

Meeting: Skipton and Ripon Area Constituency Planning Committee

Members: Councillors Barbara Brodigan, Andy Brown (Vice-Chair), Robert Heseltine, Nathan Hull (Chair), David Ireton, David Noland and Andrew Williams.

Date: Tuesday, 7th November, 2023

Time: 1.00 pm

Venue: Craven Office, Belle Vue Square, Skipton

Members of the public are entitled to attend this meeting as observers for all those items taken in open session. Please contact the named democratic services officer supporting this committee if you have any queries.

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The Council operates a scheme for public speaking at planning committee meetings. Normally the following people can speak at planning committee in relation to any specific application on the agenda: speaker representing the applicant, speaker representing the objectors, parish council representative and local Division councillor. Each speaker has a maximum of three minutes to put their case. If you wish to register to speak through this scheme, then please notify Paul Preston, Principal Democratic Services Officer by midday on Thursday 2nd November, 2023.

If you are exercising your right to speak at this meeting, but do not wish to be recorded, please inform the Chairman who will instruct anyone who may be taking a recording to cease while you speak.

This meeting is being held as an in-person meeting that is being recorded and will be available via the following link <https://www.northyorks.gov.uk/your-council/councillors-committees-and-meetings/live-meetings>.

Agenda

1. **Apologies for Absence**

2. **Minutes for the Meeting held on 3 October, 2023**

(Pages 5 - 10)

3. Declarations of Interests

All Members are invited to declare at this point any interests, including the nature of those interests, or lobbying in respect of any items appearing on this agenda.

4. 23/00486/FUL - The Installation of a 35 metre High Lattice Tower Supporting 6 no. Antennas, 4 no. Transmission Dishes, 2 no. Equipment Cabinets, 1 no. Meter Cabinet and Ancillary Development thereto including a Generator and Associated Fuel Tank, a Compound with Drystone Wall Boundary, and Hard Standing Area, for the Shared Rural Network Project on behalf of Cornerstone. at Ox Close Plantation Healey North Yorkshire on behalf of Cornerstone (Pages 11 - 28)

Report of the Assistant Director, Planning, attached.

5. 2022/24304/FUL - Reconfiguration of Skipton Railway Station Car Park; Relocation of the Existing Substation within the Station Car Park; Increase in Provision of Disabled Parking Spaces and Electric Vehicle (EV) Charging Bays; a New Bus Stop and Drop Off/Coach Parking Point; Provision of a Cycle and Pedestrian Access from Broughton Road into the Station Car Park and Formalised Taxi Pick Up/Drop Off Location and Taxi Shelter; Reconfiguration of the existing Staff Car Park; Removal of 12 no. Trees within the Station Car Park to Accommodate Reconfiguration of Parking Spaces; Provision of 19 no. Trees within the Station Car Park with an additional 17 no. trees within Aireville Park; Realignment of the Partially Demolished Stone Wall within the West of the Station Car Park; Construction of 25m of Yorkstone Wall within the East Of The Station Car Park; Improvements to External Visitor Facilities within the Station Car Park including the provision of a Cycle Shelter, Seating, Lighting Around (Pages 29 - 50)

Report of the Corporate Director – Community Development Services, attached.

6. ZA23/24941/FUL - Erection of 25 no. Dwellings with Off-Street Parking and Associated Infrastructure (Resubmission of 2022/23854/FUL). at land off Meadow Lane/Moorfoot Lane, Cononley on behalf of Calvert Homes (Cononley) Ltd (Pages 51 - 98)

Report of the Corporate Director, Community Development Services, attached.

7. Any other items

Any other items which the Chair agrees should be considered as a matter of urgency because of special circumstances.

8. Date of Next Meeting

Tuesday 5 December, 2023 at 1.00pm.

Members are reminded that in order to expedite business at the meeting and enable Officers to adapt their presentations to address areas causing difficulty, they are encouraged to contact Officers prior to the meeting with questions on technical issues in reports.

Agenda Contact Officer:

Name, Paul Preston
Tel: 01723 232310
Email: paul.preston@northyorks.gov.uk

Monday, 30 October 2023

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North Yorkshire Council

Skipton & Ripon Area Constituency Planning Committee

Minutes of the meeting held on Tuesday, 3rd October, 2023 commencing at 2.05 pm at Belle Vue Square Offices, Skipton

Councillor Nathan Hull in the Chair plus Councillors Andy Brown, David Noland and Andrew Williams.

Councillors present: Councillor Andy Solloway

Officers present: John Worthington, Executive Officer–Development Management and Building Control (Harrogate), Kate Lavelle, Solicitor, Andrea Muscroft, Principal Planning Officer, Emma Howson, Senior Development Management Officer, and Alice Fox, Democratic Services and Scrutiny Manager.

Copies of all documents considered are in the Minute Book

29 Apologies for Absence

Apologies for absence were received from Councillors Barbara Brodigan, David Ireton and Robert Heseltine.

30 Minutes for the Meeting held on 5th September 2023

The minutes of the meeting held on Tuesday 5th September 2023 were confirmed and signed as an accurate record.

31 Declarations of Interests

Councillor Nathan Hull issued a transparency statement on Item 6 on the agenda as he was Division Member for the site location of application ZC23/02219/FUL and had been contacted several times by the applicant. On each occasion, he informed the applicant that as Chair of the Skipton and Ripon Area Constituency Planning Committee, he must remain impartial at all times and could not comment on the application. He had not met the applicant in person in relation to the application and had no personal, professional, or pecuniary interest in the application.

Councillor Andy Brown declared that he had been lobbied for Items 4 and 5 on the agenda for applications ZA23/25228/REG3 and 2022/24304/FUL.

Councillor David Noland declared that he had been lobbied for Item 5 on the agenda as he for application 2022/24304/FUL.

32 ZA23/25228/REG3 – Replacement of pedestrian Gallows Bridge and improvements to the stepped access located at either end of the bridge, Skipton

Considered:

The committee considered a report of The Corporate Director – Community Development Services relating to planning application ZA23/25228/REG3.

The case officer informed the committee that the building works as stated on p17 of the agenda pack have changed. The report states that works will take place between:

- 08:00 hours and 18:00 hours Monday-Friday
- 8:00 hours to 13:00 hours on Saturdays
- Not at any time on Sundays or Bank Holidays

The amended times are between:

- 07:30 hours and 17:30 hours Monday-Friday
- 18:00 hours to 03:00 hours Monday-Friday
- Not at any time on Sundays or Bank Holidays

Councillor Andy Solloway, Division Member for Skipton West and West Craven, spoke in support of the application. However, he did think that the design did not incorporate full accessibility for everyone.

Alice Fox, Democratic Services and Scrutiny Manager, spoke in support of the application on behalf of the applicant, North Yorkshire Council. It was noted that the applicant had intended to speak at the meeting, but due to personal reasons, they were unable to attend.

During consideration of the above application, the Committee discussed the following issues:

- Members felt that the revised building work times would have a negative impact on local residents. The case officer explained that any evening work should be short lived due to the scale of the project and most of the work will be carried out during the day. Due to a shortage of people being able to carry out the work, some overnight work may be necessary.
- Members felt that although they welcomed the improvements, could the bridge be altered so that it is more accessible and accommodate cyclists and those with disabilities. Full accessibility was highlighted as a priority during the initial consultation stage, and it was felt that the plans should not conflict with the Disability Discrimination Act. The case officer explained that there is the possibility of developing Cavendish Car Park in the future, which would provide more land that will improve access. At the moment, there isn't enough land to enable full disability access and the Local Plan does not enforce this.
- Members were reminded that they should be making a decision that is based on the material planning considerations in the report.

The decision:

That planning permission be APPROVED.

Reason:

The Committee approved subject to the following amendments to the condition:

- To safeguard the living conditions of nearby residents particularly with regard to the effects of noise, no site preparation, delivery of materials or construction works, other than quiet internal building operations such as plastering and electrical installation, shall take place other than between:

- 07:30 hours and 17:30 hours Monday-Friday
- 08:00 hours and 13:00 hours on Saturdays
- Not at any time on Sundays or Bank Holidays

Voting Record

For Approval 3; Abstain 1

33 2022/24304/FUL – Reconfiguration of Skipton Railway Station Car Park with associated works. At Skipton Railway Station, Broughton Road, Skipton BD23 1RT

Considered:

The committee considered a report of The Corporate Director – Community Development Services relating to planning application 2022/24304/FUL.

The case officer informed the committee that she had only just been notified that the times of the building works as stated on p37 of the agenda pack have changed due to Northern Rail objecting to any works being carried out during the day. The report states that works will take place between:

- 08:00 hours and 18:00 hours Monday-Friday
- 08:00 hours to 13:00 hours on Saturday
- Not at any time on Sundays or Bank Holidays

The amended times are between:

- 18:00 hours and 03:00 hours Monday-Friday
- 08:00 hours to 13:00 hours on Saturday
- Not at any time on Sundays or Bank Holidays

Councillor Stephen Morton, spoke on behalf of Skipton Town Council objecting to the application.

Councillor Andy Solloway, Division Member for Skipton West and West Craven, spoke in support of the application.

Alice Fox, Democratic Services and Scrutiny Manager, spoke in support of the application on behalf of the applicant, North Yorkshire Council. It was noted that the applicant had intended to speak at the meeting, but due to personal reasons, they were unable to attend.

During consideration of the above application, the Committee discussed the following issues:

- Members were concerned that since the public have not been made aware of the new building works times, they have not been given the opportunity to object. They asked how many residents lived close by. The case officer explained that the majority of the area around the site is industrial, with residents living further down Broughton Road.
- Some members questioned if the staff car park needed to be so large.
- The case officer confirmed that the replacement trees will be semi-mature and there

there will be regular checks for 5 years to ensure they survive, which could involve removing any dead ones and re-planting.

- Whilst Members appreciated the improved lighting along Black Walk and the installation of electric charging points, some did feel that the biodiversity net gain could be more ambitious. There should be more new trees planted and they don't necessarily have to be semi-mature.
- Members were reminded that conditions should be reasonable.

The decision:

That planning permission be DEFERRED.

Reason:

The Committee deferred the application for the following reasons:

- (i) The public should be given the opportunity to consider the revised working hours of 18:00 hours to 03:00 hours Monday-Friday, 08:00 hours to 13:00 hours on Saturdays and not at any time on Sundays or Bank Holidays.
- (ii) The application should demonstrate a better biodiversity net gain and increase the number of new trees to be planted by at least a ratio of 5:1.

Voting Record

For Deferral 4

34 ZC23/02219/FUL – Full planning permission for the erection of an additional MOT and Service Building to serve existing Auto Services Business including removal of existing overflow car park at Grayston Plain Farm, Felliscliffe, HG3 2LY

Considered:

The Committee considered a report of The Corporate Director – Planning relating to planning application ZC23/02219/FUL.

The case officer drew Members' attention to an error at point 5.2 (p47) of the report. It should read that 5 additional bays are proposed, and not 7.

The applicant's agent, Mr Alistair Flatman and the applicant, Mr Simon Greene, spoke in support of the application.

During consideration of the above application, the Committee discussed the following issues:

- Members asked how the original building received approval if the site is located outside defined development limits. The case officer explained that the original application was approved as it was a conversion of an existing agricultural building.
- Members understood that the case officer had produced a clear report that follows Council Policy. The application is contrary to Local Plan Policies, and is in an Area of Outstanding National Beauty, but the economic wellbeing of the application should be taken into consideration. The proposal provides employment and training opportunities and provides a service to the rural community who would have to travel some distance

to find an alternative. Relocating the garage would not be practical as it services agricultural vehicles. However, Members were reminded that they should be considering the planning implications, not the business.

- Members asked if the applicant had provided further information regarding a drainage and waste scheme or solar panels installation. The case officer confirmed that they applicant had not.

The decision:

That planning permission be DEFERRED for the following reasons.

- (iii) Further details of a drainage and waste scheme is required.
- (iv) Further details of a proposed landscaping scheme are required.
- (v) Further details of solar panels and battery installation is required.

Voting Record

For Deferral 4

35 Any Other Items

Members voted to start future planning committee meetings at 1pm.

36 Date of Next Meeting

Tuesday, 7th November 2023 – venue to be confirmed.

The meeting concluded at 4.15pm

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North Yorkshire Council

Community Development Services

CONSTITUENCY COMMITTEE PLANNING COMMITTEE

23/00486/FUL - THE INSTALLATION OF A 35 METRE HIGH LATTICE TOWER SUPPORTING 6 NO. ANTENNAS, 4 NO. TRANSMISSION DISHES, 2 NO. EQUIPMENT CABINETS, 1 NO. METER CABINET AND ANCILLARY DEVELOPMENT THERETO INCLUDING A GENERATOR AND ASSOCIATED FUEL TANK, A COMPOUND WITH DRYSTONE WALL BOUNDARY, AND HARD STANDING AREA, FOR THE SHARED RURAL NETWORK PROJECT ON BEHALF OF CORNERSTONE. AT OX CLOSE PLANTATION HEALEY NORTH YORKSHIRE ON BEHALF OF CORNERSTONE

Report of the Assistant Director – Planning

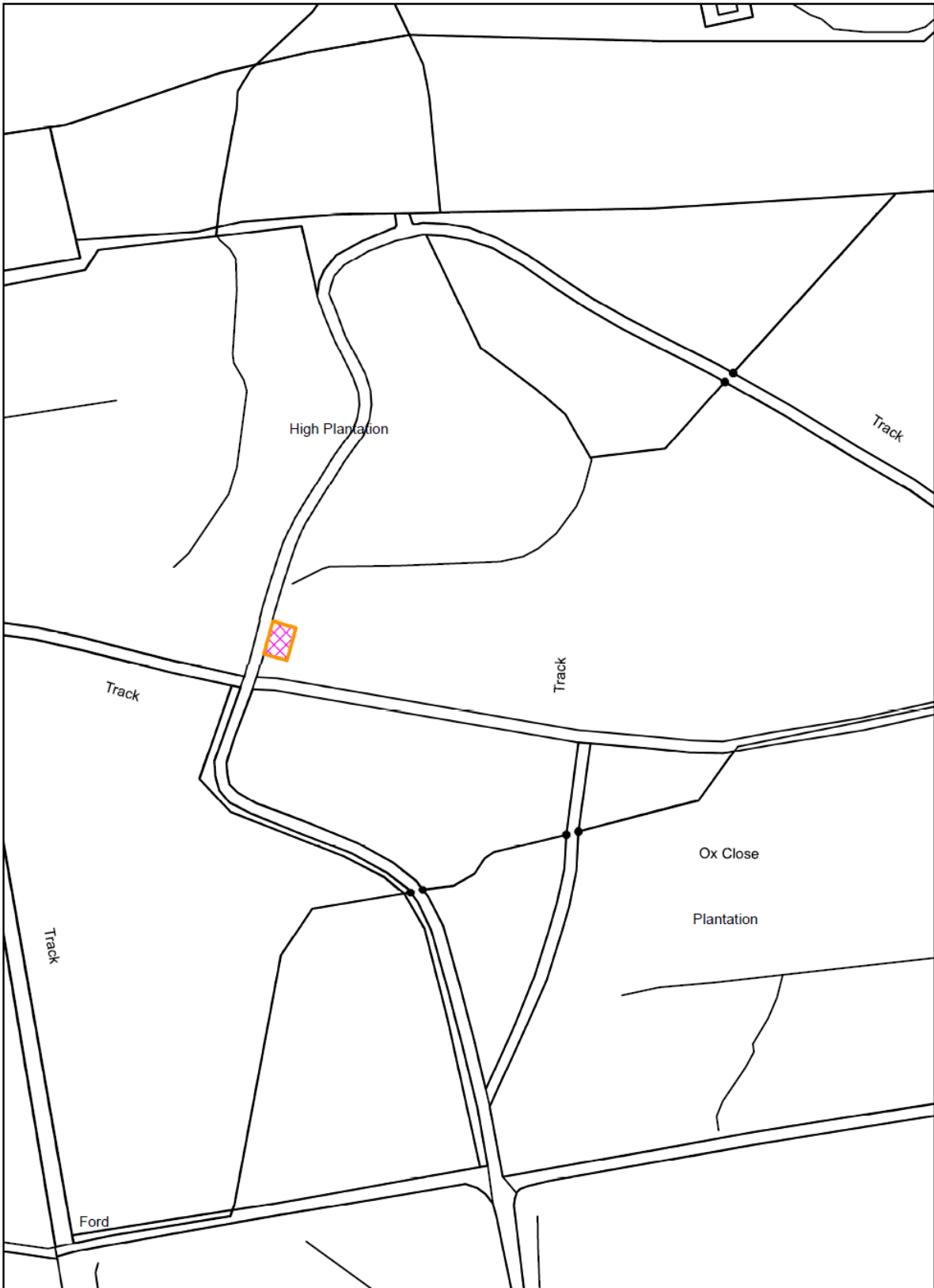
1.0 Purpose of the Report

- 1.1 To determine a planning application for the installation of a 35 metre high lattice tower supporting 6 no. antennas and 4 no. transmission dishes, 2 no. equipment cabinets, 1 no. meter cabinet and ancillary development thereto including a generator and associated fuel tank, a compound with drystone wall boundary, and hard standing area, for the Shared Rural Network project on behalf of Cornerstone on land at Ox Close Plantation Healey on behalf of Assistant Director – Planning
- 1.2 This application is brought to the Planning Committee as being a development in a sensitive location.

2.0 EXECUTIVE SUMMARY

RECOMMENDATION: That planning permission be REFUSED

- 2.1 It is accepted that there is need for 4G mobile communication in the locality and the Shared Rural Network Project bringing four operators together on a single installation is positive. The key issue is that of the form of the proposal and the landscape impact it has on the Nidderdale Area of Outstanding Natural Beauty (AONB) to which great weight must be given to conserving and enhancing landscape and scenic beauty of the AONB.
- 2.2 The height of the tower above the plantation in which it is to be situated is excessive and does cause undue harm to the AONB and the amenity of visitors. The proposed development would introduce an incongruous feature into an unspoilt landscape creating an unacceptable level of harm to the landscape character of the Nidderdale AONB, which would be contrary to Local Plan Policies GS6, HP3, HP5, NE4 NE5 and TI5 and paragraph 176 of the NPPF.



Location Plan

Scale 1:2,500



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27/10/2023

3.0 Preliminary Matters

- 3.1. Access to the case file on Public Access can be found here – [link](#).
- 3.2. Pre-application advice in respect of this proposal was provided under 22/03787/PREAS. That advised that in principal, support would be given due to the rural community/business benefits, but that the issue would turn on its visibility and a detailed landscape survey of its impacts would be needed. It was queried that if it were to be judged acceptable, how could any screening afforded by the trees of what is a commercial plantation be ensured.

4.0 Site and Surroundings

- 4.1. Ox Close Plantation lies within the Nidderdale Area of Outstanding Natural Beauty (AONB) on the north-west side of the Upper Pott Beck valley, where it is occupied by Leighton Reservoir.
- 4.2. The mixed, principally coniferous, woodland of the plantation is primarily between the 230m and 270m contours. To the south and west land extends to far higher contours, primarily used for sheep grazing.
- 4.3. Surrounding higher moorland is typically sparse in trees; which are more common at lower levels, along water courses and in valley bottoms.
- 4.4. There is a scattering of dwellings in the wider landscape, many related to farms.
- 4.5. Travellers through the area experience expansive views; the through route from Masham to Lofthouse descends to pass around Leighton reservoir before climbing south-west to 429m elevation. At the top of the immediate climb from the reservoir, at around 310m elevation, the Six Dales Trail Public Right of Way heads north-east with Ox Close plantation to its west and then south.
- 4.6. To the east of the plantation, on the opposite site of the valley, the Ripon Rowel Walk Public Right of Way descends the hillside with a footpath link across the valley bottom to the hamlet of Leighton.
- 4.7. Three protected biodiversity areas share a common boundary 800m distant from the site:
 - East Nidderdale Moors Site of Special Scientific Interest
 - North Pennine Moors Special Area of Conservation
 - North Pennine Moors Special Protection Area
- 4.8. North of the plantation is the Grade II listed memorial to the 15th Battalion West Yorkshire Regiment (The Leeds Pals) at Breary Banks.

