

**AREA 2 DEVELOPMENT CONTROL COMMITTEE
HELD ON 23 NOVEMBER 2004
(FROM 4.00 PM TO 6.24 PM)**

PRESENT: Councillor Smith in the Chair. Councillors Anthony Alton, Fawcett, Hoult, Anne Jones, Chris Lewis, Peter Phillips, Mrs Smith and Sturdy.

Late Arrivals: Councillor Chris Lewis at 4.05 pm.

Early Departures: None.

51/04 - **APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTES:** An apology for absence was received from Councillor Bayliss. Notification had been received that Councillor Mrs Smith was to act as substitute for Councillor Wilson.

52/04 - **DECLARATIONS OF INTEREST:** Declarations of interest were made as detailed in Minute No 56/04. The Chair also declared a general interest, as a member of Knaresborough Town Council, though this was not prejudicial.

53/04 - **MINUTES:** The Minutes of the meeting of the Committee held on 26 October 2004 were approved as a correct record and signed by the Chair.

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

54/04 - **EXEMPT INFORMATION:** The Chair reminded Members that a separate sheet of confidential information had been circulated along with the agenda to Members of the Committee only in relation to the application concerning Parks Farm, Park Lane, Spofforth (Application No 6.122.280.A.OUT). Members were asked to refrain from referring to the information which it contained during the discussion.

MATTERS WHICH THE COMMITTEE DEALT WITH UNDER DELEGATED POWERS

55/04 - **COUNTY APPLICATIONS:** There were no further applications submitted by North Yorkshire County Council upon which this Council's observations had been sought.

56/04 - **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 56/04(01)

CASE NUMBER: 04/04070/OUT
GRID REF: EAST 446170 NORTH 452499

APPLICATION NO.: 6.124.267.A.OUT

LOCATION:

23 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 23 (Site Area 0.046 ha)

APPLICANT: Mr P Thistle

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

To enable appropriate additional conditions to be compiled.

1 CA06 OUTLINE/RESERVED MATTERS ... 2yrs ... 5yrs

Reasons for Conditions:-

1 CA06R TO COMPLY WITH SECTIONS 91-94

Reason for APPROVAL contrary to officer's recommendation:-

Whilst accepting that the proposed development would lead to an intensification in the use of the means of vehicle access on to Fairfax Crescent it is not believed that this would result in a loss of amenity for the existing and future occupants of 23 and 25 Fairfax Crescent.

(UNANIMOUS DECISION)

Minute 56/04(02)

CASE NUMBER: 04/05001/OUT
GRID REF: EAST 451233 NORTH 454882

APPLICATION NO.: 6.115.121.A.OUT

LOCATION:

Rosemeade Church Lane Moor Monkton York North Yorkshire

PROPOSAL:

Outline application for the erection of 1 no. dwelling with access considered. (Site area 0.034 ha)

APPLICANT: Jayne And Simon Cocker

REFUSED. Reason(s) for refusal:-

- 1 The proposal for a dwelling within the rear garden of Rosemeade would result in an unacceptable form of tandem development out of character with the area and would lead to an unacceptable detrimental impact on the living conditions of the adjacent residents contrary to Policies A1 and H6 of the Harrogate District Local Plan.

(UNANIMOUS DECISION)

03/6.100/0
211SOSLB
03/6.100/0
211SOSLB

Minute 56/04(03)

**CASE NUMBER: 04/05211/SOSLB
GRID REF: EAST 434260 NORTH 457390**

APPLICATION NO.: 6.100.1781.C.SOSLB

LOCATION:

Conyingham Hall Bond End Knaresborough North Yorkshire HG5 9AX

PROPOSAL:

Listed Building Application for the formation of external access ramp.

