

CRAVEN DISTRICT COUNCIL

PLANNING COMMITTEE – SITE VISIT

14th January 2019

AGENDA

Please note that the Committee will visit the following site on Monday, 14th January 2019. Members are asked **to meet at the site at 11.50am**, or alternatively at the Belle Vue Square Offices car park **no later than 11.35am**

2018/19464/HH Proposed single storey rear extension, re-submission of approved application 32/2017/18051 (re-advertised, and measurements removed from description), 45 Clayton Hall Road, Cross Hills, BD20 7TA. (Glusburn Ward).

Note : Access to Clayton Hall Road is off the B6265 Skipton Road, Cross Hills.

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

Agenda Contact Officer: Chris Waterhouse

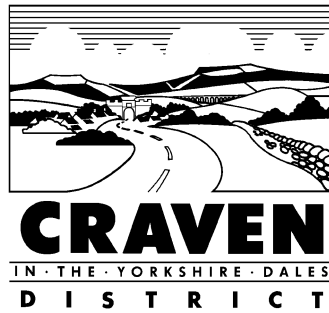
E-mail : cwaterhouse@cravendc.gov.uk

Tel. 01756 706235

4th January 2019.

Planning Committee Site Visit Procedure

- A. On arrival, the Chairman will call the Members of the Planning Committee, any Ward Representative(s) and others invited to be present to order. The Chairman will explain the purpose of the site visit so that all are aware that it is a fact finding exercise only and that no decision will be taken until the Committee meeting.
 - B. The Chairman will then ask the appropriate officer to describe the proposal to Members, identify relevant features of the site, and raise the principal planning considerations. The Officer may also draw Members' attention to the relevant points regarding objections/observations received.
 - C. The Chairman will then ask any other officer, e.g. Highways Officer, Environmental Health Officer, to address the Members.
 - D. Members will then be invited through the Chairman to ask any questions or seek clarification of facts from the Officers present. Members should not direct these questions to the applicant or others present. Any matters not to hand will be reported at the Committee meeting. Discussion on the merits of the application will not be permitted, and Members should refrain from making comments on the proposal.
 - E. A representative of the Parish or Town Council or Parish Meeting will be invited to advise Members on matters of fact relating to the application site.
 - F. The applicant and others present will not be allowed to speak unless he or she is specifically asked by the Chairman or a senior officer to
 - point out particular matters on site, or
 - to clarify or respond to Member's questions in respect of particular factual matters, relevant to the site of the planning application/planning matter.
- Applicants/agents will be given prior notice of the time and date of the site visit.
- G. When the Chairman considers that the purpose of the site visit has been achieved, (s)he will declare the site visit finished and Members will promptly leave the site.
 - H. Whilst conducting the site visits Members will have due regard to the health and safety of themselves and others and will follow appropriate safety instructions on site, including any guidance on parking and access. Under no circumstances will Members or Officers enter a site without wearing the appropriate safety equipment (if any) required.
 - I. A note will be taken by the appropriate officer of those present at each site visit.
 - J. Members should be aware at all times that site visits mainly take place on privately owned land. They should be careful not to damage any property or do anything that may cause problems for or distress to the landowner.
 - K. Where arrangements have been made for a site visit to take place on land which does not form part of the specific area under consideration/application site, the appropriate officer will have sought the necessary permission from the occupier of that land in writing.



PLANNING COMMITTEE

1.30pm on Monday, 14th January, 2019
Belle Vue Suite, Belle Vue Square Offices, Skipton

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

AGENDA

1. **Apologies for absence and substitutes**
2. **Confirmation of Minutes** – 17th December 2018.
3. **Public Participation** – In the event that any questions/statements are received or members of the public wish to ask questions or address the Committee **in respect of matters not appearing on this agenda**, the public participation session will proceed for a period of up to fifteen minutes.
4. **Declarations of Interest** – All Members are invited to declare at this point any interests they have in items appearing on this agenda, including the nature of those interests.

(Note: Declarations should be in the form of:

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

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

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

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

6. **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

4th January 2019.

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

17th December 2018

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

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

Ward Representatives : Councillors Brown (Application 2018/19910/MMA), Mercer (2018/19788/FUL) and Myers (2018/19508/FUL).

Apologies for absence were received from Councillors Heseltine and Morrell.

Start: 1.35pm

Finish: 19:02pm

Councillor Lis left the meeting at 5pm

Councillor Place left the meeting at 5.30pm

Councillor Rose left the meeting at 6.05pm

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 20th November 2018 were confirmed and signed by the Chairman.

Minutes for Report

PL.893

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:

Minute PL.895 : Anley Crag Business Park, Settle - Application 62/2017/18064 : Councillor Lis took no part in the consideration of this matter, indicating that he had a conflict of interest and therefore felt unable to participate.

Application 2018/19508/FUL : Councillors Whitaker and Harbron repeated their declarations made at Minutes PL.881(a) and PL.889(a) at which they had declared interests under Appendix B and Paragraph 15 respectively of the Council's Code of Conduct; they both withdrew from the room 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 2018/19747/FUL : Councillor Shuttleworth indicated that he had received lobbying against this application.

PL.894

PUBLIC PARTICIPATION

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

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 2018/19910/MMA	Ms L Hunt (objector)
Application 2018/19739/COU	Councillor E Jaquin (for Skipton Town Council) Mr R Beck (objector / for objectors) Mr N Claxton (applicant)
Application 2018/19817/HH	Councillor E Jaquin (for Skipton Town Council))
Application 2018/19747/FUL	Councillor E Jaquin (for Skipton Town Council) Ms E Knowles (objector / for objectors) Mr A Clark (for the applicant)
Application 2018/19367/FUL	Councillor E Jaquin (for Skipton Town Council) Mr B Horsley (for the applicant)
Application 2018/19788/FUL	Mr W Cartwright (for the applicant)
Application 2018/19464/HH	Ms M Harrison (objector) Mr O Pursglove (for the applicant)

PL.895

**PROPOSED MIX USE DEVELOPMENT ANLEY CRAG BUSINESS
PARK SETTLE – APPLICATION 62/2017/18064**

Further to Minute PL.895/18-19, at which the Committee had authorised the Planning Manager to approve the following application subject to a prior Section 106 Agreement, the Planning Manager submitted a report informing the Committee that it had subsequently come to light that a second consultation response from the Yorkshire Dales National Park Authority objecting to the proposed development on grounds of landscape impact, had not been captured to the public file, and had therefore not been considered within the case officer's report presented on 24th September 2018. In its original response dated 13th June 2017 the Park Authority had not objected to the development, but had requested appropriate landscaping improvements.

62/2017/18064 Outline application with some matters reserved for an employment led mixed-use development, comprising the construction of a new Business Park incorporating B1 Business Units, B2 General Industrial units, a car dealership and residential development, Anley Crag Business Park, land to the west of the B6480 (Skipton Road), Settle.

The Planning Manager pointed out that landscape impact had been fully covered within the September committee report, and that had the Park Authority's objection been presented at that time the recommendation would still have been one of seeking authority to approve the application. It was also reported that whilst the views of the Yorkshire Dales Society on the application had been summarised in the September committee report, the full representations had not been available on the Council's website. That had now been corrected.

Note : Prior to consideration of the Planning Manager's report, and in accordance with the Council's Access to Information Procedure Rules (Category 5 - Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings), the Committee moved into excluded session to receive advice from the Legal Services Manager.

Resolved – (1) That the representations of the Yorkshire Dales National Park Authority and the Yorkshire Dales Society submitted in respect of Application Ref 62/2017/18064 are noted.

(2) That the decision of the Planning Committee on 24th September 2018 to grant delegated authority to the Planning Manager to grant conditional planning permission in respect of application ref. 62/2017/18064, subject to the applicant entering into a prior 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, is re-affirmed.

PL.896

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:-

2018/19352/FUL Proposed development of 6 light industrial/commercial units (B1/B2 use class) - amended design and layout pursuant to extant planning permission 32/2008/8571, land to south east of Riparian Way, Cross Hills - Approved with Conditions.

2018/19444/FUL Erection of ten semi-detached houses and twenty-four apartments, former allotments and garages, Broughton Road - Approved with Conditions.

