

# SMEEDEN FOREMAN

16th April 2018

Dear Sirs,

**Objection to: 18/00912/OUTMAJ, application 'Outline application for the erection of up to 65 dwellings with access considered at Almsford Bank Stables Leeds Road Harrogate HG2 8AA**

The planning application (18/00912/OUTMAJ) is for 65 dwellings proposed to be located on land off the A61 Leeds Road, Harrogate.

Accompanying the submitted application is a Design & Access Statement (Ref: Design & Access Statement Proposed Residential Development Land off Leeds Road, Harrogate. Rev B\_14.02.2018) that includes a Landscape Appraisal that seeks to identify the effects on landscape and visual amenity that would result from the development.

Smeeden Foreman have significant experience in preparing LVIA for projects ranging in scale from local to nationally significant proposals throughout the UK including those subject to formal assessment as part of an Environmental Statement.

## Site Description

The application site occupies an area of land of approximately 5.7ha located to the east of the A61 Leeds Road beyond the southern settlement edge of Harrogate. It is situated on greenfield land on the northern valley side of Crimple Beck which slopes in a north west to south east direction down to the beck.

The western edge of the site is bound by the A61 Leeds Road. Mature trees mark the northern edge of the site and the boundary with the existing residential properties at Almsford Bank. The application site itself comprises small pasture fields bound by hedgerows with mature trees and blocks of mixed deciduous woodland. A bridleway (Path Number 15.54/61/3) passes through the southern half of the site in a west to east direction connecting with the wider footpath network to the east.

The whole site is located within the Crimple Valley Special Landscape Area identified in the current Harrogate District Local Plan (Policy C9d) and in the emerging Local Plan Policy NE4.

## Local Planning Policy

The aim of the Harrogate Borough Council Local Plan is "to protect and enhance the special character of the countryside in Harrogate District (Chp.3 para 3.10). The Council's main objectives for policies controlling development in the countryside are inter alia "To protect the character and integrity of the Countryside" and "To protect and enhance the landscape setting of settlements".

Landscape Architects ■ Urban Designers ■ Ecologists ■ Arboriculturists

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Policy C2 identifies that *“Development should protect existing landscape character.”*

The site is located within the Crimple Valley Special Landscape Area (SLA) identified in Policy C9 which states that the Council will give *“long-term protection to the high-quality landscape”*. The policy goes on to identify at paragraph 3.34 that *“the landscape has been identified as both important to the landscape setting of the settlement and of high quality in its own right. As such their long-term protection is considered to be essential for maintenance of the special character of these settlements.”*

Paragraph 3.35(d) describes the Crimple Valley as a *“richly textured and attractive rural landscape with excellent wide-ranging views over large areas of open countryside to the west and south of the town”*. It goes on to state that *“the northern slopes of the Crimple Valley provide a natural and definitive edge to this area of Harrogate.”* It continues to state that *“This area of landscape is especially important because it serve to separate Harrogate from Pannal and Spacey Houses.”*

Policy SG4 of the adopted Core Strategy states that *“the scale, density, layout and design should make the most efficient use of land and be well integrated with, and complementary to, neighbouring buildings and the spatial qualities of the local area, be appropriate to the form and character of the settlement and/or landscape character. Visual, residential and general amenity should be protected and where possible enhanced and there should be no loss of greenfield land unless justified by national planning policy, the Regional Spatial Strategy (now defunct), this Core Strategy or a policy or proposal within the Local Development Framework.”*

Policy EQ1 and EQ2 set out the Council’s approach to protecting the environment of the borough. In particular Policy EQ2 states that *“the landscape character of the whole District will be protected and where appropriate enhanced”*.

Although not a material consideration in determining the application, some weight should be given to the emerging Harrogate Borough Council Local Plan.

