

PLANNING COMMITTEE

1.30pm on Tuesday 30th 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.

Substitute Members: Conservatives – Councillors Handley and Hull; Independents – Councillors Barrett and Solloway; Labour – Councillor Noland

AGENDA

Comfort Break: Please note that a formal comfort break of 15 minutes 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** – 1st July 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 3rd 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, 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
22nd July 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

1st July 2019

Present – The Chairman (Councillor Sutcliffe) and Councillors Brockbank, Brown, Harbron, Heseltine, Lis, Morrell, Pringle, Rose, Shuttleworth and Welch.

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

Ward Representatives : Councillor Wheeler (Application 2018/19939/FUL), Councillor Brockbank (Application 2019/20318/OUT)

An apology for absence was received from Councillor Place.

Start: 1.35pm

Finish: 16:40pm

Note: The Committee took a comfort break at 2.40pm.

The minutes of the Committee's meetings held on 3 June 2019 were confirmed and signed by the Chairman, subject to a minor amendment.

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.928

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 2019/20479/FUL : All Members present indicated they had received lobbying against this application with the exception of Councillor Pringle who had not been lobbied either for or against.

Application 2019/20286/FUL : Councillor Morrell indicated that although he had not been lobbied he had attended a meeting of the Parish Council where he sat in the public gallery and took no part in the discussion.

Application 2019/20318/OUT : Councillor Brockbank indicated that she had received lobbying for this application

PL.929

PUBLIC PARTICIPATION

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

Application 2019/20479/FUL: John Dawson (for Skipton Town Council)
Anne Fowler (for the objectors)
Gary Wilson (for the applicant)

Application 2019/19939/FUL: Patrick Hargreaves (objector)

PL.930

PLANNING REF: 2019/20416/FUL – LAND OFF SKIPTON ROAD, KILDWICK, - PROPOSED REASONS FOR REFUSAL

The Strategic Manager for Planning and Regeneration submitted a report that assessed 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 3rd June 2019.

However, the Planning Manager informed the Committee that due to an error on the certificate of ownership submitted by the applicant, it would not, because of a point of law, be possible to determine the application at this meeting. The Planning Manager, stated that the matter was being corrected but because of statutory time limits he recommended that the report and determination of the application in the Schedule of Plans be deferred to the next meeting.

Resolved – That, the report is deferred to the Planning Committee to be held on 30th July 2019.

PL.931

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:

2017/18714/FUL Conversion of attached agricultural building to provide short-term holiday-let accommodation, single storey side extension to Holme House, School Lane, Austwick, demolition of detached garages, workshop and store and construction single storey detached replacement garages/workshop/store. Approved with Conditions

2018/19618/MMA 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, Glusburn. Approved with Conditions.

2018/19703/FUL Change of use of existing holiday let accommodation, Managers lodge and double garage to 8 no. residential properties at Beech Tree Cottages, New Road, Ingleton. Approved with Conditions

2018/19721/CND Application to discharge condition no's 9, 10 and 14 on full planning application referenced 32/2016/17097 granted 14 August 2018 at Malsis Hall, Malsis Drive, Glusburn. DOC satisfactory

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, Skipton. Refused

2018/19979/FUL Proposed two residential units in the grounds of Welbeck House, Keighley Road, Cowling (Resubmission of withdrawn application ref: 2017/18861/FUL). Refused.

2018/20020/MMA Application to vary condition no. 2 (plans condition) of previous planning approval referenced 32/2016/17097 to re-position plots 21 and 22 at Former Malsis School, Colne Road, Glusburn. Approved with Conditions.

2018/20024/HH Erection of roof mounted photovoltaic solar panels onto the south and north aspects of the detached garage (retrospective) at Drinkalls Barn, Church Street, Gargrave, Skipton. Approved with Conditions.

2018/20038/OUT 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 at land off Carla Beck Lane, Carleton, Skipton. Refused.

2019/20125/CND 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) at Green End, Green Lane, Glusburn. DOC applies to plots 39 to 50 of approved layout. DOC satisfactory.

2019/20147/LBC Internal alterations & upgrades and replacement doors & windows at Cedar House School, Low Bentham, Lancaster. Approved with Conditions.

2019/20150/FUL Retrospective planning permission for extension and various minor external alterations to existing restaurant, Little Chef, Gargrave Road, Skipton. Approved with Conditions.

2019/20217/HH Excavation of garden to front of house to create a fire pit and seating area and move position of garden gate at 1 Cross Lane Court, Bradley, Keighley. Approved with Conditions.

2019/20229/VAR Application to remove condition no. 7 (measures to divert the sewer) from planning consents referenced 26/2016/17297 and 26/2016/17299 on land off Shires Lane, Embsay, Skipton. Approved with Conditions.

2019/20242/FUL External lighting to perimeter of proposed Skate Park, Play Area, Bond Lane, Settle. Approved with Conditions.

2019/20255/FUL Construction of open car port and storage building on land adjacent to Burlington House, Dale End, Lothersdale, Keighley. Approved with Conditions.

2019/20265/HH Proposed construction of detached garage and store, set into existing banking at Todhill House, Station Road, High Bentham, Lancaster. Approved with Conditions.

2019/20274/OUT Outline application with all matters reserved to demolish existing buildings and construct new dwellings on the site at Ribblesdale Motors Ltd., Station Road, Settle. Refused.

2019/20279/MMA Minor material amendment to condition no. 2 (approved plans) of previously approved application referenced 2018/19444/FUL at former allotments and garages, Ings Avenue, Skipton. Approved with Conditions.

2019/20308/VAR 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 at Rowan House/Willow Cottage/Holly Lodge, Buck Haw Brow, Giggleswick. Approved with Conditions.

2019/20327/FUL Re-building of Building 'C' with associated minor alterations, Close House Farm Otley Road, Skipton. Approved with Conditions.

2019/20328/FUL Installation of a muck separator, ground level gantry and concrete midden Bentham Auction Mart, Main Street, High Bentham, Lancaster. Approved with Conditions.

2019/20337/MMA Minor material amendment to vary condition no. 2 (approved plans) of previously approved application referenced 18/2016/17399 land at Station Road, Clapham, Lancaster. Approved with Conditions.

2019/20339/FUL Amended driveway location (to previously approved dwelling referenced 2018/19124/FUL) Scalaber Farm, Back Lane, Low Bentham, Lancaster. Approved with Conditions.

2019/20353/ RETRES Change of use from Financial and Professional Services to residential (Prior Notification) Croft Flat, 58B Main Street, High Bentham, Lancaster. PN Approved.

2019/20366/LBC Listed building consent for amended driveway location at Scalebar Farm. Back Lane, Low Bentham, Lancaster. Approved with Conditions.

2019/20369/LBC Planned maintenance works to repair existing concrete beam to head of barn door and window on front elevation of building The Castle Inn, 2 Mill Bridge, Skipton. Approved with Conditions.

2019/20371/CND Application to discharge condition no. 3 (Surface Water) of planning approval referenced 2018/19278/FUL Forge Barn, Hill End Lane, Cowling, Keighley. DOC satisfactory.

2019/20388/LBC Listed Building Consent for replacement of window frames and glazing to windows A,B,C and D on the North elevation at Old Hall, College Road, Bradley, Keighley. Approved with Conditions.

2019/20393/HH Construction of greenhouse to rear of house Esh Bottom, Bell Busk, Gargrave. Application Withdrawn.

2019/20394/LBC Construction of greenhouse to rear of house Esh Bottom, Bell Busk, Gargrave. Application Withdrawn.

2019/20397/FUL Construction of extension to printworks Metcalfe Models and Toys, Esh Bottom, Bell Busk, Gargrave. Approved with Conditions.

2019/20380/CND Application to discharge condition no. 3 (landscaping details) of planning permission referenced 2017/18486/FUL at The Heigh, Mewith, Bentham, Lancaster. DOC satisfactory.

2019/20390/VAR 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, The Lodge, Colne Road, Glusburn, Keighley. This permission relates to the following plans:

- 1507SHW/MS/SP01 Rev D
- 1507SHW/MS/BP01 Rev D
- 1507SHW/MS/PD01 Rev A
- 1507SHW/MS/TL01 Rev Gv2
- 1507SHW/MS/TL02 Rev Gv2. Approved with Conditions.

2019/20398/CND Application to discharge condition no's. 3 (Materials), 4 (Hard Landscaping), 5 (Trees) and 7 (Surface Water) of planning approval referenced 18/2016/17399. Land to the South of Clapham bounded by Station Road, Clapham, Lancaster. DOC satisfactory.

2019/20404/FUL Change of use from A1 (retail) to A4 (micropub ale house). Premises are currently vacant. Unit 4, The Old Fire Station, 37 Coach Street, Skipton. Approved with Conditions.

2019/20413/ AGRRES Change of use of Wellhead Barn, Lothersdale Road, Glusburn to single storey dwellinghouse. PN Refused and Application Required.

2019/20414/MMA 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). Land off Main Street, Ingleton, Carnforth. Approved with Conditions.

2019/20415/HH Retrospective application to position a 2m square wooden gazebo on existing decking in rear garden at 17 Hall Croft, Skipton. Approved with Conditions.

2019/20417/TCA Remove 3 no. Sycamore at The Barn, Crag View, Cononley, Keighley. Approved Tree Works in Conservation Area.

2019/20422/CND Application to discharge condition no. 3 (Access) of planning approval referenced 2019/20206/HH at Fern Cottage, Burton Road, Low Bentham, Lancaster. DOC satisfactory.

2019/20434/HH Single storey rear extension at 3 Skipton Road, Hellifield, Skipton. Approved with Conditions.

2019/20438/FUL Extension to existing foodstore and external alterations to building Co-Op, Main Street, High Bentham, Lancaster. Approved with Conditions.

2019/20449/VAR 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 at Ermysteds Grammar School, Gargrave Road, Skipton. Refused.

2019/20439/CND Application to discharge condition no's 12 (Levels), 20 (Sports Changing Accommodation) and 21 (Materials) of planning approval referenced 32/2016/17097. Discharge of condition 16 of LBC ref: 32/2016/17098. Malsis Hall, Malsis Drive, Glusburn, Keighley. Conditions complied with.

2019/20441/HH Garage conversion with new window at rear, removal of 1 garage door and replaced with a glazed screen at 11 Old Hall Croft, Gargrave, Skipton. Approved with Conditions.

2019/20442/HH Proposed front entrance porch & rear flat roof extension (Resubmission of previously approved application 2018/19387/HH). 9 Park Wood Close, Skipton. Approved with Conditions.

2019/20447/ADV 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. 48-50 High Street, Skipton. Approved with Conditions.

2019/20451/CND Application to discharge condition no. 3 (Retaining Wall Materials) of planning approval referenced 2018/19968/FUL. Castleberg Hospital, Raines Road, Giggleswick, Settle. DOC satisfactory.

2019/20454/CND 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. Ghyll Head Farm, Stockshott Lane, Cononley, Keighley. Split Decision.

2019/20457/HH Proposed garage conversion 2 Goffa Mill, Gargrave, Skipton. Approved with Conditions.

2019/20462/CND Application to Discharge Conditions 3, 5 and 6 of planning approval reference 2017/18524/FUL granted 19th December 2017. Ivy Cottage Farm, Carla Beck Lane, Carleton, Skipton. Split Decision.

2019/20465/TPO

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

Bay Horse Inn, Ravens View, Ellers Road, Sutton-in-Craven, Keighley. Approved Tree Work under TPO.

2019/20467/HH Erection of single storey rear extension at 15 Scar View. Royd Street, Cowling, Keighley. Approved with Conditions.

2019/20470/TCA Remove 1 no. Conifer at 3 Oaklands, West Lane, Sutton-in-Craven, Keighley. Approved Tree Works in Conservation Area.

2019/20478/HH Single storey rear and side extension to provide kitchen diner, play room, shower room and utility at 270 Moorview Way, Skipton. Approved with Conditions.

2019/20496/FUL Existing timber framed shopfront and windows to be replaced with upvc type at 1 Main Street, Cross Hills, Keighley. Approved with Conditions.

2019/20497/NMA 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 at 30 Meadow Lane, Cononley, Keighley. Non-material amendment approved.

2019/20498/CND Application to discharge condition no. 3 (External Materials) of planning approval referenced 2018/19147/FUL given 11th July 2018. Low Watson House, Clapham, Lancaster. DOC satisfactory.

2019/20499/FUL Change of Use (Ground & First Floors to B1) 1 Prospect Street, Keighley Road, Cross Hills, Keighley. Approved with Conditions.

2019/20512/TCA 1 no. Sycamore-Branched to be drawn back from the house and crown thinned on field adjacent to 5 High Gate Croft, Cononley, Keighley. Approved Tree Works in Conservation Area.

2019/20515/TPO 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 at Settle CE Voluntary Controlled Primary School, Bond Lane, Settle. Approved Tree Work under TPO.

2019/20519/NMA Non material amendment to original planning consent referenced 2018/19004/HH for alterations to proposed window and door positions at 6 Garden Terrace, Lothersdale, Keighley. Non-material amendment approved.

2019/20537/HH Conversion of undercroft garage and extension to create a living room and creation of parking space (resubmission of previous application referenced 2019/20234/HH) 2 Westland Close, Cross Hills, Keighley. Approved with Conditions.

2019/20526/HH Proposed two storey side extension at 35 Hazel Grove, Sutton-Craven, Keighley. Approved with Conditions.

2019/20538/TCA T1 Silver Birch – Fell, T2 Conifer – Fell at 10 Crosshills Road, Cononley, Keighley. Approved Tree Works in Conservation Area.

2019/20547/TPO 2 no. Sycamore - Removal of branches at 2 Beechwood Drive, Skipton. Approved Tree Works in Conservation Area.

b. Applications

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

Permission Granted

2019/20286/FUL Demolition of existing detached bungalow and construction of 2 no. detached dwellings at Roseneath, The Acres, Sutton-in-Craven BD20 7AT - subject to the informatives listed below being amended to include that the applicant/developer is advised that in the interests of promoting sustainable travel opportunities, electric vehicle charges points should be provided, the actual wording to be formulated by the Planning Manager.

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.

2018/19939/FUL Erection of single dwelling at land on the East side of Hayfield View off Green Lane, Glusburn BD20 8RT. This application was subject to an appeal for non-determination as a deemed refusal and was not before Members for formal determination. The application was presented to the Committee to seek a resolution on how the application would have been determined. Members resolved that they would have been minded to approve the application subject to the following conditions.

Conditions

Time Limit for Commencement

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

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

Approved Plans

- 2 This permission relates to the following plans:

Drawing no. 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.

Outline application with all matters reserved for 3 no. dwellings (re-submission of previous outline approval referenced 2018/18982/OUT) on land adjacent to Lairgill Lodge, Mount Pleasant, High Bentham LA2 7LA – subject to the informative listed below being amended to include: in the interests of promoting sustainable travel opportunities, electric vehicle charging points should be provided; swift boxes and appropriate wildlife protections should be put in place; and discussions should take place with the developer to see whether it would be appropriate to install solar panels, the actual wording to be formulated by the Planning Manager. The conditions should also be amended to require that the site is properly drained and surface water is not discharged to the foul sewerage system, the actual wording to be formulated by the Planning Manager.

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 travel 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.

Consideration Deferred

2019/201416/FUL Construction of 7no. dwellings with associated off street parking and infrastructure (resubmission of refused application 2017/18569/FUL) land off Skipton Road, Kildwick, Keighley BD20 9BB – deferred to the next meeting because of a point of law concerning an error on the certificate of ownership submitted by the applicant which was now being remedied.

Permission Refused

2019/20479/FUL Construction of 1 no. 2 bed bungalow, 1 no. 3 bed bungalow and 4. No. 4 bed dwellings with associated vehicular access and landscaping at Rockwood House, Park Wood Close, Skipton BD23 1QW. (Resubmission of previously refused application referenced 2019/20096/FUL.)

Reasons for Refusal

The proposed development is considered to represent an overdevelopment of the site, and will be overbearing in nature in relation to neighbouring properties located in the vicinity. As such, the proposal is contrary to the guidance contained within the National Planning Policy Framework.

PL.932

PLANNING ENFORCEMENT

The Strategic Manager for Planning and Regeneration submitted details of enforcement cases closed, and new enforcement complaints registered in the period 22nd May 2019 to 21st June 2019.

