

HARROGATE BOROUGH COUNCIL

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

DATE: 6 April 2004

PLAN: 02	CASE NUMBER:	02/02355/REMMAJ
	GRID REF: EAST	435760 NORTH 457830
APPLICATION NO. 6.100.1685.G.REMMAJ		DATE MADE VALID:
09.05.2003	TARGET DATE:	08.08.2003
	WARD:	Knaresborough Scriven

Park

APPLICANT: Halfpenny Lane

AGENT: Cunnane Town Planning

PROPOSAL: Reserved matters application under Outline permission 6.100.1685.C.OUT for the erection of 175 dwellings with associated hard and soft landscaping, new vehicular access and diversion of Public Right Of Way..(AMENDED SCHEME)

LOCATION: Former Nursery Site Off Halfpenny Lane Knaresborough North Yorkshire

REPORT

INTRODUCTION

At the meeting on 9 March 2004 Members were minded to refuse the application. Under the Special Procedures the Cabinet Member (Planning) and the Solicitor to the Council have been consulted. Their advice is as follows:

Cabinet Member (Planning)

The siting of the affordable housing is unfortunate although legal advice will have to be taken on whether due to the previous Section 106 Agreement we are able to change this. Once again a flexible approach from the developer will be welcomed.

I support the committee in their assessment of this proposal in that it would not make a positive contribution to the spatial character of the locality which is a transitional area between the main urban area and the countryside. The siting and density would not reflect the area's character, would not respect local distinctiveness nor respect the scale, proportions and height of neighbouring properties and because of this I consider there is a conflict with policy HD20 of the Harrogate District Local Plan..

Solicitor to the Council

This is a reserved matters application and consequently Members, as decision makers, are not entitled to refuse reserved matters on grounds going to the principle of the development itself and which are already implicit in the grant of the outline permission. Members have

expressed their concern at the size, massing and external appearance of the proposed dwellings together with the proposed density in this edge of town location. These are matters which Members may legitimately consider in determining this application.

Some Members also expressed concern in relation to the level of affordable housing to be provided. This is an issue which goes to the principle of the outline planning permission and is governed by an agreed S106 Agreement between the landowner and the Council. Refusal of the reserved matters application on the ground that the affordable housing element is insufficient would be unsustainable

PREVIOUS REPORT AS FOLLOWS

Members deferred consideration of this application at the meeting in January 2004 for the following reasons:-

- i) The receipt of satisfactory amended plans reducing the density of development on the site and the deletion of three storey properties.
- ii) The reconsideration of affordable housing provision
- iii) The completion of a Section 106 agreement requiring the receipt of commuted sums in respect of open space maintenance; the provision and maintenance of off-site open space provision under application reference 6.100.2309.FUL (this will also require the diversion of the footpath outside the site); the management and transfer of the affordable housing provision and the provision of off-site highway, cycleway and footpath works (in accordance with the details agreed in the Traffic Assessment)

The agents response to the above is attached as Appendix 1 to this report (letter dated 30 January 2004).

Further plans were received on 13 February 2004 and correspondence from the agent of the same date confirms that the application is to be considered on the basis of those plans (see Appendix 2)

The report to the January meeting has been factually updated to describe this final submission as follows.

SITE AND PROPOSAL

This is a reserved matters application for 175 dwellings on 6.1ha (5.22ha net) of land at Halfpenny Lane Knaresborough.

The site is bordered by Halfpenny Lane, the former railway embankment and Breary Flat Lane. Hay a Park SSSI lies to the east of the site. The site was previously used as a nursery and is within the development limit of Knaresborough.

The scheme was substantially amended in July, November and February and now provides for 13 different house types and two apartment blocks providing a range of accommodation. The breakdown in accommodation is as follows:-

- 1 no. 1 bed (an affordable unit)
- 44 no. 2 bed (of which 23 are affordable units and 21 apartments)
- 92 no. 3 bed (of which 13 are affordable)
- 27 no. 4 bed

11 no. 5 bed

The scheme includes 37 affordable units, providing 1,2 and 3 bedroomed accommodation.

The two apartment blocks remain full three storey.

House types B, C, C2 and D all have accommodation in the roof space (a total of 77 units)

Access to the site is via a new roundabout on Halfpenny Lane.

Open space provision is on site.

