

PLANNING COMMITTEE

Monday, 22nd November 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 25th October 2021.
3. **Public Participation** – In the event that any questions/statements are received or members of the public wish to ask questions or address the Committee in respect of matters not appearing on this agenda, the public participation session will proceed for a period of up to fifteen minutes.
4. **Declarations of Interest** – All Members are invited to declare at this point any interests they have in items appearing on this agenda, including the nature of those interests.

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

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

5. **Schedule of Plans** – The schedule is comprised of the following:

- (a) Applications to be determined by the Committee.
- (b) Enforcement – New complaints registered / complaints closed.

If Members have any queries regarding individual applications dealt with under the Scheme of Delegation or if they have any queries regarding an enforcement matter, then please contact Neville Watson, Planning Manager (Development Management) (E-mail: nwatson@cravendc.gov.uk or telephone: (01756) 706402).

6. **Review of Handling of Application 2021/22945/FUL, Park Mill, Skipton** – Report of the Strategic Manager for Planning and Regeneration. Attached.

Purpose of Report – To advise Members on the processing of the application for alternations to Park Mill, Brougham Street, Skipton.

7. **Quarterly Planning Performance Monitoring Report** – Report of the Strategic Manager for Planning and Regeneration. Attached.

Purpose of Report – The report is intended to inform the Committee of performance during the quarter June to September 2021.

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

9. Date and Time of Next Meeting – Monday, 20th December 2021 at 1.35pm

Agenda Contact Officer:

Vicky Davies, Senior Democratic Services Officer

E-mail: vdavies@cravendc.gov.uk

12th November 2021

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

PLANNING COMMITTEE

25 October 2021

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

Officers – Legal Advisor (Kings' Chambers, Manchester), Planning Manager, Principal Planning Officer x 2 and Senior Democratic Services Officer.

Apologies for Absence and Substitutes: An apology for absence was received from Councillor Harbron.

Ward Representatives:

Confirmation of Minutes:

Resolved – That the minutes of the meeting held on 27 September 2021 were approved as a correct record.

Start: 2.03pm

Finish: 5.22pm

Councillor Lis left the meeting at 4.32pm.

Councillor Place left the meeting at 5.06pm.

A short comfort break was taken at 3.27pm.

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

PL.1049

DECLARATIONS OF INTEREST AND LOBBYING

a. Declarations of Interest

Councillor Handley declared a Section 15 interest in application 2020/22109/FUL and did not take part in the debate or voting thereon.

Councillor Lis declared an interest in application 2021/23261/FUL as he was the Lead Member for Greener Craven and had been involved in discussions about the application, he left the meeting and took no part in the debate or voting thereon.

Councillor Brown declared an interest for Craven District Council applications 2021/22939/FUL; 2021/22940/LBC; 2021/23261/FUL as he was a Craven District Councillor.

b. Lobbying

Councillors Brockbank, Brown, Handley, Lis and Sutcliffe were lobbied in favour and against applications 2020/22109/FUL.

Councillor Shuttleworth was lobbied in favour of application 2021/23028/HH.

PL.1050

PUBLIC PARTICIPATION

The following individual addressed the Committee:

Application 2020/22109/FUL – Mr Richard Greenep, objector
Mr Stuart Pratt, applicant

Application 2021/23028/HH –
Application 2021/22939/FUL –

Mr John Midgley, applicant
Danielle Daglan, for the applicant

PL.1051

PLANNING APPLICATIONS

a. Applications determined by Planning Committee

Application Withdrawn

Application 2021/22945/FUL – Proposed replacement roof and raised wall height to south and east elevations at Park Mill, Brougham Street, Skipton, BD23 2JN – The Planning Manager requested that the application be withdrawn. The reasons for this was that due to an internal error, a Decision Notice for approval had already been issued.

The Planning Manager explained that the application before them had been recommended for approval with conditions and advised Committee that it would be in order for them to make a 'minded to' decision to approve the application, or, should they be minded to refuse the application, a report would need to be presented to Policy Committee. The Council's Legal Advisor confirmed to the Committee that the law was clear in that permission had been granted and a valid Decision Notice had been issued. The Planning Committee did not have the authority to revoke the said notice, that would be a matter for the Policy Committee.

The error had arisen because the status of the application changed from one of a 'seven day notice' to a request for a committee 'call-in' by the Ward Member, but the officer was unaware of that change. The Planning Manager apologised to the Committee and said he would take robust steps to prevent this happening again.

Members agreed with the Chairman that the application be withdrawn and they did not wish to make a 'minded to' decision. The Decision Notice granting approval would therefore prevail. Members determined that an internal investigation be undertaken and the findings reported to the next meeting of the Planning Committee.

Permissions Granted

Application 2020/22109/FUL – Application for revised description for the construction of eleven dwellings with landscaping, infrastructure, associated worked and off-street parking on an allocated site on land at Richard Thornton's School, Burton in Lonsdale, LA6 3JZ. The Planning Committee resolved to give delegated authority to the Planning Manager to approve the application subject to completion of a Section 106 Agreement which would, amongst other matters, require the applicant to demonstrate that they can undertake highway improvements to an adoptable standard at the site entrance to the main road (which does not have any registered landowner) and to ensure future maintenance of access.

Amendments were sought to the conditions recommended in the officer's report:

- 1) A more specific condition regarding materials was requested prompted by concerns regarding the need to ensure the development incorporated building materials that would not detract from the setting of the site within proximity of the Grade II listed Richard Thornton School and the Burton in Lonsdale Conservation Area. It was proposed and agreed to amend condition 5 (External Materials) to require the applicant to provide sample panels of external materials for prior approval by the case officer. Subsequent to that members also expressed the view that rendering on the site should be kept to a minimum.
- 2) Members raised some concerns regarding the wording on Conditions 17 and 18 (Highways). Specifically, they considered that it was unclear as to when the highways conditions would

come into effect. It was agreed that an informative should be added in respect of highway conditions 17 and 18 to reference condition 19 (Construction Management plan) which required the applicant to provide details of any temporary construction access to the site including measures for removal following completion of construction works.

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

- 3 No development shall take place until a suitable maintenance of the proposed SuDS drainage scheme arrangement has been demonstrated to the local planning authority. Details with regard to the maintenance and management of the approved scheme to include; drawings showing any surface water assets to be vested with the statutory undertaker/highway authority and subsequently maintained at their expense, and/or any other arrangements to secure the operation of the approved drainage scheme/sustainable urban drainage systems throughout the lifetime of the development.

Reason: To prevent the increased risk of flooding and to ensure the future maintenance of the sustainable drainage system

During Building Works

- 4 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.

- 5 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.

- 6 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

- 7 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

AGENDA ITEM 2

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.

- 8 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.

- 9 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.

- 10 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, including tree protection measures, 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.

- 11 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

AGENDA ITEM 2

- 12 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.
- 13 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.
- 14 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
- 15 Except for investigative works, no excavation or other groundworks or the depositing of material on site in connection with the construction of any road or any structure or apparatus which will lie beneath the road must take place on any phase of the road construction works, until full detailed engineering drawings of all aspects of roads and sewers for that phase, including any structures which affect or form part of the highway network, and a programme for delivery of such works have been submitted to and approved in writing by the Local Planning Authority. The development must only be carried out in compliance with the approved engineering drawings.
- Reason: To secure an appropriate highway constructed to an adoptable standard in the interests of highway safety and the amenity and convenience of all highway users.
- 16 No part of the development to which this permission relates must be brought into use until the carriageway and any footway or footpath from which it gains access is constructed to binder course macadam level or block paved (as approved) and kerbed and connected to the existing highway network with any street lighting installed and in operation.
- The completion of all road works, including any phasing, must be in accordance with a programme submitted to and approved in writing with the Local Planning Authority before any part of the development is brought into use.
- Reason: To ensure safe and appropriate access and egress to the premises, in the interests of highway safety and the convenience of all prospective highway users.
- It is recommended that in order to avoid abortive work, discussions are held between the applicant, the Local Planning Authority and the Local Highway Authority before a draft layout is produced and any detailed planning submission is made. To assist, the Local Highway Authority can provide a full list of information required to discharge this condition.

AGENDA ITEM 2

It should be noted that approval to discharge the condition does not automatically confer approval for the purposes of entering any Agreement with the Local Highway Authority.

The agreed drawings must be approved in writing by the Local Planning Authority for the purpose of discharging this condition.

- 17 No part of the development must be brought into use until the access, parking, manoeuvring and turning areas for all users at Land At Richard Thornton's School, Burton In Lonsdale, Carnforth, Lancaster, LA6 3JZ 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 provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.

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

- 18 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. wheel washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway;
3. the parking of contractors' site operatives and visitor's vehicles;
4. areas for storage of plant and materials used in constructing the development clear of the highway;
5. details of site working hours;
6. details of the measures to be taken for the protection of trees; and
7. 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.

Ongoing Conditions

- 19 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

AGENDA ITEM 2

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. Applicants are reminded that in addition to securing planning permission other permissions may be required from North Yorkshire County Council as Local Highway Authority. These additional permissions can include, but are not limited to: Agreements under Sections 278, 38, and 184 of the Highways Act 1980; Section 38 of the Commons Act 2006, permissions through New Roads and Streetworks Act 1991 and Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996 (as amended and including all instruments, orders, plans, regulations and directions).

Further information on these matters can be obtained from the Local Highway Authority. Other permissions may also be required from third parties. It is the applicant's responsibility to ensure all necessary permissions are in place.

6. Public Rights of Way:
 - i) There is a Public Right of Way or a 'claimed' Public Right of Way within or adjoining the application site boundary - please see the attached plan.
 - ii) If the proposed development will physically affect the Public Right of Way permanently in any way an application to the Local Planning Authority for a Public Path Order/Diversion Order will need to be made under S.257 of the Town and Country Planning Act 1990 as soon as possible. Please contact the Local Planning Authority for a Public Path Order application form.
 - iii) If the proposed development will physically affect a Public Right of Way temporarily during the period of development works only, an application to the Highway Authority (North Yorkshire County Council) for a Temporary Closure Order is required. Please contact the County Council or visit their website for an application form.
 - iv) The existing Public Right(s) of Way on the site must be protected and kept clear of any obstruction until such time as an alternative route has been provided by either a temporary or permanent Order.
 - v) It is an offence to obstruct a Public Right of Way and enforcement action can be taken by the Highway Authority to remove any obstruction.
 - vi) If there is a "claimed" Public Right of Way within or adjoining the application site boundary, the route is the subject of a formal application and should be regarded in the same way as a Public Right of Way until such time as the application is resolved.

AGENDA ITEM 2

vii) Where public access is to be retained during the development period, it shall be kept free from obstruction and all persons working on the development site must be made aware that a Public Right of Way exists, and must have regard for the safety of Public Rights of Way users at all times.

Applicants should contact the County Council's Countryside Access Service at County Hall, Northallerton via CATO@northyorks.gov.uk to obtain up-to-date information regarding the exact route of the way and to discuss any initial proposals for altering the route.

7. The applicant is advised that this permission does not entitle the alteration or removal of any of the built structures associated with the Grade II listed school building other than those expressly approved by virtue of this permission. Such works would require Listed Building Consent and would constitute an offence under the Planning (Listed Buildings and Conservation Areas) Act 1990 if undertaken without consent having first being obtained.
8. 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 2021/22939/FUL – application for alterations to the external elevation of Skipton Town Hall, High Street, Skipton BD23 1AH. Members approved the application with the following conditions:

Conditions

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 This permission relates to the following plans:

L(LBC)2008 FABRIC REPAIRS - ENTRANCE AREA
L(LBC)2008 FABRIC REPAIRS - NEW DOORS
L(LBC)2009 FABRIC REPAIRS - ENTRANCE AREA
L(LBC)2060 SITE PLAN
L(--)-2061 LOCATION PLAN

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

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.

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.

Application 2021/22940/LBC – Application listed building consent for alterations to the external elevation of Skipton Town Hall including balustrade upgrades, contrasting step nosings, interpretive banners, new door and new lighting. Members approved the application with the following conditions:

Conditions

Time Limit for Commencement

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

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

Approved Plans

- 2 This permission relates to the following plans:

L(LBC)2008 FABRIC REPAIRS - ENTRANCE AREA
L(LBC)2008 FABRIC REPAIRS - NEW DOORS
L(LBC)2009 FABRIC REPAIRS - ENTRANCE AREA
L(LBC)2060 SITE PLAN
L(--)2061 LOCATION PLAN

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

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

During Building Works

- 3 All new works following the installation of the banner fixtures and brass tactile paving studs, shall be finished to match the historic work with regard to the methods used and to colour, material, texture.

AGENDA ITEM 2

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.

- 4 Unless alternative details have first been submitted to and approved in writing by the Local Planning Authority, the development shall be constructed in accordance with the materials detailed on the approved plans unless agreed in writing with the Local Planning Authority and retain as such thereafter.

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

Application 2021/23261/FUL – Application for the construction of a new exit drive from Waltonwrays Cemetery to Carleton Road, Skipton, for use of funeral vehicles exiting the Cemetery. Members approved the application subject to the conditions below along with an additional informative stating that the applicant should install an advisory sign inside the site asking all vehicles to turn left out of drive.

The reason Members asked for this informative was to promote road safety. Whilst the Highways Authority had advised that 30mph limit signs would be repositioned to include the cemetery and the system of streetlights would automatically make it a 30mph speed limit, no timescales had been provided as it was linked to ongoing works at a nearby development that had already been approved. Members had suggested that a 'no right turn' was imposed when leaving the cemetery but the Highways Authority had stated that this was not warranted and therefore Members asked for the above mentioned information to be included in this approval.

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 and documents:

D03A Elevation of New entrance
D01C Scheme Drawing of new exit
D02 Site and Location Plan
Heritage Statement

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

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

During Building Works

- 3 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 extensions shall be those as detailed on the application form and approved plans and retain as such thereafter.

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

- 4 There must be no access or egress by any vehicles between the highway and the application site at The Chapel, Waltonwrays Cemetery, Carleton Road, Skipton until splays are provided giving clear visibility of 45 metres measured along both channel lines of the major road from a point measured 2.4 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.

Informative: An explanation of the terms used above is available from the Local Highway Authority.

- 5 The crossing of the highway verge and/or footway must be constructed in accordance with the approved details and/or Standard Detail number E50 and the following requirements.

Any gates or barriers must be erected IN LINE WITH THE EXISTING WALL AND BOUNDARY and must not be able to swing over the existing or proposed highway. The final surfacing of any private access within 3 metres of the public highway must not contain any loose material that is capable of being drawn on to the existing or proposed public highway.

Measures to enable vehicles to enter and leave the site in a forward gear.

All works must accord with the approved details.

Reason: To ensure a satisfactory means of access to the site from the public highway in the interests of highway safety and the convenience of all highway users and to accord with the guidance contained within the National Planning Policy Framework

- 6 The mortar to be used in the reconstruction of the hereby approved access shall be a lime mortar and not cement mortar.

Reason: In the interest of visual amenity and to accord with Policy ENV3 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.

AGENDA ITEM 2

2. Notwithstanding any valid planning permission for works to amend the existing highway, you are advised that a separate licence will be required from North Yorkshire County Council as the Local Highway Authority in order to allow any works in the existing public highway to be carried out. The 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by North Yorkshire County Council as the Local Highway Authority, is available to download from the County Council's web site:

[https://www.northyorks.gov.uk/sites/default/files/fileroot/Transport%20and%20streets/Roads%20and%20highways%20and%20pavements/Specification for housing and industrial estate roads and private street works 2nd edition.pdf](https://www.northyorks.gov.uk/sites/default/files/fileroot/Transport%20and%20streets/Roads%20and%20highways%20and%20pavements/Specification%20for%20housing%20and%20industrial%20estate%20roads%20and%20private%20streets%20works%202nd%20edition.pdf).

The Local Highway Authority will also be pleased to provide the detailed constructional specifications referred to in this condition.

3. 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.

Applications Deferred

Application ref: 2020/22109/FUL – Application for the construction of a single storey rear extension to 54 Barden Road, Eastby, Skipton BD23 6SN. The application is deferred so clarification can be sought in relation to the conflicting plans presented to Members at this meeting and those shown on the Council's Planning Portal.

Applications Refused

None.

b. Delegated Matters

The Strategic Manager for Planning and Regeneration submitted a list of new and closed planning enforcement cases between 17 September 2021 and 13 October 2021.

PL.1052

ANY OTHER ITEMS

Having had a site visit on Wednesday 20th October for Application 2020/22109/FUL, the Chairman sought Members views on holding future site visits on a different day from the day of Committee. This suggestion had come about from the review of the Planning Services and in a report presented to this Committee on the 27th September 2021. At that meeting, Members concluded that visits on the same day as the Planning Committee provided little opportunity for officers to address matters arising from the site visit, sometimes leading to unnecessary deferments due to information Members felt they needed in order to make a decision on an application, not being available.

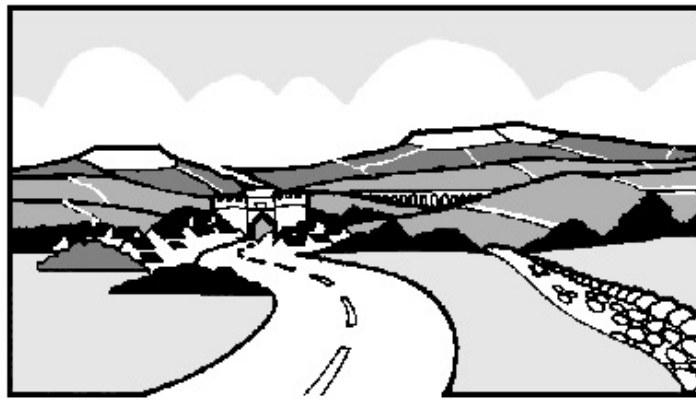
The Chairman and the Planning Manager accepted that whilst some flexibility was required, it would be most helpful if Members and Officers were able to diarise a set programme of site visits so that all parties could keep the dates free should a site visit be required.

Resolved – That, where possible, site visits should be held on a fixed day other than the day of the Committee, and that these arrangements are reviewed after three months.

Minutes for Decision

There were no items for decision requiring confirmation by Council.

Chairman.



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D I S T R I C T

PLANNING COMMITTEE AGENDA

DATE: 22nd November 2021

INDEX OF PLANNING APPLICATIONS

Item No.	Application Reference No.	Name of Applicant	Site Address	Page No's
1.	2020/21565/REG4	Craven District Council	Land At Station Road, Hellifield.	2 - 26
2.	2021/23035/FUL	Mr Nigel Taylor	7 High Street, Gargrave.	27 – 34
3.	2020/22178/FUL	Mr K Downs	Land To North Of Carla Beck House, Carla Beck Lane, Carleton.	35 – 45
4.	2021/22630/ADV	Craven District Council	Flag Sites For Skipton Heritage Action Zone, High Street, Coach Street, Otley Road, Skipton.	46 – 49
5.	2021/23028/HH	Mr John Midgley	54 Barden Road, Eastby.	50 - 58

REPORT TO PLANNING COMMITTEE ON 22nd November 2021

Application Number: 2020/21565/REG4

Proposal: Thirteen entry-level affordable homes & associated infrastructure

Site Address: Land At Station Road Hellifield

On behalf of: Craven District Council

Date Registered: 21st April 2021

Expiry Date: 21st July 2021

EOT Date, if applicable: 30th October 2021

Case Officer: Andrea Muscroft

SUMMARY

This application has been referred to Planning Committee as the applicant is Craven District Council.

This application is considered acceptable in principle and it is not considered harmful to the character of the area, or adversely impact on the setting or significance of the nearby heritage assets nor have any adverse impacts on neighbouring properties. The proposal is considered acceptable and is recommended for approval subject to the signing of a legal agreement and conditions outlined below.

1. Site Description

- 1.1 The application relates to a parcel of land fronting onto Station Road in Hellified.
- 1.2 The application relates to a parcel of land that lies to the west of the network railway track, east of properties located on Station Road, north of open play area and to the south of the Railway station for Hellifield. The site is therefore considered to be located adjacent to the existing settlement of Hellifield.
- 1.3 The application site lies within Flood Zone 1 as defined by the Environment Agency.

2. Proposal

- 2.1 The proposal is seeking full planning approval for the construction of 13 entry-level affordable homes with off-street parking and associated infrastructure (Reg 4 Application).
- 2.2 The proposed mix for the development would consist of the following:

Number of bedrooms	1	2	3	4+
Houses	0	5	8	0

- 2.3 The majority of the dwellings would front onto Station Road with front amenity and rear amenity areas provided.
- 2.4 The submitted drawing shows that most of the dwellings would be accessed directly off Station Road, although an access road would continue between house types T2 & T3 to a rear parking and turning area.
- 2.5 The access to the rear railway area would remain unchanged.
- 2.6 Landscaping is proposed throughout the site with the provision of native hedgerows to the east and south boundaries, providing a green buffer between the application site and the railway line.
- 2.7 The proposal would provide biodiversity benefits through the provision of:
 - Berry bearing shrubs
 - Replacement tree planting
 - Nectar flowering plants to support insects and wildlife.
 - Provision of bat boxes
 - Provision of swift boxes
 - Sparrow terraces
3. Planning History
- 3.1 2019/21244/PREDCD - Thirteen entry-level affordable homes & associated infrastructure – Withdrawn July 2020.
4. Planning Policy Background
- 4.1 The July 2021 NPPF replaced the February 2019 NPPF, first published in March 2012. The NPPF does not change the status of an up-to-date development plan and where a planning application conflicts with such a plan, permission should not usually be granted unless material considerations indicate otherwise (Paragraph 12). This application has been considered against the 2021 NPPF.
- 4.2 Annex 1 of the NPPF outlines how it should be implemented:
 - '219... existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)'.*
- 4.3 The development plan for Craven consists of the Craven Local Plan 2012 to 2032 (November 2019) ('LP'). The relevant LP policies to the determination of this application are:
 - SD1 – The Presumption in Favour of Sustainable Development.
 - SD2 – Meeting the Challenge of Climate Change
 - SP1 – Meeting Housing Need
 - SP3 – Housing Mix and Density
 - SP4 – Spatial Strategy and Housing Growth
 - SP11 – Strategy for Tier 4a and 4b Villages with basic services and bisected villages with basic services.

