

## PLANNING COMMITTEE

1.35pm on Monday 1<sup>st</sup> July, 2019

Belle Vue Suite, Belle Vue Square Offices, Skipton

Committee Members: The Chairman (Councillor Sutcliffe) and Councillors, Brockbank, Brown, Harbron, Heseltine, Lis, Morrell, Place, Pringle, Rose, Shuttleworth and Welch.

## AGENDA

**Comfort Break** : Please note that a formal 15 minute comfort break may be taken at an appropriate point in the Committee's consideration of the Schedule of Plans.

1. **Apologies for absence and substitutes**
2. **Confirmation of Minutes** – 3<sup>rd</sup> June 2019.
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. **Planning Ref: 2019/20416/FUL – Land off Skipton Road, Kildwick - Proposed Reasons for Refusal**

Purpose of Report – To assess and report back on the Planning Committee's proposed reasons for refusal on the application reference 2019/20416/FUL for the construction of 7 no. dwellings at the meeting on 3<sup>rd</sup> June 2019.

6. **Schedule of Plans** – Attached. The schedule is comprised of the following:-
  - (a) Applications to be determined by the Committee.

- (b) Details of applications determined by officers under the Scheme of Delegation.
- (c) Enforcement - New complaints registered / complaints closed.

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

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

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

3<sup>rd</sup> June 2019

**Present** – The Chairman (Councillor Sutcliffe) and Councillors Brockbank, Brown, Handley (substitute for Lis), Heseltine, Morrell, Place, Pringle, Rose, Shuttleworth and Welch.

**Officers** – Legal Services Manager, Planning Manager, Principal Planning Officer, Planning Officer and Senior Democratic Services Officer.

Ward Representatives : Councillor Mulligan (Application 2019/20416/FUL), Councillor Myers (Applications 2019/20192/FUL, 2019/20193/FUL and 2019/20194/FUL), Councillor Pringle (Application 2018/19919/FUL).

An apology for absence was received from Councillor Lis.

Start: 1.37pm

Finish: 4.54pm

Councillors Morrell and Place left the meeting at 4.32pm.

Note: The Committee took a comfort break at 2.45pm.

The minutes of the Committee's meetings held on 7<sup>th</sup> May 2019 were confirmed and signed by the Chairman.

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

## **Minutes for Report**

PL.922

### **DECLARATIONS OF INTEREST AND LOBBYING**

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

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

#### **b. Lobbying**

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

Application 2019/20416/FUL : Councillor Brown indicated that he had received lobbying against this application.

Applications 2019/20192/FUL, 2019/20193/FUL and 2019/20194/FUL : Councillor Brown indicated that he had received lobbying against this application and Councillor Pringle indicated that he had received lobbying for this application.

Application 2018/19919/FUL : Councillors Brown, Pringle and Welch indicated that they had received lobbying for this application. The Chairman indicated that he had not received any lobbying concerning this application.

PL.923

## **PUBLIC PARTICIPATION**

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

Application 2019/20416/FUL Mr Keith Midgley (for Kildwick Parish Meeting)

Mr Paul Silverton (for the objectors)  
Ms Karen Sunter (for the applicant)

Applications 2019/20192/FUL; 2019/20193/FUL; and 2019/20194/FUL

Mr Robert Marshall (for Gargrave Parish Council)

Mr Paul Barker (the applicant)

Application 2018/19919/FUL Mr Christian Macdonald (for the applicant)

PL.924

### **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:-

2017/18876/CPE Application for a Certificate of Lawful Development for an existing use relating to (1) occupation of Brockabank House, Clapham and ancillary buildings (excluding The Cottage as an ordinary unrestricted single dwelling without compliance with conditions 3 and 5 of decision notice 18/2002/1997 and (2) occupation of the property known as The Cottage as an ordinary unrestricted single dwelling. Approve Cert. Lawful Devt

2018/18918/FUL Residential development - 2 No detached single storey (bungalow) dwellings at land North West of St. Mary's Green, Carleton, Skipton. Refused

2018/18923/OUT Outline application for up to 28 dwellings with all matters reserved except access at land off the A65, Crookrise, Skipton. Approved with Conditions.

2018/19416/MMA Minor material amendment to application reference 32/2015/15768 granted 23/12/2015 to re-position garage to adjoin northern elevation of plot 43 and add sun room to south elevation of plot 43 at land on the East side of Green Lane, Glusburn, Keighley. Approved with Conditions

2018/19475/FUL Construction of detached dwelling with off street parking – former coal yard adjacent to the Leeds-Liverpool canal, Ings Lane, Bradley. Approved with Conditions.

2018/19768/CND Application to discharge condition no's 1 to 26 of planning approval referenced 2018/19329/VAR granted 02/08/2018 – Station Works, Cononley Lane, Cononley. Split Decision.

2018/19832/MMA Variation to Condition 2 of extant Planning approval 62/2014/14800 granted 21 August 2014 to provide an amended layout and design of 7 properties on land to the East of Ingfield Lane, Settle. Approved with Conditions.

2018/19834/FUL Proposed demolition of existing stable block and erection of new build 3 bed dwelling with an amenity area and new access at Hesley Cottage, Old Oliver Lane, Rathmell, Settle. Approved with Conditions.

2018/19911/CND Land adjacent to Clarrick Terrance, Bentham Road, Ingleton, Carnforth.

Application to discharge Condition 3 of original planning application reference 45/2017/17839 to include the provision of a soft landscaping scheme.

Application Reference Number: 45/2017/17839      Date of Decision: 06/06/2017

Condition Number(s): Item 3

Conditions(s) Removal:

The access gate to the allotments field was incorrectly installed before the submission of the soft landscaping scheme to the Planning Department, as it was a condition of the consent that the planting scheme should be submitted before development began. We now wish to submit the planting scheme and amend the planning application 45/2017/17839 to include the provision of the planting scheme in order to conform to the conditions of the planning permission.

We wish the planning permission 45/2017/17839 to include the condition of provision of a soft landscaping scheme. Documents for this are attached as follows:

A map of the site layout showing the positions and types of the trees to be planted

A list of size, quantity and species of trees used including an implementation plan

Approved with Conditions.

2018/20049/HH Removal of door and window to the rear of the property – 19 Primrose Hill, Skipton. Removal of stonework in between, including installation of purpose designed steel work. Grey aluminium Bi-fold doors to be installed into the new opening. Replacement of kitchen window in grey PVC. Approved with Conditions.

2019/20084/FUL Installation of a slurry anaerobic digester, slurry separator, solid digestate storage building and slurry storage tower adjacent to existing agricultural buildings at Souber Dairy, Bank Newton, Skipton. Approved with Conditions.

2019/20105/CND Application to discharge condition 9 (Surface Water Drainage Scheme) of planning approval referenced 17/2016/17039 at a workshop, Park Lane, Carleton, Skipton. DOC satisfactory.

2019/20124/FUL Change of use from agricultural use to churchyard and creation of access at land to the East of St. Matthews Church, Reebys Lane, Clapham, Ingleton. Approved with Conditions.

2019/20151/CPE Application for a Certificate of Lawful Development for an existing use of the property as two dwellinghouses (main house and holiday let unit) at Kirksteads Barn, Croft Road, Ingleton, Carnforth. Approved Cert. Lawful Devt

2019/20154/HH Erection of a single storey, rear mono pitch extension at 5 Raines Road, Giggleswick, Settle. Approved with Conditions.

2019/20199/REM Approval of the appearance, landscaping, layout and scale as reserved by condition in outline consent referenced 17/2015/16195 for 4 dwellings at land off Carla Beck Lane, Carleton, Skipton. Approved with Conditions

2019/20207/HH Construction of garage adjoining existing sunroom at The Rockeries, Main Street, Hellifield, Skipton. Approved with Conditions.

2019/20212/MMA Application to amend condition 2 (Approved Plans- roof amendment) of original planning application references 2018/19646/FUL and 2018/19647/LBC, date of Decision: 24/01/2019 at Gill Bottom Cottages, Shop Lane, Cowling, Keighley. Application Withdrawn

2019/20215/FUL Proposed subterranean eco-dwelling, car port and solar array (Resubmission of previous application referenced 2017/18518/FUL) in the grounds of The Bowerley, Langcliffe, Settle. Refused

2019/20224/FUL Remove existing shop front and replace like for like with addition of double glazing to replace current single glaze at Drake and Macefield, Market Place, Settle. Approved with Conditions

2019/20225/FUL Proposed first floor extension above existing rear single storey extension, external steel staircase and amendments to window openings at 30-32 Main Street, Sutton-in-Craven, Keighley. Refused.

2019/20232/HH Construction of infill section of stone wall to the front of the property at The Barn, Priest Bank Road, Kildwick, Keighley. Approved with Conditions

2019/20234/HH Conversion of undercroft garage and extension to create a living room at 2 Westland Close, Cross Hills, Keighley. Refused.

2019/20237/CND Application to discharge conditions 3 (Site Levels), 4 (Construction Method Statement) and 5 (Water Course Protection) or original planning consent referenced 2018/19525/FUL. Skipton Auction Mart, Gargrave Road, Skipton. DOC satisfactory.

2019/20243/HH Conservatory to rear of property 2 Meadowcroft, Draughton, Skipton. Approve with Conditions.

2019/20266/MMA Minor material amendment to condition no. 2 (approved plans) of previously approved application referenced 2017/18355/FUL. Deep Spring, Grange Road, Farnhill, Keighley. Approved with Conditions.

2019/20267/CND Application to discharge condition no's 3 (drainage), 20 (drainage) and 27 (remediation scheme) of planning approval referenced 2017/18136/VAR dated 16 March 2018 . Proposed Drainage Layout Proposed Overall Site Plan, WVP-BWB-HDG-XX-DR-D-501, Revision P8, 08/08/2018. Surface Water Contributing Areas-Drainage Catchment Area Plan, WVP-BWB-HDG-XX-DR-D-530, Revision P4, No Date. Surface Water Flood Routing Plan 100 Year Storm + 20% CC, WVP-BWB-HDG-XX-DR-D-540, Revision P3, 07/03/2018. Flood Risk Assessment, LDH/2112/FRA/REV 1, 13/02/2015. Consultee comments response, RAL/KMJ/LDH2112/BRMA2, 02/11/2018. Ground Investigation Report - 2 x letters dated 2/11/2018. Land North of A629 and West of Carleton Road, Skipton. Split Decision.

2019/20268/MMA Minor material amendment to condition no. 2 (approved plans) of previously approved application referenced 2018/19243/FUL. Land adjacent to Raygill House, Quarry Road, Lothersdale, Keighley. Approved with Conditions.

2019/20269/CND Application to discharge to condition no's 3 (flood risk works) and 4 (flood risk measures) of original planning approval referenced 2018/20032/FUL granted 19.02.2019 at 22 Canal Street, Skipton. DOC not satisfactory.

2019/20272/HH Proposed garage conversion, extension & external alterations (Resubmission of previously refused application referenced 2018/19980/HH) at 2 West Bank Road, Skipton. Approved with Conditions.

2019/20276/HH Proposed extensions to existing dwelling and garage building to form new entrance porch, conservatory and open sided, covered car port at Stainton Lodge, Moorber Lane, Coniston Cold, Skipton. Approved with Conditions.

2019/20277/FUL Change of use of garage and room above to form a holiday let, with some facilities shared with the house. Not totally self-contained. Dunbrewin, Main Street, Farnhill, Keighley. Approved with Conditions.

2019/20278/CND Application to discharge condition no's 6, 11, 14 and 16 of planning approval referenced 2017/18136/VAR. Land North of A629 and West of Carleton Road, Skipton. DOC satisfactory.

2019/20281/FUL Demolition of existing garage and playroom and construction of two holiday cottages (Resubmission of previously refused application referenced 2018/19932/FUL) at Shay Bank Farm, Keighley Road, Cowling, Keighley. Approved with Conditions.

2019/20290/TPO Fell 2 no. Oak & 1 no. Sycamore. Tidy broken and damaged branches from 1 no. Sycamore

Remove 1 large branch over caravan on 1 no. Sycamore at Flying Horse Shoe Caravan Site, Clapham, Lancaster. Approved Tree Work under TPO

2019/20291/FUL Extension to existing cold room for storage of ice cream products at Calm Slate Farm, Holme Lane, Halton East, Skipton. Approved with Conditions.

2019/20292/MMA Minor material amendment to vary condition 2 (approved plans) of original planning consent referenced 2018/19220/FUL to 1) Change surface water drainage from soakaway to existing surface water sewer, 2) Change of style for roof window, 3) Alternative roofing material for equipment store area. 20A Main Street, Embsay, Skipton. Approved with Conditions.

2019/20300/HH Conversion of garage into study. Installation of new french style doors. Infill of rear porch to form utility at Roseneath, 3 Harewood Road, Skipton. Approved with Conditions.

2019/20270/HH Conversion of front garden to block/tarmac paved driveway with space for two cars. Dropped kerb crossing required for vehicular access at 16 Holmroyd Avenue, Holme Lane, Cross Hills, Keighley. Approved with Conditions.

2019/20302/FUL Single storey potting shed and create an allotment area within existing agricultural land off Back Lane, Long Preston.  
Refused.

2019/20305/FUL Proposed first floor extension to existing offices at Studio 1, Bentham Industrial Estate, High Bentham, Lancaster.  
Approved with Conditions

2019/20306/HH Proposed side and front extension and rear porch at 16 Main Street, Ickornshaw, Cowling. Refused.

2019/20310/FUL Change of use of barn to C3 to extend an existing cottage – Crag Side Farm Cottage, Dick Lane, Cowling, Keighley.  
7 Day Conditional Approval.

2019/20317/MMA Minor material amendment to condition no. 2 (approved plans) of previously approved application referenced 2018/19484/HH 63 Long Meadow, Skipton. Approved with Conditions.

2019/20331/HH Single storey side sun room at 1 Meadowcroft, Draughton, Skipton. Approved with Conditions.

2019/20311/FUL

Side extension to western elevation of house at 15 Moorland Close, Embsay, Skipton.  
Approve with Conditions

2019/20314/FUL Erection of detached garage 3 Botheby Wood, Skipton. Approved with Conditions

2019/20316/TCA Remove 3 no. Sycamore, 2 no. Ash, 1 no. Willow & Prune 1 no. Leylandii at bungalow, Raven Flatt, Bell Busk.  
Approved Tree Works in Conservation Area

2019/20321/HH Conversion of garage to form snug and associated external alterations at 1 Geldard Cottages, Wigglesworth, Skipton.  
Approved with Conditions

2019/20330/HH Two storey side and rear extension, partly over existing Garage. Creating a new first floor bedroom with ensuite and ground floor living space at 29 Gainsborough Court, Skipton.  
Approved with Conditions

2019/20332/FUL Construction of new foul pumping station and associated infrastructure including new access road and boundary enclosures in connection with approved residential development (Ref: 63/2016/17465 & 63/2015/16300) land off Carleton Road, Skipton.  
Approved with Conditions.

2019/20333/TCA Remove 1 no. Lime & 3 no. Alder at Skipton Building Society, The Bailey, Skipton. Approved Tree Works in Conservation Area

2019/20334/HH Construction of proposed new entrance porch and other associated external works at Shepherd Gate Barn, Lawkland, Lancaster. Approved with Conditions

2019/20338/HH Lean-to, single storey extension to rear to create a living room at The Willows, East Lane, Embsay, Skipton.  
Approved with Conditions.

2019/20342/MMA Minor material amendment application for a change to the approved plans on application reference no. 30/2016/17247 granted 26th October 2016 comprising:-  
i. increase length of rear extension by 1m (No. 5 and 6)  
ii. insert bi-fold door to living room (No. 5)  
iii. enlarge first floor windows to west elevation of bedroom 4 (No. 6)  
ii. insert window to ground and first floor south elevation (No. 6) 5 and 6 New Brighton, Gargrave, Skipton. Approved with Conditions.

2019/20343/HH Proposed extensions and alterations to form lounge extension, garden room, utility room and ground floor WC facility at 37 High Street, Gargrave, skipton. Approved with Conditions

2019/20345/FUL Demolition of existing agricultural buildings and construction of new dwelling at Stunstead, Long Lane, Cowling, Keighley. Application Withdrawn.

2019/20346/HH Removal of existing glazed outbuilding and construction of new entrance porch, utility and WC. Demolition of existing garage and construction of replacement garage/workshop at Northfield, 24 Church Street, Settle. Approved with Conditions.

2019/20350/FUL Erection of a temporary building for storage purposes (Use Class B8) at Platinum Stairlifts, Cross Hills Business Park, Unit 10, Riparian Way, Cross Hills, Keighley.  
Temporary Consent Issued.

2019/20351/ADV Application for advertisement consent for 1 x Hanging Sign, 1 x Nameboard, 2 x Amenity Boards, 2 x Chalkboards Royal Shepherd Inn, Canal Street, Skipton. Approved with Conditions.



2019/20352/LBC Listed building consent for 1 x Hanging Sign, 1 x Nameboard, 2 x Amenity Boards, 2 x Chalkboards Royal Shepherd Inn, Canal Street, Skipton. Approved with Conditions.

2019/20355/HH To remove part of an existing boundary wall and re-position approximately 2.5m closer to the house, to allow for the construction of proposed parking bay for 2 cars (Resubmission of withdrawn application referenced 2018/19720/HH) Holly Bank, Bankswell Road, Giggleswick, Settle. Refused.

2019/20356/MMA Minor material amendment to vary condition no. 2 (Approved Plans) of original Planning Consent 45/2016/17387 to allow for the construction of a single storey garden room. Land opposite Greta Villas, Main Street, Ingleton, Carnforth. Approved with Conditions.

2019/20357/HH Conversion of garage into habitable space with associated works at 20 Whinfield Court, Skipton. Approved with Conditions.

2019/20358/HH Single storey rear extension to provide utility, WC and shower 74 Broughton Road, Skipton. Approved with Conditions.

2019/20359/CPL Attic conversion with rear dormer window 74 Broughton Road, Skipton. Approve Cert. Lawful Devt.

2019/20360/HH Proposed garage (Resubmission of previously approved application referenced 2018/19000/HH) The Old Saw Mill, Chapel Hill, Skipton. Approved with Conditions.

2019/20361/HH Single storey extension to replace existing conservatory, extend dwelling into attached barn/workshop with new entrance porch and internal alterations Meregill Farm. Meregill, Clapham, Ingleton. Approved with Conditions.

2019/20362/TCA Fell 1 no. Conifer 7 The Wend, Carleton, Skipton. Approved Tree Works in Conservation Area

2019/20363/TPO Fell 2 no. Norway Maple, 8 no. Ash & 3 no. Sycamore Woodland W1, Mark House Lane, Gargrave, Skipton.  
Approved Tree Work under TPO

2019/20365/TCA Crown reduction and thinning of 2 no. Yew All Saints Church, Leeming Lane, Burton in Lonsdale, Carnforth.  
Approved Tree Works in Conservation Area.

2019/20367/TCA Fell 1 no. Rowan 7 High Croft Way, Farnhill, Keighley. Approved Tree Works in Conservation Area

2019/20370/TCA Remove tree on river bank close to property 9 Laburnum Cottages, Bank Bottom, Ingleton, Carnforth. Approved Tree Works in Conservation Area

2019/20372/CND Application to discharge condition no. 18 of listed building consent referenced 32/2016/17098. Malsis, Colne Road, Gisburn, Keighley. DOC satisfactory.

2019/20374/TPO Fell 1 no. Norway Maple, 2 no. Poplar & 1 no. Cypress Coulthurst Lodge, Mark House Lane, Gargrave, Skipton.  
Approved Tree Work under TPO

2019/20381/LBC Insert new timber staircase and stud wall to give direct access to first floor flat from existing external door Dalesman Café, 54 High Street, Gargrave, Skipton. Approved with Conditions.

2019/20378/MMA Minor material amendment to vary condition no. 2 (approved plans) of previously approved application referenced 2019/20131/HH to amend the size of the new extension at 8 Moorland Rise, Embsay, Skipton. Approved with Conditions.

2019/20383/TCA One no. Cypress tree to be removed down to stump at ground level at Pye Cottage, 19 Low Street, Burton in Lonsdale, Carnforth. Approve Tree Works in Conservation Area.

2019/20384/TCA Remove 1 no. Holly & 1 no. Yew All Saints Church, Leeming Lane, Burton in Lonsdale, Carnforth. Approved Tree Works in Conservation Area.

2019/20391/PNAG To erect an agricultural lean-to for storage of agricultural feed at Hill Side, Skipton Road, Silsden, Keighley. Prior Approval Not Required

2019/20403/CND

Application to discharge condition no 5 of original planning permission referenced 2017/18286/FUL granted 19.12.2017 Calter Barn, Station Road, Clapham, Lancaster. DOC satisfactory.

2019/20405/TPO Remove 1 no. Horse chestnut. Reduction of limbs to 2 no. Sycamore, 1 no. Maple & 1 no. Horse chestnut 3A Woodlands Drive, Skipton. Approved Tree Work under TPO.

2019/20410/HH Proposed formation of roof windows to front elevation and bi-fold doors to rear elevation at 8 New Laithe Close, Skipton.  
Approved with Conditions.

2019/20412/HH Proposed out building at 16 Bridge End, Colne Road, Glusburn, Keighley.  
Approve with Conditions.

2019/20430/CND Application to discharge condition no's 4, 6 and 7 of listed building consent referenced 2018/19070/LBC granted 02.05.18 at Halsteads, Thornton in Lonsdale, Ingleton. DOC satisfactory

2019/20431/CND Application to discharge condition no's 6, 7 and 9 of planning permission referenced 2018/19601/FUL granted 18.10.18 Halsteads Cottage, Thornton In Lonsdale, Ingleton. DOC satisfactory.

2019/20432/CND Application to discharge condition no's 3, 5, 4, 6 and 7 of listed building consent referenced 2018/19602/LBC granted 18.10.18 Barn To Halsteads, Thornton In Lonsdale, Ingleton. DOC satisfactory.

2019/20435/HH Proposed single storey rear kitchen extension 2 Sunnybank Villas, Bungalow Road, Glusburn, Keighley. Refused.

2019/20436/PNAG Proposed agricultural building to replace polytunnel to house livestock. (Prior Notification) Bull And Cave Farm, Station Road, Clapham, Lancaster. PN Refuse and Application Required

2019/20440/CND Application to discharge condition no. 4 (Highway Road Audit) of planning approval referenced 2018/18950/FUL. Site Of Former St. Monica's Convent, Raikes Road, Skipton. DOC satisfactory.

2019/20452/LHSHLD Proposed PVC conservatory measuring 3.5m beyond the rear wall; 3.996m in height from ground level; 2.7m in height to eaves from ground level (Prior Approval Notification). 30 Sharpshaw View, Gargrave, Skipton. PD HH PA Not Required.

2019/20453/TPO Tree 1 Beech - Fell. Tree 2 Spruce - Fell. Skipton Castle Woods, Skipton.  
Approved Tree Work under TPO.

### **b. Applications**

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

### **Consideration Deferred**

**2019/20416/FUL Construction of 7 no. dwellings with associated off street parking and infrastructure (resubmission of refused application 2017/19569/FUL) at land off Skipton Road, Kildwick, Keighley BD20 9BB** – deferred pending receipt of additional information relating to the Council's Heritage Statement and green wedge policies.

**2019/20192/FUL Extension to existing building on land at Anchor Croft Farm, Hellifield Road, Gargrave BD23 3NB** deferred pending a site visit and additional information from Environmental Health and Planning Enforcement relating to the existing kiln.

**2019/20193/FUL Erection of new steel portal framed building on land at Anchor Croft Farm, Hellifield Road, Gargrave BD23 3NB** deferred pending a site visit and additional information from Environmental Health and Planning Enforcement relating to the existing kiln.

**2019/20194/FUL Erection of new steel portal framed building on land at Anchor Croft Farm, Hellifield Road, Gargrave BD23 3NB** deferred pending a site visit and additional information from Environmental Health and Planning Enforcement relating to the existing kiln.

### **Permission Refused**

**2018/19919/FUL Building to be used for agricultural purposes (storage of agricultural materials including hay, straw, feed and wool at New Laithe Barn, Newton Grange Farm East Marton, BD23 3NT.**

#### Reasons for Refusal

1. The unauthorised building with its substantial buttresses does not reflect the simple rectangular form of the traditional agricultural buildings and fails to maintain or enhance landscape character and therefore conflicts with Saved Policy ENV1 of the Craven District Council (Outside the Yorkshire Dales National Park) Local Plan.

PL.925

### **PLANNING ENFORCEMENT**

The Strategic Manager for Planning and Regeneration submitted details of enforcement cases closed, and new enforcement complaints registered in the period 24<sup>th</sup> April 2019 to 21<sup>st</sup> May 2019.

PL.926

### **PLANNING SERVICES MANAGEMENT KPI STATISTICS**

The Strategic Manager for Planning and Regeneration submitted a report providing details of the performance of the Planning Development Management Service to the end of April 2019. The report summarised information for key metrics within the service as part of an overall performance management framework.

**Resolved** – That, the current performance to the end of April 2019 is noted.

PL.927

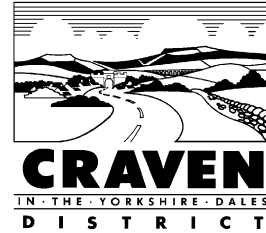
### **MEETING START - TIME**

The Committee noted the normal start time for its meetings for the remainder of the current municipal year would be 1.35pm on Mondays and 1.30pm on other weekdays.

**Minutes for Decision**

- None -

Chairman.

**Planning Committee – 1 July 2019****PLANNING REF. 2019/20416/FUL  
LAND OFF SKIPTON ROAD  
KILDWICK  
PROPOSED REASONS FOR  
REFUSAL**

Report of the Strategic Manager for Planning and Regeneration

Lead Member: Not applicable

Ward(s) affected: Aire Valley with Lothersdale

1. **Purpose of Report** – To assess and report back on the Planning Committee's proposed reasons for refusal on the application reference 2019/20416/FUL. Construction of 7no. dwellings at the meeting on 3 June 2019.

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

**Note the advice in this report; and**

**Determine application 2019/20416/FUL on the Schedule of Plans.**

3. **Report**

- 3.1 Members will recall at the meeting on 3 June 2019 the Planning Committee deferred consideration to enable the Planning Manager (Development Management) to assess and report back on grounds for refusal that were proposed and seconded but not voted upon, namely, that:-

“ The proposed development is a departure from the development plan and contrary to saved Local Plan policies BE3 (green wedge) and ENV1 (countryside) and Submission Draft Policy ENV13”

Counsel's advice has been sought on the proposed reasons for refusal and Counsel has listened to the recording of the Committee debate in full.

- 3.2 Members are reminded that the Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015/595 sets out the requirement for reasons and provides:

*“35.— Written notice of decision or determination relating to a planning application  
(1) When the local planning authority give notice of a decision or determination on an application for planning permission or for approval of reserved matters—*

*.....*

*(b) where planning permission is refused, the notice must state clearly and precisely their full reasons for the refusal, specifying all policies and proposals in the development plan which are relevant to the decision;”*

In *R (Zurich Assurance Ltd trading as Threadneedle Property Investments) -v- North Lincolnshire Council* [2012] EWHC 3708 (Admin) Mr Justice Hickinbottom considered the status of the of Officer’s Reports in this context and held:

*“15. Each local planning authority delegates its planning functions to a planning committee, which acts on the basis of information provided by case officers in the form of a report. Such a report usually also includes a recommendation as to how the application should be dealt with. With regard to such reports:*

*(i) In the absence of contrary evidence, it is a reasonable inference that members of the planning committee follow the reasoning of the report, particularly where a recommendation is adopted.*

- 3.3 The planning practice guidance in relation to appeals has some information on when costs may be awarded against a Council. It provides as relevant:

***In what circumstances may costs be awarded?***

*Costs may be awarded where:*

*a party has behaved unreasonably; and*

*the unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process.*

*Paragraph: 030 Reference ID: 16-030-20140306*

*Revision date: 06 03 2014*

***What does “unreasonable” mean?***

*The word “unreasonable” is used in its ordinary meaning, as established by the courts*

*in Manchester City Council v SSE & Mercury Communications Limited [1988] JPL 774.*

*Unreasonable behaviour in the context of an application for an award of costs may be either:*

*procedural – relating to the process; or*

*substantive – relating to the issues arising from the merits of the appeal.*

*The Inspector has discretion when deciding an award, enabling extenuating circumstances to be taken into account.*

*Paragraph: 031 Reference ID: 16-031-20140306*

*Revision date: 06 03 2014*

### ***When might an award of costs be made against a local planning authority***

*Awards against a local planning authority may be either procedural, relating to the appeal process or substantive, relating to the planning merits of the appeal. The examples below relate mainly to planning appeals and are not exhaustive. The Planning Inspectorate will take all evidence into account, alongside any extenuating circumstances.*

*Paragraph: 046 Reference ID: 16-046-20140306*

*Revision date: 06 03 2014*

### ***What type of behaviour may give rise to a substantive award against a local planning authority?***

*Local planning authorities are at risk of an award of costs if they behave unreasonably with respect to the substance of the matter under appeal, for example, by unreasonably refusing or failing to determine planning applications, or by unreasonably defending appeals. Examples of this include:*

*-preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations.*

*-failure to produce evidence to substantiate each reason for refusal on appeal*

*-vague, generalised or inaccurate assertions about a proposal's impact, which are*

*unsupported by any objective analysis.*

*-refusing planning permission on a planning ground capable of being dealt with by conditions risks an award of costs, where it is concluded that suitable conditions would enable the proposed development to go ahead*

*-acting contrary to, or not following, well-established case law*

*-persisting in objections to a scheme or elements of a scheme which the Secretary of State or an Inspector has previously indicated to be acceptable*

*-not determining similar cases in a consistent manner*

- 3.4 Below each of the proposed reasons for refusal has been considered in detail. Firstly on the basis of whether the three proposed reasons for refusal are likely to be successful at appeal, and secondly the risk of costs if the Council refuses the proposal for any or all of the three proposed reasons for refusal.

