

PLANNING COMMITTEE

Monday, 28th November 2022 at 1.30pm

Meeting to be held at The Council Offices, Belle Vue Square, Broughton Road, Skipton, North Yorkshire BD23 1FJ

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

Substitute Members: Councillors Hull, Madeley, Noland, Solloway and 2 vacancies (Conservative & Independent).

Please note the following advice in advance of the meeting:

Whilst there is no longer a legal requirement to wear a face covering or continue to social distance, please be considerate towards the wellbeing of others.

Anyone showing Covid symptoms or feeling unwell, are asked not to attend an in-person meeting, this is in the interest of general infection control. Further guidance can be found at: <https://www.gov.uk/coronavirus>

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 3rd October 2022.
- 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 16 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 16 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@cravenc.gov.uk or telephone: (01756) 706402).

6. Quarterly Performance Monitoring Report – Report of the Planning Manager (Development Management). Attached.

Purpose of Report - To inform the Committee of the performance of the development management service during the quarter July - September 2022.

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, 19th December 2022 at 1.30pm

Agenda Contact Officer:

Vicky Davies, Senior Democratic Services Officer

E-mail: vdavies@cravenc.gov.uk

Tel: [07565 620973](tel:07565620973)

18th November 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

3 October 2022

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

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

Apologies for Absence and Substitutes: Apologies for absence were received from Councillors Handley, Harbron and Place.

Ward Representatives: Application 2022/23654/HH Councillor Noland. Application 2021/23443/FUL Councillor Brockbank. Application 2021/23291/FUL Councillors Myers and Noland.

Confirmation of Minutes:

Resolved – That the minutes of the meeting held on 5th September 2022 were approved as a correct record and signed by the Chair.

Start: 1.30pm

Finish: 4.33pm

A short comfort break was taken by the Committee at 3:58pm.

PL.1079

DECLARATIONS OF INTEREST AND LOBBYING

a. Declarations of Interest – There were no interests declared.

b. Lobbying

Councillors Brown, Ireton, Lis, Morrell, Pringle, Rose, Shuttleworth and Sutcliffe were lobbied for and against application 2022/23654/HH. Councillors Brown, Lis, Morrell, Pringle, Rose, Shuttleworth and Sutcliffe were lobbied for and against application 2021/23443/FUL and Councillor Ireton was lobbied in favour only. Councillors Brown, Ireton, Lis, Morrell, Pringle, Rose, Shuttleworth and Sutcliffe were lobbied for and against application 2021/23291/FUL.

PL.1080

PUBLIC PARTICIPATION

The following individual addressed the Committee:

Application 2022/23654/HH – Mr Stuart Hart (on behalf of the objectors)

Application 2021/23443/FUL - Mr Gerald Townson (on behalf of the objectors)
Mr Simon Ward (applicant)

Application 2021/23291/FUL - Mrs Jenny Andrews (Stirton with Thorlby Parish Council)
Mrs Jill Wilson (on behalf of the objectors)
Mr James Cox (for the applicant)

PL.1081

PLANNING APPLICATIONS

a. Applications determined by Planning Committee

Permissions Granted

Application 2021/23443/FUL – application for the replacement of existing buildings with construction of storage building and use of land for display, sales and storage at warehouse, Wenning Mill, Wenning Avenue, High Bentham, LA2 7LW.

This application had been recommended for refusal by the Planning Manager because the demolition of the former mill warehouse would represent the almost total loss of the non-designated heritage asset and would have an adverse visual impact on the street scene contrary to the Craven Local Plan and the National Planning Policy Framework

However, following a site visit and considering all the information presented to them at Committee, Members approved the application subject to conditions being imposed for raising the height of the east boundary wall to a minimum of 3m; enhanced sustainable design for roof (e.g. solar panels or green roof); historic record of the former mill building. All other conditions to be formulated by the Strategic Manager for Planning and Economic Development.

Proposer: Councillor Pringle.
Secunder: Councillor Brown.
Voting: Unanimous for approval.

Permissions Refused

Application 2022/23654/HH – application for proposed parking spaces with new retaining walls, single storey extension to side and rear and link to existing garage and dormers to front and rear at 34 Raikeswood Road, Skipton BD23 1NB.

The case officer's report explained that the application in principle was considered acceptable and the proposal had been considered against all material consideration that arose from the development. Whilst there were some amenity impacts upon the neighbour to the north but they were not felt significant enough to warrant a refusal and the application was recommended for approval.

Members had undertaken a site visit and following the case officer's presentation, Members discussed the application and it was unanimously refused for the following reasons:

1. The proposed extension by virtue of its size and position would appear as an oppressive and overbearing feature which would have a detrimental impact upon the amenity of the neighbouring occupiers to the north through loss of outlook. The development is therefore contrary to the requirements of Craven Local Plan Policy ENV3 and paragraph 130(f) of the National Planning Policy Framework.
2. In the absence of any details to demonstrate a biodiversity net gain or mitigation measures, the proposed development fails to comply with the requirements of Policy ENV4. Failure to demonstrate any net gain or mitigation measures is contrary to Policy ENV4 of the Craven Local Plan and the National Planning Policy Framework.

Proposer: Councillor Brown.
Secunder: Councillor Morrell.
Voting: 5 for refusal; 4 against refusal.

Application 2021/23291/FUL – application for the construction of a roadside services facility comprising a petrol filling station, electric vehicle charging, car wash and ancillary retail kiosk, alongside parking, servicing area and access arrangements on land between A59 and Gargrave Road, East of the Gargrave roundabout, Skipton.

The report recommended approval of the application as, on balance, there were no adverse impacts arising from the proposal that would significantly and demonstrably outweigh the overarching presumption in favour of sustainable development contained within paragraph 11 of the National Planning Policy Framework. During the meeting, an email from NYCC Highways' Officer was circulated to Members which confirmed that the Highways Authority were not seeking a contribution to the widening of Gargrave Road as set out in the Jacobs reports. He also stated that whilst generating some new trips, the service station would primarily cater for vehicles already on the road and as such would have less of an impact than housing sites. Therefore, the proposed high measures within the application were deemed to satisfy the Highways Authority.

Members discussed the application and voiced concern about the loss of local green space and open character of the area which was valuable to the local community. The site had been identified in the Craven Local Plan as a designated local green space and development should only be allowed in exceptional circumstances and even then the character of the green space had to be retained. Members did not feel that a petrol filling station could be construed as an exceptional circumstance and that the design, scale and mass of the development would not preserve the open character and therefore was contrary to the requirements of the Craven Local Plan.

In addition, Members expressed disquiet about the detrimental impact the proposed egress and off-site highway works would have on existing highway safety. Several Members highlighted the long queues of traffic that already accumulated at peak periods and an additional roundabout would exacerbate the situation.

Members noted that there was an absence of a biodiversity management plan and therefore the application did not demonstrate any off-site provision for bio-diversity net gain and the proposed development failed to comply with the Craven Local Plan.

Furthermore, Members noted the lack of a retail impact assessment, which would show if there would be any impact on local and town centre retail developments and therefore failed to comply with the Craven Local Plan.

After the debate had concluded, Members voted to refuse the application for the following reasons:

1. The proposal by virtue of its design, scale and mass, fails to preserve the open character of the local green space and is therefore contrary to the requirements of the Craven Local Plan Policy ENV10 and the aims and objectives of the National Planning Policy Framework.
2. The proposed development, by reason of the design and layout of the proposed vehicle egress and off-site highway works would have a detrimental impact on existing highway safety. The proposal is therefore considered contrary to the requirements of the Craven Local Plan INF7 and the aims and objectives of the National Planning Policy Framework.
3. In the absence of a biodiversity management plan demonstrating any off-site provision for biodiversity net gain, the proposed development fails to comply with the requirements of Policy ENV4 and the aims and objectives of the National Planning Policy Framework.
4. In the absence of a retail impact assessment, the proposal fails to demonstrate the impact on local and town centre retail developments and is contrary to the requirements of the Craven Local Plan Policy EC5 and the aims and objectives of the National Planning Policy Framework.

Resolved – That, the application is refused

Proposer: Councillor Sutcliffe

Seconder: Councillor Brown

Voting: 6 for refusal; 3 for approval.

b. Delegated Matters

The Strategic Manager for Planning and Regeneration submitted a list of new and closed planning enforcement cases between 25th August 2022 and 23rd September 2022.

Minutes for Decision

There were no items for decision requiring confirmation by Council.

Date of Next Meeting: 31st October 2022.

Chairman.



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D I S T R I C T

PLANNING COMMITTEE AGENDA

DATE: 28th November 2022

INDEX OF PLANNING APPLICATIONS

Item No.	Application Reference No.	Name of Applicant	Site Address	Page No's
1.	2022/23966/FUL	Mr White	Borks Hill, Sour Dale Lane, Long Preston.	2 - 11
2.	2021/23539/FUL	Giggleswick School & Wellesley Homes	Land At Lords Close, Giggleswick.	12 – 44
3.	2022/24404/REG3	Craven District Council	Skipton Crematorium Waltonwrays, Carleton Road, Skipton.	45 - 54

REPORT TO PLANNING COMMITTEE ON 28th November 2022

Application Number: 2022/23966/FUL

Proposal: Conversion of existing farm buildings to 3 no. dwellings

Site Address: Borks Hill Sour Dale Lane Long Preston BD23 4QL

On behalf of: Mr White

Date Registered: 1st June 2022

Expiry Date: 27th July 2022

EOT Date, if applicable: 2nd November 2022

Case Officer: Mr Sam Binney

SUMMARY

Application deferred to committee by Councillor Moorby on the grounds of conflicts with Local Plan policies, inadequate access, public interest and impacts on SSSI

The proposal would result in 3 dwellings to the housing stock in Craven. The proposal would reuse a currently redundant agricultural building using an existing access. The proposal is in full accordance with all relevant Craven Local Plan policies and the NPPF and is therefore recommended for approval.

1. Site Description
 - 1.1 The application relates to a large former agricultural complex located to the west of Long Preston. Access to the site is provided directly from the A65 between 6 Moorfields and Greystokes. A Public Right of Way runs parallel to the site boundary following the line of the access road.
 - 1.2 The application site is located outside the Main Built-Up Area of Long Preston and is marginally outside of the designated Long Preston Conservation Area.
2. Proposal
 - 2.1 The application seeks planning permission for the conversion of a former agricultural building to 3 dwellinghouses with associated garaging, gardens, and parking/turning areas. The proposal will also include the demolition of 2 lean-to buildings to the south-west section of the site together with the demolition of a detached building to the north-west section of the site.
 - 2.2 The proposed dwellings will be two-storey and will consist of 1 No. 3-bed property and 2 No. 4-bed properties, with the garage building to the west being used for plots 2 & 3.
3. Planning History
 - 3.1 2021/23258/AGRRES: Notification for prior approval for conversion of agricultural building to dwelling. Deemed consent. 19th January 2022.

4. Planning Policy Background
 - 4.1 As required by Section 38(6) of the Planning and Compulsory Purchase Act 2004, the proposed development must be determined in accordance with the Development Plan unless material considerations indicate otherwise
 - 4.2 The July 2021 NPPF replaced the February 2019 NPPF, first published in March 2012. The NPPF does not change the status of an up-to-date development plan and where a planning application conflicts with such a plan, permission should not usually be granted unless material considerations indicate otherwise (Paragraph 12). This application has been considered against the 2021 NPPF.
 - 4.3 Annex 1 of the NPPF outlines how it should be implemented:
 - '219... existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).'*
 - 4.4 The development plan for Craven consists of the Craven Local Plan 2012 to 2032 (November 2019) ('LP'). The relevant LP policies for the determination of this application are:
 - SD1 – The Presumption in Favour of Sustainable Development
 - SD2 – Meeting the Challenge of Climate Change
 - ENV2 – Heritage
 - ENV3 – Good Design
 - ENV4 – Biodiversity
 - ENV12 – Footpaths, Bridleways, Byways and Cycle Routes
 - INF4 – Parking Provision
 - INF7 – Sustainable Transport and Highways
 - SP4 – Spatial Strategy and Housing Growth
 - 4.5 National Policies:
 - The National Planning Policy Framework
 - Planning Practice Guidance
 - National Model Design Guide
 - NYCC Interim Parking Standards
 - 4.6 Other material considerations
 - Draft SPD Good Design
 - Draft SPD Green Infrastructure and Biodiversity
 - 4.7 Officer Note: These documents represent material considerations but have not been adopted and do not form part of the Local Plan and therefore carry limited weight.
5. Parish/Town Council Comments
 - 5.1 Long Preston Parish Council: Objection as the proposal is in open countryside and vehicular access is problematic.
6. Consultations
 - 6.1 CDC Environmental Protection: No objections but recommend conditions regarding construction hours and dust.
 - 6.2 CDC Contamination: No contaminated land implications.

- 6.3 CDC Private Water Supply: "No comments."
- 6.4 NYCC Highway Authority: Initially objected due to concerns with visibility at the access and interference with the free flow of traffic at the access.
- 6.5 However, following clarity of the proposal and re-consultation the Highway Authority withdrew their recommendation for refusal and recommended a condition regarding access, turning and parking areas.
- 6.6 For a full copy of consultation response, please refer to the following link:
- 6.7 <https://publicaccess.cravenc.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=RAACJJFKMIW00>
7. Representations
- 7.1 Site Notice dated 11th June 2022.
- 7.2 Press Notice published 16th June 2022.
- 7.3 No notification letters sent to neighbouring properties due to remote location of the site.
- 7.4 2 comments have been received: A summary of the comments is outlined below:
- Ecology
- Impact upon ecology.
- Highways
- Highway concerns.
- Impact upon a PROW.
- Visual impact
- Impact upon Conservation Area.
- Inappropriate development.
- Non-material considerations
- Loss of a farm
8. Summary of Principal Planning Issues
- Principle of development
- Visual impact of the development
- Sustainability
- Impact on amenity
- Highway impacts of the development
- 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 ENV2 seeks to conserve Craven's historic environment. In particular, by supporting proposals that would preserve or enhance the character or appearance of a Conservation Area.
- 9.4 The agricultural buildings are generally in a good state of repair, though there are some gaps in the stonework which would require minimal if any, structural intervention. The other buildings which are further into a state of disrepair and provide no architectural interest are those proposed for demolition. While there is no formal requirement in either the Local Plan or the NPPF to prove the agricultural buildings are redundant, in this instance the condition of the site suggests that while it is still fit for an agricultural purpose, it is no longer required for that purpose.
- 9.5 The proposed conversion of the disused agricultural buildings is considered to meet the requirements of Local Plan policies SP4k and ENV2 as well as according with the requirements of the NPPF. Therefore, the proposal is considered to be acceptable in principle, subject to compliance with other relevant local plan policies and guidance contained within the NPPF.

Visual impact of the development, including impact on the setting of the nearby Conservation Area

- 9.6 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.
- 9.7 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.
- 9.8 The NPPF sets out good design as a key aspect of sustainable development. Specifically, it requires that development is sympathetic to local character, including the surrounding built environment and landscape setting and maintains a strong sense of place.
- 9.9 The proposed conversion will restore the structure of the barn using appropriate materials and the existing boundary treatment will be maintained around the site. The existing footprint will be reduced through the demolition of 2 lean-to structures as well as 1 detached building.
- 9.10 The proposed windows and door openings will utilise existing openings to their best advantage though will require additional openings in particular to the south-east and north-west elevations. The openings will be a mix of square and rectangular windows depending on their positioning within the building. The majority of the large elements of glazing will be facing away from public viewpoints including the north-west elevation facing toward the associated parking and garden areas. The main exception to this is the large opening to the south-west facing elevation which will have a large glazed opening spanning both floors. However, this will help to reflect the existing large opening to that elevation.
- 9.11 Due to the presence of a PROW to the immediate south-east of the site, the proposed conversion will be visible from public viewpoints. Notwithstanding, 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 surrounding conservation area. Similarly, the majority of the works are to the rear of the building away from the main public viewpoints of the site.
- 9.12 It is noted that the application site is located adjacent to, but just outside of, the Long Preston Conservation Area designated by the Yorkshire Dales National Park Authority. The section of the conservation area closest to the site is character zone 3 which is characterised as the outlying regions of Long Preston consisting of hamlets, farms and a network of lanes leading from the village centre. However, it is acknowledged that this area was proposed for deletion from the conservation area but was kept due to the significance of the well documented pattern of crofts and fields to the historic development of the settlement.
- 9.13 It is considered that the proposed works would not alter those elements that contribute to the significance of the Long Preston Conservation Area and would preserve the views of the conservation area from all significant viewpoints identified in the Conservation Area Appraisal.

- 9.14 In conclusion, for the above reasons, the proposed development is considered to meet the requirements of Local Plan Policies ENV2 and ENV3, the NPPF and the Planning (Listed Buildings and Conservation Areas) Act 1990 and is therefore acceptable.

Sustainability

- 9.15 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.
- 9.16 The applicant has submitted a sustainable design and construction statement in an attempt to demonstrate the measures that have been built into the design. This includes high internal insulation to floor, walls and roof high quality glazing to minimise heat loss, water efficiency features, electric vehicle charging points, re-use of existing materials on site where possible and local use of materials where required. These measures are considered appropriate for the size of the proposal and sufficient for compliance with Local Plan Policy ENV3.

Amenity impact of the development

- 9.17 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.
- 9.18 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.
- 9.19 The proposed conversion will feature windows to all elevations. However, the separation distance from the nearest dwellinghouse is significant with the nearest property sited in excess of 300m to the north and north-east of the application site. Due to this separation distance, there will be no impact upon neighbouring occupiers through loss of privacy, overlooking or overshadowing.
- 9.20 It is acknowledged there may be an increase in noise though the additional noise will be limited to the traffic associated with the proposed dwellinghouses, and therefore is not considered so significant as to warrant the refusal of planning consent. In coming to this view it is acknowledged that its last formal use as a barn can legitimately generate agricultural traffic which would have a much greater noise impact on the nearby dwellinghouses.
- 9.21 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

- 9.22 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. Local Plan Policy INF7 also seeks to ensure provision of safe and accessible travel facilities including maximising opportunities for travel by sustainable transport modes.
- 9.23 With regard to highways impact, the NPPF requires that conflict between pedestrians, cyclists and vehicles is minimised.
- 9.24 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.
- 9.25 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.”