ENV1 – Countryside and Landscape
 ENV2 - Heritage
 ENV3 – Good Design
 ENV4 – Biodiversity
 ENV5 – Green Infrastructure
 ENV6 – Flood Risk
 ENV7 – Land and Air Quality
 ENV8 – Water Resources, Water Quality and Groundwater
 H2 – Affordable Housing
 INF1 – Planning Obligations
 INF3 – Sport, Open Space and Recreation Facilities
 INF4 – Parking Provision
 INF5: Communications Infrastructure
 INF7 – Sustainable transport

4.3 **National Policy**

The National Planning Policy Framework – NPPF 2019
 Planning Policy Guidance

4.4 **Other relevant documents**

Written Ministerial Statement (WMS) dated 24th May 2021
 CDC Affordable Housing Supplementary Planning Document Dated 6th August 2021
 National Design Guide
 NYCC Interim Parking Standards 2015

4.5 **Environmental Impact Assessment**

4.6 This development does not fall within Schedule 1 or 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

5. Parish/Town Council Comments

5.1 **Hellifield Parish Council:** Objects to the proposal on the following grounds:

Improper for the Council to be determined by the Council's own officers and Councillors.

5.2 **Officer note:** This is not a material planning consideration.

This proposal breaks the guidelines as set out by the Council in its own adopted Local Plan.

The site is located at the end of an unadopted road and is not fit for development.

Parking is already at a premium – the site should be used for resident and station users parking, not housing.

5.3 **Officer note:** This is not a material planning consideration as the Council must consider the proposal as submitted.

There should be no development off this road until CDC resolve the traffic/access issues at the top of Station Road and reinstate the access off Waterside Lane and parking originally planned for Hellifield Station.

- 5.4 **Officer note:** This is not a material planning consideration as these are matters outside of the control of the site.

Approval has recently been granted for 23 affordable homes in the village.

Hellifield has enough social/help to buy/entry-level/affordable homes.

- 5.5 **Officer note:** A need for housing does not have to be demonstrated with an application of this type as it is not required by policy.

No mention of community gain with the neighbouring residents.

No consultation with neighbouring residents.

- 5.6 **Officer note:** The proposal was publicised by a Site notice and Press Notice, plus 71 neighbour notification letters were circulated. The Council has therefore met its statutory duty with regards to the publicity of this application.

Access to the play area during construction should always be maintained during construction.

6. Consultations

- 6.1 CDC Contamination Officer: No known contaminated land implications regarding this development.
- 6.2 CDC Environment Health Officer: Reviewing the application it is recommended that if approved that conditions relating to noise, ventilation, vibration and dust management are imposed with informatives advising the applicant ref the provision of topsoil and electric charging points.
- 6.3 CDC Independent Heritage Advisor (17.4.2020): Do not consider that the limited visual qualities of the site and its limited contribution to the setting of the heritage assets should prevent the principle of development. Notwithstanding this, some strong concerns ref the siting, design, materials, landscaping and enhancements to the local distinctiveness of Hellifield.
- 6.4 Suggest that a series of terraces fronting onto Station Road would be more in keeping with the character of the area. Also, some concerns over the level of hard-surfacing and thus would recommend that some parking is sited to the rear of the dwellings.
- 6.5 The proposed house types are generally of traditional massing with some pleasing contemporary detailing in the fenestration and the projections would animate the elevations. The proposed dwellings would assimilate into the street scene successfully, subject to points raised being addressed.
- 6.6 Recommended that natural stone and slate or slate-like tiles would be appropriate materials. Recommend that all external materials are specified.
- 6.7 No landscaping plan provided
- 6.8 CDC Open Space Officer (17.7.2019): The proposal due to being a designated rural area triggers the policy requirements for the provision or contributions towards new or improved sport, open space and built sports facilities.

- 6.9 The INF calculator for 13 dwellings requires an off-site contribution of J45, 318. Therefore, as the proposal complies with policy INF3 with regards to off-site contributions then it is recommended that if the Council is mindful to grant planning permission, the following recommendation is made:
- 6.10 That members resolve to grant delegated authority to the Strategic Manager for Planning to grant planning permission subject to the applicant first entering an S106 Planning Obligation or equivalent legal agreement to secure the off-site planning gain contribution.
- 6.11 It is considered that a legal agreement is necessary in the interests of residential amenity to ensure adequate provisions of Public Open Space to meet local needs in accordance with the NPPF and local plan policy.
- 6.12 CDC Strategic Housing Officer (2.3.2021): The NPPF advises that LPA should support the provision of first-time buyer housing where there is a district-wide need for it. It promotes the development of 'entry-level exception sites' (ELES) to meet the shortfall.
- 6.13 ELES are relatively recent (NPPF 2018) and distinct from rural exception sites which have been around for many years. Importantly, they not only provide first homes for those in the immediate area but for those local to the district. Market housing is not permitted on ELES.
- 6.14 Following the introduction of ELES, Arc4 (authors of the SHMA which forms the evidence base on housing need and demand for the Local Plan) reported on the need for entry-level housing in Craven, looking specifically at the provision of shared ownership homes. The report, approved by Craven Spatial Planning Sub-Committee in August 2020, concluded that there will be a shortfall of c100 entry-level affordable sale homes by the end of the plan period in 2032. Shared ownership will meet that need and proposals for this site will help bridge that gap.
- 6.15 Irrespective of projections, there is a very clear and present need for these homes. The Council currently holds a list of c200 households wanting shared ownership. This list continues to grow.
- 6.16 Craven District Council proposes to develop this site as an ELES, providing 13 shared ownership homes (a mix of 2 and 3 bed houses) for first time buyers who cannot access the property market due to the disparity between local incomes and house prices. These will add to the Council's portfolio of 22 homes across Sutton, Glusburn, Embsay, Skipton and Giggleswick (soon to increase by a further 15, including Bentham). This successful initiative sees the Council directly intervening to build and buy homes available from as little as 25% of market value, attracting and retaining younger households to support the local economy, whilst generating revenue to help deliver wider services.
- 6.17 All dwellings will be energy efficient, achieving a 20% reduction in CO emissions compared with current Building Regulations through improved fabric, as demonstrated by SAP calculations (or equivalent).
- 6.18 CDC Tree Officer (6.5.2021): The proposal involves the removal of some trees, however, none of these have long term potential. It is therefore considered that the landscaping and tree planting plan to be acceptable.
- 6.19 CDC Waste Management: No comments were received within the statutory consultation period.
- 6.20 Environment Agency: No comments were received within the statutory consultation period.
- 6.21 Natural England: No comments were received within the statutory consultation period.
- 6.22 Network Rail (22.4.2020): Holding objection until rights of access are resolved.

- 6.23 **Officer note: (14.10.2021) It has been confirmed with Network Rail that the easement would remain unaffected by the proposal and therefore the holding objection has been lifted.**
- 6.24 NYCC Designing Out Crime Officer (14.2.2020): Submitted information has been reviewed. Following a review of the submitted details, advice and recommendations have been provided. The advice and recommendations accord with the core principles and design objectives set out in the NPPF and LP.
- 6.25 NYCC Fire & Rescue Services (11.5.2021): No objection/observation to the make with regards to this proposal.
- 6.26 NYCC Highways (14.5.2021): No objection subject to conditions.
- 6.27 NYCC SUDS Officer (11.5.2021): Details submitted are limited and the LLFA recommends that the applicant provides further information before planning permission is granted by the LPA.
- 6.28 NYCC SUDS Officer (13.7.2021): The Drainage Assessment Report are noted. However, the documents are limited and the LLFA recommends further information is provided before planning permission is granted by the LPA.
- 6.29 NYCC SUDS Officer (3.9.2021): The submitted documents demonstrate a reasonable approach to the management of surface water on the site. The LLFA recommend that a condition requiring that that the development be built in accordance with the drainage details submitted should be imposed should planning permission be granted.
- 6.30 Sport England (23.4.2021): No comment to make on this application.
- 6.31 United Utilities: No comment received within the statutory consultation period.
- 6.32 *Officer Note:* The above is a summary of the comments received on this application. The full written text is available for inspection on the Council's website at:
- 6.33 <https://publicaccess.cravendc.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=Q7WC01FK00600>

7. Representations

- 7.1 Site Notice posted 30th April 2021
- 7.2 Press Notice published 6th May 2021
- 7.3 71 notification letters circulated
- 7.4 As a consequence of the publicity the Council received 46 letters of representation within the statutory consultation period.
- 7.5 Comments have been summarised below:
- 7.6 **Policy**
Contrary to Local Plan
- 7.7 **Amenity**
Noise from Railway will impact on the occupants of the dwellings.
- 7.8 **Officer Note:** The Council's Environmental Health Officer have reviewed the information and have not raised any concerns in relation to potential noise impacts issues between the railway line and future occupants of the dwellings.

Will result in overshadowing of bungalow opposite the site

Occupants would be subject to diesel fumes

- 7.9 **Officer Note:** It is not envisaged that there will be any issues with regards to fumes. Environmental Health Officers have not objected to the proposal.

Concern over potential loss of noise buffer

7.10 **Visual**

Impact on listed Station

Loss of old chestnut trees

- 7.11 **Officer Note:** The Council's tree officer has reviewed the information and does not feel that the trees are worthy of protection and has not objected to the loss of trees on this site.

7.12 **Highways**

Increased traffic and inadequate vehicular access at the junction onto Station Road.

- 7.13 **Officer Note:** NYCC Highways have not objected with regards to the potential impact on the local or wider highway network.

- 7.14 Concern over safety for users of the playing field and wonder if traffic calming measures could be implemented adjacent to the playground.

- 7.15 **Officer Note:** Station Road is a private road and therefore if residents seek traffic calming measures this would be achieved via a private agreement between the residents of Station Road and the Highways Authority.

7.16 **Drainage and Flooding**

Strain on existing infrastructure.

- 7.17 **Officer Note:** Th Council has not received any objection from United Utilities with regards to the proposed integration with the existing infrastructure. Furthermore, 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 to effectually drain its area and effectually deal with the contents of its sewers.

Concern that the development would result in an increase in surface water flooding.

- 7.18 **Officer Note:** The application is accompanied with supporting documentation relating to the management of surface water, all of which have been taken into consideration by both officers and statutory consultees in the assessment of this application and considered acceptable in each respect.

Collapsed drains

7.19 **Other**

Increased air pollution.

No work opportunities

Adverse impact on local wildlife.

Site is located near to recorded Great Crested Newts

Road is unadopted

Where was the public consultation?

- 7.20 **Officer Note:** The proposal was advertised by a site notice and press notice. In addition, 71 neighbour notification letters were circulated. The Council has therefore met its statutory duty with regards the publicity of this proposal.
- Increase pressure on local amenities/services.
- 7.21 **Officer Note:** It is not envisaged that a development of this scale would put significant added pressure on local amenities/services.
- 7.22 Nonmaterial comments
- Access to the railway station and improvements to Waterside Lane should be improved.
- Owners of the land between the station and Waterside Lane need to be told to allow access or it will be compulsorily purchased.
- Vehemently object to the application
- How many more houses do you need to build in Hellifield
- Not enough amenities in Hellifield for more houses
- No parking for the station
- Poor street lighting on Station Road
- Need to implement the Hellifield Regeneration Scheme
- Proposal will devalue properties on Station Road
- Remuneration for use of private road
- 7.23 **Officer Note:** The above comments are not material planning considerations as defined by section 70(2) of the 1990 Act and section 38(6) of the 2004 Act.
- 7.24 The above is a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at <https://publicaccess.cravendc.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=Q7WC01FK00600>
8. Summary of Principal Planning Issues
- 8.1 Principle of development
- Affordable Housing
- Open Space
- Education
- Visual impact
- Sustainability Design and Construction
- Amenity issues
- Highway issues
- Drainage & Flooding
- Biodiversity
- Land & Air Quality
- Water resources, water quality and groundwater

Renewable Energy

Broadband

Other issues

9. Analysis

9.1 **Policy Background**

- 9.2 The NPPF has an underlying presumption in favour of sustainable development which is carried through to the adopted Local Plan. The Craven Local Plan states that planning applications that accord with the policies in the Local Plan will be approved without delay unless material considerations indicate otherwise.
- 9.3 Policy SP4 sets out the spatial strategy for housing in the district during the plan period with Policy SP11 setting out the strategy for Tier 4A and 4B villages.
- 9.4 It is recognised that Hellifield is a Tier 4a with basic services and thus would receive limited amount of growth to ensure ongoing sustainability. It is also acknowledged that the LP makes no specific reference to entry level exception sites (ELES). The reasoning for the omission of ELES was that National planning policy only introduced these sites in the 2018/2019 NPPF. Since then, the WMS dated 24 May 2021 has replaced the NPPF concept of ELES with a new concept of 'First Homes exception sites (FHES). Notwithstanding this change the guidance does allow a transitional arrangement between ELES and FHES which excludes the new requirement for 25% First Homes on applications already being considered by the LPA. Thus, the current application will be considered against the requirements of the NPPF (2019) with regards to ELES.
- 9.5 The NPPF (2019) statement states that:
- 9.6 Entry level exception sites should be on land which is not already allocated for housing and should:
- a) Comprise of entry-level homes that offer one or more types of affordable housing (as defined in Annex 2 of the 2019 NPPF)*
 - b) Be adjacent to existing settlements, proportionate in size to them, not compromise the protection given to areas or assets of particular importance in the National Planning Policy Framework, and comply with any local design policies and standards.'*
- 9.7 Therefore, in the absence of any relevant saved policy in relation to ELES in the Local Plan, the Local Plan is seen as being 'silent' and the determination must revert to paragraph 14 of the NPPF. Paragraph 14 sets out a presumption in favour of sustainable development and for decision making means:
- ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
 - ii) specific policies in this Framework indicate development should be restricted.*
- 9.8 If there are no specific policies which indicate that development should be restricted, the proposal therefore needs to be considered against the first bullet point of paragraph 14.
- 9.9 There are no specific policies that indicate development should be restricted in this location.
- 9.10 The application relates to a parcel of land that lies to the west of the network railway track, east of properties located on Station Road, north of open play area and to the south of the

Railway station for Hellifield. The site is therefore considered to be located adjacent to the existing settlement of Hellifield and would provide one or more types of affordable housing.

9.11 In conclusion, the proposal is considered acceptable in principle, subject to any other policy requirements as set out through the Local Plan.

9.12 **Affordable Housing Provision.**

9.13 The NPPF (2019) states that LPA should support the development of entry-level exception sites, suitable for first time buyers, unless the need for such homes is already being met within the authority's area.

9.14 The Councils Strategic Housing officer has confirmed that evidence provided on housing need has identified that there is a shortfall of entry level affordable homes and that the development would help supply much needed new entry level affordable homes in the district in line with national planning guidance.

9.15 In conclusion, the proposal accords with the national planning policy guidance which seeks to provide entry level affordable homes and would be secured by a legal agreement.

9.16 **Open Space**

9.17 The application seeks approval for the construction of 13 entry level exception dwellings. Consequently, the proposal triggers the requirements of Policy INF3 of the Local Plan.

9.18 The Council's Sports Officer has been consulted and has confirmed no objection to the proposal as the proposal would provide an off-site contribution of J45,318 to be secured via a legal agreement.

9.19 In conclusion, the proposal accords with policy INF3 of the Local Plan.

9.20 **Education Provision**

9.21 Policy INF6 seeks to ensure that there is sufficient choice of school places available to meet the needs of existing and new communities.

9.22 The scale of the proposal is such that it does not trigger the need for education provision and thus the requirements of Policy INF6 are not relevant.

9.23 **Visual impact**

9.24 Policy ENV3 sets out the criteria for achieving good, designed developments.

9.25 Section 12 of the NPPF highlights the importance of good design and its key role in providing sustainable development.

9.26 Paragraph 134 however, does state that permission should be refused especially where it fails to reflect local design policies and government guidance on design. Conversely, development which reflect local design policies, government guidance and/or incorporate outstanding or innovative designs which promote high levels of sustainability or help raise the standard of design should be given significant weight in the decision making.

9.27 **Layout, scale, appearance, and landscaping.**

9.28 The proposed layout follows the principles set out within ENV3 with respect to the layout of the dwellings fronting onto Station Road which reflects the settlement pattern of this area. The positioning of these dwellings in this manner would ensure that the dwellings do not appear cramped and would be of a similar density to those opposite the site. Another benefit of dwellings flanking Station Road is that it would achieve an active frontage and good natural surveillance.

- 9.29 It is acknowledged that the existing dwellings directly opposite the site are single storey and that the proposed dwelling would be two storey in height. However, notwithstanding this, the majority of dwellings situated along Station Road are two storey and thus the proposed dwellings would not appear as dominant or incongruous features in the wider context of the surrounding area.
- 9.30 The surrounding area consists of a mixture of semi-detached two storey and single storey dwellings and terrace dwellings of differing styles, ages, and materials and thus there is no one defining-built character.
- 9.31 Notwithstanding this, the proposed dwellings in terms of their detailing, fenestration and the use of appropriate materials would result in a form of development that would complement the character of the surrounding area and would not appear incongruous in the context of the site when read as a whole.
- 9.32 The proposed layout of the dwellings would include front amenity aspects with rear private amenity areas enclosed by timber fencing. The proposed fencing between the application site and the railway would be trespass proof thus restricting access to the railway lines from this property.
- 9.33 The layout, scale, appearance, and landscaping of the development would be compatible with the density, character, and appearance of the surrounding area. Therefore, for the reasons outlined above it is considered that the proposal does not conflict with local plan policies, or the aims and objectives of the NPPF.
- 9.34 **Density and Mix of proposed development**
- 9.35 With regards to density of development, Policy SP3 of the CDLP requires “developments use land in an effective and efficient manner”. The policy then suggests a minimum density of 32 dwellings per hectare should be applied. Although it does state that “schemes with lower densities or mix proportions may be acceptable and justified where it is demonstrated that the proposal meets LP objectives or delivers sustainable forms of development.
- 9.36 As the LP is silent with regards to ELES, the requirements of SP3 are not relevant as the requirements in terms of density are linked to the requirement of the NPPF (2019), b) which require that developments are ‘*proportionate in size to*’ the existing settlement.
- 9.37 The proposal is for 13 ELES dwellings which is proportionate to the size of Hellifield. In addition, the proposal would provide a mix of bedroom sizes to meet the needs identified by the Council’s Strategic Housing Officer.
- 9.38 In conclusion, the proposal accords with the national guidance in terms of both density and mix.
- 9.39 **Impact on designated Heritage Assets**
- 9.40 Policy H2 seeks to protect heritage assets from inappropriate development.
- 9.41 The application site is not located immediately adjacent to any listed buildings, although the Hellifield Station (Grade II) is located approx. 60m from the north end of the application site on elevated land. In addition, located to the south of the application site is Hellifield signal box, whilst not detailed in the listing could be within the curtilage of the station and lies approx. 30m from the north-east of the site.
- 9.42 The north boundary of the site and the north part of the east boundary of the site are approximately contiguous with the very S end of the extensive Settle-Carlisle Conservation Area which was designated in 1991. A Conservation Area Appraisal (CAA) was prepared by the YDNPA for the conservation area from Settle to Carlisle in 2010 but an additional CAA

was prepared for the Hellifield to Settle length of the Settle-Carlisle CA by CDC in 2016. Based on the information contained within the CAA for the Settle-Carlisle assessment the application does not lie within any dynamic viewpoints identified and thus would not have any adverse impact on this heritage asset.

- 9.43 Most of the trees on the site are individually of low value, as a group they do provide a soft green approach to the CA and station and a setting for them. The site does thus have some limited positive visual qualities in the setting of the heritage assets. The removal of trees from the site and the loss of openness will inevitably have an impact on the appearance of the site and its visual relationship with the heritage assets. It will also have an impact on the existing characteristics of the street scene.
- 9.44 However, the harm is limited to the visual qualities of the south part of the site and its limited contribution to the setting of the heritage assets will be “less than substantial”. In accordance with Para 196 of the NPPF and Policy ENV2 of the Craven Local Plan, such harm “...should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use”. The low level of harm should not therefore necessarily prevent the principle of the development of this part of the site if there are public benefits which outweigh that harm.
- 9.45 The proposed layout still preserves the wayleaf and has some gaps for access and visibility through to the embankment and signal box. The relocation of the main parking areas at the rear behind the dwellings will also help to improve the appearance of the development and to integrate it into the road.
- 9.46 The proposed house types are generally of traditional massing (two storey, orthogonal and with steep, dual-pitched roofs). The drawings of elevations also suggest that the proposed designs have been designed “in a traditional way” and thus are acceptable. Details relating to materials would if approved be controlled by condition.
- 9.47 In conclusion, the proposed development would not result in any unacceptable harm to the setting or significance of the Grade II Listed Station nor to the character and appearance of the conservation area. The proposal accords with Policy ENV2 of the Local Plan, the NPPF and the statutory duties as set out in the LBCA 1990 Act.
- 9.48 **Amenity**
- 9.49 Policy ENV3 seeks to protect the amenity of existing residents and create acceptable amenity conditions for future occupants. This is broadly consistent with the aims and objectives of the NPPF.
- 9.50 Whilst the LP is silent with regards to the provision of spacing standards, the policy does seek to protect the amenity of existing residents. This can be achieved through the appropriate siting of dwellings which provides a standard of privacy and outlook for both existing and proposed residents.
- 9.51 The nearest group of dwellings to the application have been identified as no. 37 – 40 & 99 Midland Terrace which are located to the west of the site at a separation distance of approximately 14m - 15m between the front gables of Plot 13 & Plots 1-5 and the front gables of these existing dwellings.
- 9.52 It is acknowledged that due to the positioning of windows to the front gables of plots 1 – 5 that there would be some overlooking of front garden areas. However, these front gardens are already subject to an existing level of mutual overlooking and thus when combined with the separation distances it is considered that the construction of Plots 1 -5 would not result in any unacceptable loss of privacy. Similarly, the proposed plots would not appear

overbearing when viewed from the habitable rooms of these existing dwellings nor result in any unacceptable overshadowing.

