

PLANNING COMMITTEE

Monday, 5th September 2022 at 1.30pm

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

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

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

Please note the following advice in advance of the meeting:

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

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

AGENDA

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

1. **Apologies for Absence and Substitutes** – To receive any apologies for absence.
2. **Confirmation of Minutes** – To confirm the minutes of the meeting held on 13th June 2022.
3. **Public Participation** – In the event that any questions/statements are received or members of the public wish to ask questions or address the Committee in respect of matters not appearing on this agenda, the public participation session will proceed for a period of up to fifteen minutes.
4. **Declarations of Interest** – All Members are invited to declare at this point any interests they have in items appearing on this agenda, including the nature of those interests.

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

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

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

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

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

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

6. Quarterly Planning Performance Monitoring Report – Report of the Planning Manager. Attached

Purpose of Report: The report is intended to inform the Committee of the performance of the development management service during the quarter April - June 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, 3rd October 2022 at 1.30pm

Agenda Contact Officer:

Vicky Davies, Senior Democratic Services Officer

E-mail: vdavies@cravendc.gov.uk

[Tel: 07565 620973](tel:07565620973)

25 August 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

13 June 2022

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

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

Apologies for Absence and Substitutes: An apology for absence was received from Councillor Harbron.

Ward Representatives: No Ward representatives were in attendance. However, Ward Councillor Philip Barrett had previously circulated his comments to the Planning Committee in relation to application 2022/23954/REM and application 2022/23773/FUL.

Confirmation of Minutes:

Resolved – That the minutes of the meeting held on 14th March 2022 were approved as a correct record and signed by the Chair.

Start: 1.35pm

Finish: 3.33pm

PL.1071

DECLARATIONS OF INTEREST AND LOBBYING

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

b. Lobbying

Councillors Brown and Sutcliffe were lobbied in favour of application 2022/23954/REM and Councillors Brown and Morrell were lobbied against the application. Councillor Sutcliffe was lobbied in favour of application 2022/23773/FUL and Councillor Morrell was lobbied against the application.

PL.1072

PUBLIC PARTICIPATION

The following individual addressed the Committee:

Application 2022/23954/REM – Mr William McCann (on behalf of the objectors)
Mr Mick Matthews (applicant)

PL.1073

PLANNING APPLICATIONS**a. Applications determined by Planning Committee****Permission Granted**

2022/23954/REM – application for approval of full details of detached dwelling and associated parking area as matters reserved in outline planning consent referenced 2021/22523/OUT on land to the North of Garden Close, Glusburn.
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 dwelling house 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@cravencd.gov.uk or can be downloaded from the District Council website.

Proposer: Councillor Brown.

Seconder: Councillor Heseltine

Voting: 10 for approval; 1 abstention

Application Deferred

2021/23773/FUL – application and revised description for the conversion and reconstruction of two barns as two dwellings, and the construction of three new dwellings with off street parking and associated infrastructure at Town End Barn, Colne Road, Glusburn.

The Chairman referred to Ward Councillor Philip Barrett's request for a site visit before the application was determined by the Committee. The Chairman proposed that Members see the case officer's presentation and then make a decision as to whether or not they felt a site visit was necessary.

On conclusion of the presentation Members discussed deferring the application and, based on several factors including that the proposed development was on a sensitive site, the number of objections received and that some aspects of the site were better viewed in person, it was

Resolved – That the application is deferred to enable a site visit to take place.

Proposer: Councillor Rose

Seconder: Councillor Sutcliffe

Voting: 6 for deferment; 4 against.

b. Delegated Matters

The Strategic Manager for Planning and Regeneration submitted a list of new and closed planning enforcement cases between 22 April 2022 and 30 May 2022.

PL.1074 **QUARTERLY PLANNING PERFORMANCE MONITORING REPORT**

The Strategic Manager for Planning and Regeneration submitted a report informing Members of performance of the development management services during the quarter January to March 2022.

Members discussed the various statistics in the report and the Planning Manager answered Members questions. The review demonstrated an improvement in performance including the number of applications determined was up by 33% compared with 2020/21; the backlog of undetermined applications fell by 23% over

the year and 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.

The Planning Manager informed Members that, for the first time in nearly three years, the planning development team were potentially fully staffed which would help performance going forwards.

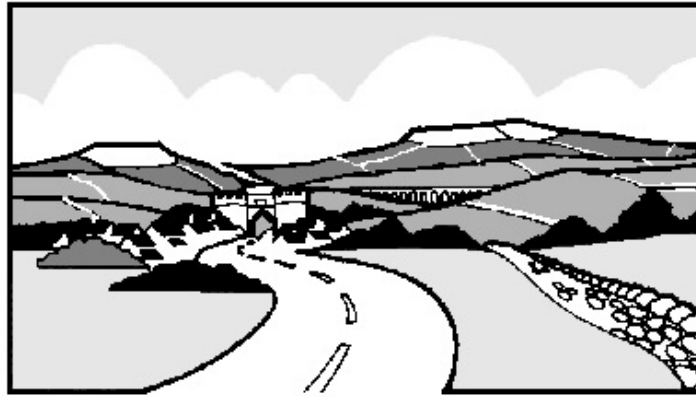
Resolved – That, the report is noted.

Minutes for Decision

There were no items for decision requiring confirmation by Council.

Date of Next Meeting: 4th July 2022.

Chairman.



CRAVEN

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D I S T R I C T

PLANNING COMMITTEE AGENDA

DATE: 5th September 2022

INDEX OF PLANNING APPLICATIONS

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3.	2021/23571/FUL	Dr Ansari	Land Adj 1, Manor Close, Ingleton.	44 – 58
4.	2022/23773/FUL	Burley Developments Group	Town End Barn, Colne Road, Glusburn.	59 – 84

REPORT TO PLANNING COMMITTEE ON 5th September 2022

Application Number: 2022/23886/FUL

Proposal: Erection of 47 no. residential dwellings and associated infrastructure

Site Address: Land To North Of Springfield Crescent High Bentham Lancaster

On behalf of: Concert Living Ltd

Date Registered: 25th March 2022

Expiry Date: 24th June 2022

EOT Date, if applicable:

Case Officer: Andrea Muscroft

SUMMARY

This report has been referred to Planning Committee at the discretion of the Planning Development Manager.

1. The proposed development in the absence of any robust or credible evidence by virtue of the density and mix would result in an unacceptable form of development that is contrary to the requirements of Policy SP3 of the Craven Local Plan.
2. The proposed development would appear contrived and out of keeping with the established pattern and character of the surrounding area and incongruous by virtue of the siting, appearance, and scale of the dwellings, and the amenity spaces thus the development does not represent high-quality design. As such the proposal does not positively contribute to the overall quality of the area contrary to Policies ENV3 and SP7 of the Craven Local Plan, the National Design Guide or the National Planning Policy Framework.
3. In the absence of any details to demonstrate a biodiversity net gain or mitigation off-site measures the proposed development fails to comply with the requirements of Policy ENV4. Failure to demonstrate any net gain or mitigation measures is contrary to Policy ENV4 of the Craven Local Plan and the National Planning Policy Framework.
4. In the absence of any details to demonstrate the management and maintenance of the surface water system for the lifetime of the development to reduce the risk of flooding the proposed development fails to comply with the requirements of Policy ENV6 and the National Planning Policy Framework.
5. The proposed development, by reason of type and location of the proposed affordable housing, fails to provide a fully integrated scheme. The proposal is therefore contrary to policy H2 of the Craven Local Plan, also the Council's adopted Affordable Housing Supplementary Planning Document and the aims and objectives of the National Planning Policy Framework.

1. Site Description
 - 1.1 The application relates to an allocated site ref HB026 of the Craven Local Plan and covers approx. 2.6ha.
 - 1.2 The site lies to the north of Springfield Crescent on the east side of the town of High Bentham. The site is irregular in shape enclosed by dry stone walls to the east and west of the site. Properties on Springfield Crescent form the southern boundary to the site and running along the northern boundary are a row of protected trees.
 - 1.3 The topography of the site varies across the site.
 - 1.4 The site is devoid of any structures.
 - 1.5 The site is in a Coal low-risk development area and within an SSSI Impact Risk Zone.
 - 1.6 The site has also been identified as being at risk of surface water flooding as defined by the Environment Agency.
2. Proposal
 - 2.1 The proposal seeks full planning permission for the construction of 47 dwellings with off-street parking and associated infrastructure.
3. Planning History
 - 3.1 2020/00692/PREAPP – Pre-application advised that due to the density proposed the development would be contrary to the policy requirements as set out in the Local Plan and thus would not be acceptable in principle.
 - 3.2 2022/23532/FUL – Construction of 47 dwellings with off-street parking and infrastructure – not determined and currently the subject of an appeal for non-determination.
4. Planning Policy Background
 - 4.1 As required by Section 38(6) of the Planning and Compulsory Purchase Act 2004, the proposed development must be determined in accordance with the Development Plan unless material considerations indicate otherwise
 - 4.2 The July 2021 NPPF replaced the February 2019 NPPF, first published in March 2012. The NPPF does not change the status of an up-to-date development plan and where a planning application conflicts with such a plan, permission should not usually be granted unless material considerations indicate otherwise (Paragraph 12). This application has been considered against the 2021 NPPF.
 - 4.3 Annex 1 of the NPPF outlines how it should be implemented:

'219... existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).'
 - 4.4 The development plan for Craven consists of the Craven Local Plan 2012 to 2032 (November 2019) ('LP'). The relevant LP policies for the determination of this application are:
 - SD1: The Presumption in Favour of Sustainable Development
 - SP1: Meeting Housing Need
 - SP3: Housing Mix and Density
 - SP4: Spatial Strategy and Housing Growth
 - SP7: Strategy for Bentham – Tier 2
 - ENV3: Good Design
 - ENV4: Biodiversity
 - ENV5: Green Infrastructure

ENV6: Flood Risk
ENV9: Renewable and Low Carbon Energy
H2: Affordable Housing
INF3: Sport, Open Space and Recreation Facilities
INF4: Parking Provision
INF5: Communications Infrastructure
INF6: Education Provision
INF7: Sustainable Transport and Highways

4.5 National Policies:

National Planning Policy Framework (NPPF).
National Planning Practice Guidance (PPG)
Effective use of land

4.6 Other relevant documents

National Design Guide
SPD Affordable Housing Contributions
Strategic Housing Market Assessment (SHMA) 2016
Craven District Plan Approaching Housing Density and Mix 2017

Other material considerations

Draft SPD Good Design
Draft SPD Flood Risk
Draft SPD Green Infrastructure and Biodiversity

4.7 Officer Note: These documents represent material considerations but have not been adopted and do not form part of the Local Plan and therefore carry limited weight.

5. Parish/Town Council Comments

5.1 Bentham Parish Council: Council is concerned that the available reports only deal with the site itself and fail to address the impact of the proposed development on the whole environment around the site with regards to drainage/sewerage/surface water/flooding.

5.2 Recommend United Utilities should be consulted about the current sewerage problems in the area prior to any permission being granted.

5.3 There is already a considerable problem with traffic near the junction of Springfield Crescent and the B6480, will traffic lights be installed at the junction?

5.4 Concerns over loss of privacy and right to light – suggest a buffer strip.

5.5 Concerns over noise and disruption and recommend if approved to disruption should be kept to an absolute minimum and impose a time limit for work on the site.

6. Consultations

6.1 CDC Environmental Health Officer: Recommend noise and dust management conditions. It is also suggested an informative be added advising the applicant/developer of providing electric charging points.

6.2 CDC Planning Gain officer: The INF calculator for 47 dwellings calls for an offsite contribution of £166,662 to address quantity and quality deficiencies in several open space typologies in the North

Craven area. The details of how the planning gain contribution would be allocated would be set out in an S106 Agreement.

- 6.3 CDC Strategic Housing Officer: Craven District Councils November 2017 SHMA identified a need for 126 new affordable homes in the district each year. The Council's adopted Local Plan seeks to meet this need by requiring all developments of 10 or more homes to provide an onsite affordable housing contribution. On greenfield sites such as this, that contribution should be 30%.
- 6.4 This application is for 47 homes and so would be expected to deliver 14 affordable homes if the site is deemed suitable for housing by the Council's planning department. This has been reflected in the application.
- 6.5 However, there are several outstanding issues with this application. The plans show four affordable flats, but there are no market-sale flats proposed. This is specifically advised against in the Councils adopted Affordable Housing Supplementary Planning Document: affordable housing in terraces or flats is not likely to be accepted unless there are terraces and flats for market housing on the same site, and in the same proportion (para 2.11.2) as it makes the affordable housing visibly distinct from the private homes.
- 6.6 The proposals also show the affordable homes tightly concentrated in two clusters. This conflicts with the Council's adopted Affordable Housing Supplementary Planning Document, which states that in the interests of securing sustainable development developers should provide a good spread of affordable units across a scheme rather than this type of housing being concentrated into distinct areas. This will avoid segregation in the form of clusters of affordable housing, and promote integrated and sustainable communities (para 2.11.7, p. 28).
- 6.7 In order to meet size requirements, the affordable housing on the development should be changed so that it consists of three one-bedroom homes, eight two-bedroom homes and three-bedroom homes.
- 6.8 The applicant has proposed four Shared Ownership homes and 10 homes for affordable rent. This will be agreed upon and enforced through a Section 106 Agreement between the Council and the landowner.
- 6.9 Until these issues are addressed, Strategic Housing objects to this application.
- 6.10 Environment Agency: No comments were received during the statutory consultation period.
- 6.11 North Yorkshire Fire & Rescue Service: the North Yorkshire Police, Fire and Crime Commissioner Fire and Rescue Authority have no objection/observation to the proposed development. The North Yorkshire Police, Fire and Crime Commissioner Fire and Rescue Authority will make further comment in relation to the suitability of proposed fire safety measures at the time if/when the building control body submit a statutory Building Regulations consultation to the Fire Authority.
- 6.12 NYCC Design out Crime Officer: Suggestions and observations made to help provide a safe and secure environment by reducing crime. A condition was also suggested requiring full details of crime prevention measures to be incorporated into the development are submitted and agreed in consultation with the North Yorkshire Police.
- 6.13 NYCC Highways: Clear plans to show the dimensions of the garages and driveways to be used
- 6.14 The proposed drainage drawing shows 1800dia pipes under the highway. However where pipework exceeds 900mm diameter or a combination of pipes have a combined span in excess of 0.9 metres, and the distance between two pipes is less than that of the larger of the two spans then these shall be treated as a structure requiring Technical Approval submission and will not be permitted under the adoptable highway. Further engineering solutions will be required. This plan will also show the proposed Highway drainage.
- 6.15 A plan to show Street lighting design must be included.
- 6.16 Officer note; This proposal is a duplicate of application 2021/23532/FUL in which the highways officer recommended refusal due to drains under the highway.

- 6.17 NYCC Education officer: Based on the proposed number of dwellings developer contributions would not be sought for education facilities at this present time should this application be approved
- 6.18 LLFA officer: The submitted documents are limited and the LLFA recommends that the applicant provide further information as detailed within the statutory response before any planning permission is granted.
- 6.19 United Utilities: Following our review of the submitted Drainage Strategy, we can confirm the proposals are acceptable in principle to United Utilities and therefore should planning permission be granted we request a condition be imposed requiring the development to be implemented in accordance with the Foul & Surface Water Drainage Design Drawing 0020044 JPL ZZ ZZ DR D 4054, Rev A3C01- Dated 29/09/2021

7. Representations

7.1 Site notice posted 6.4.2022

7.2 Press notice published 14.4.2022

7.3 48 Neighbour notification letters circulated, and comments have been summarised below:

7.4 Visual

Concern over the proposed 6ft boundary fence

7.5 Amenity

Concern that the development would not afford adequate privacy for occupants of the building or adjacent residential properties.

The development would result in overlooking and appear visually overbearing.

Concern over loss of natural light & overshadowing.

No details ref proposed street lighting

Concerns over security and safety due to potential youngsters playing on exposed walls.

Concerns that the lack of access to prune and maintain hedge will result in neighbour disputes – could be addressed by a 1mtr strip being left between the existing boundary and the proposed boundary.

Concern over potential noise nuisance arising from traffic travelling from the site through Springfield Crescent.

7.6 Drainage

Concern that the drainage investigation carried out in June 2020 during the hot summer months does not take into account the groundwater during the wet months and periods of prolonged rain.

Concern that the drainage plan does not consider the surface water that collects in the southwest corner of proposed plot 1.

Concerns over the capacity of the existing sewage system if approved.

Limited information ref the pumping station.

Concern over potential flooding would increase.

No rainfall harvesting measures have been incorporated

Discharge of untreated brown water into the river Wenning

7.7 Biodiversity

What measures are proposed to protect wildlife?

No public space or planting between Crescent and new estate to create wildlife corridors.

No evidence of net gain

7.8 Highways issues

Access to the development would be restrictive due to insufficient parking on Springfield Crescent.

Concern over the potential impact on highway safety on the grounds of road capacity means of access and clear visibility exiting onto B6480.

Concern that the development would not allow for 2-way traffic

Concern over the increased traffic and potential for congestion due to on-street parking.

Transport Statement identifies a bus service – this is currently under review. Also, the train service is not suitable for commuters to Lancaster, Skipton or Kendal.

No traffic calming measures are proposed.

Data for traffic survey obtained during school holidays when journeys are less.

Concern over the amount of dirt that would be left on the road during the construction stage.

7.9 Other matters

Bentham does not have the infrastructure to accommodate any new development.

Doctors' surgery is unable to manage any increase in patients.

Contrary to comments Bentham CP School is not full and has space for children of all nursery and primary age with capacity to expand.

Suggest that plots 18 & 19 move to plots 16 & 17 and plots 16 & 17 move to plots 18 & 19. Plots 20 & 21 are made singles storey.

If approved the developer should provide a landscape management plan which also checks the hedgerows and trees and that any loss of hedgerows or trees are replaced.

Understand that there is legal protection on part of this land ref a restrictive covenant governing part of this land which was put into force when the bungalows were built at Springfield Crescent.

Ask that the developer looks at a) providing screening trees between our dry-stone wall and the proposed fencing with the fence being continuous. Or b) provision of screening trees for our garden. Or c) the fence to be continuous. And that during the construction and erection of fences any damage caused to the dry stone wall (as the foundation stones are larger than the top stones) is rectified at the developer's expense

Impact on human rights

Concerns over safety for children playing on the grassed area within the estate.

Springfield crescent green is regularly used for play and recreation

If approved suggest a condition is imposed requiring a condition limiting construction hours and dust/dirt is kept to a minimum.

7.10 Non-material planning considerations

The developer failed to engage with the community and deal with the issues raised.

8. Summary of Principal Planning Issues

Principle of development

Housing Mix and Density

Affordable Housing Provision

Open space provision

Education contribution

Visual Impact
Sustainable Design and Construction
Amenity
Impact on Protected Trees
Highway
Flood Risk and Drainage
Biodiversity
Other matters

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 In allocating this site, the Council considers its use for housing is appropriate subject to the criteria outlined within Policy SP7 to mitigate the impact as far as possible.

9.4 The allocated site is expected to deliver approx. 82 dwellings.

9.5 The development principles set out the following criteria:

- A surface water flood risk hazard adjoins the northwest corner of the site. Development proposals must therefore be supported by a Flood Risk Assessment and drainage strategy which has informed the design, layout and landscaping of the site. Proposals will incorporate Sustainable Drainage Systems (SuDS), where possible.
- The site's prominent location will be addressed in the design, layout and landscaping of the development to ensure that the character and appearance of the local area is not adversely affected and will include measures to minimise impacts on air quality, noise and light pollution.
- The design of proposals shall conserve the landscape and scenic beauty of the Forest of Bowland AONB.
- Access to the site will be gained from Springfield Crescent.
- Development proposals for this site must accord with local plan policies H2, INF3 and INF6 (which set out requirements for contributions towards affordable housing, education provision and sport, open space and recreation facilities) and all other relevant local plan policies.

9.6 The principle of the development of this site for housing has already been established as the application site was allocated for housing within the Craven Local Plan ref: HB026. Whilst the principle of residential development has been established the acceptability of the proposal will need to meet the design principles and requirements of all other relevant policies and material planning considerations.

9.7 **Housing Mix and Density**

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

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

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

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

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

9.10 The following table (taken from page 45 of the Local Plan), shows the 2017 SHMA suggested dwelling mix by market and affordable dwellings:

Table 1

Overall dwelling size mix	Market (%)	Affordable (%)	Overall (%)
1/2 bed	18.9	87.4	39.4
3 beds	57.3	11.8	43.7
4 bed	23.8	0.8	16.9

9.11 As outlined previously the application site has been allocated for housing ref: HB026 under policy SP7. This policy requires approximately 82 dwellings to be delivered on this site, whereas the proposal is only for 47 dwellings.

9.12 It is noted that the submitted application site has omitted a strip of land that runs north to south off the eastern boundary behind some of the properties on Springfield Crescent. This has reduced the site area down to 2.4 ha. Based on the Council's methodology regarding density, the Council would expect to see approx. 76 dwellings on this site. Therefore, the proposal remains in conflict with policy SP7, regarding this aspect.

9.13 The agent on behalf of the applicant has stated within the submitted Design and Access Statement (page 22) that the suggested density has been based on existing development areas of Bentham rather than the requirements of Policy SP3.

9.14 To support this statement 4 sites have been identified and the agent on behalf of the applicant has then calculated a revised density figure of 24.1 dwellings per hectare. This approach does not reflect the Council's methodology as detailed in the CDC Approaching Housing Density and Mix background paper 2017 or LP policy in respect of the Council's approach to housing density.

9.15 Furthermore, on the investigation of the sites identified by the applicant's agent, 3 were all constructed pre-1974 except for Butterbergh, Lowcoft and Highcroft which was granted permission in 2002/2003. Therefore, these permissions were granted under earlier Local Plan Policy requirements which did not contain a density policy.

9.16 The policy position has significantly moved on since the grant of planning permission for these sites in terms of local and national policy requirements with the adoption of the Craven Local Plan 2019,

the updated NPPF (2021) and PPG which all notably identify the need to effectively use land and for LPA's to set their own housing density requirements.