Emerging Local Plan policy GS3: Development Limits, identifies criteria where development outside development limits could be supported, and includes the following:

- A. The site is well related to the existing built form of the settlement;
- B. There is either no suitable and available site for the proposed use within the settlement development limit or site allocated under policies DM1: Housing Allocations, DM2: Employment Allocations and DM3: Mixed Use Allocations;
- C. It would not result in coalescence with a neighbouring settlement;
- D. It would not have a significant adverse impact on the character and appearance of the surrounding countryside or heritage assets;
- E. The proposal is of a scale and nature that is in keeping with the core shape and form of the the settlement and will not significantly harm its character and appearance;

The site lies within an area identified as a Special Landscape Area. Emerging policy NE4 Landscape Character states that *“Proposals that will protect, enhance and restore the landscape character of Harrogate District for its own intrinsic beauty and for its benefit to the economic, environmental and social well-being of the district will be supported.”* It goes on to state that this will be achieved *inter alia* *“Requiring that development proposals are informed by and are sympathetic to the distinctive landscape character areas as identified in the Harrogate District Landscape Character Assessment and that proposals respect the distribution and form of settlements and buildings in their landscape setting.”* It further states that the aim will be achieved by *“Requiring that development proposals protect and/or enhance the character, appearance and local distinctiveness of the landscape and consider the ambiance of the area, including nocturnal character, level and type of activity and tranquillity, sense of enclosure/exposure”* and by *“Requiring that visually sensitive skylines, hills and **valley sides** and visual amenity are protected and/or enhanced.”* (own highlight).

Under the section Locally Valued Landscapes, the emerging policy states that *“The Special Landscape Areas are valued locally for their high quality landscape and their importance to the settings of Harrogate, Knaresborough*

and Ripon. 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.

*Development proposals within these areas are required to meet the following criteria:*

*F. Avoid significant loss of key characteristics that contribute to the quality of the Special Landscape Area and the setting of Harrogate, Knaresborough and Ripon.*

*G. Ensure that development proposals are linked to existing settlements and are designed to integrate the urban edge with the countryside and where appropriate to enhance the appearance of the urban fringe."*

The Crimple Valley is a wide-bottomed valley framed by wooded valley sides to the north and the south. Trees along the northern valley provide a strong landscape buffer that provides a clear distinction between residential properties off Fulwith Lane and the rural valley. Pasture fields within the valley reinforce the openness of the valley and make a positive contribution to its strong rural character.

The listed Crimple Valley railway viaduct crosses the wide valley between the well-wooded valley sides and acts as a focal point in views across the area, providing a unique sense of place and is a major contributor to the identification of the edge of Harrogate for the large number of road users travelling from the south.

The openness of views along the tree fringed valley bottom to the viaduct is also a key element of the landscape character of this area. The landscape is seen to have a clear and distinct character and as such provides separation from the more urban character of Harrogate to the north and Pannal / Spacey Houses to the south.

A development comprising 65 dwellings on the upper slopes of the northern valley side of the Crimple Beck Special Landscape Area would be in direct conflict with the above policies. It would result in demonstrable harm to the strong rural character of the SLA and introduce development outside the Development Limits that would result in significant harm to the landscape character and setting of Harrogate. It would blur the strong and clearly defined boundary that currently exists between the southern edge of Harrogate and the Crimple Valley Special Landscape Area.

## **Landscape Appraisal**

The Landscape Appraisal submitted with the application states (paragraph 01.01) it has been prepared with reference to the Guidelines for Landscape and Visual Impact Assessment Third Edition (GLVIA3). While the appraisal has considered landscape and visual effects separately (GLVIA3 paragraph 3.20) it has not set out a clear methodology that would allow the reader to understand the rationale for the judgements made in the assessment of landscape and visual effects sections.

## **Effects on Landscape Character**

The Landscape Appraisal identifies that the application site is located within Area 58 Middle Crimple Valley within the Harrogate Borough Council Landscape Character Assessment (2004). A principle aim for this character area is to protect the character of the area and its role in separating Harrogate from Pannal and providing a rural setting to the urban edge. It goes on to state that development proposals must fully assess impacts upon landscape character.

However, the submitted Landscape Appraisal does not clearly assess the effects on landscape character. The assessment has not considered effects on landscape fabric, nor aesthetic and perceptual characteristics in a consistent and clear manner. Instead the landscape character assessment has considered landscape effects with reference to the site requirements for two adjacent draft allocations PN18 and PN19 which have been used to demonstrate how development on the site could be accommodated within the SLA (paragraph 04.05.11). In our opinion this is misleading as the site requirements relate to draft allocations on adjacent land that have not been subject to examination by the Secretary of State nor formerly adopted.

