

PLANNING COMMITTEE

Monday, 27th 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 1st September 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@cravencdc.gov.uk or telephone: (01756) 706402)

6. **Review of Best Practice Guidance on Making Planning Decision** – Report of the Planning Improvement Lead. Attached.

Purpose of Report – This report summarises three recent reports which are relevant to the review of planning decision making procedures of the Council:

- a) Probity in Planning, Advice for councillors and officers making planning decisions' Local Government Association (LGA) (December 2019)
- b) 'Probity and the Professional Planner', Royal Town Planning Institute (RTPI) (January 2020)
- c) 'Permission Accomplished Assessing corruption risks in local government planning' Transparency International UK July 2020

7. Planning Decision Making Procedures – Report of the Planning Improvement Lead. Attached.

Purpose of Report – To seek the opinion of Members of the Planning Committee prior to the Policy Committee considering a review of the respective roles of officers and elected members in relation to:

- The determination of planning and related applications.
- Pre-application enquiries
- Enforcement.

This report should be read in conjunction with the accompanying briefing paper 'Review of best practice guidance on making planning decisions' which has informed some of the suggestions for change set out in this report.

8. Supplementary Planning Documents – Briefing note by the Spatial Planning Manager. Attached.

Purpose of Report – The note sets out the Spatial Planning Team's work programme for preparing a number of Supplementary Planning Documents together with details of progress made and the training to be provided to the Planning Committee following adoption.

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

10. Date and Time of Next Meeting – Monday, 25th October 2021 at 1.35pm

Agenda Contact Officer:

Vicky Davies, Senior Democratic Services Officer

E-mail: vdavies@cravendc.gov.uk

17 September 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.

AGENDA ITEM 2

PLANNING COMMITTEE

1 September 2021

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

Officers – Legal Advisor, Strategic Manager for Planning and Regeneration, Planning Manager, Principal Planning Officer, Planning Officers x 2, Senior Democratic Services Officer and Democratic Services and Scrutiny Officer.

Apologies for Absence and Substitutes: Apologies for absence were received from Councillors Handley, Harbron, Morrell, Place, Sutcliffe and substitute Member Councillor Ireton (sub for Handley).

Ward Representatives : Councillor Staveley, Application 2021/22615/OUT; Councillor Shuttleworth, Application 2021/22845/FUL; Councillor Brown, Application 2021/22513/HH; Councillor Rose, Application 2021/22714/REM.

Confirmation of Minutes:

Resolved – That the minutes of the meeting held on 5 July 2021 were approved as a correct record.

Start: 1.38pm

Finish: 4.59pm

A short comfort break was taken at 3.45pm.

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

PL.1036

DECLARATIONS OF INTEREST AND LOBBYING

a. Declarations of Interest

There were no declarations of interests.

b. Lobbying

Councillor Brown was lobbied: against application 2021/22513/HH; in favour of application 2021/23061/LBC; and in favour of applications 2021/22929/FUL and 2021/22930/LBC.

PL.1037

PUBLIC PARTICIPATION

The following individual addressed the Committee:

Application 2021/22615/OUT –	Mr Hadyn Fortune, Ribble Banks Parish Council. Mr Aran Drachenberg, applicant.
Application 2021/22513/HH –	Mr David Cohen, Bradleys Both Parish Council Mr Peter Richmond, objector Mrs Ann Hibbins, applicant

PL.1038

PLANNING APPLICATIONS

a. Applications determined by Planning Committee

Permission Granted

Application ref: 2021/22714/REM – Reserved matters application to provide a hybrid mix of B1, B2 and B8 industrial units at plot 3, Wyvern Park on land North of A629 and East of Wyvern Way, Skipton. 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. Application is granted subject to the conditions below with an addition to condition 8 to include the provision for heat exchange units on site. In granting permission, Members asked the Planning Manager to remind the developers of their obligations under conditions imposed in their outline application approval that lorries must access the site from the bypass not through Skipton town centre.

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 SWEEP PATH 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

AGENDA ITEM 2

- 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

AGENDA ITEM 2

- 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.

AGENDA ITEM 2

- 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 Ref: 2021/23061/LBC – application for the installation of photovoltaic panel array to the existing south facing concert hall roof of the Town Hall, Skipton. The application is granted subject to the conditions below –

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.

AGENDA ITEM 2

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.

Reason: In the interests of the visual amenity and to ensure no harm to the designated heritage asset. The proposal accords with Policy ENV2 of the Craven Local Plan.

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.

AGENDA ITEM 2

Applications 2021/22929/FUL and 2021/22930/LBC – applications for the installation of three ‘Sheffield’ style cycle hoops on the High Street setts, Skipton and listed building consent for the installation of same on an area of used setts to the rear (West) of the statue of Sir Matthew Wilson, High Street, Skipton BD23 1JX. Applications approved subject to the following 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

AGENDA ITEM 2

- 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 Deferred

Application 2021/22615/OUT – Outline application with access, layout and scale considered for 2 no. detached two-storey dwellings on land North of the Old Coach House, Tosside, BD23 4SQ. The application was recommended by officers for refusal based on the proposed development being located in the open countryside and contrary to Craven District Council's Local Plan. Members were advised by the Council's legal advisor that the application had to be determined based on the application before them and in accordance with the Local Plan.

However, Members deferred the application to enable the Planning Manager, applicant and agent to discuss the application further as they felt more clarity was required in relation to the new information presented at the meeting by the applicant's representations that the proposed development was to be used as workers' dwellings for members of their family involved in the local hospitality business. In deferring a decision, Members wanted the applicants to demonstrate sustainability and bio-diversity and that the application demonstrated it met the relevant Paragraph k of the Craven Local Plan regarding rural workers' dwellings. In deferring the application, the Planning Manager could not give an assurance that the application could be amended and that it may be a fresh application would be required.

Applications Refused

Application 2021/22845/FUL application for the construction of a detached garage and detached outbuilding as Laithe Barn, Low Lane, Halton East, BD23 6EH. The application is refused for the following reasons:

The proposed feather edge oak cladding would be an inappropriate material in open countryside that would visually jar with the stone-built application property. Therefore, it would not respect the materials of the application property. Consequently, the proposed development conflicts with Craven Local Plan 2012 to 2032 Policies ENV1, ENV2 and ENV3, and the National Planning Policy Framework.

Application 2021/22513/HH application for the construction of a first floor rear extension at 10 Westview Close, Low Bradley, Keighley, BD20 9BU. The application is refused for the following reasons:

The proposed first floor rear extension by reason of loss of light to 8 Westview Close would have a significant adverse impact on the amenity of this existing resident. Therefore, the proposed development would not secure a good standard of amenity for existing residents.

Consequently, the proposed development conflicts with Craven Local Plan 2012 to 2032 Policy ENV3 and the National Planning Policy Framework.

b. Delegated Matters

The Strategic Manager for Planning and Regeneration submitted a list of new and closed planning enforcement cases between 24 June 2021 and 19 August 2021. Members suggested that the 'lawful over time' reason for cases closed be changed to 'immune from action' as this provided better clarity.

PL.1039	<u>REPORT ON PLANNING STAKEHOLDER SURVEYS</u>
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The Director of Services submitted a report from the Haines Planning Consultancy Ltd in respect of surveys undertaken with planning agents, parish and town councils in the District during April and May 2021.

The stakeholder survey was a recommendation of the Local Government Association Planning Peer Review undertaken in September 2020 and were in accord with actions contained within Theme 2 (Working with Partners) of the Member and Officer Planning Improvement Action Plan. The findings of the survey contained within the report now submitted would be used to inform the actions of the Council to improve the customer focus and delivery of the planning service.

Resolved – (1) That, the contents of the report are noted.

(2) That, an all Member briefing on the planning stakeholder surveys is held.

PL.1040	<u>PLANNING PERFORMANCE MONITORING</u>
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The Planning Manager submitted a report informing the Committee not only of performance during the second quarter of 2021 but also looks back at the preceding two years. In addition, the report compared the performance of Craven's planning service from 1 January 2019 to 31 March 2021 with that of nearby planning authorities.

The report provided a framework for the regular reporting of performance to the Planning Committee and was linked to the introduction of more effective performance management within the planning service.

AGENDA ITEM 2

Resolved – (1) That, the contents of the report are noted.

(2) That, regular reports are submitted to this Committee on the following basis:

- performance for the period 1 July to 30 September to be reported in November 2021;
- performance for the period 1 October to 31 December to be reported in January 2022; and
- performance for the period 1 January to 31 March to be reported in May 2022.

(3) That, future reports include enforcement, appeal, condition discharge and pre-application enquiries performance.

(4) That an all Member briefing session is held on planning performance monitoring based on the contents of the report now submitted.

PL.1041	
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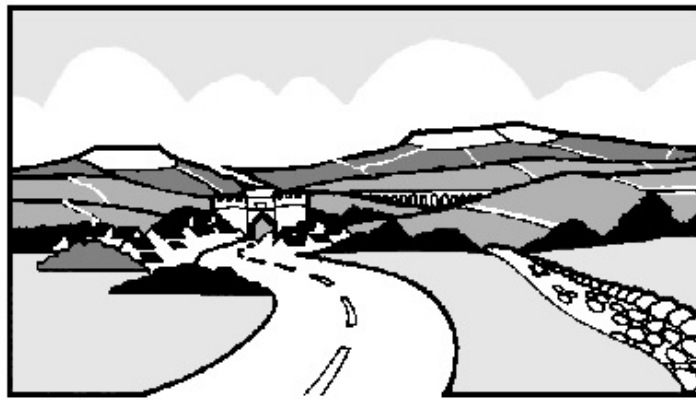
	<u>ANY OTHER ITEMS</u>
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There were no late items of business to consider.

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: 27th September 2021

INDEX OF PLANNING APPLICATIONS

Item No.	Application Reference No.	Name of Applicant	Site Address	Page No's
1.	2020/22109/FUL	Permahome Limited	Land At Richard Thornton's School, Burton In Lonsdale.	2 - 19
2.	2019/21261/FUL	Francmanis Properties	Land To The South Of Brockhole View, Settle, BD24 9RF.	20 - 43

REPORT TO PLANNING COMMITTEE ON 27th September 2021

Application Number: 2020/22109/FUL

Proposal: Revised description Construction of eleven dwellings with landscaping, infrastructure, associated works and off-street parking on allocated site.

Site Address: Land At Richard Thornton's School Burton In Lonsdale, LA6 3JZ.

On behalf of: Permahome Limited

Date Registered: 3rd February 2021

Expiry Date: 5th May 2021

EOT Date, if applicable:

Case Officer: Mr Mark Moore

SUMMARY

This is an application for residential development on a site that is allocated in the adopted Local Plan. The overall scale, design, visual impact, impact on heritage assets, biodiversity, site drainage and highway safety are considered to be acceptable. The development can be undertaken sustainably and would constitute re-use of previously developed land that would contribute significantly to the Council's spatial housing strategy. Accordingly, the application is recommended for approval subject to planning conditions.

1. Site Description

- 1.1 The proposed development site is located to the west of the village of Burton in Lonsdale. Burton in Lonsdale is a village and civil parish in the Craven District of North Yorkshire close to the border with Lancashire and Cumbria. The site is approximately 4383 square metres (0.43 Ha) in size and is partially previously developed land, currently occupied by part of the former school buildings and its curtilage.
- 1.2 The site shares a boundary with Richard Thornton School, a Grade II Listed Building - (as the Former Burton in Lonsdale Endowed First School: Schoolmaster's House and garden wall and gate piers) erected in 1853. The former school building occupies a prominent position, set back on elevated ground, to the west of the A687 from which it takes access. The curtilage boundaries comprise stone walling to the road frontage and to the south along a track serving two properties to the west. Areas of hard-standing are located to the north of the building which provide former playground space and, to the south, car parking. The site area was formerly used as a play area and is currently unmanaged and overgrown. It rises gently to the north bounded by a continuous stone wall with agricultural pastureland beyond.
- 1.3 The former school building is a Grade II listed building (list entry number 1301402) and the site falls within the Burton in Lonsdale Conservation Area. Several other designated heritage assets fall within proximity to the site, most notably the Castle Hill motte and bailey castle to the east and a Scheduled Monument (1009319).
- 1.4 The site has been allocated for residential development under Policies SP4, SP5 and SP11 of the adopted Local Plan (Site Ref: BU012).

2. Proposal

- 2.1 The erection of eleven dwelling with landscaping, infrastructure and parking on allocated site (Ref: BU012).
- 2.2 The application seeks permission for a mix of 2 (x6) and 3 (x5) bedroom, two-storey dwellings laid out around a shared access linked to an existing unclassified service road connected to the main carriageway further to the east.
- 2.4 The properties are to be constructed using stone with slate roofing and are of a contemporary gable ended design.

3 Relevant Planning History

- 3.1 Part demolition of school classrooms; change of use of school building to a residential care and educational facility; alterations to access. Ref. No: 2019/20873/FUL. Approved with conditions.
- 3.2 Part demolition of school classrooms; change of use of school building to a residential care and educational facility; alterations to access. Ref. No: 2019/20874/LBC, Approved with conditions.

4 Planning Policy Background

4.3 **Craven Local Plan (2012-2032):**

- SD1: The Presumption in Favour of Sustainable Development
- SP1: Meeting Housing Need
- SP3: Housing Mix and Density
- SP4: Spatial Strategy and Housing Growth
- SP11: Strategy for 4A & 4B Villages with basic services and bisected villages with basic services
- H2: Affordable Housing
- ENV2: Heritage
- ENV3: Good Design
- ENV4: Biodiversity
- ENV6: Flood Risk
- ENV7: Land and Air Quality
- ENV8: Water Resources, Water Quality and Groundwater
- ENV9: Renewable & Low Carbon Energy
- ENV12: Footpaths, Bridleways, Water Quality and Cycle Routes
- INF4: Parking Provision
- INF7: Sustainable Transport and Highways

4.2 **National Planning Policy Framework (as amended July 2021)**

4.3 **Planning Practice Guidance**

5 Parish/Town Council Comments

5.3 **Burton in Lonsdale Parish Council:**

There does not appear to be any additional information to the original application regarding the development of mains sewer provision for the 11 dwellings. The Parish Council has previously drawn the Planning Department's notice to this important matter, in its comments of 19th March 2021.

There has been no clarification as to the future management of the affordable housing units.

Officer note: The Council's Strategic Housing Team have advised that the affordable homes have been allocated to Craven District Council through our development partnership. This means they

will be bought by the council to provide shared ownership. The properties would be essentially the same as the open market units on the site and it would be the responsibility of the co-owners to subsequently manage the affordable housing units. The Council's only involvement would be to collect rent on the share of the properties not owned by the householders.

6 Consultations

6.1 **NYCC Highways:**

Awaiting final comments – to be included in late information report

6.2 **LLFA:**

In their initial response (16/3/2021) NYCC requested that additional information be sought before they could comment further.

Following the submission of additional documentation HYCC commented as follows (5/8/2021):

Drainage Plan

The proposed discharge of highway drainage to an existing highway drain is not acceptable to the LLFA - surface water runoff not collected for use must be discharged to one or more of the following in the order of priority shown in accordance with the Building Regulations Part H:

- a) Discharge into the ground (infiltration).
- b) Discharge to a surface water body.
- c) Discharge to a surface water sewer, highway drain or other drain.
- d) Discharge to combined sewer.

The applicant must demonstrate their rationale for each runoff destination, detailing reasoned elimination or selection for each. The applicant is proposing to discharge surface water from the dwellings via infiltration therefore, as per the above hierarchy the highway drainage should discharge via infiltration accordingly. The applicant has not provided any rationale for not using soakaways for the highway drainage.

Furthermore, the drainage plan provided does not have sufficient detail. The plan should show plot numbers, invert levels and cover levels.

Impermeable Areas Plan

The drainage plan states that the private drives are impermeable areas however these have not been represented on the impermeable areas plan and therefore not included within the model and drainage

calculations. Further review is required.

Exceedance Flow Plan

The exceedance flow routes require further consideration. The proposed levels do not match the proposed exceedance flow routes and these should be amended in accordance with the topography and levels.

Percolation Testing

Further clarification is required with regards to the percolation testing provided. The graph results for test pit 1 (test 1), does not show the full information from full pit to empty pit and therefore cannot be reviewed appropriately.

Furthermore, Test pit 1 (test 3) is not appropriately labelled on the sheet as it refers to Test Pit 2 on page 9.

Drainage Calculations

The applicant has submitted source control drainage calculations. The applicant is proposing 0.8m deep soakaway pits on the proposed drainage plan whereas the drainage calculations show 0.9m depth - further review is required.

6.3 **CDC Strategic Housing:**

The applicant has submitted a planning application for 12 homes of which 2.2 are proposed as affordable.

The buildings in question form part of a former primary school which has been unused for number of years due to closures in schools such as this all over North Yorkshire. As a result, Strategic Housing are willing to accept that that the building is not abandoned and does qualify for Vacant Building Credit (VBC)

The calculation for VBC is set of the Draft Affordable Housing SPD February 2021. For the purpose of this application Strategic Housing have not been able to confirm via DC Planning that the vacant building total sqm is 356 and so assumptions have been made that this figure is correct as proposed by the applicant.

Policy H2 in the draft Affordable Housing SPD February 2021, states that in rural areas, which Burton in Lonsdale is classified as, on sites of greater than 10 dwellings or 1000sqm that on-site affordable housing contributions are required. This site provides for 12 homes and 1361 sqm of accommodation. And so affordable housing is necessary.

Taking into account the VBC that can be applied to this site Strategic Housing can accept the applicants offer of 2.2 homes for on-site provision - assuming that Planning are able to confirm that the floor space of 1361 proposed and 356 vacant floor space is indeed correct.

As 0.2 of a home is not possible to provide, the on-site provision is reduced down to 2 affordable homes of which the proposed 2 beds at 70sqm would be acceptable. We would request that the garage is omitted from the 2 bed which total 90sqm as this is not a preference for the Registered Providers.

6.4 **CDC Environmental Health:**

There are no contamination issues associated with the site. Recommendations made for conditions relating to the control of noise and dust, use of clean topsoil and provision of electric vehicle charging points.

6.5 **CDC Sports Development Officer:**

The SDO has advised that the INF calculator for 12 dwellings calls for an **off-site contribution of £46,734**. She has identified the contribution levels and sites, where applicable, for inclusion in a S106 agreement. She also confirmed that there has been initial consultation with ward members and Lonsdale Parish Council.

Notes: The Parish Council have several projects which have been proposed by residents which the Parish Council would be looking for any future S106 contributions to be assigned. The identified projects have been cross referenced with the evidence base (PPS, Open Spaces and Built Facilities Strategies) to identify those with the best strategic fit.

A final consultation will be undertaken with the Parish Council when a S106 is to be finalised to ensure that the proposed allocations remain relevant and linked to identified projects.

6.5 **United Utilities:**

In accordance with the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG), the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way.

The drawing of Drainage Strategy, ref: 20568 DR-C-0100 revision P1 dated 28 Jan 2021, does not show that the outfalls of cellular soakaway and treated foul water sewer. Therefore, the drainage statement is required to confirm the above for our assessment.

UU conclude by recommending conditions to address details of the means by which foul and surface water will be dealt with.

6.6 **Historic England:**

Have advised that they do not wish to comment on the application.

7 Representations

7.1 The application was advertised by way of a site notice posted on 12/3/2021 and by a press notice on 26/2/2021.

7.2 Neighbour notification letters were posted on 26/2/2021

7.3 A total of 12 representations were received which are summarised as follows:

- o Quality of design
- o Effect of development of nearby buildings and heritage assets.
- o Reduction in affordable housing units
- o Layout
- o Mains sewer arrangement needs clarification
- o No foul water scheme attached to the submitted drawings.
- o Delivery of building materials.
- o Location of works site compound
- o Construction traffic
- o Drains not shown on the submitted drawings.
- o Drainage and water supply infrastructure.
- o The proposed access is hazardous and compromises road safety.
- o Deficient ecological survey.
- o Contribution to car usage.
- o Lack of parking
- o Means off access is inappropriate.
- o Use of access may cause damage to properties.
- o Overlooking
- o Right to light

8. Summary of Principal Planning Issues

8.1 Principle of development

8.2 Affordable Housing

8.3 Design quality and the effect on the development on the character and appearance of the area

8.4 Heritage Assets

8.5 Access & Highway Matters

8.6 SUDs

8.7 Biodiversity

9 Analysis:

Principle:

9.1 Paragraph 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that development proposals are determined in accordance with the development plan unless material considerations

indicate otherwise. This requirement is reinforced in paragraph 2 of the National Planning Policy Framework (NPPF).

- 9.2 The NPPF requires that Local Planning Authorities should approach decision-taking in a positive way to foster the delivery of sustainable development and that decision makers should approve applications for sustainable development where possible. The presumption in favour of sustainable development is the 'golden-thread' running through the national framework. Decision making should not simply be about scrutiny but instead function as creative exercise in finding ways to enhance and improve the places in which people live their lives.
- 9.3 Delivering growth on sites allocated for development under Policies SP4, SP5 and SP11 is one of the aims of the adopted local plan. Moreover, maximising the optimum use of previously developed land and the promotion of residential land uses is also supported in this policy context as is securing effective land use in meeting the need for homes. Indeed, adopted Local Plan policy SP4 supports compatible land uses within specified locations whilst the site (Ref BUO12) is recognised as such in policy SP11 of the Local Plan. Paragraph (Para) 59 of the NPPF sets out the objective of significantly boosting the supply of homes and the recent relaxation of permitted development restrictions shows the Government's clear intent to maximise the use of appropriate land and buildings to increase housing-stock. Local Plan policy SP1 seeks to provide at least 4,600 dwellings over the plan period and the realisation of this proposal would contribute towards this goal.
- 9.4 Para 8 of the NPPF states that there are three dimensions to sustainable development: economic, social and environmental, whereas Para 11 of the NPPF refers to a presumption in favour of sustainable development. This means approving development proposals that accord with the development plan by granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
- 9.5 The growth and expansion of the nearby town of Burton-In-Lonsdale has resulted in a pattern of increasing intensification of development with incremental increases in the size and scale of its buildings. The changes that have taken place in and around the village centre and its immediate surroundings over the past 70 or so years show an increasing proliferation of buildings of considerable presence in line with ever changing housing trends. The site is located at the eastern aspect of the town and is currently not being used to its full potential, being partially developed yet vacant and it makes little contribution to the urban grain of the village and its surroundings save for, in part, perhaps reinforcing the open character of the surrounding countryside. The site is nonetheless recognised as previously developed land for planning purposes. The planning gain offered by realisation of the proposal would be significant in comparison to how the land functions presently and it is clear that the site could and should be used more intensively and more effectively.
- 9.6 Para 118 of the NPPF promotes the development of under-utilised land. Small sites such as the application site can make an important contribution to meeting the housing requirement of an area and are often built-out relatively quickly. Notwithstanding, the site has been specifically allocated for housing development in the adopted Local Plan. Local and national policies seek to maximise the opportunities for regeneration that take a positive approach to sustainable development and the Council will work proactively with developers to resolve issues that improve the economic, social and environmental conditions in the area. For development to be considered sustainable it must demonstrate the core principles of sustainable development. The nearby village centre offers a range of local services supported by local infrastructure. In relation to Para 8 of the NPPF; the proposal would contribute to building a strong, responsive and competitive economy through the creation of construction jobs during the life of the build as well as the on-going contribution to the local economy from the creation of 12 additional households. The proposal would also contribute towards providing the supply of housing required to meet the needs of present and future generations (including affordable housing) and has the potential to create a high-quality built environment both on and off-site through contributions through the section 106 mechanism.
- 9.7 Local Plan Policy SP3 relates to housing mix and density whereby new housing development will ensure that land is used in an effective and efficient manner to address local housing need. 32 dwellings per hectare is the general guide for achieving an appropriate overall housing density across the plan area across all tenures, most housing should be 3 bedroomed. The Proposal

therefore generally accords with the requirements of LP Policy SP3 in terms of density and bedroom provision.