APPLICANT: Harrogate Borough Council

REFERRED to the Secretary of State for determination under Regulation 13.2 of the Planning(Listed Buildings and Conservation Areas) Regulations 1990 with a recommendation that consent be granted subject to the following conditions

- 1 CA05L LB - DEVELOPMENT SHALL BE BEGUN BEFORE
- 2 CC02 DEVELOPMENT IN ACCORDANCE WITH DRAWINGS
- 3 CD03 SAMPLES OF MATERIALS TO BE APPROVED

Reasons for Conditions:-

- 1 CA05LR TO COMPLY WITH SECTION 18
- 2 CC02R COMPLIANCE WITH DRAWINGS
- 3 CD03R MATERIALS TO CONFORM TO AMENITY REQR'MTS

(UNANIMOUS DECISION)

04/6.100/0
202RG3/0
04/6.100/0
202RG3/1

Minute 56/04(04)

CASE NUMBER: 04/05202/RG3
GRID REF: EAST 434260 NORTH 457390

APPLICATION NO.: 6.100.1781.B.RG3

LOCATION:

Conyingham Hall Bond End Knaresborough North Yorkshire HG5 9AX

PROPOSAL:

Formation of external access ramp.

APPLICANT: Harrogate Borough Council

APPROVED subject to the following conditions:-

- 1 CA05 DEVELOPMENT SHALL BE BEGUN BEFORE ... 23.11.2009
- 2 CC02 DEVELOPMENT IN ACCORDANCE WITH DRAWINGS
- 3 CD03 SAMPLES OF MATERIALS TO BE APPROVED

Reasons for Conditions:-

- 1 CA05R TO COMPLY WITH SECTIONS 91-94
- 2 CC02R COMPLIANCE WITH DRAWINGS
- 3 CD03R MATERIALS TO CONFORM TO AMENITY REQR'MTS

(UNANIMOUS DECISION)

05/6.100/0
301TPO/0
05/6.100/0
301TPO/1

Minute 56/04(05)

CASE NUMBER: 04/03301/TPO
GRID REF: EAST 433588 NORTH 458220

APPLICATION NO.: 6.100.1753.A.TPO

LOCATION:

Land To The Rear Of Mckinnell Lodge Extending South To Rear Of 5 Fortune Hill Ripley Road
Knaresborough North Yorkshire

PROPOSAL:

Crown lift and removal of overhanging branches of various no Beech trees and Sycamore trees within Area A1 of Tree Preservation Order 12/1990.

APPLICANT: Department Of Leisure And Amenity Services

APPROVED subject to the following conditions:-

- 1 The development hereby permitted shall be begun on or before 23.11.2006
- 2 CL16 TREE WORK TO BS 3998

Reasons for Conditions:-

- 1 CA05R TO COMPLY WITH SECTIONS 91-94
- 2 CL16R HEALTH AND AMENITY OF TREES

INFORMATIVES

- 1 English Nature advise the Local Planning Authority should satisfy themselves that bats and their roosts and nesting birds are not present and will not be affected. Work should proceed with caution and preferably outside of the bird nesting season (March-August). If bats are found please contact English Nature for advice before proceeding.

(UNANIMOUS DECISION)

06/6.100/0
826TPO/0
06/6.100/0
826TPO/1

Minute 56/04(06)

CASE NUMBER: 04/03826/TPO
GRID REF: EAST 433569 NORTH 458037

APPLICATION NO.: 6.100.2389.TPO

LOCATION:

Land To The Rear Of 2 Fortune Close Knaresborough North Yorkshire

PROPOSAL:

Crown lifting to 2no Lime trees, 2no Sycamore trees and 1no Poplar tree within Area A1 of Tree Preservation Order 12/1990.

APPLICANT: Department Of Leisure & Amenity Services

APPROVED subject to the following conditions:-

- 1 The development hereby permitted shall be begun on or before 23.11.2006
- 2 CL16 TREE WORK TO BS 3998

Reasons for Conditions:-

- 1 CA05R TO COMPLY WITH SECTIONS 91-94
- 2 CL16R HEALTH AND AMENITY OF TREES

INFORMATIVES

- 1 English Nature advise the Local Planning Authority should satisfy themselves that bats and their roosts and nesting birds are not present and will not be affected. Work should proceed with caution and preferably outside of the bird nesting season (March-August). If bats are found please contact English Nature for advice before proceeding.

