Yorkshire Dales National Park Authority

Committee: Planning

Date: 10th September 2024

Applicant: Mr Michael Kendray

Parish: Hawes

Officer: Mark Williams

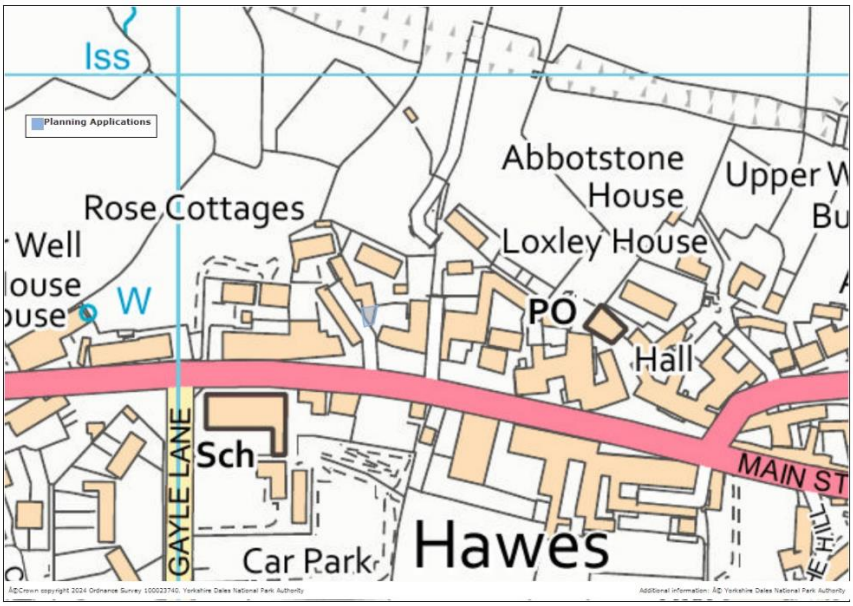
Application No: R/56/540D

Site Address: Garage/Workshop adjacent to Fell View, Market Place, Hawes, DL8 3RD

Proposal: Full planning for demolition of existing garage/workshop, to be replaced by Commercial Office Space

Purpose of Report

1. That Members **Approve** planning permission for the above development in accordance with the recommendations below.



Reason for Committee Consideration

2. This application is reported to Committee for the following reasons:

- the Parish Council recommendation is contrary to the decision which the Head of Development Management proposes to take.

- the application has been called to Committee by Mrs. Peacock and the public interest reason given is the potential impact on neighbours.

3. Consideration of this application was deferred at the meeting on 16th July 2024, pending a site visit by Members. That visit took place on 16th August 2024. A note of the meeting is attached to this report.

Application Site

4. The application site is an existing garage/workshop situated to the back of the entrance between a shop and Fell View and to the rear of the access which serves several properties including 1 - 4 Rose Cottages and a bungalow at Hillsborough. The front elevation of the garage is visible from the main street and the west elevation viewed from the public footpath that follows the access to 1 - 4 Rose Cottages.

5. The garage is built from a range of materials, including rendered blockwork, timber doors and a metal roof. The corrugated roof is essentially hipped, with a higher element to the rear (north).

Proposal

6. It is proposed to demolish the garage/workshop building and erect a 2-storey stone building for use as an office (Use Class E – Commercial, Business and Service). The proposed building would have a slightly smaller footprint than the existing building, but would extend to 2-storeys, with a single storey element to the east. A bin store would be sited in the corner formed by this lean-to element.

7. The building would have stone walls and a slate roof, with uPVC door and windows. The main entrance would be on the front (south) elevation, with a further door and windows to the east elevation. The rear (north) and west elevations would be blank.

8. The proposed building would provide 37 sqm of commercial space and would operate from 0900-1700 hours, Monday – Saturday.

9. The applicant's agent has confirmed that the applicant enjoys established legal rights of access and of drainage which are still available in respect of the proposed development of the property into commercial offices. These established legal rights are unaffected by the proposed development and will continue to be enjoyed by the proposed commercial property.

Relevant Planning History

10. The following applications are relevant:

R/56/540 - Full planning permission for proposed part demolition and rebuilding of existing garage. Approved - Conditional 27/04/2023.

R/56/540B - Full planning permission for demolition of existing garage workshop and replace with a one-bedroom local occupancy dwelling/holiday cottage. Withdrawn 11/03/2024.

R/56/540C - Full planning permission for demolition of existing garage workshop and replace with a one-bedroom local occupancy dwelling/holiday cottage. Withdrawn 16/04/2024.

