

## PLANNING COMMITTEE

**Monday, 13<sup>th</sup> June 2022 at 1.35pm**

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

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

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

**Please note the following advice in advance of the meeting:**

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

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

## AGENDA

**Comfort Break:** A formal comfort break of 15 minutes may be taken at an appropriate point in the Committee's consideration of the Schedule of Plans.

1. **Apologies for Absence and Substitutes** – To receive any apologies for absence.
2. **Confirmation of Minutes** – To confirm the minutes of the meeting held on 14<sup>th</sup> March 2022.
3. **Public Participation** – In the event that any questions/statements are received or members of the public wish to ask questions or address the Committee in respect of matters not appearing on this agenda, the public participation session will proceed for a period of up to fifteen minutes.
4. **Declarations of Interest** – All Members are invited to declare at this point any interests they have in items appearing on this agenda, including the nature of those interests.

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

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

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

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

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

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

**6. Quarterly Planning Performance Monitoring Report** – Report of the Strategic Manager for Planning and Regeneration. Attached.

Purpose of Report - The report is intended to inform the Committee of performance of the development management service during the quarter January to March 2022

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

**8. Date and Time of Next Meeting** – Monday, 4<sup>th</sup> July 2022 at 1.35pm

**Agenda Contact Officer:**

Vicky Davies, Senior Democratic Services Officer

E-mail: [vdavies@cravendc.gov.uk](mailto:vdavies@cravendc.gov.uk)

[Tel: 07565 620973](tel:07565620973)

1 June 2022

**Additional Information** - The circulation of materials cannot be accepted during the meeting. Any additional information has to be submitted to the Planning Case Officer in advance of the meeting by 12 noon on the last working day before the meeting date.

**PLANNING COMMITTEE**

14 March 2022

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

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

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

**Ward Representatives:** Application 2021/22977/FUL Councillor Noland (statement read out by Democratic Services); Application 2021/23599/REM Councillor Barrett.

**Confirmation of Minutes:**

**Resolved** – That the minutes of the meeting held on 14<sup>th</sup> February were approved as a correct record, subject to a minor amendment.

Start: 1.36pm

Finish: 5.26pm

Councillor Heseltine left the meeting at 4.53pm.

A short comfort break was taken at 3.26pm

PL.1066

**PUBLIC PARTICIPATION**

Councillor Eric Jaquin addressed the Committee regarding applications 23425 and 23455. He had previously made representations to the Committee relating to HGV vehicular access to the development site at Aldersley Avenue, Skipton. He wanted to see the Council introduce measures to ensure that HGV's followed the agreed route. He suggested CCTV monitoring, the erection of signs and imposing penalties for any planning breaches. The Planning Manager, in reply, stated that he would consult colleagues and send a written response to Councillor Jaquin.

PL.1063

**DECLARATIONS OF INTEREST AND LOBBYING**

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

**b. Lobbying**

Councillors Brockbank, Brown, Handley, Heseltine, Lis, Morrell, Pringle, Rose and Sutcliffe were lobbied against application 2021/22977/FUL. Councillors Brown and Lis were lobbied for and against application 2021/23599/REM and Councillor Sutcliffe was lobbied against the application.

PL.1064

**PUBLIC PARTICIPATION**

The following individual addressed the Committee:

**Application 2021/22977/FUL -**

Mr Scott Bisset (on behalf of the objectors)  
Mr Alan Wooley (on behalf of the applicant)

**Application 2021/23599/REM –** Mr William McCann (on behalf of the objectors)  
Mr Mick Matthews (applicant)

PL.1065

**PLANNING APPLICATIONS**

**a. Applications determined by Planning Committee**

Permission Granted

**2021/23537/REG4 – application for the installation of a heat recovery system at Skipton Crematorium, Waltonwrays, Carleton Road, Skipton, BD23 3BT.**

Members approved the application subject to the following conditions:

Conditions

**Time Limit for Commencement**

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

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

**Approved Plans**

- 2 This permission relates to the following plans:

Drawing no. 14681 Lay 1002 Rev A received 26th November 2021  
Drawing no. 14681 Lay 1001 Rev A received 26th November 2021  
Drawing no. 14681 Lay 1000 Rev A received 26th November 2021  
Materials and Fixing document received 20th January 2022

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

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

**During Building Works**

- 3 Prior to the cladding of the heat recovery system details of the wood cladding shall be submitted to and approved in writing by the Local Planning Authority and retained as such thereafter.

Reason: In the interest of visual amenity and to accord with Policies ENV2 and ENV3 of the Craven Local Plan and the NPPF.

- 4 Prior to the development being brought into use bird/bat boxes shall be installed and retained as such thereafter.

Reason: In the interests of biodiversity enhancements and to accord with Policy ENV6 of the Craven Local Plan and the NPPF.

### Informatives

1. Statement of Positive Engagement:

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

2. Adherence to approved plans/conditions

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

Proposer: Councillor Rose

Seconder: Councillor Lis

Voting: 8 for approval; 1 abstention.

**2022/23640/FUL – application to install new and replace existing lighting equipment with the heritage style designs within Skipton Heritage Action Zones. Zone 1: Victoria Square and 22 Sheep Street. Zone 2: Victoria Street. Zone 3. Hallams Yard and 2 Sheep Street and 60A High Street, Skipton.** Members resolved to approve the application with the conditions set out below including an additional condition in order to ensure the visual amenity of the designated heritage assets from any unacceptable visual harm and to comply with the Craven Local Plan:

### Conditions

#### **Time Limit for Commencement**

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

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

#### **Approved Plans**

- 2 This permission relates to the following plans:

Location plan dated 20th December 2021

NYCC Lighting Equipment Plan dated 20th December 2021

NYCC Lighting Key dated 20th December 2021

NYCC Hallams Yard dated 20th December 2021  
NYCC Victoria Street dated 20th December 2021  
NYCC Hallams Yard dated 20th December 2021  
NYCC Victoria Square dated 20th December 2021

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

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

### **During Building Works**

- 3 Unless alternative details have first been submitted to and approved in writing by the Local Planning Authority, the development shall be constructed sequentially in accordance with the three phases shown on Location Plan dated 20th December 2021.

Reason: For the avoidance of doubt and to ensure that any phased development of the site takes place in an appropriate order and timetable in accordance with the policies contained within the Craven Local Plan and the National Planning Policy Framework.

- 4 Unless alternative details have first been submitted to and approved in writing by the Local Planning Authority, the development shall be constructed in accordance with the materials detailed on the submitted application form and approved plans.

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

### **Lighting**

1. The proposed illumination shall be below 4000k spectrum to provide warm illumination more suitable to the designated heritage assets and shall be retained as such thereafter.

Reason: To ensure the visual amenity of the designated heritage assets from any unacceptable visual harm and to comply with the Craven Local Plan

### **Informatives**

1. Statement of Positive Engagement:

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

## 2. Adherence to approved plans/conditions

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

Proposer: Councillor Sutcliffe

Seconder: Councillor Brown

Voting: 8 for approval.

(Councillor Pringle did not vote on this application on a point of principle. He asked that it be recorded that he was aware of many constituents whose applications had gone on for months if not years and had been made aware of application 22975 from June 2021 that had not been determined even though the applicant was not causing the hold up. Craven District's application was dated 4<sup>th</sup> February 2022 and he believed that the Council's own applications should not be treated any different from anyone else's. Councillor Pringle wanted to see the backlog of applications determined before we dealt with our own applications.)

**2022/23639/LBC – application to install new and replace existing lighting equipment with the heritage style designs within Skipton Heritage Action Zones. Zone 1: Victoria Square and 22 Sheep Street. Zone 2: Victoria Street. Zone 3. Hallams Yard and 2 Sheep Street and 60A High Street, Skipton.** Members resolved to approve the application with the conditions set out below including an additional condition in order to ensure the visual amenity of the designated heritage assets from any unacceptable visual harm and to comply with the Craven Local Plan:

### Conditions

#### **Time Limit for Commencement**

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

Reason: To comply with the requirements of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

#### **Approved Plans**

- 2 This permission relates to the following plans:

Location plan dated 20th December 2021  
NYCC Lighting Equipment Plan dated 20th December 2021  
NYCC Lighting Key dated 20th December 2021  
NYCC Hallams Yard dated 20th December 2021  
NYCC Victoria Street dated 20th December 2021  
NYCC Hallams Yard dated 20th December 2021  
NYCC Victoria Square dated 20th December 2021

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

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

### **During Building Works**

- 3 Unless alternative details have first been submitted to and approved in writing by the Local Planning Authority, the development shall be constructed sequentially in accordance with the three phases shown on Location Plan dated 20th December 2021.

Reason: For the avoidance of doubt and to ensure that any phased development of the site takes place in an appropriate order and timetable in accordance with the policies contained within the Craven Local Plan and the National Planning Policy Framework.

- 4 Unless alternative details have first been submitted to and approved in writing by the Local Planning Authority, the development shall be constructed in accordance with the materials detailed on the submitted application form and approved plans.

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

- 5 Unless alternative details have first been submitted to and approved in writing by the Local Planning Authority, the mortar to be used in the approved development shall comprise of hydraulic lime mortar NHL 3.5 mixed with an appropriate aggregate. No cement shall be added to the mortar.

Reason: To ensure the use of suitable materials which are sympathetic to the special architectural and historic character of the listed building and conservation area in accordance with the requirements of Craven Local Plan policy ENV2 and the National Planning Policy Framework and the Planning (Listed Buildings and Conservation Areas) Act 1990.

### **Lighting**

1. The proposed illumination shall be below 4000k spectrum to provide warm illumination more suitable to the designated heritage assets and shall be retained as such thereafter.

Reason: To ensure the visual amenity of the designated heritage assets from any unacceptable visual harm and to comply with the Craven Local Plan



### Informatives

1. Adherence to approved plans/conditions

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

2. Statement of Positive Engagement:

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

Proposer: Councillor Sutcliffe

Seconder: Councillor Brown

Voting: 8 for approval.

(Councillor Pringle did not vote on this application on a point of principle. He asked that it be recorded that he was aware of many constituents whose applications had gone on for months if not years and had been made aware of application 22975 from June 2021 that had not been determined even though the applicant was not causing the hold up. Craven District's application was dated 4<sup>th</sup> February 2022 and he believed that the Council's own applications should not be treated any different from anyone else's. Councillor Pringle wanted to see the backlog of applications determined before we dealt with our own applications.)

### Applications Refused

**2021/22977/FUL – application for the construction of a new artificial grass pitch (AGP) with associated sports lighting, fencing and ancillary features at Ermysteds Grammar School, Gargrave Road, Skipton BD23 1PL.**

Members debated the application in detail and had several concerns. Members were particularly concerned about the impact the sports pitch and 15m high floodlights would have on the Conservation Area as well as the neighbouring elderly persons' development which had balconies overlooking the proposed site, resulting in noise and light pollution. Members' also took into account that two statutory consultees had objected to the application. Skipton Town Council did not wish to see evening use till 9pm as that would be unacceptable to neighbouring residents. Sports England had also objected to the proposal that there would be community use outside school hours as there was no strategic need for wider community use of the proposed artificial grass pitch.

Counsel informed the Committee that if Members were to approve the application on the conditions as currently proposed, they were not the conditions that Sport England had stated they would withdraw their objection upon. Therefore, that would trigger the requirement under the 2021 Direction to notify the Secretary of State, who would either call the application in for the Secretary of State to decide or, if s/he did not wish to call it in, the Committee decision would stand.

Counsel further advised that statutory consultees do not determine applications, but the Local Planning Authority was required to give considerable weight to their objections, but were entitled

to depart from them if there was good reason to do. Members attention was drawn to those reasons as set out in the case officer's report.

The application was refused on the following grounds:

The proposed artificial grass pitch and 8 x 15m column sports lighting does not take into account the statutory consultee objections of Sport England regarding no community use and Skipton Town Council's objection to night time use. The proposal does not protect the amenity of neighbouring properties and the elderly persons' development and therefore is contrary to Policy ENV3(a) and ENV3(e) of the Craven Local Plan.

Proposer: Councillor Pringle

Seconder: Councillor Brown

Voting: 10 for refusal (unanimous)

**Application 2021/23599/REM – application for reserved matters in connection with 2021/22523/OUT sought for scale, appearance of the dwelling, layout and landscaping on land to the North of Garden Close, Glusburn. (Site Visit)** The Planning Committee resolved to refuse the application as they regarded the proposed dwelling was too high, large and overbearing. Members felt that it would be too dominant and the design was out of character with the smaller neighbouring properties. The application was refused on the following grounds:

The proposed dwelling, by reason of its scale would constitute a form of development that would be overly dominate and out of character with the neighbouring properties. The proposal is therefore contrary to the requirements of Policy ENV3 (b) of the Craven Local Plan and the requirements of paragraphs 126 and 130 of the National Planning Policy Framework.

Proposer: Councillor Pringle

Seconder: Councillor Sutcliffe

Voting: 7 for; 2 against; 1 abstention.

## **b. Delegated Matters**

The Strategic Manager for Planning and Regeneration submitted a list of new and closed planning enforcement cases between 2 February 2022 and 3 March 2022.

PL.1065

### **ANY OTHER BUSINESS**

The Chairman asked Members to give their views on having site visits on a different day from that of the Committee day. For the past few months, site visits had been held on the Wednesday, the week before the Committee and they were working well.

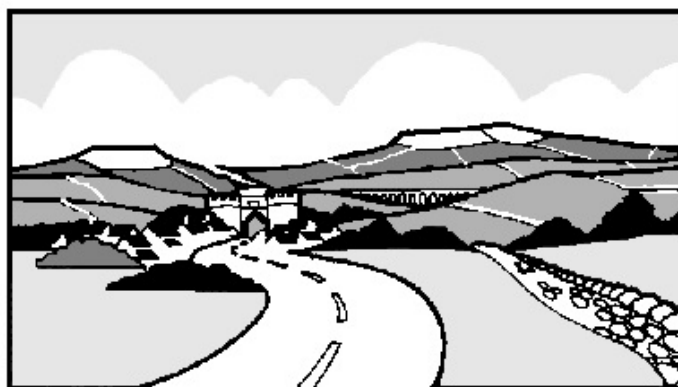
**Resolved** – That, site visits are held on a Wednesday the week before the Committee and that the dates are included in the Calendar of Meetings for 2023/23.

### **Minutes for Decision**

There were no items for decision requiring confirmation by Council.

Date of Next Meeting: 11<sup>th</sup> April 2022.

Chairman.