- 9.26 It is considered that the conversion of the agricultural buildings to 3 dwellinghouses will result in an increase of domestic traffic on the access road. It is acknowledged that this is a narrow access road but the additional domestic traffic would be a trade-off with the existing agricultural traffic accessing the site and is not considered detrimental to highway safety.
- 9.27 The Highway Authority was consulted and initially objected to the scheme due to concerns regarding visibility at the access and interference with the free flow of traffic at that access. However, it was later established that the access to the site is provided between 6 Moorfields and Greystokes, rather than from the access point further west.
- 9.28 Following amendments to plans to show this access, the highway authority was reconsulted who withdrew their objection and are happy with the proposal in regard to its impacts upon highway safety.
- 9.29 The application form states that there will be provision for 3 total car parking spaces across the site. However, the site plan shows that Unit 1 will have 2 spaces, while units 2 and 3 will have 3 spaces each. The NYCC interim parking standards state that for 3-bedroom dwellings in rural areas there should be a provision of 2 spaces, and 3 spaces for 4 or more bedroom dwellings. The provision at the site is therefore directly in line with the interim parking standards. The Highway Authority in their consultation response agreed stating that the turning and parking meets the standards.
- 9.30 Policy ENV12 states the local planning authority will support proposals that preserve and, where possible, enhance footpaths, bridleways, byways and cycle routes and their settings. The access to the site follows the route of an existing PROW which continues externally adjacent to the site. While the site is accessed along part of the line of the PROW this is the current position at the site for the agricultural use of the farm and would be less impacted through domestic traffic than through agricultural traffic. Additionally, future occupiers of the proposed dwellings are likely to increase the use of the PROW while not proposing any diversion or temporary obstruction to the route of the Way. The proposal is therefore considered to accord with this policy.
- 9.31 For the above reasons, it is considered that the proposal would result in a negligible impact on highway safety and therefore is in accordance with Local Plan Policies INF4, INF7 and ENV12 and paragraph 111 of the National Planning Policy Framework.

Biodiversity

- 9.32 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.
- 9.33 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).
- 9.34 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.
- 9.35 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.
- 9.36 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.

- 9.37 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.
- 9.38 A Bat Survey Report was submitted confirming that a daytime survey was carried out on 17th May 2022 followed by an emergence survey also on 17th May 2022, with the following outcome:
- No evidence was recorded to suggest bats were roosting within the buildings.
 - No bats were observed or recorded using the buildings for roosting.
 - No bats were recorded emerging from the buildings.
 - The barn was assessed as offering negligible to low bat roosting potential.
- 9.39 In conclusion, it is recommended the proposal is suitable and that no further survey work is deemed appropriate and that an EPS Licence is not required to commence the works lawfully.
- 9.40 The planning statement states that the existing value of biodiversity at the site is low due to being mostly a hard surfaced yard area with minimal green areas. In order to achieve a biodiversity net gain there is soft landscaping proposed as well as nesting bird boxes and owl boxes. The soft landscaping will comprise a significant increase in green areas from the proposed lawned garden areas for the dwellings, plus a new planting section in the corner near the access with tree planting. While lawned garden provide minimal increase to biodiversity, these will in future be planted by the future occupants. The tree planting will help to soften the site and provide a higher biodiversity gain.
- 9.41 Additionally, the bat survey agrees with the requirement for bat boxes recommending the installation of two Greenwoods Ecohabitats three chamber bat boxes or Kent bat boxes within the site to provide a roosting potential for the local bat population. It is considered appropriate to condition this to secure the biodiversity gain.
- 9.42 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).
- 9.43 Conclusion
- 9.44 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.
- 9.45 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 local landscape and the setting of the nearby Long Preston Conservation Area. 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.
- 9.46 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. TS217-1 "Site Location Plan" received 11th July 2022.
- Drawing No. TS217-3 "Proposed Site Plan" received 13th April 2022.
- Drawing No. TS217-4 "Proposed Elevations" received 13th April 2022.
- Drawing No. TS217-5 "Proposed Floor Plan" received 13th April 2022.

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

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

Before the Development is Occupied

3 No part of the development must be brought into use until the access, parking, manoeuvring and turning areas for all users at Borks Hill, Sour Dale Lane, Long Preston, Skipton, BD23 4QL have been constructed in accordance with the details approved in writing by the Local Planning Authority. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason: To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.

Ongoing Conditions

4 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.

Informatives

1. 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.

2. Hours of Construction

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

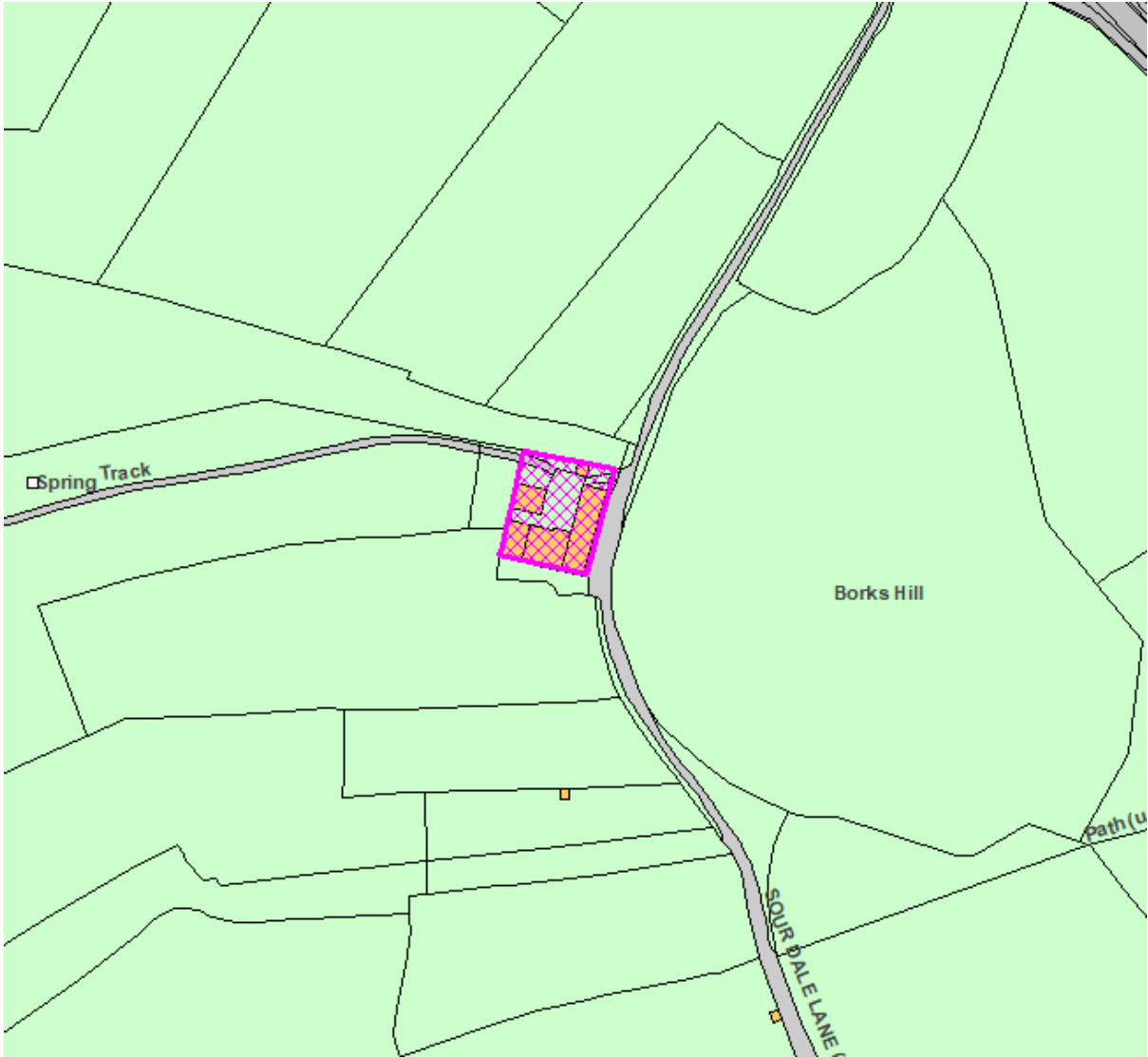
3. The applicant's attention is drawn to the bat mitigation details contained within the submitted Bat Survey Report.

4. Charging Points

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

5. Statement of Positive Engagement:

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



Application Number: 2022/23966/FUL
Proposal: Conversion of existing farm buildings to 3 no. dwellings
Site Address: Borks Hill Sour Dale Lane Long Preston BD23 4QL
On behalf of: Mr White

REPORT TO PLANNING COMMITTEE ON 28th November 2022

Application Number: 2021/23539/FUL

Proposal: 41 no. new dwellings, associated landscaping and infrastructure works, replacement sports pavilion, car parking and improvements to sports pitches.

Site Address: Land At Lords Close Giggleswick Settle BD24 0EG

On behalf of: Giggleswick School & Wellesley Homes

Date Registered: 30th November 2021

Expiry Date: 1st March 2022

EOT Date, if applicable: 30th November 2022

Case Officer: Andrea Muscroft

SUMMARY

The application is seeking full planning permission for the construction of 41 dwellings and a replacement sports pavilion, car parking facilities and improved sport pitches.

The application site is an allocated site in the Local Plan and therefore accords with the LP. The proposal would provide improved sporting facilities, biodiversity enhancements and net gains as well as sustainability benefits.

The proposal has been assessed ref impacts on amenity and the highway network and is considered to be acceptable.

The proposal is considered to accord with the Local Plan as a whole and for the reasons set out in the report is recommended for approval

1. Site Description
- 1.1 The application relates to two parcels of land covering approx. 3.56 hectares within the village centre of Giggleswick.
- 1.2 One parcel of land (ref SG014) is an allocated housing site in the 2012-2032 Craven Local Plan and consists of grassland.
- 1.3 The other parcel of land is a designated open space as per the 2012-2032 Craven Local Plan and consists of an existing sports pavilion, playing pitches and car parking facilities. There are a number of protected trees along the entrance to the school's sports pitches.
- 1.4 Giggleswick is a Tier 4b settlement
- 1.5 The site relating to the sports pavilion lies outside but adjacent to the designated conservation area.

2. Proposal

- 2.1 Planning permission is sought for the construction of 41 dwellings, associated landscaping and infrastructure works, the construction of a replacement pavilion, and car park and improvements to sports pitches.
- 2.2 **Officer note:** In response to concerns raised by residents the proposal was revised to help address those concerns raised.
- 2.3 **Officer note:** Following comments from the case officer and CDC Independent Heritage officer and the Council's Strategic Housing officer the proposal has been subject to further revisions. The proposal has been assessed based on the revised scheme.
- 2.4 The proposal seeks to provide 29 marketing housing units and the breakdown is detailed below:
3 x 2no. bedroom dwellings
20 x 3no. bedroom dwellings
6 x 4+no. bedroom dwellings
- 2.5 The proposal seeks 12 affordable units, and the breakdown is detailed below:
3 x 1no. bedroom dwellings
7 x 2no. bedroom dwellings
2 x 3no. bedroom dwellings
- 2.6 The proposed boundary treatments would consist of the retention of dry-stone wall to the front of plot 1, 1.8m timber fencing and a combined wall and timber boundaries to the remaining boundaries.
- 2.7 A new access is proposed from Bankwell Road and Lord's Close.
- 2.8 Existing footpath would connect with the new proposed footpath.
- 2.9 The proposal would provide 107 car parking spaces and 3no. visitor parking spaces would be provided.
- 2.10 The proposal would require the removal of several trees to facilitate access to the car parking area.
- ## 3. Planning History
- 3.1 Pre-application was sought in August 2020 for the development of 38 dwellings on the allocated site SG014. As an allocated site for housing, the principle of developing this site was already established.
- 3.2 31/2000/0444 - Variation of conditions 6, 7 and 8 on planning permission 5/31/294/A to allow the all-weather pitch to be constructed on Lords as permitted or on Eshtons as proposed – Approved January 2001
- 3.3 5/31/294/A – Outline application for residential development and details for the construction of an all-weather sports pitch including associated fencing, floodlighting and access alterations – Approved December 1999
- ## 4. Planning Policy Background
- 4.1 As required by Section 38(6) of the Planning and Compulsory Purchase Act 2004, the proposed development must be determined in accordance with the Development Plan unless material considerations indicate otherwise
- 4.2 The July 2021 NPPF replaced the February 2019 NPPF, first published in March 2012. The NPPF does not change the status of an up-to-date development plan and where a planning application conflicts with such a plan, permission should not usually be granted unless material considerations indicate otherwise (Paragraph 12). This application has been considered against the 2021 NPPF.
- 4.3 Annex 1 of the NPPF outlines how it should be implemented:

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

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

Policy SD1: The presumption in favour of sustainable development

Policy SD2: Meeting the challenge of climate change

Policy SP1: Meeting housing need

Policy SP3: Housing mix and density.

Policy SP4: Spatial strategy and housing growth

Policy SP11: Strategy for Tier 4a and 4b villages with basic services and bisected villages with basic services

Policy ENV2: Heritage.

Policy ENV3: Good design

Policy ENV4: Biodiversity

Policy ENV5: Green infrastructure

Policy ENV6: Flood risk.

Policy ENV7: Land and Air Quality

Policy ENV8: Water resources, water quality and groundwater

Policy ENV9: Renewable and low-carbon energy

Policy H2: Affordable Housing

Policy INF1: Planning obligations

Policy INF3: Sport, open space and recreation facilities

Policy INF4: Parking provision.

Policy INF5: Communications infrastructure.

Policy INF6: Education provision

Policy INF7: Sustainable transport and highways.

4.5 National Policy

The National Planning Policy Framework

Planning Practice Guidance

4.6 Other documents of relevance

National design guide

SPD Affordable Housing Contributions

Craven Conservation Area Appraisal 2008

Craven Playing Pitch Strategy (PPS)

Craven Space and Sports Evidence Base Report 2022

Other material considerations

Draft SPD Good Design

Draft SPD Flood Risk

Draft SPD Green Infrastructure and Biodiversity

3.11 Officer Note: These documents represent material considerations but have not been adopted and do not form part of the Local Plan and therefore carry limited weight.

4. Parish/Town Council Comments

4.1 Giggleswick Parish Council: Make the following comments:

Housing density: - The application has too many dwellings for the site area, classed in the Craven Local Plan for C3 residential use. The number of houses (41) is significantly over the number listed within the Local Plan (35) for site SG014 and is in excess of the total number of dwellings designated for the parish of Giggleswick. The density is not in keeping with surrounding developments. This has resulted in houses packed tightly together with limited green infrastructure.

Members agreed there is a lack of suitable housing for young people and first-time buyers. The Parish Council would suggest asking the developer to consider a maximum of 35 dwellings for the site area.

No Sustainable Design and Construction Statement has been submitted; a requirement for all applications.

Type of housing: - The proposed development shows some dwellings to be 2½ and some to be 3 storeys high. This is not in keeping with the surrounding developments and is likely to cause an impact on neighbouring dwellings on Lord's Close, Sandholme Close and Station Road.

Materials: - Paragraph 126 of the National Planning Policy Framework states: 'The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make the development acceptable to communities.

Reconstituted stone walls and grey concrete roof tiles are not in line with this Framework and the Parish Council would suggest asking the developer to consider stone walls to the front of the dwellings to improve the appearance.

Existing highway: - Inadequate infrastructure to support the additional cars (the plan proposes parking for an additional 107 cars) in an existing problematic area. The junction of Raines Road with Bankwell Road at Beggars Wife Bridge is very narrow (single passing only) and has no footway for pedestrians. This route is frequently used by pedestrians to Giggleswick Railway Station.

Bankwell Road is narrow and frequently has cars parked along its route, therefore, making single passing only. The Parish Council noted that this is marked on the Design and Access statement provided by the developer as 'on-street parking. The Parish Council objects to this statement as this is not designated as on-street parking. Cars parked here can significantly narrow the road and can lead to cars being parked upon and blocking the pavement, causing issues for pedestrians, wheelchair users and prams.

The existing footpath to the north of the site, from Lord's Close to the Riverside path, is in a poor state of repair and is in urgent need of upgrade. This is the most accessible route for pedestrians to Settle Railway Station..

Infrastructure: The infrastructure for access to healthcare is inadequate

Biodiversity net gain: - Paragraph 2.2.0, Managing and Promoting Biodiversity and Green Infrastructure (Policy ENV4 (a) 7 ENV5) states a requirement for all developments to provide a net gain in biodiversity, wherever possible, as well as a requirement for a development to be accompanied by an improved and expanded green infrastructure network, which, in turn,

provides opportunities for a net gain in biodiversity. The Parish Council would suggest asking the developer to implement Policy ENV4 (a) and ENV5.

Sports Pavilion: - Regarding the replacement of the sports pavilion, car parking and improvement of sports pitches, the Parish Council would like to comment that the proposed Floor Plan and Elevations are misleading in terms of which aspect of the design is north facing and which is south facing and therefore where the access into the building will be. We have concerns that there is a long distance between the car park and the club room facilities, particularly for those members of the public who may have difficulty walking and/or mobility needs.

In agreement with comments and issues brought forward by residents.

5. Consultations

- 5.1 **CDC Contamination Officer (30.03.2022):** The Council has not identified the development site as potentially being affected by contamination. The applicant has provided a Geo-Environmental combined Stage 1 & 2 report undertaken by ARP ref WLE 01r1 dated July 2021. This report did not identify any significant contamination on the site. There is no requirement for any additional contaminated land conditions being placed on any permission if granted.
- 5.2 **CDC Environmental Health Officer (12.07.2022):** Recommend conditions relating to noise, vibration, dust, and electric charging points.
- 5.3 **CDC Heritage officer (05.01.2022):** Recommended suggestions for the design of the proposal and a condition requiring archaeological trial trenching to be undertaken prior to any implementation of any permission.
- 5.4 **CDC Heritage officer (05.07.2022):** Revised details received. However, whilst generally supportive of the proposal but make recommendations for amendments to some details.
- 5.5 Objection to the poor design and materials of the replacement sports pavilion.
- 5.6 Recommend that outstanding issues are addressed and resolved prior to determination.
- 5.7 **CDC Strategic Housing (18.01.2022):** This application is for 41 homes and so would be expected to deliver 12 affordable homes if the site is deemed suitable for housing by the Councils Planning department. This has been reflected in the application.
- 5.8 However, the applicants site plans show all the affordable homes located along the eastern edge of the proposed development. This conflicts with the Councils adopted Affordable Housing Supplementary Planning Document, which states that in the interests of securing sustainable development developers should provide a good spread of affordable units across a scheme rather than this type of housing being concentrated into distinct areas. This will avoid segregation in the form of clusters of affordable housing, and promote integrated and sustainable communities (para 2.11.7, p. 28).
- 5.9 In order to meet size requirements, one of the three-bedroom homes should be changed to a two-bedroom home, for a total of two one-bedroom homes, seven two-bedroom homes and two three-bedroom homes.
- 5.10 The tenure of the affordable homes will be confirmed and enforced through a Section 106
- 5.11 Agreement between the Council and the landowner.
- 5.12 Until the layout and size of the affordable homes is corrected, Strategic Housing objects to this application.
- 5.13 **CDC Strategic Housing (12.8.2022):** The applicant has applied for 41 homes on land at Lords Close, Giggleswick.
- 5.14 Craven District Council's November 2017 SHMA identified a need for 126 new affordable homes in the district each year. The Council's adopted Local Plan seeks to meet this need by requiring all

developments of 10 or more homes to provide an onsite affordable housing contribution. On greenfield sites such as this, that contribution should be 30%.