Consultations

11. The comments of statutory and non-statutory consultees are summarized below:

Area Ranger (Lower Wensleydale) - Public Right of Way number 20.92/30/1 runs adjacent to the site. According to the plans sent the proposed development will not affect the PROW once works are complete. However, the PROW runs adjacent to the existing garage which is to be demolished and replaced by an office. If the footpath is to remain open whilst demolition and construction works are taking place, recommend the provision of suitable safety fencing to protect the users of the public right of way.

Environmental Health Officer - Have considered the potential impact on amenity and the likelihood that the proposed development will cause a nuisance to neighbouring properties and consider that the impact will be low.

Notes that the current use is garage/ commercial, which can be a source of potential historic contamination. Although the proposed use as office space is not regarded as a vulnerable end use for land contamination pathways, requests that a condition is attached, in case contamination is revealed during the construction process and there are future changes of use of the building after construction.

Fire Officer - No objection/observation to the proposed development.

Will make further comment in relation to the suitability of proposed fire safety measures at the time when the building control body submit a statutory Building Regulations consultation to the Fire Authority.

Highways - No objections.

Wildlife Conservation Officer - No objection to this application. Could consider whether the replacement building could be constructed with one or two bird bricks incorporated, but the biodiversity gain would be slight.

Hawes & High Abbotside PC - It was felt that our previous concerns noted when planning was requested for a house regarding this property are still valid. There are concerns over access to the property which appears to be disputed and also parking.

It was felt that these concerns over parking and access would be worse if this application for conversion to business premises was approved as there could be any number of visitors to the proposed businesses who may arrive by vehicle. Presumably the businesses would require access and parking for vehicles and deliveries. On this basis the Parish Council resolved that this application for planning permission should not be granted.

Public Responses

12. Advertised by site notice. Expiry date: 20th May 2024. Five (5) objections received raising objections on the following grounds:

    Traffic congestion
    Lack of parking
    Access for construction
    Foul drainage
    Surface water drainage
    Lack of curtilage
    Loss of light
    Possible change of use to a dwelling
    Potential obstruction to private and public rights of way

Assessment

Key Issues:

- Principle of development
- Highways
- Residential amenity
- Streetscene
- Sustainability
- Nature Recovery
- Parish Council comments
- Equality Act

Principle of Development

13. Hawes is classed as a Local Service Centre for the purposes of Local Plan Policy SP3 (Spatial Strategy), which directs new development to such settlements.

14. Local Plan Policy SP4 sets out a range of development quality requirements for all forms of development, including design expectations, transport-related considerations, safety and amenity issues and environmental safeguarding. With reference to design, development should be sympathetic and complementary to the site, its surrounding context and landscape setting.

15. Local Plan Policy BE1 (Business development sites) states that the development of unallocated land for new small-scale business or employment uses on sites in or adjacent to settlements will be permitted, subject to satisfying the requirements of Policy SP4.

16. The principle of the proposed use does not conflict with Local Plan Policies BE1 and SP3. Policy SP4 requires consideration of a range of factors including highways, amenity and environmental considerations.

Highways

17. As an existing garage/workshop the current building has the capacity for storing one parked vehicle. This would be lost with the development of the proposed office building. However, this is a town centre location where parking is readily available close by if required by any future occupant. The Highway Authority has not objected to the proposed development on the grounds of the loss of a parking space.

Residential Amenity

18. The use of the existing building as a garage/workshop has the potential to be a ‘bad neighbour’ due to noise, dust, fumes etc. Although it is essentially a domestic garage the established use is unfettered in terms of the hours of operation and the nature of the activities which can be carried out there. This existing use represents a ‘fallback’ position when considering the impacts of the proposed development on the residential amenities of neighbours.

19. The proposal has generated objections from near neighbours. The grounds of objection are considered below:

20. There is no parking on site, so the offices could only be accessed on foot. However, the site is close to many public parking spaces. The Highway Authority has not objected to the proposed development.

21. Questions regarding access over private land are matters for the individuals concerned and not material planning considerations.

22. In terms of direct effects on residential neighbours, while the proposed building is taller than the existing it would not extend above the eaves height of the building to the rear. It is also sufficiently distant so that it would not overshadow or overbear neighbouring houses or lead to overlooking and a loss of privacy. The restricted office hours would also ensure the building would not be occupied at unsocial hours when neighbours are likely to be disturbed.

23. Given the recent planning history of the site neighbours will no doubt have concerns that an approved office building could be readily converted into a dwelling. However, a condition removing the relevant permitted development rights would ensure that any such proposal would require a fresh planning application.

Streetscene

24. Local Plan Policy SP4 requires new development to be sympathetic and complementary to the site, its surrounding context and landscape setting.