# **CRAVEN**

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**D I S T R I C T**

## **PLANNING COMMITTEE AGENDA**

**DATE: 13th June 2022**

### **INDEX OF PLANNING APPLICATIONS**

Item No.	Application Reference No.	Name of Applicant	Site Address	Page No's
1.	2022/23954/REM	Mr & Mrs Mick Matthews	Land To North Of, Garden Close, Glusburn.	2 - 13
2.	2022/23773/FUL	Burley Developments Group	Town End Barn, Colne Road, Glusburn.	14 - 33

## REPORT TO PLANNING COMMITTEE ON 13th June 2022

**Application Number:** 2022/23954/REM

**Proposal:** Consent for approval of full details of detached dwelling and associated parking area as matters reserved in Outline planning consent referenced 2021/22523/OUT

**Site Address:** Land To North Of Garden Close Glusburn.

**On behalf of:** Mr & Mrs Mick Matthews

**Date Registered:** 25th April 2022

**Expiry Date:** 20th June 2022

**EOT Date, if applicable:**

**Case Officer:** Andrea Muscroft

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### **SUMMARY**

**Application has been refused by Planning Committee members in March 2022 on the grounds of scale. The proposal has been revised and thus under the Council's scheme of delegation the application is referred to the planning committee for consideration.**

In determining the current reserved matters application, it is important to note that the outline consent (2021/22523/OUT) forms the starting point for relevant considerations. The outline consent established the wider principle of the development including the detailed matter of access to the site from the A6068. The outline consent also attached a number of planning conditions which will need to be discharged in due course with many of these relevant to the 'detail' of the development.

In terms of 'Appearance and Scale,' the revised proposal is considered to create a visually attractive development incorporating an appropriate mix of materials (including stone) and design features. The scale of the development and gable features are considered sympathetic to the style and vernacular character of the surrounding area.

With regards to 'landscaping', it is noted that conditions attached to the Outline will secure several benefits. Details submitted as part of the reserved matters application indicate an attractive green area is proposed within the site. Subject to the further details which can be controlled by condition, the development of the site offers opportunities to achieve a biodiversity gain.

In terms of 'layout', the details submitted would create a development which relates well to the surrounding area. Together with the biodiversity improvements, this would lead to a positive development in these respects.

Several other matters which do not strictly fall under the umbrella of any reserved matters are also noteworthy and the applicant has made positive attempts to address climate change and biodiversity.

Officers have sought to address the concerns raised by residents and in this instance, considering all relevant factors, the benefits would strongly outweigh any harm created and therefore the planning balance weighs heavily in favour of granting the reserved matters.

As outlined above, the development accords with those policies of the Local Plan relevant to the consideration of the reserved matters application and thus is recommended for approval subject to appropriate conditions.

1. Site Description

- 1.1 This Reserved Matters Application site relates to a parcel of land that is currently used as a residential garden which was granted outline consent ref: 2021/22523/OUT for the construction of a single dwelling. The site is accessed via Garden Close, in Glusburn. To the west, east and south the site is surrounded by residential dwellings, to the north is a garden area and further north there are more residential dwellings.
- 1.2 The application site is located within the 'main built-up area' of Glusburn, and a small portion of the site to the south is located within Flood Zone 2.

2. Proposal

- 2.1 The proposal is seeking Reserved Matters approval for appearance, landscaping, layout and scale in accordance with Condition 2 of the outline permission.
- 2.2 **Officer Note:** The scope of a Reserved Matters approval is governed by Article 2 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. In which it limits reserved matters to issues of access, appearance, landscaping, layout, and scale **only**.
- 2.3 The High Court in Pearl, R (on the application of) v Maldon District Council & Anor [2018] EWHC 212 (Admin) also set out the limitations and procedural obligations for local planning authorities in considering approval of reserved matters.
- 2.4 In this instance, access was considered at the outline stage and therefore is **not** for consideration with regards to this application.
- 2.5 **Officer note:** The proposal seeks to address the reasons for refusal by members of planning application ref: 2021/23599/REM which was refused on the grounds of its scale by reducing the overall scale of the development.
- 2.6 The proposed dwelling would consist of a 5-bedroom detached dwelling split over three levels.
- 2.7 The proposed application site shows private amenity areas to the west and north of the dwelling with three parking spaces located to the southwest of the site and turning areas to the south.
- 2.8 A bin store would be located on the southeast corner of the site.
- 2.9 Landscaping is proposed on the site with turfed areas to the west and north of the dwelling with additional tree planting along the western boundary.
- 2.10 **Officer Note:** The means of access to the completed development off the A6068 has been fixed as part of the outline planning permission ref: 2021/22523/OUT and cannot, therefore, be altered at the reserved matters stage.
- 2.11 **Officer Note:** The wider impacts of the proposed mixed development on matters such as highway safety, flooding, drainage, and SUDS, have been considered and either found acceptable or details were reserved by condition.

3. Planning History

- 3.1 5/32/703 – Residential development at land to the east of Green Lane, Glusburn. Refused 23rd March 1999.

- 3.2 2019/21179/OUT - Outline application with all matters reserved for one detached house accessed from Garden Close – Refused March 2020
- 3.3 2021/22523/OUT - Outline application for the construction of a detached dwelling, all matters reserved except for highways – May 2021
- 3.4 2021/23599/REM - Reserved matters in connection with 2021/22523/OUT sought for scale, the appearance of the dwelling, layout, and landscaping of the site – Refused March 2022
4. Planning Policy Background
- 4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states ‘, if regard is to be had to the development plan for the purpose of any determination to be made under the Planning, Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise. This is recognised in Paragraph 11 of the National Planning Policy Framework (‘NPPF’), with Paragraph 12 stating that the NPPF does not change the statutory status of the development plan as the starting point for decision making.
- 4.2 The July 2021 NPPF replaced the February 2019 NPPF, first published in March 2012. The NPPF does not change the status of an up-to-date development plan and where a planning application conflicts with such a plan, permission should not usually be granted unless material considerations indicate otherwise (Paragraph 12). This application has been considered against the 2021 NPPF.
- 4.3 Annex 1 of the NPPF outlines how it should be implemented:  
*‘219... existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)’.*
- 4.4 The development plan for Craven includes the Craven Local Plan 2012 to 2032 (November 2019) (‘LP’). The relevant LP policies to the determination of this application are:  
 ENV3: Good Design  
 INF4: Parking Provision
- 4.2 National Policy  
 The National Planning Policy Framework 2019  
 Planning Policy Guidance
- 4.3 Other documents of relevance  
 The NYCC Interim Parking Guidance
5. Parish/Town Council Comments
- 5.1 Glusburn Parish Council: No comments were received within the statutory consultation period.
6. Consultations
- 6.1 CDC Environmental Health Officer: Recommend the use of an informative with regards to noise and dust control.
- 6.2 NYCC Highways: In assessing the submitted proposals and reaching its recommendation the Local Highway Authority has considered the following matters:  
*visibility at the access is good and turning and parking meet the required standards.*
- 6.3 Consequently, the LHA recommends conditions.
- 6.4 To view comments please click on the link below:  
<https://publicaccess.cravencdc.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=RA1381FKMHM00>

7. Representations
- 7.1 17 Notification letters circulated.
- 7.2 10 letters of third-party representation were received (1 from a property in Lothersdale). Comments have been summarised below:
- 7.3 **Amenity**
- Loss of privacy
  - Noise generated during the construction stage
  - The proposed garage adjacent to the gardens of Garden Close would impact neighbours' amenities and privacy
- 7.4 **Officer Note:** No garage is proposed.
- 7.5 **Visual**
- Scale-out of character
  - Plot appears cramped
- 7.6 **Highway**
- Access point onto a busy road (A6068)
- 7.7 **Officer Note:** Matters of highway safety was considered at the outline stage and deemed to be acceptable and cannot be introduced at this (reserved matters approval) stage
- The close is not wide enough
- 7.8 **Officer Note:** The means of access to the completed development off the A6068 has been fixed as part of the outline planning permission ref: 2021/22523/OUT and cannot, therefore, be altered at the reserved matters stage.
- 7.9 **Nonmaterial planning considerations**
- There are no public pathways or street lighting within the close.
  - The access road is private, and the site owner only has right of way, and any work to the roadway that requires repair must be to the current standard.
- 7.10 **Officer Note:** This is a civil matter between interested parties outside of the planning legislation, however, the owner of the access road to the site was served notice of the application during the assessment of the outline application and the applicant is aware of legal obligations with regards to access/repairs.
- 7.11 **The triangular section of the site is not in the ownership of the applicant.**
- 7.12 **Officer note:** It is acknowledged that this is not within the ownership of the applicant as indicated at the outline stage when notice was served on the owner of the land. Therefore, the correct notification has been undertaken with regards to this application.
- 7.13 If the land to the north is sold and an application is brought forward, would it not suffer the same problems.
- 7.14 To view comments please click on the link below:  
<https://publicaccess.cravendc.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=RA1381FKMHM00>
8. Summary of Principal Planning Issues
- 8.1 Having regard to the nature of the development proposed (that it is an application for approval of reserved matters submitted pursuant to extant outline permission), the main issues for consideration are:

Principle of development

Visual Impact in terms of:

Appearance and scale

Landscaping

Layout

Other matters

9. Analysis

9.1 **Principle of development**

9.2 The principle of the development of this site for housing has already been determined and accepted via the outline planning permission that was granted in May 2021.

9.3 Access, as outlined above access into the site from the A6068, was approved at the outline planning application stage.

9.4 The matters that were reserved for later consideration as part of the outline approval relate to *appearance, landscaping, layout, and scale*. It is these matters that are to be considered in the determination of this application and not the principle of the site being developed, nor access arrangements into the site.

9.5 **Visual Impact**

9.6 Whilst the principle of development on this site has been established by the outline permission, it is important to ensure that the appearance, scale, landscaping, and layout of the development are sympathetic to the character of the site and that it does not conflict with the character and appearance of the surrounding area.

9.7 However, it is important to stress that this proposal is for an ***individual custom self-build development*** which has been brought forward ***on a challenging plot***, and thus the design has been determined with regards to both site-specific constraints and the requirements of the applicant.

9.8 CDC Policy ENV3 (Good Design) indicates that developments should facilitate good design in accordance with guiding principles. Criteria (a) & (b) are of the greatest relevance in this case and require developments to take account of the character and appearance of the local area by:

a) Development should respond to the context;

b) Designs should respect the form of surrounding buildings, including density, scale, height, massing and use of high-quality materials which should be locally sourced wherever possible.

9.9 NPPF Paragraph **126** underlines the fundamentality of achieving high-quality, beautiful, and sustainable buildings within the planning process. NPPF Paragraph **130** requires decisions to ensure that development is visually attractive, sympathetic to local character and maintenance of place including building types and materials.

9.10 **Appearance and scale.**

9.11 The PPG defines – Appearance as “The aspects of a building or place within the development which determine the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture”.

9.12 Scale - “The height, width and length of each building proposed within the development in relation to its surroundings”

9.13 As highlighted above both the NPPF and the LP seek to ensure that new development is of high quality and is appropriate to its context.



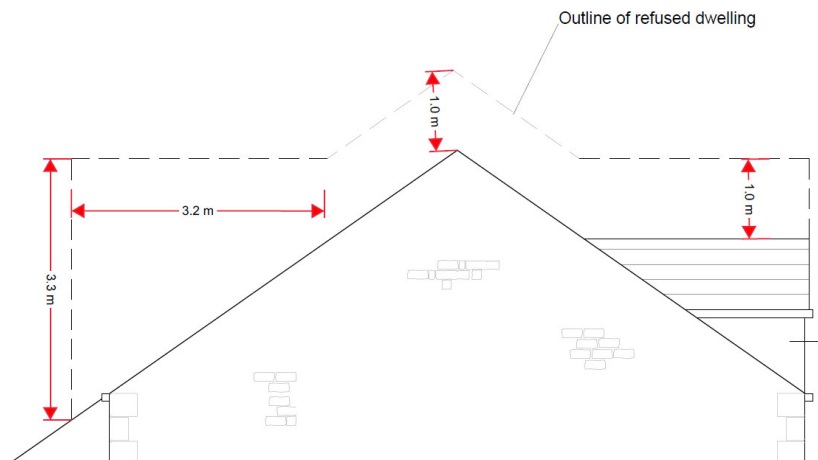
- 9.14 It is noted that the character of the wider area is relatively mixed regarding scale and appearance. The properties immediately to the south of the site located on Green Close consist of two-storey terrace dwellings constructed out of stone.
- 9.15 Beyond Green Close dwellings tend to be a mixture of detached and terrace two-storey properties of stone construction fronting onto the A6068. These dwellings due to the historical growth of the village have limited spaces between the dwellings with a mixture of small and long narrow back gardens.
- 9.16 Properties immediately to the east of the site consist of a row of 2 storey terrace staggered dwellings constructed from modern materials, although they do follow the vernacular character of the area.
- 9.17 To the north and west the dwellings tend to be large, detached dwellings constructed out of stone with a strong vernacular character. The dwellings tend to have gable features and are attractive with tiled roofs. The dwellings are well spaced and have generous garden areas with driveways to the front and low-level boundary treatments and planting.
- 9.18 The proposal proposes a detached dwelling set back within the site and due to the topography of the site would be 3 storey at the front and 2 storey to the rear.
- 9.19 To address concerns raised by members ref the scale of the development the scheme has been revised resulting in the following:

Ridge height was reduced by approx. 1m.

Removal of dormer windows to the front elevation

Reduction in height of dormer windows to the rear elevation.

Overall reduction in volume



- 9.20 The dwelling would include roof lights to the front elevation.
- 9.21 The rear elevation faces the open land to the north and therefore no overlooking will occur. The west (side) elevation proposes a non-glazed door and two obscure windows: subject to a condition specifying any window (including within the door) the level of obscurity and limited opening mechanism it is not considered any adverse overlooking will occur.
- 9.22 The proposed dwelling is a proportionate distance from the respective site boundaries. By digging into the slope, a large amount of the perceptible bulk is diminished with the site appearing akin to a two-storey property from the side. The front elevation will show the three-storey nature of the property and is imposing, however (as described) above this faces onto the public realm and will not be overbearing upon the Garden Close occupants' amenity.

