



**OUTLINE APPLICATION FOR THE ERECTION OF UP TO 65
DWELLINGS WITH ACCESS CONSIDERED**

**SITE AT ALMSFORD BANK STABLES, LEEDS ROAD,
HARROGATE, HG2 8AA**

COUNCIL REFERENCE 18/00912/OUTMAJ

**OBJECTION ON BEHALF OF DR GLYNN ROBINSON, 24
FULWITH DRIVE, HARROGATE, HG2 8HW**

Introduction

In compiling this report, we have drawn on reports compiled by Smeeden Foreman on the landscape, ecological and agricultural impacts of the application proposal. These are produced as **appendices 1 and 2**.

The remainder of this objection is structured around the Planning Statement submitted for the applicants by ID Planning. There is however no need to comment on the section dealing with site description and context which is brief and accurate.

This Practice has previously advised Pannal Parish Council on the allocation of sites PN17, PN18, PN19 and PN20 in the Harrogate District Local Plan Publication Draft 2018. We considered that the allocation of the first three sites would cause unacceptable harm. Allocation PN20 is a consequence of the other allocations and therefore unnecessary if those allocations are not pursued.

Our view on allocations PN17, 18 and 19 is unchanged but, given that they are included in the publication version of the local plan, we have considered it necessary to assume that the allocations represent the Council's current intentions.

The Proposed Development

The application is in outline with all matters except access reserved. An indicative layout has been prepared to show how the site could be developed. Whilst the indicative layout is helpful in assessing some of the proposal's effects there is (as argued in the landscape assessment in our **appendix 1**) insufficient detail on matters like cuttings/embankments, access roads and other physical features to reliably assess its landscape impact. This is an important consideration when the site is within a Special Landscape Area (SLA) as designated in the current local plan and will continue to be in an SLA if the emerging replacement local plan is adopted as currently proposed.

Planning Policy

We are confident that the Council will carry out a thorough assessment of the proposal in the light of current and emerging local and national policies. Here we comment only on those policy considerations which we consider sufficiently important to have a significant influence on the determination of the application.

We accept that the Council is not currently able to demonstrate a five-year supply of deliverable housing sites and therefore that paragraph 14 in the National Planning Policy Framework (NPPF) is relevant. This requires that as the development plan is considered out of date in regard to policies for the supply of housing, planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits of the proposed development or specific policies in the NPPF indicate that development should be restricted.

The applicant argues that the proposal would provide open market and affordable housing on a site on the edge of the District's largest settlement. There is no demonstration that the site has specific advantages over other peripheral sites.

The site has one specific disadvantage that is ignored by the applicant's Planning Statement; that is its position within a Special Landscape Area (SLA) as defined in the Harrogate District Local Plan 2001. Policy C9 in that plan says that the Council will give long term protection to the high quality of this (and other) SLAs. Explanatory text says (inter alia) "*The northern slopes of the Crimple Valley provide a natural and definitive edge to this area of Harrogate.....This area of landscape is especially important because it serves to separate Harrogate from Pannal and Spacey Houses*".

The emerging replacement Local Plan continues to locate the site within an SLA where policy NE4 notes that the areas are valued for their importance to the settings of Harrogate, Knaresborough and Ripon. Development proposals should avoid significant loss of key characteristics that contribute to the SLA's quality and the setting of the town. They should also ensure that they are linked to existing settlements and designed to integrate the urban edge with the countryside and where appropriate to enhance the appearance of the urban fringe. Again, there is no reference to policy NE4 in the Applicant's Planning Statement.

The failure to acknowledge to inclusion of the site in an SLA as designated in both the current and emerging local plans casts doubt on the thoroughness with which the applicant's Planning Statement has been prepared. Adopted policy C9 is cited in the applicant's Landscape Appraisal although not the retention of the SLA in the emerging local plan.

The site is outside the development limits for Harrogate as defined in the current Local Plan. Policy SG3 in the Council's Core Strategy says that outside development limits land will be classed as countryside and there will be strict control over new development.

The applicant's Planning Statement notes that the development limits were drawn up and Policy SG3 adopted in the context of earlier and lower housing requirement figures. As such the Statement concludes that the limits and policy are out-of-date in the context of NPPF paragraph 49. However, the limits were drawn and the policy adopted to balance the often competing requirements of protecting the countryside and ensuring an adequate supply of housing. Therefore, although they are now out of date insofar as they relate to the supply of housing they remain valid as measures to protect the countryside. This means that a location outside a development limit is no longer an absolute prohibition to development, but, where the limit protects a vulnerable area of countryside, it remains relevant policy consideration. In those circumstances a position outside development limits might still indicate an adverse impact that (in the context of NPPF paragraph 14) could significantly and demonstrably outweigh the benefits of a proposal when assessed against the policies in the NPPF taken as a whole.

