

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

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

**Date:** Tuesday, 28 January 2025

**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 Officer by midday on Thursday 23 January 2025.

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 [Agenda for Harrogate and Knaresborough Area Planning Committee on Tuesday, 28 January 2025, 2.00 pm | North Yorkshire Council](#) 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 29 August 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. ZC23/03273/FULMAJ - 22-30 Parliament Street, Harrogate, (Pages 7 - 64)  
North Yorkshire, HG1 2RQ**

Report of the Assistant Director Planning – Community Development Services

**5. ZC24/03890/FUL - Harrogate Sports And Fitness Centre, via (Pages 65 -  
Hookstone Wood Road, Harrogate, North Yorkshire 92)**

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, 25 February 2025 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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Monday, 20 January 2025

## North Yorkshire Council

### Harrogate and Knaresborough Area Planning Committee

Minutes of the meeting held on Thursday, 29th August, 2024 commencing at 2.00 pm.

Councillor John Mann in the Chair plus Councillors Chris Aldred, Philip Broadbank and Paul Haslam (acting as substitute for Councillor Schofield).

Officers present: Catriona Gatrell – Head of Legal for Property, Planning & Environment, Nick Turpin – Development Service Manager, Charlotte Pickstone - Career Grade Planning Officer (Observer), Sam Fleming – Career Grade Planning Officer (Observer), Edward Maxwell, Senior Democratic Services Officer; and Dawn Drury, Democratic Services Officer

Apologies: Hannah Gostlow, Mike Schofield and Peter Lacey.

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

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The Chair informed the Committee that the planning application at item 4 of the agenda, application number ZC23/04392/FUL – for the 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, Harrogate, North Yorkshire had been withdrawn from consideration by the Council by the applicant's agent, and therefore the item would not be heard.

#### 21 Apologies for Absence

Apologies noted (see above).

#### 22 Minutes for the Meeting held on 25 June 2024

The minutes of the meeting held on the 25 June 2024 were confirmed and signed as an accurate record.

#### 23 Declarations of Interests

Councillor Broadbank declared a non-pecuniary interest in item 5 of the agenda, as he was a member of the Harrogate Civic Society, who had shown support for the application. The Councillor confirmed that he would be keeping an open mind, and that he would speak and vote on the item.

The Committee considered a report of the Assistant Director Planning – Community Development Services relating to an application for planning permission.

In considering the report of the Assistant Director Planning – Community Development Services, regard had been paid to the policies of the relevant development plan, the National Planning Policy Framework and all other material planning considerations.

Where the Committee was minded to approve planning permission in principle and

delegated the decision to the Assistant Director for Planning this was because the proposal was in accordance with the development plan, the National Planning Policy Framework or other material considerations as set out in the report.

**24 THIS APPLICATION HAS BEEN WITHDRAWN - ZC23/04392/FUL - Harrogate Sports And Fitness Centre, Harrogate, North Yorkshire**

As Members had heard earlier in the meeting, this application had been withdrawn from consideration by the Council.

**25 ZC23/04425/FULMAJ - Royal Horticultural Society, Harlow Carr Gardens, Crag Lane, Harrogate, North Yorkshire, HG3 1QB**

Considered:-

The Assistant Director Planning – Community Development Services sought determination of an application for the redevelopment of an existing horticultural service yard to include erection of a 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 and amendments to an existing machinery store at Harlow Carr Gardens, Crag Lane, Harrogate, North Yorkshire, HG3 1QB on behalf of the Royal Horticultural Society.

The Development Service Manager explained that the application had been brought before Members as the land to which the application related was leased to the applicant by North Yorkshire Council.

There were no speakers for the application.

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

- Members queried the applicants aims for the planning application in terms of sustainability and waste circular economy.
- Clarification was sought on the reasons why the officer's recommendation was subject to two contamination remediation conditions.
- If the applicants held a licence to discharge waste into the beck to the south of the site.
- Whether there was a Construction Management Plan in place.

