

CRAVEN DISTRICT COUNCIL

PLANNING COMMITTEE – SITE VISIT

17th December 2018

AGENDA

Please note that the Committee will visit the following site on Monday, 17th December 2018. Members are asked **to meet at Site A at 10.50am**, or alternatively at the Belle Vue Square Offices car park **no later than 10.30am**

- a. **2018/19788/FUL Change of use of vacant field to C3 and siting of 2 houses, land adjacent to Freigate / Nan-Scar, Cowling (Cowling Ward).**
- b. **2018/19747/FUL (Skipton North Ward). Construct 6 no. 4 bed detached dwellings with associated vehicular access and landscaping (resubmission of previous application referenced 2018/19018/FUL), Rockwood House, Park Wood Close, Skipton, BD23 1QW. Approximately 11.30am**
- c. **2018/19367/FUL Development of 2 No. detached houses, land off Chapel Hill, Skipton. (Skipton North Ward). Approximately Noon**

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

Agenda Contact Officer: Chris Waterhouse

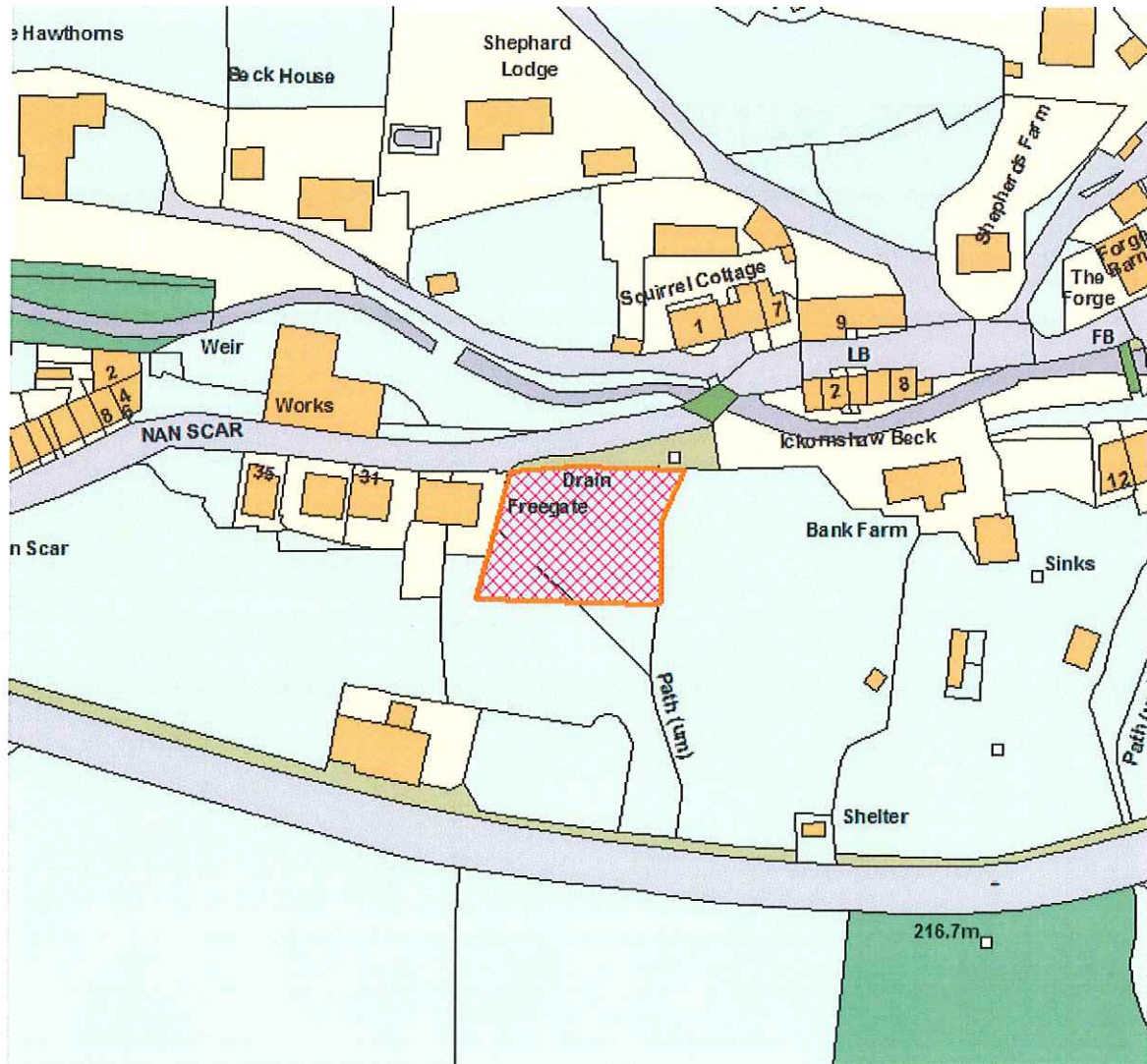
E-mail : cwaterhouse@cravendc.gov.uk

Tel. 01756 706235

7th December 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.

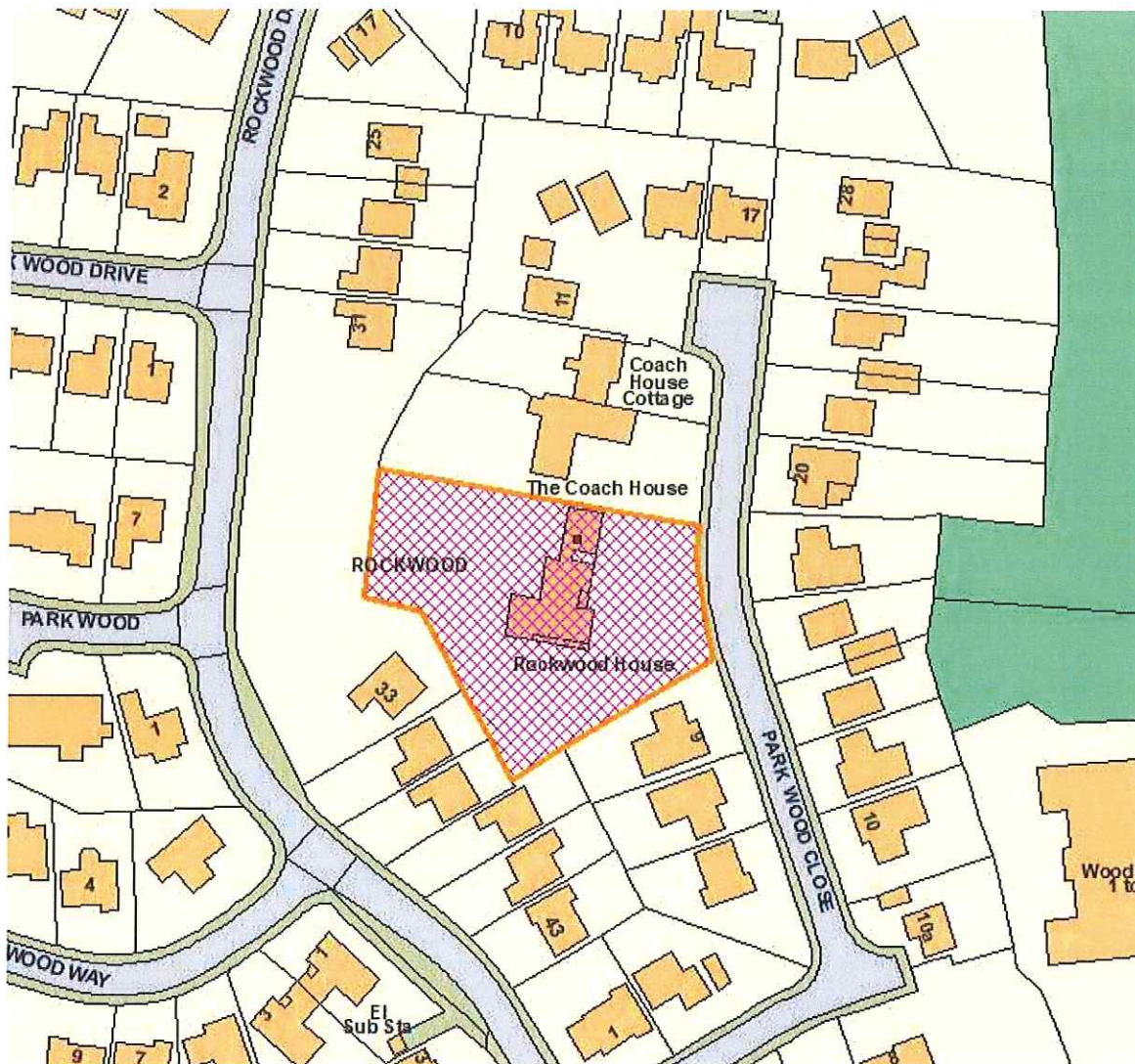


Application Number: 2018/19788/FUL

Proposal: Change of use of vacant field to C3 and siting of 2 houses.

Site Address: Land Adjacent To Freegate/Nan-Scar Cowling

On behalf of: Ms Samantha Jepson

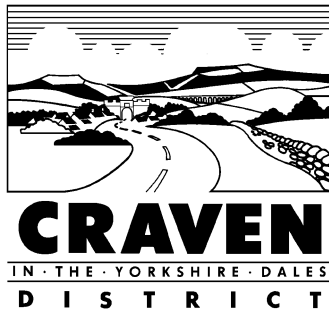


Application Number: 2018/19747/FUL

Proposal: Construct 6 no. 4 bed detached dwellings with associated vehicular access and landscaping (resubmission of previous application referenced 2018/19018/FUL)

Site Address: Rockwood House Park Wood Close Skipton BD23 1QW

On behalf of: Firth Developments Ltd



PLANNING COMMITTEE

1.30pm on Monday, 17th December, 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** – 20th November 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. **Proposed Mixed Use Development Anley Crag Business Park, Settle : Application 62/2017/18064** – Report of the Planning Manager. Attached.

Purpose of Report – To report the representations on the planning application from the Yorkshire Dales National Park and to advise that the full views of the Yorkshire Dales Society are available on the Council's web-site.

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
7th December 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

20th November 2018

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

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

Ward Representatives : Councillors Brown (Applications 2018/19487/FUL and 2018/19691/FUL), Dawson (2018/19308/FUL), Mercer (2018/19788/FUL) and Myers (2018/19508/FUL).

Apologies for absence were received from Councillor Thompson.

Start: 1.35pm

Finish: 17:30pm

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 22nd October 2018 were confirmed and signed by the Chairman.

Minutes for Report

PL.889

DECLARATIONS OF INTERESTS AND LOBBYING

a. Declarations of Interest

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

Application 2018/19508/FUL : Councillors Whitaker and Harbron repeated their declarations made at Minute PL.881(a) at which they had declared interests under Appendix B and Paragraph 15 respectively of the Council's Code of Conduct; they both withdrew to the public seating area taking no part in the discussion or vote. Councillor Heseltine drew attention to his position as a trustee of the Tarn Moor Trust, he indicated that he did not feel able to impartially determine the application and therefore withdrew to the public seating area taking no part in the discussion or vote.

b. Lobbying

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

Application 2018/19308/FUL : The Chairman and Councillors Brockbank, Harbron, Heseltine, Rose, Lis and Shuttleworth indicated that they had received lobbying against this application.

Application 2018/19635/FUL : The Chairman and Councillor Lis indicated that they had received lobbying for this application.

Application 2018/19508/FUL : All Members of the Committee had been lobbied against this application.

PL.890

PUBLIC PARTICIPATION

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

Application 2018/19308/FUL	Councillor G Bell (for Skipton Town Council) Mr J Bollen (objector / for objectors) Mrs R Child (for the applicant)
Application 2017/19635/FUL	Mr M Brennand (applicant)
Application 2018/19508/FUL	Ms J Ledwon (for Stirton with Thorlby Parish Meeting) Ms J Andrews (objector / for objectors) Mr G Salisbury (for the applicant)
Application 2018/19691/FUL	Mr L Binns (for the applicant)
Application 2018/19788/FUL	Mr W Cartwright (for the applicant)

PL.891

APPLICATIONS FOR PLANNING PERMISSION

a. Delegated Matters

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

63/2015/16300 Construction of 39 no houses and associated access roads, land to the south of Burnside Crescent, Skipton – Approved.

63/2017/18096 Application to discharge condition no 2 of planning approval 63/2017/17809 provision to direct run-off water from the hard surface within the curtilage of the application property, 35 Hurrs Road, Skipton - Condition satisfactorily discharged..

2017/18427/TPO Fell 1 no. Horse Chestnut, 1 no. Sycamore and 1 no. Maple, All trees replaced with 1 oak and 2 beech, 13 Beech Hill Road, Carleton - Application withdrawn.

2017/18559/CND Application to discharge condition no's 4 (external materials) and 5 (landscaping) of planning permission referenced 22/2016/17141 granted 30/11/2016, Carr Head, Cowling - Condition not satisfactorily discharged.

2017/18633/FUL Construction studio workshop for business use, Carr Head Hall, Cowling - Approved with conditions.

2017/18874/FUL Retrospective application for change of use from disused shed into small kennels with run for dog day care business, Cragstones, Crag Lane, Sutton-in-Craven - Application withdrawn.

2017/18875/OUT Outline application with some matters reserved (landscaping, appearance) for construction of 4 no. detached houses and garages, Croft Head Farm, Glusburn - Approved with conditions.

2018/18930/HH Increase roof height of existing garage and convert first floor to home office/study, Gill Barn, Lane House Road, Cowling - Approved with conditions.

2018/18989/HH Full planning permission application for the raising of a roof and utilisation of loft as living space. The application includes a proposed window to garage and lean-to bike store, The Estate Barn, Moorber Lane, Coniston Cold - Approved with conditions.

2018/19082/FUL Construction of single storey canine hydrotherapy centre with creation of new access and off street parking, Nuttercote Farm, Thornton in Craven – Refused.

2018/19245/CND Application to discharge condition 3 of original listed building consent reference 32/2016/17098, Malsis School, Glusburn - Condition satisfactorily discharged.

2018/19292/FUL Renewal of planning application 72/2004/4468 (part) to allow extension of curtilage of existing caravan park to form 51 static caravan pitches, Bowland Fell Park, Tosside - Approved with conditions.

2018/19335/FUL Internal alterations including the relocation of the WC's to first floor to increase the trade area. New openings to building exterior to facilitate internal alterations. New kitchen and pizza oven and extraction systems, Cross Keys Hotel, Skipton - Approved with conditions.

2018/19336/LBC Internal alterations including the relocation of the WC's to first floor to increase the trade area. New openings to building exterior to facilitate internal alterations. New kitchen and pizza oven and extraction systems, Cross Keys Hotel, Skipton - Approved with conditions.

2018/19359/MMA Minor material amendment to original planning consent reference 66/2016/17316 (changes to approved elevations), land adjacent to 13 Harper Grove, Sutton-in-Craven - Approved with Conditions.

2018/19426/FUL Retrospective application for change of use of garden room to holiday let, Stoney Croft, 3 Skipton Road, Gargrave – Refused.

2018/19401/VAR Application to vary condition no. 6 of original planning consent reference 22/2014/14892 and Listed Building consent reference 22/2014/14903, Higher Stone Head Farm, Cowling - Application withdrawn.

2018/19431/HH Single storey side extension to provide additional bedroom and store room with first floor veranda, 7 Skipton Road, Hellifield - Approved with Conditions.

2018/19484/HH Replacement of existing bay window with patio doors, and formation of a level landing to provide access to front of dwelling. Excavation to form lift shaft and stepped retaining walls to be installed, 63 Long Meadow, Skipton - Approved with Conditions.

2018/19523/HH Replacement windows and front door, 2 Green Croft, Settle - Approved with Conditions.

2018/19565/HH Erection of a two storey extension to the north of the property, 22 Park Crescent, Hellifield - Approved with Conditions.

2018/19574/FUL Agricultural building for storage of machinery, hay, straw and accommodation for livestock, Greenlands Farm, Rarber Top Lane, Ingleton - Approved with Conditions.

2018/19575/HH Demolition of a double garage and retaining wall, along with a reduction of ground levels to the rear of the property by approximately 1m. Construction of a new single garage, at the reduced ground level, and new retaining wall along widened driveway. Construction of a single storey, flat roof extension to the rear of the property, giving enlarged kitchen and bedroom space. Construction of a dormer to the rear of the property giving additional space for a family bathroom and study. Erection of a replacement 1.8m wooden fence between No 11 and No 13, Grovelands, 11 Booth Bridge Lane, Thornton in Craven - Approved with Conditions.

2018/19578/TPO Fell 1 no. Maple, 56 Carleton Avenue, Skipton - Approved.

2018/19587/HH Retrospective application for the creation of raised area to the front of no. 4 Greta Heath to form level garden area, 4 Greta Heath, Ingleton - Approved with Conditions.

2018/19599/HH Conversion of existing ancillary accommodation (stores and garages) to provide garage and annex accommodation ancillary to existing dwelling, Fairacre, West Fold, Lothersdale - Approved with Conditions.

2018/19601/FUL Conversion and alteration of existing grouping of barns and cottage to form 3 no additional dwellings, Barn to Halsteads, Thornton in Lonsdale, Ingleton - Approved with Conditions.

2018/19632/HH Replacement of tanilized wood fencing with dry stone wall to 1.2m high (section A on plan); mortared wall (section B on plan) to match existing wall (section D on plan); remove fence and leave open (section C on plan), 2 High Castle, Skipton - Approved with Conditions.

2018/19612/ADV Advertisement application for new fascia sign and projecting sign, 4 Sheep Street, Skipton - Approve with Conditions.

2018/19641/VAR Application to vary condition 3 of original planning approval referenced 2017/18328/HH to change the interior window construction from timber to aluminium, Lodge Bank Cottage, Westhouse, Ingleton - Approved with Conditions.

2018/19616/COU Change of use of land to residential garden curtilage, 25 Tile Close, Skipton - Approved with Conditions.

2018/19619/CND Application to discharge conditions 3, 4, 6, 8 and 9 of original planning approval 45/2017/18062 (APP/C2708/W/17/3190127) allowed on appeal 06.03.2018, Land North of Rarber Top Lane, Rarber Top Lane, Ingleton - Conditions satisfactorily discharged..

2018/19621/TPO Prunus-G1 - branches to be lopped and trimmed, 58 Carleton Avenue, Skipton - Approved.

2018/19623/TPO T1 Oak - Crown lift to 5 metres and thin by 10%, 21 Westwood, Carleton - Approved.

2018/19627/FUL Extension to existing agricultural building, Wellside, Lothersdale Road, Glusburn - Approved with Conditions.

2018/19631/COU Change of use of agricultural land to visitor parking spaces, Park Cottage, Park Lane - Approved with Conditions.

2018/19642/HH Extension and alteration to bungalow including raising of the roof height, Glenholme, Thacking Lane, Ingleton - Approved with Conditions.

2018/19638/LBC Listed building consent application for erection of single storey first floor extension to existing rear annex, The Water Tower, Station Road, Settle – Refused.

2018/19643/HH Construction of side extension bedroom over garage, 17 Town Head Way, Settle - Approved with Conditions.

2018/19637/HH Erection of single storey first floor extension to existing rear annex, The Water Tower, Station Road, Settle – Refused.

2018/19644/CND Application to discharge condition no. 3 (drainage), condition no. 4 (water supply), condition 5 (water protection plan), condition 6 (contamination phase I), condition 7 (contamination phase II), condition 8 (remediation), condition 9 (validation report), condition 10 (construction method), condition 11 (building materials), condition 14 (boundary wall) on planning application referenced 2018/19100/FUL granted 01 August 2018, Pennine Haulage Brow Garage, Rook Street, Lothersdale - Split Decision.

2018/19645/TPO T1 Hornbeam - reduce crown spread by 1m. T2 Beech - Remove the lowest limb. T3 Ash - Reduce height by 2m. T4 Beech - Reduce height by 3m. T5 Beech – Crown thin by 5%. T6 Beech - Crown thin by 5% and reduce spread all round to 5m. 11 Gainsborough Court, Skipton - Split Decision.

2018/19651/HH Single storey replacement sun room extension, 20 Airedale Mews, Skipton - Approved with Conditions.

2018/19652/TCA T1, T2 & T3 - Leylandii – Fell, Approve Tree Works in Conservation Area, 16 Low Street, Burton in Lonsdale - Approved.

2018/19655/LBC Application for listed building consent for the provision of one new (replacement) waiting shelter, one existing waiting shelter refurbishment, the provision of a single TVM and CCTV, Bentham Railway Station, Station Road - Application withdrawn.

2018/19657/LBC Application for listed building consent for the provision of one automated Ticket Vending Machine (TVM) and two Customer Information Screens (CIS) with PA and CCTV on Platforms, Hellifield Station, Station Road - Approved with Conditions.

2018/19664/HH Construction of cat slide dormer windows to east and west roof slopes, 4 Raikes Avenue, Skipton - Approved with Conditions.

2018/19669/LBC Application for listed building consent for conversion of existing staff room into a classroom including the replacement of existing windows, forming a new door opening and

associated ramped/stepped access arrangements externally, Cedar House School, Low Bentham - Approved with Conditions.

2018/19672/FUL Proposed new build detached three bedroom dwelling, adjacent 9 Black Abbey Lane, Glusburn - Approved with Conditions.

2018/19673/HH Repositioning of boundary wall to provide adequate visibility splays (Highway improvements) to existing driveway entrance (resubmission of application 2018/18946/HH), Westfield House, Matthew Lane, Low Bradley - Approved with Conditions.

2018/19677/HH Proposed timber shed on site of former greenhouse, Hamble Crest, Nethergill Lane, Cononley - Approved with Conditions.

2018/19678/HH Construction of upper storey to existing garage to create annexe, Ashburn House, 1 Skipton Road, Gargrave - Approved with Conditions.

2018/19680/CPL Application for Certificate of Lawful Development for proposed single storey rear extension, 26 Regent Road, Skipton - Approved.

2018/19682/OUT Outline application with some matters reserved for construction of new two bedroom annexe, rear of 35 Lytham Gardens, Skipton – Refused.

2018/19685/VAR Retrospective application to vary condition no's 3, 4 and 5 of original planning approval referenced 22/2015/16045 to vary the conditions to be post-commencement so that they may be discharged, Green Syke Farm, Colne Road, Cowling - Approved with Conditions.

2018/19686/NMA Non material amendment to original planning approval referenced 22/2015/16045 for 1) To change the barn arch to a flat lintel, 2) To make rear first floor windows larger, 3) To add a small window to front elevation, 4) To replace a door with a small window to the rear elevation, Green Syke Farm, Colne Road, Cowling - Approved.

2018/19689/COU Retrospective application for change of use from office B1a to C3 Residential, Unit 13, High Corn Mill, Skipton - Approved with Conditions.

2018/19690/LBC Change of use from office B1a to C3 Residential, Unit 13, High Corn Mill, Skipton - Approved.

2018/19694/HH Proposed single storey rear cloaks and porch extension, 10 Craven Terrace, Settle - Approved with Conditions.

2018/19697/TCA T 1 Holly – Fell, T 2 Laurel- Fell, T 3 Holly – Fell, T 4 Hawthorn – Fell, Yellow Cottage, Low Lane, Draughton - Approved.

2018/19699/CND Application to discharge Condition no. 3 (boundary treatment) from original application number 2018/19405/HH granted 17.08.2018, 39 Midland Terrace, Station Road, Hellifield - Condition satisfactorily discharged.

2018/19700/LBC Application for listed building consent for rebuilding of steps to the front elevation with new handrails. New paving to rear to allow disabled access to first floor, The Folly, Victoria, street, Settle - Approved with Conditions.

2018/19701/TCA Tree 1 - Beech – Fell, Tree 2 - Birch - Crown thin by 20% maximum, 10 Crosshills Road, Cononley - Approved.

2018/19702/FUL Full planning application for demolition of existing structures and development of eight dwellings (resubmission of non-determined application referenced 2018/18965/FUL), land north of Kings Mill Lane, (Former NYCC Depot), Settle - Refused.

2018/19706/HH Addition of en-suite to first floor level within barn together with access from main bedroom, Calf Cop Farm, Burton Road, Low Bentham - Approved with Conditions.

2018/19707/LBC Listed building consent for the addition of en-suite to first floor level within barn, together with access from main bedroom, Calf Cop Farm, Burton Road, Low Bentham - Approved with Conditions.

2018/19708/MMA Application for a minor material amendment to vary condition 2 (plans condition) of original planning approval referenced 2017/18670/FUL, land at Moorgarth, Ingleton - Approved with Conditions.

2018/19710/FUL Restoration of farmhouse, outbuildings and barns to create one family dwelling, Crow Nest Barn, Crow Nest Road, Austwick - Approved with Conditions.

2018/19711/LBC Listed building consent for restoration of farmhouse, outbuildings and barns to create one family dwelling, Crow Nest Farmhouse, Crow Nest Road, Austwick - Approved with Conditions.

2018/19715/HH New outbuilding (storage and garden room) within the curtilage of the site (Resubmission of 2017/18804/HH), 86 Otley Road, Skipton - Approved with Conditions.

2018/19716/CND Application to discharge condition no's 3, 4 and 5 of original planning approval referenced 2017/18617/FUL granted 12/12/2017, Unit 5, Enterprise Way, Airedale Business Centre, Skipton - Condition satisfactorily discharged.

2018/19718/TCA Removal of two trees, Brindley Mill, Pinder Wharf, Lower Union Street, Skipton - Approved.

2018/19719/FUL Demolition of stables and construction of dwelling house, incorporating previous permission for part demolition and conversion, Binns Lane Farm, Binns Lane, Glusburn - Approved with Conditions.

2018/19724/TCA 2 no. Beech, 2 no. Fir & 1 no. Ash - Crown topping under telephone wires and cutting back of branches to clear the footpath, land to the rear of 12 High Hill Grove Street, Settle - Approved.

2018/19728/HH Single storey rear extension, Newlands Croft, Skipton Road, Gargrave - Approved with Conditions.

2018/19732/FUL Retention of existing multi-purpose agricultural building with a proposed 5m x 3.6m extension to house livestock, Ingleborough View Barn, Burton in Lonsdale - Approved with Conditions.

2018/19733/TCA Fell 1 no. Scots Pine, land to rear of 19 Park Avenue, Gargrave Road, Skipton - Approved.

2018/19734/TCA Fell 1 no. Silver Birch. Removal of lower branches on 1 no. Holm Oak, The Folly, Victoria Street, Settle - Approved.

2018/19741/TCA Remove 1 no. Silver Birch & 1 no. Cherry, 26 Skipton Road, Cononley - Approved.

2018/19744/TCA Fell 1 no. Conifer, 2 West View, Cowling - Approved.

2018/19758/CND Application to discharge condition no's 3 (Dust Management), 4 (Contamination Report) & 5 (Structural Report) of original planning approval referenced 2017/18282/FUL granted 25.10.2017, Merritt and Fryers, Skipton - Conditions satisfactorily discharged.

2018/19766/CND Application to discharge condition no. 3 (Noise Attenuation) of original planning approval referenced 2018/19414/FUL granted 04.09.2018, Springholme, Otley Road, Skipton - Condition satisfactorily discharged.

2018/19769/TCA T1 - Ash - Crown Lift, 4 Victoria Terrace, Ings Lane, Low Bradley - Approved.

2018/19770/TCA T1 - Sycamore - Crown Lift to 4.5 metres. Reduce back from property side by 1.5 m approx. Clear Round BT lines by approx. 0.5 m where possible, 77 High Street, Skipton - Approved.

2018/19777/TPO Remove 2 no. Birch, 8 Court Lane, Skipton - Split Decision.

2018/19793/TCA T1 - Ash - Removal, T2 - Chestnut & T3 - Sycamore - Prune back from the house by 2 - 3 metres. Light reduction to balance crown, T4 - Beech - Crown lift by 2 - 3 metres, trees in park adjacent to 30 Main Street, Embsay - Approved.

2018/19795/TCA T28 - Maple - Thinning and crown reduction, Christ Church, Skipton - Approved.

2018/19797/TCA T1 - Wild cherry - Raise crown to clear bus route, T2 - Horse Chestnut - Raise crown to clear branches from ground - Draughton Village Green – Approved.

2018/19811/CND Application to discharge part of condition no. 3 (pointing mortar mix) of listed building consent referenced 2018/19390/LBC granted 31.07.2018, White House, Chapel Lane, Halton East - Condition satisfactorily discharged.

b. Applications

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

Permission Granted

2018/19691/FUL Proposed bungalow, land off Netherghyll Lane, Town Head Farm, Gibside Lane, Cononley.

Conditions

Time Limit for Commencement

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

Approved Plans

2. This permission relates to the following plans:

- Drawing No. P1916/001a "Sections as Proposed" received 11th October 2018.
- Drawing No. P1916/002a "Plans as Proposed" received 11th October 2018.
- Drawing No. P1916/004a "Proposed Site Plan" received 11th October 2018.
- Drawing No. P1916/005a "Location Plan" received 11th October 2018.
- Document titled "Survey Details for Trees" received 31st August 2018.
- Document titled "Design and Access Statement" received 31st 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.

During Building Works

3. No work shall commence on any external walling of the proposed dwelling until such time as the following have been submitted to and approved in writing by the local planning authority:

- a. A sample panel of walling, of at least 2m² area, showing the natural stone to be used, the method of coursing and the styles and colour of its pointing has been constructed on site and;
- b. samples of the proposed roof slates have been made available for inspection.

The development shall be carried out in accordance with the approved details.

Before the Development is Occupied

4. No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas have been constructed in accordance with the approved drawings and are available for use unless otherwise approved in writing by the Local Planning Authority. Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times

Ongoing Conditions

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

6. The occupiers of the dwelling hereby approved shall access and egress the property by the westernmost access onto Netherghyll lane only (as detailed within the site area defined on the approved location plan) and shall not use the access from Gibside Lane onto Main Street at any time. the access to Main Street shall be kept gated and locked at all times save for periodic use by any third party that has a right to use the access and is not resident in or visiting the approved dwelling.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification) no development consisting of the enlargement, improvement or other alteration of the dwellinghouse, nor the erection of any outbuildings, nor the erection or installation of any walls, fences, gates or other means of enclosure within the curtilage of the dwellinghouses hereby approved shall take place without the prior written approval of the Local Planning Authority.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification) the garages hereby approved shall not be converted into domestic accommodation without the granting of an appropriate planning permission.

Informatives

1. It is the responsibility of the developer to ensure that the development is undertaken in accordance with Part B5 of Schedule 1 of the Building Regulations 2000 in order that suitable access and facilities for the fire service have been provided..

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 tem at County Hall, Northallerton via paths@northyorks.gov.uk to obtain up-to-date information regarding the line of the route of the way. the applicant should discuss with the Highway Authority any proposals for altering the route.

Statement of Positive Engagement : In dealing with this application Craven District Council has sought to approach the decision making process in a positive way, in accordance with the requirements of paragraph 38 of the National Planning Policy Framework. (*)

2018/19722/MMA Minor material amendment application relating to front and rear dormers added to approved two storey extension under reference number 17/2017/17744 granted 11/04/2017. Drawings 498-03 and 04 to replace Drawings 236.12 Rev B and 236.13 Rev C received by the Local Planning Authority on 2nd March 2017, Applegarth, Beech Hill Road, Carleton.

Conditions

Approved Plans

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

- Drawing No. 498.03 received 08th September 2018.
- Drawing No. 498.04 received 08th 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.

Ongoing Conditions

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

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.

Delegated Authority

2018/19487/FUL Proposed development of 3 no. two bedroom timber holiday lodges including associated parking spaces, land to south of Throstle Nest Farm, Woodside Lane, Cononley – the Planning Manager was authorised to approve this application subject to prior clarification of the arrangements for foul drainage and subject also to the conditions listed below being amended / extended as follows:-

- a. To include a requirement that the site owner maintains a register of lettings.
- b. To require provision of electric vehicle charging points.
- c. The landscaping scheme to be submitted under Condition 3 to include planting to address concerns regarding views of the site from across the valley and from the railway line.
- d. Surface water drainage arrangements to make use of soakaway to help reduce run-off from the site.

Conditions

Time Limit for Commencement

1. The development hereby permitted shall 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 and documents:

- Drawing no. 447-01 Received by the Council on 28 June 2108
- Drawing no. 447-03 rev C Received by the Council on 18 October 2018
- Drawing no. 447-04 rev C Received by the Council on 18 October 2018
- Drawing no. 447-05 rev C Received by the Council on 18 October 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 the Development is Occupied

3. Notwithstanding any details shown on the approved plans and the requirements of condition 2 of this permission, prior to the development being occupied, a landscaping scheme for the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the type, species, siting, planting distances and the programme of planting of trees, hedges and shrubs. The duly approved landscaping scheme shall be carried out during the first planting season thereafter and the areas which are landscaped shall be

retained as landscaped areas thereafter. Any trees, hedges or shrubs removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced by trees, hedges or shrubs of similar size and species to those originally required to be planted.

Ongoing Conditions

4. The units hereby approved shall only be occupied as short term holiday accommodation and shall not used or occupied as permanent residential units at any time.

5. Prior to the caravan/lodges units being brought onto site, details of the external treatment of the units shall be submitted to and approved in writing by the local planning authority and carried out in accordance with the approved details prior to the units being occupied and shall thereafter be 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. (*)

Permission Refused

2018/19308/FUL Removal of existing planting and metal staircase and erection of new development comprising ground floor retail unit (Class A1) and 4 no. apartments with reconfiguration of public space and entrance to shopping centre, land adjacent to Craven Court Shopping Centre, Otley Street, Skipton – the Planning Manager, in consultation with the Chairman and Vice-Chairman, to formulate appropriate reasons for refusal based on grounds of

- a. The adverse impact on the Skipton Conservation Area / street scene and neighbouring listed buildings.
- b. The adverse impact on the amenity of the area arising from the loss of the open space, and
- c. Impact on the amenity of residential property.

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. (SV)(*)

2018/19635/FUL Proposed rebuilding of derelict property formerly known as 'Marywood Moss House' to form new dwelling, Nutstile House Farm, Langber End Lane, Ingleton.

Reasons for Refusal

In the absence of information to the contrary, the proposal is a new build dwelling in an isolated location in the open countryside for which no justification has been put forward and is therefore contrary to paragraph 79 of the National Planning Policy Framework.

Statement of Positive Engagement : In dealing with this application Craven District Council has sought to approach the decision making process in a positive way, in accordance with the requirements of paragraph 38 of the National Planning Policy Framework. (SV)(*)

It was requested that voting on the motion to refuse the above application be recorded.

For : Councillors Baxandall, Harbron, Heseltine, Morrell, Place, Sutcliffe and Whitaker.

Against : Councillor Lis.

Abstained : Councillors Brockbank, Rose and Shuttleworth.

Consideration Deferred

2018/19508/FUL Extension of existing caravan site for a further 38 static caravans, 10 camping pods and a multi-use sports court area, formation of new road layout and associated works, Tarn Caravan Park, Stirton – to enable clarification of

- a. the Highway Authority's responses regarding the need or otherwise for conditions in respect of visibility splays at the junction with White Hills Lane, and
- b. the position in respect of maintenance of the existing visibility splays and associated roadside verges (SV) (*)

2018/19788/FUL Change of use of vacant field to C3 and siting of 2 houses, land adjacent to Freegate / Nan-Scar, Cowling – 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.892

PLANNING ENFORCEMENT

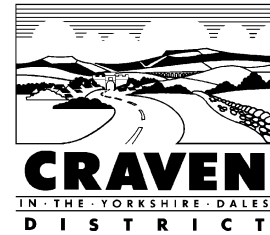
The Strategic Manager for Planning and Regeneration submitted details of enforcement cases closed, and new enforcement complaints registered in the period 11th September 2018 to 6th November 2018.

Minutes for Decision

- None -

Chairman.

Planning Committee 17 December 2018



PROPOSED MIXED USE DEVELOPMENT ANLEY CRAG BUSINESS PARK SETTLE REF 62/2017/18064

Report of the Planning Manager Development Management

Ward(s) affected: Settle and Ribble Banks

1. **Purpose of Report** – To report the representations on the planning application from the Yorkshire Dales National Park and to advise that the full views of the Yorkshire Dales Society are available on the Council's web-site.

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

To note the representations of the Yorkshire Dales National Park and the Yorkshire Dales Society and to reconfirm the decision of the Planning Committee on 24 September 2018 to give delegated authority to the Planning Manager to grant conditional planning permission (ref. 62/2017/18064) subject to the applicant entering into a Section 106 agreement to secure the phasing and delivery of the employment land and commuted sum contributions to off- site open space provision to meet the quality deficiency in the Settle area.

3. **Report**

- 3.1 The outline planning application for an employment led mixed use development known as Anley Crag Business Park was reported to the Planning Committee on 24 September 2018. Based on the file information available at the time the consultation response form the Yorkshire Dales National Park dated 13 June 2017 concluded that there was no objection in principle subject to appropriate landscaping (attached as Appendix A). It was this response that was referred to in the report to Committee on 24 September 2018.
- 3.2 It appears that the previous Case Officer had re-consulted the National Park with additional landscape information in December 2017 and an e-mail response was sent direct to the Case Officer that changed the response to an objection. A copy of the response is attached as Appendix B to this report (dated 22 January 2018). This direct response was not captured to the public file and for that reason was not referred to in the September report.

3.3 However, the landscape impacts were fully covered in the September Committee report in paragraphs 9.22-9.26 and the conclusions were set out on this basis at paragraph 9.38 and 9.39 (attached as Appendix C). Notwithstanding the fact that the National Park changed their formal response from “no objection” in June 2017 to “objection” in January 2018 it is considered that the recommendation would still have been one of seeking authority to approve the application subject to the conclusion of a S. 106 agreement to secure the delivery and phasing of the employment land and to secure commuted sums for open space provision.

3.4 The views of the Yorkshire Dales Society were summarised in the September Committee report but the full representations were not available on the Council’s website. This has now been corrected. Members are invited to view the comments on the website.

4. **Implications**

4.1 **Financial and Value for Money (vfm) Implications** – None arising directly from the report.

4.2 **Legal Implications** – Members are required to take account of all relevant matters when making decisions. The representations of the Yorkshire Dales National Park is such a relevant matter and is therefore placed before Members to inform their decision on this application.

