

HARROGATE BOROUGH COUNCIL

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

DATE: 6 April 2004

PLAN: 01	CASE NUMBER: 03/05698/LB
APPLICATION NO. 6.104.93.B.LB	GRID REF: EAST 449943 NORTH 460049
	DATE MADE VALID: 14.11.2003
	TARGET DATE: 09.01.2004
	WARD: Ouseburn

APPLICANT: JR And K Throup & Sons

AGENT:

PROPOSAL: Listed Building application for the erection of retaining wall abutting salmon ladder, together with the erection of hydropower plant, switchgear house inlet channel and tailrace with assoc landscaping work as approved by 6.104.93.A.FUL.

LOCATION: Linton Lock, Nun Monkton Harrogate District YO30 2AZ

REPORT

SITE AND PROPOSAL SITE AND PROPOSAL

Members will recall considering and approving this application for listed building consent at the meeting in March. After the meeting closed, solicitors acting on behalf of objectors advised officers that the Department of Culture Media and Sport had reclassified the salmon ladder and weir to a grade II* structure. The effect of the reclassification is to require consultation with English Heritage. The application will now be subject to a call in procedure and will be referred to the Secretary of State.

After further consultation with the Solicitor to the Council a decision was taken to withhold the listed building consent pending consultation with English Heritage. The applicants have been kept fully informed of the position.

English Heritage have now been consulted and their views will be reported to Members at the meeting. At a site meeting English Heritage confirmed that no further consultation with amenity societies would be required as the proposal does not involve demolition of a principal structure.

Members should be aware that the details and form of the application remain as previously submitted.

This is an application for listed building consent for the erection of a retaining wall abutting the salmon ladder together with the erection of a hydropower plant, switchgear house including inlet channel and tailrace which was granted planning permission in October

2003. The application originally only referred to the section of wall which abutted the salmon ladder but was subsequently amended by the applicant to cover the whole development. The application was readvertised and all consultees renotified following amendment of the application in February. Following the advice from English Heritage no further consultation is required.

The salmon ladder and weir is now a Grade II* listed structure. The physical fabric of the structure is no different to when it was originally listed as a grade II structure and the list description remains identical. It is understood that the reclassification has been based on the early date of the weir and salmon ladder, the designer (John Smeaton), rarity value being the only surviving examples of his work on an inland waterway and group value along with the lock and the lock house.

The details of the application have not changed by virtue of the reclassification of the weir and salmon ladder. An inlet channel will be built into the river bank to carry water to the turbine for generation. From this channel, a new retaining wall will link the inlet channel to the existing wall which forms part of the structure of the listed salmon ladder. This will provide a watertight seal for the works and prevent water running between the inlet channel and the 'land' side of the salmon ladder (where clearly there is no existing wall and will in plan and elevation visually be a continuation of the existing profile. There will be no mechanical anchorage into the existing wall and the new wall will be separated from the existing wall by a membrane. The new wall would be constructed in matching materials to the existing wall above the waterline. Within the inlet channel will be various screens to prevent debris from entering the turbine. Water passing through the turbine then generates electricity. The water then passes back into the river through a tailrace. All these details were included in the planning application which was granted permission last October.

MAIN ISSUES

1. Impact on the Listed Structure

RELEVANT SITE HISTORY

6.104.93.FUL - Hydro electric power station: Approved 17.06.2003 (Judicial review challenge - decision now quashed).

6.104.93.A.FUL - Hydro electric power station: Approved 14.10.2003.

CONSULTATIONS/NOTIFICATIONS

Ancient Monuments Society

No reply

Soc for the Protection of Ancient Bldgs

No reply

Victorian Society

No reply

York Georgian Society

The Society wishes to register an objection to any proposal which would detract from the

integrity of the listed structures, the setting of the lock and the associated weir and salmon ladder

Parish Council

Nun Monkton

Hambleton District Council

Objection attached as Appendix 1

English Heritage

Reply awaited. Members will be updated at the meeting

APPLICATION PUBLICITY

SITE NOTICE EXPIRY: 05.03.2004

PRESS NOTICE EXPIRY: 05.03.2004

REPRESENTATIONS

NUN MONKTON PARISH COUNCIL - No objections.

OTHER REPRESENTATIONS - Objections have been received from Linton on Ouse Parish Council (Appendix 2)

Objections have also been received from Newton on Ouse Parish Council (Appendix 3).

Six letters of objection have been received (along with several e-mails) from solicitors acting on behalf of the owner of the Lock House on the opposite (Hambleton) side of the river. The principle concern is the form of the application as they take the view that the whole hydro electric power station requires listed building consent. Concern is expressed about the setting of the listed buildings, economic disbenefits as the area would be less attractive to tourists.

