

HARROGATE BOROUGH COUNCIL

DISTRICT DEVELOPMENT SUB –COMMITTEE – AGENDA ITEM 5

DATE: 8 February 2007

PLAN: 01	CASE NUMBER: 06/06113/DVCON
	GRID REF: EAST 431444 NORTH 451224
APPLICATION NO. 6.79.10400.A.DVCON	DATE MADE VALID: 01.12.2006
	TARGET DATE: 26.01.2007
	WARD: Pannal

APPLICANT: Mr A Beecher

AGENT: Studio Map

PROPOSAL: Deletion of Condition No 4 of Permission No 6.79.10400.OUT to allow vehicular access off Drury Lane.

LOCATION: Rosemere Walton Avenue Pannal Harrogate North Yorkshire HG3 1EX

REPORT

This application was considered by the Planning Committee on 16 January 2007, when Members were minded to refuse planning permission on the basis of highway safety in view of the new access onto Drury Lane. As this was contrary to the advice of the Highway Engineer, the application was referred by the Solicitor to the District Development Committee for determination.

SITE AND PROPOSAL

Rosemere is a detached dormer bungalow set in its own extensive grounds at the end of Walton Avenue, Pannal. The bungalow faces north across Drury Lane. A pedestrian gate leads from the front garden onto Drury Lane, but there is no vehicular access here. There is a hedge along the Drury Lane frontage, and along the boundaries with neighbours. An ash tree behind this hedge is covered by a TPO (Ref TPO 40/2004).

In September 2004 outline planning permission was granted for the demolition of the existing house and the erection of two detached dwellings on this site (Ref 6.79.10400.OUT). Condition 4 of this permission stated that there should be no vehicular access off Drury Lane. This application seeks to delete this condition to allow a new vehicular access from Drury Lane to serve one of the dwellings proposed in the reserved matters application (Ref 6.79.10400.B.REM).

MAIN ISSUES

1. Policy
2. Access
3. Visual Amenity

RELEVANT SITE HISTORY

6.79.10400.OUT - Outline application for erection of 2 No. dwellings to replace existing dwelling, including siting (site area 0.244ha). Granted 21.09.2004

6.79.10400.B.REM - Reserved matters application under outline permission
6.79.10400.OUT for erection of 2 dwellings and detached double garages with access, external appearance, siting and design considered. Pending determination.

CONSULTATIONS/NOTIFICATIONS

Chief Engineer (H and T)

see assessment of main issues

RELEVANT PLANNING POLICY

PPS1 Planning Policy Statement 1: Delivering Sustainable Development
LPHD13 Harrogate District Local Plan (2001, as altered 2004) Policy HD13, Trees and Woodlands
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
PPG13 Planning Policy Guidance 13, Transport

APPLICATION PUBLICITY

SITE NOTICE EXPIRY: 05.01.2007

PRESS NOTICE EXPIRY:

REPRESENTATIONS

13 letters received objecting to proposal, including letters from Pannal Village Society and Harrogate Civic Society (2). Grounds for objection:

- road safety
- contrary to previous decision
- greater levels of traffic since outline permission granted
- new access would be under canopy of several trees

VOLUNTARY NEIGHBOUR NOTIFICATION

None undertaken

ASSESSMENT OF MAIN ISSUES

1. POLICY - The site has the benefit of an outline planning permission for the demolition of the existing bungalow and the erection of two dwellings, so the principle of residential

development has already been established.

2. ACCESS - When the outline application was originally considered the Highway Engineer indicated that there should be a general presumption against increasing the number of access points onto Drury Lane, given that there was an alternative, and safer access off Walton Avenue. The outline permission was conditioned accordingly.

The submitted plans show a visibility splay of 2.5m x 90m to the west and 2.5m x 40m to the east.

The views of the Highway Engineer on the present application are set out below. These comments were circulated to Members of the Planning Committee at the meeting on 16 January 2007.

