

Report of the Assistant Director (Planning, Transportation & Highways) to the meeting of Regulatory and Appeals Committee to be held on 8 February 2018

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Subject:

Planning application 17/02284/FUL for the use of land in the Green Belt for the expansion of caravan storage at Coppice Cottage Lee Lane Wilsden Bradford BD16 1UB.

Summary statement:

The committee is asked to consider a full planning application for the use of open land at Coppice Cottage for the expansion of an existing caravan storage business. The land is in the Green Belt as defined on the RUDP Proposals Map.

A number of representations of support have been received, but the application is opposed by Wilsden Parish Council.

A full assessment of the application against all relevant Development Plan policies, the National Planning Policy Framework and other material planning considerations is included in the report at Appendix 1. Taking development plan policies and other relevant material considerations into account it is recommended that Planning Permission is granted for the reasons and subject to the planning conditions set out in the report at Appendix 1.

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Portfolio:
Regeneration, Planning and Transport

Overview & Scrutiny Area:
Regeneration and Economy



1. SUMMARY

The Regulatory and Appeals Committee is asked to consider the recommendations for the determination of this planning application as set out in the report of the Assistant Director (Planning, Transportation and Highways) - Technical Report at Appendix 1. It is recommended that planning permission be granted, subject to those conditions recommended at the end of the Technical Report.

The Committee should note that the officer recommendation for approval has been endorsed by the Keighley/ShIPLEY Area Planning Panel which considered the application at its meeting of 10 January 2018 and referred determination of the departure application to the Committee. The Panel also endorsed application of the recommended planning conditions.

Previously, the approvals of applications 04/02927/COU and (subsequently) 13/03740/FUL have also accepted that whilst a caravan storage use was normally regarded as inappropriate in the Green Belt, in this case the nature of the use and the fact that the site was so well screened that the degree of harm to openness was not significant. Similarly, although this new proposal will expand the size of the storage area, it would also be screened by the existing planting which has now matured, and additional planting is proposed to reinforce the already established screening. The caravans will not permanently alter the landscape or form the same permanent reduction in openness compared with, say a residential development. It is felt that whilst the proposal is a form of inappropriate development in the Green Belt, in this case, the degree of harm to openness and the conflict with the purposes of the green belt is relatively modest.

Weight has also been given to the agent's arguments that the proposal is a natural extension of the existing area of caravan storage and that the increase in the storage capacity is required to allow the established business to continue to meet high demand. A ward councillor supports the application as the expansion of the business will prevent the applicant and his family from having to find secondary employment. Weight is given to this factor and the economic strand of the NPPF, including that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development and diversification of agricultural and other land-based rural businesses.

As such it is considered that there are demonstrated very special circumstances which outweigh what is a modest departure from green belt policy that will not result in any significant harm to openness or the purposes of the green belt.

2. BACKGROUND

Attached at Appendix 1 is a copy of the Technical Report of the Assistant Director (Planning, Transportation and Highways). This identifies the material considerations relevant to the consideration of the application.

3. OTHER CONSIDERATIONS

All considerations material to the determination of this planning application are set out in the Technical Report at Appendix 1.

4. OPTIONS

If the Committee proposes to follow the recommendation to grant planning permission then the Assistant Director (Planning, Transportation and Highways) can be authorised to issue a Decision Notice granting conditional planning permission for the proposed development. The Committee may also opt to grant planning permission subject to additional conditions, or conditions which differ from those recommended, provided these meet the tests for planning conditions.

In the event that the committee decides to grant planning permission, it would not be necessary to refer the application to the Government Office because no strategic issues or policy conflicts are raised by the localised impact of this proposal.

If the Committee decide that planning permission should be refused, reasons for refusal will have to be given based upon development plan policies or other material planning considerations.

5. FINANCIAL & RESOURCE APPRAISAL

There would be no apparent financial or resource implications arising from the exercise of normal statutory decision making powers. No requirements have been identified for any off-site infrastructure improvements which would be necessary to make the development acceptable.

6. RISK MANAGEMENT & GOVERNANCE ISSUES

Not applicable.

7. LEGAL APPRAISAL

Both options set out above are within the Council's powers as the Local Planning Authority under the provisions of the Town and Country Planning Act 1990).

