

PLANNING COMMITTEE

Monday, 19th December 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 28th November 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 / no complaints have been closed since the last Committee.

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

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

7. Date and Time of Next Meeting – Monday, 16th January 2023 at 1.30pm

Agenda Contact Officer:

Vicky Davies, Senior Democratic Services Officer

E-mail: vdavies@cravendc.gov.uk

Tel: 07565 620973

9th December 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

28th November 2022

Present – The Vice-Chair (Councillor Ireton) and Councillors Brown, Handley, Harbron, Heseltine, Morrell, Pringle, Rose, Shuttleworth and Sutcliffe.

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

Apologies for Absence and Substitutes: An apology for absence was received from the Chairman, Councillor Lis.

Ward Representatives:

Confirmation of Minutes:

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

Start: 1.38pm

Finish: 3.16pm

PL.1082

DECLARATIONS OF INTEREST AND LOBBYING

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

b. Lobbying

Councillor Sutcliffe had been lobbied against application against 2021/23539/FUL. Councillor Morrell indicated he had been lobbied against application 2022/23966/FUL which had since been withdrawn from the agenda.

PL.1083

PUBLIC PARTICIPATION

The following individual addressed the Committee:

Application 2021/23539/FUL – Mr Peter Crossley (on behalf of the objectors)
Mr Richard Mowat (on behalf of the applicant)

Application 2022/24404/FUL - Councillor Simon Myers (for the applicant Craven District Council)

PL.1084

PLANNING APPLICATIONS

a. Applications determined by Planning Committee (application 2022/23966/FUL Borks Hill, Sour Dale Lane, Long Preston, had been withdrawn from the agenda by the applicant).

Permissions Granted

Application 2021/23539/FUL – application for 41 no. dwellings, associated landscaping and infrastructure works, replacement sports pavilion, car parking and improvements to sports pitches on land at Lords Close, Giggleswick, Settle, BD24 0EG.

Resolved – That delegated authority is given to the Strategic Manager for Planning and Regeneration 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.
- (ii) The imposition of the conditions set out below including additional conditions requested by the Committee (actual wording to be agreed by the Planning Manager) that solar panel should be fitted on every dwelling, that materials used should be of natural stone and the roofs should be of slate to reflect the surrounding environment and that permitted development rights to be withdrawn:

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 FENCE	BOUNDARY DETAILS - 1800MM TIMBER
0792-EA-A-P011 AND TIMBER	BOUNDARY DETAILS - 900MM WALL
(AMENDED) 0792-EA-A-P004F TREATMENT P...	(AMENDED) PROPOSED BOUNDARY
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 TREATMENT	(AMENDED) PROPOSED ELEVATION
(AMENDED) PO15A	(AMENDED) SINGLE GARAGE DETAILS

AMENDED) 0792-EA-A-P007D ELEVATIONS	(AMENDED) PROPOSED STREET
(AMENDED) 0792-EA-A-P006C	(AMENDED) PROPOSED SITE SECTIONS
(AMENDED) 0792-EA-A-G001B LAYOUT	(AMENDED) PROPOSED OVERALL SITE
(AMENDED) 0792-EA-A-P002G	(AMENDED) PROPOSED SITE LAYOUT
CE-LC-1980-DW01 - DW01 CE-LC-1980-DW01 - DW02 CE-LC-1980-DW01 - DW03	PLANTING PLAN SHEET 1 OF 3 PLANTING PLAN SHEET 2 OF 3 PLANTING PLAN SHEET 3 OF 3
(AMENDED) 0792-EA-A-P003B SPORTS ...	(AMENDED) PROPOSED SITE LAYOUT -
(AMENDED) 0792-EA-A-P008B PAVILION	(AMENDED) PROPOSED SPORTS
(ADDITIONAL INFO) REV 2 DRAINAGE...	*(ADDITIONAL INFO) FLOOD RISK AND
(AMENDED) AMA-20956-01 REV 2 DRAINAGE STRATE.	(AMENDED) FLOOD RISK AND
TREE REPORT & TREE SURVEY (AMENDED) AWA4269 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	(AMENDED) ARBORICULTURAL

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

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

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 dwelling house hereby approved shall be erected unless an Energy Statement applicable to that dwelling house 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 dwelling house 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@cravencd.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.

Proposer: Councillor Brown.

Seconder: Councillor Pringle.

Voting: 8 for approval; 2 for refusal; and 1 abstention.

Application 2022/24404/REG4 application for a single storey extension to existing crematorium chapel building, Skipton Crematorium, Waltonwrays, Carleton Road, Skipton BD23 3BT.

Resolved – That the application is GRANTED subject to the following 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.

Proposer: Councillor Rose.

Seconder: Councillor Sutcliffe.

Voting: 9 for approval; 2 for refusal.

b. Delegated Matters

The Strategic Manager for Planning and Regeneration submitted a list of new and closed planning enforcement cases between 24th September 2022 and 17th November 2022.

PL.1085 **QUARTERLEY PLANNING PERFORMANCE MONITORING REPORT**

The Planning Manager submitted a report informing Committee of the performance of the development management service during the period July – September 2022. As well as looking at the Council's performance against national indicators for planning applications, the report included information for the quarter for enforcement, appeals and speed of validation of planning applications.

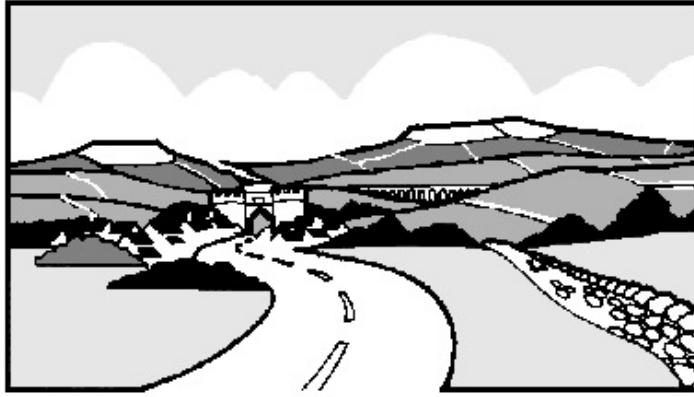
Resolved – That, the contents of the report are noted.

Minutes for Decision

There were no items for decision requiring confirmation by Council.

Date of Next Meeting: 19th December 2022.

Chairman.



CRAVEN

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D I S T R I C T

PLANNING COMMITTEE AGENDA

DATE: 19th December 2022

INDEX OF PLANNING APPLICATIONS

Item No.	Application Reference No.	Name of Applicant	Site Address	Page No's
1.	2022/23854/F UL	Calvert Homes (Cononley) Ltd	Land Off Meadow Lane/Moorfoot Lane, Cononley, .	3 - 49
2.	2022/24445/R EG4	Craven District Council	34 Swadford Street, Skipton, BD23 1RD, 15 - 17 Coach Street, Skipton, BD23 1LH, 8 - 10 Coach Street, Skipton, BD23 1LH.	50 - 57

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REPORT TO PLANNING COMMITTEE ON 19th December 2022

Application Number: 2022/23854/FUL

Proposal: Amended description: Construction of 25 no. dwellings with off site parking and associated infrastructure.

Site Address: Land Off Meadow Lane/Moorfoot Lane, Cononley

On behalf of: Calvert Homes (Cononley) Ltd

Date Registered: 31st March 2022

Expiry Date: 30th June 2022

EOT Date, if applicable: 19th December 2022

Case Officer: Andrea Muscroft

SUMMARY

The application is referred to the committee by Councillor Brown It contradicts spatial plan policy sp4 d “Directing limited growth towards tier 4a settlements”, the bulk of the site is not included in the local plan allocations and the amenity of residents opposite the entrance is impacted ENV3e

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

The impacts arising from the proposal on the local network have been considered and in the absence of any objections from the Highways Authority, the impacts are considered acceptable subject to conditions.

The proposal due to an improved drainage system would mitigate against surface water flooding that currently occurs along Meadow Lane thus reducing the risk of flooding to neighbouring properties.

The proposal would have a visual impact through the development of this undeveloped green field on the setting of the conservation area and nearby Grade II listed barn (The Pear Tree Barn).

However, the amended proposal is now considered to be generally in line with LP policy and national guidance and would create an attractive scheme with sustainable and biodiversity benefits as well as contributions towards open space and education.

The overall planning balance on this occasion is therefore one of approval subject to an S106 agreement to achieve the contributions and other benefits set out above and the planning conditions as set out below.

1. Site Description

- 1.1 The application site is a parcel of land approx. 1.05 hectares that is currently open agricultural land. The site is located directly to the southeast of Meadow Close, Cononley. Surrounding the site are residential properties to the south and west, the Skipton-Leeds railway line to the north and open agricultural fields to the east.
- 1.2 The application site is within the main built-up area of Cononley.
- 1.3 The site is also located on the edge of, but outside, the Cononley Conservation Area which follows the frontage of Meadow Lane to the south.
- 1.4 The land is classified as Grade 4 Agricultural Land (*Poor quality land with severe limitations that significantly restricts the crop range or yield level*).
- 1.5 A grade II listed barn (Pear Tree Barn) which has been converted to a dwellinghouse is located on Meadow View opposite the site.
- 1.6 Planning permission was granted in outline for a residential development of 4 dwellings on the site on the 23rd of December 2015 (ref 21/2015/15985). However, this permission has since lapsed. A further two outline planning permissions (ref: 21/2016/16967 & 21/2017/18492) were granted for a residential development of 15 dwellings.
- 1.7 Most of the site is identified on the Policies Maps in the Local Plan as an existing housing commitment due to previous planning permission being granted.
- 1.8 The site is also within the Strategic Housing and Economic Land Availability Assessment (SHELAA).

2. Proposal

- 2.1 The application seeks full planning permission for the construction of 25 dwellings with off-street parking and associated infrastructure.
- 2.2 *Officer note:* Following comments from the case officer and consultee comments the proposal has been the subject of revisions. These amended details have been the subject of a further round of consultations both with the consultees and residents. The proposal has been assessed based on the revised scheme.
- 2.3 The proposal would provide the following market dwellings:
 - 4no. 2 Bedroom dwellings
 - 15no. 3 Bedroom dwellings
 - 6no. 4 Bedroom dwellings
- 2.4 The proposed dwellings would consist of a row of terraced dwellings, semi-detached and detached dwellings.
- 2.5 On-site parking would consist of a mixture of driveways, garages, and frontage parking.
- 2.6 Soft landscaping would consist of dense shrub and replacement tree planting throughout the site with grassed and flower/shrub planting in amenity areas.
- 2.7 The proposal also seeks to provide off-site biodiversity compensation (secured via a legal agreement).

- 2.8 Hard landscaping would consist of dry-stone walls, timber fencing, Indian stone flagging and block paved drives.
- 2.9 The application consists of the following documents/plans
- 2.10 The proposal is supported by the following documents/reports:
- Ecological Impact Assessment
 - BNG off-site Plan
 - Preliminary Ecological Appraisal
 - Flood Risk Assessment and Drainage Strategy
 - Soak Test V4
 - Sustainable Design and Construction Statement
 - Noise Impact Assessment
 - Right of Way Statement
 - Phase 2 Site Investigation & GEO Environmental Appraisal
 - AIA, Tree Protection and Tree Planting
 - Transport Statement
 - Planning Statement
 - Design and Access
 - Letter to CDC
 - Covering Letter 11th March 2022
 - S106 Agreement (Draft)
3. Planning History
- 3.1 5/21/216: Residential development of land off Moorfoot Lane. Refused 06th June 1994.
- 3.2 21/2012/12749: Listed Building Consent for change of use of 2 no. traditional stone barns and stable block to three residential units with associated garages. Approved 21st March 2013 (Implemented)
- 3.3 21/2012/12754: Conversion of Barns to Residential Use & Construction of 3 No. Garages & 5 No. Parking Spaces. Approved 21st March 2013 (Implemented)
- 3.4 21/2013/14209: Discharge of Condition 4 of Previous Planning Approval Ref: 21/2012/12754 for the Change of Use of 2 No. Barns and Stable Block to 3 No. Residential Units, and Listed Building Consent 21/2012/12749 for the Conversion of Barns to Residential Use. Approved 21st Jan 2014
- 3.5 21/2014/14241: Construction Of 15 No. Houses and New Access, Re-Siting Of Garages And Parking To Adjacent Barn Conversions. Approved 06th June 2014. (Garages constructed)
- 3.6 21/2015/15985: Outline application for construction of 4no houses and garages. Approved 23rd December 2015.
- 3.7 21/2016/16967: Outline approval for construction of 15 no houses and new access previous application referenced (21/2014/14241). Approved 14th February 2017.

- 3.8 2017/18492/OUT: Outline application for a residential development of 4 dwellings with associated garages (access and layout applied for with all other matters reserved). Approved 16th January 2018.
- 3.9 2019/20908/CND: Application to discharge conditions no. 16 (groundworks) and no. 17 (highway works) on planning permission 21/2016/16967. DOC Satisfactory 20th November 2019.
- 3.10 2020/22247/FUL: Revised description: Construction of 7 no. houses, garages, and access roads. Refused 09th April 2021.
- Reason for refusal:
- The proposed development fails to provide a suitable density and mix of housing on the site and therefore fails to meet the housing needs for Craven District as identified in the Councils Strategic Housing Market Assessment (SHMA) dated 2017, contrary to the Districts strategic objectives as set out in the adopted Local Plan Policy SP1 (Meeting Housing Need) and SP3 (Housing Mix and Density) and the objectives of the National Planning Policy Framework which advocates the efficient and effective use of land.*
- 3.11 2021/22789/FUL | Residential development of 12 dwellings. Refused 22nd October 2021
- 3.12 Reason for refusal:
- The proposed development fails to provide a suitable density and mix of housing on the site and therefore fails to meet the housing needs for Craven District as identified in the Councils Strategic Housing Market Assessment (SHMA) dated 2017, contrary to the Districts strategic objectives as set out in the adopted Local Plan Policy SP1 (Meeting Housing Need) and SP3 (Housing Mix and Density) and the objectives of the National Planning Policy Framework which advocates the efficient and effective use of land.*
- The proposal fails to provide a suitable provision of affordable housing and therefore fails to meet the housing needs for the Craven District as identified in the Council's Affordable Housing SPD, Local Plan Policy H2 and the objectives of the National Planning Policy Framework.*
- 3.13 Appeal Dismissed 27th April 2022
- 3.14 2021/22935/FUL: Residential development of 5 dwellings. Refused 28th July 2021.
- Reason for refusal:
- The proposed development fails to provide a suitable density and mix of housing on the site and therefore fails to meet the housing needs for Craven District as identified in the Councils Strategic Housing Market Assessment (SHMA) dated 2017, contrary to the Districts strategic objectives as set out in the adopted Local Plan Policy SP1 (Meeting Housing Need) and SP3 (Housing Mix and Density) and the objectives of the National Planning Policy Framework which advocates the efficient and effective use of land.*
- 3.15 Appeal Dismissed 27th April 2022
- 3.16 2021/23241/FUL: Residential development of 5 dwellings (revised scheme to application no 2021/22935/FUL). Refused 18th January 2022
- 3.17 Reason for refusal:
- The proposed development has not satisfactorily demonstrated that the proposed development cannot deliver the identified density of housing on the site and therefore fails to meet the housing needs for Craven District as identified in the Councils Strategic*

Housing Market Assessment (SHMA) dated 2017, contrary to the Districts strategic objectives as set out in the adopted Local Plan Policy SP1 (Meeting Housing Need) and SP3 (Housing Mix and Density) and the objectives of the National Planning Policy Framework which advocates the efficient and effective use of land.