#### **Reason 1: Departure from the development plan**

- 3.5 If this is to form a reason for refusal it will not be sufficient simply to say that the proposal is a departure from the development plan; it will be necessary to specify which policies of the development plan the proposal fails to comply with and why..
- 3.6 The underlying reason for advertising this application as a departure from the development plan is because it lies outside the development limits of Kildwick identified in the 1999 Local Plan. The reason for refusal is very unlikely to be supported by an Inspector on an appeal. There are two main reasons for this:
- (a) The 1999 Local Plan was only intended to run until 2006 and as such is only likely to have identified sufficient development land to meet needs up until 2006. The development limits are likely to have responded to the amount of land necessary to meet development limits up until 2006. Therefore the development limits are likely to be found to be very significantly out of date.
  - (b) Further and in any event the Council would need to rely on to resist development outside the development limits would be predominantly policy ENV1. The Officer's Report at paragraphs 9.4 to 9.9 identifies that there is conflict between policy ENV1 and the NPPF. There wasn't any discussion in the committee which suggested disagreement with that analysis.

- 3.7 In the circumstances, whilst the proposal is a departure from the development



plan, and was advertised as such, given the age of the development plan this potential reason for refusal is highly unlikely to succeed.

- 3.8 It should also be noted that by the time any appeal against this decision is heard then there is a strong possibility the Council's new plan will have been adopted. There is no equivalent provision in the new plan for preventing development outside development limits, so this reason for refusal may have fallen away by the time of any appeal in any event.

- 3.9 Finally on this point Counsel concludes:-

*"In my view if proposed reason for refusal 1 is pursued there would be a significant risk of costs being awarded against the Council in relation to their reliance on that point. That is because the point is so difficult to pursue given the age of the plan".*

### **Departure from Green Wedge Policy**

- 3.10 Members will recall there was some discussion as to whether a valid or defensible reason for refusal could include a reason not previously relied upon. The issue of the Green Wedge Policy has been considered in two stages; firstly, whether the Committee is open to include a point not previously relied upon and secondly, if that point can be lawfully made, the strength of the reason for refusal. As a matter of law, it is open to the Committee to take a point that it was not relied on by the Committee previously in refusing the matter. The application before the committee is a fresh application and as a matter of law the committee can include any reasons they wish to for refusing. There are, however, three very substantial caveats that need to be borne in mind.

- (a) Firstly, both the Committee's previous decision and the Inspector's decision are undoubtedly material considerations and the committee would need to take them into account before introducing a Green Wedge argument. The Committee would need to give reasons for their departure from their previous decision not to bring such an argument;
- (b) Secondly, the failure to take the point on the last occasion will be heavily relied on by the applicants on any appeal as showing the weakness of the point;
- (c) Thirdly, introducing the point gives rise to a significant risk of costs

- 3.11 In the Committee discussion there was some suggestion that there been a

change in circumstances that would now allow them to rely on the green wedge argument whereas they could not previously. The change in circumstances put forward were the progress of the emerging local plan such that policy ENV13 could now carry weight, and the suggestion that the committee had previously been wrongly told that the Site lay outside the green wedge. Counsel advise that neither of these points holds good.

- 3.12 Turning to the second part of the consideration, although as a matter of law the Committee may lawfully take the Green Wedge argument it does not make it a strong argument. because the site had been identified as part of the Green Wedge in the 1999 plan. Among some members of the Committee there appeared to be a misapprehension that there was a basis to resist development on the Site simply by virtue of its location in the green wedge. That is not the correct reading of either policy BE3 or policy ENV13. Under policy BE3 in the Green Wedge *“development will be resisted where it would compromise the gap between settlements”* and under policy ENV13 (including the main modification) in the Green Wedge development *“will be resisted where it would fail to preserve the separate character and identity of settlements or would fail to preserve the sense of separation between settlements.”* In either case the Council will need to call evidence that building on the Site will undermine the separation between settlements.
- 3.13 The difficulty is that there is simply no evidence that development on this particular Site will in any way undermine the gap between settlements. It is not sufficient that it separates Kildwick from the road as suggested in committee; the policy is specifically about preserving a gap between settlements. The review of the Green Wedges for the emerging local plan (which is a very high level document) does not explain how this part of the Green Wedge preserves a gap between the settlements. Unless there is any real evidence that it would compromise the gap (unlike the Sutton gap) there is little chance of an appeal being successfully defended.

- 3.14 Finally on this point Counsel concludes:-

*Contrary to the concerns of the committee I do not think that granting permission on this Site would undermine policy ENV13, because as I have set out above I have seen no evidence which convinces me that the proposal before the committee offends against policy ENV13, properly read.*

*Again, I think the risk of costs is high if this RFR is pursued. I think it is arguable that it is unreasonable to take the point at this stage when, in my view, there is no material change of circumstances since 2018 when the committee could have and failed to take the point.*

**Departure from heritage policy**

3.15 In respect of the conservation area the statutory position is that any harm to the conservation area weighs heavily against the grant of permission but that does not mean that permission must be refused where there is a very minor amount of harm to the conservation area or no harm at all. The policy position is that in order to refuse there would need to be a harm to the significance of the conservation area.

3.16 The site lies within the Kildwick Conservation Area. The Kildwick Conservation Area was subject to an appraisal in August 2016. That contains an open space analysis which colours the Site brown, which means *“Open space that makes no or negligible contribution to character and appearance of the Conservation Area”*. On the relevant map the Site is labelled as field F1 and the open space analysis says of field F1:

*“To the west of Main Road is a triangle of open land consisting of a couple of fields sandwiched between three roads. The south-eastern side of this triangle is important in defining the historic boundary of the village as seen on the approach from Main Road. The field (F1) in the north-western corner is less important to the significance of the Conservation Area, as it is not visible on this key approach and not particularly visible in any important views, partly due to the tree coverage around it”*

3.17 Three experts (the compiler of the Conservation Area assessment, the Council’s heritage consultant and the Planning Inspector) have found that the site itself makes little or no contribution to the significance of the conservation area. Therefore the Council would be forced to rely on a heritage objection to the current design. Such an objection is very unlikely to succeed because the design appears to have overcome the concerns raised by the previous Inspector and because the Council’s heritage advisor is content that the design would not cause any real harm to the significance of the conservation area.

3.18 Turning to the listed church, again the evidence so far is all one way. Both the Planning Inspector and the Council’s Heritage Adviser have been clear that development of the site will not harm (or not cause anything more than very minor harm) to the setting of the listed church.

3.19 Finally Counsel concludes:-

*Again, I think the risk of costs is high if the reason for refusal is pursued.*

*In my view the Council would be likely to have costs awarded against it for the following reasons (with reference to the guidance):*

*(a) The Council's Heritage Consultant would be unable on their current advice to support the argument. In which case unless the Council could find a consultant prepared to argue the point (which I consider to be unlikely) they would be at risk for failing to produce evidence to substantiate the reason for refusal;*

*(b) Taking the point would almost certainly involve objecting on grounds a Planning Inspector has previously found to be acceptable.*

*In my view the three proposed reasons for refusal are very unlikely to succeed. If the Council proceeds to refuse permission on the basis of one or all of these reasons for refusal there is a high risk that they will have costs awarded against them.*

#### 4. **Implications**

4.1 **Financial and value for money implications-** There is a significant risk of an award of costs against the Council if the application is refused in accordance with the reason proposed and seconded but not voted on at the 3 June 2019 Planning Committee

4.2 **Legal implications-** Set out in detail above.

4.3 **Contribution to Council Priorities-** N/A

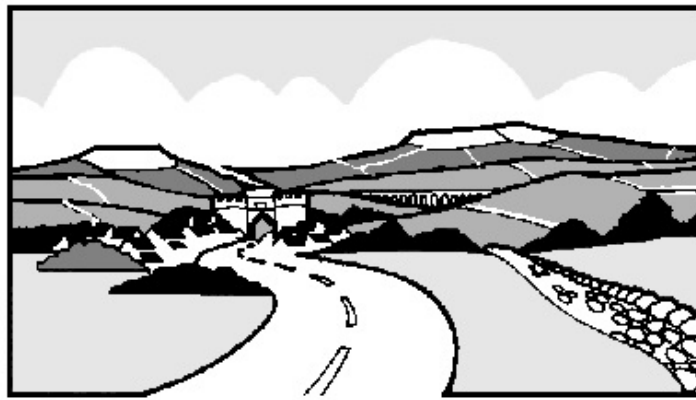
4.4 **Risk management-** Risks are set out in this report including the Financial and Legal implications sections.

4.5 **Equality analysis-** N/A

5 **Consultations with others-** Legal services

6 **Access to information-** Planning file, Craven District (outside the Yorkshire Dales National Park) Local Plan, National Planning Policy Framework.

7 **Author of the report-** Neville Watson Planning Manager tel 01756 706402; e-mail [nwatson@cravendc.gov.uk](mailto:nwatson@cravendc.gov.uk)



# **CRAVEN**

IN · THE · YORKSHIRE · DALES

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

### **PLANNING COMMITTEE AGENDA**

**DATE: 1st July 2019**

#### **INDEX OF PLANNING APPLICATIONS**

Item No.	Application Reference No.	Name of Applicant	Site Address	Page No's
1	2019/20416/FUL	David Hill Planning Ltd	Land Off Skipton Road, Kildwick.	2 – 21
2.	2019/20479/FUL	Firth Developments Ltd	Rockwood House, Park Wood Close, Skipton.	22 – 36
3.	2019/20286/FUL	Mr & Mrs B Philbin	Roseneath, The Acres, Sutton-in-craven.	37 – 46
4.	2018/19939/FUL	Skipton Properties Ltd	Land On East Side Of Hayfield View, Off Green Lane, Glusburn.	47 – 57
5.	2019/20318/OUT	Mr V Craven	Land Adjacent To Lairgill Lodge, Mount Pleasant, High Bentham.	58 - 69

## REPORT TO PLANNING COMMITTEE ON 1st July 2019

**Application Number:** 2019/20416/FUL

**Proposal:** Construction of 7no. dwellings with associated off street parking and infrastructure (Resubmission of refused application 2017/18569/FUL)

**Site Address:** Land Off Skipton Road Kildwick Keighley BD20 9BB

**On behalf of:** David Hill Planning Ltd

**Date Registered:** 18th April 2019

**Expiry Date:** 13th June 2019

**EOT Date, if applicable:** 5th July 2019

**Case Officer:** Andrea Muscroft

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**Planning Committee members deferred a decision on this proposal to allow officers to obtain legal advice with regards to the proposed reasons for refusal. The report has been updated and amended.**

1. Site Description
- 1.1 The application site is an irregular shaped parcel of land extending to approximately 0.41 hectares in area to the west of Main Road and south of Skipton Road in the village of Kildwick. The site presently comprises of open grazing land used for chickens. There are a number of structures on the site associated with that use.
- 1.2 The ground levels of the site fall in a southward direction with the perimeter marked by a timber post fence. Located along the northern boundary runs a selection of trees/hedges with further trees along the northern, western and southern boundary protected by a Tree Preservation Order. The site lies within an expansive area identified as Green Wedge, in the 1999 Local Plan. That designation has been carried through to the Submission Document of the Emerging Plan.
- 1.3 The site lies within the Kildwick Conservation Area. The Kildwick Conservation Area was subject to an appraisal in August 2016. That contains an open space analysis which colours the Site brown, which means "*Open space that makes no or negligible contribution to character and appearance of the Conservation Area*". On the relevant map the Site is labelled as field F1 and the open space analysis says of field F1:
- 1.4 "*To the west of Main Road is a triangle of open land consisting of a couple of fields sandwiched between three roads. The southern-eastern side of this triangle is important in defining the historic boundary of the village as seen on the approach from Main Road. The field (F1) in the northern-western corner is less important to the significance of the Conservation Area, as it is not visible on key approach and not particularly visible in any important views, partly due to the tree coverage around it*".
- 1.5 In addition, located to the north east of the site is the Church of St Andrews a Grade I listed building and Kildwick Bridge which is a Schedule Monument.
- 1.6 The lower section of the site lies within Flood Zone 1 & 2 as identified by the Environment Agency and also lies within a low risk area for development by the Coal Authority.

## 2. Proposal

- 2.1 The proposal seeks full planning permission for the construction of seven dwellings on the site with associated off street parking ((Resubmission of refused application 2017/18569/FUL).
- 2.2 **Officer note:** The previous application was refused by Planning Committee on the grounds of its impact on the conservation area only. The refusal notice reads as follows:
- 2.3 *The application relates to the redevelopment of an open field for residential housing. The design, scale and appearance of the proposed dwellings would be incompatible with and unsympathetic to the surrounding area and would harm the character and appearance of the designated conservation area. The proposal, therefore conflicts with guidance contained within the National Planning Policy Framework.*
- 2.4 The difference between the current proposal and the previously refused application are in relation to addressing the potential impact of the development on the conservation area and therefore the changes apply to the design and orientation of the proposed dwellings.
- 2.5 The proposed mix for the development would consist of the following:
- 3 x 2 bedroom dwellings
  - 2 x 3 bedroom dwellings
  - 2 x 4 bedroom dwellings
- 2.6 The existing access to the site would be retained.
- 2.7 A new access would be created that would serve plot 1 and a secondary main access would be created between plots 5 & 6 which would provide vehicle access to the rear of the dwellings. The final access onto Skipton Road would be created to the east of plot 7 and would also serve as a driveway for this property.
- 2.8 The proposed layout consists of the proposed dwellings being linear to Skipton Road set behind low level walls. An open arch is proposed between plots 5 & 6 which will lead into turning areas with parking spaces and detached garages positioned along the northern boundary of the site.
- 2.9 The proposed landscaping would consist of grassed private front and rear amenity areas enclosed by stone boundary walls. The remaining woodland, croft fields would be managed by a management company.
- 2.10 Plots 1 & 7 would have a double garage plus two off street parking spaces, the remaining plots would have a single garage and one off street parking space.
- 2.11 The proposed dwellings would be constructed from materials used in the construction of nearby dwellings.

## 3. Planning History

- 3.1 5/73/46 – Proposed new agricultural access – Refused September 1988.
- 3.2 549-73PREA – Pre-application advise sought for the development on this site consisting of option 1 – construction of 11 units or option 2 – construction of 18 units.
- 3.3 2017/18569/FUL- Construction of 7 dwellings with associated off street parking – Refused June 2018 – Appeal Lodged and Dismissed November 2018.

## 4. Planning Policy Background

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

- 4.2 The Emerging Local Plan (ELP) was submitted to the Secretary of State for examination with stage 1 of the examination undertaken in October 2018. However, the ELP have yet to be adopted following scrutiny at the examination and therefore carry limited weight
- 4.3 CDLP  
BE3 – Green Wedge  
ENV1 – Development in the Open Countryside.  
ENV2 – Requirements for Development in the Open Countryside.  
ENV10 – Protection of Trees and Woodlands.  
T2 – Road hierarchy
- 4.4 Submission Draft Craven Local Plan March 2018 – Emerging Local Plan (ELP)  
SP1: Meeting Housing Need  
SP4: Spatial Strategy and Housing Growth.  
ENV1 – Countryside and Landscape.  
ENV2 – Heritage.  
ENV3 – Good Design.  
ENV4 – Biodiversity.  
ENV5 – Green Infrastructure.  
ENV6 – Flood Risk.  
ENV13 – Green Wedge.
- 4.5 National Policy  
The National Planning Policy Framework – NPPF 2019  
Planning Practice Guidance – PPG.
- 4.6 Other documents of relevance  
CDC LP Review of Green Wedge Designations in Craven June 2017  
Draft Kildwick Conservation Area Appraisal 2016
5. Parish/Town Council Comments
- 5.1 Kildwick Parish Council objects to the proposal for the following reasons:
- 5.2 There has been no new building within the heart of the village, with the exception of barns being converted to housing. This leaves the environment in which the church and many other listed buildings in the village in the same setting they originated in.
- 5.3 The emerging Local Plan (LP) the site has been identified as Open Space and Green Wedge land both of which are valued by the local residents. The emerging LP stresses the importance of Green Wedge.
- 5.4 This particular Green Wedge separates the farming community of Kildwick from Farnhill.
- 5.5 The loss of the hedges and tree screen that exists now, will be environmentally disastrous if they are reduced or damaged particularly to the wildlife they support and the protection they provide.
- 5.6 The hedges also provide protection to the village from noise and pollution from the A629.
- 5.7 The reduction in the overall height of the existing hedges would mean that the development is highly visible in the village and when viewed from the Church thus spoiling the setting of this historic asset, and many other listed structures nearby, thus diminishing what is an important tourist attraction.



- 5.8 The Parish and local residents feel that the site is an important element of the Conservation Area and as this field is one of the highest areas in the village the development on it will dominate the village, visible across the Aire Valley.
- 5.9 This site does not fall within the Local Development Plan and the housing commitment has been exceeded. The emerging Local Plan stresses that sites with reasonable proximity to the Leeds Liverpool Canal should take account of the setting and significance of the canal. The application site would impact on the coal chutes built into the canal banking on Skipton Road, and although not listed are an important part of Kildwick and are of historic importance.
- 5.10 Development of this field would result in the flooding of housing down Main Road as a culverted stream runs along the eastern border of the site.
- 5.11 The field also provides a habitat for wildlife linking the trees and fields and river bank to the south from the churchyard, the canal corridor and fields beyond to the north and finally with the moors.
- 5.12 The proposed stone is considered acceptable, but not the artificial roofing slates. If approved the roof must be Yorkshire Stone slates to match those in the heart of the village.
- 5.13 Kildwick is an attractive and thriving village valued by many because of its unspoilt historic and scenic beauty. It is blessed with a splendid array of listed heritage assets which reflects the ancient origins and importance of this small settlement.
- 5.14 The development is too large and too dominant and in too sensitive area, the damage it would cause to the character of this unspoilt Conservation Area is significant and far out-weighs any benefits it could bring.
- 5.15 For the reasons outlined above the application should be refused.

## 6. Consultations

- 6.1 **CDC Conservation and Listed Building Consultant:** The revised proposal is considered more appropriate and therefore no objection to the proposal subject to the use of conditions to control the use of materials on site.
- 6.2 **CDC Environmental Health:** No objection to the proposal subject to the use of conditions and informative.
- 6.3 **CDC Tree Officer:** No objection to the proposal subject to the use of appropriate conditions.
- 6.4 **Airedale Drainage:** No objection to the proposal subject to the use of appropriate conditions.
- 6.5 **Environment Agency:** Please refer to the EA standing advice.
- 6.6 **NYCC Highways:** After reviewing the information with regard to the proposed 3 accesses it is confirmed that the required visibility splays from each access point are achievable and therefore the Highways Authority has no objection to the proposal on highway safety grounds subject to the use of appropriate conditions.

## 7. Representations

- 7.1 Site Notice posted 26.4.2019
- 7.2 Press Notice published 02.5.2019
- 7.3 Notification letters circulated 25.4.2019
- 7.4 30 letters of objection where received (2 letters from Orchard Fold and 2 Main Road)
- 7.5 Comments have been summarised below:
- 7.6 **Local and National**  
 Site is not allocated for development.  
 Site is outside of defined limits of village.

- 7.7 **Visual**
- Over development and adverse impact on setting of Grade I listed Church.
- Development would have a negative impact on this green space and setting of the village and conservation area.
- Proposal is out of character with the area.
- Every building has a Yorkshire Stone Roof to use anything else would be a significant blot on an otherwise picturesque village.
- 7.8 **Highways**
- Adverse impact on flow of traffic and add to the roundabout problems.
- Increase in traffic noise and congestion.
- 7.9 **Flooding**
- Proposal would increase the risk of flooding.
- Increase risk of flooding due to an underground culvert becoming blocked.
- 7.10 **Officer note:** Landowners (known as Riparian Owners) have the responsibility to maintain channels and culverts clear of obstructions. If a culvert is neglected, then action could be taken under the Land Drainage Act 1991 which may potentially expose the owner to liability for the cost of any damage caused by flooding. However, this would be a private matter between affected parties and not a material planning consideration.
- 7.11 **Trees**
- Concern over potential loss of trees.
- 7.12 **Officer Note:** The trees are protected by a Tree Preservation Order ref: 256/2017 which prohibits the cutting down, topping, lopping, uprooting, wilful damage and wilful destruction without the Councils written consent. Failure to comply with the Order would be guilty of a criminal offence.
- 7.13 **Other issues**
- Loss of wildlife and habitat.
- Site is classed as green wedge.
- Field contributes to scenic beauty of village attracting visitors and contributors to local economy.
- Council has a housing supply which exceeds the 5-year target.
- Harm to village would outweigh any benefits from the scheme.
- Development is being driven by financial personal and short term gain.
- 7.14 **Officer Note:** This is not a material consideration when considering this proposal.
- Previous decisions should be respected.
- Bus service due to congestion has been axed.
- 7.15 **Officer Note:** Information sourced indicates that Bus 66 still operates a service between Keighley and Skipton, calling at Kildwick.
- 7.16 **Observations**
- Maybe the owner could consider gifting the land to the village so that it may preserve our heritage and fragile ecology for future generations.
- Plenty of brownfield sites which would benefit from investment and regeneration.
- Where would the infrastructure go?
- No need for housing.

- 7.17 The above is a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at <https://publicaccess.cravendc.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=PPR5VJFKKVN00>
- 7.18 Comments have also been received from Farnhill Parish Council who have made the following observations:
- Consider the revised proposal is inferior to the original proposal.
- Site is not infill, but a designated Green Wedge where the Council's policy is to resist development.
- Development would fail to preserve the conservation area.
- The loss of any screening would have a detrimental impact, in terms of visual, noise, light and road emissions.
- 7.19 **Officer note;** The proposal is not seeking the removal of any of the trees located along the south and west boundaries to the site.
- No justification for housing on this site.
8. Summary of Principal Planning Issues
- 8.1 Paragraph 11 of the NPPF sets out the presumption in favour of sustainable development. The NPPF makes clear that, for decision taking, this means:
- Approving development proposals that accord with an up-to-date the development plan without delay; or where there are no relevant development plan policies or the policies which are most important for determining the application are out-of-date, granting permission unless;*
- The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole;*
- 8.2 Having regard to the relevant national and local planning policies, the site's designation within the CDLP, the representations received and the nature of the development applied for, it is considered that the main issues in this case are:
- Principle of development
  - Visual impact
  - Heritage impacts
  - Amenity issues
  - Highway issues
  - Flood Risk
  - Other issues
9. Analysis
- 9.1 **Policy context**
- 9.2 Paragraph 38 (6) of the Planning and Compulsory Purchase Act 2004 and paragraph 2 of the NPPF make clear that development proposals are to be determined in accordance with the development plan unless material considerations indicate otherwise. At the present time, the statutory development plan for Craven comprises the saved policies of the Craven District (Outside the Yorkshire Dales National Park) Local Plan 1999. In this instance, there are a number of saved policies relevant to the assessment of this proposal and therefore will provide along with the NPPF and legislation the prevailing policy context under which this application is to be assessed.

9.3 **Principle of development.**

- 9.4 The application site lies outside of the development limits defined on the 1999 Local Plan, and accordingly the site lies within the open countryside. Saved Policy ENV1 is therefore of relevance.
- 9.5 Saved Policy ENV1 indicates that the Council will protect the character and quality of the open countryside and prevent this from being spoilt by sporadic development. However, this policy does not preclude development in the open countryside. The policy is supportive of small scale development subject to meeting certain criteria. These include that development should be small scale and where it clearly benefits the rural economy; helps to maintain or enhance landscape character, is essential for the efficient operation of agriculture or forestry; or is essential to the needs of the rural community.
- 9.6 These objectives are broadly compliant with paragraph 170 of the NPPF which advises that decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside.
- 9.7 Paragraph 213 of the NPPF states that existing policies should not be considered out of date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). As the CDLP was adopted in 1999, in instances where conflicts between the Local Plan and the NPPF arise, paragraph 213 of the NPPF makes clear that the policies in the Framework must take precedence.
- 9.8 However, the NPPF also makes allowances for other types of development in rural areas which do not strictly fall within the categories identified in policy ENV1. In particular, paragraph 79 of the NPPF recognises that, depending on its location, housing is capable of contributing to the vitality of rural communities by supporting services within neighbouring settlements. With respect to housing in rural areas, the main aim of paragraph 79 is to avoid *“new isolated homes in the countryside unless there are special circumstances”*, with paragraph 29 of the Framework also recognising that *“opportunities to maximise sustainable transport solutions will vary from urban to rural areas.”*
- 9.9 In this instance, the proposal does not strictly fall within the categories of development permissible within the open countryside as set out in policy ENV1, and thus represents a departure from the adopted Local Plan. Notwithstanding this, it does not follow that this is sufficient grounds to resist the principle of residential development, particularly as there is conflict between policy ENV1 and paragraph 79 of the NPPF which is supportive of housing in rural areas providing that it would not lead to the introduction of new isolated homes in the countryside.
- 9.10 Paragraph 79 of the NPPF states that ‘to promote sustainable development in rural areas; housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a nearby village. However, LPA should avoid new isolated homes in the countryside unless there are special circumstances.
- 9.11 In addition, the first and third bullet points to the ‘Rural Housing’ chapter of the PPG identify that:  
*“It is important to recognise the particular issues facing rural areas in terms of housing supply and affordability, and the role of housing in supporting the broader sustainability of villages and smaller settlements. This is clearly set out in the National Planning Policy Framework, in the core planning principles, the section on supporting a prosperous rural economy and the section on housing.”*  
*“Assessing housing need and allocating sites should be considered at a strategic level and through the Local Plan and/or neighbourhood plan process. However, all settlements can play a role in delivering sustainable development in rural areas – and so blanket policies restricting housing development in some settlements and preventing other settlements from expanding should be avoided unless their use can be supported by robust evidence”.*
- 9.12 Paragraph 103 of the NPPF also states:

*The planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.*

- 9.13 This point is also recognised within paragraph 001 of the 'Rural Housing' chapter to the NPPG which states that:

*"The National Planning Policy Framework also recognises that different sustainable transport policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas."*

- 9.14 It is acknowledged that the application site located on the edge of the existing settlement and that the services and facilities available within the village are limited. However, the town centre of Glusburn which provides a wide range of services and facilities is located approximately 1.3m to the west of the site. There is a bus stop adjacent to the proposed site and a further stop to the east of the site on Main Street. Whilst this service is limited there is a footpath to the centre of Glusburn which offers services with a greater frequency. In addition, there is a footpath that runs from the site to Cononley with network connections to neighbouring villages and towns, and Skipton which also provides a wide range of services and facilities combined with good public transport links in the form of public buses and trains to neighbouring villages and towns and beyond.

- 9.15 It is therefore considered that the development is an edge of settlement location which is closely related to existing dwellings on the periphery of Kildwick. Shops, services and employment opportunities in Glusburn are available within a reasonable walking distance, as are public transport connections by bus. Therefore, it is considered that the development would have reasonable access to local shops, schools, employment sources, public transport and other community facilities relative to its rural setting and would not result in the introduction of isolated homes in the countryside for the purposes of the NPPF.

