

## PLANNING COMMITTEE

**Monday, 20<sup>th</sup> December 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@cravenc.gov.uk](mailto:committees@cravenc.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 22<sup>nd</sup> November 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](mailto:nwatson@cravendc.gov.uk) or telephone: (01756) 706402).

6. **Any other items** which the Chairman decides are urgent in accordance with Section 100B(4) of the Local Government Act, 1972.
7. **Date and Time of Next Meeting** – Monday, 24<sup>th</sup> January 2022 at 1.35pm

**Agenda Contact Officer:**

Vicky Davies, Senior Democratic Services Officer

E-mail: [vdavies@cravendc.gov.uk](mailto:vdavies@cravendc.gov.uk)

10<sup>th</sup> December 2021

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

# AGENDA ITEM 2

## PLANNING COMMITTEE

22 November 2021

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

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

**Apologies for Absence and Substitutes:** Apologies for absence were received by Councillors Handley, Harbron and Morrell.

**Ward Representatives:** **2020/21565/REG4** Councillor Moorby; **2021/23035/FUL** Councillor Sutcliffe; **2020/22178** Councillor Pringle; **2021/22630/ADV** Councillor Rose; **2021/23028/HH** Councillor Shuttleworth.

### **Confirmation of Minutes:**

**Resolved** – That the minutes of the meeting held on 25 October 2021 were approved as a correct record.

Start: 1.37pm

Finish: 5.52pm

A short comfort break was taken at 3.12 pm.

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

PL.1053

### DECLARATIONS OF INTEREST AND LOBBYING

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

Councillors Brown and Pringle declared interests in applications 2020/21565/REG4 and 2021/22630/ADV as he was a Member of Craven District Council who were the applicants. Councillor Pringle also declared an interest in application 2020/22178/FUL as he had made comments on an application very close to the one now being considered, before he became an elected Member.

#### **b. Lobbying**

The Chairman (Councillor Brockbank) had been lobbied against applications 2020/21565/REG4 and 2020/22178/FUL.

Councillor Sutcliffe had been lobbied against applications 2020/21565/REG4 and 2020/22178/FUL.

Councillor Shuttleworth had been lobbied for and against application 2021/23028/HH and also against application 2020/22178/FUL.

Councillor Brown had been lobbied against applications 2020/21565/REG4 and 2020/22178/FUL and in favour of application 2021/23035/FUL.

PL.1054

### PUBLIC PARTICIPATION

The following individual addressed the Committee:

**Application 2020/21565/REG4 -** Parish Councillor David Statt (Hellifield Parish Council)

**Application 2021/23035/FUL -** Mr Nigel Taylor (applicant)

## AGENDA ITEM 2

**Application 2020/22178/FUL** – Parish Councillor Angela Dowbiggin (Carleton in Craven PC)  
Ms Frances Astin (on behalf of the objectors)  
Ms Gemma Kennedy (agent for the applicant)

PL.1055

### PLANNING APPLICATIONS

#### **a. Applications determined by Planning Committee**

##### Permissions Granted

**2021/23035/FUL – application for change of use from Post Office to form residential accommodation at 7 High Street, Gargrave, Skipton BD23 3RA.** Members approved the application with no conditions.

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.

**2021/22630/ADV – application for advertisement consent for a series of flags to promote the Skipton Heritage Action Zone project. The flag sites being located at High Street, Coach Street and Otley Road, Skipton.** Members approved the application subject to the following 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.

**2021/23028/HH – application for the construction of a single storey rear extension at 54 Barden Road, Eastby, Skipton BD23 6SN.** The application had been deferred by Planning Committee on 25<sup>th</sup> October 2021 as Members requested clarification between plans on the Council’s external website and those presented to the Committee.

The Committee asked that it be recorded that they disagreed with part of the summary provided in the case officer’s report as they felt it was unnecessary and did not add to the application, namely;

“However, after a review it was confirmed that all the information/plans were available on the external website and subsequently shown on the presentation. The deferral had resulted in an unnecessary delay.”

Members approved the application, subject to the roof covering being of natural stone slate or a good alternative as agreed by the Local Planning Authority in consultation with the Ward Member and with the following conditions:

### Conditions

### Time Limit for Commencement

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- 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, in consultation with the Ward Councillor 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 Greenwood's Ecohabitats Tower 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

## AGENDA ITEM 2

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 Deferred

**Application 2020/21565/REG4** – application for thirteen entry-level affordable homes and associated infrastructure on land at Station Road, Hellifield. This application was deferred as Members felt that a visit to the site was required before they could determine the application.

### Application Refused

**2020/22178/FUL – application for proposed change of use of agricultural land to site timber clad lodges for holiday use on land to the North of Carla Beck House, Carla Beck Lane, Carleton, Skipton BD23 3BQ.** Members refused the application on the following grounds:

1. The proposal will result in some economic benefits, but this is significantly and demonstrably outweighed by the social and environmental hard 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 the 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 landscaping 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 proposal does not have sufficient visibility splays at the access to the site and does not meet the Highways Authority's requirement of 2 metres by 215 metres. The scheme has only 2 metres by 40 metres available. The Highways Authority as a statutory consultee had recommended refusal of the application, because of the insufficient visibility splays.)

### **b. Delegated Matters**

The Strategic Manager for Planning and Regeneration submitted a list of new and closed planning enforcement cases between 14 October 2021 and 11 November 2021.

#### PL.1056      **REVIEW OF HANDLING OF APPLICATION 2021/22945/FUL PARK MILL, SKIPTON**

At the request of the Planning Committee at its last meeting, the Strategic Manager for Planning and Regeneration submitted a report setting out the details of the processing the application for alterations to Park Mill, Brougham Street, Skipton.

The application, to increase the height of the existing building to create a second floor and build a new roof, was withdrawn from the agenda of the Planning Committee held 25<sup>th</sup> October 2021 on the advice of the Planning Manager and Counsel. The application had been recommended for approval. The Town Council had no comments on the proposal, but due to representations by local residents, the application was placed on 7-day notice in accordance with the Scheme of Delegation. The Chair and Vice Chairman indicated they did not wish the application to be referred to the Planning Committee but the Ward Member had asked for it to be determined by Committee so the application was moved onto the list of applications to be decided by Committee.

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After the 7-day notice period expired on 6<sup>th</sup> October 2021, an administrative error led to the issue of a decision notice approving the application even though the application was listed for Committee decision on 25<sup>th</sup> October.

Investigations had found that the error could not be attributed to any single officer but revealed failing in administrative procedures. Changes have since been made to the Uniform IT system that should now prevent a decision being issued once an application had been listed for Committee determination.

Members had at the last meeting stated that they were not interested in issuing a minded to decision, but the Strategic Manager for Planning and Regeneration's report recommended that they be asked to re-consider how they would have determined the application.

Members debated whether they should re-consider giving a 'minded to' decision but decided that the application had already been dealt and did not wish to pursue the matter further. In any event, the Committee's Legal Advisor informed the Committee that the Authority would need robust planning reasons if they were minded to revoke the permission. He also stated that that latest date to apply for a judicial review had passed.

**Resolved** – (1) That, the processing of the application for alterations to Park Mill, Brougham Street, Skipton is noted.

PL.1057

### **QUARTERLY PLANNING PERFORMANCE MONITORING**

The Strategic Manager for Planning and Regeneration submitted a report informing the Committee of performance during the quarter June to September 2021.

The report highlighted performance relating to enforcement, appeal decisions, condition discharge and pre-application enquiries. In addition, data included within the report compared the speed of decisions with Government national indicators. The Planning Manager explained that a lack of planning staff due to long term sickness and holidays had been a factor in the decline in determining applications but that he was optimistic this could be turned around as agency staff had been recruited and rigorous monitoring was in place. He also praised the enforcement team who had been working extremely hard to clear outstanding enforcement cases.

The Planning Manager advised Members that going forwards, performance monitoring reports would be submitted to the Committee on a quarterly basis.

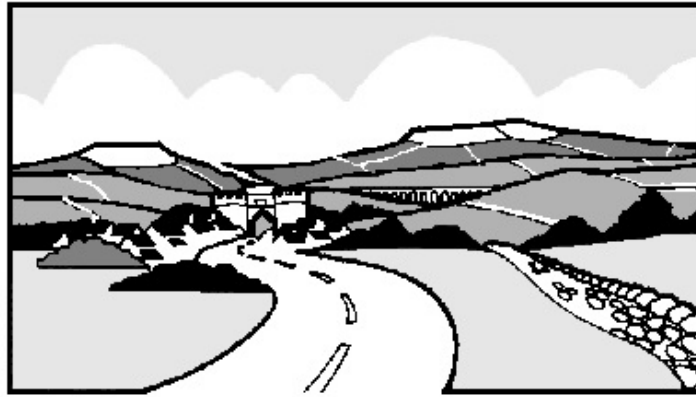
**Resolved** – That the contents of the report are noted.

### **Minutes for Decision**

There were no items for decision requiring confirmation by Council.

Chairman.





