

PLANNING COMMITTEE

Wednesday, 1st September 2021 at 1.35pm

Meeting to be held at Belle Vue Square Offices, Belle Vue Suite, Skipton

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

Substitute Members: Councillors Hull, Ireton, Madeley, Noland, Solloway and 1 vacancy (Independent).

Please note the following advice in advance of the meeting:

The Government temporarily removed the legal requirement for local authorities to hold meetings in person during the Covid-19 pandemic. All local authorities were given new powers to enable meetings to take place virtually. The Council's powers to hold remote meetings expires on 7 May 2021.

Whilst the return to face to face meetings provides significant challenges, the Council has undertaken a great deal of work to ensure that face to face meetings are delivered in a COVID safe environment.

Due to social distancing measures, spaces for public attendance are limited and so registration is essential to secure a place.

Everyone who attends this meeting will be required to wear a face covering, unless exempt.

Council staff, elected members and members of the public are urged to take advantage of the national 'next step safely' campaign and access a free, rapid lateral flow test in advance of the meeting:

<https://www.nhs.uk/conditions/coronavirus-covid-19/testing/> Please note that whilst this is advised, it is not a requirement for entry to the meeting.

Anyone displaying Covid-19 symptoms is asked not to attend.

For more information email committees@cravendc.gov.uk

Thank you,

Democratic Services

AGENDA

Comfort Break: 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** – To receive any apologies for absence.
2. **Confirmation of Minutes** – To confirm the minutes of the meeting held on 5 July 2021.
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.

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

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

5. **Schedule of Plans** – The schedule is comprised of the following:
 - (a) Applications to be determined by the Committee.
 - (b) 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, then please contact Neville Watson, Planning Manager (Development Management) (E-mail: nwatson@cravendc.gov.uk or telephone: (01756) 706402)

6. **Planning Stakeholder Survey Report** – Report of the Director of Services. Attached.

Purpose of Report – To receive a report from the Haines Planning Consultancy Ltd in respect of Planning Agents and Parish/Town Councils undertaken during April/May 2021.

7. **Planning Performance Monitoring** – Report of the Planning Manager. Attached.
Purpose of Report – To present to Members planning performance monitoring.

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

9. Date and Time of Next Meeting – Monday, 27 September 2021 at 1.35pm

Agenda Contact Officer:

Vicky Davies, Senior Democratic Services Officer

E-mail: vdavies@cravendc.gov.uk

23 August 2021

Additional Information

The circulation of materials cannot be accepted during the meeting. Any additional information has to be submitted to the Planning Case Officer in advance of the meeting by 12 noon on the last working day before the meeting date.

PLANNING COMMITTEE

5 July 2021

Present – The Chair (Councillor Brockbank) and Councillors Brown, Handley, Heseltine, Lis, Place, Pringle, Shuttleworth and Sutcliffe.

Officers – Legal Advisor (Kings' Chambers, Manchester), Planning Manager, Senior Democratic Services Officer and Democratic Services and Scrutiny Officer.

Apologies for Absence and Substitutes: Apologies for absence were received from Councillors Harbron and Rose.

Ward Representative : There were no ward representatives.

Confirmation of Minutes:

Resolved – That the minutes of the meeting held on 7 June 2021 were approved as a correct record.

Start: 1.35pm

Finish: 2.27pm

PL.1032

DECLARATIONS OF INTEREST AND LOBBYING

a. Declarations of Interest

There were no declarations of interests.

b. Lobbying

There were no declarations of lobbying.

PL.1033

PUBLIC PARTICIPATION

The following individual addressed the Committee:

Application 2021/22605/REM – Mr Ian Swain, agent for the applicant.

PL.1034

PLANNING APPLICATIONS

a. Applications determined by Planning Committee

Permission Granted

Application ref: 2021/22605/REM – Reserved matters application for the first phase of employment development (submitted pursuant to approved planning reference 62/2017/18064 that authorises an employment led mixed-use development on the site), at Anley Crag Business Park, land at West of B6480, Skipton Road, Settle. Application granted subject to the conditions below with an additional condition in order to reduce energy use, water use and carbon emissions, as follows:

That a sustainability plan that is in line with Policy ENV3(t) of the Craven Local Plan shall be submitted to and approved in writing by the Local Planning Authority before any above ground works take place and thereafter the development shall be carried out in accordance with the approved plan.

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:

135-001 SITE LOCATION PLAN
8254 (000)009 REV-P7 PROPOSED SITE PLAN
8254 (400)001_P3 SITE SECTIONS - SHEET 1
8254 (400)002_P3 SITE SECTIONS - SHEET 2
8254 (400)003_P3 SITE SECTIONS - SHEET 3
8254 A(200)001_P2 PROPOSED GROUND AND FIRST FLOORPLANS
8254 A(300)001_P2 PROPOSED ELEVATIONS
8254 B(200)001_P2 PROPOSED GROUND FLOORS
8254 B(300)001_P2 PROPOSED ELEVATIONS
8254 D(200)001_P2 PROPOSED GROUND AND FIRST FLOORPLANS.
8254 D(300)001_P2 PROPOSED ELEVATIONS
8254 E(200)001_P3 PROPOSED GROUND AND FIRST FLOORPLANS
8254 E(300)001_P3 PROPOSED ELEVATIONS Public
8254 F(200)001_P2 PROPOSED GROUND AND FIRST FLOORPLANS Public
8254 F(300)001_P3 PROPOSED ELEVATIONS Public
8254 G(200)001_P2 PROPOSED GROUND AND FIRST FLOORPLANS. Public
8254 G(300)001_P2 PROPOSED ELEVATIONS Public
8254 H(200)001_P2 PROPOSED GROUND AND FIRST FLOORPLANS Public
8254 H(300)001_P2 PROPOSED ELEVATIONS Public
8254 J(200)001_P2 PROPOSED GROUND AND FIRST FLOORPLANS Public
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8254 K(200)001_P2 PROPOSED GROUND AND FIRST FLOORPLANS Public
8254 K(300)001_P2 PROPOSED ELEVATIONS Public
8254 L(200)001_P1 PROPOSED GROUND FLOOR Public
8254 L(300)001_P2 PROPOSED ELEVATIONS. Public
8254 M(200)001_P1 PROPOSED FLOOR PLANS Public
8254 M(200)002_P1 PROPOSED FLOOR PLANS Public
8254 M(200)003 PROPOSED FLOOR PLANS Public
8254 M(300)001_P1 PROPOSED ELEVATIONS Public
8254 M(300)002_P2 PROPOSED ELEVATIONS Public
8254 M(300)003_P1 PROPOSED ELEVATIONS
Planning Statement
Sustainable Design and Construction Statement
Design and Access Statement

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 Local Plan and the National Planning Policy Framework

During Building Works

- 3 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 area and the site's surroundings in the interests of visual amenity in accordance with the requirements of Policy ENV3 of the Craven Local Plan and the National Planning Policy Framework.

- 4 Notwithstanding any details shown on the approved plans of this permission, within three months of development first taking place a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include details of:
- (i) all trees, hedgerows and any other vegetation on/overhanging the site to be retained;
 - (ii) compensatory planting to replace any trees or hedgerows to be removed as part of the development;
 - (iii) the introduction of additional planting within the site which forms part of the internal development layout and does not fall within (i) or (ii); and
 - (iv) the type, size, species, siting, planting distances and the programme of planting of hedges, trees and shrubs.
 - (v) A programme for the implementation, completion and subsequent management of the proposed landscaping.

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

Reason: In order to achieve a satisfactory level of landscaping and provision of adequate private garden space for the dwellinghouse in accordance with the requirements of Craven Local Plan Policy ENV3 and the National Planning Policy Framework.

Before the Development is Occupied

- 5 The buildings hereby approved shall not be brought into use unless an BREEAM Very Good Statement has been submitted to and approved in writing by the planning authority.

Reason: To ensure this development complies with the on-site carbon reductions required in Craven Local Plan Policy and National Planning Policy Framework.

Informatives

1. Adherence to approved plans/conditions

Failure to adhere to the details of the approved plans or to comply with the conditions contravenes the Town and Country Planning Act 1990 and enforcement action may be taken.

2. The original planning permission 62/2017/180647 still stands and all its conditions and informatives still apply, in particular SUDs and highway and any other ongoing requirements. This approval and that permission should be read together.

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. Charging Points

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

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.

b. Delegated Matters

The Strategic Manager for Planning and Regeneration submitted a list of delegated planning decisions for the period 27 May 2021 to 24 June 2021 and a list of new and closed planning enforcement cases between 6 May 2021 and 23 June 2021.

PL.1035

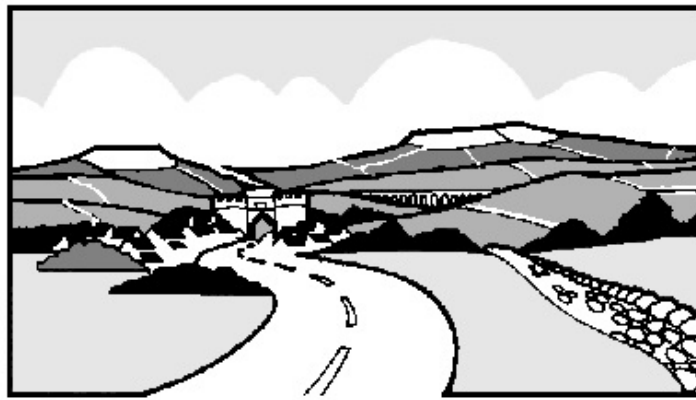
ANY OTHER ITEMS

There were no late items of business to consider.

Minutes for Decision

There were no items for decision requiring confirmation by Council.

Chairman.



CRAVEN

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D I S T R I C T

PLANNING COMMITTEE AGENDA

DATE: 1st September 2021

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REPORT TO PLANNING COMMITTEE ON 1st September 2021

Application Number: 2021/22615/OUT

Proposal: Outline application with access, layout and scale considered for 2 no. detached two-storey dwellings

Site Address: Land North Of The Old Coach House Tosside BD23 4SQ

On behalf of: Mr & Mrs J. V. Drachenberg

Date Registered: 19th March 2021

Expiry Date: 14th May 2021

EOT Date, if applicable: 21st July 2021

Case Officer: Ros Parker

SUMMARY

The application is for outline planning consent for the construction of 2 no. detached, 4-bedroom, 2-storey dwelling houses (self or custom build) on a parcel of land at Tosside.

Matters of access, layout and scale are for consideration, with appearance and landscaping reserved.

The site is not considered to be a sustainable site for residential development under policy SP4. The proposed development of the site for residential use is in conflict with policy SP4, and the principle of development is therefore unacceptable.

The access, layout and scale is found to be acceptable under the terms of the local plan. In all other matters, the site is found to be capable of being developed in accordance with Craven Local Plan policy.

However, it remains that as the principle of residential development on the site is in conflict with Craven Local Plan policy SP4, the scheme is fundamentally flawed.

Therefore, the recommendation is for refusal.

1. Site Description

- 1.1 The application site comprises a parcel of land of approximately 0.09 hectares to the north of The Old Coach House. The partly grassed and partly gravelled site is accessed via an existing access from the B6478 which serves The Old Coach House and The Old Vicarage to the south.
- 1.2 A strip of mature, wooded land runs past the west side. There is a paddock with a small stable to the north, and an agricultural field to the west, with open fields beyond. Access to the paddock is via the application site. The site slopes gently to the south and east.
- 1.3 The application site lies within a Designated Rural Area (Wigglesworth), as defined by the Craven Local Plan. It is in Flood Zone 1 as defined by the Environment Agency. It is within an SSSI Impact Risk Zone, but falls outside the development type that requires notification to Natural England.

2. Proposal

2.1 The applicant is seeking outline planning permission 2 no. detached, 4-bedroom, 2-storey dwelling houses (self or custom build as denoted on the application form). Matters of access, layout and scale are for consideration.

2.2 External appearance and landscaping are reserved for later consideration.

Officer Note: In response to the Tree Officer's concern that the most northerly dwelling would be situated too close to the trees, and particularly a mature tree at the boundary, a revised layout was submitted together with a construction method statement in a revised Tree Protection document. The Trees Officer found the revised details to be acceptable.

At the case officer's request, the revised layout also included an additional off-road parking space per property to meet the parking requirement for 4-bedroom dwelling houses in rural locations, as set out in NYCC Interim Parking Standards.

The application is assessed on this basis.

3. Planning History

3.1 No relevant planning history to the proposed plot post 1974

Officer Note: The applications below relate to the application site of the dwelling to the south, The Old Coach House. Site mapping for these applications overlay the access track to the current application site which is included within the red outline.

3.2 5/72/72 – Proposed garage and pool building at Vicarage House. Approved 06.08.1990

3.3 5/72/72A – Extension and alteration to form a single, three-bedroomed dwelling. Approved 13.02.1995

3.4 72/2013/13710 - Single storey detached garage and workshop/store. Approved 22.08.2013

Officer Note: There is no planning history for the stable to the north of the site. The matter has been referred to Planning Enforcement for investigation.

4. Planning Policy Background

4.1 **Craven Local Plan (CLP):**

- SD1 The Presumption in Favour of Sustainable Development
- SD2 Meeting the Challenge of Climate Change
- SP1 Meeting Housing Need
- SP3 Housing Mix and Density
- SP4 Spatial Strategy and Housing Growth
- ENV1 Countryside and Landscape
- ENV3 Good Design
- ENV4 Biodiversity
- ENV5 Green Infrastructure
- ENV6 Flood Risk
- ENV8 Water Resources, Water Quality and Groundwater
- INF4 Parking Provision

4.4 **National Policy:**

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)

4.5 Other documents of relevance:

- NYCC Interim Guidance on Transport Issues including Parking Standards and Advice on Transport Assessments and Travel Plans, 2015 (NYCC Interim Standards)
- Craven District Outside the Yorkshire Dales National Park and Forest of Bowland AONB Landscape Appraisal, Final Draft, October 2002 (CD Landscape Appraisal)
- Craven District Council Annual Report on Self-Build and Custom Housebuilding 2019 to 2020 (Annual Report, 2019 to 2020).

5. Parish/Town Council Comments

- 5.1 Wigglesworth Parish Meeting – No response received during the consultation period or at the time of writing this report.
- 5.2 Ribbles Valley Parish Council – response received 25.03.2021. No objection, however the PC raised concern with regard to the construction of residential accommodation in “*one of the less sustainable settlements*”. They requested that attention is given to the sustainability of the development, the impact on the local highway network and the landscape character of the adjacent Forest of Bowland AONB.

Officer Note: These matters will be considered in the body of this report.

6. Consultations

- 6.1 NYCC Highways – response received 14.04.2021.
- 6.2 United Utilities – response received 30.03.2021. No objection, but conditions and informatives were recommended in relation to drainage, water supply and the protection of United Utilities’ property, assets and infrastructure.
- 6.3 CDC Environmental Health (contamination) – response received 31.03.2021. No known contaminated land implications.
- 6.4 CDC Environmental Health (environmental protection) – response received 26.03.2021. No objection, but recommended conditions relating to the control of noise and dust during construction.
- 6.5 CDC Trees Officer – response received 22.04.2021. Advised that the house to the north appeared “*at bit too close to the large mature tree on the boundary and could potentially cause conflict and future problems*”. The trees officer recommended moving the property away from the boundary if possible.
- 6.6 A further response was received on 06.07.2021 in response to the revised site plan and tree care statement. The Tree Officer advised that the proposal was acceptable.

Officer Note: The above is a summary of the consultee responses received on this application. The full written text is available for inspection on the Council's website at: <https://publicaccess.cravendc.gov.uk/online-applications/>

7. Representations

- 7.1 Site notice expired 16.04.2021
- 7.2 Press notice not required
- 7.3 Fourteen letters of notification were sent.
- 7.4 Six letters of representations were received, four in support and two objecting. The comments may be summarised as follows:

Sustainability

- unsustainable location
- limited public transport; reliance on private cars

- supporting details overstate availability of public services
- use of agricultural land for housing
- the land has not been in agricultural use for over 40 years, and is in private recreational use
- additional housing would sustain the community
- would enable housing for local family

Visual impact

- layout compact and out of keeping with nearby properties
- not in keeping with the character of the village
- impact on the landscape, adjacent to Forest of Bowland AONB
- a small development would not negatively impact the beauty of the village.

Officer Note: The sustainability of the site and the visual impact on the locality will be assessed in the body of this report. There is no local occupancy policy in the Craven Local Plan.

Officer Note: The above is a summary of the comments received on this application. The full written text is available for inspection on the Council's website at:

<https://publicaccess.cravencdc.gov.uk/online-applications/>

8. Summary of Principal Planning Issues

- Principle of development
- Housing density
- Visual impact of the development
- Sustainable design and construction
- Impact on residential amenity
- Ecology
- Drainage
- Highway issues

9. Analysis

- 9.1 The application is submitted in outline form with the principle of development, access, layout and scale having been applied for at this stage. The appearance and landscaping are reserved matters for future consideration and do not form part of this application.
- 9.2 **Principle of development**
- 9.3 Policy SP1 sets out Craven District's net additional housing provision for the period 01.04.2012 to 31.03.2021. This includes an allowance for Tier 5 and open countryside sites. However, this is a minimum provision, and does not preclude the approval of additional housing, subject to the conformity of such proposals with local planning policy.
- 9.4 The policy seeks to steer new housing to allocated or small sustainable sites in accordance with the distribution strategy set out in policy SP4. This local plan identifies Tosside as a Tier 5 settlement. The site is not allocated for housing under the local plan.
- 9.5 Policy SP4 aims to direct a low level of growth to Tier 5 settlements to support a sustainable, vibrant and healthy rural economy and communities. Criterion J of this policy supports proposals for new housing within the main built-up area of Tier 5 settlements provided they meet the additional conditions set out in parts I (i) to (vi) and J (a) to (e) of the policy.
- 9.6 For the purposes of the Craven Local Plan, the main built-up area is defined as:

"the settlement's closely grouped and visually well related buildings and any associated spaces between these buildings, and excludes:

1. Individual buildings or groups of dispersed buildings or ribbon developments which are clearly detached from the main built up area of the settlement, and ribbon developments attached to the main built up area but where the housing relates more to the surrounding countryside than to the main built up area of the settlement, and

2. Gardens, paddocks and other undeveloped land within the curtilage of buildings on the edge of the settlement where land relates more to surrounding countryside than to the main built up area of the settlement, and

3. Agricultural buildings and associated land on the edge of the settlement, and

4. Outdoor sports and recreational facilities and other formal open spaces on the edge of the settlement.”

- 9.7 The application site comprises a parcel of grassed and gravelled land crossed by an access track to a paddock. The land is under the ownership of The Old Vicarage but does not form part of the residential curtilage, being separated from The Old Vicarage by The Old Coach House. The extent of the residential curtilage of each property is clearly marked by boundaries and bounded to the east and north by the access track which curves round to the garage of The Old Coach House.
- 9.8 It is acknowledged that these two dwellings form a line of continuous residential development that runs south from the site to the B6478 and beyond, joining with the main built-up area of the settlement.
- 9.9 However, the wooded land to the west of the site, the paddock to the north and the open agricultural fields which extend from the eastern boundary and continue north from the paddock are clearly rural in character and appearance.
- 9.10 As undeveloped land on the edge of the settlement surrounded on three sides by rural land, the application site is considered to relate more to the surrounding countryside than to the main-built up area of Tosside. The site is therefore considered to fall outside the definition of the main built-up area, as excluded by Part 2 of the Craven Local Plan definition reproduced at para. 9.5 above. On this basis, the site is not considered suitable for sustainable residential development under the terms of the policy SP4 criterion J.
- 9.11 The proposal therefore falls to be considered as residential development in the open countryside under criterion K of the policy. The proposal does not meet one of the four conditions for residential development in the open countryside set out under criterion K.
- 9.12 In failing to meet the requirements of policy SP4, the site cannot be considered a sustainable site for residential development.
- 9.13 Also of relevance is that the proposed development is for custom or self-build housing. This form of housing is not differentiated in the Craven Local Plan. The NPPF reminds LPA's of their duty to keep a register of those seeking to acquire serviced plots in the area for their own self-build and custom house building, and to have regard to this and give enough suitable development permissions to meet the identified demand. This is a material consideration.
- 9.14 However, the latest available data for Craven District (Annual Report, 2019 to 2020) demonstrates that there is no shortfall for this period. Consequently, the requirement to approve an additional self or custom build site carries very limited weight and does not override the conflict with policy SP4 in this case.
- 9.15 In conclusion, the application site lies outside the main built-up area of the Tier 5 settlement and is therefore defined as open countryside under local plan policy. The proposal does not meet the any of the local plan conditions necessary to enable support for residential development in the open countryside. Therefore, this site is not considered to be a sustainable site for residential development under policy SP4, and the principle of residential development at this site cannot be supported.

