
- 3.7 5/65/101 – Construction of internal road for emergency use of Tarn Caravan Park – Approved June 1992.
- 3.8 5/65/101/A – Extension to existing caravan park (for 32 static holiday pitches and 21 touring pitches) construction of new road and landscape proposals – Refused March 1995.
- 3.9 5/65/101/B – Extension to existing Caravan Park to provide 'overflow area' for additional touring caravans – Refused December 1995.
- 3.10 65/204/4185 – Construction of swimming pool, sauna and solarium – Approved June 2004.
- 3.11 65/2014/4186 – Siting of 12 static holiday units (6 single and 6 twin) – Approved July 2004 (Subject to S106 Agreement).
- 3.12 65/2006/6439 – Siting of 12 twin unit caravans – Approved July 2006.

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.**
- 4.4 ENV1- Development in the Open Countryside.
- 4.5 ENV2 – Requirements for Development in Open Countryside.
- 4.6 ENV18 – Light Generating Development.
- 4.7 EMP16 – Static Caravans and Chalets.
- 4.8 EMP17 – Camping and Touring Caravan Sites.
- 4.9 EMP18 – Permanent Buildings and Camping, Caravanning and Chalet Developments.
- 4.10 EMP19 – Occupancy Conditions.
- 4.11 T2 - Road Hierarchy

4.12 **Submission draft Local Plan 2018.**

4.13 ENV1- Countryside and Landscape

4.14 ENV3 – Good Design.

4.15 ENV4 – Biodiversity

4.16 EC4 - Tourism.

4.17 INF4 – Parking Provision.

5. Parish/Town Council Comments

5.1 **Stirton with Thorlby Parish:** Object to the proposal for the following reasons:

5.2 The Design & Access Statement considers an increase of 15% as negligible. This is 15% of a large number, currently 304 units, and constitutes an increase of 48 units. This is equivalent to the number of dwellings in the hamlets of Stirton and Thorlby, doubling the number of residential units in the Parish something that the parish does not consider negligible.

5.3 It is also recommended that the area of land which is to be incorporated into the Park is taken into consideration. This will be in the region of 30% of the current Park size, a substantial increase.

5.4 The Design and Access Statement fails to mention Stirton with Thorlby Parish, which shows a lack of both respect and understanding of the people affected by this proposal. The applicants prefer to refer to the site as being on the 'outskirts of Skipton/on the northern edge of Skipton' (Design and Access statement 4.0). Stirton with Thorlby is a rural parish, its hamlets and Tarn House Caravan Park only being accessible via narrow country lanes with the national speed limit. The aerial photographs in paragraphs 1.0 and 4.0 clearly show that Tarn House Caravan Park lies outside Skipton in open countryside. They also show how large the proposed Park would be in comparison to our hamlets, it appears substantial even when compared with Skipton.

5.5 The application acknowledges that the site falls outside the development limits on the CDLP Proposal Map (Paragraph 2.4 Design and Access Statement) and there is a potential conflict with Saved Policy ENV1. This development may not be considered to be 'sporadic' but ENV1 also refers to allowing 'small scale development'. The caravan park is already big in comparison to our hamlets (in the region of 6 times larger when comparing 'residential' units) and this is a proposal to make it even bigger. If the application is not to be considered sporadic then the overall size of the resulting Park then comes into focus. The aerial maps show that it will not be a small scale development. It will not help to maintain or enhance the landscape character or bring clear benefits to our parish (Policy ENV1).

5.6 One thing the proposed development would bring to our parish is more traffic putting pressure on the rural access roads. With all the proposed units fully occupied and allowing for modest vehicle use of one return journey this would be in the region of 100 extra journeys per day. This is in addition to the traffic already generated by the other 272 permanent units on the Park and the touring caravans. Saved Policy ENV2 requires that the access roads be able to accommodate this extra traffic, in our opinion that is not the case particularly when the new development at the Raikes Road/Whitehills Lane junction is fully occupied. This issue and the suitability of the private access road linking the public road with the caravan park will be addressed in detail later in this response.

5.7 In Paragraph 2.4 of the Design and Access Statement it is claimed that the proposed units comply with Policy EMP16 and "the units enhance the character and appearance of the countryside setting". The same Policy EMP16 Paragraph 16.1 also states that "static caravans can be obtrusive and therefore difficult to blend into the countryside on a year round basis". It goes on to say that "whilst chalets may be preferable due to durability, design and greater ease of assimilation into the landscape, they can still detract from the scenic quality of the countryside" Units may be designed to minimise their impact on the countryside setting but they do not enhance it.

- 5.8 The NPPF offers support for 'the provision and expansion of tourist and visitor facilities.....where identified needs are not met by existing facilities in rural service centres'. Tarn House Park at present already provides over 272 static caravan units/twin units for tourist use and an internet search shows that there is a range of other caravan parks within a short drive of Skipton. The claim that one reason for this new development is to expand diversity can also be questioned as Tarn House Caravan Park has reduced the diversity of their pitches in recent years. The Park Plan available to view on the Tarn House Website (www.partingtons.com/tarn-house-holiday-park.php) shows only 15 touring caravan pitches, reducing their stated provision by more than 50% from 32 to 15. An area previously designated for use by touring caravans now houses static caravans and the majority of the new units proposed for the new development will be static caravans.
- 5.9 There will be an inevitable increase in amount of traffic generated by the new development, including static caravans being moved on and off site. The new housing development at the top of Raikes Road will also bring more traffic. The lanes which run through the centres of Stirton and Thorlby are subject to the national speed limit and are narrow, the bends and blind summits making them particularly dangerous for vulnerable road users. A survey carried out by concerned Parish residents showed that, at that time, approximately a third of the traffic on Whitehills Lane was generated by the present caravan park. The approval of application 65/2016/17340 to extend the opening times of Tarn House Caravan Park has already permitted the Park to increase its 'traffic contribution' to our lanes. A further increase in traffic will be unacceptable.
- 5.10 The private access road from Whitehills Lane to the proposed development is outlined in red on the location plan implying that it is included in the application. It is our understanding that this road, as far as the junction with the Thorlby House driveway, is the property of Thorlby House, the Park having access rights. There has been no official notification clarifying the situation so any comments regarding this area are based on the assumption that Tarn House Caravan Park has the right to make alterations.
- 5.11 This access road is lined for much of its length by mature, protected trees with little scope to widen it to allow free flow of traffic. Its junction with Whitehills Lane is hazardous. The lane below the junction is particularly narrow, with poor visibility because of the bend, and the junction lies on the side of a hill below a blind summit. Water pours down the lane when it is wet and it becomes particularly hazardous just above the junction in winter as it is a place particularly prone to ice formation. Vehicles which cannot proceed up the access road because of oncoming vehicles must wait outside the lodge house if there is room, if not, they wait on Whitehills Lane. The Ramblers, in their comments on this application, feel the internal access road is sufficiently busy to suggest the re-routing of the public footpath which runs along it. This access road is not suitable to accommodate yet more traffic. In addition, it passes the frontage of a residential property (Thorlby House Lodge) so an increase in vehicular and pedestrian use would cause further disturbance, by reason of noise and fumes, to the occupiers of that property and would unacceptably further reduce the level of privacy.
- 5.12 Static caravans being moved on and off the Park are transported via our lanes and the private access road with considerable difficulty. The large vehicles involved require an accompanying safety vehicle to assist and they must inch their way through the entrance gates often disrupting the flow of traffic on Whitehills Lane. The perception is that, in recent years, the caravans have become bigger and movements on and off site more frequent. A further 38 static caravans will inevitably increase the number of movements.
- 5.13 Details given regarding the camping pods are insufficient. They could be minimally equipped or marketed to attract those seeking a 'glamping' experience with more luxurious facilities and perhaps outdoor hot tubs. As they would be situated on a large caravan park with a multiuse sports court area, restaurant and bar it seems logical to assume they will be tending towards the 'glamping' experience. Their installation, along with a multiuse sports court area, will inevitably result in more noise and disturbance than at present. Even with a well managed Park and considerate occupants staying in the camping pods, there will inevitably be increased 'noise from outdoor living'. Parish residents living close to the Park are already reporting disturbance from loud music. Sound travels easily in the countryside and so there is the potential for noise disturbance over a much wider area.

There is concern that partying groups of people will be particularly attracted to the Park to rent the pods and make full use of the sports court and the other facilities. The Tarn House Park website refers to the Park's '...peaceful location' and goes on to say 'Our Holiday Home owners comment on the peaceful setting.' There is the potential that this development will alter the whole character and demographic of the park and consequently have a negative impact on the character of the whole neighbourhood.

- 5.14 A lighting assessment has been requested by the CDC Planning Office as the application involves significant new lighting. There is no information available to us giving any details. The present caravan park is already very noticeable at night and we are strongly opposed to any further lighting pollution. The lighting on the private access road has recently been changed. We question whether lights here are really necessary but particularly object to the installation of green spotlights shining up into the trees, presumably for decorative reasons. They are unnecessary, will be much more noticeable in winter and disturbing for residents in Bog Lane.
- 5.15 **Officers Note:** Details submitted with regards to the proposed external illumination.
- 5.16 The official brown sign at the Whitehills Lane/ access road junction indicates that Tarn House Holiday Park is 500 yds along the private access road. The entrance to the Park is not at this junction and it should not be allowed to become commercialised. One of the original gate posts and some of the original railings still remain, as does the original Thorlby House Lodge, so this area has historic importance and its character should be retained.
- 5.17 Application 5/65/15 Condition 9 required Fields Nos 8044, 8533, 7431 and the remainder of Field No. 7818 to 'be made available to the occupants of caravans on the site for recreational purposes...' This was 'to ensure the provision of adequate open space for recreational purposes within the developers' own land.....' If this development is approved then the amount of open space available for the benefit of all the occupants of the Park will be significantly reduced.
- 5.18 The current caravan park is inadequately screened, for example from some places on Whitehills Lane. If this development is given approval then it should be conditional on the provision of good screening throughout the year.
6. Consultations
- 6.1 **CDC Contamination Officer:** No known contaminated land implications regarding the proposed development.
- 6.2 **CDC Environmental Health Officer:** No comments received at the time of compiling this report.
- 6.3 **Designing out Crime Officer:** No issues with regards the proposal.
- 6.4 **National Grid:** No objection but have provided a number of informatives with regards to ensuring that development would not impact on the existing high pressure gas pipeline.
- 6.5 **NYCC Highways:** No objection subject to conditions being imposed relating to visibility splays.
- 6.6 **Officer Note:** It is considered that due to the access already serving a significant number of vehicles associated with the holiday park, that the intensification of this access would not be sufficient to justify withholding planning permission.
- 6.7 **NYCC Public Rights of Way Officer:** No objection, but advise the applicant that no works are to be undertaken which would create an obstruction, either permanent or temporary, to the PROW that lies adjacent to the proposed development.
7. Representations
- 7.1 The proposal was advertised on the 19th July 2018 in the Craven Herald and a Site Notice was posted adjacent to the site on the 13th & 23rd July 2018. In addition, notification letters were circulated to neighbouring properties. As a consequence of the publicity the Council received 5 letters of objection.

- 7.2 Local and National Policy.
Conflicts with local plan.
- 7.3 Visual Impact
Out of keeping with the character of the area.
Over development.
Proposal would result in more units than houses in the hamlet.
- 7.4 Amenity Impact
Concern that the multi sports area would increase noise nuisance, recommend a condition restricting any external speakers.
Close to adjoining properties.
Concern over light pollution.
Concern over the loss of privacy and noise nuisance due to increase traffic.
- 7.5 Highway Issues
Inadequate parking at the top of the site due to the hotel filling parking areas with caravans/cabins for sale.
Inadequate access.
Increase in traffic.
Concerns over vehicles queuing along White Hills Lane.
It is not clear whether the owners of the track would grant approval for any re-alignment, modification and upgrade.
- 7.6 **Officer Note:** The only changes to the existing track is that it would connect to the proposed track that would serve the proposed pods/caravans and multiuse sport area.
- 7.7 Recommend that if approved that the owners of the caravan park contribute a substantial amount of money towards a pedestrian footpath that would link the caravan site to the recently installed footpath at Higher Raikes.
- 7.8 Other issues.
Increase danger of flooding.
Increase in pollution.
Camping pods would not have the same control as existing units.
Request better signage to reduce site visitors calling for directions.
No objection to the additional 38 caravans, but recommend no further expansion of the site.
Information missing from plans and misleading (e.g. land ownership).
More open space needed on development.
Concern over the potential impact on local ecology.
No details ref proposed changes to the drive way are mentioned.
- 7.9 **Officer Note:** No changes are proposed to the existing access of either White Hills Lane or the track leading to the application site.
Concern that when delivering the caravans damage may occur to our property.

Representation has also been received from the Ramblers and Designing out Crime Officer (DOCO). Their comments have been summarised below:

7.10 Ramblers

The drive is also part of PROW 5.37/7 and although this length is not affected by the present application it will increase the amount of traffic using the drive which at times is quite busy. It would benefit both walkers and the users of the Park, both on foot or in a vehicle if the PROW could be taken off the drive and either the verge widened to accommodate this or the right of way diverted into the field to the west.

7.11 Designing out Crime Officer

In relation to designing out crime, there are no issues.

8. Summary of Principal Planning Issues

8.1 Paragraph 11 of the NPPF sets out the presumption in favour of sustainable development. The NPPF makes clear that, for decision taking, this means:

8.2 Approving development proposals that accord with an up to date development plan without delay; or

8.3 Where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, granting permission unless;

the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed, or

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.

8.4 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:

8.5 The principle of development on the site.

8.6 The development's effects on the rural countryside.

8.7 The development's impact on the amenity of surrounding occupiers.

8.8 The scheme's effects on highway safety.

8.9 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 Saved Policy ENV1 is permissive of small scale developments appropriate to the countryside where it clearly benefits the rural economy; helps to maintain or enhance landscape character; is essential for the efficient operation of agriculture or forestry; or, is essential to the needs of the rural community. This policy is considered to be broadly consistent with the aims and objectives of the NPPF.

- 9.5 Development considered acceptable in principle under ENV1 will need to be assessed against the requirements of ENV2 which seeks to ensure that development respects the character and appearance of the rural countryside.
- 9.6 Also of relevance is Saved Policy EMP16. This policy is supportive of proposal for new static caravan and chalet developments or the extension of existing sites only where a number of criterion are met. These include (amongst other things) that it is located in an area with local opportunities for informal countryside recreation. Despite the age of this policy it is considered that this policy complies with the aims and objects of the NPPF.
- 9.7 As the Local Plan was adopted in 1999 it was not prepared under the Planning & Compulsory Purchase Act 2004. Paragraph 213 of the National Planning Policy Framework (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. Consequently, where there is any conflict the Local Plan policies carry less weight in the decision making process. With regards to the Local Plan policies it is considered that these policies are broadly compatible with the objectives of the NPPF.
- 9.8 Paragraph 80 of the NPPF states that planning decisions should help create the conditions in which businesses can invest, expand and adapt and that significant weight should be placed on the need to support economic growth, taking into account both local business needs and wider opportunities for development.
- 9.9 Paragraph 83 of the NPPF is supportive of the sustainable rural tourism and leisure developments which respect the character of the countryside. Paragraph 84 also recognises that sites to meet local business needs in rural areas have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In such instances, it is important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable.
- 9.10 It is accepted that the proposal does not strictly meet all of the requirements for development to be permissible under saved Policy ENV1. However, the proposal would clearly benefit the rural economy which is a key objective of the NPPF.
- 9.11 With regards to the requirements of saved Policy EMP16 the proposal is seeking to expand an existing site located in the open countryside. The application site is located within close proximity to the Pennine Bridleway, the Pennine Way and with National cycle routes as well as local walks and as such it would provide visitors with the opportunities for informal countryside activities. The proposal is therefore considered to meet the requirements of this policy.
- 9.12 Turning to the requirements of the NPPF it is considered that the expansion of the caravan park to facilitate the economic growth of an existing business and tourism facility is supported by the NPPF.
- 9.13 Saved Policy EMP19 states that permission for static caravans and chalets will only be granted if occupancy by any one person or groups of persons is limited to not more than 60 days in any 3 month period. However, due to the significant changes in national planning policy through the introduction of the National Planning Policy Framework and National Planning Practice Guidance this policy is considered to conflict with the aims and objectives of national policy and therefore this policy will not form a material consideration when assessing this proposal.
- 9.14 The nature of holidays in this country has become increasingly diverse, in location, in season and in duration. Historically the use of a condition known as a 'seasonal occupancy' condition was routinely applied which sought to restrict use of holiday accommodation during particular times of the year. However, there have been significant changes in national policy with these types of conditions considered to be overly restrictive and to limit the potential for all year round tourism. As such there is no longer a presumption against extending the holiday season at caravan sites.
- 9.15 The use of a condition reinforces that the site is for holiday accommodation and not for permanent residential use, the condition also puts responsibility onto the site owner to maintain a register of

users of the caravan site and that the caravans shall not be used as a main or sole residence. It is recognised that the condition allows for the accommodation to be occupied by a single person or group for a longer period, but the condition proposed has now become the commonly adopted approach by LPA's to enforce a holiday restriction and that it meets the tests set out in the NPPF.

- 9.16 In summary, the use of a condition with regards the occupancy of the caravans and pods meets the aims and objectives of the NPPF and would ensure that the use of the caravans/pods remain as intended for holiday accommodation only during the specified holiday season.
- 9.17 Therefore, whilst the proposal is considered acceptable in principle the key test is whether the development would cause harm to the character of the local area, have an adverse impact on amenity of neighbouring residents and highway safety which will be considered within the report.
- 9.18 **The development's effects on the rural countryside.**
- 9.19 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.
- 9.20 Saved Policy EMP16 also states that development should be well screened by landforms and/or existing landscaping from roads, elevated viewpoints and other public places and development will not have an adverse effect on the character and appearance of the area; the scale of the development is in context with its surroundings; and the site is of a high standard of layout, design and landscaping and the caravans and chalets satisfactorily blend into the landscape in terms of their siting, colour and materials.
- 9.21 Paragraph 124 of the NPPF highlights the importance of good design and that it is a key aspect of sustainable development. Paragraph 127 of the NPPF also advises that development should;
- Function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- Are sympathetic to local character and history, while not preventing or discouraging appropriate innovation or change; and
- Establish or maintain a strong sense of place, to create attractive, welcoming and distinctive places to live, work and visit.
- 9.22 The area of land within the caravan park which is the subject of this application is located to the north and is currently used as a play area. The proposal is seeking to introduce 10 camping pods to the far northwest corner, a multi-use sports court to the east of the site, and 38 static caravans layout in a semi-circle with a wild meadow in the centre. A track would link up with the existing track and run through the site. The existing play area would be relocated to the northern end of the site.
- 9.23 There is extensive area of screening to the west of the site which acts as a buffer to the agricultural fields beyond. To the north of the site the land rises with static caravans located dispersed with mature trees with the original house now operating as a hotel located beyond. To the south of the site is a row of trees which provide screening between these two sites. This screening is continued

along the western boundary. When viewing the site from public advantage points along White Hills Lane the application site is screened from public views by existing natural screening, changes in topography and existing static caravans. As such, views of the proposal would for the majority be restricted to within the site.

- 9.24 With regards to the proposed 10 camping pods these would be positioned within close proximity to existing static caravans on the site following the line of the existing planted buffer. The camping pods would be constructed from Nordic Pine/Scandinavian Spruce. Details provided indicate that the external appearance of these pods would consist of Tongue & Groove boards finished with an external dark finish. Therefore, it is considered given the small scale nature of these pods, combined with the existing planting, the natural materials and the proposed external finish would in officer's opinion be sufficient to ensure that the development is sympathetic to the character of the area and would not result in any visual harm.
- 9.25 To help mitigate any visual impact from this element of the development, the proposed static caravans would be position to the south of the site which benefits from natural screening and changes in topography. With regard to design, details show that the proposed static caravans would be similar to those already present on the site. Therefore, in terms of scale, design and appearance it is considered that this element of the proposal would not result in any unacceptable visual harm. Furthermore, the use of Canexl for the external appearance, which replicates the appearance of timber is also considered acceptable in this location. Therefore, it is considered that the proposed static caravans would not appear as a prominent feature in the landscape.
- 9.26 The location for the proposed multi-use sport area currently consists of an open grassed area. The proposed multi-use sport area would provide a multi-use surface with fencing. No details of floodlighting have been included.
- 9.27 It is acknowledged that this element of the proposal would have a visual impact on this part of the application site, which forms part of the play area. However, this element of the proposal would be sited adjacent to the eastern boundary and within close proximity to an existing bund that provides cover for the sites depot. Furthermore, the proposed fencing which would be green and have a chain-linked appearance would not appear as a solid structure. Consequently the fencing would help maintain the open character of the site. Therefore, it is considered that given the level of existing screening that this element of the proposal would not result in any unacceptable visual harm.
- 9.28 In conclusion, it is considered that due to existing boundary treatments, the scale, design, appearance and use of appropriate materials that the proposal would not result in any visual harm to the character of the surrounding area or beyond. The proposal therefore accords with the requirements of Policies ENV2 & EMP16 of the Local Plan and guidance contained within the NPPF.
- 9.29 Impact of development on the amenity of neighbouring properties.**
- 9.30 Saved Policy EMP16 states that development shall not have an unacceptable impact on the amenity of local residents. This objective is considered to accord with guidance contained within the NPPF which seeks to ensure a good standard of amenity for all existing and future occupants of land and buildings.
- 9.31 The application site is located to the east and north of existing caravan units with a buffer of trees along the west, south and east boundaries. In addition, located to the north, west and south are a number of residential dwellings.
- 9.32 Concerns have been received from third party representations with regards to concerns over additional noise and loss of privacy generated as a consequence of any approval.
- 9.33 With regards to any potential loss of privacy the surrounding dwellings are located at separation distances from ranging from 122m to 511m (see chart).

House Name	Distance from Pod Approx.	Distance from Caravan	Distance from Multi sport area
Crans	214m	232m	358m
Thorlby Cottage	251m	263m	395m
Thorlby House	267m	283m	416m
Thorlby House Lodge	511m	410m	527m
Tarn House Farm	122m	238m	263m
High Barn	143m	231m	226m

- 9.34 As a consequence of these separation distances, combined by the intervening existing caravans and screening it is not considered that the development would result in any unacceptable loss of privacy.
- 9.35 With regards to any potential noise disturbance it is also considered that due to location of the proposed pods, caravans and multisport area, combined with the existing caravans and screening that any additional noise generated by the proposal would not be so significant to warrant a refusal. It is however, recognised that the increase in visitors may result in an increase in disturbance to the occupants of Thorlby House Lodge which is located at the entrance off White Hills Lane due to visitors entering and leaving the site. And that this noise may be audible at times which background levels are at their lowest. Notwithstanding this, it is considered that proposal would not result in any significant increase in noise levels sufficient to withhold consent.
- 9.36 Concerns have been raised with regards to potential light pollution. It is acknowledged that as part of this application the proposal seeks to install lights along the access track off White Hills Lane (some lights already installed) and within the application site. Details submitted show that the proposed lights would have a minimal light spillage beyond the immediate area along the track and within the site itself. The lit areas along the track would be visible to residents to the south and west, although some of these views would be intermittent due to the existing trees along this route. Notwithstanding this, it is considered that the inclusion of the proposed lights given the limited light spillage would not have an adverse impact on neighbouring properties.
- 9.37 The Councils Environmental Health Officer has been consulted on the proposal and has raised no objection to the proposal. In particular, the Council has not received any complaints with regards noise or light pollution being generated from the site. However, if the Council receives a complaint this would be dealt with under the Environmental Protection Act 1990 legislation.
- 9.38 In conclusion, it is not considered that the proposed extension of the existing caravan park would have an adverse impact on the amenity of neighbouring properties. The proposal therefore accords with the requirements of saved Policy EMP16 of the Local Plan and guidance contained within the NPPF.
- 9.39 **Impact of development on the highway network.**
- 9.40 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.
- 9.41 Saved Policy EMP16 also states that traffic generated can be satisfactorily accommodated on the local highway network and that the proposal is well related to the highway and public transport networks.

- 9.42 However, a paragraph 84 & 102 of the NPPF recognises that development in rural areas may not be well served by public transport and development should seek to promote sustainable transport opportunities to promote walking and cycling.
- 9.43 Notwithstanding this, paragraph 109 of the NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 9.44 In this instance, the proposal is not seeking to make any alterations to the existing access off White Hills Lane nor to the existing track that leads into the established caravan park.
- 9.45 NYCC Highways have been consulted and have raised no objection to the proposal on highway safety grounds, but have request a condition relating to visibility splays. Such a condition given that the access is existing is not considered reasonable or necessary in this instance.
- 9.46 In conclusion, it is considered that the proposal would not have an adverse impact on the highway network and thus complies with the requirements of saved Policies EMP16 and T2 of the Local Plan. The proposal also complies with guidance contained within the NPPF.
- 9.47 Other issues.**
- 9.48 Concerns have been raised with regards to potential flooding. The application site is located within Flood Zone 1 (areas with a low probability) as identified by the Environment Agency. As such, it is considered that the proposal would not be subject to unacceptable flooding or result in any unacceptable increase in flooding elsewhere.
- 9.49 Comments have also been received with regards to the potential impact that the development may have on the local ecology. It is acknowledged that to the south of the site is an area of wild grassland and that this would be reduced by the proposal. However, a large proportion of the wild grassland would be retained as well as the existing natural screening. It is therefore considered that the proposal would not have an unacceptable adverse impact on the local ecology.
- 9.50 Concerns have been raised regarding land ownership along the track leading to the caravan park. In such instance, any grant of planning permission would not override any property rights should they exist and this would not be a reason to refuse the application.
- 9.51 Concerns have also been raised in terms of rights of access. The right of access is not a material planning consideration. Notwithstanding this, the Council has obtained information that indicates that the owners of Tarn House Estate have a right of access along the track. Therefore, in the absence of any contrary evidence this would not be a reason to refuse the application.
- 9.52 Conclusion**
- 9.53 Paragraph 11 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:
- the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- 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.
- 9.54 The application site is seeking full planning permission for the extension of the existing caravan site for the siting of 38 static caravans, 10 camping pods and a multi-use sports court area, plus the formation of a new road layout and associated works.
- 9.55 The application site forms a small parcel of land that is within the established caravan park screened from public views by existing trees/shrubs and topography. The existing business makes a positive contribution to the local economic economy and also provides some social benefits both of which are key objectives of the NPPF. It is acknowledged that the proposal would result in the development of a parcel of land that is currently used for recreational purposes within the site. However, it is

considered that whilst the proposal would result in a reduction of play area, the provision of a new multi-use sports area plus the relocation of a small play area combined with the wild meadow is sufficient to balance this reduction. Furthermore, due to the existing boundary treatments and appropriate design, appearance and materials of the proposed caravans and pods would not result in any unacceptable erosion of the rural character of this area.

- 9.56 The proposal would not have an adverse impact on the privacy or amenity of neighbouring properties and would adversely affect the existing safe and suitable means of access to give rise to highway safety issues.
- 9.57 Therefore, any potential harm arising from the proposal does not significantly and demonstrably outweigh the benefits (including supporting a prosperous rural economy). Accordingly, the proposal is recommended for approval.