- 9.23 Whilst it is recognised that the proposed dwelling is a substantial building, it has also been acknowledged that the dwelling has been reduced in both height and volume. Therefore, when considering whether the revised scale is acceptable it is important to consider several factors combined with the constraints of the site.
- 9.24 The topography of the site which climbs northwards is a significant constraint to the development of this site, to ensure that the dwelling is set down within the surrounding area the proposal does require a significant level of excavation works to be undertaken which would see the dwelling set down and set back within the site thus ensuring that the proposed ridge height is below those of dwelling located to the east and west of the site and also of those further northwards.
- 9.25 The proposed dwelling in terms of its detailing, fenestration and use of high-quality materials would complement nearby dwellings, with interest added to the dwelling through the incorporation of changes in roof forms and facing gables. It is considered that the proposed dwelling in terms of appearance is acceptable and would not be harmful to the character of the application site's immediate dwellings or the wider surrounding area.
- 9.26 In conclusion, the proposed dwelling is located on a separate parcel of land separated from the adjacent dwellings by existing boundary treatments and an open field. These adjacent dwellings are of differing ages, appearances, scale and designs and thus there is no one dominant house type/form instead the character of the area is one of areas of old and new dwellings sitting adjacent to each other.
- 9.27 Furthermore, the dwelling which would be obscured from many public views would not appear overtly dominant due to the set down/setback and the orientation between existing dwellings. Nor due to its location, screened from the majority of public views would the development result in harm to the street scene.
- 9.28 Therefore, on balance, it is considered that the appearance and scale of the development is acceptable and thus the development complies with LP policy SP3 and the NPPF.
- 9.29 **Landscaping**
- 9.30 The PPG defines - Landscaping - the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes: (a) screening by fences, walls or other means; (b) the planting of trees, hedges, shrubs or grass; (c) the formation of banks, terraces or other earthworks; (d) the laying out or provision of gardens, courts, squares, water features, sculpture or public art; and (e) the provision of other amenity features".
- 9.31 Details provided state that within the site there would be a green corridor running along the eastern and western boundaries of the site. In addition, native trees, and hedgerows/shrubs would also be planted within these green areas. Furthermore, within the garden areas wildflower would be planted.
- 9.32 A new dry stone boundary wall would also be constructed.
- 9.33 In conclusion, it is considered that the proposed landscaping and associated biodiversity benefits are considered acceptable and that it is proposed to deal with the delivery of the landscaping and biodiversity aspects of the development via condition. The development is therefore considered to accord with the relevant policies of the local plan in this regard.
- 9.34 **Layout**
- 9.35 The PPG defines - Layout – as the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development"
- 9.36 In terms of layout, the internal layout would consist of a turning area with three designated parking spaces with steps leading up and around the proposed dwelling to the private amenity areas. A bin store would be in the far southwestern corner of the site.
- 9.37 The nearest dwelling to the proposed dwelling (No. 4 Garden Close) would be located at a separation distance of approx. 13m with the front gable of the proposed dwelling. The front (south)

elevation faces onto the site access, garages, and cul-de-sac, therefore due to the oblique angled relationship between this existing and proposed dwelling there would be no significant adverse overlooking.

- 9.38 The east (side) elevation proposes windows at ground floor and is sited c.12m from the shared boundary separating the respective gardens of Higher Lodge Street, the respective dwellings are c.31m, at these distances and with a 1.8m fence no adverse overlooking will arise. The rear elevation faces the open land to the north and no overlooking will occur.
- 9.39 The west (side) elevation proposes a non-glazed door and two obscure windows: subject to a condition specifying any window (including within the door) the level of obscurity, limited opening mechanism it is not considered any adverse overlooking will occur.
- 9.40 The proposed dwelling as outlined above would face toward the access/turning and parking areas of the properties on Garden Close. Therefore, due to the separation distance and the orientation between the proposed dwelling and the existing dwellings on Garden Close it is not considered that the proposal would give rise to an unacceptable loss of privacy, outlook, daylights, or sunlight.
- 9.41 Similarly, the separation distances between properties to the east, north and west are considered sufficient to ensure that the development would not give rise to any adverse impacts to the occupants of these dwellings.
- 9.42 It was also noted, that there already exists a level of mutual overlooking between properties and as such it is not considered that this development would result in any unacceptable increase.
- 9.43 In conclusion, it is considered that the proposed layout is acceptable and would not give rise to any amenity issues and therefore accords with the relevant policies of the local plan in this regard.
- 9.44 **Other matters**
- 9.45 The proposal has provided details of measures to be incorporated into the development to reduce the impact of climate change including;
- Electric charging points
  - Solar panels.
  - Use of energy-efficient appliances
  - Use of water-efficient appliances
  - Incorporation of heat controls to ensure effective use.
  - Ground heat source pump to be installed.
  - Building to comply with Building Regulations
- 9.46 It is considered that the measures outlined within the Sustainability Design and Construction Statement satisfy the requirements of Policy ENV3 of the LP.
- 9.47 **Officer note:** On the 15<sup>th</sup> of June 2022 changes to Building Regulations will come into force which sees changes to Part L (Conservation of fuel and power), F and the creation of Part O (Overheating) and Part S (Infrastructure for charging electric vehicles). These changes further ensure that the development is a sustainable form of development.
- 9.48 The proposal has also provided details with regards to biodiversity benefits which include:
- Four bat tiles to allow bats access to roots
  - Two swift boxes integrated into the wall
  - Hedgehog access via the proposed fencing with holes at intervals
  - Dry stone walls would create roosting/foraging habitat for wildlife and gaps which would allow wildlife to access surrounding land into and out of the site.
  - Creation of dark corridors to not negatively impact bats.

- 9.49 It is therefore considered that all reasonable steps have been taken to incorporate biodiversity into the development and will be delivered using an appropriate worded condition should the application be recommended for approval.
- 9.50 **Conclusion and Planning Balance.**
- 9.51 In determining the current reserved matters application, it is important to note that the outline consent (2021/22523/OUT) forms the starting point for relevant considerations.
- 9.52 The outline consent established the wider principle of the development including the detailed matter of access to the site from the A6068. The outline consent also attached several planning conditions which will need to be discharged in due course with many of these relevant to the 'detail' of the development.
- 9.53 The dwelling is a \*self-build form of development that the Government supports and the dwelling has been designed to meet the needs of the occupant.
- 9.54 In terms of 'Appearance and Scale' the proposal is considered to create a visually attractive development incorporating an appropriate mix of high-quality materials (including stone) and design features. The scale of the development and gable features are considered sympathetic to the style and vernacular character of the surrounding area.
- 9.55 With regards to 'landscaping', it is noted that conditions attached to the Outline will secure several benefits. Details submitted as part of the reserved matters application indicate an attractive green area is proposed within the site. Subject to the further details which can be controlled by condition, the development of the site offers opportunities to achieve a biodiversity gain.
- 9.56 In terms of 'layout' the details submitted would create a development which relates well to the surrounding area. Together with the biodiversity improvements, this would lead to a positive development in these respects.
- 9.57 Several other matters which do not strictly fall under the umbrella of any reserved matters are also noteworthy and the applicant has made positive attempts to address climate change.
- 9.58 Officers have sought to address the concerns raised by residents and in this instance, considering all relevant factors, the benefits would strongly outweigh any harm created and therefore the planning balance weighs heavily in favour of granting the reserved matters.
- 9.59 As outlined above, the development accords with those policies of the Local Plan relevant to the consideration of the reserved matters application and thus is recommended for approval subject to appropriate conditions.

## 10. Recommendation

### 10.1 Approve with Conditions

#### Conditions

#### **Time Limit for Commencement**

- 1 The development permitted shall be begun either before the expiration of three years from the date of this outline permission or from the expiration of two years from the date of approval of the last reserved matters to be approved, whichever is the later.

Reason: In accordance with Section 92(2) of the Town and Country Planning Act 1990.

#### **Approved Plans**

- 2 The development hereby permitted shall not be carried out other than wholly in accordance with

1038\_10 LOCATION\_PLAN

1038\_12B PROPOSED SITE PLAN  
1038\_13B PROPOSED SITE SECTIONS (1OF2)  
1038\_14B PROPOSED SITE SECTIONS (2OF2)  
1038\_15C PROPOSED PLANS  
1038\_16B PROPOSED ELEVATIONS  
1038\_19 WINDOW AND DOOR DETAIL

Sustainable Design and Construction Statement  
Biodiversity Statement and enhancement

Received by Craven District Council on 20th December 2020.

Reason: For the avoidance of doubt and to ensure a satisfactory standard of development in accordance with the policies contained within the Craven Local Plan 2012-2032.

### **During Building Works**

- 3 Notwithstanding any details shown on the approved plans of this permission, within three months of development first taking place a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include details of:
- (1) the introduction of additional planting within the site which forms part of the internal development layout
  - (2) the type, size, species, siting, planting distances and the programme of planting of hedges, trees and shrubs.
  - (3) A programme for the implementation, completion and subsequent management of the proposed landscaping.

The duly approved landscaping scheme for each plot shall be carried out during the first planting season after the development on that plot is substantially completed and the areas which are landscaped shall be retained as landscaped areas thereafter.

Any trees or shrubs removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced by trees or shrubs of similar size and species to those originally required to be planted.

Reason: In order to achieve a satisfactory level of landscaping and provision of adequate private garden space for the dwellinghouse in accordance with the requirements of Craven Local Plan Policy ENV3 and the National Planning Policy Framework

### **Before the Development is Occupied**

- 4 Prior to the occupied the related parking facilities 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 adequate and satisfactory provision of off-street accommodation for vehicles in the interest of safety and the general amenity of the development and to accord with Policy INF4 of the Craven Local Plan.

- 5 Prior to occupation the approved boundary treatments as detailed on the approved plans and Reserved Matters application shall be implemented and retained as such thereafter.

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

## Ongoing Conditions

- 6 Notwithstanding the provisions of Schedule 2, Part 1, Classes A, AA, B, C, D and E of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any equivalent Order following the revocation and re-enactment thereof (with or without modification), the dwelling hereby approved shall not be altered or extended, and no buildings or structures shall be erected within its curtilage.

Reason: In order to prevent overdevelopment of the site, to ensure that satisfactory provision of outdoor amenity space for the dwellinghouse is maintained and to safeguard the amenities of the occupiers of adjacent dwellings in accordance with the requirements of the Craven Local Plan Policy ENV3 and the National Planning Policy Framework

### Informatives

1. Adherence to approved plans/conditions

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

2. Statement of Positive Engagement:

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

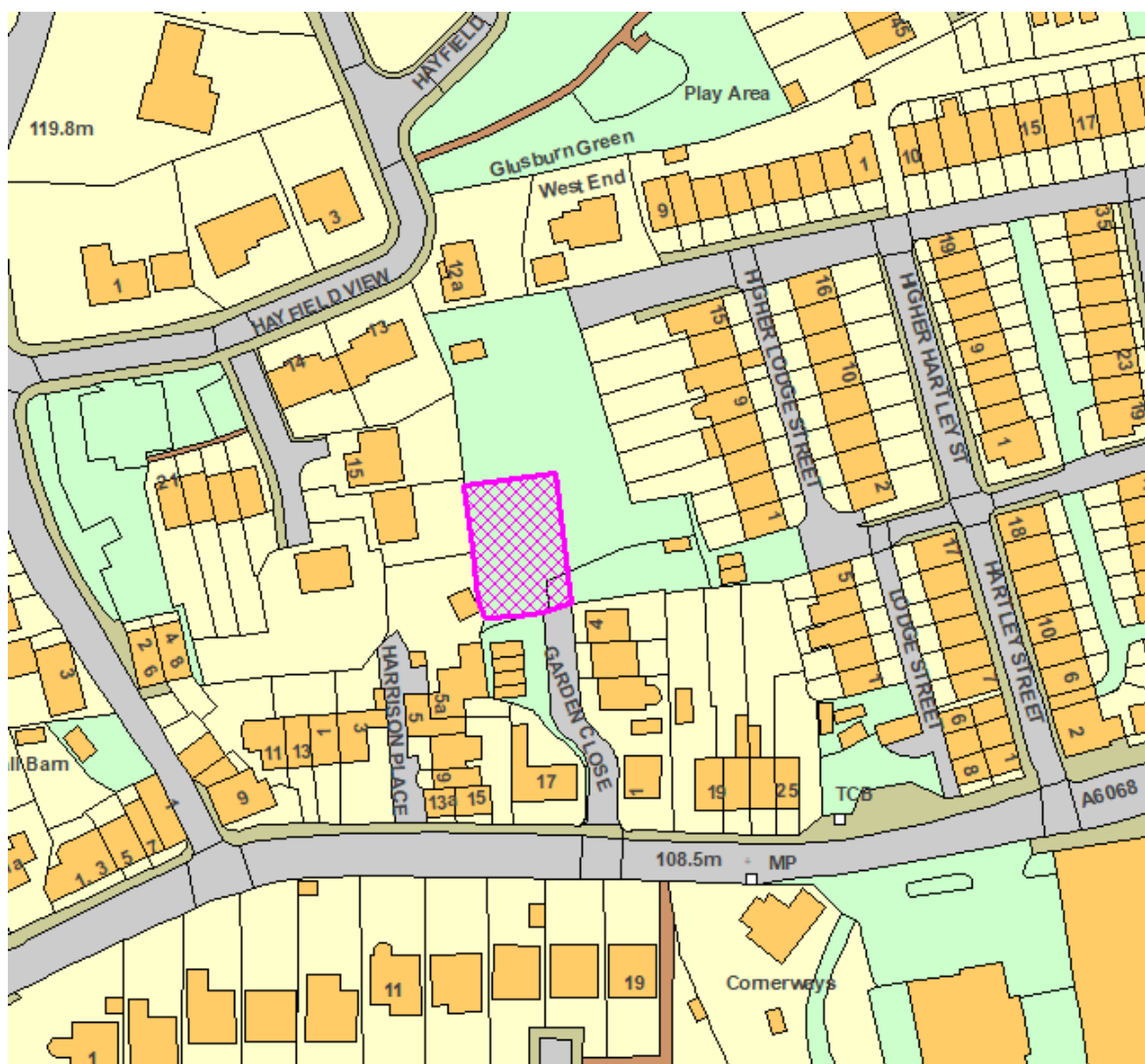
3. Charging Points

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

4. Broadband Connectivity

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

The District Council has produced a document, "Broadband Connectivity for New Developments in Craven - A Briefing Note for Developers" which provides a general introduction to broadband connectivity in the district. The briefing note is available by emailing [edu@cravendc.gov.uk](mailto:edu@cravendc.gov.uk) or can be downloaded from the District Council website.



**Application Number:** 2022/23954/REM

**Proposal:** Consent for approval of full details of detached dwelling and associated parking area as matters reserved in Outline planning consent referenced 2021/22523/OUT

**Site Address:** Land To North Of Garden Close Glusburn.

**On behalf of:** Mr & Mrs Mick Matthews

## REPORT TO PLANNING COMMITTEE ON 13th June 2022

**Application Number:** 2022/23773/FUL

**Proposal:** Revised description: - Conversion and reconstruction of two barns as two dwellings, and the construction of three new dwellings with off street parking and associated infrastructure

**Site Address:** Town End Barn Colne Road Glusburn.

**On behalf of:** Burley Developments Group

**Date Registered:** 1st April 2022

**Expiry Date:** 27th May 2022

**EOT Date, if applicable:** 17th June 2022

**Case Officer:** Andrea Muscroft

### **SUMMARY**

This application is referred to Planning Committee by Council Barratt on the grounds of public interest.

The proposal relates to the conversion of two former agricultural barns and the construction of 3 market dwellings with associated off-street parking and associated infrastructure.

**Benefits:**

The proposal would provide social benefits through the provision of housing to meet the identified housing need for the district.

The proposal would also provide economic benefits through the construction period and as residents access local services and facilities. The proposal would also provide environmental benefits through the regeneration of this site and the landscaping and habitat creation leading to biodiversity benefits.

The proposal would also provide sustainable design and construction benefits to help address climate change.

The proposal would not have any adverse impacts on the privacy or amenity of neighbouring properties nor highway safety.

Therefore, the proposal is recommended for approval subject to conditions.

1. Site Description

- 1.1 The site comprises two former agricultural buildings, a polytunnel, and associated land located centrally within the village of Glusburn.



