

North Yorkshire Council

Community Development Services

Harrogate and Knaresborough Area Constituency Planning Committee

26th September 2023

ZC23/00972/RG3 - CHANGE OF USE OF REDUNDANT HOSTEL TO 6 SELF-CONTAINED APARTMENTS, INSTALLATION OF REPLACEMENT WINDOWS FROM TIMBER TO UPVC AND REMOVAL OF EXISTING REAR EXTENSION. AT CAVENDISH HOUSE 23 ROBERT STREET, HARROGATE, NORTH YORKSHIRE, HG1 1HP ON BEHALF OF NORTH YORKSHIRE COUNCIL

Report of the Assistant Director – Planning

1.0 Purpose of the Report

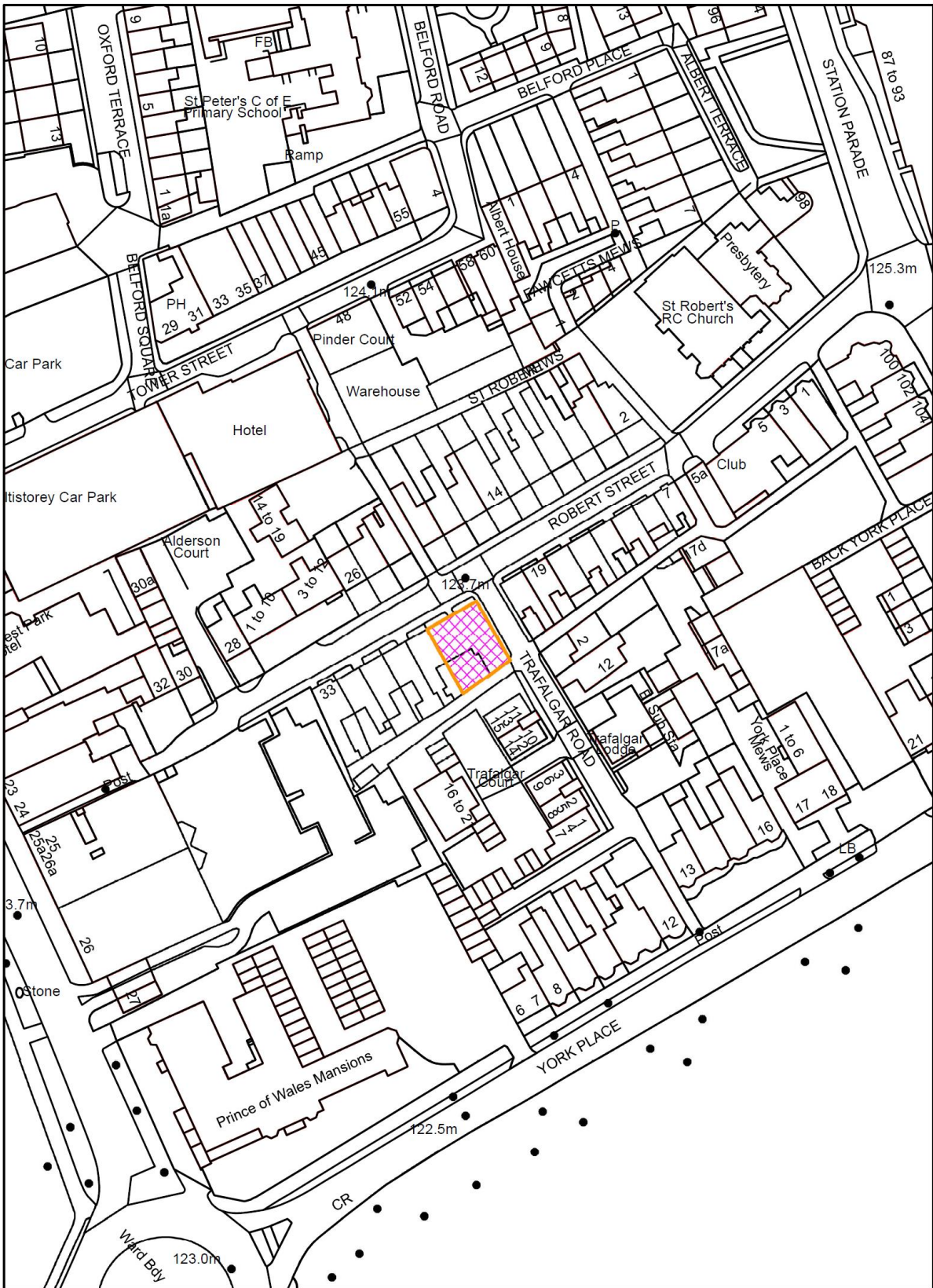
- 1.1 To determine a planning application for Change of use of redundant hostel to 6 self-contained apartments, installation of replacement windows from timber to uPVC and removal of existing rear extension.
- 1.2 This application is brought to Harrogate and Knaresborough Area Constituency Planning Committee as the proposal is sought by the Council's Housing and Property team, forming part its social housing portfolio.

