

HARROGATE BOROUGH COUNCIL

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

DATE: 1 June 2004

PLAN: 06	CASE NUMBER: 04/00539/FUL
APPLICATION NO. 6.100.873.A.FUL	GRID REF: EAST 434210 NORTH 457890
	DATE MADE VALID: 16.02.2004
	TARGET DATE: 12.04.2004
	WARD: Knaresborough Scriven

Park

APPLICANT: Mr P Branfield

AGENT: Mr M Pretty

PROPOSAL: Erection of 2no detached dwellings, formation of new vehicular access and road including new vehicular access to Orchard Spring (site area 0.2984 ha) and felling of 4no trees within Area A14 of Tree Preservation Order No.1/1959.

LOCATION: Orchard Spring Ripley Road Knaresborough North Yorkshire HG5 9BY

REPORT

SITE AND PROPOSAL

Orchard Spring is a large detached house, with a very large garden extending down the valley side located on the south side of Ripley Road. The application site comprises a large portion of the existing rear garden. The site slopes quite steeply from north to south, and is fairly heavily treed at present, including a number of large mature specimens. There is an existing stream which runs close to the western boundary of the site, which currently runs into a man made pond, notated as a swimming pool on the application drawings.

The application proposes the erection of two large detached dwellings within the garden area of Orchard Spring, and the formation of a new access onto Ripley Road, to serve both Orchard Spring and the two new dwellings with a long 4.5m wide private drive. The proposal requires the felling of a number of trees, and the diversion of the existing stream, as well as some regrading of the site.

The application is supported by an arboriculturalists report, and a collection of photographs showing the site in its landscape context.

MAIN ISSUES

1. Principle/Planning Policy Issues
2. Residential Amenity
3. Loss of Trees
4. Visual Amenity/Impact on Landscape

- 5. Access and Parking
- 6. Open Space

RELEVANT SITE HISTORY

None.

CONSULTATIONS/NOTIFICATIONS

Parish Council

Knarborough

D.L.A.S Arboricultural Officer

A number of trees worthy of TPO (refer to Assessment below)

English Nature

No objection in principle, developers should be aware of the possibility of bats within existing trees

DLAS - Open Space

Commuted sum of £1401.00 requested

Chief Engineer (H and T)

No objections subject to an amended access and turning area, to be required by condition if approved

Yorkshire Water

No comments received

Environment Agency

Have no comments to make

H.B.C Land Drainage

Environment Agency should be consulted

Local Plans Policy

Policy objection (refer to assessment below)

Landscape Officer

Concern about loss of tree cover (refer to assessment)

Countryside Officer

No comments received

APPLICATION PUBLICITY

SITE NOTICE EXPIRY: 19.03.2004

PRESS NOTICE EXPIRY: 19.03.2004

REPRESENTATIONS

KNARESBOROUGH TOWN COUNCIL - The Town Council initially objected to the proposal (comments received on 10th March 2004) for the following reasons:

- i) the proposed development is considered to have a detrimental impact on;
 - the wildlife of the site area
 - visual amenity as seen from horseshoe fields
 - neighbouring residents amenity
- ii) the council object to the lack of affordable housing

Later comments received from the Town Council on 6th April 2004, confirm the Town Council now does not object to the proposal but have the following comments:

- i) the site has a number of attractive trees and the Town Council would want as many as possible to be protected and
- ii) request that the (conservation) officer seeks to ensure that any development is sensitive to the existing trees.

OTHER REPRESENTATIONS - A total of 5 letters of objection have been received from local residents in response to the application:

Weir House, Nidd Bank (x2) - concerns about drainage and the general effect on the neighbourhood, consider that the houses are a substantial change and not acceptable. Concerned about construction of the access road, loss of trees, and disturbance to wildlife, and consider that development should not be allowed.

The Spinney, Lands Lane - Concerned about loss of trees and proposed access road, increase in vehicular traffic at the rear of property, and drainage implications.

Lindsay Grange, Ripley Road - Objects for the following reasons: Impact on view from both sides of the Nidd Gorge, concerned would set a precedent for others. 22 trees proposed to be removed, many large mature specimens, which add to the character of the Nidd Gorge. Concerned about negative impact on wildlife, with a large variety of birds, foxes and badgers all present in area. Concerned about noise and light intrusion, and the impact on neighbouring properties, compromising open views.

Orchard House, Ripley Road - Size of proposed houses and access road is excessive, concerned about proposed loss of trees, impact on local wildlife, concerned that new access will become a hazard, concerned that proposal will set a precedent for others

VOLUNTARY NEIGHBOUR NOTIFICATION - None undertaken.

