

SPECIAL PLANNING COMMITTEE

Wednesday, 29th March 2023 at 2.15pm

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

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

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

Please note the following advice in advance of the meeting:

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

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

AGENDA

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

1. **Apologies for Absence and Substitutes** – To receive any apologies for absence.
2. **Confirmation of Minutes** – To confirm the minutes of the meeting held on 13th March 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. **Application 2022/2448/FUL, land to the South of Bentham Road, Ingleton –** Members approved the application on 13th March 2023. However, owing to no conditions being attached to the permission and no delegated authority having been granted to the Planning Manager to attach appropriate conditions, Members are asked to approve a set of conditions to enable a Decision Notice to be issued. For ease a copy of the case officer's report presented to Committee on 13th March 2023 is attached, along with the proposed conditions.
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)

21st 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

13th March 2023

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

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

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

Ward Representatives: Application 2022/24448/FUL – Councillors Ireton and Lis. Application 2022/24234/FUL - Councillor Moorby. Application 2020/22109/FUL – Councillor Handley.

Confirmation of Minutes: The minutes of the Planning Committee held on 28th February 2023, were confirmed as a correct record and signed by the Chairman.

Start: 1.33pm

Finish: 3.49pm

PL.1092

DECLARATIONS OF INTEREST AND LOBBYING

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

b. Lobbying

The Chairman and Members indicated that they had been lobbied by the applicant’s agents by way of a letter asking that application 2022/24448/FUL be granted against officer recommendation which was one of refusal.

PL.1093

PUBLIC PARTICIPATION

The following individual addressed the Committee:

Application 2022/24448/FUL –	Kirsty McGhie, (on behalf of the applicant)
Application 2020/22109/FUL -	Peter Thompson (on behalf of Burton-in-Lonsdale Parish Council)
	Stuart Pratt (applicant)

PL.1094

PLANNING APPLICATIONS

a. Applications determined by Planning Committee

Permission Granted

Application 2022/24448/FUL – application for the formation of new vehicular access onto Bentham Road. The erection of five detached dwellings with integrated garages, associated car parking and landscaping works (resubmission of withdrawn application reference 2022/23749/FUL) on land to the South of Bentham Road, Ingleton.

In addition to the case officer’s initial report a late information report had been circulated to Members and the information published on the Council’s website.

The application had been recommended for refusal and the reasons were explained to Members both in the case officer's report and during the presentation. However, Councillor Ireton proposed that the application should be granted and he asked that the following points in relation to allocated sites, of which there were sufficient, in Ingleton be recorded:

Site 29 – Craven District Council tried to develop the site with its preferred partner but it proved not to be viable unless the size of the site was increased. Therefore, the site was not available.

Site 28 – This site had no access and a considerable length of road would need to be constructed at considerable expense with access from Manor Close, and it was questionable as to whether the site would be viable.

Site 96 – Planning Committee had refused planning permission on this site.

Site 49 – This site was owned by North Yorkshire County Council and had been earmarked for extra care housing so not available for residential housing.

Site 10 – This site was currently a caravan park and so far, no development plans had come forward.

Members discussed the application and, having heard from the two ward councillors and listened to the debate, felt that, on balance there was a need for large family homes in Ingleton. Ingleton was an old mining town with lots of small cottages and four and five bedroom homes were much needed in the area.

Resolved – That the application is **GRANTED**.

Proposer: Councillor Ireton

Secunder: Councillor Lis

Voting: 9 for approval to grant planning permission; 1 against.

Application 2022/24234/FUL – application for the extension at Keeper's Cottage and conversion of single storey barns and outbuildings at The Granary, Peel Green, Hellifield BD23 4LD.

In addition to the case officer's initial report a late information report had been circulated to Members and the information published on the Council's website.

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

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/repared 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.

Proposer: Councillor Brown
Seconder: Councillor Rose
Voting: Unanimous for approval

Application 2020/22109/FUL –revised description in respect of an application for the construction of 11 dwellings with landscaping, infrastructure, associated works and off-street parking on an allocated site at Richard Thornton’s School, Burton-in-Lonsdale, Carnforth, Lancaster LA6 3JZ.

In addition to the case officer's initial report, a late information report had been circulated to Members and the information published on the Council's website.

At the Chair's discretion, the Chair of the Parish Council and the applicant addressed the meeting. The Chair of the Parish Council queried, given the passage of time since the application was first considered, if the projects on which the Public Open Space commuted sum might be spent within the Parish could be revisited as priorities had changed. The applicant confirmed they were amenable to this.