10. Recommendation

10.1 Approve with 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:

GA3124-SC 01 received by Craven District Council on the 2nd July 2018
GA3124-LP 01 A received by Craven District Council on the 9th July 2018
GA3124-PSP 01 received by Craven District Council on the 2nd August 2018
GA3124-Light 01 received by Craven District Council on the 3rd August 2018.
GA3124-Light 02 received by Craven District Council on the 3rd August 2018.
Static Caravan Literature received by Craven District Council on the 2nd July 2018.
Camping Pod Literature received by Craven District Council on the 2nd 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 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 Prior to their first installation of the camping pods and static caravans on site details of the external surface finishes shall be submitted and approved in writing by the Local Planning Authority and retained thereafter.

Reason: In the interest of visual amenity of the area and to accord with Saved Policy ENV2 of the Craven District Council (Outside the Yorkshire Dales National Park Authority) Adopted Local Plan.

Ongoing Conditions

- 4 The caravans 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. 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.

Reason: For the avoidance of doubt as this is an open countryside location where new dwellings would not normally be viewed as acceptable in planning policy terms.

- 5 Unless alternative details have first been submitted to and approved in writing by the Local Planning Authority, the camping pods and static static caravans shall be constructed in accordance with approved details. Only the approved camping pods and static caravans shall be used on the site, and no replacement, or variation of size, siting or appearance shall be undertaken. The 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 Council (Outside the Yorkshire Dales National Park Authority) Adopted Local Plan and the National Planning Policy Framework.

- 6 The external illumination hereby approved shall be implemented in accordance with the approved plans and retained thereafter.

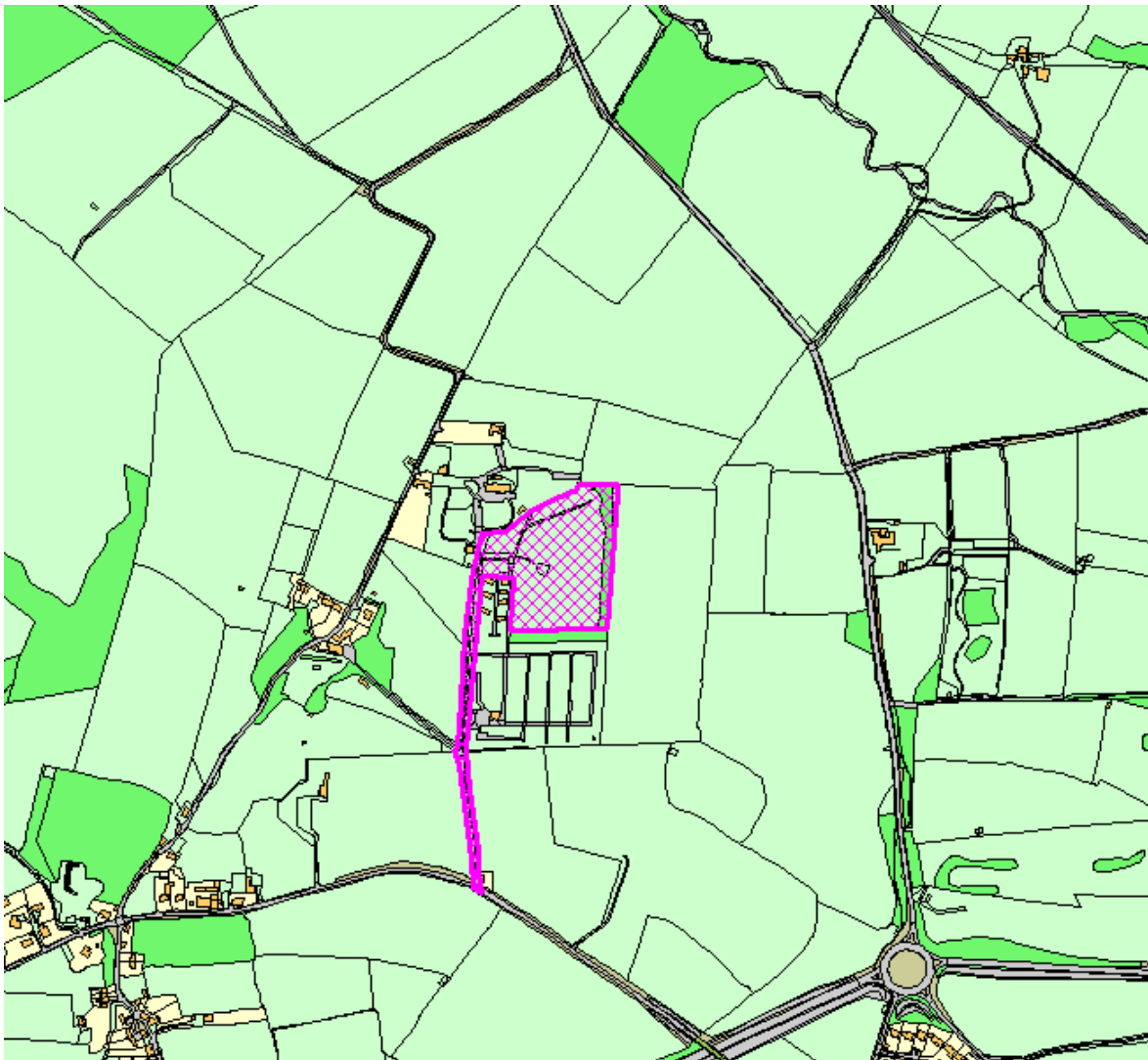
Reason: To safeguard the character and appearance of the surrounding area, in accordance with the requirements of saved Local Policies ENV1, ENV2 and EMP16 of the Craven District Council (Outside the Yorkshire Dales National Park Authority) Local Plan and guidance contained within the National Planning Policy Framework.

- 7 No floodlights shall be installed to the multiuse sports area hereby approved without prior approval from the Local Planning Authority.

Reason: To safeguard the character and appearance of the surrounding area and the amenity of neighbouring properties in accordance with the requirements of Saved Local Plan Policies ENV1, ENV2 and EMP16 of the Craven District Council (Outside the Yorkshire Dales National Park Authority) Local Plan 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 and creative way, in accordance with the requirements of paragraph 38 of the NPPF.



Application Number: 2018/19508/FUL

Proposal: Extension of existing caravan site for a further 38 static caravans, 10 camping pods and a multiuse sports court area, formation of new road layout and associated works.

Site Address: Tarn Caravan Park , Stirton, Skipton, BD23 3LQ , ,

On behalf of: Partingtons Holiday Centres Ltd

REPORT TO PLANNING COMMITTEE ON 24th September 2018

Application Number: 2018/19270/MMA

Proposal: Minor material amendment to original planning consent reference 31/2016/17348 to amend size and location of external openings; amend location of external wall materials; reduce size of plant room adjacent to the garage; remove chimney stack

Site Address: Site Adjacent To Bankwell Road Giggleswick BD24 0AP

On behalf of: Mr & Mrs B Coultherd

Date Registered: 4th May 2018

Expiry Date: 29th June 2018

Case Officer: Andrea Muscroft

This application is referred to the Planning Committee the previously application was determined by the Planning Committee.

1. Site Description
 - 1.1 The application site relates to 3,752 sq m of overgrown grass land that lies to the east of Bankwell Road. The site is bounded by residential development to the south and north and also Settle College. Further residential dwellings lies to the west of Bankwell Road and to the east beyond the River Ribble.
 - 1.2 The site rises eastwards with a bank of trees to the North West and further trees and shrubs to the northeast and eastern boundaries.
 - 1.3 Located along the northwest boundary are a number of trees protected by a Tree Preservation Order (ref: 2 1964).
 - 1.4 The site is outside but adjacent to the development limits of Giggleswick. The western half of the site lies within the designated conservation of Giggleswick.
2. Proposal
 - 2.1 The proposal is seeking permission for a Minor Material Amendment (MMA) to planning permission 31/2016/17348 in order to alter the previously approved scheme:
 - 2.2 Southern Elevation
Replacement of render with natural stone.
Omission of Chimney.
 - 2.3 Northern Elevation
Excavation of land to create a footpath.
Changes in window configuration and positions at ground floor level.
 - 2.4 Western Elevation
Partial replacement of natural stone with render finish.
Increase patio door opening.

Omission of drip course.

Changes to window configuration and positions at first floor level.

2.5 Eastern Elevation

Replacement of stone and natural stone finish with render finish.

Omission of single windows either side of double patio doors.

Omission of drip course.

3. Planning History

3.1 31/2016/17348 – Construction of detached dwelling with associated off street parking – Approved December 2016.

3.2 2017/18825/CND - Application to discharge condition no. 12 (details of replacement tree planting) of original planning permission 31/2016/17348 decided 11.01.2018.

3.3 2018/19357/CND - Application to discharge condition no 3 of original planning consent reference 31/2016/17348 decided 20.12.2016

3.4 2018/19248/NMA - Minor material amendment to original planning consent reference 31/2016/17348 to amend size and location of external openings; amend location of external wall materials; reduce size of plant room adjacent to the garage; remove chimney stack – Application Returned.

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.
H4: Residential Development within the Development Limits of Villages.

T2: Road Hierarchy.

4.4 Submission Draft Local Plan 2018.

ENV2: Heritage.

ENV3: Good Design.

SP4: Spatial Strategy and Housing Growth.

INF4: Parking Provision.

4.5 National Planning Policy

The National Planning Policy Framework – July 2018.

Planning Policy Guidance – PPG.

5. Parish/Town Council Comments

5.1 **Giggleswick Parish Council:** The Parish Council is of the opinion that the design and size of the windows on the north elevation are too modern and, therefore, not in keeping with the other, approved, windows. Also, the Parish Council would request that the north elevation should be in natural stone instead of render to keep with the rest of the property.

6. Consultations
- 6.1 None necessary
7. Representations
- 7.1 The proposal was advertised on the 17th May 2018 in the Craven Herald and a Site Notice was posted adjacent to the site on the 18th May 2018. In addition, notification letters were circulated to neighbouring properties.
- 7.2 As a consequence of the publicity the Council no third party representations were received within the statutory consultation period.
8. Summary of Principal Planning Issues
- 8.1 Paragraph 11 of the NPPF sets out the presumption in favour of sustainable development. The NPPF makes clear that, for decision taking, this means:
- 8.2 Approving development proposals that accord with an up to date development plan without delay; or
- 8.3 Where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, granting permission unless;
the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed, or
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.
- 8.4 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 visual impact of the development on the surrounding conservation area.
The development's impact on the amenity of surrounding occupiers.
9. Analysis
- Principle of development:
- 9.1 The principle of development on the site has been established under the extant planning permission 31/2016/17648. The current application seeks to make amendments to this approval as outlined in paragraph 2.1 of this report.
- 9.1 Paragraph 013 of the PPG relates to "flexible options for planning permissions", including applications for MMAs made under S73 of the Town and Country Planning Act. Paragraph 015 of the PPG makes clear that a grant of a MMA application is, in effect, the issue of a new planning permission which sits alongside the original permission. With respect to what may be considered to constitute a MMA to an existing permission, paragraph 017 indicates that:
 - There is no statutory definition of a 'minor material amendment' but it is likely to include any amendment where its scale and/or nature results in a development which is not substantially different from the one previously approved.
- 9.2 Given the grant of planning permission 31/2016/17348, the development which the current application seeks to amend has already been judged to be acceptable in principle. Applications for MMAs are to be determined in accordance with S38(6) of the Planning and Compulsory Purchase Act 2004, though given the existence of an extant planning approval it follows that attention should be focussed on national or local policies or other material considerations which have changed significantly since the grant of permission, as well as the effects of the changes sought.
- 9.3 The visual impact of the development on the surrounding conservation area.

- 9.4 Saved Policy H4 states that proposals need to ensure that new development is of a design which in terms of proportions, materials and architectural detail is sympathetic to the character of the settlement and locality.
- 9.5 Paragraph 130 of the NPPF indicates that *“permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions”*.
- 9.6 It is considered that the proposed changes would not result in any significant adverse impacts and would represent either positive impacts, such as the proposed footpath to the rear of the dwelling, or neutral as in the case with the variation to the proposed materials. The overall changes to the windows and doors would not be altered to any significant degree and it is considered therefore that the visual impact and that on the wider landscape would not be adversely affected in comparison to the approved scheme.
- 9.7 With regards to potential impacts on the surrounding conservation area and adjacent listed building. It is considered that the proposed amendments would not adversely impact upon the significance of the nearby listed buildings nor would they result in any harm by way of visual impact on the immediate setting of these listed buildings. In addition, the proposed amendments in terms of design and appearance would not have any significantly greater impact than the extant permission on the character and appearance of the surrounding conservation area.
- 9.8 In conclusion, it is considered that the proposed amendments would not result in any visual harm and therefore accords with the requirements of saved Policy H4 of the Local Plan and guidance contained within the NPPF.
- 9.9 **The development’s impact on the amenity of surrounding occupiers.**
- 9.10 Saved Policy H4 states that development should provide a satisfactory standard of residential amenity and does not have an unacceptable impact on the amenity of neighbouring properties.
- 9.11 Within the NPPF it states that the planning system should, amongst other things, “always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
- 9.12 In this instance, the proposed amendments would have no greater effect than the extant permission with regards to privacy and amenity of neighbouring properties through overshadowing, overlooking or loss of outlook.
- 9.13 With regards to the changes to the window configuration to the northern elevation that faces towards the Settle College grounds and classrooms it is acknowledged that there would be an increase in the number of windows than previously approved. However, to improve the level of privacy that the College currently experiences the majority of these windows would be positioned 2m above ground level, thus restricting any view from these windows. It is acknowledged, that one of the windows to the northern elevation would be positioned 1m from ground level and would be larger than those approved. However, given the position of the previously approved windows, it is considered that this window would not result in any unacceptable loss of privacy or amenity to the users of the College.
- 9.14 In conclusion, it is considered that the proposed amendments would not have an adverse impact on the amenity and privacy of neighbouring properties or College. The proposal is therefore considered to meet the requirements of saved Policy H4 of the Local Plan and guidance contained within the NPPF.
- 9.15 **Conclusion**
- 9.16 Paragraph 11 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:
- the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

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.

- 9.17 In this case it is considered that the proposed amendments do not have any significantly and demonstrably adverse impacts on the character and appearance of the designated conservation area and the living conditions of the occupants of adjacent residential dwellings and therefore recommended for approval.

10. Recommendation

10.1 Approve with Conditions

Conditions

Time Limit for Commencement

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

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

Approved Plans

- 2 The approved plans comprise:

02 Rev A - Site Layout received by Craven District Council on the 14th September 2016.

04 Rev B - Proposed Plans received by Craven District Council on the 24th August 2018.

05 Rev B - Proposed Elevations received by Craven District Council on the 24th August 2018

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

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

Before you Commence Development

- 3 Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the access(es) to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements:
- The details of the access shall have been approved in writing by the Local Planning Authority in consultation with the Highway Authority.
 - The crossing of the highway verge and/or footway shall be constructed in accordance with the approved details and/or Standard Detail number E6.
 - Any gates or barriers shall be erected a minimum distance of 4.5 metres back from the carriageway of the existing highway and shall not be able to swing over the existing or proposed highway.
 - That part of the access(es) extending 4.5 metres into the site from the carriageway of the existing highway shall be at a gradient not exceeding 1 in 10.

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

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.

- 4 Before any equipment, machinery or materials are brought on to the site for the purposes of the development, fencing shall be erected in accordance with BS5837:2012 'Trees in Relation to Construction' along the northwest and northeast boundaries of the application site. The fencing shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made.

Reason: To ensure the protection of the trees during the carrying out of the development.

Informative: The fencing erected in accordance with BS5837:2012 'Trees in Relation to Construction' should be sufficiently strong to withstand impacts likely to be caused during any building operations undertaken in the vicinity. The recommendations BS5837:2012 should be consulted and employed. Standards indicate the minimum recommended for fencing erected is to be at least 2.3m in height, comprising a vertical and horizontal framework of scaffolding, well braced to resist impacts, supporting either herras fencing or chain link in accordance with the plan on page 13 figure 2 of the above British Standard.

During Building Works

- 5 Notwithstanding the provision of any Town and Country Planning General Permitted Development Order 2015 (or any Act revoking or re-enacting this 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 adequate parking provision is provided on site.

- 6 The applicant should ensure that any topsoil brought on site is free from metals, plastic, wood, glass, tarmac, paper and odours associated with contaminated soils as specified in BS 3882: 2007 - Specification for Topsoil and requirements for use. At the request of the Local Planning Authority, details of the supplier(s) and confirmation on the source(s) of any topsoil material should be supplied within 21 days of any request being received.

Reason: To ensure that no contaminated materials are brought onto the site.

- 7 The permission hereby given does not include the removal of the trees T1 to T6, T8 & T9 that are identified to be retained in the Tree Report by I Tavendale (and 1:250 plan that accompanied that appraisal) received by the Local Planning Authority on 14th September 2016. With the exception of this stipulation, the development hereby permitted shall otherwise be carried out wholly in accordance with the aforementioned appraisal and accompanying plan.

Reason: For the avoidance of doubt, to limit damage to trees during construction works, and to accord with Saved Policy ENV10 from the Craven Local Plan.

- 8 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.

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

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

- 10 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015 or any subsequent 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.

- 11 The tree planting scheme shall be implemented in accordance with details approved under ref: 2017/18825/CND and shall be retained thereafter.

Reason: To enhance the appearance of the development in the interests of the visual amenity of the area.

Ongoing Conditions

- 12 The development shall be constructed in accordance with the approved details under the Discharge of Conditions ref: 2018/19357/CND application and shall be maintained at all times thereafter .

Reason: To ensure the satisfactory appearance of the development with regards to the visual amenity of the area.

Informatives

1. A separate metered supply to each unit will be required at the applicant's expense and all internal pipe work must comply with current water supply (water fittings) regulations 1999. Should this planning application be approved, the applicant should contact United Utilities on 03456 723 723 regarding connection to the water mains or public sewers.

It is the applicant's responsibility to demonstrate the exact relationship between any United Utilities' assets and the proposed development. United Utilities offer a fully supported mapping service and we recommend the applicant contact our Property Searches Team on 0370 751 0101 to obtain maps of the site.

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

If the applicant intends to offer wastewater assets forward for adoption by United Utilities, the proposed detailed design will be subject to a technical appraisal by an Adoptions Engineer as we need to be sure that the proposal meets the requirements of Sewers for adoption and United Utilities'

Asset Standards. The proposed design should give consideration to long term operability and give United Utilities a cost effective proposal for the life of the assets. Therefore, should this application be approved and the applicant wishes to progress a Section 104 agreement, we strongly recommend that no construction commences until the detailed drainage design, submitted as part of the Section 104 agreement, has been assessed and accepted in writing by United Utilities. Any works carried out prior to the technical assessment being approved is done entirely at the developers own risk and could be subject to change.

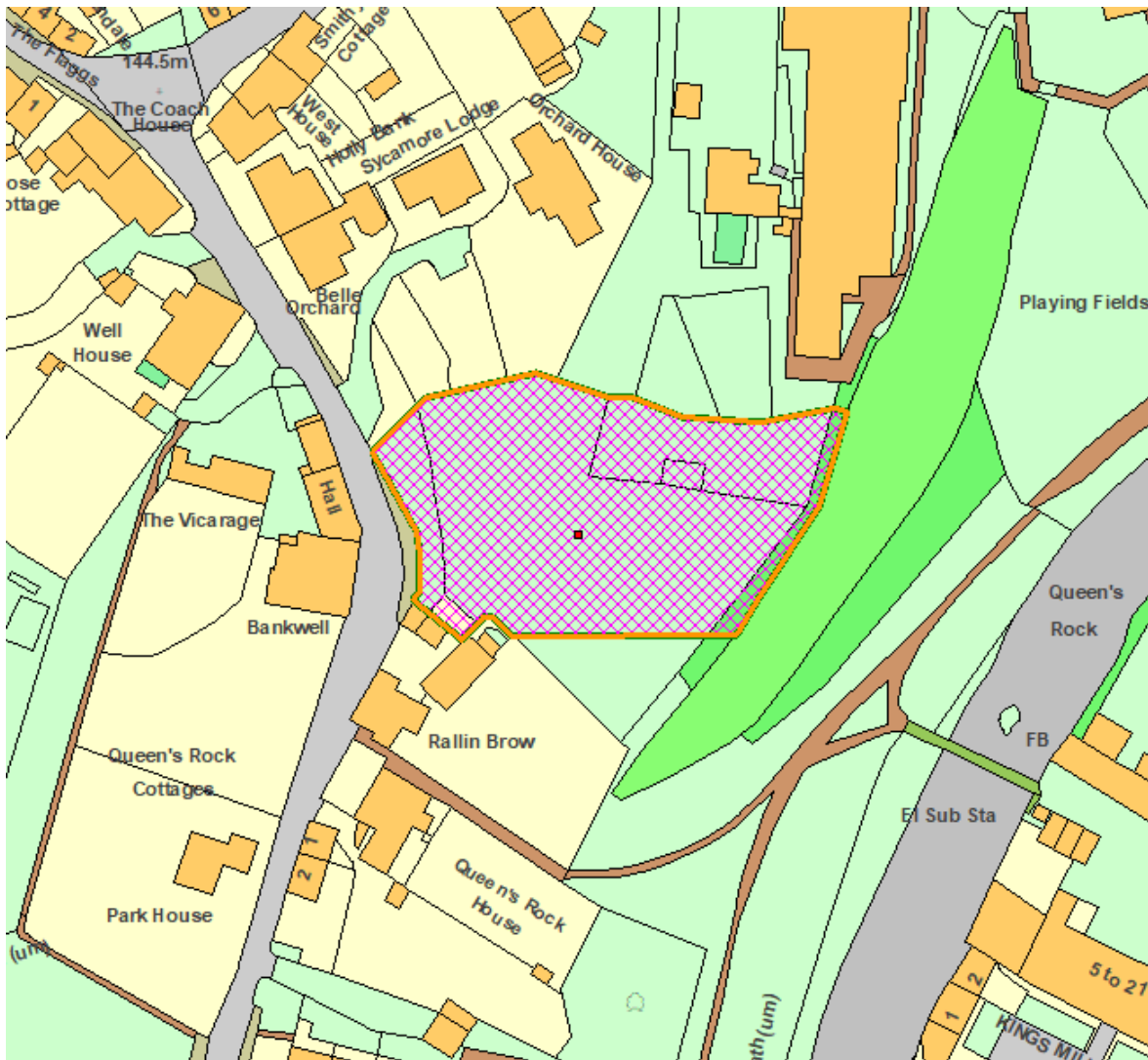
Any further information regarding Developer Services and Planning please visit our website at <http://www.unitedutilities.com/builders-developers.aspx>

The hours of operation during construction phase of development and delivery of construction materials or equipment to the site and associate with the construction of the dwelling hereby permitted should be limited to 0730 hours to 1800 hours on Monday to Fridays and 0730 hours to 1300 hours on Saturday. No works should take place on Sundays or Bank/Public Holidays.

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.

2. Statement of Positive Engagement:

In dealing with this application Craven District Council has sought to approach the decision making process in a positive and creative way, in accordance with the requirements of paragraph 38 of the NPPF.



Application Number: 2018/19270/MMA

Proposal: Minor material amendment to original planning consent reference 31/2016/17348 to amend size and location of external openings; amend location of external wall materials; reduce size of plant room adjacent to the garage; remove chimney stack

Site Address: Site Adjacent To, Bankwell Road, Giggleswick, BD24 0AP

On behalf of: Mr & Mrs B Coultherd

REPORT TO PLANNING COMMITTEE ON 24th September 2018

Application Number:	2018/19234/FUL
Proposal:	Construction of detached dwelling and garage, formation of new access and create parking spaces and turning area for existing properties Mell Brae and 1 Main Street.
Site Address:	Mell Brae Main Street Rathmell BD24 0LH
On behalf of:	Mr H Weston
Date Registered:	2nd May 2018
Expiry Date:	27th June 2018
Case Officer:	Andrea Muscroft

This application is being presented to Planning Committee as it represents a Departure from Development Plan Policy.

1. Site Description

- 1.1 The application site is an irregular overgrown and neglected parcel of land to the northwest of Mell Brae in the village of Rathmell. Access to the site is obtained via a path between Mell Brae and the existing outbuildings located to the north. The land slopes westwards with land beyond the western boundary set down at a lower level.
- 1.2 Located on the site are a number of outbuildings in differing states of neglect. In addition, along the western boundary are a number of trees with further shrubs and trees along the eastern boundary.
- 1.3 The application site lies partially within the development limits of Rathmell.

2. Proposal

- 2.1 The proposal is seeking approval for the construction of a detached dwelling and garage, the formation of new access with off street parking and turning area for existing properties Mell Brae and No. 1 Main Street.
- 2.2 The proposal would consist of a four bed two storey detached dwelling.
- 2.3 The boundaries to the site would consist of traditional stone walls.
- 2.4 The proposal indicates the provision of 6 off street parking spaces and 1 covered parking space.

3. Planning History

- 3.1 None.

4. Planning Policy Background

- 4.1 Paragraph 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that development proposals are determined in accordance with the development plan unless material considerations indicate otherwise. The statutory development plan for Craven comprises the saved policies of the Craven District (Outside the Yorkshire Dales National Park) Local Plan 1999 (the 'CDLP').
- 4.2 The Emerging Local Plan (ELP) that would cover the period up to 2032 has now been submitted for examination. Notwithstanding this, the ELP is not the adopted development plan for the district.

However, the submission draft is considered to be sound and the policies are consistent with the NPPF.

4.3 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.
- ☐ H4 – Residential development within development limits of villages.
- ☐ T2 - Road Hierarchy

4.4 Submission draft Local Plan 2018.

- ☐ ENV1- Countryside and Landscape
- ☐ ENV3 – Good Design
- ☐ ENV8 – Water Resources, Water Quality and Groundwater.
- ☐ SP4 – Spatial Strategy and Housing Growth.
- ☐ INF4 – Parking Provision.

4.5 National Policy

- ☐ The National Planning Policy Framework – July 2018
- ☐ Planning Practice Guidance

5. Parish/Town Council Comments

5.1 Rathmell Parish Council: Object to the proposal for the following reason:

5.2 The village does not need another £450,000 property. In 2012, Rathmell's core settlement comprised around 50 dwellings, since 2012 this has increase by at least 30%. Two thirds of this increase has been expensive, four bedroom dwellings and all of these are occupied by retired couples.

5.3 The Local Plan recognises the difficulties that arise from this imbalance, and suggest that new properties consisting of four bed should be just 17%. Had the application been for a smaller property then it would have been considered more respectfully. The village genuinely needs properties within the price range of young families.

5.4 The use of local stone and slate does not mean that the dwelling would fit comfortably in with the village.

5.5 The surrounding buildings are the oldest and most historic buildings in the village and their predominant feature is simplicity. In the new buildings to the north are modest in their appearance. The proposed dwelling is at odds with its context.

5.6 Recommend keeping this small area wild and encouraging biodiversity in compensation for trees that might ultimately be removed.

5.7 The creation of additional parking to the east is a simply device to enable access to the site without using the existing tract. Mell Brae already has off street parking as does 1 Main Street.

