

HARROGATE BOROUGH COUNCIL

DISTRICT DEVELOPMENT SUB –COMMITTEE – AGENDA ITEM 5

DATE: 23 February 2006

PLAN:	CASE NUMBER:	05/06329/OUTMAJ
	GRID REF: EAST	437243 NORTH 475376
APPLICATION NO. 6.22.48.D.OUTMAJ	DATE MADE VALID:	16.12.2005
	TARGET DATE:	17.03.2006
	WARD:	Wathvale

VIEW PLANS AT:

APPLICANT: Mr M Shillito And Mr D Wood

AGENT: Turley Associates

PROPOSAL: Outline application for the erection of 13 dwellings to include 8 units for affordable housing with siting and access considered (site area 0.37ha) (revised scheme).

LOCATION: Land To The Rear Of The Lamb Inn Rainton York North Yorkshire

REPORT

This application was considered at Planning Committee on 14 February 2006. The application was referred to the District Development Control Committee as members wished to approve the scheme contrary to officers recommendation as they considered that the proposed was within the village: that the removal of the haulage yard represented an environmental improvement for immediate neighbours; that the development provided a good mix of housing and the affordable housing provision would meet an identifiable need in the area.

SITE AND PROPOSAL

The application site is located to the rear of the Lamb Inn public house, Rose Cottage and Rosewood, Sleights Lane Rainton. The site is some 0.37 hectares in area and is currently within two different ownerships. The larger portion of the site forms an undeveloped and grassed area to the rear of the public house with the eastern section occupied by commercial buildings associated with an existing haulage yard. The two portions of the site are split by a boundary fence and have independent vehicular access.

Small undeveloped paddocks are located to the east and western boundaries of the site with open fields located beyond an existing wall to the rear.

The applicant has submitted a revised scheme for the erection of 13 dwellings to include 8 units for affordable housing. The proposal is submitted in outline form with all matters other than siting and access reserved for subsequent approval.

The proposed dwellings will be grouped around the hammerhead of a new access road,

extended from that existing off Sleights Lane and currently serving the Lamb Inn Public House. The access will also serve the reconfigured parking area to the public house. The development will require the removal of the existing sheds associated with the haulage yard. The existing access to the haulage yard will remain, but will now only serve the two existing residential properties (Rose Cottage and Rosewood).

The submitted layout provides for a mix of detached, semi detached and terraced properties.

The scheme represents a revised scheme following the withdrawal of an earlier scheme for 11 dwellings. This application was withdrawn by the applicant following Harrogate Borough Councils decision to refuse the scheme. The application was withdrawn prior to issuing a decision notice.

MAIN ISSUES

1. Land Use
2. Highway Safety
3. Residential Amenity
4. Visual Impact

RELEVANT SITE HISTORY

Land to the rear of Rose Cottage /Rosewood

6.22.16.A.PA - Erecting storage building for agricultural materials and vehicle PERMIT 1978

6.22.16.E.PA - Steel framed building for covered trailer store parking .PERMIT 1988

6.22.16.F.PA - erecting open ended truck canopy PERMIT 1994 (storage only no repair work)

Land to the rear of the Lamb Inn

6.22.48 OA Erection of 9 chalets REFUSED 1983 - This application was submitted on land forming part of the current application site. A copy of the decision notice is attached at Appendix 1.

6.22.48.A.OA - Erecting 10 bedroom and bathroom block PERMIT 1984

6.22.48.B.RM - Reserved matters application for the above PERMIT 1987 (on land to the immediate rear of the pub forming part of the access road and car park on the current submitted scheme). The application was not implemented.

6.22.48.C.OUTMAJ - Outline application for the erection of 11 dwellings to include 6 units for affordable housing: WITHDRAWN 08.11.2005

Members may recall that this application was withdrawn prior to issuing a decision notice following consideration of the scheme at Harrogate Borough Council's Planning Area 1 Special Procedure Committee of 8 November 2005. Members of that committee resolved to refuse the application for the reasons enclosed at APPENDIX 2.