2018/19479/VAR Application to remove condition no 13 (the live/work restriction) on planning application reference number 24/2010/10746, Water Mill, Low Lane, Draughton – Refused.

2018/19550/FUL Change of use of land from Former Railway Goods Yard to site 9 no. holiday lodges (Phase 2), former railway goods yard, Clapham Station - Application Withdrawn.

2018/19573/HH Proposed replacement porch, detached garage and single storey pitched roof rear extension with enlarged decking area, 3 Wood Close, Skipton - Approved with Conditions.

2018/19600/MMA Application for minor material amendment to approval 32/2016/17650 to allow for an increase in residential accommodation, 19 to 25 Main Street, Cross Hills - Application Withdrawn.

2018/19649/HH Front ground floor extension to form internal stairwell and entrance hall. Two-storey rear extension to kitchen/lounge. Alterations to window and door openings, 3 High Croft Way, Farnhill - Approved with Conditions.

2018/19656/LBC 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, Railway Station, Wenning Bank - Approved with Conditions.

2018/19675/CND Application to discharge conditions 2, 3, 4, 5, 6, 10 and 12 of original planning approval referenced 34/2012/13074 granted 12/04/2018, Billy Bob's Ice Cream Parlour - Split Decision.

2018/19713/REM Approval of the appearance, landscaping, layout and scale as reserved by condition in outline consent referenced 22/2017/18068 for 3 dwellings, Lumb Mill Farm, Cowling - Approved with Conditions.

2018/19763/FUL 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, Thornbrook Barn Caravan Site, Ingleton - Approved with Conditions.

2018/19720/HH to form parking bay in front garden adjacent to Bankwell Road including realignment of existing front boundary wall, Holly Bank, Bankwell Road, Settle - Application Withdrawn.

2018/19723/TCA Fell 1 no. Leylandii. Height reduction of several Leylandii to the north of the property, Raven Flatt, Bell Busk - Approved.

2018/19735/COU Change of use and alterations and conversion from retail, storage and warehouse to retail, bar/restaurant and holiday accommodation, J W Garnett Electrical Ltd, Settle - Approved with Conditions.

2018/19745/HH First floor extension and rear single storey extension, 45 Boundary Avenue, Sutton-in-Craven - Approved with Conditions.

2018/19748/FUL Proposed agricultural building, land off Old Lane, Thornton in Craven - Approved with Conditions.

2018/19746/FUL Installation of two slurry storage bags, Auld Hall, Limekiln Lane, Halton West - Approved with Conditions.

2018/19749/FUL Erection of stone agricultural building, land north of Hallen Hill Farm, Cowling. Approved with Conditions.

2018/19750/FUL (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, Skinner Ground Farm, Old Lane (north), Broughton - Approved with Conditions.

2018/19751/COU Change of use from C3 residential to B1(C) light industrial and B1(A) office (other than A2), 30A Main Street, High Bentham - Approved with Conditions.

2018/19753/HH Proposed two storey rear extension and front dormer extension, 17 Pendle Street, Skipton – Refused.

2018/19757/HH Two storey rear extension, 6 Sandholme Close, Giggleswick - Approved with Conditions.

2018/19761/LBC 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, Swinden Manor, Hellifield - Approved with Conditions.

2018/19765/HH Construction of single storey garden room extension, The Corn Mill, Carleton - Approved with Conditions.

2018/19772/VAR 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, Low Barn, Malsis, Colne Road, Glusburn - Refused.

2018/19773/HH Single storey extension to dwelling, Beck Side, Lawkland - Approved with Conditions.

2018/19775/TPO 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, Lower Greenfoot Car Park, Settle - Approved.

2018/19776/HH Replace principal entrance door, 8 Sidgwick Court, Skipton - Approved with Conditions.

2018/19780/FUL Erection of private stable block (2 x stables), Greenlands Farm, Raber Top Lane, Ingleton - Approved with Conditions.

2018/19778/CPE 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, Kirksteads Barn, Croft Road, Ingleton - Refused.

2018/19779/HH Retrospective single storey lean-to rear extension, 53 Regent Road, Skipton - Approved with Conditions.

2018/19782/FUL New farm workers dwelling, Newlands Farm, Jacksons Lane, Low Bradley - Approved with Conditions.

2018/19783/HH Proposed external steps, 3 South View, Albert Road, Cross Hills - Approved with Conditions.

2018/19785/HH Enlarge existing window opening and form gable to roof over, 14 Victoria Street, Settle - Approved with Conditions.

2018/19787/FUL Proposed Cattery, Low Green Farm, Gargrave - Approved with Conditions.

2018/19791/TPO Fell 1 no Sycamore, 7 Walker Close, Glusburn - Split Decision.

2018/19796/FUL Construction of single storey meeting room and store extension. Formation of new car park, St Peters Methodist Church, Main Street, Cross Hills - Approved with Conditions.

2018/19798/TCA 1 no. Ash, 1 no. Sycamore and 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, Lower Greenfoot Car Park, Settle - Approved.

2018/19799/FUL Conversion of end terrace house to form 2 no. one bedroom apartments and basement studio apartment, 5 Cavendish Street, Skipton - Approved with Conditions.

2018/19800/FUL Enlargement of dwelling into existing adjoining disused cottages, and conversion of existing traditional agricultural buildings to two dwellings, and formation of garages, Low Bawes Edge Farm, Cowling - Approved with Conditions.

2018/19801/LBC 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, Low Bawes Edge Farm, Cowling - Approved with Conditions.

2018/19812/AGRRES Change of use of agricultural building to dwelling (Prior Notification), Out Laithe, Calf Edge Farm, Lothersdale - Prior Approval Granted.

2018/19804/HH Proposed first floor rear extension, 109 Hurrs Road, Skipton - Application Withdrawn.

2018/19809/HH Proposed loft conversion including dormer window to front elevation, 20 Greenroyd Court, Sutton-in-Craven - Refused.

2018/19810/TCA Tree 1 Cherry Blossom, prune and cut back, Plot 1 St. Johns Croft, Cononley - Approved.

2018/19835/HH Proposed alterations to existing roof and insertion of conservation roof light, 94 Main Street, Cononley - Approved with Conditions.

2018/19837/CND Application to discharge condition no's. 7 and 8 of listed building consent referenced 2018/19390/LBC granted 31.07.2018, White House, Chapel Lane, Halton East - Conditions satisfactorily discharged.

2018/19839/TPO Fell 1 no. Sycamore. Crown lift various Sycamore to 5 metres and 10% crown thin, Shortbank Recreation Ground, Skipton - Approved.

2018/19841/TPO Crown lift trees over Otley road to provide 5.5 metres clearance. Remove 4 no. Ash and 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 and 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, The Wilderness Bank, Skipton - Approved.

2018/19842/FUL Ground floor rear demolitions and extension. Change of use of first and second floors from A1 to B1. Changes to shop front, 12 Otley Street, Skipton - Approved with Conditions.

2018/19849/PNAG Extension to existing open sided silage clamp (Prior Notification), Broughton Fields Farm, Skipton - Prior approval not required.

2018/19847/TCA T1 - T3 Apple Trees - Various pruning works, G1-G3 Birch. Small reduction to maintain shape and manageable size within the garden, 10 Leeming Lane, Burton in Lonsdale - Approved.

2018/19856/TPO T1 Sycamore Tree – Fell, 44 Raikes Road, Skipton - Refused.

2018/19887/NYCC 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, Water Street CP School, Skipton - No Observations.

2018/19863/TCA Fell 1 no. Ash and 1 no. Cedar, 15 South Street, Skipton - Approved.

2018/19864/TCA Fell 1 no. Grand Fir and 1 no. Silver Birch, Stonecroft, Tams Side, Settle - Approved.

2018/19903/CND Application to discharge condition 6c (materials) and condition 7 (treatments) imposed by Planning Approval 32/2016/17098 permission given 16.02.2018, Malsis, Glusburn - Application Withdrawn.

2018/19909/CND Application to discharge condition no. 3 (external walling and roofing materials) of previous planning approval referenced 2017/18814/FUL granted 05.03.2018, Grasmere House, Bradley - Conditions satisfactorily discharged.

