

**Meeting:** Harrogate and Knaresborough Area Planning Committee

**Members:** Councillors John Mann (Chair), Chris Aldred (Vice-Chair), Philip Broadbank, Hannah Gostlow, Mike Schofield, Robert Windass and Peter Lacey.

**Date:** Thursday, 29th August, 2024

**Time:** 2.00 pm

**Venue:** Council Chamber - Civic Centre, St Luke's Avenue, Harrogate, HG1 2AE

Members of the public are entitled to attend this meeting as observers for all those items taken in open session. Please contact the named democratic services officer supporting this committee if you have any queries.

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The Council operates a scheme for public speaking at planning committee meetings. Normally the following people can speak at planning committee in relation to any specific application on the agenda: speaker representing the applicant, speaker representing the objectors, parish council representative and local Division councillor. Each speaker has a maximum of three minutes to put their case. If you wish to register to speak through this scheme, then please notify Dawn Drury, Democratic Services by midday on Friday 23 August 2024.

This meeting is being held as an in-person meeting that is being live-streamed and will be available to view via the following link <http://www.northyorks.gov.uk/livemeetings> Please contact the named democratic services officer supporting this committee if you would like to find out more.

### **Agenda**

1. **Apologies for Absence**

2. **Minutes for the Meeting held on 25 June 2024**

**(Pages 3 - 6)**

3. **Declarations of Interests**  
All Members are invited to declare at this point any interests, including the nature of those interests, or lobbying in respect of any items appearing on this agenda.
4. **THIS APPLICATION HAS BEEN WITHDRAWN - (Pages 7 - 34)**  
**ZC23/04392/FUL - Harrogate Sports And Fitness Centre,**  
**Harrogate, North Yorkshire**  
Report of the Assistant Director Planning – Community Development Services
5. **ZC23/04425/FULMAJ - Royal Horticultural Society, Harlow (Pages 35 - 56)**  
**Carr Gardens, Crag Lane, Harrogate, North Yorkshire, HG3**  
**1QB**  
Report of the Assistant Director Planning – Community Development Services
6. **Any other items**  
Any other items which the Chair agrees should be considered as a matter of urgency because of special circumstances.
7. **Date of Next Meeting**  
Tuesday, 24 September 2024 at 2.00pm.

Members are reminded that in order to expedite business at the meeting and enable Officers to adapt their presentations to address areas causing difficulty, they are encouraged to contact Officers prior to the meeting with questions on technical issues in reports.

**Agenda Contact Officer:**

Dawn Drury, Democratic Services Officer  
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Tuesday, 20 August 2024

## North Yorkshire Council

### Harrogate and Knaresborough Area Constituency Planning Committee

Minutes of the meeting held on Tuesday, 25th June, 2024 commencing at 2.00 pm.

Councillor John Mann in the Chair up to agenda item number 4. Councillor Chris Aldred in the Chair from agenda item number 5, plus Councillors Philip Broadbank, Hannah Gostlow, Robert Windass and Peter Lacey.

Officers present: John Worthington, Executive Officer - Development Management, Gerard Walsh, Principal Development Management Officer, Aimee McKenzie, Senior Planning Officer, Kate Lavelle, Solicitor (Planning and Environment), Heather Yendall, Improvement Manager (Area 6), Trevor Watson, Assistant Director – Planning (Observer), Harriet Clarke, Senior Democratic Services Officer; and Dawn Drury, Democratic Services Officer.

Apologies: Mike Schofield.

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#### Copies of all documents considered are in the Minute Book

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#### 14 Apologies for Absence

Apologies noted (see above).

#### 15 Minutes for the Meeting held on 28 May 2024

The minutes of the meeting held on 28 May 2024 were confirmed and signed as an accurate record.

#### 16 Declarations of Interests

Councillors John Mann and Chris Aldred advised that they had received email correspondence in relation to item 5 of the agenda.

Councillors Chris Aldred, Hannah Gostlow and Peter Lacey declared a non-pecuniary interest in item 4 of the agenda, as they were Members of the Harrogate and Knaresborough Liberal Democrat Constituency Association, and their Constituency Office was located in a building owned by the applicant, Impala Estates; and as an organisation, they pay Impala Estates a monthly rental fee. The Councillors confirmed that they would be keeping an open mind, and that they would speak and vote on the item.

Councillor Philip Broadbank also declared a non-pecuniary interest in item 4 of the agenda, as he was a Member of the Harrogate and Knaresborough Liberal Democrat Constituency Association, and whose Constituency Office was located in a building owned by the applicant, Impala Estates; and as an organisation, they pay Impala Estates a monthly rental fee. In addition, he was also a member of the Harrogate Civic Society. The Councillor confirmed that he would be keeping an open mind, and that he would speak and vote on the item.

Councillor John Mann declared a non-pecuniary interest in item 5 of the agenda, as he was the Division Councillor for Oatlands and Pannal, and confirmed that he would be speaking, as a public speaker, against the application. He further confirmed that Councillor Chris Aldred, as Vice Chair, would Chair the meeting from item 5 of the agenda, and that once he had spoken, he would leave the Committee prior to the debate stage and would not participate in the vote.

### **Planning Applications**

The Committee considered reports of the Assistant Director Planning – Community Development Services relating to applications for planning permission. During the meeting, Officers referred to additional information and representations which had been received.

Except where an alternative condition was contained in the report or an amendment made by the Committee, the conditions as set out in the report and the appropriate time limit conditions were to be attached in accordance with the relevant provisions of Section 91 and 92 of the Town and Country Planning Act 1990.

Where the Committee granted planning permission in accordance with the recommendation in a report this was because the proposal is in accordance with the development plan, the National Planning Policy Framework or other material considerations as set out in the report unless otherwise specified below.

#### **17 ZC23/03697/FUL - Former Council Offices, Crescent Gardens, Harrogate, North Yorkshire**

Considered :-

The Assistant Director Planning – Community Development Services sought determination of a full planning application for the installation of access control bollards, construction of planters, and block paving to roadway on land to the front of the former Council offices, Crescent Gardens, Harrogate, North Yorkshire.

The application had been deferred at the Harrogate and Knaresborough Area Constituency Committee on 7th May 2024 because members did not feel that they had sufficient information to make an informed decision. Members had requested further information and clarification on the land sale and the potential application to the Secretary of State for a Stopping up Order.

The Principal Development Management Officer informed Members that since Planning Committee on the 7 May, one further representation had been received by the authority.

Members noted that an additional condition had been proposed; notwithstanding the provisions of Schedule 2, Part 2, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no fences, walls, gates or other means of enclosure other than any expressly authorised by this permission shall be erected without the grant of a further specific planning permission from the local planning authority. Officers considered this additional condition necessary to protect the setting of Queen Elizabeth Memorial Gardens and the wider conservation area.

Rebecca Oliver of the Duchy Residents Association spoke objecting to the application.

The applicant's agent, Hamish Robertshaw, spoke in support of the application.

During consideration of the above application, the Committee discussed the following issues:-

- Clarification on the reasoning behind the proposed additional condition regarding fencing.
- Was the highway land still within the control of North Yorkshire Council at the present time, and why it was imperative that the Stopping up Order be a condition of the final sale of the land.
- Whether there was the potential for issues to arise in terms of access for unloading and loading into Queen Elizabeth Memorial Gardens for upcoming events.
- If the current owners were to sell the business in the future would any subsequent owner, should they wish to change the use of the former Council offices, have to submit an application for this to the local authority; and would the application to be brought to Planning Committee.

The Decision :-

That planning permission be GRANTED subject to the conditions detailed in the Committee report and the additional condition as set out below.

#### Voting Record

A vote was taken and the motion was declared carried with 5 votes for, and 1 vote against.

#### Additional Condition

Condition: Notwithstanding the provisions of Schedule 2, Part 2, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no fences, walls, gates or other means of enclosure other than any expressly authorised by this permission shall be erected without the grant of further specific planning permission from the local planning authority.

Reason: To protect the setting of Queen Elizabeth Memorial Gardens and the wider conservation area.

The meeting adjourned at this stage to allow Councillor Mann to join the public speakers in the gallery.

Councillor Chris Aldred in the Chair.

### **18 ZC24/00887/FUL - Oak Back, 22 Ashgarth Court, Harrogate, North Yorkshire, HG2 9LE**

Considered :-

The Assistant Director Planning – Community Development Services sought determination of a full planning application for the change of use of a dwelling house (Use Class C3) to a child residential placement home (Use Class C2).

The Senior Planning Officer advised Members that since the publication of the agenda pack, in addition to the three emails which had been received by the local authority and Members: one from the applicant and two from members of the public objecting to the application, one further email had been received by Officers. The email raised concerns

regarding fencing between two properties and the need for obscure glazing to a landing window that overlooked a bedroom window at a neighbouring property. Officers did not consider that either concern changed the officer recommendation.

Richard Bannister spoke objecting to the application.

Councillor John Mann, Division Member for Oatlands and Pannal spoke objecting the application.

Councillor Mann left the meeting at this point and did not return.

The applicant, Jolyon McKay, spoke in support of the application.

During consideration of the above application, the Committee discussed the following issues:-

- Discussion took place regarding the process to be followed in terms of the OFSTED approval required, the location of the property, ideal dimensions for each bedroom, and the overall suitability of the property as a child residential placement home.
- Members noted that written comments had not been received from North Yorkshire Council's Health and Adult Services and queried if the application should be put in abeyance pending a response.

The Decision :-

That planning permission be GRANTED subject to the conditions detailed in the Committee report.

#### Voting Record

A vote was taken and the motion was declared carried with 4 votes for, and 1 abstention.

## **19 Any other items**

There were no urgent items of business.

## **20 Date of Next Meeting**

Tuesday 30 July 2024 – Civic Centre, Harrogate.

The meeting concluded at 3.38 pm.

## North Yorkshire Council

### Community Development Services

#### HARROGATE AND KNARESBOROUGH AREA PLANNING COMMITTEE

#### ZC23/04392/FUL - ERECTION OF TWO COVERED PADEL TENNIS COURTS; INSTALLATION OF PARKING AREA FOR UP TO 80 DAYS OF THE YEAR. AT HARROGATE SPORTS AND FITNESS CENTRE HARROGATE NORTH YORKSHIRE ON BEHALF OF HARROGATE SPORTS AND FITNESS CLUB AND THE YORKSHIRE SHOWGROUND

#### Report of the Assistant Director – Planning

#### **1.0 Purpose of the Report**

- 1.1 To determine a planning application for Erection of two covered padel tennis courts; installation of parking area for up to 80 days of the year, on land at Harrogate Sports and Fitness Centre on behalf of Assistant Director – Planning
- 1.2 This application is referred to the Planning Committee by request of a Member of the committee at the time of referral.