- 1.2 To the north of the application site is a larger agricultural field that is used as meadowland. To the east and west are residential developments with dwellings to the east being predominantly Victorian terrace dwellings. In contrast dwellings to the west are modern suburban bungalows. Located to the south of the site are more residential development which front Colne Road and Glusburn Primary School.
- 1.3 Trees adjacent to the site are the subject of a Tree Preservation Order consisting of a group TPO ref: 372-3 1970 (Sycamore, Beech, Ash & Lime), and individual trees T7 – ref 342-3 1970 & T8 – ref 343-3 1970.
- 1.4 The site lies outside of any designated flood risk area but is identified as an area at risk of surface water flooding as defined by the Environment Agency.
- 1.5 The site lies within the main built-up area of Glusburn.
2. Proposal
- 2.1 Planning permission is sought for the conversion and reconstruction of two barns as two dwellings, and the construction of three new dwellings.
- 2.2 The proposal also includes off-street parking and associated infrastructure.
- 2.3 The proposed market dwelling would comprise:
- 5no. 3-bedroom dwellings
- 2.4 10 car parking spaces are proposed.
- 2.5 The new dwellings would be constructed of reclaimed stone to principle elevations and rendered to concealed gables under a blue/grey flat profile concrete tile roof. The conversion of the barns would also be of reclaimed stone with some cladding under an Art stone slate roof.
- 2.6 The proposed garages would be constructed from the slatted composite board under a blue slate roof.
- 2.7 Boundary treatments would consist of 1.3m high post & rail timber fencing along the northern boundary and stone boundary walls around and through the site to define the site boundaries and the private amenity areas of the plots.
- 2.8 The proposal would provide a designated bin collection area to the west of the site which would utilise the existing pick-up arrangements.
- 2.9 The proposal would result in the removal of 1no. Ash Tree, a group of self-seeded scrub (consisting of Ash & Sycamore), 1no. Sycamore Tree, 1no. Goat Willow and a section of the hawthorn hedge. The proposal would also see the pruning back of the Cypress Hedge and a Sycamore Tree.
- 2.10 5no. Replacement trees are proposed.
- 2.11 A footway link is proposed from the site into Bank Institute Street, the proposal would also provide a new gravel surface area for parking of residents of Institute Street.
- 2.12 The proposal is supported by the following documents;
- Arboricultural Report (Jan 2022)
  - Bat Survey & Method Statement
  - Biodiversity Statement
  - Design and Access Statement
  - Sustainability Statement
  - Planning Statement
- 2.13 Officer note: The development does not fall within Schedule 1 or 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017

### 3. Planning History

3.1 The relevant planning history includes:

3.2 32/2007/7657 – Conversion of barn to dwelling “B” – Refused September 2007

3.3 32/2007/7658 – Conversion of barn to dwelling “A” – Refused September 2007

3.4 32/2007/8115 – Conversion of barn to dwelling unit A – Refused Feb 2008

3.5 32/2007/8117 – Conversion of barn to dwelling unit B – Refused Feb 2008

3.6 32/2008/8560 – Conversion of 2 redundant barns into two detached houses – Refused June 2008

3.7 **Officer note:** The previously refused applications were considered under the requirements of the 1999 Local Plan which has now been superseded by the 2012-2032 Craven Local Plan adopted 12<sup>th</sup> November 2019.

### 4. Planning Policy Background

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

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

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

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

Policy SD1: The presumption in favour of sustainable development

Policy SD2: Meeting the challenge of climate change

Policy SP1: Meeting housing need

Policy SP3: Housing mix and density.

Policy SP4: Spatial strategy and housing growth

Policy ENV2: Heritage.

Policy ENV3: Good design

Policy ENV4: Biodiversity

Policy ENV5: Green infrastructure

Policy ENV6: Flood risk.

Policy ENV7: Land and Air Quality

Policy ENV8: Water resources, water quality and groundwater

Policy ENV9: Renewable and low carbon energy

Policy INF4: Parking provision.

Policy INF5: Communications infrastructure.

Policy INF7: Sustainable transport and highways.

### 4.5 National Policy

The National Planning Policy Framework

## Planning Practice Guidance

### 4.6 Other documents of relevance

National design guide

### 5. Parish/Town Council Comments

5.1 Glusburn Parish Council: No comments received within the statutory consultation period.

### 6. Consultations

6.1 CDC Tree Officer: The proposed trees scheduled for removal are of low quality and could be replaced by better quality specimens elsewhere on the site. Therefore, the development can be undertaken without detriment to existing high-quality trees. Recommend conditions requiring an arboricultural method statement and tree planting plan.

6.2 CDC Contamination officer: Because of the historical use of the agricultural building this could lead to some potential contaminated land issues, namely fuel or agricultural chemical storage. Therefore, it is recommended a condition be imposed if recommended for approval requiring the applicant/developer to report any unexpected contamination to the Council's contamination officer.

6.3 CDC Environmental health officer: No objections but recommend conditions relating to noise controls be imposed should the proposal be recommended

6.4 Officer note: NYCC Highways initially object to the proposal due to the location of the attenuation tank. Following on site meetings a revised scheme was submitted on which the highways officer has provided comments on.

6.5 NYCC Highways: In assessing the proposal it is considered that the turning and parking areas are acceptable, furthermore, the revised access plan is also considered acceptable. Consequently, the LHA recommends the use of appropriate conditions.

6.6 Yorkshire Water: No objection but recommend a condition advising that foul and surface water drainage should be on separate systems.

6.7 To view comments in full please click on the link below:

6.8 <https://publicaccess.cravendc.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=R7CVA8FKM0900>

### 7. Representations

7.1 44 notification letters circulated

7.2 23 letters of representation have been received. Comments have been summarised below:

#### **Amenity**

Concerns due to disruption and chaos during the construction stage.

**Officers note:** If approved then provision of a Construction Management Plan would be a requirement which outlines the proposed building works to be undertaken and how the constructor intends to manage the project to minimise the impact on the residents during the works

#### **Visual**

If materials are used as stated would be out of keeping with the area.

No indication of the height of the proposed boundary walls

**Officer note:** Drawing Ref: 2993.2F shows the height of the proposed boundary walls (1m).

The proposed limestone gravel surface for the access road would be noisy and dusty.

#### **Trees**

Concern that the vehicle access would result in the loss or damage to a protected tree.

Disagree with the statements made in the Aboricultural Impact Assessment that the development will not result in harm to the protected tree.

**Officer note:** This concern is not shared by the Council's Tree Officer.

Concerns that the proposed EV points would disturb tree roots.

**Officer note:** Revised scheme has omitted the EV points adjacent to the retaining wall and protected trees.

Concerns that the proposed parking spaces for dwelling 5 next to a retaining wall would affect the roots of the protected trees.

**Officer note:** Revised scheme has omitted the parking adjacent to the retaining wall and protected trees.

Concern over the proximity of the proposed road to the protected trees.

Concern that the materials to be used in the road would stop moisture from getting to the roots of T1 (Sycamore).

### **Highway**

Concerns over highway safety as vehicles exit Beanlands

Concerns that the proposed access is too narrow for the passing of 2 vehicles.

Concerns about how vehicles would access the field

Concerns over whether emergency service vehicles can negotiate such a tight bend.

Concerns over no passing place, the width of pavement and road/access.

Access road does not meet highway design or specification standards.

**Officer note:** NYCC Highways have been in discussions with the applicant with regards to the design and specification of the internal layout and following discussion/revised drawings and additional details have not raised any objections to the proposal.

Concern over the reduction in footpath width leading to the site.

Lack of visitor parking

Concerns that revised access with reduce the garden area of No.9 Beanlands.

**Officer note:** The proposed access into the site and impact on footpath were not correctly shown on the updated plan. Revised drawings have since been received which show these details correctly (no reduction of garden area).

### **Ecology**

Doubt the accuracy of the submitted Bat Survey.

Concern about the impact on birds and bats.

### **Other comments**

Suggest the provision of bollards to the access point.

If approved, then it would set a precedent for the remaining part of the field to be developed with all associated concerns.

**Officer note:** Each application is considered on its own merits and any approval does not automatically set a precedent to approve any subsequent proposal.

Errors within the submission

Confusing information on drawings ref materials for the new access road.

**Officer note:** Drawing 2993.2F clearly shows that access onto Beanlands Drive will be of bitmac as per the requirements of highways and the remaining access road will be of limestone gravel surface.

Suggest that the stump of the Ash tree is retained

The access point is not in the landowner's ownership nor the developer or LHA.

**Officer note:** A land registry search undertaken demonstrated that the land was highway land – this was confirmed by NYCC Highways. In addition, during a site visit with objectors the highways engineer was able to provide confirmation of land ownership via the NYCC database. (Appendix 1)

Concerns over agricultural vehicles travelling along Beanlands Drive

### **Non-Material planning comments**

Visitors of Glusburn School currently park on Beanlands with scant regard to the restrictions

**Officer note:** The function of developing, implementing, and reviewing current parking on Beanlands Drive is controlled by separate legislation - Traffic Management Act 2004.

Suggest that the barn fronting onto Colne Road is demolished to enable access off Colne Road.

**Officer note:** The planning department can only assess the application that is presented.

Will agricultural equipment use the proposed access on Beanlands Drive?

A previous application did not consider the protected trees.

The proposal should not be considered as it will be prejudicial to the further development of the remaining field.

7.3 To view comments in full please click on the link below:  
<https://publicaccess.cravendc.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

## 8 Summary of Principal Planning Issues

8.1 The main issues are:

The principle of development

Housing Mix and Density

Visual Impact

Sustainability

Amenity issues

Impact on protected trees

Ecological

Highway issues

Drainage

Other issues

## 9. Analysis

### 9.1 **Principle of Development**

9.2 Paragraph 38 (6) of the Planning and Compulsory Purchase Act 2004 indicates that development proposals should be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF advocates a presumption in favour of sustainable development, and the development of land in accordance with the policies of the development plan.

9.3 Policy SD1 states that developments that accord with the provisions of the local plan will be approved unless material considerations indicate otherwise.

- 9.4 Policy SP4 of the local plan identifies a settlement hierarchy and sets out the spatial strategy and housing growth. The policy supports the release of non-allocated sites for housing within the main built-up area of Tier 1, 2, 3, 4a and 4b settlements providing they accord with all other relevant LP policies.
- 9.5 The application site lies within the main built-up area of Glusburn a Tier 4a settlement and thus the principle of the development of this site for residential development is considered acceptable subject to the requirements of all other relevant policy requirements.

## 9.6 Housing Mix and Density

- 9.7 Policy SP3 seeks to ensure that land is used in an effective and efficient manner to address local housing needs. The policy is used as a starting point and guide rather than as an absolute rule to consider of other objectives, especially for dwelling mix, environmental and social infrastructure, local character and context, together with other local circumstances. It is this approach that allows for some flexibility subject to the general thrust of housing provision matching identified needs as closely as possible, which in some instances would allow for density and mix to vary from site to site.
- 9.8 A key objective of the NPPF is to significantly boost the supply of housing. The NPPF sets out that planning decisions should promote the effective use of land in meeting the need for homes.

SHMA Update 2017 (suggested dwelling mix)

Market	1/2 Bed	3 – Bed	4 – Bed
Policy SP3	18.9%	57.3%	23.8%
Proposed Mix	0%	100%	0%

- 9.9 There are no 1, 2 or 4-bed market housing dwellings as part of this proposal, instead all the market housing proposed would be 3-bed market dwellings. Whilst the proposal fails to provide any 1/2 or 4-bed market dwellings, the proposed 3-bed dwellings would help meet the family housing need as identified in the SHMA and the recent monitoring which demonstrates that the Council is failing to meet the need for 3 bed dwellings in the district.
- 9.10 The proposal would have a residential density of approximately 24 dwellings per hectare. This is lower than the Council's suggested 32 dwellings per hectare. However, this figure is based on the development of greenfield sites and/or brownfield sites without any significant element of conversion. In this instance, the proposal seeks the conversion of two barns plus the provision of new access and parking/manoeuvring areas to facilitate the proposal. It is therefore considered that the proposed density is acceptable in relation to the constraints of the site in this instance.
- 9.11 **Visual impact of the development.**
- 9.12 Policy ENV3 requires that development respond to context and be based on a proper understanding of environmental features, including both natural and built elements. Furthermore, designs should respect the form of existing and surrounding buildings.
- 9.13 The surrounding area consists of a mixture of Victorian terrace dwellings to the north, west and beyond with modern bungalows to the east of the site on elevated land. To the south of the site and to the southeast beyond the open field is a large suburban residential estate. As such, there is some variety in the house types within the area in terms of scale, design, appearance and materials.
- 9.14 The proposal involves the conversion of two existing barns on the site and the construction of three dwellings with associated off-street parking and infrastructure. To facilitate the proposal there is a requirement to remove some of the dilapidated metal barn structures on the site and some of the smaller outbuildings with the aim that this would enable to bring back the dis-used buildings back into use and enhance the immediate setting of the whole site with new landscaping.

- 9.15 Barn A
- 9.16 The proposal would extend the barn with a sensitive extension and would utilise existing openings. It is acknowledged that there would be some new openings, but these have been kept to a minimum. The barn would retain its existing stone exterior appearance except for the eastern elevation which would be clad in a grey composite board to replace the current concrete brickwork. The barn would have a new artstone slate roof covering. Overall, this building would retain its original character and the works proposed are considered appropriate.
- 9.17 Barn B
- 9.18 The existing lean-to structure that projects of the rear of the barn would be reduced. The proposal would also utilise existing openings and install glazed timber screens to the existing cart door entrance that fronts onto Colne Road. There would be the installation of a new artstone slate roof. Roof lights would be installed on the rear lean-to. Overall, the building would retain its agricultural character and the proposal is therefore considered appropriate.
- 9.19 Dwellings
- 9.20 The proposed detached dwellings would be two storeys in height and whilst not replicating the nearby Victorian terrace dwellings the development has incorporated some of the key features of the area with the use of traditional materials, stone window cills, chimneys and vertical window openings. In addition, the dwellings would be enclosed by low-level stone boundary walls, another common feature within the area. This approach is considered appropriate.
- 9.21 The internal layout includes side and rear parking spaces with plots being defined by stone boundary walls. Each plot would be the subject of soft landscaping which would help soften the development as well as enhance the immediate setting of the buildings.
- 9.22 In conclusion, the proposal would result in a visual enhancement through the removal of delapidated machinery/vehicles and other structures of differing degrees of decay through the regeneration of the current site. The proposal, therefore, accords with the requirements of Policy ENV3 of the Craven Local Plan
- 9.23 **Sustainability**
- 9.24 Policy ENV3 criterion t) seeks to ensure that new residential developments take all reasonable opportunities to reduce energy use, water use and carbon emission and to minimise waste in accordance with Building Regulations. This accords with the Government's objective of addressing climate change.
- 9.25 The most recognised methods of achieving sustainability through the energy hierarchy.
- Energy efficiency – using technology to reduce energy losses and eliminate energy waste
  - The exploitation of renewable, sustainable resources
  - The exploitations of sustainable materials
- 9.26 The applicant has confirmed that the development would meet the requirements of Building Regulations with regards to sustainability through several measures across the site such as the use of sustainable construction methods, energy-efficient boilers, choice of building materials, energy/water reduction appliances and recycling of greywater and rainwater to help reduce water consumption and through the provision of electric charging points.
- 9.27 It is important to note that the development will also be required to comply with the new uplifts to the Building Regulations (Doc L – Conservation of Fuel and Power, Approved Doc F, and Doc O – Overheating and Doc S – Infrastructure and electric charging vehicles. These requirements would for example result in a 31% reduction in carbon emission and exceed the current policy requirements.

