

Late Information Report – 15 February

2016 Planning Committee

This report brings to the attention of the Planning Committee any late information, amendments, or corrections to the agenda items that have been published. The report is circulated at the start of the Committee meeting and copies can be inspected by anyone attending that meeting.

Late information, amendments, or corrections

Planning Ref. 22/2015/16431

Proposal. Construction of 3 houses on land off Acre Road, Cowling.

Additional Information Received

Since the publication of the Committee report an additional letter of representation has been received. The letter has been sent by Alan Perrow and it seems to be sent as an individual representation rather than correspondence on behalf of Cowling Parish Council.

The letter disagrees with the officer summary of the comments made by Historic England. In particular the officer comments that 'Historic England is not supportive of the application, but also does not specifically object'.

The representation letter also makes comments that the materials, scale, design, and form of the proposed dwellings do not reflect the form of dwellings in the immediate area and that this is a requirement of the NPPF. In particular the representation letter states that the adjacent dwellings are terraced properties and that these large detached dwelling are out of character.

Officer Note: *The Officer report to Committee is considered to set out an accurate summary of the position. The report sets out that in Historic England's view the proposal would cause harm to the village Conservation Area. Historic England does not specifically advise the District Council that the application should be refused, but instead that the development requires clear and convincing justification and that the benefits of the scheme should be weighed against the harm caused. The officer report makes that assessment.*

With respect to the appropriateness of the dwellings design, it is recognised that immediately adjacent to the application site the properties are terraced buildings. However immediately beyond these can be found a variety of other building styles including large modern detached dwellings on Carr Meadows to the east. The design of the dwellings is considered to be perfectly compatible with this new

housing estate.

Amendments to the Report or Recommendation

Subject to the Officer comments set out above, there is no amendment to the report. The overall recommendation to the Planning Committee remains unaltered.

Planning Ref. 42/2015/16324

Proposal. 6 holiday lodges, associated parking facilities, and vehicular access at Gallaber Farm, Gallaber, Long Preston.

Additional Information Received

A further letter of objection has been received. It is understood that this objection was sent to Members of the Planning Committee directly as well as to the Local Planning Authority. The additional issues raised in this letter (that are not already included in the Officer Report) and any further officer comment are included below: -

- a) That whilst the land is identified as a 'Tourism Development Opportunity Site', proposals for the development of it need to be considered against the associated development brief. If there isn't one, or the proposal doesn't comply with it, then by definition the proposal doesn't comply with the terms of Policy EMP11.

Officer Note: The site is identified as a Tourist Development Site by Saved Local Plan policy EMP11. It is understood that there was a development brief for the larger site which spanned both sides of the A65 and that this side of the road was to be put to an equestrian use. Clearly this is not what is being proposed by this application. The report does not state that the development wholly meets the requirements of policy EMP11, however it is clearly appropriate to highlight in the committee report this policy and the fact that the site is specifically allocated as tourist development opportunity site.

- b) Policy EMP11 is out-of-date and should therefore carry no weight in the determination of this application.

Officer Note: It is a saved policy which is considered to be broadly 'in line' with the aims of the NPPF (which is supportive of such development provided that it does not cause harm). The policy is capable of carrying some weight in the decision making process.

- c) That the proposal would constitute unacceptable piecemeal development of the

larger TDOS site

Officer Note: Whilst it would be preferable to seek a comprehensive development of the larger site the LPA could not reasonably refuse to deal with applications such as this which seek the development of only parts of it. In this case it is contended that the proposal is acceptable for the reasons given. Furthermore, it is contended that it would not prejudice the development of any remaining undeveloped parts of the site should such proposals be forthcoming at a later date.

- d) That special justification is required for this development because of its nature and because of the location of the site outside of the development limits of Hellifield. This has not changed as a result of the introduction of the NPPF as this still seeks to protect the open countryside

Officer Note: The proposal is considered to be in accordance with planning policy. The NPPF does seek to protect the open countryside but it is also supportive of development within such areas (such as this) where it is contended that it will not cause harm.