5.0 **Description of Proposal**

- 5.1. The proposal is described as a 35m tall lattice tower, coloured drab olive, and supporting telecommunication apparatus, which extend beyond 35m in height to 36.11.m. The height is stated as being necessary to overcome restriction imposed otherwise by trees on land to the north.
- 5.2. The tower would be located on concrete foundations within a compound formed by a 1.1m drystone wall with a timber gated access. All would be in an existing clearing around the 265m contour. Surrounding trees are indicated as being approximately 15m in height.
- 5.3. The supported apparatus is certified as complying with the guidelines of the International Commission on Non-ionizing Radiation Protection (ICNIRP), and are:
- pairs of 600mm diameter microwave dishes at 29.3m and 35.18m height to link this installation with other installations.
 - nine remote radio units, stated to be approximately the size of a shoe box, at both 30.5m and 31.5m height
 - six antennae between 32.3m and 35m.
- 5.4. A generator, fuel tank, three cabinets and associated structures would be located within the compound. The generator is be used as needed as back-up supply and a permanent electric connection is to be made from a nearby supply line.
- 5.5. The fuel tank of 1800 litre capacity would be triple banded, permanently remotely monitored for leaks, and the fuel used would be Hydrotreated Vegetable Oil, a second-generation biofuel.
- 5.6. The 24kW generator would be a container type of 20.16 cubic metres which at 300m distance would have a noise level of 33dBA.
- 5.7. With associated hardstanding an area of 187 sq.m. would be occupied, and use will be made of an existing access track.
- 5.8. The proposal would form part of the Shared Rural Network, an agreement between the Central Government and mobile industry announced in March 2020 to improve rural mobile coverage by 2025; a £500 million funding by each party to respectively cover areas with no coverage or all, known as 'not-spots', and those with coverage but not by all operators, known as 'partial not-spots'. The aim being to bring 4G coverage to 95% of the UK landmass by 2025.

- 5.9. Existing 4G coverage is shown to be spasmodic, serving Fearby, the hamlet of Leighton and part, but not all of Healey and Ilton villages. Elsewhere, only areas of higher ground may receive a signal. The proposal is indicated as resulting in a 4G signal from Vodafone, Virgin Media-O2 and '3' to most of the surroundings, although there would still be few locations, and dwellings within those, unserved.

6.0 Planning Policy and Guidance

- 6.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning authorities must determine each application under the Planning Acts in accordance with Development Plan as far as material to the application unless material considerations indicate otherwise.

Adopted Development Plan

- 6.2. The relevant Adopted Development Plan for this proposal is the Harrogate District Local Plan 2014-2035, adopted 4th March 2020.

Emerging Development Plan – Material Consideration

- 6.3. The North Yorkshire Local Plan is the emerging development plan for this site though no weight can be applied in respect of this document at the current time as it is at an early stage of preparation

Guidance – Material Considerations

- 6.4. Relevant guidance for this application is:
- National Planning Policy Framework 2021
 - National Planning Practice Guidance
 - Landscape Character Assessment
 - Nidderdale AONB Management Plan

7.0 Consultation Responses

- 7.1. The following consultation responses have been received and have been summarised below.
- 7.2. **Parish Council:** Supports the application
- 7.3. **Landscape (NYC):** Object.
- 7.4. **Natural England:** Have no objection subject to appropriate mitigation being secured.

- 7.5. **Nidderdale AONB Joint Advisory Committee:** Do not object provided agreement can be secured to protection of plantation woodland.

Local Representations

- 7.6. Letters received from two authors in full support;
- Have no mobile coverage
 - Cannot have landline broadband
 - Mast will be visible but height necessary in the terrain
 - Will allow access to a mobile signal for business, education, pleasure and health and safety
 - Would make living in a rural area more equitable

8.0 Environment Impact Assessment (EIA)

- 8.1. Located a 'sensitive area' the development has to be screened, with regard specifically to Schedule 2 of the Environmental Impact Assessment Regulations 2017 (as amended), to establish whether an Environmental Statement is necessary.
- 8.2. The application has been screening as not requiring an Environmental Statement.

9.0 Main Issues

- 9.1. The key considerations in the assessment of this application are:
- Principle of development
 - Need
 - Landscape Impact

10.0 ASSESSMENT

Principle of Development

- 10.1. Further to the development plan the National Planning Policy Framework (NPPF) is also a material consideration in planning decisions, promoting sustainable development.
- 10.2. With regard to telecommunications development the NPPF advises at paragraph 114:

"Planning policies and decisions should support the expansion of electronic communications networks"

- 10.3. Paragraph 115 states: “The number of radio and electronic communications masts, and the sites for such installations, should be kept to a minimum consistent with the needs of consumers, the efficient operation of the network and providing reasonable capacity for future expansion. Use of existing masts, buildings and other structures for new electronic communications capability (including wireless) should be encouraged. Where new sites are required (such as for new 5G networks, or for connected transport and smart city applications), equipment should be sympathetically designed and camouflaged where appropriate.”
- 10.4. Paragraph 117 of the NPPF sets out matters that should be submitted with the application. Reasoning for the form of the development, as well as compliance with the appropriate guidelines on radiation protection and the outcome of consultations with interested organisations.
- 10.5. Harrogate District Local Plan Policy TI5 is supportive of telecommunication development provided three criteria to be satisfied, and as such, is a policy permissive of such a development outside of the limitation imposed by Policy GS3 concerning development limits. In assessing the merits of this application, only the first two need to be considered in any detail; that of the form of the development and that of the impacts of the development. The third concerns removal when redundant, which is a matter that would be addressed by a condition of any approval.
- 10.6. Concerning the AONB, the NPPF advises, at paragraph 176:
- “Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks and the Broads. The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.”
- 10.7. Relevant also to the AONB, Local Plan Policy GS6 states that:
- “The natural beauty and special qualities of the Nidderdale Area of Outstanding Natural Beauty (AONB) will be conserved and enhanced.
- Proposals will only be supported where they:
- A. Do not detract from the natural beauty and special qualities of the AONB and its setting;

B. Contribute to the delivery of the Nidderdale AONB Management Plan objectives;

C. Support the economic, social and environmental well-being of the area or support the understanding and enjoyment of the area.”

Need

- 10.8. There is no doubt the extent of coverage by mobile technology is highly limited in the wider surroundings of the application site.
- 10.9. That proposal consequently would provide 4G mobile coverage to many residents and businesses who do benefit from such currently.
- 10.10. Harrogate District Local Plan Policy GS5 relates to Supporting the District’s Economy, stating that sustainable economic growth will be encouraged by supporting development proposals that contribute towards the achievement of a number of criteria, including supporting the growth of key sectors including creative and digital, and scientific research and development. The supports development contributing towards the achievement of maintaining and enhancing the district’s visitor economy, and supporting the rural and agricultural economy and its diversification. The proposal would assist in these objectives, and hence be complaint with that part of section C of Policy GS6 concerning supporting the economic social and environmental well-being of the AONB.
- 10.11. The proposal would also contribute to the long term vision set out in the AONB Management Plan, referenced by Section B of Policy GS6, of a “vibrant working landscape where rural communities, land managers and other rural businesses are working collaboratively together to protect natural beauty”. Aim LW2 of the Management Plan is to “facilitate development that meets the economic and social needs of the AONB’s rural communities...”
- 10.12. The expansion of 4G coverage is a key aim of the Shared Rural Network developed by the mobile phone operators and Central Government ; to deliver 4G coverage to 95% of the UK, enabling rural businesses and communities to thrive. Sharing infrastructure through the Shared Rural Network project will minimise the number of masts in the area, as advocated by NPPF paragraph.
- 10.13. The specific objective is stated that “this area of Healey has access to good, reliable advanced telecommunications.”
- 10.14. It is stated in the application submission, the proposal is the most suitable site option and design that balances operational need with local planning policies and national planning policy guidance. It will deliver public benefit in terms of

the mobile services it will provide. The reason for the height is stated to overcome signal degradation due to trees at another location to the north.

- 10.15. Alternative sites considered would have required a far taller mast or have access issues or adversely affect heritage structures or be unduly affected by tree cover. No existing structures were identified as possible sites.
- 10.16. It is accepted that in this wider locality with the absence of appropriate structures, or buildings, at least one new mast would be required. As such, the first criteria of Policy T15, and the associated terms of paragraph 117 of the NPPF, that existing structures be used, unless it can be demonstrated such is not feasible, is satisfied.

Landscape Impact

- 10.17. The second criteria of Local Plan Policy T15 includes that the that location and design of proposals avoid harm to sensitive areas and as such accord with Policy NE4 on Landscape Character.
- 10.18. Policy NE4 states “Proposals that will protect, enhance or restore the landscape character of Harrogate district for its own intrinsic beauty and for its benefit to the economic, environmental and social well-being of the district will be supported”.

In summary, that is stated as being achieved by requiring development to:

- maintain aesthetic and biodiversity qualities of the natural and man-made heritage within the landscape;
- be informed by and be sympathetic to the distinctive landscape character areas; and
- protect and/or enhance the character, appearance and local distinctiveness of the landscape and consider the ambiance of the area.

Further that visually sensitive skylines, hills and valley sides and visual amenity are protected and/or enhanced, and development be resisted which would harm or be detrimental to the character of the local and wider landscape.

- 10.19. The 2004 Landscape Character Assessment of the Harrogate District subdivides the former district into a number of character areas. The proposal lies within the Upper Pott Beck Valley Reservoirs character area. That is noted as having a narrow V shaped valley, with woodland cover greater around Leighton reservoir, and is an interesting area within the AONB. For sensitivities and pressures the area is stated as being sensitive to further change without detriment to visual quality. Under the guidelines, an aim to

maintain the distinctive character of the upland valley has the note that “development in this area may significantly impact upon character and views.”

- 10.20. Harrogate District Local Plan Policy HP3, whilst focusing on design, which is of limited weight given the utilitarian nature of such a proposal, does nevertheless require protection, enhancement, or reinforcement of those characteristics, qualities and features that contribute to the local distinctiveness of the district’s rural and urban environments.
- 10.21. Policy NE5 expands this by stating development proposals should conserve and enhance the high quality and character of the district's towns, villages and rural environment, by ensuring that all forms of new development are designed to a high standard and maintain and enhance the local vernacular and 'sense of place' of individual settlements.
- 10.22. The NPPF, at paragraph 115, does reference “equipment should be sympathetically designed and camouflaged where appropriate”, but attempts at disguising installations of the scale of this proposal are not generally successful.
- 10.23. The proposal is stated as being located around the 265m contour and would be located in a plantation which, in principle, is a potential appropriate location as the proposal to some extent would be screened.
- 10.24. Ordnance Survey mapping indicates the plantation extending to the 270m contour at its north-western corner. The northern edge of the plantation then falls turning to the north-east to around the 225m contour.
- 10.25. In the case of this proposal, the trees surrounding the site are stated to be circa 15m in height. The structure in the compound and the lower parts of the mast would be screened. As such the extent of harm afforded in landscape and visual terms is reduced to some degree, which would not be possible in a more open location.
- 10.26. The plantation in within which the mast is to be constructed is, however, relatively young. There would be around 13m of supporting mast above the trees that immediately surround before any of the supporting apparatus that extends above that height to the top of the mast around 20m above the trees.
- 10.27. Visually, the extent of the mast, is such that it would appear as a structure well above the plantation, rather than one which is primarily within a group of trees.
- 10.28. It is accepted that the surrounding trees of the plantation will mature and reduce over time the impact on visual receptors in the surrounding area, which include travellers on the sole through route in this part of the AONB and users of public rights of way in the surrounding area.

- 10.29. None of the trees are stated as having to be removed to facilitate the proposal, however it is not clear how, and from where, the separate electric supply that would normally power the development would be provided. That may require at least works to trees if not outright felling.
- 10.30. The AONB Joint Advisory Committee note that the acceptability of the mast is dependent in their view, on the trees remaining. It is stated that the plantation “as a whole will remain in place, but it will be managed in the time period including thinning and restocking, and there may be localised areas of felling. There is an in hand game shoot on the estate which the wood is part of, and the stalking rights are let. The woodland is critical for the ongoing stalking rights.”
- 10.31. The extent and uncertainty of what might be selective felling does lead to concern that the amelioration of effects is over-dependent on the plantation. The plantation is of a commercial nature. Stalking rights within may currently exist, but ultimately, a commercial woodland is there to be felled at some stage and replanted, which would make the mast far more prominent in the landscape as well as exposing the compound.
- 10.32. The submitted Landscape and Visual Impact Assessment provides an assessment of the impact of the proposal from a number of viewpoints, which are all described as being of high value and of high sensitivity.
- 10.33. The assessment in that Landscape and Visual Impact Assessment is however considered to underplay the most harmful visual effects from two viewpoints which are judged by officers to be moderate, rather than minor to moderate.
- 10.34. One of those viewpoints is the closest point on the Six Dales Trail and represents a view that recreational users of the AONB will encounter at close range for a kilometre. Stated as being of a small to medium magnitude of change the mast would be prominent in the view, although the compound and lower mast partially screened .
- 10.35. The statement that the “mast would form a new focal point in this view, similar in apparent scale to the poles supporting overhead lines in the view” is not agreed. The overhead line is a low two wire line located in close proximity to the recreational route, on which the mast will be of significant impact due to the users of the Six Dales Trail being focussed on the landscape of the AONB. The lattice form and matt finish would not be adequate mitigation.
- 10.36. Further, the “rather disjointed assemblage of forestry blocks detracts from scenic quality” is conversely not judged to be overly negative. In comparison, the prominence of the mast, which would be a new and discordant feature within the view, and which would not be insubstantial.

10.37. Also on the Six Dales Trail, a further viewpoint described having a small magnitude of change is around 1.5km from the mast. It is on a clear day a particularly fine view in which the mast will be a prominent and a discordant new feature against the skyline for 400m of the recreational route. Whilst the compound and lower mast are unlikely to be discernible the matt finish, which may help on cloudy days, is not full mitigation for the harm that will arise

10.38. The assessment in terms of a number of the viewpoints is not disputed:-

Viewpoint	Visibility of proposal	Magnitude of change	Adverse effect
Ripon Rowel Walk c.2km	To the E mast tip visible for c.1km./ Set against a moorland backdrop. Matt finished reduces prominence	Very small	Minor
High Road / Six Dales Trail' c1.7km	To the SW mast tip visible for c.800m of the public right of way. Set against a backdrop clothed by grassland. Matt finished reduces prominence	Very small	Minor
Bridleway c.2.75km to the north-west	Very top of the mast visible on the horizon.	Negligible to v.small	Minor
	Will be likely to be more prominent from ascending bridleways	Very small or small	Minor to moderate
Leighton / Colsterdale road junction c.2km NE	Distant small feature above the tree line in an expansive view. Foreground road signage and trees. More filtered distant views in winter.	Negligible to v.small	Minor
Leeds Pals War Memorial	Not visible due to intervening evergreen tree cover from this location c.1km to the north-east.	No change	No change

10.39. An additional viewpoint to those considered in the Landscape and Visual Impact Assessment has been identified as result of heritage assessment, below. There is a vista c.2km away through Druid's Plantation beyond the south-west side of the Pott Beck valley trees in which the mast would be a new utilitarian feature on the opposing valley side. This is a further particularly fine view, looking across the Pott Beck valley, towards the opposing hillside that includes the plantation and the application site, and in which the mast would be discordant feature.

10.40. It is recognised that there are some rural land uses, which have been introduced into this remote and tranquil upland landscape, which includes reservoirs and commercial plantations, which are well established in upland landscapes. The presence of such uses and minor detracting features does

not justify the introduction of a further detracting featuring where there are unacceptable landscape and visual effects on the AONB. This is identified in the sensitivities and pressures for the Landscape Character Area which is noted as being sensitive to further change without detriment to visual quality.

- 10.41. In detracting from the natural beauty and special qualities of the AONB and its setting section A of Policy GS6 is not accorded with and, by principal neither are Policies NE4, NE5 and HP3. Aim LW1 of the AONB Management noted above as looking to facilitate development that meets social and economic needs is on the basis of “where this does not cause harm to natural beauty”.
- 10.42. In terms of users of the public rights way, Local Plan Policy HP5 looks to protect the recreational and amenity value of rights of way which through the harmful visual effects on recreational users arising are not achieved. As such then objectives of section C of Policy GS6 requiring the social and environmental well-being of the area to be protected and support be given the understanding and enjoyment of the area are not achieved.
- 10.43. The proposal would conflict with the long-term vision of the AONB Management Plan, of the AONB being a welcoming destination for people seeking opportunities for recreation and a place where people can experience tranquillity. Aim L2 of that Plan is to maintain and enhance the AONB natural beauty and Aim L3 to oppose proposals for development that conflicts with the purpose of designation within the AONB.
- 10.44. As such it is judged that the second criteria of Policy T15, in so far as it relates to landscape impact, has not been satisfied.

Heritage Assets

- 10.45. The second criteria of Local Plan Policy T15 also includes that the location and design of proposals in avoiding harm to sensitive areas does so with accordance with Policy HP2 on Heritage Assets.
- 10.46. Policy HP2, in the context of the proposal and the surroundings, requires the application to be determined in accordance with the NPPF in heritage respects and the setting of heritage assets be protected.
- 10.47. The Planning (Listed Buildings and Conservation Areas) Act sets out, at paragraph 66, a general duty in respect of listed buildings when considering a planning application in requiring special regard to the desirability of preserving the building or its setting or exercise of any features of special architectural or historic interest which it possesses.
- 10.48. The Grade II listed memorial to the 15th Battalion West Yorkshire Regiment (The Leeds Pals) would have a line of sight towards the mast passing into the

woodland around the 250m contour, and at a distance around 700m not the 1km quoted.

- 10.49. With the top of the mast being around 300m AOD then it would appear that the upper parts would be visible from the memorial, contrary to the assessment in the submitted Landscape and Visual Impact Assessment.
- 10.50. The NPPF advises on considering the potential impacts of a development on the setting of a heritage asset. The setting contributes to the significance of the heritage asset and a visible telecommunication mast would not have a positive impact upon that setting.
- 10.51. As, however, the significance of the monument would not be completely lost, then the proposal would create less than substantial harm. Paragraph 202 of the NPPF advise that in such a situation, the harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 10.52. In the wider surroundings there are a number of Grade II listed buildings;
- Leighton farmhouse and adjacent barn within the hamlet of Leighton c.1km distant. Little to no visibility of the mast would exist and therefore minimal impact upon significance.
 - Druid's Temple, a c.1800 folly, within Druid's Plantation beyond the south-west side of the Pott Beck is unlikely to have its heritage significance impacted on.
 - A 14m high Sighting Tower overlooking Roundhill reservoir 2.5km to the south where from the mast would be readily visible and hence the setting of the listed building would be altered, such as having the potential to result in less than substantial harm
- 10.53. The subsequent paragraph of the NPPF, 203, notes that the significance of a non-designated heritage asset should also be considered. Around 200m east of the memorial is a former Methodist Chapel located just above the 200m contour, which is undergoing conversion to a dwelling as a result of an October 2022 planning permission (22/00816/FUL) which was judged as retaining the character of the non-designated heritage asset.
- 10.54. The chapel is some 800m distant from the intended site of the mast which would be to the south-west. The development would indirectly affect the non-designated heritage assets and due to the intervisibility between the two sites, this would result in harm to its significance.

10.55. Other buildings in the wider locality may also be considered non-designated heritage assets but are further distant and the judgement of the impact of the proposal on those is no more harmful than that created on the Methodist Chapel.

Ecology

10.56. The final matter raised in the second criteria of Local Plan Policy T15 is that of ecology and accordance with Policy NE3 concerning protecting the natural environment.

10.57. Policy NE3 supports proposals that protect and enhance features of ecological and geological interest and provide gains in biodiversity

10.58. Natural England consider that in order that the construction of the proposal does not have an adverse effect on the protected biodiversity areas, that no construction work must be undertaken during the related bird breeding seasons.

10.59. In terms of biodiversity gains the dry-stone wall that is to surround the compound will provide niche opportunities to various species (including invertebrates, reptiles, mammals and birds).

10.60. Further, the submitted ecological assessment recommends within the immediate vicinity two reptile hibernacula, a place to overwinter, and a refugia, to take shelter in, are provided along with three bird boxes and two bat boxes on nearby trees.

Other matters

10.61. Harrogate District Local Plan Policy CC4 requires all developments to be designed to reduce the extent and impacts of climate change. The scope for such with this type of proposal is limited.

10.62. The AONB Management Plan, referenced by Section B of Policy GS6, has long term vision of a “place where environmental limits are widely respected and concerted effort is being made to reduce carbon emissions while seeking opportunities to increase carbon storage”.

10.63. Aim CC1 of the Management Plans is to reduce carbon emissions and seek opportunities for increased carbon storage. The use of a biofuel is a clear positive feature with up to a 90% reduction in greenhouse emissions and is 100% biodegradable.

10.64. Harrogate District Local Plan Policy HP4 notes development proposals should be designed to ensure that they will not result in significant adverse impacts on

the amenity of occupiers and neighbours. The generator is suitably attenuated such as not to detract from the amenities, including that of the nearest dwelling, which being formed in the Methodist Chapel.

- 10.65. In addition, the installation is confirmed, as required by paragraph 117 of the NPPF, as compiling with the International Commission on Non-Ionizing Radiation Protection (ICNIRP) guidelines for public exposure to mobile communication signals.
- 10.66. The fuel tank to be fully filled would require two tanker visits. Given the role of the generator as a backup facility in the event of a failure of the electric supply, the instance of this would not demonstrably negate from local highway safety.
- 10.67. To address the remaining matter under paragraph 117 of the NPPF, interested organisations consulted before the application were the then District Councillor, the clerk to Fearby, Healey and District Parish Council, the Member of Parliament and the Councils Programme Manager for Mobile Phone Coverage. Only the latter is stated as responding seeking coverage plots and asking that the antennae and dishes be painted the same colour as the mast.