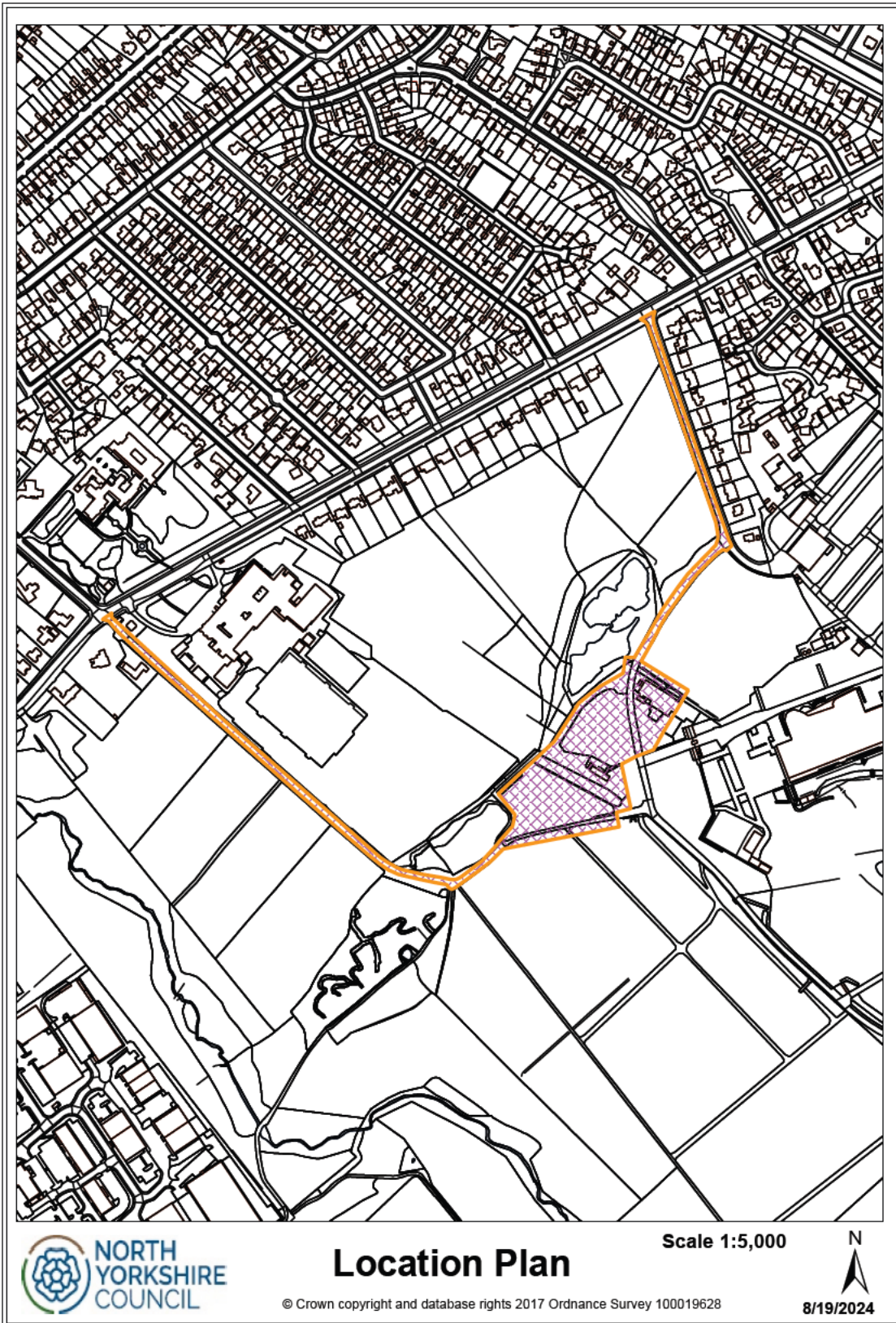
#### **2.0 EXECUTIVE SUMMARY**

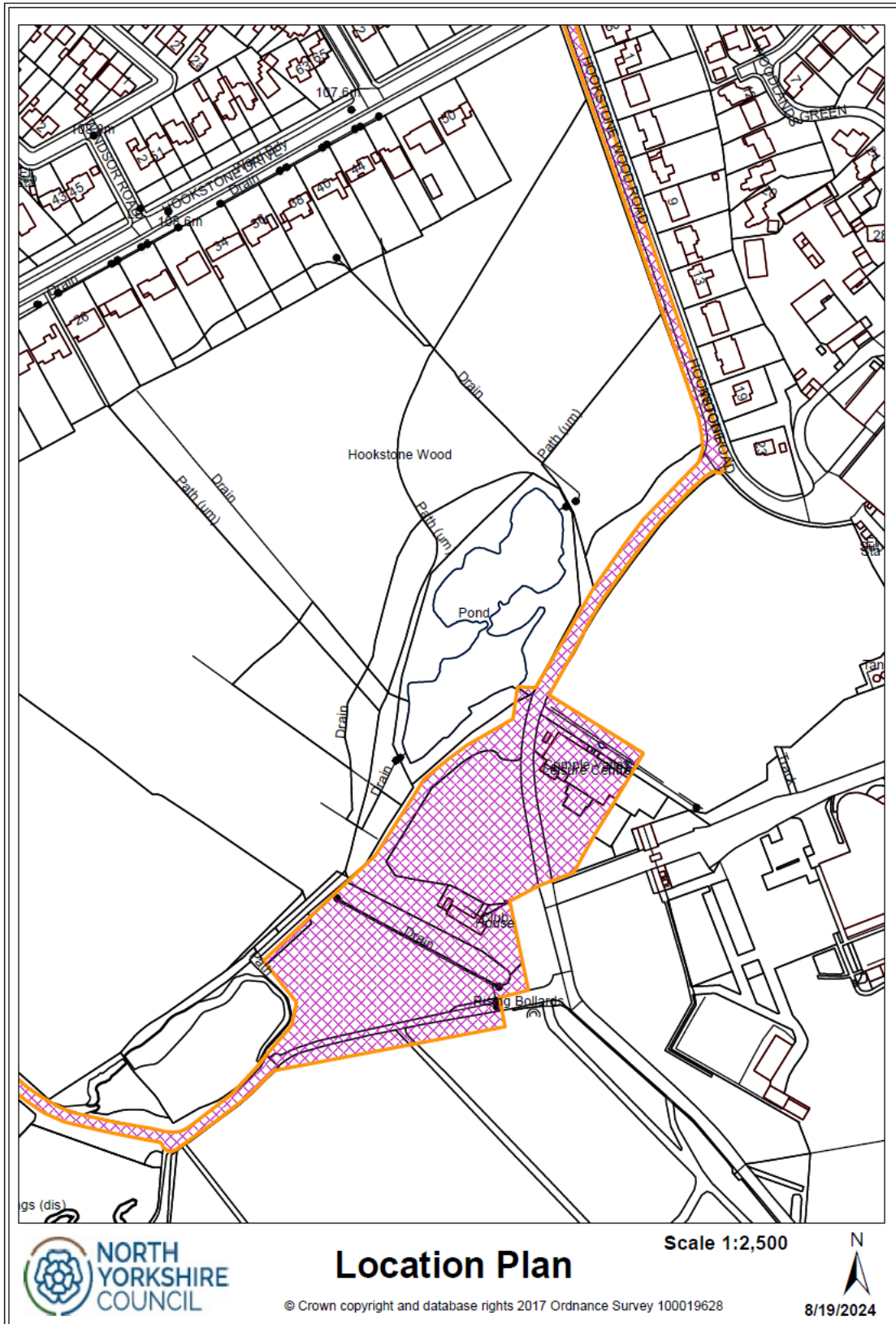
**RECOMMENDATION:** That planning permission be **GRANTED** subject to conditions.

- 2.1. The proposal site related to the Harrogate Sports and Fitness centre which is accessed via Hookstone Wood Road. The site is set outside of the development limits and within a Special Landscape Area as defined under Local Plan policy NE4. Hookstone Wood to the north of the site is an identified Local Nature Reserve under Local Plan Policy NE3.
- 2.2. The proposal seeks planning consent for the siting of two padel courts to be measuring a total of 23m x 27m with an external canopy structure at approximately 11.1m in height above ground level. The structure includes a netted enclosure around the courts, which measures 6.2m.
- 2.3. The padel courts would be set adjacent to the western edge of the Sports and fitness centre car park, adjacent to a belt of trees which adjoin the Hookstone Nature reserve to the north and adjacent to an existing Scout hut.
- 2.4. The second part of the planning application relates to the use of a grassed area to the west of the existing car park, to form event parking for up to 80 days of the year in association with the Yorkshire Show Ground.

- 2.5. The parking area would host a geo grid structure with grass to grow through and would not require formalised bay delineation.
- 2.6. The access to the site is through Hookstone Wood Road and is confirmed to be the sole access to be utilised in association with the padel courts, Coach and Railway Roads are to be used in association with the additional Yorkshire Show Ground parking area as set out within the Travel Plan note.
- 2.7. Concerns were raised by the Council's Ecologist with regards to potential light spill from proposed lighting to the courts and bollards and the removal of one Goat Willow. This objection has been removed subject to conditions, on receipt of additional clarity of the elevations of the court preventing light spill, lighting specification which clarifies acceptable light levels and supporting information which indicates the decline of the Goat Willow with limited ecological benefit.
- 2.8. The proposal is not considered to create unacceptable street scene or landscape harm and is not considered to create unacceptable amenity, environmental health, arboricultural, highways, drainage or ecology harm.
- 2.9. The proposal is considered to comply with Local Plan Policies HP3, HP4, NE3, NE4, NE7, TI3, The Council's Landscape Character Assessment and provisions of the NPPF.







### **3.0 Preliminary Matters**

- 3.1. Access to the case file on Public Access can be found [here](#).
- 3.2. There are 3 relevant planning applications for this application which are detailed below;

22/04092/PREMI – Advice given including the in relation to the erection of padel courts. 23.11.2023.

20/00735/FUL - Erection of two storey extension; formation of padel tennis court with canopy; erection of canopy to existing court. Permitted 15.05.2020.

19/00361/FUL - Formation of Padel tennis court. Permitted 22.03.2019.

Please see the Public Access file for the full list of planning applications on this site.

### **4.0 Site and Surroundings**

- 4.1. The application site is located off Hookstone Drive, via Hookstone Wood Road. Harrogate Sports and Fitness Centre (HSFC) is a large two-storey buff brick building surrounded by a large car park to the front, the Great Yorkshire Show Ground and events centre to the east and woodland to the north and west. The wider site has a secondary access along Coach Road with restricted vehicular access.
- 4.2. The site has undergone a number of extensions over a period of several decades with the additional of two padel courts to the south eastern section of the site; one padel court permitted in March 2019, under planning consent 19/00361/FUL and the other being approved May 2020, under planning consent 20/00735/FUL.
- 4.3. The built development in relation to the Sports and Fitness Centre is currently contained to the east of the site, with one single storey timber Scouts hut set along the western tree line.
- 4.4. The site is set outside of the development limits and within a Special Landscape Area as defined under Local Plan policy NE4. Hookstone Wood to the north of the site is an identified Local Nature Reserve under Local Plan Policy NE3. Tree Preservation Orders 23/1998 comprises a woodland of mixed deciduous woodland and 05/1993 comprises an area of trees. All trees/mixed woodland within these Orders are located to the west of the site beyond the immediate woodland treeline.



## **5.0 Description of Proposal**

- 5.1. The proposal is split into two distinct parts.
- 5.2. The proposal seeks planning consent for the siting of two padel courts, each measuring approximately 10m x 20m with the wider footprint of the courts, measuring a total of 23m x 27m to the external structure. The canopy covering structure would measure approximately 11.1m in height above ground level, 6.2m to the netted enclosure around the courts.
- 5.3. The padel courts would be set adjacent to the western edge of the Sports and Fitness centre car park, adjacent to a belt of trees which adjoin the Hookstone Nature reserve to the north and adjacent to an existing Scout hut.
- 5.4. The second part of the planning application relates to the use of a grassed area to the west of the existing car park to form event parking for up to 80 days of the year in association with the Yorkshire Show Ground.
- 5.5. The parking area would be formed with a geo grid structure with grass to grow through and would not require formalised bay delineation.
- 5.6. The access to the site is through Hookstone Wood Road and this is confirmed to be the sole access, to be utilised in association with the padel courts, the Coach and Railway Road would be used in association with the additional Yorkshire Show Ground parking area.
- 5.7. Amended plans have been received to clarify the elevation details in relation to light spill and to provide additional lighting specification details. Re-consultation has occurred to the public on this application through site notice and advert.

## **6.0 Planning Policy and Guidance**

- 6.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning authorities must determine each application under the Planning Acts in accordance with Development Plan so far as material to the application unless material considerations indicate otherwise.

### Adopted Development Plan

- 6.2. The Adopted Development Plan for this site is:
  - Harrogate District Local Plan 2014 – 2035, adopted March 2020.

### Guidance - Material Considerations

- 6.3. Relevant guidance for this application is:
- National Planning Policy Framework 2023.
  - National Planning Practice Guidance
  - Landscape Character Assessment Area 58; Middle Crimble Valley

## **7.0 Consultation Responses**

- 7.1. The following consultation responses have been received and have been summarised below.
- 7.2. **Arboricultural Officer:** No objections subject to the inclusion of conditions relating to the erection and maintenance of Root Protection Area fencing and the submission and approval of a Landscaping Scheme.
- 7.3. **Ecologist:** Initial comments raised concerns with regards to the loss of T1 Goat Willow and potential light spill to the adjacent Nature reserve, with insufficient information to ensure the proposal would safeguard these elements. No objections subject to conditions, on receipt of amended plans clarifying the facades of the Padel Court and lighting specification of external lighting complying to ILP Environmental Zone E2 standards.
- 7.4. **Environmental Health:** Comments on updated lighting scheme ‘The bollards and photocells are not intrusive and it is only the column lights that have the potential to affect others. Considering the location of the site and provided the column lamps are directed onto the courts and do not cause glare to neighbouring residents, there is no issue with the scheme. No comments are made on safety grounds with respect to the use of the lights’.
- 7.5. **Highways department:** No objections to amended plans, subject to the inclusion of conditions relating to the formation and maintenance of access, parking, manoeuvrability and turning areas and the submission and approval of a Construction Management Plan.
- 7.6. **Sustrans:** Not contrary to the principal but against the siting of the development and an increased reliance on car journeys to reach the site. Proposed is contrary to Local and National zero carbon policy due to increase car use.
- 7.7. **Harrogate District Cycling Action Group:** Traffic impact on adjacent Yorkshire Showground Greenway and the National Cycle network route 67; Sustrans nor Harrogate District Cycle Action have been notified; Proposal prioritises vehicle access improvement, not walking or cycling movements; Transport Plan omits cycle route on site; segregated path from vehicle use could be provided.

## **Local Representations**

7.8. 131 letters of representation received. 126 letters of representation have been received on the original consultation from members of the public, with 5 additional letters received upon re-consultation. 72 letters are in support and 58 letters object to the proposal, 1 letter neither supports or objects to the proposal. The letters are available to view on Public Access and have been summarised as follows;

7.9. Support:

- Padel Tennis is good for injury and illness rehabilitation.
- Supports a healthier lifestyle/ improve fitness.
- Difficulty in booking courts due to availability.
- Proposed will improve accessibility and availability of padel courts.
- Positive social benefits/ opportunity to meet like-minded people.
- Padel is a growing sport with increasing demand.
- Positive for mental health and holistic well-being.
- More Padel courts will encourage more participants.
- Utility and health benefits of proposal outweigh environmental impact
- Padel Court has helped representees to rediscover sport.
- Padel has helped improve quality of life.
- Only one covered court at the moment which limits availability in poor weather.
- Two extra courts would enhance the facility.
- Courts would be heavily used.
- Padel is a quiet sport, so limited noise disturbance.
- Padel is a good low impact alternative to other higher intensity racket sports.
- Four people can play padel, so more people can enjoy the sport (than 2 person racket sports).
- Padel has helped introduce more women to sport at the host Sports facility.
- Great sport for families of all ages to play.
- Used by wide range of people in community including retired individuals and those utilising Active Against Cancer services.
- Minimal upset to the environment and wildlife.
- There are no large leisure centres in Harrogate.
- The project is a 'must' for the town.
- The employees at HSFC work hard to make the club work for all ages and abilities.
- The proposal would enhance the club and membership.
- The club benefits the community through low fees and socially.
- Ability to learn a new sport.
- Application works towards North Yorkshire's goals 'to enhance quality of life, helping people to live longer with a healthy lifestyle'
- The current site is an eyesore, the courts are an improvement.
- Significant health benefits for hearts, bodies and minds, stats on physical and mental health benefits of exercised quoted from WHO.
- Padel courts would help sustain the club.
- Proposal would put Harrogate on the map on one of the world's fastest growing sports.
- Fun and inclusive game for all abilities and ages.
- Encourages people to get active and in fresh air.
- Ample parking space retained on site.
- Proposal may discourage those using car park area in a dangerous manner.
- Increased opportunity for inter-club competitions
- Proposal would benefit non-members who use café facilities on site.

