

PLANNING COMMITTEE

Monday, 13th March 2023 at 1.30pm

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

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

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

Please note the following advice in advance of the meeting:

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

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

AGENDA

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

1. **Apologies for Absence and Substitutes** – To receive any apologies for absence.
2. **Confirmation of Minutes** – To confirm the minutes of the meeting held on 16th January 2023.
3. **Public Participation** – In the event that any questions/statements are received or members of the public wish to ask questions or address the Committee in respect of matters not appearing on this agenda, the public participation session will proceed for a period of up to fifteen minutes.
4. **Declarations of Interest** – All Members are invited to declare at this point any interests they have in items appearing on this agenda, including the nature of those interests.

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

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

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

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

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

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

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

7. Date and Time of Next Meeting – No further meetings are scheduled.

Agenda Contact Officer:

Vicky Davies, Senior Democratic Services Officer

E-mail: vdavies@cravendc.gov.uk

Tel: [07565 620973](tel:07565620973)

3rd March 2023

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

PLANNING COMMITTEE

16th January 2023

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

Officers – Legal Advisor (Kings’ Chambers, Manchester), Planning Manager, Planning Officer x 2 and Senior Democratic Services Officer.

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

Ward Representatives: Application 2022/23850/REG3 - Councillor Staveley.

Confirmation of Minutes:

The draft minutes of the meeting held on 19th December 2022 were debated by Members in relation to application 2022/23854//FUL. Councillor Brown specifically referred to how the Committee’s decision was recorded about the affordable housing contributions which he felt should be corrected as the Committee had concluded that the development did not comply with Local Plan policies.

The Planning Manager suggested how the minutes could be changed to address Councillor Brown’s points as follows:

1. Reason (i) The proposal fails to provide any affordable housing contributions and does not provide justification to overcome the requirements for this provision. Accordingly, the proposals are not compliant with Policy H2: Affordable Housing of the Craven Local Plan 2012-2032. Delete the words “and does not provide justification to overcome the requirements for this provision”.
2. Reason (vii) Include reference to “Policy ENV3(f)”.
3. Add “The proposed development exceeds the limited growth identified in Policy SP11 of the Craven Local Plan 2012- 2032. The occupiers of the proposed dwellings would place an unacceptable impact on the basic services in the village which are already at capacity” (this to become Reason (viii)).

Members discussed the above suggested amendments, and it was

RESOLVED – That, subject to the aforementioned changes being made to the minutes of the Planning Committee held on 19th December 2022, the revised minutes are signed by the Chairman as a correct record and circulated to Members of the Committee.

Start: 1.30pm

Finish: 3.34pm

PL.1089

DECLARATIONS OF INTEREST AND LOBBYING

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

b. Lobbying

The Chairman and Councillors Brown, Ireton, Morrell, Pringle, Rose, Shuttleworth and Sutcliffe had been lobbied against application 2022/23850/REG3. The Chairman and Councillor Brown and Ireton had also been lobbied in favour of the application.

PL.1090

PUBLIC PARTICIPATION

The following individual addressed the Committee:

Application 2022/23850/REG3 – Councillor Taylor (on behalf of Settle Town Council)
Mrs Lyn Northrop and Dr Vesey (on behalf of the objectors)

PL.1091

PLANNING APPLICATIONS

a. Applications determined by Planning Committee

Permission Granted

Application 2022/24477/LBC – application for the partial removal of a mid-20th century shop front to fully reveal the original arched opening to the ginnel at Hallam's Yard, Skipton, to include piecing-in missing stone and repainting overall using natural stone colour mineral paint.

Resolved – That the application is GRANTED subject to the following conditions:

Conditions

Time Limit for Commencement

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

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

Approved Plans

- 2 This permission relates to the following plans and documents:
 - o Drawing No 2091/02/21. Site Location Plan. Received 17th October 2022.
 - o Drawing No. 2091/02/20. Existing and Proposed Plans. Received 18th October 2022.
 - o Design and Access Statement. Received 18th October 2022.
 - o Heritage Statement. Received 18th October 2022.

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

Before you Commence Development

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

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

During Building Works

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

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

Informatives

1. Statement of Positive Engagement:

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

Proposer: Councillor Heseltine
Secunder: Councillor Ireton
Voting: Unanimous for approval

Application 2022/24587/REG4 – application for the partial removal of a mid-20th century shop front to reveal the original arched opening to the ginnel at Hallam’s Yard, Skipton, piecing-in missing stone, repainting of the arch and ginnel and the provision of new bin stores in Hallam’s Yard.

Resolved – That the application is GRANTED subject to the following conditions

Conditions

Time Limit for Commencement

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

Reason: In accordance with Section 91(1) of the Town and Country Planning Act 1990 as amended by the Planning Compulsory Purchase Act 2004.

Approved Plans

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Proposer: Councillor Heseltine
Secunder: Councillor Ireton
Voting: Unanimous for approval

Permission Refused

Application 2022/23850/REG3 – application for three 1 bedroom shared ownership flats and 3 commercial spaces at Ashfield Toilets, Kirkgate, Settle, BD24 9DZ.

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

The application had been referred to Planning Committee as the applicant was Craven District Council. The case officer's report stated that the proposal had been subject to a full assessment and was considered acceptable in principle and not considered to pose a significant impact on amenity and neither would the proposal result in a severe impact on visual amenity or highway safety.

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

- Craven District Council was promoting tourism and not providing facilities such as public toilets did not make sense.
- Proximity of the proposed development was very close to the garden wall of the listed Quaker Meeting House.
- The access to the proposed flats was by way of a ginnel next to the garden wall and appeared poorly designed.
- The proposal did not provide any allocated parking spaces.
- The proposed design was overbearing in scale and size and would impact neighbouring properties including the listed Quaker Meeting House and garden.
- The toilets had been closed for many years and the building was in a poor state and this development would be an improvement.
- Settle Town Council had been asked approximately 13 years ago if they wanted to take over the running of the toilets, but the offer was declined. Since then the toilets had remained closed and had become rundown.
- Small affordable homes were in short supply and were important.
- The proposal included the removal of a rare healthy Wych Elm tree in a conservation area.
- The proposal would result in the narrowing of the entrance to the car park impacting the street scene.

During the debate, the Planning Committee's Legal Advisor reminded Members that all consultees whether internal or external had a professional independent duty to deal with planning applications in an impartial and unbiased manner.

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

1. The proposal by virtue of its design, scale, massing and footprint would have an adverse overbearing impact on neighbouring properties and the Grade II* Quakers Meeting House. The proposal would further fail to preserve or enhance the Conservation Area contrary to Policies ENV2 and ENV3 of the Craven Local Plan and the requirements of the National Planning Policy Framework.
2. The proposal fails to provide any off street parking spaces leading to an increase in demand for street parking contrary to Policy INF4 of the Craven Local Plan and the requirements of the National Planning Policy Framework.
3. The pedestrian access arrangements would not provide a safe secure and attractive environment for future occupants of the residential units and would be contrary to Policy ENV3 and the requirements of the National Planning Policy Framework.
4. The proposal would result in the loss of a community facility and no evidence has been submitted that all reasonable efforts have been made to retain the facility and to continue its use contrary to Policy INF2 of the Craven Local Plan and the requirements of the National Planning Policy Framework.
5. The proposed development would result in the loss of the Wych elm (*Ulmus Glabra*) makes a positive contribution to the character, appearance and setting of this part of the Conservation Area. The loss of this tree would be conflict with Policy ENV4 of the Craven Local Plan and the National Planning Policy Framework

Craven District Council

Proposer: Councillor Heseltine

Seconder: Councillor Morrell

Voting: 6 for refusal; 3 against refusal; 1 abstention.

b. Delegated Matters

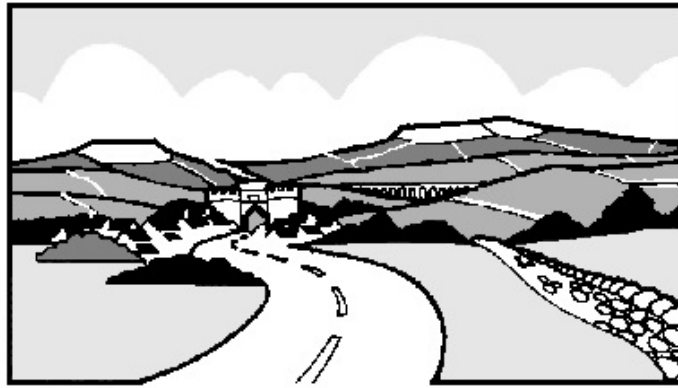
The Strategic Manager for Planning and Regeneration submitted a list of new enforcement cases registered between 8th December 2022 and 5th January 2023.

Minutes for Decision

There were no items for decision requiring confirmation by Council.

Date of Next Meeting: 13th February 2023.

Chairman.



CRAVEN

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D I S T R I C T

PLANNING COMMITTEE AGENDA

DATE: 13th March 2023

INDEX OF PLANNING APPLICATIONS

Item No.	Application Reference No.	Name of Applicant	Site Address	Page No's
1.	2022/24448/FUL	Adam Carr Builders	Land To South Of Bentham Road, Ingleton.	2 - 26
2.	2022/24234/FUL	Wellock Estates Limited	Keepers Cottage And The Granary, Peel Green, Hellifield.	27 - 62
3.	2020/22109/FUL	Permahome Limited	Land At Richard Thornton's School, Burton In Lonsdale.	63 - 76

REPORT TO PLANNING COMMITTEE ON 13th March 2023

Application Number: 2022/24448/FUL

Proposal: Formation of new vehicular access onto Bentham Road. Erection of five detached dwellings with integrated garages, associated car parking and landscaping works (resubmission of withdrawn application reference 2022/23749/FUL).

Site Address: Land To South Of Bentham Road, Ingleton.

On behalf of: Adam Carr Builders

Date Registered: 6th October 2022

Expiry Date: 1st December 2022

EOT Date, if applicable:

Case Officer: Ros Parker

SUMMARY

The proposal is for the construction of five dwellings with integrated garages, associated car parking and landscaping works, and formation of new vehicular access onto Bentham Road.

The site is located adjacent to, but outside, the main built-up area of Ingleton. The proposed development of 5 no. market dwellings does not satisfy any one of the three criteria (a) to (c) of LP Policy SP4(l) which is required in order for residential development to be supported at this location. The proposed development is therefore contrary to LP Policies SP1 and SP4, and the principle of development is not supported.

Through the over provision of 4+ bedroom dwellings, the proposed development fails to use land in an effective manner to address identified local housing needs. The proposed development is therefore contrary to LP Policy SP3(a) and NPPF Paragraph 124.

The proposed housing density does not represent an efficient use of land. The proposal therefore fails to meet the requirements of LP Policy SP3 (b), and NPPF Paragraphs 119 and 124.

The scale and design will contrast unfavourably with the surrounding modest built form, and will fail to respect and safeguard the local landscape setting. The proposal is therefore contrary to LP Policies ENV1 and ENV3, and NPPF Paragraphs 126, 130, 134 and 174.

The site has a high to medium probability of flooding. Insufficient evidence has been provided to demonstrate that there are no other reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding within Ingleton or the District plan area. The proposed residential development of the site therefore constitutes an inappropriate form of development which conflicts with LP Policy ENV6 and NPPF Paragraph 159.

The proximity to the protected trees of the dwellings at Plots 3, 4 and 5 will pose a significant threat to the future of these trees. The proposed biodiversity enhancements are not sufficient to outweigh the risk to the protected trees. As such biodiversity net gain cannot be guaranteed. The proposed development is therefore contrary to LP Policy ENV4, and NPPF Paragraph 174.

The proposal fails to accord with the requirements of the relevant policies of the Craven Local Plan and the NPPF. It is therefore recommended that planning permission is refused.

1. Site Description

- 1.1 The application site relates to a grassed field measuring approximately 0.32 hectares immediately south-east of Bentham Road, plus an approximately 4m wide strip running along the rear of the site in the next field, and continuing north-east past the adjacent dwellinghouse to meet the A65. The total site area is approximately 0.38 hectares. The site is not allocated for housing under the Craven Local Plan.
- 1.2 There are 3 no. mature boundary trees which are protected by Tree Preservation Order 2331-197 2012. The field is bounded to all sides by a dry-stone wall. The land rises very gently towards the rear of the site.
- 1.3 A detached dwelling, Highwood Cottage, is located immediately north east of the site at the corner of Bentham Road and the A65. Another detached dwelling, Barnold, is located at the south-west boundary at the roadside. Grassed agricultural fields divided by dry-stone walls rise up behind the site and to the south-west side, behind Barnold. To the opposite side of Bentham Road is a line of dwellings.
- 1.4 This is a Designated Rural Area, as identified by the Craven Local Plan.
- 1.5 The site is located in Flood Zones 2 and 3 as identified on Environment Agency mapping, and Flood Risk Zone 3a on the CDC Strategic Flood Risk Appraisal mapping. There is no identified risk from surface water and other sources of flooding to the main site area.
- 1.6 The site is within an SSSI Impact Risk Zone, but falls outside the application type for which consultation with Natural England is required. The area is identified as a development low risk area, and surface resource area by The Coal Authority.
- 1.7 The land is Agricultural Land Classification 4.

2. Proposal

- 2.1 Full planning permission is sought for the formation of a new vehicular access onto Bentham Road, and the construction of five market dwellinghouses, and associated off-road parking and landscaping works.
- 2.2 The proposed house types are as follows:
- Plot 1: 3-bedroom, 2-storey, detached dwelling
 - Plots 2 and 3: 3-bedroom, 2-storey semi-detached dwellings
 - Plot 4: 5-bedroom, 2-storey, detached dwelling
 - Plot 5: 4-bedroom, 2-storey, detached dwelling.
- 2.3 Each dwellinghouse will have a single integrated garage, plus 2 further off-road parking spaces.
- 2.4 The main dwelling elevations will be clad in stone; garage/utility elevations will be clad in render or timber. Roofs will be of slate. Timber doors and alu-clad window frames are proposed. Stone lintels and cills are proposed to the stone and rendered elevations, but not to timber elevations.
- 2.5 The low stone wall at the roadside will be moved back to allow footpath to be added at the front; all other boundary walls will be retained, supplemented by stone walls to the plot frontages. Boundaries between properties will be timber fenced.
- 2.6 Vehicle access and footpaths will be constructed of tarmac, with private driveways being of gravel.
- 2.7 A new footpath will be provided in the field to the rear of the site, to provide a connection from Bentham Road, through the site to the A65. The new footpath at the roadside to the front of the development will run from the new highway access to a new pedestrian access at the north corner of the site. A new hedgerow will be planted to the rear of the site, alongside the proposed footpath.

3. Planning History

3.1 45/2017/17839 - Application for change of use of land to form allotments, parking spaces and access track. Approved 06.06.2017

3.2 2018/18981/OUT - Outline application for development of ten dwellings with landscaping as a reserved matter. Approved 26.03.2019

Officer Note: The deadline for the submission of the Reserved Matters application was the 26th March 2022. No Reserved Matters was received by the LPA within the timescales and thus permission has lapsed. The outline application was determined under the Craven District (Outside the Yorkshire Dales National Park) Local Plan 1999 which has subsequently been superseded by the Craven Local Plan 2012 to 2032

3.3 2022/23749/FUL - Formation of new vehicular access onto Bentham Road. Erection of five new detached dwellings with integrated garages, associated car parking and landscaping works. Withdrawn 03.08.2022

4. Planning Policy Background

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

4.2 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).'

4.3 The relevant development plan documents for the determination of this application include the Local Plan and the Neighbourhood Plan.

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:

- SD1 The Presumption in Favour of Sustainable Development
- SD2 Meeting the Challenge of Climate Change
- SP3 Housing Mix and Density
- SP4 Spatial Strategy and Housing Growth
- SP9 Strategy for Ingleton – Tier 3
- ENV1 Countryside and Landscape
- ENV3 Good Design
- ENV4 Biodiversity
- ENV6 Flood Risk
- ENV8 Water Resources, Water Quality and Groundwater
- H2 Affordable Housing
- INF3 Sport, Open Space and Recreational Facilities
- INF4 Parking Provision
- INF7 Sustainable Transport and Highways

4.3 National Policy:

- National Planning Policy Framework (NPPF)

- Planning Practice Guidance (PPG)

4.4 Other documents of relevance:

- Good Design SPD

- Green Infrastructure and Biodiversity in Craven SPD

- Flood Risk and Water Management SPD

- NYCC Interim Guidance on Transport Issues including Parking Standards and Advice on Transport Assessments and Travel Plans (2015)

- Craven District Outside the Yorkshire Dales National Park and Forest of Bowland AONB Landscape Appraisal (2002)

- CDC Strategic Housing Market Assessment, (SHMA)

- CDC Authority Monitoring Report, December 2022 (AMR)

- CDC Settlement Growth Monitoring, October 2022

- CDC Five Year Housing Land Supply Methodology and Report 1 April 2022 to 31 March 2027, October 2022

- Technical Housing Standards - Nationally Described Space Standard, March 2015 (NDSS)

5. Parish/Town Council Comments

Ingleton Parish Council – 8.11.2022. *“Whilst the Council were supportive of the housing application there was disappointment that the access way that was included in the last application appeared to have been dropped.”*

Officer Note: The proposal includes a footpath connecting Bentham Road along the rear of the site to the A65. A path is also proposed immediately to the front of the development on Bentham Road, but not extending beyond the site boundaries to each side.

6. Consultations

6.1 NYCC Highways – 14.11.22. No objections.

“The design standard for the site is MFS and the required visibility splay is 2.4 metres by 45 metres. The as per transport statement visibility of 2.4 metres by 60 metres can be achieved. Turning and parking standards will be met with parking for 12 vehicles. Garages must be minimum internal dimensions of 3 metres by 6 metres single and 6 metres by 6 metres double to be classed as parking spaces. General layout is acceptable.”

Pre-commencement conditions were recommended in respect of the provision of engineering drawings and a construction management plan. Conditions were also recommended for the provision of detailed plans of road and footway layouts, visibility splays, pedestrian visibility splays, provision of parking and turning areas prior to occupation, retention of the garages for parking.

Officer Note: The garages meet the NYCC Highways specified measurement for single garages.

6.2 Environment Agency – 14.11.22. Confirmed that the site is in Flood Zones 2 and 3 with a medium / high probability of flooding from rivers, and that the sequential and exception tests apply. Based on the FRA, the EA is satisfied that the development will be safe without exacerbating flood risk elsewhere provided the proposed flood mitigation measures are implemented in strict accordance with the FRA.

Officer Note: The EA response advised that their role does not extend to the assessment of the sequential or assessment test, and that *“a failure to satisfy the sequential test can be grounds alone to refuse planning permission”*.

6.2 NYCC LLFA – 24.10.2022. *“In assessing the submitted proposals the Authority deems the application to be a minor development and therefore this sits outside of the Authorities remit.”*

6.3 United Utilities – response received 29.11.22. Requested additional information in relation to site levels and drainage, by pre-commencement condition if necessary.

Officer Note: A pre-commencement condition is recommended, should planning consent be granted.

6.4 CDC Trees Officer – 28.10.2022 and 02.11.2022. Objection, for reason of risk to three protected trees from the proximity of the dwellings. Concern raised regarding amenity to garden areas.

Officer Note: The Trees Officer’s response is reproduced in the report.

6.5 CDC Planning Gain: No response provided as the proposed development falls below the policy trigger.

6.6 **Officer Note:** The above is a summary of the consultee responses received on this application. The full written text is available for inspection on the Council’s website at: <https://publicaccess.cravencd.gov.uk/online-applications/>

7. Representations

7.1 Site notice expired 16.11.2022

7.2 Press notice not required

7.3 Fifteen letters of notification were sent.

7.4 At the time of writing this report thirteen letters of representation have been received. Eleven of these were in objection. The other two related to procedural issues.

7.5 The issues raised may be summarised as follows:

7.6 *Principle of development*

- there are other more suitable sites
- no critical shortage of housing or development sites to meet need
- this is agricultural land, and should therefore be withdrawn from any rolling 5-year development plan
- already enough residential development on Bentham Road (at Clarrick House Farm)

Officer Note: The LP identifies allocated sites for housing development elsewhere in Ingleton, however this does not prevent the development of windfall sites provided that the proposed development accords with the policies of the LP. The principle of development for residential use of the application site will be assessed in accordance with the LP.

7.7 *Housing type*

- luxury homes; plenty of houses in the village at this price point; houses too big, if anything we need bungalows not 5-bedroom houses; not what is required in the area
- not affordable housing, contrary to local and national objectives; need affordable housing for local people (not for Airbnb use)
- about time the Council stopped planning for 4 and 5 bedroom houses and build some for local people
- no critical shortage of housing or development sites

Officer Note: Housing type will be assessed in the report. The proposed development falls below the policy trigger for Affordable Housing. The LP does not include policy to restrict the use of dwellinghouses as holiday lets. There is no mechanism to control the occupancy of market dwellings in the Local Plan.

7.8 *Visual and landscape impact*

- loss of openness, of visibility of trees

- the field, and protected trees, is quite beautiful and an asset to the village. To build on it would destroy this asset for ever
- the development would not add character or enhance what exists for residents and visitors alike

7.9 *Residential amenity*

- Loss of privacy; taller, 2-storey buildings will look down into Riverdale and Healey Dene (bungalows)
- will obstruct natural light, space and open views; reduced natural light and sunshine to bungalows on Bentham Road
- more noise and traffic

7.10 *Flood risk and drainage*

- land is liable to flooding
- Local Plan aims to keep development out of Flood Risk Areas – this is Zone 3a; allocated site at Tatterhorn Road lies above application site
- risk of flooding to proposed dwellings; cost implication to future homeowners of maintenance of flood defences on site and cost of insurance
- increased risk of flooding to nearby properties; little or no attention to risk to other properties in Flood Risk Assessment
- investigation required to assess if soakaways will work
- Flood Risk Assessment says there are no other sites in the area, this is not true
- no information to demonstrate Urban Creep, which must be included as part of SUDS at pre-app stage.
- development of sites in Flood Risk Zones 2-3 must have no more than 30% market value housing, this application exceeds this

Officer Note: An assessment of flood risk and drainage is included within this report. There is nothing in the local plan that ties housing type to flood risk zones.

7.11 *Highways*

Access

- will increase traffic on Bentham Road close to the dangerous and very narrow junction with the A65; too close to New Road (A65); too much traffic for a small tight road (Bentham Road); Bentham Road extremely heavily used and by a variety of vehicles; impact on highway and pedestrian safety
- another access almost opposite Clarrick Place can only exacerbate the potentially dangerous condition for motorists and particularly pedestrians
- impact of reduction of width in highway on traffic flow; increased risk of traffic incidents
- (Bentham) road will not be able to accommodate 2 vehicles passing simultaneously
- emergency vehicles would struggle to get through
- visibility reduced by parked cars

Footpaths

- welcome proposed new footpath and access to A65 for pedestrians
- blind bend entering from A65 on to Bentham Road; to add a footpath would make it narrower putting pedestrians and vehicles at greater risk
- no crossing point at A65; many residents choose to drive to centre of Ingleton as safer

Parking

- will make it harder to access driveways at existing dwellings; resident dependent on car use
- loss of on-road parking for residents and visitors to existing properties

During construction

- road not sufficiently wide to cope with construction traffic
- additional street parking by construction traffic will increase hazards exiting Clarrick Place; will bring significant amount of increased noise pollution, heavy traffic, vehicles and building equipment to an already busy and hazardous road
- risk of damage to Clarrick Place (non-adopted highway) from construction traffic using it to turn
- what assurances can the Council provide

7.12

Ecology

- No biodiversity gain, only loss
- loss of flowers at verge
- this is a natural meadow, teeming with wildflowers, shaded by the trees with many insects and supports wild birds, bats and owls. A feeding station and haven for wildlife which will be lost.
- greater light pollution in a potentially dark skies area

Officer note: This site is not identified as a Dark Skies Area under the local plan, and is not within a Dark Sky Reserve

7.13

Trees

- the trees are protected because they are in a prominent position and add significantly to the setting
- TPO's make obstruction of a view a planning concern
- excavation, insertion of flood risk measures, sewage and drainage will impact roots and may kill them; trees will be destroyed
- any digging near trees should be hand digging

Officer Note: The trees are protected, and the CDC Trees Officer has been consulted. The impact will be assessed in the report.

7.14

Other issues

- assume that as approval ref. 2018/18981/OUT was not implemented, client was unable to meet the planning conditions. This is an attempt to obviate previous conditions.

Officer Note: There is no evidence to support this assertion. Outline consent was not taken to Reserved Matters stage within the required timeframe, and has expired. The current proposal will be assessed on its own merits.

- if approved, the conditions of pre-commencement conditions of 2018/18981/OUT should be applied again

Officer Note: If approved, recommended conditions will adhere to the requirements of NPPF Paragraph 56, including the requirement to be relevant to planning and to the development permitted.

- hope doctors' surgery will be able to cope with more people

Officer Note: There is no specific LP requirement for contributions to local health facilities.

- dry-stone wall to southern boundary has been removed

Officer Note: The wall has since been re-instated

- trees need urgent maintenance
- field has been used for leisure activities, with complaints to the police

Officer Note: These are not material planning considerations in the assessment of the proposed development.

- Site notice was not dated; response date was put back but this is poor form
- List of neighbours notified did not include opposite properties, or Clarrick Terrace.

Officer Note: The site notice was dated 25.10.22. On receipt of the representation, Holly Grange and Healey Dene opposite were notified. A letter was not sent to Riverdale, as a representation had already been received in response to the site notice. There was no requirement to notify occupants of Clarrick Terrace, other than by the site notice. The Council fulfilled its statutory duty regarding the advertisement and notification periods of this proposal to ensure that no interested third party were deprived of the opportunity to make representation regarding this proposal.

Officer Note: The above is a summary of the public representation received on this application. The full written text is available for inspection on the Council's website at: <https://publicaccess.cravencdc.gov.uk/online-applications/>

8. Summary of Principal Planning Issues

- 8.1 Principle of development
- 8.2 Housing mix and density
- 8.3 Affordable housing
- 8.4 Open space provision
- 8.5 Design and appearance, including the impact on the landscape setting
- 8.6 Amenity
- 8.7 Sustainable design and construction
- 8.8 Flood risk and drainage
- 8.9 Highways issues
- 8.10 Ecology

9. Analysis

- 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.
- 9.2 NPPF Paragraph 11 confirms the presumption in favour of sustainable development, and the requirement to approve development proposals in accordance with an up-to-date development plan.
- 9.3 NPPF Paragraph 12 confirms that where a planning application conflicts with an up-to date development plan, permission should not usually be granted. LPA's may take decisions that depart from an up-to-date development plan, but only if material considerations indicate that the plan should not be followed.
- 9.4 It is acknowledged that this site has previously been granted outline planning consent for 10 dwellings under the previous local plan (application ref 2018/18981/OUT). No reserved matters application was submitted within the timeframe allowed, and the outline consent has expired. This is a material consideration.
- 9.5 However, since the outline planning consent was granted there have been substantial local policy changes with the adoption of the new Craven Local Plan in November 2019, plus revisions to the

- NPPF and PPG. Under the new local plan, there is a 5-year housing supply which includes allocated housing sites within Ingleton. As such the context of the tilted balance no longer applies.
- 9.6 Furthermore, new policies have been introduced for housing growth, housing density, housing mix and net biodiversity gain.
- 9.7 It is also important to note that application reference 2018/18981/OUT differed significantly from the current proposal. In particular:
- the development was for 10 no. dwellings on a similar footprint to the 5 currently proposed
 - there was provision for 3 affordable houses
 - the dwellings were of modest scale, simple traditional form and sympathetic materials, in keeping with the design of more recent new dwellings to the opposite side of Bentham Road and opposite the junction on the A65
 - the dwellings comprised a mix of 1, 2 and 3-bedroom homes.
- 9.8 The site layout and highway access were similar to the current proposal.
- 9.9 Taking account of the new policy context and the significant differences between the previously approved scheme and the current proposal, the expired outline consent may be accorded only very limited weight in the determination of this application.
- 9.10 **Principle of development**
- 9.11 LP Policy SD1 confirms a positive and proactive approach to the consideration of development proposals reflective of the presumption in favour of sustainable development contained within the NPPF and sets out how this will be achieved.
- 9.12 LP Policy SP1 sets out how the housing needs of the district will be achieved (as a minimum). Development in accordance with LP Policy SP4 forms part of the housing supply.
- 9.13 LP Policy SP4 sets out the settlement hierarchy for the District. Ingleton is identified as a Tier 3 settlement where a proportionate level of growth is directed to underpin its role as a Local Service Centre. The site is not allocated for housing under the local plan.
- 9.14 LP Policy SP4(H) supports proposals for additional housing growth on non-allocated land for housing within the main built-up area of Tier 3 settlements.
- 9.15 LP Policy SP4(I) supports proposals for additional housing growth on non-allocated land for housing that adjoins the main built-up area of Tier 3 settlements where one of three criteria (a) to (c) can be met. Proposals that meet one of the three criteria will be supported provided that the proposal accords with additional criteria (i) to (v) of the policy.
- 9.16 NPPF Paragraph 60 confirms that the Government's objective is of significantly boosting the supply of new homes.
- 9.17 NPPF Paragraph 69 acknowledges that small and medium sized sites can make an important contribution to meeting the housing requirements of an area, and are often built-out relatively quickly. It states that LPA's should support the development of windfall sites through policies and decisions, giving great weight to the benefit of using suitable sites within existing settlements for homes.
- 9.18 NPPF Paragraphs 78 to 80 relate to rural housing. Paragraph 79 states that housing should be located where it will enhance or maintain the viability of rural communities. Paragraph 80 states that the development of isolated homes in the countryside should be avoided, unless one of a number of special circumstances apply
- 9.19 Main built-up areas are not drawn on a plan. For the purposes of the LP, the main built-up area is defined as:
- “the settlement's closely grouped and visually well related buildings and any associated spaces between these buildings, and excludes:*

1. Individual buildings or groups of dispersed buildings or ribbon developments which are clearly detached from the main built up area of the settlement, and ribbon developments attached to the main built up area but where the housing relates more to the surrounding countryside than to the main built up area of the settlement, and
2. Gardens, paddocks and other undeveloped land within the curtilage of buildings on the edge of the settlement where land relates more to surrounding countryside than to the main built up area of the settlement, and
3. Agricultural buildings and associated land on the edge of the settlement, and
4. Outdoor sports and recreational facilities and other formal open spaces on the edge of the settlement.”