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

SP1: Meeting Housing Need

SP3: Housing Mix and Density

SP4: Spatial Strategy and Housing Growth

SP11: Strategy for Tier 4A and 4B Villages with Basic Services and Bisected Villages with Basic Services

ENV2: Heritage

ENV3: Good Design

ENV4: Biodiversity

ENV5: Green Infrastructure

ENV6: Flood Risk

ENV9: Renewable and Low Carbon Energy

H2: Affordable Housing

INF3: Sport, Open Space and Recreation Facilities

INF4: Parking Provision

INF5: Communications Infrastructure

INF6: Education Provision

INF7: Sustainable Transport and Highways

- 4.5 National Policies:
 National Planning Policy Framework (NPPF).
 National Planning Practice Guidance (PPG)
- 4.6 Other documents of relevance
 National Design Guide
 CDC Affordable Housing Supplementary Guidance
 BRE Site Layout Planning for Daylight and Sunlight
- Other material considerations
 SPD Good Design
 SPD Flood Risk
 SPD Green Infrastructure and Biodiversity
 Craven Conservation Areas Assessment Project: A General Introduction August 2016 *
 Draft Cononley Conservation Area Appraisal (2016)*
- 4.7 Officer Note: * This document represents a material consideration but has not been adopted and does not form part of the Local Plan and therefore carries limited weight.
5. Parish/Town Council Comments
- 5.1 Cononley Parish Council (19.4.2022): Object to the development for the following reasons:
Loss of important green space and biodiversity
Traffic concerns
Loss of Amenity
Insufficient sustainable design
Breach of Housing Growth Policy SP11
No policy basis to support the release of non-allocated sites for housing
Breach of policy H2 affordable housing
Inadequate contribution to facilities.
- 5.2 Cononley Parish Council (13.7.2022): Object to the development for the following reasons:
Loss of important green space and biodiversity
Traffic concerns
Loss of Amenity
Insufficient sustainable design
Breach of Housing Growth Policy SP11
No policy support for the release of non-allocated sites for housing
Breach of policy H2 affordable housing
Inadequate contribution to facilities <https://publicaccess.cravencdc.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=QR5GJNFKJAE00>
6. Consultations

- 6.1 **CDC Contamination officer (22.4.222):** A site investigation report Mugen Geo Ltd ref MGEO 2104 dated Feb 2022 has been provided for consideration. No contamination land issues were identified during the investigation. The Council has not identified the site as potentially being at risk of contamination due to the historical use of land. I am satisfied with the results of the ground investigation and no further contaminated land conditions are required for this site.
- 6.2 **CDC Contamination officer (23.6.2022):** No further comments following previous comments dated 22.4.2022
- 6.3 **CDC Environmental Officer (4.5.2022):** No objection and suggests conditions relating to noise/vibration/dust control and the provision of electric charging points.
- 6.4 **CDC Heritage Advisor (12.5.2022):** Recommend that the proposal is refused as it conflicts with the aims of S16 of the NPPF and policies ENV2 & ENV3 of the Craven LP. Reason of its impact on Pear Tree Barn and the Cononley Conservation Area, is the failure of the layout to respond to the historic field patterns, boundaries and context and to meet the requirements of para 194 of the NPPF.
- 6.5 To assist the applicant/agent could improve the submission which includes:
An enhanced heritage statement
Provides a more open setting for Pear Tree Barn and the conservation area
Enables a view across the site from the conservation area to the landscape beyond
Provides a layout which responds better to the existing field patterns and local context.
- 6.6 **CDC Heritage Advisor (5.7.2022):** The principle of some development on the site has been accepted and the revised submission is a marginal improvement. However, the current submission is unacceptable, as it would cause harm to the setting of Pear Tree Barn and Cononley conservation area, and further supporting information should be provided.
- 6.7 As it stands, the proposal is contrary to the aims of S16 of the NPPF and policies ENV2 and ENV3 of the Craven LP. The harm may be 'less than substantial' but the application has not demonstrated that the harm has been mitigated or that any public benefits would outweigh that harm as provided for in para 202 of the NPPF and Policy ENV2.
- 6.8 **CDC Heritage Advisor (27.10.2022):** The submitted Heritage Statement now meets the requirements of Para 194 of the NPPF.
- 6.9 Revisions to the scheme have resulted in a marginal improvement with marginally more space around the two units orientated onto Meadow Lane. However, the view of the listed barn is still obstructed as a receptor moves west along Meadow Close, impinging upon the aspect from the barn and its immediate setting, and the loss of vegetation. Thus, they still have a harmful impact upon the setting of the listed former barn and conservation area.
- 6.10 The level of harm is considered to '*less than substantial*'.
- 6.11 New dry-stone walls would be preferable to open frontages, but clarification is required regarding the reference to 'existing stone walls'. Given that the walls do not have any statutory protection, it is considered that the combination of their loss and the rebuilding of some new stone walls will cause '*less than substantial harm*'. If approved, a condition should be required seeking prior approval of a sample length of the rebuilt wall to demonstrate the material to be used, the bonding, coping details and mortar (if any).

- 6.12 The proposed development is acceptable, the proposed dwellings are quietly contextual in design and materials and are acceptable.
- 6.13 Consider house type D option 1 as it better reflects the grain of the conservation area.
- 6.14 The addition of chimneys of house type C is a small but welcome improvement on the original submission and will help reflect the traditional cottages in the conservation area.
- 6.15 All in all, the principle of some development on this site has been accepted and the revised submission is a marginal improvement. However, the proposal remains unacceptable on heritage grounds, due to the '*less than substantial harm*' which would be caused by two type B cottages in the setting of Pear Tree Barn and the Cononley conservation area and the failure of the development to respond to the history field patterns, boundaries and context, an absence of convincing evidence to demonstrate that the limited heritage benefits would outweigh that harm as per para 202 of the NPPF and Policy ENV2.
- 6.16 However, any other public benefits which the proposal might bring should also be weighed against the '*less than substantial harm*', as required by para 202 of the NPPF and Policy ENV2 of the Craven LP.
- 6.17 **CDC Tree officer (6.4.2022):** No objections and the replacement tree planting is appropriate.
- 6.18 **CDC Strategic Housing:** No comments were received within the statutory consultation period.
- 6.19 **CDC Planning Gain (30.6.2022):** As there is no on-site open space provision, a contribution of £83,904.00 will be required through a Section 106 Agreement for off-site provision as the proposal is for greater than 10 dwellings.
- 6.20 **Historic England (14.4.2022):** In this instance, no advice is offered. It is recommended that the Council seeks the views of its own specialist conservation and archaeological advisor.
- 6.21 **Historic England (23.6.2022):** Regarding further information provided, no advice is offered. It is recommended that the Council seeks the views of its own specialist conservation and archaeological advisor.
- 6.22 **Environment Agency:** No comments were received within the statutory consultation period.
- 6.23 **Airedale Drainage (21.4.2022):** The Board recommends conditions relating to the disposal of surface water and foul sewage if recommended for approval. The Board also advises the applicant that under the Board's Byelaws, the written consent of the Board will be required prior to any discharge or increase in the rate of discharge, into any watercourse within the Board's District.
- 6.24 **Airedale Drainage (23.6.2022):** As the LLFA has provided a detailed response the ADC will provide no further comment.
- 6.25 **Yorkshire Water (13.4.2022):** Confirmation of consultation.
- 6.26 **Yorkshire Water (5.5.2022):** Records show a water main crossing the red line site boundary. It is recommended that no obstruction encroaches within 3 meters on either side of the main (6m protection strip). The exact line will be determined on-site under YW supervision, and any diversion will be carried out at the developer's expense.
- 6.27 A condition is recommended re wastewater.

- 6.28 **Yorkshire Water (8.7.2022):** If planning permission is granted, then it is recommended a condition be imposed to protect the local aquatic environment and YW infrastructure.
- 6.29 **Lead Local Flood Authority (25.4.2022)** Submitted details are limited and it is recommended that the applicant provides further information in accordance with NYCC Suds Design Guide.
- 6.30 **Lead Local Flood Authority (13.7.2022):** Submitted addendum documents are noted. However, details remain limited. The LLFA recommends that the applicants provide further information in accordance with NYCC Suds Design Guide prior to any planning permission being granted.
- 6.31 **Lead Local Flood Authority (23.11.2022):** Details submitted 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.
- 6.32 **Network Rail (25.4.2022):** No objection in principle but suggest conditions and informatives.
- 6.33 **NYCC Education Authority (21.4.2022):** No objection but state that a contribution of £186,007.86 will be required through a Section 106 Agreement for education provision in the area.
- 6.34 **NYCC Education Authority (5.7.2022):** No change to density therefore no further comments to make to those previously made.
- 6.35 **NYCC Education Authority (1.8.2022):** Revised housing numbers - No objection but state that a contribution of £172,229.50 will be required through a Section 106 Agreement for education provision in the area.
- 6.36 **NY Police (DOCO) (15.7.2022):** Provide advice and recommendations to provide a safe and secure environment.
- 6.37 **NY Fire & Rescue:** No comments were received within the statutory consultation period.
- 6.38 **NYCC Highways (25.4.2022):** The impact on the existing highway network, both in terms of traffic volumes and trip generation and the road safety implications have been considered and the evidence in the transport assessment has been considered. Based on the evidence presented it is considered that the development will not have a significant adverse impact on Highway Safety
- 6.39 Parking standards do not appear to have been met. The garages are not considered as parking spaces as they do not meet the minimum internal dimensions of 3.0m x 6.0m.
- 6.40 The proposed drainage drawings show pipes under the highway. This is not acceptable under an adopted highway.
- 6.41 The Highway Authority recommends refusal on the grounds of lack of parking and drainage.
- 6.42 **NYCC Highways (16.8.2022):** Received further information which confirms that access and visibility meet requirements. Turning and parking also meet the standards as do the proposed garages.
- 6.43 Drainage plans are acceptable, but the applicant is advised that manholes must not straddle centrelines/lane lines and kept clear of vehicle wheel tracks with pipework. The application is advised to refer to the NYCC Technical Approval Procedures.
- 6.44 If recommended for approval, then conditions relating to construction details are imposed.

6.45 **NYCC Mineral and Waste officer (5.4.2022):** It is confirmed that there is an active waste facility within 500m of the application site. No sites have been proposed for allocation for minerals or waste activities in the Minerals or Waste Joint Plan within that 500m zone.

7. Representations

7.1 Site Notice dated 5.4.2022

7.2 Site Notice dated 17.6.2022.

7.3 Press Notice published 6.4.2022

7.4 Press Notice published 24.6.2022.

7.5 Notification letters sent to 15 neighbouring properties.

7.6 119 letters of representation have been received.

7.7 A summary of the comments is outlined below:

Objection

7.8 Principle of development

- Housing is being delivered above the Local Plan target/overdevelopment.
- ☒ Concern over the lack of affordable provision
- ☒ Concern that the development is contrary to policy ENV3
- Concern housing mix does not meet local needs.
- Site is not allocated for housing.
- ☒ Cononley has enough housing

7.9 Visual impact

- Greenfield site should be preserved to maintain the character of the village.
- ☒ Over-development
- Inappropriate design.

7.10 Highways

- Would increase the traffic using Meadow Close.
- ☒ Concern over construction vehicles
- ☒ No footpath along the highway
- ☒ Concerns ref visibility splays and junction at Cononley Lane Ends/Meadow Close onto Meadow Lane.
- No plans to widen or improve the road.
- ☒ Development would increase congestion
- Would have a detrimental impact on the highway.
- Insufficient parking provision would result in the loss of on-street parking for existing residents
- No electric car charging points.
- Traffic report is limited

☒ Access for emergency vehicles would be particularly comprised by the development.

7.11 **Amenity**

- Proposal will impact on local services and amenities.
- ☒ Concern over light and noise pollution from the additional cars
- Loss of privacy to neighbouring properties.
- Loss of light to neighbouring properties.
- ☒ Concern regarding overshadowing
- Loss of on-street parking
- ☒ Loss of view
- ☒ Feeling of an enclosure

7.12 **Biodiversity**

- ☒ Concern over the impact on wildlife
- ☒ Concern over the loss of trees
- ☒ Need for biodiversity net gain

7.13 **Flooding/drainage**

- Will increase flooding in the area.
- ☒ Question the FRA
- Detrimental impact upon drainage in the area.
- ☒ Concern over surface water flooding

7.14 **Other Matters**

- Concerns regarding local infrastructure
- Lack of solar panels or heat exchange units
- ☒ Lack of affordable housing
- ☒ No s106 funding proposed
- ☒ Concern over the impact on the water supply and gas/electric supply
- ☒ Can the school take more children?
- ☒ Cars and vans regularly park on the double yellow lines and block whole pavements by the park/railway pub and on the narrowest part of Meadow Lane.
- ☒ Proposal hasn't address the reasons dismissed at appeal.
- ☒ Problems with rattling and vibrations from the railway.

Neutral

- ☒ Address is misleading
- ☒ Suggest traffic lights or roundabout at junction
- ☒ Will a TPO be issued on the mature tree left on the site

7.15 **Non-material considerations**

- ☒ Is the developer a fit and proper builder?
- o The Council should purchase the land and rent it out.
- o The land should be used to grow crops
- o Vacant properties in Craven should be habitable before new properties are built
- o Tenders should be sent out to develop the site for a nature park
- o Loss of view
- o If approved, then arrangements must be made to ensure residents of Meadow Close can access their own homes and suitable alternative parking arrangements are made.
- o Safety of the level crossing should be questioned.

7.16 A comment has been received from the Cononley Wildlife Group, comments summaries are below:

- o Unsustainable rate of population growth
- o Unacceptable pressure on existing infrastructure
- o Affordable housing allocation not met
- o Well-being of existing residents

7.17 A comment was also received from the Ward member – comments summarised below:

Development must be fairly and objectively assessed against the local plan with regards to housing, affordable housing, planning obligations, amenity impacts, traffic, design, biodiversity

8. Summary of Principal Planning Issues

Principle of development.

Fall back position

Affordable housing provision.

Visual impact and design

Impact on heritage assets

Sustainability design and construction

Impact on amenity.

Flood Risk and Foul and Surface Water Drainage.

Biodiversity.

Highway safety.

Broadband

Other matters

Section 106 obligations and developer contributions

9. Analysis

Principle of development

9.1 Cononley is a Tier 4a settlement and the site lies within the main built-up area of Cononley. This assessment on whether the site was in the main built-up area of Cononley was

confirmed via the appeal decisions ref: APP/C2708/W/21/3288786 & APP/C2708/W/21/3288764.

