
Appeal Decision

Inquiry held between 25 November and 28 November 2014

Site visit made on 5 December 2014

by Simon Berkeley BA MA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 8 January 2015

Appeal Reference: APP/E2734/A/14/2222633 Crag Lane, Harrogate

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Judith Stephenson, Elizabeth Tuck, Caroline Aspdin and Taylor Wimpey against the decision of Harrogate Borough Council.
 - The application reference 14/00259/OUTMAJ, dated 8 January 2014, was refused by notice dated 8 April 2014.
 - The development proposed is the construction of circa 124 dwellings with associated open space, access and landscaping provision.
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Decision

1. The appeal is allowed and outline planning permission is granted for the construction of circa 124 dwellings with associated open space, access and landscaping provision at Crag Lane, Harrogate, in accordance with the terms of the application, reference 14/00259/OUTMAJ, dated 8 January 2014, subject to the 18 conditions set out in the schedule below.

Procedural matters

2. This application is made in outline with only the access to be determined as part of it. I have dealt with it this way, and on the basis that layout, scale, appearance and landscaping are matters reserved for future consideration.
3. Drawings including a masterplan layout and elevations were submitted with the application. A revised masterplan was also included with the appeal. None of these are specifically marked as being for illustrative purposes only. Nevertheless, at the Inquiry, the main parties confirmed that these drawings, including the layout and landscaping shown, are indicative. The Council made its decision on that basis, and I have treated them as such.

Main issues

4. There are three main issues. The first is the effect of the proposed development on the character and appearance of the landscape and surrounding area, and on the setting of Harrogate. The second is its effect on the Green Wedge. The third is whether, in the absence of a five year supply of land for housing, any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework (NPPF) taken as a whole.

Reasons

5. The appeal site is largely an open field to the southwest of Harrogate. It rises upwards from Crag Lane, generally in a north-easterly direction. A band of woodland, known as Pine Woods, runs the length of its north-western boundary and part of its north-eastern boundary. Residential properties abut the site to the southeast. Cardale Business Park is opposite part of the site. Harlow Carr Gardens, a botanical garden run by the Royal Horticultural Society (the RHS), is on the opposite side of Crag Lane. This has an entrance building which includes a Betty's tea room. Part of the site is currently used as a car park for Harlow Carr Gardens. In the Harrogate District Local Plan (adopted in 2001) (the Local Plan) the site is within a Special Landscape Area (SLA) and is part of a Green Wedge.

Landscape character and the appearance of the surrounding area

6. Local Plan Policy C9 gives long term protection to the high quality landscape of SLAs. It does not permit new development or major extensions to existing development which would have an adverse impact on the character of the landscape or the landscape setting of Harrogate. Its application therefore relies on judgements about the character of the landscape, the landscape setting of Harrogate and the effect of development on these.
7. Paragraph 3.34 of the Local Plan explains that SLAs have been identified as being landscapes of importance for the landscape setting of Harrogate and of high quality in their own right. Paragraph 3.35 is also relevant. It says that "*... the heavily wooded character of the Harlow Moor area is fundamental to the high landscape quality of this area. This character is emphasised by virtue of the elevated nature of the Harlow Hill woodlands. The area, which includes Harlow Carr Gardens, Pine Woods and Valley Gardens, is particularly important because it extends from open countryside into the heart of the town.*"
8. The appeal site is not woodland. While its openness exposes Pine Woods, this woodland would remain clearly visible and would continue to make a significant contribution to the landscape character of the area. Also, the site does not extend from open countryside into the heart of Harrogate. Rather, the site projects from a point parallel with the extent of buildings on the southern side of Otley Road to the town's built edge on the northern side of the road. Taken together, Pine Woods and Valley Gardens do link town and country. But being an agricultural field with no public access, the site is quite different in function and character to these woods and gardens and forms no meaningful part of the green recreational finger they create. Consequently, in my view, the site cannot genuinely be said to possess the landscape characteristics noted as particularly important in the development plan.
9. To my mind, the site has two main landscape characteristics. The first relates to its role in the wider landscape. The second is its openness.
10. From the southwest, much of the town of Harrogate is visually contained by an elevated ridge which tilts away from the settlement. Where this is so, the town is generally concealed in the wider landscape, which lends the settlement a rural setting. The appeal site forms part of this land formation. It is towards the crest of a long ascending slope which, in many views, particularly from the southwest, conceals most of the town.

