

North Yorkshire Council

Harrogate and Knaresborough Area Constituency Planning Committee

Minutes of the meeting held at Harrogate Civic Centre on Wednesday, 31 May, 2023 commencing at 2.00 pm.

Councillors: Councillor Pat Marsh in the Chair. Councillors Chris Aldred, Philip Broadbank, Sam Gibbs (Substitute), Hannah Gostlow and Robert Windass.

Officers present: Harriet Clarke, Kate Lavelle, Dan McAndrew, Glenn Sharpe and Nick Turpin.

Copies of all documents considered are in the Minute Book

08 Apologies for absence

The Chair welcomed everyone to the meeting and advised that due to a technical issue, the meeting could not be live-streamed.

Councillor Sam Gibbs attended as a substitute for Councillor Paul Haslam.

Apologies for absence had been received from Councillors John Mann **and Paul Haslam**.

09 Minutes of the meeting held on 25 April 2023

Resolved

That the minutes of the meeting held on 25 April 2023, having been printed and circulated, be taken as read and confirmed and signed by the Chair as a correct record.

10 Declarations of interest

There were no declarations of interest.

11 Public Questions and Statements

There was one public question received from Adele Laurie-Wilson, in relation to Agenda item 5. The Chair agreed to hear the public question as part of that agenda item.

12 20/01333/FULMAJ - Full Planning Application for 53 No. Residential Dwellings with Associated Parking, Public Open Space And Landscaping (Amended Submission) at Land Comprising Field at 429829 457681 Knox Lane, Harrogate, North Yorkshire On Behalf Of Jomast

APPLICATION NO.: 6.79.9616.E.FULMAJ

LOCATION:

Land Comprising Field At 429829 457681 Knox Lane, Harrogate, North Yorkshire

APPLICANT: Jomast

Considered –

The Assistant Director Planning sought determination of a planning application for 53 residential dwellings with associated parking, public open space and landscaping (Amended submission) at the land comprising field at 429829 457681, Knox Lane, Harrogate.

The Chair welcomed Adele Laurie-Wilson to the meeting and invited her to read out her public question as follows:

“Dear Planning Committee Meeting members

I wish to raise a question in relation to point 5 on the agenda, regarding the proposed development on Knox Lane.

The planning application at point 5 is made in relation to an area that has been designated in the local plan under policy NE4 as a “Special Landscape Area (SLA)”.

In the past, a planning application was made by an owner of a small portion of this land within the SLA, which is adjacent to 53 Old Trough Way. The application was to change its use from agricultural to domestic residential, no building was proposed.

The planning application was refused by Harrogate Borough Council on the basis of the SLA nature.

The owner appealed the council’s refusal and the case was taken to the Planning Inspectorate.

On 9th March 2022, The Planning Inspectorate, upheld Harrogate Council’s decision to refuse the change of use. I quote – The main issue is the effect of the proposal on the character and appearance of the Special Landscape Area and countryside. The Planning Inspectorate notes that “the proposal would be in conflict with policies NE3 and NE4 of the Harrogate District Local Plan March 2020 and the National Planning Policy Framework.”

The proposal at point 5 is also in contravention of the explicit condition in the Northern Powergrid letters posted on the council planning portal dated 15 February 2022 and 2 September 2022. Both letters say “Please note ground cover must not be altered either above our cables or below overhead lines...”. I note the planning proposal has the service road passing directly under the power cables in two places.

My question to the committee is: How can the proposed development at agenda point 5 be recommended for approval by the planning officer when there is already a precedent of domestic development being refused, not only by the local council, but also the Planning Inspectorate on this land in the same area of Special Landscape Area (contravenes NE3 and NE4), as well as it being in direct contravention of Northern Powergrid’s condition that no ground cover directly under the power cables is altered?”