5.8 Planning application requiring the use of the track on the boundary of the site have, in the past been rejected by NYCC Highways. The application avoids the track but access and egress will occur at almost the same point at the track. NYCC Highways need to be advised of this.

6. Consultations

6.1 **CDC Environmental Health Officer:** No objection but recommends the use of conditions to control noise and dust to protect neighbour amenity.

6.2 **Historic England:** No comment.

- 6.3 **NYCC Highways Authority:** No objection subject to conditions relating to construction of private access/verge crossings and retention of parking spaces.
- 6.4 **NYCC Public Rights of Way Officer:** No objection but advises the applicant/developer that no works are to be undertaken which will create an obstruction, either permanent or temporary, to the Public Right of Way adjacent to the proposed development. Applicants are advised to contact the County Council's Access and Public Rights of team at County Hall, Northallerton via paths@northyorks.gov.uk to obtain up-to-date information regarding the line of the route of the way.
- 6.5 **United Utilities:** No objection subject to the use of appropriate condition relating to drainage options. The applicant/developer is advised that a public sewer crosses the access road and that any development over it may not be permitted. Deep rooted shrubs and trees should also not be planted in the vicinity of the public sewer and overflow systems.
7. Representations
- 7.1 The proposal was advertised on the 17th May 2018 in the Craven Herald and a Site Notice was posted adjacent to the site on the 11th May 2015. In addition, notification letters were circulated to neighbouring properties. As a consequence of the publicity the Council received 7 letters of objection.
- 7.2 Comments have been summarised below:
- 7.3 Policy
- ☐ Rathmell has not been identified as having a need for 45 dwellings.
 - ☐ Conflicts with the emerging Local Plan.
- 7.4 Visual
- ☐ Out of keeping with character of the area.
 - ☐ Development out of scale with adjacent dwellings.
- 7.5 Amenity
- ☐ Proposal would result in an unacceptable loss of privacy to neighbouring properties.
 - ☐ Development too close to adjoining properties.
 - ☐ Concern over potential noise nuisance.
 - ☐ Adverse impact on Barn Top during the construction stage.
- 7.6 Highways
- ☐ Concern that increased traffic would have an adverse impact on highway safety.
 - ☐ Inadequate public transport provision.
 - ☐ Inadequate access.
- 7.7 Pollution
- ☐ Proposal would lead to an increase in pollution.
- 7.8 Others
- ☐ The application contains factual errors.
 - ☐ A pedestrian access exists to this site.
 - ☐ There is also vehicle access to the site.
 - ☐ Mell Brae has two existing parking spaces and No. 1 Mell Brae benefits from one parking space.
 - ☐ There is no stone wall to the south of the site.

- ☐ Land to the west is agricultural land not just a grassed area.
- ☐ The southern boundary is divided almost equally between the gardens of No. 1 Main Street and Fairways which consists of a Lelandii hedge. The boundary with No. 1 Main Street consists of a low post and wire fence.
- ☐ Incorrect statement ref windows and amenity.
- ☐ Rathmell has no shop, school or other services and the bus service is only available three times a day.
- ☐ Concern over the legal implications of providing parking for a third party.
- ☐ Due to recent approvals the Village no longer needs nor is there a justification to approve this application.
- ☐ Strain on existing community facilities.
- ☐ Concern over the potential effect on local ecology.
- ☐ Given the history of the site it is recorded that a full archaeological survey is conducted.
- ☐ The proposed development would not contribute to the need for affordable dwellings.

8. Summary of Principal Planning Issues

8.1 Paragraph 11 of the NPPF sets out the presumption in favour of sustainable development. The NPPF makes clear that, for decision taking, this means:

8.2 Approving development proposals that accord with an up-to-date the development plan without delay; or where there are no relevant development plan policies or the policies which are most important for determining the application are out-of-date, granting permission unless;

the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed or

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;

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 rural 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 partially inside the development limits for the village of Rathmell as defined by the 1999 Local Plan, and therefore saved Policy ENV1 is of relevance. Saved Policy ENV1 seeks to protect the character and quality of the open countryside and prevent this from being spoilt by sporadic development. However, the policy is supportive of small scale development which meets a set criteria, such as;
- ☐ *The development should be small scale and where it clearly benefits the rural economy;*
 - ☐ *Helps to maintain or enhance landscape character;*
 - ☐ *Is essential for the efficient operation of agriculture or forestry;*
 - ☐ *Or is essential to the needs of the rural community.*
- 9.5 These objectives are broadly compliant with the NPPF which seeks to ensure that development contributes to and enhances the natural and local environment.
- 9.6 Whilst the majority of the site lies outside of the development limits saved Policy H4 is still of relevance. The policy is supportive of residential development which would be limited to infilling, conversions or small scale development subject to meeting a set criteria, such as;
- Would not result in the loss of, or damage to, land of recreation or amenity value, such as playing fields, playgrounds, informal open space and allotments.*
- 9.7 It is considered that this policy is broadly compliant with guidance contained within the NPPF.
- 9.8 Saved Policy SP4 of the emerging Local Plan aims to deliver sustainable patterns of development in Craven. This would be achieved in Tier 5 settlements through the provision of small scale development compared to the size of the settlement or for an affordable housing rural exception site in accordance with Policy H2, or would be required in order to secure significant improvements to the environment or conservation of designated heritage assets. However, this policy has not been subjected to any form of examination in public and whilst the policy remains a material consideration in the determination of this application. The policy cannot be afforded any significant weight.
- 9.9 Paragraph 213 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 213 of the NPPF makes clear that the policies in the Framework must take precedence.
- 9.10 However, the NPPF also makes allowances for other types of development in rural locations, which do not strictly fall within the categories outlined above in paragraph 9.3. In particular, paragraph 78 of the NPPF recognises that, depending on its location, that housing is capable of enhancing or maintaining the vitality of rural communities.
- 9.11 It is accepted that the proposal fails to meet the requirements of saved Policy ENV1 of the Local Plan, and accordingly, represents a departure from the adopted Local Plan. It does not; however, following this is sufficient to resist the principle of residential development on this site, particularly as there is conflict between saved Policy ENV1 and paragraph 78 of the NPPF which is supportive of housing in rural areas providing that it would not lead to the introduction of isolated homes in the countryside.
- 9.12 Objectors have suggested that the proposal would put a strain on existing community facilities and the lack of any shop, school or other services.
- 9.13 The site occupies a site that has residential development to the north, east, south and following the grant of permission at appeal residential development to the west. As such, the site would be surrounded by residential development. In addition, the site lies partial within the recognised development limits for Rathmell.

- 9.14 Whilst it is recognised that services and facilities in Rathmell are limited there is the availability of a wide range of local services and shops within the settlements of Giggleswick (2.8miles) and Settle (3.5miles). In addition, the public transport in Settle consists of the Settle Railway and also buses that connect with neighbouring villages and towns.
- 9.15 The application site consists of an irregular parcel of disused and neglected land to the northwest of Mell Brace. Located on the site are a number of derelict outbuildings and sheds. As outlined above, the site at the present time is surrounded by residential development with the exception of the parcel of land to the west. However, this has been granted approval for the construction of a detached dwelling. Therefore, the application site occupies a site that is closely related to existing dwellings on the edge of Rathmell. Shops, services and employment opportunities are available via public transport and cycle. Therefore, it is considered that the development would have reasonable access to local services and facilities and would not result in the introduction of an isolated dwelling in the countryside for the purposes of the NPPF.
- 9.16 Paragraph 73 of the NPPF states that LPA's should help to boost significantly the supply of housing by identifying 'a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against the housing requirement.
- 9.17 In March 2018 the Council submitted the Council's New Local Plan to the Secretary of State. The Housing Trajectory 2012 to 2032, including the 2018 update for Submission indicates that the Council can now demonstrate a 5 year supply of housing sites. However, the stated existence of the Five Year Housing Land Supply is not a reason by itself to justify refusal of a planning application. It is a material consideration in the planning judgement that can be given weight in the decision making process. In effect it is one of many planning issues that should be taken into account when determining a planning application.
- 9.18 Turning to the three dimensions to sustainable development, economic, social and environmental as defined by the NPPF, it is recognised that the proposed development of this site would provide economic benefits associated from the provision of construction jobs and from future residents of the proposed dwelling. In addition, the proposal would provide some social benefits and help to support the vitality of the rural community.
- 9.19 With regards to the environmental objective of sustainable development paragraph 118 of the NPPF states that planning decisions should promote and support the development of under-utilised land, especially if this would help provide housing. In this instance, the application site forms a neglected and underused small parcel of land enclosed by a stone boundary wall. Therefore, given that the site is less than 1 hectare in area, it is considered that the development of this site is preferable to the development of a green field site, thus providing environmental benefits.
- 9.20 In conclusion, whilst the application site lies partially within the development limits for Rathmell, the majority of the site lies outside and as such the proposal represents a departure from the provision of saved Policy ENV1 of the Local Plan. Nevertheless, the site is located adjacent to existing residential dwellings, and would contribute to the districts housing requirements. The site is reasonably well connected to existing services and facilities in Giggleswick and Settle and public transport with neighbouring villages and towns.
- 9.21 Therefore, whilst the proposal is considered acceptable in principle the key test is whether the development would cause harm to the character of the area which will be assessed within the body of this report.
- 9.22 Visual impact of the development.**
- 9.23 Saved Policy ENV2 sets out four criteria for development 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.

- 9.24 Saved Policy ENV3 of the emerging Local Plan aims to deliver ensure that new development does not have an adverse visual impact on character of an area. However, as outline above whilst this policy is a material consideration it has not been subject to examination and therefore carries limited weight.
- 9.25 Saved Policy H4 is supportive of small scale residential development subject to the development being of a scale, density and layout appropriate to the size and form of the village and that its design in terms of proportions, materials and architectural detailing is sympathetic to the character of the settlement and the locality.
- 9.26 The proposed dwelling has been designed similar in scale as recent developments granted approval in the village (ref: 18037 & 8805). In addition, the dwelling has incorporated some of the detailing present within the surrounding area and would be constructed from materials used in the construction of adjacent dwellings. This approach would ensure that development blends well with the character and appearance of the area. Furthermore, due to the proposed dwelling's location some distance from the street scene and the intervening dwellings the proposal would not have an adverse impact on the existing street scene.
- 9.27 The proposed single garage is a small scale form of development that has been designed with a simple appearance under a mono-pitched roof. This approach reflects a number of outbuildings present within the surrounding area. As such, this element of the proposal would not result in any unacceptable visual harm to either the surrounding area or due its location on the existing street scene.
- 9.28 The proposal would require the removal of an existing outbuilding to form the vehicle/pedestrian access into the site. It is acknowledged that due to its location adjacent to Main Street, this element of the proposal would have the greatest impact on the street scene. Notwithstanding this, it is considered the loss of this building would only have a minimal impact and its loss is not sufficient to warrant a refusal.
- 9.29 The remaining elements of the proposal comprising of the bin store and off street parking spaces are considered minor in scale and form. Furthermore, due to the existing stone boundary wall which would partially screen these elements from public view, it is considered that these elements of the proposal would not result in any visual harm to either the character of the area or the existing street scene.
- 9.30 In conclusion, the proposed construction of a single detached dwelling, single garage, bin store and off street parking spaces due to its scale, appearance, design and use of natural materials would not result in any visual harm. The proposal is therefore considered to meet the requirements of Saved Policies ENV2 & H4 of the Local Plan and guidance contained within the NPPF.
- 9.31 Impact of development on the amenity of neighbouring properties.**
- 9.32 Saved Policy H4 states that development should provide a satisfactory standard of residential amenity and would not have an unacceptable impact on the amenity of neighbouring properties.
- 9.33 These objectives are considered to accord with guidance contained within the NPPF which seeks to ensure a good standard of amenity for all existing and future occupants of land and buildings.
- 9.34 Located directly to the west of the site is a parcel of land that has recently been granted approval at appeal (ref: 2017/18664/OUT) for the construction of a detached dwelling. Based on information

submitted the proposed dwelling approved at appeal would be situated approximately 4m from the boundary with the proposed dwelling located a further 9m away, giving a total separation of approximately 13m. As the proposal was approved in outline form no details have been provided with regards to the scale or position of windows and doors. Notwithstanding the lack of details, it is considered that due to the orientation and position of the proposed buildings, that the proposal would not have an adverse impact on the privacy or amenity of any future occupants of this building.

- 9.35 The next nearest residential dwelling outside of the ownership of the applicant is No.2 Cross Keys Cottage located to the northwest of the site at a separation distance of approximately 12.2m. It is acknowledged that located in the gable end of this property is a single ground floor window and a first floor window with views towards the far North West corner of the site and beyond. Notwithstanding these windows it is considered that the separation distance combined with the orientation of the existing dwelling and the proposed dwelling is sufficient to ensure that there would be no unacceptable loss of privacy to the occupants of this property. Similarly, due to the orientation, separation distance and changes in the topography the proposed building would not appear overtly dominant or result in any unacceptable overshadowing.
- 9.36 Located to the north and northwest of the application site is a site granted approval under ref 59/2014/15010 for the construction of two detached dwellings. These buildings are currently under construction. In terms of potential overlooking, the proposed building and those currently under construction have a separation distances ranges from 22m > 26m. It is acknowledged that the proposed dwelling would have windows serving the porch, utility, WC, dining room and sitting room at ground floor level and two first floor windows serving a En-suite and the family bathroom. However, it is considered that the separation distance and the partial screening at ground level by an existing stone boundary wall and trees to the far northern corner would ensure that the future occupants of the building currently under construction (ref: 15010) would not experience any unacceptable loss of privacy from this proposal. In addition, due to the separation distances involved the proposal would not result in any unacceptable overshadowing nor due to changes in topography appear overtly dominant when viewed from the habitable rooms of these two dwellings.
- 9.37 The next group of dwellings nearest to the application site are located to the southwest of the site (No. 1 Main Street and Barn Top) at separation distances ranging from approximately 24m to 32m. It is considered that these separation distances combined with the orientation of the proposed building are sufficient to ensure that the occupants of these dwellings would not experience any unacceptable loss of privacy or amenity from this proposal. Furthermore, the proposal would not result in any unacceptable overshadowing or appear dominant due to the separation distances and changes in topography.
- 9.38 Located to the south of the site is the dwelling identified as the Fairways. This building is located approximately 31m from the southern gable of the proposed dwelling. Located on intervening land is a large outbuilding and an existing Leylandii hedge. It is considered that the proposal due to the separation distance and existing screening would not have an adverse impact on the privacy or amenity of the occupants of this property.
- 9.39 The submitted details show that the proposed dwelling would provide sufficient residential accommodation to meet the needs of any future occupiers of this dwelling. In addition, it is considered that due to the layout and separation distances that the occupants of this dwelling would have an acceptable level of privacy and amenity.
- 9.40 In conclusion, it is considered that the proposal due to its position, scale, orientation, intervening boundary treatments and changes in topography would not have an adverse impact on the privacy or amenity of existing and future neighbouring properties. In addition, the proposal would provide sufficient residential accommodation to meet the needs of any future family. The proposal therefore complies with the requirements of saved Policy H4 of the Local Plan and guidance contained within the NPPF.

9.41 Highway Issues.

- 9.42 Saved Local Policy T2 is permissive of development subject to the proposal being 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 design and road safety; and the highway impact has regard to the surrounding landscape.
- 9.43 Saved Policy H4 states that new development should not create conditions prejudicial to highway safety.
- 9.44 Saved Policy INF4 of the emerging Local Plan aims to deliver ensure that new development does not have an adverse impact on highway safety. However, as outlined above whilst this policy is a material consideration it has not been subject to examination and therefore carries limited weight.
- 9.45 Access to the site is proposed directly off Main Street and would lead into the site with six uncovered off street parking spaces and one covered parking space. Objectors have stated that the access cannot be satisfactory achieved and that the development would have an adverse impact on highway safety. It should be noticed that NYCC Highways have been consulted and have not objected to the proposal on highway safety grounds.
- 9.46 Concerns have been raised over the legal implications of providing parking for a third party. However, this is a private matter between private individuals and not a planning consideration.
- 9.47 In conclusion, it is considered that the level of off street parking is sufficient and that the traffic generated by the proposal is not sufficient to have a severe cumulative impact on the capacity of the existing highway network for the purposes of saved Policy T2 of the Local Plan and guidance contained within the NPPF.

9.48 Other issues.

- 9.49 Concerns have been expressed that the proposal would put strain on existing community facilities. In the absence of evidence to support this statement it is not considered that the proposal would have an adverse impact on existing community facilities.
- 9.50 Objections have been received due to the perceived loss of wildlife habitat arising from the development of this site. Currently the site is an neglected and overgrown parcel of land, with trees along the western boundary.
- 9.51 The proposal does not seek the removal of any of the existing trees along the boundary of the site; it will see loss of the overgrown land. Notwithstanding this, the site does not support any habitats of significant value to warrant a refusal.

9.52 Conclusion

- 9.53 Paragraph 11 of the NPPF sets out the presumption in favour of sustainable development. The NPPF makes clear that, for decision taking, this means:
- 9.54 Approving development proposals that accord with an up-to-date the development plan without delay; or where there are no relevant development plan policies or the policies which are most important for determining the application are out-of-date, granting permission unless;
- The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed or
 - 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;
- 9.53 The application is seeking full planning permission for a residential development consisting of one detached dwelling, a single garage, off street parking and turning area, bin store and new vehicle access.

9.54 In this instance, it is considered that there are no adverse impacts that significantly and demonstrably outweigh the overarching presumption in favour of sustainable development contained within paragraph 11 of the NPPF, and there are no grounds to withhold planning permission.

10. Recommendation

10.1 Approve with 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:

- o Drawing no. 02 Rev A - Proposed Site Plan received 19th April 2018.
- o Drawing no. 03 Rev A - Detailed Design received 23rd April 2018.
- o Drawing no. 04 - Location Plan received 23rd April 2018.

The development shall be completed in accordance with the approved plans except where conditions attached to this permission 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 Authority) Local Plan and the National Planning Policy Framework.

Before you Commence Development

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

(iii) Any gates or barriers shall be erected a minimum distance of 6 metres back from the carriageway of the existing highway and shall not be able to swing over the existing or proposed highway.

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

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

During Building Works

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

- 5 Notwithstanding any details shown on the approved plan, details of the soft and hard landscaping of the site including wherever possible the retention of existing trees and hedges have been submitted to, and approved in writing by, the Local Planning Authority. The approved scheme shall be implemented in the first planting season following completion of the development, or first occupation/use, whichever is the soonest.

Reason: In the interests of the amenity of the area.

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

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

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

- 8 Foul and surface water shall be drained on separate systems. Surface water shall be drained in accordance with the hierarchy of drainage options in national planning practice guidance. In the event of surface water discharging to public sewer, the rate of discharge shall be restricted to the lowest possible rate which shall be agreed with the statutory undertaker prior to connection to the public sewer.

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

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

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

Informatives

The hours of operation during the construction phase of development and delivery of construction materials or equipment to the site and associated with the construction of the development hereby permitted should be limited to 0730 hours to 1800 hours on Monday to Fridays and 0730 hours to 1300 hours on Saturday. No work should take place on Sundays or Bank/Public Holidays.

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

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

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

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

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

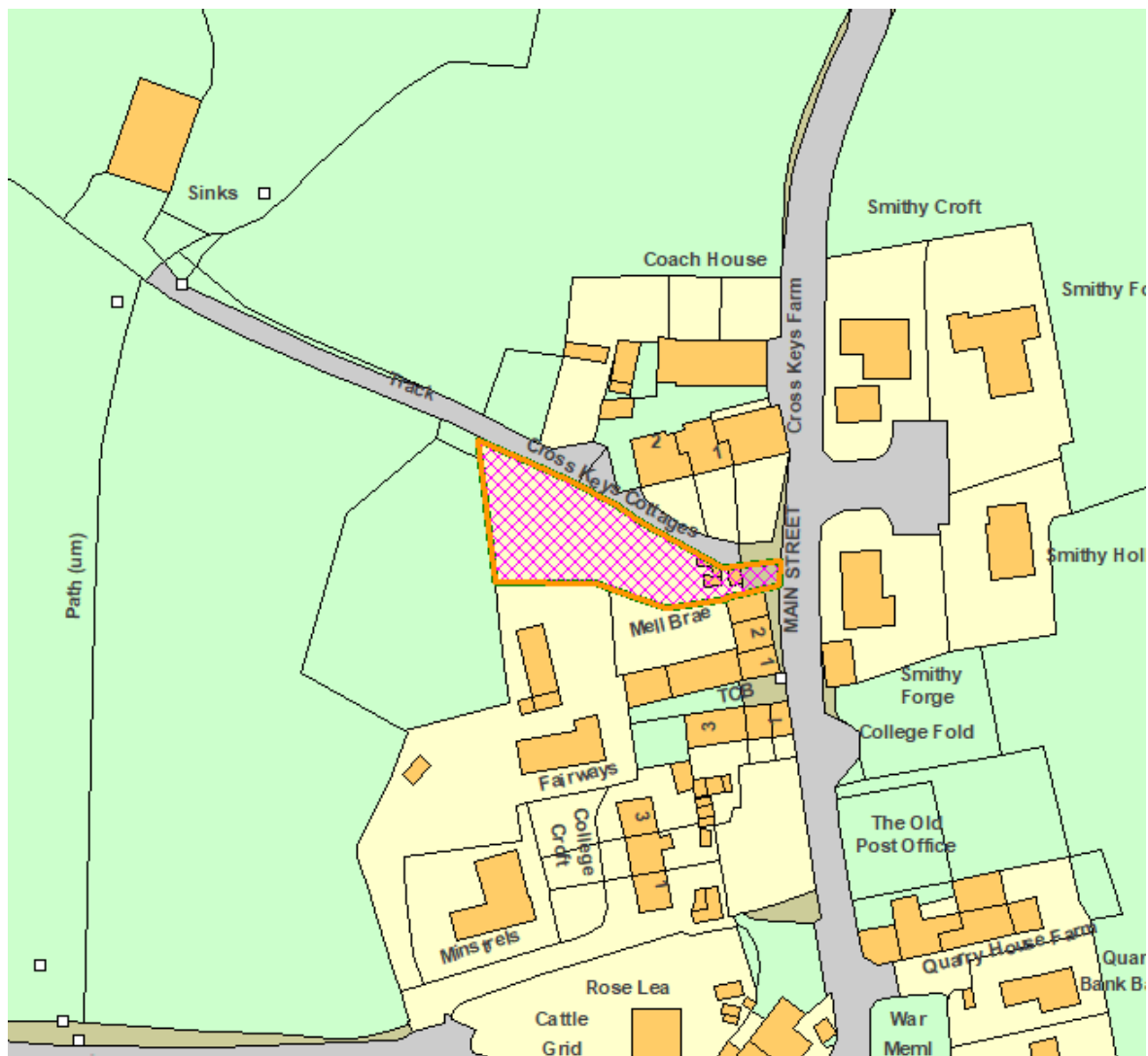
No works are to be undertaken which will create an obstruction, either permanent or temporary, to the Public Right of Way adjacent to the proposed development. Applicants are advised to contact the County Council's Access and Public Rights of team at County Hall, Northallerton via paths@northyorks.gov.uk to obtain up-to-date information regarding the line of the route of the way. The applicant should discuss with the Highway Authority any proposals for altering the route.

A public sewer crosses the access road to this site and we may not permit building over it. We will require an access strip width of six metres, three metres either side of the centre line of the sewer which is in accordance with the minimum distances specified in the current issue of "Sewers for Adoption", for maintenance or replacement. Therefore a modification of the site layout, or a diversion of the affected public sewer at the applicant's expense, may be necessary. To establish if a sewer diversion is feasible, the applicant must discuss this at an early stage with our Developer Engineer at wastewaterdeveloperservices@uuplc.co.uk as a lengthy lead in period may be required if a sewer diversion proves to be acceptable.

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 and creative way, in accordance with the requirements of paragraph 38 of the NPPF.



Application Number: 2018/19234/FUL

Proposal: Construction of detached dwelling and garage, formation of new access and create parking spaces and turning area for existing properties Mell Brae and 1 Main Street.

Site Address: Mell Brae, Main Street, Rathmell, BD24 0LH

On behalf of: Mr H Weston

REPORT TO PLANNING COMMITTEE ON 24th September 2018

Application Number:	2018/19509/OUT
Proposal:	Outline application with some matters reserved for two pairs of semi-detached dwellings
Site Address:	Land Adjacent To Back Church Street Church Street
On behalf of:	Mr & Mrs Lord
Date Registered:	2nd July 2018
Expiry Date:	27th August 2018
Case Officer:	Mr David Coates

This application has been referred to Planning Committee at the request of Councillor Staveley.

1. Site Description
 - 1.1 The site comprises a triangular piece of land bounded by terraced properties off church Street in Settle. It is currently disused land with 6 garages although these appear to be little used. To the east and beyond Mains View terraced properties is the railway embankment of the Settle- Carlisle Railway.
2. Proposal
 - 2.1 The application is in outline with all matters reserved for future approval, except access which forms part of this application. Therefore, access is a key element of the proposal, which seeks to widen the existing back street from 3m to 5m and erect 2 pairs of semi-detached properties. There is an indicative plan which shows 2 pairs of semi-detached properties linked by garages set back slightly from the to be widened 'Back Church Street'
3. Planning History
 - 3.1 None relevant.
4. Planning Policy Background
 - 4.1 Saved policy H3 permits small scale development on underused land within local services centres subject to criteria including no damage to the character and amenity of existing residential areas
5. Parish/Town Council Comments
 - 5.1 The Parish Council objects to the proposal citing: closeness of properties; inadequate access; increase traffic; and not enough information provided.
6. Consultations
 - 6.1 The Highways responded on 19 July 2018. It recommends refusal on the grounds that a required visibility splay of 2m x 60m onto Church Street cannot be achieved and the poor width/junctions/condition of roads leading to the site.
 - 6.2 The LLFA responded on 30 July 2018 and make no comments.
 - 6.3 United Utilities responded on 13 July 2018 and seeks drainage to be on separate systems.
 - 6.4 The LLFA makes no comments

6.5 Environmental Health responded on 16 + 18 July 2018 citing there are no known contamination land issues. It suggests limitation on times of construction.

7. Representations

7.1 A site notice dated 20 July 2018 was erected on site and 44 neighbouring properties notified by letter. 15 letters of objection have been received citing reasons including:

- ☐ Inadequate access, parking
- ☐ Danger of flooding
- ☐ Increase in pollution
- ☐ Loss of light and privacy
- ☐ Noise nuisance
- ☐ Over development
- ☐ Traffic and highways

8. Summary of Principal Planning Issues

8.1 The main issues are:

- ☐ Principle of development
- ☐ Highway safety
- ☐ Residential amenity

9. Analysis

Principle of Development

9.1 The proposal lies with the local service centre of Settle, and is considered to be a sustainable location. It is within the development limits and subject to other considerations, it is acceptable in principle. The site lies close to the Settle-Carlisle Conservation Area but is separated by other residential properties. Although the railway embankment raises viewpoints into the site, the existing tree cover and relative distance indicates there would be little or no effect on the Conservation Area. Accordingly, in the absence of any detriment no further assessment is required.