PL.933

PUBLIC PARTICIPATION

The Chairman agreed that Councillor Pringle be allowed to make a statement regarding an enforcement case that had appeared in the media relating to an unauthorised building that had been erected in a garden in Gargrave. Councillor Pringle drew Members' attention to the situation and the petition that had been started. In response the Planning Manager agreed to provide a written response to Councillor Pringle with a copy to all Members of the Committee.

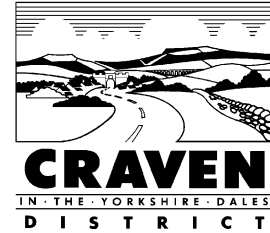
Minutes for Decision

- None -

Chairman.

Planning Committee – 30 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 deferred consideration of this report on 1 July 2019 to enable it to be considered with the connected report 2019/20416/FUL on the Schedule of Plans attached to this Agenda. Members will also 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 or 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 policy position 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 At Committee discussion there was some suggestion that there been a change in circumstances that would now allow reliance on the Green Wedge as a reason for refusal. The changes in circumstance 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 has advised 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, in particular, 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 would require evidence that building on the Site will undermine the separation between settlements.
- 3.13 The difficulty is that there is, in Officer opinion, 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 at 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 (similar to that previously presented in relation 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 Advisor and the Planning Inspector) have found that the site itself makes little or no contribution to the significance of the conservation area. The other aspect of a reason for refusal on this ground would be by way of a heritage objection to the current design. Such an objection is, in Officer opinion, 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, 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

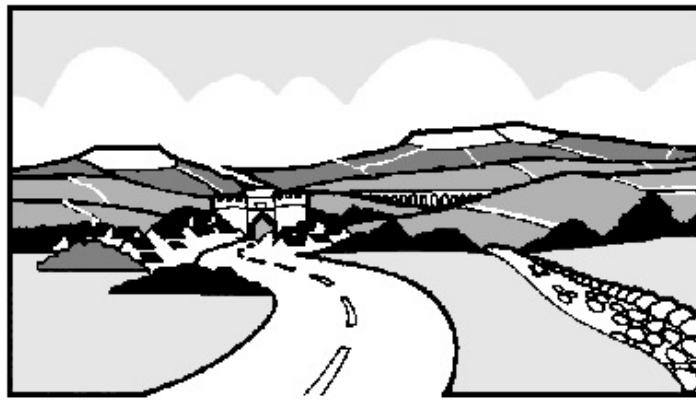
4.4 **Risk management-** Risks are set out in this report including the Financial and Legal implications sections.

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



CRAVEN

IN · THE · YORKSHIRE · DALES

D I S T R I C T

PLANNING COMMITTEE AGENDA

DATE: 30th July 2019

INDEX OF PLANNING APPLICATIONS

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2.	2019/20573/FUL	Skipton Properties Ltd	Land To North Of Hayfield View, Green Lane, Glusburn.	26 – 36
3.	2018/19767/OUT	Mr & Mrs R J Mason	Land Off Carla Beck Lane, Carleton In Craven.	37 – 54
4.	2019/20428/FUL	Leisure Resorts Ltd	Rivers Edge Holiday Home & Lodge Park, Bentham Road, Ingleton.	55 – 65
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REPORT TO PLANNING COMMITTEE ON 30th 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 BD20 9BB

On behalf of: David Hill Planning Ltd

Date Registered: 18th April 2019

Expiry Date: 13th June 2019

EOT Date, if applicable: 2nd August 2019

Case Officer: Andrea Muscroft

Members will recall at last Committee the matter was deferred due to the late submission of an amended Certification of Ownership. When the application was submitted Certificate A was completed by the Applicant's Agent. On 1 July 2019 (09:22) the Council received an amended Certificate of Ownership (Certificate B) to replace the certificate on the application form. The Applicant's Agent has confirmed that they act for the Landowner.

The requirement to complete a Certificate of Ownership is set out in S.65 Town & Country Planning Act 1990 (the Act) and the Town and Country Planning (Development Management Procedure) (England) Order 2015. The Courts have considered the status of an application where an incorrect certificate has been completed on numerous occasions and although the provisions in the Act are mandatory in nature the Court does retain discretion as to whether to quash a decision and it was made in clear the case of *Main v Swansea City Council [1984]* that a defect does not make a grant a complete nullity but subject to the court's discretion to quash. Subsequent cases have also highlighted that where no prejudice has occurred as a result of the non-compliance the permission will stand (*O'Brien v West Lancashire Borough Council [2012]*). This approach was followed in the more recent case of [Bishop, R v Westminster City Council & Ors \[2017\] EWHC 3102](#) (Admin) where the specific facts meant that prejudice had occurred. These cases all deal with the situation where permission has been granted and it is later established that the certificate is incorrect.

The Planning Inspector in Cherwell Croft, Hambleton (APP/N2739/W/15/3009006) considered the position where permission had not yet been granted and a defect in the Certificate of Ownership is identified. The Planning Inspector allowed retrospective completion of the certificate stating

Paragraph 10: Of course, it is important that considerations of natural justice are taken into account. The requirement for certificates of ownership is to ensure that owners of land are aware of development proposals which may affect their property, allowing them the opportunity to become engaged in the application process. However, in this instance the land owner's interests have not been prejudiced in any way. He was, in fact, fully aware of the scheme, having made an agreement with the appellant to sell the land, subject to securing planning permission. I understand that Mr Price has confirmed in writing that he was notified of the planning application before it was submitted. The Council has not questioned this claim, and I have no reason to doubt it either. Accordingly, I see no reason why the Certificate B could not have been truthfully completed in retrospect.

The Council has followed the approach taken by the Planning Inspector in Cherwell Croft to accept the amended Certificate of Ownership as the Applicant (David Hill Planning Ltd) is acting on behalf of the Landowner under a promotion agreement. The application was submitted in the full knowledge of the Landowner who was advised that the application had been submitted and a full set of plans was supplied to the Landowner by letter dated 16 April 2019. Therefore, in Officer opinion, there cannot be said to be any prejudice to the Landowner by the original incorrect submission of Certificate A. The Landowner has made no representations.

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 norther-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 outweighs 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 Council's 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 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 > 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 be 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**

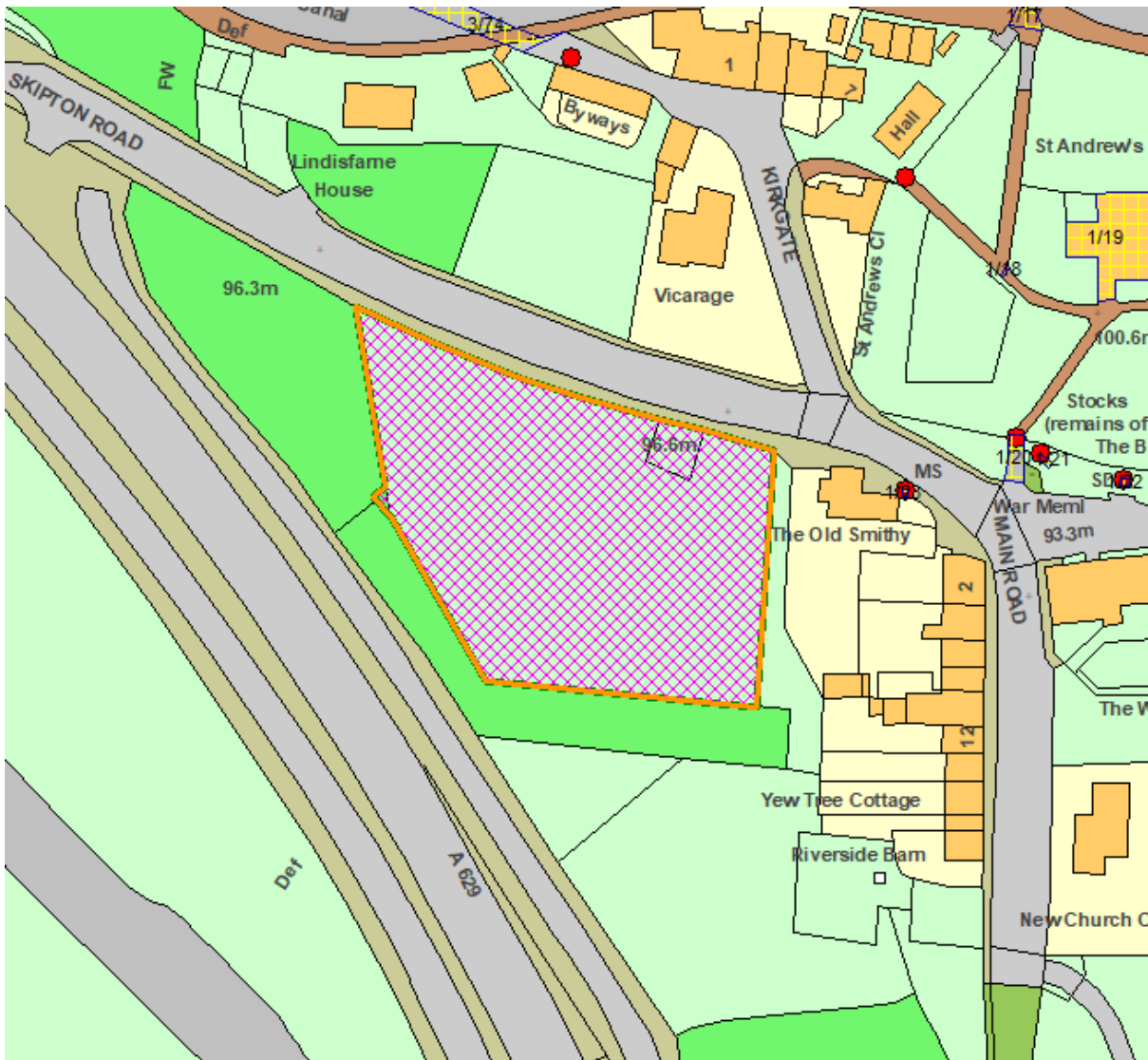
The applicant needs to have regard to the BS8233:2014 Guidance on 'Sound Insulation and Noise Reduction for Buildings' which presents guideline noise levels for both inside and outside dwellings.
5. Under the terms of the Land Drainage Act. 1991 and the Board's Byelaws, the prior written consent of the 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.
30

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. 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.
7. 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.
8. 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.

9. Statement of Positive Engagement:

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



Application Number: 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

REPORT TO PLANNING COMMITTEE ON 30th July 2019

Application Number: 2019/20573/FUL

Proposal: Single dwelling (resubmission of undetermined application referenced 2018/19939/FUL)

Site Address: Land To North Of Hayfield View Green Lane Glusburn BD20 8RT

On behalf of: Skipton Properties Ltd

Date Registered: 30th May 2019

Expiry Date: 25th July 2019

EOT Date, if applicable: 31st July 2019

Case Officer: Mr Sam Binney

The application is presented to Planning Committee as it is a resubmission of non-determined application reference 2018/19939/FUL which has previously been considered by Planning Committee.

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' has a two-storey extension on its western elevation.

2. Proposal

Members are advised that whilst this is a planning application that will require a formal decision to be made it is necessary to consider the previous application (ref: 2018/19939/FUL) which was referred to the last Committee meeting on 1st July. The previous application is exactly the same as this 'twin-tracked' submission and is subject to an appeal against non-determination. The Committee were requested at the last meeting to confirm what decision they would have made had the local authority been able to determine the application. The Committee resolved that they would have granted planning permission. The resolution of the Committee in respect of the previous application is set out in the minutes of the previous meeting appended to this agenda and is a material consideration in the determination of the application that now sits before members.

- 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.

- 2.2 Officer note: Application referenced 2018/19939/FUL was initially for a 4-bedroom dwelling on this site. However, the non-determined application put before Planning Committee is identical in all aspects to this submission as the previous submission had amended plans to re-design the proposal to a 3-bedroom property.
- 2.3 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.
- 2.4 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 NB. overall there would be a fall of approximately 0.5m across the application site from the west to the east.
- 2.5 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).
- 3.2 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.
- 3.3 2018/19939/FUL: Erection of single dwelling. Not determined. Appeal against non-determination in progress.
- 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 this re-submission.
4. Planning Policy Background
- 4.1 Saved Local Plan:
- 4.2 ENV1: Development in the Open Countryside
- 4.3 ENV2: Requirements for Development in Open Countryside
- 4.4 SRC2: Provision of Recreation Space in New Housing Developments
- 4.5 T2: Road Hierarchy

- 4.6 Draft Craven Local Plan:
- 4.7 SP1: Meeting Housing Need
- 4.8 SP8: Strategy for Glusburn/CrossHills – Tier 3
- 4.9 ENV1: Countryside and Landscape
- 4.10 ENV3: Good Design
- 4.11 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.
- 4.12 National Planning Policy Framework
- 4.13 National Planning Policy Guidance.
5. Parish/Town Council Comments
- 5.1 **Glusburn and Cross Hills Parish Council:** No comments received within statutory consultation period. However, this is an identical resubmission of application reference 2018/19939/FUL to which the Parish stated:
- “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:**

- 6.2 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.
- 6.3 **CDC Sports Development Officer:**
- 6.4 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.
- 6.5 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 known deficiency in Glusburn park by the time the development is occupied.
- 6.6 **CDC Strategic Housing:**
- 6.7 No comment received within statutory consultation period. However, the following response was received for application 2018/19939/FUL:
- 6.8 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.
- 6.9 **NYCC Highways:**
- 6.10 The Highways Engineer has no objections to the application and recommends standard conditions relating to construction details and the provision of parking/turning areas.
7. Representations
- 7.1 Site Notice dated 14th June 2019.
- 7.2 Press Notice dated 13th June 2019.
- 7.3 Notification letters sent to 12 neighbouring properties.
- 7.4 1 letter of representation has been received. A summary of the objection is outlined below:
- Absence of consideration by the developer toward neighbouring properties.
 - Lack of public engagement.
 - Justification for the application should be challenged.
 - Artificially built-up land on the site.
 - Surface water concerns as a result of the previously approved scheme.
 - Concern over enforcement of works outside of this site area.
 - Concern over positioning of play equipment and public open space.
 - Concern over separation distance to the proposed dwelling.
 - Concern over impact on privacy and amenity.
 - Impact of shadowing upon the adjacent property.
 - Proposed dwelling would have an overbearing impact.
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 the development limit boundary (as defined in the adopted 1999 Local Plan Policies Map) 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 planning balance 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 In addition to the above, application 2018/19939/FUL is currently pending an appeal against non-determination. As a result, the formal determination of that application could not take place. However, a report for that application was put to the 1st July 2019 Planning Committee who determined that had they had the opportunity to determine the application, the application would have approved the application. This application is identical to that application and the intention to approve the scheme is a strong material consideration in favour of this application.
- 9.4 Both the Parish Council and a local resident has 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

- 9.5 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.
- 9.6 Section 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'.

- 9.7 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 6th June 2019 under ref: 2018/19618/MMA. This plan includes the application site but does not show any landscaping details for it.
- 9.8 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.
- 9.9 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.
- 9.10 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.
- 9.11 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.
- 9.12 Firstly, the submission shows a site that is level in comparison to the existing land levels to the east (West End). The overall height of the proposed dwelling would be 7.2m relative to the ground level of West End. The separation distance between the east (rear) elevation of the proposed dwelling and the west (side) elevation of West End will be in excess of 14m.
- 9.13 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 to the east and therefore it is the relationship to this property that will be assessed in this report.
- 9.14 It is considered that that the overall interface distance and relative height of the proposed dwelling are such that there would be no overbearing impacts on the existing property. It is acknowledged that West End 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 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 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 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 officer's 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 house design and 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 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 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.

9.15 Considering the question of overshadowing the proposed new house would lie immediately to the west of West End 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.

9.16 The proposed dwelling would have no rear facing windows to habitable rooms at first floor level and therefore there could be no overlooking and consequent loss of privacy. The only rear facing first floor window would be to a landing which is a circulation area rather than habitable room. 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 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

9.17 NYCC Highways has advised that there are no objections to the proposal and recommend standard conditions should permission be granted. 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.

9.18 Conclusion

9.19 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."

9.20 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 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 "Floor Plans & Elevations" received 30th May 2019.
- Drawing no. 3901-014 PL38 Revision A "Site Layout Plan" received 30th May 2019.
- Drawing no. 3901-014 PL39 Revision A "Proposed Site Sections" received 30th May 2019.
- Drawing No. 3901-014 PL40 "Site Location Plan" received 30th 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.