2.0 EXECUTIVE

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

- 2.1. The proposal seeks full planning consent for the conversion of the building from a hostel for homeless people to 6 self-contained apartments which would form part of the council's social housing portfolio. The works include the demolition of a two storey flat roof extension to the rear of the building, repair to stone work and mortar to rectify a crack in the façade of the building, replacement of rainwater guttering and replacement of timber windows with upvc double glazed fenestration.
- 2.2. The proposal is set within the development limits of Harrogate and would contribute towards the 5 year housing land supply in accordance with the growth strategy, compliant with Local Plan policies GS2 and GS3.
- 2.3. The proposal site's current use is as a hostel for Homeless people, operated and managed by the Council and is a Community Facility as assessed under policy HP8. The Homeless shelter has relocated to Bower Street and as such as suitable replacement facility has been provided in line with criteria B of policy HP8.

- 2.4. The proposal is considered to adequately safeguard the special character of the street scene and Conservation Area and would not introduce unacceptable impacts on amenity, highways or environmental health, subject to conditions.
- 2.5. The proposal conforms to guidance in the NPPF, Section 72 of the LBCA and policies GS3, HP2, HP3, HP4, HP8, TI3, CC4, NE3, NE9, of the Local Plan and supplementary planning documents.



Location Plan

Scale 1:1,250



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15/09/2023

3.0 Preliminary Matters

- 3.1. Access to the case file on Public Access can be found [here](#)
- 3.2. The proposed site plan and proposed south east elevation plans have been amended during the course of the application to increase the rear boundary treatment to 1.8m in height in response to the Police Architectural Liaison Officer's comments.
- 3.3. The Design and Access Statement has been amended during the course of the application to remove reference to solar panels.
- 3.4. There are 2 relevant planning applications for this application which are detailed below.

83/02714/FUL - Changing use from guest house to hostel for homeless persons, 23 ROBERT STREET, HARROGATE. Permitted 21.11.1983.

99/01025/RG3 - Internal works to create additional unit, kitchen facilities in all units, refurbishment of windows and application of render to rear elevation. Permitted 22.04.1999.

4.0 Site and Surroundings

- 4.1. Cavendish House is an end of terrace building of traditional stone and slate construction, set within Harrogate Conservation Area. The immediate locale is of residential nature with a tight grain of development, although due to its proximity to the town centre there is a greater mix of buildings and uses within the wider locale.

5.0 Description of Proposal

- 5.1. The proposal seeks full planning consent for the conversion of the building from a hostel for homeless people to 6 self-contained apartments which would form part of the council's social housing portfolio.
- 5.2. The works include the demolition of a two storey flat roof extension to the rear of the building, repair to stone work and mortar to rectify a crack in the façade of the building, replacement of rainwater guttering and replacement of timber windows with upvc double glazed fenestration.

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.