11.0 PLANNING BALANCE AND CONCLUSION

- 11.1. The proposal would notably enhance mobile phone coverage in the locality by four operators through the use of a single installation so according with paragraphs 114 and 115 of the NPPF and being compliant with paragraph 117. In doing so the proposal is beneficial with regard to Local Plan Policy GS5 'Supporting the District's Economy' and part of section C of Policy GS6 'Nidderdale Area of Outstanding Natural Beauty'.
- 11.2. The site is located within the Nidderdale Area of Outstanding Natural Beauty where under NPPF paragraph 176 great weight should be given to conserving and enhancing landscape and scenic beauty. The proposal would be a detracting feature with unacceptable landscape and visual effects.
- 11.3. Existing enjoyment of the landscape of the AONB would be detracted from, particularly for uses of the Six Dales Trail.
- 11.4. Less than substantial harm would arise on two listed buildings and there would be harm to the significance of a non-designated heritage asset. In the overall balance if the proposal were to be acceptable on all other grounds those impacts would not be so adverse as to oppose the development.
- 11.5. The proposal is contrary to the remaining terms of Section C as well as Section A of Policy GS6 'Nidderdale Area of Outstanding Natural Beauty',

Policy NE4 'Landscape Character', HP5 'Public Rights Of Way, NE5 'Blue and Green Infrastructure' and HP3 'Local Distinctiveness'.

- 11.6. As such, the balance comes down to the form of the proposal versus the landscape impact it has.
- 11.7. The applicant has drawn attention to a recent allowed appeal decision in Northumberland National Park, for a 25m high lattice tower set adjacent a plantation with the lowest supported equipment on the tower just above the height of those trees.
- 11.8. In contrast, the application under consideration has the lowest supported equipment on the tower over 13m above the height of the surrounding trees. It is this visual prominence of the proposal above the trees, rather than being set primarily within the trees, that results in the identified landscape harm. Accepting that the plantation is young, and the trees will increase in height even if they were to extend so far, and remain, that would take at least two decades during which the harm would to a considerable extent remain paramount.
- 11.9. A key driving force for the chosen location is that the site is within a plantation but that has resulted in the mast having to be of the height shown, c.300m AOD order to provided clearance from trees on land to the north. There is no long-term guarantee that for the life of the proposal that the plantation would remain in existence.
- 11.10. Equidistant to the west of the Six Dale Trail, that the proposal is to the east, the rising land has exceeded the 300m contour. Although an exposed location, a mast thereabouts should be shorter in overall height, and less harm to the landscape of the AONB would arise. There would be a potential visual implication in terms of the equipment in the compound, although that submitted is stated as being visible from the closest point of the Six Dales Trail. That is where the advice in the NPPF, at paragraph 115 concerning sympathetic design would come into play in mitigating the impact.
- 11.11. Alternatively, a lower mast at the application site would equally have less harm on the AOB; that would not provide the full extent of coverage due to the impact on any signals caused by the trees to the north and would require a second installation. Such additional installation could however improve the extent of coverage to Colsterdale, which the proposal fails to achieve, and the provision of a number of lower masts is an approach taken elsewhere in the AONB as, whilst potentially in conflict with NPPF paragraph 115 and keeping the number of masts to a minimum, does allow for such to be provided without causing undue harm to the landscape character of the AONB.

11.12. Whilst the benefits of the Rural Network Scheme for mobile phone coverage are therefore agreed, the extent of landscape harm caused impacting on the amenities of visitors to the AONB is such that the proposed development would introduce an incongruous feature into an unspoilt landscape creating an unacceptable level of harm to the landscape character of the Nidderdale AONB which would be contrary to Local Plan Policies GS6, HP3, HP5, NE4 NE5 and TI5 and paragraph 176 of the NPPF.

12.0 RECOMMENDATION

12.1 That planning permission be REFUSED for the following reason

1. The proposal by reason of its height would be an incongruous feature unduly intrusive in the local landscape of the Nidderdale Area of Outstanding Natural Beauty, causing an extent of harm that would not conserve and enhance the landscape, or its scenic beauty and detract from the amenity of visitors, including users of a named public right of way contrary to Local Plan Policies GS6, HP3, HP5, NE4 NE5 and TI5 and paragraph 176 of the National Planning Practice Framework.

**North Yorkshire Council
Community Development Services
Skipton and Ripon Area Constituency Committee
7TH NOVEMBER 2023**

2022/24304/FUL - RECONFIGURATION OF SKIPTON RAILWAY STATION CAR PARK; RELOCATION OF THE EXISTING SUBSTATION WITHIN THE STATION CAR PARK; INCREASE IN PROVISION OF DISABLED PARKING SPACES AND ELECTRIC VEHICLE (EV) CHARGING BAYS; A NEW BUS STOP AND DROP OFF/COACH PARKING POINT; PROVISION OF A CYCLE AND PEDESTRIAN ACCESS FROM BROUGHTON ROAD INTO THE STATION CAR PARK AND FORMALISED TAXI PICK UP/DROP OFF LOCATION AND TAXI SHELTER; RECONFIGURATION OF THE EXISTING STAFF CAR PARK; REMOVAL OF 12 NO. TREES WITHIN THE STATION CAR PARK TO ACCOMMODATE RECONFIGURATION OF PARKING SPACES; PROVISION OF 19 NO. TREES WITHIN THE STATION CAR PARK WITH AN ADDITIONAL 17 NO. TREES WITHIN AIREVILLE PARK; REALIGNMENT OF THE PARTIALLY DEMOLISHED STONE WALL WITHIN THE WEST OF THE STATION CAR PARK; CONSTRUCTION OF 25M OF YORKSTONE WALL WITHIN THE EAST OF THE STATION CAR PARK; IMPROVEMENTS TO EXTERNAL VISITOR FACILITIES WITHIN THE STATION CAR PARK INCLUDING THE PROVISION OF A CYCLE SHELTER, SEATING, LIGHTING AROUND THE PERIMETER OF THE STATION CAR PARK AND A SAFE CROSSING POINT; RESURFACING OF BLACK WALK; BOUNDARY TREATMENT; LIVING PILLARS AND CONSTRUCTION OF STEPPED ACCESS TO MORRISON'S CAR PARK. AT SKIPTON RAILWAY STATION, BROUGHTON ROAD, SKIPTON, BD23 1RT, ON BEHALF OF NORTH YORKSHIRE COUNTY COUNCIL

Report of the Corporate Director – Community Development Services

1.0 PURPOSE OF THE REPORT

- 1.1 Previously, the application was presented at the Planning Committee on the of 3rd October 2023 with a recommendation for approval. The Members of the Planning Committee resolved to defer the application to allow the public the opportunity to consider the revised working hours of 18:00 hours to 03:00 hours Monday-Friday and for the application to demonstrate a better

biodiversity net gain and increase the number of new trees to be planted by at least a ratio of 5:1.

- 1.2 The agent acknowledges the request from members regarding an increase in trees.
- 1.3 To determine a planning application for the reconfiguration of Skipton Railway Car Park with associated works.
- 1.4 To set out details of the proposal, a description of the site and its surroundings, a summary of planning policy and planning history, details of views expressed by consultees, a summary of the relevant planning issues and a recommendation to assist the Committee in considering and determining this application for planning permission.

2.0 EXECUTIVE SUMMARY

RECOMMENDATION:

- 2.1 That planning permission be GRANTED subject to the conditions listed below.
- 2.2 The applicant seeks full planning permission for the reconfiguration of Skipton Railway Car Park and associated works.
- 2.3 The site is currently used by railway users and staff for the parking of vehicles with a taxi rank for approx. 5 taxis plus a drop-off area to the front of the station entrance. Surrounding the application site is a mixture of residential, commercial, and industrial uses.
- 2.4 Pre-application discussions commenced in December 2020. Two phases of public consultation were undertaken between 24th February and 24th March 2021 and again between 18th October and 12th November 2021. Feedback from stakeholder consultation was also incorporated into the design process.
- 2.5 The application is brought to the Area Planning Committee as the application is a Council application.

3.0 PRELIMINARY MATTERS

- 3.1 Access to the case file on Public Access can be found here on the [Public Register](#)
- 3.2 The information detailed in the Summary will not be duplicated in this Section.
- 3.3 The West Yorkshire Combined Authority (WYCA) has prioritised nine 'Gateways' for improvements as part of the Transforming Cities Fund (TCF) bid which includes Skipton.
- 3.4 The Skipton TCF scheme forms part of this programme and comprises proposed infrastructure improvements in and around the southwestern Skipton area and westward from there along the Leeds and Liverpool Canal.

3.5 The Skipton TCF scheme will complement the wider LCR TCF schemes, ultimately providing a transformational change in the region's transport system by providing opportunities to make reliable, safe, and attractive journeys by using public transport and cycling and walking.

3.6 This proposal forms one part of a wider TCF Skipton scheme, which comprises four complementary components as detailed below:

Scheme Component 1 - Skipton Railway Station Gateway;

Scheme Component 2 - Broughton Road Active Travel Corridor;

Scheme Component 3 - Railway Station to Auction Mart Canal Footpath Improvements; and

Scheme Component 4 - Railway Station to Bus Station Active Travel Improvements.

3.7 This planning application is concerned with the Skipton Railway Station Gateway and two parts of the Railway Station to Bus Station Active Travel Improvements, which are the enhancements to the Black Walk footway and the stepped access into Morrisons supermarket located on Broughton Road. The highway elements required under scheme components 2, 3 and 4 would be carried out under the Highway Authority's permitted development rights as stated in Part 9A of the Town and Country Planning (General Permitted Development) (England) Order 2015.

4.0 SITE AND SURROUNDINGS

4.1 The application site is located west of the town centre of Skipton a Tier 1 settlement. The site covers approx. 0.7ha and is in the main built-up area of Skipton.

4.2 The Site is located adjacent to Skipton Railway Station, immediately north of the Station building, and extends eastwards, south of the Morrisons on Broughton Road, along Black Walk which connects the Site to the Tesco store off Craven Street.

4.3 Skipton Railway Station is accessed off Broughton Road which is a main radial route following the A59 corridor. Skipton Railway Station is managed by Northern Rail, providing regular services to destinations between Carlisle, Morecambe, Leeds and Bradford. Skipton bus station, east of the Site, provides the main point for bus services throughout the local area and can be accessed from the A6131 Keighley Road, or on foot from Gas Street crossing Gallows Bridge.

4.4 The wider land use surrounding the Site is characterised by residential, commercial, and recreational land uses. Large areas of green space are located to the north of the Site and Leeds and Liverpool Canal, comprising of agricultural land and areas of woodland associated with Aireville Park.

4.5 The Site is located within Skipton Conservation Area, which includes the historic core of the town and areas to the north, south and west including the Proposed Scheme area.

4.6 The closest nationally designated statutory site is the Yorkshire Dales National Park, located 0.9km north of the Site and the closest locally designated non-statutory site is Castle Wood Site of Importance for Nature Conservation (SINC) which is located 460m from the Site. The Site is separated from this SINC by roads, residential housing, and commercial land uses.

5.0 DESCRIPTION OF PROPOSAL

5.1 Re-configuration of Skipton Railway Car Park and associated works including improvements to Black Walk Footway and step access into Morrisons on Broughton Road and associated works.

5.2 Station car park works:

5.3 Existing vehicular access is to be retained but with the provision of a one-way system of the station car park with new resurfacing and kerbs around the perimeter of the car park.

5.3 A new vehicular exit only is proposed in the west of the station car park onto Broughton Road which would require the part demolition and realignment of approximately 22m of stone boundary wall.

5.4 Relocation of existing substation within the northeast of the station car park. The existing gas meter will also be relocated to allow space for car parking and additional boundary treatment. Approximately 11m of stone boundary wall will be removed to accommodate the relocated gas meter and car parking bays.

5.5 Increase the number of disabled parking bays from 4 to 5 and the provision of ten electric vehicle (EV) charging bays.

5.6 A new bus stop and drop off/coach parking point would be located opposite the station entrance.

5.7 Existing vehicle access within the west of the car park for railway maintenance is to be retained and gated access provided.

5.8 Provision of a cycle and pedestrian access from Broughton Road into the station car park along a new, formalised taxi pick up/drop off location and taxi shelter with a green roof.

5.9 The existing staff car park in the east of the main car park will be reconfigured to enable one-way circulation with bi-directional access for vehicles to accommodate the proposed pedestrian footway.

5.10 Removal of 12no. trees within the station car park, however, the proposal would provide 19 replacement trees within the station car park, wildflower green roofs, shrub planting and rain gardens. An additional 17 trees would be planted off-site within the Aireville Estate.

- 5.11 Hard landscaping proposals include the realignment of the partially demolished stone wall within the west of the station car park to comprise two curved 6m sections of stone wall adjacent to the proposed vehicular exit. An additional 25m of Yorkstone wall will be constructed within the east of the station car park, adjacent to the retained boundary wall to provide a continuous boundary feature between the station car park and Broughton Road. These structures will use the demolished materials where possible.
- 5.12 Improvements to external visitor facilities within the station car park including the provision of a 3 bay Sheldon cycle shelter, seating, lighting around the perimeter of the station car park and a safe crossing point.
- 5.13 Black Walk works:
- 5.14 Existing Black Walk ~2m wide footway to be resurfaced between Skipton Railway Station car park to Tesco junction.
- 5.15 Boundary treatment to be conducted along the route to improve the route's attractiveness.
- 5.16 Living pillars to be added to existing lighting columns along the footway and within the railway station car park subject to column stress testing.
- 5.17 Stepped access into Morrisons
- 5.18 A stepped access to Morrison's car park to be constructed adjacent to the southeast corner of the Morrison's store on Black Walk, with planting on either side of the access. This would also include the provision of tactile paving and a stainless-steel handrail

6.0 PLANNING POLICY AND GUIDANCE

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning authorities must determine each application under the Planning Acts in accordance with the Development Plan so far as material to the application unless material considerations indicate otherwise.

Adopted Development Plan

- 6.2 The Adopted Development Plan for this site is
 - The Craven Local Plan adopted in November 2019.

Emerging Development Plan - Material Consideration

- 6.3 The North Yorkshire Local Plan is the emerging development plan for this site though no weight can be applied in respect of this document at the current time as it is at an early stage of preparation.

Guidance - Material Consideration

- 6.4 Relevant guidance for this application is:

- National Planning Policy Framework 2023
- National Planning Practice Guidance
- National Design Guide
- Flood Risk in Craven SPD
- Good Design in Craven SPD
- Planning (Listed Buildings and Conservation Areas) Act 1990
- Skipton Conservation Area Appraisal
- Craven District Strategic Flood Risk Assessment (SFRA)
- River Aire Catchment Flood Management Plan (CFMP)
- North Yorkshire Flood Risk Management Strategy

7.0 CONSULTATION RESPONSES

- 7.1 The following consultation responses have been received and have been summarised below:
- 7.2 **Skipton Town Council:** No comments received.
- 7.3 **CDC Environmental Health Officer:** No objection subject to conditions re noise and dust management.
- 7.4 **CDC Tree Officer:** No objection as the trees except for one are of relatively poor quality. The replacement trees on site are acceptable.
- 7.5 **Airedale Drainage:** Works appear to be outside of the area managed by the Airedale Drainage Commissioners and therefore no comment is made in respect of this proposal.
- 7.6 **Environment Agency:** No objection subject to a condition requiring works to be implemented in accordance with the submitted Flood Risk Assessment and subsequent addendum.
- 7.7 **Historic England:** No comment
- 7.8 **LLFA Officer:** No comment as the proposal is considered minor and outside of the scope of the LLFA.
- 7.9 **NYCC Highway Officer:** The design standard for the site is MFS and the required visibility splay is 2.4 metres by 42 metres for the new junction which will provide the exit for the car park. Further work is also proposed to Broughton Road which will enhance safety for Highway users. The new layout for the car park will reduce the number of parking spaces however given its very central location with good transport links will only be a positive step in encouraging sustainable travel options. No objection subject to conditions.
- 7.10 **Yorkshire Water:** Initially objected to the proposal on the grounds that the construction works would adversely affect the public water supply infrastructure located within the site. Following the submission of additional information (revised FRA and Drainage Strategy) Yorkshire Water were consulted and highlighted points and conditions that are recommended if recommended for approval.

Publicity

- 7.11 The proposal was published via a Press Notice in the Craven Herald and Site notices posted adjacent to the site. Neighbourhood letters were also circulated.

Local Representations

- 7.12 Four third-party representations received objecting to the proposal on the following grounds

Objects to the loss of the trees.
Drainage situation to be reviewed
Object to the proposed location of the disabled spaces

The request works to cease 10 pm

Non-material comments

The proposed 20mph speed limit is not necessary
Cycle lane should be re-considered
Re-consider the bus stop
Assurance that the crossing would have no noise related to it
Information on raised pedestrian crossing
What is the benefit of the additional disabled spaces

8.0 ENVIRONMENT IMPACT ASSESSMENT (EIA)

- 8.1 The development proposed does not fall within Schedule 1 or 2 of the Environmental Impact Assessment Regulations 2017 (as amended). No Environment Statement is therefore required.

9.0 MAIN ISSUES

- 9.1 The key considerations in the assessment of this application are:

- Principle of development
- Visual Impacts
- Impacts of works on designated heritage assets
- Highway impacts
- Flood Risk
- Other matters

10.0 ASSESSMENT

Principle of Development

- 10.1 The application relates to the reconfiguration of the existing station car parking facilities to provide improved safety via the use of a one-way system and additional vehicle (abled and disabled) and cycle parking provisions. In addition, it would provide 10 EV charging points. The proposal would also provide upgrades to the pedestrian walkway known as Black Walk which runs

behind Morrisons eastwards and a stepped access off Black Walk down into Morrisons.

- 10.2 The application site is located within the main built-up area of Skipton a Tier 1 settlement and forms part of the curtilage of the station. The proposal would help support the shift away from private vehicle use to more sustainable and active forms of transport.
- 10.3 In conclusion, it is considered that the proposal would make a positive and sustainable contribution via the enhancement of the existing transport infrastructure to the LP objectives of promoting sustainable travel movements and thus is considered acceptable in principle subject to meeting the requirements of other relevant plan policies.

Visual impacts

- 10.4 As set out in the preceding sections of the report, the application involves the reconfiguration and enlargement of existing car parking facilities at the Skipton train station car park. The development relates to land that is located within the curtilage of the train station and whilst the changes to both end sections of the boundary wall fronting onto Broughton Road would result in a visual alteration it is considered that the resulting development would be read in the context of the railway station and would not be out of keeping with the character of the area.
- 10.5 The improvements to Black Walk and the steps down into Morrisons are minor in nature and would not give rise to any adverse visual impacts.
- 10.6 It is also noted that wider views of the existing (and proposed car park) would be partially screened, as the site is partially screened by existing buildings and trees to the east, the existing and proposed boundary wall treatments and proposed tree planting within the site.
- 10.7 As such, it is not considered that the proposal would result in a form of development that would be out of keeping with or harmful to the setting of the immediate site or the character and appearance of the wider area and that the proposed soft landscaping would provide a further positive visual enhancement to the overall scheme.

Impacts of development on designated heritage assets

- 10.8 Skipton Railway Station is a Grade II listed building and as such Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) places a duty on the Council in respect of listed buildings in exercising its planning functions. In considering whether to grant planning permission for development which affects a listed building or its setting, the Council is required to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest that the building possesses. These statutory duties are considered alongside the National Planning Policy Framework ("NPPF"), namely paragraph 202 of the NPPF (2023) which sets out that "where a development proposal will lead to less than substantial harm to the significance of a designated heritage

asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use”.

- 10.9 The application also lies within the designated conservation area of Skipton and thus Section 72(1) places a duty on the Council in respect of conservation areas in exercising its planning functions – “In the exercise, with respect to any buildings or other land in a conservation area, of any [functions under or by virtue of] any of the provisions mentioned in special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.
- 10.10 The proposed works to the station car park would maintain the current level of openness to the setting of the Railway Station and would allow for its historical integrity to remain unaltered by this proposal.
- 10.13 The reconfiguration and subsequent removal of visual clutter and the provision of soft landscaping which would help soften any impact combined with the use of appropriate materials is considered to result in a form of development that would provide a visual enhancement to the character and appearance of the section of the conservation area.
- 10.11 Overall, the proposal would result in less than substantial harm to the significance of the designated heritage assets and thus must be weighed against the public benefits. In this instance, the proposal would provide improvements to existing routes and enhance existing pedestrian access through the site and beyond. The design of the one-way system also provides improved safety for both vehicle and pedestrian users and the provision of a cycle hub with secure storage and the provision of EV charging points helps support options for sustainable travel. Therefore, on balance, it is considered that the harm is outweighed by the public benefits identified.