2018/19918/PNAG Proposed new covered silage clamp (Prior Notification), agricultural building, Old Carr Head Farm, Cowling - Prior approval not required.

2018/19934/CND Application to discharge condition numbers 3 and 4 of original planning approval referenced 2018/19124/FUL granted 31 August 2018, land to north of Scaleber Farm, Back Lane, Low Bentham - Conditions satisfactorily discharged.

b. Applications

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

Permission Granted

2018/19910/MMA Minor material amendment to vary condition no. 2 (plans condition) of previous planning approval referenced 11/2016/17657 for the substitution of house types, land off Matthew Lane, Bradley – subject to the conditions listed below being amended / extended as follows, the actual wording to be formulated by the Planning Manager:-

- a. To require provision of electric vehicle charging points.
- b. Areas of hardstanding to make use of materials which allow soakaway.
- c. Condition 11 to be amended to require sustainable attenuation of surface water drainage.

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:

- 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.

Before Development Commences

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.

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.

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

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

b. 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.

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

d. That part of the access(es) extending 6m into the site from the carriageway of the existing highway shall be at a gradient not exceeding 1 in 10.

e. Provision to prevent surface water from the site/plot discharging onto the existing or proposed highway shall be constructed in accordance with the approved details, and/or the specification of the Highway Authority, and maintained thereafter to prevent such discharges.

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

6. 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).

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.

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.

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.

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.

11. Foul and surface water shall be drained on separate systems.

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.

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.

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. (*)

2018/19794/FUL Partial demolition and re-construction of existing barn including full new roof to form 2 no. new dwellings, Barn (roadside), Fourlands House Farm, High Bentham.

Conditions

Time Limit for Commencement

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

Approved Plans

2. This approved plans comprise of drawing Nos:

- 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.

Before Development Commences

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

- a. The details of the access shall have been approved in writing by the Local Planning Authority in consultation with the Highway Authority.
- b. The crossing of the highway verge and/or footway shall be constructed in accordance with the approved details and/or Standard Detail number E6.
- c. Any gates or barriers shall be erected a minimum distance of 6 metres back from the carriageway of the existing highway and shall not be able to swing over the existing or proposed highway.
- d. Provision to prevent surface water from the site/plot discharging onto the existing or proposed highway (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.

e. 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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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

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.

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).

Informatives

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

2. 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).

3. 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.

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

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

2018/19817/HH 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, Glen Croft , 72 Raikes Road, Skipton.

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:

- 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.

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

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

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

2018/19367/FUL Development of 2 No. detached houses, land off Chapel Hill, Skipton – subject to the conditions listed below being amended / extended as follows, the actual wording to be formulated by the Planning Manager:-

- a. To safeguard trees within the site during construction of the proposed dwellings..
- b. To require submission and approval of a construction site management and traffic management plan(s).

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:

- 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.

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.

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:

- 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.

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.

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.

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. (*)

2018/19788/FUL Change of use of vacant field to C3 and siting of 2 houses, land adjacent to Freegate/Nan-Scar, Cowling – subject to the conditions listed below being amended / extended as follows, the actual wording to be formulated by the Planning Manager:-

- a. to require details of on site drainage to be submitted for approval.
- b. to require the use of porous surface materials on the proposed parking spaces.
- c. to check for / deal with possible on site contamination.

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. 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.

Before Development Commences

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.

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:

- a. The crossing of the highway verge and/or footway shall be constructed in accordance with the approved details and/or Standard Details number E6.
- b. 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.
- c. 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.
- d. 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.
- e. The final surfacing of any private access within 4.5 metres of the public highway shall not contain any loose material that is capable of being drawn on to the existing or proposed public highway.

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.

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.

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.

7. No development shall take place until full details of any retaining structures to be erected on the site have been submitted to and approved in writing by the Local Planning Authority. Such details shall include:

- a. the length, height, siting and materials of any retaining structures;
- b. structural engineer's calculations;
- c. the amount of earth to be retained;
- d. the extent of excavation and infill required;
- e. details of where and how the excavated land will be disposed of off-site;
- f. the proposed finish for the surface of the land behind the structure;
- g. the guaranteed minimum service life of the structure relative to the local exposure level; and
- h. a timetable for their construction.

The retaining structures shall thereafter be constructed in accordance with the duly approved details and timetable.

During Building Works

8. 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;
- 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.

9. 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.

10. 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 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.

Ongoing Conditions

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) 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.

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 garages hereby approved shall not be converted into domestic accommodation without the granting of an appropriate planning permission.

13. 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.

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.

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).

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.

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.

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. (*)

2018/19764/FUL Proposed detached garage and extension of residential curtilage, Cross Keys Farm, Main Street, Rathmell.

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. 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.

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.

Informative : _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.

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. (*)

2018/19760/FUL Repositioning of existing air conditioning units away from gable of restaurant to location within car park area, 59 Main Street, Cross Hills.

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.

Approved Plans

2. This 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.

Informative : A copy of the enforcement notice of 18 February 2016 and the appeal decision dated 6 December 2016 is attached to this decision.

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

2018/18981/OUT Outline application for development of ten dwellings with landscaping as a reserved matter, land south of Bentham Road, Ingleton – the Planning Manager was authorised to approve this application subject to the applicant signing a prior Section 106 Agreement which makes provision for either an off-site affordable housing financial contribution, or on-site affordable housing in the form of three dwellings (1 x 2 bed dwelling and 2 x 1 bed dwelling) and subject also to the conditions listed below.

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.

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.

Before Development Commences

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.

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

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

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

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

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

c. Full highway construction details including:

- typical highway cross-sections to scale of not less than 1:50 showing a specification for all the types of construction proposed for carriageways, cycleways and footways/footpaths
- when requested cross sections at regular intervals along the proposed roads showing the existing and proposed ground levels
- kerb and edging construction details

- typical drainage construction details.
 - d. Details of the method and means of surface water disposal.
 - e. Details of all proposed street lighting.
 - f. Drawings for the proposed new roads and footways/footpaths giving all relevant dimensions for their setting out including reference dimensions to existing features.
 - g. Full working drawings for any structures which affect or form part of the highway network.
 - h. A programme for completing the works. The development shall only be carried out in full compliance with the approved drawings and details unless agreed otherwise in writing by the Local Planning Authority with the Local Planning Authority in consultation with the Highway Authority.
5. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the access(es) to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements:
- a. The details of the access shall have been approved in writing by the Local Planning Authority in consultation with the Highway Authority.
 - b. 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.
 - c. Any gates or barriers shall be erected a minimum distance of 6 metres back from the carriageway of the existing highway and shall not be able to swing over the existing or proposed highway.
 - d. That part of the access(es) extending 6 metres into the site from the carriageway of the existing highway shall be at a gradient not exceeding 1/20.
 - e. Provision to prevent surface water from the site/plot discharging onto the existing or proposed highway shall be constructed in accordance with the approved details, and/or the specification of the Highway Authority, and maintained thereafter to prevent such discharges.
 - f. The final surfacing of any private access within 6 metres of the public highway shall not contain any loose material that is capable of being drawn on to the existing or proposed public highway.
 - g. 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.
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.
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:
- a. 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.

- b. 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.
- c. The developer's programme for the completion of the proposed works has been submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority.
- d. The required highway improvements shall include:
- e. Provision of tactile paving
- f. Footway along Bentham Rd, between site access and footway at A65 junction, min 1.5m wide

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.

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.

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.

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.

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.

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).

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.

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:

- a. the introduction of additional planting within the site which forms part of the internal development layout and
- b. 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.

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.

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.

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.

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.

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

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

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

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

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.

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.

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

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.

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.

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.

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.

6. 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.

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

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

Permission Refused

2018/19308/FUL 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, Tarn Caravan Park, Stirton – the Planning Manager, to formulate appropriate reasons for refusal based on grounds of loss of amenity for the occupiers of existing caravans due to the proposed development resulting in the loss of the level of open space currently available to them.

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. (*)

2018/19747/FUL 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 – the Planning Manager, to formulate appropriate reasons for refusal based on the scale of the proposed development.

