

**PLANNING COMMITTEE MEETING AGENDA**

**Monday 21<sup>st</sup> October 2013**

**CONTENTS**

**SOUTH CRAVEN AREA**

**APPLICATIONS TO BE CONSIDERED BY THE COMMITTEE**

<b>WARD AND APPLICATION No.</b>	<b>PROPOSED DEVELOPMENT AND SITE ADDRESS</b>	<b>REPORT AT PAGE No.</b>
<b>SUTTON 66/2013/13880</b>	<i>PROPOSED EXTENSION TO RESIDENTIAL CURTILAGE AND CONSTRUCTION OF SINGLE STOREY REAR EXTENSION.  LONG HOUSE FARM, ELLERS ROAD, SUTTON-IN-CRAVEN.  APPLICANT NAME: MR G FEATHER TARGET DECISION DATE: 25/10/2013 CASE OFFICER: Andrea Muscroft</i>	2 – 6
<b>GLUSBURN 32/2013/13852</b>	<i>ERECTION OF SINGLE STOREY INDUSTRIAL UNIT WITH TWO LOADING ENTRANCES AND 7 PARKING SPACES, JOINING ONTO EXISTING INDUSTRIAL ESTATE  JOHN BARRITTS BUILDERS YARD, ST ANDREWS TERRACE, CROSS HILLS.  APPLICANT NAME: MR RICHARD BOOTH TARGET DECISION DATE: 22/10/2013 CASE OFFICER: Mark Moore</i>	7 – 13
<b>GLUSBURN 32/2013/13843</b>	<i>INSTALLATION OF 7 NO. STORAGE VESSELS AND BUND, AND ERECTION OF GANTRY/ BRIDGE FOR PIPEWORK  AIREDALE CHEMICAL CO LTD, AIREDALE MILLS, SKIPTON ROAD, CROSS HILLS.  APPLICANT NAME: AIREDALE CHEMICAL CO LTD TARGET DECISION DATE: 15/10/2013 CASE OFFICER: Roger France</i>	14 – 17
<b>GLUSBURN 32/2013/13908</b>	<i>INSTALL 6 NO. STORAGE VESSELS AND BUND  AIREDALE CHEMICAL CO LTD, AIREDALE MILLS, SKIPTON ROAD, CROSS HILLS.  APPLICANT NAME: AIREDALE CHEMICAL CO LTD TARGET DECISION DATE: 15/11/2013 CASE OFFICER: Roger France</i>	18 - 21

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**WARD AND****APPLICATION No.****PROPOSED DEVELOPMENT AND SITE ADDRESS**

SUTTON

66/2013/13880

PROPOSED EXTENSION TO RESIDENTIAL CURTILAGE AND  
CONSTRUCTION OF SINGLE STOREY REAR EXTENSION.

LONG HOUSE FARM, ELLERS ROAD, SUTTON-IN-CRAVEN.

APPLICANT NAME: MR G FEATHER

TARGET DECISION DATE: 25/10/2013

CASE OFFICER: Andrea Muscroft

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**The application has been referred to Planning Committee for a decision as the applicant is an employee of Planning Services at Craven District Council.**

**1. Site Description**

1.1 Long House Farm is a grade II Listed Farmhouse, situated to the south of Sutton-In-Craven, accessed from Ellers Road. The Listing description reads as follows;

*“House, later C17, altered. Coursed rubble with stone slate roof. Three chimneys. Two storeys and 4 bays. The ground floor has an enclosed stone porch with a triangular-headed chamfered doorway, at left-hand end. Next to this is long double chamfered window probably of 10 lights originally, with king mullions between (2:3:3:2) but the last 2 lights obliterated by a C19 plain doorway, over which the hoodmould extends. To right are 2 other double chamfered windows, one formerly of 3-lights lacking both mullions, to the other partly blocked; both have hoodmoulds. First floor windows are all C19 in plain stone surrounds, sashed without glazing bars. In the left-hand gable is one 2-light chamfered window lacking its mullion. At rear is another, with mullion. Interior not inspected.”*

1.2 The application property is situated between and attached to a stone built barn, and a cottage.

1.3 Both the front and rear elevations have been painted white, with a single storey rear extension and a small part of the farmhouse adjacent to it remaining as natural stonework.

**2. Proposal**

2.1 The proposal seeks permission for an extension to the residential curtilage that comprises of a change of use of agricultural land to domestic garden and the construction of a single storey rear extension.

2.2 The proposed extension would measure 5.5m x 3.1m with a maximum height of 4.m falling to 2.3m at the eaves and would be constructed from coursed rubble (painted white) with a timber frame to support the stone slate roof tiles.

**3. Planning History**

3.1 66/2005/5695 – Replacement windows and front door – Approved 21.11.2006.

3.2 66/2007/7193 – Repainting of external stonework, and proposed painting of rear extension in white – Approved 11.04.2007.

3.3 66/2013/13530 – Construction of a single storey rear extension – Withdrawn 30.08.2013.

3.4 66/2013/13531 – Listed building consent for the construction of a single storey rear extension – Approved 29.08.2013.

**4. Planning Policy Background**

4.1 The National Planning Policy Framework – March 2012 (NPPF).

4.2 PPS5: Planning for the Historic Environment Practice Guide.

- 4.3 Saved Policy H20 of Craven District (Outside the Yorkshire Dales National Park) Local Plan.
5. Parish Council Comments
- 5.1 Sutton in Craven – No comments received at the time of compiling this report (8.10.2013).
6. Consultations
- 6.1 None necessary.
7. Representations
- 7.1 One letter of representation has been received from the adjoining neighbour at Longhouse Cottage. The comments have been summarised below:-
- *The proposal would negatively impact of the level of natural daylight received.*
  - *Proposal would result in a loss of views across the valley.*
  - *The proposed window to the side elevation is surplus to requirements.*
  - *The proposed obscured glazing to the side window could be replaced with clear glazing at a later date, thus impacting on our privacy.*
  - *However, if the proposal was reduced in depth, and the corner reduced we would not object to the proposal.*
  - *Comments have also been made that the plans have been drawn by one of the Council's Planning Officers and the neighbour has been told they cannot be changed.*
8. Summary of Principal Planning Issues
- 8.1 Principle of development.
- 8.2 Visual impact of development on the surrounding countryside.
- 8.3 Impact of development on the amenity of neighbouring properties.
9. Analysis
- Principle of development.**
- 9.1 The key issue for consideration here is the principle of allowing a change of use of land, located within an area defined in the adopted Local Plan as open countryside and outside of development limits, from agriculture to residential garden area.
- 9.2 Saved Local Plan policies in relation to the open countryside comprise ENV1 and ENV2, the latter being applied to forms of development considered to be acceptable in principle under the first policy. Saved Policy ENV1 is essentially a restrictive policy intended to prevent the character and quality of the open countryside from being spoilt by sporadic development and is considered to be consistent with the broad aims of national policy outlined above.
- 9.3 Specifically, Policy ENV1 would be permissive of development outside of development limits where it comprises '*small scale development appropriate for the enjoyment of the scenic qualities of the countryside and other appropriate small scale development having a rural character*'. The policy outlines specific requirements which developments falling within the above description must meet in order to be acceptable namely; they would clearly benefit the rural economy; would help to maintain or enhance landscape character; would be essential for the efficient operation of agriculture or forestry; or, would be essential to the needs of the rural community.
- 9.4 It is considered that due to the small scale nature of the proposed change of use of agricultural land to form a residential garden that the proposal would not result in any unacceptable erosion of the open countryside. Furthermore, the proposal would provide an improved amenity area for all existing and future occupants of the buildings thus meeting the requirements of the NPPF. It is considered therefore that the proposal is not contrary to national policy or Saved Local Plan policy and is therefore acceptable.

