

## HARROGATE BOROUGH COUNCIL

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

**DATE: 9 March 2004**

<b>PLAN:</b> 04	<b>CASE NUMBER:</b> 03/05485/FULMAJ
	<b>GRID REF:</b> EAST 439320 NORTH 466440
<b>APPLICATION NO.</b> 6.64.369.AB.FULMAJ 10.12.2003	<b>DATE MADE VALID:</b>
	<b>TARGET DATE:</b> 10.03.2004
	<b>WARD:</b> Boroughbridge

**APPLICANT:** McCarthy & Stone (Devs) Ltd

**AGENT:** The Planning Bureau Ltd

**PROPOSAL:** Erection of 4 no detached dwellings, and conversion of existing hotel buildings to form 5 no flats and seperate office accommodation (Use Class B1)(site area 1.05ha).

**LOCATION:** Rose Manor Hotel Horsefair Boroughbridge York North Yorkshire YO51 9LL

## REPORT

### SITE AND PROPOSAL

The Rose Manor Hotel is located on the western side of Horsefair, Boroughbridge. The hotel complex is situated on an elevated site of some 1.04 hectares in area and is located within Boroughbridge conservation area.

Access to the site is gained via Horsefair with an access that is shared by two residential properties located to the north east of the main hotel building. A second access is located on Roecliffe Lane that is presently used as a service and employee entrance. Numerous trees within and adjacent to the site are covered by a Tree Preservation Order No49/1994. Residential development abuts the site on three sides with open fields located to the west.

The hotel currently has 20 guest rooms and has the benefit of an extant planning consent for a 36 bedroom extension. The extension would be located within the landscaped garden that is situated on the southern side of the hotel abutting the rear garden area of properties situated on Mallard Walk. The hotel consists of two main blocks that are connected by a two-storey link building.

The applicants propose the erection of 4 No detached dwellings on the existing landscaped garden area and conversion of the hotel building to form 5 flats and separate office accommodation. The development will require the demolition of an existing two-storey link structure between the two main blocks of the hotel.

The accommodation would provide four detached 5-bed dwellings and the conversion element will provide two 2 bed and three 3 bed luxury flats as described by the applicant.

The office accommodation will provide for the relocation of McCarthy & Stone regional office and will provide for approximately 769 square metres of office space.

### **MAIN ISSUES**

1. Land Use
2. Visual Impact/Conservation Area
3. Residential Amenity
4. Highway Safety
5. Open Space Provision

### **RELEVANT SITE HISTORY**

6.64.369.OA - Conversion of hotel to residential dwellings: APPROVED 11.12.1990

6.64.369.A.FUL - Conversion to office accommodation: APPROVED 08.01.1991

6.64.369.M.PA - Construction of 16 no. bedroom wing to hotel: APPROVED 22.03.1993

6.64.369.S.FUL - Erection of 48 no. Bedroom extension with associated car parking:  
REFUSED 15.07.1996

6.64.369.T.FUL - Erection of 36 bedroom extension with associated car parking:  
APPROVED 02.12.1997

6.64.369.U.FUL - Conversion of hotel to form 11 No Category 2 sheltered flats for the elderly, managers accommodation and separate office block (Use Class B1) and erection of 40 No. Category 2 sheltered flats, landscaping and car parking: REFUSED 26.03.2002.

6.64.369.V.CON - Conservation Area Application for demolition of outbuilding and link structure: REFUSED 19.04.2002

6.64.369.X.FUL - Conversion and extension to form 9 No. affordable units, 9 No Category 2 sheltered flats, managers accommodation, separate office block (Use Class B1), erection of 36 No Category 2 sheltered flats, landscaping and parking: REFUSED 07.05.2003: APPEAL LODGED AND PENDING

6.64.369.Y.CON - Conservation area application for demolition of outbuilding and link structure: REFUSED: APPEAL LODGED AND PENDING

6.64.369.AA.CON - Conservation Area Application for the demolition of 2No. 2 storey sections of existing hotel buildings, 2 no walls and 1 no detached outbuilding: PENDING CONSIDERATION

6.64.369.Z.FULMAJ - Erection of 15 Flats, 26 no. Category II sheltered flats, and conversion of existing hotel buildings to form 7 Category II sheltered flats, managers accommodation and separate office block (Use Class B1) (Site area 1.04 hectares). PENDING CONSIDERATION