A letter of objection has been received from Yorkshire Tourist Board expressing concern about the impact the development would have on the business at Linton Lock (dining, fishing, boating and general low key leisure pursuits).

A letter of objection has been received from Hambleton Paddlers Canoe Club, expressing a preference for a purpose built facility 'on the island adjacent to the weir' and commenting that a hydro station on the west bank will not meet the needs of canoeists and will have a detrimental impact on the environment and existing listed structures.

VOLUNTARY NEIGHBOUR NOTIFICATION - None.

RELEVANT PLANNING POLICY

PPG1 Planning Policy Guidance 1: General Policy and Principles

PPG15 Planning Policy Guidance 15: Planning and the Historic Environment

LPHD01 Harrogate District Local Plan Policy HD1: Statutory list of buildings of special architectural or historic interest
SPE4 North Yorkshire County Structure Plan Policy E4

ASSESSMENT OF MAIN ISSUES

1. IMPACT ON THE LISTED STRUCTURE - This is an application for listed building consent for the hydropower station adjacent to the salmon ladder which is now a Grade II* listed structure. Members will recall from the consideration of the second application for the hydro-electric power plant in October last year that due consideration was given to the impact of the proposed development on the wider setting of the listed structure (the salmon ladder and weir).

Members should now reconsider this application directly on the impact on the listed structure and also its setting (Sections 16 and 66 Of the Planning (Listed Buildings and Conservation Areas) Act 1990 refers).

PPG15 sets out the issues that are generally relevant to the consideration of all listed building consent applications which are:

- i) the importance of the building , its intrinsic architectural and historic interest and rarity in both national and local terms
- ii) the particular physical features of the building (structure)
- iii) the building's (structure) setting and its contribution to the local scene
- iv) works which would bring substantial benefits to the community, in particular by contributing to the economic regeneration of the area or the enhancement of the environment.

The revised listing remains as described in the original listing and simply advises that the "Secretary of State having consulted with the Historic Buildings and Monuments Commission and such persons or bodies who appear to have special knowledge of, and interest in , such buildings, considers that the said list should be amended in the manner set out in the Schedule hereto" A copy of the schedule is attached as Appendix 4. As structures do not "mature" with age (given that the description remains as previously) the review of status must be based on the age and historic interest. Taking into account criterion(i) above it is not considered that the historic interest will be adversely affected by this current proposal.

The submitted details show that the new wall will not be tied into the existing wall but will abut it and be separated by a waterproof membrane. The salmon ladder itself has been repaired and altered over time and is largely concrete. It is considered that this proposal to create a new inlet channel on the upstream side will have no adverse impact on the fabric of the listed structure and construction materials which would be visible above the waterline and would match the existing inlet wall to the salmon ladder. This can be addressed by condition. It is not considered that the tailrace or sheet piling (below the waterline) will have any impact on the training wall which is also referred to in the list description. It is therefore concluded that the physical features will not be affected (criterion (ii) above)

Only a limited amount of the entire installation is visible above ground and therefore it is not considered that the proposed hydropower station will adversely affect the wider setting of the listed structure or the local scene. The only building associated with the hydro station is the transformer house which is set 24m away from the salmon ladder.. This is a modest

brick building which will not be harmful to the wider setting of listed structures in the area. It is considered there is no conflict with criterion (iii) above.

There are substantial local benefits by the production of green energy contributing to the local economy thereby satisfying the fourth criterion above. It is not unusual to see development over time and indeed a generator house of significantly greater proportions was constructed in the 1920's on the opposite river bank. This is now unused and in a poor state of repair having been decommissioned in the 1960's. However it does illustrate that the river has been put to use over the centuries and this proposal continues that trend.

It is considered there is no conflict with Policy HD1 of the Harrogate District Local Plan or Policy E4 of the North Yorkshire County Structure Plan taking into account the assessment criteria outlined in PPG15.

CONCLUSION - Notwithstanding the revised status of the listed structures, the proposed development will have no adverse impact on the fabric of the listed building or its wider setting. Subject to no substantive objection from English Heritage it is recommended that the application be referred to the Secretary of State with a recommendation to approve the application conditionally.