### **Visual impact of development on the surrounding countryside.**

- 9.5 The application site is a working farm situated off Ellers Road accessed via a private track. Situated to the south of the application site is a former farm cottage (now in private ownership), with both properties adjacent to agricultural land. The application premises is a traditional agricultural building with a good balance of proportions (e.g. solid to void relationship) and simple arrangement of openings, reflecting the buildings agricultural origins. The application site and adjacent property are characteristic features of the landscape surrounding Sutton and as such make a positive contribution to the surrounding area.
- 9.6 It is noted that the application site has been subject to minor alterations (such as replacement windows) over the years, however, these have been undertaken in a sympathetic manner.
- 9.7 The proposal seeks to construct a single storey rear extension which would project off the North West elevation. It is important to note that Listed Building Consent has already been granted for the proposal and the decision taken that the impact on the architectural and historic interest of the Listed Building is acceptable. The proposed extension has therefore been designed to be sympathetic and subservient to the original building, through the continuation of the matching roof form of the original building and use of appropriate materials.
- 9.8 The North West elevation would be heavily glazed; however, due to its location at the rear, it is not considered that this would have an unacceptably adverse effect on the buildings appearance or harm the character of the surrounding area. The proposed extension would receive extra light from 2 Velux windows. It is considered appropriate to condition that the Velux windows are conservation roof lights to ensure that they are flush fitting, thus reducing any impact on the buildings appearance.
- 9.9 The proposed single storey rear extension would be constructed from coursed rubble, painted white with timber windows and doors; this would help ensure that the proposal ties in well with the original building. Furthermore, the use of appropriate materials would ensure that the development would not visually harm the fabric of the original building.
- 9.10 The proposal also proposes an extension of residential curtilage into the open countryside. In 1986 the Council granted planning permission for the renovation and extension of Longhouse Cottage situated to the south of the application site with an associated garden extending from the rear of the dwelling towards the boundary with Ellers Road. The proposed residential garden area would be situated adjacent to the established garden area of Longhouse Cottage.
- 9.11 The proposed land situated to the north west is currently used for agricultural purposes, with the proposed land situated to the south east currently used to access the main building. The proposed extension into the agricultural area would provide additional space to the north west and south east of the dwelling. The proposed residential curtilage of the land to the north west would be defined along the boundary by a low level timber fence, whilst the boundary to the south east will be defined by a low level traditional stone wall. It is considered that the proposed boundary treatments help retain the rural character of the area and are therefore acceptable.
- 9.12 The proposed extension to the residential curtilage is therefore considered to be a small, unobtrusive form of development which would not adversely affect the open countryside.

### **Impact of development on the amenity of neighbouring properties.**

- 9.13 Saved Policy H20 states that development should not have a negative impact on the amenity of neighbouring properties.
- 9.14 The proposed extension would project from the rear wall by approximately 3m and would be within 1m of the boundary with Longhouse Cottage. This would contravene the guidance contained within Appendix F of the Local Plan that seeks to ensure that new extensions do not obstruct windows in neighbouring properties. However the guidance in

Appendix F of the Local Plan is now significantly out of date. In particular, Permitted Development Rights set out in the General Permitted Development Order 1995 were amended in 2008 to allow single storey rear extensions to terraced and semi-detached dwellings to be constructed to a depth of 3 m without planning permission. Whilst this proposal is not permitted development, as it involves extensions to a Listed Building, the GPDO sets out a principle that rear extensions up to 3 m in depth are acceptable. Whilst this proposal is for 3.1 m rather than 3 m the difference involved is minimal. Furthermore recent changes to permitted development rights in May 2013 now mean that subject to a prior notification process single storey rear extensions to terraced and semi-detached dwellings can be constructed without planning permission up to a depth of 6 m (although this would not apply to Listed Buildings).

- 9.15 Regarding the protection of daylight and sunlight received by neighbouring windows, the proposed extension is sited to the north east of the neighbouring dwelling and would not therefore unacceptably impact on daylight / sunlight .
- 9.16 With regards to comments concerning a loss of view, Longhouse Cottage currently enjoys long distance views to the south and west. There is no right to a view in planning law and for the reasons explained in para 9.14 above it is not considered that the proposed single storey extension would unacceptably obstruct outlook from the neighbour's windows.
- 9.17 In terms of privacy, the north west elevation would not overlook neighbouring windows but would look over the far rear garden area of Longhouse Cottage. However, the proposed window to the south west elevation would result in an increase in overlooking between the neighbouring properties; therefore a condition is required to ensure that the window is fitted with obscure glazing and remains non-opening in perpetuity. Concerns have been raised by the neighbour that the window is not required, however it forms part of the application submission and subject to conditions the proposal is acceptable.

#### **Other Matters**

- 9.18 Finally comments have been made that CDC Planning Officer drew the plans for the submission and therefore the application cannot be changed. This is not the case. The applicant is an employee of CDC Planning Services hence the referral of the application to Planning Committee. It is understood the scaled planning drawings were produced by an employee of the Council in his own time, but this person is not an employee of Planning Services. Furthermore, the applicant also sought advice from the Council's Conservation Consultant (again not during working hours) for assistance on an acceptable design solution for the site.

#### 10. Recommendation

- 10.1 To grant permission subject to conditions.

