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4<sup>th</sup> September 2018

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

Dear Sir,

Planning Application 18/03204/FUL 6.79.13359.C.FUL and  
Planning Application 18/03205/LB 6.79.13359.B.LB  
The Orchard Area, Old Swan Hotel, Harrogate

Thank you for your consultation on the above applications for the erection of a dwelling and converting and extending the potting shed to form a summer house.

#### PLANNING BACKGROUND

Two 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 28<sup>TH</sup> September 2015 and 29<sup>th</sup> 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 11<sup>th</sup> 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.

In 2017 we again saw applications on which we were consulted for a block of 12 flats along with converting and extending the potting shed to form a bin and bike store under Refs.

17/04112/FULMAJ and 17/04113/LB. We raised strong objections in our letters of 30<sup>th</sup> October 2017 and 25<sup>th</sup> October 2017 respectively. Strangely, these applications have been neither determined, nor withdrawn.

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. Evidence of this layout has almost disappeared except for the walled garden. The Planning Statement (PS) agrees with this saying that evidence of the compartmentalisation of the hotels' grounds is considered to have diminished – para. 7.5. At 7.7 the PS says that the kitchen garden is an island of open space with overgrown vegetation and a dilapidated structure and is no longer considered to play the role it once did in contributing to the setting of the listed building or the character of the conservation area. We can only agree that that the kitchen garden does not and will not play its original role BUT that is not a reason to destroy it. Also, we would add, there is nothing wrong with 'an island of open space'. Does every piece of open space need building on? It can be a benefit in itself. The applicant asserts "The reality is that the kitchen garden site has now been released for development and so will not be returned to its former use." We would have to agree that the site would not be resume a role of providing food for the hotel but we suspect that that the plot has been sold (and bought) on the assumption that residential use would gain planning consent.

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 hoped 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 and guests at the hotel. Some buildings that we thought would not be lost – e.g. the gardeners' cottage – were in fact demolished. The current application includes the retention and extension of the last remaining potting sheds. 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 Planning Statement says that the kitchen garden is now an island of open space with overgrown vegetation and dilapidated structures etc., as quoted above. How we wish that past and present owners had maintained the site in a reasonable condition. The lack of maintenance is not a reason for development. The NPPF at para. 130 states *"Where there is evidence of deliberate neglect of or damage to a heritage asset the deteriorated state of the heritage asset should not be taken into account in any decision"*.

#### TREES AND HEDGES

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 1<sup>st</sup> 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 unlike the recent neglect, and even destruction of fruit trees with TPO. If any construction work is to take place all trees must be carefully protected.

Twenty two trees, mostly fruit trees, would be lost due to this proposal for a large dwelling. The fruit trees with TPO should be retained for their historic value, they are just as much a part of the heritage and setting of the Old Swan Hotel as the built elements. Some even retain their original labels. They also make a contribution to the conservation area, and the orchard area is a habitat for urban wildlife. The PS at para. 7.12 says that implementation of a new management regime for the protected trees will come with new development. Does the owner not have a duty to look after trees with TPO, with or without a consent for new development?

We foresee a difficulty with replacing individual TPO trees with pleached trees and espalier fruit trees in planning terms. The pleached limes and the espalier fruit trees are a very nice reference to the previous gardens of the Old Swan but cannot simply be planted. How can it be ensured that the training and management of these trees, over the period of years that is

needed to create the style, will actually be put into practice? Can pleached and aspalier trees be TPO replacements for individual trees before they will have reached that form? We see that an existing hedge will be allowed to grow for screening. Again we have a possible problem of planning control over growing things. To what height may this hedge grow and will there be a stipulation of this which can be binding on occupants of the house.

## DESIGN

In terms of overall appearance and effect on the Old Swan Hotel and its setting, this application is of course very different from the previous applications for a block of 12 flats etc. Officer concerns regarding the previous applications are many and they accorded very much with our objections to those proposals. The current proposal although completely different still has an impact upon the setting of the Listed Hotel but much less impact on the neighbouring flats at Berwick Grange or the Ladies College.

The 'dug in' design of the single dwelling is very inventive and to be complemented for the very individual way that the spacious accommodation is fitted in. Construction is biased towards the rear of the site. The use of a sedum roof and grasscrete for parking and turning areas is to be commended. The pleached limes, if they ever come to pass as mentioned under Trees above, would be an unusual 'green' credential.

The potting shed is an important reference to the former use of the site and although it is very dilapidated its renovation is essential. We are pleased that this is part of the application and that an extension to form a summer house is planned. This will be an appropriate re-use and the very practical tunnel and steps from the house are a surprising element. No doubt a very rare feature!

The current fence that has divided off the site seriously damages the aesthetic appreciation of the hotel setting. Further extension (although short) of the access track will continue the damage already caused to the setting of the hotel. The design of the new vehicular gate is unacceptable. It is very wide at 6m and quite high at 1.8m. The width of the access is increased by the side gate but because it is at an angle it doesn't add to the impression of dominance of the entrance too greatly. The heavy looking design and construction of the gates (more like factory gates) with plain horizontal steel bars is ugly and not complementary to the setting of the historic hotel. To allow the sliding gate to move back, an unspecified length of timber side screen constructed of horizontal planks is provided which will add to the dominant effect of the access, compounded by the loss of a length of hedge.

## ACCESS AND PARKING

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 and also using the access track to the rear which is not for their use. This narrow lane with its bends is not an access onto which additional traffic should be encouraged because of the current degree of use and congestion, exacerbated by insensitive parking and deliveries etc.. The applicant clearly expects residents of the new dwelling and their visitors to be heavy users of the private car. In total 10 car parking spaces – 6 underground and 4 at ground level are provided. Refuse collections are also expected to take place on site.

## 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 due to loss of the last vestige of open space and historic layout of land and its uses at the rear.
- A design which does not enhance or preserve the conservation area in respect of the gates and the side screen. Also due to the unacceptable existing boundary fence.
- Misuse of a site that is of historic value to the curtilage of the Old Swan Hotel and the conservation area.
- Loss and damage to trees with TPO, due to the proposed building work. These trees enhance the setting of the Listed Old Swan Hotel, the conservation area and also provide an urban wildlife habitat. We doubt that replacing them by pleached and aspallier planting can provide a practical alternative to individual trees with TPO because they depend on years of training which would be difficult to enforce.
- The narrow access lane with its bends, considering current usage is inadequate for additional traffic.

Thank you again for your attention.

Yours faithfully,

Henry Pankhurst  
Chairman  
Harrogate Civic Society