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

Consideration Deferred

2018/19739/COU Change of use from retail to a microbar, 9 - 11 Court Lane, Skipton – to enable clarification in respect of the intended hours of operation, the position in respect of installation of air conditioning / a beer cooler if any, and therefore the potential level of noise for residents and occupants of neighbouring property. (*)

Note : A motion to approve the above application was lost on the Chairman's casting vote, and a motion to refuse the application on grounds relating to potential loss of amenity for neighbouring residents and occupants of neighbouring property failed when the Chairman declined to use his casting vote, the vote having been tied at five for and five against the motion.

2018/19464/HH Proposed single storey rear extension, re-submission of approved application 32/2017/18051 (re-advertised, and measurements removed from description), 45 Clayton Hall Road, Cross Hills – deferred pending receipt of additional information from the applicant and 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.897

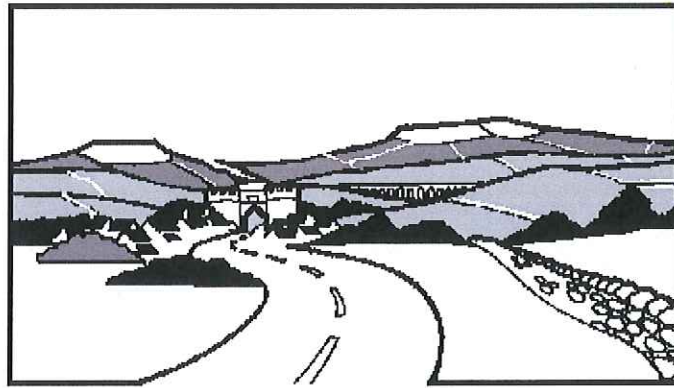
PLANNING ENFORCEMENT

The Strategic Manager for Planning and Regeneration submitted details of enforcement cases closed, and new enforcement complaints registered in the period 7th November to 3rd December 2018.

Minutes for Decision

- None -

Chairman.



CRAVEN

IN · THE · YORKSHIRE · DALES

D I S T R I C T

PLANNING COMMITTEE AGENDA

DATE: 14th January 2019

INDEX OF PLANNING APPLICATIONS

Item No.	Application Reference No.	Name of Applicant	Site Address	Page No's
1	2018/19739/COU	Mr Simon Greaves	9 - 11 Court Lane, Skipton, BD23 1DD.	2 - 8
2	2018/19464/HH	Mr & Mrs Cooper	45 Clayton Hall Road, Cross Hills, BD20 7TA.	9 - 20

REPORT TO PLANNING COMMITTEE ON 14th January 2019

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. Members deferred consideration of the application at the December meeting to allow the applicant to clarify hours of opening and details of refrigeration equipment. Members will be updated at the meeting.

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.

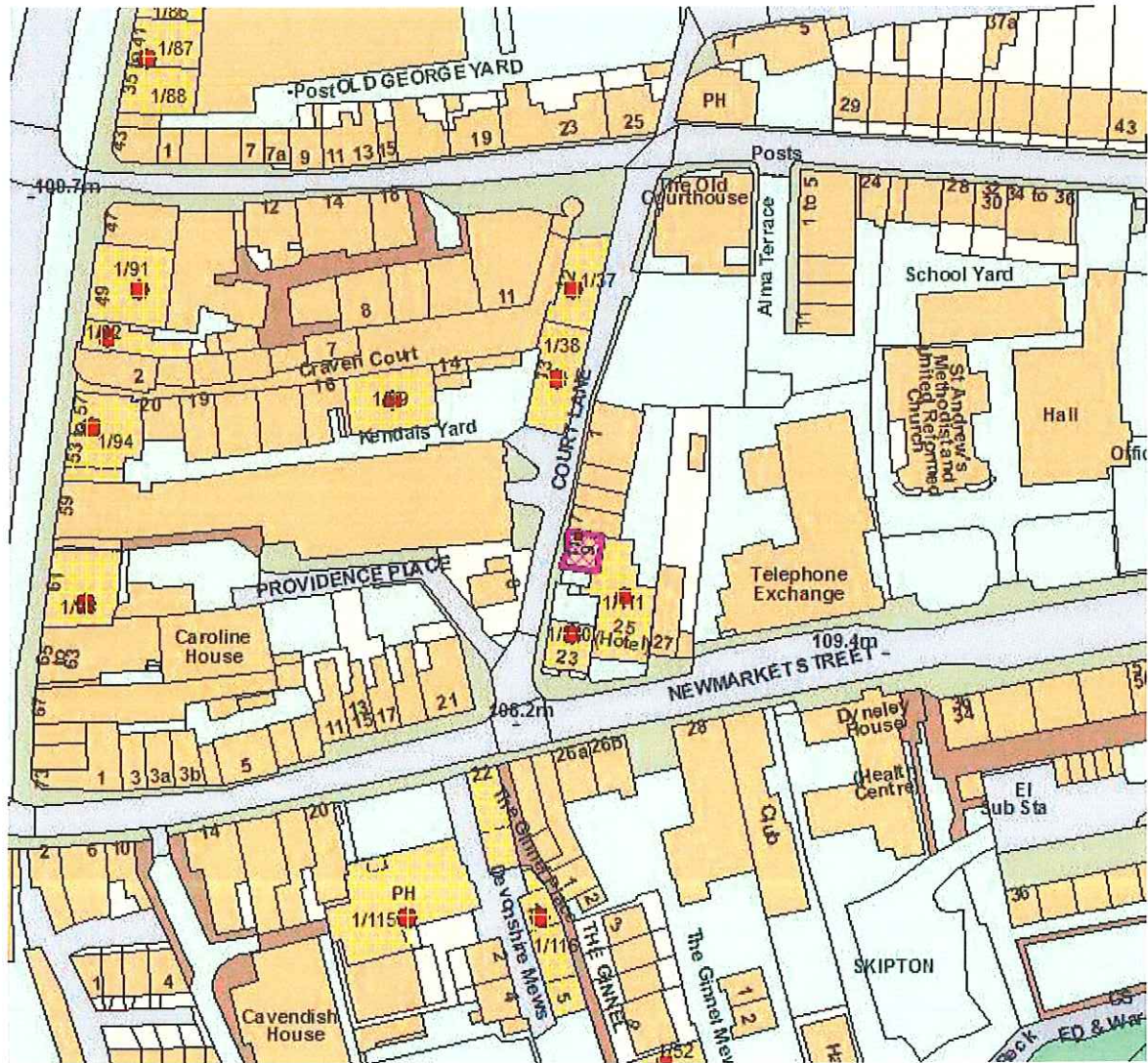
- 6 The premises shall only be open for trade or business between 12:00 hours and 21:00 hours Monday to Sunday and on bank holidays.

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.

Informative

Statement of Positive Engagement: -

In dealing with this application Craven District Council has sought to approach the decision making process in a positive way, in accordance with the requirements of 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 14th January 2019

Application Number: 2018/19464/HH

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

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

On behalf of: Mr & Mrs Cooper

Date Registered: 4th July 2018

Expiry Date: 29th August 2018

Case Officer: Mrs Gemma Kennedy (Neville Watson)

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. Members deferred consideration of the application in December for a site visit.

