

## HARROGATE BOROUGH COUNCIL

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

DATE: 11 October 2005

<b>PLAN:</b> 02	<b>CASE NUMBER:</b> 05/02549/FUL
<b>APPLICATION NO.</b> 6.141.147.B.FUL	<b>GRID REF: EAST</b> 431180 <b>NORTH</b> 446800
	<b>DATE MADE VALID:</b> 02.06.2005
	<b>TARGET DATE:</b> 28.07.2005
	<b>WARD:</b> Spofforth With Lower

Wharfedale

**APPLICANT:** Mr P H Sanders

**AGENT:** Walker Morris

**PROPOSAL:** Conversion of outbuildings to form 1 dwelling including retention of reconstructed former byre and demolition of utilitarian outbuildings, and landscaping (revised scheme) (site area 0.12ha).

**LOCATION:** Red House Farm Harrogate Road Harewood Leeds North Yorkshire LS17 9LW

### REPORT

At a meeting on 16 August 2005, Members resolved to defer determination of this application to enable the applicant to resolve provision of clear visibility splays at the junction of the access track with the main A61 Harrogate-Leeds road.

### SITE AND PROPOSAL

The proposal is seeking retrospective planning permission for part conversion of former buildings, part demolition of buildings and new build, all to form one single dwelling and erection of adjoining double garage at Red House Farm, to the east of the Harrogate Road near Harewood bridge, accessed by a track immediately to the north of Red House itself.

The agent confirmed that the middle section of the buildings was re-built as a result of unauthorised work by the contractors, who have been dismissed and are now subject to litigation by the applicant. The agent considers the development is:-

1. A good and appropriate design
2. Involves minimal changes to the buildings
3. Removes unsightly buildings
4. Includes a tightly drawn residential curtilage
5. Does not encroach into green belt
6. Promotes good stewardship of an existing building
7. Has good public transport options to Harrogate and Leeds
8. Will not be detrimental to vehicular safety.

A letter has been received from consulting civil and transportation planning engineers, which is considered in Main Issues - 3. Access.

### **MAIN ISSUES**

1. Policy
2. Planning History
3. Access
4. Green Belt
5. Design
6. Affordable Housing

### **RELEVANT SITE HISTORY**

6.141.147.FUL - Conversion of outbuildings to form one dwelling: refused :-5.11.2001.

6.141.147.A.FUL - Conversion of outbuildings to form one dwelling: permission :-  
12.08.2003.

### **CONSULTATIONS/NOTIFICATIONS**

#### **Parish Council**

Kirby Overblow

#### **Highway Authority**

Requires applicant to show 2m x 215m visibility splays. See Assessment of Main Issues - 3. Access.

#### **Environmental Health**

No comments or objections.

#### **DCS - Open Space**

See Assessment of main issues

#### **Housing Department**

Identified need for 5 affordable homes - See Assessment of Main Issues - 6. Affordable Housing.

### **APPLICATION PUBLICITY**

**SITE NOTICE EXPIRY:** 08.07.2005

**PRESS NOTICE EXPIRY:** 08.07.2005

### **REPRESENTATIONS**

**KIRKBY OVERBLOW PARISH COUNCIL** - No objections provided scheme is the same as before.

**OTHER REPRESENTATIONS** - The adjoining landowner (i) claims part of the application site (including land to the north of the access) is not in the applicant's ownership or control. (ii). Has given permission to cutback the hedge north of the access as it was on Sunday 14 August 2005 (i.e 2 days before Committee Site Visit).

**VOLUNTARY NEIGHBOUR NOTIFICATION** - None

#### RELEVANT PLANNING POLICY

- PPS1 Planning Policy Statement 1: Delivering Sustainable Communities
- PPS7 Planning Policy Statement 7: Sustainable Development in Rural Areas
- PPG2 Planning Policy Guidance 2: Green Belts
- SPH3 North Yorkshire County Structure Plan Policy H3
- SPH5 North Yorkshire County Structure Plan Policy H5
- LPC02 Harrogate District Local Plan (2001, as altered 2004) Policy C2: Landscape Character
- LPC16 Harrogate District Local Plan (2001, as altered 2004) Policy C16: The Re-use and Adaptation of Rural Buildings
- LPGB02 Harrogate District Local Plan (2001, as altered 2004) Policy GB2: The control of development in Green Belt
- LPGB03 Harrogate District Local Plan (2001, as altered 2004) Policy GB3: Engineering, other operations and change in use of land in the Green Belt
- LPGB04 Harrogate District Local Plan (2001, as altered 2004) Policy GB4: Requirements of Development in Green Belt
- 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
- 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
- SPE9 North Yorkshire County Structure Plan Policy E9

