



PLANNING COMMITTEE

Monday, 16th January 2023 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 19th December 2022.
3. **Public Participation** – In the event that any questions/statements are received or members of the public wish to ask questions or address the Committee in respect of matters not appearing on this agenda, the public participation session will proceed for a period of up to fifteen minutes.
4. **Declarations of Interest** – All Members are invited to declare at this point any interests they have in items appearing on this agenda, including the nature of those interests.

(Declarations should be in the form of a “*disclosable pecuniary interest*” under Appendix A to the Council's Code of Conduct, or “*other interests*” under Appendix

B or under Paragraph 16 where a matter arises at the meeting which relates to a financial interest of a friend, relative or close associate.

A Member of Council who has a disclosable pecuniary interest must leave the room and not take part in the discussion or vote. When declaring interests under Appendix B or Paragraph 16 of the Code, Members must move to the public seating area, not vote, and speak only if members of the public are also allowed to speak at the meeting.)

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

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

If Members have any queries regarding individual applications dealt with under the Scheme of Delegation or if they have any queries regarding an enforcement matter, then please contact Neville Watson, Planning Manager (Development Management) (E-mail: nwatson@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, 13th February 2023 at 1.30pm

Agenda Contact Officer:

Vicky Davies, Senior Democratic Services Officer

E-mail: vdavies@cravendc.gov.uk

Tel: [07565 620973](tel:07565620973)

6th January 2023

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

19th December 2022

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

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

Apologies for Absence and Substitutes: Apologies for absence were received from Councillors Brown and Harbron.

Ward Representatives: Application 2022/23854/FUL - Councillor Brown made his representations by video link.

Confirmation of Minutes:

Resolved – That the minutes of the meeting held on 28th November 2022 were approved as a correct record and signed by the Chair.

Start: 1.30pm

Finish: 3.34pm

PL.1086

DECLARATIONS OF INTEREST AND LOBBYING

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

b. Lobbying

Councillor Sutcliffe had been lobbied against application against 2022/23854/FUL.

PL.1087

PUBLIC PARTICIPATION

The following individual addressed the Committee:

Application 2022/23854/FUL – Mrs Kath Clark (on behalf of Cononley Parish Council)
Mrs Katie Smith (on behalf of the objectors of Meadow Close)
Mr Marcus Whitmore (on behalf of the applicant)

PL.1088

PLANNING APPLICATIONS

a. Applications determined by Planning Committee

Permission Granted

Application 2022/24445/REG4 – application to install new and replace existing lighting equipment with heritage style designs at various locations as part of Skipton’s Heritage Action Zone improvement programme.

Resolved – That the application is GRANTED subject to the following 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 to the Planning Compulsory Purchase Act 2004.

Approved Plans

2. The 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 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

1. Statement of Positive Engagement.

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

Proposer: Councillor Rose.

Seconder: Councillor Ireton.

Voting: unanimous for approval.

Permission Refused

Application 2022/23854/FUL – application concerning amended description: construction of 25 no. dwellings with off street parking and associated infrastructure at land off Meadow Lane/Moorfoot Lane, Cononley.

In addition to the case officer's report, a late information report was circulated to Members of the Committee and published on the Council's website. The Chairman indicated to the public present that the Committee had been to visit the application site to get a better understanding of the layout and features of the site.

The application had been called-in by Councillor Brown for determination by Planning Committee. The case officer's report stated that the amended proposal was now considered to be generally in line with Local Plan policy and national guidance and would create an attractive scheme with sustainable and biodiversity benefits as well as providing contributions towards open space and education. The overall planning balance was one of approval subject to a S.106 Agreement to achieve the financial contributions and other benefits including the planning conditions set out in the report.

Members debated the application in detail and made the following observations/comments:

- Considerable concern was expressed that the proposal failed to provide any affordable housing with no justification to overcome the requirements for this provision as contained in the Craven Local Plan;
- The proposal did not provide a suitable density and mix of housing;
- The proposal would give rise to parking and congestion on the adjacent road network but specifically Meadow Close;
- The proposal fails to deal adequately with flooding on the site;
- The layout and design of the proposed residential development would cause harm to the setting of the Cononley Conservation Area and nearby Grade II listed barn.
- The proposal did not incorporate adequate renewable and low carbon energy sources; and
- There would be a loss of amenity to the occupiers of Meadow Close.

In debating the merits of the application including policies SP4 and SP11, Members were advised by the Planning Manager that they were not relevant to this particular proposal. Although it was acknowledged that Cononley had exceeded its housing growth target, SP4 was not to be construed as a maximum and was only pertinent if proposed developments were on greenfield sites outside the main built up areas. SP11 is a policy related to the management of planned spatial strategy (growth) and was not applicable in this particular instance.

Resolved – That, the application is REFUSED as the proposed development had not satisfactorily demonstrated that the proposals were acceptable in terms of the following requirements:

(i) Affordable Housing Contributions:

The proposal fails to provide any affordable housing contributions and does not provide justification to overcome the requirements for this provision. Accordingly, the proposals are not compliant with Policy H2: Affordable Housing of the Craven Local Plan 20212-2032.

(ii) Housing Density and Mix

The proposal would not provide a suitable density and mix of housing having regard to Policy SP3: Housing Mix and Density of the Craven Local Plan 2012-2032 and the evidence behind it. The proposal significantly conflicts with the aims of the development plan to ensure the effective and efficient use of land to address local housing needs.

(iii) Highway Safety

The proposal would give rise to parking and congestion on the adjacent road network, specifically Meadow Close, thereby presenting an adverse impact on

highway safety and residential amenity contrary to Policies ENV3: Good Design and INF4: Parking Provision of the Craven Local Plan 2012-2032.

(iv) Adequate Flood Mitigation:

The proposal fails to deal adequately with flooding on the site contrary to the requirements of Policy ENV6: Flood Risk of the Craven Local Plan 2012-2032.

(v) Heritage (impact upon setting of Conservation Area and listed building):

The proposals, by reason of the layout and design of the proposed residential development, fails to overcome the less than significant harm to the setting of the Cononley Conservation Area and nearby Grade II listed barn. For these reasons the development does not comply with the requirements of Policy ENV2: Heritage of the Craven Local Plan 2012-2032.

(vi) Provision of Renewable Energy e.g. solar panels

The proposals fail to incorporate adequate means of optimising renewables and low carbon energy sources and thereby fails to comply with Policy ENV9: Renewable and Low Carbon Energy of the Craven Local Plan 2012-2032.

(vii) Impact Upon Residential Amenity

The proposals will give rise to a loss of amenity to the occupiers of Meadow Close contrary to the requirements of the Craven Local Plan 2012-2032.

Proposer: Councillor Pringle

Secunder: Councillor Heseltine

Voting: 6 for refusal; 2 against refusal.

b. Delegated Matters

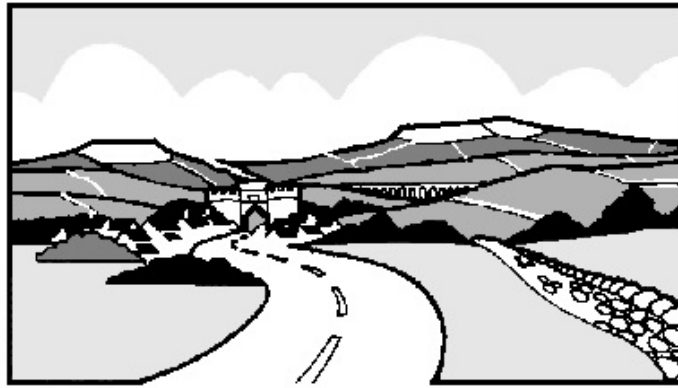
The Strategic Manager for Planning and Regeneration submitted a list of new enforcement cases registered between 18th November 2022 and 8th December 2022.

Minutes for Decision

There were no items for decision requiring confirmation by Council.

Date of Next Meeting: 16th January 2023.

Chairman.



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D I S T R I C T

PLANNING COMMITTEE AGENDA

DATE: 16th January 2023

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REPORT TO PLANNING COMMITTEE ON 16th January 2023

Application Number: 2022/23850/REG3

Proposal: Proposed three 1 bedroom shared ownership flats and 3 commercial spaces

Site Address: Ashfield Toilets Kirkgate Settle BD24 9DZ

On behalf of: Craven District Council

Date Registered: 3rd May 2022

Expiry Date: 28th June 2022

EOT Date, if applicable: 27th January 2023

Case Officer: Nazia Shah

SUMMARY

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

Consent is sought for the demolition of public toilets and the redevelopment of the site for three 1-bedroom shared ownership flats and 3 commercial spaces at Ashfield Toilets, Kirkgate, Settle.

The proposal has been subject to a full assessment and is considered to be acceptable in principle and not considered to pose a significant adverse impact on amenity neither would the proposal result in a severe impact on visual amenity or highway safety.

1. Site Description

- 1.1 The application site is located within Settle Town Centre. It is bound by Kirkgate to the north; Ashfield Car Park to the south; Ashfield Car Park access road to the east; and 21 Kirkgate to the west.
- 1.2 The site extends to circa 215 square metres and accommodates a single-storey toilet block with a footprint of 66 square metres. There is a poor-quality mature elm tree a short distance to the north of the building, the curtilage of which is otherwise dominated by hard landscaping comprising concrete flags and round cobbles.
- 1.3 The site is located within the Settle Conservation Area and within the main built-up area of Settle.
- 1.4 The site also lies within an Article 4: (Historic Areas of Settle) Direction 1993 area.
- 1.5 Within the conservation area there are several listed buildings, the nearest being The Quaker Meeting House, 30 metres to the west and known as 'Friends Meeting House' – grade II* listed (list entry no. 1166732). Bond End, 50 metres to the northwest, beyond Victoria Hall – grade II listed (list entry no. 1166732).

entry no. 1166729). Bishopsdale House, Bishopsdale Court, 70 metres to the northeast on the opposite side of the road (list entry no. 1166576). Marshfield and Audley and Wall and Gatepiers, 90 metres to the northwest, immediately beyond the railway (list entry no. 1132344).