- 9.20 Ingleton has a scattered form of development which, over time, has seen the built form extend southwards from the settlement’s historic heart towards the A65. There are limited areas of built development that extend south of the A65, at the roadside at Bentham Road, at the industrial estate approximately 150m to the south-east of the application site, and at pockets of residential development beyond the industrial estate to the south side of the A65 as it heads out of Ingleton. The industrial estate is identified as an Existing Employment Area within the local plan. Fields immediately to the rear (south-west) of the industrial estate are allocated for employment use under the local plan (LP site allocation ref.s IN035 and IN022).
- 9.21 The application site is a grassed meadow which extends back over 60m from the roadside, and which adjoins agricultural fields at its boundaries to the south-east and south-west side. Together these fields form part of a swathe of agricultural land that extends largely uninterrupted from the A65 to merge with the wider agricultural landscape.
- 9.22 The characteristics of the site – a grassed meadow, dry stone walls, majestic boundary trees – are clearly rural in appearance. The immediate context of the site as part of a swathe of agricultural land of similar small to medium-sized meadows bounded by dry stone walls, and which is directly connected to the wider agricultural landscape, confirms the rural nature of this land. On this basis, the site is not considered to be part of the main-built up area of the settlement, but lies adjacent to it.
- 9.23 It is acknowledged that the site is located between an existing dwelling to each side at the roadside, and that it faces a line of dwellings to the opposite side of the highway. However, as the site is adjacent, and not within the main built-up area, the proposed development cannot be considered as infill development.
- 9.24 In order that the principle of development may be supported adjacent to the main-built up area in accordance with the local plan, compliance with one of the three criteria of LP Policy SP4(I)(a) to (c) is required.
- 9.25 *(a) “it can be demonstrated that the planned growth in the spatial strategy for the settlement will not be delivered during the plan period”*
- 9.26 The submitted Planning Statement suggests that the housing provision is not on course to be met. The argument rests on the lack of planning permission on allocated housing sites. An email from the agent (dated 25.11.2022) suggests that some of the sites have access issues or are financially unviable. No evidence has been provided to support this claim.
- 9.27 LP Policy SP1 sets out Craven District’s net additional housing provision for the period 01.04.2012 to 31.03.2032. Ingleton has an approximate net housing provision of 160 net dwellings, as set out in LP Policy SP4.
- 9.28 The latest CDC Settlement Growth Monitoring Report, dated 01.10.2022, shows that the planned growth is being delivered. While none of the allocated sites have planning consent at the time of writing this report, there is no evidence to support the case that the approximate yield of 105 dwellings on the allocated sites cannot be delivered by the end of the plan period in 2032. Indeed two of the sites, which together account for 56 homes, are included within the current 5-year

supply, as demonstrated in the CDC Five Year Housing Land Supply Methodology and Report (published October 2022). Both documents are based on robust evidence, and both demonstrate that the planned housing growth for Ingleton is on course to be delivered. Therefore, based on the above evidenced reports, Criterion (a) is not met.

9.29 b) *“it is a rural exception site in accordance with LP Policy H2”*

9.30 The proposal is for 5 no. market dwellings. Therefore, this is not a rural exception site, as defined by LP Policy H2 and the NPPF. Criterion (b) is not met.

9.31 c) *“development is justified by special economic, environmental and/or social circumstances”*

9.32 No evidence has been submitted to support the case that the development is justified by special economic, environmental and/or social circumstances. Criterion (c) is not met.

9.33 In conclusion, this is an unallocated site which is located adjacent to, but outside, the main built-up area of the Tier 3 settlement. The proposed development of 5 no. market dwellings does not satisfy any one of the three criteria (a) to (c) of LP Policy SP4(l) which is required in order for residential development to be supported at this location. The proposed development is therefore contrary to LP Policies SP1 and SP4, and the principle of residential development is not supported.

9.34 *Fallback position*

9.35 The status of a fallback development is a material consideration in a planning decision. The relevant law as to a “real prospect” of a fallback development being implemented was applied by this court in Samuel Smith Old Brewery (see, in particular, paragraphs 17 to 30 of Sullivan L.J.’s judgment, with which the Master of the Rolls and Toulson L.J. agreed; and the judgment of Supperstone J. in R. (on the application of Kverndal) v London Borough of Hounslow Council [2015] EWHC 3084 (Admin), at paragraphs 17 and 42 to 53).

9.36 As Sullivan L.J. said in his judgment in Samuel Smith Old Brewery, in this context a “real” prospect is the antithesis of one that is “merely theoretical” (paragraph 20). The basic principle is that “... for a prospect to be a real prospect, it does not have to be probable or likely: a possibility will suffice” (paragraph 21). Previous decisions at first instance, including Ahern and Brentwood Borough Council v Secretary of State for the Environment [1996] 72 P. & C.R. 61 must be read with care in the light of that statement of the law, and bearing in mind, as Sullivan L.J. emphasized, “... “fall back” cases tend to be very fact specific” (ibid.). The role of planning judgment is vital. And “[it] is important ... not to constrain what is, or should be, in each case the exercise of a broad planning discretion, based on the individual circumstances of that case, by seeking to constrain appeal decisions within judicial formulations that are not enactments of general application but are themselves simply the judge’s response to the facts of the case before the court” (paragraph 22).

9.37 In this instance, whilst outline consent was granted this is not a full planning permission as it required the approval of Reserved Matters via a Reserved Matters Consent and thus together makes a full planning permission. However, no Reserved Matters application was submitted for consideration prior to the expiry date of condition 1 imposed on the outline planning permission for the submission of the Reserved Matters application. Therefore, the outline planning permission has lapsed and as such there is no fallback position in this case.

9.38 **Housing mix and density**

9.39 LP Policy SP3 seeks to ensure that the mix and density of new housing development will ensure that land is used in an effective and efficient manner to address local housing needs.

9.40 LP Policy SP3(a) requires new housing to provide an appropriate mix of housing in accordance with the most up to date evidence.

9.41 LP Policy SP3(b) requires housing to be provided at an appropriate density that makes effective and efficient use of land in regard to a site’s circumstances.

- 9.42 LP Policy SP3(c) allows a flexible approach to mix and density where it is necessary in respect of: viability; local variations in housing need; promotion of mixed communities, or; to achieve wider local plan objectives.
- 9.43 NPPF Paragraph 119 requires that decisions promote an effective use of land. NPPF Paragraph 124 supports development that makes efficient use of land through consideration of: the identified need for different types of housing; viability; infrastructure capacity; maintaining an area's character, and; securing well-designed places.
- 9.44 NPPF Paragraph 125(c) confirms that LPA's should refuse applications which they consider fail to make efficient use of land.
- 9.45 *Housing mix*
- 9.46 The most up-to-date evidence for housing need is contained within the 2017 Update Strategic Housing Market Assessment ('SHMA'). With respect to market dwellings, the SHMA recommends a mix of 18.9% 1 and 2-bedroom, 57.3% 3-bedroom and 23.8% 4 or more bedroom houses (Table 7.3, p.89).
- 9.47 The Local Planning Authority monitors housing delivery, and this is contained within the latest Annual Monitoring Report ('AMR'), published December 2022. The AMR shows that:
- the provision of 3-bedroom market dwellings is below the SHMA target of 57.3%, accounting for 34.7% of market dwellings granted consent since the adoption of the current local plan to 31.03.2022 (Table 24, AMR).
 - the provision of 4+ bedroom market dwelling is in excess of the SHMA target of 23.8%, accounting for 40.5% of market dwellings granted consent since the adoption of the current local plan to 31.03.2022 (Table 24, AMR).
- 9.48 The proposed 3 no. 3-bedroom dwellings will fall within the most popular house type as defined by the SHMA, and will assist in addressing the current under provision of approved market housing of this type, as identified by the AMR.
- 9.49 However, the proposed 1 no. 4-bedroom dwelling and 1 no. 5-bedroom dwelling will exacerbate the existing over provision of 4+ bedroom dwellings as identified by the AMR, which according to the latest available figures is almost double the required proportion of the housing mix established by the SHMA.
- 9.50 It is acknowledged that SP3(c) allows some flexibility in assessing housing mix, and that on a small site such as this a true housing 'mix' is not always achievable. However, in this case, 40% of the provision will be for 4+ bedroom dwellings. This is clearly in excess of the recommended 23.8% as set out in the SHMA, and will contribute to the existing over provision of 4+ bedroom dwellings within the plan area as identified in the AMR.
- 9.51 The supporting text to the policy states that where applicants propose a mix that does not appear to take account of identified needs, they will be expected to provide credible reasons and robust evidence to support their proposals (para. 4.34). In this case, the submitted Planning Statement simply states:
- "the application proposal is for three 3-bed houses, one 4-bed house and one 5-bed house, which is appropriate for this site and accords with Policy SP3".*
- No evidence has been submitted to support this statement, nor to justify any departure from the recommended mix.
- 9.52 Furthermore, the previous application at this site was for 5 no. 4+ bedroom dwellings (ref. 2022/23749/FUL, withdrawn). In the current application, Plots 1, 2 and 3 have been revised to 3-bedroom dwellings, in an attempt to overcome the policy objection. This has been achieved through removing the 4th bedroom over the garage/utility, to be replaced with a 'void'. However, the plans indicate that these 'voids' will be of a similar scale to the previous bedrooms, will be floored, accessed directly from the landing at each dwellinghouse, and will be served by 2 no. rooflights. A

similar revision at Plot 4 has reduced the number of bedrooms proposed from 5 to 4. Essentially, these 'voids' are 4/5thth bedrooms in all but labelling.

- 9.53 In summary, through the over provision of 4+ bedroom dwellings, the proposed development will not provide an appropriate housing mix to address identified housing need. No credible evidence has been submitted to justify a departure from the target housing mix. The proposed development is therefore contrary to LP Policy SP3(a).
- 9.54 *Housing density*
- 9.55 LP Policy SP3(c) provides a target housing density of approximately 32 dwellings per hectare for sites with no significant element of conversion.
- 9.56 The total site area measures approximately 3800 square metres. Taking account of the flexibility that the policy allows, deductions are made for the provision of pedestrian accesses at the rear to the A65, at the north of the site, and the pavement. A further deduction is made to allow for the canopies of the 3 protected trees, as plotted on the proposed site plan (drawing no. PL 03).
- Officer Note:** For the purposes of this calculation, the tree canopies are taken at face value as denoted on the proposed site plan (drawing no. PL 03 Ref F). A full assessment of tree matters is included later in this report.
- 9.57 The Planning Statement (p.12) submits that a new access road is required to maintain access to the field to the east of the site, and that this contributes to a reduction in the built area for the purposes of calculating density. Currently, there is no vehicle access from Bentham Road to the application field, nor from the application field to the agricultural field behind. The agricultural field is served by an existing agricultural highway access from Tatterthorn Lane.
- 9.58 No evidence has been provided as to why a highway access to the agricultural field is required - and to be routed through a residential development - in addition to the existing direct field on Tatterthorn Lane. It is understood this arrangement has been agreed with the landowner of the field to the rear, in negotiation for the land to be used as a footpath at the field edge. Furthermore, on the proposed site plan the new road access is blocked at the point of entry to the field by a stone wall, save for a pedestrian gate to the new path. Therefore, in calculating the available site area, no deduction is made for the extension of this access road to the agricultural field boundary.
- 9.59 On the resulting site area of approximately 2500 square metres, at a density of 32 dwellings per hectare, the site should deliver 8 no. dwellings. Instead, a density of approximately 20 dwellings per hectare is proposed. Therefore, even after taking account of the flexibility allowed under LP Policy SP3(c), the proposed density is contrary to LP Policy SP3(b).
- 9.60 In conclusion, the proposed development fails to ensure that land is used in an effective manner to address local housing needs. Furthermore, the proposed density does not represent an efficient use of land. The proposal therefore fails to meet the requirements of LP Policy SP3(a) and (b), and NPPF Paragraphs 119 and 124 and, in accordance with NPPF Paragraph 125(c), the proposed development should be refused.
- 9.61 **Affordable housing**
- 9.62 LP Policy H2 requires that affordable housing will be provided as part of general market housing on greenfield sites, as follows:
- developments of 11 dwellings or more, and developments with a combined floor area of more than 1000 square metres will provide no less than 30% of new dwellings as affordable dwellings.
 - in designated rural areas, developments sites of 6 to 10 dwellings, will be required to make an equivalent financial contribution for affordable housing.
- 9.63 NPPF Paragraph 63 states that where a need for affordable housing is identified, planning policies should specify the type of affordable housing required. NPPF Paragraph 64 confirms that affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas where policies may set out a lower threshold.

- 9.64 The Council's 2017 Strategic Housing Market Assessment (SHMA) identifies a need for 126 affordable homes to be provided within the District each year. This provides a strong indication of the ongoing need for affordable housing in the district.
- 9.65 In this case:
- the total combined floor space of the 5 dwelling proposed is approximately 960 square metres, as calculated from the submitted proposed floor plans.
 - while the site is located in a designated rural area as defined by the local plan, the development site will deliver fewer than 6 dwellings.
- 9.66 In the absence of sufficient evidence to support the below target site density, the proposal for 5 dwellings avoids the requirement for affordable housing contributions.
- 9.67 In conclusion, the triggers for affordable housing provision have not been reached. The proposed development is therefore compliant with LP Policy H2 and NPPF Paragraphs 63 and 64.
- 9.68 **Open space provision**
- 9.69 LP Policy INF3 states that Craven's growth will promote health, wellbeing and equality by safeguarding and improving sport, open space and built sports facilities. The provision of, or contribution towards, new or improved sport, open space and built sports facilities will be triggered by the number of dwellings and the measurement of combined floorspace. However, the policy states that in designated rural areas, contributions will not be sought from developments of 5 units or less.
- 9.70 NPPF Paragraph 98 confirms the importance of access to high quality open spaces and opportunities for sport and physical activity.
- 9.71 The proposed development is for 5 units, and the total combined floor space is less than 1000 square metres. In the absence of sufficient evidence to support the below target site density, the proposal for 5 dwellings avoids the requirement for open space provision.
- 9.72 In conclusion, the development falls below the threshold for which a contribution would be required under LP Policy INF3.
- 9.73 **Design and appearance, including the impact on the landscape setting**
- 9.74 LP Policy ENV1 requires that the quality of Craven's countryside and landscape is conserved for future generations to enjoy, and that opportunities to restore and enhance the landscape are taken wherever possible.
- 9.75 LP ENV1(a) requires that in areas not subject to national designation, new proposals should respect, safeguard and wherever possible restore or enhance the landscape character of the area, having regard to the relevant Landscape Character Assessment Appraisal.
- 9.76 LP Policy ENV1(g) relates to settlement form. It states that the LPA will "*enable settlements to grow in ways that respect their form, distribution and landscape setting*". Important considerations will include:
- allowing the countryside to permeate built-up areas
 - maintaining gaps between settlements
 - preserving and creating connections between built-up area and the countryside.
- 9.77 LP Policy ENV3 sets out the general design principles that contribute to achieving good design, including (but not limited to): a) a response to the context of the site; b) a respect of surrounding built form; c) legibility and place making, and; d) enhancing local distinctiveness through maintaining positives of local environment whilst minimising negatives.
- 9.78 The CDC Good Design SPD provides further guidance in relation to the general design principles set out above.

- 9.79 NPPF Paragraph 174 confirms that decisions contribute to and enhance the natural and local environment, including by recognising the intrinsic character and beauty of the countryside.
- 9.80 NPPF Paragraph 126 emphasises the creation of high quality, beautiful and sustainable buildings and places as fundamental to the planning process. Good design is a key aspect of sustainable development. NPPF Paragraph 130 confirms that development should function well and add to the quality of the area, be visually attractive, sympathetic to local character and history, including the surrounding built environment and landscape setting (while not preventing or discouraging appropriate innovation or change), and maintain a strong sense of place.
- 9.81 NPPF Paragraph 134 states that development that is not well designed should be refused. Conversely, significant weight should be given to development which:
- reflects local design policies and government guidance, including SPD; and/or
 - outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.
- 9.82 The application site is situated within Landscape Type 8 'Rolling Drumlin Field Pasture' as identified within the Landscape Appraisal. The site corresponds to the identified characteristics of this landscape type which include small to medium-scale irregular fields, enclosed by dry-stone walls or hedgerows, boundary and hedgerow trees, within a wider setting of undulating drumlin topography.
- 9.83 The proposed development will result in the loss of the meadow, reducing the extent of the swathe of agricultural land which creates a strong link between the settlement and the surrounding countryside. The development of the meadow would therefore serve to reduce the connection between the settlement and the countryside.
- 9.84 The proposal is for 3 detached and 2 semi-detached dwellings, each with an integral garage and off-road parking. A row of three dwellings will be set behind small gardens at the roadside. Plot 4 will be set back approximately 12m from, and situated side-on to Bentham Road, set behind a large timber garage with a bedroom above. Plot 5 will be located behind the row of three, with a similar orientation, at the corner of the new access road.
- 9.85 Travelling along Bentham Road, there is a varied mix of styles, ranging from traditional agricultural-style buildings and a traditional terrace to more modern dwellings of varying scale and design opposite the site across Bentham Road, and at the western boundary. Immediately to the east there is a traditional dwellinghouse. A traditional terrace is situated to the north-east, at the junction with the A65. The majority of dwellings are 2-storey dwellings, with exceptions in the form of two bungalows to the opposite side of Bentham Road. While there is some variation of roof form, the front elevations to the surrounding dwellings are generally simple single planes. Typically, the dwellings on Bentham Road are set behind small front gardens, off-road parking spaces or walled frontages, close to the highway edge.
- 9.86 On the A65, on the opposite side of the road, modern terraced dwellings compliment the form of the traditional stone buildings and terraces that extend eastwards along the highway.
- 9.87 Traditional materials are predominant, although there is some use of render.
- 9.88 The row of 3-bedroom dwellings will replicate the linear form of development on Bentham Road, with each dwelling served by a pedestrian access to the highway, and set back behind a small, walled garden frontage. However, the 2 larger dwellings will be set back much further back, disrupting the linear pattern of development. This impact will be particularly marked when viewed from the A65 and from Tatterthorn Lane, where the new dwellings will encroach into, and be at odds with, the landscape setting.
- 9.89 The orientation of Plot 4, which will be highly visible from Bentham Road, is also contrary to the surrounding pattern, and will present a completely blank elevation to Bentham Road. This blank elevation will be dominated by a timber-clad side elevation to a 1.5 storey garage with a bedroom above. The street-facing presentation of the dwelling is therefore considered to jar visually with the

existing pattern, conventional form and largely traditional materials of surrounding dwellings, to the detriment of the street scene.

9.90 The CDC Design SPD advises that:

“Craven has an established and distinct character when it comes to building heights. Therefore, developments in Craven are encouraged to take into consideration the scale and massing of their immediate surroundings” (para 2.1.11).

9.91 The row of three dwelling at the highway will present very tall gable-style frontages to Bentham Road. The main ridge height will be in excess of 8m above ground level. To the side of each dwelling, there will be an attached garage/utility room with a room above. These will be stepped back from the principle elevation, and will feature a deep roof that descends from just below the main ridge to the ground floor. This frontage and roof form will contrast sharply with the simplicity of the surrounding built form. In the case of the semi-detached dwellings, where the garage/utilities adjoin, the effect will be to accentuate the deep, elongated, alien roof frontage.

9.92 The use of natural stone, natural slate and traditionally-styled window openings to the principle elevations as a minimum acknowledges the characteristic local style. However, the introduction of timber panelling, particularly on street facing elevations, will appear incongruous.

9.93 The overall effect will be a very urban design of dominant scale, which will present a stark contrast with the traditional design values which have informed the sympathetic, more recent development in proximity to the site on both Bentham Road and the A65.

9.94 It is acknowledged that a number of individual dwellings already dilute the dominant traditional design of dwellings on Bentham Road. However, this proposal is for a group of 5 large dwellings. Collectively they will represent a dominant, and visually incongruous interruption to the existing street scene.

9.95 Moreover, in this sensitive semi-rural setting, the suburban layout and design is considered to contrast unfavourably with the wider landscape setting.

9.96 It is noted that the design will provide a high level of sustainable design, and that this is a material consideration under NPPF Paragraph 134. However, this does not overcome the requirement for sympathetic design that is appropriate to the surroundings context.

9.97 In this instance, for the reasons set out above, the proposed development is considered to be an overly dominant development of inappropriate scale and design that will contrast unfavourably with the surrounding modest built form. It will therefore fail to enhance local distinctiveness. Furthermore, it will represent an overtly suburban development which will fail to respect and safeguard the local landscape setting. The proposal is therefore contrary to LP Policies ENV1 and ENV3 guidance contained within the Good Design SPD, and NPPF Paragraphs 126, 130, 134 and 174.

9.98 **Amenity**

9.99 LP Policy ENV3(e) requires that development protects the amenity of existing residents as well as create acceptable amenity conditions for future occupiers.

9.100 LP Policy ENV3(f) requires that proposals demonstrate that they will secure a good standard of amenity for all existing and future occupants of land and buildings.

9.101 NPPF Paragraph 130(f) confirms the requirement for a high standard of amenity for existing and future occupiers.

9.102 Public comments have raised concern at the amenity impact, in particular to the bungalows to the opposite side of Bentham Road.

9.103 *Existing occupiers*

9.104 A bedroom and kitchen window to the north-east elevation of Plot 4 will overlook the garden to the adjacent dwellinghouse, Highwood Cottage. However, the garden is already open to public views

from the highway. The proposed windows will be offset and separated from the nearest windows at Highwood Cottage by approximately 20m, and as such there is not considered to be a significant loss of privacy to the occupiers.

- 9.105 The proposed footpath will pass in proximity to a habitable room window to the rear of Highwood Cottage. However, any views will be transient and will be similar to views that are available from the pavement to the A65. Therefore, no significant deterioration in privacy is considered to result.
- 9.106 There will be no direct overlooking from habitable room windows to Barnold at the south-west boundary.
- 9.107 For reason of the separation distances, there is not considered to be any adverse amenity impact on dwellings to the opposite side of Bentham Road.
- 9.108 *Future occupiers*
- 9.109 LP Policy seeks to secure a good standard of amenity for future occupiers, but is silent as to specific requirements.
- 9.110 The NPPF advises that the Nationally Described Space Standard may be used in local plan policies, where this can be justified (footnote 49). It is referenced with the CDC Design SPD, but has not been adopted within the LP. As such, while it is of limited weight, it provides a useful indication of an acceptable standard of amenity. All 5 dwellings will comply with the NDSS.
- 9.111 There will be windows to all habitable rooms. At Plot 5, the protected Sycamore will reduce the natural daylight to the dining room window. However, this is full length window greater than 3m wide. As such, it is considered that sufficient daylight will penetrate.
- 9.112 The layout and spacing will ensure that internal privacy between the dwellings will be satisfactory.
- 9.113 All properties will have outdoor amenity space. The amenity space to Plots 4 and 5 will be subject to a large degree of shading, and this has been raised as a concern by the CDC Trees Officer. However, the shading will not extend to the full garden in each case, and as such is not considered to reduce garden amenity to a significant degree.
- 9.114 In conclusion, for the above reasons, it is considered that there will be no significant loss of amenity for existing occupiers. Acceptable living standards will be achieved for future occupiers. The proposal therefore accords with LP Policy ENV3 and the NPPF Paragraph 130.
- 9.115 **Sustainable design and construction**
- 9.116 LP Policy ENV3(t) requires that sustainability should be 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.
- 9.117 LP Policy ENV8(b) seeks to maximise water conservation.
- 9.118 NPPF Paragraph 152 supports the transition to a low carbon future.
- 9.119 The submitted Sustainable Design and Construction Statement commits to building to PHI Low Energy Building Standard, which seek to minimise energy use. A condition is recommended to ensure PHI Low Energy Building Standard specifications are implemented, if planning permission is granted.
- 9.120 Each dwelling will have a mechanical heat recovery system, an air source heat pump and solar panels. Projecting canopies and deep window reveals will shade windows in summer. Each property will have a water butt.
- 9.121 The proposed dwellings will achieve a high level of sustainable design. The proposed development is therefore in accordance with LP Policies ENV3(t), ENV8(b) and NPPF Paragraph 152.
- 9.122 **Flood risk and drainage**

- 9.123 LP Policy ENV6 requires that growth will help alleviate and avoid flood risk. This will be achieved by: locating development in low flood risk areas where possible; incorporating sustainable drainage systems; maintaining access to watercourses; avoiding areas which with the potential to increase flood resilience, and enhancing natural flood resilience as far as possible. The risk of surface water flooding will be minimised by adequate provision for foul and surface water disposal. Surface water should be managed at source. Adequate provision for sufficient attenuation is required.
- 9.124 NPPF Paragraph 159 confirms that inappropriate development in areas at risk of flooding should be avoided. In determining applications. Paragraph 167 requires LPA's to ensure that flood risk is not increased elsewhere.
- 9.125 *Flood risk*
- 9.126 The site is located in Flood Zones 2 and 3 as identified on Environment Agency mapping, and Flood Risk Zone 3a on the CDC Strategic Flood Risk Appraisal mapping, and therefore has a high to medium probability of flooding from rivers. The proposal is for a 'more vulnerable' form of development. In accordance with LP Policy ENV6 and NPPF Paragraph 162, the Sequential Test applies.
- 9.127 Paragraph 162 of the NPPF confirms that:
"The aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding."
- 9.128 PPG (para. 028) defines 'reasonably available sites' as:
*"those in a suitable location for the development with a reasonable prospect that the site is available to be developed at the point in time envisaged for the development.
 These could include a series of smaller sites and/or part of a larger site if these would be capable of accommodating the proposed development. Such lower-risk sites do not need to be owned by the applicant to be considered 'reasonable available'".*
- 9.129 National guidance does not define the search area that should be considered in the application of the Sequential Test. Instead, it suggests that the area will be defined by local circumstances and the type of development proposed (PPG, para. 027). In this case, the search area is defined by housing need, which is District wide.
Officer Note: The Flood Risk and Water Management SPD confirms that a reduced area should only be considered where a settlement is unlikely to deliver its planned housing provision within the plan period. This is not the case for Ingleton, where the LPA's latest quarterly Settlement Growth Monitoring Report indicates that the planned provision for Ingleton is on course to be exceeded.
- 9.130 The analysis in the submitted FRA is restricted to the Ingleton area only.
- 9.131 The FRA has dismissed sites in Ingleton which were reviewed in the SCHLAA but not taken forward for allocation in the local plan. It is acknowledged that, as detailed in the Schedule of Discounted Sites (October 2022), none of these local sites appear to be both suitable and available.
Officer Note: The application site is included within this list, but is also identified as unsuitable on policy grounds.
- 9.132 The FRA provides an analysis of Ingleton sites allocated under the local plan. It sets out reasons for dismissing each of the allocated sites. Of the sites assessed in the FRA, the LPA acknowledges that allocated site ref. IN010 is not immediately available as it is currently in use as a caravan site. The LPA also confirms that as site ref. IN035 is allocated for employment use it cannot be considered to be reasonably available for housing.
- 9.133 However, allocated housing sites refs. IN006, IN028, IN029 and IN049 which form part of the housing supply are considered to be available for the purposes of the sequential test.

- 9.134 In terms of scale, site ref. IN006 is comparable in scale to the application site, having been identified in LP Policy SP9 as having an approximate yield of 6 units. In accordance with PPG, the larger scale of some of the sites is not sufficient reason for their dismissal, without robust evidence to support this assertion.
- 9.135 With regard to flood risk, the available sites refs. IN006, IN028, IN029 and IN049 are all within Flood Zone 1. It is acknowledged that there is some risk of surface water flooding to site refs. IN029 and IN049, however, this is limited to part of the site only. There is no risk of surface water flooding to site refs. IN006 and IN028. The allocation sites are therefore at a lower risk of flooding than the application site.
- 9.136 The FRA submits that:
“It is impractical to suggest that there are more suitable locations for this development elsewhere. This is the only site in the ownership of the client and therefore the only site available to them to develop. The cost of buying a similar site and the cost to construct a similar development would make it uneconomical. The site proposals cannot be located in another site elsewhere” (para. 9.6).
- 9.137 Site ownership alone is not sufficient justification to pass the Sequential Test.
- 9.138 In conclusion, the site has a high to medium probability of flooding from rivers. Based on the information contained within the submitted FRA, there is not sufficient evidence to demonstrate that there are no other reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding within Ingleton or the District plan area. The proposed residential development of the application site therefore fails the Sequential Test, and is therefore contrary to LP Policy ENV6 and NPPF Paragraph 159.
- 9.139 *Drainage*
- 9.140 Foul drainage will connect to the public sewer.
- 9.141 In the first instance, an infiltration system/soakaway is proposed for the disposal of surface water from the roofs. Water butts and permeable paving to the parking areas are also specified.
- 9.142 The use of soakaways is dependent upon appropriate ground conditions at the site which have not yet been tested. In the event that ground conditions are incompatible, it would be necessary to explore alternatives in accordance with LP Policy ENV6 Appendix C, before attenuated discharge to the public surface water sewer at the A65 could be considered as a last resort. A condition is therefore recommended for a full drainage plan, to include the results of ground testing, for approval by the LPA prior to commencement.
- 9.143 **Highways issues**
- 9.144 LP Policy INF4 states that new development will minimise congestion, encourage sustainable transport modes and reduce conflict between road users by ensuring proper provision of parking for cars and other vehicles. This will be achieved through the provision of appropriate off-road parking provision. In areas where anti-social parking is a problem, or potential exists for a problem to arise, the LPA will seek to ensure that existing problems are not made worse or new problems created.
- 9.145 LP Policy INF7 supports the minimisation of greenhouse gases and congestion, and the provision of safe and accessible travel facilities by maximising opportunities for sustainable transport modes, avoiding severe residual cumulative impact of development relating to transport, and the design of safe and convenient access to transport facilities. This will be achieved by, amongst other things, maintaining a pattern of growth which reflects the spatial strategy set out in LP Policy SP4.
- 9.146 LP Policy ENV12 requires proposals preserve, and where possible, enhance public rights of way.
- 9.147 NPPF Paragraph 111 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 9.148 Public comments have raised concern over the intensification of traffic on a busy road, the hazard of introducing a new access near the junction, that the highway will be narrowed, on-road parking

will be lost, and it will be difficult to access existing driveways. There were mixed comments regarding the provision of the pavement.

- 9.149 An independent Transport Statement has been submitted by CoralHT. The Transport Statement argues that the proposed development of 5 dwellings would reduce the number of trips generated as compared with the 10 dwellings approved under outline planning consent reference 2018/18981/OUT. However, no Reserved Matters application was submitted within the permitted timeframe, and deadline has now passed. Furthermore, the outline application was determined under the previous local plan. As such, the comparison is dismissed, and the proposed application will be assessed on its own merits.
- 9.150 *Highway access*
- 9.151 The proposed development is for 5 dwellings. This scale of development in this location is not considered to result in a significant intensification of use of the highway network.
- 9.152 A new vehicle access off Bentham Road is proposed that will lead into the site, with a turning head. To achieve visibility splays, the existing stone wall that fronts on to Bentham Road will be re-positioned.
- 9.153 NYCC Highways have assessed the proposal and have not raised any objection on highway safety grounds. They have confirmed that the general layout is acceptable, and that visibility at the junction with Bentham Road is in excess of the required standard.
- 9.154 *Footpaths*
- 9.155 To the front of the re-positioned wall, a pavement will be added alongside Bentham Road, terminating at a pedestrian access to the site at the north-west corner. The pavement will be within the site boundary, where the boundary wall and grass verge is currently located. The width of the metalled road will not be reduced, and as such there will be no reduction in accessibility of existing driveways to the opposite side of the highway.
- 9.156 NYCC Highways have not raised any objection regarding this aspect of the development, nor highlighted any concern with regard to any potential loss of on-road parking. Furthermore, it is noted that the majority of dwellings in proximity have private off-road parking, and that the proposed development is not considered to reduce the accessibility of existing off-road parking. As such, any loss of on-road parking as a result of the loss of the verge is not considered to have a significant adverse impact on resident parking conditions.
- 9.157 A pathway will be created in the field to the rear, providing a link from Bentham Road, through the development to the A65. Currently, there is no pavement to either side of Bentham Road to the front of the site, nor to the front of the existing dwellings. The new paths will therefore improve pedestrian safety, particularly in accessing the A65 through the new development.
- 9.158 *Parking*
- 9.159 Each property will have a minimum of 3 no. off-road parking spaces (including an integrated garage to each property) accessed off the central road.
- 9.160 NYCC Highways have confirmed that parking and turning provision is in accordance with NYCC requirements. Parking areas will have permeable paving.
- 9.161 On this basis, parking provision is acceptable and in keeping with the requirements of LP Policy INF4.
- 9.162 *Construction phase*
- 9.163 To maintain highway safety during construction, a condition is recommended for the provision of a Construction Management Plan for the approval of the LPA, prior to commencement.
- 9.164 In conclusion, the development is not considered to have an unacceptable impact on highway safety, and will improve pedestrian safety in accessing the A65 from Bentham Road. Parking

provision is in accordance with local policy requirements. The proposed development is therefore acceptable, with no requirement for refusal in accordance with NPPF Paragraph 111.

