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**Authority:** Harrogate Borough Council

**Type of consultation:** Planning Application

**Full details of application/consultation** 20/01333/FULMAJ - Full planning application for 73 no. residential dwellings with associated parking, public open space and landscaping and the change of use of approximately 460 square metres of agricultural land to domestic curtilage for Nos. 51, 53 and 55 Old Trough Way, Harrogate.

**At land at:** Field At 429829 457681, Knox Lane, Harrogate, North Yorkshire

**Type of response:** Objection

**Date of Submission:** 14<sup>th</sup> July 2020

All responses or queries relating to this submission should be directed to the Secretary for the Trustees at the contact details shown above on this frontispiece.

All CPRE North Yorkshire 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 used in this response:



KVA Planning Consultancy  
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## Comment

CPRE North Yorkshire welcomes the opportunity to comment on an application for 73 new dwellings with associated works, landscaping, and a change of use for approximately 460m<sup>2</sup> of agricultural land, off Knox Lane submitted by Spawforths on behalf of the applicant Jomast. CPRENY has been contacted by several its members regarding this site and is aware of a large groundswell of opposition by local residents and concerned local interest groups and individuals as evidenced by the number of objections shown on the Council's public access portal.

The Council has recently adopted its new Local Plan for the Harrogate District (March 2020) having been through independent examination and been found sound. Subsequently, the Council currently has a 5.56-year housing land supply. The Council chose to allocate part of the site as 'H2 Land north of Knox Lane', the north-eastern part of the site was not allocated for development by the Council and is thus open countryside for planning purposes, it also falls within the Council's designated Special Landscape Area (SLA). The allocation suggested via policy H2 an indicative yield of 52 and sets out 10 site requirements that the proposal would need to meet. The allocated portion of the site equates to 1.97Ha. The additional eastern site is an additional 1.43Ha.

The applicant has proposed 50 dwellings across the allocated section of the application site, in the form of a mix of private and affordable tenures, with 80% affordable and 20% open market. The remainder of the site which is not allocated would provide a total of 22 dwellings – all of which would be affordable. The site would thus provide 63 affordable units in total alongside 10 open market properties.

The applicant also proposes a large area of public open space across the undevelopable parts of the site – including where the powerlines and sewer are situated alongside links to green infrastructure and proposed foot and cycle ways.

Local Plan policy GS2 sets out the growth strategy to 2035 for the Council. It sets out clearly that the need for new homes will be met by focussing growth (as far as possible) to within the district's main settlement and that the scale of development will reflect the settlements' character and setting amongst other matters. It goes on to set out that *'development limits for places within the settlement hierarchy are identified under the provisions of Policy GS3.'*

Policy GS3 sets out that *'within development limits, proposals for new development will be supported provided they are in accordance with other relevant policies of the Local Plan. Outside development limits proposals for new development will only be supported where expressly permitted by other policies of this plan or a neighbourhood plan or national planning policy.'*

Of relevance to the determination of this application is the textual justification to this policy at paragraph 3.26 which states *'in defining the development limits consideration has been given to including land which would provide infill and rounding off opportunities that are physically, functionally and visually related to the existing built up area; and to the opportunity for improvements to the entrance to a settlement.'*

As such, the adopted policies map has drawn the development limit tightly around the allocation H2 and has not included the eastern part of the site within the limit. Therefore, the Council and independent examiner do not consider this additional part of the site suitable or required for development needs at this time, even for affordable housing. The Council can demonstrate a five year housing land supply and following discussions at the examination have removed sites from the Local Plan having provided too much land for flexibility in supply, thus the site is not required and should not be developed. The proposals are ergo contrary to policy GS3 and GS2.

The principle for development of H2 has been established via the adoption of the Local Plan – subject to

design details and meeting the requirements of the site brief. As this application is for the whole site, the proposal should be refused in its current guise.

Furthermore, the applicant has included within the site, an area which is designated as SLA, as set out above. Paragraphs 9.48 and 9.49 explain the importance of SLAs to the Harrogate district stating that the named areas in Policy NE4 were identified areas as being important for the landscape setting of Harrogate through an assessment of landscape analysis and evaluation. The north eastern part of the application site which falls out with the Local Plan allocation H2, is identified as Warren Top. The Policy goes on to state that *'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.'* Whilst the policy does contain criteria against which development proposals should be assessed, CPRENY believe that it would not constitute appropriate development to extend a proposed housing allocation into this location, so soon after the Local Plan was found sound and when the Council can demonstrate over a five years of housing land supply. The development limits were drawn for good reason and the SLA was designated for equally sound reason. To depart from the Plan at this stage would leave the Council open to many a challenge in the future.

CPRENY are also concerned that the established trees and hedges at the boundary with Knox Lane will be lost to incorporate the access with appropriate visibility splays to the site. At present the trees form a wonderful tree-lined avenue aesthetic which add to the character of the setting of Knox. Point 5 of the Development Brief set out in H2 state that proposals should *'retain mature trees and hedgerows along the site to the frontage of Knox Lane where possible'* it goes on to state that some loss may be unavoidable to gain appropriate access and that any loss should be compensated for on site. It appears, from the drawings submitted in support of the proposals that all of these trees have been lost not just 'some' and neither the Design and Access Statement or the Planning Statement justify the loss.

