

**HARROGATE BOROUGH COUNCIL
PLANNING COMMITTEE – AGENDA ITEM 6: LIST OF PLANS.
DATE: 26 February 2013**

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PLAN: 02	CASE NUMBER: 12/04026/OUTMAJ
	GRID REF: EAST 431249
	NORTH 455903
APPLICATION NO. 6.79.2096.L.OUTMAJ	DATE MADE VALID: 22.10.2012
	TARGET DATE: 21.01.2013
CASE OFFICER: Mr A Hough	WARD: Granby

VIEW PLANS AT:

<http://uniformonline.harrogate.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=MCAYHEHY64000>

APPLICANT: Crest Nicholson Operations Limited/ Harrogate Rugby Club

AGENT: Signet Planning Limited

PROPOSAL: Outline application for the erection of residential development of 126 dwellings with all matters reserved (Site Area 4.5ha).

LOCATION: Harrogate Rugby Union Football Club The County Ground Claro Road Harrogate North Yorkshire HG1 4AG

REPORT

SITE AND PROPOSAL

The site subject to this application is the existing Harrogate Rugby Union Football Club (HRUFC) ground located at Claro Road Harrogate. The rugby club site extends to some 4.5 hectares in area and comprises three pitches, clubhouse, changing rooms and a supporter's stand located adjacent to the southern boundary of the site. A car parking area is provided adjacent to the entrance to the site, situated off Claro Road itself. It is stated that the car park and overspill could accommodate up to 200 parking spaces. The club currently has a membership of 800 with a thriving junior section of 400 members. It is the sole rugby club serving the town.

The site is located within the built up confines of the town, with the immediate locality characterised by residential property. The site abuts residential property to the northern boundary (Gascoigne Crescent and Slingsby Crescent and to the south by Granby Park. Residential property is also located on the opposite side of Claro Road. The more open aspect of the Bilton 'Triangle' is located to the east. Claro Road serves Harrogate High School and an area of commercial /industrial development to the north. The boundary to

Harrogate Conservation area is located to the immediate south of the application boundary.

The applicants seek to relocate the rugby club to a site located adjacent to Rudding lane for which a separate application has been submitted under planning reference 6.121.205.FULMAJ.

The club argue that the existing pitches are poorly drained and overused and the club has needed to use The Stray and Harrogate High School to stage matches (which the club states raises health/safety and security issues). The Club has been searching for a new ground for many years and is coming towards the end of its current lease at the existing ground.

It is stated the planning applications are key to the future of the club. The development of the Claro Road site will release funds to enable the Rudding Lane site to be developed and to provide the club with security of tenure and a facility that would deliver a quantitative and qualitative improvement on the existing facilities (three full size pitches, three junior pitches and a training pitch with clubhouse)

The applicants seek outline permission for the erection of residential development of 126 dwellings with all matters reserved for subsequent approval. As an outline application detailed consideration will always be required on the use and amount of development and in cases where layout, scale and access are reserved an application will still require a basic level of information on these issues within the submitted scheme.

In this respect the applicants have provided details of the proposed use of the site with the residential dwellings occupying the majority of the site with exception being the eastern quarter of the site which has been identified as an area of open amenity space.

The scheme is supported with a Design and Access Statement together with an illustrative layout that gives an indication of the scale parameters of the proposed development, the majority of which will be of two storey construction with an indicative assess point taken from Claro Road itself. Three storey development is proposed at focal points within the site itself.

The scheme itself is submitted in outline form with all matters reserved for subsequent approval.

In addition, and having regard to the earlier application for 215 homes at this site, the scheme is supported with amongst other information, a Transport Assessment (TA). The TA is a comprehensive and systematic process that sets out transport issues relating to the proposed development , identifying measures that will be required to improve accessibility and safety for all modes of travel, particularly for alternatives to the car such as walking, cycling and public transport.

Main Issues

- (1) Land Use
- (2) Relocation Of Recreational Facilities
- (3) Highway Safety
- (4) Visual Impact
- (5) Residential Amenity
- (6) Landscape
- (7) Other Matters

RELEVANT SITE HISTORY

Over several decades Harrogate Rugby Union Football Club has sought to redevelop its existing ground at Claro Road, Harrogate for housing and move to a new site. There have been three site specific attempts to achieve this move and none have been found acceptable from a planning point of view.

The first site specific relocation proposal was located on Council owned land off Leeds Road in the Crimple Valley between Harrogate and Pannal. The Council promoted this as a proposal within the Harrogate District Local Plan at a public inquiry during 1998. However an independent inspector concluded that the harm caused by the proposal in this sensitive part of the countryside and to the setting of the Crimple Viaduct clearly outweighed the need for the club to relocate.

The second proposal was located at Moorlands Farm, Otley Road, between the Killinghall Moor housing area and Killinghall village. This, along with the redevelopment of the Claro Road site was the subject of a planning application in 2004. It was minded to be approved by the Council but was called in by the Secretary of State for his determination. The Secretary of State found the adverse impact on the landscape to be unacceptable and that the proposed location had poor access to public transport.

The third proposal was located near Thistle Hill between Calcutt, Knaresborough and the southern by pass. A planning application was submitted in 2009, but then withdrawn following officer concerns over the acceptability of this site.

Applications submitted and determined include:

6.79.2096.I.FULMAJ – Demolition of existing buildings and erection of 205 dwellings with associated highways, drainage, public open space and boundary treatment

The above application was called in by the Secretary of State (SoS) as it was considered the scheme may conflict with national policies and because the proposal was linked to the application for the relocation of Harrogate Rugby Club to Moorland Farm Killinghall (which had also been called in by the SoS). Members had resolved to notify the Moorland Farm as a departure from development plan policy that they were not minded to refuse. The Claro Road application was also supported by members.

Both applications were subsequently refused by the SoS.

Moorland farm

The development conflicted with national and local policies to protect the countryside for its own sake and to safeguard local landscape character because of the intrusive effect of the proposed new build structures and floodlighting in a prominent rural setting involving a 'gateway' site in relation to Harrogate and Nidderdale. In addition the development failed to comply sufficiently with development plan policy in terms of accessibility by means other than the car and minimising car trips.