9.16 **Housing mix and density**

- 9.17 Policy SP3 aims to ensure that land is used in an effective and efficient manner to address local housing needs.
- 9.18 Criterion (a) states: *“The local planning authority will require new housing developments to provide an appropriate mix of housing having regard to the dwelling size and mix recommended in the SHMA, its successor or other appropriate and up to date evidence of local housing need.”*
- 9.19 The proposed development is for two, 4-bedroom dwellings. The SHMA (2017) suggests that the majority of market development should be for 3-bedroom (57.9%) and 4+ bedroom stock (23.8%), p98, (para 8.2). The proposed properties fall within one of the most popular house sizes. The policy requirement is therefore considered to be satisfied.
- 9.20 Criterion (b) states: *“The local planning authority will require new housing developments to be developed at appropriate densities, which will make effective and efficient use of land and have regard to local and site-specific circumstances. In typical greenfield developments or brownfield developments with no significant element of conversion, the appropriate housing density should be approximately 32 dwellings per hectare (net).”*
- 9.21 The site area (not including the access track) is approximately 0.09 hectares. At a density of 32 dwellings per hectare, this site should deliver three dwellings. Two are proposed.
- 9.22 However, the policy allows some flexibility regarding unallocated sites as set out in the supporting notes to this policy, and summarised in criterion (c): *“The local planning authority will be flexible in its requirements for housing mix and density where this is necessary to ensure scheme viability, to take account of local variations in housing need, to better promote balanced communities or to achieve other local plan objectives.”*
- 9.23 In approaching this issue, the outcome of planning appeal reference APP/C2708/W/20/3255975, decided 16th February 2021, is noted. The appeal overturned a decision to refuse planning consent for a single dwelling on an unallocated site of a similar size to the site of the current application (reference 2020/21420/FUL, determined 07.05.2020). The refusal was based, in part, on the development’s failure to comply with the target density of 32 dwellings per hectare.
- 9.24 Based on the constraints of the site, together with the contribution of the proposed development to other local plan objectives, the Planning Inspector found that the flexibility provided within policy SP3 (c) was pertinent to the appeal site and appeal proposal. The Inspector found that these factors justified as to why a lower housing density was appropriate in that instance.
- 9.25 Regarding the current application site, a similar situation exists. This is a relatively narrow site, particularly when the required separation distance between the buildings and the trees to the west (as recommended by the CDC Trees Officer) are considered. These constraints are considered to limit the suitability of the site for subdivision, when consideration is given to access, turning, adequate off-road parking and sufficient amenity space.
- 9.26 In conclusion, taking account of the flexibility of policy SP3 and the site constraints, it is considered that the site density is appropriate in this instance.
- 9.27 **Visual impact of the development**
- 9.28 Policy ENV1 requires that the quality of Craven’s landscape is conserved. New development proposals in areas not subject to national landscape designations should respect, safeguard, and wherever possible, restore the landscape character of the area.

Proposals should have regard to the relevant Landscape Character Appraisal/Assessment and the local landscape type.

- 9.29 Policy ENV3 requires that development responds to context, including both natural and built elements. Design should respect the form of existing buildings, and seek to enhance local distinctiveness.
- 9.30 As identified in the Craven District Landscape Appraisal, the local landscape type is 'Open Upland Pasture with Outcrops', landscape type 16. This is characterised by a rolling upland landscape of pasture and rough grazing, with occasional groups of trees, scattered rocky outcrops and small to medium scale pasture enclosed by drystone walls. The Appraisal notes that such landscapes are sensitive to change as they are open to views from the surrounding area.
- 9.31 The site is located to the rear of two residential properties. Its eastern boundary is stepped back in relation to the eastern boundary to these properties. Thus views will be restricted from the south, and by the line of trees to the west. Owing to the open character of the landscape to the east, there will be public visibility of the two dwellings from the approach along the B6478 to the south-east.
- 9.32 From this perspective, the properties will appear as a continuation of the existing residential development which extends north of the highway, of similar height to the two neighbouring dwellings, and set against the backdrop of the much taller trees. It is acknowledged that viewed from the approach to the south-east, the additional properties will have the effect of lengthening the extent of the development to the north of the highway, which is at present in balance with that to the south. However, being tucked against the existing development and trees, it is considered that for the reason of the appropriate height and small scale of the plot, the adverse visual impact will not be so severe as to warrant the refusal of planning consent.
- 9.33 The Parish Council raised concern at the impact on the Forest of Bowland AONB. While the open nature of the landscape is acknowledged, the boundary of the AONB is approximately 1m to the north-east. At this distance, owing to the limited scale of the development and in the context of the immediate surroundings of the site, it is not considered that the proposed development would have a significant detrimental impact on the setting of the AONB.
- 9.34 The proposal is submitted in outline form, with consideration of appearance and landscaping withheld for reserved matters stage. It is noted, however, that the submitted Design and Access Statement suggests planting to the east side to help screen the development. Similarly, the use of sympathetic materials is suggested. It is therefore considered that it would be possible to develop the site to achieve an acceptable appearance, should outline planning consent be granted.
- 9.35 In conclusion, while there is an adverse impact on landscape views from the south-east, the impact is not considered to be so severe as to warrant the refusal of planning consent. The site could therefore be satisfactorily developed to satisfy the requirements of Policies ENV1 and ENV3.
- 9.36 **Sustainable design and construction**
- 9.37 Policy ENV3 seeks to incorporate sustainability being designed into developments. Policy ENV8 requires that development will maximise opportunities for the incorporation of water conservation into its design.

- 9.38 The proposal is an outline application with matters of appearance and landscaping reserved. For reason of the limited information available at this stage, assessment of sustainable design and construction would form part of a subsequent reserved matters application.
- 9.39 **Impact on residential amenity**
- 9.40 Policy ENV3 requires protection of the amenity of existing and future occupiers.
- 9.41 The proposed dwellings will sit adjacent to the curtilage of The Old Coach House, but separated from that dwelling house by the intervening detached double garage. The separation distance is such that no severe detrimental impact will result with regards to loss of daylight/sunlight or overbearing impact to the occupants of this existing dwelling. Similarly, there is sufficient space within the plot to ensure that future occupants of the dwellings are not negatively impacted upon.
- 9.42 With respect to privacy, due to the limited details under consideration of this outline permission, it is not possible to fully assess the impact of the proposed development upon local residential amenity. As such, the full impacts of the development would be assessed at a reserved matters stage once final details are submitted.
- 9.43 In conclusion, for these reasons, it is considered that the site could be developed for residential use with no significant loss of amenity to the adjacent or future occupiers. The requirements of policy ENV3 are therefore met.
- 9.44 **Ecology**
- 9.45 *Trees*
- 9.46 Policy ENV4 requires that development should avoid the loss of, and encourage the recovery or enhancement of, ecological networks, habitats and species populations, and that the biodiversity of land and buildings with the site is conserved or managed. Proposals that result in a significant loss in, or harm to, biodiversity on site, and where no compensatory measures are proposed, will be resisted.
- 9.47 The application site is located adjacent to a wide strip of mature trees that are an important ecological and visual feature. The dwellings will be separated from the trees by a minimum of approximately 3.5m. The submitted Tree Care Plan sets out the foundation type which is designed to avoid damage from tree roots, and a construction method for the protection of the trees and roots. The CDC Trees Officer has been consulted and advised that the proposal is acceptable.
- 9.48 *Biodiversity gain and green infrastructure enhancement*
- 9.49 Policy ENV4 also requires that growth in housing delivers net biodiversity gain. Similarly, policy ENV5 requires that housing growth is accompanied by an improved and expanded green infrastructure network.
- 9.50 Landscaping does not form part of this outline application. As such, it is not possible to assess biodiversity gain and green infrastructure enhancement at this time. It is noted, however, that the land is classified agricultural land grade 5, which is poor quality. This is a bare site, devoid of planting save for the boundary trees to the west. It is considered that the opportunity exists to provide biodiversity gain and green infrastructure enhancement. Full consideration would take place at reserved matters stage.
- 9.51 In conclusion, it is considered that the use of tailored construction methods and tree protection will minimise the risk of harm to the trees to the west of the site.
- 9.52 Furthermore, there is scope to develop the plot to provide biodiversity gain and green infrastructure enhancement, to satisfy local policy requirements.
- 9.53 The proposal is therefore acceptable under the terms of policies ENV4 and ENV5.

- 9.54 **Drainage**
- 9.55 Policy ENV6 requires that growth will help alleviate and avoid flood risk. Sustainable drainage systems should be incorporated where possible. The United Utilities response also supports this approach, with a preference for surface water drainage into the ground (infiltration). Policy ENV8 requires that development is served by adequate sewerage and waste water treatment infrastructure.
- 9.56 The application site is in Flood Zone 1, and therefore has a low risk of flooding. Although the application form indicates that a soakaway will be installed, no surface water drainage design details have been submitted for consideration at this stage. However, there is no reason to believe that sustainable drainage could not be accommodated on site.
- 9.57 A package treatment plant for foul sewage is proposed.
- 9.58 In conclusion, it is considered that the site could be satisfactorily developed without increasing the risk of flooding and to accommodate sustainable drainage systems, in compliance with policy ENV6. The proposed sewage treatment plant meets the requirements of policy ENV8.
- 9.59 **Highway considerations**
- 9.60 Policy INF4 requires the provision of safe, secure and convenient parking of an appropriate quantity. NYCC Interim Parking Standards recommends a minimum of 3 spaces for 4-bedroom dwellings in rural areas. The layout indicates the provision of two off-road parking spaces for each property, in addition to proposed single integral garage to each. There is also sufficient space for the secure storage of cycles. Parking provision is therefore in accordance with policy and NYCC guidance.
- 9.61 The site will be served by an extension to the existing private access to the highway. If approved, this access will serve 5 no. dwellings and a tea room that operates at The Old Vicarage. NYCC Highways have not raised any objection or recommended any conditions. On this basis, the proposed access is considered to be acceptable.
- 9.62 Access and layout are included within this outline application. For the above reasons, it is concluded that the parking and access arrangements are satisfactory. The requirements of policy INF4 are therefore met.
- 9.63 **Conclusion**
- 9.64 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.
- 9.65 In this instance, the site is not considered to be a sustainable site for residential development under policy SP4. The proposed development of the site for residential use is in conflict with policy SP4, and the principle of development is therefore unacceptable.
- 9.66 The access, layout and scale is found to be acceptable under the terms of the local plan. In all other matters, the site is found to be capable of being developed in accordance with Craven Local Plan policy.
- 9.67 However, as the principle of residential development on the site is in conflict with Craven Local Plan policy SP4, the scheme is fundamentally flawed and cannot be supported.
- 9.68 Paragraph 11 of the NPPF sets out the presumption in favour of sustainable development. It asserts that for decision-taking this means approving development proposals that accord with an up-to-date development plan without delay.
- 9.69 In this case, as the proposal conflicts with policy SP4 of the Craven Local Plan, it is recommended that planning permission is refused.
10. **Recommendation**
- 10.1 Refuse

Reasons for refusal

The application site is located in the open countryside on land not allocated for housing as defined by the Craven District Local Plan. In the opinion of the Local Planning Authority, the submitted proposal would not accord with the Craven Local Plan policy SP4 Spatial Strategy and Housing Growth. This is further reflected in the National Planning Policy Framework which aims to actively manage patterns of growth. The proposal therefore fails to accord with the key objectives and aims of Policy SP4 and the National Planning Policy Framework.

Informatives

1. For the avoidance of doubt, this decision relates to the following plans and information:

- Drawing No. 282/1C - Location plan. Received 30th June 2021
- Drawing No. 282/2C - Site plan. Received 30th June 2021
- Design and access statement. Received 19th March 2021
- Tree care plan. Received 30th June 2021
- Tree protection measures. Received 12th March 2021

2. Statement of Positive Engagement:

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



Application Number: 2021/22615/OUT

Proposal: Outline application with access, layout and scale considered for 2 no. detached two-storey dwellings

Site Address: Land North Of The Old Coach House Tosside BD23 4SQ

On behalf of: Mr & Mrs J. V. Drachenberg

REPORT TO PLANNING COMMITTEE ON 1st September 2021

Application Number: 2021/22845/FUL

Proposal: Construction of detached garage and detached outbuilding

Site Address: Laithe Barn Low Lane Halton East BD23 6EH

On behalf of: Mr Matthew Ellison

Date Registered: 1st June 2021

Expiry Date: 27th July 2021

EOT Date, if applicable: 8th September 2021

Case Officer: Mr Joshua Parkinson

SUMMARY

The application seeks planning permission for the construction of a detached garage and detached outbuilding. The proposed development is acceptable in principle and of a good design that would have an acceptable heritage and countryside and landscape impact. Moreover, when taking account of other material planning considerations including sustainable design and construction, parking provision and highways, public right of way, biodiversity, and amenity, the proposed development does not give rise to any concerns.

Embsay-with-Eastby Parish Council and 1 representation have objected to the proposed development. However, the proposed development complies with Local Plan Policies ENV1, ENV2, ENV3, ENV4, ENV12 and INF4. Therefore, as the proposed development accords with the development plan as a whole, planning permission should be approved subject to planning conditions.

1. Site Description

- 1.1 The application site relates to a large detached barn located on Low Lane, Halton East. The application building is currently being converted to a dwelling pursuant to planning permission Ref. 26/2015/16502 or 2017/18382/VAR.
- 1.2 There is a public right of way running through the application site from north to south.

2. Proposal

- 2.1 The application seeks full planning permission for the construction of a detached garage and detached outbuilding.

3. Planning History

- 3.1 26/2015/16502 Permission approved for conversion of barn to residential use including rebuilding, associated residential curtilage and new access: 28.06.2016.
- 3.2 2017/18382/VAR - Permission approved for minor material amendment to 26/2015/16502: 09.11.2017.
- 3.3 2019/20676/CND - Condition 8 of 2017/18382/VAR discharged: 12.08.2019.
- 3.4 2019/20853/CND - Conditions of 2017/18382/VAR discharged: 20.09.2019.

4. Planning Policy Background

- 4.1 Craven Local Plan 2012 to 2032 (Local Plan):

- ENV1: Countryside and Landscape
- ENV2: Heritage
- ENV3: Good Design
- ENV4: Biodiversity
- ENV12: Footpaths, Bridleway, Byways and Cycle Routes
- INF4: Parking Provision

4.2 National Planning Policy Framework (NPPF)

5. Parish/Town Council Comments

5.1 Embsay-with-Eastby Parish Council - 01.07.2021: Objection. A summary:

5.2 Design and heritage:

- Object to the use of oak cladding to the external walls of both buildings as oak cladding represents an incompatible material with traditional buildings in the open countryside;
- Suggest that the applicant consider the use of natural local stone elevations to match those of the adjacent barn conversion.

5.3 Other matters:

- Request that the Case Officer puts their observations to the applicant.

Officer note: The Case Officer has briefly discussed the comment of Embsay-with-Eastby Parish Council with a representative of the applicant. However, as the proposed oak cladding is acceptable, amended plans have not been requested.

- The application site has a postal address of Halton East which is in the Barden Fell Parish but it within the Parish of Embsay-with-Eastby.

Officer note: This is not a material planning consideration.

Officer note: These comments have been summarised but are available in full for public access on the Local Planning Authority's website.

6. Consultations

6.1 Health & Safety Executive - 21.07.2021: Do not advise against.

6.2 National Grid - None received.

6.3 North Yorkshire County Council Highways - 30.06.2021: In assessing the submitted proposals and reaching its recommendation they have taken account of previous planning applications Ref 2017/18382/VAR and 2019/20853/CND. They recommend a condition that requires that the conditions laid out in these previously applications are adhered to.

6.4 North Yorkshire County Council Public Rights of Way - None received.

6.5 Yorkshire Dales National Park Authority - None received.

Officer note: These comments have been summarised but are available in full for public access on the Local Planning Authority's website.

7. Representations

7.1 1 representation of objection received 21.06.2021. A summary:

- The property lays within the boundary of Eastby and no consultation has been undertaken with Embsay-with-Eastby Parish Council.

Officer note: Embsay-with-Eastby Parish Council have been consulted on the planning application for the statutory period.

Officer note: This comment has been summarised but is available in full for public access on the [Local Planning Authority's website](#).

8. Summary of Principal Planning Issues

- 8.1 Principle of development
- 8.2 Design, heritage, countryside and landscape
- 8.3 Other material planning considerations

9. Analysis

Principle of development

- 9.1 The application seeks planning permission for the construction of a detached garage and detached outbuilding at a detached barn located on Low Lane, Halton East. However, as the residential conversion has not been completed and involves a material change of use of agricultural land, a full planning application has been submitted rather than a householder one.
- 9.2 The proposed development would involve the change of use of a small amount of agricultural land to residential use to facilitate the proposed outbuilding. This would not be a significant increase from that approved by planning permissions Ref. 26/2015/16502 and 2017/18382/VAR. Moreover, there are no relevant policies in the Local Plan and no specific policies in the NPPF, and taken as a whole, that indicate that development should be restricted. Consequently, in the absence of any sound planning reasons to the contrary, the proposed development is acceptable in principle. However, this is provided that any adverse impacts of the proposed development would be outweighed by the benefits.

Design, heritage, countryside and landscape

- 9.3 The application site relates to a large detached barn located on Low Lane, Halton East. The application building is currently being converted to a dwelling pursuant to planning permission Ref. 26/2015/16502 or 2017/18382/VAR. Nonetheless, it retains a strong agricultural character by reason of its simple form and traditional materials. Therefore, as the application property represents the legacy of traditional barns associated with the farming industry, the application site makes a positive contribution to the District's distinctive character and sense of place.
- 9.4 Embsay-with-Eastby Parish Council have objected to the proposed development as they contend that the oak clad walls represent an incompatible material with traditional buildings in open countryside.
- 9.5 *Design*
- 9.6 The proposed garage would be located to the east of the application building and would have a rectangular plan and single storey form. This would match the plan and orientation of the application building. Moreover, whilst it would have a modest footprint of approximately 13.5m x 6.5m, it would not appear unduly dominant given the large scale and two storey form of the application property. Furthermore, its cat-slide roof form and partially open frontage are features typically found on buildings in open countryside. Therefore, the proposed garage is acceptable.
- 9.7 The proposed outbuilding would be located to the south-west of the application building and would also have a rectangular plan and single storey form. This would match the plan of the application building, whilst appearing subservient to its large scale and two storey form. Furthermore, the proposed duo-pitch roof form would accord with that of the application building. Moreover, its open frontage and small side canopy are not uncommon in open countryside. Therefore, the proposed outbuilding is acceptable.
- 9.8 Turning to materials, the submitted plans state that the proposed buildings would have softwood frames with feather edge oak cladding above natural stone plinths and Greys Artstone reproduction stone slates. Notwithstanding the objection of Embsay-with-Eastby Parish Council, wooden clad buildings are typically found in open countryside. Moreover, the sensitive design of the proposed

buildings, in particular their forms and open frontages, would ensure that they have the appearance of agricultural buildings from Low Lane. Therefore, the proposed materials are acceptable.

- 9.9 Cumulatively, it is acknowledged that the proposed development would increase the built form surrounding the application building located in open countryside. However, the proposed buildings would be of modest scales in comparison to the application building and would not have a significant adverse cumulative impact on visual amenity.

9.10 *Countryside and landscape*

- 9.11 The application site is located in open countryside and would involve a small increase in the previously approved residential curtilage. However, the proposed development would be of a modest scale in comparison to the application building and would be understood within the context of the existing built form. Moreover, the proposed garage and outbuilding would provide storage for cars and domestic items that would have a detrimental impact of visual amenity if left open in the rural landscape. Therefore, the proposed development would have an acceptable countryside and landscape impact.

9.12 *Conclusion*

- 9.13 In summary, as a traditional barn associated with the farming industry, the application building makes a positive contribution to the District's distinctive character and sense of place. Nonetheless, the proposed development would be of a good design that would preserve the agricultural character of the application building and would not have a significant adverse impact on the surrounding countryside and landscape.

- 9.14 In conclusion, the proposed development would be of a good design that would conserve Craven's heritage, countryside and landscape. Therefore, it complies with Local Plan Policies ENV1, ENV2 and ENV3.

Other material planning considerations

9.15 *Sustainable design and construction*

- 9.16 The submitted Sustainable Design and Construction Statement acknowledges that as the proposed buildings would be non-habitable it is difficult to incorporate sustainable design and construction methods. Nonetheless, it states that the proposed materials would be sustainably sourced. Therefore, sustainability would be designed.

- 9.17 In conclusion, the proposed development would have sustainability designed in. Therefore, the proposed development complies with Local Plan Policy ENV3.

9.18 *Parking provision and highways*

- 9.19 The proposed development would not involve the formation of any bedrooms or alterations to the previously approved access. Moreover, the proposed garage would provide parking provision for approximately 4 cars. North Yorkshire County Council Highways raised no objections subject to 1 planning condition. Therefore, the proposed development would have an acceptable parking and highways impact.

Officer note: The 1 planning condition recommended by North Yorkshire County Council Highways requires that the conditions they recommended on previous applications be adhered too. However, as this would not be relevant to the development permitted, it shall not be attached.

- 9.20 In conclusion, the proposed development would have an acceptable parking and highways impact. Therefore, the proposed development complies with Local Plan Policies INF4 and INF7.

9.21 *Public right of way*

- 9.22 There is a public right of way that runs through the application site from north to south. The submitted proposed plans show that the route of the existing right of way would be retained. Therefore, the right of way would be safeguarded.

- 9.23 In conclusion, the public right of way running through the application site would be safeguarded. Therefore, the proposed development complies with Local Plan Policy ENV12.
- 9.24 *Biodiversity*
- 9.25 The proposed development would be located above existing areas of excavated land. Therefore, the proposed development would not have a significant adverse impact on biodiversity.
- 9.26 In conclusion, the proposed development would not have a significant adverse impact on biodiversity. Therefore, the proposed development complies with Local Plan Policies ENV4.
- 9.27 *Amenity*
- 9.28 The application site is located in excess of approximately 150m from the nearest other built form. Therefore, the proposed development would not have any impact on the amenity of existing residents or business occupiers.
- 9.29 In conclusion, the proposed development would not have any impact on the amenity of existing residents or business occupiers. Therefore, the proposed development complies with Local Plan Policy ENV3.

Conclusion

- 9.30 In conclusion, the proposed development is acceptable in principle and of a good design that would have an acceptable heritage and countryside and landscape impact. Moreover, when taking account of other material planning considerations including sustainable design and construction, parking provision and highways, public right of way, biodiversity, and amenity, the proposed development does not give rise to any concerns.
- 9.31 Embsay-with-Eastby Parish Council and 1 representation have objected to the proposed development. However, the proposed development complies with Local Plan Policies ENV1, ENV2, ENV3, ENV4, ENV12 and INF4. Therefore, as the proposed development accords with the development plan as a whole, planning permission should be approved subject to planning conditions.

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. P(00)-01 "Garage - Proposed Plans & Sections" received 22 April 2021;
 - Drawing No. P(00)-02 "Garage - Proposed Elevations" received 22 April 2021;
 - Drawing No. P(00)-03 "Outbuilding - Proposed Plans & Sections" received 22 April 2021;
 - Drawing No. P(00)-04 "Outbuilding - Proposed Elevations" received 22 April 2021;
 - Drawing No. P(00)-06 "Existing Site Plan" received 22 April 2021;
 - Drawing No. P(00)-07 "Proposed Site Plan" received 22 April 2021;
 - Drawing No. P(00)-08 "Proposed Site Layout" received 22 April 2021;
 - Drawing No. P(00)-09 Revision B "Location Plan" received 21 July 2021.