# **CRAVEN**

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

## PLANNING COMMITTEE AGENDA

DATE: 20th December 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 - 28
2.	2021/23377/FUL	Myers Property	3 Albert Street, Skipton, BD23 1JD.	29 - 35
3.	2021/22615/OUT	Mr & Mrs J. V. Drachenberg	Land North Of The Old Coach House, Tosside, Skipton.	36 - 46

## REPORT TO PLANNING COMMITTEE ON 20th December 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:** 1st December 2022

**Case Officer:** Andrea Muscroft

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### **SUMMARY**

**This application was deferred by Planning Committee on the 27<sup>th</sup> of October 2021 to enable a site visit to be undertaken. There was also a request that a Heritage Statement is submitted by the applicant.**

**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 Hellifield and 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.
- 1.2 Area to the south of the site currently has an area of hardstanding with a skip beyond with the remaining area consisting of scrub and a few immature trees and a hedge with derelict estate fencing onto Station Road. To the north this area again consists of scrub with several trees.
- 1.3 Separating the application site from the railway compound and track above is a metal perimeter fence. Running along the remaining boundaries are a mixture of hedges, scrub and trees.
- 1.4 The application site does not lie within any designated conservation area but does lie adjacent to the Settle-Carlisle Railway conservation area which is located on land elevated above the site. The proposal is not of a type or scale that would adversely impact on the adjacent conservation area that requires consultation with Historic England.
- 1.5 There are also two listed structures within the surrounding area at separation distance of approx. 30m (Wayleaf) and approx. 60m (Hellifield Railway Station).
- 1.6 The application site lies within Flood Zone 1 as defined by the Environment Agency, 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 from this source of flooding.

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 proposed materials would consist of traditional stone under a slate roof with powder coated aluminium windows.

2.4 *Officer note:* Independent Heritage Officer confirms that these are acceptable in principle.

2.5 The majority of the dwellings would front onto Station Road with front amenity and rear amenity areas provided.

2.6 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.

2.7 The access to the rear railway area would remain unchanged.

2.8 Boundary treatment onto Station Road would consist of low level stone boundary walls.

2.9 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.

2.10 The proposal would provide biodiversity benefits through the provision of for example:

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/PREDCDC - 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 24<sup>th</sup> May 2021

CDC Affordable Housing Supplementary Planning Document Dated 6<sup>th</sup> August 2021

National Design Guide

NYCC Interim Parking Standards 2015

#### 4.5 **Other legislation and standards**

Wildlife and Countryside Act 1981 (as amended)

Hedgerow Regulations 1997

The Conservation of Habitats and Species Regulations 2017

#### 4.6 **Environmental Impact Assessment**

4.7 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.
- 5.3 **Officer note:** 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.  
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 those 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 Officer note: A Landscaping plan has been provided.

- 6.9 CDC Independent Heritage Advisor (14.5.2021)
- 6.10 With regards to the revised proposal, it is considered that any harm to the limited visual qualities of the southern part of the site and its limited contribution to the setting of the heritage assets will be 'less than substantial'. In accordance with the NPPF such harm should be weighed against the public benefit of the proposal and that the low-level harm should not necessarily prevent the principle of development if there are public benefits which outweigh that harm. The impact to the northern part of the site would have a more harmful impact and needs greater justification.
- 6.11 The amended layout of the proposed development responds better to the context and the prevailing character of the street scene. The proposed layout still preserves the wayleaf with gaps for visibility through to the embankment and signal box. The relocation of the main parking areas to the rear will also help improve the appearance of the development and to integrate into the road.
- 6.12 Proposed buildings are generally traditional massing and have been designed 'in a traditional way' which is acceptable. Details relating to barge boards/verges and eaves are unclear and materials. Recommend that these should be specified.
- 6.13 Landscaping plan has been provided which indicates replacement tree planting although details of species has not been provided at this stage. It is not clear whether stone walls would be provided to the front boundaries.
- 6.14 The development of the southern part as outlined above would likely cause '*less than substantial harm*' to the setting of the conservation area and street scene but the loss of the openness and greenery of the northern part will cause a level of harm which is on the margins of '*less than substantial*' and '*substantial*' and so the level of harm should be weighed against the public benefits of the proposal, although in my opinion, the proposal would be more likely to be acceptable if the northern element was omitted. It is recommended that a heritage statement is submitted.
- 6.15 The amendments to the layout are an improvement and will help the southern part of the site integrate into its setting and is recommended as acceptable. However, it is considered that details of design, materials, landscaping are submitted prior to determination.
- 6.16 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.
- 6.17 The INF calculator for 13 dwellings requires an off-site contribution of £45, 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:
- 6.18 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.
- 6.19 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.
- 6.20 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.
- 6.21 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.
- 6.22 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.

- 6.23 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.
- 6.24 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.
- 6.25 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).
- 6.26 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.
- 6.27 CDC Waste Management: No comments were received within the statutory consultation period.
- 6.28 Environment Agency: No comments were received within the statutory consultation period.
- 6.29 Natural England: No comments were received within the statutory consultation period.
- 6.30 Network Rail (22.4.2020): Holding objection until rights of access are resolved.
- 6.31 **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.**
- 6.32 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.
- 6.33 NYCC Fire & Rescue Services (11.5.2021): No objection/observation to the make with regards to this proposal.
- 6.34 NYCC Highways (14.5.2021): No objection subject to conditions.
- 6.35 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.
- 6.36 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.
- 6.37 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.
- 6.38 Sport England (23.4.2021): No comment to make on this application.
- 6.39 United Utilities: No comment received within the statutory consultation period.
- 6.40 *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:
- 6.41 <https://publicaccess.cravencd.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=Q7WC01FK00600>

7. Representations
- 7.1 Site Notice posted 30<sup>th</sup> April 2021
- 7.2 Press Notice published 6<sup>th</sup> 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.  
Concern over safety for users of the playing field and wonder if traffic calming measures could be implemented adjacent to the playground.
- 7.14 **Officer Note:** Station Road is a unadopted road and therefore if residents seek traffic calming measures this would be achieved via an agreement between the residents of Station Road and the Highways Authority.
- 7.15 **Drainage and Flooding**  
Strain on existing infrastructure.
- 7.16 **Officer Note:** The 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.



- 7.17 **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
- 7.18 **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?
- 7.19 **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.
- 7.20 **Officer Note:** It is not envisaged that a development of this scale would put significant added pressure on local amenities/services.
- 7.21 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
- 7.22 **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.
- 7.23 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.cravenc.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=Q7WC01FK00600>
- 8.0 Summary of Principal Planning Issues
- 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 11 of the NPPF. Paragraph 11 sets out a presumption in favour of sustainable development and for decision making means:

- a) approving development proposals that accord with an up-to-date development plan without delay; or

- b) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date<sup>8</sup>, granting permission unless:
    - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed<sup>7</sup>; or
    - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 9.8 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 11.
- 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 £45,318 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 Hellfield. 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 Trees**
- 9.40 The application is supported by a detailed Arboricultural Report.
- 9.41 The application site currently benefits from some trees on the site which are a mixture of planted and self-seeded specimens and thus provide some aesthetic value to the area. It is noted that the trees to the north of the site that run along Station Road to the railway station would be unaffected by the proposal.
- 9.42 The Arboricultural report breaks down the category of the trees by condition and identifies that there are no trees of high quality on the site (Cat A), instead most trees fall within the category of low quality (Cat C) with the remaining falling with moderate/poor condition (Cat B & U). The Council’s tree officer also agrees with the assessment with regards to the categorisation of trees on the site.

- 9.43 Although it would without doubt be preferable to prevent the loss of any trees, the self-seeding and unmanaged nature of the trees means that these specimens have a limited life expectancy.
- 9.44 To mitigate the necessary loss of trees, the development includes replacement tree planting comprising of heavy and light standard native trees. The new planting would comprise of roadside planting and along the rear boundary.
- 9.45 In conclusion, it is acknowledged that collectively the existing trees do have an aesthetic value. However, following an inspection of these trees it was found that these trees are for most of low quality with limited life expectancies. Therefore, it is considered that the proposed replacement native tree planting is appropriate.
- 9.46 **Impact on designated Heritage Assets**
- 9.47 Policy H2 seeks to protect heritage assets from inappropriate development.
- 9.48 Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of conservation areas.
- 9.49 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.
- 9.50 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.
- 9.51 It is recognised that part of the site has been defined as providing a strong contribution to the character and appearance of the adjacent conservation area. However, it is noted that the long-distance general view from viewpoint H3 due to the set down of the application site from the elevated conservation area is largely obscured by intervening buildings and that the appreciation of the visual character of the site is limited from that viewpoint. This assessment was also confirmed by Historic England who did not consider that any impacts of the proposal would have any adverse impacts that would trigger the need for them to comment on the proposal.
- 9.52 The proposed buildings would be constructed from a similar palette to those of nearby dwellings (natural stone/slate tiles) which would help the development to integrate into the character of the street scene. In addition, the proposal will incorporate low level boundary walls fronting onto Station Road. The Council's Heritage advisor finds these details acceptable and recommends conditions that samples are required for approval.
- 9.53 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 have some limited positive visual qualities in the setting of the heritage assets and the removal of trees from the site would inevitably have an impact on the appearance of the site and its visual relationship with the heritage assets.
- 9.54 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". Furthermore, beyond the application site the distinctive tree-lined highway approach would be retained as well as those located outside of the site on railway land thus continuing to preserve the character and appearance of the conservation area and its visual relationship with the heritage asset.
- 9.55 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.

9.56 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.

9.57 **Amenity**

9.58 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.

9.59 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.

9.60 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.

9.61 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.

9.62 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.

9.63 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.

9.64 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.

9.65 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.

9.66 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.