- 9.17 Criterion c) of policy SP3 will allow some flexibility in its requirements for housing mix and density where this is necessary to ensure scheme viability, to take account of local variations in housing need, to better promote balanced mixed communities or to achieve other local plan objectives.
- 9.18 No evidence of local variations to housing needs has been provided, nor has a viability assessment to demonstrate a need for a lower density. It is the officer's opinion that there is no constraint on the site that would prevent a higher density that would accord with the requirements of SP3.
- 9.19 Therefore, in the absence of credible reasons and robust evidence it is considered that the proposed development would not make effective use of the land and is unacceptable in policy terms as it conflicts with the aims and objectives of SP3 regarding density.
- 9.20 The suggested housing mix by market and affordable dwellings according to policy SP3 set out below:

Table 2. 82 dwellings

Overall dwelling size mix	Market (70%)	Affordable (30%)	Overall (100%)
1/2 bed	11 (18.90%)	22 (87.4%)	33 (39.4%)
3 beds	33 (57.3%)	03 (11.8%)	36 (43.7%)
4 bed	13 (23.8%)	00 (0.8%)	13 (16.9%)
Total	57 (100%)	25 (100%)	82 (100%)

- 9.21 Given the changes in the application site area the revised suggested housing mix by market and affordable dwelling that would accord to policy SP3 are set out below:

Table 3. 76 dwellings

Overall dwelling size mix	Market (70%)	Affordable (30%)	Overall (100%)
1/2 bed	10 (18.90%)	20 (87.4%)	30 (39.4%)
3 beds	30 (57.3%)	03 (11.8%)	33 (43.7%)
4 bed	13 (23.8%)	00 (0.8%)	13 (16.9%)
Total	53 (100%)	23 (100%)	76 (100%)

- 9.22 However, the agent on behalf of the applicant proposes the following housing mix for this allocated site as set out below:

Table 4. 46 dwellings

Overall dwelling size mix	Market (70%)	Affordable (30%)	Overall (100%)
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1/2 bed	04 (12.1%)	10 (71.4%)	14 (29.8%)
3 beds	21 (63.6%)	04 (28.6%)	25 (53.2%)
4 bed	08 (24.2%)	00 (0.0%)	08 (17.0%)
Total	33 (100%)	14 (100%)	47 (100%)

- 9.23 The suggested mix does not accord with policy SP3, or the mix recommended in the SHMA. The minor variation of the proposed affordable housing mix does not consider the local variation of housing needs identified by the Council's Strategic Housing Officer.
- 9.24 In conclusion, it is considered that the proposed development would not make effective of the land and does not take account of local variations in housing needs and thus is unacceptable in policy terms as it conflicts with the aims and objectives of SP3.
- 9.25 **Affordable Housing Provision**
- 9.26 Local Plan policy H2 seeks affordable housing of 30% on greenfield sites of developments with a combined gross floor area of more than 1000 sqm. The proposed combined gross floor area is above 1000 sqm and the proposal is for greater than 10 dwellings. Therefore, the requirement under Policy H2 of the Local Plan with regards to affordable housing provision has been triggered.
- 9.27 The Council's 2017 Strategic Housing Market Assessment (SHMA) identifies a need for 126 affordable homes to be provided within the district each year which provides a strong indication of the ongoing need for affordable housing in the district.
- 9.28 Details submitted indicate that 14 affordable homes would be provided. This accords with the Strategic Housing officer's requirements for the number of affordable units.
- 9.29 However, the submitted plans show four affordable flats, but there are no market-sale flats proposed. This is contrary to the advice contained within the Councils adopted Affordable Housing Supplementary Planning Document: affordable housing in terraces or flats is not likely to be accepted unless there are terraces and flats for market housing on the same site, and in the same proportion (para 2.11.2) as it makes the affordable housing visibly distinct from the private homes.
- 9.30 The proposals also show the affordable homes tightly concentrated in two clusters. Again, this conflicts with the Council's adopted Affordable Housing Supplementary Planning Document, which states that in the interests of securing sustainable development developers should provide a good spread of affordable units across a scheme rather than this type of housing being concentrated into distinct areas. This will avoid segregation in the form of clusters of affordable housing, and promote integrated and sustainable communities (para 2.11.7, p. 28).
- 9.31 No revisions have been submitted to address the objection of the Council's Strategic Housing officer the proposal is therefore considered contrary to the requirements of Policy H2 of the Local Plan and the NPPF
- 9.32 **Open space provision**
- 9.33 Policy INF3 requires all new housing and mixed-use developments of 11 or more dwellings and on any site with a combined gross floor area of more than 1000sqm, including those sites allocated under LP policies SP5 to SP11 to provide provision or contribution towards new or improved sport, open space and built sports facilities.
- 9.34 In terms of onsite Amenity Green Space the application identifies an area to the northwest of the site which will be planted with trees and as a wildflower meadow. This will provide an area of green space which contributes to biodiversity but will be limited in terms of useable amenity space for informal recreation due to the slope of the land and proposed landscaping. The nearest amenity green space is found in the central area of Springfield Crescent approximately 200m from the

development site. The nearest equipped play provision is located at Wesley Close and adjacent to Bentham Playing fields on Wenning Avenue both are approximately 1.2 km from the development.

- 9.35 The INF calculator for 47 dwellings calls for an offsite contribution of £166,662 to address quantity and quality deficiencies in several open space typologies in the North Craven area. The details of how the planning gain contribution would be allocated would be set out in an S106 Agreement.
- 9.36 **Education contribution**
- 9.37 Policy INF6 seeks to ensure that a sufficient choice of school places are available to meet the needs of existing and new residents. This will be achieved by a developer providing contributions for education provision, in accordance with Policy INF1 and Appendix B of the LP should a deficit of school places in the area be identified.
- 9.38 NYCC Education officer has reviewed the proposal and based on that assessment has confirmed that no developer contributions would be sought for education facilities at the present time.
- 9.39 **Visual Impact**
- 9.40 Policy ENV3 seeks to ensure that developments make a positive change, which benefits the local economy, environment, and quality of life, including health and wellbeing.
- 9.41 Policy SP7 as an allocated site also requires that the design, layout and landscaping of the development do not adversely affect the character and appearance of the local area. It also sets that the design of the development shall conserve the landscape and scenic beauty of the Forest of Bowland AONB.
- 9.42 The NPPF at paragraph 130 (section 12 – Achieving well designed places) requires that planning decisions should ensure that developments...are
- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
 - b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
 - c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
 - d) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks
- 9.45 The Guidance in addressing design is critically noted in Paragraph: 001 Reference ID: 26-001-20191001:of the National Design Guide.
- 9.46 As set out in paragraph 134 of the National Planning Policy Framework, permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents
- 9.47 The application site is in a prominent location on the western side of the village and is clearly visible from Windy Hill Lane, Butts Lane and when travelling along the B6480. The site is bordered on one

side by existing housing and would result in an increase in the suburban character of this part of the village.

9.48 Some degree of existing screen is provided by a row of protected trees and established hedgerows which define the northern site boundaries. These will be retained.

9.49 The Craven District (Outside the Yorkshire Dales National Park) Landscape Assessment 2002 identified the following:

9.50 Landscape Character: Strong

- o Strong landform pattern associated with undulating drumlin topography of interlocking round hills.
- o Distinctive landscape of intricate sequence of pasture, hedgerows, small copses and woods superimposed on an undulating landform, accentuating relief of the hills.

9.51 Landscape Condition: Declining

- o Structure of landscape declining with traditional field boundaries being lost and the size of some fields increasing.
- o Condition of some hedges is declining through the lack of, or inappropriate management.

9.52 Forces for change:

- o Rolling drumlin field landscape has the potential to absorb further areas of copses and small-scale woodland planting.

9.53 Sensitivity to change:

- o Views are generally limited as a result of the varied topography although drumlin tops have expansive views across the rolling drumlin field landscape;
- o Lowland areas are less sensitive to development;
- o Copses and field boundaries rising over hillocks are very visible from the surroundings and would be sensitive to change;
- o Important habitats of nature conservation value such as Ancient Woodlands are particularly sensitive to change.

9.54 Landscape Quality 2: Conservation/reinforcement

- o Conserve the existing field boundary pattern, which gives the landscape a strong pattern and structure, through hedgerow and dry-stone wall conservation;
- o Reinforce the pastoral character by considering replanting and management of hedgerow trees to strengthen the existing landscape structure;
- o Consider reinstatement of lost hedgerows;
- o Conserve and manage areas of Ancient Woodland/ woodland;

- o Ensure the survival of characteristic hilltop copses;
- 9.55 Due to the elevated location careful consideration needs to ensure that it would not appear intrusive considering the points highlighted above.
- 9.56 It is acknowledged that when travelling through this section of High Bentham there is a mixture of built form with groupings of terrace dwellings and semi-detached properties with one or two detached dwellings. Similarly, there is a mixture of materials from traditional stone to render.
- 9.57 The proposed height of the buildings is considered appropriate for the site with dwellings being 1 and 2-storey.
- 9.58 In terms of the appearance of the proposed dwellings the proposal has sought to introduce a wide variety of elevational treatments to create interest within the development. And whilst it is acknowledged that within the wider context/street scene there is a mix of styles from old to new including traditional and more modern properties which does aid the applicant to an extent it does not justify the use of a modern 'volume estate' design. It is considered a more traditional design would be more appropriate given its location and relationship with the Forest of Bowland.
- 9.59 It is also, noted that two of the proposed designs (Whitewell and Yarrow) would appear significantly large given their footprint when compared to the scale of existing dwellings near the application site. Resulting in buildings that would due to their scale and massing appear dominant and out of place with the scale and massing of existing dwellings adjacent to the site and those located within the surrounding area. Furthermore, their elevated position located along the western site boundary which is visible from several viewpoints outside of the application site would appear intrusive and dominate feature incongruous with the character of the area.
- 9.60 Regarding the layout, it is noted that properties on Springfield Crescent have small front and rear amenity areas. The proposed plot sizes fail to respond to the prevailing plot sizes of properties on Springfield Crescent and would result in little harmony or integration between the existing and proposed development.
- 9.61 Details relating to materials and boundary treatments are addressed through conditions.
- 9.62 It is considered that the proposed dwellings whilst providing variety in their design would result in a discordant form of development that would be out of keeping with the character and appearance of the area. The siting of the proposed significant larger dwellings along the western boundary would further emphasise the incongruous nature of the proposal.
- 9.63 Due to the separation distances between the AONB and the application site it is not considered that there would be any harm to the AONB.
- 9.64 On balance, the proposal is considered to conflict with Policy ENV3 and SP7 of the Craven Local Plan and guidance contained within the NPPF and the National Design Guide.
- 9.65 **Sustainable Design and Construction**
- 9.66 Policy ENV3 criterion t) seeks to ensure that sustainability is designed into proposals to help ensure future resilience to a changing climate in accordance with Building Regulations.
- 9.67 The most recognised methods of achieving sustainability through the energy hierarchy.
 Energy efficiency – using technology to reduce energy losses and eliminate energy waste
 The exploitation of renewable, sustainable resources
 Exploitations of sustainable materials
- 9.68 Details contained within the Design and Access statement are that sustainability should be designed in so that development takes all reasonable opportunities to reduce energy use, water

use and carbon emissions and minimise waste, ensure future resilience to a changing climate and wherever possible generate power through solar or other means in accordance with Building Regulations.

- 9.69 Whilst the proposal does not specify any inclusion of sustainable features it is important to note that such sustainable features are now implemented via Building Regulations.
- 9.70 Part L of the BR deals with conservation of fuel and power and Approved Document F. Approved Document O deals with overheating and Approved Document S deals with Infrastructure for charging electric vehicles.
- 9.71 It is also noted that if good fabric specification and efficient services are included in the design the minimum energy performance targets required by BR can be achieved without the need to incorporate any renewable energy features. BR Compliance levels cannot be imposed through the planning system.
- 9.72 Notwithstanding the above, if approved it is considered appropriate for the developer to demonstrate how the design will reduce energy and water use, pollution and overheating. These matters can be dealt with via an appropriately worded condition.
- 9.73 **Amenity**
- 9.74 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.
- 9.75 Existing properties are positioned alongside the southern boundary except for Sansbury Mount located adjacent to the application site. The existing dwellings (no. 11 – 25 Springfield) fronting the B6480 have their rear garden areas adjoining the site. The side amenity area of Sansbury Mount and No. 16 Springfield Crescent back onto the application site and the remaining properties (no. 29 – 17) all have rear garden areas backing onto the application site.
- 9.76 The separation distances between No. 11 - 21 and the rear elevations of plots 23 & 22 range from approx. 33m > 37m. In addition, there are a few outbuildings located along the joint boundary with the application site providing some additional level of screening between the application site and these existing dwellings. It is therefore not considered that the proposal would give rise to any adverse impacts in terms of privacy or amenity to the occupants of these dwellings. Furthermore, the occupants of these properties would not experience any unacceptable loss of natural light or overshadowing, nor would the proposed dwellings appear overbearing and dominant when viewed from the rear private amenity areas of these properties.
- 9.77 Dwellings no. 23 & 22 appear to have extended rear gardens and as such the separation distance between the rear gable of these properties to the side gable of plot. 21 is approx. 33m. Given the separation distances the occupants of these properties would not experience any unacceptable loss of privacy, natural light or overshadow. Nor would the proposed dwelling appear overbearing and dominant when viewed from the rear private amenity area of these properties.
- 9.78 The side gable of Sansbury Mount would be located approx. 20m from the rear gable of plot 18. Running along the joint boundary is a section of mature trees and shrubs providing further screening from the proposed development. It is therefore considered that due to the separation distances, the orientation between Sansbury Mount and plot 18 and the existing natural screening the occupants of this property would not experience any unacceptable loss of privacy/amenity, loss of natural light or overshadowing nor appear overbearing and dominate when viewed from the private amenity areas of this property.

- 9.79 The next dwelling close to the application site is No. 16 Springfield Crescent which has a side gable fronting towards the application site. The separation distance between the side gable of No. 16 and plot 1 is approx. 10m. In between this area on the application site would be a single detached garage and located to the side of No. 16 is a carport. Due to the orientation of No. 16 and plot 1 combined with the driveway and intervening carport and the proposed garage to plot 1, it is not considered that the occupants of this property would experience any unacceptable loss of privacy. Similarly, whilst there is a change in topography plot 1 has been designed to be a single-storey bungalow and thus the occupants of this property would not experience any unacceptable loss of natural light or overshadowing, nor would the proposed dwelling appear dominant and overbearing when viewed from this property.
- 9.80 The next group of dwellings backing onto the application site are 29 – 17 Springfield Crescent whose rear gardens back onto the application site. The separation distances between the side gables of plots 47 and 43 and the rear gables of these properties range between approx. 13m – 9.5m. To protect the privacy of the existing occupants of these properties the side gable are devoid of any window openings except for obscure glazed bathroom windows. In addition, a 1.8m high timber fence would run along the joint boundary. It is therefore considered that the occupants of these properties would not experience any unacceptable loss of privacy. Similarly, due to the scale of the proposed dwellings, orientation combined with the separation distances the occupants of these dwellings would not experience any unacceptable loss of natural light or overshadowing, nor would the proposed dwellings appear overbearing or dominant when viewed from the habitable rooms or private rear amenity areas of these properties.
- 9.81 Future residential accommodation
- 9.82 The proposal is considered to provide sufficient internal and external space to meet the needs of any future able-body occupants.
- 9.83 Policy ENV3 also seeks to ensure that new developments are accessible and usable regardless of their age, gender, or disability. No details have been provided on how this will be achieved, however, if approved a condition can be imposed requiring details on how the development would ensure occupants ease of access to and use of buildings including facilities for disabled visitors or occupants.
- 9.84 **Highway**
- 9.85 INF4 seeks to ensure sufficient provision of off-street parking is provided.
- 9.86 INF7 seeks to ensure that new development maintains a pattern of growth which reflects the spatial strategy and settlement hierarchy set out in Policy SP4 of the Local Plan. It also seeks to develop maximised opportunities to travel by non-car modes of transport through the location and design of new developments and those developments are suitable for all modes of transport and all people.
- 9.87 The proposal would access the highway network through Springfield Crescent which currently serves circa 25 dwellings. The access onto the highway network was assessed as part of the Council's site allocation process and deemed acceptable for the number of proposed dwellings of 82 dwellings by the Highways Authority.
- 9.88 The current proposal is only seeking 47 residential dwellings on this allocated site. To support the proposal a Transport Statement has been submitted.
- 9.89 The submitted plans indicate that the proposed vehicle access is via an extension off Springfield Crescent. The proposed carriage way would be 5.5m wide tapering from 6.8m at the entrance onto Springfield Crescent. In addition, a 2m wide footways would be provided both sides of the proposed road with turning heads at the southwest and northwest corners of the site.
- 9.90 The existing junction between Springfield Crescent and the B6480 is a B class highway and is subject to a 30-mph speed limit. The submitted Transport Statement indicate visibility at this junction is;

- To the left 2.4m x circa 100m

- To the right 2.4m x circa 120m

- 9.91 The LP parking standards are set out in the NYCC Interim Parking Standards document and outline the minimum required a number of car parking spaces for residential development. The proposal is seeking to provide 114 off-street parking spaces. Based on the type and number proposed the number of parking spaces as detailed is considered adequate to serve the development. The required cycle parking standards if approved could be secured by a planning condition.
- 9.92 The proposed road width is adequate to allow the standard-size recycling, waste, and garden waste vehicles to get unhindered access.
- 9.93 The provision of electric charging points for each plot would be provided via the requirements of Building Regulations Approved Document S.
- 9.94 The local highway network and the volume of material that may need to be removed and brought to the site must be considered and a construction management plan would be required if approved prior to the commencement of development on this site. Any such document would likely include but would not be limited to the provision of trade car parking, times of site operation, the volume of HGV movements throughout the day, highway safety measures such as wheel washing and mitigation measures for any remedial works required. Therefore, if approved an appropriate planning condition would be imposed to secure this requirement.
- 9.95 However, the NYCC highway authority has objected to the proposal on the grounds that the proposed drainage drawing shows 1400dia pipes under the highway. This is not acceptable under an adopted highway. Furthermore, it is stated that if pipework that exceeds 900mm in diameter or a combination of pipes has a combined span more than 0.9m, and the distance between the two pipes is less than that of the larger of the two spans then these shall be treated as a structure requiring Technical Approval submission and will not be permitted under the adoptable highway. Informal discussion has been undertaken but no alternative details have been provided and thus the highways authority recommend refusal of the proposal. Notwithstanding this, it is considered that this matter could be dealt with by a suitably worded condition.
- 9.96 In conclusion, there are no overriding highway or transport impacts arising from the development of this allocated site subject to the appropriate conditions that are referred to above. The proposal therefore accords with policies INF4 & INF7 of the LP and the aims and objectives of the NPPF.
- 9.97 **Impact of development on protected Trees**
- 9.98 Running along the northern boundary is a row of protected trees which due to their size contribute to the character of the area.
- 9.99 The proposal has been designed so that there is sufficient distance between the proposed dwellings and the protected trees. The Council's tree officer has reviewed the details and has not raised any objections subject to a condition requiring tree protection measures to be imposed should the proposal be granted planning permission.
- 9.100 **Flood Risk and Drainage**
- 9.101 Policy ENV6 seeks to avoid and alleviate flood risk when developments come forward.
- 9.102 SP7 as part of the development principles sets out that any development of this site will need to incorporate Suds where possible to address any potential surface water flooding.
- 9.103 The application site lies within FZ1 (low probability) of flooding. However, the far northwest corner of the site has been identified as potential surface water flooding by the EA. An FRA and a Drainage Strategy Report have been submitted to support the proposal.

- 9.104 United Utilities have reviewed the Drainage Strategy and confirm that the details are satisfactory subject to a condition requiring the development to be constructed in accordance with Drainage Design Drawing 002044 JPL ZZ ZZ DR D 4054, Rev A3C01- Dated 29/09/2021.
- 9.105 The EA were consulted but no comments have been received during the statutory consultation period or at the time of compiling this report.
- 9.106 The LLFA have also reviewed the details with regards to surface water drainage and has stated that the submitted documents are limited and that further information is required before any planning permission is granted by the LPA. It is acknowledged that the proposed development has been designed outside of the area subject to surface water flooding. However, in the absence of the required details as stated by the LLFA combined with the topography of the land, the raising of ground levels and the statement that overland flows will be directed onto the proposed road network it is considered that the submitted details have not addressed the potential risk of surface water flooding as set out policies SP7 and ENV6.
- 9.107 In conclusion, it is considered that the proposal has not demonstrated that it would not worsen the potential for flooding and thus the proposal is considered contrary to the requirements of policies SP7 and ENV6 of the LP and the aims and objectives of the NPPF.
- 9.108 **Biodiversity**
- 9.109 Policy ENV4 seeks to ensure that the growth of housing on allocated and non-allocated sites will be accompanied by improvements to biodiversity. This can be achieved through the avoidance of the loss and encouraging the recovery or enhancement of ecological networks, habitats, and species populations by incorporating beneficial biodiversity features in the design.
- 9.110 The NPPF also outlines in paragraph 180a) that LPA should refuse development that would result in significant harm to biodiversity that cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for.
- 9.111 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.
- 9.112 When reviewing the data provided by the North & East Yorkshire Ecological Data Centre (NEYEDC) it confirmed that with regards to this site there are no protected species recorded.
- 9.113 Regarding this site no details have been provided at the time of compiling this report regarding how the development would provide for a biodiversity net gain either on the site or off-site by way of mitigation measures.
- 9.114 In the absence of any evidence regarding the provision of on-site biodiversity net gain or any off-site mitigation measures it is considered that the proposal is contrary to the requirements of Policy ENV4 of the Craven Local Plan and the NPPF.
- 9.115 **Other matters**
- 9.116 Comments have been received relating to the application being the subject of legal protection. At the time of compiling this report, no evidence was forthcoming regarding any legal protection on this site.
- 9.117 **Planning Balance**
- 9.118 The proposal is for the development of an allocated site within the Craven Local Plan ref HB026.

