

**AREA 2 DEVELOPMENT CONTROL COMMITTEE
HELD ON 26 OCTOBER 2004
(FROM 4.00 PM TO 6.55 PM)**

PRESENT: Councillor Smith in the Chair. Councillors Anthony Alton, Bayliss, Fawcett, Hawkins, Hoult, Chris Lewis, Dr Rothwell, Sturdy and Wilson.

Late Arrivals: None.

Early Departures: Councillor Bayliss at 6.35 pm.

40/04 - **APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTES:** There were no apologies for absence. Notification had been received that Councillor Dr Rothwell was to act as substitute for Councillor Phillips and Councillor Hawkins to substitute for Councillor Anne Jones.

41/04 - **DECLARATIONS OF INTEREST:** Declarations of interest were made as detailed in Minute No 45/04.

42/04 - **MINUTES:** The Minutes of the meeting of the Committee held on 28 September 2004 were approved as a correct record and signed by the Chair.

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

43/04 - **EXEMPT INFORMATION:** There were no exempt information items.

MATTERS WHICH THE COMMITTEE DEALT WITH UNDER DELEGATED POWERS

44/04 - **COUNTY APPLICATIONS:** There were no further applications submitted by North Yorkshire County Council upon which this Council's observations had been sought.

45/04 - **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 45/04(01)

**CASE NUMBER:
04/03470/FUL**

GRID REF: EAST 428540 NORTH 446660

APPLICATION NO.: 6.147.248.FUL

LOCATION:

Land Comprising Part Of
OS Field No 5072

Mount Pleasant Farm Gallowgate Lane Weeton Leeds North Yorkshire

PROPOSAL:

Erection of 1 no dwelling, to replace Mount Pleasant Cottage (to be demolished), and formation of new vehicular access (site area 0.07ha).

APPLICANT: Mr & Mrs J Walker

REFUSED. Reason(s) for refusal:-

- 1 The proposed dwelling would by reason of its proposed siting and associated domestic activity, detract from the openness of the green belt and rural character of this open countryside location in a manner contrary to the provisions of Harrogate District Local Plan Policies GB6 and H20.

(Ms K Broadbank (agent) attended the meeting and spoke to the item under the Council's Opportunity to Speak Scheme).

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

Minute 45/04(03)

**CASE NUMBER:
04/04571/OUT**

GRID REF: EAST 433881 NORTH 450131

APPLICATION NO.: 6.122.280.A.OUT

LOCATION:

Parks Farm Park Lane Spofforth Harrogate North Yorkshire HG3 1BY

PROPOSAL:

Outline application for the erection of 1 no dwelling, with access (Site Area 0.069 ha).

APPLICANT: Mrs A Addyman

For further financial information in respect of the viability of the equine enterprise.

(Councillor Sturdy declared a prejudicial interest in relation to this item and left the room before the discussion and vote thereon).

(Ms L Marston (agent) and Mrs A Addyman (applicant who answered questions) attended the meeting and spoke to the item under the Council's Opportunity to Speak Scheme).

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

Minute 45/04(05)

**CASE NUMBER:
04/04069/OUT**

GRID REF: EAST 446170 NORTH 452507

APPLICATION NO.: 6.124.196.A.OUT

LOCATION:

25 Fairfax Crescent Tockwith York North Yorkshire YO26 7QX

PROPOSAL:

Outline application for the erection of 1 no dwelling, including siting and access and erection of new detached garage for No 25 (Site Area 0.05 ha).

APPLICANT: Mr And Mrs G J Marston

REFUSED. Reason(s) for refusal:-

- 1 The proposed development by reason of its siting which would be close to the northern boundary of the site and in close proximity to No34 The Green and the size and scale of the bungalow it would result in an unacceptable loss of amenity for the resident at No34 The Green by reason of overshadowing and loss of light, which would be contrary to Policies A1 and HD20 of the Harrogate District Local Plan.

Furthermore the proposed development would lead to an intensification in the use of the means of vehicular access on to Fairfax Crescent which would result in an unacceptable loss of amenity for the existing and future occupants of 23 and 25 Fairfax Crescent, and No34 The Green, which would be contrary to Policies A1 and HD20 of the Harrogate District Local Plan.

(Mr P Thistle (supporter) attended the meeting and spoke to the item under the Council's Opportunity to Speak Scheme).