4.3 **Contribution to Council Priorities** – The proposed confirmation of the Committee decision in September 2018 (as per the recommendation in paragraph 2 of this report) will actively support the Council’s priority to support economic growth in the District.

4.4 **Risk Management** – Should the recommendation not be adopted there is a risk of legal challenge and potential Ombudsman investigation.

4.5 **Equality Analysis** – No impact.

5. **Consultations with Others** – Solicitor to the Council

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

7. **Author of the Report** – Neville Watson Planning Manager 01756 706402
e-mail nwatson@cravendc.gov.uk

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

8. **Appendices** –

Appendix A - Yorkshire Dales National Park Letter dated 13 June 2017

Appendix B - Yorkshire Dales National Park Letter dated 22 January 2018

Appendix C - Case Officer’s Committee Report 24 September 2018



YORKSHIRE DALES
National Park Authority

Mr M Taylor
Planning Officer (Development Control Team)
Craven District Council
1 Belle Vue Square
Broughton Road
Skipton
North Yorkshire
BD23 1FJ

Your Ref. 62/2017/18064

13th June 2017

BY EMAIL

Dear Mr Taylor,

Planning Application ref. 62/2017/18064
Anley Crag Business Park, Land to West of the B6480 (Skipton Road), Settle

Thank you for consulting the Yorkshire Dales National Park Authority on this planning application. On behalf of the National Park Authority I wish to make the following comments:

Landscape considerations

The site lies to the south-west of the Yorkshire Dales National Park, which is less than 100m from the site at the nearest point. There are wide and elevated views towards this site from within the National Park, in particular from Mitchell Lane and High Hill Lane to the north east, and from the open access land on High Hill further north. However, such elevated views are at a distance and limited by the presence of Anley Crag, the railway embankment and trees. The northern section of the site is likely to be the most visible from the National Park through the gap between Anley Crag and Beck Ing Plantation. It is considered that the vista out of the National Park over the Ribble Valley towards the Trough of Bowland is an important part of the enjoyment of the National Park in this locality. As such, high density development within the northern half of the site has the potential to encroach into these important views. Whilst the application is submitted in outline form only, indicative drawings have been included within the Landscape Visual Appraisal. It is therefore considered that, if developed fully as indicated, without amendment or mitigation, there could be an adverse impact on the landscape character of this peripheral fringe of the National Park.

The site sits at the roundabout junction of the A65 and the B6480; key transport routes into Settle and the Yorkshire Dales National Park. It is understood that the proposal is for a car sales garage immediately adjacent to the roundabout, with industrial units, business units and housing fronting the B6480. The National Park Authority would encourage an

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Chief Executive: David Butterworth

attractive high quality environment at such a strategic gateway into the National Park.

Ecological considerations

Given the likely scale of the development and proximity to the National Park which contains numerous designated European sites, the proposed development may require a Habitats Regulation Assessment (HRA) and as such it is recommended that the proposed development is screened under the Conservation of Habitats and Species Regulations 2010 to determine the likely significant effects of the development and assess adverse impacts on the integrity of European sites. You may wish to contact our Wildlife Conservation Team for further advice given that this would relate to designated sites within the National Park.

Conclusions

The Yorkshire Dales National Park Authority recognises that sustainable growth in Craven will benefit the National Park by supporting jobs, services and housing that is accessible to Park communities. It should also help maintain or even reduce the distance National Park residents have to travel to reach services. However, in accordance with paragraph 22 of the English National Parks and The Broads Circular 2010, the National Park Authority is required to assess external risks to natural beauty and seek to minimise harm (and maximise beneficial effects). This includes from development beyond the boundary of the National Park.

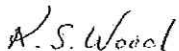
It is considered that there are limited views of the site from within the National Park. However, where the site is visible it would be viewed in isolation from Settle and potentially impact on views out from the National Park. It is considered that a low intensity site layout to the northern half of the site, allowing sufficient room for open space and planting, together with a comprehensive landscaping scheme to the north-eastern side of the site would help to assimilate development into the wider landscape when viewed from the National Park.

It is also recommended that the frontages of the development, facing towards the A65 roundabout and towards the B6480 are of high quality and safeguard the rural character of this area, providing a welcoming gateway to Settle and the National Park beyond.

The National Park Authority therefore has no objection in principle to the development of this site subject to the above points being taken into consideration.

I would be grateful if you could notify me if the application is to be heard at your planning committee and of the Authority's decision. The National Park Authority would also wish to be consulted on any reserved matters planning applications should outline planning permission be granted.

Yours sincerely



Katherine Wood (Principal Planning Officer)

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YORKSHIRE DALES
National Park Authority

Appendix B

Mr M Taylor
Planning Officer (Development Control Team)
Craven District Council
1 Belle Vue Square
Broughton Road
Skipton
North Yorkshire
BD23 1FJ

Your Ref. 62/2017/18064

22 January 2018

BY EMAIL

Dear Mr Taylor,

Planning Application ref. 62/2017/18064
Anley Crag Business Park, Land to West of the B6480 (Skipton Road), Settle

Thank you for consulting the Yorkshire Dales National Park Authority on the additional information submitted with the application.

On behalf of the National Park Authority I wish to make the following comments:

The Authority **objects** to the proposal on the basis of the landscape and visual impact on the setting of the Yorkshire Dales National Park, having regard to the statutory purposes of the National Park as set out in the 1995 Environment Act:

- To conserve and enhance the natural beauty, wildlife and cultural heritage; and
- To promote opportunities for the understanding and enjoyment of the Special Qualities of the National Park by the public.

Also, paragraph 115 of the National Planning Policy Framework which advises that great weight should be given to conserving landscape and scenic beauty in National Park.

Reason for objection:

The proposed development would introduce a large-scale urban form of commercial, industrial and residential development into this isolated and unspoilt National Park gateway location incorporating associated infrastructure including industrial buildings, houses, street-lighting, roadways and accesses from the existing highway network. The development would have a significantly harmful impact on the setting of the Yorkshire Dales National Park.

The site sits in a key location at the junction of the Flat Open Floodplain (CDC LCA) and the rising upland landscape of the South Western Dales Fringe (YDNPA LCA) which bounds the floodplain, marked locally by the wooded slopes of Anley Crag. There is a

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strong and distinctive contrast between these two landscapes in terms of landform and land cover. The floodplain landscape is generally flat, open, permanent pasture enclosed by dry stone walls, while the wooded bluffs on the edge of the Park rise sharply above. Hence the floodplain landscape provides an important foil and frame to the upland National Park landscape, seen beyond. There are views approaching the National Park from the south along the A65, long views into upper Ribblesdale and the hills of the National Park suddenly open up in the area just south of the proposed business park. The development would partially obstruct these views, as well as intruding on the unspoilt, floodplain character of the landscape. Travelling in the opposite direction, south-east along the A65, the development would present its long (400m) edge to the viewer, appearing directly in front of the upland (National Park) area and blurring the clear landscape distinction between floodplain and the higher wooded ground of Anley Crag. Although in time the proposed landscaping would at least partially screen the proposed development from this direction, the planting itself would be out of keeping with the open, walled character of the floodplain pastures.

I would be grateful if you could notify me if the application is to be heard at your planning committee and of the Authority's decision. The National Park Authority would also wish to be consulted on any reserved matters planning applications should outline planning permission be granted.

Yours sincerely



Emma Heron (Principal Planning Officer)

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Chief Executive: David Butterworth

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 on 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 buildings 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.

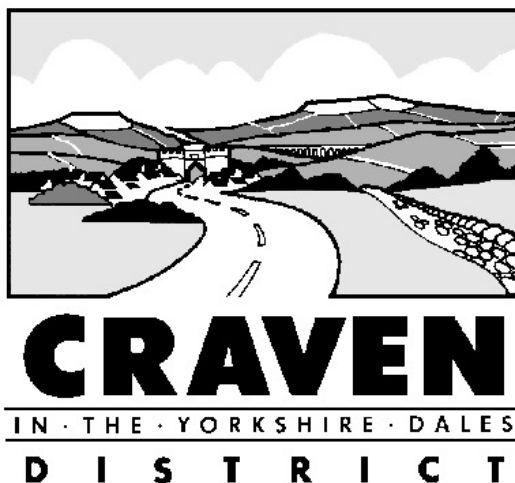


Application Number: 62/2017/18064

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



PLANNING COMMITTEE AGENDA

DATE: 17th December 2018

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REPORT TO PLANNING COMMITTEE ON 17th December 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

Planning Committee members deferred a recommendation on this proposal to allow further information to be provided with regards to highway, drainage, lighting concerns. Following the receipt of additional information the following report has been updated.

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 Each pod would provide lounge/bedroom, kitchen area and bathroom.
- 2.5 The multiuse sports court would measure approximately 30m x 15m and would be enclosed by a 3m PVC coated chain-link fence.
- 2.6 The proposal also includes proposed 13 bollard lighting within the proposed camping area.
- 2.7 In addition, the proposal seeks to retain an area of wild meadow within the centre of the caravan and camping pods.
- 2.8 **Officer Note:** The agent has confirmed that the lights along the main road to the site will be removed. This element has been therefore removed from the proposal.

- 2.9 **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 65/2004/4185 – Construction of swimming pool, sauna and solarium – Approved June 2004.
- 3.11 65/2004/4186 – 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.
- 3.13 65/2016/17340 - Application to vary condition no. 3 on original planning consents reference SN50/50 and 5/65/15 to amend the closed period on the park to be between 15th December and 6th February – Approved November 2016.
- 3.14 **Officer Note:** This application relates to an area of the caravan park outside of the current application site.
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:** Previous details submitted with regards to the proposed external illumination along the main road to the site have been omitted from the proposal.
- 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 **Officers Note:** It is acknowledged that this concern is of relevance. However, there have been significant changes to the holiday industry with regards to how visitors use caravan sites. Visitors are more mobile now and can stay for shorter periods thus the requirement for areas of land for recreational purposes is no longer considered an essential need. It is therefore considered that there is no planning justification to require the continued retention of this land for recreational purposes.
- 5.19 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 objection to the proposal. Details relating to drainage/water supply would be controlled under the site licensing rules and regulations.
- 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:** Further comments were received on the 17.10.2018 from NYCC Highways confirming that they have no objection and removing the requirement for a condition to be imposed relating to visibility splays.
- 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.
- 6.8 **Yorkshire Water:** No objection to the proposal.
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.
- 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 were original raised with regards to potential light pollution arising from the proposed illumination along the road that leads into the site. As a result of these concerns the applicant has omitted this element of the proposal and is seeking removal of any lights along this section already installed.
- 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 compliant this would be dealt with under the Environmental Protection Act 1990 legislation.
- 9.38 Details have been which show the use of bollard lighting within the site. It is considered given the scale of the lights that these proposed lights would have a minimal light spillage beyond the immediate area within the site itself. It is therefore considered that the inclusion of the proposed bollard lighting given the limited light spillage and separation distances involved would not have an adverse impact on neighbouring properties.
- 9.39 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.
- 9.40 **Impact of development on the highway network.**
- 9.41 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.

- 9.42 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.
- 9.43 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.
- 9.44 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.
- 9.45 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.
- 9.46 NYCC Highways have been re-consulted following the recent of revised plans and information and have raised no objection to the proposal on highway safety grounds. In addition, they have removed the request that a condition relating to visibility splays is imposed.
- 9.47 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.
- 9.48 **Other issues.**
- 9.49 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.
- 9.50 Concerns have been raised with regards to a historical drainage issue. Details provided would indicate that this occurred a number of years ago before the current owner purchased the site. Notwithstanding this, the current drainage/water supply has been installed to meet the current site licensing rules and regulations which is monitored by the Council's Environmental Health Team. The Council's Environmental Health Team have confirmed that they have not received any complaints with regards to drainage issue on the site.
- 9.51 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.
- 9.52 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.
- 9.53 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.
- 9.54 **Conclusion**
- 9.55 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.

- 9.56 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.
- 9.57 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.
- 9.58 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.
- 9.59 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 C received by Craven District Council on the 8th October 2018
GA3124-PSP 01 received by Craven District Council on the 2nd August 2018
GA3124-SA-01 received by Craven District Council on the 8th October 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.

Informatives

1. 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.

REPORT TO PLANNING COMMITTEE ON 17th December 2018

Application Number: 2018/19910/MMA

Proposal: Minor material amendment to vary condition no. 2 (plans condition) of previous planning approval referenced 11/2016/17657 for the substitution of house types.

Site Address: Land Off Matthew Lane Bradley BD20 9DH

On behalf of: The Wooler Property Partnership

Date Registered: 9th November 2018

Expiry Date: 4th January 2019

Case Officer: Andrea Muscroft

This application is reported to Committee as previous applications on the site have been determined by the Planning Committee.

1. Site Description

- 1.1 The application site relates to 0.33ha of land that lies to the west of Matthew Lane, situated to the south of the village centre of Bradley. The site was granted planning approval (ref: 11/2016/17657) for the construction of four dwellings with associated off street parking by Planning Committee in April 2017.
- 1.2 Residential dwellings are located southeast, east and north of the site with agricultural land to the northwest and southwest. Located to the west is the local playground.
- 1.3 The parcel of land slopes southwest towards the Leeds and Liverpool Canal and is devoid of trees. A mixture of trees/shrubs lie along the southwest and northwest boundaries.
- 1.4 The site lies outside of the development limits for the village, but does lie within the designated conservation area for Bradley. The site has also been identified as being within a Low Risk Development Area by the Coal Board.

2. Proposal

- 2.1 The proposal is seeking approval a minor material amendment to planning permission 11/2016/17657 to allow for a variation of condition 2 (Approved Plans).
- 2.2 Wording of condition 2
- 2.3 The approved plans comprise Plan Numbers
DL67/002a 'Site plan as proposed' received by the Local Planning Authority on the 20th April 2017.
DL67/003a 'Sections & plan as proposed' received by the Local Planning Authority on the 21st April 2017.
DL67/004 'Units 1 & 2' received by the Local Planning Authority on the 16th December 2016.
DL67/005a 'Unit 4' received by the Local Planning Authority on the 21st April 2017.
DL67/006a 'Unit 4' received by the Local Planning Authority on the 20th April 2017.
DL67/008a 'Location Plan' received by the Local Planning Authority on the 20th April 2017.

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

2.4 The amendments consist of the following:

2.5 **Plots 1 & 2**

Increase in footprint.

Replacement of single garage with double garage.

Changes to window configurations.

Construction of two storey front projection.

2.6 **Plots 3 & 4**

Increase in footprint.

Replacement of detached single garage with integrated double garage.

Construction of two storey extension.

Construction of single storey extension.

The proposal would result in minor changes to the previously approved residential curtilages.

No changes are proposed to the previously approved vehicle access.

No changes to the previously approved site area.

3. Planning History

3.1 11/2016/17657 - Proposed development for the construction of four detached dwellings with associated off street parking at land off Matthew Lane, Bradley – Approved April 2017.

4. Planning Policy Background

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

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

4.3 **Saved Policies of the Craven District (Outside the Yorkshire Dales National Park) Local Plan.**

ENV1 – Development in the Countryside.

ENV2 – Requirements for development in the countryside.

ENV10 – Protection of Trees and Woodlands.

T2 – Road Hierarchy

4.4 **Submission draft Local Plan 2018.**

SP1 – Meeting Housing Need.

SP4 – Spatial Strategy and Housing Growth.

SP5 – Strategy for Tier 4A and 4B Villages with Basic Services

ENV1 – Countryside and Landscape.

ENV2 – Heritage.

ENV3 – Good Design.

INF4 – Parking Provision.

4.5 **National Planning Policy**

The National Planning Policy Framework – NPPF

Planning Practice Guidance – PPG.

5. Parish/Town Council Comments

5.1 Bradley Parish Council: Objects for the following reason:

5.2 The proposed changes are not minor changes, but would result in four different house types with a substantially increased curtilage which would lead to over development of the area.

6. Consultations

6.1 **CDC Environmental Protection:** No comments received within the statutory consultation period.

6.2 **CDC Contamination Officer:** No known contaminated land implications regarding this application.

6.3 **CDC Tree Officer:** Trees on site are not considered worthy of a Tree Preservation Order and therefore have no objection to the proposal subject to the use of an appropriate condition relating to ensuring sufficient landscaping is provided. And that protective fencing to BS 5837 is constructed to protect the trees on the northern boundary and the hedgerow.

6.4 **Historic England:** No comments received at the time of compiling this report.

6.5 **NYCC Highways:** No objections subject to the use of conditions imposed on application 11/2016/17657.

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

7. Representations

7.1 The proposal was advertised in the Craven Herald on the 29th November 2018 with a Site Notice posted on the 27th November 2017. In addition, notification letters were circulated to neighbouring properties.

7.2 As a consequence of the publicity, no letters of representation were received at the time of compiling this report.

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:

Whether the proposed changes to layout, design and appearance is acceptable.

9. Analysis

9.1 **Policy context**

9.2 Paragraph 38 (6) of the Planning and Compulsory Purchase Act 2004 and paragraph 2 of the NPPF make clear that development proposals are to be determined in accordance with the development plan unless material considerations indicate otherwise. At the present time, the statutory development plan for Craven comprises the saved policies of the Craven District (Outside the Yorkshire Dales National Park) Local Plan 1999 (the 'CDLP'). It is this plan, along with the NPPF, that provide the prevailing policy context under which the application is to be assessed.

9.3 Variation of conditions

9.4 Section 73 of the Town and Country Planning Act 1990 provides that an application may be made for planning permission without complying with conditions applied to a previous permission. It is stated that LPA's may decide whether to grant permission subject to differing conditions (this can include imposing new conditions), remove the conditions altogether or refuse to alter conditions. Thus it is possible to apply for conditions to be struck out, or for their modification or relaxation. The section makes it clear that in considering such an application a LPA may only consider the question of the condition and not revisit the principle of the original development.

9.5 Therefore, only the acceptability of the proposal in the context of the reasons for the imposition of the conditions falls to be considered in the determination of the current proposal. Notwithstanding this, a section 73 application should be treated just like any other application, and due regard paid to the Local Plan and other material considerations.

9.6 **Principle of development.**

9.7 This application is seeking a variation to condition 2 imposed on planning decision 11/2016/17657 which required the development to be constructed in accordance with approved plans.

9.8 Therefore, as the principle of development on this site has been established, it is not necessary to assess the principle of development again. As such, the key issues for consideration are visual impact and neighbouring amenity.

9.9 **Visual impact.**

9.10 Saved Policy ENV2 states that development acceptable in principle under policy ENV1 should only be permitted where it is compatible with the character of the surrounding area and does not have an unacceptable impact on the surrounding area. The design of structures should also relate well to the setting taking into account of the immediate impact and public views of the development. In this respect therefore, although predating the NPPF, the Saved Local Plan policy remains consistent with national planning policy.

9.11 The NPPF sets out generic policies with regards to good design. It states that good design is a key aspect of sustainable development. However, the guidance also states that permission should be refused for poor design, although it also states that design should not be used by the decision maker as a valid reason to object to development.

9.12 Section 72 of the Planning (Listed Building & Conservation Areas) Act 1990 requires LPAs is also of relevance in the determination of this proposal.

9.13 The proposal is seeking to vary the condition relating to plan numbers to allow revisions to the layout and alterations to the design and appearance of the plots.

9.14 Plots 1 – 4

9.15 The original external appearance of the approved dwellings was in response to creating a modern interpretation of the built development within the surrounding area of Bradley which is a diverse mix of both traditional and modern developments. The revised proposal seeks amendments to the previously approved house types which include the construction of single and two storey extensions, changes to window arrangements and integrated double garages.

- 9.16 The proposed changes such as the construction of single/two storey extensions and integral garages would involve an increase in the overall footprint and massing of the proposed dwellings. However, it is considered that the separation distances between proposed dwellings would ensure that the development has a satisfactory appearance within the existing street scene and would not appear cramped. Furthermore, it is considered that the proposal respects the scale and form of some of the building located within the surrounding area and would therefore not appear out of keeping with the character of the area. Similarly, the changes to window configurations and internal boundaries would not have an adverse effect on the character and appearance of the area.
- 9.17 Amendments to layout
- 9.18 The proposal is also seeking minor amendments to the internal layout and siting of plots. The amendments are proposed as a result of changes outlined above. Notwithstanding these changes, it is considered that these amendments would not have a significant detrimental impact on the existing street scene or the wider surrounding conservation area.
- 9.19 In conclusion it is considered that the proposed amendments on balance are considered acceptable and would not have an adverse visual impact on the surrounding conservation area or on the existing street scene.
- 9.20 **Impact of development on the amenity of neighbouring properties.**
- 9.21 Within the NPPF paragraph 127 it states that the planning system should, amongst other things, “seek to create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users
- 9.22 Plot 4
- 9.23 Whilst it is acknowledged that the window configuration for this plot would change. It is considered that the proposed alterations would not result in any unacceptable increase in loss of privacy to the existing nearby dwelling (The Old Barn) than previously considered. Similarly, whilst the mass of this building has also increased, it is considered that there is sufficient separation distance between the proposed dwelling and the existing dwelling to ensure that the dwelling does not appear dominate or overbearing nor would the proposal result in any unacceptable overshadowing to the habitable windows or private amenity areas of this dwelling.
- 9.24 Plot1
- 9.25 It is also acknowledged that the proposed window configurations for this plot would change as a consequence of the single and two storey extensions and that due to the increase in footprint the proposed dwelling would be located approximately 40m from the property identified as High Noon. Whilst this is a reduction of 10m it is considered that the remaining separation distance is sufficient to retain the level of privacy previously considered acceptable. Similarly, the proposed amendments would not appear dominate or result in any unacceptable overshadowing to this property due to the separation distance.
- 9.26 Plots 2 & 3
- 9.27 With regards to the amendments to these plots, it is considered that the amendments would not result in any unacceptable loss of privacy or amenity to surrounding properties due to the orientation and separation distances involved with nearby dwellings.
- 9.28 Finally, it is considered that the proposed amendments to these plots would not have an adverse impact on the future occupants in terms of privacy or amenity due to the separation distances between these plots.
- 9.29 In conclusion, it is considered that the proposed amendments would not result in any loss of privacy or amenity to the occupants of existing dwellings nor would the proposal have an adverse impact on the privacy and amenity of any future resident of the development.
- 9.30 **Highways.**

- 9.31 Saved Policies ENV2 & T2 are 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.
- 9.32 Paragraph 108 of the NPPF states that when considering development proposals it should be ensured that safe and suitable access to the site can be achieved for all users. Although paragraph 109 does state 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.
- 9.33 In this instance the proposal is not seeking any amendments to the previously approved vehicle/pedestrian access onto the site. However, the proposal would see changes to the internal boundaries which would have a minor impact on the internal road layout. Notwithstanding these changes, it is considered that the proposal would not have an adverse impact on highway safety greater than previously considered acceptable.
- 9.34 In conclusion, it is considered that the proposed amendments to the approved internal layout would not have an adverse impact on highway safety and therefore are considered acceptable.
- 9.35 Conclusion
- 9.36 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.*
- 9.37 For reasons outline above, the proposed amendments to the previously approved scheme are considered acceptable and accord with the Saved Local Plan Policies and guidance contained within the NPPF.

10. Recommendation

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 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Approved Plans

- 2 The approved plans comprise Plan Numbers
- 5562-07 Rev B Proposed Plot 2 received by Craven District Council on the 9th November 2018

- 5562-08 Rev A - Proposed Site Plan received by Craven District Council on the 9th November 2018.
- 5562-09 - Proposed Plots 3 & 4 Plans & Elevations received by Craven District Council on the 9th November 2018.
- 5562-11 Proposed Site Location Plan received by Craven District Council on the 9th November 2018.

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

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

Before you Commence Development

- 3 Prior to the commencement of development on site, barrier fencing shall be erected along the northern boundary in compliance with BS 5837 (2012) Trees in Relation to Construction - Recommendations. Within these fenced areas no development, vehicle manoeuvring, storage of materials or plant or removal or addition of soil may take place. The fencing shall not be moved in part or wholly without the written agreement of the Local Planning Authority. The fencing shall remain in place until completion of all development works and removal of site vehicles, machinery, and materials in connection with the development.

Reason: To prevent damage to trees and hedgerow located along the northern boundary during construction works.

- 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 45 metres westerly and 35 metres easterly measured along centre line of the major road Matthew Lane Bradley from a point measured 2 metres down the centre line of the access road. The eye height will be 1.05 metres and the object height shall be 1.05 metres or height. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason: In the interests of road safety.

- 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:
1. The details of the access shall have been approved in writing by the Local Planning Authority in consultation with the Highway Authority.
 2. The access shall be formed with 6 metre radius kerbs, to give a minimum carriageway width of 4.5 metres plus footways, and that part of the access road extending 6 metres into the site shall be constructed in accordance with Standard Detail number E6.
 3. 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.
 4. That part of the access(es) extending 6m into the site from the carriageway of the existing highway shall be at a gradient not exceeding 1 in 10.
 5. 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.

6. The final surfacing of any private access within 6 metres of the public highway shall not contain any loose material that is capable of being drawn on to the existing or proposed public highway.

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

- 6 Prior to the commencement of development on site, a scheme of soft landscaping for the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of boundary planting, planting plans, written specifications (including cultivation and other operations associated with plant and grass establishment): schedule of plants noting species, plant supply sizes and proposed numbers/densities where appropriate; and an implementation programme.

The approved scheme of landscaping shall be carried out in the first planting season following the first use of the development. Any trees or plants that within a period of 5 years die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar species (unless otherwise agreed in writing with the Local Planning Authority).

Reason: To achieve a satisfactory standard of landscaping in the interests of the amenities of the area.

During Building Works

- 7 Prior to the first use a scheme of hard landscaping works for the site shall be submitted to and approved in writing by the local planning authority. The details shall include: means of enclosure including construction of any walls/fencing, car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; proposed and existing functional services above and below ground; and an implementation programme;. All hard landscape works shall be carried out in accordance with the approved details.

Reason: To safeguard the character and appearance of the surrounding area.

- 8 Prior to their first use, samples of the proposed materials (including colour of render, paintwork, stone, roof tile) to be used in the construction of the external surfaces of the development shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and retained thereafter.

Reason: To ensure a satisfactory appearance to the development and to comply with Saved Local Plan Policy ENV2 and guidance contained within The National Planning Policy Framework.

Before the Development is Occupied

- 9 All of the internal and external site boundaries shall be enclosed in accordance with the details shown on the approved site layout plan. The approved boundary treatments for each dwelling shall be completed prior to the occupation of the dwellings, and all of the approved boundary treatments shall be completed prior to the occupation of the last dwelling on the site.

Reason: In the interests of visual amenity and residential amenity and to comply with guidance contained within The National Planning Policy Framework.

Ongoing Conditions

- 10 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) 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 Foul and surface water shall be drained on separate systems.

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

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

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

Informatives

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

8:00am to 6:00pm Monday to Friday

8:00am to 1:00pm Saturday

No Sunday or Bank Holiday working.

2. The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to The Coal Authority on 0345 762 6848. It should also be noted that this site may lie in an area where a current licence exists for underground coal mining.

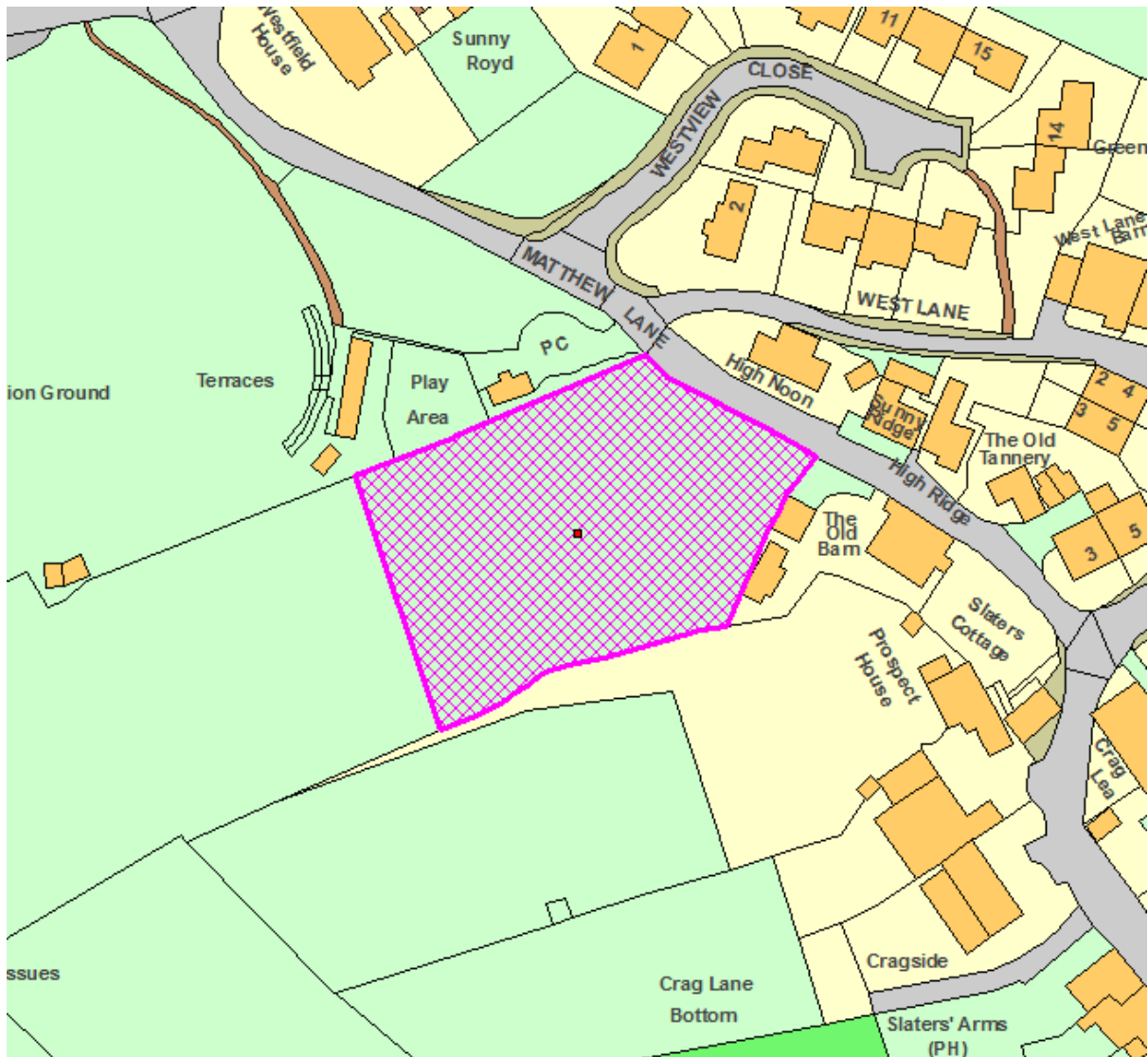
Further information is also available on The Coal Authority website at:

www.gov.uk/government/organisations/the-coal-authority

Property specific summary information on past, current and future coal mining activity can be obtained from www.goundstability.com

3. The developer should note with regard to Conditions above please note that it may be necessary to submit a formal application to discharge the conditions. Any samples of materials that require approval should be made available for inspection either on the site or another suitable location and not brought to or delivered to the Council Offices unless specific arrangements to do so have been made with the relevant planning case officer.
4. The applicant is advised it is the responsibility of the developer to ensure that any topsoil brought on site is free from metals, plastic, wood, glass, tarmac, paper and odours associated with contaminated soils as specified in BS 3882: 2015 Specification for Topsoil. Suppliers details and confirmation on the sources of any topsoil materials brought on site should be made available for inspection at the request of the Council's Environmental Health Department.
5. 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: 2018/19910/MMA

Proposal: Minor material amendment to vary condition no. 2 (plans condition) of previous planning approval referenced 11/2016/17657 for the substitution of house types.

Site Address: Land Off Matthew Lane Bradley BD20 9DH

On behalf of: The Wooler Property Partnership

REPORT TO PLANNING COMMITTEE ON 17th December 2018

Application Number: 2018/18981/OUT

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

Site Address: Land South Of Bentham Road Ingleton

On behalf of: Mr J Kidd

Date Registered: 6th February 2018

Expiry Date: 8th May 2018

Case Officer: Andrea Muscroft

1. Purpose of Report

1.1 To consider an alteration to the committee resolution for application 2018/18981/OUT. This application has a resolution for approval subject to the completion of a S106 Agreement for the provision of an off-site financial contribution with regards to affordable housing.

1.2 The report has been presented to Planning Committee because the original application was considered by the Committee at the meeting on 4th June 2017.

2. Decision Required.

2.1 To agree the alteration to the committee resolution.

2.2 The principle of the residential development has already been established by the previous resolution. Consequently, this report does not provide an opportunity to revisit that issue. This item relates solely to the proposed amendment to the requirements of the legal agreement.

3. Background

3.1 The application relates to a triangular parcel of land covering approximately 1.26 hectares to the northeast of Skipton. The site currently consists of open grazing land fronting onto the A65 to the north east, the A6131 to the south and a PROW to the north.

3.2 Located to the northwest of the site is a residential caravan park and directly to the north of the site is a touring caravan site. To the south beyond the A6131 is a parcel of land that has been granted planning approval for a residential development.

3.3 The application site is located outside of the development limits for Skipton as identified on the 1999 Local Plan, and therefore lies in open countryside as defined in the Local Plan.

4. Previous Resolution

4.1 Members may recall that on the 6th June 2017, the Planning Committee resolved to grant planning permission for a residential development on this site. The scheme proposes a housing development on the site comprising of ten dwellings with a single access point onto Bentham Road.

4.2 The resolution to approve was subject to completion of Section 106 Agreement making the following provision for:

An off-site affordable housing contribution (as defined by the National Planning Policy Framework)

- 4.3 However, the applicant now seeks to provide on-site affordable housing in the form of 3 dwellings. Therefore, as the resolution was for an off-site contribution it becomes legally impossible for the Council to enter into the S106 Agreement without modification to the wording of the S106 Agreement.
- 4.4 Officer Comment.
- 4.5 The revised resolution envisages the completion of a S106 Agreement which would secure on site affordable housing provision.
5. Conclusion
- 5.1 On the basis of the above, the committee resolution should be amended.
6. Recommendation
- 6.1 That the Planning Committee resolve to alter the committee resolution as follows:
- 6.2 That, for reasons set out in the report, the application be approved, subject to the satisfactory completion of a Section 106 Agreement to secure:
- 6.3 On site Affordable Housing Provision consisting of 1 x 2 bed dwelling and 2 x 1 bed dwelling.
- 6.4 The conditions agreed as part of the previous resolution will remain unchanged.
7. Reason for Recommendation
- 7.1 To allow the alteration of the Planning Committee resolution, to enable the development to assist in delivering the housing land supply for the District.
8. Recommendation
- 8.1 Approve with conditions subject to this decision being deferred for a Section 106 Agreement.

Conditions

Time Limit for Commencement

- 1 Application for approval of reserved matters must be made not later than the expiration of three years beginning with the date of this permission and the development must be begun not later than: (i) the expiration of three years from the date of this permission; or (ii) two years from the date of approval of the last of the reserved matters to be approved.
Reason: To comply with the requirements of section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Approved Plans

- 2 This permission relates to the following plans:
- Drawing no. 121701-01 L received 30th November 2018
 - Drawing no. 121701-05 C received 30th November 2018

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

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

Before you Commence Development

- 3 The approval of the Local Planning Authority shall be sought in respect of the following matter before the development is commenced; the landscaping of the site.
Reason: The application is granted in outline only under the provisions of Article 4 of the Town and Country Planning (Development Management Procedure) Order 2015 and details of the matters referred to in the condition have not been submitted for consideration.
- 4 Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works or the depositing of material on the site, until the following drawings and details have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority:
Detailed engineering drawings to a scale of not less than 1:250 and based upon an accurate survey showing:
- the proposed highway layout including the highway boundary
 - dimensions of any carriageway, cycleway, footway, and verges
 - visibility splays
 - the proposed buildings and site layout, including levels
 - accesses and driveways
 - drainage and sewerage system
 - lining and signing
 - traffic calming measures
 - all types of surfacing (including tactiles), kerbing and edging.
- Longitudinal sections to a scale of not less than 1:500 horizontal and not less than 1:50 vertical along the centre line of each proposed road showing:
- the existing ground level
 - the proposed road channel and centre line levels
 - full details of surface water drainage proposals.
- Full highway construction details including:
- typical highway cross-sections to scale of not less than 1:50 showing a specification for all the types of construction proposed for carriageways, cycleways and footways/footpaths
 - when requested cross sections at regular intervals along the proposed roads showing the existing and proposed ground levels
 - kerb and edging construction details
 - typical drainage construction details.
- Details of the method and means of surface water disposal.
Details of all proposed street lighting.
Drawings for the proposed new roads and footways/footpaths giving all relevant dimensions for their setting out including reference dimensions to existing features.
Full working drawings for any structures which affect or form part of the highway network.
A programme for completing the works. The development shall only be carried out in full compliance with the approved drawings and details unless agreed otherwise in writing by the Local Planning Authority with the Local Planning Authority in consultation with the Highway Authority.
Reason: To secure an appropriate highway constructed to an adoptable standard in the interests of highway safety and the amenity and convenience of highway users in accordance with the requirements of Craven District (Outside the Yorkshire Dales National Park) Local Plan policy T2 and the National Planning Policy Framework.
- 5 Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the access(es) to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements:
- The details of the access shall have been approved in writing by the Local Planning Authority in consultation with the Highway Authority.

- (a) The access shall be formed with 6 metre radius kerbs, to give a minimum carriageway width of 5.5 metres, and that part of the access road extending «distance» metres into the site shall be constructed in accordance with Standard Detail number E6.
- Any gates or barriers shall be erected a minimum distance of 6 metres back from the carriageway of the existing highway and shall not be able to swing over the existing or proposed highway.
- That part of the access(es) extending 6 metres into the site from the carriageway of the existing highway shall be at a gradient not exceeding 1/20.
- Provision to prevent surface water from the site/plot discharging onto the existing or proposed highway shall be constructed in accordance with the approved details, and/or the specification of the Highway Authority, and maintained thereafter to prevent such discharges.
- The final surfacing of any private access within 6 metres of the public highway shall not contain any loose material that is capable of being drawn on to the existing or proposed public highway.
- Provision of tactile paving in accordance with the current Government guidance. All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.

