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**Authority:** Harrogate Borough Council

**Type of consultation:** Planning Application

**Full details of application/consultation** 19/05245/DVCMAJ - Variation of condition 1 (Reserved Matters) to include reference to the Design and Access Statement Addendum of planning permission 16/05254/OUTMAJ - Outline application for the extension to existing bottling facility and associated works with access considered. | Harrogate Spa Water Limited Harlow Moor Road Harrogate HG2 0QB

**At land at:** Harrogate Spa Water site, Harlow Moor Road, Harrogate, HG2 0QB

**Type of response:** Objection

**Date of Submission:** 15<sup>th</sup> January 2021

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:



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## Comment

CPRE North Yorkshire ('CPRENY') welcomes the opportunity to comment on an application to vary a condition of outline planning consent (16/05254/OUTMAJ) under Section 73 of the Town and Country Planning Act 1990. This would allow the applicant to vary from the figures (mainly figures 17 and 18) set out in the Design and Access Statement which sets out the details of the proposed building for which outline consent was granted. Should this Section 73 ('S73') application be approved, a Reserved Matters application will follow.

The revised National Planning Policy Framework ('NPPF') was updated on 19 February 2019 and sets out the government's planning policies for England and how these are expected to be applied. This revised Framework replaces the previous National Planning Policy Framework published in March 2012 and revised in July 2018.

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.'*

The Council has recently adopted its new Local Plan ('LP') for the Harrogate District (March 2020) having been through independent examination and been found sound. Subsequently, full weight should be attributed to the policies contained within the document

The applicants, Harrogate Spring Water Ltd, have continued to grow since receiving the outline approval in 2017 and as such justify the proposals stating, *'it has been concluded that the footprint of the proposed extension should be increased'*. The enlarged building would represent a circa 25% increase in floorspace when compared to the building approved as part of the outline -previously a building of circa 4,800m<sup>2</sup> was proposed, however, now a building of circa 6,800m<sup>2</sup> is proposed. The location of the extension represents, in reality, the loss of up to 4 acres of public woodland to the south west of the site.

CPRENY understand that the principle of the development has been permitted by the outline permission, therefore, comments in the remaining part of this letter purely relate to the variance proposed by the S73 application.

Of concern is the use of S73 to justify the scale of extension proposed in this application. CPRENY consider that an 2000m<sup>2</sup> (6,800m<sup>2</sup> in total) and a loss of 4 acres of woodland does not constitute a minor change to planning conditions which is what S73 should be used for. It is considered that the revised scale of the extension constitutes a major development and should be considered in full as a brand-new application. It is understood the applicant seeks to vary the condition to remove reference to the Design and Access Statement ('DAS') in Condition 1. However, the applicant has submitted an addendum to the DAS which provides some detail of the larger building and various supporting documents to support the application, which if approved would be deemed as having outline consent circumventing the need for outline consideration of the whole site which could reasonably deliver differing responses from statutory consultees.

Furthermore, information regarding detailed landscape and planting schedules are to be set out in a future

REM application (should the S73 application be approved), therefore, CPRENY are somewhat perplexed by the applicant's assertion in the Addendum DAS, that the *'larger building does not compromise the proposed function or quality of the open space that sits around it'*. Both the function and quality of the open space available to the public at this location must surely be diminished by virtue of the fact the woodland would be lost and the amount of publicly available open space drastically reduced. Furthermore, without the full details of proposed scheme at this stage, anything submitted by the applicant for the purposes of the S73 must be treated as indicative as it supersedes the original outline permission and as such could easily be changed at the REM stage.

It is understood that an ecological appraisal has been submitted and alternative land offered off-site by way of compensation for that which is to be lost. However, it is understood that this offsite land – adjacent to existing woodland, is privately owned and as such will not be made available to the public. Whilst this may offer some compensation for biodiversity, it is debatable whether newly planted whips could significantly offset the loss of woodland planted circa 15 years ago and the associated flora which has come with that (including orchids).

The applicants have submitted a 'biodiversity net gain proposals' document in support of the S73 application. CPRENY defer to the results of the Smeeden Foreman Assessment of both this and the ecological appraisal undertaken on behalf of the Pinewoods Conservation Group and understand that there are some outstanding areas of concern. The Council should be satisfied that these have been adequately assessed and further information submitted in support of the applicant prior to determination of the application. LP Policy NE3 sets out the Council's priorities to the protection of the natural environment. It is not considered that the significant removal of woodland at this location to facilitate the construction of a larger extension will not meet the requirements of this policy. Any green space retained by the development shown within the 'developable area' will include landscaping and be situated immediately adjacent to the proposed building and vehicle loading areas etc so will not attract visiting wildlife in the same way woodland might, although it is acknowledged that the different types of proposed meadow planting might attract different types of species, this does not result in a like for like compensation. It does not appear conceivable, given the concerns raised by the Smeeden Foreman Assessment, that there would be no net loss of biodiversity as a result of the much larger extension.