#### ASSESSMENT OF MAIN ISSUES

**1. POLICY** - Policy C16 permits the reuse of rural buildings provided they are structurally sound and capable of conversion without requiring extensive alteration, extension, demolition and/or rebuilding work and provided the physical changes, access and servicing arrangements, and the level of activity associated with the proposed use do not harm the character or appearance of the countryside or the building itself.

Structure Plan Policy H5 and Local Plan Policy H7 resist new dwellings in the countryside without special justification.

Structure Plan Policy E9 and Local Plan Policies GB2, GB3 and GB4 resist development which would be harmful to the openness of the Green Belt.

Local Plan Policy C2 seeks to protect existing landscape character.

Selective Alteration Policy H5 requires an element of affordable housing on suitable new housing developments on sites of 0.1 of a hectare or more irrespective of the number of proposed dwellings.

**2. HISTORY** - In November 2001 planning permission was refused for the conversion of former brick works buildings which had altered and been used for agricultural purposes. The building group comprised:

1. At the east end, a small corrugated iron sheeted asymmetrical ridged roofed building with externally rendered brick walls and a pantiled ridged roof larger brick walled building;
2. At the western end, a tiled ridged roofed building supported by flimsy queen post trusses, themselves supported at each end by brick piers, each truss being supported internally by two intermediate timber posts;
3. At the extreme west end a small mono-pitched asbestos sheet roofed outbuilding with a base wall of concrete blocks and upper wall of brick rendered externally.

Accompanying the application was a report on the structure of the building which stated that the condition of the roof structure was variable and that some timber remedial works would be necessary. It was stated that it would prove economically beneficial to meet (then) current regulations for waterproofing and insulation to replace sections of the roof structure.

Your officers concluded that the western section of the group of buildings (2 & 3 above) was the major proportion of the development. With the roof removed, sections of the roof structure removed for replacement, removal of the crude timber framed glazing and perhaps demolition of some of the base walls between the external brick piers, too little of the then existing fabric of the building would remain. It was considered that collectively, extensive parts of the buildings would require demolition and re-building. There were concerns over design and access. Consequently planning permission was **refused** because:-

- i) The development would involve extensive demolition and re-building works, beyond what could reasonably be considered conversion and therefore would not comply with criteria for the reuse of rural buildings (Policy C16).
- ii) Once demolished, any future new build would be harmful to the character of the countryside and more importantly to the openness of the Green Belt.
- iii) The development provided inadequate visibility at its access with the A61.

In March 2002 Walker Morris, Solicitors, as agents for the same applicant using plans from the same architect submitted a second planning application together with a structural engineering consultant's appraisal. The consultant engineers concluded that "given the general reasonable condition of the timbers, these will be retained and prepared as appropriate, as throughout. Some localised replacement of weathered timbers will be considered as work progresses, but will not affect the overall conversion thesis".

Because this second application was supported by a structural appraisal, by a construction methodology statement to show how the building could be converted and the development complied with Local Plan Policies, planning permission was granted. However given the

concern about the structural condition of the buildings (and the road safety issues referred to later) the permission was strictly conditioned.

Condition No. 8 required that the conversion works should only be carried out in accordance with the details that had been specified in the Structural Report and Construction Methodology Statement, which accompanied and formed part of the application.

Furthermore, an Informative was also added to the planning permission advising that permission related solely to the conversion of the existing buildings; and that any demolition and rebuilding (unless approved by the LPA) would render the permission inoperable and invalid.

Other concerns about design and access were addressed showing visibility splays within the ownership and control of the applicant - information only recently found not to be correct.

Notwithstanding the strict planning condition and informative the whole of the western section of the buildings was completely demolished and the materials removed from site. New foundations were excavated and a completely new replacement building and double garage have been erected, walls and roof.