9.165 **Ecology**

9.166 LP Policy ENV4(a) requires that, wherever possible, development will make a positive contribution to achieving net gain. This includes the requirement to conserve the biodiversity value of existing land within the site, and to retain and integrate existing mature and healthy trees that make a positive contribution to the character, appearance and setting of the area.

9.167 Policy ENV4(b) requires that development proposal should achieve benefits in biodiversity that area equal to, or where possible exceed the biodiversity value of the site prior to development.

9.168 Policy ENV4(c) states that development proposals that result in a significant loss in, or harm to, biodiversity on site, and where no compensatory measures are proposed, will be resisted.

9.169 The CDC Green Infrastructure and Design SPD contains further guidance.

9.170 NPPF Paragraph 174 seeks for planning decisions to contribute to and enhance the natural environment. Paragraph 174(d) confirms that development should minimise impacts and provide net gains for biodiversity.

9.171 *Designated sites*

9.172 The application site lies with the SSSI Impact Risk Zone to Meal Bank Quarry SSSI which lies approximately 1km to the north-east, which is noted for its geological value. The proposal falls outside the development type for which consultation with Natural England is required. On this basis there is not considered to be any significant adverse impact to the SSSI.

9.173 *Biodiversity*

9.174 An independent Biodiversity Net Gain (BNG) report has been submitted. This evaluates the existing grassland site which it found to consist of numerous species, and to be ideal for small mammals, lizards and ground nesting birds. The report also takes account of a small Ash at the boundary with Bentham Road which will be removed. The report identifies the provision of the new long hedgerow at field boundary as the main method for achieving biodiversity enhancement on-site.

9.175 The BNG report identifies that the taking account of the proposed measures, the development will actually result in a 51% net decline in biodiversity at the site.

9.176 To compensate, and in order to achieve 10% net gain, the report proposes offsite enhancements at land under the applicant's ownership at Low Bentham.

9.177 The LP requirement is for development proposals to achieve benefits in biodiversity that are equal to, or where possible exceed the biodiversity value of the site prior to development. These should be on site in the first instance. Where this is not possible or practical, LP Policy allows for improvement off-site, ideally as close to the site as possible.

9.178 However, the achievement of biodiversity net gain in excess of the existing site conditions is reliant upon the retention of the three protected trees.

9.179 It is acknowledged that the intention is to retain the protected trees.

9.180 Concern over the potential impact on the protected trees had been raised by the CDC Trees Officer at the time of the previous withdrawn application for 5 dwellings, based on the proximity of the proposed dwellings to the protected trees. He also advised that the Oak and the Sycamore in particular have not yet stopped growing and that design proposals should avoid the need for frequent pruning.

9.181 In an attempt to address the concerns, the current proposal has re-positioned Plots 3, 4 and 5 so that they will no longer be overhung by the tree canopies. However, Plot 3 remains within 3.6m of the Oak canopy. Plot 4 will be within 2m of the Oak canopy on the north-west side and 1.6m of the Sycamore canopy on the south-east side. Plot 5 will touch the canopy of the mature Ash.

- 9.182 The submitted independent Arboricultural Impact Assessment (AIA) states that the design and layout of the properties has considered all arboricultural issues and will permit the construction to proceed without conflict with retained trees. It concludes that there is likely to be a moderately beneficial impact to the future viability of the existing treescape.
- 9.183 However, in responding to the current proposal, the CDC Trees Officer maintains his objection:
“I object to the proposals based on the impact to trees which would create pressure to fell and conflict. There are 3 high quality mature trees on site which are protected by Tree Preservation Order 197 2012. Although the design has been amended slightly, the proposed properties are located far too close to the trees in my opinion. Buildings in close proximity to large trees can cause apprehension due to the potential of dropping limbs and complete failure in the worst case scenarios. This can result in pressure for the removal of trees. Although these trees are protected by a Preservation Order, it is deemed to be reasonable to allow removal of a tree if they are creating an unacceptable risk to life or property. Many tree surveyors use Quantitative Tree Risk Assessment (QTRA) to evaluate risk. Creating static targets directly underneath large trees such as these would increase their risk score significantly and therefore jeopardise the trees longevity should they develop even minor defects.”
- 9.184 Furthermore, in responding to the AIA, the Trees Officer states:
“I can’t see anything in the AIA which would refute the points I have made above. Understandably the applicant wants to make the most of the site but I object to the plans in their current form. The placement of buildings should ensure that properties are safe even in the event of catastrophic failure of trees.”
- Officer Note:** It is acknowledged that independent author of the AIA has previously disputed the Trees Officers response. However, the Trees Officer stands by his response, and his expert opinion will be relied upon.
- 9.185 The Green Infrastructure and Biodiversity SPD advises that:
“inappropriate and poorly designed development proposals could result in a significant loss or harm to biodiversity on or around the site” (para. 2.1.19).
- 9.186 Based on the Trees Officer’s response, it is considered that as a result of the inappropriate layout, the proximity of the proposed dwellings at Plots 3, 4 and 5 will pose a significant threat to the future of the protected trees. As such the existing biodiversity and landscape value of the trees may be lost.
- 9.187 Furthermore, the risk to the trees would outweigh the benefits of the proposed on site and off site enhancements, contributing to a further biodiversity decline.
- 9.188 The proposed development is therefore contrary to LP Policy ENV4, and NPPF Paragraph 174.
- 9.189 **Conclusion**
- 9.190 Paragraph 11 of the NPPF sets out the presumption in favour of sustainable development. It asserts that for decision-taking this means approving development proposals that accord with an up-to-date development plan without delay.
- 9.191 The proposal is for the construction of five dwellings with integrated garages, associated car parking and landscaping works, and formation of new vehicular access onto Bentham Road.
- 9.192 The site is located adjacent to, but outside, the main built-up area of Ingleton. The proposed development of 5 no. market dwellings does not satisfy any one of the three criteria (a) to (c) of LP Policy SP4(I) which is required in order for residential development to be supported at this location. The proposed development is therefore contrary to LP Policies SP1 and SP4.
- 9.193 Through the over provision of 4+ bedroom dwellings, the proposed development fails to ensure that land is used in an effective manner to address identified local housing needs. No credible evidence has been submitted to justify a departure from the target housing mix. The proposed development is therefore contrary to LP Policy SP3(a) and NPPF Paragraph 124.

- 9.194 The proposed housing density does not represent an efficient use of land. The proposal therefore fails to meet the requirements of LP Policy SP3 (b), and NPPF Paragraphs 119 and 124.
- 9.195 This an overly dominant development of inappropriate scale and design that will contrast unfavourably with the surrounding modest built form. It will therefore fail to enhance local distinctiveness. Furthermore, it will represent an overtly suburban development which will fails to respect and safeguard the local landscape setting. The proposal is therefore contrary to LP Policies ENV1 and ENV3, and NPPF Paragraphs 126, 130, 134 and 174.
- 9.196 The site has a high to medium probability of flooding from rivers. Insufficient evidence has been provided to demonstrate that there are no other reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding within Ingleton or the District plan area. The proposed residential development of the site therefore constitutes an inappropriate form of development which conflicts with LP Policy ENV6 and NPPF Paragraph 159.
- 9.197 The proximity to the protected trees of the dwellings at Plots 3, 4 and 5 will pose a significant threat to the future of the protected trees. The existing biodiversity and landscape value of the trees will be at significant risk. The proposed biodiversity enhancements are not sufficient to outweigh the risk to the protected trees, such that biodiversity net gain cannot be guaranteed. The proposed development is therefore contrary to LP Policy ENV4, and NPPF Paragraph 174.
- 9.198 It is acknowledged that the site was approved for residential development, however this was approved under the previous local plan and has since expired. Is it also recognised that this is not an isolated site within the context of NPPF Paragraph 80, and the benefits of residential development of the site in the context of NPPF Paragraphs 69 and 79 are acknowledged. However, in this case the site is neither within the existing settlement, nor is it suitable for residential development for the reasons set out in this report. These considerations are therefore not sufficient to outweigh the requirement to determine the application in accordance with the local plan.
- 9.199 The proposal fails to accord with the requirements of the relevant policies of the Craven Local Plan and the NPPF. It is therefore recommended that planning permission is refused.

10. Recommendation

10.1 Refuse

Reasons for Refusal

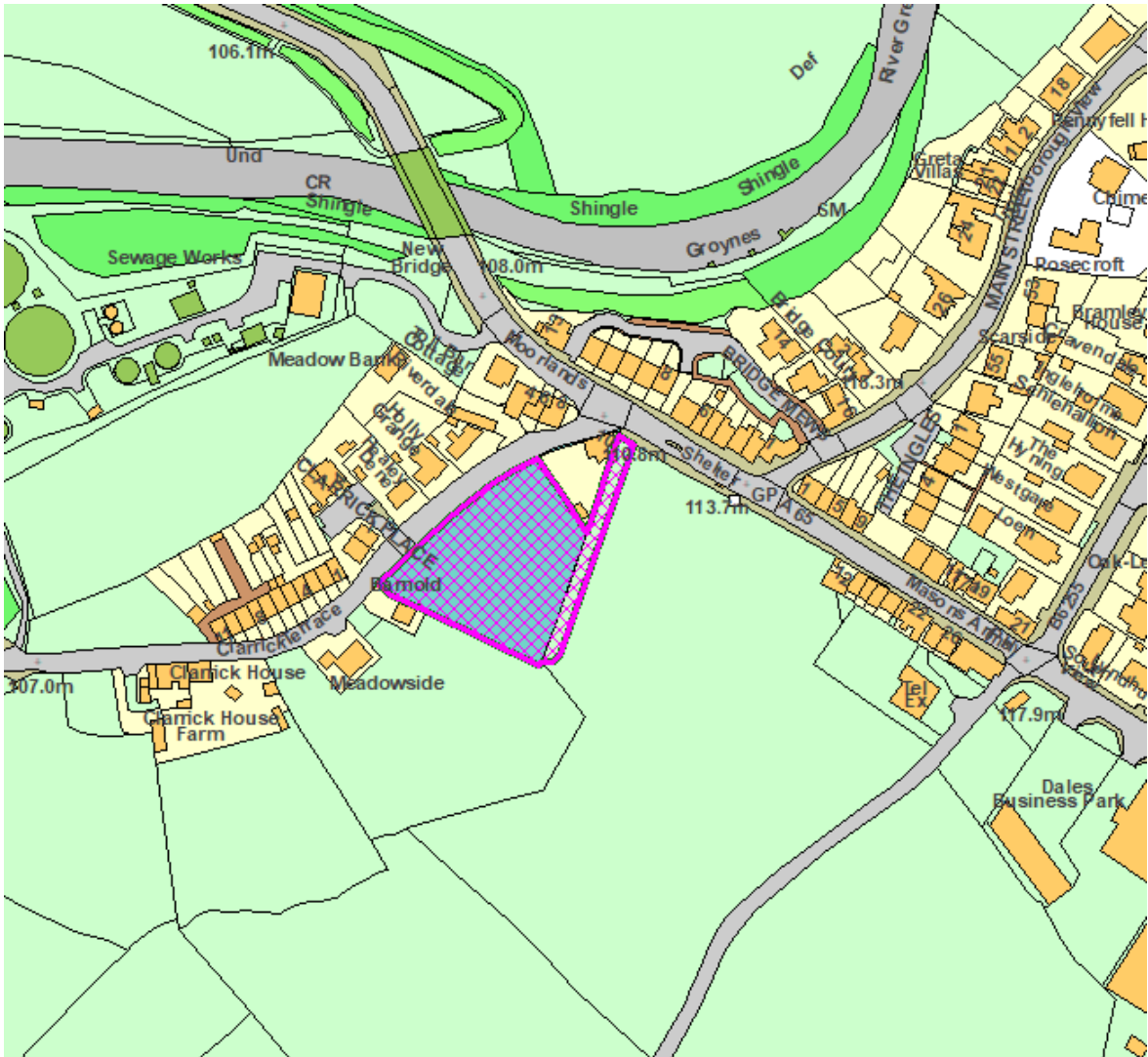
1. The site is located adjacent to, but outside, the main built-up area of Ingleton. The proposed development of 5 no. market dwellings does not satisfy any one of the three criteria (a) to (c) of LP Policy SP4(l) which is required in order for residential development to be supported at this location. The proposed development is therefore contrary to LP Policies SP1 and SP4.
2. Through the over provision of 4+ bedroom dwellings, the proposed development fails to ensure that land is used in an effective manner to address identified local housing needs. No credible evidence has been submitted to justify a departure from the target housing mix. The proposed development is therefore contrary to LP Policy SP3(a) and NPPF Paragraph 124.
3. Taking account of the flexibility allowed under LP Policy SP3(c), the proposed housing density fall below the target density for this greenfield site. Therefore, the proposed development represents an inefficient use of land, and is in conflict with LP Policy SP3 (b), and NPPF Paragraphs 119 and 124.
4. This an overly dominant development of inappropriate scale and design that will contrast unfavourably with the surrounding modest built form. It will therefore fail to enhance local distinctiveness. Furthermore, it will represent an overtly suburban development which will fails to respect and safeguard the local landscape setting. The proposal is therefore contrary to LP Policies ENV1 and ENV3, and NPPF Paragraphs 126, 130, 134 and 174

5. The site has a high to medium probability of flooding. Insufficient evidence has been provided to demonstrate that there are no other reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding within Ingleton or the District plan area. The proposed residential development of the site therefore constitutes an inappropriate form of development which conflicts with LP Policy ENV6 and NPPF Paragraph 159.
6. The proximity to the protected trees of the dwellings at Plots 3, 4 and 5 will pose a significant threat to the future of the protected trees. The existing biodiversity and landscape value of the trees will be at significant risk. The proposed biodiversity on site and off site enhancements are not sufficient to outweigh the risk to the protected trees, such that biodiversity net gain cannot be guaranteed. The proposed development is therefore contrary to LP Policy ENV4, and NPPF Paragraph 174.

Informatives

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

- Drawing no. L3754 PL 01 Rev B - Location plan. Received 6th October 2022
- Drawing no. L3754 PL02 Rev C - Site plan. Received 6th October 2022
- Drawing no. L3754 PL03 Rev F - Proposed site plan. Received 6th October 2022
- Drawing no. L3754 PL04 Rev D - Proposed plot 1. Received 6th October 2022
- Drawing no. L3754 PL05 Rev D - Proposed plot 2. Received 6th October 2022
- Drawing no. L3754 PL06 Rev D - Proposed plot 3. Received 6th October 2022
- Drawing no. L3754 PL07 Rev F - Proposed plot 4. Received 6th October 2022
- Drawing no. L3754 PL08 Rev E - Proposed plot 5. Received 6th October 2022
- Drawing no. L3574 PL11 Rev C - Proposed landscaping plan. Received 6th October 2022
- Arboricultural Impact Assessment by Iain Taverndale. Received 6th October 2022
- Biodiversity Net Gain by Envirotech. Received 6th October 2022
- Flood Risk Assessment by KRS Environmental. Received 6th October 2022
- Design and Access Statement by JMP. Received 6th October 2022
- Planning Statement by JMP. Received 6th October 2022
- Sustainable Design and Construction Statement by JMP. Received 6th October 2022
- Transport Statement by Cora IHT. Received 6th October 2022



Application Number: 2022/24448/FUL

Proposal: Formation of new vehicular access onto Bentham Road. Erection of five detached dwellings with integrated garages, associated car parking and landscaping works (resubmission of withdrawn application reference 2022/23749/FUL).

Site Address: Land To South Of Bentham Road Ingleton

On behalf of: Adam Carr Builders

REPORT TO PLANNING COMMITTEE ON 13th March 2023

Application Number:	2022/24234/FUL
Proposal:	Extensions to Keepers Cottage and conversion of single storey barns and outbuildings at The Granary to form 3 dwellings.
Site Address:	Keepers Cottage And The Granary Peel Green Hellifield BD23 4LD
On behalf of:	Wellock Estates Limited
Date Registered:	11th August 2022
Expiry Date:	6th October 2022
EOT Date, if applicable:	16th March 2022
Case Officer:	Andrea Muscroft

This application has been referred to committee under Category 10 of the Craven District Scheme of Delegation.

SUMMARY

A key objective of the planning system is to bring forward development that is appropriate and in the right place. This is made clear in the National Planning Policy Framework (NPPF), which states that there should be a presumption in favour of sustainable development.

The site is well-placed for a redevelopment of this scale – it is a sustainable and accessible Brownfield site.

The proposal will bring back Grade II Listed Buildings into use and enhance their external visual appearance (with knock-on benefits), whilst also providing vital residential accommodation.

The proposal would arguably result in less than substantial harm to the significance of the listed building and its setting. The NPPF requires that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use (para.196).

In this instance, the public benefits constitute the reuse of a vacant listed building (to deliver housing in a sustainable location) and improvements to the building itself (including removal of previous unsympathetic additions to both the exterior and the interior) and its setting. The sensitive new development will ensure the future of the building is secured, particularly given the current economic climate and future uncertainty of historic buildings.

The delivery of this scheme (subject to conditions and the appropriate legal Agreement being signed) would be consistent with the broad aims of the NPPF and its presumption in favour of sustainable development.

1. Site Description

- 1.1 The application site comprises the former Granary building and adjoining buildings and Keepers Cottage which are ancillary and estate buildings to the listed Hellfield Peel being an imposing Peel Tower to the west of the application site.
- 1.2 This group of buildings is accessed from a drive that sweeps through formal parkland.
- 1.3 The Granary is a linear stone-built structure on an E-W axis which is two storeys at the eastern end and a single storey in the centre and at the western end. It is considered that it probably dates from the early 19th C.
- 1.4 Keepers Cottage forms the western boundary to the site and is a two-storey house and is considered to date from the late 19th C. The building has been extended and has been subject to alterations including the inclusion of earlier historic fabric.
- 1.5 Hellfield Peel has been the subject of major renovation works, as has the farmhouse, with its attached barn which has been converted to residential use (Homestead House).
- 1.6 The Peel Tower is a Grade II listed building and a Scheduled Ancient Monument.
- 1.7 As per the Environment Agency's Flood Map for Planning, the site is located within Flood Zone 1, i.e., the site has a *low Probability* of flooding from a river or sea flooding. The site is noted as being at risk of flooding from surface water.
- 1.8 The site sits within a Site of Special Scientific Interest Impact Risk Zone used to assess the likely impacts on Site of Special Scientific Interests, Special Area of Conservations, Special Protection Areas and RAMSAR sites. The proposal is not of a type or scale that creates likely risks requiring consultation with Natural England.

2. Proposal

- 2.1 The proposal is seeking permission and listed building consent for extensions to Keepers Cottage and conversion of single-storey barns and outbuildings at the Granary to form 3 dwellings.
- 2.2 *Officer note:* The submission has been revised to incorporate the recommendations of the Council's Independent Heritage Officer and Historic England. The proposal has been assessed based on those changes.
- 2.3 Keepers Cottage
- 2.4 The re-configuration of the internal space to create open space living accommodation at the ground and first-floor levels.
- 2.5 The construction of a single-storey extension off the northern elevation to provide an additional bedroom and an en-suite.
- 2.6 *Officer note:* Drawings show the retention of the cast iron fireplace.
- 2.7 The materials to be used would consist of random coursed stone with render to the western elevation under a natural stone tile roof, windows, and doors to be timber construction and painted white and black metal rainwater goods.
- 2.8 The Granary and outbuildings
- 2.9 The re-configuration of the internal space to form 3 residential units consisting of 3no. 2-bedroom properties.
- 2.10 The re-introduction of windows and doors into existing openings, the adaption of some openings to form new windows/door openings.
- 2.11 Demolition of the existing red brick building and replacement with a single-storey stone building to form additional residential accommodation for plot 3.

- 2.12 The materials to be used would consist of a mixture of random coursed stone, red brick under a grey slate with sandstone ridge tile roof, windows, and doors to be timber construction and painted white and black metal rainwater goods.
- 2.13 The scheme also includes:
- Slate water tank to be relocated.
 - The provision of 8 parking spaces and 3 visitor parking spaces
 - The installation of boundaries between the proposed residential units to the rear consists of dry-stone walls and post and rail fencing.
- 2.14 The proposal is supported by the following documents:
- Heritage Assessment
 - Listed Building Statement
 - Hellifield Listing Opinion
 - Design and Access Statement
 - Bat Survey
3. Planning History
- 3.1 42/2000/0615 - Adaptation of redundant buildings to form 4 residential units, 1 with workspace, and construction of 2 new houses – Not Determined
- 3.2 42/2002/2575 - Extension/garage to Keeper's Cottage, conversion of single-storey barns and outbuildings to form 3 no. dwellings with disabled accommodation, conversion of large barn to form 1 no. apartment over the garage and 1 no. 2-storey apartment – Approved June 2003
- 3.3 42/2011/12256 - Proposed construction of new vehicular access to be enclosed by traditional metal fencing. Existing vehicular access will be blocked up with a new boundary wall. Refused February 2022
- 3.4 42/2015/15833 - Creation of new access to serve the Homestead. Approved July 2015
- 3.5 2019/20717/FUL - Demolition and replacement of 'Keepers' Cottage' with new group accommodation (Use Class C1) for tourists, cycle storage, off-street parking, access, and associated works – Refused January 2020
- 3.6 42/2016/17540 - Extension of residential curtilage; Erection of two-storey extensions to front and rear and single-storey extension to side; Erection of new detached garage – Withdrawn December 2016
- 3.7 2017/18188/FUL - Conversion and extension of the former granary, stables, and outbuildings to provide three-bed dwellinghouse with access road, parking and turning areas – Withdrawn October 2017
- 3.8 2019/20611/FUL - Part demolition and change of use of 'granary' buildings to create a holiday cottage (Use Class C3), glasshouse, extensions and alterations, parking, and access – Refused September 2020
- 3.9 2019/20717/FUL - Demolition and replacement of 'Keepers' Cottage' with new group accommodation (Use Class C1) for tourists, cycle storage, off-street parking, access, and associated works – Refused January 2020
- 3.10 2019/21181/LBC - Demolition and replacement of Keepers Cottage with holiday accommodation (Use Class C1), cycle storage, off-street parking, access, and associated works – Refused January 2020
- 3.11 Appeal Decision: Appeal dismissed

- 3.12 2019/21182/LBC - Part demolition and change of use of granary buildings to holiday cottage (Use Class C3), glass house, minor extensions and alterations, parking, and access – Refused September 2020
- 3.13 Appeal Decision: Appeal dismissed.
- 3.14 2021/22780/LBC - Extensions to Keepers Cottage and conversion of single-storey barns and outbuildings at the Granary to form 3 dwellings - listed building consent application to accompany planning permission 42/2002/2575 – Withdrawn September 2022
- 3.15 2022/23625/VAR - Application to vary condition 2 of planning permission 42/2002/2575 – Withdrawn September 2022
- 3.16 2021/00711/PREAPP – Garage and additional bedroom extension to Northern face of the house – Observations are given 2021.
- 3.17 2022/24235/LBC - Extensions to Keepers Cottage and conversion of single-storey barns and outbuildings at The Granary to form 3 dwellings – Not determined.

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:
 - '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).'*
- 4.3 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:
 - SD1: The Presumption in favour of sustainable development
 - SD2: Meeting the challenge of climate change
 - SP3: Housing Mix and Density
 - SP4: Spatial Strategy and Housing Growth
 - ENV1: Countryside and Landscape
 - ENV2: Heritage
 - ENV3: Good design
 - ENV4: Biodiversity
 - ENV6: Flood Risk
 - ENV9: Renewable and Low Carbon Energy
 - ENV12: Footpath, bridleways, byways, and cycle routes
 - INF4: Parking Provision
 - INF5: Communications Infrastructure
 - INF7: Sustainable Transport and Highways
- 4.4 National Policy
 - The National Planning Policy
 - Planning Practice Guidance

- 4.5 Other relevant documents/legislation
- Planning (Listed Buildings and Conservation Areas) Act 1990
 - Historic England Advice Note 2: Making changes to heritage assets
 - Historic England Good Practice 2: Managing significance in decision-making in the historic environment
 - Historic England Good Practice 3 advice in Planning
 - Historic England Vacant Historic Buildings: Guidelines on Managing Risks
 - Historic England Flooding and Historic Buildings
 - National Design Guide
 - CDC Settlement Growth Monitoring
 - CDC Strategic Housing Marketing Assessment, updated 2017 (SHMA)
 - CDC Annual Monitoring Report for the period April 2020 to March 2021 (December 2021) AMR
 - NYCC Interim Guidance on Transport Issues including Parking Standards and advice on Transport Assessments and Travel Plans (2015)
 - BRE's Site Layout Planning for Daylight and Sunlight Guidance
- 4.6 Other relevant documents
- SPD Good Design Guide
 - SPD Green Infrastructure and Biodiversity
 - SPD Flood Risk
 - Technical Housing Standards* – Nationally described space standard – March 2015
- 4.7 **Officer Note:** *This document represents material considerations but has not been adopted, does not form part of the Local Plan, and therefore carries limited weight.
5. Parish/Town Council Comments
- 5.1 **Hellifield Parish Council** (1.09.2022): Objects to the proposal on the following grounds.
- Additional traffic: the original cottage with workspace plus two additional holiday lets will generate significantly more vehicle traffic with drivers unfamiliar with the area. Will there be signage, or a footpath created?
- 5.2 **Officer note:** The proposal is for residential accommodation only and thus there is no requirement for signage or an additional footpath to be created.
- Flood risk: The area has flooded recently from heavy rainfall. In the event of this reoccurring will it affect sewage disposal tanks?
- 5.3 **Officer note:** The proposed development would not impact the sewage disposal tanks due to the proposed surface water mitigation measures.
- Electricity supply: Is there adequate electricity infrastructure to provide for car charging points?
- 5.4 **Officer note:** The provision of electric charging points is covered by separate Building Regulation legislation – Approved document S, infrastructure for charging electric vehicles and thus is not a material planning consideration.
- 5.5 **Hellifield Parish** (15.9.2022) retains their objection on the following grounds:
- Out of keeping of the area, a more traditional design is needed
 - Inappropriate development in historic parkland
 - Inappropriate development next to a SAM

The proposal would affect the listed building curtilage

Loss of privacy, amenity, outlook/views, light and noise pollution for neighbours and possibly Hellifield village

Unacceptable increase in traffic along a PROW

- 5.6 **Officer note:** It is recognised that the development would result in an increase in traffic, however, the lane has good visibility in both directions, further no instances of accidents were reported during the time that The Peel also operated as a B&B.

Harmful to the health and well-being of the existing residents

No community gain

- 5.7 **Officer note:** The proposal does not trigger any need for community gain.

The parish also supports the objections provided by Mr Shaw of The Peel (details of which can be viewed in full on the Councils website).

6. Consultations

- 6.1 **CDC Contamination officer** (05.09.2022): With respect to the application, there are no known contaminated land implications regarding the proposed development.

- 6.2 **CDC Environmental Health officer** (05.09.2022): Suggest informative regarding the control of noise and dust.

- 6.3 **CDC Heritage Officer (6.9.2022):** The HS provides a comprehensive description of the Granary and Keepers cottage, a brief assessment of the setting of Hellifield Peel and; an assessment of the heritage significance of the ensemble at Hellifield Peel, including the Granary and Keeper's Cottage.

Principle of conservations

- 6.4 The buildings are currently in poor condition and will deteriorate further without works of repair and restoration. The principle of restoration and conversion of the buildings is welcomed, as the works will make the building wind tight and watertight and structurally sound; put them in good decorative order, enhance their appearance and significance and help to ensure that they are sustained into the future.

Keepers Cottage

- 6.5 No works are indicated to the external appearance of Keepers Cottage other than a small extension and the insertion of new windows. It is suggested that if approved a condition is imposed requiring prior approval of working drawings of the windows at a scale of 1:10. The existing windows are non-original, and it is considered appropriate for any replacement windows are 2 over 2 vertically sliding sashes.

- 6.6 Welcome the confirmation that the historic stone fragments on the E elevation are to be retained.

- 6.7 The single-storey extension is set back from the front face of the building and is modest in scale and of an appropriate design and use of material. Its addition would not cause harm to the heritage significance of Keepers Cottage.

- 6.8 Welcome the confirmation that the small cast iron fireplace in the N bedroom is to be retained.

- 6.9 Welcome the use of black metal rainwater goods.

The Granary

- 6.10 As with Keepers Cottage if approved a condition should be imposed requiring prior approval of working drawings of the windows at a scale of 1:10. The existing windows are non-original, and it is considered appropriate for any replacement windows to be 2 over 2 vertically sliding sashes.

- 6.11 Minor areas of demolition to facilitate the practical layout of the proposed dwellings and some rebuilding due to structural issues/replacement of inappropriate brickwork/river cobbles with matching stonework. These are generally acceptable in order to deliver a practical, structural sound and aesthetically pleasing conversion.
- 6.12 The rear wall and brick building will be rebuilt in stone to match the existing, whilst acceptable in principle, conditions should be imposed to require prior approval of specifications of a lime-based mortar, samples of the stone and a sample panel of the stone and pointing.
- 6.13 No rear extensions are proposed (other than those already mentioned) and the minor alterations to the front and rear elevations are modest and acceptable.
- 6.14 Recommended that a condition be imposed requiring confirmation and implementation of the relocation of the slate water tank prior to occupation.
- 6.15 Welcome the use of black metal rainwater goods.
- 6.16 To increase understanding of the building and to mitigate the low-level harm, a Level 2 recording of the building should be required prior to implementation but this would not require a major increase in the description in the Heritage Statement.
- 6.17 Details submitted do not clarify the existing or the proposed roof structures. Ideally, the existing roof structures will be retained if at all possible, especially the one in the two-storey part of The Granary. The roof structures in the single-storey range are simple purlins on the cross walls and so, although they are historic fabric, they do not have the same high level of significance as the intersecting roof trusses in the pyramidal hipped two-storey part of the building. It is recommended if approved a condition is imposed requiring prior approval of any replacement or substantial repairs to the roof structures.

Summary

- 6.18 It is considered that the current proposal overcomes the concerns raised by the inspector regarding the previous applications which were refused and dismissed on appeal. It omits the large extensions and there is less intervention in the historic fabric. It is also more sensitive to the heritage significance of the building.
- 6.19 The current proposal is very similar to the approvals of application for planning permission (42/2002/2575) which were granted in 2003 for; an extension to Keeper Cottage and conversion of the single-storey and two-storey building at the Granary to form 3 dwellings.
- 6.20 I do not consider that the current applications cause any harm to the heritage significance which is not outweighed by the heritage benefits of the comprehensive restoration of the ensemble.
- 6.21 Recommend that the application is approved subject to confirmation of the retention of the roof structure in the two-storey part of the Granary and conditions being imposed as suggested.
- 6.22 **CDC Heritage Officer (16.11.2022):** Comments provided following substantive comments provided on the 6th of September and the submission of amended documents on the 10th of November 2022.
- 6.23 Note minor amendments have been made and an updated D&A Statement submitted. In particular, the confirmation that the 'Existing roof structure to be retained where possible and replaced like for like where necessary'. This is welcomed but remains imprecise and considered a condition to be applied to require prior approval of details of any proposed replacement and/or repair of the principal roof structure.
- 6.24 Some stone cills and lintels have been omitted (south elevation of The Granary), presumably in response to HE comments regarding the cills and lintels would 'aggrandise' the elevation. In my opinion, the cills and lintels would not cause harm to the heritage significance of the building, and certainly none to the setting of the scheduled Hellifield Peel. Their omission does not affect my overall assessment of the proposal.
- 6.25 It is recommended that the applications can be approved, subject to conditions being imposed as suggested.