11. However, the degree to which Harrogate is hidden by the formation of the open land around it is tempered in this vicinity by Cardale Business Park and the dwellings to the southeast of the site. It seems to me that these buildings have breached the ridge. In any event, they are noticeable even from more distant viewpoints, notwithstanding the number of trees and the Business Park's lower level. These buildings punctuate the landscape and give a quite clear indication of the presence of the town.
12. As such, the appeal scheme would not be an isolated development in an otherwise wholly rural area. I accept that it would undoubtedly alter the balance between buildings and undeveloped open land. This area would be more 'urbanised' than is presently the case, which would perhaps be particularly noticeable at night, when the new buildings and spaces between them are lit. However, the development would not extend further westwards into the open countryside than Cardale Business Park already does. Indeed, the building at Harlow Carr Gardens is further to the west.
13. Considering this, in my view, existing development has already diminished the degree to which the visual enclosure of Harrogate forms a distinctive landscape characteristic in this area. It has also eroded the town's open rural setting, and I consequently consider the landscape here to be less sensitive and of lower quality than the Council. In the context of all this, I also disagree that the development would lead to 'substantial adverse' effects on the Harlow Hill landscape character area. In my opinion, given the existing buildings here and their proximity to the site, the degree of change that the development now proposed would bring about would be limited. While its urbanising effect would harm the character of the landscape to some limited extent, it would not do so to a material degree.
14. Turning to the question of the appearance of the surrounding area, I accept much of the Council's evidence concerning 'visual receptors'. In short, I agree that the site is, and the development would be, seen by reasonably high numbers of people from numerous places, including Briscoe Ridge Lane, the Harrogate Ringway and from nearby homes. Because of its position and sloping nature, it is a quite prominent site, particularly from areas to the southwest.
15. That being said, in more distant panoramic views, the presence of the existing dwellings and/or Cardale Business Park is noticeable, as is their effect on the rural setting of Harrogate. The appeal scheme would be seen in this context. In addition, the development would largely be seen against the backdrop of Pine Woods. This band of trees would visually contain the dwellings in many longer distance views. Two storey houses on the site would be significantly below the tree-line from more distant vantage points to the southwest.
16. In terms of closer viewpoints, I recognise that the site is on an approach into Harrogate. Whether it is a main approach to the town is questionable. The B6162 is certainly less of a primary route into Harrogate than the A61. Setting that aside, I nevertheless consider that the appeal development would not significantly detract from viewpoints along this route.
17. Travelling north-eastwards from Beckwithshaw along Otley Road, the site enters into plain view. Because of its sloping nature, on this approach, it is a clearly visible rural element in the landscape. The open, green appearance of the field contrasts with the heavily wooded band beyond, creating a pleasant

aspect. It is a high quality feature of the landscape in its own right. The proposed development would cause this to be lost. In this regard, it would lead to some harm.

18. That being said, this is not a wholly rural landscape. Rather, it seems to me that the site forms part of an area of transition between town and country. On the one hand the site, Pine Woods and land generally to the north and west are undeveloped 'green' components. These are more rural aspects of the area which the low density of the housing to the southeast adds to. On the other hand, in the context of the open countryside to the west and southwest, the presence of that housing and Cardale Business Park has a distinctly urbanising affect. They have already fundamentally altered the character and appearance of the vicinity.
19. It may be, as the Council suggests, that in landscape and visual impact terms the 'strongly defined residential edge' of Harrogate lies to the east of the housing to the southeast of the site, and excludes those dwellings and the Business Park. But it strikes me that few would make this distinction. Rather, it seems more probable that most people travelling along Otley Road towards Harrogate would perceive the existing housing and the Business Park as the built edge of the town. The appeal scheme would add to this apparent demarcation. In the context of the existing surroundings, I see no reason why that should be a disadvantage. Indeed, the proposed development would strengthen the present definition of the urban edge. It would introduce greater legibility, leaving one in no doubt about where the countryside ends and the town begins.
20. Furthermore, the density of development has a bearing here. While not entirely specific, it is clear from the description of development and the illustrative layout plans that around 124 new houses are proposed. On this 9.1 hectare site, even taking account of the open space and sustainable drainage and flood mitigation area to be provided, the housing density would be fairly low. It would not be an intense form of built development, and as a consequence would not appear harsh or 'over-developed' in this location.
21. I note the Council's related concern that, taking account of the various constraints such as tree root protection areas and underground infrastructure, the density of development would leave insufficient space for tree planting. There is no argument about the need for tree planting within the scheme. But given the outline nature of the application and the indicative status of the layout drawings, there is no irrefutable evidence about the space available to accommodate trees. The Council's detailed points unavoidably rely on the illustrative drawings, but the layout of houses and roads ultimately proposed may well be different.
22. I concur that tree planting is likely to be a necessary component of the landscaping scheme. Along with its low density, it would dilute the development's urbanising effect and help to visually integrate the dwellings with their woodland backdrop. However, achieving this is not necessarily dependant purely on the number of trees involved. The species and their location in relation to the dwellings also have a bearing. As landscaping is a reserved matter, all of this remains in the Council's control. On the evidence before me, there seems a reasonable prospect that a satisfactory landscaping solution can be found. As such, the appeal should not be resisted on this basis.