The decision:-

Members were minded to approve the application in principle and delegated the decision to the Assistant Director for Planning permission to be granted subject to the conditions detailed in Section 12 of the Committee report.

Voting Record:-

A vote was taken, and the motion was declared carried unanimously

**26 Any other items**

There were no urgent items of business.

**27 Date of Next Meeting**

Tuesday 24 September 2024 at 2.00 pm.

The meeting concluded at 2.27 pm.

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## North Yorkshire Council

### Community Development Services

#### Harrogate and Knaresborough Area Planning Committee

28 JANUARY 2025

**ZC23/03273/FULMAJ – CONTINUED COMMERCIAL USE (CLASS E) OR NEW DRINKING ESTABLISHMENT USE (SUI GENERIS) OF BASEMENT, LOWER GROUND FLOOR AND PART OF UPPER GROUND FLOOR; CHANGE OF USE OF UPPER FLOORS (INCLUDING PART OF UPPER GROUND FLOOR) FROM COMMERCIAL USE (CLASS E), AND ERECTION OF ROOFTOP EXTENSIONS, TO CREATE A TOTAL OF 34 APARTMENTS (CLASS C3); EXTERNAL ALTERATIONS INCLUDING REMOVAL AND REPLACEMENT OF CANOPIES AND SHOP FRONTS, REPAIRS (AND REPLACEMENT WHERE NECESSARY) TO SLATE ROOF AND WINDOWS IN THE EARLY 20<sup>TH</sup> CENTURY ELEMENTS OF THE BUILDING, AND REMOVAL AND RE-CLADDING OF THE FACADES OF THE 1960S ELEMENTS OF THE BUILDING AND REPLACEMENT OF ALL WINDOWS TO THOSE 1960S ELEMENTS OF THE BUILDING**

**AT**

**22-30 PARLIAMENT STREET, HARROGATE, NORTH YORKSHIRE, HG1 2RQ**

**ON BEHALF OF**

**STIRLING PRESCIENT NO. 1 LIMITED**

#### **REPORT OF THE ASSISTANT DIRECTOR PLANNING – COMMUNITY DEVELOPMENT SERVICE**

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

- 1.1 To determine a planning application for continued commercial use (Class E) or new drinking establishment use (Sui Generis) of basement, lower ground floor and part of upper ground floor; change of use of upper floors (including part of upper ground floor) from commercial use (Class E), and erection of rooftop extensions, to create a total of 34 apartments (Class C3); external alterations including removal and replacement of canopies and shop fronts, repairs (and replacement where necessary) to slate roof and windows in the early 20<sup>th</sup> century elements of the building, and removal and re-cladding of the facades of the 1960s elements of the building and replacement of all windows to those 1960s elements of the building. on land at 22-30 Parliament Street, Harrogate, North Yorkshire, HG1 2RQ.
- 1.2 This application is referred to the Planning Committee because it is considered to raise significant planning issues such that it is appropriate to be considered by the Committee.