The Planning Manager stated that whilst the level contributions that would be levied from the development could not be altered, there was some flexibility over the projects on which they could be spent, and that this could be revisited. Members were content to delegate to officers to engage with the Parish Council in drafting instructions for the S.106 Agreement.

In the interests of clarity and precision, Councillor Shuttleworth sought agreement to an amended wording of the second line of the recommended Condition No 3 (Construction Management Plan requirement), to refer to '...the development hereby approved must be...' as opposed to '...the permitted development must be...'. The Planning Manager confirmed and the Committee agreed to this minor wording amendment.

Resolved – That, the application is GRANTED subject to a S.106 Agreement in relation to affordable housing and public open space policy requirements, and the following conditions (as amended by the late information report and the above):

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 ensures 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 being 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.

Proposer: Councillor Handley
Secunder: Councillor Ireton
Voting: unanimous for approval

b. Delegated Matters

The Strategic Manager for Planning and Regeneration submitted a list of new enforcement cases registered between 6th January 2023 and 2nd March 2023.

Minutes for Decision

There were no items for decision requiring confirmation by Council.

Craven District Council

Date of Next Meeting: No meetings of this Committee had been scheduled.

Chairman.

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.cravenc.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.cravenc.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(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, 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 4/5th 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 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.
- 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

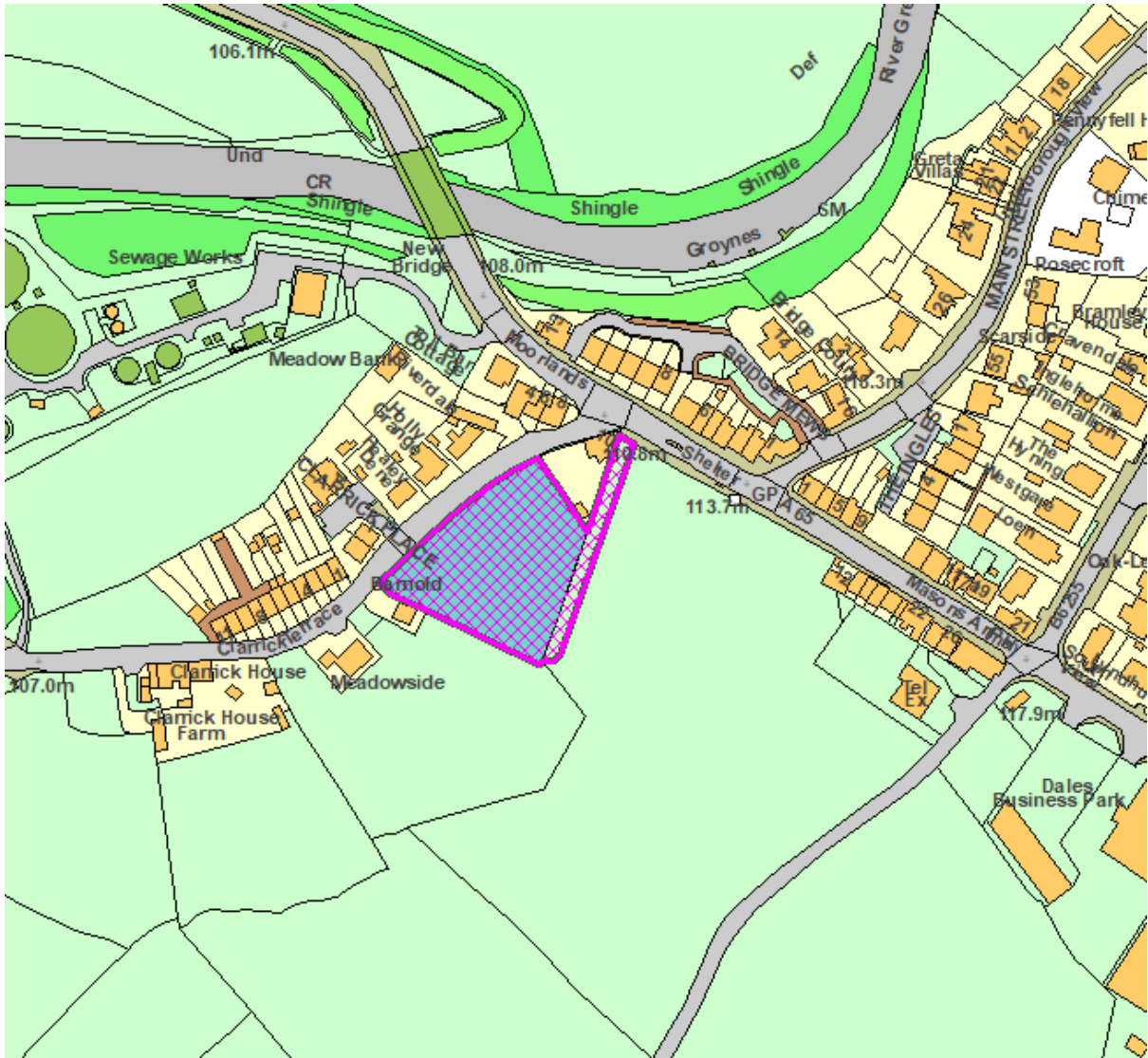
Reasons for Refusal

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(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.
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 Taverdale. 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. Receive 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

Suggested Conditions for Application Ref: 2022/24448/FUL

Land To South Of Bentham Road

Ingleton

Time Limit for Commencement

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

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

Approved Plans

- 2 This permission relates to the following plans:

Drawing no. 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

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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

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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

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

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

Before you Commence Development

- 3 Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works or the depositing of material on the site, until the following drawings and details have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority:

Detailed engineering drawings to a scale of not less than 1:250 and based upon an accurate survey showing:

- the proposed highway layout including the highway boundary
- dimensions of any carriageway, cycleway, footway, and verges
- visibility splays
- the proposed buildings and site layout, including levels
- accesses and driveways
- drainage and sewerage system
- lining and signing
- traffic calming measures