Before you Commence Development

- 3 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.

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.

Ongoing Conditions

- 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 (as amended), 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 (as amended), 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. 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. 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

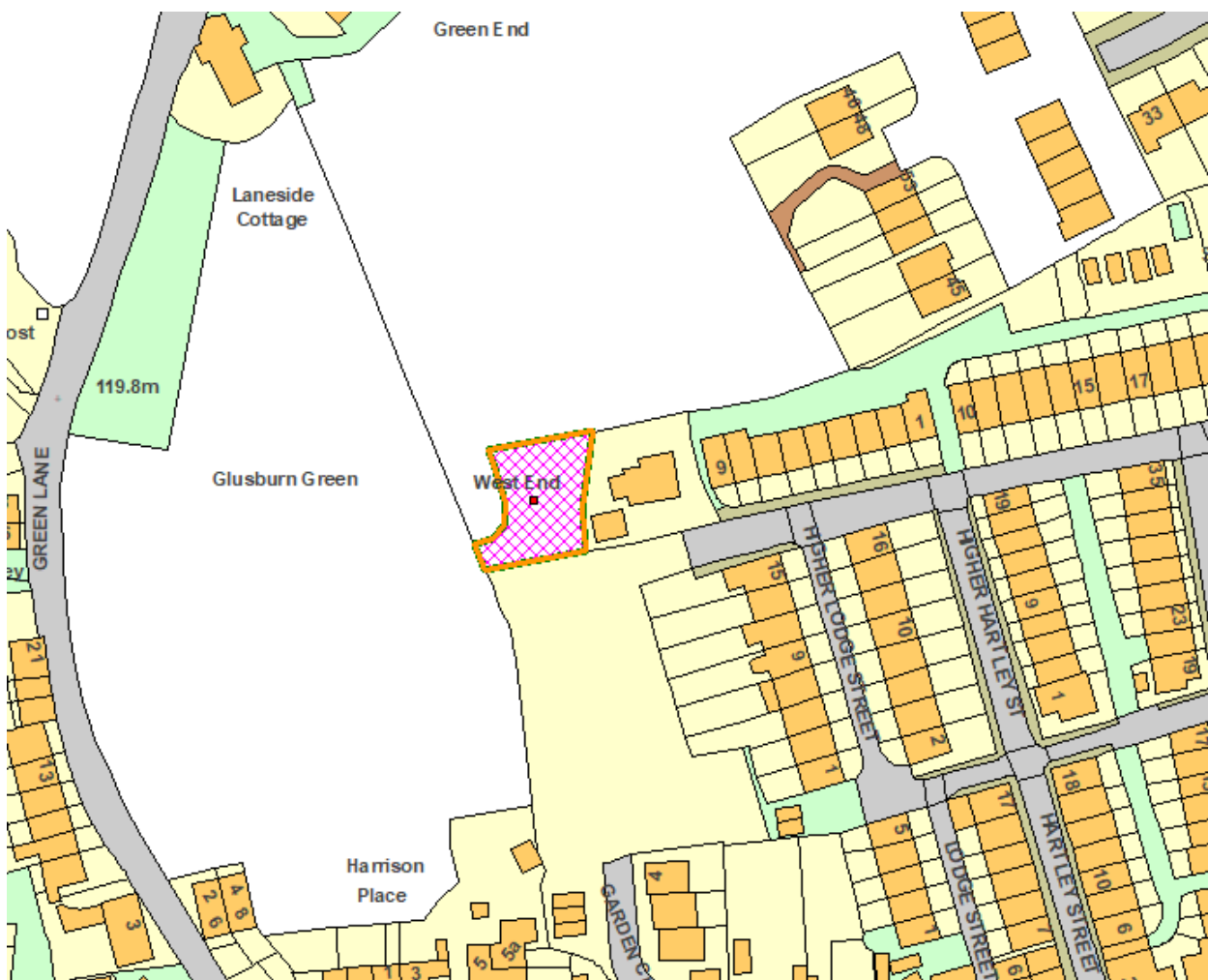
contaminated soils as specified in BS 3882: 2015 Specification for Topsoil. Supplier(s) details and confirmation on the source(s) of any topsoil materials brought on site should be made available for inspection at the request of the Council's Environmental Health Department.

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.

5. Charging Points

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



Application Number: 2019/20573/FUL

Proposal: Single dwelling (resubmission of undetermined application referenced 2018/19939/FUL)

Site Address: Land To North Of Hayfield View Green Lane Glusburn
BD20 8RT

On behalf of: Skipton Properties Ltd

REPORT TO PLANNING COMMITTEE ON 30th July 2019

Application Number: 2018/19767/OUT

Proposal: Outline planning application (with all matters reserved other than access) for 6 detached residential dwellings.

Site Address: Land Off Carla Beck Lane Carleton In Craven Skipton BD23 3BU

On behalf of: Mr & Mrs R J Mason

Date Registered: 1st November 2018

Expiry Date: 27th December 2018

EOT Date, if applicable: 30th July 2019

Case Officer: Andrea Muscroft

This application is referred to Planning Committee by the Strategic Manager for Planning and Regeneration as part of the current application site has previously been considered by Members.

1. Site Description

- 1.1 The application relates to a parcel of land that lies directly off Carla Beck Lane covering an area of approximately 0.6 hectares. Part of the site was granted outline approval (ref: 17/2015/16195) in February 2016 for a residential development (Circa 4 dwellings) all matters reserved with the exception of highways. The reserved matters application was also granted approval in May 2019.
- 1.2 The site is partially enclosed along the northern boundary by a selection of trees and shrubs, with further shrubs continuing along the eastern boundary, a wire fence runs along the southern boundary separating the site from agricultural fields to the south, with the western boundary comprising of a low level wall, 1mtr fencing and a 2.5m high hedge.
- 1.3 Changes in ground levels means that the access to the site slopes uphill southwards into a large cleared area with two large agricultural buildings mainly of corrugated metal construction located within the site. Approximately three quarters of the site has been the subject of some level of hard standing with the remaining area comprising of rough grassed area sloping southwards.
- 1.4 To the west of the site are a number of residential dwellings with further dwellings located to the south and southwest of Carla Beck lane. In addition, there are a scattering of farm buildings within the surrounding area.
- 1.5 A public right of way runs northwest to southwest through the site (ref: 05.10/7/2).
- 1.6 Located to the north of the site is a row of trees protected by Tree Preservation Orders (ref: 2313.188 2010 & 2299.187 2009).
- 1.7 The site is located outside of the Development Limits of Carleton and therefore is consequently located in the open countryside as defined by the 1999 Local Plan.

- 1.8 The site lies within a SSSI Impact Risk Zone.
2. Proposal
 - 2.1 The proposal is seeking outline permission for a residential development for six dwellings. The only detailed matter proposed for consideration is access. The appearance, landscaping and layout of the development are reserved matters.
 - 2.2 The proposal is supported by the following documents:
 - Site Location Plan
 - Indicative Site Layout Plan
 - Design and Access Statement
 - Planning Statement
 - Tree Survey
 - Tree Location Plan
3. Planning History
 - 3.1 5/17/244 – Retention of agricultural access – Approved November 1999.
 - 3.2 17/2015/16195 – Outline application for residential development (circa 4 dwellings) all matters reserved with the exception of highways – Approved February 2016.
 - 3.3 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 – Approved April 2019.
4. Planning Policy Background
 - 4.1 Paragraph 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that development proposals are determined in accordance with the development plan unless material considerations indicate otherwise. The statutory development plan for Craven comprises the saved policies of the Craven District (Outside the Yorkshire Dales National Park) Local Plan 1999 (the 'CDLP').
 - 4.2 The Emerging Local Plan (ELP) that would cover the period up to 2032 has now been submitted for examination. Notwithstanding this, the ELP is not the adopted development plan for the district. However, the submission draft is considered to be sound and the policies are consistent with the NPPF.
 - 4.3 **Saved Policies of the Craven District (Outside the Yorkshire Dales National Park) Local Plan.**
 - ENV1 – Development in the countryside.
 - ENV2 – Requirements for development in the countryside.
 - ENV10 – Protection of Trees and Woodlands
 - T2 – Road Hierarchy
 - 4.4 **Submitted draft Local Plan 2018**
 - SD1 – The Presumption in Favour of Sustainable Development
 - SP1 – Meeting Housing Need.
 - SP3 – Housing Mix and Density.

SP4 – Spatial Strategy and Housing Growth.

SP4 – Strategy for Tier 4a and 4bg villages with basic services and bisected villages with basic services.

ENV1 – Countryside and Landscape

ENV4 - Biodiversity.

ENV3 – Good Design

ENV12 – Footpaths, Bridleways, Byways and Cycle Routes.

INF4 – Parking Provision.

4.5 **National Planning Policy**

The National Planning Policy Framework 2019

Planning Practice Guidance – PPG

5. Parish/Town Council Comments

5.1 Carleton Parish Comments: Neither support nor object to the proposal, but have the following observations:

Increase of pollution

Not enough info given on application

Concern with regards to the proposed sewage treatment as the application refers to the disposal of foul water via a mains sewer. However, there is no main sewer along Carla Beck Lane. Properties share or have individual sewage disposal schemes such as septic tanks.

Question whether NYCC agree with the proposed methods of disposal of foul water.

Notwithstanding this, any discharge would end up in Carla Beck which is a relatively low flow beck, which could lead to pollution of the beck and damage the environment.

5.2 **Officer Note:** Details provided state the provision of a mini sewage treatment plant with an outfall to an existing drain on the site. It is considered therefore that should the proposal be recommended for approval that the imposing of a condition requiring full details of on and off site foul sewerage infrastructure would be appropriate and necessary, meeting the six tests for the imposition of conditions in order to ensure that the infrastructure required can be accommodated within the site without any adverse impacts on the neighbouring properties.

6. Consultations

6.1 **CDC Environmental Health Officer:** No objection but recommend that a condition is imposed in relating to drainage details.

6.2 **CDC Tree Officer:** The trees along the lane are protected by a Tree Preservation Order ref 187:2009. Details submitted indicate that some of the lesser quality trees would be removed to allow for the creation of a new vehicle access. No objection to this element of the proposal subject to a condition being imposed requiring replacement planting.

6.3 However, there appears to be a discrepancy between the canopy spreads shown within the Arboricultural report and those shown on the submitted indicated plan. It is therefore recommended that at the reserved matters stage that plots 2 & 6 are moved further away from the protected trees to ensure the long term retention of these trees.

- 6.4 With regards to potential landscaping it is strongly recommended that a replanting scheme is submitted with any future reserved matters application that includes replacement trees and the planting of a hedge along the southern boundary.
- 6.5 **CDC Strategic Housing:** The proposal is for six dwellings. National Planning Policy states that in designated rural areas on schemes of between 6-10 units or over 1000sqm in size that tariff style affordable housing obligations should be sought.
- 6.6 However, Carleton is not a designated area, furthermore the scheme indicates the provision of 999sqm of accommodation. As a result, the proposal does not trigger the need for affordable housing provision.
- 6.7 **Environment Agency:** No comment to make as the proposal falls outside the scope of issues the EA wish to be consulted on.
- 6.8 **NYCC Highways:** Recommend a condition in relation to the disposal of surface water is imposed if the application is recommended for approval.
- 6.9 **NYCC PROW Officer:** No objection, but the agent/developer is advised that the existing PROW on the site must be protected and kept clear of any obstruction until such times as any alternative route has been provided and confirmed under an Order made under the Town and Country Planning Act 1990.
- 6.10 **Yorkshire Water:** No comment with regards to the acceptability of this proposal as this area is not served by the public sewerage network.
7. Representations
- 7.1 The proposal was advertised on the 15th November 2018 in the Craven Herald with a Site Notice posted adjacent to the site on the 9th November 2018. In addition, notification letters were circulated to nearby neighbouring properties.
- 7.2 As a consequence of the publicity the Council received 15 letters of objection.
- 7.3 Policy
- Proposal is contrary to local and national policy.
- Contrary to the emerging local plan.
- 7.4 **Officer Note:** With regards to comments made in reference to the Local Plan Hearing in which the “Council indicated that there is no need for more housing in Carleton”. These comments are misleading. Documents submitted for examination have not excluded Carleton from future development. It should be noted that the hearing was conducted to examine the emerging plan’s soundness and whether it satisfies legal requirements. At the present time no decision has been reached with regards to whether the ELP may be adopted and as such this document has limited weight.
- 7.5 Visual
- Development of greenfield site.
- Development does not reflect the character of the area.
- Development too high.
- 7.6 Amenity
- Close to adjoining properties.
- Loss of privacy.

Development would be overbearing.

Concern over potential light pollution.

7.7 Trees

The proposal would involve the removal of a protected hedge and trees which are subject to a TPO's.

7.8 Highways

Concerns over highway safety for pedestrians, drivers and cyclists.

Inadequate access.

Increase in traffic.

Visibility splays cannot be achieved.

7.9 Other.

Increase danger of flooding.

7.10 **Officer Note:** Concern has been raised over the potential increase in flooding as a consequence of the development. These comments are noted, however, the site is not located within any Flood Zone as identified by the Environment Agency. Furthermore, the development would need to proceed with a satisfactory surface water drainage solution and conditions are recommend to help ensure surface water drainage details are approved by the relevant statutory consultees.

Question whether a drain on site exists.

Can assurances be given to ensure that no additional burden is placed on sewage treatment facilities in the area.

Concern over disposal of surface water.

Misleading and inaccurate information submitted.

Insufficient information given on application.

No affordable housing provision put forward.

Villagers would not benefit from the proposed housing.

The motivation for the proposal is clearly profit.

No need for more housing in Carleton.

The site is not an allocated site.

7.11 One third party letter of representation outlining a number of observations in relation to the proposal.

Potential increase in pollution.

Clarification with regards to ensure that if approved the development would not place additional burden on existing sewage treatment facilities.

Insufficient consultation undertaken and therefore recommend that all residents are notified of the proposal.

7.12 **Officer Note:** With regards to comments relating to the circulation of notification letters. It is accepted that neighbours located to northwest of the site did not receive notification letters.

However, the Council's statutory publicity requirements have been met and ample time has been allowed for interested parties to comment on the development proposal.

Impact on local ecology.

- 7.13 **Officer Note:** With regards to any potential impact on the local ecology it is acknowledged that the application site is located within the impact risk zone for a designated SSSI. However, the proposed development does not match the nature and scale of categories specified and thus this indicates that the development as proposed is unlikely to pose a significant risk to the notified features of the SSSI(s). However, as a precautionary measure it is considered that if the proposal is recommended for approval then an appropriate condition can be imposed requiring a bat survey to be undertaken prior to the demolition of the existing structures on site.
- 7.14 Comments were also received from the Ramblers Association; these comments have been summarised below:
- Do not consider that the increase in density is suitable for this site and the limitations on access into the site.
- Some discrepancy with regards whether the proposal would require the diversion of the PROW or not.
- The proposed plan does not show the full route of the PROW that goes through the site.
- Notwithstanding this, it is considered that a diversion is necessary, and that a diversion onto the new access for plot 1 would be acceptable, subject to a footway along Carla Beck Lane is improved.
- 7.15 **Officer Note:** There is no policy requirement for an agent/developer to provide a footway along Carla Beck Lane.
- Misleading information provided.
- Proposal is no more than a speculative attempt to increase profits by building unneeded mansions in the open countryside.
- No street lighting or pavement and is not wide enough to accommodate such improvements.
- Does the applicant need to seek the approval of the neighbouring property to carryout works to the existing boundary wall.
- 7.16 **Officer Note:** In respect of concerns about potential damage to the neighbouring boundary wall during works, it is suggested that should the application be recommended for approval that an informative is imposed to emphasise that any works carried out to the boundary wall are in accordance with the Party Wall Act 1996 etc.
- Request a condition is imposed restricting the construction of any structures within a 2m strip adjacent to the boundary wall of Swallow House.
- If the proposal is approved, it is requested that the development is safe and sensible and that the applicants and plans are transparent and detailed to ensure that the development does not have an adverse impact on the character of Carla Beck Lane nor on the trees and wildlife.
- General dislike of the proposal.
- Concern that if approved that this would set a precedent for future housing developments.