Highway impacts

- 10.12 The proposed development has been reviewed by the NYC Highway Authority who have not objected to the proposal subject to the use of conditions.
- 10.13 In terms of access, details submitted show that the existing access off an adopted road will be reconfigured with access provided at the northeast of the car park and an egress located to the northwest. The existing bus stop on Broughton Lane would be retained and a new bus shelter would be provided. Both access and egress would take the form of priority T-junctions with Broughton Road and be designed in accordance with the Manual for Streets (MfS).
- 10.14 In terms of visibility, a speed limit of 30mph exists and requires visibility splays of 2.4m x 43m. Details provided indicate that this is achievable.
- 10.15 Swept paths have been included in the Transport Assessment, Appendix D demonstrating that the junctions (and internal car park) have been designed to a suitable standard to facilitate the movement of all vehicles which will need to access the site including refuse vehicles, local bus, and occasional coach vehicles.

- 10.16 It is considered that the proposed changes to the vehicular access would improve the safety of the highway network by reducing the existing level of conflict arising between vehicles emerging from the Skipton Railway Station car park and the minor arm of the Carleton New Road/Broughton Road junction.
- 10.17 A new high-quality and wide pedestrian route is proposed connecting the new plaza area to the front of the Railway Station. The existing pedestrian crossing on Broughton Road will be redesigned to give improved priority to pedestrians. The pedestrian access to the southeast of the car park from Black Walk will also be resurfaced as part of the proposal.
- 10.18 The proposed parking provision would consist of 86 spaces (76 standard + 5 oversized + 5 disabled spaces). This is a reduction of 20 spaces from the current level of on-site parking. However, 10 new electric vehicle parking spaces would be provided as well as a local bus service layby provision, a coach parking, and a drop-off layby. It is also noted that there will be a reduction in the number of staff parking spaces, however, the remaining spaces are sufficient to meet the needs of Network Rail staff. There will also be a new taxi rank with shelter provided.
- 10.19 It is considered that the design of the car park will make it more inclusive, with the disabled parking bays brought together near the main entrance to the railway station. All disabled parking bays would be connected to a footway and a crossing point across the one-way system which provides direct access to the station plaza. This would remove the potential conflict which currently exists between mobility-restricted passengers on the site and motorists. A coach lay-by will also be provided to the frontage of Skipton Railway Station which will remove the current issue of the existing disabled bays being used for coach drop-offs.
- 10.20 The proposed development would not have an adverse impact on the safety of the existing highway network. The proposal provides options for more sustainable forms of transport with greater improvements for pedestrian users. The internal layout is considered acceptable, and the number of parking spaces provided is considered acceptable. Details of the electric charging facilities and cycle parking details are to be secured by condition. The policy is considered to accord with Policy INF7 of the Craven Local Plan.

Flood Risk, surface water drainage.

- 10.21 Both Yorkshire Water and the Environment Agency were consulted on the proposal, as well as subsequent updated information. Following a review of all submitted information, both Yorkshire Water and the Environment Agency have raised no objection to the proposal subject to the use of appropriate worded conditions.
- 10.22 Paragraph 159 of the NPPF 2023 states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk and where development is necessary, the development should be made safe for its lifetime without increasing the risk of flooding elsewhere. To determine this, Paragraph 161 states that a sequential

test should be applied and then, if necessary, an exception test should be carried out.

- 10.23 Paragraph 162 of the NPPF 2023 describes the aim of the Sequential Test as being to keep development out of medium and high flood-risk areas (Flood Zones 2 and 3) and other areas affected by other sources of flooding where possible.
- 10.24 The site is located within FZ2 and FZ3 as classified on the Environment Agency's Flood Zone Map. In addition, it is classified as FZ3a and FZ3b by the Council's SFRA.
- 10.25 When applying the sequential test to this development the conclusion is that it is not possible to locate the development in an area of lower flood risk.
- 10.26 NPPF Paragraph 163 states that where it is not possible for development to be in areas with a lower risk of flooding (considering wider sustainable development objectives), the exception test may have to be applied. The need for the exception test will depend upon the vulnerability of the site and the development proposed considered against the Flood Risk Vulnerability Classification set out in Annex 3 of the NPPF. The Planning Practice Guidance expands upon Annex 3 and advises that within Flood Zone 3a 'essential infrastructure' requires an exception test to be undertaken, and to be designed and constructed to remain operational and safe in times of flood.
- 10.27 The Exception Test as set out in paragraph 163 and 164 of the NPPF, state that in order to pass the exception test a Flood Risk Assessment should be submitted to demonstrate that the development will:
- (1) provide wider sustainable benefits to the community that outweigh flood risk, and*
 - (2) that it will be safe for its lifetime taking account of the flood risk vulnerability classification, without increasing flood risk elsewhere, and where possible to reduce flood risk overall.*
- 10.28 In terms of water flow and increased flood risk, the proposal has been modelled to determine its impact on the existing FZ's. In addition, the proposal would maintain the current volume of flood storage. The Environment Agency (EA) have reviewed the submitted FRA and details and are satisfied that the development would not result in any unacceptable increase in flood risk.
- 10.29 In terms of the Exception Test, the application demonstrates that the development will be safe for its lifetime by virtue of its design, will not impede water flows and will not increase flood risk elsewhere. Furthermore, the proposal comprises essential transport infrastructure that must cross the area at risk as defined in Annex 3 of the NPPF and will provide wider sustainability benefits to the community through enhanced linkages between Skipton Railway Station and the town centre and by encouraging visitors to walk and/or cycle rather than drive. The proposal would also not increase flood risk outside of the site. The proposal is therefore considered to meet both parts of the Exception Test in accordance with the NPPF.

10.30 In terms of surface water details provided show that surface water will be dealt with via two separate networks. Network A is the drainage for the west of the site and would collect surface water from the main car park into drains via permeable block paving through filtration media and geotextile layers and into the open graded subbase material. The pipes then fall at a suitable gradient in a westerly direction, connecting via chambers and further pipes to the outfall. Several low points not within the car parking bay areas have gullies at their location, which connect directly into the pipe and chamber network. Network B works in a similar manner, discharging surface water to the eastern part of the site. The design of the surface water drainage system for the development will be guided by the principles set out in the National Planning Policy Framework (NPPF) and the Building Regulations Approved Document H. In addition, the proposal would include permeable paving, rain gardens, filter drainage and cellular storage.

10.31 It is considered that the proposal meets the requirements of Local Plan policies such as Policy ENV6 (Flood Risk), ENV8 (Water Resources, Water Quality and Groundwater)

Ecology and Biodiversity Net Gain

10.32 The application is accompanied by a range of supporting information, including an Ecological Impact Assessment dated July 2022 and an additional Ecological Impact Assessment dated November 2022.

10.33 The submitted desk study identified that the site is located approximately 1.5km from the Yorkshire Dales National Park and that Skipton By-pass (SINC) is located approximately 1.3km north-west of the site, and that Castle Wood (SINC) is located 761m north-east of the site. Due to the separation distances, it is not considered that the proposal would have an adverse impact on these important ecological features.

10.34 The proposal would result in the loss of 12 trees, but the proposal is seeking to compensate for this loss of habitat at a replanting ratio of 3:1 which is considered acceptable.

10.35 The desk study identified the potential for bats to be present at the bridge over Eller Beck, although it is important to note that the bridge would not be directly affected by the proposed works, but there may be some indirect effects arising from noise, dust, and potential vibrations within the vicinity of the bridge during the construction stage. To help mitigate any potential impacts the proposed construction of the stepped access into Morrisons car park would be outside of the hibernation period (which generally lies between October – March). Works will be conducted under a Precautionary Working Method Statement (PWMS) during April – September and will include measures to restrict lighting of the bridge and any ground disturbance will be kept to a minimum. In addition, any lighting would be implemented in accordance with BS 5489 Code of Practice for the Design of Road Lighting and in consideration of best practice guidance on lighting with regards to bats, as published by the Institution of Lighting Professionals & Bat Conservation Trust. These measures are considered acceptable.

- 10.36 The desk study also identified that the site supports breeding bird habitats. To mitigate any potential impacts arising from the proposal the clearance of vegetation would be undertaken outside of the main breeding bird season or if not possible then a nesting bird check would be undertaken by a suitably experienced ecologist.
- 10.37 The study also states that during the construction stage, any unfilled excavations should be covered during the evenings and weekends when there is no activity on-Site to prevent mammals and amphibians from falling into excavations and becoming trapped.
- 10.38 As such, it is considered that the proposal has given due consideration to the potential impact to protected species and their habitats in the proposed works, through the carrying out of survey work. The application site was found to offer limited opportunities for protected species.
- 10.39 Policy ENV4 requires development to achieve benefits in biodiversity that are equal to, or where possible exceed the biodiversity value of the site prior to development. In instances, where it is not possible or practical to provide on-site benefits and equivalent improvement should be provided off-site by way of mitigation.
- 10.40 Details shown in table 5.1 of the Ecological Impact Assessment sets out the loss of habitat:

Table 5-1 – Loss of Habitat as Part of the Proposed Scheme

Habitat for removal	Total area (ha)	Number	Temporary (T) or Permanent (P)
Trees		12	P
Introduced Scrub	0.039		T
Introduced Scrub	0.023		P

- 10.41 The Chartered Institute of Ecology and Environment Management and others set out 'Good practice principles for development', which emphasise that in applying the mitigation hierarchy, everything possible is done to first avoid and then minimise impacts on biodiversity. This echoes the approach set out within paragraph 174(d) of the NPPF, which requires planning decisions to minimise the impacts on and provide net gains for biodiversity.
- 10.42 In this instance, the proposed loss of habitat is necessary for the implementation of the proposal and therefore consideration must be given to appropriate onsite biodiversity net gains.
- 10.43 The application in table 5.2 sets out how the proposal would provide a biodiversity net gain.

Table 5-2 – Proposed Planting as Part of the Proposed Scheme

Proposed Habitat	Total area (ha)	Number
Semi-mature trees (on Site)		19
Green roofs	0.0037	
Scotscape living pillars		14
Offsite trees		17
Ornamental planting	0.041	

10.44 The onsite BNG is considered acceptable. In addition, the applicant is proposing the planting of 17 trees within the Airedale Park which would allow for public enjoyment of the site’s further habitat creation within the designated local green space.

10.45 The delivery of biodiversity net gain offsite is to be secured via condition. The provision of a Biodiversity Net Gain Management Plan would normally be required prior to the commencement of development as it would provide details as to the delivery of the biodiversity units to the land, setting how the land is to be managed, the methodology for doing so with aims and objectives for the biodiversity works and clear timescales for completing these. The Management Plan would also include a provision for reporting back to the Local Planning Authority at regular intervals over a 30-year period (which reflects the provisions of the Environment Act 2021). However, in this instance, the offsite provision would be located on Council owned land and thus the implementation and management of this land is already a function of the Council.

10.46 The proposal would deliver a biodiversity net gain on site with additional BNG proposed on the Council owned local green space site known as Airedale Park. The location of the offsite BNG is acceptable in principle and capable of generating beneficial biodiversity improvements. The offsite BNG would be secured via a condition. As such, it is considered that the proposal has provided a reasonable and deliverable mitigation to ensure the proposal achieves BNG, and thus the scheme complies with Policy ENV4 of the Craven Local Plan.

Other matters

10.47 The proposed re-configuration and improvements to the station car park and footway would not result in any unacceptable adverse impacts on the amenity of privacy of nearby residents that are currently experienced.

10.48 The proposal would require new pedestrian and highway lighting. Having regard to existing light levels in the area it is not considered that the proposed lighting would result in any unacceptable light pollution and thus does not conflict with policy requirements.

10.49 The proposal would result in the planting of 19 replacement trees. The tree officer considers that the existing trees are not worthy of a Tree Preservation

Order and have a limited life span and is satisfied that the proposed replacement trees are acceptable and would provide long term visual benefit.

11.0 PLANNING BALANCE AND CONCLUSION

- 11.1 Having taken account of the matters outlined above, it is considered that the proposal complies with the relevant policies of the Local Plan in respect of the principle of development, access and parking, the impact on residential amenity, impact on the character and appearance of the area and designated heritage assets, flood risk and biodiversity.
- 11.2 The proposal would beneficially provide improved car parking provision at an existing train station, which in turn would benefit current public transport provision and accessibility options in the locality. Furthermore, the proposal would provide economic benefits for the wider district.

12.0 RECOMMENDATION

- 12.1 That planning permission be **GRANTED** subject to the conditions listed below.

Time Condition

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 condition

2. The development hereby permitted shall be carried out precisely in accordance with the approved drawings and particulars as set out below, together with any conditions attached to this approval which may require any variation thereof:

STS-WSP-00-XX-DR-E-615101 ELECTRICAL SERVICES GROUND
LEVEL POWER

STS-WSP-00-XX-DR-E-630101 ELECTRICAL SERVICES GROUND
LEVEL LIGHTING

TCF-WSP-NYC-20X-DR-CH-000021 PROPOSED STATION CAR PARK
LAYOUT

TCF-WSP-NYC-20X-DR-CH-000022 PROPOSED BLACKWALK LAYOUT
TCF-WSP-NYC-20X-DR-LE-000301 LANDSCAPE GENERAL

ARRANGEMENT (PROPOSED)

TCF-WSP-NYC-20X-DR-LE-000302 LANDSCAPE GENERAL
ARRANGEMENT (PROPOSED)

TCF-WSP-NYC-20X-DR-LE-000310 P02 AIREVILLE PARK
PROPOSED TREE PLANTING

TCF-WSP-NYSK-XXX-DR-LE-0001 FIGURE_1_SITE_BOUNDARY_V4

70068628-WSP-XX-ZZ-RP-LA-0001-LMMP LANDSCAPE MANAGEMENT
AND MAINTENANCE PLAN

(ADDITIONAL INFO) TCF-WSP-NYC-20X-DR-LE-... TREE DETAIL
(ADDITIONAL INFO) PHASE 1 HABITAT MAP
(ADDITIONAL INFO) TCF-WSP-NYC-20X-DR-LE-... TREE PLANTING
PLAN
(ADDITIONAL INFO) TCF-WSP-NYC-20X-DR-LE-... TREE PLANTING
(ADDITIONAL INFO) DRAINAGE STRATEGY
(ADDITIONAL INFO) ECOLOGICAL IMPACT ASSESSMENT
ADDITIONAL INFO) OFF SITE PLANTING
(ADDITIONAL INFO) FRA ADDENDUM

STS-WSP-XX-XX-RP-E-630000 LIGHTING REPORT
STS-WSP-XX-XX-SH-E-630001 LUMINAIRE LEGEND
TCF-WSP-NYC-20X-RP-CD-000002 STATION CAR PARK STRATEGY

TCF-WSP-NYC-20X-RP-TP-0002_PDAS REV.5 FI... PLANNING DESIGN
AND ACCESS STATEMENT
TCF-WSP-NYCC-20X-RP-TP-00012 TRANSPORT ASSESSMENT V4.0
PART 1 OF 2
TCF-WSP-NYCC-20X-RP-TP-00012 TRANSPORT ASSESSMENT V4.0
PART 2 OF 2

ARBORICULTURAL REPORT
ECOLOGICAL IMPACT ASSESSMENT_JULY_22
ENVIRONMENTAL MANAGEMENT PLAN_JULY_22
FINAL SOCOTEC GI FACTUAL REPORT A1034-21
FLOOD RISK ASSESSMENT
HERITAGE_STATEMENT_JUL22_V2

Reason: To ensure that the development is carried out in accordance with the approved particulars and plans.

Pre-commencement conditions

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

Reason: To safeguard the living conditions of nearby residents particularly with regard to the effects of dust and to accord with Policy ENV3 of the Craven Local Plan and the National Planning Policy Framework.

4. No development must commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority.

Construction of the permitted development must be undertaken in accordance with the approved plan.

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

1. details of any temporary construction access to the site including measures for removal following completion of construction works;
2. methodology to prevent mud and debris being deposited on the adjacent public highway;
3. the parking of contractors' site operatives and visitor's vehicles;
4. areas for storage of plant and materials used in constructing the development clear of the highway;
5. details of site working hours;
6. details of the measures to be taken for the protection of trees; and
7. contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.

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

5. No development shall take place, until protective fencing has been erected around the trees shown to be retained on the proposed site plan. The protective fencing shall be in accordance with British Standard BS5837 Trees in Relation to Design, Demolition and Construction.

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

During building works conditions

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

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

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

Informative

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

submission is made. To assist, the Local Highway Authority can provide a full list of information required to discharge this condition. It should be noted that approval to discharge the condition does not automatically confer approval for the purposes of entering any Agreement with the Local Highway Authority. The agreed drawings must be approved in writing by the Local Planning Authority for the purpose of discharging this condition

7. A detailed drawing of the proposed steps onto Morrisons including specifications of materials shall be submitted to and approved in writing by the Local Planning Authority and retained as such thereafter.

Reason: For the avoidance of doubt

8. Prior to the installation of the proposed seating, the taxi shelter, cycle shelter and substation full design and materials shall be submitted and agreed in writing by the Local Planning Authority and retained as such thereafter.

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

9. Prior to the installation details of the living pillars shall be submitted to and approved in writing with the Local Planning Authority and retained thereafter.

Reason: In the interests of visual amenity and biodiversity and to accord with Policies ENV3 and ENV4 of the Craven Local Plan and the National Planning Policy Framework.

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

18:00 hours to 03:00 hours Monday to Friday
08:00 hours to 13:00 hours on Saturdays
Not at any time on Sundays or Bank Holidays

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

11. The development shall be carried out in accordance with the submitted flood risk assessment and subsequent addendum (ref - Transforming Cities Fund - Skipton Railway Station Gateway Scheme WSP June 2022 and Flood Risk Assessment Addendum WSP July 2023) and the following mitigation measures it details:

Design of gated access, taxi shelter, cycle shelter and changes to stonewalling to have no impact on flood levels, flood flows or flood storage.
Measures to minimise the impact on flood storage of the steps in Morrisons carpark
Changes to Black Walk boundary treatment

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/ phasing arrangements.

The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To minimise the risk of flooding and to accord with Policy ENV6 of the Craven Local Plan and the National Planning Policy Framework.

12. There must be no access or egress by any vehicles between the highway and the application site at Skipton Railway Station, Broughton Road, Skipton, BD23 1RT until visibility splays provide clear visibility of 2.0 metres x 2.0 metres measured down each side of the access and the back edge of the footway of the major road have been provided. In measuring the splays the eye height must be 1.05 metres and the object height must be 0.6 metres. Once created, these visibility splays must be maintained clear of any obstruction and retained for their intended purpose at all times.

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

13. There must be no access or egress by any vehicles between the highway and the application site at Skipton Railway Station, Broughton Road, Skipton, BD23 1RT until splays are provided giving clear visibility of 43 metres measured along both channel lines of the major road from a point measured 2.4 metres down the centre line of the access road. In measuring the splays, the eye height must be 1.05 metres and the object height must be 0.6 metres. Once created, these visibility splays must be maintained clear of any obstruction and retained for their intended purpose at all times.

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

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

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

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

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

15. The site shall be developed with separate systems of drainage for foul and surface water on and off-site. The separate systems should extend to the

points of discharge to be agreed. (In the interest of satisfactory and sustainable drainage)

There shall be no piped discharge of surface water from the development prior to the completion of surface water drainage works, details of which will have been submitted to and approved by the Local Planning Authority. If discharge to the public sewer is proposed, the information shall include, but not be exclusive to:-

- a) evidence to demonstrate that surface water disposal via infiltration or watercourse are not reasonably practical;
- b) evidence of existing positive drainage to public sewer and the current points of connection; and
- c) the means of restricting the discharge to the public sewer to the existing rate less a minimum 30% reduction, based on the existing peak discharge rate during a 1 in 1-year storm event, to allow for climate change.

Reason: To ensure that no surface water discharges take place until proper provision has been made for its disposal and in the interest of sustainable drainage and to accord with Policy ENV4 of the Craven Local Plan and the National Planning Policy Framework.

16. Prior to the first use details of the materials to be used for the construction of the Taxi shelter, paths, roads, walls, public realm areas and roofs of the development hereby permitted shall have been submitted to and approved in writing by the Local Planning Authority. Only such approved material shall be used in the development.

Reason: In the interests of the appearance of the proposed development and to reserve the rights of the Local Planning Authority regarding this matter.

Prior to use condition

17. Prior to the first use of the approved development, the approved 10 electric car charging points shall have been provided and are available for use. The electric charging points shall thereafter be retained and remain available for use at all times during the approved opening hours.

Reason: In the interest of sustainable transport and to accord with Policy INF7 of the Craven Local Plan and the National Planning Policy Framework.

On-going condition

18. The Biodiversity Net Gain (BNG) Monitoring and Management Plan shall require the submission of a BNG monitoring report produced by a suitably qualified ecologist and shall be submitted to the LPA annually for the first five years after completion and at 5-year intervals thereafter until year 30.

Reason: To enhance and protect biodiversity value with the requirements of the Craven Local Plan Policy ENV4 and the National Planning Policy Framework.

