

## Officer Update Note

7 October 2020

### Item 5.1

APPLICATION NUMBER:	2019/1020/FUL	PARISH:	Carlton Parish Council
APPLICANT:	Lincolnshire Co-operative Limited	VALID DATE: EXPIRY DATE:	3rd October 2019 28th November 2019
PROPOSAL:	Proposed erection of a new single storey retail unit consisting of sales area approximately 280 square metres under the use class A1 and back of house area approximately 103 square metres, along with the associated hard and soft landscaping within the site boundary		
LOCATION:	Land Adjacent Duddings Farm High Street Carlton Goole East Yorkshire		
RECOMMENDATION:	GRANT		

Following the publication of the Officers Report, the Applicants and Members have made comments on the proposed conditions and these are considered below.

### **Access to Little Black Dog Brewery**

The relevant conditions as recommended within the officer's report are:

3. *"Access from the highway to the approved car park of the adjacent Little Dog Brewery shall be constructed in accordance with the approved plans and as set out in accordance with the 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by the Local Highway Authority prior the commencement of any other development. Following construction of this access, and during construction of the remainder of the approved scheme, the access shall be kept clear at all times for vehicles visiting the Little Dog Brewery.*

#### REASON:

*To ensure a satisfactory means of access to the site from the public highway in the interests of highway safety and the convenience of all highway users."*

4. *The development must not be brought into use until the access to the site has been improved and been set out and constructed in accordance with the 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by the Local Highway Authority and the following requirements:*

*The existing access must be widened and formed with 10 metres radius kerbs, to give a minimum carriageway width of 6.5 metres, and that part of the access road extending 13 metres into the site must be constructed in accordance with Standard Detail number A2 and the following requirements.*

- Any gates or barriers must be erected a minimum distance of 13 metres back from the carriageway of the existing highway and must not be able to swing over the existing or proposed highway.*
- Provision should be made to prevent surface water from the site/plot discharging onto the existing or proposed highway in accordance with the specification of the Local Highway Authority.*
- Measures to enable vehicles to enter and leave the site in a forward gear.*

*All works must accord with the approved details.*

#### **REASON:**

*To ensure a satisfactory means of access to the site from the public highway in the interests of highway safety and the convenience of all highway users.*

The Applicants have raised two queries: (1) whether this access is required to be up to adoptable standards, and (2) whether an alternative, interim access would be agreeable whilst construction works to the shop are being undertaken owing to “*practicality, contractual, and safety issues*”. These two considerations are addressed in turn accordingly.

#### **Extent of Adoptable Standards**

The Applicants have engaged with the Local Highway Authority in respect of the proposed conditions, who have confirmed they are comfortable with the road being built to adoptable standards up to 13m only i.e. the Little Black Dog Brewery access does not need to be built to adoptable standards and note this is satisfied by Condition 4. Based on this response, Officers are comfortable in removing reference to adoptable standards within Condition 3, however, details will still be required in respect of layout and finish to ensure the access for the Brewery is fit for purpose and the condition is recommended to be amended accordingly, see below.

#### **Alternative, Interim Access**

In respect of Condition 3 and the Little Black Dog Brewery Access, upon review of the condition the applicants have stated:

*“This condition requests that a section of the site is made complete and accessible to the public prior to the construction of the rest of the development, which raises practicality, contractual, and safety issues. We have spoken with the Brewery and Carlton Estate and they have confirmed that they are happy to provide an alternative method of accessing the brewery through the estate during the construction of the proposed convenience store. Therefore, could we suggest the condition requests details of this alternative access which will be subject to approval from the local planning authority.”*

It is Officers' opinion that such an approach raises several fundamental issues:

1. Carlton Towers is a Grade I listed building, and a large extent of the land surrounding it is curtilage listed as well as being designated as a *Historic Park and Garden* within the development plan
2. The appropriateness for a business on the highway to be served by what could be an unintuitive and user-unfriendly access leading to on-street parking
3. The technical feasibility of such an access and whether it would be permissible from a highway perspective.

Officers consider, that whilst the current proposed access is acceptable, an alternative unknown arrangement raises the above concerns and as such goes to the heart of the planning application and cannot be dealt with via condition.

