

- Meeting:** Harrogate and Knaresborough Area Constituency  
Planning Committee
- Members:** Councillors John Mann (Chair), Chris Aldred (Vice-Chair),  
Philip Broadbank, Hannah Gostlow, Paul Haslam,  
Mike Schofield and Robert Windass.
- Date:** Tuesday, 7th May, 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 Dawn Drury, Democratic Services Officer by midday on Wednesday 1 May 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 March 2024** **(Pages 3 - 6)**

**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. ZC23/03697/FUL - Installation of Access Control Bollards, Construction of Planters, and Block Paving to roadway on land to the front of the Former Council Offices, Crescent Gardens, Harrogate, North Yorkshire** (Pages 7 - 20)

Report of the Assistant Director Planning – Community Development Services

**5. ZC24/00288/FUL - Demolition of existing dwelling; Alterations to land levels; Erection of building 8 new apartments (6 x 2 bed and 2 x 1 bed) with parking and landscaping on land at 13 Stockwell Road, Knaresborough, HG5 0JY** (Pages 21 - 40)

Report of the Assistant Director Planning – Community Development Services

**6. Any other items**

Any other items which the Chair agrees should be considered as a matter of urgency because of special circumstances.

**7. Date of Next Meeting**

Tuesday, 28 May 2024 at 2.00pm.

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:**

Dawn Drury, Democratic Services Officer

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Friday, 26 April 2024

## North Yorkshire Council

### Harrogate and Knaresborough Area Constituency Planning Committee

Minutes of the meeting held on Tuesday, 26th March, 2024 commencing at 2.00 pm.

Councillor Chris Aldred in the Chair, plus Councillors Philip Broadbank, Paul Haslam, Peter Lacey and Robert Windass.

Officers present: John Worthington, Executive Officer - Development Management and Building Control, Helen Goulden, Principal Development Management Officer, Catriona Gatrell, Head of Legal – Property, Planning & Environment, Trevor Watson, Assistant Director - Planning, Keith Jameson, Principal Engineer - Transport and Development, Samantha Atkins, Senior Transport Planning Officer, Dawn Drury, Democratic Services Officer; and Harriet Clarke, Assistant Democratic Services Officer.

Apologies: Councillors John Mann, Hannah Gostlow and Mike Schofield.

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

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#### **24 Apologies for Absence**

Apologies noted (see above).

#### **25 Minutes for the Meetings held on 30 January and 27 February 2024**

The minutes of the meetings held on Tuesday 30 January and Tuesday 27 February 2024 were confirmed and signed as an accurate record.

#### **26 Declarations of Interests**

There were no declarations of interest.

#### **Planning Applications**

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

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 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.

The Committee granted planning permission in accordance with the recommendation in the report because the proposal was 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.

**27 17/01899/OUTMAJ – Outline Application for Residential Development of up to 135 Dwellings and Associated Infrastructure with access to (but not within) the site considered (Site Area 8.8 HA) at land at Cow Dyke Farm, Skipton Road, Harrogate, North Yorkshire HG3 2AL on behalf of Rowan Green Developments LTD**

Considered :-

The Assistant Director Planning – Community Development Services sought determination of an outline planning application for a residential development of up to 135 dwellings and associated infrastructure with access to (but not within) the site (site area 8.8 ha) on land at Cow Dyke Farm, Skipton Road, Harrogate, HG3 2AL.

The Principal Development Management Officer drew Members attention to the officer update note which had been circulated and added to the North Yorkshire Council website.

Terry Jones spoke objecting to the application.

The applicant's agent, Chris Calvert, spoke in support of the application.

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

- Whether consideration should be given to the electricity pylon wires situated on the site.
- The possible impacts should the natural watercourses on the site be altered.
- Members queried if the separate sewage and surface water pipes would feed into combined sewage pipes, and if so, would this have the potential to create an issue for the area in terms of flooding in the future.
- Would public transport be made available to the site.
- Members requested that any future reserved matters application, with a detailed development layout, be presented to Committee in the future.
- Clarification was sought on the Officer Scheme of Delegation and the “call in” process available to Members. Officers agreed that a file note would be added to the application, to highlight that there was an expectation by Members that any future reserved matters application would come back to Committee.
- It was queried if local residents could request that a national road speed limit be reduced, and the process to be followed.
- Clarity was requested on the surface water drainage calculations.

- Members commended the planning case officer on a very comprehensive Committee report.

The Decision :-

That planning permission be GRANTED subject to conditions and the completion of a S106 agreement with terms as detailed in Section 12 of the committee report, and the Officer Update Note.

#### Voting Record

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

#### **28 Any other items**

There were no urgent items of business.

#### **29 Date of Next Meeting**

Tuesday 30 April 2024 – Civic Centre, Harrogate

The meeting concluded at 3.02 pm.

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## North Yorkshire Council

### Community Development Services

#### Harrogate and Knaresborough Area Constituency Planning Committee

07 MAY 2024

**ZC23/03697/FUL - INSTALLATION OF ACCESS CONTROL BOLLARDS,  
CONSTRUCTION OF PLANTERS, AND BLOCK PAVING TO ROADWAY.  
AT  
FORMER COUNCIL OFFICES CRESCENT GARDENS HARROGATE NORTH  
YORKSHIRE**

**ON BEHALF OF  
IMPALA ESTATES LTD**

#### Report of the Assistant Director Planning – Community Development Services

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

- 1.1 To determine a planning application for Full Planning Permission for the Installation of Access Control Bollards, Construction of Planters, and Block Paving to Roadway on land to the front of Former Council Offices Crescent Gardens Harrogate North Yorkshire.
- 1.2 This application is brought to the Area Planning Committee as the land is in the ownership of North Yorkshire Council.

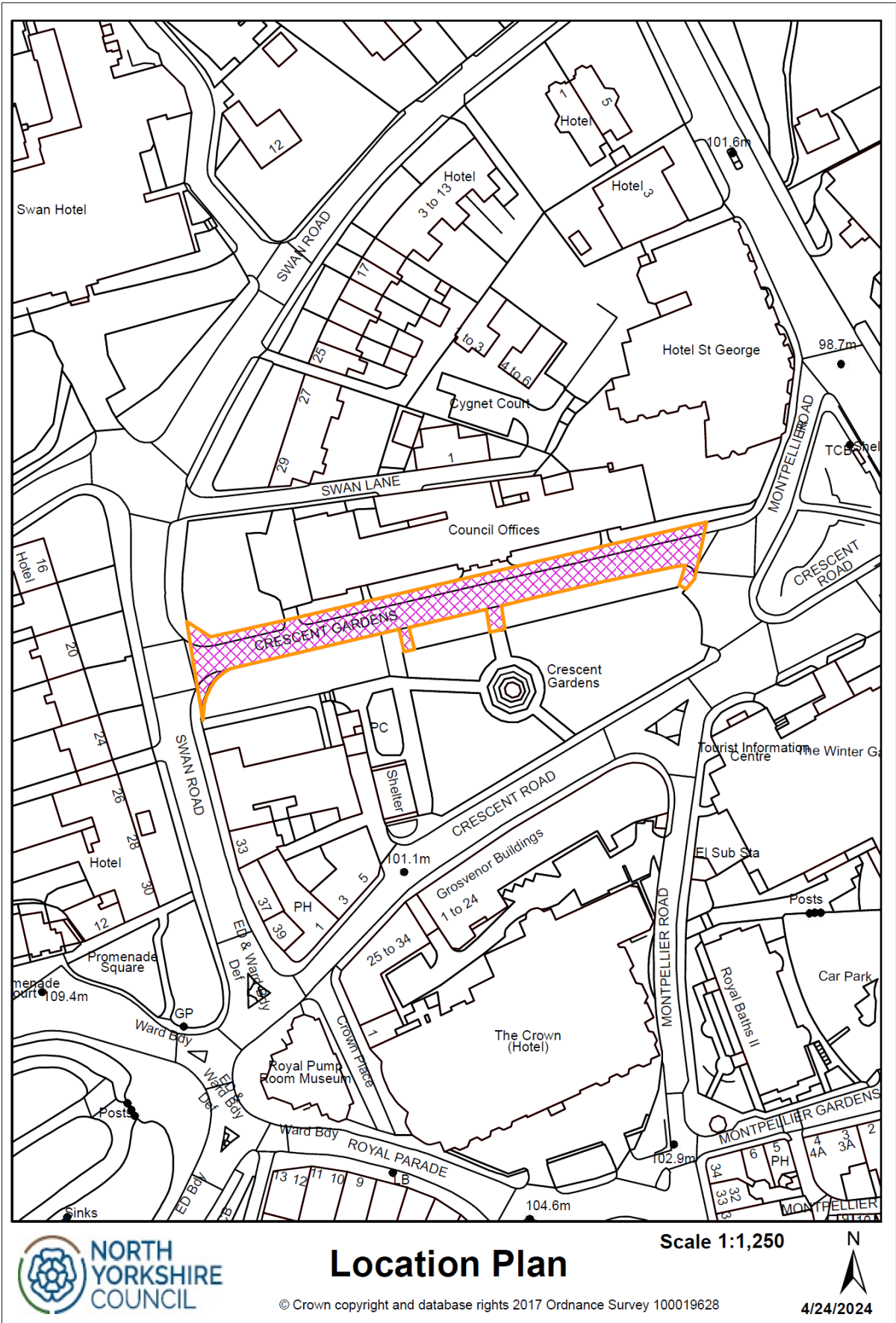
##### **2.0 EXECUTIVE SUMMARY**

**RECOMMENDATION: That planning permission be GRANTED subject to conditions listed below.**

- 2.1. This application seeks Full Planning Permission for the Installation of Access Control Bollards, Construction of Planters, and Block Paving to the Roadway (Crescent Gardens) to the front of the former Council Offices, Crescent Gardens, Harrogate (Crescent Gardens Building), running between Swan Road to the west and Montpellier Road to the east. Public open Space (Crescent Gardens Park) lies immediately to the south of the site. The site extends to 0.13 ha in area, and is comprised of the Crescent Gardens carriageway and footway. The application site excludes the off-carriageway parking bays to the south of the Crescent Gardens roadway except for the replacement of tarmac with soft landscaping around two trees.
- 2.2. Five 600mm high automatic telescopic bollards are proposed, two at the western end of Crescent Gardens, and three at the eastern end. Low level planted areas are proposed either side of the bollards formed in kerb edge to match the existing kerbs. The area between the planters will be finished in stone block sets. It is also proposed to construct a block paved section of road to the front of the Crescent Gardens Building main entrance, thereby forming a clear pedestrian connection between the building and the Crescent Gardens Park opposite.

