

PLANNING COMMITTEE

Monday, 14th February 2022 at 1.30pm

Meeting to be held at Grassington Town Hall, Grassington, North Yorkshire BD23 5AA

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

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

Please note the following advice in advance of the meeting:

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

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

Due to social distancing measures, spaces for public attendance are limited and so registration is essential to secure a place. Everyone who attends this meeting will be required to wear a face covering, unless exempt.

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

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

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

For more information email committees@cravendc.gov.uk

Thank you,
Democratic Services

AGENDA

Comfort Break: A formal comfort break of 15 minutes may be taken at an appropriate point in the Committee's consideration of the Schedule of Plans.

1. **Apologies for Absence and Substitutes** – To receive any apologies for absence.
2. **Confirmation of Minutes** – To confirm the minutes of the meeting held on 20th December 2021.
3. **Public Participation** – In the event that any questions/statements are received or members of the public wish to ask questions or address the Committee in respect of matters not appearing on this agenda, the public participation session will proceed for a period of up to fifteen minutes.
4. **Declarations of Interest** – All Members are invited to declare at this point any interests they have in items appearing on this agenda, including the nature of those interests.

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

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

5. **Schedule of Plans** – The schedule is comprised of the following:
 - (a) Applications to be determined by the Committee.
 - (b) Enforcement – New complaints registered / complaints closed.

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

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

Purpose of Report – To inform the Committee of the performance of the development management service during the quarter October – December 2021.

7. **Any other items** which the Chairman decides are urgent in accordance with Section 100B(4) of the Local Government Act, 1972.
8. **Date and Time of Next Meeting** – Monday, 14th March 2022 at 1.35pm

Agenda Contact Officer:

Vicky Davies, Senior Democratic Services Officer

E-mail: vdavies@cravendc.gov.uk

4th February 2022

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

PLANNING COMMITTEE

20 December 2021

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

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

Apologies for Absence and Substitutes: Apologies for absence were received by Councillors Harbron and Place.

Ward Representatives: **2020/21565/REG4** Councillor Moorby; **2021/22615/OUT** Councillor Staveley.

Confirmation of Minutes:

Resolved – That the minutes of the meeting held on 22 November 2021 were approved as a correct record.

Start: 1.48pm

Finish: 5.00pm

A short comfort break was taken at 3.51pm.

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

PL.1058

PUBLIC PARTICIPATION

Councillor Eric Jaquin addressed the Committee regarding applications 23425 and 23455 in relation to the discharge of conditions for vehicular access to the site at Aldersley Avenue, Skipton. He was concerned that residents hadn't been consulted about the proposed route through the Greatwood and Horse Close housing estates, passing the primary school and community centre on North Parade. He wanted to know about any time limits imposed on construction traffic and, if so, who would monitor the movements. The Planning Manager stated that an alternative access route did not form part of the current application and it was only possible to deal with the Planning Inspector's imposed conditions. A written reply would be given to Councillor Jaquin and copied to Members of the Planning Committee.

PL.1059

DECLARATIONS OF INTEREST AND LOBBYING

a. Declarations of Interest

Councillors Brown, Handley, Morrell, Pringle, Rose and Shuttleworth declared interests in application 2020/21565/REG4 as they were Members of Craven District Council who were the applicants.

b. Lobbying

Councillors Brown and Sutcliffe had been lobbied against application 2020/21565/REG4. Councillor Pringle had been lobbied for application 2021/22615/OUT.

PL.1060

PUBLIC PARTICIPATION

The following individual addressed the Committee:

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

Application 2021/22615/OUT - Mr Aran Drachenberg (on behalf of the applicant)

PL.1061

PLANNING APPLICATIONS

a. Applications determined by Planning Committee

Permission Granted

2021/23377/FUL – application for change of use of existing retail unit to A4 drinking Establishment (which will then form part of the existing A4 unit of No.1)

Members approved the application subject to the following conditions:

Conditions

Time Limit for Commencement

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

Reasons: 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:

12 Noon – 22 hours Monday to Saturday and
12 Noon – 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.

AGENDA ITEM 2

Applications Refused

2020/21565/REG4 – application for thirteen entry level affordable homes and associated infrastructure on land at Station Road, Hellifield. The Planning Committee refused the application on the following grounds:

1. The application is located partially adjacent to the Settle and Carlisle Conservation area as identified on the Policies Map accompanying the adopted Craven Local Plan. The proposal is considered to constitute inappropriate development that would have a harmful impact on the designated heritage asset. The proposal is therefore contrary to Policy ENV2 requirements b) & c) of the Craven Local Plan and the National Planning Policy Framework.
2. The proposed development would not result in any biodiversity benefits equal to or exceed the biodiversity value of the site prior to development. The proposal is therefore contrary to Policy ENV4 requirement b) of the Craven Local Plan and the National Planning Policy Framework.

2021/22615/OUT – outline application with access, layout and scale considered for no. 2 detached two-storey dwellings on land North of the Old Coach House, Tosside, Skipton, BD23 4SQ. (Site Visit.) In line with officer recommendation Members refused the application on the following grounds:

The application site is located in the open countryside on land not allocated for housing as defined by the Craven District Council Local Plan. In the opinion of the Local Planning Authority, the submitted proposals 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 proposals therefore fail to accord with the key objectives and aims of Policy SP4 and the National Planning Policy Framework.

b. Delegated Matters

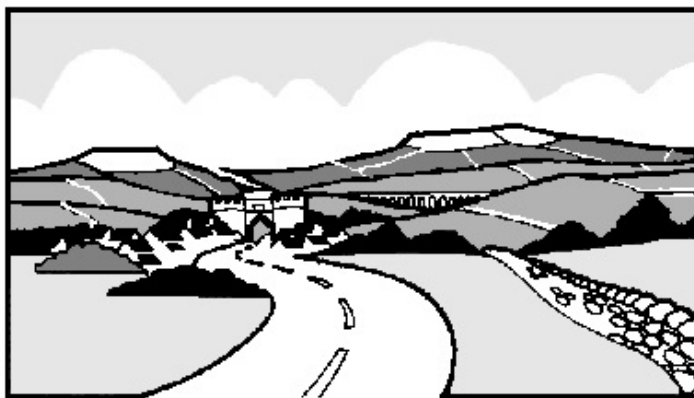
The Strategic Manager for Planning and Regeneration submitted a list of new and closed planning enforcement cases between 12 November 2021 and 9 December 2021.

Minutes for Decision

There were no items for decision requiring confirmation by Council.

Date of Next Meeting: 14th February 2022.

Chairman.



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D I S T R I C T

PLANNING COMMITTEE AGENDA

DATE: 14th February 2022

INDEX OF PLANNING APPLICATIONS

Item No.	Application Reference No.	Name of Applicant	Site Address	Page No's
1.	2021/23416/FUL	Mr Matthew Ellison	Laithe Barn, Low Lane, Halton East.	2 – 8
2.	2021/23310/FUL	Mr Stuart Hargreaves	Barn, Grange Lane, Kildwick.	9 - 17
3.	2021/23450/FUL	Mr Trevor Jackson	Pennine Haulage Brow Garage, Rook Street, Lothersdale.	18 - 28

REPORT TO PLANNING COMMITTEE ON 14th February 2022

Application Number: 2021/23416/FUL

Proposal: Construction of detached garage and detached outbuilding

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

On behalf of: Mr Matthew Ellison

Date Registered: 19th October 2021

Expiry Date: 14th December 2021

EOT Date, if applicable:

Case Officer: Mr Joshua Parkinson

SUMMARY

The application seeks full planning permission for the construction of a detached garage and detached outbuilding around a detached barn located on Low Lane, Halton East. The application building is currently being converted to a dwelling pursuant to planning permission ref. 26/2015/16502 or 2017/18382/VAR.

In summary, the submitted application seeks to address the previous reason for the refusal by Planning Committee on the grounds of inappropriate wall cladding. The submitted application overcomes this previous concern by proposing natural stone walls to both buildings to match the application building.

In short, the proposed development would have an acceptable impact on the character and appearance of the area, including the countryside and landscape, and other material considerations do not give rise to any concerns. Therefore, it is also acceptable in principle. No objections have been received. Consequently, as the proposed development accords with the development plan, planning permission should be approved conditionally.

This planning application is before Planning Committee under paragraph 9 of the Planning Scheme of Delegation as it is a repeat application (where it is fundamentally the same scheme) which has previously been considered by the Planning Committee.

1. Site Description

- 1.1 The application site relates to a large, detached barn located on Low Lane, Halton East. The application building is currently being converted to a dwelling pursuant to planning permission ref. 26/2015/16502 or 2017/18382/VAR.
- 1.2 The application site is located within the outer zone of the Pannal to Nether Kellet gas pipeline. There is a public right of way running through the application site north/south to the east of the application building.

2. Proposal

- 2.1 The application seeks full planning permission for the construction of a detached garage and detached outbuilding. The proposed outbuilding would be located over agricultural land meaning that the residential curtilage would be extended.
- 2.2 The proposed garage would be located to the east of the conversion and would be single storey with a rectangular plan measuring approximately 13.2 metres x 6 metres and a cat-slide roof form

with a height to ridge of approximately 3.6 metres. It would be open to the west side but contain two doors to the eastern end of the building.

2.3 The proposed outbuilding would be located to the south-west of the application building and would be single storey with a rectangular plan measuring approximately 9 metres x 4 metres with a duo-pitch roof form with a height to ridge of approximately 3.5 metres. It would feature an open canopy to the north.

2.4 The submitted application form states that both buildings would have natural stone walls and naturally weathered Greys Artstone reproduction slates with oak clad timber framed doors to the garage.

3. Planning History

3.1 26/2015/16502 Permission approved for conversion of barn to residential use including rebuilding, associated residential curtilage and new access: 28.06.2016.

3.2 2017/18382/VAR - Permission approved for minor material amendment to 26/2015/16502: 09.11.2017.

3.3 2019/20676/CND - Condition of 2017/18382/VAR discharged: 12.08.2019.