- 6.26 **CDC Heritage Officer (18.11.2022):** Comments of the 16th remain, but further comments/rebuttal is provided regarding the general points on the objections submitted by HE.
- 6.27 Keepers Cottage and The Granary are not ancient monuments, and they are not principal listed buildings. Following the provision of historic information on ownership of Keeper's Cottage and The Granary at the time of listing, Craven DC determined that they should be regarded as "curtilage" listed buildings, under the terms of S.1 (5) of the Planning (LB & CA) Act 1990 but some works were carried out to them in advance of this being decided. Furthermore, custom and practice is that "curtilage" listed buildings can be treated with greater flexibility than principal listed buildings, dependent upon circumstances.
- 6.28 It is considered that cumulatively, the objections to the current proposals are inconsistent with:
- 6.29 A) the definition of "conservation" in the NPPF:
*The process of **maintaining and managing change** to a heritage asset in a way that sustains and, where appropriate, enhances its significance.*
- 6.30 And
- 6.31 B) The generic advice from Historic England in its *Making Changes to Heritage Assets*:
*3. The best way to conserve a building is to keep it in use, or to find it an appropriate new use if it has passed out of use, either that for which it was designed or an appropriate new use which would see to its long-term conservation. Even recently restored buildings that are vacant will soon start to degenerate. **An unreasonable, inflexible approach will prevent action that could give a building new life**; indeed it can eliminate that use. A reasonable and proportionate approach to owners' needs is therefore essential.*
- 6.32 The comments of Historic England acknowledge that the current proposal incorporates some improvements on the previous proposal but fail to acknowledge that the current proposal will deliver any heritage or other public benefits. The principle of the restoration and conservation of the buildings is clearly a heritage benefit in ensuring their long-term usage and maintenance and that their significance will be sustained. The HE comments refer to several sections of the NPPF but not to the crucial Para 202 which states:
- 6.33 *Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.*
- 6.34 At no point do the HE comments suggest that the current proposal will cause substantial harm or demonstrate that the "less than substantial" harm will outweigh the benefits.
- Objections for Keeper's Cottage raised by HE
- 6.35 HE comments: *Clarification has not been provided with regard to the areas marked in red on p.16 of the Drawing Package May 2022.*
- 6.36 However, no areas of demolition of Keeper's Cottage are shown on page 16. The proposal does include some areas of internal alteration to Keeper's Cottage, but I consider that this does not involve any historic fabric of sufficient heritage significance to justify refusal, especially for a later "curtilage" listed building. The internal interventions will have no impact on the setting of Hellifield Peel.
- 6.37 HE comments: *...it would be beneficial if the bathroom window could be smaller to reflect the small bathroom inside*
- 6.38 The proposed bathroom is in a proposed extension (which is not objected to) and there is no justification for suggesting that a bathroom window must have a small window, either in respect of the impact on Keepers Cottage or the setting of Hellifield Peel.
- 6.39 HE comments: *We also previously advised that a single roof pitch is used for the extension, but a dual pitch is now proposed*

- 6.40 The dual-pitched roof as proposed is entirely consistent with the dual-pitched roof of Keeper's Cottage and there is no justification for demanding a single-pitched roof in this case, as the proportions of the proposed extension would result in an impractically shallow pitch for a natural slate roof.
- Objections for The Granary raised by HE
- 6.41 HE Comments: *The current proposal remains as previously envisaged, with the conversion of the Granary to three properties.*
- 6.42 However, this fails to acknowledge that the previously proposed extension, at the rear, which was a fundamental reason for the dismissal of the appeals, has been omitted from the current proposal.
- 6.43 HE comments *...of greater concern is that it is far from clear what is actually proposed for the interior as several of the areas identified for demolition have already been removed or demolished (including a section of curtain wall south of Keeper's Cottage).*
- 6.44 The drawings do clearly illustrate demolitions (some undertaken prior to the decision that The Granary is a "curtilage" listed building). However, there is no proposed or actual demolition of a section of curtain wall south of Keeper's Cottage (it may be that the inspector is misreading the plans).
- 6.45 HE comments:
- 6.46 *The rebuilding of the whole south elevation of the Granary in stone with new stone lintels and cills to the openings is an aggrandising of this range and diminishes the hierarchy of the buildings. Again, this will draw attention to the range by making it more prominent against the Grade II listed Peel and dilute the subservient relationship of the hierarchy of buildings.*
- 6.47 This is a highly questionable objection.
- 6.48 The HE assessment of the heritage significance of The Granary previously states:
- 6.49 *The south elevation is utilitarian, largely in uncoursed rubble and brick and displays evidence of being heavily repaired and adapted for a range of uses. It lacks the 'polite' architectural detailing that was required of the north, public facing elevation.*
- 6.50 The S elevation lacks the polite architectural detailing of the N elevation primarily due to poor quality rebuilding in non-matching rubble and bricks, which detract from the appearance and quality of the ensemble, following the construction and subsequent demolition of attached greenhouses (shown on the 1907 OS map). Although it could be argued that the poor quality and non-matching materials should be retained to express the evolution of the building, I consider that the proposed rebuilding in materials to match the original would enhance the appearance and significance of the building.
- ii) some openings in the S wall already have ashlar lintels and reveals.*
- iii) it is difficult to understand how new stone lintels and cills would appreciably aggrandise The Granary or dilute the subservient relationship of the hierarchy of buildings, when most of The Granary (and Keepers Cottage and many of the other ancillary buildings) already have stone cills and lintels.*
- iv) Notwithstanding, the proposal has since been amended to omit some of the proposed cills and lintels in the re-built S elevation.*
- Objections on Landscaping and Setting raised by HE
- 6.51 HE comments:
- 6.52 *...reducing the number of units in the Granary from three to two would be a good way to reduce the pressure for harmful alterations to the setting of the buildings in the sense of their domestic appearance.*

- 6.53 Although the thrust of this comment is accepted, The Granary itself is capable of accommodating three units comfortably and the NPPF states at Par 202 that any harm should be weighed against public benefits including "...securing its **optimum viable** use."
- 6.54 Although the two-storey element of the Granary is clearly a former agricultural building, the N elevation of the single-storey range originally had the appearance of a domestic building, which will be retained with the current proposal.
- 6.55 HE comments:
- 6.56 *The introduction of 2 x Native hawthorn hedgerow c.85m long dividing plots 1, 2 and 3 on the south side are intended for biodiversity purposes, rather than sustaining the historic character of the buildings and the wider grouping. Consideration should be given to other boundary and surface treatments; those currently proposed diminish the character of the complex*
- 6.57 Hawthorn hedges are entirely appropriate boundary treatments for this locality but are only proposed at the rear, where the former kitchen garden has undergone many changes in the past, including the erection and demolition of green houses and which is currently an unsightly overgrown area with no surviving historic landscape features. It is agreed that a condition should require a detailed landscape proposal for poor approval.
- 6.58 HE comments:
- 6.59 *...the proposed new large trackway is still excessive and disproportionate in scale.*
- 6.60 A separate planning permission has been granted for the trackway and it has been implemented in accordance with the permission.
- 6.61 Recommend that the applications can be approved, subject to: conditions being imposed, as suggested above and in the heritage advice of 6.9.22.
- 6.62 **Historic England (8.9.2022):** Works proposed are unclear as some works identified for demolition/removal appear to have already been demolished.
- 6.63 Unfortunately, the current proposal remains largely as previously submitted and does not present an architectural treatment that would enhance this sensitive and important historic site.
- 6.64 Keepers Cottage
- 6.65 Information provided indicates more of the internal fabric is to be retained than previously proposed. This is a positive change. It is also noted that the fireplace is to be retained.
- 6.66 Greater justification is required for the proposed demolition and rebuilding of the areas marked red in the drawing package. A method statement is required, and detailed drawings are required to help ensure that the historic fabric and character of the structure are maintained.
- 6.67 Note the omission of the extension off the east principal elevation, this is a positive change in terms of maintaining the established building line on the north-south axis, distinguishing this structure from the outbuildings.
- 6.68 Previously suggested that any new openings on the east side of the building should be narrow windows, but not at present these are standard size. This need not be a major issue affecting significance.
- 6.69 Previously advised that a single roof pitch be used on the extension, but a dual pitch is now proposed.
- 6.70 The Granary
- 6.71 No new openings to the south elevation this is a positive move. Although, there is some concern that areas identified for demolition have already been removed.
- 6.72 The rebuilding of the whole south elevation of the Granary in stone with new stone lintels and cills to the openings is an aggrandising of this range and diminishes the hierarchy of the buildings. It

would become more prominent against the Grade II listed Peel and dilute the subservient relationship of the hierarchy of buildings.

- 6.73 Landscaping and setting
- 6.74 We maintain our previous advice that reducing from three to two would be a good way to reduce the pressure for harmful alterations to the setting of the buildings in the sense of their domestic appearance.
- 6.75 Less car parking would also be required. Clarification is sought ref the electric charging points.
- 6.76 Suggest that consideration is given to the proposed native hawthorn hedgerow dividing plots 1, 2 and 3 and the use of alternative boundary and surface treatments.
- 6.77 No statement has been provided ref conditions to restrict the over-domestication of the garden curtilages to reduce those interventions that would detract from the hierarchy of the group.
- Access
- 6.78 The proposed new access is still considered excessive and disproportionate in scale. Missed opportunities for enhancements.
- 6.79 We welcome the fact that a new application has been submitted and we recognise that some of the originally proposed changes to the Keeper's Cottage have been modified.
- 6.80 Historic England continues to agree that the condition of the buildings and their setting to the south detracts from the significance of the estate complex. Their sensitive adaptation and reuse, combined with landscape improvements, will be a distinct enhancement of the whole.
- 6.81 Because the proposal is predominantly the same as its previous incarnation (2021/22780/LBC and the related 2022/23625/VAR), it remains our judgement that the proposal still fails to address the aim and objectives of the National Planning Policy Framework (NPPF)., particularly paras 130, 194, 197, 200 and 203.
- 6.82 **Historic England** (29.11.2022): Amended details, consisting of an amended design and access statement, extended Heritage Statement and an amended drawing package have been received and it is confirmed that these amendments have been considered.
- 6.83 HE continues to agree with the applicant ref the condition of the buildings and their setting to the south detracts from the significance of the estate complex. Their sensitive adaption and reuse, combined with landscape improvements, will be a distinct enhancement of the whole.
- 6.84 Details relating to the Granary remain vague and lack detail. To reduce the harm greater clarity and certainty about the proposed treatment for the existing roof structure and internal features/areas identified for demolition.
- 6.85 However, we are content to **remove our previous objection** subject to the issues identified being discussed and agreed to the satisfaction of the Councils Conservation officer (emphasised by case officer).
- 6.86 Until such times as these details have been agreed upon, HE has concerns regarding the application on heritage grounds.
- 6.87 **NYCC Highways** (05.09.2022): The assessment of the proposal has taken into account the road leading to the proposed development is private. The junction of Peel Green and B6253 has good visibility. There is turning and parking being provided as part of the application which meets standards.
- 6.88 Consequently, the NYCC Highway authority recommends conditions relating to parking, and turning areas.
- 6.89 United Utilities: No comments were received within the statutory consultee period or at the time of compiling this report.

- 6.90 To view comments in full click on the link below:
6.91 <https://publicaccess.cravenc.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>
7. Representations
- 7.1 This application has been advertised by means of a site notice posted on 24.8.2022. The site notice was posted at the site entrance. A Press Notice appeared in the Craven Herald on 1.9.2022 (responses to which expired on the 22.9.2022).
- 7.2 21 neighbour notification letters circulated on the 22nd of August 2022
- 7.3 Comments summarised below:
- 7.4 Policy
Contrary to the local plan policies.
- 7.5 Visual
The extension is incongruous and out of character with the existing buildings
Unnecessary window openings
- 7.6 Heritage
The proposal would result in harm to the setting and signification of the heritage asset
The proposal fails to meet the requirements of the LBCA Act and NPPF.
Concern over the loss of the cross of Lorraine (The Granary)
- 7.7 Amenity
Fails to meet the National Space Standards
Lack of natural light in internal rooms
- 7.8 Highway issues
Insufficient car parking spaces
Concern that cars parked at Homesteads would struggle to get out.
Concern ref pedestrian movement due to increased vehicle movements.
- 7.9 Flooding
Concerns regarding surface water flooding
- 7.10 Other issues
Should expect that application 42/2002/2575 is not implementable or amended
Impact on dog walkers using the path and elderly residents using the drive to exercise.
Misleading/missing and inaccurate information submitted.
Correct owners' notification has not been served.
If an agreement is reached between Historic England and the Council and adequate conditions to preclude short-term accommodation, then I will support the application.
No CARE-registered structural engineers' assessment
- 7.11 Supportive comments
Would welcome new families on a permanent basis.
Far kinder and better on the eye after the development whilst bringing money into the area.
- 7.15 Non-material considerations

Concern that any potential Airbnb would have an adverse impact on the amenity and well-being of the public using the PROW.

Such accommodation may lead to an additional 18 additional journeys

Should be conditioned to preclude the opportunity for short-term lets

Mindful of appeals at Fillongley and Oxford ref Airbnb development.

Concerns over noise arising from short-term lets or possible hotel accommodation

Object to the loss of an affordable dwelling – part of the previous scheme

7.16 **Officer note:** The proposal is seeking permission for **residential use only** any subsequent change of use to a commercial use would trigger the need for a further consent (emphasised by case officer).

Object to the loss of local housing provision as part of 42/2002/2575

Consider the Granary should form two separate properties not three this would reduce traffic.

No confidence in the Heritage officer's advice.

Why hasn't the Council acted due to the unauthorised demolitions and removal of trees?

7.17 This is a summary of comments – to view comments in full click on the link:

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

8. Summary of Principal Planning Issues

Principle of development

Fallback position

Lawful or not the implementation of the previous permission

Proposed Mix and density.

Visual and Heritage Impacts

Public Benefits and Heritage Balance

Sustainable Design

Impact on amenity

Highway impacts

Biodiversity

Drainage and Flood Risk

Broadbank

Other issues

9. Analysis

9.1 **Principle of development**

9.2 LP Policy SD1 confirms a positive and proactive approach to the consideration of development proposals reflective of the presumption in favour of sustainable development contained within the NPPF and sets out how this will be achieved. LP Policy SD1 is therefore consistent with Chapter 2 of the NPPF.

9.3 The housing requirement figure for the local planning authority area ("LPAA") is stated in LP Policy SP1.

- 9.4 LP Policy SP4 sets out the settlement hierarchy for the district, this is how the LPAA's housing need within LP Policy SP1 is planned to be distributed across settlements in a sustainable pattern of development.
- 9.5 Policy SP4 sets out the sustainable pattern of growth that will promote the delivery of housing growth over the plan period 2012 to 2032. Criterion K of policy SP4 supports new homes in the countryside away from existing settlements provided they meet one of the exceptions.
- a) the proposal would meet an essential need for a rural worker to live permanently at or near their place of work in the countryside;*
 - b) the proposal is required in order to secure significant improvements to the environment or conservation of a designated heritage asset, and such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;*
 - c) the proposal is for the re-use of one or more redundant or disused buildings and would enhance the immediate setting; or*
 - d) the design is of exceptional quality and in accordance with the National Planning Policy Framework.*
- 9.6 NPPF Paragraph 60 confirms the Government's objective is to significantly boost the supply of housing. NPPF Paragraph 61 establishes that housing requirement figures are to be considered as a minimum.
- 9.7 In this instance, the proposal would secure the conservation of a designated heritage asset, and such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets. The development would also result in the re-use of one or more redundant or disused buildings and would enhance the immediate setting.
- 9.8 A review of the buildings on site was undertaken regarding whether the conversion of the redundant/disused buildings was possible. Based on that inspection, combined with the submitted , show that the development would not result in any substantial rebuilding of the original buildings. Therefore, it has been demonstrated that the proposed conversion of the buildings is possible.
- 9.9 In conclusion, the proposed development accords with the requirements of Policy SP4 (k), b & c and subject to meeting the requirements of all other relevant policies is acceptable in principle.
- Fallback position**
- 9.10 The Keepers Cottage was previously granted planning permission (ref: 42/2002/2575) for a side extension, and for the conversion of The Granary to form 3 dwellings.
- 9.11 The status of a fallback development is a material consideration in a planning decision. The relevant law as to a "real prospect" of a fallback development being implemented was applied by this court in Samuel Smith Old Brewery (see, in particular, paragraphs 17 to 30 of Sullivan L.J.'s judgment, with which the Master of the Rolls and Toulson L.J. agreed; and the judgment of Supperstone J. in R. (on the application of Kverndal) v London Borough of Hounslow Council [2015] EWHC 3084 (Admin), at paragraphs 17 and 42 to 53).
- 9.12 As Sullivan L.J. said in his judgment in Samuel Smith Old Brewery, in this context a "real" prospect is the antithesis of one that is "merely theoretical" (paragraph 20). The basic principle is that "... for a prospect to be a real prospect, it does not have to be probable or likely: a possibility will suffice" (paragraph 21). Previous decisions at first instance, including Ahern and Brentwood Borough Council v Secretary of State for the Environment [1996] 72 P. & C.R. 61 must be read with care in the light of that statement of the law, and bearing in mind, as Sullivan L.J. emphasized, "... "fall back" cases tend to be very fact specific" (ibid.). The role of planning judgment is vital. And "[it] is important ... not to constrain what is, or should be, in each case the exercise of a broad planning discretion, based on the individual circumstances of that case, by seeking to constrain appeal decisions within judicial

formulations that are not enactments of general application but are themselves simply the judge's response to the facts of the case before the court" (paragraph 22).

- 9.13 The issue of potentially inconsistent planning permission and whether they can be implemented for the same area of land was first dealt with in *Pilkington v Secretary of State for The Environment and other* [1973]. For example, if the owners of the Barn attempted to revert to the 2003 permission this would not be possible as it would be physically inconsistent with the 2003 permission. Thus, there is an argument that the *Pilkington* principle would apply.
- 9.14 Notwithstanding this, this is not the case with this site. The 2003 permission has not been subject to any further planning permission. Therefore, it can be argued that there is no inconsistency. However, any permission cannot be reviewed in isolation but as a whole (*Singh, Hillside*). As a whole, the 2003 permission cannot be implemented.
- 9.15 **Lawful or not the implementation of previous permission.**
- 9.16 The earlier permission has been implemented, and even if issued in error this would not discount its validity (only achieved if quashed by the Court).
- 9.17 Notwithstanding the circumstances surrounding the issuing of the previous permission (ref: 42/2002/2575) this matter is not a material consideration considering the merits of this application.
- Mix and Density**
- 9.18 LP Policy SP3(a) requires new housing to provide an appropriate mix of housing in accordance with the most up-to-date evidence.
- 9.19 LP Policy SP3(b) requires housing to be provided at an appropriate density that makes effective and efficient use of land regarding a site's circumstances.
- 9.20 LP Policy SP3(c) allows a flexible approach to mix and density where it is necessary in respect of viability; local variations in housing need; promotion of mixed communities, or; to achieve wider local plan objectives.
- 9.21 For example, paragraph 4.32 of the supportive text to LP Policy SP3 recognises that brownfield developments with a significant element of conversion should be **approached individually** in terms of their housing mix and density.
- 9.22 *Housing 'mix'*
- 9.23 The most up-to-date evidence for housing needs is contained within the 2017 Update Strategic Housing Market Assessment ('SHMA'). With respect to market dwellings, the SHMA recommends a mix of 18.9% 1 and 2-bedroom, 57.3% 3-bedroom and 23.8% 4 or more-bedroom houses (Table 7.3, p.89).
- 9.24 The Local Planning Authority monitors housing delivery, and this is contained within the latest Annual Monitoring Report ('AMR'), published on the 19th of December 2022. Table 23 of AMR shows the provision of 1 and 2-bedroom market dwellings showing the highest percentage increase compared to the previous AMR 2021, the report also shows an under provision of 3-bedroom dwellings.
- 9.25 As the development relates to the conversion of existing listed built structures it is not possible to achieve a true housing mix. Notwithstanding this, the proposal would bring forward 3no. 2-bedroom dwellings and 1no. 3-bedroom dwelling.
- 9.26 This would contribute to the provision of new market housing identified in the AMR and therefore is supported.
- 9.27 *Housing density*
- 9.28 LP Policy SP3(c) provides a target housing density of approximately 32 dwellings per hectare for sites with no significant element of conversion.
- 9.29 In this instance, the proposal consists of a significant element of conversion and thus the proposal is exempt from the recognised density due to the constraints of the site.

- 9.30 In conclusion, the provision of 3 no. 2-bedroom dwellings and 1 no. 3-bedroom dwelling is supported, and the proposed density is considered acceptable as the development relates to significant conversion and not new dwellings. The site-specific circumstances are considered credible and robust for the proposed density and mix.
- 9.31 In conclusion, the proposal, therefore, meets the requirements of LP policy SP3 and NPPF paragraphs 119 and 124.
- 9.32 **Visual and Heritage**
- 9.33 LP Policy ENV1 seeks to ensure that the quality of Craven's countryside and landscape is conserved for future generations to enjoy.
- 9.34 LP Policy ENV2 seeks to conserve and where possible enhance the historic environment. Criterion b) requires proposals affecting designated heritage assets to accord with the criteria set out within the NPPF. Criterion f) supports proposals that would:
- 'help to secure a sustainable future for Craven's heritage assets, especially those identified as being at greatest risk of loss or decay'.*
- 9.35 LP Policy ENV3 sets out the general design principles that contribute to achieving good design, including (inter-alia): a) a response to the context of the site; b) respect of surrounding built form; c) legibility and place-making, and d) enhancing positives of the local environment whilst minimising negatives.
- 9.36 NPPF Paragraph 130 sets out guidelines for ensuring good, designed developments.
- 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;*
- c) are sympathetic to local character and history, including the surrounding built environment and landscaping setting, while not preventing or discouraging appropriate innovation or change.*
- 9.37 NPPF Paragraph 194 requires applicants to describe the significance of heritage assets affected by proposals and instruct 'appropriate expertise' where necessary. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance.
- 9.38 NPPF Paragraph 195 requires local planning authorities to identify and assess the particular significance of heritage assets affected by proposals taking account of the available evidence and any 'necessary expertise'. The advice of necessary expertise should be taken into account when considering the impact on significance so as to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.
- 9.39 The revised NPPF (paragraphs 197) states that:
- "In determining applications, local planning authorities should take account of:*
- a) desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- b) positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
- c) desirability of new development making positive contribution to local character and distinctiveness."*
- 9.40 NPPF Paragraph 199 requires great weight be given to the asset's conservation: the more important the asset, the greater the weight should be. This great weight is regardless of whether any harm to significance amounts to total loss, substantial, or less than substantial.

- 9.41 NPPF Paragraph 202 states where development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
- 9.42 S66(1) Planning (Listed Buildings and Conservation Areas) Act 1990 (“Listed Building Act”) imposes a duty to “*have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses*”.
- 9.43 Historic England (HE) advice note 9 acknowledges that traditional farmsteads are an irreplaceable source of character in the English countryside. However, HE also acknowledges that without appropriate uses to fund their long-term maintenance and repair, they will disappear from the landscape.
- 9.44 To gain an understanding of the context of the application site and adjacent developments it is necessary to review the previous planning permissions as these are of particular relevance to the proposal and the context for the provision for conversion to form residential accommodation.
- 9.45 Hellifield Peel (formerly known as The Peel Tower) in 2004 was in an advanced state of dereliction and had seen the loss of two 2 storey extensions. Following the grant of planning permission for a mixed used development (Class B1 and Class C3 uses) the building was restored and modernised with the inclusion of a roof terrace. The approval also included the surrounding land associated with Hellifield Peel.
- 9.46 The Keepers Cottage was previously granted planning permission (ref: 42/2002/2575) for a side extension, and for the conversion of The Granary to form 3 dwellings. This permission was implemented.
- 9.47 In 2015 planning permission (ref: 42/2015/15833) was granted for a new vehicle access to serve the Homestead. This permission has been implemented.
- 9.48 Other permissions implemented outside of the application site but adjacent to The Peel include the construction of single storey and two-storey extensions to Homestead. The conversion of the Barn to form residential accommodation with associated off-street parking and garage. These permissions have been implemented.
- 9.49 The Peel has also been granted permission for the construction of stone pillars with gates and a 2m high wall rounding along the boundary with The Barn. The permission also includes a new gravel track and a detached garage. This permission has also been implemented.
- 9.50 As outlined above and shown on the images below the site and the adjacent land has been subjected to significant alterations.

Table 1. Images of the site and the adjacent The Peel

2003	2008	2020
 <p>© 2022 Infoterra Ltd & Bluesky</p>	 <p>© 2022 Infoterra Ltd & Bluesky</p>	

- 9.51 It was noted during a site visit that the buildings comprising the application site are currently in poor condition due to neglect and will continue to deteriorate further without works of repair and restoration.
- 9.52 Planning permission was granted in 2004 for residential units but this was not fully implemented, and parts of that previous permission are now in separate ownership.
- 9.53 The proposed conversions with associated works due to the sensitive level of interventions would result in a form of development that respects the appearance of the original buildings and retains the rural character of the buildings (The Granary). It is acknowledged that a single storey side extension is proposed off Keepers Cottage, but this feature would not result in any visual harm to the building. Similarly, the omission of any extensions to the Granary would ensure that no harm occurs to the character of the original buildings and the surrounding area.
- 9.54 The proposed development would for the most part retain the scale, orientation, and layout of the existing buildings. There would be some modifications to the elevations of The Granary with the re-opening of original openings and the installation of windows and doors into existing openings. However, taken together these alterations are considered minor in nature.
- 9.55 As outlined previously, any decision must be considered in light of the statutory duties placed upon the Council in Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires special regard shall be had to the desirability of preserving listed buildings or their settings or any features of special architectural or historical interest which they possess.
- 9.56 The Barnwell Manor Wind Energy Ltd Court of Appeal judgment also contains important findings which have implications when considering proposals affecting a listed building or its setting.
- 9.57 Hellfield Peel stands to the east of the application site with The Barn and The Homestead (both residential units) in between. Hellfield Peel has the status of a Scheduled Ancient Monument and is also a listed grade II building. It is undeniable that Hellfield Peel is of exceptional interest, and outstanding national significance, which is derived from its historical and evidential value, being a surviving fourteenth/fifteenth-century fortified house that has been adapted over the centuries to accommodate the requirements of the occupiers. It also has an aesthetic value derived from its architecture and parkland setting.
- 9.58 Paragraph 189 of the NPPF sets out that heritage assets are irreplaceable resources to be conserved in a manner appropriate to their significance.
- 9.59 Paragraph 199 of the NPPF also requires that great weight should be given to the conservation of assets, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. The more important the asset, the greater the weight should be afforded to the asset's conservation.
- 9.60 The application site comprises of redundant former estate buildings in a roughly aligned 'L' shape, a detached dwelling, and an area of previously overgrown land with areas of hardstanding to the front. The buildings are mainly single-storey, stone-built except for the east end of the row is a two-storey element with a pyramidal roof. To the rear of the building there are several, clearly, later, single-storey, brick, and breezeblock additions, some of which are attached to a high wall that separates the application site from a residential property to the east. The rear wall of the application building is a mix of stone and red brick and at the western end a high wall with a personnel gate links the rear elevation of the building to a further high wall on the west boundary of the application site.
- 9.61 Historical details provided shows Hellfield Peel as being set within parkland with formal gardens separated from the surrounding parkland by a curved ha-ha wall to the east and south with a group of outbuildings to the northwest and further gardens to the west. The area braces, or field ties, annotated on the historic maps indicate that these areas comprised of a single field parcel at that time. The indicated garden areas are identified as a walled kitchen garden and sections of the high boundary wall are present on the site boundaries of the application site. This wall forms a

prominent linear feature defining the historic extent of the domestic grounds and building associated with the Peel.

- 9.62 The setting of the building, in so far as it relates to this application site, is to be primarily associated with the surrounding parkland and the close historical association with the Peel of the group of ancillary outbuildings and the walled garden, and that this directly contributes to its special interest.
- 9.63 The application buildings are not without some significance regarding historic and evidential value due to their association with Hellifield Peel and in illustrating the evolution of the Peel over time from a fortified tower house to something more akin to a country house and the tradition of large country houses having a home farm and a range of service buildings. It also has some aesthetic value, primarily derived from the architecture of the stone-built, north-facing, elevation, which faces onto the access drive to the principal listed building, Hellifield Peel.
- 9.64 Notwithstanding this it is considered that the condition of these buildings and their setting do detract from the significance of Hellifield Peel. This opinion is also supported by the Council's Heritage Officer and comments received from Historic England.
- 9.65 There is also support for a sensitive adaptation and the re-use, combined with landscape improvements from all parties as this would provide a distinct enhancement to the immediate setting and wider area.
- 9.66 Whilst there is an understanding regarding the historical significance of the site and that the land to the south, east, and north of Hellifield Peel is firmly distinguished from the rest of the application site by its rural nature with open fields and trees/woodland.
- 9.67 The application site is separated from Hellifield Peel by The Homestead and The Barn both former estate buildings which have been converted to residential use with associated infrastructure.
- 9.68 The suggestion that, the development of this site would negatively impact on the significance of Hellifield Peel is acknowledged, but it is also noted that historical use of the estate buildings closest to Hellifield Peel have already gone with the only nod being the large former agricultural barn (The Barn), as they have been converted to residential use with associated residential paraphernalia. For example, the domestic appearance of The Homestead, the areas of hardstanding, the gardens, garage, new boundary treatments and the creation of a stone wall that encloses The Peel and which physically dissects the original use/understanding between The Peel and the former estate buildings.
- 9.69 It is acknowledged that the application site lies within the setting of Hellifield Peel, however, it is considered that in the context of what has already been undertaken around Hellifield Peel and the residential conversions, that the development would have a minimal impact on significance in this instance due to the separation between the application site and Hellifield Peel and the intervening buildings/structures.
- 9.70 Notwithstanding this, it is undeniable that the application site would represent change in the significance and setting of the designated heritage asset. However, there would not be a total loss of significance and thus would lead to less than substantial harm to the significance of designated heritage assets.
- 9.71 The proposed alterations to Keepers Cottage would include the construction of a single-storey side extension and changes to the existing internal configuration.

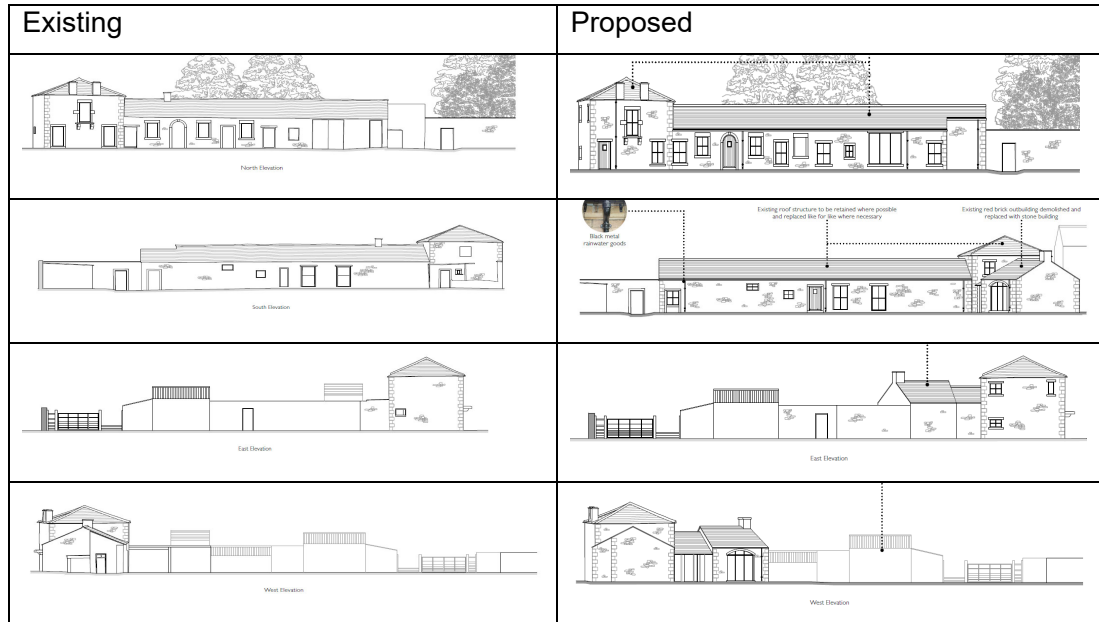
9.72 Image 2 details Keepers Cottage



- 9.73 These external alterations are minor in nature and would not negatively impact either the external appearance of Keepers Cottage or the setting and significance of Hellifield Peel for the reasons set out above. The Council's heritage advisor has also confirmed that the internal alterations would not involve any loss of historical fabric of sufficient heritage significance to justify a refusal. The matter of materials and recording/retention of features are now dealt with via conditions as per discussions with the Council's heritage officer.
- 9.74 The proposal alterations to The Granary would where possible utilise existing openings. Some minor areas of demolition are proposed and some rebuilding due to structural issues/replacement of inappropriate brickwork. It is acknowledged that the rear elevation of The Granary has been the subject of significant alterations overtime and currently consists of a mix of materials and ad hoc repairs and additions. Similarly, the interior of the building has also been the subject to alterations and modifications. Although it does still retain the historical internal compartmentalisation associated with the past uses which helps contribute to the understanding of the building and its relationship with the principal building and others in the group.
- 9.75 The proposed works would result in the front elevation remaining largely unchanged with the proposed window/door openings utilising existing openings. Contrary to the previous refusal on this site, the current scheme omits the large rear extension and has maintained as much as possible the internal historic floor plan thus retaining the link between the openings on the northern facade and the spaces behind.
- 9.76 It is acknowledged that the existing red brick building would be demolished and rebuilt in stone. However, it is considered that due to its scale that this would not distort the current hierarchical relationship between the building in the group.

