

- Meeting:** Harrogate and Knaresborough Area Constituency  
Planning Committee
- Members:** Councillors Pat Marsh (Chair), Paul Haslam (Vice-Chair),  
Chris Aldred, Philip Broadbank, Hannah Gostlow,  
John Mann and Robert Windass.
- Date:** Tuesday, 30th January, 2024
- Time:** 2.00 pm
- Venue:** Council Chamber - Civic Centre, St Luke's Avenue,  
Harrogate, HG1 2AE

Members of the public are entitled to attend this meeting as observers for all those items taken in open session. Please contact the named democratic services officer supporting this committee if you have any queries.

Recording is allowed at Council, committee and sub-committee meetings which are open to the public. Please give due regard to the Council's protocol on audio/visual recording and photography at public meetings. Anyone wishing to record is asked to contact, prior to the start of the meeting, the named Democratic Services Officer supporting this committee. We ask that any recording is clearly visible to anyone at the meeting and that it is non-disruptive.

The Council operates a scheme for public speaking at planning committee meetings. Normally the following people can speak at planning committee in relation to any specific application on the agenda: speaker representing the applicant, speaker representing the objectors, parish council representative and local Division councillor. Each speaker has a maximum of three minutes to put their case. If you wish to register to speak through this scheme, then please notify Harriet Clarke, Democratic Services Officer by midday on Thursday 25 January 2024.

This meeting is being held as an in-person meeting that is being live-streamed and will be available to view via the following link <http://www.northyorks.gov.uk/livemeetings>. Please contact the named democratic services officer supporting this committee if you would like to find out more.

### **Agenda**

- 1. Apologies for Absence**
- 2. Minutes for the Meeting held on 26 September 2023** (Pages 3 - 8)
- 3. Declarations of Interests**

All Members are invited to declare at this point any interests, including the nature of those interests, or lobbying in respect of any items appearing on this agenda.

4. **23/00259/REMMAJ - NPIA Police Training Centre, Harrogate, North Yorkshire** (Pages 9 - 32)  
Report of the Assistant Director – Planning
5. **ZC23/04288/DVCMAJ - Land Comprising Field At 441716 462728, Marton Cum Grafton, North Yorkshire** (Pages 33 - 46)  
Report of the Assistant Director – Planning
6. **ZC23/04280/FUL - Land Comprising Field At 441716 462728, Marton Cum Grafton, North Yorkshire** (Pages 47 - 58)  
Report of the Assistant Director – Planning
7. **Any other items**  
Any other items which the Chair agrees should be considered as a matter of urgency because of special circumstances.
8. **Date of Next Meeting**  
Tuesday, 27 February, 2024 – Harrogate Civic Centre

Members are reminded that in order to expedite business at the meeting and enable Officers to adapt their presentations to address areas causing difficulty, they are encouraged to contact Officers prior to the meeting with questions on technical issues in reports.

**Agenda Contact Officer:**

Harriet Clarke, Democratic Services Officer  
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Monday, 22 January 2024

## North Yorkshire Council

### Harrogate and Knaresborough Area Constituency Planning Committee

Minutes of the meeting held on Tuesday, 26 September, 2023 commencing at 2.00 pm at Harrogate Civic Centre

Councillor Pat Marsh in the Chair. plus Councillors Chris Aldred, Philip Broadbank, Hannah Gostlow, Paul Haslam, John Mann, and Robert Windass.

Officers present: Ron Allan, Principal Definitive Map Officer, Kate Broadbank, Principal Development Management Officer, Harriet Clarke, Democratic Services Officer, Kelly Dawson, Senior Lawyer, Andy Hough, Principle Development Management Officer, Mary Jones, Environmental Health Officer, Kate Lavelle, Solicitor (Planning), Dan McAndrew, Principal Ecologist, Penny Noake, Principal Definitive Map Officer, Paul Roberts, Senior Engineer Transport and Development, Glenn Sharpe, Planning Solicitor, Nick Turpin, Planning Manager, Emma Walsh, Senior Development Management Officer and John Worthington, Executive Officer Development Management and Building Control.

Apologies: None

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**Copies of all documents considered are in the Minute Book**

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#### **22 Apologies for Absence**

There were no apologies for absence.

#### **23 Minutes for the Meeting held on 25 July 2023**

The minutes of the meeting held on Tuesday 25 July 2023 were confirmed and signed as an accurate record.

Councillor Paul Haslam raised concerns regarding the administrative process taken to amend the 31 May 2023 Minutes, to which the Council's Planning Solicitor confirmed would be reviewed outside of the meeting.

#### **24 Declarations of Interests**

Councillor Paul Haslam declared an interest in respect of Minute 26 as he was to speak on the item as Division Member and therefore did not partake in the debate or vote on this item.

#### **25 Opposed Public Bridleway No. 15.43/14 Crimple Viaduct, Follifoot Creation Order 2023**

Considered :-

The Assistant Director – Integrated Passenger Transport, Licensing, Fleet, Harbours and Countryside Access provided a written report which sought a stance decision from the

Committee with regards to what stance the Council should take in its submission to the Secretary of State on a Creation Order in respect of Opposed Public Bridleway No. 15.43/14 Crimple Viaduct, Follifoot. The Committee were requested to delegate authority to the Corporate Director for Environment to forward the opposed Order to the Secretary of State and to support confirmation of the Order.

Craig Eastwood spoke objecting to the application.

During consideration of the above report, the Committee discussed the following issues:-

- Parking mitigations
- The impacts of increased footfall on the bridleway route

The decision :-

- 1) the Order is submitted to the Secretary of State for a decision on confirmation as an opposed Order
- 2) a supportive stance is taken towards the confirmation of the Creation Order subject to no issues being raised by the consultation with the Executive Member for Highways and Transportation
- 3) the Corporate Director for Environment is delegated to make representations to the Secretary of State

#### Voting Record

A vote was taken and the motion was declared unanimously carried.

### **Planning Applications**

The Committee considered reports of the Assistant Director Planning – Community Development Services relating to applications for planning permission. During the meeting, Officers referred to additional information and representations which had been received.

Except where an alternative condition was contained in the report or an amendment made by the Committee, the conditions as set out in the report and the appropriate time limit conditions were to be attached in accordance with the relevant provisions of Section 91 and 92 of the Town and Country Planning Act 1990.

In considering the report(s) of the Assistant Director Planning – Community Development Services, regard had been paid to the policies of the relevant development plan, the National Planning Policy Framework and all other material planning considerations. Where the Committee deferred consideration or refused planning permission the reasons for that decision are as shown in the report or as set out below.

Where the Committee granted planning permission in accordance with the recommendation in a report this was because the proposal is in accordance with the development plan, the National Planning Policy Framework or other material considerations as set out in the report unless otherwise specified below. Where the Committee granted planning permission contrary to the recommendation in the report the reasons for doing so and the conditions to be attached are set out below.

**26 20/01333/FULMAJ - Land Comprising Field at 429829 457681 Knox Lane, Harrogate, North Yorkshire**

Considered :-

The Assistant Director - Planning sought determination of a planning application for 53 residential dwellings with associated parking, public open space and landscaping (amended submission) at the land comprising field at 429829 457681 Knox Lane, Harrogate, North Yorkshire.

Stephen Readman and Damian Bowen spoke objecting to the application.

Councillor Paul Haslam spoke as Division Member for Bilton and Nidd Gorge.

Steve Hesmondhalgh spoke on behalf of the applicant in support of the application.

During consideration of the above application, the Committee discussed the following issues:-

- The Committee sought clarification from Officers that an additional 6 bore holes had been dug to check for land contamination and were informed that the contamination levels detected were considered acceptable.
- The shortage of affordable housing within the area and the site location within an allocated Local Plan site.
- The suitability of the site for residential development given its Special Landscape Area status.
- The impacts of the development on school capacities within the local area.
- Concerns relating to sustainable travel due to the proximity of public transport links, increased traffic congestion and the absence of a Travel Plan.
- Biodiversity protection and enhancement concerns.

The Officers recommendations that planning permission be approved in principle and delegated to the Assistant Director for Planning for planning to be granted subject to conditions and the completion of a S106 agreement were moved and seconded. A vote was taken and the motion was declared fallen with 2 votes for, 3 votes against and 1 abstention.

The decision :-

That contrary to Officers recommendations planning permission be REFUSED.

#### Voting Record

A vote was taken and the motion was declared carried with 5 votes for and 1 abstention.

Reason:-

The Committee's reasons for refusing the application are as set out below:

1. Insufficient evidence submitted to state that the development would be sustainable. The development would result in significant amounts of movement and would result in a severe impact on the highway network. In the absence of the submission of a Travel Plan, the scheme fails to meet the development requirements of site allocation H2 of the Harrogate District Local Plan. As a consequence, it has not been demonstrated that the scheme would comply with the requirements of Harrogate District Local Plan 2014 - 2035 Policy TI1 and NPPF

Paras 111 and 113.

2. The proposed residential development of the site by reason of its quantum of residential units and layout would provide a hard urban edge to the development, lacking in suitable landscaping and result in an adverse impact upon the Warrant Top Special Landscape Area at this important entrance to the town to the detriment of the visual amenity of the local area, contrary to the provisions of the Harrogate District Local Plan 2014 - 2035 Policies HP3 (Local distinctiveness), HP4 (Protecting Amenity) and NE4 (Landscape Character).
3. The proposed development would result in an unacceptable impact on biodiversity and would result in conflict between users of the open space area and wildlife (animals, fauna and trees) contrary to Harrogate District Local Plan 2014 - 2035 Plan Policies NE3 and NE4.

Note: Councillor Haslam spoke on the application as Division Member and therefore left the meeting room for the duration of the debate and vote on the item.

Note: The meeting was adjourned at 3.56 pm and reconvened at 4.07 pm.

## **27 ZC23/02201/DVCMAJ - 65 Wetherby Road, Knaresborough, North Yorkshire**

Considered :-

The Assistant Director - Planning sought determination of a planning application for the variation of condition 2 (approved plans) of planning permission 21/02251/FULMAJ (development of retirement apartments with care (use class c2) including the demolition of existing buildings, formation of new vehicular access, parking, retaining structures, hardstanding, sewer diversion, erection of substation, refuse and maintenance stores, with associated works to trees, landscaping, formation of communal facilities and amenity space), as amended by non-material amendment 23/00588/amends at 65 Wetherby Road, Knaresborough, North Yorkshire.

Steve Benn spoke objecting to the application.

Councillor Matt Walker spoke as Division Member for Knaresborough West.

Josh Kite spoke on behalf of the applicant in support of the application.

During consideration of the above application, the Committee discussed the following issues:-

- The proposed increase in the number of apartments from 55 to 61.
- The height and massing of the buildings.
- The design of buildings.

The Officers recommendation that planning permission be granted subject to conditions was moved and seconded. A vote was taken and the motion was declared fallen with 3 votes for and 4 votes against.

The decision :-

That contrary to Officers recommendations planning permission be REFUSED.

#### Voting Record

A vote was taken and the motion was declared carried with 5 votes for and 2 against.

Reason:-

The Committee's reasons for refusing the application are as set out below:

1. The proposed additional apartments, by virtue of their design, height, and massing, constitute over intensive development of the site, which is considered to be harmful to local distinctiveness contrary to paragraph 130 of the NPPF and Local Plan Policy HP3.

#### **28 ZC23/00972/RG3 - Cavendish House, 23 Robert Street, Harrogate, HG1 1HP:**

Considered :-

The Assistant Director - Planning sought determination of a planning application for the change of use of a redundant hostel to 6 self-contained apartments, the installation of replacement windows from timber to UPVC and the removal of the existing rear extension at Cavendish House, 23 Robert Street, Harrogate, HG1 1HP.

During consideration of the above application, the Committee discussed the following issues:-

- Heat retention and the provision of air source heat pumps.
- Sustainability concerns regarding the installation of UPVC windows within a conservation area.

The decision :-

That planning permission be GRANTED subject to conditions in the Committee report.

#### Voting Record

A vote was taken and the motion was declared carried with 6 votes for and 1 abstention.

#### **29 Any other items**

There were no urgent items of business.

#### **30 Date of Next Meeting**

Tuesday, 31 October 2023 – Harrogate Civic Centre

The meeting concluded at 5.12 pm.