1. The original outline application did not indicate a proposed access onto Drury Lane and inspection confirmed that a satisfactory arrangement could not be achieved without the removal of the boundary hedge and at least one mature tree and other accommodation works. The condition was, therefore, imposed to confirm that an access onto Drury Lane would not be acceptable.
2. The applicant subsequently contacted officers to discuss possible means of achieving an acceptable access to one of the proposed properties on the site from Drury Lane. This was in part, to address concerns from residents about the development of two properties on the site both of which would be accessed from Walton Avenue, increasing vehicle flows on that street.
3. The current applications include proposals to remove the existing hedge and a number of mature trees and erect a new boundary wall set back from the road which will substantially improve sight lines. This will provide for a sight line of 90 metres to the left (which exceeds the criteria of 70 metres) and 40 metres to the right (which is slightly substandard) for vehicles leaving the application site. The proposal will also, however, provide a substantial improvement in sight lines to the left for the adjacent property (Newlands) and improve forward visibility for traffic on Drury Lane.
4. There has been one road traffic accident involving personal injury (slight) on Drury Lane since 1994 and this occurred some distance from the proposed access and did not involve a vehicle turning into Drury Lane from a private access. There is no evidence to suggest that traffic flows have substantially increased on Drury Lane in recent years.
5. On balance it is considered that the proposed new access onto Drury Lane will deliver improvements in visibility that will offset any minor inadequacy in the sight lines to the right for vehicles leaving the application site and for this reason the highway authority is supporting the application to remove the condition and not offering objections to the proposal to develop the site as submitted.

The further views of the Highway Engineer are included on a separate confidential Appendix.

3. VISUAL AMENITY - In order to achieve the required visibility splays, the new access would require the felling of a large laurel hedge which wraps around the front and the east

side boundary of Rosemere. A small tree close to the boundary with Newlands would also be felled, though the protected ash tree nearby would not be affected. A new boundary wall would be set back about 5m from the road edge with new planting in front and behind. Any planting to the front of the wall would need to be low level to maintain the visibility splay.

There are various boundary treatments to the properties fronting Drury Lane, including hedges and walls. It is considered that the creation of the new access, boundary and associated loss of vegetation would not detract unduly from the character and appearance of the area.

CONCLUSION

The proposal would not harm road safety or the character and appearance of the area and is considered to be acceptable. The proposal accords with the provisions of the development plan and there are no other material considerations in this instance that warrant setting aside local plan policies.

CASE OFFICER: Mr M Williams

RECOMMENDATION

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

- 1 No development shall take place without the prior written approval of the Local Planning Authority of all details of the following matters:-
 - I. The design and external appearance of each building including a schedule of external materials to be used.
 - II. The landscaping of the site.
 - III. The means of sewage and surface water disposal.
 - IV. The means of access to the site.

Thereafter the development shall not be carried out otherwise than in strict accordance with the approved details.