#### Conditions

1. The development and works hereby permitted shall be commenced before the expiration of three years from the date of this permission.  
Reason: in accordance with Section 91 of the Town and Country Planning Act 1990.
2. The approved plans comprise of plan no's 13880/1, 2, 3, 5 & 6 (annotated by the case officer) and "*sketched drawing*" received by the Local Planning Authority on the 30<sup>th</sup> August 2013. The development shall be completed in accordance with the approved plans and submitted written information that accompanies the application titled "Design & Access Statement" except where conditions attached to this planning permission indicate otherwise or where alternative details have been subsequently approved following an application for a non-material amendment.  
Reason: For the avoidance of doubt as to the terms of this permission.
3. The window opening in the south west elevation of the extension hereby approved shall be obscured to level 5 and be non-opening. Once in place the window opening shall be retained as such thereafter.

Reason: To protect the amenity of the occupants of the nearby residential properties.

4. The roof-lights hereby approved shall be 'Conservation' roof lights which shall fit flush with the plane for the roof slope.

Statement of Positive Engagement: -

In dealing with this application Craven District Council has sought to approach the decision making process in a positive way, in accordance with the requirements of paragraphs 186 and 187 of the NPPF.

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**WARD AND****APPLICATION No.****PROPOSED DEVELOPMENT AND SITE ADDRESS**

**GLUSBURN  
32/2013/13852**

*ERECTION OF SINGLE STOREY INDUSTRIAL UNIT WITH TWO LOADING ENTRANCES AND 7 PARKING SPACES, JOINING ONTO EXISTING INDUSTRIAL ESTATE*

*JOHN BARRITTS BUILDERS YARD, ST ANDREWS TERRACE, CROSS HILLS.*

APPLICANT NAME: MR RICHARD BOOTH

TARGET DECISION DATE: 22/10/2013

CASE OFFICER: Mark Moore

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**This application is referred to the Planning Committee for a decision and a site visit by Cllr Barrett due to the public interest in both this application, and other applications submitted by Airedale Chemicals. In particular concerns have been raised with respect to residential amenity and public health and safety.**

1. Site Description

- 1.1 The application site comprises an enclosed industrial/commercial yard (formerly in use as a builders merchants) which forms part of a larger area of industrial land located to the rear of nos. 2-14 St Andrew's Terrace on the eastern side of Station Road, Crosshills. The Midland Mills industrial complex lies to the south of the site and an established industrial area to the east. The site borders the rear garden of no.16 Station Road on its northern side.
- 1.2 The properties at 2-14 St Andrews Terrace comprise a row of terraced residential housing located to the west which front onto Station Road and have a shared rear access road which runs adjacent to the western boundary of the application site. The application site is served by two access roads, one running to the north of 14 St. Andrew's Terrace and the other down the southern side of no. 2 St. Andrew's Terrace.
- 1.3 Generally the site is in a very unkempt condition with various building materials being stored within the compound in the open air. There are existing buildings on the site comprising single storey office/stores located at the north-eastern end of the site and a larger storage building situated towards the southern end of the site. These buildings are in poor condition and appear to have reached the full extent of their useful life.
- 1.4 The site is located within the Development Limits of Sutton and Glusburn and is part of a much larger area defined in the Local Plan as an Established Industrial Area. This industrial area extends further to the east and south occupying a much larger area of employment land that sits to the northern side of the Leeds/Skipton railway line.
- 1.5 The site lies directly adjacent to the existing premises of Airedale Chemicals which is categorised as a Major Hazard Site. The site falls within a buffer zone where consultation with the Health & Safety Executive (HSE) may be necessary.

2. Proposal

- 2.1 This proposal seeks planning permission for the erection of a single storey industrial unit which would comprise a profiled metal clad portal framed building measuring 30.46m x 13.48m (floor space 410m<sup>2</sup>) with a metal clad ridged roof 5.73m in height falling to 3.49m at eaves level. The proposed roofing is stated in the application to be finished in Goosewing Grey and the walls would be slate grey on a masonry brick plinth. However, following discussion with the applicant's agent regarding objections from local residents it has been agreed that the final colours of the cladding shall be subject to prior approval by condition.
- 2.2 The building would be located between 2.3m and 2.5m from the western site boundary and set a similar distance from the northern boundary. The proposed development would entail

removal of the existing buildings and materials from the application site and it is proposed to create an area that would be used for vehicle manoeuvring and storage. It is also proposed to provide 7 car parking spaces in the south-east corner of the site.

- 2.3 Although not specifically stated in the supporting statement accompanying the application it is clear that the proposal seeks permission for an industrial building which in this case would be used by Airedale Chemicals for storage purposes. The proposed main entrance to this site is to be through the adjoining Airedale Chemicals site to the east. This is not an existing access and the applicant's agent has confirmed that the proposal would require removal of fencing, evergreen tree planting and an existing building located on the neighbouring site.
- 2.4 Following discussions with the applicant's agent and in response to objections received from local residents it has been confirmed that both existing accesses onto St Andrew's Terrace are to be closed off. Furthermore, the existing boundary screening to the rear of St Andrews Terrace will be retained and in-filled or made good where appropriate. In addition it is proposed to provide a secondary strip of landscaping immediately behind which will provide further screening and a degree of acoustic attenuation. It is proposed that the exact details of the boundary treatments/landscaping will be subject to prior approval secured by way of a planning condition.
- 2.5 The application has been submitted with a statement that no hazardous waste would be involved in this proposal (question 23 of the original application form) and the applicant's agent has confirmed in writing that the building would be used to store non-toxic bags of dry powder and that there would be no flammable liquids stored on the site although it is also stated that *'there may be a rare occasion whereby a corrosive item would need to be stored'*.
- 2.6 In planning terms the application is applied for on the basis that the proposed building and yard is to be used for general storage purposes falling within Use Classes B2 (General Industrial) and B8 (Storage and Distribution).

### 3. Planning History

- 3.1 The following applications relate to this application site and are of relevance: -
- 32/2005/5306 – Demolition of existing office and stores, construction of new workshop/storage units, improvements to existing access roads. Refused May 2005 due to concerns with respect to an unsatisfactory vehicle access.
  - 32/2008/8399 - Construction of industrial storage unit with associated access and parking. Approved July 2008.
  - 32/2012/12678 – Construction of industrial building with associated access and parking. Approved July 2012. Officer Note: This extant permission for a new industrial building made use of both existing vehicle accesses from St Andrews Terrace.
- 3.2 Two further applications are presently under consideration that have been submitted by Airedale Chemicals: -
- 32/2013/13843 – Installation of 7 No. storage vessels and bund and erection of gantry/bridge for pipework. No decision issued at time of compiling this report.
  - 32/2013/13908 – Install 6 No. vessels and bund. No decision issued at time of compiling this report.