9.77 The proposed works are therefore considered minor in nature and would help deliver a practical, structural sound and aesthetically pleasing conversion which would not result in any unacceptable loss of historical fabric or undermine the understanding of the historical evolution and function of the principal building. As with the Keepers Cottage the matter regarding the stone/lime-based mortar and a sample panel is dealt with via conditions as per discussions with the Council's heritage officer.

9.78 Images of The Granary



9.79 The proposal also includes to the rear the construction of stone boundary walls with posts and timber fencing to separate the rear amenity areas. The use of stone as a boundary treatment is considered acceptable and accords with HE comments. The proposal would also provide off-street parking as detailed in the proposed layout plan.

9.80 Regarding the setting of Hellifield Peel and the principal listed building, it is considered that the proposed scheme would lead to less than substantial harm to the significance of the designated assets and this position is supported in the comments of the Council's Heritage officer.

9.81 The current HE comments for this proposal do not identify harm. Notwithstanding this, it is important to note that the previous scheme (ref: 21182), which involved more significant alterations, the HE comments considered would lead to less than substantial harm to the significance of the designated heritage assets.

9.82 It is noted that during the appeal of application ref 21182, the Planning Inspectorate acknowledged that should the previous scheme be implemented (ref: 42/2002/2575), "that due to its smaller scale and more sympathetic architectural approach, which would maintain the general hierarchy of the buildings on the site, it would ultimately be less harmful to the heritage asset". It is therefore accepted, that notwithstanding some minor alterations to the scheme currently before the Council for consideration, the proposal is consistent with the previously approved scheme ref 42/2002/2575.

9.83 The comments of HE have also been considered with regards to expressing concern relating to issues identified in relation to the roof and internal features of the Granary. However, discussions and agreement have been reached regarding the use of conditions to address these 2 outstanding matters in line with national guidance and comments from HE.

9.84 For the above reasons, it is considered that the proposal would result in less than substantial harm to the significance of the designated heritage assets.

9.85 **Public benefits and heritage balance**

- 9.86 In accordance with the Framework, it is necessary to consider whether the less than substantial harm to the setting of Hellifield Peel and the designated principal heritage asset would be outweighed by the public benefits.
- 9.87 PPG paragraph 020 Ref ID: 18a-020-20190723 outlines what is meant by the term public benefits. It states that public benefits may follow many developments and could be anything that delivers economic, social, or environmental objectives as outlined in the NPPF.
- 9.88 For clarity, the current optimum viable use of The Peel is as a private dwelling. Previously it operated as a B&B until 2016 offering four bedrooms. Similarly, the Barn and Homestead's optimum viable use are as private dwellings.
- 9.89 The proposal would, as highlighted above, result in some degree of loss than substantial harm to the heritage significance of the designated heritage assets.
- 9.90 However, that harm is weighed against the public benefits which are considered to carry considerable weight and importance.
- 9.91 In this instance, the buildings are currently empty, and no activity of any sort has taken place for several years resulting in the buildings deteriorating. Failure to act will put the buildings at greater risk of future harm.
- 9.92 In terms of the listed buildings themselves, the proposal would result in a significant benefit of securing the buildings long term use by bring forward an extensive repair/restoration and maintenance works that would secure the long-term future of the listed buildings.
- 9.93 The proposal would therefore provide public benefits in the form of;
- The retention and enhancement of the existing designated heritage assets
 - The contribution to the districts 5-year housing land supply
 - The to development of a brownfield site for housing rather than a greenfield site
 - Economic benefits in the creation of construction jobs
 - Economic benefits to the village of Hellifield and the wider district as a whole
 - The potential to reduce surface water flooding and provide biodiversity net gains
- 9.94 Based on the heritage balance, it is considered that the benefits that would be brought forward in relation to the heritage assets and their setting would far outweigh the limited harm that would be caused. It is acknowledged that any scheme to re-use the buildings is likely to result in some alterations to the fabric of the buildings, with associated loss of significance. However, the proposal has taken an approach based on minimising the degree of intervention necessary for effective reuse.
- 9.95 Overall, the reuse of these buildings would result in no unacceptable harm to the special architectural and historical interest of the listed buildings, nor to the setting and significance of the designated heritage assets. Rather the proposal would result in an enhancement to the setting of these heritage assets. As such, there is no conflict with the requirements of the LBCA Act and policies ENV1, ENV2 and ENV3 of the Craven Local Plan. The Framework and the balancing exercise in paragraph 197 show in favour of the proposal.
- 9.96 **Sustainable design and construction**
- 9.97 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.
- 9.98 In this instance, the proposal relates to existing buildings which due to their age are constructed differently to modern building and thus can react differently to energy efficiency actions. It is important to take these into account to ensure that any proposed energy efficiency measures do not damage the long-term future of the building.

- 9.99 For those reasons whilst not exempt from complying with building regulations, building regulations approved documents recognise the special needs of historic buildings with reductions.
- 9.100 The proposal would result in the retrofit of the existing building fabric including:
- Internal wall insulation – approx. 65% energy savings
 - Floor insulation – approx. 65% energy savings
 - Low energy lighting – approx. 75% more efficient than traditional lighting
 - Reuse of existing materials
 - Double glazed windows – approx. 65% energy savings
 - Heating controls – approx. 25-30% reduction in HVAC load
- 9.101 The proposals would also comply with the current environmental performance standards outlined in Part L1B of the Building Regulations.
- 9.102 Therefore, information has been provided as outlined above which is considered to meet the requirements of ENV3 (t) in demonstrating that all **reasonable opportunities** to create a sustainable development to help address climate change given the challenges of conversion associated with a designated heritage asset. It is also considered these measures can be secured via an appropriate planning condition in the event of approval.
- 9.103 **Impact of the development on amenity**
- 9.104 LP Policy ENV3 (e) should protect the amenity of existing residents and business occupiers as well as creating acceptable amenity conditions for future occupiers.
- 9.105 LP Policy ENV3 (f) also states that proposals should be able to demonstrate that they will secure a good standard of amenity for all existing and future occupants of land and buildings.
- 9.106 Paragraph 130 (f) states that development should create places that are safe, with a high standard of amenity for existing and future users.
- Existing residents*
- 9.107 The nearest dwelling to the application site is identified as Homesteads House located to the east of the site and would lie approx. 1.67m from the side gable of plot 3. The next nearest dwelling is the Barn located to the east beyond the property identified as Homesteads House at a separation distance of approx. 16m from the nearest identified as plot 3. The next nearest dwelling is The Peel located to the southeast of the application site beyond Homestead and the Barn at a separation distance of approx. 50m from the side gable of plot 3.
- 9.108 The proposed dwellings which would be located to the west and southwest of these existing dwellings due to the orientation/location and intervening screening would not give rise to any loss of privacy or unacceptable loss of amenity. The proposal would also not give rise to any overbearing, loss of natural light or noise nuisance.
- Future residents*
- 9.109 The proposal seeks to provide 3 new 2-bedroom dwellings and to bring back into use Keepers Cottage a 3-bedroom dwelling.
- 9.110 The proposal would provide outside amenity areas for each of the dwellings which is considered sufficient to meet the needs of any future occupants. In addition, due to the relationship between these proposed dwellings the occupants of these dwelling would not experience any unacceptable loss of privacy or amenity.
- 9.111 Comments have been received regarding how the development does not meet the National Space standards (NSS). The national minimum space standard deals with internal space within new dwellings and is suitable for application across all tenures. It sets out requirements for the gross internal floor area of new dwellings at a defined level of occupancy as well as floor areas and

dimensions for key parts of the home, notably bedrooms, storage, and floor-to-ceiling height. ***However, these can only be applied where there is a local plan policy based on evidenced local need.***

- 9.112 It is important to note that these are not nationally prescribed standards. None of the LP policies requires any requirement for a minimum space standard and so there is no justification for requiring a minimum quantity of floor space.
- 9.113 Notwithstanding this, with regards to Keeper's cottage this would be classified as providing sufficient floorspace for a 3-bedroom two storey dwelling.
- 9.114 Turning to plot 1 this would provide approx. 71 sqm, this would be classified as providing sufficient floor space for a 2-bedroom single dwelling (3p or 4p). Plot 2 would provide approx. 69 sqm, this would be classified as providing sufficient floor space for a 2-bedroom single dwelling (3p) and finally, plot 3 would provide approx. 97 sqm and this would also be classified as providing sufficient floor space for a single-storey 2-bedroom dwelling (3p or 4p).
- 9.115 Comments have also been received ref the amount of light to each of the units. The guidance contained within BRE site layout planning for daylight and sunlight ref access to sunlight for interiors can be quantified using BS EN 17037 which recommends that a space should receive a minimum of 3 hours of sunlight. However, when using the guidance relating to the conversion of an existing structure there are limitations and as such, the LPA recognises that it will be necessary to deviate from the BRE guidance.
- 9.116 Regarding this development Keepers cottage would meet the requirements. Turning to the conversion of the existing buildings Plots 1 & 2 the development would see the insertion of window/door openings to the north and south elevations except for the bathroom and utility/boot room for plot 2 would receive the recommended level of natural sunlight. Plot 3 would also have window/door openings in the northern elevation as well as in the western/eastern elevations serving the kitchen, living, dining, bedrooms, and lounge areas. These rooms would receive the recommended level of natural sunlight. It is acknowledged that the utility/boot room and downstairs W.C would not receive any natural sunlight, however, given the nature of these rooms this is considered acceptable.
- 9.117 In conclusion, it is considered that the proposal would not adversely impact on the privacy and amenity of existing residents. In addition, the proposal would provide an adequate level of living accommodation to meet the needs of any potential future occupants. The proposal, therefore, complies with LP policy ENV3 and paragraph 130 of the NPPF.
- 9.118 **Highway impacts**
- 9.119 Local Plan policy INF4 seeks to ensure that new developments help to minimise congestion, encourage sustainable transport modes, and ensure proper provision and management for parking for vehicles.
- 9.120 Policy INF7 seeks to minimise greenhouse gases and congestion, and the provision of safe and accessible travel facilities by maximising the opportunities for travel by sustainable transport modes, avoiding severe residual cumulative impacts of development relating to transport, and the provision of design of safe and convenient access to transport facilities.
- 9.121 Section 9 of the NPPF contains guidance on transport and land use planning, including the promotion of sustainable transport choices and reducing travel by car. Paragraph 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'.
- 9.122 Paragraph 112 of the NPPF also advocates the promotion of sustainable transport modes and to this end recommends that developments should be located and designed where practical to

- a) give priority first to pedestrian and cycle movements' and to facilitate access to public transport, with layouts maximising the catchment area for bus or other public transport services;
- c) create places that are safe, secure and attractive;
- d) allow for efficient delivery by services and emergency vehicles; and be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

Vehicular access and highway safety

9.123 The existing access lane is within the ownership of the applicant who has confirmed that the proposal would not result in any changes to the existing access along Green Peel Lane onto Gisburn Road.

Trip generation and impact on the local network.

9.124 As outlined the proposal is for the re-instatement of Keepers cottage and the conversion of existing outbuildings to form 3 residential units. It is acknowledged that the development would result in an increase in vehicle movements along Green Peel Lane onto Gisburn Road. However, Gisburn Road is a classified road which connects to the A682 and to the A65 to the north. As such the surrounding highway network is considered adequate to cater for the additional vehicle movements associated with this development.

9.125 NYCC Highways have been consulted and confirmed that the junction of Peel Green and the B6253 has good visibility thus not raised any objections/concerns to the proposal on highway safety grounds.

Car parking and Council standards

9.126 Policy INF4 uses the NYCC Interim Parking Standards to inform as to an adequate standard of car parking spaces and car space sizes bearing in mind also Government and LP policies seek a shift away from cars to more sustainable forms of transport.

9.127 In this instance, Hellifield is recognised as being a Tier 4a settlement with basic services. It is therefore prudent to ensure adequate car parking provision is provided to serve the site. The proposed site layout shows a sufficient level of car parking spaces for the occupants of the dwellings as well as 3 visitor parking spaces. The proposal complies with the requirements of the NYCC Interim parking standards.

9.128 NYCC Highways have been consulted and have recommended conditions relating to the provision of on-site parking being implemented.

9.129 The Council's settlement strategy requires residential development to be steered to sustainable locations, whilst the site is located in the open countryside, it is located close to the settlement of Hellifield which is identified as being a Tier 4a settlement with basic services. The application site is within walking distance of Hellifield Railway Station and bus stops located on the A59. As such, it is considered that the site is fairly well located in respect of accessibility to services and facilities, and future residents would be able to access services and facilities via sustainable travel routes including walking, cycling or public transport. Therefore, the proposal is considered to contribute toward a move to a low-carbon future as outlined in the NPPF and is considered a positive in terms of whether the proposal comprises sustainable development.

9.130 In conclusion, the proposed development would not give rise to any adverse highway impacts and in the absence of any objections from the Highway Authority on highway safety grounds the proposal accords with the requirements of Policies INF4 & INF7 of the LP and the aims and objectives of the NPPF.

9.131 **Biodiversity**

9.132 Policy ENV4 seeks to ensure that the growth of housing on allocated and non-allocated sites will be accompanied by improvements to biodiversity. This can be achieved through the avoidance of loss

and encouraging the recovery or enhancement of ecological networks, habitats, and species populations by incorporating beneficial biodiversity features in the design.

- 9.133 The NPPF also outlines in paragraph 180d) that developments whose primary objective is to conserve or enhance biodiversity should be supported.
- 9.134 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.
- 9.135 The Wildlife and Countryside Act 1981 and the Protection of Badgers Act 1992 requires applicants to comply with the requirements of these Acts.
- 9.136 The proposal is for the conversion of existing traditional buildings to residential accommodations. The proposal would result in a small increase in built form with the construction of a single-storey extension off Keepers Cottage and the rebuilding of a form outbuilding.
- 9.137 Policy ENV4 states that development proposals that result in a significant loss in, or harm to, biodiversity on site, and where no compensatory measures are proposed, will be resisted.
- 9.138 An ecological report was submitted which conducted two main methods of surveys – field and computer based. All surveys undertaken complied with guidelines set out by expert bodies including Natural England, the Bat Conservation Trust Good Practice Guidelines, the British Trust for Ornithology and the Amphibian and Reptile Conservation Trust.
- 9.139 The report outlines that whilst there was evidence of badgers in the periphery of the site, this is not a material consideration in the development of this site.
- 9.140 Regarding bats the reports outlines that there were no signs of bats in any of the buildings or bat droppings on windowsills. No bats emerged from any of the building, despite extensive bat activity across site from foraging bats.
- 9.141 Nests and activity from commensal species such as swallow *Hirado rustica* and House Sparrow *Passer domesticus* noted.
- 9.142 No evidence of Great Crested Newts or other amphibians. Similarly, the site is sup-optimal for common reptiles due to hard standing.
- 9.143 No evidence of invasive species, as listed on Schedule 9 of the Wildlife and Countryside Act. However, a grey squirrel was noted within the woodland off-site.
- 9.144 The report accords with details held by the Council and provided by the North & East Yorkshire Ecological Data Centre.
- 9.145 The computer-based study of the site focused on the landscape-wide scale and identified that the closest internationally designated site is the North Pennines Special Protected Area (SPA) at 12.25km to the northeast of the site. The nearest nationally designated site is the Pen Beck Fen Site of Special Scientific Interest (SSSI) which lies 0.9km to the west of the site. It is not considered that the development would impact on these protected sites.
- 9.146 The conclusions and recommendations of the report are that no further surveys are required concerning roosting bats. The report does recommend mitigation measures should the proposal be recommended for approval ref times of works (outside of birds breeding season), use of bitumen type felt for the roofs, and if a bat is found that works should cease and an Ecologist at Bombus Ecology be informed who will provide a watching brief and method statement. It is also recommended that a low-level lighting scheme be adopted during and post-development to minimise disturbance to any nocturnal wildlife using the peripheries of the site.
- 9.147 The report also sets out compensation measures in the terms of the installation of artificial nests and common bird nest boxes. The installation of bat bricks or bat tiles would encourage bats to roost

within a suitable foraging area. These measures can be controlled via an appropriately worded condition.

Habitat

- 9.148 To calculate the biodiversity metric it is necessary to use the Natural England Small Sites Metric (JP040). This is appropriate as the development does not exceed 9 dwellings. Based on the assessment due to the levels of hardstanding and limited vegetation present the baseline indicates that the habitat level is poor.

On site BNG

- 9.149 Due to the nature of the development the proposed BNG on site would consist of bird/bat boxes, drystone walling, native planting and grassed areas. These measures will result in an improvement in the current level of habitat and biodiversity on site.

Off-site BNG

- 9.150 The proposal is seeking to provide an off-site BNG adjacent to the application site consisting of approx. 97 new trees (woodland mix), 238L/m of hedgerows, meadow mix and pond edge mix planting and a SuDS pond. These measures through the enhancement and creation of new habitat results in the proposal exceeding the current level of biodiversity on the site.
- 9.151 To secure the off-site habitat enhancement for the duration of the maintenance period this would be subject to a legal agreement.
- 9.152 Overall, it is considered that subject to a legal agreement and conditions, the proposed development would enhance the ecological value of the site, increasing biodiversity and thus the proposal meets the requirements of Policy ENV4 of the LP

9.153 **Drainage and Flood Risk**

Flood risk

- 9.154 Policy ENV6 states that development will take place in areas of low flood risk where possible in areas with the lowest acceptable flood risk. Additionally, the development will minimise the risk of surface water flooding by ensuring adequate provision for foul and surface water disposal.
- 9.155 Policy ENV8 seeks to safeguard and improve water resources by ensuring that development is served by adequate sewerage and wastewater treatment infrastructure, will reduce the risk of pollution and deterioration of water resources, and protect surface and groundwater from potentially polluting development and activity.
- 9.156 Paragraph 154 of the NPPF seeks new development should avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures, including the planning of green infrastructure.
- 9.157 Paragraph 167 of the NPPF advising that when determining planning application, that LPA should ensure that flood risk is not increased elsewhere. Section c) of paragraph 167 advises that new development should incorporate sustainable drainage systems.
- 9.158 The site is within flood zone 1 so has a low probability of increasing the risk of flooding within the site or cause an increase in flooding off the site. A site specific flood risk assessment is not required as the development involves a site of less than 1 hectare and involves a change of use (*NPPF footnote 55 & 56*). Nevertheless, the applicant has submitted a Flood Risk Assessment.
- 9.159 Due to the scale of the development, there is no requirement to consult the Environment Agency on this application. Notwithstanding this, the Council's case officer and Building Control officer have reviewed the submitted information and consider that the development would not exacerbate flood risk elsewhere outside of the site due to no changes to existing ground levels. This accords with national policy requirement.

Surface water

- 9.160 Local and national guidance now encourages sustainable urban drainage solutions (SUDS) to deal with surface water.
- 9.161 Details shown on the Council's mapping show that sections of the site are within a high-risk area for surface water flooding.
- 9.162 The EA website identifies that high-risk surface water will occur for the following reason:
- When heavy rain cannot drain away
 - Can happen up hills and away from rivers and other bodies of water.
- 9.163 The website also states that it is difficult to predict as it depends on rainfall volume and location.
- 9.164 To address this a drainage strategy has been submitted. The report outlines the improved management of surface water including -
- Re-introduction of suds pond
 - Regular maintenance of suds pond and SW culvert system
 - Use of Hydro break to suds pond outlet to stop surcharging the SW culvert system.
 - Recommends the use of 150mm threshold to all dwellings to offer bending to the actual dwelling.
- 9.165 There is no statutory requirement to consult the LLFA due to the scale of the development. Notwithstanding this, the Case officer and Council's Building Control officer have reviewed the details and are satisfied that the measures proposed are acceptable in their design form subject to any further fine detailing being dealt with by condition.
- 9.166 In addition, the applicant will be undertaking works regarding the improvements to the existing culvert which will also improve the management of surface water. The proposal will also comply with the requirements of Building Regulations Approved Document H – Drainage.
- 9.167 Other parts of the site will also be used to slow down surface water and reduce any surface water run off onto public highways or pathways using permeable materials.
- 9.168 Also, the proposal would see the planting of trees which as well as providing biodiversity benefits would also reduce run-off down the catchment area.
- 9.169 This combined sustainable drainage systems which are designed to control surface water run-off, combing a mixture of built and nature-based techniques to mimic natural drainage as closely as possible, and accounting for predicated impacts of climate change. This accords with paragraph 055 ref 7-055-20220825 of PPG Flood Risk and coastal change, guidance within the NPPF and LP policies.
- 9.170 It is therefore, considered overall that the surface water drainage strategy now put forward will be effective in dealing with surface water run-off resulting in a reduction in surface water flowing thus reducing the risk of surface water flooding to neighbouring properties and future occupants.

Foul water

- 9.171 In considering any foul and wastewater drainage matters, the planning authority must take into consideration the fact that the developer has an absolute right to connect to the public sewerage system under section 106 of the Water Industry Act 1991 (the WIA1991), whether or not this would give rise to adverse effects e.g., increased flooding or environmental harm due to a restricted capacity in the sewerage and sewage treatment system.
- 9.172 The planning authority must also consider the following matters:
- a) Section 94 of the WIA1991 imposes a continuing duty on all sewerage undertakers to provide, maintain and where necessary improve its systems for collecting and treating foul and wastewater drainage so as to effectually drain its area and effectually deal with the contents of its sewers;*

b) a sewerage undertaker is provided with the means of funding the cost of fulfilling the above duty within the WIA1991 through sewerage and infrastructure charges; and

c) the WIA1991 clearly sets out that the costs of meeting the above duty are required to be borne by the sewerage undertaker, not the developer, save in one limited case where a new sewer is requisitioned by the developer (normally in cases where access to a public sewer is across intervening third party land) and where the charges for its use would not cover the cost of borrowing to provide it.

- 9.173 However, in this instance the proposal would be connected to a package treatment plant approved under planning permission 42/2002/2575. This has been implemented.
- 9.174 It is considered that given the site is not located in a Flood Zone that the development would not give rise to any flood risk concerns. In addition, the proposed surface water mitigation would result in an improvement on the current situation for both future occupants and existing occupants. The proposal is therefore considered to accord with Local Plan policy ENV6 and the aims and objectives of the NPPF and PPG.
- 9.175 **Broadband**
- 9.176 The government has implemented a Universal Service Obligation, giving every household and business the right to request a broadband connection of at least 10 Mbps. Providing superfast broadband in new developments will provide further benefits and opportunities in terms of sustainability. Post-pandemic, it is likely that there will be more or a reliance on home working. Fast, dependable broadband is essential for residents to benefit from online services, and for businesses to operate and reach their customers. It also contributes to the vibrancy of an area, in terms of both economic growth and social inclusion. Moreover, it can have the effect of improving transport sustainability and air quality given the reduction in travel for work.
- 9.177 The Ministry of Housing, Communities and Local Government updated the Framework in 2019 to suggest that all planning policies and decisions should support the expansion of telecoms networks (including full fibre broadband). For the above reasons, the Council considers that fibre to the premise (FTTP) is essential infrastructure and vital to the delivery of sustainable development. Therefore, the development is expected to deliver FTTP and the developer will be required to submit an FTTP Statement, to be agreed by the Council. This statement will establish how FTTP will be provided to serve the development and that it will be engaged at first occupation. Exceptions to this approach could be justified in circumstances where it is not practical, viable or feasible to deliver FTTP. In such cases, evidence will be needed from the applicant to demonstrate that this is the case. Notwithstanding, where FTTP is not delivered, non-Next Generation Access technologies that can provide speeds in excess of 24Mbps should be provided as an alternative.
- 9.178 **Other matters**
- 9.179 Regarding comments relating to notification (notice served) it has been confirmed that the applicant is the owner of all the land the subject of this proposal.
- 9.180 Regarding matters relating to potential unauthorised works on site. These matters were brought to the attention of the Council in 2019 who conducted an on-site inspection. It is important to noted that at those time the Council had not established that the buildings were listed. Following that site visit no further complaints relating to potential unauthorised works have been report to the Council's enforcement team.
- 9.181 The application site does not lie within an Air Quality Management Area. Notwithstanding this, it is not considered that the proposal would have an adverse impact on the existing air quality rather the proposal would the proposed biodiversity measures are recognised as improving air quality through the removal of pollution.
- 9.182 **Planning Balance and conclusion**
- 9.183 Paragraph 11 of the NPPF advises that LPA's should be:

“approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless

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

9.184 The application site lies within in the open countryside in close proximity to Hellifield and has been amended to address concerns raised by consultees, interested parties and officers.

9.185 The impacts arising from the proposal on the local network have been considered and in the absence of any objections from the Highways Authority the impacts are considered acceptable subject to conditions.

9.186 The proposal due to an improved surface water drainage system would mitigate against surface water flooding that can occur thus reducing the risk of flooding to neighbouring properties.

9.187 The proposal would create an attractive scheme with sustainable and biodiversity benefits.

9.188 Notwithstanding the concerns from interested parties, the overall planning/heritage balance on this occasion is therefore one of approval subject to a legal agreement to secure the biodiversity net gains and other benefits set out above and the planning conditions as set out below.

9.189 **Recommendation**

9.190 Delegated Authority be given to the Strategic Planning Manager to Grant Planning permission subject conditions and to:

The completion by the landowner of a planning obligation entered into by way of a Legal Agreement to secure the following:

- (i) Biodiversity Net Gain including the management and maintenance of the improved land located adjacent to the application site and identified within the approved plans.

This land is identified as being within the ownership of the applicant.

9.191 **Obligations under the Equality Act 2010**

9.192 The County Planning Authority in carrying out its duties must have regard to the obligations placed upon it under the Equality Act and due regard has, therefore, been had to the requirements of Section 149 (Public Sector Equality Duty) to safeguard against unlawful discrimination, harassment, victimisation, and any other conduct prohibited by the Act. It also requires public bodies to advance equality of opportunity between people who share a protected characteristic and people who do not share it; and foster good relations between people who share a protected characteristic and people who do not share it.

9.193 It is considered that the proposed development would not give rise to significant adverse effects upon the communities in the area or socio-economic factors, particularly those with ‘protected characteristics’ by virtue that the impacts of the proposal can be mitigated so that they will not have a significant impact on groups with ‘protected characteristics’.

9.194 **Obligations under the Human Rights Act**

9.195 The Human Rights Act requires the Local Council to take into account the rights of the public under the European Convention on Human Rights and prevents the Council from acting in a manner which is incompatible with those rights. Article 8 of the Convention provides that there shall be respect for an individual’s private life and home save for that interference which is in accordance with the law and necessary in a democratic society in the interests of (inter alia) public safety and the economic wellbeing of the country. Article 1 of protocol 1 provides that an individual’s peaceful enjoyment of their property shall not be interfered with save as is necessary in the public interest.

9.196 Having had due regard to the Human Rights Act, the relevant issues arising from the proposed development have been assessed as the potential effects upon those living within the vicinity of the site namely those affecting the right to the peaceful enjoyment of one's property and the right to respect for private and family life and homes and considering the limited interference with those rights is in accordance with the law, necessary and in the public interest.

10. Recommendation

10.1 That delegated authority be given to the Director of Services to grant planning permission, subject to the following a new S106 Agreement being required.

Conditions

Time Limit for Commencement

1 The development hereby permitted shall begin no later than 3 years from the date of this permission.

Reason: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).

Approved Plans

2 This consent relates to the following plans and documents

ROOF PLAN dated 11th August 2022
(AMENDED) REV C DRAWING PACKAGE dated 27th February 2023
(AMENDED) REV C LOCATION PLAN dated 18th November 2022

DRAINAGE STRATEGY dated 11th August 2022
SUSTAINABLE DESIGN CONSTRUCTION STATEMENT dated 20th July 2022
HERITAGE ASSESSMENT dated 20th July 2022
DESIGN AND ACCESS STATEMENT dated 13th October 2022
TREE AND HEDGEROW PLAN - PLANTING SPECIFICATION, MANAGEMENT AND MAINTENANCE PLAN 3rd January 2023

The development hereby approved shall be completed in accordance with the approved plans except where conditions attached to this planning permission indicate otherwise.

Reason: To specify the terms of the permission and for the avoidance of doubt.

Before you Commence Development

3 No development to the buildings shall take place within the application site until the applicant has secured the implementation of a level 2 recording in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the satisfactory preservation of these listed buildings and to comply with policy ENV2 of the Craven Local Plan and the National Planning Policy Framework.

During Building Works

4 Prior to any works to walls of The Granary hereby approved being constructed/repaired a specification for a lime mortar and a 1m x 1m sample panel shall be constructed on-site to demonstrate the repointing.

The sample panel shall be inspected and approved in writing by the Local Planning Authority, and the works carried out in accordance with the approved details and retained as such thereafter.

Reason: To ensure the satisfactory preservation of these listed buildings and to comply with policy ENV2 of the Craven Local Plan and the National Planning Policy Framework.

- 5 Prior to the installation of the 2 over 2 vertical slash windows full details of the proposed works including 1:10 scale sample elevation and 1:1 scale joinery profiles shall be submitted to and approved in writing by the Local Planning Authority.

The works shall be implemented in strict accordance with the agreed details and maintained as such thereafter.

Reason: As insufficient information has been provided to ensure satisfactory preservation of this listed building and to comply with policy ENV2 of the Craven Local Plan and the aims and objectives of the National Planning Policy Framework.

- 6 No works to the roof structure of The Granary shall begin until a method statement for the retention/re-use has been submitted to and approved in writing by the Local Planning Authority.

The method statement shall include the timing of the removal and reinstatement and measures to be taken to secure the safety and stability of the building and protect the interior features against accidental loss/damage and against the weather during the works.

The work shall thereafter be carried out in accordance with the approved method statement.

Reason: Insufficient information provided and to accord with Policy ENV2 of the Craven Local Plan and the National Planning Policy Framework.

- 7 Any historic or archaeological features not previously identified which are revealed when carrying out the works/development shall be retained in-situ and reported to the Local Planning Authority in writing within 7 working days.

Works shall be halted in the area/part of the building affected until provision is made for the retention and/or recording of the feature by a suitably qualified person in accordance with details submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the satisfactory preservation of these listed buildings and to comply with policy ENV2 of the Craven Local Plan and the National Planning Policy Framework.