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;

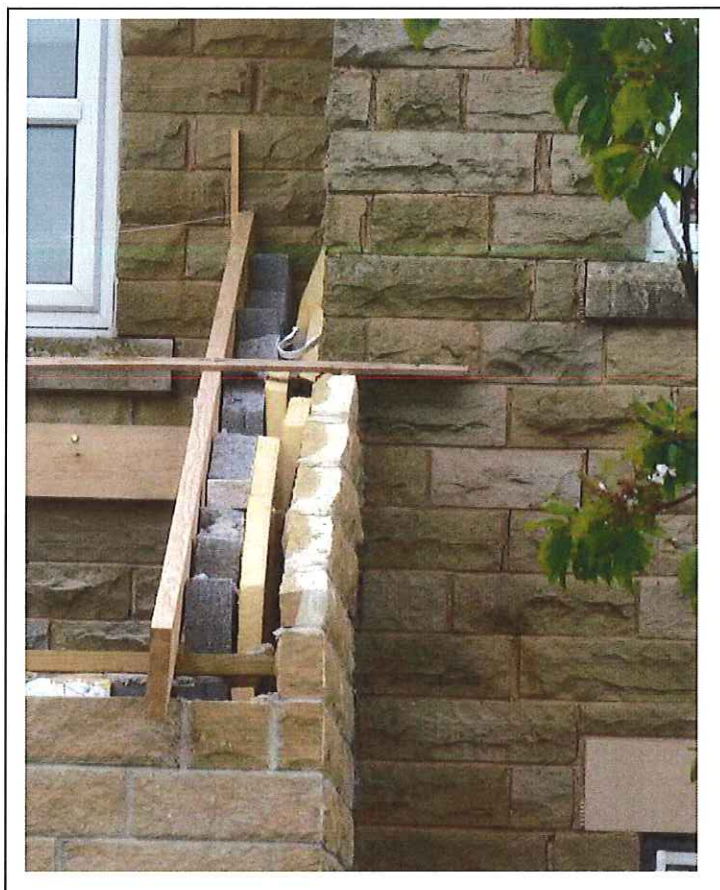
- 9.6 Approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies or the policies which are most important for determining the application are out-of-date, granting permission unless;

- 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);



- 9.23 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.

- 9.24 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.
- 9.25 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"*.
- 9.26 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."*
- 9.27 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."*
- 9.28 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.
- 9.29 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 questioned. 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.
- 9.30 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.

9.31 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.

9.32 Policy background;

9.33 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.

9.34 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.

9.35 Visual impact;

9.36 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.

9.37 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.

9.38 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.

9.39 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.

9.40 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.

9.41 Neighbouring privacy and amenity;

9.42 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.

9.43 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.

9.44 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.

9.45 Impact upon TPO protected hedgerow;

9.46 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.

9.47 Highway safety;

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

- 9.49 **Conclusion;**
- 9.50 Paragraph 11 of the NPPF sets out the presumption in favour of sustainable development. The NPPF makes clear that, for decision taking, this means:
- 9.51 *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;*
- 9.52 *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*
- 9.53 *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.'*
- 9.54 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.
- 9.55 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.

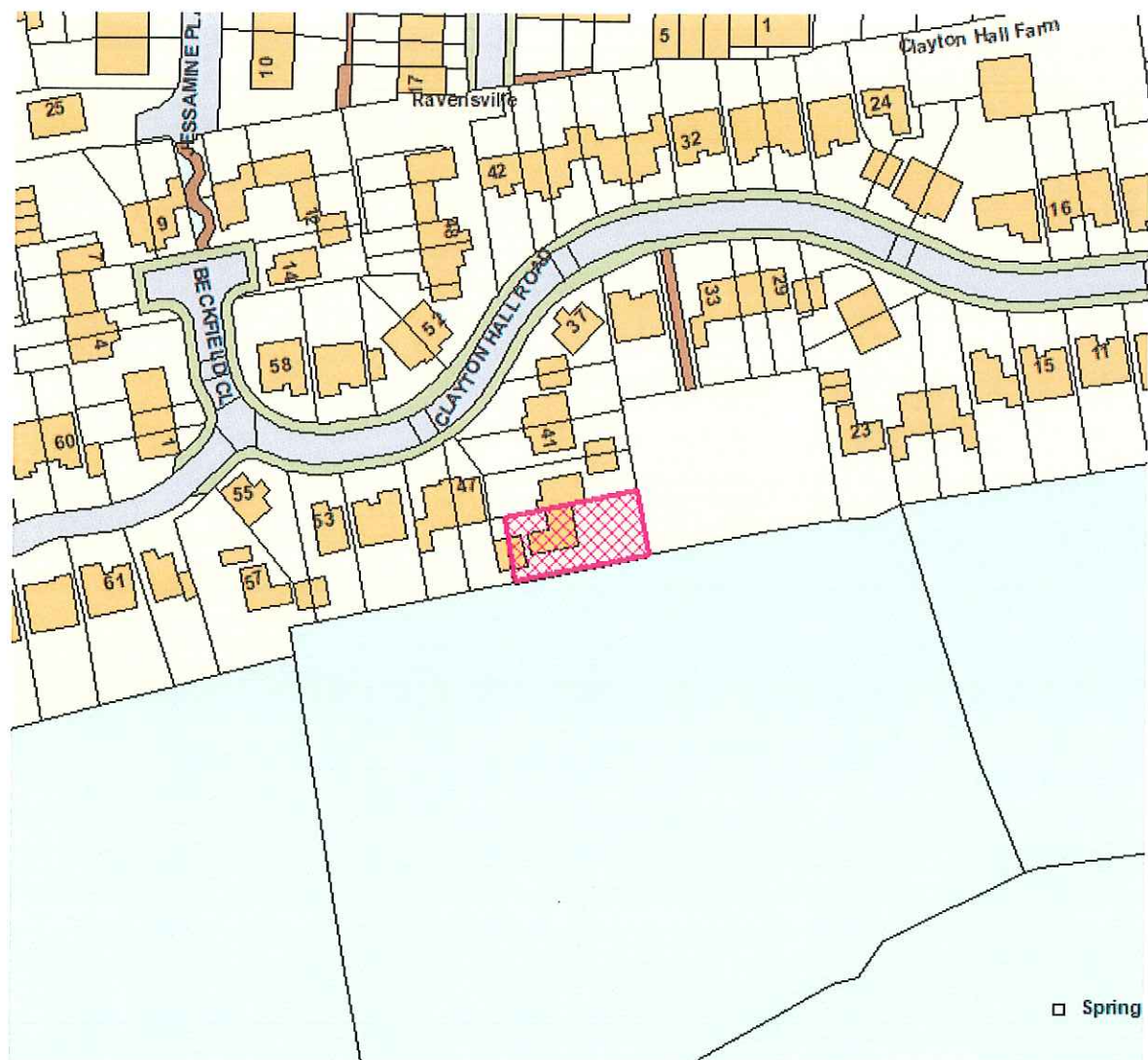
Reason: In the interests of neighbouring privacy and to accord with Saved Policy H20 of the Craven District (Outside the Yorkshire Dales National Park) Local Plan.

Informatives

1. 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.

- 2 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.

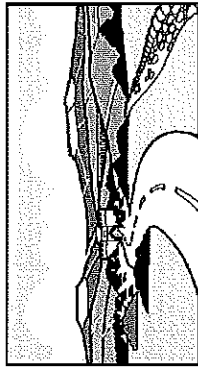


Application Number: 2018/19464/HH

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

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

On behalf of: Mr & Mrs Cooper



Craven
IN THE YORKSHIRE DALES

D I S T R I C T

Development Management
Craven District Council
1 Belle Vue Square
Broughton Road
SKIPTON
North Yorkshire
BD23 1FJ
(Main Switchboard) Telephone: 01756 700600

Craven District Council - List of Planning Decisions Issued – 07.12.2018 to 03.01.2019

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

Application Number	Applicant	Location	Proposal	Decision	Date of Decision
32/2014/14460	Mr Marcus Peel	Land To East Of Malsis School Colne Road Glusburn Keighley North Yorkshire BD20 8DT	Re-Submission Of Planning Application Ref: 32/2013/13633 For Residential Development Of	Finally Disposed Of	12.12.2018
08/2017/17803	Witherslack Group Ltd	Cedar House School County Boundary To Mill Lane Low Bentham Lancaster North Yorkshire LA2 7DB	Proposed erection of building to accommodate an external balcony, changing facilities, entrance foyer, function space, WC's and tractor storage. Alterations to vehicular entrance. Building to be used in conjunction with Cedar House School and playing fields.	Finally Disposed Of	21.12.2018
2018/18887/FUL	Mr James Wade	Existing Redundant Reservoir Cononley Road Glusburn Keighley BD20 8LW	Alterations to approved Conversion of redundant reservoir to form new dwelling by using the existing structure of the former reservoir ref: 32/2017/17947. 1. Window to South West Elevation. 2. New double garage. 3. Approved garage to become living accommodation.	Approve with Conditions	14.12.2018

