Yorkshire Dales National Park Authority

Application Code: C/64/90B
Committee Date: 12/03/2019
Location: Bridge End, Stainforth

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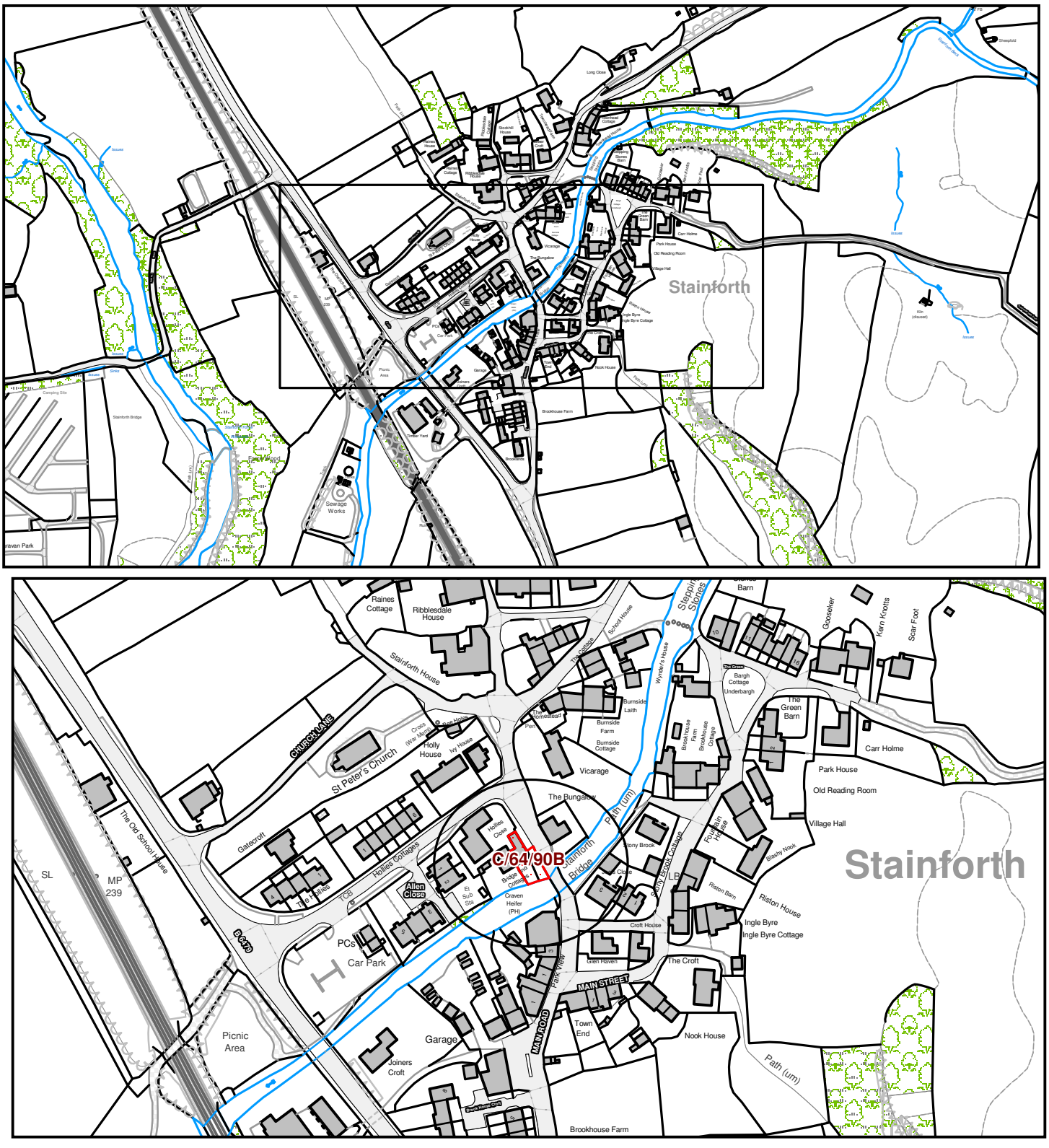