3.4 2019/20853/CND - Conditions of 2017/18382/VAR discharged: 20.09.2019.

3.5 2021/22845/FUL - Permission refused for construction of detached garage and detached outbuilding: 17.07.2021.

Officer note: This previous planning application was refused by the Planning Committee, against officer recommendation, for the following reason:

“The proposed feather edge oak cladding would be an inappropriate material in open countryside that would visually be incongruous with the stone-built application property. Consequently, the proposed development conflicts with Craven Local Plan 2012 to 2032 Policies ENV1, ENV2 and ENV3, and the National Planning Policy Framework.”

Previous decisions on planning application can be material considerations. While decision-makers are not bound to follow previous decisions and have discretion in exercising their own judgement, to the extent the facts are similar they should give reasons for any departure from previous decisions.

In this instance, the submitted application is substantially the same as the previously refused planning application, with the only variation being in the materials to overcome the reason for refusal. Therefore, the previous decision is an important material consideration that is afforded substantial weight.

4. Planning Policy Background

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

- SD1: The Presumption in Favour of Sustainable Development
- SD2: Meeting the Challenge of Climate Change
- ENV1: Countryside and Landscape
- ENV2: Heritage
- ENV3: Good Design
- ENV4: Biodiversity
- ENV12: Footpaths, Bridleway, Byways and Cycle Routes
- INF4: Parking Provision

4.2 National Planning Policy Framework (NPPF)

5. Parish/Town Council Comments

5.1 Embsay-with-Eastby Parish Council - 22.11.2021: No objections.

6. Consultations

6.1 Health & Safety Executive - 08.12.2021: Do not advise against.

6.2 National Grid - 24.11.2021: The area has been found to be outside the High-Risk Zone from National Grid Gas Transmission plc's apparatus and can proceed.

6.3 North Yorkshire County Council (NYCC) Highways - 19.11.2021: No objections.

6.4 NYCC Public Rights of Way (PROW) - 24.11.2021: Recommend one informative relating to a public footpath that crosses the application site and a nearby public bridleway.

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

7. Representations

7.1 Site notice posted: 15.11.2021 - Expired: 06.12.2021.

7.2 Press notice published: 18.11.2021 - Expired: 09.12.2021.

7.3 No representations received.

8. Summary of Principal Planning Issues

8.1 Principle of development

8.2 Impact on the character and appearance of the area, including the countryside and landscape

8.3 Other material considerations

9. Analysis

Principle of development

9.1 The application seeks planning permission for the construction of a detached garage and detached outbuilding at Laithe Barn, Low Lane, Halton East. The proposed outbuilding would be located over agricultural land meaning that the residential curtilage would be extended. However, this would not be a significant increase from the size of the previously approved residential curtilage.

9.2 There are no Local Plan policies directly applicable to the proposed development and no specific policies in the NPPF, or taken as a whole, that indicate that development should be restricted. The Local Planning Authority did not refuse the previous decision on the grounds of principle. Therefore, in the absence of any sound planning reasons to the contrary, and having regard to consistency of decision making, the proposed development is acceptable in principle. However, this is provided that any adverse impacts are outweighed by the benefits.

Impact on the character and appearance of the area, including the countryside and landscape

9.3 The application site relates to a large, detached barn set within an agricultural landscape in open countryside. The application building is currently being converted to a dwelling, but this is being undertaken sympathetically and the building retains a strong agricultural character. Therefore, as a traditional barn associated with farming, the application site makes a positive contribution to the District's distinctive character and the surrounding countryside.

9.4 The proposed garage would match the plan and orientation of the conversion. While it would have a modest footprint, it would not appear unduly dominant given its single storey form and the two-storey height of the conversion. Moreover, its cat-slide roof form and partially open frontage are features typically found on buildings in open countryside. Therefore, the proposed garage is of an acceptable design.

- 9.5 The proposed outbuilding would similarly match the plan of the application building. While it would be at a 90-degree angle to the host, this would not have a significant adverse impact or detract from the conversion. It's single storey form would also appear subservient given the two-storey height of the conversion. Furthermore, its duo-pitch roof form would accord with that of the conversion. Therefore, the proposed outbuilding is of an acceptable design.
- 9.6 Turning to materials, the previous application was refused on the sole ground that the previously proposed feather edge oak cladding would be inappropriate and incongruous. This was a concern raised by the Parish Council and shared by members of the Planning Committee.
- 9.7 The submitted application form states that both buildings would now have natural stone walls to match the conversion. This would appear to follow the wishes of the Parish Council and the Planning Committee. Indeed, the Parish Council now comment no objections. Therefore, as the proposed materials would largely match the host building, and subject to a condition requiring approval of a sample panel of stone, the proposed materials are acceptable.
- 9.8 Cumulatively, it is acknowledged the proposed development would increase the built form around the conversion. However, the proposed buildings would be of modest scales, would be understood within the context of the existing building, and would provide storage for cars and other vehicles that would otherwise harm visual amenity. Therefore, the proposed development would have an acceptable cumulative impact.
- 9.9 In conclusion, the proposed development would respond to the context and respect the form of the existing building. Therefore, it would constitute good design, conserve Craven's heritage, and safeguard the countryside and landscape. Consequently, the proposed development complies with Local Plan Policies ENV1, ENV2 and ENV3.

Other material considerations

- 9.10 *Sustainable design and construction*
- 9.11 The submitted Sustainable Design and Construction Statement acknowledges that as the proposals are for non-habitable buildings, it is difficult to incorporate sustainability measures. Nonetheless, it states that the proposed materials would be sustainably sourced. Therefore, the proposed development would have sustainability designed in and complies with Local Plan Policy ENV3.
- 9.12 *Parking provision and highways*
- 9.13 The proposals would not involve the formation of any alterations to the previously approved access. The proposed garage would provide parking provision for approximately four cars. NYCC Highway raise no objections. Therefore, the proposed development would have an acceptable parking provision and highways impact and complies with Local Plan Policies INF4 and INF7.
- 9.14 *Public footpath and bridleway*
- 9.15 There is a public footpath that crosses the application site and a public bridleway on the opposite side of Low Lane. The submitted proposed plans show the existing routes would be retained. NYCC PROW raise no objection subject to an informative. Therefore, the proposed development would safeguard the public rights of way and complies with Local Plan Policy ENV12.
- 9.16 *Biodiversity*
- 9.17 The proposed development would be located above existing areas of excavated land. Therefore, the proposed development would not have a significant adverse impact on biodiversity and complies with Local Plan Policy ENV4.
- 9.18 *Amenity*
- 9.19 The application site is located in excess of approximately 150 metres from the nearest other built form. Therefore, the proposed development would not have any impact on the amenity of any other owners or occupiers and complies with Local Plan Policy ENV3.

Conclusion

- 9.20 In conclusion, the submitted application is a resubmission of a previous planning application that was refused by the Planning Committee on the sole ground of inappropriate wall cladding. The submitted application overcomes this previous concern by proposing natural stone walls to both buildings to match the application building.
- 9.21 In short, the proposed development would have an acceptable impact on the character and appearance of the area, including the countryside and landscape, and other material considerations do not give rise to any concerns. Therefore, it is also acceptable in principle. No objections have been received. Consequently, as the proposed development accords with the development plan, planning permission should be approved conditionally.

10. Recommendation

- 10.1 Approve with Conditions

Conditions

Time Limit for Commencement

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

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

Approved Plans

- 2 This permission relates to the following plans and drawings:
- o Drawing No. P(00)-01 Rev A "Garage - Proposed Plans & Sections" received 19 October 2021;
 - o Drawing No. P(00)-02 Rev A "Garage - Proposed Elevations" received 19 October 2021;
 - o Drawing No. P(00)-03 Rev C "Outbuilding - Proposed Plans & Sections" received 19 November 2021;
 - o Drawing No. P(00)-04 Rev C "Outbuilding - Proposed Elevations" received 19 November 2021;
 - o Drawing No. P(00)-06 "Existing Site Plan" received 19 October 2021;
 - o Drawing No. P(00)-07 "Proposed Site Plan" received 19 October 2021;
 - o Drawing No. P(00)-08 Rev A "Proposed Site Layout" received 19 October 2021; and
 - o Drawing No. P(00)-09 Rev B "Location Plan" received 19 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 2012 to 2032 and the National Planning Policy Framework.

During Building Works

- 3 Prior to first use of the walling stone, a sample panel (measuring no less than 1 metre x 1 metre) demonstrating the type, texture, bond and pointing of the stonework shall be constructed on the site and be approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved panel and the materials detailed in the submitted application form.

Reason: To ensure use of appropriate materials which are sympathetic to the context in the interests of visual amenity and in accordance with the requirements of Craven Local Plan 2012 to 2032 Policies ENV1, ENV2 and ENV3 and the National Planning Policy Framework.