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

- 6 There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until splays are provided giving clear visibility of 60m measured along both channel lines of the major road Bentham Rd from a point measured 2.4m down the centre line of the access road. The eye height will be 1.05 metres and the object height shall be 1.05 metres. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

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

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

- o The details of the following off site required highway improvement works, works listed below have been submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority:
- o An independent Stage 2 Road Safety Audit for the agreed off site highway works has been carried out in accordance with HD19/03 - Road Safety Audit or any superseding regulations and the recommendations of the Audit have been addressed in the proposed works.
- o The developer's programme for the completion of the proposed works has been submitted to and approved writing by the Local Planning Authority in consultation with the Local Highway Authority.
- o The required highway improvements shall include:
- o Provision of tactile paving
- o Footway along Bentham Rd, between site access and footway at A65 junction, min 1.5m wide

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

- 8 No development for any phase of the development shall take place until a Construction Method Statement for that phase has been submitted to, and approved in writing by, the Local Planning

Authority in consultation with the Local Highway Authority. The approved Statement shall be adhered to throughout the construction period for the phase. The statement shall provide for the following in respect of the phase:

- a. the parking of vehicles of site operatives and visitors
- b. loading and unloading of plant and materials
- c. storage of plant and materials used in constructing the development
- d. erection and maintenance of security hoarding including decorative displays and facilities for public viewing where appropriate
- e. wheel washing facilities
- f. measures to control the emission of dust and dirt during construction
- g. a scheme for recycling/disposing of waste resulting from demolition and construction works
- h. HGV routing

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

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

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

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

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

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

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

- 12 No development shall take place until an appropriate Exceedance Flow Plan for the site has been submitted to and approved in writing by the Local Planning Authority. Site design must be such that when SuDS features fail or are exceeded, exceedance flows do not cause flooding of properties on or

off site. This is achieved by designing suitable ground exceedance or flood pathways. Runoff must be completely contained within the drainage system (including areas designed to hold or convey water) for all events up to a 1 in 30 year event. The design of the site must ensure that flows resulting from rainfall in excess of a 1 in 100 year rainfall event are managed in exceedance routes that avoid risk to people and property both on and off site.

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

- 13 No development shall take place until a suitable maintenance plan of the proposed SuDS drainage scheme arrangement has been demonstrated to the local planning authority. Details with regard to the maintenance and management of the approved scheme to include; drawings showing any surface water assets to be vested with the statutory undertaker/highway authority and subsequently maintained at their expense, and/or any other arrangements to secure the operation of the approved drainage scheme/sustainable urban drainage systems throughout the lifetime of the development. The scheme to be submitted shall demonstrate that the surface water drainage system(s) are designed in accordance with the standards detailed in North Yorkshire County Council SuDS Design Guidance (or any subsequent update or replacement for that document).

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

- 14 Prior to the commencement of any development, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions shall be submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards. In the event of surface water draining to the public surface water sewer, the pass forward flow rate to the public surface water sewer must be restricted to 6.5 l/s for any storm event.

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

During Building Works

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

- o the introduction of additional planting within the site which forms part of the internal development layout and
- o the type, size, species, siting, planting distances and the programme of planting of hedges, trees and shrubs.

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

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

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

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

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

Reason: To ensure that Flood Risk is satisfactorily addressed.

Before the Development is Occupied

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

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

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

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

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

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

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

- a. have been constructed in accordance with the submitted drawing (Ref: drawing number 121701-01H)
- c. are available for use unless otherwise approved in writing by the Local Planning Authority.

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

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

- 21 Prior to occupation of the development a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the local planning authority and agreed in writing. The sustainable drainage management and maintenance plan shall include as a minimum:

- a. Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident's management company; and
- b. Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.

The development shall subsequently be completed, maintained and managed in accordance with the approved plan.

Reason: To ensure that management arrangements are in place for the sustainable drainage system in order to manage the risk of flooding and pollution during the lifetime of the development.

Ongoing Conditions

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

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

- 23 Foul and surface water shall be drained on separate systems.

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

- 24 Notwithstanding the provision of any Town and Country Planning (General Permitted Development) (England) Order 2018, for the time being in force, the areas shown on approved site layout plan for parking spaces, turning areas and access shall be kept available for their intended purposes at all times.

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

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

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

- 26 Notwithstanding the provisions of Schedule 2, Part 1, Classes A, B, C, D and E of the Town and Country Planning (General Permitted Development) (England) Order 2018, or any equivalent Order following the revocation and re-enactment thereof (with or without modification), the dwellings hereby approved shall not be altered or extended, and no buildings or structures shall be erected within its curtilage.

Reason: In order to prevent overdevelopment of the site, to ensure that satisfactory provision of outdoor amenity space for the dwellinghouse is maintained and to safeguard the privacy and amenity of the

occupiers of adjacent dwellings in accordance with the requirements of the National Planning Policy Framework.

Informatives

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

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

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

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

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

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

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

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

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

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

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

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

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

If the applicant intends to offer wastewater assets forward for adoption by United Utilities, the proposed detailed design will be subject to a technical appraisal by an Adoptions Engineer as we need to be sure

that the proposal meets the requirements of Sewers for Adoption and United Utilities' Asset Standards. The detailed layout should be prepared with consideration of what is necessary to secure a development to an adoptable standard. This is important as drainage design can be a key determining factor of site levels and layout. The proposed design should give consideration to long term operability and give United Utilities a cost effective proposal for the life of the assets. Therefore, should this application be approved and the applicant wishes to progress a Section 104 agreement, we strongly recommend that no construction commences until the detailed drainage design, submitted as part of the Section 104 agreement, has been assessed and accepted in writing by United Utilities. Any works carried out prior to the technical assessment being approved is done entirely at the developers own risk and could be subject to change.

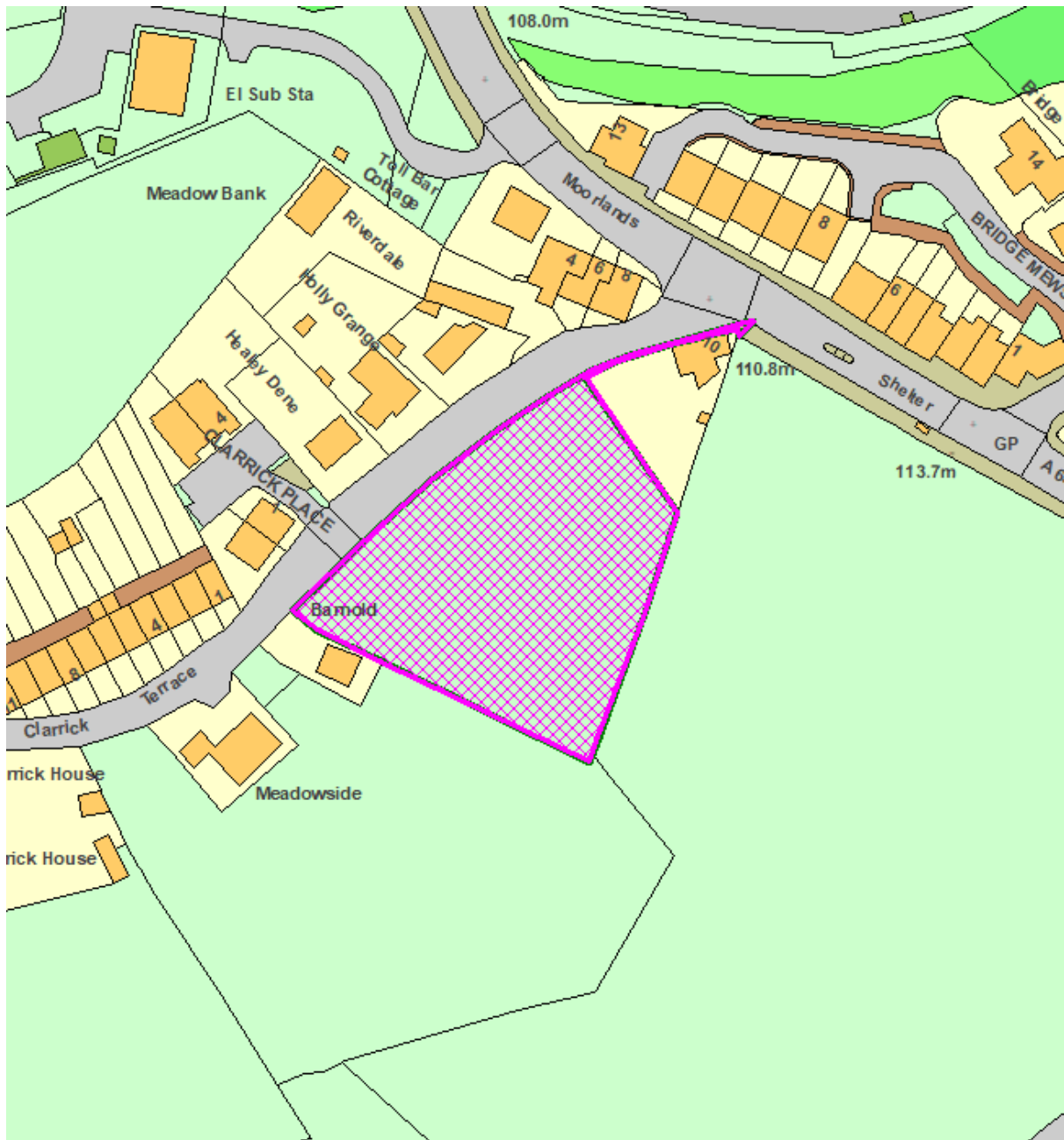
Should this planning application be approved the applicant should contact United Utilities regarding a potential water supply or connection to public sewers. Additional information is available on our website <http://www.unitedutilities.com/builders-developers.aspx>.

3. 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.
4. 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.
5. The applicant should ensure that any topsoil brought on site is free from metals, plastic, wood, glass, tarmac, paper and odours associated with contaminated soils as specified in BS 3882: 2015 - Specification for Topsoil.

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

6. The applicant/developer is advised that in the interests of promoting sustainable travel opportunities electric vehicle charging points should be provided.
0. 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: 2018/18981/OUT

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

Site Address: Land South Of Bentham Road Ingleton

On behalf of: Mr J Kidd

REPORT TO PLANNING COMMITTEE ON 17th December 2018

Application Number: 2018/19794/FUL

Proposal: Partial demolition and re-construction of existing barn including full new roof to form 2 no. new dwellings

Site Address: Barn (Roadside) Fourlands House Farm High Bentham LA2 7EX

On behalf of: Miss Barbara Rothwell

Date Registered: 10th October 2018

Expiry Date: 5th December 2018

Case Officer: Andrea Muscroft

The application referred to planning committee as it is a departure from the development plan in force and the recommendation is for approval.

1. Site Description

- 1.1 The application relates to a former 'L' shaped barn/stable building which was granted approval for its conversion to form two new dwellings. The site is directly to the west of Fourlands House.
- 1.2 The building is partially built from stone. A roughly triangular shaped area of hardsurfacing exists between the frontage of the barn and the road. Directly to the west of the barns is an access road serving other buildings including the Stables, Fourlands House Farm.
- 1.2 The application site is within open countryside as defined by the 1999 Local Plan.

2. Proposal

- 2.1 The proposal is seeking retrospective permission for the partial demolition and reconstruction of an existing barn to form two residential dwellings.
- 2.2 **Background information**
- 2.3 The unauthorised works were brought to the LPA's attention and enforcement officers advised that works should cease on site.
- 2.4 The case officer took the view that the extent of the demolition work went beyond building operations reasonably necessary for its conversion. The extent of demolition works called into question whether the building is being converted or being demolished and rebuilt.
- 2.5 In this instance, given the level of demolition and rebuilding undertaken, it was considered that the building was no longer capable of conversion and should rightly be considered as a partial rebuild.
- 2.6 These views were discussed with the agent who took the view that the level of demolition and rebuild was still within the scope of conversion.
- 2.7 However, as a way forward the agent agreed to re-apply for the residential development on this site, relying on the fact that the scheme for residential accommodation on this site had been considered acceptable to the LPA, hence the current application.
- 2.8 Dwelling 1(annotated on drawings 16/14 – P02) would provide two storey four bed residential accommodation with garden/terrace area to the south and further garden area to the north.
- 2.9 Dwelling 2 (annotated on drawings 16/14 – P02) would also provide two storey three bed residential accommodation with garden/terrace to the south and garden area to the north.

- 2.10 To facilitate the proposal a two storey section projecting of the southern elevation has been demolished.
- 2.11 New boundary treatments would be constructed to provide private amenity areas for both dwellings.
- 2.12 The proposal has been supported by the following documentation:-
 - Proposed Plans and Elevations.
- 2.13 Materials proposed for the external works comprise of natural stone for external walls and boundary walls, natural slate roof tiles, timber constructed doors and windows. In addition, to the stone walls the proposal would see the installation of timber fencing both of which would be approximately 1.2m in height from ground level. Submitted details indicate that the proposed hardstanding would comprise of tarmac with UPVc rainwater goods.
- 2.14 The proposal would provide 4 parking spaces.
- 3. Planning History
 - 3.1 Planning Ref. 5/8/634 granted consent for the conversion and part demolition of these buildings to form offices - Approved 21 June 1999.
 - 3.2 Planning Ref. 5/8/581 granted consent for the conversion of the barn to the north west of the application site to be converted to a dwelling - Approved 12 December 1995.
 - 3.3 08/2004/4149 – Conversion of former agricultural building to 3no. Holiday cottages and installation of sewage treatment plant – Approved May 2004. (Not implemented).
 - 3.4 08/2015/15607 – Conversion of existing agricultural building to form two new dwellings – Not determined.
 - 3.5 08/2015/15981 – Conversion of existing barns to form 2 new dwellings – Approved August 2015.
- 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 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. However, 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 (July 2018).
 - 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.
 - H8 Rural Buildings for Residential Use.
 - T2 Road Hierarchy.
 - 4.4 Submission Draft Local Plan (2018).
 - SP1 Meeting Housing Need
 - SP4 Spatial Strategy and Housing Growth.
 - SP7 Strategy for Bentham – Tier 2.
 - ENV1 Countryside and Landscape.
 - ENV3 Good Design.

INF4 Parking provision.

4.5 National Policy

The National Planning Policy Framework – NPPF.

Planning Practice Guidance – PPG.

5. Parish/Town Council Comments

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

6. Consultations

6.1 **CDC Contaminated Land Team:** The historical use of the agricultural building could have led to some potential contaminated land issues, namely fuel or agricultural chemical storage. The proposal is to introduce a sensitive receptor to the site and this must be taken into account. However any potential contamination is likely to be isolated, in order to ensure any potential risk is suitably addressed I would recommend a condition requiring the owner/developer to contact the Council should any contamination be found on site and that a Remediation Strategy and Validation Report be submitted to and approved in writing by the LPA.

6.2 **CDC Environmental Protection Team:** No comments received within the statutory consultation period. However, previous comments received in relation to previous application ref: 08/2015/15981 stated the following:

6.3 No objection, however suggest a restriction on the operating times for the development.

6.4 **NYCC Highways Authority:** No objection to proposal, but suggest a number of conditions relating to the construction of private access and the retention of parking spaces.

6.5 **United Utilities:** No comments received within the statutory consultation period.

7. Representations

7.1 The proposal was advertised in the Craven Herald on the 18th October 2018 and a site notice was posted on the 19th October 2018. In addition, notification letters were circulated to neighbouring properties.

7.2 As a consequence of the publicity no third party representation has been received with 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 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 development.

The visual impact of development.

The impact of the development on neighbouring properties.

The impact of the development on highway safety.

9. Analysis

9.1 **Policy context**

9.2 Paragraph 38 (6) of the Planning and Compulsory Purchase Act 2004 and paragraph 2 of the NPPF make clear that development proposals are to be determined in accordance with the development plan unless material considerations indicate otherwise. At the present time, the statutory development plan for Craven comprises the saved policies of the Craven District (Outside the Yorkshire Dales National Park) Local Plan 1999 (the 'CDLP'). It is this plan, along with the NPPF, that provide the prevailing policy context under which the application is to be assessed.

9.3 **Principle of development.**

9.4 The site is located within a small hamlet of residential dwellings to the north of the village of Bentham. Historically the building has been granted permission for the conversion to residential in 1995 and again in 2004; however, these permissions were not implemented. Since the granting of planning permission ref 08/2015/15981 for the conversion of the former agricultural barn, there have been changes in the circumstances relating to the building as outlined above. As such, the Council considers that the extent of the demolition goes beyond works reasonably necessary for its conversion and thus is considered as a partial rebuild. It should be noted that the level of rebuild is a reasonable interpretation of what can constitute a conversion and is not a legal test.

9.5 Notwithstanding the above, the site is located within a hamlet of dwellings, where the principle of residential has been established by previous permissions. Furthermore, the proposal would enable the effective use of previously developed land, an aim supported by the NPPF.

9.6 It is therefore considered, that the proposed works would result in a building of traditional appearance, retaining part of the fabric of the former building and its agricultural character and appearance.

9.7 It is therefore considered that in this instance that the redevelopment of this site to create two residential dwellings is acceptable.

9.8 **2. Visual impact of the development.**

9.9 The application site falls outside the development limits and is within open countryside. The development is for the construction of a new building to form two residential dwellings with associated off street parking.

9.10 Whilst it was accepted during the assessment of the original proposal that a section of the barn would need to be demolished to facilitate the proposal, it became apparent during a site inspection that a level of demolition had occurred above and beyond works approved under application 08/2015/15981.

9.11 Notwithstanding this, the current proposal has retained for the majority with the exception of changes to some window apertures, the previously approved footprint, and would implement for the majority the previously approved window and door openings, the defined curtilage and off street parking. It is therefore considered that the proposed building, the defined curtilages and off street parking would not have any greater visual impact than the previously approved proposal.

9.12 The proposal is seeking to use materials sympathetic to the locality that would help to maintain the local character of not only the building but also the surrounding area. Similarly, as per the previous approval the proposed detailing of the proposed windows and doors would be simple in form and robust to ensure that they do not appear at odds with the character of the remaining barn or adjacent buildings.

9.13 With regards to the proposed hand-standing details submitted state that Tarmacadam would be used to create the parking spaces. Whilst this material is commonly used for road surfacing, in this instance is not considered appropriate. Therefore, it is considered necessary to impose a condition

requiring further investigations are undertaken to establish whether the existing cobbles could be retain and incorporated into the proposal.

- 9.14 In conclusion, it is considered that the proposed development to the remaining barn in terms of its design, scale, appearance, proportions and the use of appropriate materials would not result in any visual harm to the remaining barn or the character and appearance of the surrounding area. As such the proposal does not conflict with the criteria of ENV2 of the Local Plan or with the objectives of the NPPF.
- 9.15 **3. Impact of development on the amenity of neighbouring properties.**
- 9.16 The application site is located within a small hamlet of houses to the north of the village of Bentham with the nearest dwelling identified to site is “Fourlands House Farm” situated approximately 3m to the east of the site. The proposed development would see the existing openings on the eastern elevation being utilised, these would serve the utility/plant room and the proposed living room at ground level and bedroom at first floor level. In this instance, due to the orientation between these two building it is not considered that there would be any unacceptable loss of privacy to the occupiers of this property. Similarly, the proposal would not result in any overshadowing or obstruction of habitable windows on this building.
- 9.17 Turning to the next nearest dwelling “The Stables” this is situated approximately 10m from the partially remaining barn with the rear amenity area extending a further 7.3m before being enclosed by a timber fence. Given the orientation between these two buildings it is also considered that there would be no loss of privacy to occupiers of this dwelling. The final residential building identified as Sunny Bank View is located to the west approximately 29m from the application site. Whilst it is acknowledged, that the proposal would see the introduction of 3no. Windows at first floor level, two of these would serve the staircase and the remaining 1 serving the bathroom. As such, given the transient nature of the use of the staircase and that the bathroom window would be obscure combined with the existence of a number of outbuildings providing partial screening from the development it is not envisioned that the proposal would result in any unacceptable loss of privacy. Similarly, it is considered that there is an adequate separation distance between these buildings and the application site to ensure there is no loss of natural light or obstruction of habitable windows.
- 9.18 It is accepted that the creation of two dwelling houses on this site would result in an increase in noise and disturbance linked to the residential use. However, it is considered that this would be limited and would not be significantly greater than the noise levels generated by the buildings previous use for livestock and farming machinery. Therefore, it is considered that the proposed development would not result in any significant adverse effects on the living conditions of the occupiers of nearby dwellings with regard to noise.
- 9.19 It is therefore considered that the proposed creation of two residential dwellings from the partial remaining barn to residential would not result in any unacceptable loss of privacy/amenity or noise disturbance to the occupiers of nearby residents to warrant a refusal.
- 9.20 **4. Highway issues.**
- 9.21 Saved Policy T2 states that development will be permitted providing that they appropriately relate to the highway network; do not generate volumes of traffic in excess of the capacity of the highway network; do 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.
- 9.22 The proposal would provide 4 off street parking spaces and therefore would not result in any unacceptable increase in on-street parking. NYCC Highways have been consulted and have not raised any objection to the proposal on highway safety grounds. It is therefore considered that the proposal meets the criteria of Saved Policy T2 of the Local Plan.
- 9.23 **Conclusion**

- 9.24 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.
- 9.25 The proposal is seeking approval for the construction of two dwellings on land that has been previously developed, located within an existing hamlet close to the village of Bentham.
- 9.26 In this instance, it is considered that any potential harm arising from the proposal does not significantly and demonstrably outweigh the benefits (including the provision of new housing). 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 The approved plans comprise of Drawing No:

16/14 PO1 received by Craven District Council on 4th October 2018.
16/14 PO2 received by Craven District Council on 4th October 2018.
16/14 PO3 received by Craven District Council on 4th October 2018.
16/14 PO4 received by Craven District Council on 4th October 2018.

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

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

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:

(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 6 metres back from the carriageway of the existing highway and shall not be able to swing over the existing or proposed highway.
- (iv) Provision to prevent surface water from the site/plot discharging onto the existing or proposed highway (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.
- (v) The final surfacing of any private access within 6 metres of the public highway shall not contain any loose material that is capable of being drawn on to the existing or proposed public highway.

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

- 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 215 metres measured along both channel lines of Fourlands lane to Bentham Road from a point measured 2 metres down the centre line of the access road. The eye height will be 1.05 metres and the object height shall be 1.05 metres. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason: In the interest of highway safety and to accord with the requirements of Saved Policy T2 of the Craven District (outside the Yorkshire Dales National Park) Local Plan and guidance contained within the National Planning Policy Framework.

During Building Works

- 5 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 and to accord with the aims and objectives of the National Planning Policy Framework.

- 6 Prior to their first use on site samples of the materials to be used in the construction of the external surfaces (including colour of render) of the building hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

Reason: In the interest of visual amenity and to accord with the requirements of Saved Policy ENV2 of the Craven District (outside the Yorkshire Dales National Park) Local Plan and the requirements of the National Planning Policy Framework.

- 7 Prior to their first use a roof sample shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.
- Reason: In the interest of visual amenity and to accord with the requirements of Saved Policy ENV2 of the Craven District (outside the Yorkshire Dales National Park) Local Plan and the requirements of the National Planning Policy Framework.
- 8 All materials forming part of the building to be demolished shall be carefully removed, stored, protected and preserved in a location to be agreed with the Local Planning Authority. Such materials shall be subsequently used in the construction of the boundary walls hereby approved.
- Reason: In the interest of visual amenity and to accord with the requirements of Saved Policy ENV2 of the Craven District (outside the Yorkshire Dales National Park) Local Plan and the requirements of the National Planning Policy Framework.
- 9 Notwithstanding the submitted details, full details of materials to be used for the creation of the off street parking spaces shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- Reason: In the interest of visual amenity and to accord with the requirements of Saved Policy ENV2 of the Craven District (outside the Yorkshire Dales National Park) Local Plan and the requirements of the National Planning Policy Framework.
- 10 Prior to the installation of the timber fencing full details shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- Reason: In the interest of visual amenity and to accord with the requirements of Saved Policy ENV2 of the Craven District (outside the Yorkshire Dales National Park) Local Plan and the requirements of the National Planning Policy Framework.
- 11 All new windows and doors shall be of timber construction, set in a minimum external reveal of 150mm and painted to the same colour specification, the precise colour of which shall have first been agreed in writing with the Local Planning Authority. Once installed the windows and doors shall be retained.
- Reason: In the interest of visual amenity and to accord with the requirements of Saved Policy ENV2 of the Craven District (outside the Yorkshire Dales National Park) Local Plan and the requirements of the National Planning Policy Framework.
- 12 The roof light hereby approved shall be 'Conservation' roof lights which will fit flush with the adjoining roof surface and shall not project above the plane of the roof.
- Reason: In the interest of visual amenity and to accord with the requirements of Saved Policy ENV2 of the Craven District (outside the Yorkshire Dales National Park) Local Plan and the requirements of the National Planning Policy Framework.
- 13 The flues hereby approved shall be externally finished in black prior to the occupation of the development hereby permitted and shall be retained as such.

Reason: In the interest of visual amenity and to accord with the requirements of Saved Policy ENV2 of the Craven District (outside the Yorkshire Dales National Park) Local Plan and the requirements of the National Planning Policy Framework.

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

Reason: In the interest of visual amenity and to accord with the requirements of Saved Policy ENV2 of the Craven District (outside the Yorkshire Dales National Park) Local Plan and the requirements of the National Planning Policy Framework.

Ongoing Conditions

- 15 All proposed services to the site (such as water, electricity or gas) shall be located underground unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that the provision of services to the site do not have an adverse effect on the rural character of the landscape and to accord with the requirements of the National Planning Policy Framework.

- 16 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), the buildings shall not be extended or altered, no new buildings or means of enclosure shall be constructed or hand standing provided outside the buildings (unless expressly authorised by this permission).

Reason: To avoid ancillary development of a type that may detract from the appearance of the building or its setting, in the interests of preserving the character of the rural locality.

Informatives

1. The applicant is advised to contact United Utilities Sewer Enquiries on 0845 7462200 regarding connection to the water mains/public sewers.

The applicant is advised that advice regarding permeable and porous hard surfaces can be found in the Department of Communities and Local Government document 'Guidance on the permeable surfacing of front gardens' which can be accessed on the DCLG website (www.communities.gov.uk).

2. The operating times for development works should be limited to 7:30am to 6:00pm Monday to Friday, 8:00am to 2:00pm Saturday and no Sunday or Bank Holiday working in order to minimise disturbance from the development affecting nearby dwellings.
3. 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.
4. 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: 2018/19794/FUL

Proposal: Partial demolition and re-construction of existing barn including full new roof to form 2 no. new dwellings

Site Address: Barn (Roadside) Fourlands House Farm High Bentham
LA2 7EX

On behalf of: Miss Barbara Rothwell

REPORT TO PLANNING COMMITTEE ON 17th December 2018

Application Number: 2018/19739/COU

Proposal: Change of use from retail to a microbar

Site Address: 9 - 11 Court Lane Skipton BD23 1DD

On behalf of: Mr Simon Greaves

Date Registered: 14th September 2018

Expiry Date: 9th November 2018

Case Officer: Miss Katie Chew

The application is referred to planning committee at the request of Councillor Dawson due to the impact of the amenity of residents and the conflict between this application and the licence application in regards to opening hours and hours of music playing.

1. Site Description

- 1.1 The application site comprises Nos. 9-11 Court Lane, Skipton. The property is currently vacant and comprises of 2 storeys which includes a shop to the ground floor level, and office, kitchenette and WC to the first floor. The property fronts the highway and is accessed via Court Lane, Skipton. The site is approximately a 1 minute walk from the centre of Skipton.
- 1.2 The application site is located within Skipton Conservation Area, Core Retail Area and Development Limits. Located to the east and south of the application site are Grade II Listed Buildings – 23 & 25 Newmarket Street, Skipton.

2. Proposal

- 2.1 The application seeks planning approval for the change of use of retail unit (A1 use class)/office (B1 use class) to microbar (A4 use class). It is the applicant's intention to sell 4 cask ales on rotation along with 1 x premium lager, 1 x premium cider, selected gins, single malts and soft drinks.
- 2.2 Downstairs would house the bar area with the focal point being the beer cellar which is to be installed behind the bar behind toughened Perspex. Upstairs will be a lounge area with settees and comfy chairs. The existing fluorescent light tubes will be replaced with low energy faux Thomas Edison style lighting.

3. Planning History

- 3.1 63/2016/16686 – Change of use to hot food takeaway (A5). Approved 4th April 2016.
- 3.2 63/2013/13360 – Change of use to hot food takeaway (A5). Approved 1st May 2013.

4. Planning Policy Background

- 4.1 Draft Submission Local Plan (2018)
- 4.2 National Planning Policy Framework (as amended July 2018)
- 4.3 Planning Practice Guidance (2012)
- 4.4 Saved Local Plan Policy R3 of the Craven District (Outside the Yorkshire Dales National Park Authority) Local Plan (1999)

5. Parish/Town Council Comments

- 5.1 Skipton Town Council – No comments received within statutory timescales.
6. Consultations
- 6.1 CDC Environmental Protection – Comments received 29th October 2018. No objections to the proposals but do provide conditions relating to external drinking and hours of delivery. Further information has been requested if a beer cooler is to be attached to the outside of the premises.
- Officer Note:** Comments were received from the applicant on 5th November 2018; these comments provided details on what is to be installed outside of the premises. Further comments were received from the Environmental Health Officer on 6th November 2018, these comments stated that the information provided by the applicant was sufficient enough to not require any further details.
- 6.2 NYCC Highways – Comments received 5th October 2018. Conditions are recommended which relate to projections over footways and door and window openings.
7. Representations
- 7.1 Site Notice – Expired 26th October 2018.
- 7.2 Press Notice – Expired 25th October 2018.
- 7.3 Neighbour Letters – Expired 17th October 2018.
- 7.4 8 representations have been received in objection to the proposals, they highlight concerns relating to:
- The original email that was shown on the Planning website (but which now appears to be removed), it said that the hours of business would initially be from 12noon to 8pm. Does this mean that after an initial period the applicant would want to extend these hours?;
 - Overspill of people onto the pavements outside the building for drinking and smoking;
 - Loss of privacy due to overlooking;
 - Concerns about rogue parking;
 - Lack of outside space;
 - The use of neighbouring balconies and the pleasure of open windows will be curtailed;
 - There are already a significant number of licensed premises in Skipton;
 - Court Lane is a narrow street and this could prove to be dangerous when cars are driving up;
 - There are two restaurants on the street already but visitors to these restaurants remain in the establishments whilst dining;
 - Directly opposite residential dwellings;
 - The bar would detract from the privacy and amenities of the occupiers of the residential apartments;
 - Noise and disturbance;
 - Customers at Wetherspoons already cause significant disturbance;
 - Indiscriminate parking and deliveries on Court Lane, especially to Craven Court already causes unacceptable disruption to residents at Providence Quarter;
 - No information in regards to waste disposal, music/volume or smoking area.
8. Summary of Principal Planning Issues
- 8.1 Principle of development.
- 8.2 Visual impact of development.
- 8.3 Impact on residential amenity.

9. Analysis

Principle of development

- 9.1 In terms of the status of the Submission Draft Craven Local Plan, this document was submitted to the Secretary of State on 27th March 2018. The submission 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).' ENV2 'Heritage', ENV3 'Good Design', SD1: 'Presumption in Favour of Sustainable Development', EC5 'Town, District and Local Centres', INF4 'Parking Provision' are all considered to be applicable to this planning application.

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

- 9.2 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.
- 9.3 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 Saved Local Plan Policy R3 seeks to protect ground floor uses for retail within core retail areas. The application site is located within the Core Retail Area as defined by the 1999 Local Plan and therefore the proposal will be considered against Saved Policy R3. The objective of Saved Policy R3 is to maintain a high proportion of units within the CRA for retail use to help ensure the viability and vitality of CRA within town centres. Since this policy was saved in 1999 there have been significant changes in policy with the introduction of the NPPF. The NPPF states that at its heart is a presumption in favour of sustainable development with its core planning principles including building a strong, competitive economy and ensuring the vitality of town centres.
- 9.5 The NPPF requires Local Plans to define the extent of Town Centre and primary shopping areas based on a clear definition of primary and secondary frontages. The Local Plan fails to define primary and secondary frontages and therefore fails to comply with the NPPF in this regard. That being said, the proposals are within the Core Retail Area and the centre of Skipton.
- 9.6 The NPPF also requires Councils to ensure that the Local Plan is based on adequate, up-to-date and relevant evidence. Contained within Saved Policy R3 is a requirement to maintain 81% of the CRA to A1 use. However, there is no evidence base for the 81% figure referred to in Policy R3 to substantiate this requirement. It is therefore considered that the Saved Policy R3 is out of date. This has been confirmed by a recent appeal decision at 40-42 Sheep Street, Skipton that identified that Policy R3 is out of date due to its restriction on all change of use of ground floor level properties in the CRA, which is considered contrary to the objectives of the NPPF which requires policies to be positive and promote competitive town centre environments.
- 9.7 The NPPF also states that it is important that the needs for retail, leisure, office and other main centre uses are met in full and are not compromised by limited site availability. Section 7 goes on to say that planning decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation.
- 9.8 The application site is located just a short distance from the A59 and the A629 which provides links to areas further afield. The property's previous use was as an A1 retail shop; however the site was granted planning permission in 2016 to become a hot food takeaway, this was a resubmission of a

previous approval in 2013 for A5 use. It is therefore acknowledged that this site has been deemed acceptable for other uses, other than A1 use in the past. At present the site is vacant; therefore this proposal fits within the definition of a 'main town centre use' as stated in the NPPF, and would bring a vacant property back into use.

- 9.9 The NPPF explains that where the policies of the Local Plan are out of date planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF as a whole. It is considered that if suitable mitigation measures are put in place that there would be no adverse impacts arising from the A4 use, and therefore the use is deemed as being acceptable in principle.

Visual impact of development

- 9.10 Section 16 of the NPPF gives guidance on conserving and enhancing the historic environment. In particular paragraph 192 advises that Local Planning Authorities should take account of the desirability of new development making a positive contribution to local character and distinctiveness. Paragraph 193 & 194 goes on to advise that when considering the impact of a proposed development on the significance of a heritage asset, great weight should be given to the assets conservation. Where a proposed development would lead to substantial harm, local authorities should refuse consent, unless it can be demonstrated that the substantial harm is necessary to achieve substantial public benefits that outweigh the harm (paragraph 195 refers).
- 9.11 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. However, decisions should not attempt to impose architectural styles or particular tastes.
- 9.12 In regards to changes to the property, there will be no changes externally or to the footprint or size of the building. The only changes that are to take place are internally and therefore this element of the proposal would not result in any visual harm to the conservation area.
- 9.13 For the aforementioned reasons it is considered that the development would not have an unacceptable detrimental impact upon the character and appearance of the street scene or conservation area, or the setting and significance of any listed buildings. Therefore the proposal does not conflict with guidance in the NPPF.

Impact on residential amenity

- 9.14 The National Planning Policy Framework states that Local Planning Authorities should seek to achieve a good standard for 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.
- 9.15 Paragraph 180 of the NPPF relates to the mitigation of noise, the NPPF recommends that planning policies and decisions should aim to:
- 'Mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant impacts on health and the quality of life;
 - Identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and
 - Limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation'.
- 9.16 The application property is surrounded by other properties to the west and south west. The nearest residential dwellings to the application appear to be residents living within the Providence Quarter (located to the west of the site), No. 7 Court Lane (located to the north of the site), No. 8 Court Lane (located to the south west of the site), and Nos. 23 & 25 New Market Street (located to the south of the site).
- 9.17 Given the information provided by the applicant, it is considered that the A4 use of this proposal will be unlike other larger drinking establishments in the area. The submitted planning statement

highlights that the applicant would like to move away from Pub Company ownership and wishes to showcase his knowledge and experience with a more personal venture. The bar area proposed is to be housed downstairs, with a lounge seating area upstairs.

9.18 As No. 9-11 Court Lane was previously in use as a retail unit and had permission for and was in previous use as A1 Retail, the property also had permission for A5 takeaway use. There are to be minimal changes to the property with the exception of a potential increase in internal noise. However, it is important to note the location in which this property is located, it is situated just off a busy main road into Skipton Town Centre, there are a number of other retail units, restaurants and drinking establishments located in close proximity which already provide significant traffic both on foot and by vehicle to the area, with this increase in visitors comes an increase in noise. Therefore it is not considered that the impact would be significant enough on these residential dwellings to recommend that the application is refused.

9.19 The CDC Environmental Health Team were also consulted on this application, they have recommended a number of conditions which seek to reduce any potential for noise disturbance related to the approval of this application. On the basis that mitigation measures are put in place through the conditions noted within the report, it is considered that the proximity of the development will not unacceptably detract from the existing living conditions and general amenities of any neighbouring occupiers.

9.20 Conclusion

9.21 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.

9.22 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, received 14th September 2018;
- Existing Floor Plans, received 14th September 2018;
- Proposed Floor Plans, received 14th September 2018;
- Property Spec, received 14th September 2018;

- Planning Statement, received 17th 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 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 National Park Authority) Local Plan and the National Planning Policy Framework.

Ongoing Conditions

- 3 Any projection overhanging the footway shall be securely fixed and no part shall be less than 2.4m about the footway level and no closer than 0.5m from the edge of the carriageway.

Reason: To protect pedestrians and other highway users.

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

Reason: To protect pedestrians and other highway users.

- 5 No deliveries shall be received or dispatched from the premises outside the hours of 08:00am - 18:00pm nor at any time on Sunday or Public Holidays.

Reason: To protect the amenity of the locality, especially for people living and/or working nearby.