MAIN ISSUES

1. Land Use
2. Design
3. Highway Issues
4. Open Space
5. Affordable Housing

RELEVANT SITE HISTORY

6.100.1685.C.OUT - Outline Planning permission granted 10 May 1999 including S106 Agreement.

CONSULTATIONS/NOTIFICATIONS

Parish Council

Knaresborough Town Council

The British Horse Society

Reply awaited

D.L.A.S Arboricultural Officer

Is satisfied with the conclusions in a tree report identifying works required

DLAS - Open Space

Advise of a commuted sum of £80,105 Final comments on the acceptability of the open space provision is awaited and Members will be updated at the meeting

H.B.C Land Drainage

Requires full drainage details

Environment Agency

No objections

County Education Officer

Requested a commuted sum, but this cannot be now applied to a reserved matters application

Environmental Health

Requires a desk top assessment of contaminated land

Chief Engineer (H and T)

Recommends an amendment to the Section 106 agreement

Housing Development

Final comments awaited (there will be need for S106 Agreement in respect of the affordable housing)

Claro Internal Drainage Board

Require full details of surface water disposal

Minerals & Waste Planning, NYCC

No specific comments in respect of this reserved matters application

Ramblers Association

Are satisfied with the revised details

Yorkshire Water

Have no observations

Local Plans Policy

See Assessment

Landscape Officer

Requires further details

Police Architectural Liaison Officer

Reply awaited

Conservation and Design Section

See Assessment

Policy Dev Unit NYCC

No comments received

APPLICATION PUBLICITY

SITE NOTICE EXPIRY: 12.07.2002

PRESS NOTICE EXPIRY: 12.07.2002

REPRESENTATIONS

KNARESBOROUGH TOWN COUNCIL - Object to the proposal:-

1. Extension towards embankment
2. Increase in road traffic and effect of this on Chain Lane/Park Lane junction
3. Number of three storey units size and massing would be overbearing in this area

The Town Council have been re-notified with the final plans, comments will be reported at the meeting.

OTHER REPRESENTATIONS - Only one letter of representation has been received to the revised scheme expressing concern about the emergency access to Colebrook Meadow, traffic and the visual impact of three storey properties.

A representation from the Chairman of Governors of the Forest School on Park Lane has been received since the January meeting expressing concern about the traffic generation from this development with a suggestion that the scale of the development be reduced and/or improvements to the junction of Halfpenny Lane/Chain Lane/Park Lane.

VOLUNTARY NEIGHBOUR NOTIFICATION - None.

RELEVANT PLANNING POLICY

- PPG1 Planning Policy Guidance 1: General Policy and Principles
- PPG3 Housing
- PPG13 Planning Policy Guidance 13: Transport
- PPG17 Planning Policy Guidance 17: Planning for open space, sport and recreation
- SPH1 North Yorkshire County Structure Plan Policy H1
- SPH8 North Yorkshire County Structure Plan Policy H8
- SPT9 North Yorkshire County Structure Plan Policy T9
- SPR6 North Yorkshire County Structure Plan Policy R6
- LPC11 Harrogate District Local Plan Policy C11: Landscaping of Development Sites
- LPHD20 Harrogate District Local Plan Policy HD20: Design of New Development and Redevelopment
- LPR04 Harrogate District Local Plan Policy R4: Open Space Requirements for New Residential Development
- LPR11 Harrogate District Local Plan Policy R11: Rights of Way
- LPA01 Harrogate District Local Plan Policy A1: Impact on the Environment and Amenity
- LPA08 Harrogate District Local Plan Policy A8: Contaminated Land
- LPH01 Harrogate District Local Plan Policy H1: The Housing Requirement
- LPH05 Harrogate District Local Plan Policy H5: Affordable Housing
- LPH06 Harrogate District Local Plan Policy H6: Housing developments in the main settlements and villages
- LPH13 Harrogate District Local Plan Policy H13: Housing Density, Layout and Design
- LPH17 Harrogate District Local Plan Policy H17: Housing Type
- LPHX Harrogate District Local Plan Policy HX: Managed Housing Site Release
- LPT17 Harrogate District Local Plan Policy T17: Cycle Parking
- LPT21 Harrogate District Local Plan Policy T21: Foot and Cycle Access
- LPIMP2 Harrogate District Local Plan Policy IMP2: Provision of Infrastructure Needs Generated by Development

ASSESSMENT OF MAIN ISSUES

1. LAND USE - As an approval of reserved matters within the defined period of the outline permission, the principle of housing on this site has been established and its release is not contrary to Policy HX of the selective alteration.