- 7.17 **Officer Note:** Each application falls to be considered on its own merits and concerns regarding possible future planning proposals are not material to the determination of this application.
- No public transport links.
 - Inefficient use of land.
 - The village does not need this type of properties.
- 7.18 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:
- 7.19 <https://publicaccess.cravencdc.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>
8. Summary of Principal Planning Issues 8.1 Paragraph 11 of the NPPF sets out the presumption in favour of sustainable development. The NPPF makes clear that, for decision taking, this means:
- 8.1 Approving development proposals that accord with an up to date development plan without delay; or
- 8.2 Where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, granting permission unless;
- the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed, or*
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*
- 8.3 Having regard to the relevant national and local planning policies, the site's designation within the CDLP, the representations received and the nature of the development applied for, it is considered that the main issues in this case are:
- The principle of development on the site.
 - Affordable Housing Provision.
 - The development's visual impact.
 - The development's impact on the amenity of surrounding occupiers.
 - The scheme's effects on highway safety.
 - The scheme's effect on protected trees.
 - Flooding and Drainage
 - Other issues.
9. Analysis
- 9.1 **Policy context**
- 9.2 Paragraph 38 (6) of the Planning and Compulsory Purchase Act 2004 and paragraph 2 of the NPPF make clear that development proposals are to be determined in accordance with the development plan unless material considerations indicate otherwise. At the present time, the statutory development plan for Craven comprises the saved policies of the Craven District (Outside the Yorkshire Dales National Park) Local Plan 1999 (the 'CDLP'). It is this plan, along with the NPPF, that provide the prevailing policy context under which the application is to be assessed.

9.3 **Principle of development.**

- 9.4 Part of the application site has been granted outline approval (ref: 17/2016/16195) for the construction of four dwelling. In addition, in 2019 the Planning Committee approved the reserved matters application. As such, the principle of residential development of part of this site has already been established.
- 9.5 However, the current application now seeks to develop the whole of the site. In addition, the Government has issued a revised NPPF. Therefore, in light of these changes it is necessary to consider the acceptability of this current scheme on this site.
- 9.6 The application site lies outside but within close proximity to the existing development limits of Carleton therefore, saved Local Plan Policy ENV1 applies. Policy ENV1 seeks to protect the character and quality of the open countryside from being spoilt by sporadic development and restricts development to small scale proposals appropriate for the enjoyment of the scenic qualities of the countryside and other appropriate small-scale development having a rural character and where the proposal 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.
- 9.7 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; the design and materials used relate to the setting; that traffic generated can be accommodated satisfactorily and services and infrastructure can be provided without any serious harmful change to the character and appearance of the area. These are general planning considerations, broadly in line with the NPPF.
- 9.8 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.
- 9.9 Paragraph 68 of the NPPF acknowledges the role that windfall sites can make to meet the housing requirements of an area and states that LPA's should support the development of windfall sites – giving great weight to the benefits of using suitable sites within the existing settlements for homes.
- 9.10 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 demonstrate 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.
- 9.11 Turning to the three dimensions of sustainable development, economic, social and environmental as defined by the NPPF, the redevelopment of this site would provide economic benefits both during construction stage and from future occupants. In addition, the proposal would provide social benefits and help to support a strong, vibrant and healthy

community, through the provision of a new homes to meet the needs of the present and future generations.

- 9.12 As outlined above, the proposal would result in the redevelopment of a partially previously developed site, although it is acknowledged that the majority of the site remains undeveloped. Notwithstanding this, there is a clear demarcation between the site and agricultural land beyond, with a wire and post fencing enclosing the site. Therefore, whilst the proposal would result in the partial redevelopment of non-developed land it is considered that on balance the proposal would provide environmental benefits as it would contribute to protecting the natural environment through making effective use of land.
- 9.13 **Affordable Housing Provision.**
- 9.14 National Planning Policy states that in designated rural areas on schemes of between 6-10 units or over 1000sqm in size that tariff style affordable housing obligations should be sought.
- 9.15 In this instance, the proposal does not lie within a designated rural area, nor does the proposal exceed 1000sqm. As such, the proposal does not trigger the need for any affordable housing provision.
- 9.16 **The developments visual impact.**
- 9.17 It should be noted that the external appearance, landscaping, layout and scale elements of the proposal are reserved matters and therefore cannot form part of the assessment of the current proposal.
- 9.18 The NPPF seeks to ensure that development functions well and adds to the overall quality of the area. It also states that developments should be visually attractive as a result of good layout and appropriate and effective landscaping. In addition, it states that developments should be sympathetic to local character and history.
- 9.19 Although the proposal is only seeking approval for the principle of development and the access to the site it is reasonable to consider whether or not the visual impacts arising from the proposal are likely to have a significant adverse or constitute grounds to refuse permission.
- 9.20 The application site lies adjacent to Swallow House and The Old Byre located to the west of the site with The Bungalow, The Coach House (Nursing Home) to the north separated from the site by Carla Beck Lane. A further group of housing is located to the east, identified as Carla Beck Houses 1 – 5. These dwellings are characterised by a mixture of differing periods, styles and materials. To the southern and eastern boundaries, the site backs onto agricultural fields, free from development.
- 9.21 It is considered that the site is capable of being developed in a way that would visually relate to the existing built-up character of the area. Furthermore, any potential landscaping, once matured, would ensure an attractive and pleasing residential development with limited visual impact.
- 9.22 **The developments impact on the amenity of neighbouring properties.**
- 9.23 The NPPF seeks to ensure that development provides a good standard of amenity for all existing and future occupants of land and buildings.
- 9.24 Concerns have been expressed over the potential loss of privacy. However, the submitted indicative plan demonstrates that a scheme could be produced that provides adequate spacing within the layout and neighbouring properties to meet acceptable separation standards for light and amenity.

- 9.25 The details of the dwellings and landscaping treatments are reserved for future consideration. However, there is sufficient information submitted to indicate that the amenities of nearby residents would not be unacceptably affected in terms of overlooking or shadowing.
- 9.26 **The developments impact on highway safety.**
- 9.27 Saved Policy T2 is supportive of proposals provided they are appropriately related to the highway network and in particular; do not generate volumes of traffic in excess of the capacity of the highway network; does not lead to the formation of a new access or greater use of an existing access onto a primary, district or local distributor road unless the access is such that it is acceptable to the Council and its design achieves a high standard of safety; and have full regard to the highway impact on, and potential for improvement to the surrounding landscape.
- 9.28 In this instance the proposal is only seeking outline permission and thus it is not possible to comment on a detailed layout. Therefore, the only issue for consideration is whether or not the access can safely accommodate the proposed residential development and whether any increased usage would compromise highway safety.
- 9.29 The proposal is seeking to utilise the existing access onto Carla Beck Lane to serve plot 1 and also to create a new access further along Carla Beck Lane to serve plots 2 - 6. The Highways officer initially had concerns with regards to proposed access. The officer therefore sought further details and recommended that a more detailed plan be submitted to address the officers concerns.
- 9.30 Following submission of the additional information, the Highways officer has raised no objection to the proposal on highway safety grounds subject to the use of appropriate conditions.
- 9.31 **The developments impact on protected trees.**
- 9.32 The proposal is seeking to create a new access onto Carla Beck Lane; as a consequence, it is necessary to access the potential impact of the development on the protected trees situated to the north of the site.
- 9.33 Saved Policy ENV10 seeks to safeguard protected trees from harm or unjustifiable loss as they can both individually and in groups, play an important role in forming the character and attractiveness of the landscape.
- 9.34 Located along the northwest boundary are a number of protected trees. A Tree Survey has been submitted with the application which has identified individual trees in accordance with BS 5837 (2012) and includes a categorisation of the trees based on their current and potential public amenity value.
- 9.35 Submitted details indicate that the site will be accessed and developed in accordance with the submitted indicative layout plan. The Council's Arboricultural Officer has conducted a site visit and is satisfied that the submitted indicative plan which shows the removal of a number of lesser quality trees is acceptable. Notwithstanding this, it is considered appropriate to attach conditions relating to the construction of protective fencing. The Council's Arboricultural Officer has raised no objection to the proposal, although the Arboricultural Officer has advised the applicant that plots 2 & 6 will need to be re-positioned to ensure that any future development on the site does not have an adverse impact on these protected trees.

- 9.36 Based on the information submitted it is considered that the site could be developed without any unacceptable impact on the protected trees.
- 9.37 **Flooding and Drainage**
- 9.38 There have been objections from local residents and Parish Council with regards to the possibility of an increase in localized flooding as a result of the proposed development. These concerns are noted, however, the site falls within flood zone 1 (land with a less than 1 in 1,000 or <0.1% annual probability of river/sea flooding).
- 9.39 Notwithstanding this, it is considered that should the proposal be recommended for approval that the development of this site would result in a reduction of surface water run-off due through the provision of a scheme for surface water drainage based on sustainable drainage principles. This matter therefore can be controlled through the use of an appropriate condition and through the requirements of Building Regulations to help mitigate the localized flooding that occurs.
- 9.40 **Other issues.**
- 9.41 With regards to any potential impact on the local ecology it is acknowledged that the application site is located within the impact risk zone for a designated SSSI.
- 9.42 In this instance, the proposed development does not match the nature and scale of categories specified that would require a licence from NE and thus this indicates that the development as proposed is unlikely to pose a significant risk to the notified features of the SSSI(s).
- 9.43 Public comments with regard to pollution the Council's Environmental team have reviewed the information and have raised no issues with regard to pollution.
- 9.44 **Conclusion**
- 9.45 The application is seeking outline planning approval for a residential development (with all matters reserved with the exception of highways) for six dwellings.
- 9.46 With regards to paragraph 11 of the NPPF it states that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits or specific policies in the Framework indicate development should be restricted.
- 9.47 The proposed development of six dwellings located to the west of the settlement of Carleton would have little impact on the character and appearance of the countryside. The proposal would not create additional flood risk to the area and would have limited impact on highway safety. Furthermore, it is considered that the proposed dwellings would not be materially harmful to the amenity of the neighbouring properties, and drainage and ecological issues can be conditioned.
- 9.48 For reasons outlined above, it is considered that on balance any adverse impacts as a result of the proposal do not significantly and demonstrably outweigh the benefits of the proposed development and therefore the proposal is recommended for approval subject to the following conditions.
10. Recommendation
- 10.1 Approve with Conditions

Conditions

Time Limit for Commencement

- 1 Application for approval of reserved matters must be made not later than the expiration of three years beginning with the date of this permission and the development must be begun not later than:

- (i) the expiration of three years from the date of this permission; or
- (ii) two years from the date of approval of the last of the reserved matters to be approved.

Reason: To comply with the requirements of section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Approved Plans

- 2 This permission relates to the following plans:

Drawing no. Location Plan
Drawing no. 2699.4C

Except as provided for by other conditions to this permission, any application for approval of reserved matters submitted pursuant to this permission shall accord with the outline permission insofar as it relates to the means of access to the site and the maximum number of dwellings.

Reason: The application is granted in outline only in accordance with the provisions of Article 4 of the Town and Country Planning (Development Management Procedure) Order 2015. Access has been applied for and any application for reserved matters must be in accordance with the parameters established as part of this permission.

Before you Commence Development

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

- (i) separate systems for the disposal of foul and surface water;
- (ii) details of 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

- 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 Yorkshire Water . 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:

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.

- 5 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.

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

Reason: To ensure no localised flooding and to accord with 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 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:
- d. The crossing of the highway verge shall be kerbed and constructed in accordance with the approved details and Standard Detail Number E1 Var (Construction Depths Only).
 - e. 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.
 - f. That part of the accesses extending 10 metres into the site from the carriageway of the existing highway shall be at a gradient not exceeding 1:10.
 - h. 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.

All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience and to accord with the requirements of the National Planning Policy Framework.

- 8 There shall be no access or egress by any vehicles between the highway and the application site (western access) (except for the purposes of constructing the initial site access) until splays are provided giving clear visibility of 60 metres in each direction measured along the nearside channel line of Carla Beck Lane from a point measured 2.4 metres down the centre line of the access road. The eye height will be 1.05 metres and the object height shall be 0.6 metres. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason: In the interest of road safety and to accord with the requirements of the National Planning Policy Framework.

- 9 There shall be no access or egress by any vehicles between the highway and the application site (eastern access) (except for the purposes of constructing the initial site access) until splays are provided giving clear visibility of 70 metres to the west and 90 metres to the east measured along the nearside channel line of Carla Beck Lane from a point measured 2.4 metres down the centre line of the access road. The eye height will be 1.05 metres and the object height shall be 0.6 metres. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason: In accordance with highway safety and to accord with the requirements of the National Planning Policy Framework.

- 10 There shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.

These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority in consultation with the Highway Authority. These precautions shall be made available before any excavation or depositing of material in connection with the construction commences on the site and be kept available and in full working order and used until such time as the Local Planning Authority in consultation with the Highway Authority agrees in writing to their withdrawal.

Reason: To ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety and to accord with the requirements of the National Planning Policy Framework.

- 11 There shall be no site clearance, demolition, excavation or depositing of material in connection with the construction of the development until the details of any proposed amendment to any land retaining feature which lies adjacent to the Publicly Maintainable Highway have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The approved details shall at the applicant's expense be subject to the County Council's 'Technical Approval Procedure'. Subject to the successful completion of this process the measures will be implemented at the applicant's cost prior to the development being brought into use.

Reason: In the interests of highway safety and to accord with the requirements of the National Planning Policy Framework.

- 12 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 adjacent to the site and for an approximate distance of 50 metres on each side 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 and to accord with the requirements of the National Planning Policy Framework.

- 13 Unless approved otherwise in writing by the Local Planning Authority there shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site until proposals have been submitted to and approved in writing by the Local Planning Authority for the provision of:

- a. on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway.
- b. on-site materials storage area capable of accommodating all materials required for the operation of the site.
- c. The approved areas shall be kept available for their intended use at all times that construction works are in operation.

Reason: To provide for appropriate on site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area and to accord with the requirements of the National Planning Policy Framework.

During Building Works

- 14 The developer shall draw to the attention of the Local Planning Authority the presence of any unsuspected contamination encountered during the development.

In the event of contamination to land and/or water being encountered, no development shall continue until a programme of investigation and/or remedial work to include methods of monitoring and certification of such work undertaken has been submitted and approved in writing by the Local Planning Authority.

None of the development shall be occupied until the approved remedial works, monitoring and certification of the works have been carried out and a full validation report has been submitted to and approved in writing by the Local Planning Authority.

In the event that no contamination is encountered, the developer shall provide a written statement to the Local Planning Authority confirming that this was the case, and only after written approval by the Local Planning Authority shall the development be occupied.

Reason: To ensure that any ground and water contamination is identified and adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use.

- 15 No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas approved under condition number 2:

- a. have been constructed in accordance with the submitted drawing Reference Number 2699 . 4 Revision C.
 - b. have been constructed in accordance with Standard Detail Number E1 Var (Construction Depths Only).
 - c. are available for use unless otherwise approved in writing by the Local Planning Authority.
- Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason: To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development and to accord with the requirements of the National Planning Policy Framework.

Ongoing Conditions

- 16 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.

- 17 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 or any subsequent Order, the garage(s) shall not be converted into domestic accommodation without the granting of an appropriate planning permission.

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

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. Broadband Connectivity

The applicant is advised to undertake early engagement with telecommunication providers to ensure the development benefits from the highest quality broadband connectivity available. Lead times for the provision of broadband services can be in excess of 9 months prior to occupation of the first dwelling.

The District Council has produced a document, "Broadband Connectivity for New Developments in Craven - A Briefing Note for Developers" which provides a general introduction to broadband connectivity in the District. The briefing note is available by emailing edu@cravendc.gov.uk or can be downloaded from the District Council website.

