



Object

Date of submission: 28th March 2018 Number of pages in this correspondence: 5

Planning Application details:

18/00912/OUTMAJ - Outline Application for with all matters reserved except access (to but not within the site) for the development of up to 65 residential dwellings

At land at Almsford Bank Stables, Leeds Road, Harrogate, HG2 8AA

The North Yorkshire Branch of the Campaign to Protect Rural England (CPRENY CIO)
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All CPRENY CIO comments are prepared by the Branch with professional planning advice, research conducted and recommendations by qualified planning consultants.

Name of external planning consultation in relation to this comment:



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Introduction

The North Yorkshire Branch of the Campaign to Protect Rural England CIO (referred to in this document as “CPRENorthYorkshire” or “the branch”) welcomes the opportunity to comment on this application.

CPRENorthYorkshire operates using information from local people, local groups and parish councils and with the help of our planning wardens in the different local authority administrative districts reporting directly to the branch. All correspondence should therefore, be directed to the Chair of the Branch.

It is noted that this is an outline application, therefore CPRENorthYorkshire will limit their response to the principle of development at this location and reserves the right to comment further at the appropriate time, should this application be approved.

Planning Context

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that an application should be determined in accordance with the development plan unless material planning considerations indicate otherwise.

The Development Plan relevant to this application consists of:

- The 2009 Harrogate District Core Strategy; and
- Saved policies of the Harrogate District Local Plan (2001).

When determining the application, other ‘material considerations’ need to be taken into account. These considerations include other relevant policies and guidance particularly national planning policies provided by the National Planning Policy Framework (NPPF) and other relevant Government policy statements alongside the National Planning Practice Guidance (PPG).

The NPPF was published by the Department for Communities and Local Government (DCLG) in 2012 and set out the Government’s planning policies for England and how they are expected to be applied. The NPPF is a material consideration which should be used to aid the determination of this planning application.

Achieving sustainable development is the primary aim of the NPPF. Paragraph 14 states that for decision making this means that proposals should be approved when in accordance with the development plan without delay, or where the development plan is absent, silent or relevant policies are out of date, granting planning permission unless:

- *“Any adverse impacts of doing so would significantly and demonstrably outweigh benefits, when assessed against the policies in this framework as a whole; or*
- *Specific policies in this framework indicate development should be restricted.”*

The NPPF requires that housing applications are considered in the context of a presumption in favour of sustainable development and states at paragraph 49 that *“relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a 5-year supply of deliverable housing sites.”*

The Council’s Housing Land Supply Update (January 2018) confirms that; *“the district has a deliverable supply of 4.5 years”* (at 31 December 2017).

The Planning Statement prepared by the Applicant's Consultants (ID Planning) correctly identifies that the balance in favour of sustainable development is triggered and this should be considered a 'paragraph 14' application as confirmed by the recent Supreme Court judgement in the cases of Suffolk Coastal District Council v Hopkins Homes Ltd and Richborough Estate Partnership LLP v Cheshire East Borough Council 2017).

However, the Applicant's Planning Statement did not go further to set out that the recent Judgement also makes it clear that just because a Local Planning Authority does not have a demonstrable five-year supply and housing policies are not considered to be 'up-to-date' does *not* mean that restrictive policies are too (*my emphasis*). The weight to be given to a restrictive policy (or any other policy) was stated to be '*a question of planning judgement*'. Therefore, CPRENorthYorkshire, believes, the fact that this site is currently within the 'open countryside' and outside of development limits, should be given considerable weight in the planning balance when determining this application alongside other restrictive policies. Furthermore, CPRENorthYorkshire disagrees with the applicant's statement at paragraph 4.26 which states that limited weight should be given to the restrictive policies of the Local Plan and sets out the date in which both the development limits and the policies were adopted. CPRENorthYorkshire considers that the weight to be attributed to these policies are a matter of judgement for the Planning Authority. The NPPF states clearly at paragraph 211 that "*policies in the Local Plan should not be considered out of date simply because they were adopted prior to the publication of the Framework.*"

The Council are in the process of preparing a new Local Plan. This has recently been through its statutory Regulation 19 (Publication version) consultation and is the version that the Council hope (subject to minor amendments) to submit to the Secretary of State for independent examination. The NPPF states (at paragraph 216) that "*decision-takers may also give weight to relevant policies in emerging plans according to:*

- *The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);*
- *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); and*
- *The degree of consistency of the relevant policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)".*

Given the late stage in the plan-making process due weight can be afforded to the policies of the emerging Local Plan alongside those policies of the existing development plan and material considerations in the determination of this application.

Whilst it has to be acknowledged that the Council does not have a current 5-year housing land supply, (which must also be given due consideration in the planning balance), the evidence base for the emerging Local Plan highlights that by the time the Council reaches the 'adoption' stage of the plan-making process (1st April 2019), they will be able to demonstrate a 9.7 year housing land supply (Housing Background Paper, Jan 2018). Therefore, the fact that the Council are actively addressing the current undersupply and are somewhat towards delivering this should be weighed heavily in the planning balance when determining this application.

Through the emerging Local Plan for the Harrogate District, the Council chose not to allocate this site for development having assessed it against their sustainability appraisal, preferring to retain the current development limit for the settlement as defined in the existing Local Plan at this location.