- 9.53 The next group of dwellings located near to the application site are No. 81 – 83 Midland Terrace, again located to the west of the application site at a separation distance of approx. 19m from the front gable of Plot 6 and the side gable of Plot 7. Both these gables would contain windows serving either the living room or kitchen/dining room. However, for the reasons outlined above it is not considered that the occupants of these dwellings would experience any unacceptable loss of privacy or amenity from the development. Similarly, the proposal would not appear overbearing or result in any unacceptable overshadowing.
- 9.54 The last remaining group of dwellings located near to the application site are No. 85 – 95. These dwellings are located again to the west of the application site at separation distances between approx. 21-22m. As with the other proposed dwellings the proposal would result in some overlooking of front garden areas of these existing dwellings. However, given the separation distances involved and the existing level of mutual overlooking that exists between these residents it is not considered that the proposal would result in any unacceptable loss of privacy or amenity to the occupants of these dwellings nor appear overbearing when viewed from the habitable rooms or give rise to any unacceptable overshadowing.
- 9.55 It is also not considered that the intensification of pedestrian activity arising from the proposed development would give rise to any unacceptable loss of privacy due to the provision of a footpath, the separation distances and the existing level of pedestrian activity along Station Road by users of the Railway Station.
- 9.56 With regards to the amenity of future occupants of the site it is considered that there is sufficient internal living accommodation to meet the needs of future residents as well as private amenity space. In addition, the separation distances between proposed properties are sufficient to ensure that no future occupants experience any unacceptable loss of privacy or amenity.
- 9.57 The layout, spacing, orientation and plot sizes of the development would not have any adverse effects on the privacy or amenity of neighbouring properties through the loss of outlook, overlooking or overshadowing, nor on any future occupants.
- 9.58 Finally, the dwellings would be constructed in accordance with Part M of the Building Regulations which seeks to ensure that all new developments are accessible for all with or without disabilities.
- 9.59 The proposal therefore complies with the requirements of policy ENV3 of the Local Plan and guidance contained within the NPPF.
- 9.60 **Sustainable Design and Construction**
- 9.61 Policy ENV3, criteria t) requires that new residential development contributes towards dealing with climate change, including opportunities to reduce energy use, water use, carbon emissions and minimise waste. To achieve this, developments need to comply with the relevant Building Regulation such as Part L which deals with carbon reduction.
- 9.62 This complies with the NPPF in which the Government sets out the framework within section 14 how planning can support the transition to a low carbon future through shaping places in ways that contribute to radical reductions in greenhouse gas emissions, including the encouragement of reusing existing resources which includes the conversion of existing buildings.

- 9.63 Details submitted outline the opportunities for effective improvement to the energy efficiency of the existing building, these include cavity wall insulation, loft insulation, draught stripping to doors and letterboxes, heating controls, double glazing, and low energy/consumption fixture/fittings. In addition, the proposal also includes SV solar panels. It is also proposed that local materials are used which will be controlled by condition if planning permission is granted.
- 9.64 In addition, to reducing carbon emissions the sale of new conventional petrol and diesel cars and vans will end by 2040, by which time most new cars and vans sold will be 100% zero-emission and all new cars and vans to have significant zero-emissions capability.
- 9.65 Planning has a part to play in facilitating this transition to zero-emissions vehicles, whilst also facilitating development that makes the best use of walking, cycling, and public transport to enable people to go about their lives without having to rely on the use of private cars. The proposal will provide electric charging points and is within easy walking distance from public transport links which connect the village with nearby villages/towns. The site is also considered to be within easy cycle distance of the nearby villages/town which provides a wide range of services.
- 9.66 To ensure the requirements of policy ENV3 are met, it is considered that an Energy Statement should be submitted for approval.
- 9.67 Whilst the Council desire is to become Carbon Neutral by 2030 – 20 years ahead of the Government's target, it will be appreciated that policies within the Local Plan do not require developments to be carbon neutral and thus to withhold consent on the basis that a development is not carbon neutral would not be defensible at appeal.
- 9.68 It is therefore considered that the applicant has taken all reasonable opportunities to meet the requirements of policy ENV3. The proposal, therefore, accords with the requirements of the Local Plan and section 14 Meeting Climate Changes of the NPPF.
- 9.69 **Highway Issues**
- 9.70 Policy INF4 seeks to ensure that development have sufficient parking arrangements. Also of relevance is policy INF7 which seeks to ensure that developments incorporate sustainable transport solutions, whilst recognising that this can be achieved through a range of different approaches. These policies are consistent with the aims and objectives of the NPPF.
- 9.71 Another key paragraph of the NPPF is paragraph 111 of the Framework which indicates that *"Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."*
- 9.72 Vehicle access to the development with regards to plots 1-5 would be directly off Station Road and lead into the site with vehicles parking to the rear of these properties. There is a second vehicle access into the development that would serve plots 6-9. The easement would remain unaffected by the proposal allowing movement of vehicles associated with Network Rail to continue. Plots 10 – 13 would each be served by a driveway directly onto Station Road.
- 9.73 NYCC Highways Authority have been consulted with regards to highway safety and has not raised any objections on the grounds of highway safety.
- 9.74 The site is located close to Hellifield Train Station and within easy walking distance to public transport which links Hellifield to other neighbouring towns and villages. It is also within easy

walking distance of the local school. Purely in terms of ease of access for future residents to fundamental aspects of daily life without the reliance upon private motor vehicles, the proposal development presents a site which performs well in respect of its accessibility and would also result in a benefit in terms of potential reduction in car emissions thus help to improve air quality.

- 9.75 The vehicle parking layout is considered acceptable. The proposal would also include the provision of electric vehicle charging points.
- 9.76 Whilst several residents have raised concerns that the development may lead to more pressure for on street parking the proposal does meet the necessary parking provision requirement and thus is compliant with policy INF4. Furthermore, as the road is a private road (unadopted) if individuals are parking without permission or a legal right to do so it is in the power of the residents to address.
- 9.77 Therefore, in the absence of any defensible evidence that the development would give rise to highway safety issues or that the residual cumulative impacts would be severe a reason to refuse on highway grounds could not be supported at appeal.
- 9.78 In conclusion, it is considered that the proposal would provide a safe and suitable means of access to and from the site which would not give rise to a severe residual cumulative impact on the capacity of the surrounding highway network. Furthermore, the internal road layout would provide safe movement of vehicles through the site with a suitable level of parking provision provided to ensure that the development would not have an adverse impact on highway safety.
- 9.79 As such, it is officer view that there are no highway grounds that could justifiably be used to oppose the development.
- 9.80 The proposal therefore complies with the requirements of policies INF4 & INF7 of the Local Plan and guidance contained within the NPPF.
- 9.81 **Flooding & Drainage**
- 9.82 Policy ENV6 states that growth will help to avoid and alleviate flood risk. This means development will take place in low-risk areas wherever possible and always in areas of lowest acceptable risk. Development will incorporate flood prevention and water management measures, including SuDS where possible; maintain access to watercourses and flood defences; avoid areas with potential to increase flood resilience and seek to enhance natural flood management; minimise risks from surface water with appropriate foul and surface water disposal.
- 9.83 The site falls within flood zone 1 (land with a less than 1 in 1,000 or <0.1% annual probability of river/sea flooding) and thus complies with the aim of development being in low-risk areas.
- 9.84 The proposal is supported by a drainage strategy. The NYCC LLFA have reviewed the submitted documents and have confirmed that the development has taken a reasonable approach to the management of surface water on the site. It is therefore recommended that should planning permission be granted that a condition is imposed requiring the development should be constructed in accordance with the submitted drainage assessment report and summary and maintenance strategy.
- 9.85 In conclusion, the proposal complies with the requirements of policy ENV6 of the Local Plan and guidance contained within the NPPF.

- 9.86 **Biodiversity**
- 9.87 Policy ENV4 states that growth in housing, business and other land uses will be accompanied by improvements to biodiversity. This means that wherever possible, development will make a positive contribution towards achieving a net gain in biodiversity.
- 9.88 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.
- 9.89 In this instance, an appropriate level of landscaping has been submitted for consideration which would ensure the new scheme adequately mitigates for the loss of certain trees and would improve the landscaping coverage on site. The future landscaping plan would also ensure that there is no unnecessary fragmentation of existing soft landscaping.
- 9.90 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 would also 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 and maintenance of the new habitats created as part of the landscape strategy to maximise biodiversity gain will form part of the management plan.
- 9.91 In conclusion, the proposal accords with Policy ENV4 of the Local Plan and guidance contained within the NPPF.
- 9.92 **Land and Air Quality**
- 9.93 Policy ENV7 seeks to safeguard and improve land quality by ensuring that grade 3 agricultural land is not developed where possible.
- 9.94 In this instance, the site has been classified as being grade 4 agricultural land. As such, the proposal complies with policy ENV7.
- 9.95 The proposal due to its location close to existing foot paths, layout and design would encourage walking, cycling and the use of public transport thus helping to improve the air quality.
- 9.96 The proposal therefore complies with the requirements of policy ENV7 of the Local Plan and guidance contained within the NPPF.
- 9.97 **Water resources, water quality and groundwater**
- 9.98 Policy ENV8 seeks to safeguard and improve water resources.
- 9.99 The proposal will be served by existing foul water infrastructure. United Utilities have been consulted and have not provided any comments. Notwithstanding the lack of comment, the applicant has a right to connect to the public sewerage system under section 106 of the Water Industry Act 1991.
- 9.100 The proposal has been designed to incorporate water conservation measures into its design e.g., water saving appliances and the re-use of the water within the site.
- 9.101 The proposal therefore complies with the requirements of policy ENV8 of the Local Plan and guidance contained within the NPPF.
- 9.102 **Renewable Energy**
- 9.103 Policy ENV3 criteria T) requires that development takes all **reasonable opportunities** to reduce energy use, water use and carbon emissions and to minimise waste, ensure future

resilience to a changing climate and wherever possible to generate power through solar or other means in accordance with Building Regulations (*emphasised by officer*).

- 9.104 As outlined above the proposal would provide electric vehicle charging points. In addition, the development would also provide PV solar panels. In officer's opinion that these measures combined those set out above demonstrate that all reasonable opportunities to integrate renewable energy and sustainability into the residential development.
- 9.105 The proposal therefore complies with the requirements of policy ENV3 criteria T) of the Local Plan and guidance contained within the NPPF.
- 9.106 **Broadband**
- 9.107 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.
- 9.108 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.
- 9.109 **Other issues.**
- 9.110 Concerns have been raised with regards to increased air pollution. The Council's Environmental Health team have been consulted and have raised an objection to the proposal with regards to any potential increase in pollution.
- 9.111 Concerns have also been expressed with regards to increased pressure on local amenities and services. In the absence of any evidence from statutory consultees that the existing infrastructure would be unable to cope with the development a reason to refuse on these grounds could not be supported at appeal.
- 9.112 Comments have been received with regards to Station Road being an unadopted road. The applicant is not seeking adoption of Station Road. Should the residents of Station Road seek the adoption of Station Road this can be achieved via a private agreement between the residents of Station Road and the Highway Authority under the 1980 Act Highways Act (as amended).
- 9.113 Comments have been received with regards to Great Crested Newts being recorded on the Hellifield flashes and in the grounds of the former Station Masters House. The Council has

confirmed via the North and East Yorkshire Ecological Data Centre that there is no Great Crested Newts present on this site.

9.114 **Conclusion**

9.115 This application is considered acceptable in principle and it is not considered harmful to the character of the area, or adversely impact on the setting or significance of the nearby heritage assets nor have any adverse impacts on neighbouring properties. The proposal is considered acceptable and is recommended for approval.

10. Recommendation

10.1 That subject to the completion of an appropriate legal agreement to secure planning obligations towards:

- Public Open Space Contributions
- Maintenance and management of unadopted internal road and surface water storage.

Authority is delegated to the Strategic Manager and Regeneration to Grant Planning permission subject to the following conditions.

The legal agreement or equivalent 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 undertaking as outlined in the report.

10. Recommendation

10.1 New S106 Agreement Required

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:

1944 100 Landscaping Plan
44611 207A Drainage Plan
1944 01 Rev B Planning Area Layout
1944 16 Types 5 Plans and Elevations
1944 17 Types 2 Elevations and Plans
1944 18 Types 3 Plans and Elevations
44611.201B Drainage Layout
1944 02 Location Plan

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

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 Prior to commencement of development, a scheme shall be submitted to and approved in writing by the local planning authority to provide that the buildings are designed and constructed so as to ensure that vibration dose values do not exceed 0.4 m/s^{1.75} between 07.00 and 23.00 hours, and 0.2 m/s^{1.75} between 23.00 and 07.00 hours, as calculated in accordance with BS 6472-1:2008, entitled 'Guide to Evaluation of Human Exposure to Vibration in Buildings'. The dwellings shall be constructed in accordance with the approved scheme and maintained for the life of the approved development.

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

- 4 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. wheel washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway;
3. the parking of contractors' site operatives and visitor's vehicles;
4. areas for storage of plant and materials used in constructing the development clear of the highway;
5. details of site working hours;
6. details of the measures to be taken for the protection of trees; and
7. 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 and the National Planning Policy Framework.

- 5 Except for investigative works, no excavation or other groundworks or the depositing of material on site in connection with the construction of any road or any structure or apparatus which will lie beneath the road must take place on any phase of the road construction works, until full detailed engineering drawings of all aspects of roads and sewers for that phase, including any structures which affect or form part of the highway network, and a programme for delivery of such works have been submitted to and approved in writing by the Local Planning Authority.

The development must only be carried out in compliance with the approved engineering drawings.

Reason: To secure an appropriate highway constructed to an adoptable standard in the interests of highway safety and the amenity and convenience of all highway users and to accord with Policies INF7 of the Craven Local Plan and the National Planning Policy Framework.

Informative

It is recommended that in order to avoid abortive work, discussions are held between the applicant, the Local Planning Authority and the Local Highway Authority before a draft layout is produced and any detailed planning submission is made. To assist, the Local Highway Authority can provide a full list of information required to discharge this condition. It should be noted that approval to discharge the condition does not automatically confer approval for the purposes of entering any Agreement with the Local Highway Authority. The agreed drawings must be approved in writing by the Local Planning Authority for the purpose of discharging this condition

- 6 Prior to the commencement of development, the developer shall submit a Dust Management Plan in writing for approval of the Local Planning Authority. 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. Should any equipment used to control dust fail, the site shall cease all material handling operations immediately until the dust control equipment has been repaired or replaced.

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

During Building Works

- 7 The Development shall be built in accordance with the following submitted designs;

Drainage Assessment Report Issue 2 (including appendices) Dated 31.08.21
Drainage Summary and Maintenance Strategy Dated 03.08.21

The flowrate from the site shall be restricted to a maximum flowrate of 3.5ls. A 30% allowance shall be included for climate change and an additional 10% allowance for urban creep for the lifetime of the development. Storage shall be provided to accommodate the minimum 1 in 100 year plus climate change plus urban creep critical storm event. The scheme shall include a detailed maintenance and management regime for the storage facility. Principles of sustainable urban drainage shall be employed wherever possible.

Reason: To ensure that the development is built to the submitted drainage design; to prevent the increased risk of flooding; to ensure the provision of adequate and sustainable means of drainage in the interests of amenity and to accord with Policy ENV6 of the Craven Local Plan and the National Planning Policy Framework.

- 8 There must be no access or egress by any vehicles between the highway and the application site at Station road until splays are provided giving clear visibility of 45 metres measured along both channel lines of the major road from a point measured 2 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 and the National Planning Policy Framework.

- 9 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

- 10 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 and to accord with Policy ENV3 of the Craven Local Plan
- 11 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.
- 12 Prior to completion or first occupation of the development hereby approved, 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:
- a) 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.
- 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.
- 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.
- 14 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 and to accord with Policies ENV3 and ENV9 of the Craven Local Plan.

- 15 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, Building Notice, or Initial Notice to enable the building control body to check compliance.

Reason: To ensure that accessible housing is provided

- 16 The drainage for the development hereby approved, shall be carried out in accordance with principles set out in the submitted Drainage Layout Plan, ref: 44611/201 Revision A dated 10.3.20. For the avoidance of doubt and unless otherwise agreed in writing by the Local Planning Authority, surface water must drain at the restricted rate of 3.5 l/s for any storm event. No surface water will be permitted to drain directly or indirectly into the public foul sewer. The development shall be completed in accordance with the approved details.

Reason: To ensure a satisfactory form of development and to prevent an undue increase in surface water run-off and to reduce the risk of flooding.

Before the Development is Occupied

- 17 No dwelling must be occupied until the related parking facilities 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 provide for adequate and satisfactory provision of off-street accommodation for vehicles in the interest of safety and the general amenity of the development and to accord with Policy INF4 of the Craven Local Plan and the National Planning Policy Framework.

- 18 Prior to the occupation of the dwellings hereby approved, a strategy to facilitate superfast 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.

- 19 Prior to occupation of the development a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the local planning authority and agreed in writing. The sustainable drainage management and maintenance plan shall include as a minimum:
- a. Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident's management company; and
 - b. Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.

The development shall subsequently be completed, maintained and managed in accordance with the approved plan.

Reason: To ensure that management arrangements are in place for the sustainable drainage system in order to manage the risk of flooding and pollution during the lifetime of the development.

- 20 Prior to first use, a fully detailed scheme for the sound insulation of the residential buildings against externally generated noise shall be submitted to and approved in writing by the Local Planning Authority; the approved works shall be implemented prior to the occupation of the buildings and thereafter permanently retained.

The sound insulation works shall be engineered so the dB levels within the residential buildings adhere to the levels shown in Table 4 on page 24 of the publication 'BS8233:2014, Guidance on Sound Insulation and Noise Reduction for Buildings'. If the levels cannot be achieved I recommend the application is not approved.

The design criteria for external noise shown in this document should also be adhered to (see para 7.7.3.2, page 25).

Reason: In order to ensure that no undue disturbance is caused to individual occupants by the transmission of airborne sound.

Informative

If relying on closed windows to meet the guide values shown in Table 4 on page 24 of the publication 'BS8233:2014, there needs to be an appropriate alternative ventilation that does not compromise the façade insulation or resulting noise level. If applicable, any room shall have adequate ventilation (e.g. trickle ventilators should be open) during assessment.

If relying on closed windows to meet the guide values shown in Table 4 on page 24 of the publication 'BS8233:2014, then an overheating assessment must be undertaken in line with the methodology described in CIBSE 'Design methodology for the assessment of overheating risk in homes' (TM59) and the compliance criteria must be met.

Where mechanical services are used to achieve thermal comfort, the impact of noise generated by these systems on occupants must also be assessed.

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. Broadband Connectivity

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

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

4. 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.