- 2.3. The construction, installation, and operation of the access controls proposed by this application would prevent public vehicular access.
- 2.4. For clarification, a separate permission is required from the Secretary of State for Transport (SoS) under s247 Town & Country Planning Act 1990 (As amended by the Growth and Infrastructure Act, 2013) for a “Stopping up Order” (highway land ceases to be a highway and the public rights of way are extinguished in law, once the order is made). The proposed development could not be implemented unless and until such an order is granted.
- 2.5. An order to stop up the Highway Land cannot be made under section 247 of the 1990 Act without a valid and relevant planning permission, hence why this application has been brought forward at this stage rather than after any Stopping Up Order has been granted.
- 2.6. This “Stopping Up” application process is subject to its own consultation process. Notice of the intention to make the order must be advertised in a local newspaper and the applicant must display and maintain a copy of the notice in a prominent position at each end of the area of highway/footpath to be “stopped-up”. There is a period of no less than 28 days from the date of publication in which to make an objection to the proposed order.
- 2.7. The Council’s Highways Team have no objection to the proposed development subject to proposed conditions requiring the submission of a Bollard and Access Management Plan, a Construction Phase Management Plan, and provision of a tactile pedestrian crossing at the junction of Crescent Gardens / Swan Road to improve the pedestrian facilities on the remaining highway.
- 2.8. Officers consider that the proposed development will have a minor positive impact on the character and appearance of the conservation area and no significant impact on the setting of nearby listed buildings.
- 2.9. Having regard to the overall planning balance, the development is considered to be acceptable, and approval is recommended subject to the conditions below.





### **3.0 Preliminary Matters**

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

- 3.1. There is one relevant planning application for this application which is detailed below.

21/01336/FULMAJ - Change of use of former Council Headquarters to Class E (commercial, business and service) use comprising offices and restaurant / bar with ancillary residential and gym use; erection of a two storey roof-top extension, replacement fenestration and new electricity substation and alterations to parking, landscaping and other associated works – Granted 20.05.22.

### **4.0 Site and Surroundings**

- 4.1. The site is the road to the front of the Crescent Gardens Building in Harrogate town, running between Swan Road to the west and Montpellier Road to the east. (Crescent Gardens Park lies immediately to the south of the site. The site extends to 0.13 ha in area and is comprised of the Crescent Gardens carriageway and footway.

### **5.0 Description of Proposal**

This application seeks Full Planning Permission for the Installation of Access Control Bollards, Construction of Planters, and Block Paving to Crescent Garden Roadway. Within the area of existing off-carriageway parking bays, the tarmac surface will be removed from the area immediately around two existing trees, and shall be replaced by soft landscaping in the form of low-level planting.

### **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 (adopted 2020).

#### Emerging Development Plan – Material Consideration

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

- 6.3. Relevant guidance for this application is:

- National Planning Policy Framework 2021

- National Planning Practice Guidance
- National Design Guide 2021
- Harrogate Conservation Area Character Appraisals 2010.
- Harrogate Town Centre Strategy and Masterplan 2016

## **7.0 Consultation Responses**

- 7.1. The following consultation responses have been received and have been summarised below.
- 7.2. **NYC Highways:** No objection subject to proposed conditions requiring the submission of a Bollard and Access Management Plan, a Construction Phase Management Plan, and provision of a tactile pedestrian crossing at the junction of Crescent Gardens / Swan Road to improve the pedestrian facilities on the remaining highway.
- 7.3. **NYC Estates:** No Objections.

## **Local Representations**

- 7.4. Seven local representations objecting to the proposal have been received. Comments have also been received from the Civic Society objecting to the application. A summary of the comments is provided below, however, please see website for full comments.

## **7.5. Objections:**

- Object to the loss of parking spaces and knock on effect this will have on nearby residents and cycle stand;
- Object to the loss of public traffic access as all traffic in the area will now have to use Swan Lane or Crescent Road to access Ripon Road, adding to existing congestion and increased risk to pedestrians;
- Crescent Gardens provides a natural relief to traffic and closing the highway would inevitably cause pinch points elsewhere on the road network;
- Proposed planters are not attractive;
- Blocking the road would increase problems of setting up events on Crescent Gardens;
- Harm to the historic significance of the Crescent Gardens Area;
- Gradual demise of the actual Crescent Gardens Area;
- Poor landscaping;
- Loss of cycle stands;

- Loss of revenue to North Yorkshire Council;
- Crescent Gardens provides a safer route for wheelchair users;
- The use of the public conveniences on Crescent Gardens will more difficult due to limited access and no parking;
- No consideration for cyclists;
- Public loss but no public benefits;
- The ex-Council offices are listed as a "Landmark Building of Interest" within the "Harrogate Conservation Area Character Appraisal". As it is a building of such public interest, the public should be free to walk up to the building without bollards and planters discouraging them to do so;
- Approving this application, a dangerous precedent would be set and the wrong message would be given about highways and other assets under public ownership;
- The application has no obvious Design and Access Statement, despite the fact that there is the 'Harrogate Town Centre Strategy and Master Plan' dated 2015;
- The application again has no apparent Heritage Statement despite the fact that the Street is in the setting of the Royal Hall, Royal Baths and numerous other listed buildings.

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

- 8.1. The development proposed does not fall within Schedule 1 or 2 of the Environmental Impact Assessment Regulations 2017 (as amended). No Environment Statement is therefore required.

## **9.0 Main Issues**

- 9.1. The key considerations in the assessment of this application are:
- Principle.
  - Impact on the Highway Network and Highway Safety.
  - Heritage Considerations.
  - Other Matters.

## **10.0 ASSESSMENT**

Principle:

- 10.1. The proposed development is linked to delivery of the approved conversion and extension of the Crescent Gardens building to form a mixed-use office and restaurant/bar development. It will reduce vehicular traffic through the site and create a more pedestrian friendly environment. This, along with the proposed planters and new paving will improve the setting of approved development. This is in line with local plan policy GS5 which aims to provide a range of quality business sites and premises, in order to support the districts economy. The principle of the development is therefore acceptable. The impacts of the proposal on the highway network and on heritage assets are discussed below.
- 10.2. Impact on the Highway Network and Highway Safety:
- 10.3. Paragraph 115 of the NPPF advises that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 10.4. NYC Highways has no objection to the proposed development subject to conditions requiring the submission of a Bollard and Access Management Plan, a Construction Phase Management Plan, and provision of a tactile pedestrian crossing at the junction of Crescent Gardens / Swan Road to improve the pedestrian facilities on the remaining highway.
- 10.5. Crescent Gardens currently forms part of the highway, maintained at public expense and is open to public use for all modes of travel. Whilst the Crescent Gardens roadway allows two-way vehicular passage, this is not depended upon for access to any location other than the Crescent Gardens building. The applicant as part of this development proposes to install a set of bollards and planters to prohibit through traffic to vehicles. Approval of this proposal would then allow the applicant to apply for stopping up order for the area highlighted in their location plan. Should this planning application be successful, the applicant cannot implement the scheme until a Stopping Up Order has been approved by the Secretary of State via Section 247 of the Town and Country Planning Act. This would remove all highway rights.
- 10.6. Increased traffic on surrounding roads:  
The alternative routes for vehicles no longer able to use Crescent Gardens would be via Swan Road and onto Crescent Road. NYC Highways has advised that the traffic generation as a result of this proposal will not have a material impact on the junctions and highway network within the vicinity.
- 10.7. Loss of Parking:  
The proposal will see the removal of approximately 35 public parking spaces on Crescent Gardens. NYC Highways has advised that the removal of this parking is not a significant concern and would not warrant refusal, as there are sufficient alternative on-street parking facilities nearby, in addition to an abundance of available off-street parking options in the Town Centre. The existing bays will be retained for the use of the businesses in the Crescent Gardens building.
- 10.8. Pedestrian Route:

It is currently proposed that the pedestrian footpath across Crescent Gardens will remain available for public use upon completion of the works. However, if a 'stopping up order' is approved, the landowner could prevent pedestrian access. Should this occur, the alternative route for pedestrians would be either through the garden area at Crescent Gardens, or via Swan Road and onto Crescent Road.

10.9. New tactile paving with dropped curb, in accordance with the specification of the Highway Authority, will be provided as part of this application at the junction of Crescent Gardens / Swan Road, to improve the pedestrian facilities on the remaining highway.

10.10. Council Assets within the Stopping Up Area:

- Street Lighting columns (these can be transferred in their entirety when the road is stopped up and the landowner would be responsible for maintenance, energy supply and any repair/replacement as necessary)
- Parking sensors in the on-street parking bays (these will be removed by NYC prior to the stopping up order coming into effect)
- Parking machines (will be removed by NYC prior to the stopping up order coming into effect)
- The applicant has agreed to pay a sum of £5000 to meet the costs of preparing and making a Traffic Regulation Order (which will be subject to the statutory processes for TROs) to amend parking and waiting restrictions on Crescent Gardens. This sum will be secured through the requirements of condition 3.

