

**HARROGATE BOROUGH COUNCIL**

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

**DATE: 4 May 2004**

<b>PLAN:</b> 01	<b>CASE NUMBER:</b> 04/00088/FUL
<b>APPLICATION NO.</b> 6.104.15.P.FUL	<b>GRID REF: EAST</b> 451180 <b>NORTH</b> 457920
	<b>DATE MADE VALID:</b> 06.01.2004
	<b>TARGET DATE:</b> 02.03.2004
	<b>WARD:</b> Ouseburn

**APPLICANT:** Mr And Mrs AE Shelley

**AGENT:** Coda Conservation

**PROPOSAL:** Erection of replacement main entrance gates and gate piers, pedestrian gate and wall with railings.

**LOCATION:** The Priory Priory Estate Nun Monkton York North Yorkshire YO26 8ES

**REPORT**

This application was deferred from the April meeting of the Area 2 Development Control Committed under the special procedures. Members were minded to refuse the application contrary to the officers recommendation on the grounds that the proposal will impact on the character of the Conservation Area and the setting/vista of the Grade 1 Listed Church. Members considered the security issues to be met by other measures in place around the estate, and such issues do not override the harm to the Listed Building and Conservation Area that would arise from the erection of the wall/gates.

The following comments have been received following consultation in accordance with Special Procedures Cabinet Member (Planning). This is a subjective judgement, but even a subjective judgement must be backed up by policy, but reasons must be robust enough to stand up at appeal.

Solicitor to the Council - Comments awaited.

Director of Finance - Comment awaited.

**SITE AND PROPOSAL**

The site lies to the east of Nun Monkton and marks the transition between the village and the Priory Estate. The Priory is a Grade II\* listed building and within its curtilage are several other buildings and statues which are listed as well as the Grade I listed church next to The Priory.

The existing gateposts and wall are relatively modern and were erected since 1st July 1948, therefore Listed Building Consent is not required for their removal and replacement. Conservation Area Consent is however required for the removal of the existing gateposts and wall.

The present entrance consists of an open gateway with cattlegrid between 1.5m high stone pillars with 90cm high reconstituted stone urns above. To the north side is a 1.3m high gate attached to a short section of 1.4m high stone wall and to the south is a 1.1m high stone wall attached to The Lodge House.

It is proposed to erect replacement gate piers constructed of brick and stone measuring approximately 3.1m high overall, and gates of 3.4m high. To the north side is a pedestrian access gates with brick wall and railings above to each side, and to the south is a brick wall and railings attached to The Lodge.

Information submitted with the application indicates the existing side gate and urns will be used elsewhere on the estate, although the gate is not believed to be the original gate shown on the submitted 1910 photograph. The new gates will have hydro-electric controls and will remain open all day, closing between midnight and 6.00am. The main objective is to deter the theft of large objects eg. the listed garden statues by thieves with vehicles and deter visitors from entering private land and parking on the soft grass verges. The existing cattle grid is to be retained to prevent the animals grazing on the Green from straying onto the Estate. An old photograph submitted with the application indicates that this entrance previously had taller gateposts circa 1910.

## **MAIN ISSUES**

1. Scale/Design of Gates, Railings and Piers
2. Effects on Conservation Area and the Setting/Vista of the Listed Church
3. Effects on Character and Setting of the Listed Buildings
4. Effect on Neighbours
5. Access
6. Security

## **RELEVANT SITE HISTORY**

6.104.15.R.CON - Demolition of existing gate piers and walls: Pending consideration.  
6.104.15.A.LB - Listed Building Application for enlargement of 3 ground floor windows, reform brickwork to doorway and replace door, internal alterations: Referred to Secretary of State for determination under Regulation 13.2 of the Planning (Listed Building and Conservation Area) Regulations 1990 with a recommendation that consent be granted subject to conditions.