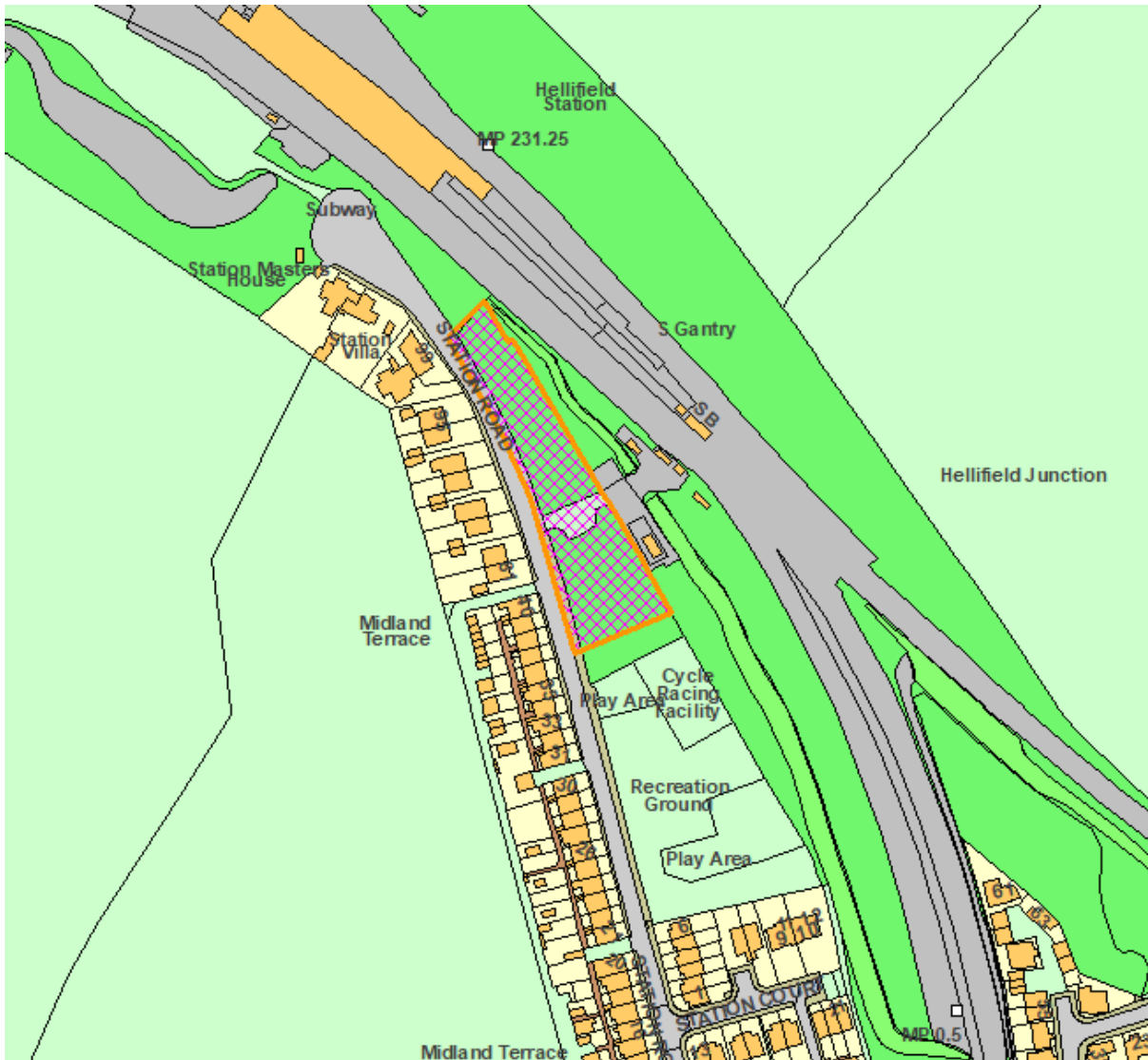
5. Statement of Positive Engagement:

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.

6. The applicant should ensure that each house with a driveway or garage has an electric vehicle charging point.

It is recommended that the installation fitted is a 3.7 KW 16A or higher Type 2 electric vehicle dedicated charger.

As a minimum, an electrical socket should be provided in a suitable location to enable the charging of an electric vehicle using a 3m length cable. The electrical circuit/installation shall comply with the electrical requirements of BS7671:2008 as well as conform to the IET code of practice on Electric Vehicle Charging Equipment installation (2015).



Application Number: 2020/21565/REG4

Proposal: Thirteen entry-level affordable homes & associated infrastructure

Site Address: Land At Station Road Hellifield

On behalf of: Craven District Council

REPORT TO PLANNING COMMITTEE ON 22nd November 2021

Application Number: 2021/23035/FUL

Proposal: Change of use from Post Office to form residential accommodation.

Site Address: 7 High Street Gargrave Skipton BD23 3RA

On behalf of: Mr Nigel Taylor

Date Registered: 20th July 2021

Expiry Date: 14th September 2021

EOT Date, if applicable: 23rd November 2021

Case Officer: Mr Mark Moore

This application is referred to Planning Committee at the request of Cllr Myers on the basis that as the application relates to the closing of a valuable village post office such matters of public policy should be considered by members.

SUMMARY

The proposal would result in the loss of a community facility (post office) and consequently policy INF2: Community facilities and social spaces is of relevance. It is considered that all reasonable attempts to market the post office and to seek an alternative location for the service have been undertaken by the applicant.

The application has no impact on the heritage asset of the Gargrave Conservation Area and therefore meets the requirements of LP policy ENV2.

For the above reasons the application is recommended for approval.

1. Site Description

- 1.1 The application relates to a two storey premises to the centre of Gargrave. The site is small and fronts High Street to the north-east near the junction with North Street and comprises primarily residential accommodation with part of the frontal ground floor area (21m²) having been in use as a post office with office space to the rear.
- 1.2 Surrounding the site are a mix of both retail and residential premises.
- 1.3 The site is within the designated Gargrave Conservation Area and lies within Flood Zone 2.

2. Proposal

- 2.1 The application seeks retrospective permission for the change the use of the post officer area to residential use.

Officer note: It is understood that the PO has been closed since March 2021 following the applicant retiring and has subsequently been in use as solely residential. The application seeks to

regularise the change of use of the former PO to residential use and has confirmed that they have sold the house but that the sale is dependent on the result of this application.

3. Planning History

- 3.1 2021/22796/OTHERS: Prior approval notification for conversion of closed Post Office to room in house. One window to the front. The proposal fails to satisfy all of the requirements of Class M. In particular; Class M.1(g) as the proposal is located within the designated Gargrave Conservation Area. Refused June 2021.

4. Planning Policy Background

4.1 **The Craven Local Plan 2012 – 2032**

SD1: The presumption in favour of sustainable development

ENV2: Heritage

INF2: Community facilities and social spaces.

4.2 **Gargrave Neighbourhood Plan (up to 2032)**

4.3 **The National Planning Policy Framework (NPPF)**

4.4 **National Planning Practice Guidance**

5. Parish/Town Council Comments

5.1 **Gargrave Parish Council:**

In their initial consultation reply (5/8/2021) the Parish Council commented that having considered the application they had no objections.

5.2 In a follow up email (18.8.2021) the PC commented:

‘Following receipt of more detailed information, we understand that the Post Office premises have not been offered as a going concern. The owners have recently applied to convert the existing premises to a fully residential dwelling and alterations are already well on their way.

We understand that this should have been offered as a Post Office with accommodation as a planning requirement and by not doing so, has increased the risk of the village being without a Post Office permanently’.

6. Consultations

- 6.1 Neighbour notification letters were issued on 18th August 2021.

7. Representations

- 7.1 There have been no third-party representations received in response to this application.

8. Summary of Principal Planning Issues

- 8.1 Impact on the conservation area.

- 8.2 Principle of development.

9. Analysis

9.1 Impact on conservation area:

- 9.2 In this instance the application is to regularise the change the use of part of the ground floor and no external alterations are proposed, although the loss of the post office would inevitably result in removal of the external signage and the property reverting back to a residential appearance. On this basis there are no adverse impacts on the wider setting of the conservation area and the policy requirements set out in policy ENV2: Heritage would not be compromised.

Principle of development:

- 9.3 Whilst the primary use of the application premises has been residential the key consideration here is the change of use of the ground floor post office/office to residential which represents the loss of a community facility that must be assessed against Policy INF2: Community Facilities and Social Spaces of the adopted Local Plan.

Officer note: The Gargrave Neighbourhood Plan recognises the importance of existing local facilities but does not contain any specific policy that would be applicable in this case.

- 9.4 The aim of policy INF2 is to support the retention and improvement of existing facilities and spaces, as well as the provision of new ones, to help safeguard the social well-being of communities. In the supporting text to policy INF2 it is stated that community facilities and social spaces used by local communities are wide ranging and are places of social interaction. The loss of these facilities, particularly in rural communities can reduce a community's ability to meet its day to day needs. This, it is stated, can result in people travelling longer distances to facilities thereby disadvantaging the less mobile and overall community well-being.

- 9.5 In this instance, the post office has been the only such facility in the village of Gargrave and its closure undoubtedly represents the loss of an important local facility contrary to the aims of policy INF2. A notification from the Postal Service that refers to the temporary closure of the Gargrave Post Office identifies that the nearest alternative facilities would be located in Skipton which would necessitate either a car, bus or train journey, a considerable inconvenience to local residents in particular those who may be totally reliant on public transport to access the post office services.

- 9.6 With the retention of local services being a priority Policy INF2: Community facilities and social spaces (in relation to the loss of existing facilities) states:

'Existing community facilities and social spaces that are used and valued by local communities will be safeguarded wherever possible from unnecessary and avoidable loss. Development proposals that would result in the loss of such community facilities will need to be fully justified on grounds that:

d) The facility is not suitable or needed for any alternative community use; and

e) The facility and its use are no longer viable in financial or functional terms and all reasonable efforts have been made to retain the facility and to continue its use; and

f) Realistic marketing of the facility has been carried out recently, but has been unsuccessful, with little or no genuine interest being shown; or

g) The facility to be lost will be replaced by an equivalent facility of equal or greater value to the same local community and arrangements for this replacement will be secured by a planning obligation or other acceptable means'.

- 9.5 In this case, following the initial application, the applicant has submitted supporting information to address the requirements of Policy INF2 which can be summarised as follows:

- 1) A letter from Ernest Wilson Business Agent dated 6.12.2013 confirming that the business was to be withdrawn from their agency on 4th January 2014. The letter also indicates that the instructions to the agency were issued on 27.1.2010. The letter is accompanied by a copy of the advert which confirms that the premises were previously marketed as a business and property for £335,000 with a PO salary of £28,642 pa.

Officer note: The agents letter confirms that the business was marketed for a period of 4 years. There is no evidence of subsequent marketing from January 2014 to the time of the current application.

- 2) Information from a website 'runapostoffice.co.uk' seeking applicants to set up brand new PO's in the Gargrave Area. The closing date for applications was 25th February 2022 and estimated running fees were 'in the range of £5,251 - £5,834 pa.

Officer note: This notification was not specifically advertising the application site but was looking to find an interested party willing to set up an alternative PO service in the Gargrave area.

- 3) E-mail from applicant dated 12.7.2017 to 'ntquestions@postoffice.co.uk' as follows:

'Dear Sirs

Gargrave PO FAD 3323064

I am on the traditional Post Office contract and have a CR Notice expiring on 30/9/17. Unfortunately no business nearby wants the post office and i cannot sell it as i am informed a new operator would not have the core tier payment which would make it unviable. Can you give me any up to date information, i feel i am being kept very much in the dark about the situation'.

- 4) E-mail dated 13.5.2018 from applicant to 'paula.vennells@postoffice.co.uk' as follows:

Dear Paula Vennells

*,
Gargrave Post Office - FAD 3323064*

I have been the sub-postmaster of Gargrave Post Office for 24 years and I am on the traditional Post Office contract. I am writing with regard to the Post Office/ Government transformation programme. I have been wanting to leave the network (retire) for a number of years, however I am unable to sell the Post Office as a new sub-postmaster would have to change on to a local contract which at less than half the current salary and makes it unsaleable. Additionally, the other shops in the village are not interested in running the Post Office alongside their existing businesses. In order to retire it appears I have no choice but to close the Post Office down which seems extremely unfair.

I never have any contact from the Post Office other than signing the conditional resignation pack which is continually being extended.

I feel I have been completely abandoned by the Post Office and look forward to any comments you may have regarding this',

- 5) E-mail dated 17.1.2012 to 'nick.read@postoffice.co.uk' as follows:

'Dear Nick Read,

I am sub-postmaster of Gargrave Post Office on the traditional contract and write to advise you we will be closing on the 24th March 2021. Gargrave is a village in the Yorkshire Dales with a population of nearly 2000 and I have been sub-postmaster here for 27 years. The closure is a direct result of the

Government/Post Office transformation programme which does not allow the transfer of the core tier payment to a new operator. This has made any potential sale of the business impossible and other shops in the village are not interested in moving the post office into their premises on the new 'local contract'.

The transformation programme has therefore made my previously viable business valueless, I will receive no compensation and feel I have been very poorly treated by the Post Office'.

- 6) A Facebook post on 4th February 2021 stating:
*'We regret to inform you that Gargrave Post Office will be closing on the 24th March 2021. If there are any shop owners in the village who are interested in running the Post Office from their premises please let us know.
 We apologise for any inconvenience caused and would like to take this opportunity to thank everybody for their support over the last 27 years'.*
- 7) E-mail dated 5th February 2021 to 'julian.smith.mp@parliament.uk' as follows:
*'Dear Julian Smith,
 Just to advise that Gargrave Post Office will be closing on 24th March 2021. This closure is a direct result of the Post Office/Government transformation programme which means we have been unable to sell the business on the existing traditional Post Office contract'.*
- 8) E-mail dated 20.1.2021 to 'franchise.enquiries@coop.co.uk' as follows:
*'Dear Sirs,
 Gargrave Post Office is scheduled to close at the end of March 2021. I wish to enquire if the co-op would be interested in taking over the Post Office Services within their store in Gargrave. This would be a great service to the community as the village will be without vital Post Office Services'.*
- 9) Signed confirmation letters dated 7.10.2021 from 6 local business owners (6 North Street, 22a, 26-28, 36, 28b & 54 High Street, Gargrave) confirming that they have been approached by the applicant and PO representatives and did not wish to run the PO from their premises.
- 10) A further confirmation letter dated 7.10.2012 stating that the owner of Number 29 High Street, Gargrave was interested in running PO services within their shop and had applied online to the runapostoffice.com website.

9.7 In addition to the above the applicant has submitted the following statement:

'Please find enclosed attempts to keep a post office in Gargrave prior to closure, evidence for each point is attached.

1. *The post office was for sale through Ernest Wilson from 27th January 2010 to 4th January 2014, the salary was £28,642 per annum. It was withdrawn from sale due to the introduction of the Post Office Network Transformation Programme (NTP). This meant that a new operator would have to transfer to a new 'local contract' at a substantially lower salary. Any sale became impossible.*
2. *Gargrave Post Office is advertised on the website www.runapostoffice.co.uk. This advert has been ongoing for 8 years. Please note the salary on the new 'local contract' is currently advertised at £5,251-£5,834 per annum.*
3. *I sent numerous emails dated between 12th July 2017 and 15th June 2018 to the Post Office Network Transformation team expressing my frustration at the lack of information I was receiving and my concerns that the post office would have to close.*
4. *On 30th May 2018 I sent an email to Paula Vennells (former CEO of the post office) stating that I was unable to sell the post office because of the NTP, no other business in the village wanted the post office and I had no alternative but to close the post office if I wanted to leave.*
5. *On 17th January 2021 I sent an email to Nick Read (current CEO of the post office) advising Gargrave Post Office was closing on the 24th March 2021 due to the above reasons.*
6. *I did a Gargrave Community Facebook post dated 4th February 2021 – this was a last ditch attempt to see if there were any shop owners that wanted to take on post office services in the village now they knew it was definitely closing.*

7. On 5th February 2021 I sent an email to Julian Smith MP advising of the closure of the post office and explaining the reason behind it.

8. I asked the Co-op both verbally in store and by emailing the franchise department if they would be interested in running the post office within their store.

9. I asked village shops on numerous occasions over the years to see if they were interested in taking over post office services in Gargrave. Some were also asked by post office representatives.

10. I enclose a statement from a recently opened shop in the village that has expressed an interest in running post office services.

For information purposes the NTP was introduced in 2012 to modernise the post office network with small to medium sized post offices running alongside modern viable retail outlets. 'Stand alone' post offices such as Gargrave are becoming obsolete.

I have spent over 11 years trying to find a new operator for Gargrave Post Office and have left no stone unturned. Closure of the post office was the last option, the village has lost a vital service and I have also lost out financially. Under the rules of the NTP I would have received compensation from the post office had a business in the village taken it over'.

9.8 Further to the above the applicant has sent an e-mail dated 27.10.2021 as follows:

'Hello Mark,

I just want to clarify the details of efforts that have been made to sell/relocate the Post Office in Gargrave.

The Post Office was put on the market on 27th January 2010 with Ernest Wilson. The introduction of the Post Office Network Transformation Program (NTP) in 2012 meant that, if sold, Gargrave 'post office would have had to transfer to a 'local' contract which would have reduced the salary from £28,000 per annum to approximately £9,750 per annum. This made any sale of the business as a going concern impossible and it was therefore taken off the market on 4th January 2014.

The new 'local model' was intended for post offices to run alongside viable retail outlets and many were moved into shops such as spars, newsagents, chemists etc. Gargrave Post Office was a small office of 14 square metres with only space for a small amount of retail and therefore could not run as a local in the current premises. Unfortunately in Gargrave none of the shops were interested in running the post office alongside their business despite ongoing efforts for several years from myself and post office representatives.

Closing the Post Office was a last resort at the end of 11 years of trying to find a new operator and one which wasn't taken lightly, but I could not continue running it indefinitely,'

9.9 Finally, the applicant has forwarded an e-mail dated 2.11.2021 from Samuel.Williams@postoffice.co.uk stating:

'I can confirm that the old Gargrave Post Office (7 High Street, Gargrave, Skipton, North Yorkshire, BD233RA) which closed in March of this year, had no interest from any other party at the time despite asking numerous businesses around the village. As per the terms at the time as well, the branch couldn't transfer on its traditional contract to any new operator, should there have been interest. Also, as per the terms now, and due to there being a break in service, any new interest would be for one of our local model branches. As network provision lead for the area this is now my job, and in no way linked to the old branch. We would not look at reopen a Post Office at the old location and have completed our strip out at the old branch.

On a positive note, we do have interest for reopening a Post Office in Gargrave and are currently looking at a counter in No29 on the High Street. At the time of the old Gargrave Post Office closing,

No29 was under a previous owner and showed no interest in the post Office. The new owner however is'.

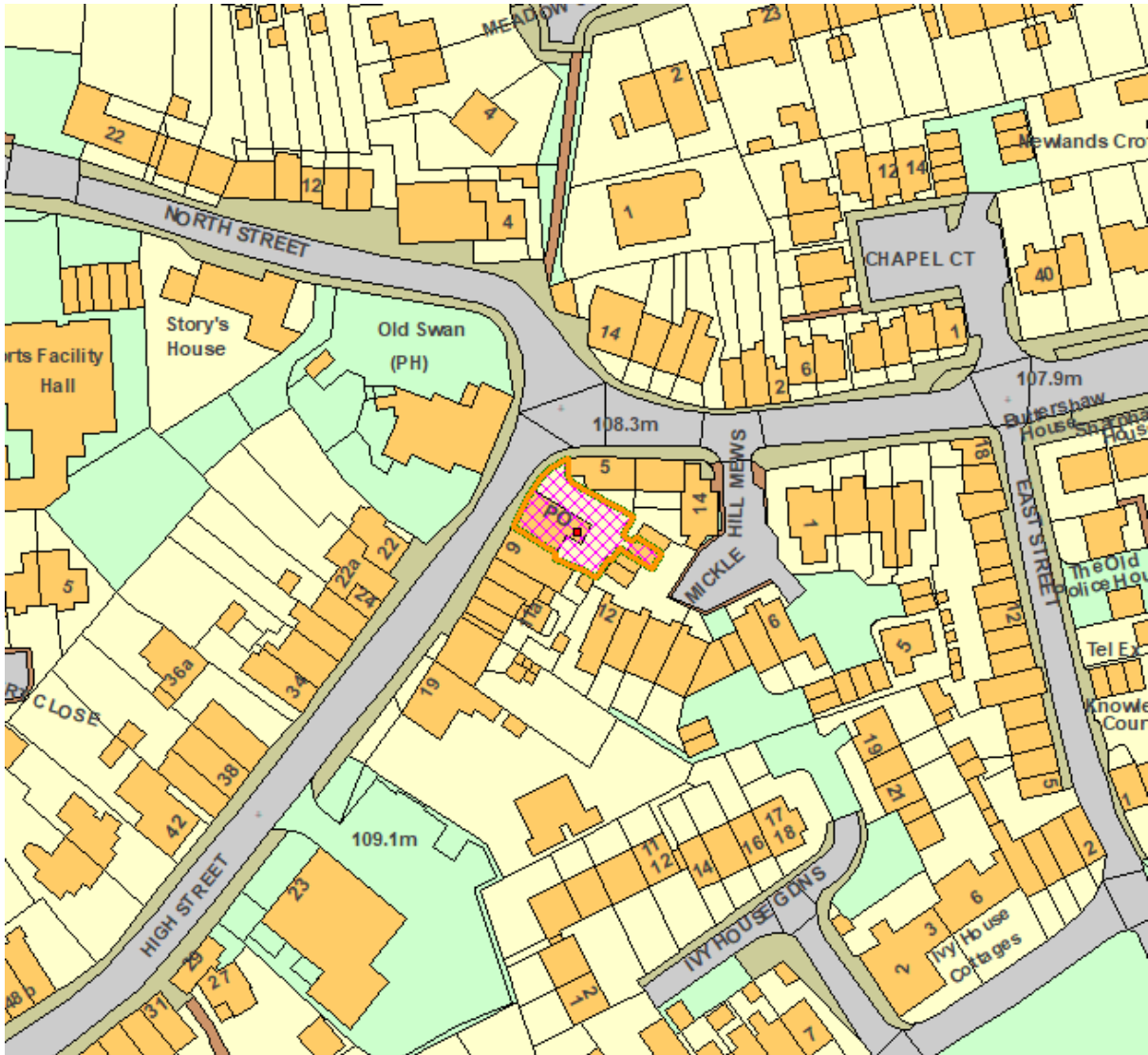
- 9.10 As set out above it is necessary to consider this application against the provisions of Local Plan policy INF2 and in particular parts d) to g) which apply to existing community facilities, as is the case here. The primary aim of INF2 is to retain existing facilities wherever possible and to that end there are prerequisites contained within the policy which must be addressed if planning permission is to be granted. In summary, the prerequisites are that if the facility is not suitable or needed for an alternative community use it must be demonstrated that the facility is no longer financially viable or functional, that efforts have been made to retain it and that realistic marketing has taken place. Finally, the above requirements can be foregone if a replacement facility is in place which can be secured by planning obligation or other acceptable means.
- 9.11 With regards to the first requirement d) it is not considered that the scale or characteristics of the application site would lend themselves to any realistic alternative community use and therefore it is considered that this requirement is met.
- 9.12 Criteria e) has been addressed by the applicant as changes to the PO contracting terms have substantially reduced the commercial value of the counter business and effectively prevented the applicant from passing on the business with favourable financial terms. This has in large part come about as a result of the PO moving away from 'stand alone' PO franchises to services being provided by a 'shared counter' approach with modern facilities being located within existing business premises. There is evidence to support the applicants attempts to offer the franchise through the Post Office, online forums and by direct approaches being made to other local business owners.
- 9.13 The requirement under part f) is considered to have been met with the property being offered as a post office and residence for a period of at least 4 years from 2010 to 2014. Arguably, the premises have not been advertised for sale as a going concern since 2014 and this, along with consideration of the asking price when the premises were up for sale, could be seen as negative factors in the overall assessment of the INF2 criteria f). That said, the original asking price, in officers' opinion, would not necessarily have been unrealistic given the terms of the PO office contract at the time the marketing took place. Clearly, subsequent changes to the PO terms have affected the financial viability of the business model and it is not the case that the PO franchise could only occur at the application site which has limited the appeal of buying a residential property with a 'tied' PO counter. On balance, it is considered that criterion f) has been met.
- 9.14 The final INF2 criterion g) requires consideration of an equivalent facility elsewhere which in this case would be an alternative PO to serve the Gargrave community. The Post Office has confirmed that they are in discussion with the owner of 29 High Street who has applied to have a PO counter at their existing business premises. Whilst this cannot be secured by a planning obligation to which the applicant can be party and there are no other practical means by which the provision of the alternative facility can be linked to this application it nevertheless is a material consideration in the overall determination of this application. However, in officers' opinion, due to the uncertainties over the eventual outcome of a PO counter at 29 High Street and the fact that it is outside of the scope of this application, only limited weight can be attached to this aspect of the application.
- 9.15 In consideration of the overall planning balance, it is officers' opinion that the applicant, who has run the PO business for 27 years, has taken all reasonable and practical steps to both try to sell the existing business and to secure an alternative post office elsewhere in the village. On this basis it is considered that the relevant requirements of Local Plan policy INF2 have been met and therefore planning permission should be granted.