Application Number	Applicant	Location	Proposal	Decision	Date of Decision
2018/19289/OUT	Mr Richard Bond	Land Off Yew Tree Drive Low Bentham Lancaster	Outline planning application for 3 no. dwellings and associated infrastructure, to include new vehicular and pedestrian access up to first residential property	Refuse	14.12.2018
2018/19316/CND	Silver Cross (UK) Ltd	Micklethorn Farm Broughton Skipton BD23 3AN	Application to discharge condition no. 3 (lighting) and condition no. 4 (landscaping) on planning application referenced 12/2016/17594 granted 01 February 2017	DOC satisfactory	20.12.2018
2018/19333/VAR	Mrs Stephanie Lowe	4 Gale Green Barn Gale Green Ingletton Carnforth LA6 3NJ	Application to remove condition no. 14 from original planning approval referenced 5/68/118	Approve with Conditions	10.12.2018
2018/19376/OUT	Mr Stuart Currie	Land To South Of Beauty Farm Main Street Rathmell Settle BD24 0LA	Outline application with some matters reserved for the construction of 4 no. new houses and new access drive	Approve with Conditions	20.12.2018
2018/19367/FUL	Mr & Mrs R Pryke	Land Off Chapel Hill Skipton	Development of 2 No. detached houses	Approve with Conditions	21.12.2018
2018/19430/CND	Craven District Council	Land Adjacent To 13 Harper Grove Sutton-in-craven Keighley BD20 7JN	Application to discharge condition no.s 6, 7 and 8 of original planning consent reference 66/2016/17316 granted 25/10/2016	Split Decision	21.12.2018
2018/19506/FUL	JW & RJ Garnett Property	Land South Of A65 And East Of Tatterhorn Lane Ingletton	Development of 4 no. dwellings	Refuse	21.12.2018

Application Number	Applicant	Location	Proposal	Decision	Date of Decision
2018/19508/FUL	Partingtons Holiday Centres Ltd	Tam Caravan Park Stirton Skipton BD23 3LQ	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.	Refuse	20.12.2018
2018/19532/HH	Mr Kevin Longworth	30 Meadow Lane Cononley Keighley BD20 8NB	2-storey side extension; single storey porch extension to front	Approve with Conditions	10.12.2018
2018/19551/FUL	Mr M Ali	60 - 62 High Street Gargrave Skipton BD23 3LX	Retrospective application for the installation of extraction flue to rear with amendments	Approve with Conditions	02.01.2019
2018/19658/FUL	Langcliffe Park Ltd	Langcliffe Caravan Park Langcliffe Road Langcliffe Settle BD24 9LX	Proposed access track and hard standings for 12 no. touring caravans in the dog walking and games area field.	Approve with Conditions	10.12.2018
2018/19667/VAR	Mark Patterson	Scarfes Barn Mewith Lane Low Bentham Lancaster LA2 7DQ	Application for the variation of condition no's 2 and 8 and discharge of conditions 7 and 13 on previously approved application referenced 08/2002/2534 granted 03 December 2002	Approve with Conditions	19.12.2018
2018/19684/LBC	Mr Matthew Hough	Halstead Hall Thornton In Lonsdale Ingletton LA6 3PD	Reinstatement, alterations and extensions to Halstead Hall together with the re-positioning of the established additional dwelling on site	Approve with Conditions	07.12.2018

Application Number	Applicant	Location	Proposal	Decision	Date of Decision
2018/19688/FUL	Gaunts Limited	Units 3 - 5 Toller Court Skipton BD23 2HG	Retrospective application for the installation of 2 x air conditioning units to rear of building	Approve with Conditions	21.12.2018
2018/19704/FUL	Mr M Bannister, Coniston Estate	Land To The West Of Bell Busk Lane Coniston Cold BD23 4EA	Demolition of outbuildings to the north of the existing barn; conversion of existing barn to 2 dwellings including re-building of eastern gable end; and construction of 6 dwellings (revised scheme pursuant to extant planning permission 19/2009/9478 for the development of 14 dwellings). Resubmission of previously refused application 2018/19143/FUL.	Approve with Conditions	19.12.2018
2018/19705/HH	Mr Simon Oxley	4 Haw Grove Hellifield Skipton BD23 4JA	Retrospective application for single storey rear extension	Approve with Conditions	20.12.2018
2018/19726/TPO	Woodfellas Logging	1 High Castle Rectory Lane Skipton BD23 1FP	Crown reduction of 7 no. Sycamore Trees (TPO 150 2006) by 15%	Refuse Tree Work under TPO	07.12.2018
2018/19740/CND	Mr Eric Mangham	Parcel Of Land To Eastern Side Of No. 16 Ickornshaw Cowling Keighley BD22 0DH	Application to discharge condition no's 6 (garage doors), 7 (windows/external doors) and 8 (retaining wall) on planning approval notice 2017/18476/FUL	DOC satisfactory	17.12.2018
2018/19742/HH	Majestic Estates	20 Rowan Garth Sutton-in-craven Keighley BD20 8DA	Construction of a detached garage	Approve with Conditions	11.12.2018

Application Number	Applicant	Location	Proposal	Decision	Date of Decision
2018/19747/FUL	Firth Developments Ltd	Rockwood House Park Wood Close Skipton BD23 1QW	Construct 6 no. 4 bed detached dwellings with associated vehicular access and landscaping (resubmission of previous application referenced 2018/19018/FUL)	Refuse	21.12.2018
2018/19759/FUL	Mr Simon Carroll	America Farm Cottage America Lane Sutton-in-craven Keighley BD20 7BG	Proposed wooden 'L' shaped multi purpose building for stabling, housing sheep and domestic storage.	Approve with Conditions	10.12.2018
2018/19760/FUL	22 The Square	59 Main Street Cross Hills Keighley BD20 8TT	Repositioning of existing air conditioning units away from gable of restaurant to location within car park area.	Approve with Conditions	20.12.2018
2018/19764/FUL	JP Walker (Developments) Ltd	Cross Keys Farm Main Street Rathmell Settle	Proposed detached garage and extension of residential curtilage	Approve with Conditions	20.12.2018
2018/19786/HH	Mr Martyn Dorling	Chapel House Chapel Lane Halton East Skipton BD23 6EH	Front and Rear Canopies (Weather Protection)	Refuse	13.12.2018
2018/19788/FUL	Ms Samantha Jepson	Land Adjacent To Freegate/Nan-Scar Cowling	Change of use of vacant field to C3 and siting of 2 houses.	Approve with Conditions	20.12.2018
2018/19794/FUL	Miss Barbara Rothwell	Barn (Roadside) Fourlands House Farm High Bentham Lancaster LA2 7EX	Partial demolition and re-construction of existing barn including full new roof to form 2 no. new dwellings	Approve with Conditions	20.12.2018

Application Number	Applicant	Location	Proposal	Decision	Date of Decision
2018/19814/FUL	B & W Funerals Ltd	39 Main Street Ingleton Carnforth LA6 3EH	Garage for funeral vehicles	Approve with Conditions	18.12.2018
2018/19817/HH	Mr & Mrs Feddo	Glen Croft 72 Raikes Road Skipton BD23 1LS	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.	Approve with Conditions	20.12.2018
2018/19818/HH	Mr Alec Pue	19 Hazel Grove Sutton-in-craven Keighley BD20 7QR	Single storey detached garage	Approve with Conditions	11.12.2018
2018/19821/VAR	Mr David Holman	Meadow Falls Thornton In Lonsdale Ingleton LA6 3PD	Application to remove condition No. 1 of Planning Approval ref 68/2015/16356.	Approve with Conditions	20.12.2018
2018/19822/VAR	Mr David Holman	Meadow Falls Thornton In Lonsdale Ingleton LA6 3PD	Application to amend condition no's. 6 (occupation period) and 9 (siting of pods) and remove condition no's. 8 (finish of yurts) and 10 (storage of yurts) imposed by Planning Approval 68/2015/15818	Approve with Conditions	20.12.2018
2018/19823/CND	Mr Neil Bland	Land Adjacent To Moss End Moss End Lane Cowling Keighley	Application to discharge condition 3 (materials) imposed by planning approval 2018/19191/REM	DOC satisfactory	11.12.2018
2018/19824/HH	Mr & Mrs Brown	8 Moorland Rise Embsay Skipton BD23 6RU	Proposed two storey side extension (to include cellar)	Application Withdrawn	14.12.2018

