

HARROGATE BOROUGH COUNCIL

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

DATE: 11 October 2005

PLAN: 05	CASE NUMBER: 05/04239/COU
APPLICATION NO. 6.100.1183.D.COU	GRID REF: EAST 436260 NORTH 456660
	DATE MADE VALID: 22.08.2005
	TARGET DATE: 17.10.2005
	WARD: Knaresborough King

James

APPLICANT: S And H Recovery Service LTD

AGENT: Atteys Solicitors (Adrian)

PROPOSAL: Change of Use from bus depot (Class Sui Generis) to vehicle recovery and temporary storage depot (Class B2).

LOCATION: Diesel LPG Limited (Formerly Wrays Coaches - Harrogate District Travel)
Manse Lane Knaresborough North Yorkshire HG5 8LF

REPORT

SITE AND PROPOSAL

Manse Lane is a predominantly industrial area, although the location of the site is at the northern end of the lane where it meets York Road and where there are residential properties.

The "true" industrial state lies further south. The land surrounding the application site is more 'light industrial' in nature and where general industrial uses have been resited. The site is square in shape and formerly a bus depot. Half of the site is a fenced compound and the other half contains a building and open parking/loading area.

The proposal is a retrospective one for a 24 hour vehicle/accident recovery operation.

The applicant operates a fleet of large recovery vehicles from the site and the compound is full of recovered/damaged vehicles.

The agent has stated the following:-

"Our clients, S & H Recovery Services Limited, are the tenants of the above property and wish to change the use from a bus depot to a vehicle recovery and storage depot. We accordingly enclose five copies of their application, together with five copies of the site plan, and our cheque for your fee of £265.00.

By way of background, our clients have been in business for more than 20 years, and have a number of depots in West Yorkshire, North Yorkshire, North Nottinghamshire, South Yorkshire and Lincolnshire. They have contracts with RAC and Green Flag, among others, to recover vehicles which have broken down or been involved in accidents.

The reason for the move to Knaresborough is that they have outgrown their depot at Wetherby. Five of their employees will relocate and they intend to recruit five more employees at Knaresborough.

As a rule, their employees keep their breakdown vehicles at home and use the vehicle either to travel to the depot or to go to the site of an accident or breakdown. The breakdown vehicles do not generally stay on site unless they are not on call. Our client has instructed his drivers not to park them on the road.

Although some of our clients depots operate around the clock, this is not the intention at Knaresborough.

Likewise it is not intended to keep broken down or damage vehicles at this depot (except on a temporary basis while in transit) but to keep them at their depot at Leeds. If there is any further information you require, please let us know.

This application followed complaints to the Councils Enforcement Section resulting from disturbance and problems of vehicles blocking residents drives.

The application seeks to regularise the unauthorised use.

MAIN ISSUES

1. Compliance with Policy
2. Highway Safety
3. Affect on Highway

RELEVANT SITE HISTORY

Change of use to sole repair of vehicles - refused 09.08.04
Bus garage workshop - Approved 24.04.90

CONSULTATIONS/NOTIFICATIONS

Parish Council

Knaresborough

Chief Engineer (H and T)

No objections

Environmental Health

Advise 2 conditions

APPLICATION PUBLICITY

SITE NOTICE EXPIRY: 30.09.2005
PRESS NOTICE EXPIRY:

REPRESENTATIONS

KNARESBOROUGH TOWN COUNCIL - Object for the following reasons:-

The nature of operations and the size of Vehicles recovered has resulted in an over-use of the site, to the detriment of neighbouring residents amenity.