- 9.8 The socio-economic and environmental objectives that make a development sustainable, in terms of supporting growth by increasing the number of good-quality, well designed homes and making the best use of land, is clearly defined in the application. In principle, the proposal is acceptable for residential development because it seeks to optimise the use of land identified for housing through the local plan process, utilising a brownfield site by developing 12 new dwellings of an appropriate density and housing mix in place of an underused site.
- Affordable housing:
- 9.9 Policy H2 of the Local Plan addresses the provision of affordable housing and, according to the 2017 Strategic Housing Market Assessment (SHMA) Craven's net affordable housing imbalance over the life of the Local Plan is 126 dwellings per annum and future affordable housing provision should be approximately 15%-25% intermediate tenure, and 75%-85% affordable rented, with 87.4% one and two bedroom dwellings and 12.6% three (or more). The site is of a size and is a location requiring 25% of new dwellings to be affordable homes. The wording of Policy H2 makes it clear that the affordable housing provision should be in line with the requirements of this policy, although lower levels of provision may be acceptable in certain circumstances. The proposal is to re-develop this previously developed site to construct 12 dwellings with a total gross floorspace of 1361 sqm. Therefore, the affordable housing requirement is for 3 dwellings
- 9.10 Policy H2 is consistent with the Framework which, amongst other things, addresses the provision of affordable housing as part of boosting the supply of housing and requiring policies with cost implications, such as Policy H2, to be formulated to take account of viability. Policy H2 allows for a scheme's affordable housing level to be reviewed if viability is an issue.
- 9.11. In a Written Ministerial Statement (WMS) of 28 November 2014 the Government introduced the vacant building credit (VBC), which, when applicable, allows locally derived levels of affordable housing to be reduced. The VBC was introduced with the intention of incentivising the redevelopment of vacant buildings and was introduced by the Government '*... to tackle the disproportionate burden of developer contributions on small-scale developers, custom and self-builders*'. The WMS states that the VBC is '*A financial credit, equivalent to the existing gross floorspace of any vacant buildings brought back into any lawful use or demolished for re-development*' it further states that the VBC '*should be deducted from the calculation of any affordable housing contributions sought from redevelopment schemes*'.
- 9.12 Guidance relating to the VBC is included in the Planning Practice Guidance (the PPG) makes it clear that the credit cannot be applied to buildings that have been abandoned. However, the Council should consider '*whether the building has been made vacant for the sole purposes of re-development*' and '*whether the building is covered by an extant or recently expired planning permission for the same or substantially the same development*'. If a residential development would result in a reduction or no increase in floorspace then no affordable housing contribution should be sought when the VBC is applied. Using the methodology for determining the VBC, as set out in the PPG, the parties (CDC Strategic Housing and the developer) agree that the scheme would result in a VBC equivalent of 26% of the proposed floorspace. The affordable housing requirement, in this case of 3 dwellings, is therefore reduced by 74% resulting in a contribution requirement of 2.2 dwellings; rounded down to 2 dwellings.
- 9.13 Planning law requires planning applications to be determined in accordance with the development plan, unless material considerations indicate otherwise and Policy H2 is therefore the starting point for determination of the affordable housing aspects of this application. Policy H2 allows development proposals that seek to provide a lower level of affordable housing contribution where it can be justified and states that the local planning authority will apply VBC in all appropriate circumstances. However, the VBC originates from national policy and the Court of Appeal's judgement relating to the WMS has clearly established that the VBC, along with the other policy measures set out in the WMS, should not automatically be applied without regard being paid to the full circumstances of any given case, including the provisions of the development plan policies. The intention of the VBC is to '*incentivise brownfield development*' and should be considered along with

the fact that the WMS refers to reducing the disproportionate burden of developer contributions. In full consideration of the matter, officers are of the view that the VBC has been correctly applied in this case and that realisation of the application would be the most expedient means of incentivising this site's redevelopment.

- 9.14 This proposal will provide 2 affordable dwellings which, taking the VBC into account, is compliant with the Local Plan. The Council would normally expect to see a better tenure mix within the proposal in order to promote social cohesion. However, given the number of proposed dwellings this issue, of itself, does not weigh against the proposal. The specific requirement for affordable housing has been calculated in accordance with the Local Plan and the 2017 update to the SHMA. The developer has entered into discussion with the Council in order to agree the terms of a related Sn106 legal agreement.

Design quality and the effect on the development on the character and appearance of the area

- 9.15 Local Plan policy ENV3 sets out the Council's general urban design principles and, amongst other things, states that proposals should be based on a contextual appreciation of environmental features and preserve local character and distinctiveness.
- 9.16 Local Plan policy ENV1 supports development proposals that, amongst other things, conserves and enhances local landscape character by positively responding to their surroundings.
- 9.17 The NPPF states that good design is a key aspect of sustainable development and should contribute positively to making places better for people. Decisions should aim to ensure that development will function well and add to the overall quality of the area, establish a strong sense of place, create attractive and comfortable places to live, work and visit, optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses and support local facilities and transport networks. Furthermore, it provides that development should respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation. Local Plan policy sets out that development should be well connected to and integrated with the wider settlement with height, massing, layout, appearance and landscape that makes an appropriate visual relationship with that of the form, grain, scale, materials and details of the surrounding area, whilst not necessarily replicating local characteristics. These qualities are echoed in the design provisions of the NPPF.
- 9.18 One of the core planning principles of national policy as set out in the NPPF is always to secure high quality design. The Council places emphasis on new buildings to be of the highest architectural quality. The NPPF also outlines that planning decisions should aim to ensure that developments function well and add to the overall quality of an area not just for the short term, but over the lifetime of the development. It additionally recognises that considerations regarding the appearance and the architecture of individual buildings should go beyond aesthetics and consider the connections between people and places and the integration of new development into the natural, built and historic environment. Local and national design policies advise that planning permission for new development will be refused if it causes material harm to the character of the surrounding area, including the street scene, overlooking, noise or disturbance to occupants of neighbouring dwellings, overshadowing or over-dominance, traffic danger or congestion.
- 9.19 Character can be defined as individual distinctiveness created from a combination of natural and built elements with historic, socio-economic factors. An understanding of the town's current character is essential to directing and shaping future development in a sensitive and appropriate manner. It is considered in this case that the proposed development would represent a logical distribution of height and scale across the site.
- 9.20 Burton-In-Lonsdale's collective streetscape can best be defined as reflecting its continuous evolution whilst generally respecting the controls afforded through its conservation area status. The result of this is that the village is generally not so densely built-up and there are no sites within it that are so large or so detached from their surroundings that the context can be ignored and an entirely different typology, character or scale introduced. Nearby houses are, for the most part, attractive and have some architectural merit given their simple and unfussy design. They display some pleasing design features, most notably the predominance of slate roofs and facing stone in

most of the dwellings in the immediate area. Some of the houses have been rendered but, fortunately, this is a feature that is the exception to the norm.

- 9.21 More recent additions to the housing stock, such as in Greta Heath, vary somewhat in design, scale and layout. However, primarily they front the main road and have generous plots and space around them. Between the dwellings there are spaces where there are views across the landscape reinforcing the sense of openness. Whilst the spaces between dwellings reduce on approach to the village, the suites of terraced buildings still echo the sense of space and openness given the rural setting and a demonstrable lack of additions in terms of unsympathetic extensions or alterations. The village is characterised by generous gaps between existing buildings and/or individual suites of buildings within a terrace. The site sits within a primarily open landscape that provides a transition to the open countryside beyond it and, in this regard, it forms an integral part of the character of the village and its immediate surroundings. Moreover, the presence of a more elevated landscape in the distance provides a contrast and emphasises its overall character. The limited adaptation of built form in terms of post-construction additions has resulted in most of the nearby houses retaining their original visage and reinforces a pattern of development that is unfussy and attractive.
- 9.22 The applicant has drawn from the architectural cues seen in neighbouring houses and incorporated them into the design of the proposal whilst managing to create something unique. Both local and national policy states that the applicant should not feel bound by the prevalence of an architectural style. This is especially relevant given the variance of the wider context vernacular when looking beyond the building in the High Street. The houses will be constructed from stone with slate roofs.
- 9.23 The density of the proposed housing, their comparatively generous plots and the separation distances between the proposed buildings serves to contribute to the spacious character of the street scene. Accordingly, the overall scale and appearance of the proposal would generally reflect the existing form and character of existing development elsewhere in the village.
- 9.24 The layout of the proposal is more uniform than that of the nearby streets; however, the site size constraints have a part to play in this. Notwithstanding, the more formal layout does not conflict so sharply with the existing spatial characteristics of the area to warrant a refusal on that basis. The Government and the Council attaches great importance to the design of the built environment. Para 59 of the NPPF advises that new development should take account of the overall scale, density, massing, height, landscape, layout and materials of new development in relation to neighbouring buildings and the local area more generally. In this case, for the reasons set out above, the overall design and appearance of the development would contribute towards local distinctiveness. Moreover, the applicant will be bound by a condition to provide a more detailed material palette prior to the use of external materials on the site to ensure that the scheme correlates with the prevailing character of the village.
- 9.25 The site suffers somewhat due to a more modest public transport accessibility level which, to some degree, restricts the density of the proposed housing scheme and ultimately the number of units offered. Development should not be parking-led but the final scheme may have a higher reliance on parking-provision by virtue of its location unless and, in part, to the size and types of dwellings on the site. The layout of the proposal has somewhat been dictated by the size, shape and orientation of the plot, in addition to its relationship to the existing built form. However, care has been taken to maximize the potential of the land directly affected by these constraints which is discussed later in the report.
- 9.26 The purpose of the planning system is to contribute to the achievement of sustainable development. Sustainable development is key to tackling the linked challenges of climate change, resource use, economic prosperity and social well-being and cannot be achieved without sustainable buildings. Local Plan policy ENV3 states that sustainability should be designed in so that development takes all reasonable opportunities to reduce energy use.
- 9.27 The Council will promote the highest standards of sustainable design and construction throughout the district. This can be achieved by requiring all new residential developments to achieve national technical standards. Developers should explore the potential to implement water recycling measures on a building or site-wide scale to significantly reduce mains water demand as part of all new development. Developers should strive to deliver infrastructure to reduce mains water

consumption to the equivalent requirements of Building Regulations unless these strategies can be proven technically unsuitable or commercially unviable. These aspirations can be secured by way of planning condition in order that they can be fully explored post permission.

- 9.28 It is important to recognise that Building Regulations, covers a significantly wide range of sustainability issues. Parts G and L of the Building Regulations address water efficiency and energy use respectively. The national technical standards incorporate these and also addresses other important sustainability issues such as materials, waste, health and well-being, ecology, and management of both the construction process and the completed building. Concerns have been raised by third parties regarding these issue in general and, more specifically, water efficiency. However, there should be an appreciation that there are many regulatory frameworks outside of the planning system (such as Building Control) that will need to be complied with during the construction of the development. Whilst compliance is expected with all these regimes, matters outside of the planning purview are not material to the decision-making process and therefore will not weigh against the acceptability of the development, in planning terms. Notwithstanding, the developer has been working collaboratively with NYCC LLFA to achieve the best scheme possible to deal with this aspect of the development.
- 9.29 The government has implemented a Universal Service Obligation, giving every household and business the right to request a broadband connection of at least 10 Mbps. Providing superfast broadband in new developments will provide further benefits and opportunities in terms of sustainability. It is proposed to condition any subsequent planning approval to ensure that adequate broadband provision is available at the site.

Accessibility/Location of Development

- 9.30 Burton in Lonsdale has a village hall, a church, a shop and a public house. Use of more comprehensive day-to-day facilities other than those present in the village would necessitate occupants of the proposed development travelling in order to meet most of their day to-day needs. The footways that serve the site link to the village and they are in generally good condition and therefore provide a realistic and attractive alternative for most people to shop for provisions or use the facilities within the village. The surface is wide and sound enough to accommodate those with mobility limitations who still felt able to use the footway. Notwithstanding the relatively short distance to the village centre the car would likely be the preferred mode of transport relied upon for access to other services and facilities which are some distance away. As a result, the site does not exhibit strong credentials in respect of accessibility to services on foot. Notwithstanding, this would not necessarily render the routes identified unattractive for most day-to-day trips by pedestrians or cyclists. However, given these factors and the distances involved, the routes would not form realistic options for occupants of the proposed development to walk or cycle at all times of the year and not in the hours of darkness or in inclement weather.
- 9.31 There is a bus service in the Village with the bus stops located close to the proposed site. However, the bus service does not run in the early morning and is a limited service in terms of frequency and scope. This presents clear limitations for access to services and facilities and would not necessarily be convenient for school children, commuters or people wishing to access day-today amenities. The frequency of the service would limit the convenience with which day-today needs could be met.
- 9.32 Para 78 of the NPPF states that to promote sustainable development in rural areas housing should be located where it will enhance or maintain the vitality of rural communities. Where there are groups of smaller settlements, development in one village may support services in a village nearby. However, the site's location adjacent to a village with only a very small number of facilities of its own limits the potential for the proposed housing to carry any health, social benefits, or convenience for future occupants. Residents are therefore likely to be car dependant to meet some of their needs. However, the somewhat limited accessibility by sustainable modes does, overall, not weigh against the proposal or make it an entirely unsustainable location for development. It should also be considered that this is an allocated site which remains a significant material consideration in the overall assessment of the application.

Living conditions

- 9.33 The proposed rear garden areas of dwellings 10 & 11 would be restricted in depth and there would be a relatively close relationship between their rear elements and the principal elevations of dwellings 7, 8 & 9 at the north eastern part of the site. However, there would be a screen fence, landscaping and an intervening highway that would prevent overlooking between the ground floor habitable windows of any facing elevations between dwellings 7, 8 & 9 and 10 & 11. The separation distance in tandem with screening would make it difficult to see into the rear of the house or to the areas of land closest to the dwelling. A planning condition in respect of tree planting in the appropriate location would mitigate against harmful overlooking or loss of privacy for the occupiers of this neighbouring property. The trees would have to be significant specimens with good crown cover and distribution. The presence of any existing intervening vegetation that obscures views into the neighbouring property will not normally be enough on its own since they can too easily be removed or die. Accordingly, a comprehensive landscaping scheme (including the planting of the trees) will be forthcoming prior to any above ground works taking place and its presence secured thereafter by way of planning condition.
- 9.34 The issue of overlooking and how this has the potential to affect users of other nearby buildings has also been considered. There should be an appreciation that a certain amount of overlooking would be inevitable when buildings occupy the arrangement as proposed. However, it is the significance of the overlooking effect that is the main question for the decision maker to consider. The oblique angle of view and the presence of a significant landscaping scheme would prevent any significant overlooking between the upper windows of the proposed dwellings and any private areas of the surrounding buildings. Moreover, given the existing projections of the surrounding properties and their respective locations in tandem with the separation distances and the mass and bulk of the proposal when viewed from neighbouring windows would be limited, and would not cause a significant overshadowing effect. Also, having regard to the sun's trajectory, any additional effect on daylight and sunlight within those nearby buildings would also very limited. The proposal would add to the number of overlooking windows but, for the aforesaid reasons, would not significantly affect the levels of privacy.
- 9.35 In conclusion, the proximity and scale of the development will not unacceptably detract from the existing living conditions and general amenities of any neighbouring occupiers in such a way that planning permission should be refused if an appropriate planning condition is attached.
- 9.36 *Renewable energy*
- 9.37 The provision of renewable and low carbon energy is central to the economic, social and environmental dimensions of sustainable development set out in the NPPF. There is strong local (Local Plan Policy ENV9) and national policy support for the development of renewable energy sources, including solar power, to ensure the country has a secure energy supply, and to reduce greenhouse gas emissions. Although the scheme is modest in size, paragraph 154 of the NPPF confirms that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions. Moreover, it is not necessary for the appellant to demonstrate the overall need for the proposal.
- 9.38 The policy support for renewable energy given in the NPPF is caveated by the need for the impacts to be acceptable, or capable of being made so. The Design and Access Statement sets out the details of the energy performance measures that will be integrated into the construction of the dwellings to reduce the carbon footprint of the development. However, whilst greater renewable energy gains could be realised using Solar PV panels it is considered that the adverse impacts on the heritage assets setting rule this option out in this location.
- 9.39 Local and national policy advises that renewable energy projects should be located where impacts are, or can be made, acceptable. This issue can be explored further with the developer post permission and in conjunction with a landscaping scheme in the interests of the character and appearance of the area.
- Effect on Heritage Assets**
- 9.40 The site lies to the west of the village and shares a boundary with Richard Thornton School, a Grade II listed building. The former school building occupies a prominent position set back on elevated ground, to the west of the A687 from which it takes access. The curtilage boundaries

comprise stone walling to the road frontage and to the south along a track serving two properties to the west. Areas of hard-standing to the north of the building provide former playground space and, to the south, car parking. The site area was formerly used as a play area and is currently unmanaged and overgrown. It rises gently to the north bounded by a continuous stone wall with agricultural pastureland beyond.

- 9.41 The site falls within the Burton in Lonsdale Conservation Area. Several other designated heritage assets fall within proximity to the site, most notably the Castle Hill motte and bailey castle to the east, a Scheduled Monument (1009319). As such, the proposed development will have the potential to impact upon the historic environment and the nature and extent of this is considered as part of the proposal.
- 9.42 In light of the statutory duties placed upon the Council which require that special regard shall be had to the desirability of preserving listed buildings or their settings or any features of special architectural or historic interest which they possess, and that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of conservation areas. Para 184 of the NPPF sets out that heritage assets are irreplaceable resources to be conserved in a manner appropriate to their significance. Para 193 of the NPPF also requires that great weight should be given to the conservation of assets, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. The more important the asset, the greater the weight should be afforded to the asset's conservation.
- 9.43 The applicant has submitted a detailed analysis of the heritage assets that will be affected by realisation of the development; it correctly concludes that the development will cause '*less than substantial harm*' to those assets
- 9.44 It is undeniable that the proposal would represent change in the significance and setting of the identified heritage assets. The development, in the context of the site that enjoys a distinct rural character which is significant to the setting of nationally important heritage assets, would introduce a suburban form of development, eroding the countryside setting and significance of the school, which makes an important contribution to the character and appearance of the conservation area. However, there would not be a total loss of significance and so the proposal would lead to less than substantial harm to the significance of designated heritage assets. That said, the degree of less than substantial harm would be at the lower end of the scale. The Council has reached this view, in part, because the site, located to the west of the School, has not always been open and undeveloped.
- 9.45 The less than substantial harm to the significance of the designated heritage assets should be weighed against the public benefits of the proposal, including securing its optimum viable use. The proposal would contribute to the provision of housing in the District, in an accepted situation of less than a five-year housing land supply. The delivery of housing on the site would be in an area with access to existing services, recognising the significant role the delivery of housing has in the sustainable economic well-being of the District, which would boost the supply of homes, including much needed affordable housing, would be a significant benefit. The proposal would enhance the economy of the community by the creation of jobs associated with the construction stage, and new residents are also likely to support existing local services and businesses as well as having the potential to enhance the life of the Village with new skills and interests. However, this is afforded limited weight as such factors would be common to any such development.

SUDs.

- 9.46 Awaiting LLFA comments at time of compiling report. Final comments and recommendations will be incorporated in late information report.

Access & Highway Matters.

- 9.47 Awaiting NYCC Highways comments at time of compiling report. Final comments and recommendations will be incorporated in late information report.

Biodiversity

- 9.48 The ecological value of the site is comparatively low given its status as being previously developed. An ecological appraisal submitted in support of the application highlights the limited potential for protected species to be present on site. However, development proposals should include the provision for bat and bird boxes and invertebrate habitats in order to make the land more attractive for animals to use the soft landscaped areas for foraging. A planning condition is necessary to ensure that these measures are integrated into the development scheme as well as securing the use of native plant species for soft landscaping to achieve a biodiversity net gain.
- 9.49 The NPPF states that proposals should provide appropriate landscaping to ensure that they integrate well into the surrounding locality. This requirement is repeated in the adopted Local Plan. It is proposed to remove seven trees of limited value from the site whilst retaining part of the soft landscaping and supplant these with new trees and soft landscaping. The Council's Tree Officer has reviewed the tree survey and has raised no objection. This aspect of the development is important, not only in terms of it supporting its overall character but in also in respect of air quality and biodiversity gains, a failure to agree the scope and extent of the tree planting program and soft landscaping scheme is not, of itself, a compelling enough reason to withhold permission. Notwithstanding, a pre-occupation planning condition will be attached to the decision to allow the Council and the developer to secure an appropriate level of landscaping and ensure the new scheme will adequately mitigate for the loss of certain existing trees and would improve the landscaping coverage on site. Moreover, a future landscaping plan will be secured to ensure that built form is appropriately softened and that there is no unnecessary fragmentation of existing soft landscaping.
- 9.50 Views of the proposal would be framed and screened by established and proposed vegetation. Whilst the comments of the Tree Officer have been considered, it should be acknowledged that the final form of the proposal would result in residential development on land that is not absent of built form. This is not a case that would not result in the merging of settlements or harm to the wider landscape character. The forthcoming landscape proposal will need to respond to the policy requirement to provide high quality, accessible well-designed public realm and landscaping within new developments. The landscape design should provide a unifying element to the design proposals helping them to connect the new buildings together with its setting and stitch it into the wider context. A management plan will ensure that this intention is realised and the use of professional landscaping contractors, responsible for planting, pruning, irrigation, tending the lawns and general horticultural advice, is encouraged. Management and maintenance of the new habitats created as part of the landscape strategy in order to maximise biodiversity gain will form part of the management plan.

10. Recommendation

- 10.1 It is recommended that delegated authority be given to the Planning Manager to grant planning permission subject to the following:
- i) Confirmation of the final comments and recommendations of NYCC Highways and NYCC LLFA.
 - ii) Inclusion of appropriate conditions as recommended by NYCC Highways and LLFA
 - iii) Completion of the Sn 106 Legal Agreement in relation to the provision of affordable housing and POS contributions.

Conditions

Time Limit for Commencement

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

Reason: In accordance with Section 91(1) of the Town and Country Planning Act 1990 as amended by the Planning Compulsory Purchase Act 2004.

Approved Plans

2 This permission relates to the following plans:

Drawing nos.

022004 05 Rev B Location Plan
02 Rev F Site Plan and Ground Floor Plan
03 Rev A Elevations
04 Rev A First Floor Plan
06 Rev A Roof Plan
Design and Access Statement
Heritage Statement
Tree Report
Public Right of Way 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 District Local Plan 2012 - 2032 and the National Planning Policy Framework.

Before you Commence Development During Building Works

3 No development above ground level shall take place until details of existing and finished site levels, including the finished floor and ridge levels of the buildings to be erected, and finished external site surface levels have been submitted to and approved in writing by the Local Planning Authority.

Reason: The proposed levels of the development are required prior to commencement of above ground works for the avoidance of doubt and in order to ensure that any works in connection with the development hereby permitted respect the height of adjacent properties.

4 Prior to their first use on site full details of all materials to be used on the external surfaces of the development hereby approved shall be 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 surrounding buildings and the street scene in the interests of visual amenity in accordance with the requirements of policy ENV3 of the Craven District Local Plan 2012 to 2032 and the National Planning Policy Framework.

5 Prior to their first use on site full details of all materials to be used for hard surfaced areas within the site including roads, driveways and car parking area shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details so approved.

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

Before the Development is Occupied

6 Prior to completion or first occupation of the development hereby approved, whichever is the sooner; details of treatment of all parts on the site not covered by buildings shall be submitted to and approved in writing by the Local Planning Authority. The site shall be landscaped strictly in

accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner. Details shall include:

- 1) a scaled plan showing all existing vegetation and landscape features to be retained and trees and plants to be planted;
- 2) location, type and materials to be used for hard landscaping including specifications, where applicable for:
 - a) permeable paving
 - b) tree pit design
 - c) underground modular systems
 - d) Sustainable urban drainage integration
 - e) use within tree Root Protection Areas (RPAs);
- 3) a schedule detailing sizes and numbers/densities of all proposed trees/plants;
- 4) specifications for operations associated with plant establishment and maintenance that are compliant with best practise; and
- 5) types and dimensions of all boundary treatments
- 6) the provision for bird and bat nesting boxes that accord with the advice set out in "Biodiversity for Low and Zero Carbon Buildings: A Technical Guide for New Build" (Published by RIBA, March 2010) or similar advice from the RSPB and the Bat Conservation Trust.

There shall be no excavation or raising or lowering of levels within the prescribed root protection area of retained trees unless agreed in writing by the Local Planning Authority.

Unless required by a separate landscape management condition, all soft landscaping shall have a written five-year maintenance programme following planting. Any new tree(s) that die(s), are/is removed or become(s) severely damaged or diseased shall be replaced and any new planting (other than trees) which dies, is removed, becomes severely damaged or diseased within five years of planting shall be replaced. Unless further specific permission has been given by the Local Planning Authority, replacement planting shall be in accordance with the approved details.

Reason: Required to safeguard and enhance the character and amenity of the area, to provide ecological, environmental and biodiversity benefits and to enhance its setting within the immediate locality in accordance with Section 197 of the Town and Country Planning Act 1990 (as amended) and policies ENV3, ENV4 and ENV5 of the Craven District Local Plan 2012 to 2032.

- 7 Prior to completion or first occupation of the development hereby approved, whichever is the sooner; a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas (other than small, privately owned, domestic gardens) shall be submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved management plan.