- 9.119 There are benefits arising from the proposal in terms so providing dwellings for the district although it is significantly below the allocated number of dwellings specified in policy SP7 and therefore is given moderate weight.
- 9.120 The proposal would also provide sustainable benefits through its construction although details are limited on how this will be achieved. This benefit is therefore given limited weight.
- 9.121 These benefits are weighed against the adverse impacts of the development which are as follows;
- 9.122 The proposal fails to deliver the required number of dwellings as identified by policy SP7 or the mix as specified in policy SP3 thus resulting in a form of development that fails to effectively and efficiently use the land allocated for housing in the Local Plan. This is given substantial weight.
- 9.123 The proposed development would result in a discordant form of development out of keeping with the character and appearance of the area. This is contrary to policies ENV3 and SP7 and is given moderate weight.
- 9.124 The proposal in the absence of any evidence regarding the provision of on-site biodiversity net gain or any off-site mitigation measures is contrary to the requirements of Policy ENV4 of the Craven Local Plan and the NPPF. This is given moderate weight.
- 9.125 The proposal has failed to demonstrate that it would not worsen the potential for flooding and thus the proposal is considered contrary to the requirements of policies SP7 and ENV6 of the LP and the aims and objectives of the NPPF. This is given moderate to significant weight.
- 9.126 Conclusion
- 9.127 For the reasons outlined above and having regard to other matters raised the proposed development is contrary to the requirements of the Craven Local Plan when taken as a whole. There are no material considerations which would outweigh the harm of the development and thus the application is refused.

10. Recommendation

10.1 Refuse

Reasons for Refusal

- 1. The proposed development in the absence of any robust or credible evidence by virtue of the density and mix would result in an unacceptable form of development that is contrary to the requirements of Policy SP3 of the Craven Local Plan.
- 2. The proposed development would appear contrived and out of keeping with the established pattern and character of the surrounding area and incongruous by virtue of the siting, appearance, and scale of the dwellings, and the amenity spaces thus the development does not represent high-quality design. As such the proposal does not positively contribute to the overall quality of the are contrary to Policies ENV3 and SP7 of the Craven Local Plan, the National Design Guide or the National Planning Policy Framework.
- 3. In the absence of any details to demonstrate a biodiversity net gain or mitigation off-site measures the proposed development fails to comply with the requirements of Policy ENV4. Failure to demonstrate any net gain or mitigation measures is contrary to Policy ENV4 of the Craven Local Plan and the National Planning Policy Framework.

4. In the absence of any details to demonstrate the management and maintenance of the surface water system for the lifetime of the development to reduce the risk of flooding the proposed development fails to comply with the requirements of Policy ENV6 and the National Planning Policy Framework.
5. The proposed development, by reason of type and location of the proposed affordable housing, fails to provide a fully integrated scheme. The proposal is therefore contrary to policy H2 of the Craven Local Plan, also the Council's adopted Affordable Housing Supplementary Planning Document and the aims and objectives of the National Planning Policy Framework.

Informatives

1. Statement of Positive Engagement:

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

2. For the avoidance of doubt, this decision relates to the following plans:

002044-JPL-ZZ-ZZ-DR-C-1101	PRELIMINARY EARTHWORKS ANALYSIS
002044-JPL-ZZ-ZZ-DR-D-4053	INDICATIVE LEVELS LAYOUT
3984 101A	LANDSCAPE LAYOUT
3984 201	PLANTING PLAN (1 OF 3)
3984 202	PLANTING PLAN (2 OF 3)
984 203	PLANTING PLAN (3 OF 3)
SC-BTP-00-E-DR-A-3693_107	STREET ELEVATIONS
SC-BTP-00-LP-DR-A-3693_100	LOCATION PLAN(1)
SC-BTP-00-SP-DR-A-3693_101	EXISTING SITE PLAN
SC-BTP-00-SP-DR-A-3693_105	PROPOSED SITE PLAN
SC-BTP-00-SP-DR-A-3693_108	DEVELOPABLE AREA PLAN
SC-BTP-00-SP-DR-A-3693_112	WASTE COLLECTION PLAN
SC-BTP-00-SP-DR-A-3693_113	AFFORDABLE HOUSING PLAN
SC-BTP-00-ZZ-DR-A-3693_109	BOUNDARY PLAN
SC-BTP-01-ZZ-DR-A-3693_120	2B4P PLANS AND ELEVATIONS
SC-BTP-02-ZZ-DR-A-3693_125	3B6P HOUSE PLANS AND ELEVATIONS
SC-BTP-03-ZZ-DR-A-3693_126	BRADSHAW T2 S 3B6P HOUSE PLANS AND ELEVATIONS
SC-BTP-04-ZZ-DR-A-3693_130	COTTAGE FLATS 1 BED FLAT PLANS AND ELEVATIONS
SC-BTP-05-ZZ-DR-A-3693_135	EAGLEY 3B5P HOUSE PLANS AND ELEVATIONS
SC-BTP-06-ZZ-DR-A-3693_140	GRIZEDALE T1 3B5P BUNGALOW PLANS AND ELEVATIONS
SC-BTP-07-ZZ-DR-A-3693_141	GRIZEDALE T2 ... 3B5P BUNGALOW PLANS AND ELEVATIONS
SC-BTP-09-ZZ-DR-A-3693_146	IRWELL ST+R 3B6P HOUSE PLANS AND ELEVATIONS
SC-BTP-10-ZZ-DR-A-3693_150	MEARLEY T1 ST 2B4P BUNGALOW PLANS AND ELEVATIONS
SC-BTP-11-ZZ-DR-A-3693_151	MEARLEY T2 ST... 2B4P BUNGALOW PLANS AND ELEVATIONS
SC-BTP-12-ZZ-DR-A-3693_155	PENDLE T1 ST 4B7P HOUSE PLANS AND ELEVATIONS
SC-BTP-13-ZZ-DR-A-3693_156	PENDLE T2 ST+... 4B7P HOUSE PLANS AND ELEVATIONS
SC-BTP-14-ZZ-DR-A-3693_160	WHITEWELL 5B9P HOUSE PLANS AND ELEVATIONS
SC-BTP-15-ZZ-DR-A-3693_165	YARROW 4B7P HOUSE PLANS AND ELEVATIONS
SC-BTP-21-ZZ-DR-A-3693_116	SINGLE GARAGE SINGLE GARAGE PLAN AND ELEVATIONS
SC-BTP-23-ZZ-DR-A-3693_118	LARGE SINGLE ... LARGE SINGLE GARAGE PLAN AND ELEVATIONS

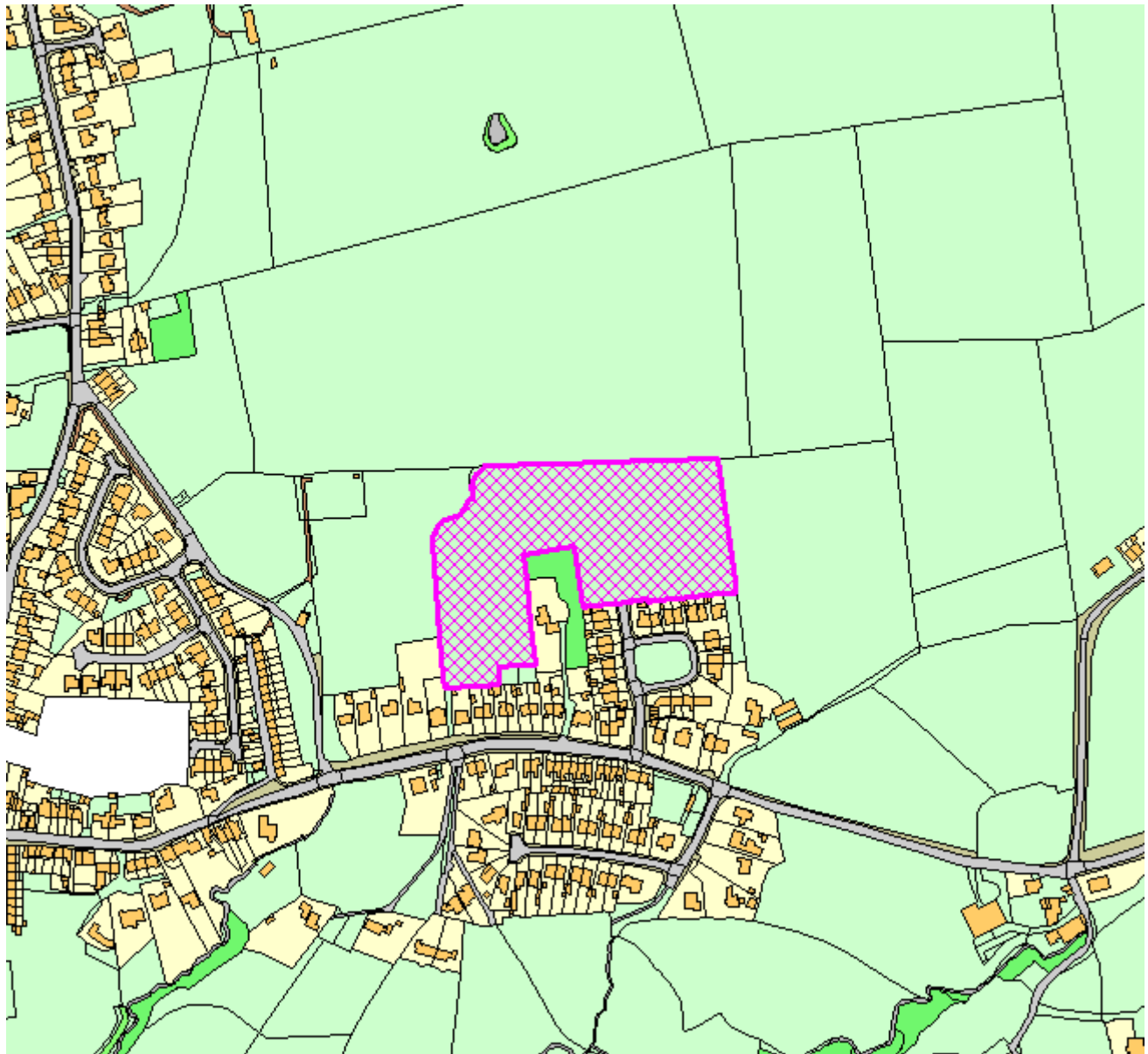
PLANNING SUPPORT STATEMENT
002044-JPL-ZZ-ZZ-RP-D-2002

1760/1/B
80-333-R1-1

80-333-R3-1

DESIGN AND ACCESS STATEMENT
PHASE I GEOENVIRONMENTAL SITE ASSESSMENT
PHASE II GEOENVIRONMENTAL SITE ASSESSMENT
STATEMENT OF COMMUNITY INVOLVEMENT
SUDS AND LANDSCAPE MANAGEMENT PLAN

FLOOD RISK ASSESSMENT
DRAINAGE STRATEGY
TRANSPORT STATEMENT
PRELIMINARY ECOLOGICAL
APPRAISAL
SPRINGFIELD CRESCENT
ARBORICULTURAL



Application Number: 2022/23886/FUL

Proposal: Erection of 47 no. residential dwellings and associated infrastructure

Site Address: Land To North Of Springfield Crescent High Bentham.

On behalf of: Concert Living Ltd

REPORT TO PLANNING COMMITTEE ON 5th September 2022

Application Number: 2021/23532/FUL

Proposal: Erection of 47 no. residential dwellings and associated infrastructure

Site Address: Land To North Of Springfield Crescent High Bentham

On behalf of: Concert Living Ltd

Date Registered: 25th November 2021

Expiry Date: 24th February 2022

EOT Date, if applicable:

Case Officer: Andrea Muscroft

SUMMARY

This report has been referred to Planning Committee at the discretion of the Planning Development Manager.

The application is currently the subject of an appeal against non-determination as the Council failed to give notice of its decision within the appropriate period. The appeal will be heard via written representations – at the time of compiling the appeal has become valid.

The Council cannot now issue a decision on this application, as the outcome of the application will be determined by a Planning Inspector appointed by the Secretary of State. The decision taken by the Planning Committee will help inform the council's case for the appeal.

On the basis of the merits of the case, it is considered that should a formal recommendation have been made to Planning and Development Committee, it would have been one of refusal for the following reasons:

1. The proposed development in the absence of any robust or credible evidence by virtue of the density and mix would result in an unacceptable form of development that is contrary to the requirements of Policy SP3 of the Craven Local Plan.
2. The proposed development would appear contrived and out of keeping with the established pattern and character of the surrounding area and incongruous by virtue of the siting, appearance, and scale of the dwellings, and the amenity spaces thus the development does not represent high-quality design. As such the proposal does not positively contribute to the overall quality of the area contrary to Policies ENV3 and SP7 of the Craven Local Plan, the National Design Guide or the National Planning Policy Framework.
3. In the absence of any details to demonstrate a biodiversity net gain or mitigation off site measures the proposed development fails to comply with the requirements of Policy ENV4. Failure to demonstrate any net gain or mitigation measures is contrary to Policy ENV4 of the

Craven Local Plan and the National Planning Policy Framework.

4. **In the absence of any details to demonstrate the management and maintenance of surface water system for the life time of the development to reduce the risk of flooding the proposed development fails to comply with the requirements of Policy ENV6 and the National Planning Policy Framework.**
5. **The proposed development, by reason of type and location of the proposed affordable housing, fails to provide a fully integrated scheme. The proposal is therefore contrary to policy H2 of the Craven Local Plan, also the Council's adopted Affordable Housing Supplementary Planning Document and the aims and objectives of the National Planning Policy Framework.**

1. Site Description

- 1.1 The application relates to an allocated site ref HB026 of the Craven Local Plan and covers approx. 2.6ha.
- 1.2 The site lies to the north of Springfield Crescent on the east side of the town of High Bentham. The site is irregular in shape enclosed by dry stone walls to the east and west of the site. Properties on Springfield Crescent form the southern boundary to the site and running along the northern boundary are a row of protected trees.
- 1.3 The topography of the site varies across the site.
- 1.4 The site is devoid of any structures.
- 1.5 The site is in a Coal low-risk development area and within an SSSI Impact Risk Zone.
- 1.6 The site has also been identified as being at risk of surface water flooding as defined by the Environment Agency.

2. Proposal

- 2.1 The proposal seeks full planning permission for the construction of 47 dwellings with off street parking and associated infrastructure.

3. Planning History

- 3.1 2020/00692/PREAPP – Pre-application advised that due to the density proposed the development would be contrary to the policy requirements as set out in the Local Plan and thus would not be acceptable in principle.
- 3.2 2022/23886/FUL – Construction of 47 dwellings with off-street parking and infrastructure – not determined.

4. Planning Policy Background

- 4.1 As required by Section 38(6) of the Planning and Compulsory Purchase Act 2004, the proposed development must be determined in accordance with the Development Plan unless material considerations indicate otherwise
- 4.2 The July 2021 NPPF replaced the February 2019 NPPF, first published in March 2012. The NPPF does not change the status of an up-to-date development plan and where a planning application conflicts with such a plan, permission should not usually be granted unless material considerations indicate otherwise (Paragraph 12). This application has been considered against the 2021 NPPF.
- 4.3 Annex 1 of the NPPF outlines how it should be implemented:

'219... existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to

them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)'.

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

SD1: The Presumption in Favour of Sustainable Development

SP1: Meeting Housing Need

SP3: Housing Mix and Density

SP4: Spatial Strategy and Housing Growth

SP7: Strategy for Bentham – Tier 2

ENV3: Good Design

ENV4: Biodiversity

ENV5: Green Infrastructure

ENV6: Flood Risk

ENV9: Renewable and Low Carbon Energy

H2: Affordable Housing

INF3: Sport, Open Space and Recreation Facilities

INF4: Parking Provision

INF5: Communications Infrastructure

INF6: Education Provision

INF7: Sustainable Transport and Highways

4.5 National Policies:

National Planning Policy Framework (NPPF).

National Planning Practice Guidance (PPG)

Effective use of land

4.6 Other relevant documents

National Design Guide

SPD Affordable Housing Contributions

Strategic Housing Market Assessment (SHMA) 2016

Craven District Plan Approaching Housing Density and Mix 2017

Other material considerations

Draft SPD Good Design

Draft SPD Flood Risk

Draft SPD Green Infrastructure and Biodiversity

4.7 Officer Note: These documents represent material considerations but have not been adopted and do not form part of the Local Plan and therefore carry limited weight.

5. Parish/Town Council Comments

5.1 Bentham Parish Council: Council is concerned that the available reports only deal with the site itself and fail to address the impact of the proposed development on the whole environment around the site with regards to drainage/sewerage/surface water/flooding.

- 5.2 Recommend United Utilities should be consulted about the current sewerage problems in the area prior to any permission being granted.
- 5.3 There is already a considerable problem with traffic near the junction of Springfield Crescent and the B6480
6. Consultations
- 6.1 CDC Environmental Health Officer: Recommend conditions relating to noise and dust management. It is also suggested an informative be added advising the applicant/developer of providing electric charging points.
- 6.2 CDC Strategic Policy team: No comments were received within the statutory consultation period
- 6.3 CDC Planning Gain officer: The INF calculator for 47 dwellings calls for an offsite contribution of £166,662 to address quantity and quality deficiencies in several open space typologies in the North Craven area. The details of how the planning gain contribution would be allocated would be set out in an S106 Agreement.
- 6.4 CDC Tree officer: No objection to the development of this site subject to tree protection measures.
- 6.5 Officer Note: Since the comments were provided a Tree Preservation Order has been served on the trees to be retained.
- 6.6 CDC Tree officer: Following the serving of the TPO my comments remain unchanged. No objection to the proposal subject to conditions ref tree protection measures.
- 6.7 CDC Strategic Housing Officer: Craven District Councils November 2017 SHMA identified a need for 126 new affordable homes in the district each year. The Council's adopted Local Plan seeks to meet this need by requiring all developments of 10 or more homes to provide an onsite affordable housing contribution. On greenfield sites such as this, that contribution should be 30%.
- 6.8 This application is for 47 homes and so would be expected to deliver 14 affordable homes if the site is deemed suitable for housing by the Council's planning department. This has been reflected in the application.
- 6.9 However, there are several outstanding issues with this application. The plans show four affordable flats, but there are no market-sale flats proposed. This is specifically advised against in the Councils adopted Affordable Housing Supplementary Planning Document: affordable housing in terraces or flats is not likely to be accepted unless there are terraces and flats for market housing on the same site, and in the same proportion (para 2.11.2) as it makes the affordable housing visibly distinct from the private homes.
- 6.10 The proposals also show the affordable homes tightly concentrated in two clusters. This conflicts with the Council's adopted Affordable Housing Supplementary Planning Document, which states that in the interests of securing sustainable development developers should provide a good spread of affordable units across a scheme rather than this type of housing being concentrated into distinct areas. This will avoid segregation in the form of clusters of affordable housing, and promote integrated and sustainable communities (para 2.11.7, p. 28).
- 6.11 In order to meet size requirements, the affordable housing on the development should be changed so that it consists of three one-bedroom homes, eight two-bedroom homes and three-bedroom homes.
- 6.12 The applicant has proposed four Shared Ownership homes and 10 homes for affordable rent. This will be agreed upon and enforced through a Section 106 Agreement between the Council and the landowner.
- 6.13 Until these issues are addressed, Strategic Housing objects to this application.
- 6.14 Environment Agency: No comments were received during the statutory consultation period.
- 6.15 North Yorkshire Fire & Rescue Service: the North Yorkshire Police, Fire and Crime Commissioner Fire and Rescue Authority have no objection/observation to the proposed development. The North

Yorkshire Police, Fire and Crime Commissioner Fire and Rescue Authority will make further comment in relation to the suitability of proposed fire safety measures at the time if/when the building control body submit a statutory Building Regulations consultation to the Fire Authority.

- 6.16 NYCC Design out Crime Officer: Suggestions and observations made to help provide a safe and secure environment by reducing crime. A condition was also suggested requiring full details of crime prevention measures to be incorporated into the development are submitted and agreed in consultation with the North Yorkshire Police.
- 6.17 NYCC Highways: No comments were received during the statutory consultation period.
- 6.18 NYCC Education officer: Based on the proposed number of dwellings developer contributions would not be sought for education facilities at this present time should this application be approved
- 6.19 LLFA officer: The submitted documents are limited and the LLFA recommends that the applicant provides further information as detailed within the statutory response prior to any planning permission being granted.
- 6.20 United Utilities: Following our review of the submitted Drainage Strategy, we can confirm the proposals are acceptable in principle to United Utilities and therefore should planning permission be granted we request a condition be imposed requiring the development to be implemented in accordance with the Foul & Surface Water Drainage Design Drawing 0020044 JPL ZZ ZZ DR D 4054, Rev A3C01- Dated 29/09/2021

7. Representations

7.1 Site notice posted 22.12.2021

7.2 Press notice published 6.1.2022

7.3 48 Neighbour notification letters circulated and comments have been summarised below:

7.4 Visual

Development out of place for the location.

Concern over the proposed 6ft boundary fence

7.5 Amenity

Concern that the development would not afford adequate privacy for occupants of the building or adjacent residential properties.

The development would result in overlooking and appear visually overbearing.

Concern over loss of natural light.

No details ref proposed street lighting

Concerns over security and safety due to potential youngsters playing on exposed walls.

Concerns that the lack of access to prune and maintain hedge will result in neighbour disputes – could be addressed by a 1mtr strip being left between the existing boundary and the proposed boundary.

7.6 Drainage

Concern that the drainage plan does not take into account the surface water that collects in the southwest corner of proposed plot 1.

Concern that the drainage investigation carried out in June 2020 during the hot summer months does not take into account the groundwater during the wet months and periods of prolonged rain.

Where will the spring water go.

Concerns over the capacity of the existing sewage system if approved.

Limited information ref the pumping station.

Concern over potential flooding would increase.

No rainfall harvesting measures have been incorporated

7.7 Biodiversity

Disagree with the statement no bats as bats are seen feeding in my garden also a Barn Owl is a regular visitor to my garden.

Given that my hedgerow and trees are considered a nature reserve I request consideration is given to low-level lighting.

7.8 Highways issues

Access to the development would be restrictive due to insufficient parking on Springfield Crescent.

Concern over the potential impact on highway safety on the grounds of road capacity means of access and clear visibility exiting onto B6480.