Claro Road Site

The development complied with national and local planning policies in respect of density, layout and design; effect on character and appearance of the conservation area and listed buildings; residential amenity; open space provision; housing mix and affordable housing; site access and internal highway layout and design. The development of the green field site needed however to be assessed in terms of the sequential approach embodied within PPG3. It was considered that the development would add to the significant overprovision of housing units in the District and that there was no proven need for general housing on this greenfield site in advance of brownfield sites. In addition the development would add to congestion on the local road network which was considered a harmful effect adding weight to the conclusion that planning should not be granted.

The proposed development does not comply with PPG17 because the relocation proposals would be unacceptably damaging.

6.79.2096.J.CO.U – Change of use to allow staff from Harrogate District Hospital to use the rugby club car park from Monday to Friday 8am – 6pm.PERMIT 13.11.2003

6.79.2096.K.CO.U – Change of use to allow staff from Harrogate District Hospital to use the rugby club car park Monday to Friday 8am -10:15pm PERMIT 21.05.2004

CONSULTATIONS/NOTIFICATIONS

Landscape Officer

The Design and Access Statement and illustrative layout as initially submitted was not considered acceptable. Particular concern was expressed in relation to the need to increase the 'green corridor' of the access road and protect open views into the site from The Stray. Trees on Claro Road should be retained.

Should members be minded to approve this outline application, then any permission should have a condition attached that excludes the Illustrative Layout and Design from any approval.

Since receipt of these comments the applicants have provided a revised layout that in part addresses the concerns of the landscape officer.

Conservation and Design Section

See assessment

Rural Strategy Officer

No objection

The Ecological Surveys (Ecological Appraisal, May 2012 and Bats Survey, Oct 2012 by Smeeden Forman) indicate no major issues with protected species. A small number of bats were detected foraging around the site but no emergence was observed from any of the buildings. A number of birds' nests were noted to associated with the grandstand building. The ecological consultants therefore recommend precautionary measures to protect nesting birds and good working practices to eliminate any potential residual harm to bats. Two small stands of Japanese knotweed were identified on site and these should be removed prior to the commencement of works. Conditions are recommended to ensure implementation of the ecological consultants' recommendations

The landscape proposals for the proposed public open space are likely to benefit biodiversity, in keeping with National Planning Policy Framework (paragraph 118) that "opportunities to incorporate biodiversity in and around developments should be encouraged" and with Core Strategy Policy EQ 2 which includes a priority measure to "increase wildlife habitats and species in accordance with the District's Biodiversity Action Plan".

The landscape proposals accord particularly well with the Harrogate District Habitat Action Plan for 'Gardens and Urban Wildspace' and are in keeping with emerging policy IN2 on Green Infrastructure.

Local Plans Policy

See Assessment

NYCC Highways And Transportation

No objection subject to the imposition of conditions and securing off site highway improvement works at the junction of Claro Road with the A59.

H.B.C Land Drainage

No Comments

Harrogate Civic Society

Having regard to the site history and increased traffic congestion and pollution it is difficult to see how approval could be justified.

Claro Road is in a highly sustainable location for rugby use but due to additional congestion and pollution it is not as sustainable as a housing estate.

The call -in Inspector did not allow the ill -advised financial circumstances of the club to counter good planning arguments.

Yorkshire Water Ltd (PO Box 500)

No objection subject to the imposition of conditions

Police Architectural Liaison Officer

The Design and Access statement addresses the main problems of a new residential estate but would recommend the following crime preventative measures:

The houses attain Secured by design certification

The Footpath Link to Avondale Road be deleted from the proposal (or) fencing is provided along one edge of the footpath on the estate side of the path (to avoid an easy escape route from the estate should cars be broken into).

If there is to be a childrens play area then it should be fenced off and that the play park should display clear signage as to what time the park is open and closed.

EHO Contaminated Land

Confirm no objection to the application but require additional information in respect of ground contamination and in this respect recommend the imposition of a condition.

Additional information is also requested in respect of potential impact upon air quality of the area through the additional of 126 homes and associated vehicular movements. This could

be controlled by condition.

Environment Agency - Dales Area Office

No objection in principle but highlight that surface water run off should be restricted by condition as highlighted by Yorkshire Water .

If the applicant is not discharging to Yorkshire Water's sewer they should be asked to re-submit amended proposals showing how they will drain the site

County Education Officer

Based upon the proposed development (of which 120 are two or more bedrooms) a contribution of £407,880 would be sought towards education facilities at Grove Raod Community Primary School

Housing Department

The SHMA 2011 identifies a shortfall of 212 affordable homes in Harrogate Town, each year from 2011 to 2016.

This site is allocated in the Harrogate District Local Plan with a 50% affordable housing target.

This target is subject to financial viability.

A development appraisal has been carried out by the Council's Valuation Surveyor to determine the proportion of affordable housing that is viable on this site. This appraisal takes into account costs (including the cost of other planning objectives) and values (including Existing Use Value of both this site and land at Rudding Lane). The Council's Valuation Surveyor finds that affordable housing in the order of 30% is viable.

Sport England

Do not object to the application subject to the imposition of a condition (or a Section 106 Agreement) which secures the provision of the replacement ground prior to the loss of Claro Road.

Without such a condition or agreement Sport England would object to the application

MOD Safeguarding

The Ministry of Defence has no safeguarding objections to this proposal

Leeds/Bradford Airport

The development is unlikely to conflict with aviation interests in regard to Leeds Bradford International Airport

DCS Arboricultural Officer

The access points, from the properties fronting onto Claro Road, should be omitted with access to the properties gained from within the site. There is likely to be issues with visibility splays and the physical actions of putting in the new access points without compacting and severing roots to the detriment of these important trees. There is no alternative in this case including the use of "no-dig options".

DCS - Open Space

As an outline application identify a non-commuted sum calculation (subject to final details to be submitted at reserved matters stage) .