### **CONSULTATIONS/NOTIFICATIONS**

**Parish Council**  
Boroughbridge

**Conservation and Design Section**  
See assessment

**DLAS - Open Space**

Confirm a commuted sum of £13,130 generated for all facilities and allocated to B'bridge recreation ground/Tutt Woodlane/Druids Meadow and B'Bridge Sports Association/Aldborough Gate

**Environment Agency**

Objects to the development. The site may be affected by a 1:100 year flood event and should be supported by a Flood Risk Assessment

**H.B.C Land Drainage**

Please consult Yorkshire Water and the Environment Agency

**Economic Development Officer**

Cannot support the proposal - loss of hotel and impact upon tourism

**Environmental Health**

Phase 1 ground contamination survey required

**English Heritage**

The scheme is more reflective of the character of the conservation area

**Highway Authority**

Comment on the management of the parking spaces otherwise no objection subject to the imposition of conditions.

**Housing Development**

There is an identifiable affordable housing need in Boroughbridge. No such provision has been provided.

**Private Sector Housing**

No observations

**Yorkshire Water**

No objection subject to the imposition of conditions

**Claro Internal Drainage Board**

CIDB consent will be required if surface water drainage is to connect to River Weaver. All surface water drainage from parking areas should be passed through an oil interceptor

**APPLICATION PUBLICITY**

**SITE NOTICE EXPIRY:** 09.01.2004  
**PRESS NOTICE EXPIRY:** 16.01.2004

## REPRESENTATIONS

**BOROUGHBRIDGE TOWN COUNCIL** - Objects to the development on the following grounds:

1. The Town Council would not like to see the loss of the hotel in the town. If this hotel was lost then there would only be one viable hotel.
2. Control of development in conservation areas.
3. Development affecting Archaeological Sites - building close to the site of ancient monuments, the Devil's Arrows
4. Conservation Area Statement - Openness of the south west side contributes to the appearance and approach to the conservation area of Boroughbridge
5. No affordable housing

The Town Council is also concerned that if this application was granted and the conversion of the hotel took place first that the detached houses would not be built and another planning application submitted to build flats.

**OTHER REPRESENTATIONS** - 6 Letters received on the following grounds:

1. The proposed dwellings are too tall and too close to the joint boundary with Mallard Walk
2. The dwellings would have an un-neighbourly , overbearing and overlooking impact to the detriment of residential amenity
3. No need for such large houses
4. Increase in traffic hazard at the entrance to the site.
5. New employment will not be created by the office development, it is relocation of jobs from York. There is not an employment problem in Boroughbridge.
6. Concern regarding the impact of the development on the conservation area and proximity to the archaeological site of the Devil's Arrows

In addition a letter has been received from Harrogate Civic Society highlighting the overprovision of housing in the District and stating that affordable housing is the real need.

**VOLUNTARY NEIGHBOUR NOTIFICATION** - No properties notified.

## RELEVANT PLANNING POLICY

- PPG1 Planning Policy Guidance 1: General Policy and Principles
- PPG3 Housing
- PPG7 The Countryside: Environmental Quality and Economic and Social Development
- PPG13 Planning Policy Guidance 13: Transport
- PPG4 Industrial and Commercial Development and Small Firms
- PPG15 Planning Policy Guidance 15: Planning and the Historic Environment
- PPG17 Planning Policy Guidance 17: Planning for open space, sport and recreation
- SPE4 North Yorkshire County Structure Plan Policy E4
- SPI6 North Yorkshire County Structure Plan Policy I6
- SPH4 North Yorkshire County Structure Plan Policy H4
- SPH1 North Yorkshire County Structure Plan Policy H1

- LPH06 Harrogate District Local Plan Policy H6: Housing developments in the main settlements and villages
- LPH05 Harrogate District Local Plan Policy H5: Affordable Housing
- LPHX Harrogate District Local Plan Policy HX: Managed Housing Site Release
- LPHD03 Harrogate District Local Plan Policy HD3: Control of development in Conservation Areas
- LPHD20 Harrogate District Local Plan Policy HD20: Design of New Development and Redevelopment
- LPA01 Harrogate District Local Plan Policy A1: Impact on the Environment and Amenity
- LPA05 Harrogate District Local Plan Policy A5: Flood Risk Areas
- LPH13 Harrogate District Local Plan Policy H13: Housing Density, Layout and Design
- LPH17 Harrogate District Local Plan Policy H17: Housing Type
- LPR04 Harrogate District Local Plan Policy R4: Open Space Requirements for New Residential Development
- LPE07 Harrogate District Local Plan Policy E7: New Industrial and Business development in the main settlements and villages
- PPG25 Planning Policy Guidance 25: Development and flood risk