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Schedule No:12

Application No:	C/64/90B		
District:	Craven		
Parish:	Stainforth		
Applicant's Name:	Mrs L Butler,		
Grid Ref:	SD82146731		
Received by YDNP:	22/11/2018	**Officer:**	Andrew Moxon

PROPOSAL: **full planning permission for replacement of two existing sheds and siting of electric hot tub**

LOCATION: **Bridge End, Stainforth**

CONSULTEES

Stainforth PC

12.12.2018 Residents are unhappy with the development. The chimney can be viewed from the road and there have been reports of smoke and fumes being emitted to the annoyance of residents. Drainage seems to consist of a soak away and there is an antisocial element to the proposal, irregular parking being evident on occasions. The PC objects to the proposal and with these comments in mind, recommends that the application be refused.

15.02.19 The Council was concerned that the application did not contain valid proposals for the treatment waste water, it having been informed that this would be by way of a soak away which perhaps could cause pollutin.There were no proposals for regulating the noise though there had been mention that perhaps it could be regulated by a deposit scheme.

Then there is the screening issue, no proposals being forthcoming in this regard. The Council is mindful that Stainforth is a quiet, unspoiled dales village within the Yorkshire Dales National Park. Being such an attractive village, receiving many visitors every year, who come to enjoy the tranquillity, scenery, and walking, not to mention other recreational activities presented. The Council does not wish this continued enjoyment of the village, by residents and visitors alike, to be marred in any way hence it does not support the application. Resolved: That the application be refused.

Local Lead Flood Authority

No comment to make.

CEHO Craven	Do not believe noise from the electric Jacuzzi operating will cause a nuisance to those in the vicinity. However, the Council have recently received complaints from some residents of Stainforth about noise nuisance from people using the Jacuzzi, this will be investigated accordingly by the Council; however, this may be something the Planning authority need to consider.
Wildlife Conservation Officer	No comments received
Environment Agency - for All areas	No comments received

PUBLIC RESPONSES

None to date.

RELEVANT PLANNING POLICIES

L1(15) - Heritage assets

CC2(15) - Flood risk

SP4(15) - Development Quality

OFFICER OBSERVATIONS

REASON FOR COMMITTEE CONSIDERATION
This application is reported to Committee because the Parish Council recommendation is contrary to the decision which the Head of Development Management proposes to take.

APPLICATION SITE
This application relates to a hot tub and two sheds in the garden of Bridge End. The house is used as a holiday cottage. It has its side, gable elevation towards Main Street and its garden area to the side parallel to Main Street. At the bottom of the garden to the south is Stainforth Beck and to the south is Stainforth Bridge (a grade II listed building that dates from the early 18th century. Beyond the beck is the Craven Heifer public house.

PROPOSAL
The application is to replace the existing two sheds and to install an electric powered hot tub in the garden of Bridge End. At present there are two sheds and a wood burning hot tub. The hot tub is screened by willow fencing to a height of around 2m. The two sheds are located in the garden, one along the boundary to the east with Stainforth Bridge and one to the south west corner of the garden.

The application was amended on the 6th February which changed the proposal from the retention of the existing wood burning hot tub to the installation of an electric powered hot tub of dimensions 2.0m x 1.5m and a height of 0.9m located in the same position as the existing.

RELEVANT PLANNING HISTORY
None.

KEY ISSUES:
-impact on appearance of the area
-impact on residential amenity

-other issues

IMPACT ON APPEARANCE OF THE AREA
Policy SP4 of the Local Plan requires new development to respond positively to the site and surrounding context and to conserve or enhance the architectural and historical character of the site and its setting. Policy L1 requires proposals enhance or conserve the significance of designated heritage assets (eg. listed buildings).