- 9.67 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.
- 9.68 The proposal therefore complies with the requirements of policy ENV3 of the Local Plan and guidance contained within the NPPF.
- 9.69 **Sustainable Design and Construction**
- 9.70 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.
- 9.71 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.
- 9.72 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.
- 9.73 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.
- 9.74 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.
- 9.75 To ensure the requirements of policy ENV3 are met, it is considered that an Energy Statement should be submitted for approval.
- 9.76 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.
- 9.77 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.
- 9.78 **Highway Issues**
- 9.79 Parking implications: Policy INF4 seeks to ensure that development have sufficient parking arrangements.
- 9.80 The vehicle parking layout is considered acceptable and accords with the guidance contained within the NYCC Interim Parking Standards document in terms of an acceptable level of off-street parking provision. The proposal would also include the provision of electric vehicle charging points.
- 9.81 Several residents and members have raised concerns that the development may lead to more pressure for on street parking. Policy INF4 c) seeks to ensure that new development does not make an existing problem worse by development considering likely impacts on parking on the public highway.

9.82 Regarding the current on street parking situation, it was noted during a site visit that several properties have created off street parking spaces under General Permitted Development rights. In addition, some properties along Station Road also benefit for parking to the rear and some from parking to the side.

9.83 Table showing designated and potential parking provision.

House number's	Existing parking provision
1, 2, 3, 4, 5, 6, 7, 8 & 9	Rear parking provision
12, 13, 14, 15, 17, 18 & 19	Rear parking provision
23, 24, 25, 26, 27, 28, 29, 42, 56 ,58 ,60 ,62,64	Designated front off-street parking provision
21 or 20 & 30 or 31	Potential for off street side parking provision
81 – 95 (plus 1)	Designated off street parking provision
2 Former Station Master dwellings	Designated off street parking provision
Station Court	Mixture of designated front and rear parking provision
Station Road Car Park	10 Designated parking spaces

9.84 It should be noted that the remaining residents who have currently not created any off-street parking could also create a permeable off-street parking spaced without the need of planning permission which would have greater impact than any potential loss arising from the proposal.

9.85 Whilst the concerns of residents and members are acknowledged, and that the proposal would result in a reduction in the level of available on street parking because of the removal of the existing grass verges, the proposal would provide some on street parking provision available adjacent to the proposed footpaths so the loss is not considered of a magnitude that would warrant withholding permission.

9.86 It was also noted that during several site visits (occurring during different times), not counting the parking available to the rear of some of the dwellings and those designated parking spaces to the front that there was still parking spaces available along Station Road.

9.87 It is also important to note that Station Road is not subject to any parking restrictions and NYCC Highways have confirmed that they have not received any complaints ref pressure on existing on-street parking provision nor any requests to restrict on street parking to residents only. Nor have Highways objected to the proposal on the grounds that the development would result in an increase in parking pressure in the vicinity.

9.88 It is appreciated that anyone travelling along Station Road could choose to park along this stretch of road which could give rise to inconvenience and frustration. But based on the existing level of parking provision for residents and the provision of off-street parking that the proposal would provide it is considered that the moderate increase in residents on Station Road would lead to any unacceptable increase for on street parking provision for reasons outlined above.

9.89 It is considered that in the absence of any evidence as to how the development would negatively impact on the existing on-street parking provision the development accords with the requirements of INF4 of the LP.



- 9.90 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.
- 9.91 Another key paragraph of the NPPF is paragraph 111 of the Framework which indicates that *“Development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”*
- 9.92 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.
- 9.93 NYCC Highways Authority have been consulted with regards to highway safety and has not raised any objections on the grounds of highway safety.
- 9.94 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 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.
- 9.95 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.
- 9.96 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.
- 9.97 As such, it is officer view that there are no highway grounds that could justifiably be used to oppose the development.
- 9.98 The proposal therefore complies with the requirements of policies INF4 & INF7 of the Local Plan and guidance contained within the NPPF.
- 9.99 **Flooding & Drainage**
- 9.100 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.
- 9.101 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.
- 9.102 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.
- 9.103 In conclusion, the proposal complies with the requirements of policy ENV6 of the Local Plan and guidance contained within the NPPF.

9.104 **Biodiversity**

- 9.105 No statutory designated sites for nature conservation can be found within or directly adjacent to the application site. The site has suffered from some degradation over the years.
- 9.106 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.
- 9.107 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.
- 9.108 Section 40 of the Natural Environment and Rural Communities Act 2006 also requires Local Planning Authorities to have regard to the purpose of conserving biodiversity.
- 9.109 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 as well as improving biodiversity within the site. For example, the proposed planting and landscaping using native species of seasonal value and interest for local wildlife would create green corridors for wildlife to move through the site and beyond. The planting of native flowers and grasses would also help to restore existing depleted areas within the site which also encourages both wildlife and insects. The proposal also includes the provision of bat box and bird boxes.
- 9.110 The future landscaping plan would also ensure that there is no unnecessary fragmentation of existing soft landscaping.
- 9.111 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.
- 9.112 In conclusion, the proposal accords with Policy ENV4 of the Local Plan and guidance contained within the NPPF.

9.113 **Land and Air Quality**

- 9.114 Policy ENV7 seeks to safeguard and improve land quality by ensuring that grade 3 agricultural land is not developed where possible.
- 9.115 In this instance, the site has been classified as being grade 4 agricultural land. As such, the proposal complies with policy ENV7.
- 9.116 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.
- 9.117 The proposal therefore complies with the requirements of policy ENV7 of the Local Plan and guidance contained within the NPPF.

9.118 **Water resources, water quality and groundwater**

- 9.119 Policy ENV8 seeks to safeguard and improve water resources.
- 9.120 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.

- 9.121 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.
- 9.122 The proposal therefore complies with the requirements of policy ENV8 of the Local Plan and guidance contained within the NPPF.
- 9.123 **Renewable Energy**
- 9.124 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*).
- 9.125 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 and would be controlled via suitably worded conditions.
- 9.126 The proposal therefore complies with the requirements of policy ENV3 criteria T) of the Local Plan and guidance contained within the NPPF.
- 9.127 **Broadband**
- 9.128 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.
- 9.129 The Ministry of Housing, Communities and Local Government updated the Framework in 2019 to suggest that all planning polices, 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.
- 9.130 **Other issues.**
- 9.131 Comments have been expressed with regards to potential profits that may arise from the grant of this proposal. This is not a material planning consideration as decisions need to be taken strictly on planning merits and without regard to any financial or other gain that the Council may or may not accrue if the development was allowed.
- 9.132 Concerns have been raised with regards to increased air pollution. The Council's Environmental Health team have been consulted and have raised on objection to the proposal with regards to any potential increase in pollution.
- 9.133 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.

- 9.134 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).
- 9.135 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.
- 9.136 **Planning Balance**
- 9.137 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission be determined in accordance with Appeal Decision APP/W3520/W/18/3194926 <https://www.gov.uk/planning-inspectorate> the development plan, unless material planning considerations indicate otherwise.
- 9.138 The Local Plan was adopted November 2019 and broadly accords with the requirements of the NPPF with the exception that the plan is silent with regards to Entry Level Exception Sites (ELES). Thus, the application was considered against the requirements of the NPPF (2019) with regards to ELES and found to accord with the requirements as set out in the NPPF and thus is acceptable.
- 9.139 *Public benefit:* The proposal would contribute to the provision of affordable housing in the district, in an accepted situation of a short fall of entry level new homes. Whilst objections to the weight to ascribe to the provision of affordable housing have been expressed the delivery of affordable housing on the application site would be in an area with access to existing services, recognising the significant role the delivery of housing has in the sustainable economic well-being of the district, which would boost the supply of affordable homes. Therefore, the shortfall of entry level homes, the provision of 13 entry level homes would be a significant benefit.
- 9.140 *Open space:* The proposal would also provide an open space contribution which would go towards teenage/youth provision, existing equipped children's play area, amenity green space improvement, park and garden quality improvements, sports pitch ancillary accommodation within Hellifield and the swimming pool water space in Settle as per discussion with the Parish. Therefore, it is reasonable to give some weight to this provision.
- 9.141 *Ecological benefits:* The proposal would include habitat recreation through new planting of wildflower, grass, tree/shrub, and hedge planting, provision of bat boxes, bird boxes. The proposal would require a detailed scheme, but this would be controlled via condition. Such enhancements would be partially in mitigation for the proposal, but the benefits of a managed and maintained biodiversity include for example functioning ecosystems, pest control and climate mitigation measures are given some weight in the decision-making process.
- 9.142 *Economic and social benefits:* The proposal would enhance the economy of the community by the creation of jobs associated with the construction stage, and new residents are also likely to support existing local services and business as well as having the potential to enhance the life of the village. In addition, the NPPF states that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward, that the needs of groups with specific housing requirements are addressed which comprise of a substantial social benefit. This is therefore given some weight in the decision-making process.
- 9.143 *Sustainable location:* The application site is located close to a train station, a school and within easy walking distance of the village with connections to public transport. These are also given some weight in the decision-making process.
- 9.144 *Heritage balance:* It is acknowledged that there would be some identified limited harm to the adjacent conservation, however, this harm has been identified as being less than substantial harm with regards to the southern part of the site with the greater harm to the northern part of the site which is on the margins of *less than substantial* to *substantial*. When viewed against the

Framework, this amount of harm would constitute less than substantial harm. Therefore, great weight is given to the public benefits which would outweigh any potential heritage harm.

9.145 **Conclusion**

9.146 In conclusion, when taking all the above matters into account, including all other material considerations, it is considered that any potential adverse impacts of granting planning permission would not significantly and demonstrably outweigh the benefits of the proposed development when assessed against the policies within the NPPF as a whole and that the proposal represents sustainable development.

9.147 The proposal is therefore 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.

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:

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  
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.

### **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<sup>1.75</sup> between 07.00 and 23.00 hours, and 0.2 m/s<sup>1.75</sup> 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 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.

- 10 No development above ground level shall take place until details/samples of all materials including a sample panel of proposed walling 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 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

- 14 Electric vehicle charging points 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.