- 8 Prior to any above ground works samples of materials (including stone, render, paintwork) to be used in the development of the external services of the works hereby permitted shall have been submitted to and approved in writing by the Local Planning Authority.

The works shall be carried out in strict accordance with the approved details.

Reason: To ensure the satisfactory preservation of the listed building and to comply with policy ENV2 of the Craven Local Plan and the aims and objectives of the National Planning Policy Framework.

- 9 Unless otherwise previously agreed in writing with the Local Planning Authority, the rainwater goods to be used for the development shall be of metal, have a black finish and with the guttering having an ogee profile and the rainwater pipes having a circular profile.

Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990

- 10 All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed in writing with the Local Planning Authority.

Reason: In the interests of the visual amenities of the area and encouraging wildlife and biodiversity in accordance with ENV4 of the Craven Local Plan

- 11 Prior to any above ground works a scheme for the placement of bird and bat boxes and swallow bricks for each dwelling shall be submitted to and agreed in writing with the LPA. The details agreed shall be completed for each house prior to occupation and maintained as such thereafter.

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

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

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

Before the Development is Occupied

- 13 No individual residential dwelling hereby approved shall be occupied unless an Energy Statement applicable to that dwellinghouse has been submitted to and approved in writing by the planning authority.

The Energy Statement shall include the following items:

- a) Full details of the proposed energy efficiency measures and/or renewable technologies to be incorporated into the development;
- b) Calculations using the SAP or SBEM methods which demonstrate that the reduction in carbon dioxide emissions rates for the development, arising from the measures proposed, will enable the development to comply with Policy ENV3 of the Craven Local Plan.
- c) Full details of the proposed solar panels to be incorporated into the development.

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

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

- 14 No part of the development must be brought into use until the access, parking, manoeuvring and turning areas for all users at Keepers Cottage And The Granary, Peel Green, Hellifield, Skipton, BD23 4LD 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 accord with Policy INF4 of the Craven Local Plan

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

- 15 Notwithstanding the provisions of Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that order with or without modification), none of the dwellings hereby approved shall be altered or extended, and no buildings or structures shall be erected within its curtilage.

Reason: In order to safeguard the character and appearance of the area and the amenities of future occupiers in accordance with policies ENV2 & ENV3 of the Local Plan.

- 16 Notwithstanding the provisions of Schedule 2, Part 1, Classes A and B of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that order with or without modification), no new windows shall be placed in any of the dwellings hereby approved without the granting of specific planning permission:

Reason: To protect the visual amenity of the neighbourhood and the amenities of future occupants in accordance with policy ENV3 of the Local Plan 2017

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. Broadband Connectivity

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

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

3. 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.

4. the Human Rights Act requires the Local Council to take into account the rights of the public under the European Convention on Human Rights and prevents the Council from acting in a manner

which is incompatible with those rights. Article 8 of the Convention provides that there shall be respect for an individual's private life and home save for that interference which is in accordance with the law and necessary in a democratic society in the interests of (inter alia) public safety and the economic wellbeing of the country. Article 1 of protocol 1 provides that an individual's peaceful enjoyment of their property shall not be interfered with save as is necessary in the public interest.

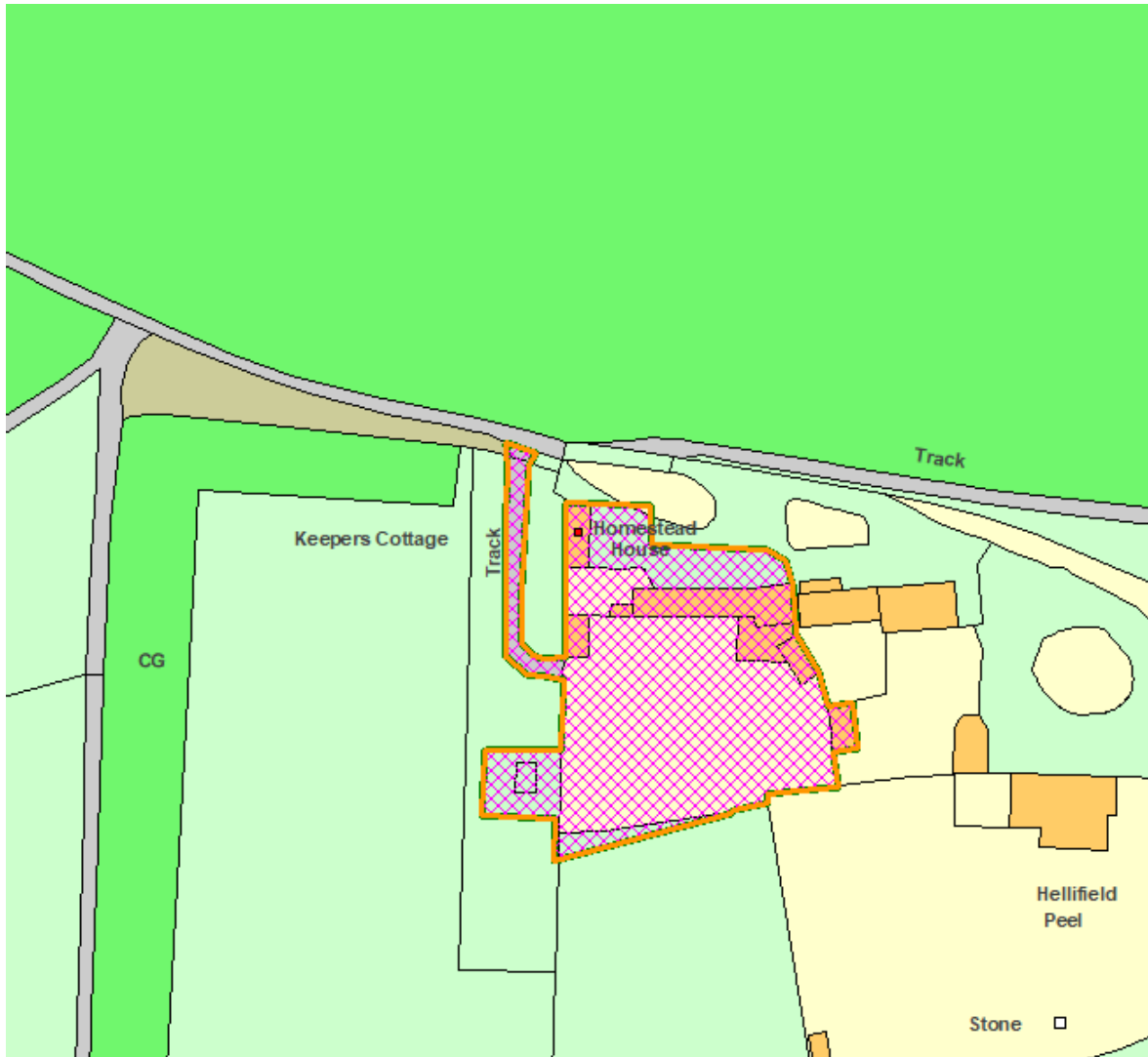
Having had due regard to the Human Rights Act, the relevant issues arising from the proposed development have been assessed as the potential effects upon those living within the vicinity of the site namely those affecting the right to the peaceful enjoyment of one's property and the right to respect for private and family life and homes and considering the limited interference with those rights is in accordance with the law, necessary and in the public interest.

5. 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.
6. The County Planning Authority in carrying out its duties must have regard to the obligations placed upon it under the Equality Act and due regard has, therefore, been had to the requirements of Section 149 (Public Sector Equality Duty) to safeguard against unlawful discrimination, harassment, victimisation, and any other conduct prohibited by the Act. It also requires public bodies to advance equality of opportunity between people who share a protected characteristic and people who do not share it; and foster good relations between people who share a protected characteristic and people who do not share it.

9.89 It is considered that the proposed development would not give rise to significant adverse effects upon the communities in the area or socio-economic factors, particularly those with 'protected characteristics' by virtue that the impacts of the proposal can be mitigated so that they will not have a significant impact on groups with 'protected characteristics'.

7. Statement of Positive Engagement:

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



Application Number: 2022/24234/FUL

Proposal: Extensions to Keepers Cottage and conversion of single storey barns and outbuildings at The Granary to form 3 dwellings.

Site Address: Keepers Cottage And The Granary Peel Green Hellifield BD23 4LD

On behalf of: Wellock Estates Limited

REPORT TO PLANNING COMMITTEE ON 13th March 2023

Application Number:	2020/22109/FUL
Proposal:	Revised description Construction of eleven dwellings with landscaping, infrastructure, associated works and off-street parking on allocated site.
Site Address:	Land At Richard Thornton's School Burton In Lonsdale LA6 3JZ
On behalf of:	Permahome Limited
Date Registered:	3rd February 2021
Expiry Date:	5th May 2021
EOT Date, if applicable:	31st March 2023
Case Officer:	Daniel Child

SUMMARY

Planning Committee resolved to grant planning permission for the development at its 25th October 2021 meeting subject to conditions and an s106 legal agreement to require, amongst other things, off-site highway mitigation works (junction widening). Subsequently, it has not been possible to conclude the agreement due to land ownership uncertainties. For the same reason, a planning condition would be unenforceable. As a result, the development has stalled because planning permission cannot be granted in accordance with the resolution.

This report therefore seeks a revised resolution in relation to works to the junction. On re-examining the highway safety aspects of the scheme in consultation with NYCC Highways, subject to the revised conditions set out below, it has been found that existing junction improvement as opposed to widening would not result in any unacceptable highway safety impacts or residual cumulative impacts on the highway network that would be severe.

The proposal would thereby continue to be in accordance with the development plan and the National Planning Policy Framework. Under the scheme of delegation this report therefore seeks delegated authority to approve the application, following the completion of an s106 agreement in revised terms (affordable housing and public open space obligations), and subject to the revised conditions set out in the schedule below.

1. Site Description
 - 1.1 The site comprises land formerly occupied by the demolished modern extensions and part of the curtilage of Richard Thornton's School (Grade II listed), and forms part of Local Plan housing allocation site reference BU012. The site is located within the wider setting of Burton-in-Lonsdale Conservation Area and the Castle Hill scheduled ancient monument.
2. Proposal
 - 2.1 Full planning permission is sought for eleven dwellings with landscaping, infrastructure, and associated works. Access to the site would be along a short section of unclassified road via an existing simple priority junction from the A687. The proposal remains the same in all other regards

as per the report of 25th October 2021. The sole revision is the deletion of junction widening works in lieu of improvements to the existing.

3. Planning History

3.1 The following are most relevant:

2019/20873/FUL: Part demolition of school classrooms; change of use of school building to a residential care and educational facility; alterations to access. – Approved subject to conditions.

2019/20874/LBC: Part demolition of school classrooms; change of use of school building to a residential care and educational facility; alterations to access.

4. Planning Policy Background

4.1 The development plan for Craven District outside of the Yorkshire Dales National Park comprises the Craven Local Plan 2012 - 2032 (November 2019) (the Local Plan) and the Minerals and Waste Joint Plan 2015–2030 (February 2022) (the MWJP), together with any made neighbourhood plan. At present there is no made neighbourhood plan for Burton-in-Lonsdale.

4.2 To the extent that development plan policies are material to an application for planning permission, the decision must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (Section 70(2) of the 1990 Town and Country Planning Act and Section 38(6) of the Planning and Compulsory Purchase Act 2004). This is set out in Local Plan Policy SD1.

5. Relevant Local Plan Policies

Section 3: Sustainable Development

SD1 The Presumption in Favour of Sustainable Development

SD2 Meeting the Challenge of Climate Change

Section 4: Strategic Policies and Spatial Strategy

SP1 Meeting Housing Need

SP3 Housing Mix and Density

SP4 Spatial Strategy and Housing Growth

SP11 Strategy for Tier 4A and 4B Villages with Basic Services and Bisected Villages with Basic Services.

SP12 Infrastructure, Strategy and Development Delivery

Section 5: Environment

ENV1 Countryside and Landscape

ENV2 Heritage

ENV3 Good Design

ENV4 Biodiversity

ENV5 Green Infrastructure

ENV6 Flood Risk

ENV7 Land and Air Quality

ENV8 Water Resources, Water Quality and Groundwater

ENV9 Renewable and Low Carbon Energy

ENV12 Footpaths, Bridleways, Byways and Cycle Routes

ENV13 Green Wedges

Section 6: Housing

H2 Affordable Housing

Section 8: Infrastructure, Services and Facilities

INF1	Planning Obligations
INF3	Sport, Open Space and Recreation Facilities
INF4	Parking Provision
INF7	Sustainable Transport and Highways

Section 9: Monitoring

Appendix A to Policy INF3:	Sport, Open Space and Built Sports Facilities
Appendix B to Policy INF6:	Education Provision
Appendix C to Policy ENV6:	Flood Risk
Appendix D:	Policies Schedule

5.1 The following Supplementary Planning Documents are relevant:

Adopted:

Affordable Housing
 Flood Risk & Water Management
 Green Infrastructure and Biodiversity
 Good Design

6. National Planning Policy

6.1 The National Planning Policy Framework (the Framework) represents up-to-date government planning policy and is a material consideration that must be taken into account where it is relevant to a planning application. This includes the presumption in favour of development found at paragraph 14. If decision takers choose not to follow the Framework, where it is a material consideration, clear and convincing reasons for doing so are needed.

6.2 Where relevant, the Framework is referred to and considered below, together with the Planning Practice Guidance (the PPG) which adds further context and should be read together with it.

7. Burton-in-Lonsdale Parish Council Comments

7.1 The matter was discussed at a Parish Council meeting and the Councillors agreed with what is proposed.

8. Consultations

8.1 NYCC as Local Highway Authority (27th February 2023):

8.2 Following an onsite meeting and ongoing discussions, the County Council's development management highway engineer has confirmed that there are no objections to the proposed deletion of the junction widening works, subject to revised conditions to require a simple priority junction within the site and the completion of an s278 agreement to require improvements to the existing junction. These revised conditions are set out below.

9. Representations

9.1 All those initially notified of the application and all objectors were advised of the revised proposals in a bespoke re-consultation exercise. In response two letters of objection were received from a household whose vehicular access runs along the unadopted road to the southern and western boundaries of the application site. Objection raised therein may be summarised as follows and is considered by officers in the report below:

- As existing, when meeting farm vehicles accessing adjacent farmland existing residents must reverse along the land, back towards the junction and onto the main road.
- The revised proposal would result in standing traffic on a bend in the public highway.
- The proposal for eleven dwellings might generate twenty-two extra vehicles and the re-purposing of the former School would add further.
- As a result, the proposal to delete the junction widening works would be harmful to highway safety.

- Conditions in relation to drainage details have not yet been discharged.

10. Main Issue and consideration

10.1 Because Members have already resolved to grant planning permission for the development which remains in accordance with the development plan, this report focuses on the sole change to the scheme (the original report is appended as Appendix 1). Specifically, deletion of junction widening works in lieu of improvement of the existing. Therefore, the main issue is whether the development would give rise to any unacceptable highway impacts.

Highways

10.2 Local Plan Policy INF7 requires, amongst other things, that safe, suitable, and convenient access to all development sites is achieved, and that development avoids any severe residual cumulative impacts. This policy requirement is also expressed in Framework paragraph 111, which states that:

10.3 *'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe'.*

10.4 Officers acknowledge the concerns of objectors in relation to the two-way passing of traffic on the unadopted lane. Nevertheless, the revised proposal would be little different in this regard. Widening of the junction would not have led to the dualling of the unadopted road. Furthermore, the condition members had requested to require that the existing School access from the lane be gated has been incorporated into the revised schedule of conditions below. With this condition, vehicular movements on the vast majority of the unadopted lane would not be increased to any unacceptable degree, even with the adjacent development of the former School building itself.

10.5 In determining whether the revised proposal is acceptable having regard to vehicular and pedestrian safety, and the potential for queuing on the A687, there are a number of factors officers and the Local Highway Authority have considered.

10.6 Firstly, the footway does not extend any further west along public right of way No 05.9/8/1 and there is therefore little to be gained by widening the junction in this regard, nor is it necessary to make the development acceptable in terms of accommodating pedestrian flows. Furthermore, widening the junction would increase the distance for pedestrians crossing to access the footway beyond at the front of the school.

10.7 Secondly, due to the curve of the A687 forward visibility in both directions is good and widening of the junction is not necessary to further improve it.

10.8 Thirdly, the junction is located within an existing 20mph restriction and so traffic speeds are low, and traffic flows are not significant.

10.9 Fourthly, some queuing distance is available for traffic entering the unadopted lane from the east and the A687 carriageway is wide, thus allowing for right turning traffic entering to wait off the live running eastbound lane.

10.10 Finally, the use of planning conditions could require a simple priority junction road lining scheme within the application site, so as to ensure that traffic exiting the development would give way to vehicles entering the site, thus reducing the potential for queuing.

10.11 Taking all the above factors into account and having regard to the relatively small scale of the scheme, and the former F1(a) lawful Education use, even during AM and PM peak flows from the development it is not considered that the proposal would result in queueing that would lead to severe residual cumulative impacts on the highway network. Having regard to the existing junction width, geometry, and forward visibility, the proposal would not result in unacceptable highway safety impacts. Officers therefore consider that the proposed junction widening works are not necessary to make the development acceptable in planning terms, and that the revised proposal to improve the existing junction would not therefore conflict with Local Plan Policy INF7 or the Framework.

- 10.12 Officers have met North Yorkshire County Council's development management highways officers (NYCC Highways), on site, and have examined the existing junction, the site history, and the revised proposal, all in detail. NYCC Highways have confirmed that having regard to the above considerations and circumstances there are no highway safety objections subject to planning conditions.
- 10.13 In addition to a priority junction road lining scheme within the site, NYCC Highways have recommended the use of a Grampian condition to require a scheme for improvements to the existing junction (under an s278 agreement). Because these improvement works would be within the adopted highway, there is no foreseeable reason this would not be achievable. NYCC Highways have advised that such the scheme should include resurfacing and relining of the junction, which is pitted and worn, and ensure adequate drainage.
- Other matters - drainage***
- 10.14 Both objectors to the scheme raise concern that conditions in relation to drainage of the housing scheme have not been discharged by the Council. However, there is no planning permission at present and therefore these matters have yet to be agreed. Should members be minded to approve the revised proposal, revised conditions to address the comments of United Utilities and the Lead Local Flood Authority are recommended in order to address drainage and flood risk considerations. The details that would follow would be considered in consultation with the appropriate drainage bodies.
- Other matters – planning obligations***
- 10.15 In order to address affordable housing and public open space development plan requirements, an s106 agreement remains necessary to cover these obligations. These obligations are necessary to make the development acceptable in planning terms and are directly related to the development. They are also fairly and reasonably related in scale and kind to the development, and therefore meet the tests set out in Regulation 122(2) of the Community Infrastructure Levy Regulations 2010 in accordance with paragraph 122 of the Framework.
- Other matters – benefits of improving the existing junction vs widening***
- 10.16 The overall benefits of the scheme are already set out in detail in the appended report. Principally, they include finding the optimum viable use for the listed School and delivery of affordable housing. In the heritage balance at paragraph 9.44 of the report, it was acknowledged these public benefits of the scheme would outweigh the less than substantial harm to the setting of heritage assets (which would be at the lower end of the less than substantial scale) in accordance with Framework paragraph 202.
- 10.17 Whilst this remains the case, 'under-engineering' junction improvements as now proposed would further reduce the less than substantial harm to the setting of the adjacent Castle Hill scheduled ancient monument, the Grade II listed School, and its listed Gate piers. It would also have the benefit of reducing pressure on the root protection areas and thereby the health of adjacent mature trees which are mature specimens of amenity value. These are all positive aspects of the revised proposal that weigh in favour of approval.
11. **Conclusion and Planning Balance**
- 11.1 The revised proposal to omit the junction widening works in lieu of improvements to the existing would not give raise to any unacceptable highway safety impacts or residual cumulative impacts on the highway network that would be severe. The proposal remains policy compliant and there are no material considerations which would indicate a decision should be taken other than in accordance with the development plan. Planning permission should therefore be granted in accordance with the presumption in favour of sustainable development set out under Local Plan Policy SD1 and the Framework.

12. Recommendation

12.1 That delegated authority be given to the Director of Services to grant planning permission, subject to the following:

- i) Completion of an s106 Legal Agreement in relation to the provision of affordable housing and POS contributions, and;
- ii) The conditions set out in the schedule below*

**The schedule of conditions incorporates the following amendments and additions sought by members at the 25 October 2021 meeting:*

- 1) *A requirement for sample panels of stonework for inspection;*
- 2) *Inclusion under the construction management plan condition of a requirement for details of any temporary construction site access and subsequent removal/reinstatement, and;*
- 3) *Gating of the existing school access prior to first occupation (to be retained thereafter as emergency site access only).*

Conditions

Time Limit for Commencement

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

Reason: In accordance with Section 91(1) of the Town and Country Planning Act 1990 as amended by the Planning Compulsory Purchase Act 2004.

Approved Plans

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

Location Plan, Drawing No 022004 05 Rev J
Site layout, Drawing No 02 Rev K
Elevations, Drawing No 03 Rev A
First Floor Plan, Drawing No 04 Rev A
Roof Plan
Design and Access Statement
Heritage Statement
Tree Report (except as it may relate to junction widening works)
Public Right of Way Statement

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

Reason: For the avoidance of doubt and to ensure a satisfactory standard of development in accordance with the policies contained within the Craven District Local Plan 2012 - 2032 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/any reinstatement following completion of construction works;
- 2) wheel washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway;
- 3) the parking of contractors' site operatives and visitor's vehicles;
- 4) areas for storage of plant and materials used in constructing the development clear of the highway;
- 5) details of site working hours;
- 6) details of the measures to be taken for the protection of trees; and contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.

Reason: In the interest of public safety and amenity.

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

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

- 5 No development shall commence until a surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The drainage scheme must include:

- (i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water;
- (ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations); and
- (iii) A timetable for its implementation.

The approved scheme shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.

The development hereby permitted shall be carried out only in accordance with the approved drainage scheme.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.

- 6 No development shall commence until a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the local planning authority and agreed in writing. The sustainable drainage management and maintenance plan shall include as a minimum:

- a. Arrangements for adoption by an appropriate public body or statutory undertaker, or management and maintenance by a resident's management company; and

b. Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.

The development shall subsequently be completed, maintained, and managed in accordance with the approved plan.

Reason: To ensure that management arrangements are in place for the sustainable drainage system in order to manage the risk of flooding and pollution during the lifetime of the development.

During Building Works

7 No development above ground level shall take place until details of existing and finished site levels, including the finished floor and ridge levels of the buildings to be erected, and finished external site surface levels have been submitted to and approved in writing by the Local Planning Authority.

Reason: The proposed levels of the development are required prior to commencement of above ground works for the avoidance of doubt and in order to ensure that any works in connection with the development hereby permitted respect the height of adjacent properties.

8 No development above ground level shall take place until full details of the materials to be used on the external surfaces of the following elements of the development have been submitted to and approved in writing by the Local Planning Authority:

a) A sample panel (measuring no less than 1 metre x 1 metre) of the stonework to be used on the external surfaces of the buildings. The sample panel shall demonstrate the type, texture, size, colour, bond, and method of pointing for the stonework.

b) The type, texture, size, and colour of the slates to be used on the external surfaces of the building's roof.

c) The type, texture, finish, colour treatment and extent of the external rendering of the approved houses.

d) Details of all windows casements and external doors including materials and colouring.

The development shall thereafter be implemented in accordance with the duly approved materials.

Reason: To ensure use of appropriate materials which are sympathetic to the character of surrounding buildings and the street scene in the interests of visual amenity in accordance with the requirements of policy ENV3 of the Craven District Local Plan 2012 to 2032 and the National Planning Policy Framework.

9 No development above ground level shall take place until an energy strategy demonstrating a reduction in carbon dioxide emissions over Part L of the Building Regulations (2013) has been submitted to and approved in writing by the Local Planning Authority. Once the energy strategy is in place 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 in accordance with policy ENV9 of the Craven Local Plan 2012 to 2032.

Before the Development is Occupied

10 Prior to occupation of any dwelling hereby approved details of all materials to be used for hard surfaced areas within the site including roads, driveways and car parking area shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details so approved.

Reason: To ensure use of appropriate materials which are sympathetic to the character of surrounding buildings and the street scene in the interests of visual amenity in accordance with the requirements of policy ENV3 of the Craven District Local Plan 2012 to 2032 and the National Planning Policy Framework.

- 11 Prior to occupation of any dwelling hereby approved, a scheme for the improvement of the existing junction with the A687 shall have first been submitted to and approved in writing by the Local Planning Authority. The scheme shall include resurfacing and re-lining works, and measures to ensure that the junction is adequately drained. Thereafter, the scheme shall have been implemented prior to first occupation.

Reason: In the interests of highway safety, in accordance with Policy INF7 and the National Planning Policy Framework.

- 12 Prior to occupation of any dwelling hereby approved, a scheme for the provision of a simple priority junction within the housing site where it meets the unadopted lane shall first have been submitted to and approved in writing by the local planning authority. Thereafter, the scheme shall have been completed prior to first occupation.

Reason: In the interests of highway safety, in accordance with Policy INF7 and the National Planning Policy Framework.

- 13 Prior to occupation of any dwelling hereby approved, the existing school access shall be gated in accordance with details which shall first have been agreed in writing by the Local Planning Authority. Thereafter, the gate shall be kept locked at all times, other than when required to provide emergency access to the site.

Reason: In order to ensure that the access is not used other than for emergencies in the interests of highway safety.

- 14 Prior to occupation of any dwelling hereby approved, the access, parking, manoeuvring, and turning areas for all users at Land At Richard Thornton's School, Burton In Lonsdale, Carnforth, Lancaster, LA6 3JZ 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.

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

Reason: To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.

- 15 Prior to occupation of any dwelling hereby approved, whichever is the sooner; 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) a scaled plan showing all existing vegetation and landscape features to be retained and trees and plants to be planted;

- 2) 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)
- 3) a schedule detailing sizes and numbers/densities of all proposed trees/plants;
- 4) specifications for operations associated with plant establishment and maintenance that are compliant with best practise; and
- 5) types and dimensions of all boundary treatments
- 6) 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.

Reason: Required to safeguard and enhance the character and amenity of the area, to provide ecological, environmental and biodiversity benefits and to enhance its setting within the immediate locality in accordance with Section 197 of the Town and Country Planning Act 1990 (as amended) and policies ENV3, ENV4 and ENV5 of the Craven District Local Plan 2012 to 2032.

- 16 Prior to completion or first occupation of the development hereby approved, whichever is the sooner; details of any remedial works to trees that are to be retained on site, including tree protection measures, shall be submitted to, and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details of any remedial works.

Reason: Required to safeguard and enhance the character and amenity of the area, to provide ecological, environmental and biodiversity benefits and to enhance its setting within the immediate locality in accordance with Section 197 of the Town and Country Planning Act 1990 (as amended) and policies ENV3, ENV4 and ENV5 of the Craven District Local Plan 2012 to 2032.

- 17 Two electric vehicle charging points (providing active electric vehicle charging provision to 4 spaces) shall be constructed and marked out and the charging points installed prior to the occupation of the development and shall thereafter be retained permanently for the accommodation of vehicles of occupiers and visitors to the premises and not used for any other purpose.

Reason: To encourage the use of electric cars in order to reduce carbon emissions in accordance with policy ENV9 of the Craven Local Plan 2012 to 2032.

- 18 Prior to occupation of any dwelling hereby approved, a strategy to facilitate super-fast broadband for future occupants of the site shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In order to provide high quality communications infrastructure for future occupiers in accordance with policy ENV3 of the Craven Local Plan 2012 to 2032.

- 19 Prior to occupation of any dwelling hereby approved, a site plan showing the proposed locations of Solar PV Panels and samples of the materials to be used in the construction of the solar panel array shall be submitted to, and approved in writing by, the local planning authority. Development shall be carried out in accordance with the approved samples and retained as such thereafter.

Reason: To promote sustainability through renewable energy in accordance with policy ENV9 of the Craven Local Plan 2012 to 2032.

- 20 No part of the development to which this permission relates must be brought into use until the carriageway and any footway or footpath from which it gains access is constructed to binder course macadam level or block paved (as approved) and kerbed and connected to the existing highway network with any street lighting, details of which shall first have been agreed in writing by the Local Planning Authority, installed and in operation.

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

Reason: To ensure safe and appropriate access and egress to the premises, in the interests of highway safety and the convenience of all prospective highway users.

Ongoing Conditions

- 21 In the event of the solar PV equipment hereby approved or as may be approved under the above conditions ceasing to produce electricity, they shall be permanently removed from the relevant building within 3 months of the date they become redundant, and the roof covering shall be restored to match the remainder of the roof.

Reason: In the interest of the visual amenity in accordance with Policy ENV3 and ENV9 of the Craven Local Plan and the National Planning Policy Framework.

- 22 Foul and surface water shall be drained on separate systems.

Reason: To ensure satisfactory drainage in the interests of protecting the water environment and to manage the risk of flooding and pollution.

Informatives

1. The hours of operation during the construction phase of development and delivery of construction materials or equipment to the site and associated with the construction of the development hereby permitted should be limited to 0730 hours to 1800 hours on Monday to Fridays and 0730 hours to 1300 hours on Saturday. No work should take place on Sundays or Bank/Public Holidays.
2. The applicant needs to have regard to the BS8233:2014 Guidance on 'Sound Insulation and Noise Reduction for Buildings' which presents guideline noise levels for both inside and outside dwellings.
3. 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.

4. The developer shall ensure that a plan is implemented in order to control dust created during the construction phase of the development. The plan shall be in line with the Institute of Air Quality Management Guidance on the Assessment of Dust from Demolition and Construction. The dust management plan shall identify all areas of the site and the site operations where dust may be generated and further identify control measures to ensure that dust does not travel beyond the site boundary. Once in place, all identified measures shall be implemented, retained and maintained for the duration of the approved use.
5. Applicants are reminded that in addition to securing planning permission other permissions may be required from North Yorkshire County Council as Local Highway Authority. These additional permissions can include, but are not limited to: Agreements under Sections 278, 38, and 184 of the Highways Act 1980; Section 38 of the Commons Act 2006, permissions through New Roads and Streetworks Act 1991 and Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996 (as amended and including all instruments, orders, plans, regulations and directions).

Further information on these matters can be obtained from the Local Highway Authority. Other permissions may also be required from third parties. It is the applicant's responsibility to ensure all necessary permissions are in place.

6. Public Rights of Way:
 - i) There is a Public Right of Way or a 'claimed' Public Right of Way within or adjoining the application site boundary - please see the attached plan.
 - ii) If the proposed development will physically affect the Public Right of Way permanently in any way 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. Please contact the Local Planning Authority for a Public Path Order application form.
 - 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.

7. The developer should note the requirements of Condition 3 1) of this permission which requires submission and approval of a Construction Management Plan and includes prior approval of any temporary access roads to facilitate construction of the development hereby approved.

8. The applicant is advised that this permission does not entitle the alteration or removal of any of the built structures associated with the Grade II listed school building other than those expressly approved by virtue of this permission. Such works would require Listed Building Consent and would constitute an offence under the Planning (Listed Buildings and Conservation Areas) Act 1990 if undertaken without consent having first been obtained.
9. If the applicant intends to obtain a water supply from United Utilities for the proposed development, we strongly recommend they engage with us at the earliest opportunity. If reinforcement of the water network is required to meet the demand, this could be a significant project and the design and construction period should be accounted for.

To discuss a potential water supply or any of the water comments detailed above, the applicant can contact the team at DeveloperServicesWater@uuplc.co.uk.

Please note, all internal pipework must comply with current Water Supply (water fittings) Regulations 1999.

10. Where United Utilities' assets exist, the level of cover to the water mains and public sewers must not be compromised either during or after construction.