CONSULTATIONS/NOTIFICATIONS

Parish Council

Rainton w Newby

NYCC Highway Authority

No objection to the access (subject to conditions), but the granting of consent should not assume that the road layout is acceptable- the road layout requires amendment.

Housing Department

If the site is within the built up confines a minimum of 60% affordable housing is required. This percentage rises to 100% on greenfield sites. The Needs Survey Update 2003 identifies a requirement for 25 affordable dwellings a year for the sub-area of Wathvale (2003 - 2008). These dwellings would go some way towards addressing that need.

If the site lies outside the built up area policy H8 requires 100% affordable provision. Proposals for a mixed tenure development do not therefore comply. Other criteria also apply, including that the site is the most suitably located, available exception site. The development should also meet need (in respect of dwelling size and type) identified by a local parish-based survey. Such a survey was carried out late 2005 by the Rural Housing Trust, identifying a need for up to 6 dwellings within the Parish itself.

Environmental Health

No objection subject to conditions. Comment that the pub car park may create noise disturbance to the new dwellings.

H.B.C Land Drainage

No comments to make upon the scheme.

APPLICATION PUBLICITY

SITE NOTICE EXPIRY: 20.01.2006

PRESS NOTICE EXPIRY: 20.01.2006

REPRESENTATIONS

RAINTON WITH NEWBY PARISH COUNCIL - The Parish Council supports the application. The provision of market affordable housing is welcomed. Please Note: The proposed entrance to the site would encroach upon a grass verge that is designated as Town or Village Green (Common Land) and in the ownership of the parish council. It is understood that if the application is successful a land exchange would be offered.

OTHER REPRESENTATIONS - 2 letters received objecting to the development on the following grounds:

Whilst agreeing that Rainton needs more affordable housing I feel that there are far better potential sites in the village than this proposed scheme and I hope that Councillors are not going to be blackmailed into supporting this application by the promise of affordable housing.

Inappropriate development in the village.

Significant impact upon the village in terms of traffic movements which has been exacerbated since the opening of the new bridge over the A1 which has considerably increased through traffic.

The loss of parking for the continued use of the pub will create further hazard as on street parking will increase.

This is not an exceptional site for the provision of affordable housing. HBC has a preferred site on Church Lane which is better suited in respect of access and impact upon the character of the village.

VOLUNTARY NEIGHBOUR NOTIFICATION - None

RELEVANT PLANNING POLICY

- PPS1 Planning Policy Statement 1: Delivering Sustainable Communities
- PPG3 Planning Policy Guidance 3: Housing
- PPS7 Planning Policy Statement 7: Sustainable Development in Rural Areas
- PPG13 Planning Policy Guidance 13: Transport
- PPS11 Planning Policy Statement 11: Regional Spatial Strategies
- PPG17 Planning Policy Guidance 17: Planning for open space, sport and recreation
- SPH1 North Yorkshire County Structure Plan Policy H1
- SPH4 North Yorkshire County Structure Plan Policy H4
- SPE2 North Yorkshire County Structure Plan Policy E2
- LPH01 Harrogate District Local Plan (2001, as altered 2004) Policy H1: The Housing Requirement
- LPH05 Harrogate District Local Plan (2001, as altered 2004) Policy H5: Affordable Housing
- LPH06 Harrogate District Local Plan (2001, as altered 2004) Policy H6: Housing developments in the main settlements and villages
- LPH07 Harrogate District Local Plan (2001, as altered 2004) Policy H7: Housing development in the countryside
- LPH13 Harrogate District Local Plan (2001, as altered 2004) Policy H13: Housing Density, Layout and Design
- LPH17 Harrogate District Local Plan (2001, as altered 2004) Policy H17: Housing Type
- LPE02 Harrogate District Local Plan (2001, as altered 2004) Policy E2: Retention of Industrial/Business Land and Premises
- LPH09 Harrogate District Local Plan (2001, as altered 2004) Policy H9: Sub-division of Dwellings
- LPC15 Harrogate District Local Plan (2001, as altered 2004) Policy C15: Conservation of Rural Areas not in Green Belt
- LPR04 Harrogate District Local Plan (2001, as altered 2004) Policy R4: Open Space Requirements for New Residential Development
- LPA01 Harrogate District Local Plan (2001, as altered 2004) Policy A1: Impact on the