Reason: Required to safeguard and enhance the character and amenity of the area, to provide ecological, environmental and biodiversity benefits and to enhance its setting within the immediate locality in accordance with Section 197 of the Town and Country Planning Act 1990 (as amended) and policies ENV3, ENV4 and ENV5 of the Craven District Local Plan 2012 to 2032.

- 8 Prior to completion or first occupation of the development hereby approved, whichever is the sooner; a schedule of landscape maintenance for a period of five years shall be submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation. Development shall be carried out in accordance with the approved schedule.

Reason: Required to safeguard and enhance the character and amenity of the area, to provide ecological, environmental and biodiversity benefits and to enhance its setting within the immediate locality in accordance with Section 197 of the Town and Country Planning Act 1990 (as amended) and policies ENV3, ENV4 and ENV5 of the Craven District Local Plan 2012 to 2032.

- 9 Prior to completion or first occupation of the development hereby approved, whichever is the sooner; details of any remedial works to trees that are to be retained on site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details of any remedial works.

Reason: Required to safeguard and enhance the character and amenity of the area, to provide ecological, environmental and biodiversity benefits and to enhance its setting within the immediate

locality in accordance with Section 197 of the Town and Country Planning Act 1990 (as amended) and policies ENV3, ENV4 and ENV5 of the Craven District Local Plan 2012 to 2032.

- 10 2 electric vehicle charging points (providing active electric vehicle charging provision to 4 spaces) shall be constructed and marked out and the charging points installed prior to the occupation of the development, and shall thereafter be retained permanently for the accommodation of vehicles of occupiers and visitors to the premises and not used for any other purpose.

Reason: To encourage the use of electric cars in order to reduce carbon emissions in accordance with policy ENV9 of the Craven Local Plan 2012 to 2032

- 11 No development above ground level shall take place until an energy strategy demonstrating a reduction in carbon dioxide emissions over Part L of the Building Regulations (2013) has been submitted to and approved in writing by the Local Planning Authority.
Once the energy strategy is in place a certificated Post Construction Review, or other verification process agreed with the Local Planning Authority, shall be provided, to demonstrate that the agreed standards have been met.

Reason: To ensure that the proposed development is constructed in an environmentally sustainable manner in accordance with policy ENV9 of the Craven Local Plan 2012 to 2032.

- 12 Prior to the occupation of the dwellings hereby approved, a strategy to facilitate super-fast broadband for future occupants of the site shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In order to provide high quality communications infrastructure for future occupiers in accordance with policy ENV3 of the Craven Local Plan 2012 to 2032.

- 13 Prior to the occupation of the dwellings hereby permitted, a site plan showing the proposed locations of Solar PV Panels and samples of the materials to be used in the construction of the solar panel array shall be submitted to, and approved in writing by, the local planning authority. Development shall be carried out in accordance with the approved samples and retained as such thereafter.

Reason: To promote sustainability through renewable energy in accordance with policy ENV9 of the Craven Local Plan 2012 to 2032.

Ongoing Conditions

- 14 In the event of the solar PV equipment hereby approved ceasing to produce electricity, they shall be permanently removed from the building within 3 months of the date they become redundant, and the roof covering shall be restored to match the remainder of the roof.
Reason: In the interest of the visual amenity in accordance with Policy ENV3 and ENV9 of the Craven Local Plan and the National Planning Policy Framework.

Informatives

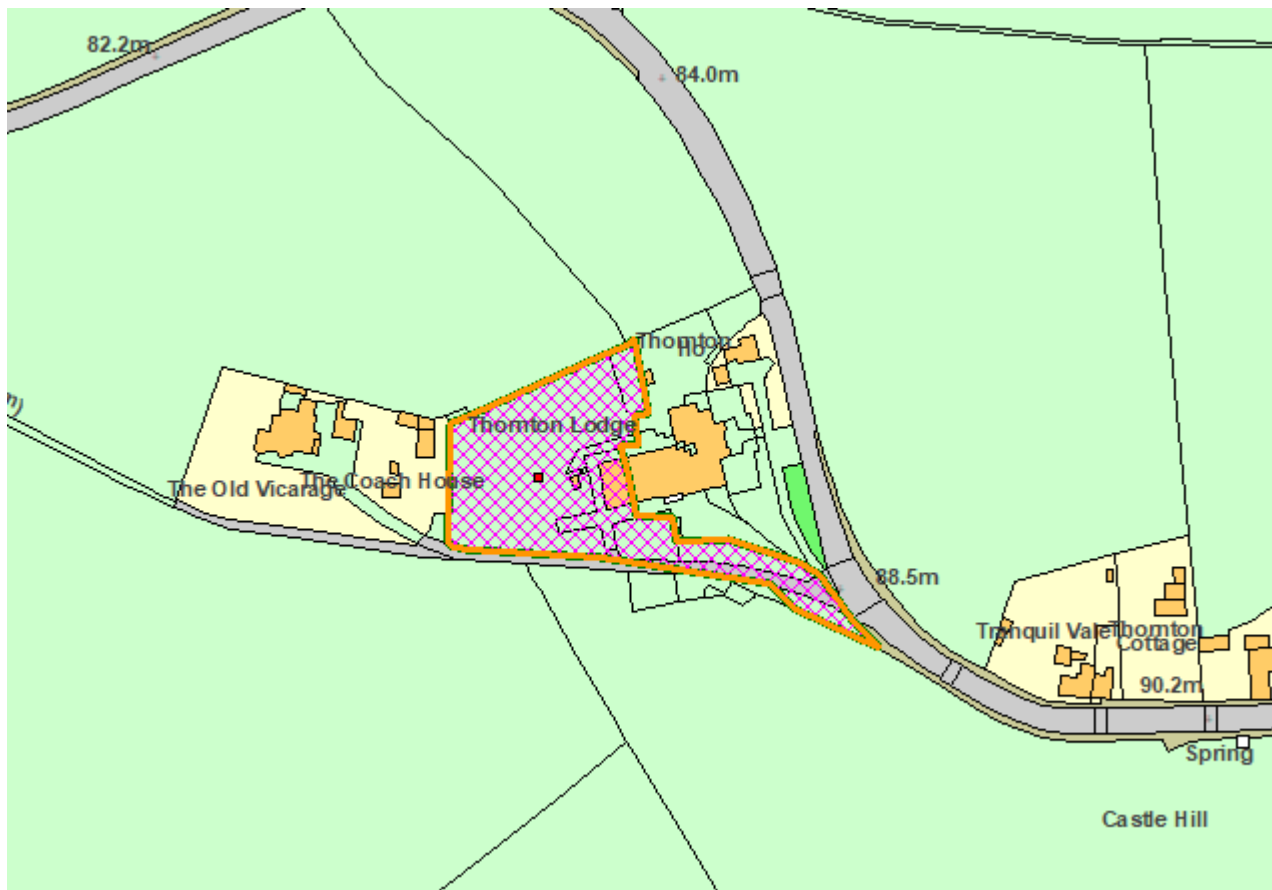
1. The hours of operation during the construction phase of development and delivery of construction materials or equipment to the site and associated with the construction of the development hereby permitted should be limited to 0730 hours to 1800 hours on Monday to Fridays and 0730 hours to 1300 hours on Saturday. No work should take place on Sundays or Bank/Public Holidays.
2. The applicant needs to have regard to the BS8233:2014 Guidance on 'Sound Insulation and Noise Reduction for Buildings' which presents guideline noise levels for both inside and outside dwellings.
3. The applicant is advised it is the responsibility of the developer to ensure that any topsoil brought on site is free from metals, plastic, wood, glass, tarmac, paper and odours associated with

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

4. The developer shall ensure that a plan is implemented in order to control dust created during the construction phase of the development. The plan shall be in line with the Institute of Air Quality Management Guidance on the Assessment of Dust from Demolition and Construction. The dust management plan shall identify all areas of the site and the site operations where dust may be generated and further identify control measures to ensure that dust does not travel beyond the site boundary. Once in place, all identified measures shall be implemented, retained and maintained for the duration of the approved use.

5. Statement of Positive Engagement:

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



Application Number: 2020/22109/FUL

Proposal: Revised description Construction of eleven dwellings with landscaping, infrastructure, associated works and off-street parking on allocated site.

Site Address: Land At Richard Thornton's School Burton In Lonsdale LA6 3JZ

On behalf of: Permahome Limited

REPORT TO PLANNING COMMITTEE ON 27th September 2021

Application Number: 2019/21261/FUL

Proposal: Full planning permission for the erection of 38 residential dwellings with off street parking, green infrastructure and all associated works

Site Address: Land To The South Of Brockhole View Settle BD24 9RF

On behalf of: Francmanis Properties

Date Registered: 11th December 2019

Expiry Date: 11th March 2020

EOT Date, if applicable:

Case Officer: Andrea Muscroft

SUMMARY

The site is allocated for 57 dwellings within the Local Plan under policy Sp6 subject to criteria. The application proposes 38 dwellings and for the reasons outlined in the report complies with these criteria subject to a legal agreement and conditions.

The application proposes development within the area defined for open space under policy INF3 which would integrate through the development which is considered to provide a better design approach.

The application proposes the provision of 30% affordable housing which accords with policy H3.

NYCC Highways have raised no objection to the proposed development on highway safety grounds.

The application complies with all other relevant Development Plan policies and there are no overriding material considerations to warrant a decision other than in accordance with the Development Plan, and so permission is recommended subject to the legal agreement and conditions set out below.

1. Site Description

- 1.1 The proposed development site is greenfield on the edge of Settle. The site is approximately 2.6 Ha in size comprising three fields and surrounded by dry stone walls.
- 1.2 Beyond the eastern boundary is the Yorkshire Dales National Park.
- 1.3 Importantly, the site is allocated for housing development and open space in the Local Plan and policy SP6 allows for up to 57 dwellings (ref SG027, SG068) and sets out several criteria to be met.

2. **Proposal**

- 2.1 The erection of 38 residential dwellings with off street parking, green infrastructure and all associated works.
- 2.2 The proposal seeks to provide a range of detached and semi-detached dwellings to provide a mix of house types and sizes.
- 2.3 Affordable housing would be provided at 30% (11 units).
- 2.4 Housing would be 2 storeys in height except for plot 21 which would be bungalow. All dwellings have individual garden spaces.
- 2.5 Dwellings would be built in accordance with Building Regulations Document Part M (Access to and use of buildings).
- 2.6 Existing PROW would be retained and connected to a new proposed footpath to be located within the proposed green infrastructure situated to the south of the site.
- 2.7 Creation of open stream to the south of the site.
- 2.8 The proposal would result in the planting of 128 new trees across the site.
- 2.9 Site boundaries (internal & external) would consist of existing dry-stone walls and timber fencing.
- 2.10 101 Vehicle parking for the dwellings is provided as well as the provision of visitor parking spaces throughout the site.
- 2.11 The proposal has been supported by a Sustainability Report which outlines for example:
 - Building fabric and quality of space – high performance insulation, improved thermal envelope, adaptable, sustainable materials.
 - Electricity, heat and ventilation – 100% energy efficient lighting, efficient boilers, improved heating measures and controls.
 - Generic items – provision of water butts, reduce water consumption facilities, electric charging points, cycle storage, bird and bat boxes, wild meadow, compost facilities and suds.
 - Recycling provision – in line with CDC Neighbourhood Services

3. **Relevant Planning History**

- 3.1 Outline planning application for the erection of circa 16 dwellings and associated access. Ref. No: 62/2016/17447 | Approved with Conditions.
- 3.2 APP/2020/21368/OUT - Pre-application advice provided August 2019
- 3.3 Officer note: The proposal in terms of density and layout was informed by pre-application advice with regards to reducing the visual impact of the development on the National Park and to enable the development to integrate with the open character of the area and the characteristics of Settle. In addition, the provision of the attention tank has also impacted on housing numbers.

4. **Planning Policy Background**

- 4.1 Craven Local Plan (2012-2032):
 - SD1: The Presumption in Favour of Sustainable Development
 - SP1: Meeting Housing Need
 - SP3: Housing Mix and Density

- SP4: Spatial Strategy and Housing Growth
- SP6: Strategy for Settle – Tier 2
- H2: Affordable Housing
- ENV2: Heritage
- ENV3: Good Design
- ENV4: Biodiversity
- ENV6: Flood Risk
- ENV7: Land and Air Quality
- ENV8: Water Resources, Water Quality and Groundwater
- ENV9: Renewable & Low Carbon Energy
- ENV12: Footpaths, Bridleways, Water Quality and Cycle Routes
- INF3: Open Space
- INF4: Parking Provision
- INF7: Sustainable Transport and Highways

4.2 National Policy

National Planning Policy Framework
Planning Practice Guidance

5. Parish/Town Council Comments

5.1 Settle Town Council: No comments received within the statutory consultation period.

6. Consultations

6.1 NYCC Highways – No objection subject to the imposition of a suite of suggested conditions.

6.2 Env Health – No objection subject to the imposition of a suite of suggested conditions.

6.3 NHS Foundation Trust – No objection subject to a s106 contribution.

6.4 Designing Out Crime Officer – No objection subject to certain recommendations.

6.5 Public Rights of Way – No objection – recommendations on use and maintenance provided.

6.6 Heritage – *“I recommend that, whilst the principle of residential development of the site is acceptable, serious consideration should be given to seeking amendments to the layout and landscaping, to: provide a more effective green infrastructure along the E boundary; reduce harm to the setting of the barn on Brockhole Lane; retain some of the dry-stone walls within the site in situ and ensure that they inform the layout and; confirm retention of the drystone walls around the boundary of the site”.*

6.7 United Utilities – No objection subject to imposition of suggested conditions.

6.8 Strategic Housing – *“Due to the localised needs evidence for 1 bed homes, a change in the mix above is proposed to:*

4 x 1 bed homes @ 60sqm (Plots 14, 15 and swap plots 4 and 5 from 2 beds to 1 beds)

4 x 2 bed homes @ 70sqm (Plots 10, 11, 12, 13)

3 x 3 bed homes @ 85sqm (Plots 3, 6, 7)

In accordance with NPPF, at least 10% of the total numbers of dwellings on site should be for affordable sale for those who cannot afford to buy homes on the local market. 2 x 2 bed and 2 x 3 bed

homes will therefore be for shared ownership offering first time buyers on local incomes the opportunity to get a foot on the housing ladder, buying shares of as little as 25% with a deposit of between 5% and 10%”.

- 6.9 National Park Authority – *“it is considered that very little has changed with the amended details, although the additional 16 trees are welcome. To clarify, our concerns are not with regard to the whether this site is developed but with the design and layout of the development. This site will extend beyond the existing built form of Settle into open countryside of which there are important close and elevated views from the National Park. It is considered that the design and layout of this development does not adequately pay regard to the context. It therefore remains the view that the development of the site as proposed could result in harm to National Park purposes if fully developed without amendment or mitigation. The amendments and mitigation measures set out above and in our previous comments are therefore recommended”.*
- 6.10 Lead Local Flood Authority – No objections following submission of updated information and subject to the imposition of a condition.
- 6.11 The above is a summary of the responses. To view in full please click on the link below:
<https://publicaccess.cravendc.gov.uk/online-applications/applicationDetails.do?keyVal=Q2B3CJFKN1700&activeTab=summary>

7. Representations

- 7.1 Third-party concerns as follows:
- ☐ Quality of design
 - ☐ Character & Context
 - ☐ Effect of development of nearby buildings and heritage assets.
 - ☐ Affordable housing units
 - ☐ Layout
 - ☐ Proximity
 - ☐ TPO provision for certain existing tree specimens.
 - ☐ Increase in traffic and noise pollution.
 - ☐ Delivery of building materials.
 - ☐ Location of works site compound
 - ☐ Construction traffic
 - ☐ Drainage and water supply infrastructure.
 - ☐ The proposed access is hazardous and compromises road safety.
 - ☐ Deficient ecological survey.
 - ☐ Contribution to car usage.
 - ☐ Inadequate access
 - ☐ Inadequate local infrastructure.
 - ☐ Lack of parking
 - ☐ Means off access is inappropriate.
 - ☐ Use of access may cause damage to properties.
 - ☐ Overlooking
 - ☐ Right to light
 - ☐ Lack of green energy and bat box provision.
 - ☐ General dissatisfaction with the amount of local construction activity.

8. Summary of Principal Planning Issues

- 8.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that,
- “If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.”
- 8.2 The Local Plan allocates most of the site for 57 houses under policy SP6 subject to several criteria covering matters relating to design and layout, access, affordable, biodiversity, open space, and highways.
- 8.3 This is a detailed application for 38 houses. Clearly, the principle of housing is accepted under Local Plan policy SP6 so it needs to be assessed as to whether the proposals comply/can comply with the policy criterion and any other relevant Development Plan policies.
- 8.4 The key issues for the application are centred around site allocation policy SP6 and all other relevant policies as follows:
- Design quality and the effect on the development on the character and appearance of the area
 - Sustainable Design and Construction
 - Broadband
 - Living Conditions
 - Affordable Housing
 - Heritage Assets
 - SUDs
 - Access & Highway Matters
 - Biodiversity
 - Other matters

9. Analysis

Design quality and the effect on the development on the character and appearance of the area

- 9.1 LP Policy ENV3 sets out the Council's general urban design principles and, amongst other things, states that proposals should be based on a contextual appreciation of environmental features and preserve local character and distinctiveness.
- 9.2 LP Policy ENV1 supports development proposals that, amongst other things, conserves and enhances local landscape character by positively responding to their surroundings.
- 9.3 The Framework states that good design is a key aspect of sustainable development; it should contribute positively to making places better for people. Decisions should aim to ensure that development will function well and add to the overall quality of the area, establish a strong sense of place, create attractive and comfortable places to live, work and visit, optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses and support local facilities and transport networks. Furthermore, it provides that development should respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation. Local Plan policy set out that development should be well connected to and integrated with the wider settlement with height, massing, layout, appearance and landscape makes an appropriate visual relationship with that of the form, grain, scale, materials and details of the surrounding area, whilst not necessarily replicating local characteristics. These qualities are echoed in the design provisions of the Framework and the National Design Guide.
- 9.4 One of the core planning principles is to secure high-quality design. The Council places emphasis on new buildings to be of the highest architectural quality. The Framework also outlines that planning decisions should aim to ensure that developments function well and add to the overall quality of an area

not just for the short term, but over the lifetime of the development. It additionally recognises that considerations regarding the appearance and the architecture of individual buildings should go beyond aesthetics and consider the connections between people and places and the integration of new development into the natural, built and historic environment. Local and national design policies advise that planning permission for new development will be refused if it causes material harm to the character of the surrounding area, including the street scene, overlooking, noise or disturbance to occupants of neighbouring dwellings, overshadowing or over-dominance, traffic danger or congestion.

- 9.5 Character can be defined as individual distinctiveness created from a combination of natural and built elements with historic, socio-economic factors. An understanding of the town's current character is essential to directing and shaping future development in a sensitive and appropriate manner. The general datum of the proposed development appears to represent a logical distribution of height across the site and has been restricted to two storeys. The scale of the buildings is supported within the context of the site supporting the quality of the layout and the optimisation of housing output. Residential development should generally be based on the size of the building in conjunction with the quantum of residential units provided.
- 9.6 Settle's collective streetscape can best be defined as reflecting its continuous evolution whilst generally respecting existing urban grain to provide context. The result of this is that the town is generally not so densely built-up and there are no sites within the town that are so large or so detached from their surroundings that the context can be ignored, and an entirely different typology, character or scale introduced. Nearby houses are, for the most part, attractive and have some architectural merit given their simple and unfussy design concepts. They display some pleasing design features, most notably the predomination of slate roofs and facing stone.
- 9.7 The layout of the proposal has been driven by the constraints to the south and east of the site, where the presence of existing buildings has limited the ability for a more connected, permeable and coherent design solution. Nonetheless, the grain and scale of buildings, in tandem with their general layout, clearly draws inspiration from traditional street patterns. Therefore, consultee and third-party criticism concerning the quantum of development, which falls below the initial density expectations, and layout, given the on-site constraints, are clearly misplaced.
- 9.8 More recent additions to local housing stock do vary somewhat in design, scale and layout. However, primarily they front the main road and have generous plots and space around them. There are spaces between the existing dwellings that afford limited views across the landscape, reinforcing the sense of openness. Whilst such spaces generally reduce on the approach to the town centre where development is denser, the sense of space and openness remains, to a degree, given the rural setting coupled with an absence of unsympathetic extensions or alterations clearly visible in the public realm. Nearby dwellings are characterised by somewhat irregular placement and by generous gaps between existing buildings. Whilst the proposed buildings enjoy a closer relationship where such gaps are not so pronounced, their presence is still notable as is the slight irregularity in terms of the positioning, reflecting the existing contextual arrangement and contributing to visual interest.
- 9.9 The site sits within a primarily open landscape that provides a transition to the countryside beyond it and, in this regard, it forms an integral part of the character of the village and its immediate surroundings. Moreover, the presence of a more elevated landscape in the distance provides a contrast and emphasises its overall character. The limited adaptation of built form in terms of post-construction additions has resulted in most of the nearby houses retaining their original appearance and reinforces a pattern of development that is unfussy and attractive, thus the contribution of these buildings to the urban grain should not be underplayed.
- 9.10 The applicant has drawn from the architectural cues seen in these houses and incorporated them in the realisation of the design of the proposal whilst managing to create something unique. Both local and national policy states that the applicant should not feel bound by the prevalence of an architectural style. This is especially relevant given the variance of the wider context vernacular when looking beyond the buildings in the immediate locality. The houses will be constructed from stone with slate roofs. The density of the proposed housing, their comparatively generous plots and the separation

distances between the proposed buildings serves to contribute to the spacious character of the street scene. Accordingly, the overall scale and appearance of the proposal would generally reflect the existing form and character of development in the town.

- 9.11 Consultees have raised concerns over the formal layout of the scheme in that it *“does not reflect the historic meandering rural lanes on the periphery of Settle”*. Whilst this is certainly true, Settle is not devoid of more orthodox road arrangements, some of which are nearby to the Site. The layout of the proposal is more uniform than that of many of the nearby streets and contrasts more notably on the streets that fringe the town. However, the constraints of the site in tandem with maximising the quantum of development have a part to play in arriving at the proposed layout. Notwithstanding this, the more formal layout does not conflict so sharply with the existing spatial characteristics of the area to the degree that it would warrant a refusal on that basis.
- 9.12 The Landscape and Visual Impact Assessment (LVIA) produced by the applicant acknowledges that the site is within the setting of the YDNP. The Council accepts the basis for the assessment and its findings, seeing no reason to disagree with the methodology. I accept that the location of the site within the setting of the YDNP does not necessarily indicate that the site is formally recognised in landscape terms. Given its proximity to the urban fringe, the site is not in a highly tranquil location. The open area of the site is not large in comparison to land in the surrounding area to the south. The LVIA concludes that there would be no long term, significant landscape and visual effects on the key characteristics of the wider area and the YDNP. The reasoning given is the site's character, small scale and containment together with local topography and positioning relative to the existing residential fabric. It assesses the effect of the proposed dwellings to be low and moderate in very close relation, but insignificant to the wider landscape and visual amenities.
- 9.13 The LVIA is a material consideration which carries significant weight. However, the construction of dwellings would result in built development where there is presently none on a greenfield site. In doing so, the development would encroach into the countryside adjacent to the existing settlement boundary. Notwithstanding, the principle of housing on the site has already been scrutinised through the examination and adoption of the Local Plan. Accordingly, the site is deemed to be an acceptable location subject to appropriate mitigation.
- 9.14 The layout of dwellings, footprint, bulk, scale and massing of buildings, together with hardstanding and domestic paraphernalia, would inevitably change the character of the site. The resultant loss of views of open countryside to the south of Brockhole View and the change in character of the site beyond the existing settlement edge would be observed most notably from both the road and the public footpath along the western boundary of the site. The potential for boundary screening or landscaping to soften the appearance of the development would mitigate the change from the open character of the site to a predominance of built form, but to varying degrees dependant on from where the site was being observed. Accordingly, the impact on the countryside arising from the loss of the rural character of the site would be reduced from distant public vantage points to the south by visual containment and screening. The development would also be viewed against the backdrop of existing housing within the settlement from public vantage points at distance from the north.
- 9.15 The users of the pedestrian footpaths into the open countryside are sensitive receptors to change. The development, during the construction phase, would create an intrusion into the open countryside from wider views. However, this effect would soften over time and the development would ultimately read as part of the settlement. Having regard to all the above, the development of the site would not result in a detrimental visual impact upon the countryside nor result in a significant adverse impact on its character. Furthermore, the redevelopment of the site for housing and therefore the principle of residential development has already been endorsed through the Local Plan. The Government and the Council attaches great importance to the design of the built environment. The Framework advises that new development should take account of the overall scale, density, massing, height, landscape, layout and materials of new development in relation to neighbouring buildings and the local area more generally. In this case, for the reasons set out above, the overall design and appearance of the development would contribute towards local distinctiveness. Moreover, the applicant will be bound by a planning condition to provide a more detailed material palette prior to construction to ensure that he the

scheme correlates with the expanding vision of the development whilst remaining faithful to its prevailing character.

