

HARROGATE BOROUGH COUNCIL

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

DATE: 19 July 2005

PLAN: 02	CASE NUMBER: 04/02376/FUL
APPLICATION NO. 6.136.91.A.FUL	GRID REF: EAST 439864 NORTH 450249
	DATE MADE VALID: 09.06.2004
	TARGET DATE: 04.08.2004
	WARD: Ribston

APPLICANT: Karl Mainey

AGENT: MJF Architects

PROPOSAL: Retention of re Fridgeration unit to rear elevation within brick covered enclosure.

LOCATION: Bay Horse Public House Main Street Kirk Deighton Wetherby North Yorkshire LS22 4DZ

REPORT

Consideration of this application was deferred at the Area 2 Development Control Committee meeting on 17th May in order to address a number of issues raised by Members. These were:

- Further details required with regard to the gas tank and extractor system;
- Retention of parking to the front of the premises.

My previous report, which has been updated to address these issues and report further representations received, is as follows.

SITE AND PROPOSAL

Existing public house with rendered front and side elevations and brick to the rear under a clay tiled roof. The building is located in a prominent position facing the main street running through the village. A large open car park is situated the rear. The premises join a residential property to the side and housing is located to the rear of the car park. The site lies within the conservation area.

Retrospective consent is sought to retain a walk in refrigeration unit situated to the rear of the premises. This unit comprises of a white enclosed unit and an area of open storage to the side. A white corrugated roof covers the unit and storage area running into the roof of the main building. A lean-to building exists along the boundary of the pub with the adjoining residential property. This was previously used to house the freezers and fridges and is now used for washing up the dishes.

As part of the scheme it is proposed to house the unit in a brick built structure to match the

rear elevation of the public house, forming a flat roof with upstand parapet walls level with the existing first floor balcony.

MAIN ISSUES

1. Land Use.
2. Residential Amenity.
3. Impact on the Character and Appearance of the Conservation Area.
4. Parking.

RELEVANT SITE HISTORY

No recent history other than signage approved in 1985.

CONSULTATIONS/NOTIFICATIONS

Parish Council

Kirk Deighton

Environmental Health

Have no objection

Claro Internal Drainage Board

No comments received

APPLICATION PUBLICITY

SITE NOTICE EXPIRY: 16.07.2004

PRESS NOTICE EXPIRY: 16.07.2004

REPRESENTATIONS

KIRK DEIGHTON PARISH COUNCIL - The Parish Council OBJECT on the following grounds:

-This application for the retention of the refrigeration unit can not be considered as the newly erected extension which the unit is contained in does not at present have planning permission. The extension is in the centre of the Kirk Deighton Conservation Area and attached to the main building.

-The extension has been created because new owner has changed the Bay Hose into a bistro and bar, resulting in approximately 80% of the floor space now being reserved exclusively for diners. This has meant that the existing kitchen could not cope with all the extra cooking requirements resulting in an unauthorised extension being built at the rear of the property within the conservation area. Extra noise, cooking smells and much more waste material have resulted, the latter being collected in newly created wooden storage containers.

-The effect of this has led to far fewer parking spaces being available with almost all diners parking in the centre of the village which in turn has meant that residents have been unable

to park their cars outside or near their homes. At an Annual Parish Meeting many residents expressed how unhappy they were about the situation and this may lead to a request for residential parking areas.

The Parish Council were re-consulted on the amended plans received on 15 March. The Parish Council OBJECT to these and make the further following comments:

-The proposal does not describe the development fully and accurately which is a requirements for all planning applications. The proposal is for the retention of a refrigeration unit but the building has changed from what was initially a free standing outdoor refrigeration unit to become a kitchen extension. It is no longer a free standing unit.

-Drawings relating to an application should accurately and precisely show the technical specifications of the proposal. This has not been done. The drawings haven not been prepared to the technical standard usually required and shown on planning applications to Harrogate Borough Council. Because of the length of time already taken to consider the original application and previous problems, details must be clearly defined. The Parish Council is unable to consider the technical proposals or subsequently check that the development has been completed as agreed in the event of ant enforcement requirements.

-There is an ongoing serious problem with cooking smells but there is nothing in the plans to show how these will be alleviated. Planning permission should only be granted when an adequate scheme has been incorporated.