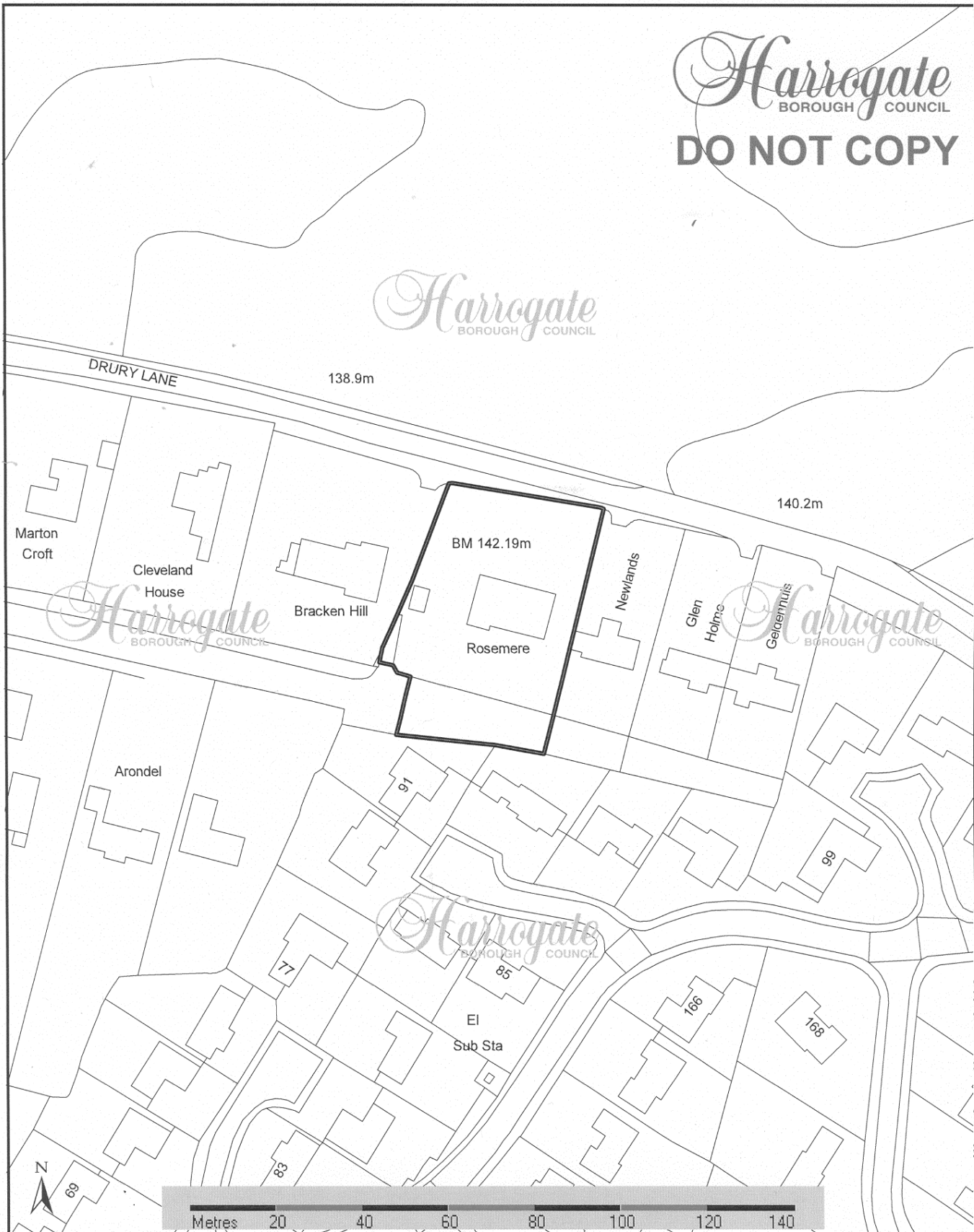
- 2 Application for approval of the reserved matters shall be made to the Local Planning Authority not later than 21.09.2007. The development hereby permitted shall be begun on or before whichever is the later of the following dates -
 - I. 21.09.2009
 - II. The expiration of two years from the final approval of reserved matters or in the case of approval on different dates, the final approval of the last such matter to be approved.
- 3 The development hereby permitted shall not be carried out otherwise than in strict accordance with the submitted details, as amended by letter and or drawings

received by the Council of the Borough of Harrogate on the 11 January 2007 and as modified by the conditions of this consent.

- 4 The blocks shown on the amended plans approved under Condition 3 of planning permission Ref 6.79.10400.OUT are for illustrative purposes only, and do not represent the approved outline of the proposed dwellings.
- 5 The application for Reserved Matters shall include either:
 - i) Full details of open space to serve the development in accordance with Policy IMP2 of the Harrogate District Local Plan to be submitted to and approved by the Local Planning Authority and agreement has been reached with the Local Planning Authority as to provision of the same and its subsequent management and maintenance.
 - ii) Alternative arrangements for the provision of open space have been submitted to and approved in writing by the Local Planning Authority

Reasons for Conditions:-

- 1 To safeguard the rights of control by the Local Planning Authority in respect of the reserved matters.
- 2 To ensure compliance with sections 91-94 of the Town and Country Planning Act 1990.
- 3 In order to ensure that the development is carried out in accordance with the approved drawings.
- 4 To safeguard the rights of control by the Local Planning Authority in respect of the reserved matters.
- 5 In order to secure compliance with Policy IMP2 of the Harrogate District Local Development Framework in relation to the provision of open space for residential development.



PLANNING COMMITTEE

Item No. **6**

App No./Case No.	06/06113/DVCON 6.79.10400.A.DVCON		
Scale (at A4 size)	1:1250	Site area	0.22ha
Drawn	MDTT	Date	16.01.2007
		Site boundary	