Policy GS3 of the emerging Local Plan deals with Development Limits. The Development Limit at this location mirrors that of the existing Local Plan, therefore, considerable weight

should be attached to this fact by the decision-taker. The Policy sets out that proposals for new development on sites outside the development limits of a settlement will be supported where it is consistent with the role of the settlement in the growth hierarchy set out in Policy GS2 and does not result in a disproportionate level of development compared to the existing settlement and meets a number of criteria, including that there is no suitable or available land for the proposed use within the settlement or a site allocated under policies DM1; would not have an adverse impact on the character and appearance of the countryside or heritage assets (amongst others). The proposals are therefore, contrary to this policy as there are several allocations for housing within the development limits of Harrogate.

This is further supported by the current Core Strategy Policy SG2, which sets out that development limits will be drawn around settlements listed within the Policy and places Pannal as a Group B settlement. It goes on to set out that *“Apart from Boroughbridge, small scale 100% affordable housing schemes for local people (rural exception sites) will be allowed outside the development and infill limits of these settlements.”* Whilst the development limit for this location sets the proposed site outside the development limit, it is notable that this application is not for 100% affordable housing and is not considered an exception site, therefore is contrary to this policy.

Core Strategy Policy SG3 goes on to deal with the protection of the countryside and states that *“Outside the development and infill limits of the settlements listed in Policy SG2 of this Core Strategy, land will be classified as countryside and there will be strict control over new development in accordance with national and regional planning policy protecting the countryside and Green Belt.”* The proposed development does not accord to any of the instances in which planning permission for new residential developments will be allowed that are listed within the Policy.

CPRENorthYorkshire is aware that this site is also located within a Special Landscape Area (SLA), allocated in both the current Local Plan and the emerging Local Plan. The proposed site is within an area known as the Special Landscape Area ‘Crimple Valley’ and according to Saved Policy C9d of the Local Plan, the Council will give *“long term protection to the high-quality landscape”* within these local designations. The textual justification to the policy sets out at paragraph 3.34 that: *“The landscape within these areas has been identified as both important to the landscape setting of the settlement and of high quality in its own right. As such, their long-term protection is considered to be essential for maintenance of the special character of these settlements.”* Paragraph 3.35d goes on to describe the Crimple Valley stating that *“this valley with its woodland, rights of way network and golf courses provides for a variety of recreation activities. There is a close relationship between the edge of the built-up area and landform, this is particularly evident in the role of the Clark Beck and Stone Rings Beck tributary valleys in defining and containing the urban edge. This area of landscape is especially important because it serves to separate Harrogate from Pannal and Spacey Houses.”*

Emerging Local Plan Policy NE4 deals specifically for Landscape Character and states under the heading ‘Locally Valued Landscapes’ (the Crimple Valley is listed) that these areas are valued locally for their *“high quality landscape and their importance to the settings of Harrogate, Knaresborough and Ripon. The designation reinforces the importance of these landscapes and their high sensitivity to inappropriate development which would adversely impact on the quality of the area designated”*. It goes on to set criteria which any proposal would be required to meet in these areas. CPRENorthYorkshire, therefore, considers that a development proposal for 65 new dwellings on a site which would require the loss of several trees would be detrimental to the setting of Harrogate within this locally valued area. The strategic direction of the Council is to preserve this area of the SLA, otherwise it would have allocated the site for development when the opportunity was presented as part of the previous call for sites exercise in the plan-making process. The proposal is, ergo, considered not to be in conformity with the policies relating to the

protection of landscape character and quality within the current and emerging development plan.

The proposed location of the development site is within the setting of the Grade II Listed Crimple Valley Viaduct which lays approximately 0.6km to the north east. Paragraph 128 of the NPPF advises that in considering development proposals, the significance of any heritage assets should be assessed, including any contribution made by their setting. There is a bridleway which currently traverses the site which enjoys views to the heritage asset. The applicant has proposed to re-route this bridleway, however, CPRENorthYorkshire is aware that residents and the British Horse Society have objected to this. Similarly, members believe that the re-routing of this established route is unnecessary and believe that the development should not take place as their access to the countryside will be compromised.

Emerging Local Plan policy HP2 deals with Heritage Assets and sets out that the policy applies to the setting of assets as well as the asset itself. It sets out that “*special regard should be had to those aspects of the historic environment which are of particular importance to the distinctive character of the district.*” In determining this application, the Council should be satisfied that there would be no detrimental harm caused to the setting of the Grade II Listed viaduct by the development proposal.

Conclusion

CPRENorthYorkshire objects to the principle of development at this location, for the reasons set out above.

It is recognised that Harrogate Borough Council cannot currently demonstrate an up to date 5-year housing land supply, therefore, the titled balance is triggered, and this becomes a Paragraph 14 application. This must be weighed accordingly in the planning balance when determining this application.

It is also acknowledged that the very fact that this is a Paragraph 14 application does not render all planning policies out of date as the weight to be attached to the restrictive policies of the development plan are a matter of judgement for the decision maker as explained above. The fact that the Council are actively seeking to address their current lack of supply and purport that they will be able to demonstrate a 9.7-year supply on adoption of the emerging Local Plan (by 1st April 2019) should also be weighed heavily in the planning balance as it appears this site is not required to meet the current undersupply.

CPRENorthYorkshire consider that significant and demonstrable harm would occur to the locally valued landscape character of this location and to heritage assets within the vicinity of the site should this proposal be approved, which would outweigh the benefits of providing additional dwellings. This is also supported by the fact that the Council chose not to allocate this site in their emerging Local Plan but preferred to maintain the development limits of the existing Local Plan at this location.

It is therefore respectfully asked that the application be refused. CPRENorthYorkshire reserve the right to comment further at the appropriate time should this outline application receive planning permission.