- Welcoming community.
- Proposal would encourage children into not only padel but other racket sports.
- Well design and appropriate for site sensitive for wildlife.
- Increased courts should encourage more members to join.
- Club is currently oversubscribed, proposal would allow more players.
- Proposal would be almost net zero.

#### 7.10. Objections:

- Proximity to Hookstone Woods means proposal is disruptive to important wildlife corridor.
- Proposed car would lead to paving over of grassland to the top of the Crimple Valley.
- Previous breakdown of recreation partnerships and the Showground.
- Proposed provision of parking for an event occurring for a few days of the year.
- Recent curtailing of public access to Showground land.
- Should not be able to impose on an important amenity area for the town.
- Current padel facilities on site are adequate.
- Harm to a place of tranquillity for reflection and recreation.
- Location for a variety of wildlife would be destroyed.
- Proposed is of commercial benefit with disregard for the environment.
- Existing padel courts cause noise disturbance but are set away from the woods.
- Unwarranted tall building would not be aesthetically pleasing, spoiling the appearance of this attractive area.
- Concerns regarding ecological impact from intrusive lighting, car park and courts.
- Concerns regarding Hookstone Wood Road being unsuitable for increased traffic, overloading infrastructure.
- Recent closure of Yorkshire Showground land to the public increases pedestrian movement through the woods and using the grassland proposed for parking.
- Concerns regarding repurposing of grassland as a loss of amenity space.
- Resurfacing grassland for car park would reduce natural drainage and increase heat absorption.
- Increased risk of flooding.
- Contrary to aims to slow effects of climate change.
- Concerns regarding the proposal increase litter on site and locale.
- Concerns regarding existing light and noise pollution from site increasing.
- The HSFC it has reached capacity and cannot continue to extend.
- New Courts set across the site from existing buildings.
- Concerns regarding felling of trees and impact on tree roots.
- Concern regarding noise due to proximity to neighbouring residential sites.
- Parking is for the Yorkshire Showground which has adequate parking, proposal is unsubstantiated.

- Concerns that proposed parking area is adjacent to a permissive cycle route, used by cycle clubs and children.
- Concerns that limited facilities on site would lead to further applications.
- Alternate Padel facilities are available in the locale.
- Ugly tin shed industrial type units are not in keeping with the area.
- Too close to the historic woods a local Nature Reserve.
- Proposal is too close to housing.
- Ecology report is inaccurate and misses wildlife known to be in area e.g. hedgehog and deer.
- Concerns regarding Ecological impact through loss of hedgerows, verges and trees.
- Noise carries from courts to residential sites with long hours of play.
- Erosion of valuable green space for car parking.
- The protected woodland is used by the community and would be badly impacted by proposal.
- Agreement with concerns raised in pre-application enquiry response.
- Courts are "off the shelf design".
- Courts would not "enrich" area or have a "natural effect" as claiming in Planning Statement.
- Hours of operation not stipulated.
- No consultation with local community from developers.
- Transport Statement does not address residential Highways Safety concerns submitted to Yorkshire Showground Association.
- Proposal not suitable in SSI locale.
- Hookstone woods is ancient woodland with irreplaceable habitat and unique biodiversity.
- Concerns regarding highways safety on Hookstone Wood Road due to speeding vehicles and increased traffic.
- Development on site and wider locale has led to decreased quality of life for local residents.
- Increased air pollution.
- Padel trend may not last.
- Duty to protect the woodland in climate and biodiversity emergency.
- Building push into woods, eroding Special Landscape Area.
- A physical barrier to motorized vehicles (but allows pedestrians and cyclists access) should be considered to stop any vehicles which may be tempted turn right out of the carpark.
- A perimeter to the edge of the proposed car park should be included.
- Long walk to facilities on site from proposed courts.
- Padel courts would not be respectful to Landscape Area and woodland.
- TRICS traffic data is not representative of proposed traffic.
- Padel court canopy would block pathways between trees.
- Padel court canopy would be visible through the trees.
- Padel tennis is noisy, makes loud intermittent noises like gun-shot.
- Proposal would benefit a minority and reduce pleasure of those using the woodland.



- Proposal would set a precedent may lead to enclosure of the woods.
- Proposal would be overwhelmingly intrusive and change the entire landscape.
- The Special Landscape Area would be dominated by the proposed structure.
- Proposal seeks to grow membership numbers which will create further traffic.
- Options to prevent all late-night traffic need to be considered - such as earlier closing or re-routing through the main entrance /exit of the Showground.
- Queries for the omission of pond testing of Yorkshire Showground site within 250m.
- Concerns regarding siting of the courts away from existing padel courts.
- Planning notices erected before Christmas, limiting opportunity to respond.
- Negative impact on those using a Right of Way route.
- Digging and construction could damage or poison the roots of the nearby trees.
- Approval may lead to further application to expand site.
- Other land within the Yorkshire Showground's ownership which could be developed instead.
- Proposed non-natural landscaping does not mitigate against harm of proposal.
- Access road to site has no pavement leading to highways safety concerns.
- Objection to location, rather than provision of the courts.
- Concerns with regards to removal of trees within the woodland.
- Negative impact on neighbouring house values.
- Car parking extension decreased capacity to use walking/cycling route
- Additional parking for two padel courts is unnecessary.
- Yorkshire Agricultural Society removed public access to land adjacent to showground.
- Sustrans; Not contrary to the principal but, against the site and increase car reliance. Proposed is contrary to Local and National zero carbon policy due to increase car use.
- Conflict of vehicle, cycle and walkers along access roads needs to be considered.
- Increased risk of road traffic accidents.
- Inaccuracies in most recent Ecology survey.
- Advises night-time visit to assess night spill.
- Raises concerns that Environmental Health raises no comments.
- Access road is poorly lit.
- Long term impact on residents should be considered.
- Current anti-social traffic noise to and from site.
- Revisions on amended plans are cosmetic and don't address concerns.
- Harrogate and Stonefall Action Group – objects, with amended plans not addressing concerns raised. Queries traffic volume and occupancy of padel courts not being consistent with stated 10% increase in membership. Questions the need for two extra padel courts. Also indicate noise levels of padel court are above and beyond any other level of sport, supported by a planning decision taken in Guildford.

7.11. Neither support or object.

Page 11 of 28

- 14<sup>th</sup> Harrogate Scout Group confirm no objections to the proposal.

## **8.0 Main Issues**

- 8.1** The key considerations in the assessment of this application are;
- Principal of development
  - Impact on the street scene and Special Landscape Area
  - Impact on Amenity
  - Impact on Highways Safety
  - Impact on the Public Right of Way
  - Impact on Ecology
  - Impact on Arboriculture
  - Flood risk and Drainage
  - Environmental Health
  - Other matters

## **9.0 ASSESSMENT**

### **9.1 Principle of Development**

9.2 The revised National Planning Policy Framework (NPPF, Dec 2023) sets out the Government's planning policies for England and how these are expected to be applied. Planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework is a material consideration in planning decisions.

9.3 There are a number of amendments currently under consultation ahead of the release of a new version of the NPPF. It is not considered that the proposed amendments, if included within the amended NPPF, would impact the principal of development or recommendation of this officer report.

9.4 The Harrogate District Local Plan 2014-2035 was adopted by Harrogate Borough Council in December 2020.

9.5 Local Plan policies GS1 and GS2 set out a growth strategy for new homes and jobs to 2035. Local Plan Policies GS2 and GS3 set out the growth strategy for the District and the development that may be considered outside defined development limits.

9.6 The site lies outside of the development limits of Harrogate and as such development is required to be expressly supported by Local or National Policy

9.7 Policy HP7 relates to new sports, open space and recreation development. Of relevance is Criteria B states:

B. Proposals for the development of new sports, open space and recreation facilities should ensure:

- i. The facility is located in or adjacent to built-up areas, or located to best serve the intended catchment population in rural areas; and

- ii. The proposal would not have an unacceptable impact on the operation of the highway network; and
- iii. New buildings or structures are well designed and appropriately integrated into the landscape; and
- iv. Proposals on the edge of settlements should not have an adverse impact on the setting of the settlement; and
- v. The proposal would not give rise to significant residential amenity problems.

The proposal is set within the existing site of the Sports and Fitness centre to the west of the existing car park and within the wider site adjoining the development limit line for Harrogate.

Public transportation links are available on Hookstone Drive 'Wayside Avenue' bus stop approximately 500m from the site. This stop has a regular bus service to Harrogate centre and Wetherby according to information available, including links to rail services. As such, criteria i) is met.

Criteria ii) is assessed within the Highways impact section of this report and is considered to be adequate.

Criteria iii and iv) are assessed within the 'Impact on the street scene and Special Landscape Area' section of this officer report and is considered to be adequate.

Criteria v) is assessed within the 'Amenity' section of this officer report and is considered to be adequate.

During the pre-application enquiry process, it was considered that that following criteria may also be considered;

- C. Proposals for sport and recreational facilities likely to attract a large number of people due to their nature or scale (including sports stadia, health and fitness centres, swimming pools and other indoor sports facilities) should be located within or adjacent to Harrogate, Knaresborough, Ripon, Boroughbridge, Masham or Pateley Bridge, and be proportionate to the size of the settlement.

However, the submitted highways information as part of the present application indicates an increased volume of traffic. However, the increase would not generate larger numbers of traffic over and above the existing sports and fitness centre, with the event day parking seeking to rationalise the existing parking arrangements to the Show Ground. Therein, on assessment of the information as presented, criteria C is not triggered.

Therein, the criteria of policy HP7 are considered to be met in this regard in relation to new sports, open space and recreation development.

- 9.8 While not directly commenting on the submitted proposal Sport England made the following comments in relation to the siting of padel courts on this site which remains relevant:

“Sport England would assess any application for the proposed development in light of the National Planning Policy Framework (NPPF) (notably Paragraph 97) and against its own planning objectives, which are Protect - To protect the right opportunities in the right places; Enhance - To enhance opportunities through better use of existing provision; Provide - To provide new opportunities to meet the needs of current and future generations. Further information on the objectives and Sport England's wider planning guidance can be found on its website:

<https://www.sportengland.org/how-we-can-help/facilities-and-planning/planning-for-sport>

- 9.9 The proposal is for two padel tennis courts at the Harrogate Sports and Fitness Centre. Sport England does not have any information on the strategic need for the padel tennis courts. Harrogate Council are producing a Playing Pitch Strategy but this does not include tennis. Sport England would advise that any new sport facilities should meet an identified demand in order to meet the 'provide' objective above.
- 9.10 Sport England would suggest that the applicant enters into discussions with the Lawn Tennis Association (LTA), who should be able to advise on the strategic need for the courts and can also provide technical input in respect of the design.
- 9.11 Any formal planning application, we would expect the applicant to evidence how the proposal will meet an identified demand. Discussions with the LTA should be able to assist in this matter.
- 9.12 Sport England reserves the right to object to any subsequent planning application if we do not consider that it accords with our objectives or Paragraph 97 of NPPF.”
- 9.13 The application is supported by a letter of support from the Lawn Tennis Association, which outlines the demand for Padel tennis courts in relation to the existing provision of such facilities in the Harrogate area, and confirms that the proposal offers an 'excellent opportunity to further enhance the Padel infrastructure in the Harrogate area'.
- 9.14 The proposal is considered to meet an identified need for such facilities in Harrogate and is considered to meet the criteria of policy HP7 in relation to the siting of New sports, open space and recreation development.
- 9.15 Impact on the street scene and Special Landscape Area
- 9.16 The NPPF re-iterates that there is a presumption in favour of sustainable development and advises that there are three dimensions to sustainable development: economic, social and environmental. The guidance advises that to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system.