23. From the nearest viewpoints, including Crag Lane, the closest stretch of Otley Road and the Harrogate Ringway, the appeal development would be obvious. But in this more intimate context, the existing dwellings and the buildings at the Business Park are palpable components of the area. In these surroundings and against the back-cloth of Pine Woods, the proposed development would not look out of place or detract from the character of the vicinity significantly.
24. The Mile Walk from Harrogate town centre runs through Valley Gardens and Pine Woods. The Council argues that people's enjoyment of Pine Woods, and also the Mile Walk, is enhanced by the present openness of the site. It is a field with some visual appeal. But its presence is only appreciated from the south-eastern side of the wood, where the backdrop of the housing and Business Park erode any illusion of a wholly rural setting. Deeper within the woodland band, trees and vegetation largely conceal the field. Indeed, it seems to me that the proposed residential development would similarly be obscured from many parts of the wood. One need hardly notice the houses when walking or riding through Pine Woods. Consequently, I am not persuaded that the introduction of housing on this field would diminish the recreational value of Pine Woods or spoil the pleasures of the Mile Walk to any material extent.
25. It may be that some visiting Harlow Carr Gardens find that the field adds to their experience of visiting the botanical gardens. However, its prominence from Harlow Carr is largely limited to views from the car parks and areas around the main entrance. The botanical gardens themselves are the other side of the building, away from the site and set at a lower level. Because of this relationship, while parts of the development would be visible from some quarters within the gardens, these would not be close-up views and would generally include the entrance building in the foreground. As such, the appeal development would not impose on views from within the gardens.
26. Moreover, the enterprise at Harlow Carr is not reliant on a rural or 'green' location for its successful operation as a visitor attraction. If it were, it is reasonable to suppose the RHS would have objected to the appeal proposals. That is not the case. It is clear from the evidence [including Documents 6 and 16] that the RHS neither supports nor resists the scheme. I am of the firm view that with sensitive design and landscaping, the development need not materially detract from the surroundings of Harlow Carr Gardens or dampen people's visit.
27. Considering the above, I disagree with the Council's appraisal which concludes that the scheme would lead to 'substantial adverse' visual effects. Though prominent in some views, I consider that the harm it would cause would be limited in degree.
28. Overall, I conclude that while the proposed development would cause some harm to the character and appearance of the landscape and surrounding area, and consequently to the setting of Harrogate, it need not do so to a material extent. It should not, therefore, be regarded as conflicting with Local Plan Policy C9, or with the general aim of Local Plan Policy C2, which seeks to ensure that developments protect existing landscape character.
29. Policy EQ2 of the Harrogate District Core Strategy (adopted in 2009) (the Core Strategy) is largely aimed at setting the strategic direction for more detailed policies and designations in a further development plan document.

Nevertheless, it is relevant to consider the aims of the policy. It is clear that it seeks to ensure that the landscape character of the district is protected and where appropriate enhanced, and that the setting of Harrogate is protected. The proposed development would not conflict with these objectives.

Effect on the Green Wedge

30. Policy C10 of the Local Plan gives long term protection to Green Wedges. It says that within these areas, development will not be permitted where it would adversely affect the character of the Green Wedge.
31. The Local Plan is not explicit about what is meant by the "character" of the Green Wedge. Paragraph 3.36 of the Local Plan sets out the justification for Policy C10. It explains that Green Wedges have been identified as contributing to the character of Harrogate. It says that:

"They are important in:

 - a) preventing the urban area becoming one undifferentiated built-up area within its overall boundaries;*
 - b) safeguarding the character of the town as manifest in the system of open spaces which link the town centre with the open countryside; and*
 - c) affording public access, and the potential for public access, to extensive open spaces and ultimately the countryside beyond."*
32. It seems to me that although this is given as a justification for Green Wedges, it also describes their function, or key characteristics. Therefore, to my mind, the extent to which land in the Green Wedge performs these functions is relevant to the consideration of "character" under Policy C10.
33. The Green Wedge stems from a point in Harrogate town centre. It extends south-westwards roughly in a 'V' shape around Valley Gardens. Between the two arms of the V, it is clear that the intention is to protect Valley Gardens. However, while the southern arm of the Green Wedge continues south-westwards to the south-western corner of the appeal site, the northern arm does not. Consequently, in this area, the Green Wedge is defined by a single line.
34. As I understand it, the Council's position on this is that the primary purpose of the Green Wedge in this vicinity is, in effect, to prevent the urban area coalescing with the Duchy area to the north and Harlow Carr Gardens to the west. On the former point, it is obvious that a significant swathe of open undeveloped land would continue to separate the Duchy from the Harlow Hill area. The appeal scheme would have no discernable impact in this regard.
35. On the latter point, if the Local Plan does intend to maintain separation between the urban area and Harlow Carr Gardens, the Green Wedge delineation leaves this far from clear. I strongly doubt that the Green Wedge was drawn up with this aim in mind. In any case, whatever the original intention of the Green Wedge's demarcation, the scheme falls to be considered against Policy C10, taking account of the three Green Wedge roles set out in paragraph 3.36.
36. Regarding the first role, I am not persuaded that the open nature of the appeal site between the dwellings to the southeast and Harlow Carr Gardens prevents

“the urban area becoming one undifferentiated built-up area within its overall boundaries”. The appeal scheme would bring housing up to Harlow Carr Gardens. But Harlow Carr Gardens is a botanical garden with a building providing entrance to it and serving one or two largely ancillary or related uses. It is not urban, ‘built-up’ or within the overall boundaries of the urban area, and nor would it be. It would remain clearly differentiated from the proposed development and the built-up area. In my judgement, the appeal scheme would not lead to the vicinity becoming one undifferentiated urban area of the kind the Green Wedge aims to avoid.