1.6 The site also lies within an SSSI Impact Risk Zone, however, the development does not trigger the requirement for consultation with Natural England.

2. Proposed development

2.1 Consent is sought for the demolition of the toilet block and the redevelopment of the site for three 1 bedroom shared ownership flats on the first floor and 3 commercial spaces on the ground-floor including a tourist information desk.

2.2 The building is to be constructed from natural stone with other stone features including window and door dressings (heads, sill, jambs, mullions); simple shopfronts (stallriser, pilasters, fascia); chimney stacks with clay pots; corbels/ dentils that will carry the gutter; and quoin stones. The roof will be faced with slate and rainwater goods will be powder-coated aluminium. Painted timber elements include windows, doors, fascia boards and soffits.

2.3 The building adopts a traditional design approach, and the design of the scheme has evolved somewhat from pre-app discussions.

2.4 Given the sustainable location of the proposed development, the scheme comprises a car-free development.

3. Planning History

3.1 2019/00664/PREAPP - A mix of 1-bed apartments with a live/work unit to the ff/sf, encouraging working and living in the town centre. The g/f also houses a mix of commercial units for public use. Withdrawn 2019

3.2 2020/00687/PREAPP – Construction of four affordable homes, tourist information office and associated infrastructure. Comments provided confirming acceptable in principle subject to meeting the requirements of all relevant LP policies.

3.3 2017/18191/FUL - Demolition of the existing toilet block and removal of the tree to allow construction of a two-story, mixed-use building comprising three retail units (use class A1) at the ground floor and two residential flats (use class C3) at first floor – Application returned.

4. Planning Policy Background

4.1 As required by Section 38(6) of the Planning and Compulsory Purchase Act 2004, the proposed development must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

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

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

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

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

- SD1 The Presumption in Favour of Sustainable Development
- SD2 Meeting the Challenge of Climate Change
- ENV3 Good Design
- ENV2 – Heritage
- ENV4 – Biodiversity
- EC4 – Tourism
- EC5 – Town Centres
- EC5A – Residential use in Town, District and Local Centres
- INF4 – Parking Provision
- INF7 – Sustainable Transport and Highways

4.5 National Policy

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

4.6 Other documents of relevance

National Design Guide

CDC Settle Conservation Area Appraisal 2008

CDC Affordable Housing Supplementary Document 2021

Other material considerations

SPD Good Design

SPD Green infrastructure and Biodiversity

5. Town Council Comments

5.1 Settle Town Council (11.5.2022) objected for the following reasons –

- Increase in traffic,
- removal of 50-year-old Witch Elm Tree,
- Access to the flats
- Overdevelopment,
- family homes are a priority
- Social housing required but CDC shared ownership will still not be affordable on local wages.
- Bat inspection conducted in May

5.2 Settle Town Council (25.5.2022) – objection maintained and which to add the following to previous comments:

- Confirm that NYCC Highways have been consulted ref changes to the one-way system
- Clarification ref the proposed one-way system

Settle Town Council - Further comments received 7.2.2022 – objections maintained. Comments

...

"The development of Ashfield Toilets into a two-storey building with windows and elevations and an extension will be of detrimental impact to the surrounding listed building the Quaker Meeting House and Quaker Garth and also the nearby Settle Victoria Hall- the oldest surviving music hall in England."

6. Consultations

- 6.1 United Utilities (11.5.2022) – Initial concerns were raised with potential easement on-site and until the information is provided we object to the proposal.
- 6.2 Officer Note: Additional details were provided by the agent.
- 6.3 United Utilities (31.5.2022) Following a re-consultation, UU have requested a suitably worded pre-commencement condition to be attached imposing on-site surface water drainage and foul water scheme prior to the commencement of development.
- 6.4 Historic England – Declined to offer advice, suggesting the Council seeks comment from its own advisor.
- 6.5 Officer Note: The Council's independent heritage officer was involved during the pre-application advice stage which has guided the scheme.
- 6.6 Conservation Officer – Comments ...”In summary, I consider that the principle of the development will cause no harm to the character or appearance of the Settle CA and, as the current proposal has addressed most of my previous concerns about the details, it will in fact deliver an enhancement. I consider that the proposal will cause no harm to the setting of most of the listed buildings and no appreciable harm to the setting of the wall of the Quaker Meeting House. This will be “Less than substantial harm” and will be outweighed by the enhancement of the site and the public benefits of the provision of increased commercial activity and residential accommodation.”
- 6.7 A suitably worded condition would be attached to ensure details are received for the replacement tree planting, bin store and how the retaining wall will be managed prior to commencement of development.
- 6.8 Designing Out Crime Officer – No Comments due to the scale of development.
- 6.9 Trees Officer Michael Gane – Acknowledged the Elm tree provides good amenity value at this entrance to the car park, however, acknowledged its low perceived lifespan as highlighted in the Arboricultural report. This is due to the prevalence of Dutch Elm disease which tends to cause mature Elms to die prematurely. The tree has a poor rooting area and some poor unions which only puts the tree at further risk of early decline. The 2 Cypress are of low quality. Suggested at least 3 trees are planted to replace these trees.
- 6.10 NYCC Highways Authority – No objections to the proposed development. Access and parking have been looked at as part of this application. Due to the application site and its proximity to local parking facilities and sustainable transport links, there are no Highway objections to the proposed development.
- 6.11 Comments can be viewed in full via this link:

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

7. Representations

- 7.1 Site Notice posted 9.5.2022
- 7.2 Site Notice (affecting the setting of the LBW) posted 09.12.2022
- 7.3 Press Notice published 12.5.2022

7.4 Press Notice published (affecting the setting of LBW) 24.11.2022

7.5 55 letters were received – issues cited regarding:

Local and National Policy

- Contrary to the local plan

Visual impacts

- Overdevelopment
- Size and scale of the building compared with the building to be replaced
- Lack of design

Amenity impacts

- The proposed development would overshadow the nearby house
- Concern ref overlooking of the Quaker Garden and Meeting House

Impact on designated heritage assets

- Concern over the impact on the historic setting of the locality

Highway impacts

- Increase congestion
- Vehicular movement/safety
- Impact on pavement
- Impact on deliveries to nearby homes and businesses due to low-level bridges
- Concerns over increased traffic on Station Road car park entrance and Bond Lane due to reducing the roadway to Ashfield Car Park from Kirkgate.

Impact on trees/ecology

- Loss of Elm tree

Other issues

- Dwelling mix not suitable,
- Loss of toilet block for visitors
- Settle does not need more retail premises
- Tourist Information Centre should stay in its current location

Supportive comments

- Shared ownership 1-bedroom properties good addition to Settle
- Good to see the last of the closed toilets

Non-material considerations

- Rather than housing suggest more parking spaces
- Will these be sold to locals, or will they become second homes or holiday lets?
- There is no affordable housing in the area.
- The toilets should receive a full upgrade
- Need disabled toilets
- Impact on tourism due to the lack of toilets
- The existing building should be used for employment purposes.
- Does Settle need more one-bedroom flats or commercial buildings?
- Concern over the notification of the application
- The site should be an open garden or community space

7.6 Comments have also been received from the North Craven Heritage Trust. These comments are summarised below:

- Toilet block is a neglected eyesore in the conservation areas and so the NCHT supports its regeneration.
- However, the toilets should be renovated and retained as a toilet block.
- The proposal would adversely impact on the setting of the adjacent Grade II* listed building.
- The NCHT does not believe it necessary to build more retail/restaurant units (potential impact on town centre).
- The NCHT does not believe moving the TIC to this location would be beneficial.
- The building would occupy 100% of the site which is considered too great.
- The location of the bins is considered unacceptable.
- No parking is to be provided.
- It appears incompatible for the LPA to be felling trees
- The creation of a one-way system would create more congestion.
- Inconsistent details provided.
- Aware of the need for affordable housing in Settle, but NCHT does not believe that this is the right place for it.

7.7 Comments have also been received from the Craven Community Trust. These comments have been summarised below:

Historically the trust has shown an interest in the development of this site for the benefit of the community with the aim of securing rental properties in permanent community ownership, ensuring affordable housing remains affordable for those that need it.

However, following discussions to acquire the site the option to buy was removed.

The trust did offer a collaboration in a mixed development of commercial and housing at Ashfield with CDC, however, following public opposition to the proposal the trust decided to withdraw its participation in the project.

Regarding the current scheme, the Trust has the following comments:

- Whilst smaller than the original proposal is still considered overdevelopment.
- The proposal would have an adverse impact on vehicle movements and pedestrians.
- Why is no parking being provided?
- Toilets are needed.
- The location of the bin store seems an afterthought and impractical.
- Entrance to the flats seems a security risk.
- The TIC should be located in the centre of town, not a side street.
- Why have the Council used architects from Wakefield?