4. Your attention is drawn to the attached note relating to demolition and the requirements of The Building Act.

5. Hours of Construction

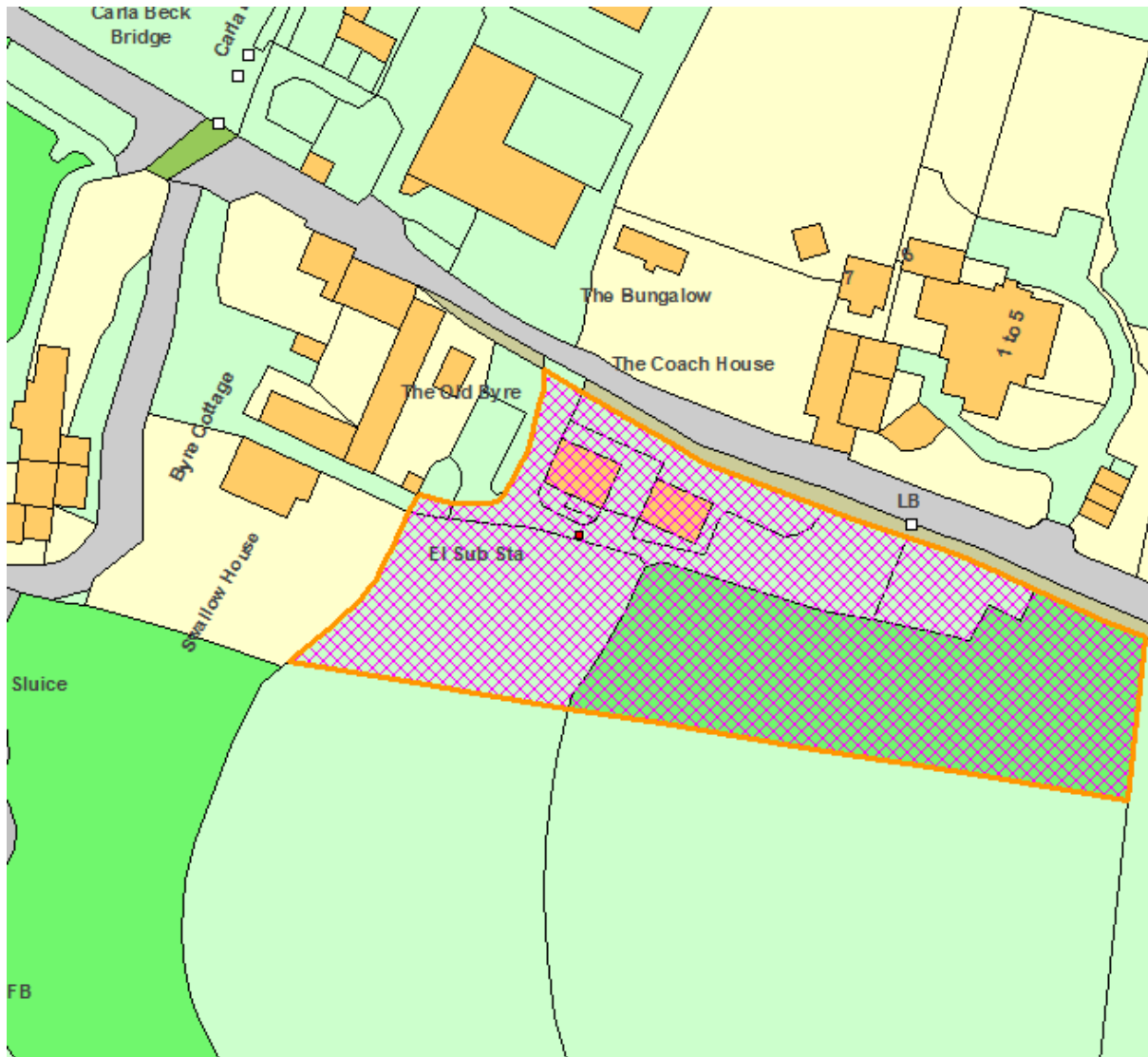
The hours of operation during the construction phase of development and delivery of construction materials or equipment to the site and associated with the construction of the development hereby permitted should be limited to 0730 hours to 1800 hours on Monday to Fridays and 0730 hours to 1300 hours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

6. Please note that Recommended Conditions above apply equally to both of the proposed vehicular accesses as shown on Drawing 2699 . 4 Revision C.
7. 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.
8. 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.
9. 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.
10. 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.
11. 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: 2018/19767/OUT

Proposal: Outline planning application (with all matters reserved other than access) for 6 detached residential dwellings.

Site Address: Land Off Carla Beck Lane Carleton In Craven BD23 3BU

On behalf of: Mr & Mrs R J Mason

REPORT TO PLANNING COMMITTEE ON 30th July 2019

Application Number: 2019/20428/FUL

Proposal: Lodge-style caravan for use as a bistro

Site Address: Rivers Edge Holiday Home & Lodge Park Bentham Road Ingleton
LA6 3HR

On behalf of: Leisure Resorts Ltd

Date Registered: 20th May 2019

Expiry Date: 15th July 2019

EOT Date, if applicable: 18th July 2019

Case Officer: Ros Parker

This application has been referred to Committee by Councillor Lis due to concern about the impact of the proposed development on the amenities of residents of the park.

1. Site Description

- 1.1 The application site is located within the Rivers Edge Holiday Home and Lodge Park. It is situated in a parcel of land which sits north and below the level of the access road, and south of Jenkin Beck facing the site office. A tall hedge lines the north side of the access road, and trees line the beck. There is a lodge-style caravan to the rear, on raised land beyond the beck.
- 1.2 The site lies outside development limits as defined by the 1999 Local Plan. The majority of the site lies within Flood Zone 2. Flood Zone 3a encroaches on the eastern edge of the site. A large part of the site lies within a Coal Development Low Risk Area; the remainder of the site is within a Coal Development High Risk Area. The site lies within an SSSI Impact Risk Zone.

2. Proposal

- 2.1 The application is seeking permission for a lodge-style caravan for use as a bistro. The proposed facility will replace an amenity building.
- Officer Note:** At the time of the officer's visit, the amenity building had already been removed and construction of the foundation was underway.
- 2.2 The proposed single-storey facility will measure approximately 19.8m (length) x 6.6m (width) with a large raised terrace which will extend to the north and west, wrapping round the north-east elevation to a small section at the rear (east). The roof will slope from the front down to the rear, with a maximum height of approximately 4.4m above ground level, descending to 3.4m above ground level. Two awnings will extend to the front, over the terrace.
- 2.3 It will house a restaurant, lounge and bar, kitchen with storage space and wc.s, including a disabled wc. Disabled access to the facility will be via ramped access to the front of the patio.
- 2.4 Proposed materials are natural cedar cladding for the bistro elevations and the roof will have a rubberoid membrane covered in powdercoated aluminium in anthracite grey. The terrace will be of PVC, coloured 'cliffside' by Canoxel (ash brown), with an anthracite grey PVC balustrade with glazing.
- 2.5 The proposed facility will be served by extractor fans to the kitchen and exterior lighting.

- 2.6 A premise licence application has been submitted concurrently.
3. Planning History
- 3.1 5/45/61 – Erection of office, toilets and store block in connection with Park Foot Caravan Site – approved 12.09.1975
- 3.2 5/45/98/A – Revised site layout for Phase II caravan pitches at Park Foot Caravan Site – approved 20.08.1976
- 3.3 5/45/136C – Revised layout, minor extension to children's play area, planting proposals and improvements to access at Parkfoot Caravan park – approved 30.01.1981
- 3.4 5/45/136D – missing from file
- 3.5 5/45/136E – Application for variation of condition of terms of planning consent previously granted in respect of Parkfoot Caravan Park, relating to period of occupancy – approved 4.11.1985
- 3.6 5/45/136G – Erection of replacement amenity building including games room, office, laundry, and wc's – approved 11.02.1991
- 3.7 5/45/136/H – Extension of permitted occupancy period – approved 10.06.1997
- 3.8 45/2012/12346- To install a 4.0KW photovoltaic solar array to the administration building within the holiday park – approved 18.04.2012
- 3.9 2018/19196/VAR - Application to vary condition No. 1 to permit year round occupancy of holiday caravans/lodges of planning consent reference 5/45/136/H – approved 02.07.2018
4. Planning Policy Background
- 4.1 At the time of compiling this report (July 2019) the Submission Draft Craven Local Plan has been submitted for examination and hearings took place in October 2018. The Council's consultation on amendments following those hearings is now closed, and the amendments are now under the deliberation of the Planning Inspectorate. With the Submission Draft Craven Local Plan at a very advanced stage, weight can be given to the emerging policies. However, the NPPF (2019) at paragraph 48 sets out that the weight that should be given to draft policies will depend upon 'the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given)' and 'the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).'
- 4.1 For the purposes of this report the relevant saved Local Plan policy and the policies set out in the NPPF will be considered.
- 4.2 Craven District Council (outside of the Yorkshire Dales National Park) Local Plan:
- ENV1 Development in the open countryside
 - ENV2 Requirements for development in open countryside
 - ENV18 Light generating development
 - EMP18 – Permanent buildings on camping, caravanning and chalet developments
- 4.3 Craven District Council Submission Draft Local Plan Emerging Local Plan (ELP):
- ENV1 Countryside and Landscape
 - ENV3 Good Design
 - ENV6 Flood Risk
 - EC3 Rural economy
 - EC4 Tourism

- 4.4 Draft policies ENV1 Countryside and Landscape, ENV3 Good Design, ENV6 Flood Risk, EC3 Rural economy and EC4 Tourism are considered to be applicable to this planning application although the policies are subject to proposed modifications which, following consultation, are currently under the deliberation of the Planning Inspectorate. For this reason, it is considered beneficial to adopt a precautionary approach and apply the greater weight with the Saved Local Plan Policies and the NPPF.
- 4.5 National Policy
- National Planning Policy Framework (NPPF 2019)
 - Planning Practice Guidance (PPG)
5. Parish/Town Council Comments
- 5.1 Ingleton Parish Council – expressed concern at development within a flood risk area
6. Consultations
- 6.1 Environment Agency – no response with statutory consultation period, or at the time of writing this report
- 6.2 CDC Environmental Health – requested details of kitchen extractor specification for assessment. Details were submitted on 31.05.19 and 11.06.19. Following re-consultation, CDC EH advised they were satisfied noise would not be a problem.
- 6.3 CDC EH also requested a condition relating to commercial waste storage and hours of construction be included, should permission be granted.
- 6.4 CDC EH also advised that an application form should be submitted for the registration of a food business establishment.
- 6.5 CDC Licensing Department – advised that a licensing application had been made
- 6.6 NYCC Police Designing Out Crime Officer – the officer advised that the results of a crime and disorder analysis for a 12-month period within a 1km radius of the site indicated this to be a low crime and disorder area, with 2 crimes and no anti-social behaviour recorded. He advised that the Police Licensing department had requested appropriate conditions be attached to the Licence, should it be granted. There were no further comments regarding the planning application.
7. Representations
- 7.1 Site notice issued 24.05.2019
- 7.2 No press notice
- 7.3 No notification letters sent.
- 7.4 Nine letters of representation received at the time of writing this report.
- 7.5 A summary of comments is as follows:
- Noise pollution: potential of noise travelling at night, fear of constant music, music being played on terrace, music played late at night, concern at premises licence
 - Security: no mention of provision; fear of unruly behaviour fuelled by alcohol, concern that outdoor drinking are will lead to pedestrian fatality on Bentham Road
- Officer Note:** These issues will be dealt with in the body of the report
- Lack of awareness of planning application
- Officer Note:** A site notice was displayed at the entrance to the site.
- Concerned that traffic will increase

Officer note: This is an isolated site. The facility will primarily serve the residents (permanent or temporary) of the park who will be within walking distance of the proposed bistro. As such, traffic is unlikely to increase beyond the level that is already experienced at the park.

- Increasing use of advertising signs in the area

Officer Note: The issue has been reported to the CDC Planning Enforcement to investigate, however this is not a material consideration in the assessment of this planning application.

8. Summary of Principal Planning Issues

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

- Principle of development
- Visual impact
- Amenity issues
- Flood issues
- Other issues

9. Analysis

9.1 **Principle of development**

9.2 The site falls outside Development Limits as defined by the Saved Local Plan, and is therefore located within the open countryside. Saved Policy ENV1 aims to protect the character and quality of the open countryside from being spoilt by sporadic and/or inappropriate development. It states that 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 economy.*

9.3 In terms of supporting development which benefits the rural economy, Saved Policy ENV1 is consistent with the NPPF which requires that planning decisions support the sustainable growth of all types of businesses in rural areas, and in particular should enable "*sustainable rural tourism and leisure developments which respect the character of the countryside*". In this instance, the proposed bistro will benefit the rural economy through the expansion of tourist facilities at this established holiday home park, while respecting the park setting.

9.4 Of specific relevance to this proposal, Saved Policy EMP18 is supportive of proposals for dining or leisure facilities, provided in association with caravanning or chalet development, as long as they meet the following conditions:

- i. are necessary for the operation of the site, with the size and nature of the buildings relating to the needs of site residents*
- ii. do not have an adverse effect on the character and appearance of the countryside*
- iii. are of a good standard of design and satisfactorily blend into the landscape in terms of their siting, design and materials*
- iv. are compatible with the landscape policies, nature conservation policies and policies for the AONB and SSSI's.*

9.5 Points ii and iii relate to matters of visual impact and will be considered later in this report. With regard to point i, it is acknowledged the application has not submitted any economic justification for

the proposal. However, given the size of the park, it is considered that the provision of catering facilities is a reasonable addition to ensure the competitiveness of the park as a tourist facility. In this sense, the proposal also accords with Draft Policy EC4 which is consistent with Saved Policy EMP18 in supporting the growth of tourism by enabling established destinations to become even better through the development of new and improved facilities.

- 9.6 With regard to point iv, the site lies within an SSSI impact risk zone. This is a proposed communal facility which replaces an existing communal facility within the environs of a holiday park, and as such it is not considered to have a significant detrimental impact on the risk zone.
- 9.7 In conclusion, the proposed development is considered to benefit the rural economy and the development of tourist facilities in association with existing tourism facilities. As such the principle of development of the proposal is in accordance with Saved Policies ENV1 and EMP18 and the requirements of the NPPF.
- 9.8 **Visual impact**
- 9.9 Saved Policy ENV2 states that development acceptable in principle under policy ENV1 will only be permitted where it is compatible with the character of the surrounding area, the design of buildings and materials proposed relate to the setting taking into account the immediate impact and public views, rural access roads can accommodate the traffic and services and infrastructure can be provided without causing serious harmful change to the rural character and appearance of the locality.
- 9.10 As already noted in paragraph 9.5 above, Saved Policy EMP18 also sets conditions in terms of visual impact. Furthermore, the NPPF places high priority on achieving well-designed places, requiring that developments are visually attractive, sympathetic to local character and add to the overall quality of the area.
- 9.11 The proposed bistro will be set in a parcel of land which is screened to the south by the tall roadside hedge and to the north by trees. It will be set down from the holiday homes to the rear and from the access road. It will be single storey and constructed of sympathetic materials. The proposed bistro will sit close to the park office facility. In view of the setting and design, the proposed bistro is considered to be compatible with its surroundings at the holiday park.
- 9.12 As a facility serving existing residents of the park, no significant intensification of traffic is foreseen. In terms of service requirements, a condition will be included to satisfy the requirements of CDC Environmental Health with regard to the storage of commercial waste.
- 9.13 In conclusion, it is considered that the proposed bistro will not have a significant detrimental visual impact in the park setting and is in keeping with the local character. As such, the proposal accords with the requirements of Saved Policies ENV2, EMP18 and the NPPF in terms of visual impact.
- 9.14 **Amenity issues**
- 9.15 The NPPF requires that planning decisions create places that are accessible, with a high standard of amenity for existing and future users and where crime and disorder do not undermine the quality of life.
- 9.16 Noise and security
- 9.17 Local residents have raised concerns with regard to the potential of noise travelling at night, fear of constant music, music being played on the terrace and music being played late at night. The planning application does not contain any information regarding opening hours. However, the applicant has also submitted an application for the grant of a premise licence, to include the playing of recorded music and supply of alcohol. CDC Licensing have advised that a licence will be issued restricting operating hours to 0900 – 2330 seven days a week, including Bank Holidays and Friday, Saturday and Sunday but excluding New Year's Eve (0900-0100). If the planning application is successful, a condition will be attached to mirror the relevant restrictions of the premise licence.
- 9.18 While the premises licence will control hours of operation, it does not impose any limit on noise levels during operating hours. Local residents have raised concerns. Furthermore, holiday homes

are located in close proximity to the proposed bistro, the nearest being approximately 20 metres away. The NPPF requires planning decisions take into account the likely effect on living conditions, and avoid “noise giving rise to significant adverse impacts on health and quality of life”. In order to control noise levels on site, a condition requiring the submission of a noise management plan for approval by the Local Planning Authority will be included, should planning permission be granted.

