

AREA 2 DEVELOPMENT CONTROL COMMITTEE

**HELD ON 4 MAY 2004
(FROM 4.00 PM TO 6.35 PM)**

PRESENT: Councillor Smith in the Chair. Councillors Bayliss, Bean, Fawcett, Hoult, Anne Jones, Chris Lewis, Lumsden and Wilson.

Late Arrivals: Councillor Bean at 4.57 pm.
Councillor Wilson at 4.59 pm.

Early Departures: Councillor Lumsden at 6.17 pm.

102/03 - **APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTES:**
There were no apologies for absence or notification of substitutes.

103/03 - **DECLARATIONS OF INTEREST:** Declarations of interest were made as detailed in Minute 107/03.

104/03 - **MINUTES:** The Minutes of the meeting held on 6 April 2004 were approved as a correct record and signed by the Chair.

(Four Members voted in favour of the motion with three abstaining).

The Committee were also asked to approve an amendment to Minute 85/03 of the Minutes of the meeting of the Committee held on 10 February 2004. An amended Minute was tabled and this was unanimously agreed.

The amended Minute 85/03 of 10 February 2004 is now as follows:-

85/03 – TREE PRESERVATION ORDER: 17 BIRKDALE AVENUE, KNARESBOROUGH, TPO NO 23/2003: The Director of Technical Services submitted a written report which requested confirmation of a provisional Tree Preservation Order at 17 Birkdale Avenue, Harrogate.

The Committee requested that a letter of thanks be sent to the householders concerned in recognition of the fact that they had preserved and maintained the tree to date.

RESOLVED:

That the consideration of the Tree Protection Order at 17 Birkdale Avenue, Knaresborough be deferred for a site inspection.

(Five Members voted in favour of the Motion, with three voting against and two abstaining)

105/03 - **EXEMPT INFORMATION:** There were no exempt information items.

MATTERS WHICH THE COMMITTEE DEALT WITH UNDER DELEGATED POWERS

106/03 - **COUNTY APPLICATIONS:** There were no further applications submitted by North Yorkshire County Council upon which this Council's observations had been sought.

107/03 - **LIST OF PLANS:** In accordance with the Scheme of Delegation, the Committee considered the undermentioned plans and applications and made the decisions indicated viz:-

Minute 107/03(01)

CASE NUMBER:

04/00088/FUL

GRID REF: EAST 451180 NORTH 457920

APPLICATION NO.: 6.104.15.P.FUL

LOCATION:

The Priory Priory Estate Nun Monkton York North Yorkshire YO26 8ES

PROPOSAL:

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

APPLICANT: Mr And Mrs AE Shelley

REFUSED. Reason(s) for refusal:-

- 1 The very high ornate gates and pillars will have an adverse impact on the character of the Conservation Area and the setting and views of the Grade I listed church and would therefore conflict with Policies HD1 and HD3 of the Harrogate District Local Plan and the advice in PPG15. The security issue are met by other measures in place around the estate and do not override the harm to the Listed Building and Conservation Area that would arise from the erection of the wall and gates.

(Councillor D Barchard (Nun Monkton Parish Council) and Mr D Armitage (Objector speaking on behalf of Nun Monkton Village) attended the meeting and spoke to the item under the Council's Opportunity to Speak Scheme).

(UNANIMOUS DECISION)

Minute 107/03(02)

CASE NUMBER:

04/01620/FUL

GRID REF: EAST 434949 NORTH 463143

APPLICATION NO.: 6.69.6.P.FUL

LOCATION:

Jubilee Court (formerley Jubilee Mills) Copgrove Harrogate North Yorkshire HG3 3TB

PROPOSAL:

Erection of workshop and storage building (Use Class B2 & B8).