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## North Yorkshire Council

### Community Development Services

#### Harrogate and Knaresborough Area Constituency Planning Committee

30 JANUARY 2024

**23/00259/REMAJ - RESERVED MATTERS APPLICATION PURSUANT TO OUTLINE PLANNING PERMISSION 20/02318/OUTMAJ WITH FULL DETAILS OF THE APPEARANCE, LANDSCAPING, LAYOUT, ACCESS AND SCALE OF A DEVELOPMENT OF 184 NEW BUILD DWELLINGS AND THE CONVERSION OF NORTH LODGE, HEADMASTERS HOUSE, KENSINGTON HOUSE AND LIBRARY TO FORM 16 DWELLINGS, TOGETHER WITH ASSOCIATED INFRASTRUCTURE, SUSTAINABLE DRAINAGE SYSTEM AND BIODIVERSITY ENHANCEMENT WORKS.**

**AT THE FORMER POLICE TRAINING CENTRE,  
YEW TREE LANE  
HARROGATE  
NORTH YORKSHIRE**

**ON BEHALF OF VISTRY YORKSHIRE**

#### **REPORT OF THE ASSISTANT DIRECTOR PLANNING – COMMUNITY DEVELOPMENT SERVICE**

##### **1.0 Purpose of the Report**

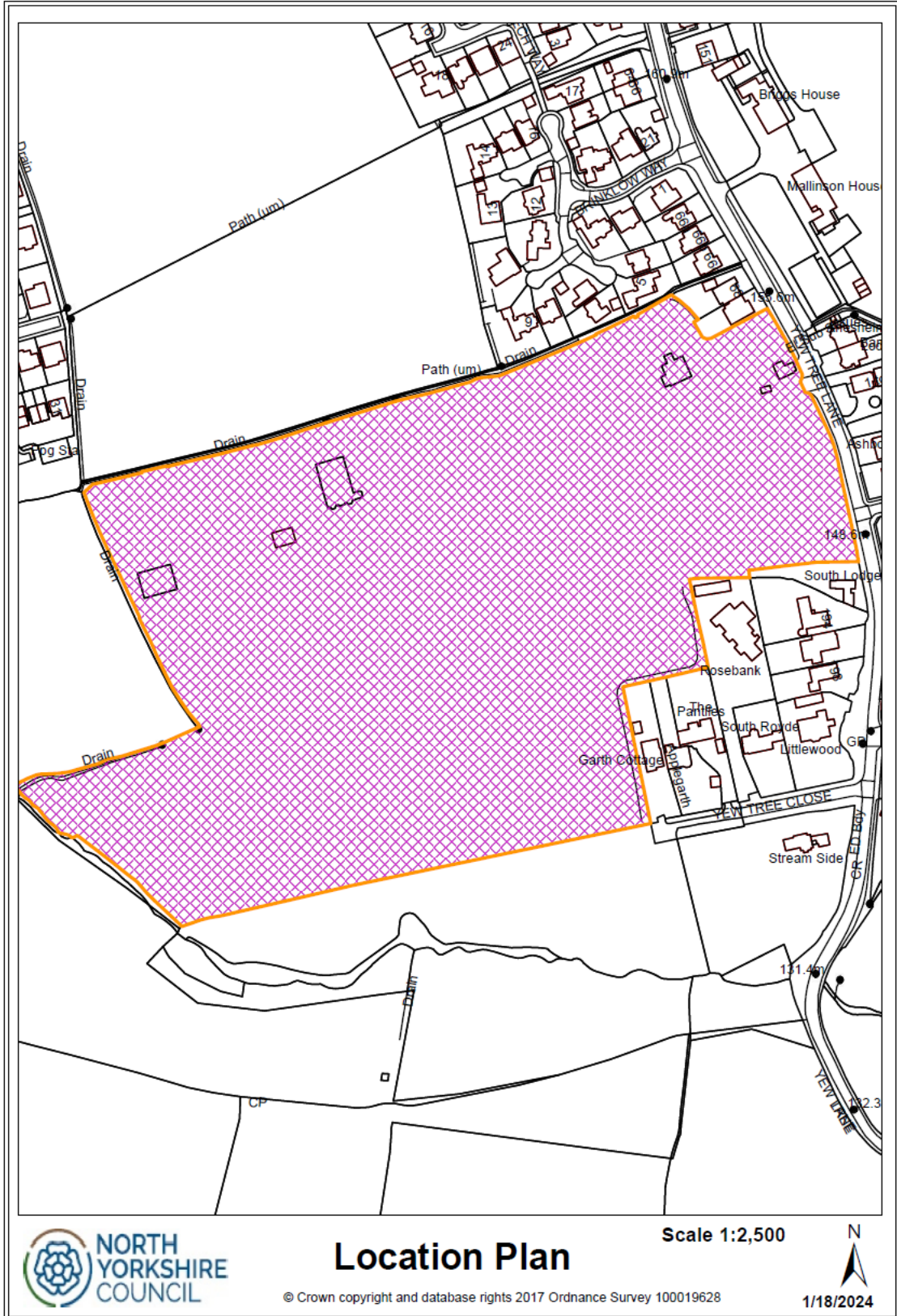
- 1.1 To determine a reserved matters planning application with full details of the appearance, landscaping, layout, access and scale of a development for 184 newbuild dwellings and the conversion of North Lodge, Headmasters House, Kensington House and Library to form 16 dwellings, together with associated infrastructure, sustainable drainage system and biodiversity enhancement works on land at the former police training centre, Yew Tree Lane, Harrogate, North Yorkshire
- 1.2 The application is brought before planning committee because officers consider it to be significant development.

##### **2.0 EXECUTIVE SUMMARY**

**RECOMMENDATION:** That the Harrogate and Knaresborough Planning Committee be minded to APPROVE the reserved matters for access, appearance, landscaping, layout and scale subject to conditions listed below, following the expiry of the consultation period, and provided the Assistant Director for Planning – Community Development Service, determines that no new material planning objections are raised in representations received between the date of the Harrogate and Knaresborough Planning Committee (30th January) and the expiry date of the consultation period. Where the Assistant Director for Planning – Community Development Service, determines that new material planning objections have been raised, the application will be returned to Harrogate and Knaresborough Planning Committee for further consideration.

**2.1. Site and Proposal:**

- 2.2. The proposal is a reserved matters application pursuant to 20/02318/OUTMAJ for residential development (described in detail at paragraph 1.1 above).
- 2.3. The site is the former Police Training Centre, accessed off Yew Tree Lane in Harrogate. The site is within the development limit of Harrogate, which runs along the southern boundary of the site. The site is designated within the Local Plan as a Committed Housing Site (H36). It is bounded by local plan housing allocation H70 and open countryside to the west, playing fields and existing residential properties to the north and to the south by existing residential properties and open countryside. Housing development approved on the norther part of H70 is nearing completion.
- 2.4. The principal of residential development on the site has been established under the outline planning permission 20/02318/OUTMAJ.
- 2.5. The application seeks approval for the appearance, landscaping, layout, access and scale of the proposed development and therefore the assessment of the proposal is limited to matters that may be impacted by these details, which are set out below. All other relevant matters are either controlled by conditions attached to the outline planning consent or by the requirements of the s106 legal agreement associated with the outline consent.
- 2.6. Officers have assessed the proposal against the policies in the local plan and national planning policy, having particular regard to the impacts related to the appearance, landscaping, layout, access and scale of the proposed development. Officers consider the submitted details are acceptable or can be made acceptable by the proposed planning conditions.
- 2.7. Having regard to the overall planning balance the development is considered to be sustainable.



### **3.0 Preliminary Matters**

- 3.1. Access to the case file on Public Access can be found [here](#)
- 3.2. The applicant has made changes to the proposed layout, landscaping, house types and distribution of affordable housing in response to consultee comments and representations. Some of the key changes are: replacement of two storey houses on plots 40 and 51 with bungalows, improved permeability to the PROW to the north, the incorporation of a large loop road into the development to improve permeability and safety, re-orientation of the apartment blocks to reduce their visual impact, improved landscaping and amendments to the detail of the converted buildings in response to comments from the Conservation Officer.
- 3.3. There are two previous applications relevant to this application, which are detailed below.

20/01729/SCREEN - Environmental Impact Assessment Screening Opinion for proposed residential development. The Planning Authority determined that Environmental Impact Assessment was not required.

20/02318/OUTMAJ – Outline planning application for the conversion of North Lodge, Headmasters House, Kensington House and Library to form up to 16 dwellings and erection of up to 184 new build dwellings (up to 200 units in total) with associated access roads, cycle link, landscaping and infrastructure works and approval of the points of access. Additional works to comprise formation of children's play area and various landscaping works. All outline matters reserved – Granted 7/12/22.

The outline application was subject to 38 conditions, and a Section 106 agreement requiring the following contributions:

- Affordable housing provision – 30% to be provided on site;
- Education – contribution to be calculated based on a formula in the s106
- On-site open space - £71,550.50 to be paid to a Management Company in lieu of the first 10 years maintenance.
- Off-site open space contribution - £142,039.79 to be paid towards off-site open space
- Off-site sports pitch contribution - £595,000 to be paid to create new sports pitches and a playing field at Pannal Community Park.
- Highways infrastructure - £691,965 to be paid to the Council towards junction mitigation and sustainable transport enhancements.

### **4.0 Site and Surroundings**

- 4.1. The site is the former Police Training Centre (PTC), accessed off Yew Tree Lane in Harrogate. The site area is approximately 8.52 hectares, with an existing vehicular access from Yew Tree Lane. Most buildings that constituted the PTC, which were predominantly located to the north of the driveway that runs east-west through the site, have now been demolished. The identified non-designated heritage assets

(North Lodge, Kensington House, Headmasters House and Memorial Library) are to be retained and renovated as part of the development. To the south of the driveway is open space formerly occupied by a number of sports pitches associated with the PTC.

- 4.2. The site is within the development limit of Harrogate, which runs along the southern boundary of the site. The site is designated within the Local Plan as a Committed Housing Site (H36). It is bounded by H70 (local plan housing allocation) and open countryside to the west, playing fields and existing residential properties to the north and to the south by existing residential properties and open countryside. The Crimple Valley Special Landscape Area lies to the south and southwest of the site. A public Right of Way runs adjacent to the northern site boundary. A number of trees within the site are subject to Tree Preservation Orders. The application proposal will provide pedestrian and cycle access to allocation H70.
- 4.3. The site lies approximately 1.7 miles to the southwest of Harrogate Town Centre.

## **5.0 Description of Proposal**

- 5.1. This application seeks Reserved Matters Approval, with full details of the appearance, landscaping, layout, access and scale for 184 new-build dwellings and the conversion of North Lodge, Headmasters House, Kensington House and Library to form 16 dwellings, together with associated infrastructure, sustainable drainage system and biodiversity enhancement works.
- 5.2. The proposed dwellings are two and three storey in scale, with 2 No. three storey apartment blocks in the southern part of the site providing 24 two bed apartments. The apartment blocks are approximately 11m in height. The proposed dwellings typically approximately 8.5 metres in height.

## **6.0 Planning Policy and Guidance**

- 6.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning authorities must determine each application under the Planning Acts in accordance with Development Plan so far as material to the application unless material considerations indicate otherwise.