ASSESSMENT OF MAIN ISSUES

1. LAND USE - Harrogate District Local Plan (HDLP) Policy H6 identifies Rainton as a smaller village where new residential development will only be acceptable if the site is located within the built up confines of the settlement and in relation to new development constitutes small scale rounding off development or infill.

The justification to policy H6 identifies the built up confines to mean the main built up body of a village and excludes detached or isolated buildings and modern agricultural and industrial buildings extending beyond the main built form. The definition of infilling to be used in connection with the policy is the filling of a small gap in an otherwise substantially built up frontage. In some cases the policy identifies that limited in depth development may be appropriate if this constitutes rounding off, where the site is small and bounded on three sides by substantial built development. Proposals, which adversely affect the form or character of a settlement, will not normally be permitted.

In this instance, it is your officer's opinion that the site cannot be described as infill nor small scale rounding off. Whilst development is located on the road frontage and the buildings associated with the haulage depot occupy the eastern portion of the site, under the definition of the policy the site is not surrounded by built development on three sides. The haulage depot, whilst clearly related to the settlement forms backland development divorced from the main body of the settlement.

The main built up form of the village consists of the dwellings fronting Sleights Lane. Limited in depth development has occurred with the conversion of a number of former agricultural buildings some distance to the west of the site. Although the site is enclosed by a wall that defines the rear of curtilages and paddocks of the village from the surrounding agricultural land, the site is particularly prominent when viewed from the east and would be seen as a clear and undesirable extension of the village beyond the established built form.

In consideration of the earlier application for chalets at the site and the withdrawn scheme for 11 dwellings, it was considered that development of the site would result in a detrimental extension to the form and character of the settlement. This scheme only differs from the earlier withdrawn scheme in that additional units are proposed with a corresponding increase in the level of affordable units.

The above issue is considered fundamental to the consideration of the scheme. A site that is considered to be located outside of the built up confines of the village requires consideration under a different raft of policy considerations. HDLP Policy H7 requires special justification to warrant new housing in the countryside, whilst H8 identifies that as an exception to the policies for the location of new housing, permission will be granted for small scale affordable housing developments subject to meeting specific identified criteria.

Whilst the affordable housing element of the scheme is welcomed, there is no justification for the open market housing, which is considered contrary to Policy H7 as there is no

special justification for this aspect of the development upon this backland site.

The rural exception Policy H8 requires 100% affordable provision substantiated by a needs survey. The policy also requires inter alia an assessment of the availability of suitable alternative sites which may be better placed to serve identified needs. The applicant has not attempted to justify the development under Policy H8.

HDLP Policy HX introduces a sequential approach to housing site release. The policy reflects advice contained within PPG3, RPG12 and the Government's Better Practice guide 'Planning to deliver' and in combination with forecasts of large-scale over-provision of housing in the district seeks to restrict new housing development. The managed housing release policy is needed to greatly restrict future housing supply over the plan period (2006).

In view of the potential large scale over-provisions, the policy approach taken is to apply severe restrictions to the release of greenfield sites and large previously-developed sites.

In this instance the site represents a part greenfield site and part previously developed site that is located beyond the main built up confines of the settlement. The site area exceeds the 0.3 hectares in area.

HDLP Policy HX identifies that development on Greenfield sites will only be allowed in the few cases where it is required to meet justifiable exceptional needs that cannot be met elsewhere. These include certain affordable rural housing, enabling development housing; agricultural and rural workers dwellings provided in accordance with H7; agricultural building conversions and redevelopments and other possible cases where there is a proven need for a single dwelling (eg agricultural workers dwelling) on a greenfield site in a settlement which cannot be met on a previously developed site.