### 4. Planning Policy Background

4.1 The National Planning Policy Framework.

4.2 Saved Local Plan Policies:

- EMP4: Employment Development within Development Limits and Established Industrial Areas.
- EMP6: Extensions to Existing Employment Uses.



- T2: Road Hierarchy.

These policies have been ‘saved’ (under the Planning & Compulsory Purchase Act 2004). However, Paragraph 215 of the new National Planning Policy Framework states that policies not adopted in accordance with the 2004 Act need to be considered in terms of their degree of consistency with the new NPPF; in particular “the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given”.

In this case the LP Policies are broadly in line with the Framework, and although now superseded by the more recently published (and therefore more up-to-date) national planning policy, the policies carry some limited weight. However, the application needs to be principally assessed against the National Planning Policy Framework.

## 5. Parish Council Comments

- 5.1 Glusburn and Cross Hills Parish Council: Object to this application as it does not state the exact use or hours of work. There is also concern as the development is very near to residential property.

## 6. Consultations

- 6.1 **Environment Agency:** Has advised that the application falls outside the scope of matters on which the EA is a statutory consultee.

- 6.2 **CDC Environmental Health:** No environmental protection issues or contaminated land issues identified that would give cause for concern.

**Officer note:** EH have advised that Airedale Chemicals hold a permit issued by the Environment Agency under the Environmental Permitting Regulations 2010. The permit is to safeguard the environment and human health and details the activities that are allowed and what procedures are required to operate on the site and would need to cover the application site. As part of the permit the EA will undertake inspections of the site to ensure compliance with the permit issued.

- 6.3 **Health & Safety Executive.** As the site is within the ‘buffer zone’ where consultation with the HSE may be necessary the HSE’s consultation requirements have been carefully checked by Planning Officers. However, in this instance the proposal does not fall within the requirements where consultation with the HSE is necessary.

- 6.4 **NYCC Highways:** Recommend that planning permission is granted subject to a condition to ensure that the proposed parking spaces and turning areas are retained for their intended purposes at all times.

- 6.5 **Airedale Drainage Commissioners:** Site is marginally outside the Drainage Board area. Notwithstanding ADC would comment that any disposal of surface water should be through a balanced disposal system should the volume of surface water increase due to this development. This requirement is to ensure that the rate of surface water discharged is not increased into the Drainage Board area by the proposed development.

- 6.6 **Yorkshire Water:** The formal response of YW has not been received at the time of compiling this report and will be reported verbally when this application is referred to the Planning Committee.

## 7. Representations

- 7.1 Seven representations (2 from the same address) have been received. They object to the application for the following reasons:

- Concern that CDC has not sent out letters to all the surrounding houses and letter did not make it clear that applicant was Airedale Chemicals.
- Letters led neighbours to believe that application was a renewal of a proposal for a warehouse building in connection with the builder’s yard.
- Company is a chemical distributor and storage one so anything they do should be fully open for consultation to a large surrounding area.

- Although applicants state that no hazardous materials will be included everything they deal with is hazardous and potentially dangerous. No part of application states what and in what quantities it will be stored. Company seems to be able to grow without any studies on the impact of a leak, accident or anything on the surrounding population.
- Application should be denied due to the close proximity to houses and lack of disclosure of what exactly the unit will be used for. Last time applicants wanted to add extra storage Skipton Fire Service had done an exercise for containment. Knowing how these are carried out they are a farce. What is stored by Airedale Chemicals is a major concern to Keighley Fire Service but as it is not the authority it cannot comment.
- Application should be stopped and a full study done of the expanding chemical company within yards of hundreds of houses, schools and a petrol station.
- Airedale Chemicals are already too near to neighbouring houses and should not be granted permission to move even nearer.
- There can be no guarantees that an explosion or fire at Airedale Chemical works will never happen.
- Proposal will impact on the outlook of the neighbouring residential properties and create additional noise.
- Lighting on the existing site is intrusive and proposal be more intrusive thereby adversely impacting on the neighbouring properties.
- Proposals will entail removal of the trees that partly screen the ugly complex of buildings.
- Existing noise and activity of pumps operating and fork lift trucks moving around on the neighbouring site will be brought closer to houses causing even more night time disturbance.
- Proposed use of site will devalue the surrounding properties.
- Neighbouring houses will be overlooked by the proposed building and development would cause loss of light.
- Concern about the birds that live in the bush in the wall which is set to be demolished.

## 8. Summary of Principal Planning Issues

- 8.1 The principle of development.
- 8.2 The impact of the development on amenity/highway issues.
- 8.3 Other Matters

## 9. Analysis

### **The principle of development:**

- 9.1 The main thrust of the National Planning Policy Framework is an overarching presumption in favour of sustainable development; i.e. the general acceptability of the proposals against the stated “three dimensions to sustainable development: economic, social and environmental” (referred to in the NPPF as the roles the planning system should perform). A ‘core principle’ is that the planning system should proactively drive and support sustainable economic development and growth; and Section 1 of the Framework (‘Building a strong, competitive economy’) requires local planning authority’s to support business sectors. However, in addition, the Framework seeks in broad terms to strike a balance, and securing high quality design and a good standard of amenity for local residents are other core principles.
- 9.2 The application site falls within the recognised development limits of the settlement and is located within an established employment/industrial area. The proposal seeks to erect a new industrial building which will be used for warehousing/storage purposes. As such the principle of development accords with saved Local Plan Policies EMP4 & EMP6 and,

furthermore, this business investment represents the type of economic growth supported by the NPPF.

- 9.3 Consequently, the principle of development is in accordance with national and local planning policy, and the acceptability of the proposal therefore rests on the details of the scheme.