For advice regarding protection of United Utilities assets, the applicant should contact the teams as follows:

Water assets - DeveloperServicesWater@uuplc.co.uk

Wastewater assets - WastewaterDeveloperServices@uuplc.co.uk

It is the applicant's responsibility to investigate the possibility of any United Utilities' assets potentially impacted by their proposals and to demonstrate the exact relationship between any United Utilities' assets and the proposed development.

A number of providers offer a paid for mapping service including United Utilities. To find out how to purchase a sewer and water plan from United Utilities, please visit the Property Searches website; <https://www.unitedutilities.com/property-searches/>

You can also view the plans for free. To make an appointment to view UU's sewer records at your local authority please contact them direct, alternatively if you wish to view the water and the sewer records at the Lingley Mere offices based in Warrington, please ring 0370 751 0101 to book an appointment.

Due to the public sewer transfer in 2011, not all sewers are currently shown on the statutory sewer records and UU do not always show private pipes on their plans. If a sewer is discovered during construction; please contact a Building Control Body to discuss the matter further.

The applicant should contact United Utilities regarding a potential water supply or connection to public sewers. Additional information is available on their website <http://www.unitedutilities.com/builders-developers.aspx>

11. 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: 2020/22109/FUL

Proposal: Revised description Construction of eleven dwellings with landscaping, infrastructure, associated works and off-street parking on allocated site.

Site Address: Land At Richard Thornton's School Burton In Lonsdale LA6 3JZ

On behalf of: Permahome Limited

Committee Decision Monitoring Sheet

This sheet is to be completed when issuing decision notices for applications that have been present to Planning Committee.

Application No:	2020/22109/FUL	Case Officer:	Mr Mark Moore
Location of Development:	Land At Richard Thornton's School Burton In Lonsdale Carnforth Lancaster LA6 3JZ		
Proposed Development:	Revised description Construction of eleven dwellings with landscaping, infrastructure, associated works and off-street parking on allocated site.		

Committee Date: 25th October 2021

Resolution:	<input type="checkbox"/>	Grant Permission	<input type="checkbox"/>	Refuse Permission
	<input checked="" type="checkbox"/>	Grant Permission (S106)	<input type="checkbox"/>	Temporary Permission
	<input checked="" type="checkbox"/>	Other (specify) ...Delegated authority given for permission to be granted subject to planning conditions following the applicant entering into a Sn106 agreement in accordance with the terms set out in the officer report.		

Recommendation made:

Were any updates made verbally or in writing at the meeting that are not reported in the original Committee report? If YES place the Addendum or notes of the verbal update on file. (Note include reporting of additional representations, corrections or revisions, as well as additional conditions. **YES**

Members were advised of response from Yorkshire Water which was received after completion of the late information report.

YW has raised no objections to the application and moreover, advised that if water pressure issues were to arise, in response to third party reps and members concerns, this would be dealt with by YW and is not a matter for planning consideration at this stage.

Final Decision:

Is the final committee resolution different in any way to the original committee report? If **YES** explain in full the precise changes that need to be incorporated in the Decision Notice (e.g. new / amended conditions or a reason to refuse permission) to allow its production by Planning Support. **YES**

The Committee resolved to give delegated authority to approve the application following completion of a Sn106 agreement which would, amongst other matters, require the applicant to demonstrate that they can undertake highway improvements to an adoptable standard at the site entrance to the main road (which does not have any registered landowner) and to ensure future maintenance of the access.

Following the committee meeting it has been highlighted that the recommendation should have been for delegated authority to be given to the Strategic Manager of Planning and Regeneration as opposed to the Planning Manager as set out in the officer report. This does not require the application to be referred back to the committee as it is a matter of detail that does not significantly alter the members decision in this case.

There were amendments sought to the recommended conditions as follows:

- 1) A more specific condition regarding materials was requested prompted by concerns regarding the need to ensure the development incorporated building materials that would not detract from the setting of the site within proximity of the Grade II listed Richard Thornton School and the Burton in Lonsdale Conservation Area. It is proposed to amend condition 5 (External Materials) to require the applicant to provide sample panels of external materials for prior approval by the case officer. Subsequent to that members also expressed the view that rendering on the site should be kept to a minimum.
- 2) Members raised some concerns regarding the wording on Conditions 17 and 18 (Highways). Specifically, they considered that it was unclear as to when the highways conditions would come into effect. Following discussion at the meeting and post committee it has been agreed that an informative note can be added to both conditions to reference condition 19 (Construction Management Plan) which, at point 1, requires the applicant to provide:

‘details of any temporary construction access to the site including measures for removal following completion of construction works’;

It is considered that this amendment is sufficient to fully address members concerns.

Committee Decision Monitoring Sheet

This sheet is to be completed when issuing decision notices for applications that have been present to Planning Committee.

- 3) Members requested that an additional planning condition be included to ensure that the existing school access, which is to be retained as an emergency site access, be gated (as confirmed by the applicant) and set out in the late information report.

Signed & Dated (Case Officer).....

Signed & Dated (DCM or PPO in absence).....R N Watson
27.10.2021.....

REPORT TO PLANNING COMMITTEE ON 25th October 2021

Application Number: 2020/22109/FUL

Proposal: Revised description Construction of eleven dwellings with landscaping, infrastructure, associated works and off-street parking on allocated site.

Site Address: Land At Richard Thornton's School Burton In Lonsdale, LA6 3JZ

On behalf of: Permahome Limited

Date Registered: 3rd February 2021

Expiry Date: 5th May 2021

EOT Date, if applicable:

Case Officer: Mr Mark Moore

SUMMARY

This is an application for residential development on a site that is allocated in the adopted Local Plan. The overall scale, design, visual impact, impact on heritage assets, biodiversity, site drainage and highway safety are considered to be acceptable. The development can be undertaken sustainably and would constitute re-use of previously developed land that would contribute significantly to the Council's spatial housing strategy. Accordingly, the application is recommended for approval subject to planning conditions.

1. Site Description

- 1.1 The proposed development site is located to the west of the village of Burton in Lonsdale. Burton in Lonsdale is a village and civil parish in the Craven District of North Yorkshire close to the border with Lancashire and Cumbria. The site is approximately 4383 square metres (0.43 Ha) in size and is partially previously developed land, currently occupied by part of the former school buildings and its curtilage.
- 1.2 The site shares a boundary with Richard Thornton School, a Grade II Listed Building - (as the Former Burton in Lonsdale Endowed First School: Schoolmaster's House and garden wall and gate piers) erected in 1853. The former school building occupies a prominent position, set back on elevated ground, to the west of the A687 from which it takes access.
- 1.3 The curtilage boundaries comprise stone walling to the road frontage and to the south along a track serving two properties located further to the west. Areas of hardstanding are located to the north of the building which provide former playground space and, to the south, car parking. The site area was formerly used as a play area and is currently unmanaged and overgrown. It rises gently to the north bounded by a continuous stone wall with agricultural pastureland beyond. There are a number of mature trees and hedgerows across the site.
- 1.4 The former school building is a Grade II listed building (list entry number 1301402) and the site falls within the Burton in Lonsdale Conservation Area. Several other designated heritage assets fall within proximity to the site, most notably the Castle Hill motte and bailey castle to the east and a Scheduled Monument (1009319).

- 1.5 The site has been allocated for residential development under Policies SP4, SP5 and SP11 of the adopted Local Plan (Site Ref: BU012).
2. Proposal
- 2.1 The erection of eleven dwellings with landscaping, infrastructure and parking on allocated site (Ref: BU012).
- 2.2 The application seeks permission for a mix of 6 two bed and 5 three bedroomed bedroom, two-storey dwellings laid out around a shared access linked to an existing unclassified service road connected to the main carriageway further to the east.
- 2.3 The properties are to be constructed using stone with slate roofing and are of a contemporary gable ended design. Whilst the final materials remain to be sourced the applicant has provided examples of similar builds elsewhere in the area and has confirmed that the proposed dwellings would use the same materials subject to availability.
- Officer note:** It is proposed to condition any subsequent approval to require the LPA's agreement on the final materials to be used on the site.
- 2.4 The proposals include the provision of 2 two bedroomed affordable housing units which would be offered through a shared ownership arrangement in partnership with CDC Strategic Housing.
- 2.5 The application is accompanied by a tree survey which identified a total of 32 specimens across the site of which 13 are assessed as being in poor condition and are therefore scheduled for removal. It is proposed to protect the remaining trees and to carry out appropriate replacement planting in accordance with an approved landscaping scheme.
3. Relevant Planning History
- 3.1 Part demolition of school classrooms; change of use of school building to a residential care and educational facility; alterations to access. Ref. No: 2019/20873/FUL. Approved with conditions.
- 3.2 Part demolition of school classrooms; change of use of school building to a residential care and educational facility; alterations to access. Ref. No: 2019/20874/LBC, Approved with conditions.
4. Planning Policy Background
- 4.1 **Craven Local Plan (2012-2032):**
- SD1: The Presumption in Favour of Sustainable Development
 - SP1: Meeting Housing Need
 - SP3: Housing Mix and Density
 - SP4: Spatial Strategy and Housing Growth
 - SP11: Strategy for 4A & 4B Villages with basic services and bisected villages with basic services
 - H2: Affordable Housing
 - ENV2: Heritage
 - ENV3: Good Design
 - ENV4: Biodiversity
 - ENV6: Flood Risk
 - ENV7: Land and Air Quality
 - ENV8: Water Resources, Water Quality and Groundwater
 - ENV9: Renewable & Low Carbon Energy
 - ENV12: Footpaths, Bridleways, Water Quality and Cycle Routes

INF4: Parking Provision

INF7: Sustainable Transport and Highways

4.2 **National Planning Policy Framework (as amended July 2021)**

4.3 **Planning Practice Guidance**

5. Parish/Town Council Comments

5.1 **Burton in Lonsdale Parish Council:**

There does not appear to be any additional information to the original application regarding the development of mains sewer provision for the 11 dwellings. The Parish Council has previously drawn the Planning Department's notice to this important matter, in its comments of 19th March 2021.

There has been no clarification as to the future management of the affordable housing units.

Officer note: The Council's Strategic Housing Team have advised that the affordable homes have been allocated to Craven District Council through our development partnership. This means they will be bought by the council to provide shared ownership. The properties would be essentially the same as the open market units on the site and it would be the responsibility of the co-owners to subsequently manage the affordable housing units. The Council's only involvement would be to collect rent on the share of the properties not owned by the householders.

2.4 The proposals include garaging for 9 vehicles with a further 7 parking spaces set towards the southern end of the site. In addition, there would be driveway space for a further 9 vehicles.

6. Consultations

6.1 **NYCC Highways:**

Following initial objections relating to the ownership of the existing track from which the site would take access (which is not presently in the applicants' ownership) NYCC Highways have commented as follows:

'Our policy is that a road should be adopted if there are 5 or more houses which this is. We would want the full site to be built to adoptable standard. Any ownership issues require resolving as we can only enter into a s38 if they own the land or have an agreement with the landowner. Should the road remain private and be managed by a management company a s106 agreement would be required'.

Subject to the above considerations the Highways Engineer has recommended conditions/informatives to require the following:

- i) Submission of plans of road and footway layout
- ii) Need for legal agreement to ensure works to access are of an adoptable standard
- iii) Construction of roads and footways to an adoptable standard
- iv) Construction details of roads and footways
- v) Provision/retention of access, turning and parking areas
- vi) Construction details of turning and parking areas
- vii) Provision of a Construction Management Plan

6.2 **NYCC Footpaths Officer:**

No objections but has commented that applicant should be made aware of the need to ensure that the adjoining PROW is not obstructed or, if necessary, an appropriate temporary closure order is obtained and/or an appropriate alternative route is provided.

Officer note: The full recommendations of the NYCC Footpaths Officer would be included as informatives on any subsequent planning approval.

6.3 **NYCC LLFA:**

In their initial response (16/3/2021) NYCC LLFA requested that additional information be sought before they could comment further.

Following the submission of additional documentation NYCC LLFA retained an objection to the scheme based on concerns over the ownership of the site access land.

The latest comments of NYCC LLFA are:

'In terms of the drainage design and the need to demonstrate in accordance with National Planning Policy Framework Paragraph 169 that the site has incorporated the use of SuDS, we confirm the proposal meets the minimum required operational standards and confirm that we have no objections on the hydraulic design of the system.

In relation to our previous point of objection to the long-term future management of the drainage systems. It is understood that the applicant does not currently own the land where the proposed highway entrance to site is to be located, which includes elements of the proposed drainage system. Ultimately the responsibility for maintaining private drainage systems rests with the landowner as riparian owner. Therefore, in order to ensure that the drainage system can be maintained for the lifetime of the development, the land ownership issues must be resolved for any condition to be enforceable and reasonable. We understand from our discussions that the legal agreement will require the developer to obtain ownership of this land before construction can proceed. Once the land in question is within the ownership of the applicant, the LLFA would then be satisfied that the proposed maintenance arrangements would be achievable, reasonable and could be enforced via condition.

On the basis of the developer entering into a legal agreement with the LPA, the LLFA is willing to overturn its position and no longer has an objection to the proposed development. We recommend that a pre-commencement condition is applied to any permission granted, requiring the details of the maintenance to be submitted and approved by the LPA. The applicant should be made aware of the risk that if the requirements of NYCC in relation to long term maintenance cannot be met at the discharge of condition stage, the applicant is at risk of not being able to discharge the condition.

The NYCC LLFA conclude by recommending a condition to address long-term maintenance of the drainage at the site.

6.3 **CDC Strategic Housing:**

The applicant has submitted a planning application for 11 homes of which 2 are proposed as affordable.

As per the previous consultation the buildings are deemed as vacant and so vacant building credit (VBC) can be applied to this scheme.

The calculation for VBC is set out in the Draft Affordable Housing SPD February 2021. Policy H2 in the draft Affordable Housing SPD February 2021, states that in rural areas, which Burton in Lonsdale is classified as, on sites of greater than 10 dwellings or 1000sqm that on-site affordable housing contributions are required. This site provides for 11 homes and 1083 sqm of accommodation and so on-site affordable housing is necessary.

Taking into account that VBC applies to this site and utilising the calculation set out in the SPD, Strategic Housing can accept the applicants offer of 2 affordable homes for on-site provision. Furthermore the 2 x 70sqm affordable homes that are being provided and their location on the site meet the requirements of the SHMA and are acceptable.

Strategic housing has no objections to this application.

- 6.4 **CDC Environmental Health:**
There are no contamination issues associated with the site. Recommendations made for conditions relating to the control of noise and dust, use of clean topsoil and provision of electric vehicle charging points.
- 6.5 **CDC Sports Development Officer:**
The planning gain in respect of POS contributions has been re-calculated since the initial application to reflect the reduction in the number of dwellings from 11 to 12.
Based on the 2021 INF3 calculator the offsite contribution for this development is J39,006. Following consultation with ward members and Lonsdale Parish Council the SDO has identified a number of projects to which the contribution is to be distributed. In particular the Parish Council have several projects which have been proposed by residents and which Sn106 contributions are sought. The identified projects have been cross referenced with the evidence base (PPS Open Spaces and Built Facilities Strategies) to identify those with the best strategic fit.
The proposed allocation of the J39,006 is:
- J788.00 towards Settle Swimming Pool
 - J5,200 towards Burton in Lonsdale Parish Sports Pavilion
 - J10,485 towards Burton in Lonsdale Parish Children's Equipped Play
 - J11,385 towards Burton in Lonsdale Parish sports pitches and MUGA
 - J11,147 towards general amenity space in the Parish of Burton in Lonsdale
- 6.6 **CDC Trees Officer:**
No objections subject to appropriate tree protection measures.
- 6.7 **United Utilities:**
'In accordance with the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG), the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way.

The drawing of Drainage Strategy, ref: 20568 DR-C-0100 revision P1 dated 28 Jan 2021, does not show that the outfalls of cellular soakaway and treated foul water sewer. Therefore, the drainage statement is required to confirm the above for our assessment'.
UU conclude by recommending conditions to address details of the means by which foul and surface water will be dealt with.
- 6.8 **Historic England:**
Have advised that they do not wish to comment on the application.
7. Representations
- 7.1 The application was advertised by way of a site notice posted on 12/3/2021 and by a press notice on 26/2/2021.
- 7.2 Neighbour notification letters were posted on 26/2/2021
- 7.3 A total of 12 representations were received which are summarised as follows:
- o Quality of design

- o Effect of development of nearby buildings and heritage assets.
- o Reduction in affordable housing units
- o Layout
- o Mains sewer arrangement needs clarification
- o No foul water scheme attached to the submitted drawings.
- o Delivery of building materials.
- o Location of works site compound
- o Construction traffic
- o Drains not shown on the submitted drawings.
- o Drainage and water supply infrastructure.
- o The proposed access is hazardous and compromises road safety.
- o Deficient ecological survey.
- o Contribution to car usage.
- o Lack of parking
- o Means off access is inappropriate.
- o Use of access may cause damage to properties.
- o Overlooking
- o Right to light

8. Summary of Principal Planning Issues

8.1 Principle of development

8.2 Affordable Housing

8.3 Design quality and the effect on the development on the character and appearance of the area

8.4 Heritage Assets

8.5 Access & Highway Matters

8.6 SUDs

8.7 Biodiversity

9 Analysis:

Principle:

9.1 Paragraph 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that development proposals are determined in accordance with the development plan unless material considerations indicate otherwise. This requirement is reinforced in paragraph 2 of the National Planning Policy Framework (NPPF).

9.2 The NPPF requires that Local Planning Authorities should approach decision-taking in a positive way to foster the delivery of sustainable development and that decision makers should approve applications for sustainable development where possible. The presumption in favour of sustainable development is the 'golden-thread' running through the national framework. Decision making should not simply be about scrutiny but instead function as creative exercise in finding ways to enhance and improve the places in which people live their lives.

- 9.3 Delivering growth on sites allocated for development under Policies SP4, SP5 and SP11 is one of the aims of the adopted local plan. Moreover, maximising the optimum use of previously developed land and the promotion of residential land uses is also supported in this policy context as is securing effective land use in meeting the need for homes. Indeed, adopted Local Plan policy SP4 supports compatible land uses within specified locations whilst the site (Ref BUO12) is recognised as such in policy SP11 of the Local Plan.
- 9.4 Para 59 of the NPPF sets out the objective of significantly boosting the supply of homes and the recent relaxation of permitted development restrictions shows the Government's clear intent to maximise the use of appropriate land and buildings to increase housing-stock. Local Plan policy SP1 seeks to provide at least 4,600 dwellings over the plan period and the realisation of this application would contribute towards this goal.
- 9.5 Para 8 of the NPPF states that there are three dimensions to sustainable development: economic, social and environmental, whereas Para 11 of the NPPF refers to a presumption in favour of sustainable development. This means approving development proposals that accord with the development plan by granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
- 9.6 The growth and expansion of the nearby village of Burton-In-Lonsdale has resulted in a pattern of increasing intensification of development with incremental increases in the size and scale of its buildings. The changes that have taken place in and around the village centre and its immediate surroundings over the past 70 or so years show an increasing proliferation of buildings of considerable presence in line with ever changing housing trends. The site is located at the western end of the village and is currently not being used to its full potential, being partially developed yet vacant and it consequently makes little contribution to the urban grain of the village and its surroundings save for, in part, perhaps reinforcing the open character of the surrounding countryside. The site is nonetheless recognised as previously developed land for planning purposes. The planning gain offered by realisation of the proposal would be significant in comparison to how the land functions presently and, it is clear that the site could, and should, be used more intensively and more effectively.
- 9.7 Para 118 of the NPPF promotes the development of under-utilised land. Small sites such as the application site can make an important contribution to meeting the housing requirement of an area and are often built-out relatively quickly. Notwithstanding, the site has been specifically allocated for housing development in the adopted Local Plan. Local and national policies seek to maximise the opportunities for regeneration that take a positive approach to sustainable development and the Council will work proactively with developers to resolve issues that improve the economic, social and environmental conditions in the area. For development to be considered sustainable it must demonstrate the core principles of sustainable development.
- 9.8 The nearby village centre offers a range of local services supported by local infrastructure. In relation to Para 8 of the NPPF; the proposal would contribute to building a strong, responsive and competitive economy through the creation of construction jobs during the life of the build as well as the on-going contribution to the local economy from the creation of 11 additional households. The proposal would also contribute towards providing the supply of housing required to meet the needs of present and future generations (including affordable housing) and has the potential to create a high-quality built environment both on and off-site through contributions through the section 106 mechanism.
- 9.9 Local Plan Policy SP3 relates to housing mix and density whereby new housing development will ensure that land is used in an effective and efficient manner to address local housing need. 32 dwellings per hectare is the general guide for achieving an appropriate overall housing density across the plan area across all tenures, most housing should be 3 bedroomed. The Proposal therefore generally accords with the requirements of LP Policy SP3 in terms of density and bedroom provision.
- 9.10 The socio-economic and environmental objectives that make a development sustainable, in terms of supporting growth by increasing the number of good-quality, well designed homes and making

the best use of land, is clearly defined in the application. In principle, the proposal is acceptable for residential development because it seeks to optimise the use of land identified for housing through the local plan process, utilising a brownfield site by developing 11 new dwellings of an appropriate density and housing mix in place of an underused site.

Affordable housing:

- 9.11 Policy H2 of the Local Plan addresses the provision of affordable housing and, according to the 2017 Strategic Housing Market Assessment (SHMA) Craven's net affordable housing imbalance over the life of the Local Plan is 126 dwellings per annum and future affordable housing provision should be approximately 15%-25% intermediate tenure, and 75%-85% affordable rented, with 87.4% one and two bedroom dwellings and 12.6% three (or more).
- 9.12 The site is of a size and is in a location requiring 25% of new dwellings to be affordable homes. The wording of Policy H2 makes it clear that the affordable housing provision should be in line with the requirements of this policy, although lower levels of provision may be acceptable in certain circumstances. The proposal is to re-develop this previously developed site to construct 11 dwellings.
- 9.13 Policy H2 is consistent with the Framework which, amongst other things, addresses the provision of affordable housing as part of boosting the supply of housing and requiring policies with cost implications, such as Policy H2, to be formulated to take account of viability. Policy H2 allows for a scheme's affordable housing level to be reviewed if viability is an issue.
- 9.14 In a Written Ministerial Statement (WMS) of 28 November 2014 the Government introduced the vacant building credit (VBC), which, when applicable, allows locally derived levels of affordable housing to be reduced. The VBC was introduced with the intention of incentivising the redevelopment of vacant buildings and was introduced by the Government '*... to tackle the disproportionate burden of developer contributions on small-scale developers, custom and self-builders*'. The WMS states that the VBC is '*A financial credit, equivalent to the existing gross floorspace of any vacant buildings brought back into any lawful use or demolished for re-development*' it further states that the VBC '*should be deducted from the calculation of any affordable housing contributions sought from redevelopment schemes*'.
- 9.15 Planning law requires planning applications to be determined in accordance with the development plan, unless material considerations indicate otherwise and Policy H2 is therefore the starting point for determination of the affordable housing aspects of this application. Policy H2 allows development proposals that seek to provide a lower level of affordable housing contribution where it can be justified and states that the local planning authority will apply VBC in all appropriate circumstances. In full consideration of the matter, officers are of the view that the VBC has been correctly applied in this case and that realisation of the application would be the most expedient means of incentivising this site's redevelopment.
- 9.16 This proposal will provide 2 affordable dwellings which, taking the VBC into account, is compliant with the Local Plan. The specific requirement for affordable housing has been calculated in accordance with the Local Plan and the 2017 update to the SHMA. The developer has entered into discussion with the Council in order to agree the terms of a related Sn106 legal agreement.

Design quality and the effect on the development on the character and appearance of the area

- 9.17 Local Plan policy ENV3 sets out the Council's general urban design principles and, amongst other things, states that proposals should be based on a contextual appreciation of environmental features and preserve local character and distinctiveness.
- 9.18 Local Plan policy ENV1 supports development proposals that, amongst other things, conserves and enhances local landscape character by positively responding to their surroundings.
- 9.19 The NPPF states that good design is a key aspect of sustainable development and should contribute positively to making places better for people. Decisions should aim to ensure that development will function well and add to the overall quality of the area, establish a strong sense of

place, create attractive and comfortable places to live, work and visit, optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses and support local facilities and transport networks. Furthermore, it provides that development should respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation. Local Plan policy sets out that development should be well connected to and integrated with the wider settlement with height, massing, layout, appearance and landscape that makes an appropriate visual relationship with that of the form, grain, scale, materials and details of the surrounding area, whilst not necessarily replicating local characteristics. These qualities are echoed in the design provisions of the NPPF.

- 9.20 One of the core planning principles of national policy as set out in the NPPF is always to secure high-quality design. The Council places emphasis on new buildings to be of the highest architectural quality. The NPPF also outlines that planning decisions should aim to ensure that developments function well and add to the overall quality of an area not just for the short term, but over the lifetime of the development. It additionally recognises that considerations regarding the appearance and the architecture of individual buildings should go beyond aesthetics and consider the connections between people and places and the integration of new development into the natural, built and historic environment. Local and national design policies advise that planning permission for new development will be refused if it causes material harm to the character of the surrounding area, including the street scene, overlooking, noise or disturbance to occupants of neighbouring dwellings, overshadowing or over-dominance, traffic danger or congestion.
- 9.21 Character can be defined as individual distinctiveness created from a combination of natural and built elements with historic, socio-economic factors. An understanding of the villages' current character is essential to directing and shaping future development in a sensitive and appropriate manner. It is considered in this case that the proposed development would represent a logical distribution of height and scale across the site.
- 9.22 The applicant has drawn from the architectural cues seen in neighbouring houses and incorporated them into the design of the proposal whilst managing to create something unique. Both local and national policy states that the applicant should not feel bound by the prevalence of an architectural style. This is especially relevant given the variance of the wider context vernacular when looking beyond the building in the High Street. The houses will be constructed with a mix of render and stone with stone or grey slate roofs. The principal elevations of the proposed housing would be constructed using stone.
- Officer note:** It is common practice to condition the materials to ensure that agreement is reached as to the most appropriate prior to their use on site. The applicant has stated that it is intended to use materials that have been found elsewhere on similar developments subject to availability once construction on site has commenced.
- 9.23 The density of the proposed housing, their comparatively generous plots and the separation distances between the proposed buildings serves to contribute to the spacious character of the street scene. Accordingly, the overall scale and appearance of the proposal would generally reflect the existing form and character of existing development elsewhere in the village.
- 9.24 The layout of the proposal is more uniform than that of the nearby streets; however, the site size constraints have a part to play in this. Notwithstanding, the more formal layout does not conflict so sharply with the existing spatial characteristics of the area to warrant a refusal on that basis. The Government and the Council attaches great importance to the design of the built environment. Para 59 of the NPPF advises that new development should take account of the overall scale, density, massing, height, landscape, layout and materials of new development in relation to neighbouring buildings and the local area more generally. In this case, for the reasons set out above, the overall design and appearance of the development would contribute towards local distinctiveness. Moreover, the applicant will be bound by a condition to provide a more detailed material palette prior to the use of external materials on the site to ensure that the scheme correlates with the prevailing character of the village.

- 9.25 The site suffers somewhat due a more modest public transport accessibility level which, to some degree, restricts the density of the proposed housing scheme and ultimately the number of units offered. Development should not be parking-led but the final scheme may have a higher reliance on parking-provision by virtue of its location unless and, in part, to the size and types of dwellings on the site. The layout of the proposal has somewhat been dictated by the size, shape and orientation of the plot, in addition to its relationship to the existing built form. However, care has been taken to maximize the potential of the land directly affected by these constraints which is discussed later in the report.
- 9.26 The purpose of the planning system is to contribute to the achievement of sustainable development. Sustainable development is key to tackling the linked challenges of climate change, resource use, economic prosperity and social well-being and cannot be achieved without sustainable buildings. Local Plan policy ENV3 states that sustainability should be designed in so that development takes all reasonable opportunities to reduce energy use.
- 9.27 The Council will promote the highest standards of sustainable design and construction throughout the district. This can be achieved by requiring all new residential developments to achieve national technical standards. Developers should explore the potential to implement water recycling measures on a building or site-wide scale to significantly reduce mains water demand as part of all new development. Developers should strive to deliver infrastructure to reduce mains water consumption to the equivalent requirements of Building Regulations unless these strategies can be proven technically unsuitable or commercially unviable. These aspirations can be secured by way of planning condition in order that they can be fully explored post permission.
- 9.28 It is important to recognise that Building Regulations, covers a significantly wide range of sustainability issues. Parts G and L of the Building Regulations address water efficiency and energy use respectively. The national technical standards incorporate these and also addresses other important sustainability issues such as materials, waste, health and well-being, ecology, and management of both the construction process and the completed building. Concerns have been raised by third parties regarding these issue in general and, more specifically, water efficiency. However, there should be an appreciation that there are many regulatory frameworks outside of the planning system (such as Building Control) that will need to be complied with during the construction of the development. Whilst compliance is expected with all these regimes, matters outside of the planning purview are not material to the decision-making process and therefore will not weigh against the acceptability of the development, in planning terms. Notwithstanding, the developer has been working collaboratively with NYCC LLFA to achieve the best scheme possible to deal with this aspect of the development.
- 9.29 The government has implemented a Universal Service Obligation, giving every household and business the right to request a broadband connection of at least 10 Mbps. Providing superfast broadband in new developments will provide further benefits and opportunities in terms of sustainability. It is proposed to condition any subsequent planning approval to ensure that adequate broadband provision is available at the site.

Accessibility/Location of Development

- 9.30 Burton in Lonsdale has a village hall, a church, a shop and a public house. Use of more comprehensive day-to-day facilities other than those present in the village would necessitate occupants of the proposed development travelling in order to meet most of their day to-day needs. The footways that serves the site link to the village and they are in generally good condition and therefore provide a realistic and attractive alternative for most people to shop for provisions or use the facilities within the village. The surface is wide and sound enough to accommodate those with mobility limitations who still felt able to use the footway. Notwithstanding the relatively short distance to the village centre the car would likely be the preferred mode of transport relied upon for access to other services and facilities which are some distance away. As a result, the site does not exhibit strong credentials in respect of accessibility to services on foot. Notwithstanding, this would not necessarily render the routes identified unattractive for most day-to-day trips by pedestrians or cyclists. However, given these factors and the distances involved, the routes would not form

realistic options for occupants of the proposed development to walk or cycle at all times of the year and not in the hours of darkness or in inclement weather.

- 9.31 There is a bus service in the village with the bus stops located close to the proposed site. However, the bus service does not run in the early morning and is a limited service in terms of frequency and scope. This presents clear limitations for access to services and facilities and would not necessarily be convenient for school children, commuters or people wishing to access day-today amenities. The frequency of the service would limit the convenience with which day-today needs could be met.
- 9.32 Para 78 of the NPPF states that to promote sustainable development in rural areas housing should be located where it will enhance or maintain the vitality of rural communities. Where there are groups of smaller settlements, development in one village may support services in a village nearby. However, the site's location adjacent to a village with only a very small number of facilities of its own limits the potential for the proposed housing to carry any health, social benefits, or convenience for future occupants. Residents are therefore likely to be car dependant to meet some of their needs. However, the somewhat limited accessibility by sustainable modes does, overall, not weigh against the proposal or make it an entirely unsustainable location for development. It should also be noted that this is an allocated site which remains a significant material consideration in the overall assessment of the application.