-The inclusion of a corrugated plastic roof is unacceptable in a conservation area. The roof should match the materials and colour of existing buildings.

-The proposed large expanse of wall needs to be broken up.

The Parish Council have been consulted on the final set of revised plans dated 28 April. Any further comments made will be verbally reported at the meeting.

OTHER REPRESENTATIONS - Three individual letters of OBJECTION have been received along with a further letter contained 20 signatures. The main issues referred to are:

1. Prior to the arrival of the present licensee the Bay Horse public house operated as a traditional village pub serving bar meals at lunch time. Up to 75% of the public house has been converted to a restaurant with a capacity of 55 covers and has created around 20 seats externally. The intensification of the restaurant activity has been implemented without any apparent concern or provision to the detriment of the amenity of residents.

2. The proposal includes a lean-to canopy that effectively provides covered access to a recently converted outbuilding. This outbuilding previously housed the refrigeration needs of the kitchen and is now used as operational kitchen area. These elements combined amount to an extension of the kitchen and increase its capacity.

3. The extraction and filter system presently in use is inadequate. The much increased level of food preparation and cooking associated with the more extensive range of food offered by the restaurant has resulted in the immediate area of the Bay Horse Inn being

immersed in cooking smells for most of the day.

4. A much higher volume of food, paper and cardboard carton waste is now generated and the containment and disposal arrangements are inadequate.

5. The open passageway along with staff working in the recently converted outbuilding and the background noise level of the a busy restaurant creates a much higher level of noise than was ever experienced when the area was used solely as a car park.

6. The structure is of an inappropriate design and construction taking into account its location in the heart of the conservation area.

5 letters of support have been received from addresses in Harrogate, Wetherby and Knaresborough. The main issues are:

- the public house has been transformed from a run down drinking establishment to a clean, well run and managed pub/restaurant which is a pleasure to use.
- the pub has been in the village for many years. It is a sophisticated establishment playing a role as a centre for the community to relax in and has an integral part to play in village life.
- it is a fine example of a traditional public house/restaurant with many of this kind diminishing throughout the UK.

VOLUNTARY NEIGHBOUR NOTIFICATION -
The Old Granary, Kirk Deighton

RELEVANT PLANNING POLICY

- PPS1 Planning Policy Statement 1: Delivering Sustainable Communities
- PPG15 Planning Policy Guidance 15: Planning and the Historic Environment
- SPE4 North Yorkshire County Structure Plan Policy E4
- LPA01 Harrogate District Local Plan (2001, as altered 2004) Policy A1: Impact on the Environment and Amenity
- LPHD20 Harrogate District Local Plan (2001, as altered 2004) Policy HD20: Design of New Development and Redevelopment
- LPHD03 Harrogate District Local Plan (2001, as altered 2004) Policy HD3: Control of development in Conservation Areas

ASSESSMENT OF MAIN ISSUES

1. **LAND USE** - The application premises comprise of a public house which has an established A3 use. As such planning permission is not required to change the internal arrangement of the premises. This means that the owner is able to extend the existing restaurant area into any bar area without the need to obtain planning permission. In addition to this, as the outbuildings to the rear of the premises have been used in connection with the public house and are therefore part of the planning unit, consent is not required to use these as part of the public house. The use of the building for its current use is therefore established.

2. **RESIDENTIAL AMENITY** - The unit is located to the rear of the public house adjacent to an outbuilding within the pubs ownership, adjacent to the boundary with the adjoining

property. There have been a number of issues raised by residents in relation to the proposal, and Members deferred consideration of the application at the meeting on 17th May for further information. These are addressed in turn below:

a) extraction system: there have been complaints that because of the increase in activity of the public house there is more odour arising from the premises for longer periods of time. There are currently two extraction units on the rear elevation of the building. Because the use is established the Local Planning Authority has no ability under planning law to require that a new extract system is installed.

The matter of problems arising from odour is one which Environmental Health addresses under their own legislation. This is currently under investigation and an Odour Abatement Notice has been served on the landlord of the premises.

