

**CASE OFFICER:** Janet Belton

**HARROGATE BOROUGH COUNCIL  
DELEGATED DECISION BY CHIEF PLANNER**

**APPLICATION NO:** 6.49.724.FUL  
**LOCATION:** E And I C Skaife Auto Services Ripon Road Pateley Bridge North  
Yorkshire HG3 5NL  
**PROPOSAL:** Demolition of mechanics garage. Erection of three dwellings including  
altered access and six car parking spaces.  
**APPLICANT:** Messrs Skaife

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DATE CONSULTATIONS EXPIRED:	04.01.2018	DECISION LEVEL:	DELHOP
OVERALL EXPIRY DATE:	15.02.2018	CTTEE REQUEST:	
TARGET DECISION DATE:	31.01.2018	BY WHOM:	
REVISED DECISION DATE:	23.02.2018	WARD:	PTBRD2
		PARISH:	049
		AREA TEAM:	DISTR

**REPRESENTATIONS:**  
No representations received.

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**CONSULTATIONS RECEIVED FROM:**  
Estates Manager: no objections.  
Parish Council: no objections.  
NYCC Highways and Transportation: no objections subject to conditions.  
EHO Contaminated Land: no objections subject to conditions.

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## **RELEVANT POLICIES:**

NPPF	National Planning Policy Framework
PG	Planning Practice Guidance
CSEQ1	Core Strategy Policy EQ1: Reducing risks to the environment
CSEQ2	Core Strategy Policy EQ2: The natural and built environment and green belt
CSSG4	Core Strategy Policy SG4 Settlement Growth: Design and Impact
LPC01	Harrogate District Local Plan (2001, as altered 2004) Policy C1, Conservation of Nidderdale A.O.N.B
LPHD03	Harrogate District Local Plan (2001, as altered 2004) Policy HD3, Control of development in Conservation Areas
LPHD20	Harrogate District Local Plan (2001, as altered 2004) Policy HD20, Design of New Development and Redevelopment
LPE02	Harrogate District Local Plan (2001, as altered 2004) Policy E2, Retention of Industrial/Business Land and Premises
OPGCPB	Other Planning Guidance, Pateley Bridge Conservation Area Character Appraisal
SPDHRM	Supplementary Planning Document: Heritage Management

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## **OFFICER REPORT**

The application relates to a site situated on Ripon Road in the centre of Pateley Bridge. The site comprises a building currently used as a motor vehicle repair garage. The building is set at right angles to the road with the gable to the back of the footway. There is a paved forecourt to the front of the building with vehicular access off Ripon Road. The existing building is constructed of stone under a pitched metal sheet roof. The rear elevation is partly set into the ground to accommodate the changing level along Ripon Road. To the south is Pateley Bridge Methodist Church, the car park to which abuts the rear wall of the garage building. Residential properties lie to the east and west. The site is within Pateley Bridge conservation area and Nidderdale Area of Outstanding Natural Beauty (AONB).

Planning permission is sought for demolition of the garage building and the erection of a terrace of three dwellings with an altered access and six car parking spaces. The ground level within the site would be reduced by 600mm.

## **MAIN ISSUES**

1. Principle
2. Impact on designated heritage assets
3. Residential amenity
4. Highway safety
5. Other planning matters

## **RELEVANT SITE HISTORY**

No recent site history.

## **ASSESSMENT OF MAIN ISSUES**

1. Principle

The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these are expected to be applied. Planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework is a material consideration in planning decisions

The NPPF requires that housing applications are considered in the context of the presumption in favour of sustainable development and goes on to note that 'relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites'.

The Council's Strategic Housing Market Assessment (SHMA), published September 2015, provides information on objectively assessed housing need. An updated housing supply position at 31st December 2017 has concluded that there is a 4.5 year supply of housing land, including a 20% buffer, which equates to an objectively assessed need of 669 dwellings per annum.