APPLICANT: Houseman & Falshaw Limited

APPROVED subject to the following conditions:-

- CA05 DEVELOPMENT SHALL BE BEGUN BEFORE
- 2 CC02 DEVELOPMENT IN ACCORDANCE WITH DRAWINGS
- 3 CL02 LANDSCAPING: DETAILS TO BE APPROVED
- 4 CL04 REPLANTING IF ANY TREES/SHRUBS DIE
- 5 CD09 ASBESTOS COLOURING
- 6 CN01 HOURS OF WORKING ... 0730-1900 ... 0730-1700
- 7 Before the development hereby permitted commences, a scheme shall be approved in writing with the local planning authority which specifies the provision to be made for the control of noise emanating from any fixed mechanical plant, including those for heating, cooling, extraction and ventilation on the site. The plant shall be installed and operated in accordance with the approved scheme before the development is first brought into use.

Reasons for Conditions:-

- 1 CA05R TO COMPLY WITH SECTIONS 91-94
- 2 CC02R COMPLIANCE WITH DRAWINGS
- 3 CL02R SAFEGUARD RIGHTS OF CONTROL/AMENITY
- 4 CL04R SAFEGUARD RIGHTS OF CONTROL/AMENITY
- 5 CD09R VISUAL AMENITY
- 6 CN01R AMENITIES OF NEIGHBOURS
- 7 CN03XR IN THE INTERESTS OF AMENITY

JUSTIFICATION FOR GRANTING CONSENT:

In granting permission for this development the local planning authority has taken into account all relevant policies in national Planning Policy Guidance Notes or other statements of Government Policy, Regional Planning Guidance, the local Development Plan, emerging policy and Supplementary Planning Guidance and Documents approved by the Borough Council for development control purposes, and all other material planning considerations, including those arising from the observations of any statutory or non-statutory consultee and representations from the Parish, Town or City Council and the public about the application. On balance, the local planning authority considers the development would not give rise to any unacceptable consequences for sustainable development and economic development; social inclusion; protection of the environment; and prudent use of resources or other public interests of acknowledged importance.

(Mr T Axe (Agent) attended the meeting and spoke to the item under the Council's Opportunity to Speak Scheme)

(UNANIMOUS DECISION)

Minute 107/03(03)

**CASE NUMBER:
03/05701/FUL**

GRID REF: EAST 432680 NORTH 458700

APPLICATION NO.: 6.83.64.C.FUL

LOCATION:

Land Comprising Part Of OS Field No 6170
New Road Scotton Knaresborough North Yorkshire

PROPOSAL:

Erection of 1no. detached dwelling (site area 0.306ha).

APPLICANT: Mr I Pattison

DEFERRED and the HOPS be authorised to REFUSE the application. REASON FOR DEFERRAL:

- 0 To allow the expiration of the site notice on 07.05.2004

REASONS FOR REFUSAL:

- 1 The proposal is for new development in the open countryside since the site lies outside of the development limit for Scotton as identified in the Harrogate District Local Plan and where uses are expected to remain for the most part undisturbed. The proposal is thus contrary to Policies H6 and H7 of the Harrogate District Local Plan particularly as no justification for a dwelling essential to the needs of agriculture or forestry has been provided.
- 2 The design of the proposed dwelling is poor and would not make a positive contribution to the character and appearance of the open countryside, thereby being contrary to Policies HD20 and A1 of the Harrogate District Local Plan.

(Councillors Smith and Anne Jones both declared prejudicial interests in relation to this item and left the room before the discussion and vote thereon. Councillor Bean therefore assumed the Chair for this item).

(Six Members voted in favour of the motion with one abstaining).

Minute 107/03(04)

**CASE NUMBER:
04/01254/FUL**

GRID REF: EAST 439165 NORTH 467247

APPLICATION NO.: 6.56.133.FUL

LOCATION:

The Ridings Langthorpe Boroughbridge York North Yorkshire YO51 9YA

PROPOSAL:

Demolition of existing bungalow and erection of 1 no. replacement dwelling (site area 0.068 ha).