10.11. In the submitted representations, objections have been raised in relation to the loss of parking spaces, the impact of the road closure on the surrounding road network, loss of cycle stands, loss of revenue to NYC resulting from the loss of the parking spaces and other matters related to the stopping up of the highway.

10.12. Highway Officers have considered the implications of the proposed development on the highway network, including the impacts of the loss of parking spaces. They have concluded that the implications would be acceptable and do not therefore object to the works proposed under this application.

10.13. Any loss of revenue to NYC resulting from the loss of the parking spaces is a matter for the landowner (NYC) to consider not a matter for the planning authority to consider under this planning application.

Heritage Considerations:

10.14. Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 requires a Local Planning Authority, when considering a planning application which affects a listed building, to have special regard to the desirability of preserving the building or its setting. In addition, Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, requires a Local Planning Authority when considering a planning application which affects a conservation area to have special regard to the desirability of preserving or enhancing the character or appearance of that area.



- 10.15. Local Plan policy HP2 seeks to protect heritage assets and their setting. Local Plan policy HP3 seeks to protect local distinctiveness and the spatial qualities of the area.
- 10.16. The site is within Harrogate Conservation Area and there are a number of listed buildings within the vicinity of the site, including: The Royal Hall (grade II\*), 27 - 29 Swan Road (grade II), The Old Town Hall (grade II), The Pavilion (grade II); Royal Baths (grade II), 2 - 24 Crescent Road (grade II). Crescent Gardens building is listed as a 'landmark building' (buildings occupying an important and prominent position in the character area) within the Harrogate Conservation Area Character Appraisal (HCACA) and is considered to be a non-designated heritage asset. The HCACA also notes that Crescent Gardens contributes to the setting of the building.
- 10.17. Harrogate Town Centre Strategy and Masterplan 2016 sets out a vision to create an exceptional town centre environment, including public realm of outstanding quality.
- 10.18. The proposed planting areas at either end of the site will be a continuation of the existing kerbing material and so will only project a small amount above the existing road level. The planting within, and its future maintenance can be controlled by condition. The finished material of the bollards and paving can also be adequately controlled by condition.
- 10.19. Implementation of the proposed development would prevent vehicular movement across the site, apart from that associated with the Crescent Garden building. This, along with the proposed landscaping and paving works would enhance the setting of the building and of Crescent Gardens Park.
- 10.20. Subject to conditions to control the detail of materials and landscaping. officers consider that the proposed development will have a minor positive impact on the character or appearance of the conservation area and the setting of the Crescent Garden building. The proposal will have no significant impact on the setting of surrounding listed buildings. The proposed works would make a small contribution towards achieving the aims of the Harrogate Town Centre Strategy and Masterplan 2016.
- 10.21. The proposal therefore complies with the relevant requirements of local plan policies HP2 and HP3.

Other Matters:

Disposal of Crescent Gardens Road:

- 10.22. For background, and in the interests of transparency, a report was taken to the former Cabinet (Place Shaping and Economic Growth) of Harrogate Borough Council on 20 July 2022 which set out the background and reasons relating to Harrogate Borough Council's (Now NYC) proposed disposal of Crescent Gardens Road fronting the former HBC office building at Crescent Gardens.

The recommendation was as follows:

1. *Cabinet approves the freehold disposal of the land to Impala Estates, owners of the office building at Crescent Gardens*
2. *The disposal price and terms are agreed in accordance with independent expert advice.*
3. *The Head of Legal and Governance is given authority to enter into and complete all necessary documentation required to finalise the disposal of this property and all matters related thereto.*

The disposal was conditional upon the proposed purchaser obtaining a stopping up order on the highway.

Members resolved (unanimously) to approve the recommendation.

*Reasons for decision:*

*The proposed purchaser wished to improve the landscaping and alter the existing layout of the parking and landscaped areas to the front of the building. Impala Estates were progressing with the refurbishment of the former council offices at Crescent Gardens, this was an important project for the town centre creating much needed good quality office space. If the current public realm in front of this building could be improved, this benefited the building itself and the town in a wider context as well as surrounding properties many of which remained in the ownership of HBC.*

10.23. Equality Act 2010

10.24. Under the Equality Act 2010 Local Planning Authorities must have due regard to the following when making decisions: (i) eliminating discrimination, harassment and victimisation; (ii) advancing equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (iii) fostering good relations between persons who share a relevant protected characteristic and persons who do not share it. The protected characteristics are: age (normally young or older people), disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation.

10.25. The proposed development would reduce the area of public highway and the availability of public parking in the area. However, as set out above, there are alternative pedestrian and vehicular routes available and sufficient alternative public parking available in the town centre. In these circumstances, it is considered the proposal would not discriminate against those with disabilities or any other protected characteristic.

**11.0 PLANNING BALANCE AND CONCLUSION**

11.1. The principle of the proposed development is acceptable. It would have a minor positive impact on the character and appearance of the conservation and the setting of the former council office building. The proposal would have no significant impact on



the setting of listed buildings. The development would not have an unacceptable impact on the interests of highway and pedestrian safety or the operation of the highway network. It therefore complies with the requirements of the local plan. There are no other material planning considerations that warrant consideration in this case and the proposal should therefore be approved.

## 12.0 **RECOMMENDATION**

12.1 That planning permission be GRANTED subject to conditions listed below:

### **Recommended conditions:**

#### **Condition 1 – Time Limit**

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

**Reason:** 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 following approved plans:

Site Location Plan - 6404-SSA-XX-XX-DR-A-013 Revision P10

Proposed Site Plan - 6404-SSA-XX-XX-DR-A-015 Revision P13

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

#### **Condition 3 – s106 Legal Agreement**

The development hereby approved shall not be commenced unless and until an agreement or undertaking made under section 106 of the Town and County Planning Act 1990 has been entered into to secure the planning obligations specified in the Section 106 Heads of Terms document dated 10 April 2024 (to meet the costs of preparing and making a Traffic Regulation Order to secure parking and waiting restrictions on Crescent Gardens)

**Reason:** To secure the measures necessary to mitigate the impact of the development on the highway network.

#### **Condition 4 – Bollard and Access Management Plan**

No development must commence until a Bollard and Access Management Plan has been submitted to and approved in writing by the Local Planning Authority. Construction and operation of the permitted development must be undertaken in accordance with the approved plan.

The Plan must include, but not be limited, to arrangements for the following:

1. contact details for the responsible person (site manager/office) who can be contacted in the event of any issue in any 24hour period
2. details of what actions will be taken in the event of any breakdown or malfunction of the bollards
3. details of how the bollards will be operated and maintained
4. Signage details on and around the bollards

**Reason:** In the interest of public safety and amenity.

#### **Condition 5 – Construction Management Plan**

No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Construction of the permitted development must be undertaken in accordance with the approved plan.

The Plan must include, but not be limited, to arrangements for the following in respect of each phase of the works:

1. the parking of contractors' site operatives and visitor's vehicles;
2. areas for storage of plant and materials used in constructing the development clear of the highway;
3. details of site working hours;
4. contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.

**Reason:** In the interest of public safety and amenity

#### **Condition 6 – Dropped Curb and Tactile Paving**

The development must not be brought into use until the pedestrian crossing at the junction of Crescent Gardens and Swan Road (shown on drawing ref. AMA/20763/SK004 - Proposed Pedestrian Crossing Point) has been set out and constructed in accordance with the 'Specification for Housing and Industrial Estate Roads and Private Street Works" published by the Local Highway Authority and the following requirements:

The pedestrian crossing of the highway footway must be constructed in agreement with the Local Highway Authority and to their satisfaction.

All works must accord with the approved details.

**Reason:** To ensure a satisfactory means of access on the public highway in the interests of highway safety and the convenience of all highway users.

#### **Condition 7 - Materials**

Prior to the installation of the bollards and the use of the materials for the proposed planters and paving, detailed specifications for the proposed bollards and materials to be used in the construction of the planters and new paving 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 the general character of the conservation area.