7.8 Comments can be viewed in full via this link:

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

8. Summary of Principal Planning Issues

8.1 The main issue in relation to the application is:

- Principle of development
- Affordable and Mix
- Impact on Visual Amenity and designated heritage assets

- Sustainability
- Residential amenity
- Biodiversity
- Highways
- Other matters

9. Analysis

Principle of development

- 9.1 Paragraph 38 (6) of the Planning and Compulsory Purchase Act 2004 indicates that development proposals should be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF advocates a presumption in favour of sustainable development, and the development of land in accordance with the policies of the development plan.
- 9.2 Policy SD1 states that developments that accord with the provisions of the local plan will be approved unless material considerations indicate otherwise.
- 9.3 Policy SP4 of the local plan identifies a settlement hierarchy and sets out the spatial strategy and housing growth. The policy supports the release of non-allocated sites for housing within the main built-up area of Tier 1, 2, 3, 4a and 4b settlements providing they accord with all other relevant LP policies.
- 9.4 The site is located within the town centre and has good access to local services, facilities, and public transport. The proposed development is in accordance with the objectives of the NPPF in that the site would provide economic and social benefits and comprises sustainable development.
- 9.5 Additional dwellings would make a positive contribution towards local housing land supply in a sustainable location and would re-use an existing brownfield site to do so.
- 9.6 Retail is an appropriate 'town centre' use as per the NPPF while a tourism office is also suitable given the town attracts visitors all year. It is acknowledged that this development would be located outside of the town centre as identified on the policies map. However, as set out in the policy main town centre uses outside of the defined town centre can also be considered acceptable. In this instance, due to the scale of the development, it is considered that the proposal would not have a significant impact on the viability and vitality of the town centre. Furthermore, policy EC5 sets out the thresholds for developments which could impact a defined town centre and this proposal falls below that threshold as such there is no requirement for any sequential test or any retail marketing to be undertaken.
- 9.7 The proposed uses are acceptable in principle and in line with Policies EC5 – Town Centres and EC5A – Residential use in Town, District and Local Centres as well as EC4 – Tourism.
- 9.8 **Affordable and Mix**
- 9.9 The proposed dwelling mix comprises three 1-bedroom shared ownership flats and thus will meet an identified affordable housing need of this type in this area and would be secured via a legal agreement. This would make a positive contribution to the affordable housing provision in the locality in line with the guidance set out in the CDC Affordable Housing Supplementary Document 2021.

9.10 **Visual Amenity and impact on designated heritage assets**

- 9.11 In general terms, policy ENV3 of the adopted Craven District Local Plan requires development proposals to represent a good standard of design by demonstrating an understanding of the site's wider context and making a positive contribution to visual amenity.
- 9.12 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 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.
- 9.13 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 also sets out that the LPA has a duty to have a special regard for the desirability or preserving the listed building or its setting.
- 9.14 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.
- 9.15 The toilet block proposed for demolition was constructed in the 1970s. It is a single-storey building with a footprint of 66 square metres. Exterior walls are faced with random coursed stone and pebbledash, and it has a dual-pitched roof clad with concrete tiles. The building has two stainless steel doors and four window openings, some of which have been blocked or boarded up.
- 9.16 It is considered that the building does not make a positive contribution to the conservation area, despite the use of some natural stone. This negative contribution is attributable to the building's basic functional design and construction, poor associated hard landscaping, bare metal doors and boarded or blocked-up windows and its failure to positively and appropriately address the conservation area.
- 9.17 The proposed replacement rectilinear building would be two storeys, stepping down towards Kirkgate as land levels fall. While it would appear taller than the adjacent dwelling within the curtilage of the Quaker Meeting House, this is not considered inappropriate as the neighbouring dwelling is not as tall as most buildings within the vicinity and the height difference is not so great that it results in the adjacent dwelling being visually over-dominated. Moreover, notable variations in the height of buildings and number of storeys are characteristic of Kirkgate and the wider conservation area.
- 9.18 The simple and traditional dual-pitched gable form of the building with a lean-to single-storey addition facing Kirkgate is appropriate for its context. Furthermore, the distance between the proposed building and the historic garden wall of the Quaker Meeting House is greater than the existing, one which will improve the wall's setting, and ease of maintenance, and accommodate a new rear door to serve the first-floor apartments.
- 9.19 The building is to be constructed from suitable materials that are appropriate to the building's historic and sensitive location. As per the information submitted, walls will be faced with natural stone, with other stone features including window and door dressings (heads, sill, jambs, mullions); simple shopfronts (stallriser, pilasters, fascia); chimney stacks with clay pots; corbels/ dentils that will carry the gutter; and quoin stones. The proposed roof will be faced with slate and rainwater goods will be powder-coated aluminium. Painted timber elements include windows, doors, fascia boards and soffits.

Public benefits

- 9.20 In accordance with the Framework, it is necessary to consider whether the less than substantial harm to the Conservation area and the setting of the listed buildings would be outweighed by the public benefits.
- 9.21 PPG paragraph 020 Ref ID: 18a-020-20190723 outlines what is meant by the term public benefits. It states that public benefits may follow many developments and could be anything that delivers economic, social, or environmental objectives as outlined in the NPPF.
- 9.22 The application scheme would see the delivery of an additional three affordable dwellings to meet an identified need within the locality while also bringing to fruition a tourism office which will be of significant benefit to tourism and to visitors and thus the local economy. The proposed commercial unit will result in job creation and sustainable economic development.
- 9.23 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

- 9.24 The building adopts a traditional design approach, and this is articulated by its form, detailing, composed simplicity and use of stone. It is considered that this approach delivers an acceptable quality building that enhances the site and complements its sensitive historic surroundings. The proposal is in line with the expectations of policy ENV3 and ENV2 – Heritage.
- 9.25 In conclusion, it is considered that the public benefits outweigh the harm to the setting of the conservation area and the listed buildings with regard to their setting. The proposal, therefore, does not conflict with the requirements of Policies ENV2 and ENV3 of the Craven Local Plan or the objections of the NPPF nor the LBCA Act 1990.

Sustainable Design and Construction

- 9.26 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.
- 9.27 The most recognised methods of achieving sustainability are 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
- 9.28 Details contained within the supporting document titled 'Sustainable Construction Statement' outlines measures taken to ensure the proposed development takes all reasonable opportunities to:
- reduce energy use,
 - water use
 - carbon emissions; and
 - minimise waste.
- 9.29 The development proposes to use reasonable provision for energy efficiency by way of:
- Improving the heating system efficiency
 - Energy efficient lighting
 - Radiators sized and future-proofed for low-temperature heating.

9.30 Therefore, information has been provided as outlined above which is considered to meet the requirements of ENV3 (t) in demonstrating 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.

9.31 Officer note: The non-residential development is below the 1,000 sm² and thus does not trigger the requirement to meet the Breeam standard as set out in the policy (s).

Residential Amenity

9.32 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.

9.33 In addition to the ground floor retail unit/tourism office, the development proposals will deliver 3 x 1-bedroom homes. Each unit will meet the nationally prescribed space standards and benefit from an acceptable outlook and natural light.

9.34 The proposal would include windows to the rear elevation which would serve 2 bathrooms (obscured glazed), a staircase and hallway (non-habitable space) and a bedroom. Concerns have been raised over the inclusion of these windows on the Quaker garden, however, given the obscure glazing, the non-habitable rooms served by two of the windows and that the bedroom window overlooks the side gable and roof of the Quaker building with no views of the private amenity area that the proposal would not result in any unacceptable loss of privacy.

9.35 The proposed ground floor uses are not ones which would generate significant noise to the detriment of the upper floor occupiers. Moreover, the commercial units will take access directly from Ashfield Car Park whilst the flats will be accessed from the rear of the development, providing separation from the ground floor element. Overall, the proposal would provide acceptable amenity to future occupants of the scheme without posing amenity concerns for existing nearby occupiers given that adequate separation distances are met.

Biodiversity

9.36 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.

9.37 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.

9.38 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.

9.39 The applicant has provided a bat survey/ecology report which indicates the scheme will not have a detrimental impact on any protected species. Whilst there was no presence of bats during the survey, it was concluded there could be potential bat roosting during any works associated with the tree removals. As such it is recommended for such works to be undertaken from September onwards. The resultant development will also provide 3 bat boxes. A suitably worded condition

would be attached to the planning decision requiring the applicant to comply with the recommendation of the submitted report.

- 9.40 Consequently, the proposal will have no harmful impact on wildlife and ecology and that the proposal fulfils the above statutory duties and the provision of Policy ENV4 and the requirements of the NPPF.

Trees

- 9.41 The existing site consists of 3 no. trees from the following species:

2 x Cypress
1 x Elm.

- 9.42 A Tree report by treeplan, dated March 2020, indicates the trees to be of poor value (Category C). Concerns were raised by residents with regards to the removal of the Elm Tree. However, the assessment concludes that the tree is likely to succumb to Dutch Elm Disease (DED) as it matures and as such will see its decline and death prematurely.

- 9.43 Whilst it is acknowledged by the Tree officer that the Elm tree provides good amenity value at the entrance into the car park, it is also recognised that due to the prevalence of Dutch Elm disease the tree will die prematurely. In addition, it is noted that the tree has a poor rooting area with some poor unions which also places the tree at further risk of early decline.

- 9.44 Therefore, following a review of the submitted details the Council's Tree Officer has raised no objection to the removal of the trees and accepts the recommendations provided in the supporting information. However, it is recommended that 3 replacement trees are provided, and these could be accommodated within close proximity of the development. The tree officer has suggested for the planting of 3 ornamental Pear (*Pyrus calleryana* 'chanticleer') along the Council owned verge to the east of the bowling green. A landscaping condition would be attached imposing the applicant to provide such details prior to commencement of the development.