- 21 Prior to the occupation of the dwellings the low level stone boundary walls (approx .5m to 1mtr in height) to be constructed fronting onto Station Road shall be erected and retained as such thereafter.

Reason: In the interest of visual amenity and to accord with Policy ENV3 of the Craven Local Plan and the National Planning Policy Framework.

#### Informatives

1. Adherence to approved plans/conditions

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

2. 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@cravenc.gov.uk](mailto:edu@cravenc.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).

### **This Appendix provides background information on the Entry Level Exception Site – Station Road, Hellifield**

#### First Time Buyer Housing

The proposal is for 13 affordable sale homes on an Entry Level Exception Site (ELES). These homes will be shared ownership - a qualifying form of affordable sale housing for ELES, in accordance with NPPF. Shared ownership is also the tenure that is most readily mortgageable and affordable to first time buyer households on local incomes.

The freehold of the proposed homes will be owned by a Registered Provider (RP) - either a housing association or the council. Eligible first-time buyers will be able to secure a mortgage and buy their home a little at a time, paying a subsidised rent on the equity held by the RP. Following recent changes to the national shared ownership model, shares from as little as 10% are now available (at 10% of market value) at first sale. Applicants must buy the largest share they can afford with eligibility and affordability checked both by the government's appointed Help to Buy Zone Agent and by an independent financial advisor. In rural areas, ownership is capped at 80% or bought back by the RP if owners are able to buy 100% this is so the homes will **remain affordable in perpetuity**.

CDC owns 25 shared ownership properties across the district, with average initial sales of 40%-50%.

This reflects the national picture.

#### Management Arrangements

Although rent is payable on part of the property, these are not rented dwellings. They are homes bought with a mortgage; the first step on the housing ladder. Under the new Homes England lease, the freeholder does have some liability for repairs in the early years. Beyond, that there is little 'typical' management of homes. ELES first time buyers are not nominated by a local authority – homes are marketed through estate agents and on Right Move, affordability is assessed by an independent financial advisor and mortgages provided by mainstream lenders. The only difference between ELES homes and first-time buyer market homes, is the equity initially acquired by the first-time buyer (and their mortgage provider).

#### Need for ELES

With the introduction of ELES, CDC commissioned an update in April 2020, of the income and affordability data which fed into the evidence base for the Local Plan. This was in order to identify the updated **district-wide** shortfall for this tenure, as required by national guidance. Over the life of the Plan (and taking account of supply via site allocations), findings indicated a minimum shortfall of **30 entry level affordable sale dwellings per annum** for newly forming households district-wide, excluding demand from first time buyer households leaving rented accommodation (which is not measurable).

Findings were approved by the Craven Spatial Planning Sub Committee on 18 August 2020 as a material consideration to inform decisions made by the council on relevant planning applications for housing development.

CDC also holds a list of 250 first time buyers who cannot afford to buy on the open market and want to buy a shared ownership home.

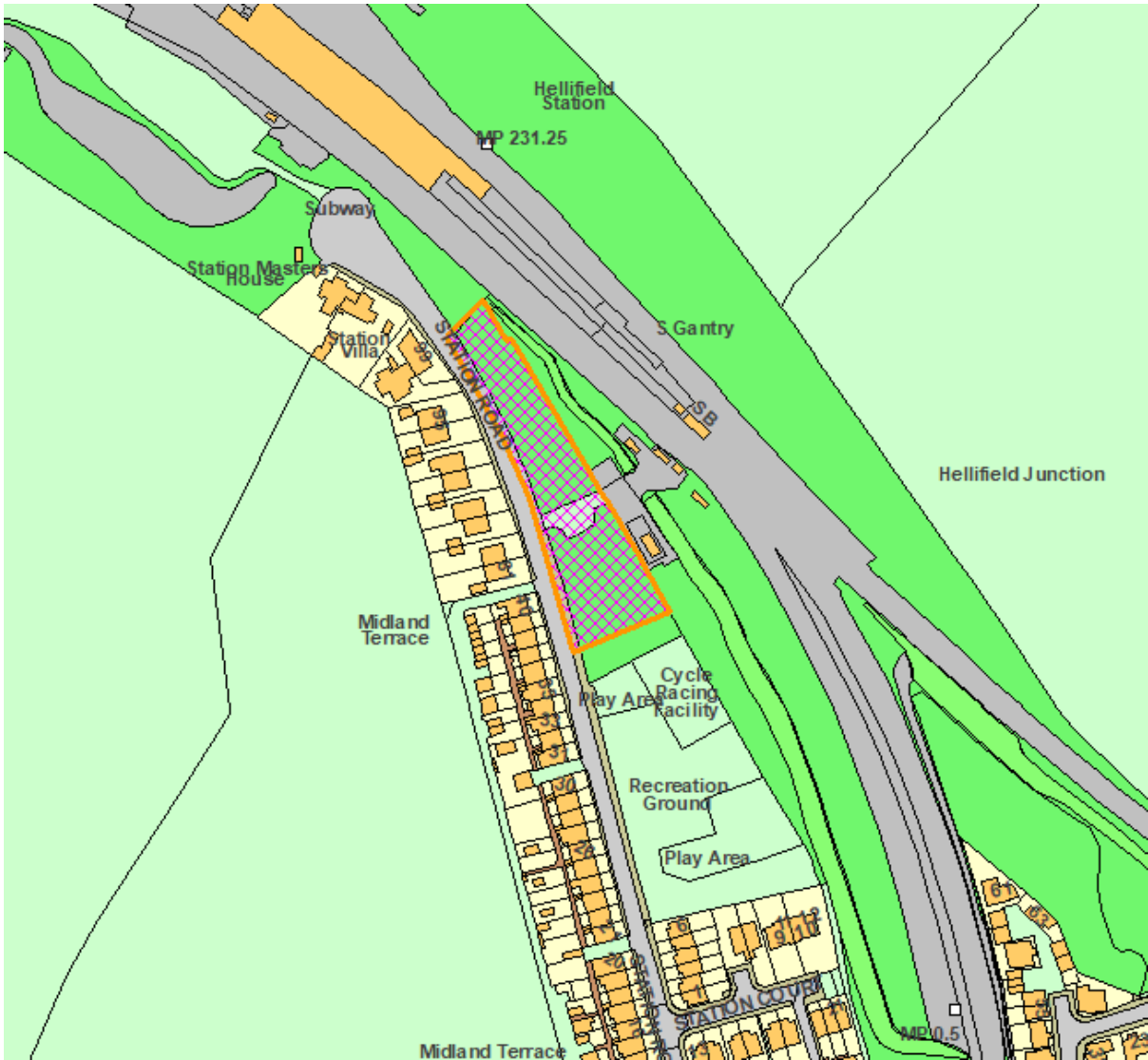
There are 15 shared ownership homes currently under construction by WDH (a housing association) at Kendal Road, Hellifield. They are a mix of 2 and 3 bed houses, due for completion between March and May 2022 (subject to rerouting of electricity cables).

Marketing has not yet commenced (either locally, on Right Move or to the council's list of first-time buyers), however already there are 19 expressions of interest for these homes.

Under current national and local planning guidance, sites outside the built-up area of a settlement may only be developed as ELES or RES (Rural Exception Sites), i.e. for affordable housing and where there is a demonstrable need. Whilst affordable sale housing such as shared ownership or discount sale housing can be provided by a private developer, it must be affordable to those who cannot afford the market. This means that sale prices are often less than build cost – the reason such housing is of little interest to private developers.

As the strategic Housing Authority however, the Council is very interested in providing much needed affordable housing for those of its first-time buyers who are priced out of the local market. Should planning permission be granted, the Council will bid for Homes England grant to support land acquisition and construction costs. Commuted sums will help meet the shortfall and initial sales receipts will recoup some costs.

Rental income on the unsold equity will support repairs and maintenance costs as well as any management costs and interest charges, should borrowing be necessary. This may or may not yield a surplus, dependent on market values of the homes and the percentage share bought. Any surplus may be used to fund wider council services.



**Application Number:** 2020/21565/REG4

**Proposal:** Thirteen entry-level affordable homes & associated infrastructure

**Site Address:** Land At Station Road Hellfield

**On behalf of:** Craven District Council

## REPORT TO PLANNING COMMITTEE ON 20th December 2021

**Application Number:** 2021/23377/FUL

**Proposal:** Change of use of existing retail unit to A4 drinking establishment (which will then form part of the existing A4 unit of No 1).

**Site Address:** 3 Albert Street Skipton BD23 1JD

**On behalf of:** Myers Property

**Date Registered:** 1st November 2021

**Expiry Date:** 27th December 2021

**EOT Date, if applicable:**

**Case Officer:** Andrea Muscroft

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### **SUMMARY**

The application is seeking permission for the expansion of an existing operating business in a central town centre location.

The justification of the proposal is to allow the business to continue to grow and thus help provide economic and social benefits to the district.

It is acknowledged that the proposal may result in a minimal increase in noise due to an increase of visitors to the premises. However, it is considered that this increase would not give rise to any unacceptable amenity/privacy issues given its central location and adjacent similar business.

The proposal is therefore considered to accord with the requirements of the LP and is recommended for approval subject to conditions.