- 6.2. Within Conservation Areas, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, requires that special attention is paid in the exercise of planning functions to the desirability of preserving or enhancing the character and appearance of a Conservation Area.

Adopted Development Plan

- 6.3. The Adopted Development Plan for this site is:
- Harrogate District Local Plan 2014 – 2035, adopted March 2020.

Guidance - Material Considerations

- 6.4. Relevant guidance for this application is:
- National Planning Policy Framework 2021
 - National Planning Practice Guidance
 - Harrogate Conservation Area Appraisal SPD
 - House Extension Design Guidelines SPG

7.0 Consultation Responses

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

7.2. Consultee:

Environmental Health Officer – No objections subject to the inclusion of conditions relating to the submission of; air source heat pump details, sound insulation details between apartments, restrictions to the hours of construction, the provision of suitable and sufficient refuse storage. An informative is also recommended relating to the conversion of the building to be undertaken in accordance with Building Regulations Approved Document E to minimise noise between apartments.

Estates Department – No objection.

Police Architectural Liaison Officer – Recommended increase in boundary wall and gate height to 1.8m above ground level, additional non-planning advisory matters raised and available on the Public Access file.

Local Representations

7.3. 12 letters of representation have been received. 0 letters are in support and 12 letters object with comments summarised below;

7.4. Objections:

- Noise concerns from Air Source Heat pumps.
- Air source heat pumps would be located on the boundary, overhanging the pavement contrary to planning regulations.
- Inadequate parking.
- Impact of lack of parking on the on-street parking in locality.
- Proposal is in a quiet neighbourhood.
- Neighbour requires sound insulation between No 23 and No 25.
- Noise from hostel occupants was managed
- Request to restrict activities and hours of use within amenity space.
- Requests noise generating equipment e.g. tv, is set away from the neighbouring wall.
- Concerns regarding siting of cycle storage.
- Swift boxes are a good idea to the front elevation only.
- Objection to replacement of timber fenestration with upvc in Conservation Area.
- Local parking could be reserved for residents only and marked out to prevent larger cars occupying two spaces.
- Concerns regarding overdevelopment.
- Inadequate infrastructure such as drainage.
- Serious concern regarding the number of heat pumps proposed, their location, and the amount of noise they will produce.
- Number of air source heats pumps does not comply with GPDO (for permitted development)
- Residents will have cars/ will not all cycle.
- Disc parking time should be reduced to allow more resident parking.
- Roads in locality need resurfacing.
- Amenity space to rear could be turned into parking bays.
- Number of units should be reduced, suggestion to reduce to 4 units.

9.0 **Main Issues**

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

- Principle of development
- Impact on the host site, street scene and Conservation Area
- Residential Amenity
- Highways
- Land Contamination
- Drainage

- Other matters
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10.0 ASSESSMENT

Principle of Development

- 10.1. The Harrogate District Local Plan 2014-2035 was adopted by the Council on 4 March 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.
- 10.2. Material to the consideration of this pre-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.
- 10.3. In regard to 5 year land supply, the Council has a healthy land supply position. This is currently 7.3 years when compared against the housing requirement, with an appropriate buffer. Full weight can be afforded to the housing policies in the Local Plan.
- 10.4. The site is located within the development limits of Harrogate and generally in a sustainable location for residential development.
- 10.5. The current use of the site as a homeless shelter was permitted in 1983 under planning consent 83/02714/FUL. The premises constitutes a community facility and therefore requiring consideration under Local Policy HP8 in relation to the loss of a community facility.
- 10.6. Policy HP8 seeks the protection and enhancement of community facilities and includes examples of community uses covered within the policy as; including community/village halls, schools, colleges, nurseries, places of worship, health services, care homes, libraries, public houses, and village shops or post offices that cater for day-to-day needs in rural communities. This list is indicative and not exhaustive and therefore further examination of information is required.
- 10.7. The submitted information indicates that the use of the shelter has been redundant over recent years and replacement Homeless shelter provision has been provided on Bower Street.