- 9.16 The Council published its Housing Trajectory 2012 to 2032 which was submitted for examination and hearings in October 2018 as part of the emerging local plan. The document sets out the Councils position on the 5 year supply of deliverable housing sites in the Housing Trajectory as 2,813 dwellings which demonstrates that the Council has the equivalent to 7.3 years housing land supply. However, the emerging local plan has yet to be adopted. Therefore, the stated existence of the Five Year Housing Land Supply is not a reason by itself to justify refusal of a planning application. It is a material consideration in the planning judgement that can be given weight in the decision making process. In effect it is one of many planning issues that should be taken into account when determining a planning application.

- 9.17 Turning to the three dimensions to sustainable development, economic, social and environmental as defined by the NPPF, it is recognised that the proposed development of this site would provide economic benefits associated from new housing development including the provision of construction jobs and from future residents of the proposed dwellings, including additional Council Tax, plus the additional household expenditure from future residents that would benefit the district.

- 9.18 In addition, the proposal would provide some social benefits with the provision of a mixture of 2, 3 and 4 bedroom properties. This is in line with local housing needs for the district. It is therefore considered that the proposal would provide social benefits.

- 9.19 Notwithstanding the benefits outlined above, the proposal would result in the partial development of an open field and therefore, the environmental dimension of sustainable development is a consideration. In addition, local residents have indicated that the site is considered to be a valued landscape.

- 9.20 Whilst 'valued landscapes' are not defined within the NPPF it is acknowledged that the site lies within the designated conservation area of Kildwick. Currently there are no saved policies with regards to heritage within the Local Plan, but contained within the emerging local plan is policy

ENV2 which seeks to manage change conservation areas through ensuring that proposals are based on knowledge, understanding and appreciation of the assets significance. Whilst only limited weight can be given to this policy, the aims of this policy accord with the requirements of the NPPF.

- 9.21 The Kildwick Conservation Area Appraisal dated August 2016 and reviewed by Historic England states that the site makes no or negligible contribution to the designated conservation area. This was also confirmed by the Planning Inspectorate when dealing with the appeal ref: 3206821 who stated "*that the field, in itself, does not greatly contribute to the conservation area*". The Council's Heritage Consultant has reviewed the application and has not raised any objections to the development of this parcel of land. Therefore, given that the site is less than 1 hectare in area, it is considered that the development of this site would provide benefits which would outweigh any dis-benefits arising from the proposal.
- 9.22 Continuing the theme of 'valued landscapes' it is acknowledged that the site is located on land that forms part of the 'Green Wedge' as designated by the 1999 Local Plan. As referred to previously, 'valued landscapes' is not defined in the NPPF, but its scope and definition was considered during the Stroud District Council v SOS 2015 EWHC judicial review in which the SOS held that the NPPF is clear in distinguishing 'valued landscape' from landscape which is designated (e.g. ANOB's) and he considered that 'valued' meant something other than popular, such that landscape was only 'valued' if it had physical attributes which took it out of the ordinary. There is no evidence at this time to support a conclusion that this site has a demonstrable attribute taking it beyond mere countryside. Therefore, the site does not fall within the definition of a 'valued landscape'.
- 9.23 Saved Policy BE3 aims to resist development which would compromise the gap between settlements. In this instance, it is considered that there is no evidence that the development of this site would undermine the gap between settlements given the intervening land, the River Aire and the A629. As such, the proposal is not considered contrary to the requirements of saved Policy BE3.
- 9.24 **Conclusion**
- 9.25 The application site is located in open countryside as defined by the 1999 Local Plan and therefore represents a departure from the provisions of saved Policy ENV1 of the Local Plan. Nevertheless, the development would be located within close proximity to existing residential dwellings, and would be of a scale form of development that would contribute to the districts housing needs. The site is reasonably well related to existing services and facilities in Glusburn with public transport links to neighbouring villages and towns.
- 9.26 Therefore, the proposal is considered acceptable in principle as per the consideration by Planning Members when considering this site for development in June 2018. Notwithstanding this, the key test is whether the development would cause harm to the character of the local area, amenity, highway and flooding which will be considered within the report.
- 9.27 **Visual impact of development on the conservation area and the Green Wedge.**
- 9.28 The overarching objective of CDLP policy ENV1 is to protect the character and quality of the countryside by preventing sporadic, unrestricted development within it. This objective is broadly in accordance with the fifth core land-use planning principle in paragraph 170 of the Framework which requires that the intrinsic character and beauty of the countryside is recognised.
- 9.29 CDLP policy ENV2 sets out four criteria for developments in the open countryside. While the opening text to the policy indicates that policy ENV2 is most directly applicable to development deemed acceptable in principle under policy ENV1 (which is not the case with this development), it contains more detailed general design criteria for developments in the open countryside which are considered to be relevant in assessing the scheme's layout. Specifically, criteria (1), (2) and (4) of the policy indicate that development within the open countryside will only be permitted where:

*It is compatible with the character of the surrounding area, does not have an unacceptable impact on the landscape and safeguards landscape features including stone walls and hedgerows, worthy of protection.*

*The design of buildings and structures and the materials proposed relate to the setting, taking account of the immediate impact and public views of the development.*

*Services and infrastructure can be provided without causing a serious harmful change to the rural character and appearance of the locality.*

- 9.30 Section 12 of the NPPF highlights the importance of good design and its key role in providing sustainable development. Paragraph 127 states that LPAs should ensure that developments are visually attractive, are sympathetic to local character and history, and establish a strong sense of place.
- 9.31 Paragraph 130 however, does state that permission should be refused for development of poor design that fails to take opportunities available for improving the character and quality of an area, taking into account local design standards or style guides. Conversely, where the design accords with clear expectations in plan policies, design should not be used by the decision maker as a valid reason to object to development.
- 9.32 Paragraph 189 of the NPPF is of relevance when determining applications, as it advises an applicant to describe the significance of any heritage assets affected, including any contributions made by their setting. This theme is continued in paragraph 192 as it directs LPA's, to take account of the desirability of sustaining and enhancing the significance of heritage assets.
- 9.33 Also for consideration is the proposals potential visual impact on a conservation area. The duty imposed by section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.
- 9.34 In addition, LPA should when considering whether to grant planning permission for development that affects a listed building or its setting, or whether to grant listed building consent, that special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses (Section 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 9.35 Also of relevance is the English Heritage (EH) guidance on 'The Settings of Heritage Assets' which states that setting embraces all of the surroundings from which the asset is viewed and that setting does not have a fixed boundary and cannot be definitively and permanently described as a spatially bounded area or as lying within a set distance of a heritage asset.
- 9.36 The application site is located within the designated conservation area of Kildwick. The majority of the area contains examples of Victorian terrace dwellings with detached dwellings and converted agricultural buildings to residential accommodation. As such, it is considered that the existing dwellings and street patterns make a positive contribution to the designated area.
- 9.37 Concerns from local residents have been expressed over the scale of the development and that the proposed dwellings would not be in keeping with the character and appearance of the area.
- 9.38 To ensure that new development is in harmony with the character of the surrounding area it is important to create a visual relationship between old and new. This can be achieved by incorporating the three main factors to consider within the design of any development. These include the form, detail and use of materials.
- 9.39 In this instance the proposal seeks to construct a row of terraced dwellings with new openings onto Skipton Road. Whilst concerns were raised within the previous and this current application that the proposal fails to reflect the character of the area. The current proposal has repositioned the dwellings to be more reflecting of terrace dwelling located within the village with a greater uniformity in terms of building types present within the village and through the differing design and appearance of the dwellings. Furthermore, the size, height, roof profiles and massing of the proposed dwellings would ensure that the development assimilates sympathetically with the existing properties adjacent to the site and the wider street scene.

- 9.40 Therefore, the harm previously identified by the Planning Inspector is now significantly reduced. Furthermore, the materials proposed and landscaping would be in keeping with the character of the surrounding conservation area. The Council's Heritage Consultant has reviewed the proposal and considers that the current proposal has been sensitively designed to ensure that there is no harm to the conservation area. As such, the Council's Heritage Consultant has not objected to the proposal.
- 9.41 With regards to the potential impact of the development on nearby listed buildings it is acknowledged that the proposed development would lie within the setting of the Grade I building and therefore its impact on this building is a material planning consideration. However, views between the application site and this heritage asset would be limited due to the intervening buildings, natural screening and topography of the land. As such, it is considered that the proposed dwellings would be a minor element in the setting of this listed building. Similarly, it is considered that the proposed development would not result in any unacceptable harm to the significance of this listed building. This concurs with the Planning Inspector's findings when dealing with the appeal. Similarly, the Council's Heritage Consultant also confirms that the current proposal would not have a meaningful impact on the settings of nearby listed buildings. As such, the Council's Consultant advisor has not objected to the proposal.
- 9.42 It is acknowledged that the greatest visual impact would be during the winter months from users of the A629 that runs to the north of the site. However, these buildings would be seen in the context of the existing residential dwellings that lie adjacent to the site. As such, the proposed dwellings would not appear out of scale or cause significant harm to the visual character of the setting of the open countryside.
- 9.43 With regards to soft landscaping the proposal is seeking to provide grassed areas, plus further landscape planting along the southern and western boundaries. Whilst details are limited, it is considered that this could be controlled through the use of an appropriate condition and is not a reason for refusal. Furthermore, the agent has confirmed that the remaining land around the site and including the hedgerows would remain untouched and managed by a landscape management company with the aim of maintaining the character of this area.
- 9.44 The hard landscaping would comprise of two driveways to plots 1 & 7 with low level boundary walls to the front of the properties. For the majority the hardstanding parking areas would be located to the rear of the dwellings. Therefore, the hardstanding surfaces would be softened by the proposed soft landscaping within the garden frontages which would help avoid an over-engineered appearance to the street scene.
- 9.45 Finally, the application site is located within an area identified as 'green wedge' designated on the 1999 Local Plan, where in accordance with 'saved' policy BE3 development would be resisted which might compromise the gap between adjacent villages. This aim is continued within the ELP policy ENV13.
- 9.46 In this instance, the application is seeking to develop a small part of the 'green wedge' located to the west of the village centre. The remaining 'green wedge' to the northwest, south and southeast would remain unaltered. It is acknowledged that the partial development of this land would have a limited material visual impact. However, it is considered that the development of this site, which would maintain the existing mature screening on the southern, southwest boundaries and partially retain the existing hedging along the northern boundary, combined by the screening of existing dwellings located to the east of the site would not result in any unacceptable harm to 'green wedge' or on the character and appearance of the wider surrounding area.
- 9.47 The site forms only a small part of the 'green wedge' and as such it is not considered that the proposal would erode or compromise the gaps between existing settlements. The proposal would therefore not harm the purpose of the 'green wedge'. The development is not considered to be contrary to the aims and objectives of the 'Saved' local policy BE3 or the NPPF.
- 9.48 In conclusion, the proposed development of this site would result in a visual improvement of the site. Furthermore, the impact on the conservation area (resulting from a change in its setting) would be less than substantial as the impact of the proposal would be relatively localised in relation to the



whole of the designated conservation area. In addition, any harm to the significance of the Church of St Andrews would be less than substantial. Paragraph 134 of the Framework states that where a proposal would lead to less than substantial harm to the significance of a heritage asset, this harm should be weighed against the public benefits of the proposal. In this case the main public benefits resulting from the scheme would be the provision housing relatively accessible to local services and facilities combined with the social and economic benefits. As such, the proposal accords with the policy requirements ENV2 and BE3 of the Local Plan and the guidance contained within the NPPF.

9.49 **Impact of development on nearby residential dwellings.**

9.50 Paragraph 127 (f) states that planning decisions should create places that are safe, inclusive with a high standard of amenity for existing and future users.

9.51 The nearest dwelling located to the proposed development is The Old Smithy which is located approximately 15m from the side elevation of plot 1. Whilst it is acknowledged that the side elevation of the garage would contain window opening it is considered that the separation distance combined with the transient nature of the garage would be sufficient to ensure that the occupants of this property do not experience any unacceptable loss of privacy or overshadowing. In addition, it is considered that the separation distance combined with the orientation of the proposed and existing dwelling is sufficient to ensure that the proposal would not appear dominant or overbearing when viewed from the habitable rooms of this dwelling.

9.52 The next nearest dwelling is the Vicarage located to the north of the site at a separation distance of approximately 32m. This property is partially screened from the application site by mature trees and is located at an elevated position compared to the application site. Therefore, it is considered that the separation distance, combined with the intervening screening and elevated position is sufficient to ensure that the occupants of the property do not experience any unacceptable loss of privacy or amenity.

9.53 Located to the west of the Vicarage are a number of properties at separation distance ranging from approximately 34m to 40m. As such, it is not considered that the proposal would have an adverse impact on the amenity or privacy of the occupants of these properties.

9.54 It is also acknowledged that located to the east of the site are a row of terrace cottages. However, it is considered that the separation distances which range from 40m to 70m are sufficient to ensure that the occupants of these properties do not experience any unacceptable loss of privacy or amenity.

9.55 The proposed dwellings would provide sufficient residential accommodation split over two levels. In addition, the proposal would provide private amenity space with off street parking. It is therefore considered that the proposal would meet the needs of any future occupants and as such is acceptable.

9.56 In conclusion, it is considered that the proposed development would not result in any unacceptable loss of privacy or amenity of existing nearby neighbouring properties and would provide acceptable residential accommodation for any future occupiers of these dwellings. It is therefore considered that the proposal meets the aims and objectives of the NPPF.

9.57 **Impact on highway safety.**

9.58 Saved Policy T2 is permissive of development proposal that are appropriate to the highway network where, amongst other things, they do not generate traffic in excess of the capacity of the highway network; any new or greater use of an access onto a primary, district or local distributor road is acceptable in design and road safety; and the highway impact has regard to the surrounding landscape.

9.59 Paragraph 108 of the NPPF states that applications for development should ensure that:

*Appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;*

*Safe and suitable access to the site can be achieved for all users; and*

*Any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.*

- 9.60 Paragraph 109 of the Framework indicates that “development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”
- 9.61 The proposal is seeking to create three new openings, two which would act as driveways for plots 1 & 7 and a further access to allow vehicles to the rear parking areas. In addition, each dwelling would benefit from off street parking. It is therefore considered that the proposal would not have an adverse impact on highways safety and therefore meets the requirements of saved Policy T2 of the Local Plan.
- 9.62 As outlined above the main access into the site would be located between plots 4 & 5 and would include visibility splays of 2.0m x 45m in a western directions and a 2.0m x 24m in an easterly direction. As Skipton Road is an unclassified road, the final detailed design of the footpath, private access and verge crossings would need to be approved by NYCC Highways.
- 9.63 NYCC Highways have indicated that the proposed means of access onto Skipton Road are appropriate and have no objection to the scheme subject to the imposition of conditions controlling its detailed design and construction. It is therefore, considered that the access to the site can be achieved through the imposition of appropriate conditions. The level of traffic generated by the development of 7 dwellings would not have any severe, residual cumulative impacts on the capacity of the surrounding road network.
- 9.64 The internal road layout would take the form of parking spaces abutting turning areas. In terms of parking, plots 1 & 7 would benefit from 4 off street parking spaces with the remaining plots benefiting from 2 off street parking spaces. NYCC Highways have not objected to the internal layout, the manoeuvring of road users and the proposed parking provision complies with NYCC's parking standards.
- 9.65 In conclusion, it is considered that the proposal would not result in any conditions contrary to highway safety to both pedestrians and vehicle users and as such the proposal complies with saved Policy T2 of the Local Plan and the aims and objectives of the NPPF.
- 9.66 **Flooding and Drainage issues.**
- 9.67 The River Aire lies approx. 105m to the south of the site. As a result, the far southern part of the site is located in flood zones 2 (land with between a 1 in 100 and 1 in 1000 or 1% - 0.1% annual probability of river/sea flooding) as defined on the Environment Agency's Flood Map. The remainder of the site (which forms the majority of the site area) falls in flood zone 1 (land with a less than 1 in 1,000 or <0.1% annual probability of river/sea flooding).
- 9.68 With regards to this site, flood risk vulnerability classification identifies this proposal as being within the 'more vulnerable' classification where this form of development is considered appropriate subject to the submission of a Strategic Flood Risk Assessment.
- 9.69 The agent has submitted a Flood Risk Assessment and Drainage Strategy by Fairhurst in support of the proposal. The proposed layout shows that the majority of the proposal would be located outside of FZ2 with the exception of the garages. The documents also outline the mitigation measures proposed with regards to surface water drainage and confirms that the development would also be built to meet Building Control Drainage Regulations. The mitigation measures and proposed attenuation measures comply with the EA's standing advice note.
- 9.70 Airedale Drainage Board have also been consulted with regard the proposal and have raised no objection to the proposal subject to the imposition of conditions controlling the scheme for the provision, implementation and maintenance of surface water system.
- 9.71 In conclusion, it is considered that the submitted details with regards to flooding and drainage details are acceptable and can be achieved through mitigation and attenuation measures. Accordingly, it is considered that the proposal can be controlled through appropriately worded conditions.

9.72 **Other issues.**

9.73 Whilst acknowledging comments expressing concern over the potential impact on biodiversity it is the officer's opinion that a proposal of this scale would not significantly impact on the local wildlife to warrant a refusal.

9.74 Concerns have been expressed over the potential impact on the protected trees. Although, the proposal would require the removal of three sections of protected hedge (totalling approx. 21.5m) the remaining 121m would be retained at a reduced height of 2m. In addition, the proposal would involve the crown lifting and selective thinning by 25% of trees along the field edge. With regards to the proposed works the Council's tree officer has been consulted and confirms that the A1 area consists of a hawthorn hedge which has not been managed for a number of years and has subsequently grown out to include some ash trees which have grown from the base of the wall. These trees have limited long term potential due to their rooting area and the presence of Ash dieback in the area. As such, there are no objections to the proposal subject to the use of appropriate condition with regards to a proposed landscaping scheme.

9.75 **Conclusion**

9.76 The application relates to a parcel of open grassland which lies within the conservation area with residential dwellings to the east and north of the site. The land is located within the open countryside and thus lies outside of development limits and is designated 'Green Wedge' as defined by the 1999 Local Plan. Nevertheless, given the site's located on the edge of an existing settlement with easy access to services/facilities and public transport the proposal is considered to provide sustainable development. In addition, any visual harm would not outweigh the economic and social benefits arising from this development. Furthermore, the recent appeal decision is a material consideration which must carry substantial weight in establishing the principle of residential development on this site.

9.77 The site is located adjacent existing dwellings on two sides. Therefore, whilst the proposal would result in the loss of an open space, the relatively enclosed nature of the site means that, when seen against the backdrop of existing buildings, the development would be viewed as a natural extension to the village. The proposed development does not affect or impinge on the proposed Local Green Space to the south of the site (this is the area between the tree belt and the river). Furthermore, the development can be accommodated without any significant impact on the landscape, character and appearance of the conservation area, or on the setting of adjacent listed buildings. The proposal would achieve a form of development that is reflective of buildings located within the surrounding area fronting onto Main Road and Priest Bank Road. The layout, siting, landscaping and boundary treatments, would ensure a sympathetic assimilation when the development is viewed within the context of the surrounding area.

9.78 The proposed accesses to the site from Skipton Road are considered safe and suitable access for all users. The internal layout would also provide suitable vehicle turning and parking space and avoid any adverse effects on highway safety. Similarly, the level of traffic generated by the development of 7 dwellings would not have any severe residual effects on the capacity of the surrounding highway network.

9.79 The scale of the proposed dwellings would be compatible with that of the surrounding buildings and their siting, and partial screening would ensure that the development does not appear dominant or as an imposing feature within the street scene. The development would also not have an adverse impact on the privacy or amenity of neighbouring properties through the loss of outlook, overshadowing or privacy. The external appearance of the dwellings would through the use of materials present within the existing street scene, would help to ensure that the development assimilates well with the scale, features and character of surrounding buildings whilst adding interest to the streetscene.

9.83 No adverse effects would arise with respect to ecology, flood risk or on protected trees that would significantly and demonstrably outweigh the scheme's benefits. Accordingly, the proposal is considered to represent sustainable development in accordance with relevant policies contained

within the Local Plan the aims and objectives of the NPPF. The balance of the considerations having regard to the above policies is that permission should be granted

10. Recommendation

10.1 Approve with Conditions

Conditions

**Time Limit for Commencement**

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

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

**Approved Plans**

- 2 This permission relates to the following plans:  
2837.1B site/location/floor plans and roof plans  
2837.2A elevations and floor plans  
2837.3C Site Plan  
2837.4C Location Plan

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

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

**Before you Commence Development**

- 3 No development shall take place until a Construction Exclusion Zone has been formed around the Root Protection Areas of the protected trees identified as being retained on drawing no. P1474/002c. The Construction Exclusion Zone shall be provided in the form of protective fencing of a height and design which accords with the requirements BS 5837: 2012. The Construction Exclusion Zone shall be maintained in the duly installed positions during the entirety of the construction period insofar as it relates to these areas of the site.

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

- 4 No development shall commence on this site until a Scheme for the provision, implementation and maintenance of a surface water regulation system has been approved in writing by the Local Planning Authority in consultation with the Internal Drainage Board. The rate of discharge would not expected to exceed that of a 'greenfield site' taken as 1.4 lit/sec/ha.

Reason: To prevent the increased risk of flooding.

- 5 No development approved by this permission shall be commenced until the Local Planning Authority in consultation with the Internal Drainage Board has approved a Scheme for the provision of surface water drainage works. Any such Scheme shall be implemented to the reasonable satisfaction of the Local Planning Authority before the development is brought into use.

The following criteria should be considered:

Any proposal to discharge surface water to a watercourse from the redevelopment of a brownfield site should first establish the extent of any existing discharge to that watercourse.

Peak run-off from a brownfield site should be attenuated to 70% of any existing discharge rate (existing rate taken as 140lit/sec/ha or the established rate whichever is the lesser for the connected impermeable area).

Discharge from "greenfield sites" taken as 1.4 lit/sec/ha (1:1yr storm).

Storage volume should accommodate a 1:30 yr event with no surface flooding and no overland discharge off the site in a 1:100yr event.

A 20% allowance for climate change should be included in all calculations.

A range of durations should be used to establish the worst-case scenario.

The suitability of soakaways, as a means of surface water disposal, should be ascertained in accordance with BRE Digest 365 or other approved methodology.

Reason: To ensure the development is provided with satisfactory means of drainage and to reduce the risk of flooding.

### **During Building Works**

- 6 No tree felling, tree works or works to hedgerows shall take place during the optimum period for bird nesting (March to August inclusive) unless a report, undertaken by a suitably qualified person immediately prior to any clearance, has been submitted to and approved in writing by the Local Planning Authority, demonstrating that nesting/breeding birds have been shown to be absent.

Reason: To protect and prevent unnecessary disturbance of nesting birds in accordance with the provisions of the Wildlife and Countryside Act 1981 and the requirements of the National Planning Policy Framework.

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

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

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

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

- 8 No above ground works shall take place until a scheme for the disposal of foul and surface water from the site has been submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing with the Local Planning Authority, the scheme shall include:

- (i) separate systems for the disposal of foul and surface water;
- (iv) details of how the scheme will be maintained and managed after completion.

The scheme shall be implemented in accordance with the duly approved details before any of the plots are first occupied, and shall be maintained and managed as such thereafter.

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

- 9 The development hereby approved shall be carried out in conformity with the details contained within the Flood Risk Assessment and retained thereafter.

Reason: To ensure that Flood Risk is satisfactorily addressed.

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

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

- 11 Notwithstanding any details shown on the approved plans and the requirements of condition 2 of this permission, within three months of development first taking place a landscaping scheme for the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the type, species, siting, planting distances and the programme of planting of trees, hedges and shrubs. The duly approved landscaping scheme shall be carried out during the first planting season after the development is substantially completed and the areas which are landscaped shall be retained as landscaped areas thereafter. Any trees, hedges or shrubs removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced by trees, hedges or shrubs of similar size and species to those originally required to be planted.

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

- 12 Within 3 months of development first taking place, details of the height, design, materials and finish of all boundary treatments at the site (the siting of which is shown on the approved plan submitted with application showing siting of boundary wall and fencing shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatments shall be constructed in accordance with the duly approved details before the building is first occupied, and retained as such thereafter.

Reason: In the interests of site security and to ensure a satisfactory relationship with the character of surrounding buildings and the street scene in accordance with the requirements of the National Planning Policy Framework.

- 13 Notwithstanding any details shown on the approved plans and the requirements of condition 2 of this permission, within three months of development first taking place a scheme for the construction of all hard surfaced areas of the development shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the design, construction (including sub layers and surfacing materials) and drainage of all hard surfaced areas, and a timetable for their provision. The hard surfaced areas shall thereafter be delivered in accordance with the duly approved scheme and the timetable contained therein.

Reason: In order to ensure satisfactory treatment of hard surfaced areas and a satisfactory standard of engineering works in the interests of visual amenity in accordance with Saved Policy ENV2 of the

Craven District (outside the Yorkshire Dales National Park) Local Plan and guidance contained within the National Planning Policy Framework.

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

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

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

- 15 Prior to the occupation of any dwellings, a management plan for the future maintenance of the open grassed spaces and trees/hedges as shown on the approved drawings (excluding the private amenity spaces associated with each dwelling) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the open grassed areas shall be permanently maintained in accordance with the approved management plan.

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

### **Ongoing Conditions**

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

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

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

Reason: In the interest of satisfactory and sustainable drainage and in accordance with the National Planning Policy Framework.

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

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

- 19 Notwithstanding the provisions of Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any equivalent Order following the revocation and re-enactment thereof (with or without modification), no windows other than those expressly authorised by this permission shall be inserted in the western side facing elevation of the dwelling on plot 1 (as identified on the approved plans).

Reason: To safeguard the privacy of occupiers of neighbouring dwellings and ensure satisfactory levels of amenity for adjoining residents in accordance with the

### Informatives

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

2. Charging Points

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

3. Hours of Construction

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. Noise

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

5. Under the terms of the Land Drainage Act. 1991 and the Board's Byelaws, the prior written consent of the Board is required for any proposed works or structures in, under, over or within 9 metres of the top of the bank of any watercourse. Any new outfall to a watercourse requires the prior written consent of the Board under the terms of the Land Drainage Act. 1991 and should be constructed to the satisfaction of the Board.

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Under the Board's Byelaws the written consent of the Board is required prior to any discharge into any watercourse within the Board's District.

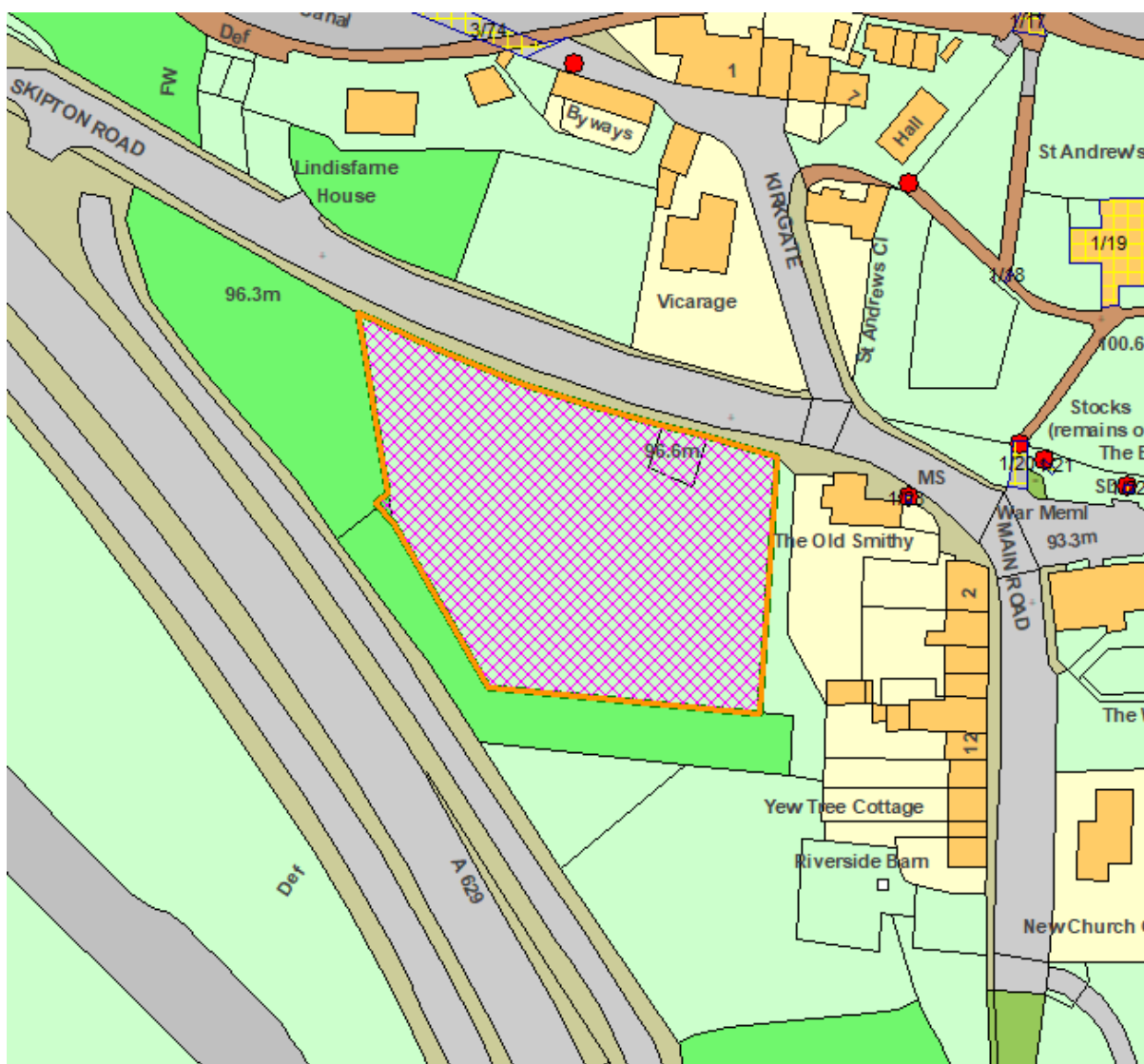
6. Statement of Positive Engagement:

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

7. 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.