10. Recommendation

- 10.1 Approve no conditions

1. Statement of Positive Engagement:

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



Application Number: 2021/23035/FUL

Proposal: Change of use from Post Office to form residential accommodation.

Site Address: 7 High Street Gargrave BD23 3RA

On behalf of: Mr Nigel Taylor

REPORT TO PLANNING COMMITTEE ON 22nd November 2021

Application Number: 2020/22178/FUL

Proposal: Proposed change of use of agricultural land to site timber clad lodges for holiday use

Site Address: Land To North Of Carla Beck House Carla Beck Lane Carleton BD23 3BQ

On behalf of: Mr K Downs

Date Registered: 9th November 2020

Expiry Date: 4th January 2021

EOT Date, if applicable:

Case Officer: Mr Sam Binney

SUMMARY

The proposal would result in 8 timber-clad holiday lodges on the edge of Carleton. The proposal is considered to be in full accordance with Local Plan policies and any detrimental impacts of the scheme are significantly and demonstrably outweighed by the benefits of the scheme. Accordingly, the application is recommended for approval.

1. Site Description

- 1.1 The application site relates to a parcel of agricultural land to the north of Carla Beck Lane and west of Pale Lane, Carleton. The site is rectangular in shape and is accessed via an existing access track to the south-west of the site connecting directly to Carla Beck Lane to the south-west.
- 1.2 The site is relatively flat and has relatively substantial landscaping to the east boundary of the site toward Pale Lane. The site is mostly enclosed by timber post and rail fencing, with drystone walls further to the west toward the public right of way.
- 1.3 Located to the south of the site are a small group of residential dwellings and a farm yard recently granted outline consent for residential development. Travelling southwest is the settlement of Carleton which is designated as a conservation area. Running along the western boundary is Carla Beck and a PROW public right of way (05.10/6/1).
- 1.4 The application site is located outside of the main built-up area for the village of Carleton and therefore lies within the open countryside.

2. Proposal

- 2.1 The application seeks planning permission for the change of use of a parcel of agricultural land to allow the siting of 8 No. timber clad holiday lodges comprising of 3 No. 3-bed and 5 No. 2-bed lodges. The proposal will create an access adjacent to the Public Right of Way with a passing place. The access will connect Carla Beck Lane to the south-west of the site with the recreation field and Limehouse Lane to the north-west of the site.

- 2.2 In addition to the proposed holiday lodges, the site is also intended to have a small reception building to manage the site as well as parking and turning areas sufficient for 1 parking space per lodge.
- 2.3 The proposal is a resubmission of planning application 2019/20779/FUL which was refused for the following reasons:
1. *The proposal will result in some economic benefits, but this is significantly and demonstrably outweighed by the social and environmental harm caused by the development. The proposal is therefore considered to conflict with Policies SD1, EC3, and EC4 of the Craven Local Plan and Paragraph 8 of the National Planning Policy Framework.*
 2. *It is considered that the siting of holiday lodges in this location would erode the open nature of the area and have an unduly detrimental effect upon the open character and appearance of the surrounding landscape setting. The proposal is therefore considered to be contrary to Policy ENV1 of the Craven Local Plan and Sections 12 and 15 of the National Planning Policy Framework.*
 3. *The proposed development is not supported or accompanied by sufficient evidence and information to ensure that the development would not result in an unacceptable impact upon the biodiversity of the area. The proposal therefore fails to comply with policy ENV4 and Section 15 of the National Planning Policy Framework.*
- 2.4 **Officer's Note:** The proposal has been resubmitted with more substantial information and justification with the aim of addressing the above reasons for refusal. This includes the submission of a detailed Supporting Statement and a Landscape and Visual Impact Assessment (LVIA).
3. Planning History
- 3.1 2019/20779/FUL: Proposed change of use of agricultural land to site timber clad lodges for holiday use. Refused 10th March 2020.
4. Planning Policy Background
- 4.1 Local Plan policies:
- 4.2 SD1: The Presumption in Favour of Sustainable Development
- 4.3 ENV1: Countryside and Landscape
- 4.4 ENV2: Heritage
- 4.5 ENV3: Good Design
- 4.6 EC3: Rural Economy
- 4.7 EC4: Tourism
- 4.8 INF4: Parking Provision
- 4.9 National Policies:
- 4.10 National Planning Policy Framework (NPPF).
- 4.11 National Planning Practice Guidance.
- 4.12 Other documents
- 4.13 Draft Carleton Conservation Area Appraisal (2016).
5. Parish/Town Council Comments
- 5.1 Carleton in Craven Parish Council: Objection.
- Proposal does not comply with local and national policies.
 - The development would have an adversely transformative impact upon the existing undeveloped nature of the site.

- Concerns over light pollution.
- Concerns over highway impact.

6. Consultations

6.1 **Yorkshire Water:** “We have the following comments:

6.2 **Water Supply:** It is the developer’s responsibility to ensure that an adequate supply of water can be made available and that the development will not interfere with Yorkshire Water’s right of access to apparatus.

6.3 **Waste Water:** The proposal is in an area not served by the public sewerage network. In this instance, the application should be referred to the Environment Agency and the Local Authority’s Environmental Health Section for comment on private treatment facilities.”

6.4 **Environment Agency:** No comments received within the statutory consultation period.

6.5 **CDC Environmental Health:** No objection to the scheme but recommend conditions regarding construction hours and the need for a permit from the Environment Agency.

6.6 **CDC Contamination Officer:** No objection as there are no contaminated land implications.

6.7 **NYCC Highway Authority:** Object to the scheme due to insufficient visibility splays.

6.8 **Officer’s Note:** This scheme would utilise the same access and density as the previously refused scheme to which the Highway Authority had no objections without conditions. Therefore, the no objections registered against the previous application is a material planning consideration as no other matters affecting the highways from this proposal have been put forward.

6.9 **NYCC Public Rights of Way Officer:** No objection but recommend informatives regarding the protection of the Public Right of Way.

6.10 **CDC Trees Officer:** No objection to the scheme based upon the amended layout and updated landscaping plan. A condition has been requested regarding the provision of protective fencing prior to works taking place.

7. Representations

7.1 Site Notice dated 11th December 2020.

7.2 Press Notice published 10th December 2020.

7.3 Notification letters sent to 11 neighbouring properties.

7.4 48 letters of representation have been received from 30 properties all objecting to the development. A summary of the comments is outlined below:

- Contravenes local plan policies.
- Shouldn’t build on flood-affected green belt land.
- Detrimental visual impact upon surrounding area.
- Concern over highway impact.
- Lacking detail on water and electricity provision.
- Detrimental impact upon wildlife.
- Flooding concerns.
- Light, noise and smell nuisance.
- Loss of privacy.
- No mention of TPO protected trees.
- Too much holiday accommodation in the area.

- Lack of 24 hour supervision on the site.

Other matters

- Site notice has been removed from the site.

Officer's Note: The site notice has not been removed by the Planning Authority and was posted in an appropriate location in close proximity to the site.

- Carleton has more than its allocated permissions so there should be a moratorium on all new applications.

Officer's Note: The allocated permissions is in regard to housing growth and is a minimum requirement over the plan period and is currently behind the trajectory for housing.

- Application has been refused previously.

Officer's Note: The previous application is a material consideration but does not necessarily mean that the newer submission would also be refused.

- Application is only for financial gain.

Officer's Note: The motivation of the applicant for the proposed development is not a material consideration.

- Concern over loss of foot path.

Officer's Note: The footpath is not proposed for removal.

8. Summary of Principal Planning Issues

- 8.1 Principle of development.
- 8.2 Visual impact of development.
- 8.3 Sustainable design.
- 8.4 Impact of development on the amenity of neighbouring properties.
- 8.5 Highway Considerations.

9. Analysis

Principle of development

- 9.1 Local Plan Policy ENV1 is supportive of sustainable growth in to ensure that the quality of Craven's countryside and landscape is conserved for future generations. The policy also expects new development proposals to respect, safeguard, and wherever possible, restore or enhance the landscape character of the area.
- 9.2 Local Plan Policy ENV3 states that Craven's growth should enable positive change which benefits the local economy, environment and quality of life. In doing so, it expects development to respond to the context and proposals should be based on a proper understanding and appreciation of environmental features.
- 9.3 Local Plan Policy EC3 is supportive of Craven's rural economy by enabling enterprise, welcoming innovation and supporting economic development proposals that will benefits the local economy, environment and quality of life. Additionally, the policy states that this will be achieved by recognising opportunities to use farmland and farm buildings in new and different ways to support individual farm businesses and to diversify the wider rural economy. Further, the policy aims to help existing and new rural businesses, including tourism related businesses to succeed, grow and expand, by working with them cooperatively and proactively, so that development proposals can be supported wherever possible.
- 9.4 Local Plan Policy EC4 seeks to support the growth of tourism in a sustainable way to help improve the economy, environment and quality of life. This can be achieved by helping up-and-coming destinations to establish themselves and become successful, and recognising opportunities to bring

tourism into new areas that have untapped potential, including new types of activity and new destinations.

- 9.5 Paragraph 84 of the NPPF states that LPAs should enable “the sustainable growth and expansion of all types of business in rural areas.” They should also enable “sustainable rural tourism and leisure developments which respect the character of the countryside.”
- 9.6 Paragraph 8 of the NPPF states that sustainable development is achieved by three overarching objectives what are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives). The three objectives are economic, social and environmental.
- 9.7 The provision of the tourism development is considered to be beneficial to the rural economy and of benefit to the rural community. Whilst the full visual impact of the development would be considered in detail later in this report, policy EC4 is supportive of tourism development where it is sustainable, and helps to improve the economy, environment and quality of life.
- 9.8 However, paragraph 7.40 of the Local Plan states that the local plan’s general support for tourism does not mean support for any tourism-related development proposal that may come forward. Individual proposals will need to accord with other relevant local plan policies, promote relevant plan objectives and achieve sustainable development overall.
- 9.9 It is considered that the proposal will result in a boost to the local economy, both through construction of the site and through local spending for future visitors to the site. However, the proposal will provide limited social benefits. It is considered that there could be some environmental benefits brought through the significant landscaping to the area.
- 9.10 Since the previous refusal, the applicant’s agent has provided a substantial supporting statement which provides further analysis of the relevant policies. In particular, it confirmed that the proposal does not need to meet all of the criteria for Policy EC4 and that the site would boost tourism in and around the Carleton area, would utilise local recreational and cultural activities, and is in close proximity to public transport networks. Accordingly, the proposal is now considered to meet the requirements of EC4 and the principle of development is acceptable subject to the visual impact of the proposal.
- 9.11 For the aforementioned reasons, the proposed development is considered to be acceptable in principle. The proposal would provide economic and environmental benefits and it is considered that any social harm brought by the development would be outweighed the benefits of the scheme. Therefore, the proposal would comply with Policies EC3 and EC4 of the Craven Local Plan, and Sections 12 and 15 of the National Planning Policy Framework.
- 9.12 **Visual impact of development on the surrounding area**
- 9.13 Policy ENV1 expects new development proposals to respect, safeguard, and wherever possible, restore or enhance the landscape character of the area.
- 9.14 Saved Policy ENV2 states that development acceptable in principle under policy ENV1 should only be permitted where it is compatible with the character of the surrounding area and does not have an unacceptable impact on the surrounding area. The design of structures should also relate well to the setting taking into account of the immediate impact and public views of the development.
- 9.15 Paragraph 174 of the NPPF states that planning decision should contribute and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside.
- 9.16 The application site is enclosed, albeit relatively distantly, by Carla Beck Lane to the south, Pale Lane to the east and Limehouse Lane to the north. The site is also partially screened by existing landscaping including dense tree coverage to the east on Pale Lane, and some existing trees within the site. The site has timber post and rail fencing to the site boundaries, with the exception of the north-west section adjacent to lodge No. 1 and the southern section of the site adjacent to lodge No. 6 which are both open boundaries to other agricultural land.

- 9.17 The site has open views toward it from Limehouse Lane in particular which is the main highway access connecting Carleton to Skipton. Similarly, there is a public right of way to the west of the site which connect Carla Beck Lane with Limehouse Lane to the west of the recreation ground. The existing and proposed boundaries are all timber post and rail fencing. This treatment is relatively transparent and allows for views of the site from Limehouse Lane, Pale Lane, and from the public right of way.
- 9.18 The applicant has shown on the submitted plans that the existing trees would be retained. Further, a statement has been submitted indicating that additional tree planting would take place at the site, details of which have been included on a landscape plan including specific numbers, schedule and location of the landscaping works.
- 9.19 The Council's Tree Officer has been consulted. He welcomes the amended layout from the previous submission which moves the lodges away from the root protection areas of the trees on site and is happy with the details of the landscaping plan and schedule.
- 9.20 It is considered that the most dominant views of the site would have been achieved from the Public Right of Way in close proximity to the site. Due to the proposed landscaping, views of the site from the nearest public viewpoints will be significantly screened and softened. It is therefore considered that the proposed development would not be visually intrusive upon the surrounding area.
- 9.21 The proposal is outside of the designated Carleton Conservation Area, with the nearest boundary at the junction of Carla Beck Lane and Limehouse Lane to the west of the site. While it is considered that the proposal is unlikely to have a significant impact upon the conservation area due to its separation from the boundary, the draft conservation area appraisal has identified key viewpoints within and adjacent to the Conservation Area.
- 9.22 The Appraisal states that viewpoint HD3 is a highly significant dynamic view from Limehouse Lane into the settlement and to either side are highly important in terms of defining the historic core of Carleton and its relationship with the surrounding rural landscape. This viewpoint will face across the site. However, due to the separation distance of the site from the viewpoint, and the substantial landscaping present, it is considered that the viewpoint would be preserved and would not erode the rural character of the site or the surrounding area.
- 9.23 Unlike the previous refusal, the applicant's agent employed the services of a professional landscape architect to carry out a landscape and visual impact assessment (LVIA) of the site and the surrounding area. Based upon this LVIA, it is considered that the visual impact of the proposal would be limited to nearby public viewpoints and these would be offset through a landscaping scheme. The landscaping scheme is more thorough than the previous information submitted and an appropriately worded condition to ensure that the landscaping takes place in a suitable timeframe has been recommended.
- 9.24 It is therefore considered that the proposal is now acceptable in regard to the visual impact and in accordance with Local Plan Policies ENV1 and ENV3 and would not harm the historic core of the Conservation Area, nor the relationship between the built form of the settlement and the rural landscape character to the north due to suitable separation through existing and proposed boundary treatment and the development proposed adjacent to existing built form.

Sustainable design

- 9.25 In regard to sustainability of design, this has been taken into consideration by the applicant. This includes the use of sustainable materials, minimal external lighting, use of low energy fittings, and are well insulated to reduce the use of heating. Overall, it is considered that the proposed development has incorporated a sustainable design while retaining the visual character of the area.

Impact of proposal on the amenity of neighbouring properties.

- 9.26 Policy ENV3 states that development should protect the amenity of existing residents and business occupiers as well as create acceptable amenity conditions for future occupiers.

- 9.27 Paragraph 130 of the NPPF states that planning decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future uses.
- 9.28 The site is on the edge of the settlement of Carleton on agricultural land. The nearest built form to the site is to the south along the frontage of Carla Beck Lane. The nearest residential property to the site is 79m, with the nearest residential garden 52m from the boundary.
- 9.29 In terms of privacy, overshadowing or appearing overbearing it is considered that the proposed separation distance of the application site from neighbouring properties is sufficient. The application site is on a similar ground level to the nearest properties so overshadowing and appearing overbearing would not occur.
- 9.30 In regard to privacy issues the nearest residential property is 79m to the south of the site. As identified in a letter of representation, there is a gap in the landscaping directly. Objections have been lodged stating that the lodges are too close to residential properties which could have a detrimental impact on the standard of living, and that there would be an increase in light and noise as a result of the development.
- 9.31 It is considered that given the separation distance of the site from the nearest neighbouring occupiers, the proposal would not result in an unacceptable loss of privacy or amenity to neighbouring occupiers.
- 9.32 Presently, the background noise around the site is predominantly from movement of vehicles on the highway, and trains to the north of the site. It is acknowledged that the proposed holiday lodges may result in an increase in noise than currently experienced. Neighbouring occupiers would experience an increase in noise levels due to an increase in traffic and general activity on the site. However, it is not considered that any noise generated would be at such a level to justify withholding planning permission.
- Highway considerations**
- 9.33 Policy INF4 states that new developments will help to minimise congestion, encourage sustainable transport modes and reduce conflict between road users by ensuring proper provision and management of parking for cars and other vehicles. When determining development proposals, relevant consideration will be given to any likely impacts on public off-street parking and parking on the public highways (on-street parking).
- 9.34 Paragraph 110 of the NPPF states that applications for development should ensure that:
Appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
Safe and suitable access to the site can be achieved for all users; and
- 9.35 Any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
- 9.36 Paragraph 111 of the Framework indicates that “development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”
- 9.37 The application form states that the development would provide 10 off-street parking spaces. However, the site plan shows 7 parking spaces, with an additional 3 delineated spaces for dropping off.
- 9.38 The Highway Authority has been consulted on the application and recommend refusal of the scheme due to insufficient visibility splays at the access to the site. They state that the requirement in this area is 2 metres by 215 metres though only 2 metres by 40 metres is available.
- 9.39 However, it is noted that the previous application for the same size development on the same site and utilising the same access (2019/20779/FUL), a consultation response was received stating no objection. As the highway details for the site are the same as the previous position, this is a strong

material consideration. It is considered that the application would not have a significant or detrimental impact upon the highway.

- 9.40 However, it is considered in this instance that if approved a condition should be attached ensuring the retention of the parking areas to reduce the potential of on-street parking as a result of the development. Subject to the attachment of this condition, it is considered that the proposal would not create conditions contrary to highway safety and is therefore considered to be acceptable.

Biodiversity

- 9.41 Policy ENV4 requires that development avoids the loss of, and encourages the recovery or enhancement of habitats, and that the biodiversity of buildings is conserved. Development proposals that result in a significant loss in, or harm to, biodiversity on site, and where no compensatory measures are proposed, will be resisted. Furthermore, development proposals should achieve benefits in biodiversity at least equal to the biodiversity value of the site prior to development.
- 9.42 The NPPF promotes the conservation, restoration and enhancement of priority habitats and the protection of priority species. In determining applications, it states that where significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated or compensated, planning permission should be refused (paragraph 180 refers).
- 9.43 Furthermore, paragraph 182 advises that the presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.
- 9.44 Since the previous refusal, the applicant's agent has submitted a thorough landscaping scheme which includes the creation of a meadow at the southern end of the site, a native hedgerow to the southern and eastern boundaries, and the inclusion of bat and bird boxes within the site. It is considered that the proposal now sufficiently demonstrates the impact of the proposal upon biodiversity and that the impact is acceptable, subject to conditions.

9.45 Conclusion

- 9.46 Paragraph 11 of the NPPF advises that LPA's should be approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
- "the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole."

- 9.47 On balance, it is considered that there are no adverse impacts arising from the proposal that would significantly and demonstrably outweigh the overarching presumption in favour of sustainable development contained within paragraph 11 of the NPPF, and therefore there are no grounds to withhold planning approval.