**The impact of the development on amenity/highway issues:**

- 9.4 Regarding the details of the development, Local Plan Policies EMP4 and EMP6 are permissive of new employment development within settlement limits and established business areas, subject to several criteria to assess the general acceptability of the proposals. These require, amongst other things, that the development is of a scale and type appropriate to the locality and would not adversely alter the appearance or character of the area or have an adverse effect on neighbour amenity; and, be of a satisfactory standard of design.
- 9.5 The proposal is for a single storey structure which would be finished in neutral coloured profiled sheets and is typical of commercial buildings found on established commercial areas generally and would match the existing buildings found elsewhere in close proximity to the application site. It is not considered that the building would be overly intrusive either in scale, design or general appearance and that the outlook of the neighbouring residential properties to the west of the site would not be significantly impacted upon. In coming to this view it is noted that the building would remain lower in height than the residential properties on St Andrew's Terrace and that the overall appearance of the site would be better than exists at the moment and preferable to uncontrolled external storage on the site. Following discussions the applicants have agreed to leave the existing boundary screening to the west in situ and to undertake additional planting to infill the gaps that presently exist and therefore the building would be screened from view from the terraced housing to a large extent.
- 9.6 With regards to outlook and potential overshadowing it is considered that the building would not give rise to unacceptable degrees of overshadowing or that the proximity and height of the proposed building would impact upon the outlook of the neighbouring residential properties to a significant extent.
- 9.7 In terms of general amenity any assessment of the potential impact arising from the proposed use of the site must be assessed against the historic lawful use which would allow for commercial/industrial activity including external storage and does not appear to be subject to any controls by way of planning conditions attached to planning permissions. A previous application was granted approval in 2012 that allows for an industrial storage building to be constructed on the site and is a material consideration in the assessment of the current proposal. The proposed building under the current application would be sited closer to the residential properties neighbouring the site but for the reasons outlined above is not unacceptable in its proposed location.
- 9.8 The extant permission granted in 2012 would utilise both accesses at the western end of the site and would therefore arguably have a greater impact on the amenity of the residents of St Andrews Terrace than the current proposal in which access to the site from the western side would be completely closed off. In addition the building would screen views into the site from St Andrews Terrace and would potentially act as a buffer between the housing and the commercial activity that would take place on the site.
- 9.9 A refusal of planning permission on the grounds of loss of amenity by way of noise or on highway issues cannot be sustained as the site has a long established use as a builders yard and these particular issues would arise whether this current application was being considered or not. Notwithstanding, the new application would allow an opportunity for conditions to be imposed which would enable some control to be exercised over the day to day operation of the site and would provide an opportunity for some of the issues raised by the neighbours to be addressed.

## Other Matters

- 9.10 One of the main concerns raised by local residents relates to the materials that it is proposed to store on this site. In particular it has been noted that the applicants are Airedale Chemicals and that this company is expanding its business interests in the Cross Hills area which, in the public perception, is giving rise to increased levels of danger to local residents arising from the storage of hazardous chemicals and the attendant risks of explosion and fire.
- 9.11 Notwithstanding the legitimacy of those concerns the application must be considered on its own merits and it is the case that the applicants have declared that there would be no hazardous materials to be stored on the site. There is a separate regime of control for the storage of hazardous substances and if these were to be stored on the site the applicants would require a specific consent under the Planning (Hazardous Substances) Act 1990. This Act requires developers to make a separate Hazardous Substances Consent application for permission to store hazardous materials. Furthermore, it is also understood that a licence from the Environment Agency would be required that would entail inspection of the premises on a regular basis. In conclusion a grant of planning permission would not entitle the applicants to use the building to store hazardous materials and the controls on the site would be provided under separate legislation. It would not therefore be appropriate for the local authority to assess the application other than on the basis upon which it has been submitted and in this case there can be no grounds for refusal of planning permission.
- 9.12 Finally, there is no indication that any protected species are on the site that would preclude development from being undertaken.

## 10. Recommendation

- 10.1 That planning permission is granted subject to the following conditions:

### Conditions

1. The development hereby permitted shall be begun no later than the expiration of three years beginning with the date of this permission.  
Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
2. The approved plans comprise Drawing Nos. 7287 001, 004 and 005 received by the Local Planning Authority 22<sup>nd</sup> August 2013 and Drawings 002 revision B, 003 revision B and 006 received 9<sup>th</sup> October 2013. The development shall be completed in accordance with the approved plans except where alternative details have been subsequently approved following an application for a non-material amendment.  
Reason: In order to specify the planning permission for the avoidance of doubt.
3. Notwithstanding the details on the approved plans and in the accompanying Design and Access Statement prior to their first use on site the finished colours of the external cladding and roofing materials shall be submitted to and agreed in writing by the Local Planning Authority.
4. No floodlighting or security lighting shall be installed or operated on the site without the prior written approval of the Local Planning Authority.
5. No materials or equipment shall be stored on the site other than on those areas designated for the purpose of outside storage on the approved plan and shall not exceed the eaves height of the storage building hereby granted planning permission.
6. The use of the site subject to this planning permission shall be restricted to the hours of 0700 to 1800 on weekdays and between 0700 and 1300 on Saturdays and there shall be no operation on Sundays or Bank Holidays.
7. Prior to the commencement of the development hereby approved full details of the proposed landscaping to the western site boundary shall be submitted to and approved in writing by the Local Planning Authority. The approved landscaping scheme shall be

implemented in the first planting season following completion of the development and shall be maintained thereafter.

Reason (for Conditions 3-7): In the interests of visual and residential amenity.

8. The development hereby approved shall not take place until the main site entrance to the eastern side of the site (as detailed on approved plan Drawing No. 7287 003 revision B has been provided and is capable of use by vehicular traffic. The site access shall be retained thereafter.
9. Prior to the first use of the development hereby permitted the vehicular accesses at the western side of the site adjacent to St Andrews Terrace shall be permanently closed, in accordance with details that have previously been approved in writing by the Local Planning Authority. No new access at the western side of the site adjacent to St Andrews Terrace shall thereafter be provided.
10. Notwithstanding the provision of any Town and Country Planning General Permitted or Special Development Order for the time being in force, the areas shown on 003 revision A for parking spaces, turning areas and access shall be kept available for their intended purposes at all times.

Reason (for Conditions 8 to 10): In the interests of amenity and road safety.

11. There shall be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether direct or via soakaways,
12. Surface water from the site must drain separate from the foul water and no surface water will be permitted to discharge into the foul sewerage system

Reason (Conditions 11 and 12): To prevent pollution of the water environment.

Informatives:

1. The developer should note that any disposal of surface water should be through a balanced disposal system should the volume of surface water increase due to this development. This requirement is to ensure that the rate of surface water discharged is not increased into the Airedale Drainage Board area by the proposed development.
2. Site operators should ensure that there is no possibility of contaminated water entering and polluting surface or underground waters.
3. The planning permission hereby granted is for an industrial building which can be used for general storage purposes falling under Use Classes B2 (General Industrial) and B8 (Storage and Distribution) only. This permission does not authorise the use of the building or compound for the storage of hazardous materials. There is a separate regime of control for the storage of hazardous substances and if these were to be stored on the site it is the responsibility of the occupiers of the site to ensure that all necessary licences and consents are obtained and complied with.

