

29th November 2018

Harrogate Borough Council
Planning and Development
P.O. Box 787
Harrogate, HG1 9RW



Dear Sir/Madam,

Objection to outline application for the erection of up to 48 dwellings with access considered: Spring Lane Farm, Yew Tree Lane, Harrogate, HG3 1NR

D H Land Strategy. Ref. 18/04288/OUTMAJ

Illustrative Masterplan Y81:1055.05 PRA Architects

The Spring Lane SLA Defence Group ('The Group') represents some 250 residents of Burn Bridge, Pannal and Pannal Ash. This objection reaffirms the Group's strong concern that the residential development of the land to the north of Spring Lane, intruding into the Crimple Valley Special Landscape Area, will be very harmful to the character and appearance of this area (which has long been deemed worthy of special protection by HBC). That is the principal determining issue

The Group has made a representation objecting to the Draft Allocation PN17 (up to 72 houses on the same area of land) in the emerging new Local Plan, supported by expert evidence. This is due to be considered by the Inspector in an Examination session in January 2019 at which the Group expects to be invited to participate.

The Group also objected to the earlier outline application for 52 houses made by the same applicant last year (17/05136/OUTMAJ). This application was subsequently withdrawn.

Although the number of houses has been slightly reduced (by 4) and the access details amended, it is the Group's strong, informed view that the harm which would arise has not been reduced significantly. Most of the detailed objections raised previously still stand. As before, advice has been taken from: John Dagg, Barrister MRTPI; Smeeden Foreman, Landscape Architects; and Exigo Project Solutions, Highway Consultants. Reports from Smeeden Foreman and Exigo are attached.

Our evidence and advice, summarised below, confirm emphatically that the application site is not suitable for development and should be refused.

The development plan - settlement development limits, landscape protection, the enjoyment of public rights of way, the setting of conservation areas

Our advice is that this proposal is clearly contrary to the adopted Development Plan: the site is outside the settlement development limit on the 'saved' Local Plan policies map (2001). Most importantly, it is part of the long standing Crimple Valley Special Landscape Area which has a particular status in providing an attractive landscape setting for the southern side of Harrogate and separating the main urban area from Burn Bridge and Pannal.

The relevant Development Plan policies are:

- EQ2 of the Core Strategy: the approach to the natural and built environment, seeking to protect and enhance landscape character of the District as a whole and through local landscape designations, the high quality of the landscape that is important to Harrogate.
- C2 and C9 also seek to protect landscape quality and make specific reference to the Crimple Valley.
- R11 recognises the significance of public rights of way for the opportunities they provide for informal recreation and the amenity value they provide.
- HD3 seeks to protect the character and appearance of Conservation Areas. The designated Pannal Conservation Area is immediately to the east of the application site. This site is plainly a part of its setting.

Detailed consideration of these policies in relation to the proposal is given by Mr Smeeden of Smeeden Foreman in his attached report-letter of 22nd November 2018, referring to his Landscape and Visual Impact Appraisal. He is clear in his finding of serious harm in relation to landscape, the footpaths and the conservation area. See in particular his opinion in respect of the impact on the landscape (page 3, final paragraph):

'The harm to the SLA is absolute and the conflict with this policy is not capable of mitigation'.

He is critical of the (incomplete) assessment made by the applicant's landscape advisors Rosetta.

It should be noted that the Local Landscape Designations were subject to review in 2011 and updated in 2016, after the publication of the National Planning Policy Framework in March 2012. This recognised the importance of valued landscapes. The Crimple Valley SLA (afforded *long term protection* by Policy C9) is considered on p.6 and 16 of the Review. See paragraph 4.22:

*'This Special Landscape Area is extremely attractive and provides a very strong landscape structure and preserved consistency. The area as a whole comprises **exceptional quality landscape** as well as being important to the setting of the town.'*

There were no relevant recommendations to alter the boundaries of the SLA.

The Council's Principal Landscape Architect, Mr Gannon, was also critical of the Rosetta assessment of the earlier (52 unit) scheme in his advice to Development Management of 16th March this year. He was clear that the (then) proposed residential scheme 'is likely to have an adverse effect on the landscape character and visual amenity of the immediate site and local setting.'

As mentioned above the NPPF (2012) stated the importance of 'valued landscapes' (paragraph 109). It is clear that the Crimple Valley SLA is such. The revised NPPF (2018) policy is at paragraph 170, in the initial part of 'Conserving and enhancing the natural environment' and in the same terms as previously:

'Planning policies and decisions should contribute to and enhance the natural and local environment by:

- a) protecting and enhancing valued landscapes (in a manner commensurate with their statutory status or identified quality in the development plan);
- b) recognising the intrinsic character and beauty of the countryside ... '.

Our advice is that the proposal (and draft allocation PN17) is in clear conflict with paragraph 170.

The emerging Local Plan

We are further advised that no substantial weight should be given to the Draft Allocation, PN17, in the determination of this application. The NPPF (2018) states (paragraph 48) that local planning authorities may give weight to relevant policies in emerging plans according to three criteria:

- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given);
- c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

Whilst the plan is at a fairly advanced stage (about to be examined), there are plainly unresolved objections to the allocation which will be before the Examining Inspector early next year. Given the long standing status of the SLA and its evident importance to the landscape setting of the town it is reasonable to regard these objections as significant. Further, the draft allocation (in the context of long standing landscape policy in Harrogate) is inconsistent with paragraph 109 of the NPPF (2012) and 170 a) of the 2018 revision. It follows that the two linked criteria b) and c) in paragraph 48 are not satisfied.

In this instance, again having regard to the importance of the SLA to the town's setting as a whole, it is reasonable to regard this application as premature (NPPF paragraphs 49 and 50). The development, if permitted, is likely to have a cumulative effect in harming the Crimple Valley SLA so that effective maintenance of its boundaries will be difficult. Apart from the rare small scheme (such as commented on by Mr Smeeden - appeal ref. 3177793), the SLA has been effectively upheld. Permitting this scheme now would risk undermining the plan-making process. It seems to the Group that it would be seriously mistaken for the Authority to grant permission for a scheme with such harmful consequences when the matter is due to be examined in the near future by the Local Plan Inspector.

Five years land supply and the NPPF (2018), paragraph 11

We have been recently advised (by Councillor John Mann, 4th November) that the Authority can now demonstrate 5.02 years of land supply. If that remains correct, the 'tilted balance' - the presumption in favour of sustainable development in paragraph 11d) of the NPPF does not apply. Even if there is not a five year supply, the landscape, footpath protection and heritage policies of the extant development plan are not out of date.

Permission should not be granted, in accordance with 11d) ii because *'any adverse effects of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole'*.

Highway considerations

We have asked our retained highway consultant (Exigo) to consider the scheme and their report is attached. It is evident that there are deficiencies in the approach taken to gaining vehicular access from Yew Tree Lane and with other aspects of the design. The opinion is given that it has not been

demonstrated that *'safe and suitable access to the site can be achieved for all users (NPPF (2018) 108b)'*.

Following from the above and from the evidence submitted with our objections to the earlier withdrawn application we request the Authority to refuse planning permission.

The proposal should be determined in accordance with the Development Plan unless material considerations indicate otherwise. There are no such considerations in this case.

Yours sincerely

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