9.28      **Amenity issues**

- 9.29      Policy ENV3 (e) and (f) seek to ensure that development protects the amenity of existing residents and that it would secure a good standard of amenity for future occupants of land and buildings.
- 9.30      In this instance, existing residential development is located to the west, south and east with further residential dwellings located some distance to the north of the site at the edge of the agricultural field.
- 9.31      To assess any potential impacts arising from the proposal on the nearby dwellings it is important to assess how the proposal will impact the existing amenity of the area and living conditions in terms of privacy, overbearing effects, natural light, and outlook.
- 9.32      The nearest dwelling to this development is No. 47 Colne Road which would abut the converted barn 'B' as shown on the submitted drawings. The conversion would see the removal of a section to the rear to create a single storey dining room with a courtyard and garden area. It is acknowledged that the proposed dining room would contain full-height openings with views eastwards.
- 9.33      Currently the views from No. 47 and the adjoining properties are restricted by an existing depilated structure, self-seeding young trees, and depilated vehicle/machinery. To help maintain an acceptable level of privacy for both the occupiers of these properties and the future occupiers of Barn B the proposal would see the construction of a 1.2m high stone boundary wall that would run westwards before joining up with an existing wall that runs south to north. This would also have the benefit of creating some rear private amenity area for these properties which does not currently exist.
- 9.34      It is recognised that the creation of a garden area may result in an increase in noise, however, given the previous agricultural use of the site it is not considered that any noise generated would be considered unacceptable given the proposed use as residential.
- 9.35      The proposed conversion due to its location to the west of No. 47 would not give rise to any overbearing effects nor result in any loss of natural light.
- 9.36      It is acknowledged that the proposal would see the construction of a 1.2m stone wall running eastwards approx. 1.25m from the rear gables of the adjacent properties abutting Barn B. The rear gables of these properties contain 5 window openings at ground floor level. Three of these windows appear to serve kitchen areas. To assess any potential impact then it is necessary to use the 25-degree guideline. When using this guideline, the proposed wall would lie outside of the 25-degree line and thus would not result in an unacceptable loss of light or appear overbearing when viewed from these habitable kitchen rooms. With regards to the remaining 2 windows, 1 of which is a secondary window to the kitchen area (lower cill level) and the other which appears to be obscured (also at a lower cill level) it is acknowledged that due to the construction of the wall these windows would receive a limited reduction in light. However, given the secondary nature of these windows, the impact would be limited and not sufficient to warrant a refusal. Similarly, when viewed from these windows the proposed wall would not appear overbearing.
- 9.37      The next nearest dwelling is No. 45 Colne Road which is located to the west of barn 'B' at a separation distance of approx. 5m. However, there is a fish & chip shop (currently vacant) standing between barn 'B' and No. 45 Colne Road. The proposed conversion would see all existing openings walled up to protect the privacy of the occupiers of both the business and of No. 45 Colne Road.
- 9.38      The conversion of barn 'B' due to the separation distance and the single-storey scale of the projection off the northern elevation would not result in any unacceptable overbearing effects nor give rise to any loss of natural light or overshadowing to the occupiers of No. 45 or the vacant business premises.
- 9.39      Turning to the potential impacts of the barn 'A' on both No's. 45 & 47 Colne Road it is recognised that four glazed slots are proposed at ground floor level. Nonetheless, these slots would front towards the rear of barn 'B' and due to the restricted views from these openings combined with the



construction of a 1.2 high boundary wall, it is not considered that the occupiers of No's 45 & 47 would experience any unacceptable loss of privacy from these openings. There is also a window proposed at first-floor level which would serve a bedroom, even so, given that this would also front towards the rear of barn 'B' with any views of the rear amenity areas of No's 45 & 47 being at an oblique angle it is not considered that the inclusion of this window would result in an unacceptable loss of privacy to the occupiers of these properties.

- 9.40 Regarding any potential overbearing, loss of natural light or overshadowing because of the positioning of barn 'A'. It is considered that there would be no unacceptable overbearing, loss of natural light or overshadowing due to the separation distances involved between these existing dwellings.
- 9.41 The western gable of barn 'A' would contain double glazed doors to the ground floor level (kitchen) and a first-floor window (bedroom), and these openings would front towards No. 8 & 10 Institute Street. Notwithstanding this, there is a separation distance of approx. 33m and these openings would not result in an unacceptable loss of privacy. Similarly, given the distances involved the occupiers of these properties would not experience any loss of natural light/overshadowing or appear overbearing when viewed from the rear windows or rear amenity area.
- 9.42 The eastern gable of barn 'A' would also contain openings consisting of double-glazed doors and window (living area) at ground floor level and a first-floor window (bedroom) and these openings would front towards the rear of No's 3 & 5 Beanlands Drive. The separation distance between the eastern gable of barn 'A' to these properties is approx. 30m > 33m. This distance is considered sufficient to ensure that the occupiers of these properties would not experience any unacceptable loss of privacy. Similarly, the occupiers would not experience any overshadowing, loss of natural light or appear overbearing.
- 9.43 Plots 1 & 2 would be positioned to the west of the site and would be staggered northwards with the front elevations fronting towards the rear amenity areas of No's 12 – 20 Institute Street. The separation distances between the existing dwellings and the proposed dwellings would be approx. 25m. This separation distance is considered sufficient to ensure that there would be no unacceptable loss of privacy. Similarly, proposed dwellings would not result in an unacceptable loss of natural light, overshadowing or appearing overbearing when viewed from any rear habitable rooms or rear amenity area.
- 9.44 Plot 3 would be positioned to the east of the site with front elevations fronting towards the rear amenity areas of No's 3 & 5 Beanlands Drive. The separation distances between these existing dwellings and the proposed dwellings range between approx. 21m > 22m with a run of mature trees running the boundary with the Beanlands Drive development. It is considered that the proposed separation distances, changes in topography meaning that these dwellings are in an elevated position and the intervening boundary treatments would ensure that the occupiers of these properties would not experience any unacceptable loss of privacy. Similarly, the proposal would not result in any loss of natural light, overshadowing or appearing overbearing when viewed from the rear habitable or amenity areas of these existing dwellings.
- 9.45 Comments have been expressed that the proposed access road into the site due to the surface materials would give rise to noise nuisance. It is acknowledged that the use of limestone gravel would generate some noise. However, any noise generated would be limited in the timescale given the number of vehicle movements proposed and when considering the existing background noise that occurs during the day.
- 9.46 It is also acknowledged that any noise generated may be more noticeable at night due to less background noise at night. Notwithstanding this, it is considered that the existing green infrastructure and the arrangement of buildings would help reflect or absorb noise generated as vehicles travel along the internal road. The Council's Environmental Health Officer has reviewed the details and has not raised any concerns with regards to noise nuisance arising from the development. Finally, the exact detail of the method of construction of the road will be controlled by an appropriate condition and as part of the S278 Highways Act agreement.

9.47 **Future residential accommodation.**

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

9.49 With regards to the dwellings, it is considered that in terms of the internal spacing provided that the proposal complies with the national guidance and thus the dwellings would provide an acceptable level of internal residential accommodation.

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

9.51 The proposed development due to the layout would also provide a good quality of accommodation for future occupants in terms of daylight/sunlight. Similarly, the proposal would ensure that any future occupants would not experience any unacceptable loss of privacy.

9.52 Policy ENV3 (i) also seeks to ensure that development is accessible for all.

9.53 The development would comply with the requirements of Part M of Building Regulations which requires every building to have the provision of easy access to all parts of the building and outside areas. To ensure compliance it is considered that a condition could be imposed to ensure that the development is constructed in accordance with the provisions of Part M of Building Regulations.

9.54 In conclusion, the proposal accords with the requirements of Policy ENV3 of the Craven Local Plan and the aims and objectives of the NPPF.

9.55 **Impact on protected trees**

9.56 The self-seeding trees within the site are not protected, however, located to the east of the site (outside of the application site) are several protected trees. These trees due to their size contribute to the character of the area.

9.57 The proposal is seeking the removal of the self-seeding trees within the site with the exception of one tree adjacent to Institute Street.

9.58 An Arboricultural Impact Assessment has established the quality and health of the existing trees in and around the site; and as to the proposed works that would fall outside the root protection areas of those trees to be retained, in this respect, the development would comply with BS5837:2012 in respect of paragraph 5.3 'proximity of structures to trees'.

9.59 The report also identifies the trees/hedgerows to be removed from within the site as Grade C – Trees of low quality. The Council's Tree officer conducted a site visit to inspect the trees and following an assessment of the submitted details confirmed that the trees scheduled for removal were of low quality and thus had no objection to their removal.

9.60 The report also sets out other tree/hedge management measures which include the pruning back of the Cypress hedge (ref: 1.16) and Sycamore (ref: 2.3) as shown on the contained tree constraints plan.

9.61 Concern has been expressed over the potential impact of the proposed access on the protected tree at the point where Beanlands Drive would connect with the new access. It is important to stress that the majority of the protected trees are located **outside of the application site** (emphasis by case officer) with the exception of T1.1.

9.62 Notwithstanding this, the submitted Arboricultural report outlines that pre-application discussions with the Council's tree officer were undertaken regarding this matter and that the structural roots of this tree are located under the current tarmac surface. The Council's tree officer conducted a site visit and confirmed that this tree which is located on a higher ground level would have limited the roots into the site, therefore, as stated in the report it was agreed that with careful excavation and construction the construction of the access could be implemented without harm to the protected

tree. If recommended for approval this can be controlled using an appropriately worded condition requiring an Arboricultural Method Statement to be submitted which would specify construction methods and thus the Council's tree officer has not raised any objection with regards to this element of the proposal.

- 9.63 Residents have also expressed concern over the proximity of the proposed road to the protected trees. Submitted drawing 2993.2D shows a grass verge (approx. 3m wide) running north to the south adjacent to the protected trees. The Council's tree officer has also reviewed this element of the proposal and given the changes in ground levels, the suppression of the existing roots, the retaining wall and 3m grass verge confirmed that this element of the proposal would not have any detrimental impact on these trees.
- 9.64 Concerns were also expressed that the proposed EV points would disturb existing tree roots. The proposed EV points as shown on the originally submitted drawings have been relocated due to changes to the internal layout and thus the revised position of the EV points would not result in harm to the existing tree.
- 9.65 Residents have also raised concerns that the proposed parking spaces for dwelling 5 due to the proximity to the retaining wall would adversely impact the existing roots. However, following the revision of the scheme which has seen the number of dwellings reduced the current scheme omits the two parking spaces.
- 9.66 Regarding concerns raised about the use of materials which may potentially restrict moisture reaching the roots of the protected tree. The submitted Arboricultural Impact Assessment sets out that the root protection area would be a permeable surface, details of how this would be achieved would be contained within an Arboricultural Method Statement. If recommended for approval this can be controlled using an appropriately worded condition requiring an Arboricultural Method Statement to be submitted which would specify construction methods for the root protection area thus the Council's tree officer has not raised any objection with regards to this element of the proposal.
- 9.67 The submitted details demonstrate that the proposal would not result in future pressure for the removal of protected trees adjacent to the site given the separation distances of the new dwellings from these trees.
- 9.68 In conclusion, the proposed development would not result in any adverse harm to the adjacent protected trees through the development of this site. The proposal would also not result in any harm to T1.1 regarding the proposed access. The proposal, therefore, complies with the requirements of Policy ENV4 of the Craven Local Plan and the NPPF.
- 9.69 **Ecological & Biodiversity**
- 9.70 Policy ENV4 seeks developments on allocated and non-allocated sites to take reasonable steps to provide improvements in biodiversity.
- 9.71 The relevant European legislation (EU Habitats Directive) has previously been implemented into domestic legislation by way of The Conservation of Habitats Regulations 2017. Following the UK leaving the EU, the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 have been amended. The Conservation of Habitats and Species Regulations 2017 provide for the conservation regime to be administered by national bodies, as opposed to EU bodies and to make other minor administrative amendments
- 9.72 Bats are a rare and declining group of species. Hence, all British species of bat are fully protected by the Wildlife and Countryside Act 1982 (as amended) and the Conservation (Natural Habitats & c) Regulations 1994.
- 9.73 A Bat Survey Report and Method Statement was submitted with the application. The report confirmed that a daytime survey was carried out on the 14<sup>th</sup> of September 2021 which assessed the location and surrounding habitat. Consequently, it was observed to have low levels of bat roost potential. The report confirms that a follow-up survey was conducted over 9 nights using a static bat detector monitoring and dawn survey. The survey found no evidence of bats using the building

to roost, only very low levels of common pipistrelle bats were recorded foraging past and through the site.

- 9.74 The report also found no evidence of barn owls using the buildings. No nesting birds were observed during the survey, although the report does state suitable nesting and foraging resources for common woodland and urban fringe.
- 9.75 The report also sets out compensatory bat boxes will be placed within the site prior to work commencing and will be retained as part of the biodiversity enhancement.
- 9.76 As set out in guidance an initial visual check can be undertaken any time of the year and should the evidence establish that a site has a negligible potential of supporting bats then no further survey work is required at this stage. Where the evidence shows a low potential to support bats then it is a professional judgement of the bat worker whether any further activity surveys are required.
- 9.77 In this instance, the evidence collected demonstrated that the site has a negligible/low potential for supporting bats. As such, based on the individual circumstance of the site etc, a professional judgement was made by the bat worker that it is not necessary for further activity surveys to be undertaken.
- 9.78 North & East Yorkshire Ecological Data Centre (NEYEDC) confirms that no protected species are recorded on this site. As such, it is not considered necessary at this time to request any further activity surveys are undertaken.
- 9.79 The development of the site will result in a loss in biodiversity terms. Notwithstanding this, on-site biodiversity measures would be provided on-site because of on-site tree planting, bat boxes around the site and 1 per dwelling, 3 nesting boxes per property, hedgerow planting and hedgehog holes within the stone walls.
- 9.80 In conclusion, it is considered that the proposal would not have an adverse impact on any protected species. Furthermore, the proposal would provide biodiversity benefits that would equal/possibly exceed the existing biodiversity value of the site prior to development. The proposal, therefore, accords with the requirements of Policy ENV4 of the Craven Local Plan and the NPPF.
- 9.81 **Highway Safety**
- 9.82 Policy INF4 seeks to ensure the provision and management of parking for vehicles.
- 9.83 Policy INF7 also seeks to ensure developments are appropriately located and thus accord with the strategic growth of the district.
- 9.84 Currently access to this site is obtained via vehicles travelling along Institute Road. This road is not maintained by the highway authority and is in very poor condition with significant potholes, and surface materials consisting of loose chippings/stone, tarmac and mud.
- 9.85 The current proposal seeks to create new vehicle access off Beanlands Drive and to provide off-street parking and turning areas within the site.
- 9.86 Beanlands Drive is an adopted road that connects with the A6068 (Colne Road).
- 9.87 Concerns have been expressed that the access to A6068 is unsuitable for the development due to the number of accidents that have occurred. Data provided, however, indicates that at the junction between Beanlands Drive and the A6068 there have been no reported accidents. Therefore, there is no evidence to support this concern.
- 9.88 It is acknowledged that the development would result in an increase in vehicle movements, however, this is not considered to be a severe impact given the scale of the development. NYCC Highways have reviewed the details and have not raised any objections on highway safety grounds.
- 9.89 Paragraph 111 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. In this instance, the impacts are not

severe enough that a Highway objection can be sustained, and as such, the proposal is not in conflict with the requirements of the LP.

