

Case No. 21/01281/FUL

Item No. 01

Location: 40 Wetherby Road, Harrogate, HG2 7SQ

Proposal: Erection of replacement building comprising of 6 no. apartments.

Applicant: AD Properties Limited

SUMMARY

The application relates to a site within the development limits of Harrogate in a sustainable location.

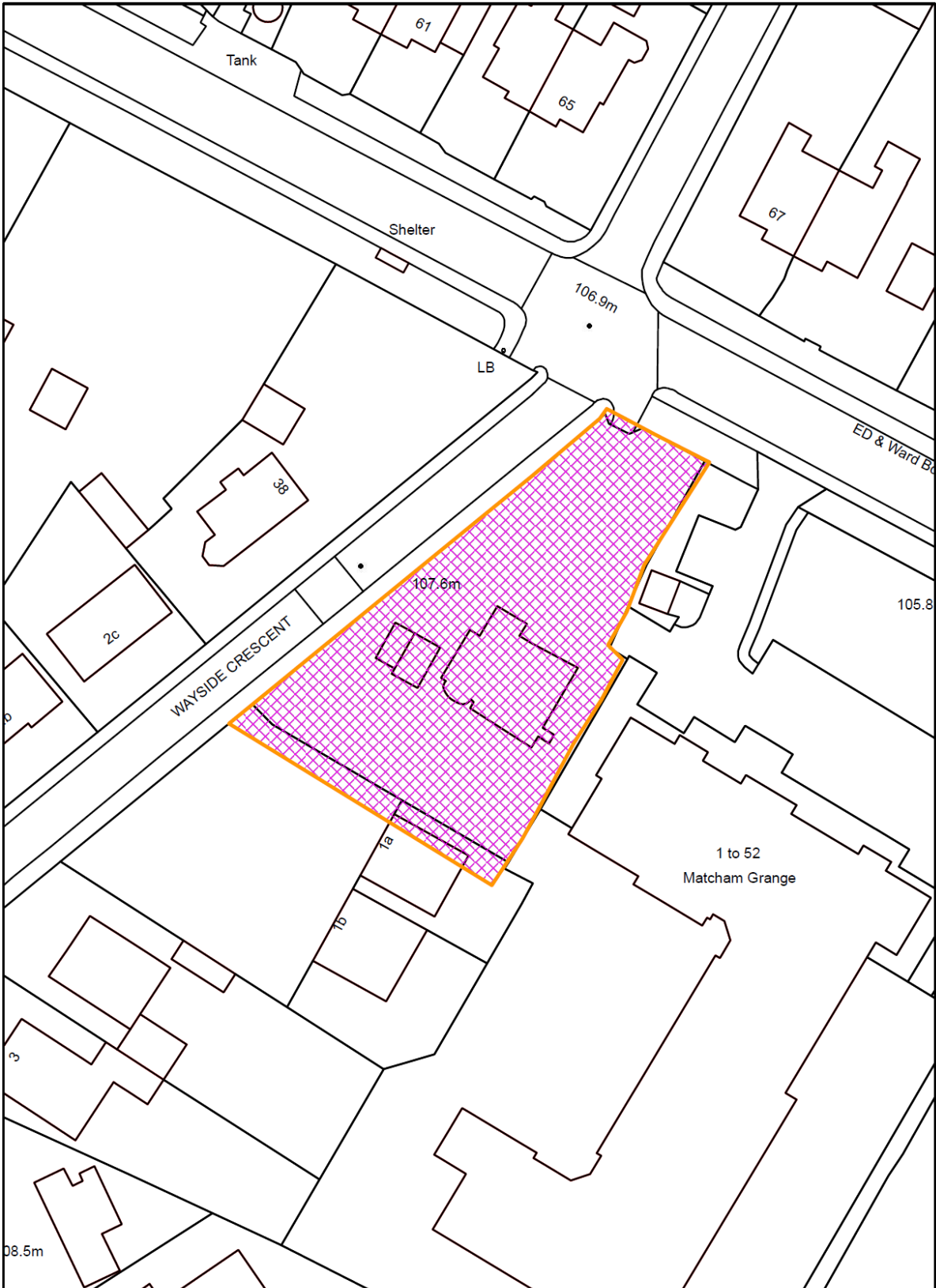
The proposed apartments would be a modest addition to the district's housing land supply.