Application Number	Applicant	Location	Proposal	Decision	Date of Decision
2018/19829/HH	Mr & Mrs S Craven	10 Hunters View Giggleswick Settle North Yorkshire BD24 0FF	Single storey front extension	Approve with Conditions	11.12.2018
2018/19830/HH	Mr Eddie Childs, Mrs Caroline Nicholls	1 Springfields Skipton BD23 1HF	Single storey extension to rear and side.	Approve with Conditions	18.12.2018
2018/19831/HH	Mr John Harrison	Castleys Colne And Broughton Road Thornton In Craven Skipton BD23 3TJ	Retrospective application for demolition of en-suite, erection of single storey side extension and raised terrace	Approve with Conditions	14.12.2018
2018/19833/MM A	Francmanis Properties	Land Adjacent To Brockholes And Brockhole Lane Settle BD24 9RF	Minor Material Amendment for condition no 2 of planning application reference number: 62/2015/16414 granted 13 January 2016 to provide changes to the proposed house types and the layouts, the new condition 2 should refer to plan references 7750P(0)01_Rev D; 7750P(0)03_Rev B; 7750P(0)04_A; 7750P(0)07_A; 7750P(0)08_A; MR18-96/102; 17T2245-800_P2; 17T2245-801_P1; 17T2245-802_P1; 17T2245-803_P1 which encompass the changes to the layout, the changes to the house types, the external works, the drainage matters and the proposed landscaping.	Approve with Conditions	12.12.2018
2018/19844/HH	Mr V Cruzinho	39 Keighley Road Skipton BD23 2LX	Proposed first floor bathroom over existing ground floor extension (Resubmission of 2018/19482/HH)	Approve with Conditions	07.12.2018

Application Number	Applicant	Location	Proposal	Decision	Date of Decision
2018/19846/CND	Mr Mike Medley	Reedshaw Farm Reedshaw Lane Cowling Keighley BD22 0NA	Application to discharge condition no's. 7 and 8 of planning approval referenced 2017/18149/FUL	DOC satisfactory	12.12.2018
2018/19850/HH	Mr Vas Cruzinho	6 Gisburn Street Skipton BD23 1TD	Two storey and single storey rear extension to provide bathroom over kitchen and WC	Approve with Conditions	14.12.2018
2018/19852/HH	Mr Brendan Duggan	11 West Bank Road Skipton BD23 1QT	Demolition of existing single storey flat roof side extension and replacement with new two storey hipped roof side extension.	Approve with Conditions	18.12.2018
2018/19854/HH	Mr Salim Baghali	30 Greenfield Street Skipton BD23 1SJ	Erection of two storey rear extension and new front dormer.	Approve with Conditions	03.01.2019
2018/19857/LBC	Tyburn Lothian No. 8 LP	Craven Court High Street Skipton	Listed building application for replacement of the rear metal fire escape staircase and repairs with partial replacement of steel members of the staircase leading to the management suite.	Approve with Conditions	13.12.2018
2018/19858/FUL	Mr Mark Wakeman	Intake Farm Off Park Lane Cowling Keighley BD22 0NJ	Demolition of existing garage, storeroom and office and construction of new garage, office and bunk-house.	Approve with Conditions	20.12.2018
2018/19859/HH	Ms C Charlton	Old Hall Croft Barn 38A West Street Gargrave Skipton BD23 3RL	First floor rear extension	Approve with Conditions	03.01.2019

Application Number	Applicant	Location	Proposal	Decision	Date of Decision
2018/19860/FUL	Mrs Victoria Bailey	Craven Barn Church Street Gargrave Skipton BD23 3QY	New access track	Approve with Conditions	02.01.2019
2018/19865/TPO	Mr Molyneux	3 Woodlands Drive Skipton BD23 1QU	3 no. Holly & 1 no. Sycamore-Remove. 1 no. Silver Birch - Remove 1 long limb.	Approved Tree Work under TPO	13.12.2018
2018/19877/MM A	Mr Luke Binns	Barn At Green End Green Lane Glusburn Keighley BD20 8RP	Minor material amendment to vary condition no. 2 (plans condition) of planning approval referenced 32/2016/16618 to amend design of the proposed dwelling	Approve with Conditions	20.12.2018
2018/19880/FUL	Mr & Mrs K Gott	Stable Field To East Of Cow Lane Lothersdale Keighley	Demolition of existing stables and erection of new timber stables on same site	Approve with Conditions	19.12.2018
2018/19884/LHS HLD	Mr Steven Mounsey	16 Marshfield Road Settle BD24 9DA	Proposed single storey rear extension 4.4m beyond the rear wall; 3.26m in height from ground level; 2.1m in height to eaves from ground level (Prior Approval Notification).	PD HH Refuse Details	10.12.2018
2018/19889/TCA	Mr Tony Bower	2 Old Hall Croft Gargrave Skipton BD23 3PQ	T1 - Sycamore - Reduce by approx 1m all round.	Approve Tree Works in Conservation Area	07.12.2018
2018/19895/HH	Mrs Mary Benefield	Rose Lea 17 High Street Burton In Lonsdale Carnforth LA6 3JU	New window opening at first floor level on the front elevation and bi-fold door opening to the rear elevation.	Approve with Conditions	14.12.2018
2018/19901/HH	Mr & Mrs David Molyneux	3 Woodlands Drive Skipton BD23 1QU	Erection of a front conservatory.	Refuse	14.12.2018

Application Number	Applicant	Location	Proposal	Decision	Date of Decision
2018/19902/HH	Mr & Mrs Paul Large	60 The Close Skipton BD23 2BZ	Single storey rear extension to form Dining Room & WC	Approve with Conditions	18.12.2018
2018/19905/TCA	Ingleton Parish Council	Outdoor Swimming Pool The Square Ingleton Carnforth	T1 Sycamore - remove branch overhanging rear of swimming pool buildings T2-T6 Group of young sycamores regrown from stump -Fell	Approve Tree Works in Conservation Area	21.12.2018
2018/19906/HH	Mr Mark Woronowski	11 Overdale Grange Skipton BD23 6AG	Replacement of 27 windows on ground and first floors. Replacement of patio door.	Approve with Conditions	02.01.2019
2018/19908/AGR RES	Mr C Scarlett	Gill Top Farm Middleton Cowling Keighley BD22 0LU	Conversion of farm buildings to 3 no. terraced dwellings (two 3-bedroomed and one 2-bedroomed) (Prior Notification)	Prior Approval Granted	19.12.2018
2018/19910/MM A	The Wooler Property Partnership	Land Off Matthew Lane Bradley Keighley BD20 9DH	Minor material amendment to vary condition no. 2 (plans condition) of previous planning approval referenced 11/2016/17657 for the substitution of house types.	Approve with Conditions	21.12.2018
2018/19914/TPO	Mrs Melanie Bundock	The Rectory Rectory Lane Skipton BD23 1ER	T1 - Cherry - Fell T2 - Sycamore - remove three branches	Approved Tree Work under TPO	13.12.2018
2018/19915/AGR RES	Mr N Sykes	Agricultural Barn Sykes House Farm Moorside Cononley Keighley BD20 8ED	Change of use from agricultural building to 1 no. dwelling (Prior Notification)	PN Refuse and Application Required	21.12.2018

Application Number	Applicant	Location	Proposal	Decision	Date of Decision
2018/19916/TCA	Mrs Smith	Southfield The Spinney Draughton Skipton BD23 6EQ	T1 - Wellingtonia - Fell and remove stump.	Approve Tree Works in Conservation Area	21.12.2018
2018/19917/TCA	Mr Jim Frame	Middleton House Main Street Farnhill Keighley BD20 9BW	T1 - Poplar - Fell	Approve Tree Works in Conservation Area	21.12.2018
2018/19928/TCA	Cowling Parish Council	Memorial Gardens Keighley Road Cowling Keighley	T1 - cherry - Reduce by 25%, remove branches overhanging the road. Reduce branches back from phone line. T2 - Ornamental Cherry - Remove T3 - Cherry - Reduce by 25%. T4 - Golden Rain - Reduce by 50%.	Approve Tree Works in Conservation Area	21.12.2018
2018/19933/TCA	Mrs S Hall	Draughton Rock 5 Spring Rise Draughton Skipton BD23 6DY	T1 Beech - Crown reduction of 1 meter.	Approve Tree Works in Conservation Area	21.12.2018
2018/19937/TPO	Mrs Dot Drummond-Brassington	1 Belgravia Villas Brooklands Terrace Skipton BD23 2BQ	T9 Copper Beech - Crown lift and thinned.	Approved Tree Work under TPO	21.12.2018
2018/19953/TCA	Mrs Dot Drummond-Brassington	1 Belgravia Villas Brooklands Terrace Skipton BD23 2BQ	Apple tree to be trimmed below the telephone line.	Approve Tree Works in Conservation Area	21.12.2018