### Adopted Development Plan

- 6.2. The Adopted Development Plan for this site is:

Harrogate District Local Plan 2014-2035 adopted December 2020

### Guidance - Material Considerations

- 6.3. Relevant guidance for this application is:
- National Planning Policy Framework 2021
  - National Planning Practice Guidance
  - National Design Guide 2021

## **7.0 Consultation Responses**

- 7.1. The following consultation responses have been received and have been summarised below.
- 7.2. **Parish Council:** Pannal and Burn Bridge Parish Council objects to the application on the following grounds (summarised):
- increased traffic on surrounding road network
  - impact of HGV construction traffic on surrounding road network and area
  - Inadequate infrastructure – schools and medical facilities
- 7.3. **Principal Ecologist:** No objection subject to condition
- 7.4. **Landscape:** No objection subject to conditions
- 7.5. **Highways:** No objection subject to conditions
- 7.6. **PROW Officer:** No objection to the amended scheme
- 7.7. **Housing:** No objection to the revised scheme

Local Representations

- 7.8. Eight objections have been received, including one from Harrogate Civic Society, one from Harlow and Pannal Ash residents' association and one from Zero Carbon Harrogate. A summary of the comments is provided below, however, please see website for full comments.
- 7.9. Objections:

Comments received on the scheme as submitted:

- Concern about the adverse impact of construction traffic from this and other west of Harrogate sites on residents. Construction Management Plan is essential;
- Concerns about the impact of additional traffic generated by the development on the local road network and junctions
- Concerns about density and layout of the development, parking provision and over intensification of affordable housing in certain parts of the site;
- Concerns about increased pressure on local infrastructure;
- Concerns about adverse impact of drainage on neighbours;
- Not enough measures proposed to combat climate change;
- Clarity is required to ensure that the proposed cycleway will meet LTN 1/20 standards, and we would also expect to see more in terms of how this scheme fits into the wider cycle network;
- The application to be non-compliant with adopted Council policies as regards energy and biodiversity.
- There is a restrictive covenant on development on part of the site;

- Some of the plans submitted by Countryside do not correctly reflect neighbouring properties and trees;
- Inappropriate density, grain, height and character in southeast corner compared to neighbouring properties;
- Over-intensive development of affordable dwellings in Southeast corner;
- Unsympathetic materials;
- The proposal would result in overlooking, overshadowing and over-bearing to Garth Cottage, Yew tree Close.
- Concerns about maintenance of existing field drains and potential for flooding;
- Efforts should be made to treat this undesignated heritage asset in the most sensitive way, retaining as much of the structure and detail as possible.
- Over-intensive
- The designs for the new-build dwellings do not pay proper attention to the character and local distinctiveness of Harrogate, which is a requirement of National & Local Planning policy
- Insufficient landscaping

Comments received on the amended plans:

- Replacing the two-storey house on plot 40 with a bungalow and using a hipped roof is an improvement however, the neighbour has raised concern about the proximity of the bungalow to Rose Bank, Yew Tree Close, and the extent and height of the planting between the two properties, which may be impacted by an existing field drain;
- Concern about the boundary treatment and visual impact/ loss of light from Rose Bank;
- Replacing the two-storey house on plot 51 with a bungalow and using a hipped roof is significantly better than originally proposed, however due to the topography of the site, this will still mean that the rear garden of the property to the east (Garth Cottage) will still be overshadowed.
- Proposed trees on the boundary with Garth Cottage will cause overshadowing.
- Some existing trees along boundary with Garth Cottage are dangerous
- No mention of boundary fencing on north and west boundaries with Garth cottage
- Concerns about the removal of a field drain and increased flood risk
- No reference to off-site Highway improvement works
- Provision should be made to upgrade bus stops
- Concerns about routes for construction traffic
- Concerns about the impact on amenity of existing residential properties
- Concern about the design and character of the houses proposed
- Concerns about measures to reduce climate change
- Concerns about impact on biodiversity

## **8.0 Environment Impact Assessment (EIA)**

- 8.1. The development falls within Schedule 2 Category 10(b) Urban Development Projects of The Environmental Impact Assessment Regulations 2017 (as amended) and

exceeds threshold (ii) because the development includes more than 150 dwellings and (iii) because the site is over 5ha. As such the Council as Local Planning Authority have screened the development and found that it is not EIA development and no Environmental Statement is required to be submitted with the application. The Screening report and decision is available to view on the Council's website. The screening opinion related to 'up to 180 dwellings' whereas the current proposal is for 200 dwellings. Officers consider that the increase in the number of dwellings from 180 to 200 would not trigger a requirement for EIA. The Screening Decision is still therefore effective for the Committee Decision.

## **9.0 Main Issues**

9.1. The key considerations in the assessment of this application are:

- Principle of development
- Access
- Appearance
- Scale
- Layout
- Landscaping
- Other Matters

## **10.0 ASSESSMENT**

### **Principle of Development**

10.1. The principle of residential development on the site has been established under the outline planning permission 20/02318/OUTMAJ and by virtue of the fact the site is a Housing Commitment in the Local Plan (H36). The application proposes 200 dwellings – 184 new build and 16 in conversions of existing buildings, which accords with the number approved under the outline permission.

### **Access**

10.2. Access to the site will be via the existing access off Yew Tree Lane, as shown on the approved outline consent. An additional emergency access that will also provide pedestrian and cycle access will also be provided off Yew Tree Lane, opposite Ashgarth Way, to the south of the main access. Both accesses have been provided showing they can achieve unobscured visibility splays as requested by Highways. One additional private access is proposed for plot 1 direct on to Yew Tree Lane.

10.3. Cycle and pedestrian access will also be provided along the main access road running east west, to connect with the boundary of H70, to the west of the site. Once the southern part of H70 is brought forward for development, this arrangement will allow for good pedestrian and cycle links from Yew Tree Lane through to Whinney Lane. The cycle lane will be a shared cycle/pedestrian route 3 metres wide and will be compliant with the requirements set out by the Department of Transport in Local Transport Note 1/20 (July 2020).



- 10.4. An existing Public Right of Way (PROW) runs immediately to the north of the site and continues on to the west through H70 to Whinney Lane. The scheme has been designed to introduce landscaped and open space areas along this boundary with connections into the site, which will create a more open feel. Additionally, any fencing along this boundary will be no more than 1.4 metres in height, relative to the finished ground level of the PROW, which will create natural surveillance, improving the safety for users of the route. The proposal therefore complies with the requirements of Local Plan Policy HP5, which aims to protect the recreational and amenity value of rights of way and explore opportunities for new links to the existing network.
- 10.5. A condition is proposed to require all dwellings without a garage to be supplied with a secure cycle store (details to be agreed).
- 10.6. The internal road layout is to be constructed to adoptable standards and complies with the requirements of the Highway officer in terms of road and footpath widths, accessibility and access for bin lorries and emergency vehicles.
- 10.7. All proposed dwellings are provided with adequate levels of parking - 1 and 2 beds will have 1 parking space, 3 beds – 2 parking spaces and 4+ beds – 3/4 parking spaces. In addition, there are 33 visitor parking spaces distributed through the site. Dedicated cycle stores are proposed to meet the needs of the apartment buildings.
- 10.8. The Highways officer and PROW officers are happy with the proposed arrangements for access and with the internal arrangements for vehicle, cycle and pedestrian movement.
- 10.9. There are a number of conditions on the outline planning permission that control the technical highway construction details.

### **Appearance**

- 10.10. The proposed dwellings are of an appropriate appearance and provide a varied mix of styles and appearance. There will be a mix of detached, semi-detached and terraced dwellings and fourteen different house types, plus two new apartment blocks and the conversion of four existing buildings on site. The proposal also includes two affordable bungalows.
- 10.11. A Materials Plan has been submitted, which provides details of the proposed bricks and roof tiles (Red brick, Red multi brick and buff brick, with rustic or dark grey roof tiles). Render is also proposed to some of the plots to create additional variation. Architectural features such as string courses and art stone heads and sills have been introduced to some of the properties to create additional variety. To create sense of cohesion, all dwellings make use of uniform glazing bars. A condition will be attached requiring samples to be provided for approval.
- 10.12. The site is a brown field site and therefore 30% affordable housing is required to comply with the requirements of Local Plan policy HS2. Sixty (30%) affordable dwellings are proposed, comprising a mix of one, two, three and four bed dwellings.

These are well distributed across the development and integrated with the scheme design in terms of materials and appearance. This accords with the requirements of Local Plan policy HS2, which requires affordable housing to be indistinguishable from the market housing.

- 10.13. The appearance and materials of the proposed dwellings will not be out of character with development in the area, which is varied in terms of style and appearance.
- 10.14. Development has been set well back from the southern site boundary, and the Crimple Valley Special Landscape Area beyond, to provide a substantial buffer between the development and the open countryside.
- 10.15. The detail of the converted buildings has been amended in response to comments from the Conservation Officer. For example, natural stone instead of artificial stone is now proposed for the extension the lodge and a single centralised dormer to replicate the existing is now proposed instead of two dormers at either end of the roof.
- 10.16. The proposal therefore complies with the requirements of Local Plan Policy HP3, which requires development to incorporate design that protects those characteristics, qualities and features that contribute to local distinctiveness.

### **Scale**

- 10.17. The proposed dwellings are 1 and 2 storey in scale featuring a range of detached, semi-detached and terraced dwellings., Two 3-storey apartment blocks are proposed in the southwestern part of the site, providing 24 two bed apartments. The apartment blocks are approximately 11m in height. The proposed dwellings are typically approximately 8.5 metres in height.
- 10.18. They proposed dwelling houses reflect the scale of development in the area, which is also generally two storey in scale, with some single storey dwellings. The proposed apartment blocks are of a slightly larger scale than existing domestic properties within the vicinity of the site, but they are set within a large curtilage, are located well away from site boundaries and will be screened by existing trees and hedgerows. Additionally, Kensington House and the Headmasters House, both of which are to be retained and converted are three storey in scale and taller than the proposed apartment blocks. In these circumstances, the scale of the apartment blocks will not be out of character at this location. The proposal therefore respects the spatial quality and scale of development in the local area and complies with the requirements of Local Plan policy HP3 in this respect.
- 10.19. All the proposed dwellings meet the Nationally Described Space Standards, according with Local plan Policy HS5. Policy HS1 requires 25% of market dwellings to be built to be accessible and adaptable homes and policy HS2 requires all affordable dwellings to be built to be accessible and adaptable homes, and within this 10% should be built as wheelchair accessible homes. Both the Market and affordable units meet the requirements policies HS1 and HS2 in terms of Accessible and Adaptable Homes. The six ground floor affordable apartments (Apartment Block 2)

and both the affordable bungalows on site will be wheelchair accessible homes. This equates to approximately 13% of the 60 affordable units proposed.

- 10.20. Conditions 3 and 4 of the outline permission restrict the number of units on the site to no more than 200. The proposed scheme complies with these conditions.

### **Layout**

- 10.21. "Layout" is an assessment of the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development. Such an assessment forms a key component of Local Plan Policy HP3: Local Distinctiveness, which seeks to ensure that developments respect the spatial qualities of the local area, including the scale, appearance and use of spaces about and between buildings or structures, visual relationships, views and vistas.
- 10.22. Local Plan Policy HP4: Protecting Amenity requires development to be designed to ensure that it will not result in significant adverse impacts upon the amenity of occupiers and neighbours.
- 10.23. The layout of the scheme is such that all dwellings have good sized rear garden areas with adequate parking provision, and separation distances are such that there will be no unacceptable impacts from overlooking, overshadowing or overbearing. All properties either overlook open space or are within a short walking distance of it.
- 10.24. The relationship and separation distances between the proposed dwellings and existing surrounding properties will not result in any significant adverse impacts upon the amenity of occupiers and neighbours through overlooking, overbearing or overshadowing. The applicant has amended the houses on plots 40 and 51 from two storey dwellings to bungalows in response to concerns raised by the occupiers about the impacts of overlooking, overbearing or overshadowing.
- 10.25. Local Plan Policy NE7: Trees and Woodlands requires developments to protect and enhance existing trees and new development should be designed to ensure a satisfactory relationship between buildings and new and existing trees to safeguard the future health of the trees.
- 10.26. The proposed scheme allows for the retention of the Headmasters House, the Library, Kensington House and The Lodge, which are Non-Designated Heritage Assets, as well as existing mature trees and hedgerows. These elements make a positive contribution to the character and spatial quality of the area and their retention contributes positively to the overall quality of the scheme. Additionally large areas of open space have been retained in the southern part of the site, to create a buffer with the open countryside. These measures have had a significant bearing on the proposed layout of the scheme.
- 10.27. Other significant areas of open space have been provided throughout the site, including the retention and refurbishment of the sunken garden. The boundary with

the PROW provides indented areas of open space that create a more open feel and provide natural surveillance that enhances the recreational and amenity value of the PROW. Additionally, through the retention of existing trees and proposed new tree planting, the majority of the streets, in particular the main routes, will be tree-lined in line with the requirements of the NPPF.