37. I have already given my opinion about the appeal site’s contribution in relation to the open spaces linking the town centre with the open countryside. In short, Valley Gardens and Pine Woods perform this function, and the appeal site plays no part of any consequence in that regard. Moreover, in terms of the third Green Wedge role, the appeal site does not afford public access and there is no compelling reason to suppose that this situation is likely to change. Again, it is Valley Gardens and Pine Woods that give public access through open spaces from the town to the country.
38. Given this, while Pine Woods and Valley Gardens patently perform the function of a Green Wedge as described in paragraph 3.36, and thus possess a strong Green Wedge character, the same cannot be said of the appeal site. While it is open land, it does not to any meaningful extent perform any of the functions for which the Local Plan says Green Wedges are important. The proposed development would not undermine the purpose of the Green Wedge, and I conclude that it would not harm or adversely affect its character. It therefore would not conflict with Local Plan Policy C10 or its general objectives. For the same reasons, it would also not conflict with the aims of Core Strategy Policy EQ2 which, in this regard, seeks to protect Green Wedges which are an important part of Harrogate’s character and distinctiveness.

Whether any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits

39. The Council concedes that it cannot demonstrate a five-year supply of deliverable housing sites such that, in line with paragraph 49 of the NPPF, relevant policies for the supply of housing should not be considered up-to-date. In such circumstances, paragraph 14 of the NPPF says that the presumption in favour of sustainable development means granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.
40. The main parties dispute the precise level of the shortfall of deliverable sites for housing. The Council’s latest figure puts supply at 2.2 to 2.8 years, while the appellants estimate the supply to be in the order of 1.85 to 2.3 years. I consider that both calculations reveal a significant under-supply. In this context, that the appeal scheme would provide around 124 new homes is a benefit of very considerable weight.
41. Moreover, the low delivery rates of recent years add to this. Allowing the development would bring about an opportunity to deliver market and affordable homes in a borough where the identified needs for both of these types of housing have not been met for some time.

42. The appellants point to other advantages of the scheme, including improvements to surface-water flooding at Harlow Carr Gardens, job creation, Council tax income and expenditure in the local economy. While these are benefits of the scheme, to a greater or lesser extent, I consider them of little significance and they have not been decisive in this case.
43. I turn to points made concerning adverse impacts. Notwithstanding my conclusion on the first main issue, I accept that the proposed development would cause some harm in relation to landscape and visual effects. For present purposes, these must be taken to be adverse impacts. However, given my overall conclusion on the first main issue, these are of limited weight.
44. Local residents have raised a number of other concerns and I have taken account of all the evidence. However, contrary to the belief of some, the site is not in an Area of Outstanding Natural Beauty. The highest status of protection given to such areas by the NPPF therefore does not apply in this case.
45. I note the points about highway safety, traffic congestion and the inadequacy of local transport infrastructure. However, the Council has withdrawn its reason for refusal relating to highways matters. It is clear that the highways authority now has no objections to the scheme. Measures to help avoid traffic problems are required through the planning conditions I have imposed, and others are included in a planning obligation, which I consider in more detail below. These should ensure that emergency response times from the police station are not materially affected. There is no compelling evidence before me to clearly demonstrate that, with these measures in place, the scheme would lead to highway safety problems or cause unacceptable levels of congestion.
46. It may be that there are issues with local infrastructure and services, such as GP surgeries. But that alone does not amount to a strong reason to reject the scheme. Moreover, the planning obligation includes a commuted sum to ensure that sufficient school places are provided to accommodate new pupils arising as a result of the development.
47. There is no tangible evidence to suggest that the appeal development would lead to particular harm to wildlife. I note the claims about the presence of protected species in Pine Woods. Even if I were to accept them, no detailed or specific evidence has been produced to demonstrate that protected species would be disturbed or harmed by the development. Additionally, on the evidence, I am not convinced that the scheme would significantly affect other birds or animals in Pine Woods, or hamper their movement along the Valley Gardens/Pine Woods corridor. The Council has not sought to resist the project on these grounds, and I have no compelling reason to differ.
48. Concerns have been raised about the inclusion of an attenuation pond as part of the scheme. But I see no reason why such a feature cannot be made and kept safe, even from inquisitive children.
49. It may be that there are brownfield sites in Harrogate that could be developed for housing. A New Town may also be a solution which could contribute to the borough's supply of housing land. Selecting the most appropriate sites for development, though, is a matter for the Council to address through the plan making process. I must, and have, determined this appeal on the merits of the proposed development.