Informatives

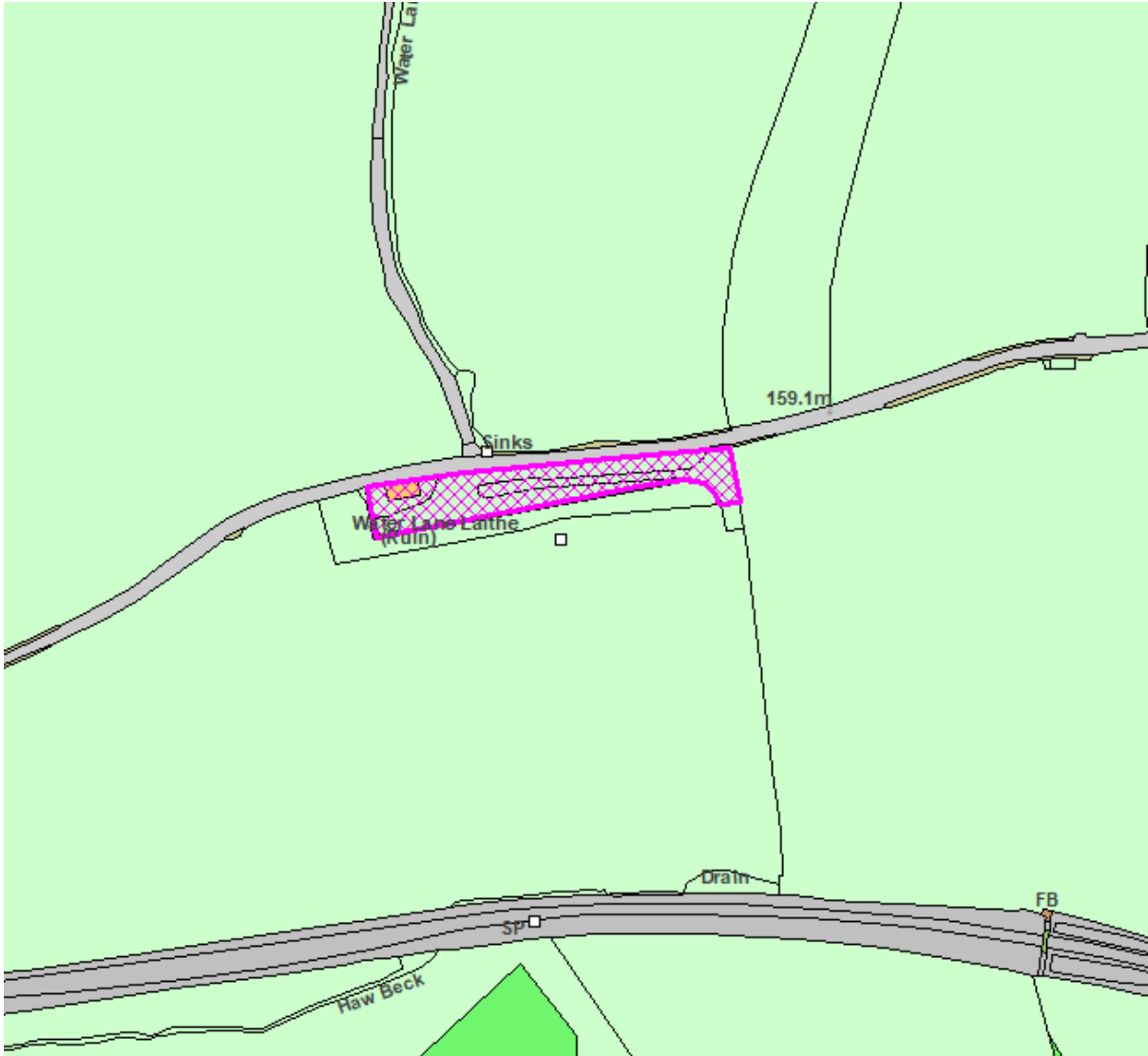
1. Statement of Positive Engagement:

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

2. Public Footpath and Bridleway - North Yorkshire County Council Public Rights of Way:

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

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



Application Number: 2021/23416/FUL

Proposal: Construction of detached garage and detached outbuilding

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

On behalf of: Mr Matthew Ellison

REPORT TO PLANNING COMMITTEE ON 14th February 2022

Application Number: 2021/23310/FUL

Proposal: Barn conversion to form one dwelling

Site Address: Barn, Grange Lane, Kildwick, BD20 9BZ

On behalf of: Mr Stuart Hargreaves

Date Registered: 9th November 2021

Expiry Date: 4th January 2022

EOT Date, if applicable:

Case Officer: Mr Sam Binney

The proposal would result in the sympathetic conversion of a former agricultural storage building. It would have a minimal visual, amenity and highway impact and is therefore recommended for approval subject to conditions in accordance with Local Plan Policies and the NPPF.

This application has been referred to Committee by Councillor Brown as he considers the application conflicts with Policies SP4, ENV1 and ENV3.

1. Site Description
 - 1.1 The application related to a small former agricultural storage building located to the south of Skipton Road, Kildwick. The building is accessed by an access track leading directly from Skipton Road to the north.
 - 1.2 The application site is located outside the Main Built-Up Area of Kildwick in open countryside.
2. Proposal
 - 2.1 The application seeks planning permission for the conversion of a former agricultural storage building to a dwellinghouse. The conversion will result in no demolition to the main building but would remove a couple detached structures to the west including shipping containers.
 - 2.2 The conversion would result in a single storey two-bedroom dwelling with private amenity and parking areas. The building would retain the existing materials at the site though will also include vertical cedar boards to the east elevation and grey upvc windows and doors.
3. Planning History
 - 3.1 5/73/64: Erection of agricultural implement and feed store. Withdrawn 20th March 1992.
 - 3.2 5/73/64/A: Proposed stable block/feed store. Approved 01st June 1992.
4. Planning Policy Background
 - 4.1 Local Plan Policies:
 - 4.2 SD1 – The Presumption in Favour of Sustainable Development
 - 4.3 SD2 – Meeting the Challenge of Climate Change

- 4.4 ENV1 – Countryside and Landscape
- 4.5 ENV2 - Heritage
- 4.6 ENV3 – Good Design
- 4.7 ENV4 – Biodiversity
- 4.8 ENV12 – Footpaths, Bridleways, Byways and Cycle Routes
- 4.9 INF4 – Parking Provision
- 4.10 SP4 – Spatial Strategy and Housing Growth
- 4.11 National Policies:
- 4.12 The National Planning Policy Framework
- 4.13 Planning Practice Guidance
- 5. Parish/Town Council Comments
- 5.1 Kildwick Parish Meeting: Object to the proposal for the following reasons:
 - Could impact upon the Kildwick Grange Conservation Area.
 - The barn was only constructed initially in order to become a house in the future.
 - Unacceptable location as it would spoil the countryside.
 - Approving the conversion would set a precedent for ribbon development in the area.
- 6. Consultations
- 6.1 CDC Environmental Protection: No objections but recommend a condition regarding the disposal of foul and surface water.
- 6.2 CDC Contamination: No objection but recommend a condition regarding the reporting of unexpected contaminated land.
- 6.3 CDC Private Water Supply: No objection but stated that as the proposed barn conversion will be served by a new borehole water supply, it will require risk assessing and sampling prior to completion as well as suitable treatment including pre-filter and ultraviolet steriliser.
- 6.4 NYCC Highway Authority: No objection as the proposal utilises an existing access with no impact on traffic volumes or the highway. Parking is available and standards have been met.
- 6.5 For a full copy of consultation response, please refer to the following link:
- 6.6 <https://publicaccess.cravencdc.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=QZJB5ZFCKPH00>
- 7. Representations
- 7.1 Site Notice dated 20th November 2021.
- 7.2 Press Notice not required.
- 7.3 No notification letters sent due to remote location of site.
- 7.4 3 comments have been received all in support of the proposal. A summary of the comments is outlined below:
- 7.5 They have animals onsite and need to be onsite to maintain their welfare.
- 7.6 Conversion will help to reduce anti-social behaviour in the area.
- 7.7 No impact upon the surrounding countryside.
- 7.8 More rural homes should be allowed if built with the surrounding taken into consideration.

8. Summary of Principal Planning Issues

- 8.1 Principle of development
- 8.2 Visual impact of the development
- 8.3 Sustainable Design
- 8.4 Impact on amenity
- 8.5 Highway impacts of the development
- 8.6 Biodiversity

9. Analysis

Principle of development

- 9.1 Policy SD1 sets out the Craven Local Plan's commitment to the presumption in favour of sustainable development. With regard to this application, this means that development that accords with the provisions of the local plan will be approved unless material considerations indicate otherwise. The NPPF is supportive of this approach.
- 9.2 As set out in the Craven Local Plan, adopted November 2011, Craven District can demonstrate a 5-year supply of housing. However, as stated in Policy SP1, the housing supply figure is a minimum provision. It cannot be considered as a reason to justify the refusal of planning permission but is a material consideration which can be given weight in the decision-making process.
- 9.3 Policy SP4 seeks to enable a sustainable pattern of growth throughout the district. As the proposal is outside a recognised Main Built-Up Area of a settlement, it is only low level growth is being directed to this area in order to support a sustainable, vibrant and healthy rural economy and communities. Criterion k states that development will be supported in such open countryside locations subject to a number of factors including whether the proposal is for the re-use of one or more redundant or disused buildings and would enhance the immediate setting.
- 9.4 Policy ENV1 seeks to ensure that Craven's countryside and landscape is conserved and enhanced where possible. Criterion g states that this is partially achieved by enabling settlements to grow in ways that respect their form, distribution and landscape setting and ensuring that gaps are maintained between settlements. As this proposal is for the re-use of an existing building, it would not compromise the gap between settlements.
- 9.5 The building is generally in a good state of repair, though there is some evidence of a hairline crack between the blockwork on the building. This would require minimal, if any, structural intervention. While there is no formal requirement in either the Local Plan or the NPPF to prove that the building is redundant, in this instance it is considered that while the building is still fit for purpose, it is no longer required for that purpose.
- 9.6 For these reasons, the proposed conversion of the disused traditional barn to a dwellinghouse is considered to meet the requirements of Local Plan policy SP4, and to accord with the requirements of the NPPF, and is therefore considered to be acceptable, subject to compliance with other relevant local plan policies and guidance contained within the NPPF.

Visual impact of the development

- 9.7 Local Plan Policy ENV2 aims to pay particular attention to those elements which contribute most to the District's distinctive character and sense of place, in particular the legacy of traditional barns and other buildings and structures associated with the farming industry.
- 9.8 With regard to design, policy ENV3 requires that development should respond to context, should respect the form of existing and surrounding buildings and maintain the sense of place. Furthermore, development should seek to enhance local distinctiveness.