- all types of surfacing (including tactiles), kerbing and edging.

Longitudinal sections to a scale of not less than 1:500 horizontal and not less than 1:50 vertical along the centre line of each proposed road showing:

- the existing ground level
- the proposed road channel and centre line levels
- full details of surface water drainage proposals.

Full highway construction details including:

- typical highway cross-sections to scale of not less than 1:50 showing a specification for all the types of construction proposed for carriageways, cycleways and footways/footpaths
- when requested cross sections at regular intervals along the proposed roads showing the existing and proposed ground levels
- kerb and edging construction details
- typical drainage construction details.

Details of the method and means of surface water disposal.

Details of all proposed street lighting.

Drawings for the proposed new roads and footways/footpaths giving all relevant dimensions for their setting out including reference dimensions to existing features.

Full working drawings for any structures which affect or form part of the highway network.

A programme for completing the works. The development shall only be carried out in full compliance with the approved drawings and details unless agreed otherwise in writing by the Local Planning Authority with the Local Planning Authority in consultation with the Highway Authority.

Reason: To secure an appropriate highway constructed to an adoptable standard in the interests of highway safety and the amenity and convenience of highway users in accordance with the requirements of the Craven Local Plan Policies INF4 and INF7 and the National Planning Policy Framework.

5 Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the access(es) to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements:

- The details of the access shall have been approved in writing by the Local Planning Authority in consultation with the Highway Authority.
- (a) The access shall be formed with 6 metre radius kerbs, to give a minimum carriageway width of 5.5 metres, and that part of the access road extending «distance» metres into the site shall be constructed in accordance with Standard Detail number E6.
- Any gates or barriers shall be erected a minimum distance of 6 metres back from the carriageway of the existing highway and shall not be able to swing over the existing or proposed highway.
- That part of the access(es) extending 6 metres into the site from the carriageway of the existing highway shall be at a gradient not exceeding 1/20.

- Provision to prevent surface water from the site/plot discharging onto the existing or proposed highway shall be constructed in accordance with the approved details, and/or the specification of the Highway Authority, and maintained thereafter to prevent such discharges.
- The final surfacing of any private access within 6 metres of the public highway shall not contain any loose material that is capable of being drawn on to the existing or proposed public highway.
- Provision of tactile paving in accordance with the current Government guidance. All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to provide a safe and suitable means of access to the site and to ensure a satisfactory standard of engineering works in the interests of highway safety in accordance with the requirements of the Craven Local Plan Policies IN4 and INF7 and the National Planning Policy Framework.

- 6 There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until splays are provided giving clear visibility of 60m measured along both channel lines of the major road Bentham Rd from a point measured 2.4m down the centre line of the access road. The eye height will be 1.05 metres and the object height shall be 1.05 metres.

Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason: In order to provide a safe and suitable means of access to the site in the interests of highway safety in accordance with the requirements of the Craven Local Plan Policies INF4 and INF7 and the National Planning Policy Framework.

- 7 Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or building(s) or other works until:

- The details of the following off site required highway improvement works, works listed below have been submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority:
- An independent Stage 2 Road Safety Audit for the agreed off site highway works has been carried out in accordance with HD19/03 - Road Safety Audit or any superseding regulations and the

recommendations of the Audit have been addressed in the proposed works.

- The developer's programme for the completion of the proposed works has been submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority.
- The required highway improvements shall include:
- Provision of tactile paving
- Footway along Bentham Rd, between site access and footway at A65 junction, min 1.5m wide

Reason: To ensure that the details are satisfactory in the interests of the safety and convenience of highway users in accordance with the requirements of Craven District (Outside the Yorkshire Dales National Park) Local Plan policy T2 and the National Planning Policy Framework.

- 8 No development for any phase of the development shall take place until a Construction Method Statement for that phase has been submitted to, and approved in writing by, the Local Planning Authority in consultation with the Local Highway Authority. The approved Statement shall be adhered to throughout the construction period for the phase. The statement shall provide for the following in respect of the phase:

- a. the parking of vehicles of site operatives and visitors
- b. loading and unloading of plant and materials
- c. storage of plant and materials used in constructing the development
- d. erection and maintenance of security hoarding including decorative displays and facilities for public viewing where appropriate
- e. wheel washing facilities
- f. measures to control the emission of dust and dirt during construction
- g. a scheme for recycling/disposing of waste resulting from demolition and construction works
- h. HGV routing

Reason: To ensure that the details are satisfactory in the interests of the safety and convenience of highway users in accordance with the requirements of the Craven District Local Plan Policies INF4 and INF7 and the National Planning Policy Framework.

- 9 Development shall not commence until a scheme detailing foul and surface water drainage has been submitted to and approved in writing by the Local Planning Authority. The scheme shall detail phasing of the development and phasing of drainage provision, where appropriate. Principles of sustainable urban drainage shall be employed wherever possible. The works shall be implemented in accordance with the approved phasing. No part or phase of the development shall be brought into use until the drainage works approved for that part or phases have been completed.

Reason: To ensure the provision of adequate and sustainable means of drainage in the interests of amenity and flood risk.

- 10 Development shall not commence until a scheme restricting the rate of development flow runoff from the site has been submitted to and approved in writing by the Local Planning Authority.

The flowrate from the site shall be restricted to 6.5 litres per second. A 30% allowance shall be included for climate change effects and a further 10% for urban creep for the lifetime of the development. Storage shall be provided to accommodate the minimum 1 in 100 year plus climate change critical storm event.

The scheme shall include a detailed maintenance and management regime for the storage facility.

No part of the development shall be brought into use until the development flow restriction works comprising the approved scheme have been completed.

The approved maintenance and management scheme shall be implemented throughout the lifetime of the development.

Reason: To mitigate additional flood impact from the development proposals and ensure that flood risk is not increased elsewhere.

- 11 The development shall not commence until a scheme, detailing the treatment of all surface water flows from parking areas and hardstanding through the use of road side gullies, oil interceptors, reedbeds or alternative treatment systems, has been submitted to and approved in writing by the Local Planning Authority.

Use of the parking areas/hardstanding shall not commence until the works comprising the approved treatment scheme have been completed. Roof water shall not pass through the treatment scheme. Treatment shall take place prior to discharge from the treatment scheme. The treatment scheme shall be

retained, maintained to ensure efficient working and used throughout the lifetime of the development.

Reason: To prevent pollution of the water environment from the development site.

- 12 No development shall take place until an appropriate Exceedance Flow Plan for the site has been submitted to and approved in writing by the Local Planning Authority.

Site design must be such that when SuDS features fail or are exceeded, exceedance flows do not cause flooding of properties on or off site. This is achieved by designing suitable ground exceedance or flood pathways.

Runoff must be completely contained within the drainage system (including areas designed to hold or convey water) for all events up to a 1 in 30 year event.

The design of the site must ensure that flows resulting from rainfall in excess of a 1 in 100 year rainfall event are managed in exceedance routes that avoid risk to people and property both on and off site.