Statement of Positive Engagement: -

In dealing with this application Craven District Council has sought to approach the decision making process in a positive way, in accordance with the requirements of paragraphs 186 and 187 of the NPPF. In particular the Council has: -

- engaged in pre-application discussions
- requested amended design approaches / information to address the planning issues which have arisen in relation to dealing with this application.
- accepted additional information / changes to the scheme post validation.

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**WARD AND****APPLICATION No.****PROPOSED DEVELOPMENT AND SITE ADDRESS**

**GLUSBURN  
32/2013/13843**

*INSTALLATION OF 7 NO. STORAGE VESSELS AND BUND, AND  
ERECTION OF GANTRY/ BRIDGE FOR PIPEWORK*

*AIREDALE CHEMICAL CO LTD, AIREDALE MILLS, SKIPTON ROAD,  
CROSS HILLS.*

APPLICANT NAME: AIREDALE CHEMICAL CO LTD  
TARGET DECISION DATE: 15/10/2013  
CASE OFFICER: Roger France

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**This application is referred to the Planning Committee for a decision and a site visit by Cllr Barrett due to the public interest in both this application, and other applications submitted by Airedale Chemicals. In particular concerns have been raised with respect to residential amenity and public health and safety.**

1. Site Description

- 1.1 The application site lies to the south of the established Airedale Chemical premises, which are located to the north the Midland Mills business estate. The business area comprises a mixture of old industrial buildings and modern business units, together with associated land previously a combination of former gas works and textile mill premises. The applicant's full land holding being bounded by the Leeds to Skipton railway line to the south, and other industrial premises to the west, east and north.
- 1.2 The application site lies to the east of a modern industrial unit located on the southern boundary of the business park, adjacent to the railway line. The building was previously subdivided into four units, and one has previously used for an indoor children's indoor play area. However, the building has now been subsumed into the Airedale Chemical premises.
- 1.3 The access to the application premises is from Skipton Road.
- 1.4 The site is located within the development limits of Cross Hills and Glusburn as allocated in the Craven District (Outside the Yorkshire Dales National Park) Local Plan (1999) and is part of a much larger area defined in the Local Plan as an Established Industrial Area.
- 1.5 As Airedale Chemicals is categorised as a Major Hazard Site the application site falls within a buffer zone where consultation with the Health & Safety Executive (HSE) may be necessary.

2. Proposal

- 2.1 The construction of a group of storage vessels and associated bunds, and a connecting overhead pipe gantry that will link a group of buildings within the central section of the applicant's site.
- 2.2 The storage vessels comprise 7 vertical cylindrical stainless steel tanks some 8.5 metres in height and 5.75 metres in diameter, contained within a concrete bund. The tanks are located adjacent the modern industrial unit on the south eastern edge of the site. The gantry mounted pipeline is steel frame 5 metres above ground level and runs north-south some 25 metres centrally within the overall site.
- 2.3 The applicant has advised that no hazardous chemicals are to be stored within the proposed tanks.

3. Planning History

- 3.1 The site has a very complex planning history, but the following applications are of relevance: -
- 3.2 32/2000/57: Erection of 5 industrial units, determined in October 2000. (A condition attached to this permission restricted the use of the units to Class B1 use).

- 3.3 32/2003/2815: An amended scheme to the previous approval for industrial units, permitted March 2003.
- 3.4 32/2005/5503: Children's Activity Centre. Consisting of age sectioned areas for children's entertainment and café area for parents/ minders. Refused 24 August 2005 (inappropriate industrial access).
- 3.5 32/205/5740: Family entertainment centre consisting mainly of soft adventure play equipment aimed at 0 - 12 year old children with café facility (only for users). Approval 28 November 2005.
- 3.6 32/2013/13378: Division of site into 2 sections with erection of 2.4 m high palisade fence on new division line, removal of section of existing fence on northern boundary, and the formation of new turning head st western end of estate. Approved 7 May 2013.
- 3.7 32/2013/13757: Increase roof height of industrial unit by 2 metres and install new roof. Approved 03.09.2013. (Officer Note: This permission has not been implemented).
4. Planning Policy Background
- 4.1 National Planning Policy Framework.
- 4.2 Craven District (Outside the Yorkshire Dales National Park) Local Plan:
- Policy EMP4: Employment Development within Development Limits and Established Industrial Areas .
  - Policy EMP6: Extensions to Existing Employment Uses.
- 4.3 These policies have been 'saved' (under the Planning & Compulsory Purchase Act 2004). However, Paragraph 215 of the new National Planning Policy Framework states that policies not adopted in accordance with the 2004 Act need to be considered in terms of their degree of consistency with the new NPPF; in particular "the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given".
- 4.4 In this case the LP Policies are broadly in line with the Framework and although now superseded by the more recently published (and therefore more up-to-date) national planning policy, the policies carry some limited weight. However, the application needs to be principally assessed against the National Planning Policy Framework.
5. Parish Council Comments
- 5.1 "The PC would like to object to this application. The height of the vessels is too high, there are concerns regarding the site of the building, it also thought that this area was the site of the old gas works. The vessels could be seen from most roads in the area".
6. Consultations
- 6.1 **Environment Agency:** Raise no objections in principle, and state that Airedale Chemicals Ltd holds an Environmental Permit with the Environment Agency. This tank farm lies outside the installation boundary, and it is therefore likely that a variation will be required in order for the tanks to be used. Officer Note: This falls outside the planning considerations).
- 6.2 **CDC Environmental Health Officer (Environmental Protection).** "Having considered this application I have not identified any potential Environmental Protection issues that would give cause for concern."
- 6.3 **Health & Safety Executive.** Not applicable. As the site is within the 'buffer zone' where consultation with the HSE may be necessary the HSE's consultation requirements have been carefully checked. However, in this instance the proposal does not fall within the requirements where consultation with the HSE is necessary.
7. Representations
- 7.1 None.

8. Summary of Principal Planning Issues

8.1 Planning policy and the principle of development at this location.

8.2 The impact of the development on the general amenities of the area.

9. Analysis

**Principle of development and planning policy.**

9.1 The main thrust of the National Planning Policy Framework is an overarching presumption in favour of sustainable development; i.e. the general acceptability of the proposals against the stated “three dimensions to sustainable development: economic, social and environmental” (referred to in the NPPF as the roles the planning system should perform). A ‘core principle’ is that the planning system should proactively drive and support sustainable economic development and growth; and Section 1 of the Framework (‘Building a strong, competitive economy’) requires local planning authority’s to support business sectors. However, in addition, the Framework seeks in broad terms to strike a balance, and securing high quality design and a good standard of amenity for local residents are other core principles.