8. OTHER IMPLICATIONS

8.1 EQUALITY & DIVERSITY

In writing this report, due regard has been taken of the need to eliminate unlawful discrimination, harassment and victimisation, advance equality of opportunity between different groups and foster good relations between different groups, in accordance with the duty placed upon Local Authorities by Section 149 of the Equality Act 2010.

The context of the site, the nature of the development proposed and the representations that have been made have been reviewed to identify the potential for the determination of this application to disadvantage any individuals or groups of people with characteristics protected under the Equality Act 2010. There are not any sound reasons to conclude that the development would have a significantly detrimental impact on any groups of people or individuals with protected characteristics.

Likewise, if planning permission were to be refused by the Committee, it is not considered that this would unfairly disadvantage any groups or individuals with protected characteristics. Full details of the process of public consultation and a summary of the comments which have been made by members of the public are set out in the report attached at Appendix 1.

8.2 SUSTAINABILITY IMPLICATIONS

The NPPF confirms that the purpose of the planning system is to contribute to the achievement of sustainable development and that there are three dimensions to Sustainable Development, comprising:

- an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
- a social role - supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and
- an environmental role - contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

In terms of Local policies designed to shape a sustainable pattern of development within the District, the Strategic Core Policies of the Local Plan set out the overall approach and key spatial priorities for planning in the District. Key overarching sustainability criteria for the location of new development within the District are set by Policies SC01 – SC09.

The development will result in some community benefits, by providing for the secure and affordable storage of caravans in an unobtrusive location. The demand for such a service is apparent by the level of support for the proposal. The impact of the development upon the environment is considered to be moderate in terms of the setting of the site in the landscape due to established screening by mature woodland and more recent shelter belt planting and bunding.

Overall it is therefore considered that the proposal represents sustainable development consistent with the sustainability principles set out in the National Planning Policy Framework, the Local Plan Core Strategy and those policies of the Replacement Unitary Development Plan which are still saved.

8.3 GREENHOUSE GAS EMISSIONS IMPACTS

The development of new buildings will invariably result in the release of additional greenhouse gases associated with the activities of future users. However greenhouse gas emissions can be minimised through the concentration of development in locations where the need for transportation by private car is minimised, through energy efficient approaches to construction and insulation and through the provision of micro renewables and facilities to stimulate the uptake of low emission vehicles.

In this case the proposed development site is located close to the urban area, and the settlements of Wilsden, Cottingley and Bingley. Cars already visit the site to deliver and collect caravans stored on the previously approved storage areas. Trips are likely to be infrequent and caravans will remain in situ for long periods particularly during the winter months.

8.4 COMMUNITY SAFETY IMPLICATIONS

Policy SC09 and Thematic Policy DS5 of the Core Strategy aim to create safe and inclusive places. Development proposals should be designed to ensure a safe and secure environment and reduce the opportunities for crime.

It is considered that the development has generally been designed to reflect the principles of secured by design and that the space for caravan storage which would be created by the development would not be unacceptably insecure or susceptible to antisocial behaviour.

8.5 HUMAN RIGHTS ACT

The Council must seek to balance the rights of applicants to make beneficial use of their property with the rights of nearby residents to quiet enjoyment of their land; together with any overriding need to restrict such rights in the overall public interest. In this case there is no reason to conclude that that either granting or refusing planning permission will deprive anyone of their rights under the Human Rights Act.

8.6 TRADE UNION

There are no implications for Trades Unions relevant to this application.

8.7 WARD IMPLICATIONS

The proposal site is within the Bingley Rural Ward. Ward Councillors, the Parish Council and local residents have been made aware of the application through the normal mechanisms and given opportunity to submit written representations. In response to this publicity representations of support have been received. In addition there is an objection from the Parish Council. Comments in support have been submitted by a Ward Councillor. The Technical Report at Appendix 1 summarises the material planning issues raised by the public, and Parish Council representations. The appraisal also gives full consideration to the material planning effects of the development on residents in the Ward.

9. NOT FOR PUBLICATION DOCUMENTS

None

10. RECOMMENDATIONS

To Grant Planning Permission subject to the conditions recommended at the end of the Technical Report at Appendix 1.