CASE OFFICER: Mr R N Watson

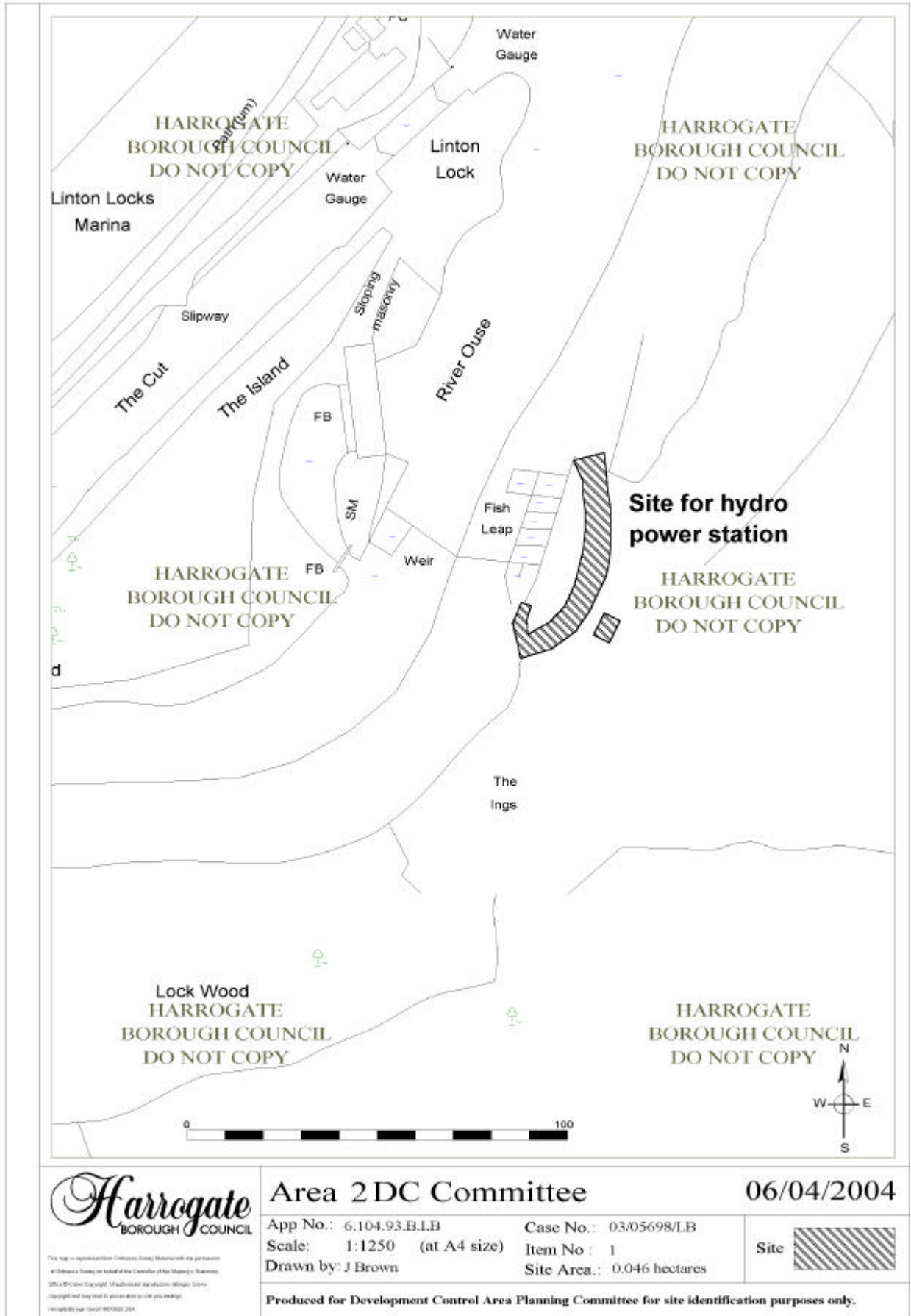
RECOMMENDATION

That the application be REFERRED to the Secretary of State for determination under Regulation 13.2 of the Planning(Listed Buildings and Conservation Areas) Regulations 1990 with a recommendation that consent be granted subject to the following conditions

- 1 CA05L LB - DEVELOPMENT SHALL BE BEGUN BEFORE ... 5yrs
- 2 CD03 SAMPLES OF MATERIALS TO BE APPROVED

Reasons for Conditions:-

- 1 CA05LR TO COMPLY WITH SECTION 18
- 2 CD03R MATERIALS TO CONFORM TO AMENITY REQR'MTS



Harrogate
BOROUGH COUNCIL

Area 2 DC Committee

06/04/2004

App No.: 6.104.93.B.LB

Case No.: 03/05698/LB

Scale: 1:1250 (at A4 size)

Item No: 1

Drawn by: J Brown

Site Area.: 0.046 hectares

Site



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