9.2 The application site falls within the recognised development limits of the settlement and is located within an established business park. The proposal is to add additional plant on land which historically is a combination of the site of a former gas works and textile mill, and more recently a builder’s yard. The site is being used to expand an established adjacent manufacturing company and the current premises are made up of a group of modern and older manufacturing, warehouse, and office buildings and cleared land.

9.3 As such, there is no material change of use of the land and the principle of development is in accordance with the NPPF and accords with saved Local Plan Policies EMP4 & EMP6. Therefore, the acceptability of the proposal rests on the details of the development.

**Impact on local amenities**

9.4 Local Plan Policies are permissive of new employment development within settlement limits and established business areas, subject to several criteria to assess the general acceptability of the proposals. These require, amongst other things, that the development is of a scale and type appropriate to the locality and would not adversely alter the appearance or character of the area; have an adverse effect on neighbour amenity; and be of a satisfactory standard of design.

9.5 In this case the tanks are taller than the associated building, but by less than a metre in overall height, and by reason of the siting within the centre of the industrial estate are well screened by existing buildings and other structures. Consequently, the tank farm and the associated gantry mounted pipeline will not be unduly intrusive and the visual impact will not be significant. The development is bounded by other industrial premises, or the railway, on all sides, and therefore there is no conflict with neighbouring land uses or the general character of the area.

9.6 The Parish Council have suggested the tanks will be visible from nearby roads, however, as noted above such views will be intermittent. In the context of the location within the main industrial and commercial area of Cross Hills it is held that the site is an appropriate location for the development and it is not considered that the application proposals will not cause unacceptable visual harm.

9.7 There are no technical objections to the proposals from either the Environment Agency or Environmental Health. There is a separate regime of control for the storage of hazardous substances and if these were to be stored on the site the applicants would require a specific consent under the Planning (Hazardous Substances) Act 1990. This Act requires developers to make a separate Hazardous Substances Consent application for permission to store hazardous materials. Furthermore, it is also understood that a licence from the Environment Agency would be required that would entail inspection of the premises on a regular basis. In conclusion a grant of planning permission would not entitle the applicants to use the building to store hazardous materials and the controls on the site would be provided under separate legislation.



## **Conclusions**

- 9.8 In conclusion, it is considered that the development will have minimal environmental impact and by association with use existing infrastructure and transport facilities constitutes sustainable economic development in accordance with NPPF guidance. In addition, in the absence of any adverse material impact on the general character and amenities of the area, the application proposals accord with the requirements of the criteria contained in saved Local Plan Policies EMP4 & EMP6.

## **10. Recommendation**

- 10.1 Approval.

### Conditions

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

**Reason:** To comply with the requirements of Section 91 of the Town & Country Planning Act 1990.

2. The approved plans comprise Drawing No's 1471-21-01 and 1471-90-01 received by the Local Planning Authority on 19 August 2013. The development shall be completed in accordance with the approved plans except where alternative details have been subsequently approved following an application for a non-material amendment.

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

### Informative

This permission does not authorise the storage of hazardous materials. There is a separate regime of control for the storage of hazardous substances and if these were to be stored on the site it is the responsibility of the occupiers of the site to ensure that all necessary licences and consents are obtained and complied with.

### Statement of Positive Engagement: -

In dealing with this application Craven District Council has sought to approach the decision making process in a positive way, in accordance with the requirements of paragraphs 186 and 187 of the NPPF.

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**WARD AND****APPLICATION No.****PROPOSED DEVELOPMENT AND SITE ADDRESS**

**GLUSBURN  
32/2013/13908**

*INSTALL 6 NO. STORAGE VESSELS AND BUND*

*AIREDALE CHEMICAL CO LTD, AIREDALE MILLS, SKIPTON ROAD,  
CROSS HILLS.*

APPLICANT NAME: AIREDALE CHEMICAL CO LTD

TARGET DECISION DATE: 15/11/2013

CASE OFFICER: Roger France

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**This application is referred to the Planning Committee for a decision and a site visit by Cllr Barrett due to the public interest in both this application, and other applications submitted by Airedale Chemicals. In particular concerns have been raised with respect to residential amenity and public health and safety.**

1. Site Description

- 1.1 The existing Airedale Chemical premises are located within the Midland Mills business estate, which is part of a larger employment area located between Station Road and Skipton Road at Cross Hills. The application premises comprise a mixture of old industrial buildings and modern business units, together with associated land. The applicant's full land holding being bounded by the Leeds to Skipton railway line to the south, and other industrial premises to the west, east and north.
- 1.2 The access to the application premises is from Skipton Road.
- 1.3 The site is located within the development limits of Cross Hills and Glusburn as allocated in the adopted Craven District (Outside the Yorkshire Dales National Park) Local Plan (1999); and allocated as an 'established industrial area' in the local plan.
- 1.4 As Airedale Chemicals is categorised as a Major Hazard Site the application site falls within a buffer zone where consultation with the Health & Safety Executive (HSE) may be necessary.

2. Proposal

- 2.1 The construction of a group of 6 storage vessels and associated bund, to be sited to immediately to the east of the original weaving shed building of the former Midland Mills. The storage vessels comprise vertical cylindrical stainless steel tanks some 8 metres in height and 4.5 metres in diameter, contained within a concrete bund. The tanks are lower in height than the adjacent building.
- 2.2 The applicant has confirmed that no hazardous chemicals are stored on the site.

3. Planning History

- 3.1 The wider site has a long planning history commencing with the change-of-use of an ex gas holder station to office store, workshop and builders yard in November 1975, and followed by several subsequent commercial and industrial use permissions. The more recent relevant applications to the application site are: -
- 3.2 32/2000/0056: Removal of existing north light roof structure and replacement with portal frame roof structure clad in metal profiled steel sheeting. Approval: 10 April 2000.
- 3.3 32/2005/5306: Demolition of existing office and stores, construction of new workshop/storage units, improvements to existing access roads. Refused 27 May 2005 on highway safety grounds.