- 9.9 Paragraph 130 of the NPPF states that decisions should ensure that developments are visually attractive as a result of good architecture, and are sympathetic to local character and history, including the surrounding built environment and landscape setting.
- 9.10 Paragraph 199 further states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be).
- 9.11 Paragraph 203 also states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application and that a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
- 9.12 The proposed conversion will restore the structure of the building using appropriate materials and the existing boundary treatment around the site. The existing footprint will be reduced through the removal of the existing detached structures to the immediate west of the building. The window and door openings will largely be restricted to existing openings with the exception of a small window to the north elevation to serve the bathroom, and a larger window to the south elevation to serve the living room. This approach will respect the form and character of the building, in particular the retention of the arched opening of the opening to the projecting western gable.
- 9.13 There is a Public Right of Way (PROW) to the west of the site at a distance of approximately 85m from the west elevation of the building at the nearest point. The proposed conversion will be visible from that position as the nearest public viewpoint. It is considered that due to the scale, design, and use of appropriate materials, it is considered that the proposed development will not have a significant impact upon the surround landscape. Similarly, the majority of the works that impact upon the appearance of the building are cosmetic alterations to window and door openings.
- 9.14 The Parish Meeting stated that the proposal could have an impact upon the Kildwick Grange Conservation Area which is located 160m to the north of the site. As a designated heritage asset, the impact of the proposal needs to be considered.
- 9.15 The Kildwick Grange Draft Conservation Appraisal identifies view HD1 as a highly significant dynamic view. This view is for a long stretch of Skipton Road to the north of the site which states that the "dramatic landscape of the Aire Valley forms the south boundary of the Conservation Area".
- 9.16 It is considered that the proposed development would not interrupt this view due to the significant distance of the application site from this viewpoint. The development would reduce the overall footprint of the building and will only add 1 small window to the north elevation of the premises which would also not spoil the dramatic view of the landscape beyond.
- 9.17 In conclusion, for the above reasons, the proposed development is considered to meet the requirements of Local Plan Policies ENV2 and ENV3, and the NPPF and is therefore acceptable.

Amenity impact of the development

- 9.18 Local Plan policy ENV3 requires that development secures a good standard of amenity for all existing and future occupants of land and buildings. This is consistent with the NPPF requirement that decisions should deliver a high standard of amenity for existing and future users.
- 9.19 Paragraph 130 (f) of the NPPF further states that planning decisions should create places that are safe, inclusive with a high standard of amenity for existing and future users.
- 9.20 The proposed barn conversion will feature windows to all elevations of the building. The separation distance of the building from the residential accommodation is 6 holiday lodges between 2 belts of trees to the south-west at a distance in excess of 150m.
- 9.21 The openings to the west elevation of the proposal consist of a pair of glazed door openings for a bedroom and dining room, and a separate window for the kitchen. It is considered that due to the significant separation distance there would not be an impact upon neighbouring amenity through overlooking.

- 9.22 Additionally, as the proposal is to a smaller footprint than the current built form, there would be a reduction in shadowing. Additionally, given the separation distance, the shadowing would be limited to the application site and not to neighbouring amenity areas.
- 9.23 It is acknowledged that the change of use would result in a change in the noise emanating from the site. This change in noise levels will mostly be limited to traffic movements associated with the proposed dwellinghouse and is considered to be less intrusive than the current levels achievable from the site and is therefore acceptable.
- 9.24 In conclusion, the proposed development is assessed as meeting the requirements of Local Plan Policy ENV3 and the NPPF with regard to amenity impact.

Highway Considerations

- 9.25 Local Plan Policy INF4 states that conflict between road users will be reduced through the provision of safe, secure and convenient parking of an appropriate quantity. With regard to highways impact, the NPPF requires that conflict between pedestrians, cyclists and vehicles is minimised.
- 9.26 Paragraph 110 of the NPPF states that applications for development should ensure that:
Appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
Safe and suitable access to the site can be achieved for all users; and
Any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
- 9.27 Paragraph 111 of the Framework indicates that “development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”
- 9.28 It is considered that the conversion of the barn to a dwellinghouse will result in an increase of domestic traffic on the access track and the public highway. It is acknowledged that the public highway can be a busy road but the additional traffic to serve this proposed conversion if not considered detrimental to highway safety. The proposal also indicates 2 car parking spaces to be retained for the premises. The recommendation in the Highway Authority guidance is for 2 car parking spaces for 2-bedroom dwellings in rural areas. The proposal is therefore directly in accordance with this guidance and Local Plan policy INF4.
- 9.29 For these reasons, it is considered that the proposal would not result in negligible impact on highway safety and therefore is in accordance with Local Plan Policy INF4 and paragraph 111 of the National Planning Policy Framework.

Biodiversity

- 9.30 Policy ENV4 requires that development avoids the loss of, and encourages the recovery or enhancement of habitats, and that the biodiversity of buildings is conserved. Development proposals that result in a significant loss in, or harm to, biodiversity on site, and where no compensatory measures are proposed, will be resisted. Furthermore, development proposals should achieve benefits in biodiversity at least equal to the biodiversity value of the site prior to development.
- 9.31 The NPPF promotes the conservation, restoration and enhancement of priority habitats and the protection of priority species. In determining applications, it states that where significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated or compensated, planning permission should be refused (paragraph 180 refers).
- 9.32 Furthermore, paragraph 182 advises that the presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.

- 9.33 Bats are listed as a protected species both by The Wildlife & Countryside Act 1981 (as amended) and as a European protected species under The Conservation of Habitats and Species Regulations (2017) as amended. The act also affords protection to wild birds, their nests and eggs.
- 9.34 Paragraph 99 in Circular 06/2005 'Biodiversity and Geological Conservation' states that it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. It goes on to state that in appropriate circumstances, a condition may be imposed preventing the development from proceeding without the prior acquisition of a mitigation licence from Natural England.
- 9.35 Government guidance 'Bats: surveys and mitigation for development projects' (updated 04.03.19) advises active bat activity surveys must take place between May and September, however visual inspections can be done at any time of the year.
- 9.36 A Bat, Barn Owl and Nesting Bird Survey was submitted confirming that a daytime inspection was carried out on 08th September 2021, with the following outcome:
- No evidence was found for current use of the site by bats, barn owls and nesting birds were found during the survey.
 - The barn has negligible potential for use by bats and barn owls and some potential for nesting birds.
 - It is considered that a European Protected Species Mitigation Licence (EPSML) for bats will not be required prior to works being carried out.
- 9.37 It is recommended the proposal is suitable and that a precautionary approach can be taken with reasonable avoidance measures with no mitigation required.
- 9.38 In conclusion, in view of the above considerations, the development is assessed to meet the relevant requirements of Policy ENV4, the NPPF, The Conservation of Habitats and Species Regulations (2017) and the Wildlife and Countryside Act (1981) (as amended).
- 9.39 Conclusion
- 9.40 Paragraph 11 of the NPPF advises that LPA's should be approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 9.41 In this instance, the proposed development is considered to be acceptable in principle. Furthermore, there is not considered to be a significant detrimental visual impact on the barn or the local landscape. The amenity impact is not considered so significant as to warrant the refusal of planning consent. The impact of highway safety is not so severe as to require the refusal of planning permission. Issues of biodiversity have been addressed.
- 9.42 On balance, it is considered that there are no adverse impacts arising from the development that would significantly and demonstrably outweigh the overarching presumption in favour of sustainable development contained within paragraph 11 of the NPPF. The proposed development accords with the requirements of the Craven Local Plan and the NPPF. Accordingly, the application is recommended for approval.
10. Recommendation
- 10.1 Approve with Conditions

Conditions

Time Limit for Commencement

- 1 The development hereby permitted shall be begun not later than the expiration of three years beginning with the date of this permission.
Reason: To ensure compliance with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Approved Plans

- 2 The permission relates to the following plans:
- Drawing No. P2108/002 "Plans and Elevations as Proposed" received 16th September 2021.
 - Drawing No. P2108/003 "Detail Plans" received 16th September 2021.
 - Drawing No. P2108/004a "Site Plan" received 09th November 2021.
 - Drawing No. P2108/005 "Location Plan" received 16th September 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 Should any significant contamination be encountered during development, the local planning authority shall be notified in writing immediately. A Remediation Strategy shall be submitted to, and approved in writing by, the local planning authority, The approved remediation measures shall be implemented in accordance with the timescales in the approved Remediation Strategy. Following completion of any measures identified in the approved Remediation Strategy, a Validation Report shall be submitted within agreed timescales to, and approved in writing by, the local planning authority. The site shall not be brought into use until such time as all the validation data has been approved in writing by the local planning authority at the agreed timescales. The Remediation Strategy and Validation Report shall be prepared in accordance with current best practice.
- Reason: To enable the local planning authority to ensure that unexpected contamination at the site will not present significant environmental risks and that the site will be made suitable for use.

Before the Development is Occupied

- 4 Before the use hereby permitted commences, a written scheme for the disposal of foul and surface water drainage shall be submitted to and approved in writing by the local planning authority. No part of the development shall be brought into use until the drainage system has been constructed in accordance with the approved scheme. The approved scheme shall be maintained for the life of the approved development.
- Reason: To protect the amenity of the locality, especially for people living and/or working nearby.

Ongoing Conditions

- 5 Unless alternative details have first been submitted to and approved in writing by the Local Planning Authority, the external surfaces of the development shall be constructed in accordance with the materials detailed on the approved plans.
Reason: To specify the terms of the permission and for the avoidance of doubt.

- 6 Notwithstanding the Unless alternative details have first been submitted to and approved in writing by the Local Planning Authority, the parking areas of the dwelling shall be retained and maintained for their intended purpose at all times.
Reason: To ensure proper provision and management of parking for cars in accordance with Craven Local Plan 2012 to 2032 Policy INF4 and the National Planning Policy Framework.

Informatives

1. Statement of Positive Engagement:

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

2. The proposed barn conversion will be served by a new borehole water supply. The borehole will require risk assessing and sampling prior to completion for which charges apply.

The property will also require suitable treatment which must include a pre-filter and ultraviolet light steriliser along with any other treatment deemed necessary.

