

North Yorkshire Council

Harrogate and Knaresborough Area Planning Committee

Minutes of the meeting held on Tuesday, 28 January 2025 commencing at 2.00 pm.

Councillor John Mann in the Chair plus Councillors Chris Aldred, Philip Broadbank, Hannah Gostlow, Peter Lacey and Paul Haslam.

Officers present: Frances Maxwell – Solicitor, Planning & Environment, Nick Turpin – Development Service Manager, Jillian Rann – Principal Planning Officer, Emma Walsh – Principal Planning Officer, Emily Eason – Project Engineer, Highways & Transportation (Observing), Dan McAndrew – Principal Ecologist, Martha Graham – Ecologist, Edward Maxwell - Senior Democratic Services Officer, David Smith – Senior Democratic Services Officer; and Dawn Drury, Democratic Services Officer

Apologies: Councillor Robert Windass.

Copies of all documents considered are in the Minute Book

28 Apologies for Absence

Apologies noted (see above).

29 Minutes for the meeting held on 29 August 2024

The minutes of the meeting held on 29 August 2024 were confirmed and signed as an accurate record.

30 Declarations of Interests

Councillor Broadbank declared a non-pecuniary interest in item 4 of the agenda, as he was a Member of the Harrogate Civic Society, he confirmed that he would be keeping an open mind, and that he would speak and vote on the item.

Councillor Aldred declared a non-pecuniary interest in item 5 of the agenda, as he was a Member of both the Harrogate and District Cycle Action Group and the Hookstone and Stonefall Action Group. He confirmed that he would be keeping an open mind, and that he would speak and vote on the item.

Planning Applications

The Committee considered reports of the Assistant Director - Planning 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 condition 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 reports of the Assistant Director – Planning 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 granted planning permission in accordance with the recommendation in a report this was 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.

31 ZC23/03273/FULMAJ - 22-30 Parliament Street, Harrogate, North Yorkshire, HG1 2RQ

The Assistant Director Planning – Community Development Services sought determination of an application for continued commercial use (Class E) or new drinking establishment use (Sui Generis) of basement, lower ground floor and part of upper ground floor; change of use of upper floors (including part of upper ground floor) from commercial use (Class E), and erection of rooftop extensions, to create a total of 34 apartments (Class C3); external alterations including removal and replacement of canopies and shop fronts, repairs (and replacement where necessary) to slate roof and windows in the early 20th century elements of the building, and removal and re-cladding of the facades of the 1960s elements of the building and replacement of all windows to those 1960s elements of the building on land at 22-30 Parliament Street, Harrogate, North Yorkshire, HG1 2RQ.

The application had been referred to the Planning Committee because it was considered to raise significant planning issues such that it was appropriate to be considered by the Committee.

Providing an update to their report, the Principal Planning Officer advised Members on a number of minor changes to the conditions since publication of the committee report, as follows.

- Condition 8 contained a typing error and should read, all rainwater goods, and not all rainwater good, as within the report.
- Condition 10 regarding details of the windows had been updated at b) to clarify the scale of the elevations, sections and plans, which would be required at a scale of 1:5, of the proposed secondary glazing system to existing windows, including those identified in part a) of this condition above.
- At Condition 11 the scale for the shopfronts and canopies had been clarified at a) All new/replacement shop fronts, including details of their materials, glazing and colour(s) (at least 1:10 scale); at b) All new/replacement canopies, including details of their materials, glazing and colour(s) (at least 1:5 scale); and at c) Any awnings proposed to any part(s) of the building (at least 1:5 scale). The wording of the final paragraph of Condition 11 had been amended to read “The commercial and/or drinking establishment use hereby permitted shall not commence or be first occupied or brought into use until the parts of the development specified in parts a), b) and c) of this condition have been carried out and completed in accordance with the details thereby approved. Those works shall be retained as such thereafter”.
- Condition 12 had been amended in order to clarify the required scale of the plans referred to (at least 1:20 scale).
- The wording “or be occupied or brought into use” had been added twice at Condition 13, in both instances to clarify that the commercial and/or drinking establishment use hereby permitted ‘shall not commence or be occupied or brought into use’ until the relevant requirements of the condition have been met.
- Condition 14 related to the communal areas, the first sentence of the condition

remained unchanged from that which was contained in the Committee report. The remainder of the condition had been amended to read that “none of the apartments hereby permitted shall be first occupied or brought into use until all security and crime prevention measures relating to communal areas associated with the apartments (including the communal entrance to the apartments and the car park entrance) have been installed in accordance with the details thereby approved. No individual apartment shall be first occupied or brought into use until any apartment-specific security and crime and prevention measures for that apartment have been installed in accordance with the details thereby approved. All such measures shall be retained and maintained as such thereafter”.