Affordable housing with only 37 of the 180 units is low and contrary to Policy H5 of the

adopted plan and the Selective Alteration however, the Section 106 agreement of the outline only required the provision of 2 acres of land for affordable housing and this proposal complies with that requirement.

Density on the site falls just under 30 dwellings /ha but if the net density is considered (excluding the on-site open space) the density is 37 dwellings/ha which complies with Policy H13 and PPG3 guidance.

There is only a limited number of smaller 1 and 2 bedroomed dwellings to fully satisfy Policy H17 but there is a range of 3 bedroomed properties (terraced, semi's and detached dwellings).

The open space provision complies with Policy R3(g) and commuted sums will be required for the maintenance. Off-site open space provision is to be provided on the site allocated under Policy R3(h) - see application 6.100.2309.FUL.

No commuted sums in respect of education can be retrospectively applied to this site.

2. DESIGN - The design and layout has been the subject of negotiation and are considered to be acceptable in compliance with Policy HD20.

Details of materials can be addressed by condition.

3. HIGHWAY ISSUES - The Chief Engineer (Highways) requires amendments to the Section 106 Agreement to address highway matters.

4. OPEN SPACE - Policy R3(g) of the local plan identifies the need for 0.9ha on site. In addition the railway embankment is to be "gifted" to the school. This has been subject to separate negotiation between the site owner, the developer and the school. The increased scale of the development requires off site provision and this is dealt with by a separate application (see 6.100.2309.FUL). It is essential these two permissions are linked together by a Section 106 Agreement.

There will be a requirement for a supplemental S106 agreement to cover commuted sums for open space maintenance.

5. AFFORDABLE HOUSING - The scheme provides for 37 dwellings on 2 acres of land. Current policy requirement would provide for a significantly higher number but the "2 acre" requirement was embodied in the original Section 106 Agreement on the site.

There will be a need for a supplemental S106 agreement to secure its management.

CONCLUSION - The site has the benefit of an outline permission and is subject to a S106 agreement covering the following:

1. £15,000 for a light controlled pedestrian crossing in the vicinity of Meadowside School
2. £35,000 towards traffic calming on Halfpenny Lane
3. The provision of 2 acres of land for affordable housing of which no less than 75% shall be for rental
4. Access requirements

SUMMARY COMMENTS ON THE REASONS FOR DEFERRAL AT THE JANUARY MEETING

1. The density of the development has been reduced from 180 dwellings to 175. The two apartment blocks remain as full three storey. The five house types of full three storey properties have been deleted (46 in total). For comparison purposes those properties had ridge heights of between 9.8m and 10.3m; there are four house types in the final scheme (77 in total) with accommodation in the roof space with ridge heights of between 9.4m and 10.5m.
2. The agents response to affordable housing is included in the letter dated 30 January 2004
3. At the time of compiling this updated report the Section 106 agreement had not been completed

CASE OFFICER:

Mr R N Watson

RECOMMENDATION

That the application be DEFERRED and HOPS be authorised to APPROVE the application subject to the following conditions and such other conditions HOPS considers to be necessary and following the completion of a S106 Agreement requiring:

1. The receipt of commuted sums in respect of open space maintenance.
2. The provision and maintenance of off site open space provision.
3. The management and transfer of the affordable housing provision.

PROPOSED CONDITIONS:

- 1 CA05 DEVELOPMENT SHALL BE BEGUN BEFORE ... 5yrs
- 2 CD03 SAMPLES OF MATERIALS TO BE APPROVED
- 3 CL02 LANDSCAPING: DETAILS TO BE APPROVED
- 4 CL04 REPLANTING IF ANY TREES/SHRUBS DIE
- 5 Possible Highway conditions.

Reasons for Conditions:-

- 1 CA05R TO COMPLY WITH SECTIONS 91-94
- 2 CD03R MATERIALS TO CONFORM TO AMENITY REQR'MTS
- 3 CL02R SAFEGUARD RIGHTS OF CONTROL/AMENITY
- 4 CL04R SAFEGUARD RIGHTS OF CONTROL/AMENITY