CPRENY has been made aware by its members of their concerns relating to the increase in vehicular activity along Knox Lane which would be experienced as a result of the proposals. Whilst it is acknowledged that the principle of the development of the site has been accepted by the Local Plan allocation, the impact on residential amenity is a concern alongside safe access to site and the wider local transport network. Members have reported enjoying easy access to the local countryside along the single-track part of the tree lined Knox Lane, which is also typically traversed by many cyclists. This lane is used by residents and mums with pushchairs who want to access the countryside easily without using the other public rights of way in the vicinity. As a result of recent lockdown, these activities have increased, and members are concerned that their residential amenity will decrease because of the additional vehicle movements and noise associated with this proposal once built and during construction. Policy HP4 sets out that the proposals should not result in significant adverse impacts on the amenity of occupiers and neighbours. It also sets out that individual and cumulative impacts of development proposals on amenity will be considered.

The Transport Assessment's section on car parking sets out how many spaces will be provided per dwelling according to the number of bedrooms. The proposal would therefore deliver an associated 137 car parking spaces across the site. The assessment goes on to state at page 13 that *'Fewer than 40 vehicles per hour in both directions could be expected on Knox Lane at peak times; this equates to less than 1 vehicle per minute. Traffic would likely disperse between Ripley Drive and Crab Lane, as well as other side roads, and therefore the impact of development traffic on the wider network would be negligible in practice.'* It goes on immediately to state (on page 14) *'On this basis no further detailed assessment is considered to be necessary, and mitigation is not considered to be required.'* CPRENY are disappointed that no additional assessment was undertaken in relation to vehicles already accessing the single-track road and how these access into the local road network. Crab Lane itself is in part relatively narrow with no middle markings and vehicles park on the side of the road (not always in parking bays), meaning safe passage can already be difficult. In CPRENY's opinion additional vehicles on the road of this scale whilst potentially relatively low, will add to the local level of congestion already felt in the vicinity. Knox Lane is a single carriageway and even with vehicles dispersing onto Ripley

Drive or Crab Lane, the vehicles will add to the congestion already felt on Skipton Road in combination with other large developments already within the planning system.

Local Plan Policy HP2 explains how applications which impact on heritage assets will be dealt with. The policy provides that proposals affecting a heritage asset, or its setting should protect or enhance features which contribute to its historic interest. The application site is located 260m east of the Grade II Listed Spruisty Bridge. The development brief for H2 sets out that a *'Spruisty Bridge, to the north west of the site, is Grade 2 listed; development of the site should minimise harm to, and seek to enhance, the significance of this designated heritage asset.'* The bridge originates from the C17 or C18 and was a packhorse bridge across the Oak Beck, today it is used as a pedestrian bridge. The applicant has proposed a landscaping buffer between the site and the bridge, however, the cumulative impact of the proposals including the additional vehicular movements on Knox Lane all contribute to impacting the setting of the bridge. CPRENY feel that due to the extended size of the site, the impact has increased over and above what the Council originally considered acceptable when allocating the site under H2. Prior to determination, the Council must be satisfied that the proposal would provide adequate mitigation for the setting of the historic bridge if minded to approve the proposals. Nevertheless, CPRENY do not consider that the public benefits of the scheme significantly or demonstrably outweigh the harm that would be caused by the proposal. CPRENY fully support the percentage of affordable homes on the site, however, given the fact that the Local Plan is up to date and the fact that the north eastern extension to the allocation is within SLA alongside the fact that the Council have an up to date housing land supply, the proposal in its current guise should thus be refused.

CPRENY are disappointed that the applicant has not considered climate change as part of the proposals. Policy CC4 deals specifically with sustainable design and clearly states that the council requires *'all developments to be designed to reduce both the extent and the impacts of climate change, it will promote zero carbon development and encourage all developments to meet the highest technically feasible and financially viable environmental standards during the construction and occupation'* (my emphasis). It goes on to state how. No evidence has been submitted by the applicant in relation to meeting this policy. Not only should the applicant be required to reduce carbon dioxide emissions via the energy hierarchy but the policy dictates that the council expects new developments to incorporate passive design measures and that all developments of ten dwellings or more *'will be required to submit an energy statement demonstrating how the energy hierarchy has been applied to make the fullest contribution to reducing greenhouse gas emissions...'* The applicant has not submitted an energy statement and failed to demonstrate how he has achieved any type of reduction. The submitted documents and drawings do not detail any element of this matter. It is acknowledged that electric charge points will be provided and this is, however, welcomed. The policy does not distinguish between types of development therefore, applications for affordable housing are not exempt from this requirement. As such the proposals are contrary to Policy CC4 and should be refused.

CPRENY also believe that the design of the development is aesthetically unappealing. Whilst the open space provision is welcomed, the built development styles of the dwellings are not particularly inspiring.

It is understood that part of the site has been the subject of severe flooding and is classified as Floodzone 3 where all development is directed away from. The applicant has designed the site to fit into the part classified as flood zone 1, however, is proposing to discharge surface water into the Oak Beck which floods. The planning authority would need to be satisfied that the Environment Agency believe this to be acceptable prior to determination. CPRENY share the concern of members that the provision of 75 houses across the site and associated hard standing for roads and car parking spaces will severely impact an area already prone to flooding.

In summary, whilst the principle of development of part of the site is acknowledged via policy H2, the application in its current guise is not considered to be in conformity with a number of adopted Local Plan policies and is outside the newly adopted development limits. CPRENY welcomes the provision of affordable

units on site and the inclusion of electric car points. However, the impact on the surrounding countryside and the setting of Knox via the overdevelopment of the site, via the extension into the SLA, is considered wholly inappropriate. CPRENY are also concerned about the impact of residential amenity as a result of the proposals, loss of trees and hedgerows to Knox Lane and the number of vehicles on the local road network in this vicinity as a result of the proposals. Concerns also exist regarding detrimental harm to the setting of the Grade 2 Listed Spruisty Bridge; increased potential for flood risk; and, the lack of compliance in relation to climate change and the reduction of emissions.

CPRE North Yorkshire reserve the right to comment on any further information that might be submitted in support of these proposals.