Living conditions

- 9.33 The proposed rear garden areas of dwellings 10 & 11 would be restricted in depth and there would be a relatively close relationship between their rear elements and the principal elevations of dwellings 7, 8 & 9 at the north eastern part of the site. However, there would be a screen fence, landscaping and an intervening highway that would prevent overlooking between the ground floor habitable windows of any facing elevations between dwellings 7, 8 & 9 and 10 & 11. The separation distance in tandem with screening would make it difficult to see into the rear of the house or to the areas of land closest to the dwelling. A planning condition in respect of tree planting in the appropriate location would mitigate against harmful overlooking or loss of privacy for the occupiers of this neighbouring property. The trees would have to be significant specimens with good crown cover and distribution. The presence of any existing intervening vegetation that obscures views into the neighbouring property will not normally be enough on its own since they can too easily be removed or die. Accordingly, a comprehensive landscaping scheme (including the planting of the trees) will be forthcoming prior to any above ground works taking place and its presence secured thereafter by way of planning condition.
- 9.34 The issue of overlooking and how this has the potential to affect users of other nearby buildings has also been considered. There should be an appreciation that a certain amount of overlooking would be inevitable when buildings occupy the arrangement as proposed. However, it is the significance of the overlooking effect that is the main question for the decision maker to consider. The oblique angle of view and the presence of a landscaping scheme would prevent any significant overlooking between the upper windows of the proposed dwellings and any private areas of the surrounding buildings. Moreover, given the existing projections of the surrounding properties and their respective locations in tandem with the separation distances and the mass and bulk of the proposal when viewed from neighbouring windows would be limited, and would not cause a significant overshadowing effect. Also, having regard to the sun's trajectory, any additional effect on daylight and sunlight within those nearby buildings would also very limited. The proposal would add to the number of overlooking windows but, for the aforesaid reasons, would not significantly affect the levels of privacy.
- 9.35 In conclusion, the proximity and scale of the development will not unacceptably detract from the existing living conditions and general amenities of any neighbouring occupiers in such a way that planning permission should be refused if an appropriate planning condition is attached.

Renewable energy

- 9.36 The provision of renewable and low carbon energy is central to the economic, social and environmental dimensions of sustainable development set out in the NPPF. There is strong local

(Local Plan Policy ENV9) and national policy support for the development of renewable energy sources, including solar power, to ensure the country has a secure energy supply, and to reduce greenhouse gas emissions. Although the scheme is modest in size, paragraph 154 of the NPPF confirms that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions. Moreover, it is not necessary for the appellant to demonstrate the overall need for the proposal.

9.37 The policy support for renewable energy given in the NPPF is caveated by the need for the impacts to be acceptable, or capable of being made so. The Design and Access Statement sets out the details of the energy performance measures that will be integrated into the construction of the dwellings to reduce the carbon footprint of the development. It is considered that solar pv panels and or/tiles are a viable option in this particular location and these will be made available to buyers of the proposed housing. This has been agreed by the applicant and a planning condition is proposed to ensure that an appropriate scheme for the provision of solar energy panels and/or tiles shall be agreed and subsequently provided on the site.

9.38 Local and national policy advises that renewable energy projects should be located where impacts are, or can be made, acceptable. It is considered appropriate for this issue to be explored further with the developer post permission and in conjunction with an appropriate landscaping scheme in the interests of the character and appearance of the area.

Effect on Heritage Assets

9.39 The site lies to the west of the village and shares a boundary with Richard Thornton School, a Grade II listed building. The former school building occupies a prominent position set back on elevated ground, to the west of the A687 from which it takes access. The curtilage boundaries comprise stone walling to the road frontage and to the south along a track serving two properties to the west. Areas of hardstanding to the north of the building provide former playground space and, to the south, car parking. The site area was formerly used as a play area and is currently unmanaged and overgrown. It rises gently to the north bounded by a continuous stone wall with agricultural pastureland beyond.

9.40 The site falls within the Burton in Lonsdale Conservation Area. Several other designated heritage assets fall within proximity to the site, most notably the Castle Hill motte and bailey castle to the east, a Scheduled Monument (1009319). As such, the proposed development will have the potential to impact upon the historic environment and the nature and extent of this is considered as part of the proposal.

9.41 In light of the statutory duties placed upon the Council which require that special regard shall be had to the desirability of preserving listed buildings or their settings or any features of special architectural or historic interest which they possess, and that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of conservation areas. Para 184 of the NPPF sets out that heritage assets are irreplaceable resources to be conserved in a manner appropriate to their significance. Para 193 of the NPPF also requires that great weight should be given to the conservation of assets, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. The more important the asset, the greater the weight should be afforded to the asset's conservation.

9.42 The applicant has submitted a detailed analysis of the heritage assets that will be affected by realisation of the development; it correctly concludes that the development will cause '*less than substantial harm*' to those assets

9.43 It is undeniable that the proposal would represent change in the significance and setting of the identified heritage assets. The development, in the context of the site that enjoys a distinct rural character which is significant to the setting of nationally important heritage assets, would introduce a suburban form of development, eroding the countryside setting and significance of the school, which makes an important contribution to the character and appearance of the conservation area. However, there would not be a total loss of significance and so the proposal would lead to less than substantial harm to the significance of designated heritage assets. That said, the degree of less

than substantial harm would be at the lower end of the scale. The Council has reached this view, in part, because the site, located to the west of the School, has not always been open and undeveloped.

- 9.44 The less than substantial harm to the significance of the designated heritage assets should be weighed against the public benefits of the proposal, including securing its optimum viable use. The proposal would contribute to the provision of housing in the district, in an accepted situation of less than a five-year housing land supply. The delivery of housing on the site would be in an area with access to existing services, recognising the significant role the delivery of housing has in the sustainable economic well-being of the District, which would boost the supply of homes, including much needed affordable housing, would be a significant benefit. The proposal would enhance the economy of the community by the creation of jobs associated with the construction stage, and new residents are also likely to support existing local services and businesses as well as having the potential to enhance the life of the Village with new skills and interests. However, this is afforded limited weight as such factors would be common to any such development.

SUDs.

- 9.45 NYCC LLFA initially expressed concerns regarding the ownership of the land that is to provide access to the site on the basis that it is not presently in the applicant's control. They have subsequently confirmed that, subject to the applicant entering into a legal agreement and providing assurances over long-term maintenance of the drainage systems at the site, they do not object and have recommended a planning condition to ensure that no development takes place until such time as appropriate legal agreement has been met.
- 9.46 The recommendation in this instance is to require the applicant to first enter into a legal agreement which, amongst other matters, will require him to acquire ownership or some form of legal entitlement over the access land and to provide assurances regarding long-term maintenance of the means of drainage to the site. Once established the recommended planning conditions will require formal discharge of planning conditions, in collaboration with NYCC LLFA, before the planning permission can be implemented.

Access & Highway Matters.

- 9.47 Following initial objections to the scheme which were based on uncertainties regarding ownership of the access to the site, NYCC Highways are now supportive of the proposal subject to the applicant entering into a legal agreement that would require him to provide access to the site constructed to an adoptable standard. Accordingly, they have made recommendations for various planning conditions relating to construction specifications of the roads and footways, the provision and retention of access, parking and turning areas together with submission of a Construction Management Statement.
- 9.48 In this case the access that lies adjacent to the southern boundary of the site, and from which access to the main carriageway is to be provided, is not in any specific land ownership. For this reason, it has been problematic for the applicant to be able to give assurances regarding his ability to construct the site access to an adoptable standard. That said, he has agreed to enter into a legal agreement which would effectively fetter development from taking place unless he is able to obtain a legal ownership of the access and would moreover, be bound by planning conditions that would require the access to be constructed to an adoptable standard. It is proposed by the applicant that a management company shall be formed to provide for the long-term maintenance of the access to an adoptable standard.

Officer note: NYCC Highways have suggested a condition that specifically requires the developer to enter into a legal agreement relating to the construction of the access. This would not be a lawful planning condition for the LPA to impose but would nevertheless form part of the Council's formal planning decision which would require the satisfactory completion of a legal agreement (which would require the applicant to gain ownership of the access), including the provisions for constructing and subsequently managing the access, prior to any decision notice being issued.

9.49 Whilst the Council could delay issuing a decision on this application pending further consideration of the question of the site access it would, in officer's opinion, be unreasonable to do so given that the matter can be effectively controlled both by a legal agreement and planning conditions. In summary, the applicant would be legally bound to ensure that he obtains lawful control of the access and that any subsequent highway construction could only be undertaken in full accordance with the Highway Authority's specifications. On this basis it is recommended that planning permission is granted subject to the satisfactory conclusion of a legal agreement and the imposition of the planning conditions as recommended by NYCC Highways.

Biodiversity

9.50 The ecological value of the site is comparatively low given its status as being previously developed. An ecological appraisal submitted in support of the application highlights the limited potential for protected species to be present on site. However, development proposals should include the provision for bat and bird boxes and invertebrate habitats in order to make the land more attractive for animals to use the soft landscaped areas for foraging. A planning condition is necessary to ensure that these measures are integrated into the development scheme as well as securing the use of native plant species for soft landscaping to achieve a biodiversity net gain.

9.51 The NPPF states that proposals should provide appropriate landscaping to ensure that they integrate well into the surrounding locality. This requirement is repeated in the adopted Local Plan. It is proposed to remove seven trees of limited value from the site whilst retaining part of the soft landscaping and supplant these with new trees and soft landscaping. The Council's Tree Officer has reviewed the tree survey and has raised no objection. This aspect of the development is important, not only in terms of it supporting its overall character but in also in respect of air quality and biodiversity gains, a failure to agree the scope and extent of the tree planting program and soft landscaping scheme is not, of itself, a compelling enough reason to withhold permission. Notwithstanding, a pre-occupation planning condition will be attached to the decision to allow the Council and the developer to secure an appropriate level of landscaping and ensure the new scheme will adequately mitigate for the loss of certain existing trees and would improve the landscaping coverage on site. Moreover, a future landscaping plan will be secured to ensure that built form is appropriately softened and that there is no unnecessary fragmentation of existing soft landscaping.

9.52 Views of the proposal would be framed and screened by established and proposed vegetation. Whilst the comments of the Tree Officer have been considered, it should be acknowledged that the final form of the proposal would result in residential development on land that is not absent of built form. This is not a case that would result in the merging of settlements or harm to the wider landscape character. The forthcoming landscape proposal will need to respond to the policy requirement to provide high quality, accessible well-designed public realm and landscaping within new developments. The landscape design should provide a unifying element to the design proposals helping them to connect the new buildings together with its setting and stitch it into the wider context. A management plan will ensure that this intention is realised and the use of professional landscaping contractors, responsible for planting, pruning, irrigation, tending the lawns and general horticultural advice, is encouraged. Management and maintenance of the new habitats created as part of the landscape strategy in order to maximise biodiversity gain will form part of the management plan.

10. Recommendation

10.1 It is recommended that delegated authority be given to the Planning Manager to grant planning permission subject to the following: -

- i) Completion of a Sn 106 Legal Agreement in relation to the provision of affordable housing, POS contributions and the subsequent construction and management of the site access.

Conditions

Time Limit for Commencement

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

Reason: In accordance with Section 91(1) of the Town and Country Planning Act 1990 as amended by the Planning Compulsory Purchase Act 2004.

Approved Plans

- 2 This permission relates to the following plans:

Drawing nos.

022004 05 Rev B Location Plan
02 Rev F Site Plan and Ground Floor Plan
03 Rev A Elevations
04 Rev A First Floor Plan
06 Rev A Roof Plan

Design and Access Statement

Heritage Statement

Tree Report

Public Right of Way Statement

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

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

Before you Commence Development

- 3 No development shall take place until a suitable maintenance of the proposed SuDS drainage scheme arrangement has been demonstrated to the local planning authority. Details with regard to the maintenance and management of the approved scheme to include; drawings showing any surface water assets to be vested with the statutory undertaker/highway authority and subsequently maintained at their expense, and/or any other arrangements to secure the operation of the approved drainage scheme/sustainable urban drainage systems throughout the lifetime of the development.

Reason: To prevent the increased risk of flooding and to ensure the future maintenance of the sustainable drainage system

During Building Works

- 4 No development above ground level shall take place until details of existing and finished site levels, including the finished floor and ridge levels of the buildings to be erected, and finished external site surface levels have been submitted to and approved in writing by the Local Planning Authority.

Reason: The proposed levels of the development are required prior to commencement of above ground works for the avoidance of doubt and in order to ensure that any works in connection with the development hereby permitted respect the height of adjacent properties.

- 5 Prior to their first use on site full details of all materials to be used on the external surfaces of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials. The development shall thereafter be implemented in accordance with the duly approved materials.

Reason: To ensure use of appropriate materials which are sympathetic to the character of surrounding buildings and the street scene in the interests of visual amenity in accordance with the requirements of policy ENV3 of the Craven District Local Plan 2012 to 2032 and the National Planning Policy Framework.

- 6 Prior to their first use on site full details of all materials to be used for hard surfaced areas within the site including roads, driveways and car parking area shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details so approved.

Reason: To ensure use of appropriate materials which are sympathetic to the character of surrounding buildings and the street scene in the interests of visual amenity in accordance with the requirements of policy ENV3 of the Craven District Local Plan 2012 to 2032 and the National Planning Policy Framework.

Before the Development is Occupied

- 7 Prior to completion or first occupation of the development hereby approved, whichever is the sooner; 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) a scaled plan showing all existing vegetation and landscape features to be retained and trees and plants to be planted;

2) 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);

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

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

5) types and dimensions of all boundary treatments

6) 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.

Reason: Required to safeguard and enhance the character and amenity of the area, to provide ecological, environmental and biodiversity benefits and to enhance its setting within the immediate locality in accordance with Section 197 of the Town and Country Planning Act 1990 (as amended) and policies ENV3, ENV4 and ENV5 of the Craven District Local Plan 2012 to 2032.

- 8 Prior to completion or first occupation of the development hereby approved, whichever is the sooner; a landscape management plan, including long term design objectives, management

responsibilities and maintenance schedules for all landscape areas (other than small, privately owned, domestic gardens) shall be submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved management plan.

Reason: Required to safeguard and enhance the character and amenity of the area, to provide ecological, environmental and biodiversity benefits and to enhance its setting within the immediate locality in accordance with Section 197 of the Town and Country Planning Act 1990 (as amended) and policies ENV3, ENV4 and ENV5 of the Craven District Local Plan 2012 to 2032.

- 9 Prior to completion or first occupation of the development hereby approved, whichever is the sooner; a schedule of landscape maintenance for a period of five years shall be submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation. Development shall be carried out in accordance with the approved schedule.

Reason: Required to safeguard and enhance the character and amenity of the area, to provide ecological, environmental and biodiversity benefits and to enhance its setting within the immediate locality in accordance with Section 197 of the Town and Country Planning Act 1990 (as amended) and policies ENV3, ENV4 and ENV5 of the Craven District Local Plan 2012 to 2032.

- 10 Prior to completion or first occupation of the development hereby approved, whichever is the sooner; details of any remedial works to trees that are to be retained on site, including tree protection measures, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details of any remedial works.

Reason: Required to safeguard and enhance the character and amenity of the area, to provide ecological, environmental and biodiversity benefits and to enhance its setting within the immediate locality in accordance with Section 197 of the Town and Country Planning Act 1990 (as amended) and policies ENV3, ENV4 and ENV5 of the Craven District Local Plan 2012 to 2032.

- 11 2 electric vehicle charging points (providing active electric vehicle charging provision to 4 spaces) shall be constructed and marked out and the charging points installed prior to the occupation of the development, and shall thereafter be retained permanently for the accommodation of vehicles of occupiers and visitors to the premises and not used for any other purpose.

Reason: To encourage the use of electric cars in order to reduce carbon emissions in accordance with policy ENV9 of the Craven Local Plan 2012 to 2032

- 12 No development above ground level shall take place until an energy strategy demonstrating a reduction in carbon dioxide emissions over Part L of the Building Regulations (2013) has been submitted to and approved in writing by the Local Planning Authority. Once the energy strategy is in place 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 in accordance with policy ENV9 of the Craven Local Plan 2012 to 2032.

- 13 Prior to the occupation of the dwellings hereby approved, a strategy to facilitate super-fast broadband for future occupants of the site shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In order to provide high quality communications infrastructure for future occupiers in accordance with policy ENV3 of the Craven Local Plan 2012 to 2032.

- 14 Prior to the occupation of the dwellings hereby permitted, a site plan showing the proposed locations of Solar PV Panels and samples of the materials to be used in the construction of the solar panel array shall be submitted to, and approved in writing by, the local planning authority. Development shall be carried out in accordance with the approved samples and retained as such thereafter.

Reason: To promote sustainability through renewable energy in accordance with policy ENV9 of the Craven Local Plan 2012 to 2032

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

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

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

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

Reason: To ensure safe and appropriate access and egress to the premises, in the interests of highway safety and the convenience of all prospective highway users.

It is recommended that in order to avoid abortive work, discussions are held between the applicant, the Local Planning Authority and the Local Highway Authority before a draft layout is produced and any detailed planning submission is made. To assist, the Local Highway Authority can provide a full list of information required to discharge this condition. It should be noted that approval to discharge the condition does not automatically confer approval for the purposes of entering any Agreement with the Local Highway Authority.

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

- 17 No part of the development must be brought into use until the access, parking, manoeuvring and turning areas for all users at Land At Richard Thornton's School, Burton In Lonsdale, Carnforth, Lancaster, LA6 3JZ 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.

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

18 No development must commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Construction of the permitted development must be undertaken in accordance with the approved plan. The Plan must include, but not be limited, to arrangements for the following in respect of each phase of the works:

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

Reason: In the interest of public safety and amenity.

Ongoing Conditions

19 In the event of the solar PV equipment hereby approved ceasing to produce electricity, they shall be permanently removed from the building within 3 months of the date they become redundant, and the roof covering shall be restored to match the remainder of the roof.

Reason: In the interest of the visual amenity in accordance with Policy ENV3 and ENV9 of the Craven Local Plan and the National Planning Policy Framework.

Informatives

1. The hours of operation during the construction phase of development and delivery of construction materials or equipment to the site and associated with the construction of the development hereby permitted should be limited to 0730 hours to 1800 hours on Monday to Fridays and 0730 hours to 1300 hours on Saturday. No work should take place on Sundays or Bank/Public Holidays.
2. The applicant needs to have regard to the BS8233:2014 Guidance on 'Sound Insulation and Noise Reduction for Buildings' which presents guideline noise levels for both inside and outside dwellings.
3. 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.
4. The developer shall ensure that a plan is implemented in order to control dust created during the construction phase of the development. The plan shall be in line with the Institute of Air Quality Management Guidance on the Assessment of Dust from Demolition and Construction. The dust management plan shall identify all areas of the site and the site operations where dust may be generated and further identify control measures to ensure that dust does not travel beyond the site boundary. Once in place, all identified measures shall be implemented, retained and maintained for the duration of the approved use.

5. Applicants are reminded that in addition to securing planning permission other permissions may be required from North Yorkshire County Council as Local Highway Authority. These additional permissions can include, but are not limited to: Agreements under Sections 278, 38, and 184 of the Highways Act 1980; Section 38 of the Commons Act 2006, permissions through New Roads and Streetworks Act 1991 and Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996 (as amended and including all instruments, orders, plans, regulations and directions).

Further information on these matters can be obtained from the Local Highway Authority. Other permissions may also be required from third parties. It is the applicant's responsibility to ensure all necessary permissions are in place.

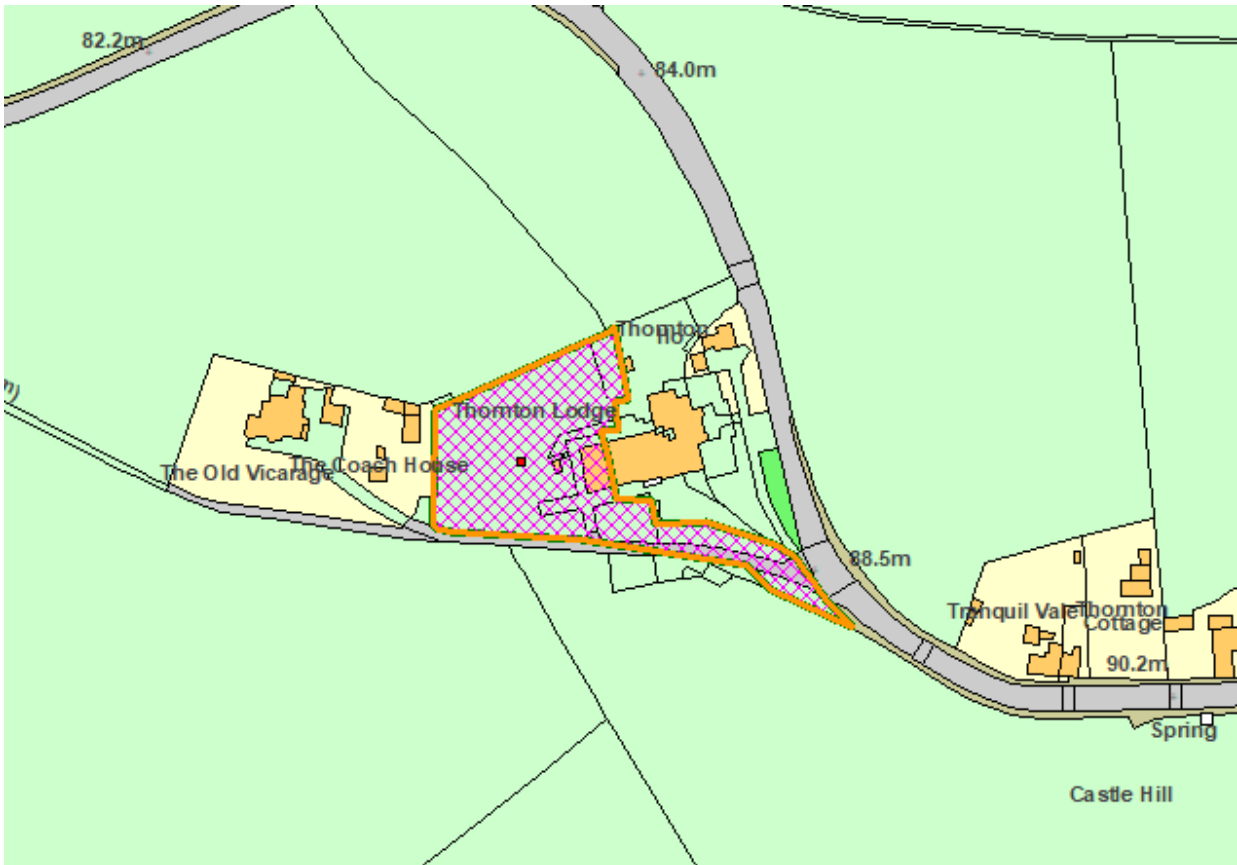
6. Public Rights of Way:

- i) There is a Public Right of Way or a 'claimed' Public Right of Way within or adjoining the application site boundary - please see the attached plan.
- ii) If the proposed development will physically affect the Public Right of Way permanently in any way 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. Please contact the Local Planning Authority for a Public Path Order application form.
- 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.

7. The applicant is advised that this permission does not entitle the alteration or removal of any of the built structures associated with the Grade II listed school building other than those expressly approved by virtue of this permission. Such works would require Listed Building Consent and would constitute an offence under the Planning (Listed Buildings and Conservation Areas) Act 1990 if undertaken without consent having first been obtained.
8. 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: 2020/22109/FUL

Proposal: Revised description Construction of eleven dwellings with landscaping, infrastructure, associated works and off-street parking on allocated site.

Site Address: Land At Richard Thornton's School Burton In Lonsdale
LA6 3JZ

On behalf of: Permahome Limited



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

Planning Committee Report of Cases Closed
06-01-2023 to 02-03-2023

Enforcement Reference	Date Received	Date Closed	Reason for Closure	Alleged Breach	Site Address	Ward
ENF/02811/2018	6th February 2018	25th January 2023	No Breach of Planning	Alleged unauthorised use of holiday cottages as residential dwelling, in breach of Condition 3 of 67/2003/3284	Dales Valley View Holiday Cottages Swinden Manor Mill Lane Hellifield Skipton BD23 4LS	Hellifield And Long Preston
ENF/03498/2022	6th April 2022	25th January 2023	Not Expedient to Enforce	Untidy land around the property.	28 Station Road Cross Hills Keighley BD20 7DT	Glusburn
ENF/03516/2022	25th May 2022	25th January 2023	Not Expedient to Enforce	Alleged untidy land	Rear Of 1 Bankwell Road Giggleswick Settle BD24 0AN	Penyghent
ENF/03541/2022	28th July 2022	25th January 2023	Not Expedient to Enforce	Outdoor store at the front of the property	97 Burnside Crescent Skipton BD23 2BT	Skipton West

Enforcement Reference	Date Received	Date Closed	Reason for Closure	Alleged Breach	Site Address	Ward
ENF/03555/2022	27th September 2022	25th January 2023	No Breach of Planning	Unauthorised structure and exportation of materials and rubble onto site.	Royd House Cononley Road Glusburn Keighley BD20 8JP	Aire Valley With Lothersdale
ENF/03568/2022	19th October 2022	25th January 2023	No Breach of Planning	Erection of large porch to the front.	The Mistle 1 Draughton Hall Farm Low Lane Draughton Skipton BD23 6EB	Barden Fell
ENF/03572/2022	20th October 2022	25th January 2023	Breach Resolved	Works starting before permitted time.	Land To East Of Aldersley Avenue Skipton	Skipton East
ENF/03574/2022	24th October 2022	25th January 2023	Not Expedient to Enforce	Works to listed building-potential approval expired- 2018/19390/LBC .	White House Chapel Lane Halton East Skipton BD23 6EH	Barden Fell
ENF/03575/2022	30th October 2022	25th January 2023	No Breach of Planning	Unauthorised listed building works- Chimney pots removed, modern boiler flue, modern roof window & false ceiling internally.	1 Pendle View Giggleswick Settle BD24 0AZ	Penyghent
ENF/03576/2022	3rd November 2022	25th January 2023	No Breach of Planning	Double storey extension to the rear.	20 Thorndale Street Hellifield Skipton BD23 4JE	Hellifield And Long Preston

Enforcement Reference	Date Received	Date Closed	Reason for Closure	Alleged Breach	Site Address	Ward
ENF/03577/2022	3rd November 2022	25th January 2023	No Breach of Planning	Free standing electricity pylon not showing on approved plans	Land Off A65 Kendal Road Hellifield Skipton	Hellifield And Long Preston
ENF/03580/2022	7th November 2022	25th January 2023	No Breach of Planning	Change of use from retail to takeaway.	29 Water Street Skipton BD23 1PQ	Skipton North
ENF/03584/2022	17th November 2022	25th January 2023	No Breach of Planning	Potential non-ancillary use of annexe.	Stott Hill Barn Old Lane Cowling Keighley BD22 0NP	Cowling
ENF/03586/2022	21st November 2022	25th January 2023	Not Expedient to Enforce	Abandoned vehicles.	Car Park St Andrews Terrace Station Road Cross Hills Keighley BD20 7DU	Glusburn
ENF/03590/2022	28th November 2022	25th January 2023	No Breach of Planning	Rear Extension	Field House Farm Croft House To Thornber Lane Draughton Skipton BD23 6ED	Barden Fell

Enforcement Reference	Date Received	Date Closed	Reason for Closure	Alleged Breach	Site Address	Ward
ENF/03591/2022	28th November 2022	25th January 2023	Retrospective Planning	Garage conversion- Permitted development rights removed under condition no. 21 of planning application ref: 63/2011/11998.	4 Hayton Way Skipton BD23 1DQ	Skipton North
ENF/03600/2023	5th January 2023	25th January 2023	No Breach of Planning	Self-contained annexe being let out.	Annexe At Draughton Hall Low Lane Draughton Skipton BD23 6EB	Barden Fell
ENF/03602/2023	5th January 2023	25th January 2023	No Breach of Planning	Erection of a high fence between properties.	118 Burnside Crescent Skipton BD23 2BU	Skipton West
ENF/03603/2023	9th January 2023	25th January 2023	No Breach of Planning	Erection of garage potentially higher than approved under planning application ref: 2022/24348/VAR.	Land To East Green Lane Glusburn Keighley BD20 8RP	Glusburn



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Planning Committee Report of New Cases Registered
06-01-2023 to 02-03-2023

Enforcement Reference	Alleged Breach	Site Address	Ward
ENF/03603/2023	Erection of garage potentially higher than approved under planning application ref: 2022/24348/VAR.	Land to East Green Lane Glusburn Keighley BD20 8RP	Glusburn
ENF/03604/2023	Erection of high fence.	Old Vicarage Station Road Settle BD24 9AA	Settle and Ribble Banks
ENF/03605/2023	Air conditioning unit installed on Listed Building.	Royal Shepherd Inn Canal Street Skipton BD23 1LB	Skipton North
ENF/03606/2023	Satellite dish at the front of the property within 'Sutton conservation area'.	5 Harper Square Sutton In Craven Keighley BD20 7NE	Sutton-in-Craven
ENF/03607/2023	Change of use from residential pool house to holiday let- not ancillary to main use.	The Wenning Station Road High Bentham Lancaster LA2 7LS	Bentham
ENF/03608/2023	Porta cabin brought on the site.	Pit Yard New Road Ingleton Carnforth LA6 3DL	Ingleton And Clapham
ENF/03609/2023	Business vehicles and skips on the site.	7 Smithy Fold Kildwick Keighley BD20 9BB	Aire Valley With Lothersdale

Enforcement Reference	Alleged Breach	Site Address	Ward
ENF/03610/2023	Rubble and waste brought onto site.	Allotments To Rear Of Croft House Cross Haw Lane Clapham Lancaster	Ingleton And Clapham
ENF/03611/2023	Noise issues	Pop Bar 3 Regal Buildings Keighley Road Skipton BD23 2LT	Skipton South
ENF/03612/2023	Driveway installed- Permitted development rights removed under- 05/66/226/B.	8 New Hall Farm Colne Road Cowling Keighley BD22 0JQ	Cowling
ENF/03613/2023	On-going works when planning permission lapsed ref: 2018/19305/FUL.	Israel Farm Austwick Lancaster LA2 8AN	Ingleton And Clapham
ENF/03614/2023	Works to windows and doors	The Old Dairy Mewith Bentham Lancaster LA2 7AU	Ingleton And Clapham
ENF/03616/2023	Wall not being re- constructed.	Wend Gardens The Wend Carleton Skipton BD23 3EH	West Craven
ENF/03617/2023	Works to a fence-Listed building works.	Farnhill Hall Main Street Farnhill Keighley BD20 9BP	Aire Valley With Lothersdale
ENF/03618/2023	Installation of patio doors from small window.	Kildwick Grange Barn Kildwick Keighley BD20 9AD	Aire Valley With Lothersdale

Enforcement Reference	Alleged Breach	Site Address	Ward
ENF/03619/2023	Potential works to listed building before a decision has been issued- 2022/24288/FUL & 2022/24289/LBC.	Dale End Mill Dale End Lothersdale Keighley BD20 8EN	Aire Valley With Lothersdale
ENF/03620/2023	Untidy land.	116 Burnside Crescent Skipton BD23 2BU	Skipton West
ENF/03621/2023	Caravan being lived in on highway.	34 Moorview Road Skipton BD23 2SB	Skipton South
ENF/03622/2023	Operating hours/ Noise.	Pendle Garages Broughton Road Skipton BD23 1SS	Skipton West
ENF/03623/2023	Doors and windows opened causing noise issues. Breach of conditions 3 and 5 of planning ref: 2022/24136/FUL	Unit 2 The Old Fire Station 37 Coach Street Skipton BD23 1LH	Skipton North
ENF/03624/2023	Un-authorized signage (Snaygill Boats)	A6131 At Snaygill Roundabout Keighley Road Bradley Keighley BD20 9HB	Aire Valley With Lothersdale
ENF/03625/2023	Un-authorized signage (Mowcare)	A6131 At Snaygill Roundabout Keighley Road Bradley Keighley BD20 9HB	Aire Valley With Lothersdale
ENF/03626/2023	Un-authorized signage (Car wash)	A6131 At Snaygill Roundabout Keighley Road Bradley Keighley BD20 9HB	Aire Valley With Lothersdale

Enforcement Reference	Alleged Breach	Site Address	Ward
ENF/03627/2023	Construction of garage forward of principal elevation and creation of commercial parking area.	1A Springfield Crescent High Bentham Lancaster LA2 7BD	Bentham