- 10.28. The layout of the development ensures the majority of dwellings face the streets or public open space to ensure active frontages and surveillance over public areas.
- 10.29. Affordable dwellings are well distributed across the development and integrated with the scheme design in terms of materials and appearance. This accords with the requirements of Local Plan policy HS2, which requires affordable housing to be indistinguishable from the market housing.
- 10.30. Condition 35 of the outline permission requires any application for the reserved matter of layout to accord with the requirements of Local Plan Policy H1: Housing Mix and Density with reference to the latest HEDNA. The policy advised that new housing development will be expected to achieve a minimum net density of 30 dwellings per hectare. The proposed scheme achieves approximately 35 dwellings per hectare, which is considered to be acceptable at this edge of settlement location. The housing mix proposed is 64 two beds (32%), 65 three beds (33%), 57 four beds (28%) and 14 one beds (7%). Therefore, 72% of the proposed dwellings will be three bed and below. This broadly reflects the need identified in the HEDNA, which suggests that future housing provision across the district should be focused on delivering two and three bedroom homes to need for homes in the district. The Housing officer has no objection to the housing mix proposed.

### **Landscaping**

- 10.31. The application is accompanied by a Landscape Masterplan and detailed planting plans. These have been amended following comments from the Landscape Officer to increase tree planting across the site generally and along streets in particular. The updated plans and are now considered to be acceptable.
- 10.32. The scheme allows for the retention of existing mature trees and hedgerows across the site and proposed extensive additional landscaping, including tree-lined streets and an extensive landscape buffer with the Special Landscape Area to the south. This area includes a 'Kickabout Space' a 'Communal Garden area' and a 'Children's Play Area'.
- 10.33. A number of other smaller open space areas are provided throughout the site and all are landscaped. Another key feature is the retention and restoration of the former sunken garden and the provision of a new walled garden, creating variety in the open space provision.
- 10.34. The application proposes the creation of a 'village green' centrally utilising existing stone walls and pillars from across the site as gateway features to this central feature. Where key mature trees exist, such as around Kensington House, and in the

southeast large green areas have been left to ensure the existing trees remain undisturbed

- 10.35. The Public Right of Way along the northern boundary will be enhanced with indented landscape areas and low fencing to provide a more open and overlooked feel. Two accesses will also be created from the PROW into the site.
- 10.36. The Landscape officer has assessed the amended landscape proposals and is happy with them, subject to a conditions to control some of the details.

### Other Matters

- 10.37. **Sustainable Design:** Condition 34 of the outline consent requires an Energy Statement to be submitted to the Local Planning Authority for approval, concurrent with the submission of reserved matters. The applicant has submitted an Energy Statement and has updated the submitted information to confirm that all dwelling houses will be fitted with solar panels and EV charging points. Additionally, every house will be fitted with pipes to accommodate a heat pump, and every dwelling has been designed with the required spaces to accommodate a heat pump in the future. What this means is it is a simple installation to retrofit properties at a later date without the need to rip out piping and rewire houses to accommodate one. The applicant cannot confirm the installation of Heat pumps at this stage because they are still waiting for National Grid to confirm local capacity.
- 10.38. The submitted Energy Statement (ES) advises that 'Fabric First' principle will be adopted through the build, noting that the most effective way of minimising carbon emissions is to reduce the demand for heat and power through a well-insulated, energy efficient building fabric and services. The ES sets out a number of measures to reduce energy use and carbon emissions including, high performance glazing, 100% low energy lighting and 400mm–500mm loft insulation. The measures set out in the submitted ES would result in a 31% reduction in Carbon emissions. This is without consideration of the additional solar PV panels proposed under the amended scheme and the positive impact of constructing the houses to be capable of having heat pumps installed.
- 10.39. **Biodiversity:** Condition 20 of the outline consent requires the submission of an updated Biodiversity Impact Assessment with the Reserved Matters application. Condition 37 requires the submission of an updated Species Enhancement Management Plan. NYC's Ecologist has assessed the submitted information and is satisfied that it is sufficient to comply with the requirements of these conditions.
- 10.40. **Cycleway Link:** Condition 38 of the outline consent requires the submission of scheme to ensure a cycleway link is provided to connect to the adjacent housing site referenced H70 in the Harrogate District Local Plan to with the Reserved Matters application. The scheme shall include the route, co-ordinates at the site boundary, construction specification and timing for provision. The coordinates at the site boundary have been shown on the site layout plan and the applicant has confirmed that the link will be provided prior to the occupation of the house on plot 143 (north-

west corner of the site, where the connection to H70 will be made). The construction specifications have been submitted to the Highways officer and are acceptable. A condition is proposed to require the cycleway link to be provided in accordance with the submitted details.

- 10.41. **Electric Vehicle Charging Strategy:** Condition 5 of the outline consent requires the submission of Electric Vehicle Charging Strategy and implementation plan to submitted at the Reserved Matters stage. The applicant has confirmed that all houses will have EV charging points and this has been shown on the site layout plan. A condition is proposed requiring specifications of the EV charging points to be approved by the LPA and installation prior to occupation of the dwelling houses.
- 10.42. **Broadband Details:** Condition 6 of the outline consent requires Broadband details to be submitted at Reserved Matters stage and implemented prior to each dwelling occupation. The applicant has confirmed that a 1GB connection will be provided to every dwelling. A condition is proposed to require this.
- 10.43. **Landscape and Visual Impact Assessment (LVIA):** Condition 32 of the outline consent requires submission of an LVIA at Reserved Matters stage. An LVIA has been submitted and has been assessed by NYC Landscape Officer. The officer has confirmed that the methodology and the findings are acceptable and that measures have been taken in the submitted landscape proposals to mitigate the most substantial effects of the development. Condition 32 of the outline consent is therefore satisfied.
- 10.44. **Parish Council Comments and Other Representations:** Pannal and Burn Bridge Parish Council and Harrogate and Pannal Ash Residents Association have raised concerns about the impacts of increased traffic and construction traffic on the surrounding road network, increased pressure on local infrastructure, provision of off-site highway improvement works and upgrading of bus stops.
- 10.45. The reserved matters application is for 184 new build dwellings along with the conversion of existing buildings to 16 residential units. This is consistent with the scheme approved at outline. Impacts on the local road network and infrastructure were considered at outline stage and were considered to be acceptable, subject to the conditions of the consent (including condition 15, which requires a Construction Management Plan to be submitted for the approval of the LPA and condition 12 which requires the provision of a pedestrian footway on Yew Tree Lane fronting the site) and the requirements of a s106 legal agreement, which requires financial contributions towards Primary and Secondary Education Provision, Highway Infrastructure Improvements, Off-Site Open Space Provision and Sports Pitch provision. It would not be appropriate to re-visit these issued under this reserved matters application, which is limited to consideration of appearance, landscaping, layout, access and scale and matters that may be impacted by these details.
- 10.46. The issue of a Restrictive Covenant on the land has also been raised in representations. This is a private matter for the landowner and is not a material planning consideration. It can therefore be given no weight in the assessment of the proposal.

## 11.0 **CONCLUSION**

- 11.1. This Reserved Matters application seeks approval for the appearance, landscaping, layout, access and scale of the proposed development. The scheme has been assessed in relation to these reserved matters and is considered to be acceptable subject to the conditions proposed below. Additionally, the applicant has submitted details to satisfy a number of conditions on the outline planning consent that required details to be submitted at Reserved Matters stage. The application should therefore be approved in accordance with officer recommendation.

## 12.0 **RECOMMENDATION**

- 12.1 **That the Harrogate and Knaresborough Planning Committee be minded to APPROVE the reserved matters for access, appearance, landscaping, layout and scale subject to the conditions listed below, following the expiry of the consultation period, and provided the Assistant Director for Planning – Community Development Service, determines that no new material planning objections are raised in representations received between the date of the Harrogate and Knaresborough Planning Committee (30th January) and the expiry date of the consultation period. Where the Assistant Director for Planning – Community Development Service, determines that new material planning objections have been raised, the application will be returned to Harrogate and Knaresborough Planning Committee for further consideration.**

### **Recommended conditions:**

#### **Condition 1 Time Limit**

The development to which this approval of reserved matters relates shall be begun on or before 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.

**Reason:** To ensure compliance with Sections 91-94 of the Town and Country Planning Act 1990.

#### **Condition 2 Approved Plans**

The development shall be carried out in accordance with the following approved plans and documents accept as amended by conditions below.:

Layouts

23 5663 01 -SITE LAYOUT (REV M)  
 23 5663 03 -MATERIALS PLAN (REV 0)  
 HAR-MC01\_ManCo (Rev C)  
 HAR-POS01\_PublicSpace (Rev C)  
 VIS-BTP01\_BoundaryTreatmentPlan (Rev N)  
 4528 102 LEAP Design

#### Conversions

4809-11-C Headmasters House Proposed Plans & Elevations 1-100A1 (Rev C)  
 4809-12-A Kensington House Existing Plans & Elevations 1-100A1 (Rev A)  
 4809-13-B Kensington House Proposed Plans & Elevations 1-100A1 (Rev B)  
 4809-14-C Lodge Existing-Proposed Plans & Elevations 1-100A1 (Rev C)  
 4809-15-B Library Existing-Proposed Plans & Elevations 1-100A1 (Rev B)

#### House types

23 5663 101 - DARLAND (AS-OP) (REV 0)  
 23 5663 102 - DARLAND (AS-AS-OP) (REV 0)  
 23 5663 103 - DARLAND (AS-AS-OP-OP) (REV 0)  
 23 5663 104 - FULMER (AS-OP) (REV 0)  
 23 5663 105 - JACKDAW (AS-OP) (REV 0)  
 23 5663 106 - JACKDAW (AS-AS-OP) (REV 0)  
 23 5663 107 - EGRET (AS-OP) (REV 0)  
 23 5663 108 - STARLING (AS) (REV 0)  
 23 5663 109 - STARLING (OP) (REV 0)  
 23 5663 110 - EIDER (AS-OP) (REV 0)  
 23 5663 111 - HYDRANGEA (AS) (REV 0)  
 23 5663 112 - HYDRANGEA (OP) (REV 0)  
 23 5663 113 - NIGHTINGALE (OP) (REV 0)  
 23 5663 114 - KINGFISHER (AS) (REV 0)  
 23 5663 115 - KINGFISHER (OP) (REV 0)  
 23 5663 116 - REDSTART (AS) (REV 0)  
 23 5663 117 - REDSTART (OP) (REV 0)  
 23 5663 118 - PLOVER (AS) (REV 0)  
 23 5663 119 - PLOVER (OP) (REV 0)  
 23 5663 120 - SANDPIPER (AS) (REV 0)  
 23 5663 121 - SANDPIPER (OP) (REV 0)  
 23 5663 122 - WAXWING (OP) (REV 0)  
 23 5663 123 - APARTMENT B2 (AS) (REV 0)  
 23 5663 124 - APARTMENT B1 (AS) (REV 0)  
 23 5663 125 - BECKWITH (AS) (REV 0)  
 23 5663 126 - BECKWITH (OP) (REV 0)

#### Site Sections

3 5663 05 - SITE SECTIONS (REV B)



## Street Scenes

23 5663 04 - STREETSCENES (REV A)

## Ecology

FE311 BEMP01 with Figures Dated December 2023

## Landscape

4528 101H Landscape Masterplan

4528 201C Planting Plan ( 1 of 7)

4528 202B Planting Plan ( 2 of 7)

4528 203B Planting Plan ( 3 of 7)

4528 204B Planting Plan ( 4 of 7)

4528 205A Planting Plan ( 5 of 7)

4528 206B Planting Plan ( 6 of 7)

4528 207C Planting Plan ( 7 of 7)

70061434-LUD-S3-001 - LVIA - Yew Tree Lane - 03.10.22

## Highways

23092-ATR-01-C - Refuse Swept Path Analysis revision C

23092-ATR-02-E Fire Tender Swept Path Analysis revision E

23092-ATR-03-C Refuse Swept Path Analysis revision C

23092-IN-01-C Visibility Splays Revision C

23092-SK-01 Proposed Tactile Paving

240115 Cycle Review Revision 1

101.022.04.03.Typical Highway Construction Details 3 of 3

101.022 - GG119 RSA Designers Response

**Reason:** For the avoidance of doubt and in the interests of proper planning and development.

### **Condition 3 Tree Protection**

No operation shall commence on site in connection with a phase or sub phase of the development hereby approved (including any demolition work, soil moving, temporary access construction and/or widening or any operations involving the use of motorised vehicles or construction machinery) before tree root protection fencing and ground protection has been implemented in accordance with a tree report, in line with the requirements of British Standard BS 5837: 2012 (section 6.2.2 figure 2) Trees in Relation to Construction - Recommendations, that shall have been submitted to and approved in writing by the local planning authority. Thereafter the approved fences and ground protection shall be retained on site until all development subject of this permission is completed.