OTHER REPRESENTATIONS - 12 Letters of comment or objection have been received from:-

G.S.P.K, Manse Lane; Rowan Garth and Little Garth, Manse Lane:

35, 37 Wetherby Road

9 Princess Avenue, The Lodge and Roskilde House, York Road and Cedar Shingles, Abbey Road - which state:

- (i) whilst activity has reduced and parking lessened (since yellow lines imposed) would be concerned if activity and use of road increased again.
- (ii) should be controls over use of site if permission granted.
- (iii) firm use very heavy vehicles on 24 hour basis, resulting in parking on yellow lines, parking on pavement, blocking residents accesses: dangerous blocking of highway.
- (iv) disturbance at unsociable hours from noise; horns and flashing lights, engines left running resulting in exhaust fumes.
- (v) B2 use not appropriate near to residences. Unsuitable use for site.
- (vi) Too large an operation for this site.
- (vii) Repairs undertaken on Manse Lane.
- (viii) Rubbish and unsightly appearance.
- (ix) Damage to private drives and over-running of verges - mud on road.
- (x) Cannot sleep for noise of vehicles.
- (xi) Complaints to Police are not dealt with.
- (xii) Not good planning to allow this control over expansion.
- (xiii) Unknown chemicals stored in containers at rear of site.
- (xiv) Devaluation of property. (Note: not a planning consideration)
- (xv) Damaged vehicles are a fire hazard.
- (xvi) Road is used as a parking lot.

A series of photographs have been enclosed to demonstrate the above concerns.

VOLUNTARY NEIGHBOUR NOTIFICATION - No

RELEVANT PLANNING POLICY

- PPS1 Planning Policy Statement 1: Delivering Sustainable Communities
- PPG4 Planning Policy Guidance 4: Industrial and Commercial Development and Small Firms
- PPG24 Planning Policy Guidance 24: Planning and Noise
- LPA01 Harrogate District Local Plan (2001, as altered 2004) Policy A1: Impact on the Environment and Amenity
- LPA03 Harrogate District Local Plan (2001, as altered 2004) Policy A3: Noise Generating and Sensitive Development
- LPE06 Harrogate District Local Plan (2001, as altered 2004) Policy E6: Redevelopment and extension of industrial and business development

ASSESSMENT OF MAIN ISSUES

1. COMPLIANCE WITH POLICY - The site lies within the development limits of the settlement and is a recognised industrial estate where Policy E6 allows for such development providing there is no conflict with stated criteria such as highways and amenity. These matters are discussed in the following sections.

2. HIGHWAY SAFETY - It is noted that the area surrounding the site is subject to parking restrictions which should ensure that no indiscriminate parking should occur. The Highway Authority raises no objections.

3. RESIDENTIAL AMENITY - It is quite apparent from the letters of objection and submitted photographs that when this company established themselves on the site, significant problems were experienced.

The site is very close to residential properties and whilst this is an 'industrial estate' the users permitted have generally been B1 and B8 (light industry offices or warehousing). B2 - General industrial - developments have been resisted at this end of Manse Lane. Car repairs were refused on this site in 2004. The activity involved in vehicle recovery, particularly the size of vehicles and how they operate, can have an immense impact on the amenity of neighbours from noise/disturbance specially at unsociable hours.

Consideration has been given as to whether the operation could be controlled by conditions or a Section 106 agreement, to limit the number of vehicles operated, the times and manner of operation, but it would not be achievable, reasonable or enforceable.

The type of business is such that it would not be feasible to restrict the use to a level whereby no nuisance would result.

The operations at the site are unacceptable in terms of the impact upon the residential amenity of neighbours.