Section 4 of the Landscape Appraisal identifies smaller local landscape character units within an area of approximately 1km from the application site and then sets out a summary of the key characteristics of each of

the identified five character areas at Section 04.05.02 through to Section 04.09.02 which have been assessed as having the following effects:

<b>Character Area</b>	<b>Effect</b>
1. Small fields of pasture north of Crimble Beck	Substantial Adverse
2. Agricultural pasture south of Crimble Beck	Slightly Adverse
3. Open Amenity Use	Negligible
4. Residential Settlement	No effect
5. Industrial/business settlement	No effect

The approach to subdividing the wider Middle Crimble Valley LCA into smaller units has enabled the compartmentalisation of landscape character effects to discrete areas rather than considering effect on the LCA as a whole. This has, in our opinion, resulted in the level of effect for Character Area 2 Agricultural pasture south of Crimble Beck being understated.

The area to the south of Crimble Beck has a strong rural character as identified in the Landscape Appraisal (paragraph 04.06.04) which would be significantly diminished by the introduction of a large number of properties on the northern valley side. The development would have a characterising affect, changing the appreciation of the predominantly rural character to one that is heavily influenced by the proposed residential development. Therefore, in our opinion the level of effect would be substantial adverse, not slightly adverse.

### **Effects on Visual Amenity**

The visual assessment has considered effects on views from viewpoints from the public rights of way network and roads close to the site. The effects have been assessed as follows:

<b>Viewpoint</b>	<b>Visual effect resulting from development</b>	<b>Residual visual effect after 20years</b>
Viewpoint 1 - Bridleway 15.43/91	Substantial - moderate adverse	Moderate adverse
Viewpoint 2 - Footpath 15.54/79/1	Moderate adverse	Slight to moderate adverse
Viewpoint 3 - Junction of A61 and Footpath 15.54/126/1	Moderate to substantial adverse	Moderate adverse
Viewpoint 4 - Proposed diverted route of Bridleway 15.54/61/3	Substantial adverse	Moderate-substantial adverse
Viewpoint 5 - Crimble Viaduct	Moderate-substantial adverse	Moderate adverse

The submitted Landscape Appraisal is supported by viewpoint photography and photomontages of the proposed development at completion and after 20 years to represent the establishment of mitigation planting. No technical information has been provided that explains the methodology used to take the photographs and therefore it is not possible to determine whether they are an accurate representation of the view from each viewpoint.

While the masterplan has been modelled and matched to the camera position (paragraph 06.02.02) the photomontages misrepresent the change to each view because features such as cuttings/embankments required in order access the site and establish development platforms, access roads, driveways, boundary fencing, street lighting and other such associated features have not been included. Nor has the assessment considered the potential harm that would occur through additional night time lighting that would be introduced into the rural landscape.

Therefore, we are of the opinion that the level of effects have been understated and the development would be likely to give rise to substantial harm to the rural character of views.

## Summary

In summary, the application for outline planning permission for 65 residential dwellings on land off the A61 Leeds Road, would have a significant detrimental effect on the rural character of the south side of Harrogate. The development would introduce a large-scale suburban housing development into a rural location that is situated outside the development limits.

It would result in significant harm to the Crimple Valley Special Landscape Area and would result in the encroachment of urban elements including buildings, access roads and other associated elements into the countryside which would conflict with the aims of Core Strategy Policy SG3, current Local Plan Policy C9 and emerging Local Plan Policy NE4 and be unacceptable in landscape and visual terms.

Furthermore, it would be in direct conflict with the aims of Paragraph 109 of the NPPF which states that the planning system should [inter alia] contribute to and enhance the natural and local environment by "protecting and enhancing valued landscapes". There can be no doubt that the Crimple Valley SLA is a 'valued' landscape in terms of paragraph 109 as it is evidenced by its designation within Policy C9(d) and the retention of the designation within emerging Local Plan policy NE4(d).

## Arboriculture

The application documents include a "Tree Report and Arboricultural Impact Assessment of Proposed Residential Development" prepared by Northern Resource Consultants and dated November 2017.

