

Committee: PLANNING
Date: 8 January 2008

**Report: NON-COMPLIANCE WITH APPROVED PLANS - PLANNING
PERMISSION (C/33/260B), STATION ROAD, GRASSINGTON**

Purpose of the report

1. To seek Members' authority to pursue enforcement action to rectify a breach of planning permission.

Strategic Planning Framework

2. The information and recommendation(s) contained in this report are consistent with the Authority's statutory purposes and its approved strategic planning framework:

- GP2 General design policy
- B7 Building design
- B8 Conservation Areas

Planning History

YD/SN/967 Full Planning Permission for conversion of first floor of garage to flat.
Granted 26 June 1968

YD5/33/260 Application for Full Planning permission to extend building to form store for vehicle spares.
Granted 11 January 1988

C/33/260A Application for Full Planning Permission for demolition of garage and flat and construction of new shops and apartments
Refused, appeal dismissed 15 March 2000

C/33/260B Full Planning Permission for demolition of existing workshop and first floor flat, construction of new residential development comprising 7 flats, 2, one bed roomed and 5, two bed roomed with associated parking.
Approved subject to section 106 agreement relating to occupancy of three of the flats
31 August 2005

The Site

4. The application site lies on the southern side of Station Road in Grassington, close to its junction with Wood Lane, Hebden Road and Main Street.

5. The site is within an area of mixed commercial and residential uses. Adjoining to the east is the workshop of Town End Garage, beyond which lies an associated residential property. To the west is an area of land that is currently used as the car parking area for the Grassington Medical Centre, which is adjacent and to the west. To the south of the application site are the grounds of Grassington Primary School. Station Road passes the site to the north descending westwards. On the opposite side of this road lie a range of two storey shops, offices and flats.

The Approved Development

6. The planning permission related to the demolition all of the existing buildings on the site and in their place the erection of a new building. The approved building would provide seven residential units spread over three floors. The ground floor, which would be partially set below pavement level, would accommodate two, single bedroom, residential units. An internal car parking area would be located in the western portion of the ground floor of the building and would provide parking for 9 vehicles. On the first floor would be located three, two bedroom residential units set around a central stairwell and lift shaft. The second floor, which would be largely accommodated within the roof space, would accommodate two further, two bedroom residential units. The building was approved to be constructed with an external leaf of reclaimed stone (laid randomly) with sawn stone window and door surrounds and a sawn stone stringer course running all the way around the building, just above the first floor windows. The roof was to be constructed of natural blue slates and incorporate four flush fitting roof lights in the north facing roof slope and six flush fitting roof lights in the south facing roof slope. The window frames were to be painted timber. Vehicular access was to be gained to the west of the Station Road elevation. The building is set back from the road slightly to accommodate a footpath along the entire frontage of the development.

Details of the Alleged Breach

7. The following is a list of the breaches which appear to have taken place:

- Raising of the eaves by approximately 200mm (alleged by the developer at site meeting on 17 December 2007)
- Incorrect window opening sizes in the north west elevation;
- Incorrect window frame design in the north west elevation;
- The omission of the sawn stone stringer course from northern half of the building and the incorrect locating of the stringer course in the remainder of the building;
- Additional roof lights inserted in the north west facing roof slope;
- Replacement of door shown on approved plans to apartment 2, with a window;
- Reduction in width of the main entrance to the building;
- Simplified stone lintel design for doors in the north western elevation;
- Internal layout of the units has been altered from that approved;
- Re-arrangement of the window and door openings in the south east elevation.

8. It is intended to instruct a chartered surveyor to determine the precise extent of departure from the approved scheme with a view to providing members with an accurate account at the meeting of the extent to which condition 2 of planning permission C/33/260B has not been complied with. This condition states that: "The development hereby permitted shall be carried out in accordance with the details of the application as amended and augmented in respect of proposed description by plans and elevations, drawings numbers: C800/100Rev P3; C800/101RevP3; and C800/102RevP4 received on 25 April 2005, except as may be varied by written agreement with the Local Planning Authority."
9. In determining the planning application C/33/260B an important consideration was the relationship between the various external elements that contribute to the appearance of the building including window size, shape and design, other design features such as the location of the stringer course as well as the overall height and mass of the building. It was considered that the approved scheme balanced these various features successfully in a way that complimented the character and appearance of the area and the nearby conservation area.
10. The building as constructed, together with the size, siting, design and relationship of the various features that make up the elevations of the building, introduce an inharmonious form of design and relationships that are detrimental not only to the appearance of the building but also the character of the area.
11. A Temporary Stop Notice was issued under delegated powers on 20 December 2007, in the interest of safeguarding amenity. A copy is **attached**. The Temporary Stop Notice prevents any further work being carried out to the building for 28 days
12. The service of the Temporary Stop Notice was to enable the Authority to investigate the matter further and to consider what further enforcement action is appropriate.
13. In reaching this decision regard has been had to balancing the harm caused against the costs that would be incurred to the owner/developer. As the building as constructed is considered to be so detrimental to the character of the area that planning permission is unlikely to be granted for the development in such a form, it is likely that the cost to the owner/developer would be greater if work was allowed to continue. This is because additional work would be required to remedy the breach.
14. Any correspondence received from the developer subsequent to the service of the Temporary Stop Notice will be reported at the meeting.

Conclusion

15. It is considered that as a result of this breach, the development that now exists would be likely to cause serious harm to the character and visual amenities of the area and to important views into the Grassington Conservation Area.

RECOMMENDATION

16. That the Authority's Solicitor be authorised to serve an Enforcement Notice to ensure that the development accords with the terms of Planning Permission C/33/260B.

17. That a compliance period of 6 months be given.

18. If the Head of Planning (in consultation with the Solicitor) is satisfied that further work on site other than in accordance with the terms of the planning permission, recommences on expiration of the Temporary Stop Notice, delegated authority be given to serve a Stop Notice to stop the breach of planning control if it is considered that this is necessary and expedient in the circumstances.

Val Brown
Enforcement Officer

20 December 2007

Background documents:
C/33/260B