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 Local Plan 2012 to 2032 and the National Planning Policy Framework.

During Building Works

- 3 Unless alternative details have first been submitted to and approved in writing by the Local Planning Authority, the development shall be constructed in accordance with the external materials detailed on the approved proposed plans. They shall be maintained as such thereafter.

Reason: To ensure use of appropriate materials which are sympathetic to the surrounding buildings and the streetscene in the interests of visual amenity and in accordance with the requirements of Craven Local Plan 2012 to 2032 Policy ENV3 and the National Planning Policy Framework.

Informatives

1. Statement of Positive Engagement:

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



Application Number: 2021/22845/FUL

Proposal: Construction of detached garage and detached outbuilding

Site Address: Laithe Barn Low Lane Halton East BD23 6EH

On behalf of: Mr Matthew Ellison

REPORT TO PLANNING COMMITTEE ON 1st September 2021

Application Number: 2021/22513/HH

Proposal: Construction of first floor rear extension

Site Address: 10 Westview Close Low Bradley Keighley BD20 9BU

On behalf of: Mr & Mrs Martin & Anne Hibbins

Date Registered: 8th February 2021

Expiry Date: 5th April 2021

EOT Date, if applicable: 8th September 2021

Case Officer: Mr Joshua Parkinson

SUMMARY

The application seeks planning permission for the construction of a first-floor rear extension to 10 Westview Close, Low Bradley. The application property is link-detached and located within the Low Bradley Conservation Area.

On balance, the proposed extension is of a good design with sustainability designed in that would conserve Craven's heritage, would not have a significant adverse impact on biodiversity, and would have adequate parking provision.

There have been comments and representations of objection received from Bradleys Both Parish Council, Ward Councillor Andrew Brown and neighbouring property 8 Westview Close regarding the impact of the proposed development on the amenity of this neighbouring property. However, given that the existing windows within the east elevation of 8 Westview Close already provide a low level of amenity, the proposed development would not have a significant detrimental impact on the amenity of this neighbouring property.

On this basis, the proposed development complies with Local Plan Policies ENV2, ENV3, ENV4 and INF4, as well as the LBCA Act 1990. Therefore, as the proposed development accords with the development plan as whole, planning permission should be approved subject to planning conditions.

1. Site Description

- 1.1 The application site relates to a link-detached dwelling located on Westview Close, Low Bradley. The application property features a modest front drive, an attached single side garage, and a large rear garden with a single storey rear extension.
- 1.2 The application site is located within the Low Bradley Conservation Area.

2. Proposal

- 2.1 The application seeks planning permission for the construction of a first-floor rear extension.

3. Planning History
 - 3.1 5/11/3 - Permission approved for 15 detached houses and garages: 29.07.1974.
 - 3.2 5/11/223 - Permission refused for conservatory: 16.12.1991.
 - 3.3 5/11/223/A - Permission approved for conservatory: 10.03.1992.
 - 3.4 11/2009/9840 - Permission approved for conversion of conservatory: 03.09.2009.
4. Planning Policy Background
 - 4.1 Craven Local Plan 2012 to 2032 (Local Plan):
 - ENV2: Heritage
 - ENV3: Good Design
 - ENV4: Biodiversity
 - INF4: Parking Provision
 - 4.2 National Planning Policy Framework (NPPF)
 - 4.3 Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA Act 1990)
 - 4.4 Draft Low Bradley Conservation Area Appraisal (2016) (Conservation Area Appraisal)
5. Parish/Town Council Comments
 - 5.1 Bradleys Both Parish Council - 17.03.2021: The Parish Council understand that a neighbouring window is missing from the submitted plans. Therefore, they are unable to comment until a revised plan has been submitted showing how the proposed extension would affect the daylight to the neighbouring property as it is believed that the proposed extension would contravene the 21-degree rule on light.

Officer note: The applicants' agent subsequently submitted amended plans.
 - 5.2 Bradleys Both Parish Council - 21.07.2021: The Parish Council feels that the application is still not clear and doesn't address the neighbour's concerns. Members would like clarification on measurements and confirmation that the materials to be used are sympathetic and conform to the Conservation Area.

Officer note: The submitted plans are drawn to a recognised scale.

Officer note: These comments have been summarised but are available in full for public access on the Local Planning Authority's website.
6. Consultations
 - 6.1 None required.
7. Representations
 - 7.1 Site notice posted: 16.06.2021 - Expired: 07.07.2021.
 - 7.2 Press notice published: 24.06.2021 - Expired: 15.07.2021.
 - 7.3 Neighbour notifications sent: 6 - Expired: 15.07.2021.
 - 7.4 4 representations received between 11.03.2021 and 12.07.2021, including: 4 objections.
 - 7.5 1 objection received from Ward Councillor Andrew Brown - 17.03.2021: A summary:
 - The proposed extension seems close to a significant window of 8 Westview Close and would involve a reduction in the amount of light;
 - There is an issue of amenity relating to loss of light to 8 Westview Close;
 - The amenity impact should be checked carefully.

- 7.6 3 objections received from neighbouring property 8 Westview Close, Bradley - 11.03.2021 and 12.07.2021. A summary:
- 7.7 Design and heritage:
- The proposed extension would be modern and large with bulk and massing;
 - The proposed extension would be visually intrusive;
 - The proposed extension would have a detrimental impact on the Conservation Area.
- 7.8 Amenity:
- Obstruction and overbearing impact affecting 2 windows of 8 Westview Close;
 - Overbearing impact affecting garden of 8 Westview Close;
 - Overshadowing impact affecting 2 windows of 8 Westview Close;
 - Contravenes the 25-degree rule on light;
 - Overlooking of garden of 8 Westview Close.
- 7.9 Other matters:
- The submitted plans have missed 1 of the windows of 8 Westview Close;
- Officer note:** The applicants' agent subsequently submitted amended plans.
- 7.10
- The proposed development would set a precedent;
- Officer note:** Every planning application is determined on its own merits.
- 7.11
- The elevations are incorrect as they suggest that the application property and this neighbouring property are at the same level, but they are not.
- Officer note:** The applicants' agent subsequently submitted amended plans.
- Officer note:** These representations have been summarised but are available in full for public access on the [Local Planning Authority's website](#).
8. Summary of Principal Planning Issues
- 8.1 Design and heritage
- 8.2 Sustainable design and construction
- 8.3 Amenity
- 8.4 Biodiversity
- 8.5 Parking provision
9. Analysis
- Design and heritage**
- 9.1 Local Plan Policy ENV3 states that good design will help to ensure that growth in Craven results in positive change. This will be achieved by following the general design principles set out in broad terms within the policy. The principles include, amongst other things, that development should respond to the context and respect the form of existing and surrounding buildings including density, scale, height, massing and use of high quality materials.
- 9.2 Paragraph 126 of the NPPF stresses that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Paragraph 130 sets out the expectations that planning decisions should ensure that developments meet.

- 9.3 Local Plan Policy ENV2 asserts that Craven's historic environment will be conserved and, where appropriate, enhanced. This will be achieved through, amongst other things, supporting proposals that would preserve or enhance the character or appearance of conservation areas.
- 9.4 Paragraph 189 of the NPPF declares that heritage assets an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations. Paragraphs 194 to 208 set out how proposals affecting heritage assets and their potential impacts should be considered.
- 9.5 Section 72(1) of the LBCA Act 1990 assigns the Local Planning Authority with the duty to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.
- 9.6 Section 66(1) of the LBCA Act 1990 assigns the Local Planning Authority with the duty to have special regard to the desirability of preserving listed buildings, their settings and any features of special architectural or historic interest which they possess.
- 9.7 The application site relates to a link-detached dwelling located on Westview Close, Low Bradley. The application property forms part of a cul-de-sac of dwellings of matching ages and materials with similar designs. It was documented on the site visit that many properties in the area have been extended since construction. Therefore, the proposed extension would not appear incongruous.
- 9.8 The application site is located within the Low Bradley Conservation Area. The Conservation Area Appraisal states that the settlement is a picturesque former wool and mill village. However, as a late twentieth century dwelling, the application property does not make any contribution to the significance of the Conservation Area. Moreover, the application site is not prominent within any of the significant views identified by the Conservation Area Appraisal. Therefore, the application does not make any positive contribution to the Low Bradley Conservation Area.
- 9.9 The application site is located approximately 50m north-west of grade II listed West Lane Farm. This is a seventeenth or early eighteenth house of a traditional character and appearance. However, intervisibility is low due to intervening buildings and vegetation. Therefore, the application site does not make any contribution to the setting and significance of West Lane Farm.
- 9.10 The proposed extension would be located above the application properties existing single storey rear extension. It would have a duo-pitch roof form that would match the roof form and height of the application property. Moreover, the proposed windows would be of a design matching those of the existing application property. Therefore, the proposed extension is acceptable.
- 9.11 Turning to materials, Bradleys Both Parish Council ask for clarification that the proposed materials are sympathetic and conform to the Conservation Area. The submitted proposed elevations state that matching materials would be used throughout. These would allow the proposed extension to integrate effectively.
- 9.12 The proposed extension would be fully visible from West Lane. However, as the proposed extension would be of a good design it would not have an adverse visual impact on the application property nor the street scene. Moreover, it would preserve the character and appearance of the Low Bradley Conservation Area, and the setting and significance of West Lane Farm.
- 9.13 There have been 3 objections from neighbouring property 8 Westview Close that contend that the proposed extension would be modern and large with bulk and massing, would be visually intrusive, and would have a detrimental impact on the Conservation Area. However, the proposed extension would be of a design and scale commensurate to the application property and would not have any significant adverse impact on the Conservation Area.
- 9.14 In conclusion, the proposed development would be of a good design that would preserve Craven's heritage. Therefore, the proposed development complies with Local Plan Policies ENV2 and ENV3, Paragraph's 126, 130, 189 and 194 to 208 of the NPPF, and the LBCA Act 1990.

Sustainable design and construction

- 9.15 Local Plan Policy ENV3 states that sustainability should be designed in, so that development takes all reasonable opportunities to reduce energy use, water use and carbon emissions and to minimise waste, ensure future resilience to a changing climate and wherever possible to generate power through solar or other means, in accordance with Building Regulations. This should include residential, industrial and commercial developments.
- 9.16 Paragraph 154 of the NPPF sets out that new developments should be planned for in ways that avoid increased vulnerability to the range of impacts arising from climate change and in ways that can help to reduce greenhouse gas emissions, such as through its location, orientation and design.
- 9.17 The submitted Sustainable Design and Construction: Home Energy Questionnaire states that the proposed extension would have water efficient fittings. This would ensure that sustainability is designed in. Moreover, the proposed development would be located above the existing single storey rear extension so would make an effective use of land.
- 9.18 In conclusion, the proposed development would have sustainability designed in. Therefore, the proposed development complies with Local Plan Policy ENV3 and Paragraph 154 of the NPPF.

Amenity

- 9.19 Local Plan Policy ENV3 states that development should protect the amenity of existing residents and business occupiers as well as create acceptable amenity conditions for future occupiers. In addition, development proposals should be able to demonstrate that they will secure a good standard of amenity for all existing and future occupants of land and buildings.
- 9.20 Paragraph 130 of the NPPF asserts that planning decisions should, amongst other things, create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.
- 9.21 Bradleys Both Parish Council comment raising concern about the effect on the daylight of 8 Westview Close. Likewise, Ward Councillor Andrew Brown also raised concern about the amenity impact on 8 Westview Close in particular in relation to loss of light. Furthermore, 2 objections from neighbouring property 8 Westview Close raise concerns over obstruction and an overbearing impact, overshadowing, and overlooking.
- 9.22 8 Westview Close is located to the west of the application property and at a slightly lower ground level. This neighbouring property contains 2 windows in the east elevation, including: 1 obscurely glazed ground floor window serving a dining room, and 1 clearly glazed first floor window serving a bedroom. For reference, the Case Officer entered 8 Westview Close and documented the existing outlook from the aforementioned windows and views from the rear garden of 8 Westview Close.
- 9.23 The first floor window within the east elevation of 8 Westview Close serves a bedroom and is the only window serving this habitable room. However, this neighbouring window is already obstructed by the main body of the application property due to the layout and orientation of the properties. As such, the main body of the existing application property is only 5m away from this neighbouring window. Therefore, the existing outlook from the first floor window within the east elevation of 8 Westview Close is already extremely poor.
- 9.24 The proposed extension would further reduce the outlook from the first floor window within the east elevation of 8 Westview Close. However, given the existing arrangement and poor outlook, this would not have a significant adverse impact on the amenity of this neighbouring property. Therefore, the first floor window within the east elevation of 8 Westview Close would not experience a significant detrimental increase in obstruction.
- 9.25 The proposed extension would be set back approximately 5m from the east elevation of 8 Westview Close and would not be significantly higher than the first floor window within the east elevation of this neighbouring property. Therefore, the first floor window within the east elevation of 8 Westview Close would not experience a significant detrimental loss of light.

- 9.26 The ground floor window within the east elevation of 8 Westview Close serves a living area. However, this neighbouring window is obscurely glazed so offers no outlook. Moreover, it is already significantly overshadowed by the application properties existing shed which is located close to the shared boundary. Therefore, the ground floor window within the east elevation of 8 Westview Close would not experience a significant detrimental increase in obstruction or overshadowing.
- 9.27 8 West View Close contend that the proposed extension would have an overbearing impact on their garden. However, the proposed extension would be set back approximately 5m from the shared boundary and would not project beyond the rear wall of this neighbouring property. Therefore, this garden of 8 Westview Close would not experience any significant detrimental overbearing impact.
- 9.28 The proposed extension would contain 2 windows within the south elevation serving a bedroom and en-suite. However, they would not face directly toward 8 Westview Close. Moreover, the proposed bedroom would be used transiently and the en-suite window would be obscurely glazed. Therefore, 8 Westview Close would not experience a significant detrimental loss of privacy.
- 9.29 In regard to the impact on other existing residents, the proposed extension would contain 2 windows within the south elevation. However, these would not offer any views of the properties on the opposite side of West Lane significantly different from those readily available from the existing rear windows of the application property.
- 9.30 In conclusion, the proposed development would create acceptable amenity conditions. Therefore, the proposed development complies with Local Plan Policy ENV3 and Paragraph 130 of the NPPF.

Biodiversity

- 9.31 Local Plan Policy ENV4 asserts that growth in housing, business and other land uses on allocated and non-allocated sites will be accompanied by improvements in biodiversity. This means that, wherever possible, development will make a positive contribution towards achieving a net gain in biodiversity.
- 9.32 Paragraph 174 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by, amongst other things, minimising impacts on and providing net gains in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.
- 9.33 The proposed extension would be located above the existing single storey rear extension so would not have a significant adverse impact on biodiversity.
- 9.34 In conclusion, the proposed development would not have a significant adverse impact on biodiversity. Therefore, the proposed development complies with Local Plan Policy ENV4 and Paragraph 174 of the NPPF.

Parking provision

- 9.35 Local Plan Policy INF7 asserts that the minimisation of greenhouse gases and congestion, and the provision of safe and accessible travel facilities will be supported by maximising the opportunities to travel by sustainable transport modes; avoiding severe residual cumulative impacts of development relating to transport; and the design of safe and convenient access to transport facilities.
- 9.36 Paragraph 111 of the NPPF states that development should only be prevented on highway grounds where there would be an unacceptable impact on highway safety, or the residual cumulative impacts would be severe.
- 9.37 The proposed extension would include the formation of 1 bedroom. However, the proposed floor plans show that this would not be an additional bedroom. In addition, the application property would retain its existing parking provision. Therefore, the proposed development would ensure proper provision and management of parking for cars.
- 9.38 In conclusion, the proposed development would ensure proper provision and management of parking for cars. Therefore, the proposed development complies with Local Plan Policy INF4 and Paragraph 111 of the NPPF.

Conclusion

- 9.39 On balance, the proposed extension is of a good design with sustainability designed in that would conserve Craven's heritage, would not have a significant adverse impact on biodiversity, and would have adequate parking provision.
- 9.40 There have been comments and representations of objection received from Bradleys Both Parish Council, Ward Councillor Andrew Brown and neighbouring property 8 Westview Close regarding the impact of the proposed development on the amenity of this neighbouring property. However, given that the existing windows within the east elevation of 8 Westview Close already provide a low level of amenity, the proposed development would not have a significant detrimental impact on the amenity of this neighbouring property.
- 9.41 On this basis, the proposed development complies with Local Plan Policies ENV2, ENV3, ENV4 and INF4, as well as the LBCA Act 1990. Therefore, as the proposed development accords with the development plan as whole, planning permission should be approved subject to planning conditions.

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. 01 "Location Plan" received 8 February 2021;
 - Drawing No. 02 Rev A "Existing Plans & Section" received 12 March 2021;
 - Drawing No. 03 Rev A "Proposed Plans & Section" received 12 March 2021;
 - Drawing No. 04 Rev A "Existing & Proposed Elevations" received 22 June 2021;
 - Drawing No. 05 "Existing & Proposed Block Plans" received 8 February 2021.

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 Local Plan 2012 to 2032 and the National Planning Policy Framework.

During Building Works

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

Reason: To ensure use of appropriate materials which are sympathetic to the surrounding buildings and the streetscene in the interests of visual amenity and in accordance with the requirements of Craven Local Plan 2012 to 2032 Policy ENV3 and the National Planning Policy Framework.

Informatives

1. Statement of Positive Engagement:

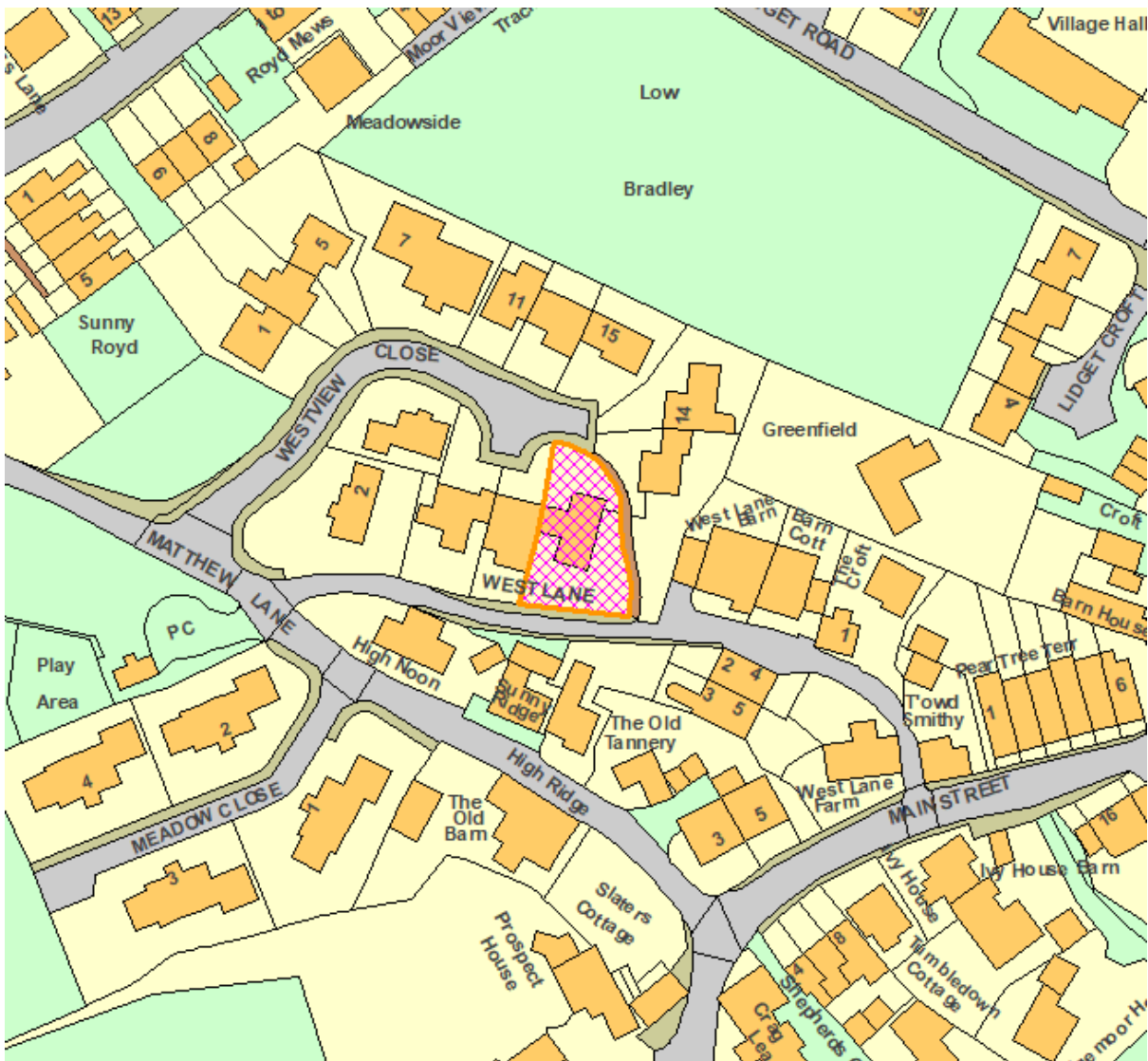
In dealing with this application Craven District Council has sought to approach the decision making process in a positive and creative way, in accordance with the requirements of paragraph 38 of the NPPF.

2. Coal Development Low Risk Area:

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

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

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



Application Number: 2021/22513/HH

Proposal: Construction of first floor rear extension

Site Address: 10 Westview Close Low Bradley Keighley BD20 9BU

On behalf of: Mr & Mrs Martin & Anne Hibbins

REPORT TO PLANNING COMMITTEE ON 1st September 2021

Application Number: 2021/22714/REM

Proposal: Reserved Matters application to provide hybrid mix of B1, B2 and B8 Industrial Units at Plot 3 Wyvern Park. The application seeks to confirm the following reserved matters: layout, scale, appearance of the building(s) and the landscaping/boundary treatments for the sub area known as Plot 3.

