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North Yorkshire Council

Harrogate and Knaresborough Area Constituency Planning Committee

Minutes of the meeting held on Tuesday, 25th June, 2024 commencing at 2.00 pm.

Councillor John Mann in the Chair up to agenda item number 4. Councillor Chris Aldred in the Chair from agenda item number 5, plus Councillors Philip Broadbank, Hannah Gostlow, Robert Windass and Peter Lacey.

Officers present: John Worthington, Executive Officer - Development Management, Gerard Walsh, Principal Development Management Officer, Aimee McKenzie, Senior Planning Officer, Kate Lavelle, Solicitor (Planning and Environment), Heather Yendall, Improvement Manager (Area 6), Trevor Watson, Assistant Director – Planning (Observer), Harriet Clarke, Senior Democratic Services Officer; and Dawn Drury, Democratic Services Officer.

Apologies: Mike Schofield.

Copies of all documents considered are in the Minute Book

14 Apologies for Absence

Apologies noted (see above).

15 Minutes for the Meeting held on 28 May 2024

The minutes of the meeting held on 28 May 2024 were confirmed and signed as an accurate record.

16 Declarations of Interests

Councillors John Mann and Chris Aldred advised that they had received email correspondence in relation to item 5 of the agenda.

Councillors Chris Aldred, Hannah Gostlow and Peter Lacey declared a non-pecuniary interest in item 4 of the agenda, as they were Members of the Harrogate and Knaresborough Liberal Democrat Constituency Association, and their Constituency Office was located in a building owned by the applicant, Impala Estates; and as an organisation, they pay Impala Estates a monthly rental fee. The Councillors confirmed that they would be keeping an open mind, and that they would speak and vote on the item.

Councillor Philip Broadbank also declared a non-pecuniary interest in item 4 of the agenda, as he was a Member of the Harrogate and Knaresborough Liberal Democrat Constituency Association, and whose Constituency Office was located in a building owned by the applicant, Impala Estates; and as an organisation, they pay Impala Estates a monthly rental fee. In addition, he was also a member of the Harrogate Civic Society. The Councillor confirmed that he would be keeping an open mind, and that he would speak and vote on the item.

Councillor John Mann declared a non-pecuniary interest in item 5 of the agenda, as he was the Division Councillor for Oatlands and Pannal, and confirmed that he would be speaking, as a public speaker, against the application. He further confirmed that Councillor Chris Aldred, as Vice Chair, would Chair the meeting from item 5 of the agenda, and that once he had spoken, he would leave the Committee prior to the debate stage and would not participate in the vote.

Planning Applications

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

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

Where the Committee granted planning permission in accordance with the recommendation in a report this was because the proposal is in accordance with the development plan, the National Planning Policy Framework or other material considerations as set out in the report unless otherwise specified below.

17 ZC23/03697/FUL - Former Council Offices, Crescent Gardens, Harrogate, North Yorkshire

Considered :-

The Assistant Director Planning – Community Development Services sought determination of a full planning application for the 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.

The application had been deferred at the Harrogate and Knaresborough Area Constituency Committee on 7th May 2024 because members did not feel that they had sufficient information to make an informed decision. Members had requested further information and clarification on the land sale and the potential application to the Secretary of State for a Stopping up Order.

The Principal Development Management Officer informed Members that since Planning Committee on the 7 May, one further representation had been received by the authority.

Members noted that an additional condition had been proposed; notwithstanding the provisions of Schedule 2, Part 2, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no fences, walls, gates or other means of enclosure other than any expressly authorised by this permission shall be erected without the grant of a further specific planning permission from the local planning authority. Officers considered this additional condition necessary to protect the setting of Queen Elizabeth Memorial Gardens and the wider conservation area.

Rebecca Oliver of the Duchy Residents Association spoke objecting to the application.

The applicant's agent, Hamish Robertshaw, spoke in support of the application.

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

- Clarification on the reasoning behind the proposed additional condition regarding fencing.
- Was the highway land still within the control of North Yorkshire Council at the present time, and why it was imperative that the Stopping up Order be a condition of the final sale of the land.
- Whether there was the potential for issues to arise in terms of access for unloading and loading into Queen Elizabeth Memorial Gardens for upcoming events.
- If the current owners were to sell the business in the future would any subsequent owner, should they wish to change the use of the former Council offices, have to submit an application for this to the local authority; and would the application to be brought to Planning Committee.

The Decision :-

That planning permission be GRANTED subject to the conditions detailed in the Committee report and the additional condition as set out below.

Voting Record

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

Additional Condition

Condition: Notwithstanding the provisions of Schedule 2, Part 2, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no fences, walls, gates or other means of enclosure other than any expressly authorised by this permission shall be erected without the grant of further specific planning permission from the local planning authority.

Reason: To protect the setting of Queen Elizabeth Memorial Gardens and the wider conservation area.

The meeting adjourned at this stage to allow Councillor Mann to join the public speakers in the gallery.

Councillor Chris Aldred in the Chair.

18 ZC24/00887/FUL - Oak Back, 22 Ashgarth Court, Harrogate, North Yorkshire, HG2 9LE

Considered :-

The Assistant Director Planning – Community Development Services sought determination of a full planning application for the change of use of a dwelling house (Use Class C3) to a child residential placement home (Use Class C2).

The Senior Planning Officer advised Members that since the publication of the agenda pack, in addition to the three emails which had been received by the local authority and Members: one from the applicant and two from members of the public objecting to the application, one further email had been received by Officers. The email raised concerns

regarding fencing between two properties and the need for obscure glazing to a landing window that overlooked a bedroom window at a neighbouring property. Officers did not consider that either concern changed the officer recommendation.

Richard Bannister spoke objecting to the application.

Councillor John Mann, Division Member for Oatlands and Pannal spoke objecting the application.

Councillor Mann left the meeting at this point and did not return.

The applicant, Jolyon McKay, spoke in support of the application.

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

- Discussion took place regarding the process to be followed in terms of the OFSTED approval required, the location of the property, ideal dimensions for each bedroom, and the overall suitability of the property as a child residential placement home.
- Members noted that written comments had not been received from North Yorkshire Council's Health and Adult Services and queried if the application should be put in abeyance pending a response.

The Decision :-

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

Voting Record

A vote was taken and the motion was declared carried with 4 votes for, and 1 abstention.

19 Any other items

There were no urgent items of business.

20 Date of Next Meeting

Tuesday 30 July 2024 – Civic Centre, Harrogate.

The meeting concluded at 3.38 pm.