APPLICANT: Mr & Mrs Saddler

REFUSED. Reason(s) for refusal:-

- 1 The height and massing of the proposed dwelling together with its relationship with the neighbouring properties will result in an unacceptable impact on the residential amenity of the neighbours due to its overbearing and over-dominant appearance. The proposal is therefore contrary to Policies H6 and A1 of the adopted Harrogate District Local Plan.
- 2 The proposal, due to its scale, massing and design is not considered to respect the scale and character of neighbouring properties, and is considered to have a detrimental effect on the streetscene, and the visual amenity of the area, contrary to policies HD20, H6 and A1 of the adopted Harrogate District Local Plan.

(Mr P Knowles (Agent) attended the meeting and answered questions under the Council's Opportunity to Speak Scheme).

(UNANIMOUS DECISION)

Minute 107/03(05)

**CASE NUMBER:
04/00658/FUL**

GRID REF: EAST 439883 NORTH 454106

APPLICATION NO.: 6.109.12.A.FUL

LOCATION:

Crib Cottage Ribston Park Little Ribston Wetherby North Yorkshire LS22 4EZ

PROPOSAL:

Erection of 1 no detached replacement dwelling (revised scheme, site area 0.467ha).

APPLICANT: Mr J G Dent

APPROVED subject to the following conditions:-

- 1 CA05 DEVELOPMENT SHALL BE BEGUN BEFORE ... 5 years
- 2 CC01 AMENDED DRAWINGS/LETTERS RECEIVED ... 21.04.2004
- 3 CD03 SAMPLES OF MATERIALS TO BE APPROVED
- 4 CD05 REVEALS: MM ... 75
- 5 CD13X TIMBER VERTICAL SLIDING SASH WINDOWS
- 6 The existing access track shall be retained in its current condition, and there shall be no upgrading or resurfacing of the track without the express consent of the local planning authority.

- 7 The garden of the converted dwelling shall not extend any further than the area shown in green on the attached plan. The garden area shall be enclosed by a timber post and rail fence unless otherwise agreed in writing by the local planning authority.
- 8 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no extensions, outbuildings, garden buildings or any other development normally permitted under Class A and Class E of Part 1 Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995; other than any expressly authorised by this permission shall be erected without the grant of further specific planning permission from the local planning authority.

Reasons for Conditions:-

- 1 CA05R TO COMPLY WITH SECTIONS 91-94
- 2 CC01R ACCORDANCE WITH DRAWINGS
- 3 CD03R MATERIALS TO CONFORM TO AMENITY REQR'MTS
- 4 CD05R VISUAL AMENITY
- 5 CD13XR DEV IN CHARACTER WITH LOCALITY
- 6 In the interests of protecting the character of the grade II registered park
- 7 In the interests of protecting the character of the grade II registered park
- 8 In order to protect the visual amenities of the surrounding area in view of the sensitive nature of this site.

JUSTIFICATION FOR GRANTING CONSENT:

In granting permission for this development the local planning authority has taken into account all relevant policies in national Planning Policy Guidance Notes or other statements of Government Policy, Regional Planning Guidance, the local Development Plan, emerging policy and Supplementary Planning Guidance and Documents approved by the Borough Council for development control purposes, and all other material planning considerations, including those arising from the observations of any statutory or non-statutory consultee and representations from the Parish, Town or City Council and the public about the application. On balance, the local planning authority considers the development would not give rise to any unacceptable consequences for sustainable development and economic development; social inclusion; protection of the environment; and prudent use of resources or other public interests of acknowledged importance.

(Mr A C Long (for Applicant) attended the meeting and answered questions under the Council's Opportunity to Speak Scheme).

(UNANIMOUS DECISION)

Minute 107/03(06)

**CASE NUMBER:
04/01393/OUT**

GRID REF: EAST 444206 NORTH 464746

APPLICATION NO.: 6.72.81.OUT

LOCATION:

Land At Grid Ref 444206,464746 Between The Bungalow And Greenfield Farm Lower Dunsforth York North Yorkshire

PROPOSAL:

Outline application for the erection of 1no. dwelling and garage with siting and access considered (site access 0.1 ha).