Concern that the development would not allow for 2-way traffic

Concern over the increased traffic and potential for congestion due to on-street parking.

Transport Statement identifies a bus service – this is currently under review. Also, the train service is not suitable for commuters to Lancaster, Skipton or Kendal.

No traffic calming measures are proposed.

Data for traffic survey obtained during school holidays when journeys are less.

7.9 Other matters

If approved a condition should be imposed controlling hours of operation and a report on how and where construction vehicles and staff would gain access to the site for unloading and parking.

Ensure that developers use biodegradable fuel to reduce any harm to wildlife and flora and that no topsoil or subsoil is taken off-site.

Ensure that future occupants cannot cut down trees the developers proposed to plant.

Bentham does not have the infrastructure to accommodate any new development.

Suggest that plots 18 & 19 move to plots 16 & 17 and plots 16 & 17 move to plots 18 & 19. Plots 20 & 21 are made singles storey.

If approved the developer should provide a landscape management plan which also checks the hedgerows and trees and that any loss of hedgerows or trees are replaced.

Understand that there is legal protection on part of this land ref a restrictive covenant governing part of this land which was put into force when the bungalows were built at Springfield Crescent.

Ask that the developer looks at a) providing screening trees between our dry stone wall and the proposed fencing with the fence being continuous. Or b) provision of screening trees for our garden. Or c) the fence to be continuous. And, that during the construction and erection of fences that any damage caused to the dry stone wall (as the foundation stones are larger than the top stones) is rectified at the developer's expense

Impact on human rights

Springfield crescent green is regularly used for play and recreation

7.10 Non-material planning considerations

The development would severely devalue existing properties.

The development would result in a loss of view.

The developer failed to engage with the community and deal with the issues raised.

8. Summary of Principal Planning Issues

Principle of development
Housing Mix and Density
Affordable Housing Provision
Open space provision
Education contribution
Visual Impact
Sustainable Design and Construction
Amenity
Impact on Protected Trees
Highway
Flood Risk and Drainage
Biodiversity
Other matters

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 In allocating this site, the Council considers its use for housing is appropriate subject to the criteria outlined within Policy SP7 to mitigate the impact as far as possible.

9.4 The allocated site is expected to deliver approx. 82 dwellings.

9.5 The development principles set out the following criteria:

- A surface water flood risk hazard adjoins the northwest corner of the site. Development proposals must therefore be supported by a Flood Risk Assessment and drainage strategy which has informed the design, layout and landscaping of the site. Proposals will incorporate Sustainable Drainage Systems (SuDS), where possible.
- The site's prominent location will be addressed in the design, layout and landscaping of the development to ensure that the character and appearance of the local area is not adversely affected and will include measures to minimise impacts on air quality, noise and light pollution.
- The design of proposals shall conserve the landscape and scenic beauty of the Forest of Bowland AONB.
- Access to the site will be gained from Springfield Crescent.
- Development proposals for this site must accord with local plan policies H2, INF3 and INF6 (which set out requirements for contributions towards affordable housing, education provision and sport, open space and recreation facilities) and all other relevant local plan policies.

9.6 The principle of the development of this site for housing has already been established as the application site was allocated for housing within the Craven Local Plan ref: HB026. Whilst the principle of residential development has been established the acceptability of the proposal will need to meet the design principles and requirements of all other relevant policies and material planning considerations.

9.7 **Housing Mix and Density**

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

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

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

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

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

9.10 The following table (taken from page 45 of the Local Plan), shows the 2017 SHMA suggested dwelling mix by market and affordable dwellings:

Table 1

Overall dwelling size mix	Market (%)	Affordable (%)	Overall (%)
1/2 bed	18.9	87.4	39.4
3 beds	57.3	11.8	43.7
4 bed	23.8	0.8	16.9

9.11 As outlined previously the application site has been allocated for housing ref: HB026 under policy SP7. This policy requires approximately 82 dwellings to be delivered on this site, whereas the proposal is only for 47 dwellings.

9.12 It is noted that the submitted application site has omitted a strip of land that runs north to south off the eastern boundary behind some of the properties on Springfield Crescent. This has reduced the site area down to 2.4 ha. Based on the Council's methodology regarding density, the Council would expect to see approx. 76 dwellings on this site. Therefore, the proposal remains in conflict with policy SP7, regarding this aspect.

- 9.13 The agent on behalf of the applicant has stated within the submitted Design and Access Statement (page 22) that the suggested density has been based on existing development areas of Bentham rather than the requirements of Policy SP3.
- 9.14 To support this statement 4 sites have been identified and the agent on behalf of the applicant has then calculated a revised density figure of 24.1 dwellings per hectare. This approach does not reflect the Council’s methodology as detailed in the CDC Approaching Housing Density and Mix background paper 2017 or LP policy in respect of the Council’s approach to housing density.
- 9.15 Furthermore, on the investigation of the sites identified by the applicant’s agent, 3 were all constructed pre-1974 except for Butterbergh, Lowcoft and Highcroft which was granted permission in 2002/2003. Therefore, these permissions were granted under earlier Local Plan Policy requirements which did not contain a density policy.
- 9.16 The policy position has significantly moved on since the grant of planning permission for these sites in terms of local and national policy requirements with the adoption of the Craven Local Plan 2019, the updated NPPF (2021) and PPG which all notably identify the need to effectively use land and for LPA’s to set their own housing density requirements.
- 9.17 Criterion c) of policy SP3 will allow some flexibility in its requirements for housing mix and density where this is necessary to ensure scheme viability, to take account of local variations in housing need, to better promote balanced mixed communities or to achieve other local plan objectives.
- 9.18 No evidence of local variations to housing needs has been provided, nor has a viability assessment to demonstrate a need for a lower density. It is the officer’s opinion that there is no constraint on the site that would prevent a higher density that would accord with the requirements of SP3.
- 9.19 Therefore, in the absence of credible reasons and robust evidence it is considered that the proposed development would not make effective of the land and is unacceptable in policy terms as it conflicts with the aims and objectives of SP3 regarding density.
- 9.20 The suggested housing mix by market and affordable dwellings according to policy SP3 set out below:

Table 2. 82 dwellings

Overall dwelling size mix	Market (70%)	Affordable (30%)	Overall (100%)
1/2 bed	11 (18.90%)	22 (87.4%)	33 (39.4%)
3 beds	33 (57.3%)	03 (11.8%)	36 (43.7%)
4 bed	13 (23.8%)	00 (0.8%)	13 (16.9%)
Total	57 (100%)	25 (100%)	82 (100%)

- 9.21 Given the changes in the application site area the revised suggested housing mix by market and affordable dwelling that would accord to policy SP3 are set out below:

Table 3. 76 dwellings

Overall dwelling	Market (70%)	Affordable (30%)	Overall (100%)
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size mix			
1/2 bed	10 (18.90%)	20 (87.4%)	30 (39.4%)
3 beds	30 (57.3%)	03 (11.8%)	33 (43.7%)
4 bed	13 (23.8%)	00 (0.8%)	13 (16.9%)
Total	53 (100%)	23 (100%)	76 (100%)

9.22 However, the agent on behalf of the applicant proposes the following housing mix for this allocated site as set out below:

Table 4. 46 dwellings

Overall dwelling size mix	Market (70%)	Affordable (30%)	Overall (100%)
1/2 bed	04 (12.1%)	10 (71.4%)	14 (29.8%)
3 beds	21 (63.6%)	04 (28.6%)	25 (53.2%)
4 bed	08 (24.2%)	00 (0.0%)	08 (17.0%)
Total	33 (100%)	14 (100%)	47 (100%)

9.23 The suggested mix does not accord with policy SP3, or the mix recommended in the SHMA. The minor variation of the proposed affordable housing mix does not consider the local variation of housing needs identified by the Council's Strategic Housing Officer.

9.24 In conclusion, it is considered that the proposed development would not make effective of the land and does not take account of local variations in housing needs and thus is unacceptable in policy terms as it conflicts with the aims and objectives of SP3.

9.25 **Affordable Housing Provision**

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

9.27 The Council's 2017 Strategic Housing Market Assessment (SHMA) identifies a need for 126 affordable homes to be provided within the district each year which provides a strong indication of the ongoing need for affordable housing in the district.

9.28 Details submitted indicate that 14 affordable homes would be provided. This accords with the Strategic Housing officer's requirements for the number of affordable units.

9.29 However, the submitted plans show four affordable flats, but there are no market-sale flats proposed. This is contrary to the advice contained within the Council's adopted Affordable Housing Supplementary Planning Document: affordable housing in terraces or flats is not likely to be accepted unless there are terraces and flats for market housing on the same site, and in the same proportion (para 2.11.2) as it makes the affordable housing visibly distinct from the private homes.

9.30 The proposals also show the affordable homes tightly concentrated in two clusters. Again, this conflicts with the Council's adopted Affordable Housing Supplementary Planning Document, which states that in the interests of securing sustainable development developers should provide

a good spread of affordable units across a scheme rather than this type of housing being concentrated into distinct areas. This will avoid segregation in the form of clusters of affordable housing, and promote integrated and sustainable communities (para 2.11.7, p. 28).

- 9.31 No revisions have been submitted to address the objection of the Council's Strategic Housing officer the proposal is therefore considered contrary to the requirements of Policy H2 of the Local Plan and the NPPF
- 9.32 **Open space provision**
- 9.33 Policy INF3 requires all new housing and mixed-use developments of 11 or more dwellings and on any site with a combined gross floor area of more than 1000sqm, including those sites allocated under LP policies SP5 to SP11 to provide provision or contribution towards new or improved sport, open space and built sports facilities.
- 9.34 In terms of onsite Amenity Green Space the application identifies an area to the northwest of the site which will be planted with trees and as a wildflower meadow. This will provide an area of green space which contributes to biodiversity but will be limited in terms of useable amenity space for informal recreation due to the slope of the land and proposed landscaping. The nearest amenity green space is found in the central area of Springfield Crescent approximately 200m from the development site. The nearest equipped play provision is located at Wesley Close and adjacent to Bentham Playing fields on Wenning Avenue both are approximately 1.2 km from the development.
- 9.35 The INF calculator for 47 dwellings calls for an offsite contribution of £166,662 to address quantity and quality deficiencies in several open space typologies in the North Craven area. The details of how the planning gain contribution would be allocated would be set out in an S106 Agreement.
- 9.36 **Education contribution**
- 9.37 Policy INF6 seeks to ensure that a sufficient choice of school places are available to meet the needs of existing and new residents. This will be achieved by a developer providing contributions for education provision, in accordance with Policy INF1 and Appendix B of the LP should a deficit of school places in the area be identified.
- 9.38 NYCC Education officer has reviewed the proposal and based on that assessment has confirmed that no developer contributions would be sought for education facilities at the present time.
- 9.39 **Visual Impact**
- 9.40 Policy ENV3 seeks to ensure that developments make a positive change, which benefits the local economy, environment, and quality of life, including health and wellbeing.
- 9.41 Policy SP7 as an allocated site also requires that the design, layout and landscaping of the development do not adversely affect the character and appearance of the local area. It also sets that the design of the development shall conserve the landscape and scenic beauty of the Forest of Bowland AONB.
- 9.42 The NPPF at paragraph 130 (section 12 – Achieving well designed places) requires that planning decisions should ensure that developments...are
- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
 - b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks

9.45 The Guidance in addressing design is critically noted in Paragraph: 001 Reference ID: 26-001-20191001:of the National Design Guide.

9.46 As set out in paragraph 134 of the National Planning Policy Framework, permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents

9.47 The application site is in a prominent location on the western side of the village and is clearly visible from Windy Hill Lane, Butts Lane and when travelling along the B6480. The site is bordered on one side by existing housing and would result in an increase in the suburban character of this part of the village.

9.48 Some degree of existing screen is provided by a row of protected trees and established hedgerows which define the northern site boundaries. These will be retained.

9.49 The Craven District (Outside the Yorkshire Dales National Park) Landscape Assessment 2002 identified the following:

9.50 Landscape Character: Strong

- o Strong landform pattern associated with undulating drumlin topography of interlocking round hills.
- o Distinctive landscape of intricate sequence of pasture, hedgerows, small copses and woods superimposed on an undulating landform, accentuating relief of the hills.

9.51 Landscape Condition: Declining

- o Structure of landscape declining with traditional field boundaries being lost and the size of some fields increasing.
- o Condition of some hedges is declining through the lack of, or inappropriate management.

9.52 Forces for change:

- o Rolling drumlin field landscape has the potential to absorb further areas of copses and small-scale woodland planting.

9.53 Sensitivity to change:

- o Views are generally limited as a result of the varied topography although drumlin tops have expansive views across the rolling drumlin field landscape;
- o Lowland areas are less sensitive to development;

- o Copses and field boundaries rising over hillocks are very visible from the surroundings and would be sensitive to change;
- o Important habitats of nature conservation value such as Ancient Woodlands are particularly sensitive to change.

9.54 Landscape Quality 2: Conservation/reinforcement

- o Conserve the existing field boundary pattern, which gives the landscape a strong pattern and structure, through hedgerow and dry-stone wall conservation;
- o Reinforce the pastoral character by considering replanting and management of hedgerow trees to strengthen the existing landscape structure;
- o Consider reinstatement of lost hedgerows;
- o Conserve and manage areas of Ancient Woodland/ woodland;
- o Ensure the survival of characteristic hilltop copses;

9.55 The proposal due to its elevated position would be visible from views outside of the site thus careful consideration needs to ensure that it would not appear intrusive considering the points highlighted above.

9.56 It is acknowledged that when travelling through this section of High Bentham there is a mixture of built form with groupings of terrace dwellings and semi-detached properties with one or two detached dwellings. Similarly, there is a mixture of materials from traditional stone to render.

9.57 The proposed height of the buildings is considered appropriate for the site with dwellings being 1 and 2-storey.

9.58 In terms of the appearance of the proposed dwellings the proposal has sought to introduce a wide variety of elevational treatments to create interest within the development. And whilst it is acknowledged that within the wider context/street scene there is a mix of styles from old to new including traditional and more modern properties which does aid the applicant to an extent it does not justify the use of a modern 'volume estate' design. It is considered a more traditional design would be more appropriate given its location and relationship with the Forest of Bowland.

9.59 It is also, noted that two of the proposed designs (Whitewell and Yarrow) would appear significantly large given their footprint when compared to the scale of existing dwellings near the application site. Resulting in buildings that would due to their scale and massing appear dominant and out of place with the scale and massing of existing dwellings adjacent to the site and those located within the surrounding area. Furthermore, their elevated position located along the western site boundary which is visible from several viewpoints outside of the application site would appear intrusive and dominate feature incongruous with the character of the area.

9.60 Regarding the layout, it is noted that properties on Springfield Crescent have small front and rear amenity areas. The proposed plot sizes fail to respond to the prevailing plot sizes of properties on Springfield Crescent and would result in little harmony or integration between the existing and proposed development.

9.61 Details relating to materials and boundary treatments are addressed through conditions.

9.62 It is considered that the proposed dwellings whilst providing variety in their design would result in a discordant form of development that would be out of keeping with the character and appearance

of the area. The siting of the proposed significant larger dwellings along the western boundary would further emphasise the incongruous nature of the proposal.

- 9.63 Due to the separation distances between the AONB and the application site it is not considered that there would be any harm to the AONB.
- 9.64 On balance, the proposal is considered to conflict with Policy ENV3 and SP7 of the Craven Local Plan and guidance contained within the NPPF and the National Design Guide.
- 9.65 **Sustainable Design and Construction**
- 9.66 Policy ENV3 criterion t) seeks to ensure that sustainability is designed into proposals to help ensure future resilience to a changing climate in accordance with Building Regulations.
- 9.67 The most recognised methods of achieving sustainability through the energy hierarchy.
- Energy efficiency – using technology to reduce energy losses and eliminate energy waste
 - The exploitation of renewable, sustainable resources
 - Exploitations of sustainable materials
- 9.68 Details contained within the Design and Access statement are that sustainability should be designed in so that development takes all reasonable opportunities to reduce energy use, water use and carbon emissions and minimise waste, ensure future resilience to a changing climate and wherever possible generate power through solar or other means in accordance with Building Regulations.
- 9.69 Whilst the proposal does not specify any inclusion of sustainable features it is important to note that such sustainable features are now implemented via Building Regulations.
- 9.70 Part L of the BR deals with conservation of fuel and power and Approved Document F. Approved Document O deals with overheating and Approved Document S deals with Infrastructure for charging electric vehicles.
- 9.71 It is also noted that if good fabric specification and efficient services are included in the design the minimum energy performance targets required by BR can be achieved without the need to incorporate any renewable energy features. BR Compliance levels cannot be imposed through the planning system.
- 9.72 Notwithstanding the above, if approved it is considered appropriate for the developer to demonstrate how the design will reduce energy and water use, pollution and overheating. These matters can be dealt with via an appropriately worded condition.
- 9.73 **Amenity**
- 9.74 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.
- 9.75 Existing properties are positioned alongside the southern boundary except for Sansbury Mount located adjacent to the application site. The existing dwellings (no. 11 – 25 Springfield) fronting the B6480 have their rear garden areas adjoining the site. The side amenity area of Sansbury Mount and No. 16 Springfield Crescent back onto the application site and the remaining properties (no. 29 – 17) all have rear garden areas backing onto the application site.
- 9.76 The separation distances between No. 11 - 21 and the rear elevations of plots 23 & 22 range from approx. 33m > 37m. In addition, there are a few outbuildings located along the joint boundary with the application site providing some additional level of screening between the application site

and these existing dwellings. It is therefore not considered that the proposal would give rise to any adverse impacts in terms of privacy or amenity to the occupants of these dwellings. Furthermore, the occupants of these properties would not experience any unacceptable loss of natural light or overshadowing, nor would the proposed dwellings appear overbearing and dominant when viewed from the rear private amenity areas of these properties.

- 9.77 Dwellings no. 23 & 22 appear to have extended rear gardens and as such the separation distance between the rear gable of these properties to the side gable of plot. 21 is approx. 33m. Given the separation distances the occupants of these properties would not experience any unacceptable loss of privacy, natural light or overshadow. Nor would the proposed dwelling appear overbearing and dominant when viewed from the rear private amenity area of these properties.
- 9.78 The side gable of Sansbury Mount would be located approx. 20m from the rear gable of plot 18. Running along the joint boundary is a section of mature trees and shrubs providing further screening from the proposed development. It is therefore considered that due to the separation distances, the orientation between Sansbury Mount and plot 18 and the existing natural screening the occupants of this property would not experience any unacceptable loss of privacy/amenity, loss of natural light or overshadowing nor appear overbearing and dominate when viewed from the private amenity areas of this property.
- 9.79 The next dwelling close to the application site is No. 16 Springfield Crescent which has a side gable fronting towards the application site. The separation distance between the side gable of No. 16 and plot 1 is approx. 10m. In between this area on the application site would be a single detached garage and located to the side of No. 16 is a carport. Due to the orientation of No. 16 and plot 1 combined with the driveway and intervening carport and the proposed garage to plot 1, it is not considered that the occupants of this property would experience any unacceptable loss of privacy. Similarly, whilst there is a change in topography plot 1 has been designed to be a single-storey bungalow and thus the occupants of this property would not experience any unacceptable loss of natural light or overshadowing, nor would the proposed dwelling appear dominant and overbearing when viewed from this property.
- 9.80 The next group of dwellings backing onto the application site are 29 – 17 Springfield Crescent whose rear gardens back onto the application site. The separation distances between the side gables of plots 47 and 43 and the rear gables of these properties range between approx. 13m – 9.5m. To protect the privacy of the existing occupants of these properties the side gable are devoid of any window openings except for obscure glazed bathroom windows. In addition, a 1.8m high timber fence would run along the joint boundary. It is therefore considered that the occupants of these properties would not experience any unacceptable loss of privacy. Similarly, due to the scale of the proposed dwellings, orientation combined with the separation distances the occupants of these dwellings would not experience any unacceptable loss of natural light or overshadowing, nor would the proposed dwellings appear overbearing or dominant when viewed from the habitable rooms or private rear amenity areas of these properties.
- 9.81 Future residential accommodation
- 9.82 The proposal is considered to provide sufficient internal and external space to meet the needs of any future able-body occupants.
- 9.83 Policy ENV3 also seeks to ensure that new developments are accessible and usable regardless of their age, gender, or disability. No details have been provided on how this will be achieved, however, if approved a condition can be imposed requiring details on how the development would ensure occupants ease of access to and use of buildings including facilities for disabled visitors or occupants.
- 9.84 **Highway**
- 9.85 INF4 seeks to ensure sufficient provision of off-street parking is provided.

- 9.86 INF7 seeks to ensure that new development maintains a pattern of growth which reflects the spatial strategy and settlement hierarchy set out in Policy SP4 of the Local Plan. It also seeks to develop maximised opportunities to travel by non-car modes of transport through the location and design of new developments and those developments are suitable for all modes of transport and all people.
- 9.87 The proposal would access the highway network through Springfield Crescent which currently serves circa 25 dwellings. The access onto the highway network was assessed as part of the Council's site allocation process and deemed acceptable for the number of proposed dwellings of 82 dwellings by the Highways Authority.
- 9.88 The current proposal is only seeking 47 residential dwellings on this allocated site. To support the proposal a Transport Statement has been submitted.
- 9.89 The submitted plans indicate that the proposed vehicle access is via an extension off Springfield Crescent. The proposed carriage way would be 5.5m wide tapering from 6.8m at the entrance onto Springfield Crescent. In addition, a 2m wide footways would be provided both sides of the proposed road with turning heads at the southwest and northwest corners of the site.
- 9.90 The existing junction between Springfield Crescent and the B6480 is a B class highway and is subject to a 30-mph speed limit. The submitted Transport Statement indicate visibility at this junction is;
- To the left 2.4m x circa 100m
 - To the right 2.4m x circa 120m
- 9.91 The LP parking standards are set out in the NYCC Interim Parking Standards document and outline the minimum required a number of car parking spaces for residential development. The proposal is seeking to provide 114 off-street parking spaces. Based on the type and number proposed the number of parking spaces as detailed is considered adequate to serve the development. The required cycle parking standards if approved could be secured by a planning condition.
- 9.92 The proposed road width is adequate to allow the standard-size recycling, waste, and garden waste vehicles to get unhindered access.
- 9.93 The provision of electric charging points for each plot would be provided via the requirements of Building Regulations Approved Document S.
- 9.94 The local highway network and the volume of material that may need to be removed and brought to the site must be considered and a construction management plan would be required if approved prior to the commencement of development on this site. Any such document would likely include but would not be limited to the provision of trade car parking, times of site operation, the volume of HGV movements throughout the day, highway safety measures such as wheel washing and mitigation measures for any remedial works required. Therefore, if approved an appropriate planning condition would be imposed to secure this requirement.
- 9.95 However, the NYCC highway authority has objected to the proposal on the grounds that the proposed drainage drawing shows 1400dia pipes under the highway. This is not acceptable under an adopted highway. Furthermore, it is stated that if pipework that exceeds 900mm in diameter or a combination of pipes has a combined span more than 0.9m, and the distance between the two pipes is less than that of the larger of the two spans then these shall be treated as a structure requiring Technical Approval submission and will not be permitted under the adoptable highway. Informal discussion has been undertaken but no alternative details have been provided and thus the highways authority recommend refusal of the proposal.