**Reason:** To ensure trees are adequately protected during the construction process and to comply with Local Plan Policy NE7.

#### **Condition 4 Tree Protection**

The applicant shall retain, throughout the development process, including the proposed tree planting (as per the approved plans), an arboricultural consultant who shall produce a monthly progress report to demonstrate that the trees are being protected in accordance with the submitted detail, and any approved Method Statement or other documentation, during the course of the development. The progress reports shall be made available to the LPA upon request.

**Reason:** To ensure trees are adequately protected during the construction process and to comply with Local Plan Policy NE7.

#### **Condition 5 Energy Statement**

The development shall be carried out in accordance with the measures set out in the submitted Energy Statement dated September 2022 by Energy & Design and as amended by the conditions of this consent.

**Reason:** To help reduce carbon emissions in line with the requirements of local plan policy CC4.

#### **Condition 6 Electric Vehicle Charging Points**

Electric vehicle Charging Points shall be provided to all dwelling houses hereby approved in accordance with the details shown on the approved site layout plan. For the avoidance of doubt, the proposed chargers shall be Mode 3 type (specific socket on a dedicated circuit with a minimum current rating of 16 Amp).

**Reason:** To reduce both the extent and the impacts of climate change and to comply with the requirements of Local Plan police CC4.

#### **Condition 7 Solar Panels**

All of the dwellings shown with photo voltaic solar panels on the approved site layout plan (23 5663 01 -SITE LAYOUT (REV L) - 20.12.23), shall be fitted with photo voltaic solar panels. Details of the size, number, specifications and location of the panels shall be submitted to and approved in writing by the local planning authority prior to any development above foundation level. Thereafter, the panels shall be installed on each dwelling in accordance with the approved details prior to the occupation of that dwelling.

**Reason:** To reduce both the extent and the impacts of climate change and to comply with the requirements of Local Plan police CC4.

#### **Condition 8 Heat Pumps**

Subject to local capacity on the electricity grid being available at the commencement of development on site, all new build dwelling houses shall be fitted with heat pumps prior to their occupation. The pumps shall be fitted in accordance with details, including noise output, that shall have been submitted to and approved in writing by the local planning authority. Where there is insufficient capacity in the grid to support heat pumps, evidence from Northern Power Grid (or any successor organisation) shall be submitted to the local planning authority for approval in writing. Thereafter, alternative arrangements for heating the properties shall be submitted to and approved in writing by the LPA and thereafter be implemented in accordance with the approved details prior to occupation of the dwelling houses.

For the avoidance of doubt, Local in the context of making electrical connections, is defined as half a mile from the site boundary.

**Reason:** To reduce both the extent and the impacts of climate change and to comply with the requirements of Local Plan police CC4.

### **Condition 9 Heat Pump Infrastructure**

All dwelling houses hereby approved shall be fitted with increase pipe widths and sufficient space internally to accommodate the installation of heat pumps. Full details of the proposed arrangements shall be submitted to and approved in writing by the local planning authority prior to any works above foundation level. Thereafter the development shall be carried out in accordance with the approved details.

**Reason:** To reduce both the extent and the impacts of climate change and to comply with the requirements of Local Plan police CC4.

### **Condition 10 Materials**

Prior to their use, samples bricks, roof tyles, natural stone and render to be used in the construction of the dwellings hereby approved shall be submitted to and approved in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved details.

**Reason:** In the interests of visual amenity and to comply with Local Plan policy HP3.

### **Condition 11 Accessible and Adaptable Homes.**

All of the affordable dwellings and 25% of the market dwellings hereby approved shall meet the requirements of M4(2) Category 2: Accessible and adaptable buildings of The Building Regulations (2010), Approved Document M: access to and use of buildings (2015 edition incorporating 2016 amendments for use in England), or any subsequent comparable standard set nationally. Within the affordable dwellings 10% shall meet the requirements of M4(3) (a) of The Building Regulations (2010), Approved Document M: access to and use of buildings (2015 edition incorporating 2016 amendments for use in England), or any subsequent comparable standard set nationally.

**Reason:** To meet the requirements of Local Plan Policy Hs1 and HS2.

### **Condition 12 Fencing along the PROW**

Any new fences or hedges along the northern site boundary, adjacent to the Public Right of Way (PROW) shall be no higher than 1.4m above the finished ground level of the PROW immediately adjacent to the fence.

**Reason:** To preserve and enhance the recreational and amenity value of the PROW and to comply with Local Plan policy HP5.

### **Condition 13 Cycleway Provision**

Prior to the occupation of the dwellinghouse on plot 143, the cycleway link to connect to the adjacent housing site referenced H70 in the Harrogate District Local Plan shall be provided in accordance with the agreed construction specifications and the details shown on the approved site layout plan (23 5663 01 -SITE LAYOUT (REV L) - 20.12.23).

**Reason:** To ensure sustainable transport within the local area in accordance with Local Plan Policy T11.

### **Condition 14 Landscaping Detail**

Prior to any soft landscaping on site, a planting schedule and landscape details and/or plans, in accordance with the parameters established by the approved reserved matters submission shall be submitted for approval in writing by the Local Planning Authority. For the avoidance of doubt, this is to confirm an acceptable species mix in the agreed locations established by the detailed landscaping plans and approved masterplan/site layout. For the avoidance of doubt, planting shall be carried out in accordance with these approved details, unless agreed in writing by the Local Planning Authority.

**Reason:** To ensure that the proposed species mix is appropriate at this location.

### **Condition 15 Landscaping**

Timescales for the implementation of the landscaping shown on the approved plans shall be submitted to and approved in writing prior to the occupation of the first dwelling house. Thereafter the landscaping shall be completed in accordance with the approved details and timescales.

**Reason:** To ensure the approved landscaping is brought forward in a timely manner and in the interests of the general amenity of the development.

### **Condition 16 Rooting Volume Calculations**

Prior to the planting of any trees, rooting volume calculations in accordance with the council's Landscape Design Guide 2023 that show sufficiency in below ground make up of rooting area (particularly relevant where trees are planted within hard areas or adjacent to them or where rooting volume is likely to be restricted) shall be submitted to and approved in writing by the local planning authority. Where trees are planted within POS or wide grass verges of undisturbed ground the rooting volume is not as critical but it should still be demonstrated with calculations and specification for rooting volume.

To ensure trees are planted in a manner that will facilitate sustainable growth in the future.

#### **Condition 17 Stained Glass Windows**

Notwithstanding the submitted details, the existing stained-glass windows in the Headmasters House shall be retained and repaired unless a report has been submitted to the local planning authority by a stained glass specialist advising that they are beyond repair, in which case they shall be replaced on a like for like basis. The details of any replacement stained glass windows shall be submitted to and approved in writing by the local planning authority prior to the removal of the existing stained glass windows. Thereafter the windows shall be replaced in accordance with the approved details.

**Reason:** In the interests of visual amenity.

#### **Condition 18 Rooflights**

Prior to the insertion of any new or replacement rooflights into the roofs of the retained buildings, details of the specification of such rooflights, which shall be conservation type, shall be submitted to and approved in writing by the local planning authority.

**Reason:** In the interests of visual amenity.

#### **Condition 19 Facias and Verges**

Details of the proposed verge and fascia treatment for the Lodge shall be submitted to and approved in writing prior to the commencement of the construction of the extension to the building. Thereafter the development shall be carried out in accordance with the approved details.

**Reason:** In the interests of visual amenity.

#### **Condition 20 Play Equipment**

Notwithstanding the submitted details and prior to the occupation of the 50<sup>th</sup> dwelling, detailed specifications for the proposed play equipment, perimeter fencing, proposed surface material (which shall be wet pour rubber, grassmat or similar) and details of the timing of installation and on-going maintenance and repair of this equipment, fencing and surfacing shall be submitted to and approved in writing by the local planning authority. Thereafter the installation and on-going maintenance and repair shall be carried out in accordance with the approved details.

**Reason:** For the avoidance of doubt and in the interests of the general amenity of the development.

#### **Condition 21 Secure Cycle Stores**

Details of secure cycle stores to be provided for all dwelling houses without a garage shall be submitted to and approved in writing by the local planning authority.

Thereafter the approved secure cycle stores shall be provided prior to the occupation of each dwelling house.

**Reason:** To promote sustainable means of transport and in the interests of the general amenity of the development.

#### **Condition 22 Broadband**

Prior to occupation, all dwelling houses hereby approved shall be supplied with superfast fibre broadband with a minimum of 1 GB connection.

**Reason:** To comply with the requirements of local plan policy TI5.

#### **Condition 23 Hedge planting**

Any proposed shrub or hedge planting adjacent to the western boundary Rose Bank shall not exceed the height of the proposed boundary fences at this locations.

**Reason:** To help preserve the outlook from Rose Bank.

#### **Condition 24 Visibility Splays Obstructions**

No development for any phase of the development must commence until a visibility splays plan of all junctions across the site is submitted and approved in writing by the Local Planning Authority. Eye height must be 1.05 metres and the object height must be 0.6 metres. Once created, these visibility splays must be maintained clear of any obstruction and retained for their intended purpose at all times.

**Reason:** In the interests of Highway Safety

#### **Condition 25 Yew Tree Lane Emergency Access Delivery**

No more than 50 dwellings shall be occupied until to the emergency access off Yew Tree Lane is constructed in accordance with agreed details and operational.

##### **Reason for Condition**

To provide for adequate and satisfactory provision of emergency access and cycle/pedestrian facilities in the interest of sustainable travel and safety.

#### **Condition 26 Western Emergency Access / Cycle Link**

No more than 143 dwellings shall be occupied until the emergency access / shared use cycle and pedestrian route on the western boundary is constructed in accordance with agreed details and operational.

##### **Reason for Condition**

To provide for adequate and satisfactory provision of emergency access and cycle/pedestrian facilities in the interest of sustainable travel and safety.

Target Determination Date: 02.02.2024

Case Officer: Gerard Walsh, [gerard.walsh@northyorks.gov.uk](mailto:gerard.walsh@northyorks.gov.uk)

### Appendix A – Proposed Layout Plan



01 / SITE LAYOUT

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## North Yorkshire Council

### Community Development Services

#### Harrogate and Knaresborough Area Constituency Planning Committee

#### ZC23/04288/DVCMAJ - VARIATION OF CONDITION NUMBER 2 OF APPLICATION 20/01033/DVCMAJ TO ALLOW FOR THE CONSIDERATION OF REVISED PLANS