The revised plans indicate a possible location of a new ventilation extract and filter system. Members requested further information on this at the committee meeting of 17th May. Following deferral of the application the applicant was requested to submit full details of the unit. The applicant has verbally indicated that it is now his intention to modify the filters of the existing extract system and that he has commissioned an engineer who is addressing the issue. The Local Planning Authority's concern may only be confined to the impact of any external alteration or addition made. The issue of odour nuisance from the premises is controlled by Environmental Health who are currently pursuing this matter.

b)waste: it is advised by residents that there has been an increase in the amount of waste stored on site. This is an environmental health issue and not a matter which the planning department may address. It is my understanding that environmental health have addressed this issue.

c)noise: the residents advise that there is an increase in noise from the premises through staff in the car park and by staff movements to the refrigeration unit and staff working in the outbuilding. Any noise that staff make in the car park is not a matter that either planning or environmental health may address. Loud noise in the evening is a police matter. Any noise staff make walking between the kitchen and refrigeration unit will be reduced through the proposal to construct a brick wall around the unit and construct a roof. Any noise made in the outbuilding is outside the control of the planning department. As previously stated this is part of the planning unit for the pub and its use as part of the premises does not require consent.

The Chief Environmental Health Officer was asked to assess whether there was any noise from the refrigeration unit that would harm residential amenity. The conclusion reached was that there was not. As this is the only outstanding issue to which the planning assessment of residential amenity relate it is concluded that the development does not cause demonstrable harm to existing levels of privacy and amenity.

In relation to the issue raised by Members with regard to the gas tank, the applicants agent has advised that they have investigated re-siting of gas bottles and a revised plan is to be submitted showing the reposition of these. Members will be updated at the meeting.

3. IMPACT ON THE CHARACTER OF THE CONSERVATION AREA - The site lies within the Conservation Area. Section 72 of the Planning (Listed Buildings and Conservation

Areas) Act 1990 requires that special attention should be paid in the exercise of planning functions to the desirability of preserving or enhancing the character or appearance of a Conservation Area. It is further considered in para 4.20 of PPG15 that the objective of preservation can be achieved either by development which makes a positive contribution to an areas character or appearance or by development which leaves character and appearance unharmed.

The unit is clearly visible from public vantage points and its stark white appearance detracts from the general character of the area. In order to reduce the visual impact of the development the applicant was advised that the unit should be housed in a brick built structure to match the rear elevation of the public house, forming a flat roof with upstand parapet walls level with the existing first floor balcony. Amended plans have been received showing such modifications. It is concluded that on the basis of the revised plans the development will have a neutral impact on the character and appearance of the Conservation Area.

4. PARKING - There is a reasonable sized car park to the rear of the premises. The unit may have resulted in the loss of one or two parking spaces. However, even if this was at full capacity as the premises are located on a main road with ample on-street parking refusal of the proposal on the grounds of insufficient on-site parking.

However, following concerns raised by Members at the May committee meeting the applicants agent has advised that a plan showing a new parking layout is to be submitted which also includes parking spaces to the front of the premises. Members will be updated at the meeting.

CONCLUSION - Although the concerns of local residents are acknowledged, as the use of the premises is established, many of the issues raised are not matters which the local planning authority may address. The proposal involves the retention of a refrigeration unit and any noise associated with staff movements to and from this will be minimised through the proposal to enclose the structure. The use of the outbuilding is established. Environmental Health are currently investigating the issue of odour from the premises. However, this is a separate matter to this current application and the only involvement of the planning process in this would be if the existing system can not be modified and a completely new extract system is required. The revised plans address the issue of the structures impact on the conservation area. In conclusion the proposal accords with the provisions of the development plan. There are no other material considerations in this instance that warrant setting aside local planning policy and approval is accordingly recommended.