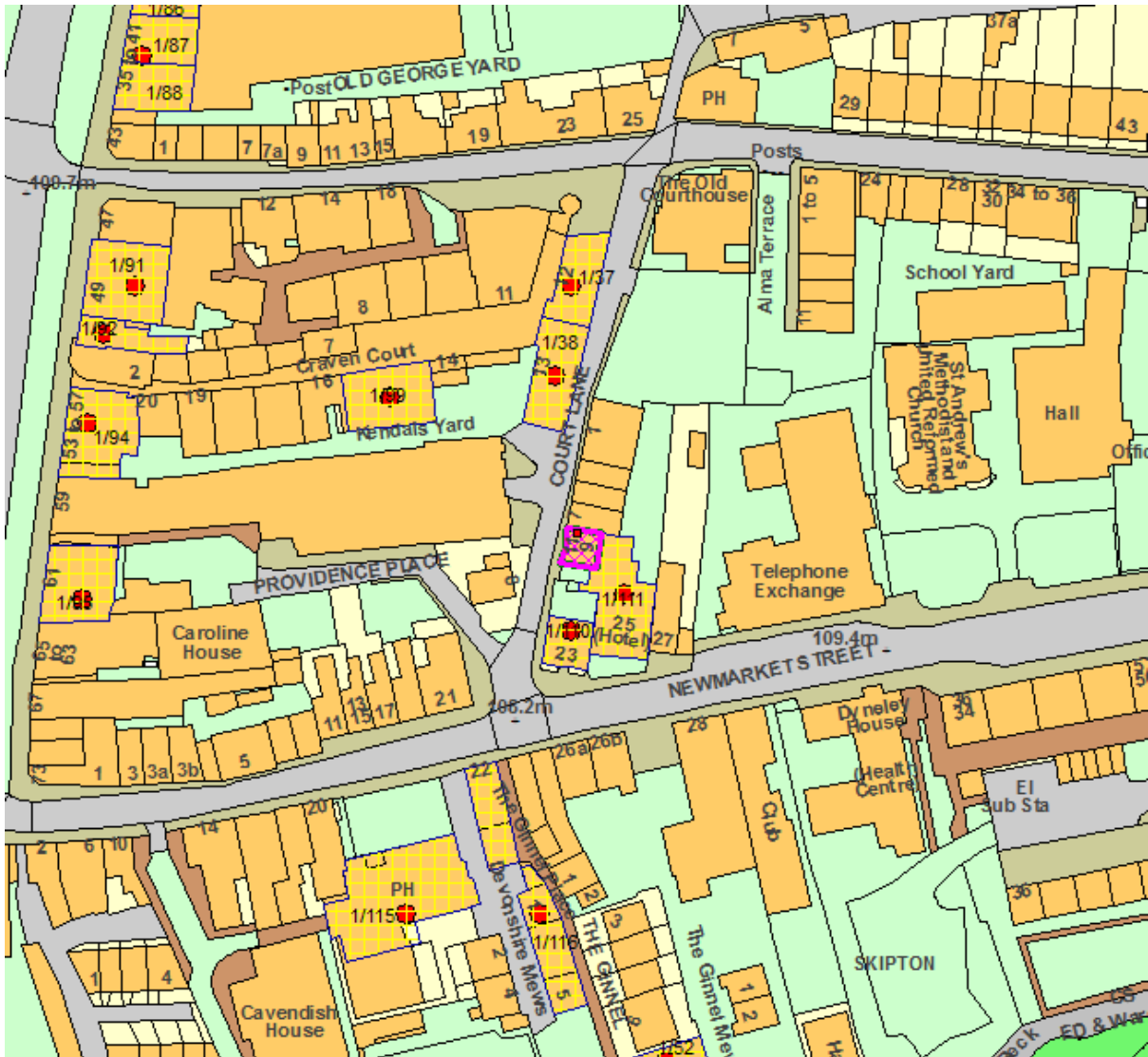
- 6 The premises shall only be open for trade or business between 12:00 hours and 21:00 hours Monday to Sunday and on bank holidays.

Reason: To limit the potential for noise generation and to prevent nuisance arising in order to safeguard the amenity of the occupiers of surrounding residential properties in accordance with paragraph 180 of the National Planning Policy Framework.

Informatives

1. Statement of Positive Engagement: -

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



Application Number: 2018/19739/COU

Proposal: Change of use from retail to a microbar

Site Address: 9 - 11 Court Lane Skipton BD23 1DD

On behalf of: Mr Simon Greaves

REPORT TO PLANNING COMMITTEE ON 17th December 2018

Application Number: 2018/19817/HH

Proposal: Proposed 2 storey extension to the eastern elevation of the existing dwelling, conversion of attic, new pitched roof over garage and internal and external alterations.

Site Address: Glen Croft 72 Raikes Road Skipton BD23 1LS

On behalf of: Mr & Mrs Feddo

Date Registered: 12th October 2018

Expiry Date: 7th December 2018

Case Officer: Miss Katie Chew

This application is reported to Committee as previous applications on the site have been determined by the Planning Committee

1. Site Description

- 1.1 The application property is a single storey dwelling located via a shared access off Raikes Road. The property has a well screened front and side garden area with a flat roof garage extension.
- 1.2 The application site is located within Skipton development limits.

2. Proposal

- 2.1 The application seeks approval for the construction of a 2 storey extension to the eastern elevation of the existing dwelling, attic conversion to allow for an additional bedroom, office, en-suite and wardrobe area. A new pitched roof over the garage and internal and external alterations, including raised terraced area and patio areas.
- 2.2 There have been a number of similar applications both approved and refused at this site over the last 3 years. This application differs slightly from the most recently approved application in 2016 (application reference 63/2016/16903). Alterations include:

South East Elevation

- Solar panels previously approved have been removed.
- Additional windows and doors have been added and previously approved windows and doors have been amended within this elevation.
- The proposed kitchen/dining extension has increased in height slightly by approximately 0.3m.
- The proposed garage roof has reduced in height by approximately 0.9m.
- The proposed kitchen/dining extension has reduced in length by approximately 5.8m and has increased slightly in width by approximately 0.3m.

South West Elevation

- The existing chimney is to be removed.
- 1 additional roof light has been added.
- Minor amendments are proposed to all ground floor windows/doors.

North West Elevation

- A new window is to be installed within the first floor of this elevation.
- A window has also been removed at ground floor level.
- A new door with glazing is proposed to replace the existing entrance door.

North East Elevation

- On this elevation there is 1 additional rooflight proposed.
- 1 window at ground floor level is to be removed.
- The existing windows are to be replaced with similar windows,
- The reduction in size and the height of the garage has already been discussed above.

3. Planning History

3.1 63/2016/16903 – Proposed side extension and alteration to roof form. Amendment to previously approved application referenced 63/2015/15908. Refused 26th September 2016. This application was refused as at planning committee but allowed at appeal under reference: APP/C2708/D/16/3162095.

3.2 63/2016/16569 – Proposed side extension, new pitched roofs over existing garage and front bay windows (re-submission of approved application 63/2015/15908). Refused 12th April 2016. This application was refused at planning committee and dismissed at appeal (reference number: APP/C2708/D/16/3149053) as:

'The harm that I have identified to character and appearance in respect of the garage extension and amended roof design is significant and overriding. The appeal does not succeed'.

3.3 63/2015/16437 – Non-material amendment application for previously approved application referenced 63/2015/15908. Refused 11th January 2016. This application was refused as:

'The information submitted is not acceptable as a non-material amendment to planning approval 63/2015/15908. This is because the alteration to the roof design would have a slightly amended and more significant impact on others and furthermore would have a different visual impact. There is also uncertainty about the precise detail of the proposed alterations. In these circumstances it would not be appropriate to accept the change as a non-material amendment'.

3.4 63/2015/15908 – Proposed side extension, new pitched roof over existing garage and front bay windows. Approved 5th August 2015.

4. Planning Policy Background

4.1 Draft Submission Local Plan (2018)

3.2 National Planning Policy Framework (as amended July 2018)

3.3 Planning Practice Guidance (2012)

3.4 Saved Local Plan Policy H20 of the Craven District (Outside the Yorkshire Dales National Park Authority) Local Plan.

5. Parish/Town Council Comments

5.1 Skipton Town Council – No comments have been received within statutory timescales.

6. Consultations

6.1 CDC Contamination Officer – Comments received 30th October. In respect to the application, there are no known contaminated land implications regarding the proposed development.

6.2 NYCC Highways – Comments received 15th November 2018. There are no local highway authority objections to the proposed development.

7. Representations

- 7.1 Neighbour Letters – Expired 12th November 2018.
- 7.2 2 representations have been received in objection to the proposals. These comments have been summarised below:
- The proposed window in the upper floor could compromise privacy of neighbouring dwellings;
 - Concerns regarding height of the main roof line;
 - As a compromise could the height of this pitched roof match the lower height of a new pitched roof over the bays on the opposite side of the property;
 - Nos. 72, 74 + 76 Raikes Road were built as a small group of bungalows with a fairly narrow shared drive & turning area for cars. Such bungalows was planned to ensure that privacy was important & that nobody was directly overlooked;
 - It seems a little strange that when bungalows are in short supply in Skipton that the application for no. 72 is for the development of a first storey house;
 - Loss of views;
 - The submitted drawings are less than adequate, they do not show the proposed development in its proper context;
 - Structural stability of the development;
 - Are the plans incorrect in regards to a window on the elevation which doesn't match one shown on the floor plan of the extension.
8. Summary of Principal Planning Issues
- 8.1 Visual impact upon the surrounding area.
- 8.2 Impact on neighbouring amenity.
9. Analysis
- Visual impact upon the surrounding area.**
- 9.1 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. However, decisions should not attempt to impose architectural styles or particular tastes.
- 9.2 The Council's Saved Local Plan Policy H20 states that the scale, design, proportions and materials of the extension should respect the original property and that any proposed development should not have a significant affect upon the street scene or wider surrounding area.
- 9.3 The proposed amendments are small in scale and size and given the proposed use, size of the dwelling and curtilage of the application property, the proposals are deemed to be acceptable and compatible with the host dwelling.
- 9.4 The proposals relate to all elevations of the existing dwelling. The property is well screened from Raikes Road to the front; it is bound by a low stone wall and mature hedges. Access to the property is shared between the three properties that are all similar in style and design. The application property is set down slightly lower than its opposite neighbour to the North West (No.76) with No.74 to the north also appearing at a slightly higher level. The properties are all within reasonably close proximity. The proposals are also small in scale and reflect what currently exists in the area; it is therefore considered that the proposals would not impact significantly on the visual appearance of the area given this context.
- 9.5 The proposal is considered to be of a scale and design comparable and proportionate to the existing dwelling. For the aforementioned reasons it is considered that the development would not have an unacceptable detrimental impact upon the character and appearance of the area. Therefore the proposal does not conflict with the guidance in the NPPF and Saved Local Plan Policy H20.

Impact on neighbouring amenity.

- 9.6 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. In particular Saved Local Plan Policy H20 states that the privacy and amenity of neighbouring residents should be significantly compromised. Development should also provide a good standard of amenity for existing residents.
- 9.7 The application property is surrounded by other residential dwellings in all directions. Given the layout of the properties located on Raikes Road/Tarn Moor Crescent the properties are subject to some overlooking from one another. Nos. 72, 74 and 76 Raikes Road are stepped back from the highway in their own little cul-de-sac. Due to the sloped topography of Raikes Road and Tarn Moor Crescent, properties all vary in height throughout both streets.
- 9.8 Properties within close proximity that have the most potential to be affected by the proposed development are No. 74 and No.76 Raikes Road, and Nos. 1 & 3 Tarn Moor Crescent.
- 9.9 No. 74 is located to the north east of the application site. This proposal will be most impacted by the proposed pitched roof over the existing flat roof garage. The proposed garage will measure approximately 4.3m to ridge height, this is approximately 0.9m less than what was previously approved. It is therefore considered that the proposals will have less of an impact than what was approved under application 63/2016/16903.
- 9.10 No. 76 is located to the north west of the application site. This property would be most impacted by the proposed window in the first floor of this elevation, and the increase in roof height of the existing garage. As previously highlighted, the garage height would be a reduction to what was previously approved and therefore it is not considered that the proposals would have any greater impact on this neighbouring property. The additional window proposed would look out on to No. 76's garden/amenity area to the north west. However, as No. 72 can already look out across this area, it is not considered that this small additional window would provide a significantly adverse impact on No. 76's privacy and amenity to recommend that the application is refused.
- 9.11 Nos. 1 & 3 Tarn Moor are located to the south east of the application site. These properties are located approximately 25m away from the application site. They are also dropped down from the site by approximately 5.2m. These properties are most likely to be impacted by the proposed extension to the south east and the amended windows and doors. The proposed extension has increased slightly in height by approximately 0.3m and in width by approximately 0.3m. These increases are only small and are therefore not considered to be significant enough to impact adversely on these neighbouring properties. The extension has also reduced in length by approximately 5.8m; this reduction will help significantly towards these properties privacy and amenity. Windows and doors within this elevation have been amended and added to however, at present there are already a number of windows within this elevation which already look out across both of these neighbouring dwellings. It is also considered that due to the large separation distance and differing ground levels that these minor changes would not cause significantly adverse impacts on these neighbouring properties and therefore would not warrant a recommendation for refusal.
- 9.12 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.
- 9.13 Conclusion
- 9.14 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.

- 9.15 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, received 11th October 2018;
- Proposed 3D Drawing, received 11th October 2018;
- Existing Floor Plans and Site Section - Drawing No. 504-02, received 11th October 2018;
- Existing Sections and Elevations - Drawing No. 504-02, received 11th October 2018;
- Proposed Floor Plans - Drawing No. 504-04, received 11th October 2018;
- Proposed Sections and Elevations - Drawing No. 504-05 Rev A, received 29th November 2018;
- Topographical Survey, received 3rd December 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 National Park Authority) Local Plan and the National Planning Policy Framework.

Ongoing Conditions

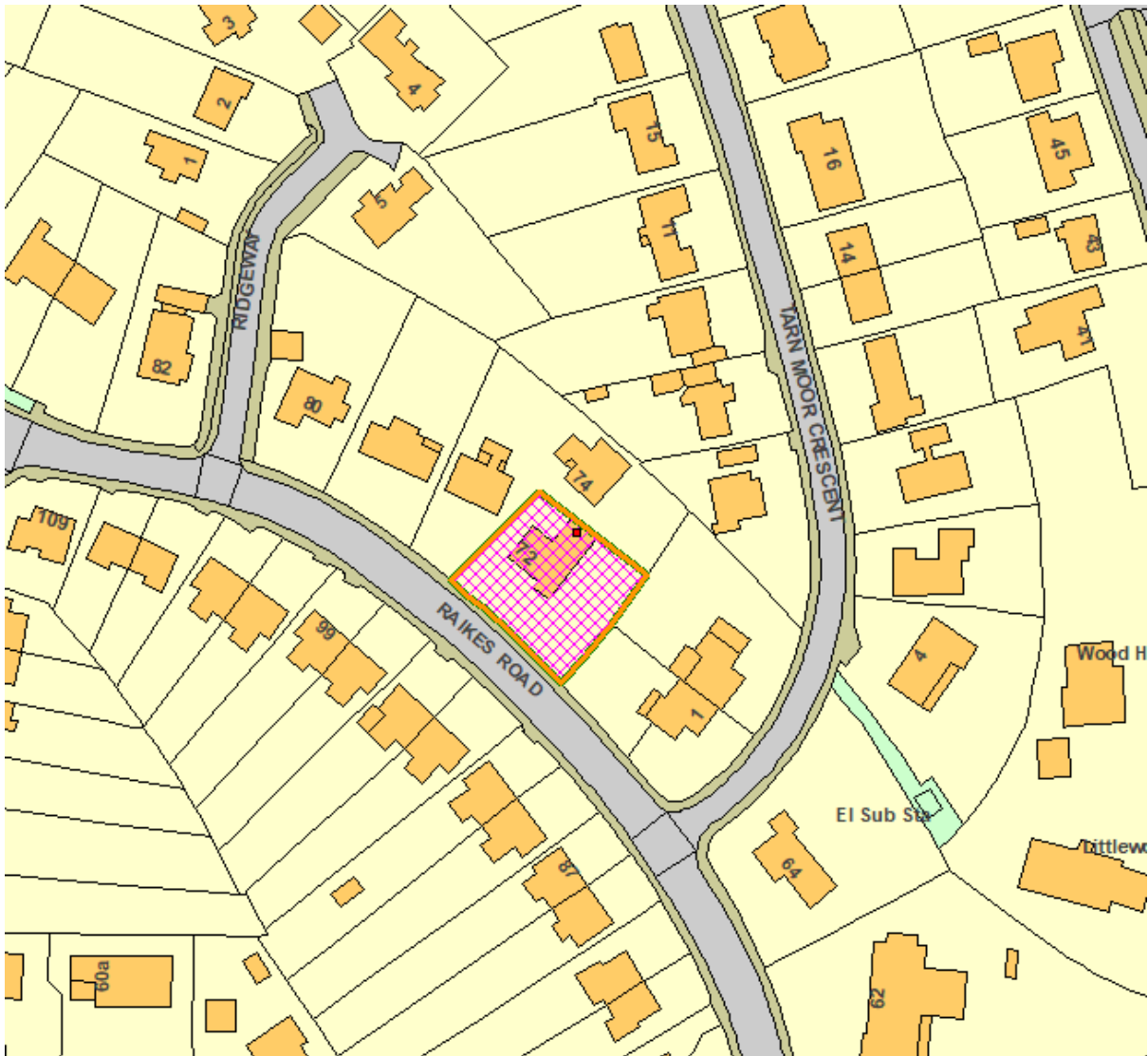
- 3 The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Reason: To ensure that materials are sympathetic to the existing dwelling and surrounding area.

Informatives

1. Statement of Positive Engagement: -

In dealing with this application Craven District Council has sought to approach the decision making process in a positive way, in accordance with the requirements of paragraph 38 (as amended 2018) of the NPPF.



Application Number: 2018/19817/HH

Proposal: Proposed 2 storey extension to the eastern elevation of the existing dwelling, conversion of attic, new pitched roof over garage and internal and external alterations.

Site Address: Glen Croft 72 Raikes Road Skipton BD23 1LS

On behalf of: Mr & Mrs Feddo

REPORT TO PLANNING COMMITTEE ON 17th December 2018

Application Number: 2018/19747/FUL

Proposal: Construct 6 no. 4 bed detached dwellings with associated vehicular access and landscaping (resubmission of previous application referenced 2018/19018/FUL)

Site Address: Rockwood House Park Wood Close Skipton BD23 1QW

On behalf of: Firth Developments Ltd

Date Registered: 20th September 2018

Expiry Date: 15th November 2018

Case Officer: Miss Katie Chew

This application was called into planning committee by Councillor Dawson in light of the scale of the proposed development and impact on neighbouring properties and the area.

1. Site Description

- 1.1 The application site comprises of a parcel of land which once consisted of a detached two storey dwelling. This dwelling has now been demolished. The site is accessed from Park Wood Close, Skipton, it is stepped back from the highway and is raised in height compared to the public highway, this is due to the sloped topography of Park Wood Close. The application site is located to the north west of the centre of Skipton.
- 1.2 The application site is located within Skipton development limits.

2. Proposal

- 2.1 The application seeks full planning permission to construct 6 no 4. Bed detached dwellings with associated vehicular access and landscaping. This application is a resubmission of previously withdrawn application 2018/19018/FUL.
- 2.2 The proposals can be broken down into:
- 2.3 Plot 1 will consist of a 2 storey, 4 bedroomed detached dwelling, which is to be located to the north east of the application site. 1 external car parking space is provided, as well as an integral garage which would have enough space to park 1 vehicle.
- 2.4 Plot 2 will consist of a 2 storey, 4 bedroomed detached dwelling, which is to be located to the south east of the application site. External parking is provided for 2/3 vehicles and 1 parking space is shown in the form of an integral garage.
- 2.5 Plots 3 & 4 will consist of two 2 storey 3 bedroomed detached properties; they are to be located to the south west of the application site. 1 parking space is to be provided externally and 1 space internally in the garage for each property.
- 2.6 Plot 5 will consist of a 2 storey, 4 bedroomed detached property, which is to be located to the north west of the application site. 2 parking spaces are to be provided externally and 1 space internally in the garage.
- 2.7 Plot 6 will consist of a 2 storey, 4 bedroomed detached property, which is to be located to the north west of the application site. 2 parking spaces are to be provided externally and 1 space internally in the garage.
- 2.8 Vehicular access will be created off of Park Wood Close in Skipton, this will provide access to all 6 houses and 4 no. visitor parking areas. To the entrance of the development will be a 900mm high

stone wall which will provide a boundary to the east and south for plot 1, and a boundary to plot 2 to the north and east. The materials comprise of natural slate roof tiles, tumble stone, UPVC for windows, timber doors, close boarded timber fences and stone walls.

3. Planning History

3.1 2018/19291/DEM – Demolition of single detached dwelling with attached garage (prior notification). Prior approval granted 31st May 2018.

3.2 2018/19018/FUL – Demolish existing dwelling. Construction 6 no. 4 bed detached dwellings with associated vehicular access and landscaping. Application withdrawn 18th April 2018.

4. Planning Policy Background

4.1 Draft Submission Local Plan (2018)

4.2 National Planning Policy Framework (as amended July 2018)

4.3 Planning Practice Guidance (2012)

4.4 Saved Local Plan Policies H3 and T2 of the Craven District (Outside the Yorkshire Dales National Park Authority) Local Plan.

5. Parish/Town Council Comments

5.1 Skipton Town Council – No comments received within the statutory timescales.

6. Consultations

6.1 CDC Environmental Protection – Comments received 5th October 2018. In respect to the application, there are no known contaminated land implications regarding the proposed development.

6.2 NYCC Police – Comments received 9th October 2018. 'With regards to the above application North Yorkshire Police would not normally respond in relation to developments of less than 10 dwellings. Therefore, unless specifically requested to do so by the Planning Officer, we will not be commenting on this application'.

6.3 NYCC Highways – Comments received 28th November. Conditions and informatives are recommended which relate to road and footway layout, construction of roads and footways, site construction access, visibility splays, garage conversions, mud on the highway, construction traffic, highway condition surveys, onsite parking, storage and construction traffic during development and routing of construction traffic.

Officer Note: it is in officers opinion that condition HC-24 recommended by NYCC Highways should not be added to any approval as the dwelling on site has already been demolished, materials are on site and a site compound is already present. Therefore this condition would not be able to be discharged if added to a decision.

6.4 CDC Trees Officer – Comments received 23rd October 2018. The only potential issues relating to trees could be between plot 5 and the mature Pine Tree (T8 of Tree Preservation Order 185 2009). This is growing from the adjacent property but overhangs the site and a large portion of the root protection area extends into the site. The lawned area of this garden would have to remain sloped and undulating into the future which isn't ideal and could potentially create conflict. Ideally this root protection area would be designed as more of a buffer area where the RPA is protected, if permission is granted conditions are recommended in regards to protective fencing and no level changes are to occur within the RPA.

6.5 Yorkshire Water – Comments received 23rd October 2018. Conditions have been recommended which related to the site being developed with separate systems of drainage for foul and surface water on and off the site, and further details are required in regards to the disposal of surface water drainage.

- 6.6 NYCC LLFA – Comments received 16th October 2018. No comments on this application due to insufficient information being submitted. Further information has been requested from the agent in relation to:
- Run off destinations
 - Flood risk
 - Peak flow control
 - Volume control
 - Climate change and urban creep
 - Maintenance
- 6.7 Further comments were received on 8th November 2018. It was concluded that the submitted documents do demonstrate a reasonable approach to the management of surface water on the site. Therefore there are no objections to the proposal. However, conditions relating to run off rate and storage requirements, maintenance and exceedance flow routes are recommended.
7. Representations
- 7.1 Site Notice – Expired 2nd November 2018.
- 7.2 Neighbour Letters – Expired 23rd October 2018.
- 7.3 30 representations have been received in objection to the proposals, these comments are summarised below:
- No objection in principle to the application but this proposal is excessive;
 - It would create a new street in the estate;
 - After dark the lights of vehicles leaving the site would be directly focused on windows within the neighbouring property;
 - Application is vague in regard to the capacity of the main drainage within and from Park Wood Close. There is no assessment of the risk of backing-up of raw sewerage arising from the additional houses;
 - The integral garages will be converted into living space;
 - The submission of a Construction Management Plan is an essential requirement;
 - Developer sees this as a 'done deal', site office and heavy equipment are already on site;
 - The changes to levels that are proposed will also affect character and appearance;
 - Can the planning committee check the dimensions of the site by the developer both linear and vertical;
 - Section B/B is not a true cross section but an oblique view which disguises the fact that the view from the bungalow opposite will have 2 houses looming over it and a narrow entrance which will have a steeper gradient;
 - There will be a considerable height difference between 9 Parkwood Close and the proposed new house;
 - Accepting the proposed housing density as a new norm, and applying it retrospectively, as in the present case would establish a precedent, which would encourage piecemeal combination of existing plots for redevelopment at the revised higher density;
 - The proposals will have a detrimental effect on the pleasant mini community that residents currently enjoy;
 - Details needed in regards to what measures are to be put in place for security, privacy and disruption during the construction process;

- Although the developer has altered the positioning of plot 1 and plot 2 so that it follows a natural line to existing houses in Park Wood Close the number of houses being built hasn't been reduced to address the issue of overdevelopment;
- Two plots will have nearby large protected trees cutting out light, and the buildings are intended to be large family homes (4-bed) but have very little usable amenity land;
- The proposals do not comply with the emerging Local Plan requirement for new development to increase biodiversity on the site. The development is unsustainable; diagrams supplied show it is intended to be car-reliant;
- The buildings have now been drawn back to reflect the building line which is an improvement;
- Plot 1 – no scope to park more than 1 vehicle on the driveway. The visitor parking space between plot 1 and 6 could potentially become a parking space for plot 1. Alternatively vehicles will park on Park Wood Close causing congestion;
- The applicant has a negative attitude towards biodiversity and trees: all trees and bushes have already been stripped from the site. This does not bode well for a positive attitude to protection of branches and roots of TPO trees on adjoining sites;
- Lack of a rear garden to plot 1, this property will offer little privacy for future occupiers;
- Plots 5 & 6 – the developer has removed the small pavement which brings plot 5 house up to the road. visitors parking in either of the visitor spaces next to plot 5 or 6 will effectively be stepping out of vehicles directly onto private land;
- Not opposed to redevelopment but feel it could be benefit from having a mix of houses and bungalows as the rest of the Rockwood Estate does;
- The development is out of keeping with the existing estate which has houses that are set well back from the road with decent sized front and rear gardens;
- When moving to the estate, estate 'bylaws' were made clear designed to maintain the open spacious effect of the estate;
- The roads are narrow on Rockwood;
- Time constraints should be placed on any development permitted for both completion of build and working times during the week;
- Residents of Park Wood Close have invested savings into living in this quiet residential cul-de-sac;
- Rockwood housing estate has a distinct character and the proposed buildings will affect this character and distinctiveness as a low-density 'garden' estate;
- The parking problem is not restricted to normal office hours and continues late into the evening;
- Emergency service vehicles will have difficulty accessing Park Wood Close;
- Cars already park partially on the pavement causing issues in regards to pedestrian safety;
- The loss of trees will impact on the wildlife, there has already been a reduction in the number of bats seen this summer since the building was demolished;
- Perhaps one storey properties should be considered to prevent loss of privacy for existing residents;
- It is an absolute travesty that permission was granted to demolish Rockwood House;
- There is no shortage of this type of dwelling in the area;
- The rear garden of No. 35 is only 7.5m wide and it is feared that the south west facing elevation of plot 4 will be very close to the boundary fence and therefore be overpowering;
- The proposals will take away light and sunshine;

- As a minimum side elevations should be solid walls to prevent overlooking;
- For over 30 years all the properties bounding the south east and south west have enjoyed privacy from the 4.5m high Leylandii hedge. This is proposed to be removed with nothing shown in its place. As a minimum a 1.8m fence should be constructed;
- There is a significant loss of wildlife due to preparation of the development, so more trees and fewer houses would help to remedy this unfortunate problem;
- Fail to see how a refuse truck would be able to manoeuvre around this development in winter;
- The site plan shows a strip of planting between plot 5 and 33 Rockwood Drive however there is no specification of the type of planting and no note of who owns the land and who will be legally responsible for maintaining it;
- Tree root protection zones have been highlighted on the proposed site plan however the new retaining walls to the gardens of plots 5 and 6 are shown hard up against the protection zone;
- This land sits on top of a hill, grassed areas are able to absorb large quantities of rain water/snow and act as a vital measure to prevent flooding 6 x 4 bedroomed houses will certainly add to the severity of the weather problems;
- The corner of the house on plot 5 is shown on the edge of the turning head which is leaving is susceptible to impact from vehicles;
- The application has taken into consideration some of the comments raised previously however the new scheme has squashed the houses closer together which has exasperated the overlooking issues;
- The proposals have aspect distances between habitable rooms and elevations that are below the minimum suggested standards;
- Roads are not wide enough to accommodate the increase in traffic;
- The estate would be on a steep slope at a higher elevation than the houses on the east side of the street;
- Increase in traffic is bound to create additional danger as well as parking and passing problems;
- The proposed 2 storey houses would dominate the bungalows facing them;
- This new application seems identical to the previous one;
- Out of character with that built in the 1980's;
- The road will not stand the extra potential of 12 cars when occupied;
- The demolition of the previous house has taken most of the last year with no regard to noise and timing restrictions;
- Slate roofing is proposed despite existing properties uniformly using a different material which can be procured locally;
- Gardens proposed are tiny;
- Concerns with the proposed entry and exit road to the development, the proposed position is extremely dangerous;
- Leaving the site vehicles would travel down a severe decline onto an existing road, this causes a real danger if the vehicles are unable to stop due to ice/snow;
- What considerations are being taken so that water from the surface or otherwise will not flow out of the site;
- The existing 4.5 leylandii hedge has been removed, what will replace this? Propose a concrete post and wood panel fence to match the existing boundary with no. 35;

- Who is responsible for the sloping strip of land between no. 37 and plot 4, who is responsible for this strip of land?;
- The strip of land has now created an alleyway along the back of the properties 35, 37 and 39 which can be accessed via the turning head, this leaves those properties less secure;
- A maximum of 2 to 3 houses is more in keeping with the area;
- The location, noise, disruption of vehicles, during and after construction;
- Strain on local services;
- Concerns over damage to foul drainage;
- Lack adequate parking and an increase in traffic;
- Any proposal will need to include strict time periods for when building work will be allowed and regular road cleaning for the removal of site debris;
- From looking at the draft proposal for the new local plan, this development contravenes much of the Council's strategy for future development of the area;
- The main issue for housing in Skipton is the lack of affordable houses for new professionals and families to get on the property ladder, as well as older people in the community who wish to downsize;
- The prices of the houses will be well beyond the pockets of first-time buyers;
- Seven properties share a boundary with the former Rockwood House, the plan to build 6 houses on the plot means that these properties will have large houses built very close to the boundary;
- The new local plan identifies that 30% of affordable housing on small sites (5 to 10 dwellings) is viable. The planned development is not even attempting to address this matter.

8. Summary of Principal Planning Issues

- 8.1 Policy background and principle of development.
- 8.2 Visual impact upon the surrounding area.
- 8.3 Impact on neighbouring amenity.
- 8.4 Highway issues.

9. Analysis

Policy background and principle of development.

- 9.1 In terms of the status of the Submission Draft Craven Local Plan, this document was submitted to the Secretary of State on 27th March 2018. The submission 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).' ENV3 'Good Design', SD1: 'Presumption in Favour of Sustainable Development', SP3 'Housing Mix and Density' and SP4 'Spatial Strategy and Housing Growth' are all considered to be applicable to this planning application.

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

- 9.2 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.

- 9.3 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 In terms of the NPPF there is a presumption in favour of all forms of sustainable development provided that the benefits of allowing development are not outweighed by any dis-benefits that may arise. The NPPF also advocates the provision of new housing to meet established housing needs.
- 9.5 It is considered that in this case the Local Plan policy is consistent with the broad objectives of the NPPF and that the development of a previously established site which is located within Skipton Development Limits is acceptable in principle.

Visual impact upon the surrounding area.

- 9.6 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. However, decisions should not attempt to impose architectural styles or particular tastes. The NPPF also 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.
- 9.7 The application site is located within development limits and is therefore subject to consideration under Saved Local Plan Policy H3. Policy H3 is supportive of new residential infill development and development of neglected, derelict or underused land provided it does not result in loss or damage of important spaces, amenity/recreational land or heritage assets, there is no loss of residential amenity, there is no conflict with other plan policies and no highway safety issues will arise.
- 9.8 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.
- 9.9 The application site is located within development limits and is therefore subject to consideration under Saved Local Plan Policy H3. Policy H3 is supportive of new residential infill development and development of neglected, derelict or underused land provided it does not result in loss or damage of important spaces, amenity/recreational land or heritage assets, there is no loss of residential amenity, there is no conflict with other plan policies and no highway safety issues will arise.
- 9.10 The application proposed 6 new 4 bedrooomed dwellings within a brownfield site located off Park Wood Close, Skipton. The properties are to be two storeys in height, with car parking provided for 15 vehicles. The proposed development would sit within a gap between existing residential dwellings to the north, south and west. To the east is the public highway (Park Wood Close) and across from that, more residential dwellings. The application site once housed 1 residential dwelling which sat within a large residential curtilage. This proposal seeks to optimise the potential of this piece of land to allow for 6 new residential properties.
- 9.11 Although the proposed dwellings can be said to be large in scale in comparison to what previously resided on the site, they are of a similar size and massing to what currently exists on Park Wood Close. It is also noted that the proposals would create a small cul-de-sac; this is not uncommon within this location with a number of small cul-de-sacs being found up along Rockwood Drive. The properties will all be set back from the highway in line with the existing building line of existing properties located on Park Wood Close. Typically dwellinghouses in this area are one or two storeys in height and are constructed in stone. The proposed materials consist of natural slate roof tiles, tumble stone, UPVC for windows, timber doors, close boarded timber fences and stone walls. The proposed housing is traditional in style with a contemporary twist. The dwellings do not attempt to replicate any of the surrounding properties; it is nevertheless, an appropriate design that is respectful of its surroundings.

- 9.12 In this case the proposals are considered to be infill development on a brownfield site which is appropriate in the context of the area and would not appear incongruous or overly dominant in the general context of this site. It would provide an efficient use of a large portion of land, and would not have an unacceptable detrimental impact upon the character and appearance of the area.

Impact on neighbouring amenity.

- 9.13 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.
- 9.14 The application site is surrounded by residential dwellings in all directions. The nearest properties with the potential to be impacted are The Coach House, Nos. 33, 35, 37 and 39 Rockwood Drive and Nos. 9, 16 and 18 Park Wood Close.
- 9.15 The Coach House is located to the north of the application site. This property is most likely to be impacted by plots 1 & 6. In regards to overlooking and loss of privacy, plot 6 on the northern elevation has only 1 window which faces out on to Coach House, this window is to be obscure glazed. Plot 1 has 5 windows within the north elevation however, 3 of these will be obscure glazed and the other 2 are for non-habitable rooms (hallway and utility). It is therefore considered that there are no concerns in regards to overlooking. Furthermore, the existing wall which runs along the northern boundary between the application site and Coach House will be retained and a 1.8m fence will be added, providing some screening at ground floor level. In terms of overshadowing there is potential for some shadowing to occur at Coach House however, this would be across the small portion of garden/amenity area to the south and potentially the driveway of the property. There would be no overshadowing of habitable room windows. Therefore it is not considered that this level of shadowing would be significant enough to recommend that the application is refused. As highlighted previously this neighbouring property is most likely to be impacted by plots 1 & 6, Rockwood House (the dwelling that previously resided on the site) was a 2 storey dwelling which was large in scale and massing. The property ran close up to the northern boundary of the application site and therefore was in close proximity to the Coach House. It is therefore considered that the proposed dwellings would not appear to be over bearing in comparison and would have a similar if not lesser impact on the neighbouring property as the dwellings are separated by parking, access, and gardens. Plot 1 will also be located approximately 0.5m further away from the Coach House than what Rockwood House was before it was demolished.
- 9.16 No. 33 Rockwood Drive is located to the south west of the application site. This property is most likely to be impacted by plot 5. In regards to overlooking 1 window is proposed within the southern elevation of plot 5 however, this is to be obscure glazed. Running along the south western boundary will be a retaining wall and a close boarded timber fence measuring approximately 1.8m in height, this should provide some screening at ground floor level. Due to the location, orientation and separation distance of this property and plots 4 & 5, it is not considered that there will be any concerns in regards to overshadowing. Whilst it is acknowledged that there will be a material change to the rear of No. 33 as the existing high hedging is to be removed, it is considered that due to location, orientation and that plot 5 is to be dropped down into the landscape, this property would not be deemed to be overbearing on this neighbouring dwelling. It is also important to note that the proposed timber fence would provide some screening of the dwelling.
- 9.17 35 Rockwood Drive is located to the south west of the application site. This site is most likely to be impacted by plot 4. In regards to overlooking 3 windows are proposed within the western elevation of plot 4 however, 2 of these are to be obscure glazed and the other is for a hallway and therefore is a non-habitable room. Running along the western boundary will be a retaining wall and a close boarded timber fence measuring approximately 1.8m in height, this should provide some screening at ground floor level. It is therefore considered that there are no concerns in regards to loss of privacy of this neighbouring property. In terms of overshadowing, due to the orientation and location of the proposed dwellings and this neighbouring property, there are no concerns in regards to overshadowing. Whilst there will be a material change to the rear of No. 35 Rockwood Drive as the

existing high hedging is to be removed, it is not considered that the proposed dwelling at plot 4 would be overbearing as the property is to be dropped down into the landscape, a portion of green space is to be left between the dwellings to help increase the gap between both properties. The proposed timber fence should also help to reduce some of the potential impact from the proposed dwelling.