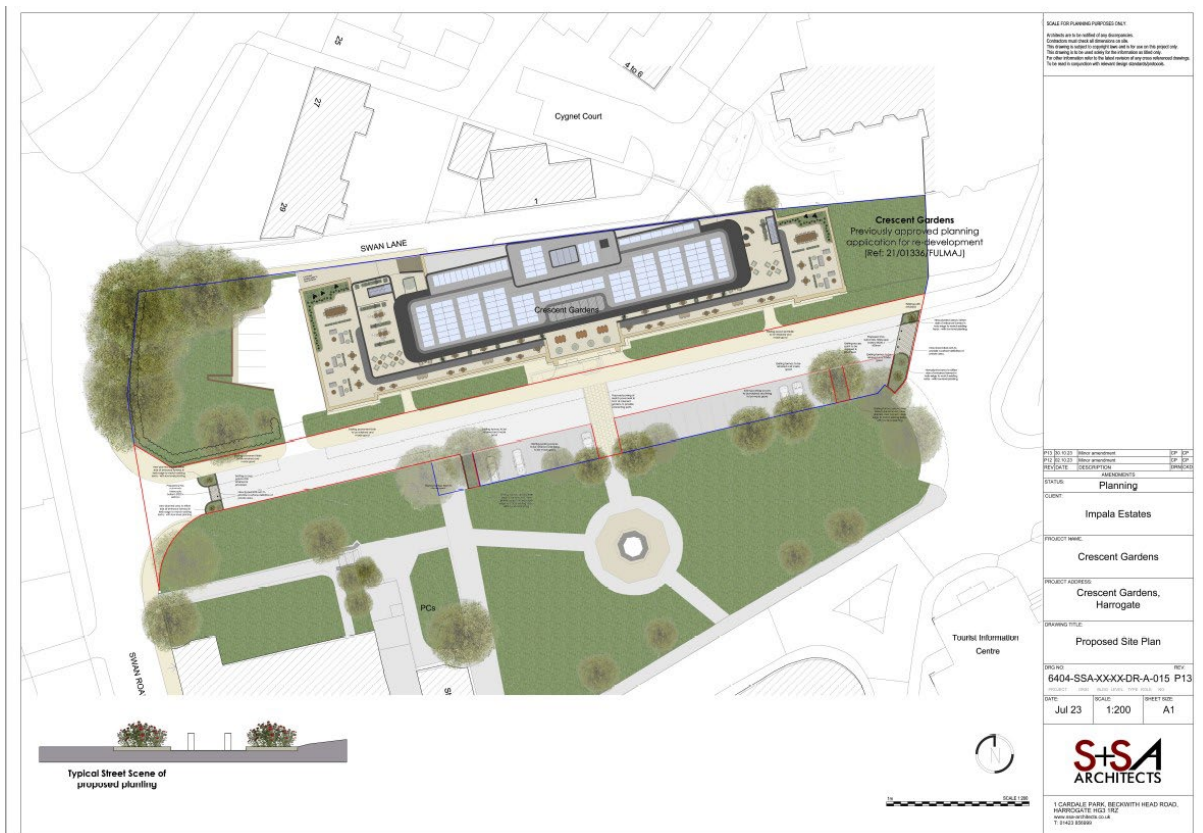
**Condition 8 – Landscaping**

Prior to the commencement of the construction of the planters hereby approved, full details of the proposed landscaping within, and the arrangements for future maintenance, 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 the general character of the conservation area.

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

**Appendix A – Proposed Layout Plan**



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## North Yorkshire Council

### Community Development Services

#### Harrogate and Knaresborough Area Constituency Planning Committee

07 MAY 2024

**ZC24/00288/FUL - DEMOLITION OF EXISTING DWELLING; ALTERATIONS TO LAND LEVELS; ERECTION OF BUILDING 8 NEW APARTMENTS (6 X 2 BED AND 2 X 1 BED) WITH PARKING AND LANDSCAPING. AT 13 STOCKWELL ROAD KNARESBOROUGH NORTH YORKSHIRE HG5 0JY ON BEHALF OF MR PAUL FRANKLIN**

#### Report of the Assistant Director – Planning

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

- 1.1 To determine a planning application for Demolition of existing dwelling; Alterations to land levels; Erection of building 8 new apartments (6 x 2 bed and 2 x 1 bed) with parking and landscaping. on land at 13 Stockwell Road, Knaresborough on behalf of Assistant Director – Planning
- 1.2 This application is brought to the Planning Committee at the request of Councillor Gostlow.

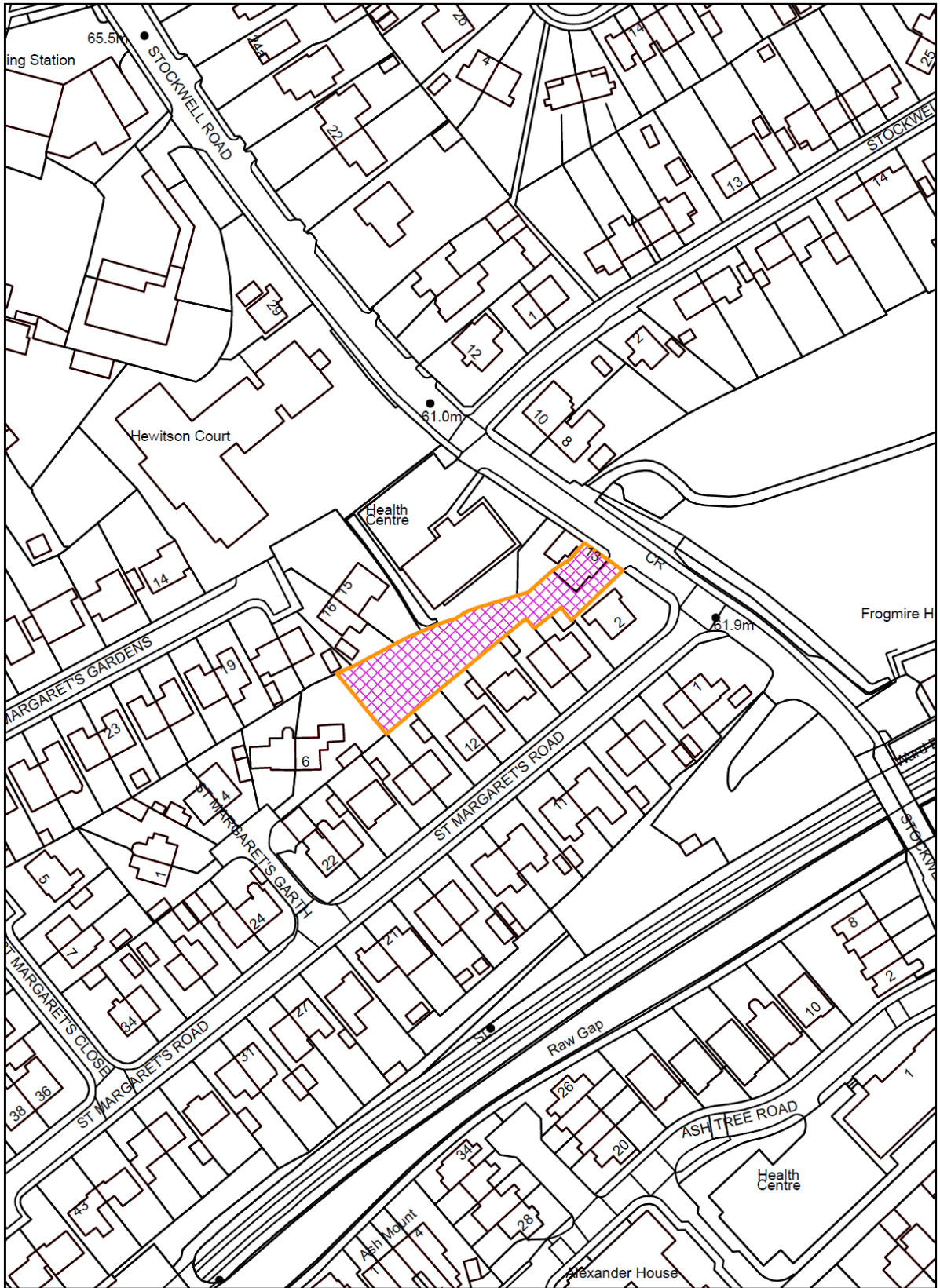
##### **2.0 EXECUTIVE SUMMARY**

###### **RECOMMENDATION: That planning permission be REFUSED**

- 2.1. The proposal site comprises the dwelling 13 Stockwell Road, including its amenity land to the rear, which tapers out to the south west and slopes down from north west to south east.
- 2.2. The site is within the development limits of Knaresborough and within 100m of the Conservation Area and is bound by residential development to the east, south and west with a doctors surgery to the north west and the host dwelling to the north east of the site.
- 2.3. The proposal seeks to demolish the existing dwelling, and the construction of an apartment block within the amenity space of 8 apartments, with associated parking and landscaping works including the alteration of land levels.
- 2.4. The development would comprise two storey apartment block set back into the site with the front of the site open to the public view following the demolition of the existing dwelling, 13 Stockwell Road. Car parking, refuse store and cycle storage would be set between the build form and the public highway, presenting as a substantial area of hardstanding with the apartment block being visually cramped due to the limited width of the site, between St Margaret's Road and St Margaret's Gardens. The development would appear as a visually incongruous addition to the street scene which does not respect the pattern of development. The proposal is contrary to Local Plan Policies HP3.

- 2.5. The proposal is set within close proximity to the boundaries of the amenity spaces to dwellings on both St Margaret's Road and St Margaret's Gardens. Due to the ground levels to the adjacent site, low level boundaries, and siting of neighbouring fenestration in relation to the proposal building, there is considered to be unacceptable overbearing and overlooking impacts to both the north and south. Due to the siting of the building to the south of amenity spaces to St Margarets Gardens and proximity to the boundary at tow storey height, the proposal would additionally present unacceptable overshadowing impacts on amenity to the amenity space or neighbours to the north. The proposal is contrary to Local Plan Policy HP4 and the Householder Design Guidelines.
- 2.6. The proposal does not demonstrate safe access and egress from the site onto Stockwell Road, which is a congested section of road adjacent to a junction and traffic lights leading towards the town centre. The siting of the proposed parking to the site would conflict with the ability for two vehicles to pass on the driveway and create queuing of vehicles in the highway and concerns regarding vehicle movements within the site. Parking provision falls short of the minimum number or resident and visitor spaces required for 9 apartments in an area where on street parking is oversubscribed. Cumulatively, there is an unacceptable impact on highways safety contrary to NPPF paragraph 155 and Local Plan policy TI3.





# Location Plan

Scale 1:1,250



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24/04/2024

### **3.0 Preliminary Matters**

- 3.1. Access to the case file on Public Access can be found [here](#).
- 3.2. 06/01897/FUL - Erection of detached dwelling and one pair of semi-detached dwellings, formation of access and associated hard and soft landscaping. (Site Area 0.08 ha) Withdrawn 15.05.2006
- 07/00304/FUL - Erection of two apartments and one pair of semi-detached dwellings, formation of access and associated hard and soft landscaping. (Site Area 0.08 ha, Revised Scheme) Refused 12.04.2007 and dismissed at appeal 26.03.2008.
- 07/02365/FUL - Erection of two apartments and detached dwelling, formation of access and associated hard and soft landscaping (Site Area 0.08 ha) (Revised Scheme). 07/02365/FUL Refused 03.07.2007 and dismissed at appeal 26.03.2008.
- 08/00410/FUL - Erection of detached dwelling and formation of vehicular access (Site Area 0.08 ha) (Revised Scheme). Withdrawn 13.03.2008.
- ZC23/01616/FULMAJ - Demolition of the existing property and replace with a town house. Level the land to the rear and build 9 apartments with bike stores and bin stores. Withdrawn 01.08.2023.