- 3.4 Planning Ref. 32/2006/6600. To construct a breeze block/reinforced steel chemical liquid bund, 25.0 m long, 5.3 m wide and 3.5m tall and erect 5no. Liquid bulk storage tanks each 10 metres in height and 3.08 metres diameter. Refused September 2006 due to the visual harm caused to the wider area.
- 3.5 32/2006/6119: Hazardous Substances Consent. Approved 17 January 2007.
- 3.6 32/2006/6796: To construct a breeze block/reinforced steel liquid bund, 25.0 m long, 5.3 m wide and 3.5m tall. To place within the bund 5 chemical liquid bulk storage tanks each 8 metres in height and 3.5 metres diameter (re-submission of refused application 32/2006/6600). Approved 17 January 2007.
- 3.7 32/2013/13843: Installation of 7 No. Storage Vessels and Bund, and Erection of Gantry/ Bridge for Pipework. Contemporaneous application received 20 August 2012.

#### 4. Planning Policy Background

4.1 National Planning Policy Framework.

4.2 Craven District (Outside the Yorkshire Dales National Park) Local Plan:

- Policy EMP4: Employment Development within Development Limits and Established Industrial Areas.
- Policy EMP6: Extensions to Existing Employment Uses.

4.3 These policies have been 'saved' (under the Planning & Compulsory Purchase Act 2004). However, Paragraph 215 of the new National Planning Policy Framework states that policies not adopted in accordance with the 2004 Act need to be considered in terms of their degree of consistency with the new NPPF; in particular "the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given".

4.4 In this case the LP Policies are broadly in line with the Framework and although now superseded by the more recently published (and therefore more up-to-date) national planning policy, the policies carry some limited weight. However, the application needs to be principally assessed against the National Planning Policy Framework.

#### 5. Parish Council Comments

5.1 Glusburn & Crosshills Parish Council: No comments received at the time of the preparation of this report.

#### 6. Consultations

- 6.1 **Environment Agency:** Raise no objections in principle, and state that Airedale Chemicals Ltd holds an Environmental Permit with the Environment Agency. This tank farm lies outside the installation boundary, and it is therefore likely that a variation will be required in order for the tanks to be used. Officer Note: This falls outside the planning considerations).
- 6.2 **CDC Environmental Health Officer (Environmental Protection).** "Having considered this application I have not identified any potential Environmental Protection issues that would give cause for concern."
- 6.3 **Health & Safety Executive.** Not applicable. As the site is within the 'buffer zone' where consultation with the HSE may be necessary the HSE's consultation requirements have been carefully checked. However, in this instance the proposal does not fall within the requirements where consultation with the HSE is necessary.

7. Representations

7.1 One letter of objection from a local resident who expresses concerns regarding public safety to nearby residents and schools from chemical incidents, given the perceived expansion of the applicant's business.

8. Summary of Principal Planning Issues

8.1 Planning policy and the principle of development at this location.

8.2 The impact of the development on the general amenities of the area.

9. Analysis

**Principle of development and planning policy.**

9.1 The main thrust of the National Planning Policy Framework is an overarching presumption in favour of sustainable development; i.e. the general acceptability of the proposals against the stated "three dimensions to sustainable development: economic, social and environmental" (referred to in the NPPF as the roles the planning system should perform). A 'core principle' is that the planning system should proactively drive and support sustainable economic development and growth; and Section 1 of the Framework ('Building a strong, competitive economy') requires local planning authority's to support business sectors. However, in addition, the Framework seeks in broad terms to strike a balance, and securing high quality design and a good standard of amenity for local residents are other core principles.

9.2 The application site falls within the recognised development limits of the settlement and is located within an established business park. The proposal is to add additional plant on land which historically is a combination of the site of a former gas works and textile mill, and more recently a builder's yard. The site is being used to expand an established adjacent manufacturing company and the current premises are made up of a group of modern and older manufacturing, warehouse, and office buildings and cleared land.

9.3 As such, there is no material change of use of the land and the principle of development is in accordance with the NPPF and accords with saved Local Plan Policies EMP4 & EMP6. Therefore, the acceptability of the proposal rests on the details of the development.

**Impact on local amenities**

9.4 Local Plan Policies are permissive of new employment development within settlement limits and established business areas, subject to several criteria to assess the general acceptability of the proposals. These require, amongst other things, that the development is of a scale and type appropriate to the locality and would not adversely alter the appearance or character of the area; have an adverse effect on neighbour amenity; and be of a satisfactory standard of design.

9.5 In this case the tanks are lower in height than the associated building and by reason of the siting within the centre of the industrial estate are well screened by existing buildings and other structures. Consequently, the storage tanks farm will not be unduly intrusive and the visual impact will not be significant. The development is bounded by other industrial premises, on all sides and therefore there is no conflict with neighbouring land uses or the general character of the area.

9.6 In the context of the location within the main industrial and commercial area of Cross Hills it is held that the site is an appropriate location for the development and it is not considered that the application proposals will cause unacceptable visual harm.

9.7 There are no technical objections to the proposals from either the Environment Agency or Environmental Health. There is a separate regime of control for the storage

of hazardous substances and if these were to be stored on the site the applicants would require a specific consent under the Planning (Hazardous Substances) Act 1990. This Act requires developers to make a separate Hazardous Substances Consent application for permission to store hazardous materials. Furthermore, it is also understood that a licence from the Environment Agency would be required that would entail inspection of the premises on a regular basis. In conclusion a grant of planning permission would not entitle the applicants to use the building to store hazardous materials and the controls on the site would be provided under separate legislation.

### **Conclusions**

- 9.8 In conclusion, it is considered that the development will have minimal environmental impact and by association with use existing infrastructure and transport facilities constitutes sustainable economic development in accordance with NPPF guidance. In addition, in the absence of any adverse material impact on the general character and amenities of the area, the application proposals accord with the requirements of the criteria contained in saved Local Plan Policies EMP4 & EMP6.

## **10. Recommendation**

- 10.1 Approval.

### Conditions

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

**Reason:** To comply with the requirements of Section 91 of the Town & Country Planning Act 1990

2. The approved plans comprise Drawing No's 1620-21-01 and 1620-90-01 received by the Local Planning Authority on 17 September 2013. The development shall be completed in accordance with the approved plans except where alternative details have been subsequently approved following an application for a non-material amendment.

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

### Informative

This permission does not authorise the storage of hazardous materials. There is a separate regime of control for the storage of hazardous substances and if these were to be stored on the site it is the responsibility of the occupiers of the site to ensure that all necessary licences and consents are obtained and complied with.

### Statement of Positive Engagement: -

In dealing with this application Craven District Council has sought to approach the decision making process in a positive way, in accordance with the requirements of paragraphs 186 and 187 of the NPPF.