- 9.2 Policy SP4 is relevant in the consideration of this proposal as this policy is supportive of proposals for additional housing growth on non-allocated land for housing within the main built-up areas of Tier 1, 2, 3 4a and 4b settlements providing that they accord with all other relevant LP policies and neighbourhood plan policies and material planning considerations.
- 9.3 In conclusion, in accordance with the NPPF and Policy SD1, the Council will take a positive and proactive approach to the consideration of the development proposed that reflects the presumption in favour of sustainable development.
- 9.4 The proposed development of this site is considered acceptable subject to the requirements of all relevant LP policies.
- 9.5 *Officer note:* It is acknowledged that Cononley is currently showing a positive housing figure (CDC Settlement Growth Monitoring – Position on 1st April 2022). However, there is **no policy mechanism** within SP4 or elsewhere in the LP which would allow a planning application to be refused based on the ‘over provision’ of housing in a particular settlement. (Emphasised by the officer).
- 9.6 *Officer note:* The site is also included within the SHELAA, and whilst the previous permissions have lapsed, the current application confirms that it is still an available site and thus the site would remain in the SHELAA. If the Council was unable to meet its 5-year supply, then all deliverable SHELAA sites would be included.
- 9.7 Furthermore, the delivery of planned housing growth in Cononley as well as all other settlements in the hierarchy is continually monitored. Given the housing growth figure of 230 dwellings per annum is a minimum figure, it is likely that the settlement will accommodate more than the percentage proportion of housing growth, providing proposals for housing development meet the relevant criteria of SP4 and all other relevant local plan policy requirements.
- 9.8 **Fallback position**
- 9.9 The status of a fallback development is a material consideration in a planning decision. The relevant law as to a “real prospect” of a fallback development being implemented was applied by this court in Samuel Smith Old Brewery (see, in particular, paragraphs 17 to 30 of Sullivan L.J.’s judgment, with which the Master of the Rolls and Toulson L.J. agreed; and the judgment of Supperstone J. in R. (on the application of Kverndal) v London Borough of Hounslow Council [2015] EWHC 3084 (Admin), at paragraphs 17 and 42 to 53).
- 9.10 As Sullivan L.J. said in his judgment in Samuel Smith Old Brewery, in this context a “real” prospect is the antithesis of one that is “merely theoretical” (paragraph 20). The basic principle is that “... *for a prospect to be a real prospect, it does not have to be probable or likely: a possibility will suffice*” (paragraph 21). Previous decisions at first instance, including Ahern and Brentwood Borough Council v Secretary of State for the Environment [1996] 72 P. & C.R. 61 must be read with care in the light of that statement of the law, and bearing in mind, as Sullivan L.J. emphasized, “... “fall back” cases tend to be very factspecific” (ibid.). The role of planning judgment is vital. And “[it] is important ... not to constrain what is, or should be, in each case the exercise of a broad planning discretion, based on the individual circumstances of that case, by seeking to constrain appeal decisions within judicial formulations that are not enactments of general application but are themselves simply the judge’s response to the facts of the case before the court” (paragraph 22).

9.11 Therefore, when the court is considering whether a decision-maker has properly identified a “*real prospect*” of a fallback development being carried out should planning permission for the proposed development be refused, there is no rule of law that, in every case, the “*real prospect*” will depend, for example, on the site having been allocated for the alternative development in the development plan or planning permission having been granted for that development, or on there being a firm design for the alternative scheme, or on the landowner or developer having said precisely how he would make use of any permitted development rights available to him under the GPDO. In some cases that degree of clarity and commitment may be necessary, in others, not. This will always be a matter for the decision-makers planning judgment in the circumstances of the case at hand.

9.12 In this instance, whilst two outline consents were granted these are not full planning permissions as it required the approval of Reserved Matters via a Reserved Matters Consent to be submitted to the Council for consideration and thus together would make a full planning permission. However, no Reserved Matters applications were submitted for consideration prior to the expiry date of condition 1 imposed on either of the outline planning permissions. Therefore, the outline planning permissions have lapsed and as such, there is no fallback position.

9.13 **Density and Mix**

9.14 Policy SP3 seeks to ensure that land is used in an effective and efficient manner to address local housing needs and sets out how this will be achieved in the following ways:

a) The LPA will require new housing developments to provide an appropriate mix of housing having regard to the dwelling size and mix recommended in the SHMA, its successor or other appropriate and up-to-date evidence of local housing need.

b) The local planning authority will require new housing developments to be developed at appropriate densities, which make effective and efficient use of land and have regard to local and site-specific circumstances. In typical greenfield developments or in brownfield developments with no significant element of conversion, the appropriate housing density should be approximately 32 dwellings per hectare (net).

c) The local planning authority will be flexible in its requirements for housing mix and density where this is necessary to ensure scheme viability, to take account of local variations in housing need, to better promote balanced mixed communities or to achieve other local plan objectives.

8.2 Whilst policy SP3 accepts that for some schemes there will be lower or higher densities or mix proportions it is recognised that these changes would only be acceptable and justified where it is demonstrated that the proposal meets Local Plan objectives or would deliver sustainable forms of development.

8.2 The following table (taken from page 89 of the Local Plan), shows the 2017 SHMA suggested dwelling mix by market and affordable dwellings:

(Table 1)

Overall dwelling size mix	Market (%)	Affordable (%)	Overall (%)
1/2 bed	18.9	87.4	39.4
3 beds	57.3	11.8	43.7

4 bed	23.8	0.8	16.9
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8.3 In instances, where proposals propose a mix of housing that does not appear to take account of identified needs, then it is expected that credible reasons and robust evidence to support their proposals.

8.4 The following table shows the revised housing mix proposed.

(Table 2)

Overall dwelling size mix	Market (%)	Affordable (%)
1/2 bed	4	0
3 beds	15	0
4 + bed	6	0

8.5 Whilst the proposal does vary slightly from the suggested market housing mix it is considered that the proposal has taken account of the most up-to-date evidence of need/demand from the SHMA and thus the mix is considered acceptable.

8.6 SP3 is also used to help guide the density of new homes provided in Craven, to ensure land resources are used effectively and efficiently and that proper account is taken of evidence, scheme viability and site-specific circumstances where a scheme does not meet the target of Policy SP3 which expects developments to achieve a minimum density of 32 dwellings per hectare.

8.7 The proposed development would achieve a density of 24 dwellings per hectare which would fail to meet the target of Policy SP3 which expects the development to achieve a minimum density of 32 dwellings per hectare.

8.8 The applicant has undertaken a viability appraisal of the development regarding the density of the development. The Council's independent viability assessment of this appraisal is set out within the report. In summary, it is considered that whilst the proposal is not strictly compliant with LP Policy it is acceptable to accept the mix, considering all matters in relation to the delivery of the site.

8.9 **Affordable Housing Provision, open space and education contributions including viability assessment**

8.10 Local Plan policy H2 seeks affordable housing of 30% on greenfield sites of developments with a combined gross floor area of more than 1000 sqm. The proposed combined gross floor area is above 1000 sqm and the proposal is for greater than 10 dwellings. Therefore, the requirement under Policy H2 of the Local Plan with regard to affordable housing provision has been triggered.

8.11 Whilst the scale of need regarding the affordable housing target revealed by the 2017 SHMA it is important that this target is realistic and set at a level that allows housing land to come forward and maintains the delivery of new homes without making schemes unviable.

8.12 The Craven Affordable Housing SPD (2020) includes useful detail of what viability 'is' and states that:

- 8.13 Viability' refers to a situation where:
- 8.14 The value of the site with assumed planning consent for the proposed scheme is sufficiently in excess of existing and alternative non-residential use values (if any) that a landowner when acting reasonably would be willing to proceed with the proposed residential development.
- 8.15 Royal Institution of Chartered Surveyors ('RICS') guidance (Financial Viability in Planning - RICS Guidance Note 1st Edition (GN 94/2012) (RICS, August 2012) provides a methodology framework and guiding principles for financial viability in the planning context. It defines 'financial viability for planning purposes as being:
- 'An objective financial viability test of the ability of a development project to meet its costs including the cost of planning obligations, while ensuring an appropriate Site Value for the landowner and a market risk-adjusted return to the Applicant delivering the project'.*
- 8.16 Policy INF3 seeks to promote health, well-being, and equality by safeguarding and improving sports, open space and built sports facilities. This is achieved by seeking on-site open space provision or off-site contributions.
- 8.17 Policy INF6 seeks to support sufficient choice for school places by developer contributions in accordance with Policy INF1 and Appendix B of the LP.
- 8.18 The applicant has not included any on-site provision of affordable housing and has provided a viability report stating that the development would be unable to provide any off-site financial contributions towards affordable housing provision.
- 8.19 It also considers the assessment process of viability, 'Planning Practice Guidance (PPG) (Ministry of Housing, Communities and Local Government, July 2018, Viability, paragraph 10) defines the process of viability assessment:
- 'Viability assessment is a process of assessing whether a site is financially viable, by looking at whether the value generated by a development is more than the cost of developing it. This includes looking at the key elements of gross development value, costs, land value, landowner premium, and developer return'.*
- 8.20 A developer will generally produce a development appraisal to assess the residual value ('RV') of a potential scheme and compare this to a target value (also known as the 'residual valuation model'). The residual value will generally relate to either the site value (land price) or the level of developer return (profit). If the RV is above the target value, in the context of a set of reasonable and realistic development assumptions, then the scheme is viable. If the RV is close to or slightly below the target value, then the scheme is likely to be of marginal viability. If the RV is significantly below the target value the scheme will be considered to be unviable and one or more costs of the scheme (land value, planning contributions development costs or profit) will need to be reduced in order for the scheme to proceed. In such instances, the Applicant may decide to submit viability evidence to the LPA to justify deviation from the headline planning policy position in respect of the provision of on-site affordable housing and/or other planning contributions.
- 8.21 The 'RICS Guidance' note advocates the use of the development appraisal / residual valuation model in such situations:
- 8.22 In assessing the impact of planning obligations, on the viability of the development process, it is accepted practice that a residual valuation model is most often used. This approach uses various inputs to establish a (Gross Development Value) GDV from which

(Gross Development Cost) GDC is deducted. GDC can include a Site Value as a fixed figure resulting in the developer's residual profit (return) becoming the output, which is then considered against a benchmark to assess viability. Alternatively, the developer's return (profit) is an adopted input to GDC, leaving a residual land value as 11 the output from which to benchmark viability, i.e. being greater or less than what would be considered an acceptable Site Value'.

- 8.23 In this instance, the applicant has submitted a viability assessment to support their application, and therefore, the Council has liaised with an independent assessor to clarify whether the content of the submitted viability assessment is supported or challenged.
- 8.24 The Council's Independent assessor advised that the scheme could support the provision of 7 on-site affordable houses (26%) and a financial contribution toward LP policies of £123,851.
- 8.25 Second review – 21.9.2022 revised FVA
- 8.26 Since the submission of the first FVA and to address comments from the Council's independent assessor ref details missing the FVA have been updated. As part of this resubmitted FVA the document confirms the agreement without prejudice an offer to provide the POS and education S106 contributions subject to a quick determination. The document also continues to indicate NIL in offering either affordable housing on-site or an off-site financial contribution as the site is not viable if affordable housing is included.
- 8.27 District Valuer (DV) assessor comments
- 8.28 On receipt of the updated FVA the Council has sought an independent consultant to assess the FVA provided and provide an independent assessment report to the Council.
- 8.29 The DV consultant comments as follows:
- 8.30 Further to changes, where construction and abnormal costs have increased in excess of the corresponding rise in value, it remains my independent conclusion a scheme fully compliant with plan policy (being 30% on-site affordable housing and financial contributions of circa £256,000) is not viable.
- 8.31 The land value is fixed at £256,000, the financial policy requirements towards POS and education are included at the required amounts and the output shows a residual available for profit. This is compared to the target profit of 17.5% of GDV.
- 8.32 The resulting residual profit is £1.912 million which is 18.3% of GDV, this is slightly in excess of my opinion of a reasonable target profit of 17.5% of GDV, indicating a small surplus of approximately £87,000. However, when compared to the applicant's profit target and the profit target identified in the local plan viability study, being 20% of GDV, the residual suggests would be a deficit of around £170,000. Consequently, the offer is seen to be a reasonable middle-ground compromise.
- 8.33 In conclusion, because of the reported increase in site costs, the offer by the developer to meet only the financial policy requirements; of £83,904 towards open space and £172,230 towards education; and to not provide any on-site affordable housing due to viability, is considered reasonable.
- 8.34 Case officer conclusions
- 8.35 The officer has taken into consideration the revised FVA offer alongside the advice of the Council's assessor.

- 8.36 The revised offer with regard to financial contributions to open space and education means that the application is policy compliant with regard to these matters.
- 8.37 However, the revised FVA is still unable to support any affordable provision on-site. In instances, where the applicant can prove, and this is supported by an independent assessment, that the 30% target cannot be achieved alongside a viable scheme, the LPA can set aside the policy requirement.
- 8.38 Further clarification was sought from the DV on whether any percentage regarding affordable provision could be achieved regarding this proposal. The DV confirmed that the proposal based on the information provided is unable to provide any % of affordable provision/contribution.
- 8.39 The conclusion reached in this case is that there are sound reasons (*construction and abnormal costs increasing in excess of the corresponding rise in value*) for the development not achieving a policy compliant 30% level of affordable housing and the offer of financial contribution towards open space and education is acceptable through an S106 agreement.

Visual impact and design

- 8.40 Policy ENV3 states that designs should respect the form of existing and surrounding buildings including density, scale, height, massing and use of high-quality materials.
- 8.41 The NPPF states that planning policies and decisions should ensure that developments should function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development.
- 8.42 The NDG also supports the Government's priorities for well-designed places.
- 8.43 The application site consists of approx. 1.05 hectares of undeveloped land within the main built-up area of Cononley. The site for the most part is a grassed field with an occasional tree within it and a stone boundary running through. Existing trees/shrubs are located outside but along the site boundaries.
- 8.44 Meadow Close is characterised by groups of traditional stone terrace dwellings with on-street parking and more modern dwellings with off-street parking provision in the surrounding area including new dwellings at St John's Close. The density of development in the area is high due to the historical centre with lower density in the new developments when travelling out of the historical centre.
- 8.45 The site is valued by the local community, as demonstrated by comments received in relation to the application. It is noted that the site is in private ownership with public access restricted by locked gates and a stone boundary wall. Although it was noted that during a site visit an individual was seen following a path across the site, however, this does not link up to any wider footpath network. Comments received indicate that the site has been used for dog walking, indicating that the site does have some recreational value to the local community. However, the site is currently formed of rough grassland, which means that the recreational value is limited.
- 8.46 It is also important to note that within proximity to the application site are four protected open spaces, sports and recreation areas with a further two located to the north and west of the site as indicated on the policies mapping. In addition, there are several PROW allowing access to open fields beyond the application site which would continue to provide opportunities for dog walkers etc to access. The proposal therefore would not result in any loss of these designated areas as such the proposal does not conflict with policy INF3.

- 8.47 The proposed development would occupy the whole of the site, and thus the development would result in the loss of this grassed area.
- 8.48 It is acknowledged that the loss of this grassed area would have an impact on the visual amenity of this area of Cononley. However, this site was not put forward for designation as a Local Green Space during the adoption of the Craven LP.
- 8.49 Similarly, whilst the Parish designated the neighbourhood area in 2015 which is the first stage of creating a Neighbourhood Plan, no further progress has been undertaken. Notwithstanding this, it is noted that initial indications show that the site has also not been designated as a Local Green Space. The proposal, therefore, does not conflict with policy ENV10 as the provisions of this policy do not apply.
- 8.50 The original proposal was submitted for a total of 27 dwellings covering the whole site. Following discussions with the Council's Heritage officer, the number of dwellings was reduced to 25. This was to help reduce the potential impact on the setting of Pear Tree Barn (Grade II listed building) and the character and appearance of the adjacent conservation area.
- 8.51 The LP policy SP3 suggests a total of 33 dwellings on this site. This guiding density figure does allow for schemes to come forward with lower or higher densities where it can be demonstrated that the proposal would meet LP objectives or deliver sustainable forms of development. In such instances, a proposal must demonstrate that the development is still of good design quality and that the contributions required can be provided.
- 8.52 The site would provide a range of two-storey dwellings consisting of terraced, detached and semi-detached dwellings including a traditionally designed pair of semi-detached dwellings which reflect the traditional two-storey row of terrace dwellings located to the east of the site. These dwellings would be located on a prominent corner at the junction of Meadow Close and Meadow Lane. The impact on Meadow Lane has for the most part been addressed – the inclusion of a low-level dry-stone boundary wall around these two properties with sensitive screening (hedgerows/trees), the similar scale and design of the pair of semi-detached dwellings to those within proximity of the site and the use of appropriate materials.
- 8.53 The proposed development main access road coming into the site off Meadow Close and the creation of new private accesses combined with the provision of low-level dry-stone boundary walls with trees and native hedgerows would provide sensitive screening and attractive frontages.
- 8.54 Running along the boundary with the railway and along Moorfoot Lane would be a green buffer. The inclusion of a further larger open wildflower area with native trees along the boundary further helps to mitigate the visual impact arising from the development
- 8.55 Within the site the proposed dwellings would front onto several streets arranged around short cul-de-sacs with trees providing soft planting as per the latest government advice on introducing street trees.
- 8.56 The amended plans are now considered acceptable in terms of site layout.
- House designs**
- 8.57 Following the initial submission, discussions between the agent and officers have taken place. Those discussions have culminated in updates to the design of the dwellings to be more reflective of the local vernacular. The proposal now includes a range of house types which are considered acceptable in terms of design, scale, and appearance.