3. Hours of Construction

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

4. Hours of Construction

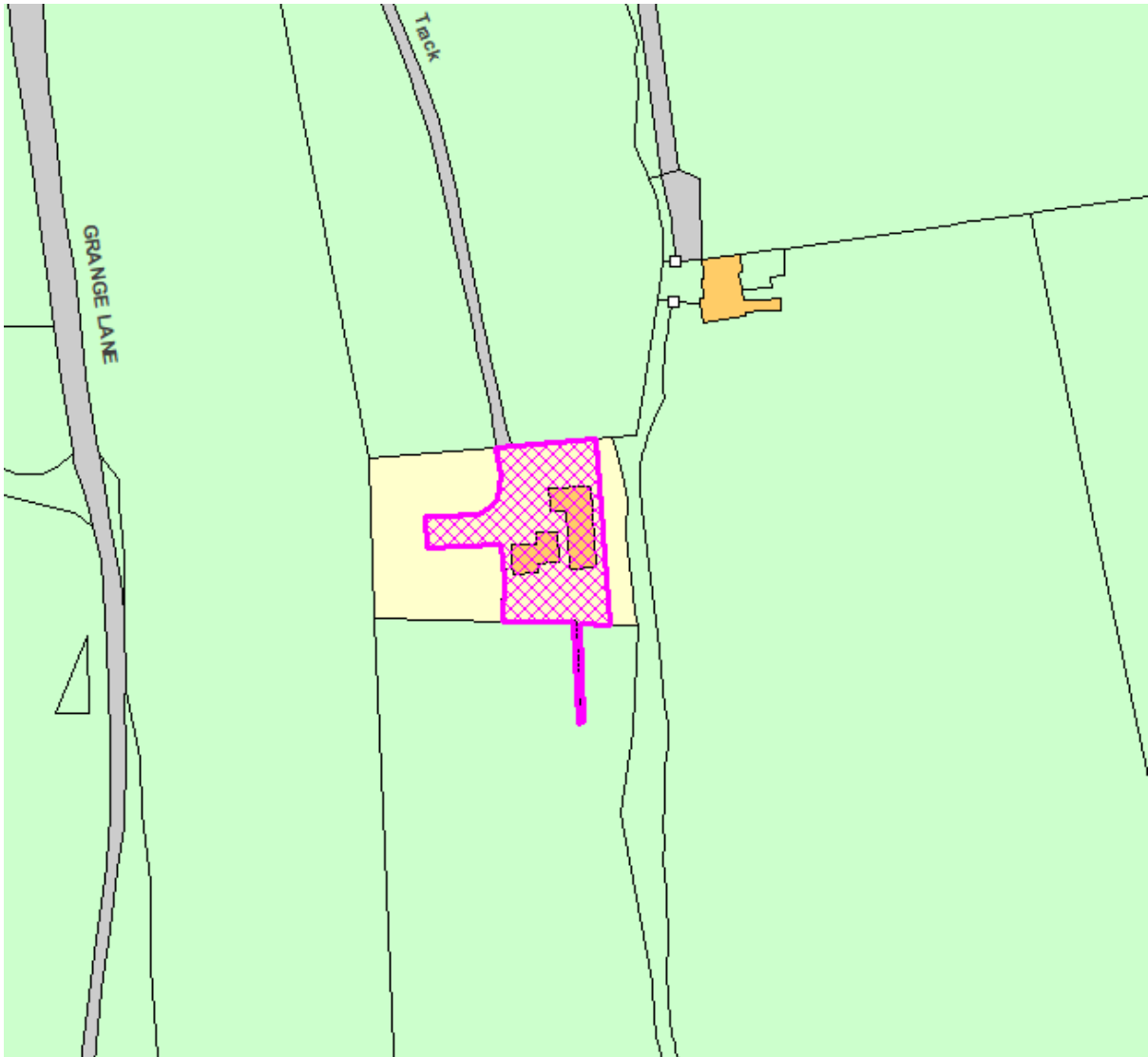
The hours of operation during the construction phase of development and delivery of construction materials or equipment to the site and associated with the construction of the development hereby permitted should be limited to 0730 hours to 1800 hours on Monday to Fridays and 0730 hours to 1300 hours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

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

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

6. The applicant and person removing any asbestos cement sheets must have regard to the Health and Safety Executive (HSE) A14 safety document Removing asbestos cement (AC) sheets, gutters etc and dismantling a small AC structure.

Asbestos waste must be disposed of at an approved site such as Skipton Household Waste and Recycling Centre, Harrogate Road, Skipton, North Yorkshire, BD23 6AB.



Application Number: 2021/23310/FUL

Proposal: Barn conversion to form one dwelling

Site Address: Barn, Grange Lane, Kildwick, BD20 9BZ

On behalf of: Mr Stuart Hargreaves

REPORT TO PLANNING COMMITTEE ON 14th February 2022

Application Number: 2021/23450/FUL

Proposal: Construction of detached dwelling with associated off street parking.

Site Address: Pennine Haulage Brow Garage, Rook Street, Lothersdale, BD20 8EH

On behalf of: Mr Trevor Jackson

Date Registered: 1st November 2021

Expiry Date: 27th December 2021

EOT Date, if applicable: 31st January 2022

Case Officer: Mr Sam Binney

SUMMARY

The proposal would result in a minor visual, amenity and highways impact upon the surrounding conservation area but this is offset through public benefits of the scheme including mitigating amenity impacts upon neighbouring occupiers and is recommended for approval.

This application has been referred to Committee by Councillor Brown due to concerns regarding overdevelopment, sustainable development, amenity and parking.

1. Site Description

- 1.1 The site is to the north of Rook Street, Lothersdale with access to be provided directly from that highway. The site is enclosed to the east by a beck and steep banking and is within a partially enclosed courtyard area for the dwellings to the north and west.
- 1.2 The site is located within the Main Built-Up Area of Lothersdale. The site is surrounded by residential dwellings in all directions. A Bridleway also runs adjacent to the east of the site in a north-south direction. The site is within the designated Lothersdale Conservation Area.

2. Proposal

- 2.1 The proposal is seeking planning permission for the construction of 1 No. 3-bedroom dwelling with associated parking and amenity areas. The dwelling will be 2 storeys with the principal elevation facing south-west.
- 2.2 The dwelling is to be constructed of natural stone walls, grey aluminium windows and doors and reclaimed blue slates to the roof.
- 2.3 **Officers note:** This proposal is a resubmission of a previous refusal which was refused on the grounds of design and amenity issues. The current proposal has been redesigned to address the issues relating to design and amenity and assessed on that basis.

3. Planning History

- 3.1 The most relevant planning history is as follows:
- 3.2 53/2014/14329: Demolition of existing workshop and construction of 6 no. Two bedroom dwellings with associated car parking. Withdrawn.

- 3.3 53/2014/15296: Demolition of ex commercial building and construction of 6 No, Two storey dwellings and parking spaces (Re-Submission of Previous Planning Application Ref: 53/2014/14329). Withdrawn.
- 3.4 53/2015/15618: Demolition of commercial garage and construction of one pair of semi detached dwellings and a block of four terraced dwellings. Refused 25th August 2015.
- 3.5 53/2016/16902: Resubmission of previously refused application 53/2015/15618 for demolition of commercial garage; provision of four two-bedroomed dwellings with ancillary parking and detached garage. Approved 21st June 2016.
- 3.6 53/2016/17166: Application for non-material amendment to original planning consent 53/2016/16902 for change of garage door elevation from South to West. Withdrawn.
- 3.7 53/2017/17852: Resubmission of previously approved application (53/2017/16902) for demolition of existing commercial/industrial building and construction of four houses and associated parking/external works. Approved 19th May 2017.
- 3.8 2017/18577/FUL: Demolition of existing commercial/industrial building and construction of four houses and associated parking/external works (resubmission of previous approval 53/2017/17852). Approved 29th November 2017.
- 3.9 2018/19100/FUL: Demolition of existing commercial/industrial building. Construction of 3 no houses and associated parking/external works (amendment to approved scheme reference 2017/18577/FUL). Approved 01/08/2018.
- 3.10 2019/21173/MMA: Minor material amendment to vary condition no. 2 (Approved Plans) of planning approval 2018/19100/FUL granted 01 August 2018. Approved 23rd September 2020.
- 3.11 2020/21383/FUL: Construction of detached house. Refused 16th April 2021.

Reasons for refusal:

1. *By virtue of the design of the proposed residential dwelling, the proposed development would cause harm to the character and appearance and the significance of the heritage assets of Lothersdale Conservation Area. The proposed public benefits would not override this identified harm the development is therefore contrary to policy ENV2 of the Craven Local Plan 2012 - 2032 and the National Planning Policy Framework.*
2. *The development as proposed would not secure a sufficient level of amenity to future occupiers of the dwelling, nor the surrounding occupiers. The development is therefore contrary to policy ENV3 of the Craven Local Plan 2012 - 2032.*

- 3.12 2020/21416/MMA: Minor material amendment to vary condition no. 2 (Approved Plans) on planning permission referenced 2018/19100/FUL granted 01 August 2018. Approved 22nd October 2020.

4. Planning Policy Background

4.1 Local Plan Policies:

SD1: The Presumption in Favour of Sustainable Development

SD2: Meeting the Challenge of Climate Change

SP1: Meeting Housing Need

SP4: Spatial Strategy and Housing Growth

SP3: Housing Mix and Density

ENV3: Good Design

ENV4: Biodiversity

ENV8: Water Resources, Water Quality and Groundwater

INF4: Parking Provision

- 4.2 National Policy:
The National Planning Policy Framework
Planning Practice Guidance – PPG.
- 4.3 Other documents:
Draft Lothersdale Conservation Area Appraisal (2016).
5. Parish/Town Council Comments
- 5.1 Lothersdale Parish Council: “No further comments from Lothersdale Parish Council”.
6. Consultations
- 6.1 NYCC Highways: No objection. Visibility splays can be achieved and the parking standard have been shown to be met. Conditions recommended for visibility splays, parking space provision/retention, and a construction phase management plan.
- 6.2 CDC Private Water Supply: The new dwelling is to be served by an existing borehole. Advisable to check to ensure existing treatment will be sufficient with the addition of a further dwelling. Sampling frequency and classification will remain unchanged.
- 6.3 CDC Heritage Consultant: Principle of development of the site and proposed detailed design are acceptable. Recommend conditions for samples of materials and clarification of the fenestration of the ground floor window to the front elevation.
- 6.4 **Officer’s Note:** Full copies of consultation responses are available on the website at the following link:
- 6.5 <https://publicaccess.cravendc.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=R1W3XBFKL3J00>
7. Representations
- 7.1 Site Notice dated 26th November 2021.
- 7.2 Press Notice published 02nd December 2021.
- 7.3 2 notification letters sent to neighbouring properties.
- 7.4 8 letters of representation received objecting to the development. A summary of the comments is outlined below:
- 7.5 Principle
Dwelling too close to the beck
Overdevelopment of land
- 7.6 Amenity
Impact on amenity.
Site has been fenced off for approximately a year impacting amenity.
Waste management collection is difficult at the site.
- 7.7 Highways
Fencing has caused insufficient parking for Stansfield Mews.
Lothersdale has no public transport.
Existing parking areas for adjacent site not shown.
Could impact parking and turning areas for neighbouring properties.
Would make access difficult for emergency vehicles.