50. I note the concerns about the impacts of the development on the living conditions in nearby homes. However, it is clear to me that a suitable layout and design could be found to prevent neighbours experiencing privacy and noise problems. Such matters remain in the Council's control. Some neighbours presently have a view across the field. This outlook would change. Although perhaps less pleasant or desirable, I see no reason why the resultant view of the development from within neighbouring homes should be harmful to the living conditions there. While this may affect the market value of existing properties, that is not a persuasive reason to reject the proposal.
51. While I do not doubt that some neighbouring residents will experience some adverse effects during the construction phase, this point should carry very little weight. Such impacts would be limited in period, and there is no reason why they should be particularly severe in this case. Moreover, impacts of this sort are an almost inevitable result of allowing development to occur. Resisting schemes on this basis would stifle development and would be unreasonable.
52. I recognise that the proposed development would conceal Harlow Grange from most public viewpoints. However, notwithstanding its merits, it is not a listed building. This is a minor disadvantage.
53. Taking account of all this, and the detail of all of the comments made, I conclude that even when considered in combination, there are no adverse impacts which significantly and demonstrably outweigh the benefit of providing the homes proposed, when assessed against the policies in the NPPF taken as a whole.

Other matters

54. The appellants evidence makes much of whether the Local Plan policies relied on by the Council are 'policies for the supply of housing' in relation to paragraph 49 of the NPPF, and whether they should be considered up-to-date. However, this matter has had no bearing on the outcome here. I have determined the appeal against those development plan policies. Moreover, given my conclusion on the third main issue and considering all the evidence, I regard the proposal to represent sustainable development of the sort the NPPF presumes in favour of.
55. The Council included the appeal site as a preferred option for development in the Sites and Policies Development Plan Document Urban Areas Consultation in September 2011. It was not proposed in the submitted version of the Sites and Policies plan, which has recently been withdrawn from examination. Some see the site's 'removal' from that plan as justification for rejecting the appeal proposal. Conversely, the appellants argue that its earlier inclusion bolsters their case. To some extent, I agree with the appellants on this. That the Council previously assessed the appeal site to be among the most appropriate to meet the district's housing needs is relevant. But this is not a determinative point, and does not amount to a benefit of the scheme to be weighed in the balance.
56. The local education authority has indicated problems in respect of the pressure for school places. The appeal scheme would add to the number of school age children here, and correspondingly increase these pressures. The planning obligation provides a financial contribution to provide additional school capacity. I consider this necessary to secure the scheme's acceptability in

planning terms. The sum is derived from the formula in the '*Policy on Developer Contributions to Education Facilities*' of the Council and North Yorkshire County Council, dated February 2003, and in my view is fairly and reasonably related in scale and kind to the proposed development.

57. Financial contributions for off-site highway improvements and an off-road cycle path along Otley Road are also included in the planning obligation. The former relates to the provision of MOVA traffic lights and associated works at the Otley Road junction with Harlow Moor Road and Hill Rise Avenue. This is to the northeast of the site, on the route into the town centre. Though already provided with traffic signals, this junction results in sometimes lengthy queues. The MOVA signals are designed to manage the through-put of traffic more efficiently and so reduce waiting times and congestion. I consider their provision necessary. Without them the additional traffic from the appeal development could lead to harmful conditions on the highway, increasing risks to the safety of its users. The off-road cycle path is also necessary to ensure that the site is satisfactorily accessible by non-motorised transport means.
58. The covenant in the obligation relating to the on-site open space includes provisions for the management and maintenance of the open space secured through conditions, and the financial means for delivering these. This should be regarded as necessary in planning terms to ensure that the open space continues to properly perform its intended function and remains satisfactory in terms of its appearance.

Conditions

59. Planning conditions have been set out in statements of common ground between the appellants and the Council and the highways authority. During the Inquiry, these lists of agreed conditions were revised a number of times. The final list of conditions suggested by the Council is set out in Document 15. I have considered all the conditions suggested in the light of national policy and guidance. Given the outline nature of the application, conditions are needed to ensure that the matters reserved for future approval remain subject to the Council's approval.
60. I agree that the dwellings should achieve Level 4 of the Code for Sustainable Homes. The appellants have confirmed that they are planning to build to this level, and I have not been made aware of any impediment to achieving it.
61. A condition is necessary to ensure that the site is properly drained. To this end, I agree that separate foul and surface water systems should be used, that they should be subject to the Council's approval and that they should be provided before the homes are occupied. It is reasonable to require the latter to be based on sustainable drainage principles and on the site's hydrological and hydrogeological conditions, which an assessment is needed to establish.
62. To avoid flooding problems, it is necessary to prevent piped surface water discharge ahead of the final approved surface water drainage system being installed. For the same reason, the surface water drainage system should be able to accommodate the run-off generated by rainfall events up to and including a 1 in 100 year critical storm plus 30%. The main parties agree that adding 30% is an appropriate precautionary response given the permanence of the development and the uncertainties about climate change impacts on rainfall