- 9.16 The site suffers somewhat due a more modest public transport accessibility level which, to some degree, restricts the density of the proposed housing scheme and ultimately the quantum of units offered. Development should not be parking-led but it will come as no surprise the final scheme may have a higher reliance on parking-provision by virtue of its location unless and, in part, to the size and types of dwellings on the site. The general quantum and datum of the proposed development appears to represent a logical distribution of height across the site. The scale of the buildings is supported within the context of the site given the quality of the layout and the optimisation of housing output. The layout of the proposal has somewhat been dictated by the size and shape and orientation of the plot, its relationship to existing built form and, to a lesser degree to certain constraints thereon. However, care has been taken to maximize the potential of the land directly affected by these constraints.

Sustainable Design and Construction

- 9.17 The purpose of the planning system is to contribute to the achievement of sustainable development. Sustainable development is key to tackling the linked challenges of climate change, resource use, economic prosperity and social well-being, and cannot be achieved without sustainable buildings.
- 9.18 LP Policy ENV3 states that sustainability should be designed in, so that development takes all reasonable opportunities to reduce energy use. The Council will promote the highest standards of sustainable design and construction throughout the district. Developers should explore the potential to implement water recycling measures on a building or site-wide scale to significantly reduce mains water demand as part of all new development. Developers should strive to deliver infrastructure to reduce mains water consumption unless these strategies can be proven technically unsuitable or commercially unviable. These aspirations can be secured by way of planning condition in order that they can be fully explored post permission.
- 9.19 It is important to recognise that Building Regulations cover a significantly wider range of sustainability issues that is covered by separate regulation. Parts G and L of the Building Regulations address water efficiency and energy use respectively. The submitted Sustainability Report also incorporates addresses other important sustainability issues such as materials, waste, ecology, and management of both the construction process and the completed building. Concerns have been raised by third parties regarding these issue in general and, more specifically, water efficiency. However, there should be an appreciation that there are many regulatory frameworks outside of the planning system (such as Building Control) that will need to be complied with during the construction of the development. Whilst compliance is expected with all these regimes, matters outside of the planning purview are not material to the decision-making process and therefore will not weigh against the acceptability of the development. In addition, the use of PV solar panels given the site close proximity to the Yorkshire Dales National Park has been explored by the developer but given the sensitivity in terms of visual impacts the provision it has been considered that any benefits would not outweigh the negative landscape effects that would arise.
- 9.20 In conclusion, the proposal through the use of natural resources prudently, ensuring that materials are responsibly sourced, consumption of resources such as energy and water are minimised and enabling the reuse and recycling of resources at the end of a buildings life cycle, thus minimising waste and pollution and enhancing air quality would help address the challenges of climate change. In addition, the provision of adequate levels of insulation, heating controls and ventilation and the use of passive solar benefits due to the orientation of dwellings would assist tackling fuel poverty through the construction of highly energy efficient new homes. Therefore on balance it is considered that the proposed benefits as outline above significantly outweigh any potential benefits from PV panels given the negative visual impacts that would arise.

Broadband

- 9.21 The government has implemented a Universal Service Obligation, giving every household and business the right to request a broadband connection of at least 10 Mbps. Providing superfast broadband in new developments will provide further benefits and opportunities in terms of sustainability. Post pandemic, it is likely that there will be more or a reliance on home working even as restrictions ease. Fast, dependable broadband is essential for residents to benefit from online services, and for businesses to operate and reach their customers. It also contributes to the vibrancy of an area, in terms of both economic growth and social inclusion. Moreover, it can have the effect of improving transport sustainability and air quality given the reduction in travel for work.
- 9.22 The Ministry of Housing, Communities and Local Government updated the Framework in 2019 to suggest that all planning policies, and decisions should support the expansion of telecoms networks (including full fibre broadband). For the above reasons, the Council considers that fibre to the premise (FTTP) is essential infrastructure and vital to the delivery of sustainable development. Therefore, the development is expected to deliver FTTP and the developer will be required to submit an FTTP Statement, to be agreed by the Council. This statement will establish how FTTP will be provided to serve the development and that it will be engaged at first occupation. Exceptions to this approach could be justified in circumstances where it is not practical, viable or feasible to deliver FTTP. In such cases, evidence will be needed from the applicant to demonstrate that this is the case. Notwithstanding, where FTTP is not delivered, non-Next Generation Access technologies that can provide speeds in excess of 24Mbps should be provided as an alternative.

Living conditions

- 9.23 There would be a relatively close relationship between houses adjacent to the site back on to it and are separated from it by rear garden fences and hedges. They do not therefore currently benefit from uninterrupted views of it. Nevertheless, the outlook from their rear facing windows and gardens would be changed by the sight of the proposed houses. The distance between the proposed development and adjacent housing is enough to ensure that there would be no overbearing impact and overshadowing would be limited to parts of the rear garden ensuring the occupants' outlook would be harmed to an extent that would justify withholding planning permission. Similarly, the outlook for occupants of houses facing into the site would be changed. There would be a reduction in the sense of openness with the building line coming closer to their properties. Nevertheless, there would be no overbearing impact and they would still look out onto an area of open space albeit reduced in size. As such any harm to their living conditions in this respect would be minor and not significant. The proposal would therefore comply with Local Plan policy requiring development to provide an adequate level of privacy, outlook, sunlight and daylight and not be unduly overbearing.
- 9.24 There is close proximity between a dwelling at the far the north eastern aspect of the site and the nearby Cottage. However, there would be a screen fence, landscaping and an intervening highway that would prevent overlooking between the ground floor habitable windows of any facing elevations between. The separation distance in tandem with a valid screen option would make it difficult to see into the rear of the house or to the areas of land closest to the dwelling. A planning condition in respect of tree planting in the appropriate location would mitigate against harmful overlooking or loss of privacy, or the perception thereof for the occupiers of this neighbouring property. The trees would have to be significant specimens with good crown cover and distribution. The presence of any existing intervening vegetation that obscures views into the neighbouring property will not normally be enough, on its own, since they can too easily be removed or die. Accordingly, a comprehensive landscaping scheme (including the planting of the trees) has been provided and its presence secured thereafter by way of planning condition.
- 9.25 The issue of overlooking and how this affects has the potential to affect users of other nearby buildings has also been considered. There should be an appreciation that a certain amount of overlooking would be inevitable when buildings occupy the arrangement as proposed. However, is the significance of the overlooking effect that is the main question for the decision maker to consider. The oblique angle of view, and the presence of a significant landscaping scheme, would prevent any significant overlooking

between the upper windows of the proposed dwellings and any private areas of the surrounding buildings. Moreover, given the existing projections of the surrounding properties and their respective locations in context in tandem with the separation distances, the mass and bulk of the proposal when viewed from neighbouring windows would be limited, and would not cause a significant overshadowing effect within those rooms that would be affected by their presence. Also, having regard to the sun's trajectory, any additional effect on daylight and sunlight within those nearby buildings, as a result of this scheme being realised, would also very limited and would not significantly affect the levels of privacy.

- 9.26 In conclusion, the proximity and scale of the development will not unacceptably detract from the existing living conditions and general amenities of any neighbouring occupiers in such a way that planning permission should be refused if an appropriate planning condition is attached. The Council has not incorporated Nationally Described Space Standards into the current development plan; however, the standards are a usual benchmark for considering quality of accommodation in terms of floor space. Without exception, the proposed dwelling exceeds these space standards.
- 9.27 The Council recognises its commitment to adult social care and will promote accessibility for all in the realisation of development schemes. Therefore, the proposal is required to be developed so that all dwellings are, as a minimum, constructed to the requirements of Part M(2) of the Building Regulations. Moreover, a proportion should also be built to part M4 (3) of the Building Regulations in line with the latest available evidence outlined in the latest Strategic Housing Market Assessment. A pre-occupation condition will be attached to any permission to ensure that this happens.
- 9.28 Connections with nearby footpaths and their proposed upgrade supports permeability and promotes healthy lifestyles. A more vibrant and sustainable urban form results from designing places that make walking to local facilities and public transport stops as convenient and comfortable as possible. The creation of a walking route through the site and conceiving the landscaping scheme in conjunction with it makes it an attractive place where people will want to spend time. This would not only serve to potentially promote greener transport choices but also supports biodiversity and air quality net gain. A demonstration of how the scheme would contribute to connecting places together and breaking down existing physical boundaries whilst promoting active lifestyles should be at the core of the scheme as it evolves post permission.
- 9.29 Para 103 of the Framework identifies that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be considered in decision making. Accessibility of facilities and services is fundamental to the proper functioning of a neighbourhood. The site is located within the designated boundaries of the town and is therefore well located in proximity and as such a short walk to its services and shops. In terms of the ease of access for future residents to fundamental aspects of daily life without reliance upon private motor vehicles, the proposed development presents a site which performs well in respect of its accessibility which would contribute in a positive way to the functioning of the development as a new neighbourhood.

Affordable Housing

- 9.30 Policy H2 of the LP addresses the provision of affordable housing and, according to the 2017 Strategic Housing Market Assessment (SHMA) Craven's net affordable housing imbalance over the life of the Local Plan is 126 dwellings per annum and future affordable housing provision should be approximately 15%-25% intermediate tenure, and 75%-85% affordable rented, with 87.4% one and two bedroom dwellings and 12.6% three (or more). The site is of a size and is a location requiring 25% of new dwellings to be affordable homes. The wording of Policy H2 makes it clear that the affordable housing provision should be in line with the requirements of this policy, although lower levels of provision may be acceptable in certain circumstances. The proposal has earmarked 11 homes as affordable housing therefore satisfying one of the requirements of LP Policy H2.
- 9.31 LP Policy H2 is consistent with the Framework which, amongst other things, address the provision of affordable housing, as part of boosting the supply of housing and requiring, policies with cost

implications, such as Policy H2, to be formulated to take account of viability. Policy H2 indicates that a scheme's affordable housing level can be reviewed if viability is an issue. The Framework underlines that viability is a material planning consideration in the determination of planning applications. It states that pursuing sustainable development requires careful attention to viability and costs in decision-taking and that, to ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land-owner and willing developer to enable the development to be deliverable. The Council has sought to maximise affordable housing provision, on a mixed tenure basis to promote mixed and balanced communities.

- 9.32 Where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. Amongst other things, the weight to be attached to viability is a matter for the decision maker, having regard to all circumstances of the case, including whether the development plan and the evidence underpinning is up to date and whether there have been any changes in circumstances since the development plan came into force. The proposal will provide 11 (30%) affordable dwellings, an amount that meets local plan requirements and adds significant weight in its favour. The applicant has responded to requests for a better tenure mix within the proposal in order to promote social cohesion. The specific requirement for affordable housing has been calculated in accordance with the Local Plan and the 2017 update to the SHMA. A related s106 obligation will ensure future continuity in respect of the provision of affordable housing on site, in the interests of proper planning.

Effect on Heritage Assets

The Large Barn

- 9.33 The historic field barn (the 'Large Barn' or the Barn), located adjacent to the site, is recognised in YDNPA Historic Environmental Record and should be treated as a **non-designated** heritage asset for the purposes of the Framework. Consideration must also be given to the National Park Authority's statutory duty to conserve and enhance the landscape and scenic beauty of the National Park and to the requirement, in the Framework, that great weight should be given to that objective. The indicate that the Barn is better preserved than many other historic barns within the National Park and is in generally good structural condition. However, the Council also recognises the fact that the Barn is not actually located within the YDNP itself. The Framework requires that, when submitting proposals affecting heritage assets, applicants should describe the significance of the asset, including any contribution made by its setting. A Heritage Statement (including a later addendum) was submitted with the application and adequately assesses the significance of the barn as a heritage asset and demonstrates that the local historic environment record has been consulted. Moreover, it adequately to assess the setting of the barn in accordance with Historic England guidance on the assessment of setting.
- 9.34 The Building derives its significance, in part at least, from its substantial height and scale, its simple form, and the appearance of solidity that flows from the limited number of openings in its external walls and roof. However, it has clearly been subject to recent alterations, most notably a dual pitched slate roof. Its setting includes the full extent of the field in which it is sited and that the open area between the building and the dry-stone wall to the roadside boundary, makes a positive contribution to that setting. Due to the low height of that wall clear views of this area of land are available from Brockhole Lane, particularly from the south east. It is clear that the urbanisation of land surrounding the field on which the Barn is located would cause harm to the external character and appearance of the barn and to its setting. Local Plan policy requires that proposals must conserve and where appropriate enhance the significance of historic assets. Notwithstanding, the Framework requires that the effect on the significance of a non-designated asset should be taken into account when determining an application affecting that asset and that a balanced judgment will be required, having regard to the scale of any harm or loss and the significance of the asset.
- 9.35 Whilst the available evidence suggests that the barn is of some importance as a surviving example of a post medieval field barn and realisation of the proposal would cause harm to the building and its

setting, both the historic quality of the Barn and its setting have been eroded in the intervening years. It is seen as an individual building, but the time has long since passed that it was standing in its own field and separate from the main built area of Settle. The building sits within and still makes a positive contribution to the historic agricultural landscape and rural setting of this aspect of Settle. However, the more recent and not historically sympathetic external alterations are apparent in those views and adversely impact on the viewer's appreciation of the simple form and solid appearance of the building. For those reasons, although the Councils agree that realisation of proposal would harm the significance of the Barn and its setting as a non-designated heritage asset that harm is very much at the lower end of the scale and there would not be a total loss of significance brought about by realisation of the proposal.

Settle – Carlisle Railway Conservation Area

- 9.36 Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBA) LBA requires special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the conservation area. The Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

- 9.37 Whilst there is no statutory protection for the setting of conservation areas, the Framework requires that consideration be given to any harm to or loss of significance of a designated asset, which includes conservation areas, from development within its setting. In their heritage statement, the applicant concludes that no harm would be caused to the setting of the nearby Conservation Area and the Council agrees with this assessment.

- 9.38 The Settle- Carlisle Railway Conservation Area Appraisal (2016) tells us that the Area was designated in 1991 to conserve the character and appearance of the entire railway line from Settle to Carlisle. At 78 miles this is believed to be the longest Conservation Area in England. Settle is one of the largest towns that the Settle-Carlisle railway passes through. It bisects the modern settlement and is west of the historic core. The Council considers the significance of the CA derives from its unique character.

- 9.39 For reasons of proximity, topography and intervening built form already in existence, the changes that would be realised by the proposal would only be appreciable in relatively limited westward views from the site. Whilst the Council acknowledges this would represent a change to the current situation, it is difficult to see how this would not be incongruous with the character and appearance of the CA. In terms of the built form and associated highway works, the proposal would only be evident from a small part of the wider CA and, for the aforesaid reason, would not be at odds with its current character and appearance. In relation to the potential for an increase in vehicular traffic and any effect on the character and appearance of the CA, there would be a modest increase in the amount of traffic using the immediate road network leading into the town centre that would not introduce an element that is not already present within the designated area. Notwithstanding, a modest increase in traffic flow would have no effect on the special interest of the CA and no harm would be generated. Accordingly, the proposal would, as a minimum, preserve the character and appearance of the CA.

- 9.40 Taking matters in the round, the proposal would cause limited harm to the non-designated heritage asset (the Barn) and no harm to the CA and, for reasons of proximity, no harm to the setting of the YDNP. Public benefits would be secured by the provision of additional housing (including affordable housing), the creation of construction jobs an uplift in the quality and quantity of landscaping and support for the viability of existing local businesses. Whilst contributions to local services through S106 agreement, required to mitigate the impacts of the proposal, don't go beyond the standard expected for any like development. The identified public benefits of the proposal cumulatively and considerably outweigh the harm that would be caused to the character and setting of the Barn as a non-designated heritage asset.

SUDs.

- 9.41 With the agreement of the Local Flood Authority, SUDs arrangements can be addressed post permission. Accordingly, a planning condition would be attached to an approval requesting details of the long-term maintenance arrangements for the surface water drainage system, prior to occupation of the dwellings. Again, a concern was raised in respect of flooding and the potential for water run off to affect nearby properties, but this was unaccompanied by any evidence to indicate such an issue would arise. The Site is in Flood Zone 1 and the aforesaid planning condition would identify run-off sub catchments, SUDs components, control structures, flow routes and outfalls. In addition, the arrangements will clarify the access that is required to each surface water management component for maintenance purposes. Whilst the concern is noted, such matters can be successfully mitigated by condition.

Access & Highway Matters.

- 9.42 The footways that serve the site will link to the town and would therefore provide a realistic and attractive alternative for most people to shop for provisions or use the facilities in the nearby town. The surface is wide and sound enough to accommodate those with mobility limitations who still felt able to use the footway. Notwithstanding the relatively short distance, the car would likely be the preferred mode of transport relied upon for access to other services and facilities, which are some distance away. The Framework identifies that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be considered in decision making. Accessibility of facilities and services is fundamental to the proper functioning of a neighbourhood. The site, whilst outside the designated boundaries of the Town is nonetheless well located near the Railway Station and within an easy walk of schools and the Town Centre with all its services and shops. Purely in terms of the ease of access for future residents to fundamental aspects of daily life without reliance upon private motor vehicles, the proposed development presents a site which performs well in respect of its accessibility which would contribute in a positive way to the functioning of the development as a new neighbourhood.
- 9.43 The Highway Authority (HA) assessed the planning statement as being a fair representation of what might be expected from the composition of accommodation proposed. Anecdotal evidence has been received from residents of the busy nature of nearby streets, in respect of traffic flows in both directions particularly at peak times. Nonetheless, the quantitative technical evidence was not challenged, and it is an agreed position between the Council and the applicant that the proposed development would not result in a severe residual cumulative impact upon the existing road network. Even given the peak traffic flows in the locality the visibility for pedestrians is good, does not present a hazard any more so than any other busy rural approach to the Town. In these circumstances the introduction of the proposed development would not present an unacceptable impact on the highway safety of pedestrians or road users.

Biodiversity

- 9.44 The ecological value of the site is comparatively low given its status. However, development proposals should include the provision for bat and bird boxes and invertebrate habitats, such as bee bricks, in order to make the land more attractive for animals to use the soft landscaped areas for foraging. A planning condition is necessary to ensure that these measures are integrated into the development scheme as well as securing the use of native plant species for soft landscaping to achieve a biodiversity net gain.
- 9.45 The Framework states that proposals should provide appropriate landscaping to ensure that they integrate well into the surrounding locality. This requirement is repeated in the adopted local plan. This aspect of the development is important, not only in terms of it supporting its overall character but in also in respect of air quality and biodiversity gains. Following discussions with the applicant an appropriate level of landscaping has been submitted for consideration which would ensure the new scheme adequately mitigates for the loss of certain existing trees and would improve the landscaping coverage

on site. Moreover, the future Landscaping Plan will ensure that built form is appropriately softened and that there is no unnecessary fragmentation of existing soft landscaping.

- 9.46 Views of the proposal would be framed and screened by established and proposed vegetation. The forthcoming landscape proposal will respond to the policy requirement to provide high quality, accessible well-designed public realm and landscaping within new developments. The landscape design should provide a unifying element to the design proposals helping them to connect the new buildings together with its setting and stitch it into the wider context. A management plan will ensure that this intention is realised and the use of professional landscaping contractors, responsible for planting, pruning, irrigation, tending the lawns and general horticultural advice, is encouraged. Management and maintenance of the new habitats created as part of the landscape strategy in order to maximise biodiversity gain will form part of the management plan.
- 9.47 In conclusion, the proposal would exceed the required 10% biodiversity net gain for reasons outlined above.

Other Matters

- 9.48 Nuisance arising from construction work is not a planning matter and neither is the location of a works compound, nor the flow construction traffic or any associated provision of parking. Such activity is adequately controlled by environmental protection law through the control of pollution legislation and/or highways legislation both of which fall outside of the planning purview. Therefore, it is not an issue material to the consideration of the planning application. Para 55 of the Framework dictates that planning conditions must be relevant to planning and specific controls outside planning legislation may provide an alternative means of managing certain matters. Duplication of existing control of pollution legislation through the planning system fails the test of necessity and therefore the aforesaid suggested, related conditions will appear in the informative. Notwithstanding, as with all building projects, there is a reasonable expectation that there will be a degree of additional noise, mess and other related inconveniences associated with the development process and therefore the potential issues complained of are an entirely normal occurrence in such circumstances.
- 9.49 In considering any foul and wastewater drainage matters, the planning authority must take into consideration the fact that the developer has an absolute right to connect to the public sewerage system under section 106 of the Water Industry Act 1991 (the WIA1991), whether or not this would give rise to adverse effects e.g. increased flooding or environmental harm due to a restricted capacity in the sewerage and sewage treatment system.

The planning authority must also consider the following matters:

- a) *Section 94 of the WIA1991 imposes a continuing duty on all sewerage undertakers to provide, maintain and where necessary improve its systems for collecting and treating foul and wastewater drainage so as to effectually drain its area and effectually deal with the contents of its sewers;*
 - b) *a sewerage undertaker is provided with the means of funding the cost of fulfilling the above duty within the WIA1991 through sewerage and infrastructure charges; and*
 - c) *the WIA1991 clearly sets out that the costs of meeting the above duty are required to be borne by the sewerage undertaker, not the developer, save in one limited case where a new sewer is requisitioned by the developer (normally in cases where access to a public sewer is across intervening third party land) and where the charges for its use would not cover the cost of borrowing to provide it.*
- 9.50 It therefore follows that related planning conditions are unnecessary for new residential development. For any such condition to be justified, in terms of the guidance in the national framework and PPG, the condition would, amongst other things, must be shown to be necessary and reasonable. It would not be reasonable if it imposes an unjustifiable burden on the developer. Nor would it be reasonable if the condition had the practical effect of forcing the developer to fund any inadequacies in sewerage or

sewage treatment because the sewerage undertaker was not prepared to fulfil its statutory obligations in a timely manner.

- 9.51 Concerns in relation to the impact of the proposal on local services, including schools and health services, have been mitigated by way of a planning obligation or do not meet the threshold whereby such matters would attract a charge. Indeed, the applicant has promised all the contributions reasonably asked of them to mitigate the impacts of the proposed development. These contributions have been calculated by the public bodies requesting them and the Council is satisfied that these contributions are justified and, whilst anecdotal evidence seems to indicate some existing pressure on local services, this is not borne out by the evidence of the responsible service providers. LP Policy INF 3 seeks the provision or contribution towards new or improved sport, open space and built sports facilities is required in all new housing and mixed-use developments of 11 or more dwellings and on any site with a combined gross floor area of more than 1000 sqm, including those on sites allocated under local plan Policies SP5 to SP11. A suitable contribution will be sought through the s106 mechanism.

10. Recommendation

- 10.1 *That subject to the completion of a planning obligation in accordance with the provisions of S106 of the Town and Country Planning Act (as amended) to secure contributions authority is delegated to the Head of Planning to Grant Planning permission subject to the conditions.*

NB: If the S106 legal agreement is not signed/completed by the (3 months from the date of the due decision/committee meeting) or the expiration of any further agreed extension of time, then powers be delegated to officers to refuse planning permission based on the unacceptability of the development without the required contributions and undertakings as outlined in the report.