Not strictly a planning consideration, but nevertheless relevant to another discipline of the Council, the foundations were formed without the necessary Building Regulation approval. There are discrepancies which preclude the necessary building regulations approval both for construction of the foundations and the external walls, consequently all the new build has been carried out without Building Regulation approval.

**3. ACCESS** - The junction of the access with the A61 has the potential for being one of the most dangerous, because of the speed of traffic on the main road, unless and until clear proper visibility splays at least 2m x 215m are provided in either direction. Conditions 4 and 5 of the previous planning permission required, before any other works were carried out, that adequate visibility splays providing clear visibility of 2m x 215m must be provided and, kerbs should be provided, because of the concerns about highway safety at the junction of the access with the A61. In this case it was considered important that the access was made safe first for all the construction traffic.

An inspection of the site earlier this year revealed that improvement works had not been carried out to the access as required by Conditions 4 and 5 of the planning permission. Both were conditions precedent and, because they have not been satisfied, there is no planning permission for any other building works that have taken place on the site. All other works are unauthorised and without planning permission.

At the time of the Committee site visit inspection, the roadside face of the hedge to the north of the access had been cut back for a certain distance. Although the hedge had been severely cut back close to the access removing nearly all side growth, the visibility splay was only just two metres from the edge of the carriageway. Any side growth from the hedge would immediately intrude into the visibility splay and rapidly reduce clear visibility of traffic approaching from the north.

To provide a permanent visibility splay, the roadside hedge on the north side of the access

would need to be grubbed out and replanted such that the visibility splay could always be guaranteed even when the hedge was outgrown.

The applicant's consultants have argued that firstly there would be little additional traffic generated by the proposed development over and above that which might be generated should the agricultural use of the building continue; that if the average speed of vehicles on the A61 was 1 mile per hour slower than that measured (85%ile wet weather journey speed and southbound traffic is 54mph), a new junction design speed would require visibility of only 160 metres; and that the Highway Authority could serve notice requiring the hedge to be cut back to provide the necessary visibility.

It is your officer's opinion that because of the very high speeds of some traffic using this road, it is imperative that clear and unobstructed visibility a minimum of 2 metres by 215 metres is permanently provided, and that anything less in this location would be a serious highway safety hazard.

Visibility to the south is obstructed by an enclosing front garden wall surmounted by piers and has been further obstructed recently by planting young leylandii trees which are already higher than the enclosing garden wall, further obstructing visibility to the south. Since planning permission was granted, far from attempting to provide clear visibility in a southerly direction, the applicant has by planting trees, actively contributed to obstructing visibility.

Unless and until visibility splays to the south and to the north are permanently provided, no development should take place. Without a safe access, no development should be permitted on this site.

When planning permission was previously granted for the conversion of these buildings, the visibility splays on either side of the vehicular access onto the main A61 were shown as part of the application site. That being the case, the planning authority could condition that, once created the visibility splays should remain permanently unobstructed.

Unless and until the applicant can provide the necessary visibility onto this busy and fast section of the A61 it is recommended that planning permission is refused on highway safety grounds.

**4. GREEN BELT** - Once the western section of the former farm buildings was demolished, planning permission was required for any new building, particularly for such an extensive part of the overall built development. Green Belt policies preclude development unless it is for particular purposes, none of which pertain in this case. Consequently the development would be contrary to the Council's Green Belt policies and therefore planning permission should be refused.

**5. DESIGN** - When planning permission was granted for conversion of the former agricultural buildings, the design was to a great extent led by form and structure of the buildings on site. The western end was probably a brick drying shed with queen post roof trusses supported at eaves on narrow brick piers with intervening timber posts. The sections between the external piers had been rather crudely infilled. The form of the former drying shed to a great extent led to the design that was approved to accord with Policy C16 which required that conversion should amongst other things not harm the character or appearance of the building itself.

The plans submitted with this application are exactly the same plans that were the subject of the previous planning permission. The approved plans have simply been copied and re-submitted with this application. It is worth noting, however, that the works have not been carried out strictly in accordance with the plans, particularly in that section of the building which has been completely demolished and re-built. I would have thought it pertinent that the plans the subject of the present application should properly reflect what has been built.