#### 1. Site Description

- 1.1 The application relates to No. 1 Albert Street which previously operated as a Health and Wellbeing service unit (D1) which lies adjacent to No. 3 Albert Street which operates as a Micro Bar (ref: 63/2009/10220).
- 1.2 Albert Street is located within the town centre to the west of the main shopping area and is situated in an area of mixed commercial and residential land use character.
- 1.3 The building is in a row of existing buildings consisting of two and three storey buildings fronting directly onto the narrow sett paved street.
- 1.4 The building also lies within the designated conservation area

#### 2 Proposal

- 2.1 The proposal is seeking full planning approval for the change of use of an A1 retail unit to an A4 drinking establishment use.
- 2.2 The applicant intends to expand into the existing Sui generis drinking establishment use currently operating from No. 1 Albert Street – trading as the Beer Engine thus providing an extension to the existing seating area of the bar.

2.3 The proposal would result in changes to the currently employment arrangements as outlined below:

	Full time	Part time
Existing employees	2	7
Proposed employees	3	6

2.4 The proposed operating hours are:

Monday – Friday 12noon – 22hrs

Saturday 12noon – 22 hrs

Sunday and Bank Holidays 12 noon – 22 hrs

2.5 The proposal would not seek to provide food other than bar snacks (e.g., crisps/nuts) nor would the proposal provide amplified music.

2.6 No extraction or air conditioning equipment is proposed.

2.7 No external alterations are proposed.

### 3 Planning History

3.1 63/2009/10220 - Change of use of two upper floors from A1 to A3 use, to be incorporated into Oakley's Restaurant at 5 Albert Street, Skipton – Approved February 2010.

3.2 63/2010/10954 - Change of use from shops (A2) to D1. The proposal to provide health fitness and wellbeing services including massage therapy, sports coaching – October 2010.

3.3 2017/18409/VAR - Application to vary condition 3 of planning permission 63/2013/13999 to allow opening of the premises from 12:00 to 23:00 Monday through to Sunday including Bank Holidays – Approved November 2017.

### 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

ENV2 - Heritage

ENV3 – Good Design

EC5 – Town Centre

INF4 – Parking Provision

### 4.4 **National Policy**

The National Planning Policy Framework



4.5 **Other relevant documents**

Skipton Conservation Area Appraisal

5. Parish/Town Council Comments

5.1 **Skipton Town Council:** Concerns over the generation of additional noise in a residential area already well served by licensed premises.

6. Consultations

6.1 CDC Environment Health Officer: None received within the statutory consultation period.

6.2 Licensing Team: Confirmation that applicant has applied to amend and update their licence under the Licensing Act.

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

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

7 Representations

7.1 Site Notice posted 4<sup>th</sup> November 2021

7.2 Press Notice published 11<sup>th</sup> November 2021

7.3 15 notification letters circulated

7.4 As a consequence of the publicity the Council received no third-party representation letters of representation within the statutory consultation period.

8. Summary of Principal Planning Issues

Principle of development

Visual impact

Sustainable Design and Construction

Amenity issues

Highway issues

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 The application site is located within the town centre boundary as defined by the Local Plan 2012 – 2032. The application proposes a change of use of the ground floor unit to a sui generis drinking establishment, which would lead to the loss of the existing Class E unit. This change of use requires planning permission and is not covered by any flexible uses' regime contained within the 2020 Use Classes Amendment Order.

9.4 Policy EC5 seeks to restrict the loss of A1 to other uses where this would lead to a significant adverse impact, either individually or cumulatively, on the vitality and viability of Skipton. However, a key exception to this requirement is that the application site is not located within the primary shopping area, so this requirement is not relevant. In addition, following changes to the Use Classes Order which has

resulted in classes A, D and B1 being abolished as separate use classes and subsequently amalgamated into one use class. Thus, the weight to attach to this requirement of Policy EC5 is limited.

- 9.5 Policy EC5 however also states that proposal for commercial, retail, leisure, cultural and community functions will be supported where they underpin and support the function of the centre is located outside of primary shopping areas.
- 9.6 The proposed change of use to a sui generis drinking establishment is an appropriate form of development within town centres as it would be compatible with other main town centre uses and would be considered acceptable in terms of potential impact on the amenity of neighbouring properties.
- 9.7 In conclusion, the proposed change of use is considered acceptable subject to meeting the requirements of all other relevant LP policies.
- 9.8 **Visual impact.**
- 9.9 Policy ENV3 seeks to ensure that development is appropriate in terms of its visual impact.
- 9.10 Policy H2 seeks to protect heritage assets from inappropriate development.
- 9.11 Except for the internal alteration the proposal it not seeking any external alterations to the front of the unit which is of a traditional appearance.
- 9.12 In conclusion, the proposal would not result in any visual harm and thus accords with the requirements of Policies ENV3 & H2 of the Local Plan and the NPPF.
- 9.13 **Sustainable Design and Construction.**
- 9.14 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.
- 9.15 Given the form of development proposed these requirements are not of relevance.
- 9.16 **Amenity**
- 9.17 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 paragraph of the NPPF.
- 9.18 To the northeast are several residential properties. Whilst it is considered that the proposed change of use would lead to an increased amount of noise and activity in association with the building, especially within the evening, it is not considered that this would lead to any adverse impacts on the amenity of these properties given the site location within a busy town centre location.
- 9.19 CDC Environmental health and Licensing have also confirmed that they have not received any noise nuisance complaints associated with the existing use of part of this application site. Should the Council in the future receive any noise nuisance complaints these would be dealt with under separate legislation (Environmental Protection Act 1990) in addition, residents can apply for the LPA to review the license.
- 9.20 The applicant has confirmed that no primary cooking would occur on the premises, although the bar would continue to serve some bar snacks. Consequently, the proposal would not require the addition of any flues to the building or lead to any impact through the emission of smoke or ventilation. If members are minded approving the application, a condition could be imposed ensuring no primary cooking occurs on the premises, in the interests of amenity.
- 9.21 In conclusion, the proposed change of use would not give rise to any unacceptable adverse impacts on the amenity or privacy of neighbouring properties and thus complies with the requirements of Policy ENV3 of the LP and the NPPF.
- 9.22 **Highway Issues**
- 9.23 Policy INF4 seeks to ensure that development have sufficient parking arrangements.

- 9.24 The proposal relates to the expansion of an existing operating business into the adjacent building.
- 9.25 Whilst the proposal does not seek to provide any off-street parking, it is noted that the application site is located within the town centre and thus is within easy walking distance of public transport links with footpaths linking the site to the surrounding area. The site is also within easy access of several public car parks.
- 9.26 The requirements of policy INF4 of the Local Plan are not of relevance to the consideration of this application.
- 9.27 **Other issues.**
- 9.28 Details of the proposed refuse and recycling storage and collection arrangements have not been provided with the application, however if members are minded to approve the application, a condition could also be imposed to submit such details.
- 9.29 **Conclusion**
- 9.30 The application is seeking permission for the expansion of an existing operating business in a central town centre location.
- 9.31 The justification of the proposal is to allow the business to continue to grow and thus help provide economic and social benefits to the district.
- 9.32 It is acknowledged that the proposal may result in a minimal increase in noise due to an increase of visitors to the premises. However, it is considered that this increase would not give rise to any unacceptable amenity/privacy issues given its central location and adjacent similar business.
- 9.33 The proposal is therefore considered to accord with the requirements of the LP and is recommended for approval subject to conditions.

## 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:

Proposed Plan dated 5th October 2021  
Site Location Plan dated 29th October 2021

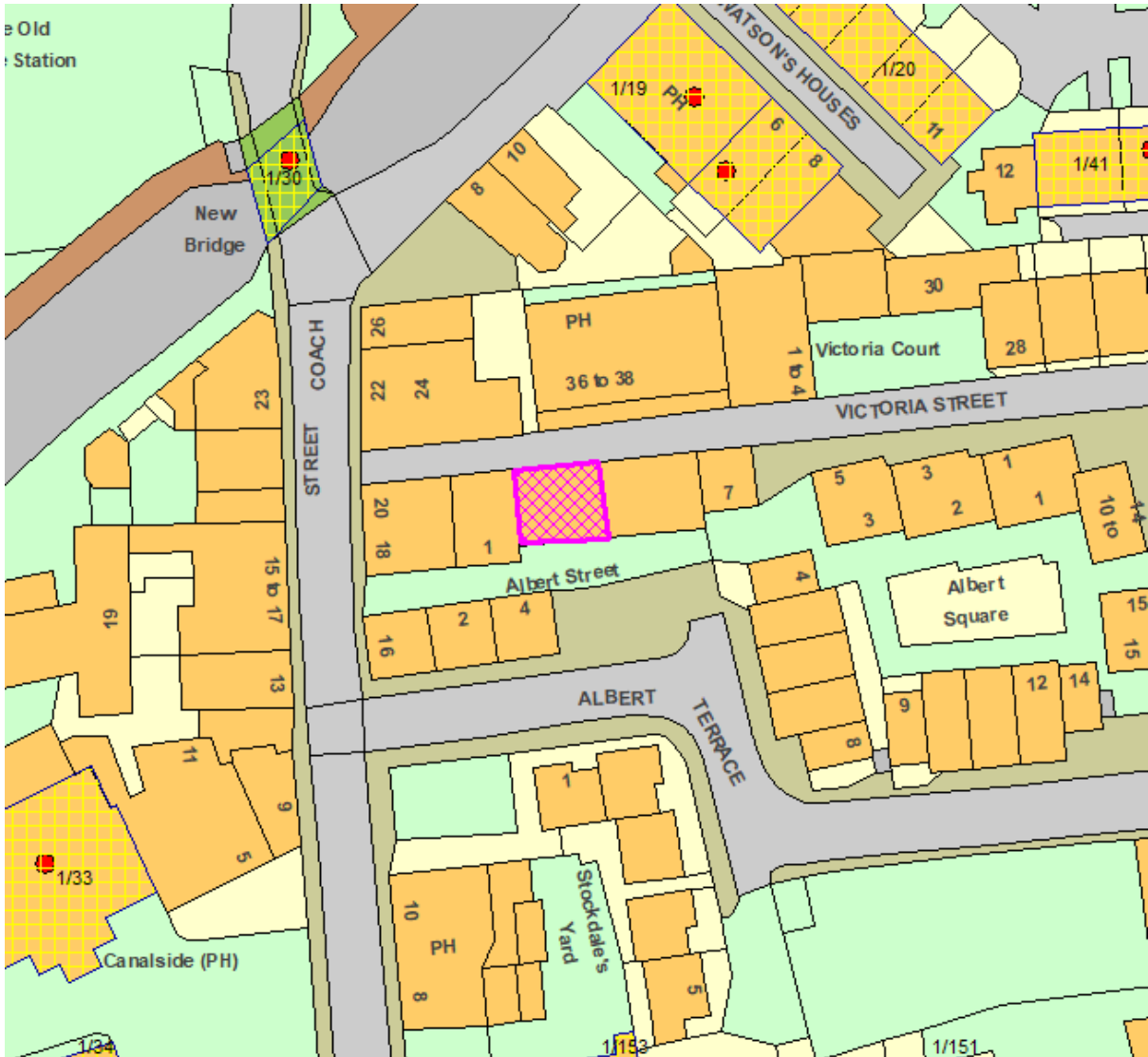
Except as provided for by other conditions to this permission, the development shall be carried out in complete accordance with the approved drawings.

