

## HARROGATE BOROUGH COUNCIL

### PLANNING AREA2 DC COMMITTEE – AGENDA ITEM 6: LIST OF PLANS.

**DATE: 14 December 2004**

<b>PLAN:</b> 05	<b>CASE NUMBER:</b> 04/04196/FUL
<b>APPLICATION NO.</b> 6.100.2400.FUL	<b>GRID REF:</b> EAST 434910 <b>NORTH</b> 456534
	<b>DATE MADE VALID:</b> 06.09.2004
	<b>TARGET DATE:</b> 01.11.2004
	<b>WARD:</b> Knaresborough King

James

**APPLICANT:** R H Holmes Esq

**AGENT:** Jardel Architectural

**PROPOSAL:** Demolition of factory and erection of 3 no. dwellings with new vehicular access. (Site Area 0.077 ha)

**LOCATION:** Meat And Poultry Processing Factory Waterside Knaresborough North Yorkshire

### REPORT

At the last meeting of Area 2 Development Control Committee on 23rd November 2004 members were minded to approve this application contrary to officer recommendation, and therefore under the Special Procedure the application was deferred to the next committee meeting in order for the comments of the Cabinet Member for Planning and the Council's solicitor to be sought.

Cabinet Member for Planning comments that he "supports officer recommendation for the reasons given"

The Council's Solicitor comments: "The reasons given by members for approval of this application are concerned with matters of design and character of the streetscene and as such members are entitled to reach their own view"

### SITE AND PROPOSAL

The site is located on the south side of Waterside, and comprises a single storey industrial building with a concrete forecourt to Waterside, and a rough grassed area to the rear, falling towards the river. The existing building is built in brick with a corrugated sheeting roof, and was last used for the slaughter and processing of chickens, but is currently vacant. There is residential development to either side of the site, both terraces of three storey townhouses, and there is residential development across Waterside to the north.

The application proposes demolition of the existing building and its replacement by a terrace of 3No. three storey town houses. The dwellings are proposed in natural stone with

slate roof.

### **MAIN ISSUES**

1. Land Use Principle
2. Impact on the Character of the Conservation Area
3. Residential Amenity
4. Access and Parking
5. Open Space
6. Contaminated Land
7. Flood Risk

### **RELEVANT SITE HISTORY**

None

### **CONSULTATIONS/NOTIFICATIONS**

#### **Parish Council**

Knarborough

#### **Chief Engineer (H and T)**

Refer to Assessment

#### **Yorkshire Water**

No objection subject to conditions

#### **DLAS - Open Space**

Commuted sum of £3671 requested

#### **Economic Development Officer**

Loss of facility regretted

#### **Conservation and Design Section**

Refer to assessment

#### **Environmental Health**

Risk of contamination - refer to assessment

#### **Environment Agency**

Flood risk assessment requested

#### **Heritage Unit of NYCC**

No known archaeological constraint

### **APPLICATION PUBLICITY**

**SITE NOTICE EXPIRY:** 08.10.2004

**PRESS NOTICE EXPIRY:** 08.10.2004

## REPRESENTATIONS

**KNARESBOROUGH TOWN COUNCIL** - The Town Council supports the proposed redevelopment of this site, subject to the drives of all 3 dwellings being of an adequate size to fully accommodate residents cars and not project onto the public highway.

**OTHER REPRESENTATIONS** - No letters of representation have been received.

**VOLUNTARY NEIGHBOUR NOTIFICATION** - None undertaken.

## RELEVANT PLANNING POLICY

- PPG1 Planning Policy Guidance 1: General Policy and Principles
- PPG3 Planning Policy Guidance 3: Housing
- PPG13 Planning Policy Guidance 13: Transport
- PPG15 Planning Policy Guidance 15: Planning and the Historic Environment
- LPH06 Harrogate District Local Plan (2001, as altered 2004) Policy H6: Housing developments in the main settlements and villages
- LPHX Harrogate District Local Plan (2001, as altered 2004) Policy HX: Managed Housing Site Release
- LPH05 Harrogate District Local Plan (2001, as altered 2004) Policy H5: Affordable Housing
- LPHD03 Harrogate District Local Plan (2001, as altered 2004) Policy HD3: Control of development in Conservation Areas
- LPHD20 Harrogate District Local Plan (2001, as altered 2004) Policy HD20: Design of New Development and Redevelopment
- LPA01 Harrogate District Local Plan (2001, as altered 2004) Policy A1: Impact on the Environment and Amenity
- LPE02 Harrogate District Local Plan (2001, as altered 2004) Policy E2: Retention of Industrial/Business Land and Premises
- LPR04 Harrogate District Local Plan (2001, as altered 2004) Policy R4: Open Space Requirements for New Residential Development
- LPA08 Harrogate District Local Plan (2001, as altered 2004) Policy A8: Contaminated Land
- LPA05 Harrogate District Local Plan (2001, as altered 2004) Policy A5: Flood Risk Areas
- PPG25 Planning Policy Guidance 25: Development and flood risk