7.8 Sustainability

There isn't a firm commitment to sustainability.

7.9 Other

Additional comments referred to approved application 2018/19100/FUL amended by 2020/21416/MMA regarding the parking space provision for that adjacent site.

Drawing inaccurate for size and position of existing borehole control room.

Enforcement concerns raised for adjacent development.

Officer's Note: The aforementioned enforcement issues have since been formalised and are for an adjacent development so is not relevant to this application.

8. Summary of Principal Planning Issues

8.1 Paragraph 11 of the NPPF sets out the presumption in favour of sustainable development. The NPPF makes clear that, for decision taking, this means:

8.2 Approving development proposals that accord with an up-to-date the development plan without delay; or where there are no relevant development plan policies or the policies which are most important for determining the application are out-of-date, granting permission unless;

8.3 The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole;

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

8.5 Principle of development

8.6 Visual impact

8.7 Sustainable design

8.8 Amenity issues

8.9 Highway Considerations

8.10 Flooding/drainage

9. Analysis

Principle of development

9.1 The application site lies within the Main Built-up Area of Lothersdale. Accordingly, Policies SP1 and SP4 of the Local Plan are of relevance.

9.2 Local Plan Policy SP1 seeks to ensure that the housing needs of Craven are provided over the plan period. The proposal would result in the creation of 1 residential dwelling within the Main Built-up Area of a Tier 5 settlement which is an incremental increase to the housing supply and would form part of the housing provision for Craven.

9.3 Local Plan Policy SP4 seeks to ensure the sustainable growth of housing across the district, with most growth toward the larger settlements. As a Tier 5 settlement, there will be a low level of growth to support a sustainable, vibrant and healthy rural economy and communities.

9.4 The policy supports proposals for additional housing growth on non-allocated land within the Main Built-Up Areas of Tier 5 settlements. This is subject to the proposal meeting all of the criteria of SP4 I. i) - iv) and Criteria J.

- 9.5 Criteria I i) – iv) states that proposals will be supported provided that they are consistent with the role and function of the settlement in the spatial strategy, are proportionate to the size of the settlement; are complementary to the settlement’s form, character and appearance; would conserve the character and appearance of the countryside; would avoid contributing towards the coalescence of settlements; and accord with all other relevant local plan policies.
- 9.6 As the proposal is for 1 dwelling surrounded on all sides by existing residential uses it is considered to be consistent with the role and function of this section of the settlement and proportionate to the size of the settlement. There is a PROW which runs adjacent to the site which connects the settlement to the open countryside, but the site itself is not in the open countryside nor would it be highly visible from the open countryside. The proposal is therefore considered to respect the appearance of the countryside and does not lead to the coalescence of settlements.
- 9.7 Criteria J is supportive of proposals in the Main Built-Up Area of Tier 5 settlements subject to the proposal being small in scale compared to the size of the settlement and limited to around 4 dwellings; or the proposal is for an affordable housing rural exception site; or required in order to secure significant improvements to the environment or conservation of designated heritage assets; or justified through the neighbourhood planning process; and accords with all other relevant policies in the local plan.
- 9.8 In this instance, as the proposal is for 1 dwelling it does not exceed the 4 dwelling limit, and is small scale compared to the size of the albeit small settlement. The proposal is not for an affordable housing rural exception site and is not required to secure significant improvements to the environment or conservation of heritage assets. However, as the proposal meets the small scale criteria, it is considered that the proposal meets criteria J of policy SP4 subject to the proposal meeting all other relevant policies in the local plan.

9.9 Conclusion

- 9.10 The application site is located within the main built-up area of Lothersdale. The development would also be located within close proximity to existing residential dwellings and would be of a scale and form of development that would contribute to the districts housing needs. The site is reasonably well related to existing services and facilities with public transport links to neighbouring villages and towns.
- 9.11 It is considered therefore that the application is acceptable in principle subject to the proposal meeting all other relevant local plan policies which will be assessed below.

Visual impact of development upon the surrounding conservation area

- 9.12 The overarching objecting of policy ENV3 seeks to support development proposals which benefit the local economy, environment and quality of life. In particular, development should respect the form of existing and surrounding buildings including density, scale, height, massing and use of high-quality materials.
- 9.13 Section 12 of the NPPF highlights the importance of good design and its key role in providing sustainable development. Paragraph 127 states that LPAs should ensure that developments are visually attractive, are sympathetic to local character and history, and establish a strong sense of place.
- 9.14 Paragraph 130 however, does state that permission should be refused for development of poor design that fails to take opportunities available for improving the character and quality of an area, taking into account local design standards or style guides. Conversely, where the design accords with clear expectations in plan policies, design should not be used by the decision maker as a valid reason to object to development.
- 9.15 Paragraph 193 of the NPPF advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. In this case the application site is located approximately 100m to the south of the Lothersdale Conservation Area. Therefore, the proposal has the potential to affect the setting of that heritage asset.

- 9.16 At paragraph 195 the NPPF advises that where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss. The main concern of the proposal would derive primarily from the visual impact of the development and the potential impact on the setting of the surrounding area.
- 9.17 The dwellings in the surrounding area are predominantly two-storey dwellings which are mostly rows of terraced properties, though there are some detached dwellings to the north of the site.
- 9.18 In this instance the proposal seeks to construct 1 No. 3-bedroom dwelling with access from Rook Street to the south-west. The dwelling is relatively tall standing at 6.7m but this is comparable to the newly constructed dwellings to the north-west and the dwellings to the west fronting Rook Street.
- 9.19 The design, scale and use of materials also closely match those used in the newly constructed dwellings to the north-west. It is considered that the construction of a detached dwelling at this site would not visually harm the site in regard to scale.
- 9.20 The Draft Lothersdale Conservation Area Appraisal states that the site makes some contribution to the character and appearance of the Conservation Area and is surrounded by land which makes a strong contribution to the character and appearance of the conservation area.
- 9.21 In particular, the site is referenced as an area of open space which comprises a large tarmac surface and low sheds and workshops which make a limited contribution to the Conservation Area by virtue of the open space and glimpsed views of the landscape beyond. While the building referenced in the landscape appraisal no longer exists, this has been replaced by 3 tall dwellings.
- 9.22 The application proposes garden areas to the north-east and south-east but does not specify the hard and soft landscaping that would be used though there is indication that a stone wall would be erected to the north-east of the site toward the beck. It is considered that a more formal boundary between the proposed dwelling would be required to delineate the private amenity space from the parking forecourt. However, this could be controlled by virtue of a planning condition if approved.
- 9.23 In conclusion, it is considered that the reasons for the previous refusal on design grounds have been addressed with the current proposal being more reflective of the character of the surrounding area and thus would result in a form of development that would not result in any visual harm and therefore is acceptable on design grounds. The proposal is considered to meet the aims and objectives of Local Plan Policies ENV2, ENV3 and the NPPF.

Sustainable design

- 9.24 Policy ENV3 of the Craven Local Plan states that sustainability should be designed in, and all developments should take reasonable opportunities to reduce energy use, water use, carbon emissions and to minimise waste.
- 9.25 The applicant has submitted a sustainable design and construction statement to explain climate change mitigation measures that have been incorporated into the design to minimise resource and energy consumption. This objective has been met through the use of reclaimed stone for facing materials and reclaimed slate from the local area. Aluminium windows are proposed which is highly recyclable and provides high levels of thermal efficiency. Insulation to the walls and roofs will also reduce energy consumption. Rainwater harvesting has been proposed, as well as the potential provision of an electrical charging point.
- 9.26 These measures are considered appropriate for the size of the proposal and sufficient for compliance with Local Plan Policy ENV3.

Impact of development upon nearby residential dwellings

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

- 9.28 Paragraph 130 (f) of the NPPF further states that planning decisions should create places that are safe, inclusive with a high standard of amenity for existing and future users.
- 9.29 The nearest dwellings to the proposed development are the 2 adjacent rows of terraced dwellings to the north-west and west of the site and a dwelling in an elevated position to the east.
- 9.30 The principal elevation of the proposed dwelling is to face south-west toward the side and rear of the terraced dwellings to the south-west. There is a window proposed the north-west gable elevation facing toward the frontage of the properties to that side. However, this will be obscure glazed as it serves a bathroom. The windows to the north-east and south-east elevations will face toward the watercourse and banking so would not result in overlooking of neighbouring occupiers.
- 9.31 As well as protecting the amenity of existing neighbouring occupiers, the future occupiers of the proposed dwelling needs to be taken into account. The proposed dwelling includes several window openings including a large picture window to the front elevation to serve the dining room. However, this window will face toward the associated parking areas for the property so would not result in significant loss of privacy for the future occupiers of the property.
- 9.32 The proposed dwelling will have modest amenity areas to the north-east and south-east. Due to the banking to the east and the positioning of the amenity areas is capable or allowing the amenity areas to be private subject to a condition for boundary treatment.
- 9.33 The dwelling would result in additional overshadowing to the surrounding area. Due to the position and orientation of the dwelling, the shadowing would be cast across the parking and turning areas during early morning periods, and over the proposed garden amenity areas of the application property in afternoon periods. It is considered that this overshadowing is acceptable.
- 9.34 In conclusion, it is considered that the proposed development would result a suitable level of privacy to future occupiers of the site, as well as having a minimal detrimental impact upon neighbouring amenity. It is therefore considered that the proposal is acceptable and meets the requirements of Policy ENV3 and paragraph 130 of the NPPF.