8.58 Following discussions with the agent ref materials the proposed development would consist of coursed natural stone, Grey art stone slate roof tiles, upvc (colour agate grey) windows with natural sawn stone surrounds, upvc patio doors (colour agate grey) with natural sawn stone surrounds, entrance doors would be composite timber effect (colour agate grey) with natural sawn stone surrounds, garage doors to be composite timber effect (colour agate grey) with natural sawn stone head, rain water goods to be black upvc, Indian stone flags to patio areas and dry stone boundary walls.

8.59 Overall, the house types are considered acceptable subject to conditions on details covering matters such as materials to be agreed.

Landscaping and tree planting.

8.60 The agent has submitted a proposed site layout plan that shows the proposed soft landscaping which includes native trees/scrub along the site boundary within the site. A wildflower area within the site, turfed areas to the front of the proposed dwellings and seeded areas to the rear.

8.61 Overall, the proposed landscaping is considered acceptable subject to conditions on details covering the proposed planting and maintenance for the soft landscaping as well as details of the materials for the hard landscaping being provided.

Impact of development on the character and appearance of the adjacent conservation area

8.62 The application lies outside but adjacent to the designated conservation area of Cononley. It lies to the north of a Grade II former barn (Pear Tree Barn) now converted to residential accommodation.

8.63 Cononley lies in the Settled Industrial Valleys Landscape and on the edge of Landscape Area 38, Siltstone and Sandstone Low Moors overlooking the Aire Valley. Much of the surrounding landscape makes a significant contribution to the character and appearance of the conservation area.

8.64 The village core is very rural in character based around a classic principal street and back lane configuration with the majority of buildings fronting onto Main Street. The mix of historic building styles dates from the seventeenth to the late nineteenth century. The village contains several designated heritage assets, most of which are seventeenth and eighteenth-century former farms such as Pear Tree, King's, and Bradley's Farmhouses, all listed at grade II. This gives the village a rural character. The significance of the conservation area lies in its rural architectural and historic interest and its legibility to the surrounding landscape.

8.65 The junction between Meadow Lane and Main Street creates a narrow point in the built form for vehicles, with Meadow Lane being a narrow lane running along the eastern boundary of the site.

8.66 The application site forms an area of open space providing a transition from the denser rural grain of the village centre and the later 1960/70's development along Meadow Lane and the newer development to the east of the site on the site of the former church – St Johns Close and Meadow Close.

8.67 The existing shrubs, trees, and grass on this corner of the application site contribute to its character and appearance.

8.67 It is acknowledged that the development would result in the loss of these trees/shrubs as well as the grassed area to the far southwest area of the site. However, replacement soft

planting is proposed which would help mitigate the visual impact of the development and help soften the transition between the existing conservation and the new proposed development.

- 8.68 The development proposes the construction of 25 dwellings. Plots 1 & 2 would be sited in the proximity of the side gable of Pear Tree Barn. Whilst these plots would be closest to Pear Tree Barn, they would be only two storeys, with the front elevation fronting up towards and not directly onto Meadow Lane. Notwithstanding the proximity, it is considered that when travelling east to west along Meadow Lane the proposed dwellings would not appear dominant and overpowering.
- 8.69 The scale of the development would have an impact on the character and appearance of the conservation area in terms of its setting, although the proposed soft landscaping and green buffers would help to mitigate some of the impacts and help maintain the soft edge from the conservation area to the wider open fields. It is also recognised that the siting of plots 1 & 2 would impinge on the view of Pear Tree Barn when travelling along Meadow Close.
- 8.70 Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 provides a general duty in the exercise of planning functions to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area. The National Planning Policy Framework in paragraph 206 states that proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably.
- 8.71 The proposal would require the removal of several trees and whilst these are not protected by a Tree Preservation Order. It is acknowledged that the loss of trees would have an impact on the setting of the conservation area. To mitigate the impact the proposal would see the planting of replacement trees within and along the boundaries of the site including the one that adjoins the conservation area. Although it would take time to provide the same level of vegetation as that lost, the proposed screening would have a positive effect on the setting of the conservation area.
- 8.72 Regarding potential impacts on the conservation area the South Lakeland DC VSSE & Carlisle Diocesan Parsonages Board decision found that the statutory objective of preserving a conservation area could be achieved by either (i) a positive contribution to preservation or enhancement or (ii) a development which leaves character or appearance unharmed (preserved). In this instance, the proposal would have a neutral effect (preserve) the existing character and appearance of the conservation area.
- 8.73 As such, the development would not affect the general appearance and character of the conservation area as this would not be affected. Although, the development would impact on the setting of the conservation area.
- 8.74 Paragraph 8a-013-20190723 of the Planning Practice Guidance states “*the extent and importance of setting is often expressed by reference to the visual relationship between the asset and proposed development and associated visual/physical considerations*”. It also states that “*views of from an asset will play an important part, the way in which we experience an asset in its setting is also influenced by other environmental factors such as noise, smell and vibration from other uses in the vicinity, and by the historic relationship between places*”.
- 8.75 As highlighted, it is recognised that the siting of plots 1 & 2 would have an impact on the setting of the adjacent conservation area. The Council’s heritage officer has confirmed that this potential harm would be ‘*less than substantial*’.

- 8.76 It is also recognised that the draft CAA assessment has identified this area as making a strong contribution to the character and appearance of the conservation area. This is linked to how the space is experienced and viewed from within the boundary of the CAA (e.g., long views from within the CAA to the wider landscape). It is important to note that, this document has not been adopted as part of the LP and whilst it is a material consideration the weight to be given is limited.
- 8.77 The Craven Conservation Areas Assessment Project: A General Introduction August 2016 also states in paragraph 2.3 that in “fulfilling its duty, the Council does not seek to stop all development, but to manage change in a sensitive way.
- 8.78 The development would impact on the view from the adjacent conservation area boundary adjacent to the application site out towards the wider landscape, although some views would still be possible. Turning to the conservation area as a whole, views out towards the wider landscape and hills beyond would be retained as any restricted views would already be present by the existing built form.
- 8.79 It is also noted that there are two areas also identified as making a strong contribution have been developed (residential), one near the application site. It is therefore considered that subject to the proposal meeting the requirements of all relevant policies this would not be a barrier to development.
- 8.80 The Framework in paragraph 202, advises that in such cases, this harm should be weighed against the public benefits of a proposal. This balancing exercise shall be considered after the potential impact on the setting of the nearby listed building has been undertaken.
- The setting of the nearby listed building**
- 8.81 It is acknowledged that the previous assessment and appeal decision did not refer to the relationship between the application site and the nearby listed building. However, there is a statutory duty under the Act, S66(1) to have a special regard for the desirability of preserving the listed building or its setting.
- 8.82 The Framework defines the setting of a heritage asset as the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings may change. This is the case with Pear Tree Barn a former agricultural barn now converted to residential accommodation.
- 8.83 The Council’s Heritage officer has raised concerns over the siting of plots 1 & 2 on the setting of Pear Tree Barn.
- 8.84 The Grade II barn dates from the C17 or early C18 and is a rubble-constructed barn under a stone slate roof and formed part of Pear Tree Farm. The gable fronting onto Meadow Lane includes several breathers with round heads. Additional breathers can also be seen on the western elevation of the building. Its significance lies in its historic and architectural interest.
- 8.85 Significance is defined in the Glossary to the updated revised Framework as:
“The value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic, or historic. Significance derives not only from a heritage asset’s physical presence but also from its setting.
- 8.86 The proposal would see the construction of a pair of semi-detached dwellings on the corner nearest to the Grade II building. This area currently consists of grassed land, a drystone

wall/trees, and an area of hard standing for parking vehicles. The hardstanding area is enclosed by a low-level dry-stone wall.

- 8.87 The proposed dwellings would be of a height complementary to the Barn and other buildings in the surrounding area. The dwellings would be set back with the front elevations orientated southwest. The setback and orientation would provide a degree of space between these two dwellings and the Barn building and would help to maintain views when travelling along Meadow Lane.
- 8.88 When travelling along Meadow Close, the proposed buildings would result in a less open setting for the Barn due to their proximity. However, it's important to note that existing development in the form of the construction of two dwellings on a green field directly adjoining the western elevation of the barn has to some level impacted on the open setting of the Barn and upon the aspect from the Barn. Furthermore, the area to the front of the Barn which was historically used to house caravans (since ceased) but is now an area of hardstanding has also had a negative impact on the aspect from the Barn.
- 8.89 The removal of the hardstanding with its associated vehicle parking would result in an improvement when considering the aspect from the Barn.
- 8.90 The proposed dwellings would change the surrounding in which the Barn is experienced and cause harm to the significance of the Barn through its setting, although, the Council's Heritage officer considers that the overall impact of the proposal would be less than substantial.

Public Benefits

- 8.91 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.
- 8.92 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.
- 8.93 For clarity the optimum viable use of the Barn is as a private dwelling.
- 8.94 The proposal would contribute to the provision of housing in the district and whilst objections have been received regarding the settlement growth for Cononley being a positive figure. It is important to stress that there is no policy mechanism within Policy SP4 which would allow a planning application to be refused based on the 'over provision' of housing in a particular settlement.
- 8.95 The delivery of housing on this main-built up area would be in an area with access to services and public transport.
- 8.96 The proposal seeks to provide residential dwellings and would help contribute to the district's housing requirements and this carries significant weight as a public benefit.
- 8.97 The proposal would provide ecological benefits through the creation of new habitats (new planting of wildflowers, grassland, shrubs, tree planting, provision of bat boxes and bird boxes).
- 8.98 The proposal would enhance the economy of the community by the creation of jobs associated with the construction stage, and new residents would be likely to support existing local services and businesses. It is recognised that these benefits are common to similar developments and thus are given limited weight.

8.99 The application site is sustainably located close to a train station, a school and easy walking distance to a bus stop, shops, and services. It is considered that these do not qualify as benefits as these would be expected from a well-located residential development and thus limited weight is attached to these factors.

8.100 The proposal would also provide contributions through an S106 agreement (education and open space).

8.101 The identified public benefits of the application site are considered to present cumulatively considerable weight to the heritage balance as set out in the Framework.

Heritage Balance

8.102 It is recognised that there would be harm to the significance of Pear Tree Barn, in part, due to the proposal's impact on its setting, and whilst the proposal would not have a negative impact on the conservation area as a whole, it would have a harmful impact on the setting of the conservation as set out above.

8.103 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 objectives of Section 16 of the NPPF.

8.104 Sustainable design and construction

8.105 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.

8.106 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

8.107 The submitted Sustainability Report states that the development has been designed by adopting sustainable design and construction principles, including high levels of insulation to prevent heat loss.

8.108 The dwellings have also been designed to exceed the current environmental performance standards outlined in Part L1B of the Building Regulations.

8.109 The report also sets out the Energy saving measures.

8.110 The ground & first floor rooms will have natural ventilation in accordance with AD Part F; trickle ventilators, opening glazing and localised intermittent extract fans. The new dwellings will be traditionally constructed and have PIR insulation within the floor, walls, and roof. New boilers would be in accordance with current Building Regulations.

8.111 The proposed development has been designed to incorporate insulation measures to exceed the

U-Values required by the Building Regulations:

(a) new wall construction to achieve U values of 0.16 or better.

(b) new roof structures will be insulated to a u-value of 0.11

- (c) the ground floor will achieve a minimum u value of 0.11
- (d) glazing for windows and doors will average U-Values of 1.2w/m²K or better.
- (e) construction details will minimise heat loss via non-repeating thermal bridging by use of

8.112 Accredited Construction Details.

(f) lighting and appliances will incorporate high efficiency light fittings utilising LED lamps with an efficacy at 85lm/w. The use of LED lighting will also minimise the internal gains associated with tungsten and fluorescent lighting systems. The residential spaces will have a 100% LED lighting installation.

8.113 Further details have been provided by the agent indicating that to meet the requirements of Policy ENV3 which seeks to ensure sustainability mitigation measures are implemented in accordance with Building Regulations that:

Gas boilers with PV Panels or Air source heat pumps for each dwelling

Materials to be locally sourced where possible

Increase natural ventilation with 'Mechanical ventilation and heat recovery'.

All plots to be tested for air leakage

Compliance with Part O (overheating) of the Building Regulations.

8.114 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.

Impact on amenity

8.115 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.

8.116 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.

8.117 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.

8.118 The policy is also silent regarding external private amenity spaces. Notwithstanding this, the submitted site layout clearly shows private amenity spaces for each of the dwellings which are of an acceptable size to meet the needs of any future occupants.

8.119 Part of the site adjoins a railway line. It is therefore considered expedient to impose conditions requiring mitigation measures to be put into place with respect to matters concerning noise and vibration in order to ensure appropriate living conditions for future occupiers.