- 10.8. Local Plan Policy HP8 states that loss of a community facility would be permitted only where it can be clearly demonstrated that:
- A. Continued community uses would cause unacceptable planning problems;
 - or
 - B. A satisfactory replacement facility is provided in a suitably convenient location for the catchment served prior to the commencement of development;
 - or
 - C. There is no reasonable prospect of the existing use continuing on a viable basis with all options for continuance having been fully explored, and thereafter there is no reasonable prospect of securing a viable satisfactory alternative community use.
- 10.9. It is considered that the proposal adequately accords with criteria B of policy HP8 and therefore the loss of the redundant hostel is accepted in principle.

Impact on the host site, street scene and Conservation Area

- 10.10. Within Conservation Areas, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, requires that special attention is paid in the exercise of planning functions to the desirability of preserving or enhancing the character and appearance of a Conservation Area.
- 10.11. Chapter 16 of the NPPF related to Conserving and Enhancing the Historic Environment. Paragraph 202 states that ‘Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.’
- 10.12. Local Plan Policy HP2 seeks to ensure that proposals for development that would affect heritage assets (designated and non-designated) will be determined in accordance with national policy. Proposals affecting a conservation area must protect and, where appropriate, enhance those elements that have been identified as making a positive contribution to the character and special architectural or historic interest of the area and its setting.
- 10.13. Local Plan Policy HP3 states that development should incorporate high quality building design and landscape design that protects enhances or reinforces those characteristics, qualities and features that contribute to the local distinctiveness of the district's rural and urban environments.
- 10.14. Guidance is provided within the Heritage Management guidance SPD and the House Extensions and Garage Design Guide with regards to the design, form and scale of extensions.

- 10.15. The host building is a traditional stone, end of terrace building located within a prominent position within Harrogate Conservation Area. The building is not listed as a building of local interest in the Conservation Area Appraisal however due to its traditional built form and visibility from a number of viewpoints, it contributes to the special character of this section of the Conservation Area.
- 10.16. The site lies in 'Character Area A: Town centre, Low Harrogate & the Victoria Park Estate' of the Harrogate Conservation Area Appraisal. This states that because most buildings in this Character Area are in commercial use or, if residential, are divided into flats (and thus require planning permission to alter windows), there has fortunately been relatively little replacement of timber windows with PVCu or other windows of a non-traditional design.
- 10.17. The proposed alterations within this proposal are mainly internal with the only external alterations being the removal of the existing two storey flat-roof extension and replacement of guttering and all the windows from timber to uPVC.
- 10.18. With regards to refenestration, though uPVC is not a preferable material in the conservation area especially to traditional stone built properties, each case must be assessed on its own merits with consideration to the setting. The principle of uPVC in this case is acceptable. There are examples of uPVC in the streetscene, and some are more successful in others in terms of their design and external appearance.
- 10.19. The existing windows are of traditional and of historic interest. They contribute well to the building character. The replacement windows have been confirmed to reflect the opening mechanism and detail of the existing windows and this would be included as a condition to a planning consent. A condition would additionally be included relating to the submission of the details of the rainwater gutters.
- 10.20. The two storey, flat roof extension is considered to detract from the architectural merit of the original building and to the detriment of the character of the Conservation Area. It's demolition would be supported as this would help restore the building's character.
- 10.21. Following comments received by the Police Architectural Liaison Officer, the rear boundary wall and gate is proposed to be increase in height to 1.8m. There is a variation in boundary wall heights and subject to a condition requiring the submission of walling materials, this would be considered to adequately safeguard the special character of the Conservation Area.

- 10.22. Overall, the proposal is considered to present less than substantial harm to the Conservation Area as a heritage assets, as such consideration is given to the public benefits of the proposal.
- 10.23. The proposal represents the additional of 6 residential units to contribute towards the social housing need within the district. It also represents the re-use of the building which has become redundant as a hostel as it's optimal viable use.
- 10.24. On consideration of the works required, the proposal would present less than substantial harm to the conservation area, however this would be outweighed by the benefits of the proposal. The proposal therefore would preserve the character of the conservation area.