Whilst clearly there is a need for affordable units, the sites location outside the village requires 100% provision. The applicants are proposing 8 affordable units with 5 open market dwellings. This represents 62% provision. Such provision is greater than the normal requirement of 50% as identified within HDLP Policy H5 and would meet the requirements of HX if the view of is taken that the site represents a previously developed site lying within the village.

It is recognised that there is a shortage of affordable houses across the district and the non statutory Rainton Parish Plan identifies a need for affordable homes. Both PPG3 and HDLP Policy H8 are clear however, that in the consideration of rural exception sites, affordable housing provision should not be cross subsidised by general market housing, or mixed development such as the submitted scheme.

Under the Rural Exception policy (HDLP Policy H8) 100% affordable housing should be provided on this site.

The increase in units over and above the earlier withdrawn scheme ensures that the development accords with HDLP Policy H13 in terms of site density. The scheme provides for a density of approx 35 dwellings per hectare. Both PPG3 and Policy H13 seek a density of at least 30 dwellings per hectare to promote the efficient use of land and to encourage smaller and more varied mix of house types.

The proposed development would result in the loss of the haulage depot. HDLP Policy E2 seeks to retain existing industrial /business land and premises within employment use, unless inter alia the continued use of the site would cause unacceptable planning problems. Whilst your officer is not aware that the existing use has caused problems in the vicinity, the access is adjacent to two residential properties. Whilst the current operator of the depot has control over these two premises, the use of the yard is not dependant upon ownership/occupation of the dwellings. Future use of the yard may create issues in relation to residential amenity, if these units were not in the same ownership. Whilst this may weaken the argument for retention of the site, the scheme nevertheless would result in the loss of the premises contrary to E2.

Whilst the applicants intend to relocate the business, the development would result in the loss of the employment land within the village.

2. HIGHWAY SAFETY - The scheme will result in the reduction of traffic movements at the Rosewood/Rose Cottage site entrance through the removal of the haulage depot traffic.

The site itself would require an upgraded vehicular/pedestrian access to the existing public house and dwellings. The pub itself would have parking provision access from the driveway but independent from the housing scheme.

Comments of local residents have been noted regarding highway safety.

The highway authority do not object to the development (having previously noted a traffic trade off in respect of HGV movements). The highway authority do however comment, that whilst they have no objection in principle to the access from the proposed development on to the public highway, any approval should not assume approval of the road layout within the site. The internal layout is not acceptable and requires amending to meet the requirements of an adopted highway. Particular reference is made to the requirement to provide a 2 metre wide footpath/service verge and vehicle turning head.

Subject to the above comment the highway authority have no objection subject to the imposition of conditions.

3. RESIDENTIAL AMENITY - No neighbouring properties will be affected by the development. The scheme is submitted in outline form and control can be exercised at reserved matters stage regarding the external appearance of the dwellings to ensure that there is no detrimental overlooking /domineering impact upon adjacent residential property.

The proximity of the site to the public house and car park is noted. Whilst this may cause some occasional disturbance to future occupiers of the units, it would be no different to the existing situation experienced by the occupiers of Lamb Lodge and Rose Cottage.

The removal of the transport business, which is not tied into the occupation of the Rose Cottage and Rosewood (albeit currently within the same ownership) will reduce vehicular movements at the shared entrance.

4. VISUAL IMPACT - The site is not considered to lie within the established built up confines of the village as defined by HDLP Policy H6 and occupies part of the site that was

refused consent under 6.22.48.OA for the erection of 9 chalets - see appendix 1.

This earlier application was refused consent (in part) on the grounds of incompatibility to the existing village form. Since refusal of the scheme there has been some barn conversion to the western end of the village but nothing in the vicinity of the application site that would alter the view of the earlier decision. The site is visually prominent on the approach to the village from the east and in the absence of any exceptional planning benefit to warrant approval of the scheme would be contrary to the established village form.