Notes

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

The applicant is reminded that under the Habitat Regulations it is an offence to disturb, harm or kill bats. If a bat is found during the development all work should cease immediately and a suitably licensed bat worker employed to assess how best to safeguard the bat(s). Any works involving the destruction of a bat roost will require a European Protected Species Licence from Natural England.

In dealing with this application North Yorkshire Council (Craven) 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.

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

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

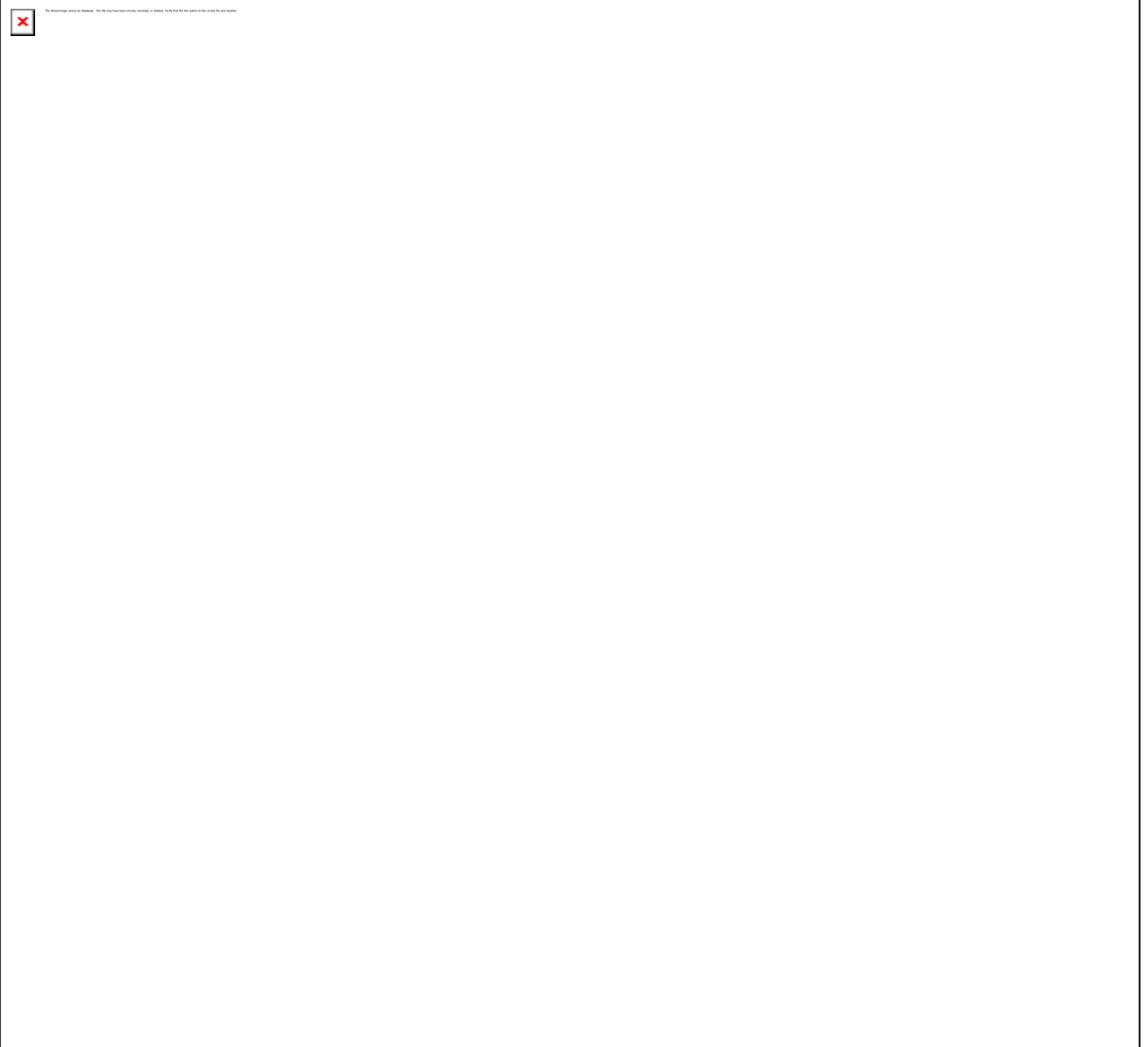
Target Determination Date: 23 August 2023

Case Officer: Andrea Muscroft
Andrea.Muscroft@northyorks.gov.uk



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North Yorkshire Council
Community Development Services
Skipton and Ripon Area Constituency Committee
7TH NOVEMBER 2023

**ZA23/24941/FUL - ERECTION OF 25 NO. DWELLINGS WITH OFF-STREET
PARKING AND ASSOCIATED INFRASTRUCTURE (RESUBMISSION OF
2022/23854/FUL). AT LAND OFF MEADOW LANE/MOORFOOT LANE,
CONONLEY ON BEHALF OF CALVERT HOMES (CONONLEY) LTD**
Report of the Corporate Director – Community Development Services

1.0 Purpose of the report

- 1.1 To determine a planning application for the construction of 25 no. dwellings with off-street parking and associated infrastructure (resubmission of 2022/23854/FUL) on land at Land Off Meadow Lane/Moorfoot Lane, Cononley.
- 1.2 To set out details of the proposal, a description of the site and its surroundings, a summary of planning policy and planning history, details of views expressed by consultees, a summary of the relevant planning issues and a recommendation to assist the Committee in considering and determining this application for planning permission.
- 1.3 This application has previously received member call-in through the former Craven District Council and as such this matter is being brought to the Planning Committee.

2.0 EXECUTIVE SUMMARY

RECOMMENDATION:

- 2.1 That planning permission is GRANTED subject to the conditions listed below and completion of an S106 agreement with terms as detailed in Table 1 to secure the education and open space contributions and to enable a review of the viability at the completion of the 15 dwelling.
- 2.2 Craven District Council's Planning Committee considered the previous application on the 19th of December 2022 and resolved to refuse the application for reasons relating to the following: -
- 1 Affordable housing contributions;
 - 2 Housing density and mix;
 - 3 Highway safety and impact on the highway network;
 - 4 Flood risk;

- 5 Harm to the setting of designated heritage assets;
 - 6 Failure to optimise renewable and low carbon energy sources;
 - 7 Amenity of the occupiers of Meadow Close; and
 - 8 Exceeding the growth capacity of the area and impact on basic services
- 2.3 On 23 May 2023, Planning Inspectorate notified the Council of a valid written representation appeal against the decision. Officers were concerned as to whether all of the reasons given on the decision notice could be defended.
- 2.4 Legal advice concurred with planning officer assessment that for the following reasons and considerations, the Council could not defend 7 of the reasons given on the decision notice (in number order given on the decision notice): -
- 2.5 1. Affordable housing contributions.
- 2.6 A viability appraisal was submitted and evaluated by the District Valuer Service who concluded that the offer to meet only the financial policy requirements in relation to public open space and education and not to provide any on-site affordable housing due to viability was considered to be reasonable. Policy H2 makes provision for such circumstances and in the absence of any evidence to the contrary the proposal did therefore not conflict with Policy H2 or the Affordable Housing SPD.
- 2.7 2. Housing density and mix.
- 2.8 The proposed housing mix varied slightly from the policy requirement. The proposal had considered the most up-to-date evidence of need/demand from the Strategic Housing Market Assessment (SHMA) and taking all matters in relation to viability and the delivery of the scheme into account this was acceptable. Furthermore, considering the need to protect the historic character and appearance of the area a lower density was considered appropriate. There was no evidence to contradict the SHMA and the submitted viability report.
- 2.9 3. Highway safety and impact on the highway network.
- 2.10 The level of parking provision was considered adequate and was supported by the then North Yorkshire County Council as the Local Highway Authority (the LHA).
- 2.11 A Transport Assessment was submitted, and the LHA reasoned that the proposal would not have any unacceptable impact on highway safety or residual cumulative impacts on the road network that would be severe. There was no evidence to contradict the LHA findings.
- 2.12 4. Flood risk.

- 2.13 The site is located within Flood Zone 1 with a low probability of flooding. A Flood Risk Assessment was submitted and there was no objection from the Environment Agency. Furthermore, subject to planning conditions the application had the support of the Lead Local Flood Authority. There was no evidence to support this reason for refusal.
- 2.14 5. Failure to optimise renewable and low carbon energy sources.
- 2.15 The decision cites a failure to optimise renewable and low-carbon energy sources. Information was provided and Condition No 19 was recommended requiring an Energy Statement be submitted prior to occupation. This reason was capable of being dealt with by condition.
- 2.16 6. Amenity of the occupiers of Meadow Close; and
- 2.17 Neither the minutes nor the reason for refusal articulate with any precision what harm would arise. In the absence of any evidence of harm to a specific dwelling(s) and the nature of the harm this reason could not be defended.
- 2.18 7. Exceeding the growth capacity of the area and impact on basic services
- 2.19 There is no policy against increased, or 'overprovision.
- 2.20 There is also no evidence from any consultee statutory or otherwise to support the assertion that the capacity of the settlement to take the proposed growth would be overwhelmed, or that there would be any unacceptable impact on basic services.
- 2.21 Having advised the Chair and Vice-Chair, officers therefore proceeded to defend the appeal based on reason for refusal no. 5 and the identified harm to the setting of designated heritage assets. This proposal is for a revised scheme that seeks to address these heritage harms.
- 2.22 The proposal is considered to accord with Policy SP4 of the Local Plan and thus residential development on this site is acceptable in principle.
- 2.23 Having considered the revised scheme, the Council's specialist conservation adviser has no objection on heritage grounds, and there are no objections from statutory consultees. The revised scheme accords with the provisions of the development plan overall, and there are no material considerations which indicate a decision should be taken other than in accordance with it. Therefore, approval is recommended subject to the conditions recommended below and a signed S106 agreement in the terms set out in this report.

3.0 PRELIMINARY MATTERS

- 3.1 Access to the case file on is available on the Councils [Public Access](#)

- 3.2 21/2014/14241: Construction Of 15 No. Houses and New Access, Re-Siting Of Garages And Parking To Adjacent Barn Conversions. Approved 06th June 2014. (Garages constructed)
- 3.3 21/2015/15985: Outline application for construction of 4no houses and garages. Approved 23rd December 2015.
- 3.4 21/2016/16967: Outline approval for construction of 15 no houses and new access previous application referenced (21/2014/14241). Approved 14th February 2017.
- 3.5 2017/18492/OUT: Outline application for a residential development of 4 dwellings with associated garages (access and layout applied for with all other matters reserved). Approved 16th January 2018.
- 3.6 2019/20908/CND: Application to discharge conditions no. 16 (groundworks) and no. 17 (highway works) on planning permission 21/2016/16967. DOC Satisfactory 20th November 2019.
- 3.7 2020/22247/FUL: Revised description: Construction of 7 no. houses, garages, and access roads. Refused 09th April 2021.
- 3.8 2021/22789/FUL | Residential development of 12 dwellings. Refused 22nd October 2021 - Appeal Dismissed 27th April 2022
- 3.9 2021/22935/FUL: Residential development of 5 dwellings. Refused 28th July 2021. Appeal Dismissed 27th April 2022
- 3.10 2021/23241/FUL: Residential development of 5 dwellings (revised scheme to application no 2021/22935/FUL). Refused 18th January 2022
- 3.11 2022/23854/FUL: Amended description: Construction of 25 no. dwellings with off-street parking and associated infrastructure. Refused January 2023. Appeal in progress

4.0 SITE AND SURROUNDINGS

- 4.1 The application site is a parcel of land measuring approx. 1.05 hectares that is currently open agricultural land. The site is located within the main built-up area of Cononley with Meadow Close located to the southeast of the site. Residential properties are also located to the east, south and west of the site. The Skipton-Leeds railway line lies to the northeast and open agricultural fields beyond.
- 4.2 The site is broadly level with a slight decline to the south onto Meadow Lane. It is bounded by dry stone walls and open picket fencing with established hedgerows and some trees. There are also internal stone field boundaries some of which are less well defined. In the centre of the site is an existing apple tree.

- 4.3 The site is also located on the edge of, but outside, the Cononley Conservation Area which follows the frontage of Meadow Lane to the south.
- 4.4 The land is classified as Grade 4 Agricultural Land.
- 4.5 A converted grade II listed barn (Pear Tree Barn) is located on Meadow View opposite the site.
- 4.6 Planning permission was granted in outline for a residential development of 4 dwellings on the site on the 23rd of December 2015 (ref 21/2015/15985). However, this permission has since lapsed. A further two outline planning permissions (ref: 21/2016/16967 & 21/2017/18492) were granted for a residential development of 15 dwellings.
- 4.7 Most of the site is identified on the Policies Maps in the Local Plan as an existing housing commitment due to previous planning permission being granted.
- 4.8 Cononley is identified as a Tier 4a settlement in Policy SP4 of the Local Plan. The site is within walking distance of the village, public transport links, Cononley railway station and public playground.

5.0 DESCRIPTION OF PROPOSAL

- 5.1 The application seeks full planning permission for the construction of 25 dwellings with off-street parking and associated infrastructure.
- 5.2 The proposal would provide the following market dwellings:
- 4no. 2 Bedroom dwellings
 - 15no. 3 Bedroom dwellings
 - 6no. 4+ Bedroom dwellings
- 5.3 The proposed dwellings would consist of a row of terraced dwellings, semi-detached and detached dwellings.
- 5.4 In terms of materials, the proposed dwellings would be constructed using coursed natural stone under greys Art stone slate roofs. Windows and doors would be Upvc agate grey with stone heads and cills. This reflects the traditional building methods common to the area. The dwellings would feature gable roofs. Boundary treatments would comprise of dry-stone boundary walls and timber fencing. Indian stone flags would be used to form patio areas and rainwater goods would be black Upvc.
- 5.5 The site would be accessed directly off Meadow Close via a new junction and pedestrian footpaths. On-site parking would consist of a mixture of driveways, garages, and frontage parking. The application is accompanied by a Transport Statement and a vehicle tracking and visibility plan.

- 5.6 A Flood Risk Assessment was submitted as part of the application. Surface water from the development would be attenuated via crated system prior to discharging into the combined water sewer. Foul water would be collected within a private network of pipes and discharged to the combined public sewer in Meadow Lane.
- 5.7 The Ecological Impact Assessment submitted has not identified any protected species or designated habitats that would be adversely affected by the proposal. The assessment also indicates that the development would provide an on-site biodiversity net gain of 12.35%.
- 5.8 The submitted Arboriculture Report has identified a number of tree works, including the removal of 14 trees, a shrub group fronting onto Meadow Close.
- 5.9 Soft landscaping would consist of dense shrubs and replacement tree planting (72 replacement trees) throughout the site with grass and flower/shrub planting to amenity areas.
- 5.10 A Noise Assessment was submitted as part of the application. The assessment recommends an acoustic barrier be erected along the north, south and north-eastern perimeters of Plots 14, 15, 23, 24, 25, 26 & 27.

6.0 PLANNING POLICY AND GUIDANCE

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning authorities must determine each application under the Planning Acts in accordance with Development Plan so far as material to the application unless material considerations indicate otherwise.

Adopted Development Plan

- 6.2 The Adopted Development Plan for this site comprises the following:
- Craven Local Plan, adopted November 2019 (LP)
 - The Minerals & Waste Joint Plan 2015 – 2030 adopted 2022 (the MWJP)

Emerging Development Plan - Material Consideration

- 6.3 The North Yorkshire Local Plan is the emerging development plan for this site though no weight can be applied in respect of this document at the current time as it is at an early stage of preparation.

Guidance - Material Consideration

- 6.4 Relevant guidance for this application is:
- National Planning Policy Framework 2023 (the Framework)
 - National Planning Practice Guidance (the PPG)
 - National Design Guide (the NDG)

Craven Good Design SPD 2022
Craven Green Infrastructure and Biodiversity SPD 2022
Craven Flood Risk SPD 2022
Craven Affordable Housing SPD 2022
Cononley Conservation Area Appraisal 2023 (the Cononley CAA)

Craven Settlement Monitoring Report July 2023
Craven District Plan Approaching Housing Density and Mix 2017
Craven Authority Monitoring Reports 2021-2022 (AMR)

BRE Site Layout Planning for Daylight and Sunlight

7.0 CONSULTATION RESPONSES

7.1 The following consultation responses have been received and have been summarised below

7.2 **Cononley Parish Council:** Objects to the development on the following grounds:

Breach of Housing Growth Policy SP11
Breach of Policy H2 Affordable Housing
The loss of important green space and biodiversity.
Highway safety concerns
Inadequate contribution to village facilities

7.3 **NYC Independent Heritage Officer:** It is considered that the omission of the houses on the corner from the previous application and the retention of that part of the site as landscaped POS has considerably minimised the harm and the impact on the setting of the building and on this part of the CCA is now acceptable.

7.4 The variety of house designs and types, on a generally traditional theme, would create some visual interest and avoid an overly repetitive series of house.

7.5 The proposed materials of 'natural stone' and 'blue slate' are acceptable but recommended pre-commencement conditions requiring approval of samples.

7.6 The current landscaping plan clearly indicates which of the dry-stone walls and field boundaries are to be retained and repaired. The plan also shows new drystone walls would be built extensively throughout the site. Although there would be low level harm to the historic field boundaries and the walls, it is considered that the harm has been reduced and mitigated to an acceptable level.

7.7 It is considered that the proposal is now consistent with the aims of S.16 of the Framework and policies ENV2 and ENV3 of the Craven Local Plan. The proposal may now still cause a very low level of harm to the heritage assets

and their setting, but the harm is at the low end of the spectrum of “less than substantial” and so could be outweighed by public benefits. It is recommended that there are no justifiable reasons to refuse the proposal on heritage and design grounds.

7.8 **NYC Environmental Health Officer:** The noise assessment has been reviewed and recommend that all recommendations from the noise impact assessment undertaken by Acoustics Solutions ref AS22-15(v3) are followed and that a condition is imposed regarding hours of construction.

7.9 **NYC Planning Gain Officer:** The proposal is for 25 dwellings. There is a small area of green space which has been included to preserve the setting of the listed barn on Meadow Lane. This area is proposed to be planted as a native scrub habitat and is surrounded by dry stone walling and is not useable open space in respect of landscaping and size. It is unclear where access points to the area would be located to enable maintenance. Therefore, as no public open space would be provided within the scheme Policy INF3 would require that an offsite contribution is made.

7.10 There is access to play and open space approximately 400m from the development at the Cononley Playing Fields which includes open space and equipped play. Sports pitches are located at Cononley Sports Club.

The INF3 Policy requires an offsite contribution for developments of 11 or more dwellings. The INF calculator for 25 dwellings calls for an offsite contribution of £84,782 to address quantity and quality deficiencies in several open space typologies in the Skipton and South Craven area. The details of how the planning gain contribution would be allocated would be set out in a S106 Agreement (e.g., Cononley Sports Club, Cononley Play Area and Park). It should be noted that this is a new application and therefore the latest INF3 Calculator has been applied.

7.11 **NYC Strategic Housing Officer:** The applicant has submitted a proposal for 25 dwellings on land off Meadow Lane / Moorfoot Lane, Cononley. Normally, such a scheme would be required to provide 30% affordable housing onsite (eight homes in total). However, the applicant has proposed no affordable housing and submitted a viability assessment arguing that it would be unviable to provide any on this site. Following an appraisal, the District Valuer has confirmed this and so Strategic Housing has no objections.

7.12 **Airedale Drainage Board:** If Yorkshire Water are content with the proposed arrangement to discharge both surface water and foul sewage into the mains combined sewer and provided, they are satisfied that the asset has the capacity to accommodate the flow, then the Board would have no objection to the new proposed arrangement. The Board would wish an informative be included on any approval advising the applicant/developer that prior written consent would be required from Airedale Drainage Commissioners prior to any discharge or increase in the

- rate of discharge, into any watercourse (directly or indirectly) within the Commissioners district.
- 7.13 **Environment Agency:** No comments were received within the statutory consultation period.
- 7.14 **Historic England:** Regarding further information provided, no advice is offered. It is recommended that the Council seeks the views of its own specialist conservation and archaeological advisor.
- 7.15 **NYC LLFA Officer:** The submitted documents demonstrate a reasonable approach to the management of surface water on the site. It is recommended that conditions are attached to any planning permission.
- 7.16 **Network Rail:** No objection in principle to the development but make a number of recommendations to maintain the safety of the operational railway.
- 7.17 **NYC Designing Out Crime Officer:** It is pleasing to note that principles of Crime Prevention have been incorporated into this proposal. The overall design and layout of the proposed scheme is considered acceptable. Addition advice and recommendations also provided.
- 7.18 **NYC Education Officer:** The proposal triggers the need for a financial contribution of £182,172.25 in relation to primary and secondary school expansion places.
- 7.19 **NYC Fire and Rescue:** No comments were received within the statutory consultation period
- 7.20 **NYC Highways Officer:** The Local Highway has considered matters relating to the impact on the existing highway network, both in terms of traffic volumes and trip generation and the road safety implications have been considered and the evidence in the transport assessment has been considered. Based on the evidence presented it is considered that the development would not have a significant adverse impact on Highway safety.
- 7.21 Access and visibility meet requirements. Turning and parking meet the standards as do garage sizes. Drainage plans under guidance note 16 for drainage and Suds 16.12.3 Manholes must not straddle centrelines/ lane lines and be kept clear of vehicle wheel tracks with pipework being a minimum of 1.0m from a kerb line, and any manhole being a minimum of 500mm from a kerb line to minimise disruption during future maintenance work. Refer to the NYC Technical Approval Procedures for all manholes with a diameter greater than 1250mm
- 7.22 **NYC Mineral and Waste Officer:** Mineral assessment is fine, no further comments required.