Residential Amenity

- 10.25. Policy HP4 of the Local Plan 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 will include the impacts of development on overlooking and loss of privacy, overbearing and loss of light and vibration, fumes, odour, noise and other disturbance.
- 10.26. The proposal would not increase the scale of the proposal building and seeks to replace existing fenestration within its existing siting and volume. Therein, there is not considered to be an increased overshadowing, overbearing or overlooking impact on amenity towards neighbouring residential buildings.
- 10.27. Refuse storage has been indicated on the proposed site plan and is considered to be suitable in scale and siting.
- 10.28. The Council's Environmental Health department did not raise objections to the proposal, however recommended the inclusion of informative relating to the reporting of unforeseen land contamination, the importation of topsoil and building regulations for noise insulation and conditions relating to; the submission of air source heat pump details, sound insulation details between apartments, restrictions to the hours of construction, the provision of suitable and sufficient refuse storage.
- 10.29. Letters of representation in relation to noise impact have been considered and conditions in relation to the provision of sound insulation between apartments and adjacent dwellings and in relation to noise created by air source heat pumps have been recommended. It is not considered reasonable to limit the activity and hours of use on the amenity space to the rear of the building.

10.30. Policy HS5 in relation to space standards would not come into effect taking into account that the proposal is a change of use of an existing building, as opposed to a new build development.

10.31. Therein, subject to the compliance with conditions, the proposal would adequately safeguard residential amenity in line with policy HP4.

Highways

10.32. Policy TI3 relates to parking and access. Paragraph 111 of the NPPF states; 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.

10.33. The Highways department was consulted, however has not provided a formal response. Letters of representation raise concern with regards to the omission of parking and the impact on parking provision within the locality. The applicant confirmed that on site parking provision would remove refuse and cycle storage and would not be feasible in this regard. The submitted information indicates that parking permits could be sought by existing and future occupants for the Tower Street car park and the open car park opposite to the site.

10.34. The Case officer notes the hostel use to the site does not incorporate on-site parking and would have served both occupants and staff members overseeing the site. As such the proposal would not be considered to create demonstrably increased demand on on-street parking within the immediate locale. Furthermore the site location is close the centre of town and as such the omission of parking would not be expedient within this sustainable location.

10.35. The Highways department have raises no concerns with regards to access or car parking. Adequate cycling provision has subsequently been demonstrated within amended plans and a condition would be included to ensure cycle storage provision is installed prior to occupation.

10.36. Therein, the proposal is not considered to raise significant highways concerns and accord with paragraph 111 of the NPPF.

Land contamination

10.37. The Council's Environmental Health department raise no objection to the proposal relating to land contamination due to its historic residential use, however recommends the inclusion of informatives relating to the reporting of unexpected contamination during the demolition of the rear extension and the importing of top soil to the rear amenity space.

Ecology

- 10.38. The submitted information includes the installation of swift boxes to the side and rear elevations of the building. On consideration of the habitable uses within the proposal and the existing use, the proposal is considered to accord with Local Policy NE3.

11.0 PLANNING BALANCE AND CONCLUSION

- 11.1. The proposal falls within the development limits of Harrogate and the change of use from a hostel to residential use would not be contrary to the sustainable growth policies of the Local Plan. Overall the principle of development can be supported in accordance with Local Plan Policies GS2, GS3 relating to development limits.
- 11.2. The Homeless shelter has relocated to Bower Street and as such as suitable replacement facility has been provided in line with criteria B of policy HP8.
- 11.3. Subject to compliance with conditions, the proposal is considered to adequately safeguard the character of the street scene and would preserve the special character of the Conservation Area. The proposal would not introduce unacceptable impacts on amenity, highways or environmental health, subject to conditions.
- 11.4. The proposal conforms to guidance in the NPPF, Section 72 of the LBCA and policies GS3, HP2, HP3, HP4, HP8, TI3, CC4, NE3, NE9, of the Local Plan and supplementary planning documents.