Highway Safety

9.2 Church Street has no parking restrictions and is readily occupied with parked cars, even though it is a busy thoroughfare with regular HGVs passing along its route. The Highway Authority has responded recommending refusal on the grounds of lack of visibility and access to the site being sub-standard. Whilst the proposal does propose widening Back Church Street, no information has been provided to show how a visibility splay of 2m x 60m can be achieved. In the absence of information to the contrary, there is nothing to disagree with the Highway Authority's findings.

Residential Amenity

9.3 The properties of Mayville Terrace have limited front gardens, but rely largely on the rear gardens for their private amenity space. Although there is the occasional provision of parking space, the majority are used as garden areas, with sitting out areas. The proposal would introduce a widening of the Back Church Street, and the 6 garages replaced by 4 dwellings. Whilst there would be no substantial change in traffic movements as a result, it is the introduction of residences which is likely to have an effect on neighbouring properties. The submitted plan is indicative, but the suggested two storey dwellings would have a front elevation approximately 7m from the gardens of Mayville Terrace and the ground floor and in particular first floors would overlook the private gardens of Mayville Terrace with views being direct rather than at oblique angles. As a result, it is considered that the proposed dwelling would cause an unacceptable loss of privacy to existing

dwellings. The principles of sustainable development are set out in paragraph 8 of the NPPF, and of particular relevance for this outline application is the social objective which seeks to secure the needs of present and future generations. In this case, there would be harm to the living conditions of existing residents and therefore the proposal is considered not to meet this objective.

Conclusion

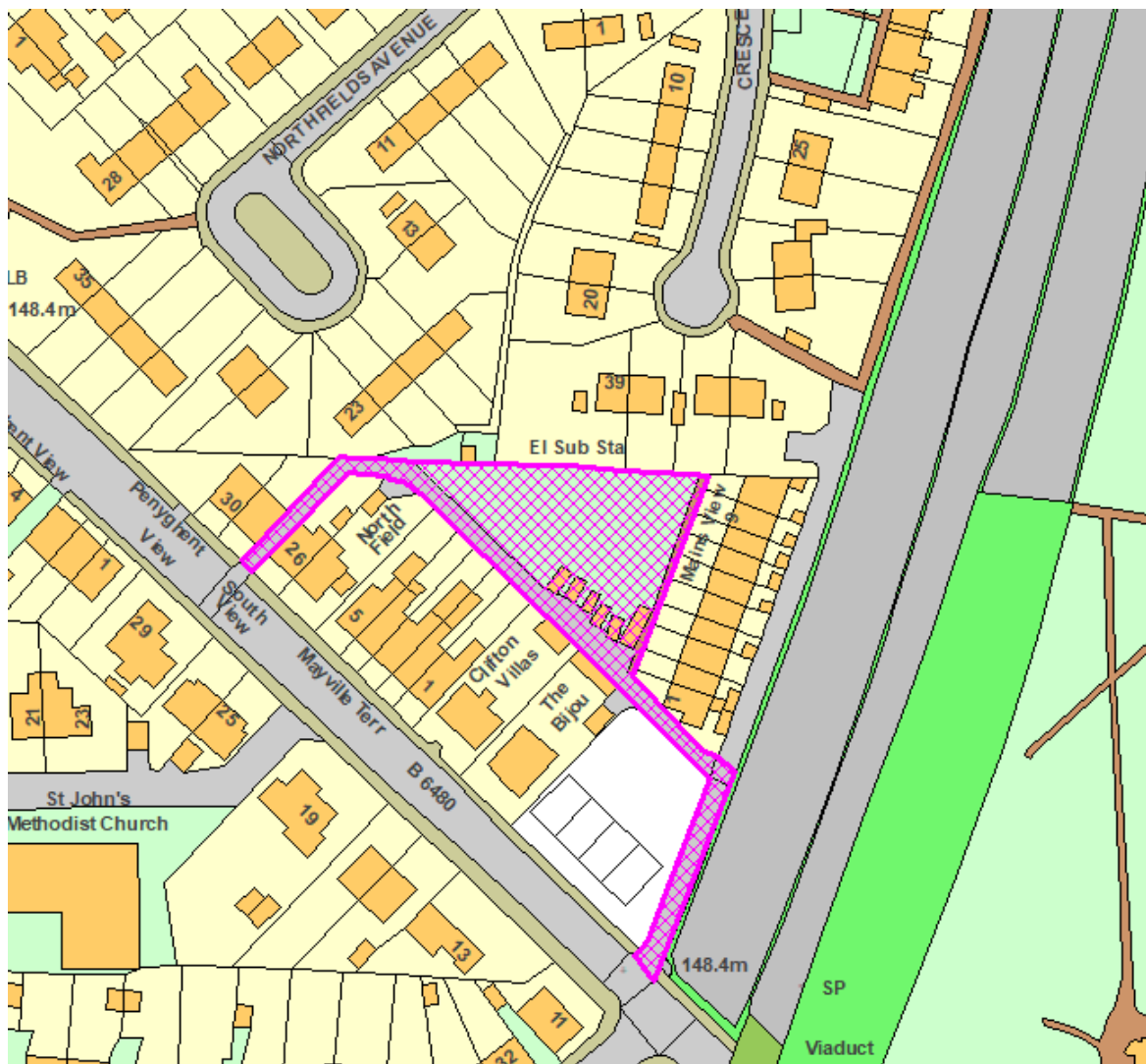
- 9.4 It is concluded that although the site is in a sustainable location, the proposed access would be sub-standard due to not being able to achieve required visibility splay. In addition, the introduction of residential properties would result in overlooking of existing residential properties to an unacceptable degree resulting in harm to the living conditions of those properties. Overall, the proposal is contrary to saved policy H3 of the Craven District (outside the Yorkshire Dales National Park) Local Plan and paragraphs 8 and 11 of the NPPF.

10. Recommendation

10.1 Refuse

Reasons for Refusal

The proposed residential development would result in a sub-standard access prejudicial to highway safety and introduce levels of over-looking and loss of privacy to residents of existing properties to an unacceptable degree resulting in it being an unsustainable form of development. The proposal is contrary to saved policy H3 of the Craven District (outside the Yorkshire Dales National Park) Local Plan and paragraphs 8 and 11 of the NPPF.



Application Number: 2018/19509/OUT

Proposal: Outline application with some matters reserved for two pairs of semi-detached dwellings

Site Address: Land Adjacent To Back Church Street , Church Street, Settle

On behalf of: Mr & Mrs Lord

REPORT TO PLANNING COMMITTEE ON 24th September 2018

Application Number: 2018/19492/FUL

Proposal: Change of use of existing stable and extension to form single dwelling

Site Address: Great Gib Farm Stockshott Lane Cononley BD20 8EB

On behalf of: Mr & Mrs Andrew Durham

Date Registered: 5th July 2018

Expiry Date: 30th August 2018

Case Officer: Miss Katie Chew

This application has been called into planning committee as it is a departure from the Local Plan.

1. Site Description

- 1.1 The application relates to an existing single storey stable at Great Gib Farm in Cononley. The site is accessed via Stockshott Lane and is stepped back from the highway by a significant distance. The stable building is located in close proximity to residential dwellings to the south. To the north, east and west are open fields. To the front of the stable building is a large hardstanding area for the parking of vehicles; to the side of the building is a timber shed which is to be demolished if permission is granted. The application site is located to the south west of the centre of Cononley.
- 1.2 The application site is located within 'open countryside'.

2. Proposal

- 2.1 The application seeks planning approval for the change of use of existing stable and extension to create a single dwellinghouse. The dwellinghouse will be of one and a half storeys in height and would allow car parking spaces for 2 vehicles. It will include a number of sustainable additions such as the installation of Canadian Solar 340 Panels, Mechanical Ventilation Heat Recovery and Low-flow water fixtures. A number of other sustainable features have been included within the design and construction of this dwelling. These can be found within the submitted plans and additional information.
- 2.2 The proposed dwelling will measure approximately 47m² within the proposed extension and approximately 29.6m² within the converted stable. The dwelling will be finished with natural random rubble stone with squared stone quoins and dark stained timber boarding. The extension will have a ridge height of approximately 300mm higher than the existing stable, with the roof to be finished with natural stone slate tiles. It is important to note that the site does have a sloped topography which does mean that part of the proposed extension will drop down below the existing ground level of the stable.
- 2.3 The dwelling is required for Mr & Mrs Durham as they are both now past retirement age and wish to live in a house that would meet their changing needs as they grow older, they also wish to live more sustainably within the grounds of their farmhouse at Great Gib which has been their home since 1982.

3. Planning History

- 3.1 5/21/126 – Erection of conservatory extension to dwelling, Great Gib Farm, Cononley. Approved 21st June 1985.

- 3.2 5/21/126/A – Extension of existing dwelling into barn and self-contained flat for aged parent at Great Gib Farm, Cononley. Approved 29th February 1988.
- 3.3 5/21/126/B – Change of use of self-contained flat to holiday cottage, Great Gib Farm, Cononley. Approved 24th October 1995.
- 4. Planning Policy Background
 - 4.1 Draft Submission Local Plan (2018)
 - 4.2 National Planning Policy Framework (as amended 2018)
 - 4.3 Planning Practice Guidance (2012)
 - 4.4 Saved Local Plan Policies T2, ENV1 and ENV2 of the Craven District (Outside the Yorkshire Dales National Park) Local Plan.
- 5. Parish/Town Council Comments
 - 5.1 Cononley Parish Council – Comments received 18th July 2018. The Parish Council objects to this proposal as this will be an increase in residential dwelling. The proposal lies outside the Cononley development area and is in conflict with the Local Plan.
- 6. Consultations
 - 6.1 CDC Environmental Protection – Comments received 10th July 2018. In respect to the application, there are no known contaminated land implications regarding the proposed development. Further comments were received which provide informatives relating to restricted construction times and dust management. Further comments were received on 13th July 2018. Great Gib Farm is served by a private water supply and is currently classified as an “F” or single domestic dwelling. If the new development is to be served by the same supply, the supply will require a risk assessing and sampling before completion. The supply will require a risk assessment every 5 years and sampling. The sampling frequency is determined by the usage of properties. If both properties are to be owner/occupied sampling is once every 5 years. If either property is to be used commercially i.e. holiday let, tenanted etc. it will require an annual sample. Charges for risk assessments and sampling differ between commercial and domestic supplies. The supply would also require a suitable and sufficient water treatment system in place to ensure the water complies with the required standards of the Private Water Supplies Regulations 2018.

Officer Note: The new dwelling is to be served from a new borehole which is to be situated within a five and a half acre field which is currently owned by the applicant and would only serve the new property. Furthermore rainwater harvesting is to be installed at the new dwelling. The above is confirmed by the applicant is an email dated 20th July 2018.
 - 6.2 CDC Environmental Health – Comments received 10th July 2018. There are no known contaminated land implications regarding the proposed development. Further comments were received in which informatives were recommended relating to dust management and restricted construction times.
 - 6.3 PROW Officer – Comments received 6th July 2018. An informative has been provided which relates to keeping the Public Right of Way free from obstruction, either permanent or temporary at all times. This informative will be attached if the application is approved.
 - 6.4 NYCC Highways – Comments received 12th July 2018. There are no local highway authority objections to the proposals.
 - 6.5 CDC Tree Officer – Comments received 1st August 2018. They state: ‘there are no trees within the proposed development area which are of high quality and therefore I have no objections. A soft landscaping plan has been submitted which specifies some small replacement trees and a hedge. If you consider that the development would need to be screened from any of the viewpoints in the surrounding area then I would suggest that one or two larger tree species are planted however I have no strong opinion on this either way’.

7. Representations

7.1 Site Notice – Expired 3rd August 2018.

7.2 Press Notice – Expired 2nd August 2018.

7.3 Neighbour Letters – Expired 27th July 2018.

7.4 One representation has been received in objection from the occupier of Windsover Farm, Middleton. They own the adjacent land to Great Gib Farm, Great Gib Farmhouse has a right to a water supply from their land as well as the adjacent properties who all receive water from this supply. The proposed development has no right to take water from this supply. They are also concerned in regards to the proposed borehole and that it will deplete the water supply and cause a severe inconvenience to the use of the land for grazing cattle. Propose that a condition is applied to ensure that the borehole is installed prior to the development being begun to ensure the water supply is not affected during and after building works.

7.5 9 further representations were received in support of the application, their comments have been condensed into the below bullet points:

- ☐ An exemplar of how houses should be built in the countryside, if approved this house will become a flagship for buildings in Craven;
- ☐ The energy efficiency figures are very impressive and this kind of standard should be the aim of all house builders;
- ☐ This house would involve the re-use of local materials, be a local house satisfying local need and built by local suppliers and contractors;
- ☐ The dwelling will be a truly sustainable, low carbon house, a truly energy efficient home;
- ☐ There is nothing like it in Craven and is the type of design that should be encouraged;
- ☐ The scheme will fit very well within the area and it will be very easy to run and maintain.

8. Summary of Principal Planning Issues

8.1 Principle of development.

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

8.3 Scale, design and visual impact of the proposed development.

8.4 Highway issues.

9. Analysis

Principle of development.

9.1 This is a full planning application that seeks approval for both the conversion of an existing stable building and for an extension to this building.

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 submission of the Local Plan is at an advanced stage, and therefore weight can be given to it. However, the NPPF (2018) at paragraph 48 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 this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).'

Officer Note: Officer note: Under paragraph 214 of the NPPF the policies in the previous Framework (2012) will apply to the consideration of the emerging plan policies as the LPA has now submitted its draft Local Plan for examination but the weight to be attached to the policies in the emerging plan remains the same under both the old and new Frameworks. The policies in the 2018

Framework are material considerations which should be taken into account in dealing with applications from the day of publication.

- 9.3 The draft policies set out above are considered to be applicable to this planning application although there are unresolved objections to some policies and an assessment of the significance of those objections has not yet been made. For this reason it is considered beneficial to adopt a precautionary approach and consider that whilst some weight can be given to those policies that have no outstanding objections the greater weight should remain with the Saved Local Plan Policies and the NPPF. For the purposes of this report the relevant saved Local Plan policies and the policies set out in the NPPF will be considered.
- 9.4 As the Local Plan was adopted in 1999 it was not prepared under the Planning & Compulsory Purchase Act 2004. Paragraph 215 of the National Planning Policy Framework (NPPF) states that policies not adopted in accordance with the 2004 Act need to be considered in terms of their degree of consistency with the NPPF stating that 'the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given'. Consequently, where there is any conflict the Local Plan policies carry limited weight and the policies in the NPPF take precedence.
- 9.5 The application site is located in open countryside and therefore must be assessed against saved Local Plan Policies ENV1 and ENV2. Policy ENV1 seeks to protect areas of open countryside from inappropriate and/or sporadic development and does so by limiting development to proposals that:
- Are appropriate in open countryside;
 - Of benefit to the rural economy;
 - Help to maintain or enhance landscape character;
 - Are essential for the efficient operation of agriculture or forestry;
 - Are essential to the needs of the rural community.
- 9.6 Policy ENV2 applies where development is considered to be acceptable under ENV1 and sets out requirements to ensure that development does not have any significantly adverse impacts on the character and appearance of the open countryside.
- 9.7 Saved Policy ENV2 deems development proposals to be acceptable if they are:
- 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;
 - Rural access roads can accommodate the traffic likely to be generated by the proposal;
 - Services and infrastructure can be provided without causing a serious harmful change to the rural character and appearance of the locality.
- These are general planning considerations, broadly in line with the NPPF.
- 9.8 With respect to Saved Local Plan Policy ENV1, it is acknowledged that the proposed dwelling would sit outside development limits and would not be used for agricultural, forestry, or as an essential countryside workers dwelling. In light of the above the proposal would conflict with Saved Policy ENV1.
- 9.9 The extent to which the aforementioned Local plan policies remain up to date and of relevance to the decision making process is considered in this report. The NPPF at paragraph 11 advises that LPA's should be approving development proposals that accord with an up to date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, granting planning permission unless:

- i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii) 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.

- 9.10 The NPPF also does makes allowances for other types of development in rural areas which do not fall strictly within the categories identified within policy ENV1. In particular, paragraphs 78 & 79 of the NPPF recognise that, depending on its location, housing is capable of contributing to the vitality of rural communities by supporting services within neighbouring settlements. With respect to paragraph 79, the key aim is to avoid 'isolated homes' in the countryside unless there are special circumstances.
- 9.11 Therefore, whilst it is recognised that the proposal does not fall within any of the categories of development acceptable in the open countryside under policy ENV1. It does not follow that this in itself is sufficient grounds to resist the principle of residential development, particularly as there is conflict between the ENV1 and paragraphs 78 & 79 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.
- 9.12 With regards to the NPPF and suitability of the site for development in principle, as identified in paragraph 79 the proposals would re-use the disused stable and enhance its immediate setting by converting it to a residential use. The design is also of a very high quality, which it is innovative whilst also incorporating materials which are found within the vicinity at present. The proposed dwelling would help to raise standards of design more generally within the rural area and as the property is expected to be carbon negative in operation, would also help raise awareness in respects to what the Council would expect in terms of sustainability.
- 9.13 Turning to the three dimensions of sustainable development, economic, social and environmental as defined by the NPPF, it is recognised that the proposed development of this would provide economic benefits associated from the proposed dwelling including the provision of construction jobs and from future residents of the proposed dwelling. In addition, the proposal would provide some social benefits as the development would provide an additional dwelling that could help to support the vitality of the local community.
- 9.14 Turning to the environmental dimension of sustainable development, it is acknowledged that the property would be located within the open countryside however; the property will be in close proximity to other residential dwellings and will utilise a number of sustainable materials and installations which will mean that the property is expected to be carbon neutral. Furthermore, an owl hole and bat and bird boxes are to be placed around the dwelling which should encourage the nesting of such creatures. The proposals will re-use a disused building and section of land which could be argued as not being of a great significant visual benefit to the character and appearance of the area. It is considered that the proposals could add and improve the character and appearance of the area given its high quality design.
- 9.15 In conclusion, the application site is located outside of development limits and thus lies in the open countryside and therefore represents a departure from the provisions of Saved Policy ENV1 of the Local Plan. Nevertheless, the application site is located in close proximity to a handful of residential dwellings and is of high quality design, which promotes the use of sustainable materials and installations. Therefore, it is considered that any adverse impacts would not significantly and demonstrably outweigh the benefits of the proposal.

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

- 9.16 The National Planning Policy Framework states that Local Planning Authorities should seek to achieve a good standard of amenity for all existing and future occupants of land and buildings. The General Development Principles of the Local Plan also states that all development should protect the amenities of neighbouring residents and occupiers.

9.17 The application property is surrounded by other residential dwellings to the south. The nearest property with the potential to be impacted by the proposals is Great Gib which is owned and occupied by the applicant of this application. It is not considered that this property will be impacted significantly by the proposals as the extension to the existing stable is to take place to the north of this building, away from the neighbouring property 'Great Gib'. The existing stable is to be converted to a residential use however, it is not considered that this change will be significant enough to cause concerns in regards to the neighbouring properties amenity. Due to the location and orientation of Great Gib and the proposed dwelling, there should be no overshadowing from the proposals on to this neighbouring dwelling. Furthermore, in regards to the size and location of the proposals it is not considered that the property would be overbearing on any neighbouring dwellings. In regards to privacy, no windows are to be installed within the southern elevation of the property. It is therefore considered that these proposals would not impact on any neighbouring properties privacy and amenity.

9.18 It is therefore considered that the proximity and scale of the development will not unacceptably detract from the existing living conditions and general amenities of any neighbouring occupiers.

Scale, design and impact of the proposed development.

9.19 The Council has no specific policies relating to renewable energy as policies UT17 (Renewable Energy General Policy) and UT19 (Energy Conservation Policy) were not saved. As a consequence the proposal will be assessed against the NPPF. Paragraph 131 of the NPPF goes on to say that great weight should be given to outstanding or innovative designs, which promote high levels of sustainability, or help raise the standard of design more generally in the area, so long as they fit in with the overall form and layout of their surroundings.

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

9.21 Paragraph 130 of the NPPF states that permission should be refused where the development is of a poor design which fails to take the opportunities available for improving the character and quality of an area and how it functions. Furthermore, where the design of a development accords with clear expectations in plan policies, design should not be used as a valid reason to object to development by the decision-maker.

9.22 The application proposes one new dwelling within a greenfield site located up the private access track just off Stockshott Lane, in Cononley. The application site is stepped back from the highway by a significant distance, but is still visible from Stock Shott Lane to the front. The property would also be visible to the east via the PROW which runs along the back of the existing stable. However, it is important to note that as there are already a handful of other residential properties located up this access track and therefore any visibility of this site would be viewed amongst other residential dwellings and therefore would not appear to be an isolated dwelling.

9.23 A key aim of design is to create developments that are not only interesting and attractive but look at retaining and enhancing local distinctiveness and provide pleasant places to live whilst strengthening the community feel of a town or a village. The proposed dwelling takes influence from the vernacular in the form of a simple agricultural building; it uses materials that reflect those typically found within the area at present. The materials appear to be of a high standard and would be sympathetic to the character and appearance of the area. The ridge height of the proposed extension is to sit only slightly above the existing stables ridge and therefore should not be overbearing or appear incongruous. The proposed extension will partly drop down below the existing ground level of the stable; this does allow the structure to appear small in size and less imposing. The proposed vehicle

area will be dropped and partly hidden by the proposed dry stone wall to the west. It is therefore considered that the proposed dwelling would not appear incongruous or overly dominant in the general context of this site and would provide an efficient use of a small area of land and stable that has limited benefits in terms of its contribution to the character and appearance of the area.

- 9.24 A small amenity area is provided with this property to the rear of the proposed dwelling, with some minor landscaping being proposed in the form of a double post and rail fence, thorn hedge, dry stone walling, and a number of trees. This landscaping should help screen the dwelling from both the road side and the PROW. As Barn Owl, Bats and Swallows were found in the existing barn the design does incorporate habitats for these animals.
- 9.25 Overall, it is considered that the conversion and extension of the existing stable would be of a scale and size compatible and proportionate to the existing dwellings within the vicinity, and is of such a design that the proposals would not have an unacceptable detrimental impact upon the character and appearance of the area. It is also considered that the proposals would help to raise standard of design within rural areas. Therefore the proposal does not conflict with the guidance in the NPPF.

Highway Issues.

- 9.26 The NPPF advises at paragraph 109 that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
- 9.27 Saved Policy T2 is supportive of development that is appropriately related to the highway network and in particular, doesn't generate volumes of traffic in excess of the capacity of the highway network; does not lead to 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 has a full regard to the highway impact on, and potential for improvement to the surrounding landscape.
- 9.28 In this case the proposed dwelling will be accessed via the existing shared access road. There have been no objections raised by NYCC Highways to the proposals and it is not considered that there will be a significant increase in through traffic from this 2 bedroomed dwelling. Furthermore, car parking has been provided for 2 vehicles which meet the requirements for a property of this size. 2 cycle spaces are also available.
- 9.29 In conclusion, it is considered that the proposal accords with the policy requirements of Saved Policy T2 of the Local Plan and the guidance contained within the NPPF and is therefore considered to be acceptable in terms of highway safety.
- 9.30 Conclusion
- 9.31 Paragraph 11 of the NPPF advises that LPA's should be approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
- 9.32 The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or 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.
- 9.33 On balance, it is considered that there are no adverse impacts arising from the amendments that would significantly and demonstrably outweigh the overarching presumption in favour of sustainable development contained within paragraph 11 of the NPPF, and therefore there are no grounds to withhold planning approval.

10. Recommendation

10.1 Approve with Conditions

Conditions

Time Limit for Commencement

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

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

Approved Plans

- 2 This permission relates to the following plans:

- Location Plan - Drawing No. 2018/A+A/1, received 28th June 2018;
- Existing Site Plan - Drawing No. 2018/A+A/11, received 28th June 2018;
- Proposed Floor Plans - Drawing No. 2018/A+A/20, received 28th June 2018;
- Proposed West Elevation - Drawing No. 2018/A+A/21, received 28th June 2018;
- Proposed East Elevation - Drawing No. 2018/A+A/22, received 28th June 2018;
- Proposed North Elevation and Section C-C - Drawing No. 2018/A+A/23, received 28th June 2018;
- Proposed South Elevation and Section B-B - Drawing No. 2018/A+A/24, received 28th June 2018;
- Proposed Roof Plan & Existing Stable Plan - Drawing No. 2018/A+A/30, received 28th June 2018;
- Proposed Owl Nest - Drawing No. 2018/A+A/31, received 28th June 2018;
- Proposed Bat Box & Sparrow Terrace - Drawing No. 2018/A+A/32, received 28th June 2018;
- Proposed Site Plan - Drawing No. 2018/A+A/130, received 28th June 2018;
- Initial Soft Landscape Proposals - Drawing No. GR/05/18/01, received 28th June 2018;
- Existing Stable Elevations - Drawing No. 621/4/101, received 6th July 2018;
- Existing Stable Elevation and Section 2 - Drawing No. 621/4/102, received 5th July 2018;
- Drainage Statement, received 28th June 2018;
- SAP Assessments, received 28th June 2018;
- Structural Details, received 28th June 2018;
- European Protected Species Bat Survey by Lucille Fairbank Wildlife Survey and Consultancy, received 28th June 2018;
- Design and Access Statement, received 28th June 2018;
- Planning Statement, received 28th June 2018;
- Topographical Survey of Land, received 28th 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 Authority) Local Plan and the National Planning Policy Framework.

Informatives

1. During construction there is a potential for noise nuisance to nearby residential properties.

Operating times for construction should be limited to:

- 08:00am to 18:00pm Monday to Friday
- 08:00am to 13:00pm Saturday
- No Sunday or Bank Holiday working.

2. No works are to be undertaken which will create an obstruction, either permanent or temporary, to the Public Right of Way adjacent to the proposed development. Applicants are advised to contact the County Council's Access and Public Rights of Way team at County Hall, Northallerton via paths@northyorks.gov.uk to obtain up-to-date information regarding the line of the route of the way. The applicant should discuss with the Highway Authority any proposals for altering the route.
3. The applicant should identify all areas of the site and the site operations where dust may be generated and ensure that dust is controlled so as not to travel beyond the site boundary.

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 paragraph 38 of the NPPF.



Application Number: 2018/19492/FUL

Proposal: Change of use of existing stable and extension to form single dwelling

Site Address: Great Gib Farm , Stockshott Lane, Cononley, BD20 8EB

On behalf of: Mr & Mrs Andrew Durham

REPORT TO PLANNING COMMITTEE ON 24th September 2018

Application Number:	2018/19428/ADV
Proposal:	Advertisement consent to fix 3 no. individual composite boards (non-illuminated) underneath existing signage
Site Address:	Falconry Centre Flatlet Crow Nest Road Austwick LA2 8AS
On behalf of:	Buon Vino
Date Registered:	5th June 2018
Expiry Date:	31st July 2018
Case Officer:	Mr Sam Binney

This application has been referred to Planning Committee at the request of Councillor Ireton due to public interest.