## **ASSESSMENT OF MAIN ISSUES**

**1. LAND USE** - The site is located within the existing built up confines of the Town and inside the development limit for the settlement as identified by Harrogate District Local Plan (HDLP) Inset Map No 6. Within the development limit HDLP Policy H6 is permissive in broad land use terms to new residential development subject to meeting criteria discussed in more detail below.

HDLP Selective Alteration Policy HX is permissive towards new residential development on previously developed sites of less than 0.3 hectares in area and providing less than 10 units net. Sites above this threshold will need to demonstrate substantial planning benefit to be permitted.

In this instance although only 9 dwellings are proposed in total the site area is greater than 0.3 hectares in area. In this instance there is a need to demonstrate substantial planning benefit over and above normal planning policy. Such an approach has been adopted to provide a more sequential approach to site release and minimise the level of overprovision of housing in the District and locality in general.

In addition sites greater than 0.1 hectare and providing three or more dwellings fall within the threshold of HDLP Selective Alteration Policy H5 and as such would require an element of affordable housing provision.

The Assistant Director of Housing has identified that there is a need for affordable provision with the sub area of Boroughbridge (The Housing Needs Survey Update 2003 identifies an affordable need arising from 22 households per year, each year from 2003 -2008).

Whilst the Council's negotiating target for affordable housing provision is 50%, this site also exceeds the size threshold of 0.3 hectares above which substantial planning benefits are required under Policy HX. In the absence of any such benefits, affordable housing provision in excess of 50% would be required.

The applicants have not made any provision for affordable housing at the site and as such

the scheme fails to meet the provisions of Selective Alteration Policy H5. It is stated by the applicant, that even if 50% provision was provided this would only yield 4 units which is considerably less than that proposed under 6.64.369.Z.FULMAJ which has the additional benefit of providing sheltered housing. The applicants state that an off site contribution would be the only way forward. Your officer does not accept this view, as no justification has been put forward as to why affordable units could not be provided as part of this scheme. Policy H5 is clear in that commuting the affordable housing off site by way of payment will only be accepted as an exception to on-site provision in appropriate conversion schemes located in Harrogate Knaresborough or Ripon. The policy does allow commuting the affordable provision to a suitable alternative site but in this instance no such site has been put forward.

The applicants state that the mixed land use development incorporating 9 general market residential units and office accommodation would represent benefit. The views of the economic development officer (EDO) have been sought in respect of the office provision and these comments are appended to the earlier scheme considered as part of 6.64.369.Z.FULMAJ. Whilst the comments of the EDO have been noted in respect of the loss of hotel accommodation, the hotel protection policy of the Selective Alteration (Policy TRX) only seeks to retain accommodation providing 30 or more rooms. Rose Manor at present falls below this threshold (but would fall within if the extant consent was implemented). In view of the comments of the EDO, the provision of the office jobs is not considered to represent significant benefit.

In terms of the office provision itself, HDLP Policy E7 is permissive to the broad land use principle of providing business use within the development limits of settlements subject to meeting the following criteria.

- \* It is of a scale and type appropriate to the form and character of the settlement and locality
- \* It would not have a significant adverse effect upon the environment or residential amenity
- \* It would not adversely affect the character or appearance of the area
- \* It would not result in the loss of land protected for other uses in the local plan
- \* It complies with the traffic, parking and other relevant policies of the plan

In consideration of earlier applications relating to this site, the individual aspect of providing the office accommodation has not resulted in a planning objection or refusal.

**2. VISUAL IMPACT/CONSERVATION AREA** - Your officer shares the view of English Heritage that a low density scheme would be more appropriate to the existing character of the conservation area. It is also noted that whilst HDLP Selective Alteration Policy H13 would normally seek a housing density of 30 units per hectare, this could be relaxed if a higher density would be detrimental to local character or amenity. The higher density schemes of earlier applications at this site have provided concern.