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

Minute 45/04(07)

CASE NUMBER:

04/03992/OUT

GRID REF: EAST 426978 NORTH 447789

APPLICATION NO.: 6.147.103.F.OUT

LOCATION:

Long Spinney Crag Lane Huby Leeds North Yorkshire LS17 0EJ

PROPOSAL:

Outline application for the erection of 1 no detached dwelling with siting and access considered. (site area 0.071 ha)

APPLICANT: Mr L Kirwin

REFUSED. Reason(s) for refusal:-

- 1 The site lies within a washed over village within the Green Belt, and the proposal does not constitute infill development, and therefore the proposal is contrary to Policy GB5 of the adopted Harrogate District Local Plan (as amended 2004) and the advice set out in PPG2.
- 2 The proposal represents tandem development, and it is considered that both the use of the driveway adjacent to Long Spinney by traffic generated by the new dwelling, and the siting of the new dwelling, would be detrimental to the residential amenity of the occupants of Long Spinney, due to noise and disturbance, and potential for mutual overlooking, contrary to Policies A1, H6 and HD20 of the adopted Harrogate District Local Plan (as amended 2004).
- 3 The Planning Authority considers that clear visibility of 90m cannot be achieved along the public highway in a north westerly direction from a point 2m from the carriageway edge measured down the centre line of the minor/access road and consequently traffic generated by the proposed development would be likely to create conditions prejudicial to highway safety, contrary to Policy A1 of the adopted Harrogate District Local Plan (as amended 2004).

(Mrs K Baylis (objector) attended the meeting and spoke to the item under the Council's Opportunity to Speak Scheme).

(UNANIMOUS DECISION)

Minute 45/04(08)

CASE NUMBER:

04/04232/CON

GRID REF: EAST 435150 NORTH 457040

APPLICATION NO.: 6.100.1309.I.CON

LOCATION:

2 Park Place Knaresborough North Yorkshire HG5 0ER

PROPOSAL:

Conservation Area application for the demolition of existing ground floor shop and first floor flat.

APPLICANT: Mr M White

APPROVED subject to the following conditions:-

- 1 CA05 DEVELOPMENT SHALL BE BEGUN BEFORE ... 26.10.2009
- 2 CC03 DEV IN ACCORD WITH DRAWINGS/CONDITIONS
- 3 CM01 NO DEMOLITION BEFORE CONTRACT FOR REDEV

Reasons for Conditions:-

- 1 CA05R TO COMPLY WITH SECTIONS 91-94
- 2 CC03R TO SECURE SATISFACTORY IMPLEMENTATION
- 3 CM01R VISUAL AMENITY

JUSTIFICATION FOR GRANTING CONSENT:

In granting Conservation Area Consent the local planning authority has taken into account all material matters relating to the building's contribution to the architectural or historic interest of the area and the wider effects of alterations extension or demolition, 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 the observations of any statutory or non-statutory consultee, Amenity Society and representations from the Parish, Town or City Council and the public about the application. On balance, the local planning authority considers the proposal would not give rise to any unjustified consequences for the character and appearance of the Conservation Area.

(Councillors Hawkins and Smith both declared personal interests in this item as Members of Knaresborough Town Council but, on the basis that the interests were not prejudicial, they remained in the meeting and took part in the discussion and vote thereon).

(UNANIMOUS DECISION)

Minute 45/04(09)

CASE NUMBER:

04/04231/FUL

GRID REF: EAST 435150 NORTH 457040

APPLICATION NO.: 6.100.1309.J.FUL

LOCATION:

PROPOSAL:

Erection of replacement shop and conservatory to rear with maisonette above (Site Area 0.021).

APPLICANT: Mr M White

APPROVED subject to the following conditions:-

- 1 CA05 DEVELOPMENT SHALL BE BEGUN BEFORE ... 26.10.2009
- 2 CC03 DEV IN ACCORD WITH DRAWINGS/CONDITIONS
- 3 CD03 SAMPLES OF MATERIALS TO BE APPROVED
- 4 Prior to the commencement of development , large scale details of all proposed windows and the proposed new shopfront shall be submitted to and approved by the Local Planning Authority and once approved shall be implemented and retained.
- 5 All proposed windows, the new shopfront and the proposed conservatory shall all be constructed in timber and no other material, the finished paint colour to be agreed in writing by the Local Planning Authority, prior to the commencement of development.
- 6 No development shall take place within the application area until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.

Reasons for Conditions:-

- 1 CA05R TO COMPLY WITH SECTIONS 91 -94
- 2 CC03R TO SECURE SATISFACTORY IMPLEMENTATION
- 3 CD03R MATERIALS TO CONFORM TO AMENITY REQR'MTS
- 4 In the interests of the character of the conservation area
- 5 In the interests of the character of the conservation area
- 6 The site is of archaeological interest

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.

(Councillors Hawkins and Smith both declared personal interests in this item as Members of Knaresborough Town Council but, on the basis that the interests were not prejudicial, they remained in the meeting and took part in the discussion and vote

(UNANIMOUS DECISION)

Minute 45/04(10)

CASE NUMBER:

04/04412/OUT

GRID REF: EAST 433984 NORTH 459642

APPLICATION NO.: 6.83.156.OUT

LOCATION:

Land To The Rear Of 2 Lingerfield View Scotton Knaresborough North Yorkshire

PROPOSAL:

Outline application for the erection of 1 no detached dwelling and garage, with siting and access considered (site area 0.06ha).