Members of the Area 1 Planning committee endorsed this view when minded to refuse the earlier application for 11 units, although the scheme was ultimately withdrawn prior to issuing the decision notice.

CONCLUSION - The scheme represents the development of a part green field and part previously developed employment generating site, that is located beyond the existing established built up confines of the village.

The resultant residential development would adversely effect the existing form of the village contrary to HDLP Policy H6 whilst resulting in the loss of an employment generating site protected under HDLP Policy E2.

In the absence of any special justification to warrant approval of the scheme there is a fundamental land use policy objection to the development.

It is however recognised that the Parish Council welcome the provision of affordable housing and that there is a shortfall of affordable housing in the district as a whole. Your officer is however concerned in this instance regarding the means and level of affordable provision.

Under Policy HX (Managed Housing site Release), the Council will accept affordable housing as a means of providing exceptional planning benefit on previously developed sites of greater than 0.3 hectares or providing 10 or more dwellings.

The majority of this site does however represents a greenfield site that is located beyond the main built up confines of the village. The sequential approach to housing provision advocated by both PPG3 and HDLP HX seek to avoid development of such sites.

Whilst the applicant is proposing a level of affordable housing over and above normal policy requirements (60% provision as opposed to the normal 50% as required by HDLP Policy H5), regard has to be taken of the sites location. The site is located beyond the main built up confines of the village and is by definition considered to lie within the countryside. The applicant has not provided any justification for the open market housing.

Under HDLP Policy H8 the council will in certain circumstances and subject to meeting criteria (which have not been met in this instance), accept affordable housing on greenfield sites as an exception to normal planning policy. Such sites would be expected to be within or immediately adjoining existing villages. There is no doubt the site is related to the village by its proximity. The policy is however clear and reflects advice contained within PPG3 that such provision should not be cross subsidised by open market housing such as contained within the submitted scheme.

The submitted scheme does not provide 100% affordable housing and is clearly contrary to the above policy.

Whilst it could be argued the removal of the haulage depot could represent additional benefit, your officer is not aware that the operation of this premises is causing problems in the locality. The site does provide rural employment within the village. Whilst future occupation of the premises is not tied into occupation of the two dwellings on the frontage, any perceived advantage needs to be balanced against the harm to the managed housing release policy which includes the development of part of a greenfield site.