RELEVANT PLANNING POLICY

- PPG1 Planning Policy Guidance 1: General Policy and Principles
- PPG3 Housing
- PPG13 Planning Policy Guidance 13: Transport
- SPH1 North Yorkshire County Structure Plan Policy H1
- LPH06 Harrogate District Local Plan Policy H6: Housing developments in the main

- settlements and villages
- LPHX Harrogate District Local Plan Policy HX: Managed Housing Site Release
 - LPH13 Harrogate District Local Plan Policy H13: Housing Density, Layout and Design
 - LPH17 Harrogate District Local Plan Policy H17: Housing Type
 - LPR11 Harrogate District Local Plan Policy R11: Rights of Way
 - LPC02 Harrogate District Local Plan Policy C2: Landscape Character
 - LPC03 Harrogate District Local Plan Policy C3: River and Stream Corridors
 - LPC11 Harrogate District Local Plan Policy C11: Landscaping of Development Sites
 - LPNC06 Harrogate District Local Plan Policy NC6: Species Protected by Law
 - LPA01 Harrogate District Local Plan Policy A1: Impact on the Environment and Amenity
 - LPHD13 Harrogate District Local Plan Policy HD13: Trees and Woodlands
 - 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

ASSESSMENT OF MAIN ISSUES

1. PRINCIPLE/PLANNING POLICY ISSUES - The site lies within the development limit for Knaresborough and therefore residential development of the site is acceptable under Policy H6 of the Local Plan subject to the proposal complying with all of the relevant criteria within Policy H6 and other relevant plan policies. Policy HX of the Selective Alterations to the Local Plan is also relevant, Policy HX is permissive of residential development on previously developed sites where less than 10 units are proposed and where the site area is less than 0.3Ha. The site lies within the existing domestic curtilage of Orchard Spring therefore the land is considered to be previously developed, and the development at 2no units falls below the 10 unit threshold. However the site area is in excess of the 0.3Ha threshold, and therefore residential development of the site is unacceptable without substantial planning benefits. The applicant stated on the application form that the application site area is 0.298Ha, however this area excludes an area of land which currently forms part of the garden area of Orchard Spring and will be physically divorced from the proposed garden area to be retained by Orchard Spring by the proposed access road to the new dwellings. It is considered that this area does not realistically form part of the retained garden of Orchard Spring due to its physical separation by the access road. The supporting text to Policy HX states that "the site under consideration is the net developable area and where this is deliberately sub divided for release or otherwise reduced in area below the threshold size, the policy will apply to such a site on the basis of the composite or naturally defined larger area available". This area is considered instead to form incidental open space and landscaping to the scheme and therefore should form part of the site area for the purposes of the policy, as the proposed access road does not represent a naturally defined boundary, whereas the existing western boundary to Orchard Spring does. The proposal does not offer any substantial planning benefits and therefore is contrary to Policy HX.

Policies H13 and H17 are also relevant to consideration of the application. The proposal represents a density of only 10 dwellings per hectare, well below the requirement for a density of between 30 and 50 dwellings per hectare within the urban area. Whilst the density achievable on any particular site is dictated by the character of the area and other site specific factors, it is considered that the density on this site could be increased even within the built form proposed, without detriment to the character of the area, it is therefore considered that the proposal is contrary to Policy H13. Provision of more, smaller units

would also assist in meeting the requirements of Policy H17 which requires provision of the mix of housetypes to include smaller unit sizes. As the proposal stands it is contrary to Policy H17.

2. RESIDENTIAL AMENITY - The site is quite steeply sloping, from north to south, and the house adjacent to the west, Lindsay Grange is quite elevated above the application site. There is some concern about the proximity of House B to the adjacent property Lindsay Grange, the relationship between which is worsened due to the difference in levels, with Lindsay Grange being at somewhat higher level than House B. It is acknowledged that there is significant screening by existing trees between the two properties, which lessens both the potential for overlooking and the overbearing appearance of Lindsay Grange from House B, and as the plans stand this relationship is probably acceptable. However I do have concerns that revision of the plans to accommodate more retained trees may necessitate House B moving closer to Lindsay Grange, worsening the relationship between the two properties with a resulting impact on residential amenity. The north elevation of House A has few openings, with none to habitable rooms at first floor level, precluding direct overlooking from Orchard Rise, which has its main aspect facing towards the new dwellings. The existing open views which Orchard Rise currently enjoys towards the south will be impinged upon by the new dwellings, however this is not a material planning issue, unless the new dwellings are considered to cause overshadowing or be overbearing, which given the distance between House A and Orchard Rise, is considered unlikely. It is therefore considered that on the basis of the current scheme, whilst the levels of residential amenity currently enjoyed by neighbouring residents may be reduced, the levels of residential amenity provided by the proposal are adequate.