Notwithstanding this, it is considered that this matter could be dealt with by a suitably worded condition.

9.96 In conclusion, there are no overriding highway or transport impacts arising from the development of this allocated site subject to the appropriate conditions that are referred to above. The proposal therefore accords with policies INF4 & INF7 of the LP and the aims and objectives of the NPPF.

9.97 **Impact of development on protected Trees**

9.98 Running along the northern boundary is a row of protected trees which due to their size contribute to the character of the area.

9.99 The proposal has been designed so that there is sufficient distance between the proposed dwellings and the protected trees. The Council's tree officer has reviewed the details and has not raised any objections subject to a condition requiring tree protection measures to be imposed should the proposal be granted planning permission.

9.100 **Flood Risk and Drainage**

9.101 Policy ENV6 seeks to avoid and alleviate flood risk when developments come forward.

9.102 SP7 as part of the development principles sets out that any development of this site will need to incorporate Suds where possible to address any potential surface water flooding.

9.103 The application site lies within FZ1 (low probability) of flooding. However, the far northwest corner of the site has been identified as potential surface water flooding by the EA. An FRA and a Drainage Strategy Report have been submitted to support the proposal.

9.104 United Utilities have reviewed the Drainage Strategy and confirm that the details are satisfactory subject to a condition requiring the development to be constructed in accordance with Drainage Design Drawing 002044 JPL ZZ ZZ DR D 4054, Rev A3C01- Dated 29/09/2021.

9.105 The EA were consulted but no comments have been received during the statutory consultation period or at the time of compiling this report.

9.106 The LLFA have also reviewed the details with regards to surface water drainage and has stated that the submitted documents are limited and that further information is required before any planning permission is granted by the LPA. It is acknowledged that the proposed development has been designed outside of the area subject to surface water flooding. However, in the absence of the required details as stated by the LLFA combined with the topography of the land, the raising of ground levels and the statement that overland flows will be directed onto the proposed road network it is considered that the submitted details have not addressed the potential risk of surface water flooding as set out policies SP7 and ENV6.

9.107 In conclusion, it is considered that the proposal has not demonstrated that it would not worsen the potential for flooding and thus the proposal is considered contrary to the requirements of policies SP7 and ENV6 of the LP and the aims and objectives of the NPPF.

9.108 **Biodiversity**

9.109 Policy ENV4 seeks to ensure that the growth of housing on allocated and non-allocated sites will be accompanied by improvements to biodiversity. This can be achieved through the avoidance of the loss and encouraging the recovery or enhancement of ecological networks, habitats, and species populations by incorporating beneficial biodiversity features in the design.

9.110 The NPPF also outlines in paragraph 180a) that LPA should refuse development that would result in significant harm to biodiversity that cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for.

9.111 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.

- 9.112 When reviewing the data provided by the North & East Yorkshire Ecological Data Centre (NEYEDC) it confirmed that with regards to this site there are no protected species recorded.
- 9.113 Regarding this site no details have been provided at the time of compiling this report regarding how the development would provide for a biodiversity net gain either on the site or off-site by way of mitigation measures.
- 9.114 In the absence of any evidence regarding the provision of on-site biodiversity net gain or any off-site mitigation measures it is considered that the proposal is contrary to the requirements of Policy ENV4 of the Craven Local Plan and the NPPF.
- 9.115 **Other matters**
- 9.116 Comments have been received relating to the application being the subject of legal protection. At the time of compiling this report no evidence was forthcoming regarding any legal protection on this site.
- 9.117 **Planning Balance**
- 9.118 The proposal is for the development of an allocated site within the Craven Local Plan ref HB026.
- 9.119 There are benefits arising from the proposal in terms so providing dwellings for the district although it is significantly below the allocated number of dwellings specified in policy SP7 and therefore is given moderate weight.
- 9.120 The proposal would also provide sustainable benefits through its construction although details are limited on how this will be achieved. This benefit is therefore given limited weight.
- 9.121 These benefits are weighed against the adverse impacts of the development which are as follows;
- 9.122 The proposal fails to deliver the required number of dwellings as identified by policy SP7 or the mix as specified in policy SP3 thus resulting in a form of development that fails to effectively and efficiently use the land allocated for housing in the Local Plan. This is given substantial weight.
- 9.123 The proposed development would result in a discordant form of development out of keeping with the character and appearance of the area. This is contrary to policies ENV3 and SP7 and is given moderate weight.
- 9.124 The proposal in the absence of any evidence regarding the provision of on-site biodiversity net gain or any off-site mitigation measures is contrary to the requirements of Policy ENV4 of the Craven Local Plan and the NPPF. This is given moderate weight.
- 9.125 The proposal has failed to demonstrate that it would not worsen the potential for flooding and thus the proposal is considered contrary to the requirements of policies SP7 and ENV6 of the LP and the aims and objectives of the NPPF. This is given moderate to significant weight.
- 9.126 **Conclusion**
- 9.127 For the reasons outlined above and having regard to other matters raised the proposed development is contrary to the requirements of the Craven Local Plan when taken as a whole. There are no material considerations which would outweigh the harm of the development and thus the application is refused.

Reasons for Refusal

1. The proposed development in the absence of any robust or credible evidence by virtue of the density and mix would result in an unacceptable form of development that is contrary to the requirements of Policy SP3 of the Craven Local Plan.
2. The proposed development would appear contrived and out of keeping with the established pattern and character of the surrounding area and incongruous by virtue of the siting, appearance, and scale of the dwellings, and the amenity spaces thus the development does not represent high-quality design. As such the proposal does not positively contribute to the overall quality of the area contrary to Policies ENV3 and SP7 of the Craven Local Plan, the National Design Guide or the National Planning Policy Framework.
3. In the absence of any details to demonstrate a biodiversity net gain or mitigation off-site measures the proposed development fails to comply with the requirements of Policy ENV4. Failure to demonstrate any net gain or mitigation measures is contrary to Policy ENV4 of the Craven Local Plan and the National Planning Policy Framework.
4. In the absence of any details to demonstrate the management and maintenance of the surface water system for the lifetime of the development to reduce the risk of flooding the proposed development fails to comply with the requirements of Policy ENV6 and the National Planning Policy Framework.
5. The proposed development, by reason of type and location of the proposed affordable housing, fails to provide a fully integrated scheme. The proposal is therefore contrary to policy H2 of the Craven Local Plan, also the Council's adopted Affordable Housing Supplementary Planning Document and the aims and objectives of the National Planning Policy Framework.

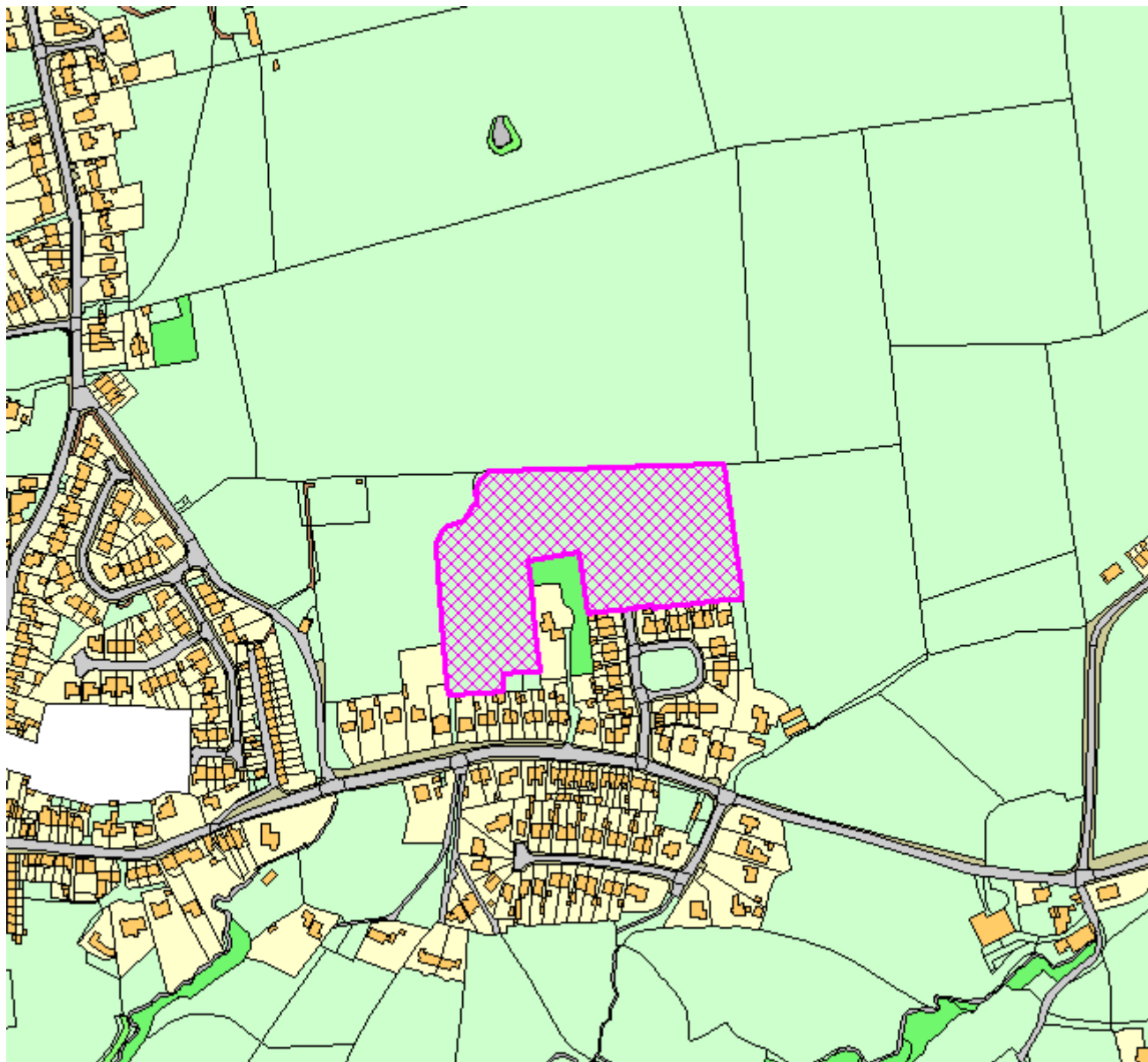
Informative

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. For the avoidance of doubt, this decision relates to the following plans:

002044-JPL-ZZ-ZZ-DR-C-1101	PRELIMINARY EARTHWORKS ANALYSIS
002044-JPL-ZZ-ZZ-DR-D-4053	INDICATIVE LEVELS LAYOUT
3984 101A	LANDSCAPE LAYOUT
3984 201	PLANTING PLAN (1 OF 3)
3984 202	PLANTING PLAN (2 OF 3)
984 203	PLANTING PLAN (3 OF 3)
SC-BTP-00-E-DR-A-3693_107	STREET ELEVATIONS
SC-BTP-00-LP-DR-A-3693_100	LOCATION PLAN(1)
SC-BTP-00-SP-DR-A-3693_101	EXISTING SITE PLAN
SC-BTP-00-SP-DR-A-3693_105	PROPOSED SITE PLAN
SC-BTP-00-SP-DR-A-3693_108	DEVELOPABLE AREA PLAN
SC-BTP-00-SP-DR-A-3693_112	WASTE COLLECTION PLAN
SC-BTP-00-SP-DR-A-3693_113	AFFORDABLE HOUSING PLAN
SC-BTP-00-ZZ-DR-A-3693_109	BOUNDARY PLAN
SC-BTP-01-ZZ-DR-A-3693_120	2B4P PLANS AND ELEVATIONS
SC-BTP-02-ZZ-DR-A-3693_125	3B6P HOUSE PLANS AND ELEVATIONS

SC-BTP-03-ZZ-DR-A-3693_126 BRADSHAW T2 S... ELEVATIONS	3B6P HOUSE PLANS AND
SC-BTP-04-ZZ-DR-A-3693_130 COTTAGE FLATS ELEVATIONS	1 BED FLAT PLANS AND
SC-BTP-05-ZZ-DR-A-3693_135 EAGLEY ELEVATIONS	3B5P HOUSE PLANS AND
SC-BTP-06-ZZ-DR-A-3693_140 GRIZEDALE T1 ELEVATIONS	3B5P BUNGALOW PLANS AND
SC-BTP-07-ZZ-DR-A-3693_141 GRIZEDALE T2 ... ELEVATIONS	3B5P BUNGALOW PLANS AND
SC-BTP-09-ZZ-DR-A-3693_146 IRWELL ST+R ELEVATIONS	3B6P HOUSE PLANS AND
SC-BTP-10-ZZ-DR-A-3693_150 MEARLEY T1 ST ELEVATIONS	2B4P BUNGALOW PLANS AND
SC-BTP-11-ZZ-DR-A-3693_151 MEARLEY T2 ST... ELEVATIONS	2B4P BUNGALOW PLANS AND
SC-BTP-12-ZZ-DR-A-3693_155 PENDLE T1 ST ELEVATIONS	4B7P HOUSE PLANS AND
SC-BTP-13-ZZ-DR-A-3693_156 PENDLE T2 ST+... ELEVATIONS	4B7P HOUSE PLANS AND ELEVATIONS
SC-BTP-14-ZZ-DR-A-3693_160 WHITEWELL ELEVATIONS	5B9P HOUSE PLANS AND
SC-BTP-15-ZZ-DR-A-3693_165 YARROW ELEVATIONS	4B7P HOUSE PLANS AND
SC-BTP-21-ZZ-DR-A-3693_116 SINGLE GARAGE ELEVATIONS	SINGLE GARAGE PLAN AND
SC-BTP-23-ZZ-DR-A-3693_118 LARGE SINGLE ... ELEVATIONS	LARGE SINGLE GARAGE PLAN AND
PLANNING SUPPORT STATEMENT 002044-JPL-ZZ-ZZ-RP-D-2002 DRAINAGE STRATEGY 1760/1/B 80-333-R1-1 APPRAISAL 80-333-R3-1 ARBORICULTURAL DESIGN AND ACCESS STATEMENT HEAD OF TERMS PROFORMA PHASE I GEOENVIRONMENTAL SITE ASSESSMEN... PHASE II GEOENVIRONMENTAL SITE ASSESSME... STATEMENT OF COMMUNITY INVOLVEMENT SUDS AND LANDSCAPE MANAGEMENT PLAN	FLOOD RISK ASSESSMENT TRANSPORT STATEMENT PRELIMINARY ECOLOGICAL SPRINGFIELD CRESCENT



Application Number: 2021/23532/FUL

Proposal: Erection of 47 no. residential dwellings and associated infrastructure

Site Address: Land To North Of Springfield Crescent High Bentham

On behalf of: Concert Living Ltd

REPORT TO PLANNING COMMITTEE ON 5th September 2022

Application Number: 2021/23571/FUL

Proposal: Erection of a new two storey, split-level, 3 bedroom house with private garden and off-street parking

Site Address: Land Adj 1 Manor Close Ingleton LA6 3BF

On behalf of: Dr Ansari

Date Registered: 6th April 2022

Expiry Date: 1st June 2022

EOT Date, if applicable: 24th June 2022

Case Officer: Ros Parker

SUMMARY

This is an application for a single market dwellinghouse.

The principle of development is acceptable. The proposed housing type and density meets policy requirements.

The design responds adequately to the surroundings, taking account of the site constraints, with no significant adverse impact on the street scene. There will be no significant loss of amenity to surrounding residents. The dwelling will deliver a reasonable standard of living to future occupants.

Sustainable design and construction requirements are met. Sustainable surface water drainage will be conditioned. Replacement planting will balance the loss of the existing trees. Biodiversity net gain will be delivered. Access and parking off-road parking provision is acceptable.

The recommendation is for approval with conditions.

1. Site Description

- 1.1 The application site comprises an open parcel of grassed land of approximately 270 square metres, bounded by a low stone wall to the sides and rear. It is situated to the south side of Lower Demesne, between the junction with Manor Close to east and Whernside Road to the west. This is an area of residential cul-de-sacs at the edge of Ingleton.
- 1.2 The land is level at the roadside, rising steeply to the side boundary with No. 1 Manor Close at the rear of the plot. There are a number of small trees of the site. Public footpath reference 05.26/28/1 crosses east to west at the south side of the site, on the raised ground adjacent to the boundary with No. 1 Manor Close.
- 1.3 This is not an allocated housing site for the purposes of the Craven Local Plan, and is identified as a Designated Rural Area. The site is within an SSSI Impact Risk Zone, but falls outside the development type for which consultation with Natural England is required. This is a Coal Low Risk Development Area, as identified by The Coal Authority.

2. Proposal

- 2.1 This is a full application for the construction of a 3-bedroom market dwellinghouse.
- 2.2 This will be a split-level dwelling, being 2-storey to the front with a single-storey to the rear. The floor level of the single-storey will be raised approximately 1.2m above the ground floor level of the 2-storey part, to accommodate the rise in the land.
- 2.3 Proposed materials are artificial stone to the principle elevation, cream pebble dash render to the sides and rear, and cement roof slates. Windows will have cream aluminium frames in concrete surrounds; the timber front door will be blue.
- 2.4 A new highway access will be created off Manor Close to the east side, giving access to 2 no. off-road parking spaces. A pedestrian access from Low Demesne to the north will give access to the front door. Provision is included for a secure cycle store and bin storage to the rear of the plot.
- 2.5 There will be a garden to the west side, rising to a raised patio with a glass balustrade to the rear of the plot. The garden will be enclosed by a low stone wall to the front and sides of the plot, and to the rear of the parking area, and with a timber fence to the rear of the raised patio.

Officer Note: At the officer's request the materials, window styles and porch roof have been revised. The dimensions of the parking spaces have been increased to meet NYCC Highways standards. The height of the timber fence has been increased to 1.8m above ground level. The application will be assessed on this basis.

3. Planning History

- 3.1 45/2010/10282 - Erection of two semi-detached 3 bedroom houses with ancillary private amenity space, off street parking. Refused 07.06.2010.

Reasons for refusal:

"The proposed development is located outside of development limits and is not considered to fall within the definition of an exception site. A letter dated 27th May from the Secretary of State for Communities and Local Government on housing land supply was given considerable weight as a material planning consideration and consequently the development was considered to be contrary to policy ENV 1 of the Craven District (Outside the Yorkshire Dales National Park) Local Plan."

"The proposed development by virtue of its siting and location would impact on the character of the surrounding area and this would be contrary to policy ENV 2 of the Craven District (Outside the Yorkshire Dales National Park) Local Plan."

Appeal dismissed 07.10.2010

- 3.2 45/2011/11303 - Erection of detached dwelling including off street parking (Resubmission of 45/2010/10282). Refused 04.05.2011.

Reason for refusal:

"The proposed development is considered to have an unacceptable adverse impact on the character of the surrounding area and would therefore not meet the requirements of Saved Policy H3 of the Craven District (Outside the Yorkshire Dales National Park) Local Plan."

Appeal dismissed 22.11.2011

Officer Note: The determinations and subsequent appeals were assessed under the previous local plan, and are therefore of limited weight in the assessment of the current application.

4. Planning Policy Background

4.1 **Craven Local Plan (CLP):**

- SD1 The Presumption in Favour of Sustainable Development
- SD2 Meeting the Challenge of Climate Change
- SP1 Meeting Housing Need

- SP3 Housing Mix and Density
- SP4 Spatial Strategy and Housing Growth
- ENV3 Good Design
- ENV4 Biodiversity
- ENV5 Green Infrastructure
- ENV6 Flood Risk
- ENV8 Water Resources, Water Quality and Groundwater
- ENV12 Footpaths, Bridleways, Byways and Cycle Routes
- INF4 Parking Provision

4.2 **National Policy:**

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (NPPG)

5. Parish/Town Council Comments

5.1 Ingleton Parish Council – responded 11.05.2022.

“Parish Councillors object to this application on the grounds that they believe the land to be amenity land that should never be developed.”

Officer Note: This land is not designated as open space or green space under the Craven Local Plan. The CDC Legal Department have advised that that land was sold to the owner (the applicant) in July 2009, and that he is the Sole Proprietor of the said plot of land and holds the same with Absolute Freehold Title. Furthermore, the archived file of the sale holds *“no evidence to suggest that the land has ever been legally referred to as amenity land or anything of that specific nature.”*

With no evidence to the contrary, this land is taken to be in private ownership.

6. Consultations

6.1 NYCC Highways – response received 26.04.2022. No objection, but stated that the parking area should measure 4.8m x 6m, by condition. Further conditions were recommended relating to the construction of the access, pedestrian visibility splays and parking.

Officer Note: The dimensions of the parking area have been revised accordingly.

6.2 NYCC PROW – responses received 12.04.2022 and 13.04.2022. The initial response advised that an application for a S.257 diversion order would be required to permanently divert the footpath. The second response provided further detail regarding the process to divert the footpath, and an indication that the diversion could be justified to enable the development and due to the existing of alternative routes using the highway.

Officer Note: The impact on the public footpath will be included within the assessment of the principle of development.