Policy NE7 of the LP furthers the Council's priorities for trees and woodland setting out clearly that *'Development should protect and enhance existing trees that have wildlife, landscape, historic, amenity, productive or cultural value or contribute to the character and/or setting of a settlement unless there are clear and demonstrable reasons why removal would aid delivery of a better development.'* The Rotary Wood is a key wildlife corridor between the Pinewoods and the woodland at Irongate Field. Altogether these areas cumulatively provide a substantial woodland of varying age which benefits different types of wildlife.

Of equal importance to CPRENY is the loss of the public open space, which is designated as an Asset of Community Value ('ACV') and will not be replaced by the offset land. The site was planted by members of the local community to form the Rotary Centenary Woodland in 2005 and has been managed by the Pinewoods Conservation Group since 2015. In fact, many local children planted a tree here, which is in line with the Council's response to the climate emergency that every child should plant a tree. Just because these trees were planted at a time which predates the motion passed by the Council in 2019, does not make them irrelevant. The local population are heavily invested in this specific area of woodland and any disposal of the site would be damaging to social and cultural wellbeing and morale - especially at such time during a national pandemic where green and amenity spaces are proving even more essential to health and well-being. The Council must undertake an assessment of community use prior to the disposal of the site.

The site is thus a recognised area of natural greenspace being of local importance accessed by many different groups including local scout groups and school groups. It is regularly used by the general public to access connected areas of woodland, between Harlow Carr and Valley Gardens. A number of connecting footpaths are used by residents and visitors to the area, including those taking daily exercise and walking dogs. Further a bridleway through the site is used frequently by horse-riders. The site is a well-established amenity space.

Policy HP6 of the newly adopted LP sets out that *'Proposals for development that would involve the loss of existing outdoor public and private sport, open space and recreational facilities will be supported where:*

- I. The applicant can demonstrate that there is a surplus of similar facilities in the area and that the loss would not adversely affect the existing and potential recreational needs of the local population, [...];or*
- II. A satisfactory replacement facility is provided and available for use before the existing facility is lost, in a suitable location, accessible to current users and at least of equivalent in terms of size, usefulness, attractiveness and quality; or [...]*
- v. The applicant can demonstrate that the loss would not cause significant harm to the amenity and local distinctiveness of the area.'*

The applicant has failed to provide a Planning Statement which justifies any support for the proposal from Policy HP6 nor has it addressed any of the above points in the Addendum DAS. Given the fact that the site is a ACV and the Council allowed the Pinewoods Conservation Group management over the site, there is clear evidence that loss of the site would adversely affect the existing needs of the local population to the immediate neighbourhood and wider town. As stated above the applicant has not provided additional land which will be publicly available therefore, the extension proposals are contrary to all policy points relevant to the determination of the application set out above.

Paragraph 17 of the NPPF clarifies that a core principle of planning should be to secure a good standard of amenity for all existing and future occupants of land and buildings. Supporting 8.667 of the LP states, amenity is defined as *'the pleasant or normally satisfactory aspects of a location which contribute to its overall character and the enjoyment of residents or visitors'*.

CPRENY applaud the fact that a local business is doing so well and supports the local and national economy, however, in this instance, do not consider that proposed scale of the larger extension at this location is appropriate, therefore, must consider it contrary to policy EC2 of the adopted LP as it does not meet all the criteria – namely points C, D and F.

Notwithstanding all of the above, CPRENY are concerned that the extension of the site and loss of mature and developing woodland is contrary to the Council's own Carbon Reduction Strategy, adopted in 2019. CPRENY consider that the woodland (owned by the Council) contributes towards the carbon reduction in the Borough. Trees are the most effective method of removing carbon dioxide from the atmosphere and the most productive phase is semi-mature-mature. The trees within the 4 acres of woodland to be lost are within this productive phase and as such CPRENY do not consider that this proposal is consistent with the Council's carbon reduction policies.

In summary, whilst the principle of a smaller scale extension on part of this site are acknowledged, this would necessitate in the loss of much less greenspace, important wildlife corridors and public amenity space.

CPRENY do not consider that the large-scale extension and loss of substantial woodland is appropriate at this location and as such is contrary to policies set out in the Council's newly adopted LP. Neither is the proposal in conformity with the Council's Carbon Reduction Strategy. CPRENY further question the appropriate usage of

S73 for this application. It is therefore, respectfully requested that the application be refused.

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