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:

Proposed Site Plan 8243 BOW AD XX DR A 0004 P6
Proposed Landscape Plan 1281 001E
Site Location Plan 8243-BGP-00-XX-DR-C-90.4-00101
Topographical Site Survey
TYPE A - 1 Bed Affordable Floor Plans, Elevations 8243-BOW-AA-ZZ-DR-A-0020
TYPE B - 2 Bed Affordable Floor Plans, Elevations 8243 8243-BOW-AB-ZZ-DR-A-0021
TYPE C - 3 Bed Affordable Floor Plans, Elevations 8243 8243-BOW-AC-ZZ-DR-A-0022
TYPE D - 3 Bed Private Floor Plans, Elevations 8243 8243-BOW-AD-ZZ-DR-A-0023
TYPE E - 3 Bed Private Floor Plans, Elevations 8243 8243-BOW-AE-ZZ-DR-A-0024
TYPE F - 3 Bed Private Floor Plans, Elevations 8243 8243-BOW-AF-ZZ-DR-A-0025
TYPE G - 4 Bed Private Floor Plans, Elevations 8243 8243-BOW-AG-ZZ-DR-A-0026
TYPE H - 4 Bed Private Floor Plans, Elevations 8243 8243-BOW-AH-ZZ-DR-A-0027
TYPE I - 4 Bed Farmhouse Floor Plans, Elevations 8243 8243-BOW-AI-ZZ-DR-A-0028
TYPE J - 5 Bed Farmhouse Floor Plans, Elevations 8243 8243-BOW-AJ-ZZ-DR-A-0029
TYPE K - 5 Bed Farmhouse Floor Plans, Elevations 8243 8243-BOW-AK-ZZ-DR-A-0030
TYPE L + M 4 Bed Semi Barn Floor Plans, Elevations 8243 8243-BOW-ALM-ZZ-DR-A-0031
TYPE N 3 Bed Bungalow Floor Plans, Elevations 8243 8243-BOW-AN-ZZ-DR-A-0032

Proposed Site Sections 8243 8243-BOW-ZZ-XX-DR-A-0005_P1
Impermeable area plan 1 OF 2
Impermeable area plan 2 OF 2
Flood Flow Exceedance Plan
Proposed Drainage Plan 1 OF 3
Proposed Drainage Plan 2 OF 3
Proposed Drainage Plan 3 OF 3

Planning Statement Addendum dated 16.3.2020
Heritage Statement Addendum Part 1 dated 16.3.2020
Planning & Heritage Statement Addendum Part 2 dated 25.8.2021
Arboricultural survey
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

- 3 No development including earthworks shall take place until a suitable temporary construction surface water management plan has been submitted and approved in writing by the Local Planning Authority. Method statements and plans/drawings detailing surface water management proposals must include the following:
- a. Temporary drainage systems, including any dewatering.
 - b. Measures for managing pollution / water quality and protecting controlled waters and watercourses, including and emergency control measures.
 - c. Measures for managing any on or offsite flood risk associated with construction (If applicable)
 - d. Required consents, e.g. Land Drainage Act, Environmental Permit (If required)
 - e. Construction management, maintenance and remediation schedule.

Reason: To ensure that surface water quality and quantity is managed through construction and prevent the impact of work off site.

Informative - Land Drainage Consent and Culverted Watercourse Improvements Any works in, over, under or near an Ordinary Watercourse (outfall, retaining wall) might require Land Drainage Consent from the LLFA, North Yorkshire County Council. For example, the 'naturalisation' works on the culverted watercourse may require land drainage consent. This is to be considered separate to the planning process.

The scheme to be submitted shall demonstrate that the surface water drainage system(s) are designed in accordance with the standards detailed in North Yorkshire County Council SuDS Design Guidance (or any subsequent update or replacement for that document).

Please note that at discharge of conditions stage, should the requirements not have been approved as part of a planning application, the applicant is exposed to the risk of being unable to discharge the relevant planning condition.

- 4 No development shall take place, including any ground works or demolition, until a Construction Management Plan has been submitted to and approved in writing by the local planning authority. The approved Plan shall be adhered to throughout the construction period. The Plan shall provide for the following all clear of the highway:

Safe access into the site
The parking of vehicles of site operatives and visitors
Loading and unloading of plant and materials
Storage of plant and materials used in constructing the development
Wheel and underbody washing facilities

Reason: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety.

- 5 There shall be no access or egress by any vehicles between the highway and the application site until vehicle wheel washing facilities have been installed on the access road to the site in accordance with details to be submitted to and approved in writing by the Local Planning Authority. These facilities shall be kept in full working order at all times. All vehicles involved in the transport of waste materials or finished products to or from the site shall be thoroughly cleaned before leaving the site so that no mud or waste materials are deposited on the public highway.

Reason: In accordance with policy INF7 and in the interests of highway safety and amenity

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

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

Reason: In accordance with policy INF7 and to provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.

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

Reason: In accordance with policy INF4 and to ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.

During Building Works

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

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

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

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

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

c. Full highway construction details including:

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

Details of the method and means of surface water disposal.

e. Details of all proposed street lighting.

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

g. Full working drawings for any structures which affect or form part of the highway network.

h. A programme for completing the works.

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

Reason: In accordance with policy INF7 and to secure an appropriate highway constructed to an adoptable standard in the interests of highway safety and the amenity and convenience of highway users.

In imposing condition numbered above it is recommended that before a detailed planning submission is made a draft layout is produced for discussion between the applicant, the Local Planning Authority and the Highway Authority in order to avoid abortive work. The agreed drawings must be approved in writing by the Local Planning Authority for the purpose of discharging this condition.

- 9 There shall be no access or egress between the highway and the application site by any vehicles other than via the existing access with the public highway at Brockholes View . The access shall be maintained in a safe manner which shall include the repair of any damage to the existing adopted highway occurring during construction.

Reason: In accordance with policy INF7 and in the interests of both vehicle and pedestrian safety and the visual amenity of the area.

- 10 Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or building(s) or other works hereby permitted until full details of the following have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority:

- a. tactile paving
- b. vehicular, cycle, and pedestrian accesses
- c. vehicular and cycle parking
- d. vehicular turning arrangements
- e. manoeuvring arrangements
- f. loading and unloading arrangements.

Reason: In accordance with policy INF7 and to provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development

- 11 No development above ground level shall take place until details of existing and finished site levels, finished floor and ridge levels of the buildings to be erected and finished external surface levels have been submitted to and approved in writing by the Local Planning Authority.

Reason: The proposed levels of the development are required prior to commencement for clarity and in order to ensure that any works in connection with the development hereby permitted respect the height of adjacent properties.

- 12 No development above ground level shall take place until details/samples of all materials to be used in the construction of the external surfaces of the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved materials.

Reason: For clarity and in the interests of proper planning to ensure the preservation of visual interest.

- 13 No development above ground level shall take place until an energy strategy demonstrating a reduction in carbon dioxide emissions has been submitted to and approved in writing by the Local Planning Authority. A certificated Post Construction Review, or other verification process agreed with the Local Planning Authority, shall be provided, to demonstrate that the agreed standards have been met.

Reason: To ensure that the proposed development is constructed in an environmentally sustainable manner.

- 14 2 electric vehicle charging points (providing active electric vehicle charging provision to 4 spaces) shall be constructed and marked out and the charging points installed prior to the occupation of the development, and thereafter retained permanently for the accommodation of vehicles of occupiers and visitors to the premises and not used for any other purpose.

Reason: To encourage the use of electric cars in order to reduce carbon emissions

- 15 No development above ground level details of all materials to be used for hard surfaced areas within the site including roads, driveways and car parking area have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the details so approved.

Reason: For clarity and in the interests of proper planning to ensure the preservation of visual interest.

- 16 No development (excluding site clearance and demolition) shall take place until a detailed surface water drainage scheme for the site based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development has been submitted to and approved in writing by the Local Planning Authority. The scheme should include but not be limited to:

- o Limiting discharge rates to 2.8l/s for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change.
- o Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
- o Final modelling and calculations for all areas of the drainage system.

- o The appropriate level of treatment for all runoff leaving the site, in line with the CIRIA SuDS Manual C753, including the proposed bioretention channelling systems.
- o Detailed engineering drawings of each component of the drainage scheme.
- o A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- o A written report summarising the final strategy and highlighting any minor change to the approved strategy.

The scheme shall subsequently be implemented prior to occupation.

Reason: The surface water drainage scheme is required prior to commencement of development in order to reduce the risk of flooding.

Before the Development is Occupied

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

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

Reason: In accordance with policy INF7 and to ensure safe and appropriate access and egress to the dwellings, in the interests of highway safety and the convenience of prospective residents.

- 18 No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas approved under condition number 8:
- a. have been constructed in accordance with the submitted approved drawing
 - b. have been constructed in accordance with Standard Detail Number
 - c. are available for use unless otherwise approved in writing by the Local Planning Authority.

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

Reason: In accordance with policy INF4 and to provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development

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

- 19 Prior to the occupation of the dwellings hereby approved, a strategy to facilitate super-fast broadband for future occupants of the site shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall seek to ensure that upon occupation of a dwelling, either a landline or ducting to facilitate the provision of a broadband service to that dwelling from a site-wide network, is in place and provided as part of the initial highway works and in the construction of frontage thresholds to dwellings that abut the highway, unless evidence is put forward and agreed in writing by the Local Planning Authority that technological advances for the provision of a broadband service for the majority of potential customers will no longer necessitate below ground infrastructure. The development of the site shall be carried out in accordance with the approved strategy.

Reason: In order to provide high quality communications infrastructure for future occupiers.

- 20 The development hereby approved shall not be occupied until a Maintenance Plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies has been submitted to and approved in writing by the Local Planning Authority. Should any part be maintainable by a maintenance company, details of long-term funding arrangements should be provided.

Reason: To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk.

- 21 Prior first occupation of the development hereby approved, whichever is the sooner; details of any remedial works to trees that are to be retained on site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details of any remedial works.

Reason: For clarity and in the interests of proper planning to ensure the preservation of visual interest.

- 22 Prior to first occupation of the development hereby approved, a schedule of landscape maintenance for a period of five years has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation. Development shall be carried out in accordance with the approved schedule.

Reason: For clarity and in the interests of proper planning to ensure the preservation of visual interest.

- 23 Prior to first occupation of the development hereby approved, details of treatment of all parts on the site not covered by buildings shall be submitted to and approved in writing by the Local Planning Authority. The site shall be landscaped strictly in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner. Details shall include:

1) location, type and materials to be used for hard landscaping including specifications, where applicable for:

a) permeable paving b) tree pit design c) underground modular systems d) Sustainable urban drainage integration e) use within tree Root Protection Areas (RPAs);

2) a schedule detailing sizes and numbers/densities of all proposed trees/plants;

3) specifications for operations associated with plant establishment and maintenance that are compliant with best practise; and

4) the provision for bird and bat nesting boxes that accord with the advice set out in "Biodiversity for Low and Zero Carbon Buildings: A Technical Guide for New Build" (Published by RIBA, March 2010) or similar advice from the RSPB and the Bat Conservation Trust.

There shall be no excavation or raising or lowering of levels within the prescribed root protection area of retained trees unless agreed in writing by the Local Planning Authority.

Unless required by a separate landscape management condition, all soft landscaping shall have a written five-year maintenance programme following planting. Any new tree(s) that die(s), are/is removed or become(s) severely damaged or diseased shall be replaced and any new planting (other than trees) which dies, is removed, becomes severely damaged or diseased within five years of planting shall be replaced. Unless further specific permission has been given by the Local Planning Authority, replacement planting shall be in accordance with the approved details.

Reason: Required to safeguard and enhance the character and amenity of the area, to provide ecological, environmental and biodiversity benefits and to maximise the quality and usability of open spaces within the development, and to enhance its setting within the immediate locality in accordance with Section 197 of the Town and Country Planning Act 1990 (as amended).

- 24 Prior to first occupation of the development hereby approved, whichever is the sooner; the vehicle/cycle parking and turning areas as indicated on the approved plans shall be provided, hard surfaced, sealed

and marked out. The parking and turning areas shall be retained in perpetuity for their intended purpose.

Reason: To ensure that appropriate parking and turning is provided.

- 25 Prior to occupation a scheme for the provision of seating, litter and dog bins to be located within the approved landscaping plan shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in accordance with the approved details and retained thereafter unless agreed in writing with the Local Planning Authority.

Reason: To ensure the provision of adequate facilities within the provision of green infrastructure.

Ongoing Conditions

- 26 The development hereby approved shall not be occupied until a scheme for the storage and disposal of refuse has been submitted to and approved in writing by the Local Planning Authority.

Reason: To protect the amenity of future occupiers and adjoining occupiers.

- 27 Following substantial completion of the development hereby approved, the applicant and/or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.

Reason: To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk.

- 28 The dwellings hereby approved shall comply with Building Regulations Optional Requirement Approved Document M4(2) Category 2: Accessible and adaptable dwellings (2015 edition). Evidence of compliance shall be notified to the building control body appointed for the development in the appropriate Full Plans Application, or Building Notice, or Initial Notice to enable the building control body to check compliance.

Reason: To ensure that accessible housing is provided.

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 applicant is reminded that, under the Wildlife and Countryside Act 1981 as amended it is an offence to remove, damage or destroy the nest of a wild bird, while the nest is in use or being built. Planning consent does not provide a defence against prosecution under this act. If a bird's nest is suspected work should cease immediately and a suitably experienced ecologist employed to assess how best to safeguard the nest(s).
3. Existing Public Rights of Way on the site should remain unobstructed and available for use unless and until an application (whether temporary or permanent) under Sections 247 or 257 of the Town and Country Planning Act (or any other relevant legislation) is approved to allow the diversion or stopping up of any of these routes. Approval of any such application should be confirmed prior to the carrying out of any operations that would obstruct the use of the relevant Public Rights of Way.

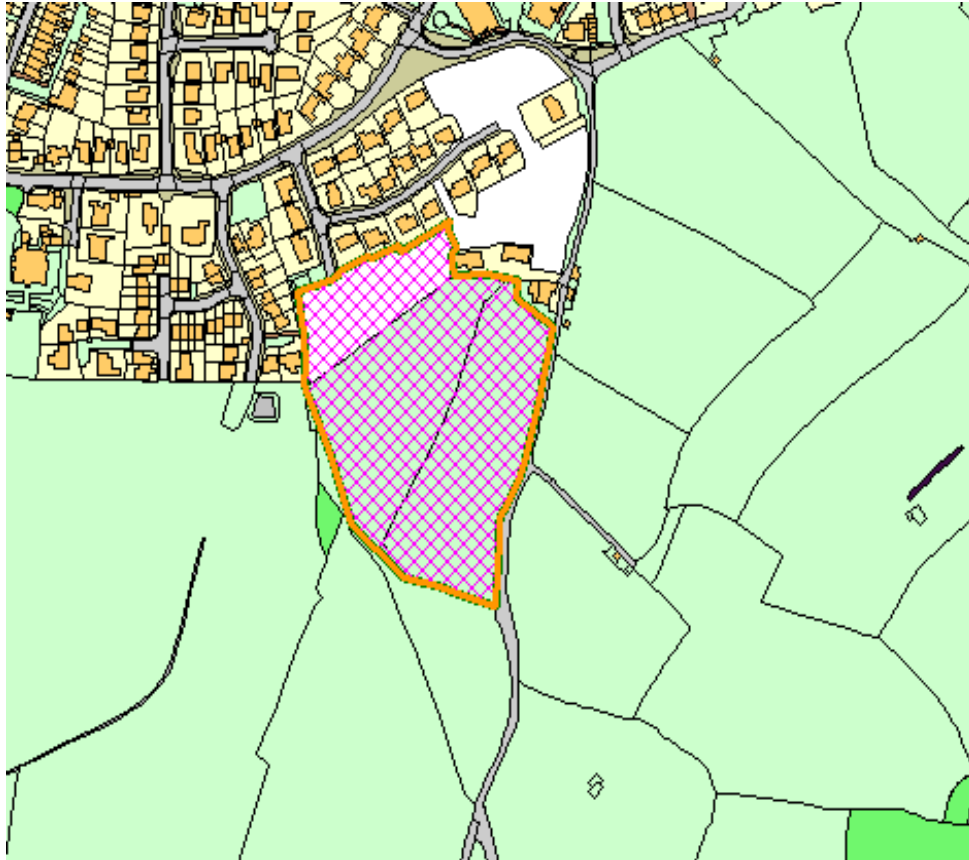
4. Topsoil

The applicant is advised it is the responsibility of the developer to ensure that any topsoil brought on site is free from metals, plastic, wood, glass, tarmac, paper and odours associated with contaminated soils as specified in BS 3882: 2015 Specification for Topsoil. Supplier(s) details and confirmation on the source(s) of any topsoil materials brought on site should be made available for inspection at the request of the Council's Environmental Health Department.

5. S 106 of the Town and Country Planning Act 1990 (as amended) allows the Local Planning Authority to request a developer to contribute towards the impact it creates on the services. The contribution in the amount £42,660.49 sought will go towards the gap in the funding created by each potential patient from this development. The detailed explanation and calculation are provided within the attached document. Without the requested contribution, the access to adequate health services is rendered more vulnerable thereby undermining the sustainability credentials of the proposed development due to conflict with NPPF and Local Development Plan policies as explained in the attached document.

6. Statement of Positive Engagement:

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



Application Number: 2019/21261/FUL

Proposal: Full planning permission for the erection of 38 residential dwellings with off street parking, green infrastructure and all associated works

Site Address: Land To The South Of Brockhole View, Settle, BD24 9RF, ,

On behalf of: Francmanis Properties

Planning Committee Report of New Cases Registered **For Period 19-08-2021 to 16-09-2021**

Enforcement Reference	Alleged Breach	Site Address	Ward
ENF/03436/2021	Development not in accordance with the approved plans planning ref: 2020/22254/HH- frosted glass not used.	17 Castle Hill Settle BD24 9EU	Settle And Ribble Banks
ENF/03437/2021	Potential un-authorised Signage.	Little Fortune Chinese 50 Main Street High Bentham Lancaster LA2 7HN	Bentham
ENF/03438/2021	Alleged works happening outside of conditioned construction hours (Condition 4 of 2020/21809/FUL)	Workshop Adj No. 5 New Brighton Gargrave Skipton	Gargrave And Malhamdale
ENF/03439/2021	Alleged unauthorised change of use from ancillary accommodation to holiday let (Breach of condition 4 of planning approval ref: 2019/21031/HH)	Woodlands Netherghyll Lane Cononley Keighley BD20 8PB	Aire Valley With Lothersdale
ENF/03440/2021	Alleged unauthorised change of use from agricultural land to B8 use.	Land To West Of Christies High Mill Langcliffe Road Settle BD24 9LX	Settle And Ribble Banks
ENF/03441/2021	1) Alleged extension approved under 2018/19705/HH not complete. 2) Alleged unauthorised dormer	4 Haw Grove Hellifield Skipton BD23 4JA	Hellifield And Long Preston
ENF/03442/2021	Alleged unauthorised breach of condition no. 5 of planning approval ref: 2020/22254/HH (window not obscured).	17 Castle Hill Settle BD24 9EU	Settle And Ribble Banks



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

Planning Committee Report of Cases Closed **For Period 19-08-2021 to 16-09-2021**

Enforcement Reference	Date Received	Date Closed	Reason for Closure	Alleged Breach	Site Address	Ward
1612/2013	20th August 2013	7th September 2021	No Breach	Engineering operations undertaken - possibly unauthorised.	Land To Rear Of Stainton Cotes Moorber Lane Coniston Cold Skipton North Yorkshire BD23 4EQ	
1618/2013	22nd August 2013	7th September 2021	Appeal allowed/conditions discharged	POTENTIAL CHANGE OF USE OF BUILDING TO CLASS D2 (assembly & leisure)	New Laithe Barn Newton Grange Farm East Marton Skipton BD23 3NT	West Craven
1695/2014	29th December 2013	7th September 2021	Lawful Over Time	An array of sheds (eyesore) - caravan.	Os Fields 4978 And 5878, Below Gayle House Mewith Lane High Bentham Lancaster North Yorkshire LA2 7AZ	

Enforcement Reference	Date Received	Date Closed	Reason for Closure	Alleged Breach	Site Address	Ward
1691/2014	8th January 2014	7th September 2021	No Breach	Pro-active monitoring of 11/2013/13261 to ensure development is used for purposes of holiday accommodation only.	Smoulden Farm Jacksons Lane Low Bradley Keighley North Yorkshire BD20 9HQ	
1775/2014	22nd April 2014	16th September 2021	Not Expedient to Enforce	Static caravan - full time residential use.	Castleys & Thornton Hall Farm Park Colne And Broughton Road Thornton In Craven Skipton North Yorkshire BD23 3TJ	
1786/2014	2nd May 2014	16th September 2021	Not Expedient to Enforce	Unauthorised tree work in addition to recently approved application 17/2014/14410	Applegarth Beech Hill Road Carleton Skipton North Yorkshire BD23 3EN	
1820/2014	18th June 2014	7th September 2021	Consent granted / Permitted development	Has condition 7 of 63/2010/10321 been complied with.	Belle Vue Mills Broughton Road Skipton North Yorkshire BD23 1FN	
1841/2014	9th July 2014	7th September 2021	Not Expedient to Enforce	(1) Motorhome & touring caravan being occupied as permanent residences (2) Breach of condition 3 of planning application 5/8/640 (3) 2 no. touring caravans on land outside approved caravan site	Lowther Hill Caravan Park Mewith Lane Low Bentham Lancaster North Yorkshire LA2 7AN	

Enforcement Reference	Date Received	Date Closed	Reason for Closure	Alleged Breach	Site Address	Ward
1851/2014	24th July 2014	7th September 2021	Lawful Over Time	Garage roof used as a sitting area.	3 Back Of The Beck Skipton North Yorkshire BD23 1PH	
1869/2014	14th August 2014	15th September 2021	Breach Resolved	Untidy land & property	15 Riversway Gargrave Skipton North Yorkshire BD23 3NR	
1896/2014	17th September 2014	7th September 2021	Not Expedient to Enforce	Unauthorised signage unrelated to the business.	3 Albion Yard Otley Street Skipton North Yorkshire BD23 1ED	
1937/2014	27th October 2014	7th September 2021	Not Expedient to Enforce	(1) Storage of heavy plant from Whitelock Plant Hire in farmyard (2) Engineering operations to east of farmyard (3) Biomass Boiler and associated operations. (4) Without permission, the erection of a raised platform.	Kelber Hill Farm Church Street Gargrave Skipton BD23 3PD	Gargrave And Malhamdale
1957/2014	10th November 2014	7th September 2021	No Breach	1. Conversion of stone barn to form workspace with ancillary living accommodation - is it in accordance with 45/2011/11390 & 45/2011/12193. 2. Declaration to be completed & returned.	Lower Barn Browns Farm Ingleton Lancaster North Yorkshire LA2 8HZ	

Enforcement Reference	Date Received	Date Closed	Reason for Closure	Alleged Breach	Site Address	Ward
2021/2015	20th January 2015	7th September 2021	Not Expedient to Enforce	Felling of trees protected by T.P.O. No 1964 - Area A3 and within Long Preson Conservation Area.	O.S. Field 4969 Off A682 Long Preston Settle North Yorkshire BD23 4RA	
1995/2014	23rd January 2015	16th September 2021	Not Expedient to Enforce	Possible breach of planning conditions on a number of properties.	Cawder Hall Farm Cawder Lane Skipton North Yorkshire	
2030/2015	9th February 2015	16th September 2021	No Breach	(1) Check use of western side of the barn is for holiday use only in accordance with enforcement notice appeal decision APP/C2708/C/10/212813 3 (2) Extension of residential curtilage	New Laithe Barn West Thornber Halton West Skipton North Yorkshire BD23 4RS	
2061/2015	3rd March 2015	7th September 2021	Not Expedient to Enforce	Breach of condition 9 on 25/2014/14694- tree planting scheme not submitted	Mill Cottage Moor Lane Elslack Skipton North Yorkshire BD23 3BB	
2062/2015	3rd March 2015	7th September 2021	Retrospective Planning	Unauthorised work to a listed building	Higher Stone Head Farm Cowling Keighley BD22 0LZ	Cowling

Enforcement Reference	Date Received	Date Closed	Reason for Closure	Alleged Breach	Site Address	Ward
2070/2015	10th March 2015	16th September 2021	Not Expedient to Enforce	Caravan being stored in complex of farm buildings.	Swinden Manor Farm Mill Lane Swinden Skipton North Yorkshire BD23 4LS	Hellifield And Long Preston
2086/2015	24th March 2015	7th September 2021	No Breach	Metro Go Taxi office in breach of condition 3 of 5/63/2239/A	Station Taxi's 26 Keighley Road Skipton North Yorkshire BD23 2NS	
2084/2015	23rd April 2015	7th September 2021	Not Expedient to Enforce	Untidy land - lots of huts, piles of stones, rubbish & rusty machinery bits.	New House Barn Mewith Lane Mewith Bentham Lancaster LA2 7AW	Bentham
2177/2015	17th July 2015	7th September 2021	No Breach	5no. Holiday cottages in permanent residential occupation (approved by 5/5/23/A as holiday lets)	Newton Hall Farm Newton Hall Bank Newton Skipton BD23 3NT	Gargrave And Malhamdale
2214/2015	25th August 2015	16th September 2021	Lawful Over Time	Shed being rebuilt	Gatehouse New Road Westhouse Ingleton LA6 3NR	Ingleton And Clapham
2246/2015	16th September 2015	7th September 2021	Breach Resolved	Large amount of building waste brought onto land - engineering op?	Land Off Cam Lane Thornton In Craven Skipton North Yorkshire BD23 3SX	