Site Address: Land North Of A629 And East Of Wyvern Way Skipton

On behalf of: R N Wooler & Co Ltd

Date Registered: 29th April 2021

Expiry Date: 29th July 2021

EOT Date, if applicable: 5th July 2021

Case Officer: Andrea Muscroft

SUMMARY

The proposed development presented in this reserved matter application for the development of Plot 3 complies with the approved development specification, parameter plans.

The height of the proposed buildings fall within the parameters defined by the hybrid scheme and their design, scale, appearance, layout and access would deliver a high-quality development and is therefore considered acceptable.

The proposal is recommended for approval subject to conditions and informatives.

1. Site Description

- 1.1 The application site is located to the southern edge of the main built-up area of Skipton which has been granted outline consent for a mixed development consisting of residential dwellings and an industrial estate with associated infrastructure (ref: 63/2015/15792). Further permissions were granted to allow the phasing of development (ref: 2017/18136/VAR)
- 1.2 The application site area covers approx. 1.34h and lies to the south of the A629. To the north of the site is phase 1 of development which was recently granted reserved matters approval for the residential development.
- 1.3 The application site was formally used for the grazing of sheep, however, since the grant of planning permission there has been extensive works undertaken through the construction of new below ground services and main access roads/roundabout off the A629.
- 1.4 The application site lies within an existing employment area as defined by the Local Plan.

2. Proposal

- 2.1 The application is a Reserved Matters application for approval of the appearance, landscaping, layout and scale of hybrid mix of B1, B2 & B3 industrial units at Plot 3 of Wyvern Park.
- 2.2 The principle and access have already been sought and granted outline planning approval under ref: 63/2015/15792 on the 14th March 2016.
- 2.3 The National Planning Practice Guidance (NPPG) states that Reserved Matters are those aspects of a proposed development that an applicant can choose not to submit with an outline planning application (i.e. they can be 'reserved' for later determination). These are 'Access', 'Landscaping', 'Layout' and 'Scale' and are all submitted for consideration.
- 2.4 This reserved matters application does not seek permission in respect to the principle of development (the land use, highway access as part of the outline consent 63/2015/15792) but its detailed proposals which must be in accordance with the outline consent to which it relates including any parameter plans, conditions and S.106 obligations.
- 2.5 This reserved matter application has been informed by the parameter plans established by the outline planning requirements, national strategic and local planning policy and national guidance.
- 2.6 The proposed development detailed in this submission is the partial phase of the western area (Phase 2) as detailed in the outline planning consent.
- 2.7 The proposal for Plot 3 comprises:

Unit number	M2
Unit 1	697
Unit 2	593
Unit 3 & 4	337 (674)
Unit 5	194
Unit 6	184
Unit 7	167
Unit 8	112
Unit 9 -11	100 (300)
Unit 12	112
Unit 13	112
Unit 14 & 15	100 (200)
Unit 16	112
Unit 17 – 19	140 (420)

- 2.8 The proposal also includes 2 electric charging points per unit and 2 cycle parking spaces per unit. The proposal also includes disabled parking spaces.
- 2.9 The proposal would also incorporate solar panels.

- 2.10 The proposed buildings 13 – 18, 8 – 12, 7 – 5, 4 – 2 have a similar massing with units 1 & 2 due to their location and use.
- 2.11 The buildings would have one material palette thus providing uniformity across the application site.
- 2.12 The external appearance of the buildings would include Marshalls Cromwell split-faced coursed stonework (colour buff) at ground level, horizontal composite cladding (light grey) above, under a profiled roof (light grey). Roller shutters would also be light grey). Windows, doors, rainwater goods, would be anthracite grey (RAL 7016).
- 2.13 Vehicle access to the buildings would be off the previously approved new access road and would orientate towards each unit within the site. The main pedestrian approach would also be off the new access road and would then follow routes to the entrances of the buildings, parking and turning areas.
- 2.14 Details have been provided with regards to the hard and soft landscaping proposed. It is proposed for the hard landscaping that tarmac is used for the roads and forecourt areas due to the intense use these areas would experience. The parking spaces would be defined using brindle paving blocks, and the perimeter footpaths in buff paving slabs to match the buff stonework. The proposal would also include a diverse soft landscaping comprising of trees, woodland shrub, wildflowers, ornamental bed planting and grass which is intended to provide seasonal colour and sources of nectar and pollen that would increase local biodiversity.
- 2.15 The proposed buildings have been designed to comply with the outline requirements of the permission ref: 63/2015/15792 including the parameters of the plans. The scale and mix of the development under consideration are consistent with these requirements.
- 2.16 Regarding sustainability a Sustainable Design and Construction Statement has been provided which sets out the measures for dealing with climate change and these comprise of:
- Each industrial unit would have waste and recycling facilities located in 4 different communal refuse areas. In addition, a site waste management plan would be implemented during the construction stage.
- Local materials would be sourced, and local contractors would be engaged.
- Construction methods would comply with current Building Regulations Part L with regards to acoustic, airtightness etc, and SBEM calculations would be submitted.
- A BREEAM pre-assessment has been submitted in support of the proposal.
- Renewable energy such as air source heat pumps are proposed for the hybrid units.
- All necessary water supplies, safety, sanitation and water-saving requirements would meet Part G of Building Regulations.
- The proposal would create minimal pollution based on EPC ratings and the drainage systems would be incorporated to meet Part H of Building Regulations to prevent any pollution.
- 2.17 The proposal would also incorporate a 1.8m palisade fence along the perimeter of the site for security reasons.
- 2.18 **Officer Note:** The Council received revised drawings resulting in an increase of one industrial unit. The proposal has been assessed on these changes.

- 2.19 **Officers Note:** The wider impacts of the proposed industrial units on matters such as the local highway network, drainage, impact on conservation area and infrastructure have been considered and conditions attached to the outline permission would mitigate such impacts.
3. Planning History
- 3.1 63/2013/14114 – Mixed-use development including employment, supermarket, hotel, public house and hot food takeaway – Refused April 2014.
- 3.2 63/2015/15792 – Outline application for mixed-use development comprising business/employment floorspace (use classes B1, B2 & B8) and residential dwellings (use class C3) with access from the A629 and Carleton Road, provision of infrastructure and associated landscaping – Approved March 2016.
- 3.3 2017/18136/VAR – Application to vary conditions 1, 5, 7, 8, 9, 10, 13, 15, 16, 21, 24, 26, 27 & 28 of outline consent ref 63/2015/15792 – Approved March 2018.
- 3.4 2018/19241/CND - Application to discharge condition no. 25 (archaeological work) of planning permission 2017/18136/VAR granted 16/03/2018 – May 2018
- 3.5 2018/19584/CND - Application to discharge conditions 3, 5, 7, 8, 9, 17, 19, 20, 23, 24, 26 and 27 of planning approval referenced 2017/18136/VAR granted 16/03/2018 – Split decision January 2019
- 3.6 2019/20278/CND - Application to discharge condition no's 6, 11, 14 and 16 of planning approval referenced 2017/18136/VAR – Approved May 2019.
- 3.7 2019/21108/REM - Reserved matters application for the approval of the partial layout (Plateau/Ground levels for employment units) of outline permission 2017/18136/VAR – February 2020.
- 3.8 2020/21740/CND - Application to discharge condition no. 27 (Remediation Scheme) of planning permission referenced 2017/18136/VAR granted 16 March 2018 – September 2020
4. Planning Policy Background
- 4.1 **Local Plan**
- ENV1 – Countryside and Landscape
- ENV3 – Good Design.
- ENV6: Flood Risk.
- ENV12: Footpaths, Bridleways, Byways and Cycle Routes.
- INF4: Parking Provision
- 4.2 **National Planning Policy**
- The National Planning Policy Framework
- Planning Practice Guidance
5. Parish/Town Council Comments
- 5.1 Skipton Town Council: No comment
6. Consultations
- 6.1 CDC Tree Officer: No comments within the statutory consultation period.

- 6.2 NYCC Highways: In assessing the submitted proposal and reaching its recommendation the Local Highway Authority have considered the following matters:
- 6.3 The highway authority has been consulted by the planning authority on the introduction of a new access and industrial unit on the Wyvern Park Development. The site will benefit from good access from the A629 County Road. The new roads within the Wyvern development offer direct access for the proposed units and hence occupiers of this development. The Developer is reminded of the County Councils parking standards which include cycle parking.
- 6.4 The access should be formed using 10m radius. All gullies shall use 900mm deep pots and drain back towards the new development.
- 6.5 Consequently, the Local Highway Authority recommends conditions should the proposal be recommended for approval.
- 6.6 Yorkshire Water: No objection to the approval of the reserved matters application.
- 6.7 The comments are summarised and can be viewed in full here:
<https://publicaccess.cravendc.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>
7. Representations
- 7.1 Site Notice posted: 14.5.2021
- 7.2 Press Notice published 13.5.2021
- 7.3 19 Notification letters circulated.
- 7.4 1 third party representation received supporting the proposal.
8. Summary of Principal Planning Issues
- Principle of development.
 - Appearance and scale
 - Layout,
 - Landscaping.
 - Sustainable design
 - Other matters
9. Analysis
- 9.1 **Principle of Development.**
- 9.2 The principle of a mixed-use development on this site has been established by virtue of the outline planning application ref: 63/2015/15792 and a further application ref: 2017/18136/VAR approved by Planning Committee on 1st March 2018.
- 9.3 The remaining industrial plots will come before the planning committee as reserved matters in due course.
- Design, appearance and scale.**
- 9.4 Policy SD1 reiterates the presumption in favour of sustainable development and the requirement for planning decisions to be made in accordance with the Development Plan, unless material considerations indicate otherwise, as set out in the National Planning Policy Framework and section 38(6) of the Planning and Compulsory Purchase Act 2004.

- 9.5 Policy ENV3 sets out several general principles to be followed in the design of new development. These principles are aimed at achieving positive change through good design.
- 9.6 The application site forms part of a wider strategic economic plan and is designated as an existing industrial area on the Local Plan (adopted November 2019).
- 9.7 The outline permission provided the location for the industrial areas and specified the height restrictions for the industrial units.
- 9.8 The proposed buildings and associated layout for plot 3 occupies an area of land that forms a portion of the designated industrial area. The siting of the buildings accords with the general layout for such developments and would maximise the use of the land.
- 9.9 The overall appearance and design of the buildings are also considered appropriate for the context of the site. The scale of the proposed buildings does not exceed the parameters as set out in the outline permission and thus are considered acceptable.
- 9.10 The proposed materials are appropriate for this form of development.
- 9.11 The proposed hard and soft landscaping which would help improve biodiversity within the site are considered acceptable and if approved would be controlled by a condition.
- 9.12 In conclusion, the details presented in this reserved matter application in relation to the proposed appearance of the development are acceptable and comply with the requirements of local plan policies and national planning policy guidance. The proposed buildings and associated landscaping would deliver a high-quality form of development.

Layout

- 9.13 The outline planning permission identified the main new access road into and out of the site.
- 9.14 The proposed internal layout sets out the vehicle and pedestrian access points into the site with footpaths leading to the industrial units. Once the other phases are complete then the footpaths from this site would connect with those leading into the centre of Skipton.
- 9.15 The proposal would provide cycle parking for each unit.
- 9.16 The proposal would provide enough parking, turning/loading and waiting areas to meet the needs of the industrial units.
- 9.17 NYCC Highways have been consulted with regards to the internal layout of the proposal and have not objected to the proposal subject to the use of appropriate conditions.
- 9.18 In conclusion, the details presented in the reserved matters submission relating to the internal layout arrangement are acceptable and thus comply with the requirements of local plan policies and national planning policy guidance.

Landscaping

- 9.19 The proposed soft landscaping proposed within this reserved matters application has adopted the principles of policy ENV4 which seeks biodiversity net gains and the aims and objectives of policy ENV5 which seeks to create greener spaces within the district which in term will help existing biodiversity and create new areas that can support local wildlife. The other aim of these policies combined with policy ENV3 is to create developments that are fully integrated into not only the existing landscape but also the future landscape and deliver attractive and useable areas.
- 9.20 The proposed soft landscaping would help create wildlife corridors that allow the creation of ecological connections between sites thus allow species to move between them.

9.21 Should the proposal be granted planning permission then conditions would be imposed to safeguard the provision of high-quality landscaping.

9.22 In conclusion, the details presented in the reserved matters submission relating to the proposed landscaping arrangements are considered acceptable and compliant with local plan policies and national planning policy guidance.

Sustainable Design and Construction

9.23 Details submitted and outlined in paragraph 2.16 outline the opportunities for effective improvement to the energy efficiency of the proposed buildings these including that the building is not only built to BREEAM standard but also complies with several Building Regulations that would help to address climate change.

9.24 The site would also provide electric charging points.

9.25 To ensure the requirements of policy ENV3 are met it is considered that should the proposal be recommended for approval a condition be imposed requiring the submission of the BREEAM certification is provided.

9.26 Whilst the Council desire is to become Carbon Neutral by 2030 – 20 years ahead of the Government's target, it will be appreciated that policies within the Local Plan do not require developments to be carbon neutral and thus to withhold consent on the basis that development is not carbon neutral could not be defensible at appeal.

9.27 In conclusion, the details presented in the reserved matters submission relating to the proposed sustainable design and construction arrangements are considered acceptable and compliant with local plan policies and national planning policy guidance.

9.28 Other matters

9.29 The outline permission secured other policy requirements in the form of public open space. Conditions on the outline permission covered highway improvements, affordable housing, flooding, SUDs, drainage and contamination. These conditions remain in force and would be the subject of future applications to discharge details imposed by conditions.

9.30 Conclusion

9.31 The proposed development presented in this reserved matter application complies with the approved development specification, parameter plans.

9.32 The height of the proposed buildings fall within the parameters defined by the hybrid scheme and their design, scale, appearance, layout and access would deliver a high-quality development and is therefore considered acceptable.

9.33 The proposal is recommended for approval subject to conditions and informatives.

10. Recommendation

10.1 Approve with Conditions

Conditions

Approved Plans

1 This permission relates to the following plans and documents:

8510-BOW-A0-ZZ-DR-A-1000-P2_ SITE LOCATION PLAN

8510-BOW-A0-ZZ-DR-A-1001-P5_ PROPOSED SITE LAYOUT

8510-BOW-A0-ZZ-DR-A-1002-P3_ PROPOSED EXTERNAL WORKS
 8510-BOW-A1-ZZ-DR-A-2001-P3_ BUILDING 1 PLANS
 8510-BOW-A1-ZZ-DR-A-3001-P3_ BUILDING 1 ELEVATIONS + SECTION
 8510-BOW-A2-ZZ-DR-A-2002-P3_ BUILDING 2 PL
 8510-BOW-A2-ZZ-DR-A-3002-P3_ BUILDING 2 ELEVATIONS + SECTION
 8510-BOW-A3-ZZ-DR-A-2003-P3_ BUILDING 3 PLANS
 8510-BOW-A3-ZZ-DR-A-3003-P3_ BUILDING 3 ELEVATIONS + SECTION
 8510-BOW-A4-ZZ-DR-A-2004-P3_ BUILDING 4 PLANS
 8510-BOW-A4-ZZ-DR-A-3004-P3_ BUILDING 4 ELEVATIONS + SECTION
 8510-BOW-A5-ZZ-DR-A-2005-P4_ BUILDING 5 PLANS
 8510-BOW-A5-ZZ-DR-A-3005-P4_ BUILDING 5 ELEVATIONS + SECTION
 8510-BOW-A6-ZZ-DR-A-2006-P3_ BUILDING 6 PLANS
 8510-BOW-A6-ZZ-DR-A-3006-P3_ BUILDING 6 ELEVATIONS + SECTION
 AMA-20993-ATR001 16.5 ARTICULATED HGV SWEPTPATH ANALYSIS
 AMA-20993-SK001 SITE ACCESS VISIBILITY SPLAYS
 HWA-01A SITE LEVELS
 HWA-02A ADOPTABLE JUNCTION
 HWA-03 A SETTING OUT HIGHWAYS
 HWA-05 DRAINAGE LAYOUT
 SF 3160 LL01 REV A LANDSCAPING PLAN

8510-P1_ SUSTAINABLE DESIGN AND CONSTRUCTION STATEMENT
 210312 PLOT 3 BREEAM NC 2018 PRE-ASSESSMENT REPORT
 8510-P2_ DESIGN AND ACCESS STATEMENT

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 Local Plan and the National Planning Policy Framework.

Before you Commence Development

- 2 No development must commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Construction of the permitted development must be undertaken in accordance with the approved plan.

The Plan must include, but not be limited, to arrangements for the following in respect of each phase of the works:

1. details of any temporary construction access to the site including measures for removal following completion of construction works;
2. restriction on the use of new access for construction purposes;
3. wheel washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway;
4. the parking of contractors' site operatives and visitor's vehicles;
5. areas for storage of plant and materials used in constructing the development clear of the highway;
6. details of site working hours;
7. details of the measures to be taken for the protection of trees; and
8. contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.

Reason: In the interest of public safety and amenity and to accord with Policy INF7 of the Craven Local Plan.

During Building Works

- 3 Unless alternative details have first been submitted to and approved in writing by the Local Planning Authority, the materials used on the external surfaces of the units shall be as those detailed in the Design and Access Statement Document.

Reason: In order to ensure a satisfactory external appearance developments in accordance with the requirements of Craven Local Plan policy ENV3 and the National Planning Policy Framework.

- 4 Unless alternative details have first been submitted to and approved in writing by the Local Planning Authority, the landscaping scheme for the site shown on drawing no. LL01 Rev A shall be carried out during the first planting season after the development is substantially completed and the areas which are landscaped shall be maintained as landscaped areas thereafter in accordance with the details shown on the approved plan. Any trees, hedges or shrubs removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced by trees, hedges or shrubs of similar size and species to those originally required to be planted.

Reason: To ensure appropriate landscaping of the site in the interests of visual amenity, to enhance the character of the street scene and to provide biodiversity enhancements in accordance with the requirements of Craven Local Plan Policies ENV3 & ENV4 and the National Planning Policy Framework

- 5 There must be no access or egress by any vehicles between the highway and the application site at new access until splays are provided giving clear visibility of 70m metres measured along both channel lines of the major road from a point measured 2.4m metres down the centre line of the access road. In measuring the splays, the eye height must be 1.05 metres and the object height must be 0.6 metres. Once created, these visibility splays must be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason: In the interests of highway safety and to accord with Policy INF7 of the Craven Local Plan

- 6 There must be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or building(s) at new access until full details of the following have been submitted to and approved in writing by the Local Planning Authority:

- o vehicular, cycle, and pedestrian accesses;
- o vehicular and cycle parking;
- o vehicular turning arrangements including measures to enable vehicles to enter and leave the site in a forward gear, and;
- o loading and unloading arrangements.

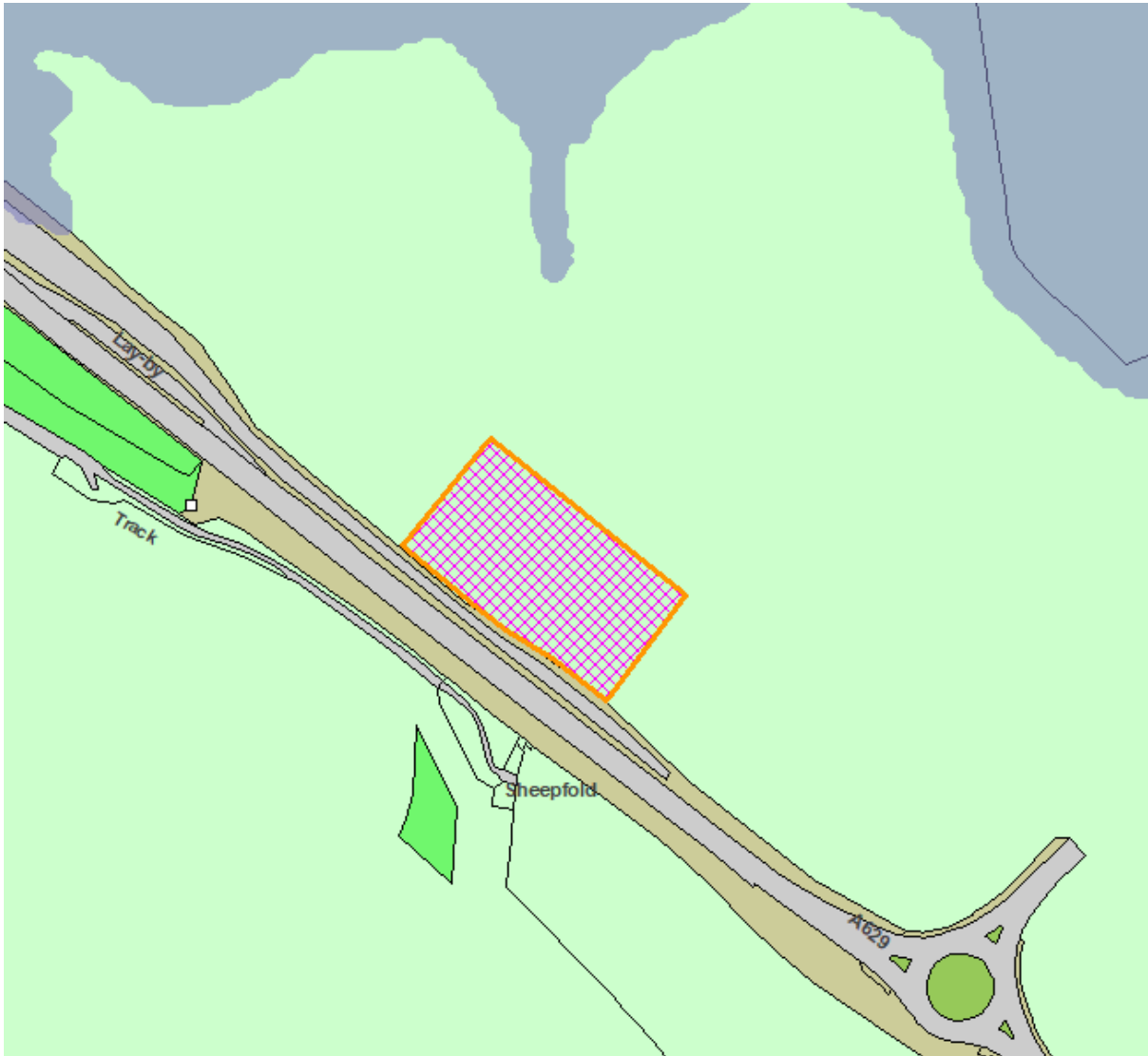
No part of the development must be brought into use until the vehicle access, parking, manoeuvring and turning areas at new industrial unit have been constructed in accordance with the details approved in writing by the Local Planning Authority. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason: To ensure appropriate on-site facilities in the interests of highway safety and the general amenity of the development and to accord with Policy INF4 of the Craven Local Plan.