Comments are awaited upon the on -site open space provided by the applicant

RELEVANT PLANNING POLICY

NPPF	National Planning Policy Framework
LPH04	Harrogate District Local Plan (2001, as altered 2004) Proposal H4, New Housing Allocations
LPHD03	Harrogate District Local Plan (2001, as altered 2004) Policy HD3, Control of development in Conservation Areas
LPHD20	Harrogate District Local Plan (2001, as altered 2004) Policy HD20, Design of New Development and Redevelopment
LPR01	Harrogate District Local Plan (2001, as altered 2004) Policy R1, Existing Recreation Open Space
LPR05	Harrogate District Local Plan (2001, as altered 2004) Policy R5, New Sports and Recreational Facilities
LPH05	Harrogate District Local Plan (2001, as altered 2004) Policy H5, Affordable Housing
LPR02	Harrogate District Local Plan (2001, as altered 2004) Policy R2, Existing Recreational Facilities
CSSG1	Core Strategy Policy SG1 Settlement Growth: Housing Distribution
CSSG2	Core Strategy Policy SG2 Settlement Growth: Hierarchy and limits
CSSG4	Core Strategy Policy SG4 Settlement Growth: Design and Impact
CSTRA1	Core Strategy Policy TRA1: Accessibility
CSTRA2	Core Strategy Policy TRA2: Transport infrastructure
CSTRA3	Core Strategy Policy TRA3: Travel management
CSEQ1	Core Strategy Policy EQ1: Reducing risks to the environment
CSEQ2	Core Strategy Policy EQ2: The natural and built environment and green belt
CSC1	Core Strategy Policy C1: Inclusive communities
SPGRES	Supplementary Planning Guidance, Residential Design Guide
SPDHSE	Supplementary Planning Document: House Extensions and Garages Design Guide
OPGCHG	Other Planning Guidance, Harrogate Conservation Area Character Appraisal

APPLICATION PUBLICITY

SITE NOTICE EXPIRY: 30.11.2012

PRESS NOTICE EXPIRY: 06.12.2012

REPRESENTATIONS

7 letters of representations received on the following grounds:

1. The land should be preserved for recreational use
2. Increased traffic congestion on the local road network particularly at peak times. A greater volume of traffic on Claro Road will have a knock on effect upon the adjacent network including Skipton Road and the Empress roundabout.
3. Negative impact upon levels of pollution in areas of Harrogate and Knaresborough eg Bond End
4. Use of cycleways from the site is not a plausible solution to reduce traffic from the estate.

5. The plan should identify if the green area is to be maintained to ensure the land does not become simply a litter ridden wasteland
6. The paly area has potential to become a messy vandalised area if not maintained.
7. Cyclists and pedestrians will be placed at greater danger from increased traffic particularly cyclists crossing the road from the cycleway to Devonshire Place and visa versa.
8. Alternative access should be provided at the other end of Claro Road to reduce congestion
9. The Secretary of State's decision letter following the call in of an earlier application for residential development is still relevant, despite the significant changes to the planning system. The proposal will result in the Loss of a greenfield recreation land and has no priority for development over 'brown field' land. Given HRUFC continue to us the ground , the current lack of a satisfactory replacement facility, the severe shortage of sites for sports facilities, the availability of brownfield sites and lack of prioritisation of sites for development, the application should be refused.

VOLUNTARY NEIGHBOUR NOTIFICATION

The applicants carried out public consultation on both related applications and have included a statement of community involvement as part of the submission.

The applicants advise that a public exhibition took place at over two days at The Rugby Club (16th and 17th May) and a public meeting /exhibition at Follifoot Parish Council together with press and web notifications.

The applicants advise that approx. 70 members of the public attended and that all visitors to the exhibition were invited to take a consultation leaflet and forward any comments to the applicants agents.

The applicants have identified the key concerns expressed by attendees and have included copies of responses received as part of the consultation exercise.

In relation to the Claro Road site the following issues were raised:

Traffic – various residents expressed concern about traffic growth on Claro Road and the effect on the junction of Claro Road and Skipton Road which is problematic at peak times. Residents stated that despite improvements to the junction, it is still subject to significant queuing at peak times. School and Claro Road employment area traffic exacerbated this at peak times.

Some residents suggested more traffic calming in the area and better pedestrian crossing facilities.

Accessibility – Some people identified the need for improvements to link the site to Knaresborough Road, bus routes and to the hospital

Loss of Open Space – Some residents expressed concern about the loss of views which they currently have over the Rugby Club site and the extended view into the Bilton Triangle

General Environmental Impact - many residents accepted that a high quality residential development on Claro Road would result in a general improvement to the appearance of the local environment.

Affordable Housing – Some residents expressed concern that the proportion of affordable housing may be too high.

Changes to the proposal as a result of the Public Consultation.

Claro Road

Pedestrian and cycle links from the site to Harrogate Town centre to be provided with improvements to pedestrian and cycle crossing facilities at the Skipton/Claro Road junction. A 'green link' suitable for cyclists and pedestrians will be provided through the site from Claro Road to the on-site open space provisions and onward to the Bilton Triangle. Views from Claro Road to the Bilton Triangle will be maintained through this corridor.

Although illustrative the Masterplan has been designed to ensure that there will be no issues of overlooking between existing and proposed properties and adequate separation distances are maintained.

ASSESSMENT OF MAIN ISSUES

(1) LAND USE - Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.

The Development Plan.

At the time of the determination of this application the relevant development plans for the determination of this planning application are likely to be the Harrogate District Core Strategy (CS) and the Harrogate District Local Plan and Selective Alteration: Saved Policies. The Government has programmed the revocation of the Yorkshire and Humber Plan, the Regional Spatial Strategy for 22 February 2013.

The CS seeks to focus new housing growth in the town of Harrogate and seeks to give priority to the re-use and redevelopment of previously developed land in meeting this housing growth. Nevertheless Policy SG1 of the Core Strategy acknowledges that to meet this housing growth the development of greenfield land will be necessary on urban extensions to the west of the town and within smaller scale land releases in sustainable locations elsewhere.

This proposal, on a largely greenfield site lies in a sustainable location within the context of Policy SG1 and its development for some 130 new dwellings, would be in accordance with the policies of the development plan for the broad location of housing.

However the CS also seeks to ensure that the community's needs such as sport and recreation are not prejudiced by development proposals (Policy C1 of the Core Strategy). Saved Policy R1 of the Harrogate District Local Plan also provides protection for existing sports facilities throughout the District, unless one of four criteria is met. The relevant criterion here is "that a satisfactory replacement facility is provided in the catchment area which it serves".