Highways

- 9.45 Policy INF7 seeks to minimise greenhouse gases and congestion, and 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 a design safe and convenient access to transport facilities.

- 9.46 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 109 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'*.

- 9.47 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 *give priority first to pedestrian and cycle movements and to facilitate access to public transport*.

- 9.48 The proposal does not include off-road parking however, given the site's town centre location, within walking distance of local shops and services, a car-free development can be justified in this instance, in line with Policy INF7 – Sustainable Transport and Highways and Government policies which seek a shift away from cars to more sustainable forms of transport.

- 9.49 Given the low number of flats proposed and the nature of the accommodation (i.e. unlikely to be family accommodation) it is unlikely that the proposed development would generate significant

vehicular comings and goings to and from the site. The occupants of the flats are unlikely to be vehicle owners and have plentiful services, retail, employment and public transport within easy reach on foot. As such, on this occasion, a car-free development can be justified.

9.50 The proposal would see the reconfiguration of the footpath which would still allow pedestrians safe access to the car park.

9.51 In conclusion, in the absence of any objection from the Highways Authority on highway safety grounds the proposal is considered to meet the requirements of Policy INF4 and INF7 of the Local Plan and the NPPF.

Other Matters

9.52 Concerns have also been raised to the loss of the toilets. It is to be noted the facilities have not been in use since 2010 and the site remains to be redundant. Notwithstanding the above, the scheme is considered to convert an underutilised building to a viable residential use situated within a sustainable location in accordance with Local Plan Policy SD1 of the Craven Local Plan.

9.53 Comments have also been received re alternative uses for the building and site. These are not material considerations to the proposal.

9.54 Comments have been raised regarding the changes occurring outside of the application site to the existing access into the carpark going to a one-way system. This lies outside of the planning system as it will be subject to a Traffic Regulation Order.

9.55 Comments have also been received regarding the movement of vehicles around the highway network and that the proposal would impact on deliveries. There is no evidence to support this statement.

Planning Balance and Conclusion

9.57 Paragraph 11 of the NPPF advises that LPA's should be approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

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

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

9.59 The proposal would redevelop and bring the site back into full and beneficial use, enhance visual amenity, the character and appearance of Settle Conservation Area and the setting of nearby listed buildings and ensure good ground floor access arrangements for all, including those with mobility impairments.

10. Recommendation

10.1 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 provision of affordable housing provision
- (ii) The imposition of the conditions set out below.

Conditions

Time Limit for Commencement

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

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

Approved Plans

- 2 This permission relates to the following plans:

Drawing number 02 Site Location Plan received 8th March 2022
Drawing number 1104 02 Site Plan received 8th March 2022
Drawing number 1104 03 Proposed Bin Store received 8th March 2022
Drawing number 44611_401D Drainage Layout received 8th March 2022
Drawing number 44611_402E External Works received 8th March 2022
Drawing number 44611_403A Drainage Details received 8th March 2022
Drawing number 44611_406A Masonry Retaining Walls received 8th March 2022
Drawing number CDC2000-001 Topographical Survey received 8th March 2022
Drawing number 1104 01 Proposed Floor Plans and Elevations received 8th March 2022
Drawing number 1104 04 Roof Plan received 8th March 2022
Drawing number 1104 10 Existing Floor Plans and Elevations received 8th March 2022
Drawing number 1104 Existing Toilet Block received 8th March 2022
Drawing number 3.20 Tree Plan received 8th March 2022
Drawing number ME714 Design and Access Statement received 8th March 2022
Drawing number ME714 Preliminary Root Assessment Report received 8th March 2022
Heritage Design and Access Statement received 8th March 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 and the National Planning Policy Framework

Before you Commence Development

- 3 Prior to the commencement of development, details of a sustainable surface water drainage scheme and a foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The drainage schemes 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 in accordance with BRE365;
- (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);
- (iii) Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;
- (iv) Incorporate mitigation measures to manage the risk of sewer surcharge where applicable; and

(v) Foul and surface water shall drain on separate systems.

The approved schemes shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards. The drainage schemes shall be completed prior to occupation of the development, in accordance with the approved details and retained thereafter for the lifetime of the development.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution in accordance with the requirements of Craven Local Plan policy ENV6 and the National Planning Policy Framework.

4 Prior to commencement of development details of the proposed retaining wall including a method statement shall be submitted to the LPA and agreed in writing.

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.

5 Prior to commencement of development a site plan detailing location of the bin store shall be submitted to the LPA and agreed in writing.

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.

During Building Works

6 Notwithstanding any description of materials in the application and the requirements of condition no.2 of this permission, no above ground works shall take place until samples or full details of all materials to be used on the external surfaces of the buildings have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials. The development shall thereafter be implemented in accordance with the duly approved materials.

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

7 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

8 Recommendation specified within the 'Bat Survey' received 5th October 2022 shall be adhered to at all times during the demolition/construction period.

Reason: To ensure adequate safeguards and protection for bird nests which are protected under the Wildlife and Countryside Act 1981 and in accordance with Craven Local Plan Policy ENV4 and the National Planning Policy Framework.

9 Prior to any above ground works details of the replacement tree planting including the proposed location, soft and hard landscaping shall be submitted and agreed in writing.

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.

Ongoing Conditions

- 10 Should any significant contamination be encountered during development, the local planning authority shall be notified in writing immediately. A Remediation Strategy shall be submitted to, and approved in writing by, the local planning authority. The approved remediation measures shall be implemented in accordance with the timescales in the approved Remediation Strategy. Following completion of any measures identified in the approved Remediation Strategy, a Validation Report shall be submitted within agreed timescales to, and approved in writing by, the local planning authority. The site shall not be brought into use until such time as all the validation data has been approved in writing by the local planning authority at the agreed timescales. The Remediation Strategy and Validation Report shall be prepared in accordance with current best practice.

Reason To enable the local planning authority to ensure that unexpected contamination at the site will not present significant environmental risks and that the site will be made 'suitable for use' in accordance with Craven Local Plan policy ENV8 and the National Planning Policy Framework.

- 11 Notwithstanding the provisions of Schedule 2, Part 1, Classes A, B, C, D E, F, G and H of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any equivalent Order following the amendment, revocation or re-enactment thereof no development shall take place at the dwelling hereby permitted under Schedule 2, Part 1, Classes A and E of that Order.

Reason: In order to protect the amenity of the occupiers of the neighbouring residential properties in accordance with the requirements of Craven Local Plan policy ENV3 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.

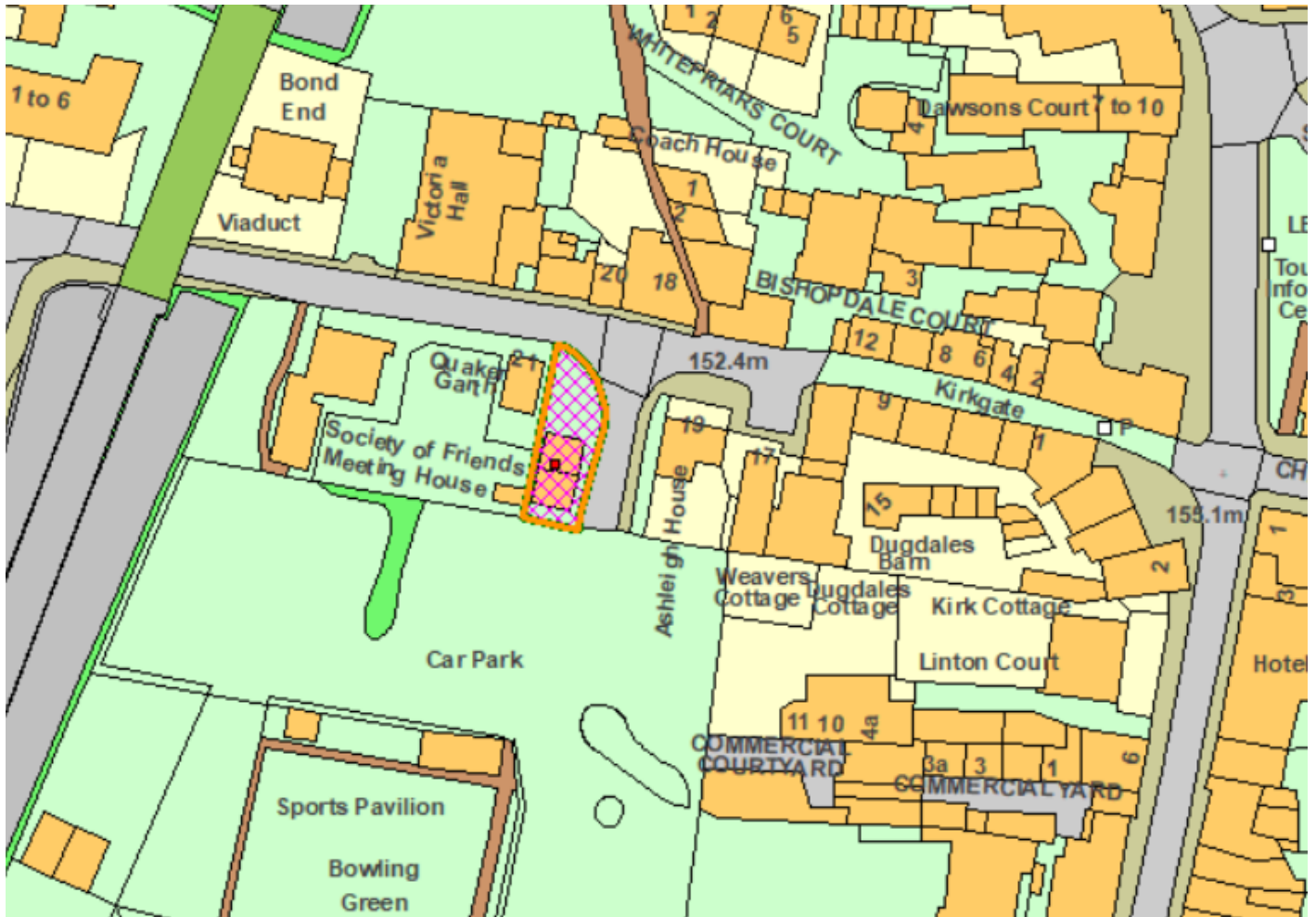
2. Whilst the site has been assessed as low risk for bats, the applicant is reminded that under the Habitat Regulations it is an offence to disturb, harm or kill bats. If a bat is found during demolition all work should cease immediately and a suitably licensed bat worker employed to assess how best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