See Progress sheet for full planning history.

### **4.0 Site and Surroundings**

- 4.1. The application site is access via Stockwell Road and comprises one semi-detached dwelling, no. 13 Stockwell Road, adjoined to No 15. The site hosts an amenity extends back from the highway, tapering in width and set between dwellings and limited amenity spaces to St Margaret's Road and St Margaret's Gardens. The Stockwell Road doctors surgery set adjacent to the highway flanking a section to the north of the site.
- 4.2. The site is within the development limits of Knaresborough and within 100m of the Conservation Area and is bound by residential development to the east, south and west with a doctors surgery to the north west and the host dwelling to the north east of the site.
- 4.3. The proposal site has a depth of approximately 70m however is of irregular shape, narrowing to approximately 5.8m to the rear of the existing dwelling and increasing to 19.6m maximum along the rear south western boundary.

### **5.0 Description of Proposal**

- 5.1. The proposal requires the demolition of the one dwelling to the site and the erection of a two storey apartment block comprising 8 apartments.
- 5.2. The development would widen the driveway onto Stockwell Road, in place of the existing dwelling, and would host a hard standing area for the provision of parking between the highway and apartments.



## 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 March 2020.

### Guidance - Material Considerations

- 6.3. Relevant guidance for this application is:
- National Planning Policy Framework 2023
  - National Planning Practice Guidance
  - Householder Design Guidelines

## 7.0 Consultation Responses

- 7.1. The following consultation responses have been received and have been summarised below.
- 7.2. **Parish Council:** “Knaresborough Town Council (KTC) object to this application and sees no reason to change its objections from the previous applications at this site (ref: ZC23/01616/FULMAJ). The increase in traffic from this site will have a negative impact on the overall traffic in the area and impact on parking around the St Margaret’s area that already experiences difficulties. KTC has concerns about the location of the refuse and recycling bins and how these would be collected as there is no space for a refuse vehicle to access the site and insufficient pavement space outside the site for collection days. KTC note the concerns of Yorkshire Water and if NYC are minded to approve the application, ask that all points raised by YW are conditioned. KTC has concerns about potential impact to Frogmire Dike. KTC is not convinced that any lowering of levels will prevent overlooking onto neighbouring properties. KTC asks NYC that this application be dealt with at a NYC Planning Committee level.”
- 7.3. **Arboricultural Officer:** No objections.
- 7.4. **Environmental Health:** No objections subject to the inclusion of conditions relating to the submission of a Land Contamination remediation strategy and subsequent verification report; for the structural, glazing, ventilation and barrier recommendations in the of the Noise Impact Assessment BS8233:2014 Job No 8804PF dated December 2022 by Nova Acoustics to be complied with; for the submission of an verification report in relation to achieving adequate noise impacts between apartments; for the restriction of construction hours and provision of adequate storage and collection of refuse.

- 7.5. **Highways:** Objection to proposal due to parking spaces conflicting with the adopted highway; a number of the spaces do not have the ability to turn without significant manoeuvring; no information has been provided as to the new visitor space and adjacent ramp to ensure practical use and to allow safe access; concerns around the gradient of the pedestrian ramp and how this, and additional safety measures, may impact upon adjacent parking; insufficient demonstration of visibility splays. Formal written comments not received from LHA due to outstanding information from agent which was not received at the time of writing this report.
- 7.6. **Yorkshire Water:** No objections subject to conditions relating to separate foul and surface water drainage points of discharge to be agreed, approval of satisfactory outfall, and to protect the sewerage infrastructure due to a sewerage pipe recorded across the site. An informative would also be recorded to this effect.

### Local Representations

7.7. 27 letters of representation have been received from members of the public objecting to the proposal. The letters are available to view on Public Access and have been summarised as follows;

7.8. Objections:

- Inadequate parking on site for units as most households have 2+ cars.
- Lack of and oversubscribed on-street parking in locale.
- Parking on busy Stockwell Road will cause highways issues.
- Difficulty for those accessing and leaving the site.
- Concerns regarding refuse collection blocking the highway.
- Limited refuse storage on site and slope to wheel bins to the highway.
- Proposal likely to be social house, there is no shortfall of social housing.
- Concerns regarding anti-social behaviour if social housing on site.
- Impact on bats/ bats viewed in locale.
- Congestion and speeding concerns on Stockwell Road.
- Additional housing leading to more chance of road accidents.
- Instances of traffic related accidents raised.
- Air pollution concerns.
- Loss of outlook into the former orchard.
- Overlooking concerns to neighbour amenity spaces and accommodation.
- No demand for affordable housing.
- Site should be retained as green space for the wildlife.
- Impact on neighbouring amenity during construction through dust and noise.
- Rat concerns following site clearance, exacerbated by proposal.
- Concerns raised regarding Heritage value of the existing dwelling.
- Concerns regarding site notice removal.
- The site is very narrow.
- Loss of privacy to neighbour accommodation and amenity space.
- Disagreement that local holiday accommodation contributes towards parking issues.
- Highways concerns from previous application raised.
- Yorkshire Water concerns from previous application raised.
- High volume of houses built in Knaresborough.

- Site is too small for number of dwellings proposed.
- Concerns regarding noise omission from proposed buildings.
- Queries on number of vacant completed new builds and the need for more in Knaresborough.
- Siting of cycle shed impacting amenity to St. Margarets Road
- Light spill from car park to accommodation of St. Margarets Road
- Amenity concerns from car doors and engines.
- Site entrance is too close to junction of St Margarets Road
- Demolition of 13 Stockwell Road will affect the street scene.
- Scale of development dominates the area.
- Cramped within the site/ over development.
- Development would overwhelm neighbours in size and proximity.
- Communal areas without management will be unkempt/attract antisocial behaviour.
- Planting with further diminish limited amenity areas.
- Submitted traffic information is misleading.
- Landscaping proposed would not resolve amenity concerns.
- Drainage concerns to adjacent sites.
- Site is a garden surrounding by dwellings and a doctors surgery.
- Loss of light especially to St Margaret's Gardens.
- Detrimental impact to well being of neighbouring residents.
- Greater harm than dismissed appeal, application 07/00304/FUL.
- Concerns for emergency vehicle access.
- Phase I Land contamination report not altered from previous application.
- Existing dwelling has not been maintained.
- Gradient of access would lead to drivers, 'lunging' out of the access to the highway.
- Loss of value to neighbouring dwellings.
- Little amenity space to proposed dwellings.
- One bedroom accommodation 'shoehorned' and not accessibility friendly.
- Relationship of site is out of character with the area.
- Overbearing impact on amenity to neighbouring dwellings.
- Construction hours should be limited if consent is granted.
- Development should not exceed one storey in height.
- If demolition of No 13 is permitted, an identical replacement dwelling should replace it.
- Concerns regarding visibility from site entrance to highway.
- No 13 is historic farm cottage and former bakery and sweet shop.
- Pulling down the historic dwelling is not necessary.

## 9.0 **Main Issues**

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

- Principle of development
- Space Standards
- Impact on the character and appearance of the site and street scene.
- Impact on residential amenity
- Highway
- Trees

- Environmental Health
- Flood Risk and Drainage
- Ecology
- Other matters

## **10.0 ASSESSMENT**

### Principle of Development

- 10.1. The National Planning Policy Framework (NPPF) (revised 2023) sets out the Governments planning policies for England and how these are expected to be applied. Its underlying theme is a presumption in favour of sustainable development.
- 10.2. Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires applications to be determined in accordance with the development plan unless material considerations indicate otherwise. The adopted Local Plan is the starting point for determination of any planning application.
- 10.3. The Harrogate District Local Plan 2014-2035 was adopted by Harrogate Borough Council in December 2020. The Inspectors' Report concluded that, with the recommended main modifications which are set out in his report, that the Harrogate District Local Plan satisfies the requirements of Section 20(5) of the Planning and Compulsory Purchase Act 2004 (as amended) and meets the criteria for soundness in the NPPF. All the policies in the Local Plan can therefore be given full weight.
- 10.4. Material to the consideration of this application is the Local Plan and the 5 year land supply position. The Council's Local Plan makes allocations of land and sets development limits to meet the housing needs of the district to 2035. Sites have been identified as allocations in the Local Plan as those that best deliver the Plan's growth strategy. Development should therefore be directed toward these sites and other sites within development limits that accord with policies in the Local Plan. Proposals coming forward on other sites outside the development limits are unlikely to be viewed favourably.
- 10.5. In regard to 5 year land supply the Council has a healthy land supply position, currently 7.7 years when compared against the housing requirement, with an appropriate buffer. Accordingly, the policies which are most important for determining the application are not considered to be out-of-date. Full weight can be afforded to the housing policies in the Local Plan.
- 10.6. Local Plan policies GS1 and GS2 set out a growth strategy for new homes and jobs to 2035. Local Plan Policies GS2 and GS3 set out the growth strategy for the District and the development that may be considered outside defined development limits.
- 10.7. Knaresborough is identified as a Main Settlement in Local Plan policy GS2 and has a defined development limit identified under Policy GS3. The site is within the development limits of the Knaresborough and therein, the proposal accords with policies GS2 and GS3 of the Local Plan and is acceptable in principle, subject to compliance with local and national policy as assessed within this report.
- 10.8. The letters of representation have been taken into consider with regards to the history of the site as an orchard and the building as a heritage asset. Architecturally, the existing dwelling does not contribute favourably to the character of the locality and no letters of object have been received from consultees with expertise in this matter. The

proposal is set within development limits and a structural report has been submitted which indicates that the building has become structurally unsound. The garden amenity space is a private garden and as such, the siting of an orchard cannot be reasonably enforced. On consideration of the above matters, the proposal is acceptable in principal, notwithstanding other material considerations.