The officer report on the relocation proposal for the club concludes that the proposed facilities are satisfactory and indeed are an enhancement of existing facilities. The report also concludes that the site does lie within the club's catchment area.

Saved Policy H4 of the Harrogate District Local Plan allocates the Claro Rd site for housing, but the development guidelines for the site clarify that development for housing cannot take place without a satisfactory relocation site for the club being found.

Clearly this proposal to build housing on land used by the District's largest rugby club would prejudice the community's need for sport and be in conflict with the development plan unless permission for housing gives the Council sufficient legal control to secure the provision of a satisfactory replacement facility in advance of the start of construction of housing at Claro Rd.

Conclusion on the development plan

Therefore the principle of housing on this site will be in conformity with the development plan, providing the Council are in a position to approve a replacement facility and link the two proposals appropriately within a legal agreement.

Other material considerations

The National Planning Policy Framework (NPPF) is an important material consideration which could affect the Council's decision making on this proposal. Indeed, the District currently lacks a five year housing land supply and under these circumstances significant weight must be given to the NPPF's policy of significantly boosting the supply of housing. However, the NPPF also seeks replacement facilities for open space lost to development in this situation. Hence the NPPF supports the Council's development plan policies for housing at this site providing suitable replacement facilities can be provided.

The emerging Sites and Policies DPD is also a material consideration which could affect the Council's decision making on this proposal. Claro Rd does not form a draft allocation of land for housing in the Publication Draft Plan approved on 17 October 2012. The lack of certainty that a replacement facility could be found and thereby allow housing on this site was a factor in the decision by the Council not to put the site forward as a draft allocation. However, this position in the draft DPD does not alter or outweigh the existing development plan's policy that housing is acceptable on the Claro Rd site if a satisfactory replacement facility can be found. Nor does the lack of an allocation for housing in any plan prevent 'windfall housing' being approved subject to conformity with the development control policies of the development plan.

The Council's Playing Pitch Strategy (2006) and the emerging update of this strategy, the Outdoor Sports Strategy (2013), both support the relocation of the towns rugby club and its expansion and modernisation.

Overall Conclusions

Subject to the conditions stated above in terms of ensuring the replacement facility and compliance with other relevant site specific development plan policies, including affordable housing and traffic impact, this proposal is in conformity with the development plan. Other material considerations generally support the Council's development plan in relation to this proposal. There is no policy objection to the principle of this proposal on this site if the accompanying planning application for the clubs relocation is acceptable and approved at the same time with linked legal agreements.

(2) RELOCATION OF RECREATION FACILITIES - Policy R1 (Saved Policy) identifies that development proposals which involve the loss of existing public and private recreational open space will not be permitted unless:

- a) there is a surplus of recreation open space in the area and its loss would not adversely affect the existing and potential recreational needs of the local population; or
- b) a satisfactory replacement facility is provided in the catchment area which it serves; or
- c) the land by virtue of its size, location and physical conditions, is incapable of appropriate recreational use; or
- d) in the case of playing fields, where sports and recreation facilities can best be retained and enhanced through the development of a small part of the site.

Any loss of recreation land which may be acceptable under the above criteria will not be permitted where this involves the loss of open space of amenity value harmful to the character of the area (Policy HD12).

Sport England have been consulted and identify that the site forms part of, or constitutes a playing field as defined in The Town and Country Planning (Development Management Procedure) (England) Order 2010 (Statutory Instrument 2010 No. 2184), in that it is on land that has been used as a playing field within the last five years, and the field encompasses at least one playing pitch of 0.2 ha or more, or that it is on land that is allocated for the use as a playing field in a development plan or in proposals for such a plan or its alteration or replacement.

Sport England has therefore considered the application in the light of its playing fields policy. The aim of this policy is to ensure that there is an adequate supply of quality pitches to satisfy the current and estimated future demand for pitch sports within the area. The policy seeks to protect all parts of the playing field from development and not just those which, for the time being, are laid out as pitches. The policy states that:

“Sport England will oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of, all or any part of a playing field, or land last used as a playing field or allocated for use as a playing field in an adopted or draft deposit local plan, unless, in the judgement of Sport England, one of the specific circumstances applies.”

This application stands to be considered in tandem with an application for a new ground for Harrogate Rugby Club at Rudding Lane, Follifoot. As such the proposal stands to be considered against Sport England own exceptional circumstance policy E4 which requires that;

- ‘The playing field or fields to be lost as a result of the proposed development would be replaced, prior to the commencement of development, by a new playing field site or sites:
- of equivalent or better quality and
 - of equivalent or greater quantity;
 - in a suitable location and
 - subject to equivalent or better management arrangements.

Harrogate Rugby Club’s current ground on Claro Road has an area of around 4.2Ha and contains 3 senior rugby pitches (one of which is floodlit), a club house and changing room

building, and spectator stand.

The proposal at Rudding Lane would create a new site for the rugby club with 11.6 Ha of playing field, allowing the creation of 4 no. senior pitches (with one floodlit for training) and 3 no. junior pitches.

Sport England will seek to impose conditions on the Rudding Lane development so that it meets the qualitative element to E4. Given the area of the respective sites, Sport England are satisfied that the new site is able to satisfy the quantitative element of their policy E4.

The rugby club serves the town of Harrogate and whilst the new site is not as accessible as Claro Road, it is nonetheless considered to be a suitable location.

Sport England has consulted with the RFU as part of its consideration of the proposal, and they have advised that;

The relocation of Harrogate RUFC is a priority project for the RFU, Yorkshire RFU and the North Yorkshire District RFU.

The club currently operates 4 senior men's teams 1 senior women's team and a full mini junior section with over 450 players.

In line with RFU's National Facility Strategy and local facility plans Harrogate RUFC has been mapped onto the RFU's 'People and Places Continuum'. This mapping exercise demonstrates that the club is not sustainable in its current location and as such has the RFU's full support for the proposed relocation to the Rudding Lane site.

The RFU therefore support the sale of the existing Claro road site and the associated residential development (12/04026/OUTMAJ) on condition that the club can demonstrate it has secured planning permission for an alternative site providing equal or enhanced facilities all in line with minimum RFU design standards.