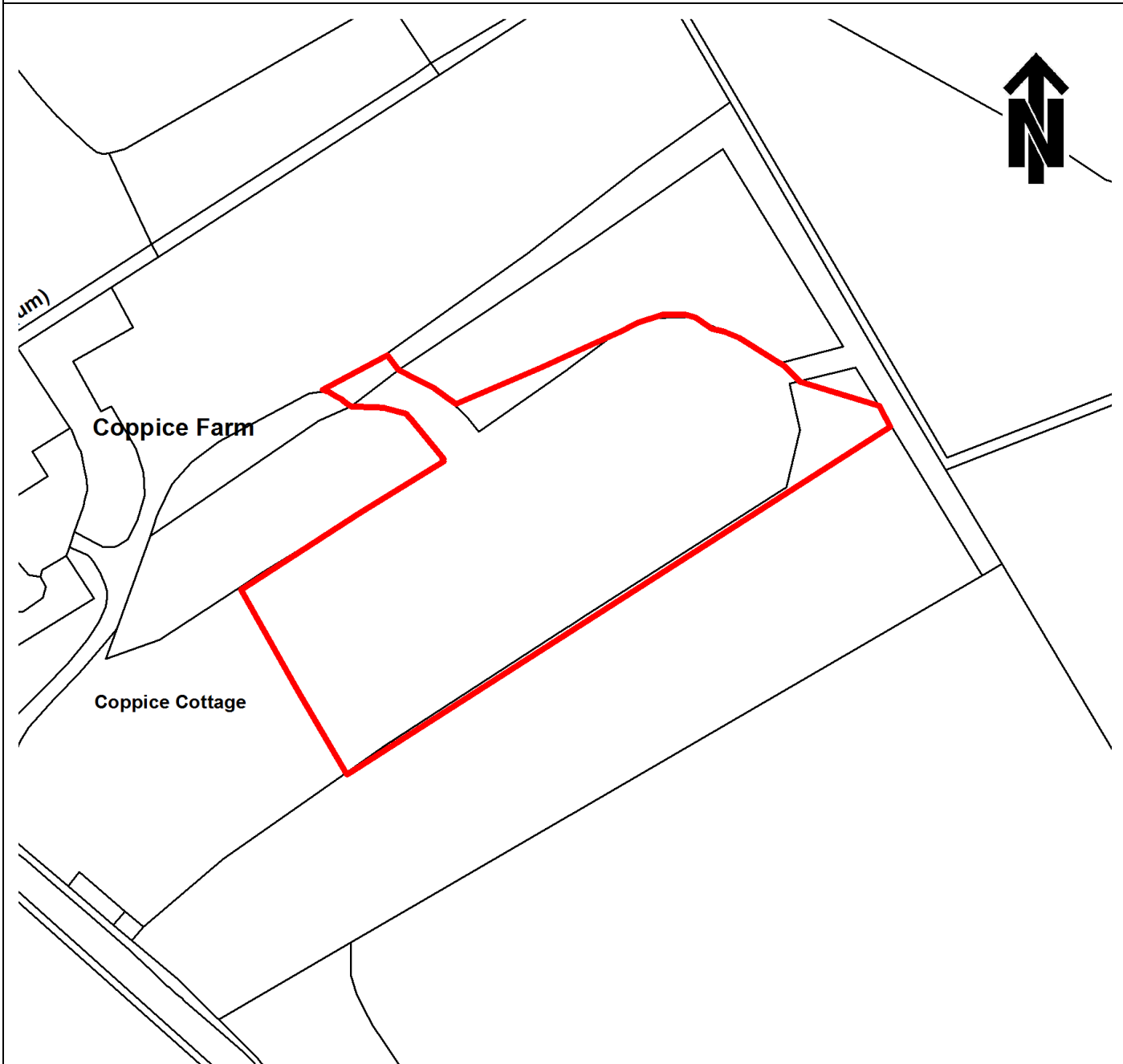
11. APPENDICES

Appendix 1: Technical Report

12. BACKGROUND DOCUMENTS

- Replacement Unitary Development Plan for the Bradford District
- Bradford Local Plan Core Strategy Development Plan Document
- National Planning Policy Framework
- Application File 17/02284/FUL

17/02284/FUL



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**Coppice Cottage
Lee Lane
Wilsden
Bradford BD16 1UB**

8 February 2018

Ward: BINGLEY RURAL
Recommendation:
TO GRANT PLANNING PERMISSION

Application Number:
17/02284/FUL

Type of Application/Proposal and Address:
Full application for change of use of land for expansion of caravan storage – Land at Coppice Cottage, Lee Lane, Wilsden, Bradford, BD16 1UB.