### Amended Recommendation

Taking the above into consideration, Condition 3 is recommended to be amended as follows:

3. *"Details of the proposed access from the highway to the approved car park of the adjacent Little Black Dog Brewery, in accordance with the approved plans, shall be submitted to and approved by the Local Planning Authority prior to commencement of development. The approved details shall thereafter be implemented prior to commencement of the development. Following construction of this access, and during construction of the remainder of the approved scheme, the access shall be kept clear at all times for vehicles visiting the Little Black Dog Brewery."*

### **REASON:**

*"To ensure a satisfactory means of access to the site from the public highway in the interests of highway safety and the convenience of all highway users."*

This amended condition, as a pre-commencement condition, has been put forward to the Applicants for agreement. **If** no agreement is forthcoming before determination by Members, then the Officer Recommendation for the application is revised to: **approve subject to agreement of access arrangements to Little Black Dog Brewery**. Officers will give a verbal update at the meeting as to whether an agreement has been forthcoming.

Note: The Applicants have agreed to all other pre-commencement conditions i.e. Condition 6 & 8.

### Opening Hours

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Condition 9 restricts opening hours (excluding deliveries) between 07:00 hours and 22:00 hours Monday to Sunday including Bank Holidays. Members have noted the opening hours of *Carlton Supermarket* (an existing convenience store within Carlton) and suggested the proposed opening hours of the proposed shop be amended to

reflect those of Carlton Supermarket i.e. Monday to Saturday 07:00 to 21:00, Sunday 07:00 to 20:00.

It is a fundamental principle, that an assessment of planning merits of a case must be made independently and based on the prevailing circumstances at the time.

Officers have considered the opening hours put forward by the applicants from all relevant development management considerations, chief of which is the impact on residential amenity. In this instance, Officers consider such a use is proportionate to the site's location on Main Street which runs through the village and where other similar uses already exist. Notably, there have been no objections from Environmental Health Officers to the proposals nor has any member of the public raised concern over the proposed hours.

Therefore, Officers consider there are no material planning circumstances that warrant the proposed shop having the same opening hours as the Carlton Supermarket and Condition 9 is recommended to remain as per the Officer's Report.

As an aside, Officers note that within law, *small shops* (defined as up to and including 280m of retail floorspace) in England can open any day or hour and are not subject to restrictions placed on large shops. This proposal falls within the small shop criteria.

### ***Delivery Hours***

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Condition 10 states:

*10. Notwithstanding the requirements of condition 8 (opening hours) of this permission, no deliveries of goods to or from the site shall take place between 20:00 hours and 08:00 hours on any day.*

#### **REASON:**

*To limit the potential for noise generation during unsocial hours and to prevent nuisance arising in order to safeguard the amenity of the occupiers of surrounding residential properties in accordance with SDLP Policy ENV1.*

The Applicants, upon review of the condition, state the following:

*"In our experience, the time for deliveries would typically be conditioned as 'no deliveries of goods to or from the site shall take place between 18:00 hours and 07:00 hours for HGV vehicles', which will allow for the delivery of the morning papers and essentials which are typically purchased within this hour of opening whilst ensuring people's evenings are not disturbed past 18:00..."*

Firstly, Condition 10 does not currently differentiate between deliveries by HGV and deliveries by other vehicles. Such a distinction does have merits in precluding deliveries by HGVs at the most noise sensitive times of day (early morning, late evening) whilst allowing delivery by smaller-sized vehicles, e.g. commercial vans: such vehicles could permissibly be visiting the shop from 07:00 and as such Officers

consider allowing smaller delivery vehicles from the same hour would not materially impact the amenity of residents. The method of delivery is recommended to be differentiated accordingly.

However, in the absence of a noise assessment to demonstrate otherwise, Officers are not satisfied that no material harm would arise from allowing HGVs to deliver to the site from 07:00 instead of 08:00 would occur.

#### Amended Recommendation

Taking the above into consideration, Condition 3 is recommended to be amended as follows:

*10. Notwithstanding the requirements of condition 8 (opening hours) of this permission, no deliveries of goods to or from the site by any vehicles shall take place between 20:00 hours and 07:00 hours on any day. Deliveries of goods to or from the site by HGVs shall only take place between 18:00 hours and 08:00 hours on any day.*

#### **REASON:**

*To limit the potential for noise generation during unsocial hours and to prevent nuisance arising in order to safeguard the amenity of the occupiers of surrounding residential properties in accordance with SDLP Policy ENV1.*