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.

- 3 The premises shall only be open for trade or business between:

12noon - 22 hours Monday to Saturday and  
12noon - 22 hours on Sundays.

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



**Application Number:** 2021/23377/FUL

**Proposal:** Change of use of existing retail unit to A4 drinking establishment (which will then form part of the existing A4 unit of No 1).

**Site Address:** 3 Albert Street Skipton BD23 1JD

**On behalf of:** Myers Property

## REPORT TO PLANNING COMMITTEE ON 20th December 2021

**Application Number:** 2021/22615/OUT

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

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

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

**Date Registered:** 19th March 2021

**Expiry Date:** 14th May 2021

**EOT Date, if applicable:** 31st December 2021

**Case Officer:** Ros Parker

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### **SUMMARY**

*This application was deferred by Planning Committee on the 1.09.2021 to enable the applicant to bring forward a legal agreement restricting the occupancy of both dwellings to rural workers' dwellings.*

*Important note: Definition of rural worker is a rural worker in agriculture, forestry or other land based rural enterprise operating in the locality.*

*In addition, members requested that the applicant demonstrate the sustainability and bio-diversity benefits of the proposal.*

*Despite repeated requests to agent/applicant on the progress following the meeting, the case officer did not receive any response. Consequently, the agent/applicant were advised that a failure to respond by the 29.11.2021 would result in the application being referred to Planning Committee with the recommendation to refuse unchanged.*

*Hence the application before members.*

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

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

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

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

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

Therefore, the recommendation is for refusal.

1. Site Description

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

2. Proposal

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

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

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

The application is assessed on this basis.

- 2.3 *Following the deferral of the application a meeting was held on the 7.10.2021 to provide advice on possible routes to enable the proposal to progress. The options were as follows:*

1. *Unilateral Legal (UU) agreement to restrict occupancy to the applicants' son and daughter outlining the policy justification for the restriction.*
2. *Submit a full application for a property to be considered under Craven Local Plan policy SP4 K (d) in relation to design of an exceptional quality.*
3. *Explore the possibility of building affordable homes at the site, under Craven Local Plan policy H2 (j).*

- 2.3 *These last two options would necessitate the submission of a full application, and as such cannot be considered under the current application.*

- 2.4 *However, the agent/applicant failed to provide the Council with the requested UU for consideration and thus the recommendation to refuse the application on the grounds that it is contrary to the requirements of SP4 remains unchanged.*

**Officer Notes:** *During the Planning Committee meeting, reference was made to a separate recent approval for a single dwellinghouse at Wigglesworth (2021/22580/FUL). In that instance, the site was assessed by the case officer as infill development of part of the existing site at The Plough Inn and within the Tier 5 settlement. The principle of development was therefore in accordance with policy SP4.*

*The following report has been amended to correct the reference to the location of the boundary to the Forest of Bowland AONB (para 9.33, previously presented as late information). The Ribble*

*Valley Borough Council consultee response, which was wrongly listed under Parish Council responses, has been moved to Section 6 'Consultations' in the report below.*

3. Planning History

3.1 No relevant planning history to the proposed plot post 1974

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

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

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

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

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

4. Planning Policy Background

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

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

4.4 **National Policy:**

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

4.5 **Other documents of relevance:**

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

5. Parish/Town Council Comments

5.1 Wigglesworth Parish Meeting – No response received during the consultation period or at the time of writing this report.



## 6. Consultations

6.1 Ribble Valley Borough Council – response received 25.03.2021. No objection, however the BC raised concern with regard to the construction of residential accommodation in “*one of the less sustainable settlements*”. They requested that attention is given to the sustainability of the development, the impact on the local highway network and the landscape character of the adjacent Forest of Bowland AONB.

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

6.2 NYCC Highways – response received 14.04.2021.

6.3 United Utilities – response received 30.03.2021. No objection, but conditions and informatives were recommended in relation to drainage, water supply and the protection of United Utilities’ property, assets and infrastructure.

6.4 CDC Environmental Health (contamination) – response received 31.03.2021. No known contaminated land implications.

6.5 CDC Environmental Health (environmental protection) – response received 26.03.2021. No objection, but recommended conditions relating to the control of noise and dust during construction.

6.6 CDC Trees Officer – response received 22.04.2021. Advised that the house to the north appeared “*at bit too close to the large mature tree on the boundary and could potentially cause conflict and future problems*”. The trees officer recommended moving the property away from the boundary if possible.

6.7 A further response was received on 06.07.2021 in response to the revised site plan and tree care statement. The Tree Officer advised that the proposal was acceptable.

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

## 7. Representations

7.1 Site notice expired 16.04.2021

7.2 Press notice not required

7.3 Fourteen letters of notification were sent.

7.4 Six letters of representations were received, four in support and two objecting. The comments may be summarised as follows:

### *Sustainability*

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

### *Visual impact*

- layout compact and out of keeping with nearby properties
- not in keeping with the character of the village
- impact on the landscape, adjacent to Forest of Bowland AONB

- a small development would not negatively impact the beauty of the village.

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

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

## 8. Summary of Principal Planning Issues

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

## 9. Analysis

9.1 The application is submitted in outline form with the principle of development, access, layout and scale having been applied for at this stage. The appearance and landscaping are reserved matters for future consideration and do not form part of this application.

### 9.2 **Principle of development**

9.3 Policy SP1 sets out Craven District's net additional housing provision for the period 01.04.2012 to 31.03.2021. This includes an allowance for Tier 5 and open countryside sites. However, this is a minimum provision, and does not preclude the approval of additional housing, subject to the conformity of such proposals with local planning policy.

9.4 The policy seeks to steer new housing to allocated or small sustainable sites in accordance with the distribution strategy set out in policy SP4. This local plan identifies Tosside as a Tier 5 settlement. The site is not allocated for housing under the local plan.

9.5 Policy SP4 aims to direct a low level of growth to Tier 5 settlements to support a sustainable, vibrant and healthy rural economy and communities. Criterion J of this policy supports proposals for new housing within the main built-up area of Tier 5 settlements provided they meet the additional conditions set out in parts I (i) to (vi) and J (a) to (e) of the policy.

9.6 For the purposes of the Craven Local Plan, the main built-up area is defined as:

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

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

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

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

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

9.7 The application site comprises a parcel of grassed and gravelled land crossed by an access track to a paddock. The land is under the ownership of The Old Vicarage but does not form part of the residential curtilage, being separated from The Old Vicarage by The Old Coach House. The extent of the residential curtilage of each property is clearly marked by boundaries and bounded to the east and north by the access track which curves round to the garage of The Old Coach House.

- 9.8 It is acknowledged that these two dwellings form a line of continuous residential development that runs south from the site to the B6478 and beyond, joining with the main built-up area of the settlement.
- 9.9 However, the wooded land to the west of the site, the paddock to the north and the open agricultural fields which extend from the eastern boundary and continue north from the paddock are clearly rural in character and appearance.
- 9.10 As undeveloped land on the edge of the settlement surrounded on three sides by rural land, the application site is considered to relate more to the surrounding countryside than to the main-built up area of Tosside. The site is therefore considered to fall outside the definition of the main built-up area, as excluded by Part 2 of the Craven Local Plan definition reproduced at para. 9.5 above. On this basis, the site is not considered suitable for sustainable residential development under the terms of the policy SP4 criterion J.
- 9.11 The proposal therefore falls to be considered as residential development in the open countryside under criterion K of the policy. The proposal does not meet one of the four conditions for residential development in the open countryside set out under criterion K.
- 9.12 In failing to meet the requirements of policy SP4, the site cannot be considered a sustainable site for residential development.
- 9.13 Also of relevance is that the proposed development is for custom or self-build housing. This form of housing is not differentiated in the Craven Local Plan. The NPPF reminds LPA's of their duty to keep a register of those seeking to acquire serviced plots in the area for their own self-build and custom house building, and to have regard to this and give enough suitable development permissions to meet the identified demand. This is a material consideration.
- 9.14 However, the latest available data for Craven District (Annual Report, 2019 to 2020) demonstrates that there is no shortfall for this period. Consequently, the requirement to approve an additional self or custom build site carries very limited weight and does not override the conflict with policy SP4 in this case.
- 9.15 In conclusion, the application site lies outside the main built-up area of the Tier 5 settlement and is therefore defined as open countryside under local plan policy. The proposal does not meet the any of the local plan conditions necessary to enable support for residential development in the open countryside. Therefore, this site is not considered to be a sustainable site for residential development under policy SP4, and the principle of residential development at this site cannot be supported.
- 9.16 **Housing mix and density**
- 9.17 Policy SP3 aims to ensure that land is used in an effective and efficient manner to address local housing needs.
- 9.18 Criterion (a) states: *"The local planning authority will require new housing developments to provide an appropriate mix of housing having regard to the dwelling size and mix recommended in the SHMA, its successor or other appropriate and up to date evidence of local housing need."*
- 9.19 The proposed development is for two, 4-bedroom dwellings. The SHMA (2017) suggests that the majority of market development should be for 3-bedroom (57.9%) and 4+ bedroom stock (23.8%), p98, (para 8.2). The proposed properties fall within one of the most popular house sizes. The policy requirement is therefore considered to be satisfied.
- 9.20 Criterion (b) states: *"The local planning authority will require new housing developments to be developed at appropriate densities, which will make effective and efficient use of land and have regard to local and site-specific circumstances. In typical greenfield developments or brownfield developments with no significant element of conversion, the appropriate housing density should be approximately 32 dwellings per hectare (net)."*
- 9.21 The site area (not including the access track) is approximately 0.09 hectares. At a density of 32 dwellings per hectare, this site should deliver three dwellings. Two are proposed.