- 7.23 **Yorkshire Water:** No objection but recommend conditions be imposed on any planning permission granted to development being carried out in accordance with the drainage plan and advise the applicant/developer to contact the Developer Services Team.
- 7.24 **YDNP Wildlife Officer:** No objection, subject to conditions to secure:
- (a) Biodiversity net gain;
 - (b) Bat sensitive lighting;
 - (c) Checks for nesting birds if vegetation is to be removed during the nesting season;
 - (d) The installation of bat tubes and bat bricks to dwellings;
 - (e) Measures to ensure that hedgehogs can access gardens, and potential for the provision of hibernacula for hedgehogs, reptiles, and amphibians.

Publicity

- 7.25 The proposal was published via a Press Notice in the Craven Herald and Site notices posted adjacent to the site. Neighbourhood letters were also circulated.

Local Representations

- 7.26 77 local representations have been received, some of which are second responses from individuals, of which all raise objections. A summary of the comments is provided below, however, please see the website for full comments.

7.27 Principle

Contrary to the affordable housing policy H2 and LP
 Cononley has met its housing target
 No gain or benefit from the development
 No need for more housing
 No provision for community facilities(e.g., playing fields)

7.28 Visual

Fails to respond/respect the character of the village
 Loss of open space
 Loss of views of the landscape
 Impact on the conservation area
 Development would ruin the villages outline

7.29 Amenity

Negative impact on well-being (e.g., noise and waste)
 Noise and dust during the construction stage

7.30 Biodiversity

Loss of green space and biodiversity
 Negative impact on wildlife

- 7.31 Highways
 Encourage off-street parking
 Negative impacts on highway safety due to increased traffic congestion
 Level crossing congestion would be worse
 Loss of on-street parking for school staff
- 7.32 Flooding/Drainage
 Surface water flooding on Meadow Lane would be made worse.
- 7.33 Other matters
 Schools would be unable to cope with the increased demand
 Proximity to school and no pavement at the fork of the road
 The infrastructure of the village would be unable to cope
 Harm to air quality
 Capacity of health services within the local area
 Inaccuracy in submitted documents relating to protected and priority species
 Concern over the junction at Meadow Lane onto Main Street
 No evidence of energy saving/low carbon features into the design
 No footpath onto Moorfoot Lane.
 Large vehicles currently become stuck when turning into Meadow Close
 The development could cause structural issues to Pear Tree Barn.
- 7.34 **Positive comments**

 The new design would keep the end of Meadow Close green
- 7.35 Observations

 Could yellow lines be added on the narrow bottleneck area?
 Could the developer gift a sum of money to develop a staff car park as a gesture of goodwill.
- 7.36 Non-material comments made

 Several rail users are parking in the village.
 Loss of a view.
 Flooding and roadworks in the village make some routes into the village impassable at certain times of the year.
 Question whether the developer track record of delivery?

8.0 **ENVIRONMENT IMPACT ASSESSMENT (EIA)**

- 8.1 Given the location, scale, and nature of the proposal it does not fall within Schedule 1 or 2 of the Town and Country Planning (Environmental Impact Assessment Regulations 2017) (as amended). No Environmental Statement is therefore required.

9.0 MAIN ISSUES

9.1 The key considerations in the assessment of this application are:

- Principle of development
- Density and Mix of development
- Affordable Housing Provision, open space and education contributions including viability assessment
- The effect of the proposal on the character and appearance of Meadow Lane/Moorfoot Lane.
- The impact of the proposal on the setting of adjacent heritage assets
- Sustainable Design
- The effect of the proposal on the living conditions of existing residents and future occupants
- Biodiversity
- Whether the proposed houses would be safe from flooding and be adequately served by drainage
- Highway safety
- Other matters

10.0 ASSESSMENT

Principle of Development

10.1 Cononley is a Tier 4a settlement and the site lies within the main built-up area of Cononley. Furthermore, the site has been the subject of several planning approvals which deemed the principle of residential development (along with other material planning issues) to be acceptable in this location at that time under the previous local plan (see table below).

Table 1.

Planning Reference	Description	Outcome
21/2014/14241	For the construction of 15no. dwellings with new access and the re-siting of garages and parking to adjacent barn conversions	Approved by Planning Committee Members June 2014
21/2015/15985	Construction of 4no. dwellings with garages	Delegated approval in December 2015
21/2016/16967	For the construction of 15no. dwellings with access	Approved by Planning Committee Members February 2017
2017/18492/OUT	For the construction of 4no. dwellings with garages	Delegated approval in January 2018

10.2 Since that the key policy requirements have changed with the adoption of the Craven Local Plan in November 2019 (the LP) which sets out the housing strategy for the district.

10.3 Policy SP4 is of relevance in the consideration of this proposal. This policy is supportive of proposals for additional housing growth on non-allocated land for housing within the main built-up areas of Tier 1, 2, 3, 4a and 4b

settlements, providing that they accord with all other relevant LP and any neighbourhood plan policies. There is however no adopted neighbourhood plan for Cononley.

- 10.4 Cononley has good transport links, a primary school, two public houses and a shop, all of which the proposal would support. Public open space and education policy requirements would be met under a planning obligation.
- 10.5 As per the Framework and LD Policy SD1, the Council will take a positive and proactive approach to considering the development proposed that reflects the presumption in favour of sustainable development. In addition, as the Framework sets out, it is the Government's objective to significantly boost the supply of homes.
- 10.6 Cononley is currently showing a positive housing figure (CDC Settlement Growth Monitoring – Position on 1st July 2023). However, there is **no policy mechanism** within SP4 or elsewhere in the LP or the Framework which would allow a planning application to be refused based on the '**over provision**' of housing in a particular settlement. (Emphasised by the officer). Furthermore, in relation to earlier appeal decisions on the site the appointed Inspector considered this point and concluded that:
- "I accept that the overprovision of housing against Local Plan targets does not in itself count against the proposal...."*
- 10.7 Furthermore, the housing growth figure of 230 dwellings per annum is a **minimum figure**, the settlement will accommodate more than the percentage proportion of housing growth, providing proposals for housing development meet the relevant criteria of SP4 and all other relevant local plan policy requirements. (Emphasised by case officer).
- 10.8 The site remains in the Council's Strategic Housing and Economic Land Availability Assessment (SHELAA) which enables the Council to identify sufficient land to meet its requirement for housing as required by the Framework and PPG. Whilst previous permissions have lapsed, the current application confirms that it is still a deliverable site. Therefore, should the Council be unable to meet its 5-year housing supply requirements, then due to the site availability/achievability it would form a pool of sites which could be allocated in future updates to the LP.
- 10.9 Having regard to the site's location within the main built-up area of Cononley a Tier 4a settlement, the development would comply with and facilitate the realisation of the LP spatial strategy, with specific regard to Policies SP1 and SP4. It would also accord with the aims and objectives of paragraph 60 of the Framework to significantly boost the supply of homes.

Density and Mix of development

- 10.10 LP Policy SP3 seeks to guide the mix and density of new housing developments, to ensure that land is used effectively and efficiently to address local housing needs.
- 10.11 This means that in typical greenfield developments or brownfield developments with no significant element of conversion, the appropriate housing density should be approximately thirty-two dwellings per hectare (dph)(net). Policy SP3 does allow for flexibility in its requirements for housing mix and density where this is necessary to ensure scheme viability, to take account of local variations in housing need, to better promote balanced mixed communities or to achieve other local plan objectives.
- 10.12 Details provided indicate that the site area for the proposal is approx. 1.05 hectares and would provide twenty-five dwellings. This would be below the dph suggested within Policy SP3 by one dwelling.
- 10.13 In this instance, the character of Meadow Close and Moorfoot Lane consists of detached properties set within good-sized gardens. Located along Meadow Lane are new two-storey dwellings as well as more traditional converted buildings. Within the wider area, there are smaller properties (terraced, semi-detached traditional/suburban dwellings) with either long narrow rear gardens or more compact rear gardens. Broadly speaking, the proposal would be compatible with local character. Therefore, even though the proposal falls below the suggested dph of Policy SP3 by one dwelling, it would be appropriate in context. Furthermore, considering the need to protect the historic character and appearance of the area a lower density is considered appropriate.
- 10.14 The following table (taken from page 89 of the Local Plan), shows the 2017 SHMA suggested dwelling mix for market dwellings and the proposed market housing mix:

Table 2

Overall dwelling size mix	Market (%) SHMA	Proposed Market housing
1 One or two bed	2 18.9%	3 16%
4 Three beds	5 57.3%	6 60%
7 four+ bed	8 23.8%	9 24%

- 10.15 Whilst there is a slight variation from the suggested market housing mix it is considered that the proposal has taken account of the most up-to-date evidence of need/demand from the SHMA and thus the mix is considered acceptable.
- 10.16 Overall, the proposal is considered to meet the requirements of Policy SP3 of the Local Plan. It would also accord with the aims and objectives of paragraph 124 of the Framework, which amongst other things seeks to

ensure the efficient use of land, taking into account identified need and the desirability of maintaining an area's prevailing character setting.

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

- 10.17 On greenfield sites such as this, LP policy H2 seeks 30% affordable housing provision for developments with a combined gross floor area of more than 1000 sqm or greater than 10 dwellings. The proposal is for 25 dwellings. Therefore, this policy requirements is triggered.
- 10.18 In relation to open space, LP Policy INF3 seeks to promote health, well-being, and equality by safeguarding and improving sports, open space and built sports facilities. This is achieved by seeking on-site open space provision or off-site contributions. The applicant has agreed to enter into an obligation to make the required off-site open space contribution. The proposal is therefore policy compliant in this regard.
- 10.19 Having regard to education, LP Policy INF6 seeks to support sufficient choice for school places by developer contributions in accordance with Policy INF1 and Appendix B of the LP. The applicant has agreed to enter into an obligation to make the required primary and secondary education contributions, and the proposal is therefore also policy complaint in this regard.
- 10.20 However, in relation to affordable housing policy requirements, the applicant has provided an updated viability report, stating that the development would be unable to provide any on-site or offsite financial contributions towards affordable housing provision.
- 10.21 Whilst the scale of need regarding the affordable housing target is revealed by the 2017 SHMA, it is important that this target is realistic and set at a level that allows housing land to come forward and maintains the delivery of new homes without making schemes unviable.
- 10.22 The Craven Affordable Housing SPD (2020) includes useful detail about what viability 'is' and states that:
- 10.23 Viability' refers to a situation where:
- 10.24 The value of the site with assumed planning consent for the proposed scheme is sufficiently in excess of existing and alternative non-residential use values (if any) that a landowner when acting reasonably would be willing to proceed with the proposed residential development.
- 10.25 Royal Institution of Chartered Surveyors ('RICS') guidance (Financial Viability in Planning - RICS Guidance Note 1st Edition (GN 94/2012) (RICS, August 2012) provides a methodology framework and guiding principles for financial viability in the planning context. It defines 'financial viability for planning purposes as being:

'An objective financial viability test of the ability of a development project to meet its costs including the cost of planning obligations, while ensuring an appropriate Site Value for the landowner and a market risk-adjusted return to the Applicant delivering the project'.

- 10.26 The submitted viability report has been independently appraised by the District Valuer and Quality Surveyor, in order to clarify whether the proposal would be viable with the above affordable housing policy requirements.
- 10.27 District Valuer (DV) assessor comments
- 10.28 The base build cost has also been reviewed by quality surveyors Rex Proctor & Partners.
- 10.29 The Viability Appraisal was assessed and the opinion of the DV was that the scheme, at present, could not viably provide any on-site affordable housing provision.
- 10.30 Case officer conclusions
- 10.31 The officer has taken into consideration the revised FVA offer alongside the advice of the Council's assessor.
- 10.32 The DV assessment confirms that the updated FVA is unable to support any affordable provision on-site.
- 10.33 It should be noted that the applicant, following a request from officers, has agreed for a viability review mechanism to be included in the S106 Agreement to establish if an affordable housing contribution can be delivered at a later date.
- 10.34 The conclusion reached in this case is that there are sound reasons (for the development not achieving a policy compliant 30% level of affordable housing. The offer of financial contribution towards open space and education is acceptable through an S106 agreement as is the insertion of a viability review mechanism at a later date.

The effect of the proposal on the character and appearance of Meadow Lane/Meadow Lane and Moorfoot Lane.

- 10.35 LP Policy ENV3 states that designs should respect the form of existing and surrounding buildings including density, scale, height, massing, and use of high-quality materials.
- 10.36 The application site consists of approx. 1.05 hectares of undeveloped land within the main built-up area of Cononley. The site for the most part is a grassed field with an occasional tree and traditional field stone boundary walls running through. Existing trees/shrubs are located outside but along

the site boundaries. The site is mostly flat except for the existing access which slopes downwards onto Meadow Lane.

- 10.37 Meadow Close which is located to the west and northwest of the application site is characterised by large detached two-storey modern dwellings set back from the highway with off-street parking provision in the form of garages/driveways with front amenity areas. These dwellings are set in good-sized garden/amenity areas.
- 10.38 Moorfoot Lane, located to the east of the application site, consists of a large, detached two-storey dwelling and a detached bungalow both of modern design and well-sized garden/amenity areas.
- 10.39 It is also noted that beyond Moorfoot Lane lies a new residential development (ST Johns Croft) comprising of traditional two-storey detached and semi-detached dwellings.
- 10.40 Dwellings located on Meadow Lane consist of a row of traditional terrace dwellings and former traditional agricultural barns now converted to residential accommodation located directly opposite the existing access to the site. To the west of the converted barns are two modern dwellings and travelling along Meadow Lane eastwards and westwards away from the application site there is a mixture of both traditional and modern dwellings.
- 10.41 The proposed residential development with associated off-street parking and infrastructure has been designed to blend harmoniously with the character of the surrounding area. To achieve this, the design of the proposed dwellings follows the prevailing two-storey scale and form of surrounding dwellings. The balance of proportions between the window and door openings provides an acceptable solid-to-void relationship, consistent with those common in the area. Furthermore, the proposed opening arrangements reflect those of surrounding dwellings. Detailing consisting of chimneys, stone windows, door surrounds, low-level dry-stone boundary walls, and the use of traditional materials are consistent with local character.
- 10.42 The proposed layout of dwellings fronting onto Meadow Close is considered to relate well to the layout of these existing properties, with spacing between dwellings, front garden areas, and the provision of off-street parking. Whilst it is recognised that the proposed internal layout does not retain all dry-stone field boundary walls, some would be repaired, and new ones would be created. Overall, this would not result in any unacceptable harm.
- 10.43 A new vehicular/pedestrian access would be created onto Meadow Close, which would result in the loss of an existing stone wall and vegetation that currently fronts towards Meadow Close. However, the proposal does seek to construct new dry-stone walls fronting onto Meadow Close.

- 10.44 Within the site, the layout has been designed to ensure both public and private spaces would be clearly distinguished using appropriate boundary treatments and hard landscaping materials. The provision of active frontages fronting onto internal roads around short cul-de-sacs with street trees, low-level dry-stone walls, and native hedgerows would provide sensitive screening and help to promote local distinctiveness. In addition, internal footpaths would be clearly defined and connect with a new proposed footpath along Meadow Close, before finally connecting with an existing footpath on Meadow Lane.
- 10.45 Running along the boundary with the railway and Moorfoot Lane would be a green buffer comprising native hedgerows with additional tree planting. Adjacent to the existing turning head of Meadow Close would be a further green buffer, consisting of native hedgerows and trees enclosed by a 1m high dry-stone wall. A parcel of land that fronts Meadow Lane would also be retained as green space with additional tree planting. Private garden areas would include grassed areas with native planting.
- 10.46 It is recognised that the development would alter the appearance and the character of this area of Cononley. However, the proposed development is reflective of the character and appearance of the area in terms of layout, appearance, design, scale, landscape, form, and materials. As such, the scheme would result in a form of development that would blend harmoniously with its immediate setting and the wider surrounding area.
- 10.47 Overall, the proposal is considered to meet the placemaking and design requirements of LP policies ENV1 and ENV3, Section 12 of the Framework, and the National Design Guide.

The impact of the proposal on the setting of the adjacent heritage assets

- 10.48 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention is paid to the desirability of preserving and enhancing the character and appearance of a conservation area. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention is paid to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses.
- 10.49 Local Plan Policy ENV2 Heritage states that Craven's historic environment will be conserved and where appropriate enhanced. This will be achieved by paying particular attention to the conservation of those elements which contribute most to the district's distinctive character and sense of place, which includes the legacy of traditional barns. Under the policy, proposals will be supported that would preserve or enhance the character or appearance of a conservation area, especially those positive elements which have been identified in a Conservation Area Appraisal.

- 10.50 The application lies outside but adjacent to the designated conservation area of Cononley. It lies to the north of a Grade II former barn (Pear Tree Barn) now converted to residential accommodation.
- 10.51 Cononley lies in the Settled Industrial Valleys Landscape and on the edge of Landscape Area 38, Siltstone and Sandstone Low Moors overlooking the Aire Valley. Much of the surrounding landscape makes a significant contribution to the character and appearance of the conservation area.
- 10.52 The village core is very rural in character based around a classic principal street and back lane configuration with many buildings fronting onto Main Street. The mix of historic building styles dates from the seventeenth to the late nineteenth century. The village contains several designated heritage assets, most of which are seventeenth and eighteenth-century former farms such as Pear Tree, King's, and Bradley's Farmhouses, all listed at grade II. This gives the village a rural character. The significance of the conservation area lies in its rural architectural and historic interest and its legibility to the surrounding landscape.
- 10.53 The junction between Meadow Lane and Main Street creates a narrow point in the built form for vehicles, with Meadow Lane being a narrow lane running along the southern boundary of the site, coming wider as it travels westwards.
- 10.54 The application site forms an area of open space providing a transition from the denser rural grain of the village centre and the later 1960/70's development along Meadow Lane and the newer development to the east of the site on the site of the former church – St Johns Close and Meadow Close.
- 10.55 Except for the apple tree and some trees fronting onto Moorfoot Lane, the development would result in the loss of some trees/shrubs along the remaining boundaries. The Council's Tree officer confirms that the trees in and around the site do not warrant a Tree Preservation Order and has no objection to their removal.
- 10.56 To mitigate the loss of existing trees, approx. 72 replacement trees would be planted along the boundaries of and within the site creating green corridors. This tree planting combined with existing planting around the site, together with the setback of the dwellings would allow the proposal to have a soft gradual transition between the built-up area and the rural landscape beyond.
- 10.57 Under the previously refused scheme, Members concurred with the Council's heritage consultant who found unacceptable harm to the setting of the conservation area and adjacent listed building. In the planning and heritage balance, the Council has argued at appeal that the benefits of the scheme would not outweigh this heritage harm to which great weight is given. As a result, the earlier scheme conflicted with LP and Framework heritage policies, and this formed the basis for reason for refusal no. 5.

- 10.58 To address this reason for refusal, the applicant has relocated Plots 1 & 2 to further within the site. This approach now maintains views of the Grade II listed Pear Tree Barn from Meadow Close and enables the understanding of the former association with the farmland beyond. The Council's independent heritage consultant confirms that following this revision the impact on the setting of Pear Tree Barn is now acceptable and would not justify refusal of the application.
- 10.59 Furthermore, paragraph 206 of the 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.
- 10.60 Regarding potential impacts on the conservation area, the South Lakeland DC VSSE & Carlisle Diocesan Parsonages Board decision found that the statutory objective of preserving a conservation area could be achieved by either
- (i) a positive contribution to the preservation or enhancement or*
 - (ii) a development which leaves character or appearance unharmed (preserved). In this instance, the proposal would have a neutral effect (preserve) the existing character and appearance of the conservation area.*
- 10.61 In this instance, the development would not affect the general appearance and character of the conservation area as the development lies outside of the designated conservation area. Furthermore, because of the amendments to the scheme regarding the relocation of plots 1 & 2 the Council's Independent Heritage officer confirms that any impacts on the setting of the adjacent conservation area are now acceptable.
- 10.62 The Cononley CAA assessment has identified this area as making a strong contribution to the character and appearance of the conservation area. This is linked to how the space is experienced and viewed from within the boundary of the Conservation area (e.g., long views from within the conservation area to the wider landscape).
- 10.63 However, the Craven Conservation Areas Assessment Project: A General Introduction August 2016 also states in paragraph 2.3 that in "fulfilling its duty, the Council does not seek to stop all development, but to manage change in a sensitive way".
- 10.64 It is acknowledged that in some views of the agricultural fields beyond the application site would be partially screened when viewed from the boundary of the conservation area that runs along Meadow Lane. Regarding the impact on views towards the wider landscape and hills beyond it is considered that these would be retained as any restricted views would already be present by the existing built form.