6.3 United Utilities – response received 25.05.2022. Advised that surface water drainage should be in accordance with the NPPF and NPPG. Recommended that no construction commences until a detailed drainage design has been assessed and accepted in writing by United Utilities. Provided informatives for water and waste services, and UU property, assets and infrastructure.

Officer Note: Drainage details will be addressed by condition, if planning permission is granted.

6.4 CDC Trees Officer – response received 21.04.2022. *“Although these trees would result in a loss of amenity they don’t have the arboricultural merit to warrant a Tree Preservation Order.”*

6.5 CDC Environmental Health (Environmental Protection) – response received 22.04.2022. Recommended the inclusion of an informative for the control of noise and dust during construction.

6.6 CDC Environmental Health (Contamination) – response received 22.04.2022.

“The historical use of the land as part of the railway it could have led to some potential contaminated land issues. The proposal is to introduce a sensitive receptor to the site and this must be taken into account. However the land has previously been developed so any potential contamination is likely to be isolated.”

In order to ensure any potential risk is suitably addressed the officer recommended a condition for the reporting of unexpected contamination.

Officer Note: The above is a summary of the responses received on this application. The full written text is available for inspection on the Council’s website at:

<https://publicaccess.cravenc.gov.uk/online-applications/>

7. Representations

7.1 Site notice expired 26.05.2022

7.2 Press notice expired 19.05.2022

7.3 A notification letter was sent to the property adjoining the site.

7.4 Two letters of representation were received during the consultation period. The issues raised may be summarised as follows:

- would look out of character
- will overlook rear gardens; loss of privacy
- is sited on green belt land

Officer Note: Issues of visual and amenity impact will be assessed in the report. The land is not designated as local green space under the Craven Local Plan.

8. Summary of Principal Planning Issues

8.1 Principle of development

8.2 Housing type and density

8.3 Design and visual impact of the development

8.4 Amenity impact of the development

8.5 Sustainable design and construction

8.6 Drainage

8.7 Ecology

8.8 Parking

9. Analysis

9.1 **Principle of development**

8.2 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.

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

9.3 Policy SP4 of the local plan identifies a settlement hierarchy and sets out the spatial strategy and housing growth. The policy supports the release of non-allocated sites for housing within the main built-up area of Tier 1, 2, 3, 4a and 4b settlements providing they accord with all other relevant LP policies.

- 9.4 Ingleton is a Tier 3 settlement (Local Service Centre) as defined by the Craven Local Plan. Policy SP4 supports proposals for additional housing growth on non-allocated land for housing within the main built up area of Tier 3 settlements, provided that the proposal accords with all other relevant local plan and neighbourhood plan policies. There is no neighbourhood plan in this case.
- 9.5 Concern has been raised that this is amenity land, or green space. This land is not designated as open space or green space under the Craven Local Plan, and therefore is not protected. Although there is open access from the pavement at Lower Demesne, the land is under private ownership. While recognising that it may be used informally by children playing, it is also noted that there is a larger area of level open grassed land to the north-east which serves a similar function.
- 9.6 A footpath crosses the land at the southern boundary. The proposal is to apply separately to divert the footpath under S.257 of the TCPA 1990. Access is already blocked by the stone walls to each end, and it is considered unlikely that walkers will climb up inside the walls to the route of the PROW, and wall back down the other side to re-join the route at the highway. The pavement provides a more direct and level route. The NYCC Footpaths officer has acknowledged that there is a *“proliferation of alternative routes using existing highway (streets)”*. Therefore, the existence of the footpath is not considered sufficient reason to refuse planning permission in this case.
- 9.7 In conclusion, the development of this site for residential use is acceptable in principle in accordance with policy SP4 (H) of the Craven Local Plan.
- 9.8 **Housing type and density**
- 9.9 Policy SP3 seeks to ensure that the mix and density of housing development ensures that land is used in an effective and efficient manner.
- 9.10 Policy SP3 (a) clarifies that housing mix shall be determined with reference to the latest housing needs data.
- 9.11 A single, 3-bedroom market dwelling is proposed. The CDC SHMA (2017) suggests that the majority of market development should be for 3-bedroom (57.9%) and 4+ bedroom stock (23.8%), p98, (para 8.2). As a single dwelling which falls within one of the most popular house sizes, the proposed development is considered to be compliant.
- 9.12 Policy SP3 (b) requires that sites are developed at appropriate densities. In greenfield developments or brownfield developments with no significant element of conversion, the appropriate housing density should be approximately 32 dwellings per hectare.
- 9.13 This is a proposal for a single dwelling on a small site of just under 0.3 hectares. The minimum density requirement is therefore met.
- 9.14 In conclusion, the proposed housing type and density of this single house development is in accordance with policy SP3.
- 9.15 **Design and visual impact of the development**
- 9.16 Policy ENV3 aims to achieve good design through adherence to the following general design principles. Development should respond to context, respect the form of existing and surrounding buildings, be legible and enhance local distinctiveness.
- 9.17 This is a residential area of small cul-de-sacs branching off Lower Demesne. The surrounding properties are predominantly 2-storey dwellinghouses and flats. Cul-de-sacs date from the 1990s to the north and south-east, and from the 2010s to the west and north-west. The dwellings are generally of similar scale, many being semi-detached, with a mix of rendered and stone finishes. The adjacent Whernside development has introduced a greater variety of form and design.
- 9.18 Properties are generally set back from the highway at Lower Demesne, at a similar distance as currently separates the southern boundary of the application site from the highway. The proposed dwelling will interrupt this pattern, being set at the highway edge. It will also result in a loss of greenery at the roadside. However, in this position the new dwelling will reflect the setting No. 5 and 6 Ellerington Close directly across the highway to the north which approach the highway edge. The use of the low stone boundary wall will assist the site’s integration to the street scene. A

generous amount of greenery will remain in view on the street scene. Therefore, the addition of a dwelling at this site at the far end of Lower Demesne is not considered to have a significant detrimental impact on the street scene.

- 9.19 The form of the dwelling responds to the site incline, while respecting the scale of the surrounding properties. The design revisions have resulted in a proposal that is sympathetic to the surrounding developments in terms of materials, window form and the porch detail, and is therefore acceptable.
- 9.20 In conclusion, this is considered to be an acceptable proposal which responds adequately to the characteristics of the surrounding properties. In this location, the addition of a dwellinghouse is not considered to have a significant adverse impact on the pattern and appearance of the street scene. Therefore, the proposal is considered to meet the requirements of Craven Local Plan policy ENV3.
- 9.21 **Amenity impact of the development**
- 9.22 Policy ENV3 requires that development protects the amenity of existing and future residential occupiers.
- 9.23 *Existing occupiers*
- 9.24 The property with the greatest potential to be impacted is No.1 Manor Close. The side boundary of this dwellinghouse forms the rear boundary to the site. Public concern has been raised that privacy to the rear gardens will be compromised.
- 9.25 With regard to privacy, the split-level design and internal layout will ensure that there are no views from the proposed rear elevation or roof light towards the rear elevations or rear gardens on Manor Close. The raised patio to the rear of the dwellinghouse will be situated approximately 0.5m lower than the ground level to the rear of No.1. The 1.8m high timber fence will serve to screen views from the patio to existing garden.
- 9.26 The rear elevation of the proposed dwelling will extend approximately 2m west of the blank side elevation to No.1. The separation distance between the opposing elevations will be approximately 4.6m. However, the lower land level and low roof form of the proposed dwelling is considered sufficient to protect the west-facing rear windows and garden of No. 1 from any significant loss of daylight/sunlight. For the same reason, there will be no significant overbearing impact to the occupants of No. 1.
- 9.27 The separation distance from the front windows towards the dwellings to the opposite side of the highway are considered to be sufficient to maintain an acceptable level of privacy.
- 9.28 *Future occupiers*
- 9.29 All habitable rooms will have natural light, and are of a reasonable size. While the garden of No.1 to the rear will be raised approximately 0.5m in relation to the ground level at the rear, the intervening boundary treatment is considered to be of sufficient height to restrict views from the garden to the ground floor glazing.
- 9.30 There is adequate outdoor amenity space. The main lawned area will be open to immediate public views from the highway to two sides. However, the patio to the rear will be largely screened by the dwelling and planting, affording some private space.
- 9.31 Owing to the height and proximity of the rear boundary, and of the raised side elevation to No. 1 Manor Gardens behind, there will be a loss of light to the proposed rear windows. However, as these windows serve non-habitable rooms, the impact is not considered to be severe.
- 9.32 In conclusion, there will be no significant loss of amenity to existing occupiers. The proposed dwellinghouse will deliver a reasonable standard of living to future occupiers. The proposal therefore meets the amenity requirements of policy ENV3.
- 9.33 **Sustainable design and construction**
- 9.34 Policy ENV3 requires that sustainability is designed in, so that development takes all reasonable opportunities to reduce energy use, water use and carbon emissions and to minimise waste,

ensure future resilience to a changing climate and wherever possible to generate power through solar or other means.

- 9.35 The submitted Sustainable Design and Construction Statement commits to insulation and construction standards in excess of current Building Regulations. Solar PV panels and a ground source heat pump will be provided. The use of low water fittings, together with rainwater butts, will serve to reduce water use. An electric car charging point will be fitted.
- 9.36 In conclusion, the proposed measures are considered to meet the policy requirement.
- 9.37 **Drainage**
- 9.38 Policy ENV6 requires that growth will help to avoid and alleviate flood risk. Development should take place in areas of low flood risk where possible, and incorporate sustainable drainage systems (SUDS) where possible. There should be adequate provision for surface and foul drainage prior to occupation.
- 9.39 The application site is located in Flood Zone 1 with a low risk of flooding from rivers and a low risk of surface water flooding. The site is therefore an acceptable site for residential development.
- 9.40 The development of a grassed site will result in an increase in surface water run-off. However, no surface water drainage proposal has been submitted beyond the provision of water butts, permeable surfacing to the parking area and a lawn. United Utilities has responded that sustainable surface water drainage should be provided. This will be conditioned in accordance with policy ENV6, should planning consent be granted.
- 9.41 A foul drainage connection to the existing sewer will meet the policy ENV8 requirement that development will be served by adequate sewerage infrastructure.
- 9.42 In conclusion, with the inclusion of an appropriate condition to ensure the provision of sustainable surface water drainage in accordance with the hierarchy set out in Appendix 6 of the Craven Local Plan, it is considered that the site can be developed in accordance with the relevant requirements of policies ENV6 and ENV8.
- 9.43 **Ecology**
- 9.44 Policy ENV4 requires that development should achieve benefits in biodiversity that are equal to, or where possible exceed, the biodiversity value of the site prior to development. Development that results in a significant loss in, or harm to, biodiversity on site and where no compensatory measures are proposed, will be resisted.
- 9.45 Policy ENV5 requires that development proposals should achieve improvements to the green infrastructure network where possible, and avoid significant harm to existing green infrastructure.
- 9.46 The is a grassed site which includes four small trees, three of which are crowded together. An independent assessment of the trees has been submitted. It advises that of the four trees on site, only a single ornamental cherry is successfully established, and that none are significant mature individuals. The development will result in the loss of all four trees.
- 9.47 The Trees Officer has advised that while the trees would result in a loss of amenity, they do not have the arboricultural merit to warrant a tree preservation order.
- 9.48 Two replacement unspecified fruiting trees are proposed, together with hedging to some boundaries. These are considered sufficient to balance the loss of the existing trees.
- 9.49 In addition, bat and bird boxes are proposed on the north and south elevations below the eaves. Stone walls will be extended. These measures are considered to provide an acceptable degree of biodiversity gain. It is accepted that with limited space on site, and the need accommodate parking and other facilities, green infrastructure enhancement is not possible in this instance.
- 9.50 In conclusion, replacement planting will balance the loss of the existing trees at the site. Biodiversity net gain will be delivered. The requirements of policy ENV4 are therefore met. Policy ENV5 requires green infrastructure enhancement where possible. In this case it is accepted that such an enhancement is not possible, owing to space constraints.

- 9.51 **Access and parking**
- 9.52 Policy INF4 requires the provision of safe, secure and convenient parking of an appropriate quantity, together with secure cycle storage. Permeable surfacing to parking areas should be used.
- 9.53 The two proposed off-road parking spaces meet the minimum vehicle parking requirements for a dwelling of this size and location, as set out in NYCC Interim Parking Standards. The parking spaces will have permeable surfacing. A secure cycle store will be provided.
- 9.54 NYCC Highways have been consulted, and have not raised any objection or concerns. With the inclusion of the recommended conditions, access is acceptable. On this basis, the proposed parking provision is considered to be acceptable.
- 9.55 In conclusion, with the inclusion of the recommended conditions, the proposed parking and access arrangements are considered to meet policy INF4 requirements.
- 9.56 **Conclusion**
- 9.57 Paragraph 11 of the NPPF advises that LPA's should be approving development proposals that accord with an up-to-date development plan without delay.
- 9.58 In this instance, the principle of development is acceptable. The housing type and density is appropriate. The design responds adequately to the surroundings, taking account of the site conditions. There is not considered to be a significant adverse impact to the pattern and appearance of the street scene.
- 9.59 There will be no significant loss of amenity to existing occupiers. The proposed dwellinghouse will deliver a reasonable standard of living to future occupiers. Sustainable design and construction requirements are met. Sustainable drainage provision will be conditioned. Biodiversity net gain will be delivered. Access and off-road parking provision is satisfactory.
- 9.60 On balance, it is considered that there are no adverse impacts arising from the amendments that would significantly and demonstrably outweigh the overarching presumption in favour of sustainable development contained within paragraph 11 of the NPPF. Therefore, the application is recommended for approval.

10. Recommendation

- 10.1 Approve with Conditions

Conditions

Time Limit for Commencement

- 1 The development hereby permitted shall be begun not later than the expiration of three years beginning with the date of this permission.

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

Approved Plans

- 2 The permission relates to the following plans:
- Drawing no. 269 GA 001 Rev A - Site location and block plan. Received 13th December 2022
 - Drawing no. 269 GA 120 Rev C - Proposed site and ground floor plan. Received 8th June 2022
 - Drawing no. 269 GA 121 Rev C - Proposed first floor plan. Received 8th June 2022
 - Drawing no. 269 GA 122 Rev C - Proposed roof plan. Received 8th June 2022
 - Drawing no. 269 GA 140 Rev C - Existing and proposed north elevation. Received 8th June 2022

- Drawing no. 269 GA 121 Rev C - Existing and proposed east elevation. Received 8th June 2022
- Drawing no. 269 GA 121 Rev C - Existing and proposed south elevation. Received 8th June 2022
- Drawing no. 269 GA 121 Rev C - Existing and proposed west elevation. Received 8th June 2022
- Tree survey by Yew Tree. Received 4th February 2022
- Sustainable design and construction statement. Received 4th February 2022
- Public right of way statement. Received 6th April 2022

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

During Building Works

- 3 Should any significant contamination be encountered during development, the Local Planning Authority shall be notified in writing immediately. A Remediation Strategy shall be submitted to the Local Planning Authority for written approval. The approved remediation measures shall be implemented in accordance with the timescales in the approved Remediation Strategy.

Following completion of any measures identified in the approved Remediation Strategy, a Validation Report shall be submitted within agreed timescales to, and approved in writing by, the Local Planning Authority. The site shall not be brought into use until such time as all the validation data has been approved in writing by the Local Planning Authority at the agreed timescales. The Remediation Strategy and Validation Report shall be prepared in accordance with current best practice.

Reason: To enable the Local Planning Authority to ensure that unexpected contamination at the site will not present significant environmental risks and that the site will be made suitable for use in accordance with Craven Local Plan policies ENV3 and ENV7, and the National Planning Policy Framework.

- 4 There must be no access or egress by any vehicles between the highway and the application site at Land Adj 1, Manor Close, Ingleton, Carnforth, LA6 3BF until visibility splays providing clear visibility of 2.0 metres x 2.0 metres measured down each side of the access and the back edge of the footway of the major road have been provided. In measuring the splays the eye height must be 1.05 metres and the object height must be 0.6 metres. Once created, these visibility splays must be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason: In the interests of highway safety in accordance with the National Planning Policy Framework.

Informative

An explanation of the terms used above is available from the Local Highway Authority.

- 5 Unless alternative details have first been submitted to and approved in writing by the Local Planning Authority, the external surfaces of the extension shall be constructed in accordance with the materials detailed on the approved plans.

Reason: To specify the terms of the permission and for the avoidance of doubt in the interests of visual amenity in accordance with the requirements of Craven Local Plan policy ENV3 and the National Planning Policy Framework.

- 6 Notwithstanding any details shown on the approved plans and the requirements of condition 2 of this permission, unless alternative details have first been submitted to and agreed in writing by the Local Planning Authority, the area shown for parking shall be surfaced with permeable materials.

Reason: To reduce the potential for surface water flooding in accordance with Craven Local Plan policy INF4.

7 No above ground works shall take place until a scheme for the disposal surface water from the site has been submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing with the Local Planning Authority, the scheme shall include:

- (i) details of the rate of surface water discharge from the site to any soakaway, watercourse or sewer, including provisions to ensure that the post-development discharge rate does not exceed the pre-development rate (incorporating an appropriate allowance for climate change);
- (ii) details of any necessary flow attenuation measures, including the use of SUDS where appropriate;
- (iii) details of how the scheme will be maintained and managed after completion.

The scheme shall be implemented in accordance with the duly approved details before any of the dwelling is first occupied, and shall be maintained and managed as such thereafter.

Reason: To ensure that the development is not at risk of flooding and does not increase flood risk elsewhere, and that adequate measures are put in place for the disposal of foul and surface water in accordance with the requirements of requirements of Craven Local Plan polices ENV6 and ENV8 and the National Planning Policy Framework.

Before the Development is Occupied

8 The development must not be brought into use until the access to the site at Land Adj 1, Manor Close, Ingleton, Carnforth, LA6 3BF 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 and/or Standard Detail number E50 and the following requirements.

- Any gates or barriers must be erected in line with the existing highway boundary and must not be able to swing over the existing or proposed highway.
- That part of the access extending 5 metres into the site from the carriageway of the existing highway must be at a gradient not exceeding 1 in 20.
- The final surfacing of any private access within 5 metres of the public highway must not contain any loose material that is capable of being drawn on to the existing or proposed public highway.

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 in accordance with the National Planning Policy Framework.

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_edi.pdf

- 9 The dwelling must not be occupied until the related off-road 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 in accordance with Craven Local Plan policy INF4 and the National Planning Policy Framework.

Informative:

The proposals should cater for all types of vehicles that will use the site. The parking standards are set out in North Yorkshire County Council's 'Interim guidance on transport issues, including parking standards' and subsequent amendments available at:

https://www.northyorks.gov.uk/sites/default/files/fileroot/Transport%20and%20streets/Roads%2C%20highways%20and%20pavements/Interim_guidance_on_transport_issues_including_parking_standards.pdf

Ongoing Conditions

- 10 Unless alternative details have first been submitted to and approved in writing by the Local Planning Authority, the landscaping scheme for the site shown on drawing no. 269 GA 120 Rev C, received 8th June 2022, including the provision of 2 no. fruit trees, shall be carried out during the first planting season after the development is substantially completed and the areas which are landscaped shall be maintained as landscaped areas thereafter in accordance with the details shown on the approved plan. Any trees or hedges removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced by trees or hedges of similar size and species to those originally required to be planted.

Reason: To ensure appropriate landscaping of the site in the interests of visual amenity, to enhance the character of the street scene and to provide biodiversity enhancements in accordance with the requirements of Craven Local Plan policies ENV3 and ENV4, and the National Planning Policy Framework

Informatives

1. i) There is a Public Right of Way or a 'claimed' Public Right of Way within or adjoining the application site boundary.
- ii) The proposed development will physically affect the Public Right of Way permanently. An application to the Local Planning Authority for a Public Path Order/Diversion Order will need to be made under S.257 of the Town and Country Planning Act 1990 as soon as possible. Approval of any such application should be confirmed prior to the carrying out of any operations that would obstruct the use of the relevant Public Rights of Way. Please contact the Local Planning Authority for a Public Path Order application form.

The applicant is advised that this planning permission does not override the need to obtain formal approval for the stopping up or diversion of the public footpath.

iii) If the proposed development will physically affect a Public Right of Way temporarily during the period of development works only, an application to the Highway Authority (North Yorkshire County Council) for a Temporary Closure Order is required. Please contact the County Council or visit their website for an application form.

- iv) The existing Public Right(s) of Way on the site must be protected and kept clear of any obstruction until such time as an alternative route has been provided by either a temporary or permanent Order.
- v) It is an offence to obstruct a Public Right of Way and enforcement action can be taken by the Highway Authority to remove any obstruction.
- vi) If there is a "claimed" Public Right of Way within or adjoining the application site boundary, the route is the subject of a formal application and should be regarded in the same way as a Public Right of Way until such time as the application is resolved.
- vii) Where public access is to be retained during the development period, it shall be kept free from obstruction and all persons working on the development site must be made aware that a Public Right of Way exists, and must have regard for the safety of Public Rights of Way users at all times.

Applicants should contact the County Council's Countryside Access Service at County Hall, Northallerton via CATO@northyorks.gov.uk to obtain up-to-date information regarding the exact route of the way and to discuss any initial proposals for altering the route.

2. The applicant should take all relevant precautions to minimise the potential for disturbance to the occupiers of neighbouring properties in terms of noise and dust during the demolition and construction phases of the development. This should include not working outside regular daytime hours, the use of water suppression for any stone or brick cutting and advising neighbours in advance of any particularly noisy works. The granting of this planning permission does not indemnify against statutory nuisance action being taken should substantiated noise or dust complaints be received. For further information please contact the environmental health service.
3. If the applicant intends to receive water and/or wastewater services from United Utilities, they should visit our website or contact the Developer Services team for advice. This includes seeking confirmation of the required metering arrangements for the proposed development. See 'Contacts' Section below.

If the proposed development site benefits from existing water and wastewater connections, the applicant should not assume that the arrangements will be suitable for the new proposal.

In some circumstances we may require a compulsory meter is fitted. For detailed guidance on whether the development will require a compulsory meter please visit <https://www.unitedutilities.com/my-account/your-bill/our-household-charges-20212022/> and go to section 7.7 for compulsory metering.