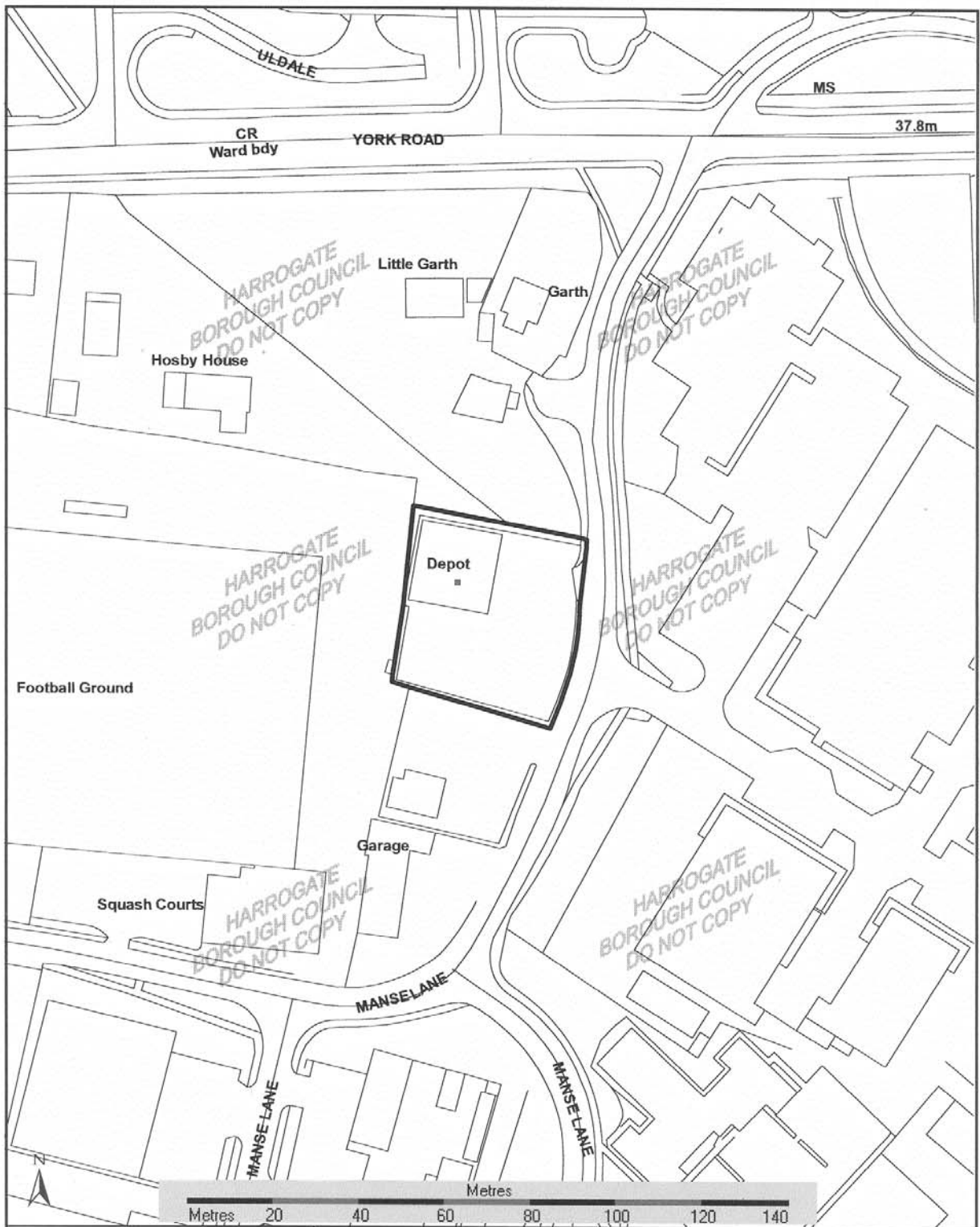
CONCLUSION - This particular use is inappropriate in close proximity to residential property.

CASE OFFICER: Mr R Forrester

RECOMMENDATION

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

- 1 The operation of recovery vehicles and the associated noise/disturbance from unloading and storage of vehicles particularly at unsociable hours will lead to an unacceptable loss of residential amenity for the occupants of nearby dwellings. The proposal therefore conflicts with the provisions of Policies A1, A3 and E6 of the Adopted Harrogate District Local Plan.



Harrogate
BOROUGH COUNCIL

Department of Development Services

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Harrogate Borough Council 1000 19628 2005.

AREA 2 DC COMMITTEE

Item No. **5**

App No./Case No. **05/04239/COU 6.100.1183.D.CO**

Scale (at A4 size) **1:1250**

Site area **0.18ha**

Site boundary

Drawn **MDTT**

Date **11/10/2005**