3. Hours of Construction

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

4. 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: 2022/23850/REG3

Proposal: Proposed three 1 bedroom shared ownership flats and 3 commercial spaces

Site Address: Ashfield Toilets Kirkgate Settle BD24 9DZ

On behalf of: Craven District Council

REPORT TO PLANNING COMMITTEE ON 16th January 2023

Application Number: 2022/24477/LBC

Proposal: Partial removal of a mid-20th century shop front to fully reveal the original arched opening to the ginnel to Hallam's Yard, including piecing-in missing stone and repainting overall using natural stone colour mineral paint.

Site Address: 60 High Street Skipton BD23 1JP

On behalf of: Craven District Council

Date Registered: 18th October 2022

Expiry Date: 13th December 2022

EOT Date, if applicable: 20th January 2023

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 Grade II Listed Building or the Skipton 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 No.60 High Street (and the neighbouring 2 Sheep Street, which forms the southern side of the original building) is a 3-storey stone-built building which fronts onto High Street/Sheep Street and has a central pedestrian passageway to Hallam's Yard.
- 1.2 The application site relates to a small section of the overall premises of No.60, specifically the arched ginnel opening as well as the ginnel itself, as indicated on the site location plan. The stone archway, made up of an architrave supported by two pilasters, is located on the principal eastern elevation of the building, with the ginnel running westwards towards Hallam's Yard which abuts the rear of No.60.
- 1.3 Surrounding the site is a mixture of uses, but floor units are predominantly commercial on with residential apartments on the floors above.
- 1.4 No.60 is a Grade II Listed Building, listed with the neighbouring 2 Sheep Street to the north in 1978.
- 1.5 The listing descriptions are as follows:

No. 60 High Street:

"Includes No 2 Sheep Street. C18-C19. Stone with rusticated quoins, 3 storeys. Ground floor has modern shop fronts and central passage entrance (to Hallam's Yard) with moulded archivolt and

heavy triple keystone. 5 windows on each upper floor, tall and slender on 1st floor, square on top floor, mostly now altered and enlarged.”

1.6 The site is located within Skipton’s Primary Retail Area and within the area covered by the Article 4: Direction 1995 (Skipton Town Centre). This relates to the painting of exterior surfaces to buildings and walls.

1.7 It is also situated within an SSSI Impact Risk Zone but falls outside the development type for which consultation with Natural England is required.

2. Proposal

2.1 This application seeks permission for the following:

2.2 Partial removal of a 20th century shop front to reveal the original arched opening to the ginnel to Hallam’s Yard, piecing-in missing stone, repainting of the arch and ginnel and the provision of new bin stores in Hallam’s Yard.

Works to the Arch:

- The existing stone cladding, which at present partially conceals the right-hand pilaster, will be cut back to ensure full exposure of the arch.
- It will be repainted a stone colour using Keim Granital mineral paint in the colour EXCLUSIV 9156.

Works to the Ginnel:

- The internal walls of the ginnel are to be repainted in Keim Granital mineral paint in the colour EXCLUSIV 9156 to match the arch.
- No attempt will be made to remove the layers of paint already on the walls so as not to harm the stonework.

Works to the Bins:

- The large commercial bins are to the rear of the ginnel are to be re-sited.

2.3 **Officer Note:** As advised in the Design and Access Statement submitted in support of the application, works to re-site the bins are already in hand under separate contracts. Resultantly, this element of the proposal will not be assessed in the analysis section of this report.

2.4 **Officer Note:** This report will cover both 2022/24587/REG4 and 2022/24477/LBC.

3. Planning History

3.1 Ref: 2021/23530/FUL. Remove and replace existing 400mm duct and fan unit with 200mm spiral duct and exhaust vent. Approved 29th March 2022.

3.2 Ref: 2021/23531/LBC. Remove and replace existing 400mm duct and fan unit with 200mm spiral duct and exhaust vent. Approved 29th March 2022.

3.3 Ref: 63/2015/15409. Installation of new non-illuminated fascia and projecting signs (advertisement consent). Approved 17th March 2015.

3.4 Ref: 63/2009/9647. New fascia sign and projecting sign (non-illuminated). Approved 15th July 2009.

3.5 Ref: 63/2015/15408. Re-painting of shopfront and installation of new non-illuminated fascia and projecting signs (Listed Building application). Approved 11th March 2013.

3.6 Ref: 63/2009/9658. Repaint existing shop front. Approved 16th July 2009.

3.7 Ref: 63/2009/9733. Repaint existing shop front. Approved 16th July 2009.

3.8 Ref: 63/2009/9734. Replacement of existing fascia & projecting signs with new non-illuminated signs. Approved 15th July 2009.

3.9 Ref: 63/2012/13009. Listed building consent for Improvements to existing shop frontage and internal alterations. Approved 20th November 2012.

- 3.10 Ref: 63/2012/12996. New fascia signage. Approved 19th November 2012.
- 3.11 Ref: 2022/23640/FUL. To install new and replace existing lighting equipment with the heritage style designs within zones 1, 2 and 3 as identified. Approved 28th February 2022.
- 3.12 Ref: 2022/23639/LBC. To install new and replace existing lighting equipment with the heritage style designs within zones 1, 2 and 3 as identified. Approved 25th February 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).'

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:

Craven Local Plan:

- SD1 The Presumption in Favour of Sustainable Development
- ENV2 Heritage
- ENV3 Design

National Policy:

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Other relevant legislation:
- Planning (Listed Buildings and Conservation Areas) Act 1990

Documents of relevance:

- Skipton Conservation Area Appraisal (2008)

5. Parish/Town Council Comments

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

6. Consultations

- 6.1 **Craven District Council Independent Heritage Advisor.** Response received 23rd November 2022. A summary of their comments is as follows:

"I recommend that the application should be approved, subject to a condition should require that "the cutting back of the pilaster is carefully done by an experienced stone mason, under the supervision of the architect"."

- 6.2 The full report can be accessed using the following link:

https://publicaccess.cravencd.gov.uk/online-applications/files/D199F6D54988E77A4B19F6171D5C15A6/pdf/2022_24477_LBC-HINCHCLIFFE_HERITAGE_-_HERITAGE_ADVICE-666770.pdf

- 6.3 **Officer Note:** Following discussions with the agent/applicant, it was confirmed that works to rationalise the wiring have already been completed by BT Openreach during the last financial year.

7. Representations
2022/24477/LBC:
- 7.1 Site Notice Posted 4th November 2022, expired 2nd December 2022.
- 7.2 Press Notice Printed 10th November 2022, expired 1st December 2022.
- 7.3 2 Letters of Notification were sent to neighbouring occupiers. There have been no third-party representations during the statutory consultation period or to date.
- 2022/24587/REG4**
- 7.4 Site Notice Posted 20th December 2022, expired 10th January 2023.
- 7.5 Press Notice Published 22nd December 2022, expired 12th January 2023.
- 7.6 2 Letters of Notification were sent to neighbouring occupiers. There have been no third-party representations during the statutory consultation period or to date.
8. Summary of Principal Planning Issues
- 8.1 Scale, Design and Visual Impact of the development upon the Listed Building and the character and appearance of the Conservation Area.
- 8.2 Amenity Impact.
9. Analysis
Scale, Design and Visual Impact of the development upon the Listed Building 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).
- Significance of Skipton’s Ginnels*
- 9.5 Aside from providing pedestrian linkages between streets, Skipton’s ginnels are a characteristic feature of the town’s Conservation Area, with their diverse entrances providing architectural variety and interest to building frontages. Page 82 of the Skipton Conservation Area Appraisal (2008) notes that they are, “a very significant part of the town’s character and deserve enhancement”. Improving the Hallam’s Yard ginnel will therefore serve to amplify the character of the conservation area and is therefore worthy of improvement. The scheme will align with the aims and objectives of the Skipton Conservation Appraisal as well as the aims of Local Plan Policy ENV2.
- Improvements to the Ginnel*