- 9.17 Paragraph 131 of the NPPF requires Local Planning Authorities states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve.
- 9.18 Paragraph 135 of the NPPF seeks to ensure development is visually attractive as a result of good architecture, layout and appropriate and effective landscaping. Development must be sympathetic to local character and history, including the surrounding built environment and landscape setting.
- 9.19 Paragraph 139 of the NPPF states development should be refused that is not well designed.
- 9.20 Further to the NPPF Local Plan policy HP3 “Local Distinctiveness” requires development to incorporate high quality building, urban and landscape design that protects, enhances or reinforces those characteristics, qualities and features that contribute to the local distinctiveness of the district’s rural and urban environments. Policy HP4 “Protecting Amenity” seeks to protect visual and residential amenity.
- 9.21 Local Plan Policy NE4 states proposals that will protect, enhance or 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. Development proposals must protect and/or enhance the character, appearance and local distinctiveness of the landscape, including the natural and man-made heritage features.
- 9.22 Related to these policies is the Supplementary Planning Guidance contained in the 2004 Harrogate District Landscape Character Assessment. The site is located within Special Landscape Area as defined under Local Plan policy NE4.
- 9.23 The proposal lies in landscape character assessment Area 58, Middle Crimple Valley, which is described as a large section to the southern fringes of Harrogate, where “The northern slopes of the Crimple Valley provide a natural and definitive edge to this area of Harrogate. This valley, with its woodland, rights of way network and golf courses provides for a variety of recreation activities. There is a close relationship between the edge of the built-up area and landform, this is particularly evident in the role of the Clark Beck and Stone Rings Beck tributary valleys in defining and containing the urban edge. This area of landscape is especially important because it serves to separate Harrogate from Pannal and Spacey Houses.”
- 9.24 As such, the existing trees on site contribute significantly to the character of the surrounding landscape.
- 9.25 The proposal site is within the Crimple Valley Special Landscape Area as identified under Local Plan Policy NE4, Criteria F of policy NE4 requires proposals to ‘avoid significant loss of key characteristics that contribute to the quality of the special landscape area and the setting of Harrogate, Knaresborough and Ripon’.

- 9.26 The proposal would not contribute towards the coalescence of settlements as the padel courts are set within the existing site and the car park is to set immediately adjacent and to the north of The Coach Road. The proposal elements would not project into open countryside in this regard and would be set against the woodland trees.
- 9.27 The padel courts are set to the west of the site, which isolates the forms from the existing facilities on site as raised as a concern within the pre-application enquiry in relation to street scene and landscape harm.
- 9.28 The submitted information indicated that each court would measure two adjacent courts each measuring 10m x20m, with a combined area would measure approximately 23m x 27m. The courts would have tempered glass walls with metal mesh netting over, up to height of 6.2m and a grey panel would be incorporated to the lower section of the southeast elevation. The courts would have a solid appearance in a polyester fabric, with a pvc coating to the outer screen and would be covered by a grey canvas canopy at 11.1m in height above ground level.
- 9.29 The padel courts would be illuminated to each of the four corners of the court by pillar lights mounted to a height of 6.1m
- 9.30 The application is supported by floorplans and elevations and a 3D illustration, which indicates the height of the padel courts in relation to the adjacent tree line. It is considered on receipt of this information, the proposal, while visible, would be of light weight construction and would not be a visually intrusive element within the wider landscape.
- 9.31 The proposed padel courts would require the installation of a tarmac strip and two low level bollard lights to direct pedestrians between the courts and across the car park to the main club house. The tarmac would be flush with the existing gravel car parking surface according to the submitted Planning Statement (para 4.26). Due to the limited visibility and existing car park surfacing, this element is not considered to have a significant wider street scene, or landscaping impact.
- 9.32 The proposal requires the loss of 3 trees where the loss of trees is generally contrary to the aim of the Landscape Character Assessment and Special Landscape Area. However, two of the trees are required for removal due to poor health and not as a result of the proposed padel court, or car parking works. Willow T1 is assessed within the Arboricultural section of the report, the supporting Arboricultural report demonstrated the limited health of the trees required for removal and their loss is not demonstrable within this context and on consideration of this additional supporting information.
- 9.33 The car parking area proposed in association with the Yorkshire Show Ground event day use, is proposed to have a geo grid surface to this section of the site. This element would aid the practical use of the parking area in inclement weather and would have a limited visual impact as by its nature, it would allow grass to grow through and cover the appearance of the grids. The geo grids would further prevent significant compaction of the soil and loss of grass



through traffic movement, to the same degree should the grass not be installed with a similar grid solution.

- 9.34 The cycle racks adjacent to the parking area would be re-sited to ensure the manoeuvrability of vehicles. The cycle storage provision would be of the same nature and within the same immediate context as existing. As such, this element is not considered to create unacceptable street scene, or landscaping impacts.
- 9.35 On balance, while there would be visibility of the padel courts and additional event day parking from public vantage points along The Coach Road and Railway Road, the parking area would require minimal physical change and the open sided nature of the padel courts would create a structure of light weight appearance set against the back drop of the trees to Hookstone Wood. The proposal is not considered to demonstrably detract from the special character of the wider Landscape within a Special Landscape Area and would be considered to adequately safeguard the special character of the street scene and landscape of the Special Landscape Area in line with Local Plan policies HP3 and NE4.
- 9.36 Impact on Amenity
- 9.37 Policy HP4 states development proposals should be designed to ensure that they will not result in significant adverse impacts on the amenity of occupiers and neighbours. Amenity considerations will include the impacts of development on overlooking and loss of privacy, overbearing and loss of light, vibration, fumes, odour, noise and other disturbance.
- 9.38 The proposal is set a distance of approximately 290m from residential dwellings to Hookstone Wood Road and as such would not be considered to create unacceptable overlooking, overshadowing, or overbearing impacts on amenity in this regard.
- 9.39 Multiple letters of representation raise concerns with regards to noise disturbance through the noise created by the noise created by hitting the ball during play, noise from players and spectators in association with the padel courts, and increased traffic to and from the site.
- 9.40 The Council's Environmental Health department has been consulted and do not raise objections to the proposal with regards to noise impact on residential units.
- 9.41 On consideration of the distance between the padel courts and nearest residential dwellings due to a woodland of trees acting as an additional sound buffer, it is considered that the noise created by the additional padel courts and associated activity, would be at an acceptable level and it is not expedient to resist the application on this basis.
- 9.42 The erection of 2 additional padel courts are not considered to create significantly increased traffic along Hookstone Wood Road in the context of the existing traffic along a public highway which currently serves residents,

visitors in relation to the Nature Reserve, the existing Sport and Fitness centre and the Yorkshire Show Ground.

- 9.43 The provision of additional parking for the purposes of the Yorkshire Show Ground is indicated within the submitted information to alleviate parking pressures on peak visitor days for events held on the site. It is not intended to create additional traffic, however, to improve the management of existing traffic visiting the site. A condition for the submission of a Construction Management Plan would be recommended in the event of approval, in line with the Highways Safety section of the officer report.
- 9.44 A condition preventing the Showground use of Hookstone Wood Road during event days in association with the proposed parking, is also proposed to further safeguard the amenity of neighbours on Hookstone Wood Road and to safeguard against highways safety concerns for pedestrians and vehicles utilising the car parking area to Sports and Fitness centre.
- 9.45 Paragraph 4.18 of the submitted Planning Statement indicated the operating hours of the padel courts would be 07:00 – 22:00 Monday to Friday and 08:00 21:00 Saturday and Sunday. A condition to limit the operating hours of the padel courts is therein considered reasonably in line with these hours of operation to prevent use and association noise and traffic movement in unsociable hours.
- 9.46 Subject to compliance with these conditions, the proposal is considered to comply with Local Plan Policy HP4 and the provisions of the NPPF in this regard.
- 9.47 Impact on Highways Safety
- 9.48 Paragraph 115 of the NPPF states that 'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe'.
- 9.49 The proposed padel courts would be set within the existing car parking area for the Sports and Fitness centres, set to its western boundary. The car parking arrangement to the site is informal in layout without the delineation of bays. However, the proposal would lead to the loss of parking provision to this section of the site.
- 9.50 The proposed car parking area would be set off a Public Right of Way to The Coach Road. The parking area would be finished with a geo grid structure which would allow more practical parking in inclement weather and would allow grass to grow through and cover the appearance of the grids.
- 9.51 The proposal is supported by a Car Park Management Plan and Strategy and Transport Statement.



- 9.52 The Transport Statement indicates an increase in site visitors increasing from approximately 500 visitors to approximately 550, with 80% of those members driving, leading to 40 additional traffic movements across the day.
- 9.53 The Highways Department raised concerns with regards to the siting of the padel courts away from the main sports club in relation to its members accessing facilities within the site, leading to further pedestrian movement across the car park and with regards to the accuracy of the traffic data submitted.
- 9.54 Amended plans have been submitted to include pedestrian crossings and low level lighting and clarification has been provided to indicate that while the Sport and Fitness centre would utilise Hookstone Wood Road, event traffic to the proposed car park would not use this road and would use the Coach Road, or Railway Road.
- 9.55 A further Traffic Management and Construction Statement were submitted 29.01.2024.
- 9.56 The Highways Department have been consulted on the amended plans and made the following comments;

*“The planning application is split into two elements; The first is the erection of two covered padel tennis courts and associated improvements to the site, and the second is the creation of an overflow car park for the Showground.*

*The padel tennis courts are accessed via the adopted highway on Hookstone Wood View. This site is already within the proposed limits for a 20MPH zone, and so additional speed control measures are not required. The proposal will see an increase of an estimated 80 vehicle movements per day. The applicant has provided additional evidence to support their comments regarding the current and proposed use. This is a significant increase, but the low speeds, existing on street parking, and wide accesses offering good visibility at all junctions mitigate any significant risk to highway safety.*

*Some objections have noted the lack of a footpath to the site, but the section of the access which is Highway Maintainable at the Public Expense has a footpath for the full length. The remaining access is privately owned and the LHA cannot require additional pedestrian footways at this location. This also applies to the permissive cycle route in the area, which the LHA is not able to condition. Hookstone Wood Road will continue to be maintained by the LHA to levels required by the Highway Safety Inspection Manual, regardless of number of vehicular movements.*

*The LHA does have some concerns over the placement of the new building within the site, and the increased risk of vulnerable users created by the requirement to walk across the site to access the courts, but this is not adopted highway, and not something the LHA is able to recommend a refusal on.*

*To try and mitigate some of the risks the LHA asked the applicant to redesign the footpath within the site to increase pedestrian safety, and this was*

*accommodated. The redesign includes marked parking bays near the path and a much wider formalised surface as well as low level lighting, whilst still leaving the larger site as unmade and more natural.*

*The reduction of car parking spaces has been evidenced to be appropriate for the existing and expected increase in use.*

*The applicant has since amended the red and blue line boundaries of the application site. The LHA has assessed the full site for safe function as per the initial boundaries.*

*The new car park to serve the showground will be accessed only via Railway Road, with additional security being installed around the car park, and additional signage being installed to deter vehicles using the wrong access point. The applicant has confirmed that the car park will be used for no more than 80 days per year, and the LHA assumes this will be conditioned by the Planning Authority.*

*A car park management plan has been created, which confirms use of the car park will always be managed by a third party company who will ensure no detrimental impact on the highway. The LHA would request this document, submitted as part of the supporting evidence, to be conditioned to ensure future compliance.*

*When the Great Yorkshire Show or the Flower show are on, alternative car parking arrangements will be in place as agreed as part of the event management plan, and approved by the LHA on an event only basis.”*

- 9.57 The Highways Authority indicated that for clarity, a Travel Note setting out the proposed route into the site would provide clarity to members of the public and committee. This has been provided by the agent and provided on the public file.
- 9.58 Therein, the Highways authority do not object, subject to the inclusion of conditions relating to the formation and maintenance of the access, parking, turning and manoeuvrability of vehicles and the submission of a construction management plan. It is considered that suitable conditions can be applied to restrict the use and limit against an unacceptable intensification of use of the access use along Hookstone Wood Road and in relation to The Coach Road which serves as a cycle route in the National Cycle Network.
- 9.59 On consideration of the submitted amended information, subject to compliance with conditions, the proposal would not create unacceptable impacts on highways safety in line with NPPF paragraph 115 or demonstrably impact parking provision in line with Local Plan policy TI3.
- 9.60 Impact of the Public Right of Way
- 9.61 Policy HP5 of the Local Plan seeks to ensure development protects the amenity and recreational value of the Public Right of Way.

- 9.62 Public bridleway and footpath and Route 67 of the National Cycle Network proceeds adjacent to the proposed car park within this development; the bridleway footpath proceeds from Hookstone Drive along The Coach Road and terminated to the south west corner of the site with the footpath continuing within the woodlands to the north of the car park.
- 9.63 Route 67 of the National Cycle Network proceeds for the duration of The Coach Road and turns southeast to proceed along the Railway Road, adjacent to the Showground.
- 9.64 Whilst the development will be visible from public right of ways, the physical form of development would not alter the route and is not considered to be contrary to policy HP5, with matters of traffic impact to be considered under the highways section of the officer report.
- 9.65 Impact on Ecology and Biodiversity
- 9.66 Paragraph 186 of the National Planning Policy Framework states that when determining planning applications, local planning authorities should apply several principles. One of these states that if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. Policy NE3 relates to protecting the natural environment.
- 9.67 The proposed padel courts are sited adjacent to a line of trees which connect to the Local Nature Reserve 'Hookstone Woods' as identified under Local Plan policy NE5.
- 9.68 The proposal would require the loss of tree T1, as identified within the submitted Tree Survey and accompanying plan. T1 is a Goat Willow which is considered not to form part of the ancient Woodland, however, provides a direct corridor link to this woodland. The Ecology Department raised concerns, indicating the Goat Will should be retained where possible.
- 9.69 Additional justification has been received to specify the declining condition and limited ecological benefit to the retention of the Goat Willow. The Ecological Department have advised that the loss of the tree would be acceptable, where the replanting of three Goat Willows would be planted within the site. This can reasonably be incorporated into a condition for a landscaping scheme in the event of approval. The Ecological Department additionally advise a condition for the works to the Goat Willow to take place outside of bird nesting season.
- 9.70 The proposal seeks to erect lighting in association with the use of the proposed padel Courts.
- 9.71 Paragraph 191 of the NPPF requires new development to be appropriate for its location taking into account the likely effects of pollution on health, living conditions and natural environment. Criteria C is relevant to this section and requires development to "limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation."