##### **2.0 EXECUTIVE SUMMARY**

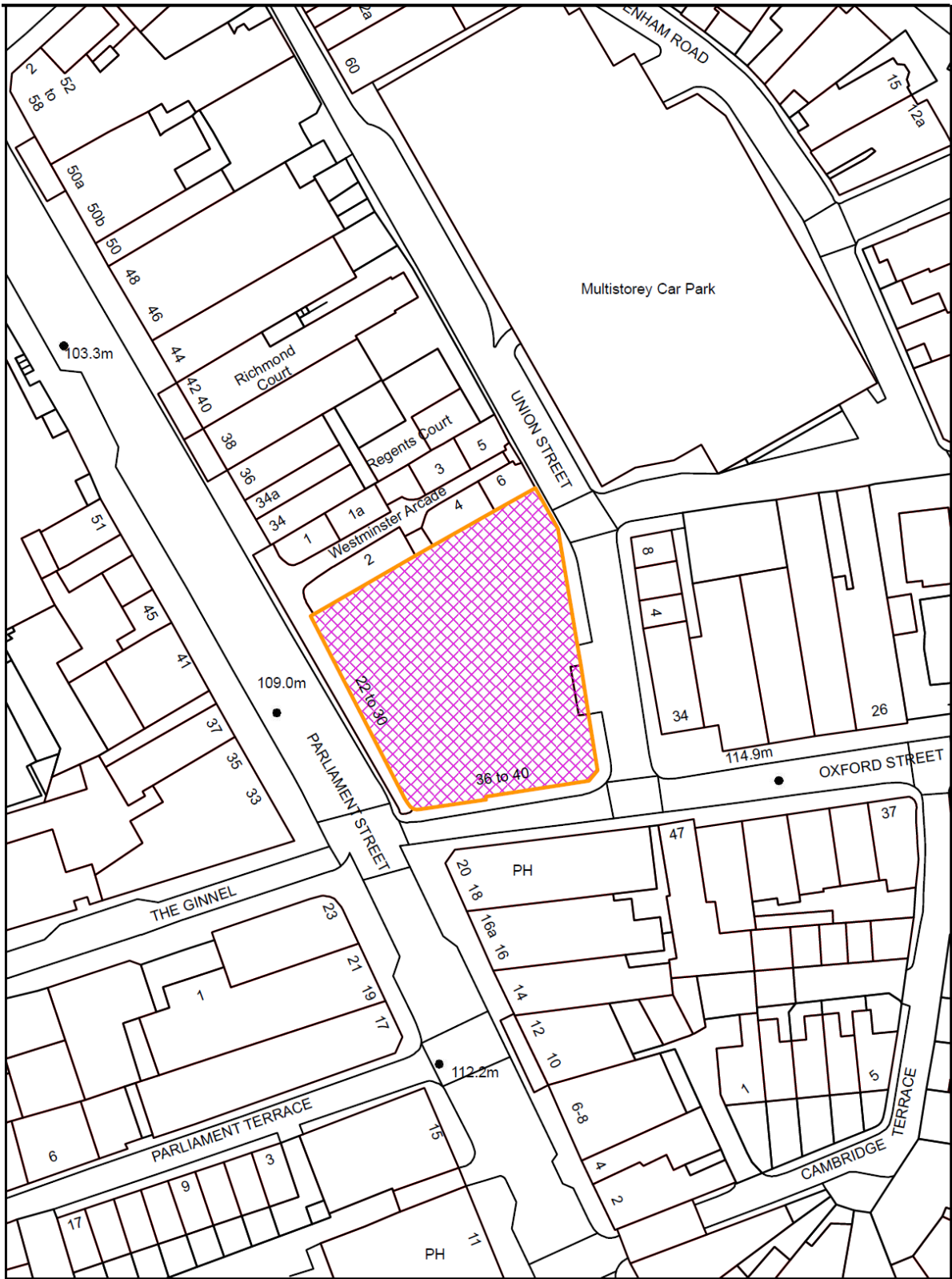
**RECOMMENDATION: That planning permission be GRANTED subject to conditions listed below and prior completion of a S106 agreement with terms as detailed in Table 1.**

- 2.1. Full planning permission is sought for a proposed development involving the retention and conversion of the former Debenhams department store in Harrogate town centre. The proposed development includes the retention of commercial uses on the lower floors of the building, including the potential (*sui generis*) use of those areas as a

drinking establishment, and the conversion of the upper floors, including roof extensions, to provide 34 residential apartments.