- 5.15 This application is for 41 homes and so would be expected to deliver 12 affordable homes if the site is deemed suitable for housing by the Council's Planning department. This has been reflected in the application.
- 5.16 The applicant has also taken steps to ensure that the market and affordable housing are visibly indistinct by providing terraced houses for both market and affordable housing (in line with para 2.11.2 of the Council's adopted Affordable Housing Supplementary Planning Document). Affordable housing is also spread throughout the development, avoiding segregation between residents (in line with para 2.11.7 of the SPD). The affordable homes also meet the size requirements of the Council's identified housing needs.
- 5.17 If the site is granted planning permission, 25% of the affordable homes should be First Homes. The tenure of the remaining 75% will be confirmed through a Section 106 Agreement between the Council and the landowner.
- 5.18 Strategic Housing, therefore, has no objections to this application, subject to a suitable Section 106 agreement.
- 5.19 **CDC Sports officer (10.1.2022):** The INF3 Policy states that all new housing development of 11 or more dwellings to provide or contribute to the improved sport, open space and built sports facilities to meet quality and quantity deficiencies in the district. A development of 41 dwellings would result in an offsite plan and gain a contribution of £127,391.
- 5.20 A holding objection is submitted in order that the planning application can be assessed in line with the most up-to-date PPS evidence base which will inform the application of Policy INF3.
- 5.21 **CDC Sports officer (07.02.2022):** The proposed development of 41 dwellings is on land south of Lords Close which is a playing field owned and unused for sport by Giggleswick School since 2015. The site is allocated in the Craven Local Plan as SG014 for housing. The Local Plan for site SG014 identifies that any development proposals, must accord with the requirements of Policy INF3, criterion (d).
- 5.22 In conclusion the Craven District Council playing Pitch Strategy Refresh 2021 provides an evidence base to support the proposed sports pitch and changing room development. In supporting this application the following would be required;
- The detailed specification of the proposed pitch improvements provides evidence to support the outcome of high-quality pitches.
- Scaled drawing of the layout of the pitches to demonstrate that they meet National Governing Body for Sport criteria for pitch size and runoff and that potential ball strike has been assessed and if appropriate mitigating actions identified.
- A community use agreement for the pitches and changing rooms.
- An offsite plan and gain contribution of £127,391.
- 5.23 **CDC Sports Officer (24.5.2022):** Additional comments in response to consultation on amendments to the scheme:
- 5.24 The internal layout of the sports pavilion has been altered in response to comments from the ECB. The footprint, changing and community provision remains the same.
- 5.25 Previous comments regarding the ball strike have been satisfied as the ECB has stated there appear to be no ball-strike concerns for the new development.
- 5.26 There is a slight encroachment on the cricket outfield as noted by the ECB, the applicant has given due consideration to the siting of the pavilion and although there is some encroachment the location is the most appropriate.

- 5.27 The applicant has responded to NGB comments and there are no concerns regarding the amendments submitted in respect to the Sports Pavilion
- 5.28 **Canal & River Trust (20.12.2021):** There is no requirement to consult us regarding this proposal.
- 5.29 **CDC Tree officer(13.01.2022):** Trees T1-T13 are the subject of a Tree Preservation Order of which one by the pavilion and the group along the western edge of the site/Bankwell Road.
- 5.30 T6 Birch tree has been identified for removal; this is considered acceptable subject to a replacement Birch being planted in a suitable area along the road.
- 5.31 **CDC Tree Officer (01.07.2022):** It appears that T6 – T9 are being proposed for removal to facilitate access into the sports pavilion. If a good planting scheme is submitted there would be no objection to this. The AMS received is considered sufficient.
- 5.32 **CDC Tree Officer (27.05.2022):** Details submitted show the removal of T6 Birch tree ref the access. This was included in the group part of the TPO. However, it is considered reasonable to remove this from the TPO subject to a replacement Birch being planted in a suitable area along the road. A Arboricultural Method Statement is requested.
- 5.33 **Environment Agency (14.07.2022):** The existing surface water sewer was constructed for the purpose of conveying surface water from the existing Lords Close Development. UU have confirmed their acceptance of the proposed inflows from the additional development, indicating that the system is suitably sized and fit for purpose.
- 5.34 In the first instance it would be our preference to accept the existing surface water discharge into the River Ribble via the UU surface water sewer.
- 5.35 **Environment Agency (12.9.2022):** The site is in FZ1 and as such we do not need to be consulted for comments relating to flood risk. However, the proposal is within 20m of the River Ribble, which is a main river, and thus we have the following comments:
- 5.36 Amendments to the Development Management Procedure Order (DMPO) came into effect on 15th April 2015. As a result, we are no longer a statutory consultee on the surface water aspects of development proposals. Providing detailed comments on the drainage strategy is not within our remit and we are not resourced to provide this service as part of our Flood and Coastal Risk Management function.
- 5.37 Consequently, we wouldn't comment on surface water discharge unless there are proposals for a new outfall into the River Ribble. An informative advising the applicant of his responsibilities be imposed if planning permission is granted.
- 5.38 **Natural England (04.01.2022):** No comments to make with regard to this proposal. Reference should be made to the published standing advice.
- 5.39 **Historic England (05.1.2022):** On the basis of the information available to date, we do not wish to offer any comments.
- 5.40 **NYCC Design officer (23.12.2021):** No objections but do make suggestions to help provide a safe and secure environment by reducing the opportunities for crime and antisocial behaviour to occur
- 5.41 **NYCC Ecologist (05.01.2022):** Unable to provide comment on the proposal.
- 5.42 **NYCC Education (05.01.2022):** Based on the proposed number of dwellings developer contributions would be sought for education facilities at this present time – full details are contained in the submitted proforma.
- 5.43 **NYCC Highways (10.05.2022):** A request is made for further detailed plans to be submitted for consideration.
- 5.44 **NYCC Highways (20.06.2022):** Having assessed the submitted proposal and reaching it recommendation the LHA has considered the visibility arrangements for the sports pavilion and parking arrangements for the sports field. The turning and parking for the development meet the standard requirements. Consequently, the LHA recommends conditions.

- 5.45 **NYCC Suds officer (06.01.2022):** Submitted documents are limited and the LLFA recommends that the application provides further information.
- 5.46 **NYCC Suds Officer (27.05.2022):** Details provided fail to provide soakaway testing results or whether surface water run of hierarch has been fully explored and discounted.
- 5.47 **NYCC Suds Officer (11.7.2022):** The Geotechnical reports identify that site discharge via infiltration is not viable and that discharge to the watercourse should be investigated. The drainage strategy layout identifies a connection to the existing UU sewer. Recommend that the EA is consulted, and confirmation of the agreed discharge rate is issued to the LPA and LLFA with any associated drainage calculation revisions. The LLFA is unable to fully audit the provided drainage calculations without the agreed runoff destination and agreed discharge rate.
- 5.48 Details ref future maintenance of the surface water drainage system, temporary flood risk measures during construction or an exceedance plan have not been provided. However, these items can be conditioned and detailed in further LLFA recommendations if required.
- 5.49 In accordance with NYCC SuDs Guidance (2018) and as this is a full planning application the LLFA recommend that further written confirmation regarding surface water run-off destination and discharge rate and any associated drainage calculations revisions are provided to enable a full review of the application before any permission is granted by the LPA.
- 5.50 **NYCC Suds Officer (30.9.2022)** The submitted documents demonstrate a reasonable approach to the management of surface water on the site. The LLFA recommend that the suggested conditions are attached to any permission granted.
- 5.51 **Sports England (10.01.2022):** Objection to the proposal as it is not considered to accord with any of the exceptions to Sport England's Playing Field Policy or Paragraph 99 of the NPPF.
- 5.52 However, if further details can be provided as a set then Sport England will review the objection in light of any further information provided.
- 5.53 **Sports England (15.06.2022):** Objection to the proposal is maintained for the reasons outlined in the response dated 01.01.2022.
- 5.54 **Sport England (11.07.2022):** The additional information provided fails to address issues raised previously and as such the objection is maintained. Sport England is pleased to review the objection if the application provides the required information.
- 5.55 **Sport England (22.8.2022):** Objection to the proposal is maintained for the reasons outlined.
- 5.56 Sport England is pleased to review the requested details.
- 5.57 **Sports England (20.9.2022):** Considering the characteristics relating to this site and this planning application, on this occasion, Sport England is satisfied that there will be no harm to sports and recreation provision on the site and that the overall scheme will improve the sporting opportunities and bring wider benefits to the sport as set out in the bulleted points above.
- 5.58 Given the above assessment, Sport England **withdraws its objection** to this planning application subject to planning conditions (if the Council are minded approving the application):
- 5.59 **Sport England (8.11.2022):** The reviewed drawings do not alter SE previous comments.
- 5.60 **United Utilities (05.01.2022):** Request a detailed drainage plan be submitted prior to any approval. If no details are provided, then a condition should be imposed requiring a drainage plan.
- 5.61 **United Utilities (12.08.2022):** Following a review of the submitted Drainage strategy conceptual layout, it is confirmed that the proposal is acceptable in principle. However, there is insufficient information on the drainage design.
- 5.62 Should planning permission be granted it is requested that a condition is attached requiring details of the surface water and foul drainage scheme are provided.

- 5.63 **Yorkshire Dales Ecologist Officer (10.07.2022):** In my opinion, the habitats that were identified in the PEA have been correctly transposed into UK Habitat Classification categories and so far as I can see the required information has been entered correctly into Defra's BNG Metric Version 3.0.
- 5.64 Basically, not only is there no net gain, but a net loss of biodiversity value is predicted if the development is allowed to proceed as proposed. I note that Craven Local Plan Policy ENV4: Biodiversity states: "Wherever possible, the development will make a positive contribution towards achieving a net gain in biodiversity [my emphasis]". The results from the BIA indicate to me that the applicant's proposals are currently not compliant with Policy ENV4.
- 5.65 To make up the deficit and achieve a level of net gain, Futures Ecology has suggested that off-site provision is found and: "*Additional off-site contributions could comprise a Biodiversity Credit calculated based on the Biodiversity Units required for the LPA or another third-party Habitat Bank (to be approved by the LPA) to take on responsibility to deliver the Net gain for biodiversity*" (BIA paragraph 4.11). Logically, this seems to me to be the only option left, given that I cannot conceive of any enhancements on site that would close the 'gap'.
- 5.66 Futures Ecology have a target of at least 1% gain in Biodiversity Units. [Based on a total Biodiversity Units score of 7.47 for the land covered by the proposal, this implies that the total post-development score would need to be 7.55 – based on a 1% net gain - or 8.22 based on a 10% uplift. With a 3.38 Unit loss, the Units that would need to be 'found' would be 4.17 (1%) or 4.84 (10%) according to my calculations.]
- 5.67 The requirements around Biodiversity Net Gain will probably need to be secured through an s.106 agreement. Measures to mitigate the impacts such as the inclusion of bird nest bricks in new houses, prior checks for nesting birds, etc. are probably better secured through planning conditions.
- 5.68 **Yorkshire Dales Ecologist Officer (23.10.2022):** Details submitted show that the development would provide a 4% BNG. Futures Ecology has provided a very detailed table indicating their assessment of the current value of the different blocks of land that make up on-site and off-site land (Table 1), there is no similar table laying out the post-development situation.
- 5.69 There are plans in Appendix A of the report of the pre- and post- development sites that can be interpreted as showing that all of the Glebe Field will be transformed from amenity grassland to 'other neutral grassland' of some sort through 'native wildflower planting'. Likewise, there are various fragmented pieces of amenity grassland on Harrison Fields that will be changed to 'other neutral grassland'. Unfortunately, the FE106 Enhancement Plans do not provide any detail concerning the wildflower planting, so it is not possible for me to reassure CDC that the more than doubling of the level of habitat value that is said will occur will actually materialise or be sustained. Many bat boxes, bird boxes, hedgehog hibernaculae and log piles are promised, and this is welcome and even admirable, but these details are not relevant to the habitat enhancement issue. Indeed without the increase in habitat value, it is somewhat doubtful that the various artificial boxes and such-like will attract the desired occupants.
- 5.70 To summarise: the developers have shown that in principle they can achieve a level of BNG. If the Authority believes that the BNG is adequate, then it needs to secure this somehow. In my opinion, the developers have not set out a convincing plan as yet about how this is going to be done. This could be resolved perhaps by requiring a plan from the developers setting out how they will create and maintain the BNG over 30 years. I would advise this will require details of planting, sowing and management of the land so that the habitats that are aimed at becoming established and are, thereafter, maintained. In similar situations, this has involved a Section 106 Planning Agreement has been used to try to secure the necessary long-term commitment of the developer.
- 5.71 **Yorkshire Dales Ecologist Officer (1.11.2022):** Documentation supplied, shows the 4% BNG will be achieved through wildflower seeding/planting into the offset sites to increase the value of the habitat, but there is no plan that I have seen that gives any details as to what is to be done and how the increased value will be maintained 'in perpetuity' (which in practice is 30 years).

- 5.72 I recommended that a planning condition be imposed to require this detail to be submitted so that CDC would have something that it can enforce against if it appears that the developer is not upholding their end of the bargain.
- 5.73 **Yorkshire water:** No comments were received within the statutory period.
6. Representations
- 6.1 Site Notice posted 26.12.2021
- 6.2 Press notice published 6.1.2022
- 6.3 41 Notification letters circulated to neighbouring properties.
- 6.4 23 third-party representation received comprising of:
- 6.5 Objections
- 6.6 Amenity
- Concern over loss of privacy and loss of natural light
 - Concern over the loss of trees
 - Concern that the development adjacent to the existing boundary walls will impact the foundations of these walls.
- 6.7 Visual
- Concern over materials proposed
 - Concerns over the appearance
 - No compensation for loss of open green area
 - Overdevelopment
 - Car spaces and lack of garaging creates an unattractive visual landscape
- 6.8 Highway
- Transport Statement does not fully take into consideration the state of the highway network serving the development
 - Highway safety issues due to increasing vehicle movements
 - No visitor parking provision
 - No pedestrian and cycle access routes on the site
 - Lack of overflow carpark for residents and visitors.
 - The development would increase vehicle movements.
- 6.9 Other issues
- Local services will be unable to cope with any more dwellings
 - Lack of connectivity within the site
 - Lack of public transport
 - Loss of green space
 - No common areas for children to play
- 6.10 Flooding
- Concern that the development would be building on land that floods
 - Absence of adequate soakaway or other infiltration systems, or an attenuated discharge of surface water, or SUDs

The proposal fails to comply the hierarchy as defined by Building Regulations Part H

6.11 Supportive

Support affordable housing

6.12 Neutral/observations

Does not fully cater for families who are willing to pay £450+k for a four-bedroom house with medium-sized garden, garage, and study for the increasing number of professional people with children, working from home.

The proposal also fails to provide accommodation in the form of bungalows.

Suggest that if approved a condition is imposed requiring that the outward appearance of the proposed housing harmonise with the stone built and stone work of the existing Lord's Close properties.

Dwellings should be net zero standard

Will the roads have drains at the side of the road so that water can drain away quickly when people wash their cars.

Will the development allow families to downsize?

Think the development would look better if set out like Lords Close or Sandholme Close.

Why are the affordable at the back of the development and not intermingled?

Are the houses spaced apart in line with housing regulations?

Who will be responsible for the stone boundary walls?

The development would be improved with no hedges, walls or fences dividing the houses.

Why are only 12 affordable dwellings proposed?

Affordable dwellings should be subject to a local occupancy clause

Why are there no bungalows in the development?

When you exit the development onto Bankwell Road and turn left there is no pavement.

The SOC referred to in the DAA statement is not on the public register.

It appears no landscaping plan has been submitted.

Position and quantity of proposed trees vary between site plans and street scene – clarity required.

Recommend conditions

No Sustainable Design Construction Statement

It would be beneficial if a separate pedestrian footbridge is provided

Errors in statement ref number of cycle spaces

Can the developer work with Network Rail to provide additional covered and secure cycle parking?

Drawings fail to show secure cycle parking

Will CDC ensure this footpath is upgraded along its full length from Lords Close to the Riverside path

No electric or solar panels provided

Future flood risk requires independent expert planning advice

No details ref street lighting

Light levels should be specified and in keeping with the village environment

Will the footpath be added to the definitive map

Not demonstrated why the existing sports pavilion needs to be replaced with a larger pavilion

106 contributions should support facilities in Giggleswick/Settle.

Hope the development will not increase in surface water runoff

Will the proposed ornamental pear tree to the rear of plot 19 be placed away from our boundary?

How close will the fence be to the boundary stone wall?

Will access be available to maintain the stone boundary wall?

Buildings not orientated to benefit solar power

No mention how the buildings will be heated

Offsite construction (prefabricated modules) would reduce carbon footprint

6.13 To view comments in full please use the link below:

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

7. Summary of Principal Planning Issues

Principle of development – Residential and New Sports Pavilion and upgrades

Density and mix

Affordable provision

Education provision

Open space

Visual impact

Sustainable Construction

Amenity

Biodiversity

Impact on protected trees

Highway

Broadband

Other issues

Legal agreement and contributions

8. Analysis

8.1 Principle of development

Residential

8.2 Policy SP4 sets out how the spatial strategy for the distribution of growth will be delivered through sustainable patterns of development in Craven during the plan period 2012-2032.

8.3 One parcel of land that forms this application is an allocated site (ref: SG014) which has a projected yield of delivering 35 dwellings. Therefore, the principle of development, in this case, is firmly established by the allocation of the land for housing as part of the strategic site strategy which is intended to deliver new housing across the district.

- 8.4 Letters of objection received relating to the issue of greenfield development are not material to the consideration of this element of the application as the Craven Local Plan specifically allocates this site for housing.
- 8.5 In conclusion the development of this allocated site for housing is considered acceptable in principle subject to meeting the requirements of all other relevant policies.
- Replacement Pavilion and improvements to car parking area*
- 8.6 The second parcel of land that is the subject of this planning application is designated as an open space in the Craven Local Plan.
- 8.7 Local Plan Policy INF3 seeks to help maintain the current level of pitch provision that exists, whilst also helping to increase provision subject to the delivery of specific objectives set out within the PPS and any other subsequent updates. The policy also helps improve the quality of playing pitches and ancillary/associate facilities, particularly where deficiencies have been identified through the PPS.
- 8.8 The proposal is for the construction of a replacement sports pavilion, car parking and improvements to sports pitches.
- 8.9 The Council's Open Space officer has reviewed the information and confirmed that the CDC Playing Pitch Strategy Refresh 2021 provides an evidence base to support the proposed sports pitch improvements and changing room Pavilion.
- 8.10 Sport England following a review of the submitted details and requested data have confirmed that they have no objection to the proposed improvements to the existing sporting opportunities and the wider benefits that the proposal would bring forward subject to the use of appropriate conditions and the submission of a Community Use Agreement.
- 8.11 In conclusion, the proposed improvements are considered to accord with the requirements of Policy INF3 and thus this element of the proposal is considered acceptable in principle subject to meeting the requirements of all other relevant policies.
- 8.12 **Density and Mix**
- 8.13 Policy SP3 seeks to ensure the effective use of land to help address local housing needs. The policy states that a mix of market houses and types should be provided consistent with the latest Strategic Housing Market Assessment (SHMA), although an alternative mix and density will be considered where it is necessary to ensure a scheme's viability, local variations in housing needs, to help promote balanced mixed communities or to achieve other local plan objectives.
- 8.14 The proposal is seeking to provide 34 dwellings per hectare rather than the suggested 32 dwellings per hectare. The suggested increase in density is such that it is still considered appropriate in terms of making effective and efficient use of the land.
- 8.15 The proposal is not seeking to provide any 1-bedroom market dwellings and a lower proportion for 4-bed dwellings. It is important to note that the latest AMR shows that the district during this period has an over-delivery of four or more-bedroom dwellings.
- 8.16 Whilst the proposal differs from the suggested mix slightly this can be explained due to the requirements of the affordable housing team which suggested changes to the proposed mix.
- 8.17 The proposal is therefore considered compliant with policy SP3.
- 8.18 **Affordable Provision**
- 8.19 Policy H2 seeks the provision of affordable homes on greenfield sites where developments consist of 11 dwellings or more.
- 8.20 In this instance the development would provide 12 affordable units which would be sited across the site.