8.120 The agent has confirmed acoustic fencing along the boundary with the Railway line.

- 8.121 *Existing residents*
- 8.122 Plot 1 would be sited to the north of Pear Tree Barn at a separation distance of approx. 23m at the nearest point. The front gable would contain windows on the ground floor (living room) and first floor (bedroom) which would front at an angle towards the side gable of Pear Tree Barn which contains a double window at ground level. It is considered that due to the orientation, separation distance and existing boundary wall that the proposal would not result in any unacceptable loss of privacy or amenity to the occupants of this property.
- 8.123 Plot 2 which projects off Plot 1 would be sited to the east of No. 16 Meadow Lane at a separation distance of approx. 40m. Whilst the side gable would contain windows at the ground floor and first-floor level these windows would serve non-habitable rooms (hallways). As such, it is considered that the occupants of this property would not experience any unacceptable loss of privacy or amenity.
- 8.124 Plots 3, 4, 5, 6, 7 & 8 would be sited to the east of No. 1, 3, 5 & 7 Meadow Close at separation distances ranging from approx. 46m > 50m. It is considered that this separation distance is sufficient to ensure that the occupants of these properties would not experience any unacceptable loss of privacy or amenity.
- 8.125 The side gable of Plot 18 would be located approx. 50m from No. 11 Meadow Close. Notwithstanding the side gable windows serving the hallways, the separation distance is considered sufficient to ensure that the occupants of this property would not experience any unacceptable loss of privacy or amenity.
- 8.126 Plots 19, 20, 21, 23 & 24 would be located to the east at separation distances ranging from approx. 64m > 71m from No's 13, 15 & 17 Meadow Close. The separation distances and boundary treatments ensure that the occupants of these properties would not experience any unacceptable loss of privacy or amenity.
- 8.127 It is acknowledged Plot 25 would front towards the rear amenity area of No. 17 Meadow Close. Views at ground level would be restricted by an existing outbuilding located adjacent to the boundary of the application site. Upper first-floor windows (bedrooms) would have an unobstructed view of the rear amenity area. However, due to the transient nature of these rooms (bedrooms) combined with the separation distance of approx. 50m the occupants of this property would not experience any unacceptable loss of privacy or amenity.
- 8.128 Properties on Meadow Close due to the separation distance would also not experience any unacceptable overshadowing/loss of natural light or appear dominant when viewed from the habitable rooms of these properties.
- 8.129 Plots 10, 11 & 12 would be sited to the west of No 7 St Johns Croft at separation distances ranging from 35m > 43m from the side boundary of this property. Due to the separation distance and the location of Moorfoot Lane that runs along the side boundary of No. 7 St Johns Croft it is not considered that the proposal would give rise to any unacceptable loss of privacy or amenity.
- 8.130 Plot 9 would be sited to the east of Casa Nostra at a separation distance of approx. 2m from the nearest point of the side gable to the side gable which contains a single window. While it is not clear what type of room this window serves (and whether it is a habitable room), it is a secondary opening to the main windows at the front and rear elevations of Casa Nostra. To protect the privacy of the occupants of this property at a ground level no window openings are proposed. It is acknowledged that at the upper level, a single small

window opening is proposed that would serve a home office area which would have views over the roof of Casa Nostra. It is therefore considered that this window would not give rise to any unacceptable loss of privacy.

- 8.131 Plot 9 also includes a single storey extension from the rear elevation which would contain full height glazing which would face towards side gable of Casa Nostra and to the front area of this property. However, separating Plot 9 and Casa Nostra would be a 1.4 stone wall. In addition, there would be a separation distance of approx. 12m. Therefore, the separation distance combined with the boundary treatment is sufficient to ensure that the occupants of this property experience any unacceptable loss of privacy.
- 8.132 There would also be views from the front elevation of Plot 9 towards the far corner of the garden area of this property. However, it is considered given the limited level of overlooking that would occur to the far rear garden area that the proposal would not give rise to any unacceptable loss of privacy for the occupants of this property.
- 8.133 Daylight and sunlight
- 8.134 It is acknowledged that daylight and sunlight are fundamental to the provision of good quality living environment and for this reason, people expect good natural lighting in their homes. Inappropriate or insensitive development can reduce a neighbour's daylight and sunlight and thereby adversely affect their amenity to an unacceptable level.
- 8.135 In general, for assessing the sunlight and daylight impact of new development on existing buildings, Building Research Establishment (BRE) criteria are adopted. In accordance with both local and national policies, consideration must be given to the context of the site, the more efficient and effective use of valuable land and the degree of material impact on neighbours.
- 8.136 An assessment of the potential impacts on the nearest dwelling to the application site identified as Overstone for the purposes of daylight and/or sunlight impacts is set out below.
- 8.137 Overstone has a single window to the side gable. It is unclear as to the type of room this window serves, but it is noted that this is a secondary window opening to the main windows to the front and rear. Notwithstanding this, it is acknowledged that Plot 9 would result in a minor reduction in daylight/sunlight to this secondary window when applying the 25-degree rule. However, this reduction due to the orientation of Overstone would not result in an unacceptable loss of natural day/sunlight to warrant a refusal.
- 8.138 Regarding the potential impact on the remaining existing dwellings that lie near to the site, it is considered that due to the orientations and separation distances that the development would not result in any loss of natural day/sunlight, nor appear dominant and overbearing when viewed from any habitable rooms or private amenity spaces of these existing dwellings.
- 8.139 Regarding noise from the railway, the proposal due to the additional planting, the installation of acoustic fencing as well as the intervening built form would reduce noise levels currently experienced by existing residents.
- 8.140 It is acknowledged that the proposal would impact on the views from existing residential dwellings. However, the loss of a view is not a material planning consideration.
- 8.141 In conclusion, the proposal is compliant with Local Plan policy ENV3(e) & (f) with regards that the proposal would not result in any unacceptable loss of privacy, amenity or appear overbearing/dominant to existing residents and would provide an acceptable level of

amenity for future residents. The proposal also complies with paragraph 127(f) of the NPPF and is therefore acceptable.

Flood Risk, Foul and Surface Water Drainage

8.142 *Flood risk*

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

8.144 Policy ENV8 seeks to safeguard and improve water resources by ensuring that development is served by adequate sewerage and wastewater treatment infrastructure, will reduce the risk of pollution and deterioration of water resources, and protect surface and groundwater from potentially polluting development and activity.

8.145 The site is within flood zone 1 so has a low probability of increasing the risk of flooding within the site or cause an increase in flooding off the site. Due to the relatively level topography of the site, there would be minimal concern regarding surface water run-off. Nevertheless, the applicant has submitted a Flood Risk Assessment. The Environment Agency were consulted but have not provided any comments. The national policy requirement is for development not to exacerbate flood risk elsewhere outside of the site. The Local Lead Flood Authority is content that the development will not do so subject to the works being carried out in accordance with submitted details and the suggested conditions.

8.146 *Surface water*

8.147 Local and national guidance now encourages sustainable urban drainage solutions (SUDS) to deal with surface water. Details submitted state that the site does not lend itself to infiltration (water soaking in) of surface water due to the ground being described as being loamy and clayey. Therefore, surface water will need to be managed and designed to prevent off-site flood risk and in ecological terms to encourage improved biodiversity.

8.148 The proposal includes an attenuation tank which will act as a reservoir during times of excess rainfall. This would be located underground, allowing for enhanced biodiversity opportunities through appropriate species planting.

8.149 The LLFA after reviewing the information are satisfied that the measures proposed will be acceptable in their design form subject to any further fine detailing being dealt with by condition.

8.150 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.

8.151 It is important that the management of the attenuation tank is clear. This will also include the management of soft planting. Such management arrangements can be dealt with through an appropriate worded condition.

8.152 It is considered overall that the surface water drainage strategy now put forward will be effective in dealing with surface water run-off resulting in a reduction in surface water flowing along Meadow Lane thus reducing the risk of surface water flooding to neighbouring properties.

Foul water

8.153 In considering any foul and wastewater drainage matters, the planning authority must take into consideration the fact that the developer has an absolute right to connect to the public

sewerage system under section 106 of the Water Industry Act 1991 (the WIA1991), whether or not this would give rise to adverse effects e.g., increased flooding or environmental harm due to a restricted capacity in the sewerage and sewage treatment system.

8.154 The planning authority must also consider the following matters:

a) Section 94 of the WIA1991 imposes a continuing duty on all sewerage undertakers to provide, maintain and where necessary improve its systems for collecting and treating foul and wastewater drainage so as to effectually drain its area and effectually deal with the contents of its sewers;

b) a sewerage undertaker is provided with the means of funding the cost of fulfilling the above duty within the WIA1991 through sewerage and infrastructure charges; and

c) the WIA1991 clearly sets out that the costs of meeting the above duty are required to be borne by the sewerage undertaker, not the developer, save in one limited case where a new sewer is requisitioned by the developer (normally in cases where access to a public sewer is across intervening third party land) and where the charges for its use would not cover the cost of borrowing to provide it.

8.155 It, therefore, follows that related planning conditions are unnecessary for new residential development. For any such condition to be justified, in terms of the guidance in the national framework and PPG, the condition would, amongst other things, must be shown to be necessary and reasonable. It would not be reasonable if it imposes an unjustifiable burden on the developer. Nor would it be reasonable if the condition had the practical effect of forcing the developer to fund any inadequacies in sewerage or sewage treatment because the sewerage undertaker was not prepared to fulfil its statutory obligations in a timely manner.

8.156 Finally, Yorkshire Water and Airedale Drainage have been consulted and have not objected to the proposal, recommending the use of conditions.

8.157 It is considered that the proposal is in accordance with Local Plan policies ENV6 and ENV8 and the NPPF and is acceptable.

Biodiversity

8.158 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 loss and encouraging the recovery or enhancement of ecological networks, habitats, and species populations by incorporating beneficial biodiversity features in the design.

8.159 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.

8.160 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.

- 8.161 The Wildlife and Countryside Act 1981 and the Protection of Badgers Act 1992 requires applicants to comply with the requirements of these Acts.
- 8.162 The proposal would result in the increase of hard surfaces and the loss of an area of grass land and some trees/shrubs.
- 8.163 Policy ENV4 states that 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.
- 8.164 An ecological report was submitted which conducted a number of surveys both within and outside of the application site, including an assessment of trees on site using the Bat Conservation Trust Good Practice Guidelines regarding bat potential.
- 8.165 The North and East Yorkshire Ecological Data Centre holds records of all protected sites and species within a 2km radius of the proposed development. The data identified three locally designated sites within 2km of the proposed development. These sites are Farnhill Moor, situated 1.2km to the east, Cononley Grassland (SINC) situated 1.0km to the southwest and Sugden Wood situated 1.8km to the south of the proposed development.
- 8.166 Records show that there have been no recent records of water voles (before 1990) or otters within 2km of the site. It is acknowledged that there is a record of an otter in 2007 c.600m to the east of the development site on the River Aire.
- 8.167 The data search identified two records of common pipistrelle with the nearest record being of an individual bat, c.1km to the site of the site in 2000. The other bat record was in 2011 at c1.8km to the east of the site.
- 8.168 Several common species of birds were identified within 2km of the site including a peregrine falcon (a Schedule 1 species under the WC Act 1981) to the east of the site in 2016.
- 8.169 No recent records of reptiles within 2km of the proposed development, the most recent being in 1983.
- 8.170 The report also details that during the survey no badger field signs or setts were identified on or adjacent to the site. Similarly, no suitable habitat for water vole, otter or white-clawed crayfish were identified on or adjacent to the proposed site.
- 8.171 A potential bat roost was identified in the mature application tree, however, following a closer inspection it was found to be too small for roosting bats. Other features on the tree were also inspected but no bats or field signs were identified as the cavities were too small.
- 8.172 No suitable ponds for great crested newts were identified within 500m of the proposed development.
- 8.173 It is recognised that areas of dense scrub on site are suitable for common nesting bird species as well as the potential for some species to nest within the cracks and crevices of the stone wall. However, no suitable habitat for peregrine falcon were identified within the survey area.
- 8.174 No suitable habitats were identified for the hazel dormouse, or reptiles.
- 8.175 No schedule 9 non-native invasive species were identified on or adjacent to the survey area.

Assessment of impact on designated sites.

8.176 Due to the separation distances, it is considered that the development would not have an adverse impact on these designated sites and therefore no mitigation measures are necessary.

On-site BNG

8.177 Following a further review of the site the existing biodiversity data has been updated - details contained within the table below:

Table 1: On-site Biodiversity Metric 3.1 calculations

Habitat Type	Area (ha)	Distinctiveness	Condition	Biodiversity Units (Bu)
Semi-improved grassland	0.09814	Low	Poor	1.96
Amenity grassland	0.0125	Low	Poor	0.03
Dense Scrub	0.0533	Medium	Poor	0.21
Urban Tree	0.0692	Medium	Moderate	0.55
Bare ground	0.0145	V. Low	N/A-Other	0
Total				2.75 Bu

8.178 To improve the onsite biodiversity the proposal would see 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, bee bricks and holes within boundary treatments to allow small mammals to travel across the site.

8.179 Because of the suggested mitigation measures the proposal would provide a 3.19 Bu. Details shown in the table below:

Habitat Type	Area (ha)	Distinctiveness	Condition	Biodiversity Units (Bu)
<i>Created Habitat</i>				
Mixed Scrub	0.1814	Medium	Moderate	1.21
Vegetated Garden	0.2637	Low	N/A	0.51
<i>Retained Habitat</i>				
Bare Ground	0.6153	V. Low	N/A	0
Urban Tree	0.3785	Medium	Moderate	1.16
Mixed Scrub	0.0042	Medium	Poor	0.02
Urban Tree	0.0366	Medium	Moderate	0.29
Total				3.19Bu

- 8.180 Details submitted now show that the proposal now represents an increase of approx. 15.81% biodiversity value on the site.
- 8.181 The Council has liaised with the YDNP ecologist officer to review the details and to clarify whether the content is acceptable.
- 8.182 The YDNP ecologist officer has reviewed the details and acknowledges that the updated data now shows a 15% net gain can be achieved wholly on the site, through the contribution of gardens within the development, the retention of some of the existing scrubs, the creation of more habitat, the retention of some of the trees and planting of new trees. It is also acknowledged that a review of the post-development calculations appears to have been carried out correctly with regards to the NE Biodiversity 3.1 matrix.
- 8.183 To secure the on-site habitat enhancements for the duration of the maintenance period this will be subject to legal agreement.
- 8.184 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.
- Highway safety**
- 8.185 Local Plan policy INF4 seeks to ensure that new developments help to minimise congestion, encourage sustainable transport modes, and ensure proper provision and management for parking for vehicles.
- 8.186 Policy INF7 seeks to minimise greenhouse gases and congestion, and the provision of safe and accessible travel facilities by maximising the opportunities for travel by sustainable transport modes, avoiding severe residual cumulative impacts of development relating to transport, and the provision of design of safe and convenient access to transport facilities.

8.187 Section 9 of the NPPF contains guidance on transport and land use planning, including the promotion of sustainable transport choices and reducing travel by car. Paragraph 111 of the NPPF states that:

‘Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe’.

8.188 Paragraph 112 of the NPPF also advocates the promotion of sustainable transport modes and to this end recommends that developments should be located and designed where practical to

a) give priority first to pedestrian and cycle movements’ and to facilitate access to public transport, with layouts maximising the catchment area for bus or other public transport services;

c) create places that are safe, secure and attractive;

d) allow for efficient delivery by services and emergency vehicles; and

be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

Vehicular access and highway safety.

8.189 The position of the main new access into the residential development would open onto Meadow Close which is a road that currently serves 9 existing dwellings with additional access points proposed that would serve the proposed dwellings fronting onto Meadow Close.

8.190 It would require the removal of the existing roadside stone/vegetation boundary that fronts Meadow Close but has been designed to provide sufficient separation distance between existing and proposed access points onto Meadow Close. The principle new access into the site would be of adoptable standards and would provide an adequate and safe means of access subject to a final detailed approval. The Highway Authority have reviewed the information and are content with the proposal subject to a Section 278 Highway agreement to govern the works and any planning conditions as appropriate.

8.191 Regarding concerns over construction traffic the Highway Authority have requested a condition requiring a Construction Management Plan (CMP) be submitted which would outline how the proposed works would be managed to minimise the impact on residents.

8.192 Concerns have been raised by some residents with regard to visibility splays and the junction onto Meadow Lane. The Highway Authority has raised no objection regarding the visibility splays or relating to the use of the existing junction that currently serves the 9 dwellings. It is therefore considered there are no sustainable grounds to resist the plan as submitted.

Trip generation and impact on the local network

8.193 As stated, Meadow Close currently serves 9 dwellings and connects with Meadow Lane. It is acknowledged that the development would result in an increase in vehicles and that this has raised concerns by residents that this will add to existing congestion in the village. Especially during peak times when there is a noticeable increase in traffic as parents drop off or collect children from the nearby school resulting in major congestion as parents park along any available roads.