- 9.72 The Ecological Department have been consulted and raised concerns with regards to potential light spill based to the Local Nature Reserve, Hookstone Woods based on the information as presented from the padel court and car parking lighting. Moreover, the submitted information did not clarify the specification of the lighting sufficiently and the submitted elevation and sections do not provide sufficient information to demonstrate that there would not be light spill.
- 9.73 Due to the sensitive location of the proposed padel courts and parking area, the Ecological department indicate that the proposal is considered to be located in a relatively dark outer suburb location, with low district brightness. As such, it is considered that lighting would comply with Zone 2 under the ILP Environmental Zone Guidance, which rates environmental from Zone 0 – Zone 5.
- 9.74 The agent submitted an amended lighting scheme with a supporting specification demonstrating the lighting can be installed and maintained to Environmental Zone E2 standard. Amended plans have been submitted which provide clarity that unacceptable light spill would not occur from the padel court with a solid outer appearance to the court boundary. The Ecological Department were reconsulted and raise no objection to the amended lighting information. A condition can be reasonably applied to ensure compliance with the submitted lighting scheme.
- 9.75 Impact on Arboriculture
- 9.76 Policy NE7 states that ‘Development should protect and enhance existing trees that have wildlife, landscape, historic, amenity, productive or cultural value or contribute to the character and/or setting of a settlement, unless there are clear and demonstrable reasons why removal would aid delivery of a better development.’
- 9.77 A Tree survey and Arboricultural Impact Assessment has been submitted as part of the application.
- 9.78 The submitted Arboricultural Survey, compiled by Smeeden Foreman, indicates the loss of 3 trees. 2 would be removed due to poor health (T20 and T47) and these are not directly related to the proposal works. One Willow tree (T1) is proposed to be removed in relation to the siting of the proposed padel courts. While there was an omission of supporting information in relation to the pre-application advice enquiry, the submitted documents as part of the present application indicate the lower classification of the tree due to health and longevity and indicate that this tree should be removed.
- 9.79 The Council's Arboricultural Department have been consulted and confirm that there are no objections to the proposal subject to the inclusion of conditions relating to the erection of Root Protection Area fencing and its maintenance during the construction phase. A condition is also requested for the submission of a landscaping scheme including the replanting of 3 trees in place of Willow T1.

- 9.80 Subject to compliance with these conditions, the proposal is not considered to create unacceptable Arboricultural impacts in line with Local Plan policy NE7.
- 9.81 Flood Risk and Drainage
- 9.82 Policy CC1 of the Local Plan states development proposals will not be permitted where they would have an adverse effect on watercourses or increase the risk of flooding elsewhere.
- 9.83 The proposal site is within a low-risk area for flooding according to the Environment Agency.
- 9.84 The car park would retain a grassed area with geogrid covering which would retain the ability for surface water run-off. The proposed padel courts are set to a hardstanding area currently utilised as car park, therein, there would not be a material impact on the ability for water to run-off from the site.
- 9.85 The proposal is not considered to create unacceptable flood risk or drainage concerns and the proposal is considered to accord with Local Plan policy CC1.
- 9.86 Environmental Health
- 9.87 The Council's Environmental Health team have been consulted and do not raise objections to the amended details. The bollards and photocells are not intrusive and it is only the column lights that have the potential to affect others. Considering the location of the site and provided the column lamps are directed onto the courts and do not cause glare to neighbouring residents.
- 9.88 The proposal is not considered to create a materially increased risk of exposure to land contamination and the officer does not raise concerns with regards to noise, vibrations or other potential nuisance in relation to residential amenity.
- 9.89 Other matters
- 9.90 Letters of representation have been addressed within this officer report as far as feasible, however the following seeks to address remaining concerns raised.
- 9.91 The grassed area proposed for car parking use is not a Local Green Space for public use and its access for this purpose and parking in relation to this use cannot be restricted, or controlled by the Local Planning Authority as a material consideration to this application.
- 9.92 Letters of representation comment that neither Sustrans, or Harrogate District Cycle Action have been notified about the application. Comments have been received and have been considered.

## 10.0 **PLANNING BALANCE AND CONCLUSION**

- 10.1 The proposal is set outside of the development limits of Harrogate as defined by Local Plan policies GS2 and GS3 and as such, requires the express support of Local or National Policy. In this case, the proposal is considered to relate acceptably to the existing sport and recreation facilities, is considered to have an acceptable landscape, highways and amenity impact subject to conditions. As such the proposal accords with Local Plan policy HP7 for the creation of new sports and Recreational facilities and is acceptable in principle.
- 10.2 The submitted design and siting of the proposal has an acceptable impact in scale, siting and appearance on the street scene and wider character of the Special Landscape Area and is considered to accord with policies HP3 and NE4 of the Local Plan as the provisions of the NPPF, with regards to the impact on the street scene and wider landscape.
- 10.3 Matters of Highways impact, Arboricultural impact, Ecology, Drainage and Environmental Health are considered to be either acceptable, or acceptable subject to condition in line with Local Plan policies TI3, NE7, NE3, CC1 and provisions of the NPPF.

## 11.0 **RECOMMENDATION**

- 11.1 That planning permission be GRANTED subject to conditions listed below.

### **Recommended conditions:**

#### **Condition 1 Time Limit**

The development hereby permitted shall be begun on or before \*3 years from consent\*.

Reason; To ensure compliance with Sections 91-94 of the Town and Country Planning Act 1990.

#### **Condition 2 Approved Plans**

The development hereby permitted shall be carried out in strict accordance with the application form and the following details and plans, as amended by the conditions of this consent;

Location Plan; drwg 930.01.(-)011, Rev H, received 14.02.2024

Proposed Site Plan; drwg no. 930.01(-)013, Rev G, received 08.08.2024.

Proposed Padel Court Overview Floor Plan; drwg no. 23X27X6.2- R2 Sheet 01, received 25.06.2024

Proposed Padel Court Lateral Section; drwg no. 23X27X6.2- R2 Sheet 02, received 25.06.2024

Proposed Padel Court Front Section; drwg no. 23X27X6.2- R2 Sheet 03, received 25.06.2024

Proposed Padel Court Middle Arc Section; drwg no. 23X27X6.2- R2 Sheet 04, received 25.06.2024



Proposed Padel Court General View Sections; drwg no. 23X27X6.2- R2 Sheet 05, received 25.06.2024

Proposed Padel Court Facades; drwg no. 23X27X6.2- R2 Sheet 06, received 25.06.2024

Proposed Padel Court Front Elevation; drwg no. 23X27X6.2- R2 Sheet 07, received 25.06.2024

Proposed Padel Court Rear Elevation; drwg no. 23X27X6.2- R2 Sheet 08, received 25.06.2024

Proposed Padel Court Gable End Elevation (1); drwg no. 23X27X6.2- R2 Sheet 09, received 25.06.2024

Proposed Padel Court Gable End Elevation (2); drwg no. 23X27X6.2- R2 Sheet 10, received 25.06.2024

Proposed Landscaping plan; SF3400 SK01, Rev L, received 08.08.2024  
'Groundtrax' Car Park Surfacing Specification; received 09.01.2024.

Reason: In order to ensure compliance with the approved drawings.

### **Condition 3 Formation of access, parking, manoeuvring and turning areas**

The padel courts and parking area hereby permitted shall not be brought into use until the access, parking, manoeuvring and turning areas for all users at Harrogate Sports and Fitness Centre have been constructed in accordance with the details approved in writing by the Local Planning Authority. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason: To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.

### **Condition 4 Construction Management Plan (discharge required)**

No development for any phase of the development must commence until a Construction Management Plan for that phase has been submitted to and approved in writing by the Local Planning Authority. Construction of the permitted development must be undertaken in accordance with the approved Construction Management Plan.

The Plan must include, but not be limited, to arrangements for the following in respect of each phase of the works:

- details of any temporary construction access to the site including measures for removal following completion of construction works;
- wheel and chassis underside washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway;
- the parking of contractors' site operatives and visitor's vehicles clear of the highway;

- areas for storage of plant and materials used in constructing the development clear of the highway;
- measures to manage the delivery of materials and plant to the site including routing and timing of deliveries and loading and unloading areas;
- details of the routes to be used by HGV construction traffic and highway condition surveys on these routes pre and post construction;
- protection of carriageway and footway users at all times during demolition and construction;
- details of site working hours;
- a detailed method statement and programme for the building works; and
- contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.

Reason: In the interest of safeguarding highways safety and amenity during the construction phase.

### **Condition 5 Tree Protection**

No development shall commence on site before the approved tree report detail (Smeeden and Foreman Tree Detail dated Oct 2023) including root protection area (RPA) fencing in line with the requirements of British Standard BS 5837: 2012 (section 6.2.2 figure 2) Trees in Relation to Construction – Recommendations, or any subsequent amendments to that document, around the trees or shrubs or planting to be retained, as indicated on the approved plan. The developer shall maintain such fences until all development subject of this permission is completed.

Reason: In the interest of safeguarding the visual amenity and health of trees to be retained within the site in line with Local Plan policy NE7.

### **Condition 6 Landscaping Scheme (discharge required)**

A detailed scheme for landscaping, including the planting of trees and or shrubs and the use of surface materials shall be submitted to the Local Planning Authority (LPA) and no development, including the removal of Goat Willow (T1), shall take place until the LPA have approved such a scheme: such a scheme shall specify materials, species, tree and plant sizes, number and planting densities and the timing of the implementation of the scheme, including any earthworks required. The landscaping scheme must include the siting of 3 replacement goat willows will be planted, retained and managed for a minimum of 30 years.

Reason: In the interests of safeguarding the special significance of the street scene and landscape in line with policies HP3 and NE4.

### **Condition 7 Landscape Safeguard**



In the event of failure of any trees or shrubs, planted in accordance with any landscaping scheme approved by the Local Planning Authority, to survive for a period of five years from the date of the completion of implementation of that scheme, thirty years in relation to the replacement Goat Willow, such trees or shrubs shall be replaced by the developer with such live specimens to the satisfaction of the Local Planning Authority.

Reason: To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity.

### **Condition 8 Padel Court Hour Restriction**

The hours of use in relation to the padel courts hereby permitted shall be restricted to be within the following hours only;  
07:00 – 22:00 Monday to Friday  
08:00 21:00 Saturday, Sunday and Bank Holidays

Reason: In the interest of safeguarding the amenity of occupants to Hookstone Wood Road during unsociable hours in line with Local Plan policy HP4.

### **Condition 9 Car Parking Restriction**

The car parking area hereby permitted in association with the Yorkshire Showground, outlined in purple on Proposed Site Plan drwg 930.01(-)013, Rev F is strictly limited to a maximum use by vehicles on up to 80 days of the year.

Reason: In the interest of safeguarding against further intensified use of the access road in association with car which if not restricted, may unacceptably highways safety risks to pedestrians and vehicle users and the amenity of occupants to Hookstone Wood Road during event days.

### **Condition 10 Car Park Management Plan (discharge required)**

Traffic in association with the development hereby permitted must be managed in accordance with the submitted Car Park Management Plan VN232610 V4, received 29.01.2024, at all times.

Reason: In the interest of safeguarding against unacceptably highways safety risks to pedestrians and vehicle users on high traffic event days and to safeguard the amenity of occupants to Hookstone Wood Road during event days.

### **Condition 11 (Returning of land to grass)**

The area within the development hereby permitted for car parking use shall be returned to its current grass condition, including the removal of the geo grid

structure, in the event that this car parking area is not used for a continuous period of 12 months.

Reason: In the interest of long term safeguarding of the amenity of the site within the context of the Special Landscape Area.

### **Condition 12 Ecology**

The removal of goat willow T1 on site is to be removed is only to be carried out, outside of the bird breeding season (March – September, inclusive).

Reason: In the interest of safeguarding protected species in line with Local Plan policy NE3 and paragraph 186 of the NPPF.

### **Condition 13 Lighting**

The external lighting to the development hereby approved must accord with the approved lighting scheme received 18.06.2024, comprising drawings; 5708-E-400 Rev P03, 5708-E-401 Rev P03, 5708-E-402 Rev P03 and lighting specification document 5708-RPT-E-001 Rev P04, compiled by Brentwood Consulting engineers.