- 9.90 The application site due to its location within the main-built up area of Glusburn would also provide opportunities for non-car modes of travel due to its proximity to the town centre and modes of public transport. The proposal, therefore, complies with INF7, b) as it would help to maintain a pattern of growth which reflects the spatial strategy and settlement hierarchy as set out in Policy SP4 of the LP.
- 9.91 The proposal would provide 10 off-street parking spaces. Taking the ratio of car parking spaces to dwellings the proposal complies with the car parking spaces as outlined in the NYCC Interim Parking Standards and indicated in Policy INF4. As such, it is considered that a suitable level of car parking is proposed.
- 9.92 Comments have been received regarding the internal layout in terms of the width of the new internal road, footpath, and movement of emergency vehicles.
- 9.93 In considering the acceptability of any new road width several factors are considered e.g., type of vehicles using the road, volume/frequency, a maximum speed of the road, is there a gradient on the road and what type of road (not extensive). As such, whilst there are standard widths for new roads there are exceptions where narrower lanes are allowed.
- 9.94 In this instance, following several discussions with the highway engineers the proposed internal road width proposed is 4.8m.
- 9.95 The developer would enter into an S278 Highways agreement with the Country which would cover the alterations to the public highway these agreements allow the Country to review the detailed design and to ensure the design and construction of highway and infrastructure comply with appropriate standards.
- 9.96 It is acknowledged that the proposed internal road would not be offered to the Highway Authority for adoption and that the planning process has no power to insist that a road is adopted.
- 9.97 However, the proposed internal layout would be made up to adoptable standards and should the developer seek to offer the road for adoption then the developer could enter an S38 Agreement with the Highways Authority. In the meantime, the maintenance of the internal road layout would be a private matter for the purchasers of the dwellings.
- 9.98 Comments have been received expressing concern over the potential loss of the garden area to No. 9 Beanlands Drive following the submission of Drawing 2993.2E. However, it transpired that this concern was due to an error on the drawing which has since been addressed. Furthermore, a site visit was conducted with the highways engineer to provide clarification and assurances that should the proposal be granted planning permission there would be no loss of garden area to this property.
- 9.99 Comments have been received regarding the reduction in the existing footpath that lies to the east of the proposed access.
- 9.100 Currently, the footpath terminates prior to the application site boundary with an existing overgrown hedge running along a section of the footpath which reduces the width of the footpath. The proposal would see a tapering of the footpath width down towards to proposed access. However, this alteration to the existing footpath was agreed upon with the highways engineer and would form part of the S278 agreement.
- 9.101 Regarding the movement of emergency vehicles drawing 2993.2F shows the access to the site and the turning area for emergency vehicles which would enable a fire engine to leave the site in a forward gear. These details have been agreed upon with NYCC Highways engineers.
- 9.102 The proposal would have a dedicated bin storage area which would allow access for refuse vehicles compatible with the existing waste and recycling arrangements are currently undertaken for residents on Institute Street.

- 9.103 Concerns have also been expressed about how construction vehicles will access the site if there are cars parked opposite the proposed access. There is nothing to stop anyone from parking on a public highway and should this become an issue then it will be a private matter between the affected parties.
- 9.104 Concerns have been expressed with regards to the unauthorised parking by users of the nearby school. It is important to note that North Yorkshire County Council are responsible for managing on-street parking and that at the time of compiling this report there are double yellow lines to the entrance into Beanlands Drive with an additional white line running through the estate and a Time plate stating the parking restrictions. This matter has been raised with the NYCC parking enforcement officer who will review the situation.
- 9.105 Following comments from residents the applicant has confirmed that as the agricultural land to the north of the site is to be retained then the land will be mown approx. twice a year for silage/haylage. Given that Beanlands Drive is a public highway and as such there is nothing to stop the applicant or anyone from lawfully travelling along Beanlands Drive it is not considered that this concern is sufficient to warrant a refusal of permission.
- 9.106 **Floodrisk**
- 9.107 Policy ENV6 seeks to minimise the risk of surface water flooding by ensuring adequate provision for foul and surface water disposal.
- 9.108 In this instance the site lies within a Flood Zone 1 (less than 0.1% chance of flooding in any year. Land having a less than 1 in 1,000 annual probability of river or sea flooding).
- 9.109 Notwithstanding this, the site lies within an area where there is a risk of surface water flooding.
- 9.110 Yorkshire Water has been consulted and has not objected to the proposal instead recommending a condition requiring the disposal of foul and surface water to a separate system. This can be achieved by imposing the condition should permission be granted.
- 9.111 To address the issue of surface water submitted drawings show the installation of a surface water storage tank which would allow surface water to be released gradually at a moderate rate. This approach is considered acceptable and can be managed using an appropriate worded condition.
- 9.112 **Other matters**
- 9.113 Drawing 2993.2E shows the provision of a gravel area outside of the site to add parking for residents of Institute Street. As this lies outside of the red outline it is outside of the scope of this planning application.
- 9.114 Comments have been expressed that Beanlands Drive is not suitable for agricultural vehicles. This is not a material planning consideration as a planning application cannot take away the right to use a public highway that can lawfully be used.

## 10. Recommendation

- 10.1 Approve with Conditions

### Conditions

### **Time Limit for Commencement**

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

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

## Approved Plans

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

2993.2F Existing and proposed site layout  
2993.4 New build house types  
TS298SL-1 Site location plan  
155 P3 - Internal road construction plan

Arboricultural Report  
Bat Survey and Method Statement  
Sustainability Statement  
Biodiversity statement

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

## Before you Commence Development

- 3 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. restriction on the use of Institute Street/Sunny Bank Road access for construction purposes;
3. wheel washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway;
4. the parking of contractors' site operatives and visitor's vehicles;
5. areas for storage of plant and materials used in constructing the development clear of the highway;
6. details of site working hours;
7. details of the measures to be taken for the protection of trees; and
8. contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.

Reason: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety.

## During Building Works

- 4 No development above ground level shall take place until an energy strategy demonstrating a reduction in carbon dioxide emissions has been submitted to and approved in writing by the Local Planning Authority. A certificated Post Construction Review, or other verification process agreed with the Local Planning Authority, shall be provided, to demonstrate that the agreed standards have been met.

Reason: To ensure that the proposed development is constructed in an environmentally sustainable manner.

- 5 No development above ground level shall take place until details/samples of all materials to be used in the construction of the external surfaces of the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved materials.

Reason: For clarity and in the interests of proper planning to ensure the preservation of visual interest.

### **Before the Development is Occupied**

- 6 Prior to first occupation of the development hereby approved, details of treatment of all parts on the site not covered by buildings shall be submitted to and approved in writing by the Local Planning Authority. The site shall be landscaped strictly in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner. Details shall include:

1) location, type and materials to be used for hard landscaping including specifications, where applicable for:

a) permeable paving b) tree pit design c) underground modular systems d) Sustainable urban drainage integration e) use within tree Root Protection Areas (RPAs);

2) a schedule detailing sizes and numbers/densities of all proposed trees/plants;

3) specifications for operations associated with plant establishment and maintenance that are compliant with best practise; and

4) the provision for bird and bat nesting boxes that accord with the advice set out in "Biodiversity for Low and Zero Carbon Buildings: A Technical Guide for New Build" (Published by RIBA, March 2010) or similar advice from the RSPB and the Bat Conservation Trust.

There shall be no excavation or raising or lowering of levels within the prescribed root protection area of retained trees unless agreed in writing by the Local Planning Authority.

Unless required by a separate landscape management condition, all soft landscaping shall have a written five-year maintenance programme following planting. Any new tree(s) that die(s), are/is removed or become(s) severely damaged or diseased shall be replaced and any new planting (other than trees) which dies, is removed, becomes severely damaged or diseased within five years of planting shall be replaced. Unless further specific permission has been given by the Local Planning Authority, replacement planting shall be in accordance with the approved details.

- 7 Prior to first occupation of the development hereby approved, whichever is the sooner; the vehicle/cycle parking and turning areas as indicated on the approved plans shall be provided, hard surfaced, sealed and marked out. The parking and turning areas shall be retained in perpetuity for their intended purpose.

Reason: To ensure that appropriate parking and turning is provided.

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)

- 8 The development must not be brought into use until the access to the site at Town End Barn, Colne Road, Glusburn, Keighley, has been set out and constructed in accordance with the 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by the Local Highway Authority and the following requirements:



The crossing of the highway verge and/or footway must be constructed in accordance with the approved details (plan 155 revp3) and the following requirements.  
That the access into the site from the carriageway of the existing highway must be at a gradient not exceeding 1 in 20.

All works must accord with the approved details.

Reason: To ensure a satisfactory means of access to the site from the public highway in the interests of highway safety and the convenience of all highway users and to accord with Policy INF of the Craven Local Plan.

Informative: Notwithstanding any valid planning permission for works to amend the existing highway, you are advised that a separate licence will be required from North Yorkshire County Council as the Local Highway Authority in order to allow any works in the existing public highway to be carried out. The 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by North Yorkshire County Council as the Local Highway Authority, is available to download from the County Council's web site:  
[https://www.northyorks.gov.uk/sites/default/files/fileroot/Transport%20and%20streets/Roads%2C%20highways%20and%20pavements/Specification\\_for\\_housing\\_\\_\\_ind\\_est\\_roads\\_\\_\\_street\\_works\\_2nd\\_edition.pdf](https://www.northyorks.gov.uk/sites/default/files/fileroot/Transport%20and%20streets/Roads%2C%20highways%20and%20pavements/Specification_for_housing___ind_est_roads___street_works_2nd_edition.pdf) .

The Local Highway Authority will also be pleased to provide the detailed constructional specifications referred to in this condition.

- 9 No part of the development must be brought into use until the access, parking, manoeuvring and turning areas for all users at Town End Barn, Colne Road, Glusburn, Keighley, 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 Policy INF4 of the Craven Local Plan.

#### Informatives

1. Party Wall Act

The Party Wall Act 1996 requires a building owner to notify and obtain formal agreement from adjoining owners(s) where the building owner intends to carry out building works which involves:

1. Work on an existing wall shared with another property
2. Building on the boundary with a neighbouring property
3. Excavating near a neighbouring building, and that works falls within the scope of the Act

Procedures under this Act are quite separate from the need for planning permission or building regulations approval. The Party Wall Act 1996 explanatory booklet is available free of charge to download from:

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/523010/Party\\_Wall\\_etc\\_Act\\_1996\\_-\\_Explanatory\\_Booklet.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/523010/Party_Wall_etc_Act_1996_-_Explanatory_Booklet.pdf)

2. Adherence to approved plans/conditions

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

3. Broadband Connectivity

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

The District Council has produced a document, "Broadband Connectivity for New Developments in Craven - A Briefing Note for Developers" which provides a general introduction to broadband connectivity in the District. The briefing note is available by emailing [edu@cravendc.gov.uk](mailto:edu@cravendc.gov.uk) or can be downloaded from the District Council website.

4. Statement of Positive Engagement:

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

5. Section 278 of the Highways Act 1980

Section 278 of the Highways Act 1980 allows a developer to carry out works to the public highway. This is generally necessary where planning permission has been granted for a development that requires improvements to, or changes to, public highways.

The agreement between the highway authority and the developer is called a Section 278 Agreement, and it may allow for items such as:

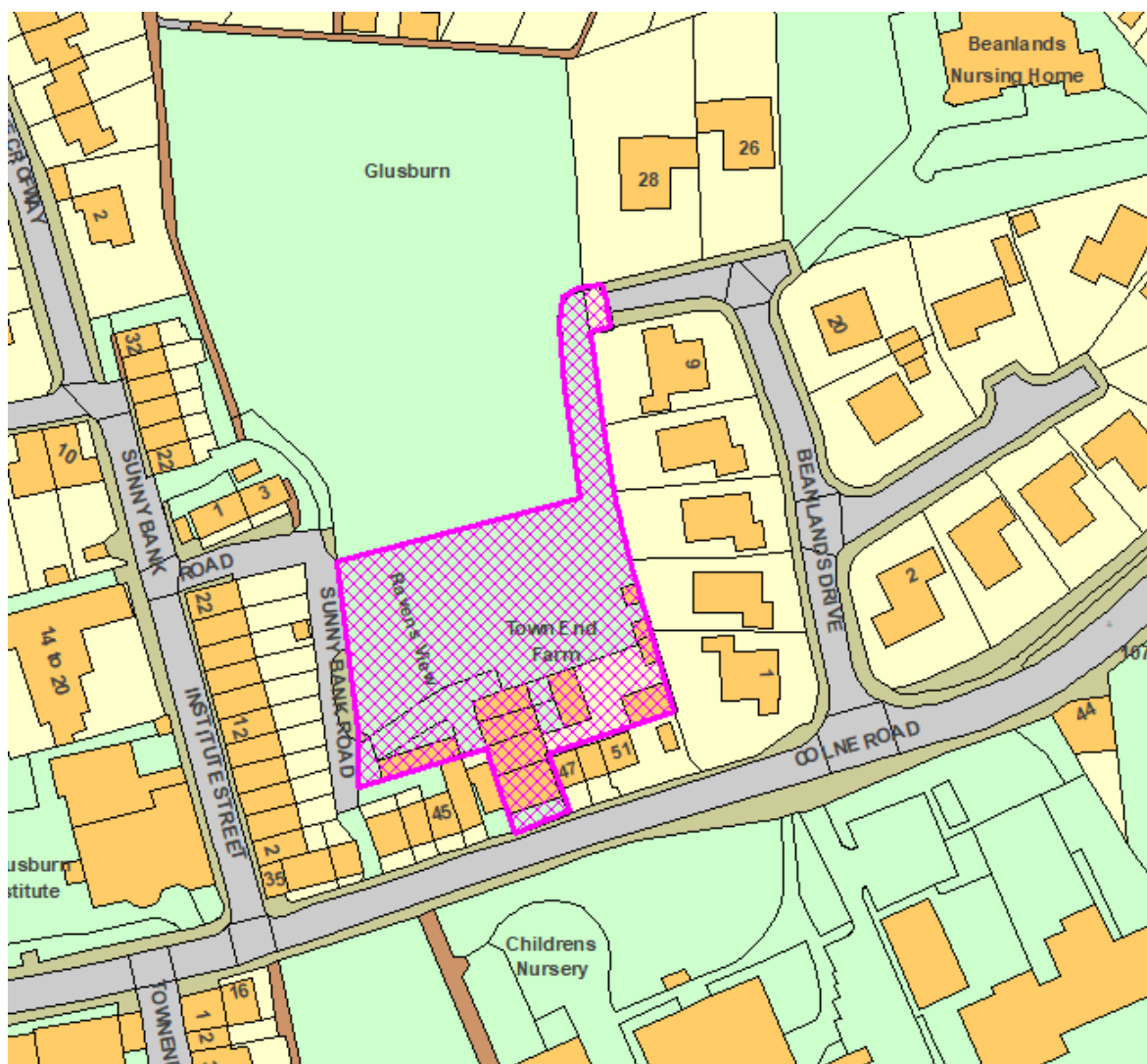
- Roundabouts.
- Priority junctions.
- Junctions with traffic lights.
- Right turn lanes.
- Improved facilities for pedestrians and cyclists.
- Improvements to existing junctions.
- Traffic calming measures.