- 9.6 In terms of the arched entrance to the ginnel, the proposed works will be an improvement on what presently exists. In cutting back the stone cladding which currently obscures part of the stone pilaster, the entrance will be made fully visible. This will ensure that the full architectural value of the entrance way can be publicly enjoyed. Additionally, given that arches are designed to draw the eye due to their symmetrical design, revealing the full extent of the right-hand pilaster will increase the regularity of the archway, resulting in an overall more aesthetically pleasing design.
- 9.7 As noted in the advice received from Craven District Council's Independent Heritage advisor, the modern 20th Century stone pilaster which partially covers the earlier Hallam's Yard pilaster and architrave was deemed disrespectful to what was a more historically valuable piece of architecture. It was argued that the superimposition of the modern column directly on top of the more historic one harmed the host building in several ways. Firstly, it visually harmed the archway's appearance. Additionally, and arguably more importantly, its construction will inevitably have caused some degree of harm to the actual fabric of the Listed Building. The extent of the physical damage is presently unknown. The proposed methodology to reveal the presently concealed pilaster is considered acceptable, resulting on an enhancement of the appearance and significance of both the Listed Building and the Conservation area. Resultantly, a condition requiring the cutting back of the pilaster to be carried out by an experienced stone mason will be recommended.
- 9.8 The decision to paint both the archway and the ginnel walls the same colour will unite both architectural elements and encourage visitors to utilise the route. In replacing the existing internal peeling paintwork, the proposal will make the ginnel more architecturally distinctive, attractive and inviting.
- 9.9 An additional advantage of the proposal is that it meets one of the key objectives in the Historic England HAZ initiative, in particular it will:
- "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.**
- 9.10 In making the ginnel more attractive, the proposed will encourage increased usage of this lesser-known pedestrian linkage. In turn this will increase the activity on routes beyond the High Street, in turn creating opportunities for potential growth there-in.
- 9.11 Importantly, development is taking place only where necessary. The left-hand, original pilaster to the archway will remain unchanged, acting as a model for restoration of the right-hand pilaster. Additionally, and to avoid potential damage to the stonework, no attempt will be made to remove the numerous layers of paint on the interior walls of the ginnel prior to its repainting. This demonstrates a degree of control is evident in the development, meaning that alterations and repairs are only being made where crucial. This approach minimises any potential harm that development may have upon the appearance of the listed building and is therefore acceptable.
- 9.12 In sum, the public benefits afforded by the proposal outweighs the less than substantial harm to the Listed Building and the Conservation Area that the development would cause. It complies with the relevant requirements of Local Plan Policies ENV2 and ENV3.
- Amenity Impact**
- 9.13 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.
- 9.14 The proposal to improve and enhance the application site will benefit public amenity. On a practical level, painting the ginnel in a lighter tone will ensure that the space is both more inviting in appearance but also improves visibility through the passage itself during darker periods. Though this is likely to increase activity on the passage, the location of the ginnel is such that the minor additional disturbance to neighbouring occupiers on the stories located above the application site is outweighed by the safety benefits afforded by the proposal.

- 9.15 On this basis, the proposal is considered to be acceptable for it will not pose any significant adverse amenity impact on the nearest residential occupiers. It will in fact serve to benefit them, as well as the public. The relevant requirements of policy ENV3 are therefore met.

Conclusion

- 9.16 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."

- 9.17 In this instance, the proposal is considered to be acceptable in terms of design, scale and visual impact. It 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: To comply with the requirements of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Approved Plans

- 2 This permission relates to the following plans and documents:

- o Drawing No. 2091/02/21. Site Location Plan. Received 17th October 2022.
- o Drawing No. 2091/02/20. Existing and Proposed Plans. Received 18th October 2022.
- o Design and Access Statement. Received 18th October 2022.
- o Heritage Statement. Received 18th October 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.

Before you Commence Development

- 3 Full details of the cutting back of the pilaster at a scale of not less than 1:20 shall be submitted for the written approval of the Local Planning Authority and thereafter the work shall be carried out in accordance with the approved details.

Reason: To ensure the implementation of appropriate methods 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.

During Building Works

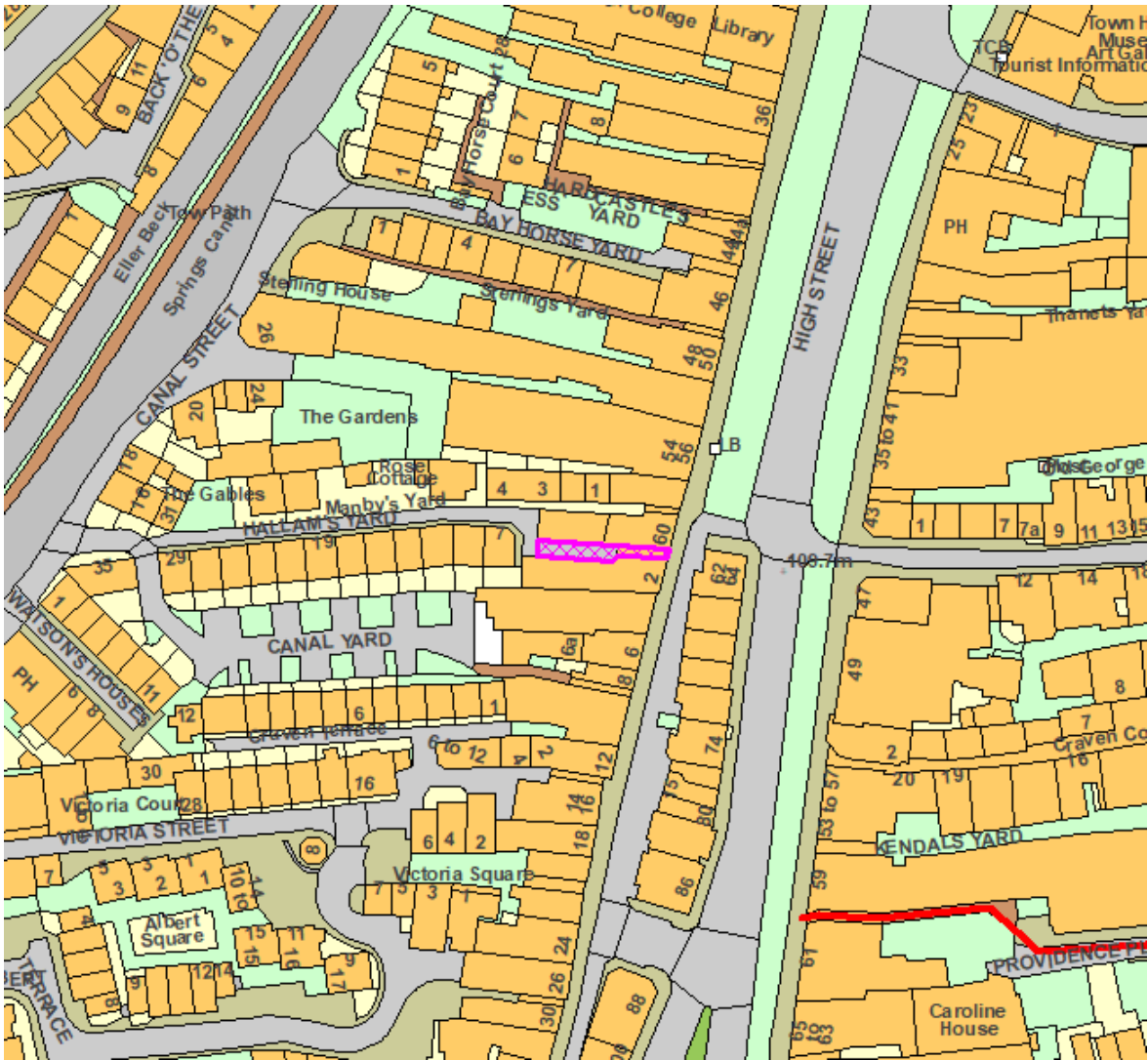
- 4 The development hereby approved will be constructed in accordance with the materials detailed on the approved plans.

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

1. Statement of Positive Engagement:

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



Application Number: 2022/24477/LBC

Proposal: Partial removal of a mid-20th century shop front to fully reveal the original arched opening to the ginnel to Hallam's Yard, including piecing-in missing stone and repainting overall using natural stone colour mineral paint.

Site Address: 60 High Street Sipton BD23 1JP

On behalf of: Craven District Council

REPORT TO PLANNING COMMITTEE ON 16th January 2023

Application Number: 2022/24587/REG4

Proposal: Partial removal of a 20th century shop front to reveal the original arched opening to the ginnel to Hallam's Yard, piecing-in missing stone, repainting of the arch and ginnel and the provision of new bin stores in Hallam's Yard.

Site Address: 60 High Street Skipton BD23 1JP

On behalf of: Craven District Council

Date Registered: 29th November 2022

Expiry Date: 24th January 2023

EOT Date, if applicable: 20th January 2023

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 Grade II Listed Building or the Skipton 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 No.60 High Street (and the neighbouring 2 Sheep Street, which forms the southern side of the original building) is a 3-storey stone-built building which fronts onto High Street/Sheep Street and has a central pedestrian passageway to Hallam's Yard.
- 1.2 The application site relates to a small section of the overall premises of No.60, specifically the arched ginnel opening as well as the ginnel itself, as indicated on the site location plan. The stone archway, made up of an architrave supported by two pilasters, is located on the principal eastern elevation of the building, with the ginnel running westwards towards Hallam's Yard which abuts the rear of No.60.
- 1.3 Surrounding the site is a mixture of uses, but floor units are predominantly commercial on with residential apartments on the floors above.
- 1.4 No.60 is a Grade II Listed Building, listed with the neighbouring 2 Sheep Street to the north in 1978.
- 1.5 The listing descriptions are as follows:
No. 60 High Street:
"Includes No 2 Sheep Street. C18-C19. Stone with rusticated quoins, 3 storeys. Ground floor has modern shop fronts and central passage entrance (to Hallam's Yard) with moulded archivolt and heavy triple keystone. 5 windows on each upper floor, tall and slender on 1st floor, square on top floor, mostly now altered and enlarged."