1. Site Description

- 1.1 The site relates to a retail unit off Crow Nest Road, Austwick. The site was formerly the Settle Falconry Centre but now operates as 2 units “The Courtyard Dairy” and “Buon Vino”. The site is bounded by Crow Nest Road to the south and the A65 to the east.
- 1.2 The site is located outside development limits and within the Forest of Bowland Area of Outstanding Natural Beauty.

2. Proposal

- 2.1 The application seeks advertisement consent for the installation of :
 - 2 no. single-sided non-illuminated pole-mounted sign. One sign (Sign A) will measure 0.65m in length and 0.60m in height. The base of the sign will be 1.30m above ground level. The other sign (Sign C) will measure 3m in length and 1m in height. The base of the sign will be 4.1m above ground level.
 - 1 no. double-sided non-illuminated pole-mounted sign (Sign B). It will measure 3m in length and 1m in height. The base of the sign will be 2.50m above ground level.
- 2.2 The signs will be constructed of a 3mm thick composite board with an aluminium outer film with pvc core. The text will be white while the background will have a RAL 3011 finish (Brown Red).

3. Planning History

- 3.1 5/49/4 – Conversion of agricultural building at Crow Nest Farm to private dwelling – Withdrawn November 1981.
- 3.2 5/49/4/A – Conversion of barn to form falconry and barn owl release centre with residential accommodation and new build domestic accommodation – Refused November 1988.

- 3.3 5/49/4/B – Conversion of barn to form falconry and barn owl release centre with living accommodation – Not determined – refer to application 5/49/4/C.
- 3.4 5/49/4/C – Falconry and barn owl release centre and dwelling – Approved November 1989.
- 3.5 5/49/4/D – Cashiers office with staff accommodation, incubation unit – Approved December 1990.
- 3.6 5/49/4/E – Flying ring, children's safety area, extension of car park – Approved February 1991
- 3.7 5/49/4/G – Eagle flight building including viewing, interaction and lecture areas, toilet, storage – Approved September 1994.
- 3.8 5/49/4/H – New house for staff and extension to existing facilities to provide all weather education rooms and additional storage – Approved November 1997.
- 3.9 5/49/4/J – Residential training centre/hotel accommodation, new refreshments facilities, car park extension, use of existing facilities for staff and alterations of external works – Approved January 1998.
- 3.10 5/49/4K – Renewal of eagle flight building – Approved September 1999.
- 3.11 49/20000/609 Revised proposals for the construction of bird exhibition facility, residential training centre/hotel accommodation, craft/retail, café, picnic area, car park extension and access improvements for the Yorkshire Dales Falconry & Conservation Centre. Use Classes A1 (restricted in accordance with submitted planning report), A3, C1, D1 (galleries, museums) (Previously approved applications = 5/49/J & 5/49/4/G) – Not determined – Appeal dismissed April 2001.
- 3.12 49/2000/849 - Renewal of planning permission 5/49/4/J for construction of residential training centre/hotel accommodation, new refreshment facilities and car park extension, use of existing facilities for staff, and alterations of external works – Approved January 2001.
- 3.13 49/2001/1335 - Revised proposal of application no. 49/2000/609 for the construction of bird exhibition facility, residential training centre/hotel accommodation, craft/retail, café, picnic area, car park extension and access improvements for the Yorkshire Dales Falconry & Conservation Centre. Use Classes A1 (Restricted in accordance with submitted planning report) A3, C1, D1 (Galleries, Museums). (Previously approved applications = 5/49/4/J Residential Training Centre/Hotel & 5/49/4/G Bird Exhibition Centre) – Refused August 2001 – Appeal dismissed February 2002.
- 3.14 49/2002/2583 - Renewal of planning permission ref. 5/49/4/H for new house for staff and extension to existing facilities to provide all weather education rooms and additional storage. Approved 10/12/2002.
- 3.15 49/2004/4433 – New paddock areas, enclosures and accommodation to house a range of exotic animals, together with construction of additional bird of prey accommodation, indoor flying area, and additional visitor facilities – Withdrawn June 2005.
- 3.16 49/2015/16108 - Revised description: Vary condition No. 9 from previously approved application (5/49/4/C) - Falconry and barn owl release centre and dwelling – Withdrawn October 2015.

- 3.17 49/2016/16299 - Change of use from falconry and barn owl release centre with associated dwelling to an employment generating use with ancillary living accommodation – Approved December 2015.
- 3.18 49/2016/17282 - Change of use of falconry and barn owl release centre to artisan cheese based visitor attraction comprising cheese maturing stores, tasting and cheese making / demonstration room, cheese biased café, and retail cheese sales area. Continued occupation of the existing attached dwelling for purposes ancillary to the principal use of the site. Approved 01st November 2016.
- 3.19 49/2017/17967 - Change of use C3 (residential with restriction of occupation to those employed by the business on the site) to Class A1 (retail); associated with the approved cheese visitor centre. Approved 06th June 2017.
- 4. Planning Policy Background
- 4.1 National Planning Policy Framework (NPPF).
- 5. Parish/Town Council Comments
- 5.1 Lawkland Parish Meeting: “No objections to the application as submitted”.
- 6. Consultations
- 6.1 NYCC Highways: No comments received within statutory consultation period.
- 7. Representations
- 7.1 Site Notice dated 22nd June 2018.
- 7.2 Press Notice not required.
- 7.3 No neighbour notification letters required.
- 7.4 No letters of representation have been received.
- 8. Summary of Principal Planning Issues
- 8.1 Impact of the advertisements upon the character and appearance of the surrounding area.
- 9. Analysis
- 9.1 Alongside a variety of others, one of the core planning principles contained within the National Planning Policy Framework is that of good design achieving sustainable development. Of relevance to this particular proposal is Paragraph 132 of the NPPF which states that ‘the quality and character of places can suffer when advertisements are poorly sited and designed’. Additionally, when determining such proposals, ‘advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts’.
- 9.2 Paragraph 172 of the NPPF also states that “great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty”.
- 9.3 Signage is already in situ for ‘The Courtyard Dairy’ in each of the 3 proposed locations. The proposed signage will be mounted to the same poles but will be smaller and lower down than the existing signs for The Courtyard Dairy. The signage style and design will mostly match the signs for The Courtyard Dairy includes the size and style of the font. However, the main difference is that the proposed ‘Buon Vino’ signs will have a RAL 3011 “Brown Red” background colour.

- 9.4 The signage would be in addition to the signage which exists at the site for The Courtyard Dairy. However, those signs are unauthorised. Schedule 3, Part 1, Class 13 of The Town and Country Planning (Control of Advertisements)(England) Regulations 2007 lists exemptions for where advertisements have been used on site for the preceding ten years without express consent. This signage used to be used for the former Falconry Centre business at the site. However, sub-paragraph (1) of the aforementioned Class clearly stated that “an advertisements does not fall within this description if, during the relevant 10-year period, there has been wither a material increase in the extent to which the site has been used for the display of advertisements or a **material alteration in the manner in which it has so been used**”. (emphasis added). The signage now advertises a different business at the same site, and the temporary structure supporting the signs appears to have been altered to some extent. On this basis, the existing signage is not a material consideration in the determination of this application.
- 9.5 As the existing signage is unauthorised, the location of the proposed signage is considered unacceptable in principle. The design of the proposed signage will mostly match the existing signage, though the cumulative impact on visual amenity and public safety needs to be taken into consideration. The signage will result in a greater visual impact upon the surrounding area than the current signage due to the presence of more signs.
- 9.6 It is considered that while the type of proposed signage would be acceptable, the siting of the signage is considered to be inappropriate. On this basis, the proposal is contrary to national planning policy as outlined in Paragraph 132 of the NPPF.
- 9.7 The main considerations under the Local Planning Authority’s control are that of public safety and amenity. The Highways Authority was consulted as part of this application, as referenced in paragraph 6.1, but no objections were received. While the proposals are in relatively close proximity to the adopted public highway, the proposed signs would not project over the highway or any adjacent pavements. On this basis, it is considered that the proposal is acceptable in terms of public safety.
- 9.8 Conclusion.
- 9.9 Paragraph 11 of the Framework indicates LPA’s should be approving development proposals that accord with an up-to-date development plan without delay; or where there are no development plan policies, or the policies which are most important for determining the application are out-of-date, granting planning permission unless:
- 9.10 The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or 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.
- 9.11 On balance, it is considered that the adverse impacts arising from the proposed development would result in a significant detrimental impact to visual amenity and the quality and character of the surrounding area. It is considered that the adverse impacts arising from the proposed development would be contrary to paragraph 132 of the NPPF. Additionally, the proposed advertisements do not conserve or enhance the landscape and scenic beauty present in the surrounding Area of Outstanding Natural Beauty and is therefore contrary to paragraph 172 of the NPPF. On this basis, the proposal is unacceptable and should be refused.

10. Recommendation

10.1 Refuse

Reasons for Refusal

The proposed signage will result in a significant detrimental impact to visual amenity and the quality and character of the surrounding area. On balance, it is considered that the adverse impacts arising from the proposed development would be contrary to paragraph 132 of the NPPF. Additionally, the proposed advertisements do not conserve or enhance the landscape and scenic beauty present in the surrounding Area of Outstanding Natural Beauty and is therefore contrary to paragraph 172 of the NPPF. On this basis, the proposal is unacceptable and should be refused.

Informatives

Statement of Positive Engagement:

In dealing with this application Craven District Council has sought to approach the decision making process in a positive and creative way, in accordance with the requirements of paragraph 38 of the NPPF.



Application Number: 2018/19428/ADV

Proposal: Advertisement consent to fix 3 no. individual composite boards (non-illuminated) underneath existing signage

Site Address: Falconry Centre, Flatlet, Crow Nest Road, Austwick, Lancaster, LA2 8AS

On behalf of: Buon Vino

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REPORT TO PLANNING COMMITTEE ON 24th September 2018

Application Number: 2018/19150/FUL

Proposal: Proposed bungalow at Well Spring Farm

Site Address: Well Spring Farm Lothersdale Road Glusburn BD20 8JD

On behalf of: Mr Thompson

Date Registered: 4th June 2018

Expiry Date: 30th July 2018

Case Officer: Mandy Cooper

This application is being presented to Planning Committee as it represents a Departure from Development Plan Policy.

1. Site Description

- 1.1 For the purposes of planning, the application site is located outside of any development limits and is therefore classed as being in open countryside.
- 1.2 The existing farmhouse is to the north east of the site, adjacent to the road. Attached to the south of that is a barn conversion occupied by the applicant's brother, and attached to the south of that is a barn conversion 'The Laithe' occupied by the applicant's sister. Both barn conversions were carried out under 5/32/366B, with two additional earlier applications which were not implemented under .
- 1.3 The proposal site is located to the south of Well Spring Farm; beyond which is a manege and agricultural land further to that, both south and west of the site. In regards to the farmsteads location it is situated on the south side of Lothersdale Road and approximately 210km west of the development limits of the settlement of Glusburn.
- 1.4 The application site comprises a number of three dilapidated agricultural buildings which are now surplus to requirements and due to the method and materials used for construction are not worthy of retention or conversion. There are more modern buildings to the north of the site which provide for the majority of farming on the larger site; in addition to a livestock building situated to the east of the application site.
- 1.5 The application site is some 0.15ha in size and of the three buildings; the most westerly has a black sheet metal roof with a mix of horizontal timber and black sheet metal cladding. The other two buildings are constructed in concrete blocks for the lower section of wall and timber cladding for the remainder and up to eaves level, with the roof being metal sheet.
- 1.6 The existing buildings were originally used for the housing of pigs (in addition to the storage of bales), which are no longer farmed by the applicant. The site base is concrete and connects to the access road to the north of the site.

2. Proposal

- 2.1 The proposal is for the demolition of the three existing agricultural buildings and construction of a new (three no. bedroom) dwelling. This would serve as a new home for the owners of the farm who are planning to retire in the near future and hand over the farm to their daughter.
- 2.2 The new dwelling would be situated to the south of the existing dwellings and majority of the older barns (to be retained) on site. There is however a larger barn to the east of the site which would minimise views of the proposal.
- 2.3 External materials would comprise natural stone walls, with natural stone surrounds to the windows. The roof would be reproduction stone slates and the windows would be double glazed timber frames painted in grey (RAL7040) with the doors also being timber and painted the same colour. Rainwater goods would be in black UPVC, with biomass district heating.
- 2.4 The proposed dwelling would utilise the existing site access with parking spaces provided within the application site curtilage.

3. Planning History

32/2017/17855 - Proposed agricultural building over existing silage clamp – Approved 25.04.2017

32/2004/4311 - New stone and glass conservatory to back façade (Well Springs Farm) – Approved 15.06.2004

5/32/366B – (Agricultural tie / holiday purposes) Conversion of existing barn to form two dwellings at Well Springs Farm – Approved 06.09.1993

5/32/366A – Reserved Matters for conversion of barn at Well Springs Farm – Approved 12.08.1988

5/32/366 – Outline conversion of barn at Well Springs Farm – Approved 12.08.1983

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 Craven District Council is in the process of preparing a new Local Plan to cover the period up to 2032. The Submission Draft Craven Local Plan 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 (2018) at paragraph 48 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 this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).'*

4.3 National Policy

National Planning Policy Framework (NPPF) (revised 2018)

Planning Practice Guidance (PPG)

ODPM Circular 06/2005 'Biodiversity and Geological Conservation' dated 16/08/2005

Craven District (Outside the Yorkshire Dales National Park) Local Plan (CDLP)

ENV1 Development in the Open Countryside
ENV2 Requirements for Development in Open Countryside
H8 Rural Buildings for Residential Use
T2 Road Hierarchy

Submission Draft Local Plan (SDLP)

SP1 Meeting Housing Need
SP4 Spatial Strategy and Housing Growth
ENV1 Countryside and Landscape
ENV3 Good Design

5. Glusburn & Cross Parish/Town Council Comments

No adverse comments

6. Consultations

NYCC Highway Officer - No local highway authority objections to the proposed development

Environmental Health – Recommends conditions relating to noise, sewerage, asbestos, dust and clean topsoil

Environmental Health (Contamination) – There are no known contaminated land implications regarding the proposed development.

7. Representations

The appropriate neighbouring properties were notified of the application by letter and a notice was posted on site.

8. Summary of Principal Planning Issues

- Principle of Development
- Impacts on the Character and Appearance of the Area
- Residential Amenity
- Biodiversity
- Highway Safety

9. Analysis

9.1 Principle of Development

- 9.2 The site falls outside the development limits defined on the CDLP Proposals Map and, accordingly, is within the open countryside. 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. The policy does, however, make an allowance for *‘small scale development appropriate for the enjoyment of the scenic qualities of the countryside’* which *‘clearly benefits the rural economy’* or *‘helps to maintain or enhance landscape character.’* This objective is broadly in accordance with part of the fifth core land-use planning principle in paragraph 79 of the Framework which requires that new dwellings should *‘significantly enhance its immediate setting and be sensitive to the defining characteristics of the local*

area.’ The proposal would improve the visual aspect of the overall site by removing existing buildings which, due to the dilapidated state, currently detract from, rather than enhance the immediate setting of the area.

- 9.3 Paragraph 11 of the NPPF advises that plans and decisions should apply a presumption in favour of sustainable through both plan-making and decision-taking. It also states that where the development plan or relevant policies are out-of-date, permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits.
- 9.4 Paragraph 48 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 48 makes clear that the policies in the Framework must take precedence.
- 9.5 In March 2018 the Council submitted the Council’s New Local Plan to the Secretary of State. The Housing Trajectory 2012 to 2032, including the 2018 update for Submission indicates that the Council can now demonstrate a 5 year supply of housing sites. However, the stated existence of the Five Year Housing Land Supply is not reason in itself to justify refusal of a planning application. It is a material consideration in planning that can be given weight in the decision making process. In effect it is one of many planning issues that should be taken into account when determining a planning application.
- 9.6 Paragraph 73 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 is a recently adopted plan or there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 10% or 20% respectively, in order to provide a realistic prospect of achieving the planned supply.
- 9.8 Paragraph 78 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. In regards to housing in rural areas, the main purpose of paragraph 79 of the NPPF is to avoid isolated homes in the countryside unless certain circumstances are applicable.
- 9.9 The term ‘*isolated homes in the countryside*,’ and its interpretation, was considered in a recent appeal case, Braintree District Council v Secretary of State for Communities and Local Government, Greyread Limited & Granville Developments Limited [2017] EWHC 2743 (Admin); [2018] EWCA Civ 610. In accordance with the judgement on that case ‘isolated’ in the context of the NPPF should be given its dictionary meaning, with the distinction between settlements and the countryside being a physical analysis rather than a mixture of the functional and physical. Based on this judgement therefore, the key test to apply when considering isolation is whether the proposal is physically immediate to other dwellings.
- 9.10 As aforementioned the site is within 210m of the western development limit of Glusburn, where there are existing residential dwellings. In addition, the site is within 470m of the nearest children’s play space at Glusburn Park; Glusburn Primary School is within 700m; South Craven Secondary School 1.2km and Cononley Train Station 1.57km from the proposal site. Cross Hills Centre is around 1km and the nearest bus stop is 360m from the application site.
- 9.11 Taking into consideration the scale of the proposal, the location close to other residential properties and the design, the proposal can be regarded as acceptable within the terms of CDLP policy ENV1 and paragraph 79 of the NPPF especially given the interpretation set out in the recent judgement. Additionally, the application site is situated within a 10 minute walk of local services.

- 9.12 Notwithstanding the above position in terms of the principle of the development, and the contribution the development would make to the supply of housing, the proposal must also be considered in relation to the following matters.
- 9.13 Impact on the Character and Appearance of the Area
- 9.14 CDLP Policy ENV2 states that development should be compatible with the character of the surrounding area and the design of buildings should relate to the setting, taking account of the immediate impact and public views of the development. The proposed dwelling would be situated off Lothersdale Road where there is an existing group of dwellings and an association that reduces the impact than a more remote dwelling would have on the landscape.
- 9.15 SDLP draft policy ENV3 promotes good design and states that: (a) development should respond to its natural and built context (b) designs should respect the form of surrounding buildings including density, scale, height, massing and use of high quality materials and (d) Development should seek to enhance local distinctiveness.
- 9.16 The NPPF stresses that the Government attaches great importance to the design of the built environment and that good design is a key aspect of sustainable development. In particular, paragraph 127 sets out six design criteria to inform planning decisions and paragraph 130 stresses 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.'*
- 9.17 The proposed dwelling would be seen in the context of the existing close knit group of buildings and, would replace the existing buildings which are degrading and therefore improve the overall appearance of the site. In addition, the proposed bungalow would be of a similar height to the buildings it would replace. Moreover, the proposal would reflect the local distinctiveness of the adjacent dwellings in respect of materials and general design details and on this basis, would comply with the relevant saved and emerging policies and the provisions of the updated NPPF.
- 9.18 Residential Amenity
- 9.19 There are no saved Local Plan policies setting out specific criteria for residential developments outside development limits with respect to their effects on the amenity of existing and future occupiers. SDLP draft policy ENV3 includes requirements (e) that development should protect the amenity of existing residents and create acceptable amenity conditions for future occupiers and (g) that designs should anticipate the need for external storage space including space for the storage and collection of non-recyclable and recyclable waste. Point (f) of paragraph 127 of the NPPF states that planning decisions should create places (amongst other things) *'with a high standard of amenity for existing and future users.'*
- 9.20 As previously mentioned, the proposed dwelling would be sited where the existing agricultural buildings are currently sited and would comprise of a relatively modest three bedroom single storey dwelling, incorporating an attached garage.
- 9.21 The proposed dwelling would be situated to the south of the existing dwellings/barn conversion but would be viewed as forming part of the overall group. There are facing windows on the side facing elevations of the (south) existing dwelling(s) but there is a sufficient gap of 25m which would ensure that there would be no direct overlooking, loss of light or overshadowing as a result of the proposal. In addition, the proposed dwelling would for the most part, be situated behind an existing stone barn.
- 9.22 Biodiversity

- 9.23 Paragraph 170 of the NPPF advises that *'policies and decisions should contribute to and enhance the natural and local environment by:'* (amongst other things) ensuring the protection and enhancement of sites of biodiversity and *'minimising impacts on and providing net gains for biodiversity.'* Paragraph 175 advises which principles to apply when determining applications which have the potential to impact on biodiversity. It states that in instances where the impact of development cannot be mitigated or compensated, then planning permission should be refused.
- 9.24 An Ecological Appraisal has been submitted with the application by Envirotech Ecological Consultants (dated 25.04.2018). The appraisal advises that both a data search and desk top study were covered, along with a visit to the site on the 23rd April 2018. The survey was taken to establish the presence of bats, nesting birds, brown hares and badgers – within proximity of the site.
- 9.25 The Appraisal states that the survey consisted of an internal and external inspection of the existing buildings to be demolished, along with the adjacent areas, as the presence of amphibians and bats have been recorded locally. The report concludes that the existing three barns did not demonstrate any current use by bats and would not have the potential to support bat roosts; in addition to there being no evidence of recent use by other protected species.
- 9.26 As a precautionary note there are recommendations within the appraisal which refer to the unlikely discovery of species, in addition to the provision of habitat creation. Any permission would include a suitable condition to ensure that all the recommended precautions are undertaken and habitats are generated where possible.
- 9.27 The proposal is therefore considered to accord with saved policy H8; paragraphs 170 and 175 of the NPPF and advice set out in paragraph 99 of the ODPM Circular 06/2005 *'Biodiversity and Geological Conservation'* dated 16.08.2005.
- 9.28 Highway Safety
- 9.29 Saved local plan policy T2 and paragraph 102 of the NPPF set out requirements relating to highway safety and capacity and point (c) of paragraph 102 refers to *'opportunities to promote walking, cycling and public transport.'* NYCC Highways has stated no objections to the proposed development.
- 9.30 Based on the Highway Officers assessment, there are therefore no concerns in relation to highway safety and the proposal complies with saved policy T2 and the relevant paragraph in the NPPF.
- 9.31 Conclusion

Paragraph 11 of the NPPF advises that LPA's should be

approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless

the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

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

On balance, it is considered that there are no adverse impacts arising from the amendments that would significantly and demonstrably outweigh the overarching presumption in favour of sustainable development contained within paragraph 11 of the NPPF, and therefore there are no grounds to withhold planning approval.

10. Recommendation

10.1 Approve with 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:

- P1795.001 - Proposed elevations as received on 29th March 2018
- P1975.002 - Proposed floor and roof plan as received on 29th March 2018
- P1975.003 - Existing/proposed site plan as received on 29th March 2018
- P1975.004 - Existing site plan as received on 29th March 2018
- P1975.005 - Proposed site plan as received on 1st May 2018
- P1975.006 - Site location plan as received on 1st May 2018

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

Reason: For the avoidance of doubt and to ensure a satisfactory standard of development in accordance with the policies contained within the Fylde Borough Local Plan and the National Planning Policy Framework.

Before you Commence Development

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

Reason: Because a well-designed landscaping scheme can enhance the living environment of future residents, reduce the impact of the development on the amenities of existing residents and help to integrate the development into the surrounding area.

- 4 No above ground works shall take place until a scheme for the disposal of foul and surface water from the site 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:
- (i) separate systems for the disposal of foul and surface water;
 - (ii) details of the rate of surface water discharge from the site to any soakaway, watercourse or sewer, including provisions to ensure that the post-development discharge rate does not exceed the pre-development rate (incorporating an appropriate allowance for climate change);

- (iii) details of any necessary flow attenuation measures, including the use of SUDS where appropriate; and
- (iv) details of how the scheme 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, and shall be maintained and managed as such thereafter.

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

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

Ongoing Conditions

- 6 The development hereby permitted shall be implemented in strict accordance with the [SPECIFY - ecological report details] and any variation thereto shall be agreed in writing by the local planning authority before such change is made.

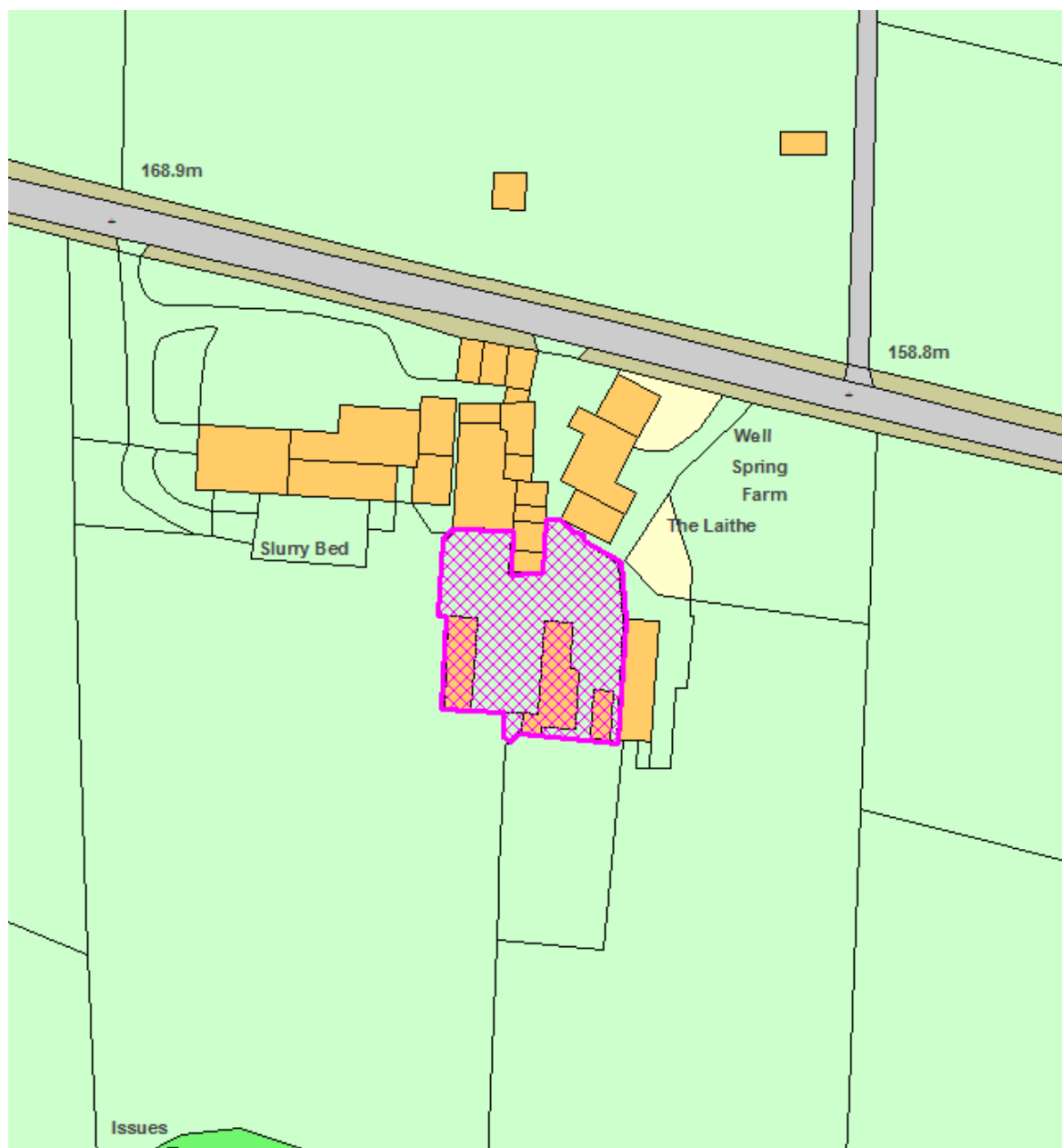
Reason: To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2010.