## **CONSULTATIONS/NOTIFICATIONS**

### **Parish Council**

Nun Monkton

### **English Heritage**

Do not oppose the application, request conditions to ensure railings and gates are appropriate material and finish, that samples of rail and finial are approved and railings are set into stone in traditional way

### **The British Horse Society**

No reply

**The Coal Authority**

No objection

**Highway Authority**

No objections. Recommend condition to ensure the public right of way is not obstructed

**Ramblers Association**

No objections - request the fixing of a clear notice and sign indicating the public right of way through the pedestrian side gate

**Conservation and Design Section**

See Assessment of Main Issues

**Soc for the Protection of Ancient Bldgs**

No objection

**Police Architectural Liaison Officer**

This is an initiative that North Yorkshire Police fully Support

## APPLICATION PUBLICITY

**SITE NOTICE EXPIRY:** 10.02.2004

**PRESS NOTICE EXPIRY:** 06.02.2004

## REPRESENTATIONS

**NUN MONKTON PARISH COUNCIL** - The Parish Council objects on the planning grounds set out below:

The application is inconsistent with the objectives expressed in the booklet 'Nun Monkton Conservation Area' published by Harrogate Borough Council Department of Technical Services as follows:-

- \* The proposed gates and associated pillars, walls and railings detract from the current open, uninterrupted and unpretentious view of The Avenue and Church from the village.
- \* They form a visual barrier between the village green and The Avenue where currently the two areas flow into one another with no visual impediment.
- \* The gates are a massive construction and out of proportion with the character of the village and surrounding properties.
- \* Freedom of access at all times to the Church graveyard and Parish burial ground is a matter of historical precedent and is non negotiable. Closed gates and notices stating 'The Priory Estate, Private, No Vehicles,' prohibit access at certain times and debar the disabled who may only be able to gain access by use of a car.

Whilst not planning issues, we would also ask you to consider the following:-

1. The Priory is already bounded by high walls and electric gates so surely security issues can be addressed by extending the use of modern technology.
2. We have concerns regarding faults and power cuts which may cause the gates to be shut when emergency services are required.
3. Tenants of the Priory Estate, members of the Church Council and Parish Council do not seem to have been consulted.
4. Access for horse drawn vehicles for example for weddings could be an issue.
5. The owners of the Priory Estate, either present or subsequent could wish to change future hours of gate closure and conditions or introduce other restrictions.
6. Does this application conform to the requirements of the 1995 Disability Discrimination Act and will it impede either the Parish Council or the Church Council's ability to conform to its requirements.
7. Since this is a restoration program, we question why the current gate, the only original existing element is to be removed.

**OTHER REPRESENTATIONS** - Campaign to Protect Rural England object, summarised as follows:

- Gate arrangement not suitable for horse and carts to access the church
- Access for cars to the church should be maintained
- New pillars should reflect style and materials of original pillars
- Existing security adequate
- Gates too high
- Disabled should have access to the church
- Applicants appear to seek control over the road not only their own property but to the public church
- Applicants not taking into account views of village people
- The 'rather agricultural gate' referred to in applicants statement is probably been in use since the cattle grid was erected
- Question how emergency services will get through.

64 letters of objection of 31 are identical letters, summarised as follows:

- Dramatic change to historic view of church from village green (47)
- Historic view should be preserved in conservation area (41)
- Gates will distance church from community (38)
- Gates and signs detrimental to appearance of village (33)
- Design/scale of gates not in keeping with village/conservation area (48)
- Physical , aesthetic and psychological barrier (2)
- Concern about restricted access to church and burial Ground, especially for elderly/infirm (49)
- Church needs to meet disability discrimination act 1993 (2)
- Gates too intrusive on lives of village residents (31)
- Safety of residents and people mooring boats in power failure (31)
- Access for emergency vehicles when gates locked (16)
- Objective is security but access still available from public footpaths and lanes at night (36)
- Priory already has high wall and electronic gates (10)
- Security could be achieved with less dramatic means (39)