- 8.21 The Council's strategic housing officer has reviewed the submitted details and confirmed that the provision of 12 affordable units complies with the requirements of Policy H2. Furthermore, the location of the affordable units within the site is considered acceptable in policy terms.
- 8.22 **Education contributions**
- 8.23 Policy INF6 seeks to ensure that there is a sufficient choice of school places available to meet the needs of existing and new residents. The policy seeks developer contributions for education provision where residential development would result in a deficit of school places in the area, the site threshold sizes, controls and exemptions are:
- i) For primary schools, more than 25 dwellings in the town of Skipton and 15 or more dwellings outside of Skipton, and
 - ii) For secondary schools, more than 100 dwellings across the plan area
- 8.24 In this instance the site is an allocated site within the LP and would deliver more than 15 dwellings as set out in i) above and thus a developer contribution is required.
- 8.25 The NYCC Education officer has reviewed the submitted details and confirmed a contribution of £44,162.25 and £37,389.00 for school expansion places.
- 8.26 Therefore, if the proposal is recommended for approval the contribution can be secured by an S106 agreement.
- 8.27 **Open space Contribution.**
- 8.28 Policy INF3 seeks to promote health, well-being, and equality by safeguarding and improving sports, open space and built sports facilities. To achieve this the policy requires provision or contributions towards new or improved sports, open space and built facilities. The trigger for this policy is all new housing developments of 11 or more dwellings.
- 8.29 The proposal is for the construction of 41 dwellings and the provision or a contribution is triggered.
- 8.30 The Councils Open Space officer has reviewed the submitted details and confirmed that an off-site contribution of £127,391 would be required.
- 8.31 The proposal would also provide a new sports pavilion and improvements to the sports pitches. The Councils Open Space officer nor Sports England have objected to this element of the proposal.
- 8.32 Therefore, if the proposal is recommended for approval the contribution can be secured by an S106 agreement, to ensure community use this would be secured via a Community Use Agreement and appropriate worded conditions ref materials etc.
- 8.33 **Visual impact**
- 8.34 *Residential development*
- 8.35 Policy ENV3 of the LP states that development should respond to the context and respect the form of existing and surrounding buildings including density, scale, height, massing and use of high-quality materials. The policy also requires that new developments are accessible for those with different needs. The LP also requires realistic levels of car parking, and attractive and appropriate green spaces are provided.
- 8.36 The LP which identified this site as an allocated site also sets out the design principles for this site. Added to this is the now revised NPPF and the Government's Design Guidance which provides further advice in achieving improved standards of design in layout and house types.
- 8.37 **Site Layout**
- 8.38 Pre-application proposals were submitted for a total of 38 dwellings covering the whole of the site.
- 8.39 The LP design principles suggest a total of 35 dwellings on this site. However, this figure is not a maximum and any increase in numbers must demonstrate the development is still of good design quality and that the contributions required can be provided.

- 8.40 Running adjacent to the eastern boundary is Sandholme Close which comprises detached bungalows and two-storey dwellings. Turning southwards the properties adjacent to the southern boundary also consist of detached bungalows and two-storey dwellings (semi-detached). Dwellings to the east and south of the site provide a wide range of designs, ages, and materials.
- 8.41 Properties adjacent to the western boundary are a mixture of detached, semi-detached and terrace dwellings constructed from natural materials and thus provide an attractive street scene.
- 8.42 The street scene to the northern boundary would form an attractive edge to this edge of the site. The adjacent open sports pitches would not be harmed by the location of the proposed SW storage tank.
- 8.43 Within the site itself the proposed dwellings will front onto several new streets arranged around short cul-de-sacs with some native hedgerows and tree planting as per government guidance on introducing street trees.
- 8.44 The internal layout would connect well with an existing footpath that lies to the north of Sandholmes Close which also connects with PROW 05.21/8/1 as well as connecting with the footpath that runs off Lords Close.
- 8.45 The internal layout also shows how off-street parking would be incorporated into the scheme to ensure that were possible due to site constraints that on plot parking would be arranged so that parking does not dominate the street scene.
- 8.46 The internal layout due to the spacing between the dwelling would ensure that the development does not appear cramped and is reflective of the spacing of adjacent developments.
- 8.47 Boundary treatments would consist of timber fencing and stone walls topped with timber fencing running through and along the site and plot boundaries.
- 8.48 The site layout has also been designed to incorporate several 'Designing out Crime' features of which the NYCC Crime officer is supportive of this approach.
- 8.49 **Housing designs**
- 8.50 When travelling along Station Road, Sandholme Close and Lords Close it becomes clear that there is a wide mixture of built forms, design, scale, appearance, and materials.
- 8.51 The proposal has been submitted with a variety of housing designs, to provide interest within the street scene. The proposed house types proposed are reflective of nearby dwellings. Design features to the elevations also provide a high level of interest and design. In locations within the development, the proposal has incorporated different roof heights to break up the roofscape and create interest.
- 8.52 Materials have been proposed, however, it has been agreed with the applicant a condition requiring samples be provided to ensure that the development is in keeping with the surrounding area prior to the first use.
- 8.53 The proposed dwellings have also been designed to be accessible for all future occupants in accordance with Part M of the Building Regulations.
- 8.54 Overall, the quality of the scheme has been improved to an acceptable level through the submission of amended plans. Members will note the comments of the Parish Council and that the submitted details have built on those changes with further improvements. The application details are now overall considered acceptable subject to conditions on details covering matters such as the need for finalising materials.
- 8.55 **Landscaping**
- 8.56 Submitted drawings have been submitted which indicate the proposed soft landscaping for the residential element of the application. This consists of grassed area for each plot, with hedgerow/tree planting and native flower planting. If recommended for approval, then a condition can be imposed with regards to finalising the soft landscaping details.

8.57 **Sustainable design and construction**

- 8.58 The purpose of the planning system is to contribute to the achievement of sustainable development. Sustainable development is key to tackling the linked challenges of climate change, resource use, economic prosperity and social well-being, and cannot be achieved without sustainable buildings
- 8.59 Policy ENV3 criterion t) seeks to ensure that new residential developments take all reasonable opportunities to reduce energy use, water use and carbon emission and to minimise waste in accordance with Building Regulations. This accords with the Government's objective of addressing climate change.
- 8.60 It is important to recognise that Building Regulations cover a significantly wider range of sustainability issues that are covered by separate regulation. Parts G, F, L and O of the Building Regulations address water efficiency, energy use, conservation of fuel and power and electric charging points respectively.
- 8.61 The most recognised methods of achieving sustainability through the energy hierarchy.
- Energy efficiency – using technology to reduce energy losses and eliminate energy waste
 - The exploitation of renewable, sustainable resources
 - Exploitations of sustainable materials
- 8.62 Although it is important to stress that it is not the only way. Appropriate soft landscaping in the form of trees can also help reduce the annual building energy consumption by moderating the local climate as well as absorbing and storing atmospheric carbon dioxide a factor in climate change.
- 8.63 The submitted Planning Case Report states that the development has been designed by adopting sustainable design and construction principles, including high levels of insulation to prevent heat loss and orientating buildings for maximum natural light and heating.
- 8.64 The dwellings would also comply with Building Regulations requirements and SAP 10 ratings and provide electric vehicle charging points.
- 8.65 The option of solar panels was explored with the agent; however, the applicant has sought a fabric-first approach, with the emphasis being on the design of the dwelling and a reduction in the requirements for more heating and energy consumption. For example, dwellings in line with building regulations will be more efficient and produce 31% less CO₂ emissions. Notwithstanding this, further discussions are ongoing re this matter.
- 8.66 Therefore, information has been provided as outlined above which is considered to meet the requirements of ENV3 (t) in demonstrating that all *reasonable* opportunities to create a sustainable development to help address climate change. It is also considered these measures can be secured via an appropriate planning condition in the event of approval.

8.67 **Amenity issues**

- 8.68 Policy ENV3 (e) and (f) seek to ensure that development protects the amenity of existing residents and that it would secure a good standard of amenity for future occupants of land and buildings.

Future residential accommodation.

- 8.69 Whilst the policy seeks to ensure an adequate level of accommodation for future occupants it is silent with regards to the requirements for minimum internal floor arrangements. Therefore, the proposal will be assessed against the Government's technical housing standards guidance which sets out the minimum internal standards for bedrooms, storage, and internal areas.

- 8.70 With regards to the dwellings, it is considered that in terms of overall size, storage, bedrooms etc comply with the guidance and thus the dwellings would provide an acceptable level of internal residential accommodation.

- 8.71 The policy is also silent with regards to external private amenity spaces. Notwithstanding this, the submitted site layout clearly shows private amenity spaces for each of the dwellings which are of acceptable size to meet the needs of any future occupants.
- Existing residents.*
- 8.72 Plot 35 would be located to the east of No. 50 Sandholme at a separation distance of approx. 12.5m from the east gable to the far southwest corner of this dwelling. The eastern gable is devoid of any window openings except for a first-floor bathroom window (obscure glazed). The omission of windows to the eastern gable and the construction of a 1.8m high fence along the joint boundary would ensure that the occupants of this property did not experience any unacceptable loss of privacy or amenity. Similarly, due to the orientation of plot 358 and this existing dwelling, the proposed dwelling would not appear dominant or overbearing when viewed from the habitable rooms or private amenity areas. The proposed dwelling due to the separation distance would also not result in any unacceptable overshadowing nor loss of natural light to habitable rooms.
- 8.73 No. 17 Sandholme is located to the east of plots 35 and 23 at a separation distance of approx. 15m>17m with the rear gable of this existing dwelling fronts towards the proposed rear amenity areas of plots 35 & 23. To protect the privacy of this property the side gables are devoid of any window openings except for a first-floor bathroom window (obscure glazed). Therefore, due to the orientation of plots 35, 23 and No. 17 Sandholme combined with the proposed 1.8m high fence it is not considered that the occupants of this property would experience any unacceptable loss of privacy or amenity. Similarly, the proposal would not appear overbearing or dominant when viewed from any habitable rooms or the rear private amenity area nor would there be any unacceptable overshadowing or loss of natural light.
- 8.74 No. 15 Sandholme is located to the east of the application site at a separation distance of approx. 16m from plot 23. To protect the privacy of this property the side gables are devoid of any window openings except for a first-floor bathroom window (obscure glazed). In addition, the proposal seeks to install a 1.8m high fence that would run along the joint boundary. It is therefore considered that the proposal would not result in any unacceptable loss of privacy or amenity to the occupants of this property. Due to the separation distances plot 23 would not appear overbearing or dominant when viewed from the habitable rooms or rear amenity area associated with this property. Similarly, the proposal would not result in any unacceptable loss of natural light. It is acknowledged that there would be some overshadowing, however, this would be limited to the rear garden amenity area.
- 8.75 No. 9 Sandholme is located in excess of 32m from plot 23. As such, given the separation distance, the proposal would not have an adverse impact on the privacy or amenity of the occupants of this property.
- 8.76 No. 7 Sandholme is located to the east of the application at a separation distance of approx. 23m from the rear gable of plot 22. The introduction of the 1.8m high fence would protect the privacy at ground floor level between this existing property and plot 22. The proposal would see the introduction of first-floor windows serving a bathroom (obscure glazed) and bedroom. However, it is considered that the separation distances are sufficient to ensure no unacceptable loss of privacy would occur. Similarly, due to the separation distances the proposed dwelling would not appear dominate or overbearing or result in any unacceptable loss of natural light or overshadowing.
- 8.77 No. 5 Sandholme is located to the east of the application site at a separation distance of approx. 24 from the rear gable of plots 20 & 21 with a proposed 1.8m high fence running along the joint boundary. As such, it is considered that the separation distance is sufficient to ensure that the occupants of this property do not experience any unacceptable loss of privacy or amenity. Nor would they experience any unacceptable overshadowing or loss of natural light nor appear overbearing or dominant.
- 8.78 No. 3 Sandholme is also located to the east of the application site at a separation distance of approx. 27m from the rear gable of plot 19 with a 1.8m high fence running along the joint boundary. As such, it is considered that the separation distance is sufficient to ensure that the occupants of

this property do not experience any unacceptable loss of privacy or amenity. Nor would they experience any unacceptable overshadowing or loss of natural light nor appear overbearing or dominant.

- 8.79 Running along the southern boundary are several existing properties with the rear amenity areas backing onto the application site. The separation distances range from 20m > 23m from gable to gable. Located within the rear amenity areas are garages/outbuildings which provide some limited screening of the site. In addition, natural screening of the site exists along parts of the joint boundary for a couple of the existing dwellings. It is considered that due to the separation distances, intervening structures, and elements of natural screening that the proposal would not have an adverse impact on the amenity or privacy of the occupants of these dwellings. Similarly, there would be no unacceptable overshadowing/loss of natural light or appear overbearing when viewed from the habitable rooms or private rear amenity areas.
- 8.80 Continuing along the western boundary No 5 Lords Close would be located at a separation distance of approx. 10m from the southeast corner gable to the side gable of plot 15. This separation distance due to the orientation combined with the blank gable and single detached garage is considered acceptable and would not give rise to any adverse impact on the existing privacy of the occupants of No. 5 Lords Close. Similarly, there would be no unacceptable overshadowing/loss of natural light or appear overbearing when viewed from the habitable rooms or private rear amenity areas.
- 8.81 No. 4 Lords Close is located at separation distances of approx. 15m >16m from the rear gables of plots 14 & 13. Due to the orientations the proposal would not result in any unacceptable loss of privacy to habitable rooms nor to the private amenity areas due to the proposed boundary treatments and the transient nature of the upper bedrooms of plots 14 & 13. Similarly, these plots have been set back a reasonable distance from the existing boundary to ensure that the occupants of this property would not experience any unacceptable loss of natural light or overshadowing. Nor would they appear overbearing or dominant when viewed from the private amenity areas.
- 8.82 Plots 12 – 10 have been designed with the rear garden areas abutting the boundary of No. 4 Lords Close with plot 12 rear gable fronting towards the side gable of No. 4. Notwithstanding this, it is considered that due to the setback, the proposed boundary treatment and orientation of No. 4 that this plot would not give rise to any unacceptable loss of privacy or amenity to the occupants of this dwelling.
- 8.83 Plots 11 – 10 due to the boundary treatments which would maintain the current level of privacy experienced by the occupants of No. 4 regarding the relationship of the far side amenity area at ground floor level. It is acknowledged that there would be some overlooking of the far side amenity area. However, this area already experiences some mutual overlooking, therefore, it is considered that due to the transient nature of the upper bedroom windows and that the overlooking is limited to the far side amenity area that it would not result in any unacceptable loss of privacy.
- 8.84 No. 3 Lords Close lies at a separation distance of approx. 12.5m from the corner point to the rear single storey projection off plot 9. As with No. 5 and 4 it is considered that due to the orientation and intervening boundary treatments that the occupants of this property would not experience any unacceptable loss of privacy or amenity. Similarly, due to the set back the proposal would not result in any unacceptable loss of natural light/overshadowing or appear overbearing.
- 8.85 It is acknowledged that plots 8 & 7 at the upper level would have views of the rear amenity area of No. 3. However, these upper windows due to their transient nature would not give rise to any unacceptable loss of privacy.
- 8.86 No. 2 Lords Close lies at a separation distance of approx. 17.2m from the corner gable to the rear gable of plot 7. In addition, the corner gable of No. 2 Lords Close would be at a separation distance of approx. 17m. It is considered that due to the orientation, setback, and intervening boundary treatments the occupants of this property would not experience any unacceptable loss of privacy or amenity. Nor would there be any unacceptable loss of natural light/overshadowing or appear overbearing.

- 8.87 No. 1 Lords Close lies at separation distances ranging from 5.7m from the corner gable point to the gable point of plot 2, and approx. 6.6m from the corner gable point to the gable point of plot 1. Due to the orientation between plot 2 and No. 1 Lords Close it is considered that there would be no adverse impacts in terms of privacy or amenity.
- 8.88 It is acknowledged that the side gable of plot 1 fronts towards the front elevation of No. 1 Lords Close, however, to ensure that there is no loss of privacy this gable would be devoid of window/door openings. As such, the proposal would not result in any loss of privacy or amenity nor overshadowing or appear overbearing.
- 8.89 No. 28 Lords Close would lie at a separation distance of approx. 19m from side gable to the front gable of plot 1. Given the separation distances, and orientation between these existing and proposed dwellings it is considered that there would be no adverse impacts arising from this proposal on the occupants of this property.

Future occupants

- 8.90 The proposal is considered to provide sufficient internal and external space to meet the needs of any future able-body occupants.
- 8.91 Policy ENV3 also seeks to ensure that new developments are accessible and usable regardless of their age, gender, or disability.
- 8.92 The agent has confirmed that the development has been designed to meet the latest wheelchair-accessible housing design standards and will accord with the Building Regulations (Part M) that manage the ease of access to and use of properties.

Biodiversity

- 8.2 Policy ENV4 seeks to ensure that the growth of housing on allocated and non-allocated sites will be accompanied by improvements to biodiversity. This can be achieved through the avoidance of the loss and encouraging the recovery or enhancement of ecological networks, habitats, and species populations by incorporating beneficial biodiversity features in the design.
- 8.3 The NPPF also outlines in paragraph 180a) that LPA should refuse development that would result in significant harm to biodiversity that cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for.
- 8.4 The relevant European legislation (EU Habitats Directive) has previously been implemented into domestic legislation by way of The Conservation of Habitats Regulations 2017. Following the UK leaving the EU, the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 have been amended. The Conservation of Habitats and Species Regulations 2017 provide for the conservation regime to be administered by national bodies, as opposed to EU bodies and to make other minor administrative amendments.
- 8.93 The site comprises of two separate parcels of land. The parcel of land identified for housing comprises of cut grassland and is species poor. The second parcel of land is currently used for sporting facilities and is also species-poor semi-improved grassland.
- 8.94 The ecological reports identify that the application site does not represent Priority Habitats as defined within the Craven Biodiversity Action Plan and that the proposal also confirmed no evidence of reptiles, GCN or badgers.
- 8.95 It did acknowledge two bat species within 2km, and the eastern boundary provided some value to the local bat population for foraging and commuting and well as providing connectivity to the wider landscape. It also states most of the boundary habitats are to be retained, thus maintaining connectivity around the perimeter of the site and wider landscape thus reducing any potential impacts.

- 8.96 The document also recognises that Wild birds are protected by the Wildlife and Countryside Act 1981 and to comply with the legalisation any removal of woody vegetation would be timed to avoid nesting season.
- 8.97 The North & East Yorkshire Ecological Data Centre have confirmed that there are no protected species associated with this site.
- 8.98 With regards to this site the requirements for BNG is complicated by the presence that the application covers 2 separate parcels of land. The Council's ecologist officer originally raised issues with respect to the proposed biodiversity net gain.