- 9.19 The licence application specifies the facility is to “cater to families who stay with us”. There is no suggestion in either the planning or licence application that the bistro is intended to be used to host events or functions. In order to ensure that this remains the case, a planning condition will be attached ensure use of the facility is controlled in order to overcome potential excess noise or disturbance from non-residents and their vehicles.
- 9.20 Residents have also raised concerns relating to a lack of security provision; fear of unruly behaviour fuelled by alcohol and concern that outdoor drinking will lead to pedestrian fatality on Bentham Road. The NYCC Police Designing Out Crime Officer was consulted with regard to this planning application. While noting this is a low crime and disorder area, he advised that the Police Licensing department had requested appropriate conditions be attached to the Licence, should it be granted. CDC Licensing have confirmed that these conditions relate to the prevention of crime and disorder and the prevention of public nuisance. No further planning conditions were requested, and it is considered that the premises licence will be sufficient to address these issues.
- 9.21 The proposal also includes the provision of extractor fans to serve the kitchen. The specification has been evaluation by CDC Environmental Health who are satisfied that noise emanating from the extractor fans will not be a concern.
- 9.22 In conclusion, subject to the inclusion of conditions relating to hours of operation, the control of events and the submission for approval of a noise management plan, it is considered that the requirements of the NPPF in terms of local amenity are satisfied.
- 9.23 Lighting
- 9.24 Saved Policy ENV18 requires that lighting schemes should be the minimum required to undertake the task and should minimise light spillage. The NPPF also requires that the impact of light pollution on local amenity is restricted.
- 9.25 Soffit lighting is proposed to the front and rear. This is a low glare form of lighting that is not considered to have a significant harmful impact. 20-watt PIR sensor lights are proposed over the kitchen door and south-west elevation. The kitchen door is to the rear of the building, and the south-west elevation is below the level of the road, screened by the hedge. In view of the location of the sensor lights and relatively low wattage, this lighting is not considered to be invasive.
- 9.26 In conclusion, the proposed lighting is considered to be appropriate to meet the needs of the bistro without compromising the amenity of the holiday home residents to a significant degree, and as such the requirements of Saved Policy ENV18 and the NPPF are met.
- 9.27 **Flood issues**
- 9.28 The NPPF requires that when determining planning applications, LPA's should ensure that flood risk is not increased elsewhere. Furthermore, it states that development within identified flood risk areas should only be permitted where:
- *within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;*
 - *the development is appropriately flood resistant and resilient*
 - *it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate*
 - *any residual flood risk can be safely managed; and*
 - *safe access and escape route are included where appropriate, as part of an agreed emergency plan.”*

- 9.29 The majority of the site lies within Flood Zone 2. Flood Zone 3a encroaches on the eastern edge of the site. Jenkin Beck edges the site to the north east. As a restaurant/café, the development is classed as a 'less vulnerable' form of development in terms of the government's Flood Risk Vulnerability Classification.
- 9.30 With regard to location, a Flood Risk Assessment has been supplied incorporating a sequential test which identifies the proposed site as the most appropriate, taking into account available space within the park. There is not considered to be any reason to challenge the findings of the assessment, particularly when the use of this site has entailed the removal of an existing permanent structure. As a 'less vulnerable' form of development in Flood Zones 2 and 3a, there is no formal requirement for an exception test, and none has been supplied. The Environment Agency have been consulted on the proposal, but have not submitted any comments.
- 9.31 In terms of flood resilience of the development, the proposed floor level will be approximately 600mm above ground level. This accords with the government's standing advice for this form of development.
- 9.32 With regard to sustainable drainage, the supplied Flood Risk Assessment indicates the intention is for surface water to drain to the existing watercourses. Again, the Environment Agency have not provided any comment either for or against this proposal.
- 9.33 In terms of residual flood risk, the footprint of the proposed development in terms of the solid foundation is approximately 36 square meters larger than the footprint of the previous structure. The terrace will cover a wider area, however the land beneath is already covered in tarmac or concrete to a large degree. As such, the proposed development is not considered to have a significant impact in terms of additional surface water. Again, the Environment Agency have not raised any concerns.
- 9.34 With regard to an agreed emergency plan for safe access and escape, this should form part of the holiday park's wider flood evacuation plan. While this is outside the scope of planning control, an informative will be included in the decision notice, should planning consent be granted, advising the applicant of the requirement to update the holiday park's flood evacuation plan.
- 9.35 In conclusion, in view of the above considerations, it is considered that the bistro is an acceptable form of development for the setting which will not impact on surface water and flood risk to an unacceptable degree. As such, the proposal accords with the requirements of the NPPF.
- 9.36 **Other issues**
- 9.37 A large section of the site lies within a Low Risk Development Zone as identified by the Coal Authority. In accordance with guidance issued by the Coal Authority (Risk Based Approach to Development Management – Guidance for English Local Planning Authorities, Version 5, 2019) consultation with the Coal Authority is not required but, should planning be approved, standing advice will be included as an informative on the decision notice.
- 9.38 A small section of the site to the south of the development lies within a High Risk Development Zone as identified by the Coal Authority. However, as this area is outside the built area, it was not considered necessary to consult with the Coal Authority in this instance. In accordance with guidance in the above document, should planning permission be granted, an informative will be included in the decision notice advising the applicant that the site falls within an area of coal mining legacy.
- 9.39 **Conclusion**
- 9.40 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.

- 9.41 In this instance, the proposed development is considered to be acceptable in principle. It is not considered to have a significant detrimental visual impact. Impact in terms of amenity will be controlled by planning conditions relating to hours of operation, noise and use of the facility. Flood issues have been assessed and no significant harmful impact has been identified. On balance, it is considered that there are no adverse impacts arising from the amendments that would significantly and demonstrably outweigh the overarching presumption in favour of sustainable development contained within paragraph 11 of the NPPF. The proposal is in accordance with the relevant policies of the Saved Local Plan and the NPPF, and is therefore acceptable.
10. Recommendation
- 10.1 Approve with Conditions
- Conditions
- 1 The development hereby permitted shall be begun not later than the expiration of three years beginning with the date of this permission.
- Reason: To comply with the requirements of section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 The permission relates to the following plans:
- Site location plan - received 16th April 2019
 Drawing No. 327-006 C - F&B Layout sketch options - received 9th July 2019
 Drawing No. 327-007 - Block plan - received 1st May 2019
 Drawing No. J4500 - Lighting plan - received 20th May 2019
 Drawing No. AVS1723 B - Kitchen ventilation system - received 29th May 2019
 Flood risk assessment - received 14th May 2019
 Email from agent received 9th July 2019 (materials)
- 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.
- 3 Unless alternative details have first been submitted to and approved in writing by the Local Planning Authority, the external surfaces of the bistro shall be constructed in accordance with the materials detailed on the approved plans.
- Reason: To specify the terms of the permission and for the avoidance of doubt in the interests of visual amenity in accordance with the requirements of Craven District (Outside the Yorkshire Dales National Park) Local Plan and the National Planning Policy Framework.
- 4 Prior to the first use of the development, a Noise Management Plan will be submitted for approval by the Local Planning Authority.
- Reason: In order to ensure that appropriate mitigation measures are put in place to safeguard the amenity of the neighbouring properties located in proximity to the bistro hereby approved in accordance with the requirements of the National Planning Policy Framework.

- 5 Prior to the use of the development waste storage facilities shall be provided for the safe and secure on site storage of waste derived from the business to ensure that no detriment to amenity from smell, flies or vermin arises.

A scheme detailing the provisions to be made for the safe storage of waste must be submitted to and approved in writing by the Local Planning Authority and shall be maintained for the life of the approved development.

Reason: To protect the amenity of the locality, especially for people living and/or working nearby, in accordance with the requirements of the National Planning Policy Framework.

- 6 The premises shall only be open for business (including deliveries) between 0900 hours and 2330 hours Monday to Sunday and between 0900 hours and 0100 hours on New Year's Eve.

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

- 7 The site for which planning permission is hereby granted shall be used as a bistro for the use of occupiers of the caravan park whilst in occupation of the caravans and for no other purpose.

Reason: To protect the amenity of the neighbouring residents in accordance with the requirements of the National Planning Policy Framework.

Informatives

1. Development Low Risk Area - Standing Advice

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:
www.gov.uk/government/organisations/the-coal-authority

Standing Advice valid from 1st January 2019 until 31st December 2020

2. Coal Authority - High Risk Development Site

The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.

It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Regulations approval (if relevant).

Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant safety and engineering risks and exposes all parties to potential financial liabilities. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should wherever possible be avoided. In exceptional circumstance

where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design is developed and agreed with regulatory bodies which takes into account of all the relevant safety and environmental risk factors, including gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at:
www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

Property-specific summary information on past, current and future coal mining activity can be obtained from: www.groundstability.com or a similar service provider.

If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at:
www.gov.uk/government/organisations/the-coal-authority

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

Operating times for construction should be limited to:

- 0800 to 1800 Monday to Friday
- 0800 to 1300 Saturday
- No Sunday or Bank Holiday working.

4. Food premise - registration

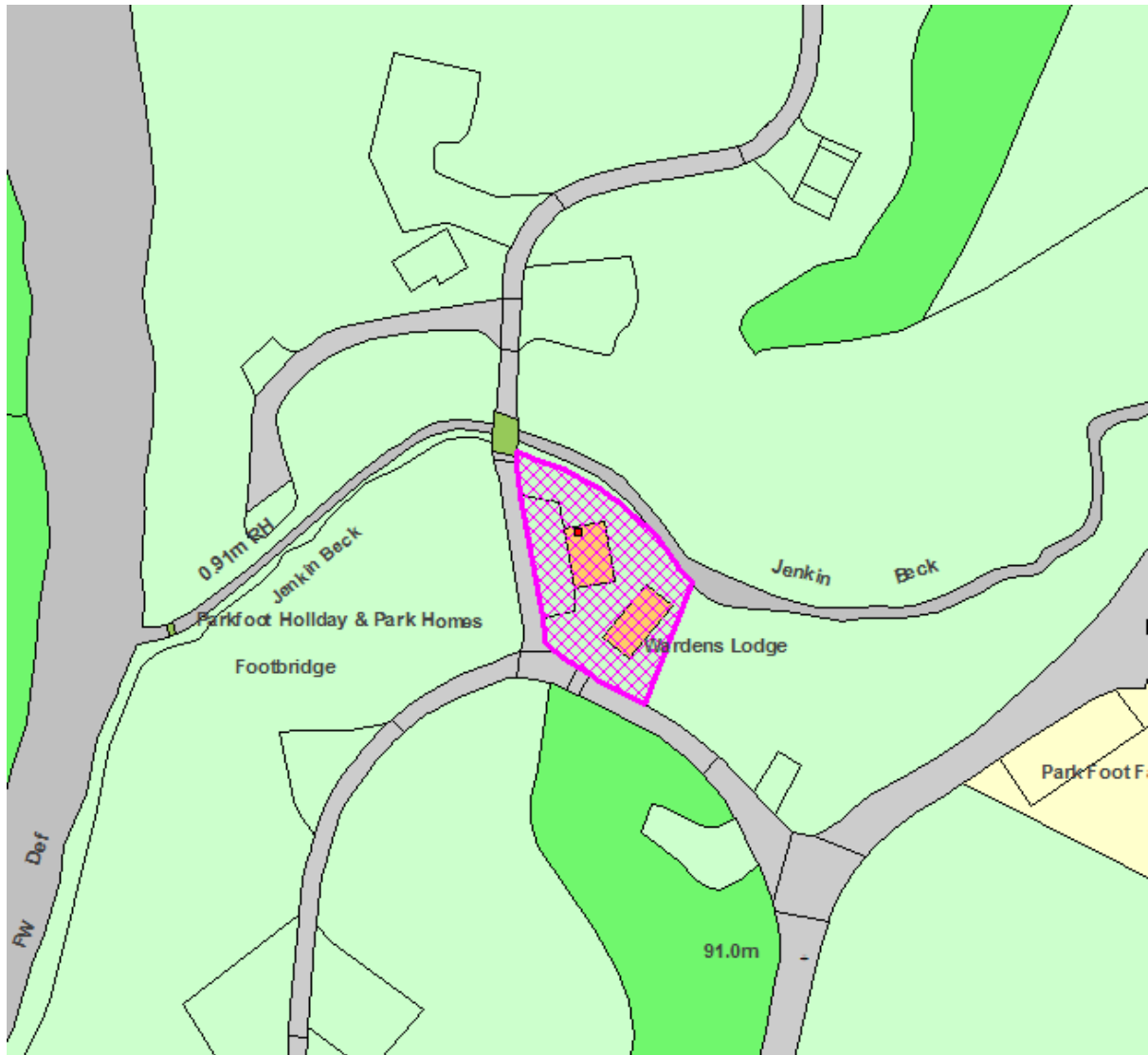
The Food Business Operator needs to complete an application for the registration of a food business establishment and send the completed form to the environmental health department.

The form can be found via following link <https://www.cravendc.gov.uk/environmental-health/foodsafety/register-a-food-business/>

5. Statement of Positive Engagement: -

In dealing with this application Craven District Council has sought to approach the decision making process in a positive and creative way, in accordance with the requirements of paragraph 38 of the NPPF (as amended February 2019).

6. The Flood Evacuation Plan must be updated to include the bistro in order to ensure there is an agreed emergency plan for safe access and escape in the event of a flood.



Application Number: 2019/20428/FUL

Proposal: Lodge-style caravan for use as a bistro

Site Address: Rivers Edge Holiday Home & Lodge Park Bentham Road
Ingleton LA6 3HR

On behalf of: Leisure Resorts Ltd

REPORT TO PLANNING COMMITTEE ON 30th July 2019

Application Number: 2019/20546/HH

Proposal: Demolition of existing conservatory and construction of new single-storey side and rear extensions

Site Address: 10 Marina Crescent Skipton BD23 1TR

On behalf of: Ms Sally Boardman

Date Registered: 3rd June 2019

Expiry Date: 29th July 2019

EOT Date, if applicable: 7th August 2019

Case Officer: Mr Joshua Parkinson

This application is presented to Planning Committee as the applicant is an employee of the Planning and Regeneration team.

1. Site Description

- 1.1 The application site relates to a two storey semi-detached dwelling located on Marina Crescent, Skipton. To the front and side are modest areas of hardstanding providing parking. To the rear are: a modest grassed area, a large shed, a small attached outhouse and a conservatory.
- 1.2 The application site is located within Skipton Development Limits and Flood Zone 3.

2. Proposal

- 2.1 The application seeks planning permission for a single storey wrap around rear and side extension. This would form a bedroom with en-suite, utility and kitchen.
- 2.2 Due to the irregular shape of the plot the proposal has 5 elevations. It would be comprised of 2 quadrilateral shaped sections to the rear and side, with a triangular section between.
- 2.3 The rear section, at its largest, would project approximately 3.5m, to a total length of approximately 7m. It would contain 1 French doors, 1 window and 2 rooflights.
- 2.4 The side section, at its largest, would project approximately 5.3m, to a total length of approximately 5m. It would contain 1 window to the front.
- 2.5 Between these two sections would be a triangular shaped section which, at its largest, would project approximately 5.3m, to a total length of approximately 6m. It would contain 2 windows.
- 2.6 The extension would have a lean-to roof with a maximum height of approximately 3.7m.
- 2.7 The proposed extension would be constructed with a natural stone finish to the front with pebble dash render to the other sections, blue slate for the roof and white UPVC windows and doors.