Clearly the conversion of the existing hotel would have negligible impact upon the visual amenity or character of the conservation area. The reduced built form has the potential to have less impact upon the character of the conservation area and feeling of space surrounding the Rose Manor Hotel itself. Concern is expressed however regarding the design and siting of the units. The deep plan houses with tall roofs and attached garage blocks would still impact upon the hotel by reason of their close proximity. A siting further to

the west would maintain the existing hotel building as the dominant element when viewed from the south east and allow for some differential in scale between the existing and proposed buildings. The relationship of the houses to garage blocks is considered to be poor in terms of roof form and the elevations are poorly proportioned. The advice of the 'in house' conservation and design officer is that the scheme is contrary to HDLP Policy HD3 and HD20.

**3. RESIDENTIAL AMENITY** - The application site is located at a higher level than dwellings situated on Mallard Walk. Concern is expressed that the dwellings (which are approximately 9m high to roof ridge) would as a consequence of the windows facing Mallard Walk, including the provision of dormer windows have a detrimental overlooking impact.

**4. HIGHWAY SAFETY** - The four proposed dwellings and office block would be accessed via the existing Roecliffe Lane entrance with the apartments utilising the existing main hotel access onto Horsefair. The Highway Authority have been consulted and have no objection subject to the imposition of conditions.

**5. OPEN SPACE PROVISION** - HDLP Policy R4 is applicable to this proposal and a commuted sum of £13,130 is generated for all facilities and allocated to B/Bridge Recreation Ground/Tutt Woodlane/Druids Meadow and B/Bridge Sports Association/Aldbrough Gate. The applicants have been informed of the requirement but at the time of writing this report have not confirmed whether they would enter into a Unilateral Undertaking to provide the sum. In the absence of such an obligation the scheme would be contrary to HDLP Policy R4

**6. FLOOD PROTECTION** - The site is within the indicative flood plain suggesting that a 1:100 year flood event may effect the site. In the absence of a Flood Risk assessment the Environment Agency object to the development. The risk assessment is required to assess two principle flood issues, namely the risk to the development itself and surface water run off. This issue was not raised in previous consultation responses relating to the site, however HDLP Policy A5 advises at sites suspected at risk from flooding for which adequate flood risk information is unavailable , developers will be required to carry out detailed technical investigations to evaluate the extent of risk and to implement any necessary agreed measures.

**CONCLUSION** - Under the provisions of HDLP Selective Alteration Policy HX the development would need to demonstrate substantial planning benefit over and above normal planning policy considerations for consent to be forthcoming.

In this instance no planning benefit has been demonstrated. The scheme fails to provide any element of affordable housing as required under HDLP Selective Alteration Policy H5 and the provision of the office accommodation has a neutral impact given the loss of the hotel.

Furthermore concern is still expressed regarding the impact of the scheme upon the residential amenity of the occupiers of residential property.

Whilst the lower density scheme has the potential to have a lesser impact upon the conservation area as recognised by English Heritage , concern is expressed regarding the

design and siting of the units which are considered to be contrary to the provisions of HDLP Policy HD3 and HD20.

In the absence of any material considerations to set aside the provisions of the development plan and having regard to emerging development plan policy refusal of the application is recommended.