**Target Determination Date:** 02 September 2024

**Case Officer:** Emma Walsh  
emma.walsh@northyorks.gov.uk

## North Yorkshire Council

### Community Development Services

#### Harrogate and Knaresborough Area Planning Committee

**ZC23/04425/FULMAJ - Redevelopment of existing horticultural service yard to include erection of workshop and machinery store, composting store, staff welfare building, events store, poly tunnel and glasshouse. Associated landscaping works including retaining structures and perimeter hedges and fencing. Amendments to existing machinery store. at Royal Horticultural Society Harlow Carr Gardens Crag Lane Harrogate North Yorkshire HG3 1QB on behalf of Royal Horticultural Society**

#### Report of the Assistant Director, Planning – Community Development Services

##### **1.0 Purpose of the Report**

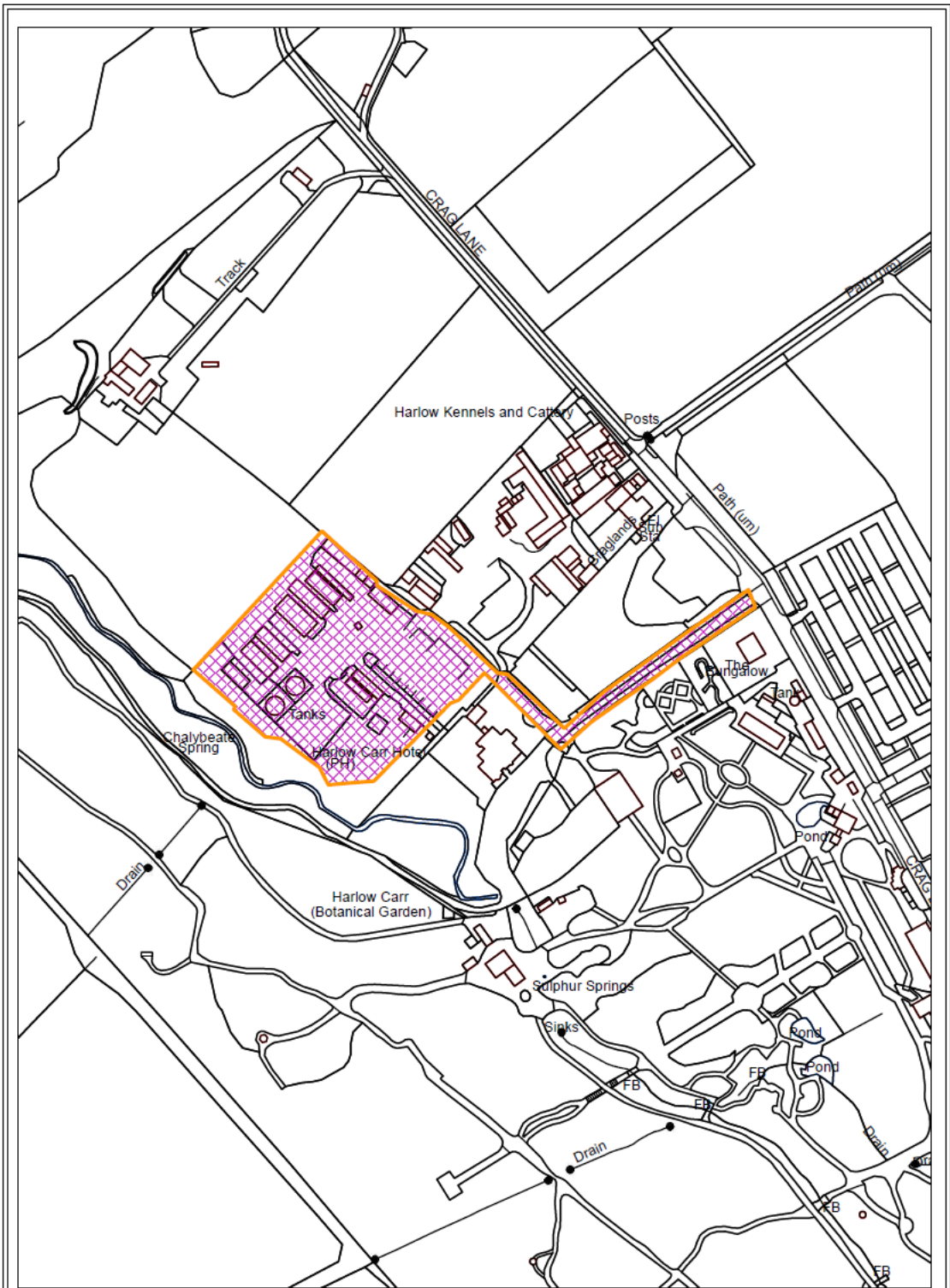
- 1.1. To determine a planning application for development as described in the description above.
- 1.2. This application is brought to the Planning Committee as the land to which this application relates is leased to the applicant by North Yorkshire Council.

##### **2.0 SUMMARY**

**RECOMMENDATION: APPROVED IN PRINCIPLE and DELEGATED TO THE ASSISTANT DIRECTOR FOR PLANNING TO BE GRANTED subject to conditions.**

- 2.1. This is a full planning application for the development as described – Redevelopment of existing horticultural service yard to include erection of workshop and machinery store, composting store, staff welfare building, events store, poly tunnel and glasshouse. Associated landscaping works including retaining structures and perimeter hedges and fencing. Amendments to existing machinery store.
- 2.2. The application site is located to the southwestern edge of Harrogate, with the Harlow & St George's Ward. It is within a Special Landscape Area and Harrogate's Landscape Character Area: Harlow. It is within Flood Zone 1. The site is outside of the defined settlement limits of Harrogate, however, constitutes previously developed brownfield land.

- 2.3. The site comprises an existing Horticultural Service Yard (HSY) area serving the Royal Horticultural Society. It is located to the northwest of the RHS Garden Harlow Carr and directly adjacent to Grade II listed Harrogate Arms, which has recently been redeveloped from a pub to a café and activity centre. Access to the HSY is from Crag Lane to the east, which also serves access to other private businesses and car parking areas to the northeast. The existing yard comprises a mixture of building types and functions, including staff mess facilities, polytunnels, glasshouses and storage shelters. The application relates to redevelopment of the service yard and would remain in the same use. The existing steel framed machinery store and joiners' workshop, located to the northeast, will be retained and adapted to adjoin the proposed workshop and machinery store, and two large rainwater storage tanks and pump housing plus bulk storage and composting bays are located to the east adjacent to the entrance will be retained. An existing polytunnel would be removed and a drainage pond installed to the north west. New structures and buildings include a polytunnel, greenhouse and workshop accommodation, as detailed on Site Plan Drawing no. 03 Revision U dated 24 July 2024.
- 2.4. The land is owed by North Yorkshire Council to which the Royal Horticultural Society have a long term leasehold, in addition to other areas of the adjacent land, including the Harrogate Arms.
- 2.5. Redevelopment of the site is acceptable in principle. Key issues relate to landscape, design and layout, highways, flood risk and drainage, public rights of way, trees and ecology. The full list of main issues is set out at Section 9.0.
- 2.6. There are no objections from statutory consultees subject to conditions. The application has been advertised by means of site notice and within the local newspaper, to which no public representations were received. Having regard to the overall planning balance, the development is considered sustainable, and the application be APPROVED IN PRINCIPLE and DELEGATED TO THE ASSISTANT DIRECTOR FOR PLANNING TO BE GRANTED subject to conditions.



## Location Plan

Scale 1:2,500



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8/19/2024

### **3.0 Preliminary Matters**

3.1. Access to the case file on Public Access can be found [here](#):-

3.2. The following list details all relevant site history relating to the application site:

ZC23/04104/FUL – Erection of poly tunnel, greenhouse and associated landscaping works. Permitted 12.02.2024.

22/00185/FUL – Permission for one proprietary Britcab unit as a drying facility. Permitted 01.04.2022.

22/00151/FUL – Renewal of permission for one portacabin and retrospective permission for second unit. Permitted 01.04.2022.

22/00154/FUL – Retrospective approval for smaller plant room and permission for larger second plant room in relation to rainwater tanks. Permitted 31.03.2022.

12/02302/CLEUD - Certificate of lawfulness for the existing use of composting area. Permitted 14.08.2012.

07/03110/FUL - Erection of Alpine house and tool store, relocation of portacabin and siting of 2 water tanks. Permitted 07.08.2007.

07/01188/FUL - Erection of water storage tanks with 2m enclosure. Permitted 18.04.2007.

05/02742/FUL - Erection of storage building for chemicals and machinery (revised scheme). Permitted 02.08.2005.

05/02743/FUL - Erection of two storeys building to incorporate agricultural workshops, mess room, stores and associated offices, siting of a new oil tank the erection of 2.1 high security fencing and gates and formation of new access road. Permitted 02.08.2005 (development not undertaken).

97/02880/FUL - Erection of glasshouse for propagation of plants. Permitted 14.11.1997.

93/02677/FUL - Renewal of consent to retain two prefabricated buildings to provide mess facilities for gardening staff. Permitted 18.11.1993.

3.3. It is noted that amended details have been received during the course of the application in relation to drainage, biodiversity metrics and enhancement

measures, in addition to an amended site plan to confirm the boundary treatments. An updated Certificate of Ownership (Certificate B) was received during the course of the application owed to the land associated with the development being in ownership of the council.

#### **4.0 Site and Surroundings**

- 4.1. The application site is located to the southwestern edge of Harrogate, with the Harlow & St George's Ward. It is within a Special Landscape Area and Harrogate's Landscape Character Area: Harlow. It is within Flood Zone 1. The site is outside of the defined settlement limits of Harrogate, however, constitutes previously developed brownfield land.
- 4.2. The site is largely concrete or hard landscaping, although a number of biodiversity and tree features are located within the red edge boundary edge of the site. The site is well lined with a number of small, medium and large trees of mixed species, and a diverted public right of way runs to the southern boundary of the site, which was granted approval under case reference 22/04881/PROW.
- 4.3. The existing yard comprises a mixture of building types and functions, including staff mess facilities, polytunnels, glasshouses and storage shelters, as detailed on the Existing Site Plan Drawing no. 11 Revision A (dated 06 October 2023).
- 4.4. The site hosts a Horticultural Service Yard (HSY) area serving the Royal Horticultural Society. It is located to the northwest of the RHS Garden Harlow Carr and directly adjacent to the Grade II listed Harrogate Arms, which has recently been redeveloped from a pub to a café and activity centre. Access to the HSY is from Crag Lane to the east, which also serves access to other private businesses and car parking areas to the northeast.

#### **5.0 Description of Proposal**

- 5.1. The proposal relates to redevelopment of the HSY, remaining in the same use, comprising demolition of redundant structures; structural alterations to a number of existing structures to ensure they are fit for purpose; topography and landscaping works; new build structures which include a staff welfare building, polytunnel, drainage pond and workshop.
- 5.2. The existing steel framed machinery store and joiners' workshop, located to the northeast, will be retained and extended to create additional workshop and machinery store space. Two large rainwater storage tanks and pump housing plus bulk storage and composting bays will also be retained, in addition to the western polytunnels. New structures and buildings include a polytunnel and greenhouse to the northern edge of the site, the extended workshop accommodation, as well as



a staff welfare building, compost potting and events store to the central / southern aspects of the site, adjacent to the Harrogate Arms boundary.

- 5.3. Landscaping and topography works include amendments to land levels in order to accommodate the realignment of vehicular access and proposed structures, owed to the significant slope towards the southwest within the site. Proposed arboricultural works and protection measures have been detailed within the Arboricultural Impact Assessment (Drawing BA23422TAIA by Barnes Associated Ltd), Tree Protection Plan (Drawing BA23422TPP by Barnes Associated Ltd),
- 5.4. The full proposal is detailed on Site Plan Drawing no. 03 Revision U dated 24 July 2024 and within the Design and Access Statement by Allan Joyce Architects Ltd dated 06 October 2023.

## **6.0 Planning Policy and Guidance**

- 6.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning authorities must determine each application under the Planning Acts in accordance with Development Plan so far as material to the application unless material considerations indicate otherwise.

### Adopted Development Plan

- 6.2. The Adopted Development Plan for this site is:

- Harrogate District Local Plan 2014 – 2035, 2020

### Guidance - Material Considerations

- 6.3. Relevant guidance for this application is:

- National Planning Policy Framework as amended December 2023
- National Planning Practice Guidance
- National Design Guide 2021
- Providing Net Gain for Biodiversity SPD adopted June 2021
- Landscape Character Assessment – Harlow
- Special Landscape Area

## **7.0 Consultation Responses**

- 7.1. The following consultation responses have been received and have been summarised below.
- 7.2. **Conservation and Design NYC:** full comments are available to view on public access – in summary, the development proposals will not result in a harmful impact to the setting and significance of the Grade II listed Harrogate Arms Hotel and Grade II listed Bath House.
- 7.3. **Estates NYC:** no objections.



- 7.4. **Environmental Protection NYC:** no objections – recommended conditions in relation to land contamination and noise.
- 7.5. **Harrogate Civic Society:** support the application.
- 7.6. **Highways Officer NYC:** no objections.
- 7.7. **Arboricultural Officer NYC:** no objection subject to condition in relation to Root Protection Areas (RPA).
- 7.8. **Ecology NYC:** no objection subject to conditions in relation to CEMP and Biodiversity management and enhancement to be secured through legal agreement.
- 7.9. **Economic Development NYC:** support proposal - will improve the functionality and sustainability of the RHS Garden and thereby have a positive and long-term impact on tourism and the visitor economy.
- 7.10. **Flood Authority NYC:** no objection and recommended pre commencement condition – full comments available to view on public access.

#### Local Representations

- 7.11. The application was advertised by means of site notice and within the local newspaper for at least 24 days prior to writing this report. No public representations were received at the time of writing.