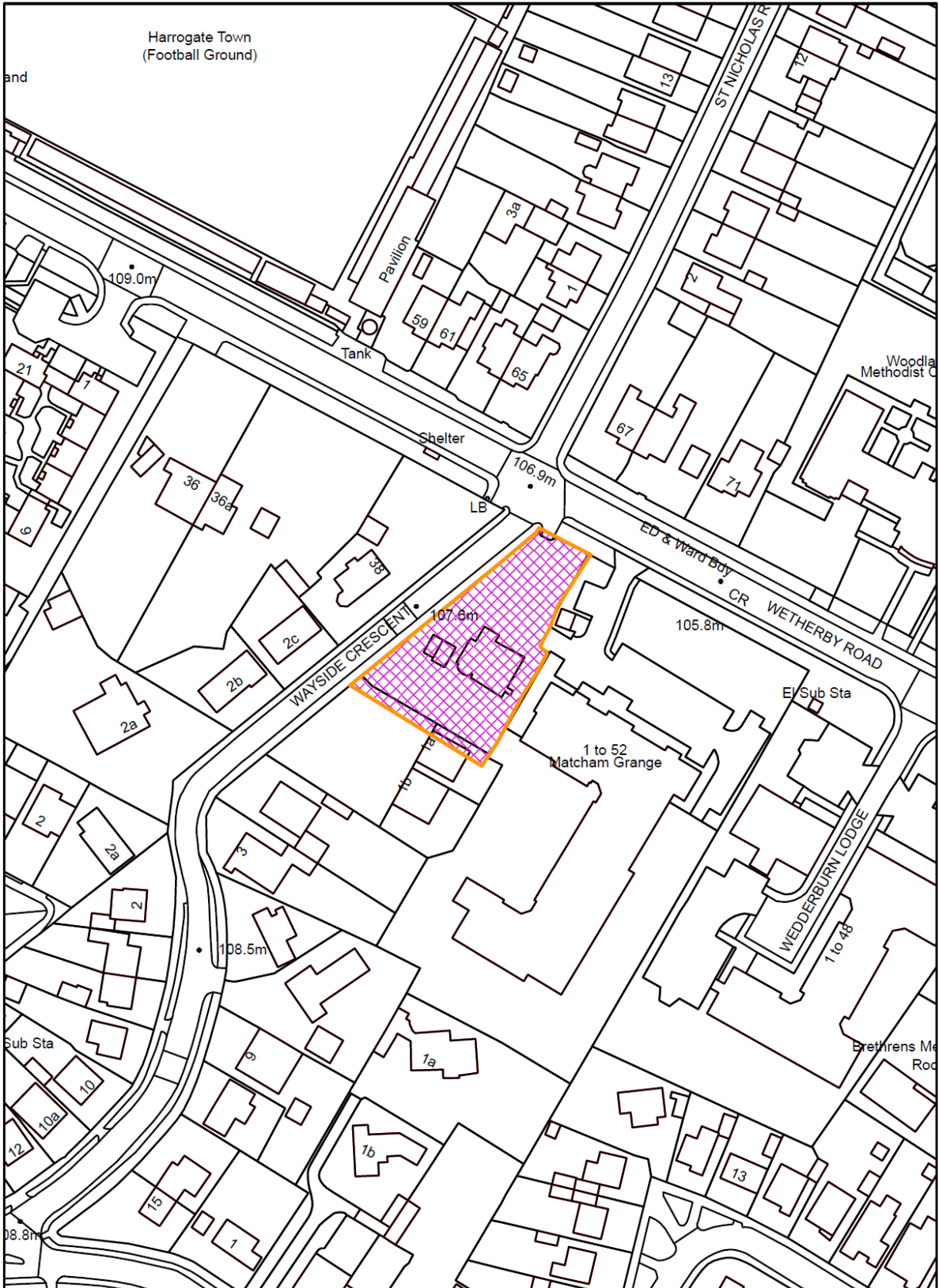
The design of the apartments is appropriate and there would be no significant harm to local residential amenity, or highway safety.

Off-street parking will be provided along with adequate amenity space.

The proposal would comply with the provisions of the development plan and national planning policies and guidance, and should be supported.