- 9.18 37 Rockwood Drive is located to the south west of the application site. This site is most likely to be impacted by plot 4. In regards to overlooking 3 windows are proposed within the western elevation of plot 4 however, 2 of these are to be obscure glazed and the other is for a hallway and therefore is a non-habitable room. Running along the western boundary will be a retaining wall and a close boarded timber fence measuring approximately 1.8m in height, this should provide some screening at ground floor level. It is therefore considered that there are no concerns in regards to loss of privacy of this neighbouring property. In terms of overshadowing, due to the orientation and location of the proposed dwellings and this neighbouring property, there are no concerns in regards to overshadowing. Whilst there will be a material change to the rear of No. 37 Rockwood Drive as the existing high hedging is to be removed, it is not considered that the proposed dwelling at plot 4 would be overbearing as the property is to be dropped down into the landscape, a portion of green space is to be left between the dwellings to help increase the gap between both properties. The proposed timber fence should also help to reduce some of the potential impact from the proposed dwelling.
- 9.19 39 Rockwood Drive is located to the south west of the application site. This property is most likely to be impacted by plot 4. In terms of overshadowing, due to the orientation and location of the proposed dwellings and this neighbouring property, there are no concerns in regards to overshadowing. In regards to overlooking and loss of privacy at No. 39, whilst this properties rear garden area will be open to views from plot 4, this level of overlooking is not uncommon within this area; this property is already overlooked by a number of neighbouring dwellings. It is therefore not considered that the addition of one further dwelling would have such a significant impact on the loss of privacy that the application should be refused. In regards to the proposals being overbearing on No. 39, due to the separation distance and orientation of plot 4 and No. 39, it is not considered that the proposals would have a significant impact on this neighbouring dwelling in regards to being overbearing or obtrusive.
- 9.20 9 Park Wood Close is located to the south of the application site. This property is most likely to be impacted by plot 2. In regards to overlooking a set of 2 new windows are proposed within the south elevation, alongside a set of patio doors. At ground floor level the windows and patio doors should be partially covered by the boundary fence which is to be installed along the southern boundary of the application site. At first floor level a window is proposed within the master bedroom, although this window would look out across to this neighbouring dwelling, it is consider that due to the separation distance between plot 2 and no. 9 and the differences in ground levels, this window would look over the top of no.9 rather than directly into the dwelling or its amenity area. In terms of overshadowing, due to the orientation and location of the proposed dwellings and this neighbouring property, there are no concerns in regards to overshadowing. Since the previous application was withdrawn (2018/19018/FUL) amendments have been made to plot no. 2 to try and help alleviate any concerns in regards to the proposals being overbearing on No. 9. Amendments included attaching the detached garage to the dwelling on the southern elevation, the large window in the middle of the southern elevation has been removed and most importantly the roof now steeply slopes down from two stories to single storey level once it meets the attached garage. These amendments all play a part in reducing the potential impact that this property could have on the neighbouring dwelling. These changes are considered to be significant enough to reduce the overbearing nature of plot 2 on no. 9.
- 9.21 18 Park Wood Close is located across the road (Park Wood Close) to the east of the application site. This property is most likely to be impacted by plot 1. In regards to overlooking the property will have an approximate separation distance of 31m to plot 1, furthermore no. 18 is stepped down from the highway and the application site is raised up, this does mean that there will be no direct views into windows of this neighbouring dwelling from any of the windows within the east elevation of plot 1. In

terms of overshadowing, due to the orientation and location of the proposed dwellings and this neighbouring property, there are no concerns in regards to overshadowing. Whilst it is acknowledged that this dwelling is one storey in height and the proposals are to be two storeys, it is considered that the proposals follow the existing building line on Park Wood Close, and that there is an acceptable separation distance from this dwelling and the application site in order to overcome any feeling of the proposals being overbearing. It is also important to note that this neighbouring property is situated next to other two storey dwellings which are closer in proximity.

9.22 Similar to the above property, 16 Park Wood Close is located across the road (Park Wood Close) to the east of the application site. This property is most likely to be impacted by plot 2. In regards to overlooking the property will have an approximate separation distance of 24.5m to plot 2, furthermore no. 16 is stepped down from the highway and the application site is raised up, this does mean that there will be no direct views into windows of this neighbouring dwelling from any of the windows within the east elevation of plot 2. In terms of overshadowing, due to the orientation and location of the proposed dwellings and this neighbouring property, there are no concerns in regards to overshadowing. Again whilst it is acknowledged that this dwelling is one storey in height and the proposals are to be two storeys, it is considered that the proposals follow the existing building line on Park Wood Close, and that there is an acceptable separation distance from this dwelling and the application site in order to overcome any feeling of the proposals being overbearing. It is also important to note that this neighbouring property is situated next to other two storey dwellings which are closer in proximity.

9.23 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 in such a way that planning permission should be refused.

Highway Issues

9.24 The application proposes four no. visitor car parking spaces and 15 no. off-street car parking spaces for the dwellinghouses. Notwithstanding this, the application site is located in a highly accessible and sustainable location. It is therefore not essential that parking be provided as there is no policy requirement for dedicated parking to be provided as part of the proposals. Equally the most recent NYCC Highways (interim) parking standards do not require parking for residential development in 'central urban areas with good accessibility to all services'. Furthermore, section 9 of the NPPF contains guidance on transport and land use planning, including the promotion of sustainable transport choices and reducing travel by car.

9.25 Saved Local Plan Policy T2 permits development proposals provided that they are appropriately related to the highway network, do not generate volumes of traffic in excess of the capacity of the highway network, do 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 has full regard to the highway impact on, and potential for improvement to the surrounding landscape.

9.26 The NPPF policy requirement is that permission should only be refused on highway grounds if the impacts of granting permission are shown to be severe. In this case it is not considered that the impact of the development would be severe in terms of highway safety grounds. NYCC Highways have reviewed the submitted information and have recommended a number of conditions and informatives which relate to road and footway layout, construction of roads and footways, site construction access, visibility splays, garage conversions, mud on the highway, construction traffic, highway condition surveys, onsite parking, storage and construction traffic during development and routing of construction traffic. Therefore, it is considered that the proposal is in line 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.

9.27 Conclusion

9.28 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.

- 9.29 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 The permission relates to the following plans:
- Location Plan - Drawing No. 808.01(--) 001, received 19th September 2018;
 - Existing Site Plan - Drawing No. 808.01(--) 002, received 19th September 2018;
 - Block Plan - Drawing No. 808.01(--)005 Rev A, received 19th September 2018;
 - House Type T1 & T2 Plans & Elevations - Drawing No. 808.01(--) 020 Rev C, received 19th September 2018;
 - House Type 3 Plans & Elevations - Drawing No. 808.01(--) 021 Rev C, received 19th September 2018;
 - House Types T4 & T5 Plans & Elevations - Drawing No. 808.01(--) 022 Rev C, received 19th September 2018;
 - Tree Constraints Plan - Drawing No. TC01 Rev B, received 19th September 2018;
 - Site Sections - Drawing No. 808.01(--) 003 Rev E, received 22nd October 2018;
 - Proposed Site Plan - Drawing No. 808.01(--) 004 Rev G, received 22nd October 2018;
 - Arboricultural Survey Report, Revision B, received 19th September 2018;
 - Flooding & Drainage Assessment, Revision A, received 2nd November 2018.

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

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 Development shall not commence until a scheme restricting the rate of development flow runoff from the site has been submitted to and approved in writing by the Local Planning Authority. The flowrate from the site shall be restricted to a maximum flowrate of 4.5 litres per second for up to the 1 in 100

year event. A 40% allowance shall be included for climate change effects and a further 10% for urban creep for the lifetime of the development. Storage shall be provided to accommodate the minimum 1 in 100 year plus climate change critical storm event.

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

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

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

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

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

- 6 No development shall take place until details of the proposed means of disposal of surface water drainage, including but not exclusive to:-
- Evidence to demonstrate that surface water disposal via infiltration or watercourse are not reasonably practical;
 - Evidence of existing positive drainage to public sewer and the current points of connection; and
 - The means of restricting the discharge to public sewer to the existing rate less a minimum 30% reduction, based on the existing peak discharge rate during a 1 in 1 year storm event, to allow for climate change have been submitted to and approved by the Local Planning Authority. Furthermore, unless otherwise approved in writing by the Local Planning Authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works.

Reason: To ensure that no surface water discharges take place until proper provision has been made for its disposal and in the interest of sustainable drainage.

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

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

- The proposed highway layout including the highway boundary
- Dimensions of any carriageways, footways, and verges

- Visibility splays
- The proposed buildings and site layout, including levels
- Accesses and driveways
- Drainage and sewerage system
- Lining and signing
- Traffic calming measures
- All types of surfacing (including tactiles), kerbing and edging.

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

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

c. Full highway construction details including:

- Typical highway cross-sections to scale of not less than 1:50 showing a specification for all the types of construction proposed for carriageways and footways
- Kerb and edging construction details
- Typical drainage construction details.

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

e. Details of all proposed street lighting.

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

g. Full working drawings

h. A programme for completing the works.

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

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

- 8 There shall be no movement by construction or other vehicles between the highway and the application site (except for the purposes of constructing the initial site access until that part of the access extending 10 metres into the site from the carriageway of the existing highway has been made up and surfaced in accordance with the approved details and Standard Detail Number A1 and the published Specification of the Highway Authority.

All works shall accord with the approved details unless otherwise approved in writing by the Local Planning Authority in consultation with the Highway Authority. Any damage during use of the access until the completion of all the permanent works shall be repaired immediately.

Reason: 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 There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until splays are provided giving clear visibility of 45 metres measured along both channel lines of the major road from a point measured 2.4 metres down the centre line of the access road.
- The eye height will be 1.05 metres and the object height shall be 0.6 metres. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
- Reason: In the interests of road safety.
- 10 There shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.
- These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority in consultation with the Highway Authority. These precautions shall be made available before any excavation or depositing of material in connection with the construction commences on the site and be kept available and in full working order and used until such time as the Local Planning Authority in consultation with the Highway Authority agrees in writing to their withdrawal.
- Reason: To ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.
- 11 Unless otherwise approved in writing by the Local Planning Authority, there shall be no HCVs brought onto the site until details of the routes to be used by HCV construction traffic have been submitted to, and approved in writing by, the Local Planning Authority in consultation with the Highway Authority. Thereafter the approved routes shall be used by all vehicles connected with construction on the site.
- Reason: In the interests of highway safety and the general amenity of the area.

During Building Works

- 12 During construction works barrier fencing shall be erected around protected tree (T4) located at the rear corner of plot 5 shown on the plans hereby approved, in compliance with BS 5837 (2005) Trees in Relation to Construction - Recommendations. Within these fenced areas no development, vehicle manoeuvring, storage of materials or plant removal or addition of soil may take place. The fencing shall not be moved in part or wholly without written agreement of the local planning authority. The fencing shall remain in place until completion of all development works and site vehicles, machinery, and materials in connection with the development are removed.
- Reason: To prevent damage to trees during construction works.
- 13 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.
- 14 During construction works there shall be no:
- a. Light Goods Vehicles exceeding 3.5 tonnes
 - b. Medium Goods Vehicles up to 7.5 tonnes

c. Heavy Goods Vehicles exceeding 7.5 tonnes

Permitted to arrive, depart, be loaded or unloaded on Sunday or a Bank Holiday nor at any time, except between the hours of 9:00 am and 3:00 pm on Mondays to Fridays and at any time on Saturdays.

Reason: To avoid conflict with vulnerable road users.

Before the Development is Occupied

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

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

Reason: to ensure safe and appropriate access and egress to the dwellings, in the interests of highway safety and the convenience of prospective residents.

Ongoing Conditions

- 16 The existing soil levels at the rear corner of the plot 5 at the western end of the site shall be retained at its existing level and shall not be altered at any time unless with written prior approval from the Local Planning Authority.

Reason: To safeguard the health of the protected tree (T4) located adjacent to the site boundary.

- 17 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 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.

- 18 Unless otherwise approved in writing by the Local Planning Authority, there shall be no HCVs brought onto the site until a survey recording the condition of the existing highway has been carried out in a manner approved in writing by the Local Planning Authority in consultation with the Highway Authority.

Reason: In the interests of highway safety and the general amenity of the area.

Informatives

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

Operating times for construction should be limited to:

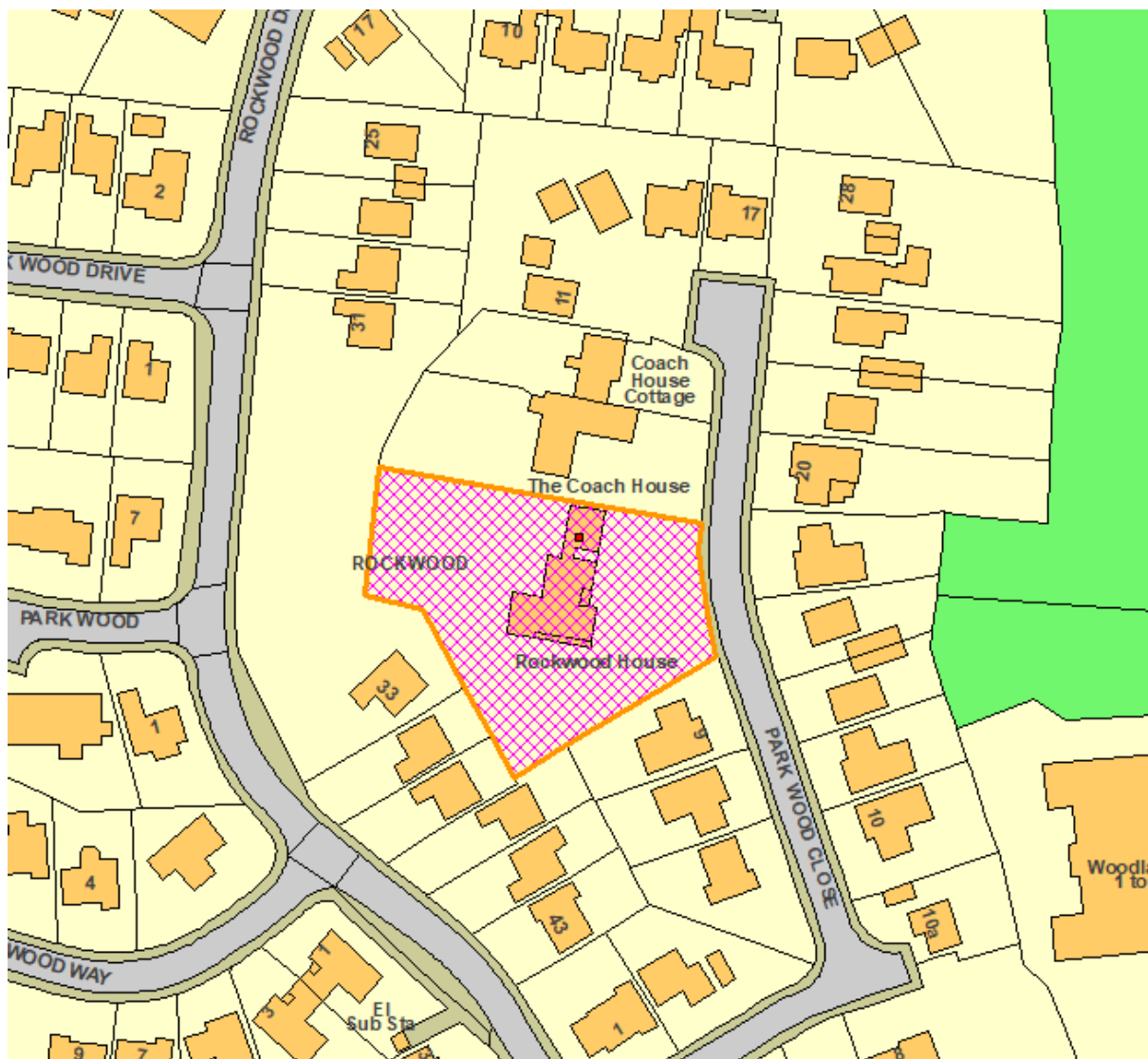
- 08:00am to 18:00pm Monday to Friday
- 08:00am to 13:00pm Saturday
- No Sunday or Bank Holiday working.

2. The applicant should 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.

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.
4. The applicant needs to have regard to the BS8233:2014 Guidance on Sound Insulation and Noise Reduction for Buildings which presents guideline noise levels for both inside and outside dwellings. The applicant should adhere to the levels show in the document.
5. In imposing condition number 7 it is recommended that before a detailed planning submission is made a draft layout is produced for discussion between the applicant, the Local Planning Authority and the Highway Authority in order to avoid abortive work. The agreed drawings must be approved in writing by the Local Planning Authority for the purpose of discharging this condition.
6. 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.
7. An explanation of the terms used above is available from the Highway Authority.
8. 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: 2018/19747/FUL

Proposal: Construct 6 no. 4 bed detached dwellings with associated vehicular access and landscaping (resubmission of previous application referenced 2018/19018/FUL)

Site Address: Rockwood House Park Wood Close Skipton BD23 1QW

On behalf of: Firth Developments Ltd

REPORT TO PLANNING COMMITTEE ON 17th December 2018

Application Number: 2018/19367/FUL

Proposal: Development of 2 No. detached houses

Site Address: Land Off Chapel Hill Skipton

On behalf of: Mr & Mrs R Pryke

Date Registered: 29th May 2018

Expiry Date: 24th July 2018

Case Officer: Miss Katie Chew

This application has been called in by Councillor Whitaker due to a large amount of public objections and concerns regarding the civil war, battery and Skipton Castle.

1. Site Description

- 1.1 The application site comprises a parcel of land measuring approximately 1.45 acres in size. The site is located just off of Chapel Hill in Skipton and is located to the north of the centre of Skipton. The site slopes steeply to the north and is currently underutilised, with the land being used to house chickens in a unkempt chicken coup. Throughout the site are a number of trees which are protected as they are located within a Conservation Area. The application site is wholly located within Skipton Conservation Area, Development Limits, and within a Smoke Control Area.
- 1.2 The site is in close proximity to a number of listed buildings including 'The Chapel', 'Skipton Castle', 'Former Coach House at Skipton', 'Former Chapel at Skipton Castle' and 'High Corn Mill'. Whilst it is acknowledged that there are a number of other listed buildings in close proximity to the site, it is considered that the properties listed above would have the most direct views onto the site, and the most potential to be impacted by any development in regards to the setting and significance of these heritage assets.

2. Proposal

- 2.1 The application seeks full planning approval for the construction of 2 No. detached 4 bedrooomed dwellinghouses. Both dwellings are to be built into the landscape to help reduce the visual impact of the dwellings when viewed from Chapel Hill and Skipton Castle. Both properties will use a mix of materials consisting of stone, timber and glazing. Parking has been provided for 6 vehicles (3 spaces per house), with the driveway being constructed from permeable setts.
- 2.2 Dwelling No. 1 is to be constructed to the west of the application site; the property is to be 2 storeys in height, with a flat green roof. It will measure approximately 26m x 11m, with a maximum height of 5.9m. A balcony area is provided to the front of the property at first floor level.
- 2.3 Dwelling No. 2 is to be constructed to the east of the application site; the property is to be 2 storeys in height, with a flat green roof. It will measure approximately 21.5m x 9.7m, with a maximum height of 5.7m. A balcony area is provided to the front of the property at first floor level.

3. Planning History

- 3.1 63/2008/8311 – Proposed residential development of five properties, formation of two accesses and alterations to existing access road. Refused 13th May 2008.

'The proposed development is considered to have a major adverse impact on the character and appearance of this part of the Conservation Area by the introduction of substantial detached dwellings set in extensive domestic curtilages and the alteration of the appearance and scale of the permissive footpath which passes alongside the site to the detriment of its value and also to materially detract from the setting of the important buildings and natural landscape surrounding this site. The development would thus be contrary to Saved Policy H3, of the Craven District (Outside the Yorkshire Dales National Park) Local Plan and to the aims and advice included in Planning Policy Guidance Note 15.

The proposed development is likely to lead to pressures to remove, lop or thin the canopies of the protected trees to the south of the site because of the likely overshadowing and light deprivation to the habitable rooms and domestic curtilages. Notwithstanding the present protection afforded to these trees by their inclusion within the Conservation Area, such pressures may result in the loss of character and appearance of this area and be contrary to the advice contained in Planning Policy Statement 1 with regard to the protection of the natural and historic environment.

PPG 15 advises (at Paragraph 2.11) that the LPA should expect developers to assess the likely impact of their proposals on the special interest of the site or structure in question and to provide such written information or drawings as may be required to understand the significance of the site or structure before an application is determined. In this case, evidence relating to habitat and the impact of the proposals on trees within the site has been submitted, but it is not considered that sufficient information of material weight has been submitted on the impact of the proposal on the wider Conservation Area or the Buildings of Architectural or Historic Interest which are close to the site to justify the proposal'.

- 3.2 63/2007/7484 – Proposed residential development for 5 properties and formation of two points of access and alterations to existing access. Withdrawn 27th June 2007.

4. Planning Policy Background

- 4.1 Submission Draft Local Plan (2018)
- 4.2 National Planning Policy Framework (as amended in July 2018)
- 4.3 Planning Practice Guidance (2012)
- 4.4 Saved Local Plan Policies H3, ENV10 and T2 of the Craven District (Outside the Yorkshire Dales National Park Authority) Local Plan.

5. Parish/Town Council Comments

- 5.1 Skipton Town Council – Comments received 10th July 2018. The Council does not have any objections to the principle of building two houses on the site; the Council welcomes the passing place and questions whether it is large enough. The Council would like to ensure all highways issues are considered and the option of bring the road up to adoptable standards. The Councillors are concerned that important views from the footpath about the site are not spoilt and the adequate and appropriate replanting of trees and bushes is ensured. The Council does have some questions over density and whether the site could or should accommodate more units, however this would lead to additional traffic movements.

6. Consultations

- 6.1 CDC Environmental Health – Comments received 14th June 2018. In respect of the application, there are no known contaminated land implications regarding the proposed development.
- 6.2 NYCC Highways – Comments received 19th June 2018. Access at House 2 should be extended to provide a second passing place. Further comments were received 25th June 2018 in relation to the amended plans submitted by the applicant. Email confirms that NYCC Highways are happy with the amended plans. Further comments were received on the 5th October 2018 in relation to the amended plans received. A condition is recommended which relates to private access/verge crossings, an informative is also recommended which highlights that a separate license will be required from the Highways Authority for any works in the adopted highway.

6.3 Historic England – Comments received 26th November 2018. No objections to the proposal but published advice was provided in the form of 'The Setting of Heritage Assets (2nd Edition)', Published December 2017. They also advised that the Council seeks the views of our specialist conservation and archaeologist advisers.

6.4 NYCC Archaeology – Comments received 23rd November 2018. They have no objections to the proposals and their comments are provided below.

'The site lies on the outskirts of the historic medieval town of Skipton. Early maps indicate that the site has been in use as a horticultural nursery since the mid-19th Century. There is no specific information about the archaeology of the development area on record and no previous archaeological work has taken place. The site is between the Park Hill Civil War Earthwork (Scheduled Monument) and Skipton Castle. The castle was under siege for several years during the Civil War but it is unclear as to whether the current application site has any relevance to this historic event. On balance there is no clear evidence for Civil War activity within the development area and the existing use over at least 150 years will have had a negative impact on archaeological remains should they have been present'.

6.5 CDC Trees Officer – Comments received 18th July 2018. The Trees Officer objects strongly to this application based on its negative impact on trees and the character of the area and states:

'Although the Arboricultural statement doesn't clearly specify which trees are to be removed, it is clear that many species such as Ash, Cherry, Sycamore, Hawthorn and Willow will require removal to cater for the two residential buildings. Although most of these trees aren't of the highest individual Arboricultural merit, as a group they provide high amenity & ecological value. The proposed dwellings are of a relatively large scale and therefore extensive ground level and water table changes will also have a negative impact on surrounding trees as the site is located on a slope. The development would invite pressures to remove nearby trees and I would perceive a large scale loss of trees within this characterful area in the near future if the scheme went ahead. The second part of my objection relates to the character of the area. The site is located on a well-used public track which connects the town centre to the ancient woodland. Skipton Woods is of high importance because it flows into the town centre and the lane feels like the beginning of this. The Woods, along with the castle, provide a highly desirable and unique visitor attraction to Skipton which shouldn't be compromised. In my opinion the design isn't sympathetic to the setting and would change the character of the lane into more of a suburban residential area. If any development is to take place in this general location then it should be to the very highest design quality to blend into the area and be sympathetic to the surrounding trees. This could be modern or traditional but would have to be less imposing and of a lower scale in my opinion. Ground levels, foundation design, materials, light into the building etc. should all be considered further as the retention of trees in this area is of the highest importance'.

6.6 Further comments were received from the CDC Trees Officer on 20th July 2018. They state:

'I have received the updated Tree Survey which shows an overlay of the site and the development plans. The removal of trees is even greater than I originally thought and therefore my objection stands in the strongest possible manner. A large section of trees along the land have been proposed to be clear felled (10 groups and 7 individual trees) which is unacceptable. Conflicts will inevitably rise between the buildings and their environment, including an impressive Beech avenue to the South, which will likely lead to even more felling in the future. Replanting has been suggested however this would take many years to establish and I doubt that the character of the lane would ever be recaptured by this. A group of Cypress have been proposed for removal which I would be particularly adverse to with suitable replanting but the removal of all the other trees in this area would be of huge detriment to the character of the area and should be refused in my opinion'.

6.7 Further comments were received from the trees officer on the 18th October 2018 following amended plans. They state:

'The design has been amended several times to retain and accommodate more trees to a level which I now find acceptable. A hedge is to be planted along the front of the property which is

appropriate. An Arboricultural method statement has been submitted to show how the retained trees will be protected during construction which is sufficient'.

7. Representations

7.1 Neighbour Letters – Expired 3rd July 2018.

7.2 Press Notice – Expired 5th July 2018.

7.3 Site Notice – Expired 6th July 2018.

7.4 11 representations have been received in objection to the proposals. These comments have been summarised into bullet points below.

- Chapel Hill is a single track road with nowhere to turn around except when infringing upon private property;
- Vehicles consistently park along the right-hand side of the road;
- This road is a popular access route to Skipton Woods, with pedestrians forced onto verges when there is a car passing through;
- The introduction of more vehicles and construction vehicles will further impact the state of the road;
- A passing place has been proposed but this will not resolve the problem with passing at the start of the site and when passing anywhere on Chapel Hill before the junction with Park Hill;
- Conservation area, designated as Green Space in Map 6 of the 2008 Conservation Area appraisal, and was included in the original Conservation Area (No. 1) because of its green space and landscape contribution to the Conservation Area;
- Surrounded by many protected trees and is nearby to an ancient woodland, removal of these trees will be a threat to wildlife;
- The remaining hedge-trees are to be removed which add to the atmosphere and charm of the entry way into Skipton Woods;
- Removal/pruning of the protected trees on the opposite side of the road may also end up being required for this project;
- New trees proposed for screening will not have full foliage cover over autumn and winter months, new trees will take many years to grow to an adequate size for this to have any affect;
- In the landscape assessments of Craven for previous local plans it is shown as part of a valued landscape designed as 'pasture with wooded gills and woodland';
- The typography of the land natural greatly amplifies sound. The sound pollution from this development, once completed, will detrimentally affect the surrounding ecology;
- The piece of land is of historic importance and beauty, and is part of the remnants of the Old Park dating back to the 1600's, which ran from the Castle to Rylstone in the North and Bolton Abbey in the East;
- Suggest the road is made good once the project is complete, if passed;
- The road is in a state, does anyone actually know what part of Chapel Hill is adopted and what part is the responsibility of the adjoining householders?;
- The site previously had a substantial number of trees, which have been cut down. Pigs were employed to grub up the vegetation and chicken huts were built;
- Skipton Castle and Skipton Castle Woods are important landmarks to the town which need to be protected for the future wellbeing of Skipton residents & visitors. Chapel Hill has already in recent years seen numerous developments and this development is a step too far;

- 'Natural slate' can cover a multitude of slate. If the developer plumps for Spanish slate we will be looking out onto a big black, sun reflecting mass (or mess). Even English blue, Westmorland, Welsh or any slate you care to mention for the purpose expense would be an unsightly mass;
- Small properties with agricultural ties could be created; these would then be able to maintain a country style setting on the approach to the woods;
- Proposed development would detract from the tranquillity of the area;
- A row of 5 x 2 bedroom cottages would add more to the housing needs of the area and would be more in keeping with local buildings;
- It is shown in the submitted (but not yet approved) Craven Local Plan together with Castle Woods and the slope below Mill Lane as both Local Green Space and SIN;
- The vegetation on this lane acts as a screen to caravans and a proposed house on the former nursery bungalow site higher up, which has been approved;
- It has always been agricultural land outside the development limits of the town;
- If development was to be approved at the site, it should be of something that would blend into the wooded landscape rather than impose on it. Features such as timber cladding and green roofs are available;
- The surrounding area to the proposed land for development gives rise to the need for further archaeological study before and/or during any building work takes place, which thus far has not been considered by the applicant;
- Skipton Castle and the Woodland Trust use this single track road to access Skipton Woods for maintenance purposes. Any increase in vehicular traffic would add to the difficulties of access;
- Appeal decision reference APP/C2708/A/03/1114137 has also been provided which shows a dismissed appeal for the construction of a detached bungalow, north of Chapel Croft, Chapel Hill, Skipton;
- The designs of the buildings are not in line with surrounding buildings, and include large balconies and a liberal use of glass. This is contrasting to the small cottage-type houses near to the site.

7.5 Re-consultation on amended plans was undertaken in which 6 further comments were received. These comments related to:

- The road suffers from significant motor traffic at present and there have been several near accidents and damaged to the walls from cars.
- The proposed properties will bring construction traffic and delivery vans. There will be issues for ambulances and fire engines getting to Skipton Forest.
- Suspected that the properties will be rented out and therefore there will be a risk of parties.
- The construction of the properties will create noise pollution with future noise pollution from the occupiers of the properties.
- The proposals will damage an area of natural beauty on the edge of town.
- This is a tourist area, with many people coming to walk Skipton Forest and photograph the nature. King fishers, deer and many other animals will be disturbed.
- The new buildings are totally out of keeping with the local area and are of a cheap construction method. All buildings in the vicinity are fully stone built and of a traditional design. The properties are not sympathetic to the area.
- Concerns regarding passing places;
- Concerns on losing a part of history and rural aesthetics as it is a beautiful walk with little development;

- The amended drawings have not mitigated any of the main points of objection;
- The development is within very close proximity of the ancient parts of Skipton Castle and will be in full view from the castle. There will also be no screening during the winter months;

8. Summary of Principal Planning Issues

- 8.1 Principle of development.
- 8.2 Visual impact on the character and appearance of the surrounding area and the setting and significance of Listed Buildings.
- 8.3 Impact of development on the amenity of neighbouring properties.
- 8.4 Highway issues.
- 8.5 Impact on trees.

9. Analysis

Principle of development.

- 9.1 In March 2018 the Council submitted the Council's New Local Plan to the Secretary of State. The Housing Trajectory 2012 to 2032, including the 2018 update for Submission indicates that the Council can now demonstrate a 5 year supply of housing sites. However, the stated existence of the Five Year Housing Land Supply is not a reason by itself to justify the refusal of a planning application. It is a material consideration in the planning judgement that can be given weight in the decision making process. In effect it is one of many planning issues that should be taken into account when determining a planning application.
- 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).' Draft Policy ENV1 'Countryside and Landscape', ENV2 'Heritage', ENV3 'Good Design', ENV4 'Biodiversity', ENV7 'Land and Air Quality', ENV8 'Water Resources, Water Quality and Groundwater', ENV9 'Renewable and Low Carbon Energy', ENV12 'Footpaths, Bridleways, Byways and Cycle Routes', SD1 'The Presumption in Favour of Sustainable Development', SD2 'Meeting the Challenge of Climate Change', SP3 'Housing Mix and Density', IN4 'Parking Provision', are all considered to be applicable to this planning application.

Officer note: Under paragraph 214 the policies in the previous Framework (2012) will apply as the LPA has now submitted its draft Local Plan for examination. The weight to be attached to the policies in the emerging plan remains the same under both the old and new Framework.
- 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 In terms of the NPPF there is a presumption in favour of all forms of sustainable development provided the benefits of allow development are not outweighed by any dis-benefits that may arise. The NPPF also advocates the provision of new housing to meet established housing needs.
- 9.5 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 dwellings including the provision of construction jobs and

from future residents of the proposed dwellings. In addition, the proposal would provide some social benefits as the development would provide an additional 2 dwellings that could help to support the vitality of the local community.

- 9.6 Turning to the environmental dimension of sustainable development, it is acknowledged that the property would be located on a greenfield site however; the property will be in close proximity to other residential dwellings and will utilise a parcel of underused land that is located within the development limits of Skipton. The proposals will tidy up this piece of land removing the unkempt chicken shed, building ruins and trees that are of a poor condition. Furthermore green roofs are proposed on both dwellings which will help to provide important microclimates for insects and birds; green roofs can also significantly reduce the surface run off of rainfall, reduce the need for air conditioning and can provide a degree of insulation in winter.
- 9.7 The application site is located within development limits and is therefore subject to consideration under Saved Local Plan Policy H3. Policy H3 is supportive of new residential infill development and development of neglected, derelict or underused land provided it does not result in loss or damage of important spaces, amenity/recreational land or heritage assets, there is no loss of residential amenity, there is no conflict with other plan policies and no highway safety issues will arise.
- 9.8 It is considered that in this case the Local Plan policy is consistent with the broad objectives of the NPPF and that the development of an underused piece of land which is located within Skipton Development Limits is acceptable in principle.

Visual impact on the character and appearance of the surrounding area and the setting and significance of Listed Buildings.

- 9.9 Section 16 of the NPPF gives guidance on conserving and enhancing the historic environment. In particular paragraph 192 advises that Local Planning Authorities should take account of the desirability of new development making a positive contribution to local character and distinctiveness. Paragraph 193 & 194 goes on to advise that when considering the impact of a proposed development on the significance of a heritage asset, great weight should be given to the assets conservation. Where a proposed development would lead to substantial harm, local authorities should refuse consent, unless it can be demonstrated that the substantial harm is necessary to achieve substantial benefits that outweigh the harm (Paragraph 195 refers).
- 9.10 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. However, decisions should not attempt to impose architectural styles or particular tastes.
- 9.11 The NPPF states that LPA's should aim to ensure that developments function well and add to the overall quality of the area, optimising the potential of the site to accommodate development. It also states that development should respond to local character and history and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation. It also states that whilst visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design go beyond aesthetic considerations. Therefore, LPA's should aim to address the connections between people and places and the integration of new development into the built environment.
- 9.12 Paragraphs 200 & 201 highlight that not all elements of a Conservation Area will necessarily contribute to its significance, Local Planning Authorities should look for opportunities for new development within Conservation Areas that will enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the assets (or which better reveal its significance) should be treated favourably.
- 9.13 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.

- 9.14 The application site is located within development limits and is therefore subject to consideration under Saved Local Plan Policy H3. Policy H3 is supportive of new residential infill development and development of neglected, derelict or underused land provided it does not result in loss or damage of important spaces, amenity/recreational land or heritage assets, there is no loss of residential amenity, there is no conflict with other plan policies and no highway safety issues will arise.
- 9.15 The application proposes two new 4 bedroomed dwellings within a greenfield site located off Chapel Hill, Skipton. The properties are to be two storeys in height, with car parking provided for 3 vehicles per property. The proposed development would sit within a gap between existing residential dwellings to the north and west. To the east are groves of trees and to the south is the highway (Chapel Hill) and further south there are more trees. Whilst it is noted that the site as existing does add to the character and appearance of the area, it is considered that this mainly relates to the row of trees that border the southern boundary of the site. Once within the site this section of land could be argued as not being of a great significant visual benefit to the character and appearance of the area. The majority of the trees on site are to be retained, with a new hedge to be placed along the southern boundary of the site. It is considered that the proposals could add and improve the character and appearance of the area given its high quality design and that the proposals will bring a currently underused portion of land back into use. Officer Note: Whilst it is acknowledged that the site was developed previously, the remains of these structures have now blended into the landscape in the process of time. Therefore the site is classed as a greenfield site.
- 9.16 Although the proposed dwellings are large in scale and massing, they are considered to sit well within the established street scene as they will be built into the landscape to reduce the visual impact that they will have. They will also be set back from the highway and screened by a number of retaining trees, replacement trees and a new hedge. Typically dwellinghouses in this area are two storeys in height and are constructed in stone/finished with render.
- 9.17 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.
- 9.18 The proposed materials consist of natural stone, timber cladding and glazing with powder coated aluminium mullions. The design is stated in the submitted Design and Access Statement as being 'unapologetically contemporary'. The proposed housing is contemporary in style and does not attempt to replicate any of the surrounding properties, it is nevertheless, an appropriate design that is respectful of its surroundings. The proposed palette of materials, the modern design and use of the existing site gradients are such that the proposed buildings would blend into the sylvan context of this site. It is also considered that the design which sets the buildings into the site and away from the roadside whilst retaining where possible existing tree cover would serve to lessen the prominence of the proposed buildings when viewed from the public domain. A large portion of glazing has been used in the properties; this is to allow for a modern look externally and to provide a light and airy feel internally. By providing this amount of glazing, this reduces the possibility of future occupiers requesting trees to be lopped or thinned in the future. Minor landscaping is being proposed in the form of a hedge to the southern boundary and 3 replacement trees are to be planted.
- 9.19 In this case the proposals are small-scale infill development which is considered to be appropriate in the context of the area and would not appear incongruous or overly dominant in the general context of this site. It would provide an efficient use of a currently underutilised portion of land, and would not have an unacceptable detrimental impact upon the character and appearance of the area and the setting and significance of the Listed Buildings.
- Impact of development on the amenity of neighbouring properties.**
- 9.20 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. In particular Saved Local Plan Policy H20 states that the privacy and amenity of neighbouring residents should not be significantly compromised. Development should also provide a good standard of amenity for existing residents.

- 9.21 The nearest dwellings to the application site are Parkfield and Park Hill. Parkfield is located to the north of the application site, with Park Hill located to the west.
- 9.22 Parkfield is located to the north of the application site. As the proposed dwellings are to be set within the landscape and will have green roofs, it is not considered that the dwellinghouses will be overbearing or have a negative impact in regards to overlooking or privacy. Furthermore, there will be no concerns in regards to overshadowing.
- 9.23 Park Hill is located to the south west of the application site. A number of trees are to be retained which run between the application site and Park Hill, these trees will provide some screening between the properties. Furthermore, house no. 2 is to be set back from Park Hill and will be set into the landscape, therefore there are no concerns in regards to the property being overbearing or overshadowing this neighbouring dwelling. In regards to privacy and overlooking, there are a number of windows proposed within house no. 2 however, due to the separation distance, angle of the properties and the screening provided from the existing trees which are to be retained; it is considered that there will be no significantly adverse impacts on this neighbouring dwelling.
- 9.24 Taking the above into consideration, it is in officers' opinion that the amenity of the occupiers of the neighbouring properties will not be significantly impacted by the proposals. It is therefore considered that the proposed development would not result in any unacceptable impacts on neighbouring properties privacy or amenity in accordance with the requirements of the National Planning Policy Framework and the general development principles of the Local Plan.