On-site BNG

- 8.99 The proposal would see habitat enhancements through the provision of a landscape plan which would include native shrubs/trees including species which produce fruit and nectar supplying a food resource for insects, birds and small mammals, bird boxes, bat boxes and bee bricks.

Off-site BNG

- 8.100 Habitat retention and enhancements on site cannot provide the required BNG uplift and so off-site BNG mitigation is proposed to meet the requirements of Policy ENV4.
- 8.101 The submitted Biodiversity Management Plan sets out that the existing amenity grassland will be enhanced to a wildflower meadow, the planting of 10 urban trees plus areas around the boundaries of Harrison Playing Fields will be seeded with wildflower seed and managed as a meadow.
- 8.102 As a result, the latest details submitted and reviewed by the Council's ecologist officer now demonstrate that the proposal would provide a BNG of 4%. This complies with the requirement of Policy ENV4 of the LP.
- 8.103 Any BNG that is secured must be managed and monitored to ensure its continued function over a minimum 30-year time frame. The regime for such management and monitoring will be subject to further consideration through an S106 and planning conditions. A biodiversity monitoring and management plan are critical to the successful achievement and maintenance of BNG. To ensure the BNG provision and retention in perpetuity particularly as some of the BNG is located off-site an S106 agreement is required that includes all landowners/trustees in order to secure provision of the BNG and its delivery mechanism along with the requirements for the retention, monitoring, maintenance and management for a 30 year period and retention in perpetuity.
- 8.104 As well as land-based improvements to secure BNG such as trees, shrubs and flowers/grass habitats, the dwellings themselves would be fitted with bird/bat boxes and bee bricks prior to occupation. This can be secured by condition.
- 8.105 Overall, it is considered that subject to a S106 agreement and conditions, the proposed development would enhance the ecological value of the site, increasing biodiversity and thus the proposal meets the requirements of Policy ENV4 of the LP and national legislation on BNG.

8.106 Highway

- 8.107 Policies INF4 & INF7 seek to ensure that any potential highway impacts are mitigated and that safe and convenient access to the site and that there is adequate car parking can be achieved on-site.
- 8.108 NYCC parking stands set out the minimum parking standards, with different values dependent on accessibility to public transport proximity of differing land uses and location.
- 8.109 The guidance states that a flexible approach should be taken in using the standards, so each development proposal is assessed on its merit. A lower parking provision may be appropriate, particularly in more central locations where public transport provision is greater, depending on the circumstances of each case.
- 8.110 The NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Vehicular access and highway safety

- 8.111 In this instance, the proposed residential development would be served from a new road forming an extension of a turning head on Lord's Close. The existing footpath that runs across the site will be retained as an extension from the new road and resurfaced.
- 8.112 The internal road layout would consist of a primary road into the site with a continued shared surface road network running through the remaining site. The principal new access road into the site will be to full adoptable standards and would provide an adequate and safe means of access subject to final detailed approval. The Highway Authority are content with this proposal subject to the necessary agreement (S278) between the highway authority and the applicant ref the works and any planning conditions as appropriate.

Trip generation and impact on the local network

- 8.113 Some concerns have been raised by 3rd parties regarding increased vehicle movements and existing highway network but in the absence of any objection from the Highway Authority there are no sustainable grounds to resist the development as proposed.
- 8.114 It is important to note that during the assessment of sites for residential development, modelling of traffic flows in and around the settlement and the capacity of various junctions were undertaken to ensure that the existing highway network had the capacity to accommodate additional vehicle movements. And whilst the concerns are acknowledged by the Highway Authority, the allocation of this site for residential development because of those assessment means that the existing network can accommodate this new development. To that end there is no justification in highway terms to reject the development.
- 8.115 To allay local concerns the Highway Authority have recommended a Construction Traffic Management Plan be required which would assist in controlling construction vehicles and the routes that they use.

Car parking layout

- 8.116 The Council uses the NYCC Interim Car Parking Standards to inform as to an adequate standard of car parking spaces bearing in mind also Government and other LP policies seeking a shift away from cars to more sustainable forms of transport.
- 8.117 In curtilage parking is proposed through the provision of a minimum ratio of 1 space per 1-bed dwelling, 2 spaces per 2 & 3-bed dwellings and 3 spaces per 4-bed dwellings. Garages provided would provide a secure facility for cycles. There would also be 3no. visitor parking spaces are provided. It is considered that the level of car parking provided on-site through a mixture of surface parking, off-street parking and garages will be adequate to serve the new dwellings. There is a balance to be struck between providing reasonable levels of car parking and encouraging sustainable transport options rather than always relying on the private motor vehicle.
- 8.118 Electric charging points would be incorporated into the development.
- 8.119 It is considered prudent to withdraw PD rights with regards to ensuring that are not converted into additional ancillary living accommodation without the need for further planning permission. A planning condition is recommended to control this matter.

Sustainable transport

- 8.120 The Transport Statement identifies the site relationship with nearby public transport provisions. The document also highlights the inclusion of a new stretch of footpath which would link up PROW 05.21/8/1 which connects with others located in the centre of Giggleswick allowing residents to access the centre services/facilities.
- 8.121 The Highways officer have assessed the proposal and has not objected to the proposal on highway safety grounds. The proposal is therefore considered compliant with policies INF4 & INF7 of the Craven Local Plan and the National Planning Policy Framework.
- 8.122 **Flood Risk, foul and surface water drainage.**

Flood risk

- 8.123 Policy ENV6 seeks to avoid and alleviate flood risk when developments come forward.
- 8.124 SP11 as part of the development principles sets out that any development of this site will need to incorporate Suds where possible to address any potential surface water flooding.
- 8.125 The application site falls within FZ1 except for a small linear area running halfway down the eastern boundary which has been identified as being FZ3a. However, none of the residential dwellings are located within this area, instead this area would be garden areas.
- 8.126 The EA and LLFA have not objected subject to the works being carried out in accordance with the drainage strategy and plans submitted and the mitigation measures put forward, with such measures being maintained into the future.

Surface water

- 8.127 Local and national guidance now encourages sustainable urban drainage solutions (SUDS) to deal with surface water.
- 8.128 The application includes a surface water storage attenuation tank which will act as reservoir during times of excess rainfall with surface water being discharged via an existing UU sewer. The LLFA are satisfied that the surface water system is acceptable, and the remaining details can be dealt with via condition.
- 8.129 Other parts of the site will also be used to slow down surface water and reduce any surface water runoff onto public highways or pathways using permeable materials. This allows rainwater to infiltrate through the surface and into the underlying structural layers. The water is temporarily stored beneath the overlying surface before use, and infiltration to the ground.
- 8.130 In addition, the proposal would see the introduction of trees which also contribute to effective surface water management (see table 1)
- 8.131 Table 1 – Benefits of trees/shrubs and Suds

Method	Description
Transpiration	This is the process by which water, taken in from the soil by tree roots, is evaporated through the pores or stomata on the surface of leaves). Trees draw large quantities of water from the soil, which can contribute to reducing runoff volumes
Interception	Leaves, branches, and trunk surfaces intercept (store and allow the water to evaporate) and absorb rainfall, reducing the amount of water that reaches the ground, delaying the onset and reducing the volume of runoff
Increased infiltration	Root growth and decomposition increase soil infiltration capacity and rate, reducing runoff volumes.
Phytoremediation	In the process of drawing water from the soil, trees also take up trace amounts of harmful chemicals, including metals, organic compounds, fuels and solvents that are present in the soil. Inside the tree, these chemicals can be transformed into less harmful substances, used as nutrients and/or stored in roots, stems and leaves.

- 8.132 It is considered overall that the surface water drainage strategy now put forward will be effective in dealing with surface water run-off.

Foul water drainage

- 8.133 United Utilities, who are the sewerage, undertaken have been consulted on the application and have no objections subject to a condition requiring a surface water drainage scheme be submitted for consideration and that foul and surface water shall be drained on separate systems.
- 8.134 **Broadband**
- 8.135 The government has implemented a Universal Service Obligation, giving every household and business the right to request a broadband connection of at least 10 Mbps. Providing superfast broadband in new developments will provide further benefits and opportunities in terms of sustainability. Post pandemic, it is likely that there will be more or a reliance on home working even as restrictions ease. Fast, dependable broadband is essential for residents to benefit from online services, and for businesses to operate and reach their customers. It also contributes to the vibrancy of an area, in terms of both economic growth and social inclusion. Moreover, it can have the effect of improving transport sustainability and air quality given the reduction in travel for work.
- 8.136 The Ministry of Housing, Communities and Local Government updated the Framework in 2019 to suggest that all planning polices, and decisions should support the expansion of telecoms networks (including full fibre broadband). For the above reasons, the Council considers that fibre to the premise (FTTP) is essential infrastructure and vital to the delivery of sustainable development. Therefore, the development is expected to deliver FTTP and the developer will be required to submit an FTTP Statement, to be agreed by the Council. This statement will establish how FTTP will be provided to serve the development and that it will be engaged at first occupation. Exceptions to this approach could be justified in circumstances where it is not practical, viable or feasible to deliver FTTP. In such cases, evidence will be needed from the applicant to demonstrate that this is the case. Notwithstanding, where FTTP is not delivered, non-Next Generation Access technologies that can provide speeds in excess of 24Mbps should be provided as an alternative.
- 8.137 **Other matters**
- 8.138 Concern has been expressed over the loss of trees. It is acknowledged that the proposal ref the new access would result in the loss of trees to facilitate the new access to the sports pavilion and parking area. Tree T20 is also proposed to be removed due to major dieback and is recommended for removal regardless of development due to its current poor state. G44, T45 are also recommended for removal to facilitate the proposal, it noticed that these trees are in a poor state. T49, 51, 53 & 54 are also marked for removal to facilitate the proposal. However, the Council's tree officer has reviewed and not objected to the proposal subject to an acceptable replanting scheme is provided.
- 8.139 No evidence has been provided to support the concerns that existing local services would be unable to cope should the proposal be granted permission. It is important to note that the ability of the existing services when allocating this site were considered and deemed acceptable.
- 8.140 Concerns expressed concerning the potential impact on existing boundary walls. This concern is noted but given the separation distances it is not considered that the proposal would have an adverse impact on existing boundary walls. If any issues were to a rise due to the installation of boundary timber fencing this would be covered by separate legislation The Party Wall Act 1996 and would be a matter between interested parties outside of the planning system.
- 8.141 Comments have been received ref that the proposal fails to accord to the hierarchy as defined by Building Regulations Part H which offers guidance on drainage including foul and surface water. The matter of drainage is addressed within the report under Flood risk, foul and surface water drainage with consultations be undertaken with the statutory consultees with no objections received. It is important to note that the requirements of Building Regulations are outside of the planning system and whilst compliance is expected with all these regimes, matters outside of the planning system are not material to the decision-making process and therefore will not weigh against the acceptability of the development.

8.142 The proposed development has been designed to have good natural surveillance, thereby helping to minimise potential crime and disorder. The streets and public spaces are well designed and safe.

8.143 **Section 106 Obligation and developer contributions**

8.144 As part of the development, the following would be secured via a Section 106 agreement:

Table 1: Financial contributions

Type	Contribution
Education contribution – School expansion places (Primary)	44,162.25
Education contribution – School expansion places (Primary)	37,389.00
Open space contribution	127,391.00

8.145 **Affordable Housing (AH)** – 12 units = 30% of 41-unit total 25% First Homes and 75% tenure to be confirmed. Phasing delivery of units to be agreed, and long-term retention as affordable.

8.146 **Biodiversity net gain (BNG)** – long term management/maintenance plan and provisions to safeguard against failure and setting up monitoring arrangements. 30-year minimum time span for BNG on and off site.

8.147 **Planning Balance**

8.148 The application covers two parcels of land, one which is an allocated site SG014 in the Local Plan which establishes the principle of development on this greenfield site.

8.149 The site lies within the main-built up area of Giggleswick and has been amended to address concerns raised by interested parties, consultees, and officers.

8.150 The impacts of the proposal on the local network have been considered and been concluded that the impacts on the highway network are acceptable subject to conditions.

8.151 In addition, visual and amenity impacts have been carefully considered. In addition, the impact of the proposed development on protected species have been assessed. Although the development would see an increase in the level of hard surfaces, landscaping are proposed which would help mitigate the visual impact.

8.152 To meet the BNG requirement the proposal would provide a 4% BNG both on and off site. This provision is to be made prior to first occupation of the development and would be secured through a legal agreement.

8.153 Third party and consultee comments have been considered in the planning assessment set out within the report and the overall planning balance on this occasion is therefore one of approval subject to a S106 Obligation, Community Use Agreement to achieve the contributions/agreement and other benefits set out above and planning conditions as set out below.

8.154 **Conclusion**

8.155 For reasons given above, have considered the requirements of the LP, the NPPF and all other material considerations the application is recommended for approval.

8.156 **Recommendation**

8.157 Delegated Authority be given to the Strategic Planning Manager to Grant Planning permission subject to:

- (i) The completion by the landowner of a planning obligation entered into by way of a Section 106 Agreement to secure appropriate contributions in respect of open space and education contributions, and provision of affordable housing provision, and

(ii) the imposition of the conditions set out below.

10. Recommendation

10.1 Approve with Conditions

Conditions

Time Limit for Commencement

1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply 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 development permitted shall be carried out in accordance with the following approved plans and documents:

0792-EA-A-P001A	LOCATION PLAN
0792-EA-A-P010	BOUNDARY DETAILS - 1800MM TIMBER FENCE
0792-EA-A-P011	BOUNDARY DETAILS - 900MM WALL AND TIMBER
(AMENDED) 0792-EA-A-P004F	(AMENDED) PROPOSED BOUNDARY TREATMENT P...
0792-EA-A-P020	HOUSE TYPE A1
0792-EA-A-P021	HOUSE TYPE A2
0792-EA-A-P022	HOUSE TYPE A3
0792-EA-A-P023	HOUSE TYPE N201
0792-EA-A-P027	HOUSE TYPE N402
0792-EA-A-P029	HOUSE TYPE N404
(AMENDED) 0792-EA-A-P024A	(AMENDED) HOUSE TYPE N302
(AMENDED) 0792-EA-A-P025A	(AMENDED) HOUSE TYPE N303B
(AMENDED) 0792-EA-A-P026A	(AMENDED) HOUSE TYPE N313
(AMENDED) 0792-EA-A-P028A	(AMENDED) HOUSE TYPE N403A
(AMENDED) 0792-EA-A-P005D	(AMENDED) PROPOSED ELEVATION TREATMENT
(AMENDED) PO15A	(AMENDED) SINGLE GARAGE DETAILS
AMENDED) 0792-EA-A-P007D	(AMENDED) PROPOSED STREET ELEVATIONS
(AMENDED) 0792-EA-A-P006C	(AMENDED) PROPOSED SITE SECTIONS
(AMENDED) 0792-EA-A-G001B	(AMENDED) PROPOSED OVERALL SITE LAYOUT
(AMENDED) 0792-EA-A-P002G	(AMENDED) PROPOSED SITE LAYOUT
CE-LC-1980-DW01 - DW01	PLANTING PLAN SHEET 1 OF 3
CE-LC-1980-DW01 - DW02	PLANTING PLAN SHEET 2 OF 3
CE-LC-1980-DW01 - DW03	PLANTING PLAN SHEET 3 OF 3

(AMENDED) 0792-EA-A-P003B
(AMENDED) 0792-EA-A-P008B

(AMENDED) PROPOSED SITE LAYOUT - SPORTS ...
(AMENDED) PROPOSED SPORTS PAVILION

(ADDITIONAL INFO) REV 2
(AMENDED) AMA-20956-01 REV 2

*(ADDITIONAL INFO) FLOOD RISK AND DRAINA...
(AMENDED) FLOOD RISK AND DRAINAGE STRATE.

TREE REPORT & TREE SURVEY

(AMENDED) AWA4269

(AMENDED) ARBORICULTURAL METHOD STATEMENT

ECOLOGICAL APPRAISAL REPORT

DESK TOP BASED ARCHEOLOGY ASSESSMENT

GEO ENVIRONMENTAL REPORT PART 1-5

(AMENDED) NET03R1 - BOUND P1-27 (AMENDED) GEO-ENVIRONMENTAL REPORT

AMA 20956-01-FR&DS Rev 2 dated January 2022 with appendices

Reason: For the avoidance of doubt.

Before you Commence Development

- 3 No development shall commence until a surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The drainage scheme must include:

- (i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water;
- (ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations); and
- (iii) A timetable for its implementation.

The approved scheme shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.

The development hereby permitted shall be carried out only in accordance with the approved drainage scheme.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.

- 4 Prior to construction (including any demolition works) commencing on the site, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall include the following details:

- o Development contacts, roles, and responsibilities
- o Public communication strategy, including a complaints procedure.
- o Noise reduction measures, including use of acoustic screens and enclosures, the type of equipment to be used and their hours of operation.
- o Use of fences and barriers to protect adjacent land, properties, footpaths, and highways.
- o Details of parking and traffic management measures.
- o Measures to control light spill and glare from any floodlighting and security lighting installed.

The approved details shall be implemented before the development hereby permitted is commenced and retained throughout the duration of construction. The development shall only be carried out in accordance with the CEMP so approved.

Reason: To comply with Local Plan policy ENV3 of the Craven Local Plan.

- 5 Prior to the commencement of works (including site clearance, and construction works) the tree protection mitigation measures as specified in the AWSA Arboricultural Method Statement shall be installed to provide sufficient protection for the retained trees on site during the construction of the development.

Trees and hedgerows on the site which are shown to be retained on the approved plans shall be protected during all site clearance, demolition and building works in accordance with the measures set out in the submitted Arboricultural Assessment and Method Statement AWA Tree Consultants.

Reason: To safeguard trees and natural features which are important to the visual amenities of the area.

- 6 No development including earthworks shall take place until a suitable temporary construction surface water management plan has been submitted and approved in writing by the Local Planning Authority. Method statements and plans/drawings detailing surface water management proposals must include the following:

- a. Temporary drainage systems, including any dewatering.
- b. Measures for managing pollution / water quality and protecting controlled waters and watercourses, including and emergency control measures.
- c. Measures for managing any on or offsite flood risk associated with construction (If applicable)
- d. Required consents, e.g. Land Drainage Act, Environmental Permit (If required)
- e. Construction management, maintenance and remediation schedule.

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

- 7 No development shall take place until an appropriate Exceedance Flow Plan for the site has been submitted to and approved in writing by the Local Planning Authority.

Site design must be such that when SuDS features fail or are exceeded, exceedance flows do not cause flooding of properties on or off site. This is achieved by designing suitable ground exceedance or flood pathways. Runoff must be completely contained within the drainage system (including areas designed to hold or convey water) for all events up to a 1 in 30 year event.

The design of the site must ensure that flows resulting from rainfall in excess of a 1 in 100 year rainfall event are managed in exceedance routes that avoid risk to people and property both on and off site.

Reason: to prevent flooding to properties during extreme flood events and to mitigate against the risk of flooding on and off the site.

- 8 No development shall take place until a suitable maintenance of the proposed SuDS drainage scheme arrangement has been demonstrated to the local planning authority.