As the Council cannot demonstrate a 5 year supply of deliverable housing sites the guidance in paragraph 14 of the NPPF requires that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against policies in the Framework taken as a whole, or specific policies in the Framework indicate development should be restricted.

Local Plan policy E2 suggests that the loss of industrial/business land and premises to other uses will not be permitted unless:

- a) The continued use of the site for industrial/business purposes would cause unacceptable planning problems: or
- b) The site is allocated for another purpose in the plan; or
- c) The site is in a town centre and the proposed use or mixture of uses would add to the centre's vitality and viability without harming the supply of employment land or premises.

The site is situated in the centre of Pateley Bridge which provides a range of services and facilities as well as access to public transport. Although the proposal would result in the loss of the existing business use on the site it is considered that the provision of new housing would help to support existing facilities thereby adding to the vitality and viability of Pateley Bridge and that this benefit would outweigh the loss of the business use.

The site is in a sustainable location and the principle of residential use of the site is therefore considered acceptable subject to there being no adverse impacts that would significantly and demonstrably outweigh the benefits of providing three new dwellings.

## 2. Impact on designated heritage assets

In relation to this application the designated heritage assets are Pateley Bridge conservation area and Nidderdale AONB.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states "In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority...shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest

which it possesses".

Section 72(1) of the Act requires that in the exercise of planning functions "special attention shall be paid to the desirability of preserving or enhancing the character and appearance of that area".

Paragraph 132 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.

Paragraph 134 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 securing its optimum viable use".

Local Plan Policy HD3 states that "development which has an adverse effect on the character or appearance of a conservation area will not be permitted."

Local Plan policy C1 seeks to protect the Nidderdale Area of Outstanding Natural Beauty (AONB) from inappropriate development. Within this area development which would have a significant adverse impact on the landscape will not be permitted, development should, wherever possible, be located in or adjacent to existing settlements and development should have the highest standards of design which should reflect the local distinctiveness of the area.

Policy EQ2 of the Core Strategy states that "the District's exceptionally high quality natural and built environment will be given a level of protection appropriate to its international, national and local importance."

Local Plan policy HD20 sets out a series of design principles for new development.

The Heritage Management Supplementary Planning Document (SPD) was approved in November 2014 following public consultation as set out in Appendix Q to the document. The SPD sets out priorities for the Council to ensure that the vision and objectives for the district's historic environment are achieved and maintained in the long term.

The Pateley Bridge Conservation Area Character Appraisal was approved as supplementary planning guidance in September 2010 following public consultation. The document identifies those elements of the conservation area that contribute to significance, whilst offering guidelines for developers in order to maintain such significance and local distinctiveness.

The appraisal identifies a number of important views, one of which is the view towards St Cuthberts Church from Ripon Road. The stone wall forming the northern boundary to the garage forecourt is identified as an important boundary.

The checklist in Appendix A to the document includes the following:

Buildings should be constructed of materials which match or complement local traditional materials;

Design should respect the distinctive local architectural style both in terms of overall form and

detailed design as appropriate to the context;

Boundary walls are an important feature of many parts of the conservation area and should be repaired and maintained.

The site is in a prominent location on the main route through Pateley Bridge. The existing garage building is single storey with the rear elevation being set into the slope. The low roofline allows views beyond the site to the church when approaching along Ripon Road. It is not considered that demolition of the garage building would be harmful to the character and appearance of the conservation area.

The proposal also includes demolition of the stone boundary wall to the north of the garage forecourt. This is required to facilitate the access and parking arrangement. The wall is identified as an important boundary in the conservation area appraisal. The part of the wall along the western boundary of the site would be retained and overall it is considered that removal of the section of the wall to the north of the forecourt would represent less than substantial harm to the character and appearance of the conservation area. In this instance it is considered that the public benefits of providing three dwellings in a sustainable location would outweigh the harm caused by removal of part of the stone boundary wall.

