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Authority: Harrogate Borough Council

Type of consultation: Planning Application

Full details of application/consultation 20/01539/REMMAJ - Reserved Matters Application for the access, appearance, landscaping, layout and scale of the extension to existing bottling facility pursuant to outline application 16/05254/OUTMAJ.

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

Type of response: Objection

Date of Submission: 25th March 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:



KVA Planning Consultancy
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Comment

CPRE North Yorkshire ('CPRENY') welcomes the opportunity to comment on this detailed application of outline planning consent (16/05254/OUTMAJ) having previously objected in January 2021 to an application under Section 73 of the Town and Country Planning Act 1990 to vary a condition and allow a larger extension than that permitted by the original outline application.

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, received outline approval in 2017 and as such have submitted the Reserved Matters ('REM') application in relation to this. 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 specifics of the application as opposed to the principle.

The site is 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.

The REM application seeks approval for the scale, appearance, layout and landscape for the construction of an extension of the existing bottling facility at Harrogate Spring Water (the access was approved at the outline stage). The site area consists of circa 1.65Hectares and currently makes up part of the Rotary Wood. The outline permission restricted the developable area to 6,800m² with the proposed footprint of the extension being 4,794m². The height of the building has been designed to follow the existing building and as such is considered compliant with the outline consent.

CPRENY welcomes the inclusion of a 'living wall' into the design of the northern elevation where potential views from the Rotary Wood exist so as to minimise the appearance of the building. CPRENY note that the Design and Access Statement submitted in support of the application sets out that in addition to the living wall, the applicant will give *'further consideration to a green roof and amended plans submitted as necessary'*. Given the need to provide a measurable net gain in biodiversity across the site and the loss of existing tree cover, grassland and habitats associated with the site currently, CPRENY consider that the provision of a green

roof should be expected by the Local Planning Authority and would be considered in conformity with new LP policies relating to climate change, biodiversity gain and good design.

Further, it is understood that the applicants submitted a 'biodiversity net gain proposals' document in support of the S73 application. In light of the recent refusal of this application and the fact that one has not been produced in support of this application, CPRENY consider that an amended assessment of the site covered by the red line boundary should be requested by the planning authority prior to determination. LP Policy NE3 sets out the Council's priorities to the protection of the natural environment. Green space retained by the development includes landscaping and is situated immediately adjacent to the proposed building and vehicle loading areas etc so will not attract visiting wildlife in the same way the woodland might if left in situ to reach maturity, although it is acknowledged that the different types of planting might attract different types of species, this does not result in a like for like compensation. Equally there does not appear to have been any assessment of the 'living wall' and what that might provide by way of biodiversity. It is, therefore, not clear whether sufficient onsite mitigation has been included in the proposals by the application or whether (as suspected by CPRENY) off-site compensation will be required. The ecological appraisal submitted in support of this application purely assesses the current situation and not what has been proposed through this application. As such the proposal is not considered to demonstrate conformity with Policy NE3(e) in particular.

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. It is acknowledged that permitter planting has been retained and a number of new plantings proposed, it remains unclear however, what impact this will have on biodiversity.

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. Whilst acknowledging the site already benefits from outline planning permission, the trees within the site area to be lost are within this productive phase and as such CPRENY do not consider that this proposal is consistent with the Council's own carbon reduction policies.

LP Policy CC4 requires all developments of 1000m² or more of gross floorspace to submit an energy statement demonstrating how the energy hierarchy has been applied to make the fullest contribution to reducing greenhouse gas emissions in support of the HBC Carbon Reduction Strategy and the Climate Change Act 2008. The proposed floor space is over 4000m² therefore, this should have been required by the Council in order to validate the proposal – the LP was adopted in March 2020 and the application was validated in May 2020. This has not been complied with and should be requested prior to determination otherwise the Council will have neglected its duties in complying with the Climate Change Act and its own Carbon Reduction Strategy.

In summary, whilst the principle of the extension are acknowledged, this would necessitate in the loss of greenspace which provides biodiversity corridors and helps mitigate against climate change.

CPRENY believe that the applicant has not provided sufficient information to adequately determine the application in its current guise. Whilst the principle of the extension has been permitted, the applicant has failed to provide sufficient information relating to any measurable net gain in biodiversity, whether proposed mitigation is indeed adequate, or how the building is to meet energy efficiency and low carbon requirements

set out by LP Policy CC4. It is, therefore, respectfully requested that the application be refused at this time.

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