10. Recommendation

- 10.1 Approve with Conditions

Conditions

Time Limit for Commencement

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

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

Approved Plans

2 The permission relates to the following plans:

- Drawing No. 448/01 "Landscape Layout" received 26th October 2020.
- Drawing No. 4ew "Site Layout" received 23rd August 2021.
- Drawing No. CD163-1 Rev B "Location Plan" received 23rd August 2021.

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

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

During Building Works

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

Reason: To ensure that adequate measures are put in place to protect existing trees and hedgerows which are to be retained as part of the development before any construction works commence in accordance with the requirements of the Craven Local Plan and the National Planning Policy Framework.

Before the Development is Occupied

4 Prior to the first use of the hereby approved holiday lodges, the passing place shown on approved plan CD163-1 Rev B shall be provided and kept for its intended purpose thereafter.

Reason In the interests of highway safety and convenience.

Ongoing Conditions

5 The holiday lodges shall not be occupied as a person's sole, or main place of residence.

Reason: To ensure that the approved holiday accommodation is not used for unauthorised permanent residential occupation.

6 The owners/operators shall maintain an up-to-date register of the names of all owners/occupiers of the glamping pods and of their main home addresses, and shall make this information available at all reasonable times to the local planning authority.

Reason: To ensure that the approved holiday accommodation is not used for unauthorised permanent residential occupation.

- 7 Unless alternative details have first been submitted to and approved in writing by the Local Planning Authority, the parking spaces identified on the approved plans shall be retained and maintained for their intended purpose at all times.

Reason: To ensure proper provision and management of parking for cars in accordance with Craven Local Plan 2012 to 2032 Policy INF4 and the National Planning Policy Framework

- 8 Unless otherwise approved in writing, the external lighting hereby approved shall be installed in accordance with the approved details and retained for the lifetime of the development.

Reason: To ensure safe access to the site while minimising the impact upon the surrounding area in accordance with Policy ENV3 of the Local Plan.

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

Reason: 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 the Craven Local Plan policy ENV4 and the National Planning Policy Framework.

- 10 The holiday lodges shall be occupied for holiday purposes only.

Reason: To ensure that the approved holiday accommodation is not used for unauthorised permanent residential occupation.

Informatives

1. Statement of Positive Engagement:

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

2. Hours of Construction

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

3. 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. As the effluent discharge quantity will be greater than 5000L per day and because the effluent is to be discharged into a watercourse, a permit will need to be granted by the Environment Agency.



Application Number: 2020/22178/FUL

Proposal: Proposed change of use of agricultural land to site timber clad lodges for holiday use

Site Address: Land To North Of Carla Beck House Carla Beck Lane
Carleton BD23 3BQ

On behalf of: Mr K Downs

REPORT TO PLANNING COMMITTEE ON 22nd November 2021

Application Number: 2021/22630/ADV

Proposal: Application for advertisement consent for a series of flags to promote the Skipton heritage action zone project.

Site Address: Flag Sites For Skipton Heritage Action Zone High Street, Coach Street, Otley Road Skipton

On behalf of: Craven District Council

Date Registered: 4th March 2021

Expiry Date: 29th April 2021

EOT Date, if applicable:

Case Officer: Mr Sam Binney

SUMMARY

The application is for the siting of 38 flags & poles to promote attractions within Skipton. The proposed flags would not result in any unacceptable visual harm nor would the signs have an adverse impact on public (including highway) safety. The proposal is therefore recommended for approval subject to conditions.

1. Site Description
 - 1.1 The proposal relates to several sites within Skipton for the installation of Flag poles.
2. Proposal
 - 2.1 The proposal is seeking advertisement consent for 38 flag & poles.
3. Planning History
 - 3.1 None of relevance
4. Planning Policy Background
 - 4.1 Craven Local Plan Policies:
ENV3: Good Design
 - 4.2 National Policy
National Planning Policy Framework (NPPF).
National Planning Practice Guidance (NPPG).
5. Parish/Town Council Comments
 - 5.1 Skipton Town Council: "No comment at this time".
6. Consultations
 - 6.1 NYCC Highways: No objection but advise the applicants are reminded that in addition to securing planning permission other permissions may be required from North Yorkshire County Council as

Local Highway Authority. These additional permissions can include, but are not limited to: Agreements under Sections 278, 38, and 184 of the Highways Act 1980; Section 38 of the Commons Act 2006, permissions through New Roads and Streetworks Act 1991 and Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996 (as amended and including all instruments, orders, plans, regulations and directions). Further information on these matters can be obtained from the Local Highway Authority. Other permissions may also be required from third parties. It is the applicant's responsibility to ensure all necessary permissions are in place.

7. Representations

7.1 Site Noticed dated 30th April 2021.

7.2 Press Notice not required.

7.3 Notification letters not required.

7.4 No third-party representations received within the statutory consultation period.

8. Summary of Principal Planning Issues

Amenity

Public Safety.

9. Analysis

9.1 This application has been considered in the context of the Town and Country Planning (Control of Advertisements) Regulations 1992 as amended in 2007 and Circular 03/072007, the development plan, the Framework and other material policy documents as set out in Section 4.

	Yes	No
Is the proposal acceptable in visual terms	y	
Is the proposal acceptable in highway safety terms	y	

9.2 Conclusion

9.3 The proposed flag posts are deemed to be of an acceptable design and are appropriate in terms of their scale and siting. Whilst the proposal would increase the number of signs, this is nevertheless reasonable to promote the attractions within Skipton and would not result in a harmful proliferation.

9.4 There is no means of illumination.

9.5 The flag poles & flags would not be unduly prominent. They would not have an unacceptable adverse impact on the amenity of the area or upon public (including highway) safety. The application is therefore considered to be acceptable and in line with the Local Plan policies as outlined above.

10. Recommendation

10.1 To grant advertisement consent subject to conditions.

10. Recommendation

10.1 Approve with Conditions

Conditions

Time Limit

1 The consent to display the sign(s)/advertisement(s) hereby permitted is for a period of 5 years only from the date of this consent. At or before the end of this period the sign(s)/advertisement(s) shall

be removed and that part of the premises on which the sign(s)/advertisement(s) was displayed shall be restored to a clean and tidy condition.

Reason: The advertisement hereby permitted is one that the Local Planning Authority will only permit for a strictly limited period in accordance with Regulation 14 (7) (a).

Approved Plans

2 Approved plans and documents

Final Flag Design
OS Plan
Appendix A
Appendix B
Appendix C
Flag Poles and Locations
Flag Designs Montage

Reason: For the avoidance of doubt and in the interests of good planning.

Ongoing Conditions

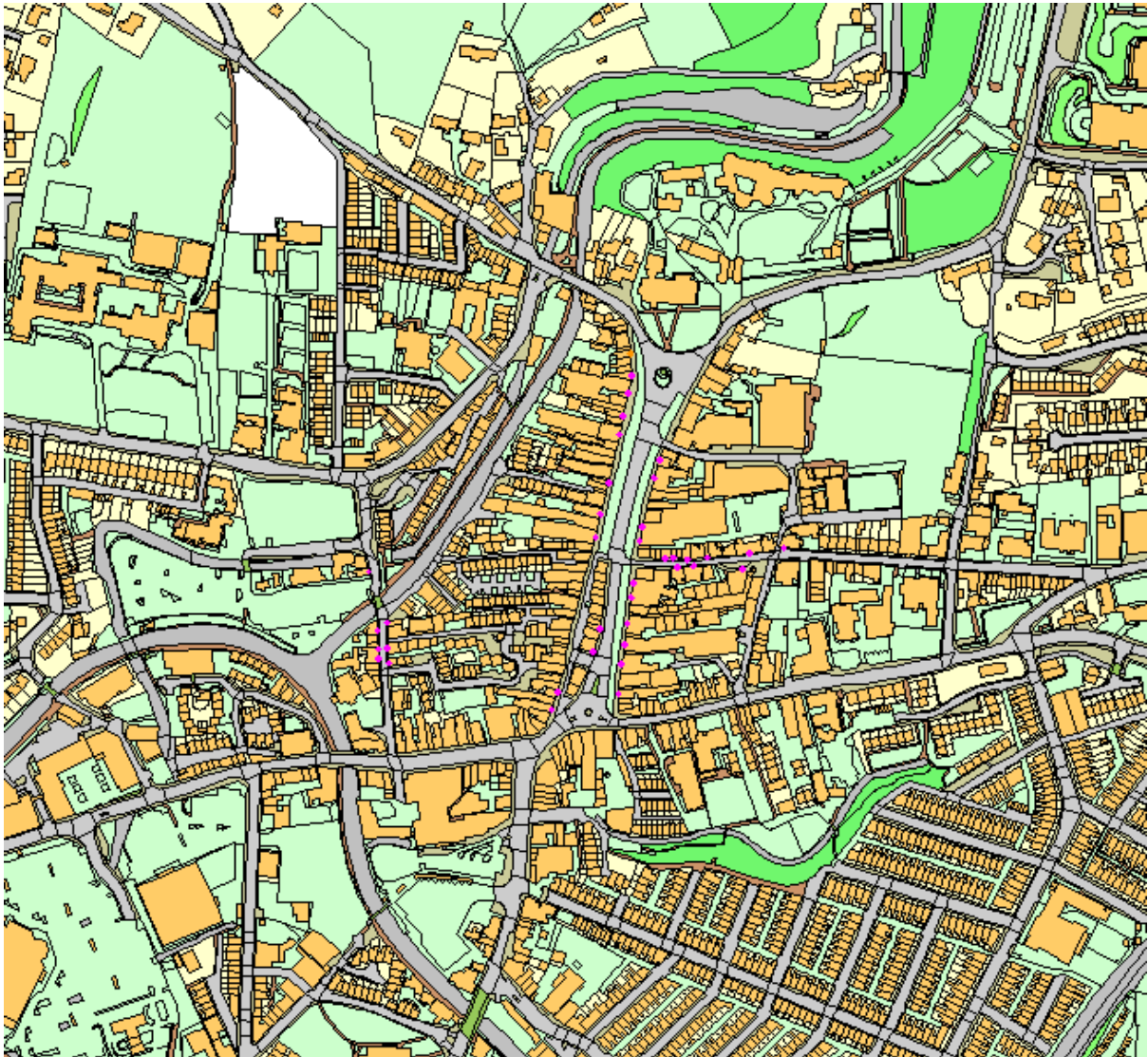
- 3 (i) All advertisements displayed, and any land used for the display of advertisements, shall be maintained in a clean and tidy condition to the reasonable satisfaction of the Local Planning Authority.
(ii) Any hoarding or similar structure or sign, placard, board or device erected or used principally for the purpose of displaying advertisements, shall be maintained in a safe condition to the reasonable satisfaction of the Local Planning Authority.
(iii) Where any advertisement is required under the Advertisement Regulations to be removed, the removal thereof shall be carried out to the reasonable satisfaction of the Local Planning Authority.
(iv) No advertisement is to be displayed without the permission of the owner of the site or any person with an interest in the entitled to grant permission.
(v) No advertisement shall be sited or displayed so as to obscure, or hinder the ready interpretation of, any road traffic sign, railway signal or aid to navigation by water or air, or so as otherwise to render hazardous the use of any highway, railway, waterway or aerodrome (civil or military).

Reason: To ensure that the permitted advertisement is maintained in a safe and tidy condition.

Informatives

1. Statement of Positive Engagement:

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



Application Number: 2021/22630/ADV

Proposal: Application for advertisement consent for a series of flags to promote the Skipton heritage action zone project.

Site Address: Flag Sites For Skipton Heritage Action Zone High Street, Coach Street, Otley Road Skipton

On behalf of: Craven District Council

REPORT TO PLANNING COMMITTEE ON 22nd November 2021

Application Number: 2021/23028/HH

Proposal: Construction of single storey rear extension.

Site Address: 54 Barden Road Eastby BD23 6SN

On behalf of: Mr John Midgley

Date Registered: 2nd July 2021

Expiry Date: 27th August 2021

EOT Date, if applicable: 8th October 2021

Case Officer: Chris Fairchild

SUMMARY

Preface: The application was deferred by Planning Committee Members on the 25th October with regards to members seeking clarification between plans on external website and presentation as it was believed that plans were missing. However, after a review it was confirmed that all information/plans were available on the external website and subsequently shown on the presentation. The deferral has resulted in an unnecessary delay.

The principle of development is acceptable. The proposal has been considered against all material considerations that arise from the development. This report demonstrates that the proposals satisfy each of these material considerations including by way of conditions where appropriate.

1. Site Description
 - 1.1 The site is located within the main urban area of Eastby. The site includes a detached building sited c1m from the rear elevation of no.54, a large area of hardstanding leading to a private driveway.
 - 1.2 The site is located within the Eastby Conservation Area. C.50m to the east is Grade II listed Dale Head Farmhouse, c.50m to the west is Grade II listed Eastby Hall and Garden albeit the site is not considered to fall within these listed buildings' curtilage.
 - 1.3 As per the Environment Agency's Flood Map for Planning, the site is located within Flood Zone 1, i.e. land having a less than 1 in 1,000 annual probability of river or sea flooding, and is therefore of low flood risk.
 - 1.4 The site sits within a Site of Special Scientific Interest Impact Risk Zone but does not constitute a form of development that requires consultation with Natural England. There are no other relevant sites of environmental protection.
2. Proposal
 - 2.1 Planning permission is sought to demolish the existing detached building and create a single storey, gable roofed extension to no.54 attached to the dwelling via a link corridor. The ground floor plans indicate a bedroom, en-suite, and living room. Separate entrances to the property are included via a set of French doors and a side-entrance. A decked area to the south elevation at 1.6m is included, leading on to the existing hardstanding area that is retained.

3. Planning History

3.1 The following application is relevant to the determination of this application:

Ref: 2020/21578/FUL
Description: Change of Use of Burnlea to a separate dwelling and retrospective permission for a pitched roof
Address: Burrnlea [rear of no.54], Barden Road, Eastby, Skipton, BD23 6SN
Decision: Refused 28.08.2020

4. Planning Policy Background

4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states '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'. This is recognised in paragraph 11 of the National Planning Policy Framework ('NPPF'), with paragraph 12 stating that the NPPF does not change the statutory status of the development plan as the starting point for decision making.

4.2 The July 2021 NPPF replaced the February 2019 NPPF, first published in March 2012. The NPPF does not change the status of an up-to-date development plan and where a planning application conflicts with such a plan, permission should not usually be granted unless material considerations indicate otherwise (Paragraph 12). This application has been considered against the 2021 NPPF.

4.3 Annex 1 of the NPPF outlines how it should be implemented:

'219.existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).'

4.4 The development plan for Craven consists of the Craven Local Plan 2012 to 2032 (November 2019) ('LP'). The relevant LP policies to the determination of this application are:

- SD1: The Presumption in Favour of Sustainable Development
- ENV2: Heritage
- ENV3: Good Design
- ENV4: Biodiversity
- ENV6: Flood Risk
- INF4: Parking Provision

4.5 Craven District Council undertook Conservation Area appraisals as part of the LP evidence base. A draft Area Appraisal for Embsay was produced and represents a material consideration within the determination of this application.

5. Parish/Town Council Comments

5.1 Embsay with Eastby Parish Council object to the application. No prior consultation with the Parish Council has occurred contrary to NPPF. The application form is not visible on public access. No objection in principle to extension of property and whilst extension is not visible from public view, given the Conservation Area location it is considered development should reflect materials and finishes in the area: the proposed materials do not achieve this.

6. Consultations

6.1 No additional consultations were made or were necessary for the application.

7. Representations
- 7.1 The application was advertised via the erection of site notice, advertisement within the local press and distribution of letters to adjoining occupiers.
- 7.2 Following this publicity, one representation has been received from the adjoining neighbours in support of the application who consider the proposed building less obtrusive than the existing building and support the use of environmentally sustainable materials.
8. Summary of Principal Planning Issues
- 8.1 The following matters are key to the determination of this planning application:
- Principle of Development.
 - Heritage & Conservation
 - Residential Amenity.
 - Design & Character.
 - Highways & Access.
 - Flood Risk & Drainage.
 - Sustainability.
 - Nature Conservation.
9. Analysis
- Principle of Development**
- 9.1 LP Policy SD1 confirms a positive and proactive approach to the consideration of development proposals reflective of the presumption in favour of sustainable development contained within the NPPF and sets out how this will be achieved. LP Policy SD1 is therefore consistent with Chapter 2 of the NPPF.
- 9.2 The site is located within the main built of area of Eastby, defined within the LP as a Small Village and Hamlet. There is no in-principle policy controlling householder development within villages, nor is there any within the NPPF: however, it is established through appeal precedent, case law and best practice that such development is acceptable. The principle of development is therefore considered acceptable.
- Appearance, Heritage & Conservation**
- 9.3 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 ('the Act') imposes a duty to pay special attention to the desirability of preserving or enhancing the character or appearance of Conservation Areas.
- 9.4 Paragraph 199 of the NPPF requires great weight be given to the asset's conservation. The more important the asset, the greater the weight should be. Any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification (Paragraph 200). Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal (Paragraph 201).
- 9.5 LP Policy ENV2 seeks to conserve and where possible enhance the historic environment including the legacy of traditional barns and other buildings associated with the farming industry and historic land estates. Criterion b) requires proposals affecting designated heritage assets accord with the criteria set out within the NPPF listed above. In respect of Conservation Areas Criterion c) supports proposals that would:

'preserve or enhance the character or appearance of a Conservation Area, especially those elements which have been identified in a Conservation Area Appraisal as making a positive contribution to its significance'.

- 9.6 LP Policy ENV3 sets out the general design principles that contribute to achieving good design, including (inter-alia): a) a response to the context of the site; b) a respect of surrounding built form; c) legibility and place making, and; d) enhancing positives of local environment whilst minimising negatives.
- 9.7 NPPF Paragraph 124(e) seeks planning decisions to support development that makes efficient use of land taking account of the importance in securing well-designed, attractive places.
- 9.8 NPPF Paragraph 126 underlines the fundamentality of achieving high-quality, beautiful and sustainable buildings within the planning process. NPPF Paragraph 130 requires decisions ensure that development is visually attractive, sympathetic to local character, maintenance of place including building types and materials.
- 9.9 The submitted Heritage & Design Statement states:
- 'The proposals are to the rear, less publicly visible side of the terrace. Through reductions in height, width and length, and choice of neutral coloured materials, the proposals have a significantly reduced impact upon the Conservation Area compared to the current situation, and therefore make a positive contribution to the Conservation Area'.*
- 9.10 The Eastby Conservation Area Appraisal August 2016 notes the character of Eastby to be 'particularly rural'. The CA Appraisal notes the existence of new outbuildings and farm buildings behind the frontage of roadside buildings including that many have been converted to residential use. The site is not noted within the CA Appraisal as being part of a significant view or of a space that defines the character of the Conservation Area. It is notable that the CA Appraisal does not identify building that positively or negatively enhance the character of the Conservation Area.
- 9.11 The building in question of this application was erected in the late 1990s and is therefore of little historic interest. The building is plain in ornamentation, befitting the agricultural nature of the area, and the choice and quality of the main surface materials – stone and natural slate are well-considered. Details such as the top-opening windows, deep white fascia boards are, however, poorly articulated.
- 9.12 The building is of a significant scale and massing, dominating the rear elevation of no.54 and detracts from the character of the rear plots of no.54 and adjoining cottages. The part-flat-part-gabled roof bears no relation to surrounding roofscapes and detracts significantly from the area's character.
- 9.13 The current configuration of the building, including prominent full-length, tall windows lends to the building being interpreted as a modern, residential extension/outbuilding and detracts further from the character of these rear plots.
- 9.14 Overall, it is considered the building creates a low-level of negative impact upon the character of the Conservation Area.
- 9.15 The proposed replacement extension consists of two main forms, a larger gable-ended element attached to the dwelling with an adjoining narrower, lower, gable-ended section. The compact, broken-up form creates a sense of agricultural outbuildings buildings subservient to the dwelling and less dominant than the existing building.
- 9.16 The materials proposed consist of larch cladding and a merlin grey standing seam steel roof. The justification within the submission is that they match the Beamsley School 2015 extension. NPPF Paragraph 194 requires applicants to describe the significance of heritage assets affected by proposals. NPPF Paragraph 195 requires local planning authorities to identify and assess the particular significance of heritage assets affected by proposals taking account of the available evidence and any necessary expertise.

- 9.17 In this case, no demonstration of the significance of the Conservation Area beyond a simplistic comparison to a separate scheme outside of the same context has been put forward, by contrast the significance of the Conservation Area is informed by appropriate expertise within the CA Appraisal that does not include either of these materials.
- 9.18 Whilst it is not the purpose of planning to stifle innovation and new development within Conservation Areas, change should be well articulated and rooted in an understanding of the area. In the absence of this information, it is considered appropriate, on balance, to secure the details of the building's materials by way of condition.
- 9.19 Subject to securing appropriate materials, it is considered the proposed development would cause less than substantial harm to the Conservation Area and a balanced decision in accordance with NPPF Paragraph 201 is required. On balance, it is considered that there are public benefits in replacing a comparatively harmful building with a more appropriate structure and that this outweighs the harm arising from the proposal. Accordingly, the proposal accords with Section 72 of the Act, NPPF Paragraphs 124, 126, 199-201, and LP Policy ENV2 & ENV3.