3. LOSS OF TREES - The site is heavily treed. A number of trees are protected by Tree Preservation Orders. TPO 1/1959 covers a large area along the Ripley Road frontage and TPO 1/1980 protects a mature oak tree located adjacent to the "swimming pool", a provisional TPO served on 30th March 2004, in response to this planning application protects 4 individual trees, a beech, a spruce and 2no oak, plus 3 groups of trees (a report recommending confirmation of the TPO is also to be considered at this meeting). The application is accompanied by a Tree Report, which recommended felling 26 of the trees potentially affected by the development (23 trees are identified for removal on the plans). The report suggests replacement planting with 17 new trees of varying species. The Council's arboricultural officer has accepted that the tree report is fair and accurate, however considers that some of the trees proposed to be felled should be retained, and the layout revised to accommodate them. Following a meeting on site between the Council's arboricultural officer and the applicant's advisors revised drawings showing the proposed dwellings resited and a repositioned access road, to reduce the number of trees to be felled, plus a full replanting schedule are to be submitted. These have not been received to date. As the proposal currently stands the number of trees proposed to be felled is excessive, and includes trees which the Council's arboricultural officer considers should be retained. The trees have a high amenity value, and therefore the proposal is contrary to Policy HD13 of the Harrogate District Local Plan.

4. VISUAL AMENITY/IMPACT ON LANDSCAPE - The site is visually prominent being on the valley side above the River Nidd, located immediately adjacent to the Special Landscape Area. There are a number of public footpaths from which the site is visible, and supporting information submitted with the application shows the site from a variety of public view points. The site is heavily treed at present and with this level of tree cover it is unlikely

that the development would impact significantly on the landscape, however it is proposed to remove a number of trees to accommodate the development, the result of which is likely to have a detrimental impact on the landscape setting and on the amenity value of the public footpaths and open space in the locality. The applicant has discussed proposals for replacement planting with the Council's arboricultural officer although details have yet to be submitted, and in the absence of such information the proposal is considered to be contrary to Policies A1, C2, and R11 of the Harrogate District Local Plan.

5. ACCESS AND PARKING - A new access onto Ripley Road is proposed, to serve both the existing house and the two additional dwellings. The Council's Highways officer has commented that there is no objection subject to the entrance to the new access road being widened to 5.5m and an increased area of turning provided for within the site; this can be required by condition should the proposal be found acceptable, together with full engineering details for the new access. A total of 5 car parking spaces are proposed for each of the new dwellings with integral garaging and parking adjacent to the driveways to the front of each property. This level of parking is in excess of the maximum standards advocated by central government in PPG3 and PPG13, and as set out in the Harrogate District Parking Standards, however no objection is raised on this basis.

6. OPEN SPACE - A commuted sum of £1401.00 has been calculated for the proposed development payable towards leisure area, casual play area, and youth and adult facilities at Horseshoe Fields and Conyngham Hall. The applicant has returned a signed unilateral undertaking for the payment of the commuted sum and therefore the proposal is compliant with Policy R4 of the Local Plan.

CONCLUSION - The site area is in excess of 0.3Ha and development of the site for residential use is therefore contrary to Policy HX in the absence of exceptional substantial planning benefits, and therefore unacceptable in principle. There are also objections in relation to the proposed density of the proposal, the loss of protected trees and the subsequent impact of the proposal on the landscape. Refusal is recommended.