8. You are advised that a separate licence will be required from the Local Highway Authority in order to allow any works in the adopted highway to be carried out. The 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by North Yorkshire County Council, the Highway Authority, is available at the County Council's offices. The local office of the Highway Authority will also be pleased to provide the detailed constructional specification referred to in this condition.
9. The applicant is kindly requested to give the Council's Tree Officer 14 days prior notice in writing of any approved tree works that are to be undertaken as part of this development. This will enable the Council to inform local Councillors about imminent tree works, who can then answer enquiries from members of the public. Tree works, in particular tree felling associated with development, are often controversial and this information is requested because it will assist in reducing the potential for conflict when tree works are taking place.



## REPORT TO PLANNING COMMITTEE ON 1st July 2019

**Application Number:** 2019/20479/FUL

**Proposal:** Construction of 1 no. 2 bed bungalow, 1 no. 3 bed bungalow and 4 no. 4 bed dwellings with associated vehicular access and landscaping. (Resubmission of previously refused application referenced 2019/20096/FUL)

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

**On behalf of:** Firth Developments LTD

**Date Registered:** 2nd May 2019

**Expiry Date:** 27th June 2019

**EOT Date, if applicable:** 5th July 2019

**Case Officer:** Miss Katie Chew

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**This application has been referred to Planning Committee as it is a resubmission of a previously refused scheme which was considered by Planning Committee.**

1. Site Description

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

2. Proposal

- 2.1 The application seeks full planning permission to construct 6 detached dwellings with associated vehicular access and landscaping. This application is a resubmission of previously refused application referenced 2019/20096/FUL.
- 2.2 The proposal can be broken down into:
- 2.3 Plot 1 will consist of a dormer bungalow which will have 3 bedrooms. This dwelling is to be located to the north east of the application site. It will provide 1 external car parking space and 1 internal space within the integral garage.
- 2.4 Plot 2 will consist of a dormer bungalow which will have 2 bedrooms. This dwelling is to be located to the south east of the application site. It will provide 2 car parking spaces externally and 1 space internally in the integral garage.

**Officer note:** Since the refusal of application 2019/20096FUL the small window within the front elevation (bedroom 2) has been removed.

- 2.5 Plots 3 & 4 will consist of two 2 storey 4 bedroomed detached properties; they are to be located to the south west of the application site. 1 parking space is to be provided internally in the garage for each property, 2 spaces are also to be provided externally for each property.

- 2.6 Plot 5 will consist of a 2 storey, 4 bedroomed detached property, which is to be located to the north west of the application site. 2 parking spaces are to be provided externally and 1 space internally in the integral garage.
- 2.7 Plot 6 will consist of a 2 storey, 4 bedroomed detached property, which is to be located to the north west of the application site. 2 parking spaces are to be provided externally and 1 space internally in the garage.
- 2.8 Vehicular access will be created off of Park Wood Close in Skipton, this will provide access to all 6 houses and 4 no. visitor parking spaces. To the entrance of the development will be a 900mm high stone wall which will provide a boundary to the east and south for plot 1, and a boundary to plot 2 to the north and east. The materials comprise natural stone slate roof, tumble stone, UPVC for windows, timber doors, close boarded timber fences and stone walls.
3. Planning History
  - 3.1 2018/19291/DEM – Demolition of single detached dwelling with attached garage (prior notification). Prior approval granted 31<sup>st</sup> May 2018.
  - 3.2 2018/19018/FUL – Demolish existing dwelling. Construction 6 no. 4 bed detached dwellings with associated vehicular access and landscaping. Application withdrawn, 18<sup>th</sup> April 2018.
  - 3.3 2018/19747/FUL – Construct 6 no. 4 bed detached dwellings with associated vehicular access and landscaping (resubmission of previous application referenced 2018/19018/FUL). Refused 17<sup>th</sup> December 2018. Appeal- Pending Decision by the Planning Inspectorate.
  - 3.4 2019/20096/FUL – Construct 6 no. detached dwellings with associated vehicular access and landscaping. Refused 13<sup>th</sup> March 2019.
4. Planning Policy Background
  - 4.1 Draft Submission Local Plan (2018)
  - 4.2 National Planning Policy Framework (as amended July 2018)
  - 4.3 Planning Practice Guidance (2012)
  - 4.4 Saved Local Plan Policies H3 and T2 of the Craven District (Outside the Yorkshire Dales National Park Authority) Local Plan.
5. Parish/Town Council Comments
  - 5.1 Skipton Town Council – Comments received 3<sup>rd</sup> June 2019. Objects to application as it is overdevelopment of the site.
6. Consultations
  - 6.1 NYCC Highways – Comments received 24<sup>th</sup> May 2019. NYCC Highways have no objections to the proposals, but do recommend conditions and informatives which relate to detailed plans of road and footway layout, construction of roads and footways prior to occupation of dwellings, permanent site construction access, separate licenses, visibility splays, garage conversions, precautions to prevent mud on the highway, construction traffic, highway condition survey, on-site parking, on-site storage and construction traffic during development and routing of construction traffic.
  - 6.2 CDC Environmental Health – Comments received 10<sup>th</sup> May 2019. Informatives are recommended which relate to noise, dust and clean topsoil. Further comments were received 24<sup>th</sup> May 2019. There are no known contaminated land implications regarding the proposed development.
  - 6.3 CDC Arboricultural Officer - No comments received within statutory timescales.
  - 6.4 NYCC SuDS – No comments received within statutory timescales.
  - 6.5 North Yorkshire Police – Comments received 10<sup>th</sup> May 2019. North Yorkshire Police would not normally respond in relation to developments of less than 10 dwellings. Therefore, unless specifically requested to do so by the Planning Officer, do not provide further comments on this application.

- 6.6 LLFA – Comments received 10<sup>th</sup> May 2019. The application does not appear to be a major development, as such it does not require LLFA input.
- 6.7 Yorkshire Water – No comments have been received within statutory timescales.
7. Representations
- 7.1 Site Notice – Expired 7<sup>th</sup> June 2019.
- 7.2 Neighbour Letters – Expired 30<sup>th</sup> May 2019.
- 7.3 21 representations have been received to date, comments are provided below.
- The proposal is overdevelopment of a small site;
  - The proposals would create overcrowding;
  - Out of keeping with the original estate;
  - Why submit an already refused application;
  - The developer by proposing to lower some houses on the site, will reduce but not remove their impact and continues to show a total disregard to residents and their families who object to this application;
  - Not a brownfield site;
  - Failure to accurately report full reasons of council refusal;
  - The statement for submission of application 2019/20096/FUL is inaccurate as it states that only one reason for refusal for application 2018/19018/FUL was provided when there was in fact more, this needs to be rectified;
  - Contradiction between figures submitted by the developer and accurate calculations;
  - A letter was sent on the 10<sup>th</sup> June 2010 nationally to all planning departments regarding garden grabbing, Rockwood House is an urban garden;
  - There is a lack of space for proper pedestrian footpaths;
  - Appeal to Skipton Councillors to be the voice of residents and concerned public;
  - How many more times can a developer submit essentially the same plan, and have it rejected for reasons of overdevelopment and its overbearing impact before the Council (who I understand are elected to represent the views of its people) in the hope of rolling the dice and on one occasion coming up the way they want?;
  - By way of example the developer actually had to ask the resident of No. 18 Park Wood Close if she would move her car from outside her own address as he was otherwise unable to access the site. It is ironic that even before this application has been considered the developer has to concede the inability to even access his proposed development without the co-operation of and disruption to existing residents;
  - In the absence of a neighbourhood design guide for Craven Council, Leeds City Council's Neighbourhoods for living document sets out minimum distances. All of the distances proposed by the developer fall short of the standards shown in this document;
  - The location of the front left corner of plot 5 contravenes NYCC highway design guide as it is shown located directly on the highway rather than the 500mm as stated on Fig 3.9b;
  - Sale particulars produced in 1972 by Dacre, Son & Hartley identify that the average gross density including roads is around 15.6 houses per hectare, in Appendix 2 condition 7 states that planning consent was granted subject to a net density, exclusive of roads at 19.8 houses per hectare;

- The provision of an open ended cul-de-sac on the north side of the development signals a clear intention to provide more houses as the opportunity arises;
- The application shows a 1.8m high fence along the western boundary however due to the elevated position of no. 33 Rockwood Drive, the height of the fence would effectively be reduced to approx. 1.1m providing no privacy to the property;
- There is no indication about the ownership of the planting strip shown to the end of the turning head adjacent to the rear elevation of no. 33 Rockwood Drive, there are no formal agreements that would require this to be maintained for perpetuity to maintain privacy to the properties along the western boundary;
- The resubmitted application does not address the overbearing nature of the development;
- Residents are not against development that is of a reasonable size;
- All residents effected have expressed concerns about the loss of privacy and light;
- The latest application shows a second access drive now added to the lower front bungalow, raising the issue of extra roadside parking and obstruction adjacent to the main access to this new estate;
- The previous owner had planning permission refused to build over the double garage at Rockwood House;
- The D&A statement states that lounges with log burning stoves are to be installed, Skipton is a designated smoke control area and therefore these should not be included;
- The size of the plots are not reflective of the surrounding area as they have very small front and rear gardens which are not suitable for family homes of this size;
- The submitted D&A describes the properties as having level access in accordance with part M however plots 5 & 6 clearly show stepped access on 004 Rev J;
- Surface water drainage is a concern after reducing the current large garden area to a large area of hard core;
- Sewage capacity management, a number of properties in Park Wood Close have problems with sewage overflow, without increasing the capacity of the main network this could be exacerbated;
- A considerable amount of time was given at the planning committee on the overbearing impact of plots 1 and 2, but the 4 bed plots at the rear of the site are equally overpowering/close to the homes affected on Rockwood Drive;
- The natural environment has noticeably been affected since the demolition process began, there has been a reduction in bird life including the loss of bats and hedgehogs are absent;
- Skipton needs to accommodate young people to provide a sustainable economy;
- At the first refusal it was recommended by the Council that a survey of the effects of water drainage down the road is provided, where is this survey?;
- We residents will be keenly watching the councils actions on this and we hope we can count on our elected officials to advocate on behalf of the needs of the area;
- The developer should engage with the residents, amend the plans so that the development benefits the scale and density of the area, repair the road once the development is built and consider how to mitigate the disruption that it will unfairly cause to residents, consider the environmental impact of tarmacking over more garden land and putting more cars on the road in a development which clearly doesn't supply enough parking, and consider how more traffic will navigate the road when bad weather strikes and vehicles cant ascend the hill to the new houses;
- The objectives of the local plan calls for more 1 and 2 bedroomed properties and development of fewer four bedroom properties;

- Question the validity of the flood and drainage assessment;
- It remains a spectacular example of attempted garden grabbing;
- The previously raised point about danger to property and life due to the gradient of the site and dwellings opposite it, has not been investigated and that is hugely concerning;
- Overdevelopment has meant pavements have been reduced or taken off plans altogether, properties T4 and T5 have no pavement which will leave visitors stepping out of cars in visitor allocation areas straight onto private property;
- There will be a large amount of hard landscaping and associated drainage reduction;
- If it is allowed it may well set off a chain reaction of garden grabbing in Skipton;
- The surface water run off created by this increased impermeable surface will contribute towards flooding and drainage issues that are already apparent during the high rainfall periods but the lower lying properties in the immediate area;
- The additional pressure on drainage, sewage pipes, parking and traffic on our narrow cul-de-sac remains a concern;
- The road has already suffered damage due to the increased usage and we would like to know who is responsible for the repair of this?;
- The roads are not wide enough to cope with the extra traffic and could potentially be dangerous to pedestrians;
- The volume of traffic would greatly inconvenience the residents of Park Wood Close and Rockwood Drive;
- The cul-de-sac was not designed to have a sub cul-de-sac off of it, it is out of character with cul-de-sacs on the estate;
- Planning permission should be required for any proposed extensions – if the application is approved;
- The proposal seeks to cram the maximum profit out of the site, irrespective of its effect on the neighbours;
- There is insufficient living space for the new owners and present residents;
- Parking is already a massive issue on the street;
- What is the point of asking affected residents for comments when they are blatantly ignored;
- The developers representative stated his intention to appeal the decision, why then have they decided to submit a further barely modified application. Perhaps it was thought that the residents are now 'getting fed up' with the whole process and will not bother to object; or perhaps they believe they have more chance brow beating the council and planning committee into submission;
- Why does the Planning Officer keep recommending the proposal for 6 be passed when it has been made glaringly obvious each time that it is overdevelopment and totally out of character;
- The privacy of adjacent houses would be compromised due to the close proximity of the development;
- There would be severe light pollution particularly to the bungalow/houses opposite the entrance;
- The proposals are not significantly different to the application that was rejected a short time ago;
- Traffic leaving the site would shine their headlights directly into properties opposite;
- A site visit for members of the committee who have not already seen the site, is essential;

- The application contains nothing to protect or reassure residents during the construction phase of the proposed development;
- There is a general tendency to convert integral garages into living space, there is inadequate provision for resident and visitor parking;
- Creates a mini estate within the original estate.

## 8. Summary of Principal Planning Issues

8.1 Policy background and principle of development.

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

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

8.4 Highway issues.

## 9. Analysis

### **Policy background and principle of development.**

9.1 In terms of the status of the Submission Draft Craven Local Plan, this document was submitted to the Secretary of State on 27<sup>th</sup> March 2018. The submission of the Local Plan is at an advanced stage, and therefore weight can be given to it. However, the NPPF (2018) at paragraph 48 sets out that the weight that should be given to draft policies will depend upon *'the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given)'* and *'the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)'*. ENV3 'Good Design', SD1 'Presumption in Favour of Sustainable Development', SP3 'Housing Mix and Density' and SP4 'Spatial Strategy and Housing Growth' are all considered to be applicable to this planning application.

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

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

9.3 For the purposes of this report the relevant Saved Local Plan policies and the policies set out in the NPPF will be considered.

9.4 In terms of the NPPF there is a presumption in favour of all forms of sustainable development provided that the benefits of allowing development are not outweighed by any dis-benefits that may arise. The NPPF also advocates the provision of new housing to meet established housing needs.

9.5 It is considered that in this case the Local Plan policy is consistent with the broad objectives of the NPPF and that the development of a previously established site which is located within Skipton Development Limits is acceptable in principle.

### **Scale, design and visual impact of the proposed development.**

9.6 The NPPF stresses that the Government attaches great importance to the design of the built environment and that good design is a key aspect of sustainable development. However, decisions should not attempt to impose architectural styles or particular tastes. The NPPF also states that LPA's should aim to ensure that developments function well and add to the overall quality of the area, optimising the potential of the site to accommodate development.

- 9.7 The application site is located within Development Limits and is therefore subject to consideration under Saved Local Plan Policy H3. Policy H3 is supportive of new residential infill development and development of neglected, derelict or underused land provided it does not result in loss or damage of important spaces, amenity/recreational land or heritage assets, there is no loss of residential amenity, there is no conflict with other plan policies and no highway safety issues will arise.
- 9.8 The application proposes 6 new detached dwellings within a previously developed site located off Park Wood Close, Skipton. The properties are to be one to two storeys in height, with car parking provided for 21 vehicles. The proposed development would sit within a gap between existing residential dwellings to the north, south and west. To the east is a public highway (Park Wood Close) and across from that, more residential dwellings. The application site once housed 1 residential dwelling which sat within a large residential curtilage. This proposal seeks to optimise the potential of this piece of land to allow for 6 new residential properties.
- 9.9 Although the proposed dwellings can be said to be large in scale in comparison to what previously resided on the site, they are of a similar size and massing to what currently exists on Park Wood Close. It is also noted that the proposals would create a small cul-de-sac; this is not uncommon within this location with a number of small cul-de-sacs being found up along Rockwood Drive. The properties will all be set back from the highway in line with the existing building line of existing properties located on Park Wood Close. Typically dwellinghouse in this area are one or two storeys in height and are constructed in stone. The proposed materials consist of natural slate roof tiles, tumble stone, UPVC for windows, timber doors, close boarded timber fences and stone walls. The proposed housing is traditional in style with a contemporary twist. The dwellings do not attempt to replicate any of the surrounding properties; it is nevertheless, an appropriate design that is respectful of its surroundings.
- 9.10 In this case the proposals are considered to be infill development on previously developed land which is appropriate in this environment and would not appear incongruous or overly dominant in the general context of this site. It would provide an efficient use of a large portion of land, and would not have an unacceptable detrimental impact upon the character and appearance of the area.

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

- 9.11 The National Planning Policy Framework states that Local Planning Authorities should seek to achieve a good standard of amenity for all existing and future occupants of land and buildings. The General Development Principles of the Local Plan also states that all development should protect the amenities of neighbouring residents and occupiers.
- 9.12 The application site is surrounded by residential dwellings in all directions. The nearest properties with the potential to be impacted are The Coach House, Nos. 33, 35 and 37 Rockwood Drive and Nos. 9, 16 and 18 Park Wood Close.
- 9.13 The Coach House is located to the north of the application site. This property is most likely to be impacted by plots 1 & 6. In regards to overlooking and loss of privacy, plot 6 on the northern elevation has only 1 window which faces out on to Coach House, this window is to be obscure glazed. Plot 1 has 2 windows within the north elevation however, they will both be obscure glazed, 2 roof lights will also be installed. It is considered that there are no concerns in regards to overlooking. Furthermore, the existing wall which runs along the northern boundary between the application site and Coach House will be retained and a 1.8m fence will be added, providing some screening at ground floor level. In terms of overshadowing there is some potential for some shadowing to occur at Coach House however, this would be across the small portion of garden/amenity area to the south and potentially the driveway of the property. There would be no overshadowing of habitable room windows. Therefore it is not considered that this level of shadowing would be significant enough to recommend that the application is refused. As highlighted previously this neighbouring property is most likely to be impacted by plots 1 & 6, Rockwood House (the dwelling that previously resided on the site) was a 2 storey dwelling which was large in scale and massing. The property ran close up to the northern boundary of the application site and therefore was in close proximity to the Coach House. It is therefore considered that the proposed dwellings would not appear to be overbearing in



comparison and would have a similar if not lesser impact on the neighbouring property as the dwellings are separated by parking, access, and gardens. Plot 1 will also be located approximately 0.5m further away from the Coach House than what Rockwood House was before it was demolished.

- 9.14 No. 33 Rockwood Drive is located to the south west of the application site. This property is most likely to be impacted by plot 5. In regards to overlooking 1 window is proposed within the southern elevation of plot 5 however, this is to be obscure glazed. Running along the south western boundary will be a retaining wall and a close boarded timber fence measuring approximately 1.8m in height, this should provide some screening at ground floor level. Due to the location, orientation and separation distance of this property and plots 4 & 5, it is not considered that there will be any concerns in regards to overshadowing. Whilst it is acknowledged that there will be a material change to the rear of No. 33 as the existing high hedging is to be removed, it is considered that due to location, orientation and that plot 5 is to be dropped down into the landscape, this property would not be deemed to be overbearing on this neighbouring dwelling. It is also important to note that the proposed timber fence would provide some screening of the dwelling.
- 9.15 35 Rockwood Drive is located to the south west of the application site. This site is most likely to be impacted by plot 4. In regards to overlooking 3 windows are proposed within the western elevation of plot 4 however, 2 of these are to be obscure glazed and the other is for a hallway and therefore is a non-habitable room. Running along the western boundary will be a retaining wall and a close boarded timber fence measuring approximately 1.8m in height, this should provide some screening at ground floor level. It is therefore considered that there are no concerns in regards to loss of privacy of this neighbouring property. In terms of overshadowing, due to the orientation and location of the proposed dwellings and this neighbouring property, there are no concerns in regards to overshadowing. Whilst there will be a material change to the rear of No. 35 Rockwood Drive as the existing high hedging is to be removed, it is not considered that the proposed dwelling at plot 4 would be overbearing as the property is to be dropped down into the landscape, a portion of greenspace is to be left between the dwellings to help increase the gap between both properties. The proposed timber fence should also help to reduce some of the potential impact from the proposed dwelling.
- 9.16 37 Rockwood Drive is located to the south west of the application site. This site is most likely to be impacted by plot 4. In regards to overlooking 3 windows are proposed within the western elevation of plot 4 however, 2 of these are to be obscure glazed and the other is for a hallway and therefore is a non-habitable room. Running along the western boundary will be a retaining wall and a close boarded timber fence measuring approximately 1.8m in height, this should provide some screening at ground floor level. It is therefore considered that there are no concerns in regards to loss of privacy of this neighbouring property. In terms of overshadowing, due to the orientation and location of the proposed dwellings and this neighbouring property, there are no concerns in regards to overshadowing. Whilst there will be a material change to the rear of No. 3 Rockwood Drive as the existing high hedging is to be removed, it is not considered that the proposed dwelling at plot 4 will be overbearing as the property is to be dropped down into the landscape, a portion of green space is to be left between the dwellings to help increase the gap between both properties. The proposed timber fence should also help to reduce some of the potential impact from the proposed dwelling.
- 9.17 39 Rockwood Drive is located to the south west of the application site. This property is most likely to be impacted by plot 4. In terms of overshadowing, due to the orientation and location of the proposed dwellings and this neighbouring property, there are no concerns in regards to overshadowing. In regards to overlooking and loss of privacy at No. 39, whilst this properties rear garden area will be open to views from plot 4, this level of overlooking is not uncommon within this area; this property is already overlooked by a number of neighbouring dwellings. It is therefore considered that the addition of one further dwelling would not have such a significant impact on the loss of privacy that the application should be refused. In regards to the proposals being overbearing on No. 39, due to the separation distance and orientation of plot 4 and No. 39, it is not considered that the proposals would have a significant impact on this neighbouring dwelling in regards to being overbearing or obtrusive.

- 9.18 9 Park Wood Close is located to the south of the application site. This property is most likely to be impacted by plot 2. In regards to overlooking a set of patio doors are to be installed within the southern elevation, at ground floor level the patio doors should be partially covered by the boundary fence which is to be installed along the southern boundary of the application site. Roof lights are proposed although it is considered that views from these windows would look over the top of No. 9 rather than directly into the dwelling or its amenity area. In terms of overshadowing, due to the orientation and location of the proposed dwellings and this neighbouring property, there are no concerns in regards to overshadowing. Since application 2018/19747/FUL was refused, amendments were made to this property to reduce its height down from a 2 storey dwelling to a dormer bungalow. This was to try and help alleviate any concerns in regards to the proposals being overbearing, these changes are considered to be significant enough to reduce the overbearing nature of plot 2 on No. 9.
- 9.19 18 Park Wood Close is located across the road (Park Wood Close) to the east of the application site. This property is most likely to be impacted by plot 1. In regards to overlooking the property will have an approximate separation distance of 31m to plot 1, furthermore no. 18 is stepped down from the highway and the application site is raised up, this does mean that there will be no direct views into windows of this neighbouring dwelling from any of the windows within the east elevation of plot 1. In terms of overshadowing, due to the orientation and location of the proposed dwellings and this neighbouring property, there are no concerns in regards to overshadowing. This neighbouring dwelling is one storey in height, the proposed bungalow at plot 1 is one and a half storeys in height. It is considered that the proposals follow the existing building line on Park Wood Close, and that there is an acceptable separation distance from this dwelling and the application site in order to overcome any feeling of overbearingness. It is also important to note that this neighbouring property is situated next to two storey dwellings which are closer in proximity to the proposed dwelling on plot 1.
- 9.20 Similar to the above property, 16 Park Wood Close is located across the road (Park Wood Close) to the east of the application site. This property is most likely to be impacted by plot 2. In regards to overlooking the property will have an approximate separation distance of 24.5m to plot 2, furthermore no. 16 is stepped down from the highway and the application site is raised up, this does mean that there will be no direct views into windows of this neighbouring dwelling from any of the windows within the eastern elevation of plot 2. In terms of overshadowing, due to the orientation and location of the proposed dwellings and this neighbouring property, there are no concerns in regards to overshadowing. This neighbouring dwelling is two storeys in height compared to the dormer bungalow that is proposed at plot 2; it is considered that the proposals follow the existing building line on Park Wood Close, and that there is an acceptable separation distance from this dwelling and the application site in order to overcome any feeling of the proposals being overbearing. It is also important to note that this neighbouring property is situated next to other two storey dwellings which are close in proximity.
- 9.21 It is therefore considered that the proximity and scale of the development will not unacceptably detract from the existing living conditions and general amenities of any neighbouring occupiers in such a way that planning permission should be refused.

### **Highway Issues**

- 9.22 The application proposes 4 no. visitor car parking spaces and 17 no. off-street car parking spaces for the dwellinghouses. Notwithstanding this, the application site is located in a highly accessible and sustainable location. It is therefore not essential that parking be provided as there is no policy requirement for dedicated parking to be provided as part of the proposals. Equally the most recent NYCC Highways (interim) parking standards do not require parking for residential development in '*central urban areas with good accessibility to all services*'. Furthermore, section 9 of the NPPF contains guidance on transport and land use planning, including the promotion of sustainable transport choices and reducing travel by car.
- 9.23 Saved Local Plan Policy T2 permits development proposals provided that they are appropriately related to the highway network, do not generate volumes of traffic in excess of the capacity of the

highway network, do not lead to the formation of a new access or greater use of an existing access onto a primary, district or local distributor road unless the access is such that it is acceptable to the Council and its design achieves a high standard of safety, and has full regard to the highway impact on, and potential for improvement to the surrounding landscape.

9.24 The NPPF policy requirement is that permission should only be refused on highway grounds if the impacts of granting permission are shown to be severe. In this case it is not considered that the impact of the development would be severe in terms of highway safety grounds. NYCC Highways have reviewed the submitted information and have no objections to the proposals, and have provided conditions and informatives to help mitigate any potential concerns that may arise. Therefore, it is considered that the proposal is in line with the policy requirements of Saved Policy T2 of the Local Plan and the guidance contained within the NPPF and is therefore considered to be acceptable in terms of highway safety.

#### 9.25 Conclusion

9.26 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.*

9.27 On balance, it is considered that there are no adverse impacts arising from the proposal 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 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

#### **Approved Plans**

2 This permission relates to the following plans:

- Site Location Plan - Drawing No. 808.01(-- ) 001, received 1st May 2019;
- Existing Site Plan - Drawing No. 808.01(-- ) 002, received 1st May 2019;
- Proposed Site Plan - Drawing No. 808.01(-- ) 004 Rev J, received 1st May 2019;
- Block Plan - Drawing No. 808.01(-- ) 005 Rev B, received 1st May 2019;
- Site Sections - Drawing No. 808.01(-- ) 006 Rev A, received 1st May 2019;
- House Types T1 & T2- Drawing No. 808.01(-- ) 020 Rev E, received 9th May 2019;
- House Type T3 - Drawing No. 808.01(-- ) 021 Rev C, received 1st May 2019;
- House Types T4 & T5 - Drawing No. 808.01(-- ) 022 Rev D, received 1st May 2019;

- Tree Constraints Plan - Drawing No. TC01 Rev B, received 1st May 2019;
- Arboricultural Survey Report - Revision B, received 1st May 2019;
- Flooding & Drainage Assessment, received 1st May 2019.