(UNANIMOUS DECISION)

07/6.122/1

Minute 56/04(07)

**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

The Committee were minded to APPROVE the application on the following basis:

The proposed development would support the diversification of the farming business and permit the business to grow, by allowing additional workers to be located on site, recognising the need for this due to the specialised nature of the business in this extremely rural and isolated setting;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.

(Councillor Sturdy declared an interest in this item and, on the basis that the interest was prejudicial, he left the room and did not participate in the debate and vote thereon).

(Ms L Hartson (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 two voting against).

07/6.122/0
571OUT/0
08/6.96./1

Minute 56/04(08)

**CASE NUMBER: 04/03330/FUL
GRID REF: EAST 444310 NORTH 458047**

APPLICATION NO.: 6.96.162.B.FUL

LOCATION:

Werribee Cottage & Attached Derelict Cottages (Formerly Rose Cottages) High Street Whixley York
North Yorkshire

PROPOSAL:

Renovation & extension of 3 terraced & 2 semi-detached cottages, erection of 1 detached dwelling (site area 0.03ha) & block of 3 garages, formation of vehicular access & felling of 1 no Conifer Tree within Whixley Conservation Area (rev sch).

APPLICANT: Mr C Magson

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

The proposed development would be on a sensitive site within the conservation area, which provides an important open aspect, and it would not respect or enhance the character of the area and the existing pattern of development;

Unit 6 would be very overbearing, in terms of size and massing, on the adjacent Old Malt House and would therefore be detrimental to the residential amenity of the occupants of that dwelling;

The Highways Authority have expressed concerns over the proposed access and the lack of visibility; 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 P Bailey (Whixley Parish Council), Mr H W Lambley and Mr J Reid (objectors who each spoke for three minutes as there were three linked planning applications) and Mr C Magson (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 four voting against).

08/6.96./0-
30FUL/0
09/6.96./0-
36LB/0
09/6.96./0-
36LB/1

Minute 56/04(09)

**CASE NUMBER: 04/03336/LB
GRID REF: EAST 444310 NORTH 458047**

APPLICATION NO.: 6.96.162.C.LB

LOCATION:

Werribee Cottage & Attached Derelict Cottages (Formerly Rose Cottages) High Street Whixley York
North Yorkshire

PROPOSAL:

Listed Building application for renovation, including demolition and extension, of 3 terraced and 2 semi-detached dwellings with internal and external alterations.

APPLICANT: Mr C Magson

APPROVED subject to the following conditions:-

- 1 CA05L LB - DEVELOPMENT SHALL BE BEGUN BEFORE ... 23.11.2009
- 2 CC01 AMENDED DRAWINGS/LETTERS RECEIVED ... 7.10.2004
- 3 Prior to the commencement of development samples of the materials to be used for the extensions to units 3 and 4 shall be submitted to and approved in writing by the Local Planning Authority.
- 4 Large scale sectional details (1:5, 1:10, 1:20 as appropriate) shall be provided of any new door and windows, in particular the head of the front door to Unit 3, and the doors and windows concerned shall be formed in strict accordance with the details as approved by the Local Planning Authority.
- 5 Prior to the commencement of development a schedule of the windows to be repaired or replaced shall be provided and approved in writing by the Local Planning Authority. The works to the listed buildings shall then be carried out in accordance with that schedule.
- 6 All new or replacement rainwater goods and any other new or replacement external pipework shall be of cast iron constructed unless otherwise approved in writing by the Local Planning Authority prior to the commencement of the works hereby approved.