Applicant:
Mr Kurt Kunz

Agent:
AV Architects

Site Description:
Lee Lane leads through Green Belt countryside between Cottingley and Wilsden, and Coppice Cottage is a stone built house set back from the road alongside a range of large functional farm sheds. An unmade access leads into the farm site from the adopted land and behind the farm buildings is an established area of caravan storage. Some belts of tree planting have been planted around an area of open land to the south east of the access and these are protected by a Tree (Woodland) Preservation Order. An existing horse exercise arena also exists between these shelter belts. The applicant is seeking to expand the permitted caravan storage onto the land between the shelter belts, the horse exercise arena and the more extensive woodland to the north east of the site, which is part of the Cottingley Wood Estate.

Relevant Site History:
13/03740/FUL: Extension of existing caravan storage area. Granted 05.11.2013.

13/01910/FUL: Change of use from agricultural land to form an extension of existing caravan storage area. Refused: 16.07. 2013.

04/02927/COU: Change of use from agricultural land to land to be used for open storage of private caravans. Granted 8.11.2004.

93/01927/COU: Change of use of part of field to storage of caravans Lee Lane Cottingley Bingley. Refused: 21.10.1993

The National Planning Policy Framework (NPPF):

The National Planning Policy Framework is now a material planning consideration on any development proposal. The Framework highlights the fact that the purpose of the planning system is to contribute to the achievement of sustainable development and that there is a presumption in favour of sustainable development which can deliver:-

- i) Planning for prosperity (an economic role) - by ensuring that sufficient land of the right type and in the right places is available to allow growth and innovation;

- ii) Planning for people (a social role) - by promotion of strong, vibrant and healthy communities by providing an increase supply of housing to meet the needs of present and future generations and by creating a good quality built environment with accessible local services;
- iii) Planning for places (an environmental role) - by protecting and enhancing the natural, built and historic environment, adapting to climate change including moving to a low-carbon economy.

As such the Framework suggests local planning authorities should approve development proposals that accord with statutory plans without delay.

Replacement Unitary Development Plan (RUDP):

Allocation

Green Belt.

Core Strategy

The Core Strategy for Bradford was adopted on 18 July 2017 and so policies contained within it now carry significant weight. Some of the policies contained within the RUDP, however, are saved until adoption of the Allocations Development Plan Document/Area Action Plan Development Plan Documents.

Proposals and Policies

SC7 – Green Belt

EN2 – Biodiversity and Geodiversity

EN4 – Landscape

EN5 – Trees and Woodland

DS2 – Working with the landscape

EC2 - Supporting Business and Job Creation

Parish Council:

Wilsden Parish Council does not support this application due to it being an incursion into the green belt; lack of tree survey; concerns regarding the height of the lamps (floodlights).

Should Officers be minded to approve this application, Wilsden Parish Council requests that it goes to the Area Planning Panel for determination.

Publicity and Number of Representations:

Advertised as a departure from the Development Plan.

44 representations in support have been received, including Ward Councillor support.

Summary of Representations Received:

Support for the application is because there is a demand in our area for decent secure caravan storage in the area.

Ward Councillor supports the applicant.

1. The development will allow the applicant and his family to expand the business meaning that they would no longer need to find secondary employment.
2. Extensive boundary planting and the natural screen provided by the adjacent woodland mean that the visual impact is minimal.
3. There remains a significant shortage of affordable caravan storage in Bradford.

4. The development makes no permanent development as existing support facilities (office, etc.) will be used.

In the event of the officer recommendation being to refuse permission, the Ward Councillor asks that the application is referred to planning panel for decision.

Consultations:

Highways Development Control: No objections to raise.

Rights of Way Officer: Public footpath 37 (Bingley) abuts the north west boundary of the site but provided the standard requirements are observed to ensure no obstruction of this footpath, would have no comments to make the proposals.

Trees Team: see appraisal.

Summary of Main Issues:

Inappropriate development in the Green Belt.

Whether there are very special circumstances that outweigh the degree of harm to openness and the purposes of the Green belt.

Impact on trees and landscape character.

Highway issues.

Appraisal:

Background

This application relates to the use of land at this farm for the expansion of an existing caravan storage business. The site is part of the Green Belt.

The applicant's established caravan storage business began following an approval granted by Area Planning Panel in 2004 for a limited area immediately behind the farm sheds. This was subsequently expanded north eastwards under a permission granted in 2013 which allowed the applicant to store a total of 125 caravans on the land. Before 2013 only 90 were stored at the site.