- 7 The development must be carried out and operated in accordance with the approved Travel Plan. Those parts of the Approved Travel Plan that are identified therein as being capable of implementation after occupation must be implemented in accordance with the timetable contained therein and must continue to be implemented as long as any part of the development is occupied.
- Reason: To establish measures to encourage more sustainable non-car modes of transport and to accord with Policy INF7 of the Craven Local Plan
- 8 Details for the provision of PV Solar Panels on the site shall be submitted to and approved in writing by the local planning authority. The permission shall be implemented in accordance with approved details and retained as such thereafter retained.
- Reason: To help address climate change in accordance with policies contained within the Craven Local Plan and national planning policy framework.
- 9 Details for the provision/location of electric charging points and cycle storage on the site shall be submitted to and approved in writing by the local planning authority. The proposal shall be implemented in accordance with the approved details and retained as such thereafter.
- Reason: To improve accessibility for future residents to sustainable modes of transport in accordance with policies contained within the Craven Local Plan and national planning policy framework.
- 10 Details for the provision of external illumination on the site shall be submitted to and approved in writing by the local planning authority. The approved details shall be implemented as per the agreed details and retained as such thereafter.
- Reason: To improve accessibility for future residents to sustainable modes of transport in accordance with policies contained within the Craven Local Plan and national planning policy framework.

Informatives

1. Adherence to approved plans/conditions
- Failure to adhere to the details of the approved plans or to comply with the conditions contravenes the Town and Country Planning Act 1990 and enforcement action may be taken.
2. The planning permission 2017/18136/VAR still stands and all its conditions and informatives still apply. This approval and that permission should be read together.
 3. The proposals should cater for all types of vehicles that will use the site. The parking standards are set out in North Yorkshire County Council's 'Interim guidance on transport issues, including parking standards' and subsequent amendments available at https://www.northyorks.gov.uk/sites/default/files/fileroot/Transport%20and%20streets/Roads%2C%20highways%20and%20pavements/Interim_guidance_on_transport_issues_including_parking_standards.pdf
 4. Statement of Positive Engagement:
- In dealing with this application Craven District Council has sought to approach the decision making process in a positive and creative way, in accordance with the requirements of paragraph 38 of the NPPF.



Application Number: 2021/22714/REM

Proposal: Reserved Matters application to provide hybrid mix of B1, B2 and B8 Industrial Units at Plot 3 Wyvern Park. The application seeks to confirm the following reserved matters: layout, scale, appearance of the building(s) and the landscaping/boundary treatments for the sub area known as Plot 3.

Site Address: Land North Of A629 And East Of Wyvern Way Skipton

On behalf of: R N Wooler & Co Ltd

REPORT TO PLANNING COMMITTEE ON 1st September 2021

Application Number: 2021/23061/LBC

Proposal: The installation of photovoltaic panel array to the existing south facing concert hall roof of the Town Hall, Skipton.

Site Address: Town Hall High Street Skipton BD23 1AH

On behalf of: Craven District Council

Date Registered: 2nd July 2021

Expiry Date: 27th August 2021

EOT Date, if applicable:

Case Officer: Andrea Muscroft

SUMMARY

The proposed solar PV panels would represent a contemporary addition to this Grade II listed building. However, due to the height of the building, the design and appearance of the panels, when viewed from the limited viewpoints they would not appear as an incongruous feature and would result in less than substantial harm to the historic significance of the Grade II Listed Building nor its setting. The proposal is recommended for approval subject to conditions outlined below.

1. Site Description

1.1 The application relates to Concert Hall Roof located to the rear of Skipton Town Hall, a Grade II Listed building constructed in 1862. The main elevation fronting onto the High Street is particularly detailed, with columns and pilasters, moulded architraves to the windows, and arches to the entrance. The side elevation facing Jerry Croft has been the subject to a number of alterations with the construction of a disabled ramp, a single storey extension and the demolition of a rear extension and the construction of a two-storey rear extension.

1.2 The site occupies a prominent position at the northern end of the High Street in Skipton Town Centre.

1.3 The site is located within the designated conservation area of Skipton.

1.4 The High Street is subject to two Article 4 Directions which restrict: -

The erection or construction of gates, fences, walls or other means of enclosure not exceeding one metre in height where abutting on a highway used by vehicular traffic, or two metres high in any other case, and the maintenance, improvement or other alteration of any gates, fences, walls or other means of enclosure so long as such improvement or alteration does not increase the height above the height appropriate for a new means of enclosure.

Development consisting of the painting of the exterior of any building or wall. "Painting" shall include any application of colour. "Wall" shall include reveals around doors,

windows and other openings and include any porch, stairway or other projecting or recessed feature except for joinery, rainwater goods, lighting apparatus and advertisement signs.

2. Proposal

2.1 This report seeking planning permission for the installation photovoltaic panels to the south roof slope of the concert hall.

2.2 The proposed panels would be positioned below the ridge of the roof.

3. Planning History

3.1 5/63/1528 – Construction of chair store formed by covering part of rear yard area. Withdrawn 1988.

3.2 5/63/1558/LB – Improvements to stage dressing room. Approved 1988.

3.3 5/63/1528A/LB – Listed building consent for the construction of disabled access to side entrance comprising ramp, stone retaining wall with cast iron railing posts and rails painted black. Approved 1991.

3.4 63/2005/5931 – Internal alterations to reception area. Approved 2006.

3.5 63/2006/6322 – Internal alterations to provide disabled access. Approved 2006.

3.6 63/2013/13734 – Change of use of main ground floor rooms fronting High Street to A1 Retail, A2 Financial & Professional Services, A3 Restaurants and Cafes and A4 Drinking Establishments – Refused 28th August 2013.

3.7 63/2014/14333 - Demolish unsafe lean-to, alter internal door and frame to suit external location. Rebuild dwarf walls to accommodate concrete pad to give level access to the hall, install steel bollards and rails to give edge protection to level access. Approved May 2014.

3.8 63/2014/14532 - Listed Building Consent for the proposed demolition of existing toilet block to South elevation of Skipton Town Hall complex on Jerry Croft to be replaced with new accessible access entrance, toilets to ground floor, internal lift and minor internal alterations – Approved July 2014.

3.9 63/2014/14530 - Proposed demolition of existing toilet block to south elevation of Skipton Town Hall complex on Jerry Croft to be replaced with new accessible access entrance, toilets to ground floor, internal lift and minor internal alterations – Approved June 2014.

3.10 63/2014/14902 - Proposed change of use to A1, A3 and A4 retail, restaurant, café and drinking establishment – Approved 23rd September 2014.

3.11 63/2014/15012 – Listed building consent for internal works – Withdrawn October 2014.

3.12 63/2014/15083 - Internal and external alterations; application to clarify outstanding items relating to previous applications referenced 63/2014/14530 and 63/2014/14532 – Approved November 2014.

3.13 63/2014/15084 - Listed building consent for internal and external alterations; application to clarify outstanding items relating to previous applications referenced 63/2014/14530 and 63/2014/14532 – Approved November 2014.

3.14 63/2014/15311 - Application to discharge condition numbers 4, 5, 6, 7 and 10 of planning permission referenced 63/2014/14530 and condition numbers 3, 4, 5 and 6 of planning permission referenced 63/2014/1453 – Split decision February 2015.

3.15 63/2015/15516 - Application to discharge condition no's 4 and 5 of planning consent

- 3.16 63/2014/15083 – Application to discharge condition no's 3 and 4 of planning consent
63/2014/15084 – Approved April 2015.
- 3.17 63/2015/15550 - Application for listed building consent to create a refuge on the first floor
within Craven Museum – Permission not required April 2015.
- 3.18 63/2015/15649 - Application for approval of conditions 4 & 5 of applications - 63/2014/14530
& 63/2014/14532 – Approved June 2015.
- 3.19 63/2016/17303 - Replace the concert hall windows from timber to aluminium and the layout
of the external doors at the High Street entrance – Withdrawn October 2016.
- 3.20 2017/18477/FUL & 2017/18478/LBC - Partially demolish existing building and build new
extension to east of Concert Hall. Upgrading to roof and external walls of 1970's extension
to the north. Internal reconfiguration of building and increase in roof height above reception
area. Removal of 1920's proscenium arch and fixed stage, reinstatement and repair of wall
and ceiling decoration, alterations to lighting and heating systems. Installation of bleacher
seating – Approved January 2018
- 3.21 2019/20174/CND - Application to discharge condition no's 3 (Concert Hall), 4 (Concert Hall),
5 (Art Deco) and 8 (Safety Barrier) of listed building consent referenced 2017/18478/LBC
granted 17.01.2018 – Discharge of conditions satisfactory April 2019.
- 3.22 2019/21160/FUL - Roofing repairs to concert hall within town hall – Approved January 2020.
- 3.23 2020/21956/CND - Application to discharge condition no. 3 (Internal Materials) on planning
permission referenced 2017/18477/FUL and condition 7 on 2017/18478/LBC – Discharge of
conditions satisfactory October 2020.
- 3.24 2019/21186/CND - Application to discharge condition no. 4 (Materials) on planning
permission referenced 2017/18477/FUL granted 17 January 2018 – Discharged of
conditions satisfactory January 2020.
- 3.25 2021/22766/LBC - Removal of later addition of timber board to original wall panelling to
restore it to original form – Application Returned.
- 4. Planning Policy Background
- 4.1 Local Plan 2012 – 2032
 - ENV2 – Heritage
 - ENV3 – Good Design
 - ENV9 – Renewable and Low Carbon Energy
- 4.2 National Policy
 - The National Planning Policy Framework
 - Planning Policy Guidance
- 4.3 Other relevant Legislation
 - Planning (Listed Buildings and Conservation Areas) Act 1990
- 4.4 Other documents of relevance
 - Historic England Advice in Planning Notes 1, 2 & 3
 - Historic England Energy Efficiency and Historic Buildings – Solar Electric (Photovoltaics)
 - English Heritage: Conservation Principles.

Skipton Conservation Area Appraisal (2008)

5. Parish/Town Council Comments

5.1 Skipton Town Council: No comment currently.

6. Consultations

6.1 CDC Conservation and Listed building consultant: Advice is given following pre-application advice on the proposal on the 9th November 2020 and subsequent site visits.

6.2 The proposal complies with the guidance on good practice as set out in the Historic England advice note and would not conflict with the objectives of Section 16 Conserving and Enhancing the Historic Environment of the NPPF or Policy ENV2 of the Craven Local Plan.

6.3 The above is a summary of comments received. To view comments in full please click on the link below:

6.4 <https://publicaccess.cravendc.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

7. Representations

Site Notice: Expired 19.8.2021

Press Notice: Expired 12.8.2019

7.1 No third party representations received within the statutory consultation period.

8. Summary of Principal Planning Issues

8.1 The main issues that require consideration when determining this application area:

Principle of development

Impact on the setting and significance of the listed building.

9. Analysis

9.1 **Principle of development**

9.2 The planning system is generally supportive of measures that assist with the transition to a low carbon future in a changing climate. Planning Policies are required to assist with the increase of the use and supply of renewable and low carbon energy. Government guidance also states that when determining applications for renewable and low carbon development, LPA's should not require applicants to demonstrate the overall need for the renewable or low carbon energy and recognise that even small scale projects provide a valuable contribution to cutting greenhouse gas emission and that applications should be approved if its impacts are, or can be made, acceptable.

9.3 Policy ENV9 echo's Governments support for renewable energy schemes in the District, with policy ENV9 supportive of planning applications involving renewable energy development, providing that there is no unacceptable adverse impact. The acceptability of the proposal therefore depends on its impact on the significance of the heritage asset.

9.4 **Impact of the proposal on the setting and significance of the listed building.**

9.5 CDC Policy ENV2 recognises the importance of Craven's historic environment and indicates that developments will be supported where proposals do not result in any unacceptable harm to the heritage asset.

9.6 The NPPF also sets out how LPA should consider applications that impact on the historic environment.

- 9.7 Also of relevance is the requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990, and 66 which states that “In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority...shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses”. Therefore, significant weight must be given to these matters in the assessment of this planning application.
- 9.8 Any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification. Substantial harm to or loss of assets of the highest significance, including Grade II* listed buildings, should be wholly exceptional. Where a proposed development will lead to substantial harm to, or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss.
- 9.9 Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 9.10 Historic England’s advice note as referenced above is generally supportive of the installation of solar panels subject to ensuring that they do not harm the appearance or significance of the listed building. This has been recently demonstrated by the grant of permission for the installation of solar panels to St Alkedas Church, Giggleswick a Grade I Listed Building (ref: 2020/21678/Ful) in which Historic England did not raise any objections to the proposal.
- 9.11 The existing building has been subject to major modernisation and maintenance over recent years to help secure its sustainable future.
- 9.12 The proposed development would involve the installation of solar PV panels upon the southern facing roof slope of the Concert Hall, views of which would be limited.
- 9.13 The proposed solar PV panels would have a non-reflective coating and black colouring which has been selected to ensure that the panels appear more cohesive with the roof. It is acknowledged that from some limited advantage points the panels would be distinguishable as a contemporary addition to the south facing roof slope. However, the development would be reversible, although with a 25yrs + life span would mean that they are in place for a considerable amount of time.
- 9.14 The panels would be rectangular in their siting upon the roof slope and thus would not appear at odds with the symmetry of the southern facing roof slope.
- 9.15 The Council’s Independent Heritage officer has reviewed the proposal and has confirmed that there is no objection on heritage grounds.
- 9.16 Any potential harm needs to be weighed against public benefits of the proposed development. In this case, it is considered that a public benefit would arise from the scheme in terms of the generation of renewable energy. Significant weight should be afforded that benefit. As such, the public benefit outweighs the less than substantial harm to the heritage asset.
- 9.17 The proposal therefore complies with policy ENV2 of the Local Plan, the aims and objectives of the NPPF and the statutory duties imposed by the LBCA 1990 Act.

9.18 **Conclusion and Planning Balance**

- 9.19 The proposed solar PV panels would represent a contemporary addition to this Grade II listed building. However, due to the height of the building, the design and appearance of the panels, when viewed from the limited viewpoints they would not appear as an incongruous feature and would result in less than substantial harm to the historic significance of the Grade II Listed Building nor its setting.
- 9.20 The proposal is therefore considered to accord with the requirements of policy ENV2 of the Local Plan, the aims and objectives of the NPPF and the statutory duties imposed by the LBC 1990 Act.

10. Recommendation

10.1 Approve with Conditions

Conditions

Time Limit for Commencement

- 1 The development must be begun not later than the expiration of three years from the date of this permission.
- Reason: To comply with the requirements of section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Approved Plans

- 2 The proposed works hereby approved shown on drawings and document:

WACBLD1117.001 LOCATION PLAN
WACBLD1117.003 PLAN AS PROPOSED
WACBLD1117.005 SOUTH ELEVATION AS PROPOSED

Design and Heritage Statement
Appendix A - Solar PV Panels technical details

The development hereby approved shall be completed in accordance with the approved plans except where conditions attached to this permission indicate otherwise.

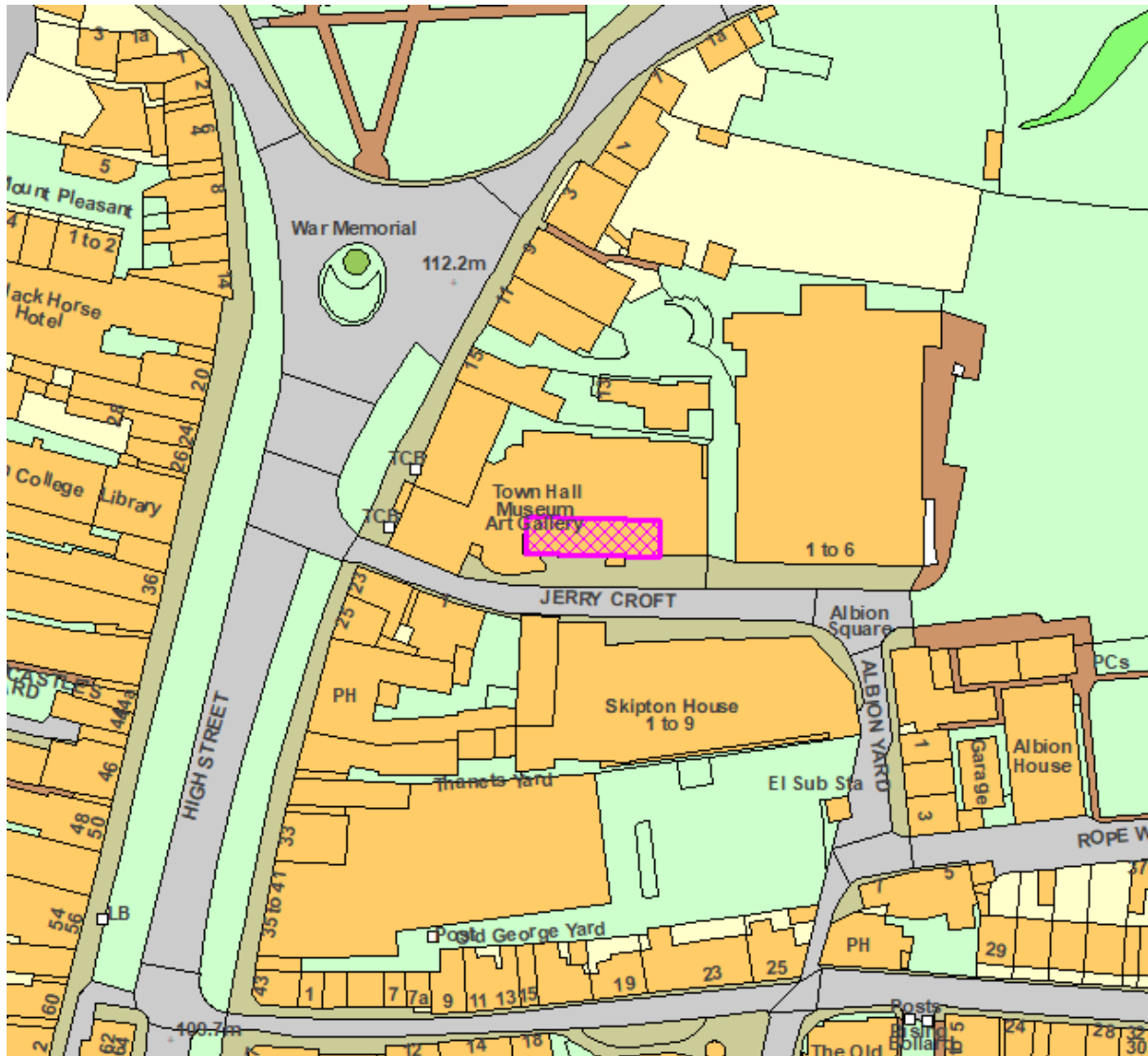
Reason: To specify the terms of the permission and for the avoidance of doubt.

During Building Works

- 3 The external finish of the solar PV panels shall be black non reflective and retained as such thereafter, unless agreed in writing by the Local Planning Authority.
- Reason: In the interests of visual amenity and to ensure no harm to the designated heritage asset. The proposal accords with Policy ENV2 of the Craven Local Plan and the National Planning Policy Framework.
- 4 The photovoltaic panels and associated infrastructure hereby permitted shall be removed from the application site within 3 months of becoming redundant to its designated use, unless otherwise agreed in writing with the Local Planning Authority.

Informatives

- 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.



On behalf of: Craven District Council

REPORT TO PLANNING COMMITTEE ON 1st September 2021

Application Number: 2021/22929/FUL & 2021/22930/LBC

Proposal: Full application for installation of 3 'Sheffield' style cycle hoops on High Street setts
&
Listed building consent application for installation of 3 'Sheffield' style cycle hoops on High Street setts

Site Address: Area Of Unused Setts To The Rear (west) Of Statue Of Sir Matthew Wilson High Street Skipton BD23 1JX

On behalf of: Craven District Council

Date Registered: 30th June 2021

Expiry Date: 25th August 2021

EOT Date, if applicable:

Case Officer: Andrea Muscroft

SUMMARY

It is considered that the proposed Sheffield Hoops would encourage more people to switch from private car use to cycling and this would help reduce emissions as well as reducing exposure to air pollution.

The stands due to their height, design and location would not result in any unacceptable visual harm to the designated conservation area nor to the setting or significance of the listed statue.

The proposal would not affect the current vehicle parking provision available on the High Street.

The proposal is therefore considered to accord with the requirements of policies ENV2, ENV3, ENV7 & INF7 of the Local Plan, the aims and objectives of the NPPF and the statutory duties imposed by the LBC 1990 Act.

1. Site Description

1.1 The application relates to an area of land to the rear of Matthew Wilson a Grade II listed structure located on Skipton High Street.

1.2 The application site lies within the designated conservation area of Skipton and within an Article 4 which restricts some forms of development within the Town Centre of Skipton as detailed below:-

The erection or construction of gates, fences, walls or other means of enclosure not exceeding one metre in height where abutting on a highway used by vehicular traffic, or two metres high in any other case, and the maintenance, improvement or other alteration of any gates, fences, walls or other means of enclosure so long as such improvement or alteration does not increase the height above the height appropriate for a new means of enclosure.

Development consisting of the painting of the exterior of any building or wall. "Painting" shall include any application of colour. "Wall" shall include reveals around doors, windows and other openings and include any porch, stairway or other projecting or recessed feature except for joinery, rainwater goods, lighting apparatus and advertisement signs.

2. Proposal

2.1 This report covers two applications seeking full planning permission (ref: 22929) and listed building consent (ref: 22930) for the installation of 3 Sheffield Cycle Stands.