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

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

### **Before you Commence Development**

- 3 Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works or the depositing of material on the site, until the following drawings and details have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority:
  - a. Detailed engineering drawings to a scale of not less than 1:500 and based upon an accurate survey showing:
    - The proposed highway layout including the highway boundary
    - Dimensions of any carriageways, footways, and verges
    - Visibility splays
    - The proposed buildings and site layout, including levels
    - Accesses and driveways
    - Drainage and sewerage system
    - Lining and signing
    - Traffic calming measures
    - All types of surfacing (including tactiles), kerbing and edging.
  - b. Longitudinal sections to a scale of not less than 1:500 horizontal and not less than 1:50 vertical along the centre line of each proposed road showing:
    - The existing ground level
    - The proposed road channel and centre line levels
    - Full details of surface water drainage proposals.
  - c. Full highway construction details including:
    - Typical highway cross-sections to scale of not less than 1:50 showing a specification for all the types of construction proposed for carriageways, cycleways and footways/footpaths
    - When requested cross sections at regular intervals along the proposed roads showing the existing and proposed ground levels
    - Kerb and edging construction details
    - Typical drainage construction details.
  - d. Details of the method and means of surface water disposal.
  - e. Details of all proposed street lighting.
  - f. Drawings for the proposed new roads and footways/footpaths giving all relevant dimensions for their setting out including reference dimensions to existing features.
  - g. Full working drawings for any structures which affect or form part of the highway network.
  - h. A programme for completing the works. The development shall only be carried out in full compliance with the approved drawings and details unless agreed otherwise in writing by the Local Planning Authority with the Local Planning Authority in consultation with the Highway Authority.

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

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

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

- 5 There shall be no movement by construction of other vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until that part of the access(es) extended 10 metres into the site from the carriageway of the existing highway has been made up and surfaced in accordance with the approved details and/or Standard Detail number A1 and the published Specification of the Highway Authority. All works shall accord with the approved details unless otherwise approved in writing by the Local Planning Authority in consultation with the Highway Authority. Any damage during use of the access until the completion of all the permanent works shall be repaired immediately.

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

- 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 45 metres measures along both channel lines of the major road from a point measures 2.4 metres down the centre line of the access road. The eye height will be 1.05 metres and the object height shall be 0.6 metres. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason: In the interests of road safety.

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

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

- 8 Prior to commencement proposals shall be submitted to and approved in writing by the Local Planning Authority for the provision of:
- On-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway.
  - On-site materials storage area capable of accommodating all materials required for the operation of the site.
  - The approved areas shall be kept available for their intended use at all times that construction works are in operation.

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

- 9 Prior to commencement details of the routes to be used by HCV construction traffic shall be submitted to, and approved in writing by, the Local Planning Authority in consultation with the Highway Authority. Thereafter the approved routes shall be used by all vehicles connected with construction on the site.

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

### **During Building Works**

- 10 During construction works there shall be no:
- a. Light Goods Vehicles exceeding 3.5 tonnes
  - b. Medium Goods Vehicles up to 7.5 tonnes
  - c. Heavy Goods Vehicles exceeding 7.5 tonnes

Permitted to arrive, depart, be loaded or unloaded on Sunday or a Bank Holiday nor at any time, except between the hours of 9.00am and 15:00pm on Mondays to Fridays and at any time on Saturdays.

Reason: To avoid conflict with vulnerable road users.

### **Before the Development is Occupied**

- 11 No dwelling to which this planning permission relates shall be occupied until the carriageway and any footway/footpath from which it gains access is constructed to basecourse macadam level and/or block paved and kerbed and connected to the existing highway network with street lighting installed and in operation.
- The completion of all road works, including any phasing, shall be in accordance with a programme approved in writing with the Local Planning Authority in consultation with the Highway Authority before the first dwelling of the development is occupied.

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

### **Ongoing Conditions**

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

Reason: To ensure the retention of adequate and satisfactory provision of off-street accommodation for vehicles generated by occupiers of the dwelling and visitors to it, in the interest of safety and the general amenity of the development.

#### Informatives

1. 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.
2. The applicant should identify all areas of the site and the site operations where dust may be generated and ensure that dust is controlled so as not to travel beyond the site boundary.
  3. 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 this document.

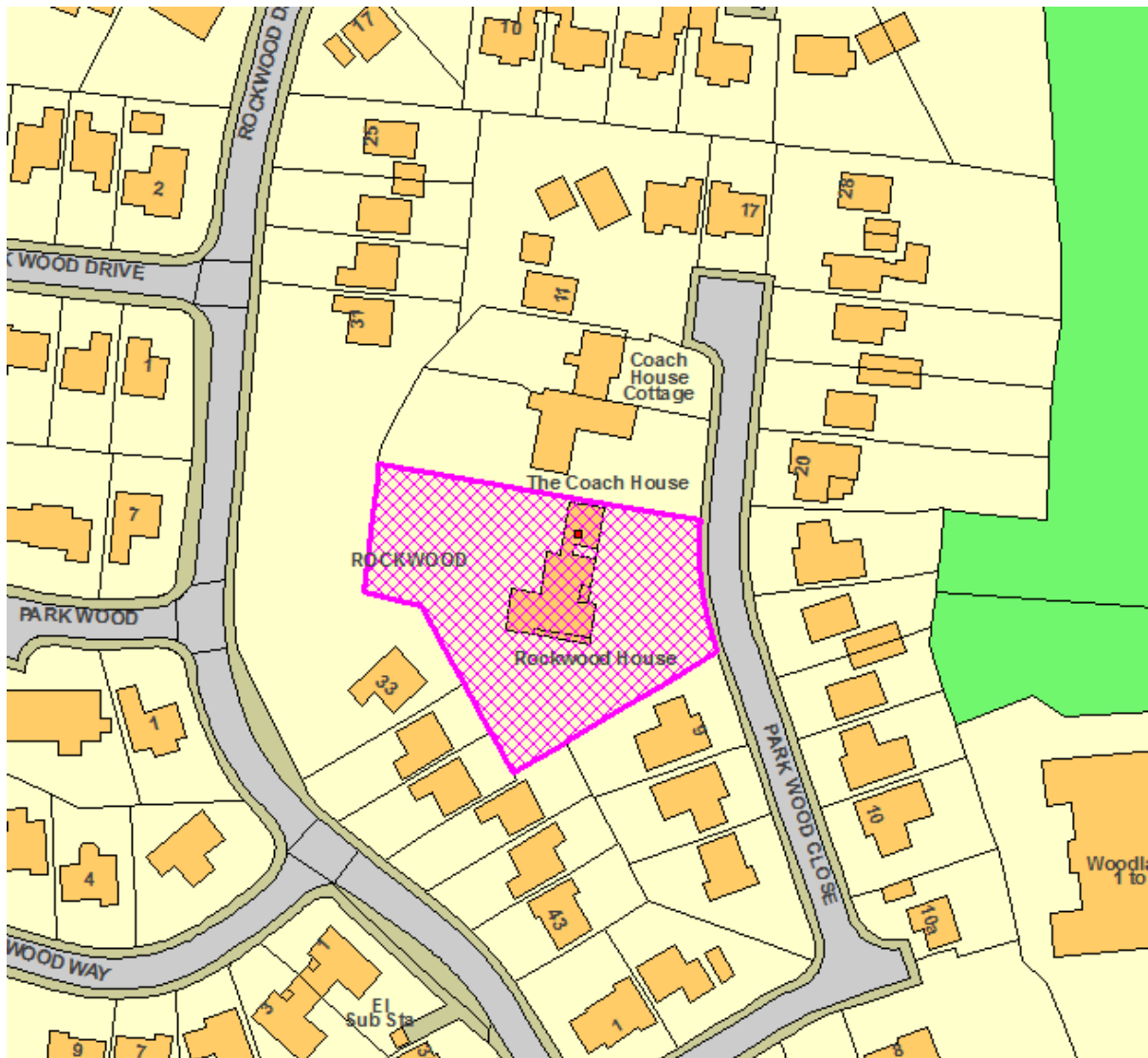
4. In imposing condition no. 3 it is recommended that before a detailed planning submission is made a draft layout is produced for discussion between the applicant, the Local Planning Authority and the Highway Authority in order to avoid abortive work. The agreed drawings must be approved in writing by the Local Planning Authority for the purpose of discharging this condition.
5. You are advised that a separate licence will be required from the Local Highway Authority in order to allow any works in the adopted highway to be carried out. The 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by North Yorkshire County Council, the Highway Authority, is available at the County Council's offices. The local office of the Highway Authority will also be pleased to provide the detailed constructional specification referred to in this condition.
6. An explanation of the terms used within the NYCC Highways recommended conditions is available from the Highway Authority.
7. 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.

1. Statement of Positive Engagement: -

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



**Application Number:** 2019/20479/FUL

**Proposal:** Construction of 1 no. 2 bed bungalow, 1 no. 3 bed bungalow and 4 no. 4 bed dwellings with associated vehicular access and landscaping. (Resubmission of previously refused application referenced 2019/20096/FUL)

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

**On behalf of:** Firth Developments LTD



## REPORT TO PLANNING COMMITTEE ON 1st July 2019

**Application Number:** 2019/20286/FUL

**Proposal:** Demolition of existing detached bungalow and construction of 2 no. detached dwellings

**Site Address:** Roseneath The Acres Sutton-in-Craven BD20 7AT

**On behalf of:** Mr & Mrs B Philbin

**Date Registered:** 11th March 2019

**Expiry Date:** 6th May 2019

**EOT Date, if applicable:** 5th July 2019

**Case Officer:** Mr Sam Binney

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**This application has been referred to planning committee at the request of Councillor Morrell due to overdevelopment, loss of amenity, issues with the design and layout being out of keeping with neighbouring properties, and concern regarding run-off water.**

### 1. Site Description

- 1.1 The application site is a rectangular plot which currently sites a large bungalow set at an angle within the site. The size of the plot is large measuring 1130 square metres with large front and rear garden areas.
- 1.2 Surrounding the site are residential properties in all directions. The site is accessed via an access road which connects to West Lane to the south-east. The access serves several properties 'Roseneath' and others further west. The site is in an elevated position above West Lane. To the frontage of the property there is a line of planting consisting mostly of small bushes, with large trees separating the access road from West Lane.
- 1.3 The site is outside development limits and is classed as Open Countryside.

### 2. Proposal

- 2.1 The application seeks planning permission for the demolition of the existing bungalow and replacement with 2 No. 2-storey dwellings. They will consist of 1 No. 3-bed dwelling with a detached garage, and 1 No. 4-bed dwelling with a single storey attached garage. The dwellings will be sited such that the frontage will be parallel to the access road and will have parking areas to the front and side of the properties.

### 3. Planning History

- 3.1 5/66/278: Erection of detached dwelling. Approved 16/11/1984.
- 3.2 5/66/278/A: Erection of detached bungalow and double garage. Approved 18/12/1985.
- 3.3 2017/18822/HH: Proposed first floor/roof alterations/extensions to provide new bedrooms and house bathroom as well as internal/external alterations to ground floor with new front porch and rear extension to form new kitchen/dining room with mezzanine. Approved 02/02/2018.

4. Planning Policy Background
- 4.1 Saved Policies in the Craven District (Outside the Yorkshire Dales National Park) Local Plan:  
ENV1: Development in the Open Countryside.  
ENV2: Requirements for Development in Open Countryside.  
ENV10: Protection of Trees and Woodlands.  
T2: Road Hierarchy.
- 4.2 Submission Draft Local Plan policies:  
SD1: The Presumption in Favour of Sustainable Development  
SP1: Meeting Housing Need  
SP4: Spatial Strategy and Housing Growth  
ENV1: Countryside and Landscape  
ENV3: Good Design  
INF4: Parking Provision
- 4.3 The Emerging Local Plan (ELP) that would cover the period up to 2032 has now been submitted for examination. Notwithstanding this, the ELP is not the adopted development plan for the district. However, the submission draft is considered to be sound and the policies are consistent with the NPPF.
- 4.4 National Planning Policy Framework (NPPF).
- 4.5 National Planning Practice Guidance.
5. Parish/Town Council Comments
- 5.1 Sutton in Craven Parish Council: “over development, out of keeping, loss of privacy”.
6. Consultations
- 6.1 NYCC Highways: No local highway authority objections.
- 6.2 Yorkshire Water: No objection to the proposal but recommend conditions regarding disposal of surface water.
- 6.3 Environmental Health: No objections but recommend conditions regarding construction hours, noise levels, clean topsoil, and dust.
7. Representations
- 7.1 Site Notice dated 15th March 2019.
- 7.2 Press Notice not required.
- 7.3 Notification letters sent to 9 neighbouring properties.
- 7.4 6 letters of representation have been received from 4 neighbouring properties. A summary of the objections are outlined below:
  - No attempt has been made to protect the amenity of approved dwelling to rear.
  - First floor windows would directly overlook neighbouring property.
  - The taller properties will have a negative impact upon the character of the area.
  - Request to remove all first floor windows from overlooking neighbouring properties.
  - Lack of cross-section showing relationship between approved scheme to west and the proposal.
  - Concern over surface water drainage through loss of porous surfaces.

- Trees do not block the view to the south and south-west.
- Boundary treatment inadequate to protect privacy/amenity.
- Concern over effects of internal lighting of the properties.
- Concern over traffic, noise, dirt and pollution during building work.
- Boundary fence is not 1.8m as stated on plans.

## 8. Summary of Principal Planning Issues

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

## 9. Analysis

### **Policy background and principle of development**

- 9.1 The Local Plan was adopted in 1999 it was not prepared under the Planning & Compulsory Purchase Act 2004. Paragraph 213 of the NPPF states that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the Framework stating that 'due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)'.
- 9.2 The main thrust of the NPPF is an overarching presumption in favour of sustainable development. This guidance reaffirms that it is the Government's clear expectation that local planning authorities should deal promptly and favourably with applications that comply with up to date plans and that where plans are out of date, there will be a strong presumption in favour of sustainable development that accords with national planning policies.
- 9.3 The site has not been identified as a preferred site for housing in the Submission Draft Local Plan. Notwithstanding this, the Submission Draft policies can be given very limited weight in the decision making process and the Council's decision on this specific application must be considered on its own merits having regard to the relevant national and Saved Local Plan Policies currently in force.
- 9.4 Paragraph 47 of the NPPF requires local planning authorities to boost significantly the supply of housing by identifying "specific, deliverable sites for years one to five of the plan period" and 'specific, deliverable sites or broad locations for growth, for years 6-10 and, where possible, for years 11-15 of the plan'.
- 9.5 Paragraph 73 of the NPPF states that the figures (above) need to be calculated with an appropriate buffer. This is calculated as:
  - 5% to ensure choice and competition in the market for land; or
  - 10% where the local planning authority wishes to demonstrate a five year supply of deliverable sites through an annual position statement or recently adopted plans, to account for any fluctuations in the market during that year; or
  - 20% where there has been significant under delivery of housing over the previous three years, to improve the prospect of achieving the planned supply.
- 9.6 In March 2018 the Council submitted the Council's New Local Plan to the Secretary of State. The Housing Trajectory 2012 to 2032, including the 2018 update for Submission indicates that the Council can now demonstrate a 5 year supply of housing sites. However, the stated existence of the Five Year Housing Land Supply is not reason in itself to justify refusal of a planning application.

It is a material consideration in planning that can be given weight in the decision making process. In effect it is one of many planning issues that should be taken into account when determining a planning application.

- 9.7 Paragraph 78 of the NPPF recognises that, depending on its location, housing is capable of contributing to the vitality of rural communities by supporting services within neighbouring settlements. In regards to housing in rural areas, the main purpose of paragraph 79 of the NPPF is to avoid isolated homes in the countryside unless certain circumstances are applicable.
- 9.8 The term ‘isolated homes in the countryside,’ and its interpretation, was considered in an appeal case, *Braintree District Council v Secretary of State for Communities and Local Government, Greyread Limited & Granville Developments Limited* [2017] EWHC 2743 (Admin); [2018] EWCA Civ 610. In accordance with the judgement on that case ‘isolated’ in the context of the NPPF should be given its dictionary meaning, with the distinction between settlements and the countryside being a physical analysis rather than a mixture of the functional and physical. Based on this judgement therefore, the key test to apply when considering isolation is whether the proposal is physically immediate to other dwellings.
- 9.9 The site is in close proximity to the development limit boundary and the site currently serves and is surrounded by residential properties. The area has good vehicular access to local services and facilities (e.g. Primary School, Secondary School, Public Houses & Local Town Shops). The proposed development is in accordance with the objectives of the NPPF in that the site would provide some economic and social benefits. Therefore, with regard to the advice in the NPPF, taken overall the proposal is in principle considered to be capable of forming sustainable development.
- 9.10 The application site lies outside the development limits of Sutton in Craven. As a result, ENV1 and ENV2 apply. Saved Policy ENV1 seeks to protect the character and quality of the open countryside from being spoilt by sporadic development. Further, small scale development appropriate for the enjoyment of the scenic qualities of the countryside and other small scale development having a rural character will only be permitted in the open countryside where it:
- Clearly benefits the rural economy
  - Helps to maintain or enhance landscape character
  - Is essential for the efficient operation of agriculture or forestry; or
  - Is essential to the needs of the rural community.
- 9.11 Saved Local Plan policy ENV2 seeks to ensure that any development acceptable in principle under saved policy ENV1 is compatible with the character of the area and does not have an unacceptable impact on the landscape; that the design and materials used relate to the setting; that traffic generated by the development can be accommodated satisfactorily and that services and infrastructure can be provided without a serious harmful change to the character and appearance of the area. These are general planning considerations that fall broadly in line with the NPPF.
- 9.12 Saved Policy ENV2 seeks to ensure that any development that is located outside of the development limits but considered to be acceptable in principle; should be compatible with the character of the area; the design, materials used relate to the setting; that traffic generated can be accommodated satisfactorily and; that services and infrastructure can be provided without any serious harm to the character and appearance of the area. The weight that can be given to ENV2 is now limited, but these aims are broadly in line with the NPPF, and will be addressed within the body of this report.
- 9.13 Further, the NPPF encourages the effective re-use of land that is previously developed. In this respect, the proposed development would make efficient use of previously developed land that the construction of 2 dwellings on the same land parcel as the existing bungalow and given the site’s location within an established residential area.

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

**Visual impact upon the surrounding area**

- 9.15 The NPPF sets out generic policies that require good design and specifically it is stated that planning should always seek to secure high quality design and a good standard of amenity for all existing and future users of land and buildings.
- 9.16 Paragraph 127 elaborates planning policies and decisions should ensure that developments should function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development.
- 9.17 Saved Local Plan policy ENV1 seeks to limit development in the open countryside where it fails to maintain or enhance landscape character. More detailed criteria under ENV2 requires that development should not have an unacceptable impact on the landscape; that existing landscape features should be protected; that development should relate well to the setting and public views; and finally that it should be accessible and be capable of being serviced without causing a serious harmful change to the locality.
- 9.18 In this case the benefits of the provision of housing to meet the Council's housing land supply and the presumption in favour of sustainable development set out in the NPPF needs to be balanced against any adverse impacts of allowing the development to take place.
- 9.19 The main concern of the proposal would derive primarily from the visual impact of the development and the potential impact on the setting of the surrounding area. In terms of planning balance it is the case that the provision of 2 new properties (1 net gain) would be of limited benefit in terms of the overall supply of housing land but equally it is considered that no significant the surround area).
- 9.20 Additionally, it is considered that the development would represent an efficient use of this land that is of limited benefit in terms of its contribution to the overall character and appearance of the area. In coming to this view the site characteristics have been taken into account. Dwellings in the surround area to the west of West Lane do not consist of a particular built form or design. Notwithstanding, the design of the proposed dwellings has taken regard of various designs present within neighbouring properties. In this regard, they would not appear incongruous or have a detrimental visual impact upon any area of important open space.
- 9.21 The properties on West Lane are all two-storey dwellings as well as some of the properties further to the west of the application site. However, the directly adjacent properties are primarily bungalow or a bungalow with garage underneath. The proposed dwellings will both be two storeys and will therefore have the potential to be dominant in the surrounding area.
- 9.22 Notwithstanding, it is considered that the design and appearance of the proposed houses are acceptable and that they are appropriate in scale relative to the immediate setting. Moreover, it is considered that the proposed dwellings would not appear in any way incongruous or overly dominant in the general context of the site and are significantly obscured from public viewpoints through the protected landscaping across the southern boundary of the site. For these reasons it is considered that the proposal is consistent with saved local plan policies and NPPF policy in terms of design.

**Impact on amenity**

- 9.23 The proposed dwellings would be sited immediately adjacent to an existing row of dwellings, with further dwellings to the rear of the site. The dwellings have similar design considerations to nearby dwellings.

- 9.24 The nearest dwellings to the site consist of 'West Balgray' to the north and 'Carillon' to the south-west. West Balgray is set at a marginally lower ground level than the proposed dwellings, while Carillon is set marginally higher. Unlike the existing bungalow, the proposed dwellings are to be set parallel to the access road such that the side elevations of the dwellings will face toward these neighbouring properties.
- 9.25 The rear elevations to the proposed dwellings have several glazed openings at ground floor level. Additionally, at first floor level there will be 2 dormer windows, 1 raised window and 4 No. roof lights. The proposed rooflights will not result in overlooking of neighbouring properties while the staircase window is not a habitable room. The 2 dormer windows are the only openings at this level that would serve habitable windows. The dormer windows will be sited 10.5m away from the rear boundary which is considered to be an acceptable distance to preserve neighbour amenity. Due to the existing boundary treatment, it is considered that the proposed ground floor rear windows will not impact on neighbouring amenity.
- 9.26 The land to the other side of this boundary is a detached dwelling with a garage, large shed and modest unmaintained garden areas. The property is distant to the boundary the shed and garage are both perpendicular to the boundary. Therefore, any overlooking that would occur would not be to the detriment of the occupiers for that property.
- 9.27 It is noted that the site to the rear has an extant planning permission reference 2018/18958/REM for the construction of 2 detached dwellings. The nearest of the approved dwellings is to be built at an angle to the boundary with the nearest corner of the dwelling 5m from the shared boundary treatment. While the majority of the openings are to face toward the shared boundary, the windows that would face toward the proposed dormers would serve the hall and kitchen. Additionally, the windows serving the bedroom are secondary windows with the primary window on a separate elevation. While it is no guarantee that the approval is built out, it is considered that the amenity of neighbouring occupiers would be preserved.
- 9.28 It is considered that side elevations should not contain any windows which would overlook habitable room windows or private garden/amenity areas. The proposed dwellings include several openings at both ground and first floor levels. The openings at first floor level are predominantly to circulation areas and obscure glazing to bathrooms. The ground floor openings would face toward driveways and the boundary treatment. It is considered that despite the presence of the windows in side elevations, they would not result in overlooking of habitable room windows or private garden/amenity areas.
- 9.29 Plot 1 will be sited to the southern end of the site with a roof terrace to the south-east corner of the property. The roof terrace will be accessed from large glazed bi-fold doors at first floor level. The roof terrace will be enclosed by a 1.75m high wall to the south elevation and wall with glass balustrade above to a total height of 1m to the east elevation. This wall to the south elevation will protect privacy to the south. The glass balustrade will not restrict views to or from the balcony. The views in that direction will overlook the access road, the TPO protected trees and West Lane beyond. Oblique views will be achieved toward the dwelling 'Timolin' and their rear amenity areas to the south. It is considered that due to the orientation of the proposed roof terrace and the separation of the proposed roof terrace from 'Timolin' that there would be no detrimental impact in regard to privacy and amenity.
- 9.30 The proposed dwellings would result in additional shadowing in the vicinity. Due to the orientation of the proposed dwellings, the shadowing will mostly be cast across their own amenity areas. However, there would be some shadowing toward 'West Balgray' from the northern plot 2 dwelling.
- 9.31 Due to the siting of the proposed dwelling, the shadowing would be across the associated driveway to the north and the boundary treatment. Any additional shadowing that may spill into the neighbouring properties land will not be significant or detrimental to the amenity of the occupiers of that property.
- 9.32 The proposed garage for plot 2 is to be located in the north-west corner of the site in close proximity to both the north and west boundaries. However, due to the scale of the proposal and the

boundary treatment present, the additional shadowing would be contained within the site and across the boundary treatment.

- 9.33 For the aforementioned reasons, the proposal would result in a minimal impact upon the amenity of the occupiers of neighbouring properties and is acceptable.

### **Highway Considerations**

- 9.34 Section 9 of the NPPF contains guidance on transport and land use planning, including the promotion of sustainable transport choices and reducing travel by car. Paragraph 109 of the NPPF states that:
- ‘Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe’.
- 9.35 In addition to the above the NPPF at paragraph 35 advocates the promotion of sustainable transport modes and to this end recommends that developments should be located and designed where practical to ‘give priority first to pedestrian and cycle movements’ and to ‘create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles’.
- 9.36 Saved Local Plan Policies ENV2 and T2 are permissive of development proposals that are appropriate to the highway network where, amongst other things, they do not generate traffic in excess of the capacity of the highway network; any new or greater use of an access onto a primary, district or local distributor road is acceptable in terms of design and road safety; and, regard is paid to the highway impact and potential for improvement to the surrounding landscape.
- 9.37 The proposed dwellings do not require alterations to the site access onto the access road or West Lane. It is also considered that the proposed car parking provision is sufficient to meet the needs of the proposed dwellings.
- 9.38 The Highway Authority was consulted on the application and they have stated that they have no objections to the proposal. For the aforementioned reasons, it is considered that the proposal is acceptable in regard to highway safety.

### **Tree Considerations**

- 9.39 In close proximity to the site there are several protected trees. These include 2 No. sycamores to the east of the site where the boundary between Roseneath and West Balgray meets West Lane. Additionally, there is a group TPO which consists of 6 tall specimens. The proposal does not include any works to the protected trees as they fall outside of the application. Additionally, the dwellings are set back significantly into the site and will be well outside of the root protection areas for those trees. For this reason the proposed works are considered to be acceptable in regard to impact on the protected trees. Further, it is considered that a condition for tree protection fencing is not necessary in this instance.

- 9.40 Conclusion

- 9.41 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

- i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”

On balance, it is considered that there are no adverse impacts arising from the proposed development that would significantly and demonstrably outweigh the overarching presumption in

favour of sustainable development contained within paragraph 11 of the NPPF, and therefore there are no grounds to withhold planning approval.

10. Recommendation

10.1 Approve with Conditions

Conditions

**Time Limit for Commencement**

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

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

**Approved Plans**

- 2 The permission relates to the following plans:

- Site Location Plan received 07th March 2019.
- Drawing titled "Proposed Block Plan/Roof Plan" received 20th May 2019.
- Drawing titled "Plot 1 Proposed Plans" received 20th May 2019.
- Drawing titled "Plot 1 Proposed Elevations" received 20th May 2019.
- Drawing titled "Plot 2 Proposed Plans" received 20th May 2019.
- Drawing titled "Plot 2 Proposed Elevations" received 20th May 2019.

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.

**During Building Works**

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

Reason: In the interest of satisfactory and sustainable drainage.

- 4 There shall be no piped discharge of surface water from the development prior to the completion of surface water drainage works, details of which will have been submitted to and approved by the Local Planning Authority. If discharge to public sewer is proposed, the information shall include, but not be exclusive to

- i) Evidence that other means of surface water drainage have been properly considered and why they have been discounted; and
- ii) The means by which the discharge rate shall be restricted to a maximum of 3 litres per second.

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



## Ongoing Conditions

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

Reason: To ensure use of appropriate materials which are sympathetic to the character of surrounding buildings and the street scene in the interests of visual amenity.

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

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

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

Reason: To ensure the retention of adequate and satisfactory provision of off-street accommodation for vehicles generated by occupiers of the dwelling and visitors to it, in the interest of safety and general amenity of the development.

### Informatives

1. Statement of Positive Engagement:

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

2. Hours of Construction

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.