- 8.194 It is important to note that due to the level of off-street parking being provided the development would not add to the congestion at these peak times in terms of an increase in on-street parking. Although, it is recognised that due to accesses onto Meadow Close the currently level of on-street parking on Meadow Close at these peak times would be reduced by a third.
- 8.195 It is also important to note that as a public highway any vehicle user has the right to travel and park on the public highway and that the responsibility for managing on-street parking is the responsibility of North Yorkshire County Council and thus the issue of controlling on-street parking lies outside of the scope of this proposal.
- 8.196 Notwithstanding these concerns relating to congestion and highway safety due to increased vehicle movements have been acknowledged by the Highway Authority who have reviewed the submitted Transport Assessment regarding proposed traffic volumes, trip generation and road safety implications. Based on a review of the submitted information confirm that they do not consider that the development would have a significant adverse impact on highway safety. To that end whilst this concern is noted there is no justification in highway safety terms to reject this development.
- 8.197 As outlined previously, should the proposal be recommended for approval and to allay local concerns the developer would be required to provide a Construction Management Plan which can assist in controlling construction vehicles and the routes they use. The site would be provided with its own compound for all construction staff and visitors and there would be no issue with highway safety during the construction stage.

Car parking layout and Council standards

- 8.198 Policy INF4 uses the NYCC Interim Parking Standards to inform as to an adequate standard of car parking spaces and car space sizes bearing in mind also Government and LP policies seek a shift away from cars to more sustainable forms of transport.
- 8.199 In this instance, it is acknowledged that Cononley a Tier 4a settlement is defined as having basic services with new occupiers being owners of cars, it is prudent to ensure adequate car parking is provided to serve the site. The revised plan now shows a sufficient number of car parking spaces to serve the development with visitor spaces also provided. It is considered that the level of car parking provided on site through a mixture of surface parking and garages would be adequate to serve the new development. It is noted that there is a balance to be struck between providing reasonable levels of car parking and encouraging sustainable transport options rather than always relying on private motor vehicles.
- 8.200 It is also considered prudent to ensure that garages remain for the parking of vehicles and not converted to additional ancillary living accommodation that PD rights are withdrawn. Planning conditions can be used to control this matter as the negative side of this matter is that by not providing enough car parking this may encourage indiscriminate parking on soft verges and pavements which would be contrary to good design principles and create dangers for both vehicular and pedestrian users and visitors to the site.
- 8.201 Comments have been received regarding the lack of electric charging points. The Government announced in June 2022 that as part of Approved Document S, Infrastructure for charging electric vehicles that all new builds to have the preparatory work completed for the installation of electric charging points. Therefore, to ensure that electric charging points are incorporated into the development a condition can be imposed requiring the provision be made prior to occupation.

Sustainability and Accessibility

- 8.202 The LP and the NPP guidance seek sustainable transport initiatives. Details proposed show a new stretch of footpath which would link with an existing footpath on Meadow Lane. These works would be carried out by the developer under license.
- 8.203 The site is also within proximity to the local Railway station and national cycle routes. There is also a limited public bus service connecting the village with nearby villages and towns.
- 8.204 Proposed dwelling would be designed to comply with Building Regulations Part M to ensure an acceptable degree of accessibility for all and this can be controlled by an appropriate worded condition.
- 8.205 Comments have been raised regarding access for emergency vehicles. Details have been provided that show that emergency and refuse vehicles can safety access and exit the site.
- 8.206 In conclusion, whilst concerns raised are noted both in respect of the congestion and highway safety it is necessary to refer to the final comments of the Highway Authority who have not objected to the proposal and thus it is considered that there are no sustainable reasons to refuse the application on highway grounds.
- 8.207 **Broadband**
- 8.208 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 of 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.
- 8.209 The Ministry of Housing, Communities and Local Government updated the Framework in 2019 to suggest that all planning policies, and decisions should support the expansion of telecoms networks (including full fibre broadband). For the above reasons, the Council considers that fibre to the premise (FTTP) is essential infrastructure and vital to the delivery of sustainable development. Therefore, the development is expected to deliver FTTP and the developer will be required to submit an FTTP Statement, to be agreed by the Council. This statement will establish how FTTP will be provided to serve the development and that it will be engaged at first occupation. Exceptions to this approach could be justified in circumstances where it is not practical, viable or feasible to deliver FTTP. In such cases, evidence will be needed from the applicant to demonstrate that this is the case. Notwithstanding, where FTTP is not delivered, non-Next Generation Access technologies that can provide speeds in excess of 24Mbps should be provided as an alternative.
- 8.210 **Other matters**
- 8.211 Reference has been made to the previous appeal decisions which were dismissed on the grounds that the developments failed to provide a suitable density and mix of housing (no other grounds for refusal). It is important to note that the difference between these appeals and the current proposal is that evidence has been provided to demonstrate why the proposal is unable to provide the suggested density as identified in the Local Plan. This evidence has been the subject of an independent review detailed within this report. Regarding mix the current scheme complies with the Council's SHMA.

- 8.212 Nuisance arising from construction work is not a planning matter and neither is the location of a works compound, nor the flow of construction traffic or any associated provision of parking. Such activity is adequately controlled by environmental protection law through the control of pollution legislation and/or highways legislation both of which fall outside of the planning purview. Therefore, it is not an issue material to the consideration of the planning application. Para 55 of the Framework dictates that planning conditions must be relevant to planning and specific controls outside planning legislation may provide an alternative means of managing certain matters. Duplication of existing control of pollution legislation through the planning system fails the test of necessity and therefore the aforesaid suggested, related conditions will appear in the informative. Notwithstanding, as with all building projects, there is a reasonable expectation that there will be a degree of additional noise, mess and other related inconveniences associated with the development process and therefore the potential issues complained of are an entirely normal occurrence in such circumstances.
- 8.213 The site has not been identified as being contaminated.
- 8.214 Policy INF5 requires that infrastructure be imposed to create access to broadband internet respectively. It is considered it reasonable and necessary to impose a condition to require that the requirement of policy INF5 is satisfied.
- 8.215 Third party representations state that there is no capacity at the local school, inferring that the proposal would impact further on the capacity of local facilities. Given the scale of the development in comparison and the provision of existing facilities in Cononley and the surrounding area, it is considered the proposal would not pose a significant pressure on existing school provision.
- 8.216 Representation have also expressed concern regarding increasing pressure on water, gas, and electricity supply. Statutory consultees have been consulted and have not raised any concerns regarding any potential impacts on existing supply.
- 8.217 Regarding any potential ransom strip details provided by the agent confirm that this is in the ownership of the applicant and thus the issue of a ransom strip does not apply.
- 8.218 Representation has been received regarding Dead Eye Pond which is located approx. 1km north of the site. Dead Eye Pond does not benefit from any designation that would require special protection being afford to it. Notwithstanding this, if the site was designated it is not considered that the proposal would have an adverse impact on Dead Eye Pond due to the separation distance.
- 8.219 The comments requesting the Council to reviewing the classification of the site are noted. However, the site is currently classified as Grade 4 Agricultural Land (*Poor quality land with severe limitations*).
- 8.220 Comments received outlining that the site could form part of the local nature recovery plan are noted. However, this is a matter not before the Council.
- 8.221 **Section 106 Obligations and developer contributions**

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

Type	Contribution
Education contribution	172,230
Open space contribution	83,904.00

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

8.224 **Planning Balance and conclusion**

8.225 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

i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”

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

8.227 The impacts arising from the proposal on the local network have been considered and in the absence of any objections from the Highways Authority the impacts are considered acceptable subject to conditions.

8.228 The proposal due to an improved drainage system would mitigate against surface water flooding that currently occurs along Meadow Lane thus reducing the risk of flooding to neighbouring properties.

8.229 The proposal would have a visual impact through the development of this undeveloped green field on the setting of the conservation area and nearby Grade II listed barn (The Pear Tree Barn).

8.230 However, the amended proposal is now considered to be generally in line with LP policy and national guidance and would create an attractive scheme with sustainable and biodiversity benefits as well and contributions towards open space and education.

8.231 Notwithstanding the concerns of the heritage officer and other objections from interested parties, the overall planning balance on this occasion is therefore one of approval subject to a S106 agreement to achieve the contributions and other benefits set out above and the planning conditions as set out below.

8.232 **Recommendation**

8.233 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 Legal Agreement to secure the following contributions

Education – financial contribution of £172,229.50 towards primary and secondary school expansion.

Biodiversity net gain (BNG)

POS – financial contribution of £83,904.00 towards off-site formal open space facilities

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:

1122_01A LOCATION PLAN
22062-PWA-00-XX-DR-C-1000 P01 PROPOSED SITE AREA ***
1122_03H (AMENDED) PROPOSED SITE PLAN

122_05B (AMENDED) TYPE B ELEVATIONS
1122_04A (AMENDED) TYPE B FLOOR PLANS
1122_07B (AMENDED) TYPE C ELEVATIONS
1122_06 (AMENDED) TYPE C FLOOR PLANS
1122_08A (AMENDED) TYPE D (OPTION 1) FLOOR PLANS
1122_09C (AMENDED) TYPE D (OPTION 1) ELEVATIONS
1122_12 (AMENDED) TYPE E FLOOR PLANS
1122_13A (AMENDED) TYPE E ELEVATIONS
1122_15A (AMENDED) TYPE F ELEVATIONS
1122_14 TYPE F FLOOR PLANS
1122_16 (AMENDED) TYPE G FLOOR PLANS
1122_17A (AMENDED) TYPE G ELEVATIONS
1122_21 (AMENDED) TYPE H FLOOR PLANS
1122_22A (AMENDED) TYPE H ELEVATIONS

22062-PWA-00-XX-DR-C-2... (ADDITIONAL INFO) EXTERNAL WORKS

1122_19A (AMENDED) PROPOSED SITE SECTION
1122_20A (AMENDED) PROPOSED SITE SECTIONS

REV 3 (AMENDED) ECOLOGICAL IMPACT ASSESSMENT

122 24 OFF SITE BIODIVERSITY MITIGATION

AIA, TREE PROTECTION AND TREE PLANTING
SOAK TEST V4
TRANSPORT STATEMENT MAR 2022

DESIGN AND ACCESS STATEMENT
PHASE 2 SITE INVESTIGATE & GEO ENVIR
NOISE IMPACT ASSESSMENT
SUSTAINABLE DESIGN & CONSTRUCTION ST..

HERITAGE STATEMENT

MATERIALS SCHEDULE

22062-PWA-00-XX-CA-C-1000 P04	(AMENDED) MICRODRAINAGE CALCULATIONS
22062-PWA-00-XX-DR-C-5001 P02	(AMENDED) SECTION 104 PROPOSED CATCHMMENT
22062-PWA-00-XX-RP-C-1000 P05 DRAINAGE	(AMENDED) FLOOD RISK ASSESSMENT AND
22062-PWA-00-XX-RP-C-1001 P03 MANAGEMENT	(AMENDED) PROPOSED MAINTENANCE AND
22062-PWA-00-XX-RP-C-1000 P05 STRATEGY	FLOOD RISK ASSESSMENT AND DRAINAGE
22062-PWA-00-XX-DR-C-1002 P07	(AMENDED) PROPOSED DRAINAGE LAYOUT

Reason: For the avoidance of doubt.

Before you Commence Development

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

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

Reason: To secure an appropriate highway constructed to an adoptable standard in the interests of highway safety and the amenity and convenience of all highway users.

- 4 No development must commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Construction of the permitted development must be undertaken in accordance with the approved plan.

The Plan must include, but not be limited, to arrangements for the following in respect of each phase of the works:

1. details of any temporary construction access to the site including measures for removal following completion of construction works;
2. wheel washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway;
3. the parking of contractors' site operatives and visitor's vehicles; areas for storage of plant and materials used in constructing the development clear of the highway;
5. details of site working hours;
6. details of the measures to be taken for the protection of trees; and
7. contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.

Reason: In the interest of public safety and amenity

During Building Works

- 5 The development shall be constructed in accordance with the materials schedule dated 11th November 2022 and retained as such thereafter.

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.

- 6 There must be no access or egress by any vehicles between the highway and the application site at Land Off Meadow Lane/Moorfoot Lane, Cononley until splays are provided giving clear visibility of 45 metres measured along both channel lines of the major road from a point measured 2.4 metres down the centre line of the access road. In measuring the splays, the eye height must be 1.05 metres and the object height must be 0.6 metres. Once created, these visibility splays must be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason: In the interests of highway safety and to accord with Policy INF7 of the Craven Local Plan and the National Planning Policy Framework.

- 7 There must be no access or egress by any vehicles between the highway and the application site at Land Off Meadow Lane/Moorfoot Lane, Cononley until visibility splays providing clear visibility of 2.0 metres x 2.0 metres measured down each side of the access and the back edge of the footway of the major road have been provided. In measuring the splays, the eye height must be 1.05 metres and the object height must be 0.6 metres. Once created, these visibility splays must be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason: In the interests of highway safety and to accord with Policy INF7 of the Craven Local Plan and the National Planning Policy Framework.

- 8 The development shall be carried out in accordance with the details shown on the submitted plan, "22062 PWA 00 XX DR C 1002 (revision P02) dated 12/04/2022 that has been prepared by Paul Waite Associates.", unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interest of satisfactory and sustainable drainage and to accord with Policy ENV6 of the Craven Local Plan and the National Planning Policy Framework.

- 9 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

- 10 The noise mitigation measures shown in section 5 (Recommendations) of the submitted noise impact assessment referenced AS22-15(V3) dated 25.03.22 must be strictly adhered to.

Reason: To safeguard the living conditions of future occupants particularly with regard to the effects of noise to comply with Policy ENV3 of the Craven Local Plan and the National Planning Policy Framework.

- 11 No site preparation, delivery of materials or construction works, other than quiet internal building operations such as plastering and electrical installation, shall take place other than between:

- 08:00 hours and 18:00 hours Monday-Friday

- 08:00 hours and 13:00 hours on Saturdays
- Not at any time on Sundays or Bank Holidays

Reason: To safeguard the living conditions of nearby residents particularly with regard to the effects of noise and to accord with Policy ENV of the Craven Local Plan and the National Planning Policy Framework.

- 12 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.

- 13 Prior to any above ground works of the hereby development, the developer shall submit a Dust Management Plan in writing for approval of the Local Planning Authority. The Dust Management Plan shall identify all areas of the site and the site operations where dust may be generated and further identify control measures to ensure that dust does not travel beyond the site boundary. Once in place, all identified measures shall be implemented, retained and maintained for the duration of the approved use. Should any equipment used to control dust fail, the site shall cease all material handling operations immediately until the dust control equipment has been repaired or replaced.

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

- 14 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.

- 15 The proposed dwellings hereby approved shall be construction in accordance with Part M of Building Regulations and retained thereafter.

Reason: To ensure accessibility of dwellings for all occupants and to accord with Policy ENV3 of the Craven Local Plan and the National Planning Policy Framework.

Before the Development is Occupied

- 16 As this development is in close proximity to the railway, the properties closest to the railway line may be affected by vibration.

Prior to first occupation, evidence shall be submitted to and approved in writing by the local planning authority to demonstrate that the dwellings closest to the railway line are designed and constructed so as to ensure that vibration dose values do not exceed 0.4 m/s^{1.75} between 07.00 and 23.00 hours, and

0.2 m/s^{1.75} between 23.00 and 07.00 hours, as calculated in accordance with BS 6472-1:2008, entitled 'Guide to Evaluation of Human Exposure to Vibration in Buildings'.

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

- 17 No part of the development must be brought into use until the access, parking, manoeuvring and turning areas for all users at Land Off Meadow Lane/Moorfoot Lane, Cononley 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.