2.2 The stands would create 6 cycle parking spaces to the rear of the Statue of Sir Matthew Wilson (Grade II Listed).

2.3 The proposed stands are made from 50mm mild steel tubes and each stand is 750mm in height and 750mm in width. The distance between each stand would be 800mm.

2.4 Officer note: The submission follows pre application discussions held in November 2020.

3. Planning History

3.1 None

4. Planning Policy Background

4.1 Local Plan 2012 – 2032

SD1 – The Presumption in Favour of Sustainable Development

SD2 – Meeting The Challenge of Climate Change

ENV2 – Heritage

ENV3 – Good Design

ENV7 – Land and Air Quality

INF7 – Sustainable Transport and Highways

4.2 National Policy

The National Planning Policy Framework

Planning Policy Guidance

4.3 Other relevant Legislation

Planning (Listed Buildings and Conservation Areas) Act 1990

4.4 Other documents of relevance

Historic England Advice in Planning Notes 1, 2 & 3

English Heritage: Conservation Principles.

Skipton Conservation Area Appraisal (2008)

5. Parish/Town Council Comments

5.1 Skipton Town Council: No comment currently.

6. Consultations

6.1 None

7. Representations
Site Notice: Expired 10.8.2021
Press Notice: Expired 5.2019
- 7.1 No third-party representations received within the statutory consultation period.
8. Summary of Principal Planning Issues
- 8.1 The main issues that require consideration when determining this application area:
Principle of development
Design
Impact on the setting and significance of the listed building.
9. Analysis
- 9.1 **Principle of development**
- 9.2 The planning system is generally supportive of measures that assist with the introducing sustainable transport measures with planning policies required to assist the aim of tackling congestion, with cycling a key strand of a wider programme of sustainable travel.
- 9.3 Policy ENV7 echoes Government's support for sustainable transport measures in the District through development which encourages cycling. The acceptability of the proposal therefore depends on its impact on the significance of the heritage asset.
- 9.4 **Design**
- 9.5 CDC Policy ENV3 seeks to ensure that developments make positive change, which benefits the local economy, environment and quality of life, including health and wellbeing.
- 9.6 The proposed stands are simple in design and due to their scale and location would not result in any visual harm to the character and appearance of the designated conservation area.
- 9.7 In conclusion, the proposal accords with the requirements of Policy ENV3 of the Local Plan.
- 9.8 **Impact of the proposal on the designated heritage assets.**
- 9.9 CDC Policy ENV2 recognises the importance of Craven's historic environment and indicates that developments will be supported where proposals do not result in any unacceptable harm to the heritage asset.
- 9.10 The NPPF also sets out how LPA should consider applications that impact on the historic environment.
- 9.11 Also of relevance is the requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990, and sections 66 which states that "In considering whether to grant planning permission for development which affects a listed building or its setting, or within a conservation area the local planning authority...shall have 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 72 of the Planning (Listed Building and Conservation Areas) Act 1990 requires local authorities to preserve and enhance the character and appearance of Conservation Areas, as does policies 16 of the NPPF. Given the negligible changes proposed in this application the Conservation Area would be preserved.
- 9.12 Any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification. Substantial harm to or loss of assets of the highest significance,

including Grade II* listed buildings, should be wholly exceptional. Where a proposed development will lead to substantial harm to, or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss.

- 9.13 Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 9.14 The proposed development would involve the installation of 3 Sheffield Cycle Hoops into the stone setts located to the rear of the Matthew Wilson statue. The hoops would have a black external appearance.
- 9.15 The cycle hoops would be rectangular in their siting upon the stone setts and given their lightweight nature, design and appearance would not appear as an incongruous feature within the street scene.
- 9.16 Any potential harm needs to be weighed against public benefits of the proposed development. In this case, it is considered that a public benefit would arise from the scheme in terms of the encouraging the use of a more sustainable form of transport with health and wellbeing benefits. Significant weight should be afforded to these benefits. As such, the public benefit outweighs the less than substantial harm to the heritage asset.
- 9.17 The proposal therefore complies with policy ENV2 of the Local Plan, the aims and objectives of the NPPF and the statutory duties imposed by the LBCA 1990 Act.
- 9.18 **Conclusion and Planning Balance**
- 9.19 It is considered that the proposed Sheffield Hoops would encourage more people to switch from private car use to cycling and this would help reduce emissions as well as reducing exposure to air pollution.
- 9.20 The stands due to their height, design and location would not result in any unacceptable visual harm to the designated conservation area nor to the setting or significance of the listed statue.
- 9.21 The proposal would not affect the current vehicle parking provision available on the High Street.
- 9.22 The proposal is therefore considered to accord with the requirements of policies ENV2, ENV3, ENV7 & INF7 of the Local Plan, the aims and objectives of the NPPF and the statutory duties imposed by the LBC 1990 Act.

10. Recommendation

- 10.1 Approve with Conditions

Conditions for 2021/22929/FUL

Time Limit for Commencement

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this decision.

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

Approved Plans

- 2 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers:

TD1 Proposed site plan
8496 Location plan
125084 Single Sheffield Hoop and fixings

Reason: To clarify which plans have been approved.

During Building Works

- 3 The hereby approved Sheffield Cycle Hoops shall have a black external appearance and retained as such thereafter.

Reason: To ensure no harm to the conservation area or setting of the listed building and to accord with Policies ENV2 & ENV3 of the Craven Local Plan and the National Planning Policy Framework.

Informatives

1. Adherence to approved plans/conditions

Failure to adhere to the details of the approved plans or to comply with the conditions contravenes the Town and Country Planning Act 1990 and enforcement action may be taken.

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.

Conditions for 2021/22930/LBC

Time Limit for Commencement

- 1 The works hereby granted shall be begun before the expiration of three years from the date of this consent.

Reason - As required by Section 18 of the Planning (Listed Buildings and Conservation Areas Act) 1990, to avoid the accumulation of consents.

Approved Plans

- 2 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers:

Reason: To clarify which plans have been approved.

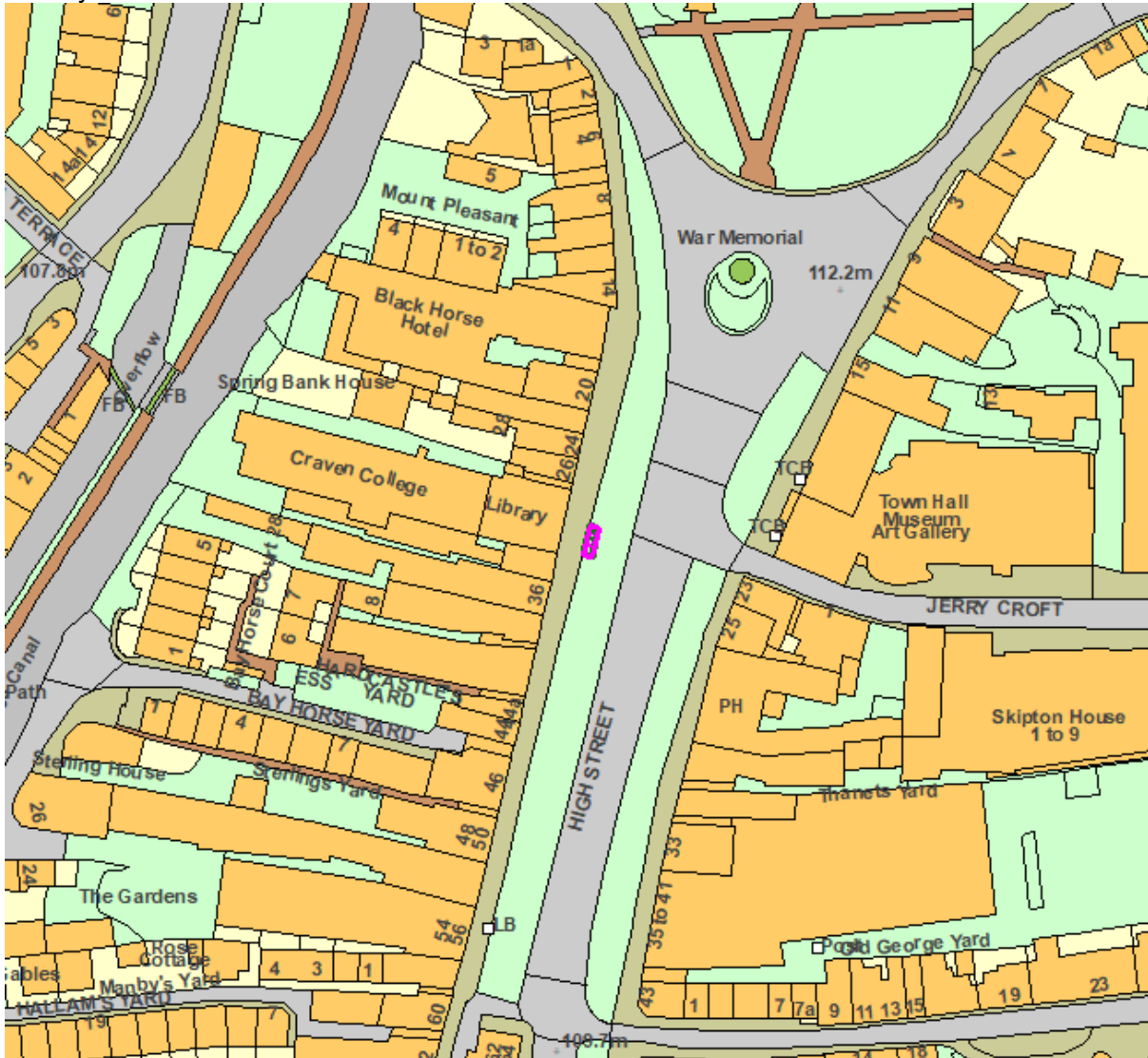
During Building Works

- 3 The hereby approved Sheffield Cycle Hoops shall have a black external appearance and retained as such thereafter.

Reason: To ensure no harm to the conservation area or setting of the listed building and to accord with Policies ENV2 & ENV3 of the Craven Local Plan and the National Planning Policy Framework.

- 4 All new works and works of making good to the stone setts following the installation of the Sheffield Cycle Hoops, shall be finished to match the historic work with regard to the methods used and to colour, material, texture.

Reason - In order to safeguard the special architectural or historic interest and heritage significance of the stone setts and comply with policy ENV2 of the Craven Local Plan and the National Planning Policy Framework.



Application Number: 2021/22929/FUL

Proposal: Installation of 3 'Sheffield' style cycle hoops on High Street setts

Site Address: Area Of Unused Setts To The Rear (west) Of Statue Of Sir Matthew Wilson High Street Skipton BD23 1JX

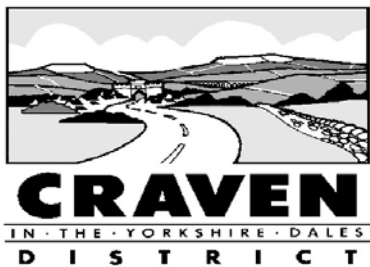
On behalf of: Craven District Council

Planning Committee Report of New Cases Registered **24-06-2021 to 19-08-2021**

Enforcement Reference	Alleged Breach	Site Address	Ward
ENF/03419/2021	Erection of a building used as a holiday let- Permitted development rights removed under condition no.9 of planning application ref: 59/2005/5997.	Lapwing Barn Rathmell Settle BD24 0LJ	Settle And Ribble Banks
ENF/03420/2021	Alleged unauthorised fence and screening over 2m to rear of property.	3 Rockwood Close Skipton BD23 1UG	Skipton North
ENF/03421/2021	Alleged unauthorised raised patio	59 Hurrs Road Skipton BD23 2JX	Skipton East
ENF/03422/2021	Potential UPVC windows in a listed building.	Lower Summerhouse Farm Lumb Lane Cowling Keighley BD22 0NJ	Cowling
ENF/03423/2021	Structure being erected in the rear garden.	5 Riversway Gargrave Skipton BD23 3NR	Gargrave And Malhamdale
ENF/03424/2021	3m Fence erected- Permitted Development rights removed under planning application ref: 5/66/503/C.	15 Crofters Mill Sutton-in-Craven Keighley BD20 7EW	Sutton-in-Craven
ENF/03425/2021	Alleged unauthorised new residential property built adjacent to 5 The Sidings.	5 The Sidings Low Bentham Lancaster LA2 7BH	Bentham

Enforcement Reference	Alleged Breach	Site Address	Ward
ENF/03426/2021	Alleged works not in accordance with approved plans	Allotments To Rear Of Croft House Cross Haw Lane Clapham Lancaster	Ingleton And Clapham
ENF/03427/2021	Alleged unauthorised installation of gate.	Land Opposite Brook Terrace Lothersdale Keighley BD20 8EY	Aire Valley With Lothersdale
ENF/03428/2021	Alleged unauthorised external works at rear of property	Fellcroft 16 Main Street Ingleton Carnforth LA6 3HF	Ingleton And Clapham
ENF/03429/2021	Untidy Garden.	15 Skipton Road Embsay Skipton BD23 6QT	Embsay-with-Eastby
ENF/03430/2021	Alleged unauthorised siting of shipping container	Land Off Low Lane Draughton BD23 6EE	Barden Fell
ENF/03431/2021	Change of use from long term tenancy to holiday cottage.	Sandholme Cottage Church Lane To Sandholme Wigglesworth Skipton BD23 4RQ	Settle And Ribble Banks
ENF/03432/2021	Alleged unauthorised extension	3 Manor Rise Thornton-in-Craven North Yorkshire BD23 3TP	West Craven
ENF/03433/2021	Alleged unauthorised change of use from B1 to B2.	John Carr Stone Yard New Road Sowarth Industrial Estate Settle	Settle And Ribble Banks

Enforcement Reference	Alleged Breach	Site Address	Ward
ENF/03434/2021	Alleged unauthorised installation of windows prior to discharging condition 4 of planning approval 2020/21310/FUL.	Land At Lakeber Drive High Bentham Lancaster	Bentham
ENF/03435/2021	Alleged unauthorised use of land as builders yard.	Sunnybank House Greta Drive Ingleton Carnforth LA6 3FS	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
24-06-2021 to 19-08-2021

Enforcement Reference	Date Received	Date Closed	Reason for Closure	Alleged Breach	Site Address	Ward
ENF/02902/2018	24th July 2018	15th July 2021	No address ever provided to investigate	Alleged running of a business from residential premises	TBC	
ENF/02994/2019	17th January 2019	21st July 2021	Breach Resolved	Untidy land and caravan	22 Meadow Lane Cononley Keighley BD20 8NB	Aire Valley With Lothersdale
ENF/03291/2020	6th August 2020	25th June 2021	Not Expedient to Enforce	Alleged unauthorised operation of business from residential premises	Flat 3 Oakville 2 Keighley Road Cross Hills Keighley BD20 7RN	Glusburn
ENF/03397/2021	4th May 2021	25th June 2021	Consent granted / Permitted development	Alleged unauthorised garden structures	Bay Horse Barn Cottage Ravens View Ellers Road Sutton-in-Craven BD20 7LY	Sutton-in-Craven

Enforcement Reference	Date Received	Date Closed	Reason for Closure	Alleged Breach	Site Address	Ward
ENF/03412/2021	11th June 2021	25th June 2021	No Breach	Alleged unauthorised caravan site	Land West Of Ford House Low Bentham Road High Bentham Lancaster	Bentham
0374/2009	12th January 2009	13th August 2021	Lawful Over Time	New house being lived in for 6 years, yet 3 of the elevations have not been completed in stone. Exposed breezeblock. Stones piled on the driveway, it is an eyesore.	1 Yew Tree Drive Low Bentham Lancaster LA2 7NR	Bentham
0381/2009	23rd January 2009	13th August 2021	Lawful Over Time	EXTERNAL WALLS TO BE FACED IN NATURAL STONE AND EXTENSION OF RESIDENTIAL CURTILAGE INTO FIELD	Land Between 16 & 16A Marton Road Gargrave Skipton BD233NL	
0421/2009	10th March 2009	13th August 2021	Lawful Over Time	USE OF SITE BEYOND TEMP APPROVAL 45/2007/8149	Ingleton Industrial Estate Ingleton Carnforth LA6 3NU	
0442/2009	1st April 2009	17th August 2021	Breach Resolved	(1) Silage clamp not demolished - breach of condition 4 of 32/2008/8991 and enforcement notice (2) Development not in accordance with approvals	New Laithe Farm Station Road Cross Hills Keighley BD207DT	

Enforcement Reference	Date Received	Date Closed	Reason for Closure	Alleged Breach	Site Address	Ward
0469/2009	7th May 2009	17th August 2021	No Breach	PROACTIVE MONITOR - CONVERSION OF BARN TO WORK LIVE UNIT - 18/2008/8097	Scale Mire Clapham Lancaster LA2 8JD	
0508/2009	9th June 2009	13th August 2021	Lawful Over Time	Completion of road surface to Millholme Drive, Holme Park, and improvements to Wenning Avenue.	Millholme Drive & Holme Park Bentham Lancaster LA2 7NE	
0507/2009	22nd June 2009	17th August 2021	No Breach	Business/commercial use of dwelling to be monitored - relates to 8/2005/5957 & 8/2009/9624. Also previous enforcement file 235/07	Bentham Lodge Station Road Bentham Lancaster LA2 7LQ	
0525/2009	1st July 2009	13th August 2021	Lawful Over Time	1) 18/2009/9650 FLUE IN UTILITY ROOM - LAYOUT NOT AS APPROVED BY 5/18/230 (2) B1 USE	Rantree Middle Barn Clapham Lancaster LA2 8EZ	
0704/2010	1st March 2010	13th August 2021	Breach Resolved	REMOVAL OF WHOLE REAR WALL (NORTH WEST ELEVATION) OF BARN CURRENTLY BEING CONVERTED. NOT IN ACCORDANCE WITH COND 3 OF 69/2008/8701 AND COND 4 OF 69/2009/9560 AT HIGHGATE FARM, GAYLANDS LANE, EARBY	Highgate Gaylands Lane Earby Barnoldswick BB18 6JR	

Enforcement Reference	Date Received	Date Closed	Reason for Closure	Alleged Breach	Site Address	Ward
0786/2010	26th May 2010	17th August 2021	No Breach of Planning	Proactive monitoring of barn conversion approved under 32/2008/8474 (amendments to previous approval 32/2007/7516).	Victoria House Glusburn Moor Glusburn Keighley BD20 8EA	
0856/2010	3rd August 2010	17th August 2021	No Breach	Proactive monitoring of 72/2009/9694 - single storey extension to form self-contained annexe.	Lane Side Farm Wigglesworth Skipton BD23 4SP	
0865/2010	13th August 2010	17th August 2021	Lawful Over Time	Roads not finished and drains not connected (previous file 393/09)	Platinum Rails Ltd Unit 10 Riparian Way Cross Hills Keighley BD207BW	Glusburn
0882/2010	7th September 2010	13th August 2021	Not Expedient to Enforce	Two Storey Side Extension to South West Elevation not in Accordance with approved plans 69/2010/10439	Marlfield Farm Dark Lane Earby Barnoldswick BB18 6LB	
0892/2010	14th September 2010	17th August 2021	No Breach	1). Working in Flood Plain. 2). Breach of Condition 9 of 32/2010/10723.	Land At Eastern End Of Riparian Way Crosshills Keighley BD20 7BW	
0936/2010	10th December 2010	17th August 2021	No Breach	Monitor condition of 22/2009/9747 is adhered to.	Skythorn Farm Cowling Keighley BD22 0LJ	

Enforcement Reference	Date Received	Date Closed	Reason for Closure	Alleged Breach	Site Address	Ward
0951/2011	24th January 2011	13th August 2021	Lawful Over Time	Breach of condition 7 08/2000/0662. Dry stone wall not built	Stoneley Barn Mewith Bentham Lancaster LA2 7AX	
0954/2011	3rd February 2011	17th August 2021	Not Expedient to Enforce	Live Work Unit Not Being Used In Accordance With Approved Plans & Conditions On Decision 08/2001/1552.	High Barn Greystone Gill Bentham Lancaster LA2 7AL	
1076/2011	1st July 2011	13th August 2021	Not Expedient to Enforce	1.)Unauthorised alteration to garage 2.)Change of use of land 3.) Landscaping	Gate House Barn New Road To Halsteads Thornton In Lonsdale Ingleton North Yorkshire LA6 3NR	
1254/2012	28th February 2012	13th August 2021	Not Expedient to Enforce	Excavations by electricity company very close to protected trees.	Overdale Court Skipton North Yorkshire BD23 1AE	
1389/2012	2nd October 2012	17th August 2021	No Breach	Pro Active Monitoring-Section 106 Agreement At Back Gate, Ingleton.	Former Highways Depot Back Gate Ingleton North Yorkshire LA6 3BJ	
1447/2013	8th January 2013	17th August 2021	Not Expedient to Enforce	Unauthorised works to trees protected by a Conservation Area.	Land At Chapel Hill Skipton North Yorkshire BD23 1NL	

Enforcement Reference	Date Received	Date Closed	Reason for Closure	Alleged Breach	Site Address	Ward
1595/2013	26th July 2013	13th August 2021	Not Expedient to Enforce	Untidy land (previous file 851/10 - new file 2557/17	Field At Rear Of 1 Storrs Cottage 50 High Street Ingleton North Yorkshire LA6 3AH	
1610/2013	13th August 2013	17th August 2021	Not Expedient to Enforce	EXTENSION OF CURTILAGE INTO OPEN COUNTRYSIDE	West Barn Lowkber Lane Ingleton Carnforth North Yorkshire LA2 8HZ	
1621/2013	5th September 2013	13th August 2021	Not Expedient to Enforce	Possible change of use of land and creation of new access.	Bowling Club Pye Busk Bentham Lancaster North Yorkshire LA2 7BQ	
1630/2013	23rd September 2013	17th August 2021	Not Expedient to Enforce	Pre commencement conditions not discharged on approval 08/2013/13284 - Earthworks and retaining wall.	The Sidings Low Bentham Lancaster North Yorkshire LA2 7BX	
1647/2013	8th October 2013	17th August 2021	No Breach	MONITORING OF DEVELOPMENT - 72/2004/4604	Bushburn Farm Wigglesworth Settle North Yorkshire BD23 4SP	
2157/2015	23rd June 2015	13th August 2021	Consent granted / Permitted development	Agricultural tie on the property but is being lived in.	Tenley House Hellifield Skipton BD23 4JN	Hellifield And Long Preston