APPLICANT: Mrs BS Jackson

DEFERRED and the HOPS be authorised to APPROVE the application subject to the following conditions and such other conditions HOPS considers to be necessary. REASON FOR DEFERRAL:

- 0 Deferred for the Head of Planning Services to approve the scheme Subject to the receipt and approval of a Flood Risk Assessment.
- 1 CA06 OUTLINE/RESERVED MATTERS
- 2 CA01A OUTLINE - ACCESS NOT RM
- 3 Prior to the commencement of any other part of the development hereby permitted, the access(es) to the site shall be laid out and constructed in accordance with the following requirements:-
 - (i) the crossing of the highway verge and/or footpath shall be constructed in accordance with the approved details and/or Standard Detail number E6 and the Specification of the Local Highway Authority;
 - (ii) any gates, barriers or other means of enclosure shall be erected a minimum distance of 6metres back from the carriageway of the existing highway and shall open into the site;
 - (iii) provision shall be made to prevent surface water from the site/plot discharging onto the existing or proposed highway in accordance with the approved details and/or Standard Detail number E6 and the Specification of the Local Highway Authority.

NOTE:

You are advised that a separate licence will be required from the Local Highway Authority in order to allow any works in the adopted highway to be carried out. The local office of the Local Highway Authority will also be pleased to provide the detailed constructional specification referred to in this condition.

- 4 HW16 DETAILS OF TURNING SPACE
- 5 HW21 PARKING FOR SINGLE DWELLING
- 6 CD14 NO WINDOWS IN DEVELOPMENT ... western ... development
- 7 CL12 OPEN SPACE TO BE PROVIDED - POLICY R4

Reasons for Conditions:-

- 1 CA06R TO COMPLY WITH SECTIONS 91-94
- 2 CA01AR SAFEGUARD RIGHTS OF CONTROL
- 3 HW07R VEHICLE AND PEDESTRIAN SAFETY REQ'MENTS
- 4 HW16R ROAD SAFETY REQUIREMENTS
- 5 HW21 PARKING FOR SINGLE DWELLING
- 6 CD14R PRIVACY AND RESIDENTIAL AMENITY
- 7 CL12R COMPLIANCE WITH R4 - OPEN SPACE POLICY

(UNANIMOUS DECISION)

Minute 107/03(07)

**CASE NUMBER:
04/01334/FUL**

GRID REF: EAST 439040 NORTH 464889

APPLICATION NO.: 6.64.606.A.FUL

LOCATION:

New House Farm Minskip York North Yorkshire YO51 9HZ

PROPOSAL:

Demolition of existing buildings and erection of 1 no detached dwelling (revised scheme, site area 0.18ha)

APPLICANT: Mr & Mrs Proctor

DEFERRED for the following reason(s):-

- 0 For negotiations and submission of a significantly reduced scheme in compliance with Policy HD20.

(Mr G Proctor (Applicant) attended the meeting and spoke to the item under the Council's Opportunity to Speak Scheme).

(Five Members voted in favour of the motion, with three voting against and two abstaining).

Minute 107/03(08)

**CASE NUMBER:
04/00328/OUT**

GRID REF: EAST 436331 NORTH 456083

APPLICATION NO.: 6.100.2339.OUT

LOCATION:

Land At Grid Ref 436331, 456083, Junction With Grimbald Crag Way Wetherby Road
Knaresborough North Yorkshire

PROPOSAL:

Outline application for the erection of 1no. pair of semi detached dwellings with garages and 1no. detached dwelling with garage, with siting and access considered (site area 0.16 ha).

APPLICANT: St James Securities Ltd

REFUSED. Reason(s) for refusal:-

- 1 The proposed greenfield 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 the Local Plan to restrain housing growth in the District. It is therefore contrary to Policy H6 of the Local Plan.