The site is not allocated for development in the emerging Local Plan. It is accepted that this carries reduced weight at the present time, but we would expect the Council to assess the application in a manner consistent with its assessment of the somewhat larger site H8 which resulted in its exclusion from the roster of allocated sites when formulating the emerging plan.

Assessment

Contribution to Housing Supply

A central part of the argument put forward for the applicant is that the proposal will contribute to the supply of both open market and affordable housing. Whilst this is not contested, the same contribution would be made by any other site of equivalent size elsewhere in the District. The need to have a five-year supply of deliverable housing sites is why we recognise (as stated above) that planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits of the proposed development. Our client's argument is that the adverse impacts of developing the application site for up to 65 houses do significantly and demonstrably outweigh the benefits of the development.

The applicants Planning Statement says (in paragraph 4.47) that sites which immediately abut and are adjacent to the settlement limits of principal settlements such as Harrogate ought to be afforded priority in terms of delivering housing development. The Statement offers no justification for this claim. In fact, both the current and emerging local plans recognise that the District's principal settlements should accommodate a substantial proportion of housing growth, but not all that growth. The plans' objective insofar as it relates to the location of new housing is that there should be a balanced distribution. Claiming that sites on the edge of principal settlements should be afforded priority is misguided and misleading.

Relationship to allocations in the emerging Local Plan

The applicant's Planning Statement says that the proposed allocation of sites PN18 and PN19 in the publication draft of the local plan indicates that this part of the District is deemed suitable for employment and housing development. This interpretation ignores the fact that the application site itself was not considered suitable for development.

As part of their background work leading to the publication draft of the emerging plan the Council assessed what is now the application site (and was then identified as site H8) as part of their October 2016 Sustainability Appraisal. The relevant part of the appraisal is produced as our **appendix 3**. It is significantly adverse and concludes with a recommendation that the site should not be allocated. In particular the assessment noted that:

- the local school was at or near capacity and may require expansion
- there would be poor access (i.e. on foot) to rail services, primary school, GP and shopping facilities
- there would be significant adverse effects on biodiversity
- possible loss of trees

- the landscape is highly sensitive with limited capacity either to accommodate development or to mitigate its effects
- there would be adverse effects from surface water discharge
- there would be loss of greenfield agricultural land
- it would not be possible to mitigate the harmful effect on the historic environment – which we take to refer to the impact on the setting of the listed Crimple viaduct.

Our own view is broadly consistent with the Council's appraisal.

Below we make the further point that developing the appeal site in addition to sites PN18 and PN19 would have the adverse effect of further reducing the visual and psychological separation between Pannal and Harrogate

There is no reference to the Council's sustainability appraisal in the applicant's submissions. Therefore, the applicant's Planning Statement does not systematically deal with the issues raised by the appraisal. The effects and issues listed above are nevertheless considered in some detail in the applicant's detailed submissions although those submissions are not cross-referenced to the Council's appraisal.

We now consider the effects of the application proposal under a number of headings.

Accessibility as related to Sustainability

The applicant's Planning Statement says, (in paragraph 4.32) that the site is recognised to be in a sustainable location adjoining the settlement limits of Harrogate, a group A settlement. It does not say who recognises the location as sustainable. This is more than a trivial observation because the position of the site on the extreme southern edge of the town and (following the indicative layout) with a walking distance of around 400m between the main developed part of the site and the A61 (as shown on the indicative layout) means that there will be long walking distances to most local services, including buses. This makes it highly likely that many journeys to local services will be made by car.

The applicant's Transport Assessment considers accessibility in greater detail. It refers to the guidance in the Government's Manual for Streets (MfS) that walkable neighbourhoods are typically characterised by having a range of facilities within ten minutes (up to about 800m) walking distance of residential areas, which residents may comfortably access on foot. The Assessment notes that the MfS says that this is not an upper limit, which is true, but does not change the implication that 800m is a desirable criterion.

The Assessment goes on to say that the acceptability of walking trips up to 2km (approximately 25 minute walk time) is supported by the Institute of Highway's and Transportation (IHT) document 'Providing for Journeys on

Foot'. In fact, for most walking journeys, table 3.2 in the IHT document says that the desirable walking distance is 400m; that 800m is acceptable and that 1200m is the preferred maximum.