#### AT LAND COMPRISING FIELD AT 441716 462728 MARTON CUM GRAFTON NORTH YORKSHIRE ON BEHALF OF BRIERLEY HOMES LTD

#### Report of the Assistant Director – Planning

#### 1.0 Purpose of the Report

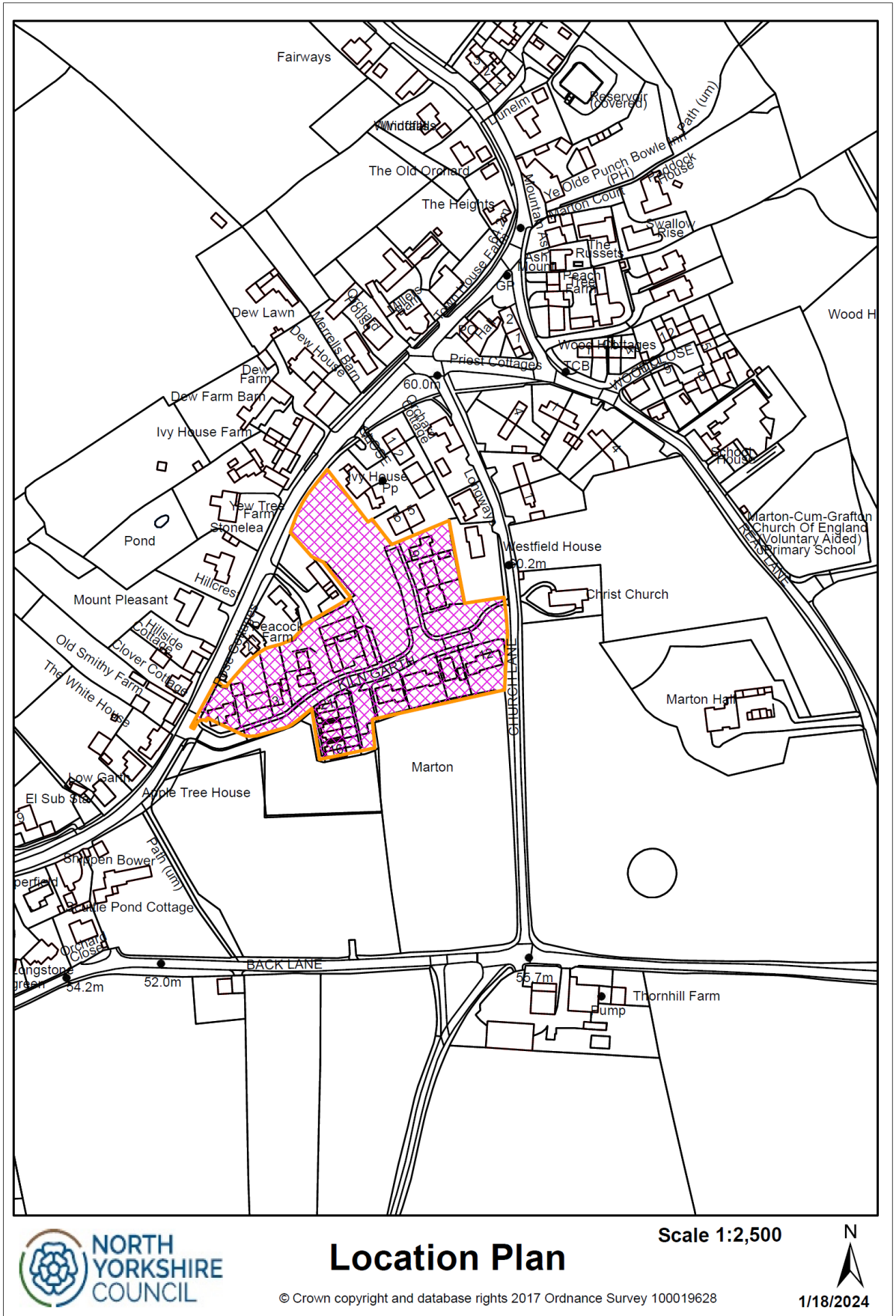
- 1.1 To determine a planning application for Variation of Condition Number 2 of Application 20/01033/DVCMAJ to allow for the consideration of revised plans on land comprising field At 441716 462728 Marton Cum Grafton on behalf of Assistant Director – Planning
- 1.2 This application is brought to the Planning Committee as the applicants, Brierley Homes Ltd, is a subsidiary of North Yorkshire Council

#### 2.0 EXECUTIVE SUMMARY

#### **RECOMMENDATION: That Planning permission be granted subject to the conditions listed below**

- 2.1. Planning permission was originally granted in 2020 for the development of 20 houses including the conversion of the barn the subject of this application (Planning reference 18/00335/FULMAJ). The scheme was later amended under 20/01033/DVCMAJ to allow alterations to the new build elements on various plots and rationalisation of parking for the revised units.
- 2.2. This application seeks to amend Condition 2 of application 20/01033/DVCMAJ to enable the substitution of revised plans to allow for a small extension and the construction of a garage to serve plots 19 and 20, forming part of the barn conversion of the scheme.
- 2.3. No other changes to the scheme are proposed that would affect the nature of the development as approved. The principle of residential development remains acceptable. The relevant issues for consideration relate to the design of the extension and garage and their impact upon both amenity and the setting of the barns which form a non-designated heritage assets.
- 2.4. It is concluded for the reasons given in the report and taking into consideration of all matters relevant to the proposal, that the alterations are in accordance

with the provisions of the development plan and as such it is recommended that planning permission is granted.



### **3.0 Preliminary Matters**

- 3.1. Access to the case file on Public Access can be found [here](#)

### **4.0 Site and Surroundings**

- 4.1. The application site lies on the edge of the village of Marton Cum Grafton, and is bound by Grafton Lane to the north and Church Lane to the east. The site lies within Marton Cum Grafton conservation area. Christ Church, which is located to the east of the site is a Grade II listed building. Residential property is located to both the east and west of the site with new dwellings constructed to the south forming part of the consented scheme originally granted planning permission under 18/00335/FULMAJ (see below).
- 4.2. The application site forms part of site allocation MG8 in the Harrogate and District Local Plan 2014-2035 that already benefits from planning consent under 18/00335/FULMAJ for the erection of 20 dwellings, including the part demolition and part conversion of existing outbuildings, public open space and landscaping. Consent was granted subject to a S106 Agreement securing:  
Affordable Housing provision  
Open Space Contributions  
Open Space Management Plan
- 4.3. An application to vary the above consent was submitted and approved under 20/01033/DVCMAJ. This later application sought alteration to the parking arrangements and variation to the dwellings sited on plots 15.16 19 and 20. A further dwelling was granted consent on the site under 20/03911/FUL. The development of the overall site is now reaching an advanced level of completion.
- 4.4. The buildings the subject of this application are centrally located within the site and consist of a range of former agricultural buildings that obtained consent to be converted under the enabling and partly implemented scheme.
- 4.5. Within the developer site requirements for the site under allocation MG8, the traditional farm buildings associated with Yew Tree Farm were considered to represent non-designated heritage assets.

### **5.0 Description of Proposal**

- 5.1 The application seeks to vary the approved details in so far as they relate to the Plots 19 and 20. These plots relate to the existing barns which are identified as non-designated heritage assets. The works will include the addition of a single storey extension to plot 20 together with the construction of a detached garage to serve plot 19. In addition minor changes to the fenestration detailing to plot 20 is proposed together with alterations to the boundaries of the gardens to serve the units.

- 5.2 The barns are arranged in a courtyard with the two-storey barn (plot 19) located to the north and two single storey wings to either side forming units annotated as plot 20 and 21 on the submitted plans. The single storey extension is to be located within the internal courtyard of the barns and would represent a simple lean to design of approx. dimensions 3.2 x 3.6m under a clay pant tile roof. The detached double garage is to be located to the west of the courtyard adjacent to the gable end of plot 16 (one of the new build units approved as part of the scheme). Revised fenestration detailing is proposed to the outer courtyard elevation to plot 19 and 20 to accommodate new window openings. Internally within the courtyard low walls are proposed to demark new domestic boundaries.

## **6.0 Planning Policy and Guidance**

- 6.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning authorities must determine each application under the Planning Acts in accordance with Development Plan so far as material to the application unless material considerations indicate otherwise.

### Adopted Development Plan

- 6.2. The Adopted Development Plan for this site is:
- The Harrogate and District Local Plan 2014-2035

### Emerging Development Plan – Material Consideration

- 6.3. The North Yorkshire Local Plan is the emerging development plan for this site though no weight can be applied in respect of this document at the current time as it is at an early stage of preparation.

### Guidance - Material Considerations

- 6.4. Relevant guidance for this application is:
- National Planning Policy Framework 2023
  - National Planning Practice Guidance
  - Conservation and Design Guidance Note 4: Non-designated heritage assets
  - Marton cum Grafton Conservation Area Character Appraisal: November 2011

## **7.0 Consultation Responses**

- 7.1. The following consultation responses have been received and have been summarised below.

7.2. **Parish Council:** No Comments have been received

7.3. **Consultee:**

7.4. Highways: The garage elevations show an internal size that is considered too small to accommodate current private cars and should be larger. If space is at a premium a car port could offer solution. The plans require up dating to show a vehicle swept path. The changes to the layout result in the loss of visitor parking to plot 16.

7.5. MOD: the proposed development would be considered to have no detrimental impact on the operation or capability of a defence site or asset. The MOD has no objection to the development proposed.

#### Local Representations

7.6. No local representations have been received.

### **8.0 Environment Impact Assessment (EIA)**

8.1. The application does not constitute development falling under the Town and Country Planning (Environmental Impact Regulations) 2017

### **9.0 Main Issues**

9.1. The key considerations in the assessment of this application are:

- Principle of Development
- Impact Upon Heritage Assets
- Impact upon Amenity
- Other Matters

### **10.0 ASSESSMENT**

#### Principle of Development

10.1. An application can be made under section 73 of the Town and Country Planning Act 1990 to vary or remove conditions associated with a planning permission. One of the uses of a section 73 application is to seek a minor material amendment, where there is a relevant condition that can be varied. In this instance, the applicants seek to vary condition 2 (approved plans) of planning consent 20/01033/DVCMAJ.

- 10.2. There is no statutory definition of a 'minor material amendment' but it is likely to include any amendment where its scale and/or nature results in a development, which is not substantially different from the one, which has been approved.
- 10.3. It is considered that the variation of the approved plans under condition 2 to allow for a small lean-to extension and detached garage to serve plots 19 and 20 can be considered under Section 73. The amendments do not alter the nature of the original enabling consent or principle of development. The quantum of residential development remains as previously considered.
- 10.4. The principle of residential development, including the conversion of the barns has already been established on the site through the earlier approved applications. It is noted that in the developer guidelines identified under the site allocation MG8 that the barns were considered to represent non – designated heritage assets that are located within Marton cum Grafton conservation area.
- 10.5. The key assessment is the impact of the proposed extension upon the character of the non-designated heritage asset and whether it would have an adverse impact upon amenity. Secondly whether the proposed garage can be sited without harm to amenity or setting of the non-designated asset.

#### Heritage

- 10.6. Policy HP2: Heritage Assets identifies that proposals for development that would affect heritage assets (designated and non-designated) will be determined in accordance with national planning policy.
- 10.7. Policy HP3: Local Distinctiveness advises that development should incorporate high quality building, urban and landscape design that protects, enhances or reinforces the local distinctiveness of the area. Matters relating to scale, visual relationships, views, and context are key considerations here. In addition, regard must be taken of the initial developer guidelines for the site, which in reference to the barns noted that:
- “The traditional farm buildings associated with Yew Tree Farm are non-designated heritage assets. Development of the site should minimise harm and where possible, seek to enhance the significance of this asset”.
- 10.8. The barns are constructed of brick under clay pantile roofs with elements of stone rubble on the outward facing elevations. The barns are arranged forming a courtyard consisting of a central two storey unit with single storey side wings. The approved scheme provides for three separate units which, to provide amenity, has resulted in the construction of an internal wall within the courtyard toward the southern boundary to create private amenity space. The consented scheme was to provide internal estate railing boundary features to demark the boundaries within this enclosed area.

- 10.9. In consideration of the enabling consent a limited intervention approach was adopted in the conversion of the units, making use of existing openings in the fabric of the buildings with no additional extensions. By adopting this methodology it ensured that minimal alterations were required in their conversion. Such an approach ensured compliance with developer requirements for development. In granting consent, permitted development rights were not removed for future alterations once occupied. The courtyard was however to be enclosed through the construction of boundary wall to demark private amenity space.
- 10.10. The barns are yet to be occupied and the applicants seek consent to construct a single storey lean to extension within the internal courtyard formed by the three barns. The extension is to be constructed from materials to match the existing structure, which in this case is bricks under a clay pantile roof. The simple lean to form of the structure does not extend as far the principle barn opening of the two storey structure. The small ancillary nature of the extension would not unduly harm the character of the group of barns as a whole. Internally within the courtyard instead of estate railings to demark boundaries a small wall is to be constructed centrally to divide the courtyard into relevant garden areas. These walls are screened from wider public vantage points by the presence of the existing wall to the south which encloses the courtyard.
- 10.11. The construction of the detached garage to the immediate west of the group would not be harmful to their setting and would be viewed in context of not only the converted structures but the adjacent new build dwellings built as part of the enabling consent. The materials used are considered sympathetic to the locality and a domestic garage sited in this location would be deemed acceptable. The highway authority have requested alterations to the garages to ensure that they are more usable for motor vehicles. As originally submitted the garage was deemed to small to accommodate modern vehicles and would have presented issues of vehicles parked on the roadside. Amended details have now been received which have increased the size of the garage accommodation.
- 10.12. Amenity
- 10.13. Policy HP4 of the Local Plan: Protecting Amenity advises that development proposals should be designed to ensure that they will not result in significant adverse impacts upon the amenities of occupiers and neighbours. Amenity considerations include overlooking, overbearing, loss of privacy and pollution impacts.