### **8.0 Environment Impact Assessment (EIA)**

- 8.1. The Town and Country Planning (Environmental Impact Assessment) Regulations 2017.
- 8.2. The development falls within Schedule 2 Category 10(b) Urban Development Projects of The Environmental Impact Assessment Regulations 2017 (as amended) having taken into account the criteria in Schedule 3 to the above Regulations. As such the Council as Local Planning Authority have screened the development and found that it is not EIA development, and no Environmental Statement is required to be submitted with the application. The Screening Checklist, which acts as the report and decision is available to view on the Council's website. Nothing has changed since the Screening Decision, and it is still effective for the Committee Decision.
- 8.3. The Proposed Development is therefore not considered by the LPA to be EIA Development.

### **9.0 Main Issues**

- 9.1. The key considerations in the assessment of this application are:

- Principle and Land Use
- Design and Sustainability
- Landscape
- Heritage
- Amenity
- Public Rights of Way
- Highway Matters
- Biodiversity Net Gain and Ecology
- Drainage
- Environmental Health

## **10.0 ASSESSMENT**

### Principle and Land Use

- 10.1. The proposed site is located outside the development limits of Harrogate and within a Special Landscape Area. It is currently in use as the horticultural service yard to the RHS Harlow Carr Gardens.
- 10.2. Policy GS2 of the Local Plan advises that growth will be focussed within the district's main settlements and villages, which are set out in the settlement hierarchy. Harrogate is identified as a main settlement. The service yard is outside the development limits of Harrogate and therefore considered to be part of the wider countryside.
- 10.3. Policy GS3: Development Limits advises that within the development limits drawn around settlements, proposals for new development will be supported provided they are in accordance with other relevant policies of the Local Plan. Outside development limits, proposals for new development will only be supported where expressly permitted by other policies of the Local Plan or a neighbourhood plan or national policy.
- 10.4. As an existing business in the open countryside, Policy EC2 supports the expansion of existing buildings in the open countryside where all of the criteria listed in the policy are met. These relate to proving a need for the development in terms of operational requirements, scale, impact upon the landscape, highways and residential amenity. The policy focuses upon the expansion of existing businesses, and it is noted that this proposal is redevelopment within the existing site boundaries.
- 10.5. In relation to Criteria A of EC2, the applicant has provided a statement in relation to the need for redeveloping the service yard as many of the buildings are currently dilapidated or in need of rebuilding to ensure their longevity. The wider RHS site has undergone other recent developments in relation to expansion and development of their tourism and hospitality services, to which the proposed is expected to contribute. The RHS as a business provides economic and social opportunities for the district, and as noted by the Economic Development team in their consultation response, they support the redevelopment of the site as

it will have a positive impact on the tourism industry in Harrogate. Therefore, criteria A is met.

- 10.6. In relation to Criteria B of EC2, the development is largely contained within the existing site, with no additional structures extending beyond the physical boundaries of the service yard. The redevelopment largely comprises demolition of existing buildings and erection of improved structures, with the larger welfare building being located southmost adjacent to the Harrogate Arms. Overall, the siting of the facilities is considered necessary to be accommodated within this location owed to the nature of being service facilities, not appropriate to be accommodated within the main RHS public facing site and are well contained within the site. Therefore, criteria B is met.
- 10.7. In relation to Criteria C of EC2, the proposal is of a scale and type that is consistent with buildings within the existing yard, considered appropriate in relation to the nature of its context and surroundings. As viewed from the public rights of way, the proposed structures will be visible and glimpsed through the western and northern woodland but will be seen within the context of the existing functional buildings within a working yard and will therefore not add significant additional adverse elements. The proposal is within the existing yard and is well contained visually with the existing woodland and landscaping, and the addition of the hedgerow as indicated on the submitted documents will contribute well to the landscaping. Therefore, criteria C is met.
- 10.8. In relation to Criteria D of EC2, the proposal must respect the character of the countryside, the surrounding landscape, the form and character of the settlement and biodiversity. Within the pre application enquiry, submitted in July 2023, the council's landscape officer noted that there are few landscape features within the existing site due to the nature of the yard. The council's Arboricultural Officer raised no objections to the proposed tree works as indicated on the submitted documents. The proposal will not result in adverse loss of landscaping or trees within the site and will overall retain the existing character of the service yard, being well contained within the site and will assimilate within the countryside. The Council's Ecological Department has been consulted and although the proposal only requires no not less of biodiversity owed to the application being submitted in November 2023, the proposal will result in Biodiversity Net Gain (BNG) following completion of the deed of variation on the lease. Therefore, the proposal will enhance biodiversity and Criteria D is met.
- 10.9. In relation to Criteria E of EC2, the Council's Highways Officer was consulted and raised no objections to the proposal. The existing use will be retained, and the additional structures are not considered to raise significant highway concerns. An area for parking is retained within the site in addition to significant car parking outside of the red line boundary within the wider RHS grounds. Therefore, Criteria E is met.
- 10.10. In relation to Criteria F of EC2, the site is located a significant distance from residential properties and is not considered to result in significant noise impact. The

Environmental Protection team were consulted and raised no concerns in relation to amenity. Therefore, Criteria F is met.

10.11. It is considered that the requirements of EC2 have been met.

10.12. Furthermore, Policy GS5 offers support for sustainable economic growth in the district, including proposals that maintain and enhance the visitor economy (acknowledging that Harlow Carr is a popular visitor destination) and supporting the rural and agricultural economy. The proposal was given support from the council's Economic Development team. As the redevelopment of an existing service yard, within its current boundaries, the proposal is considered to be acceptable in principle.

#### Design and Sustainability

10.13. Policy CC4: Sustainable Design requires all developments to be designed to reduce both the extent and impacts of climate change. All developments are required to reduce carbon dioxide emissions through consideration of the energy hierarchy. New developments should incorporate passive design measures that reduce the need for artificial lighting, heating, cooling and ventilation systems through siting, design, layout and building orientation. An Energy Statement has been provided and adequately demonstrates that the energy hierarchy has been applied to make the fullest contribution to reducing greenhouse gas emissions.

10.14. Policy CC4 also requires non-domestic new developments to achieve a minimum standard of BREEAM 'Excellent', or where this score cannot be achieved, reasonable evidence / circumstances detail why. As demonstrated within the submitted details, the council are satisfied that BREEAM is not applicable to the proposed glasshouse and polytunnel buildings owed to their use. In relation to the proposed workshop and welfare building, the agent has provided a BREEAM pre-assessment report and statement which finds that the proposals can achieve a 'Very Good' rating. In this instance a predicted BREAAM rating of very good is only possible due to waste and sustainable transport options. It is noted that there has been a regular bus service nearby to the site, from Otley Road, since March 2024. In addition, the statement refers to the elements of adherence to the Energy Hierarchy are proposed to be carried out on the site, owed to the RHS aspiration to deliver a carbon neutral site. Overall, the redevelopment of the existing yard is considered to improve the current networking within the site, in addition, the proposal aims to secure Biodiversity Net Gain as opposed to the statutorily required No Net Loss. Therefore, whilst a BREAAM rating of excellent has not been predicted the benefits of the development are such that this is not a matter that weighs overly negatively in the overall balance.

10.15. Policy HP3: Local Distinctiveness requires developments to incorporate high quality buildings, urban and landscape design that protects, enhances or reinforces those characteristics, qualities and features that contribute to local distinctiveness. Scale, appearance and views of the site are important as well as biodiversity, landscape, green and blue infrastructure. The new buildings will

reflect the existing buildings on site in terms of size, scale and design, and will assimilate well within the context of the site and its surroundings, and therefore meet the requirements of HP3.

### Landscape and Trees

- 10.16. The site lies within Area 59: Harlow Hill in the Harrogate District Landscape Character Assessment and within a Special Landscape Area. The area is important to the rural setting of Harrogate with Harlow Carr being acknowledged as a key feature. New development should assess the impact upon the character and countryside setting of the town. Landscape character is protected by Policy NE4. Development which would harm or be detrimental to the character of the wider landscape will be resisted.
- 10.17. In considering the detailed design and layout of the proposal within the current application, the proposed development is well contained visually by existing buildings, woodland and hedge planting, and the scale and design of the additional structures will assimilate with the existing.
- 10.18. Given the topography of the site and the existing vegetation the proposed development will be well screened from the public footpath to the north of the site. The buildings will be terraced taking into account the slope of the site with the new workshop building being of similar height to the existing machinery store. A Landscape Visual Assessment was not considered to be required.
- 10.19. A tree survey, tree constraints plan, arboricultural impact assessment, arboricultural method statement and landscaping details were submitted. The council's Arboricultural Officer raised no objections to the proposed development in terms of impact on existing trees subject to a condition in relation to RPA.
- 10.20. The council considers that there are few significant landscape features within the existing site due to the nature of the service yard, and therefore there are no objections in principle to the impact of the scheme on positive landscape features.
- 10.21. Therefore, in consideration of the above, the proposal is considered acceptable in light of policy NE4.

### Heritage

- 10.22. The adjacent Harrogate Arms is a Grade II listed building as well as the Bath House within the gardens. Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 requires a Local Planning Authority, when considering a planning application that affects a listed building, to have special regard to the desirability of preserving the building or its setting. Local Plan Policy HP2 advises that proposals for development that would affect heritage assets will be determined in accordance with national planning policy. Proposals affecting heritage assets, conservation areas and registered parks and gardens should not harm those features which contribute to the reasons for their designation. Harm

to elements which contribute to the significance of a designated heritage asset will only be permitted where this is clearly justified and outweighed by the public benefits of the proposal. Substantial harm or total loss to the significance of such assets will be permitted only in exceptional circumstances.

- 10.23. A Heritage Statement was submitted and assessed in consultation with the council's Heritage and Design department, whom raised no objections to the proposal on the basis of the design and layout of the development. The development proposals are therefore not considered to result in a harmful impact to the setting and significance of the Grade II listed Harrogate Arms Hotel and Grade II listed Bath House and will therefore preserve the setting.

#### Amenity

- 10.24. Policy HP4 requires proposals to be designed to ensure that they will not result in significant adverse impacts upon the amenity of occupiers and neighbours. Immediate neighbours to the site include commercial premises to the east and the Harlow Kennels and Cattery. The closest residential property is approximately 112m to the northwest. The council's Environmental Protection team raised no concerns in relation to residential amenity. The proposed workshop is not considered to raise significantly adverse impacts in terms of noise, vibration or fumes in relation to the existing facilities on site and are adequately distanced from residential properties in those regards.

#### Public Rights of Way

- 10.25. Policy HP5 protects Public Rights of Way. A diverted public right of way passes through the site along its southern boundary and connecting to a number of rights of way in the local area. The site plan shows the right of way protected within a corridor between the site and the land associated with the Harrogate Arms, also now part of Harlow Carr. The recreational and amenity value of the PROW is required to be protected as part of the redevelopment scheme.
- 10.26. North Yorkshire Public Rights of Way team provided no response on the submitted application, and therefore raised no objection to the proposal. It is noted that they provided comments under the pre application enquiry, raising no objections, however advised that the new public right of way must be constructed and aligned to the Order Plan. Public Footpath 15.54/157 was diverted and certified following an application to the council (22/04881/PROW) subsequent to a previous planning application unrelated to current application.
- 10.27. Vehicular access is proposed to be created south-centrally within the site area, however, would not result in disruption to the public right of way, and the highways and public rights of way team raised no objections. The proposal is



therefore not considered to raise concerns in relation to the value of the diverted public right of way. Therefore, it is considered that the proposal meets the requirements of HP5.

### Highways

- 10.28. Policies TI1 and TI3 advise that proposals must seek to minimise the need to travel and reduce the use of private cars. NYC Highways have assessed the information provided and advise that they have no objections based on the submitted information.
- 10.29. A Construction Management Plan condition should be included in order to ensure that safe construction practices takes places during the construction period.

### Biodiversity Net Gain and Ecology

- 10.30. Local Plan Policy NE3 requires proposals to protect and enhance ecological and geological features. The council's Ecology Officer has confirmed that they have no objections to the proposed Construction Ecological Management Plan (Total Ecology Ltd, 11 April 2024) and Biodiversity Management and Monitoring Plan (Total Ecology Ltd, 15 April 2024) in relation to ecology.
- 10.31. However, Planning Permissions in England are now deemed to be granted subject to the general Biodiversity Gain Condition as set out by Schedule 7A, paragraph 13 of the Town and County Planning Act 1990 (TCPA) as amended by Schedule 14, Part 2, paragraphs 13, 14 and 15 of the Environment Act 2021. This is a pre-commencement condition.
- 10.32. This application is considered to be exempt from this national BNG condition as it was validated in November 2023, therefore, the council's pre-requisite Local Plan policy NE3 and Biodiversity No Net Loss SPD policy apply.
- 10.33. The agent, in consultation with the Council's Ecology Officer, has provided detailed biodiversity metric information to which they have agreed to provide biodiversity net gain provision in order to obtain the highest achievable BNG requirements as set out in current national policy (10% net gain).
- 10.34. As the Council is the landowner in this case it is not possible to have a Section 106 agreement to secure the BNG. The Council cannot enter into an agreement with itself. However, It is understood that the BNG requirements can be achieved by way of a variation to the lease between the RHS and the Council. The Council has confirmed that the lease can be varied to enable the BNG to be provided.