Enforcement Reference	Date Received	Date Closed	Reason for Closure	Alleged Breach	Site Address	Ward
2616/2017	6th April 2017	6th August 2021	Not Expedient to Enforce	Is dormer being built in accordance with 63/2016/17050	9 Ruskin Avenue Skipton BD23 1SL	Skipton West
ENF/02756/2017	13th October 2017	6th August 2021	Not Expedient to Enforce	Silver chimney/drum on the building for the extractor system	Calico Jacks 36 Water Street Skipton BD23 1PB	Skipton North
ENF/02851/2018	11th April 2018	13th August 2021	Breach Resolved	Alleged unauthorised works in root protection zone of TPO tree	Land To East Of Green Lane Glusburn Keighley	Glusburn
ENF/02902/2018	24th July 2018	15th July 2021	Case Closed	Alleged running of a business from residential premises	TBC	
ENF/02944/2018	17th October 2018	18th August 2021	Not Expedient to Enforce	Unauthorised flue on property	1 Goffa Mill Gargrave Skipton BD23 3NG	Gargrave And Malhamdale
ENF/02959/2018	14th November 2018	13th August 2021	Not Expedient to Enforce	Un-authorised tree works within a Conservation Area.	Adjacent To 23 Brougham Street Skipton BD23 2ES	Skipton South
ENF/02990/2019	10th January 2019	5th August 2021	Breach Resolved	Alleged untidy property	4 Church Street Giggleswick Settle BD24 0BE	Penyghent

Enforcement Reference	Date Received	Date Closed	Reason for Closure	Alleged Breach	Site Address	Ward
ENF/02994/2019	17th January 2019	21st July 2021	Breach Resolved	Untidy land and caravan	22 Meadow Lane Cononley Keighley BD20 8NB	Aire Valley With Lothersdale
ENF/03003/2019	7th February 2019	5th August 2021	Breach Resolved	Dust and waste materials	Land South Of Wigglesworth Row Plantation	Settle And Ribble Banks
ENF/03008/2019	15th February 2019	6th August 2021	Breach Resolved	Extractor fan having been installed on the roof.	Hare And Hounds Inn Dale End Lothersdale Keighley BD20 8EL	Aire Valley With Lothersdale
ENF/03050/2019	3rd April 2019	6th August 2021	No Breach of Planning	Installation of brown UPVC windows	2 St Johns Court Skipton BD23 2HJ	Skipton North
ENF/03067/2019	1st May 2019	18th August 2021	Breach Resolved	Untidy site	24 East Lane Embsay Skipton BD23 6QA	Embsay-with- Eastby
ENF/03096/2019	19th June 2019	6th August 2021	Breach Resolved	Construction of summer house in rear garden without planning permission or Listed Building Consent.	West Lodge Stainton Hall To Gledstone Hall West Marton Skipton BD23 3JL	West Craven

Enforcement Reference	Date Received	Date Closed	Reason for Closure	Alleged Breach	Site Address	Ward
ENF/03161/2019	24th September 2019	13th August 2021	Not Expedient to Enforce	Alleged untidy land	8 Moorview Road Skipton BD23 2SB	Skipton South
ENF/03165/2019	1st October 2019	6th August 2021	No Breach of Planning	Alleged potential change of use to dwelling	Sycamore Studios 4 Victoria Street Skipton BD23 1JE	Skipton North
ENF/03277/2020	15th July 2020	6th August 2021	Breach Resolved	Breach of condition no. 2 of planning application ref: 2019/20421/HH- Velux windows have not been installed, windows have been installed, door installed is single not double and a glazed link corridor has been installed between the garage and the dwelling.	2 The Park Bank View Low Bentham Lancaster LA2 7DZ	Bentham
ENF/03282/2020	24th July 2020	18th August 2021	Breach Resolved	Works on the second floor to a beam and re-pointing of the wide rear window.	22 Sheep Street Skipton BD23 1HX	Skipton North
ENF/03307/2020	9th September 2020	6th August 2021	Breach Resolved	Installation of non-approved glazing and cladding- Not in accordance with planning ref: 2020/21524/HH.	14 Brook View Carleton Skipton BD23 3EX	West Craven

Enforcement Reference	Date Received	Date Closed	Reason for Closure	Alleged Breach	Site Address	Ward
ENF/03335/2020	27th November 2020	6th August 2021	Breach Resolved	Hardstanding created for a static caravan on agricultural land.	Land Adjacent To Plough Inn Becks Brow To Beecroft Lane Wigglesworth Skipton BD23 4RJ	Settle And Ribble Banks
ENF/03349/2021	8th January 2021	6th August 2021	Breach Resolved	Un-authorised works to a listed building	Castle Hill Farm 2 High Street Burton In Lonsdale Carnforth LA6 3JU	Bentham
ENF/03367/2021	24th February 2021	6th August 2021	Not Expedient to Enforce	Potential car repair business being run from domestic property.	4 Ashfield Terrace Skipton BD23 2BL	Skipton West
ENF/03385/2021	7th April 2021	13th August 2021	Not Expedient to Enforce	Alleged unauthorised fence on top of boundary wall.	11 Park View Skipton BD23 1UN	Skipton North
ENF/03388/2021	16th April 2021	6th August 2021	No Breach	Dining pods having been erected within the curtilage of listed building.	Harts Head Inn Belle Hill Giggleswick Settle BD24 0BA	Penyghent
ENF/03389/2021	16th April 2021	6th August 2021	Breach Resolved	Large screen has been placed on the side elevation of the pub.	Railway Inn Main Street Cononley Keighley BD20 8LS	Aire Valley With Lothersdale

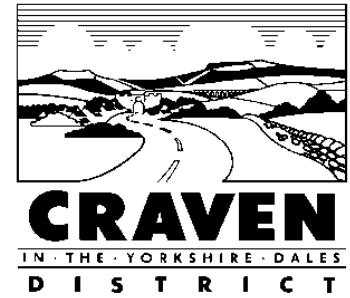
Enforcement Reference	Date Received	Date Closed	Reason for Closure	Alleged Breach	Site Address	Ward
ENF/03401/2021	12th May 2021	6th August 2021	Not Expedient to Enforce	Permanent residence at the caravan site.	Holme Head Caravan Site New Road To Bank Bottom Thornton In Lonsdale Ingleton LA6 3ET	Ingleton And Clapham
ENF/03403/2021	12th May 2021	6th August 2021	No Breach	Caravans being stored in agricultural building approved under planning ref: 2018/19449/PNAG	Switchers Farm Thornview Road To Hall Field Hellifield Skipton BD23 4JL	Hellifield And Long Preston
ENF/03406/2021	20th May 2021	6th August 2021	No Breach	Demolition of barn seeking approval under planning ref: 2020/22355/FUL.	Barn North Of Brock Bank Moorber Lane Coniston Cold Skipton BD23 4ED	Gargrave And Malhamdale
ENF/03414/2021	2nd June 2021	6th August 2021	Breach Resolved	Field used as a caravan site for around over 30 caravans.	Field Adjacent To 2 Ings Drive Low Bradley Keighley BD20 9EL	Aire Valley With Lothersdale
ENF/03411/2021	3rd June 2021	6th August 2021	No Breach	Un-authorised structures have been erected in the grounds of listed buildings.	Cock And Bottle 30 Swadford Street Skipton BD23 1RD	Skipton North

Enforcement Reference	Date Received	Date Closed	Reason for Closure	Alleged Breach	Site Address	Ward
ENF/03422/2021	30th June 2021	5th August 2021	No Breach	Potential UPVC windows in a listed building.	Lower Summerhouse Farm Lumb Lane Cowling Keighley BD22 0NJ	Cowling

Planning Committee 1 September 2021

Report on Planning Stakeholder Surveys

Report of the Director of Services



Ward(s) affected: Those which are not entirely within the Yorkshire Dales National Park

1. Purpose of Report

- 1.1 To receive a report from the Haines Planning Consultancy Ltd in respect of– Planning Agents and Parish/Town Councils undertaken during April and May 2021.

2. Recommendations – Members are recommended to:

- 2.1 Note the contents of the attached report.

3. Report

- 3.1 Undertaking a stakeholder survey was a recommendation of the LGA Planning Peer Review undertaken in September 2020 and are in accord with actions contained with Theme 2 (Working with Partners) of the Member & Officer Planning Improvement Action Plan. The findings of the report will be used to inform the actions of the Council to improve the customer focus and delivery of the Planning Service.

4. Financial and Value for Money Implications

- 4.1 None

5. Legal Implications

- 5.1 None

6. Background Documents

- 6.1 LGA Planning Peer Review Craven District Council 28th-29th September 2020 Feedback Report

6. Appendices

Planning Stakeholder Surveys – Planning Agents and Parish/Town Councils undertaken during April and May 2021 by Haines Planning Consultancy Ltd

Author of the Report

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

Survey of
Planning Agents
&
Parish / Town Councils

Undertaken for Craven District Council

April / May 2021

Haines Planning Consultancy Ltd

July 2021

AGENDA ITEM 6

Contents

1. Introduction
2. Background
3. Methodology
4. Findings – Agents Survey
5. Findings – Parish/Town Council Interviews

Appendices

Appendix A - List of Participants

Appendix B - Responses to the Telephone Survey of Planning Agents

Appendix C - Responses to the Telephone Interviews with Parish and Town Council representatives

AGENDA ITEM 6

1. Introduction

The Haines Planning Consultancy Ltd was instructed in March 2021 by Craven District Council to undertake both a comprehensive review of the Council's Planning Service and lead on delivering Improvements.

2. Background

Planning performance at Craven had been giving rise to concerns which can be traced back to 2016 and led to the Council being advised by the Government in February 2019 that it may be liable for designation for the speed of its decisions on applications for non-major applications'. This was based on its performance against the stated measure over the two years up to December 2018.

In 2017 the Council had undergone a Local Government Association Council (LGA) Corporate Peer Challenge which did not identify any specific issues with Cravens Planning Service but did draw attention to *'Maintaining capacity in statutory services is important, for example planning and development control.'* Measures were taken in 2019 at the time to improve the speed of determination and this avoided the Government intervention. However, a subsequent LGA Planning Peer Review (Sept. 2020) found that these measures failed to address any underlying issues and a series of recommendations were made.

To show its commitment to turning around the Council planning performance and address the Peer Review recommendations not just in terms of speed of decision but in quality of service to its users and in the decisions reached on planning applications a Planning Improvement Board has been established comprising senior officers and elected members, also attended by representatives of the LGA. The Board receives reports on progress in bringing about change through an Improvement Plan developed by the Board with support from LGA representatives.

The Planning Peer Review was light touch and undertaken remotely given COVID restrictions so the opportunity for stakeholder engagement was limited. The report of the Peer Review states:

'During the two days the peer team was unable to meet with many external stakeholders, so it was not possible to talk to many parish councils, agents or developers as a lack of communication meant that they were not invited until very late in the process. It is important to protect the Council's external reputation and the peer team would recommend that virtual meetings with stakeholders are set up as soon as possible.'

In line with the Peer Review recommendation and to get a clearer picture of user's perceptions and experiences of the service a series of telephone interviews were undertaken by Vincent with those planning agents who regularly submit applications and with representatives of Parish and Town Councils. In total conversations were conducted with 38 individuals, the appendices to this report contain details of all those who agreed to participate in the surveys.

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This report outlines the responses and conclusions from this engagement which will help inform recommendations for change in a number of key areas

The comments of all those who were interviewed are summarised in appendices to this report, with the report outlining the key findings along with responses setting out what actions are being taken to address them. However, the responses are only in relation to the findings, they are part of a more detailed series of actions which are being taken forward and monitored by the Planning Improvement Board.

3. Methodology

Planning Agents Survey

Those agents who had made applications on three or more sites in the preceding two years were invited to take part in the survey and 25 agreed to speak with Vincent Haines, these are listed in Appendix A. The agents were asked to respond to a number of statements relating to their experiences of using the Planning service, these statements covered:

- Did they make use of the Councils pre-application service and if they had been invited to comment on the service.
- Whether the information needed for a valid application was considered proportionate?
- Were you kept informed as to progress of applications?
- Was the reason for decisions clear?
- Were you satisfied with the time taken to reach a decision?
- What has been your experience of contacting the Planning Service?
- Did they consider the Planning Service had improved over the past two years?
- Do you use the Council's web site and if you do have you any comments?
- Have you had any applications considered by the Planning Committee during the past two years? If they had were invited to give feedback.

For some of the question's agents were asked to rank their experiences and they were also invited to make comments, suggestions or other observations on the service. Agents were also invited to compare their experience of using Cravens Planning service with other Planning Authorities they regularly submitted applications to. It should be noted that there were agents who either could not be contacted or declined to take part, the latter response could be that they had no issues to raise.

Appendix B contains a summary of the responses, including quotes from comments made, these were fed back at an Agents Forum held on the 8th July.

Parish and Town Council Survey

Clerks for the 32 local councils who were not entirely with the National Park were contacted and invited to participate in the survey, 13 agreed to do so and provided contact details of representatives who had agreed to speak to Vincent. 19 Local councils did not respond to the invitation or declined to take part so the survey may have picked up a higher proportion

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of those who have been experiencing issues in their dealings with Craven's Planning service. The telephone interviews were conducted as an open discussion with no specific questions or direction. Appendix C contains a summary of the responses

4. Findings - Agents Survey

This section draws out the key issues, as seen by planning agents, in relation to taking proposals through Craven's Planning Service from pre-application to decision. Under each stage explored in the survey the findings from the responses are summarised and where relevant the actions that are either underway or proposed are noted.

Pre-application stage

The National Planning Policy Framework stresses the importance of planning authorities encouraging other parties to take part in pre-application discussions. However only 4 of the agents interviewed had submitted pre-application enquiries to Craven in the past two years, and they spoke of delays in getting a response. Some of those agents who had not submitted pre-application enquiries said that the fees charged were too high.

Comment

Currently the pre-application service has been suspended to ensure the focus is in reducing the backlog of undetermined application. Given the feedback received it will be necessary to review the pre-application advice service provided by Craven to ensure timely and constructive responses are provided at a cost that does not discourage use.

Validation of planning applications

It was the validation of applications which attracted the most criticism from planning agents, with the most significant issue being the information required by Craven before an application could be registered. Some agents said this was often much more than other Councils required and led to validation of applications being delayed by requests for further information. Examples of what agents saw as disproportionate information were provided (see appendix B).

Several agents commented that some of the information they were being asked to provide was not contained in the Local List of Validation requirements on which they were consulted in 2018. Government advice contained in National Planning Policy Framework states:

'Local planning authorities should publish a list of their information requirements for applications for planning permission. These requirements should be kept to the minimum needed to make decisions, and should be reviewed at least every two years. Local planning authorities should only request supporting information that is relevant, necessary and material to the application in question.'

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Comment

It is proposed to review the local list of information requirements and this will be subject of consultation which will include planning agents.

Additionally, the internal processes for validation are currently undergoing changes to reduce double handling. It is also acknowledged that some of the members of the Planning Support Team are relatively new and inexperienced, opportunities to train up these staff has been hampered during the last 16 months of remote working.

Determination of Planning Applications

On the question of the time taken to by Craven to determine applications responses were more mixed than they were on validation, with 8 agents being satisfied with this. However half of those who took part in the survey expressed concerns over the time taken to determine applications, with examples being cited, including one instance where the agent was still awaiting a decision 18 months after submission.

Comment

To address delays processes are currently being reviewed, including introduction of new report templates and more effective use of the Uniform system. Additionally, it is acknowledged that the current scheme of officer delegation is confusing, particularly the 7- and 21-day procedures, both of which can add unnecessary delay. A review of the Scheme of Officer Delegation is currently underway and will come before this Committee in September.

Operation of the Planning Committee

Both the responses of planning agents and parish councils support the observations of the Planning Peer Review and overall, the Planning Committee is not seen as operating effectively. Several of the agents felt that the Committee meetings appeared disorganised and there were comments relating to members conduct towards officers, apparent inability of some members of the Committee to read plans and some members of the Committee appearing not to have read agenda papers before meetings.

Comment

The observations relate to the period when meetings were being conducted online so cannot necessarily be seen as what will happen now the Committee has returned to the Council Chamber. Proposals for changes to the processes and procedures in relation to the operation of the Committee, officer delegation and planning protocols for members will come forward in the early autumn. There appears to be a need for further member training in areas such as understanding plans, conducting of meetings, application of planning policies and use of planning conditions.

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Accessibility of the Planning service

Not being kept informed on application progress and failure to keep other planning application records up to date were raised by a relatively high number of agents, they also found it difficult to contact planning officers when trying to find out what was happening. The impression gained from the comments of agents is that the planning support team were easier to contact and to get responses from than planning officers, with senior managers being singled out for being the most difficult to reach.

Comment

Currently arrangements for monitoring telephone and e mails from agents and applicants chasing progress of applications are being reviewed to ensure planning officers and managers provide timely responses. These measures together with the actions being taken to reduce the backlog of underdetermined application and temporary cessation of the enquiry service will assist in the short term. Proposals for addressing capacity issues are also being brought forward which will enable team managers to focus on running the service, including supporting and developing team members, monitoring performance of individuals and their teams and delivering performance against agreed targets.

Agents Forum

Agents were asked if they would be interested in attending regular forums where they could discuss with planning officer's topics such as changes to procedures and legislation and the application of the Local Plan policies and Supplementary Planning Documents as well as providing feedback on the service to managers. Strong support was found, already two online forums have taken place this year and it is hoped that an event could be held at Cravens offices in the autumn focused on the review of the Local Validation List.

5. Findings – Parish and Town Council interviews

The discussions with Parish Councils were open and not structured around a series of questions.

There were some evident differences between Parish and Agent responses which are understandable but illustrate the need for a balance:

1. In some instances Parish Councils felt their views were not given sufficient weight whereas several planning agents considered Craven attached too much weight to Parish comments.
2. Some Parish Councils felt that 21 days to provide comments on applications was too short a period whereas agents were seeking decisions within the 8 week period.

In a number of respects Parish and Town Councils were more critical of the Planning function at Craven than planning agents. These related to concerns over the quality and content of officer reports of decisions, including several raising issues of inconsistency in decisions and also difficulties in getting hold of planning officers to discuss applications. Three parish councils referred to the lack of effective enforcement. Some Parish Council

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representatives focussed on specific sites and issues which had been going on over many years and did not specifically relate to the current situation.

As with planning agents the failure to regularly update online planning application records was an issue. One Parish Councillor did raise the issue of paper plans not being available but acknowledged this was not Cravens fault as the Government had encouraged the move to online submission of applications.

There was much more focus in Parish comments to staffing issues in the planning service, with reference to the lack of experienced staff and as one parish councillor put it 'developers run rings around council officers'.

Comment

Whilst Parish and Town Councils did raise concerns there was an evident willingness amongst them to work with Craven District Council. As new procedures and processes are brought in there should be an opportunity for Parish Clerks to attend meetings with the Planning Department to explore how they could make better use of IT, be involved in improving the ways applications are notified to them and how to submit responses. Also, a number of Parishes requested the reinstatement of regular meetings which used to occur between Craven and local councils. These meetings it is understood were attended by senior managers and members from Craven and covered varied topics, not just planning.

There is also support for more investment in the planning service as there was a view amongst some respondents that in recent years' experienced and skilled staff had been lost and this had contributed to the problems now faced. This was also picked up in agent responses and is being addressed through a review of the services capacity.

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Appendix A

LIST OF PARTICIPANTS

I wish to thank all the planning agents and parish council representatives listed below who participated in the survey.

Planning Agents

Kenneth Robinson, Dales Design & Dev Ltd
John Metcalfe, Rural Futures
Caroline Sunter, David Hill LLP
Ian Pawson, Ian Pawson Ltd
Eric Breare, Eric Breare Design
Tristran McKay, McKay Building Design
Gemma Edwardson, Edwardson Associates
Michael Harrison, Michael A Harrison Architect
Paul Elmer
Nigel Cockshott, NPC Architectural Designs
Mik Widdup, Planet Architecture Ltd
John Steele, J O Steel Consulting
Joanne Halton, Rural Solutions
Simon Paxford, S.K.P Architecture
Stephen Craven, Stephen Craven Building Design
Ian Swain, WBW Surveyors Ltd
Lyn Northrop, Overton Architects
Gary Sorsby, Graphics Architectural Services Ltd
Sam Cotterill
Valerie Hinde, Valerie Hinde RIBA
John Wharton, John R Wharton Architect
Michael Carr, Michael Carr Building Design
Ed Jagger, Shaw & Jagger Architects
Trevor Todd, T T Architectural Services
Laura Goodrick, Groves Architects

Parish and Town Councils

Bank Newton
Bentham Town
Burton-in-Lonsdale
Clapham-cum-Newby
Cononley
Draughton
Farnhill

Giggleswick
Glusburn and Cross Hills
Settle Town
Skipton Town
Sutton-in-Craven
Stirton-with-Thorlby

Responses from the Telephone Survey of Planning Agent

1. Pre-application advice

Question – Do you use the Councils pre-application service? if they had been invited to comment on the service.

Only 4 of the agents said that they had recently sought pre-application advice.

The principle reasons given for non-use of the pre-application service were that it is expensive and responses are slow.

One agent gave this example of when they had used the service:

‘I used it for c/u, it took 3 weeks to be informed I had sent the wrong fee and the response took a further 3 months’

2. The Validation of Applications

Question: Do you consider the information need for a valid application is considered proportionate?

Validation of applications attracted much comment with 22 agents considering the information sought to validate applications was not proportionate.

Delays in getting applications validated was specifically mentioned by 10 agents, some of whom provided the following examples of details they were requested to provide before an application could be validated and which they did not consider proportionate:

- Details of all elevations required even where only one is changing
- Tree survey requested for trees on the opposite side of the road
- SUDs drainage scheme requested for a camp site
- Why request a block plan in addition to a location plan and site plan?
- Sustainability design and construction statements for small house extensions and porches’.
- Heritage Statement for all applications in a Conservation Area
- Bat survey for small house extensions

3. The determination of application

Speed of decision making

Question: Were you satisfied with the time taken to reach a decision?