- Access to church by horse drawn vehicles not possible (7)
- Existing gateposts are in good repair and in keeping with surroundings (3)
- Public right of way should be maintained (10)
- Concern existing public right of way not clearly marked (2)
- Period of closure of gates (12 - 6am) could be extended (9)
- Owners cannot deny access at certain times (2)
- Original gate as shown in photograph still exists, but plays no part in restoration (3)
- No vehicles allowed sign will restrict vehicles to church (6)
- Gates would advertise wealth, increasing security risk (5)
- Access for early morning milkman/refuse collection/hearses denied (1)
- Difficulty for small people to open gate (1)
- Effects on nearby houses - none from operating mechanism, metallic clinking, car engines (3)
- Remote control operation required (1)
- Lodge house will have loss of light and view of vertical bars (1)
- Access to village from boat people restricted (2)
- Loss of community safety as less people use public right of way (1)
- Public right of way for vehicles to church has existed for over 100 years and should be regularised (5)
- Green and church are regarded as a unity (1)
- Earlier gateposts were not 4m high (1)
- Incorrect to state application will restore what previously existed as in the past the estate was not a private space (1)
- Theft from an external garage erected 25 years ago cannot justify removal of ancient public rights (1)
- Thefts from estate have occurred in the daytime when gates will be unlocked.

The Rector of the Church located within The Priory Estate has written setting out the assurances pertinent to the Church received from the applicant as follows:

- There will be no change in the way congregations access the church and churchyard
- If church services are scheduled during the secure hours the gates will be kept open
- Church visitors are welcome, and a future information board may give details of church and public footpath
- All residents on the Estate will be able to operate the gates, enabling access to emergency vehicles
- A battery back up system will operate if power fails
- Disabled access is unaffected
- Increased security would be advantageous to church

#### **VOLUNTARY NEIGHBOUR NOTIFICATION -**

The Lodge  
The Old Vicarage  
St Marys Church

#### **RELEVANT PLANNING POLICY**

PPG1 Planning Policy Guidance 1: General Policy and Principles  
PPG15 Planning Policy Guidance 15: Planning and the Historic Environment  
LPA01 Harrogate District Local Plan Policy A1: Impact on the Environment and Amenity

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

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

SPGCNM Supplementary Planning Guidance: Nun Monkton Conservation Area Statement

## **ASSESSMENT OF MAIN ISSUES**

**1. SCALE/DESIGN OF GATES, RAILINGS AND PIERS** - Amended plans have been received reducing the height of the gates piers from 4m to 3.1m with associated reduction in the height of the gate from 4.1m to 3.4m to the highest point. The height of the side walls and railings has been reduced from approximately 2m to 1.5m. The design of the metalwork of the gates has been modified including slenderer sections with some on the diagonal. The metalwork is to be finished in traditional dull black.

The existing gate piers and walls are of little quality or interest. The present side gate is of nice design in itself and appears is similar to the main gate at the time of the 1910 postcard. The proposed gatepiers closely reflect the design of those in place at the time of the postcard, but do not relate well to the former main (now side) gate. The proposed tall gates and piers are not inappropriate to the entrance of the country house, and the amended scale and design of the gates, piers and flanking walls is considered acceptable.

**2. EFFECTS ON THE CHARACTER AND APPEARANCE OF THE CONSERVATION AREA AND THE SETTING/VISTA OF THE LISTED CHURCH** - The gates and piers will have an impact on the character of the Conservation Area but this is not considered to be a detrimental impact. The gate will open from 6.00am until 12.00 midnight so the view of the church from the village will not be changed. In dismissing an appeal for gates at the entrance to Sudley Royal the Inspector commented, "Obviously during the hours of darkness such vistas have no relevance. Providing the times during which the gates may be closed are restricted, the fixing of the gates would in no way be harmful to the setting of the listed structure, or to the enjoyment of the visitors to the park, or vistas, during the period generally accepted as daylight hours. Furthermore the proposal would not affect the character or appearance of the adjacent Conservation Area". Such comments are also applicable in the case of this application. The proposal is not considered harmful to the Conservation Area or the Setting/Vista of the Listed Church. The proposal is not considered harmful to the character and appearance of the Conservation Area.