25. While the existing garage building is set back from the street frontage, its design and construction materials mean that it tends to detract from the character and appearance of its immediate environs. The proposed office building, by contrast, would be built of traditional materials with a more conventional architecture. As such it is considered to represent a minor enhancement of the streetscene. Provision of an external bin store would also help to maintain the appearance of the area.

Sustainability

26. The proposal is sited in a Local Service Centre where local staff and customers could travel to the site by active means (walk, cycle etc.) and where additional employment/services would support the economic vitality of the town. The proposal does not include any details regarding insulation, energy use/generation, re-use or recycling of resources etc.

Nature Recovery

27. The existing site has little, if any, biodiversity interest. A condition requiring the installation of bird boxes would represent a minor biodiversity gain.

Parish Council Comments

28. The Parish Council is concerned about access and parking issues, which are considered above.

Equality Act

29. The Authority has a duty under s.149 of the Equality Act 2010 to have regard to the need to eliminate discrimination and advance equality of opportunity between persons who share a relevant characteristic and persons who do not share it. The relevant characteristics are: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex and sexual orientation.

30. It is considered that there are no overt reasons why this proposal would affect anyone with the protected characteristics such that the application should be permitted or refused on equality grounds.

Conclusion

31. The proposed development would see the removal of a potentially unneighbourly use and its replacement with additional employment space in a sustainable town centre location. Notwithstanding the concerns over access and parking the proposed development is considered to be an acceptable for this location. It is unlikely to have an adverse impact on the residential amenity of neighbours and is considered to be in accordance with Local Plan Policies BE1, SP4 and the relevant guidance in the National Planning Policy Framework.

Recommendation

32. It is recommended that permission is GRANTED subject to conditions including the following:

- Time limit
- Approved plans
- Measures to address unexpected contamination
- Removal of permitted development rights for change of use to a dwelling
- No other use within Use Class E (e.g. retail)
- Approval of materials
- Approval of sample stone panel
- Restriction on hours of opening

<u>Informative</u>
PROW

Note of Members' Site Visit

16th August 2024. 10:00 – 10:15.

Ref No. R/56/540D

Full planning for demolition of existing garage/workshop, to be replaced by Commercial Office Space.
Garage/Workshop adjacent to Fell View, Market Place, Hawes

Members present:

Ian Mitchell (Chair)
Allen Kirkbride
Andrew Murday
Libby Bateman
Yvonne Peacock
David Noland
David Ireton
Robert Heseltine
Derek Twine
Julie Hutton

Mark Williams Senior Planning Officer

Discussion

The Chair opened the meeting and reminded Members of the purpose of the site visit.

The Planning Officer (PO) outlined the details of the proposed development.

The PO then answered questions from Members as follows.

Access

The access to Rose Cottages, to the west, also serves as the only vehicular access to Wards store. They deal in gas bottles and so require unrestricted access to the west of the application site. This echoes the concerns of some residential neighbours, i.e. the blocking of their private access both during construction and once the office space is in use.

The PO pointed out that this was no different to the current situation, and issues of private access were private matters and not the concern of the local planning authority. A subsequent search of the North Yorkshire Council website revealed that neither access on either side of the application site were maintained by the Council. However, the road to Rose Cottages carries a public footpath and the NPA Area Ranger has advised that this needs to be kept open and provide safe passage for the public.

Scaffolding

Members expressed concern that the erection of scaffolding during the construction phase could impede vehicular access to Rose Cottages and Wards. The applicant has subsequently confirmed that demolition and construction could be carried out without the need for scaffolding on this part of the road. The applicant has also confirmed that he has an agreement with the neighbour to erect trestles on their land, off the highway. These could be removed at the end of the working day.

Land ownership

Members queried the ownership of a small triangle of land directly in front of the garage doors. The applicant has subsequently confirmed that this is owned by a neighbour, but he has a right of access over it to the garage doors. The proposed building will be set back from this existing frontage, with a paved/tarmacked area to the front.

Loss of view

Members asked about the potential loss of view from residential units on the first floor of the building directly to the west. The PO responded that the loss of a private view is not a material planning consideration. Nevertheless, the proposed 2-storey building will have a greater bulk and a more imposing presence on the road to the west.

Services

A Member asked if the current building had services. The applicant has since confirmed that the garage has a 3-phase electricity supply and drainage.

Change of use

A Member asked if the proposed unit could be converted into a shop. The PO responded that permitted development rights for a change of use to a shop could be removed by condition. As both commercial office space and retail uses sit within Use Class E, such a condition would restrict the use to commercial office space only.

M Williams
19 August 24