- Condition 15 regarding the reporting of unexpected land contamination, the word “any” had been added to the wording in brackets in the first paragraph, so that it would now read ‘(save for any site investigation works)’.
- At Condition 18 the wording “at the nearest residential receptor (which, for the avoidance of doubt, shall include any existing residential receptors and any of the apartments which are hereby permitted)” had been added at the end of the first paragraph, before the bullet points.
- At Condition 20 the wording “Those refuse storage areas shall be retained in accordance with those details thereafter” had been added at the end of the first paragraph.
- The wording of Condition 24 had been updated to read “The disposal of waste bottles into external receptacles shall not take place outside the hours of 0730-1800 hours Monday to Friday inclusive”.
- Condition 29 had been updated; “no part of the development” had been amended to read “none of the residential apartments” in the first and last paragraph, with regard to the timescales within which the relevant requirements must be met.
- Condition 30 had been revised to show that the on-site car parking spaces would be solely for the use of the residential apartments with the following wording added, “The on-site car parking spaces shall be used solely in association with the residential apartments hereby permitted and shall not be used in association with the commercial/drinking establishment use hereby permitted”.
- At Condition 31, the Travel Plan only related to the apartments, therefore the wording “no part of the development” had been amended to read “none of the residential apartments”. The word ‘residential’ had also been added to the last paragraph to make it clear that the Full Travel Plan ‘shall continue to be operated as long as any part of the residential development hereby permitted is occupied’.

Members were advised that in terms of the S106, discussions had taken place between Council officers and the agent for the applicant and triggers for the contributions had been proposed as follows:- The secondary school, off-site open space and healthcare contributions had all been agreed at 25% of each of the agreed amounts paid prior to commencement of development, a further 50% of each to be provided prior to first occupation of the 15th apartment, with the remaining 25% of each to be paid before the 25th apartment was occupied. The Travel Plan Monitoring one off fee would be paid prior to first occupation of any of the apartments, and the Section 106 monitoring fee would be paid at commencement of development.

The Principal Planning Officer highlighted that the Healthcare contribution showed a minimum and maximum amount, the subject was still under discussion, and a final amount had yet to be agreed, however the amount would be within the range shown at table 1 of the committee report. Officers recommended that the decision be delegated to officers to agree the final amount.

An update was provided on the proposed solar photovoltaic (PV) panels; a condition had been recommended within the report which required further details of the proposed PV

panels to be submitted and approved before they were installed. The officer advised Members that no further information was available at this stage as the panels were not fully designed, however after speaking with the Conservation Officer, they had confirmed that they were satisfied that Condition 38 which had already been suggested in the committee report covered the matter.

Members heard that Councillor Haslam had submitted a list of queries prior to the meeting to the officer regarding whether electric vehicle charging was to be provided, if there would be security for cycle parking, the potential increase in surface water with the frequency and intensity of rainfall in the future, taking into account climate change, and the possibility of earlier opening hours for the retail and drinking units. The officer explained that they understood that the six car parking spaces would all have electric charging points and that the cycle parking would be within the basement car park, access to which would be controlled.

In terms of surface water, the officer explained that it was their understanding, having spoken with the lead local flood authority, that as the application was for the extension and conversion of an existing building there was no requirement to provide betterment over and above what the existing situation was. The officer had also spoken with Yorkshire Water regarding any increase in foul water discharge from the site and understood from Yorkshire Water that there would be an increase, but that the amount would be negligible in the context of the size of the sewer.

Finally, in relation to the opening hours of the retail and drinking units, the officer informed Members that the Environmental Health team had advised that an 8 am opening time was a standard condition as the guidelines for acceptable noise levels were different for daytime hours and nighttime hours, with the changeover from daytime to nighttime being 7 am. Therefore, if staff were in the building preparing to open for the day prior to 8 am, it would not run into the 7 am bracket, however if the opening hour was 7 am then staff could potentially be in the unit prior to the changeover hour. Members noted that an individual occupier could, in the future, apply to the Council to vary these hours, should they wish to.

In concluding the officer presentation, the Principal Planning Officer reminded Members that a final amount had not been agreed for the S106 Healthcare contribution, therefore the officer's recommendation had been amended from grant the application to a minded to grant with the decision to be delegated to the Assistant Director for Planning.

The applicant's agent, Emma Bilton, spoke in support of the application.

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

- As the application was for 34 residential apartments, with just six parking spaces, what were the arrangements in place for those six spaces.
- If fire safety for the building would be covered at a later stage of the development.
- Whether officers had factored in the increase of wheelie bins to each household in the new North Yorkshire Council refuse bin policy.
- Members queried where the water was fed from to provide water to the green space in the centre of the development, as it was felt that this would be an opportunity to capture water at the site to recycle.
- It was queried if there were strict guidelines for the installation of Solar photovoltaic (PV) panels.
- Was it within the remit of the Planning Committee to restrict the sale of the apartments to permanent residential homes, as opposed to them being used for Airbnb rental properties.
- Members thanked the officer for a very comprehensive report and commented that

the development was a splendid example of what could be achieved when the Council and external organisations worked together, and it was hoped that similar schemes would come to fruition in the future.