Enforcement Reference	Date Received	Date Closed	Reason for Closure	Alleged Breach	Site Address	Ward
2236/2015	5th October 2015	7th September 2021	Not Expedient to Enforce	Is farmhouse being occupied in breach of condition 2 of 30/2007/7115 (Occupation limited to agricultural/forestry worker).	Howgill Grange Kelber Hill Farm Church Street Gargrave Skipton North Yorkshire BD23 3PD	Gargrave And Malhamdale
2239/2015	6th October 2015	16th September 2021	Breach Resolved	Non compliance of conditions on approval Ref 69/2012/12449 (conditions 3 & 4)	Thornton Hall Farm Thornton In Craven Skipton North Yorkshire BD23 3TJ	
2248/2015	9th October 2015	7th September 2021	Breach Resolved	Works taking place (to implement planning permission 65/2012/13066) within the root protection zone of trees (T3) protected by Tree Preservation Order 221 2014	Land Adjacent 2 Stirton Lane Stirton Skipton North Yorkshire BD23 3LN	
2247/2015	13th October 2015	15th September 2021	Case Closed	Installation of 12 solar panels on garage roof. In breach of planning 17/2015/15883	15 Chapel House Mews Carleton Skipton North Yorkshire BD23 3EA	
2252/2015	16th October 2015	7th September 2021	No Breach	Development not in accordance with details approved by planning application 22/2015/15767 (1) Ground Levels (2) Visibility Splays - complaint Feb 2016 (3) Drainage	Land Adjacent To Dick Lane Cowling Keighley North Yorkshire BD22 0JY	

Enforcement Reference	Date Received	Date Closed	Reason for Closure	Alleged Breach	Site Address	Ward
2250/2015	19th October 2015	7th September 2021	Lawful Over Time	Construction of hardcore bases for static caravans.	Lodge Barn Langcliffe Settle North Yorkshire BD24 9LT	
2305/2016	7th February 2016	7th September 2021	Breach Resolved	1. Development not in accordance with approved plans - ground levels. 2. Mud on road.	Roselea College Croft Hesley Lane Rathmell Settle North Yorkshire BD24 0LG	
2309/2016	16th February 2016	7th September 2021	Breach Resolved	Breach of condtion 4 of planning application 32/2015/16020 - storing casks/materials outside.	East Keltus Main Street Cross Hills Keighley North Yorkshire BD20 8TD	
2313/2016	25th February 2016	16th September 2021	No Breach	Clarification that surface water will not run off Elsey Croft into Wensleydale Avenue	Elsey Croft Skipton North Yorkshire BD23 2TS	
2318/2016	4th March 2016	15th September 2021	No Breach	Large structure built in rear garden	10 Lakeber Close High Bentham Lancaster North Yorkshire LA2 7JL	
2332/2016	18th March 2016	7th September 2021	Not Expedient to Enforce	Stables being used as a scrap/recovery yard and hedge replaced with a wall.	Turnerford Reebys Lane To Turnerford Clapham Lancaster North Yorkshire LA2 8EX	

Enforcement Reference	Date Received	Date Closed	Reason for Closure	Alleged Breach	Site Address	Ward
2356/2016	15th April 2016	16th September 2021	Not Expedient to Enforce	Activity barn not being used in accordance with approved plans and garden centre formed in activity barn and outside	Keelham Farm Shop Gargrave Road Skipton North Yorkshire BD23 1UD	
2382/2016	29th April 2016	7th September 2021	Breach Resolved	Banners on mill	Glista Mill Broughton Road Skipton North Yorkshire BD23 1FL	
2372/2016	10th May 2016	7th September 2021	Not Expedient to Enforce	Breach of Condition 3 of 63/2014/14741 (Operating Hours)	Whitelocks Plant Hire (Former Ats Depot) Carleton Road Skipton North Yorkshire BD23 3BS	Skipton West
2411/2016	30th June 2016	15th September 2021	Breach Resolved	Converted garage to separate residence & UPVC door to listed building at No. 6	6 Watsons Houses Skipton North Yorkshire BD23 1LD	
2439/2016	9th August 2016	16th September 2021	Breach Resolved	Constant renovation work/ banging drilling from 8.00am - 5.00pm	33 Pinhaw Road Skipton North Yorkshire BD23 2SJ	
2456/2016	19th August 2016	16th September 2021	Lawful Over Time	2 large dormers - one at the front and one at the rear - possibly not in accordance with planning approval 63/2010/10512	24 Greenfield Street Skipton North Yorkshire BD23 1SJ	

Enforcement Reference	Date Received	Date Closed	Reason for Closure	Alleged Breach	Site Address	Ward
2453/2016	21st August 2016	16th September 2021	Breach Resolved	Temporary planning permission 19/2011/11818 for 4 x 4 experience lapsed on 26/8/15	Coniston 4 X 4 Off Road Experience Land At Coniston Estate Coniston Cold Skipton North Yorkshire BD23 4EB	
2461/2016	5th September 2016	16th September 2021	Not Expedient to Enforce	Creation of new passing place by placing quarry waste on Booth Bridge Lane	Passing Place Booth Bridge Lane Thornton In Craven Skipton North Yorkshire BD23 3TQ	
2485/2016	23rd September 2016	15th September 2021	Not Expedient to Enforce	Unauthorised works to a TPO tree (no.1, 1968).	8 - 10 Park Wood Close Skipton North Yorkshire BD23 1QW	
2487/2016	7th October 2016	16th September 2021	Not Expedient to Enforce	Developing land without permission on refused planning app site 17/2010/10646 & waterwheel structures still in place - breach of planning app 17/2011/12237	Land At The Top Mill Dam The Wend Carleton Skipton North Yorkshire BD23 3EH	
2492/2016	17th October 2016	16th September 2021	Not Expedient to Enforce	3m section of hedgerow cut down to form access from road	Field Adjoining Road To Sunny Bank Farm Mewith Lane High Bentham Lancaster North Yorkshire LA2 7AY	

Enforcement Reference	Date Received	Date Closed	Reason for Closure	Alleged Breach	Site Address	Ward
2505/2016	15th November 2016	16th September 2021	Not Expedient to Enforce	Unauthorised felling of TPO trees protected by TPO No 112 1997	Willow Way Sutton-In-Craven Keighley North Yorkshire BD20 7PT	
2514/2016	24th November 2016	16th September 2021	Not Expedient to Enforce	Sign Advertising (Olive Pharmacy)	27 Newmarket Street Skipton BD23 2HR	Skipton North
2527/2016	12th December 2016	16th September 2021	Not Expedient to Enforce	Blue slate roof does not match those in existing buildings - breach of condition 63/2016/17105	51 Broughton Road Skipton North Yorkshire BD23 1TE	Skipton West
2533/2016	19th December 2016	15th September 2021	Breach Resolved	Flue too high - not in accordance with 59/2016/16844.	1 Rectory Cottages Main Street Rathmell Settle North Yorkshire BD24 0LA	
2536/2016	21st December 2016	16th September 2021	Breach Resolved	Raised platform to the rear of the property.	35 Hurrs Road Skipton North Yorkshire BD23 2JX	
2589/2017	28th February 2017	16th September 2021	Lawful Over Time	(1) Alleged felling of trees - T1 & T2 in submitted tree survey report for 08/2016/17629. (2) Is boundary fence too high and wall in correct place?	Bank View Doctors Hill Low Bentham Lancaster North Yorkshire LA2 7DZ	Bentham

Enforcement Reference	Date Received	Date Closed	Reason for Closure	Alleged Breach	Site Address	Ward
2595/2017	7th March 2017	16th September 2021	Not Expedient to Enforce	Rubbish in garden and two scrap cars	Braemar Baxter Wood Cross Hills Keighley BD20 8BB	Glusburn
2629/2017	19th April 2017	15th September 2021	Breach Resolved	Erection of fencing around protected trees - Is this in accordance with 63/2013/13949	High Trees Rectory Lane Skipton North Yorkshire BD23 1AS	
2639/2017	26th April 2017	16th September 2021	No Breach	Dismantling motor vehicles on site without planning approval	Stunstead Quarry Long Lane Cowling Keighley North Yorkshire BD22 0LD	
ENF/02664/2017	9th June 2017	16th September 2021	No Breach	Unknown - Rear space cleared recently, and beer garden used on 08.06.2017	Cross Keys Inn Newton Hall To Tempest Farm East Marton Skipton BD23 3LP	West Craven
ENF/02678/2017	4th July 2017	16th September 2021	Not Expedient to Enforce	Tree has been chainsawed in conservation area.	Dale End Mill Dale End Lothersdale Keighley BD20 8EN	Aire Valley With Lothersdale
ENF/02687/2017	4th July 2017	16th September 2021	Not Expedient to Enforce	Overgrown garden.	84 Burnside Crescent Skipton BD23 2BU	Skipton West

Enforcement Reference	Date Received	Date Closed	Reason for Closure	Alleged Breach	Site Address	Ward
ENF/02694/2017	24th July 2017	16th September 2021	No Breach	Gable and front of barn has been demolished and is being rebuilt (subject of refusal 17/2008/8323)	Barn To East Of Butler Hill Pale Lane Carleton Skipton BD23 3HU	West Craven
ENF/02704/2017	27th July 2017	16th September 2021	Breach Resolved	COU to taxi office and erection of large mast/antenna.	White Rose Insurance Solutions 21 Newmarket Street Skipton BD23 2HX	Skipton North
ENF/02712/2017	8th August 2017	16th September 2021	Breach Resolved	Unauthorised change of use from office to residential.	Unit 13 High Corn Mill Chapel Hill Skipton BD23 1NL	Skipton North
ENF/02738/2017	7th September 2017	16th September 2021	Breach Resolved	Unauthorised advertisement	Clapham Road End, A65, Clapham	Ingleton And Clapham
ENF/02768/2017	16th November 2017	16th September 2021	Breach Resolved	(1) Site compound at Black Abbey Lane side (2) Site noise nuisance (3) Removal of dry stone walls	Land At East End Of Green Lane And South Ryecroft Road Glusburn Keighley BD20 8RT	Glusburn

Enforcement Reference	Date Received	Date Closed	Reason for Closure	Alleged Breach	Site Address	Ward
ENF/02799/2018	11th December 2017	16th September 2021	Breach Resolved	Water escaping from the site of planning application ref: 32/2015/15785 on to Bungalow Road.	Land At East End Of Green Lane And South Ryecroft Road Glusburn Keighley BD20 8RT	Glusburn
ENF/02787/2017	21st December 2017	16th September 2021	Breach Resolved	Alleged unauthorised erection of agricultural building.	Dales Valley View Holiday Cottages Swinden Manor Mill Lane Hellifield Skipton BD23 4LS	Hellifield And Long Preston
ENF/02852/2018	11th April 2018	16th September 2021	No Breach	Approved site entrance is now opposite number 21 whereas the original was further north	Land To East Of Green Lane Glusburn Keighley	Glusburn
ENF/02858/2018	24th April 2018	16th September 2021	Not Expedient to Enforce	Depositing of rubble in a field in a Conservation Area	Land On The East Side Of Royd Street Cowling	Cowling
ENF/02879/2018	13th June 2018	16th September 2021	Breach Resolved	Large caravan and dumping of soil	Agricultural Barn Strikes Lane Sutton-in-craven Keighley	Sutton-in-Craven

Enforcement Reference	Date Received	Date Closed	Reason for Closure	Alleged Breach	Site Address	Ward
ENF/02901/2018	24th July 2018	16th September 2021	Breach Resolved	Development appears to have stalled, leaving an untidy site.	The Lodge Church Road Thornton In Craven Skipton BD23 3TN	West Craven
ENF/03279/2020	22nd July 2020	7th September 2021	No Breach	Use of residential land as a builders yard	Sansbury Place Duke Street Settle BD24 9AS	Settle And Ribble Banks
ENF/03293/2020	7th August 2020	16th September 2021	Not Expedient to Enforce	Metal garden structures allegedly too high	2 Sarahs Croft Coniston Cold Skipton BD23 4ED	Gargrave And Malhamdale
ENF/03303/2020	26th August 2020	16th September 2021	Not Expedient to Enforce	Alleged unauthorised extension of agricultural building.	Pemberton Farm Ingleton Carnforth LA6 3DS	Ingleton And Clapham
ENF/03338/2020	4th December 2020	16th September 2021	Not Expedient to Enforce	Leylandii hedge removed and over 6ft fence erected.	4 Neville Court Neville Road Gargrave Skipton BD23 3SF	Gargrave And Malhamdale
ENF/03348/2021	6th January 2021	16th September 2021	Breach Resolved	Unauthorised change of use of land	Field Adjacent Crag View Cononley BD20 8JU	Aire Valley With Lothersdale

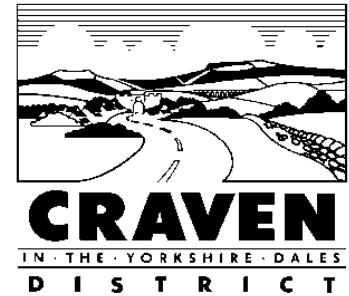
Enforcement Reference	Date Received	Date Closed	Reason for Closure	Alleged Breach	Site Address	Ward
ENF/03351/2021	8th January 2021	16th September 2021	No Breach	Possible breach of planning conditions	Jetts 24 Hour Fitness The Old Cotton Mill Skipton North Yorkshire BD23 1FJ	
ENF/03371/2021	2nd February 2021	16th September 2021	Breach Resolved	Site access improvement works not completed prior to commencement of works to create touring caravan site	Caravan Site Thornton Hall Farm Colne And Broughton Road To The Summit Thornton In Craven Skipton	West Craven
ENF/03360/2021	2nd February 2021	16th September 2021	Breach Resolved	Storage of waste in front and rear gardens	33 Ings Avenue Skipton BD23 1TS	Skipton West
ENF/03369/2021	25th February 2021	16th September 2021	Other Reason	Bollards have been erected at the side of the property.	Land Adjacent To 11 Bridge Road Sutton-in-Craven Keighley BD20 7ES	Sutton-in-Craven
ENF/03372/2021	4th March 2021	16th September 2021	Breach Resolved	(1) Removal of garage doors and creation of window (2) Boiler flue needs to be painted black	4 Goffa Mill Gargrave Skipton BD23 3NG	Gargrave And Malhamdale

Enforcement Reference	Date Received	Date Closed	Reason for Closure	Alleged Breach	Site Address	Ward
ENF/03375/2021	11th March 2021	16th September 2021	Breach Resolved	Building built under planning ref: 2020/21926/PNAG is not being used in accordance with permission. Sheep housed in there instead of animal feed and equipment.	Land North East Of Cranberry Hole Farm West Lane Sutton-in-Craven Keighley BD20 7AY	Sutton-in-Craven
ENF/03376/2021	19th March 2021	16th September 2021	No Breach	Works being carried out in the beer garden.	Wheatsheaf Hotel High Street Ingleton Carnforth LA6 3AD	Ingleton And Clapham
ENF/03423/2021	2nd July 2021	16th September 2021	No Breach	Structure being erected in the rear garden.	5 Riversway Gargrave Skipton BD23 3NR	Gargrave And Malhamdale

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Planning Committee 27 September 2021

Report - Review of best practice guidance on making planning decisions



Report of the Planning Improvement Lead

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

1. Purpose of Report

- 1.1 This report summarises three recent reports which are relevant to the review of planning decision making procedures of the Council:
- a) 'Probity in Planning, Advice for councillors and officers making planning decisions' Local Government Association (LGA) (December 2019)
 - b) 'Probity and the Professional Planner', Royal Town Planning Institute (RTPI) (January 2020)
 - c) 'Permission Accomplished Assessing corruption risks in local government planning' Transparency International UK July 2020

2. Recommendation – Members are recommended to:

- 2.1 Note the contents of the attached report and have regard to the best practice guidance when considering the accompanying discussion paper on suggested changes to the planning decision making procedures of the Council.

3. Background

- 3.1 The LGA's 'Probity in Planning' report emphasises that planning is about ensuring that decisions on plan making and planning applications are undertaken, on behalf of communities, in a fair, impartial and transparent way. This 2019 guidance is an update to the 2013 version of the Local Government Association's Probity in Planning.
- 3.2 The Probity in Planning report covers:
- The planning system and the role of decision makers
 - Councillor and officer conduct
 - Registration and disclosure of interests
 - Predisposition, predetermination, or bias
 - Development proposals
 - Lobbying of and by councillors

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- Discussions before a decision is taken
 - Officer reports to committee
 - Public speaking at planning committees
 - Decisions which differ from a recommendation
 - Committee site visits
 - Reviewing past planning decisions and the outcomes
 - Complaints and record keeping
- 3.3 The RTPI's 'Probity and the Professional Planner' report provides guidance and advice to help planners confidently use their independent professional judgment in often controversial, politicised and complicated scenarios. The report covers the following:
- how Chartered Town Planners can fulfil their 'public interest' duty
 - the working relationship between planning officers and councillors
 - the role of Councillors
 - the behaviour standards that councillors are expected to uphold
 - Early engagement of councillors in development proposals
 - the handling of the Councils own planning applications
 - Reaching decisions contrary to officer recommendations
- 3.4 These reports look at the issue of probity in the planning system from different perspectives, with the LGA and Transparency International UK reports focusing on elected members and the RTPI report looking at how to ensure good working relationships between officers and councillors. The LGA reports acknowledge the distinct roles for both.
- 'Councillors and officers have different but complementary roles within this system, and effective communication and a positive working relationship between officers and councillors is essential to delivering a good planning service.'* LGA report page 6.
- 3.5 The Transparency International UK report focusses on risks associated with the changes arising from the Localism Act (2011) which moved the responsibility for councillor standards and conduct to individual local authorities. Section 27 of the Act (as amended) requires local planning authorities to adopt and maintain a code of conduct based on the seven principles of the Nolan Committee on Standards in Public Life (see Appendix A), this code must cover:
- the registration of pecuniary interests (explained in Section 4)
 - the role of an 'independent person' to investigate alleged breaches
 - sanctions to be imposed on any councillors who breach the code.
- 3.6 The LGA report notes that the Committee on Standards in Public Life report published in January 2019 suggests that many codes of conduct fail to adequately address important areas of behaviour, such as social media use and bullying and harassment. This view is also reflected in the Transparency International UK report which sampled 50 out of the 317 councils in England with planning responsibilities for housing to see how well their policies and procedures matched up to good practice standards developed which built on existing work by the Local Government Association (LGA) and the Committee on Standards in Public Life (CSPL).
- 3.7 The LGA report sets out some of the key principles that Codes of Conduct should include:

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- Officers and serving councillors must not act as agents for people pursuing planning matters within their authority, even if they are not involved in the decision making on them.
- Officers must always act impartially and in a politically neutral manner.
- Care needs to be taken in the use of social media by officers and councillors.

3.8 The LGA report emphasises that reaching planning decisions can be controversial and it is important that the process is open and transparent.

'The risk of controversy and conflict is heightened by a system which invites public opinion before taking decisions. The legal and procedural nature of the planning system means there is a risk of complaints to the Ombudsman for maladministration or a breach of the authority's code. There may also be a legal challenge, in the form of a judicial review in which a judge reviews the lawfulness of a decision or action made by a public body'

The RTPi report states it is the professional planner's role to act impartially and in the public interest. It also notes that there are often tensions when trying to reconcile different interests of local communities, politicians and having regard to future generations.

3.9 The LGA report notes that many Local Planning authorities have gone further than the statutory requirement for Local Code of Conduct by adopting Planning Codes or Protocols. The report includes references to Planning Codes that a number of Councils have adopted. However the Transparency International UK report found that most of local authorities' surveyed were still ill-prepared to address risks of corruption.

4. Summary of the Content of the Reports

4.1 This section summarises the guidance contained in both reports under the following headings:

- A. Councillor and Officers Roles and Conduct
- B. Development proposals by the Council
- C. Operation of the Planning Committee
- D. Delegation of decisions to officers
- E. Local Planning Code
- F. Elected Member Training

A. Councillor and Officers Roles and Conduct

Registration and disclosure of interests

4.2 The LGA report sets out the requirement placed on Councillors to make known any pecuniary interests (that is any business or wider financial interests) and other non-pecuniary, personal interests their code requires them to disclose. It notes that it is a criminal offence to:

- Fail to register a disclosable pecuniary interest within 28 days of election or co-option

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- Give false or misleading information on registration
 - Participate in discussion or vote in a meeting on a matter in which a councillor or co-opted member has a disclosable pecuniary interest
- 4.3 The LGA report also notes that officers involved in making recommendations and decisions should adopt the same approach to disclosure, and seek advice from the authority's monitoring officer.
- 4.4 On the matter of personal interests the LGA report considers councillors should disclose that interest, but then may still speak and vote on that particular item. The report notes that the Local Government Ethical Standards Report (2019) highlighted the potential for conflicts and potential need to withdraw from committee in relation to non-pecuniary interests as well.

Involvement of Councillors at pre-application stage

- 4.5 The NPPF encourages would be applicants and Councils to engage in pre-application discussions with local planning authorities and The Localism Act 2011 (as amended) acknowledges that councillors have an important role to play at this stage. Many Councils have set up Local Planning Codes for councillors to get involved at this stage. The LGA report sets out guidance which reinforces councillors' community engagement role whilst maintaining good standards of probity to minimise the risk of legal challenges.

'Councillor involvement can help identify issues early on, help councillors lead on community issues, and help to make sure that issues don't come to light for the first time at committee.' LGA report page 15

Transparency International UK report sets out a number of detailed recommendations for member involvement in meetings with developers and agents

Predisposition, predetermination, or bias

- 4.6 Whilst there are benefits to such early engagement the LGA report notes that it would be easy for such discussions to become, or be seen by objectors to become, part of a lobbying process on the part of the applicant.

'The Localism Act, particularly Section 25, which establishes prior indications of view of a matter not to amount to predetermination, has given councillors much more freedom to engage in pre-application discussions. Nevertheless, in order to avoid the perception that councillors might have fettered their discretion, such discussions should take place within clear, published guidelines.' LGA Report page 15.

- 4.7 The LGA report sets out guidance for Councillors engaging in discussions both at pre-application and application stage which can form the basis for the Councils own planning code or protocol.
- 4.8 As well as setting out clear codes for Councillors in dealing with discussions with applicants and other parties some local planning authorities have gone further by establishing public planning forums for major pre-application proposals. These

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forums provided opportunity for the developer to outline their proposals and for speakers representing differing interests and consultees to put their views across. The benefit is that these forums are transparent and allow councillors, consultees and others to seek information and identify important issues for the proposal to address, although the LGA report makes it clear such discussions still need to avoid pre-determination.

4.9 The LGA report also sets out a number of other ways by which to involve councillors in pre-application discussions including:

- *committee information reports by officers*
- *discussions to enable councillors to raise issues, identify items of interest and seek further information*
- *developer presentations to committees which have the advantage of transparency if held in public as a committee would normally be (with notes taken).*
- *ward councillor briefing by officers on pre-application discussions*

LGA Report Page 16

Lobbying of and by councillors

4.10 The LGA report acknowledges that lobbying does have a role in planning:

‘Those who may be affected by a planning decision, whether through an application, a site allocation in a development plan or an emerging policy, will often seek to influence it through an approach to their ward member or to a member of the planning committee.’ LGA Report page 13

‘Lobbying, however, can lead to the impartiality and integrity of a councillor being called into question, and so care and common sense must be exercised by all parties involved.’ LGA Report page 13.

4.11 The LGA guidance is that

‘when being lobbied, councillors (members of the planning committee in particular) should try to take care expressing an opinion that may be taken as indicating that they have already made up their mind on the issue before they have considered all the application materials and arguments for and against the development proposal.’ LGA Report page 13

‘If councillors do express an opinion to objectors or supporters, it is good practice that they make it clear that they will only be in a position to take a final decision after they have heard all the relevant arguments, and have taken into account all relevant material and planning considerations at committee’. LGA Report page 13

The Transparency International UK report also sets out recommendations in respect of councillor involvement with lobbying. Again this is a matter that can be dealt with in a Local Planning Code.