- 7 No development [other than that expressly authorised by this permission] consisting of the enlargement, improvement or other alteration of the permitted dwellinghouse and garage, the erection of any ancillary buildings, or the erection of boundary walls or fences shall be carried out within the curtilage of the dwellinghouse hereby permitted.

Reason: To retain control over ancillary development that may affect the character and appearance of the development and area or that may affect the privacy and amenities of neighbouring residents.

Informatives

1. All wild birds, nests, eggs and young are protected under the Wildlife & Countryside Act 1981 (as amended). The grant of planning permission does not override the above Act. All applicants and sub-contractors are reminded that persons undertaking site clearance, hedgerow removal, demolition works etc. between March and August may risk committing an offence under the above Act and may be liable to prosecution if birds are known or suspected to be nesting. The Council will pass complaints received about such work to the appropriate authorities for investigation. The Local Authority advises that such work should be scheduled for the period 1 September-28 February wherever possible. Otherwise, a qualified ecologist should make a careful check before work begins.



Application Number: 2018/19150/FUL

Proposal: Proposed bungalow at Well Spring Farm

Site Address: Well Spring Farm, Lothersdale Road, Glusburn, BD20 8JD

On behalf of: Mr Thompson

REPORT TO PLANNING COMMITTEE ON 24th September 2018

Application Number: 2018/19314/FUL

Proposal: Demolition of existing agricultural buildings and construction of new dwelling

Site Address: Old Shippon Site Park Farm Park Lane Cowling BD22 0NH

On behalf of: Mrs Rosemary Berry

Date Registered: 30th May 2018

Expiry Date: 25th July 2018

Case Officer: Mandy Cooper

This application is being presented to Planning Committee as it represents a Departure from Development Plan Policy.

1. Site Description

- 1.1 For the purposes of planning, the application site is located outside of any development limits and is therefore classed as being in open countryside.
- 1.2 The application site comprises a number of adjoined buildings which are currently used for livestock, feed and general storage with a small area of land adjoining to the southwest, which is enclosed by an existing dry stone wall.
- 1.3 The two barns are situated within a group of four barns, two of which are subject to a separate application and propose to provide ancillary buildings to this application (2018/19315/FUL). The application site also forms part of a group of around 10 or more residential properties, which are all situated to the same side (west side) of Park Lane. Park Lane directly joins the A6068 which leads to Cross Hills, which has rail connections to Leeds, Manchester and Bradford.
- 1.4 The adjacent landscape beyond to the north, northeast and west is primarily used for grazing with some scattered woodland.

2. Proposal

- 2.1 The proposal is for the demolition of existing agricultural buildings and construction of a new (three no. bedrooms) dwelling.
- 2.2 The development would be sited on precisely the same footprint as the existing agricultural buildings and part of the lower wall (up to a maximum height of 1m) would remain and form part of the
- 2.3 Materials for the walls would match those of the adjacent barns in respect of dry stone walls. The proposed roof would comprise of natural blue slate and the openings (windows and doors) would be in timber effect UPVC in golden oak.
- 2.4 Foul sewage would be discharged to an existing package treatment plant in the adjoining field to the west and under the applicant's ownership. Surface water would be discharged via a soakaway.

3. Planning History

2018/19315/FUL – Conversion of agricultural buildings to domestic garage and store to serve new dwelling (2018/19314/FUL) – Pending consideration

22/2016/17403 - Conversion of existing agricultural buildings to three dwellings. (Prior Approval Notification)- Prior Approval Granted 28.11.2016

22/2012/12621 - Construction of dwelling for agricultural worker (correction of drawing of south west elevation) – Approved 12.11.2012

22/2012/12668 – Extension of residential curtilage and construction of a garage extension to side of property – Approved 01.10.2012

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 Craven District Council is in the process of preparing a new Local Plan to cover the period up to 2032. The Submission Draft Craven Local Plan was submitted to the Secretary of State on 27th March 2018. The submission is at an advanced stage. However, the NPPF (2018) at paragraph 48 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 this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).'*

4.3 National Policy

National Planning Policy Framework (NPPF) (revised 2018)

Planning Practice Guidance (PPG)

ODPM Circular 06/2005 'Biodiversity and Geological Conservation' dated 16/08/2005

4.4 Craven District (Outside the Yorkshire Dales National Park) Local Plan (CDLP)

ENV1 Development in the Open Countryside

ENV2 Requirements for Development in Open Countryside

T2 Road Hierarchy

4.5 Submission Draft Local Plan (SDLP)

SP1 Meeting Housing Need

SP4 Spatial Strategy and Housing Growth

ENV1 Countryside and Landscape

ENV3 Good Design

5. Parish/Town Council Comments

No response (expiry date: 27.06.2018)

6. Consultations

NYCC Highways - Following submission of an amended plan (002 Proposed Rev A) the design standard for the site is MfS and the required visibility splay is 33m by 2m. This will be achieved by lowering of the walls either side of the proposed access. The Local Highway Authority recommends that conditions relating to access/verge crossings and construction requirements are attached to any permission granted.

NYCC Highways – 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 33 metres by 2 metres. The available visibility is 12 metres by 2 metres south west and 17 metres by 2 metres north east. Consequently, the Local Highway Authority recommends that Planning Permission is REFUSED

'The existing access, by which vehicles associated with this proposal would leave and re-join the County Highway is unsatisfactory since the required visibility of 33 metres x 2 metres cannot be achieved at the junction with the County Highway and therefore, in the opinion of the Planning Authority, the intensification of use which would result from the proposed development is unacceptable in terms of highway safety.'

Yorkshire Water Services – No response

Environmental Health Officer (Contamination) - The historical use of the agricultural building may have led to some contaminated land issues, namely fuel or agricultural chemical storage. The proposal would introduce a sensitive receptor to the site and this must be taken into account. Any potential contamination is likely to be isolated and in order to ensure any potential risk is suitably addressed an appropriate condition should be included in any permission.

Environmental Health Officer - Having considered this application, I have not identified any potential Environmental Protection issues that would give cause for concern.

7. Representations

The appropriate neighbouring properties were notified of the application by letter; a notice was posted on site and in the Craven Herald. No representations have been received to date (overall expiry 06.07.2018).

8. Summary of Principal Planning Issues

- Principle of Development
- Impacts on the Character and Appearance of the Area
- Residential Amenity
- Biodiversity
- Highway Safety

9. Analysis

9.1 Principle of development

9.2 The site falls outside the development limits defined on the CDLP Proposals Map and, accordingly, is within the open countryside. 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. The policy does, however, make an allowance for 'small scale development appropriate for the enjoyment of the scenic qualities of the countryside' or which 'helps to maintain or enhance landscape character.'

9.3 Paragraph 11 of the NPPF advises that plans and decisions should apply a presumption in favour of sustainable through both plan-making and decision-taking. It also states that where the development plan or relevant policies are out-of-date, permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits.

9.4 Paragraph 48 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 48 makes clear that the policies in the Framework must take precedence.

9.5 In March 2018 the Council submitted the Council's New Local Plan to the Secretary of State. The Housing Trajectory 2012 to 2032, including the 2018 update for Submission indicates that the Council can now demonstrate a 5 year supply of housing sites. However, the stated existence of the Five Year Housing Land Supply is not reason in itself to justify refusal of a planning application. It is a material consideration in planning that can be given weight in the decision making process. In effect it is one of many planning issues that should be taken into account when determining a planning application.

- 9.6 Paragraph 73 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 is a recently adopted plan or there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 10% or 20% respectively, in order to provide a realistic prospect of achieving the planned supply.
- 9.7 Paragraph 78 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.
- 9.8 The main objective of saved 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 part of the fifth core land-use planning principle in paragraph 79 of the Framework which requires that new dwellings should *'significantly enhance its immediate setting and be sensitive to the defining characteristics of the local area.'* The main purpose of paragraph 79 however, is to avoid isolated homes in the countryside unless certain circumstances are applicable.
- 9.9 The term 'isolated homes in the countryside,' and its interpretation, was considered in a recent appeal case, Braintree District Council v Secretary of State for Communities and Local Government, Greyread Limited & Granville Developments Limited [2017] EWHC 2743 (Admin); [2018] EWCA Civ 610. In accordance with the judgement on that case 'isolated' in the context of the NPPF should be given its dictionary meaning, with the distinction between settlements and the countryside being a physical analysis rather than a mixture of the functional and physical. Based on this judgement therefore, the key test to apply when considering isolation is whether the proposal is physically immediate to other dwellings.
- 9.10 Taking into consideration the scale of the proposal, the location close to other residential properties and the design, the proposal can be regarded as acceptable within the terms of CDLP policy ENV1 and paragraph 79 of the NPPF especially given the interpretation set out in the recent judgement. Furthermore, the application site is situated within a 10 minute walk of a school, church and park, as well as within a 15 minute walk of a shop and other services.
- 9.11 Notwithstanding the above position in terms of the principle of the development, and the contribution the development would make to the supply of housing (albeit small), the proposal is considered acceptable in principle but will also be subject to all other matters being satisfactory.
- 9.12 Impact on the Character and Appearance of the Area
- 9.13 CDLP Policy ENV2 advises that development should be compatible with the character of the surrounding area and the design of buildings should relate to the setting, taking account of the immediate impact and public views of the development. The buildings are situated off Park lane where there are farms and houses which make a group of dwellings and ancillary buildings and an association which reduces the impact that a remote dwelling would have on the landscape.
- 9.14 SDLP draft policy ENV3 promotes good design and states that: (a) development should respond to its natural and built context (b) designs should respect the form of surrounding buildings including density, scale, height, massing and use of high quality materials and (d) Development should seek to enhance local distinctiveness.
- 9.15 The NPPF stresses that the Government attaches great importance to the design of the built environment and that good design is a key aspect of sustainable development. In particular, paragraph 127 sets out six design criteria to inform planning decisions and paragraph 130 stresses 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.'*
- 9.16 The proposed dwelling would be seen in the context of the existing close knit group of buildings and, would be very similar in form and scale to the existing agricultural buildings which it would replace. Moreover, the proposal would reflect the local distinctiveness of the adjacent dwellings in respect of

materials, form and general design details and on this basis, would improve the visual aspect of the existing views from outside the site and result in 'planning gain.' The proposal therefore complies with the relevant saved and emerging policies and the provisions of the updated NPPF.

9.17 Residential Amenity

- 9.18 There are no saved Local Plan policies setting out specific criteria for residential developments outside development limits with respect to their effects on the amenity of existing and future occupiers. SDLP draft policy ENV3 includes requirements (e) that development should protect the amenity of existing residents and create acceptable amenity conditions for future occupants. Point (f) of paragraph 127 of the NPPF states that planning decisions should create places (amongst other things) *'with a high standard of amenity for existing and future users.'*
- 9.19 As previously mentioned, the proposed dwelling would be sited on the same footprint as the existing barns to be demolished and would be a relatively modest, three bedroom dwelling with a small bedroom to ground floor and two further bedrooms in the eaves. A garage/workshop would adjoin the dwelling to the southeast.
- 9.20 The northeast facing wall would, as with the current arrangement, abut the side of the rear garden to Park Farm. There would be one window to first floor on this elevation which would serve bedroom one. This is however shown to be obscured and a condition which ensures it is non-opening should be included in any permission. This bedroom would also incorporate two roof lights – one each to the roof plane of the southeast and northwest and therefore ensuring sufficient light and ventilation to this room. All other windows would face either southwest to the main garden of the proposal or northwest and overlooking the adjoining open fields.
- 9.21 There is a relatively new residential property adjacent to the proposal to the south of the proposal site (Middle House Farm). There are some facing windows but from corner to corner (closest point) of the existing and proposed is an acceptable distance of 23m.
- 9.22 A further consideration is the approved portal framed agricultural building (2017/18635/FUL) approved in connection with Middle House Farm. This will be situated to the southwest of the application site at a distance of around 15m and at a height of 5.37m to pitch (3.66m to eaves). This will affect some of the evening sunlight received to windows to the northwest and southwest elevations of the proposal, more so during the winter months but not to an unacceptable degree.
- 9.23 On the basis of the above assessment, the proposal is acceptable in respect of amenity for both future occupants and existing adjacent households and therefore complies with the relevant emerging and saved policies as well as the provisions of the NPPF.

9.24 Biodiversity

- 9.25 Saved local plan policy H8 (in particular criterion 9) states that the conversion of traditional rural buildings for residential use will be permitted provided that... Provision will be made to preserve existing barn owl and bat roosts under the 1981 Wildlife and Countryside Act. Relevant parts of this Act are also listed within the applicant's 'Bat Scoping Assessment' which has been submitted in support of this application.
- 9.26 Paragraph 170 of the NPPF advises that 'policies and decisions should contribute to and enhance the natural and local environment by:' (amongst other things) ensuring the protection and enhancement of sites of biodiversity and 'minimising the impacts on and providing net gains for biodiversity.' Paragraph 175 advises which principles to apply when determining applications which have the potential to impact on biodiversity. It states that in instances where the impact of development cannot be mitigated or compensated, then planning permission should be refused.
- 9.27 The Assessment advises that the survey consisted of an internal and external inspection of the existing buildings (all four barns) in order to locate potential bat roosts. This included searching for voids, gaps and cracks in the roof, walls and ridge tiles which might potentially provide access. A further inspection was made for evidence of droppings, insect remains; grease or scratch marks on sills, doors or around eaves and roof verges etc.

- 9.28 The report states that the majority of the buildings (barns 1, 2 & 3) due to the materials and construction would have a low potential for bat roosts. Barn 4 however does provide some roost opportunities but does not, along with barn 3 form part of this application (2018/19315/FUL – Conversion of agricultural buildings to domestic garage and store to serve existing adjacent barn conversion – 2018/19314/FUL.
- 9.29 The report concludes that barns 1 to 3 have a low potential for bats and will not require any further surveys prior to works commencing. It adds however that should there be any re-roofing works to barn 4, then two dusk emergence surveys will be required before works can commence on this building. A condition requiring this would be included in any permission.
- 9.30 The proposal is therefore considered to accord with saved policy H8; paragraphs 170 and 175 of the NPPF and advice set out in paragraphs 99 of the ODPM Circular 06/2005 'Biodiversity and Geological Conservation' dated 16.08.2005.
- 9.31 Highway Safety
- 9.32 Saved local plan policy T2 and paragraph 102 of the NPPF set out requirements relating to highway safety and capacity and point (c) of paragraph 102 refers to 'opportunities to promote walking, cycling and public transport.' NYCC Highway Officer initially objected to the proposal on the basis of insufficient visibility from the proposed access. Amended plans were then submitted which indicates the lowering of the existing walls to improve visibility and the achievement (in both directions) of the required 33x2m.
- 9.33 The proposed new dwelling would generate very little additional traffic along Park Lane which does not appear to experience high congestion. Based on the Highway Officers assessment, there are therefore no concerns in relation to highway safety. On this basis, there are therefore no concerns in relation to highway safety and the proposal complies with saved policy T2 and the relevant paragraph in the NPPF.
- 9.34 Conclusion
- Paragraph 11 of the NPPF advises that LPA's should be approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless
- the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
- 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*
- On balance, it is considered that there are no adverse impacts arising from the amendments that would significantly and demonstrably outweigh the overarching presumption in favour of sustainable development contained within paragraph 11 of the NPPF, and therefore there are no grounds to withhold planning approval.
10. Recommendation
- 10.1 Approve with 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:

001 Rev A - Existing buildings as received on 4th July 2018

002 Rev B - Amended access details for proposed house as received on 11th September 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 Fylde Borough Local Plan and the National Planning Policy Framework.

Before you Commence Development

- 3 The development shall be carried out in full accordance with the advice and recommendations set out in the Bat Scoping Assessment by 'PBA Applied Ecology Ltd' (Section 5 of report dated 13th August 2018). The dusk emergence surveys referred to in Section 5 shall be provided before works commence on Barns 2 and 4.

Reason: In order that appropriate measures are taken/put in place to avoid any adverse effects on the favourable conservation status of protected species and to ensure suitable mitigation and habitat enhancement is provided as part of the development in accordance with the requirements of paragraph 175 of the National Planning Policy Framework and the Conservation of Habitats and Species Regulations 2010.

Note: Should the works not commence within 24 months of the submitted Bat Scoping Assessment, a further Bat Scoping Assessment would be required

- 4 There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until splays are provided giving clear visibility of 33 metres measured along both channel lines of the major road Park Lane 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. These visibility areas shall be maintained, clear of any obstruction and retained for their intended purpose at all times.

Reason: In accordance with saved policy T2 and in the interests of road safety.

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

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

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

(iii) Any gates or barriers shall be erected a minimum distance of 4.5 metres back from the carriageway of the existing highway and shall not be able to swing over the existing or proposed highway.

(iv) That part of the access(es) extending 4.5 metres into the site from the carriageway of the existing highway shall be at a gradient not exceeding 1 in 20

(v) Provision to prevent surface water from the site/plot discharging onto the existing or proposed highway (or vice-versa) 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: In accordance with saved policy T2 and to ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience.

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

Reason: Because a well-designed landscaping scheme can enhance the living environment of future residents, reduce the impact of the development on the amenities of existing residents and help to integrate the development into the surrounding area.

During Building Works

- 7 Notwithstanding any description of materials in the application, no above ground works shall take place until samples or full details of all materials to be used on the external surfaces of the building and construction of the detached garage 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 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 policy H8 and the National Planning Policy Framework.

- 8 Should any significant contamination be encountered during development, the local planning authority shall be notified in writing immediately. A Remediation Strategy shall be submitted to, and approved in writing by, the local planning authority. The approved remediation measures shall be implemented in accordance with the timescales in the approved Remediation Strategy. Following completion of any measures identified in the approved Remediation Strategy, a Validation Report shall be submitted within agreed timescales to, and approved in writing by, the local planning authority. The site shall not be brought into use until such time as all the validation data has been approved in writing by the local planning authority at the agreed timescales. The Remediation Strategy and Validation Report shall be prepared in accordance with current best practice.

Reason: To enable the local planning authority to ensure that unexpected contamination at the site will not present significant environmental risks and that the site will be made 'suitable for use'

Before the Development is Occupied

- 9 Before the dwelling is first occupied the first floor bedroom window in the northeastern gable shall be installed as a non-opening unit and obscure glazed to at least Code 5 standard. It shall subsequently be maintained in this form unless consent has been obtained in writing for its replacement from the Local Planning Authority.

Reason: In order to protect and maintain the privacy and amenity of the adjacent dwelling.

Ongoing Conditions

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

Reason: In accordance with saved policy T2 and 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.

- 11 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), unless otherwise agreed in writing with the District Planning Authority, no development [other than that expressly authorised by this permission] consisting of the enlargement, improvement or other alteration of the permitted dwellinghouse and garage, the erection of any ancillary buildings, or the erection of boundary walls or fences shall be carried out within the curtilage of the dwellinghouse hereby permitted.

Reason: To retain control over ancillary development that may affect the character and appearance of the development and area or that may affect the privacy and amenities of neighbouring residents.

Informatives

1. The granting of planning permission does not absolve the applicants from complying with the relevant law protecting species, including obtaining and complying with the terms of conditions of any licences required, as described in Part IVB of Circular 06/2005. Should any protected species or evidence of protected species be found prior to or during development, work must stop immediately and Natural England contacted for further advice. This is a legal requirement under the Wildlife and Countryside Act 1981 (as amended) and applies to whoever carries out the work. All contractors on site should be made aware of this requirement and be given Natural England's contact details.
2. All wild birds, nests, eggs and young are protected under the Wildlife & Countryside Act 1981 (as amended). The grant of planning permission does not override the above Act. All applicants and sub-contractors are reminded that persons undertaking site clearance, hedgerow removal, demolition works etc. between March and August may risk committing an offence under the above Act and may be liable to prosecution if birds are known or suspected to be nesting. The Council will pass complaints received about such work to the appropriate authorities for investigation. The Local Authority advises that such work should be scheduled for the period 1 September-28 February wherever possible. Otherwise, a qualified ecologist should make a careful check before work begins.

3. **Statement of Positive Engagement:**

In dealing with this application Craven District Council has sought to approach the decision making process in a positive and creative way, in accordance with the requirements of paragraph 38 of the NPPF.



Application Number: 2018/19314/FUL

Proposal: Demolition of existing agricultural buildings and construction of new dwelling

Site Address: Old Shippon Site, Park Farm, Park Lane, Cowling, BD22 0NH,

On behalf of: Mrs Rosemary Berry

REPORT TO PLANNING COMMITTEE ON 24th September 2018

Application Number: 62/2017/18064

Proposal: Outline application with some matters reserved for an employment led mixed-use development, comprising the construction of a new Business Park incorporating B1 Business Units, B2 General Industrial units, a car dealership and residential development

Site Address: Anley Crag Business Park Land To The West Of The B6480 (Skipton Road) Settle

On behalf of: Candelisa Ltd

Date Registered: 5th May 2017

Expiry Date: 4th August 2017

Case Officer: Mr Neville Watson

1. Site Description

- 1.1 The application site comprises a 5 ha. parcel of agricultural land to the Settle, the boundaries of which are defined by dry stone walls to the north, east and south. The eastern boundary of the site is Skipton Road (B6480). The southern end of the site abuts the roundabout on the A65 with the Settle by-pass to the west of the site. To the north is Runley Bridge Farm and the six dwellings at Runley Mill
- 1.2 The site is essentially flat, sitting slightly higher than the agricultural land between the western boundary of the site and the A65.
- 1.3 The site is outside the development limits of Settle identified on inset map C of the Craven District (Outside the Yorkshire Dales National Park) Local Plan (CDLP). The Settle to Carlisle Railway Conservation Area lies approximately 80-140 m east of the site.
- 1.4 Anley Hall is a Grade II listed building approximately 250 m. to the north of the site and there is a Grade II listed milepost to the north east corner of the site.
- 1.5 A gas main runs along the eastern boundary of the site.

2. Proposal

- 2.1 This is an outline application with all matters reserved, save for access to the site from Skipton Road.
- 2.2 An illustrative masterplan shows a mixed development comprising approximately 13,500 sqm, of Class B1 and B2 industrial uses to the southern part of the site and approximately 19 dwellings at the northern end of the site. The submitted details show two access points, one serving the business units and the other serving the residential development.
- 2.3 The application is supported by a planning statement, a landscape visual appraisal, an ecological impact assessment, a flood risk assessment, a transport assessment and a framework travel plan.

3. Planning History

- 3.1 There is no planning history for the site.

4. Planning Policy Background

- 4.1 The Development Plan comprises the CDLP 1999 of which the following saved policies are relevant:-

- ☐ ENV1 Development in the Countryside
 - ☐ ENV2 Requirements for Development in the Countryside
 - ☐ ENV10 Protection of Tress and Woodland.
 - ☐ EMP5 New Employment Development Outside Development Limits and Established Industrial Areas
 - ☐ SRC2 Provision of Recreation Space in New Housing Developments.
 - ☐ T2 Road Hierarchy.
- 4.2 The National Planning Policy Framework 2018 and supplementary guidance in the Planning Practice Guide.
- 4.3 Submission Draft Local Plan Policies:-
- ☐ SD1 Presumption in favour of sustainable development
 - ☐ The above draft policy is consistent with the NPPF and has had no objections.
 - ☐ The following policies have been subject to representations which will be considered at the forthcoming Examination of the Submission Plan.
 - ☐ EC1 Employment and economic development
 - ☐ SP2 Economic activity and business growth
 - ☐ SP6 Strategy for Settle- Tier 2 Employment mixed use site SG064
 - ☐ SP4 Spatial; Strategy and housing growth
 - ☐ ENV1 Countryside and landscape.
5. Parish/Town Council Comments
- 5.1 Settle Town Council comment:-
- 5.2 *The size and scale of will have a detrimental affect on the character of the landscape of the open green gateway entrance to settle. The development is on green belt agricultural land in an extremely visible and important gateway to settle, a market town with strong agricultural and tourism links. The application refers to the two newly proposed access roads as being safe with no mention of the increased danger to Lodge Road and the road to Runley Mill properties who are both already having to cope with blind road sightings. Both roads have traffic approaching from the left without sight lines and would have to encounter traffic joining from another two exits to further exacerbate the situation. The application is of a sensitive nature, being a 5 ha site of agricultural land outside the designate areas for Settle's continued planning growth*
6. Consultations
- 6.1 **NYCC Highway Authority.** The Highway Authority initially had concerns about the length of visibility splays to be provided at the access. The applicant subsequently produced amended drawings that demonstrated that longer visibility splays were achievable and therefore the concerns of the Highway Authority have been met.
- 6.2 **NYCC Lead Local Flood Authority.** No objection subject to conditions.
- 6.3 **NYCC Police Liaison Officer (PLO).** Recommends taking advice from the PLO prior to the submission any reserved matters application.
- 6.4 **NYCC Archaeology.** No objections
- 6.5 **CDC Economic Development.** Support the applications as it will contribute to the employment land requirement identified in the Employment Land Review 2017.

- 6.6 **CDC Strategic Housing.** Has no objection to the provision of 30% affordable housing subject to viability.
- 6.7 **CDC Sport Development Officer.** Advises that off-site commuted payments of £20,000 to meet the quality deficiency in the Settle area to comply with CDLP Policy SRC2, addressed by a Section 106 Agreement.
- 6.8 **CDC Environmental Health.** Advise that there are no known contamination issues and recommend informatives with regard to noise, dust and construction hours.
- 6.9 **Yorkshire Dales National Park.** No objection in principle subject to appropriate landscaping.
- 6.10 **United Utilities.** No objection subject to conditions.
- 6.11 **Health and Safety Executive.** Advise that the site does not lie within the consultation distance of a major hazard site or major accident hazard pipeline.
- 6.12 **Natural England.** Object to the proposed development on landscape grounds considering the development will have a significant and adverse impact on the National Park and would create a urban form in a rural setting. The proposal would drastically alter the character of one of the primary entry points to the National Park. Views of the development towards the Park would have a considerable visual impact. Natural England are satisfied that sufficient information has now been provided to demonstrate that the proposal will not have a significant impact on the interest features of the Long Preston Deepes SSSI.
- 6.13 **Northern Gas.** Provide guidance on development in proximity to the gas main.
- 6.14 **Officer note.** The developer acknowledges that appropriate easements will be achieved or the gas main will be diverted.
- 6.15 **Ramblers.** In view of the CDC Employment Land Review do not consider we can offer any strong objection to it.
7. **Representations**
- 7.1 Seven letters of objection have been received from local residents raising the following issues:-
- ☐ Impact on the character and appearance of the area.
 - ☐ Impact on the approach to Settle.
 - ☐ Impact on residential amenity.
 - ☐ Adverse landscape impact.
 - ☐ Inadequate screening.
 - ☐ Access and visibility concerns.
 - ☐ Sporadic development in the countryside.
 - ☐ Proposed development out of scale with Runley Mill.
 - ☐ Light and noise pollution.
 - ☐ Consideration should be given to other sites to meet the need for employment land.
- 7.2 An objection has been received from the CPRE including a report from a Planning Consultant commissioned by the CPRE. The grounds of objection identified in the report concludes that the CPRE feel strongly that this application should be refused planning permission in its current guise on the following grounds:
- ☐ The application is premature and should have been submitted once the results of the screening opinion have been returned and any necessary works being undertaken accordingly;
 - ☐ The proposals are contrary to both local and national policies;

- ☐ The residential element of this application is not justified in this location; and
- ☐ Insufficient evidence has been presented to the Council to accurately determine the impact on nearby heritage assets.