If reinforcement of the water network is required to meet potential demand, this could be a significant project and the design and construction period should be accounted for.

To avoid any unnecessary costs and delays being incurred by the applicant or any subsequent developer, we strongly recommend the applicant seeks advice regarding water and wastewater services, and metering arrangements, at the earliest opportunity. Please see 'Contacts' section below.

United Utilities property, assets and infrastructure

United Utilities will not allow building over or in close proximity to a water main.

United Utilities may not allow building over or in close proximity to a public sewer.

It is the applicant's responsibility to demonstrate the exact relationship between any United Utilities' assets and the proposed development. Developer's should investigate the existence and the

precise location of water and wastewater pipelines as soon as possible as this could significantly impact the preferred site layout and/or diversion of the asset(s) may be required. Where United Utilities' assets cross the proposed red line boundary, developers must contact our Developer Services team prior to commencing any works on site, including trial holes, groundworks or demolition.

Unless there is specific provision within the title of the property or an associated easement, any necessary disconnection or diversion of assets to accommodate development, will be at the applicant/developer's expense. In some circumstances, usually related to the size and nature of the assets impacted by proposals, developers may discover the cost of diversion is prohibitive in the context of their development scheme.

Where United Utilities' assets exist, the level of cover to United Utilities pipelines and apparatus must not be compromised either during or after construction and there should be no additional load bearing capacity on pipelines without prior agreement from United Utilities. This would include earth movement and the transport and position of construction equipment and vehicles. Consideration should also be applied to United Utilities assets which may be located outside the applicant's red line boundary. Any construction activities in the vicinity of our assets must comply with our 'Standard Conditions for Works Adjacent to Pipelines' or national building standards.

The applicant or developer should contact our Developer Services team for advice if their proposal is in the vicinity of water or wastewater pipelines and apparatus. It is their responsibility to ensure that United Utilities' required access is provided within their layout and that our infrastructure is appropriately protected. The developer would be liable for the cost of any damage to United Utilities' assets resulting from their activity. See 'Contacts' section below.

Contacts

Website

For detailed guidance on water and wastewater services, including application forms and the opportunity to talk to the Developer Services team using the 'Live Chat' function, please visit: <http://www.unitedutilities.com/builders-developers.aspx>

Email

For advice on water and wastewater services or to discuss proposals near to pipelines, email the Developer Services team as follows:

Water mains and water supply, including metering - DeveloperServicesWater@uuplc.co.uk

Public sewers and drainage - WastewaterDeveloperServices@uuplc.co.uk Telephone - 0345 072 6067

Property Searches (for asset maps):

A number of providers offer a paid for mapping service including United Utilities. For more information, or to purchase a sewer and water plan from United Utilities, please visit

<https://www.unitedutilities.com/property-searches/>

Water and sewer records can be viewed for free at our Warrington Head Office by calling 0370 751 0101. Appointments must be made in advance. Public sewer records can be viewed at local authority offices. Arrangements should be made directly with the local authority.

The position of the underground apparatus shown on asset maps is approximate only and is given in accordance with the best information currently available. United Utilities Water will not accept liability for any loss or damage caused by the actual position being different from those shown on the map.

4. Coal Development Low Risk Area

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:

5. Statement of Positive Engagement:

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



Application Number: 2021/23571/FUL

Proposal: Erection of a new two storey, split-level, 3 bedroom house with private garden and off-street parking

Site Address: Land Adj 1 Manor Close Ingleton LA6 3BF

On behalf of: Dr Ansari

REPORT TO PLANNING COMMITTEE ON 5th September 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: 6th July 2022

Case Officer: Andrea Muscroft

SUMMARY

This application was deferred from the June committee to allow for a site visit to be undertaken by members.

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 proposed surface water mitigation measures would also help reduce the risk of flooding for existing residents fronting onto Colne Road.

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 west being predominantly Victorian terrace dwellings. In contrast dwellings to the east 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 potential 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 12 car parking spaces are proposed (inc 2 visitor parking spaces).
- 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 A new vehicle access is proposed connecting with Beanlands Drive.
- 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 Boundary treatment to the retained field would be a post and rail fence installed between the private access road and the retained agricultural field.

- 2.12 A footway link is proposed from the site into the back of Institute Street, the proposal would also provide a new gravel surface area for parking of residents of Institute Street.
- 2.13 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
- 2.14 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 12th 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 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: Objects to the proposal for the following reasons:

5.2 There are 11 mature trees with TPO that run down the back of the houses on Beanlands Drive. Why are these trees to be removed? by the proposed road that is only 3m away from property walls.

5.3 **Officer note:** No protected trees are to be removed

5.4 The new access road into the proposed site is at a ridiculous 90-degree blind bend which takes traffic down the back of the houses of Beanlands Drive, why can this access road not be into the middle of the field and serve the proposed new properties this way, this would then give emergency vehicles and other large vehicles a better access to the proposed properties. Or even better access to the proposed site be made from Colne Road where the derelict barn is, there are good site lines onto Colne Road from this point.

5.5 **Officer note:** NYCC Highways due to extensive site visits and discussions with the agent/applicant have agreed on the construction of the new road and have not raised any objections on highway safety grounds (paragraph 6.5 of the committee report).

5.6 There is also a TPO tree right in the middle of the proposed access road, this would need to be removed and it must have about a 40-year life span left in it.

5.7 **Officer note:** The access details were undertaken with the agent/applicant, NYCC highways engineer and the Council's Tree officer to ensure that this tree would not be impacted due to the construction of the access onto Beanlands Drive (paragraph 9.62 of the committee report).

5.8 How will the landowner access the rest of the field that is not (YET) to be built on?

5.9 **Officer note:** The farmer is considering a couple of options one of which is to access the field directly opposite the proposed new access via a new gate (permitted development)

- 5.10 Why were all residents of Beanlands Drive that back onto this field NOT sent the proposed planning application?
- 5.11 **Officer note:** In accordance with the SCI neighbour's notification letters are circulated to properties that abut the application site.
- 5.12 In the bottom of the field that is the proposed planning site, there are many Wild animals and birds, the biodiversity will be destroyed if this application goes ahead.
- 5.13 **Officer note:** Covered in the committee report.
- 5.14 The access road will be blocked by school parking at school leaving times, this is already a huge problem now, an ambulance was unable to get through to the Nursing Home recently.
- 5.15 **Officer note:** Covered in the committee report.
- 5.16 Most residents of Beanlands Drive are elderly and don't leave home around school times as they are unable to get back onto their own drives for cars accessing the school blocking them.
- 5.17 The architect's plan of an ambulance attending the proposed site even has the ambulance having to drive over the pavement to access the site.
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 for approval.
- 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.
- 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.cravenc.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=R7CVA8FKM0900>
7. Representations
- 7.1 44 notification letters circulated
- 7.2 33 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

Concern over our privacy being encroached upon and damage to our boundary hedge and roots.

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.

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

Officer note: The proposal offers visitor parking.

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

Officer note: The proposed access into the site and impact on the footpath was 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

No objection to the plans. Hopefully, the site will be cleared and the ground shored up to ensure that the trees outside of the site are not uprooted and become dangerous.

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.

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 – confirmed by NYCC Highways (Appendix 1). However, on further investigation, it became unclear as to the ownership of the parcel of land to form the new access onto Beanlands Drive. On legal advice, the applicant has published notification in the local press and provided the Council with the necessary completed certification.

Concerns over agricultural vehicles travelling along Beanlands Drive

Concerns that the proposed wall would result in no access to maintaining the hedge.

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.

If the footpath is removed, this will lead to more parking nearer to our home, as the single yellow lines are regularly ignored.

Concern over possible inadequate signage for the proposed limit.

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

Principle of Development

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

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

9.3 Policy SP4 of the local plan identifies a settlement hierarchy and sets out the spatial strategy and housing growth. The policy supports the release of non-allocated sites for housing within the main built-up area of Tier 1, 2, 3, 4a and 4b settlements providing they accord with all other relevant LP policies.

9.4 The application site lies within the main built-up area of Glusburn a Tier 3 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.

9.5 **Housing Mix and Density**

9.6 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.

- 9.7 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%

- 9.8 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.

- 9.9 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.

9.10 **Visual impact of the development.**

- 9.11 Policy ENV3 requires that development should 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.

- 9.12 The surrounding area consists of a mixture of Victorian terrace dwellings to the northwest and west and modern bungalows to the east of the site on elevated land. To the southeast of the site 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.

- 9.13 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.

9.14 Barn A

- 9.15 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.

9.16 Barn B

9.17 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.

9.18 Dwellings

9.19 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.

9.20 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.

9.21 The proposal would require the removal of a section of the stone retaining wall at the proposed entrance onto Beanlands Drive. Details provided show that the new access road into the site would taper down into the site with a retaining wall (approx. .75m high) constructed to one corner off Beanlands Drive. Grass/wildflower verges are proposed on either side of the road. It is not considered that this element of the proposal would result in any unacceptable visual harm.

9.22 A low grass embankment will be provided to accommodate the difference in ground levels between the retained field and the private access road and would include a post and rail fence between the private road and the agricultural field.

9.23 In conclusion, the proposal would result in a visual enhancement through the removal of dilapidated 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

9.24 **Sustainability**

9.25 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.

9.26 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

9.27 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, solar panels, 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.

- 9.28 It is important to note that the development will also be required to comply with Building Regulations as part of this policy including the new uplifts to the 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.
- 9.29 It is considered that the proposal has taken all reasonable opportunities with regards to sustainable design and construction and the proposal is considered to accord with the requirements of Policy ENV3 (t) of the Local Plan.
- 9.30 **Amenity issues**
- 9.31 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.
- 9.32 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.
- 9.33 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.
- 9.34 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.
- 9.35 Currently the views from No. 47 and the adjoining properties are restricted by an existing dilapidated structure, self-seeding young trees, and dilapidated 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.
- 9.36 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.
- 9.37 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.
- 9.38 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.

- 9.39 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.
- 9.40 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.
- 9.41 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.
- 9.42 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.
- 9.43 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.
- 9.44 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.
- 9.45 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.

- 9.46 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.
- 9.47 Comments have been expressed that the proposed access road into the site due to the surface materials would give rise to noise nuisance. The internal road surface has been amended to bitmac which would not give rise to any noise nuisance.
- 9.48 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.
- 9.49 **Future residential accommodation.**
- 9.50 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.
- 9.51 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.
- 9.52 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.
- 9.53 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.
- 9.54 Policy ENV3 (i) also seeks to ensure that development is accessible for all.
- 9.55 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.

- 9.56 In conclusion, the proposal accords with the requirements of Policy ENV3 of the Craven Local Plan and the aims and objectives of the NPPF.
- 9.57 **Impact on protected trees**
- 9.58 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.
- 9.59 The proposal is seeking the removal of the self-seeded trees within the site except for one tree adjacent to Institute Street. The Council's Tree officer has reviewed the trees on site and does not consider them worthy of retention or protection.
- 9.60 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.
- 9.61 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.
- 9.62 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.
- 9.63 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.
- 9.64 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 within Beanlands Drive.
- 9.65 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.
- 9.66 Residents have also expressed concern over the proximity of the proposed road to the protected trees. Submitted drawing 2993.2F shows a grass verge and wildflower area (approx. 2m 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 grass verge combined with the wildflower area (approx. 2m wide) confirmed that this element of the proposal would not have any detrimental impact on these trees.
- 9.67 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.

- 9.68 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. As outlined in paragraph 8.63 the position of these parking spaces would not adversely impact the roots of the protected trees.
- 9.69 Regarding concerns raised about the use of materials which may potentially restrict moisture from 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.
- 9.70 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.
- 9.71 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.
- 9.72 **Ecological & Biodiversity**
- 9.73 Policy ENV4 seeks developments on allocated and non-allocated sites to take reasonable steps to provide improvements in biodiversity, and whenever possible to make positive contributions to achieving net gains in biodiversity.
- 9.74 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.
- 9.75 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.
- 9.76 A Bat Survey Report and Method Statement was submitted with the application. The report confirmed that a daytime survey was carried out on the 14th 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.
- 9.77 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.

- 9.78 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.
- 9.79 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.
- 9.80 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.
- 9.81 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.
- 9.82 The application site which is considered to be a small-scale development which considering the Defra metric would result in a loss in biodiversity terms,
- 9.83 Notwithstanding this, the guidance provided by Defra (small-scale metric & Ciria's guidance on biodiversity for small-scale developments) has been used to assess this proposal.
- 9.84 The existing baseline is poor/moderate. Therefore, the proposal has sought to improve the current level of biodiversity on the site. This would be achieved by the planting of new trees (approx. 3.6m), new hedgerows with further planting through the site. Thus, creating new habitats as per Defra guidance.
- 9.85 In addition, existing rough grassland along the proposed vehicle access would see the introduction of native wildflowers which would enhance this existing habitat condition and accords with Defra's guidance.
- 9.86 When this is combined with the additional biodiversity measures 15no. bird boxes, 5 bat boxes, hedgehog/wildlife highway due to openings being created within the boundary walls, dry stone walls (allowing invertebrates and small birds to use) it is considered that the proposal would not only enhance the current level of biodiversity on the site but also provides some gains.
- 9.87 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.
- 9.88 **Highway Safety**
- 9.89 Policy INF4 seeks to ensure the provision and management of parking for vehicles.
- 9.90 Policy INF7 also seeks to ensure developments are appropriately located and thus accord with the strategic growth of the district.
- 9.91 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.
- 9.92 The current proposal seeks to create new vehicle access off Beanlands Drive (adopted road) and to provide off-street parking and turning areas within the site.

- 9.93 Beanlands Drive is an adopted road that connects with the A6068 (Colne Road).
- 9.94 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.
- 9.95 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.
- 9.96 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.
- 9.97 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.
- 9.98 The proposal would provide 12 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.
- 9.99 The proposal would also provide disabled access via a dropped kerb from the private drive to the pavement on Beanlands Drive. This would be secured via condition.
- 9.100 Comments have been received regarding the internal layout in terms of the width of the new internal road, footpath, and movement of emergency vehicles.
- 9.101 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.
- 9.102 In this instance, following several discussions with the highway engineers the proposed internal road width proposed is 4.8m.
- 9.103 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.
- 9.104 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.
- 9.105 A residents management company would be formed that would both own and maintain most of the access road. The exception is a small area of land immediately adjacent to the entrance off Beanlands Drive (the land outside of the red line on the attached). That will still be owned by the original landowner but maintained by the householders of the new development (through a management company).

- 9.106 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.
- 9.107 Comments have been received regarding the reduction in the existing footpath that lies to the east of the proposed access.
- 9.108 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 the proposed access. However, this alteration to the existing footpath was agreed upon with the highways engineer and would form part of the S278 agreement.
- 9.109 Comments were also expressed over who would maintain the footpath connecting with the existing footpath on Beanlands Drive. As this would form part of the adopted highway then the maintenance of the footpath would fall under highway control.
- 9.110 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.
- 9.111 The proposal would have a dedicated bin storage area which would allow access for refuse vehicles compatible with the existing waste and recycling arrangements currently undertaken for residents on Institute Street.
- 9.112 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.
- 9.113 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.
- 9.114 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.
- 9.115 Concerns have been expressed over the acceptability of the access off the A6068 into Beanlands Estate due to a highway engineer's response dated 2008 in relation to the conversion of the two barns (ref 32/2008/8560). The response advised planners that development should be limited from Beanlands Drive unless significant improvements were made to junction off Colne Road.
- 9.116 It is important to note that the application site at the time of the comments from the highways engineer formed part of a wider site allocated for housing under policy H2 of the now superseded LP. The policy sought the provision of 18 dwellings and because of the

number of dwellings proposed it was recognised as part of the policy that improvements to the sight lines at the junction of Beanlands Drive and the A6068 would be required. This accords with the comments made by the highways engineer.

- 9.117 The current proposal is seeking the provision of a significant lower number of dwellings. Highways engineers have reviewed the proposal and notwithstanding the comments made in 2008 considered that a development of this size would not have an adverse impact on highway safety or trigger the need for significant highway improvements to the junction with the A6068 and Beanlands Drive.
- 9.118 Paragraph 111 of the Framework states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. In this case, the impacts are not severe enough that a Highways objection can be sustained and as such the proposal is not in conflict with policies INF4 and INF7.
- 9.119 **Flood risk and Drainage**
- 9.120 Policy ENV6 seeks to minimise the risk of surface water flooding by ensuring adequate provision for foul and surface water disposal.
- 9.121 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).
- Drainage*
- 9.122 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 accords with criterion e) of policy ENV6 and can be achieved by imposing the condition should permission be granted.
- Surface water*
- 9.123 The lower section of the application site has one surface water flow path running north to the south near to the eastern boundary of the site as identified by the EA.
- 9.124 To address the issue of surface water submitted drawings show the installation of a surface water storage tank which would allow the collection of surface water and its subsequent restricted release in line with guidance from the EA standing advice.
- 9.125 This approach accords with the EA technical advice with regards to seeking the use of adequate attenuation mitigation measures. This approach also accords with criterion f) of policy ENV6 which seeks developments to maximise opportunities to help reduce the impacts of flooding by ensuring adequate sufficient attenuation and long-term storage is provided to accommodate storm water on site thus reducing the risk to people or property. This approach is considered acceptable and can be managed using an appropriate worded condition.
- 9.126 In conclusion, the proposal has demonstrated that it is flood resilient and safe for the occupiers of the development and would not increase flood risk overall, rather the development would reduce the impacts of flooding using the attenuation tank to existing residents fronting Colne Road. The proposal, therefore, complies with the requirements of policy ENV6, the guidance of the EA and the NPPF.
- 9.127 **Other matters**
- 9.128 Drawing 2993.2F 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.

- 9.129 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.
- 9.130 The applicant has stated that it is unlikely that livestock would be kept on the land due to its remoteness from the farmstead and also there would be the risk of theft or harm from neighbour residents' dogs.
- 9.131 **Planning Balance and Conclusion**
- 9.132 It is well established through Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Paragraphs 11 & 12 of the NPPF that the determination of applications/appeals must be made in accordance with the development plan unless material considerations indicate otherwise.
- 9.133 Paragraph 11(c) echoes the Act in that proposals should be made in accordance with development plans providing they are up to date. Paragraph 11(d) establishes where the development plan contains "no relevant development plan policies" or these key policies are out of date then permission should be granted unless harm to protected areas or assets provides a clear reason for refusal (Paragraph 11(d)(i)), or, the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this Framework taken as a whole (Paragraph 11(d)(ii)).
- 9.134 The relevant policies exist within the development plan and are up to date. As reported above, the proposal is considered to accord with the relevant up-to-date development policies and thus the tilted balance is engaged.
- 9.135 It is recognised that the development would result in the loss of some unprotected self-seeded trees, although replacement tree planting is proposed. The loss is considered to carry limited weight.
- 9.136 The development would provide highly sustainable dwellings that meet the needs of the district and has been designed to provide a visual enhancement to the site and high level of amenity for future occupants as well as protecting the amenity of existing residents. This is considered to carry significant weight in the determination of this application.
- 9.137 The dwellings would also provide sustainability and biodiversity benefits/enhancements and gains using mitigation measures to address climate change and through the enhancement/new biodiversity measures outlined within this report. This is also considered to carry moderate to significant weight in the determination of this application.
- 9.138 The proposal would also improve the management of surface water and thus reduce the risk of surface water flooding to existing residents on Colne Road. This is considered to carry moderate to significant weight in the determination of this application
- 9.139 On balance, it is considered that there is sufficient materials considerations to support the proposal and recommended approval.

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.

- 6 The external finish of the solar panels shall be dark grey or black with no silver or light coloured edging or detailing which contrasts with the approved finish of the roof tiles. The Solar panels shall also have a anti reflective coating and shall be retained as such thereafter.

The solar panels and associated infrastructure hereby approved shall be removed from the application site within 3 months of becoming redundant to its designated use.

Reason: To safe guard the visual amenity of the area.

- 7 Prior to the commencement of the proposed vehicle access onto Beanlands Drive, an arboricultural method statement to ensure the protection of tree at the proposed access during construction shall be submitted to and approved in writing by the Local Planning Authority. No works on the access shall be carried out on site before the arboricultural method statement has been approved.

Reason: To protect the tree at the proposed entrance into the site in the interest of visual amenity.

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

Reason: To ensure effective drainage of the site.

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

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

Reason: To ensure effective and sustainable drainage and the avoidance of surface water flooding to accord with Policy ENV6 of the Craven Local Plan and the National Planning Policy Framework.

- 10 A post and rail fence between the approved private road and the agricultural field shall be erected within 3 months of the commencement of works on site and retained thereafter.

Reason: In the reason of public safety and to accord with Policies ENV3 and INF7 of the Craven Local Plan

Before the Development is Occupied

- 11 No dwellings hereby approved shall be occupied until details regarding the surface water storage tank have been provided. The details shall include:
- Information on the method employed to delay and control surface water discharge management and maintenance plan for the storage tank
- Reason: To ensure the management of surface water in accordance with Policy ENV6 of the Craven Local Plan and the National Planning Policy Framework.
- 12 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.
- 13 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
- 14 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 2 nd edi.pdf](https://www.northyorks.gov.uk/sites/default/files/fileroot/Transport%20and%20streets/Roads%2C%20highways%20and%20pavements/Specification%20for%20housing%20ind%20est%20roads%20street%20works%20nd%20edi.pdf).

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

- 15 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@cravenc.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.