- 10.14. The construction of the extension does not impact on the residential amenity of the remaining units within the barn, to some extent amenity is already limited due to the nature of the conversion and relationship between dwellings.
- 10.15. The garage is sited adjacent to plot 16 which presents a blank gable elevation to the structure. The construction of the garage which is to be sited at a lower level than the existing dwellings to the immediate north would not have an adverse overbearing impact and is deemed in compliance with Policy HP4.
- 10.16. The revised fenestration detailing does not impact upon the character of the barn conversion or create unacceptable issues of overlooking.
- 10.17. Other Matters
- 10.18. Permission granted under section 73 takes effect as a new, independent permission to carry out the same development as previously permitted subject to new or amended conditions. The new permission sits alongside the original permission, which remains intact and unamended. It is open to the applicant to decide whether to implement the new permission or the one originally granted. Conditions under the original enabling consent have been discharged under 20/02009/DISCON: Condition 3 (Materials), Condition 4 (Civil Engineering Details), Condition 6 (Surface Water), Condition 9 (Prevention of Mud on Highway), Condition 10 (Highways condition survey), Condition 11 (Contractor's Compound Plan), Condition 12 (Construction Vehicle Access Statement), Condition 13 Parts A and B ONLY (Site Investigation and phase 3 remediation statement), Conditions 16 & 17 (Drainage Details), Condition 22 (Ecological Statement) and Condition 23 (Landscape Details) and also under 22/02740/DISCON Approval of details under Condition 14 (EV charging points). As such it is not necessary to repeat these in the determination of the current application.
- 10.19. As a section 73 application cannot be used to vary the time limit for implementation, this condition must remain unchanged from the original permission. As stated above works have commenced on site and have reached an advanced state of completion, as such there is no need to impose the start date condition in this instance.

## **11.0 PLANNING BALANCE AND CONCLUSION**

- 11.1. The principle of the development has already been established through the previous permissions for residential development on the site. The proposed extension is subservient to the group of barns and is to be constructed of materials

sympathetic to the host structure. It is considered that the extension would not adversely affect the character of the group or setting of the conservation area. Neither the extension or the detached garage to serve the unit will impact upon the residential amenity of existing or future occupiers of adjacent dwellings.

- 11.2. Revised details have been received following receipt of the initial comments of the local highway authority. Subject to the receipt of no objections from the Local highway Authority on the revised details the proposed development is considered to be in accordance with the development plan and approval of the application is recommended.

## **12.0 RECOMMENDATION**

- 12.1 That planning permission be GRANTED subject to receipt of no objection from the Highway Authority and conditions listed below.

### **Recommended conditions:**

- 1 The development hereby approved shall be carried out in accordance with the following submitted plans as amended by other conditions of consent:  
Location Plan : 1728-LOR-ZZ-ZZ-DR-A-102 Revision A  
Block Plan: Drawing No 1728-LOR-ZZ-ZZ-DR-A-103 Revision B  
Plots 19 Garage: Drawing No 1728-LOR-ZZ-ZZ-DR-A-105 Revision A  
Planning Drawing No 1728-LOR-ZZ-ZZ-DR-A-104 Revision B
- 2 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.
- 3 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 2.4 metres x 31 metres measured along both channel lines of the major road. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
- 4 No dwelling shall be occupied until the related parking facilities have been constructed in accordance with the approved layout plan. Once created these

parking areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

- 5 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 D below has been complied with in relation to that contamination.

#### C. 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.

#### D. 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 and where remediation is necessary a remediation scheme must be prepared 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 C.

- 6 Construction activity shall only take place between the hours of 08:00 to 18:00 Monday to Friday, 08:00 to 13:00 Saturdays and not at all on Sundays and Bank Holidays.
- 7 No operations shall commence on site or any development be commenced before the developer has implemented the report detail including root protection area (RPA) (as per Barnes Associates Tree Report) fencing in line with the requirements of British Standard BS 5837: 2012 (section 6.2.2 figure 2) Trees in Relation to Construction - Recommendations, or any subsequent amendments to that document, around the trees or shrubs or planting to be retained, as indicated on the approved plan and for the entire area as

specified in accordance with BS 5837:2012. The developer shall maintain such fences until all development the subject of this permission is completed.

- 8 No operations shall commence on site in connection with the development hereby approved (including any demolition work, soil moving, temporary access construction and/or widening or any operations involving the use of motorised vehicles or construction machinery) until the root protection area (RPA) works required by the approved tree protection scheme and ground protection detail (no dig) are in place. The level of the land within the fenced areas shall not be altered without the prior written consent of the Local Planning Authority.
- 9 The proposed tree planting scheme is to be implemented in accordance with the detail set out within drw BA6320LAN-TP within the first planting season after the completion of each plot.
- 10 In the event of failure of any trees or shrubs, planted in accordance with any scheme approved by the Local Planning Authority, to survive for a period of five years from the date of the completion of implementation of that scheme, such trees or shrubs shall be replaced by the developer with such live specimens of such species in such number as may be approved by the Local Planning Authority.

Reasons for Conditions:-

- 1 To secure the satisfactory implementation of the proposal.
- 2 To ensure safe and appropriate access and egress to the dwellings, in the interests of highway safety and the convenience of prospective residents.
- 3 In the interests of road safety
- 4 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.
- 5 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 Harrogate District Local Plan Policy NE9.
- 6 To safeguard amenity for neighbouring residents.
- 7 To ensure the protection of the trees or shrubs during the carrying out of the development.
- 8 To ensure the protection of the trees or shrubs during the carrying out of the development.
- 9 To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity.
- 10 To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity.

## INFORMATIVES

- 1 This development is subject to a Planning Obligation made under Section 106 of the Town and Country Planning Act 1990.
- 2 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 a 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.

**Target Determination Date:** 23 February 2024

**Case Officer:** Andy Hough  
Andy.hough@northyorks.gov.uk

**Appendix A –**

## North Yorkshire Council

### Community Development Services

#### Harrogate and Knaresborough Area Constituency Planning Committee

#### ZC23/04280/FUL - ERECTION OF TIMBER OUTBUILDING. AT LAND COMPRISING FIELD AT 441716 462728 MARTON CUM GRAFTON NORTH YORKSHIRE ON BEHALF OF BRIERLEY HOMES LTD

#### Report of the Assistant Director – Planning

#### 1.0 Purpose of the Report

- 1.1 To determine a planning application for Erection of timber outbuilding on land comprising field at 441716 462728 Marton Cum Grafton on behalf of Assistant Director – Planning
- 1.2 This application is brought to the Planning Committee as the applicant, Brierley Homes Ltd, is a subsidiary of North Yorkshire Council

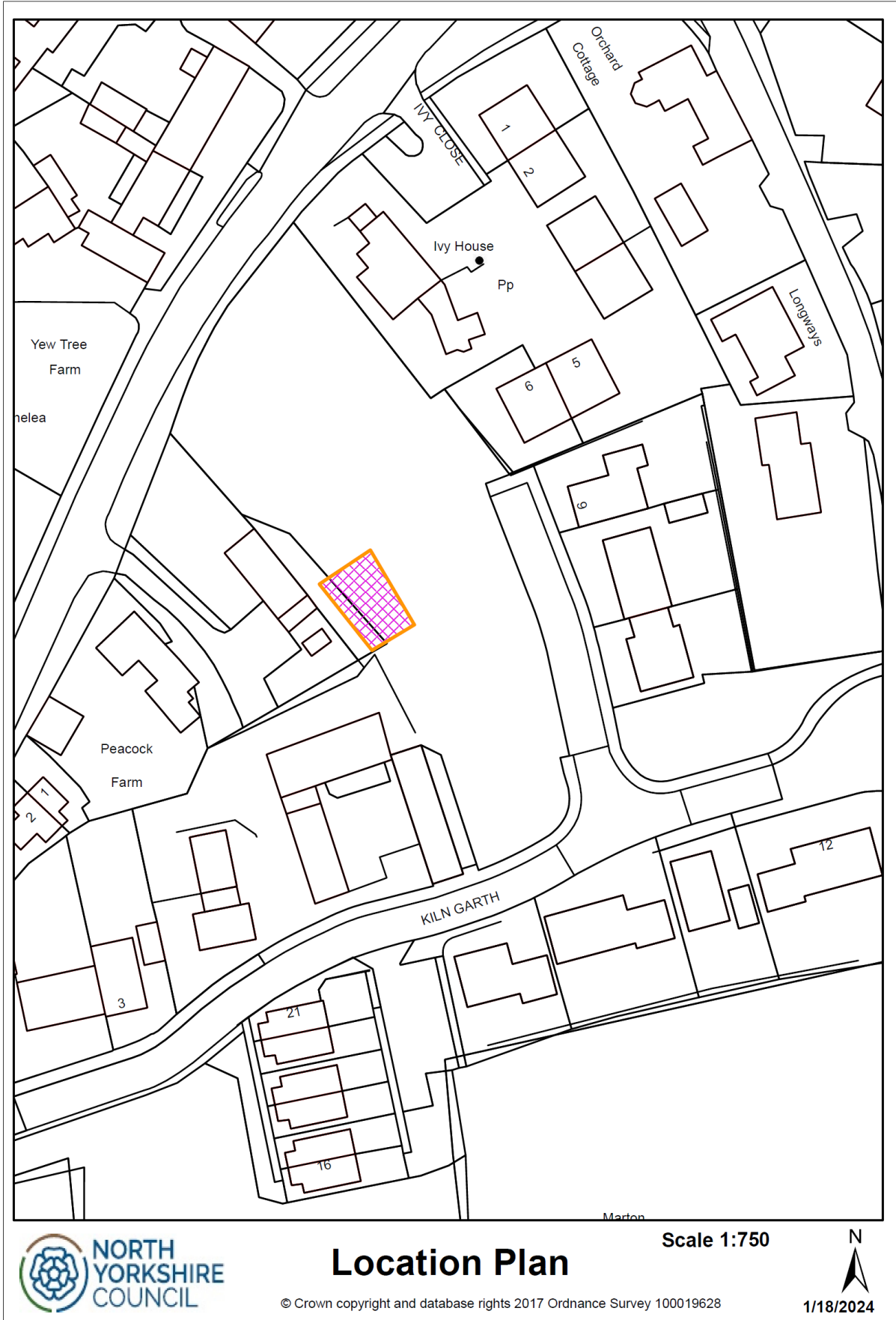
#### 2.0 EXECUTIVE SUMMARY

##### RECOMMENDATION:

- 2.1. Planning permission was originally granted in 2020 (plan ref 18/0335/FULMAJ) for the development of 20 houses. The scheme was later amended under 20/01033/FULMAJ to allow alterations to the new build elements on various plots and rationalisation of parking for the revised units. As part of the approval, two areas of land were to be provided as amenity open space. These areas of open space were retained to provide important views towards Christ Church and maintain the open character of the site. The open space provided on site was greater than the need generated by the development itself,
- 2.2. This application seeks approval for a small timber outbuilding on the larger area of open space to provide a machinery store for equipment to maintain the areas of open space. The siting and size of the structure is such that it would have very limited impact upon the function of the open space and doesn't impact upon important views of the church.
- 2.3. It is concluded for the reasons given in the report and taking into consideration of all matters relevant to the proposal, that the provision of the store is considered to be in accordance with the provisions of the development plan. The scheme does not harm the character of the conservation area nor significantly reduce the function of the

open space. The public benefit of maintaining the two areas of open space is sufficient to offset any harm to the significance of the heritage asset, as such it is recommended that planning permission is granted.