1.6 The site is located within Skipton's Primary Retail Area and within the area covered by the Article 4: Direction 1995 (Skipton Town Centre). This relates to the painting of exterior surfaces to buildings and walls.

1.7 It is also situated within an SSSI Impact Risk Zone but falls outside the development type for which consultation with Natural England is required.

2. Proposal

2.1 This application seeks permission for the following:

2.2 Partial removal of a 20th century shop front to reveal the original arched opening to the ginnel to Hallam's Yard, piecing-in missing stone, repainting of the arch and ginnel and the provision of new bin stores in Hallam's Yard.

Works to the Arch:

- The existing stone cladding, which at present partially conceals the right-hand pilaster, will be cut back to ensure full exposure of the arch.
- It will be repainted a stone colour using Keim Granital mineral paint in the colour EXCLUSIV 9156.

Works to the Ginnel:

- The internal walls of the ginnel are to be repainted in Keim Granital mineral paint in the colour EXCLUSIV 9156 to match the arch.
- No attempt will be made to remove the layers of paint already on the walls so as not to harm the stonework.

Works to the Bins:

- The large commercial bins at the rear of the ginnel are to be re-sited.

2.3 **Officer Note:** As advised in the Design and Access Statement submitted in support of the application, works to re-site the bins are already in hand under separate contracts. Resultantly, this element of the proposal will not be assessed in the analysis section of this report.

2.4 **Officer Note:** This report will cover both 2022/24587/REG4 and 2022/24477/LBC.

3. Planning History

3.1 Ref: 2021/23530/FUL. Remove and replace existing 400mm duct and fan unit with 200mm spiral duct and exhaust vent. Approved 29th March 2022.

3.2 Ref: 2021/23531/LBC. Remove and replace existing 400mm duct and fan unit with 200mm spiral duct and exhaust vent. Approved 29th March 2022.

3.3 Ref: 63/2015/15409. Installation of new non-illuminated fascia and projecting signs (advertisement consent). Approved 17th March 2015.

3.4 Ref: 63/2009/9647. New fascia sign and projecting sign (non-illuminated). Approved 15th July 2009.

3.5 Ref: 63/2015/15408. Re-painting of shopfront and installation of new non-illuminated fascia and projecting signs (Listed Building application). Approved 11th March 2013.

3.6 Ref: 63/2009/9658. Repaint existing shop front. Approved 16th July 2009.

3.7 Ref: 63/2009/9733. Repaint existing shop front. Approved 16th July 2009.

3.8 Ref: 63/2009/9734. Replacement of existing fascia & projecting signs with new non-illuminated signs. Approved 15th July 2009.

3.9 Ref: 63/2012/13009. Listed building consent for Improvements to existing shop frontage and internal alterations. Approved 20th November 2012.

3.10 Ref: 63/2012/12996. New fascia signage. Approved 19th November 2012.

- 3.11 Ref: 2022/23640/FUL. To install new and replace existing lighting equipment with the heritage style designs within zones 1, 2 and 3 as identified. Approved 28th February 2022.
- 3.12 Ref: 2022/23639/LBC. To install new and replace existing lighting equipment with the heritage style designs within zones 1, 2 and 3 as identified. Approved 25th February 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:
- 4.3 Craven Local Plan:
- SD1 The Presumption in Favour of Sustainable Development
 - ENV2 Heritage
 - ENV3 Design
- 4.4 National Policy:
- National Planning Policy Framework (NPPF)
 - Planning Practice Guidance (PPG)
 - Other relevant legislation:
 - Planning (Listed Buildings and Conservation Areas) Act 1990
- 4.5 Documents of relevance:
- Skipton Conservation Area Appraisal (2008)
5. Parish/Town Council Comments
- 5.1 **Skipton Town Council:** No comments received during the statutory consultation period or to date.
6. Consultations
- 6.1 **Craven District Council Independent Heritage Advisor.** Response received 23rd November 2022. A summary of their comments is as follows:
"I recommend that the application should be approved, subject to a condition should require that "the cutting back of the pilaster is carefully done by an experienced stone mason, under the supervision of the architect"."
- 6.2 The full report can be accessed using the following link:
https://publicaccess.cravendc.gov.uk/online-applications/files/D199F6D54988E77A4B19F6171D5C15A6/pdf/2022_24477_LBC-HINCHCLIFFE_HERITAGE_-_HERITAGE_ADVICE-666770.pdf
- 6.3 **Officer Note:** Following discussions with the agent/applicant, it was confirmed that works to rationalise the wiring have already been completed by BT Openreach during the last financial year.

7. Representations
2022/24587/REG4
- 7.1 Site Notice Posted 20th December 2022, expired 10th January 2023.
- 7.2 Press Notice Published 22nd December 2022, expired 12th January 2023.
- 7.3 2 Letters of Notification were sent to neighbouring occupiers. There have been no third-party representations during the statutory consultation period or to date.
2022/24477/LBC:
- 7.4 Site Notice Posted 4th November 2022, expired 2nd December 2022.
- 7.5 Press Notice Printed 10th November 2022, expired 1st December 2022.
- 7.6 2 Letters of Notification were sent to neighbouring occupiers. There have been no third-party representations during the statutory consultation period or to date.
8. Summary of Principal Planning Issues
- 8.1 Scale, Design and Visual Impact of the development upon the Listed Building and the character and appearance of the Conservation Area.
- 8.2 Amenity Impact.
9. Analysis
Scale, Design and Visual Impact of the development upon the Listed Building 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).
- Significance of Skipton’s Ginnels*
- 9.5 Aside from providing pedestrian linkages between streets, Skipton’s ginnels are a characteristic feature of the town’s Conservation Area, with their diverse entrances providing architectural variety and interest to building frontages. Page 82 of the Skipton Conservation Area Appraisal (2008) notes that they are, “a very significant part of the town’s character and deserve enhancement”. Improving the Hallam’s Yard ginnel will therefore serve to amplify the character of the conservation area and is therefore worthy of improvement. The scheme will align with the aims and objectives of the Skipton Conservation Appraisal as well as the aims of Local Plan Policy ENV2.
- Improvements to the Ginnel*

- 9.6 In terms of the arched entrance to the ginnel, the proposed works will be an improvement on what presently exists. In cutting back the stone cladding which currently obscures part of the stone pilaster, the entrance will be made fully visible. This will ensure that the full architectural value of the entrance way can be publicly enjoyed. Additionally, given that arches are designed to draw the eye due to their symmetrical design, revealing the full extent of the right-hand pilaster will increase the regularity of the archway, resulting in an overall more aesthetically pleasing design.
- 9.7 As noted in the advice received from Craven District Council's Independent Heritage advisor, the modern 20th Century stone pilaster which partially covers the earlier Hallam's Yard pilaster and architrave was deemed disrespectful to what was a more historically valuable piece of architecture. It was argued that the superimposition of the modern column directly on top of the more historic one harmed the host building in several ways. Firstly, it visually harmed the archway's appearance. Additionally, and arguably more importantly, its construction will inevitably have caused some degree of harm to the actual fabric of the Listed Building. The extent of the physical damage is presently unknown. The proposed methodology to reveal the presently concealed pilaster is considered acceptable, resulting on an enhancement of the appearance and significance of both the Listed Building and the Conservation area. Resultantly, a condition requiring the cutting back of the pilaster to be carried out by an experienced stone mason will be recommended.
- 9.8 The decision to paint both the archway and the ginnel walls the same colour will unite both architectural elements and encourage visitors to utilise the route. In replacing the existing internal peeling paintwork, the proposal will make the ginnel more architecturally distinctive, attractive and inviting.
- 9.9 An additional advantage of the proposal is that it meets one of the key objectives in the Historic England HAZ initiative, in particular it will:
- “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.
- 9.10 In making the ginnel more attractive, the proposed will encourage increased usage of this lesser-known pedestrian linkage. In turn this will increase the activity on routes beyond the High Street, in turn creating opportunities for potential growth there-in.
- 9.11 Importantly, development is taking place only where necessary. The left-hand, original pilaster to the archway will remain unchanged, acting as a model for restoration of the right-hand pilaster. Additionally, and to avoid potential damage to the stonework, no attempt will be made to remove the numerous layers of paint on the interior walls of the ginnel prior to its repainting. This demonstrates a degree of control is evident in the development, meaning that alterations and repairs are only being made where crucial. This approach minimises any potential harm that development may have upon the appearance of the listed building and is therefore acceptable.
- 9.12 In sum, the public benefits afforded by the proposal outweighs the less than substantial harm to the Listed Building and the Conservation Area that the development would cause. It complies with the relevant requirements of Local Plan Policies ENV2 and ENV3.
- Amenity Impact**
- 9.13 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.
- 9.14 The proposal to improve and enhance the application site will benefit public amenity. On a practical level, painting the ginnel in a lighter tone will ensure that the space is both more inviting in appearance but also improves visibility through the passage itself during darker periods. Though this is likely to increase activity on the passage, the location of the ginnel is such that the minor additional disturbance to neighbouring occupiers on the stories located above the application site is outweighed by the safety benefits afforded by the proposal.