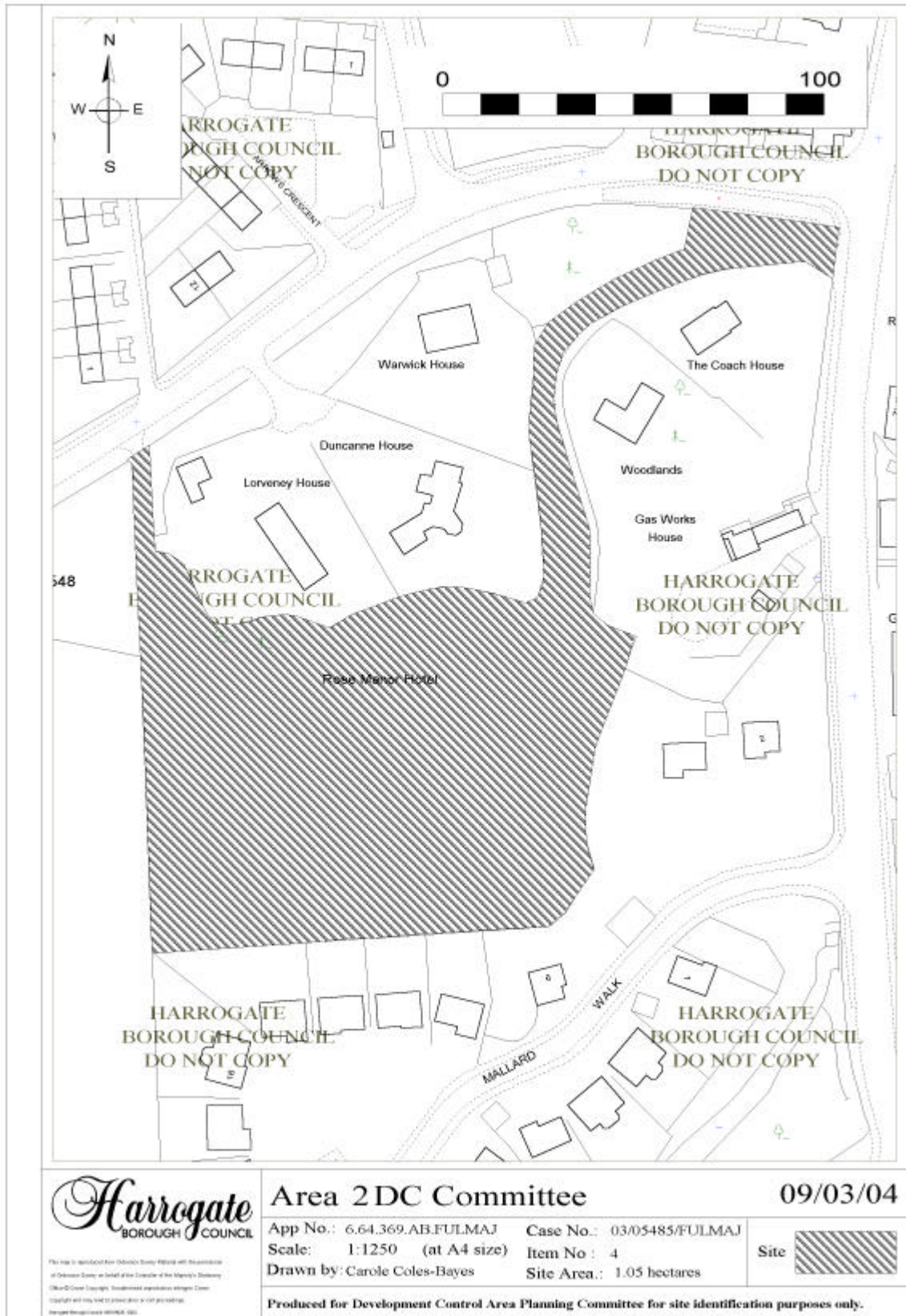
**CASE OFFICER:** Mr A Hough

## RECOMMENDATION

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

- 1 The proposed housing development is contrary to the Harrogate District Local Plan Selective Alteration Policy HX to manage housing site release and minimise the level of over-provision. Sufficient sites have been granted planning permission to meet the housing requirement set out in Policy H1 of the County Structure Plan and Harrogate District Local Plan. To grant planning permission for additional sites would be contrary to the PPG3 'plan, monitor and manage' approach to the release of housing land and the strategy of the Structure Plan and Local Plan to restrain housing growth in the District. It is therefore also contrary to Policy H6 of the Local Plan.
- 2 The proposal fails to provide a satisfactory element of affordable housing for local needs and is therefore contrary to the Harrogate District Local Plan (Selective Alteration) Policy H5.
- 3 The proposed development would by reason of its design and siting have a detrimental impact upon both the visual character of the area, which lies within a conservation area, and the residential amenity of the occupiers of adjacent property. The scheme would as a consequence be contrary to the provisions of North Yorkshire County Structure Plan Policy E4 and Harrogate District Local Plan Policies HD3 and HD20.





**Harrogate**  
 BOROUGH COUNCIL

**Area 2 DC Committee**

**09/03/04**

App No.: 6.64.369.AB.FULMAJ  
 Scale: 1:1250 (at A4 size)  
 Drawn by: Carole Coles-Bayes

Case No.: 03/05485/FULMAJ  
 Item No: 4  
 Site Area: 1.05 hectares

Site 

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