

## Response to local authority consultation

Authority: Harrogate Borough Council

Type of consultation (insert DF/planning application/appraisal etc): Planning Application

Full details of application/consultation:

**18/02240/EIAMAJ** | Outline planning application for the demolition of identified existing buildings and development of up to 3,000 residential dwellings (Use Class C3) inclusive of up to 1ha of land for retirement properties (Use Class C3/C2), floorspace for A1/A2/A3/A4/A5 Use Classes, 2 primary schools (including nurseries) (Use Class D1), non-residential institutions and leisure floorspace (Use Classes D1/D2), employment land (Use Classes B1/B2/B8), open space, landscaping, outdoor sport and recreation facilities and associated infrastructure including realignment of the A59, roads, foot bridges, utilities, landscaping, drainage (including surface water attenuation facilities) | Land Comprising Field At 446036 456297 Kirk Hammerton Lane Green Hammerton North Yorkshire

Type of response (insert comment/support/object): **OBJECTION**

Date of submission 22 January 2019

All responses or queries relating to this submission should be addressed to  
The Chair,  
The North Yorkshire Branch of the Campaign to Protect Rural England  
CIO number 1174989  
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The charity will be referred to as CPRENorthYorkshire throughout this document

All CPRENorthYorkshire comments are prepared by the charity using professional planners whose research and recommendations form the basis of this response in line with national CPRE policies.

external planning consultant:



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The North Yorkshire Branch of the Campaign to Protect Rural England CIO operates with the help of planning wardens in the different local authority administrative districts reporting directly to the branch following a recent restructure. All correspondence should therefore be directed to the 'Chair of CPRENorthYorkshire'.

CPRENorthYorkshire is the only authorised body to represent CPRENorthYorkshire issues within the local area.

## Comment

CPRENorthYorkshire welcomes the opportunity to comment on the additional information submitted in support of the above-mentioned major application at land between Green Hammerton and Kirk Hammerton.

CPRENorthYorkshire previously commented on this application in September 2018. Since then, the applicant has submitted additional supporting information to the Council in the form of a Supplementary Environmental Statement and associated appendices, a Phasing Strategy Document, Landscaping Areas Phasing Plan and a Movement and Accessibility Plan.

In July 2018, the Government published an updated version of the National Planning Policy Framework (NPPF). This replaced the original 2012 document which had been in place when the application was originally submitted to the Council. 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 NPPF is, therefore, a material consideration which should be taken into account in determining this application.

The planning system should contribute to achieving sustainable development. The NPPF aims to deliver sustainable development through the implementation of its policies. Paragraph 11 states that for decision making this means:

- c) *“approving development proposals that accord with an up-to-date development plan without delay; or*
- d) *where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date<sup>7</sup>, granting permission unless:*
  - i. *The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
  - ii. *Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”*

Paragraph 213 of the NPPF clarifies that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the Framework. Weight should be given to them according to their consistency with the NPPF. (The closer the policies in the plan to the policies in the Framework, the greater the weight that should be attributed).

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).

The Council are currently undergoing the hearing sessions of an Examination in Public to their new Local Plan, however, until such Plan has been found sound by the independent Inspector and been adopted by the Council, the above documents remain in force as the Development Plan.

As such policies within the Development Plan specify that sites outwith the development limits of a settlement are considered 'open countryside' and will not be considered for development. The NPPF sets out that decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes and recognising the intrinsic character and beauty of the countryside (para170). It goes on to state that when determining planning applications Local Planning Authorities should take account of the desirability of new development making a positive contribution to local character and distinctiveness (para 192).

Furthermore, it goes as far as stating that *"where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss..."* (para 195).

It is, therefore, the opinion of CPRENY that full weight can be afforded to the relevant policies within the development plan that are in accordance with the NPPF in the determination of this application and, therefore, the application should be refused as it is not in conformity with these policies.

In respect of the emerging Local Plan and the weight which can be afforded to emerging policies within it, paragraph 48 sets out that *"weight can be given to relevant policies in emerging plans according to: a) the stage of preparation of the emerging plan (the more advanced the 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); and c) the degree of consistency of the relevant policies in the emerging plan to the Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)."*

It is considered that the Local Plan is in a late stage of preparation and that the policies within it are in accord with the NPPF, therefore, can be given due weight when determining planning applications.

However, CPRENorthYorkshire and other commentators have expressed concern regarding the number of houses that the Council are promoting via the Local Plan process. The need for a major growth area (MGA) as suggested in the emerging Local Plan is predicated on the fact that the Council are seeking to deliver 669 new dwellings per year across the plan period. This number has not yet been independently tested or found sound. Should this number not be found sound as a result of evidence presented at the Examination,

CPRENorthYorkshire believe that the MGA may not be required, or could be reduced to such an extent that the required number of dwellings could be evenly distributed throughout existing settlements within the locality or a much smaller settlement could be proposed.

Policy DM4 of the emerging plan identifies a Green Hammerton/Cattal 'Broad Location for Growth'. It goes on to state that the *"boundary, nature and form of a new settlement within this broad location will be established in a separate New Settlement Development Plan Document (DPD)."* It is understood that the DPD provide *'more detailed policy guidance on the design, development and delivery of the new settlement.'* The supporting text within the emerging Local Plan sets out what level of detail will be included with the DPD to inform the master planning process of a new MGA and help the

Council to determine a preferred site for the MGA, given the Local Plan only identifies a 'broad area'. All these issues will be highly relevant to the determination process.

CPRENorthYorkshire, therefore, maintain their objection to this application as set out in September 2018. The application is premature given the fact that the Inspector has not yet determined the housing requirement across the district. Until this is achieved, and it is clarified that an MGA is required, this application should be withdrawn. The applicant should resubmit the application following the publication of the DPD which will be utilised for assessing the proposals effectively.

CPRENorthYorkshire consider that this application is an example of the limited circumstances where proposals could be refused on the grounds of prematurity in accordance with paragraph 49 of the Framework *"arguments that an application is premature are unlikely to justify a refusal of planning permission other than in the limited circumstances where both:*

- a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by determining decisions about the scale, location or phasing of new development that are central to the emerging plan; and*
- b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area."*

Should the applicant not wish to withdraw the application, the Council should seek to refuse the application on the basis that the current adopted local plan seeks to protect the open countryside and not allow development outside of traditional settlement boundaries in line with the adopted and saved policies within the development plan.

CPRENorthYorkshire would wish to be kept informed with the progress of this application and reserve the right to submit additional comments should further information be submitted.