

HARROGATE BOROUGH COUNCIL

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

DATE: 1 June 2004

PLAN: 11	CASE NUMBER: 04/01135/FUL
APPLICATION NO. 6.64.595.B.FUL	GRID REF: EAST 439706 NORTH 466600
	DATE MADE VALID: 27.02.2004
	TARGET DATE: 23.04.2004
	WARD: Boroughbridge

APPLICANT: City Wall Estates

AGENT: Spawforth Associates

PROPOSAL: Erection of one pair of semi detached dwellings with new vehicular access, site area 0.019 ha.

LOCATION: Buildings Adjacent To The Malt Shovel St James Square Boroughbridge
York North Yorkshire YO51 9BA

REPORT

SITE AND PROPOSAL

The application site comprises two brick built outbuildings that are constructed under a clay pantile roof and are located adjacent to The Malt Shovel, St James Square Boroughbridge. The site, which is some 0.019 hectares in area, has a frontage onto Church Lane and is situated within Boroughbridge conservation area.

Adjacent properties are The Malt Shovel (which is Grade II Listed) and Boroughbridge Community Care Centre. To the rear of the site is a car park associated with Boroughbridge Health centre. A timber fence separates the site from the public house with an approx 2m high wall to the boundary with the care centre.

The applicants propose to demolish the two outbuildings and construct a pair of semi-detached dwellings on the site. The dwellings would both incorporate two-bedroom accommodation, with parking areas to the rear of the property.

MAIN ISSUES

1. Land Use
2. Visual Impact
3. Highway Safety
4. Residential Amenity
5. Open Space Provision

RELEVANT SITE HISTORY

6.64.595.FUL - Erection of one pair of semi detached dwellings with new vehicular access:
REFUSED 19.08.2003

This application was refused consent for the following reasons.

1. The proposed development would by reason of its proposed layout and provision of parking areas to the front of the property result in a scheme having a detrimental visual impact upon the character of the street scene in a manner contrary to the provisions of Harrogate District Local Plan Policies H6, HD20, HD13 and HD3.
2. The proposed development would result in the demolition of outbuildings that by reason of their siting have a positive impact upon the character of the Conservation Area by enclosing the street scene. The demolition of the structures would as a consequence be contrary to the provision of North Yorkshire County Structure Plan Policy E4 and Harrogate district Local Plan Policy HD3.
3. The proposed development by reason of its siting requiring the demolition of the building on Church Lane would adversely affect the setting of the adjacent listed building (Malt Shovel Public House) and would therefore conflict with Policy HD1 of the Harrogate District Local Plan.

6.64.595.A.CON - Conservation Area application for the demolition of 2 outbuildings:
REFUSED 19.08.2003

6.64.595.C.CON - Conservation area application for the demolition of 2 No outbuildings:
PENDING CONSIDERATION

In addition to the above, the demolition and alterations of the proposed outbuildings have also been the subject of applications relating to the adjacent public house.

6.64.208.B.PA - Alterations to public house, including conversion of barn: PERMITTED
03.02.1982.- This consent allowed the demolition of the two outbuildings subject to a condition requiring the relevant listed building consent

6.64.208.D.PA - Demolition of two existing outbuildings and construction of a function room: REFUSED 10.01.1984 - The activity of the use was considered detrimental to residential amenity (This application was subsequently dismissed at appeal) -see Appendix 1.

6.64.208.E.LB - Demolition of two barns REFUSED 10.01.1984 -In the absence of a redevelopment scheme.

6.64.208.I.OUT/J.LBDEM/K.CON - erection of 4 houses and conversion of public house to form 2 dwellings and demolition of outbuildings: REFUSED April 1996 for the following reason:

The proposed demolition of the southern wing of the public house and of the brick barn, in order to accommodate the proposed access, would have a seriously adverse visual impact upon the street scene and the character of this part of the conservation Area by virtue of the loss of enclosure those buildings provide, contrary to Policy E4 of the approved North Yorkshire County Structure Plan, Policies HD1, HD2 and HD4 of the Draft Harrogate District Local Plan (as approved for deposit) and the advice contained in Planning Policy

Guidance Note 15, Planning and the Historic Environment.