### Space Standards

- 10.9. Policy HS5 requires all new market and affordable homes to, as a minimum, meet the relevant Nationally Described Space Standard (NDSS).
- 10.10. The development comprises 8 apartments; 6 x two bedroom and 2 x one bedroom apartments. The Nationally prescribed standards require a minimum of; 39 m/su for one bedroom (1 person) accommodation and two bedrooms (3 person accommodation).
- 10.11. The submitted documents indicate the two bedrooms units are all for 3 people and have an internal floor area of 70.4m/sq to 2 units and 72.2 m/squ to 3 units. The documents also indicate that the one bedroom units are for 1 person max and have an internal floor area of 41 m/sq and 42.1 m/sq
- 10.12. However, the floor plan shows the bedroom accommodation to comprise adequate space for a double bedroom for two person occupancy per bedroom, where the minimum space standards require a GIFA of 50 m/sq for one bedroom accommodation (2 persons) and 70 m/sq for two bedroom (4 persons).
- 10.13. While the two bedroom units would meet space standard for 4 person occupancy, the two 1 bedroom units would fall short of the 50 m/su minimum requirement by 9 m/sq to apartment 4 and 7.9m/sq to apartment 8. The bedrooms to these units measure 2.85m x 4.1m (apartment 4) and 2.6 x 3.25m.
- 10.14. As such, accommodation to units 4 and 8 fail to comply with the minimum required floor area under the Nationally Described Space Standards and is contrary to Local Plan policy HS5.

### Impact on the character and appearance of the site and street scene

- 10.15. The National Planning Policy Framework July 2023 (NPPF) sets out the Government's planning policies for England and how these are expected to be applied.
- 10.16. Paragraph 131 of the NPPF requires Local Planning Authorities states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve.
- 10.17. Paragraph 134 of the NPPF seeks to ensure development is visually attractive as a result of good architecture, layout and appropriate and effective landscaping. Development must be sympathetic to local character and history, including the surrounding built environment and landscape setting.

- 10.18. Paragraph 139 of the NPPF states development should be refused that is not well designed.
- 10.19. Further to the NPPF Local Policy HP3 (Local Distinctiveness) of the Local Plan requires appropriate high quality design. Chapter 3 of the Councils Design guide outlines the principles of good design. In most cases an extension should appear subservient to the original house.
- 10.20. Local Plan policy CC4 requires all development to be designed to reduce both the extent and impacts of climate change.
- 10.21. The street scene comprises a mix of single and two storey dwellings of traditional construction, with pitched roof forms, although a range of finishing materials which centre around brick and stone. Roofs slate or rosemary pantile roofs although concrete roofs and the use of render is also visible within the street scene including the existing dwelling within the site.
- 10.22. The street scene hosts a one and a half storey height doctors surgery to the north of the site, beyond No15 Stockwell Road and a two storey apartment block to Hewitson Court with a three storey element set back significantly within the plot, as the land sloped down from the highway and with space around the building. Additionally, Hewitson Court is partially screened by tree planting and on the whole, this element does not detract from the looser grain of two storey and single storey development.
- 10.23. Three storey buildings are visible within the wider locale towards the town centre, across the bridge on Stockwell Road, however this bridge marks a change in development character with a tighter grain of development and generally larger scale buildings than those within the immediate locale of the proposal site.
- 10.24. The pattern of development is varied, although within the immediate surrounds of the proposal site, retains space around semi-detached and detached dwellings for a relatively loose grain of development on the section of Stockwell Road, north of the railway line. The highway is narrow with limited pedestrian pavement to the west of the highway including between the proposal site and vehicular highway. There are allotment gardens sited opposite the proposal site which retain a degree of openness and a break in development. Visually, the street scene overall retains a traditional suburban feel in this regard. This is special quality of the street scene on consideration of its proximity to Knaresborough town centre and adjacent to but within the town centre boundary as identified by policy EC5.
- 10.25. The submitted information includes the siting of an apartment building hosting 6 apartments arranged over two floors, with the ground floor excavated into the ground by a maximum of 1.75m from the existing ground levels on the site. The scale of the apartment building within the development is two storeys with a depth of approximately 34.1m and also spanning the majority of the width of the site from south to north, set approximately 4.5m from the northern boundary and approximately 2m from the southern boundary at its closest point to a two storey element.
- 10.26. The section drawings show that there would be elements of excavation to lower the ground levels and as such the proposal would not exceed the height of the dwellings to adjacent road. However, visibility of the resultant height would remain visible from Stockwell Road which will have significantly increased public visibility into the site following the demolition of the host dwelling. Moreover, the depth and width of the



building would have visibility not only from Stockwell Road but also between buildings to St Margaret's Road and St Margaret's Gardens.

- 10.27. As a result, the proposed scale of the building does not assimilate with the building form and grain of development within the vicinity as viewed from Stockwell Road along the proposed widened driveway, St Margarets Road between dwellings, St Margarets Gardens between and above dwellings and with limited views from St Margarets Garth between dwellings.
- 10.28. The apartment block would not reflect the pattern of development through diminishing the spatial quality within the site and between built forms to adjacent site but also through the excessive scale, through its width and depth at two storey height with is resultant massing being a visually intrusive feature within the context of the street scene to the above mentioned highways.
- 10.29. The roof form to the apartment block would comprise a series of pitched roofs, however due to the irregular shape of the buildings, off-set two storey lines of development and varying heights, this appears overly complicated and would be incongruous in appearance compared to the simple form of the detached and semi-detached dwellings adjacent to the site.
- 10.30. The proposal includes the widening of the driveway, extensive hardscaping to accommodate car parking, cycle storage and bin storage with limited amenity space set around the perimeter of the apartment block. As such, the overall development within the proposal is considered to appear as back land development within an existing amenity space and represents the overdevelopment of the site and loss openness between St Margaret's Road, Garth and Gardens which each abut the site.
- 10.31. As a result of its two height in the context of its scale would present as a building of excessive massing set between dwellings of modest scale and on consideration of its proximity to the site boundaries, the proposed apartment block and associated hardstanding works would appear cramped within the site, and unduly dominant, intrusive and discordant within the context of its surroundings. It would therefore fail to respect the character, appearance or local distinctiveness of the area, as required by Policy HP3, and would not represent good design as defined in the NPPF and the National Design Guide.
- 10.32. The scale, form, and massing of the proposal would fail to adequately safeguard the character of the street scene, contrary to policy HP3 and would represent poor design contrary to paragraph 139 of the NPPF.

### Impact on Amenity

- 10.33. The NPPF advises, in paragraph 135, that planning should create places with a high standard of amenity for existing and future users.
- 10.34. Local Plan policy HP4 states that proposals should be designed to ensure that they will not result in significant adverse impacts on the amenity of occupiers and neighbours. Amenity considerations listed in policy HP4 include overlooking and loss of privacy, overbearing and loss of light and vibration, noise and other disturbance.
- 10.35. The House Extensions and Garages Design Guide was approved following public consultation as a Supplementary Planning Document (SPD) in September 2005. It is a companion to the Residential Design Guide approved in March 1999. The House Extensions and Garages SPD was subject to a sustainability appraisal and consultation (as set out in Appendix H) and it carries significant weight in making

decisions, as confirmed consistently by Inspectors determining appeals. Appendix D to the Design Guide advises on residential amenity.

- 10.36. The potential impact of the proposal would be on neighbouring properties to the sides and rear to four streets, on consideration of the bound nature of the site with development to three sides.
- 10.37. The existing dwelling to the site is adjoined to The Cottage, 15 Stockwell Road. 13 Stockwell Road currently hosts a two storey flat roof extension which does project beyond the rear of No 16 and create an element of overbearing and overshadowing at present, although the flat roof form decreases the impact on amenity compared to a pitch roof with the same eaves height. The submitted plans would not replace the existing dwelling at No 13 which is to be demolished.
- 10.38. The submitted information includes the siting of an apartment building hosting 6 apartments arranged over two floors, with the ground floor excavated into the ground by a maximum of approximately 1.7m from the existing ground levels on the site, according to the proposed section drawings. The proposal predominantly comprises two storey forms at between 8m and 8.9m in height above ground level with single storey porch projections. The ridge height varies along its length to provide 4 differing ridge heights, however they are all at 8m and above and of two storey height. The depth of the building from east to west is approximately 34m at two storey height, and these elements are set within close proximity to the boundaries to the east and towards dwellings to the north and south as the site narrows.
- 10.39. With regards to residential dwellings in the immediate locale, the proposed apartment block is set; to the south and south west of dwellings on St Margarets Gardens; north and north east of St Margaret's Road; north east of St Margarets Garth and; to the south west of 15 Stockwell Road.
- 10.40. The Design Guidelines advise, with regards to Overbearing impacts on amenity, that "Problems arise when the physical presence of an extension is of such a magnitude in terms of overall mass (height, length and basic shape) and in such proximity to neighbouring property that it results in serious loss of amenity."
- 10.41. The two storey building would be set to the south of 15 and 16 St Margaret's Gardens, which hosts an amenity space to the rear. The proposal would be set 4.5m at its closest from the boundary to the amenity space of No 15 at 8.9m in height and 4.1m from no 16 at 8.3m in height. The ground level would be lowered to be 0.8m below the amenity space of No's 15 and 16 St Margaret's Gardens and therein, the heights of the development would be 7.5m and 8.1m above the ground level of these gardens respectively.
- 10.42. On consideration of its siting to the south of these neighbours at height of 7.5m and 8.1m above the amenity space of No 15 and 16 St Margaret's Gardens with separation distances of 4.5m and 4.1m respectively, the development would appear as a visually dominating and overbearing element which would unacceptably overshadow the amenity space.
- 10.43. A separation distance of 1.8 would be retained between the south eastern gable of the development and boundary to 6 St Margaret's Garth at two storey height. Even on consideration of the excavation to decrease ground levels, the proposal would be of two storey scale. The proposal would appear as a visually dominating and overbearing element which would unacceptably overshadow the amenity space of 6 St Margaret's Garth.