7.3 **Officer note.** A Screening opinion was submitted under the Town and Country Planning Environmental Impact Assessment Regulations 2017, as the size of the site was in excess of the indicative thresholds for infrastructure projects. That application was not formally determined as the planning application was supported by a range of additional reports referred to in paragraph 2.3 above. Supplementary information in the form of an ecological assessment and wintering bird report were subsequently submitted in response to consultation replies. It is Officer's opinion that sufficient information to determine the application has been submitted and a formal screening opinion would have concluded that a formal impact assessment would not have been required.

7.4 An objection has been received from the Yorkshire Dales Society commenting that (summarised by Officer's) the site is an extremely important location in open countryside, outside the settlement of Settle. The proposal is typical of urban and suburban business parks and is out of scale. While the need to generate economic activity is acknowledged, the main activity in the area is tourism and this development would detract from then local environment. The proposal would generate more traffic on the busy A65. The harm to the environment would outweigh any economic benefits.

7.5 A representation has been received from agents acting on behalf of the Anley Estate, not objecting to the development but asking the Council to consider the effect of the new development on those that use Lodge Lane regularly. They suggest a mini roundabout at the end of Lodge Lane or a review of the speed limit.

8. Summary of Principal Planning Issues

- ☐ Land use/principle- the policy context
- ☐ Economic benefits
- ☐ Housing provision
- ☐ Landscape and visual impact
- ☐ Highway issues
- ☐ Other issues

9. Analysis

Land use principle - the policy context

9.1 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"

9.2 The development plan for the area comprises the Craven District (Outside the Yorkshire Dales National Park) Local Plan 1999.

9.3 The local plan policies most relevant to this application and have been "saved" are Policy ENV1 'Development in the open countryside'; Policy ENV2 'Requirements for development in the countryside' Policy H1 Housing Provision up to 2006'; and Policy EMP5 'New employment development outside development limits and established industrial areas (excluding conversions)'. However, paragraph 215 of the new National Planning Policy Framework states that policies not adopted in accordance with the 2004 Planning and Compulsory Purchase Act need to be considered in terms of their degree of consistency with the NPPF "the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given".

9.4 The extent to which the aforementioned Local Plan policies remain up-to-date and of relevance to the decision making process is considered in this report. The NPPF at paragraph 11 advises that LPA's

should be 'approving development proposals that accord with an up to date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, granting planning permission unless:

- i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii) 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.

9.5 The main thrust of the National Framework is that the planning system is to contribute to the achievement of sustainable development. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives). These objectives are economic, social and environmental. Planning decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take into account, to reflect the character, needs and opportunities of each area. So that sustainable development is pursued in a positive way, at the heart of Framework is a presumption in favour of sustainable development (paragraph 11 of the NPPF).

9.6 The Council commissioned Lichfields to prepare an Employment Land Review (ELR) for the District. The report, published in March 2017, provides an important evidence base to inform the preparation of the Local Plan by assessing development needs objectively in line with the NPPF and Planning Practice Guidance. The ELR considered all those sites which could form part of a meaningful and deliverable employment land portfolio and could, therefore, potentially be allocated for employment use in the emerging Local Plan.

9.7 Potential sites were inspected and assessed against the following criteria identified in the former 'brown book' Government Guidance on Employment Land Reviews (2004):-

- ☐ Strategic road access
- ☐ Local accessibility
- ☐ Rail access
- ☐ Proximity to urban areas and access to labour and services
- ☐ Site characteristics and development constraints
- ☐ Proximity to incompatible uses
- ☐ Market attractiveness
- ☐ Barriers to delivery; and,
- ☐ Planning factors

9.8 A total of 54 sites were considered in the ELR and assessed against broad categories of 'very good', 'good', 'average', 'poor' and 'very poor'. The current application site formed part of a larger site (that included land to the east of Skipton Road) and was only one of five sites identified in the ELR to be ranked as 'very good'. The application site has been included in the submission draft of the Local Plan, although there have been two representations to that allocation.

Economic benefits

9.9 The development proposal offers the potential for significant economic development benefits. This important consideration set out in paragraph 80 of the NPPF that states 'Significant weight should be placed on the need to support economic growth and productivity, taking into account local business needs and wider opportunities for development'. Planning decisions should support a prosperous rural economy and should enable the sustainable growth and expansion of all types of business in rural areas through well designed new buildings (paragraph 83 refers). Planning decisions should recognise that sites to meet local business and community needs in rural areas may have to be

found adjacent to or beyond existing settlements and in these circumstances it will be important to ensure that the development is sensitive to its surroundings, does not have an unacceptable impact and local roads and exploits any opportunities to make a location more sustainable. The use of sites that are physically well-related to existing settlements, should be encouraged (paragraph 84 refers).

9.10

The Council's Economic Development team has explained the economic benefits of the proposal and they are re-iterated here for consideration in the planning judgement.

The application insofar as it relates to development for B1 and B2 uses aligns with the Council's strategic vision and priorities for Craven District, as set out in its Plan for 2017 – 2020, in particular the corporate priority "Enterprising Craven". In line with this priority, the proposal will facilitate economic growth by stimulating business growth and improving the economic vitality of Settle and its rural hinterland.

The Employment Land Review (2017) conducted by consultants Lichfields found that:

- 1. There was an imbalance between the supply and demand for industrial accommodation, reflected in the District's low vacancy rates for industrial accommodation of just 2.6%. The Employment Land Review recommended that the future supply of employment space should be adjusted so that the stock is brought back into balance with an aim to achieve a vacancy rate of 10%, which the consultants cited as being necessary to ensure the smooth functioning of the market.*
- 2. There is demand for small to medium sized industrial premises up to 5,000 square feet and is mainly from local firms, although there is demand for larger premises as well.*
- 3. The lack of available commercial property was affecting the affordability of workspace, with rental levels in Craven being greater than equivalent properties in nearby West Yorkshire and Lancashire.*

The development of the site for employment will make a significant contribution to satisfying the current "pent up" demand for new commercial space from local businesses who are looking to grow. In responding to the survey of local businesses conducted as part of the Employment Land Review, a manufacturing company within the Settle area said that the lack of serviced employment land was restricting their growth aspirations; they were looking for a minimum of 10,000 square feet. This reflects the feedback from the majority of respondents (63%) to the survey that said a lack of suitable land or premises was preventing them from expanding in the District.

Another business in Settle, within the textile sector, has also recently contacted the Council enquiring about availability of workspace. They were looking for space to expand into, with plans to create up to 10 new jobs within design, sales, marketing and distribution over the next five-years; however, the current lack of affordable, suitable premises was hindering the implementation of their plans. The founder, who lives in Settle, wants to keep, and grow the business in the area. This reflects the feedback from 26% of the respondents to the aforementioned survey; who highlighted a lack of affordable premises as being a criticism of Craven as a business location. The other main criticisms were lack of commercial property and the quality of broadband provision.

Broadband infrastructure which is up-to-date and fit for purpose is essential to meet the advancing needs of businesses and individual users and a key utility for maintaining sustainable communities. Due to the location and nature of this proposed development the applicant should make early enquiries with Communication Providers to ensure both the employment and residential units benefit from the highest quality connectivity available.

In conclusion, the proposal will provide Settle and its hinterland with much needed employment land; the shortage of which has acted as a constraint to enabling local businesses to grow and create new job opportunities within sectors that contribute most to the economy in terms of value in goods and services. The proposal is likely to have a significant effect on improving the productivity level of Settle and North Craven as a whole.

- 9.11 Policy EMP5 of the Local Plan is also of relevance, although as it specifically seeks to differentiate between sites within development limits and sites outside development limits it is somewhat at odds with planning policy within the NPPF. It is considered that some limited weight can be attached to policy EMP5 and it does allow for new employment development in open countryside locations in exceptional circumstances.
- 9.12 In accordance with the wording of policy EMP5, the principle of employment development on the site is considered to be exceptional circumstances essential to the economic needs of the community where there are no suitable alternative sites within the Development Limit of a nearby settlement or an established industrial area. As the business use development is accepted as a matter of principle that accords with policy EMP5, the criteria of that policy have to be satisfied and these are addressed later in the report.
- 9.13 In summary the proposal will provide the District with much needed employment land, the shortage of which has acted as a constraint to enabling local business to grow and create new job opportunities. This is an important factor in the consideration of the application, but it is essential that the employment land is delivered in an appropriate and timely manner. Given that this is a mixed development (including housing that is considered below) it is important to ensure that the employment land is available and serviced and it is considered that this needs to be established by a Section 106 Agreement to ensure that the residential element is not developed in isolation from the employment element.

Housing Provision

- 9.14 The application site lies outside of existing development limits and therefore saved Local Plan Policy ENV1 applies. Policy ENV1 seeks to protect the character and quality of the open countryside from being spoilt by sporadic and/or inappropriate development by limiting development to small scale proposals appropriate for the enjoyment of the scenic qualities of the countryside and other small scale development that:
- ☐ has a rural character;
 - ☐ clearly benefits the rural economy;
 - ☐ helps to maintain or enhance landscape character;
 - ☐ is essential for the efficient operation of agricultural or forestry; or
 - ☐ is essential to the need of the rural community.
- 9.15 Saved Local Plan Policy ENV2 seeks to ensure that any development that is considered to be acceptable in principle under Saved Policy ENV1 is:
- ☐ compatible with the character of the area;
 - ☐ does not have an unacceptable impact on the landscape;
 - ☐ has a design and uses materials that relate to the setting;
 - ☐ can accommodate the traffic generated by the development satisfactorily;
 - ☐ can provide services and infrastructure without a serious harmful change to the character and appearance of the area.

The above are general planning considerations which are broadly in line with the NPPF although it is important to note that the Local Plan policies are not entirely consistent in that the restrictive approach to development that is advocated is not entirely reflective of national planning policy.

- 9.16 In terms of the NPPF paragraph 11 sets out that there is a presumption in favour of all forms of sustainable development provided the benefits of allowing development to take place are not '*significantly and demonstrably*' outweighed by any dis-benefits that may arise '*when assessed against the policies in this [the] Framework taken as a whole*'.

- 9.17 For the purposes of considering this application it is necessary to consider Part 4 of the 2018 version of the NPPF which requires local planning authorities to approach planning decisions in ‘a *positive and creative way*’ and to ‘*seek to approve applications for sustainable development where possible*’.
- 9.18 In relation to rural housing the current revised version of the NPPF sets out general requirements for both planning policies and decisions to be ‘responsive to local circumstances and support housing developments that reflect local needs’ and at paragraph 78 advises that ‘*to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities*’.
- 9.19 It can be seen from the above that the general approach set out in the NPPF is that, provided there are no significant dis-benefits, applications for sustainable development should be supported. However, in terms of this particular application it is noted that the site is in a rural location and therefore it is also necessary to consider paragraph 79 which states that planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:
- ☐ the development is to meet an essential need for a rural worker
 - ☐ the development would be beneficial to retention or re-use of a heritage asset
 - ☐ the development would re-use redundant buildings and enhance setting
 - ☐ the development would involve subdivision of an existing dwelling
 - ☐ the development represents exceptional design that is outstanding or innovative and would significantly enhance its immediate setting and be sensitive to the characteristics of the area.
- 9.20 Paragraph 79 raises two questions, firstly; would the proposal represent isolated development, secondly; if so, does the development fall within one of the exceptions set out above.
- 9.21 Recent appeal decisions have considered the matter of what constitutes isolated development for the purposes the NPPF and it is apparent that physical and functional separation are not necessarily indicators of isolation in a rural context. This is particularly so where housing is proposed in close proximity to existing houses that would have the same access to services and communal facilities or the same degree of isolation as would apply to the proposed new development. This clearly applies in this case as the new houses are close to the centre of Settle. The conclusion to be drawn here is that the site is not isolated and does not have to satisfy the special circumstances and therefore can be considered in the context of whether or not the proposal constitutes sustainable development.

Landscape and visual impact

- 9.22 The site is identified in the Craven District Outside the Yorkshire Dales National Park and Forest of Bowland AONB Landscape Appraisal 2002 as “Valley Pasture Landscape” and more specifically “Flat Open Floodplain”. The key characteristics are distinctive flat alluvial floodplains containing meandering river channel; broad open floodplain valley providing extensive views framed by higher ground; medium to large scale landscape; medium to large scale fields enclosed by dry stone walls; open valley containing important transport corridors and some river banks artificially raised.
- 9.23 Policy ENV1 of the Local Plan states that large scale development in the open countryside will only be permitted where it can be demonstrated that there is an overriding need for the proposal due to the requirements of the utility services, transport, minerals supply or national security. These exceptions do not apply to the current application. However following the publication of the NPPF and given the age of the 1999 Local Plan, development limit boundaries identified by Policy ENV1 are now of limited significance when considering the need for new strategic sites for employment development and housing development that would contribute to meeting the District’s requirements.
- 9.24 Policy ENV2 of the Local Plan for development in the countryside seeks to resist development that would have an unacceptable impact on the landscape. However, as the policy specifically applies to developments accepted in principle under ENV1 (which this is not), the weight that can be attached to Policy ENV2 is limited.

- 9.25 In Craven the quality and character of the landscape is one of the District's greatest assets. The development of this site will inevitably change the character of the landscape to the south of the town, developing up to the A65 by-pass from where there are clear views of the site. The landscape and visual impact assessment (LVIA) acknowledges that there would be major adverse impacts during the constructions phase from the bridleway crossing the railway bridge, for the residents of Runley Mill and from surrounding roads. The effects would be experienced as a result of the visually prominent construction operations from these vantage points and the major adverse effects would continue to be experienced from the bridleway and Runley Mill at completion due to the great change in the visual context of the view. At 10 years post completion, visual effects are considered to range from negligible to moderate adverse.
- 9.26 As this is an outline application the landscape impact can only be assessed against the illustrative masterplan. The proposed development would result in landscape effects but these are considered to be limited by the long term mitigation and establishment of a site wide landscape infrastructure and landscape buffer. The short term construction impacts would be moderated over time as the development's landscape infrastructure matures.

Highway issues

- 9.27 This is an outline application, but means of access to the site are to be considered at this stage. The submitted plans show two separate accesses to the site. To the northern end of the site is a proposed access to the residential development comprising a 5.5m. carriageway with 2m footways and an employment access with a 7.3m carriageway with 2m footways.
- 9.28 The application includes a transport assessment and a framework travel plan. Paragraph 108 advises that appropriate opportunities to promote sustainable transport modes can be or have been taken up given the type of development and its location. It also requires that any development creates a safe and suitable access to the site and that any significant impacts from the development from the transport network can be cost effectively mitigated.
- 9.29 Saved Local Plan policies T2, EMP5 and ENV2 all contain criteria requiring developments to have safe accesses and to not have an adverse impact on highway safety or the road network. Such policies remain consistent with the NPPF.
- 9.30 The Highway Authority initially had concerns about the visibility from the access points to the site. The applicant subsequently provided amended details addressing those concerns and the Highway Authority recommend standard conditions.

Other issues

- 9.31 Residents have raised concerns about the impact of the development on residential amenity. The closest residential properties are Toll Bar Cottages to the east of Skipton Road, Runley Bridge Farm and the properties at Runley Mill. Based on the submitted illustrative masterplan it is proposed to locate residential properties at the northern end of the site and it is not considered that the proposed development would have an adverse impact on residential amenity. Similarly the proposed business premises are shown in excess of 100 m. from the existing dwellings and therefore it is not considered that there would be any noise issues.
- 9.32 There are two listed building in the vicinity of the site, a mile post on Skipton Road at the north east corner of the site and Anley Hall approximately 250 m. to the north of the site. It is not considered that either of these listed buildings/structures would be affected by this development and even if it was concluded that the development caused less than substantial harm, that harm should be weighed against the public benefits of employment provision.

Conclusions

- 9.33 This outline application raises a wide range of competing issues that must be considered in the balance. The principal benefits are the employment benefits set out in the report. These benefits have to be balanced against the adverse impacts, and in particular the development of a green field

site. There are other detailed concerns and issues with the proposal that also have to be considered.

- 9.34 Paragraph 11 advises that LPA's should be 'approving development proposals that accord with an up to date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, granting planning permission unless:
- ii) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii) 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.
- 9.35 In this case the proposal does not accord with the development plan. However, it is considered that the relevant Saved Local Plan policies conflict in many instances with the NPPF (as supplemented by the nPPG) and limited weight can be attached to some aspects of them. In particular the Development Limit boundaries identified by Saved Policy ENV1, which indicate that this site is within an open countryside location, are wholly out of date. This is therefore considered to be a circumstance where the relevant development plan policies (taken as a whole) have to be treated as out of date and the NPPF advises in such circumstances that a) or b) as set out above need to be followed.
- 9.36 Paragraph 80 of the NPPF outlines that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. This development will bring economic benefits and therefore that is a matter of significant weight in the planning balance.
- 9.37 This scheme also has the benefit of providing residential development and the latest studies identify a need to provide additional housing, including affordable housing.
- 9.38 The scheme is not without some adverse impact not least of which is development on a greenfield site and the landscape impact of such development. However, this site is on the edge of Settle and is not considered to be isolated sporadic development. The proposal will also have some impact on the views into the National Park.
- 9.39 As paragraph 11 of the NPPF is worded, development should be approved unless the adverse impacts significantly and demonstrably outweigh the benefits. This scheme will provide much needed employment land. It will also provide new dwellings including affordable units. The development will have some landscape impact but the illustrative landscaping seeks to reduce the adverse impacts. It is concluded that the adverse do not impacts significantly and demonstrably outweigh the benefits of providing much needed employment and housing and the proposed scheme is acceptable.

10. Recommendation

That Members resolve to grant delegated authority to the Planning Manager to grant planning permission subject to the following conditions and the applicant first entering into a Section 106 Agreement covering the following:-

- i) A programme for the phasing and delivery of the employment land
- ii) Off-site commuted payments for open space provision to meet the quality deficiency in the Settle area.

Conditions

Time Limit for Commencement

- 1 No development shall commence on either the 'employment area' or the 'residential area' until approval of the details of the layout, scale, external appearance, and the landscaping/boundary treatments (hereinafter called "the reserved matters") for the respective area has been obtained from the local planning authority in writing.

An application for the approval of the reserved matters shall be made to the local planning authority before the expiration of 3 years from the date of this permission.

The development hereby permitted shall be begun either before the expiration of 3 years from the date of this permission, or before the expiration of 2 years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: To comply with the requirements of Section 92 of the Town & Country Planning Act 1990.

Approved Plans

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan, Site plan 488/02(01)005 G (as far as it relates to matters that are not reserved), Framework Travel Plan produced by Fore Consulting, Access Design drawing 3546 SK001 01, and Draft Flood Risk Assessment 1.1 prepared by JBA Consulting.

Reason: For the avoidance of doubt as to what is permitted.

Before you Commence Development

- 3 No development shall commence until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex 2: Glossary of the National Planning Policy Framework or any future guidance that replaces it. The scheme shall include:
- i) the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 30% of units;
 - ii) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
 - iii) the arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no affordable housing provider is involved;
 - iv) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
 - v) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

OR:

vi) details of an equivalent affordable housing contribution to be provided in lieu of affordable housing on site and the means by which such a contribution shall be provided.

The affordable housing shall be retained in accordance with the approved scheme.

Reason: To ensure the delivery of affordable housing in accordance with the requirement of the National Planning Policy Framework and the emerging Publication Draft Local Plan.

- 4 The development shall not begin until a scheme detailing the phasing of the construction of the development including the means of access, construction of buildings, the provision of car parking

and servicing arrangements, and the landscaping of the site, has been submitted to and approved in writing by the Local Planning Authority. The development must thereafter be carried out in accordance with the details approved.

Reason: To ensure that development is undertaken in an appropriate manner in the interests of highway safety, the amenity of the area, and to ensure that the proposed employment development is delivered.

- 5 Any application for approval of reserved matters on the 'residential area' submitted pursuant to this permission shall include a scheme for the provision and future maintenance of public open space. The scheme shall include details of the size, siting, layout, design, a schedule of works and future maintenance arrangements for all elements of the public open space, and a timetable for its provision. The public open space shall be provided in accordance with the details and timetable contained within the duly approved scheme, and shall be maintained as such thereafter for use as public open space.

Reason: To ensure that the development contributes towards the provision and future maintenance of public open space in the vicinity of the site in order to avoid a deficiency in the quantity and quality of recreational open space in the locality in accordance with the requirements of Craven District (Outside the Yorkshire Dales National Park) Local Plan policy SRC2, policy SP5 of the Publication Draft Craven Local Plan, the National Planning Policy Framework and the Conservation of Habitats and Species Regulations 2010.

- 6 No development shall take place until a detailed design and associated management and maintenance plan of surface water drainage for the site based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development has been submitted to and approved in writing by the Local Planning Authority. The surface water drainage design should demonstrate that the surface water runoff generated during rainfall events up to and including the 1 in 100 years rainfall event, to include for climate change and urban creep, will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The approved drainage system shall be implemented in accordance with the approved detailed design prior to completion of the development.
The scheme to be submitted shall demonstrate that the surface water drainage system(s) are designed in accordance with the standards detailed in North Yorkshire County Council SuDS Design Guidance (or any subsequent update or replacement for that document).

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

- 7 The details to be submitted to and approved in writing by the local planning authority as part of the reserved matters shall include full details of both hard and soft landscape works and these works shall be carried out as approved. The details shall include a detailed scheme for the planting of trees and shrubs specifying types and species, a programme of planting and the timing of implementation of the scheme, including any earthworks required; details of hard landscaping materials, including the surfacing materials of any hard-standing, drives, footways, screen walls, fences and other means of enclosure. Development shall be carried out in accordance with the approved details.

Reason: In the interests of ensuring satisfactory landscaping details in the interests of protecting the character and appearance of the local area.

- 8 No development shall take place on either the 'employment area' or the 'residential area' until details of the site access for the respective area has been submitted to and approved in writing by the local planning authority. These details shall include: the highway verge/footway crossing; the visibility splays, any gates or barriers; the gradient of that part of the accesses extending 20 metres into the

site from the carriageway of the existing highway, the finished surface; measures to prevent surface water run-off onto the highway; the provision of tactile paving, and a timetable for the implementation and completion of the works. The development shall be carried out in accordance with the approved details.

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.

- 9 No development shall commence on either the 'employment area' or the 'residential area' until detailed drawings showing the proposed highway layout for the respective area have been submitted and approved in writing by the local planning authority. The detailed drawings shall include dimensions of any carriageway, cycleway, footway and verges and visibility splays, existing and proposed site levels, accesses and driveways, street lighting, surface water disposal, traffic calming measures, all types of surfacing provision of any site compound, on-site parking and materials storage and details of the programme of works including any phasing of construction. Development shall be in accordance with the approved details.

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.

- 10 No development on either the 'employment area' or the 'residential area' shall take place until a Construction Method Statement for the respective area 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. The statement shall provide for the following:

- 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
- 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 Settle Town Centre

Reason In the interests of highway safety.

Before the Development is Occupied

- 11 Prior to the occupation of any individual business unit, a scheme detailing the provisions to be made for the safe storage of waste must be submitted to and approved in writing by the local planning authority and shall be maintained for the life of the approved development.

Reason: To protect the amenity of the locality, especially for people living and/or working nearby.

Ongoing Conditions

12. The applicant should ensure that any topsoil brought on site is free from metals, plastic, wood, glass, tarmac, paper and odours associated with contaminated soils as specified in BS 3882: 2015 - Specification for Topsoil. At the request of the Local Planning Authority, details of the supplier(s) and confirmation on the source(s) of any topsoil material should be supplied within 21 days of any request being received.

Reason: To ensure that no contaminated materials are brought onto the site.

- 13 The drainage for the development hereby approved, shall be carried out in accordance with principles set out in the submitted Draft Flood Risk Assessment dated 27 April 2017 version 1.1 proposing surface water discharging into watercourse which was prepared by JBA Consulting. No surface water will be permitted to drain directly or indirectly into the public sewer. Any variation to the discharge of foul shall be agreed in writing by the Local Planning Authority prior to the commencement of the development. The development shall be completed in accordance with the approved details.

Reason: To ensure a satisfactory form of development and to prevent an undue increase in surface water run-off and to reduce the risk of flooding.

- 14 In relation to the proposed residential properties, unless otherwise approved in writing by the Local Planning Authority the development should ensure compliance with BS8233:2014 Guidance on 'Sound Insulation and Noise Reduction for Buildings'.

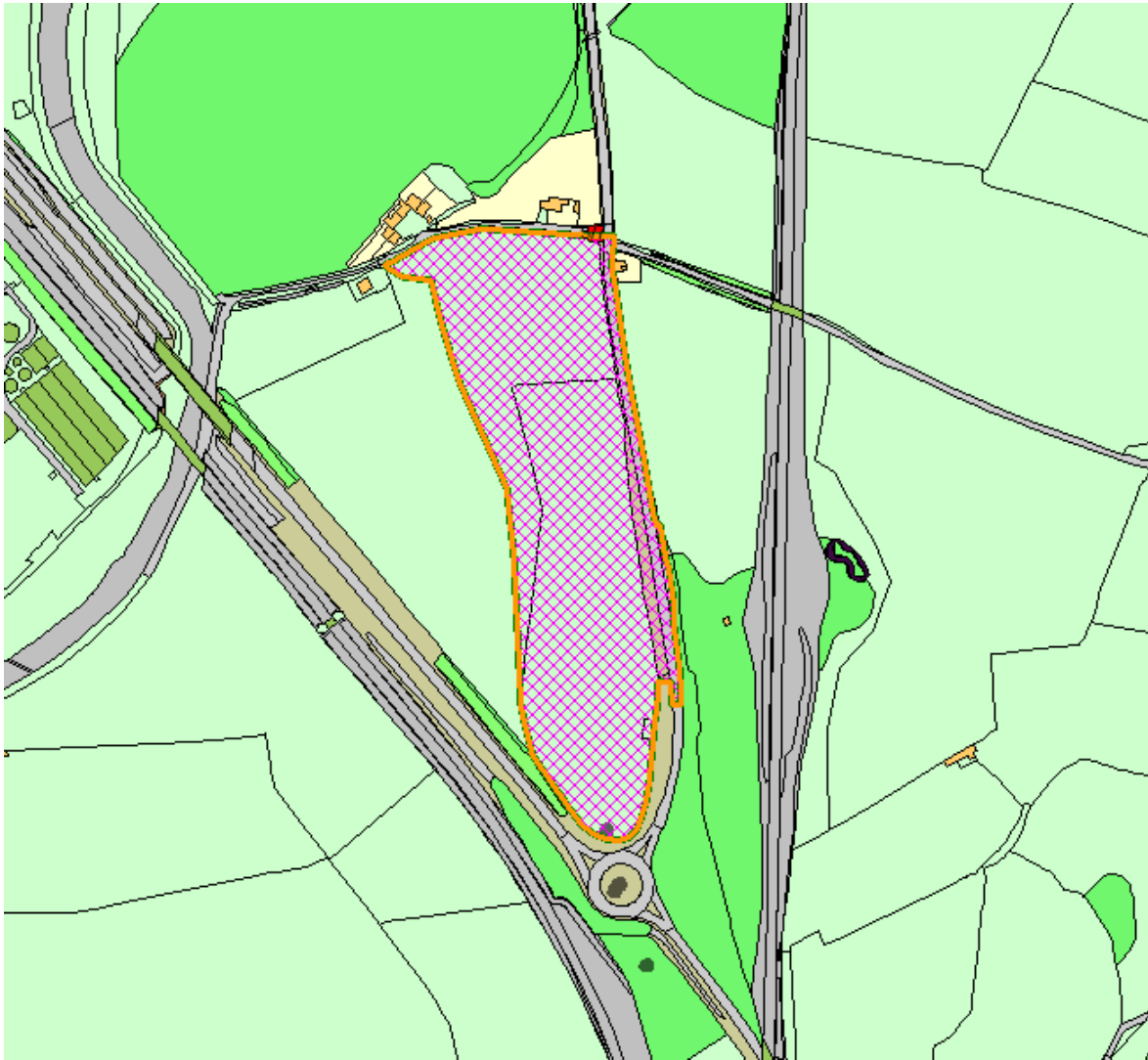
Reason: To safeguard the living conditions of residents particularly with regard to the effects of noise.