Highway issues.

- 9.25 In this case the proposed dwellings will have 2 new accesses constructed which will utilise the existing access road (Chapel Hill). The accesses will be constructed along the southern boundary, to the east and west. The accesses will also double up as passing places for vehicles using the road. 3 car parking areas are to be provided at each dwelling, making it a total of 6 car parking spaces at the site.
- 9.26 There have been no objections raised by NYCC Highways to the proposals, however a condition has been proposed in relation to constructing provisions which will prevent surface water from the site/plot discharging onto the existing or proposed highway (or vice-versa), this will also need to be maintained thereafter to prevent such discharges.
- 9.27 Notwithstanding this, the application site is located in a highly accessible and sustainable location. It is therefore not essential that parking be provided as there is no policy requirement for dedicated parking to be provided as part of the proposals. Equally the most recent NYCC Highways (interim) parking standards do not require parking for residential development in 'central urban areas with good accessibility to all services'. Furthermore, section 9 of the NPPF contains guidance on transport and land use planning, including the promotion of sustainable transport choices and reducing travel by car.
- 9.28 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.
- 9.29 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. 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.

Impact on trees

- 9.30 Saved Local Policy ENV10 relates to the safeguarding of trees/hedgerows protected by a preservation order, a tree within a Conservation Area, or an area of recognised Ancient Woodland. This policy also seeks to protect any trees or tree belts which do or will contribute significantly to:
- The landscape diversity
 - The setting of nearby existing or proposed buildings
 - A wildlife habitat
 - Visual amenity
- 9.31 In regards to trees on this site, there are a number of trees to be removed which will include:
- G12 Sycamore, to the east of the site, this tree falls within tree removal category U;
 - G14 Cherry Plum, to the east of the site, this tree falls within tree removal category U;
 - T8 Sycamore, to the north of the site, this tree falls within tree removal category U;
 - 3 x G10 (2x Hawthorn, 1 x Hawthorn Cherry), these trees are located where house 1 is to be placed, these trees fall within category C2 (trees of low quality);
 - 5 x G13 Goat Willow Hawthorn, these trees are located where house 1 is to be placed, these trees fall within category C2 (trees of low quality);
 - G9 Sycamore, located in the middle of the site, this tree falls within tree removal category U;
 - 2 x G17 Cypress, these trees are located to the south of the site and fall within category C2 (trees of low quality);
 - 2 x G17 Cypress, 1 x T17 Sycamore Acer, these trees are located to the south of the site and all fall within category C2 (trees of low quality);
 - 3 x G4 (2 x Ash, 1 x Sycamore) these trees are located where house 2 is to be placed, these trees fall within category C2 (trees of low quality);
 - 2 x G5 (1 x Ash, 1 x Sycamore) these trees are located where house 2 is to be placed, these trees fall within category C2 (trees of low quality);
 - 5 x G7 (2 x Ash, 1 x Sycamore, 1 x Goat Willow, 1 x Hawthorn), these trees are located where house 2 is to be placed, 1 x Ash, 1 x Sycamore and 1 x Hawthorn fall within category C2 (trees of low quality). 1 x Ash and 1 x Goats Willow fall within tree removal category U;
 - T5 Ash, this tree is located where house 2 is to be placed, this tree falls within category C2 (trees of low quality);
 - 2 x G6 Ash, these trees are located where house 2 is to be placed, these trees fall within category C2 (trees of low quality);
- 9.32 Although a number of trees are to be removed, a portion of these trees fall within category U, this category identifies them as being in a poor condition. The other trees fall within category C2 which are trees of low quality. Numerous discussions have been had between agent, arboriculturalist, officer and CDC's trees officer in order to try and retain as many trees as possible at the site. The applicant does now intend to provide a hedge which will run along the southern boundary between the access driveways of dwellings No. 1 and No. 2. 3 new trees are also proposed to the southern boundary to the west to help provide further screening of the properties, when viewed from Skipton Castle.
- 9.33 CDC's Tree's Officer has been consulted throughout the process, as highlighted previously there have been a number of amendments to the proposals especially in regards to the retention of trees. The trees officers initial comments were to refuse the application based on the loss of trees on site, this objection has now moved to one where the proposals are deemed to be acceptable. Conditions have been attached which relate to timescales of planting, maintenance and the development being in strict accordance with the Arboricultural Survey Report (revision C). It is therefore considered that

the proposals are deemed to be acceptable in regards to the retention, protection and replacement tree planting proposed.

9.34 Conclusion

9.35 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.

9.36 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:

- Site Location Plan, received 25th May 2018;
- Arboricultural Survey Report Revision C, received 18th October 2018;
- Design and Access Statement Revision B, received 20th September 2018;
- Tree Protection Plan - Drawing No. TPP01 Rev B, received 18th October 2018;
- Plans + Elevations Proposed House 1 - Drawing No. AL(2-)P4 Rev B, received 19th September 2018;
- Proposed Plans - Drawing No. AL(2-)P2 Rev G, received 19th September 2018;
- Plans + Elevations Proposed House 2 - Drawing No. AL(2-)P3 Rev D, received 19th 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 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.

Ongoing Conditions

- 3 Unless alternative details have first been submitted to and approved in writing by the Local Planning Authority, the landscaping scheme for the site shown on approved plans shall be carried out during the first planting season after the development is substantially completed and the areas which are landscaped shall be maintained as such thereafter in accordance with the details shown in the approved plans. Any trees, hedges or shrubs removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced by trees, hedges or shrubs of similar size and species to those originally required to be planted.

Reason: To ensure appropriate landscaping of the site in the interests of visual amenity and to retain and enhance the character of the street scene.

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

(I) 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

- 5 The development hereby approved shall be carried out in strict accordance with the details provided within the Arboricultural Survey Report Revision C by Smeeden Foreman (submitted 18th October 2018). The identified tree protection measures shall be implemented before any development takes place and maintained as such thereafter for the entirety of the construction period.

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

- 6 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015 (as amended) (or any Order revoking or re-enacting that Order) no development consisting of the enlargement, improvement or other alteration of the dwellinghouses, the erection of any garages or ancillary buildings, the erection of boundary walls or fences, shall be carried out within the curtilage of any dwellinghouse without the prior consent of the District Planning Authority.

Reason: In order to prevent overdevelopment of the site and to ensure that the character and appearance of the area is retained.

Informatives

1. 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.
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. The applicant should adhere to the levels shown in the document and provide evidence to the Local Planning Authority of how the levels will be achieved.
3. During construction there is a potential for noise nuisance to nearby residential properties.

Operating times for construction should be limited to:

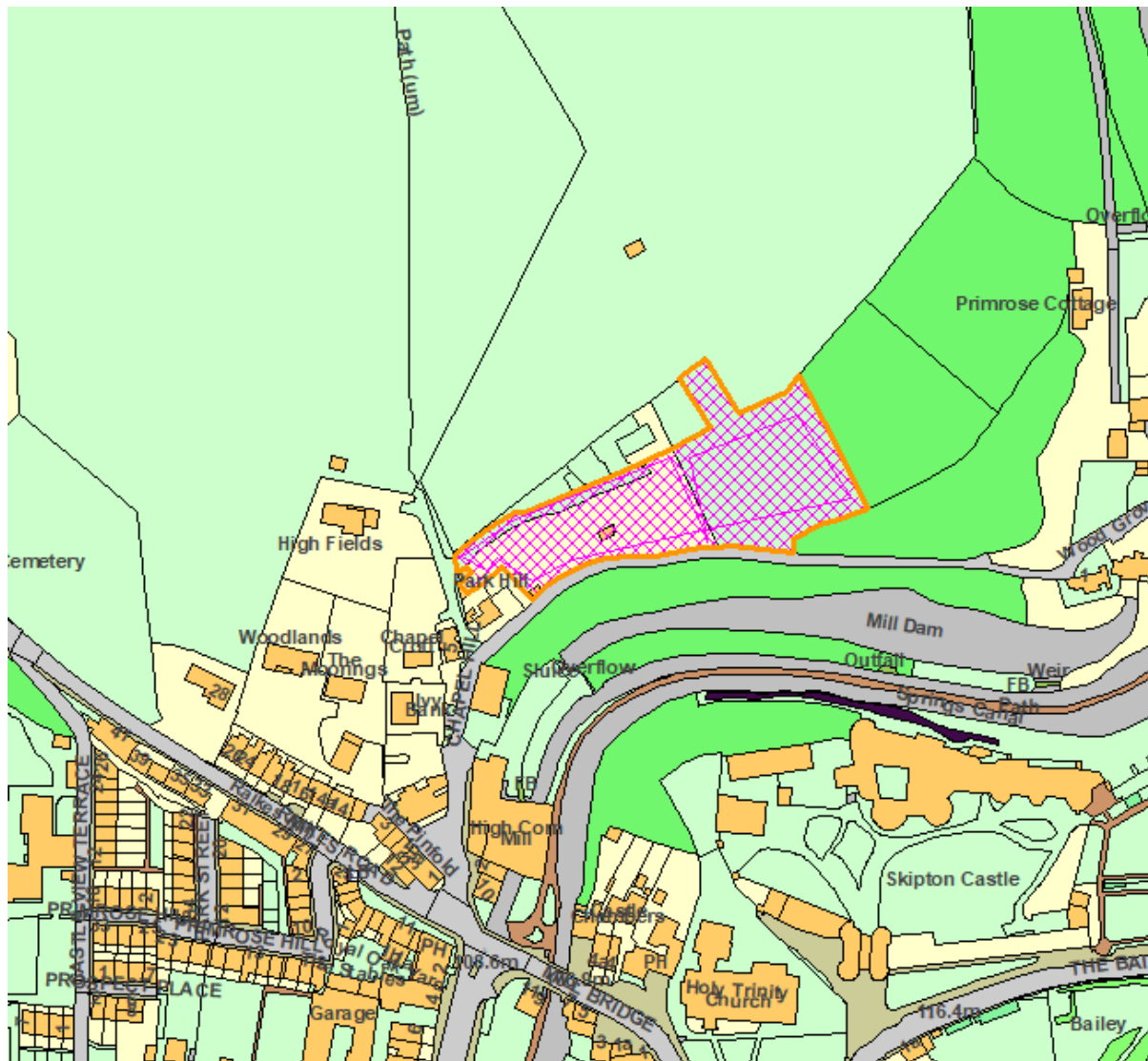
- 08:00am to 18:00pm Monday to Friday
- 08:00am to 13:00pm Saturday
- No Sunday or Bank Holiday working.

4. You are advised that a separate license will be required from the Highway Authority in order to allow any works in the adopted highway to be carried out. The 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by North Yorkshire County Council, the Highway Authority, is available at the County Council's offices. The local office of the Highway Authority will also be pleased to provide the detailed constructional specification referred to in this condition.
5. 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.

6. 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: 2018/19367/FUL

Proposal: Development of 2 No. detached houses

Site Address: Land Off Chapel Hill Skipton

On behalf of: Mr & Mrs R Pryke

REPORT TO PLANNING COMMITTEE ON 17th December 2018

Application Number: 2018/19788/FUL

Proposal: Change of use of vacant field to C3 and siting of 2 houses.

Site Address: Land Adjacent To Freegate/Nan-Scar Cowling

On behalf of: Ms Samantha Jepson

Date Registered: 4th October 2018

Expiry Date: 29th November 2018

Case Officer: Mr Sam Binney

The application is referred to Planning Committee as it is a departure from the Development Plan and the recommendation is for approval.

1. Site Description

- 1.1 The application site is a square plot of approximately 0.07 hectares in area located on the western edge of Cowling and to the south of Nan Scar. The site steeply slopes up from north to south.
- 1.2 Surrounding the site are several dwellings to the west and further to the north-east along Nan Scar which comprise a mix of two and three storey terraced and detached dwellings. Directly adjacent to the site there is a Public Right of Way which connects Nan Scar to the north with the A6068 (Colne Road) to the south.
- 1.3 The site is outside but directly adjacent to the development limit boundary.

2. Proposal

- 2.1 The application seeks planning permission for the construction of 2 No. 3-storey detached dwellings. They will be sited to the south of Nan Scar with the frontage facing north. The dwellings will have 3 bedrooms. The curtilage of the east property will be sited 1m to the west of the PROW. The curtilage of the west property will be sited 4.5m from the adjacent dwelling "Freegate House".
- 2.2 The properties will each have parking provision for 2 vehicles including 1 space to the side of each property and 1 space within an integrated garage. The dwellings will be built into the hillside so will have a rear garden amenity area at first floor level.

3. Planning History

- 3.1 5/22/22: Erection of a pair of dwellings/ Approved 07/04/1975.

4. Planning Policy Background

- 4.1 National Planning Policy Framework (NPPF).
- 4.2 National Planning Practice Guidance.
- 4.3 Saved Policies in the Craven District (Outside the Yorkshire Dales National Park) Local Plan:
ENV1: Development in the Open Countryside.
ENV2: Requirements for Development in Open Countryside.
ENV10: Protection of Trees and Woodlands.
SRC12: Protection of Public Rights of Way.

T2: Road Hierarchy.

4.4 Submission Draft Local Plan policies:

SD1: The Presumption in Favour of Sustainable Development

SP1: Meeting Housing Need

SP4: Spatial Strategy and Housing Growth

ENV1: Countryside and Landscape

ENV2: Heritage

ENV3: Good Design

ENV6: Flood Risk

ENV12: Footpaths, Bridleways, Byways and Cycle Routes

INF4: Parking Provision

4.5 In terms of the status of the Submission Draft Craven Local Plan, this document was submitted to the Secretary of State on 27th March 2018. The submission of the Local Plan is at an advanced stage, and therefore weight can be given to it. However, the NPPF at paragraph 48 sets out that the weight that should be given to draft policies will depend upon the 'the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given)' and 'the degree of consistency of the relevant policies in the emerging plan to the policies in the Framework, the greater the weight that may be given.'

4.6 The aforementioned Draft Policies are considered to be applicable to this submission. There are representations to those Policies but they have generally had support at the draft submission stage and are considered to therefore have some limited weight. In this case the policies, insofar as they apply to this development, are largely consistent with the NPPF. On this basis, it is not proposed to reference Draft Policies in this report.

5. Parish/Town Council Comments

5.1 **Cowling Parish Council:** No comments received within the statutory consultation period. Due 09/11/18.

6. Consultations

6.1 **Environment Agency:** No comments received within statutory consultation period. Standing advice followed.

6.2 **NYCC Highways:** No objection but recommend conditions regarding surface water, verge crossings, visibility splays, piped water, parking space retention, garage conversion restriction, mud deposit on the highway and a construction management plan.

6.3 **Yorkshire Water:** "No observation comments are required from Yorkshire Water. However please note – if surface water disposal changes from watercourse to public sewerage, YW will need to be re-consulted".

6.4 **Environmental Health:** No objections but recommend conditions regarding construction hours, noise levels, sewerage, clean topsoil, and dust. A follow-up comment was received stating that the sewerage condition is not necessary as the properties are proposed to use mains sewers.

6.5 **NYCC Public Rights of Way:** No objections but recommend an informative regarding the protection of the adjacent PROW.

7. Representations

7.1 3 letters of representation has been received plus a letter of representation for Craven Ramblers. A summary of the objections are outlined below:

- Would change the topography of the area by removing a section of the hillside.

- Over-development of this area.
- The scale of the dwellings would be too intrusive and would overshadow the road and stream.
- Would result in the loss of a path.
- Not a preferred site for development.
- Loss of privacy to existing dwelling.
- Current view of Cowling Pinnacle will be blocked.
- Officer's Note: This is not a material planning consideration.
- Loss of ecology.
- Concerns over parking provision.
- Increased risk of flooding.

Craven Ramblers:

- Concern over how the PROW will be protected.
- Request that if granted no work is to commence until NY Public Rights of Way have agreed a suitable structure and design for the route after construction and landscaping has been completed.

Officer's Note: The aforementioned requested condition is not considered to be related to the development as the PROW falls outside the site area. Additionally, NYCC PROW as a statutory consultee has not requested such a condition.

8. Summary of Principal Planning Issues

- 8.1 Policy Background and principle of development.
- 8.2 Visual impact of the development.
- 8.3 Impact of the development upon neighbouring privacy and amenity.
- 8.4 Highway Issues.
- 8.5 Flooding Issues.

9. Analysis

Policy background and principle of development

- 9.1 The Local Plan was adopted in 1999 it was not prepared under the Planning & Compulsory Purchase Act 2004. Paragraph 213 of the NPPF states that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the Framework stating that 'due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)'.
- 9.2 The main thrust of the NPPF is an overarching presumption in favour of sustainable development. This guidance reaffirms that it is the Government's clear expectation that local planning authorities should deal promptly and favourably with applications that comply with up to date plans and that where plans are out of date, there will be a strong presumption in favour of sustainable development that accords with national planning policies.
- 9.3 The site has not been identified as a preferred site for housing in the Submission Draft Local Plan. Notwithstanding this, the Submission Draft policies can be given very limited weight in the decision making process and the Council's decision on this specific application must be considered on its own merits having regard to the relevant national and Saved Local Plan Policies currently in force.

- 9.4 Paragraph 47 of the NPPF requires local planning authorities to boost significantly the supply of housing by identifying “specific, deliverable sites for years one to five of the plan period’ and ‘specific, deliverable sites or broad locations for growth, for years 6-10 and, where possible, for years 11-15 of the plan’.
- 9.5 Paragraph 73 of the NPPF states that the figures (above) need to be calculated with an appropriate buffer. This is calculated as:
- 5% to ensure choice and competition in the market for land; or
 - 10% where the local planning authority wishes to demonstrate a five year supply of deliverable sites through an annual position statement or recently adopted plans, to account for any fluctuations in the market during that year; or
 - 20% where there has been significant under delivery of housing over the previous three years, to improve the prospect of achieving the planned supply.
- 9.6 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.
- 9.7 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. 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.
- 9.8 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.
- 9.9 The site is in adjacent to the development limit boundary where residential properties are present. The area has good vehicular access to local services and facilities (e.g. Primary School, Secondary School, Public Houses & Local Town Shops). The proposed development is in accordance with the objectives of the NPPF in that the site would provide some economic and social benefits. Therefore, with regard to the advice in the NPPF, taken overall the proposal is in principle considered to be capable of forming sustainable development.
- 9.10 The application site lies outside the development limits of Cowling. As a result, ENV1 and ENV2 apply. Saved Policy ENV1 seeks to protect the character and quality of the open countryside from being spoilt by sporadic development. Further, small scale development appropriate for the enjoyment of the scenic qualities of the countryside and other small scale development having a rural character will only be permitted in the open countryside where it:
- Clearly benefits the rural economy
 - Helps to maintain or enhance landscape character
 - Is essential for the efficient operation of agriculture or forestry; or
 - Is essential to the needs of the rural community.
- 9.11 Saved Local Plan policy ENV2 seeks to ensure that any development acceptable in principle under saved policy ENV1 is compatible with the character of the area and does not have an unacceptable

impact on the landscape; that the design and materials used relate to the setting; that traffic generated by the development can be accommodated satisfactorily and that services and infrastructure can be provided without a serious harmful change to the character and appearance of the area. These are general planning considerations that fall broadly in line with the NPPF.

9.12 Saved Policy ENV2 seeks to ensure that any development that is located outside of the development limits but considered to be acceptable in principle; should be compatible with the character of the area; the design, materials used relate to the setting; that traffic generated can be accommodated satisfactorily and; that services and infrastructure can be provided without any serious harm to the character and appearance of the area. The weight that can be given to ENV2 is now limited, but these aims are broadly in line with the NPPF, and will be addressed within the body of this report.

9.13 The overall conclusion in terms of the principle of development is that although the application site is not within recognised development limits as defined by the 1999 Local Plan it is located immediately adjacent to residential development and is in an accessible and sustainable location where there would be no significant harm caused by development. Consequently, residential development at this location is capable of forming sustainable development that would be in accordance with NPPF guidance and is therefore acceptable in principle.

Visual impact and design/impact on heritage assets

9.14 The NPPF sets out generic policies that require good design and specifically it is stated as a core planning principle that planning should always seek to secure high quality design and a good standard of amenity for all existing and future users of land and buildings.

9.15 Paragraph 127 elaborates planning policies and decisions should ensure that developments 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.

9.16 Saved Local Plan policy ENV1 seeks to limit development in the open countryside where it fails to maintain or enhance landscape character. More detailed criteria under ENV2 requires that development should not have an unacceptable impact on the landscape; that existing landscape features should be protected; that development should relate well to the setting and public views; and finally that it should be accessible and be capable of being serviced without causing a serious harmful change to the locality.

9.17 Paragraph 193 of the NPPF advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. In this case the application site is within the Cowling Conservation Area and consequently could affect the setting of the designated heritage asset.

9.18 At paragraph 195 the NPPF advises that where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss.

9.19 In this case the benefits of the provision of housing to meet the Council's housing land supply and the presumption in favour of sustainable development set out in the NPPF needs to be balanced against any adverse impacts of allowing the development to take place.

9.20 The main concern of the proposal would derive primarily from the visual impact of the development and the potential impact on the setting of the surrounding conservation area. In terms of planning balance it is the case that the provision of 2 new properties would be of limited benefit in terms of the overall supply of housing land but equally it is considered that no significant harm would arise from the proposal (i.e. there would be less than substantial harm to heritage assets).

9.21 Additionally, it is considered that the development would represent an efficient use of this land that is of limited benefit in terms of its contribution to the overall character and appearance of the area. In coming to this view the site characteristics have been taken into account. The new dwellings

have been designed to match other dwellings in this row so would not appear incongruous or have a detrimental visual impact upon any area of important open space.

- 9.22 It is considered that the design and appearance of the proposed houses are acceptable and that they are appropriate in scale relative to the immediate setting. Moreover, it is considered that the proposed dwellings would not appear in any way incongruous or overly dominant in the general context of the site. For these reasons it is considered that the proposal is consistent with NPPF policy in terms of design.
- 9.23 With regards to the location of the site within the conservation area it is considered that the proposals would not have any adverse impact upon the setting or significance of the designated heritage asset and that the proposed dwellings, which would be located adjacent to a cluster of existing residential development, would be entirely consistent with the NPPF policy requirements.

Impact on amenity

- 9.24 The proposed dwellings would be sited immediately adjacent to the east of a row of existing dwellings, with a further row of dwellings to the north-east which all front Nan Scar. The proposed dwellings are designed similar to the properties to the 3-storey dwellings to the west and will largely be screened by the existing landform from Colne Road to the south. This section of Nan Scar is at a much lower ground level than Colne Road so would only be visible from public viewpoints in relatively close proximity to the site.
- 9.25 The nearest dwelling to the site (Freigate House) is constructed at a similar ground level to the proposed dwellings. Freigate House has 3 windows to the east (side) elevation facing toward the application site. 2 windows are at ground floor level and 1 is at first floor level. Due to the separation distance of the proposed dwellings from the side elevation of Freigate House, the windows will be overshadowed. However, due to the existing topography of the application site, the ground floor windows do not receive direct light. The impact therefore is minimised to that of the first floor secondary window.
- 9.26 The side elevations of the proposed dwellings are blank gables so will not result in overlooking the existing side windows of Freigate House or their amenity areas. The rear elevation of the proposed dwellings will feature 3 windows at ground floor and 3 windows at first floor level. The ground floor levels are considered to have not a detrimental impact upon amenity through overlooking due to the proposed boundary treatment. The nearest window to the boundary with Freigate House is to serve a bathroom so will be obscure glazed. The other 2 windows are considered to be at too acute an angle to result in overlooking of the neighbouring amenity areas.
- 9.27 For the aforementioned reasons, the proposal would result in a minimal impact upon the amenity of the occupiers of neighbouring properties and is acceptable.

Highway safety

- 9.28 Section 9 of the NPPF contains guidance on transport and land use planning, including the promotion of sustainable transport choices and reducing travel by car. Paragraph 109 of the NPPF states that:
- 9.29 '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'.
- 9.30 In addition to the above the NPPF at paragraph 35 advocates the promotion of sustainable transport modes and to this end recommends that developments should be located and designed where practical to 'give priority first to pedestrian and cycle movements' and to 'create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles'.
- 9.31 Saved Local Plan Policies ENV2 and T2 are permissive of development proposals that are appropriate to the highway network where, amongst other things, they do not generate traffic in excess of the capacity of the highway network; any new or greater use of an access onto a primary,

district or local distributor road is acceptable in terms of design and road safety; and, regard is paid to the highway impact and potential for improvement to the surrounding landscape.

- 9.32 In this case the proposals do not require alterations to the site access onto Nan Scar. It is also the case that adequate on-site car parking and manoeuvring is available for the proposed dwelling. It is concluded that the application is acceptable in terms of highway safety.

Flooding Issues

- 9.33 The site is within Flood Zone 1 and is smaller than one hectare in area. As such, no flood risk assessment is required for the proposal. However, the Environment Agency standing advice will be followed. The flood risk vulnerability classification states that dwellings (other than basement dwellings) are categorised as 'more vulnerable' development.
- 9.34 The flood zone compatibility table states that 'more vulnerable' development is appropriate within flood zone 1. On this basis, it is considered that the proposal is acceptable in regard to flooding.

Conclusion

- 9.35 The proposed dwellings would be located in a sustainable location in close proximity to the facilities in Cowling and it is considered that the proposed would contribute to the housing supply while having a less than significant impact upon the designated conservation area. Taking into account the guidance in paragraph 11 of the NPPF, i.e. the presumption in favour of sustainable development, it is considered that the development is acceptable and should therefore be approved.

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 The permission relates to the following plans:

- Drawing No. 001 received 04th October 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.

Before you Commence Development

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

consultation with the Highway Authority. the works shall be implemented in accordance with the approved details and programme.

Reason: In the interests of highway safety.

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

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

(iii) Any gate 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 6 metres into the site from the carriageway of the existing highway shall be at a gradient not exceeding 1:20.

(v) Provision to prevent surface water from the site/plot discharging onto the existing or proposed highway (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.

Informative:

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

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

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

Reason: To ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.

- 6 No development for any phase of the development shall take place until a Construction Method Statement for that phase has been submitted to, and approved in writing by, the Local Planning

Authority in consultation with the Local Highway Authority. The approved Statement shall be adhered to throughout the construction period for that phase. The statement shall provide for the following in respect of that phase:

- a. the parking of vehicles of site operatives and visitors
- b. loading and unloading of plant and materials
- c. storage of plant and materials used in constructing the development
- d. erection and maintenance of security hoarding including decorative displays and facilities for public viewing where appropriate
- e. wheel washing facilities
- f. measures to control the emission of dust and dirt during construction
- g. a scheme for recycling/depositing of waste resulting from demolition and construction works.

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

During Building Works

- 7 No work shall commence on any external walling of the proposed dwelling until such time as the following have been submitted to and approved in writing by the local planning authority:

- a sample panel of walling, of at least 2m² area, showing the natural stone to be used, the method of coursing and the styles and colour of its pointing has been constructed on site and;
- samples of the proposed roof slates have been made available for inspection.

The development shall be carried out in accordance with the approved details.

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

- 8 There shall be no access or egress by any vehicles between the highway and the application site until the surface water ditch in front of the site has been piped in accordance with the approved details unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure satisfactory highway drainage in the interests of highway safety and the amenity of the area.

- 9 There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until splay areas are provided giving clear visibility of 43 metres measured along both channel lines of the major road Nan Scar from a point measured 2 metres down the centre line of the access road. The eye height will be 1.05 metres and the object height shall be 1.05 metres. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason: In the interests of road safety.

Ongoing Conditions

- 10 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification) no development consisting of the enlargement, improvement or other alteration of the dwellinghouse, nor the erection of any outbuildings, nor the erection or installation of any walls, fences, gates or other means of enclosure within the curtilage of the dwellinghouses hereby approved shall take place without the prior written approval of the Local Planning Authority.

Reason: In order to enable the Local Planning Authority to retain a degree of control over the development having regard to the sensitive location of the dwellings within the open countryside.

- 11 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification) the garages hereby approved 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 general amenity of the development.

- 12 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification) the parking spaces, turning areas and access shall be kept available for their intended purposes at all times.

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

Informatives

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

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

Operating times for construction shall be limited to:

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

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

3. The applicant needs to have regard to the BS8233:2014 Guidance on Sound Insulation and Noise Reduction for Buildings which presents guideline noise levels for both inside and outside dwellings. the applicant shall adhere to the levels shown in the document and provide evidence to the Local Planning Authority of how the levels will be achieved (See Table 4, page 24).

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

4. The applicant shall 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 shall be supplied within 21 days of any request being received.

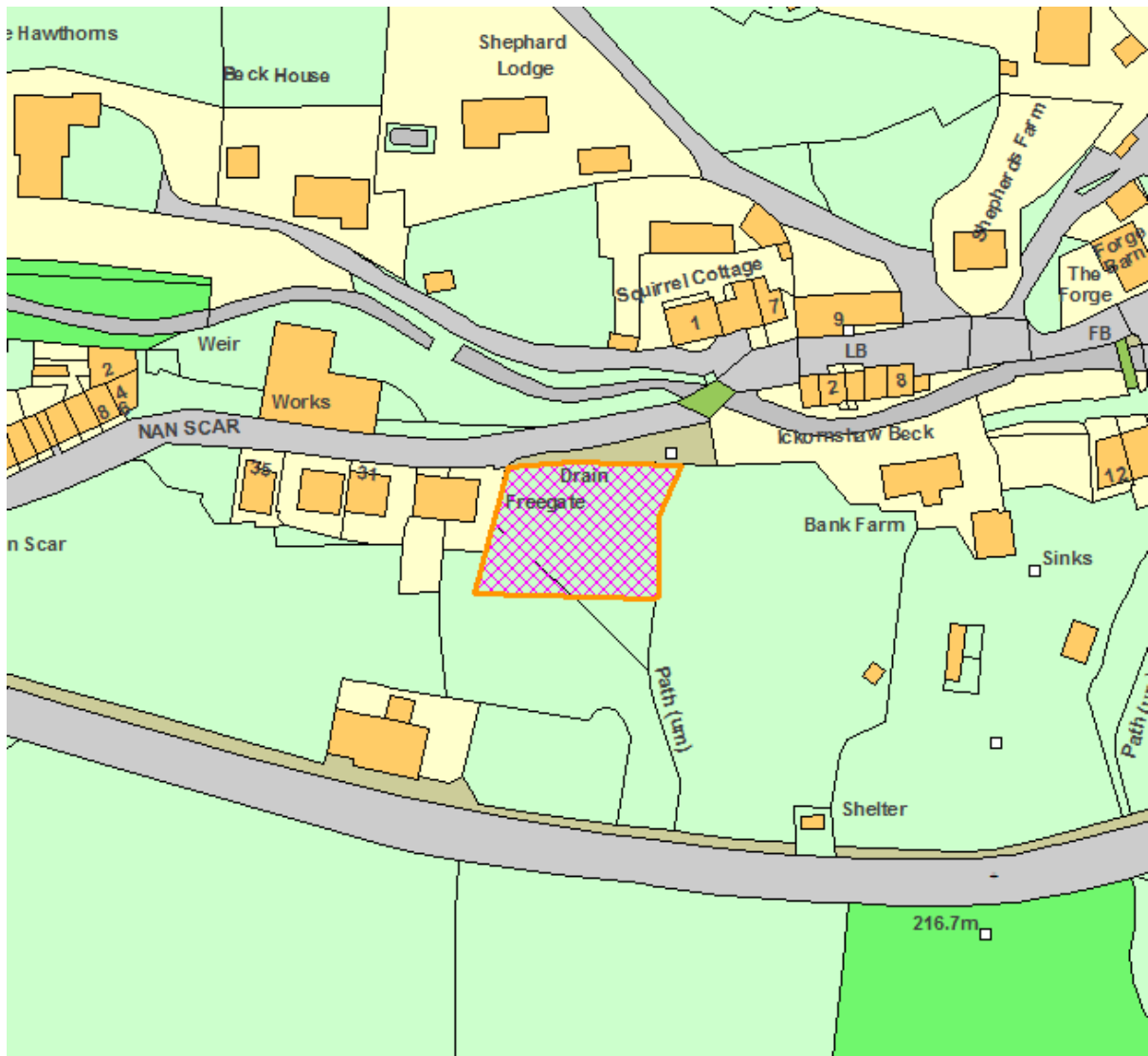
Reason: To ensure that no contaminated materials are brought onto the site.

5. The applicant shall 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.

Reason: To safeguard the living conditions of nearby residents particularly with regard to the effects of dust.

6. 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: 2018/19788/FUL

Proposal: Change of use of vacant field to C3 and siting of 2 houses.

Site Address: Land Adjacent To Freigate/Nan-Scar Cowling

On behalf of: Ms Samantha Jepson

REPORT TO PLANNING COMMITTEE ON 17th December 2018

Application Number: 2018/19764/FUL

Proposal: Proposed detached garage and extension of residential curtilage

Site Address: Cross Keys Farm Main Street Rathmell

On behalf of: JP Walker (Developments) Ltd

Date Registered: 10th October 2018

Expiry Date: 5th December 2018

Case Officer: Mr Sam Binney

The application referred to planning committee as it is a departure from the development plan in force and the recommendation is for approval.

1. Site Description

- 1.1 The application site relates to a small parcel of agricultural land to the west of a 2 house development approved under planning permission 59/2014/15010. The site has boundary walls to the east and south separating the agricultural parcel from the domestic curtilage to the east and the access track directly to the south.
- 1.2 The site is located outside of the development limits for Rathmell and is consequently located in the open countryside as defined in the 1999 Local Plan.

2. Proposal

- 2.1 The application seeks planning permission for the change of use of part of a parcel of land to the west of Cross Keys Farm, Rathmell from agricultural to domestic. This would facilitate an enlarged domestic curtilage and the construction of a proposed garage.
- 2.2 The proposed garage would measure 6.6m x 4.6m. The garage would have a mono-pitched roof sloping from 2.4m to 3.8m above ground level. It will be constructed of reclaimed stone, blue slates to the roof and a timber door with a stain finish.
- 2.3 There is a stone boundary wall separating the existing domestic curtilage from the agricultural land to the west. This access is proposed to be realigned to account for the alteration to the proposed domestic curtilage.
- 2.4 In addition to the above, the extension of the residential curtilage to the west will be offset by the loss of approved residential curtilage to the north. The total area lost at the rear will be the same as the land to change use to the west which totals 7.5 square metres.

3. Planning History

- 3.1 5/59/58 and 5/59/58/A/LB - Conversion of farm buildings to three dwellings at Cross Keys, Rathmell – conditional planning permission and listed building consent granted 5th November 1990.
- 3.2 5/59/58/B and 5/59/58/C/LB - Conversion of barn into a single dwelling, barn to north of Cross Keys, Rathmell (amendment of part of scheme described at paragraph 3.1 above) – conditional planning permission and listed building consent granted 31st January 1995.
- 3.3 5/59/58/D - Outline planning permission for residential development on land at Cross Keys refused in October 1998.

- 3.4 5/59/88: Construction of agricultural building for the accommodation of sheep and general purposes. Approved 01/03/1999.
- 3.5 59/2002/1948 - Construction of agricultural building for the housing of stock (sheep, poultry and fowl); storage of feed, hay and bedding; and to house a trailer for transportation of stock and machinery associated with farming the land (amendment to siting of scheme previously approved by planning consent 5/59/88). Refused 22/07/2002.
- 3.6 59/2002/2758 - Proposed Detached Dwelling. Refused 11/02/2003.
- 3.7 59/2014/15010 - Removal of stable block, builders yard and outbuildings and construction of 2 No detached dwelling houses – Approved October 2014.
- 3.8 59/2017/18037 - Material amendment to previously approved application (59/2014/15010) to include increasing the size of House No 1 and changes to stone boundary wall and inclusion of additional windows to House No. 2 together with the siting of Air Source Heat Pumps – Approved June 2017.
- 3.9 2018/19129/NMA: Application for non-material amendment to original planning permission referenced 59/2017/18037 for 1) change windows from opening casement to vertical sliding sash; 2) amend 2 no. windows to first floor north elevation by reducing cill and adding Juliette balconies; 3) reduce width of bedroom 3 south elevation window; 4) increase width of first floor windows to the west elevation. Approved 03/05/2018.
- 3.10 2018/19337/FUL: Proposed Detached Garage and Extension of Residential Curtilage. Refused 11th July 2018.
- 4. Planning Policy Background
- 4.1 National Planning Policy Framework (NPPF).
- 4.2 National Planning Practice Guidance.
- 4.3 Saved Local Plan Policies:
- 4.4 ENV1: Development in the Open Countryside
- 4.5 ENV2: Requirements for Development in Open Countryside
- 4.6 H20: Extensions to Existing Dwellings and Appendix F.
- 4.7 Submission Draft Local Plan:
- 4.8 ENV1: Countryside and Heritage
- 4.9 ENV3: Good Design
- 4.10 In terms of the status of the Submission Draft Craven Local Plan, this document was submitted to the Secretary of State on 27th March 2018. The submission of the Local Plan is at an advanced stage, and therefore weight can be given to it. However, the NPPF at paragraph 48 sets out that the weight that should be given to draft policies will depend upon the ‘the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given)’ and ‘the degree of consistency of the relevant policies in the emerging plan to the policies in the Framework, the greater the weight that may be given.’
- 4.11 Draft Policies ENV1 ‘Countryside and Heritage’ and ENV3 ‘Good Design’ are considered to be applicable to this submission. There are representations to these Draft Policies but it has generally had support at the draft submission stage and is considered to therefore have some limited weight. In this case the policies, insofar as they apply to this development, are largely consistent with the NPPF. On this basis, it is not proposed to reference Draft Policies ENV1 and ENV3 in this report.
- 5. Parish/Town Council Comments
- 5.1 Ribbles Banks Parish Council: No comments received within statutory consultation period.