CONSULTATIONS/NOTIFICATIONS

Parish Council

Boroughbridge

Environment Agency

No objection subject to the imposition of conditions

Highway Authority

No objection subject to the imposition of conditions

DLAS - Open Space

Confirm that a commuted sum is payable. The final calculation is however still awaited

Environmental Health

Noise from the adjacent pub car park or beer garden cannot be controlled and therefore may be an amenity issue for future residents. A ground contamination survey will be required

Conservation and Design Section

See Assessment

Heritage Unit of NYCC

No objection subject to a condition in relation to archaeological investigation

Yorkshire Water

No objection subject to condition

APPLICATION PUBLICITY

SITE NOTICE EXPIRY: 02.04.2004

PRESS NOTICE EXPIRY: 02.04.2004

REPRESENTATIONS

BOROUGHBRIDGE TOWN COUNCIL - Object to the development on the following grounds:

The building is a Listed Building (part of the Malt Shovel) and should be put back in a safe state. The Town Council would have no objections to a tasteful conversion.

It should be pointed out that several years ago an application to renovate the building into a dwelling was refused because it was a listed building.

OTHER REPRESENTATIONS - 1 letter received objecting to the development on the

following grounds:

The buildings form part of the historic Malt shovel complex and serve to 'round off' the entry/egress to/from the main conservation area of the town.

The buildings are being allowed to deteriorate but could still be used for storage or even courtyard accommodation.

Their loss would be another erosion of the character and ambience of the town.

VOLUNTARY NEIGHBOUR NOTIFICATION - No properties notified.

RELEVANT PLANNING POLICY

- PPG1 Planning Policy Guidance 1: General Policy and Principles
- PPG3 Housing
- PPG15 Planning Policy Guidance 15: Planning and the Historic Environment
- PPG17 Planning Policy Guidance 17: Planning for open space, sport and recreation
- PPG13 Planning Policy Guidance 13: Transport
- SPE4 North Yorkshire County Structure Plan Policy E4
- SPH4 North Yorkshire County Structure Plan Policy H4
- LPH06 Harrogate District Local Plan Policy H6: Housing developments in the main settlements and villages
- LPHD01 Harrogate District Local Plan Policy HD1: Statutory list of buildings of special architectural or historic interest
- LPHD20 Harrogate District Local Plan Policy HD20: Design of New Development and Redevelopment
- LPHD03 Harrogate District Local Plan Policy HD3: Control of development in Conservation Areas
- LPHX Harrogate District Local Plan Policy HX: Managed Housing Site Release
- LPH05 Harrogate District Local Plan Policy H5: Affordable Housing
- LPH17 Harrogate District Local Plan Policy H17: Housing Type
- LPA01 Harrogate District Local Plan Policy A1: Impact on the Environment and Amenity
- LPR04 Harrogate District Local Plan Policy R4: Open Space Requirements for New Residential Development

ASSESSMENT OF MAIN ISSUES

1. LAND USE - The application site is located within the built up confines of the settlement and represents a previously developed site. The broad land use principle of residential development is therefore considered appropriate and consistent with Harrogate District Local Plan Policy H6 and Selective Alteration Policy HX.

The site is less than 0.1 hectares in area and provides less than 3 dwellings. There is therefore no requirement to provide for an element of affordable housing under the provisions of Harrogate District Local Plan Selective Alteration Policy H5.

HDLP Selective Alteration Policy H17 specifically encourages the provision of smaller units and the scheme proposes two 2-bedroom units. In this respect the scheme is in accordance with the provision of that policy.

Given the location of the site adjacent to a listed building and within Boroughbridge conservation area, both HDLP Policy HD1 and HD3 are also relevant to the consideration of the proposal.

2. VISUAL IMPACT - The site is centrally located within the town and is situated in Boroughbridge conservation area. The primary consideration of any such scheme within a conservation area is the desirability of either preserving or enhancing the area. There is a general presumption in favour of retaining buildings that contribute to the character of the locality. In this instance and as recognised by the Inspector at the earlier appeal (see paragraph 5 of Appendix 1), the smaller outbuilding is of no merit whilst the larger frontage structure has value in enclosing and continuing the street frontage. The demolition of the outbuildings was accepted however subject to a suitable alternative redevelopment.

The character of Boroughbridge town centre is focused on the High Street and its two squares- Hall Square and St James Square at either end. Here the buildings form continuous frontages and are set at the back of the footpath, giving a compact and enclosed character to the centre of the town. Church Lane is situated to the immediate south of St James Square and forms an important vista both from the approach and exit from the square. The enclosed vista is maintained by the siting of the two units to the rear of the footpath.

In terms of the design and form of the dwellings, the simple vernacular style has been retained. The applicants are proposing the use of brick and pan tiles, which subject to control by condition is considered acceptable to the locality. The development is considered to be in accordance with HDLP Policy HD20.