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B. Development proposals by the Council

- 4.12 Where Local authorities can apply for planning permission for their own developments it is vital that adequate safeguards are put in place to protect against any questions of bias by the local authority towards their own development. The RTPI report states:

‘Transparency and promoting public confidence means the process should be led by the underlying principle that the separation of interests is clearly seen, recognised and transparent.’ RTPI report page 11

- 4.13 Local authorities need to adopt an appropriate separation between the council as landowner and/or developer and the council in its role as local planning authority, including how information is handled internally. This can be dealt with through clear guidelines being set out in a Local Planning Code and the RTPI report offers the following advice:

- *‘Establish a distinct separation between the local authority officers sponsoring the development and the local authority planning staff considering the application (in its role as local planning authority);*
- *Ideally the proposed development should be promoted through the local plan. However, if not and the development in principle meets the spatial policies and strategic plan for the area, the Local Planning Authority are encouraged to proactively promote the development regardless of whether it comes from the public or private sector;*
- *As with any developer, pre-application discussions with planning officers are encouraged as best practice to clarify the proposal’s prospects for securing planning permission, possible improvements to the scheme and the anticipated timetable for reaching a decision;*
- *The developing/sponsoring department might want to seek professional planning representation from a consultancy, to help take the proposal forward. Alternatively it may be appropriate to obtain such professional expertise by seconding planning staff who are already employed by the council into the developing/sponsoring department. In doing so clear boundaries should be set between existing staff and ensuring that posts vacated are backfilled to maintain a well-resourced planning department. In cases where, for example, the development site has not been allocated in a local plan (i.e. the principle of the development has not been tested through independent scrutiny) it may be preferable to employ external planning consultants;*
- *Ensure the necessary in-house experience, skills and expertise is available to support council delivery programmes.’ RTPI Report Page 11*

C. Operation of the Planning Committee

Role of members of the Planning Committee

- 4.14 The LGA report notes that Councillors may come from a previous background in parish or town councils, where their role in respect of planning might have been

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very different to what is required when they sit on a local planning authority planning committee. The RTPI report states:

'The interface between councillors and planning officers is key to the operation of an efficient planning system. One of the overriding motives for elected members to put themselves forward to become a councillor is because they care about their community and want to see it thrive. Councillors may have made promises in election campaigns on a pro or anti-development agenda. There is a clear link between being passionate about your area and working in partnership with the planning system to help it develop sustainably by considering the economic, environmental and social impacts of new development.'

This the RTPI report acknowledges can create tensions for councillors who wish to represent the views of particular constituents or groups, and their role as a planning committee member, where their responsibility is to the whole planning authority area.

- 4.15 The LGA report in this acknowledges that whilst councillors must take account of the views of particular constituents or groups,

'they should not favour any person, company, group or locality, or appear to be doing so. Decisions need to be taken in the wider public interest on what can be controversial proposals.' LGA Report Page 6

The LGA report emphasises that it is the legal requirement for the decision maker to determine applications for planning permission in accordance with the development plan (the 'local plan' document(s) and if relevant spatial development strategy), unless 'material considerations' indicate otherwise'.

- 4.16 The LGA also offers the following guidance where a councillor, whether or not a committee member, speaks on behalf of a lobby group at the decision making committee.

'.....they would be well advised to withdraw from the meeting once any public or ward member speaking opportunities have been completed. This is to counter any suggestion that members of the committee may have been influenced by their continuing presence. This should be set out in the authority's code of conduct for planning matters.' LGA Report Page 13

Officer reports

- 4.17 The content of officer reports is on occasions subject to legal challenge or review by the Ombudsman and from reviewing such cases the LGA report has established best practice guidelines. This guidance states that officer reports on planning applications must have regard to the following:

- *Reports should be accurate and should include the substance of any objections and other responses received to the consultation.*
- *Relevant information should include a clear assessment against the relevant development plan policies, relevant parts of the NPPF, any local finance considerations, and any other material planning considerations.*

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- *Reports should have a written recommendation for a decision to be made.*
- *Reports should contain, where relevant, technical appraisals which clearly justify the recommendation.*
- *If the report's recommendation is contrary to the provisions of the development plan, the material considerations which justify the departure must be clearly stated. This is not only good practice, but failure to do so may constitute maladministration or give rise to a Judicial Review on the grounds that the decision was not taken in accordance with the provisions of the development plan and the council's statutory duty under Section 38A of the Planning and Compensation Act 2004 and Section 70 of the Town and Country Planning Act 1990.*
- *Any oral updates or changes to the report should be recorded.'* LGA Report Page 17

Dealing with committee 'overturns'

- 4.18 What is often termed a 'committee overturn' occurs when a planning committee overturns the recommendation of planning officers. The RTPI report notes that this can give rise to difficulties particularly where the decision is the subject of appeal heard at an Inquiry or hearing. The report notes that the RTPI Member whose professional opinion does not conform with decision of the Committee is unlikely to be the best witness and suggests other options for avoiding officers being placed in
- 4.19 In cases where councillors overturn the advice of officers, reasons have to be given. The LGA/PAS guide to probity in planning for councillors and officers suggests that councillors should be ready to explain why they have not accepted the officer's recommendation and that officers should be given an opportunity to explain such a decision's implications, including those for any appeal and award of costs:

'If the planning committee makes a decision contrary to the officers' recommendation (whether for approval or refusal or changes to conditions or S106 obligations), a detailed minute of the committee's reasons should be made and a copy placed on the application file.

Councillors should be prepared to explain in full their planning reasons for not agreeing with the officer's recommendation. Pressure should never be put on officers to 'go away and sort out the planning reasons'.

The officer should also be given an opportunity to explain the implications of the contrary decision, including an assessment of a likely appeal outcome, and chances of a successful award of costs against the council, should one be made.

All applications that are clearly contrary to the development plan must be advertised as such, and are known as 'departure' applications. If it is intended to approve such an application, the material considerations leading to this conclusion must be clearly identified, and how these considerations justify overriding the development plan must be clearly demonstrated.

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The application may then have to be referred to the relevant secretary of state, depending upon the type and scale of the development proposed (s77 of the Town and Country Planning Act 1990). If the officers' report recommends approval of such a departure, the justification for this should be included, in full, in that report. LGA Report pages 19 and 20

Public speaking at planning committees

- 4.20 The LGA report acknowledges that like Craven District Council most local planning authorities do allow for public speaking at Planning Committee meetings. It also notes that some authorities film and broadcast online committee meetings. The report comments that public speaking enhances public confidence in the decision making process and may reduce direct lobbying of members. However it notes that a disadvantage is that it can make the meetings longer and sometimes harder to manage.
- 4.21 The LGA report sets out some principles that public speaking arrangements should include about who is allowed to speak, including provisions for applicants, supporters, ward councillors, parish councils and third party objectors.
- In the interests of equity, the time allowed for presentations for and against the development should be the same, and those speaking should be asked to direct their presentation to reinforcing or amplifying representations already made to the local planning authority in writing.
 - New documents should not be circulated by speakers to the committee as councillors may not be able to give proper consideration to the new information, and officers may not be able to check for accuracy or provide considered advice on any material considerations arising. Late information might lead to a deferral. This should be made clear to those who intend to speak.
 - Messages should never be passed to individual committee members, either from other councillors or from the public. This could be seen as seeking to influence that member improperly and will create a perception of bias that will be difficult to overcome.

Committee site visits

- 4.22 The LGA report states that Councils should have a clear and consistent approach on when and why to hold a site visit and how to conduct it. Craven District Council does have arrangements in place for conducting Planning Committee member site visits, these are set out in the '*Planning Good Practice Guidance for Members*'. The guidance in the LGA report sets situations where a site visit is appropriate:
- the impact of the proposed development is difficult to visualise from the plans and any supporting material, including photographs taken by officers
 - the comments of the applicant and objectors cannot be expressed adequately in writing
 - the proposal is particularly contentious.

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The LGA report also contains the following advice for individual members who may wish to visit an application site:

‘Once a councillor becomes aware of a proposal they may be tempted to visit the site alone. In such a situation, a councillor is only entitled to view the site from public vantage points and they have no individual rights to enter private property. Whilst a councillor might be invited to enter the site by the owner, it is not good practice to do so on their own, as this can lead to the perception that the councillor is no longer impartial.’ LGA Report Page 21

D. Delegation of decisions to officers

- 4.23 The resources of Local Planning Authorities are limited and taking applications through the committee process can add significant costs to the process. The basis on deciding which applications that go to committee, or are determined by an officer, will be set out in the local authority’s scheme of delegation The LGA report states:

‘Effective delegation can help 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.’ LGA Report page 6

The key principle is to have a scheme of officer delegation which frees up the Committee to focus on the larger or more complex applications and potentially controversial. The Councils current arrangements for delegations to officers of matters not the responsibility of the cabinet were last updated in 2016.

E. Local Planning Code

- 4.24 Local Planning Codes are intended to augment Council constitutions, standing orders and codes of conduct providing clear guidance and boundaries for councillors so they can better understand what is and is not acceptable behaviour. The LGA report sets out the matters that a code can address, many of these are in the Council’s current guidance to members:

- Role and conduct of Councillors and officers
- Member and officer working relationships
- Interests: registration and disclosure
- Bias: predisposition/predetermination
- Applications submitted by the Council, Councillors or officers
- Councillor training
- Lobbying of and by Councillors
- Pre-application discussions and Development Forums
- Arrangements for and operation of Planning Committee Site Visits
- Planning Committee procedure rules
- Lobbying and ensuring discussions are not made on a party political basis
- Officer and member working relationship
- Handling of overturns at appeal

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F. Elected member Training

- 4.25 The LGA report emphasise the importance of regular training for those members serving on a Planning Committee, recommending that this is not only in relation to planning matters but also on probity in decision making and the local code of conduct. The LGA also advise that Planning Committees look at the outcome of some of their decisions:

'It is good practice for councillors to visit a sample of implemented planning permissions to assess the quality of the decisions and the development, ideally on an annual or more frequent basis. This should improve the quality and consistency of decision making, strengthen public confidence in the planning system, and can help with reviews of planning policy.' LGA Report Page 22

5. Conclusions

- 5.1 The LGA Planning Peer Review has highlighted a number of shortcomings in the Councils procedures in respect of planning decision making, including the operation of the Planning Committee. It is evident from the two summarised reports that there are a number of areas where Cravens current procedures need to be reviewed:

- The content of Councils Constitution in respect of planning matters.
- The Planning Good Practice Guidance for Members.
- Scheme of Officer Delegation for planning decisions.
- Format of officer Planning Committee Agenda Reports.

Consideration will also need to be given to:

- Establishing arrangements for the Planning Committee to review decisions and outcomes.
- Member involvement at pre-application stage in strategic development proposals.
- Regular member training both on planning matters and probity.

- 5.2 Both the LGA and RTPi reports have emphasised the importance of establishing excellent officer/member working relationships. The LGA Planning Peer Review noted that at Craven there working relationship between officers and elected members was an issue and this was also picked up in the feedback from the Stakeholder Survey. Proposals for changes to decision making processes need to ensure there is clarity of understanding of the respective roles of elected members and officers.

6. Financial and Value for Money Implications

- 6.1 This report is for information purposes only and in itself has no financial implications.

7. Legal Implications

- 7.1 None

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8. Background Documents

- Probity in Planning, Advice for councillors and officers making planning decisions' Local Government Association (LGA) (December 2019)
- 'Probity and the Professional Planner', Royal Town Planning Institute (RTPI) (January 2020)
- Planning Peer Review (virtual) Craven District Council 28th -29th September 2020 Feedback Report Local Government Association (LGA)
- Permission Accomplished - Assessing corruption risks in local government planning' Transparency International UK July 2020

Appendices#

A. The Nolan Principles

Author of the Report

Name: Vincent Haines

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

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Appendix A - The Nolan Principles

The third report of the Committee on Standards in Public Life third report, 'Standards of Conduct in Local Government in England, Northern Ireland, Scotland and Wales' (1997) sets out the overarching guidelines which apply to both elected councillors and all people appointed to work in local government, which includes planning officers working in local authorities. These guidelines were reasserted and refined in subsequent reports of the Committee on Standards in Public Life, most recently the Local Government Ethical Standards Report published in 2019. These guidelines are set out below and are referred to as the 'Nolan Principles'.

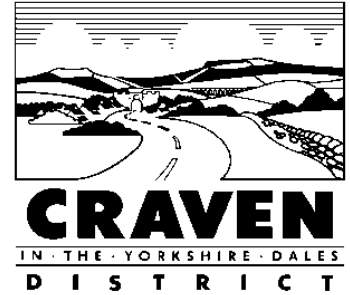
1. **Selflessness** - Holders of public office should act solely in terms of the public interest.
2. **Integrity** - Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.
3. **Objectivity** - Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.
4. **Accountability** - Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.
5. **Openness** - Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.
6. **Honesty** - Holders of public office should be truthful.
7. **Leadership** - Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

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Planning Committee 27 September 2021

Report on planning decision making procedures

Report of the Planning Improvement Lead



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

1. Purpose of Report

- 1.1 To seek the opinion of members of the Planning Committee prior to the Policy Committee considering a review of the respective roles of officers and elected members in relation to:
 - The determination of planning and related applications.
 - Pre-application enquiries
 - Enforcement.
- 1.2 This report should be read in conjunction with the accompanying briefing paper 'Review of best practice guidance on making planning decisions' which has informed some of the suggestions for change set out in this report.

2. Recommendations –:

- 2.1 That the options for change set out in this report are discussed and that the opinions expressed by Committee members be taken forward for consideration by the Committee Policy Committee on the 19th October 2021.

3. Report

Introduction

- 3.1 This assessment of planning decision making procedures of the Council needs to be considered along with the findings of the LGA Peer Review, the accompanying briefing paper on this agenda and the reports on Planning Performance and Stakeholder Survey feedback considered at the meeting of this Committee on the 1st September. Streamlining decision making procedures must be seen as one of a number of changes and improvements necessary to turn around what is clearly an underperforming planning service in terms of the handling of planning applications and quality of service to residents of the District.
- 3.2 With the recent Government announcement to re-organise local government in North Yorkshire some may take the view that change at this stage is unnecessary. However the Council must continue to address the ongoing under performance in the determination of planning applications, which impacts on those who live, work and invest in the District. The Planning Peer Review undertaken a year ago was undertaken over a short period and has been followed up by the in depth assessment of the whole planning service over the last 6 months. This further work, including engaging with stakeholders, has culminated in the reports which are now being

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brought forward to both this Committee and the Policy Committee. The assessment by the Planning Improvement Lead has not only confirmed that the concerns raised by the external Peer Review were broadly correct but also there were other deep rooted issues which needed addressing if the Planning Service was to become well performing.

- 3.3 This report focuses on the procedures relating to the determination of planning and related applications and in particular the role of elected members and the Planning Committee. It is one of a number of reports being brought forward by the Planning Improvement Lead to address under performance in Development Management. The Policy Committee at its meeting on the 19th October 2021 will be asked to approve for consultation revisions to both the Statement of Community Involvement and Local Information Requirements for planning applications. In addition proposals for restructuring of the Planning Service are being brought forward aimed not only at improving performance in the determination of planning applications but at the whole of the Planning Service's activities to ensure it has the staff skills and organisational arrangements necessary to focus on the changed priorities created by local government re-organisation. One of these priorities is to ensure that Craven does not hand over a poorly performing Planning Service to the new North Yorkshire unitary Council. Reorganisation in itself will bring about some disruption to service delivery and one of the priorities is to ensure Craven transfers to the new Council a planning service which is performing well.
- 3.4 The intention of this report is to provide opportunity for discussion to take place in reviewing the current procedures setting out the role of elected members and officers in the decision making process for planning applications and enforcement actions. It also introduces for discussion the role of elected member involvement at the pre-application stage, which is not provided for in the current procedures. For discussion purposes this report is structured around the five themes:
- A. Introducing member involvement at pre-application stage
 - B. Committee Site Visits
 - C. Public participation in meetings of the Planning Committee
 - D. Officer Delegation for planning decisions.
 - E. Officer Reports to the Committee
 - F. Committee Decisions contrary to Officer Recommendation
 - G. Reviewing the Planning Good Practice Guidance for Members

A. Introducing member involvement at pre-application stage

- 3.5 Whilst those proposing to carry out development may often choose to contact elected members individually prior to the submission of a planning application it is considered that there would be benefits in providing a more structured opportunity for developers to seek the views of elected members at the pre-application stage.
- 3.6 Changes introduced through Section 25 of the Localism Act 2011 provided greater clarity than previously on the matter of pre-determination with a councillor no longer being seen as unable to act fairly or without bias because they had participated in a decision on a matter simply because they have previously expressed a view or campaigned on it. The effect of the change was that councillors may campaign and represent their constituents – and then speak and vote on those issues – without fear of breaking the rules on pre-determination. The Council's Planning

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Good Practice Guidance for Members does take account of the changes contained in Section 25 of the Act stating

'Pre-application discussions between a potential applicant and the Council can benefit both parties and are encouraged. However, it would be easy for such discussions to become, or be seen by objectors to become, part of a lobbying process on the part of the applicant. It should be clear from the outset that the discussions will not bind the Council to making a particular decision. By the very nature of such meetings not all relevant information will be available at the outset nor will formal consultations with interested parties have taken place. The same considerations should apply as apply to any discussions which occur before a decision is taken.'

You **MUST**;

Ensure that Officers are present at any pre-application meetings

Avoid being drawn into negotiation'

- 3.7 The Government's guidance as set out in the National Planning Practice Guidance (NPPG) strongly encourages elected members to participate at the pre-application stage, where it is appropriate and beneficial for them to do so.

The Planning Advisory Service (PAS) has published advice on elected member engagement in pre-application discussions in their Pre-application Suite. Their advisory report states:

'Early and proactive engagement in discussions from ward members and planning portfolio holders helps developers to shape major schemes even before they get to the drawing board. Leaders and portfolio holders in particular may need to act as managers of council assets acting as partners in the delivery of some strategic developments – balancing an asset management role with civil leadership and representing the interests of constituents. They are able to use their position as local leaders to aid important developments that will realise their aspirations for the area.'

However the PAS advice goes on to emphasise the approach taken to member engagement at the pre-application stage needs to be proportionate to the scale and complexity of the proposed development.

- 3.8 As has been referred to above the form in which member involvement occurs should be proportionate to the scale and/or complexity of a proposed development. It is therefore considered that the form in which member involvement occurs should be a hierarchy to accommodate developments ranging from the householder extension to a large urban extension development.
- 3.9 To assist the discussion following is a suggested format for member pre-application involvement in pre-application enquiries. The approach involves different degrees of engagement by elected members, proportionate to the nature and scale of the proposed development:

Level 1: Notification of enquiries to Ward Councillors, Planning Committee Chair and Portfolio Holder

Level 2: Elected member briefings by officers

Level 3: Briefings with developer/promoter

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Level 4: Open Developer Forums

How each of these levels could operate and to what forms of development they could apply is set out in detail in Appendix A.

- 3.10 As pre-application enquiries will be treated confidentially and may be commercially sensitive. The suggested Planning Code of Good Practice (see below) should incorporate this procedure for pre-application enquiries. The Code will need to clearly state that members should not disclose any confidential information or documents held on Pre-Application files other than to another Members or to an officer of the Council. It is advised that the code also deals with exhibitions and presentations of development proposals arranged by developers.

B. Committee Site Visits

- 3.11 The current arrangement of Site Visits occurring on the same day as the Planning Committee meeting does not work well as it provides no opportunity for matters arising from the visit to be clarified before the meeting, this can lead to unnecessary deferrals. It is suggested that consideration be given to member site visits occurring at least two clear working days before the Committee meeting. Consideration should also be given to other aspects of site visits, including attendance requirements, recording of discussion and presence of interested parties at the visit.

C. Public participation in meetings of the Planning Committee

- 3.12 Observation of public speaking at the Planning Committee have revealed a number of issues which do not accord with the LGA guidance set out in paragraph 4.19 and 4.20 of the accompanying best practice briefing paper on this agenda. The usual practice followed by Councils in respect of public participation is for applicants be asked to speak in reply to an objector which leads to balance in the decision making process. However Craven allows for applicants to address the Committee on any application, whether or not an objector has registered to speak. There is also a tendency for speakers to be invited to engage in the discussions and on occasion new information is introduced. This of particular concern where only the applicant or their representative is in attendance and where officers may not be able to check for accuracy or provide considered advice on any material considerations arising. In light of these concerns it is advised that current arrangements for public participation at Committee meetings be reviewed.

D. Officer Delegation for planning decisions

- 3.13 For the purposes of Development Management, delegated decision making is an essential process, whereby applications (all variants) that are received by Local Planning Authorities are determined by officers within the Planning Service. 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 current advice 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

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significant planning issues are made quickly and that resources are appropriately concentrated on the applications of greatest significance to the local area.'

- 3.14 The focus Planning Committees should be dealing with the more strategic and important applications as well as reducing unnecessary delay. In addition taking any application to Committee increases costs in terms of planning and administrative staff time associated with the Committee procedures, including preparing agenda reports, notifying interested parties and attendance of officers at briefing and Committee. From work undertaken on the costs of handling planning applications by Planning Advisory Service in a benchmarking exercise in 2012/13 it was found that on average the cost of dealing with a householder application nearly trebled if it was determined by a Planning Committee.
- 3.15 Part 3 of the Council's Constitution contains the Planning Scheme of Delegation and authorises the Strategic Manager Planning and Regeneration to undertake all Council functions in relation to planning, subject to the listed exceptions. (See Appendix C). these exceptions are in summary:
- Any application accompanied by an Environmental Impact Assessment.
 - Where there would be a departure from the Development Plan.
 - Applications made by or on behalf of the Council.
 - Applications made by elected member and their immediate family
 - Applications made by employees of the Council working in the planning and building control services as well as any employee above principal grade.
 - Any application where the relevant ward member has called an application to the Committee within 21 days of the weekly list or date of publicity, whichever is the later.
 - Where representations on any application (either in support or against the proposal) have been received within 21 days of the consultation/publicity period the Ward Member and Chairman are given 7 days to refer the application to the Committee for a decision.
 - Any repeat application for a scheme broadly the same as one already considered by the Committee.
 - Any application which the Strategic Manager Planning and Regeneration refers to the Committee for decision.
- 3.16 Included within the broad scope of the delegation scheme is authority for officers to serve Enforcement Notices, Breach of Condition Notices, Planning Contravention Notices, Temporary Stop Notices, Stop Notices and to seek Injunctions. The officer delegation also includes the determination of prior approvals, though these are still subject to the exceptions listed above.
- 3.17 The LGA Planning Review Team commented that they were unable to find out what percentage of applications go to committee though it was suggested that the delegation rate for applications was as low as 80%. This has been confirmed by the recent analysis of planning performance reported to the meeting of this Committee on the 1 September which found 84% of decisions were delegated to officers. The Peer Review report considered that this was very low compared to other councils and for a council the size of Craven, they would expect at least 95% of decisions to be delegated. Craven has performed poorly in comparison to nearby planning authorities (see Table 1 below) and increasing the level of delegation as advised by the Peer Review Team is one of a number of changes aimed at improving

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performance against national targets. Additionally an analysis of planning applications considered in the last year (Appendix C) shows decisions on 5 applications were deferred, though this is not a high number the aim should be to achieve no deferrals as this can impact on performance figures and potentially leave the Council vulnerable to appeals against non-determination.

Planning Authority	% of delegated decisions	Average % decisions within statutory period or agreed time
Craven	84%	68%
Eden	91%	94%
Hambleton	98%	87%
Harrogate	99%	82%
Lancaster	94%	88%
Pendle	80%	78%
Richmondshire	95%	90%
Ryedale	90%	89%
South Lakeland	94%	83%

Comparison of Delegation Levels and performance with nearby Planning Authorities - Period 2020

Source: Table P134 – Government Planning Application Statistics

3.18 The LGA Planning Peer Review expressed concern over the 7 day notice procedure:

'The seven-day call-in process in effect means that applications are going before committee that you wouldn't ordinarily expect a committee to be dealing with. It is the first time that the peer team has come across this type of call-in process and it is overly onerous for officers and generates a low delegation rate. This undermines an expedient and efficient decision-making environment.' (LGA Peer Review Report page 11)

3.19 The Peer Review advised the Council to review the procedure, recognising the impact it has on the workload of officers and the Planning Committee. This exception to officer delegation builds in delay, uncertainty and additional workload. Any application which attracts a representation during the initial 21 day publicity period has to be referred to the Chairman and Ward member under the 7 day procedure. This exception provision does not distinguish as to whether the representation is a material planning consideration and it is noted that it results in some applications being taken to Committee unnecessarily.