- 10.44. Distances of approximately 2.8m increasing up to 5m would be retained to the south western boundary towards the dwellings on St Margaret's Road. The ground levels are proposed to be decreased along this boundary to 1.7m below the ground level of the amenity space to St Margaret's Road which hosts low level boundary fences.
- 10.45. The Design Guideline recommends a minimum separation distance of 7.5m from a first floor bedroom and 12m from a first floor lounge to the boundary of neighbouring amenity space to prevent unacceptable overlooking. The design guide assumes a 'standard' size garden and level ground between sites, where development is of the same height at two storeys. However the adjacent dwellings to St Margaret's Road and St Margaret's Gardens have gardens of a shorter length, with some single storey projections further decreasing the distance between the built forms as proposed.
- 10.46. The proposal would be unfenestrated towards 6 St Margaret's Garth and there is not considered to be an unacceptable overlooking impact on amenity in this regard.
- 10.47. The first floor comprises bedroom and living accommodation with windows set to both the north west and south east elevations. Despite the decreased ground levels, this accommodation would appear to have an outlook over adjacent boundaries. The separation distance ranges from 2m to 5m from first floor accommodation to the boundaries to St Margaret's Road and St Margaret's Gardens and the proposal falls significantly short of the minimum distances and would create unacceptable overlooking impacts towards the adjacent amenity spaces to 15 and 16 St Margaret's Gardens and 8, 10, 12 and 14 St Margaret's Road.
- 10.48. With regards to the impact on the living accommodation of dwellings to the north and south at 15 Stockwell Road, the ground and first floor windows the rear of the neighbouring dwellings, facing onto the proposal site on all sides appear to serve secondary or tertiary accommodation.
- 10.49. The Design Guides require a minimum separation distance from neighbouring secondary windows of; 18m from a primary window of the development, 15m from secondary accommodation and 7.5m from tertiary accommodation.
- 10.50. Distance of approximately 9.8m from tertiary accommodation would be achieved to the rear of 8 St Margaret's Road; 12.5m from secondary accommodation to the rear secondary accommodation of 10 St Margaret's Road ; 12.9m from secondary accommodation to the rear secondary accommodation of 12 St Margaret's Road and 14. 4m from secondary accommodation to the rear secondary accommodation of 14 St Margaret's Road. The distances fall short of the minimum requirements within the Design Guidelines to prevent unacceptable overlooking of habitable accommodation of no 10, 12 and 14 St Margaret's Road in this regard.
- 10.51. The boundary treatment to the rear St Margaret's Road is displayed as 2m in height on the section drawings, however site visits indicate the boundaries being between significantly below this and with clear views through to the site. The lowered ground levels would only alleviate these concerns to a limited degree due to the line of site from first floor accommodation to the rear of accommodation St Margaret's Road. As such and on consideration with the, the proposal would fail to comply with the Design Guidelines and present as unacceptable overlooking impacts on amenity in this regard contrary to Local Plan Policy HP4 and the Design Guidelines.
- 10.52. A distance of approximately 30m would be retained to the rear of 15 Stockwell Road and 22.5m to its rear amenity space. This is considered adequate to mitigate against unacceptable overlooking, overshadowing or overbearing impacts on amenity.

- 10.53. Distances of approximately 14.2m would be retained between the primary living accommodation of unit 5 and the rear bedroom (secondary) accommodation of 16 St Margaret's Gardens; 17.8m between the primary living accommodation of unit 6 and the secondary rear accommodation of 15 St Margaret's Gardens, with 20.4m between the primary living accommodation of unit 7 and the secondary rear accommodation to 15 St Margaret's Gardens. The distances fall short of the minimum requirements within the Design Guidelines to prevent unacceptable overlooking of habitable accommodation of nos 15 and 16 St Margaret's Gardens. On consideration of the overlooking ability above boundary treatments, the lowering of ground levels would not be considered to be an adequate to mitigate against the shortfall in separation distance to prevent unacceptable overlooking impacts towards the habitable accommodation of this dwelling, contrary to policy HP4.
- 10.54. The separation distances to the dwelling houses of 9.5m to the rear of 6, St. Margaret's Garth, this distance would be acceptable with regards to the impact on the habitable accommodation only.
- 10.55. The amenity of new occupants would be considered to be satisfactory through the volume and siting of windows, along with the depth of rooms in relation to adequate light to each unit. However, the proposal does not comply with minimum space standards as set out by the NDSS and therefore is considered to be a poor standard of accommodation to those units of the development, contrary to policy HP4.
- 10.56. The submitted information does not clearly delineate amenity space within the site and consideration should be given to the adequate provision of outdoor amenity space for the house and apartments in line with policy HP4. As such, the overall standard of amenity for future occupants is considered to be of a poor standard contrary to policy HP4.
- 10.57. The Environmental Health Officer commented with regards to noise impact between the proposed apartments, noting the submission of Noise Impact Assessment: BS8233:2014 Job No 8804PF dated December 2022 by Nova Acoustics for the assessment of ambient noise as measured were from Stockwell Road and in the grass area to the rear of the existing property.
- 10.58. The officer comments "Assessments showed that in order to meet the sound levels in BS8233:2014 the properties would need to be designed, and suitably constructed and ventilated etc. The apartment buildings have been allocated green or red facades with the red facades requiring upgraded glazing and ventilation, the green facades requiring normal double glazing. (Fig 2 and table 4 of the above report). The report also specifies roof and façade construction in terms of attenuation to achieve the required sound levels. The recommendations should be implemented in full including an acoustic fence to enclose the rear of the site to achieve level below the upper limit of 55dB in the garden/amenity area."
- 10.59. As such and in the event of approval, the Environmental Health officer requests the inclusion of conditions to ensure the structural, glazing, ventilation and barrier recommendations in the of the Noise Impact Assessment BS8233:2014 Job No 8804PF dated December 2022 by Nova Acoustics to be complied with and for the submission of a verification report in relation to achieving adequate noise impacts between apartments. The officer additionally requests conditions for the restriction of construction hours and provision of adequate storage and collection of refuse.
- 10.60. As set out above the proposal presents unacceptable overlooking impacts from the apartment block towards both the amenity spaces and habitable accommodation of 10, 12 and 14 St Margaret's Road and 15 and 16 St Margaret's Gardens,

unacceptable overlooking impacts into the amenity space of 8 St Margaret's Road, unacceptable overshadowing impacts on the amenity spaces of 15 and 16 St Margaret's Gardens, unacceptable overbearing impacts on the amenity spaces of 14 and 12 St Margaret's Road and 6 St Margaret's Garth. Additionally, the proposal does not provide adequate amenity space to the proposed apartments and does not accord with the minimum space standards NDSS, representative of a poor quality of amenity to future occupants. The proposal is not considered to demonstrate that it adequately safeguards amenity for existing occupiers or that it would create adequate living conditions for future occupiers, and therefore would not comply with policy HP4 or the NPPF.

### Highways Safety

- 10.61. Paragraph 115 of the NPPF states that 'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe'.
- 10.62. There is an existing access to the site from the highway, Stockwell Road which is a single car width and slopes down from the highway into the site adjacent to the existing dwelling.
- 10.63. The proposal seeks to utilise the existing access and to widen the driveway through the demolition of the existing dwelling site. The overall width of the access would be approximately 7.5m and would be shared by vehicles, bicycles and pedestrians as the access from Stockwell Road.
- 10.64. Off street parking would be provided for 8 cars to allocated resident spaces, with two additional visitor spaces and cycle storage for 10 bicycles. The submitted information indicates that they development is in a sustainable location however parking has been provided for each unit, plus additional visitor spaces. The siting of the proposal is within the development limits of Knaresborough and with links to public transport. Therein, the proposed number of spaces would be acceptable in principal
- 10.65. However, the parking spaces to plots 1, 3, 4 and 5 as drawn on the proposed site plan are shown as being less than the minimum parking standards required for a parking space to have a width of 2.4m, with the narrowest spaces measuring 2.3m.
- 10.66. The parking provision is therefore not demonstrated to be adequate or practically viable in line with parking standards, where 4 spaces would not be considered as viable or useable spaces. There would be less than one space per unit created on consideration of the spaces which do not meet parking standards.
- 10.67. On consideration of the concerns raised in relation to a lack of availability of on street parking due to an overuse on-street parking and resultant highway concerns within the locality, the proposed development would further rely on on-street parking exacerbate such concerns.
- 10.68. Due to the narrow turning area for vehicles and siting directly adjacent to the driveway entrance onto the highway, the parking spaces, particularly to plots 1-3 as submitted, would require manoeuvring across the site entrance. This would prevent traffic from entering the site during the manoeuvring of vehicles to this section of the site and lead to queuing of traffic in the highway.
- 10.69. The local highway authority raised concerns relating to; insufficient parking provision, the conflict of parking spaces with the access from the highway, insufficient

information relating to visibility splays for vehicles and pedestrians, insufficient information relating to traffic flow where an AADT (Annual Average Daily Traffic) count was requested and concerns with regards to the gradient of the driveway onto the site leading to flood risk concerns. Amended plans were submitted by the agent and the highways department provided the following comments;

“Drawings indicate that not all the parking spaces will be accessible without impacting the adopted highway.