Details with regard to the maintenance and management of the approved scheme to include; drawings showing any surface water assets to be vested with the statutory undertaker/highway authority and subsequently maintained at their expense, and/or any other arrangements to secure the operation of the approved drainage scheme/sustainable urban drainage systems throughout the lifetime of the development.

Reason: To prevent the increased risk of flooding and to ensure the future maintenance of the sustainable drainage system and to accord with Policy ENV6 of the Craven Local Plan and the National Planning Policy Framework.

During Building Works

- 9 Notwithstanding the details provided, prior to the commencement of any part above ground works of the hereby approved development, a detailed landscape masterplan and all final landscape details (planting and hard landscape), shall be submitted to and agreed in writing with the LPA. This shall follow an approved landscape framework to be agreed.

Notwithstanding details already submitted, such plans and details shall show all new planting of shrubs, hedgerows and trees including any necessary tree pits or root barrier systems. The plan shall show all streetlights, pipe ways and other underground service details in proximity to tree planting.

The landscape masterplan shall include a detailed phasing plan for all landscape works. Details will include all planting schedules, quantities, densities, sizes, mulching and irrigation features as well as hard landscape details for boundary treatments, surfaces, and features.

Reason: In the interests of the appearance and character of the development and area and to comply with policy ENV3 of the Craven Local Plan.

- 10 Foul and surface water shall be drained on separate systems.

Reason: To secure proper drainage and to manage the risk of flooding and pollution.

- 11 The hard and soft landscaping details as agreed shall be fully implemented and maintained in accordance with the agreed management and maintenance plans and any agreed phasing of those works. Planting works, if delayed, should be completed in the first available planting season (October-March).

If any planted areas fail or trees and shrubs die or become damaged or diseased within 5 years of planting, they shall be replaced with the same species (unless a written variation has been agreed beforehand with the LPA) in the next available planting season.

Following such an initial establishment period, all planting, shall then be maintained in accordance with the long-term landscape and maintenance provisions approved as part of this permission, including any relevant clauses set out in the accompanying Section 106 Agreement attached to this permission.

Reason: In the interests of the appearance and character of the development and area and to comply with Craven Local Plan policy ENV3 and the National Planning Policy Framework.

- 12 Prior to commencement of development above slab level of any of the dwellings a scheme for the placement of bird and bat boxes and swallow bricks for each dwelling shall be submitted to and agreed in writing with the LPA. The details agreed shall be completed for each house prior to occupation and maintained as such thereafter.

Reason: In the interests of increasing biodiversity on the site in accordance with Local Plan policy ENV4 of the Craven Local Plan

- 13 Prior to the commencement of any works above slab level of any of the dwellings hereby permitted a full schedule of materials (including

manufacturer names, type and colour) to be used on all dwellings based on the external materials plans submitted i.e. facing bricks, wall renders, weatherboarding, tile hanging including finish and colours, roofing materials, eaves boards, ridge tiles, together with the materials for all hard surfaced areas including any roadways, pavements and footway/cycleways, fences and walls (with typical elevation sections including straights and where there are changes in alignment supplied for both including any coping details, decorative brickwork and piers etc.), shall be submitted to and agreed in writing with the LPA.

The development shall be completed in accordance with the details as may be agreed.

Reason: In the interests of the appearance and character of the development and to comply with policy ENV3 of the Craven Local Plan and the National Planning Policy Framework.

- 14 The Development shall be built in accordance with the following submitted document;

Flood Risk and Drainage Strategy, Andrew Moseley Associates, Reference 20956-FRDS-001XX, Revision 3, Dated January 2022.

The flowrate from the site shall be restricted to a maximum flowrate of 6.5 litres per second. A 30% allowance shall be included for climate change and an additional 10% allowance for urban creep for the lifetime of the development. Storage shall be provided to accommodate the minimum 1 in 100 year plus climate change plus urban creep critical storm event.

The scheme shall include a detailed maintenance and management regime for the storage facility. Principles of sustainable urban drainage shall be employed wherever possible.

Reason: To ensure that the development is built to the submitted drainage design; to prevent the increased risk of flooding; to ensure the provision of adequate and sustainable means of drainage in the interests of amenity.

- 15 Prior to any above-ground works on the housing hereby approved being commenced, a Community Use Scheme shall be submitted to and approved in writing by the Local Planning Authority, after consultation with Sport England.

The scheme shall include details of an affordable pricing policy, hours of use, access by non-school users/non-members, management responsibilities and include a mechanism for review.

The approved scheme shall be implemented upon commencement of use of the development.

Reason: To secure well managed safe community access to the sports facility, to ensure sufficient benefit to the development of sport and to accord with Policy ENV4 of the Craven Local Plan and the National Planning Policy Framework.

- 16 Prior to any above-ground works on the housing hereby approved being commenced, a scheme for delivery and completion of the rugby pitches, replacement eight wicket cricket square, pavilion and car park shall be submitted to and approved in writing by the Local Planning Authority, after consultation with Sport England.

The scheme shall include full details of the rugby pitches, replacement eight wicket cricket square, pavilion and car park including a timetable of when the rugby pitches, replacement eight wicket cricket square, pavilion and car park will be commenced and completed and made available for sporting use.

The approved scheme shall be complied with in full and made available for use for sport before the housing hereby permitted is first occupied.

Reason: To ensure the satisfactory quantity, quality and accessibility of sporting provision and to accord with Development Plan Policy ENV4 of the Craven Local Plan and the National Planning Policy Framework.

- 17 No development on the existing playing field shall commence until a scheme to ensure the continuity of the existing sports use of the playing fields and pitches during construction of the works proposed on the playing field is submitted to and approved in writing by the Local Planning Authority, after consultation with Sport England.

The scheme shall ensure that the sports facilities remain at least as accessible and at least equivalent in terms of size, usefulness, attractiveness and quality to the existing sports facilities and shall include a timetable for implementation.

The approved scheme shall be implemented and complied with in full throughout the carrying out of the development.

Reason: To protect playing fields and sports facilities from damage, loss or availability of use and to accord with Development Plan Policy ENV4 of the Craven Local Plan and the National Planning Policy Framework.

- 18 Before any of the protected trees to be felled as part of this permission (annotated on the approved plan) are removed, a scheme for the replacement of each tree at a minimum 2:1 (replacement trees: protected trees) ratio shall first be submitted to and approved in writing by the Local Planning Authority.

The scheme shall include details of the size, species and location of the replacement trees. Each replacement tree shall be planted during the first planting season after the existing protected tree is removed in full accordance with the duly approved scheme.

If any of the replacement trees are removed, die, become severely damaged or seriously diseased within 10 years of planting, they shall be replaced by trees of a similar size and species.

Reason: To ensure appropriate compensatory planting following the loss of protected trees on the site in the interests of visual amenity in accordance with the requirements of Craven Local Plan policy ENV3 and the National Planning Policy Framework.

- 19 The development shall be completed in strict accordance with the following documents and drawings as submitted with the planning application]:

ECOLOGY REPORT

ECOLOGICAL APPRAISAL REPORT

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All the biodiversity mitigation measures shall be implemented in full according to the specified timescales, unless otherwise agreed in writing by the local planning authority, and all mitigation features shall thereafter be permanently retained for the stated purposes of biodiversity conservation.

Reason: To accord with Policy ENV4 of the Craven Local Plan and the National Planning Policy Framework.

20 Electric charging points shall be provided for each dwelling and retained as such thereafter.

Reason: To comply with Policy ENV3 of the Craven Local Plan and the National Planning Policy Framework.

Before the Development is Occupied

21 Unless alternative details have first been submitted to and approved in writing by the Local Planning Authority, boundary treatments to each plot shall be erected in accordance with the details (including their siting, height, design, materials and finish) shown on the approved drawings before the dwelling on that plot is first occupied, and shall be retained as such thereafter.

Reason: In the interests of the security of future occupiers, to ensure adequate levels of privacy between neighbouring dwellings and to achieve an acceptable relationship with the street scene in accordance with the requirements of Craven Local Plan policy ENV3, and the National Planning Policy Framework.

22 No individual dwellinghouse hereby approved shall be erected unless an Energy Statement applicable to that dwellinghouse has been submitted to and approved in writing by the planning authority. The Energy Statement shall include the following items:

- a) Full details of the proposed energy efficiency measures and/or renewable technologies to be incorporated into the development;
- b) Calculations using the SAP or SBEM methods which demonstrate that the reduction in carbon dioxide emissions rates for the development, arising from the measures proposed, will enable the development to comply with Policy ENV3 of the Craven Local Plan.

The development shall not be occupied unless it has been constructed in full accordance with the approved details in the Energy Statement. The carbon reduction measures shall be retained in place and fully operational thereafter.

Reason: to ensure this development complies with the on-site carbon reductions required in Policy ENV3 of the Craven Local Plan and the National Planning Policy Framework.

Ongoing Conditions

23 Notwithstanding the provisions of Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any equivalent Order following the revocation and re-enactment thereof (with or without modification), the garages hereby approved shall be retain for their intended use and shall not be used converted to form ancillary residential accommodation.

Reason: In order to prevent overdevelopment of the site, to ensure that satisfactory provision of car parking for the dwellinghouse is maintained in accordance with the requirements of Craven Local Plan policy INF4 and the National Planning Policy Framework.

Informatives

1. Adherence to approved plans/conditions

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

2. The applicant is reminded that, under the Wildlife and Countryside Act 1981 as amended it is an offence to remove, damage or destroy the nest of a wild bird, while the nest is in use or being built. Planning consent does not provide a defence against prosecution under this act. If a bird's nest is suspected work should cease immediately and a suitably experienced ecologist employed to assess how best to safeguard the nest(s).
3. **Charging Points**

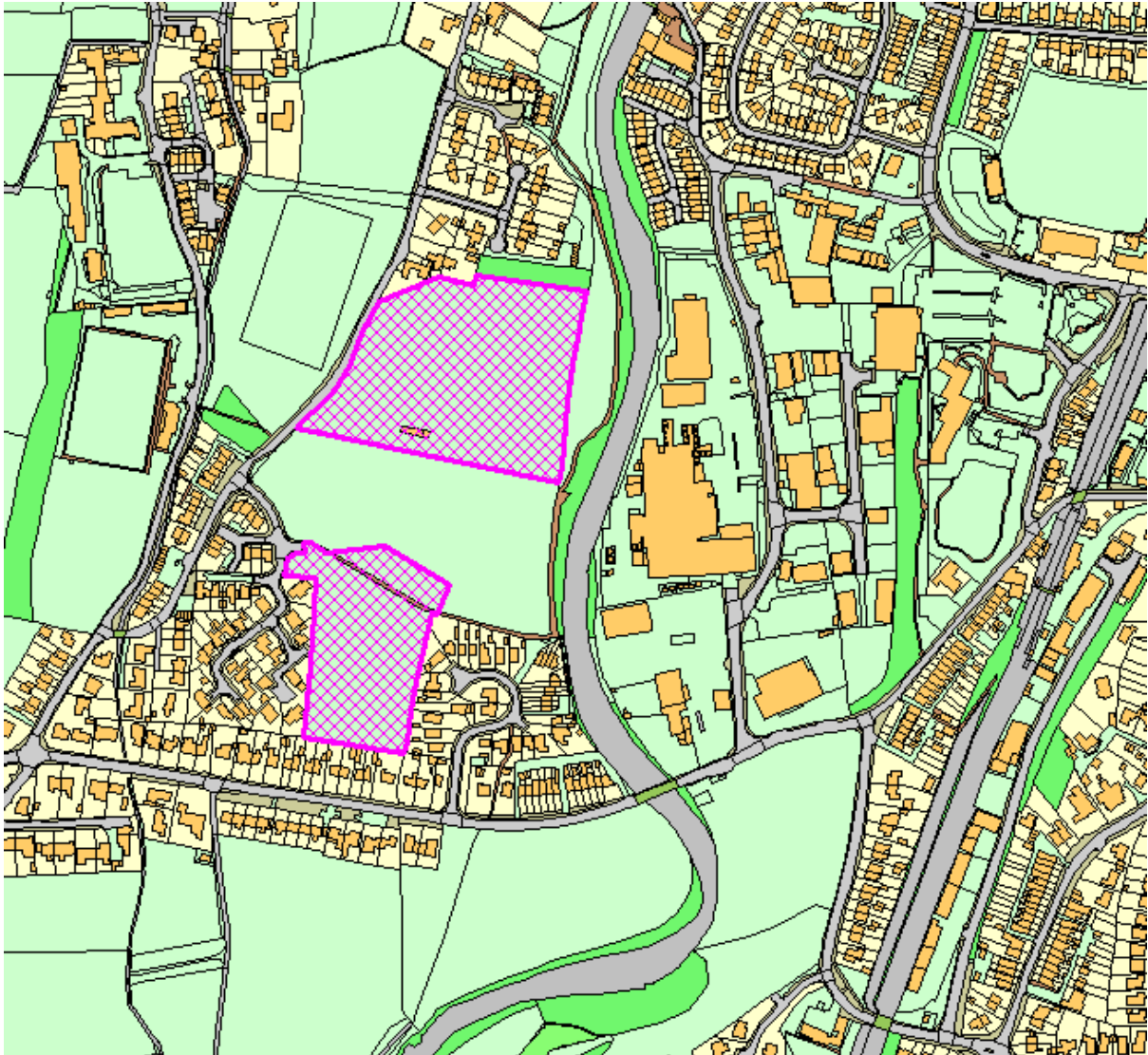
The applicant/developer is advised that in the interests of promoting sustainable travel opportunities electric vehicle charging points should be provided.
4. **Topsoil**

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

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

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

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



Application Number: 2021/23539/FUL

Proposal: 41 no. new dwellings, associated landscaping and infrastructure works, replacement sports pavilion, car parking and improvements to sports pitches.

Site Address: Land At Lords Close Giggleswick Settle BD24 0EG

On behalf of: Giggleswick School & Wellesley Homes

REPORT TO PLANNING COMMITTEE ON 28th November 2022

Application Number: 2022/24404/REG3

Proposal: Single storey extension to existing crematorium chapel building.

Site Address: Skipton Crematorium Waltonwrays Carleton Road Skipton BD23 3BT

On behalf of: Craven District Council

Date Registered: 27th September 2022

Expiry Date: 22nd November 2022

EOT Date, if applicable: 29th November 2022

Case Officer: Andrea Muscroft

SUMMARY

The proposal is deferred to Planning Committee as the applicant is Craven District Council.

The proposal would see the construction of a single-storey extension to the front of the chapel. Evidence provides shows that the enlargement of the Chapel is needed to meet the needs of the users and to help maintain its long-term use.

It is acknowledged that some visual impacts would occur, however, the proposal would not result in any harm to any neighbouring properties and would provide sustainable and biodiversity benefits.

Therefore, on planning balance, the potential harm in terms of visual do not out weight the benefits arising from the proposal in securing long-term use.

1. Site Description

- 1.1 The application relates to the Crematorium Chapel located off Carleton Road, approx. 1m southwest of Skipton town centre. Located within the surrounding area are the Remembrance Chapel, a Lodge, and the Garden of Remembrance.
- 1.2 The crematorium is not a listed building, but the Council considers it to be a non-designated heritage asset within a designated heritage asset (Skipton Conservation Area).
- 1.3 The site is relatively flat with tree-lined driveways linking buildings, structures, and memorials. The boundaries around the site consist of low-height stone walls with elaborate cast iron railings on either side of the main gates into the cemetery together with mid-height stone walls along the northern, southern, and western boundaries of the site.
- 1.4 The application site lies within the conservation area but due to its scale does not trigger the need for consultation with Historic England.

2. Proposal

- 2.1 Officer note: The current planning application has been submitted following lengthy pre-application discussions to address heritage concerns raised by members.

- 2.2 The proposal is seeking full planning permission for the construction of a single-storey extension to the entrance of the Crematorium.
- 2.3 The proposed development would help accommodate approximately an additional 30 individuals increasing the overall capacity to 114 individuals who currently may have to stand outside in all weathers to listen via a loudspeaker.
- 2.4 A statement of need has been provided which outlines that currently that the Skipton Crematorium is unable to accommodate services which exceed the capacity of the chapel in a dignified manner as outlined above.
- 2.5 The proposed extension would be constructed using natural stone with slimline metal framed glazing under a flat roof.
- 2.6 The proposed footprint of the extension is approx. 40m² increasing the overall footprint of the Crematorium Chapel from approx. 280m² to 320m² (14% increase).
3. Planning History
- 3.1 2020/00707/PREAPP - Crematorium extension – Observations provided January 2021
- 3.2 2021/22669/FUL - Construction a glass and timbered 20 sqm extension to the entrance of Skipton Crematorium and the construction of a new exit drive to the Highway to create a one-way system for hearses and vehicles to enter and exit the cemetery. Approved proposed entrance 12.02.2021
- 3.3 Officer note: Construction glass/timber extension was deferred to address heritage concerns raised by members.
4. Planning Policy Background
- 4.1 The July 2021 NPPF replaced the February 2019 NPPF, first published in March 2012. The NPPF does not change the status of an up-to-date development plan and where a planning application conflicts with such a plan, permission should not usually be granted unless material considerations indicate otherwise (Paragraph 12). This application has been considered against the 2021 NPPF.
- 4.2 Annex 1 of the NPPF outlines how it should be implemented:
- 4.3 ‘219... existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)’.
- 4.4 The development plan for Craven consists of the Craven Local Plan 2012 to 2032 (November 2019) (‘LP’). The relevant LP policies to the determination of this application are:
- SD1: The presumption in favour of sustainable development
 - SD2: Meeting the challenge of climate change
 - ENV1: Countryside and Landscaping
 - ENV2: Heritage
 - ENV3: Good design
 - ENV4: Biodiversity
 - INF2: Community facilities and social spaces
- 4.5 National Policy
- The National Planning Policy Framework
 - Planning Practice Guidance
- 4.6 Other documents of relevance
- Skipton Conservation Area Appraisal.