Reason: to prevent flooding to properties during extreme flood events and to mitigate against the risk of flooding on and off the site.

- 13 No development shall take place until a suitable maintenance plan 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.

The scheme to be submitted shall demonstrate that the surface water drainage system(s) are designed in accordance with the standards detailed in North Yorkshire County Council SuDS Design Guidance (or any subsequent update or replacement for that document).

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

- 14 Prior to the commencement of any development, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions shall be submitted to and approved in writing by the Local Planning Authority.

The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.

In the event of surface water draining to the public surface water sewer, the pass forward flow rate to the public surface water sewer must be restricted to 6.5 l/s for any storm event.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution. This is in accordance with the Craven Local Plan, the NPPF and NPPG.

15. Prior to the commencement of development, a timetable to demonstrate when and how the On-Site Biodiversity Net Gain detailed in the approved Envirotech Biodiversity Net Gain Report shall be provided to the Local Planning Authority for their written approval.

The submission shall include details of the timescales for the delivery of on-site biodiversity enhancements.

The approved details thereafter shall be implemented, retained and maintained for their designed purpose in accordance with the approved scheme.

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

- 16 Prior to the commencement of development, a Biodiversity Gains Plan shall be submitted to the Local Planning Authority which demonstrates the viability and feasibility of providing net gain in biodiversity (to include the AHBU value delivered on the site as required under the terms of Condition 15).

The Plan shall confirm the approach to providing habitat mitigation and compensatory habitat, including a timetable for their delivery.

The approved details thereafter shall be implemented, retained and maintained for their designed purpose in accordance with the approved scheme.

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

During Building Works

- 16 Notwithstanding any details shown on the approved plans within three months of development first taking place a landscaping scheme for the site shall be submitted to and approved in writing by the Local Planning Authority.

The scheme shall include details of the type, species, siting, planting distances and the programme of planting of trees, hedges and shrubs.

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

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

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

- 17 Notwithstanding any description of materials in the application, no above ground works shall take place until full details of all materials to be used on the external surfaces of the development have been 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 the conservation area and the site's surroundings in the interests of visual amenity in accordance with the requirements of the Craven Local Plan Policy ENV2 and the National Planning Policy Framework.

- 18 The development hereby approved shall be carried out in conformity with the details contained within the Scoping Study Flood Risk & Drainage Impact Assessment and retained thereafter.

Reason: To ensure that Flood Risk is satisfactorily addressed.

Before the Development is Occupied

- 19 No dwelling to which this planning permission relates shall be occupied until the carriageway and any footway/footpath from which it gains access is constructed to basecourse macadam level and/or block paved and kerbed and connected to the existing highway network with street lighting installed and in operation.

The completion of all road works, including any phasing, shall be in accordance with a programme approved in writing with the Local Planning Authority in consultation with the Highway Authority before the first dwelling of the development is occupied.

Reason: To ensure safe and appropriate access and egress to the dwellings, in the interests of highway safety and the convenience of prospective residents in accordance with the requirements of the Craven Local Plan Policy INF4 and the National Planning Policy Framework.

- 20 Unless otherwise approved in writing by the Local Planning Authority in consultation with the Highway Authority, the development shall not be brought into use until the following highway works have been constructed in accordance with the details approved in writing by the Local Planning Authority under condition number:

Footway along Bentham Rd, between site access and footway at A65 junction, min 1.5m wide.

Reason: To ensure safe and appropriate access and egress to the dwellings, in the interests of highway safety and the convenience of prospective residents in accordance with the requirements of the Craven District Local Plan policy T2 and the National Planning Policy Framework.

- 21 No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas.

a. have been constructed in accordance with the approved plans.

c. are available for use unless otherwise approved in writing by the Local Planning Authority.

Once created these areas shall 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 in accordance with the requirements of the Craven Local Plan Policy INF4 and the National Planning Policy Framework.

22 Prior to occupation of the development 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.

Ongoing Conditions

23 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2018, for the time being in force, the garage(s) shall not be converted into domestic accommodation without the granting of an appropriate planning permission.

Reason: To ensure these areas are kept available for their intended use in the interests of highway safety and the general amenity of the development.

- 24 Notwithstanding the provision of any Town and Country Planning (General Permitted Development) (England) Order 2018, for the time being in force, the areas shown on approved site layout plan for parking spaces, turning areas and access shall be kept available for their intended purposes at all times.

Reason: To ensure these areas are kept available for their intended use in the interests of highway safety and the general amenity of the development.