The proposed dwellings are however quite tall in relation to roof ridge height and the adjacent listed building. Design amendments have been requested in this respect and amended plans are awaited. It is considered that the relationship of the units to the adjacent listed building will be improved if the height of the roof can be lowered. Subject to the above it is considered that the development would not have an adverse impact upon the character of the street scene or upon the setting of the listed building. The scheme would therefore be in accordance with HDLP Policy HD1. As the development retains the sense of enclosure within the central core of the town, it is considered that the proposal maintains the character of the conservation area and is in accordance with advice contained within PPG15 and HDLP Policy HD3.

3. HIGHWAY SAFETY - Access to the site would be gained via Church Lane. The Highway authority has been consulted and has no objection subject to the imposition of conditions.

4. RESIDENTIAL AMENITY - The proposal would not have an adverse impact upon the amenity of the occupiers of adjacent residential property. The proposal will clearly be in close proximity to the existing public house and car park, which could on occasions, be noisy (and is not subject to control as advised by the Chief Environmental Health Officer). Clearly future occupiers of the unit will be aware of this situation and given the proximity of the units to the town centre some degree of noise disturbance would not be uncommon.

5. OPEN SPACE PROVISION - HDLP Policy R4 is applicable in this instance and a commuted sum is generated for the development. The applicants have been informed of the requirement, however at the time of writing this report there is a discrepancy regarding

the calculation of the sum and confirmation has not been received from the applicant as to whether they would comply with the policy.

CONCLUSION - The proposed development would involve the removal of two existing outbuildings that are located within the conservation area. The larger of the two barns, which is situated on the road frontage, provides a continuation of the sense of enclosure within the central core of the town. The proposed redevelopment scheme maintains the important frontage development which contributes to the character of the conservation area. A structural report submitted by the applicant indicates that the existing outbuildings are in a very poor state of repair and your officer would have no objection to their demolition.

The proposed dwellings are simple in style and subject to controlling conditions regarding the use of materials would not have an adverse impact upon either the street scene or setting of the adjacent listed building. It is however recognised that the height of the structures would benefit from being lowered and revised plans have been requested.

It is considered that the development would be in accordance with the provision of the development plan and approval of the application is recommended subject to the receipt of revised plans and completion of a unilateral undertaking in respect of off site open space provision.

CASE OFFICER: Mr A Hough

RECOMMENDATION

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

- 1 CA05 DEVELOPMENT SHALL BE BEGUN BEFORE
- 2 CC01 AMENDED DRAWINGS/LETTERS RECEIVED
- 3 CD03 SAMPLES OF MATERIALS TO BE APPROVED
- 4 CD13 WINDOW FRAME MATERIALS ... timber
- 5 HW17 PROV'N OF APP'VD ACCESS/TURNING/PARKING
- 6 HW20 PARKING FOR DWELLINGS (MORE THAN ONE)
- 7 HW26 PRECAUTIONS TO PREVENT MUD ON HIGHWAY
- 8 HW29 DOORS/WINDOWS OPENING OVER THE HIGHWAY
- 9 No builders vehicles, plant, materials, stockpiles, or accommodation shall be parked or placed on the public highway adjacent to the site.
- 10 CB05A BUNDING OF TANKS
- 11 CB11 SEPARATE SYSTEM FOUL AND SURFACE WATER
- 12 No development approved by this permission shall be commenced until a scheme for the disposal of foul and surface waters, including details of any balancing works and off site works, have been submitted to and approved by the Local Planning Authority.
- 13 CB26X NO SW/FOUL DISCHG UNTIL APP WRK COMPLETE
- 14 CP02 ARCHAEOLOGICAL INVESTIGATION REQUIRED ... in the application area

Reasons for Conditions:-

- 1 CA05 DEVELOPMENT SHALL BE BEGUN BEFORE
- 2 CC01R ACCORDANCE WITH DRAWINGS
- 3 CD03R MATERIALS TO CONFORM TO AMENITY REQR'MTS
- 4 CD13R VISUAL AMENITY
- 5 HW17R ROAD SAFETY REQUIREMENTS
- 6 HW20R ROAD SAFETY REQUIREMENTS
- 7 HW26 PRECAUTIONS TO PREVENT MUD ON HIGHWAY
- 8 HW29R ROAD SAFETY REQUIREMENTS
- 9 In the interests of highway safety and to prevent damage occurring to the footway.
- 10 CB05R IN THE INTERESTS OF POLLUTION PREVENTION
- 11 CB11R TO PREVENT POLLUTION OF WATER ENVIRONMNT
- 12 CB26R TO ENSURE DEV CAN BE PROPERLY DRAINED
- 13 CB26XR TO ENSURE PROPER PROVISION IS MADE
- 14 CP02R THE SITE IS OF ARCHAEOLOGICAL IMPORTANCE