Informative

The proposals should cater for all types of vehicles that will use the site. The parking standards are set out in North Yorkshire County Council's 'Interim guidance on transport issues, including parking standards' and subsequent amendments available at https://www.northyorks.gov.uk/sites/default/files/fileroot/Transport%20and%20streets/Roads%2C%20highways%20and%20pavements/Interim_guidance_on_transport_issues_including_parking_standards.pdf

- 18 No part of the development to which this permission relates must be brought into use until the carriageway and any footway or footpath from which it gains access is constructed to binder course macadam level or block paved (as approved) and kerbed and connected to the existing highway network with any street lighting installed and in operation.

The completion of all road works, including any phasing, must be in accordance with a programme submitted to and approved in writing with the Local Planning Authority before any part of the development is brought into use.

Reason: To ensure safe and appropriate access and egress to the premises, in the interests of highway safety and the convenience of all prospective highway users.

Informative

It is recommended that in order to avoid abortive work, discussions are held between the applicant, the Local Planning Authority and the Local Highway Authority before a draft layout is produced and any detailed planning submission is made.

To assist, the Local Highway Authority can provide a full list of information required to discharge this condition. It should be noted that approval to discharge the condition does not automatically confer approval for the purposes of entering any Agreement with the Local Highway Authority.

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

- 19 No individual dwellinghouse hereby approved shall be occupied 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 including solar panels;

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

- 20 Prior to the occupation of plots 12, 13, 21, 22, 23, 24 & 25 details of the proposed acoustic fencing along the boundary with the railway line shall be provided and agreed in writing with the Local Planning Authority and retained as such thereafter.

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

Ongoing Conditions

- 21 All car parking spaces, garages and car ports shall be completed and made available for use prior to the occupation of the dwelling to which those parking facilities relate and shall be maintained as such thereafter.

Notwithstanding the provisions of the Town and Country General Permitted Development Order 1995 as amended, or any new re-enactment, the garages hereby approved (whether integral or as outbuildings/extensions to the dwelling) shall not be converted into additional living accommodation but shall be kept available for the parking of private motor vehicles.

Reason: To ensure a reasonable and adequate level of parking is retained for the dwellings hereby permitted and to prevent ad hoc parking on pavements, cycle/footways and verges in the interests of highway safety for both pedestrians and vehicles and to accord with Policy INF4 of the Craven Local Plan and the National Planning Policy Framework.

- 22 Any lighting installed shall not exceed the following maximum values of vertical illuminance at the facade of any residential premises in accordance with Environmental Zone E2: 5 lux pre-curfew (07:00-23:00hrs) and 1 lux post-curfew (23:00- 07:00hrs) in accordance with Guidance Notes for the Reduction of Obtrusive Light (GN01:2020) by the Institute of Lighting Professionals (ILP).

Reason: To promote an acceptable and light sensitive means of site and street lighting in the interests of good design, residential amenity, wildlife protection, and so as to promote dark skies and to accord with Local Plan policies ENV1 and ENV3 and the objectives of the National Planning Policy Framework.

Informatives

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

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.

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.

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.

Under the Land Drainage Act 1991 and the Boards' byelaws, the Board's prior written consent (outside of the planning process) is needed for:-

- a) any connection into a Board maintained watercourse, or any ordinary watercourse in the Board's district.
- b) any discharge, or change in the rate of discharge, into a Board maintained watercourse, or any ordinary watercourse in the Board's district. This applies whether the discharge enters the watercourse either directly or indirectly (i.e. via a third party asset such as a mains sewer).
- c) works within or over a Board maintained watercourse, or any ordinary watercourse in the Board's district - for example, land drainage, an outfall structure, bridges, culverting etc.

The Developer should be aware that any development for residential or noise sensitive use adjacent to an operational railway may result in neighbour issues arising. Consequently, every endeavour should be made by the developer to provide adequate soundproofing for each dwelling. Please note that in a worst-case scenario there could be trains running 24 hours a day and the soundproofing should take this into account.

It is imperative that planting and landscaping schemes near the railway boundary do not impact on operational railway safety. Where trees and shrubs are to be planted adjacent to boundary, they should be positioned at a minimum distance greater than their height at maturity from the boundary. Certain broad leaf deciduous species should not be planted adjacent to the railway boundary. Any hedge planted adjacent to the railway boundary fencing for screening purposes should be placed so that when fully grown it does not damage the fencing, provide a means of scaling it, or prevent Network Rail from maintaining its boundary fencing. Below is a list of species that are acceptable and unacceptable for planting in proximity to the railway boundary;

Acceptable:

Birch (Betula), Crab Apple (Malus Sylvestris), Field Maple (Acer Campestre), Bird Cherry (Prunus Padus), Wild Pear (Pyrus Communis), Fir Trees - Pines (Pinus), Hawthorn (Cretaegus), Mountain Ash - Whitebeams (Sorbus), False Acacia (Robinia), Willow Shrubs (Shrubby Salix), Thuja Plicatata "Zebрина"

Not Acceptable:

Acer (Acer pseudoplatanus), Aspen - Poplar (Populus), Small-leaved Lime (Tilia Cordata), Sycamore - Norway Maple (Acer), Horse Chestnut (Aesculus Hippocastanum), Sweet Chestnut (Castanea Sativa), Ash (Fraxinus excelsior), Black poplar (Populus nigra var, betulifolia), Lombardy Poplar (Populus nigra var, italica), Large-leaved lime (Tilia platyphyllos), Common lime (Tilia x europea)

Where lighting is to be erected adjacent to the operational railway, the potential for train drivers to be dazzled must be eliminated. In addition, the location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway.

Due to the proximity of the proposed development to the operational railway boundary, it will be imperative that the developer liaise with our Asset Protection Team (contact details below) prior to any work taking place on site to ensure that the development can be undertaken safely and without impact to operational railway safety. Details to be discussed and agreed will include construction methodology, earthworks and excavations, use of crane, plant and machinery, drainage and boundary treatments. It

may be necessary for the developer to enter into a Basic Asset Protection Agreement (BAPA) with Network Rail to ensure the safety of the operational railway during these works.

Trespass onto the railway is a criminal offence. It can result in costly delays to rail traffic, damage to the railway infrastructure and in the worst instances, injury and loss of life.

All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a "fail safe" manner such that in the event of mishandling, collapse or failure, no materials or plant are capable of falling within 3.0m of the nearest rail of the adjacent railway line, or where the railway is electrified, within 3.0m of overhead electrical equipment or supports.

With a development of a certain height that may/will require use of a crane, the developer must bear in mind the following. Crane usage adjacent to railway infrastructure is subject to stipulations on size, capacity etc. which needs to be agreed by the Asset Protection Project Manager prior to implementation.

All excavations/ earthworks carried out in the vicinity of Network Rail property/ structures must be designed and executed such that no interference with the integrity of that property/ structure can occur. If temporary works compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Network Rail. Prior to commencement of works, full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence should be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker and the works shall only be carried out in accordance with the approved details. Where development may affect the railway, consultation with the Asset Protection Project Manager should be undertaken. Network Rail will not accept any liability for any settlement, disturbance or damage caused to any development by failure of the railway infrastructure nor for any noise or vibration arising from the normal use and/or maintenance of the operational railway. No right of support is given or can be claimed from Network Rails infrastructure or railway land.

Security of the railway boundary will need to be maintained at all times. If the works require temporary or permanent alterations to the mutual boundary the applicant must contact Network Rail's Asset Protection Project Manager.

The developer/applicant must ensure that their proposal, both during construction, and after completion of works on site, does not affect the safety, operation or integrity of the operational railway, Network Rail and its infrastructure or undermine or damage or adversely affect any railway land and structures. There must be no physical encroachment of the proposal onto Network Rail land, no over-sailing into Network Rail airspace and no encroachment of foundations onto Network Rail land and soil. There must be no physical encroachment of any foundations onto Network Rail land. Any future maintenance must be conducted solely within the applicant's land ownership. Should the applicant require access to Network Rail land then must seek approval from the Network Rail Asset Protection Team. Any unauthorised access to Network Rail land or airspace is an act of trespass and we would remind the council that this is a criminal offence (s55 British Transport Commission Act 1949). Should the applicant be granted access to Network Rail land then they will be liable for all costs incurred in facilitating the proposal.

All roads, paths or ways providing access to any part of the railway undertaker's land shall be kept open at all times during and after the development.

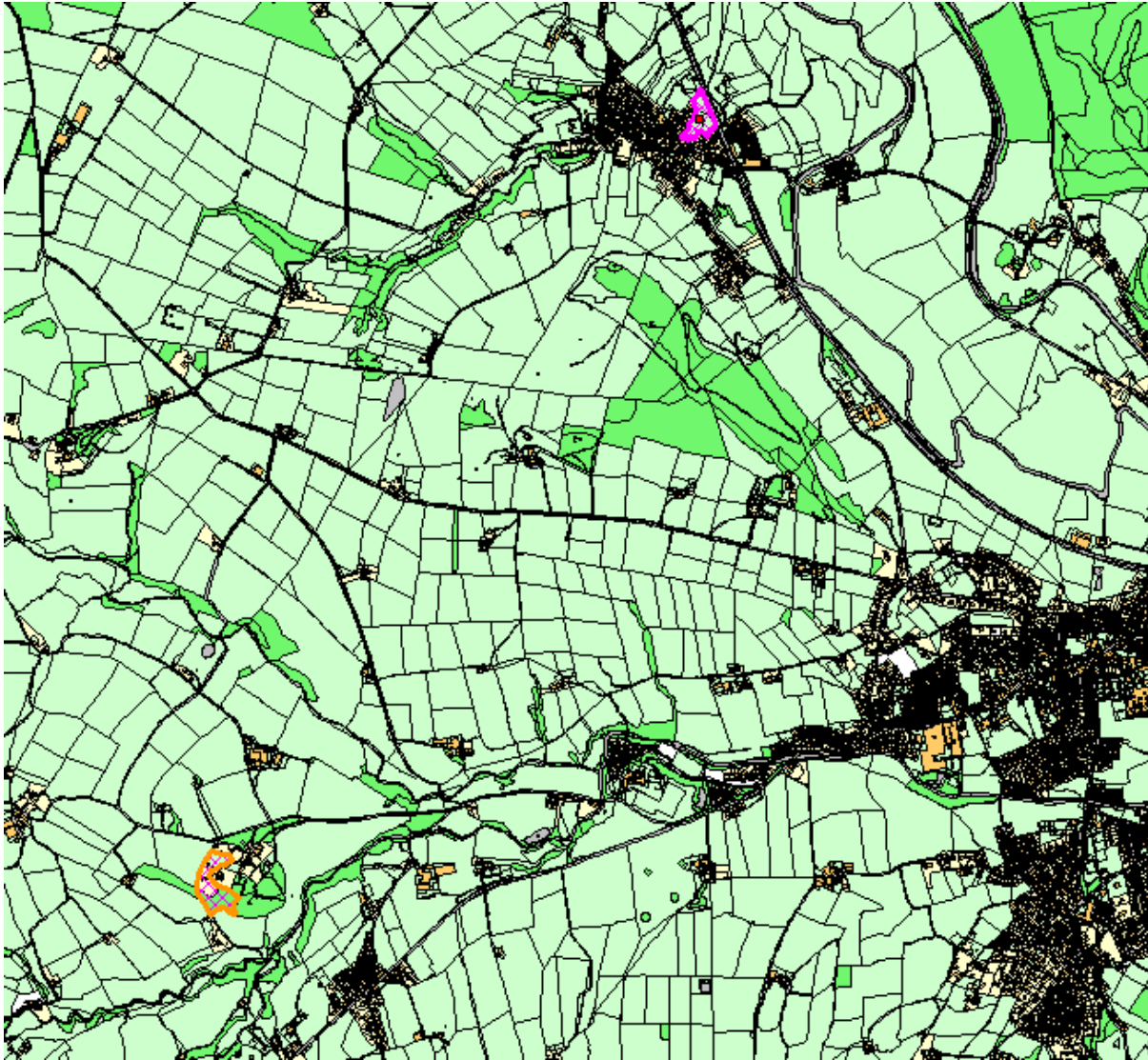
No building or other obstruction including landscape features shall be located over or within 3 (three) metres either side of the centre line of the water main i.e. a protected strip width of 6 (six) metres, that enters the site. If the required stand-off distance is to be achieved via diversion or closure of the water main, the developer shall submit evidence to the Local Planning Authority that the diversion or closure has been agreed with the relevant statutory undertaker. In order to allow sufficient access for maintenance and repair work at all times.

The developer should also note that the site drainage details submitted have not been approved for the purposes of adoption or diversion. If the developer wishes to have the sewers included in a sewer adoption/diversion agreement with Yorkshire Water (under Sections 104 and 185 of the Water Industry Act 1991), they should contact our Developer Services Team (tel 0345 120 84 82, email: technical.sewerage@yorkshirewater.co.uk) at the earliest opportunity. Sewers intended for adoption and diversion should be designed and constructed in accordance with the WRc publication 'Sewers for Adoption - a design and construction guide for developers' 6th Edition, as supplemented by Yorkshire Water's requirements.

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

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

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).



Application Number: 2022/23854/FUL

Proposal: Amended description: Construction of 25 no. dwellings with off street parking and associated infrastructure.

Site Address: Land Off Meadow Lane/Moorfoot Lane, Cononley, , ,

On behalf of: Calvert Homes (Cononley) Ltd

Application No: 2022/24445/REG4

Proposal: To install new and replace existing lighting equipment with heritage style designs at various locations as part of Skipton’s Heritage Action Zone improvement program.

Site Address: 34 Swadford Street, Skipton, BD23 1RD, 15-17 Coach Street, Skipton, BD23 1LH, 8-10 Coach Street, Skipton, BD23 1LH,

On behalf of: Craven District Council

Date Valid: 11th October 2022

Expiry Date: 6th December 2022

EOT Date: 21st December 2022

Case Officer: Lucy Chester

SUMMARY

The application is referred to Planning Committee as the applicant is Craven District Council.

This application is considered acceptable in principle. It is not considered harmful to the character and significance of the Conservation Area, nor will it have any adverse impacts on neighbouring properties. The proposal is therefore considered acceptable and is recommended for approval subject to conditions.