The original permission granted under application 04/02927/COU required that a planted bund be installed along the south east edge of the original area of storage. Prior to this, other shelter belts had been introduced to the farm. Another belt of trees has been planted along the south east boundary. The two belts of trees have begun to become well established, so the application land is now well screened from public view along the north west and south east boundaries, and by the more mature woodland to the north east. The applicant also points out that the new storage site would be served by the same vehicular access as the existing storage area so there is no need to add any new engineering operations or buildings.

Further details of perimeter fencing, and the proposed surfacing of the land with permeable hardcore are specified on the plans and the agent says these have been designed to minimise the visual and environmental impact of the new proposal.

Green Belt Policy

The site is part of the designated Green Belt defined by the RUDP Proposals Map. Caravan storage is not specifically listed as one of the exceptions to Green Belt policy by the National Planning Policy Framework, or by Policy GB1 of the RUDP or by Policy

SC7 of the Core Strategy. Compared with agricultural use, caravan storage will clearly have an impact on openness, which is an essential characteristic of the Green Belt.

The NPPF says that, as with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

The approval of applications 04/02927/COU and (subsequently) 13/03740/FUL accepted that whilst a caravan storage use was normally regarded as inappropriate in the Green Belt, in this case the site was so well screened that this use would not be harmful to openness.

Similarly, although this new proposal will expand the size of the storage area, it would be also be screened by the existing planting which has now matured, and additional planting is proposed to reinforce the already established screening. The caravans will not permanently alter the landscape or form the same permanent reduction in openness compared with, say a residential development. It is felt that whilst the proposal is a form of inappropriate development in the Green Belt, in this case, the land is so well screened that the degree of harm to openness and the conflict with the purposes of the green belt is relatively modest.

The agent argues that the proposal is a natural extension of the existing area of caravan storage and that the increase in the storage capacity is required to allow the business to continue to meet high demand. Weight is given to this factor in accordance with the economic strand of the NPPF. The Framework also says that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should: support the sustainable growth and expansion of all types of business and enterprise in rural areas, and promote the development and diversification of agricultural and other land-based rural businesses.

Wilsden Parish Council supported the 2013 application for expansion but it is acknowledged that the Parish Council objects to the latest application.

Whilst, the caravan storage use would have an impact on openness, the representations received in support indicate a demand for this type of facility, and the representation from a Ward Councillor shows support for the applicant's efforts to diversify and improve the viability of the existing business.

On balance, and subject to the suggested conditions to control the use and require robust protection of existing trees and ecologically appropriate enhancements to the existing screen planting, it is considered that the application should be supported.

Impact on Trees

Initially, the Council's Tree Officer expressed concern regarding the effects of the proposed use and creation of the hardcore surface for the storage area on the enclosing shelter belt planting which is subject to a tree preservation order. No tree

survey has been submitted with the application and there is no indication of proposals for tree protection. The Parish Council has referred to this omission.

However, it is now evident that no incursions into the shelter belts are intended. The new storage area would be created in the space between the encircling belts of trees and the age of the trees is such that they should be able to withstand the proposed works. The Tree Officer is satisfied that details of the position and specification of tree protection fencing and details of new planting, including additional woodland planting to the front of the site, can be reserved by planning conditions as set out below. These would ensure continuity of the tree cover and enhancement of the quality of the existing planting with benefits for local amenity and, potentially, ecology.

Impact on Landscape Character

The existing planting is such that it is difficult to view the area of caravan storage from public vantage points. Even from public footpath 37 (Bingley), the existing storage is not an especially prominent feature. The applicant proposes to plant additional trees along site perimeters and on the earth bund to further reinforce existing screening. The boundary to Lee Lane will require additional planting and some of the existing trees in the shelter belts are ecologically inappropriate species such as *Leylandii*. These should be removed and replaced with native tree and under storey species such as hawthorn and holly.

Subject to the suggested conditions requiring protection of existing trees and new planting, the proposed expansion of caravan storage should not impact significantly on the character of the landscape.

Floodlights

The submission refers to 5 new floodlights being installed along the south east boundary of the site mounted on 10 metre high poles. The floodlight poles themselves are unlikely to be noticed outside the site, but to safeguard local amenity, the character of this landscape and protect wildlife, it is suggested that fuller details of the intensity direction and duration of these lights be reserved by planning condition.