Although the proposed design, for which planning permission was granted, was based on the requirements of Policy C16 which requires that the design of converted buildings does not harm the character of the building. Siting and design of new dwellings in the countryside should comply with Policy H18 which requires that design should reflect the character of traditional buildings in the locality in terms of scale, form, materials and architectural detail. The proposed design replicates the external appearance previously approved for a conversion. The design is considered inappropriate in a completely new built building. The former building had been demolished and, if other policies permitted extension, the design of the replacement building would not have been encouraged and is not considered appropriate.

**6. AFFORDABLE HOUSING** - Policy H5 seeks to secure an element of affordable housing on sites in excess of 0.1 hectares. The application site extends to 0.12 hectares. If Members were minded to grant permission for residential development, notwithstanding that a large section of the former buildings were demolished and have been re-built, because the site exceeds 0.1 hectares, Planning Policy H5 requires an element of affordable housing. The overall size of the buildings is such that it would be possible to provide at least two dwellings, one of which could then be put forward for affordable housing.

The Housing Officer advises that the Needs Survey Update 2003 identifies a need for five affordable homes for local people in the period 2003-2008 in the sub-area of Kirkby, which includes the Parish of Kirkby Overblow. Since the publication of the survey in June 2003, no affordable homes have been delivered in this sub-area. Clearly, therefore, there is a need for affordable housing on this site.

Provision has not been made for an element of affordable housing and therefore the development is contrary to Policy H5, C16 and should be refused.

**CONCLUSION** - Because the previous planning permission required works to be carried out at the access **before** any other development took place on site, a requirement very necessary in this case in the interest of highway safety, none of the works that have been carried out have been done with the benefit of planning permission.

Planning permission for the conversion of the buildings was granted with an express condition and an informative making it quite clear that permission was only granted on the basis of information specially submitted with the application to the effect that the development could be carried out without demolition and rebuilding substantial parts of the resultant dwelling. It was also expressed in that decision that unless prior written consent was granted by the Local Planning Authority, any demolition and rebuilding would render that permission inoperable and invalid.

Policy C16 sets out strict criteria against which re-use of rural buildings will be permitted

and specifically precludes cases requiring significant rebuilding, which has occurred here.

Once the western part of the buildings had been demolished and removed, the new build which has taken place also contravenes Green Belt Policies which resist development in Green Belt, to protect the openness of the Green Belt.

The proposed development contravened the express conditions and Informative of the previous planning permission, contravenes the criteria of Policy C16 for the re-use of rural buildings, contravenes criteria for development in Green Belt, and would be a danger to highway safety as well as being an inappropriate design mimicking but not replicating the appearance of the former brick drying shed. To grant permission would send a signal to other developers that demolition was an acceptable procedure in rural areas. Consequently, in accordance with adopted planning policies, it is strongly recommended that planning permission be refused.