The Assessment then goes on to estimate walking times from the site to Pannal Primary School, M&S Simply Food and Oatlands infant and junior schools. These walking times cannot be compared directly to the IHT distance guidelines although they can easily be converting by assuming a walking speed of 5 minutes for 400m. This shows that all the walking times quoted exceed the acceptable walking distances in IHT table 3.2 and are well in excess of the desirable distances.

Moreover, the times quoted appear to be calculated from the point where the site access would meet the A61, which gives times and distances which are significantly less than those from most of the proposed houses. There is the final consideration that walking from the site towards Harrogate would involve climbing up Almsford Bank. This would increase walking times and would make it more onerous, especially for elderly persons.

We conclude that the proposal would not meet accessibility standards for local services and in that respect would not be sustainable.

Landscape

The landscape assessment of the proposal carried out for our client by Smeeden Foreman is included as **appendix 1**. We do not propose to duplicate that assessment.

It is relevant to note that the applicant's own landscape appraisal concludes that development on the site would cause substantial adverse landscape effects on the pasture north of Crimple Beck and would have slightly adverse effects on the open pasture south of the beck. A landscape strategy is proposed which the appraisal says would reduce or eliminate any adverse landscape effects. The use of the words 'reduce or eliminate' introduces a considerable degree of uncertainty since it allows a range of interpretations ranging from a minor reduction in the adverse effects to their complete elimination.

Smeeden Foreman's landscape assessment concludes that the proposal would have a significant detrimental effect on the rural character of the south side of Harrogate. It would result in significant harm to the Crimple Valley SLA and would result in the encroachment of urban elements into the countryside.

Apart from its intrinsic character, this part of the SLA is integral to the setting of the listed Crimple Valley railway viaduct. In Smeeden Foreman's words the viaduct acts as "*a focal point in views across the area, providing a unique sense of place and is a major contributor to the identification of the edge of Harrogate for the large number of road users travelling from the south. The*

openness of views along the tree fringed valley bottom to the viaduct is also a key element of the landscape character of the area. The landscape is seen to have a clear and distinct character and as such provides separation from the more urban character of Harrogate to the north and Pannal/Spacey Houses to the south". As described above the text supporting policy C9 also recognises the openness of the SLA in defining and separating Harrogate and Pannal.

The visual damage caused by the development of the site would be compounded if sites PN18 and PN19 in the emerging local plan are developed as proposed. The visual gap between Harrogate and Pannal would then be reduced to a mere sliver of flatland in the valley bottom.

Although the two appraisals/assessments (i.e. for the applicant and for our client) adopt different approaches they reach a common conclusion in finding that the proposal would have substantial adverse effects on the landscape north of Crimple Beck. The difference comes in their assessment of the possible effect of landscaping and mitigation. In this context we note Smeeden Foreman's concern about the lack of technical information to explain the photographs and photomontages submitted for the applicant, and their comment that ground modelling to establish development platforms, access roads and driveways has not been taken into account in producing the photomontages.

We add our own comment that the photomontages submitted in support of the applicant's proposition that a landscape and mitigation strategy would reduce or eliminate any adverse landscape effects show the deciduous trees which characterise the area in full leaf. The screening effect of these trees will be substantially reduced when they lose their leaves. Again, we note Smeeden Foreman's observation that additional night time lighting would cause a further intrusion into the rural landscape.

Smeeden Foreman's doubts about the effectiveness of the landscape and mitigation strategy contribute to their view that the proposal conflicts with the aims of Core Strategy policy SG3, current local plan policy C9 and emerging local plan policy NE4. It would also be in direct conflict with NPPF paragraph 109, which aims to protect and enhance valued landscapes.

Trees

The development would result in extensive tree and vegetation loss. Smeeden Foreman's Landscape Assessment considers that some of the felling which is described in the applicant's Tree Report as being a "*purely arboricultural recommendation unrelated to the development proposals*" would be unnecessary were it not for the development. Furthermore, Smeeden Foreman consider that an arboricultural assessment is premature

when there is only an indicative layout and the sloping nature of the site would involve significant engineering works.

The Council's own Arboricultural Section consider that the proposal would be likely to result in extensive vegetation loss and impacts upon existing trees and that there is little justification for the loss of the majority of the trees other than to accommodate the proposed structures, access roads and cycle ways.