Highway issues

The Council's Highway Officer advises that the proposal would be unlikely to lead to a significant increase in traffic on Lee Lane and it is noted that the additional storage land would utilise the existing access with space within the site likely to cater for any additional parking and turning. The proposed floodlights would be located well inside the site and so would not affect users of Lee Lane. In view of this there are no highway objections to raise about the proposed development.

Community Safety Implications:

The site will be managed to provide secure storage.

Equality Act 2010, Section 149:

In writing this report due regard has been taken of the need to eliminate unlawful discrimination, harassment and victimisation, advance equality of opportunity between different groups and foster good relations between different groups. It is not however considered that that any issues with regard thereto are raised in relation to consideration of this application.

Reason for Granting Planning Permission:

The proposed use would form an encroachment of inappropriate development in the Green Belt. However, in this instance, the effects would be modest given that the proposal expands an established caravan storage use; does not involve permanent building work; and the site is very well screened by established planting that can be supplemented and improved by new planting proposals. The objective of enhancing the established business and meeting demand for this facility are, in this instance, considered to amount to very special circumstances outweighing the limited harm to openness. Enhancement of existing planting is likely to achieve improvements to landscape character and ecology. Weight is given to the applicant's requirement to improve the viability of the existing business, and is supported by the economic strand of the National Planning Policy Framework. On balance, the proposal is considered to accord with Policies EN2, EN4, EN5, DS2 and SC7 of the Core Strategy Development Plan Document.

Conditions of Approval:

1. The development to which this notice relates must be begun not later than the expiration of three years beginning with the date of this notice.

Reason: To accord with the requirements of Section 91 of the Town and Country Planning Act, 1990 (as amended).

2. In the first planting season following the completion of the development, or as may otherwise be agreed in writing by the Local Planning Authority, landscaping and new tree planting shall be implemented at the site in accordance with detailed landscape proposals that shall first be submitted to and approved in writing by the Local Planning Authority.

The landscaping proposals shall comprise only native tree and under storey plant species and shall be devised to supplement and enhance existing shelter belt planting at the site and include new planting towards the Long Lee Lane frontage of the land.

The landscaping proposals shall show the following details:

- i) Position of all trees to be retained on the site, including any trees planted subject to requirements of previous consents to fell;
- ii) Details of proposed new trees and details of new under storey planting areas - including the extent of such areas and the numbers of trees and shrubs in each position with size of stock, species and variety;
- iii) Details of any re-graded contours and details of changes in level required for purposes of landscaping within the site.

The landscaping scheme so approved shall be implemented during the first available planting season following the completion of the development hereby approved and in accordance with the approved details.

Any trees or plants comprising the approved landscaping becoming diseased or dying or which are removed or damaged within the first 5 years after the completion of planting shall be removed immediately after the disease/death and

a replacement tree or planting of the same species/specification shall be planted in the same position no later than the end of the first available planting season following the disease/death of the original planting.

Reason: In the interests of visual amenity and bio diversity and to ensure continuity of tree cover at the site, to accord Policies EN2, EN5, EN4 and DS2 of the Local Plan Core Strategy Development Plan Document.

3. The development shall not begin until tree protection fencing and other tree protection measures have been installed around trees to be retained on or adjoining the site. These measures shall be in strict accordance with an Arboricultural Method Statement or Tree Protection Plan prepared in accordance with recommendations in BS5837:2012, details of which shall be submitted to and approved in writing by the Local Planning Authority before any site preparation or ground works are begun, and before any materials or machinery are brought on to the site.

The Local Planning Authority shall be informed when the tree protection fencing and other tree protection measures have been installed at the site and shall have given its written confirmation that the measures are acceptable before development proceeds.

Reason: To ensure that trees are adequately protected prior to development activity beginning on the site in the interests of amenity and to accord with Policy EN5 of the Core Strategy Development Plan Document.

4. Notwithstanding what is shown on the approved plans, no floodlights shall be installed on the land until details of the intensity, orientation and phasing/timing of such lighting have been submitted to, and approved in writing by the Local Planning Authority. The floodlighting fixtures installed shall then accord with the approved details.

Reason: To ensure that the floodlights will satisfactorily safeguard amenity and minimise adverse impacts on ecological interests that may be found to exist on the site or in the vicinity and to accord with Policies EN4 and EN2 of the Core Strategy Development Plan Document.