RECOMMENDATION: Approve subject to conditions





Harrogate
BOROUGH COUNCIL

Site Plan

Scale 1:1,250



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22/12/2022

1.0 PRELIMINARY MATTERS

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

1.2 This application is to be presented to the Planning Committee at the request of Cllr Marsh on the grounds of access.

2.0 MAIN ISSUES

2.1 The main issues are:

- Housing land supply
- Site requirements
- Design and Visual amenity
- Residential amenity
- Access
- Trees
- Ecology
- Other matters

3.0 ASSESSMENT

3.1 Background

3.2 The application site is occupied by a detached dwelling located at the corner of Wetherby Road with Wayside Crescent. Two dwellings have been constructed on the rear grounds with access from Wayside Crescent (case no. 20/00502/FUL) and dwellings also lie on the opposite side of Wayside Crescent.

3.3 A replacement access to no.40, superseding the original that was awkwardly located at the road junction, has been provided from Wayside Crescent under the terms of a planning permission in respect of the adjacent property, no.42, for the replacement of the Greenfield Court care home with extra care

accommodation for the elderly (case no's 20/00461/FULMAJ, 20/03798/DVCMAJ & 20/04142/DVCMAJ).

3.4 The boundary to Wayside Crescent is marked by a concrete panel fence and a line of mature trees which are subject to a Tree Preservation Order.

3.5 The demolition of the existing dwelling and its replacement by a three storey property with a pair of two bed apartments on each floor is proposed.

3.6 Housing Land Supply

3.7 The NPPF requires all local authorities to ensure a 5-year supply of deliverable land for new homes against their housing requirement. The Council currently has a healthy land supply position at 7.3 years when compared against the housing requirement, with an appropriate buffer.

3.8 The District's growth strategy is set out in Policies GS1, GS2 and GS3 with new development focused within the main settlements and their development limit.

3.9 The site lies within the development limits for Harrogate and is a sustainable location. The six apartments would, as a net gain of five dwelling units, provide a small but nevertheless useful contribution to achievement of the minimum of 13,377 home required by 2035 under Policy GS1 of the Local Plan.

3.10 Site requirements

3.11 Together with the adjacent site where the extra care accommodation for the elderly has been erected, the site is allocated housing site H18 in the adopted Local Plan with an indicative yield of 25 dwellings.

3.12 The site requirements are stated as

The development of this site should meet the following requirements:

1. Frontage development should respect the existing generous spacing between buildings on-site, and the existing frontage provided by Greenfield

Court and 40 Wetherby Road should be maintained with no new built development sited forward of this building line.

2. The historic core of both Greenfield Court and 40 Wetherby Road should be retained.

3. Retain protected trees and maximise the retention of other boundary trees and hedges; this should include the retention of trees and hedges fronting Wetherby Road.

4. Provide vehicle, cycle and pedestrian access from Wayside Crescent. Investigate retaining an existing access from Wetherby Road as a pedestrian only secondary access.

5. In addition to the requirements of the local validation criteria, the following technical reports are required when a planning application is submitted:

Travel plan

Flood risk assessment

Preliminary ecological appraisal

- 3.13 The permitted scheme for the two dwellings that have been constructed does allow for the retention of no.40. The proposal is sited no further forward.
- 3.14 Although the site requirement requires the historic cores of the buildings to be retained, that requirement in respect of Greenfield Court was ultimately weighed against in granting permission for its replacement by the extra care accommodation for the elderly.
- 3.15 The Local Plan Site Assessment judges 40 Wetherby Road to be of low significance due to the degree of extension and alteration. Consequently it is considered the proposal, whilst not retaining the existing dwelling, is not fundamentally objectionable on that ground.

- 3.16 Trees are appropriately retained and the Councils Arboricultural Officer has no objections to the proposal.
- 3.17 This proposal is accessed from Wayside Crescent; the permitted extra care accommodation for the elderly from Wetherby Road.
- 3.18 The technical reports listed in the site requirements were in respect of a development of 25 dwellings across both sites, which would have been noticeably different scale of development to the six apartments the subject of this application. As required for this scale of development, a biodiversity check list has been completed.

3.19 Design and visual appearance

- 3.20 Local Plan policies HP3 and NE5 set out expectations of well-designed schemes. In doing so they look to both local distinctiveness and the avoidance of undifferentiated built-up areas. The NPPF also places great emphasis on the importance of good design. Policy CC4 requires sustainable design.
- 3.21 Modified since the original submission of the application, the proposal is more reflective of the adjacent extra care accommodation for the elderly in height, than the two storey form of no.40 and properties on Wayside Crescent.
- 3.22 Taller buildings on corner plots are however typically considered to create an appropriate visual focus in a streetscene and that is not necessarily harmful, subject to no adverse impacts arising on adjacent properties.
- 3.23 The proposal itself is designed to be highly insulated and as energy efficient as possible with a hipped roof having an apex towards Wayside Crescent – the eaves being 8m high and the ridge 11.5m. Balconies feature at the first level to the rear. Energy saving features including smart heating and LED lighting will be incorporated.
- 3.24 Subject to the further considerations below, the design of the proposal is considered appropriate.