APPLICANT: Mr Hunt

REFUSED. Reason(s) for refusal:-

- 1 The site lies in the open countryside and no special justification has been provide for a dwelling in this location, the proposal is therefore contrary to Policies H6, H7 and C15 of the Adopted Harrogate District Local Plan (as amended 2004).
- 2 The site does not represent previously developed land, and therefore its development for residential purposes is contrary to Policy HX of the adopted Harrogate District Local Plan (as amended 2004) and the advice set out in PPG3.
- 3 The Planning Authority considers that clear visibility of 120m cannot be achieved along the public highway in a north westerly direction from a point 2m from the carriageway edge measured down the centre line of the minor/access road and consequently traffic generated by the proposed development would be likely to create conditions prejudicial to highway safety, contrary to Policy A1 of the adopted Harrogate District Local Plan (as amended 2004).
- 4 The position of the access, and the intensification of its use to serve an additional dwelling is considered to be harmful to the residential amenity of the occupants of Lingerfield View, contrary to Policy A1 of the adopted Harrogate District Local Plan (as amended 2004).
- 5 The proposed development is subject to an affordable housing requirement, and fails to provide an element of affordable housing, contrary to Policy H5 of the adopted Harrogate District Local Plan (as amended 2004).

(Councillor Dr Rothwell declared a personal interest in this item as he was Clerk to Scotton Parish Council but, on the basis that the interest was not prejudicial, he remained in the meeting and took part in the discussion and vote thereon).

(Miss J Rodger (on behalf of the applicant) attended the meeting and spoke to the item under the Council's Opportunity to Speak Scheme).

Minute 45/04(12)

**CASE NUMBER:
04/04573/CON**

GRID REF: EAST 434910 NORTH 456534

APPLICATION NO.: 6.100.2400.A.CON

LOCATION:

Meat And Poultry Processing Factory Waterside Knaresborough North Yorkshire

PROPOSAL:

Conservation Area application for the demolition of the Meat and Poultry Processing Factory.

APPLICANT: R H Holmes Esq

DEFERRED for the following reason(s):-

For consideration of application reference 6.100.2400.FUL.

(Councillors Hawkins and Smith both declared personal interests in this item as Members of Knaresborough Town Council but, on the basis that the interests were not prejudicial, they remained in the meeting and took part in the discussion and vote thereon).

(Mr R H Holmes (applicant who answered questions) attended the meeting and spoke to the item under the Council's Opportunity to Speak Scheme).

(UNANIMOUS DECISION)

46/04 – **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)

47/04 – **TREE PRESERVATION ORDER: SICKLINGHALL HOUSE, LONGLANDS LANE, SICKLINGHALL, NR WETHERBY, TPO No 36/2004:** The Director of Technical Services submitted a written report which requested confirmation of a

provisional Tree Preservation Order to protect eight horse chestnuts, a beech and a lime tree at Sicklinghall House, Longlands Lane, Sicklinghall, Nr Wetherby.

RESOLVED (UNANIMOUSLY):

That (1) the Committee find it expedient, in the interests of amenity, to confirm the Tree Preservation Order on trees at Sicklinghall House, Longlands Lane, Sicklinghall, Nr Wetherby;

(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 36/2004.

(D)

48/04 – TREE PRESERVATION ORDER: 22 BELMONT AVENUE, CALCUTT, KNARESBOROUGH, TPO No 35/2004: The Director of Technical Services submitted a written report which requested confirmation of a provisional Tree Preservation Order on a Willow at 22 Belmont Avenue, Calcutt, Knaresborough.

RESOLVED (UNANIMOUSLY):

That (1) confirmation of the provisional Tree Preservation Order at 22 Belmont Avenue, Calcutt, Knaresborough be deferred in view of the fact that a late letter of objection has been received;

(D)

49/04 – ENFORCEMENT NOTICE: LAND (TO REAR TO CASTRA) COMPRISING OS 5551, PARK ROAD, SPOFFORTH: The Director of Technical Services submitted a written report which informed Members that, on 16 August 2004, an Enforcement Notice had been authorised by the Head of Planning Services, in consultation with the Chair of the Area 2 Development Control Committee, with regard to the above mentioned location. The Notice required the removal of a horse exercise area and the associated fencing and the restoration of the land to its previous condition and contour by spreading and grading topsoil and seeding with grass seed.

RESOLVED (UNANIMOUSLY):

That the report be noted.

(D)

50/04 – ENFORCEMENT NOTICE: ROUGHAM FARM, NORTH ROAD, ARKENDALE: The Director of Technical Services submitted a written report which informed Members that, on 13 September 2004, an Enforcement Notice had been authorised by the Head of Planning Services, in consultation with the Chair of the Area 2 Development Control Committee, with regard to the above mentioned location. The Notice required the removal of a brick building and an area of hard standing from the land and its reinstatement to its pre-existing form.

Area 2 Development Control Committee - Tuesday 23 November 2004
Agenda Item No. 03 - Public Supporting Paper

RESOLVED (UNANIMOUSLY):

That the report be noted.

(D)