

Appendix 1

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town planning

Our Ref: JCC/CD/1860/P/H'p/L/Watson 270104
Your Ref: 0202355/REMMAJ 6.100.1685.G.REMMAJ

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Mr R N Watson
Deputy Team Leader Major Developments
Harrogate Borough Council
Department of Technical Services
Knapping Mount
Westgrove Road
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HG1 2AE

30 January 2004

Dear Mr Watson

**RESERVED MATTERS APPLICATION, FORMER NURSERY SITE OFF
HALPENNY LANE, KNARESBOROUGH, NORTH YORKSHIRE**

I refer to the above application that was deferred by the No.2 Planning Committee at their meeting on 13 January last. I also refer to your letter of 16 January giving the reasons for the deferral and now write in response to those reasons and other matters. The purpose of this response is to meet the concerns of the Sub-committee and to ask you to report the application back to the next available No.2 Committee, which meets on 10 February this year. I will deal with the Roman numbered paragraphs in your letter in turn;

- i) I enclose revised plans which have removed all of the three storey houses. The number of units has been reduced from 180 to 175 on the open market properties. There has been no reduction in numbers or density on the 2 acre affordable housing site.

As you pointed out in both your Committee Report and your comments to the Planning Committee at its meeting on 13 January, this site is inextricably linked with the sports pitches site (reference 6.100.2309.FUL). Taking both site areas together the gross site area has been substantially increased by the provision of the sports pitches site and will be linked in the Section 106 Agreement. Therefore the density of the scheme in terms of the gross site area is substantially reduced.

In relation to the PPG3 density calculation, since the original reserved matters application was submitted the density has been increased by 28% on the open market part of the site and by 32% on the affordable housing element of the site. You will see therefore that the comment that was made at Committee that my client is cherry-picking the provisions of PPG3 and increasing the density of the private development at the expense of the affordable housing development is in fact incorrect. The density of the affordable housing has been increased to a greater extent than the private housing. I would also point out that the housing provision that has been made on the 2 acres affordable housing site has been specified by, and meets the requirements of, the Harrogate Borough Council's Housing Department. A higher density could be accommodated if there were more apartments but the Housing Department in meeting the housing needs identified for the area have requested a higher proportion of family houses rather than apartments. Also the affordable houses are larger than open market houses to meet Scheme Development standards. This further reduces the density in terms of dwellings per hectare.



I would also point out that in a pre-application meeting in November of last year with officers, it was stated by Mr Graham Banks, the Planning Policy Officer, that if the density were not increased over and above the original Reserved Matters submission, there would be a ground for refusal on failure to comply with the advice of revised PPG3, 2000.

Based on the attached revised layout indicating 175no. units, I would therefore confirm the following density calculations in accordance with PPG3 Annex C, are as follows:

Affordable Housing area - 37no. dwellings in 0.81 hectares = 45.7 dwellings per hectare
Free Sale Housing Area - 148no. dwellings in 3.8 hectares = 36.3 dwellings per hectare.
Total Development = 175no. Dwellings in 4.61 hectares = 37.9 dwellings per hectare.

The gross density of the housing application only = 175no. units in 5.6 hectares = 30.9 dwellings per hectare (please note that this excludes the area of off site open space).

In summary, therefore, in relation to density, the concerns of the Members regarding 3 storey properties have been addressed. The density of the open market part of the development has been reduced in numerical terms and in storey height, but the affordable housing density has been kept at its existing level, representing a substantial increase over and above what was proposed in the original Reserved Matters Application. Finally, the scheme complies with the requirements of the RSL who have funding for this scheme and complies also with the advice of PPG3, albeit at a density towards the lower end of the range promoted in the guidance.

ii) Affordable Housing

I must point out at the outset that neither the acreage nor number of affordable units is a reserved matter. This issue is therefore not before HBC for determination. The area of affordable housing has been fixed at 2 acres by the terms of the Agreement that my clients were required to enter into by your Council as a condition of giving outline planning permission. Yorkshire Housing, the RSL for this scheme, has specified the type and mix of housing. The scheme is funded by the Housing Association and provides the type, mix and density of units that the Housing Needs Survey identifies for the area. In line with the original Section 106 Agreement on the Outline Permission, 75% of the affordable housing will be for rent with the balance disposed of at a discount open market value of something of the order of 60%.

iii) The Completion of a Section 106 Agreement

The Section 106 Agreement is currently under negotiation after recent receipt of your Legal Department's comments and will be available to the Committee at their meeting of 10 February; it will make provision for the following requirements as identified in your letter.

The payment of commuted sums in respect of open space maintenance, all such sums as quoted by your Council; the provision and maintenance of off-site open space provision under Application Ref. 6.100.2309.FUL; the management and transfer of the affordable housing will be in accordance with the Section 106 which has already been signed in relation to the Outline Planning Permission and an additional supplemental Section 106 Agreement which will provide for off-site highway, cycleway and footpath walks in accordance with details agreed with your Council's Highway Department in the Traffic Assessment. The key elements of this provision in the supplemental 106 Agreement are as follows. You will note that the provision of and roundabout at the junction of Hyde

Park Road and Boroughbridge Road is over and above that which could be justified by the Transport Assessment but my client has agreed to provide funding to your authority for the provision of this roundabout and this is dealt with in the Section 106 Agreement. My client has also agreed to provide funding to assist pedestrian movement in the area by the introduction of Pedestrian Islands at the junction with Halfpenny Lane/Chain Lane/Stockwell Road. Neither of these improvements can be justified on either traffic capacity or road safety but are provided as significant betterment for a technically acceptable situation, as a response to concerns expressed by Members regarding the traffic impact of the proposal.