Both Smeeden Foreman and the Council's Arboricultural Section refer to the implicit conflict between the proposal and policy HD13 in the current Local Plan.

Ecology

The Ecological Report prepared for our client by Smeeden Foreman and included as **appendix 2** concludes that the proposed development has the potential to adversely affect a number of UK and European protected and priority species, including bats, great crested newts, other reptiles, badgers, otters, schedule 1 bird species, other breeding birds and hedgehogs. Actual evidence of badgers was noted 40m from the site (and is supported by our client's personal observation) as were field signs consistent with otter. The report concludes that further surveys are required.

Smeeden Foreman's report is not substantially different from that prepared for the applicants by Whitcher Wildlife Ltd. The main difference is that Whitcher recommend precautionary, ameliorative and enhancement measures whereas Smeeden Foreman conclude that the development could be contrary to national and local planning policy without reaching a conclusion of whether permission should be withheld on that account. In our view there is some risk in granting planning permission in advance of the further surveys recommended by Smeeden Foreman. This risk increases the overall weight of objection to the proposal. We note that the Council's ecological assessment of site H8 (summarised in our **appendix 3**) concluded "*Any small-scale development would need to respect the corridor of Crimple Beck (and its associated floodzone) and retain existing trees and woodland*".

Surface Water Discharge

The Flood Risk Assessment prepared for the applicants indicates that there would be a need to provide stormwater storage to deal with surface water discharge. We do not challenge the effectiveness of this measure.

Loss of Agricultural Land

We do not consider the loss of agricultural land a sufficient reason for refusing permission in the context of NPPF paragraph 14 given that similar losses would be incurred by other potential development sites on the edge of urban areas.

Traffic

Our client has already expressed his concerns in his personal objection to the application. We have been advised by SCP Transportation Planning that the proposed removal of the overtaking lane on Leeds Road could have a negative impact on highway safety. It might therefore be appropriate to undertake Stage 1 and Stage 2 Road Safety Audits to fully consider the safety implications of the proposed junction.

The applicant's Transport Assessment considers the position in 2022, an estimated 2 years after the proposed development is completed. We read that a background traffic growth rate within area surrounding the site has been determined using Temprow 7.0. As planning consultants, we are not familiar with the details of this software and only the results are shown in appendix G to the assessment. We have however assumed that the 7.8% growth rate that has been used to calculate base traffic flows takes no account of the additional traffic that would be generated by the traffic that would eventually be generated by allocations PN17, PN18, PN19 and PN120 in the emerging local plan.

Jacobs UK Ltd prepared a traffic modelling update for the Council in January of this year. The update reported on the cumulative effect all the allocations in the publication draft of the emerging plan. A further Transport Assessment from BWB Transport and Infrastructure Planning was commissioned by Pannal Parish Council. It has been submitted to Harrogate Council as part of the Parish Council's objection to the emerging plan. The assessment is different from the Jacobs update in that it concentrates specifically on the impact of allocating sites PN117, PN18, PN19 and PN20. It shows that the allocations would result in long queues and delays at the following junctions:

- A61/A658 roundabout at Buttersyke Bar
- A61/Burn Bridge Lane junction
- A61/Follifoot Road/Pannal Brook junction
- A61/Hookstone Road/Leadhall Lane junction

The local plan allocations would therefore lead to large increases in delays and accidents without significant mitigation works, which at this stage require further investigation and specification. In our view granting permission for

the development now proposed would further increase congestion at all these junctions and would increase the associated threat to road safety. The traffic implication of the development now proposed cannot be adequately assessed without considering this cumulative impact.

Conclusion

In our professional view the conclusive, and in itself decisive, objection to the proposal is its impact on landscape, including its effect on tree cover, the openness of the gap between Harrogate and Pannal and the setting of the railway viaduct. In terms of NPPF paragraph 14 this is not only an adverse effect that is significantly and demonstrably outweighs the benefits of the proposed development, but paragraph 109 is also a specific Framework policy indicating that development should be restricted.

The site is remote from local services for people wishing to walk. In our view this means that it is not sustainable in the context of the NPPF and particularly paragraph 14. The remoteness also adds to the overall adverse effect of the proposal.

Our client has serious concerns about the impact of the proposal on road safety. These are reinforced by SCP's advice about the possible effect of removing the overtaking lane on the A61. We are additionally concerned about the apparent failure to consider the impact of the additional traffic in the context of the nearby allocations proposed in the emerging local plan.

Concerns about ecology and the loss of agricultural land reinforce the overall weight of objection.

Arrowsmith Associates
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