1. Site Description
 - 1.1 The application site relates Coach Street, a key route which is located within one of Historic England’s Skipton’s Heritage Action Zones (HAZ): The Canal Quarter.
 - 1.2 Coach Street comprises a mix of uses but is predominantly independent retail and leisure units. The street runs parallel to the main high street but is situated to its west. This application relates to the area of Coach Street from the southern junction at Swadford Street to the section of the street which is intersected by Victoria Street to the east.
 - 1.3 The site is located within the main built-up area of Skipton and in the designated conservation area. It is also situated in the area covered by the Article 4 direction, “Skipton Direction No. 2 - Skipton Town Centre. Designated: 1995”.
2. Proposal
 - 2.1 This application seeks permission for the removal of three modern street light units and related hardware and their replacement with three traditional “heritage-style” lamps.
 - 2.2 The lamps are to be “Lancaster” style lanterns and will be wall mounted onto the walls of the three properties that house the existing fixtures and fittings. The properties are:

- ☒ Domino's Pizza, 34 Swadford Street, BD23 1RD
 - ☒ Ebru Evrim Yoga Studio, 15-17 Coach Street, BD34 1LH
 - ☒ The Yorkshire Rose, 8-10 Coach Street, BD23 1LH
- 2.3 The lanterns are to be plain black cast iron and will be wall mounted using a DW Windsor black Traditional cast wall bracket and a galvanised metal frog with 76mm spigots. They will be lit using a 4.3m or 4.7m to LED lighting array with miniature photo electronic control units (PECU).
- 2.4 Redundant boxes and cabling will be removed and replaced with an inspection box and compression gland. Any retained boxes will be painted black.
- 2.5 Associated works will be undertaken by North Yorkshire County Council, appointed by Craven District Council. Some existing cabling and fixing holes are to be made good as part of the works.
3. Planning History
- 3.1 Though not directly affecting the application site, the following planning history is relevant to the determination of this application:
- 3.2 2022/23639/LBC: To install new and replace existing lighting equipment with the heritage style designs within zones 1, 2 and 3 as identified | Lighting Equipment Sites For Skipton Heritage Action Zone. Zone 1: Victoria Square And 22 Sheep Street. Zone 2: Victoria Street. Zone 2 Zone 3: Hallams Yard And 2 Sheep Street & 60A High Street, Skipton. Approved by Committee Decision 14th March 2022.
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.
- 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).'*
- 4.2 The development plan for Craven consists of the Craven Local Plan 2012 to 2032 (November 2019) ('LP'). The relevant LP policies to the determination of this application are:
- ☒ SD1 – The Presumption in Favour of Sustainable Development
 - ☒ SD2 – Meeting the Challenge of Climate Change
 - ☒ ENV2 – Heritage
 - ☒ ENV3 – Good Design
- 4.3 National Policy:
- ☒ The National Planning Policy Framework
 - ☒ Planning Policy Guidance
- 4.4 Other Relevant Documents:
- ☒ Planning (Listed Buildings and Conservation Areas) Act 1990Skipton Conservation Area Appraisal (2008)
 - ☒ SPD Good Design Guide
- 4.5 **Officer Note:** The Good Design SPD represents a material consideration but has not been adopted and does not form part of the Local Plan and therefore carries limited weight.

5. Parish/Town Council Comments

5.1 **Skipton Town Council:** No comments were received during the statutory consultation period or to date.

6. Consultations

6.1 **Craven District Council's Independent Heritage Advisor.** Response received 4th November 2022. A summary of their comments are as follows:

"I recommend that the application be approved.

The existing lights are unattractive and they, and the excessive cables and boxes, detract from the historic character and appearance of Coach Street. The proposed new "heritage" lanterns have a traditional design and will be a big improvement on the existing equipment.

I fully support the proposal as it will enhance the character and appearance of the CA and meet the objectives on S. 16 of the NPPF, Policy ENV2 of the Craven Local Plan and the HAZ. Indeed, it will complement the high-quality re-instatement of natural surface materials in Victoria Street."

6.2 The full report can be accessed using the following link: [https://publicaccess.cravendc.gov.uk/online-applications/files/6104C31A96DFC00A10A99ED893BA2A40/pdf/2022_24445_REG4-HINCHCLIFFE_HERITAGE - HERITAGE_ADVICE-663670.pdf](https://publicaccess.cravendc.gov.uk/online-applications/files/6104C31A96DFC00A10A99ED893BA2A40/pdf/2022_24445_REG4-HINCHCLIFFE_HERITAGE_-_HERITAGE_ADVICE-663670.pdf)

7. Representations

7.1 Site Notice posted 26th October 2022, expired 16th November 2022.

7.2 Press Notice published 27th October 2022, expired 17th November 2022.

7.3 Three letters of notification were sent to neighbouring properties 20th October 2022.

7.4 No third-party received during the statutory consultation or to date.

8. Summary of Principal Planning Issues

8.1 Scale, Design and Visual Impact of the development upon the Street Scene and the character and appearance of the Conservation Area.

8.2 Public Amenity, Safety and Accessibility

8.3 Sustainability

9. Analysis

Scale, Design and Visual Impact of the development upon the Street Scene and the character and appearance of the Conservation Area.

9.1 Policy ENV2 of the Craven Local Plan states that "Craven's historic environment will be conserved and, where appropriate, enhanced..." In addition, Section 16 of the NPPF gives guidance on conserving and enhancing the historic environment. In particular, paragraph 192 advises that Local Planning Authorities should take account of the desirability of new development making a positive contribution to local character and distinctiveness.

9.2 Policy ENV3 of the Craven Local Plan requires that development should respond to context, and that design should respect the form of existing and surrounding buildings. This is consistent with the NPPF requirement that development is sympathetic to local character and history, including the surrounding built environment and landscape setting.

9.3 Section 16 of the NPPF gives further guidance on conserving and enhancing the historic environment. Paragraph 197 advises that Local Planning Authorities should take account of the desirability of new development making a positive contribution to local character and distinctiveness.

9.4 Paragraphs 199 & 200 then advise that when considering the impact of a proposed development on the significance of a heritage asset, great weight should be given to the asset's conservation. Where

a proposed development would lead to substantial harm, local authorities should refuse consent, unless it can be demonstrated that the substantial harm is necessary to achieve substantial public benefits that outweigh the harm (paragraphs 201 & 202 refer).

- 9.5 This is a small-scale development which sees the in-situ replacement of three streetlights. The fact that the lights are to be installed in the same location as the existing ensures that the visual harm afforded by the new installation is muted. It will also ensure that the required street lighting levels are maintained and in suitable locations and reduce any further impact to the fabric of the heritage assets in the conservation area. Given their location, the installations will not bear any impact upon the Listed Buildings within the conservation area. They will instead serve to illuminate the valuable historical features found on Coach Street, increasing public enjoyment of the area.
- 9.6 The existing streetlamp models are unattractive and anachronistic to the historic setting of Coach Street. The proposed traditional design is more in keeping with the character of the conservation area. The proposed lighting equipment, such as wiring, is also more streamlined and will de-clutter the overall streetscape. The decision to paint any hardware which is to be retained black to match the proposed will ensure that it appears more uniformed and tidier. Craven District Council's Independent Heritage Advisor agreed that the proposed fixtures will be an improvement on what currently exists. Therefore, the scheme will enhance the character of the conservation area whilst also being more functional and sleeker.
- 9.7 Moreover, the proposal meets several of the key objectives in the Historic England HAZ initiative, in particular:

“4. Enhance the links between the High Street and the more hidden parts of Skipton – by emphasising the heritage aspects of the ginnels, people will be encouraged to explore different parts of the town centre and dwell for longer.

6. Make Skipton more walking and cycle friendly – increase the ease and attractiveness for people to walk and cycle around Skipton town centre using the built heritage for interest so increasing the footfall and dwell time.”

- 9.8 Given that Coach Street runs parallel to the High Street, the incorporation of more attractive, and better-quality lighting will encourage more use of the smaller network of linkages between the two routes and ginnels, for instance, the recently resurfaced Victoria Street. This will in turn increase the activity of routes beyond the High Street, in turn creating opportunities for potential growth there-in.
- 9.9 Worth noting is that the proposal is not incongruous with other approved schemes within the conservation area. The recently approved 2022/23639/LBC involves a similar lighting design which is to be implemented in other key areas around Skipton town centre. The proposed lights will therefore serve to visually unite Coach Street with other key nearby destinations.
- 9.10 In sum, the public benefits afforded by the proposal outweighs the less than substantial harm to the conservation area that the development would cause.

Public Amenity, Safety and Accessibility

- 9.11 Policy ENV3 seeks to ensure that developments make positive change, which benefits the local economy, environment, and quality of life, including health and well-being.
- 9.12 The addition of high-quality street lighting will benefit the public in several ways. Practically speaking, it will increase walkability by ensuring that the route is substantially lit throughout the day. This will enable users to safely enjoy the town during later periods when there is less natural light, increasing potential footfall for longer time periods.

Sustainability

- 9.13 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, and carbon emissions and to minimise waste.

9.14 The applicant has provided details of the lighting to support their proposal. The measures set out, such as the choice to use LED lighting with miniature photo electronic control units (PECUs), meaning that the street lighting supply will be switched on when the light level falls beneath a given value (Dusk) and switched off when it rises above another level (Dawn) will avoid any unnecessary energy wastage, ensuring that the lighting is in use only when necessary. These measures are considered appropriate for the size of the proposal and sufficient for compliance with the Craven Local Plan policy ENV3.

Conclusion

9.15 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 strong reason for restricting the overall scale, type or distribution of development in the plan area; 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."

9.16 Overall, the proposal is considered to be acceptable in terms of design, scale and visual impact. The proposed adheres to the aims of Section 16 of the NPPF and Policy ENV2 Heritage of the Craven Local Plan and will cause "less than substantial" harm to the heritage significance of the street and the Skipton Conservation Area. It also complies with the LBCA Act (1990) and therefore should be approved.

10. Recommendation

10.1 Approve with Conditions

Conditions

Time Limit for Commencement

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

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

Approved Plans

2 This permission relates to the following plans:

- o Site Location Plan. Received 28th September 2022.
- o Lighting Details. Received 28th September 2022.
- o Lighting Key. Received 30th November 2022.
- o Lighting Equipment. Received 30th November 2022.
- o Heritage, Design and Access Statement. Received 28th September 2022.

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

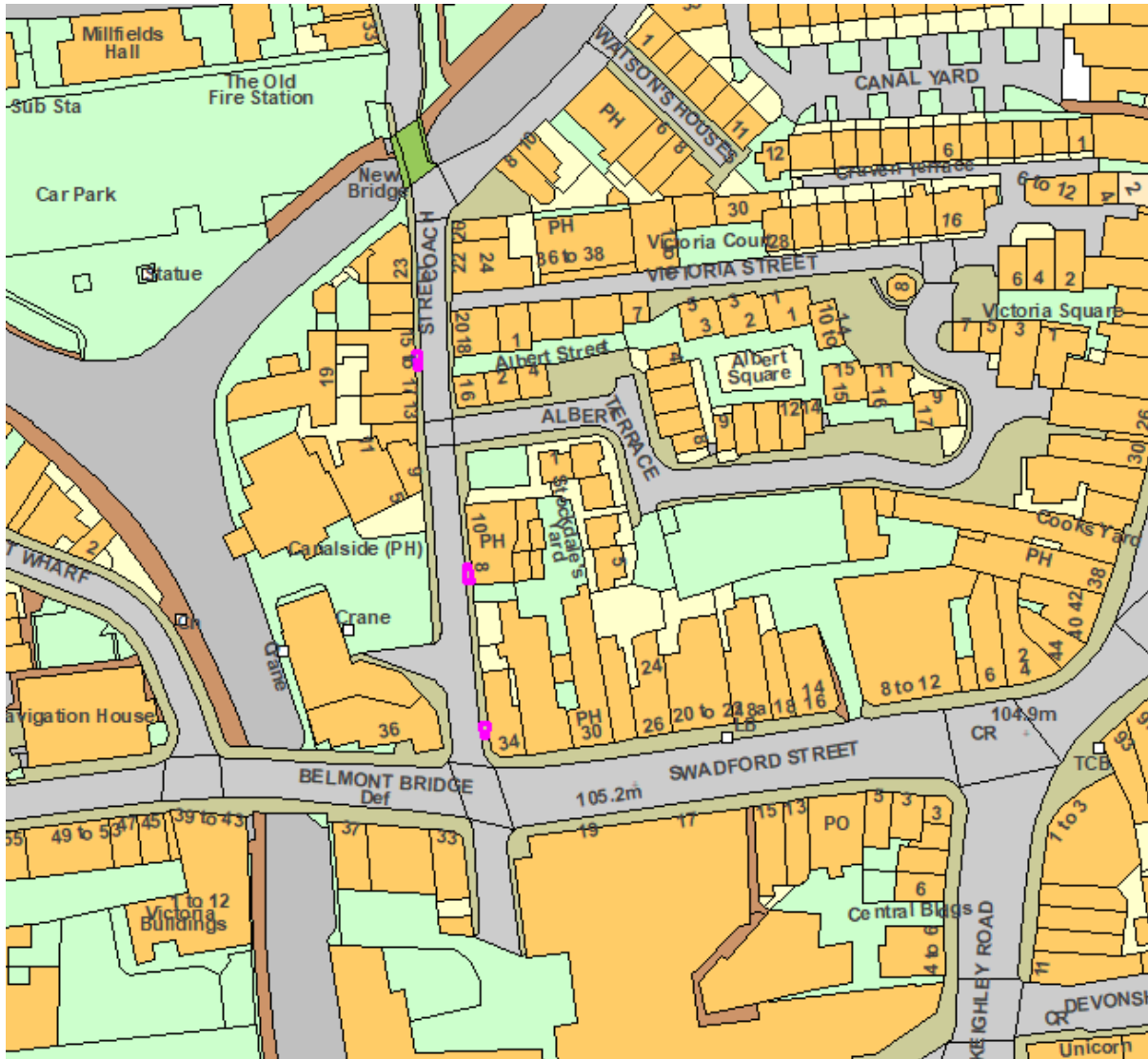
- 3 The development hereby approved will be constructed in accordance with the materials detailed on the approved plans.

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

Informatives

0. 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: 2022/24445/REG4

Proposal: To install new and replace existing lighting equipment with heritage style designs at various locations as part of Skipton's Heritage Action Zone improvement program.

Site Address: 34 Swadford Street, Skipton, BD23 1RD, 15-17 Coach Street, Skipton, BD23 1LH, 8-10 Coach Street, Skipton, BD23 1LH,

On behalf of: Craven District Council

Planning Committee Report of New Cases Registered
18-11-2022 to 08-12-2022

Enforcement Reference	Alleged Breach	Site Address	Ward
ENF/03586/2022	Abandoned vehicles.	Car Park St Andrews Terrace Station Road Cross Hills Keighley BD20 7DU	Glusburn
ENF/03587/2022	Demolition of part of building- Breach of planning application ref: 2022/24309/AGRRES	Agricultural Building At Townhead Fold Becks Brow To Mere Syke Bridge Wigglesworth Skipton BD23 4RR	Settle And Ribble Banks
ENF/03588/2022	Breach of condition of planning application ref: 2019/21126/FUL.	Hop & Vine 111 Keighley Road Cowling Keighley BD22 0BE	Cowling
ENF/03589/2022	Agricultural building allegedly being constructed despite refusal of 2021/23524/PNAG.	Agricultural Building Cockley Bank Hollow Gill Brow Rathmell Settle BD24 0LJ	Settle And Ribble Banks
ENF/03590/2022	Rear Extension	Field House Farm Croft House To Thornber Lane Draughton Skipton BD23 6ED	Barden Fell
ENF/03591/2022	Garage conversion- Permitted development rights removed under condition no. 21 of planning application ref: 63/2011/11998.	4 Hayton Way Skipton BD23 1DQ	Skipton North

Enforcement Reference	Alleged Breach	Site Address	Ward
ENF/03592/2022	Commencement of erection of workshop and store without decision being issued under planning ref: 2022/24594/HH.	12 Beech Terrace Warth Lane Ingleton Carnforth LA6 3HT	Ingleton And Clapham
ENF/03593/2022	Untidy land	Land Near Squirrel Wood Cottage Ickornshaw Cowling Keighley BD22 0DB	Cowling
ENF/03594/2022	Potential un-authorised use of buildings- planning ref: 72/2006/6688	Riverside House Todmanhaw Lane Wigglesworth Skipton BD23 4RQ	Settle And Ribble Banks
ENF/03595/2022	Installation of Solar panels	Souber Dairy Bank Newton Skipton BD23 3NT	Gargrave And Malhamdale
ENF/03596/2022	Development not being built in accordance with planning application ref: 2019/20207/HH.	1 The Rockeries Main Road Hellifield Skipton BD23 4EY	Hellifield And Long Preston