#### **Corrections**

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#### Condition 14

The reason for Condition 14 references NPPF Section 12 and should instead reference NPPF Section 16. Condition 14 is recommended to be amended as follows:

*14. No demolition/development shall commence until a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:*

- 1. the programmer methodology of site investigation and recording.*
- 2. community involvement and or outreach proposals.*
- 3. the programme for post investigation assessment.*
- 4. provision to be made for analysis of the site investigation and recording.*
- 5. provision to be made for publication and dissemination of the analysis and records of the site investigation.*
- 6. provision to be made for archive that position of the analysis and records of the site investigation.*
- 7. nomination of a competent person or persons /organisation to undertake the works set out within the written scheme of investigation*

**REASON:**

*Due to the site being of archaeological significance and in accordance with section 16 of the NPPF.*

**Condition 15**

Within the text for Condition 15 there is reference to Condition 13, this is a typo and should reference Condition 14. Also, the reason for Condition 15 references NPPF Section 12 and should instead reference NPPF Section 16.

Condition 15 is recommended to be amended as follows:

- 15. No demolition/development shall take place other than in accordance with the written scheme of investigation approved under Condition 14.*

**REASON:**

*Due to the site being of archaeological significance and in accordance with section 16 of the NPPF.*

**Condition 16**

The reason for Condition 16 references NPPF Section 12 and should instead reference NPPF Section 16. Condition 16 is recommended to be amended as follows:

- 16. The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition 14 and provision made for analysis, publication and dissemination of results and archive deposition has been secured.*

**REASON:**

*Due to the site being of archaeological significance and in accordance with section 16 of the NPPF.*

**Item 5.2.**

APPLICATION NUMBER:	2020/0218/FUL	PARISH:	Cawood Parish Council
APPLICANT:	Selby Area Internal Drainage Board	VALID DATE: EXPIRY DATE:	3rd March 2020 28th April 2020
PROPOSAL:	Proposed change of use from agricultural storage to depot for the Selby Area Internal Drainage Board and siting of modular site office/changing room		
LOCATION:	Model Farm Broad Lane Cawood Selby North Yorkshire YO8 3RA		
RECOMMENDATION:	APPROVE		

Since the Officers Report was written amendments have been made to the officer report. A condition has been added as follows:

*The modular site office/changing room hereby approved as shown on plan reference, 0220/1540/01 shall only be used in connection with Internal Drainage Board. Should the use of the site cease the modular office/ changing room shall be removed and the site restored to its former condition.*

*Reason:*

*In the interests of visual amenity and in order to comply with Policy ENV1 of the Selby District Local Plan.*

In addition, two minor amendments to provide further clarity on informative (5) Consent- Discharge and (6) Ecology.

In considering all of the above, this information this is not considered to alter the assessment made.

### Item 5.3

APPLICATION NUMBER:	2020/0485/HPA	PARISH:	Cawood Parish Council
APPLICANT:	Mr T Gray	VALID DATE: EXPIRY DATE:	22nd May 2020 17th July 2020
PROPOSAL:	Alterations to roof of existing garage to provide additional living accommodation and single storey extension to rear		
LOCATION:	29 Broad Lane Cawood Selby North Yorkshire YO8 3SQ		
RECOMMENDATION:	APPROVE		

Further comments have been received on the application from the Drainage board, which stated that, as the drainage arrangements are proposed to be connected to the main system, they have no further comment or objection subject to consultation with Yorkshire water. Yorkshire water submitted no objection.

Since the publication of this report, it is noted that further written representations by members of the public who had previously objected to the application have been received to the local authority which have been circulated to members, as well as 2 additional representations received by post and by email to the officer. This raises the following concerns which were not previously included in the representations:

- References to the proposed within the report seen to be misleading
- Queried the PD enquiry submitted under PD/2020/0079 as this is not on public access
- Does not feel the proposal was accurately described as the conversion of the garage into living space
- Disputed the accuracy of the OS data

Upon consideration of these, it is not felt that the representations raise any material planning considerations further than those considered in the officer's report.

A letter by the applicant has also been circulated to members. This makes reference to the following:

- Extant permission for the single storey extension which wraps around the rear of the garage
- Advice received under PD/2020/0079 which would allow the pitched roof
- Works have started on site for the elements that can be constructed without further permission, as the footprint is the same



It is not considered that any material planning consideration has been raised as a result of these representations which would warrant the refusal of the application. The officer's recommendation is for approval of the application.