(UNANIMOUS DECISION)

Minute 107/03(09)

**CASE NUMBER:
04/01306/FUL**

GRID REF: EAST 432218 NORTH 460923

APPLICATION NO.: 6.76.43.A.FUL

LOCATION:

The Shealing Brearton Harrogate North Yorkshire HG3 3BX

PROPOSAL:

Erection of 1 no. detached dwelling and formation of access track from existing entrance to The Shealing (Revised Scheme).

APPLICANT: Mr And Mrs D J Reah

The Committee were minded to refuse the application on the following basis:-

1. the proposal would undermine the linear nature of the village
2. it would be too high a density of development for this particular part of Brearton Village
3. the proposed development would impair the character and amenity of the village;
and

it be DEFERRED for further consultation with the CM(P), Chief Solicitor and (if there is a costs issue) DF and brought back to another meeting of the Committee for decision.

(Mr R Hart (Brearton Parish Meeting) and Mr M Eagland (Agent) attended the meeting and spoke to the item under the Council's Opportunity to Speak Scheme).

(Seven Members voted in favour of the motion, with one voting against and two abstaining).

Minute 107/03(10)

**CASE NUMBER:
04/00950/RG3MAJ**

GRID REF: EAST 434445 NORTH 457910

APPLICATION NO.: 6.94.72.RG3MAJ

LOCATION:

Scriven Park Ripley Road Knaresborough North Yorkshire HG5 9DF

PROPOSAL:

Change of use from agricultural land to public open space.

APPLICANT: Harrogate Borough Council

APPROVED subject to the following conditions:-

- 1 CA05 DEVELOPMENT SHALL BE BEGUN BEFORE
- 2 Details of any vehicular and pedestrian access to the site shall be submitted for the written approval of the Local Planning Authority and thereafter provided in accordance with the approved details.

Reasons for Conditions:-

- 1 CA05R TO COMPLY WITH SECTIONS 91-94
- 2 In the interests of highway and pedestrian safety.

JUSTIFICATION FOR GRANTING CONSENT:

In granting permission for this development the local planning authority has taken into account all relevant policies in national Planning Policy Guidance Notes or other statements of Government Policy, Regional Planning Guidance, the local Development Plan, emerging policy and Supplementary Planning Guidance and Documents approved by the Borough Council for development control purposes, and all other material planning considerations, including those arising from the observations of any statutory or non-statutory consultee and representations from the Parish, Town or City Council and the public about the application. On balance, the local planning authority considers the development would not give rise to any unacceptable consequences for sustainable development and economic development; social inclusion; protection of the environment; and prudent use of resources or other public interests of acknowledged importance.

(Councillor Anne Jones declared a prejudicial interest in relation to this item and left the room before any discussion and vote thereon but, before leaving, gave a statement, by way of clarification, in response to the last paragraph of the comments made by Scriven Parish Council within the written report).

(Mr T Whitehead (Agent for the tenant farmer) attended the meeting and spoke to the item under the Council's Opportunity to Speak Scheme).

(Five Members voted in favour of the motion, with two voting against and two abstaining).

Minute 107/03(11)

**CASE NUMBER:
04/01119/FUL**

GRID REF: EAST 436070 NORTH 468110

APPLICATION NO.: 6.46.17.P.FUL

LOCATION:

Rosewood & Philmore Drinks Skelton On Ure Ripon North Yorkshire

PROPOSAL:

Substitution of house type on Plots 1 & 2 of planning permission 6.46.17.M.REM (revised scheme).

APPLICANT: Mr & Mrs Brinkler

REFUSED. Reason(s) for refusal:-

- 1 The scheme is designed to facilitate habitable accommodation in the roofspace thereby reducing the mix of accommodation on the site which would not cater for local needs in conflict with Policy H17 of the Selective Alteration to the Harrogate District Local Plan.