Residential Amenity

- 9.20 LP Policy ENV3(e) establishes a principle of achieving good design within development is the protection of amenity of existing resident and creation of an acceptable amenity for future occupiers. LP Policy ENV3(f) requires development proposals to demonstrate how this will be achieved.
- 9.21 NPPF Paragraph 130(f) requires planning decisions to ensure that a high standard of amenity for existing and future users is achieved.
- 9.22 The current detached building contains windows within the eastern elevation looking directly into the rear garden of the neighbouring property. The current configuration contains habitable living space which exacerbates the impact of overlooking creating a significant adverse impact on residential amenity.
- 9.23 Comparatively, no windows are included on the side elevations of the proposed building, the only openings are the southern elevation French doors and side doors, these face the hardstanding area and private drive with boundary vegetation beyond: accordingly, there is no overlooking arising from the proposal and a net gain in terms of impacts upon neighbouring properties.
- 9.24 The existing part-flat-part-gabled roof is c.5.4m above ground level to the ridgeline of the pitch, and c.3.5m to the eaves of the pitched section reducing to c.2.7m to the flat roof section owing to topography. In comparison, the split gable roof ranges from c.4.1m above ground level to the ridgeline of the taller element nearest the dwelling down to c.3.7m for the shorter element. The eaves height ranges between c.2.6m to c.2.9m above ground level. This reduction in overall height across the building creates a less imposing massing than the existing building and makes the development an improvement over the existing arrangement.
- 9.25 In addition to a reduction in height, the proposed building is 0.8m shorter than the existing building (c.10.6m vs c.9.8m). Furthermore, the length of the building is moved hard against the elevation reducing the perception of building's length in adjoining gardens further. The building at its widest has been reduced by c.0.6m (c.6.2m vs c.5.6m), however, the form of the building is broken up with a narrower section, running approximately half the length of the building, being c.4.2m wide and pulling the building away from the shared boundary of the neighbouring eastern dwelling's garden. As with the reduction in height, the reduction in width is a net gain on the current arrangement from an overbearance perspective and is considered acceptable.
- 9.26 The reduction in height and width of the building and moving bulk away from neighbouring gardens as described above also reduces the amount of overshadowing that occurs on the neighbouring properties and is considered acceptable.
- 9.27 The proposal will introduce increased built height adjacent the rear elevations of no.54 and adjoining houses. The supporting Heritage & Design Statement includes a Building Research Establishment's ('BRE') 45° "rule of thumb" assessment of the height of the building. It is

considered that the proposal will result in a reduction in the loss of daylight and sunlight to adjoining properties and will not create an adverse loss of daylight or sunlight to adjoining properties.

- 9.28 The proposal will not create a loss of private external amenity space and will create additional living space for occupants. The amenity of residents is therefore improved.
- 9.29 As such, the proposal is considered to provide acceptable amenity for surrounding and existing residents in compliance with LP Policy ENV3 and NPPF Paragraph 130.

Highways & Access

- 9.30 LP Policy INF4 seeks to encourage sustainable transport modes and reduce conflict between road users by ensuring proper provision and management of parking for cars and other vehicles. This can be achieved by the provision of appropriate parking spaces for cars.
- 9.31 NPPF Paragraph 111 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 9.32 There is no change to the private drive nor area of hardstanding to the rear of the extension. There are no unacceptable highway impacts arising from the proposal and accordingly the proposals comply with LP Policy INF4 and NPPF Paragraph 111.

Flood Risk & Drainage

- 9.33 LP Policy ENV6 states development will take place in areas of low flood risk. NPPF Paragraph 159 directs development away from areas at highest risk of flooding.
- 9.34 LP Policy ENV6 states development should incorporate sustainable drainage unless unfeasible and the risk of surface water flooding will be minimised via suitable drainage in accordance with the Environment Agency's standards set out within LP Appendix C: disposal of water in accordance with the sustainable drainage hierarchy; evidence why a mains connection is required; run-off reduction; flood attenuation including climate change allowance.
- 9.35 The site is within Flood Zone 1, an area of low probability of flooding from rivers or sea. Given the scale and nature of the proposal makes the principle of development acceptable from a flood risk perspective.
- 9.36 Given there is a net decrease in the amount of hardstanding, it is not considered necessary to introduce sustainable drainage systems. Foul drainage will be disposed of via the existing system and this is considered appropriate given the householder nature of the proposal. There are no drainage concerns arising from the proposal.

Sustainability

- 9.37 LP Policy ENV3 seeks for sustainability to be 'designed in' to development via considered design & layout, construction methods, and use of technology.
- 9.38 NPPF Paragraph 152 states that planning system should support transition to a low carbon economy
- 9.39 The submitted Heritage and Design Statement makes the case that the existing building has little to no insulation and the proposed materials will exceed building regulations. The Statement goes further to suggest low water-consumption appliances will be utilised.
- 9.40 Whilst the energy saving potential of the proposed materials is noted, this does not outweigh the potential harm to the Conservation Area. It is considered a similar standard of performance could be achieved through the use of traditional external materials and modern construction techniques.
- 9.41 It is considered that the use of appropriate materials and construction in accordance with building regulations is proportionate and appropriate to the scale and type of development proposed within a Conservation Area and would comply with LP Policy ENV3 and NPPF Paragraph 152.

Nature Conservation

- 9.42 LP Policy ENV4(c) states that development which would result in significant loss or harm to biodiversity without compensation will be resisted. LP Policy ENV4(b) states development should provide equal or, where possible, greater biodiversity value: enhancements should be on-site in the first instance.
- 9.43 NPPF Paragraph 174(d) seeks for planning decisions to contribute to and enhance the natural environment by minimising impacts and providing net gains for biodiversity.
- 9.44 All bat species are protected under the Wildlife and Countryside Act (WCA) 1981 (as amended), the Countryside and Rights of Way Act 2000 and The Conservation of Habitats and Species (Amendment) Regulations 2017.
- 9.45 The presence and extent to which protected species will be affected must be established before planning permission is granted. If not, a decision will have been made without all the facts (ODPM/Defra Circular, para 99)
- 9.46 The application has been supported by a Preliminary Bat Roost Assessment (June 2021) that consisted of a daytime survey of the building. The Assessment found no evidence or observation of roosting bats, the building to have negligible potential for roosting bats, and in conclusion no further surveys were necessary nor is an European Protected Species licence.
- 9.47 It is considered that the survey has been undertaken by a suitably qualified practitioner and the findings are accepted and the requirements of relevant legislation and policy to safeguard protected species has been satisfied.
- 9.48 The submitted Assessment suggests biodiversity net gains of the installation of a bat box, given the lack of biodiversity value on the site this modest improvement constitutes a sufficient net gain and a condition requiring such is recommended. The cautionary advice to stop works if a bat is discovered is recommended to be included by way of an informative (as opposed to a condition given that regulations already exist to cover such an event).
- 9.49 Subject to the recommended condition and informative, the proposal protects biodiversity and provides a satisfactory net gain in accordance with LP Policy ENV4 and NPPF Paragraph 174.

Conclusion

- 9.50 The principle of development is acceptable. The proposal has been considered against all material considerations that arise from the development. This report demonstrates that the proposals satisfy each of these material considerations including by way of conditions where appropriate.

10. Recommendation

- 10.1 Approve with Conditions

Conditions

Time Limit for Commencement

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

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

Approved Plans

- 2 This permission relates to the following plans:

- Extension 54 Barden Road Eastby, Scale 1:100, May 2021 [received 16 June 2021]

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

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

During Building Works

- 3 Prior to any construction above ground, details of the materials to be used in the construction of the exterior walls and roof shall be submitted to and approved in writing by the Local Planning Authority, and only the approved materials shall be utilised.

Reason: In order to safeguard the special architectural & historic interest, character, appearance and integrity of the Conservation Area in order to comply with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, National Planning Policy Framework Paragraphs 124, 126, 199-201, and Local Plan Policy ENV2 & ENV3.

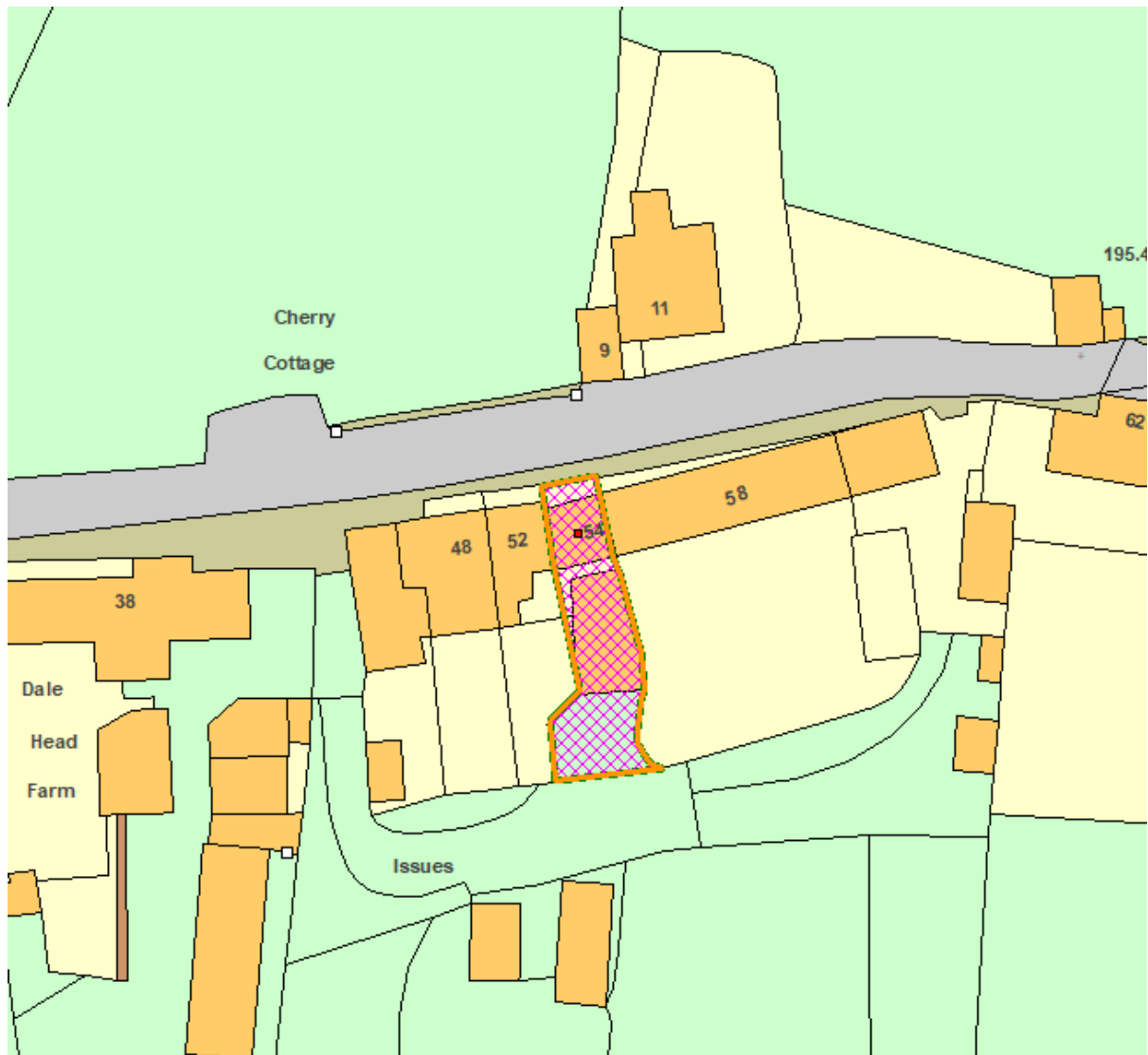
Before the Development is Occupied

- 4 Prior to use of the permitted development, a Greenwoods Ecohabitats Tow Chamber Bat Box or Kent Bat Box shall be installed in accordance with the recommendations of the Preliminary Bat Roost Assessment Report (08.06.2021). The bat boxes shall be retained thereafter.

Reason: In order to establish a net gain in biodiversity in accordance with in accordance with Local Plan Policy ENV4 and National Planning Policy Framework Paragraph 174.

Informatives

1. The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. The Local Planning Authority has therefore implemented the requirement in Paragraphs 186-187 of the National Planning Policy Framework.
2. In the unlikely event of bats or their roosts being exposed or vulnerable to harm, suspend further work in that area, cover the exposed bats to reduce any further risk of harm and seek advice immediately and seek advice from a qualified ecologist immediately.



Application Number: 2021/23028/HH

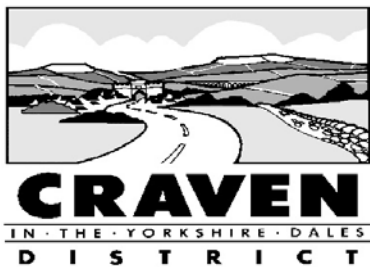
Proposal: Construction of single storey rear extension.

Site Address: 54 Barden Road Eastby BD23 6SN

On behalf of: Mr John Midgley

Planning Committee Report of New Cases Registered **For Period 13/10/2021 to 11/11/2021**

Enforcement Reference	Alleged Breach	Site Address	Ward
ENF/03454/2021	Alleged change of use of land	Land Adjacent To Manby Castle House Embsay	Embsay-with-Eastby
ENF/03455/2021	Alleged breach of planning conditions	Land Adjacent To 48 Eshton Road Gargrave Skipton BD23 3PN	Gargrave And Malhamdale
ENF/03456/2021	Antenna/mast installed in conservation area	23 Brougham Street Skipton BD23 2ES	Skipton South
ENF/03457/2021	Excavation works being carried out.	17 Gainsborough Court Skipton BD23 1QG	Skipton North
ENF/03458/2021	Alleged fence too high	15 Skipton Road Embsay Skipton BD23 6QT	Embsay-with-Eastby
ENF/03459/2021	Alleged commencement on site prior to discharging C3 (Dust) of 2018/18967/FUL. Has this caused the permission to lapse on 3rd April 2021?	Burton In Lonsdale Methodist Church High Street Burton In Lonsdale Carnforth	Bentham



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 13/10/2021 to 11/11/2021

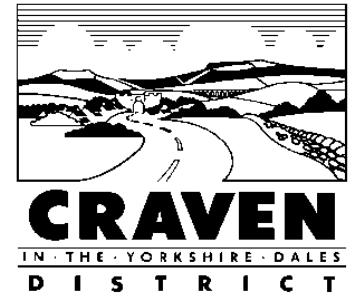
Enforcement Reference	Date Received	Date Closed	Reason for Closure	Alleged Breach	Site Address	Ward
1641/2013	11th October 2013	3rd November 2021	No Breach	Untidy Land	Moss Side Farm Wigglesworth Skipton North Yorkshire BD23 4SP	Settle And Ribble Banks
ENF/02955/2018	30th October 2018	21st October 2021	Not Expedient to Enforce	Unauthorised sign	Field Next A65 Stirton	Gargrave And Malhamdale
ENF/03014/2019	20th February 2019	21st October 2021	Breach Resolved	Untidy property at the rear	9 Park Avenue Gargrave Road Skipton BD23 1PN	Skipton North
ENF/03251/2020	12th May 2020	3rd November 2021	Not Expedient to Enforce	Rear fence allegedly too high	Cranborne Skipton Road Low Bradley Keighley BD20 9EF	Aire Valley With Lothersdale

Enforcement Reference	Date Received	Date Closed	Reason for Closure	Alleged Breach	Site Address	Ward
ENF/03266/2020	15th June 2020	3rd November 2021	No Breach	Alleged non-compliance with condition 2 of planning approval referenced 2019/20799/HH	7 East View Kendal Road Hellifield Skipton BD23 4EU	Hellifield And Long Preston
ENF/03368/2021	24th February 2021	21st October 2021	Breach Resolved	Potentially letting out part of the house- Breach of condition no. 2 of planning application ref: 69/2006/6485.	Rectory House Church Road Thornton In Craven Skipton BD23 3TN	West Craven
ENF/03386/2021	7th April 2021	21st October 2021	Breach Resolved	Development not being built in accordance with planning application ref: 2018/19921/HH. The garage has been made into a single garage and extra windows and doors have been installed.	Woodlands West Lane Sutton-in-Craven Keighley BD20 7AS	Sutton-in-Craven
ENF/03428/2021	26th July 2021	21st October 2021	No Breach	Alleged unauthorised external works at rear of property	Fellcroft 16 Main Street Ingletton Carnforth LA6 3HF	Ingletton And Clapham
ENF/03436/2021	27th August 2021	10th November 2021	No Breach	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

Enforcement Reference	Date Received	Date Closed	Reason for Closure	Alleged Breach	Site Address	Ward
ENF/03441/2021	14th September 2021	3rd November 2021	Consent granted / Permitted development	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/03452/2021	12th October 2021	3rd November 2021	Consent granted / Permitted development	Alleged unauthorised solar panels in Conservation Area	High Croft Commercial Street Settle BD24 9HP	Settle And Ribble Banks

Planning Committee
Date 22 November 2021

**Report Title: Review of Handling of
Application 2021/22945/FUL Park Mill
Skipton**



Report of the Strategic Manager Planning and Regeneration

1. Purpose of Report

- 1.1 To advise Members on the processing of the application for alterations to Park Mill, Brougham Street, Skipton.

2. Recommendations – Members are recommended to:

- 2.1 To note the findings of the review of the determination of the application by the Planning Manager.
- 2.2 Consider how they would have determined the application had they been in a position to do so. If Member's would have been minded to refuse the application a further report will be required to Policy Committee to consider the Council's next steps in respect of the Decision Notice.

3. Report

- 3.1 The application was withdrawn from the agenda of the Planning Committee on 25 October 2021 on the advice of the Planning Manager and Counsel.
- 3.2 The application sought permission to increase the height of the existing building by approximately 0.5m (5.3m to 5.8m) to create a second floor and construct a new roof. There was no proposed increase in the footprint of the building. All glazing in the east elevation would be obscure, thereby protecting the amenity of residential properties to the east.
- 3.3 The application was recommended for approval. The Town Council had no comments to make, but representations were made by local residents so the application was placed on 7-day notice in accordance with the Scheme of Delegation.
- 3.4 The Chair and Vice Chair advised that they did not wish the application to be referred to the Planning Committee. However, within the 7-day period the Ward Member requested that the application be referred to the Committee and moved onto the list of applications which had to be determined by the members.
- 3.5 Due to an administrative error the decision notice approving the application was issued after the 7-day notice period had expired on 6 October 2021. Subsequently the application was listed to be considered at the Committee meeting on the 25th October even though the decision had been issued.

Investigation has found that the error cannot be attributed to any single officer but reveals failings in administrative procedures.

- 3.6 Counsel confirmed to Members at the meeting that the law was clear in that permission had been granted and a valid Decision Notice had been issued. The Planning Committee have no authority to revoke the permission, this would have to be a decision by the Policy Committee.
- 3.7 A review of the administrative procedures relating to the 7-day call in procedure has now taken place, with changes being undertaken to the Uniform IT system being made which should prevent a decision being issued once an application had been listed for determination by the Committee.
- 3.8 As members of the Committee will be aware the Policy Committee has established a member Sounding Board to review the scheme of officer delegation for the determination of planning applications and the operation of the arrangements for referral of applications to the Committee will be examined as part of this review.
- 3.9 Member's of this Committee are now invited to consider how they would have determined this application had they been in a position to do so. This would give Officer's a direction on how to proceed. If Member's would have been minded to approve the application that would be the end of the matter procedurally. Should Member's determine that permission would have been refused, the Decision Notice will remain valid and a report will need to be taken to Policy Committee to consider the Council's next steps including any financial implications.

4 Legal Implications

The Decision Notice issued is a valid permission unless and until revoked or quashed by the Court.

5 Consultations with Others

Solicitor and Monitoring Officer

6 Appendices

- Application Report 2021/22945/FUL

7 Author of the Report

Name Neville Watson

E-mail: nwatson@cravendc.gov.uk

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

REPORT TO PLANNING COMMITTEE ON 25th October 2021

Application Number: 2021/22945/FUL

Proposal: Proposed replacement roof & raised wall height to south & east elevations

Site Address: Park Mill Brougham Street Skipton BD23 2JN

On behalf of: Pro Arte Ltd

Date Registered: 28th June 2021

Expiry Date: 23rd August 2021

EOT Date, if applicable:

Case Officer: Mr Sam Binney

SUMMARY

The proposal would result in the raising of a section of roof to allow for another floor to serve the existing mill. It is considered to be of a good design that will have a minimal impact visually or upon the amenity of neighbouring occupiers. The recommendation is therefore to approve subject to conditions in accordance with Local Plan Policy ENV3 and the NPPF.

1. Site Description
 - 1.1 The application premises are located to the east of the town centre, close to the junction of Newmarket Street, Shortbank Road, and Brougham Street. Park Mill comprises a single storey 'north-light' former textile weaving shed and a three-storey frontage 'office' block facing Brougham Street. To the north side of the building is a car parking area – with access off Brougham Street. The three-storey building has a stone frontage, with a high roof parapet wall. The side elevation facing the car park is also faced in stone. However, the rear of the building and the south elevation (including the 'north light' shed) are faced in red brick.
 - 1.2 Surrounding the site are a mix of uses including residential, retail and office space.
 - 1.3 The site falls within the designated Skipton Conservation Area and the Main Built-Up Area of Skipton.
2. Proposal
 - 2.1 The application seeks planning permission for the raising of the northern light roof to the single storey section to the east of the building to allow for a first floor extension. The new roofline will be marginally lower than the existing parapet walls to the north elevation.
3. Planning History
 - 3.1 5/63/182: Formation of first floor offices in existing warehouse area. Conditional approval 23 May 1980.
 - 3.2 5/63/182/A: Formation of ground floor show room and A3 outlet on second floor. Conditional approval 14 November 1980.
 - 3.3 5/63/182/D: Change of use from retail showroom to offices. Conditional approval 25 June 1992.