- 9.22 However, the policy allows some flexibility regarding unallocated sites as set out in the supporting notes to this policy, and summarised in criterion (c): *“The local planning authority will be flexible in its requirements for housing mix and density where this is necessary to ensure scheme viability, to take account of local variations in housing need, to better promote balanced communities or to achieve other local plan objectives.”*
- 9.23 In approaching this issue, the outcome of planning appeal reference APP/C2708/W/20/3255975, decided 16<sup>th</sup> February 2021, is noted. The appeal overturned a decision to refuse planning consent for a single dwelling on an unallocated site of a similar size to the site of the current application (reference 2020/21420/FUL, determined 07.05.2020). The refusal was based, in part, on the development’s failure to comply with the target density of 32 dwellings per hectare.
- 9.24 Based on the constraints of the site, together with the contribution of the proposed development to other local plan objectives, the Planning Inspector found that the flexibility provided within policy SP3 (c) was pertinent to the appeal site and appeal proposal. The Inspector found that these factors justified as to why a lower housing density was appropriate in that instance.
- 9.25 Regarding the current application site, a similar situation exists. This is a relatively narrow site, particularly when the required separation distance between the buildings and the trees to the west (as recommended by the CDC Trees Officer) are considered. These constraints are considered to limit the suitability of the site for subdivision, when consideration is given to access, turning, adequate off-road parking and sufficient amenity space.
- 9.26 In conclusion, taking account of the flexibility of policy SP3 and the site constraints, it is considered that the site density is appropriate in this instance.
- 9.27 **Visual impact of the development**
- 9.28 Policy ENV1 requires that the quality of Craven’s landscape is conserved. New development proposals in areas not subject to national landscape designations should respect, safeguard, and wherever possible, restore the landscape character of the area. Proposals should have regard to the relevant Landscape Character Appraisal/Assessment and the local landscape type.
- 9.29 Policy ENV3 requires that development responds to context, including both natural and built elements. Design should respect the form of existing buildings, and seek to enhance local distinctiveness.
- 9.30 As identified in the Craven District Landscape Appraisal, the local landscape type is ‘Open Upland Pasture with Outcrops’, landscape type 16. This is characterised by a rolling upland landscape of pasture and rough grazing, with occasional groups of trees, scattered rocky outcrops and small to medium scale pasture enclosed by drystone walls. The Appraisal notes that such landscapes are sensitive to change as they are open to views from the surrounding area.
- 9.31 The site is located to the rear of two residential properties. Its eastern boundary is stepped back in relation to the eastern boundary to these properties. Thus views will be restricted from the south, and by the line of trees to the west. Owing to the open character of the landscape to the east, there will be public visibility of the two dwellings from the approach along the B6478 to the south-east.
- 9.32 From this perspective, the properties will appear as a continuation of the existing residential development which extends north of the highway, of similar height to the two neighbouring dwellings, and set against the backdrop of the much taller trees. It is acknowledged that viewed from the approach to the south-east, the additional properties will have the effect of lengthening the extent of the development to the north of the highway, which is at present in balance with that to the south. However, being tucked against the existing development and trees, it is considered that for the reason of the appropriate height and small scale of the plot, the adverse visual impact will not be so severe as to warrant the refusal of planning consent.
- 9.33 Ribble Valley Borough Council raised concern at the impact on the Forest of Bowland AONB. The AONB boundary runs north-south along the lane to the west of the strip of woodland which bounds the site to the west. To this side, the site is screened from the AONB by the trees, and the houses that lie to the west of the lane. To the north and east of the site, while the open nature of the

landscape is acknowledged, the visible boundary of the AONB is approximately 1m to the north-east. At this distance, owing to the limited scale of the development and in the context of the immediate surroundings of the site, it is not considered that the proposed development would have a significant detrimental impact on the setting of the AONB.

- 9.34 The proposal is submitted in outline form, with consideration of appearance and landscaping withheld for reserved matters stage. It is noted, however, that the submitted Design and Access Statement suggests planting to the east side to help screen the development. Similarly, the use of sympathetic materials is suggested. It is therefore considered that it would be possible to develop the site to achieve an acceptable appearance, should outline planning consent be granted.
- 9.35 In conclusion, while there is an adverse impact on landscape views from the south-east, the impact is not considered to be so severe as to warrant the refusal of planning consent. The site could therefore be satisfactorily developed to satisfy the requirements of Policies ENV1 and ENV3.
- 9.36 **Sustainable design and construction**
- 9.37 Policy ENV3 seeks to incorporate sustainability being designed into developments. Policy ENV8 requires that development will maximise opportunities for the incorporation of water conservation into its design.
- 9.38 The proposal is an outline application with matters of appearance and landscaping reserved. For reason of the limited information available at this stage, assessment of sustainable design and construction would form part of a subsequent reserved matters application.
- 9.39 **Impact on residential amenity**
- 9.40 Policy ENV3 requires protection of the amenity of existing and future occupiers.
- 9.41 The proposed dwellings will sit adjacent to the curtilage of The Old Coach House, but separated from that dwelling house by the intervening detached double garage. The separation distance is such that no severe detrimental impact will result with regards to loss of daylight/sunlight or overbearing impact to the occupants of this existing dwelling. Similarly, there is sufficient space within the plot to ensure that future occupants of the dwellings are not negatively impacted upon.
- 9.42 With respect to privacy, due to the limited details under consideration of this outline permission, it is not possible to fully assess the impact of the proposed development upon local residential amenity. As such, the full impacts of the development would be assessed at a reserved matters stage once final details are submitted.
- 9.43 In conclusion, for these reasons, it is considered that the site could be developed for residential use with no significant loss of amenity to the adjacent or future occupiers. The requirements of policy ENV3 are therefore met.
- 9.44 **Ecology**
- 9.45 *Trees*
- 9.46 Policy ENV4 requires that development should avoid the loss of, and encourage the recovery or enhancement of, ecological networks, habitats and species populations, and that the biodiversity of land and buildings with the site is conserved or managed. Proposals that result in a significant loss in, or harm to, biodiversity on site, and where no compensatory measures are proposed, will be resisted.
- 9.47 The application site is located adjacent to a wide strip of mature trees that are an important ecological and visual feature. The dwellings will be separated from the trees by a minimum of approximately 3.5m. The submitted Tree Care Plan sets out the foundation type which is designed to avoid damage from tree roots, and a construction method for the protection of the trees and roots. The CDC Trees Officer has been consulted and advised that the proposal is acceptable.
- 9.48 *Biodiversity gain and green infrastructure enhancement*

- 9.49 Policy ENV4 also requires that growth in housing delivers net biodiversity gain. Similarly, policy ENV5 requires that housing growth is accompanied by an improved and expanded green infrastructure network.
- 9.50 Landscaping does not form part of this outline application. As such, it is not possible to assess biodiversity gain and green infrastructure enhancement at this time. It is noted, however, that the land is classified agricultural land grade 5, which is poor quality. This is a bare site, devoid of planting save for the boundary trees to the west. It is considered that the opportunity exists to provide biodiversity gain and green infrastructure enhancement. Full consideration would take place at reserved matters stage.
- 9.51 In conclusion, it is considered that the use of tailored construction methods and tree protection will minimise the risk of harm to the trees to the west of the site.
- 9.52 Furthermore, there is scope to develop the plot to provide biodiversity gain and green infrastructure enhancement, to satisfy local policy requirements.
- 9.53 The proposal is therefore acceptable under the terms of policies ENV4 and ENV5.
- 9.54 **Drainage**
- 9.55 Policy ENV6 requires that growth will help alleviate and avoid flood risk. Sustainable drainage systems should be incorporated where possible. The United Utilities response also supports this approach, with a preference for surface water drainage into the ground (infiltration). Policy ENV8 requires that development is served by adequate sewerage and waste water treatment infrastructure.
- 9.56 The application site is in Flood Zone 1, and therefore has a low risk of flooding. Although the application form indicates that a soakaway will be installed, no surface water drainage design details have been submitted for consideration at this stage. However, there is no reason to believe that sustainable drainage could not be accommodated on site.
- 9.57 A package treatment plant for foul sewage is proposed.
- 9.58 In conclusion, it is considered that the site could be satisfactorily developed without increasing the risk of flooding and to accommodate sustainable drainage systems, in compliance with policy ENV6. The proposed sewage treatment plant meets the requirements of policy ENV8.
- 9.59 **Highway considerations**
- 9.60 Policy INF4 requires the provision of safe, secure and convenient parking of an appropriate quantity. NYCC Interim Parking Standards recommends a minimum of 3 spaces for 4-bedroom dwellings in rural areas. The layout indicates the provision of two off-road parking spaces for each property, in addition to proposed single integral garage to each. There is also sufficient space for the secure storage of cycles. Parking provision is therefore in accordance with policy and NYCC guidance.
- 9.61 The site will be served by an extension to the existing private access to the highway. If approved, this access will serve 5 no. dwellings and a tea room that operates at The Old Vicarage. NYCC Highways have not raised any objection or recommended any conditions. On this basis, the proposed access is considered to be acceptable.
- 9.62 Access and layout are included within this outline application. For the above reasons, it is concluded that the parking and access arrangements are satisfactory. The requirements of policy INF4 are therefore met.
- 9.63 **Conclusion**
- 9.64 Paragraph 11 of the NPPF advises that LPA's should be approving development proposals that accord with an up-to-date development plan without delay.