3. Noise

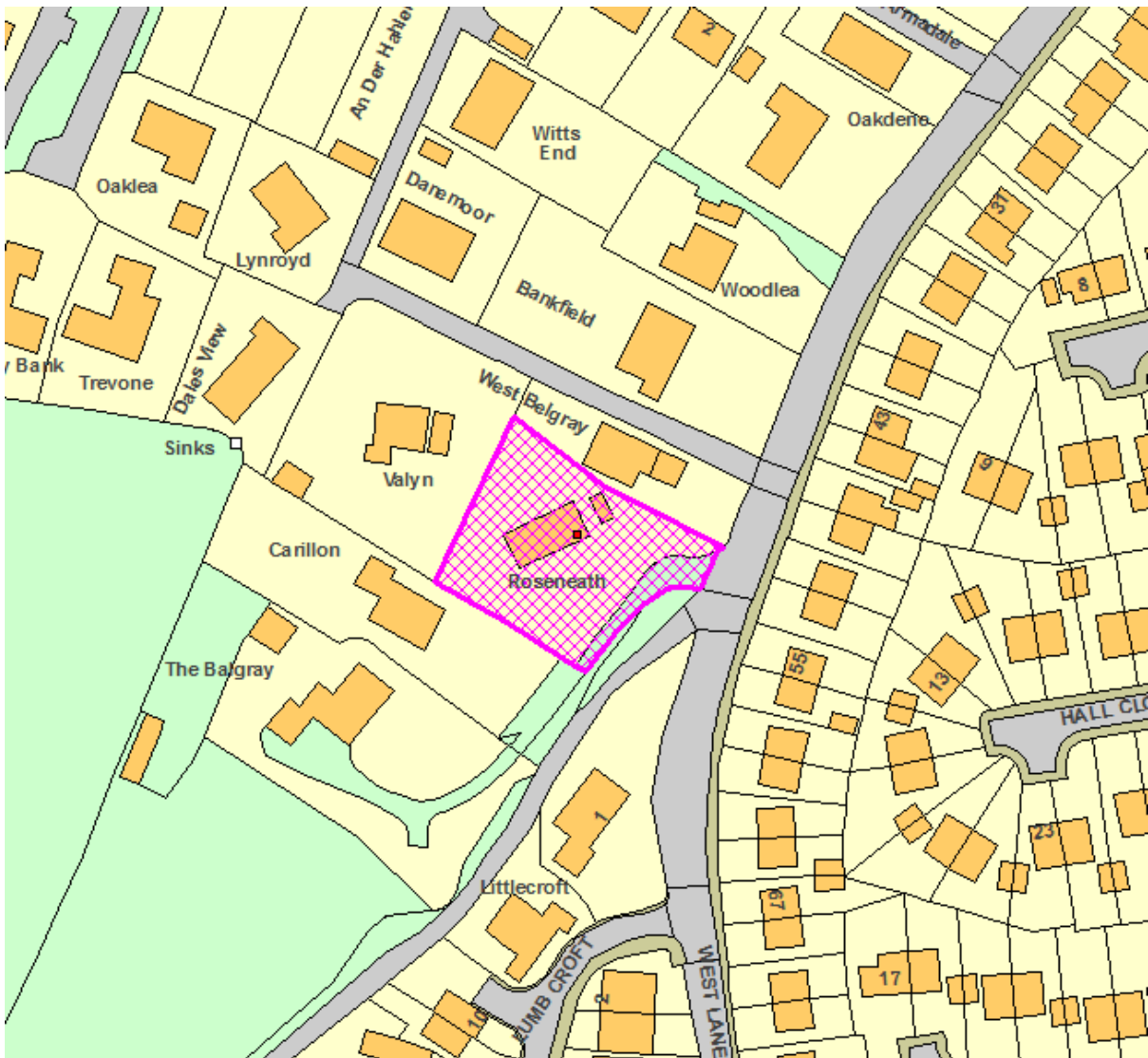
The applicant needs to have regard to the BS8233:2014 Guidance on 'Sound Insulation and Noise Reduction for Buildings' which presents guideline noise levels for both inside and outside dwellings.

4. Topsoil

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. Supplier(s) details and confirmation on the source(s) of any topsoil materials brought on site should be made available for inspection at the request of the Council's Environmental Health Department.

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

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



**Application Number:** 2019/20286/FUL

**Proposal:** Demolition of existing detached bungalow and construction of 2 no. detached dwellings

**Site Address:** Roseneath The Acres Sutton-in-craven BD20 7AT

**On behalf of:** Mr & Mrs B Philbin

## REPORT TO PLANNING COMMITTEE ON 1st July 2019

<b>Application Number:</b>	2018/19939/FUL
<b>Proposal:</b>	Erection of single dwelling
<b>Site Address:</b>	Land On East Side Of Hayfield View Off Green Lane Glusburn BD20 8RT
<b>On behalf of:</b>	Skipton Properties Ltd
<b>Date Registered:</b>	19th November 2018
<b>Expiry Date:</b>	14th January 2019
<b>EOT Date, if applicable:</b>	N/A
<b>Case Officer:</b>	Mr Mark Moore

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**This application is subject to an appeal for non-determination as a deemed refusal and is not before Members for formal determination. The application is presented to the Committee to seek a resolution on how the application would have been determined.**

1. Site Description
  - 1.1 This is a full planning application seeking approval for the erection of a single dwelling on a plot of land at the eastern side of Hayfield View, off Green Lane, Glusburn.
  - 1.2 The application site lies within the original application boundary of an outline planning permission for a residential development of 49 dwellings granted in 2012.
  - 1.3 The site of this application lies off a main service road for the new development from Green Lane and it sits immediately adjacent to the south-west corner of an area of public open space which has yet to be completed. Immediately to the east of the site is an existing residential property 'West End Bungalow' which is a bungalow with dormer extensions located on Bungalow Road. This property has a large detached garage located to the south-eastern corner of the curtilage.

**Officer note:** Although described as a dormer bungalow the property 'West End Bungalow' has a two-storey extension on its western elevation.
  - 1.4 To the south there are some small storage and green house buildings behind some tall hedging marking the north-west corner of an enclosed, undeveloped area of grassland.
  - 1.5 The site levels have been temporarily raised through storage of soil generated from the ongoing residential development but it is indicated on the submitted plans that the finished site levels would be roughly the same as that of the nearest property to the east of the site, 'West End Bungalow'. Outside of the application site the land levels typically rise steeply from south to north across the larger development site.
  - 1.6 The site is outside of development limits and is therefore located in open countryside as defined in the adopted Local Plan although it now forms part of a larger site that has the benefit of extant permission for residential development.
2. Proposal
  - 2.1 Permission is sought for the erection of a single, detached 3 bedroom house with a maximum footprint measuring 7.8m x 10.4m.

**Officer note:** At the request of the case officer revised plans have been submitted. These represent a marginal reduction in the width of the property from what was originally submitted (from 9m to 7.8m) and a revision from 4 to 3 bedrooms. In addition to the reduction in width the height of the proposed house has been reduced from 7.5m to 7.2m and a proposed detached single garage has been removed.

2.2 The proposed house would feature gable ends with a projecting gable to the front elevation with an external entrance porch and an external chimney to the southern (rear) elevation. The house would be constructed from stone with concrete roofing tiles and upvc fenestration/doors to match the existing (new) development currently underway.

2.3 It is proposed to locate the house towards the western side of the plot where its front elevation would lie parallel to the northern side of the projecting gable extension to the adjacent property 'West End Bungalow'. The overall interface distance at this point would be 14m i.e. the proposed new dwelling would lie 14m due west of the nearest point of the existing house. Proposed site sections have been submitted with the application that indicate that the ridge of the new dwelling would sit approximately 0.9m to 1m above that of 'West End Bungalow'.

**Officer note:** A Site Layout Plan has been submitted with the application that shows the comparative ground levels of the western end of the garden of 'West End Bungalow' and the Finished Floor Level (FFL) of the proposed new dwelling. These are shown to be ranging from 120.38 to 121.83 running south to north across the existing garden and 120.40 to 121.80 across the adjacent application site boundary. The proposed new house is shown with a FFL of 121.10 n.b. overall there would be a fall of approximately 0.5m across the application site from the west to the east.

2.4 It is proposed to provide two parallel parking spaces at the northern end of the site with the remainder forming private garden space. The parking spaces would be surfaced with block paviors. Proposed boundary treatments include dry stone walling to the west, north and east boundaries whilst the southern site boundary would be marked by an existing 4m high hedge.

### 3. Planning History

3.1 The most relevant planning permission is ref: 32/2011/11429 (as detailed above).

**Officer note:** Although shown within the red edging for the outline planning permission the site was never indicated for development in the original layout. In subsequent plans (detailing landscaping as part of the discharge of planning conditions) the site was shown to lie outside of the red lined site area and therefore was not approved as part of the detailed landscaping scheme. Notwithstanding, this does not exclude the site as part of the 2012 outline approval. For this reason the application represents the inclusion of an additional dwelling over the 49 houses originally approved under planning permission ref: 32/2011/11429 although it can be dealt with lawfully as a separate planning permission as opposed to an amendment or variation to that 'host' permission.

3.2 2019/20573/FUL: Single dwelling (re-submission of undetermined application ref: 2018/19939/FUL). This application has yet to be determined.

**Officer note:** The applicant has 'twin tracked' the application and has indicated that the appeal against non-determination would be withdrawn should permission be granted for the re-submission.

### 4. Planning Policy Background

#### 4.1 **The Craven District (Outside the Yorkshire Dales National Park) Local Plan:**

ENV1: Development in the Open Countryside

ENV2: Requirements for Development in Open Countryside

SRC2: Provision of Recreation Space in New Housing Developments

T2: Road Hierarchy

4.2 **National Planning Policy Framework**

4.3 **National Planning Policy Guidance.**

4.4 **Draft Craven Local Plan:**

SP1: Meeting Housing Need

SP8 Strategy for Glusburn/CrossHills – Tier 3

ENV1: Countryside and Landscape

ENV3: Good Design

The Emerging Local Plan (ELP) has been subject to an examination in public, modifications have been published which have been out to public consultation. At the time of compiling this report the Inspector is considering the consultation responses and has yet to issue his final recommendations. As a consequence the ELP is at an advanced stage of preparation and the policies therein can be afforded weight dependent on the degree of unresolved objections there are to those individual policies (Paragraph 48 of the NPPF refers).

In this case it is considered that there are no significant matters arising from the ELP policies that would warrant their detailed assessment in the determination of this application. Accordingly it is proposed to assess the application against the saved policies in the adopted Local Plan.

5. Parish/Town Council Comments

5.1 **Glusburn and Cross Hills Parish Council:**

*'The residents near to this application were told that the amended plans could be seen via the Parish Council = we have never received these amended plans!  
The Parish council would however like to point out again that this plot is still an extra to the ones previously passed by the Inspectorate.  
The amended plans have raised the levels of the landscaping, potentially above the stated level which is causing problems, the flooding issues have now been exacerbated.  
This area needs permanent drainage installing'.*

5.2 The Parish Council has advised that its objections to the proposal as originally submitted still stand. Those comments were as follows:

*'The Parish Council strongly object to this application and feel that it should be refused.*

*As you already know The Green Lane site was eventually passed for housing by the Planning Inspectors in May 2012 after a very long battle.*

*This site was passed for 49 houses so why are we now in a position where we have another application for another house on the same site ?*

*This new application is within the site limits however, this particular site / plot was ring marked to be for soft landscaping and a green area.*

*This potential development will over power the nearby property that was built in the 1950's and had to adhere to very stringent building specs.*

*The ridge of the current bungalow had to be in line with the original dwellings of Bungalow Road and no higher.*

*This application bears no resemblance to any of these building specs. It is a huge development on a small piece of land. It will be very overbearing and dominating on the nearby property, as it is so large. It will also invade on the residents privacy as it is too near to the other property. The proposed site of this new development is going against all that*

*the Inspectorate stated when he passed the 49 houses plan/site. The level of the land is 2 metres above what was stated in the Inspectorate document.*  
*The site will be over saturated with dwellings.*  
*The run-off water from the development is currently causing mayhem for residents as the water is pouring off onto the street and running into houses.*  
*The nearby property of this new proposal has already had a mini river running into his garden this past 2 days. This problem needs resolving.*  
*This application definitely needs a site visit and also it most definitely needs to be taken to a Planning Committee Meeting'.*

**Officer note:** The issue of water run-off from the ongoing development site is currently under investigation by the Council's Enforcement Officer. Based on letters of objection to the original residential outline planning application to develop the larger site it is evident that water run-off has been a long standing issue in the area.

## 6. Consultations

### 6.1 **CDC Environmental Health:**

There are no contaminated land issues. EH recommend advisory notes relating to limiting construction times, meeting sound insulation and noise reduction requirements, control of dust and use of clean topsoil.

### 6.2 **CDC Sports Development Officer:**

Should officers or the Inspector deem this scheme acceptable then a planning gain contribution of £4076 should be made in order to accord with saved local plan policy SRC2 as well as our evidence base for open space and as per NPPF (Version Feb 2019) para 83, para 92, para 96. This should be a simple unilateral undertaking and paid to the Council upon commencement of the development so that the Council can then allocate the funds to address the know deficiency in Glusburn park by the time the development is occupied.

### 6.3 **CDC Strategic Housing:**

Strategic Housing has confirmed that the additional house would not affect the affordable housing requirement across the larger site and therefore there would be no necessity for the financial viability of the development to be re-appraised.

### 6.4 **NYCC Highways:**

The Highways Engineer has no objections to the application and recommends standard conditions relating to construction details and the provision of parking/turning areas.

**Officer note:** The Highways Engineer had recommended a further condition relating to the garage which is no longer relevant as the revised submission no longer proposes a garage.

## 7. Representations

7.1 The application was advertised by way of a site notice that was erected on 6<sup>th</sup> December 2019. Neighbour consultation letters were also issued on 29<sup>th</sup> November 2018 and on 20<sup>th</sup> March 2019 in response to amended plans.

7.2 There are 3 neighbour responses relating to the application as originally submitted which are summarised as follows:

- Have the number of houses not already been agreed by the Council?
- There are problems with water run-off resulting from inadequate land drains which has become worse since new development has been under construction. This development will make situation even worse.
- This application would deviate from the scheme approved by the planning inspector.

- To squeeze an additional dwelling into a corner at the size and scale shown on the plans accompanying this application is not acceptable.
- Proposal would blatantly obscure the objector's property (West End Bungalow) from sight to anyone entering the development from Green Lane and would totally dominate the property and invade privacy.
- The documents relating to the planning appeal on 32/2011/11429 included the objective of safeguarding the character and amenity of adjacent properties.
- Dwelling would deny occupier of adjacent house any outlook to the west and would also block sunlight for a significant portion of the afternoon.
- Scale of house relevant to adjacent dormer bungalow is too great and would be over dominant.
- Proposed house would result in a loss of privacy of neighbouring dormer bungalow.
- The proposed dwelling is to be elevated on built-up land and would be a deviation from the scheme approved by the planning inspector. This is subject to on-going complaints and investigation by the Council.
- Original appeal decision made assurances that the transitional nature of the site would be maintained by use of careful soft landscaping and planting – if this application is passed then the soft landscaping would be completely abandoned.
- The submitted plans contain inconsistencies and therefore distance to existing dormer bungalow cannot be certain.
- As closest neighbour the occupiers of the adjacent dormer bungalow have endured a year of disturbance and nuisance which has been stressful. Current proposal would ramp up the level of harm.

7.3 Following the submission of the revised proposals a further comment from the occupier of the adjacent West End Bungalow was received. Those comments are summarised as follows:

- Nothing is fundamentally changed by the amended plans.
- As the occupiers of the closest neighbouring property we have suffered noise, vibration, dust contamination and water run-off and now face current proposal.
- The objections outlined in the previous letter still apply and proposed development remains materially harmful to the amenity of the occupiers of the adjacent property by way of it being overbearing and over dominant, out of scale and resulting in loss of outlook, loss of privacy and loss of sunlight.

## 8. Summary of Principal Planning Issues

8.1 Principle of development.

8.2 General design and amenity of proposed development.

8.3 Highway safety.

## 9 Analysis

### Principle of development:

9.1 Notwithstanding that the application site is located outside of development limits (as defined in the adopted Local Plan) it remains within a larger residential development site that was granted outline planning permission on appeal in 2012. That outline planning permission has subsequently been followed up by reserved matters approval (granted in 2015 under application ref: 32/2015/15768) and is now extant following various discharge of condition applications and amendments and by virtue of the fact that development has commenced on site thereby implementing the permissions. This is a significant material consideration in relation to the principle of development as the current

proposal relates to a site that already has the benefit of planning permission albeit the actual site subject to this application was not indicated to be built on in the original outline approval (being shown as a landscaped area).

- 9.2 The overall conclusion is that the principle of residential development has already been established on this site and therefore the proposed additional dwelling is not contrary to the lawfully established use of the land that is subject to this application. In addition to this it is equally important to note that under paragraphs 10 and 11 of the NPPF there is a presumption in favour of all forms of sustainable development and a requirement for local planning authorities' to approve such development unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole. Whilst the benefit/dis-benefit of the development has yet to be addressed in this report it is the case that there can be no objection to the application in principle.
- 9.3 Both the Parish Council and local residents have objected to the application on the basis that, amongst other concerns, it is contrary to what was originally approved at outline application stage by the Planning Inspector. This is not in itself justification to refuse planning permission as each application falls to be determined on its own merits having regard to relevant development plan policy and any other material considerations. In this case the decision of the Planning Inspector to grant permission for 49 dwellings at outline stage whilst being a material consideration does not preclude additional dwellings or variations to the details approved at outline stage as is common practice on many housing developments across the district. It is the case that the site area was originally indicated for landscaping at outline approval stage but this factor alone cannot restrict the land being put to some other use subject to appropriate planning permission. Notwithstanding, whilst the question of the principle of development is not at issue, the loss of landscaping remains a material consideration which will be considered later in this report.

General design, visual impact and amenity of proposed development:

- 9.4 Before assessing the details of the proposal it is necessary to assess what the relevant policy considerations are. In this case the saved policies in the adopted Local Plan do not apply with regards to the questions of design, visual impact and impact on amenity and for this reason it is appropriate to consider national planning policy.
- 9.5 Part 12 of the NPPF deals with the issue of achieving well-designed places and, whilst not being detailed or entirely prescriptive, sets out the general policy approach towards design stating that '*Good design is a key aspect of sustainable development...*' (paragraph 124) and 'Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions..' (paragraph 130). In addition the NPPF offers more detailed criterion at paragraph 127 which includes a requirement for development to provide '*places that are safe, inclusive and accessible, with a high standard of amenity for existing and future users*'.
- 9.6 In this case the proposal would result in loss of an area that at outline stage was indicated to be part of wider landscaping proposals although not subsequently shown for that purpose in all of the subsequent detailed landscaping proposals.
- Officer note:** The most recent landscaping plan is plan ref: GL0419 01 revision G submitted as part of an application for a minor material amendment granted permission on 6<sup>th</sup> June 2019 under ref: 2018/19618/MMA. This plan includes the application site but does not show any landscaping details for it.
- 9.7 Taking the above into consideration it is the case that there are no approved landscaping details for the application site and therefore a decision to approve the current scheme does not conflict with any of the extant planning permissions. Nonetheless, this does not mean that the question of the site remaining undeveloped cannot be considered.
- 9.8 The application site is on a sharp bend in the main estate road near to the main estate entrance and therefore is visible from Green Lane whilst entering the new development site. Whilst landscaping would undoubtedly present an attractive feature on the application site it cannot be



reasonably argued that its omission would be to the significant detriment of the overall development. This is particularly the case as the site lies immediately adjacent to an area of public open space and is not necessarily a functional part of that provision. It is considered on balance that it would not be reasonable to refuse planning permission on the basis that the development represents loss of an area given that it has not specifically been approved for that purpose nor has it been identified as being important open space necessary to meet policy requirements.

- 9.9 In coming to the above view the full comments of the CDC Sports Development Officer (SDO) must also be considered. He has stated that the site identified as the original POS did not fully meet the policy requirement and that the shortfall was to be met by an appropriate off-site financial contribution. In the case of this application the SDO has stated that given the site was simply shown as vacant land on the extant planning permissions it could arguably be seen as POS and therefore represents a further reduction in on-site provision. The upshot of this is that the SDO has no objections to the loss of the undeveloped land, and therefore no objections in principle to the current application, but requests that the developer pay a further off-site POS contribution in order to meet the saved Policy SRC2 requirements which, based on the site area, would equate to a sum of £4076. It is considered that should permission be granted for this development it would be appropriate to attach a condition requiring the developer to enter into an appropriate legal agreement in order to meet the saved policy requirements identified by the Council's SDO.
- 9.10 The other issues that need to be considered are the visual impact of the proposed development and its impact on the amenity of the neighbouring properties.
- 9.11 Firstly, the design of the house has been reduced in scale from the original submission as well as showing a site that is level in comparison to the existing land levels to the east (West End Bungalow). In addition a proposed detached garage has been removed from the application. The effects of the amended scheme are:
- the ridge of the proposed house relative to the ground level of West End Bungalow would be reduced from 8.7m to 7.2m.
  - the interface distance between the eastern (rear) elevation of the proposed house and the side (western) elevation of the existing property at West End Bungalow has been increased from 12.05m to 14.12m.
- 9.12 There are no other existing or proposed dwellings in close proximity to the application site that would potentially be impacted upon other than the existing West End Bungalow to the east and therefore it is the relationship to this property that will be assessed in this report.
- 9.13 It is considered that that the overall interface distance and relative height of the proposed new dwelling (as amended) are such that there would be no overbearing impacts on the existing property. It is acknowledged that West End Bungalow has a two storey side extension with French windows at ground floor level and a similarly proportioned first floor window with a Juliet balcony that would directly overlook the application site but this does not provide justification to refuse planning permission for the reasons that;
- West End Bungalow does not have a right to have its view maintained and the presence of the side facing windows is not sufficient grounds to blight development of the adjoining land. Whilst the outlook from West End Bungalow would undoubtedly be changed it is not considered that it would be significantly harmed or that this relationship would be significantly different to that of other conventional estate developments that have been granted planning permission elsewhere in the district.
  - West End Bungalow whilst being a dormer bungalow is nevertheless a two-storey property when viewed from the application site due to the presence of a two storey side extension. In officers opinion this means that the construction of a two storey dwelling is not likely to result in an overbearing impact as much as it might have relative to a true bungalow. Notwithstanding, the revised house design and lowered ground levels of the development and interface distance would result in a relationship that would be perfectly acceptable in general planning terms and could not reasonably be described as overbearing. In coming to

this view it is acknowledged that the ridge and eaves height of the proposed house would be marginally higher than that of West End Bungalow but with a separation distance of 14m this is not considered grounds to refuse planning permission in this instance. It is also important to note that whilst the outlook from the side facing windows of the extension to West End Bungalow would undoubtedly be changed, the proposed new dwelling would face towards a small side garden area level with the neighbouring property and would therefore present less of a visual impact to the rear garden area of the existing dormer bungalow.

9.14 Considering the question of overshadowing the proposed new house would lie immediately to the west of West End Bungalow meaning that any overshadowing of the neighbouring property could only occur towards the latter part of the day and not to the front or rear garden areas of the existing property to any significant extent. Some loss of direct daylight to the two storey side extension would be likely to occur in the late evenings but it is not considered that this would be significant enough to warrant refusal of planning permission on the grounds of loss of amenity through overshadowing.

9.15 Finally the question of privacy. The proposed new house would have no rear facing window to habitable rooms at first floor level and therefore there could be no overlooking and consequent loss of privacy n.b. the only rear facing first floor window would be to a landing. As regards the ground floor windows these would comprise French doors to a lounge area and standard windows to a proposed kitchen. The arrangement of the windows to the proposed dwelling are such that the lounge windows would face towards the blank side elevation of the neighbouring garage whilst the kitchen window would lie over 14m from the side extension of West End Bungalow and at the same finished floor level with an intervening boundary wall. It is not considered that there would be any significant loss of privacy that would justify refusal of planning permission.

#### Highway safety:

9.12 NYCC Highways has advised that there are no objections to the proposal and recommend standard conditions should permission be granted (these conditions will be recommended to the Planning Inspectorate as part of the Council's statement of appeal). The additional dwelling would have parking for two vehicles and would not generate a significant increase in traffic movements that would warrant refusal of planning permission on highway grounds.

#### Conclusion

9.13 The requirement set out in the NPPF is that local planning authorities' should be approving proposals for sustainable development unless there are significant dis-benefits that would outweigh the presumption in favour. In this case the principle of development is acceptable irrespective of the original appeal decision and it is considered that there would be no significant amenity or highway issues arising that would warrant refusal of planning permission.

9.14 **Accordingly, it is recommended that Members agree that this report sets out that the decision to approve would have been taken by the Local Planning Authority had the appeal not been made.**

#### 10. Recommendation

10.1 Approve with Conditions

#### Conditions

#### **Time Limit for Commencement**

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

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

## Approved Plans

- 2 This permission relates to the following plans:

Drawing no. 3901-014 PL37 revision A  
Drawing no. 3901-014 PL38 revision A  
Drawing no. 3901-014 PL39 revision A

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.

## Before you Commence Development

- 3 Development shall not begin until a scheme for foul sewage and surface water drainage has been submitted to and approved in writing by the local planning authority. The dwelling shall not be occupied before foul sewage and surface water drainage has been provided in accordance with the approved scheme.

Reason: In order to ensure satisfactory drainage and fould sewage disposal from the site.

## Before the Development is Occupied

- 4 Prior to the occupation of the dwelling hereby approved a scheme for the provision of additional public open space shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented prior to occupation of the dwelling.

Reason: In order to meet the requirement of saved Local Plan Policy SRC2 as regards the provision of Public Open Space.

- 5 The dwelling hereby approved shall not be occupied until the means of vehicular access to it and the parking spaces for it have been constructed in accordance with the approved details. The spaces shall be retained as such thereafter.

Reason: In the interests of highway safety.

- 6 Within 3 months of development first taking place, details of the height, design, materials and finish of all boundary treatments at the site (the siting of which is shown on the approved drawings) shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatments shall be constructed in accordance with the duly approved details before the building is first occupied, and retained as such thereafter.

Reason: In the interests of site security and to ensure a satisfactory relationship with the character of surrounding buildings and the street scene

- 7 Notwithstanding the provisions of Schedule 2, Part 1, Classes [A, B, C, and E] 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), the dwelling hereby approved shall not be altered or extended, and no buildings or structures shall be erected within its curtilage.

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

- 8 Notwithstanding the provisions of Schedule 2, Part 1, Classes A, B and C of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any equivalent Order following the revocation and re-enactment thereof, no windows, dormer windows or roof lights other than those expressly authorised by this permission shall be inserted in the rear (Eastern)] facing elevations of the dwellinghouse hereby approved.

Reason: In order to safeguard the privacy of adjoining residents by minimising the potential for overlooking of neighbouring dwellings and their garden areas

#### Informatives

1. Hours of Construction

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.

2. Statement of Positive Engagement:

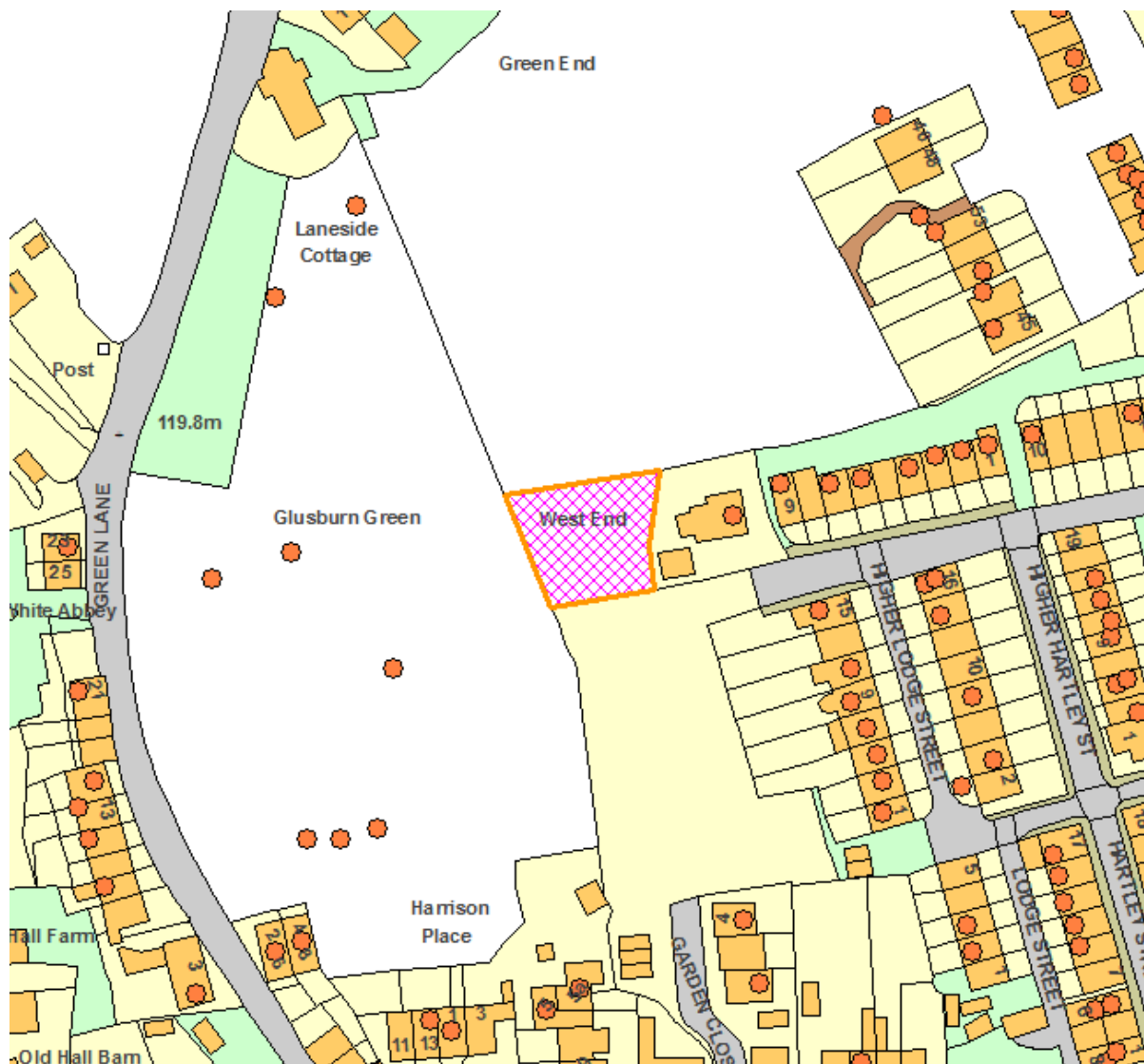
In dealing with this application Craven District Council has sought to approach the decision making process in a positive and creative way, in accordance with the requirements of paragraph 38 of the NPPF.