CASE OFFICER: Mrs G Pinna-Morrell

RECOMMENDATION

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

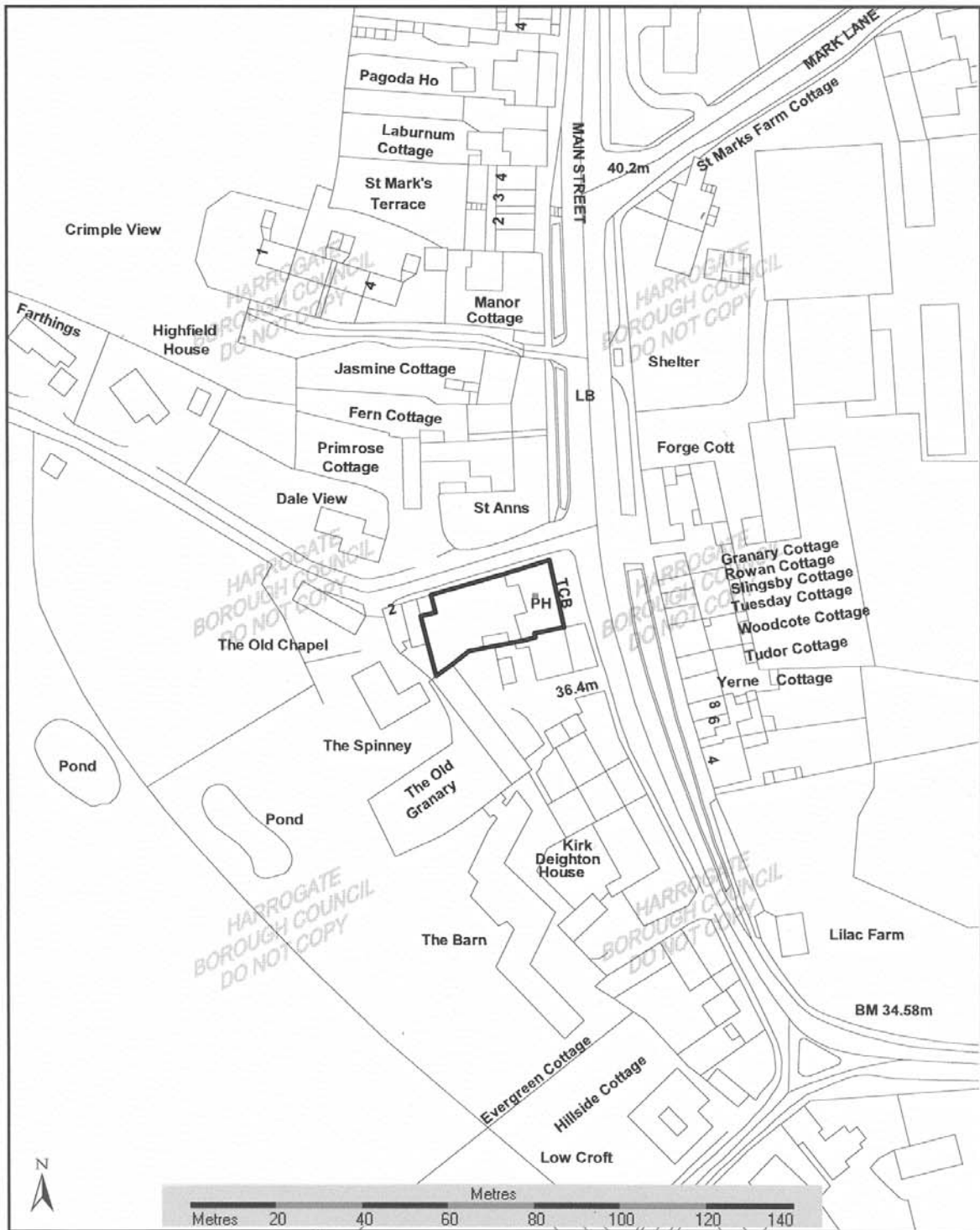
- 1 Within 1 calendar month of the date of this decision notice, a sample panel of the

brick it is intended to be used to enclose the unit shall be submitted for the prior written approval of the Local Planning Authority and thereafter the structure shall be erected in strict accordance with such details.

- 2 Within 3 calendar months of the date of this decision notice the brick enclosure, roof and parapet walls shall be erected and completed in strict accordance with the details received by the Local Planning Authority on 28 April 2005 and the materials approved under condition 01 of this consent.

Reasons for Conditions:-

- 1 In order to safeguard the character and appearance of the conservation area.
- 2 In order to safeguard the character and appearance of the conservation area.



Harrogate
BOROUGH COUNCIL

Department of Development Services

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Harrogate Borough Council 1000 19628 2005.

AREA 2 DC COMMITTEE

Item No. 2

App No./Case No. 6.136.91.A.FUL 04/02376/FUL

Scale (at A4 size) 1:1250

Site area 0.05 ha

Site boundary

Drawn MDTT

Date 19/07/2005