CASE OFFICER: Ms Sara Purvis

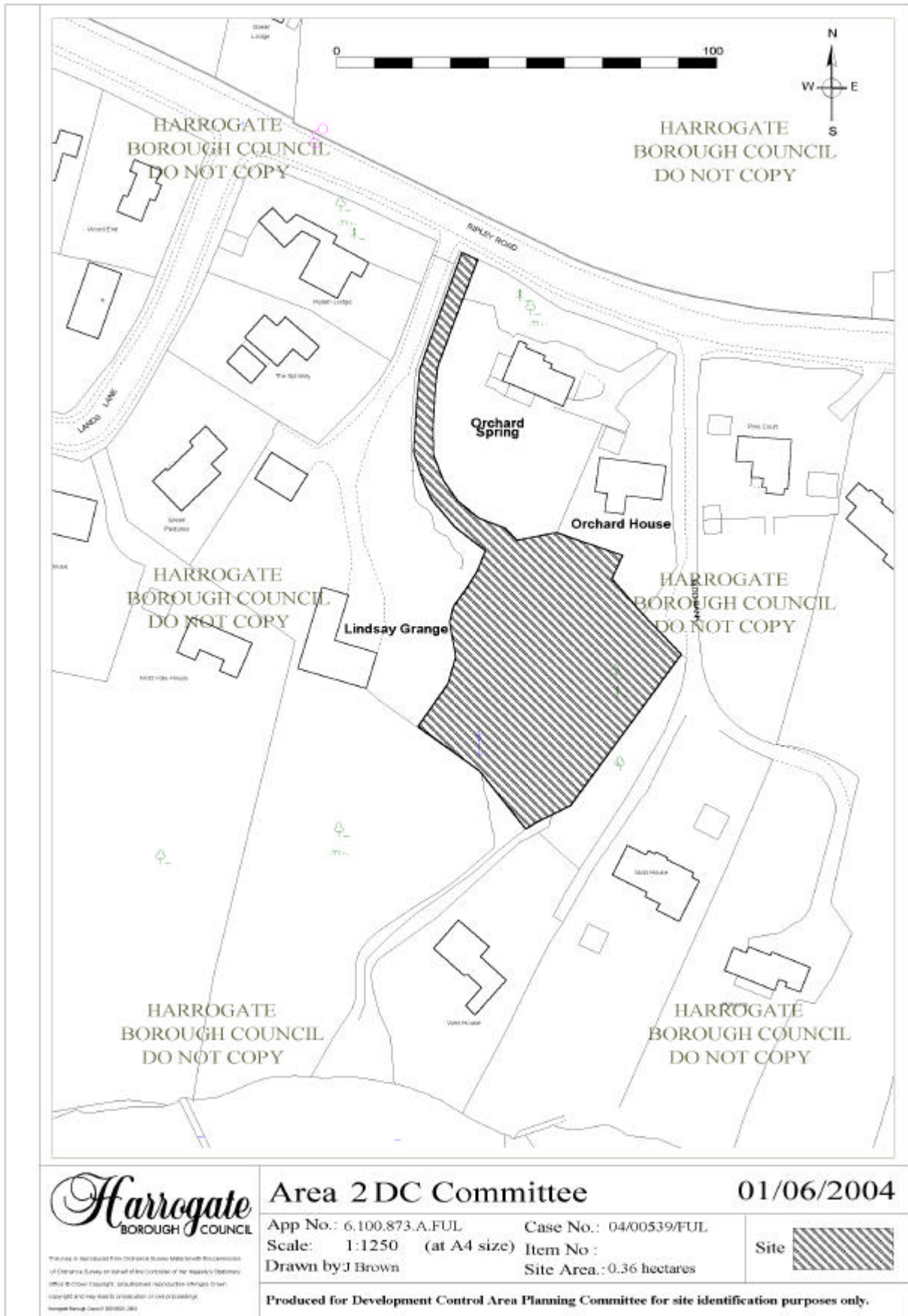
RECOMMENDATION

That the application be REFUSED. Reason(s) for refusal:-

- 1 The site area of the proposal, based on the natural boundaries of the site, is in excess of the 0.3Ha threshold in Policy HX of the Selective Alterations to the Harrogate District Local Plan above which residential development is not acceptable in the absence of substantial planning benefits, as there are no substantial planning benefits provided, the proposal is contrary to Policy HX of the Selective Alterations to the Local Plan and therefore also to Policy H6 of the adopted Local Plan.
- 2 The density of the proposed development at approximately 10 dwellings per hectare represents an inefficient use of urban land, contrary to Policy H13 of the Selective Alterations to the Harrogate District Local Plan.
- 3 The proposal results in the loss of a number of trees, some of which are protected by

Tree Preservation Orders, and all of which are of high amenity value important to the character of the area, and the setting of Knaresborough; the proposal is therefore contrary to Policy HD13 of the Harrogate District Local Plan.

- 4 The loss of tree cover which would result from the proposed development, would result in both the raised access road and the new dwellings becoming more conspicuous in the landscape, and in longer distance views from the open space at Horseshoe Fields and public footpaths in the locality, resulting in a loss of amenity contrary to Policies A1, C2 and R11 of the adopted Harrogate District Local Plan.



Harrogate
BOROUGH COUNCIL

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Area 2 DC Committee

01/06/2004

App No.: 6.100.873.A.FUL Case No.: 04/00539/FUL
 Scale: 1:1250 (at A4 size) Item No :
 Drawn by: J Brown Site Area: 0.36 hectares

Site 

Produced for Development Control Area Planning Committee for site identification purposes only.

