

## HARROGATE BOROUGH COUNCIL

### PLANNING AREA2 DC COMMITTEE – AGENDA ITEM 5: LIST OF PLANS.

**DATE: 10 February 2004**

<b>PLAN:</b> 09	<b>CASE NUMBER:</b> 03/06040/OUT
<b>APPLICATION NO.</b> 6.122.245.B.OUT	<b>GRID REF:</b> EAST 436288 <b>NORTH</b> 451150
	<b>DATE MADE VALID:</b> 09.12.2003
	<b>TARGET DATE:</b> 03.02.2004
	<b>WARD:</b> Spofforth With Lower

Wharfedale

**APPLICANT:** Mr & Mrs P Webster

**AGENT:** Richard Raper Planning

**PROPOSAL:** Outline application for the erection 1 no dwelling with access considered.  
(Site area 0.053 ha).

**LOCATION:** King William IV Inn Church Hill Spofforth Harrogate North Yorkshire HG3  
1AG

## REPORT

### SITE AND PROPOSAL

This is an outline application for a single dwelling on the car park to the King William IV Public House in Spofforth. All matters are reserved for subsequent approval.

The application site lies to the north of the public house (which is currently not trading). There is a bungalow to the north of the application site and residential properties to the east and west. The site lies in the heart of the Conservation Area.

The applicants agent has requested that the application not be determined until the outcome of the appeal for the conversion of the public house to residential use is known. However, there is a duty to determine applications and the date for an appeal decision is unknown.

### MAIN ISSUES

1. Loss of the Public House Car Park
2. Impact on the Conservation Area

### RELEVANT SITE HISTORY

02.00122.FUL - Conversion of public house to 3 dwellings and erection of 3 dwellings on car park: Withdrawn 14.03.2002.

03.01843.FUL - Conversion of public house to dwelling: Refused 23.06.2003. Appeal pending.

## **CONSULTATIONS/NOTIFICATIONS**

### **Parish Council**

Spofforth with Stockeld

### **Highway Authority**

Advise that the access to be no further south east i.e closer to pub than existing car park

### **Claro Internal Drainage Board**

Advise liaison with the Environment Agency as the site is outside the Drainage District

## APPLICATION PUBLICITY

**SITE NOTICE EXPIRY:** 09.01.2004

**PRESS NOTICE EXPIRY:** 16.01.2004

## REPRESENTATIONS

### **SPOFFORTH PARISH COUNCIL** - Objects on the following grounds:-

- a) The William IV is (or should be) a village amenity and the car park is an integral part of that amenity.
- b) Parking is a severe problem on Church Hill and the mentioned area is used by local residents when the roadside spaces are full.
- c) The Parish Council also feel that this is a precursor to further applications.
- d) The Parish Council as that this matter should not be considered before the appeal (6.122.245.A.FUL) Appeal Ref. App/E2734/A/03/1134327REFPP.

### **OTHER REPRESENTATIONS -**

**Spofforth Village Society** - Object to the proposed development on the grounds that the granting of planning permission would prejudice the future operations of the public house; car park still in use and loss would affect the amenities of the Conservation Area; no pressure for additional housing at the moment; possible drainage difficulties.

Eighteen individual letters of objection have been received and twenty five 'standard' letters of objection have been received. All reflect the objections expressed by the Parish Council and the Village Society.

### **VOLUNTARY NEIGHBOUR NOTIFICATION** - None carried out.

## RELEVANT PLANNING POLICY

PPG1 Planning Policy Guidance 1: General Policy and Principles

PPG15 Planning Policy Guidance 15: Planning and the Historic Environment

LPHD03 Harrogate District Local Plan Policy HD3: Control of development in Conservation

### Areas

LPA01 Harrogate District Local Plan Policy A1: Impact on the Environment and Amenity  
LPCFX Harrogate District Local Plan Policy CFX: Community Facilities Protection

## **ASSESSMENT OF MAIN ISSUES**

**1. LOSS OF THE PUBLIC HOUSE CAR PARK** - The grant of planning permission and the subsequent implementation of the permission would remove the car park facility. Although the public house is currently not trading, the existing use remains as a public house and the current or any new owners could re-open the pub without the need for any planning permission ie. the closure of the pub does not extinguish the planning use. It is considered that the approval of this application would have two principle implications. First it would render the public house less attractive to any owner, since the lack of a car park is likely to make the pub less attractive to visitors. Second if the public house had no car park it would cause significant problems for residents in the area as on-street parking would add to highway congestion and disamenity. The proposal is therefore contrary to Policy A1 and Policy CFX since the car park is considered to be land associated with the community use (accepting that the car park has no public rights of access as an independent community facility).

**2. IMPACT ON THE CONSERVATION AREA** - This application is in outline form only with all matters reserved. The site lies within the development limits of the village and the conservation area. If the car park was no longer required to serve the public house the redevelopment may be acceptable as the site may be considered to be previously developed land (and therefore there is no conflict with Policy HX), providing the redevelopment scheme enhanced and preserved the Conservation Area. In *principle* there is no conflict with Policy HD3 although any application for the approval of reserved matters would have to fully satisfy that policy.

**CONCLUSION** - The applicants have acknowledged that they anticipate the Council will expect the car park should remain in its present form until such time as the appeal for the conversion of the public house is determined. However, that decision has not been made and this application is therefore premature. The Council has a duty to determine applications and this application is currently unacceptable and in conflict with policy. It is recommended that the application be refused.

This will not prejudice the applicants position since:

- a) there is a right of appeal against this decision;
- b) if the appeal was successful and it was concluded that there was no need to retain the land as a car park the application could be resubmitted without incurring any further fee (assuming resubmission within the timescales allowed by the Fees Regulations).

**CASE OFFICER:** Mr R N Watson

## RECOMMENDATION

That the application be REFUSED. Reason(s) for refusal:-

- 1 The proposal would result in the loss of the car park to the King William IV public house which would prejudice the future use of the premises as a community facility in conflict with Policy CFX of the Selective Alteration to the Harrogate District Local Plan.
- 2 The loss of the public house car park would result in on-street parking to the detriment of highway safety and the amenities of the area and would therefore conflict with Policy A1 of the Harrogate District Local Plan.



