

**North Yorkshire Council**  
**Community Development Services**  
**Skipton and Ripon Area Constituency Committee**  
**7<sup>TH</sup> 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
<b>Total</b>				<b>2.75 Bu</b>

- 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
<b>Total</b>				<b>3.09Bu</b>

- 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<sup>1.75</sup> between 07.00

and 23.00 hours, and 0.2 m/s<sup>1.75</sup> 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](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 o 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**

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



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