(UNANIMOUS DECISION)

Minute 107/03(12)

**CASE NUMBER:
04/01120/FUL**

GRID REF: EAST 436070 NORTH 468110

APPLICATION NO.: 6.46.17.Q.FUL

LOCATION:

Rosewood & Philmore Drinks Skelton On Ure Ripon North Yorkshire

PROPOSAL:

Substitution of house type of Plot 9 of planning permission 6.46.17.M.REM (revised scheme).

APPLICANT: Mr & Mrs Brinkler

REFUSED. Reason(s) for refusal:-

- 1 The proposal is designed to facilitate habitable accommodation in the roofspace creating a five bedroomed property which would not cater for smaller households or first time buyers in the community and would therefore conflict with Policy H17 of the Selective Alteration to the Harrogate District Local Plan.

(Eight Members voted in favour of the motion with one abstaining).

Minute 107/03(13)

**CASE NUMBER:
04/01121/FUL**

GRID REF: EAST 436070 NORTH 468110

APPLICATION NO.: 6.46.17.R.FUL

LOCATION:

Rosewood & Philmore Drinks Skelton On Ure Ripon North Yorkshire

PROPOSAL:

Substitution of house type of Plot 4 of planning permission 6.46.17.M.REM.

APPLICANT: Mr & Mrs Brinkler

APPROVED subject to the following conditions:-

- 1 CA05 DEVELOPMENT SHALL BE BEGUN BEFORE
- 2 CD03 SAMPLES OF MATERIALS TO BE APPROVED
- 3 The roofspace shall not be converted to habitable accommodation without the

- formal approval in writing of the Local Planning Authority.
4 CI02D PD RESTRICTION, ROOF/DORMER WINDOWS

Reasons for Conditions:-

- 1 CA05R TO COMPLY WITH SECTIONS 91-94
- 2 CD03R MATERIALS TO CONFORM TO AMENITY REQR'MTS
- 3 The use of the roofspace for habitable accommodation would reduce the mix of smaller properties on the site to meet local needs and would therefore conflict with Policy H17 of the Harrogate District Local Plan Selective Alteration.
- 4 CI02DR PROTECT VISUAL AMENITY

JUSTIFICATION FOR GRANTING CONSENT:

In granting permission for this development the local planning authority has taken into account all relevant policies in national Planning Policy Guidance Notes or other statements of Government Policy, Regional Planning Guidance, the local Development Plan, emerging policy and Supplementary Planning Guidance and Documents approved by the Borough Council for development control purposes, and all other material planning considerations, including those arising from the observations of any statutory or non-statutory consultee and representations from the Parish, Town or City Council and the public about the application. On balance, the local planning authority considers the development would not give rise to any unacceptable consequences for sustainable development and economic development; social inclusion; protection of the environment; and prudent use of resources or other public interests of acknowledged importance.

(UNANIMOUS DECISION)

108/03 - **PLANNING APPLICATIONS:** The Head of Planning Services submitted a list of planning applications dealt with under delegated powers and also those delegated to himself in consultation with the Chair or Vice-Chair which had been approved since the last meeting of the Committee.

RESOLVED (UNANIMOUSLY):

That the report be received.

(D)

109/03 - **TREE PRESERVATION ORDER: 4 SOUTH VIEW, POOLE LANE, NUN MONKTON, TPO NO 26/2003:** The Director of Technical Services submitted a written report which requested confirmation of a provisional Tree Preservation Order at 4 South View, Poole Lane, Nun Monkton.

RESOLVED:

That (1) the Committee find it expedient, in the interests of amenity, to confirm the Tree Preservation Order at 4 South View, Poole Lane, Nun Monkton;

(2) the Director of Administration be authorised to take appropriate action to secure confirmation; and

(3) the Order be confirmed as the Council of the Borough of Harrogate Tree Preservation Order No 26/2003.

(Seven Members voted in favour of the motion with one abstaining).

(D)