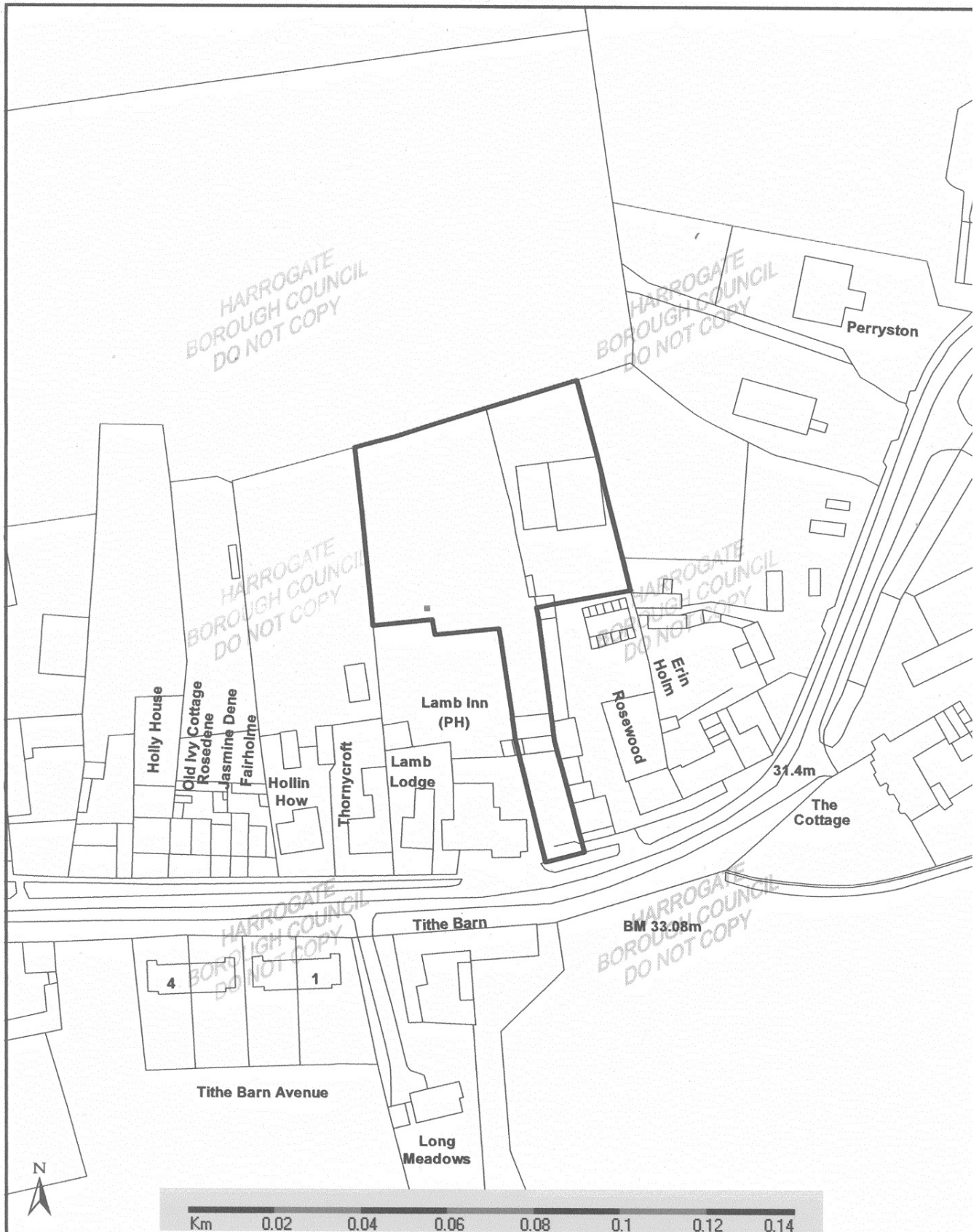
In the absence of any material considerations of sufficient weight to set aside the provisions of the development plan refusal of the application is recommended.

CASE OFFICER: Mr A Hough

RECOMMENDATION

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

- 1 The proposed development of this site would in the absence of any special justification to warrant approval of the scheme, represent backland development located outside the main built up confines of the village to the detriment of the form and character of the settlement. The scheme would as a consequence be contrary to the provisions of Harrogate District Local Plan Policy H6 and North Yorkshire County Structure Plan Policy H4.
- 2 The proposed development would represent the loss of an existing employment generating site contrary to Harrogate District Local Plan Policy E2.
- 3 The proposed greenfield housing development is contrary to Harrogate District Local Plan Policy HX to manage housing site release and minimise the level of overprovision. Sufficient sites have been granted planning permission to meet the housing requirement set out in Policy H1 of the County Structure Plan and Harrogate District Local Plan. To grant planning permission for additional sites would be contrary to the PPG3, and Policy HX to 'plan monitor and manage ' approach to the release of housing land and the strategy of the Structure Plan and Local Plan to restrain housing growth in the District. It is also therefore contrary to Policy H6 of the Harrogate District Local Plan.



Harrogate
BOROUGH COUNCIL

Department of Development Services

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Harrogate Borough Council 1000 19628 2005.

PLANNING COMMITTEE

Item No. 4

App No./Case No. 6.22.48.D.OUTMAJ 05/06329/OUTMAJ

Scale (at A4 size)	1:1250	Site area	0.37ha	Site boundary	
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Drawn	MDTT	Date	14.02.2006
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