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30th October 2017

Department of Development Services,
For the attention of Alex Robinson,
Harrogate Borough Council,
P.O.Box 787,
Harrogate.

Dear Sir,

Planning Application 17/04112/FULMAJ 6.79.13359.A.FULMAJ
The Orchard Area, Old Swan Hotel, Harrogate

Thank you for your consultation on the above application for a block of 12 flats and converting and extending the potting shed to form a bin and bike store.

PLANNING BACKGROUND

Two similar applications have been made to build a block of 12 apartments on this historic kitchen garden/orchard site. These were accompanied by their listed building equivalents.

In 2015, we received consultations on applications 15/03058/FULMAJ & 15/03059/LB. Our letters are dated 28th September 2015 and 29th July 2015 respectively. These applications were refused for five reasons - the reason that is of most importance to our Society being that they would have been detrimental to the setting and historical importance of the listed Old Swan Hotel. Over-intensive development of the land to the rear of the hotel in combination with the neighbouring blocks was noted. The proposal was said to lead to the loss of protected trees on the site. Such was the concern about the trees that in October 2015 a provisional TPO was placed on 51 trees on the site, which was confirmed for 50 trees in March 2016 (TPO 48/2015).

In 2016 applications 16/04011/FULMAJ & 16/04012/LB came forward on which we were again consulted. Our letter of response to both of these applications was dated 11th November 2016. Once again significant concerns were raised by officers, resulting in withdrawal of the proposals, strengthened no doubt by the new TPO.

The applications of 2016 were under a new property reference – 6.79.13359 and not under the previous Old Swan Hotel property reference of 6.79.1890. Even though the land subject to the applications has been fenced off, the site must still be regarded as part of the setting of the hotel and within its curtilage due to history and previous usage.

THE SITE

The grounds to the rear of the Old Swan have changed beyond recognition, especially in very recent years. Listed building status demands that not just the main building is considered in any plans for development or alteration, but the whole curtilage and any buildings within it. The main building remains intact and some improvements have taken place, for instance the re-building of the large conservatory to its former glory.

On the other hand, almost all the original layout of the grounds including curtilage buildings has been lost. The quite grand repair garage, all of the individual garages, rear gardens, the gardeners' cottage, potting sheds and the tennis courts have been lost – all these features had been allowed to fall into disuse and disrepair with only some dilapidated potting sheds now surviving. Recently we saw 33 apartments in two linked blocks with parking areas developed. The new car park for the hotel in the area of the old tennis courts looks uncompromisingly urban and modern, with its stark access track and surface with signs and double yellow lines. The track just about manages to allow the attractive mature trees along it to survive! It is sad to see so much history of the site destroyed. The Old Swan no longer retains much of the grounds that were part of its character, and as a Listed Building we would have thought that its curtilage and setting would have counted for more.

In view of the recent history of the site, the last significant open space to the rear, (the kitchen garden/orchard area) should not be built on. When the applications for the 33 apartments came forward, it was our opinion that this old orchard, with the original fruit trees, some bearing original plant labels, would make an ideal amenity area for residents of the apartments. Some buildings that we thought would not be lost – e.g. the gardeners' cottage – were in fact demolished. The current application indicates the retention of the last remaining potting sheds but with extension and alteration. The applicant asserts that the setting of the Old Swan Hotel has already been severely compromised by the retirement flats. But why compound this effect? The walled garden is now an island of open space and overgrown and no longer plays the role it once did in contributing to the hotel setting, says the Planning Statement. This is not a reason to build a large block of flats on the area which would certainly not make a positive contribution to the setting. How we wish that past and present owners had maintained the site in a reasonable condition.

TREES

Trees are a major feature of the site. The fruit trees and other trees on the site are protected by TPO 48/2015, which was confirmed on 1st March 2016. This covered 50 trees in total, 10 larger trees at the boundary with the Ladies College and 3 groups of trees. We object to the destruction of any of the numbered trees or trees within Groups 1 & 2 of the order because they are one of the dwindling historic features of the layout of the Old Swan Hotel. They also provide a very valuable area of urban habitat for birds etc. The orchard area should be retained and cared for. The trees numbered 1-10 in the order along the boundary with the Ladies College must be retained. Many trees would be lost due to the proposed block of flats. Also, because of the proximity of the proposed block of flats, some of these

trees (even if retained during building) may well be found 'inconvenient' at a later stage. Complaints about lack of light may well ensue giving rise to unwelcome applications for disfiguring works or felling of trees. Falling leaves are also often accused of being a nuisance, even when trees pre-date a building by many decades! We would not like to think that a hazard was being created for the trees and, therefore, for their contribution to the conservation area, wildlife and the setting of the Old Swan Hotel.

DESIGN

In terms of overall appearance and effect on the Old Swan Hotel and its setting, this application is very little different from the withdrawn application (16/04011/FULMAJ). It would seem from pre-application discussions that officer opinion is therefore very similar to that regarding the withdrawn application. Officer concerns are many and they accord very much with our objections to the proposal. The design of the three storey block (with basement car parking) seriously intrudes upon the setting of the Listed Hotel. The block is alien to the character of the site with its flat roof. Some bulk has been lost due to the removal of the flat roofed extension previously proposed on top of the main roof. To reduce the degree and overlooking to the Ladies College site, windows on the rear have been eliminated or re-designed. The oriel windows are helpful from the Ladies College point of view, but a view from these windows towards the flats of Berwick Grange has been created. In aesthetic terms, the rear elevation is uninteresting and severe. The building is very close to the boundary of the site on the north east side and will affect some of the Berwick Grange flats in terms of overlooking, overbearing and some overshadowing when the sun is towards the west. The new block is higher than Berwick Grange.

A dwelling is no longer to be constructed based on the potting shed, which is a small improvement.

The current fence that has divided off the site already damages the aesthetic appreciation of the hotel setting, and the proposed fence, gates and access track will have the same effect.

Beneficially we see that new sewers are to be constructed rather than joining the drainage into the existing flats and hotel system.

ACCESS

The narrow lane that would be access to the new dwellings is already used by the 33 apartments, hotel staff, large and small delivery vehicles, coaches, refuse collection vehicles and to some extent by hotel guests, especially at the Swan Road junction. Hotel guests, who are unfamiliar with the extent to which this lane is used, may well cause a hazard when leaving. This narrow lane with its bends is not an access onto which any additional traffic should be encouraged because of the current degree of use and congestion exacerbated by insensitive parking and deliveries etc..

CONCLUSIONS

There is no doubt that this application should be refused for the following reasons –

- An unacceptable effect on the setting of the Listed Old Swan Hotel.
- A design which does not enhance or preserve the conservation area.
- Misuse of a site that is of historic value to the curtilage of the Old Swan Hotel.
- Loss and damage to trees with TPO, due to the proposed building work, and in the future due to trees being found inconvenient. These trees enhance the setting of the Listed Old Swan Hotel, the conservation area and also provide an urban wildlife habitat.
- The narrow access lane with its bends, considering current usage is inadequate for the additional traffic from 12 more dwellings.
- The adverse effect on amenity for residents of Berwick Grange due to overlooking, overbearing, overshadowing and disturbance from the development, including traffic.

Thank you again for your attention.

Yours faithfully,

Henry Pankhurst
Chairman
Harrogate Civic Society