8 agents were happy with the time taken to reach decisions but 13 were not.

Comments made include:

‘Things have got worse with Covid’

‘The 7 day notice procedure causes much delay’

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'Craven has not handled COVID as well as other Councils'

'It appears that once an application is over 8 weeks old it is put on the back burner'

'None of my applications have in the last year got dealt with in 8 weeks'

'Condition discharge is quicker'

'EoT's often requested but 50% of the time it is because of problems at the Council and planning officers want more time to deal with the application.'

'I have one application submitted 18 months ago which has not been determined.'

Quality of decisions

Question: Are the reasons for decisions clear?

23 agents said they understood the reasons for decision on applications. However, some concerns were expressed:

'Inconsistency in decisions'

'Decisions can be ambiguous e.g. why conditions are required'

'Wording of conditions is not always clear'

'Sometimes undue weight is given to the views of ward members and Parish Councils'

'I agree the reasons are clear except where the Planning Committee makes the decision, reasons given for decision don't always reflect the debate.'

'I had a prior approval which was not validated but was refused.'

4. Agents observations of the Planning Committee

Conduct of meetings

Meetings poorly chaired,

Committee chairman weak

Planning Committee has got worse, much of the problem is the Committee and members

Meetings unruly

Committee Chairman not willing to change agenda order

Committee members don't appear to read agenda papers

Some members of the Committee can't read plans

Some councillors appear to bully officers in Planning Committee meetings

Committee Decisions

Confused over why some applications go to Committee

It can take a while for a decision to be issued after the Committee

The Committee seems to give a lot of weight to resident's views

Committee seek planning conditions which have no policy basis or comply with national guidance

5. Accessibility

Question: Were you kept informed as to progress of applications?

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Question: What has been your experience of contacting the Planning Service?

Email, telephone and office visits

14 agents found that Craven's planning service was not easy to contact.

Comments made include:

'Find admin team OK but planning officers poor.'

'Junior officers are better at responding than senior officers.'

'Responses variable depending on case officer.'

'Service manager does not respond when I have escalated matters.'

'Usually takes a week for e mails to be responded to but not telephone calls, this has got much worse during COVID.'

'When I do get through I find the staff are helpful and willing to work through a solution.'

'Craven should reintroduce drop in pre-app service.'

Craven's Web Site

Question: Do you use the Council's web site and if you do have you any comments?

14 agents said the only use public access so they can monitor their applications. Concerns were raised by several agents that there were often delays in putting online documents relating to an application.

Other comments made were:

- Site not easy to navigate.
- Find it frustrating to use
- It would be helpful to have a guide for extensions on the web site

A couple of agents mentioned they use it to see the Local Plan and AMR

6. Overall Perceptions of Cravens Planning Service

Question: Have you had any applications considered by the Planning Committee during the past two years? If they had were invited to give feedback.

Only two agents felt that Cravens Planning Service was better than other Planning Authorities they submit applications to. 10 agents considered it was about the same and 9 considered it worse.

Comments made included:

- *Difficult validation requirements compared with other planning authorities.*
- *Time taken to get decisions.*
- *The Planning Committee at Craven is far worse than other Councils.*
- *Inconsistent decision making.*
- *Craven used to be efficient but has fallen well behind others Councils.*

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Appendix C

Responses from the Telephone Interviews with Parish and Town Council representatives

Service Quality

When we complain it takes a long time to get a response

We find that information is not always uploaded for viewing online

The service is variable depending on which case officer we are dealing with

The determination of application

Five respondents felt that the views of their Council were often ignored and two felt that 21 days was insufficient time for them to comment

Other comments made were:

Applicants make repeated applications and eventually get through on Appeal

Conditions are imposed and then removed

7 day call in procedure is clumsy

Quality of Decisions

Design of new buildings not always in keeping

Listed building advice causes concern

Some decisions and advice seem inconsistent

Planning history in reports not always complete

Sometimes the officer report summarise our comments such as to not reflect what we said

Local Council observations on the Planning Committee

Some of those on the Planning Committee cannot read plans

Meeting of Craven Planning Committee are not run well

Enforcement

3 Council's considered there was a lack of effective enforcement

Perceptions of the issues with Cravens Planning Service

Three local council respondents considered that some developers run rings around the Council. Several others saw the issues being the lack of investment in the service with experienced staff who left not being replaced, salaries low and some of the staff lack experience and expertise. Other comments were:

Craven fear of costs awards against them may be influencing their decisions

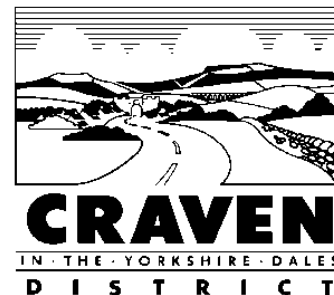
The Council once had three tree officers now only one

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Planning Committee – 1 September 2021

Planning Performance Monitoring

Report of the Planning Manager



Ward(s) affected: All

1. Purpose of Report

- 1.1 The report is intended to inform the Committee not only of performance during the second quarter of 2021 but also looks back at the preceding two years. Additionally, the report compares the performance of Cravens planning service from the 1 January 2019 to 31 March 2021 with that of nearby planning authorities.
- 1.2 Establishing appropriate monitoring and performance management procedures is seen as key to ensuring the Council continues to focus on improving performance, facilitating development and providing good customer service to all who use the Planning Service. This report is intended to provide the framework for the regular reporting of performance to the Planning Committee and is linked to the introduction of more effective performance management within the Planning Service.

2 Recommendations – Members are recommended to:

- 1) Note the contents of this report
- 2) Request that regular reports be brought to the Committee on the following basis:
 - Performance for the period 1 July to 30 September will be reported in November 2021
 - Performance for the period 1 October to 31 December will be reported in January 2022
 - Performance for the period 1 January to 31 March will be reported in May 2022.
- 3) That future reports include enforcement, appeal, condition discharge and pre-application enquiries performance.

3. Introduction of Improved Performance Monitoring and Reporting

- 3.1 This is the first detailed performance report provided to the Planning Committee, previous reports had only covered the speed of application determination for a quarter. The performance data for the last quarter is set out in Appendix A and this will be the format used for future reports, these will also include the cumulative performance for the relevant year.

- 3.2 A number of new reports have already been developed through the Council's Uniform system and further reports are in the pipeline which will ensure that enforcement, appeal decisions, condition discharge and pre-application enquiries are performance managed and reported. Future reports will also include details of the reasons for any costs awards made against the Council at appeals during the relevant quarter.
- 3.3 This improved performance monitoring will also be used to manage performance, which is in line with the following recommendation from the Planning Peer Review undertaken by the Local Government Association (LGA) in September 2020, *'the service would now benefit from a clear process for managing individual performance within the team'*.

Criteria used to assess a Planning Authorities Performance

- 3.4 There are two criteria used by the Government to assess whether Local Authorities are performing to the required standard - speed of decisions and quality of decisions, with performance measured over a 2 year period. In the event minimum standards are not met, an authority may be designated as underperforming with special measures applied that allow applicants for major development to apply for permission direct from the Planning Inspectorate and bypassing local decision making. As members will be aware that in 2019 the Council's performance in terms of speed of determination of planning applications in the preceding 2 years had led to the Council being identified by the Government as a poorly performing planning authority and was at risk of being under 'Special Measures'.

Speed of decisions:

- 3.5 The measure to be used is the percentage of decisions on applications made within the statutory determination period; or within such extended period as has been agreed in writing between the applicant and the local planning authority. Currently the performance over a two-year period is assessed against the following criteria:
- i) Major category applications - 60% must be determined either within 13 weeks or within the extended period agreed with the applicant.
 - ii) Minor and Other category - 70% of applications must be determined either within 8 weeks or within the extended period agreed with the applicant.

Quality of Decisions:

- 3.6 The measure to be used is the percentage of decisions on applications for Major development that have been overturned at appeal, once nine months have elapsed following the end of the assessment period; as recorded in the data collected by the Department for Communities and Local Government. Currently the threshold for designation is 20% or more of an authority's decisions on applications for Major developments being overturned on appeal.

4. Assessment of Performance

- 4.1 As referred to above the Government assess the performance of a Council's development management service in terms of the speed of decision making and the proportion of appeals allowed. Additionally information on the time taken to validate applications is examined along with the proportion of delegated decisions.

Performance against Criteria for Designation Speed of Decisions

- 4.2 This report also compares the speed of decision making using data drawn from nationally published 'Live Planning Tables' by the MHCLG in relation the neighbouring planning authorities and relates to the years 2019 and 2020 as well as the first quarter of 2021.

- 4.3 **2019-**
88% (28 from 32) of Major applications were determined within 13 weeks or within the extended period agreed between the Council and the applicant.
84% (209 from 250) of Minor applications were determined within 8 weeks or within the extended period agreed between the Council and the applicant.
94% (380 from 405) of other applications were determined within 8 weeks or within the extended period agreed between the Council and the applicant.

- 4.4 2019 saw performance exceeding by a significant margin the Government targets and as can be seen from Appendix D was on a par with other neighbouring planning authorities. Appendix D also shows that there was limited use of extension of time agreements with applicants to maintain performance against Government targets.

- 4.5 **2020 -**

77% (17 from 22) of Major applications were determined within 13 weeks or within the extended period agreed between the Council and the applicant.
66% (131 from 198) of Minor applications were determined within 8 weeks or within the extended period agreed between the Council and the applicant.
70% (180 from 257) of other applications were determined within 8 weeks or within the extended period agreed between the Council and the applicant.
1 April to 30 June 2021

- 4.6 Craven's planning performance in terms of speed of decision declined steadily from the first quarter of 2020. This downturn coincides with the pandemic and most of the planning authorities in the comparison table (appendix D) also show a dip in performance, but in the case of Craven this was far more pronounced.
- 4.7 A comparison between the reported performance of Craven planning service for the quarter Sept.– Dec. 2019 with the same period for 2020 reveals a dramatic fall from 91% of all applications being determined within the statutory period (excluding extension of time agreements) to 41% (Appendix D). The

comparison with neighbouring planning authorities set out in Appendix D shows that since the second quarter of 2020 Craven has been consistently reporting the lowest performance. The table in Appendix C also reveals that during second half of the year performance in the speed of determination of minor and other applications fell below the 70% level required by Government. The table below shows the significant difference in performance between the second half of 2019 and 2020 for minor and other applications. It will be noted that significantly fewer applications were determined in 2020 as compared with 2019 and during the year the backlog of undetermined applications steadily increased. Appendix D also shows that there has been increased use of extension of time agreements with applicants.

Comparison of speed of determination of minor/other applications		
	July – Dec. 2019	July – Dec. 2020
No of applications determined	328	289
% of decisions with 8 weeks or in an agreed extension of time period.	88%	60%

4.8 1 January 2021 to 30 June 2021

*87% (13 from 15) of Major applications were determined within 13 weeks or within the extended period agreed between the Council and the applicant.
77% (73 from 95) of Minor applications were determined within 8 weeks or within the extended period agreed between the Council and the applicant.
69% (135 from 197) of other applications were determined within 8 weeks or within the extended period agreed between the Council and the applicant.*

- 4.9 The MHCLG published data used to compare Craven's performance with nearby planning authorities (Appendix D) only reports the first quarter of the year but comparison does reveal most nearby planning authorities show recovery in performance is occurring. However in the first quarter of 2021 Cravens performance does not show any improvement but the second quarter data taken from the Councils Uniform system shows an upturn in terms of the speed of determination (Appendix B). The second quarter's performance is above the government's minimum of 70% but remains well below the performance achieved two years ago (96%). Additionally 32% of applications determined in the quarter (Appendix A) were the subject of extension of time agreements, a similar level as in the preceding quarter. Without extensive use of extension of time agreements performance would have fallen well below the national performance indicator of 70%. The data also shows that the backlog of undetermined applications continued to increase, reaching 245 at the end of June.

Performance against Criteria for Designation - Quality of Decisions

- 4.10 For the April-June 2021 quarter no major applications were the subject of appeal decisions and 2 non-major applications were allowed on Appeal, representing 25% (2 from 8 appeals decided). This does not give rise to any concerns in relation to terms of the MHCLG quality of decision indicator in respect of the number of decisions overturned on appeal in relation to the total number of decisions made. Future monitoring reports to the Planning Committee will provide a more in-depth analysis of appeal performance, including where costs awards made against the Council.

Speed of Validation

- 4.11 The time taken to validate planning applications has been an area of concern raised by agents though monitoring is not required as part of the returns to the MHCLG. Delays at the validation stage can have a significant impact on the time taken to determine applications. This is because statutory 8 and 13-week determination period starts from the date the application was received in its correct form not the date it was checked and validated. It also means the 21 day consultation period does not start until the application has been checked and validated, additionally site and press notices are also delayed. This can lead to the planning officers having just a few days from the end of the consultation period to take on board representations, consultee comments and seek any additional information changes if a decision is to be made within 8 weeks. This in turn may lead to planning officers requesting planning agents to agree to give them more time in which to determine applications.
- 4.12 Best practice is for applicants or agents to be notified as to whether an application is valid or incomplete within 4 working days of receipt. The figures for the April – June quarter (Table Appendix A) reveal only 36% of applications getting close to this target (7days including weekends and bank holidays) and 22% of applications took over 21 days. Looking at the reasons for this it appears from comments from both agents (see separate report on the Stakeholder User survey also on this agenda) and planning support staff the revisions in September 2020 to the list of validation requirements may have contributed to delays. There appears to have been no consultation with external stakeholders on the revisions to the validation requirements which had previously been updated following consultation in April 2019.
- 4.13 Given the lack of clarity in the changes made to the list of validation requirements and lack of any consultation a full review will be undertaken this autumn with the objective of streamlining validation aimed at making the information requirements clear and proportionate to the proposed development. These revisions are seen as important in resolving the delays in validation and the objective is to get all applications checked and validated within 4 working days by the end of 2021. Linked to this will be a review of the Statement of Community Involvement which in part covers the

arrangements for undertaking consultation and notifications on planning applications.

Delegated Decisions

- 4.14 Though no longer covered by the MHCLG performance indicators there had been a target for a minimum of 90% of decisions should be delegated. The basis for this was to focus Planning Committees on dealing with the more strategic and important applications as well as reducing unnecessary delay. The current position is set out in the National Planning Practice Guidance (NPPG)

'It is in the public interest for the local planning authority to have effective delegation arrangements in place to ensure that decisions on planning applications that raise no significant planning issues are made quickly and that resources are appropriately concentrated on the applications of greatest significance to the local area.'

Performance data for the second quarter of 2021 reveals that the 83% of decision were delegated to officers. A review of the Scheme of Delegation is currently underway and will consider whether the applications coming before the Committee accord with the guidance referred to above.

Conclusions

- 4.15 The following have become evident from this review of the performance of the Planning Service in determining planning applications:
- Prior to the pandemic performance data indicated that the service was performing relatively well in terms of both speed of decision and quality of decision indicators,
 - That from April 2020 performance in terms of both speed of decision and number of applications determined fell significantly and the backlog of undecided applications steadily increased to an unacceptable level.
 - Craven Planning Service over the 15 months from April 2020 has been significantly weaker than any of the nearby authorities looked at in the comparative data table (Appendix D).
 - That there has been increasing use of extension of time agreements in 2020 and this practice is continuing, this requires closer examination as it may not accord with guidance for use of such agreements and could be masking under performance.
 - The time taken to validate applications is unacceptably high and this together with the high proportion of applications invalid on receipt is being examined through a review of the Statement of Community Involvement and List of Local Validation requirements.
 - That the number of applications determined under the scheme of delegation needs examination against national guidance, this is currently underway with a review of the Scheme of Delegation.
 - Though performance in terms of the speed of decision improved in the second quarter of 2021 it is still well below what was being achieved two years ago.

5. Financial and Value for Money Implications

- 5.1 Planning performance has the potential for significant financial implications in the event that applications are not determined within 26 weeks or an extension of time negotiated beyond the 26 week date. In that instance if requested, the planning fee is returned. Delays in reaching planning decisions can also impact on the local economy, hampering the creation of new jobs and homes. There is also the risk to Council budgets which would arise from costs awards at appeals and the loss of planning fees if the Council were to be placed under 'special measures'.

6. Legal Implications

- 6.1 None

7. Risk Management

- 7.1 Financial risk as a result of fee return and the designation of planning authorities in special measures for underperformance is referred to above. These aspects are actively monitored, to allow priorities to be adjusted as required to reduce the risk.

8. Equality Impact Analysis

- 8.1 No equality issues identified for this report.

9. Consultations with Others

- 9.1 None required

10. Background Documents

- 10.1 'Live Planning Tables' published online by the MHCLG

11. Appendices

- A. Planning Application Performance Data 01/04/21 to 30/06/21
- B. Planning Appeal Performance Data 01/04/21 to 30/06/21
- C. Planning Performance Data -Speed of Decisions 01/01/19 to 30/06/21
- D. Comparison of Speed of Decision performance with nearby Local Planning Authorities for period 01/01/19 to 31/03/21

12. Contact Officer

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

Quarterly Performance Monitoring Data
Planning applications
 1/4/2021 – 30/6/2021

Table 1 Application numbers		
		Number
Number of applications on hand on 1 st day of quarter		225
Applications withdrawn during quarter		7
No. of applications determined in quarter		172
% of decisions which were delegated		83%
% of determined applications subject to EoT agreement		32%
No. of applications received during the quarter		199
No. of applications on hand on last day of the quarter		245
Increase/decrease on application backlog over quarter		+20

Table 2 Validation			
		Number	%
No. of applications valid on receipt		94	37
No. of applications invalid on receipt		158	63
. No. of applications received during the quarter		199	100
Days taken from submission to informing applicant/agent that information provided was invalid.	Days*	Number	%
	0-7	8	5
	8-14	21	13
	15-21	70	45
	Over 21	59	37
Total		199	100
*Includes weekends and BH			

Table 4 Committee Decisions		
		Number
Number of applications determined in accordance with officer recommendation at Committees held during the quarter (including any subject to S106 agreement)		4
Number of applications where the decision was contrary to the officer recommendation.		1
Number of applications where decision was deferred by Committee		1

Appeal Performance
1/4/2021 – 30/6/2021

Appeal Decisions		
Officer Delegated decisions	Minor/Other	Major
Dismissed	5	0
Allowed	2	0
Committee Decisions		
Dismissed	1*	0
Allowed	0	0
Determined Totals	8	0
*Committee decision in accord with officer recommendation		
Cost Awarded	Dismissed with Costs	Allowed with Costs
	1 (Costs awarded against the appellant)	0

Appendix B - Planning Performance Data -Speed of Decisions 01/01/19 to 30/06/21 Source: MHCLG Planning Application Statistics

	Major 60% of Major applications must be determined either within 13 weeks or within the extended period (EoT) agreed with the applicant.				Minor				Other				Minor/Other 70% of applications must be determined either within 8 weeks or within the extended period (EoT) agreed with the applicant.
	within 13 weeks	within EoT period	Total No. of Decisions	% within in 13 weeks or EoT period	within 8 weeks	within EoT period	Total No. of Decisions	% in 8 weeks or EoT period	within 8 weeks	within EoT period	Total No. of Decisions	% in 8 weeks or EoT period	% within 8 weeks or EoT period
Q2 2021	1	5	8	75%	17	8	30	77%	51	27	104	75%	77%
Q1 2021	2	5	7	100%	20	28	65	74%	24	33	93	61%	66%
Q4 2020	1	2	4	75%	9	28	55	67%	23	23	71	65%	66%
Q3 2020	1	2	4	75%	6	16	46	48%	19	13	57	56%	52%
Q2 2020	0	1	4	25%	10	18	40	70%	30	17	61	77%	74%
Q1 2020	3	7	10	100%	20	24	57	77%	41	14	68	81%	73%
Q4 2019	1	4	6	83%	36	31	77	87%	61	22	87	95%	91%
Q3 2019	2	4	6	100%	20	21	55	75%	84	14	109	90%	85%
Q2 2019	4	7	13	85%	31	25	61	92%	79	18	98	99%	96%
Q1 2019	0	6	7	86%	19	26	57	79%	67	35	111	92%	88%

Appendix D

How Cravens Planning Application Performance compares with nearby LPA's Period 01/01/19 to 31/03/21

Comparison of the speed of determination of all application showing:
(Excl. EoT) - % of all decisions issued within the statutory determination period.

(Inc. EoT) - % of all decisions issued within either the statutory period or within an Extension of Time period agreed with applicant.

	Q1 2021		Q4 2020		Q3 2020		Q2 2020		Q1 2020		Q4 2019/		Q3 2019		Q2 2019		Q1 2019	
	Excl. EoT	Incl. EoT	Excl. EoT	Incl. EoT	Excl. EoT	Incl. EoT	Excl. EoT	Incl. EoT	Excl. EoT	Incl. EoT	Excl. EoT	Incl. EoT	Excl. EoT	Incl. EoT	Excl. EoT	Incl. EoT	Excl. EoT	Incl. EoT
Craven	51	68	48	66	41	53	67	72	78	81	91	91	86	86	86	95	88	87
Eden	84	90	91	96	91	95	89	95	84	91	99	99	92	95	97	98	90	92
Hambleton	91	90	84	85	88	87	83	85	92	89	89	86	87	84	88	86	90	92
Harrogate	96	95	67	78	40	87	60	69	94	92	95	94	94	93	93	91	96	94
Lancaster	61	75	69	78	75	84	91	94	94	96	98	98	98	99	100	100	99	98
Pendle	74	68	72	73	76	78	73	79	81	83	87	86	86	86	89	90	83	85
Richmondshire	68	81	80	87	82	86	83	91	90	94	92	92	95	91	95	97	89	93
Ryedale	82	85	94	95	85	83	84	85	89	92	87	88	82	80	87	88	92	92
South Lakeland	90	88	79	85	51	75	66	81	90	92	87	82	93	93	98	94	77	83
Yorkshire Dales NPA	80	86	67	80	69	79	56	73	71	80	86	92	80	87	80	86	84	81

Source: MHCLG Planning Application Statistics (PS2)