In response, Nick Turpin, Planning Manager confirmed the following:

In terms of the appeal decision which relates to planning application 21/03235/FUL (APP/E2734/W/22/3290226), it should be noted that the site falls outside the residential allocation area and is beyond the development limit for the Town.

It does fall within the Special Landscape Area (SLA) and sits adjacent to part of the current application area under 20/01333/FULMAJ. It is important to note that no residential development is proposed on the area of land adjacent to the appeal site (it is limited to the site allocation, which falls within the Development Limit for the Town). The area in question will form part of the biodiversity enhancement and landscaped area. It will not be domestic in appearance, nor contain domestic paraphernalia, for which the Planning Inspector dismissed the appeal for the domestic garden extension and should not compromise the character of the SLA and countryside in this location.

I now turn to the second part of the question, which relates to the Overhead Power Lines. Members will note that page 42 of the report includes an informative from Northern Powergrid. This states as follows: -

“Please note ground cover must not be altered either above our cables or below overhead lines. In addition no trees should be planted within 3 metres of existing underground cables or 10 metres of overhead lines. All our apparatus is legally covered by a wayleave agreement, lease or deed or alternatively protected under the Electricity Act 1989. Should any alteration / diversion of our company’s apparatus be necessary to allow work to be carried out , budget costs can be provided by writing to Network Connections, Alix House, Falcon Court, Stockton on Tees TS18 3TU Tel. 0800 0113433.”

Following receipt of this public question, Officers have gone back to Northern Powergrid who have re-iterated that they have no objections to the proposed plans. It is not unusual for roads to go under power lines. Officers consider the informative to be appropriate and as the Overhead line is covered by separate legislation outside of planning law, the developer will have to progress with satisfying National Power, before moving forwards with the development should permission be granted.

As a supplementary question, Adele Laurie-Wilson queried why the SLA was not seen as part of the area of the 20/01333/FULMAJ planning application.

In response, Nick Turpin confirmed that ~~part~~ **all** of the 20/01333/FULMAJ application site was indeed within the SLA but advised that ~~it was also a Local Plan allocated site~~ **part of the site the subject of the planning application was also a site allocated for residential development** within the development limits of the Town. No residential development was proposed on the SLA itself and ~~subsequently the appeal relating to the 21/03235/FUL application was a different scenario before the Planning Inspectorate at the time as it related to a SLA outside of the development limit of the Local Plan~~ **land outside the development limits as part of application 20/01333/FULMAJ. Therefore, the appeal relating to the 21/03235/FUL application was a different scenario before the Planning Inspectorate at that time, because that proposal related to a change of use of land to domestic use within the SLA, but outside of the Development Limits identified in the Local Plan.**

The decision –

That the planning application be DEFERRED for the following reason:

- For a further report regarding land contamination to include further sampling including sampling specifically in the area of the former railway line

(Stephen Readman and Damian Bowen spoke objecting to the application.)

Further to Minute 18, at the meeting of the Harrogate and Knaresborough Area Constituency Planning Committee of 25 July 2023, it was clarified that information presented to the Committee needed to be amended relating to the application site within the SLA. The amendments to the Minute therefore relate to factual corrections.

(Councillor Paul Haslam spoke on the application as the Division Member for Bilton and Nidd Gorge.)

(The applicant's land agent, Steve Hesmondhalgh, spoke in support of the application.)

The recommendation that 'planning permission be approved in principle and delegated to the Assistant Director for Planning to be granted subject to conditions and the completion of a S106 agreement' did not receive a seconder therefore the motion fell.

It was subsequently moved and seconded that the application be deferred for a further report regarding land contamination to include further sampling including sampling specifically in the area of the former railway line. On a vote being taken, three Members voted for, one voted against and there were two abstentions. The motion to defer the application was therefore carried.

13 Any other items

Such other business which the Chair agrees should be considered as a matter of urgency because of special circumstances.

There was no urgent business.

14 Date of Next Meeting

Tuesday 27 June, 2023.

The meeting concluded at 3.37 pm.