**3.0 Preliminary Matters**

- 3.1. Access to the case file on Public Access can be found [here](#)

#### **4.0 Site and Surroundings**

- 4.1. The application site lies on the edge of the village of Marton Cum Grafton and is boarded by Grafton Lane to the north and Church Lane to the east. The site lies within Marton Cum Grafton conservation area. Christ Church, which is located to the east of the site is a Grade II listed building. Residential property is located to both the east and west of the site with new dwellings constructed to the south forming part of the consented scheme originally granted planning permission under 18/00335/FULMAJ (see below).
- 4.2. The application site forms part of site allocation MG8 in the Harrogate and District Local Plan 2014-2035 that already benefits from planning consent under 18/00335/FULMAJ for the erection of 20 dwellings, including the part demolition and part conversion of existing outbuildings, public open space and landscaping. Consent was granted subject to a S106 Agreement securing:
- Affordable Housing Provision  
Open Space Contributions  
Open space management Plan
- 4.3. An application to vary the above consent was submitted and approved under 20/01033/DVCMAJ. This later application sought alteration to the parking arrangements and variation to the dwellings sited on plots 15.16 19 and 20. The development of the site is now reaching an advanced level of completion.
- 4.4. The site the subject of this application forms part of the larger of two areas of open space provided on the wider site that fronts onto Hill Top ( Grafton Lane)

#### **5.0 Description of Proposal**

- 5.1. The applicants seek planning consent for the construction of a timber outbuilding on the larger area of open space approved as part of the enabling consent. The building would be of single storey construction under a dual pitched roof. The siting of the outbuilding, which will be used as an equipment store to help manage the areas of open space. The building is to be sited on land to the north of the group of former farm buildings that have consent to be converted into residential dwellings as part of the enabling consent.
- 5.2. The store will be clad in timber under a clay tiled roof to match the adjacent barn conversions and constructed of approx. dimension 3.74 x 3.2 m with eaves at 2.5m and a roof ridge height of 3.9m.

## **6.0 Planning Policy and Guidance**

- 6.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning authorities must determine each application under the Planning Acts in accordance with Development Plan so far as material to the application unless material considerations indicate otherwise.

### Adopted Development Plan

- 6.2. The Adopted Development Plan for this site is:

- The Harrogate District Local Plan 2014-2035

### Emerging Development Plan – Material Consideration

- 6.3. The North Yorkshire Local Plan is the emerging development plan for this site though no weight can be applied in respect of this document at the current time as it is at an early stage of preparation.

### Guidance - Material Considerations

- 6.4. Relevant guidance for this application is:

- National Planning Policy Framework 2021
- National Planning Practice Guidance
- Provision of Open space and Village Halls, Supplementary Planning Document ( SPD) June 2021
- Green Infrastructure Supplementary Planning Document (SPD) November 2014
- Conservation and Design Guidance Note 4: Non-designated heritage assets
- Marton cum Grafton Conservation Area Character Appraisal: November 2011

## **7.0 Consultation Responses**

- 7.1. The following consultation responses have been received and have been summarised below.

### **7.2. Parish Council:**

Marton cum Grafton Parish Council support the proposal

### **7.3. Ward Member(s):**

No comments received

### Local Representations

- 7.4. At the time of writing this report, no representations have been received

## **8.0 Environment Impact Assessment (EIA)**

8.1. The application does not constitute development falling under the Town and Country Planning (Environmental Impact Regulations) 2017

## **9.0 Main Issues**

9.1. The key considerations in the assessment of this application are:

- Principle of Development
- Impact on Heritage Assets
- Impact upon Amenity

## **10.0 ASSESSMENT**

### Principle of Development

10.1. The proposal represents the construction of an outbuilding on land identified as open space within the original enabling consent. As part of the developer requirements in consideration of the residential development of site MG8 it was identified that inter alia:

- The site lies within the Marton cum Grafton Conservation Area; development of the site should minimise harm to, and seek to enhance, the significance of this designated heritage asset. This should include retaining key views, including the view from Grafton Lane, near the north of the site, to Church Lane.
- Christ Church, to the east of the site, is a Grade 2 listed building; development of the site should minimise harm to, and seek to enhance, the significance of this designated heritage asset.

10.2. In addition to the above the Marton cum Grafton Conservation Area Character Assessment identifies that there is a key view looking across into the site from Hill Top (Grafton lane) to the north and that the site as a whole was an important area of open space in the village ( NB .This was prior to the site allocation in the Local Plan).

10.3. The approved residential layout provides two large area of open space on site, the larger area is located by the pedestrian entrance on to Grafton Lane, providing an attractive feature and easy access for existing residents. This is a benefit to the original scheme and the settlement. The area provided on site is larger than would be required by policy. In this respect 0.13 hectares of land has been provided on the two areas of open space , the needs of the development itself generated a requirement of 0.11 hectares . Details obtained from the original enabling consent identify that such provision wasn't required on site given the extent of open space in the locality, however it was provided to reflect the site characteristics and ensure

views to the Listed Church were maintained. The open space forms a community asset for the benefit of the village. In addition and as part of the enabling consent off-site commuted sums would be secured via a s106 to improve existing leisure and open space facilities nearby. The store is required by the Parish Council to maintain the areas of open space provided on site.

- 10.4. The development of the store will require an assessment upon the desirability of retaining the land as an area of open space, whether there is any justification to partial loss and finally the visual impact of the development upon the setting of the conservation area and wider area as a whole.
- 10.5. Policy HP6: Protection of Existing Sport, Open Space and Recreation Facilities seeks to ensure that proposals for development that would involve the loss of existing outdoor public and private sport, open space and recreational facilities will be supported where inter alia:
- i. The applicant can demonstrate that there is a surplus of similar facilities in the area and that the loss would not adversely affect the existing and potential recreation needs of the local population, making allowance for the likely demand generated by allocations in this plan.
- 10.6. It is acknowledged that open spaces can often contribute positively to the amenity and local distinctiveness of settlements by providing an important and attractive break in the built-up area, or by providing views beyond the immediate street scene to, for example, more distant streets or in this case towards the listed structure at Christ Church.
- 10.7. Within Conservation Areas, Section 72 of the Planning (Listed Buildings and Conservation Areas) Regulations Act 1990 requires that special attention is paid in the exercise of planning functions to the desirability of preserving or enhancing the character or appearance of a conservation area; Section 66 of The Act requires that Local Planning Authorities pay special regard to the architectural or historic interest of listed buildings.
- 10.8. As stated above the areas of open space provided on site were larger than those needed for the development as a whole and as such there is scope to allow for a small loss to accommodate the building. The Conservation area appraisal identifies the site as an area of important open space (designated prior to the site allocation MG8 in the Local Plan). Any further loss of open space can thus only be supported if it can be demonstrated that there is no additional harm. In this respect the building occupies a footprint of less than 10 sq metres (or 0.001ha). The over provision of open space on the site generated by the enabling development equates to some 0.02 hectares. The small loss of open space can be justified to accommodate the building, which will be used to store equipment to help maintain the remaining areas of green space to the benefit of not only the housing development but also to the wider benefit of the village. The impact of the loss of open space is not considered substantial for the reasons stated below.

#### Impact on Heritage Assets

- 10.9. Policy HP2: Heritage Assets identifies that proposals for development that would affect heritage assets (designated and non-designated) will be determined in accordance with national planning policy. Policy HP3: Local Distinctiveness advises that development should incorporate high quality building, urban and landscape design that protects, enhances or reinforces the local distinctiveness of the area. Matters relating to scale, visual relationships, views and context are key considerations here.
- 10.10. Having regard to the national Planning Policy Framework when considering the impact of a proposed development on the significance of a designated heritage asset, which in this instance is the character of the conservation area, the setting of the adjacent Listed building and setting of the non-designated asset of the former farm buildings, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- 10.11. The proposal for a small-scale storage building would not have a significant impact upon the character of the conservation area as a whole and for the purposes of the National Planning Policy Framework would be deemed to have less than substantial harm. The impact is less than substantial as a consequence of its siting, context with adjacent structures, its small scale and use of materials.
- 10.12. The topography of the site is such that land rises upwards from the important view identified within the Marton cum Grafton Conservation Area Character Appraisal, when viewed from Grafton Lane to the north of the site. This to some extent mitigates the impact of the building which itself would be sited beyond the crown of the hill on a downslope situated beyond the highest point. The Conservation area appraisal identifies that new building should respect rather than compete with the historic skyline. The siting of the store ensures that this is the case. The building itself is sited near to existing structures such that in views from Grafton Lane it would be seen against existing development in the form of the barn conversions and dwellings located further south. It is acknowledged that it would be viewed as a separate structure from within the site itself, but this in itself need not be considered harmful as it would still be viewed against a backdrop of existing residential development. The view across the site towards Christ Church from Grafton Lane is not affected by the proposal due to the siting of the structure towards the eastern boundary of the site.
- 10.13. A further key consideration for new development is the appropriateness of the overall mass or volume of the building and its scale in context with adjacent buildings. A new building should be in harmony with, or complementary to, its neighbours. In this respect the use of timber cladding and roofing materials to

match the adjacent barns ensures that the store is both subservient in scale to the adjacent former farm buildings located to the south east and in harmony through the use of the proposed materials. The small scale and nature of the building ensures that it does not compete with those buildings.

- 10.14. The important view of Christ Church is not affected by the siting of the store, as the second smaller area of open space providing the view of the Church from within the development is not affected.
- 10.15. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, the NPPF requires that any harm should be weighed against the public benefits of the proposal.
- 10.16. Having established that the structure has less than substantial harm, it is necessary to consider what is the public benefit. The public benefit in this instance, is the provision of a materials store to maintain the two areas of open space that contribute to both the character of the conservation area and the setting of the Grade II Listed Christ Church. The small scale ancillary building thus has benefit, which outweighs the limited harm to the conservation area in this instance.
- 10.17. Having regard to the above it is considered that the storage building would preserve the character of the conservation and would not adversely impact upon the setting of either the listed buildings in the locality or the non-designated heritage asset. In this respect the scheme would meet the requirements of both Section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Regulations Act 1990.

#### Impact upon Amenity

- 10.18. Local Plan Policy HP4 seeks to ensure that development protects amenity. Development proposals should be designed to ensure that they will not result in significant adverse impacts on the amenity of occupiers and neighbours through for example, loss of light, overbearing or other disturbance.
- 10.19. The store is sited near to both existing and proposed residential units. The scale and size of the structure is however less than that of a domestic garage and would not have a detrimental overbearing /overshadowing impact. In this respect the building has a footprint of less than 10 sq metres (approx. 3.74m x 3.2m) and eaves height of less than 4m high. An existing 2m high boundary fence helps screen the store from adjacent gardens.
- 10.20. The construction of the store would not adversely impact upon the amenity of the occupiers of nearby residential property.

## **11.0 PLANNING BALANCE AND CONCLUSION**

- 11.1. The construction of the materials store will result in the small loss of an area of open space provided as part of the wider residential consent. The store is required to help maintain the open space for the benefit of the village residents. The development of the site would not however result in significant harm to the character of the conservation nor adversely affect the setting of both designated and non-designated heritage assets. The area of open space provided under site allocation MG8 was larger than that required for the needs of the development and as such the small loss to provide the store can be justified for the public benefits that it would bring.
- 11.2. The design size and use of materials is considered appropriate to the locality and would not have any adverse impact upon residential amenity whilst maintaining the character of the immediate locality.
- 11.3. It is concluded that the development is considered to be in accordance with the development plan and the requirements of the National Planning Policy Framework. Approval of the application is recommended.

## **12.0 RECOMMENDATION**

- 12.1 That planning permission be GRANTED subject to conditions listed below.

### **Recommended conditions:**

#### **Condition 1**

**The development hereby permitted shall be begun on or before three years from the date of this permission.**

Reason 1: To ensure compliance with Sections 91-94 of the Town and Country Planning Act 1990.

#### **Condition 2 Approved Plans:**

The development hereby approved shall be carried out in accordance with the submitted details as amended by other conditions of consent and the following approved plans:

Location Plan (POS Equipment Store) 1728-LOR -ZZ-ZZ-DR -A-112

Site Plan (POS Equipment Store) 1728-LOR -ZZ-ZZ-DR -A-114

Proposed Elevations (POS Equipment Store) 1728-LOR -ZZ-ZZ-DR -A-115



Reason 2: To secure the satisfactory implementation of the proposal.

**Target Determination Date:** 19 January 2024

**Case Officer:** Andy Hough  
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**Appendix A –**