- 10.65 Nevertheless, the Framework in paragraph 202 advises that any harm should be weighed against the public benefits of a proposal.
- 10.66 Following the revisions to the scheme that include the repositioning of plots 1 & 2 and the repair/retention of some of the drystone walls the Council's Heritage officer considers that the revised proposal would only result in very low-level harm and that this could be outweighed by public benefits.
- 10.67 In accordance with the Framework, it is therefore necessary to consider whether the less than substantial harm to the Conservation area and the setting of Pear Tree Barn would be outweighed by the public benefits. This is returned to below under the planning and heritage balance.
- 10.68 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.
- 10.69 The proposal would contribute to the provision of housing in the district, and this carries significant weight as a public benefit and whilst objections have been received regarding the settlement growth for Cononley being a positive figure. It is important to stress that there is no policy mechanism within Policy SP4 which would allow a planning application to be refused based on the 'over provision' of housing in a particular settlement.
- 10.70 The delivery of housing in this main-built up area would be in an area with access to services and public transport.
- 10.71 The proposal would provide ecological benefits through the creation of new habitats (new planting of wildflowers, grassland, shrubs, tree planting, provision of bat boxes and bird boxes).
- 10.72 The proposal would enhance the economy of the community through the creation of jobs associated with the construction stage, and new residents would be likely to support existing local services and businesses. It is recognised that these benefits are common to similar developments and thus are given limited weight.
- 10.73 The application site is sustainably located close to a train station, a school and easy walking distance to a bus stop, shops, and services. It is considered that these do not qualify as benefits as these would be expected from a well-located residential development and thus limited weight is attached to these factors.
- 10.74 The proposal would also provide contributions through an S106 agreement (education and open space).
- 10.75 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.

- 10.76 Heritage Balance
- 10.77 It is recognised that there would be some very low-level harm to the significance of Pear Tree Barn, however, on balance this harm is at the low end of the spectrum and when combined with the public benefits the proposal is considered acceptable on heritage grounds as confirmed by the Councils independent Heritage officer.
- 10.78 In conclusion, it is considered that the public benefits outweigh the very low-level harm to the setting of the conservation area and the listed barn. The proposal, therefore, does not conflict with the requirements of Policy ENV2 of the Craven Local Plan or the objectives of Section 16 of the NPPF.

Sustainable design and construction

- 10.79 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 (emphasised by the case officer).
- 10.80 Paragraph 158 of the Framework states that LPAs should not require applicants to demonstrate the overall need for renewable or low-carbon energy and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions.
- 10.81 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
- 10.82 The submitted Sustainability Report outlines the measures proposed to achieve compliance with Building Regulations and local policy requirements.
- Reducing carbon emissions through energy efficiency measures
- 10.83 The following design and features have been incorporated.
- Building fabric elements and glazing specifications improved over and above building regulations requirements.
Reduced air permeability
Energy-efficient lighting and controls throughout the development
Water-efficient sanitary fittings
Specification of efficient heating services and control systems.

- 10.84 Reduction of carbon emissions through low or zero-carbon measures
- Installation of air source heat pumps
 - Installation of PV panels
 - Electric charging points
- 10.85 It is recognised that reference is also made to the potential use of gas boilers, however, as set out in building regulations these would only be acceptable with the provision of PV panels.
- 10.86 Orientation and layout
- 10.87 The layout allows solar gain, helping to reduce heating energy.
- 10.88 Use of materials
- 10.89 All proposed materials would be locally sourced and of a robust and durable nature.
- 10.90 Climate change adaptation
- 10.91 The risk from overheating is to be controlled via passive and active design measures e.g., effective low G-Value glazing (reduces solar radiation) and the use of heating controls.
- 10.92 The risk of reduced water availability would be addressed using water-efficient equipment. Water metering of incoming water supply to help control usage.
- 10.93 The dwellings have also been designed to exceed the current environmental performance standards outlined in Part L (conservation of fuel and power) and would be compliant with Part O (overheating) of Building Regulations
- 10.94 The information provided is considered to demonstrate that all reasonable opportunities to reduce energy use, water use and carbon emission, ensure future resilience to climate change and generate power through solar in accordance with Building Regulations have been met. However, it is considered necessary to impose a condition requiring details of proposed solar panels be submitted to the LPA.
- 10.95 The proposal, therefore, complies with policy ENV3 (t), paragraphs 154, 157 & 158 of the Framework.
- 10.96 The effect of the proposal on the living conditions of existing residents and future occupants.
- 10.97 Policy ENV3 seeks to ensure that development protects the amenity of existing residents and provides a good standard of amenity for future occupants of land and buildings. Amongst other things, Framework

paragraph 130 requires that developments create places that are safe, inclusive, and accessible and which promote health and well-being, with a high standard of amenity for existing and future users

- 10.98 Existing residents
- 10.99 Plots 1, 2, 3, 4, 5 & 6 would be sited to the west of No's. 1, 3, 5 & 7 Meadow Close at separation distances ranging from approx. 22m to 28m. It is considered that this separation distance is sufficient to ensure that the occupants of these properties would not experience any unacceptable loss of privacy or amenity.
- 10.100 Concerns have been raised by residents about the potential for light pollution from the headlights of vehicles exiting the site. Access for vehicles from the application site would be taken directly onto Meadow Close. It was also noted that there are streetlights on Meadow Lane and on Meadow Close. Whilst the vehicular access would direct vehicles exiting the site to face onto the frontages of dwellings that are on the opposite side of Meadow Close, these dwellings are well set back from the highway. It is important to note that this type of arrangement is not different from existing development within the surrounding area or within recently constructed residential development within the district. It is therefore considered that the width of the verge and footpaths, the width of the highway, the front gardens and driveways are sufficient to ensure that any glare from vehicle headlights would not significantly harm the residential amenity of these dwellings.
- 10.101 The side gable of Plot 18 would be located approx. 25m from No. 11 Meadow Close. Notwithstanding the side gable windows serving the hallways, the separation distance is considered sufficient to ensure that the occupants of this property would not experience any unacceptable loss of privacy or amenity.
- 10.102 Plots 19, 20, 21, 23 & 24 would be located to the east at separation distances ranging from approx. 18m to 38m from No's 13, 15 & 17 Meadow Close. The separation distances, orientation between existing and proposed dwellings and proposed boundary treatments would ensure that the occupants of these properties would not experience any unacceptable loss of privacy or amenity.
- 10.103 It is acknowledged Plot 25 would front towards the rear amenity area of No. 17 Meadow Close. Views at ground level would be restricted by an existing outbuilding located adjacent to the boundary of the application site. Upper first-floor windows (bedrooms) would have an unobstructed view of the rear amenity area. However, due to the nature of these rooms (bedrooms) combined with the separation distance of approx. 25m the occupants of this property would not experience any unacceptable loss of privacy or amenity.

- 10.104 Properties on Meadow Close due to the separation distance would also not experience any unacceptable overshadowing/loss of natural light nor would the proposed dwellings due to the setback from the highway appear dominant when viewed from the habitable rooms of these properties.
- 10.105 Plots 10, 11 & 12 would be sited to the west of No 7 St Johns Croft at separation distances ranging from 23m to 33m from the side boundary of this property. Due to the separation distance and the location of Moorfoot Lane that runs along the side boundary of No. 7 St Johns Croft, it is not considered that the proposal would give rise to any unacceptable loss of privacy or amenity to the existing residents of this property.
- 10.106 Plot 9 would be sited to the north of Overstone at a separation distance of approx. 2.9m from the nearest point of the side gable which contains a single window. Evidence before the Council is that this window serves as an en-suite, and thus the window is obscure glazed. To protect the privacy of the occupants of this property at ground level no window openings are proposed. It is acknowledged that at the upper level a single small obscure glazed window opening is proposed for a home office area, which would have views over the roof of Overstone. Therefore, it is considered given the scale of the window opening combined with the obscure glazing that there would be no unacceptable loss of privacy arising from this window.
- 10.107 Plot 9 also includes a single-storey extension on the rear elevation which would contain full-height glazing which would face towards the side gable of Overstone and to the front area of this property. However, separating Plot 9 and Overstone would be a 1.4 stone wall with the proposed single-storey extension set back by approx. 12m. It was noted also that there is an existing level of mutual overlooking present of properties fronting Moorfoot Lane. Therefore, the separation distance combined with the boundary treatment and existing level of overlooking to the front means that the occupants of this property would not experience any unacceptable loss of privacy.
- 10.108 There would also be oblique views from the front elevation of Plot 9 towards the far corner of the garden area of this property. However, it is considered given the limited level of overlooking that would occur to the far rear garden area that the proposal would not give rise to any unacceptable loss of privacy for the occupants of this property.
- 10.109 It is acknowledged that daylight and sunlight are fundamental to the provision of a good quality of living environment, and for this reason, people expect good natural lighting in their homes. Inappropriate or insensitive development can reduce a neighbour's daylight and sunlight and thereby adversely affect their amenity to an unacceptable level.

- 10.110 In general, for assessing the sunlight and daylight impact of new development on existing buildings, Building Research Establishment (BRE) criteria are adopted. In accordance with both local and national policies, consideration must be given to the context of the site, the more efficient and effective use of valuable land and the degree of material impact on neighbours.
- 10.111 An assessment of the potential impacts on the nearest dwelling to the application site identified as Overstone for the purposes of daylight and/or sunlight impacts is set out below.
- 10.112 Overstone has a single window to the side gable which serves as an en-suite. Notwithstanding this, it is acknowledged that Plot 9 would result in a minor reduction in daylight/sunlight to this obscure glazed window when applying the 25-degree rule. However, this reduction due to the orientation of Overstone, would not result in an unacceptable loss of natural daylight or sunlight to warrant refusal.
- 10.113 Regarding the potential impact on the remaining existing dwellings that lie near the site, it is considered that due to the orientations and separation distances the development would not result in any unacceptable loss of natural day/sunlight, nor appear dominant and overbearing when viewed from any habitable rooms or private amenity spaces of these existing dwellings.
- 10.114 Regarding the noise from the railway, the proposal due to the additional planting, the installation of acoustic fencing as well as the intervening-built form would reduce noise levels currently experienced by existing residents.
- 10.115 The proposed dwellings would be designed to comply with Building Regulations Part M to ensure an acceptable degree of accessibility for all and this can be controlled by an appropriately worded condition.
- 10.116 Future residential accommodation.
- 10.117 With regard to the proposed dwellings, it is considered that in terms of room sizes and storage, outlook, daylight and natural light, and outdoor amenity space, they would provide acceptable living conditions for future occupants.
- 10.118 A positive response was received on behalf of North Yorkshire Police, who feel that the proposal has implemented advice on preventing crime and disorder through design as part of the submission.
- 10.119 The proposed dwellings would be designed to comply with Building Regulations Part M to ensure an acceptable degree of accessibility for all.

- 10.120 Part of the site adjoins a railway line. A Noise Report was submitted with the application and assessed by Environmental Health, with particular focus on the impacts on the proposed development and the proximity to the railway track. Environmental Health are satisfied that impact would be low. However, properties towards the north of the site can expect to experience some noise from trains travelling along the railway track. Precise mitigation is detailed in the report (such as acoustic fencing and Pilkington 'Optiphon' for windows of affected properties), and it is recommended that conditions be attached to any planning permission granted to ensure that those measures are implemented as part of the development.
- 10.121 In conclusion on this main issue, the proposal is compliant with LP policy ENV3 and paragraph 130(f) of the Framework and is therefore acceptable.

Biodiversity

- 10.122 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.
- 10.123 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.
- 10.124 The Wildlife and Countryside Act 1981 and the Protection of Badgers Act 1992 require applicants to comply with the requirements of these Acts.
- 10.125 The proposal would result in the increase of hard surfaces and the loss of an area of grassland and some trees/shrubs.
- 10.126 Policy ENV4 states that development proposals that result in a significant loss in, or harm to, biodiversity on site, and where no compensatory measures are proposed, will be resisted.
- 10.127 An ecological report was submitted which includes several surveys, both within and outside of the application site, and an assessment of trees on site using the Bat Conservation Trust Good Practice Guidelines regarding bat potential.

- 10.128 The North and East Yorkshire Ecological Data Centre holds records of all protected sites and species within a 2km radius of the proposed development. The data identified three locally designated sites within 2km of the proposed development. These sites are Farnhill Moor, situated 1.2km to the east, Cononley Grassland (SINC) situated 1.0km to the southwest and Sugden Wood situated 1.8km to the south of the proposed development.
- 10.129 Records show that there have been no recent records of water voles (before 1990) or otters within 2km of the site. It is acknowledged that there is a record of an otter in 2007 c.600m to the east of the development site on the River Aire.
- 10.130 The data search identified two records of common pipistrelle bats with the nearest record being of an individual bat, c.1km to the site of the site in 2000. The other bat record was in 2011 at c1.8km to the east of the site.
- 10.131 Several common species of birds were identified within 2km of the site and a peregrine falcon (a Schedule 1 species under the WC Act 1981) to the east of the site in 2016.
- 10.132 No recent records of reptiles within 2km of the proposed development were identified, the most recent being in 1983.
- 10.133 The report also details that during the survey no badger field signs, or setts were identified on or adjacent to the site. Similarly, no suitable habitat for water vole, otter or white-clawed crayfish were identified on or adjacent to the proposed site.
- 10.134 A potential bat roost was identified in the mature apple tree, however, following a closer inspection it was found to be too small for roosting bats. Other features on the tree were also inspected but no bats or field signs were identified as the cavities were too small.
- 10.135 No suitable ponds for great crested newts were identified within 500m of the proposed development.
- 10.136 It is recognised that areas of dense scrub on site are suitable for common nesting bird species as well as the potential for some species to nest within the cracks and crevices of the stone wall. However, no suitable habitat for the peregrine falcon was identified within the survey area.
- 10.137 No suitable habitats were identified for the hazel dormouse or reptiles.
- 10.138 No schedule 9 non-native invasive species were identified on or adjacent to the survey area.

- 10.139 Comments have been received referencing an online tool NBN Atlas (registered charity) and that it contradicts the findings of the Ecological study. Reviewing the online tool, it appears to confirm sightings of some protected species outside of the site with no identified protected species being found on the application site.
- 10.140 Based on the evidence before the Council, it is considered that no protected species would be adversely affected by the development. The survey's provided are considered adequate and provide feasible mitigation and compensation measures which can be controlled by condition.
- 10.141 Assessment of impact on designated sites.
- 10.142 Due to the separation distances, it is considered that the development would not have an adverse impact on any designated sites and therefore no mitigation measures are necessary.
- 10.143 On-site Biodiversity Net Gain
- 10.144 Following a further review of the site the existing biodiversity data has been updated - details are contained within the table below:

Table 3: On-site Biodiversity Metric 3.1 calculations

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

- 10.145 To improve onsite biodiversity, the proposal would see the provision of a landscape plan which would include native shrubs/trees including species which produce fruit and nectar supplying a food resource for insects, birds and small mammals. Bird boxes, bat boxes, and bee bricks could be provided and holes within boundary treatments to allow small mammals to travel across the site.
- 10.146 Because of the suggested mitigation measures the proposal would provide a 3.09 Bu. Details are shown in the table below:

Table 4: On-site Biodiversity Net Gain Metric 3.1 calculations

Habitat Type	Area (ha)	Distinctiveness	Condition	Biodiversity Units (Bu)
<i>Created Habitat</i>				
Mixed Scrub	0.1592	Medium	Moderate	0.96
Vegetated Garden	0.2704	Low	N/A	0.52
<i>Retained Habitat</i>				
Bare Ground	0.6308	V. Low	N/A	0
Urban Tree	0.4110	Medium	Moderate	1.26
<i>Retained Habitat</i>				
Mixed Scrub	0.0157	Medium	Poor	0.06
Urban Tree	0.0366	Medium	Moderate	0.29
Total				3.09Bu

- 10.147 Details submitted now show that the proposal now represents an increase of approx. 12.35% biodiversity value on the site.
- 10.148 The Council has liaised with the York Dales National Park's (YDNP) ecologist officer to review the details, and to clarify whether the content is acceptable.
- 10.149 The YDNP ecologist officer has reviewed the details and acknowledges that the updated data now shows a 12% net gain can be achieved wholly on the site, through the contribution of gardens within the development, the retention of some of the existing scrub, the creation of new habitat, the retention of some of the trees and planting of new specimens. It is also acknowledged that a review of the post-development calculations appears to have been carried out correctly regarding the NE Biodiversity 3.1 matrix.
- 10.150 To secure the on-site habitat enhancements for the duration of the maintenance period this should be subject to an s106 legal agreement.
- 10.151 Overall, it is considered that subject to an S106 legal agreement and conditions, the proposed development would enhance the ecological value of the site, increasing biodiversity. Thus, the proposal meets the requirements of LP Policy ENV4, and paragraph 180 d) of the Framework which supports enhancements in biodiversity and national legislation on BNG.
- 10.152 Whether the proposed houses would be safe from flooding and be adequately served by drainage.

- 10.153 Policy ENV6 states that development will take place in areas of low flood risk, where possible in areas with the lowest acceptable flood risk. Additionally, that development will minimise the risk of surface water flooding by ensuring adequate provision for foul and surface water disposal.
- 10.154 Policy ENV8 seeks to safeguard and improve water resources by ensuring that development is served by adequate sewerage and wastewater treatment infrastructure, will reduce the risk of pollution and deterioration of water resources, and protect surface and groundwater from potentially polluting development and activity.
- 10.155 The site is within Flood Zone 1 (FZ1) which has less than a 0.1% chance of flooding. A flood risk assessment is mandatory for sites of 1 hectare or greater in FZ1. The applicant has submitted a Flood Risk Assessment (FRA) which provides the drainage strategy for the disposal of surface and foul water, and the document has also considered climate change, over the lifetime of the development. It is considered that the submitted FRA is proportionate to the scale and nature of the development.
- 10.156 The national policy requirement is for developments to not exacerbate flood risk elsewhere outside of the site. The Environment Agency have been consulted but no comments have been received. Notwithstanding this, following changes to the PPG (Flood Risk) in 2015, the management of surface water is the responsibility of the Lead Local Flood Authority (LLFA).
- 10.157 Sequential test and exception test
- 10.158 A sequential test should be applied to all proposals on sites that are known to be at risk of flooding from any source. In this instance, the application site lies within FZ1 (less than 0.1%) and thus in accordance with national guidance the sequential test is not triggered. Consequently, an exception text is not required.
- 10.159 Surface water
- 10.160 Local and national guidance now encourages sustainable urban drainage solutions (SUDS) to deal with surface water. Details submitted state that the surface water drainage strategy would restrict surface water flows to greenfield runoff rates with Yorkshire Water confirming that a proposed discharge rate of 3.5l/s is acceptable. This would be achieved using a hydro brake flow control unit which would restrict flows that are to be attenuated using crates prior to discharge to the combined water sewer. Yorkshire Water has raised no objections to the disposal of surface water via this method.

- 10.161 The LLFA after reviewing the information are satisfied that the measures proposed would be acceptable in their design subject to any further fine detail being capable of being dealt with by condition.
- 10.162 It is considered overall that the surface water drainage strategy put forward would be effective in dealing with surface water run-off and would not increase flood risk elsewhere. In addition, it is considered that the proposed surface water drainage strategy would help reduce the level of surface water discharged onto Meadow Lane during periods of heavy rain.
- 10.163 Foul water
- 10.164 In considering any foul and wastewater drainage matters, the planning authority must take into consideration the fact that the developer has a right to connect to the public sewerage system under section 106 of the Water Industry Act 1991 (the WIA1991).
- 10.165 The planning authority must also consider the following matters:
- a) Section 94 of the WIA1991 imposes a continuing duty on all sewerage undertakers to provide, maintain and where necessary improve their systems for collecting and treating foul and wastewater drainage so as to effectually drain its area and effectually deal with the contents of its sewers;
 - b) a sewerage undertaker is provided with the means of funding the cost of fulfilling the above duty within the WIA1991 through sewerage and infrastructure charges; and
 - c) the WIA1991 clearly sets out that the costs of meeting the above duty are required to be borne by the sewerage undertaker, not the developer, save in one limited case where a new sewer is requisitioned by the developer (agreement under Section 104 of the Water Industry Act 1991).
- 10.166 It, therefore, follows that related planning conditions are unnecessary for new residential development with a public sewerage connection. For any such condition to be justified, in terms of the guidance in the Framework and PPG, the condition would, amongst other things, need to be shown to be necessary and reasonable. It would not be reasonable if it imposes an unjustifiable burden on the developer. Nor would it be reasonable if the condition had the practical effect of forcing the developer to fund any inadequacies in sewerage or sewage treatment because the sewerage undertaker was not prepared to fulfil its statutory obligations in a timely manner.
- 10.167 Details provided show that foul water would be collected within a private network of pipes and manholes on site and discharged via gravity to the 150-diameter combined public sewer located in Meadow Lane (subject to a section 106 agreement with Yorkshire Water).