- 7 The proposed rooflights to Unit 2 shall be conservation style set flush in the roof plane and once installed shall thereafter be retained in that form.
- 8 Prior to the commencement of development details of the proposed new insulation, roof ventilation, mechanical extracts, SVP's and boiler flues shall be submitted to and approved in writing by the Local Planning Authority and thereafter installed in accordance with those details.

Reasons for Conditions:-

- 1 CA05LR TO COMPLY WITH SECTION 18
- 2 CC01R ACCORDANCE WITH DRAWINGS
- 3 To ensure that the proposed development is in keeping with the character and appearance of the listed building.
- 4 To ensure that the proposed development is in keeping with the character and appearance of the listed building.
- 5 To ensure that the proposed development is in keeping with the character and appearance of the listed building.
- 6 To ensure that the proposed development is in keeping with the character and appearance of the listed building.
- 7 To ensure that the proposed development is in keeping with the character and appearance of the listed building.
- 8 To ensure that the proposed development is in keeping with the character and appearance of the listed building.

JUSTIFICATION FOR GRANTING CONSENT:

In granting Listed Building Consent the local planning authority has taken into account all material matters relating to the building's special architectural or historic interest, 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 special architectural or historic interest of the listed building.

(UNANIMOUS DECISION)

Minute 56/04(10)

CASE NUMBER: 03/05886/CON
GRID REF: EAST 444310 NORTH 458047

APPLICATION NO.: 6.96.162.A.CON

LOCATION:

Werribee Cottage & Attached Derelict Cottages (Formerly Rose Cottages) High Street Whixley York
North Yorkshire

PROPOSAL:

Conservation Area application for the demolition of outbuildings.

APPLICANT: C W Magson

APPROVED subject to the following conditions:-

- 1 CA05L LB - DEVELOPMENT SHALL BE BEGUN BEFORE ... 23.11.2009

Reasons for Conditions:-

- 1 CA05LR TO COMPLY WITH SECTION 18

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.

(UNANIMOUS DECISION)

11/6.100/1

Minute 56/04(11)

**CASE NUMBER: 04/04196/FUL
GRID REF: EAST 434910 NORTH 456534**

APPLICATION NO.: 6.100.2400.FUL

LOCATION:

Meat And Poultry Processing Factory Waterside Knaresborough North Yorkshire

PROPOSAL:

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

APPLICANT: R H Holmes Esq

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

The height and massing of the proposed new development is not considered to be out of keeping with the surrounding street scene or harmful to the character of the conservation area;

The positioning of the proposed dwellings within this site and their proximity to the side boundaries of the site is not considered to have a detrimental effect upon the residential amenity of the neighbouring dwellings; 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.

(UNANIMOUS DECISION)

11/6.100/0
196FUL/0
12/6.100/1

Minute 56/04(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

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

A satisfactory replacement scheme exists therefore the proposal to demolish the existing buildings is not contrary to Policy HD3 of the adopted Harrogate District Local Plan and the advice contained in PPG15; 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.

(UNANIMOUS DECISION)

12/6.100/0
573CON/0
13/6.100/0
795FUL/0
13/6.100/0
795FUL/1

Minute 56/04(13)

CASE NUMBER: 04/04795/FUL
GRID REF: EAST 435191 NORTH 458152

APPLICATION NO.: 6.100.2374.A.FUL

LOCATION:

Scriven Womens Institute Park Avenue Knaresborough North Yorkshire HG5 9ES

PROPOSAL:

Demolition of existing buildings, erection of residential terrace comprising of 3 no. town houses and 2 no. flats, erection of new community hall and formation of new vehicular access. (Site Area 0.076 ha)(Revised Scheme)

APPLICANT: David Collins

REFUSED. Reason(s) for refusal:-

- 1 The proposed development is considered to be harmful to the residential amenity of its future occupants, due to the overbearing impact of the community hall on Plot 1, and the noise and disturbance due to the proximity of the car parking to the rear garden area of Plot 3. The proposal is therefore contrary to Policies A1, H13, H6, and HD20 of the adopted Harrogate District Local Plan (as altered 2004).
- 2 The proposed development is considered to represent an overdevelopment of the site, resulting in harm to the residential amenity of occupants of the development, and to the visual amenity of the area, contrary to Policies A1, HD20 and H6 of the adopted Harrogate District Local Plan (as Altered 2004).