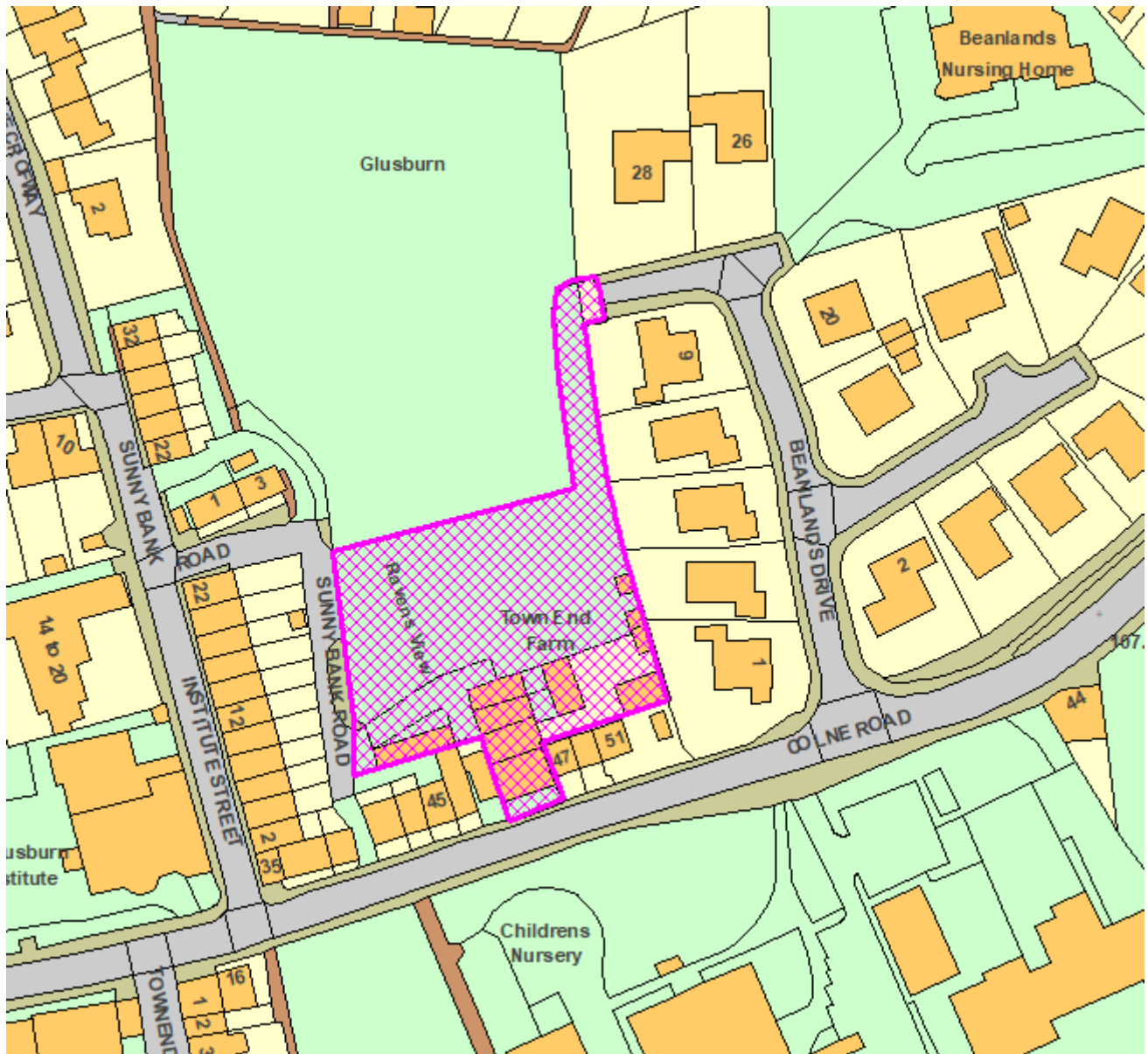
The agreement between the highway authority and the developer is called a Section 278 Agreement.

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

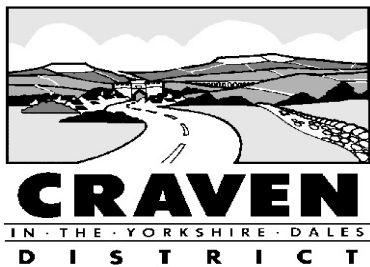
On behalf of: Burley Developments Group

Planning Committee Report of New Cases Registered
24-06-2022 to 24-08-2022

Enforcement Reference	Alleged Breach	Site Address	Ward
ENF/03527/2022	Unauthorised works to a listed building.	St Andrews House Otley Road Skipton BD23 1EX	Skipton East
ENF/03528/2022	Erection of front porch.	Town End House Becks Brow Wigglesworth Skipton BD23 4RJ	Settle And Ribble Banks
ENF/03529/2022	Erection of a fence 2 metres or over abutting a highway.	17 Calton Terrace Carleton Road Skipton BD23 2AY	Skipton West
ENF/03530/2022	Untidy land	Land Adjacent To 44 Thornview Road Hellifield Skipton BD23 4JJ	Hellifield And Long Preston
ENF/03531/2022	Utilities box been installed.	Squirrel Wood Cottage Ickornshaw Cowling Keighley BD22 0DB	Cowling
ENF/03532/2022	Erection of shed in front garden	101 Burnside Crescent Skipton BD23 2BT	Skipton West
ENF/03533/2022	Equestrian land being used as domestic- 2017/18395/FUL.	The Stables Ellers Road Sutton-in-craven Keighley	Sutton-in-Craven

Enforcement Reference	Alleged Breach	Site Address	Ward
ENF/03534/2022	Unauthorised works to a listed building.	The Croft 1 The Terrace Duke Street Settle BD24 9AW	Settle And Ribble Banks
ENF/03535/2022	Creation of large track and damage to trees within a Conservation Area.	Track To New Laithe Draughton Skipton BD23 6DU	Barden Fell
ENF/03536/2022	Demolition of neighbouring wall next to plot 50- Planning Ref: 32/2015/15390	Plot 50 Green End Glusburn Keighley BD20 8PR	Glusburn
ENF/03537/2022	Alleged unauthorised demolition and reconstruction beyond that permitted by 2019/20128/FUL.	High Stubbing Cowling Hill Lane Cowling Keighley BD22 0LJ	Cowling
ENF/03538/2022	Materials not discharged and tree planting/landscaping not carried out.	Site Of Low Bentham CP School Doctors Hill Low Bentham Lancaster	Bentham
ENF/03539/2022	Unfinished roadway.	Entrance To Laurel Croft Embsay Skipton BD23 6RF	Embsay-with-Eastby
ENF/03540/2022	Creation of access track	Land Adjacent To Star Farm Pole Road Sutton-in-craven Keighley BD20 7BE	Sutton-in-Craven
ENF/03541/2022	Outdoor store at the front of the property	97 Burnside Crescent Skipton BD23 2BT	Skipton West

Enforcement Reference	Alleged Breach	Site Address	Ward
ENF/03542/2022	Beer barrels outside premises (public path)	Gallaghers Ale House 1 - 3 East Keltus Main Street Cross Hills Keighley BD20 8TD	Glusburn
ENF/03543/2022	Alleged erection of large engineering workshop in the garden of the property.	4 Haw Park Embsay Skipton BD23 6RY	Embsay-with-Eastby
ENF/03544/2022	Alleged erection of sheds and garages at the property.	16 Beck Side Carleton Skipton BD23 3ET	West Craven
ENF/03545/2022	Alleged unauthorised change of use to motor garage	G.B Staveley Motor Repairs Newby Hall Henbusk Lane Newby Clapham Lancaster LA2 8HU	Ingleton And Clapham
ENF/03546/2022	Erection of structure to the rear of the property and potential business use.	1 Ryeland Street Cross Hills Keighley BD20 8SR	Glusburn
ENF/03547/2022	Garden Building too high?	93 Moorview Way Skipton BD23 2TN	Skipton East



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

Planning Committee Report of Cases Closed
24-06-2022 to 24-08-2022

Enforcement Reference	Date Received	Date Closed	Reason for Closure	Alleged Breach	Site Address	Ward
ENF/03446/2021	27th September 2021	18th August 2022	Retrospective Planning	Alleged unauthorised construction of outbuilding(s) and sloped roof porch above door. Alleged unauthorised siting of portacabin.	Town End Barn Wigglesworth Skipton BD23 4RJ	Settle And Ribble Banks
ENF/03450/2021	6th October 2021	18th August 2022	Breach Resolved	Large structure erected in the front garden.	16 Aldersley Avenue Skipton BD23 2LA	Skipton East
ENF/03465/2021	8th December 2021	18th August 2022	No Breach	Temporary paddocks causing flooding due to concrete having been put down.	Burberry Factory Shop Ltd Junction Mills Skipton Road Cross Hills Keighley BD20 7SE	Glusburn
ENF/03481/2022	10th February 2022	11th August 2022	No Breach	Running permanent holiday let and dog grooming business 7 days a week.	Owl House/ Stott Hill Farm Old Lane Cowling Keighley BD22 0NP	Cowling

Enforcement Reference	Date Received	Date Closed	Reason for Closure	Alleged Breach	Site Address	Ward
ENF/03485/2022	17th February 2022	18th July 2022	Not expedient	UPVC Windows installed in Listed building.	The Old Post Office 4 Coniston Cold Skipton BD23 4EA	Gargrave And Malhamdale
ENF/03486/2022	17th February 2022	18th July 2022	Not Expedient to Enforce	UPVC installed in a listed building.	3 Coniston Cold Skipton BD23 4EA	Gargrave And Malhamdale
ENF/03488/2022	3rd March 2022	18th July 2022	No Breach	Materials used not in accordance with planning application ref: 2020/22366/FUL.	Skipton Parish CE Primary School Brougham Street Skipton BD23 2ES	Skipton South
ENF/03494/2022	16th March 2022	18th August 2022	No Breach	Bunker/ Store building being erected at the front of the property.	68 Aire View Crosshills Road Cononley Keighley BD20 8JY	Aire Valley With Lothersdale
ENF/03496/2022	30th March 2022	18th August 2022	Not Expedient to Enforce	Alleged unauthorised flue, extraction fans, wiring and boarding	60A High Street Skipton BD23 1JP	Skipton North
ENF/03497/2022	31st March 2022	11th August 2022	No Breach	A number of skips on site and works starting before application ref: 2022/23782/HH determined.	7 Smithy Fold Kildwick Keighley BD20 9BB	Aire Valley With Lothersdale
ENF/03500/2022	6th April 2022	18th August 2022	Not Expedient to Enforce	Alleged unauthorised extractor fans.	60 High Street Skipton BD23 1JP	Skipton North

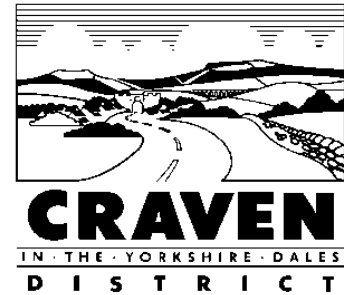
Enforcement Reference	Date Received	Date Closed	Reason for Closure	Alleged Breach	Site Address	Ward
ENF/03501/2022	6th April 2022	18th August 2022	Not Expedient to Enforce	Alleged unauthorised extractor fan	2 Sheep Street Skipton BD23 1JH	Skipton North
ENF/03507/2022	14th April 2022	18th August 2022	No Breach	Breach of condition no. 2 of planning application ref: 72/2005/5806. Property being rented out as residential no mention of ancillary use.	Morphets Barn Jack Lane Wigglesworth Skipton BD23 4RL	Settle And Ribble Banks
ENF/03508/2022	4th May 2022	18th August 2022	No Breach/Not Expedient to Enforce	Alleged unauthorised polytunnel	Agricultural Field Off Back Lane Long Preston BD23 4RD	Hellifield And Long Preston
ENF/03509/2022	4th May 2022	18th August 2022	No Breach	Alleged unauthorised earthworks	Land To The Rear Of Hamble Crest Netherghyll Lane Cononley Keighley Skipton BD20 8PB	Aire Valley With Lothersdale
ENF/03513/2022	18th May 2022	18th August 2022	No Breach	Structure being erected.	4 Hall Court Sutton-in-Craven Keighley BD20 7NF	Sutton-in-Craven

Enforcement Reference	Date Received	Date Closed	Reason for Closure	Alleged Breach	Site Address	Ward
ENF/03520/2022	1st June 2022	18th July 2022	No Breach	Alleged extension not built in accordance with approved plans	Rantree Farm Keasden Road To Rantree Top Clapham Lancaster LA2 8EZ	Ingleton And Clapham
ENF/03521/2022	1st June 2022	18th August 2022	No Breach	Structures having been erected on the rear of the property.	7 Montagu Close Glusburn Keighley BD20 8FJ	Glusburn
ENF/03526/2022	17th June 2022	18th August 2022	No Breach	Rear extension.	6 Pine Close Granville Street Skipton BD23 1PR	Skipton North
ENF/03534/2022	13th July 2022	18th August 2022	No Breach	Unauthorised works to a listed building.	The Croft 1 The Terrace Duke Street Settle BD24 9AW	Settle And Ribble Banks
ENF/03536/2022	19th July 2022	18th August 2022	No Breach	Demolition of neighbouring wall next to plot 50- Planning Ref: 32/2015/15390	Plot 50 Green End Glusburn Keighley BD20 8PR	Glusburn

Enforcement Reference	Date Received	Date Closed	Reason for Closure	Alleged Breach	Site Address	Ward
ENF/03542/2022	28th July 2022	18th August 2022	Not Expedient to Enforce	Beer barrels outside premises (public path)	Gallaghers Ale House 1 - 3 East Keltus Main Street Cross Hills Keighley BD20 8TD	Glusburn

Planning Committee
Date: 5 September 2022

Quarterly Planning Performance
Monitoring Report



1. Purpose of Report

- 1.1 The report is intended to inform the Committee of the performance of the development management service during the quarter April - June 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 Councils 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 the two-year accounting period is assessed against the following criteria:
- Major development applications - 60% must be determined either within 13 weeks or within the extended period agreed with the applicant.
 - 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 Table 1 below shows that in the last quarter 80% of decisions on non-major development were reached within 8 weeks or an agreed extension of time, up by 6% 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 is currently at 67% which is below the 70% minimum expected by the Government. In order to achieve the 70%, the number of applications determined within 8 weeks or an agreed extension of time would need to achieve around 90% in the next quarter. This is unlikely to be achieved but provided the improvement in the speed of decision making continues, along with a reduction in the number of on-hand applications, it unlikely there would be

criticism over poor performance which arises from the 12-month period Oct. 2020 to Sept. 2021 (see Table 2 below).

Table 1 Speed of Determination Q1 April - June 2022*

	Number of decisions	% of decisions
Non-Major Development Applications		
Applications determined within 8 weeks during quarter	86 (83)	56% (48%)
Applications determined outside 8 weeks during quarter but within an agreed extended time period (EoT)	37 (45)	24% (26%)
Applications determined outside 8 weeks during quarter without an EoT or outside agreed EoT period	31 (44)	20% (26%)
Total	154 (172)	100
Combined total applications determined within 8 weeks or an agreed extended time period (EoT)	123 (128)	80% (74%)
Major Development Applications		
Major applications determined within 13 weeks during quarter	2 (2)	40% (40%)
Major applications determined outside 13 weeks during quarter within an agreed extended time period (EoT)	3 (1)	60% (20%)
Major applications determined outside 13 weeks during quarter without an EoT or outside agreed EoT period	0 (2)	0 (40%)
Total	5 (6)	100

*Previous quarter figures in brackets

Number of applications determined

- 4.3 The focus since June 2021 has not only been on improving the speed of decision making but also reducing the number of on-hand applications and improving performance management. Given that around 96% of applications should be determined in the 8-week statutory period it would be expected that at any time around 140 applications would be pending. The 6 months period of July to December 2021 saw 372 applications determined and a 30% reduction in the backlog of undetermined applications. The first six months of 2022 saw a 10% increase in the number of applications submitted but determinations over the period fell, consequently the number of applications on hand saw little change.

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

Period	Total number of non-major applications determined	Non-major applications determined within 8 weeks during quarter or within an agreed EoT period
Oct.-Dec 20	112	75 (66%)
Jan. – March 21	143	95 (66%)
April – June 21	151	93 (61%)
July – Sept. 21	178	93 (52%)
Oct. – Dec. 21	179	126 (70%)
Jan. – March 22	173	128 (74%)
April – June 22	154	123 (80%)
Cumulative Total	1096	733 (67%)

Table 3 Application determinations by quarter

	Q1 21/22	Q2 21/22	Q3 21/22	Q4 21/22	Total 21/22	Q1 22/23
Number of applications on hand on 1 st day of quarter	225	244	223	172	225	173
Applications withdrawn during quarter	7	8	16	8	39	12
No. of applications determined in quarter	172	186	186	179	723	160
No. of applications received during the quarter	199	173	151	187	710	169
No. of applications on hand on last day of the quarter	245	223	172	174	174	169
Increase/decrease on application backlog over quarter	+20 (+9%)	-21 (-9%)	-51 (-26%)	+2 (+1%)	-51 (-23%)	-4 (-2%)

Committee Decisions

4.4 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 Q1 88% of decisions issued were delegated to officers compared to 84% and 81% in the two-preceding quarters.

Validation

4.5 Reference to Table 4 shows performance in terms of speed of validation of applications has slipped from 57% of applicants being notified within 5 working days of receipt of a correct application in the preceding quarter to 48% in Q1 (22/23). The Planning Support Team had lost two members of staff earlier in the year and it is only recently that this Team has got back to full strength. It is anticipated that this will enable to Team to continue the progress it had previously been making to improve the spread of application validation.

Table 4 Validation Performance Comparison Quarter 2 21/22 to Quarter 1 22/23

	Days*	Number Q1	Q1 22/23 %	Q4 21/22 %	Q3 21/22 %	Q2 21/22 %
Days* taken from submission to informing applicant/agent that inadequate information/fee was provided so the application could not be validated.	0-5	50	46	61	12	5
	6-10	41	38	29	41	34
	10-20	10	9	5	27	50
	Over 20	8	7	19	20	10
Total number of applications invalid on receipt		109		135	115	125
	Days*	Number Q1	%	%	%	%
Days* taken from receipt of a valid application to sending confirmation of receipt of the application.	0-5	102	48	57	37	29
	6-10	70	33	32	34	36
	10-20	33	16	8	18	22
	Over 20	7	7	7	11	13
Total number of applications validated during the quarter		212		206	202	232
*Includes weekends and BH						

4.6 The quarter saw a modest improvement in the number of applications found to be invalid on receipt, this being some 50% of all application submitted. The length of time taken to notify applicants that an application was invalid has also slipped, with only 46% being notified within 5 working days in quarter 4 compared to 61% in the preceding quarter. Work is underway on providing clearer information to those making applications.

Appeals

4.7 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.

4.8 The quarter saw 2 appeal decisions being received (table 5) all of which 5 were dismissed and no costs awards were made against the Council. This is significantly better than the previous quarter. which saw 3 costs awards being made against the Council. The appendix to this report sets out those appeals which were a pending a decision from the Planning Inspectorate at the time this report was finalised.

Table 5 Appeal Performance (April - June 2022)

Appeal Performance		
	Minor/Other	Major
Dismissed	2 (5)	1(1)
Allowed	0 (1)	0
Total number of costs applications.		
Costs awarded against the authority.		0 (3)
Costs awarded to the authority.		0

Previous quarter in brackets

Enforcement

4.9 Table 6 sets out details of enforcement activity during Q1 and enable comparison with the three previous quarters. In terms of activity, reference to Table 6 shows the number of complaints received in Q1 was up on the two preceding quarters, 51 cases were closed and 154 cases remained open at the end of March. Overall, the figures show a steady improvement in enforcement performance with 25% fewer open cases as compared with the end of September 2021.

Table 6: Enforcement Indicators

	Q2 (21/22)	Q3(21/22)	Q4(21/22)	Q1 (22/23)
No. of enforcement cases open on first day of quarter	400*	204	196	173
No. of complaints received during quarter	26	23	26	32
No of enforcement cases open at end of quarter	204	196	173	154
No. of cases closed during quarter	222*	31	49	51
No. of enforcement notices issued during quarter	3	3	0	1

** The number of historic enforcement cases closed in Q2 was inflated as a consequence of a review and update of 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 Performance of the Development Management Service continues to be monitored and priorities set through regular meetings of the Planning Improvement Board. Over the 12 months to the end of June there has been a significant improvement in performance when measured against the Governments minimum target for the speed of determination of non-major development applications, this being met or exceeded in last three quarters. However, this hides a fall in number of application determinations in the first six months of 2022, this coupled with a 10% increase in applications received has led to the number of applications on hand changing little over the period. On a positive note, performance in defending appeals saw no cases allowed or cost awards against the Council. Also, progress continues to be made by the Enforcement Team who report 25% fewer open cases at the end of June compared with the end of September 2021.

5.2 Whilst the improved performance in terms of speed of decisions is welcomed the fall in the number of applications determined is of concern. A balance will need to be struck between maintaining the performance in terms of speed of decision and increasing the number of applications determined, especially those which have remained undetermined for 3 or more months after receipt. This is seen as the key priority for the service in the lead up to Local Government re-organisation. Given the success in filling some vacant planning officer posts and use of experienced agency planners it is considered that the speed of decision making on non-major applications can be maintained at above 80% and the backlog of applications reduced in the coming months. Other priorities for the service will be:

- improving the information available for applicants on what to provide when submitting an application, so reducing the number of invalid applications received, and,

- subject to the decision of Council on the 11th October introducing changes to the 7-day notice procedure and pre-application arrangements.

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

Contact Officer

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

Appendix**Appeals****Appeals pending decision by Planning Inspectorate
(As at 22 August 2022)**

Appeals pending decision by Planning Inspectorate (as at 18 July 2022)		
Case Reference	Appeal Start Date	Site Address
APP/2021/23080/FUL	24.03.2022	2 Willow Garth Avenue, Cross Hills
APP/2021/23369/FUL	14.06.2022	Dugdale Ranch, Ingleton
APP/2021/23450/FUL	28.06.2022	Pennine Haulage Brow Garage, Rook Street, Lothersdale
APP/2021/23310/FUL	04.07.2022	Barn, Grange Lane, Kildwick
APP/2021/23575/VAR	05.07.2022	East Berwick Farm, Berwick East, Draughton
APP/2021/23572/FUL	06.07.2022	Field House Farm, Draughton
APP/2021/23532/FUL	25.07.2022	Land To North Of Springfield Crescent, High Bentham
APP/2020/22178/FUL	09.08.2022	Land To North Of Carla Beck House, Carla Beck Lane, Carleton
APP/2021/23318/FUL	10.08.2022	Wend Gardens, The Wend, Carleton