3. Topsoil

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. Supplier(s) details and confirmation on the source(s) of any topsoil materials brought on site should be made available for inspection at the request of the Council's Environmental Health Department.

4. Noise

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.



**Application Number:** 2018/19939/FUL

**Proposal:** Erection of single dwelling

**Site Address:** Land On East Side Of Hayfield View Off Green Lane Glusburn  
BD20 8RT

**On behalf of:** Skipton Properties Ltd

## REPORT TO PLANNING COMMITTEE ON 1st July 2019

<b>Application Number:</b>	2019/20318/OUT
<b>Proposal:</b>	Outline application with all matters reserved for 3 no. dwellings. (Resubmission of previous outline approval referenced) 2018/18982/OUT)
<b>Site Address:</b>	Land Adjacent To Lairgill Lodge Mount Pleasant High Bentham LA2 7LA
<b>On behalf of:</b>	Mr V Craven
<b>Date Registered:</b>	20th March 2019
<b>Expiry Date:</b>	15th May 2019
<b>EOT Date, if applicable:</b>	5th July 2019
<b>Case Officer:</b>	Miss Katie Chew

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**The application has been referred to planning committee by Development Control Manager Neville Watson under Section 9 of the Council's Scheme of Delegation. This is due to the application being fundamentally the same scheme as application 2018/18982/OUT which was previously approved at planning committee.**

1. Site Description

- 1.1 The application site is a parcel of land equating to just below 1ha and is accessed directly from the south side of Springfield Road, via an existing field gate. The site is situated within a large bowl shaped area of open grassland, enclosed to the frontage by a low stone wall. The site runs from the west to the east along Springfield Road. Ground levels rise in an easterly direction toward a bungalow also fronting Springfield Road.
- 1.2 The remainder of the grassland is relatively flat but then rises abruptly and steeply to the south, southwest and southeast by approximately 10m (maximum) and ending in a bow shaped plateau, upon which are several existing properties.
- 1.3 The site is located adjacent to but outside the Development Limits identified in the Craven District (Outside the Yorkshire Dales National Park) Local Plan and accordingly, is within open countryside. It is also important to note that Bentham is identified as being a designated rural area under Draft Policy H2 in the Draft Local Plan.
- 1.4 To the west of the site but separated by Lairgill Beck is Lairgill House. This is a large detached property which is situated in a substantial plot and fronts Mount Pleasant. Just beyond the site to the east is a detached bungalow, No. 2 Springfield Road, which is also situated in a relatively large plot. To the north side of Springfield Road and opposite the site are Nos. 1 and 3 Springfield Road. These form part of a group of five detached properties, set back from the road by a wide grass verge, sporadically planted with medium scale trees and substantial screening within the frontage boundaries, provided by additional trees. To the north west of the site is long row of three storey, terraced properties which are also positioned on much higher ground, approximately 6m higher than Lairgill Lodge.

**Officer note:** There is also an adjacent application for 2 dwellings (2019/20319/OUT) on the same parcel of land to the south east, which sits on the plateau and was submitted on behalf of the same applicants.

2. Proposal
- 2.1 The application seeks outline approval with all matters reserved for 3 no. dwellings. This is a resubmission of previous outline approval referenced 2018/18982/OUT which sought approval for 4 residential dwellings. A re-submission has been submitted to allow more space and a better access to be provided to potentially enable future development further into the site (behind this application site). All matters are reserved for the later consideration; this application simply seeks whether permission would be acceptable for residential dwellings in principle in this location.
3. Planning History
- 3.1 2018/18982/OUT – Outline application (including means of Access) with all matters reserved for the proposed development of 4 no domestic dwellings. Approved 16<sup>th</sup> May 2018.
4. Planning Policy Background
- 4.1 Saved Local Plan Policy ENV1, ENV2 and T2 of the Craven District (Outside the Yorkshire Dales National Park Authority) Local Plan.
- 4.2 Draft Submission Local Plan (2018)
- 4.3 National Planning Policy Framework (as amended February 2019)
- 4.4 Planning Practice Guidance (2012)
5. Parish/Town Council Comments
- 5.1 Bentham Parish Council – Comments received 2<sup>nd</sup> April 2019. The Council has no objections to the proposal.
6. Consultations
- 6.1 CDC Environmental Health – Comments received 29<sup>th</sup> March 2019. The application site has been identified as being at potential risk from the effects of contamination due to its proximity to the former Lairgill Sand Quarry. For this reason a condition has been recommended which relates to a phase 1 desk study, phase II intrusive site investigation report, remediation strategy, and validation report. Further comments received 3<sup>rd</sup> April 2019. Informatives are recommended which relate to noise, dust and clean topsoil.
- 6.2 NYCC Highways – Comments received 4<sup>th</sup> April 2019. The design standard for the site is MfS and the required visibility splay is 45 metres by 2 metres. The available visibility is 45 metres by 2 metres once the applicant's proposals are implemented. Consequently the Highway Authority have recommended a number of conditions and informatives which relate to private access/verge crossings, visibility splays, licenses, mud on the highway and an explanation of terms.
- 6.3 Environment Agency – No comments received within statutory timescales.
7. Representations
- 7.1 Site Notice – Expired 19<sup>th</sup> April 2019.
- 7.2 Press Notice – Expired 18<sup>th</sup> April 2019.
- 7.3 Neighbour Letters – Expired 15<sup>th</sup> April 2019.
- 7.4 1 representation has been received to date, comments are provided below.
  - ‘1. The land I understand used to be a quarry/tip – risk of contamination, plus hill side already looks unstable – works could affect the stability of the existing hill.*
  - 2. Cutting down of all the trees along the stream (already completed) effect on wildlife*
  - 3. Loss of privacy for neighbouring properties – the plans mention some form of planting to screen this, however this would take potentially several years to mature, hence no screening in the short term*
  - 4. Local Plan did not include development in this field*

5. *Outline plans mention no requirements for drainage as the field does not flood, this is not the case, the field is at the bottom of a hill and during heavy rain, standing water occurs – I would suggest adequate drainage is looked into prior to progressing*
6. *Concern over steep access from field onto existing highway – limited view- also opposite Butts Lane entrance*
7. *What is additional access – going around the back of No 2 Springfield for?*
8. *Concern over area identified in plan as “potential future development”*

*General comment whilst I understand the need for housing – in my opinion new housing is not the answer – there are many empty properties, that should be renovated and used before looking at building new’.*

## 8. Summary of Principal Planning Issues

- 8.1 Principle of development.
- 8.2 Housing Land Supply & Conclusion regarding Principle of Development.
- 8.3 Scale, design and visual impact of the proposed development.
- 8.4 Impact of the proposed development upon the privacy and amenity of neighbouring properties.
- 8.5 Highway Issues.
- 8.6 Affordable Housing.
- 8.7 Flood Risk/Drainage.
- 8.8 Contamination/Site Stability.

## 9. Analysis

### **Principle of development**

- 9.1 In March 2018 the Council submitted the Council’s New Local Plan to the Secretary of State. The Housing Trajectory 2012 to 2032, including the 2018 update for Submission indicates that the Council can now demonstrate a 5 year supply of housing sites. However, the stated existence of the Five Year Housing Land Supply is not a reason by itself to justify the refusal of a planning application. It is a material consideration in the planning judgement that can be given weight in the decision making process. In effect it is one of many planning issues that should be taken into account when determining a planning application.
- 9.2 In terms of the status of the Submission Draft Local Plan, this document was submitted to the Secretary of State on 27<sup>th</sup> 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 greater the weight that may be given)*’. Draft Policy ENV1 ‘Countryside and Landscape’, ENV3 ‘Good Design’, SD1 ‘Presumption in Favour of Sustainable Development’, SP3 ‘Housing Mix and Density’, IN4 ‘Parking Provision’ are all considered to be acceptable to this planning application.

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

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



and the NPPF. For the purposes of this report the relevant saved Local Plan policies and the policies set out in the NPPF will be considered.

- 9.4 In terms of the NPPF there is a presumption in favour of sustainable development provided that the benefits of allowing development are not outweighed by any dis-benefits that may arise. The NPPF also advocates the provision of new housing to meet established housing needs.
- 9.5 Saved Local Policy ENV1 is supportive of development in the open countryside subject to meeting certain criteria. These include that development should be small scale and:
- Clearly benefit the rural economy;
  - Help to maintain or enhance landscape character;
  - Be essential for the efficient operation of agriculture or forestry.
- 9.6 The overarching objective of saved policy ENV1 is to protect the character and quality of the rural countryside by preventing sporadic, unrestricted development within it. It is considered that this objective is broadly in accordance with the core land-use planning principles in paragraph 170 of the Framework which requires that the intrinsic character and beauty of the countryside is recognised.
- 9.7 Notwithstanding this, the NPPF also makes allowance for other types of development in rural areas which do not fall within the categories identified in saved policy ENV1. Paragraph 78 of the NPPF recognises that, depending on its location, housing is capable of contributing to the vitality of rural communities by supporting services within neighbouring settlements. With respect to housing in rural areas, the main aim of paragraph 79 is to 'avoid new isolated homes in the countryside unless there are special circumstances', although paragraph 103 of the NPPF also recognises that 'opportunities to maximise sustainable transport solutions will vary from urban to rural areas'.
- 9.8 In this instance, the proposed development fails to meet any of the requirements of saved policy ENV1 and as such, represents a departure from the Local Plan. Nevertheless, the site does lie adjacent to the recognised development limits for Bentham with other residential dwellings located to the north, east, south and west. The site is also within walking distance to the centre of the village where local facilities and services are available. It is therefore considered that the site is a sustainable location suitable for residential development. The village is also served by public transport connecting the site to Ingleton and Lancaster City Centre. Therefore, the site has reasonable access to public transport services other than private car and thus would not result in the introduction of an isolated dwelling in the countryside for the purposes of paragraph 79 of the NPPF.
- 9.9 Therefore, whilst it is recognised that the proposal does not fall within any of the categories of development acceptable in the open countryside under Policy ENV1. It does not follow that this in itself is sufficient grounds to resist the principle of residential development, particularly as there is conflict between ENV1 and paragraphs 78 & 79 of the NPPF which is supportive of housing in rural areas providing that it would not lead to the introduction of new isolated homes in the countryside.
- 9.10 Turning to the three dimensions to sustainable development, economic, social and environmental as defined in the NPPF, the proposed development of this site would provide economic benefits associated from new housing development including the provision of construction jobs and from future residents of the proposed dwellings using the villages existing services and facilities. In addition, the proposal would provide some social benefits and help to support the vitality of the rural community.
- 9.11 Turning to the environmental dimensions of sustainable development, it is acknowledged that the property would be located outside of development limits and on a greenfield site. Although there would be no significant contributions in regards to environmental benefits, the proposals do make effective use of the land which is currently underused and could be argued to be not fit for effective agricultural use. On balance given the sites position in close proximity to Development Limits and other residential dwellings, and being adjacent to the arterial road which connects Bentham to surrounding villages and towns, it is considered that the proposals would not provide isolated homes in the countryside. Furthermore, the site is partially screened by an existing stone wall and planting to the north, it is therefore considered that the proposals would not have a serious and harmful

impact on the environmental dimension of sustainable development with the regards to the impact on the landscape character of the area.

- 9.12 In conclusion, it is acknowledged that the application site is outside the recognised development limits of Bentham, as defined by the 1999 Local Plan and therefore does represent a departure from the provisions of Saved Policy ENV1 of the Local Plan. However, it is located close to the existing built up area of Bentham; it is well connected to services and facilities in Bentham and public transport which connects the site with neighbouring villages and towns. The application site did previously get planning permission in 2018 under application 2018/18982/OUT, it was considered that this site was acceptable in principle for the construction 4 dwellings. Therefore, in principle, just as before, residential development at this location is capable of forming sustainable development in accordance with NPPF guidance.

### **Scale, design and visual impact of the proposed development**

- 9.13 Saved Local Plan Policy ENV2 seeks to ensure that any development that is considered to be acceptable in principle under saved policy ENV1 is:
- ☐ Compatible with the character of the area;
  - ☐ Does not have an unacceptable impact on the landscape;
  - ☐ Has a design and uses materials which relate to the setting;
  - ☐ Can accommodate traffic generated satisfactorily;
  - ☐ Can provide services and infrastructure without a serious harmful change to the character and appearance of the area.
- 9.14 These are general planning considerations, broadly in line with the NPPF.
- 9.15 The NPPF states that LPA's should aim to ensure that developments function well and add to the overall quality of the area, optimising the potential of the site to accommodate development. It also states that development should respond to local character and history and reflect the identity of local surroundings and materials, whilst not preventing or discouraging appropriate innovation. It also states that whilst visual appearance and architecture of individual buildings are very important factors, securing high quality and inclusive design go beyond aesthetic considerations. Therefore, LPA's should aim to address the connections between people and places and the integration of new development into the built environment.
- 9.16 Paragraph 130 of the NPPF states that permission should be refused where the development is of a poor design which fails to take the opportunities available for improving the character and quality of an area and how it functions. Furthermore, where the design of a development accords with clear expectations in plan policies, design should not be used as a valid reason to object to development by the decision-maker.
- 9.17 It should be noted that appearance, landscaping, layout and scale of the proposal are reserved matters and therefore cannot form part of the assessment of the current proposal. Notwithstanding this, it is reasonable to consider whether or not the visual impact of the proposal is likely to be significantly adverse or constitute grounds why planning permission should not be granted.
- 9.18 From the indicative plans provided 3 dwellings are shown, these dwellings appear to be of a similar size to each other but no elevations are provided of these dwellings to help ascertain potential heights of the properties. The proposals are located on a previous quarry site, however, this has now blended back into the landscape and therefore the proposals are classed as greenfield development. Garden/amenity areas are shown on the submitted plans to the front and rear of all dwellings.
- 9.19 The site is located just off Springfield in Bentham; the site is stepped back from the highway behind an existing dry stone wall which measures approximately 1m in height. This wall is shown to be retained on the indicative plans, with a new dry stone wall to be added to help create the new access. No details are provided in regards to existing or proposed landscaping at the site and therefore this will be dealt with at a later date under a reserved matters application.

- 9.20 Overall, it is considered that the proposal to develop the site for housing is acceptable and could be developed in a way that would not result in any unacceptable visual harm to the surrounding character and appearance of the area in line with Saved Local Plan Policy ENV2 and the broad policies set out in the NPPF.

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

- 9.21 The National Planning Policy Framework states that Local Planning Authorities should seek to achieve a good standard of amenity for all existing and future occupants of land and buildings. The General Development Principles of the Local Plan also states that all development should protect the amenities of neighbouring residents and occupiers.
- 9.22 The application property is surrounded by residential dwellings in all directions. The nearest properties with the potential to be impacted by the proposals are Nos. 1, 2, 3, 4 & 6 Springfield.
- 9.23 Nos. 1 & 3 Springfield are located to the north of the application site. Given the separation distance between these neighbouring properties and the proposed site, there are no concerns in regards to overshadowing or the dwellings being overbearing. In terms of overlooking Nos. 1 & 3 are stepped back significantly from the public highway and therefore no close direct views will be possible from the proposed dwellings at the application site. There is also a significant amount of screening to the front of both of these neighbouring dwellings in the form of stone walls and tree planting. There are therefore no concerns in regards to loss of privacy and overlooking from the proposals.
- 9.24 No. 2 Springfield is located to the east of the application site and would have the potential to be most impacted by proposed dwelling no. 3 as this is located closest to this neighbouring property. It is important to note that there are 2 windows within the western elevation of No. 2 Springfield however; these windows are partially screened by the high hedge which runs along the western boundary of their residential curtilage. On the opposite side of the hedge the land steeply slopes down to the application site in which the houses are proposed to be sited. A portion of greenspace is to be left undeveloped to the east of property no. 3; this provides an extra buffer between the proposals and No. 2 Springfield. It is therefore considered that there are no concerns in regards to overlooking, overbearingness or overshadowing.
- 9.25 Nos. 4 & 6 Springfield are located to the south of the application site. Given the sloped topography of the site and the separation distances between these neighbouring properties and the proposed dwellings, it is considered that there will be no concerns in regards to overshadowing or the dwellings being overbearing. In terms of overlooking, the proposed dwellings are dropped down into the site by a significant height; it will therefore not be possible for any direct overlooking to occur into the neighbouring properties behind. Furthermore, as mentioned above, there is a large separation distance between the neighbouring properties and this application site.
- 9.26 It is therefore considered that the proximity and scale of the development will not unacceptably detract from the existing living conditions and general amenities of any neighbouring occupiers.

**Highway Issues**

- 9.27 Matters in relation to the highways and access are being reserved until a later stage. Notwithstanding, the indicative drawings provided do show the existing access from Springfield being utilised, with entry coming from the existing field gate to the north.
- 9.28 NYCC Highways were consulted on the application and have recommended a number of conditions and informatives which relate to private access/verge crossings, visibility splays, licenses, mud on the highway and an explanation of terms. Although there were no objections to the proposals themselves.
- 9.29 Saved Policy T2 is permissive of development proposals that are appropriate to the highway network where, (amongst other things) any new or greater use of an access onto a primary, district or local distributor road is acceptable in terms of design and road safety; and regard is paid to the highway impact and potential for improvement to the surrounding landscape.

- 9.30 Paragraphs 108 – 110 in the NPPF highlight the importance of sustainable transport, safe and suitable access for all users, and that any significant impacts arising from a development should be able to be cost effectively mitigated to an acceptable degree. Development should only be refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 9.31 The proposed development would generate very little additional traffic from the new dwellings and Springfield Road, whilst being one of the main routes through High Bentham, does not appear to experience high congestion. Based on the Highway Officers assessment, there are therefore no concerns in relation to highway safety.

### **Affordable Housing**

- 9.32 As highlighted previously within the report this site is located within Bentham, which is identified as being a 'Designated Rural Area'. This application seeks approval for 3 dwellings, there is a further application on the same parcel of land under application 2019/20319/OUT for 2 dwellings. This application is awaiting a decision. Further into this parcel of land approval was gained in 2018 under application 2018/18983/OUT for 1 dwellinghouse. If applications 2019/20318/OUT and 2019/20319/OUT are both approved, coupled with the previous approval under 2018/18983/OUT, this would make a total of 6 dwellinghouses at this site. Therefore the Council would ask for affordable housing provisions on site or a commutable sum to be provided by the owner(s). A condition has been attached to both 2019/20318/OUT and 2019/20319/OUT, if approved, which relates to the provision of affordable housing.

### **Flood Risk/Drainage**

- 9.33 Paragraph 155 of the NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.
- 9.34 The site is below 1ha and located in flood zone 1, which has a low probability of river and sea flooding (land with less than 1 in 1000 or <0.1% annual probability of river/sea flooding), in accordance with both the Environment Agency's (EA) website and Craven District council's (Level 1) Strategic Flood Risk Assessment (SFRA). Accordingly, there is no requirement for the application to be accompanied by a Flood Risk Assessment.

### **Contamination/Site Stability**

- 9.35 An objection has been received that refers to the fact that the site is unstable and that there may be the risk of site contamination. As regards, other general matters; there is no current technical evidence concerning the stability of the site that would cause insurmountable problems should the development be granted. Furthermore, the issue of stability of the land itself is subject to separate legislation (including building regulations) and would not normally form a material planning consideration.
- 9.36 Environmental Health was consulted on this application and the site was identified as being at potential risk from the effects of contamination due to its proximity to the former Lairgill Sand Quarry. For this reason a condition has been recommended which relates to a phase 1 desk study, phase II intrusive site investigation report, remediation strategy, and validation report. Informatives are also recommended which relate to noise, dust and clean topsoil.
- 9.37 On this basis, it is considered that any matters of contamination can be mitigated and dealt with effectively; therefore the proposal is considered to accord with the relevant sections of the NPPF and nPPG.

### **9.38 Conclusion**

- 9.39 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”.*

- 9.40 On balance, it is considered that there are no adverse impacts arising from the proposal 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 An application for the approval of the reserved matters shall be made to the Local Planning Authority before the expiration of 2 years from the date of this permission.

Reason: To specify the time period in which planning permission should be implemented.

- 2 The development hereby permitted shall be begun not later than 2 years from the date of approval of the last of the reserved matters to be approved.

Reason: To specify the time period in which planning permissions should be implemented.

### **Approved Plans**

- 3 This permission relates to the following plans:

- o Site Location Plan, received 18th March 2019;
- o Site Access, received 18th March 2019;
- o Site Layout, received 18th March 2019.

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

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

### **Before you Commence Development**

- 4 No development shall take place without the prior written approval of the Local Planning Authority of all details of the following reserved matters: -
- o Appearance;
  - o Landscaping;
  - o Access;
  - o Layout; and
  - o Scale.

Thereafter the development shall not be carried out otherwise than in strict accordance with the approved details.

Reason: To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004 and to safeguard the rights of control by the Local Planning Authority in respect of the reserved matters.

- 5 No above groundworks shall take place until a scheme of affordable housing as part of developments 2019/20318/OUT, 2019/20319/OUT and 2018/18983/OUT has been submitted to and approved in writing by the Local Planning Authority.

The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex 2: Glossary of the National Planning Policy Framework (2019) and any future guidance that replaces it.

The scheme shall include:

- i) The numbers, type, tenure and location on the site of the affordable housing provision to be made as agreed with the District Council.
- ii) The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing.
- iii) The arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no affordable housing provider is involved.
- iv) The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing.
- v) The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

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

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

- 6 The application site has been identified as being at potential risk from the effects of contamination due to its proximity to the former Lairgill Sand Quarry. For this reason the following requirements shall be met:
- (i) The development hereby approved shall not commence until actual or potential land contamination at the site has been investigated and a Phase I desk study report has been submitted to and approved in writing by the local planning authority. The phase 1 desk study report shall be prepared in accordance with current best practice.
  - (ii) In the event that the Phase 1 desk study report identifies a need for further intrusive investigation then the development hereby approved shall not commence until a Phase II intrusive site investigation report has been submitted to and approved in writing by the local planning authority. The Phase II Intrusive Site Investigation report shall be prepared in accordance with current best practice.
  - (iii) Should the need for remediation be recommended in the Phase II Intrusive Site Investigation report, the development hereby approved shall not commence until a Remediation Strategy has been submitted to, and approved in writing by, the local planning authority. The Remediation Strategy shall be prepared in accordance with current best practice. The approved remediation measures shall be implemented in accordance with the agreed timescales set out in the approved Remediation Strategy.
  - (iv) In the event that remediation is unable to proceed in accordance with an approved Remediation Strategy or unexpected significant contamination is encountered at any stage of the process, the local planning authority shall be notified in writing immediately. Revisions to the Remediation Strategy shall be submitted to, and approved in writing by, the local planning authority. Works shall thereafter be carried out in accordance with the approved revised Remediation Strategy.

- (v) Following completion of the measures identified in the approved Remediation Strategy, a Validation Report shall be prepared and submitted to, and approved in writing, by the Local Planning Authority. The submission of the Validation Report shall be undertaken within the approved timescales. The Validation Report shall be prepared in accordance with current best practice. The site shall not be brought into use until such time as all the validation data has been submitted to and approved in writing by the local planning authority.

Reason: To ensure that actual or potential land contamination at the site has been investigated and that any associated environmental risks have been assessed and mitigated against in an appropriate and effective manner.

- 7 Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the access(es) to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements:
- (i) The details of the access shall have been approved in writing by the Local Planning Authority in consultation with the Highway Authority.
  - (ii) The crossing of the highway verge and/or footway shall be constructed in accordance with the approved details (as supplied by the applicant) and Standard Detail number E6.
  - (iii) Any gates or barriers shall be erected a minimum distance of 6 metres back from the carriageway of the existing highway and shall not be able to swing over the existing or proposed highway.
  - (iv) 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 in 20.
  - (v) Provision to prevent surface water from the site/plot discharging onto the existing or proposed highway (or vice-versa) shall be constructed in accordance with the approved details, and/or the specification of the Highway Authority, and maintained thereafter to prevent such discharges.
  - (vi) The final surfacing of any private access within 6 metres of the public highway shall not contain any loose material that is capable of being drawn on to the existing or proposed public highway.

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

- 8 There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until splays are provided giving clear visibility of 45m measured along both channel lines of the major road B6480 from a point measured 2m down the centre line of the access road. The eye height will be 1.05 metres and the object height shall be 1.05 metres. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason: In the interests of road safety.

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

and in full working order and used until such time as the Local Planning Authority in consultation with the Highway Authority agrees in writing to their withdrawal.

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

#### 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 ravel beyond the site boundary.
2. During construction there is a potential for noise nuisance to nearby residential properties.