(Mr D Collins (applicant) 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 three voting against).

Minute 56/04(14)

CASE NUMBER: 04/04971/COU
GRID REF: EAST 439340 NORTH 450850

14/6.135/0
971COU/0
14/6.135/0
971COU/1

APPLICATION NO.: 6.135.4.H.COUC

LOCATION:

Woodlands Farm Knaresborough Road North Deighton Wetherby North Yorkshire LS22 4EJ

PROPOSAL:

Change of use of 3 agricultural buildings to Use Class B8 (Storage and Distribution).

APPLICANT: Mr A Alton

APPROVED subject to the following conditions:-

- 1 CA05 DEVELOPMENT SHALL BE BEGUN BEFORE ... 23.11.2009
- 2 The use hereby approved shall not be commenced until such time as the buildings shown on the attached plan have ceased to be used for the housing of livestock, and those buildings shall not thereafter be utilised for housing of livestock.
- 3 The buildings the subject of this approval shall not be used for the storage of any hazardous materials (being materials as defined in the Hazardous Substances Act 1990 and associated legislation).
- 4 There shall be no external storage of materials other than in the loadings areas shown in green on the submitted plans and no materials shall be stored at a height exceeding 3m above the ground level adjoining the buildings.
- 5 CL02 LANDSCAPING: DETAILS TO BE APPROVED
- 6 The use hereby approved shall not be carried out other than between the hours of 8.30 - 5.30 in any one day Monday to Fridays and not on Saturdays, Sundays and Public Bank Holidays.
- 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 the fixed mechanical plant, 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 and no other plant shall be installed.
- 8 CL04 REPLANTING IF ANY TREES/SHRUBS DIE
- 9 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:-

(ic) the crossing of the highway verge and/or footpath shall be constructed in accordance with the approved details and/or the Specification of the Local Highway Authority;

(iv) that part of the access(es) extending 3 metres into the site from the carriageway of the existing highway shall be made up and surfaced in accordance with the approved details and/or 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.

- 10 Prior to the uses hereby approved being brought into operation, the access shall be widened to give 5.5m width for a distance of 20m from the B6164.
- 11 The existing Public Right of Way shall be protected and kept clear of any obstruction until such time as any alternative route has been provided and confirmed under an Order made under the Town and Country Planning Act 1990.

Reasons for Conditions:-

- 1 CA05R TO COMPLY WITH SECTIONS 91-94
- 2 In order to ensure a satisfactory level of amenity for persons utilising the storage buildings and to

- comply with Policy A2 of the Harrogate District Local Plan.
- 3 In order to ensure a satisfactory level of amenity and safety for the occupants of nearby dwellings and the environment in general.
 - 4 In the interests of preserving the rural landscape.
 - 5 CL02R SAFEGUARD RIGHTS OF CONTROL/AMENITY
 - 6 CN01R AMENITIES OF NEIGHBOURS
 - 7 CN03XR IN THE INTERESTS OF AMENITY
 - 8 CL04R SAFEGUARD RIGHTS OF CONTROL/AMENITY
 - 9 HW07R VEHICLE AND PEDESTRIAN SAFETY REQ'MENTS
 - 10 HW07R VEHICLE AND PEDESTRIAN SAFETY REQ'MENTS
 - 11 HW32R TO PROTECT THE RIGHT OF WAY

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 Alton declared an interest in this item and, on the basis that it was prejudicial, he left the meeting and did not participate in the debate or vote thereon).

(UNANIMOUS DECISION)

57/04 – **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)