- intensities. On the evidence, I concur that it is reasonable and necessary to require this.
63. Public open space with a play area is intended as part of the scheme. I concur that this should be required. A condition is needed to secure it, and the details of the space, the play area and equipment, and the delivery of all this should be subject to the Council's approval.
 64. It is clear that the appellants intend that at least 40% of the new dwellings will be affordable homes. This is necessary in order to avoid conflict with the development plan. A condition to secure its delivery and establish the arrangements for its phasing, management and occupation is therefore required.
 65. To make sure that the new roads proposed are adequate in functional terms, are safe and have a satisfactory appearance, detailed drawings at appropriate scales of the highway, street lighting and other street furniture should be subject to the approval of the Council before works begin on the site. For safety reasons, requiring design measures to keep vehicle speeds below 20 miles per hour is reasonable. Details of the highway surface water disposal method should also be a matter for the Council's approval, to ensure that the road drainage system is adequate.
 66. So that people living in any of the new houses while others are still being built do not experience poor living conditions or safety problems, before they can occupy the property the carriageway and any footway serving it must be provided to the base course level. The carriageway should also be connected to the existing highway network, and kerbs and street lighting should also be installed and in operation.
 67. For safety reasons, the site should not be used by vehicles until the first 20 metres of the site access road is constructed to base level and specified visibility splays are provided, and thereafter retained. However, it is reasonable that vehicles should be allowed on the site beforehand in order to construct the site access road referred to.
 68. I agree that a scheme of highways works at the Crag Lane junction with Otley Road should be subject to the approval of the Council, to make sure that traffic from the development does not cause safety problems or traffic congestion at the junction. The scheme should include widening the western radius of Crag Lane in accordance with drawing number 3099/SK001/004, and providing it with tactile paving, installing the traffic signals and islands shown on drawing number 3099/SK001/002, and undertaking a Stage 2 Safety Audit. The proximity of the police station makes all this particularly necessary. It is reasonable to demand that the widening of Crag Lane be completed before works begin on site, and that the traffic signals be installed before any of the dwellings are occupied.
 69. To help to avoid on-street parking adding to congestion and safety issues, none of the new homes should be occupied until the parking facilities intended for it are provided. To be an effective measure, the parking area should then be kept free for that purpose.
 70. For highway safety reasons, measures to prevent mud or other material from the site being deposited on the road should be subject to the Council's

approval. To be effective, it is necessary that the approved measures are in place before vehicles begin to access the site until the construction phase is completed.

71. Conditions are needed to control the effects of construction works on neighbour's living conditions. To achieve this, a site compound, along with dedicated parking and material storage areas, should be subject to the approval of the Council and should be provided before works start and throughout the construction phase. The hours of construction works should also be restricted. While I note the different hours suggested by some, I regard the times set out in condition 15 to be reasonable, and would adequately achieve the intended aim.
72. A condition requiring an investigation of any contamination on the site has been suggested. The Council's Environmental Health Officer has indicated that the site is in an area considered to be affected by radon gas, and says that further investigation is necessary to establish the likely risks from that and gases from adjacent quarries. To ensure the safety of the development's future occupiers, I have included an appropriate condition accordingly.
73. I agree that the finished floor levels of each building and the levels of the ground around them should be for the Council's approval. This is necessary to ensure that the development has a satisfactory appearance.
74. Finally, given the presence of trees here, particularly those in Pine Woods abutting the site, tree protection measures first approved by the Council should be in place before site works start and until they are completed.
75. A condition was suggested relating to the undertaking of a breeding bird survey. The Council withdrew the suggested condition at the Inquiry. The point here was to protect any bird nests from construction works. However, a condition preventing the damage or destruction of nests being used by wild birds is not needed, as this is covered by other legislation.

Conclusion

76. Overall, I have concluded that while the proposed development would cause some harm to the character and appearance of the landscape and surrounding area, and consequently to the setting of Harrogate, it need not do so to a material extent, and that it would not be harmful in terms of the Green Wedge. I have also concluded that there are no adverse impacts which significantly and demonstrably outweigh the benefit of providing the homes proposed, when assessed against the policies in the NPPF taken as a whole.
77. For these reasons, those given above and having regard to all other matters raised, in line with the presumption in favour of sustainable development, I conclude that the appeal should be allowed and that outline planning permission should be granted.