- e) That the NPPF has no statutory force and doesn't override the requirements of the Local Plan.

Officer Note: The NPPF is a material consideration when determining planning applications. The Local Plan was adopted in 1999 prior to the introduction of the Planning and Compulsory Purchase Act 2004. Paragraph 215 of the National Planning Policy Framework (NPPF) states that policies not adopted in accordance with this Act need to be considered in terms of their degree of consistency with the NPPF – 'the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given'. As such, where there is any conflict with the Local Plan, the Local Plan policies will carry limited or no weight and the proposal should then be considered against the requirements of the NPPF. An assessment of the degree to which the relevant local plan policies accord with the NPPF is given within the report.

- f) That the policies relating to proposals for holiday accommodation outside of the development limits have been deleted.

Officer Note: Policies EMP11 (Tourist Development Opportunity Sites) and EMP16 (Static Caravans and Chalets) are saved policies. The officer report does incorrectly indicate that EMP13 (Visitor Accommodation Outside Development Limits) is a Saved Policy. However, this does not alter the conclusion reached. In the absence of this Saved Local Plan Policy, it remains the case that the proposal is 'in line' with aims of the NPPF (which is supportive of such development provided that it does not cause harm).

- g) Planning permission should be refused for the proposal on the grounds that it

would harm the open character of the countryside and conflict with the provisions of the development plan.

Officer Note: This is not accepted for reasons given earlier and in the report.

h) That the development is not sustainable development.

Officer Note: The proposal is considered to be sustainable for the reasons given in the report, specifically paragraphs 9.15 and 9.16.

i) That granting planning permission for this development would set an unwelcome precedent for other similar forms of development in the open countryside.

Officer Note: A planning application cannot reasonably be refused on the grounds that it may set an unwelcome precedent for other similar forms of development in the locality. All planning applications are treated on their own individual merits having regard to relevant planning policy and material considerations.

j) That it would prove difficult to resist future proposals to convert the new buildings to dwellings should this application be approved.

Officer Note: Such applications would be treated on their individual merits should they be submitted.

k) That there are no recommended conditions removing 'permitted development' rights for the holiday cottages.

Officer Note: Planning Proactive Guidance advises that '*Conditions restricting the future use of permitted development rights ... will rarely pass the test of necessity and should only be used in exceptional circumstances. The scope of such conditions needs to be precisely defined, by reference to the relevant provisions in the Town and Country Planning (General Permitted Development) (England) Order 2015* · , so that it is clear exactly which rights have been limited or withdrawn. Area wide or blanket removal of freedoms to carry out small scale domestic and non-domestic alterations that would otherwise not require an application for planning permission are unlikely to meet the tests of reasonableness and necessity.'

l) That officers have encouraged the submission of this application, despite being contrary to adopted planning policy, by holding pre-application discussions with the applicant. They have also not properly considered the views of the Parish Council and local residents –

Officer Note: Pre-application advice is a service that the Council provides either through the Duty Officer system or, on payment of a fee, by way of formal correspondence. It is available to anyone to use. All advice given is on a 'without prejudice' basis and it is open to the person or persons concerned to decide whether or not to pursue their particular proposal. In this case the views of the Parish Council

and those people making representations to the scheme have been considered. However, on balance, it is felt that they do not represent justifiable reasons for refusing the proposal having regard to adopted planning policy and all other relevant material considerations. The reasons for this are given in the report.

Amendments to the Report or Recommendation

Subject to the Officer comments set out above, there is no amendment to the report. The overall recommendation to the Planning Committee remains unaltered.

Planning Ref. 73/2015/16064

Proposal. Demolition of existing buildings and construction of 4 houses at Kildwick.

Additional Information Received

N/A

Amendments to the Report or Recommendation

The last sentence of paragraph 9.21 should be deleted.