3.25 Residential amenity

- 3.26 Local Plan Policy HP4 seeks to protect amenity, requiring development proposals to be designed so that they will not result in significant adverse impacts on the amenity of occupiers and neighbours.
- 3.27 In terms of the impact on the properties across Wayside Crescent, the facing windows in the sides of the apartments windows are to en-suites and the kitchen areas; the former are not considered to have a material impact due to being obscure glazed, while the latter are classed as being “tertiary” windows in the Annex on Relationships between Buildings contained in the House Extensions Design Guide, as a companion to the Residential Design Guide. Those kitchen windows at ground and second floor would be 24m from the facing dwelling on Wayside Crescent and that at first floor, a metre further through its position towards the rear of the side elevation with the properties at a diverging angle to each other.
- 3.28 The Design Guide requires a minimum separation of 15m for a tertiary window from a principal window serving a lounge, dining or other reception room. That is clearly achieved for the proposed ground floor apartment with its side towards Wayside Crescent. Similarly the relationship with the first and second floors is acceptable with an excess separation of 3.3m over that required for relationship with the second floor. That excess would mitigate any slight difference in finished ground floor level between the proposed development and the existing facing dwelling.
- 3.29 The representations that have been received also reference overlooking of front garden areas. The Design Guide does not address such from a tertiary window but applying the requirement for a more significant window serving a first floor bedroom, a separation of 7.5m is required, which would expand to 10.9m for the second floor; there is some 18m to the front boundary of the facing dwelling.
- 3.30 With regard to the dwellings that has been built on the rear of the curtilage to no.40, the proposal is the north east side of the nearest and 15m distant.

Wider than the depth of that dwelling, the rear of the proposal has been arranged, with balconies limited to the first floor, in accordance with the terms of the Design Guide to preclude adverse overlooking of the grounds of that neighbouring property.

- 3.31 The rear parking spaces do adjoin the boundary with that property. The dwelling is 1.8m from the boundary with a side en-suite window at first floor and two ground floor side secondary lounge windows. A tall fence occupies the boundary which would mitigate the visual impact of the parking spaces.
- 3.32 The proposal will not unreasonably overshadow surrounding dwellings.
- 3.33 Compared to the new 'extra care' development on the adjacent site the proposal is virtually in line with that adjacent developments frontage building but does extend forward of it by some 4m; that however will not adversely affect that adjacent development, whose side elevation is 5.7m distant and contains doors to refuse storage areas.
- 3.34 Limitations on the hours of construction would safeguard the amenities of neighbouring property during the time when the development is built out.
- 3.35 The proposal complies with the Nationally Described Space Standards, to which Policy HS5 relates, and ensure occupants have an acceptable environment subject to any mitigation works necessary to achieve acceptable internal noise levels. Broadband provision to accord with Policy TI5 should be a condition of any permission.

3.36 Access

- 3.37 The proposal makes use of a recently created access on Wayside Crescent. That has been provided under the terms of the permission for the extra care accommodation adjacent which required the existing access to no.40 awkwardly positioned at the corner of Wetherby Road and Wayside Crescent to be closed off.
- 3.38 The North Yorkshire parking standards require a single parking space per one or two bedroom property in this locality. The scheme under consideration provides for a parking space for each apartment long with two

visitor spaces. Six spaces are to the rear accessed by a 4.1m wide highway, on which the possibility may exist for further informal parking.

3.39 A cycle store and refuse store are indicated to the Wayside Crescent side of the access. Actual details of those are not however provided as such should be conditioned of any consent, including the cycle accommodation being secure. The six apartment parking spaces each have an electric vehicle charging point indicated.

3.40 The Local Highway Authority have no objection to the proposal subject to appropriate conditions being attached. That includes the provision of a visibility splay to ensure safe egress without hindrance to all users of the Wayside Crescent.