Simon Berkeley

INSPECTOR

Appearances

For the local planning authority:

Ruth Stockley, of Counsel

She called

Wendy Wright
BA (Hons) Dip LA CMLI

Richard Wood
BA BPI MBA MRTPI

Principal Landscape Architect, Harrogate Borough
Council

Director, O'Neill Associates

For the appellant:

Richard Sagar, Partner at
Walker Morris Solicitors

He called

Brian Denney
BA (Hons) DIPLA CMLI
CENV MIEMA

Paul Cornfoot
BSc (Hons) MSc MIHT
MRTPI

Clive Brook
FRTPI

Environmental Planning Director, Pegasus Group

Director, Fore Consulting Limited

Director, Johnson Brook Planning and Development

Interested persons:

Mr Malcolm Coupe

Chair of Harlow Grange Park Management Company
Limited

Mrs Linda Potter

Chair of Harrogate and District CPRE

Mr Murray Trantor

Chair of Harlow and Pannal Ash Residents
Association

Mr Clarke

Local resident

Documents submitted at the Inquiry

- 1 Photographic visualisations.
- 2 Harrogate Local Plan Annual Monitoring Report 2014.
- 3 A statement by Mr Malcolm Coupe.
- 4 A draft planning obligation under Section 106 of the Town and Country Planning Act 1990.
- 5 A summary of the provisions of the planning obligation.
- 6 A statement by the Royal Horticultural Society and an extract from the press.
- 7 The Secretary of State's decision in two appeals in Droitwich Spa and the Inspector's report.
- 8 A revised version of Figure 1: Appendix B to the appendices of Mrs Wright's proof of evidence.
- 9 The appellants' opening submissions.
- 10 A statement from Harlow and Pannal Ash Residents Association.
- 11 A statement from the Harrogate and District CPRE.
- 12 A photographic visualisation.
- 13 A further draft of the planning obligation listed above as Document 4.
- 14 A list of conditions additional to those in the Statement of Common Ground.

- 15 A final list of conditions agreed between the main parties.
- 16 A letter from the Royal Horticultural Society to Mr Trantor.
- 17 The '*Policy on Developer Contributions to Education Facilities*' of the Council and North Yorkshire County Council, dated February 2003.
- 18 An email and completed pro-forma from North Yorkshire County Council to the Council setting out the education contribution calculation.
- 19 The Council's closing submissions.
- 20 The final, completed planning obligation.
- 21 The appellants' closing submissions.

Schedule of conditions

- 1) An application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission. The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.
- 2) Details of the appearance, landscaping, layout, and scale (herein called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
- 3) The dwellings shall achieve Level 4 of the Code for Sustainable Homes. No dwelling shall be occupied until a final Code Certificate has been issued for it certifying that Code Level 4 has been achieved.
- 4) No development shall take place until a drainage scheme has been approved in writing by the local planning authority. The drainage scheme shall include:
 - i) separate systems of foul and surface water drainage;
 - ii) details of the foul and surface water drainage systems and their phasing;
 - iii) an assessment of the hydrological and hydrogeological conditions;
 - iv) surface water drainage based on sustainable drainage principles and the approved hydrological and hydrogeological assessment; and
 - v) details to demonstrate that the surface water drainage works can accommodate the surface water run-off generated by rainfall events up to and including a 1 in 100 year critical storm, plus an additional 30% run-off level, and that the surface water run-off shall not exceed that from the site in an undeveloped condition during and following such rainfall events.

Foul and surface water drainage shall be provided in accordance with the approved drainage scheme before the first occupation of any of the dwellings, unless otherwise approved in writing by the local planning authority. There shall be no piped surface water discharge prior to the completion of the surface water drainage works.
- 5) No development shall take place until a scheme for the provision of public open space and play facilities has been approved in writing by the local planning authority. The scheme shall include details of:
 - i) the siting and delineation of the public open space;
 - ii) the design and installation specifications of the facilities to be provided, which shall include play equipment within a play area;
 - iii) the delivery arrangements to ensure that the public open space, the play area and any other facilities are laid out or provided during the course of the development, including any phasing of delivery.

The public open space, the play area and any other facilities shall be provided and completed in accordance with the approved scheme and shall thereafter be retained.
- 6) The development shall not begin until a scheme for the provision of affordable housing as part of the development has been approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing

in Annex 2 of the National Planning Policy Framework or any future guidance that replaces it. The scheme shall include:

- i) the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 40% of housing units;
 - ii) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
 - iii) the arrangements for the transfer of the affordable housing to an affordable housing provider;
 - iv) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
 - v) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.
- 7) No excavation, other groundworks except investigative groundworks, or depositing of any material on the site shall begin until the following details have been approved in writing by the local planning authority:
- i) detailed drawings to a scale of not less than 1:500 based on an accurate survey showing: the site layout and buildings, including levels; the highway layout and boundary; dimensions of all carriageways, footways and verges; visibility splays; accesses and driveways; the drainage and sewerage system; design measures to keep vehicle speeds below 20 miles per hour; lining and signing details; and all types of surfacing, kerbing and edging;
 - ii) longitudinal sections to a scale of not less than 1:500 horizontal and 1:50 vertical along the centre line of each proposed road showing: the existing ground level; the proposed road channel and centre line levels; and full details of the surface water drainage proposals;
 - iii) full highway construction details including: typical highway cross-sections to a scale of not less than 1:50 showing the specification for all types of construction proposed for carriageways, cycleways and footways/footpaths; and drainage, kerbing and edging construction details;
 - iv) details of the method and means of highway surface water disposal;
 - v) details of all proposed street lighting;
 - vi) full working drawings of any proposed structures which affect or form part of the highway network; and
 - vii) a programme for completing the works.
- The development shall be carried out in accordance with the approved details.
- 8) No dwelling shall be occupied until the carriageway and any footway/footpath from which it gains access has been constructed to base course macadam level and/or block paved and kerbed and connected to the existing highway network with street lighting installed and in operation.
- 9) Except for the purpose of constructing the initial access (being the first 20 metres of the approved site access road measured from the carriageway of the existing highway), there shall be no access to or egress from the site by any vehicle until the initial access has been provided and finished to base

surface in accordance with details first approved in writing by the local planning authority. Any damage to the initial access during the site construction phase shall be repaired immediately.

- 10) Except for the purpose of constructing the initial access (being the first 20 metres of the approved site access road measured from the carriageway of the existing highway), there shall be no access to or egress from the site by any vehicle until splays are provided giving clear visibility of 90 metres measured along both channel lines of Crag Lane from a point measured 2.4 metres down the centre line of the initial access. These visibility splays shall be kept clear of any obstruction and retained for their intended purpose.
- 11) A scheme of highways works shall be submitted for the written approval of the local planning authority. The scheme shall provide for and include details of the following:
 - i) the widening of the western radius of Crag Lane and the provision of tactile paving in accordance with drawing number 3099/SK001/004;
 - ii) the installation of traffic signals at the Otley Road/Beckwith Head Road/Crag Lane junction in accordance with drawing number 3099/SK001/002;
 - iii) the undertaking of an independent Stage 2 Safety Audit; and
 - iv) a programme for the completion of the scheme.

No excavation, other groundworks except investigative groundworks, or depositing of any material on the site shall begin until the western radius of Crag Lane has been widened and tactile paving provided in accordance with the details first approved in writing by the local planning authority. Traffic lights shall have been installed at the Otley Road/Beckwith Head Road/Crag Lane junction in accordance with the details first approved in writing by the local planning authority before the first occupation of any of the dwellings.

- 12) No dwelling shall be occupied until the parking facilities intended to serve it have been constructed in accordance with the details required under condition 7 above. Once constructed all parking areas shall be kept free of any obstruction and shall not be used for any purpose other than the parking of vehicles.
- 13) There shall be no access to or egress from the site by any vehicle until details of measures to prevent the deposition of mud, grit, dirt and other materials on the highway have been approved in writing by the local planning authority. Such measures shall be in place before construction works commence and shall be used for the intended purpose throughout the construction phase and until the local planning authority gives written approval for their cessation and/or removal.
- 14) No excavation, other groundworks except investigative groundworks, or depositing of any material on the site shall begin until the following details have been approved in writing by the local planning authority:
 - i) the site compound;
 - ii) an on-site parking area which shall be sufficient to accommodate all staff, sub-contractor and visitor vehicles clear of the public highway;
 - iii) an on-site material storage area sufficient to accommodate all materials required on-site at any one time during the construction phase; and

- iv) a phasing plan showing every location proposed for the compound, parking area and material storage area as the construction of the development progresses.

The development shall be carried out in accordance with the approved details.

- 15) Construction works shall not take place outside the hours of 07.30 to 18.00 Mondays to Fridays and 09.00 to 13.00 on Saturdays nor at any time on Sundays or Bank/National Holidays.
- 16) No development shall take place until a site investigation of the nature and extent of contamination has been carried out in accordance with a methodology first approved in writing by the local planning authority. The results of the site investigation shall be made available to the local planning authority before any development begins. If any contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted, shall be submitted to the local planning authority for written approval. The site shall be remediated in accordance with the approved measures and a validation report that demonstrates the effectiveness of the remediation carried out shall have been approved in writing by the local planning authority before development begins.

If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to the local planning authority for written approval. The remediation of the site shall incorporate the approved additional measures.

- 17) The finished floor levels of each building and the corresponding finished ground levels around them shall be in accordance with details which shall first have been approved in writing by the local planning authority before the development commences.
- 18) No development shall take place until tree protection measures have been implemented in accordance with details first approved in writing by the local planning authority. The details shall include an arboricultural method statement, a plan and schedule of the trees to be protected and details/specifications of the protection measures proposed. The approved tree protection measures shall remain in place throughout construction works and until the local planning authority gives written approval for their cessation and/or removal.