This being the case, Sport England does not wish to raise an objection to this application, subject to the imposition of a condition (or Section 106 agreement) which secures the provision of the replacement ground prior to the loss of Claro Road in accordance with the provisions of E4.

The support of Sport England to the redevelopment of the site with the relocated facilities ensures that the residential development of Claro Road can be considered compliant with saved Local Plan Policy R1 subject to the replacement facilities at Rudding Lane being linked by S106 to this application to ensure that the facilities become available.

(3) HIGHWAY SAFETY - The Harrogate District Local Development Framework Core Strategy Policy SG4 requires the travel impact of any scheme should not add significantly to any pre-existing problems of access, road safety or traffic flow and should have been fully addressed in accordance with the transport policies of the Core Strategy.

The scheme proposes in 126 Units as part of the Design and Access Statement and description of development and is supported with a Transport Assessment.

The highway authority advise that in assessing the submitted proposals and reaching its recommendation the Local Highway Authority (LHA) has taken particular account of the accessibility to the site and the operation of the Claro Road/Skipton Road junction.

There are a number of shared use cycle paths at key locations across and around the Stray linking a number of major education and employment sites. One of these paths provides a link between Claro Road and the town centre. Presently there is no safe crossing facility on this route at the point where the cycle route abuts the A59 Skipton Road. In order to encourage sustainable trips from the development the Applicant has agreed to provide a contribution towards an identified improvement scheme at this signalised junction which will provide safe passage for pedestrians and cyclists across Skipton Road. The improvement scheme will also increase the theoretical capacity of the junction by increasing the length of the two lane approach on Claro Road. Furthermore it is also the intention to link the traffic signals to those at the Westmoreland Street junction through a computerised traffic responsive system, (namely SCOOT). This will adjust signal timings to match the latest traffic situation on Skipton Road and reduce vehicle delay. It is considered that the proposed junction improvement will satisfactorily mitigate the impact of the development traffic and provide the opportunity for non-vehicle trips.

The LHA does not raise an objection to the proposal but recommends that highway improvements to the Claro Road/ A59 junction are controlled through a S106 Legal agreement and subject to such improvements there would be no objection to the development subject to the imposition of conditions.

(4) VISUAL IMPACT - The application is submitted in outline form with all matters subsequently reserved for approval. The scheme is supported with a Design and Access Statement (DAS), which identifies how the site could accommodate the proposed dwellings with an illustrative layout together with details of the scale and parameters of the units proposed upon the site. The scheme proposes a mix of two and three storey houses throughout the site, with three storey units located at the focal points of the proposed internal roadways. As the site is located adjacent to but not within the Harrogate Conservation area an assessment is also made upon the likely impact upon the setting of the conservation area.

The DAS identifies a scheme of frontage development replicating the grain of development situated on Claro Road with a central access point serving 'courtyards' to both the north and south of the main access road. The eastern portion of the site is the subject of a covenant and has been retained as an area of open space linking to the Bilton Triangle area of open space beyond.

The DAS has been subject to extensive consultation and consideration by the in house conservation and design team. It is considered that the site can accommodate the proposed level of residential development proposed on the site (the layout is much less intensive than the scheme considered under 6.79.2096.I.FULMAJ).

The DAS in its revised form is considered broadly acceptable, although some additional information is required in respect of the parameters of some of the proposed units which are considered to be rather square in footprint. Whilst details of external appearance is reserved for subsequent approval and internally within the layout your officer would not have such great concern, care is particularly needed towards the south western portion of the site where views into the plot can be gained from the conservation area. More traditionally

proportioned units would be required in this general locality, together with enhanced landscape works.

(5) RESIDENTIAL AMENITY - Residential dwellings can be satisfactorily sited on the plot without any adverse impact upon the amenity of the occupiers of adjacent residential units. Internally within the site satisfactory amenity distances should be capable of being provided. The DAS refers to minimum distances which are acceptable but should not be universally used across the site as a whole, so as to add interest to the final layout.

(6) LANDSCAPE - As an existing sports field there are no trees directly affected by the development, although additional planting is suggested particularly to the south west corner and southern boundaries of the plot which are the most sensitive parts of the plot when viewed from the adjacent conservation area. The trees along Claro Road are located within the highway verge. The trees contribute to the character of Claro Road and concern would be expressed if these trees were to be lost. The highway authority have no objection to the use of private drives onto Claro Road. It is considered that as part of the reserved matters submission a revised DAS is produced to allow the retention of these trees.

(7) OTHER MATTERS - The proposed scheme will attract a commuted sum towards off site open space facilities, but as an outline application it is not possible to calculate a definite sum. An estimated figure has been calculated in the region of £220,000 and it is considered that the final such sum can be controlled by the imposition of a condition. It is acknowledged that the applicants propose to retain an area of land for open space, however initial indication is that this may not be adopted by the Council (comments are awaited on this matter from the Parks section) . Such provision would be required to form part of a S106 agreement to secure a future management plan of the space.

The development is subject to contributions towards education facilities and North Yorkshire County Council confirm a sum of £407,880. The provision of such a sum can be controlled through a S106 Agreement.

As a development generating more than 15 dwellings the saved Selective Alteration to the Local Plan Policy H5 requires an element of affordable housing to be provided on the site. The Councils target on such sites is 50% affordable housing. The target is subject to viability and subject to a site –specific viability appraisal.

The SHMA 2011 identifies a shortfall of 212 affordable homes in Harrogate Town, each year from 2011 to 2016.

This site is allocated in the adopted Harrogate District Local Plan with a 50% affordable housing target. This target is subject to financial viability.

A development appraisal has been carried out by the Council's Valuation Surveyor to determine the proportion of affordable housing that is viable on this site. This appraisal takes into account costs (including the cost of other planning objectives) and values (including Existing Use Value of both this site and land at Rudding Lane). The Council's Valuation Surveyor finds that 30% affordable housing in the order of 30% is viable.