The application site is a traditional stone cottage in the heart of the village, adjacent to Stainforth Bridge which is a listed building. The garden backs onto the beck and is visible from the bridge and the Craven Heifer pub on the opposite bank.

The proposed hot tub is relatively small in size with an overall height of 0.9m and differs from the existing wood burning hot tub which has a chimney flue. The existing hot tub is currently screened by a whicker fence.

The proposed hot tub, sheds and fence are typical garden structures that are of a domestic scale and character. As such they are entirely consistent with the residential character and use of the site.

Given the small scale of the proposed structures and their location at bank level they would not have a significant effect on the setting or heritage significance of the listed bridge.

IMPACT ON RESIDENTIAL AMENITY
Policy SP4 requires that proposals respect the amenity of neighbours.

The application site comprises a semi detached cottage and it is therefore possible to see the hot tub and the existing sheds from the adjoined dwelling and its garden. However given the small size of the sheds and proposed hot tub it is not considered that they would not have a physical impact on the enjoyment of the neighbouring gardens.

The applicants have acknowledged that the wood burning hot tub currently on site does affect nearby residents due to the smoke emitted when in use and the low discharge point of the flue. The applicant has therefore amended the proposal to an electric powered hot tub.

There have been objections from residents to the noise and behaviour of people using the hot tub: as holiday cottage the hot tub is used more frequently then it may otherwise, users of the hot tub are noisy and the hot tub is used late into the evening and causes disturbance to nearby residents.

In assessing this application it is necessary to separate the use of the hot tub from the behaviour of the users. It is a fundamental tenet of planning law and practise that planning authorities must assume that people will behave and act reasonably. The hot tub is a domestic facility sited in a garden, its use should only be potentially disturbing if it is operated at an anti-social hour when ambient noise levels are low. A condition could be imposed that required operation of the hot tub to cease at a particular hour but refusal of permission would not be tenable on grounds that the users are disorderly or unneighbourly.

OTHER ISSUES
The hot tub is adjacent to the Stainforth Beck which is within a SSSI Impact Risk Zone. The discharge of water containing chemicals to the beck has the potential to cause

significant harm to the riverine environment. As such the hot tub should be either professionally emptied or drained into a foul sewer. Stainforth benefits from a mains sewer and the applicant has indicated that the hot tub can be connected to the foul sewer. Appropriate drainage can be secured by condition.

Policy W2 of the Local Plan requires new development to make a proportionate on-site contribution to wildlife enhancement. The scale of the development means that two bat boxes would be suitable in this location.

The site is in the flood zone of the Stainforth Beck. There are no objections from either the local flood risk authority (LCC) or the Environment Agency. The proposal would not increase the flood risk of the area or further down stream.

PARISH COUNCIL COMMENTS
The comments of the Parish Council and residents are addressed above. The proposals have generated some concern amongst residents largely due to the smoke from the existing wood burning hot tub and from the behaviour of guests at the holiday cottage. If permission is granted it is anticipated that the wood burning hot tub will be removed without the need for enforcement action to be considered.

ANALYSIS OF MATERIAL CONSIDERATIONS
The two sheds and proposed electric hot tub would not have a detrimental impact on the visual amenity of the area or affect the heritage significance of the bridge. The structures would not have a physical impact on the amenity of neighbours however it is recognised that use of the hot tub at late hours when ambient noise levels are relatively low could be disturbing for immediate neighbours. As such a condition requiring the use of the hot tub to cease by 21.30hrs is considered to be reasonable.

Subject to conditions controlling the hours of use and appropriate discharge of effluent to the foul sewer the proposal is considered to comply with policies SP4, L1 and CC2.

RECOMMENDATION

It is recommended that permission is granted subject to conditions based on the following:

1. time limit
2.Removal of wood burning hot tub
2.Hours of use (09.00 to 21.30)
3. Discharge to foul sewer and not Stainforth Beck
4.Biodiversity enhancements
5. Permission for electric hot tub only.