### Drainage and Water Supply

- 10.35. In accordance with Policy CC1, proposals should include details of how applicants propose to deal with surface water drainage. The drainage strategy must be suitable to the size and type of development as detailed in the Council's Drainage Information Chart. The site is largely in flood zone 1 however there are small areas within the site identified as being at risk of surface water flooding on the Environment Agency's flood map.
- 10.36. Proposals where the site area is over 1 hectare will require the submission of a Flood Risk Assessment as well as a drainage strategy. In accordance with planning policy, all development will be required to ensure that there is no increase in surface water flow rate run-off. Priority should be given to incorporating sustainable drainage systems (SuDs) to manage surface water drainage, unless it is proven that they are not appropriate. Policy NE2 requires assessment of proposals upon surface and groundwater systems. Development should be served by an adequate, wholesome supply of water, appropriate sewerage infrastructure and demonstrate that there is sufficient sewage treatment capacity to ensure no deterioration of water quality.
- 10.37. Foul Sewage is proposed to be disposed of from an existing package treatment plant on the site. Therefore, an informative is considered adequate to ensure that waste is disposed of appropriately.
- 10.38. In relation to surface water run-off, it is noted that amended details were received during the course of the application following initial comments from the Lead Local Flood Authority, altering the proposed tank to a drainage pond in the northwestern aspect of the site. The Council's Lead Local Flood Authority provided comments in relation to the amended drainage details, as detailed on Site Plan Drawing no. 03 Revision U dated 24 July 2024, and have confirmed that they have no objections to the amended details and the proposal will result in surface water run-off betterment on site.
- 10.39. A pre-commencement condition is recommended in relation to providing details of the proposed surface water drainage strategy.

#### Environmental Health

- 10.40. The role of the planning process is to ensure that land is made suitable for its proposed future use. All planning applications have to be considered for potential contamination issues to ensure compliance with the Town and Country Planning Act 1990, the NPPF and the Council's Local Plan, including Policies NE1: Air Quality.
- 10.41. On any site where there is the potential for contamination to influence the site, or where the proposed development is vulnerable, the Planning Officer will consult with the Council's Contaminated Land Officer. The Contaminated Land Officer will then assess the application and may recommend that further information be submitted or planning conditions be imposed upon the development, to ensure

that the site will be suitable and safe for the end users, the environment and the public.

- 10.42. The agent provided a Contaminated Land Assessment in relation to the proposal. The council's Environmental Protection team raised no objections in this instance, however recommended conditions in relation to land contamination.
- 10.43. The proposal relates to a sui generis use, comprising a staff welfare building, as well as a workshop for general industrial use. The proposed buildings are located a substantial distance from residential units as to reduce impacts of noise and disturbance, however the Environmental Protection team recommended conditions in relation to noise management on the site.

## **11.0 PLANNING BALANCE AND CONCLUSION**

- 11.1. The proposed redevelopment works within the Service Yard of the RHS are acceptable in principle, improving the functionality of the site and would therefore have long term economic and tourist benefits for the locale. In consultation with statutory consultees, the proposed development is not considered to result in landscape or heritage harm, significantly adverse amenity impacts, flood risk or highway safety concerns. The design of the structures are an appropriate scale and form within the context of the site and surrounding.
- 11.2. Whilst a BREAAAM rating of Very Good (rather than Excellent) has been predicted, the applicant has provided sufficient detail in relation to ensuring the sustainability of the development, including drainage betterment within the service yard in addition to biodiversity net gain enhancements. Therefore, on balance, it is considered that the benefits of the development are such that this is not a matter that weighs overly negatively.
- 11.3. No concerns were raised by consultees during the application period which have not been rectified and/or can be sufficiently managed by means of planning condition.
- 11.4. The scheme is in accordance with the development plan as a whole and represents sustainable development as required by the National Planning Policy Framework.

## **12.0 RECOMMENDATION**

That the application be APPROVED IN PRINCIPLE and DELEGATED TO THE ASSISTANT DIRECTOR FOR PLANNING TO BE GRANTED subject to conditions.

### **Recommended conditions:**

#### **Condition 1 Time Limit**

The development hereby permitted shall be begun on or before three years from the date of this permission.

Reason: To ensure compliance with Sections 91-94 of the Town and Country Planning Act 1990.

### **Condition 2 Approved Plans**

The development hereby granted shall be carried out in strict accordance with the Application Form and the following plans:

Location Plan. Drawing 01 Rev A.

Site Plan Drawing no. 03 Revision U.

Proposed Polytunnel Floor Plans and Elevations. Drawing 15 Rev C.

Proposed Glasshouse Floor Plans and Elevations. Drawing 13 Rev C.

Proposed Workshop and Pallet Store Elevations. Drawing 09 Rev B.

Proposed Workshop and Pallet Store Floor Plans. Drawing 06 Rev C.

Proposed Staff Welfare Building Floor Plans and Elevations. Drawing 05 Rev D.

Proposed Compost Building Floor Plans and Elevations. Drawing 07 Rev B.

Reason: For the avoidance of doubt and in the interests of proper planning.

### **Condition 3 Contamination Remediation**

Land contamination remediation of the site shall be carried out and completed in accordance with the Local Planning Authority approved Remediation Strategy (Ground Investigation Report 23-308 January 11 by arc environmental ltd). In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered in either the Preliminary Risk Assessment or the Phase II Intrusive Site Investigation Report is identified or encountered on site, all groundworks in the affected area (save for site investigation works) shall cease immediately and the local planning authority shall be notified in writing within 2 working days. Works shall not recommence until proposed revisions to the Remediation Strategy have been submitted to and approved in writing by the local planning authority.

Remediation of the site shall thereafter be carried out in accordance with the approved revised Remediation Strategy.

Reason: In the interests of safety and amenity.

### **Condition 4 Contamination Remediation**

Following completion of any measures identified in the approved Remediation Strategy (Ground Investigation Report 23-308 January 11 by arc environmental ltd), or any subsequent approved revised Remediation Strategy, a land contamination Verification Report shall be submitted to the local planning authority. No part of the site shall be brought into use until such time as the remediation measures have been completed for that part of the site in accordance with the approved Remediation Strategy or the

approved revised Remediation Strategy and a Verification Report in respect of those remediation measures has been approved in writing by the local planning authority. Where verification has been submitted and approved in stages for different areas of the whole site, a Final Verification Summary Report shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of safety and amenity.

### **Condition 5 Lighting**

Prior to occupation of the development hereby granted, written confirmation shall be provided to the Local Planning Authority for approval, that the proposed lighting scheme meets the specifications of the Noise Assessment provided by Dextra Group Plc (RHS Harlow Carr Rev4) unless otherwise approved in writing by the local planning authority. The lighting scheme must not cause glare to neighbouring premises and must be retained for the lifetime of the development.

Reason: In the interests of amenity.

### **Condition 6 Noise**

The combined noise from any:

- Mixed installations which comprise mechanical and electrical plant and equipment;
- the loading and unloading of goods and materials;
- mobile plant and vehicles at the site;

shall be effectively controlled so that the combined rating level of all such equipment does not exceed the background sound level at any time (“rating level” and “background sound level” are as defined in BS4142:2014+A1 2019).

Reason: In the interests of amenity.

### **Condition 7 Tree Protection (pre commencement)**

No development shall commence on site before the approved tree report detail (Barnes Associates TPP dated November 2023) including root protection area (RPA) fencing in line with the requirements of British Standard BS 5837: 2012 (section 6.2.2 figure 2) Trees in Relation to Construction – Recommendations, or any subsequent amendments to that document, around the trees or shrubs or planting to be retained, as indicated on the approved plan. The developer shall maintain such fences until all development subject of this permission is completed.

Reason: In the interests of tree protection.

### **Condition 8 Tree Protection**

In the event of failure of any trees or shrubs, planted in accordance with any scheme approved by the Local Planning Authority, to survive for a period of five years from the date of completion of implementation of that scheme, such trees or shrubs shall be replaced by the developer with such live specimens of such species in such number as may be approved by the Local Planning Authority.

Reason: To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity.

### **Condition 9 Ecology**

The development hereby granted must be carried out in strict accordance with the Construction Ecological Management Plan (Total Ecology, April 2024), and the measures must be retained on site for the duration of the works being carried out and made available for the use of site managers and operatives.

Reason: In the interests of ecology.

### **Condition 10 BREEAM**

Within six months of the commencement of the workshop and welfare building, a Design Stage Certificate issued by BRE shall be submitted for the approval in writing of the Local Planning Authority. The development shall meet BREEAM "Very Good". Thereafter the development shall be carried out in accordance with the approved details.

Reason: To safeguard the environment and mitigate climate change.

### **Condition 11 BREEAM**

A Post Construction Stage Certificate issued by BRE for the development demonstrating that at least the 'Very Good' standard has been met shall be submitted for the approval in writing of the Local Planning Authority within six months of the workshop and welfare building hereby permitted being in use.

Reason: To safeguard the environment and mitigate climate change.

### **Condition 12 Construction Management Plan**

No development for any phase of the development must commence until a Construction Management Plan for that phase has been submitted to and approved in writing by the Local Planning Authority. Construction of the permitted development must be undertaken in accordance with the approved Construction Management Plan. The Plan must include, but not be limited, to arrangements for the following in respect of each phase of the works:

1. details of any temporary construction access to the site including measures for



removal following completion of construction works.

2. wheel and chassis underside washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway.
3. the parking of contractors' site operatives and visitor's vehicles.
4. areas for storage of plant and materials used in constructing the development clear of the highway.
5. measures to manage the delivery of materials and plant to the site including routing and timing of deliveries and loading and unloading areas.
6. details of the routes to be used by HGV construction traffic
7. protection of carriageway and footway users at all times during demolition and construction.
8. protection of contractors working adjacent to the highway.
9. details of site working hours
10. means of minimising dust emissions arising from construction activities on the site, including details of all dust suppression measures and the methods to monitor emissions of dust arising from the development.
11. measures to control and monitor construction noise.
12. removal of materials from site including a scheme for recycling/disposing of waste resulting from demolition and construction works.
13. a detailed method statement and programme for the building works; and
14. contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.

Reason: In the interests of general amenity in accordance with Local Plan Policy HP4.

### **Condition 13 Air Source Heat Pump**

Prior to the installation of air source heat pumps, details shall be submitted to and approved in writing by the Local Planning Authority. These should include, but are not limited to, technical details, visual appearance, details of location and position and ground surface material, a noise assessment report undertaken by a competent person including cumulative impacts and impacts in relation to background noise and any noise attenuation measures required. The air source heat pumps shall be installed, maintained and retained in accordance with the approved details for the lifetime of the development.

Reason: In the interest of amenity and sustainability in accordance with Policy CC4.

### **Condition 14 Cycle Storage**

Prior to the occupation of the development hereby approved, details of the cycle storage shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and the cycle storage shall be retained for the lifetime of the development.

Reason: In the interests of sustainability and amenity.

### **Condition 15 Drainage**

Prior to the commencement of any soil stripping or foundation works to any of the buildings, drawings shall be submitted to, and be agreed by the Local Planning Authority in consultation with the Lead Local Flood Authority, showing details of the proposed surface water drainage strategy. No piped discharge of surface water from altered drainage systems shall take place until the approved works to provide a satisfactory flow control has been completed. The scheme shall be based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development and will include:

- (a) peak flow rates of discharge to the watercourse.
- (b) a drainage system designed with sufficient on site attenuation so that flooding does not occur on any part of the site for a 1 in 30 year rainfall event, nor any flooding for a 1 in 100 year rainfall event in any part of a building (including a basement) or in any utility plant susceptible to water (e.g. pumping station or electricity substation) within the development, except within an area that is designed to hold and/or convey water. The design shall also ensure that storm water resulting from a 1 in 100 year rainfall event, plus an allowance of 45% to account for climate change can be stored on the site without risk to people or property and without increasing the restricted flows off site.
- (c) full hydraulic calculations to confirm attenuation storage requirements
- (d) proposed control measures to manage pollution from vehicle parking and hard standing areas if required.
- (e) an exceedance flood routing plan which shall demonstrate where flooding could potentially occur if the designed drainage systems were to be exceeded or fail for any reason including rainfall in excess of the 1 in 100 year event. The routing map should indicate direction of flood flows, highlighting areas that could flood and to what depth. The plan must demonstrate that exceedance flows will not cause risk or flooding to property/people on or off site.
- (f) details with regard to the maintenance and management of the approved scheme to include; drawings showing any surface water assets to be vested with the statutory undertaker/highway authority and subsequently maintained at their expense, and/or any other arrangements to secure the operation of the approved drainage scheme/sustainable urban drainage systems throughout the lifetime of the development including:
  - (i) details to demonstrate how the maintenance of any privately managed surface water drainage systems will be funded for the lifetime of the development,
  - (ii) details of the organisation appointed to undertake future management and maintenance of the private surface water drainage systems, including full contact details and to whom will be responsible for appointing a new maintenance contractor if the existing company fails in its duties for any reason, or ceases to exist,
  - (iii) drawings showing any surface water assets that will not be maintained at public expense,
  - (iv) a maintenance & operation manual for the privately managed surface water drainage systems itemising the tasks to be undertaken and frequency required,
  - (v) a plan clearly showing the extent of the land ownership along with easements and rights of way for access to carry out maintenance on third party land if required.

(vi) physical access arrangements in perpetuity,

Reason: In the interests of sustainability and flood risk.

**Informative 1 Foul Sewage**

Foul Sewage disposal within the package treatment plant must comply with appropriate guidance and must be installed and maintained in accordance with the manufacturer's instructions.

**Target Determination Date:** 02 August 2024

**Case Officer:** Kate Exley, [kate.exley@northyorks.gov.uk](mailto:kate.exley@northyorks.gov.uk)

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