## ASSESSMENT OF MAIN ISSUES

**1. LAND USE PRINCIPLE** - The last use of the site was for employment purposes. Policy E2 of the Local Plan is therefore relevant. The application is supported by information from Feather Smiles and Scales, who have been marketing the building for let for employment purposes since 3rd July 2004. At the application first came before committee the property had been marketed for a period of approximately 3 months. During which time they state there has been little interest in the building. Whilst this is not a sufficient period of time to assess whether or not there is a demand for the premises, it is considered that the use represents a non conforming use within this predominantly residential area, and therefore the proposal is compliant with Policy E2 of the Local Plan which is permissive of redevelopment of employment sites for other uses where the continued use of the site for industrial/business purposes would cause unacceptable planning problems.

**2. IMPACT ON THE CHARACTER OF THE CONSERVATION AREA** - There is no objection in principle to the demolition of the existing building, subject to a satisfactory replacement scheme, as the existing building makes no positive contribution to the character of the Conservation Area. The proposed scheme is of an acceptable appearance, subject to conditions requiring approval of materials, timber windows, etc. However the position of the proposed dwellings within the site, on a similar footprint to the existing building, together with the proposed height and massing of the dwellings is considered will be detrimental to the streetscene, and to the character of the Conservation Area. The proposal is therefore contrary to Policy HD3 of the adopted Local Plan.

**3. RESIDENTIAL AMENITY** - The proposed dwellings are proposed on a similar footprint to the existing building, however they are proposed to be 3 storeys in height whereas the existing building is single storey. Due to the combined effect of the proposed siting of the dwellings within the site, their height and massing, and the relationship between them and the existing dwellings either side of the application site, it is considered that the new dwellings would have an overbearing and unneighbourly impact on the residential amenities of the occupants of the dwellings to either side of the application site. The house to the east of the application site has 4 fairly large windows on its gable end facing onto the application site, at least two of which appear to be to habitable rooms, and the house to the west has two smaller windows, probably to landings. It is considered that the proximity of the proposed dwellings to the side boundaries of the site will therefore also harm the residential amenity of the occupants of the existing dwellings either side. The proposal is therefore contrary to Policies A1, H6 and HD20 of the Local Plan.

**4. ACCESS AND PARKING** - The application proposes a driveway serving each of the three dwellings, and each has a single integral garage. It was noted from the officers site visit that the forecourt area is currently used as informal parking. Whilst no objection is raised on this basis, the Councils Highway Engineer has concerns with the proposal, and would recommend the following amendments to the proposal:

- Extension of 1.0m service strip over the width of site.
- Larger garages or other facilities for cycle storage.
- Improved design of driveways to reduce reversing difficulties (which may require the building to be set further back in the plot)

Should the application be approved a condition seeking these amendments should be imposed.

**5. OPEN SPACE** - A commuted sum of £3671 has been calculated for this development. The applicant has signed and returned the unilateral undertaking, and therefore the proposal is compliant with Policy R4 of the Local Plan.

**6. CONTAMINATED LAND** - The Council's Environmental Health officer has commented that due to the previous uses on the site, a Phase I site investigation should be undertaken, and if a previous contaminative use is identified a Phase II investigation will be required. Should the application be approved conditions should be imposed requiring the necessary site investigations and any necessary remediation work be carried out prior to commencement of development, in accordance with Policy A8 of the Local Plan.

**7. FLOOD RISK** - The Environment Agency initially objected to the application in the absence of a flood risk assessment. The flood risk assessment should include the following information:

- a topographical survey of the site to show the site levels in relation to the highest recorded flood level
- details of floor and critical infrastructure levels proposed for the development
- information regarding which watercourse surface water drainage from the development is to drain into

Additional information was submitted on 23rd November 2004 which confirms the existing and proposed finished floor levels of the development. At 38.70m AOD, this is 1.2m above the highest recorded flood level. Details of surface water drainage can be dealt with by condition.

**CONCLUSION** - The application is considered to have a harmful effect on the character of the conservation area, and is harmful to the residential amenity of neighbouring residents. Refusal is recommended.

**CASE OFFICER:** Ms S Purvis

#### RECOMMENDATION

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

- 1 The proposed new dwellings by virtue of their position on the site together with the proposed height and massing will be unduly prominent in the streetscene and will be harmful to the character of the conservation area, contrary to Policies HD20 and HD3 of the adopted Harrogate District Local Plan (as amended 2004).
- 2 The proposed dwellings by virtue of their position within the site together with their height, massing, and proximity to the side boundaries of the site will have a harmful effect on the residential amenity of the neighbouring dwellings contrary to Policies H6, HD20 and A1 of the Harrogate District Local Plan (as amended 2004).