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- 3.20 Even if other issues contributing to the poor performance referred to in the performance report to the 1 September meeting of this Committee are addressed it would still be difficult to achieve determination within the statutory timescales for most applications i.e. 56 days given the 7 day notice procedure and lead in times for the agenda report. This in turn impacts on the Council's ability to achieve the national performance targets.
- 3.22 The other exception to officer delegation which has the potential to delay determination is where an application is called by a member to the Committee within 21 days of the weekly list or start date of publicity. This procedure however appears to have less impact on the performance in terms of speed of decision making than the 7 day notice procedure. However it has the potential for applications to be called to the Planning Committee before the responses of all those who have been notified or consulted have been received.
- 3.23 In reviewing the Scheme of Delegation the focus should be on:
- A prescriptive, unambiguous and transparent Scheme of Delegation that is easy to understand for all users of the planning system.
 - Ensuring members of the Planning Committee are involved in the determination the most contentious and significant applications.
 - Having an efficient and timely procedure for determining planning applications.
- 3.24 It is considered that the objective should be to retain the ability for ward members to refer an application to the Planning Committee but without the delay created by the current 7 day procedure. To assist the discussion the following is a suggested change which could ensure that objective is achieved:
- A Ward Member has, before a delegated decision is made and within two working days after the close of the latest public consultation on that application, submitted in writing a request that the application be referred to Committee specifying the planning reasons for the request and such referral has been agreed by the Chair and/or Vice Chair of Planning Committee, taking into account:*
- *Relevant material considerations raising significant planning concerns*
 - *Significant implications for adopted policy*
 - *The nature, scale and complexity of the proposed development.*
- NOTE: If the Chairman and Vice Chairman of the Planning Committee have different views the Chair's decision is taken as overriding*
- (NB the Ward Member will normally be expected to attend the Committee meeting at which the application they referred is to be discussed.)*
- 3.25 It is also common practice for Schemes of Delegation to identify contentious applications through the number of representations received against an application and this is again a suggestion put forward for discussion. Under such provisions in instances where the planning officer is recommending consent any application attracting written objections on material planning grounds from for example 5 or more separate households or organisations would automatically be referred to the Planning Committee.

Applications subject to an Environmental Impact Assessment

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- 3.26 It is not considered that there is any basis as to why all applications subject an Environmental Impact Assessment needs to be determined by the Planning Committee. However the screening procedures required for most planning applications have been identified by the Planning Improvement Lead as an area requiring attention.

Applications made by elected members and Council officers

- 3.27 The provisions in the Scheme of Delegation reflects the approach taken by many planning authorities though it would be appropriate to look at this and the Member Code of Conduct Code in respect of where an elected member or direct family members undertake lobbying or act as an agent.

Which Officer(s) should be given Delegated Powers?

- 3.28 Currently the scheme of delegation authorises the Strategic Manager Planning and Regeneration to make delegated decisions on applications and though he may choose to delegate this responsibility to other officers any decisions should be issued under the name of that post holder. The Strategic Manager Planning and Regeneration responsibilities include functions which on occasions necessitate the submission of planning applications, this could give rise to a perceived conflict in roles. Whilst the decision on all applications submitted by or on behalf of the Council are determined by the Planning Committee the reports to Committee are presented under the name of the Strategic Manager Planning and Regeneration. The delegated officer arrangements are therefore being reviewed as part of restructuring the planning service.

E. Officer reports to the Committee

- 3.29 The LGA Planning Peer review expresses concern over instances where officer reports have been found to be incomplete or inaccurate and comment that this has may contribute to decisions being deferred by the Planning Committee (see appendix C). The Peer Review recommended that

'... reports to committee are accurate, and that supporting evidence is complete, and that if possible, no document is tabled on the day of the meeting. To facilitate this, consider moving committee meeting to a different day of the week.'

- 3.30 Whilst it is noted that there may be benefits to moving the day of the Committee from a Monday the issues identified regarding incomplete or inaccurate reports also stems from other factors, this includes site visits occurring on the day of the Committee and new information being introduced by applicants and objectors in the Planning Committee meeting. Both of these matters are dealt with elsewhere in this report. However this does not excuse reports that are inaccurate or incomplete. It has been observed that some officer reports can lack focus, clarity and are unnecessarily lengthy.
- 3.31 As part of the review of the capacity of the Planning Service a need for experienced planning officers has been identified. Additional qualified and experienced planning officers will reinforce the capacity of the service to deal with controversial and larger

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scale development proposals and to provide support and mentoring to the existing planning staff. This in turn will create the capacity for lead officers to manage performance and staff development, which includes ensuring accurate and clear reports on all planning recommendations, whether delegated or Committee. Additionally guidance on report writing is being prepared to assist officers, this includes revised format for the reports.

F. Committee Decisions contrary to Officer Recommendation

- 3.32 Attention has been drawn by the LGA Peer Review to Committee decisions which 'overturn' the officer recommendation (see appendix C). The accompanying briefing report on best practice guidance refers to the LGA/PAS guide on probity in planning for councillors and officers which sets out some key principles. There is scope for current practices in relation to decisions to be reviewed, including:
- Detailed minutes of the committee's reasons should be made, including the material considerations which led to the decision.
 - A copy of the minutes placed on the application file
 - Officers not being asked to 'go away and sort out the planning reasons for the decision'
 - Officer be given opportunity at the meeting to explain the implications of the contrary decision
 - Any decision clearly contrary to the development plan must be deferred to allow for it to be must be advertised as such.

G. Review of Planning Good Practice Guidance for Members

- 3.26 This is currently provides guidance for Members in dealing with planning matters, however consideration should be given to revising and adopting this as a Local Planning Code which would carry more weight than guidance. A Planning Code of Good Practice would clarify the legal requirements as they apply to planning matters and would supplement the Member Code of Conduct Code. As it would form part of the Code of Conduct it would carry more weight than the current guidance and the failure of a member to abide with the Code, could put:
- the Council at risk from complaints of maladministration or challenges about the legality of the planning decision; and
 - the member at risk of a complaint to the Council's Monitoring Officer.
- 3.27 The principal purpose of the suggested Planning Code of Good Practice would be to maintain standards of transparency and fairness when dealing with residents, interest groups, applicants and developers and officers of the Council. A number of the procedural changes suggested in this report for the working group to consider would be incorporated into the Planning Code.

Next Stages

- 3.28 This report has identified a number of areas for procedural change relating to member involvement in making planning decisions, pre-application enquiries and enforcement it is considered that it is appropriate for the Planning Committee to be engaged in the review of procedures. This report represents the first stage in reviewing those procedures and the suggestions outlined are intended to initiate

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discussion. The views of the Committee will be noted and included in a report to the Policy Committee meeting on the 19th October. As referred to above the Policy Committee will also at that meeting be authorising officers to undertake consultations on changes to the Statement of Community Involvement and Local Information Requirements for planning applications.

- 3.29 It is considered that in order to ensure there is effective discussion of the procedural changes the Policy Committee will be recommended to establish a working group of members and officers. Membership of the Working Group should include the Chairman of both the Policy and Planning Committees, the Planning Improvement Lead and Council Solicitor. The Group may be required to report back to the Policy Committee at its meeting on the 30th November and potentially referral to a Select Committee could occur. Any changes to the Constitution and Planning Code would need consideration by Full Council and the aim will be to get these approved at the Council meeting on the on the 14th December 2021.

4. Financial and Value for Money Implications

- 4.1 A reduction of the number of application considered by the Committee could result in cost savings in the processing of planning applications.

5. Legal Implications

- 5.1 None

6. Background Documents

- LGA Planning Peer Review Craven District Council 28th-29th September 2020 Feedback Report
- Planning Advisory Service Pre Application Suite
<https://www.local.gov.uk/sites/default/files/documents/pre-application-suite-3e1.pdf>
- 'Probity in Planning, Advice for councillors and officers making planning decisions' Local Government Association (LGA) (December 2019)
[https://www.local.gov.uk/sites/default/files/documents/34.2 Probity in Plan ning_04.pdf](https://www.local.gov.uk/sites/default/files/documents/34.2_Probity_in_Plan ning_04.pdf)
- 'Probity and the Professional Planner', Royal Town Planning Institute (RTPI) (January 2020)
[https://www.local.gov.uk/sites/default/files/documents/34.2 Probity in Plan ning_04.pdf](https://www.local.gov.uk/sites/default/files/documents/34.2_Probity_in_Plan ning_04.pdf)
- 'Permission Accomplished Assessing corruption risks in local government planning' Transparency International UK July 2020
- Report on Planning Stakeholder Surveys – Planning Agents and Parish/Town Councils undertaken during April and May 2021 by Haines Planning Consultancy Ltd

6. Appendices

- A.** Current Scheme of Delegation

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- B.** Suggested arrangements for member engagement with pre-application enquiries
- C.** Applications determined by the Planning Committee during the period Sept. 2020
– August 2021

Author of the Report

Name: Vincent Haines

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

Current Planning Scheme of Delegation

Part 3 – Responsibility for Functions

Planning Scheme of Delegation

PLANNING SCHEME OF DELEGATION

December 2018

The Strategic Manager for Planning and Regeneration is delegated to undertake all functions in connection with planning (subject to the limits, controls and conditions below) including Listed Buildings, Advertisement Consent, Certificate of Lawfulness applications (in consultation with the Council Solicitor), Planning Enforcement and the preservation of Trees and Hedges.

Limits, Controls and Conditions

This delegation is limited and shall not apply to:

1. Environmental Impact Assessment Applications

Any application which is accompanied by an Environmental Impact Statement.

2 Significant Departure Applications

Any application which is defined as a significant departure from the adopted development plan as identified in the Town and Country Planning (Consultation) (England) Direction 2009 or in any successor Direction or document (see definition below) and where officers wish to approve the development.

3 Major Departure Applications

The application is a major departure in the opinion of the Strategic Manager Planning and Regeneration and the application is recommended for approval

4 Council Applications

Any applications made by or on behalf of the Council and is for development other than domestic applications within the curtilage of a dwelling house or external alterations to a building with no significant extensions proposed

5 Applications by District Councillors

Any applications made by or on behalf of a District Councillor or his/her partner, children, parents, grandparents or siblings.

6 Applications by Members of Staff

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Any application made by an employee within the Development Management, Building Control and Local Planning Teams within the Planning and Regeneration service area or any employee of the Council of Principal Grade or above. Applications submitted by the partner, children, parents, grandparents or siblings of any of the persons referred to above will also be referred to the Planning Committee for determination.

7 Ward Member Referrals

Where a ward member requests, in writing, within 21 days of the receipt of the weekly list or by the closure of any publicity which has been carried out on the application (whichever is the latest), that an application be presented to the Planning Committee for decision, identifying the planning reasons for the referral and how the development affects their ward and agreed with the Planning Manager in consultation with the Chairman

Footnote: As worded Category 7 referrals enables Members other than the Member for the Ward within which the site is located to seek the referral to Committee where the development would have an effect on their ward.

8. The 7 day notice procedure.

Where representations by any person, body or organisation have been received (either in support or against the proposal) within the 21 day consultation/publicity period and these representations are contrary to the recommendations of Officers a notice shall be sent to the Chairman and Vice Chairman of the Planning Committee and Ward Representative(s) giving 7 consecutive days to decide on material planning grounds or in the public interest whether the matter should be referred to the Planning Committee for a decision. This procedure will not apply to applications for "prior approval" under the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) since such applications benefit from a deemed approval if not determined within the statutory time limits.

Interpretation of the 7 day notice procedure

Where a Town or Parish Council indicate that they have "no objection" or "no comment" to an application this will be taken as a declaration of a neutral stance that is neither in support of nor against a proposal and accordingly will not trigger a requirement for an application to be referred to the Chairman, Vice Chairman and ward Member(s) under the 7 day notice procedure. Similarly a representation supporting an application will not trigger the 7 day notice procedure if the Officer recommendation is one of approval.

With the exception of consultations to Town and Parish Councils referred to above the 7 day notice procedure shall not apply in respect of representations received from any statutory consultee who has been notified of the application in accordance with Articles 18, 19, 20 and 21 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (or any Order revoking or re-enacting that Order) or from any non-statutory consultee.

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Part 3 – Responsibility for Functions

Planning Scheme of Delegation

Where third party representations have been received solely supporting an application the 7 day notice procedure will not be triggered if the Officer recommendation is for approval.

Where third party representations have been received solely objecting to an application the 7 day notice procedure will not be triggered if the Officer recommendation is for refusal.

The 7 day notice procedure will apply to all applications where there are both objections and support for an application.

In all cases the representations must be on material planning grounds to be considered under category 8.

9 Repeat applications

Any repeat application (where it is fundamentally the same scheme) which has previously been considered by the Planning Committee. This will not apply to applications to vary or delete conditions under section 73 of the Town and Country Planning Act 1990 unless those conditions were explicitly imposed by the Planning Committee. This will not apply to applications for non-material amendments to an approved scheme under Section 96A of the Town and Country Planning Act 1990 (as amended).

10 Referrals by Strategic Manager

Any application which the Strategic Manager for Planning and Regeneration considers should be referred to the Planning Committee for a decision.

Definitions

Significant departures are defined as the following in the Town and Country Planning (Consultation) (England) Direction 2009 where the Local Planning Authority wishes to approve the proposal in terms of the following: -

- Development which includes or consists of retail, leisure or office use and which:
 - a. Is to be carried out on land which is edge of centre, out of centre or out of town; **and**
 - b. Is not in accordance with one or more provisions of the development plan in force in relation to the area in which the development is to be carried out: **and**
 - c. Consists of or includes the provision of a building or buildings where the floor space to be created by the development is:
 - i. 5000 square metres or more: **or**
 - ii. Extensions of new development of 2,500 square metres or more which when aggregated with existing floorspace would exceed 5000 square metres.
- Development having an adverse impact on the outstanding universal value, integrity, authenticity and significance of world heritage sites or their settings,

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Part 3 – Responsibility for Functions

Planning Scheme of Delegation

- including any buffer zone or its equivalent, and being development to which Historic England has objected to and that objection not having been withdrawn.
- Playing field development where the land subject of the application:
 - I. Is land of a local authority; or
 - II. Is currently used by an educational institution as a playing field; **or**
 - III. Has at any time in the 5 years before the application been used by an education institution as a playing field: **and**
 - IV. Sport England has been consulted and has objected on one or more of the following grounds:
 - a. That there is a deficiency in the provision of playing fields in the area of the Local Planning Authority;
 - b. That the proposed development would result in such a deficiency; **or**
 - c. That the proposed development involves a loss of playing field and an alternative or replacement playing field is proposed, that alternative or replacement does not match (whether in quality, quantity or accessibility) that which would be lost.
 - Major development in flood risk areas to which the Environment Agency has made an objection that it has not been able to withdraw even after discussion with the Local Planning Authority.

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DEVELOPMENT CONTROL PROTOCOL

Introduction – Under the Council's Scheme of Delegation, decisions on planning applications are delegated to the Strategic Manager Planning and Regeneration. This Protocol sets out how the Strategic Manager Planning and Regeneration proposes to exercise these powers with a view to ensuring that elected Members have adequate opportunity to comment on and be involved in the decision making process on planning applications as appropriate.

Planning Applications

Listed below are the circumstances where a planning application would be presented to the Planning Committee for decision:-

- Where any Member of the Council requests, in writing, within 21 days of receipt of the weekly list of applications, that an application be presented to the Planning Committee for decision.
- Proposals that are potentially controversial or likely to be of significant public interest in the opinion of the Strategic Manager Planning and Regeneration.
- Proposal that would have a significant impact on the environment in the opinion of the Strategic Manager Planning and Regeneration.
- Proposals submitted by, or on behalf of the Council for its own developments, or on Council-owned land, except for routine, minor developments to which no objection has been received.
- Proposals submitted by, or on behalf of a Member or an employee of the Council, which are subject to the Council's Code of Conduct for Planning Applications.
- Where either the Chairman of the Planning Committee or Ward Representative(s) request that an application be presented to the Planning Committee following referral of the application to them through the seven day notification procedure (detailed below).

Seven Day Notification Procedure

The power to make a delegated decision for approval of a planning application shall not be exercised unless seven days advance notice of the proposed decision has been given to the Chairman of the Planning Committee, or in his/her absence the Vice- Chairman, and to the appropriate Ward Representative(s) in the following cases:

- If the application is subject to third party or parish representations contrary to the officer recommendation, or unless those representations are based on non-planning considerations or matters that can be given little weight in the planning decision.
- If the application is subject to both objections and support.
- If the application is a resubmission of an application previously refused by the Planning Committee and the decision is to be one of approval or conditional approval, whether or not representations have been received.

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Appendix B

Suggested arrangements for member engagement with pre-application enquiries

Level of Engagement	Appropriate Scale of Proposal	How it would operate	Options
Level 1 Notification of pre-application enquiries to Ward Councillors, Planning Committee Chair and Portfolio Holder	This notification would apply to all pre-application enquiries received.	<p>Weekly notifications to members containing basic details of any pre-application enquiries received for sites in their ward.</p> <p>The Chairman of the Planning Committee would receive a weekly list of all enquiries received.</p> <p>Members could contact case officers to gain more detail of what the enquiry related to. If a Member wishes to express their views on a matter the subject of the Pre-Application enquiry they would do so in writing, sent to the relevant Planning Officer within a specified timeframe.</p>	It is recommended that the Local Planning Code requires that Members should not disclose details of any pre-application enquiries other than to another Member or to an officer of the Council.
Level 2 Elected member briefings by officers	These briefings are primarily intended for smaller scale developments such as changes in the use of premises or developments of a small number of new homes. However they could also be a useful precursor to a consideration as to whether an enquiry should be escalated to Level 3 and 4. The use of such briefings for householder extensions and other modest proposals would be discouraged as they would impact on response timescales.	These would be informal presentations to ward members on specific pre-application enquiries. They would be held at the request of a ward member or the Chairman of the Planning Committee and requests for a briefing meeting would need to be made within a specified time frame to ensure the impact on timely responses to the enquirer was not delayed.	The notifications sent out to elected members under level 1 could indicate whether the enquiry would be eligible for a briefing from officers. This is advised as it is proposed to have a tight target period for responding to enquiries relating to small scale proposals such as householder enquiries.

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Level 3 Briefings with developer in attendance	<p>It is considered that these briefings would only be appropriate for larger scale or potentially controversial proposals.</p>	<p>As part of the Pre-Application discussions a developer may wish to engage with ward members. This would be through a meeting with a Planning Officer present. The decision as to whether or not a Ward Member attends such a meeting would rest with the Member. A full note of the meeting would need to be placed on the pre-application file and that file (as with other pre-application files) would be become public upon submission of the related planning application.</p>	<p>These briefings could be limited to developers who have entered into a Planning Performance Agreement (PPA) with the Council. Most PPAs will require the developer to set out a programme for community engagement to be undertaken before any planning application is submitted.</p>
Level 4 Open Developer Forum	<p>These would be appropriate for the larger and potentially controversial proposals.</p>	<p>The decision on whether to agree to a request for a presentation would rest with the relevant planning lead officer following consultation with the Chairman of the Planning Committee. Any such presentation will be open to the public and public notice of the presentation shall be given.</p> <p>A presentation by a developer would be made in an open forum to explain their development proposals. Elected members would then have opportunity to raise questions in connection with the proposals.</p> <p>It is envisaged there would only be a few Open Forums and it is advised that they would need to be held at a convenient time for all parties concerned. It is suggested that weekday evenings be considered rather a time during the working day. Such Open Forums could also take place in locations more convenient to the site of the proposal, this could be village or town halls.</p>	<p>These briefings could be limited to developers who have entered into a Planning Performance Agreement (PPA) with the Council. Most PPAs will require the developer to set out a programme for community engagement to be undertaken before any planning application is submitted.</p> <p>Such meetings would be open to the public and opportunity could also be afforded for community representatives such as Town and Parish Councillors to ask questions.</p>

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Appendix C

Applications determined by the Planning Committee during the period Sept. 2020 – August 2021

App. Ref. no.	Officer Recommendation P- Grant permission R- Refuse	Application Type M -Major, Mi -Minor, H/H - householder O – Other V/C – variation of condition LB – Listed Building	Committee Decision P- Grant permission R- Refuse D- Defer AD -= Grant but awaiting agreement	Decisions contrary to officer recommendation	Applications deferred
1st September 2020					
2020/21829/MMA	P	H/H	R	None	None
2019/20487/FUL	P	Mi	R		
28 September 2020					
2020/21310/FUL	P	M	P	None	None
2019/20463/REG3	P	M	P		
5th October 2020					
2020/21452/FUL	P	Mi	P	1 of 2	None
2020/21754/FUL	P	Mi	R		
23 November 2020					
2019/20558/REM	P	M	P	1 of 2	None
2019/20287/FUL	P	Mi	R		
22 December 2020					
2020/21829/MMA	R	H/H	R	2 of 3	None

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2020/21855/HH	P	H/H	R		
2019/21202/FUL	P	O	R		
15 February 2021					
2020/21878/FUL	P	Mi	P	2 of 4	2
2020/22173/HH	P	H/H	P		
2020/21883/FUL	P	Mi	D		
2020/21884/LBC	P	LB	D		
15 March 2021					
2020/21878/FUL–	P	Mi	D	3 of 5	2
2020/21883/FUL	P	Mi	R		
2020/21884/LBC	P	LB	R		
2021/22385/VAR	P	V/C	R		
2019/20400/FUL	P	O	D		
12 April 2021					
2019/20400/FUL	P	O	P	None	None
2020/21775/FUL	P	M	P		
17 May 2021					
2020/22027/REM	R	M	No decision required Subject to none determination appeal R	None	None
2020/22357/REM	P	M	P		
7 June 2021					
2020/21878/FUL	P	Mi	P	None	1
2021/22669/FUL –	P	Mi	D		
5 July 2021					
2021/22605/REM	P	M	P	None	None

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Supplementary Planning Documents Note for Members of Planning Committee

Introduction

Following a request from Councillor Brockbank, as Chair of Planning Committee, this note sets out the Spatial Planning Team's work programme for preparing a number of Supplementary Planning Documents (SPDs) together with details of progress made on each SPD and training that will be provided to the Planning Committee, following adoption.

The Council's Local Development Scheme (LDS): 2020 sets out a programme to produce key spatial planning documents. This LDS was approved by Craven Spatial Planning Sub Committee in September 2020 and can be viewed at:

<https://www.cravencdc.gov.uk/media/9709/updated-lds-2020-final.pdf>

Supplementary Planning Documents (SPDs)

The NPPF describes SPDs as:

“Documents which add further detail to the policies in the development plan. They can be used to provide further guidance for development on specific sites, or on particular issues, such as design. Supplementary planning documents are capable of being a material consideration in planning decisions but are not part of the development plan.”

It is important to note that SPDs cannot introduce any new policy requirements, rather, once adopted, they provide detailed advice and guidance to local plan policies with the aim of assisting applicants in formulating their proposals so as to best achieve policy compliance. SPDs will also be helpful to planning officers and members in implementing those adopted local plan policies.

The table below provides information on each programmed SPD, progress reached to date, together with an estimated timetable for adoption and member training.

Training on Adopted SPDs

Training will be provided by the Spatial Planning Team following adoption of each SPD.

As the Affordable Housing SPD was adopted on the 6th August training will be organised during October. Please could members of the Planning Committee, via Councillor Brockbank as Chairman, provide details of any specific elements of the adopted SPD that members would like the training to focus on or any specific questions members have on it. Please send questions and details to rparker@cravencdc.gov.uk by Monday 4th October.

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SPD	Related Adopted Local Plan Policy	Subject	Progress	Estimated Adoption Date	Member Training
Affordable Housing SPD (available to view via link)	H1: Specialist housing for older people, H2: Affordable housing, SP4: Spatial strategy and housing growth.	Detailed guidance on how to meet policy requirements for affordable housing contributions, including how to prepare a successful planning application and the practical aspects of affordable housing provision	Adopted	6 th August 2021	October 2021
Good Design SPD	ENV3: Good Design	Detailed guidance to aid developers and decision makers in bringing forward new development proposals founded on good design principles.	Public Consultation on draft 13 th Sept – 11 th Oct 2021	2021/2022	Following adoption
Rural Workers' Dwellings SPD	EC3: Rural Economy SP4: Spatial strategy and housing growth.	Detailed guidance on dwellings needed to support farm, forestry or other land-based businesses, including functional and financial justification.	Public Consultation on draft 13 th Sept – 11 th Oct 2021	2021/2022	Following adoption
Flood Risk SPD	ENV6: Flood Risk, ENV8: Water Resources, Water Quality and Groundwater	Detailed guidance on dealing with flood risk in planning applications, including flood zones, vulnerability classifications, sequential tests, exception tests, flood risk assessments, layout, design and SuDS.	Due to start internal consultation with relevant CDC Officers in Sept 2021	2022	Following adoption
Biodiversity & Green Infrastructure SPD	ENV4: Biodiversity, ENV5: Green Infrastructure	Detailed guidance on how to meet the policy requirements relating to green infrastructure and biodiversity in more detail prior to the submission of planning applications.	Due to start internal consultation with relevant CDC Officers in Sept 2021	2022	Following adoption
Householder Development SPD	ENV3: Good Design	Detailed practical guidance on the design of householder development.	Not yet started.	2022/2023	Following adoption