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.

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

Condition 2 Approved Plans

The development hereby permitted shall be carried out in strict accordance with the submitted plans received by the Local Planning Authority;

Location Plan; received 08.03.2023

Proposed Site Plan; drwg no. 8741-BOW-A0-ZZ-DR-A-1001, Rev P3, received 06.06.2023.

Ground Floor Structural Details Plan; drwg no. 22-370.A1.001, received 08.03.2023

First and Second Floor Structural Details Plan; drwg no. 22-370.A1.002, Rev A, received 08.03.2023

Basement Floor plan; drwg no. P22-00683-MET-INT-B-FP-M2-B-001, Rev 01, received 08.03.2023

Proposed Ground Floor plan; drwg no. 8741-BOW-A1-00-DR-A-2001, Rev P3, received 08.03.2023

Proposed First Floor plan; drwg no. 8741-BOW-A1-01-DR-A-2002, Rev P3, received 08.03.2023

Proposed Second Floor plan; 8741-BOW-A1-02-DR-A-2003, Rev P4, received 08.03.2023

Proposed North East and North West Elevations; drwg no. 8741-BOW-A1-ZZ-DR-A-3001, Rev P4, received 08.03.2023

Proposed South East, South and East Elevations; drawing no. 8741-BOW-A1-ZZ-DR-A-3002, Revision P5, received 06.06.2023.

Proposed Sections; drwg no 8741-BOW-A1-ZZ-DR-A-4001, Rev P2, received 08.03.2023

Roof Light Specification; received 11.04.2023

Reason: In order to ensure compliance with the approved drawings.

Early Stage/ Construction Period

Condition 3 External Materials (discharge required)

Before the first use of the materials in the external construction of the development hereby approved including the rear boundary wall, samples of those materials shall have been made available on site for inspection by, and for the written approval of, the Local Planning Authority. Thereafter, the development shall be carried out in strict accordance with the approved details. (discharge required).

Reason; In the interests of safeguarding the visual amenity of the host dwelling and special character of the Conservation Area in line with policy HP2 and Chapter 16 of the NPPF.

Condition 4 Rainwater Goods (discharge required)

Prior to the installation of rainwater goods, details of such rainwater goods and their fixing to the host structure shall be submitted to and for the written approval of the Local Planning Authority. Thereafter, the development shall be carried out in strict accordance with the approved plans.

Reason; In the interests of safeguarding the visual amenity of the host dwelling and special character of the Conservation Area in line with policy HP2 and Chapter 16 of the NPPF.

Condition 5 Window details (discharge required)

Prior to the installation of fenestration of the development hereby approved, scaled drawings at a scale of 1:10 or 1:20 of the fenestration, including section drawings, shall be submitted to and for the written approval of the Local Planning Authority. Thereafter, the development shall be carried out in strict accordance with the approved plans.

Reason; In the interests of safeguarding the visual amenity of the host dwelling and special character of the Conservation Area in line with policy HP2 and Chapter 16 of the NPPF.

Condition 6 Removal of outbuilding (discharge required)

Prior to the removal of the existing attached outbuilding, a method statement for the restoration of the elevation surface shall be submitted to and approved in writing by the Local Planning Authority. This shall include the proposed methodology for restoration of the rear elevation, timescales for implementation and use of materials. The development shall then be carried out in strict accordance with the approved details.

Reason: In the interests of safeguarding the historic fabric of the host building and safeguarding the visual amenity of the Conservation Area in line with policy HP2 and Chapter 16 of the NPPF.