3. Planning History

- 3.1 63/331 - Erection of weather porch at rear entrance - Approved

4. Planning Policy Background

- 4.1 Craven District (Outside the Yorkshire Dales National Park Authority) Local Plan (1999):

- H20: Extensions to Existing Dwellings
 - Appendix F: Residential Extensions Guidance
 - T2: Road Hierarchy
- 4.2 Submission Draft Craven Local Plan (2018):
- ENV3: Good Design
 - INF4: Parking Provision
- 4.3 National Planning Policy Framework (as amended February 2019)
- 4.4 Planning Practice Guidance (2012)
5. Parish/Town Council Comments
- 5.1 **Skipton Town Council** - No comments received at time of writing - 25/06/2019.
6. Consultations
- 6.1 **CDC EHO** - Comments received 10/06/2019: Suggested informatives relating to noise and dust.
- 6.2 **NYCC Highways** - Comments received on 18/06/2019: '*No local highway authority objections*'.
7. Representations
- 7.1 Notification letters sent to 7 neighbouring properties.
- 7.2 1 letter of objection has been received from 57 Broughton Road on 11/06/2019. A summary:
- The applicant has erected a 6ft fence in their garden which has a gate that the objector cannot open. At the back there is a lot of old rubbish including barbeques and tyres. This could create a danger if the emergency services needed access.
- Officer note:** The applicant has erected a 6ft fence under permitted development. Any nuisance waste and untidy land should be reported to the relevant bodies (in this case Environmental Health and Planning Enforcement).
8. Summary of Principal Planning Issues
- 8.1 Scale, design and visual impact of the proposed development.
- 8.2 Impact of the proposed development upon the privacy and amenity of neighbouring properties.
- 8.3 Highways issues.
- 8.4 Flood Risk.
9. Analysis
- Scale, design and visual impact of the proposed development.**
- 9.1 Saved Policy H20 states that the scale, design, proportions and materials of extensions should respect the original property and that any proposed development should not have a significant affect upon the street scene or wider surrounding area.
- 9.2 Similarly, Draft Policy ENV3 states that development should be of a good design; respecting the existing environment by applying appropriate scale, height and high quality materials.
- 9.3 This aligns with the NPPF that 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.
- 9.4 The application is seeking permission to construct a single storey wrap around extension.
- 9.5 It is acknowledged that the extension by virtue of being wrap around is of a modest scale. However, the proposal would sit upon the footprint of the existing conservatory and outhouse. Therefore, over half of the properties existing amenity space would be retained. On this basis, the proposal is of an acceptable scale.

- 9.6 Marina Crescent is comprised of properties of similar age and materials, with varying designs. It was noted on the site visit that many properties on the street have been altered since construction. Adjoining property 12 Marina Crescent has a two storey side extension and a single store rear extension. In addition, neighbouring property 8 Marina Crescent has a modest sized outbuilding to the rear. It is therefore considered the proposal would not appear an incongruous addition to the street scene.
- 9.7 In terms of design, the proposal would have a lean-to roof and would be set back approximately 5m from the front wall of the existing dwelling. In regards to any potential terracing effect, this would be prevented by the substantial set back of the proposal and its single storey design. Therefore, the extension would appear a subservient and sympathetic addition to the property.
- 9.8 The application proposes using matching materials throughout. This would include using coursed natural stone to the front elevation with pebble dash render to all other elevations. It is considered this would allow the extension to integrate effectively.
- 9.9 In conclusion, the proposal is considered to be of a scale and design compatible and proportionate to the existing dwelling. For the aforementioned reasons it is considered that the development would not have an unacceptable detrimental impact on the street scene. Therefore, the proposal accords with Saved Policy H20, Draft Policy ENV3 and the NPPF.
- Impact of the proposed development upon the privacy and amenity of neighbouring properties.**
- 9.10 Saved Policy H20 of the Local Plan states that all development should protect the amenities of neighbouring residents and occupiers. Similarly, Draft Policy ENV3 of the emerging Local Plan states that the amenity of existing and future residents and business occupiers should be protected. These are both aligned with the NPPFs aims and objectives.
- 9.11 The application property is surrounded by residential dwellings. The nearest properties with the potential to be impacted are 8 and 12 Marina Crescent.
- 9.12 8 Marina Crescent is an end of terrace house located to the east and at a 45-degree angle to the application property.
- 9.13 In terms of obstruction, the extension would be built up to the shared boundary, approximately 3m from this neighbouring dwelling. The west elevation of this neighbouring property contains 2 windows, both appear to serve non-habitable rooms. It is therefore considered that the single storey design would ensure the proposal does not create a significant level of obstruction.
- 9.14 In reference to overshadowing, there is an existing level of mutual overshadowing between these properties. When considering this existing relationship and the single storey design of the extension, it is considered any increase in overshadowing would be minimal.
- 9.15 In regards to privacy, the proposal would not contain any openings within the east elevation. Therefore, there should be no greater loss of privacy than existing.
- 9.16 12 Marina Crescent adjoins the application property to the south-west, this neighbouring property has a single storey rear extension. Along the shared boundary runs a 1.8m timber fence and hedge.
- 9.17 In terms of obstruction, the proposed extension would project approximately 1m further than the neighbouring extension. Therefore, the proposal should not cause any significant obstruction.
- 9.18 In reference to overshadowing, there is an existing level of mutual overshadowing between these properties. When considering this relationship and the projection of 1m beyond the neighbouring extension, the proposal should not result in any significantly greater overshadowing.
- 9.19 In regards to privacy, the existing conservatory has windows within the side elevation. The proposed extension has no openings within the side elevation. On this basis, privacy would be enhanced.

- 9.20 In conclusion it is considered that the proximity and scale of the development would not unacceptably detract from the existing living conditions and general amenities of any neighbouring occupiers. Therefore, the proposal does not conflict with Saved Local Plan Policy H20, emerging Local Plan Draft Policy ENV3 and the NPPF.

Highways issues.

- 9.21 Policy T2 of the Saved Local Plan states that development will only be acceptable where they appropriately relate to the highway network and do not generate volumes of traffic in excess of the capacity of the highway network.
- 9.22 Draft Policy INF4 of the emerging Local Plan states that parking provision and the management of cars will be an important factor in the decision making process. Part b) states the application of NYCC's minimum parking standards will be applied.
- 9.23 NYCC Highways were consulted on the proposal and commented '*No local highway authority objections*' on 18/06/2019.
- 9.24 Therefore, in the absence of any technical highway constraints the proposal is considered to accord with Saved Policy T2 and Draft Policy INF4.

Flood Risk

- 9.25 Paragraph 164 of the NPPF states that applications for minor development in areas of flood risk should be accompanied with a site-specific flood risk assessment.
- 9.26 The application site lies within Flood Zone 3. The application included a flood risk matrix and assessment.
- 9.27 The submitted flood risk assessment proposes various resilience measures. These include: high quality seals on doors, seals for air-brick vents and all electrical wiring 0.45m above ground level. It is considered these measures would provide sufficient resilience in the event of a flood.

9.28 Conclusion

- 9.29 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'.*

- 9.30 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 planning permission should be approved.

10. Recommendation

- 10.1 Approve with Conditions

Conditions

Time Limit for Commencement

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

Reason: To ensure compliance with Section 91 of the Town and Country Planning Act 1990 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. 502-001 Showing the location plan and all existing details received 23rd May 2019;
- Drawing No. 502-002 Showing all proposed details received on 23rd 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 National Park Authority) Local Plan and the National Planning Policy Framework.

Ongoing Conditions

3 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, unless otherwise approved by the Local Planning Authority and retained thereafter.

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.

Informatives

1. Statement of Positive Engagement:

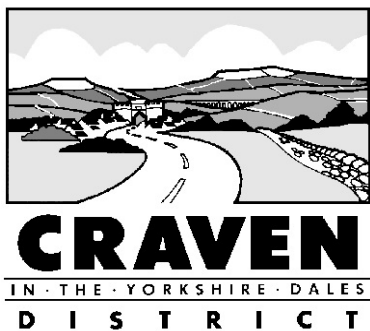
In dealing with this application Craven District Council has sought to approach the decision making process in a positive and creative way, in accordance with the requirements of paragraph 38 of the NPPF.

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

Operating times for construction should be limited to:

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

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



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 21 June to 18 July 2019

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

Application Number	Applicant	Location	Proposal	Decision	Date of Decision
2018/19059/VAR	RN Wooler & Co Ltd	Land Bounded By A65 White Hills Lane Raikes Road Skipton North Yorkshire BD23 1LW	Application for variation of wording of condition no. 3 on planning permission referenced 63/2014/14688 to require the hedge is maintained as per the 5 year landscape management plan June 2016	Approve with Conditions	27.06.2019
2018/19755/VAR	RN Wooler & Co Ltd	Land Bounded By A65 White Hills Lane And Raikes Road Skipton North Yorkshire	Application to vary condition no. 1 (approved plans) of reserved matters approval referenced 63/2014/14688. Proposed revisions comprise: amendments to site layout (removal of public open space), 3 additional dwellings and alterations to scale and designs of dwellinghouses previously approved, along with variation of conditions 10 and 11 of application 63/2014/15162 to reduce affordable housing contribution from 40% to 30% and make changes to public open space requirements.	Approve with Conditions	27.06.2019

Application Number	Applicant	Location	Proposal	Decision	Date of Decision
2018/19875/VAR	R N Wooler & Co Ltd	Land Bounded By A65 White Hills Lane And Raikes Road Skipton North Yorkshire BD23 1LW	Application to vary condition no. 1 (approved plans) of reserved matters approval referenced 63/2014/14688 to retain 50% of public open space as Plot 1 garden.	Approve with Conditions	27.06.2019
2019/20156/FUL	Mr O'Donovan	34 Swadford Street Skipton BD23 1RD	Application for plant equipment including intake, extract and 3 condensers, bin/plant room/bike store and minor external elevation changes.	Approve with Conditions	04.07.2019
2019/20286/FUL	Mr & Mrs B Philbin	Roseneath The Acres Sutton-in-craven Keighley BD20 7AT	Demolition of existing detached bungalow and construction of 2 no. detached dwellings	Approve with Conditions	03.07.2019
2019/20285/CND	Fiona Broughton Custodian Fund	Skinner Ground Farm Broughton Estate Broughton Skipton BD23 3AH	Application to discharge condition no's 4 (highway details), 10 (highway improvements) and 12 (footpath works).	Split Decision	24.06.2019
2019/20318/OUT	Mr V Craven	Land Adjacent To Lairgill Lodge Mount Pleasant High Bentham Lancaster LA2 7LA	Outline application with all matters reserved for 3 no. dwellings. (Resubmission of previous outline approval referenced) 2018/18982/OUT)	Approve with Conditions	03.07.2019
2019/20319/OUT	Mr V Craven	Land Adjacent To Lairgill Lodge Mount Pleasant High Bentham Lancaster LA2 7LA	Outline application with all matters reserved for 2 no. dwellings	Approve with Conditions	25.06.2019

Application Number	Applicant	Location	Proposal	Decision	Date of Decision
2019/20376/FUL	GTEC Property Holdings	The Barn Hammon Head Hall Hollin Lane Bentham Lancaster LA2 7AR	Conversion of agricultural barn to 2 dwellings	Approve with Conditions	03.07.2019
2019/20377/FUL	GTEC Property Holdings	The Dairy Hammon Head Hall Hollin Lane Bentham Lancaster LA2 7AR	Conversion of outbuilding/former dwelling	Approve with Conditions	03.07.2019
2019/20382/CND	Mr David Easterby	Plots 3 & 4 Land Off Main Street Main Street Ingleton Carnforth	Discharge of Condition 3 (Materials) and Condition 5 (Site Access) for plots 3 & 4 respectively of planning permission 45/2016/17387 granted 21st November 2016.	DOC satisfactory	11.07.2019
2019/20389/FUL	Mrs Lisa Smith	Bold Venture Bungalow Keighley Road Skipton BD23 2QT	New two-storey dwelling	Approve with Conditions	11.07.2019
2019/20392/FUL	Mr & Mrs Shaw	Rock Royd Farm Keighley Road Low Bradley Keighley BD20 9HF	Proposed menage	Approve with Conditions	08.07.2019
2019/20399/HH	Mr Nigel Sellars	47 Colne Road Glusburn Keighley BD20 8PL	To create a new vehicular crossing for parking in the driveway by demolishing a wall, outbuilding and dropping a kerb.	Approve with Conditions	26.06.2019

Application Number	Applicant	Location	Proposal	Decision	Date of Decision
2019/20409/FUL	Ingleton Rural Community Association	Ingleborough Community Centre Main Street Ingleton Carnforth LA6 3HG	Creation of a concrete base and the installation of a metal shipping container.	Application Withdrawn	09.07.2019
2019/20423/HH	Mr Mark Browne	12 Coppice Lane Hellifield Skipton BD23 4JW	Erection of a new shed to replace existing shed	Approve with Conditions	25.06.2019
2019/20445/FUL	Mr Charles Walker	Land Adjacent To Wheatlands Wheatlands Lane Cross Hills Keighley	2 no. new build detached dwellings	Approve with Conditions	21.06.2019
2019/20448/MMA	Mr & Mrs David Isherwood	Airedale House Farm Skipton Road Silsden Keighley BD20 9AB	Minor material amendment to vary condition no. 2 (approved plans) of previously approved application referenced 2018/19260/FUL.	Approve with Conditions	26.06.2019
2019/20450/CND	Mr Mark Garrod	Land Adjacent To Pear Tree Barn Main Street Cononley Keighley BD20 8LL	Application to discharge conditions 5 (Exterior Materials) and 6 (Drainage) of planning approval referenced 21/2016/16856 granted 31st August 2016.	DOC satisfactory	03.07.2019
2019/20468/HH	Mr Matt Owers	52 Raikeswood Drive Skipton BD23 1LY	Demolition and removal of existing conservatory. Small single storey extension to the rear.	Approve with Conditions	21.06.2019

Application Number	Applicant	Location	Proposal	Decision	Date of Decision
2019/20472/HH	Mr Mark Wynn	Silva Garrs 18 Regent Drive Skipton BD23 1AY	Conservatory at rear of property, attached to the existing kitchen extension (Resubmission of 2018/19493/HH).	Approve with Conditions	10.07.2019
2019/20473/FUL	Mr J Cassidy	Rear Of 9-11 Park Avenue Gargrave Road Skipton BD23 1PN	Construction of 2 bedroom bungalow and car parking spaces. Demolition of existing garage. (Resubmission of application dismissed on appeal referenced 2018/19356/FUL)	Refuse	21.06.2019
2019/20474/CND	Mr Tony Forshaw	Bottom Barn Manor Farm Nappa Skipton BD23 4LT	Application to discharge condition no's 4 (materials), 5 (boundary treatment) and 6 (window) of original planning permission referenced 2018/19058/FUL granted 01 May 2018	Split Decision	05.07.2019
2019/20479/FUL	Firth Developments LTD	Rockwood House Park Wood Close Skipton BD23 1QW	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)	Refuse	03.07.2019
2019/20482/ADV	Mr James Salt	34 Swadford Street Skipton BD23 1RD	Application for advertisement consent for 2 no. fascia signs, 1 no. tile logo sign and 2 no. projecting signs.	Approve with Conditions	27.06.2019
2019/20483/COU	B&W Funerals	Offices 39 Main Street Ingleton Carnforth	Change of use of 1st floor flat to offices & change of use of 2 storey offices to dwelling	Approve with Conditions	24.06.2019

Application Number	Applicant	Location	Proposal	Decision	Date of Decision
2019/20484/FUL	Mrs C Beaty	Stott Hill Farm Old Lane Cowling Keighley BD22 0NP	Subdivision of Stott Hill Farm to form additional dwelling	Approve with Conditions	04.07.2019
2019/20488/REM	Stubbing Hill Development Limited	Land To Rear Of No 71 Main Street Crosshills Keighley BD20 8PH	Approval of the access,appearance, landscaping, layout and scale as reserved by condition in outline consent referenced 2017/18860/OUT for 3 dwellings	Approve with Conditions	01.07.2019
2019/20489/FUL	Mr Travis	Lumb Mill Carr Head Lane Crosshills Keighley BD20 8DX	Demolition of part of the rear wing and rebuild and then the conversion of the mill into one dwelling.	Approve with Conditions	27.06.2019
2019/20490/LBC	Mr Travis	Lumb Mill Carr Head Lane Cowling Keighley BD20 8DX	Listed building consent for demolition of part of the rear wing and rebuild and then the conversion of the mill into one dwelling.	Approve with Conditions	26.06.2019
2019/20495/HH	Mrs Christine Adams	Crag Side Farm Dick Lane Cowling Keighley BD22 0JZ	Demolish existing concrete garage and wooden store, rebuild new garage and workshop with office accommodation including new water treatment septic tank to serve new building and Cragside Farm.	Approve with Conditions	02.07.2019