- 15 The rating level of sound emitted from any fixed plant and/or machinery associated with the development shall not exceed background sound levels by more than 3dB(A) between the hours of 0700-2300 (taken as a 15 minute LA90 at the nearest sound sensitive premises) and shall not exceed the background sound level between 2300-0700 (taken as a 15 minute LA90 at the nearest/any sound sensitive premises). All measurements shall be made in accordance with the methodology of BS4142 (2014) (Methods for rating and assessing industrial and commercial sound). Where access to the nearest sound sensitive property is not possible, measurements shall be undertaken at an appropriate location and corrected to establish the noise levels at the nearest sound sensitive property. Any deviations from the LA90 time interval stipulated above shall be agreed in writing with the local planning authority.

Reason: To protect the amenities of nearby residents.

- 16 No deliveries or despatches shall be made to or from the commercial units, and no delivery or despatch vehicles shall enter or leave the site (whether laden or unladen) before the hours of 07:00 nor after 22:00.

Reason: To protect the amenities of nearby residents.

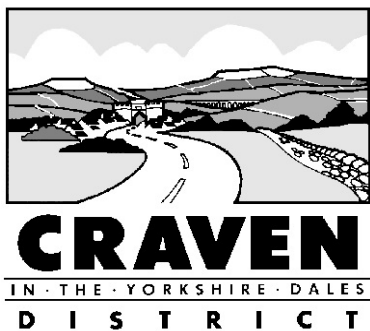


Application Number: 62/2017/18064

Proposal: Outline application with some matters reserved for an employment led mixed-use development, comprising the construction of a new Business Park incorporating B1 Business Units, B2 General Industrial units, a car dealership and residential development

Site Address: Anley Crag Business Park, Land To The West Of The B6480 (Skipton Road), Settle

On behalf of: Candelisa Ltd



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

(Main Switchboard) Telephone: 01756 700600

Craven District Council - List of Delegated Planning Decisions 17.08.2018 & 12.09.2018

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

Application Number	Applicant	Location	Proposal	Decision	Date of Decision
2017/18476/FUL	Mr E Mangham	Parcel Of Land To Eastern Side Of No. 16 Ickornshaw Cowling BD22 0DH	Revised design of proposed dwellinghouse to supersede previous planning approvals.	Approve with Conditions	22.08.2018
2017/18753/FUL	Mr R Summerskill	Land West Of Greenroyd Drive Sutton In Craven Keighley BD20 7LY	Residential development of 10 dwellings including demolition of existing dwelling at no. 32 Greenroyd Drive to provide access off Greenroyd Drive and associated works	Refuse	07.09.2018
2017/18767/CND	Autumn Park Developments	Low Bentham CP School Doctors Hill Low Bentham LA2 7EB	Application to discharge conditions 5, 6, 7, 8, 11, 12 and 15 of original planning application referenced 08/2017/17775 granted 02/05/2017	Split Decision	05.09.2018
2017/18804/HH	Miss Katie Williams	86 Otley Road Skipton BD23 1HG	New outbuilding within the curtilage of the site	Refuse	04.09.2018

Application Number	Applicant	Location	Proposal	Decision	Date of Decision
2017/18839/VAR	The Trustees Of The Chatsworth Settlement	Land South Of Shires Lane Embsay Skipton BD23 6SB	Application for variation of condition no. 6 (provision of affordable housing) on planning appeal reference number APP/C2708/W/16/3144561 dated 28/07/2016 relating to planning application referenced 26/2015/15886	Approve with Conditions	23.08.2018
2017/18865/HH	Mr S Ali And Mrs M Akhtar	17 Pendle Street Skipton BD23 1SN	Proposed two storey rear extension and external alterations	Approve with Conditions	11.09.2018
2018/19109/FUL	Mr Boland & Dixon	Lingah Farm Lingah Hill Cononley Road Glusburn Keighley BD20 8BD	Construction of two detached dwellings with associated off street parking and landscaping.	Refuse	20.08.2018
2018/19124/FUL	Mr & Mrs Baylis	Scaleber Farm Back Lane Low Bentham Lancaster LA2 8NZ	Demolition of timber stable and erection of new dwelling and associated works	Approve with Conditions	31.08.2018
2018/19136/CND	R N Wooler & Co Ltd	Park Lane Garages Park Lane Carleton Skipton	Application to discharge condition no. 7 of planning approval referenced 17/2016/17560 granted 03 January 2017	DOC satisfactory	10.09.2018
2018/19128/OUT	Mr Roy Simons	Adjacent 73 Main Street Cross Hills Keighley	Outline planning application (with all matters reserved other than layout) for the erection of a proposed ground floor commercial unit (Use Class A1 or A2) with residential accommodation above following the demolition of an existing single storey outbuilding.	Approve with Conditions	21.08.2018

Application Number	Applicant	Location	Proposal	Decision	Date of Decision
2018/19228/HH	Mrs Caroline Midgley	26 Hall Croft Skipton BD23 1PG	Proposed 1 and a half storey extension to front of existing dwelling with dormer. Proposed single storey lean-to extension to rear to create sunroom to replace existing UPVC conservatory	Approve with Conditions	31.08.2018
2018/19273/LBC	Exterion Media	Skipton Railway Station Broughton Road Skipton BD23 1RT	Installation of 1 no. wall-mounted digital advertising screen adjacent to ticket hall	Approve with Conditions	28.08.2018
2018/19288/FUL	Mr & Mrs Raw	13 Spring Gardens Cross Street Cowling Keighley BD22 0AX	Full planning permission for the construction of side extension, and retrospective permission for the change of use of agricultural land to domestic garden	Approve with Conditions	31.08.2018
2018/19324/HH	Mr & Mrs Lazenby	7 East View Carleton Skipton BD23 3HB	Proposed one-storey and two-storey side extension to provide additional bedroom and living accommodation	Approve with Conditions	20.08.2018
2018/19338/HH	Mr Marc Carr	57 Regent Crescent Skipton BD23 1BE	Single Storey Extension	Approve with Conditions	21.08.2018
2018/19389/HH	Mr Aaron Pickles	5 The Grove Skipton BD23 2LB	Alterations to window and door openings to the rear elevation, reduce ground level of rear garden and relocate solar panels to front roof slope from rear shed.	Permission Not Required	06.09.2018
2018/19346/FUL	Mr T Priestley	Lane House Farm High Bentham Lancaster LA2 7DH	Proposed conversion of a traditional barn to form two dwellings, and associated car-port and curtilage	Approve with Conditions	17.08.2018

Application Number	Applicant	Location	Proposal	Decision	Date of Decision
2018/19414/FUL	Airedale Services Ltd	Springholme Otley Road Skipton BD23 1EX	Conversion of existing house to 2 no. self-contained apartments	Approve with Conditions	04.09.2018
2018/19383/HH	Mr Peter Wales	2 Bowerley House Settle BD24 9LY	Single storey extension to create sunroom	Approve with Conditions	21.08.2018
2018/19387/HH	Mr & Mrs Nick Rickaby	9 Park Wood Close Skipton BD23 1QW	Proposed raising of existing main house roof by 1m and new rear pitched roof extension	Approve with Conditions	20.08.2018
2018/19398/HH	Mr Christopher Chew	15 Ribblesdale Estate Long Preston Skipton BD23 4RD	Proposed two storey side extension and demolition of existing extension and garage	Approve with Conditions	22.08.2018
2018/19405/HH	Mr Andrew Macaulay	39 Midland Terrace Station Road Hellifield Skipton BD23 4HJ	Raise the existing ground level of lowest part of the sloping rear garden by approx 60cm to create level garden. Erect boundary fence on north and south boundary. construct new steps to the existing out building (garage)	Approve with Conditions	17.08.2018
2018/19407/FUL	Mr Keith Morley	Dwelling Rear Of 74 High Street Gargrave Skipton	Amalgamation of two flats to form single detached domestic dwelling and first floor extension to side.	Approve with Conditions	04.09.2018
2018/19408/LBC	Keith Morley	Dwelling Rear Of 74 High Street Gargrave Skipton	Amalgamation of two flats to form single detached domestic dwelling and first floor extension to side.	Approve with Conditions	04.09.2018

Application Number	Applicant	Location	Proposal	Decision	Date of Decision
2018/19427/HH	Mrs Karen Moore	Haylands Four Lane Ends Raines Road Giggleswick Settle BD24 0AE	Construction of rear and side extension, rebuild existing garage, convert the loft, dormer extension and extend the current drive/parking area	Approve with Conditions	21.08.2018
2018/19433/HH	Mr S Pighills & Ms T Ward	Thorncroft Cam Lane Thornton In Craven Skipton BD23 3SX	Proposed side extension with associated external works	Approve with Conditions	31.08.2018
2018/19436/HH	Mr J Bontoft	28 Tarn Moor Crescent Skipton BD23 1LT	Proposed three storey extension to side elevation.	Refuse	24.08.2018
2018/19439/HH	Mr Matthew Smales-Cresswell	56 Windsor Avenue Skipton BD23 1HS	Proposed first floor extension above existing rear lean-to, to create larger bedrooms	Approve with Conditions	31.08.2018
2018/19445/FUL	J Bargh & Son	Waterscales Farm Greystonegill Lane High Bentham Lancaster LA2 7AL	Erection of two steel framed agricultural buildings to cover open yard areas, accessed via existing track	Approve with Conditions	07.09.2018
2018/19478/HH	Mrs Julia Harney	11 Elmore Terrace Keighley Road Cross Hills Keighley BD20 7RX	Dropped kerb and creation of hardstanding	Approve with Conditions	20.08.2018

Application Number	Applicant	Location	Proposal	Decision	Date of Decision
2018/19459/VAR	Co-op Estates	Three Peaks Filling Station New Road Ingleton Carnforth LA6 3DL	Retrospective application to vary condition numbers 2, 3, 4, 5 and 13 to allow for the installation of a jet wash on the south-east corner of the site, the reconfiguration of the existing car park to accommodate the jet wash and minor alterations on application reference number 2018/18915/VAR dated 16/03/2017	Approve with Conditions	31.08.2018
2018/19462/HH	Mr James Doyle	33 Boundary Avenue Sutton-in-Craven Keighley BD20 8BL	Two storey side extension comprising of ground floor utility room & WC and single first floor bedroom. Along with modifications to existing house comprising of removal of internal wall.	Approve with Conditions	06.09.2018
2018/19468/HH	Mr Andrew Timlin	18 Ash Grove Sutton-in-craven Keighley BD20 7QJ	Proposed demolition of existing garage and new build garden shed/potting store, re-roofing works to existing store (revised scheme to previous approval referenced 2017/18553/HH)	Approve with Conditions	20.08.2018
2018/19472/FUL	Mr Simon Shuttleworth	Marton Hall Farm Thornton Road West Marton Skipton BD23 3UB	New agricultural building.	Approve with Conditions	29.08.2018
2018/19494/HH	Mr Thomas Handley	62 New Village Ingleton Carnforth LA6 3DQ	Erection of single storey extension at rear of property to form new kitchen & utility/rear entrance.	Approve with Conditions	30.08.2018
2018/19501/HH	Mr & Mrs Mark Greenwood	11 Hazel Grove Road Sutton-in-craven Keighley BD20 7QT	Rear dormer window and formation of tiled gable in place of hipped roof.	Approve with Conditions	28.08.2018

Application Number	Applicant	Location	Proposal	Decision	Date of Decision
2018/19504/FUL	Northern Norman Ltd	2 Belgrave Street Skipton BD23 1QB	Change of use from dwelling to two self-contained flats	Approve with Conditions	21.08.2018
2018/19507/MMA	Mr Duncan Morrison	Greenways Clapham Lancaster LA2 8HS	Application to vary condition 2 of previously approved application 18/2016/16930 granted 27.06.2016.	Approve with Conditions	24.08.2018
2018/19517/HH	Mr Andrew Symons	Thornton Cottage Burton In Lonsdale Carnforth LA6 3JZ	Demolition of existing rear porch extension. Erection of single storey sun lounge. Re-roofing using natural blue/grey slates.	Approve with Conditions	31.08.2018
2018/19518/LBC	Mr Andrew Symons	Thornton Cottage Burton In Lonsdale Carnforth LA6 3JZ	Application for listed building consent for the demolition of existing rear porch extension. Erection of single storey sun lounge. Re-roofing using natural blue/grey slates.	Approve with Conditions	31.08.2018
2018/19519/COU	Mrs Jane Abruzzese	The Annexe 13 Coach House Museum Walk Skipton North Yorkshire BD23 1AJ	Change of Use of retail area to office area (A1 to A2)	Approve with Conditions	28.08.2018
2018/19520/HH	Mrs Joanne Dodd	Wenning Hipping Keasden Clapham Lancaster LA2 8ET	Erection of a three bay oak framed garage. two bays with garage doors and one bay as a workshop	Approve with Conditions	31.08.2018

Application Number	Applicant	Location	Proposal	Decision	Date of Decision
2018/19515/HH	Mr & Mrs Wilson	Fieldswright 29 Springfield High Bentham Lancaster LA2 7BA	Single storey side extension	Approve with Conditions	30.08.2018
2018/19529/HH	Mr Ian Ashworth	3 Smithy Croft Road Gargrave Skipton BD23 3SL	Single storey rear extension to provide utility, WC and storage	Approve with Conditions	03.09.2018
2018/19530/MMA	Mr Whitaker	Raygill Farm Raygill Lane Lothersdale Keighley BD20 8HH	Application to vary condition no. 2 (plans) of original planning permission referenced 2018/19041/FUL to amend the external colour of the building from green fibre sheeting and timber boarding to grey steel sheeting	Approve with Conditions	12.09.2018
2018/19531/HH	Mr & Mrs Whalley	7 The Old Saw Mill Rathmell Settle BD24 0JY	Replacement of existing conservatory, replacement of existing render with stonework, change one window to a door and replace facias and rainwater goods	Approve with Conditions	03.09.2018
2018/19534/HH	Mr & Mrs A Wroot	146 Burnside Crescent Skipton BD23 2BU	Single storey rear and side extension to provide enlarged kitchen and lounge with additional attached garage	Approve with Conditions	06.09.2018
2018/19535/HH	Mr & Mrs Alan Jowett	1 Raikeswood Drive Skipton BD23 1NA	Construction of garden room over the existing garage.	Approve with Conditions	04.09.2018
2018/19536/HH	Mr Philip Eva	20 Grassington Road Skipton BD23 1LL	New porch to front and new pitched roof over existing garage (replacing flat roof)	Approve with Conditions	03.09.2018
2018/19561/NMA	Miss Laura Brennand	111 Burnside Avenue Skipton BD23 2DB	Non material amendment to original planning consent reference 2018/19115/HH to change external finish from painted render to pebbledash	Non-material amendment approved	30.08.2018

Application Number	Applicant	Location	Proposal	Decision	Date of Decision
2018/19543/CND	Ms Wellock	Homesteads Peel Green Hellifield Skipton BD23 4LD	Application to discharge condition no's. 3 (Archaeology) and 4 (Materials) of original planning permission referenced 2018/19287/HH granted 26/06/2018	DOC satisfactory	22.08.2018
2018/19544/HH	Mohammed Shakeel Rashid	13 Ruskin Avenue Skipton BD23 1SL	Attic conversion and front dormer window	Approve with Conditions	10.09.2018
2018/19553/HH	Mr P Freeman & Ms J Bleay	21 Tarn Moor Crescent Skipton BD23 1LT	Replacement porch supported on timber posts, replacement of door and window to front	Approve with Conditions	12.09.2018
2018/19577/HH	Mr Michael Fitzsimmons	8 Greenfoot Lane Low Bentham Lancaster LA2 7HB	Two single storey extensions to the rear of the property. One sunroom/lounger area and one shower room/toilet and utility area.	Approve with Conditions	12.09.2018
2018/19558/HH	Mr & Mrs Atkinson	Woodbourne 7 Springfield High Bentham Lancaster LA2 7BA	Proposed alterations to an existing dwelling	Approve with Conditions	11.09.2018
2018/19568/TCA	Mr Robert Agar	31 & 37 Higherlands Close Gargrave Skipton BD23 3RF	Tree 1 - Sweetchestnut - Fell Tree 2 - Cherry - Canopy reduction 20%	Approve Tree Works in Conservation Area	06.09.2018
2018/19581/TCA	Ms S Anderson	First Steps Newmarket Street Skipton BD23 2JP	T1 Horse chestnut - Crown lift lower branches to give 2m clearance above roof of buildings. Remove dead wood and clean through any poor limbs.	Approve Tree Works in Conservation Area	06.09.2018

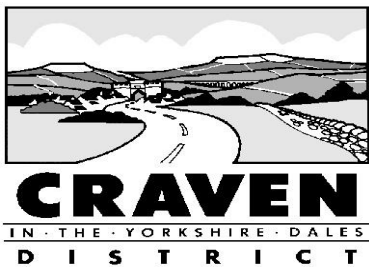
Application Number	Applicant	Location	Proposal	Decision	Date of Decision
2018/19582/TPO	Mr Barnes	26 Main Street Embsay Skipton BD23 6RE	T1 Sycamore - Crown lift to remove epicormic shoots. Shorten 2 limbs over neighbouring house. remove dead wood	Approved Tree Work under TPO	06.09.2018
2018/19583/TCA	Mrs Carr	Woodlands House Woodlands Drive Skipton BD23 1QU	T1 Whitebeam, reduce height and spread by 10% T2 Yew, light trim and shape T3 Laurel, reduce height and spread by 15%, cut back from pavement	Approve Tree Works in Conservation Area	06.09.2018
2018/19585/TCA	Mrs Haslop	3 Low Street Burton In Lonsdale Carnforth LA6 3LF	Fell 1 no. Hornbeam	Approve Tree Works in Conservation Area	06.09.2018
2018/19589/CND	Mr Robert Bellfield	Craven College Aireville Campus Gargrave Road Skipton BD23 1US	Application to discharge condition no's 8 and 9 from planning approval referenced 2017/18416/VAR granted 19th December 2017.	DOC satisfactory	22.08.2018
2018/19591/CND	Ms Jackie Rushworth	Land Off Ellers Road Sutton-in-craven Keighley	Application to discharge condition no's 3, 4, 5 and 10 of original planning approval referenced 2017/18195/FUL granted 21/11/2017	DOC satisfactory	04.09.2018
2018/19607/TPO	Mr Andrew Bromley	Hollin Tree Main Street Ingleton Carnforth LA6 3HF	T4 Yew - Crown lift by 1m T5 Holly - Fell	Approved Tree Work under TPO	06.09.2018

Application Number	Applicant	Location	Proposal	Decision	Date of Decision
2018/19608/TCA	Mrs Janet Longthorn-Michie	Aireville Park Alongside 33 Hayton Way Skipton BD23 1DQ	Various Crown lifting and reduction to park trees adjacent to 33 Hayton Way.	Approve Tree Works in Conservation Area	06.09.2018
2018/19611/NMA	Mr S Hall	Ivy Cottage Farm Carla Beck Lane Carleton Skipton BD23 3BY	Non material amendment application for amended property division lines and reopening and enlarging a former door opening on the front elevation relating to previous planning application referenced 17/2016/16525 granted 22 February 2016	Non-material amendment approved	03.09.2018
2018/19622/TCA	Mr Hargreaves	Draughton House Low Lane Draughton Skipton BD23 6EA	T1 Larch - Fell	Approve Tree Works in Conservation Area	06.09.2018
2018/19624/TCA	Mr David Allen	5 The Bailey Skipton BD23 1AP	T1 Copper Plum - 25% crown reduction and re-shape.	Approve Tree Works in Conservation Area	06.09.2018
2018/19662/PNAG	Mrs Kelly Redfearn	Ingleborough View Barn Westhouse Ingleton LA6 3NZ	Prior notification application for extension to existing agricultural building	PN Refuse and Application Required	07.09.2018
2018/19674/TPO	Skipton Town Council	Short Bank Gully Rec Off Shortbank Close Skipton BD23 2JW	Remove 4 no. Trees	Approved Tree Work under TPO	30.08.2018

Planning Committee Report of Monthly New Complaints Registered **Between 14/08/18 and 10/09/18**

Enforcement Reference	Alleged Breach	Site Address	Ward
ENF/02913/2018	Excavation to the rear of the property	6 Greta Heath Burton In Lonsdale Ingleton LA6 3LH	Bentham
ENF/02914/2018	Unauthorised signs advertising 'Fallfest 2018'	19 - 25 Main Street Cross Hills Keighley BD20 8TA	Glusburn
ENF/02915/2018	Unauthorised sign advertising the car park and prices.	Skipton Castle The Bailey Skipton BD23 1AW	Skipton North
ENF/02916/2018	Erection of large flag on gable wall.	120 Keighley Road Skipton BD23 2QT	Skipton West
ENF/02917/2018	Wall removed and construction of a drive.	Land At The Side Of The Garages Watsons Houses Skipton BD23 1LD	Skipton North
ENF/02918/2018	Unauthorised development in field at The Wenning	Land Bound By The Wenning And B6480 Low Bentham LA2 7DD	Bentham
ENF/02919/2018	Silo having been erected on site.	Land Off Skipton Bypass To The Bailey Skipton	Skipton North

Enforcement Reference	Alleged Breach	Site Address	Ward
ENF/02920/2018	Large building having been erected.	Castleys Church Road Thornton In Craven Skipton BD23 3TJ	West Craven
ENF/02921/2018	Two office portacabins in car park, resulting in the loss of car parking spaces. Breach of C15 of 32/2002/2672?	Unit 10 Riparian Way Cross Hills Keighley BD20 7BW	Glusburn
ENF/02922/2018	Development potentially not being carried out in accordance with the approved plans. Boundary issues.	Land At Ings Avenue Skipton	Skipton West
ENF/02923/2018	Potential change of use of land from agricultural to domestic and shed having been erected in the field.	2 Hambleton Cottages Long Causeway To Railway Cottages Bolton Abbey Skipton BD23 6AE	Barden Fell
ENF/02924/2018	Erection of a 1.8m fence from ground level between the drives and abutting a highway	10 Carleton Avenue Skipton BD23 2TE	Skipton West
ENF/02925/2018	8ft wall having been erected on a PROW- breach of condition of planning ref: 22/2016/17178.	Barn Fleet Farm Pad Cote Lane Cowling Keighley	Cowling
ENF/02926/2018	Concrete footings and extension.	Wend Gardens The Wend Carleton Skipton BD23 3EH	West Craven
ENF/02927/2018	Building not been built in accordance with approved plans ref: 68/2015/16198 and the use of the building differs from the approval.	Ingleborough View Farm Westhouse Ingleton LA6 3NZ	Ingleton And Clapham



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 **Between 15/08/18 and 10/09/18**

Enforcement Reference	Date Received	Date Closed	Reason for Closure	Alleged Breach	Site Address	Ward
2049/2015	23rd February 2015	20th August 2018	No Breach	Untidy Land- Waste Disposal-Field being used as a tip- Concrete dumped	Heights Lane Draughton North Yorkshire BD23 6EB	
2053/2015	27th February 2015	20th August 2018	Breach Resolved	Biomass boiler within residential curtilage of a listed building	Long Syke Edge Farm Cowling Hill Lane Cowling Keighley BD22 0LL	Aire Valley With Lothersdale
2465/2016	9th September 2016	20th August 2018	Case Closed	Boundary wall removed & tree protection fence has not been erected as condition no. 9 states	Brooklyn Crosshills Road Cononley Keighley BD20 8JR	Aire Valley With Lothersdale
2625/2017	11th April 2017	20th August 2018	Case Closed	Unauthorised works for change of use to an apartment	Dale End Mill Dale End Lothersdale Keighley BD20 8EN	Aire Valley With Lothersdale

Enforcement Reference	Date Received	Date Closed	Reason for Closure	Alleged Breach	Site Address	Ward
ENF/02711/2017	12th July 2017	28th August 2018	Breach Resolved	Play Area equipment locations have changed without notice and are not as approved application 63/2015/15726	Elsey Croft Moorview Way Skipton BD23 2TW	Skipton East
ENF/02755/2017	18th October 2017	28th August 2018	Other Reason	Monitor the implementation of 63/2015/16427 following the appeal decision APP/C2708/W/16/31505 11 conditionally approved on 29/09/17	Elsey Croft Development Moorview Way Skipton BD23 2TW	Skipton East
ENF/02758/2017	25th October 2017	20th August 2018	Case Closed	Construction of garage	Marton Hall Priory Thornton Road West Marton Skipton BD23 3UB	West Craven
ENF/02849/2018	10th April 2018	20th August 2018	Case Closed	Satellite dish in conservation area	26 Church Street Gargrave Skipton BD23 3NE	Gargrave And Malhamdale
ENF/02876/2018	13th June 2018	21st August 2018	No Breach	Table and chairs on the pavement outside	44 Sheep Street Skipton	Skipton North
ENF/02885/2018	22nd June 2018	20th August 2018	Case Closed	Rear of property has been cladded/ rendered yellow.	8 Dale End Lothersdale Keighley BD20 8EN	Aire Valley With Lothersdale

Enforcement Reference	Date Received	Date Closed	Reason for Closure	Alleged Breach	Site Address	Ward
ENF/02886/2018	22nd June 2018	20th August 2018	Case Closed	Change of use to holiday let.	Dale End Mill Dale End Lothersdale Keighley BD20 8EL	Aire Valley With Lothersdale
ENF/02907/2018	1st August 2018	21st August 2018	No Breach	Alleged use of field for caravans and camping	Thornton Hall Farm Thornton In Craven Skipton BD23 3TJ	