Negotiations have however centred on the need for this scheme to produce sufficient surplus value to enable the construction of a brand new rugby football ground and facilities at the

proposed new site at Rudding Lane. The planning benefits of the replacement scheme are detailed within the application considered under 6.121.205.FULMAJ. In order to deliver this new ground and associated facilities the developer has offered The acquisition of this land has been at a premium and has resulted in a developer offer of some 23% affordable housing provision. Whilst below the target of 50% set out in the adopted Local Plan, the 23% affordable housing is considered to be an appropriate reflection of the need to construct the new facility at Rudding Lane.

CONCLUSION

The proposed development represents the development of the existing Harrogate Rugby Union Football Ground for residential development with all matters reserved for subsequent approval.

The principle of residential development on this site is consistent with the advice contained within the National Planning policy Framework and Harrogate District Local development Framework Core Strategy Policies SG1 and SG2 in steering new residential development towards sustainable locations. Whilst priority is given to the development of previously developed sites Policy Sg1 acknowledges that to meet housing growth the development of greenfield land will be necessary.

The Development plan is clear however under Harrogate District Local development Framework Core Strategy Policy C1 and the saved Harrogate District Local Plan Policy R1 that there is a need to protect existing sports facilities throughout the district. The proposal would result in the loss of an existing recreational facility.

The key determining factor is therefore contained within both Core Strategy Policy R1 and the saved Policy H4 of the Harrogate District Local Plan which requires a satisfactory replacement facility to be provided in the catchment area which it serves. The replacement facility is provided under application reference no. 6.121.205.FULMAJ (12/04089/FULMAJ). Saved Policy H4 clarifies that development for housing cannot take place without a satisfactory relocation site for the club being found.

Clearly this proposal to build housing on land used by the Districts largest rugby club would prejudice the community's need for sport and would be in conflict with the development plan unless permission for housing gives the Council sufficient legal control to secure the provision of a replacement facility in advance of the start of construction of housing at Claro Road.

It is therefore concluded that having regard to all material considerations highlighted within the report that the principle of housing on this site will be in conformity with the development plan providing the Council are in a position to grant planning consent for a replacement facility and link the two consents appropriately within a legal Agreement.

CASE OFFICER: Mr A Hough

RECOMMENDATION

That the application be DEFERRED and HOPS be authorised to APPROVE the application subject to the following conditions and such other conditions HOPS considers to be

necessary and following the completion of a S106 Agreement requiring:

0

Off Site highway works
Affordable housing provision
Contribution towards Education Facilities
Open Space Contribution and Future on site maintenance
Phasing of Development and link to replacement of rugby facilities

1

Application for the approval of the reserved matters shall be made to the Local Planning Authority not later than 2 years. The development hereby permitted shall be begun on or before the expiration of one year 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.

2

No development shall take place without the prior written approval of the Local Planning Authority of all details of the following reserved matters -

- (a) access;
- (b) appearance
- (c) landscaping
- (d) layout; and
- (e) scale.

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

3

Any application for approval of reserved matters under this outline permission shall be accompanied by a revised design and access statement covering the following information and or issues -
Retention of Claro Road verge trees

4

No development shall take place until a Design Stage Code for Sustainable Homes Certificater issued by BRE or STROMA for each dwelling type comprised in the development has been submitted to and approved in writing by the Local Planning Authority. The Code Level to be achieved will be a minimum of Code Level 4.

Thereafter the development shall be carried out in accordance with the approved details.

5

A Post Construction Stage Certificate for each dwelling/dwelling type assessed shall be provided to the Local Planning Authority in writing, confirming that Code Level 4 has been met, prior to the first occupation of the first dwelling comprised in the development to which the certificate relates.

6

Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works or the depositing of

material on the site, until the following drawings and details have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority:

- (1) Detailed engineering drawings to a scale of not less than 1:500 and based upon an accurate survey showing:
 - (a) the proposed highway layout including the highway boundary
 - (b) dimensions of any carriageway, cycleway, footway, and verges
 - (c) visibility splays
 - (d) the proposed buildings and site layout, including levels
 - (e) accesses and driveways
 - (f) drainage and sewerage system
 - (g) lining and signing
 - (h) traffic calming measures
 - (i) all types of surfacing (including tactiles), kerbing and edging.
- (2) Longitudinal sections to a scale of not less than 1:500 horizontal and not less than 1:50 vertical along the centre line of each proposed road showing:
 - (a) the existing ground level
 - (b) the proposed road channel and centre line levels
 - (c) full details of surface water drainage proposals.
- (3) Full highway construction details including:
 - (a) typical highway cross-sections to scale of not less than 1:50 showing a specification for all the types of construction proposed for carriageways, cycleways and footways/footpaths
 - (b) when requested cross sections at regular intervals along the proposed roads showing the existing and proposed ground levels
 - (c) kerb and edging construction details
 - (d) typical drainage construction details.
- (4) Details of the method and means of surface water disposal.
- (5) Details of all proposed street lighting.
- (6) Drawings for the proposed new roads and footways/footpaths giving all relevant dimensions for their setting out including reference dimensions to existing features.
- (7) Full working drawings for any structures which affect or form part of the highway network.
- (8) A programme for completing the works.

The development shall only be carried out in full compliance with the approved drawings and details unless agreed otherwise in writing by the Local Planning Authority with the Local Planning Authority in consultation with the Highway Authority.

Informative

In imposing condition number 6 above it is recommended that before a detailed planning submission is made a draft layout is produced for discussion between the applicant, the Local Planning Authority and the Highway Authority in order to avoid abortive work. The agreed drawings must be approved in writing by the Local Planning Authority for the purpose of discharging this condition

- 7 No dwelling to which this planning permission relates shall be occupied until the carriageway and any footway/footpath from which it gains access is constructed to basecourse macadam level and/or block paved and kerbed and connected to the

existing highway network with street lighting installed and in operation.

The completion of all road works, including any phasing, shall be in accordance with a programme approved in writing with the Local Planning Authority in consultation with the Highway Authority before the first dwelling of the development is occupied.

- 8 No part of the development shall be brought into use until the existing access on to Claro Road at the northern end of the site has been permanently closed off and the highway restored. These works shall be in accordance with details which have been approved in writing by the Local Planning Authority in consultation with the Highway Authority. No new access shall be created without the written approval of the Local Planning Authority in consultation with the Highway Authority.

