

West Craven Area Committee – Update 6th September 2022

22/363/FUL: Unit 11 Sough Bridge Mill, Colne Road, Earby

Following the publication of the committee report, LCC Highways comments have been received, these are available to view in full in the usual way. A summary of their comments is set out below:

The Highway Development Control Section has no objection in principle regarding the proposed development at the above location, although the following comments should be noted, and conditions applied to any formal planning approval granted.

They have recommended the inclusion of conditions relating to the advertisement of car parking to members of the sports club, lighting of the car park, limiting the number of people per session to 15 and running sessions at staggered timings to allow attendees to disperse and ease off-road parking.

Conclusion

The LCC Highways comments do not alter the overall recommendation to approve this application. The following conditions should be included in the decision:

6. The off-road parking indicated on the approved plans shall be made available prior to commencement of the approved use of Unit 11 and shall remain available for the use of the development hereby approved. Details of the car parking arrangements shall be included on any website, social media or any promotional literature.

Reason: In order to ensure satisfactory levels of off-road parking are achieved to prevent parking on the highway to the detriment of highway safety.

7. Within three months of commencement a lighting scheme for Car Park 3 shall be submitted to and approved by the Local Planning Authority.

Reason: To provide the infrastructure which would allow the car park to be used during winter months.

8. The number of attendees for the use hereby approved shall be limited to 15 per session for the lifetime of the use, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest of highway safety and residential amenity, so that the use of the site can be monitored and any increased use and consequent traffic generation or parking demand can be fully assessed in future.

9. Session timings should not run consecutively but should be staggered, with a minimum of 15 minutes between each session, for the lifetime of the development hereby approved, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest of highway safety, residential amenity and for the effective use of car parking, to allow attendees to disperse and ease demand on the off-road parking provision.

22/0480/CEA: Hague House, Old Stone Trough Lane, Kelbrook

Following the publication of the committee report, the applicant has prepared a rebuttal to address several points which they believe to be factual inaccuracies. They have stated that they believe it has come to the wrong conclusion overall.

The points which the applicant has raised are addressed in turn below:

- Description of the dwelling as a five bedroom dwelling is incorrect in the committee report. The property has six bedrooms.

Council's response: This is an error in the report, which has been taken directly from the Planning Statement which was provided by the applicant's agent, with the submission of the planning application. At 1.14 of the statement it states that Hague House is a five bedroom property. The Council agree that this is indeed a six bedroom property. The number of bedrooms makes no difference to the issue of its lawfulness.

- The number of people which this facility would be for is not described accurately in the committee report. There are to be two carers / staff living and sleeping at the premises, not three. The third member of staff would be present during the daytime only.

Council's response: Whilst the number of people is defined in the Town & Country Planning (Use Classes) Order, as being up to six people for a C3 Use Class. In this case, there would be six people living at the property with one full time career also working at the property on a shift each day from 8am to 7pm. 1.15 of the supporting statement indicates that there would be up to four children at the house with a rota of two carers overnight. However, there would be up to three carers at the house at any one time, which includes a manager visiting the site each day.

- Consultant comments on the case have not been added to the report

The comments of the applicant's consultants are reported as needed in the report. All background papers are, in the usual way, fully available to read prior to Committee.

- Public Comments have already been addressed in an email from the applicant on 23rd August 2022. The matter to be determined is one of planning law and not public preference.

The comments of any party are reported to Committee in précised form. It is for the Committee to determine what the material issues are, for the determination of the application.

Conclusion

Overall, the issues which the applicant has raised in relation to this application do not alter the recommendation that the Certificate of Lawful Development should be refused. This is because on the balance of probabilities the proposed use of the dwelling as a children's home for up to four children, with up to three staff present (two staying overnight) would constitute a material change of use. The proposed use would be materially different from that of a family home described under a Use Class C3.