National Model Design Guide

- 4.7 Other documents of relevance
- Good Design Supplementary Guide (Draft)
- 4.8 Officer Note: This document represents a material consideration but at the time of compiling this report had not been adopted by the Council. As such it does not form part of the Local Plan and therefore carries limited weight.
5. Parish/Town Council Comments
- 5.1 Skipton Town Council: No comment was received within the statutory consultation period.
6. Consultations
- 6.1 CDC Heritage Consultant: During the assessment of the previous proposal 3 areas of concern about the design were identified. Following the withdrawal of the previous scheme, discussions were held to address concerns with two potential options being put forward for consideration.
- 6.2 Option 2 was considered the more appropriate. This proposal is of a contemporary design that would contrast with the traditional design of the building, but there is no object in principle to a contemporary design (examples provided to demonstrate successful contemporary proposals).
- 6.3 The proposed design is suggestive of an inventive interpretation of a nave with two aisles and clerestory fenestration above. The current proposal has greater strength and clarity of form, symmetry and a pleasing simplicity of quality materials and details.
- 6.4 It remains an extension on the principal elevation and some concerns about impact remain, but it is considered that, with the enhanced design, the adverse impact of the proposal will be at the lower end of the spectrum of *'less than substantial'*.
- 6.5 Initial concerns were addressed through constructive discussions. It is considered that the low level of harm to the non-designated heritage asset is outweighed by the public benefits of; a bold and high-quality contemporary design with quality materials and; improvements to the facilities at the crematorium, which will secure its optimum beneficial use and its future long-term maintenance.
- 6.6 Recommend that the application be approved, subject to conditions requiring:
- Prior approval of sample materials and;
- A drawing at a scale of 1:10 of the proposed detail of the interface between the existing building and the frame of the glazed link.
- 6.7 Comments can be viewed in full via the link below:
- <https://publicaccess.cravencdc.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>
7. Representations
- 7.1 Site Notice Posted: 3.10.2022
- 7.2 Press Notice Published: 6.10.2022
- 7.3 No third-party representation was received within the statutory consultation period.
8. Summary of Principal Planning Issues
- Principle of development
- The visual impact of development
- Sustainable design and construction
- Biodiversity
- Impact on amenity

9. Analysis

Principle of development

- 9.1 Policy INF2 seeks to support the retention and improvement of existing facilities subject to meeting certain requirements outlined within this report.
- 9.2 The proposal seeks to construct a single-storey extension to the front of the Crematorium Chapel.
- 9.3 The Crematorium whilst highly used by mourners it is struggling to provide services for larger funerals that meet the needs of mourners with visitors having to remain outside in all weathers and listen to the service via a loudspeaker. In addition, bottlenecks can occur when large congregations file through due to limited space. This can create delays which can impact on the following funeral service. It is also noted that mourners have expressed their unhappiness with the facilities at large funerals and with the quality of the audio.
- 9.4 The capacity of the chapel is 65 seating and up to 19 standing, many of whom do not get a view of the speaker at the lectern and/or the coffin. Historically funeral services were largely held in church with the chapel only being used for committal, normally attended by more modest numbers. In recent years many more people elect to hold the entire service at the chapel, which involves many more people in attendance.
- 9.5 Thus, the area to the front of the crematorium is an area that leads itself to help expand and provide improvements to the existing level of services that the crematorium currently offers.
- 9.6 The proposed extension would therefore be used as a waiting area for visitors entering and exiting the chapel in addition to being a space for visitors to watch a cremation service via an audio/video link if there is no seating and/or additional standing room available in the chapel.
- 9.7 It is considered that the evidence provided has demonstrated that the proposed improvements to the Chapel would meet the needs of the local community with regard to this much-used chapel and thus the proposal accords with Policy INF2 of the Local Plan.
- 9.8 In conclusion, the principle of this development is considered acceptable subject to meeting the requirements of all other relevant policies.

The visual impact of development on heritage assets

Non designated heritage asset

- 9.9 Policy ENV3 seeks to ensure that proposals make a positive change.
- 9.10 Policy ENV2 seeks to ensure that proposals do not adversely impact designated heritage assets. The policy also seeks to conserve non-designated heritage assets.
- 9.11 The Council considers that the cremation is a non-designated heritage asset and thus the potential impact will be considered. Non-designated heritage assets are defined within the Planning Practice Guidance (PPG) as buildings, monuments, sites, places, areas, or landscapes as having a degree of heritage significance meriting consideration in planning decisions.
- 9.12 It is acknowledged that the Council currently does not have a Historic Environment Record (although work is currently ongoing ref this matter), however, the inclusion of a site in an HER does not itself identify it as a non-designated heritage asset: inclusion merely records valuable information about it, and does not reflect the planning judgement needed to determine whether it does, in fact, have a degree of heritage significance which merits consideration in planning decisions.
- 9.13 The applicant has submitted a detailed heritage statement that accords with the guidance set out by Historic England. The Council's Heritage advisor has reviewed the details and concurs with the content.
- 9.14 The existing building is constructed of stone with Welsh slate roofing and comprises a single-storey chapel with a two-storey steeply pitched roof arranged on an east-west axis extending along the full length of the north elevation. There is a four-storey tower including a large slate broach spire protruding from the centre of the north elevation.

- 9.15 Waltonwrays Cemetery was constructed circa 1875 in a formal, almost symmetrical arrangement. The symmetrical arrangement of the chapel and the tower is typical of ecclesiastical buildings built in the Gothic Revival style. However, there have been some alterations and extensions to the rear of the chapel which have resulted in the loss of the symmetrical plan form with the addition of an office, kitchen, and storage space.
- 9.16 Waltonwrays is a good example of a modestly sized high Victorian cemetery which displays the fashion for neo-Gothicism and symmetry of the mid-late 19th C. It was built outside the edge of town but in an area which would soon become fashionable, with the erection of some high-quality, high-status houses. It illustrates the civic pride and respect which was invested in places of burial. Despite the minor extensions and alterations, it retains a high degree of authenticity and integrity.
- 9.17 The proposed contemporary extension would project off the northern elevation and utilise the existing entrance doorway opening. The new doorway has been designed to provide a 'straight-through' route into the main chapel and is of a scale to not obscure the original features of the tower. The overall concept of the proposal has taken inspiration from ecclesiastical architecture, with the introduction of a central 'nave' as a central space and clerestory windows. The introduction of a lightweight link between the existing and the new would help create a visual separation between the old and the new and sits above the white-rendered elaborate Gothic Revival door surround and below the trefoil window detail.
- 9.18 New audio-visual equipment and a sound system would also be installed
- 9.19 The proposed extension would be constructed using materials that draw upon the original building. The use of stone cladding columns or piers inspired by the existing buttresses. The metal frame glazing panels and the door will be externally finished in a colour that matches the lead window detailing. Notwithstanding the reference to proposed materials, it is considered necessary to control this via an appropriate worded condition if recommended for approval.
- 9.20 It is acknowledged that the proposal would impact on the setting of this non-designated heritage asset. However, architecturally the proposal due to its scale would enable views of the architectural and historical detail of the original chapel to be appreciated. On balance, it is considered that the benefits arising from the proposal would outweigh any harm arising from the proposal.
- Impact on the conservation area*
- 9.21 Policy ENV2 seeks to ensure that proposals do not adversely impact designated heritage assets.
- 9.22 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in considering whether to grant planning permission for development which affects a conservation area, the local planning authority shall pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.
- 9.23 Paragraph 202 also states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 9.24 The application lies within the designated conservation area of Skipton, partially screened by existing trees and as such the application does not have a prominent location within the conservation area due to the intervening views of the application site.
- 9.25 The proposed extension would be at a height lower than the existing chapel and thus would not appear unduly tall or divert attention from the architectural and historical detailing of the chapel. In addition, the proposal would with its elongated design and glazing elements provide interesting views into the internal space, with additional views of the original entrance into the chapel.
- 9.26 The western elevation would include a section of stone walling, this over time would become a green wall which would further reduce any visual impacts.
- 9.27 It is considered that the proposal would not cause significant harm to the character and appearance of the conservation area.

Public Benefits

- 9.28 In accordance with the Framework, it is necessary to consider whether the less than substantial harm to the Conservation area and the setting of Pear Tree Barn would be outweighed by the public benefits.
- 9.29 PPG paragraph 020 Ref ID: 18a-020-20190723 outlines what is meant by the term public benefits. It states that public benefits may follow many developments and could be anything that delivers economic, social, or environmental objectives as outlined in the NPPF.
- 9.30 For clarity the optimum viable use is the continued use as a crematorium.
- 9.31 The proposal would public benefits in form of improved services and facilities to meet the need of the local community.
- 9.32 The identified public benefits of the application site are considered to present considerable weight to the heritage balance as set out in the Framework.

Heritage Balance

- 9.33 It is recognised that there would be visual impacts on the conservation area, and on the setting of the non-heritage asset, although this harm would be less than substantial.
- 9.34 In conclusion, it is considered that the public benefits outweigh the harm to the setting of the conservation area and the listed barn. The proposal, therefore, does not conflict with the requirements of Policy ENV2 of the Craven Local Plan or the objections of the NPPF.

Access for all

Policy ENV3 (i) seeks to ensure that reasonable provision is designed into development which enables accessibility and usability for all individuals, regardless of their age, gender or disability.

- 9.35 Details submitted show a step-free access to the main entrance with the provision of a ramp when accessing the new proposed extension. Finished floor levels within the proposed extension would match the existing finished floor levels. Door widths would also enable ease of access for all.
- 9.36 The proposal has therefore demonstrated that it will comply with the requirements of Approved Document M (Volume 2: Buildings other than Dwellings), Building Regulations.
- 9.37 In conclusion, the proposal is considered to comply with the requirements of Policies ENV2, ENV3 and the NPPF.

Sustainable design and construction

- 9.38 Policy ENV3 (s) requires that non-residential development of 1,000 or more square meters where feasible meet at least the BREEAM standard 'Very Good' or better.
- 9.39 The proposal whilst a non-residential development does not trigger this requirement as the proposal does not meet or exceed 1,000 sqm. Notwithstanding this policy ENV3 (t) does require that all new developments seek to incorporate sustainability into developments.
- 9.40 A Sustainable Design and Construction Statement has been submitted which sets out the steps to ensure that the development helps deal with the challenges of climate change. For example:
- A site waste management plan will be implemented during the construction stage, which will help describe how materials will be managed efficiently and disposed of legally during the construction works and explains how the reuse and recycling of materials will be maximised.
 - Materials will be sourced locally with local trade where possible.
 - High-performance thermal envelope (reducing energy waste).
 - Positioning of windows and recessed windows to allow for solar shading
 - A new Energy Performance Certificate will be obtained.

- The building under Building Regulations L2A would be constructed taking all reasonable measures for the conservation of fuel and power thus limiting heat gains and losses through thermal elements.
- A French drain system will be installed with the gravel trapping sediment, organic matter and oil residues that can be broken down by bacterial actions through time.
- Energy efficient fixed building services with effective controls.
- Measures to prevent pollution will be implemented during the construction works.

9.41 It is considered that the proposal has demonstrated that all reasonable opportunities have been taken regarding addressing climate change.

9.42 In conclusion, the proposal is considered to comply with the requirements of Policy ENV3 (s) of the Local Plan.

9.43 **Biodiversity**

9.44 Policy ENV4 (b) seeks improvements in biodiversity, wherever possible that are equal to, or where possible exceed the biodiversity value of the site prior to the development.

9.45 In this instance, the proposal would involve the development of an existing tarmac area and the removal of a circular planting bed.

9.46 It is acknowledged that the loss of the planting bed would result in some biodiversity loss, however, the proposal also proposes realigning of the existing planting beds on either side of the main entrance to create 0.6m new low-level planting areas.

9.47 On balance, due to the low-level baseline regarding the loss of the existing biodiversity, it is considered that the proposed realignment of the planting beds and the additional planting would provide some biodiversity benefits that would equal and potentially exceed the current level of biodiversity on this site. To ensure that the biodiversity gains are achieved it is recommended an appropriate worded condition is imposed if recommended for approval.

9.48 In conclusion, the proposal is considered to comply with the requirements of Policy ENV4 (b) of the Local Plan.

Impact on neighbouring amenity

9.49 Policy ENV3 seeks to ensure that development does not have an adverse impact on neighbouring residents.

9.50 Given the location of the proposal there would be no adverse impact arising from the construction of the single-story extension on residents located beyond Carleton Road due to the form of development and separation distances involved.

9.51 In conclusion, the proposal is considered to comply with the requirements of Policy ENV3 of the Local Plan.

9.52 **Conclusion**

9.53 Paragraph 11 of the NPPF advises LPA's to approve developments that accord with the development plan without delay; unless

9.54 Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this Framework taken as a whole; or

9.55 Specific policies in this Framework indicate development should be restricted.

9.56 The proposal would see the construction of a single-storey extension to the front of the chapel.

9.57 Evidence has been provided that demonstrates that the proposed works are necessary to ensure the continued commercial viability of the Crematorium. In addition, the proposal would help improve the experience of mourners attending large funerals. The proposal is compliant with Policy INF2 of the

Craven Local Plan and the proposal would result in public benefits through the provision of an additional internal area.

- 9.58 The visual impacts on the non-designated asset and designated asset would result in less than substantial harm to the significance of these heritage assets. It is acknowledged that in such instances then it is necessary to engage the balancing exercise against the proposed public benefits.
- 9.59 In this instance, it is considered that the visual harm is outweighed by the public benefits of; a bold and high-quality contemporary design with quality materials and improvements to the facilities at the crematorium, which will secure its optimum beneficial use and its future long-term maintenance.
- 9.60 The proposal would not result in any harm to any neighbouring properties and would provide some sustainable and biodiversity benefits which would be secured via conditions.
- 9.61 **Planning Balance**
- 9.62 On balance, it is concluded that the public benefits outweigh the potential visual harm to the designated and non designated heritage assets. The proposal is therefore compliant with policies INF2, ENV2, ENV3 and ENV4 of the Craven Local Plan and the provision of the NPPF, and the draft Good Design Supplementary Guidance SPD.
- 9.63 Therefore, on planning balance the potential harm in terms of visual impact do not outweigh the benefits arising from the proposal in securing its long-term use.

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 with the date of this permission.

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

Approved Plans

- 2 This permission relates to the following plans:

8391-BOW-ZZ-XX-RP-A-0003	SUSTAINABLE DESIGN AND CONSTRUCTION STAT...
8391-BOW-ZZ-XX-RP-A-0007	D AND A STATEMENT
8391-BOW-ZZ-XX-RP-A-0008-DRAFT	HERITAGE STATEMENT
8391.1-BOW-ZZ-ZZ-DR-A-P001-P1	LOCATION PLAN
8391.1-BOW-ZZ-ZZ-DR-A-P002-P1	BLOCK PLAN
8391.1-BOW-ZZ-ZZ-DR-A-P005-P1	EXISTING LAYOUT(S)
8391.1-BOW-ZZ-ZZ-DR-A-P006-P1	EXISTING ELEVATION(S)
8391.1-BOW-ZZ-ZZ-DR-A-P010-P1	PROPOSED LAYOUT(S)
8391.1-BOW-ZZ-ZZ-DR-A-P011-P1	PROPOSED ELEVATION(S)
8391.1-BOW-ZZ-ZZ-DR-A-P015-P1	PROPOSED SECTION(S)

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 2012-2032 and the National Planning Policy Framework.

During Building Works

- 3 Prior to the commencement of any above ground works of the approved buildings, representative samples and details of external materials of construction to be used on the walls and roof of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter only be carried out in accordance with the approved materials.

Reason: To ensure a satisfactory appearance to the development, in accordance with the requirements of Craven Local Plan policy ENV3 and the National Planning Policy Framework.

- 4 The development shall be implemented in accordance with the details contained within the Sustainability and Design Construction Statement.

Reason: To ensure that the proposed development is an environmentally sustainable and accords with Policy ENV3 of the Craven Local Plan and the National Planning Policy Framework.

Before the Development is Occupied

- 5 Prior to the first use of the development hereby approved, a schedule of the biodiversity enhancement measures including planting details shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with approved details.

Reason: For clarity and in the interests of biodiversity net gain in accordance with Policy ENV4 of the Craven Local Plan and the National Planning Policy Framework.

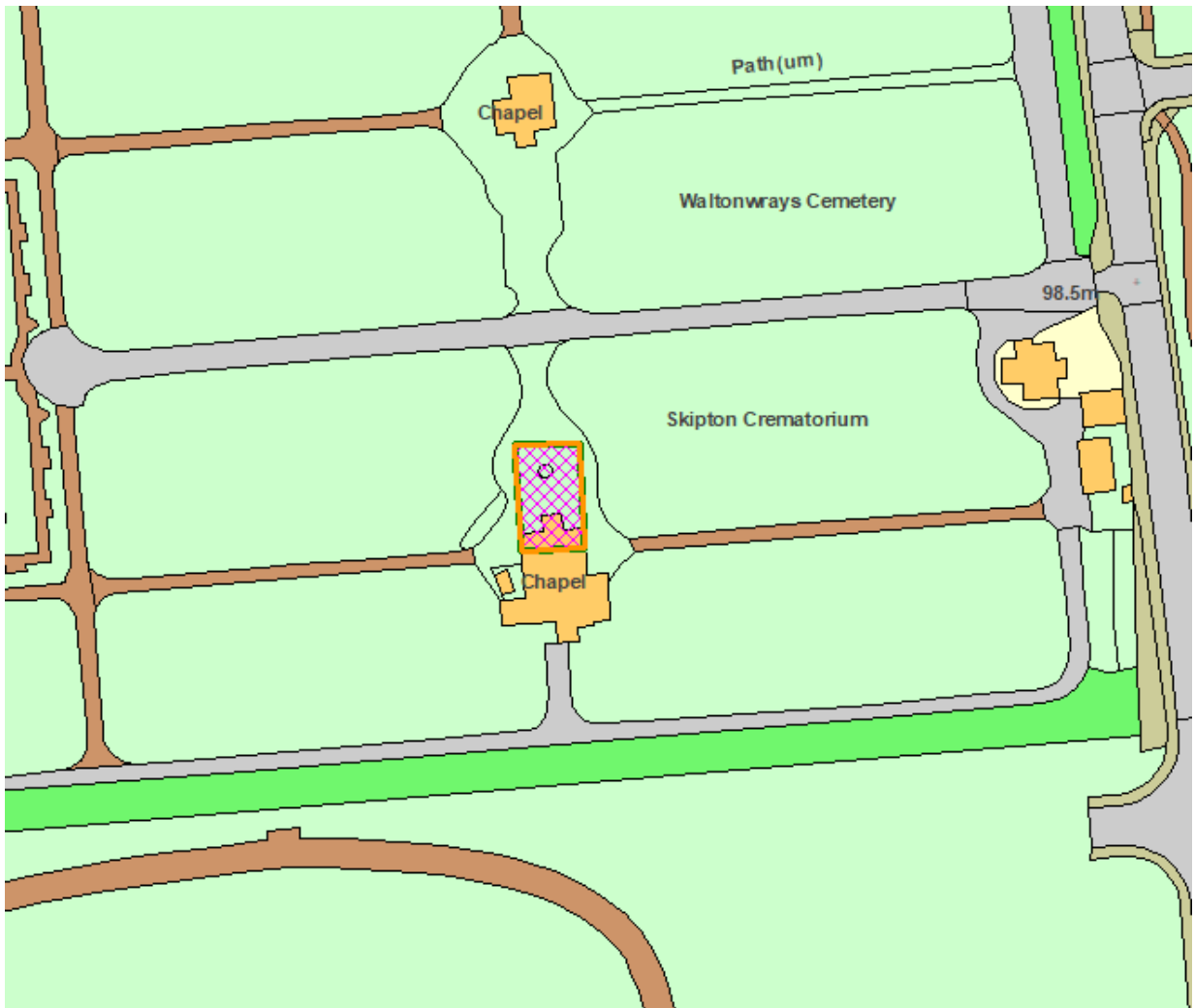
Informatives

1. Adherence to approved plans/conditions

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

2. Statement of Positive Engagement:

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



Application Number: 2022/24404/REG3

Proposal: Single storey extension to existing crematorium chapel building.