- 9.65 In this instance, the site is not considered to be a sustainable site for residential development under policy SP4. The proposed development of the site for residential use is in conflict with policy SP4, and the principle of development is therefore unacceptable.
- 9.66 The access, layout and scale is found to be acceptable under the terms of the local plan. In all other matters, the site is found to be capable of being developed in accordance with Craven Local Plan policy.
- 9.67 However, as the principle of residential development on the site is in conflict with Craven Local Plan policy SP4, the scheme is fundamentally flawed and cannot be supported.
- 9.68 Paragraph 11 of the NPPF sets out the presumption in favour of sustainable development. It asserts that for decision-taking this means approving development proposals that accord with an up-to-date development plan without delay.
- 9.69 In this case, as the proposal conflicts with policy SP4 of the Craven Local Plan, it is recommended that planning permission is refused.

## 10. Recommendation

### 10.1 Refuse

#### Reasons for refusal

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

#### Informatives

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

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

2. Statement of Positive Engagement:

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







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

**Planning Committee Report of New Cases Registered**  
**For Period 12-11-2021 to 09-12-2021**

<b>Enforcement Reference</b>	<b>Alleged Breach</b>	<b>Site Address</b>	<b>Ward</b>
ENF/03460/2021	Alleged development not in accordance with approved plans 2019/20566/FUL and 2020/21328/VAR (Condition 2 - east elevation).	The Lambing Croft Main Street Rathmell Settle	Settle And Ribble Banks
ENF/03461/2021	Erection of building to the rear of the property.	96 Burnside Avenue Skipton BD23 2DB	Skipton West
ENF/03462/2021	1) Alleged unauthorised removal of boundary wall. 2) Alleged non-compliance of conditions discharged under 2021/23192/CND.	Land At Wend Gardens The Wend Carleton Skipton BD23 3EH	West Craven
ENF/03463/2021	Large gazebo erected in front garden/driveway	4 Beech Wood Close West Marton Skipton BD23 3UG	West Craven
ENF/03464/2021	Alleged UPVC fascia and soffit box installed in a Listed building	Tatham House 1 Low Street Burton In Lonsdale Carnforth LA6 3LF	Bentham
ENF/03465/2021	Temporary paddocks causing flooding due to concrete having been put down.	Burberry Factory Shop Ltd Junction Mills Skipton Road Cross Hills Keighley BD20 7SE	Glusburn

<b>Enforcement Reference</b>	<b>Alleged Breach</b>	<b>Site Address</b>	<b>Ward</b>
ENF/03466/2021	New Equine Centre allegedly not built in accordance with 2018/19525/FUL	Ganderine Display Area Skipton Auction Mart Gargrave Road Skipton	Gargrave And Malhamdale

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**Planning Committee Report of Cases Closed**  
**For Period 12-11-2021 to 09-12-2021**

<b>Enforcement Reference</b>	<b>Date Received</b>	<b>Date Closed</b>	<b>Reason for Closure</b>	<b>Alleged Breach</b>	<b>Site Address</b>	<b>Ward</b>
2543/2017	28th December 2016	24th November 2021	Not Expedient	Coloured Render instead of pebble dash in breach of 63/2016/17105	51 Broughton Road Skipton North Yorkshire BD23 1TE	Skipton West
ENF/02725/2017	31st August 2017	16th November 2021	Breach Resolved	Unauthorised use of site for camping (tents).	Squirrel Wood Cottage Gill Lane Cowling Keighley BD22 0DB	Cowling
ENF/02908/2018	1st August 2018	24th November 2021	Breach Resolved	Replacement of brown UPVC Patio doors and garage door with white UPVC	17 Mill Croft Cowling Keighley BD22 0AJ	Cowling
ENF/02940/2018	27th September 2018	17th November 2021	Not Expedient	Potential breach of condition 7 to planning application 63/2016/17568 - Land not used for scrap vehicles	Whitelock Developments Ltd Ings Lane Skipton BD23 1TX	Skipton West

<b>Enforcement Reference</b>	<b>Date Received</b>	<b>Date Closed</b>	<b>Reason for Closure</b>	<b>Alleged Breach</b>	<b>Site Address</b>	<b>Ward</b>
ENF/02995/2019	23rd January 2019	17th November 2021	Breach Resolved	Extension allegedly not built in accordance with approved plans. Extension and increasing the height of decking Erection of fence to the rear	Park House Park Lane Cowling Keighley BD22 0NH	Cowling
ENF/03057/2019	17th April 2019	19th November 2021	Breach Resolved	Alleged unauthorised construction of porch.	2 Ashfield Cottages Main Street High Bentham Lancaster LA2 7HZ	Bentham
ENF/03152/2019	5th September 2019	17th November 2021	Breach Resolved	Breach of condition 2 of planning approval referenced 2019/20524/FUL.	Access Road Thornton Hall Farm Thornton In Craven Skipton BD23 3TJ	West Craven
ENF/03204/2020	13th January 2020	17th November 2021	Retrospective Planning	Alleged dwelling being let as a 5 bedroom holiday let (house in multiple occupation?)	Dallicar House Giggleswick Settle BD24 0EA	Penyghent
ENF/03229/2020	20th March 2020	17th November 2021	Breach Resolved	Stone business being run from an agricultural site.	Pikeber Farm Becks Brow To Mere Syke Bridge Wigglesworth Skipton BD23 4RR	Settle And Ribble Banks

<b>Enforcement Reference</b>	<b>Date Received</b>	<b>Date Closed</b>	<b>Reason for Closure</b>	<b>Alleged Breach</b>	<b>Site Address</b>	<b>Ward</b>
ENF/03246/2020	29th April 2020	17th November 2021	Breach Resolved	Working on cars outside curtilage of garage.	Pendle Garages Pendle Street Skipton BD23 1SS	Skipton West
ENF/03257/2020	28th May 2020	24th November 2021	Not Expedient to Enforce	Car park has been created.	Land Adjacent To Mayfield Road High Bentham Lancaster LA2 7LP	Bentham
ENF/03315/2020	9th October 2020	24th November 2021	Retrospective Planning	Hot tub and gazebo have been installed- Permitted development has been removed under planning ref: 2019/20484/FUL.	Owl House Old Lane Cowling Keighley BD22 0NP	Cowling
ENF/03373/2021	9th March 2021	17th November 2021	Retrospective Planning	1) Condition 3 of 2019/20693/HH not discharged before commencement. 2) Alleged new front boundary wall too high. 3) Alleged non-use of porous materials on hard surfaces (condition 5 of 2019/20693/HH)	3 Dalacres Crescent Embsay Skipton BD23 6RW	Embsay-with-Eastby
ENF/03378/2021	23rd March 2021	24th November 2021	Retrospective Planning	Alleged unauthorised detached store	Meadow View Main Street Carleton Skipton BD23 3BY	West Craven

<b>Enforcement Reference</b>	<b>Date Received</b>	<b>Date Closed</b>	<b>Reason for Closure</b>	<b>Alleged Breach</b>	<b>Site Address</b>	<b>Ward</b>
ENF/03384/2021	1st April 2021	17th November 2021	No Breach	Breach of condition no. 3 of planning application ref: 22/2001/1037. Granny flat is being rented out.	The Lodge Well Head House Park Lane Cowling Keighley BD22 0NH	Cowling
ENF/03407/2021	27th May 2021	17th November 2021	No Breach	Unauthorised holiday lodge.	Willowbeck Farm Jack Lane Wigglesworth Skipton BD23 4RJ	Settle And Ribble Banks
ENF/03419/2021	24th June 2021	24th November 2021	Retrospective Planning	Erection of a building used as a holiday let- Permitted development rights removed under condition no.9 of planning application ref: 59/2005/5997.	Lapwing Barn Rathmell Settle BD24 0LJ	Settle And Ribble Banks
ENF/03424/2021	15th July 2021	24th November 2021	Breach Resolved	3m Fence erected- Permitted Development rights removed under planning application ref: 5/66/503/C.	15 Crofters Mill Sutton-in-Craven Keighley BD20 7EW	Sutton-in-Craven
ENF/03431/2021	27th July 2021	24th November 2021	No Breach	Change of use from long term tenancy to holiday cottage.	Sandholme Cottage Church Lane To Sandholme Wigglesworth Skipton BD23 4RQ	Settle And Ribble Banks