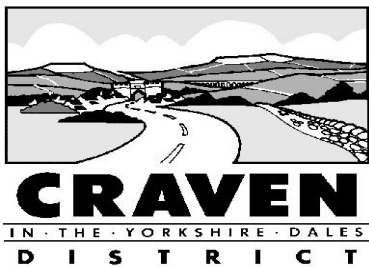
Application Number	Applicant	Location	Proposal	Decision	Date of Decision
2018/19946/HH	Mr P Lawson	6 Sun Street Cononley Keighley BD20 8NE	Proposed front porch and construction of replacement conservatory along with replacement windows to the property	Approve with Conditions	03.01.2019
2018/19945/TCA	Mr And Mrs Howard Kimberley	Church Grounds To The Rear Of The Barn Priest Bank Road Kildwick Keighley BD20 9BH	Cut back branch of tree to clear roof of property.	Approve Tree Works in Conservation Area	21.12.2018
2018/19967/NMA	Mr Richard Hargreaves	21 Park Drive Sutton-in-craven Keighley BD20 7JQ	Application for a non-material amendment to original planning approval referenced 66/2016/17662 to change roof colour from merlin grey to anthracite grey	Non-material amendment approved	13.12.2018
2018/19960/TCA	Mr Carass	112 Main Street Cononley Keighley BD20 8NR	T1 Cherry - Fell	Approve Tree Works in Conservation Area	21.12.2018
2018/19978/CND	Housing & Care 21	Former High Bentham Community Primary School Robin Lane High Bentham LA2 7JY	Application to discharge condition no. 9 of original planning approval referenced 2017/18715/FUL granted 12.02.2018	DOC satisfactory	17.12.2018
2018/19989/CND	Miss Naylor	Land Off Netherghyll Lane Town Head Farm Gibside Lane Keighley Cononley BD20 8NX	Application to discharge condition no. 3 (external walling) of original planning approval referenced 2018/19691/FUL granted 21.11.2018	DOC satisfactory	20.12.2018

Application Number	Applicant	Location	Proposal	Decision	Date of Decision
2018/20007/NMA	Mr Tim Ferguson	Lower Lingah Barn Cononley Road Glusburn Keighley BD20 8BD	Application for a non-material amendment to original planning approval referenced 2018/19075/HH for the addition of 4 no. rooflights	Non-material amendment approved	13.12.2018

Planning Committee Report of Monthly New Complaints Registered **From 04/12/2018 to 21/12/2018**

Enforcement Reference	Alleged Breach	Site Address	Ward
ENF/02973/2018	Depositing large amounts of soil causing muddy roads.	Land Adjacent To Long Gate Lane Sutton-in-craven Keighley BD20 7BE	Sutton-in-Craven
ENF/02974/2018	Change of use from residential to holiday let. Hot tub having being installed causing issues.	Windrush Four Lane Ends Station Road Settle BD24 0AE	Penyghent
ENF/02975/2018	Un-authorised advertisement advertising 'Alexanders Restaurant'.	Burger King Roundabout (A59/A65) Gargrave Road Skipton North Yorkshire BD23 1UD	Gargrave And Malhamdale
ENF/02976/2018	Change of use from A3 (sandwich shop) to Mixed use (A3 & A5) cold and hot food & catering business.	19 Main Street Ingleton Carnforth LA6 3EH	Ingleton And Clapham
ENF/02977/2018	Conservatory- Permitted development removed under planning application ref: 5/63/2231/B under condition no. 13.	10 Whinfield Court Skipton BD23 2UY	Skipton West
ENF/02978/2018	Potential change of use from residential to residential/ business use.	12 Aspinall Rise Hellifield Skipton BD23 4JT	Hellifield And Long Preston
ENF/02979/2018	Un-authorised Candelisa sign boards x 2.	Field Next To Craven Forge Keighley Road Low Bradley Keighley BD20 9HF	Aire Valley With Lothersdale

Enforcement Reference	Alleged Breach	Site Address	Ward
ENF/02980/2018	Unauthorised dormer window?	2 Aire Valley Drive Low Bradley Keighley BD20 9EY	Aire Valley With Lothersdale
ENF/02981/2018	Additional window in extension (approved under application 63/2017/18117) which is non-obscure and opening	16 Park Wood Crescent Skipton BD23 1UF	Skipton North
ENF/02982/2018	Multi- coloured structure having been created at the back of the village hall.	Cowling Village Hall Park Road Cowling Keighley BD22 0BP	Cowling
ENF/02983/2018	Garden extended and footpath removed on Victoria Road.	Victoria Road Cowling Keighley BD22 0AR	Cowling
ENF/02984/2018	Footpath on Springwell Close has been extended to store bins outside the boundary of Bank Ivy Farm.	Footpath On Springwell Close Cowling Keighley BD22 0AP	Cowling



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

Planning Committee Report of Monthly Cases Closed
From 04/12/2018 to 21/12/2018

Enforcement Reference	Date Received	Date Closed	Reason for Closure	Alleged Breach	Site Address	Ward
ENF/02700/2017	20th July 2017	6th December 2018	Breach Resolved	Windows - locations and heights	3 Roselea Hesley Lane Rathmell Settle BD24 0LG	Settle And Ribble Banks
ENF/02786/2017	21st December 2017	13th December 2018	Breach Resolved	Alleged unauthorised tarmac on public footpath and installation of cattle grid	Skinner Ground Farm Broughton Estate Broughton Skipton BD23 3AE	West Craven
ENF/02814/2018	7th February 2018	6th December 2018	Breach Resolved	Conditions 3, 4 and 5 of application 22/2015/16045 not discharged prior to commencement	Green Syke Farm Colne Road Cowling Keighley BD22 0NA	Cowling
ENF/02823/2018	20th February 2018	13th December 2018	Other Reason	Drain pipe removed. Water from roof now runs into neighbouring yard.	7 Duke Street Settle BD24 9DU	Settle And Ribble Banks

Enforcement Reference	Date Received	Date Closed	Reason for Closure	Alleged Breach	Site Address	Ward
ENF/02949/2018	18th October 2018	6th December 2018	No Breach	Breach of planning approval - 59/2007/8005 - installation of white UPVC windows.	Roselea Hesley Lane Rathmell Settle BD24 0LG	Settle And Ribble Banks
ENF/02950/2018	25th October 2018	6th December 2018	No Breach	Erection of dormer window to rear	22 Hall Avenue Sutton-in-craven Keighley BD20 7NL	Sutton-in- Craven
ENF/02962/2018	14th November 2018	13th December 2018	No Breach of Planning	6ft Fence having been erected.	13 Brook Street Hellifield Skipton BD23 4EX	Hellifield And Long Preston
ENF/02963/2018	14th November 2018	6th December 2018	Breach Resolved	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	14th November 2018	19th December 2018	Case Closed	Possible use of upstairs as accommodation.	Midland House Back Midland Street Skipton BD23 1SE	Skipton West
ENF/02967/2018	15th November 2018	18th December 2018	No Breach	Development not being built in accordance with approved plans 2017/18128/HH- Height/ Distance from boundary.	1 Raikeswood Drive Skipton BD23 1NA	Skipton North

Enforcement Reference	Date Received	Date Closed	Reason for Closure	Alleged Breach	Site Address	Ward
ENF/02970/2018	27th November 2018	12th December 2018	No Breach	Change of use of property	Whitefriars Church Street Settle BD24 9JD	Settle And Ribble Banks