3.41 Trees

3.42 The visibility splay clips slightly the tree line, although without causing harm to any trees of significance. One tree at least, and of some value in terms of the overall group, was removed when the new access was formed. Given Local Plan Policy NE7 opposes the loss of trees that are the subject of a Tree Preservation Order replacement trees should be secured through a condition, the terms of which would look for further enhancements; it may be that the loss of further trees could be supported as part of a landscape scheme including new trees which would improve the overall tree stock on the site.

3.43 Ecology

3.44 Local Plan Policies CC2 and NE3 address ecological matters with the latter the most relevant in this case and states proposals that protect and enhance features of ecological and geological interest and provide net gains in biodiversity will be supported.

3.45 The existing dwelling is one that quite typically would be frequented by common pipistrelles and the submitted biodiversity check list has been erroneously completed and should have identified the proposal as involving works that would have justified appropriate surveys.

3.46 More recently the removal of the roof covering that has been undertaken would have impacted on the findings of such surveys and the practicality of such. Bats are a protected species under the Wildlife and Countryside Act and regardless of whether planning permission is required for works there is protection which can be addressed by an informative attached to any approval.

3.47 In order to provide enhancement, bat boxes and swift bricks should be incorporated in the development and an appropriate condition attached to any permission that may arise.

3.48 Other matters

3.49 The majority of the representation issues noted below are addressed by the above assessment.

3.50 With regard to matters of sewerage and water supply, it is stated the proposal replaces a degree of built form and retains a majority of the garden as a permeable surface. Therefore, there is no net increase in surface water run-off. Noting the comments received, Yorkshire Water as the statutory undertaker were consulted, however they did not consider the proposal as requiring comments from themselves.

4.0 PLANNING BALANCE AND CONCLUSION

4.1 The application relates to a site within the development limits of Harrogate in a sustainable location.

4.2 The proposed apartments would be a modest addition to the district's housing land supply.

4.3 The design of the apartments is appropriate and there would be no significant harm to local residential amenity, or highway safety.

4.4 Off-street parking will be provided along with adequate amenity space.

4.5 The proposal would comply with the provisions of the development plan and national planning policies and guidance, and should be supported.

5.0 RECOMMENDATION

5.1 That the application be **APPROVED** subject to conditions

6.0 PLANNING CONDITIONS

3 Year start date

Compliance with sustainable development details and list of approved plans

Protection of trees

Submission of an Intrusive Land Contamination Site Investigation Report, and, if identified as being necessary, a Land Contamination Remediation Strategy with subsequent implementation and verification

Hours of construction

Details of wheel washing facilities

Details of parking of site operatives and visitors vehicles

Details of plant and material storage areas

Details of responsible person for site contact matters.

Material samples

Provision of swift bricks and bat boxes

Landscaping plan

Details of secure cycle storage

Provision of parking spaces and electric vehicle charging points

Provision of visibility splay

First 6m of the access not to exceed a gradient of 1:40

First 20m of the access not to contain any loose material

Validation report of internal noise levels

Provision of appropriate broadband facilities

6.1 Informatives concerning discovery of bats and Stray land

In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Chief Planner has delegated authority to do so in consultation with the Chairman of the Planning Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.

APPENDICES

7.0 Consultations

- 7.1 Arborist: Does not object and request conditions.
- 7.2 Environmental Health Officer: Does not object and request conditions.
- 7.3 Estates Manager: Advises the Wetherby Road frontage is Stray land and of the associated restrictions.
- 7.4 Local Highway Authority: Do not object and request conditions.
- 7.5 Private Sector Housing: Advised of appropriate standards.

8.0 Representations

- 8.1 Representations received from 39 authors collectively raising the following objections to the proposal:
 - Access across busy pavement; increased hazard for pedestrians – school route. Stop line needed. Poor visibility.
 - Adverse impact of construction traffic / construction work
 - Balconies overlook, impact of parked cars
 - Impact on trees
 - Inadequate parking provided
 - Increased congestion along with football club school and hospital and associated parking

- Lack of secure cycle storage
- Loss of privacy and overbearing on Wayside Crescent properties.
- No bat survey
- Not in keeping with detached dwellings; should be a two storey house or four apartments. Adverse impact on streetscene / out of context / overdevelopment.
- Sewerage and water supply issues.
- Wayside Crescent busy narrow and congested rat run. Parking impossible. Accidents at Wetherby Road junction. Increased likelihood of accidents and delays.

Case Officer: Mike Parkes

Expiry Date: 16 August 2021