6. Topsoil

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

7. The applicant is kindly requested to give the Council's Tree Officer 14 days prior notice in writing of any approved tree works that are to be undertaken as part of this development. This will enable the Council to inform local Councillors about imminent tree works, who can then answer enquiries from members of the public. Tree works, in particular tree felling associated with development, are often controversial and this information is requested because it will assist in reducing the potential for conflict when tree works are taking place.

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



**Application Number:** 2022/23773/FUL

**Proposal:** Revised description: - Conversion and reconstruction of two barns as two dwellings, and the construction of three new dwellings with off street parking and associated infrastructure

**Site Address:** Town End Barn Colne Road Glusburn.

**On behalf of:** Burley Developments Group

Supplied by:



## Search Summary

This search is issued for the property described as:

**Land at Town End Farm  
Glusburn**

Search reference:

**22573865**

Date of issue:

**02 November 2021**

Report Compiled by:



Professional indemnity insurance £10 million

Data provided by:

**The Highways Department, North  
Yorkshire County Council**

## Contact Details

If you require any assistance please contact  
our customer service team at:

**<http://orders.planval.co.uk/helpdesk/>**

-or-

**contact your reseller**

website:

**[www.planval.co.uk](http://www.planval.co.uk)**

Planval Reference: **324899/446255**



## Data Requested

This search is in connection with a land/property purchase for development and subsequent re-sale.

1. A copy of your highway records showing which roads are maintained at public expense and which are not.
2. A copy of your plan showing the extent of the highways and adopted roads in relation to the property and the plan submitted to you.







PlanVal  
The Forge  
Mulberry Green  
Harlow  
Essex  
CM17 0ET

County Searches Information  
Network Information & Compliance  
Highways & Transportations  
North Yorkshire County Council  
County Hall, Northallerton  
North Yorkshire DL7 8AH

**Your ref:** 22573865: 324899/446255  
**Our ref:** 101269  
**Contact:** CSI Administration 01609 798306  
**Date:** 02 November 2021

Tel: 01609 780780  
Email: [Highways.searches@northyorks.gov.uk](mailto:Highways.searches@northyorks.gov.uk)  
Web: [www.northyorks.gov.uk](http://www.northyorks.gov.uk)

Dear Sirs

**Subject:** Land at Town End Farm, Glusburn **Our Reference:** 101269

Thank you for your enquiry and payment of our administration fee received 01<sup>st</sup> October 2021 Please note this enquiry does not constitute an Official Con29 Search.

As requested, I confirm the following:

1. The routes as hatched green on Plan 2 attached is highway maintainable at the public expense (HM@PE) within the meaning of the Highways Act 1980.
2. The routes coloured solid green on Plan 2 is adopted highway maintainable at public expense. (*see Definition of Adoption below*)
3. The routes uncoloured on Plan 2 do not form part of the HM@PE.

**Please Note:**

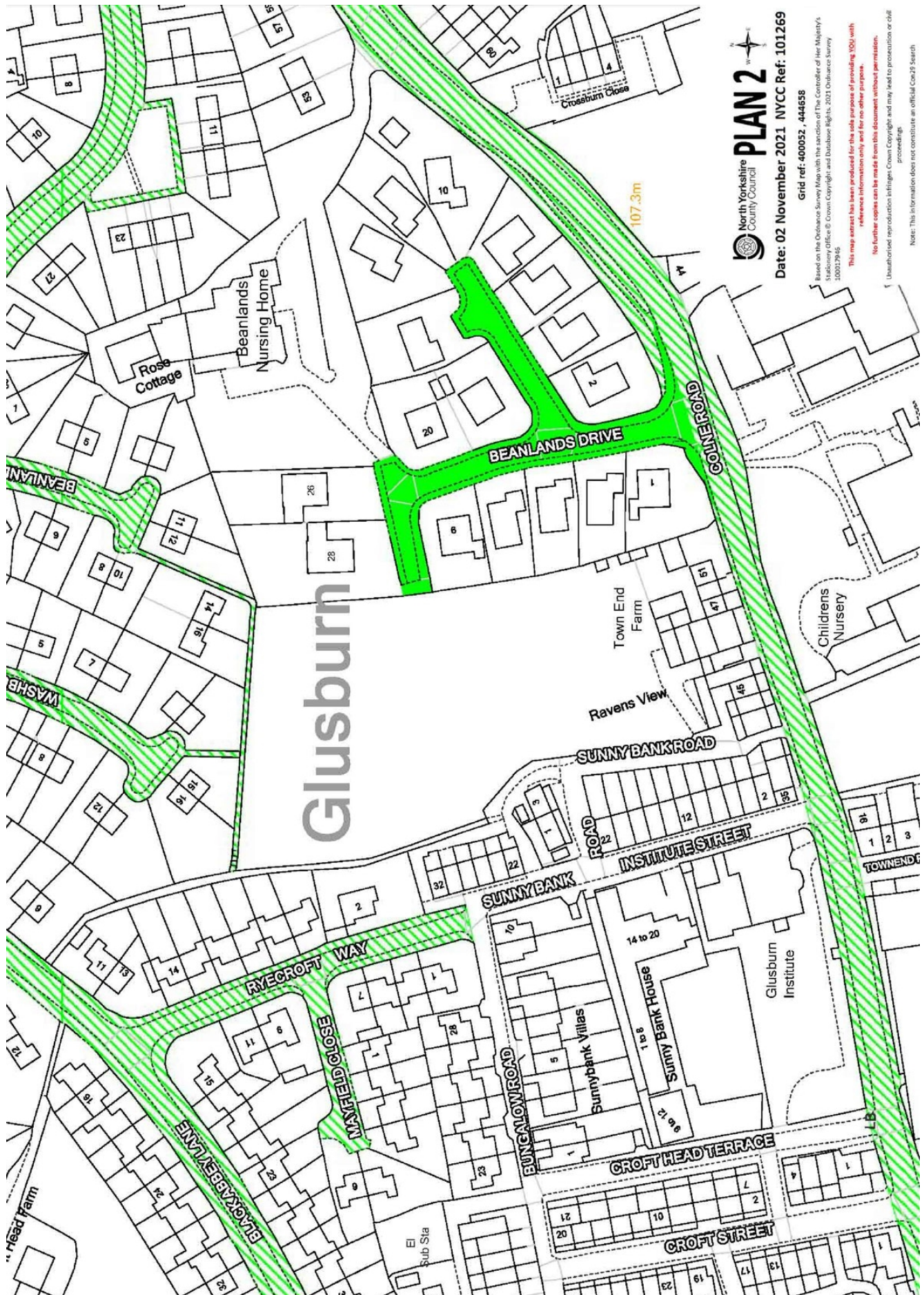
- **O.S. Plan** The reply plan provided is for your use in respect of this enquiry only. Unauthorised copies may infringe Crown Copyright and can lead to prosecution or civil proceedings.
- **Definition of Adoption** Routes cannot be described as adopted where no formal notice of adoption is held by NYCC which applies to some 95% of routes recorded on the List of Streets before local Government Re-organisation in 1974. Adoption is a legal process by which a route becomes a publicly maintainable highway; adoption is merely a means to an end i.e. for a new route to be entered on to the List of Streets thereby becoming the maintenance responsibility of NYCC as the Highway Authority.

Yours faithfully



Sara Simmons

Technical Assistant.





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<http://orders.planval.co.uk/publications/terms.pdf>

## IMPORTANT CONSUMER PROTECTION INFORMATION

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## COMPLAINTS

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If you are dissatisfied with our final response, or if we have exceeded the maximum response timescales, you may refer your complaint for consideration under The Property Ombudsman scheme (TPOs).

The Ombudsman can award compensation of up to £5,000 to you if he finds that you have suffered actual financial loss and/or aggravation, distress or inconvenience as a result of any failure to perform with due care.

### TPOs Contact Details

The Property Ombudsman scheme  
Milford House  
43-55 Milford Street  
Salisbury  
Wiltshire SP1 2BP  
Tel: 01722 333306 Fax: 01722 332296  
Email: [admin@tpos.co.uk](mailto:admin@tpos.co.uk) Website: <https://www.tpos.co.uk/>

## OUR COMPLAINTS PROCEDURE

If you want to make a complaint, we will:

- acknowledge this within 5 working days of receipt;
- endeavour to provide a final response, in writing, within 20 working days of receipt;
- keep you informed by letter, telephone or e-mail, if we need more time;
- provide you with a final response in writing, at the latest, within 40 working days of receipt;
- liaise with anyone acting formally on your behalf.

Complaints should be sent to:

Glen Olley  
Operations Director  
Planval Limited  
The Forge  
Mulberry Green  
Harlow  
Essex  
CM17 0ET  
Tel: 0845 5442469; Email: [info@planval.co.uk](mailto:info@planval.co.uk)

If you are not satisfied with our final response, or if we exceed the response timescales, you may refer the complaint to:

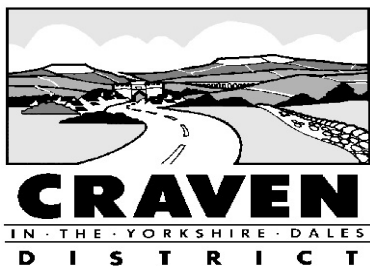
The Property Ombudsman scheme (TPOs), Tel: 01722 333306, Email: [admin@tpos.co.uk](mailto:admin@tpos.co.uk)

We will co-operate fully with the Ombudsman during an investigation and comply with their final decision.

## **Planning Committee Report of New Cases Registered** **22-04-2022 to 30-05-2022**

<b>Enforcement Reference</b>	<b>Alleged Breach</b>	<b>Site Address</b>	<b>Ward</b>
ENF/03508/2022	Alleged unauthorised polytunnel	Agricultural Field Off Back Lane Long Preston BD23 4RD	Hellifield And Long Preston
ENF/03509/2022	Alleged unauthorised earthworks	Land To The Rear Of Hamble Crest Netherghyll Lane Cononley Keighley Skipton BD20 8PB	Aire Valley With Lothersdale
ENF/03510/2022	Landscaping allegedly not in accordance with condition 6	3 Dick Lane Cowling Keighley BD22 0JZ	Cowling
ENF/03511/2022	Alleged unauthorised fence above 2m in height.	8 Turner Court Cononley Keighley BD20 8FD	Aire Valley With Lothersdale
ENF/03512/2022	Alleged unauthorised agricultural building	Agricultural Building To South Of Bay Horse Farm Ellers Road Sutton-in-Craven Keighley	Sutton-in-Craven
ENF/03513/2022	Structure being erected.	4 Hall Court Sutton-in-Craven Keighley BD20 7NF	Sutton-in-Craven

<b>Enforcement Reference</b>	<b>Alleged Breach</b>	<b>Site Address</b>	<b>Ward</b>
ENF/03514/2022	Residential care home approved under ref 2020/21629/FUL allegedly not in accordance with approved plans (too close to canal)	Old Reward Manufacturing Site / Sackville Mills Sackville Street Skipton BD23 2PS	Skipton South
ENF/03515/2022	Alleged unauthorised large amount of soil movement	Land On The West Side Of A65 Lawkland LA2 8AT	Ingleton And Clapham
ENF/03516/2022	Alleged untidy land	Rear Of 1 Bankwell Road Giggleswick Settle BD24 0AN	Penyghent
ENF/03517/2022	Rear Extension to a Listed Building. Erection of Shepherd Huts, Business running from the Shepherd huts, Untidy land and Unauthorised green gates and fences all within the curtilage of a listed building.	Cravenwood Skipton Road Embsay Skipton BD23 6PH	Embsay-with-Eastby
ENF/03518/2022	Alleged unauthorised change of use from 1 dwelling to 2 holiday lets	32 Victoria Street Settle BD24 9HD	Settle And Ribble Banks
ENF/03519/2022	Alleged unauthorised creation of large earth bund.	Agricultural Building Stone Gappe Hall Stansfield Bridge To Babyhouse Lane Lothersdale Keighley	Aire Valley With Lothersdale



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

## **Planning Committee Report of Cases Closed** **22-04-2022 to 30-05-2022**

<b>Enforcement Reference</b>	<b>Date Received</b>	<b>Date Closed</b>	<b>Reason for Closure</b>	<b>Alleged Breach</b>	<b>Site Address</b>	<b>Ward</b>
2196/2015	10th August 2015	26th May 2022	Case closed to allow new file to be opened with additional breaches included	Construction of boundary fence within curtilage of Listed Building without consent.	Cravenwood Embsay Skipton BD23 6PH	Embsay-with-Eastby
2275/2015	27th November 2015	17th May 2022	Not Expedient to Enforce	(1) Dumping of waste materials (2) Was planning permission 53/2000/949 lawfully implemented?	Stone Gappe Hall Lothersdale Keighley BD20 8EE	Aire Valley With Lothersdale
2276/2015	8th December 2015	17th May 2022	Not Expedient to Enforce	Change of use of the land from agriculture to siting of 2 no. static caravans for residential accommodation and the building of a raised platform that is operational development.	Long Gill Farm Higher Road Wigglesworth Skipton	Settle And Ribbles Banks