The Tree report refers to a method statement and tree protection plan, neither of which appear amongst the list of documents on the HBC planning website. In the absence of these documents our assessment has been made by comparing the submitted report to the site conditions.

Evidence of ash die-back disease (*Hymenoscyphus fraxineus*) has been identified within the surveyed trees. Current Forestry Commission guidance suggests that once infection has taken place the disease will usually be fatal. Spores of the fungal pathogen are easily spread within the environment although older trees within an infected area may be able to tolerate infection for some time prior to weakening and then potentially succumbing to the disease, or to another disease which can be fatal to a weakened tree. The tree report describes 59 individual trees, of which 30 are ash, over 50% of the surveyed tree population. The report also records 12 groups of trees, of which 5 include ash.

The significant contribution made by ash to the tree population in the area, as reported, makes this species one of local landscape importance. As discussed in the tree report there is a justified expectation that these trees will be lost. The landscape character of the Crimple Valley Special Landscape Area includes as an important element the wooded valley sides which reflect and accentuate the local topography. The potential for a very significant short to medium term change to the tree population in the area must make the retention of all other trees more important in order to avoid dramatic changes to the established landscape character. On this basis the unnecessary felling of trees for development in this part of the Crimple Valley should be resisted.

The tree report includes references to recommended felling and reduction of trees as a "...purely arboricultural recommendation unrelated to the development proposals". This has been applied in 8 instances and in general refers to trees that have defects consistent to their age and history and which may add considerably to potential ecological value. In the current context in which they grow intervention is largely unnecessary. These trees have been classified as Category U, trees unsuitable for retention, however the BS5837:2012 states that this category should be used for trees with less than 10 years of life in the context of the current land use, (my emphasis) and their felling or reduction should be seen to be a requirement to create a safer environment for the proposed housing development.

The tree report references "...some defects require addressing for safety reasons" and "...detailed climbing inspection is likely to result in a requirement for significant crown reduction". As with those trees erroneously subject to "...purely arboricultural recommendation unrelated to the development proposals"

this intervention is wholly unnecessary in the current landscape context of these trees and any impacts upon the tree population that arise must be counted as an environmental cost of this development proposal. The tree report identifies individual trees felled for development and also groups, which includes the felling of a large group of aspens which have been given an A classification, the highest category for trees considered for retention. These trees have a potential remaining life expectancy of at least 40 years, make a significant contribution to the woodland within the Special landscape Area and should be excluded from the development area.

An Arboricultural Impact Assessment has been prepared for the development and it is upon this document that the planning application seeks to be assessed with respect to arboricultural considerations. Having visited the site it is apparent that the significant slope of the valley side towards the River Crimple will require equally significant engineering works to cut building plateaux and to form roads. The submitted drawings are purely illustrative and diagrammatic in nature. In order to cut and fill across the valley side extensive areas of embankment and cutting will arise. This lack of information is recognised in the Tree Report (C76.2) and the writer acknowledges that "The proposed layout is indicative in nature and liable to change during the planning application;....". In these circumstances the arboricultural implications assessment is premature in that the assessment does not apply to a realistic design. We would urge the planning authority to treat this assessment as spurious unless it can be demonstrated that there are considered and deliverable engineering proposals that can be considered as part of this application.

Policy HD13 states "PROPOSALS WHICH WOULD INVOLVE THE LOSS OF TREES OR WOODLAND WHICH CONTRIBUTE TO THE CHARACTER OR SETTING OF A SETTLEMENT WILL NOT BE PERMITTED." The hedgerow trees, groups and woodlands in this area form a strong edge to the built-up areas of Harrogate and contribute to the landscape setting of the settlement and importantly are an essential component of the wooded valley sides of the Special Landscape Area. Their value is appreciated in views from the many public rights of way which provide recreational opportunities from the town and are also important to the setting of the adjacent housing areas and to an appreciation of the setting of Harrogate experienced from the A61 on the major approach to the town from the south. In our assessment the woodlands and hedgerow trees would meet the criteria for the local authority to make a tree preservation order.

I would respectfully request that the planning authority refuse the application.

Yours faithfully,

For and on behalf of Smeeden Foreman