A wider access is designed to allow for two vehicles to pass, ensuring no vehicles are waiting on the highway to use the access. The placement of the parking places means that the spaces cannot be used without impacting this ability.

A number of the spaces do not have the ability to turn without significant manoeuvring.

No information has been provided as to the new visitor space and adjacent ramp. A ramp next to a parking space will reduce the practical use of the space and will need to be designed to be much wider to allow safe access. Depending on the gradient of the ramp additional measures may be required to ensure the parking place can be accessed safely.

The width of the ramped access also appears to be made very narrow by the inclusion of this space. This is not a matter for the LHA directly but as it directly relates to parking the LHA wished this to be highlighted.

The spaces will need to be redesigned to permit all turning to be completed safely within the site boundary and without the requirement for multiple manoeuvres.

Please be aware that visibility splays should show a 2.4m offset from the rear of the highway, not the rear of the carriageway. This should be amended on submitted plans. If pedestrian visibility splays of 2 meters by 2 meters can also be included this would assist.”

- 10.70. Additional information had not been received from the agent to amend or clarify these points at the time of writing this report. As such, while not in a formal consultation format, the Highways Authority have confirmed that these informal comments warrant sufficient highways safety concern to lead to resistance of the application.
- 10.71. On consideration of the intensification of use of the access point with inadequate visibility splays, this would present as a severe highways safety concern, along with the queuing of traffic on the highway which would demonstrably impact the flow of traffic within the locality to the detriment of the Highways network.
- 10.72. Therein, the submitted proposal does not provide adequate parking provision for the proposed dwellings, the movement of vehicle to and from the site from the public highway would create a demonstrable unacceptable highway safety issue due to the proximity to the junctions, the gradient and width of the access on joining the highway and insufficient visibility splays. This is contrary to Local Plan Policy TI3 and paragraph 115 of the NPPF.

## Trees

- 10.73. Local Plan policy NE7 seeks to protect trees and woodlands.
- 10.74. Based on site inspection, satellite images and letters of representation a degree of site clearance has occurred within the site of trees and shrubs. However, the quality of the trees and shrubs is unknown.
- 10.75. The Council's Arboricultural Officer does not object to the proposal and it is considered that a condition could be attached to a planning notice, requiring the submission of a landscaping scheme.

### Environmental Health

- 10.76. The Council's Environmental Health Officer has advised that a condition for the submission of a phase II Intrusive land contamination report, subsequent remediation and verification of remediation reports as required. Additionally, the officer advises the submission of findings from the submitted noise impact assessment should be conditioned to ensure appropriate measures are carried out.

### Air Quality

- 10.77. In the interests of improving air quality a condition requiring electric vehicle charging points would be recommended.

### Flood Risk and Drainage

- 10.78. The site does not lie within flood risk zone 2 or 3, and the application states that both foul water will be disposed of to the mains sewer.
- 10.79. Yorkshire Water comments to indicates that there would be no objections subject to conditions relating to separate foul and surface water drainage points of discharge to be agreed, approval of satisfactory outfall, and to protect the sewerage infrastructure due to a sewerage pipe recorded across the site. An informative would also be recorded to this effect.
- 10.80. While the ground levels on site are proposed to be altered, Yorkshire have not raised an objection against the proposal and have not provided information on the location of any sewerage infrastructure. As such and on balance, subject to compliance with conditions, it is not considered that the proposed will give rise to any concerns regarding flood risk and drainage.

### Ecology

- 10.81. Policy NE3 supports proposals which provide a net gain in biodiversity. Criteria E sets a requirement for all major developments to provide no net loss in biodiversity value. To evidence this requirement, applicants are required to undertake a process of biodiversity accounting to calculate in a clear and transparent manner the biodiversity value of the habitats on site before development, the value of loss or gain resulting from development and, if necessary, the value of any compensation that will be provided as part of the development scheme.
- 10.82. A Preliminary Ecological Assessment Report was submitted in support of this application, stating that the most valuable habitat for biodiversity within the site comprises bramble scrub and hedgerow. The proposal would remove a significant

degree of the scrub habitat to the site which is indicated within the report to have the potential to support nesting birds. A full Ecological survey has been submitted to assess the impact on nesting birds and indicates that works should be undertaken outside of nesting season, which can be reasonably enforced via condition.

- 10.83. Although the report indicates that the devising of a landscaping plan is recommended, its implementation and management are not included within the submitted information. This element can be included within a condition in the event of approval.
- 10.84. Subject to compliance with conditions, the proposal is considered to adequately comply with Local Plan Policy NE3 and guidance of the NPPF.

### Other Matters

- 10.85. The matter raised in the letters of representation have been raised within this officer report as far as feasible, however the following seeks to address additional issues raised.
- 10.86. The green site notice to Stockwell Road was removed during the consultation period on multiple occasions without authority. However, the site officer promptly re-erected the notice on each occasion. On consideration of the volume of letters of representation and officer's consideration of letters received following the end of the consultation period, it is not considered that commenting parties have been prejudiced in this case.
- 10.87. The loss of a private view from a residential dwelling and the financial value of a dwelling, is not a material consideration in the determination of a planning application.

## **11.0 PLANNING BALANCE AND CONCLUSION**

- 11.1. The principle of residential development on this site within the urban area of Knaresborough is acceptable, notwithstanding all other material considerations.
- 11.2. The accommodation within the development, specifically the proposed apartment units 4 and 8, fail to meet the minimum Nationally Described Space Standards (NDSS). Therein the development is contrary to policy HS5.
- 11.3. The scale, form and massing of the development would fail to adequately safeguard the character of the street scene, through the introduction of two storey residential development of excessive scale, over-complicated form, and its resultant massing creating a visually cramped back land development within the street scene as a visually incongruous addition; alongside excessive hardstanding and associated residential structures which erode the spatial quality and character of the site. This is contrary to policy HP3 and the Residential Extensions and Garages SPD and would represent poor design contrary to paragraph 139 of the NPPF.
- 11.4. The proposal presents unacceptable overlooking impacts from the apartment block towards both the amenity spaces and habitable accommodation of 10, 12 and 14 St



Margaret's Road and 15 and 16 St Margaret's Gardens, unacceptable overlooking impacts into the amenity space of 8 St Margaret's Road, unacceptable overshadowing impacts on the amenity spaces of 15 and 16 St Margaret's Gardens, unacceptable overbearing impacts on the amenity spaces of 14 and 12 St Margaret's Road and 6 St Margaret's Garth. Additionally, the proposal does not provide adequate amenity space to the proposed apartments and does not accord with the minimum space standards NDSS, representative of a poor quality of amenity to future occupants. The proposal is not considered to demonstrate that it adequately safeguards amenity for existing occupiers or that it would create adequate living conditions for future occupiers, and therefore would not comply with policy HP4 or the NPPF.

- 11.5. The development does not provide adequate parking provision for the proposed dwellings within the context of development and in line with NYC Parking Standards Guidelines. Additionally, the movement of vehicles to and from the site from the public highway would create a demonstrable unacceptable highway safety issue due to the proximity to the junctions, the gradient and width of the access on joining the highway and insufficient visibility splays. This is contrary to Local Plan Policy TI3 and paragraph 115 of the NPPF.

## **12.0 RECOMMENDATION**

12.1 That planning permission be REFUSED for the following reasons:

- 1 Proposed apartment units 4 and 8 fail to meet the minimum required floor area within the Nationally Described Space Standards (NDSS). Therefore, the development is contrary to Harrogate Local Plan Policy HS5.
- 2 The scale, form and massing of the development would fail to adequately safeguard the character of the street scene through the introduction of a two storey residential development of excessive scale, over-complicated form, with its resultant massing creating a visually cramped back land development within the street scene creating a visually incongruous addition with excessive hardstanding and associated residential structures which erode the spatial quality and character of the site. This is contrary to Harrogate Local Plan Policy HP3 and the Harrogate Residential Extensions and Garages SPD and would represent poor design contrary to paragraph 139 of the NPPF.
- 3 The proposal would create unacceptable overlooking impacts from the proposed apartment block towards the amenity spaces and habitable accommodation of 10, 12 and 14 St Margaret's Road and 15 and 16 St Margaret's Gardens; unacceptable overlooking impacts into the amenity space of 8 St Margaret's Road; unacceptable overshadowing impacts on the amenity spaces of 15 and 16 St Margaret's Gardens; unacceptable overbearing impacts on the amenity spaces of 14 and 12 St Margaret's Road and 6 St Margaret's Garth. The development therefore would not safeguard amenity for existing neighbouring occupiers or comply with Harrogate Local Plan Policy HP4 and guidance within the NPPF.
- 4 The development would not provide adequate amenity space to serve the future residents of the proposed apartments and does not accord with the minimum space standards within the NDSS, both representative of a poor quality of amenity to future occupants. The proposal would not therefore create adequate living conditions for



future occupiers, and therefore would not comply with Harrogate Local Plan Policy HP4 or guidance within the NPPF.

- 5 The development does not provide adequate parking provision for the proposed apartments in line with Council's Parking Standards Guidelines. Additionally, the movement of vehicles to and from the site from the public highway would create a demonstrable and unacceptable highway safety issue due to the proximity to the junctions, the gradient and width of the access on joining the highway and insufficient visibility splays. This is contrary to Harrogate Local Plan Policy TI3 and paragraph 115 of the NPPF.

**Target Determination Date:** 3 May 2024

**Case Officer:** Emma Walsh  
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