Condition 7 Air Source Heat Pump (discharge required)

Prior to the installation of air source heat pumps, details shall be submitted to the LPA for approval, these should include but are not limited to, technical details, visual appearance, detail of location and position and ground surface material; a noise assessment report undertaken by a competent person including cumulative impact and impact in relation to background noise; and any noise attenuation measures required. The rating level of sound emitted from any fixed plant or multiple fixed plant associated with the development shall not exceed the background sound levels between the hours of 0700-2300 (taken as a typical one-hour LA90 at the sound sensitive premises) and shall not exceed the background sound level between 2300-0700 (taken as a typical 15- minute LA90 at the sound sensitive premises). All measurements shall be made in accordance with the methodology of BS 4142:2014+A1:2019 (Methods for rating and assessing industrial and commercial sound) and/or its subsequent amendments. Where access to the nearest sound sensitive property is not possible, measurements shall be undertaken at an appropriate location and corrected to establish the noise levels at the nearest sound

sensitive property. The air source heat pumps shall be installed in accordance with the approved details and maintained and retained as such in accordance with the details submitted and approved above for the lifetime of the development

Reason: In the interest of safeguarding residential amenity in line with Local Plan policy HP4.

Condition 8 Sound Insulation (discharge required)

A scheme of sound insulation for the apartments shall be submitted for approval by the Local Planning Authority; the scheme to detail the standard of glazing and mechanical ventilation required to ensure that internal noise conditions in all habitable rooms comply with BS8233:2014 and with WHO guideline values for Community Noise for internal sound. The approved scheme shall be implemented in accordance with the details submitted prior to the first occupation in relation to the development permitted and shall be maintained for the lifetime of the development.

Reason: In the interest of safeguarding residential amenity in line with Local Plan policy HP4.

Condition 9 Construction Hours

The hours of work on site shall be controlled and restricted to fall within the following hours only;

08:00 until 18:00 Mondays to Fridays

08:00 until 13:00 Saturdays

No work on Sundays or Bank Holidays

Reason: In the interest of safeguarding residential amenity in line with Local Plan policy HP4.

Pre-Occupation

Condition 10 Refuse Storage (discharge required)

Prior to the occupation of the approved flats, suitable and sufficient waste storage facilities shall be provided for the safe and secure on site storage of waste derived from the flats and commercial units to ensure that no detriment to amenity from smell, flies or vermin arises. A scheme detailing the provisions to be made for the safe storage of waste must be submitted to and approved in writing and not altered without the prior written approval of the local planning authority and shall be maintained for the life of the approved development.

Reason: In the interest of safeguarding residential amenity in line with Local Plan policy HP4.

Condition 11 Cycling Storage

No part of the development must be brought into use until the cycle access, parking, storage, manoeuvring and turning areas at Cavendish 23 Robert Street, Harrogate have been constructed in accordance with the details approved in writing by the Local Planning Authority (received 06.06.2023) . Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason; To ensure appropriate on-site facilities in the interests of highway safety and the general amenity of the development.

Informatives

Informative 1 Unforeseen Land Contamination

The applicant / developer is advised that they have a duty to adhere to the regulations of Part 2A of the Environmental Protection Act 1990, the National Planning Policy Framework and the current Building Control Regulations with regards to contaminated land. If any unforeseen contamination is encountered during the development, the Local Planning Authority (LPA) should be informed immediately. Any investigation / remedial / protective works carried out in relation to this application shall be carried out to agreed timescales and approved by the LPA in writing. Furthermore, any soil or soil forming materials to be brought to site for use in garden areas or soft landscaping should be tested for contamination and suitability for use prior to importation to site. The responsibility to ensure the safe development of land affected by contamination rests primarily with the developer.

Informative 2 Topsoil Importation

If any topsoil is taken onto site for the formation of a domestic garden it should be certified as suitable for a domestic garden. This should be validated through sampling once on site.

Informative 3 Sound Insulation

In order to minimise the effect of noise from one flat affecting another the conversion of the building into apartments should be undertaken in accordance with Building Regulations Approved Document E.

Target Determination Date: 28 September 2023

Case Officer: Emma Walsh
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