- 10.168 Yorkshire Water has reviewed the proposed drainage layout prepared by Paul Waite Associates and confirmed that they have no objections to the proposed disposal of foul water.
- 10.169 Airedale Drainage has also been consulted and has not objected to the proposal.
- 10.170 It is considered that the proposal in terms of the disposal of surface and foul water is in accordance with Local Plan policy ENV6 and paragraph 159 of the Framework and is therefore acceptable.

Highway safety

- 10.171 Local Plan policy INF4 seeks to ensure that new developments help to minimise congestion, encourage sustainable transport modes, and ensure proper provision and management for parking for vehicles.
- 10.172 Policy INF7 seeks to minimise greenhouse gases and congestion, and the provision of safe and accessible travel facilities by maximising the opportunities for travel by sustainable transport modes, avoiding severe residual cumulative impacts of development relating to transport, and the provision of safe and convenient access to transport facilities.
- 10.173 Section 9 of the Framework contains guidance on transport and land use planning, including the promotion of sustainable transport choices and reducing travel by car. Paragraph 111 of the Framework 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.’*
- 10.174 Paragraph 112 of the Framework also advocates the promotion of sustainable transport modes and to this end recommends that developments should be located and designed where practical to
- a) give priority first to pedestrian and cycle movements’ and to facilitate access to public transport, with layouts maximising the catchment area for bus or other public transport services;
 - c) create places that are safe, secure and attractive;
 - d) allow for efficient delivery by services and emergency vehicles;
- and be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible, and convenient locations.

Vehicular access and highway safety.

- 10.175 The position of the main new access into the residential development would open onto Meadow Close which is a road that currently serves 9 existing dwellings with additional access points proposed that would serve the proposed dwellings fronting onto Meadow Close.
- 10.176 It would require the removal of the existing roadside stone/vegetation boundary that fronts Meadow Close but has been designed to provide sufficient separation distance between existing and proposed access points onto Meadow Close. The principal new access into the site would be of adoptable standards and would provide an adequate and safe means of access subject to final detailed approval. The Highway Authority have reviewed the information and are content with the proposal, subject to a Section 278 agreement to govern the works, and planning conditions as appropriate.
- 10.177 Regarding concerns over construction traffic the Highway Authority have requested a condition requiring a Construction Management Plan (CMP) be submitted. The CMP would outline how the proposed works would be managed to minimise the impact on residents.
- 10.178 Concerns have been raised by some residents with regard to visibility splays and the junction onto Meadow Lane. However, the Highway Authority has raised no objection regarding the visibility splays or relating to the use of the existing junction that currently serves the 9 existing dwellings. Furthermore, the Council has no evidence that minor, serious or fatal accidents have occurred on the highway network adjacent to the site. It is therefore considered there are no sustainable grounds to refuse the plans as submitted on highway safety grounds.
- 10.179 Trip generation and impact on the local network
- 10.180 Meadow Close currently serves 9 dwellings and connects with Meadow Lane. It is acknowledged that the development would result in an increase in vehicles and that residents are concerned this will add to existing congestion in the village. Their concern is especially during peak times when there is a noticeable increase in traffic as parents drop off or collect children from the nearby school, resulting in congestion as parents park along any available roads.
- 10.181 However, it is important to note that due to the level of off-street parking being provided the development would not add to congestion caused by on-street parking at these peak times. Nevertheless, it is recognised that due to proposed accesses onto Meadow Close the current level of available on-street parking on Meadow Close would be reduced by a third.
- 10.182 It is also important to note that as a public highway, any vehicle user has the right to travel and park on the public highway and that the

responsibility for managing on-street parking is the responsibility of North Yorkshire County Council, and thus the issue of controlling on-street parking lies outside of the scope of this proposal.

- 10.183 Notwithstanding local concerns in relation to congestion and highway safety due to increased vehicle movements, the Highway Authority have reviewed the submitted Transport Assessment regarding proposed traffic volumes, trip generation and the road safety implications. Based on this review, they confirm that they do not consider that the development would have any unacceptable impact on highway safety, or residual cumulative impacts on the highway network that would be severe. Therefore, whilst local concerns are acknowledged, in accordance with Framework paragraph 111 planning permission should not be refused on highway's grounds.
- 10.184 To allay local concerns in relation to construction traffic, the CMP recommended by condition would also require details of construction traffic routes, any construction site compounds, and staff parking facilities, on which the Highway Authority would be consulted.
- 10.185 Car parking layout and Council standards
- 10.186 LP policy INF4 uses the former North Yorkshire County Council's Interim Parking Standards to inform car parking provision and car space sizes, having regard also Government and LP policies seeking a shift away from cars to more sustainable forms of transport.
- 10.187 It is acknowledged that Cononley is a Tier 4a settlement defined as having basic services, with new occupiers likely to be owners of cars generating car borne journeys, and it is therefore prudent to ensure adequate car parking is provided to serve the development. It is considered that the level of car parking provided on site through a mixture of surface parking and garages would be adequate to serve the new development. There is a balance to be struck between providing adequate levels of car parking and encouraging sustainable transport options rather than always relying on private motor vehicles.
- 10.188 It is therefore considered necessary to remove permitted development rights to ensure that garages remain available for the parking of vehicles and are not subsequently converted to additional ancillary living accommodation without planning permission. This would prevent indiscriminate parking on soft verges and pavements which would be contrary to good design principles and might create dangers for both vehicular and pedestrian users, and visitors to the site.
- 10.189 Comments have been received regarding on-street parking issues linked to the adjacent school. It is recognised that there is a significant increase in on-street parking demand during school drop-off/pick-up times. However, there is nothing persuasive to indicate that traffic congestion in the area would increase at drop-off and collection times

to an unacceptable level because of the proposal. Furthermore, even with the potential loss of some on street parking along Meadow Close following the development, there would be spare parking capacity in local streets.

- 10.190 Comments have also been received concerning driving habits of highway users. However, this proposal would be unable to address issues regarding inconsiderate on-street parking or driving behaviours.
- 10.191 Comments have been received regarding the lack of electric charging points. Details in the submitted Sustainability Design statement set out that electric charging points would be provided. In addition, in June 2022 as part of Approved Document S, new developments must ensure that the preparatory work relating to the infrastructure for charging electric vehicles are implemented.

Sustainability and Accessibility

- 10.192 The LP and the Framework policies seek sustainable transport initiatives. Details proposed show a new stretch of footpath which would link with an existing footpath on Meadow Lane. These works would be carried out by the developer under agreement under the Highway Act.
- 10.193 The site is sustainably located, within proximity to the local Railway station and national cycle routes. There is also a limited public bus service connecting the village with nearby villages and towns.
- 10.194 Comments have been raised regarding access for emergency vehicles. Details have been provided that show that emergency and refuse vehicles can safely access and exit the site.
- 10.195 In conclusion, whilst concerns raised are noted both in respect of congestion and highway safety, there is nothing to contradict the submitted evidence or the final comments of the Highway Authority, who have not objected to the proposal. Thus, it is considered that there are no sustainable reasons to refuse the application on highway grounds as the proposal is policy compliant in this regard.

Other matters

- 10.196 Comments have been expressed regarding LP policy SP11 limiting growth in the village. This policy relates to the design principles for allocated sites only. Site allocations are required to ensure delivery of the housing provision in line with the settlement strategy outlined in Policy SP4. It does not preclude other windfall development from coming forward.
- 10.197 It is recognised that the site is valued by the local community with regards to dog walking, as demonstrated by objections received,

indicating that the site does have some recreational value to the local community. Nonetheless, it is also noted that the site is in private ownership with public access restricted by locked gates and a stone boundary wall, and is currently rough, overgrown grassland, which means that the recreational value is limited. It is also important to note that within proximity to the application site are four protected open spaces, sports, and recreation areas with a further two located to the north and west of the site, as indicated on the Council's policy mapping. In addition, there are several public rights of way allowing accesses to open fields beyond the application site which would continue to provide opportunities for dog walkers etc to access. The proposal therefore would not result in any loss of these designated open space areas and as such the proposal does not conflict with policy INF3.

- 10.198 The site was not put forward for designation as a Local Green Space during the adoption of the Craven LP. Similarly, initial indications show that the site would not be designated as a Local Green Space in the Cononley Neighbourhood Plan should it be adopted in the future. The proposal, therefore, does not conflict with policy ENV10 as the provisions of this policy do not apply.
- 10.199 The proposed development would not give rise to any water pollution or negatively impact on existing water quality/resources.
- 10.200 The Council's Environmental Health have not identified that the site would give rise to unacceptable emissions from the construction of the site or from the use of the site, which would add cumulatively to existing pollution levels locally.
- 10.201 Comments have been received in regarding the loss of a view. Whilst it is acknowledged that the proposal would impact the views from existing residential dwellings, the loss of a view is not a material planning consideration.

Section 106 Legal Agreement

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

Table 5		
Category/Type	Contribution	Amount
Education	Off-site financial contribution	£182,172.25, trigger still to be agreed
POS delivery	Off-site financial contribution	£84,782.00, trigger still to be agreed.
Biodiversity net gain (BNG)	long term management/maintenance plan and provisions to safeguard against failure and setting up monitoring arrangements. 30-year minimum time space for BNG on site.	

11.0 PLANNING AND HERITAGE BALANCE AND CONCLUSIONS

- 11.1 Paragraph 11 c) of the Framework advises that for decision-taking the presumption in favour of sustainable development means approving development proposals that accord with an up-to-date development plan without delay. This is also stated in LP Policy SD1.
- 11.2 As has been set out above the proposal is acceptable in principle, in accordance with the LP spatial strategy. Although there would be low level less than substantial harm to the setting of heritage assets, this has now been reduced to an acceptable level by the relocation of Plots 1 & 2, and the Council's heritage adviser confirms that refusal on this ground would not be justifiable. In considering Framework paragraph 202, the less than substantial harm would be outweighed by the addition of 25 homes to the local housing supply and the economic benefits that would flow both during construction and from the expenditure of future occupants in the local economy. The proposal would deliver significant biodiversity enhancements which would further weigh in its favour.
- 11.3 The proposal would not result in the loss of any designated or otherwise protected open space, and the policy required off-site contribution towards open space provision would be made. Similarly, education infrastructure and sustainable construction policy requirements would also be met.
- 11.4 Although the proposal would not deliver affordable housing, evidence of viability supplied with the application has been independently evaluated. The scheme has been found to be unviable with such provision or contributions, and there is no evidence to contradict these findings. The proposal would not therefore conflict with affordable housing policy or guidance.
- 11.5 For the reasons set out in this report the proposal would be acceptable in design terms, and it would not result in unacceptable highway impacts, or any unacceptable harm to the living conditions of existing residents or future occupants. It would also not be at risk from flooding or increase the risk of flooding elsewhere and would be adequately served by foul drainage. These are all neutral factors in the planning balance.
- 11.6 Overall, the proposal therefore accords with the provisions of the development plan and material considerations do not indicate a decision should be taken other than in accordance with it. Approval is therefore recommended.

12.0 RECOMMENDATION

- 12.1 To grant planning permission subject to the completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) to secure the following:

£84,782.00 off-site contribution towards public open space
£182,172.25 off-site contribution towards education
Biodiversity net gain.

12.2 Conditions and Reasons

Time Condition

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

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

Approved Plans

- 2 The development permitted shall be carried out in accordance with the following approved plans and documents:

1122_01A LOCATION PLAN
1122_28B (AMENDED) PROPOSED SITE PLAN

122_05B (AMENDED) TYPE B ELEVATIONS
1122_04A (AMENDED) TYPE B FLOOR PLANS
1122_07B (AMENDED) TYPE C ELEVATIONS
1122_06 (AMENDED) TYPE C FLOOR PLANS
1122_08A (AMENDED) TYPE D (OPTION 1) FLOOR PLANS
1122_09C (AMENDED) TYPE D (OPTION 1) ELEVATIONS
1122_12A (AMENDED) TYPE E FLOOR PLANS
1122_13B (AMENDED) TYPE E ELEVATIONS
1122_15A (AMENDED) TYPE F ELEVATIONS
1122_14 TYPE F FLOOR PLANS
1122_16 (AMENDED) TYPE G FLOOR PLANS
1122_17A (AMENDED) TYPE G ELEVATIONS
1122_21 (AMENDED) TYPE H FLOOR PLANS
1122_22A (AMENDED) TYPE H ELEVATIONS

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

1122_19A PROPOSED SITE SECTIONS
122_20B PROPOSED SITE SECTIONS

22062-PWA-00-XX-DR-C-3... (ADDITIONAL INFO) CUT AND FILL ANALYSIS

REV 3 (AMENDED) ECOLOGICAL IMPACT ASSESSMENT

122 24 OFF SITE BIODIVERSITY MITIGATION

AIA, TREE PROTECTION AND TREE PLANTING
ARB IMPACT ASSESSMENT
SOAK TEST V4
TRANSPORT STATEMENT MAR 2022
DESIGN AND ACCESS STATEMENT 1122 23A
PHASE 2 SITE INVESTIGATE & GEO ENVIR
NOISE IMPACT ASSESSMENT
SUSTAINABLE DESIGN & CONSTRUCTION ST..
CONONLEY SOAK PLOTS 24 27
HERITAGE STATEMENT
MINERAL REPORT
MATERIALS SCHEDULE

22062-PWA-00-XX-CA-C-1000 P04	(AMENDED)	
MICRODRAINAGE CALCULATIONS		
22062-PWA-00-XX-DR-C-5000 P02	(AMENDED)	SECTION 104
PROPOSED CATCHMENT		
22062-PWA-00-XX-RP-C-1000 P07	(AMENDED)	FLOOD RISK
ASSESSMENT AND DRAINAGE		
22062-PWA-00-XX-RP-C-1001 P03	(AMENDED)	PROPOSED
MAINTENANCE AND MANAGEMENT		
22062-PWA-00-XX-RP-C-1000 P05	FLOOD RISK ASSESSMENT	
AND DRAINAGE STRATEGY		
22062-PWA-00-XX-DR-C-1002 P07	(AMENDED)	PROPOSED
DRAINAGE LAYOUT		

Reason: For the avoidance of doubt.

Pre-commencement conditions

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

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

Reason: To secure an appropriate highway constructed to an adoptable standard in the interests of highway safety and the amenity and convenience of all highway users and to accord with Policy INF7 of the Craven Local Plan and the National Planning Policy Framework.

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

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

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

Reason: In the interest of public safety and amenity and to accord with Policy INF7 of the Craven Local Plan and the National Planning Policy Framework

During Building Works

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

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

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

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

- 7 There must be no access or egress by any vehicles between the highway and the application site at Land Off Meadow Lane/Moorfoot Lane, Cononley until visibility splays providing clear visibility of 2.0

metres x 2.0 metres measured down each side of the access and the back edge of the footway of the major road have been provided. In measuring the splays, the eye height must be 1.05 metres and the object height must be 0.6 metres. Once created, these visibility splays must be maintained clear of any obstruction and retained for their intended purpose at all times.

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

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

Reason: In the interest of satisfactory and sustainable drainage

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

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

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

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

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

- 08:00 hours and 18:00 hours Monday-Friday
- 08:00 hours and 13:00 hours on Saturdays
- Not at any time on Sundays or Bank Holidays

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

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

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

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

Reason: to safeguard the living conditions of nearby residents particularly regarding the effects of dust and to accord with Policy ENV3 of the Craven Local Plan and the National Planning Policy Framework.

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

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

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

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

Prior Occupation

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

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

Reason: To safeguard the living conditions of residents particularly regarding the effects of vibration and to comply with Craven Local Plan policy ENV3 and the National Planning Policy Framework.

16

No part of the development must be brought into use until the access, parking, manoeuvring, and turning areas for all users at Land Off Meadow Lane/Moorfoot Lane, Cononley have been constructed in accordance with the details approved in writing by the Local Planning Authority. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason: To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development and to comply with Craven Local Plan policy INF4 and the National Planning Policy Framework.

Informative

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

17

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

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

Reason: To ensure safe and appropriate access and egress to the premises, in the interests of highway safety and the convenience of all prospective highway users and to comply with Craven Local Plan policy INF7 and the National Planning Policy Framework.

Informative

It is recommended that in order to avoid abortive work, discussions are held between the applicant, the Local Planning Authority and the Local

Highway Authority before a draft layout is produced and any detailed planning submission is made.

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

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

- 18** No individual dwellinghouse hereby approved shall be occupied until an Energy Statement applicable to that dwellinghouse has been submitted to and approved in writing by the planning authority. The Energy Statement shall include the following items:
- a) Full details of the proposed energy efficiency measures and/or renewable technologies to be incorporated into the development including solar panels;
 - b) Calculations using the SAP or SBEM methods which demonstrate that the reduction in carbon dioxide emissions rates for the development, arising from the measures proposed, will enable the development to comply with Policy ENV3 of the Craven Local Plan.

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

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

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

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

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

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

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

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

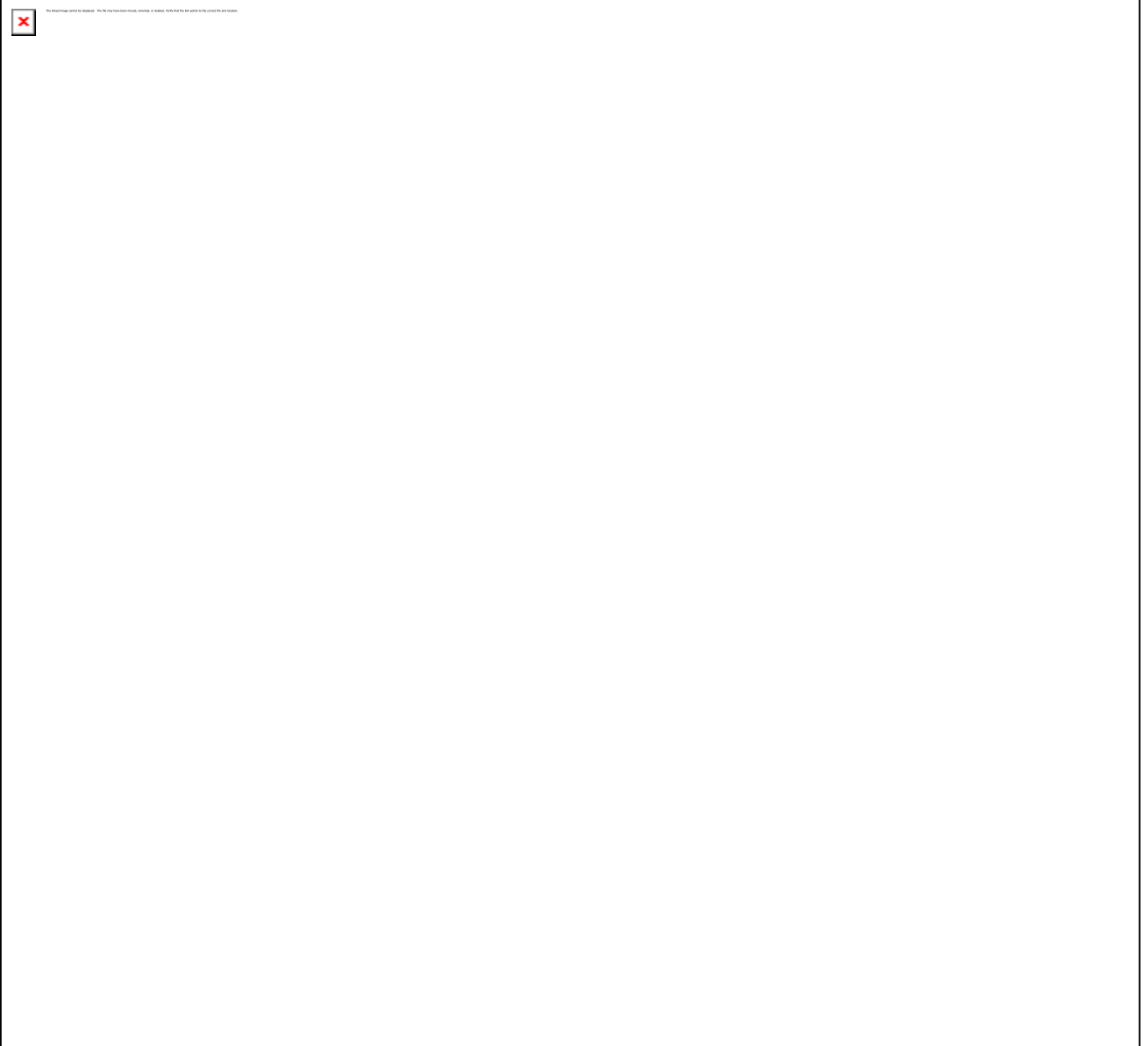
Target Determination Date: 5 October 2023

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