- 3.4 5/63/182/E: Change of use of showroom to light industrial use. Conditional approval 21 March 1996.
- 3.5 63/2003/3356: Proposed extension to provide additional production and storage accommodation. Approved 26th August 2003.
4. Planning Policy Background
- 4.1 Local Plan Policies:
- 4.2 SD1 – The Presumption in Favour of Sustainable Development
- 4.3 ENV1 – Countryside and Landscape
- 4.4 ENV2 – Heritage
- 4.5 ENV3 – Good Design
- 4.6 National Policies:
- 4.7 The National Planning Policy Framework
- 4.8 Planning Practice Guidance
5. Parish/Town Council Comments
- 5.1 Skipton Town Council: “No comment at this time”.
6. Consultations
- 6.1 No additional consultations necessary.
7. Representations
- 7.1 Site Notice dated 15th July 2021.
- 7.2 Press Notice published 15th July 2021.
- 7.3 6 notification letters sent to neighbouring properties.
- 7.4 5 comments have been received from 3 neighbouring properties. A summary of the comments is outlined below:
- 7.5 Visual impact/heritage
- Impact statement does not include impact upon occupiers of Toller Court.
 - Visually out of keeping with the area.
- 7.6 Amenity
- Concern of overlooking from the proposed windows in the east elevation.
 - Would block the neighbouring properties side fire access.
- Officer’s Note:** The proposal would increase the height of the existing roofline, but would not project out from the existing footprint so would not alter any neighbouring access.
- 7.7 Wildlife
- Works would disturb bats roosting.
- 7.8 Other Matters
- Lack of notification of application.
 - If granted, request:
- All building work undertaken from application site.
- Request for windows to use obscured glazing.

Request for a bat survey to be undertaken.

Request for new roof drainage to be put in place.

8. Summary of Principal Planning Issues

8.1 Visual impact of the development

8.2 Sustainable Design

8.3 Impact on amenity

9. Analysis

Visual impact of the development upon the surrounding conservation area

9.1 Local Plan policy ENV1 requires that opportunities to restore and enhance the landscape are taken wherever possible, through the restoration of historic man-made features where appropriate.

9.2 Policy ENV2 stated that development should conserve and, where appropriate, enhance Craven's historic environment. In particular, this will be done by ensuring that proposals affecting a designated heritage asset (or an archaeological site of national importance) conserve those elements which contribute to its significance. The more important the asset, the greater the weight that will be given to its conservation.

9.3 With regard to design, policy ENV3 requires that development should respond to context, should respect the form of existing and surrounding buildings and maintain the sense of place. Furthermore, development should seek to enhance local distinctiveness.

9.4 The NPPF sets out good design as a key aspect of sustainable development. Specifically, it requires that development is sympathetic to local character, including the surrounding built environment and landscape setting and maintains a strong sense of place.

9.5 Paragraph 130 of the NPPF states that planning policies and decisions should ensure that developments should function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development.

9.6 Paragraph 199 of the NPPF advises 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. In this case the application site is located within the Skipton Conservation Area and within close proximity to several Grade II listed buildings including The Cross Keys pub and The Old Grammar School to the north-east. Therefore, the proposal has the potential to affect the setting of those heritage assets.

9.7 At paragraph 201 the NPPF advises that where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss. The main concern of the proposal would derive primarily from the visual impact of the development and the potential impact on the setting of the surrounding area.

9.8 The proposed works would result in the loss of the architecturally significant northern light roof style. The infill sections of the roof form have been replicated within glazed window openings to the side elevations. This is similar to the replication of the northern light style replicated on the roof forms of the office buildings to the east on the site of the former mill. Accordingly, the loss of this feature and replication with the window form is considered visually appropriate.

9.9 The use of materials for the increased height to the walls will match those on the existing building including the use of red brick to the south elevation, and natural stone to the east and north elevations. It is considered that as these materials will match the existing building, they are appropriate materials that will be visually acceptable when viewed from the surrounding area.

9.10 The main public viewpoints to the site will be from Toller Court to the east, and the minor road to the south of the mill connecting Brougham Street to Ermysted Street to the east. While the mill is

also visible from Newmarket Street to the north, the works will be concealed entirely behind the existing parapet wall to the north elevation. While some views of the site will be achieved from the aforementioned public viewpoints, the works would be seen in the context of the existing mill and would not detract from that character. Due to the scale, design and use of appropriate materials, it is considered that the proposed development will not have a significant visual impact upon the surrounding conservation area.

- 9.11 In conclusion, for the above reasons, the proposed development is considered to meet the requirements of Local Plan Policies ENV1, ENV2 and ENV3, and the NPPF and is therefore acceptable.

Sustainable design

- 9.12 In regard to sustainability of design, this has been taken into consideration by the applicant. This includes the use of locally sources natural materials where possible, cavity wall construction, and double glazing to the east elevation windows. Overall, it is considered that the proposed development has incorporated a sustainable design while retaining the visual character of the area.

Amenity impact of the development

- 9.13 Local Plan policy ENV3 requires that development secures a good standard of amenity for all existing and future occupants of land and buildings. This is consistent with the NPPF requirement that decisions should deliver a high standard of amenity for existing and future users.
- 9.14 Paragraph 130 of the NPPF further states that planning decisions should create places that are safe, inclusive with a high standard of amenity for existing and future users.
- 9.15 The proposed extension will result in the angled sections of the northern lights roof slopes to be infilled with glazed window openings facing east toward Toller Court. Some occupiers of those neighbouring properties have objected to the scheme due to the loss of privacy from the proposed windows in the east elevation.
- 9.16 While it is accepted that these windows face across the rear gardens of some of the properties on Toller Court, as well as the front parking and amenity areas, the applicant has stated that they intend to install obscure glazing to these windows. This is to allow the proposed room to gain direct light during morning periods, while respecting privacy between the mill and neighbouring occupiers. A condition will therefore be attached to any forthcoming permission to ensure that this privacy is upheld.
- 9.17 As the proposal would result in additional height to this section of the building, it would result in some additional overshadowing to the surrounding area. Due to the siting and orientation of the works, some additional shadowing will take place toward the rear garden at Toller Court at midday and early afternoon periods. The rest of the day will be relatively unaffected due to the significant height difference between this east section of the building and the tall, 3-storey main building immediately to the west.
- 9.18 In conclusion, the proposed development meets the requirements of Local Plan Policy ENV3 and the NPPF with regard to amenity impact.
- 9.19 Conclusion
- 9.20 Paragraph 11 of the NPPF advises that LPA's should be approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 9.21 In this instance, the proposed development is considered to be acceptable in principle. Furthermore, there is not considered to be a significant detrimental visual impact on the

surrounding conservation area. The amenity impact is not considered so significant as to warrant the refusal of planning consent.

- 9.22 On balance, it is considered that there are no adverse impacts arising from the development that would significantly and demonstrably outweigh the overarching presumption in favour of sustainable development contained within paragraph 11 of the NPPF. The proposed development accords with the requirements of the Craven Local Plan and the NPPF. Accordingly the application is recommended for approval.

10. Recommendation

- 10.1 Approve with Conditions

Conditions

Time Limit for Commencement

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

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

Approved Plans

- 2 The permission relates to the following plans:

- Drawing No. 01 "Location Plan" received 24th May 2021.
- Drawing No. 05 "Proposed GFL" received 24th May 2021.
- Drawing No. 06 "Proposed FFL" received 24th May 2021.
- Drawing No. 07 "Proposed Roof Plan" received 24th May 2021.
- Drawing No. 08 "Proposed Sections & Elevations" received 24th May 2021.
- Drawing No. 09 "Proposed Block Plan" received 24th May 2021.

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

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

Ongoing Conditions

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

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

- 4 Prior to first use of the hereby approved works, the new windows to the east elevation shall be fitted with obscure glazing. The development shall be maintained with obscure glazing at all times thereafter.

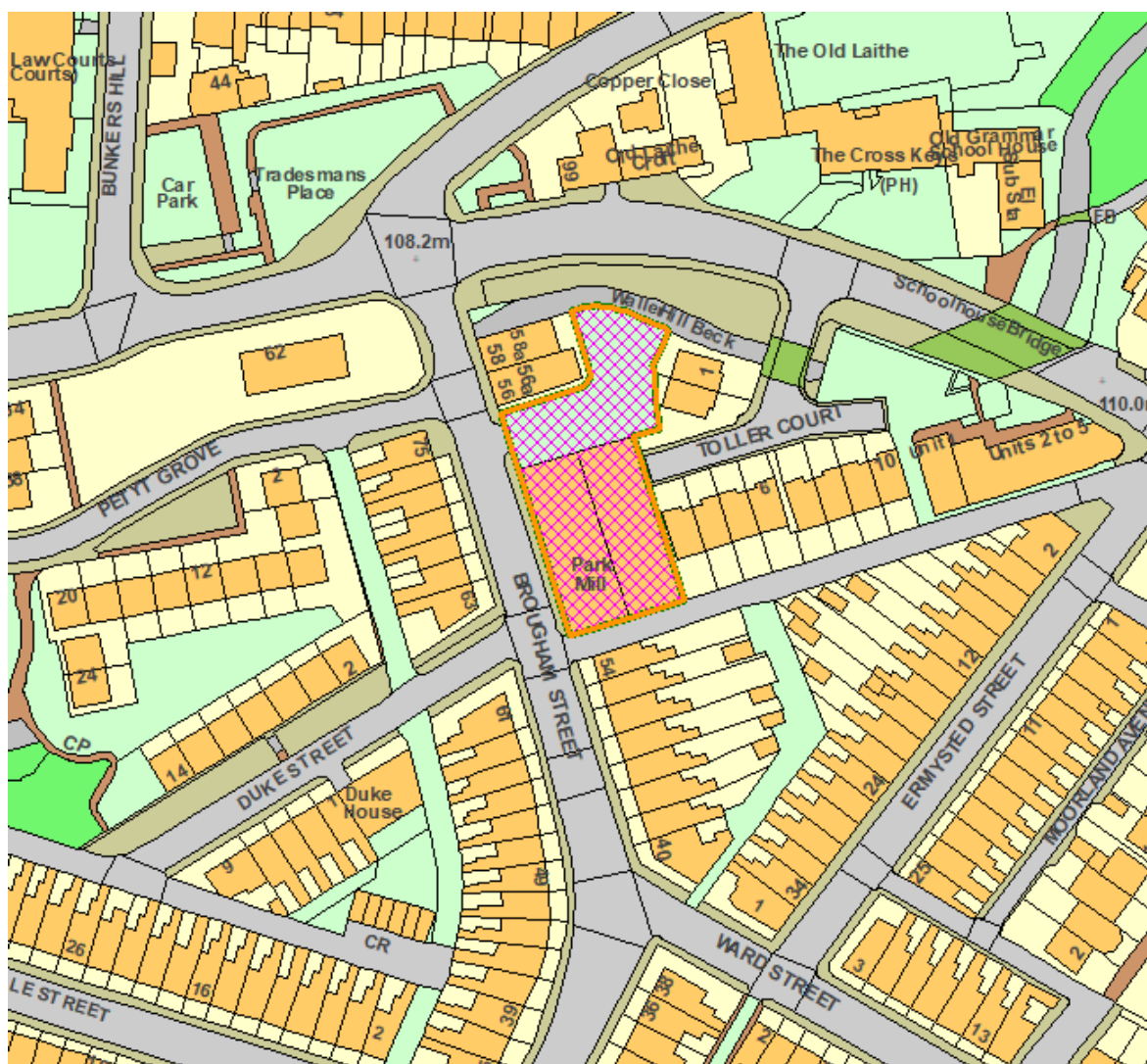
Reason: To protect the amenity of the occupants of the nearby residential properties in accordance with Local Plan Policy ENV3 and the NPPF.

Informatives

1. Statement of Positive Engagement:

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

2. Whilst the site has been assessed as low risk for bats, the applicant is reminded that under the Habitat Regulations it is an offence to disturb, harm or kill bats. If a bat is found during demolition all work should cease immediately and a suitably licensed bat worker employed to assess how best to safeguard the bat(s). Natural England should also be informed.



Application Number: 2021/22945/FUL

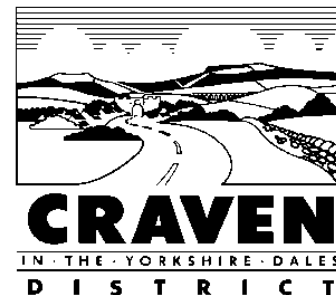
Proposal: Proposed replacement roof & raised wall height to south & east elevations

Site Address: Park Mill Brougham Street Skipton BD23 2JN

On behalf of: Pro Arte Ltd

Planning Committee
Date 22 November 2021

**Quarterly Planning Performance
Monitoring Report**



Report of the Strategic Manager Planning and Regeneration

1. Purpose of Report

- 1.1 The report is intended to inform the Committee of performance during the quarter June to September 2021.

2 Recommendations

- 2.1 Members are recommended to note the contents of this report

3. Background

- 3.1 The meeting of the Planning Committee on the 1 September received a report setting out performance of the Planning Service in terms of speed of determination of planning applications and appeal decisions for the April – June quarter. These are the two measures used by the Government to assess the performance of Local Planning Authorities, with minimum performance standard being set for both appeal performance and speed of determining planning applications. In the event minimum standards are not met a planning authority may be designated as underperforming with special measures applied that allow applicants for major development to apply for permission direct from the Planning Inspectorate and bypassing local decision making. As members will be aware in 2019 the Councils performance in terms of speed of determination of planning applications in the preceding 2 years had led to the Council being identified by the Government as a poorly performing planning authority and was at risk of being under 'Special Measures'.
- 3.2 As well as focusing on Government performance measures targets for planning applications members were advised that future reports would cover enforcement, appeal decisions, condition discharge and pre-application enquiries. This report includes performance information for the last quarter for enforcement and speed of validation of planning applications.
- 33 In the report to the 1 September meeting members were informed that 2019 had seen Craven's performance exceeding by a significant margin the Government targets. However, since the first quarter of 2020 this performance has steadily declined and it was noted that this downturn coincided with the pandemic, with all

nearby planning authorities also seeing a dip in performance during 2020. However, in the case of Craven this was far more pronounced and to date there has not been the recovery in performance seen in nearby Councils.

4. Assessment of performance during the quarter

Performance against Government Performance Criteria

- 4.1 Speed of Decisions National Indicator: In the previous quarterly report members were informed that Craven's planning performance in terms of speed of decision declined steadily from the first quarter of 2020. The last quarters figures show that compared with the previous quarter the number of applications submitted fell by 13% and the number determined increased by 8% (see Table 1). Performance on determining major category applications during the two years preceding the 30 September 2021 exceeded the 60% target on applications determined in the statutory period or such extended period agreed with the applicant.

Comparison of speed of determination of minor/other category applications in Q2 (July-Sept.)			
	July – Sept. 2019	July – Sept. 2020	July – Sept. 2021
No of applications determined	164	103	178
% of decisions within 8 weeks or in an agreed extension of time period.	91%	73%	52%

- 4.2 Performance in the minor/other category was that 68% of applications determined within the statutory period or with an agreed extension of determination period taking it below the Government minimum thresholds for the two-year period. This places the Council's Planning Service at risk of being identified by the Government as poorly performing and at risk of being under 'Special Measures'.
- 4.3 Quality of Decisions National Indicator: The measure to be used is the percentage of decisions on applications for Major development that have been overturned at appeal, once nine months have elapsed following the end of the assessment period; as recorded in the data collected by the Department for Communities and Local Government. Currently the threshold for designation is 20% or more of an authority's decisions on applications for Major developments being overturned on appeal. Cravens' performance in defending planning appeals has been well above this minimum requirement.

Committee Decisions

- 4.4 Though no longer covered by the MHCLG performance indicators there had been a target for a minimum of 90% of decisions should be delegated. Performance data for the last quarter show that 91% of decisions issued were delegated to officers as compared to 82% in the preceding quarter. Table 3 also shows that of those applications referred to Committee two thirds were either deferred or determined contrary to the officer recommendation, though it should be noted the total number of applications considered by the committee was 6.

Validation

- 4.5 Reference to Table 2 shows that during the quarter 29% of applications were determined within 5 days an improvement on the previous quarter. However, 35% of applications took over 10 days to validate, a consequence of this is that consultations and notifications on applications are delayed which in turn it makes it difficult to get minor and other category applications determined within 8 weeks. Achieving determination within the statutory period becomes even more challenging when an application receives representations contrary to the officer recommendation, thus triggering the 7 days call in procedure.
- 4.6 Also of concern is the continuing high percentage of applications which are found to be invalid on submission. This in part appears to be the lack of clarity in the information that is required to be submitted with applications, this is being addressed through the current review of the validation requirements. Additionally, the length of time taken to notify applicants that an application was invalid was excessive, in 60% of cases it took 10 or more days.

Appeals

- 4.7 The quarter saw 5 appeal decisions being received (table 4), the proportion of appeals lost does not give rise to concern. At the time of the preparation of this report there were appeals decisions pending on 10 sites, these are listed in Table 5.

Enforcement

- 4.8 Table 6 in the appendix to this report sets out details of enforcement cases and it will be noted that 222 cases were closed. This high number is because work has been undertaken to review and update records held in the Uniform IT system. This task had not been undertaken since the data was transferred into the Uniform when it was installed. This task was necessary so in future that accurate monitoring of enforcement activity can be undertaken.

Conclusions

- 4.9 The following points are evident from this review of performance of the Planning Service during the last quarter:
- The time taken to validate applications remains unacceptably high and is hampering performance improvement.
 - The number of applications found to be invalid on receipt is high, this in part may be due to a lack of clarity in the information required to be provided with applications. Further investigation into the reasons for this is being undertaken. Additionally, the current review of the Statement of Community

Involvement and List of Local Validation requirements will give greater clarity for those submitting applications.

- Whilst the number of applications determined is back to pre-pandemic levels there has not been during the quarter the throughput of applications necessary to make meaningful inroads into the backlog.
- Performance in terms of 8-week performance has dropped, this in part reflects a focus on dealing with older applications and removing the reliance on using extension of time agreements with applicants for no reason other than to give a longer period to reach a decision, this had in the past masked under performance.

5. Financial and Value for Money Implications

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

6. Legal Implications

- 6.1 None

7. Risk Management

- 7.1 Financial risk as a result of fee return and the designation of planning authorities in special measures for underperformance is referred to above.

8. Equality Impact Analysis

- 8.1 No equality issues identified for this report.

9. Consultations with Others

- 9.1 None required

10. Background Documents

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

11. Appendix

Table 1 - Planning Application Performance Data
Table 2 - Planning application validation performance
Table 3 – Planning Committee Decisions
Table 4 – Appeal Performance
Table 5 – Pending appeals
Table 6 – Enforcement Indicators

12. Contact Officer

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

Quarterly Performance Monitoring Data

Table 1 Application determinations			
		Q2 21/22	Q1 21/22
Number of applications on hand on 1 st day of quarter		244	225
Applications withdrawn during quarter		8	7
No. of applications determined in quarter		186	172
% of decisions which were delegated		91%	84%
No. of applications received during the quarter		173	199
No. of applications on hand on last day of the quarter		223	245
Increase/decrease on application backlog over quarter		-21	+20

Table 2 Planning Application Validation Data Q2			
	Days*	Number	%
Days* taken from submission to informing applicant/agent that inadequate information/fee was provided so the application could not be validated.	0-5	6	5
	6-10	43	34
	10-20	63	50
	Over 20	13	10
Total number of applications invalid on receipt		125	
Days* taken from receipt of a valid application to sending confirmation of receipt of the application.	0-5	68	29
	6-10	83	36
	10-20	51	22
	Over 20	30	13
		Total	232
Total number of applications validated during the quarter		232	
*Includes weekends and BH			

Table 3 Planning Committee Decisions		
	Q2 21/22	Q1 21/22
Number of applications determined in accordance with officer recommendation (including any subject to S106 agreement)	5	6
Number of applications where officer recommendation was overturned at Committees	1	2
Number of applications where decision was deferred by Committee	1	2

Table 4 Appeal Performance		
	Minor/Other	Major
Dismissed	3	0
Allowed	2	0
Total the number costs awards		
Costs awarded against the authority.		0
Costs awarded to the authority.		0

Table 5 Appeals pending decision by Planning Inspectorate (as at 8 Nov. 2021)		
Case Reference	Appeal Start Date	Site Address
2019/21182/LBC	14.03.2021	The Granary, Hellifield
2019/20611/FUL	14.03.2021	The Granary, Hellifield
2019/20857/AGRRES	12.06.2020	Delph Barn, Cononley
2020/21650/FUL	07.05.2021	Land West Of Spring Bank House, Farnhill
2020/21839/VAR	27.10.2020	New Laithe Cottage, Thornton In Craven
2020/21883/FUL	28.10.2021	Natwest, Market Place, Settle
2021/22874/HH	15.10.2021	30 Meadow Lane, Cononley
2021/22385/VAR	17.05.2021	Former Rockwood House, Park Wood Close, Skipton
2021/22513/HH	04.10.2021	10 Westview Close, Low Bradley
2019/20076/FUL	28.10.2021	Land To North West Of Clay Hall, Broughton Road, Skipton
2021/23115/AGRRES	29.10.2021	Agricultural Building, Cowlaughton Farm, Park Lane, Cowling

Table 6 Enforcement Indicators	
	Number
No. of enforcement cases open on first day of quarter	400
No. of complaints received during quarter	26
No of enforcement cases open at end of quarter	204
No. of cases closed during quarter	222
No. of enforcement notices issued during quarter	3