6. Consultations
 - 6.1 NYCC Highways: There are no local highway authority objections to the proposed development.
 - 6.2 NYCC Public Rights of Way: No objection but recommend an informative to protect the Way from obstruction.
7. Representations
 - 7.1 Site Notice dated 19th October 2018.
 - 7.2 Press Notice published 18th October 2018.
 - 7.3 Notification letters sent to 9 neighbouring properties.
 - 7.4 1 letter of representation has been received. A summary of the objection is outlined below:
 - ☐ Developer might want to increase profit.Officer's Note: The above point is not a material planning consideration.
 - ☐ Concern over how the rainwater from the garage will be disposed of.
 - ☐ Lack of turning areas.
 - ☐ Request for condition, if approved, which prevents the garage from conversion into a residential property and used solely as a garage.
8. Summary of Principal Planning Issues
 - 8.1 Principle of development and visual impact of the proposal on the surrounding area.
 - 8.2 Impact on the amenity of neighbouring properties.
9. Analysis

Principle of development and visual impact of the proposal on the surrounding area.

 - 9.1 ENV1 policy states that development in the open countryside must be compatible with the character of the surrounding area. The NPPF additionally advises that the Government attaches great importance to the design of the built environment and that good design is a key aspect of sustainable development.
 - 9.2 ENV1 policy states that development in the open countryside will only be permitted if it helps to maintain or enhance landscape character. It is considered that the proposal would not greatly alter the landscape character and it would therefore be maintained.
 - 9.3 Saved Policy ENV2 is only considered appropriate if the criteria of ENV1 are met. ENV2 policy has 4 main criteria these being that development 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;
 - ☐ rural access roads can accommodate the traffic 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.
 - 9.4 The approved housing development lies partly within and partly outside the defined development limit boundary of the settlement. This site is sited directly to the west of the approved dwellings, further outside of the development limit boundary. The proposed change of use of the land from agricultural to domestic is sought to allow the construction of a domestic single garage. Unlike the previous planning application, this application seeks to offset the extended curtilage to the west

with the loss of approved domestic curtilage to the north. On this basis it is attempting to mitigate the impact on the openness of the surrounding countryside.

- 9.5 There are several public viewpoints of the site including from the main highways of Main Street to the east and Hesley Lane to the south. The most prominent viewpoints will be achieved from public rights of way. PROW number 05.35/36/1 runs in an east-west direction directly south of the site, while PROW number 05.35/37/2 runs in a north-south direction approximately 40m to the west of the site.
- 9.6 Due to the offsetting of the land from the north to the west of the property, the change of use of the land would help to maintain the character of the open countryside. It is therefore considered that the proposal does not constitute sporadic development in the open countryside and is acceptable in principle.
- 9.7 The proposed materials for the garage are considered to be in keeping with the host dwelling. The materials comprise reclaimed stonework with flush pointing and sawn stone quoins. The vehicular entrance door will be vertical timber boarding with a stain finish, blue slates to the roof and black rainwater goods. The materials are considered to be appropriate for this site and are sympathetic to the host dwelling. As the garage is single storey and set at a lower ground level, it will appear subservient to the host dwelling.

Impact on the amenity of neighbouring properties.

- 9.8 The proposed extension to the domestic curtilage to site the proposed garage are to be located to the west of the host dwelling. The nearest dwellings to this location are 'Coach House' and Cross Keys Farm approximately 35m to the east of the site. The garage would have 3 blank elevations. The remaining elevation will have a large timber vehicular opening. This would therefore not result in overlooking of private amenity areas of neighbouring properties.
- 9.9 The proposal would create some additional level of shade, but due to its orientation and location, the shadowing will occur over the adjacent agricultural land. It is officer's opinion that it would not result in a significant impact on amenity levels of neighbouring properties.

Other Matters

- 9.10 The Highway Authority was consulted for this application as it would utilise an existing unadopted road to access the proposed garage. The Highway Authority has not objected to the application. While the proposal would create an additional garage down the access track, there would not be additional dwellings. On this basis it is considered that there would be no intensification of the access road and is acceptable.
- 9.11 A Public Right of Way follows the route of the access road past the track. The proposed garage would be accessed via this same track but extended further to the west. It is considered that vehicular movements for a small additional length of the track would be acceptable as it would not obstruct the route of the way.
- 9.12 Conclusion
- 9.13 Paragraph 11 of the NPPF advises that LPA's should be:
- 9.14 "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
- 9.15 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
- 9.16 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."
- 9.17 On balance, it is considered that there are no adverse impacts arising from the proposed development 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 The permission relates to the following plans:

- Drawing No. 07 Rev A received 26th September 2018.
- Drawing No. 08 Rev B received 10th October 2018.
- Drawing No. 09 Rev A received 26th 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 (Outside the Yorkshire Dales National Park Authority) Local Plan and the National Planning Policy Framework.

Ongoing Conditions

- 3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification) the garage hereby approved 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 general amenity of the development.

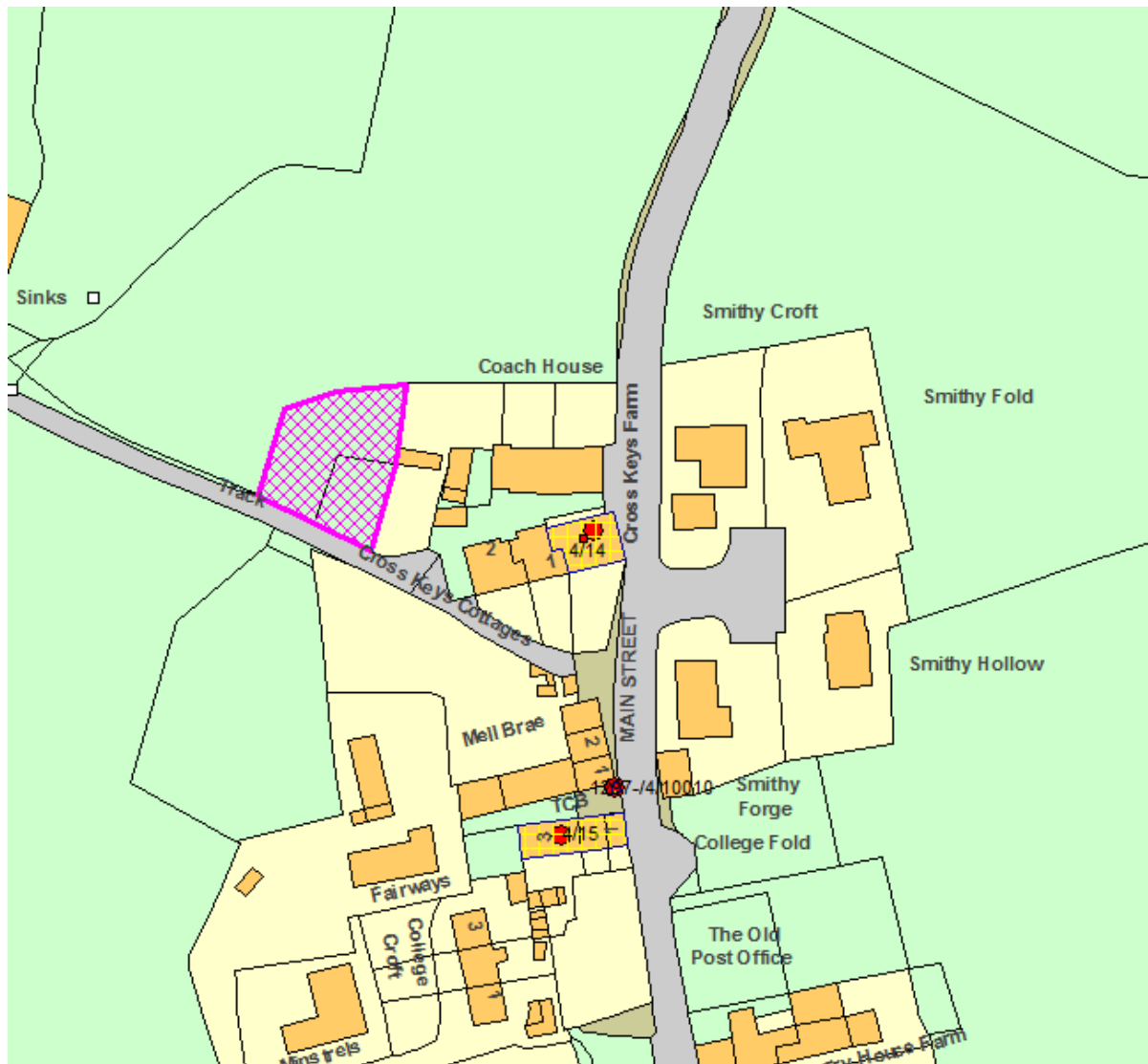
Informatives

1. No works are to be undertaken which will create an obstruction, either permanent or temporary, to the Public Right of Way adjacent to the proposed development.

Applicants are advised to contact the County Council's Access and Public Rights of Way team at County Hall, Northallerton via paths@northyorks.gov.uk to obtain up-to-date information regarding the line of the route of the way. The applicant should discuss with the Highway Authority any proposals for altering the route.

2. 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: 2018/19764/FUL

Proposal: Proposed detached garage and extension of residential curtilage

Site Address: Cross Keys Farm Main Street Rathmell Settle

On behalf of: JP Walker (Developments) Ltd

REPORT TO PLANNING COMMITTEE ON 17th December 2018

Application Number: 2018/19760/FUL

Proposal: Repositioning of existing air conditioning units away from gable of restaurant to location within car park area.

Site Address: 59 Main Street Cross Hills Keighley BD20 8TT

On behalf of: 22 The Square

Date Registered: 24th September 2018

Expiry Date: 19th November 2018

Case Officer: Mr Sam Binney

The application has been referred to Planning Committee as it is a replacement scheme to one previously considered by the Planning Committee.

10. Site Description

10.1 59 Main Street is a substantial two storey property constructed of regular coursed natural stone under a slate roof. It is located at the junction of Main Street and Beech Street within the main built up area of Cross Hills. The building is currently used as an Italian restaurant ('22 The Square').

11. Proposal

11.1 The application seeks partially retrospective planning permission for the relocation of 5 No. air conditioning units. The units were previously located in an unauthorised location on the west gable of the premises. The units have since been moved to the boundary wall within the car park for which this application seeks retrospective permission.

11.2 The air conditioning ducts are considered extending out of the west gable toward the boundary wall with the car park. The application seeks to remove the ducts from the gable and to have all of the pipework and power supplies pulled into a single duct on the rear wall of the building.

11.3 The units on the gable have been subject to an enforcement notice and an appeal decision which are attached as Appendix A and B to this report.

12. Planning History

12.1 5/32/196 – Change of use at 59 Main St, Cross Hills, to restaurant on ground floor and living accommodation on first floor with car park at rear. Approved 31/07/1978.

12.2 5/32/196/A – Change of use at 59 Main Street, Cross Hills, restaurant on ground floor and living accommodation on first floor, with car park at rear. Approved 25/09/1978.

12.3 5/32/196/C – Erection of single storey extension to restaurant. Refused 04/05/1984.

12.4 5/32/196/D – Alterations to restaurant 59 and 57 Main Street, Crosshills, comprising formation of dining room extension, extension of car parking facilities and formation of lock up shop in part of no. 57. Approved 11/09/1984.

12.5 5/32/196/E – improved (ramp) access and bar area to facilitate accommodation for the disabled at 59 Main Street, Cross Hills. Refused 24/08/1987.

- 12.6 5/32/196/F – improved (ramp) access to facilitate accommodation for the disabled and elderly at 59 Main Street, Cross Hills. Approved 21/10/1987.
- 12.7 5/32/196/G – erection of TV satellite antenna. Approved 09/05/1988.
- 12.8 5/32/196/H – proposed toilet facilities for the disabled and improved kitchen. Approved 28/09/1989.
- 12.9 5/32/196/J – new shopfront to 57 Main Street, Cross Hills. Approved 11/02/1991.
- 12.10 5/32/196/K – internally illuminated shop sign at 57 Main Street, Cross Hills, for Cross Hills Freezer Centre. Approved 25/03/1991.
- 12.11 5/32/196/L – Change of use to sandwich and snack bar with take-away facilities. Approved 05/08/1991. 5/32/196/M – proposed extension to restaurant kitchens, demolition and rebuilding of basement w.c. Approved 13/12/1996.
- 12.12 32/2007/8107 - Proposed smokers balcony to rear. Approved 31/01/2008.
- 12.13 32/2010/10463 - Conversion of restaurant and associated areas to form 6 residential units. Approved 12/05/2010.
- 12.14 32/2014/15211 - Remodelling and extension of existing restaurant premises, including change of use from flat to restaurant, to include new wine bar – Approved 13/01/15.
- 12.15 32/2014/15212 - 2 x Fascia Signs And 1 x Hanging Sign. Approved 08/01/2015.
- 12.16 32/2015/16252 - Retrospective application for the retention of 5 no. air conditioning condensor units. Refused 03/12/2015.
- 12.17 2017/18495/FUL: Re position existing air conditioning units away from gable of restaurant to location within car park area. Approved 14/02/2018.
- 13. Planning Policy Background
- 13.1 National Planning Policy Framework (NPPF).
- 13.2 National Planning Practice Guidance.
- 14. Parish/Town Council Comments
- 14.1 Glusburn Parish Council: No comments received within statutory consultation period.
- 15. Consultations
- 15.1 CDC Environmental Health: No objection subject to a condition that the noise mitigation measures and recommendations within the submitted Noise Impact Assessment are undertaken and adhered to for the duration of the use of the units.
- 16. Representations
- 16.1 Site Notice dated 12th October 2018.
- 16.2 Press Notice not required.
- 16.3 Notification letters sent to 8 neighbouring properties.
- 16.4 No letters of representation have been received.
- 17. Summary of Principal Planning Issues
- 17.1 The impact of the development upon the character and appearance of the surrounding area; the impact of any noise from the units on neighbouring occupiers.
- 18. Analysis
- The impact of the development upon the character and appearance of the surrounding area**
- 18.1 The air conditioning units are not especially large individually, the two largest each measuring approximately 1.2 metres (length) x 1.2 metres (height) x 0.3 metres (width) and the two smallest measuring 1 metre (length) x 0.7 metres (height) x 0.3 metres (width). The units are sited on top of

a supporting metal gantry which is resting on, but not physically connected to, the ground level of the car park.

- 18.2 When viewed collectively they appear quite substantial covering an overall area measuring some 6.60 x 0.8 metres (5.28 square metres). The units are fixed onto the existing boundary wall between the rear car park and the footpath adjoining Beech Street.
- 18.3 The units will be relatively prominent from the car park and from Back Colne Road to the south-east. Despite being central to the settlement, there is an abundance of residential properties in the surrounding area. Back Colne Road is a quiet cobbled back street connecting Holme Lane to the east with Keighley Road further to the west. It will have limited traffic flowing through it but will be used primarily as a pedestrian access for residents walking to the centre of Cross Hills.
- 18.4 The units will be colour coated grey which does not readily harmonise with the weathered stone against which they would be viewed. However, as the location of the units is not prominent it is considered that the units will not detract from the appearance of the surrounding area.

The impact of any noise from the units on nearby residents

- 18.5 As the units are located in a part residential area Environmental Health are keen to ensure that noise from them does not unduly disturb local residents. To help to establish the noise impact, a Noise Impact Assessment has been submitted. Environmental Health has been consulted on the proposal. They have stated that they have no objections to the scheme subject to the recommendations and conditions of the Noise Impact Assessment being followed.
- 18.6 Conclusion
- 18.7 It is considered that subject to the conditions, the development complies with the requirements of the National Planning Policy Framework. The relocation of the air conditioning units and the pipework and cables contained within a single duct will be beneficial to the surrounding area and would not unduly disturb neighbouring occupiers through excessive noise.

10. Recommendation

- 10.1 Approve with Conditions

Conditions

Time Limit for Commencement

- 1 The air conditioning ducts and pipework hereby permitted shall be relocated from the gable wall of the property to the single duct shown on drawing P02 Rev B within six months of the date of this permission.

Reason: To ensure compliance with Section 91 of the Town and Country Planning Act 1990 and encourage the commencement of development in a prompt manner. In particular this time limit is imposed as an element of justification for the permission includes facilitating compliance with an Enforcement Notice dated 18 February 2016 as amended by the appeal decision dated 6 December 2016 together with the associated benefits to the character and appearance of the surrounding area.

Approved Plans

- 2 The permission relates to the following plans:

- Drawing No. P02 Rev B received 24th September 2018.

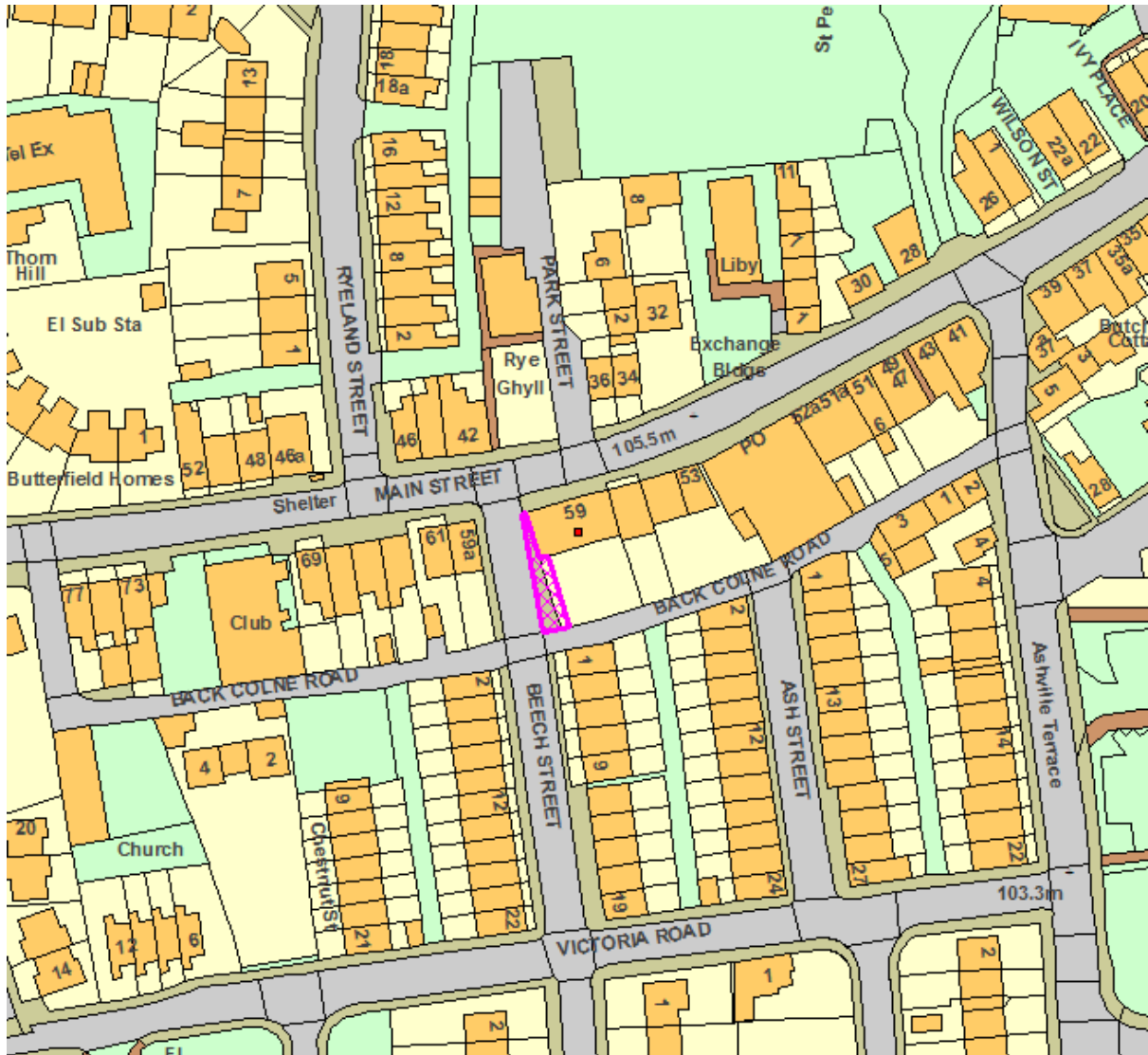
Except as provided for by other conditions to this permission, the development shall be carried out in complete accordance with the approved drawings.

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

Informatives

1. A copy of the enforcement notice of 18 February 2016 and the appeal decision dated 6 December 2016 is attached to this decision.
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: 2018/19760/FUL

Proposal: Repositioning of existing air conditioning units away from gable of restaurant to location within car park area.

Site Address: 59 Main Street Cross Hills BD20 8TT

On behalf of: 22 The Square

REPORT TO PLANNING COMMITTEE ON 17th December 2018

Application Number: 2018/19464/HH

Proposal: Proposed single storey rear extension, re-submission of approved application 32/2017/18051 (re-advertised, and measurements removed from description)

Site Address: 45 Clayton Hall Road Cross Hills Keighley BD20 7TA

On behalf of: Mr & Mrs Cooper

Date Registered: 4th July 2018

Expiry Date: 29th August 2018

Case Officer: Mrs Gemma Kennedy

This application has been referred to Planning Committee by Councillor Baxandall as the extension has not been constructed in accordance with the approved plans and the extension impacts on the privacy and amenity of the neighbouring property.

1. Site Description

- 1.1 45 Clayton Hall Road is a modern semi-detached property located on the southern boundary of the Clayton Hall Estate, within the development limits of Cross Hills.
- 1.2 Along the southern boundary of the garden is a hedgerow subject to a Tree Preservation Order.

2. Proposal

- 2.1 Planning permission is sought for the retention of a rear extension that does not benefit from planning permission.
- 2.2 Planning permission was originally granted for the construction of a single storey rear extension in July 2017. The approved extension was shown, on the approved ground floor plan, to be constructed directly abutting the side elevation of the adjoining property. The extension was approved at a depth of 4.8 metres, projecting beyond the neighbour's rear elevation by 2.85 metres.
- 2.3 By May 2018 development was underway at the property, and a complaint was received by the Council's Planning Enforcement team in which concern was raised that the extension was not being constructed in accordance with the approved plans. A site visit was undertaken, and development at that stage consisted of the completion of the entire walls on the south and north elevations, with works underway on the construction of the roof. At the time of writing this report, the external works have all now been completed.
- 2.4 The constructed extension varies from the approved plans; the extension does not abut the side elevation of the adjoining property No. 43, but extends beyond this (as further detailed in paragraph 9.13 of this report).
- 2.5 Officer's Note: The current application is being dealt with as a resubmission of the original application. The red line on the block is the same as on the approved plan, however No. 43 has been redrawn to show what would appear to be the southern edge part of the property being within the application boundary, and is declared as being within the applicant's ownership.

3. Planning History

- 3.1 32/2017/18051 – Proposed single storey rear extension. Approved 21/07/2017.

4. Planning Policy Background

- 4.1 The National Planning Policy Framework (NPPF)
- 4.2 Saved Policies H20 and ENV10 of the Craven District (Outside the Yorkshire Dales National Park) Local Plan and advice within Appendix F of that document.
- 4.3 Draft Policy ENV3 'Good Design' of the Submission Draft Craven Local Plan
5. Parish/Town Council Comments
- 5.1 No adverse comments
6. Consultations
- 6.1 None necessary
7. Representations
- 7.1 Two letters of representation have been received. One from an unknown resident who states the following;
- 7.2 – The extension is disproportionately large in comparison to the existing residential dwelling. It looks outsized in relation to the other properties in the area and its design is not in keeping with the general appearance and character of those buildings.
- 7.3 – The extension is not on a largely hidden elevation of the application property. Quite the contrary – that elevation (and therefore) overlooks a large public space and so affects a large number of people who use that facilities. It also affects a large number of other properties which also overlook that public space and so have a direct line of sight of the extension. It is also very clearly visible from a public footpath to the south, two farmers fields (300m-400m) away.
- 7.4 – The planning notice which you have attached to a lamp post near the applicant property is defective as it fails to specify a date by which objections/comments must be made. *
- 7.5 – Referring again to those residents whose properties which overlook the public area, and so have a direct eye line view of the proposed extension, those people should have been served with an individual notice of the proposed development as the Council has a positive duty to bring the plans to the attention of anyone who might reasonably be affected by it. Is see from the Council's planning portal that the only residents to be served with such a notice are those at 43 and 47 Clayton Hall Road. The latter property however has no line of sight of the rear elevation of the applicant property or the proposed extension. Those aforementioned properties do.**
- 7.6 Officer's Notes:
- 7.7 * The objector is correct in bringing to the Local Planning Authority's attention that the site notice was missing a date by which representations must be made by. To rectify this the case officer has requested a new site notice be erected giving the correct details and being displayed for a period of 21 days. The new site notice was placed on site on 26 October 2018. At the same time, new letters of consultation were sent to neighbouring residents and the Parish Council, following agreement with the applicant's agent to remove the reference to 45mm length in the application description.
- 7.8 ** The Local Planning Authority is obliged to notify adjoining land owners, and we have done so by letter. As the applications site adjoins farmland, and it is not known who the owner is, a site notice has also been erected for the purposes of wider publicity. There is no requirement to consult those properties that may see the development from their property.
- 7.9 The second letter is from the occupant of adjoining property No. 43 Clayton Hall Road. The letter is set out in full, below;
- 7.10 *"I am in receipt of your letter of 5th July 2018 regarding the above matter.*
- 7.11 *The first point I have to make is that, despite what the new application form claims, the single storey extension to which the Original Application refers has already been substantially completed (i.e. erection of the external walls has been completed) in breach of the original planning consent. This*

new application is therefore an application for retrospective planning consent for a building which has already been built without planning approval.

- 7.12 *The second point is that I have already had a considerable amount of communication with Leon Hazeldine of your offices regarding this matter, particularly with Mr Hazeldine, in which I raised concerns that the extension was being built in breach of the existing planning consent, and the fact that the extension had been partly built on my property. To avoid unnecessary repetition here I respectfully ask you to refer to the email (and its attachments) that was sent (on my behalf) to Mr Hazeldine on 22nd May (and acknowledged by him on 23rd May). Please let me know if you would like me to forward you a copy of that email.*
- 7.13 *In terms of the new application that has been made I see that the Applicant is claiming that:*
- 7.14 *– the elevation wall of my property onto which they have built the extension is a ‘party wall’;*
- 7.15 *AND*
- 7.16 *– the boundary between our respective properties runs along with the centre line of that wall.*
- 7.17 *I shall address the two points separately (in reverse order).*
- 7.18 *Boundary issue*
- 7.19 *This has largely been addressed in the email dated 22nd May 2018 addressed to Mr Hazeldine, referred to above.*
- 7.20 *To further address the issue though it is worth noting that this whole estate was designed and constructed from scratch (rather than allowed to evolve organically) and so it was entirely possible to draw up clean unequivocal boundary lines between each of the properties, thus avoiding any uncertainty as to where those boundaries lie.*
- 7.21 *The other consideration here is the fact that both properties have clean freehold title, with no joint ownership issues. This can be seen from the records held by HM Land Registry. I have provided you with a copy of the Title Register/Plan for my property. I now attach a copy of the same for 45 Clayton Hall Road.*
- 7.22 *Given the above it is entirely clear that the elevation wall in question is owned exclusively by me and that it stands on my property (i.e. on my side of the boundary between the properties).*
- 7.23 *Party wall issue*
- 7.24 *The applicant is now claiming that my elevation wall is a ‘party wall’ as defined by Party Wall etc. Act 1996 (‘the Act’).*
- 7.25 *Whilst I set out below why what is not the case it is important to note that if that elevation wall had in fact been a ‘party wall’ the applicant would:*
- 7.26 *– surely have claimed that it was a party wall in their original application, rather than do so retrospectively);*
- 7.27 *AND (more importantly)*
- 7.28 *have been obliged by the Act to serve me with a prescribed notice of the proposed works a specified period of time in advance of commencement of the works, to which I could have either agreed or objected. Needless to say I would have done the latter – doing so would have triggered a dispute process in accordance with the Act requiring the involvement of a qualified surveyor to decide the matter. The applicants have never served any such notice on me.*
- 7.29 *The GOV.UK website contains a guidance booklet in relation to the Act. This can be found here – <https://www.gov.uk/guidance/party-wall-etc-act-1996-guidance>*
- 7.30 *An extract from Page 5 of that guidance appears below:*
- 7.31 *Party wall type B*

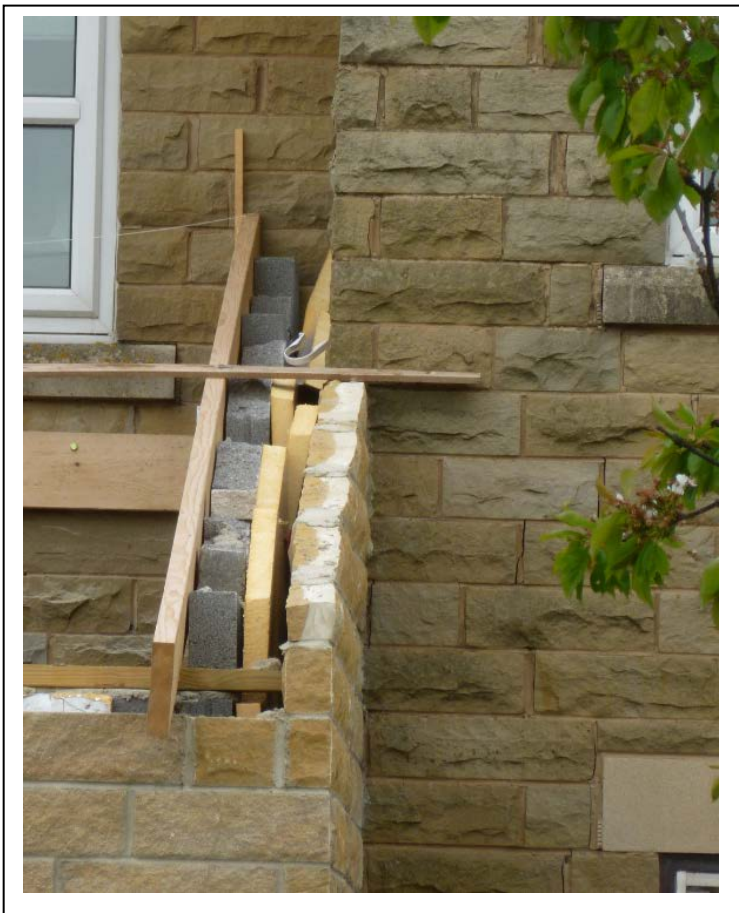
- 7.32 A wall is also a “party wall” if it stands wholly on one owner’s land, but is used by two (or more) owners to separate their buildings.
- 7.33 An example would be where one person has built the wall in the first place, and another has built their building up against it without constructing their own wall.
- 7.34 Only the part of the wall that does the separating is “party” – sections on either side or above are not “party”.
- 7.35 The Act also uses the expression “party structure”. This is a wider term, which could be a wall or floor partition or other structure separating buildings or parts of buildings approached by separate staircases or entrances for example flats
- 7.36 Walls that are not party walls:
- 7.37 These may include boundary walls (a fence wall/garden wall built wholly on one owner’s land) and external walls (the wall of a building built up to but not astride the boundary).
- 7.38 Quite clearly, based on the highlighted text above, the elevation of my property is not an party wall since it:
- 7.39 – does not separate my building from that of 45 Clayton Hall Road;
- 7.40 AND
- 7.41 – is an external wall which does not sit astride the boundary between the two properties.
- 7.42 Conclusion
- 7.43 Given all that I have said above it is clear that there is no legal basis for the extension to have been up against my elevation wall and/or on my property. The Applicants would need to obtain my permission to do so – they have not sought that permission, nor have I given it.
- 7.44 Clearly the Council is not in a position to approve a planning application which contains works that would be in contravention of establish legal principles and so (respectfully) it is obliged to refuse the application.
- 7.45 In terms of the existing planning permission:
- 7.46 – (again respectfully) the Council is obliged to take enforcement action against the applicants as they are very clearly in contravention of that existing permission;
- 7.47 – the applicants should be directed to put in further revised plans for the extension to be built as a free-standing structure (i.e. in no way attached to my property) entirely on their land;
- 7.48 – as I have explained to Mr Hazeldine previously, I am concerned that the ground works (i.e. digging of foundations) for the extension may have had an adverse impact on and/or caused damage to my property, and so I would like to examine details plans for those ground works. As you will be aware The Part Wall etc Act 1996 contains rules on the digging of foundations in close proximity to neighbouring properties and (in certain circumstances) requires the Applicant to serve notice of any such works in advance of commencement, to which I have a right to object. I have received no such notice and would like to know whether or not the works which have been undertaken fall under the constraints of the Act.
- 7.49 I reserve the right to make further submissions on this this matter as I am in the process of accessing the Council’s planning files for the Clayton Hall Road estate as a whole in case that contains any further pertinent information.
- 7.50 The above notwithstanding, before the Council rules on this matter I would very much welcome the chance to meet with you to discuss the matter face to face. I know that the applicant has been granted a face to face meeting previously (which gave rise to this revised application) and so it is only fair that I am extended to same opportunity. I look forward to hearing back from you at the earliest opportunity.” Received 17/07/2018.
8. Summary of Principal Planning Issues

- 8.1 The impact of the proposed development on; the character and appearance of the dwelling, street scene and wider area; TPO protected hedgerow; neighbouring privacy and amenity and highway safety.
9. Analysis
- 9.1 **Policy background;**
- 9.2 Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that in making a decision on a planning application the Local Planning Authority must have regard to the provisions of the development plan and any material planning considerations, and that determination must be made in line with the development plan unless material considerations indicate otherwise.
- 9.3 In this case the development plan is the Saved Craven District Local Plan, and the relevant policy is Saved Local Plan Policy H20 'Extensions to existing dwellings', along with guidance in Appendix F 'residential extensions'. Saved Local Plan Policy H20 requires that development respects the character and appearance of the original property and street scene, and does not result in unacceptable loss of privacy and amenity to neighbouring residents. Saved Policy H20 is considered to be consistent with the NPPF, with section 12 of the Framework setting out that development should be of a good design and have a high standard of amenity for existing and future users, and so this policy can be afforded significant weight in the decision making process.
- 9.4 Some weight can also be given to the Submission Draft Craven Local Plan, which was submitted to the Secretary of State on 27th March 2018, and is currently undergoing public examination, as it is at an advanced stage of submission. However, the NPPF 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 the policies in the Framework, the greater the weight that may be given'. Draft Policy ENV3 'Good Design' is considered to be applicable to this application, and there are unresolved objections to this policy. An assessment of the significance of those objections has not yet been made, and as such it is considered beneficial to adopt a precautionary approach and consider that less weight should be given to this draft policy than to those policies that have no outstanding objections. Notwithstanding this, Draft Policy ENV3 is considered to be consistent with the NPPF, and so greater weight can be attributed to the policy in respect of this.
- 9.5 Paragraph 11 of the NPPF sets out the presumption in favour of sustainable development, making it clear that for decision taking, this means;
- 9.6 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;
- 9.7 – 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
- 9.8 – 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.
- 9.9 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 Local Planning Authority has now submitted its draft Local Plan for examination. However, the weight to be attached to the policies in the emerging plan remains the same under both the old and the 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 (July 2018).
- 9.10 In summary, the greatest weight should be attached to Saved Local Plan Policy H20 and related guidance in Appendix F of the Local Plan, weight is also attached to the NPPF, and some, less significant weight can be attached to Submission Draft Policy ENV3.

9.11 **Background to case;**

9.12 Planning permission was granted for a single storey extension to the rear of No. 45 Clayton Hall Road in July 2017. The approved extension was shown, on the approved ground floor plan, to be constructed directly abutting the side elevation of adjoining property No. 43 Clayton Hall Road. At a depth of 4.8 metres, the extension was to project beyond the rear elevation of No.43 by 2.85 metres.

9.13 Following Enforcement Officer's visit to the site, it was revealed that the extension had not been constructed in accordance with the approved plans, and the northern wall of the extension extended onto what would appear to be the rear elevation of the adjoining property No. 43. The original approved plans do show that the roof of the extension would have projected beyond the edge of No. 43's side wall, however the extension as built is such that the wall itself projects beyond the edge, and the roof further still. The application description originally provided by the applicant's agent states that the wall has been repositioned by 45mm compared to the approved plans, however it is unclear exactly what the difference is – from scaling off the 1:100 plans, it would appear to be closer to 100mm. This would correspond with a photograph taken by enforcement officer's during the build, which show the wall to project a brick depth beyond No. 43's side wall (see photograph below);



9.14 Whilst the description may not be accurate with regards to the projection to the north, the plan submitted with this application does correlate with the works that have been undertaken on site. In response to this inaccuracy, the applicant's agent has agreed to an amendment to the wording of the application to omit reference to the measurement of 45mm.

9.15 The works that have been undertaken have led to a boundary dispute between the applicant's at No. 45 and their neighbour at No. 43. The applicant's consider the extension to be wholly constructed upon their land. They consider that the point of the party wall within their property extends outwards, and that the side elevation of No. 43 is in their ownership. They consider that the extension is only projecting beyond the rear elevation of No. 43 in so far as it is across their part of the party wall. The

neighbour at No. 43 disputes this claim, and considers the land in question to be solely theirs. They have submitted a letter of representation in relation to this application set out under paragraph 7 of this report, in which they dispute the neighbour's claims that the extension is built upon the party wall. The neighbour at No. 43 also states that if it is on a party wall, they have not been notified of this by their neighbours under the Party Wall Act.