**3. EFFECTS ON THE CHARACTER AND SETTING OF THE LISTED BUILDING** - The proposal is not considered harmful to the setting of either the Grade I Listed Church, Grade II\* Listed Priory, and other Grade II and II\* structures in the curtilage of the Priory.

**4. EFFECT ON NEIGHBOURS** - The mechanical gates will be fitted with rubber dampers and provision of remote control to users reducing operational noise to a minimum. The proposal is not considered harmful to neighbours.

**5. ACCESS** - There is no change to pedestrian access at all hours along the existing public footpaths and through the pedestrian gate. There is no change to vehicular access for those resident on the Estate, their visitors and the vicar. There is no known record of any vehicular right of way to the general public through this private land (except hearses for

funerals) and it has been signed as such for many years by the current and previous owners.

There is no change to the current arrangement for access to church services or visits to the church or burial ground. Access for the disabled is not altered as the pedestrian gate is wide enough for wheelchairs.

A purpose designed temporary removable roadway is to be designed and stored in sections in the church to provide access for horse drawn carriages for weddings.

In the event of power failure the gates will have a battery back up system, giving 48 hours cover. Emergency services including local doctors, Fire and Rescue, Police, Harrogate and York Health Services will have access codes and/or remoter. If others require access before 6.00am (eg. Milkmen) they will be given the relevant code.

**6. SECURITY** - The comments received from North Yorkshire Police indicates police records show concerns raised by the applicants about crime on their property are justified, together with concerns about another incident involving Mrs Shellys family. Recent press reports have identified the family, their full address and family connections, compounding their situation by further raising their public profile.

Previous crimes are recorded to have occurred overnight at The Priory, and to use the gates during the hours most at risk is a proportionate and sensible precaution for the applicants to take. As a crime prevention measure and as part of their overall security requirements this is an initiative that the North Yorkshire Police full support. Members should be aware that applicants garages/outbuildings are not enclosed by the existing wall and gates.

**CONCLUSION** - The proposed replacement gates, piers, pedestrian gate, wall and railings are acceptable in planning terms and in the detailed design. As such it satisfies the relevant policies of the development plan and is recommended for approval.

**CASE OFFICER:** Mrs N M Waddington

## RECOMMENDATION

That the application be APPROVED subject to the following conditions:-

- 1 CA05 DEVELOPMENT SHALL BE BEGUN BEFORE ... 5yrs
- 2 CC01 AMENDED DRAWINGS/LETTERS RECEIVED ... 19.03.2004
- 3 A sample panel of the type of brick and stone to be used showing the proposed coursing and pointing shall be erected on site for the written approval of the Local Planning Authority prior to the commencement of development.
- 4 The main gates shall not be closed other than between the hours of 12 midnight and 6.00am unless otherwise agreed in writing with the Local Planning Authority.
- 5 No development shall take place until details of the sections of the metalwork including samples of the rails and finials have been submitted to and approved in

- writing by the Local Planning Authority.
- 6 The existing Public Right of Way shall be protected and kept clear of any obstruction at all times.

Reasons for Conditions:-

- 1 CA05R TO COMPLY WITH SECTIONS 91 -94
- 2 CC01R ACCORDANCE WITH DRAWINGS
- 3 CD04YR CONFORM TO REQUIREMENTS OF LOCALITY
- 4 In the interests of amenity.
- 5 CD04YR CONFORM TO REQUIREMENTS OF LOCALITY
- 6 To protect the route of the Right of Way in the interests of and to protect the general amenity for all prospective users.

**INFORMATIVES**

1. Conservation Area Consent is required for the demolition of the existing gate piers, walls and removal of iron gate and no such demolition and removal shall take place prior to the granting of Conservation Area Consent to any such relevant scheme. You are advised following the grant of such a Consent to obtain sight of the Notice of Conservation Area Consent and the approved plans and ensure that the development is carried out strictly in accordance with the approved plans and the terms and conditions of the Conservation Area Consent as well as those of this Planning Permission.