**CASE OFFICER:** Mr M A Warden

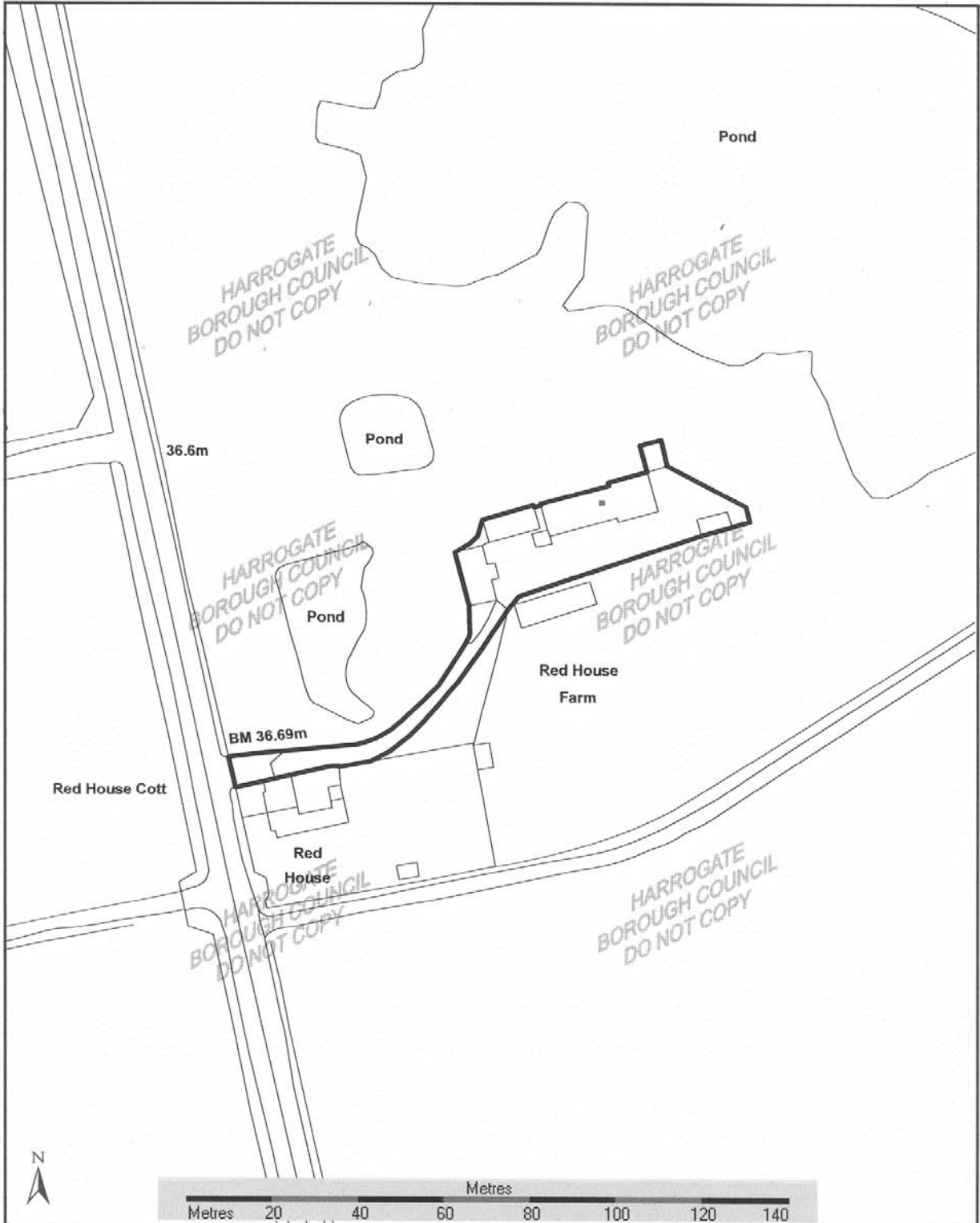
## RECOMMENDATION

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

- 1 The development involves extensive re-building of a major part of the former agricultural buildings which has resulted in the creation of a new dwelling in the countryside away from any settlement and, not being conversion but mostly new build, is of an inappropriate non vernacular design, which together with the associated residential curtilage, would be harmful to the character and appearance of the remainder buildings not demolished and to the countryside, consequently the development would be contrary to North Yorkshire County Structure Plan Policies H5 and Harrogate District Local Plan Policies C2, C16, H7 and H18
- 2 The development would result in an urban form of encroachment into the countryside which would be harmful to the character and openness of the countryside and of the Green Belt contrary to North Yorkshire County Structure Plan Policy E9 and Harrogate District Local Plan Policies C2, C16, GB2, GB3 and GB4.
- 3 The development area is in excess of 0.1 hectares and makes no provision for affordable housing and consequently would be contrary to Harrogate District Local Plan Policy H5 and C16.
- 4 The existing access, by which vehicles associated with this proposal would leave and rejoin the County Highway is unsatisfactory since the required visibility of 2 metres x 215 metres cannot be achieved at the junction with the County Highway and therefore the development is unacceptable in terms of highway safety and contrary to Harrogate District Local Plan Policy A1.
- 5 The Planning Authority considers that the proposed development would give rise to additional vehicles waiting in the carriageway and leaving and rejoining the traffic stream on an open stretch of road where vehicle speeds are high, and would thus cause interference with the free flow of traffic and consequent danger to highway users and thus contrary to Harrogate District Local Plan Policy A1.







**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. 05/02549/FUL 6.141.147.B.FUL

Scale (at A4 size)

1:1250

Site area

0.12ha

Site boundary

Drawn

MDTT

Date

11/10/2005