The Decision

That members were MINDED TO GRANT planning permission in principle and delegated the decision to the Assistant Director Planning – Community and Development Services to grant, subject to final agreement of the healthcare contribution, the conditions detailed in Section 12 of the committee report, as amended and outlined in the officer presentation, and subject to prior completion of the S106 agreement.

Voting Record

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

The meeting adjourned at 3.01 pm for a comfort break, and reconvened at 3.04 pm.

32 ZC24/03890/FUL - Harrogate Sports And Fitness Centre, via Hookstone Wood Road, Harrogate, North Yorkshire

The Assistant Director Planning – Community Development Services sought determination of an application for the erection of two covered padel tennis courts; and the installation of a parking area for up to 80 days of the year on land at Harrogate Sports and Fitness Centre, Harrogate, North Yorkshire.

The application had been referred to the Planning Committee at the request of Division Member, Councillor Andrew Timothy.

The Principal Planning Officer highlighted that since publication of the agenda pack, the planning authority had received three additional letters of representation, the first with regard to a conflict with the pre-application advice. The officer explained that the information within the initial pre-application had been very limited with regards to the siting of the padel courts and the impact on the trees and ecology. The full application once received clarified many of the points outstanding and provided a landscaping scheme, ensured that there would be no light seepage from the padel courts and clarified the health of the goat willow tree which was proposed to be removed. As such the proposal had evolved from the pre-application stage to the current application.

The second representation was in reference to car park management for larger events. There had been concern that the proposal contravened the Travel Plan, however as the application was pending consideration and had not been determined the submitted Travel Plan was not currently enforceable unless the application was approved. It was commented that it had been understood that only the Harrogate Flower Show and the Great Yorkshire Show would be classed as larger events, however larger events would not necessarily be restricted to these two events, and there could be other large events.

The third representation raised concerns regarding ecological impacts and highlighted a query around the age and adequacy of the submitted surveys with regard to the protection of the ancient woodland. The Council's Ecology team had assessed the surveys and found them to be sufficiently recent. The surveys were also found to provide sufficient mitigation for a restriction of lighting and the Ecology team did not feel that it was proportionate to request further surveys. Members noted that the buffer to be provided to the ancient woodland was in line with Natural England guidance.

In addition, Councillor Haslam had submitted a list of queries to the officer regarding the level assessment on foul and water drainage. The officer explained that the site did not fall within a high flood zone, and as the padel courts did not provide toilet or changing facilities, there was no direct impact on foul drainage. The proposed padel courts were to be set on existing hardstanding which was not permeable at present and therefore the permeability of the site would not be compromised. As such, neither of these matters were a material consideration.

Lastly, the Principal Planning Officer read out an update from the Council's Public Right of Way (PROW) team in response to a number of public representations received. It was confirmed that there had been no recorded issues reported by the public regarding conflict between the users of the bridleway and vehicles using the coach road, and that the site had been used in this manner for a long period of time. The PROW team further stated that the formalisation of this and the limitation to set a number of days would give more control on how the route was used as the overflow access. In addition, the traffic lights found at the junction meant that the traffic moved slowly or was stationary, and the showground advised the public when the overflow car park would be in use.

Members noted that the padel courts would be of a similar structure to the courts that they had seen at the site visit that morning, but that they would also be fully covered by a canopy.

Natasha Haslett representing the residents of Hookstone Wood Road spoke objecting to the application.

The Division Member for Stray, Woodlands and Hookstone, Councillor Andrew Timothy, spoke objecting to the application.

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

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

- Clarification on whether the whole of the informal car park to the North would be resurfaced rather than just the proposed installation of the new tarmac path.
- Where the three replacement trees would be situated at the site.
- In terms of the ecological concerns raised by the Hookstone and Stonefall Action Group, had the Councils Ecologist team had sight of the representations and were they satisfied with the information within the surveys.
- As the existing cycle stands were to be moved to another position on the site could the Council add a condition to request that a number of the cycle stands be covered.
- Reassurances were sought with regards to control of the construction traffic that would be using Hookstone Wood Road to access the site, and if there were any other areas of the construction that Members could add conditions to mitigate possible issues.
- The lack of any noise impact data.
- If a condition could be added to alter the height of the push button on the bridleway used for traffic control.
- If there was a reason that the two new padel courts were situated away from the main sports centre.
- Would access to the Scout hut set along the western tree line be restricted.

Members felt that the development of the padel courts was desirable and would encourage inclusive sport and cycling and requested that the two conditions: alteration to the height of the push button on the bridleway to cater for all users, and a number of covered cycle stands be added to the planning permission.

The Decision

That planning permission be GRANTED subject to the conditions detailed in the Committee report and the additional two conditions in respect of the covered cycle stands and the push button as set out above.

Voting Record

A vote was taken and the motion was carried unanimously.

33 Any other items

There were no other items.

34 Date of Next Meeting

Tuesday 25 February 2025 at 2.00 pm.

The meeting concluded at 3.59 pm.