These works shall include, where appropriate, replacing kerbs, footways, cycleways and verges to the proper line and level.

9 Site Access

There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until splays are provided giving clear visibility of 39 metres in a southerly direction and 33 metres in a northerly direction measured along both channel lines of the major road, Claro Road from a point measured 2.4 metres down the centre line of the access road. The eye height will be 1.05 metres and the object height shall be 0.6 metres. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

10 Private Access

No dwelling shall be occupied until splays are provided giving clear visibility of 39 metres in a southerly direction and 33 metres in a northerly direction measured along both channel lines of the major road, Claro Road from a point measured 2 metres down the centre line of the access road. The eye height will be 1.05 metres and the object height shall be 0.6 metres. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

11 Pedestrian visibility

No dwelling shall be occupied until visibility splays providing clear visibility of 2 metres x 2 metres measured down each side of the access and the back edge of the footway of Claro Road have been provided. The eye height will be 1.05 metre and the object height shall be 0.6 metres. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

- 12 No dwelling shall be occupied until the related parking facilities have been constructed in accordance with the approved drawing. Once created these parking areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

- 13 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 or any subsequent Order, the garage(s) shall not be converted into domestic accommodation without the granting of an appropriate

planning permission.

- 14 All doors and windows on elevations of the building(s) adjacent to the existing and/or proposed highway shall be constructed and installed such that from the level of the adjacent highway for a height of 2.4 metres they do not open over the public highway and above 2.4 metres no part of an open door or window shall come within 0.5 metres of the carriageway. Any future replacement doors and windows shall also comply with this requirement.
- 15 There shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority in consultation with the Highway Authority. These precautions shall be made available before any excavation or depositing of material in connection with the construction commences on the site and be kept available and in full working order and used until such time as the Local Planning Authority in consultation with the Highway Authority agrees in writing to their withdrawal
- 16 No part of the development shall be occupied prior to implementation of the Approved Travel Plan (or implementation of those parts identified in the Approved Travel Plan as capable of being implemented prior to occupation). Those parts of the Approved Travel Plan that are identified therein as being capable of implementation after occupation shall be implemented in accordance with the timetable contained therein and shall continue to be implemented as long as any part of the development is occupied.
- 17 Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until sections 1 to 4 have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until section 4 has been complied with in relation to that contamination.

1. SITE CHARACTERISATION

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- * human health,
- * property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- * adjoining land,
- * groundwaters and surface waters
- * ecological systems
- * archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

2. SUBMISSION OF REMEDIATION SCHEME

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

3. IMPLEMENTATION OF APPROVED REMEDIATION SCHEME

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise approved in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

4. REPORTING OF UNEXPECTED CONTAMINATION

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirement of section 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of section 2, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with section 3.

18 Prior to the commencement of the development hereby approved details of an Air Quality Assessment should be submitted providing information on the increase in air

- quality emissions arising as a result of the development proposals, together with details of proposed mitigation measures for the written approval of the local planning authority.
- 19 The site shall be developed with separate systems of drainage for foul and surface water.
 - 20 No development shall take place until details of the proposed means of disposal of foul and surface water drainage, including details of any balancing works and off -site works, have been submitted to and approved by the local planning authority .
 - 21 Unless otherwise approved in writing by the local planning authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works and no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works .
 - 22 Unless otherwise approved in writing by the local planning authority , no construction of buildings or other structures shall take place until measures to divert or otherwise formally close the water mains that are laid within the site have been implemented in accordance with details that have been submitted to and approved by the local Planning Authority.
 - 23 The development hereby permitted shall not be commenced until the replacement rugby club ground at Rudding Lane has been implemented and made available for use.
 - 24 The development hereby permitted shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided in accordance with the approved scheme. The scheme shall include
 - i. The timing of the construction of the affordable housing,
 - ii. The arrangements to ensure that such provision is affordable for both initial and subsequent occupiers of the affordable housing, and
 - iii. The occupancy criteria to be used for determining the identity of the prospective and successive occupiers of the affordable housing and the means by which such occupancy shall be enforced.
 - 25 Prior to the development commencing details of how Secured by Design principles have been incorporated into the scheme shall be submitted for the written approval of the Local Planning Authority and once approved thereafter implemented prior to occupation of any of the units hereby approved.
 - 26 Bats - Ridge tiles, soffits and weather boards should be removed carefully by hand to prevent injury to any sheltering bats. Should tree works be required for the mature oak (identified as T9) a 'climb and inspect survey' for bats should be conducted prior to the commencement of works to this tree.

Nesting Birds - Demolition of the grandstand should be undertaken outside the main birds nesting season (March-August inclusively) unless a survey undertaken by a

suitably experienced ecologist immediately prior to the commencement of works to this structure determines that no active birds nests would be likely to be disturbed.

Japanese Knotweed - Two small stands of Japanese knotweed which have been identified on site (Ecological Appraisal Target Note 2) should be removed prior to the commencement of works.