Operating times for construction should be limited to:

- 8:00am to 18:00pm Monday to Friday
- 8:00am to 13:00pm Saturday
- No Sunday or Bank Holiday working

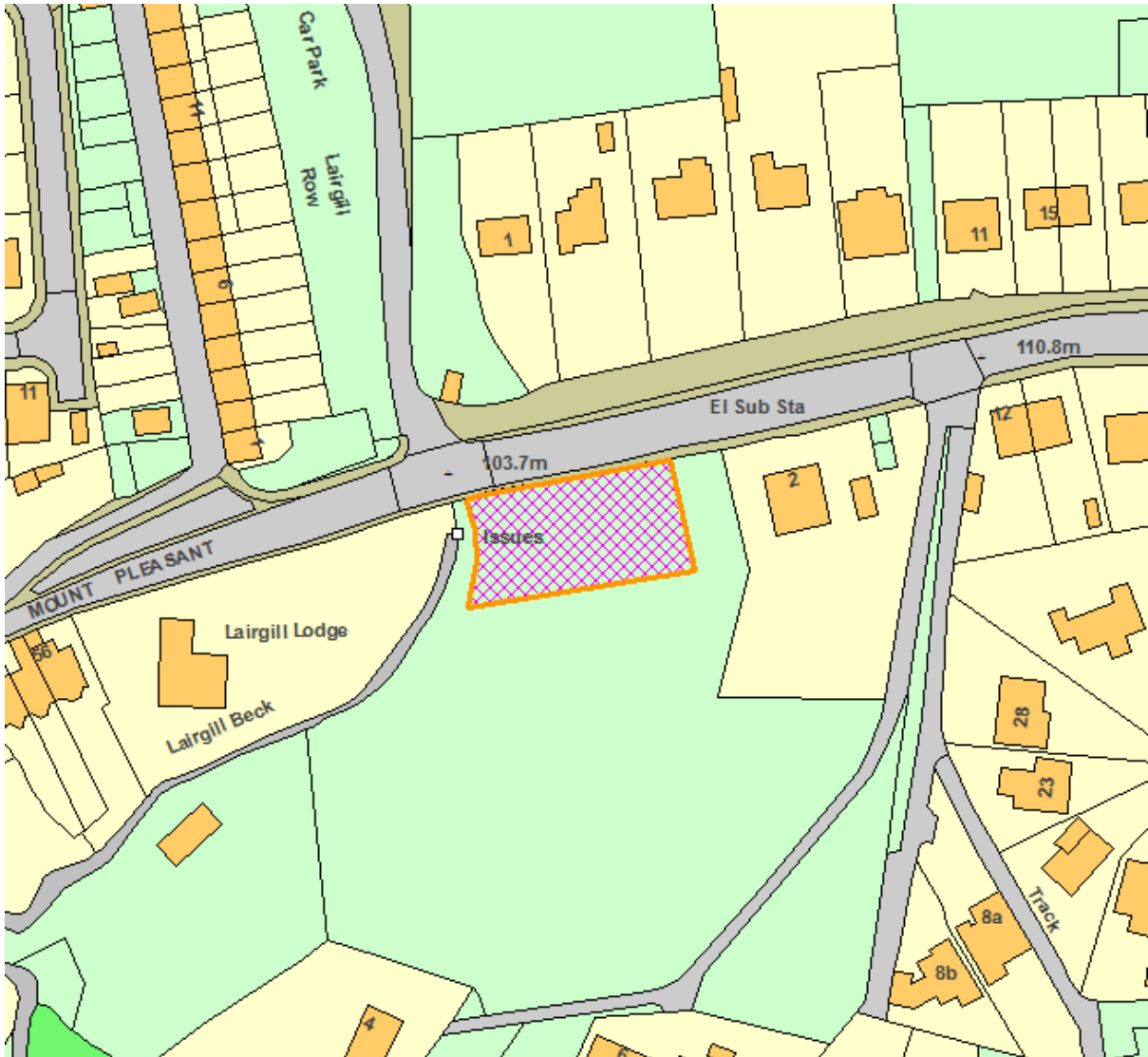
3. The applicant needs to have regard to the BS8233:2014 Guidance on 'Sound Insulation and Noise Reduction for Buildings' which presents guideline noise levels for both inside and outside dwellings. The applicant should adhere to the levels shown in the document and provide evidence to the Local Planning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

5. 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.
6. An explanation of the terms used above is available from the Highway Authority.
7. Statement of Positive Engagement:

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



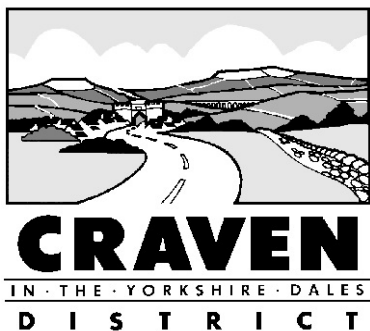


**Application Number:** 2019/20318/OUT

**Proposal:** Outline application with all matters reserved for 3 no. dwellings.  
(Resubmission of previous outline approval referenced)  
2018/18982/OUT)

**Site Address:** Land Adjacent To Lairgill Lodge Mount Pleasant High Bentham  
Lancaster  
LA2 7LA

**On behalf of:** Mr V Craven



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

(Main Switchboard) Telephone: 01756 700600

## **Craven District Council - List of Planning Decisions from 22 May to 20 June 2019**

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

<b>Application Number</b>	<b>Applicant</b>	<b>Location</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date of Decision</b>
2017/18714/FUL	Ms C Marsden	Holme House School Lane Austwick Lancaster LA2 8AP	Conversion of attached agricultural building to provide short-term holiday-let accommodation, single storey side extension to Holme House, demolition of detached garages, workshop and store and construction single storey detached replacement garages/workshop/store.	Approve with Conditions	29.05.2019
2018/19618/MMA	Skipton Properties Ltd	Land On The East Side Of Green Lane Glusburn BD20 8RT	Application for a minor material amendment of original planning approval referenced 32/2015/15390 to change the approved layout details to Plot 34 and to the access to Green Lane	Approve with Conditions	06.06.2019
2018/19703/FUL	Mrs Sharon McDonald	Beech Tree Cottages New Road Ingleton	Change of use of existing holiday let accommodation, Managers lodge and double garage to 8 no. residential properties.	Approve with Conditions	22.05.2019
2018/19721/CND	Seddon Homes Ltd	Malsis Hall Malsis Drive Glusburn Keighley North Yorkshire	Application to discharge condition no's 9, 10 and 14 on full planning application referenced 32/2016/17097 granted 14 August 2018	DOC satisfactory	10.06.2019

<b>Application Number</b>	<b>Applicant</b>	<b>Location</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date of Decision</b>
2018/19919/FUL	Mr John Howard	New Laithe Barn Newton Grange Farm East Marton Skipton BD23 3NT	Building to be used for agricultural purposes (storage of agricultural materials including hay, straw, feed and wool).	Refuse	03.06.2019
2018/19979/FUL	Mr & Mrs Abril	Welbeck House Keighley Road Cowling Keighley BD22 0AB	Proposed two residential units in the grounds of Welbeck House (Resubmission of withdrawn application ref: 2017/18861/FUL)	Refuse	31.05.2019
2018/20020/MMA	Seddon Homes Ltd	Former Malsis School Colne Road Glusburn Keighley BD20 8DS	Application to vary condition no. 2 (plans condition) of previous planning approval referenced 32/2016/17097 to re-position plots 21 and 22	Approve with Conditions	11.06.2019
2018/20024/HH	Mr Paul Riley	Drinkalls Barn Church Street Gargrave Skipton BD23 3NE	Erection of roof mounted photovoltaic solar panels onto the south and north aspects of the detached garage (retrospective)	Approve with Conditions	11.06.2019
2018/20038/OUT	Mr K Downs	Land Off Carla Beck Lane Close To Pale Lane Carleton Skipton BD23 3BQ	Outline planning application with all matters reserved excluding access for a residential development on circa 0.3 Ha of agricultural land proposing seven houses including 2, 3 and 4 bedroom units.	Refuse	28.05.2019
2019/20125/CND	Green End Properties Ltd	Green End Green Lane Glusburn Keighley BD20 8RP	Application to discharge condition no's 6 (highways) and 8 (highways) of planning approval 32/2015/15390 (15390 - variation to original planning permission granted on appeal under ref: 32/2011/11429). DOC applies to plots 39 to 50 of approved layout.	DOC satisfactory	05.06.2019

<b>Application Number</b>	<b>Applicant</b>	<b>Location</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date of Decision</b>
2019/20147/LBC	Mr Vincent George	Cedar House School Low Bentham Lancaster LA2 7DD	Internal alterations & upgrades and replacement doors & windows	Approve with Conditions	05.06.2019
2019/20150/FUL	Euro Garages Limited	Little Chef Gargrave Road Skipton BD23 1UD	Retrospective planning permission for extension and various minor external alterations to existing restaurant	Approve with Conditions	13.06.2019
2019/20217/HH	Mr Paul Malin	1 Cross Lane Court Bradley Keighley BD20 9QD	Excavation of garden to front of house to create a fire pit and seating area and move position of garden gate	Approve with Conditions	12.06.2019
2019/20229/VAR	R N Wooler & Co Ltd	Land Off Shires Lane Embsay Skipton BD23 6RR	Application to remove condition no. 7 (measures to divert the sewer) from planning consents referenced 26/2016/17297 and 26/2016/17299.	Approve with Conditions	30.05.2019
2019/20242/FUL	Settle Town Council	Play Area Bond Lane Settle BD24 9BW	External lighting to perimeter of proposed Skate Park	Approve with Conditions	22.05.2019
2019/20255/FUL	Miss Grace White	Land Adjacent To Burlington House Dale End Lothersdale Keighley BD20 8EL	Construction of open car port and storage building	Approve with Conditions	06.06.2019
2019/20265/HH	Mr & Mrs D. Brighton	Todhill House Station Road High Bentham Lancaster LA2 7LS	Proposed construction of detached garage and store, set into existing banking.	Approve with Conditions	18.06.2019

<b>Application Number</b>	<b>Applicant</b>	<b>Location</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date of Decision</b>
2019/20274/OUT	Ribblesdale Motors Ltd	Ribblesdale Motors Ltd Station Road Settle BD24 9AD	Outline application with all matters reserved to demolish existing buildings and construct new dwellings on the site.	Refuse	17.06.2019
2019/20279/MMA	Dalesview Developments	Former Allotments And Garages Ings Avenue Skipton BD23 1SZ	Minor material amendment to condition no. 2 (approved plans) of previously approved application referenced 2018/19444/FUL.	Approve with Conditions	31.05.2019
2019/20308/VAR	Mr Raymond Burrow	Rowan House / Willow Cottage / Holly Lodge Buck Haw Brow Giggleswick Settle BD24 0DJ	Application to remove holiday let condition numbers 5 and 6 from planning permission referenced 5/31/58/J granted on 4 September 1989, numbers 3 and 4 from planning permission referenced 5/31/58/K granted 18 June 1990 and condition number 5 from planning permission referenced 31/2000/357 granted 30 May 2000	Approve with Conditions	20.06.2019
2019/20327/FUL	T N Cook Ltd	Close House Farm Otley Road Skipton BD23 6DR	Re-building of Building 'C' with associated minor alterations	Approve with Conditions	31.05.2019
2019/20328/FUL	Bentham & District Farmers Auction Mart Co Ltd	Bentham Auction Mart Main Street High Bentham Lancaster LA2 7HF	Installation of a muck separator, ground level gantry and concrete midden.	Approve with Conditions	07.06.2019
2019/20337/MMA	Mr And Mrs Redfearn	Land At Station Road Clapham Lancaster LA2 8ER	Minor material amendment to vary condition no. 2 (approved plans) of previously approved application referenced 18/2016/17399	Approve with Conditions	28.05.2019

<b>Application Number</b>	<b>Applicant</b>	<b>Location</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date of Decision</b>
2019/20339/FUL	Mr Francis Baylis	Scaleber Farm Back Lane Low Bentham Lancaster LA2 8NZ	Amended driveway location (to previously approved dwelling referenced 2018/19124/FUL).	Approve with Conditions	28.05.2019
2019/20353/RETRES	Mrs Jannette Langdale	Croft Flat 58B Main Street High Bentham Lancaster LA2 7HY	Change of use from Financial and Professional Services to residential (Prior Notification).	PN Approve	05.06.2019
2019/20366/LBC	Mr Francis Baylis	Scaleber Farm Back Lane Low Bentham Lancaster LA2 8NZ	Listed building consent for amended driveway location.	Approve with Conditions	28.05.2019
2019/20369/LBC	Star Pubs And Bars Ltd	The Castle Inn 2 Mill Bridge Skipton BD23 1NJ	Planned maintenance works to repair existing concrete beam to head of barn door and window on front elevation of building	Approve with Conditions	07.06.2019
2019/20371/CND	Mr Oliver Sugden	Forge Barn Hill End Lane Cowling Keighley BD22 0NA	Application to discharge condition no. 3 (Surface Water) of planning approval referenced 2018/19278/FUL.	DOC satisfactory	22.05.2019
2019/20388/LBC	Mr Edward Coulson	Old Hall College Road Bradley Keighley BD20 9DT	Listed Building Consent for replacement of window frames and glazing to windows A,B,C and D on the North elevation.	Approve with Conditions	03.06.2019
2019/20393/HH	Mr Nick Metcalfe	Esh Bottom Bell Busk Gargrave BD23 4DU	Construction of greenhouse to rear of house	Application Withdrawn	28.05.2019

Application Number	Applicant	Location	Proposal	Decision	Date of Decision
2019/20394/LBC	Mr Nick Metcalfe	Esh Bottom Bell Busk Gargrave BD23 4DU	Construction of greenhouse to rear of house	Application Withdrawn	28.05.2019
2019/20397/FUL	Metcalfe Models & Toys	Metcalfe Models & Toys Esh Bottom Bell Busk Gargrave BD23 4DU	Construction of extension to printworks	Approve with Conditions	03.06.2019
2019/20380/CND	Mr David Stubbs	The Heigh Mewith Bentham Lancaster LA2 7AU	Application to discharge condition no. 3 (landscaping details) of planning permission referenced 2017/18486/FUL.	DOC satisfactory	13.06.2019
2019/20390/VAR	Seddon Homes Ltd	The Lodge Colne Road Glusburn Keighley BD20 8DS	Application to vary condition 2, of original planning consent referenced 2018/19403/HH, date of Decision 25/01/2019 Incorrect plans were approved at the time of the decision notice. This permission relates to the following plans: - 1507SHW/MSC/SP01 Rev D - 1507SHW/MSC/BP01 Rev D - 1507SHW/MSC/PD01 Rev A - 1507SHW/MSC/TL01 Rev Gv2 - 1507SHW/MSC/TL02 Rev Gv2	Approve with Conditions	29.05.2019
2019/20398/CND	Mason Gillibrand Architects	Land To The South Of Clapham Bounded By Station Road Clapham Lancaster LA2 8ER	Application to discharge condition no's. 3 (Materials), 4 (Hard Landscaping), 5 (Trees) and 7 (Surface Water) of planning approval referenced 18/2016/17399.	DOC satisfactory	24.05.2019
2019/20404/FUL	Mr Steven McNamara	Unit 4 The Old Fire Station 37 Coach Street Skipton BD23 1LQ	Change of use from A1 (retail) to A4 (micropub ale house). Premises are currently vacant.	Approve with Conditions	10.06.2019

<b>Application Number</b>	<b>Applicant</b>	<b>Location</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date of Decision</b>
2019/20413/AGRRES	Mr Anthony Critchley	Wellhead Barn Lothersdale Road Glusburn BD20 8JD	Change of use of Wellhead Barn to single storey dwellinghouse.	PN Refuse and Application Required	29.05.2019
2019/20414/MMA	Mr David Easterby	Land Off Main Street Ingleton Carnforth LA6 3BZ	Variation to condition no. 2 of planning approval referenced 45/2016/17387 (to add a bay window to the front elevation, add a sun room on the rear elevation, link the garage to the house on Plot 3 of the site).	Approve with Conditions	05.06.2019
2019/20415/HH	Mr Mark Cory	17 Hall Croft Skipton BD23 1PG	Retrospective application to position a 2m square wooden gazebo on existing decking in rear garden.	Approve with Conditions	04.06.2019
2019/20417/TCA	Mr Scott Chapman	The Barn Crag View Cononley Keighley BD20 8JU	Remove 3 no. Sycamore	Approve Tree Works in Conservation Area	06.06.2019
2019/20422/CND	Mr A Robinson	Fern Cottage Burton Road Low Bentham Lancaster LA2 7ER	Application to discharge condition no. 3 (Access) of planning approval referenced 2019/20206/HH.	DOC satisfactory	22.05.2019
2019/20434/HH	Mr Adrian Lambert	3 Skipton Road Hellifield Skipton BD23 4JQ	Single storey rear extension.	Approve with Conditions	05.06.2019
2019/20438/FUL	Co-op Estates	Co-Op Main Street High Bentham Lancaster LA2 7HE	Extension to existing foodstore and external alterations to building	Approve with Conditions	06.06.2019



Application Number	Applicant	Location	Proposal	Decision	Date of Decision
2019/20449/VAR	Mr Alan Wooley	Ermysteds Grammar School Gargrave Road Skipton BD23 1PL	Application to remove condition no. 2 of planning approval referenced 63/2011/11683 and condition 1 of planning approval referenced 63/2016/17155 to allow the portakabins to remain on the school site and be used for teaching.	Refuse	18.06.2019
2019/20439/CND	Seddon Homes Limited	Malsis Hall Malsis Drive Glusburn Keighley BD20 8DS	Application to discharge condition no's 12 (Levels), 20 (Sports Changing Accommodation) and 21 (Materials) or planning approval referenced 32/2016/17097. Discharge of condition 16 of LBC ref: 32/2016/17098.	Conditions complied with	30.05.2019
2019/20441/HH	Mr & Mrs Andrew Linden	11 Old Hall Croft Gargrave Skipton BD23 3PQ	Garage conversion with new window at rear, removal of 1 garage door and replaced with a glazed screen	Approve with Conditions	11.06.2019
2019/20442/HH	Mr & Mrs Nick Rickaby	9 Park Wood Close Skipton BD23 1QW	Proposed front entrance porch & rear flat roof extension (Resubmission of previously approved application 2018/19387/HH).	Approve with Conditions	12.06.2019
2019/20447/ADV	Jonsigns Ltd	48 - 50 High Street Skipton BD23 1JP	Retrospective application for advertisement consent for 1 no. flat cut aluminium logo, powder coated Blue with white vinyl to face and stood off on brass locators and 1 no. non illuminated double sided hanging projecting sign.	Approve with Conditions	30.05.2019
2019/20451/CND	NHSPS	Castleberg Hospital Raines Road Giggleswick Settle BD24 0BN	Application to discharge condition no. 3 (Retaining Wall Materials) of planning approval referenced 2018/19968/FUL.	DOC satisfactory	12.06.2019

<b>Application Number</b>	<b>Applicant</b>	<b>Location</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date of Decision</b>
2019/20454/CND	Mr & Mrs Nick & Clair Oddy	Ghyll Head Farm Stockshott Lane Cononley Keighley BD20 8PD	Application to discharge conditions no. 3 (Bin Storage Facilities) and no 4 (Window Finishes) of planning permission referenced 2018/18894/FUL granted 10th January 2018.	Split Decision	20.06.2019
2019/20457/HH	Mr & Mrs H Bullock	2 Goffa Mill Gargrave Skipton BD23 3NG	Proposed garage conversion	Approve with Conditions	18.06.2019
2019/20462/CND	Mr S Hall	Ivy Cottage Farm Carla Beck Lane Carleton Skipton BD23 3BY	Application to Discharge Conditions 3, 5 and 6 of planning approval reference 2017/18524/FUL granted 19th December 2017.	Split Decision	28.05.2019
2019/20465/TPO	Dalesview Developments Ltd	Bay Horse Inn Ravens View Ellers Road Sutton-in-Craven Keighley BD20 7LY	T1 - Beech, remove 3 small low branches T2 - Sycamore, crown lift to 6m T3 - Sycamore, remove 1 low limb G1 - Holly, lightly trim back to boundary wall T6 - Sycamore, Remove old fire damaged limbs T7 - Sycamore, crown lift to 5m	Approved Tree Work under TPO	20.06.2019
2019/20467/HH	Mr & Mrs Cunningham	15 Scar View Royd Street Cowling Keighley BD22 0BW	Erection of single storey rear extension	Approve with Conditions	17.06.2019
2019/20470/TCA	Ms Kate Williams	3 Oaklands West Lane Sutton-in-craven Keighley BD20 7NR	Remove 1 no. Conifer	Approve Tree Works in Conservation Area	06.06.2019
2019/20478/HH	Mrs Natalie Stott	270 Moorview Way Skipton BD23 2TN	Single storey rear and side extension to provide kitchen diner, play room, shower room and utility.	Approve with Conditions	13.06.2019

<b>Application Number</b>	<b>Applicant</b>	<b>Location</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date of Decision</b>
2019/20496/FUL	Mr James Sands	1 Main Street Cross Hills Keighley BD20 8TA	Existing timber framed shopfront and windows to be replaced with upvc type.	Approve with Conditions	20.06.2019
2019/20497/NMA	Mr Dean Simpson	30 Meadow Lane Cononley Keighley BD20 8NB	Non material amendment to original planning consent referenced 2018/19532/HH to change the external walls materials from coursed stonework and coloured render to coursed stone to the full height of the porch.	Non-material amendment approved	29.05.2019
2019/20498/CND	Mr Michael Godson	Low Watson House Clapham Lancaster LA2 8HE	Application to discharge condition no. 3 (External Materials) of planning approval referenced 2018/19147/FUL given 11th July 2018.	DOC satisfactory	18.06.2019
2019/20499/FUL	Mr James Bailey	1 Prospect Street Keighley Road Cross Hills Keighley BD20 7RH	Change of Use (Ground & First Floors to B1)	Approve with Conditions	12.06.2019
2019/20512/TCA	Mr Ian Gill	Field Adjacent To 5 High Gate Croft Cononley Keighley BD20 8JQ	1 no. Sycamore-Branched to be drawn back from the house and crown thinned.	Approve Tree Works in Conservation Area	13.06.2019
2019/20515/TPO	Ms R Hill	Settle C Of E Voluntary Controlled Primary School Bond Lane Settle BD24 9BW	T1 - Beech- Crown lift tree to 4.8m all round with no major limb removal. Crown thin to clear dead wood and any poor, rubbing limbs.	Approved Tree Work under TPO	20.06.2019
2019/20519/NMA	Mr Steve Maxwell	6 Garden Terrace Lothersdale Keighley BD20 8ER	Non material amendment to original planning consent referenced 2018/19004/HH for alterations to proposed window and door positions.	Non-material amendment approved	30.05.2019

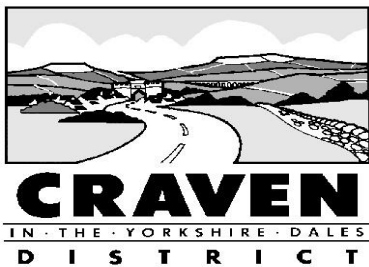
<b>Application Number</b>	<b>Applicant</b>	<b>Location</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date of Decision</b>
2019/20537/HH	Mr Adam Dykes	2 Westland Close Cross Hills Keighley BD20 7TD	Conversion of undercroft garage and extension to create a living room and creation of parking space (resubmission of previous application referenced 2019/20234/HH)	Approve with Conditions	20.06.2019
2019/20526/HH	Mr & Mrs David Cooke	35 Hazel Grove Sutton-in-craven Keighley BD20 7QR	Proposed two storey side extension	Approve with Conditions	20.06.2019
2019/20538/TCA	Mrs Theresa Leedy	10 Crosshills Road Cononley Keighley BD20 8LA	T1 Silver Birch - Fell T2 Conifer - Fell	Approve Tree Works in Conservation Area	20.06.2019
2019/20547/TPO	Mr John Collings	2 Beechwood Drive Skipton BD23 1TY	2 no. Sycamore - Removal of branches	Approve Tree Works in Conservation Area	20.06.2019

## **Planning Committee Report of New Cases Registered** **For Period 22/05/2019 to 21/06/2019**

<b>Enforcement Reference</b>	<b>Alleged Breach</b>	<b>Site Address</b>	<b>Ward</b>
ENF/03080/2019	Biomass boiler in place without planning permission.	Anchor Farm Robins Barn To Anchor Bridge Coniston Cold Skipton BD23 3NB	Gargrave And Malhamdale
ENF/03081/2019	Shed in back yard higher than permitted development height limit and/or on raised platform.	18 Cross Street Skipton BD23 2AH	Skipton West
ENF/03082/2019	New footpath being constructed without permission.	Toll Bar Gardens County Boundary To Mill Lane Low Bentham Lancaster LA2 7DD	Bentham
ENF/03083/2019	Erection of large sign obstructing access to neighbouring property.	Cedar Lodge The Wend Carleton Skipton BD23 3EH	West Craven
ENF/03084/2019	Significant extension to roof.	51 Grassington Road Skipton BD23 1LL	Skipton North
ENF/03085/2019	Alleged working later than permitted time.	Land Opposite Greta Villas Main Street Ingleton Carnforth	Ingleton And Clapham

<b>Enforcement Reference</b>	<b>Alleged Breach</b>	<b>Site Address</b>	<b>Ward</b>
ENF/03086/2019	Boundary issues such as screening and hedges in breach of planning consent.	Wenning River Lodges County Boundary To Mill Lane Low Bentham Lancaster LA2 7DD	Bentham
ENF/03087/2019	Tables and chairs placed outside at the rear of property.	1 Victoria Square Skipton BD23 1JF	Skipton North
ENF/03088/2019	Grass and topsoil stripped to allegedly create area of hardstanding.	Waterside Lane Hellifield	Hellifield And Long Preston
ENF/03089/2019	Alleged unauthorised change of use from cafe to bistro.	39 Main Street Ingleton Carnforth LA6 3EH	Ingleton And Clapham
ENF/03090/2019	Garage under construction not in accordance with approved plans.	Ivy Cottage Farm Carla Beck Lane Carleton Skipton BD23 3BY	West Craven
ENF/03091/2019	Alleged unauthorised erection of 'razor wire' fence.	Haw Park House Cross Bank To Low Skibeden Skipton BD23 6AB	Skipton North
ENF/03092/2019	Large concrete building present without planning permission	Lynmouth Rook Street Lothersdale Keighley BD20 8EH	Aire Valley With Lothersdale
ENF/03093/2019	Construction including drainage not in accordance with planning permission.	Land To South West Of Skelton Industrial Estate Skelton Road Cross Hills Keighley North Yorkshire	Glusburn

<b>Enforcement Reference</b>	<b>Alleged Breach</b>	<b>Site Address</b>	<b>Ward</b>
ENF/03094/2019	Elevator arrangements not constructed in accordance with approved plans.	63 Long Meadow Skipton BD23 1BP	Skipton East
ENF/03095/2019	Relatively substantial landscaping works underway without permission in the curtilage of a listed building.	East Lodge Stainton Hall To Gledstone Hall West Marton Skipton BD23 3JL	West Craven
ENF/03096/2019	Construction of summer house in rear garden without planning permission or Listed Building Consent.	West Lodge Stainton Hall To Gledstone Hall West Marton Skipton BD23 3JL	West Craven
ENF/03097/2019	Allegation that ancillary accommodation is being let on a commercial basis.	3 Earl Crag View Cowling Keighley BD22 0NG	Cowling
ENF/03098/2019	New building incorrectly sited	Former High Bentham CP School Main Street High Bentham Lancaster LA2 7JU	Bentham
ENF/03099/2019	Alleged unauthorised area of concrete hardstanding	Souber Dairy Newton Hall To Marton Road Bank Newton Skipton	Gargrave And Malhamdale
ENF/03100/2019	Dry stone wall not constructed in breach of C22 of 2017/18340/FUL	Land At Corner Field To The North Of A6131/Harrogate Road Skipton	Skipton North



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

## **Planning Committee Report of Cases Closed** **For Period 22/05/2019 to 21/06/2019**

<b>Enforcement Reference</b>	<b>Date Received</b>	<b>Date Closed</b>	<b>Reason for Closure</b>	<b>Alleged Breach</b>	<b>Site Address</b>	<b>Ward</b>
ENF/02680/2017	4th July 2017	10th June 2019	Breach Resolved	Unauthorised erection of 9ft high bamboo fence.	Toll Bar Gardens County Boundary To Mill Lane Low Bentham Lancaster LA2 7DD	Bentham
ENF/02983/2018	19th December 2018	10th June 2019	No Breach	Garden extended and footpath removed on Victoria Road.	8 Victoria Road Cowling Keighley BD22 0AR	Cowling
ENF/02984/2018	19th December 2018	10th June 2019	No Breach	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
ENF/03055/2019	11th April 2019	11th June 2019	No Breach	Running a business from residential premises	5 Acre Road Cowling Keighley BD22 0FN	Cowling



<b>Enforcement Reference</b>	<b>Date Received</b>	<b>Date Closed</b>	<b>Reason for Closure</b>	<b>Alleged Breach</b>	<b>Site Address</b>	<b>Ward</b>
ENF/03069/2019	2nd May 2019	11th June 2019	No Breach	Agricultural building being built without planning permission.	Bower House Farm Barden Road Eastby Skipton	Embsay-with-Eastby
ENF/03077/2019	20th May 2019	17th June 2019	Breach Resolved	Retractable awning fixed above balcony.	38 High Street Ingleton Carnforth LA6 3AF	Ingleton And Clapham
ENF/03078/2019	20th May 2019	11th June 2019	No Breach	Alleged business usage of premises.	Boots Yard Rear Of 52 High Street Skipton BD23 1JP	Skipton North
ENF/03082/2019	24th May 2019	17th June 2019	No Breach	New footpath being constructed without permission.	Toll Bar Gardens County Boundary To Mill Lane Low Bentham Lancaster LA2 7DD	Bentham
ENF/03083/2019	24th May 2019	17th June 2019	No Breach	Erection of large sign obstructing access to neighbouring property.	Cedar Lodge The Wend Carleton Skipton BD23 3EH	West Craven
ENF/03084/2019	24th May 2019	10th June 2019	No Breach	Significant extension to roof.	51 Grassington Road Skipton BD23 1LL	Skipton North

<b>Enforcement Reference</b>	<b>Date Received</b>	<b>Date Closed</b>	<b>Reason for Closure</b>	<b>Alleged Breach</b>	<b>Site Address</b>	<b>Ward</b>
ENF/03085/2019	24th May 2019	10th June 2019	No Breach	Alleged working later than permitted time.	Land Opposite Greta Villas Main Street Ingleton Carnforth	Ingleton And Clapham
ENF/03086/2019	24th May 2019	10th June 2019	Not Expedient to Enforce	Boundary issues such as screening and hedges in breach of planning consent.	Wenning River Lodges County Boundary To Mill Lane Low Bentham Lancaster LA2 7DD	Bentham
ENF/03090/2019	31st May 2019	17th June 2019	No Breach	Garage under construction not in accordance with approved plans.	Ivy Cottage Farm Carla Beck Lane Carleton Skipton BD23 3BY	West Craven