- 9.15 On this basis, the proposal is considered to be acceptable for it will not pose any significant adverse amenity impact on the nearest residential occupiers. It will in fact serve to benefit them, as well as the public. The relevant requirements of policy ENV3 are therefore met.

Conclusion

- 9.16 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."

- 9.17 In this instance, the proposal is considered to be acceptable in terms of design, scale and visual impact. It 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 and documents:
- o Drawing No. 2091/02/21. Site Location Plan. Received 17th October 2022.
 - o Drawing No. 2091/02/20. Existing and Proposed Plans. Received 18th October 2022.
 - o Design and Access Statement. Received 18th October 2022.
 - o Heritage Statement. Received 18th October 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.

Before you Commence Development

- 3 Full details of the cutting back of the pilaster at a scale of not less than 1:20 shall be submitted for the written approval of the Local Planning Authority and thereafter the work shall be carried out in accordance with the approved details.

Reason: To ensure the implementation of appropriate methods 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.

During Building Works

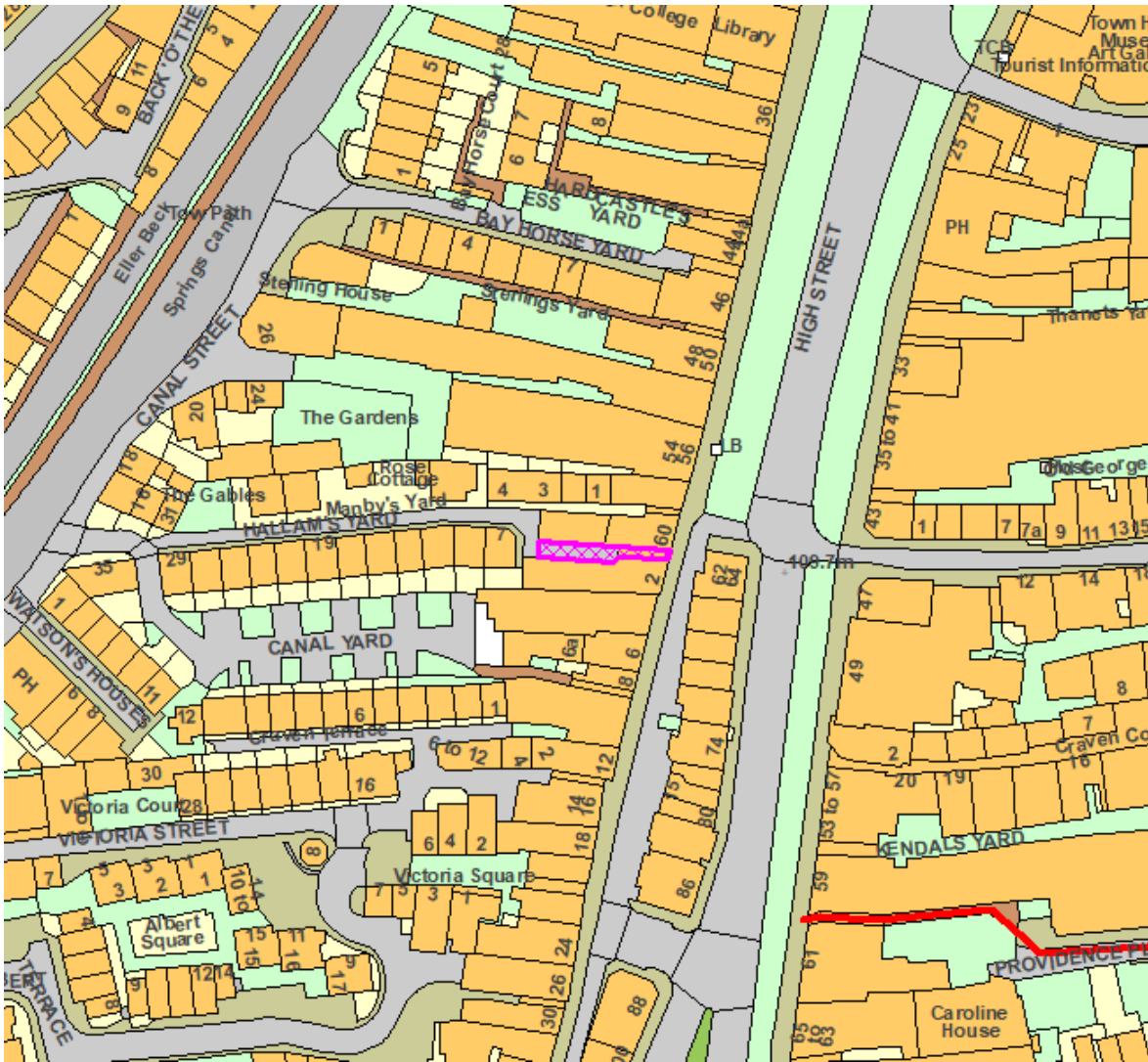
- 4 The development hereby approved will be constructed in accordance with the materials detailed on the approved plans.

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

1. Statement of Positive Engagement:

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



Application Number: 2022/24587/REG4

Proposal: Partial removal of a 20th century shop front to reveal the original arched opening to the ginnel to Hallam's Yard, piecing-in missing stone, repainting of the arch and ginnel and the provision of new bin stores in Hallam's Yard.

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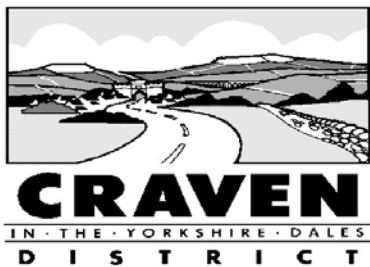
On behalf of: Craven District Council



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

Planning Committee Report of New Cases Registered
08-12-2022 to 05-01-2023

Enforcement Reference	Alleged Breach	Site Address	Ward
ENF/03597/2022	Erection of fence over 2 metres abutting the highway.	1 Ingfield Crescent Settle BD24 9BE	Settle And Ribble Banks
ENF/03598/2022	Change of use from 1 dwelling to 2. One is now a holiday let.	Moss Side Farm Becks Brow To Mere Syke Bridge Wigglesworth Skipton BD23 4SP	Settle And Ribble Banks
ENF/03599/2022	Unauthorised installation of air conditioning unit to front elevation	Harts Head Inn Belle Hill Giggleswick Settle BD24 0BA	Penyghent
ENF/03600/2023	Self-contained annexe being let out.	Annexe At Draughton Hall Low Lane Draughton Skipton BD23 6EB	Barden Fell
ENF/03601/2023	Works to the roof of a listed building.	Woodside Barn Back Lane Low Bentham Lancaster LA2 8NZ	Bentham
ENF/03602/2023	Erection of a high fence between properties.	118 Burnside Crescent Skipton BD23 2BU	Skipton West



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 1 Belle Vue Square
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 North Yorkshire
 BD23 1FJ
 Telephone: 01756 706254

Planning Committee Report of Cases Closed
08-12-2022 to 05-01-2023

Enforcement Reference	Date Received	Date Closed	Reason for Closure	Alleged Breach	Site Address	Ward
1916/2014	7th October 2014	15th December 2022	New file opened	Ensure conditions 11, 13 & 24 on 45/2010/10758 have been discharged.	Disused Highways Depot Ingleton Carnforth North Yorkshire	
2463/2016	7th September 2016	15th December 2022	New file opened	1) Use of land as breakers yard 2) Alleged unauthorised siting of caravan	County Council Depot Back Gate Ingleton Carnforth	Ingleton And Clapham
ENF/02952/2018	26th October 2018	15th December 2022	Not Expedient to Enforce	Unauthorised erection of garage? Too large and may also be running a repair business.	18 Riversdale Giggleswick Settle BD24 0AW	Penyghent
ENF/03218/2020	17th February 2020	15th December 2022	No Breach of Planning	Live/work units allegedly not being used in accordance with planning permission	The Grange Gisburn Road Hellifield Skipton BD23 4LE	Hellifield And Long Preston

Enforcement Reference	Date Received	Date Closed	Reason for Closure	Alleged Breach	Site Address	Ward
ENF/03322/2020	27th October 2020	15th December 2022	Breach Resolved	Alleged unauthorised change of use from holiday let to permanent residence	Burn Moor View Mewith Bentham Lancaster LA2 7AY	Bentham
ENF/03350/2021	5th January 2021	15th December 2022	Retrospective Planning	Unauthorised changes to the building	Building Adjacent To 4 Woodland Street Cowling Keighley BD22 0BS	Cowling
ENF/03531/2022	6th July 2022	15th December 2022	Retrospective Planning	Utilities box been installed.	Squirrel Wood Cottage Ickornshaw Cowling Keighley BD22 0DB	Cowling
ENF/03558/2022	6th October 2022	15th December 2022	No Breach of Planning	Land untidy, potential construction of car parking lot and removal of tree branches.	Land Near 7 Smithy Fold Kildwick Keighley BD20 9BB	Aire Valley With Lothersdale
ENF/03566/2022	18th October 2022	15th December 2022	No Breach of Planning	Caravan site being operated o the land.	Westhouse Lodge Westhouse Ingleton Carnforth LA6 3NZ	Ingleton And Clapham

Enforcement Reference	Date Received	Date Closed	Reason for Closure	Alleged Breach	Site Address	Ward
ENF/03570/2022	19th October 2022	15th December 2022	Not Expedient to Enforce	Broken car on the drive and cable from caravan exposed- potentially living in it.	34 Moorview Road Skipton BD23 2SB	Skipton South