Regarding the diversion of the footpath, this is a matter for a separate application but I can confirm that it is the intention to divert the footpath within the Application's site around the perimeter and not outside of the site as stated in your letter of 16 January. This footpath diversion has been agreed in principle with the Rambler's Association and with Harrogate Borough Council DLAS. This provision is contained within the draft Section 106 Agreement.

In relation to the provision of the sports pitches, I can confirm that this provision will be commenced at the same time as the development and delivered to the Council to their specification in a timescale to be agreed. This further provision is agreed and contained within the Section 106 Agreement. Finally in relation to the Section 106 Agreement, the provision of a footpath and cycle path link between the development site and the sports provision (R3(h)) will be within the corridor identified in the Section 106 Agreement and is agreed in principle with English Nature. The detailed alignment of the footpath and cycle link will be further agreed with English Nature following surveys of flora and fauna which are due to take place in Spring this year. This provision is also contained in the Section 106 Agreement.

I believe that the above information answers all of the points in your letter of 16 January to enable you to report the application back to the No.2 Planning Committee at its meeting of 10 February.

Other Material Considerations

There are a number of other points which I wish to bring to your attention and would ask you to include in your report to the Planning Committee at its meeting on 10 February. They are as follows:

When outline planning permission was granted on 10 May 1999 (issued 13 May 1999), 16 planning conditions were attached and I address each of them to explain to you what provision has been made in these proposals before you to meet with all of these conditions in addition to the reserved matters.

Condition 1

- I. The siting, design and external appearance of each building has been agreed with the Design Officer, Mr D Rhodes and Mr Watson, the Case Officer.
- II. The landscaping of the site has been agreed between Sue Farmer of Fda Landscapes and Celia Morris and Pat Kilburn of Harrogate Borough Council – see condition 13.
- III. This provision has been agreed by WSP with Yorkshire Water.

IV. This matter has been agreed in the Transport Assessment dated October 2003 and by the firms of Consulting Engineers, namely Bellamy Roberts Partnership and Brian G Hall. This agreement has been reached with Mr David Street of Harrogate Borough Council.

Condition 2

The application for Reserved Matters was submitted within the statutory timescale.

Condition 3

All of these matters are contained within the Application before you.

Condition 4

All development will be carried out in strict accordance with details approved by Harrogate Borough Council.

Condition 5

We believe that our team has produced a very high quality scheme and that we have interpreted the policy guidelines and advice of Harrogate Borough Council and its officers and all consultees and interested parties.

Condition 6

The drainage provisions have been agreed with Yorkshire Water Services to discharge into the public sewers.

Condition 7

These matters have been agreed in principle with Yorkshire Water Services.

Condition 8

I can confirm that this condition will be fully complied with.

Condition 9

Footpath No.24 is maintained in its current alignment and will remain so.

Condition 10

I can confirm that the provisions of policy R2 of the Harrogate and Knaresborough Local Plan and Policy R3 of the Harrogate District Local Plan (deposit draft) and Policy R4 of the Harrogate District Local Plan have all been met in the two inter-linked planning applications.

Condition 11

These requirements have been met by the submission made by WSP.

Condition 12

The four provisions required by this condition have all been met and are submitted in the Bellamy Roberts Partnership drawings, all of this information is agreed with Mr David Street of Harrogate Borough Council.

Condition 13

The requirements of this condition have been met by the submission made by Fda Landscapes and agreed with DLAS, with drawing nos. R/417/IF/R/417/2.

Condition 14

The requirements of this condition are met by the submission made by letter 30 June 2003, enclosing copies of the Site Investigation Report by 3E Consulting Engineers.

Conditions 15 and 16

The requirements of both 15 and 16 in relation to contamination will be met in consultation and agreement with Harrogate Borough Council and the Environment Agency.

I believe you now have a comprehensive suite of information that meets all the requirements of your letter of 16 January, of the instructions of the Planning Committee and those of the Outline Permission issued 13 May 1999. I therefore request that you place all of this information in your report before the Planning Committee for its meeting of 10 February 2004.

I thank you for your assistance and if any queries arise or there are any problems with the information submitted, please contact me immediately and I will assist in any way I can.

Yours sincerely



Joe Cunnane
Senior Partner
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enc. REVISED LAYOUT 02: 3324: 01 REV K (x5 COPIES)

Appendix 2

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Our ref: JFB/jb/P/H'p/L/Watson 130204
Your Refs: 02/02355/REMAJ 6.100.1685.G.REMAJ
And 03/05081/FULMAJ 6.100.2309.FULMAJ

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13 February 2004

Dear Mr Watson

SITES AT HALFPENNY LANE AND HAY-A-PARK LANE, KNARESBOROUGH

I refer to my client's applications referenced above, to the letters of 30 January to you from Mr Cunnane of this office and to the revised information submitted to you through John R Paley Associates by letter of 10 February 2004 and by hand today.

I write now to ask simply that your Committee determine the applications at the meeting on 9th March 2004. Other than through the imminent submission of a final draft S106 agreement, it is not the intention of the applicants, who are my clients Halfpenny Lane, to negotiate their applications further and in the absence of a decision at that committee, as well as in the case of a decision to refuse planning permission, we are instructed to proceed immediately to appeal at the end of the extended time period agreed in our letter to you of 30 January.

Yours sincerely



John Blackwell
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cc: Sue Hearn, Trowers & Hamlins
Paul Newman, Barrett York Ltd.



cc. Bob Payne
25.2.04