Site Address: Sipton Crematorium Waltonwrays Carleton Road Sipton BD23 3BT

On behalf of: Craven District Council



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
24-09-2022 to 17-11-2022

Enforcement Reference	Alleged Breach	Site Address	Ward
ENF/03554/2022	Potential breach of agricultural tie- 32/2003/3355	New Laithe Farm Station Road Cross Hills Keighley BD20 7DT	Glusburn
ENF/03555/2022	Unauthorised structure and exportation of materials and rubble onto site.	Royd House Cononley Road Glusburn Keighley BD20 8JP	Aire Valley With Lothersdale
ENF/03556/2022	Untidy land	Land Adjacent To Manby Castle House Embsay	
ENF/03557/2022	Kennels and potential change of use of land from agricultural to domestic.	12 Gledstone Road West Marton Skipton BD23 3UE	West Craven
ENF/03558/2022	Land untidy, potential construction of car parking lot and removal of tree branches.	Land Near 7 Smithy Fold Kildwick Keighley BD20 9BB	Aire Valley With Lothersdale
ENF/03559/2022	Scrap metal, oil spill and unsightly caravan and cars causing negative impact on the area.	23 Willow Way Skipton BD23 3BP	Skipton West
ENF/03561/2022	Soft furnishing business (Craven upholstery) running from the garage and workshop.	19 The Oval Skipton BD23 2LD	Skipton East
ENF/03562/2022	Height of garden fence.	6 Castle Court Castle Street Skipton BD23 2DW	Skipton South

Enforcement Reference	Alleged Breach	Site Address	Ward
ENF/03563/2022	Untidy storage of wood and scrap metal.	3 Mill Close Settle BD24 9BY	Settle And Ribble Banks
ENF/03564/2022	Erection of large shed within the beer garden.	Old Swan Inn High Street Gargrave Skipton BD23 3RB	Gargrave And Malhamdale
ENF/03565/2022	Traffic issues- planning ref: 2020/21629/FUL- Breach of conditions no's 5 & 6.	Mill House Sackville Street Skipton BD23 2PR	Skipton South
ENF/03566/2022	Caravan being run from the site.	Westhouse Lodge Westhouse Ingleton Carnforth LA6 3NZ	Ingleton And Clapham
ENF/03567/2022	A number of unauthorised banners/signs.	A6131 At Snaygill Roundabout Keighley Road Bradley Keighley BD20 9HB	Aire Valley With Lothersdale
ENF/03568/2022	Erection of large porch to the front.	The Mistle 1 Draughton Hall Farm Low Lane Draughton Skipton BD23 6EB	Barden Fell
ENF/03569/2022	Large Yorkshire Rose flag on the property.	30 Moorview Road Skipton BD23 2SB	Skipton South
ENF/03570/2022	Broken car on the drive and cable from caravan exposed- potentially living in it.	34 Moorview Road Skipton BD23 2SB	Skipton South

Enforcement Reference	Alleged Breach	Site Address	Ward
ENF/03571/2022	Internal works to a listed building.	Units 11 & 12 High Corn Mill Chapel Hill Skipton BD23 1NL	Skipton North
ENF/03572/2022	Works starting before permitted time.	Land To East Of Aldersley Avenue Skipton	Skipton East
ENF/03574/2022	Works to listed building- potential approval expired- 2018/19390/LBC .	White House Chapel Lane Halton East Skipton BD23 6EH	Barden Fell
ENF/03575/2022	Unauthorised listed building works- Chimney pots removed, modern boiler flue, modern roof window & false ceiling internally.	1 Pendle View Giggleswick Settle BD24 0AZ	Penyghent
ENF/03576/2022	Double storey extension to the rear.	20 Thorndale Street Hellifield Skipton BD23 4JE	Hellifield And Long Preston
ENF/03577/2022	Free standing electricity pylon not showing on approved plans	Land Off A65 Kendal Road Hellifield Skipton	Hellifield And Long Preston
ENF/03578/2022	Conditions not discharged- Breach of the 106 agreement.	County Council Depot Back Gate Ingleton Carnforth	Ingleton And Clapham
ENF/03579/2022	Erection of structure at the rear of the property.	6 Croft Terrace West Road Carleton Skipton BD23 3DP	West Craven
ENF/03580/2022	Change of use from retail to takeaway.	29 Water Street Skipton BD23 1PQ	Skipton North

Enforcement Reference	Alleged Breach	Site Address	Ward
ENF/03581/2022	Creation of agricultural track without prior approval	Land South Of A65 At Coach House Greystonber Lane To Cross Streets Hotel Austwick Lancaster LA2 8DB	Ingleton And Clapham
ENF/03582/2022	Unauthorised garage located forward of the principal elevation.	2 Harper Grove Sutton-in-craven Keighley BD20 7JN	Sutton-in-Craven
ENF/03583/2022	Unauthorised signage on front elevation of a Listed Building.	Wildwood High Street Skipton BD23 1FD	Skipton North
ENF/03584/2022	Potential non-ancillary use of annexe.	Stott Hill Barn Old Lane Cowling Keighley BD22 0NP	Cowling



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Planning Committee Report of Cases Closed
24-09-2022 to 17-11-2022

Enforcement Reference	Date Received	Date Closed	Reason for Closure	Alleged Breach	Site Address	Ward
1850/2014	30th July 2014	8th November 2022	Breach Resolved	Unauthorised work to a Listed Building UPVC windows being fitted.	10 Kings Street Skipton North Yorkshire BD23 1HD	
1906/2014	26th September 2014	8th November 2022	Breach Resolved	(1) Works to Grade II Listed Building (2) Static Caravan affecting setting of Listed Building	Swinden Manor Mill Lane Swinden Skipton North Yorkshire BD23 4LS	
ENF/02954/2018	30th October 2018	8th November 2022	Breach Resolved	Erection of large shed	Atkinson Vos Wenning Mill Wenning Avenue High Bentham Lancaster LA2 7LW	Bentham
ENF/03123/2019	23rd July 2019	8th October 2022	Breach Resolved	Additional pitch has been placed on the lower side of the road	Langcliffe Caravan Park Langcliffe Park Settle BD24 9LX	Settle And Ribble Banks

Enforcement Reference	Date Received	Date Closed	Reason for Closure	Alleged Breach	Site Address	Ward
ENF/03354/2021	18th January 2021	8th November 2022	Breach Resolved	Alleged unauthorised works	35A Main Street Cross Hills Keighley BD20 8TA	Glusburn
ENF/03409/2021	4th June 2021	8th November 2022	No Breach of Planning	Alleged unauthorised parking of site staff (Potential breach of CMS)	Land At Hawbank Field Skipton	Skipton East
ENF/03439/2021	6th September 2021	8th October 2022	Retrospective Planning	Alleged unauthorised change of use from ancillary accommodation to holiday let (Breach of condition 4 of planning approval ref: 2019/21031/HH)	Woodlands Netherghyll Lane Cononley Keighley BD20 8PB	Aire Valley With Lothersdale
ENF/03478/2022	28th January 2022	26th September 2022	Breach Resolved	Alteration of door to UPVC window without consent in an Article 4 area.	8 Chapel Street Settle BD24 9HS	Settle And Ribble Banks
ENF/03482/2022	11th February 2022	8th October 2022	No Breach	Development allegedly not completed in accordance with approved plans of ref: 2017/18685/HH.	22 Skipton Road Gargrave Skipton BD23 3SB	Gargrave And Malhamdale
ENF/03483/2022	11th February 2022	8th October 2022	No Breach	Development allegedly not completed in accordance with approved plans of ref: 2017/18686/HH.	24 Skipton Road Gargrave Skipton BD23 3SB	Gargrave And Malhamdale

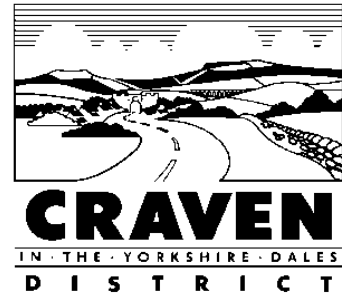
Enforcement Reference	Date Received	Date Closed	Reason for Closure	Alleged Breach	Site Address	Ward
ENF/03492/2022	11th March 2022	8th October 2022	No Breach	Un-authorized trailers and farming equipment stored on agricultural land.	Land Adjacent To Hallen Hill Farm Piper Lane Cowling Keighley BD22 0NS	Cowling
ENF/03502/2022	6th April 2022	28th September 2022	Breach Resolved	Dwelling allegedly not completed in accordance with the approved plans (windows inserted in breach of condition 7 and 10 of planning approval 2018/18887/FUL).	Reservoir House Cononley Road Glusburn Keighley BD20 8JW	Glusburn
ENF/03503/2022	8th April 2022	8th October 2022	Breach Resolved	Extension of residential curtilage.	St Peters Cottage Moorber Lane Coniston Cold Skipton BD23 4EA	Gargrave And Malhamdale
ENF/03506/2022	13th April 2022	8th October 2022	Retrospective Planning	Development allegedly not completed in accordance with approved plans (windows not opaque).	Collingwood House Burton Road Low Bentham Lancaster LA2 7ER	Bentham
ENF/03546/2022	22nd August 2022	8th October 2022	No Breach	Erection of structure to the rear of the property and potential business use.	1 Ryeland Street Cross Hills Keighley BD20 8SR	Glusburn
ENF/03553/2022	15th September 2022	8th November 2022	No Breach of Planning	Alleged unauthorised dwelling in garden	56 Greenacres Skipton BD23 1BU	Skipton East

Enforcement Reference	Date Received	Date Closed	Reason for Closure	Alleged Breach	Site Address	Ward
ENF/03557/2022	29th September 2022	8th November 2022	No Breach of Planning	Kennels and potential change of use of land from agricultural to domestic.	12 Gledstone Road West Marton Skipton BD23 3UE	West Craven
ENF/03559/2022	6th October 2022	3rd November 2022	No Breach	Scrap metal, oil spill and unsightly caravan and cars causing negative impact on the area.	23 Willow Way Skipton BD23 3BP	Skipton West
ENF/03561/2022	6th October 2022	8th November 2022	Lawful Over Time	Soft furnishing business (Craven upholstery) running from the garage and workshop.	19 The Oval Skipton BD23 2LD	Skipton East
ENF/03562/2022	13th October 2022	3rd November 2022	No Breach	Height of garden fence.	6 Castle Court Castle Street Skipton BD23 2DW	Skipton South
ENF/03564/2022	17th October 2022	3rd November 2022	Consent granted / Permitted development	Erection of large shed within the beer garden.	Old Swan Inn High Street Gargrave Skipton BD23 3RB	Gargrave And Malhamdale
ENF/03565/2022	18th October 2022	8th November 2022	No Breach of Planning	Traffic issues- planning ref: 2020/21629/FUL- Breach of conditions no's 5 & 6.	Mill House Sackville Street Skipton BD23 2PR	Skipton South

AGENDA ITEM 6

Planning Committee
Date: 28 November 2022

Quarterly Planning Performance Monitoring Report



1. Purpose of Report

- 1.1 The report is intended to inform the Committee of the performance of the development management service during the quarter July - September 2022.

2 Recommendations

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

3. Background

- 3.1 As well as looking at the Councils 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 the two-year accounting period is assessed against the following criteria:
- Major development applications - 60% must be determined either within 13 weeks or within the extended period agreed with the applicant.
 - 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 Table 1 below shows that in the last quarter 82% of decisions on non-major development were reached within 8 weeks or an agreed extension of time, up by 4% on the previous quarter. The cumulative performance for non-major applications the next accounting period (October 2020 to September 2022) is shown in Table 2 and is currently at 69% which is below the 70% minimum expected by the Government. In order to achieve the 70%, the number of applications determined within 8 weeks or an agreed extension of time would need

to achieve around 80% in the next quarter. This is possible to be achieved provided the improvement in the speed of decision making continues, along with a reduction in the number of on-hand applications. It is unlikely there would be criticism over poor performance which arises from the 12-month period Oct. 2020 to Sept. 2022 (see Table 2 below).

Table 1 Speed of Determination Q2 July September 2022*

	Number of decisions	% of decisions
Non-Major Development Applications		
Applications determined within 8 weeks during quarter	85 (86)	52% (56%)
Applications determined outside 8 weeks during quarter but within an agreed extended time period (EoT)	49 (34)	30% (22%)
Applications determined outside 8 weeks during quarter without an EoT or outside agreed EoT period	29 (34)	18% (22%)
Total	163 (154)	100
Combined total applications determined within 8 weeks or an agreed extended time period (EoT)	134 (120)	82% (78%)
Major Development Applications		
Major applications determined within 13 weeks during quarter	1 (3)	33% (60%)
Major applications determined outside 13 weeks during quarter within an agreed extended time period (EoT)	1 (2)	33% (40%)
Major applications determined outside 13 weeks during quarter without an EoT or outside agreed EoT period	1 (0)	33% (0%)
Total	3 (5)	100

*Previous quarter figures in brackets

Number of applications determined

- 4.3 The focus since June 2021 has not only been on improving the speed of decision making but also reducing the number of on-hand applications and improving performance management. Given that around 96% of applications should be determined in the 8-week statutory period it would be expected that at any time around 140 applications would be pending. The current figure at the end of the quarter was 138.

Table 2 Cumulative performance in current accounting period for Speed of Decisions National Indicator Performance

Period	Total number of non-major applications determined	Non-major applications determined within 8 weeks during quarter or within an agreed EoT period
Oct.-Dec 20	112	75 (66%)
Jan. – March 21	143	95 (66%)
April – June 21	151	93 (61%)
July – Sept. 21	178	93 (52%)
Oct. – Dec. 21	179	126 (70%)
Jan. – March 22	173	128 (74%)
April – June 22	154	123 (80%)
July – Sept. 22	163	134 (82%)
Cumulative Total	1253	867 (69%)

Table 3 Application determinations by quarter

	Q1 21/22	Q2 21/22	Q3 21/22	Q4 21/22	Total 21/22	Q1 22/23	Q2 22/23
Number of applications on hand on 1 st day of quarter	225	244	223	172	225	173	167
Applications withdrawn during quarter	7	8	16	8	39	12	7
No. of applications determined in quarter	172	186	186	179	723	160	166
No. of applications received during the quarter	199	173	151	187	710	169	147
No. of applications on hand on last day of the quarter	245	223	172	174	174	169	138
Increase/decrease on application backlog over quarter	+20 (+9%)	-21 (-9%)	-51 (-26%)	+2 (+1%)	-51 (-23%)	-4 (-2%)	-29 (-17%)

Committee Decisions

- 4.4 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 Q2 97% of decisions issued were delegated to officers.

Validation

- 4.5 Reference to Table 4 shows performance in terms of speed of validation of applications has improved to 54% for applicants being notified within 5 working days of receipt of a correct application, the preceding quarter was at 48% in Q1 (22/23).

Table 4 Validation Performance Comparison Quarter 1 22/23 to Quarter 1 22/23

	Days*	Number Q1	Q2 22/23 %	Q1 22/23 %	Q4 21/22 %	Q3 21/22 %
Days* taken from submission to informing applicant/agent that inadequate information/fee was provided so the application could not be validated.	0-5	61	40	46	61	12
	6-10	64	42	38	29	41
	10-20	14	9	9	5	27
	Over 20	13	9	7	19	20
Total number of applications invalid on receipt		152				
	Days*	Number Q1	%	%	%	%
Days* taken from receipt of a valid application to sending confirmation of receipt of the application.	0-5	106	54	48	57	37
	6-10	75	38	33	32	34
	10-20	12	6	16	8	18
	Over 20	5	2	7	7	11
Total number of applications validated during the quarter		198		212	202	206
*Includes weekends and BH						

- 4.6 The quarter saw a modest improvement in the number of applications found to be invalid on receipt, this being some 50% of all application submitted. The length of time taken to notify applicants that an application was invalid has also slipped, with only 46% being notified within 5 working days in quarter 4 compared to 61% in the preceding quarter. Work is underway on providing clearer information to those making applications.

Appeals

- 4.7 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 on Major applications remains well above this minimum requirement.
- 4.8 The quarter saw 1 appeal decision being received (table 5) which was allowed in line with officer recommendation, no costs awards were made against the Council which was the same for the previous quarter. The appendix to this report sets out those appeals which were a pending a decision from the Planning Inspectorate at the time this report was finalised.

Table 5 Appeal Performance (July - September 2022)

Appeal Performance		
	Minor/Other	Major
Dismissed	0 (2)	0(1)
Allowed	1 (0)	0(0)
Total number of costs applications.		
Costs awarded against the authority.		0 (0)
Costs awarded to the authority.		0 (0)

Previous quarter in brackets

Enforcement

- 4.9 Table 6 sets out details of enforcement activity during Q1 and enable comparison with the three previous quarters. In terms of activity, reference to Table 6 shows the number of complaints received in Q1 was up on the two preceding quarters, 51 cases were closed and 154 cases remained open at the end of March. Overall, the figures show a steady improvement in enforcement performance with 25% fewer open cases as compared with the end of September 2021.

Table 6: Enforcement Indicators

	Q3 (21/22)	Q4(21/22)	Q1(22/23)	Q2 (22/23)
No. of enforcement cases open on first day of quarter	204	196	173	154
No. of complaints received during quarter	23	26	32	27
No of enforcement cases open at end of quarter	196	173	154	138
No. of cases closed during quarter	31	49	51	43
No. of enforcement notices issued during quarter	3	0	1	0

5. Conclusion

5.1 Performance of the Development Management Service continues to be monitored and priorities set through regular meetings of the Planning Improvement Board. Over the 12 months to the end of June there has been a significant improvement in performance when measured against the Governments minimum target for the speed of determination of non-major development applications, this being met or exceeded in last three quarters. On a positive note, performance in defending appeals saw no cases allowed or cost awards against the Council. Also, progress continues to be made by the Enforcement Team who report 10% fewer open cases at the end of September 2022 compared with the end of June 2022. Recently the Enforcement Team successfully defended an enforcement notice and costs were awarded to the Council against the appellant.

5.2 Whilst the improved performance in terms of speed of decisions is welcomed the fall in the number of applications determined is of concern. A balance will need to be struck between maintaining the performance in terms of speed of decision and increasing the number of applications determined, especially those which have remained undetermined for 3 or more months after receipt. This is seen as the key priority for the service in the lead up to Local Government re-organisation. Given the success in filling some vacant planning officer posts and use of experienced agency planners it is considered that the speed of decision making on non-major applications can be maintained at above 80% and the backlog of applications reduced in the coming months. Other priorities for the service have been and will continue to be:

- improving the information available for applicants on what to provide when submitting an application, so reducing the number of invalid applications received.

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 and cost awards

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

Appeals

Appeals pending decision by Planning Inspectorate
(as at 15 November 2022)

Appeals pending decision by Planning Inspectorate (as at 15 November 2022)		
Case Reference	Appeal Start Date	Site Address
APP/2021/23369/FUL	14.06.2022	Dugdale Ranch, Ingleton.
APP/2021/23450/FUL	28.06.2022	Pennine Haulage Brow Garage, Rook Street, Lothersdale.
APP/2021/23532/FUL	25.07.2022	Land To North Of Springfield Crescent, High Bentham.
APP/2021/22615/OUT	26.09.2022	Land North Of The Old Coach House, Tosside.
APP/2022/23983/HH	10.10.2022	5 Thornton Street, Skipton.
APP/2022/24280/HH	26.10.2022	32 Princes Drive, Skipton.