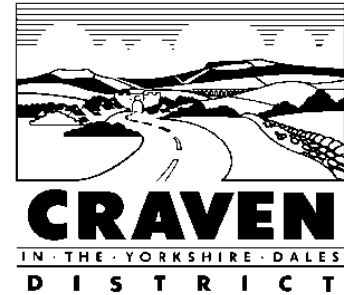
<b>Enforcement Reference</b>	<b>Date Received</b>	<b>Date Closed</b>	<b>Reason for Closure</b>	<b>Alleged Breach</b>	<b>Site Address</b>	<b>Ward</b>
ENF/02749/2017	25th September 2017	18th May 2022	Breach Resolved	(1) Alleged unauthorised erection of outbuildings (2) Running a business from the property (3) Installation of a biomass boiler within the residential curtilage of a listed building	Chapel House Cowling Hill Lane Cowling Keighley BD22 0LP	Cowling
ENF/03394/2021	29th April 2021	25th May 2022	Retrospective Planning	Breach of condition no. 2 of planning application-45/2016/17387- Velux windows installed and materials different on plots 1 & 2 from other plots.	Land Opposite Greta Villas Main Street Ingleton Carnforth	Ingleton And Clapham
ENF/03416/2021	18th June 2021	25th May 2022	Breach Resolved	Large pergola structure has been erected.	Yorkshire Rose 10 Coach Street Skipton BD23 1LH	Skipton North
ENF/03425/2021	19th July 2021	27th May 2022	Not Expedient to Enforce	Alleged unauthorised new residential property built adjacent to 5 The Sidings.	5 The Sidings Low Bentham Lancaster LA2 7BH	Bentham
ENF/03427/2021	23rd July 2021	27th May 2022	Retrospective Planning	Alleged unauthorised installation of gate.	Land Opposite Brook Terrace Lothersdale Keighley BD20 8EY	Aire Valley With Lothersdale

Enforcement Reference	Date Received	Date Closed	Reason for Closure	Alleged Breach	Site Address	Ward
ENF/03430/2021	27th July 2021	27th May 2022	Breach resolved	Alleged unauthorised siting of shipping container	Land At Draughton Bottom Draughton Skipton BD23 6EE	Barden Fell
ENF/03443/2021	22nd September 2021	27th May 2022	Retrospective Planning	Shed erected and fence over 1 metre from ground level installed- Permitted development removed under planning condition no. 3 of planning permission 5/63/1468/A.	1 Linton Court Skipton BD23 2TH	Skipton West
ENF/03471/2021	22nd December 2021	27th May 2022	No Breach	Development allegedly not completed.	United Co Operatives Late Shop 2 - 6 Main Street High Bentham Lancaster LA2 7HE	Bentham
ENF/03491/2022	8th March 2022	17th May 2022	No Breach	Alleged unauthorised demolition and rebuild of shippon (listed building).	Barn At Lane Foot Farm Greystonegill Lane High Bentham Lancaster	Bentham
ENF/03495/2022	18th March 2022	17th May 2022	No Breach	Alleged unauthorised installation of windows in listed building.	4 Marton House Church Lane East Marton Skipton BD23 3LP	West Craven

<b>Enforcement Reference</b>	<b>Date Received</b>	<b>Date Closed</b>	<b>Reason for Closure</b>	<b>Alleged Breach</b>	<b>Site Address</b>	<b>Ward</b>
ENF/03511/2022	18th May 2022	27th May 2022	Consent granted / Permitted development	Alleged unauthorised fence above 2m in height.	8 Turner Court Cononley Keighley BD20 8FD	Aire Valley With Lothersdale
ENF/03512/2022	18th May 2022	18th May 2022	No Breach	Alleged unauthorised agricultural building	Agricultural Building To South Of Bay Horse Farm Ellers Road Sutton-in-Craven Keighley	Sutton-in-Craven
ENF/03515/2022	20th May 2022	27th May 2022	Consent granted / Permitted development	Alleged unauthorised large amount of soil movement	Land On The West Side Of A65 Lawkland LA2 8AT	Ingleton And Clapham

**Planning Committee**  
**Date 13<sup>th</sup> June 2022**

**Quarterly Planning Performance  
Monitoring Report**



**Report of the Strategic Manager for Planning & Regeneration.**

**1. Purpose of Report**

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

**2 Recommendations**

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

**3. Background**

- 3.1 As well as looking at the Council's performance against national indicators for planning applications this report includes information for the quarter for enforcement, appeals and speed of validation of planning applications.

**4. Assessment of performance during the quarter**

Speed of Decisions

- 4.1 The Government Speed of Decisions National Indicator measures the percentage of decisions on applications made within the statutory determination period; or within such extended period as has been agreed in writing between the applicant and the local planning authority. Currently the performance over a two-year period is assessed against the following criteria:
- i) Major development applications - 60% must be determined either within 13 weeks or within the extended period agreed with the applicant.
  - ii) Non-Major development category - 70% of applications must be determined either within 8 weeks or within the extended period agreed with the applicant.
- 4.2 In the previous quarterly report to the Planning Committee members were informed that the Government had assessed performance of local planning authorities for the two-year period which ended on the 30 September 2021 and with performance in the non-major development category for that two-year period at 68% the Council's Planning Service had been identified as poorly performing and at risk of being under 'Special Measures'. The Council was given opportunity to explain what actions it is taking to address its underperformance. In a letter dated 31 March 2022 the DLUHC stated that the actions being taken by the Council to address this under-performance '*indicate a positive pro-active approach*



*to enhance the quality of decision-making. As such, the Minister has decided not to designate your authority this year in respect of your performance between October 2019–September 2021.’*

**Table 1 Speed of Determination Q4 January – March 2022\***

	<b>Number of decisions</b>	<b>% of decisions</b>
<b>Non-Major Development Applications</b>		
Applications determined within 8 weeks during quarter	83 (81)	(45%)
Applications determined outside 8 weeks during quarter within an agreed extended time period (EoT)	45 (45)	(25%)
Applications determined outside 8 weeks during quarter without an EoT or outside agreed EoT period	44 (53)	(30%)
<b>Total</b>	<b>172 (179)</b>	<b>100</b>
Combined total applications determined within 8 weeks or an agreed extended time period (EoT)	128 (126)	74% (70%)
<b>Major Development Applications</b>		
Major applications determined within 13 weeks during quarter	2 (2)	40% (33%)
Major applications determined outside 13 weeks during quarter within an agreed extended time period (EoT)	1 (3)	20% (50%)
Major applications determined outside 13 weeks during quarter without an EoT or outside agreed EoT period	2 (1)	40% (17%)
<b>Total</b>	<b>5 (6)</b>	<b>100</b>

\*Previous quarter figures in brackets

- 4.4 As Table 1 above shows the last quarters figures show the number of non-major development decisions determined within 8 weeks or an agreed extension of time was 74%, up on the previous quarter. The cumulative performance for non-major applications the next accounting period (October 2020 to September 2022) is shown in Table 2 and currently at 65% falls below the 70% minimum required by Government. In order to achieve the 70%, the number of applications determined within 8 weeks or an agreed extension of time would need to average 85% in the next two quarters.

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

<b>Period</b>	<b>Total number of non-major applications determined</b>	<b>Applications determined within 8 weeks during quarter within an agreed EoT period</b>
Oct.-Dec 20	112	75
Jan. – March 21	143	95
April – June 21	151	93
July – Sept. 21	178	93
Oct. – Dec. 21	179	126
Jan. – March 22	173	128
<b>Cumulative Total</b>	<b>935</b>	<b>610 (65%)</b>

#### Number of applications determined

- 4.5 The focus over the 6 months from June 2021 has not only been on improving the speed of decision making but also reducing the number of on-hand applications. and improved performance management. Given that around 96% of applications are subject to a determination period of 8 weeks it would be expected that at any time around 140 applications would be pending. Over year the number of applications on hand had dropped by 23% from 222 to 174. (See table 3). However, Q4 saw no further reduction in the number of on hand applications. On a positive note, the number of applications determined in 20/21/22 was 723 up from 544 in the previous financial year, this represents a 33% increase.

#### Committee Decisions

- 4.6 Though no longer covered by the DLUHC performance indicators there had been a target for a minimum of 90% of decisions should be delegated. During Q4 84% of decisions issued were delegated to officers compared to 81% in the preceding quarter.

**Table 3 Application determinations 21/22**

	<b>Q1 21/22</b>	<b>Q2 21/22</b>	<b>Q3 21/22</b>	<b>Q4 21/22</b>	<b>Total 21/22</b>
Number of applications on hand on 1 <sup>st</sup> day of quarter	225	244	223	172	225
Applications withdrawn during quarter	7	8	16	8	39
No. of applications determined in quarter	172	186	186	179	723
No. of applications received during the quarter	199	173	151	187	710
No. of applications on hand on last day of the quarter	245	223	172	174	174
Increase/decrease on application backlog over quarter	+20 (+9%)	-21 (-9%)	-51 (-26%)	+2 +1.2%	23%

Validation

- 4.7 Reference to Table 4 shows performance in terms of speed of validation of applications has steadily improved, from 29% of applicants being notified within 5 working days of receipt of a correct application that their application had been registered in Q2 to 575 in Q4. However there still remains a need to maintain this steady improvement with the target being for 100% of valid applications to be registered within 5 working days of receipt.
- 4.8 The quarter saw no improvement in the number of applications found to be invalid on receipt, this being some 70% of all application submitted. An analysis of the reasons why applications were invalid was undertaken during the quarter and this found the highest reason for applications not being accepted was the failure to submit a sustainable design and construction statement, this being a local validation requirement. This was followed by the lack of a Heritage Statement being provide (another Local Validation requirement) and then the incorrect fee being submitted. To address this revised information requirements for applications were introduced in mid-March and currently work is underway on providing clearer information to those making applications. The length of time taken to notify applicants that an application was invalid has significantly improved, with 82% being notified within 5 working days in quarter 4 compared to only 2% in quarter 2.

**Table 4 Validation Performance Comparison Quarters 2-4 2021/22**

	<b>Days*</b>	<b>Number Q4</b>	<b>Q4%</b>	<b>Q3 %</b>	<b>Q2%</b>
Days* taken from submission to informing applicant/agent that inadequate information/fee was provided so the application could not be validated.	0-5	82	61	12	5
	6-10	29	21	41	34
	10-20	5	4	27	50
	Over 20	19	14	20	10
<b>Total number of applications invalid on receipt</b>		<b>135</b>		<b>115</b>	<b>125</b>
	<b>Days*</b>	<b>Number Q4</b>	<b>%</b>	<b>%</b>	<b>%</b>
Days* taken from receipt of a valid application to sending confirmation of receipt of the application.	0-5	118	57	37	29
	6-10	64	32	34	36
	10-20	17	8	18	22
	Over 20	7	3	11	13
<b>Total number of applications validated during the quarter</b>		<b>206</b>		<b>202</b>	<b>232</b>
*Includes weekends and BH					

#### Appeals

- 4.9 The Government use the percentage of decisions on applications for Major development that have been overturned at appeal to measure what is referred to as the Quality of Decisions National Indicator: Once nine months have elapsed following the end of the assessment period; as recorded in the data collected by the Department for Communities and Local Government. Cravens' performance in defending planning appeals on Major applications remains well above this minimum requirement.
- 4.10 The quarter saw 7 appeal decisions being received (table 5) of which 5 were dismissed and one partially allowed. At the time of the report preparation there were appeals decisions pending on 2 sites. The quarter also saw 3 costs awards being made against the Council, the reasons for these awards are detailed in appendix to this report.

**Table 5 Appeal Performance (Jan - March. 2022)**

<b>Appeal Performance</b>		
	<b>Minor/Other</b>	<b>Major</b>
Dismissed	5	1
Allowed	1	0
<b>Total the number costs applications.</b>		
Costs awarded against the authority.		3
Costs awarded to the authority.		0

### Enforcement

- 4.11 Table 6 sets out details of enforcement activity during Q4 and enable comparison with the two previous quarters. In terms of activity reference to Table 6 shows the number of complaints received in Q3 was similar to the two preceding quarters slightly less than the preceding quarter, 49 cases were closed and 173 cases remained open at the end of March.

**Table 5: Enforcement Indicators**

	<b>Q2</b>	<b>Q3</b>	<b>Q4</b>
	<b>Number</b>	<b>Number</b>	<b>Number</b>
No. of enforcement cases open on first day of quarter	400	204	196
No. of complaints received during quarter	26	23	26
No of enforcement cases open at end of quarter	204	196	173
No. of cases closed during quarter	222*	31	49
No. of enforcement notices issued during quarter	3	3	0

\* The number of historic enforcement cases closed in Q2 was inflated as a consequence of a review and update records held in the Uniform IT system. This task that had not been undertaken since the data was transferred into the Uniform in 2018. when it was installed.

## **5. Conclusion**

- 5.1 The following points are evident from this review of performance that there has over the past year been an improvement in performance as demonstrated by:
- the number of applications determined in 2021/22 up by 33% compared with 2020/21.
  - the backlog of undetermined applications fell by 23% over the year.
  - The last quarter saw the speed of determination of non-major development applications reach the Government minimum target for the first time since the second quarter of 2020.
- 5.2 Whilst these improvements show that the improvement strategy is delivering improvement it is important to ensure this is sustained by addressing the capacity and experience of the Planning Service as well as maintaining the focus on

managing performance. The recent recruitment of 3 permanent planning officers will reduce the dependence on agency planners.

**6. Financial and Value for Money Implications**

- 6.1 Planning performance has the potential for significant financial implications in the event that applications are not determined within 26 weeks or an extension of time negotiated beyond the 26-week date. In that instance if requested, the planning fee is returned. Delays in reaching planning decisions can also impact on the local economy, hampering the creation of new jobs and homes.

**7. Legal Implications**

- 7.1 None

**8. Risk Management**

- 8.1 Financial risk as a result of fee being returned and the designation of planning authorities in special measures for underperformance is referred to above.

**9. Equality Impact Analysis**

- 9.1 No equality issues identified for this report.

**10. Consultations with Others**

- 10.1 None required

**Background Documents**

Live Planning Tables published online by the DLUHC

**Appendix**

Pending appeals decisions and cost awards

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

## Appeals

Appeals pending decision by Planning Inspectorate (as at 03 May 2022)		
Case Reference	Appeal Start Date	Site Address
Appeal against Enforcement Notice	27.10.2021	Land At Buckstone Lane, Sutton-in-Craven
2021/23080/FUL	24.03.2022	2 Willow Garth Avenue, Cross Hills

Appeal Cost awards Jan. – March 2022			
Application Number & Address	Committee or Delegated Decision	Appeal Decision	Reason for costs award
2020/21883/FUL, Natwest, Market Place, Settle, BD24 9EF	Committee overturn of officer recommendation to approve Date of Committee 15 <sup>th</sup> March 2021	Dismissed	Partial cost award as the Council had failed to substantiate its grounds of refusal on heritage and car parking grounds which as such amounted to unreasonable behaviour.
2019/20076/FUL, Land To North West Of Clay Hall, Broughton Road, Skipton BD23 3AA	Committee overturn of officer recommendation to approve Date of Committee 17 <sup>th</sup> May 2021	Dismissed	Partial cost award as the Council had failed to substantiate its grounds of refusal on highways, density and surface water drainage grounds which as such amounted to unreasonable behaviour.
2021/22385/VAR Former Rockwood House, Park Wood Close, Skipton BD23 1QW	Committee overturn of officer recommendation to approve Date of Committee 15 <sup>th</sup> March 2021	Allowed	Council's reason for refusal was not supported robust evidence and was inconsistent with the previous decision the Committee had made on a similar proposal. As a result, a development that ought to have been given planning permission was delayed. Taken together, this amounts to unreasonable behaviour.