Application Number	Applicant	Location	Proposal	Decision	Date of Decision
2019/20503/LBC	Mr Chris Weston	Cappleside Barn Brocklands Woodside Burial Hollow Gill Brow Rathmell	Re-slating and associated works to Cappleside Barn, comprising: removal of existing slates; inspection, repair and replacement of roof timbers where necessary; rebuilding of unstable masonry to eaves and gable; raising of eaves and gables to accommodate roof insulation; installation of conservation rooflight's and installation of cast iron guttering.	Approve with Conditions	08.07.2019
2019/20507/HH	Mr & Mrs Mckenzie	107 New Village Ingleton Carnforth LA6 3DJ	Front and rear single storey extension.	Approve with Conditions	18.07.2019
2019/20509/HH	Mr & Mrs Duncan Bullough	12 Kirk Lane Eastby Skipton BD23 6SH	Front entrance porch extension	Approve with Conditions	26.06.2019
2019/20510/HH	Mr John Doleman	16 Moorland Avenue Back Ermysted Skipton BD23 2EZ	Single storey rear extension	Approve with Conditions	01.07.2019
2019/20511/FUL	Wilson Bros Ltd	Land To South Of Cowling Hill Lane Cowling Hill Lane Cowling Keighley	Construction of new access track	Approve with Conditions	26.06.2019
2019/20514/FUL	Crosshills Social Club	71 Main Street Cross Hills Keighley BD20 8PH	A disabled access ramp leading to a main door. All done to specific measurements to suit wheelchair users if needed. Handrailing's will be installed and level access leading to ramp	Approve with Conditions	27.06.2019

Application Number	Applicant	Location	Proposal	Decision	Date of Decision
2019/20516/CND	Electricity North West Ltd	Langcliffe Caravan Park Langcliffe Settle BD24 9LX	Application to discharge condition no. 4 (electricity re-routing) on planning permission referenced 2018/19658/FUL granted 10 December 2018	DOC satisfactory	01.07.2019
2019/20517/HH	Rebecca Friar	22 Marton Road Gargrave Skipton BD23 3NL	Form new porch to front elevation and new garden room to rear	Approve with Conditions	03.07.2019
2019/20521/TCA	Mrs Simone Burns	4 Garden Terrace West Road Carleton Skipton BD23 3EB	Remove 2 no. Ash, 3 no. Conifers Trees and 1 no. Holly.	Approve Tree Works in Conservation Area	11.07.2019
2019/20520/HH	Mr Jon Brook	Sansbury Mount 31 Springfield High Bentham Lancaster LA2 7BA	Single storey rear extension	Approve with Conditions	03.07.2019
2019/20527/FUL	Calvert & Woodward Ltd	Thorncroft Moorcroft Stockshott Lane Cononley Keighley BD20 8ED	Proposed replacement dwelling (Resubmission of previously approved application 2018/19596/FUL)	Approve with Conditions	08.07.2019
2019/20531/FUL	Mr & Mrs Jason & Mel Glover	Wend Gardens The Wend Carleton Skipton BD23 3EH	Occupation of building as both ancillary accommodation to house (Wend Gardens) and as holiday let.	Approve with Conditions	12.07.2019

Application Number	Applicant	Location	Proposal	Decision	Date of Decision
2019/20533/HH	Mr & Mrs James And Amanda Hurst	10 Hazel Grove Sutton-in-craven Keighley BD20 7QR	Removal of existing conservatory and erection of two storey side extension	Approve with Conditions	26.06.2019
2019/20534/VAR	HOUSING 21	Former High Bentham CP School Main Street High Bentham Lancaster LA2 7JU	Application to vary Condition Number(s): 2 (Approved Plans), 9(Tree Protection Measures) and 13 (Soft Landscaping) of application reference number 2017/18715/FUL granted 12th February 2018.	Approve with Conditions	25.06.2019
2019/20535/HH	Mr Justin McChesney	3 Grassington Road Skipton BD23 1LL	Construction of two storey side extension	Approve with Conditions	08.07.2019
2019/20542/CND	Mrs Helen Reed	Land Off Nan Scar Cowling Keighley BD22 0DL	Application to discharge condition numbers 16 (retaining walls) and 17 (protection of culvert) on application referenced 22/2016/17201 granted 08 September 2016	DOC satisfactory	26.06.2019
2019/20543/CND	Skipton Properties Ltd	Land North Of Kings Mill Lane (Former NYCC Depot) Settle	Application to discharge condition no. 3 (15220-RS-01 Remediation Strategy) on planning appeal decision referenced APP/C2708/W/18/3210340 allowed 17 May 2019	Split Decision	05.07.2019
2019/20550/AGRRES	Mr Temp Moran	Cross Gates Laithe Pikeber Farm Wigglesworth Skipton BD23 4RS	Conversion of existing agricultural barn to 1 No. dwelling (Prior Notification)	PN Refuse and Application Required	11.07.2019

Application Number	Applicant	Location	Proposal	Decision	Date of Decision
2019/20551/HH	Mr Mike Duckett	15 Moorland Close Embsay Skipton BD23 6SG	Side and rear extension to existing dwelling (Resubmission of previously approved application 2019/20311/FUL)	Approve with Conditions	09.07.2019
2019/20553/NMA	Mr & Mrs C Metcalfe	62 Raikeswood Drive Skipton BD23 1LY	Non-material amendment to original planning approval referenced 2018/19096/HH to add masonry corners (south-east and north-east corners) above balcony to provide anchorage to metal balustrade	Approve with Conditions	02.07.2019
2019/20555/FUL	The Co-operative Group	Co-Operative Retail Services Main Street Ingleton Carnforth LA6 3EH	Refurbishment of store and new shop front.	Approve with Conditions	18.07.2019
2019/20557/CND	Calvert & Woodward	Land Adjacent 9 Black Abbey Lane Glusburn Keighley	Application to discharge conditions no. 3 (Materials) and 4 (Surface Water) of planning approval referenced 2018/19672/FUL given 29th October 2018.	Split Decision	16.07.2019
2019/20559/HH	Mr D Shepherd	Airewood Baxter Wood Cross Hills Keighley BD20 8BB	Three storey side extension	Approve with Conditions	18.07.2019
2019/20571/LHSHLD	Mr & Mrs T Mostyn	61 Sharphaw Avenue Skipton BD23 2QJ	Single storey rear extension to provide conservatory, measuring 3.46m beyond rear wall; 3.62m in height from ground level; 2.90m in height to eaves from ground level.	Prior Approval Not Required	15.07.2019

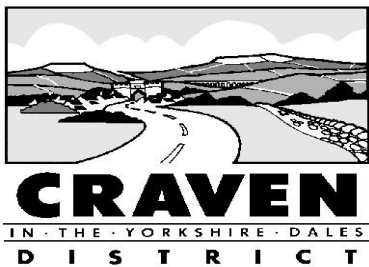
Application Number	Applicant	Location	Proposal	Decision	Date of Decision
2019/20587/CND	Malsis Hall Limited	Malsis Colne Road Glusburn Keighley	Application to discharge condition number 8 (Internal Paint & Plaster Works) on listed building consent 32/2016/17098 granted 16 May 2018	DOC satisfactory	21.06.2019
2019/20593/CND	Malsis Hall Limited	Malsis Hall Colne Road Glusburn Keighley BD20 8DS	Application to discharge condition no. 11 (internal decoration) of listed building consent referenced 32/2016/17098 granted 16 May 2018	DOC satisfactory	21.06.2019
2019/20643/CND	Seddon Homes Ltd	Malsis Colne Road Glusburn Keighley BD20 8DS	Application to discharge Condition No. 19 (Travel Plan) of planning decision notice referenced 32/2016/17097 granted 14/08/2018	DOC satisfactory	08.07.2019
2019/20644/CND	Mr & Mrs J.N. & C.E. Whitfield	The Cross 3 High Street Burton In Lonsdale Carnforth LA6 3JU	Application to discharge condition no. 4 Part (iv) (Materials) of planning approval referenced 15/2017/18134 and 15/2017/18123 given 11th July 2017.	DOC satisfactory	16.07.2019

Planning Committee Report of New Cases Registered **For Period 22/06/2019 to 22/07/2019**

Enforcement Reference	Alleged Breach	Site Address	Ward
ENF/03101/2019	Excavation works begun prior to planning approval.	Former Railway Goods Yard Clapham Station Clapham Lancaster	Ingleton And Clapham
ENF/03102/2019	Additional entrance from Green Lane to the garage of House 1.	3 White Abbey Green Lane Glusburn Keighley BD20 8RL	Glusburn
ENF/03106/2019	1) Reflective Windows 2) Blocked drain caused by building materials.	13 Harper Grove Sutton-in-craven Keighley BD20 7JN	Sutton-in-Craven
ENF/03103/2019	Excessive developer's advertisements on site.	Former Railway Goods Yard Clapham Station Clapham Lancaster	Ingleton And Clapham
ENF/03107/2019	Shed built 10ft high above ground and within 1.5m of boundary wall	Hardy House Burton Road Low Bentham Lancaster LA2 7ER	Bentham
ENF/03105/2019	Alleged unauthorised car repair business from residential property	6 Ribblesdale Estate Long Preston Skipton BD23 4RD	Hellifield And Long Preston

Enforcement Reference	Alleged Breach	Site Address	Ward
ENF/03118/2019	Alleged unauthorised removal of 2 stone slate roofs on Listed Buildings	Barn Grundy Farm Carla Beck Lane Carleton Skipton	West Craven
ENF/03108/2019	Site access not suitable standard prior to deposition of materials on site.	Land Off Main Street Ingleton Carnforth North Yorkshire	Ingleton And Clapham
ENF/03109/2019	Re-roofing of dwelling with a different type of roof tile.	26 Meadow Lane Cononley Keighley BD20 8NB	Aire Valley With Lothersdale
ENF/03110/2019	Vehicles stored on site.	Coop Hall Main Road Hellifield Skipton BD23 4JY	Hellifield And Long Preston
ENF/03111/2019	Advertising for the holiday park en route to the park, possibly on the highway.	En Route To Rivers Edge Holiday Park Ingleton	Ingleton And Clapham
ENF/03112/2019	Alleged unauthorised static caravan being lived in	Land At Jack Beckgate Field No. 4758 Clapham Lancaster LA2 8EX	Ingleton And Clapham
ENF/03113/2019	Proposed use of premises as a takeaway.	3 Swadford Street Skipton BD23 1RD	Skipton West
ENF/03115/2019	Section of Plot 2 retaining wall not constructed of "Random rubble (sandstone) and gritstone quoins and window surrounds" as required.	Land Opposite Greta Villas Main Street Ingleton Carnforth	Ingleton And Clapham

Enforcement Reference	Alleged Breach	Site Address	Ward
ENF/03114/2019	Alleged unauthorised: (1) removal of hedge in breach of 22/2015/15510, (2) widening of entrance drive and (3) widening of dropped kerb.	Maffolly House Dick Lane Cowling Keighley BD22 0JZ	Cowling
ENF/03116/2019	Alleged significant change to roof structure.	Low House Farm The Croft Draughton Skipton BD23 6DZ	Barden Fell
ENF/03117/2019	New garage allegedly over 2.5m high within 2m of boundary	1 Burnmoor Crescent Ingleton Carnforth LA6 3BS	Ingleton And Clapham



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

Planning Committee Report of Cases Closed
For Period 22/06/2019 to 22/07/2019

Enforcement Reference	Date Received	Date Closed	Reason for Closure	Alleged Breach	Site Address	Ward
ENF/02817/2018	9th February 2018	2nd July 2019	Breach Resolved	Untidy land on the site of planning application ref: 2017/18657/HH.	58/60 Broughton Road Skipton BD23 1SS	Skipton West
ENF/02880/2018	13th June 2018	19th July 2019	Retrospective Planning	Development started prior to discharging conditions and not in accordance with approved plans	Barn Fourlands House Farm High Bentham Lancaster North Yorkshire LA2 7EX	Bentham
ENF/02893/2018	10th July 2018	19th July 2019	No Breach	Possible breach of construction management plan of application 2017/18656/FUL	Former Allotment Gardens Ings Avenue Skipton	Skipton West
ENF/02926/2018	7th September 2018	19th July 2019	Retrospective Planning	Concrete footings and extension. Change of use to B & B?	Wend Gardens The Wend Carleton Skipton BD23 3EH	West Craven

Enforcement Reference	Date Received	Date Closed	Reason for Closure	Alleged Breach	Site Address	Ward
ENF/02933/2018	18th September 2018	2nd July 2019	Breach Resolved	Erection of large structure with roof in the back garden	17 Hall Croft Skipton BD23 1PG	Skipton North
ENF/02947/2018	17th October 2018	2nd July 2019	Breach Resolved	Development not carried out in accordance with 22/2015/15953 - Additional windows	Damstones Pennine Way Cowling Keighley BD22 0DE	Cowling
ENF/02965/2018	14th November 2018	2nd July 2019	Breach Resolved	Rear wall removed at ground level and large picture windows/ doors.	19 Primrose Hill Skipton BD23 1NR	Skipton North
ENF/02966/2018	14th November 2018	2nd July 2019	Breach Resolved	Air source heat pump having been fitted to the north of Plots 3 & 4.	Plot 3 & 4 Roselea Hesley Lane Rathmell Settle BD24 0LG	Settle And Ribble Banks
ENF/02968/2018	23rd November 2018	19th July 2019	No Breach	Mud on the road- Breach of conditions no's 12 & 13 of planning application ref: 2017/18656/FUL	Former Allotments And Garages Broughton Road Skipton BD23 1SZ	Skipton West
ENF/03005/2019	7th February 2019	2nd July 2019	Breach Resolved	Single storey extension to rear on existing two storey extension	122 Burnside Crescent Skipton BD23 2BU	Skipton West
ENF/03020/2019	6th March 2019	2nd July 2019	Breach Resolved	Agricultural building not being used in accordance with approved plans	1 Runley Mill Lane Settle BD24 9LF	Settle And Ribble Banks

Enforcement Reference	Date Received	Date Closed	Reason for Closure	Alleged Breach	Site Address	Ward
ENF/03023/2019	12th March 2019	19th July 2019	No Breach	Mud and excess water on Green Lane in breach of Condition 10 (v) of 32/2016/17488 and 2017/18543/CND	3 White Abbey Green Lane Glusburn Keighley BD20 8RL	Glusburn
ENF/03046/2019	29th March 2019	19th July 2019	Breach Resolved	Changed the signage.	Desi Raj 1 Main Street Sutton-in-craven Keighley BD20 7HP	Sutton-in-Craven
ENF/03052/2019	11th April 2019	2nd July 2019	Breach Resolved	Erection of fence on top of roof terrace	21 Starkey Lane Farnhill Keighley BD20 9AW	Aire Valley With Lothersdale
ENF/03073/2019	14th May 2019	26th June 2019	Breach Resolved	Obstruction of Public Right of Way.	Well Spring Farm Lothersdale Road Glusburn Keighley BD20 8JD	Glusburn
ENF/03089/2019	29th May 2019	19th July 2019	No Breach	Alleged unauthorised change of use from cafe to bistro.	39 Main Street Ingleton Carnforth LA6 3EH	Ingleton And Clapham

Enforcement Reference	Date Received	Date Closed	Reason for Closure	Alleged Breach	Site Address	Ward
ENF/03093/2019	13th June 2019	27th June 2019	No Breach	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
ENF/03094/2019	17th June 2019	2nd July 2019	Breach Resolved	Elevator arrangements not constructed in accordance with approved plans.	63 Long Meadow Skipton BD23 1BP	Skipton East
ENF/03098/2019	19th June 2019	2nd July 2019	Breach Resolved	New building incorrectly sited	Former High Bentham CP School Main Street High Bentham Lancaster LA2 7JU	Bentham
ENF/03099/2019	21st June 2019	2nd July 2019	Breach Resolved	Alleged unauthorised area of concrete hardstanding	Souber Dairy Newton Hall To Marton Road Bank Newton Skipton	Gargrave And Malhamdale
ENF/03106/2019	24th June 2019	19th July 2019	No Breach	1) Reflective Windows 2) Blocked drain caused by building materials.	13 Harper Grove Sutton-in-craven Keighley BD20 7JN	Sutton-in-Craven

Enforcement Reference	Date Received	Date Closed	Reason for Closure	Alleged Breach	Site Address	Ward
ENF/03107/2019	26th June 2019	19th July 2019	No Breach	Shed built 10ft high above ground and within 1.5m of boundary wall	Hardy House Burton Road Low Bentham Lancaster LA2 7ER	Bentham
ENF/03109/2019	4th July 2019	19th July 2019	No Breach	Re-roofing of dwelling with a different type of roof tile.	26 Meadow Lane Cononley Keighley BD20 8NB	Aire Valley With Lothersdale
ENF/03113/2019	11th July 2019	19th July 2019	No Breach	Proposed use of premises as a takeaway.	3 Swadford Street Skipton BD23 1RD	Skipton West