The proposed dwellings would be arranged as a terrace with the gable set at the back of the footway as with the existing garage building. The dwellings are modest in scale and it is proposed to reduce the ground level within the site to allow for the dwellings to be set down. This will result in the roof height being only approximately 1m higher than the existing garage which will maintain important views along Ripon Road towards the church and ensure that the dwellings do not dominate the street scene.

The proposed dwellings would have a traditional design and the materials would be stone and slate. The small front gardens will be enclosed with stone walls and a dwarf stone wall is proposed to the boundary with Ripon Road. Metal railings will enclose the rear yards.

Overall it is considered that the proposed development would reflect local distinctiveness and the less than substantial harm caused to the character and appearance of the conservation area as a result of removal of part of the stone boundary wall would be outweighed by the provision of three new dwellings in this sustainable location.

### 3. Residential amenity

Core Strategy policy SG4 seeks to protect residential amenity.

Part i) of Local Plan Policy HD20 states that new development should respect the privacy and amenity of nearby residents and occupiers of adjacent buildings.

The closest residential property to the site is Highlands which is a bungalow situated at a lower level to the west of the site. The proposed dwellings would occupy the footprint of the existing garage although they would be set forward by approximately 0.6m and the roof line would be approximately 1m higher. A blank gable would face towards Highlands.

Due to the orientation of the proposed dwellings there would be no increased overlooking of dwellings at the head of the cul de sac, Southlands.

The proposed dwellings would have a small front garden and a small courtyard to the rear. Although the external amenity areas would be small it is considered that adequate levels of privacy and amenity will be provided.

The car park to the Methodist Church lies to the rear of the proposed dwellings. The car park is not intensively used and although there are parking spaces in close proximity to the rear windows of the properties it is considered that an acceptable relationship can be achieved without undue detriment to the living conditions of future occupiers of the dwellings.

Overall the proposal will result in an acceptable relationship with neighbouring residential dwellings and it will provide adequate levels of amenity for future occupiers of the new dwellings.

#### 4. Highway safety

It is proposed to form a shared access to the site utilising the existing access to Highlands. Each dwelling would have two car parking spaces. A dwarf wall is proposed to the boundary with Ripon Road to ensure that vehicles do not cut across the parking areas. A drawing has been submitted showing visibility splays along Ripon Road in both directions. The local highway authority has no objections to the proposal subject to conditions.

#### 5. Other planning matters

A screening assessment on land contamination has been submitted in support of the application however the Council's environmental Health Officer has advised that considering the current use of the site as well as its proposed use for housing this assessment is insufficient for the proposal and has not been completed fully. There is indication that the site has had a commercial use for 150 years but no detail on the use. It is only noted that it has been a mechanics garage for 30 years. There is likely to be asbestos used as part of the construction/ fittings but no response is given to the question on asbestos. A phase 1 assessment should be submitted with such a proposal and a condition is therefore recommended requiring an assessment and submission of a remediation scheme.

The application states that both foul and surface water will be drained to the mains sewers.

Conditions are recommended requiring details of bin storage to be agreed and requiring each dwelling to have an electric vehicle charging point.

### **CONCLUSION:**

The site is in a sustainable location and the proposed development will not harm the special character of Nidderdale AONB and the less than substantial harm to the conservation area will be outweighed by the public benefits of the scheme. The development would not cause a significant loss of amenity for nearby residents. The proposal is considered acceptable in terms of highway safety. The application is therefore considered to be in accord with the National Planning Policy Framework and the provisions of the development plan.