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

Reason: To secure proper drainage and to manage the risk of flooding and pollution.

- 26 The hard surface hereby approved shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwellings.

Reason: To reduce the risk of flooding and pollution and increase the levels of sustainability of the development.

- 27 Notwithstanding the provisions of Schedule 2, Part 1, Classes A, B, C, D and E of the Town and Country Planning (General Permitted Development) (England) Order 2018, or any equivalent Order following the revocation and re-enactment thereof (with or without modification), none of the dwellings hereby approved shall not be altered or extended, and no buildings or structures shall be erected within its curtilage.

Reason: In order to prevent overdevelopment of the site, to ensure that satisfactory provision of outdoor amenity space for the dwellinghouses is maintained and to safeguard the privacy and amenity of the occupiers of adjacent dwellings in accordance with the requirements of the National Planning Policy Framework.

28 No development shall take place until a scheme for tree protection measures (both above and below ground) to be implemented during the construction period has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

- (i) Details of a construction exclusion zone (including protective fencing of a height and design which accords with the requirements BS 5837: 2012) to be formed around the root protection areas of those trees within and/or overhanging the site to be retained.
- (ii) Details of any excavation to take place within the root protection areas of those trees within and/or overhanging the site to be retained.
- (iii) Details of the foundations of any building, hardstandings and/or boundary treatments to be constructed within the root protection areas of those trees within and/or overhanging the site to be retained.

The development shall thereafter be carried out in strict accordance with the protection measures contained in the duly approved scheme throughout the entirety of the construction period.

Reason: To ensure that adequate measures are put in place to protect existing trees which are to be retained as part of the development before any construction works commence in accordance with the requirements of the Craven Local Plan policy ENV3.

Informatives

1. You are advised that a separate licence will be required from the Highway Authority in order to allow any works in the adopted highway to be carried out. The 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by North Yorkshire County Council, the Highway Authority, is available at the County Council's offices. The local office of the Highway Authority will also be pleased to provide the detailed constructional specification referred to in this condition.

There must be no works in the existing highway until an Agreement under Section 278 of the Highways Act 1980 has been entered into between the Developer and the Highway Authority.

The proposals shall cater for all types of vehicles that will use the site. The parking standards are set out in the North Yorkshire County Council

publication 'Transport Issues and Development - A Guide' available at www.northyorks.gov.uk.

2. Please note, United Utilities are not responsible for advising on rates of discharge to the local watercourse system. This is a matter for discussion with the Lead Local Flood Authority and / or the Environment Agency (if the watercourse is classified as main river).

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.

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.

It is the applicant's responsibility 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 sewer records at your local authority please contact them direct, alternatively if you wish to view the water and the sewer records at our 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 our plans. If a sewer is discovered during construction; please contact a Building Control Body to discuss the matter further.

If the applicant intends to offer wastewater assets forward for adoption by United Utilities, the proposed detailed design will be subject to a technical appraisal by an Adoptions Engineer as we need to be sure that the proposal meets the requirements of Sewers for Adoption and United Utilities' Asset Standards. The detailed layout should be prepared with consideration of what is necessary to secure a development to an adoptable standard. This is important as drainage design can be a key determining factor of site levels and layout. The proposed design should give consideration to long term operability and give United Utilities a cost effective proposal for the life of the assets. Therefore, should this application be approved and the applicant wishes to progress a Section 104 agreement, we strongly recommend that no construction commences until the detailed drainage design, submitted as part of the Section 104 agreement, has been assessed and accepted in writing by United Utilities. Any works carried out prior to the technical assessment being approved is done entirely at the developers own risk and could be subject to change.

Should this planning application be approved the applicant should contact United Utilities regarding a potential water supply or connection to public sewers. Additional information is available on our website <http://www.unitedutilities.com/builders-developers.aspx>.

3. 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.
4. The applicant/developer is reminded that it is their responsibility to ensure that the requirements of each planning condition are met and that the works are undertaken in accordance with the approved plans. Any failure to meet the terms of a planning condition or works which does not accord with the approved plans leaves the applicant/developer liable to formal action being taken. Craven District Council endeavours to monitor on site the compliance with conditions and building works. To assist with this monitoring of development the applicant/development is requested to complete the Start Notice issued with the Decision at least fourteen days prior to the commencement of development to ensure that effective monitoring can be undertaken.

5. The applicant should 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.

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.

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

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.