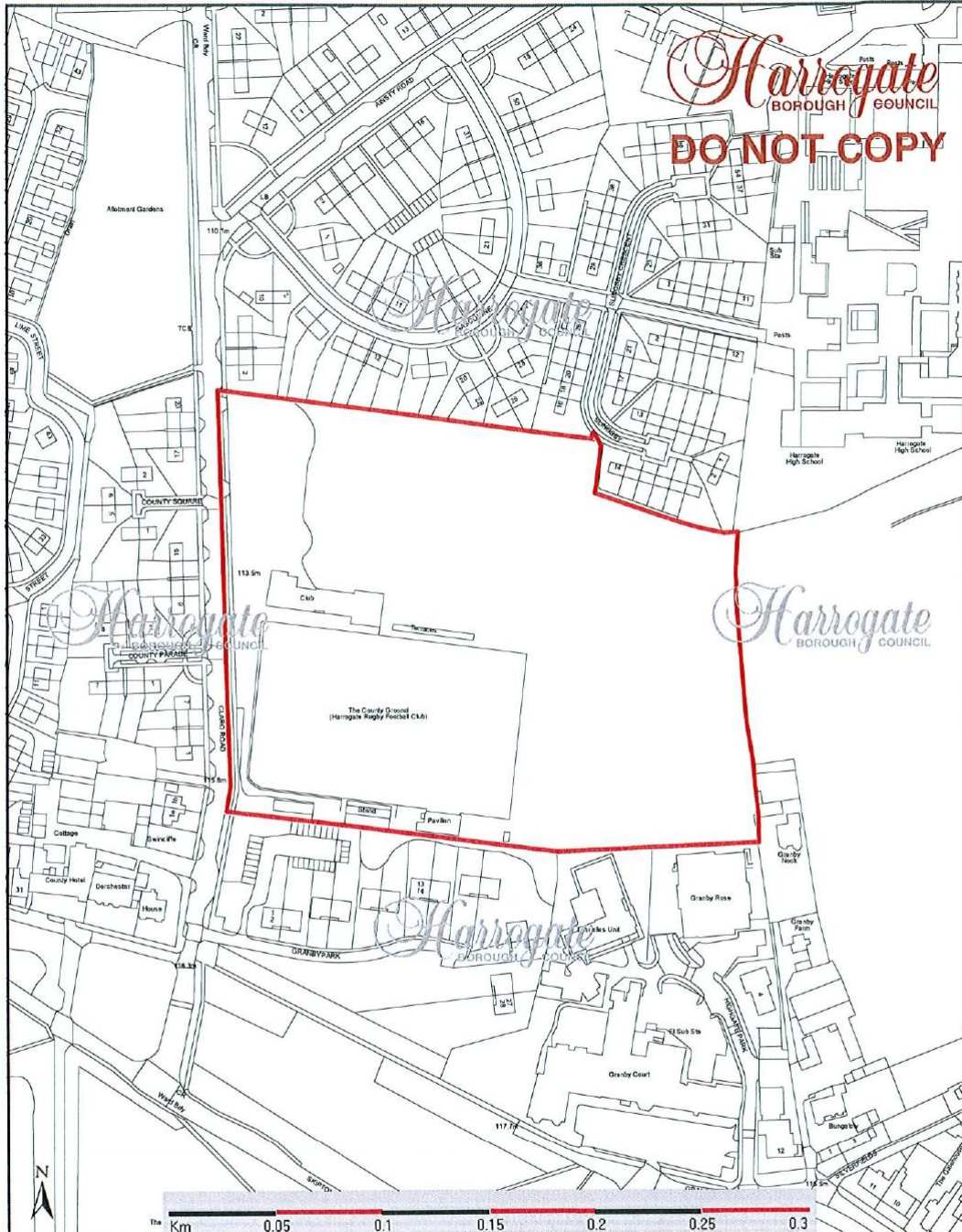
Reasons for Conditions:-

- 1 To ensure compliance with sections 91-94 of the Town and Country Planning Act 1990.
- 2 To safeguard the rights of control by the Local Planning Authority in respect of the reserved matters.
- 3 To ensure the delivery of sustainable development and informed decision making
- 4 To safeguard the environment and mitigate climate change in accordance with Harrogate District Core Strategy Policy EQ1.
- 5 To safeguard the environment and mitigate climate change in accordance with Harrogate District Core Strategy Policy EQ1.
- 6 In accordance with Core Strategy Policy SG4 and to secure an appropriate highway constructed to an adoptable standard in the interests of highway safety and the amenity and convenience of highway users.
- 7 In accordance with Core Strategy policy SG4 and to ensure safe and appropriate access and egress to the dwellings, in the interests of highway safety and the convenience of prospective residents.
- 8 In accordance with Core Strategy policy SG4 and in the interests of highway safety
- 9 In accordance with Core Strategy policy SG4 and in the interests of road safety.
- 10 In accordance with Core Strategy policy SG4 and in the interests of road safety.
- 11 In accordance with Core Strategy policy SG4 and in the interests of road safety.
- 12 In accordance with Core Strategy policy SG4 and to provide for adequate and satisfactory provision of off-street accommodation for vehicles in the interest of safety and the general amenity of the development
- 13 In accordance with Core Strategy policy SG4 and to ensure the retention of adequate and satisfactory provision of off-street accommodation for vehicles generated by occupiers of the dwelling and visitors to it, in the interest of safety and the general amenity the development.
- 14 In accordance with Core Strategy policy SG4 and to protect pedestrians and other highway users
- 15 In accordance with Core Strategy policy SG4 and to ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.
- 16 In accordance with Core Strategy policy SG4 and to establish measures to encourage more sustainable non-car modes of transport.
- 17 To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policies SG4 and EQ1 of the Harrogate District Core Strategy.
- 18 In the interests of amenity
- 19 To prevent pollution of the water environment.
- 20 To ensure that the development can be properly drained

- 21 To ensure that no foul or surface water discharges take place until proper provision has been made for their disposal.
- 22 In the interest of maintaining the public water supply
- 23 To ensure the satisfactory quantity, quality and accessibility of compensatory provision which secures a continuity of use.
- 24 To ensure the provision of affordable housing in perpetuity in compliance with Policy H5 of the Harrogate District Local Plan.
- 25 In the interests of residential amenity and community safety in order to reduce the fear of crime.
- 26 In the interests of biodiversity


INFORMATIVES

- 1 All bats and their roosts are fully protected under the Wildlife and Countryside Act 1981 (as amended by the Countryside and Rights of Way Act 2000) and are further protected under Regulation 41 (1) of the Conservation of Habitats and Species Regulations 2010. Should any bats or evidence of bats be found prior to or during development, work must stop immediately and in the first instance contact the National Bat Helpline on 0845 1300 228. Developers/contractors may need to take further advice from Natural England on the need for a European Protected Species Licence in order to continue the development in an lawful manner. Natural England can be contacted at consultations@naturalengland.org.uk, or by calling 0300 060 3900, or Natural England, Consultation Service, Hornbeam House, Crewe Business Park, Electra Way, Crewe, Cheshire, CW1 6GJ.



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 Harrogate Borough Council 1000 19828 2008.

PLANNING COMMITTEE

Item No.			
App No./Case No.		Harrogate Rugby Union Football Club	
Scale (at A4 size)	1:2500	Site area 12/04026/OU	Site boundary 
Drawn	MDTT	Date	Item 2