Impact on highway safety

- 9.35 Policy INF4 is supportive of development proposals that help to minimise congestion, encourage sustainable transport modes and include the provision of safe, secure and convenient parking of an appropriate quantity.
- 9.36 Paragraph 111 of the Framework indicates that “development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”
- 9.37 The application proposes to utilise the existing highway access from Rook Street to the south which serves as an access to several other properties to the north and west of the site.
- 9.38 The parking areas within the site have recently been amended for the adjacent row of terraced dwellings. The application proposes 2 car parking spaces on a driveway within the curtilage.
- 9.39 The parking standard stipulates that 2 spaces should be provided per dwelling in rural areas for 3-bedroom properties. The Highway Authority has been consulted for this proposal and they have no objections to the proposal stating that parking standards have been met and recommend conditions for visibility splays, parking space retention, and a construction phase management plan.
- 9.40 For the aforementioned reasons, it is considered that the proposal would not have an adverse impact on highways safety and therefore meets the requirements of Local Plan policy INF4 and paragraph 111 of the National Planning Policy Framework.

Flooding/Drainage

- 9.41 Policy ENV6 states that development will take place in areas of low flood risk where possible in areas with the lowest acceptable flood risk. Additionally, development will minimise the risk of surface water flooding by ensuring adequate provision for foul and surface water disposal. The site

is within flood zone 1 so has a low probability of increasing the risk of flooding within the site or cause an increase in flooding off the site.

9.42 Detailed submitted show an increase in permeable surfaces within the site through the provision of soft landscaped garden areas for the proposed dwelling. While the soft landscaping is indicative at this stage, it is considered that an appropriate condition regarding landscaping details can be attached to control this issue.

9.43 It is considered that the proposal is in accordance with Local Plan policy ENV6 and the NPPF and is acceptable.

9.44 Conclusion

9.45 The application site is located within the main built-up area of Lothersdale. The development would be located adjacent to existing residential dwellings and would be of a scale and form of development that would contribute to the districts housing needs. The site is well related to existing services and facilities with public transport links to neighbouring villages and towns.

9.46 Further, it is considered that the visual, amenity and highways impacts as a result of the proposal would not be significant or detrimental and therefore is recommend for approval in accordance with the Craven Local Plan and the NPPF.

10. Recommendation

10.1 Approve with Conditions

Conditions

Time Limit for Commencement

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

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

Approved Plans

2 The permission relates to the following plans:

- Drawing No. 001 "Location Plan, Roof and Site Plan/Floor Plans/Elevations as Proposed" received 01st November 2021.

- Drawing No. 002 "Street Scene as Proposed" received 01st November 2021.

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

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

During Building Works

3 There must be no access or egress by any vehicles between the highway and the application site at Pennine Haulage Brow Garage, Rook Street, Lothersdale, Keighley, BD20 8EH 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

- 4 No on-site works shall take place 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. wheel washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway;
2. the parking of contractors' site operatives and visitor's vehicles;
3. areas for storage of plant and materials used in constructing the development clear of the highway;
4. details of site working hours; and
5. 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.

- 5 No work shall commence on any external walling of the proposed dwelling until such time as the following have been submitted to and approved in writing by the local planning authority:

- o a sample panel of walling, of at least 2m² area, showing the natural stone to be used, the method of coursing and the styles and colour of its pointing has been constructed on site and;
- o samples of the proposed roof slates have been made available for inspection.

The development shall be carried out in accordance with the approved details.

Reason: To ensure that the proposed development is of a high quality and appropriate appearance in the interests of the visual amenity of the locality.

- 6 Within 3 months of development first taking place, details of the height, design, materials and finish of all boundary treatments at the site shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatments shall be constructed in accordance with the duly approved details before the building is first occupied and retained as such thereafter.

Reason: In the interests of site security and to ensure a satisfactory relationship with the character of surrounding buildings and the street scene.

Before the Development is Occupied

- 7 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.

Ongoing Conditions

- 8 Notwithstanding the provisions of Schedule 2, Part 1, Classes A and E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), (or any Order revoking or re-enacting that Order with or without modification) no development consisting of the enlargement, improvement or other alteration of the dwellinghouse, nor the erection of any outbuildings, within the curtilage of the dwellinghouses hereby approved shall take place without the prior written approval of the Local Planning Authority.

Reason: In order to restrict the construction of extensions and outbuildings within the curtilage of the dwellinghouses which, if uncontrolled, could have a harmful impact upon the amenity of neighbouring properties in accordance with the provisions of paragraph 130 of the National Planning Policy Framework.

Informatives

1. Statement of Positive Engagement:

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

2. Charging Points

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



Application Number: 2021/23450/FUL

Proposal: Construction of detached dwelling with associated off street parking.

Site Address: Pennine Haulage Brow Garage, Rook Street, Lothersdale, BD20 8EH

On behalf of: Mr Trevor Jackson



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

Planning Committee Report of New Cases Registered
For Period 10/12/2021 to 02/02/2022

Enforcement Reference	Alleged Breach	Site Address	Ward
ENF/03467/2021	Garage and storage building approved under planning ref: 2020/21736/HH being used as residential annex.	Calvert Cottage Carr Head Lane Cowling Keighley BD22 0LD	Cowling
ENF/03468/2021	Alleged unauthorised advertisement.	White Hall Uppergate Ingleton Carnforth LA6 3BD	Ingleton And Clapham
ENF/03469/2021	Untidy land.	Land West Of 1 Kendal Close Hellifield Skipton	Hellifield And Long Preston
ENF/03470/2021	Alleged mud/materials on highway.	Land To North Of Chapel Hill Skipton BD23 1UJ	Skipton North
ENF/03471/2021	Development allegedly not completed.	United Co Operatives Late Shop 2 - 6 Main Street High Bentham Lancaster LA2 7HE	Bentham
ENF/03472/2022	Erection of outbuilding.	Stonecroft Crosshills Road Cononley Keighley BD20 8LA	Aire Valley With Lothersdale

Enforcement Reference	Alleged Breach	Site Address	Ward
ENF/03473/2022	1) Alleged unauthorised extension to agricultural building being used as living accommodation. 2) Alleged unauthorised shipping containers being used as a dwelling.	Fold Bank Mewith Lane Mewith Bentham Lancaster LA2 7AX	Bentham
ENF/03474/2022	Alleged breach of condition no. 2 of planning ref: 42/2015/15928. Menage being used as a commercial business.	Dales Valley View Cottage Mill Lane Hellifield Skipton BD23 4LS	Hellifield And Long Preston
ENF/03475/2022	Shipping container.	Cod Bank Barn Old Road West Ingleton Carnforth Lancaster LA2 8HY	Ingleton And Clapham
ENF/03476/2022	1) Landscaping allegedly not implemented in accordance with approved plan ref: 101 A of planning approval ref: 2017/18568/COU. 2) Alleged conditions 3 and 4 of planning approval ref: 2017/18568/COU not discharged.	The Trees Caravan Park Westhouse Ingleton Carnforth LA6 3NZ	Ingleton And Clapham
ENF/03477/2022	1. Alleged unauthorised construction of 2 no. outbuildings. 2. Alleged unauthorised change of windows in listed building. 3. Alleged unauthorised business being run from property. 4. Alleged unauthorised installation of electric gate. 5. Alleged unauthorised works to roof of listed building. 6. Alleged unauthorised decking. 7. Alleged unauthorised installation of rainwater pipe. 8. Alleged unauthorised development to front elevation of listed building.	Bells Farm Colne And Broughton Road Thornton In Craven Skipton BD23 3ST	West Craven
ENF/03478/2022	Alteration of door to UPVC window without consent in an Article 4 area.	8 Chapel Street Settle BD24 9HS	Settle And Ribble Banks



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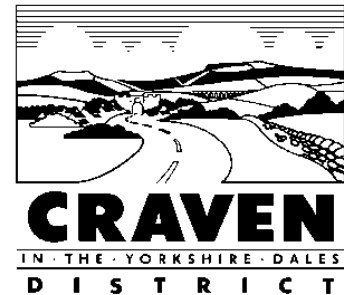
Planning Committee Report of Cases Closed
For Period 10/12/2021 to 02/02/2022

Enforcement Reference	Date Received	Date Closed	Reason for Closure	Alleged Breach	Site Address	Ward
2471/2016	14th September 2016	5th January 2022	Lawful Over Time	Externally mounted roller shutters	26 High Street Skipton North Yorkshire BD23 1JZ	Skipton North
ENF/03264/2020	15th June 2020	5th January 2022	Retrospective Planning	Alleged development not in accordance with approved plans (2019/21048/REM)	Land Off Strikes Lane Sutton-in-Craven Keighley BD20 7BJ	Sutton-in-Craven
ENF/03353/2021	12th January 2021	5th January 2022	Breach Resolved	Alleged unauthorised shed in front garden.	40 Pinhaw Road Skipton BD23 2SL	Skipton South
ENF/03390/2021	19th April 2021	5th January 2022	Retrospective Planning	Alleged unauthorised agricultural building(s)	Agricultural Building Paley Oak Farm Lawkland Austwick Lancaster LA2 8AT	Ingleton And Clapham

Enforcement Reference	Date Received	Date Closed	Reason for Closure	Alleged Breach	Site Address	Ward
ENF/03418/2021	23rd June 2021	5th January 2022	Retrospective Planning	Alleged unauthorised single storey rear extension & front entrance porch.	30 Burnside Avenue Skipton BD23 2BS	Skipton West
ENF/03447/2021	27th September 2021	5th January 2022	No Breach	1. Alleged unauthorised extension to height of wall 2. Potential business being run from property.	51 Broughton Road Skipton BD23 1TE	Skipton West
ENF/03451/2021	12th October 2021	5th January 2022	Case Closed	Alleged unauthorised running of car sales business from residential property (Potential change of use).	3 Roundell Drive West Marton Skipton BD23 3UL	West Craven

Planning Committee
Date 14 February 2022

Quarterly Planning Performance
Monitoring Report



Report of the Strategic Manager Planning and Regeneration

1. Purpose of Report

- 1.1 The report is intended to inform the Committee of performance of the development management service during the quarter October to December 2021.