- 9.16 The neighbour at No. 43 considers that the Local Planning Authority cannot approve a planning application which contains works that are *"in contravention of established legal principles and so (respectfully) it is obliged to refuse the application"*.
- 9.17 The Local Planning Authority however, can only take account of planning material considerations in making decisions on planning application. This is evident in paragraph 8 of Planning Practice Guidance 'Determining a planning application' which sets out that *"A material planning consideration is one which is relevant to making the planning decision in question (eg whether to grant or refuse an application for planning permission). The scope of what can constitute a material consideration is very wide and so the courts often do not indicate what cannot be a material consideration. However, in general they have taken the view that planning is concerned with land use in the public interest, so that the protection of purely private interests such as the impact of a development on the value of a neighbouring property or the loss of private rights to light could not be material considerations."*
- 9.18 In a recent costs appeal decision (APP/D2320/W/18/3197535) dated 24th August 2018, against Chorley Borough Council, the Inspector stated that *"Disputes of access are a private matter between the parties and are clearly set out as such in the Council's own information. They are not to be treated as material considerations in planning applications."* In the case of that application, the Inspector stated that *"the Council erroneously took into account the private dispute relating to access it unreasonably refused planning permission when it could have been permitted."*
- 9.19 Both the owners of No. 43 and No. 45 claim that the land in dispute is theirs. Whilst both have presented evidence of their claim to the Local Planning Authority, including copies of the land registry plan, it is not clear from the position of the red line on the plan which home owner is correct in laying claim to the disputed land. The Local Planning Authority are not in a position to reach a view on land ownership, and even were we in a position to reach a view, we are not obliged to do so. It is clear that this is a matter of private interest between the applicant and their neighbour, and is not a material planning consideration that can be part of the decision making process on this application.
- 9.20 Notwithstanding this position, the Local Planning Authority is required to ensure that the planning application process has been followed correctly. In this case, due to the boundary dispute raised by the neighbouring resident, the validity of the certificate of ownership is called into question. The applicant's agent has signed certificate A to confirm that the land outlined in red on the site location plan (which contains the extension that has been constructed) is within the ownership of the applicants. However, the occupant of the adjoining property has written in to say that the extension has been constructed on her land, which questions the validity of Certificate A. As such, the case officer has written to the applicants to ask them for their confirmation that Certificate A, in relation to the land outlined in red on the site location plan, has been correctly signed, and that the land in question is within their ownership. The applicants have been advised (in the letter) of the risk of legal action that could be taken against them by the Council, should a certificate be found to have been signed incorrectly. The applicants have replied to confirm that Certificate A in relation to the land outlined in red on the site location plan has been correctly signed.
- 9.21 In summary, it is recognised that there is a boundary dispute taking place; both owners consider the disputed land to be theirs. However, it is not within the remit, or powers of the Local Planning Authority, to make a decision on the boundary dispute, as this is a private civil matter, and not a material planning consideration. The Local Planning Authority has sought and gained confirmation from the applicants that the land shown outlined in red is in their ownership, and that there was no requirement for them to serve notice on the neighbouring land owner. As such, the Local Planning Authority is satisfied that the application process has been undertaken correctly in respect of this matter.

- 9.22 The following part of the report will make an assessment of the development based upon material planning considerations, and a recommendation will be reached at the end of the report.
- 9.23 **Policy background;**
- 9.24 Paragraph 56 of the NPPF details the great importance the Government attaches to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
- 9.25 Saved Policy H20 relates to extensions to existing dwellings, permitting development that respects the original property and street scene, does not result in any unacceptable loss of privacy or amenity to neighbouring residents, and does not create or increase any shortfall in off-street car parking.
- 9.26 **Visual impact;**
- 9.27 Saved policy H20 requires that extensions to existing properties respect the original property and street scene. In making an assessment of the original application, it was considered that the extension, whilst large in scale, would be an acceptable addition to the property in terms of its design, proportions and materials. The proposed extension would be subject to limited close range public views due to its location on a largely hidden elevation on the application property. It was therefore considered that the proposed extension would respect the original property and street scene, according with Saved Local Plan Policy H20, and the NPPF.
- 9.28 In terms of the current application, a neighbouring representation considers that the extension is disproportionately large in comparison to the application property, out of keeping with the area, and not on a largely hidden elevation but overlooked by the public open space and public footpath. The original officer's report did not state that the extension would not be visible, but that it was on a largely hidden elevation. It is not visible within the street scene of Clayton Hall Road, however as the representation points out, would be visible from the public open space to the rear of the site. The public footpaths are a considerable distance away (approximately 332 metres), and the extension would not stand out in views from these.
- 9.29 In taking a view as to whether the development as proposed under this application would comply with the relevant planning policies, the fall-back position is a material planning consideration. In this case the fall-back position is the approved extension, which is the same in all respects to the current application, other than the projection further to the north. The extension is large in scale, but it is located on the rear elevation of the property, where larger extensions can be accommodated more easily than may be the case on front elevations (where Appendix F of the local plan sets out support for smaller extensions such as porches). Whilst the extension is considered to be large in scale, it is considered to be in proportion with the application property. Furthermore it harmonises with the application property through the use of a pitched roof, matching materials and windows to match the original property.
- 9.30 The key difference between the development as approved and as constructed lies with the projection further to the north. The extension as constructed projects beyond the rear elevation of No. 43, and could therefore be viewed as an extension to both No. 43 and No. 45, making the two semi-detached properties appear as one detached property. Yet, even without the extension, the pair of properties could be viewed as one detached property, as the projecting gable of no. 43 gives the impression of a single property. As such, this is not considered to be a reason for rejecting the application.
- 9.31 The scale, design, proportions and materials of the constructed extension are considered to be visually acceptable, and the development is considered to be in keeping with the character and appearance of the application property and wider area. In terms of wider public views of the site, it is considered that as the extension is an acceptable addition to the application property, it would be in keeping with the character and appearance of the wider area, and immediate views of the development. The changes between the approved and constructed scheme are minor in nature, and are not considered to harm the character and appearance of the application property or wider area, and the application is considered to comply with the aims and objectives of Saved Local Plan

Policy H20, advice within Appendix F of the Local Plan, the NPPF and Submission Draft Policy ENV3.

9.32 **Neighbouring privacy and amenity;**

9.33 The original rear elevation of the application property is set back from the rear elevation of the adjoining property by 1.95 m. The constructed extension, at a depth of 4.8 m, therefore projects beyond the neighbouring rear elevation by 2.85 m.

9.34 Policy No. 5 in Appendix F of the Local Plan recommends that where rear extensions are within 1 m of the common boundary with an adjoining property, extensions should not project beyond 2.5 m unless neighbouring windows are more than 2.5 m from the common boundary. The extension would be directly to the south of the neighbouring property, and there is a window within 2.5 m of the boundary. In granting planning permission for the approved extension it was noted that the projection of 2.85 m would be only marginally beyond the recommend 2.5 m, and so this projection was considered to be acceptable. In the case of the original extension, there was originally a hedge on the common boundary which it appeared the extension would be partly set behind. However, this has since been removed. In coming to a decision on the previous application, the case officer acknowledged that there may be some reduction in daylight/sunlight to rear of the adjoining property, but that it was not considered that the proposed extension would result in unacceptable harm to the amenity of the neighbouring residents with regards to their outlook and daylight/sunlight. In the case of Policy No. 5 of the Appendix F, the specific reference to extensions not projecting beyond 2.5 metres from the rear of the property, contrasts with the provisions of the General Permitted Development Order 2015, which, subject to compliance with certain criteria, permits extensions up to 3 metres from the rear of a property without requiring planning permission. This inconsistency between Appendix F and current planning legislation is such that it is not considered that a refusal of planning permission could be substantiated on appeal for an extension projecting of 2.85m beyond the rear elevation of the neighbouring property. As such, the development as constructed is considered to be acceptable on amenity grounds.

9.35 In considering neighbouring privacy, the previous application was approved with a planning condition requiring the retention of a 1.8 m high hedge along the boundary between No's 43 and 45. The reason for the condition was to maintain neighbouring privacy, and the condition specified that it was only applicable if the hedge was in the ownership of No. 43 (if it was in the ownership of No. 45 there would be no basis upon which to require it's retention, as the occupant of No. 45 would be in control of it). Following a case officer's site visit, it was noted that the hedgerow has now been removed, in breach of the planning condition. In terms of the current application, this does not show any provision for a replacement hedge, or a new fence along the boundary. There is no reason to refuse planning permission on any loss of neighbouring privacy, as a planning condition can be used to overcome this. A planning condition is therefore recommended which would require the applicants to submit details of the boundary treatment within a specified time frame and for it to be installed within a following specified time frame.

9.36 **Impact upon TPO protected hedgerow;**

9.37 Along the southern boundary of the property, approximately 3.5m from the position of the proposed extension, is a hedgerow subject to Tree Preservation Order No. 82 (1993). The application has already been constructed, and whilst it is not clear as to whether the development was undertaken in accordance with condition 3 of that permission (which required protective fencing to be installed) there is no longer a requirement for such a condition to be imposed, as the development has already taken place.

9.38 **Highway safety;**

9.39 The proposal would not result in any changes to the existing off-street car parking facilities.

9.40 **Conclusion;**

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

- 9.42 *Approving development proposals that accord with an up-to-date development plan without delay; and 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;*
- 9.43 *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*
- 9.44 *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.'*
- 9.45 In this instance, there is a land dispute which is undoubtedly causing distress for the parties involved. However, the land dispute is a private civil matter, and not one which can be taken into account in the decision making process. In relation to those matters which the Local Planning Authority is able to consider (the material planning considerations), namely the impact upon the character and appearance of the application property and area, and upon neighbouring privacy and amenity and highway safety, there are no grounds for withholding planning permission, and that there are no adverse impacts of granting planning permission that would significantly and demonstrably outweigh the benefits.
- 9.46 In this instance the proposal is considered to accord with an up-to-date Saved Local Plan Policy (H20) and with the aims and objectives of the NPPF and submission Draft Policy ENV3. As such, in accordance with paragraph 11 of the NPPF, planning permission is recommended to be granted.

10. Recommendation

10.1 Approve with Conditions

Conditions

Approved Plans

1 This permission relates to the following plans:

- Drawing no. 1081 02 Rev J received by Craven District Council on 4th July 2017.

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

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

Ongoing Conditions

2 Within 3 months of the date of this permission details (including the height, design and finish in the case of a fence, or including the species, height at planting and a maintenance schedule in the case of a hedge) of a boundary treatment to be installed along the boundary between No. 43 and No. 45 Clayton Hall Road, along with a schedule of works, shall be submitted to and approved in writing by the Local Planning Authority. The schedule of works shall include dates when the fence or hedge will be completed. The fence or hedge shall be installed in accordance with the details so approved and in full compliance with the approved schedule or works, and shall be retained as such thereafter.

Reason: In the interests of maintaining neighbouring privacy.

3 Notwithstanding the provisions of Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any equivalent Order following the

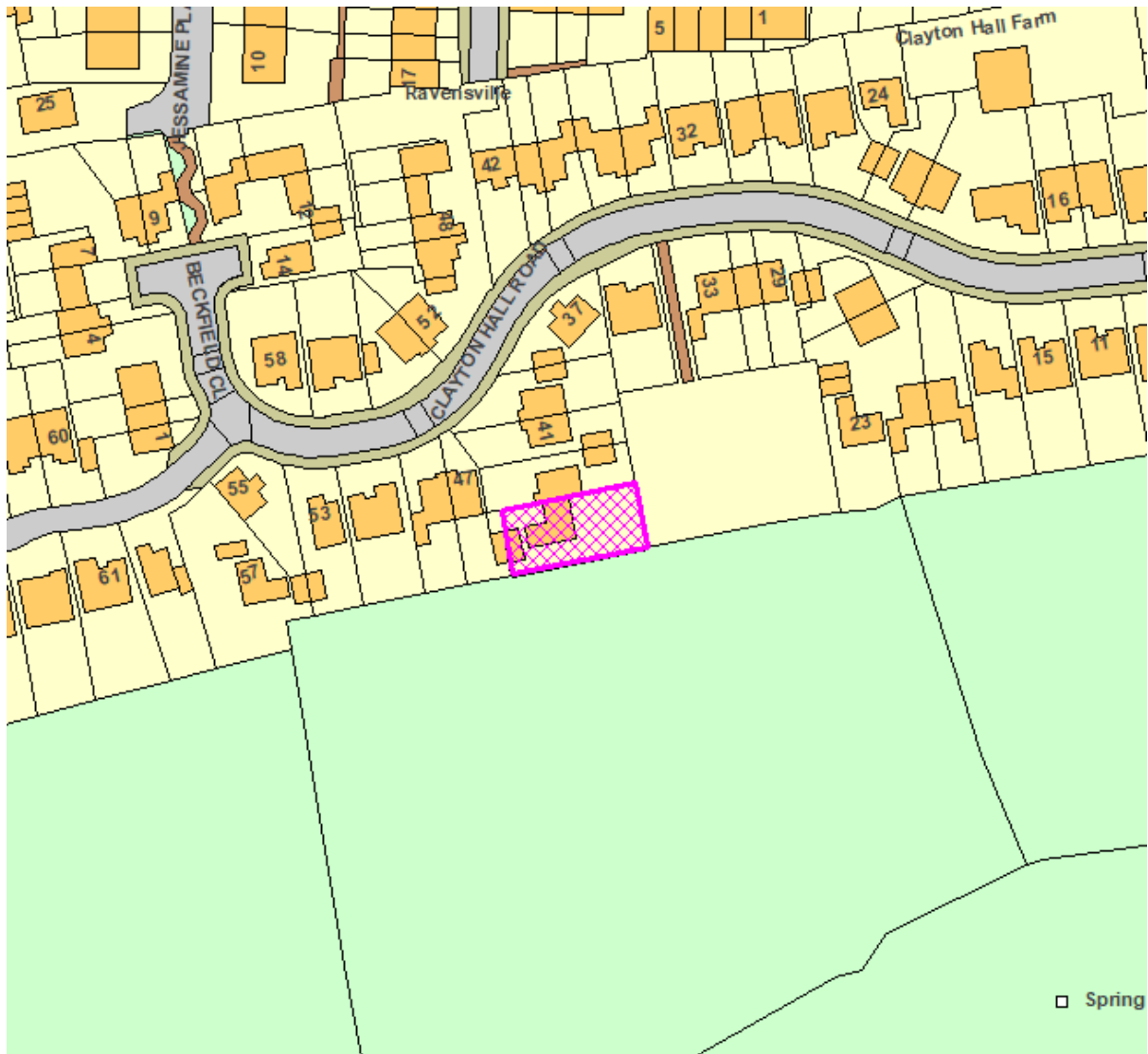
revocation and re-enactment thereof (with or without modification), no windows or other openings shall be inserted in the north facing (side) elevation of the extension hereby permitted.

Reason: In the interests of neighbouring privacy and to accord with Saved Policy H20 of the Craven District (Outside the Yorkshire Dales National Park) Local Plan.

Informatives

1. 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 restrictive covenant, enactment, byelaw, order or regulation.
2. Statement of Positive Engagement: -

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

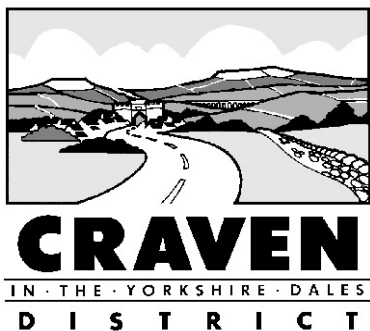


Application Number: 2018/19464/HH

Proposal: Proposed single storey rear extension, re-submission of approved application 32/2017/18051 (re-advertised, and measurements removed from description)

Site Address: 45 Clayton Hall Road Cross Hills BD20 7TA

On behalf of: Mr & Mrs Cooper



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

(Main Switchboard) Telephone: 01756 700600

Craven District Council - List of Planning Decisions from 09.11.2018 to 06.12.2018

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

Application Number	Applicant	Location	Proposal	Decision	Date of Decision
2018/19308/FUL	Vale Real Estate	Land Adjacent To Craven Court Shopping Centre Otley Street Skipton BD23 1FA	Removal of existing planting and metal staircase and erection of new development comprising ground floor retail unit (Class A1) and 4 no. apartments with reconfiguration of public space and entrance to shopping centre.	Refuse	26.11.2018
2018/19352/FUL	Skipton Properties Ltd	Land To South East Of Riparian Way Riparian Way Cross Hills Keighley	Proposed development of 6 light industrial/commercial units (B1/B2 use class) - amended design and layout pursuant to extant planning permission 32/2008/8571	Approve with Conditions	15.11.2018
2018/19444/FUL	Dalesview Developments	Former Allotments And Garages Broughton Road Skipton BD23 1SZ	Erection of ten semi-detached houses and twenty four apartments	Approve with Conditions	30.11.2018
2018/19479/VAR	Mr Gavin Cahill	Water Mill Low Lane Draughton Skipton BD23 6ED	Application to remove condition no 13 (the live/work restriction) on planning application reference number 24/2010/10746.	Refuse	12.11.2018

Application Number	Applicant	Location	Proposal	Decision	Date of Decision
2018/19487/FUL	Mr & Mrs John & Margaret Wilson	Land To South Of Throstle Nest Farm Woodside Lane Cononley Keighley BD20 8PE	Proposed development of 3 no. two bedroom timber holiday lodges including associated parking spaces	Approve with Conditions	21.11.2018
2018/19550/FUL	Adams Park Homes	Former Railway Goods Yard Clapham Station Clapham Lancaster LA2 8ES	Change of use of land from Former Railway Goods Yard to site 9 no. holiday lodges (Phase 2)	Application Withdrawn	21.11.2018
2018/19573/HH	Mr Allan Robinson	3 Wood Close Skipton BD23 1LZ	Proposed replacement porch, detached garage and single storey pitched roof rear extension with enlarged decking area	Approve with Conditions	19.11.2018
2018/19600/MMA	London Property Investments Ltd	19 To 25 Main Street Cross Hills Keighley BD20 8TA	Application for minor material amendment to approval 32/2016/17650 to allow for an increase in residential accommodation.	Application Withdrawn	22.11.2018
2018/19635/FUL	Mr Mark Brennand	Nutstile House Farm Langber End Lane Ingleton LA6 3DT	Proposed rebuilding of derelict property formerly known as 'Marywood Moss House' to form new dwelling.	Refuse	21.11.2018
2018/19649/HH	Mr & Mrs Davenport	3 High Croft Way Farnhill Keighley BD20 9AP	Front ground floor extension to form internal stairwell and entrance hall. Two-storey rear extension to kitchen/lounge. Alterations to window and door openings.	Approve with Conditions	23.11.2018
2018/19656/LBC	Arriva Rail North	Railway Station Wenning Bank Clapham Lancaster	Application for listed building consent for the provision of 1 automated Ticket Vending Machine, 2 Customer Information Screens, 2 PA systems, CCTV and the refurbishment of 2 existing waiting shelters	Approve with Conditions	30.11.2018

Application Number	Applicant	Location	Proposal	Decision	Date of Decision
2018/19675/CND	Billy Bob's Ice Cream Parlour	Billy Bob's Ice Cream Parlour Calm Slate Farm Holme Lane Halton East Skipton BD23 6EU	Application to discharge conditions 2, 3, 4, 5, 6, 10 and 12 of original planning approval referenced 34/2012/13074 granted 12/04/2018	Split Decision	27.11.2018
2018/19691/FUL	Miss Naylor	Land Off Netherghyll Lane Town Head Farm Gibside Lane Cononley Keighley BD20 8NX	Proposed bungalow	Approve with Conditions	21.11.2018
2018/19713/REM	Snell Developments Ltd	Lumb Mill Farm Carr Head Lane Cowling Keighley BD20 8DX	Approval of the appearance, landscaping, layout and scale as reserved by condition in outline consent referenced 22/2017/18068 for 3 dwellings	Approve with Conditions	28.11.2018
2018/19763/FUL	Mr A Hodkinson	Thornbrook Barn Caravan Site Thornton In Lonsdale Ingleton LA6 3PD	Single storey extension to the existing amenity building to form an additional pot wash area, laundry, storeroom and grounds/amenity workshop along with the provision of an additional 18 pitches	Approve with Conditions	05.12.2018
2018/19720/HH	Mr & Mrs A Hassell	Holly Bank Bankwell Road Giggleswick Settle BD24 0AP	To form parking bay in front garden adjacent to Bankwell Road including realignment of existing front boundary wall.	Application Withdrawn	22.11.2018

Application Number	Applicant	Location	Proposal	Decision	Date of Decision
2018/19722/MMA	Mrs Eva Cutler	Applegarth Beech Hill Road Carleton Skipton BD23 3EN	Minor material amendment application relating to front & rear dormers added to approved two storey extension under reference number 17/2017/17744 granted 11/04/2017. Drawings 498-03 & 04 to replace Drawings 236.12 Rev B and 236.13 Rev C received by the Local Planning Authority on 02nd March 2017.	Approve with Conditions	21.11.2018
2018/19723/TCA	Mr Jonathan Millman	Raven Flatt Bell Busk BD23 4DT	Fell 1 no. Leylandii. Height reduction of several Leylandii to the north of the property	Approve Tree Works in Conservation Area	23.11.2018
2018/19735/COU	JW & RJ Garnett Property	J W Garnett Electrical Ltd Market Place Settle BD24 9EF	Change of use and alterations and conversion from retail, storage and warehouse to retail, bar/restaurant and holiday accommodation	Approve with Conditions	09.11.2018
2018/19745/HH	Christine Laycock	45 Boundary Avenue Sutton-in-Craven Keighley BD20 8BL	First floor extension and rear single storey extension	Approve with Conditions	26.11.2018
2018/19748/FUL	Mr R Sadler	Land Off Old Lane Thornton In Craven Skipton BD23 3TE	Proposed agricultural building	Approve with Conditions	16.11.2018
2018/19746/FUL	Mr John Akrigg	Auld Hall Limekiln Lane Halton West Skipton BD23 4LL	Installation of two slurry storage bags	Approve with Conditions	22.11.2018

Application Number	Applicant	Location	Proposal	Decision	Date of Decision
2018/19749/FUL	Ian Crook	Land North Of Hallen Hill Farm Piper Lane Cowling Keighley	Erection of stone agricultural building	Approve with Conditions	22.11.2018
2018/19750/FUL	Broughton Custodian Fund	Skinner Ground Farm Old Lane (north) Broughton Skipton BD23 3AH	(i) highway and pedestrian works to facilitate an additional access to Skinner Ground from the A59, and (ii) to sustainably and safely connect the permitted offices at Skinner Ground and the existing dwellings at sulphur wells to the facilities at Broughton Hall and the transport corridor along the A59.	Approve with Conditions	05.12.2018
2018/19751/COU	Mr Matthew Armstrong	30A Main Street High Bentham Lancaster LA2 7HN	Change of use from C3 residential to B1(C) light industrial and B1(A) office (other than A2)	Approve with Conditions	06.12.2018
2018/19753/HH	Mr S Ali And Mrs M Akhtar	17 Pendle Street Skipton BD23 1SN	Proposed two storey rear extension and front dormer extension	Refuse	22.11.2018
2018/19757/HH	Mr & Mrs M Carr	6 Sandholme Close Giggleswick Settle BD24 0AF	Two storey rear extension	Approve with Conditions	19.11.2018

Application Number	Applicant	Location	Proposal	Decision	Date of Decision
2018/19761/LBC	Mr C. S. E. Yorke	Swinden Manor Mill Lane Hellifield Skipton BD23 4LS	Removal of flat-roofed annexe; removal of inappropriate external apparatus; replacement of windows in south-west elevation and removal of PVCu window from gable annexe; replacement of kitchen door and external rear door; re-opening of doorway and insertion of timber door; repairs to fabric of building; re-painting of windows and external doors.	Approve with Conditions	20.11.2018
2018/19765/HH	Mr Andrew Smith	The Corn Mill West Road Carleton Skipton BD23 3HR	Construction of single storey garden room extension	Approve with Conditions	09.11.2018
2018/19772/VAR	Approachable Finance Ltd	Low Barn Malsis Colne Road Glusburn Keighley BD20 8DS	Application to remove of conditions no's 6 and 9 of previous planning approval 66/2007/7290 to allow the property to be occupied as a dwelling without office use.	Refuse	06.12.2018
2018/19773/HH	Mr & Mrs Jones	Beck Side Lawkland Lancaster LA2 8AT	Single storey extension to dwelling.	Approve with Conditions	21.11.2018
2018/19775/TPO	North Ribblesdale RUFC	Lower Greenfoot Car Park Settle BD24 9HX	Row of Beech trees along the northern boundary of the Rugby pitch- Crown lifting to 3 metres and light pruning to provide clearance for ground maintenance and interference of kicked rugby balls.	Approved Tree Work under TPO	23.11.2018
2018/19776/HH	Mr & Mrs A Cartwright	8 Sidgwick Court Skipton BD23 2PW	Replace principal entrance door	Approve with Conditions	22.11.2018

Application Number	Applicant	Location	Proposal	Decision	Date of Decision
2018/19780/FUL	Mr Robert Towers	Greenlands Farm Rarber Top Lane Ingleton Carnforth LA6 3DR	Erection of private stable block (2 x stables)	Approve with Conditions	26.11.2018
2018/19778/CPE	Mrs Patricia Towler	Kirksteads Barn Croft Road Ingleton Carnforth LA6 3DU	Application for a lawful development certificate (existing) to establish the approved use as conditioned under planning approval 45/2003/3276 was never commenced in excess of 10 years	Refuse Cert. Lawful Development	15.11.2018
2018/19779/HH	Mr Richard Sykes	53 Regent Road Skipton BD23 1AT	Retrospective single storey lean-to rear extension	Approve with Conditions	26.11.2018
2018/19782/FUL	Mr & Mrs Greenwood	Newlands Farm Jacksons Lane Low Bradley Keighley BD20 9HG	New farm workers dwelling	Approve with Conditions	26.11.2018
2018/19783/HH	Mr & Mrs Ward	3 South View Albert Road Cross Hills Keighley BD20 7LD	Proposed external steps	Approve with Conditions	03.12.2018
2018/19785/HH	Mr Jeremy Jones	Currier Cottage 14 Victoria Street Settle BD24 9HD	Enlarge existing window opening and form gable to roof over	Approve with Conditions	27.11.2018

Application Number	Applicant	Location	Proposal	Decision	Date of Decision
2018/19787/FUL	C & SB Whitelock	Proposed Cattery Low Green Farm Church Lane Gargrave Skipton BD23 3NJ	Proposed Cattery	Approve with Conditions	27.11.2018
2018/19791/TPO	Mr Dan Piotrowicz	7 Walker Close Glusburn Keighley BD20 8PW	Fell 1 no Sycamore.	Split Decision	23.11.2018
2018/19796/FUL	St Peters Methodist Church	St Peters Methodist Church Main Street Cross Hills Keighley	Construction of single storey meeting room and store extension. Formation of new car park.	Approve with Conditions	29.11.2018
2018/19798/TCA	North Ribblesdale RUFC	Lower Greenfoot Car Park Settle BD24 9HX	1 no. Ash, 1 no. Sycamore & 1 no. Elm - Remove 1 no. Weeping Willow - crown lifting up to 6m. Light crown lifting and drawing back of 1 no. Goat Willow and smaller trees to clear the boundary fence line.	Approve Tree Works in Conservation Area	23.11.2018
2018/19799/FUL	C F Rentals Ltd	5 Cavendish Street Skipton BD23 2AB	Conversion of end terrace house to form 2 no. one bedroom apartments and basement studio apartment.	Approve with Conditions	03.12.2018
2018/19800/FUL	Wilson Bros.	Low Bawes Edge Farm Cowling Keighley BD22 0NA	Enlargement of dwelling into existing adjoining disused cottages, and conversion of existing traditional agricultural buildings to two dwellings, and formation of garages.	Approve with Conditions	30.11.2018

Application Number	Applicant	Location	Proposal	Decision	Date of Decision
2018/19801/LBC	Wilson Bros.	Low Bawes Edge Farm Cowling Keighley BD22 0NA	Application for listed building consent for enlargement of dwelling into existing adjoining disused cottages, and conversion of existing traditional agricultural buildings to two dwellings, and formation of garages.	Approve with Conditions	30.11.2018
2018/19812/AGRRES	Mr M Binns	Out Laithe Calf Edge Farm Lothersdale Keighley BD20 8HU	Change of use of agricultural building to dwelling (Prior Notification)	Prior Approval Granted	06.12.2018
2018/19804/HH	Mrs M Walker	109 Hurrs Road Skipton BD23 2JF	Proposed first floor rear extension	Application Withdrawn	04.12.2018
2018/19809/HH	Mr & Mrs M Egan	20 Greenroyd Court High Street Sutton-in-craven Keighley BD20 7NY	Proposed loft conversion including dormer window to front elevation	Refuse	03.12.2018
2018/19810/TCA	Mr Stephen Shelton	Plot 1 St. Johns Croft Cononley Keighley North Yorkshire	Tree 1 Cherry Blossom. Prune and cut back	Approve Tree Works in Conservation Area	23.11.2018
2018/19835/HH	Mrs Jan Holmes	94 Main Street Cononley Keighley BD20 8NR	Proposed Alterations to existing roof and insertion of conservation roof light	Approve with Conditions	29.11.2018

Application Number	Applicant	Location	Proposal	Decision	Date of Decision
2018/19837/CND	Chatsworth Settlement Trustees	White House Chapel Lane Halton East Skipton BD23 6EH	Application to discharge condition no's. 7 and 8 of listed building consent referenced 2018/19390/LBC granted 31.07.2018	DOC satisfactory	15.11.2018
2018/19839/TPO	Skipton Town Council	Shortbank Recreation Ground Shortbank Close Skipton BD23 2TP	Fell 1 no. Sycamore. Crown lift various Sycamore to 5 metres and 10% crown thin.	Approved Tree Work under TPO	23.11.2018
2018/19841/TPO	Skipton Town Council	The Wilderness Bank Otley Road Skipton BD23 2JP	Crown lift trees over Otley road to provide 5.5 metres clearance. Remove 4 no. Ash & 1 no. Sycamore which are growing from the base of the wall to the north. Crown lift and selectively thin trees along the Sunmoor drive boundary. Selectively fell up to 30% of Ash & Sycamore within the site to allow planting of more diverse tree species. Selected felling to some poorly established Felling of 4 Ash and 1 Sycamore on border with Otley Road,	Approved Tree Work under TPO	23.11.2018
2018/19842/FUL	Sutcliffe Construction	12 Otley Street Skipton BD23 1DZ	Ground floor rear demolitions and extension. Change of use of first and second floors from A1 to B1. Changes to shop front.	Approve with Conditions	06.12.2018
2018/19849/PNAG	Mr Michael Chapman	Broughton Fields Farm Broughton Skipton BD23 3JB	Extension to existing open sided silage clamp (Prior Notification)	Prior Approval Not Required	15.11.2018
2018/19847/TCA	Mrs Margaret Carus	10 Leeming Lane Burton In Lonsdale Carnforth LA6 3LD	T1 - T3 Apple Trees - Various pruning works G1-G3 Birch. Small reduction to maintain shape and manageable size within the garden.	Approve Tree Works in Conservation Area	23.11.2018

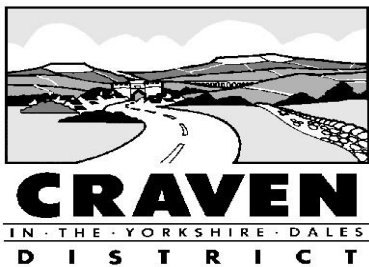
Application Number	Applicant	Location	Proposal	Decision	Date of Decision
2018/19856/TPO	Mrs Michelle Winthrop	44 Raikes Road Skipton BD23 1LN	T1 Sycamore Tree - Fell	Refuse Tree Work under TPO	23.11.2018
2018/19887/NYCC	Water Street CP School	Water Street CP School Elliot Street Skipton BD23 1PE	Replacement of two external windows, creation of access door, construction of two external steps including retaining walls, widening of existing footpath and soft and hard landscaping works.	No Observations	09.11.2018
2018/19863/TCA	Mr Burrow	15 South Street Gargrave Skipton BD23 3RT	Fell 1 no. Ash & 1 no. Cedar	Approve Tree Works in Conservation Area	23.11.2018
2018/19864/TCA	Mr Hoyle	Stonecroft Tems Side Giggleswick Settle BD24 0BS	Fell 1 no. Grand Fir & 1 no. Silver Birch	Approve Tree Works in Conservation Area	23.11.2018
2018/19903/CND	Malsis Limited	Malsis Colne Road Glusburn Keighley BD20 8ds	Application to discharge condition 6c (materials) and condition 7 (treatments) imposed by Planning Approval 32/2016/17098 permission given 16.02.2018	Application Withdrawn	04.12.2018
2018/19909/CND	Mr James Lampkin	Grasmere House College Road Bradley Keighley BD20 9DT	Application to discharge condition no. 3 (External walling and roofing materials) of previous planning approval referenced 2017/18814/FUL granted 05.03.2018	DOC satisfactory	28.11.2018
2018/19918/PNAG	Mr Alan Bowker	Agricultural Building Old Carr Head Farm Carr Head Lane Cowling BD22 0LD	Proposed new covered silage clamp (Prior Notification)	Prior Approval Not Required	05.12.2018

Application Number	Applicant	Location	Proposal	Decision	Date of Decision
2018/19934/CND	Mr & Mrs Bayliss	Land To North Of Scaleber Farm Back Lane Low Bentham Lancaster LA2 8NZ	Application to discharge condition numbers 3 and 4 of original planning approval referenced 2018/19124/FUL granted 31 August 2018	DOC satisfactory	28.11.2018

Planning Committee Report of New Complaints Registered **From 07/11/2018 to 03/12/2018**

Enforcement Reference	Alleged Breach	Site Address	Ward
ENF/02958/2018	Potential change of use from commercial to domestic.	Highgate Barn Gaylands Lane Earby BB18 6JR	West Craven
ENF/02959/2018	Un-authorized tree works within a Conservation Area.	Adjacent To 23 Brougham Street Skipton BD23 2ES	Skipton South
ENF/02960/2018	Engineering works in garden & windows not in accordance with 2017/18469/HH.	1 Moorber Croft Moorber Lane Coniston Cold Skipton BD23 4EF	Gargrave And Malhamdale
ENF/02961/2018	Untidy Land.	Land Between North Street & Aire Valley Glass Sutton-in-craven Keighley BD20 7HA	Sutton-in-Craven
ENF/02962/2018	6ft Fence having been erected.	13 Brook Street Hellifield Skipton BD23 4EX	Hellifield And Long Preston
ENF/02963/2018	Garden extension into land at rear of Former High Bentham Cp School, LA2 7JU.	Former High Bentham Cp School Main Street High Bentham Lancaster LA2 7JU	Bentham
ENF/02964/2018	Possible use of upstairs as accommodation.	Midland House Back Midland Street Skipton BD23 1SE	Skipton West

Enforcement Reference	Alleged Breach	Site Address	Ward
ENF/02965/2018	Rear wall removed at ground level and large picture windows/ doors.	19 Primrose Hill Skipton BD23 1NR	Skipton North
ENF/02966/2018	Air source heat pump having been fitted to the north of Plots 3 & 4.	Plot 3 & 4 Roselea Hesley Lane Rathmell Settle BD24 0LG	Settle And Ribble Banks
ENF/02967/2018	Development not being built in accordance with approved plans 2017/18128/HH- Height/ Distance from boundary.	1 Raikeswood Drive Skipton BD23 1NA	Skipton North
ENF/02968/2018	Mud on the road- Breach of conditions no's 12 & 13 of planning application ref: 2017/18656/FUL	Former Allotments And Garages Broughton Road Skipton BD23 1SZ	Skipton West
ENF/02969/2018	Noise pollution, Disturbance and working in the street.	Ems Ambulance Unit 3 Marton Mills Sawley Street Skipton BD23 1SX	Skipton West
ENF/02970/2018	Change of use of property	Whitefriars Church Street Settle BD24 9JD	Settle And Ribble Banks
ENF/02971/2018	Alleged unauthorised construction of a track from the A682	Dales Valley View Holiday Cottages Mill Lane Hellifield Skipton BD23 4LS	Hellifield And Long Preston
ENF/02972/2018	Alleged lowering and reconstruction of an ancient wall in a Conservation Area to create a better vis splay/access.	Land To North Of St Marys Green Carla Beck Lane Carleton Skipton	West Craven



Planning Enforcement
Craven District Council
1 Belle Vue Square
Broughton Road
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Planning Committee Report of Cases Closed
From 07/11/2018 to 03/12/2018

Enforcement Reference	Date Received	Date Closed	Reason for Closure	Alleged Breach	Site Address	Ward
ENF/02718/2017	21st August 2017	27th November 2018	Breach Resolved	Operation of a dog-day boarding business from this address. Erection of a large kennel block and dog exercise area - leading to a higher volume in traffic and constant dog barking.	Cragstones Crag Lane Sutton-in-craven Keighley BD20 7AR	Sutton-in-Craven
ENF/02774/2017	29th November 2017	13th November 2018	No Breach	Unauthorised field shelters x 2 and large steel shipping container	Gasker Lawkland Lancaster LA2 8AT	Ingleton And Clapham
ENF/02843/2018	3rd April 2018	13th November 2018	Breach Resolved	Annexe not been used in accordance with application 65/2015/16180	Outbuilding Stirton Grange Stirton Lane Stirton Skipton BD23 3LN	Gargrave And Malhamdale

Enforcement Reference	Date Received	Date Closed	Reason for Closure	Alleged Breach	Site Address	Ward
ENF/02850/2018	10th April 2018	20th November 2018	Breach Resolved	Excavation of driveway and erection of wall that looks like breeze block.	Grange Hall Cottage The Folly To Near Woodside Farm Kildwick Keighley BD20 9AD	Aire Valley With Lothersdale
ENF/02864/2018	9th May 2018	20th November 2018	Breach Resolved	Satelite dish within a conservation area/ listed building.	16-18 Church Street Gargrave Skipton BD23 3NE	Gargrave And Malhamdale
ENF/02878/2018	13th June 2018	13th November 2018	Not Expedient to Enforce	Application 66/2015/16246 not carried out in accordance with approved plans - Footpath has not been implemented	Sutton Gate Lodge Sutton Lane Sutton-in-craven Keighley	Sutton-in-Craven
ENF/02913/2018	14th August 2018	13th November 2018	No Breach	Excavation to the rear of the property	6 Greta Heath Burton In Lonsdale Ingleton LA6 3LH	Bentham
ENF/02917/2018	20th August 2018	13th November 2018	No Breach	Wall removed and construction of a drive.	Land At The Side Of The Garages Watsons Houses Skipton BD23 1LD	Skipton North