



8 Acres Close
Helmsley
York
YO62 5DS

T: 07734 953236
E: katie@kvaplanning.co.uk
W: www.kvaplanning.co.uk

Mr M Parkes
Harrogate Borough Council
Crescent Gardens
Harrogate
HG1 2SG

5th October 2017

Dear Mike,

17/03437/OUTMAJ - Outline application for the erection of up to 130 dwellings with access considered at land comprising OS Field 7018 Rowden Lane, Hampsthwaite, North Yorkshire

The North Yorkshire County Branch of the Campaign to Protect Rural England (NYCPRE) has commissioned KVA Planning Consultancy to respond to the public consultation on the abovementioned application on their behalf.

CPRENY object to the proposed development in Hampsthwaite for the reasons set out below. CPRENY are also concerned about the amount of proposed development being put forward in the village believing that this will lead to a disproportionate level of development which will have a detrimental effect on the character of the settlement alongside placing pressure on the existing infrastructure.

It is recognised that this is an outline application, therefore the general principle of development at this site is being determined alongside the consideration of site access, therefore NYCPRE, will address comments pertaining to those issues at this stage only. NYCPRE, however, reserve the right to comment further should the application proceed to a full application and address those issues reserved at the appropriate time.

The primary objections of NYCRE to the proposed development are:

- Significant harm would be caused to the form and identity of the village and surrounding countryside;
- The detrimental impact on the Public Right of Way in existence across the proposed site;
- Increased pressure on local facilities and services;
- The adverse impacts on the local highway network and access; and
- The development would be contrary to both local and national planning policy.

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."*

In March 2015, HBC published its Strategic Housing Market Assessment (SHMA) providing an up to date assessment of housing need throughout the Borough. It is understood that the updated position is that HBC possesses a 4.2-year supply of housing land including a 20% buffer.

The recent High Court Ruling (Richborough Estates) makes it clear that just because a Local Planning Authority does not have a demonstrable five-year supply and therefore housing policies cannot be considered to be 'up-to-date' does not mean that restrictive policies are too. The weight to be given to a restrictive policy (or any other policy) was stated to be 'a question of planning judgement'. Therefore, the



8 Acres Close
Helmsley
York
YO62 5DS

T: 07734 953236
E: katie@kvaplanning.co.uk
W: www.kvaplanning.co.uk

fact that this site is currently within the 'open countryside' should be given considerable weight in the planning balance when determining this application.

The site has recently been considered for future development via the Harrogate Borough Council's recent SHELAA (sites HM4 and HM5). The Local Planning Authority has discounted part of the site (HM5) due to the fact that the site is highly visible due to its exposed position at the edge of the village. Due weight should be attached to this fact in the planning balance also.

It is demonstrated by the number of objections that have been generated by this proposal that the local residents and Parish Council value the setting of the village in landscape terms and NYCPRE believe that the extent of harm caused should this development be approved would be significant due to the considerable rise in the land to the north east.

Policy NE4 of the emerging Harrogate Local Plan states that *"if the impact of development on the landscape is considered to be significant, a full Landscape and Visual Impact Assessment (LVIA) will be required"*. It is acknowledged that the Applicant has submitted an LVIA to the Council, however, this is surprisingly brief and does not offer appropriately scaled visuals to allow a full interpretation of the development on the proposed site. NYCPRE are of the opinion that without this information a robust assessment cannot be undertaken. The application should therefore, be refused as this is essential to the establishment of the principle of development at this location.

NYCPRE has also been made aware that the development would have a significant impact upon the existing Public Right of Way that currently crosses the proposed development site. The footpath leads to the Nidderdale AONB and links with many other footpaths in the area. Rowden Lane itself is continually used by pedestrians and is popular with walkers and dog-walkers; the proposed development and the increased traffic emanating therefrom would severely impact on their use and enjoyment of both Rowden Lane and the footpaths leading from this.

Furthermore, it is understood that various facilities found within the existing community are already stretched. The village Primary School is currently oversubscribed as reported by the Education Officer response to the consultation. Whilst it is acknowledged a financial contribution has been requested to facilitate spaces for extra places resulting from the proposed development, the school has already been expanded and members question where any expansion would be located to facilitate the extra pupils.

NYCPRE Members also raise concerns about the ability of the local Doctor's surgery to be able to cope with the pressure from the increased number of residents that this and other proposed developments in the area would generate.

Occupiers of the new development would be heavily reliant on the private car owing to limited (hourly) services. The NPPF states that new development should be located to minimise the need to travel. The Highways Engineer has responded to the consultation stating that some parts of the development are further than reasonable walking distances from local services. Congestion within the village would increase

and the already overburdened Rowden Road / A59 junction would become worse (especially for those users trying to access the A1 south).

NYCPRE members are concerned that the footpaths are currently unsuitable and unlit for the number of new residents which may need to use them. However, by lighting this current dark area, a negative impact would be encountered for those wishing to access a peaceful and tranquil part of the rural setting of the village.

Conclusion

NYCPRE objects to the principle of the proposed development at Rowden Lane, Hampsthwaite for the reasons set out above.

Whilst it is recognised that Harrogate Borough Council cannot demonstrate a five-year supply, it is also acknowledged that this does not render all planning policies out of date. The fact that the Council have not considered part of this site to be sustainable for development should be taken into account in determining this application. NYCPRE hopes that the significant number of objections raised by this proposed development and the detrimental impacts it would have on many facets of the village and community life will also be taken into account by the Local Planning Authority.

NYCPRE reserves the right to comment further at the appropriate time, should this outline application achieve planning permission.

I trust this is enough to register our considerable concerns at this stage.

Yours faithfully

Katie Atkinson, MRTPI

*On behalf of Julia Marley
Chair CPRE North Yorkshire*