2 Recommendations

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

3. Background

- 3.1 As well as looking at the Council's performance against national indicators for planning applications this report includes information for the quarter for enforcement, appeals and speed of validation of planning applications.

4. Assessment of performance during the quarter

Speed of Decisions

- 4.1 The Government Speed of Decisions National Indicator measures the percentage of decisions on applications made within the statutory determination period; or within such extended period as has been agreed in writing between the applicant and the local planning authority. Currently the performance over a two-year period is assessed against the following criteria:
- i) Major development applications - 60% must be determined either within 13 weeks or within the extended period agreed with the applicant.
 - ii) Non-Major development category - 70% of applications must be determined either within 8 weeks or within the extended period agreed with the applicant.
- 4.2 In the previous quarterly report to the Planning Committee members were informed that Craven's planning performance in terms of speed of decision declined steadily from the first quarter of 2020. The Government has now assessed performance of local planning authorities for the two-year period which ended on the 30 September 2021. As the Committee were advised in the last quarterly monitoring report Craven's performance in the non-major development category for that two-year period was 68%. This put the Council's Planning Service of being identified as poorly performing and at risk of being under 'Special

Measures'. At the end of January, the Council were informed by the DLUHC that as performance had fallen under the 70% minimum during the relevant period it may be liable for designation. However, the Council has been given opportunity to explain what actions it is taking to address its underperformance.

Table 1 Speed of Determination Q3 Sept-Dec 2021

	Number of decisions	% of decisions
Non-Major Development Applications		
Applications determined within 8 weeks during quarter	81	45%
Applications determined outside 8 weeks during quarter within an agreed extended time period (EoT)	45	25%
Applications determined outside 8 weeks during quarter without an EoT or outside agreed EoT period	53	30%
Total	179	100
Combined total applications determined within 8 weeks or an agreed extended time period (EoT)	126	70%
Major Development Applications		
Major applications determined within 13 weeks during quarter	2	33%
Major applications determined outside 13 weeks during quarter within an agreed extended time period (EoT)	3	50%
Major applications determined outside 13 weeks during quarter without an EoT or outside agreed EoT period	1	17%
Total	6	100

4.3 As Table 1 above shows the last quarters figures show the number of non-major development decisions had reached 70% minimum, this was the first time since the quarter January – March 2020 that performance had met or exceeded the national indicator.

4.4 Performance in determining major development applications during the two years preceding the 30 September 2021 exceeded the 60% target on applications determined in the statutory period or such extended period agreed with the applicant.

Number of applications determined

4.5 The numbers of applications determined from April 2020 fell significantly, this period saw Planning Committees cancelled and staff working from home due to the Covid pandemic. As a consequence, during the 12 months through to June 2021 the number of undetermined applications rose steadily, leading to rising numbers of complaints from frustrated applicants. The focus over the 6 months from June 2021 has been on reducing the number of on-hand applications and improved performance management, as a consequence there has been a significant rise in the number of applications (up by 79%) determined as can be seen in Table 2. In the 6 months from July to December the number of applications ‘on hand’ dropped by 30% (see table 3). Given that around 96% of applications are subject to a determination period of 8 weeks it would be expected that at any time around 150 applications would be pending.

Table 2: Comparison of numbers of applications determined (All categories)

2020-21 Quarters 1 – 3	304
2021-22 Quarters 1 – 3	544

Table 3 Application determinations 21/22

	Q1 21/22	Q2 21/22	Q3 21/22
Number of applications on hand on 1 st day of quarter	225	244	223
Applications withdrawn during quarter	7	8	16
No. of applications determined in quarter	172	186	186
% of decisions which were delegated	84%	91%	81%
No. of applications received during the quarter	199	173	151
No. of applications on hand on last day of the quarter	245	223	172
Increase/decrease on application backlog over quarter	+20 (+9%)	-21 (-9%)	-51 (-26%)

Validation

4.6 Reference to Table 4 shows that during the last quarter 37% of applications were validated within 5 days an improvement on the previous quarter. There was a modest improvement in the number of applications which it took over 10 days to validate 29% as compared with 35% in the preceding quarter. Validation performance still remains a concern as delays in validation makes it difficult to get

minor and other category applications determined within 8 weeks. Achieving determination within the statutory period becomes even more challenging when an application receives representations contrary to the officer recommendation, thus triggering the 7 days call in procedure.

Table 4 Validation Performance Quarter 3

Quarter 3 1st October 2021 – 31 December 2021				Quarter 2
	Days*	Number	%	%
Days* taken from submission to informing applicant/agent that inadequate information/fee was provided so the application could not be validated.	0-5	14	12	5
	6-10	47	41	34
	10-20	31	27	50
	Over 20	23	20	10
Total number of applications invalid on receipt		115		
Days* taken from receipt of a valid application to sending confirmation of receipt of the application.	0-5	75	37	29
	6-10	69	34	36
	10-20	36	18	22
	Over 20	22	11	13
	Total	202		
Total number of applications validated during the quarter		202		232
*Includes weekends and BH				

- 4.7 Also of concern is the continuing high percentage (57%) of applications found to be invalid on submission. This in part appears to be the lack of clarity in the information that is required to be submitted with applications, this is being addressed through the current review of the validation requirements. The length of time taken to notify applicants that an application was invalid has improved on the previous quarter but still remains high, in 47% of cases it took 10 or more days.

Committee Decisions

- 4.8 Though no longer covered by the DLUHC performance indicators there had been a target for a minimum of 90% of decisions should be delegated. During Q3 81% of decisions issued were delegated to officers as compared to 91% in the preceding two quarters.

Appeals

- 4.9 The Government use the percentage of decisions on applications for Major development that have been overturned at appeal to measure what is referred to as the Quality of Decisions National Indicator: once nine months have elapsed following the end of the assessment period; as recorded in the data collected by the Department for Communities and Local Government. Cravens' performance in defending planning appeals remains well above this minimum requirement.
- 4.10 The quarter saw 3 appeal decisions being received (table 5) of which 2 were dismissed and one partially allowed. At the time of the report preparation there were appeals decisions pending on 5 sites, these are listed in the appended table. The quarter also saw no costs awards being made against the Council and one award being made in its favour.

Table 5 Appeal Performance Quarter 3

	Minor/Other	Major
Dismissed	1	1
Allowed	0	1 (in part)
Total the number costs applications.		
Costs awarded against the authority.		0
Costs awarded to the authority.		1 (in part)

Enforcement

- 4.11 Table 6 sets out details of enforcement activity during Q3 and enable comparison with Q2. In the performance report presented to the committee on the 22 November members were informed that the number of historic enforcement cases closed in Q2 was inflated as a consequence of a review and update records held in the Uniform IT system. This task that had not been undertaken since the data was transferred into the Uniform in 2018. when it was installed. In terms of activity reference to Table 6 shows the number of complaints received in Q3 was slightly less than the preceding quarter, 8 cases were closed and 196 cases remained open at the end of December.

Table 6: Enforcement Indicators

	Q2	Q3
	Number	Number
No. of enforcement cases open on first day of quarter	400	204
No. of complaints received during quarter	26	23
No of enforcement cases open at end of quarter	204	196
No. of cases closed during quarter	222	31
No. of enforcement notices issued during quarter	3	3

5. Conclusion

- 5.1 The following points are evident from this review of performance that there has over the past 9 months been an improvement in performance as demonstrated by:
- the number of applications determined between April and December up by 70% compared with the same 9-month period in 2020,

- the backlog of undetermined applications fell by 34% between the 30 June and 31 December 2021.
- The last quarter saw the speed of determination of non-major development applications reach the Government minimum target for the first time since the second quarter of 2020.

5.2 Whilst these improvements show that the improvement strategy is delivering improvement it is important to ensure this is sustained by addressing the capacity and experience of the Planning service as well as maintaining the focus on managing performance. Currently there is a dependence on using agency planners to provide the experience and to cover vacant posts.

6. Financial and Value for Money Implications

6.1 Planning performance has the potential for significant financial implications in the event that applications are not determined within 26 weeks or an extension of time negotiated beyond the 26-week date. In that instance if requested, the planning fee is returned. Delays in reaching planning decisions can also impact on the local economy, hampering the creation of new jobs and homes.

7. Legal Implications

7.1 None

8. Risk Management

8.1 Financial risk as a result of fee being returned and the designation of planning authorities in special measures for underperformance is referred to above.

9. Equality Impact Analysis

9.1 No equality issues identified for this report.

10. Consultations with Others

10.1 None required

Background Documents

Live Planning Tables published online by the DLUHC

Appendix

Pending appeals decisions

Contact Officer

Name: Neville Watson

Telephone: 01756 46402

E-mail: NWatson@cravendc.gov.uk

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

Appendix

Appeals pending decision by Planning Inspectorate (as at 27.01.2022)		
Case Reference	Appeal Start Date	Site Address
APP/2021/22385/VAR	17.05.2021	Former Rockwood House Park Wood Close Skipton
APP/ENF/02795/2018	27.10.2021	Land At Buckstone Lane Sutton-in-Craven
APP/2019/20076/FUL	28.10.2021	Land To North West Of Clay Hall Broughton Road Skipton
APP/2020/21883/FUL	28.10.2021	Natwest Market Place Settle
APP/2021/22595/FUL	23.11.2021	Canal Street Croft Canal Street Skipton