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### **RECOMMENDATION**

That the application be APPROVED subject to the following conditions:-

- 1 The development hereby permitted shall be begun on or before .
- 2 The development hereby permitted shall not be carried out otherwise than in strict accordance with the submitted details, as amended by letter and or drawings received by the Council of the Borough of Harrogate on the 19th February 2018 and as modified by the conditions of this consent.
- 3 Before the first use of any materials in the external construction of the roof and walls of the development hereby approved, samples of those materials as well as samples of windows and materials for the retaining wall and external boundary treatments shall have been made available for inspection by, and the written approval of, the Local Planning Authority and the development shall be carried out in strict accordance with the approved details.
- 4 All new doors and windows shall be set back a minimum of 75mm from the external face of the walls to form reveals to the satisfaction of the Local Planning Authority.
- 5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order), no further windows shall be inserted in the dwellings hereby approved, without the prior written approval of the Local Planning Authority.
- 6 Notwithstanding the provisions 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 extensions, garages, roof or dormer windows other than any expressly authorised by this permission shall be erected without the grant of further specific planning permission from the local planning authority.
- 7 Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the access(es) to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements:
  - (i) The details of the access shall have been approved in writing by the Local Planning Authority in consultation with the Highway Authority
  - (vi) The final surfacing of any private access within 10 metres of the public highway shall not contain any loose material that is capable of being drawn on to the existing or proposed public highway.

#### INFORMATIVE

You are advised that a separate licence will be required from the Highway Authority in order to allow any works in the adopted highway to be carried out. The 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by North Yorkshire County Council, the Highway Authority, is available at the County Council's offices. The local office of the Highway Authority will also be pleased to provide the detailed constructional specification referred to in this condition.

- 8 There shall be no access or egress by any vehicles between the highway and the

application site (except for the purposes of constructing the initial site access) until splays are provided giving clear visibility of 2.4m x 31m measured along both channel lines of Ripon Road . Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

- 9 Notwithstanding the provision of any Town and Country Planning General Permitted or Special Development Order for the time being in force, the areas shown on the Proposed Plan for parking spaces, turning areas and access shall be kept available for their intended purposes at all times.
- 10 There shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority in consultation with the Highway Authority. These precautions shall be made available before any excavation or depositing of material in connection with the construction commences on the site and be kept available and in full working order and used until such time as the Local Planning Authority in consultation with the Highway Authority agrees in writing to their withdrawal.
- 11 Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until sections A to D have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until section D has been complied with in relation to that contamination.

#### A. SITE CHARACTERISATION

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
  - \* human health,
  - \* property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
  - \* adjoining land,
  - \* groundwaters and surface waters
  - \* ecological systems
  - \* archaeological sites and ancient monuments;



(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

#### B. SUBMISSION OF REMEDIATION SCHEME

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

#### C. IMPLEMENTATION OF APPROVED REMEDIATION SCHEME

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise approved in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

#### D. REPORTING OF UNEXPECTED CONTAMINATION

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirement of section A, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of section B, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with section C.

- 12 Prior to the occupation of the dwellings hereby approved, a scheme detailing the provision to be made for the safe storage and containment of refuse shall be submitted to and approved in writing by the local planning authority and the approved scheme shall thereafter be implemented and shall be maintained for the life of the approved development.
- 13 Prior to first occupation each dwelling hereby approved shall be fitted with an electric vehicle charging point.

Reasons for Conditions:-

- 1 To ensure compliance with Sections 91-94 of the Town and Country Planning Act 1990.
- 2 In order to ensure that the development is carried out in accordance with the approved drawings.
- 3 In order to ensure that the materials used conform to the amenity requirements of the locality.
- 4 In the interests of visual amenity.
- 5 In the interests of visual amenity, privacy and residential amenity.
- 6 In order to protect the visual amenities of the surrounding area in view of the prominence of this site.
- 7 To ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience.
- 8 In the interests of road safety.
- 9 To ensure these areas are kept available for their intended use in the interests of highway safety and the general amenity of the development.
- 10 To ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.
- 11 To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policies SG4 and EQ1 of the Harrogate District Core Strategy.
- 12 In the interests of amenity.
- 13 In the interests of air quality.

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CASE OFFICER: Janet Belton

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