- 2.2. The development would also include alterations to the existing buildings within the site, including repairs to parts of the historic buildings in the southern part of the site, and façade replacement works to some of the later additions to the building.
- 2.3. The older buildings within the site are considered to be a non-designated heritage asset. The site is within Harrogate Conservation Area and there are a number of listed buildings in the vicinity of the site. The buildings occupy a prominent position on a main thoroughfare within Harrogate town centre and have been vacant for a number of years following the closure of the Debenhams store.
- 2.4. The main issues for consideration in this application include the effects of the development on heritage assets (including the non-designated heritage asset within the site, the settings of listed buildings nearby, and Harrogate Conservation Area), residential amenity, highway safety, ecology and biodiversity, and fire safety.
- 2.5. Some aspects of the proposed development would result in harm to the significance of the non-designated heritage asset within the site, and less than substantial harm to the Harrogate Conservation Area and to the settings of nearby listed buildings.
- 2.6. However, the proposed development would also provide a number of public benefits. These include bringing a vacant building, on a large and prominent site within Harrogate town centre, back into use to provide commercial space and new residential apartments within the town centre, which would contribute to the vitality and viability of the town centre and to housing supply in the town.
- 2.7. The public benefits would also include heritage benefits, including repairs to the existing historic buildings within the site, and the replacement of the façades of later parts of the buildings, and of existing shop fronts and canopies, with replacements which would be more sympathetic to their historic surroundings.
- 2.8. It is considered that the public benefits that would arise from the development would outweigh the harm to the non-designated heritage asset within the site, and the less than substantial harm to the settings of nearby listed buildings and to the conservation area in this case.
- 2.9. The proposed development is considered acceptable in other regards, including in relation to residential amenity, highway safety, ecology and biodiversity, fire safety and other matters, subject to conditions, and to a S106 agreement to cover relevant matters, as set out below.
- 2.10. It is therefore concluded that the proposed development would be acceptable, and it is recommended that planning permission is granted, subject to the conditions suggested below and the prior completion of a S106 agreement to cover the matters identified in Table 1.





# Location Plan

Scale 1:750



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15/01/2025

### **3.0 Preliminary Matters**

- 3.1. Access to the case file on Public Access can be found [here](#).
- 3.2. This is a revised application, which was submitted following the withdrawal of a previous application that sought planning permission for the demolition of the existing buildings and the redevelopment of the site with a new building comprising two commercial units and 50 residential apartments above. A separate application seeking listed building consent for the removal of materials adjoining an adjacent listed building in association with the then-proposed demolition of the existing building was also withdrawn. Details of these applications and the site's planning history are set out below.
- 3.3. Revised and additional plans and information have been received during the course of the current application. This included, in April 2024, revised and additional plans and information which included amendments to some aspects of the design and detailing of the proposed development, and further information and clarification on some matters, in response to comments and feedback from the case officer, consultees and other interested parties.
- 3.4. The application was re-publicised following the submission of those revised and additional plans and documents which were received in April 2024.
- 3.5. Further revised plans and additional clarification on some matters have subsequently been received. Those further submissions included minor amendments to internal apartment layouts and the positions of some proposed new windows, further information and clarification on some matters including some aspects of architectural detailing, and amendments to clarify and address discrepancies between some of the submitted drawings.
- 3.6. The application was again re-publicised following the receipt of those further revised/additional plans and details, and re-consultations have been sent to relevant consultees.
- 3.7. The following planning history is relevant to this site and application:
 

21/04955/FULMAJ – Demolition of former department store and construction of a new building comprising two commercial units for flexible commercial uses (Use Class E(a),(b),(d) and Sui Generis (drinking establishment)) and 50 residential apartments above. Withdrawn 17.05.2022.

21/04956/LB – Listed Building Consent for removal of materials that are adjoined to Westminster Arcade as part of demolition of adjacent unlisted department store. Withdrawn 17.05.2022.
- 3.8. Other planning history for the site relates to earlier applications for works including alterations to the buildings and the installation of plant, and applications for signage relating to previous uses of the building.

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

- 4.1. The application relates to the site and buildings of the former Debenhams department store, in Harrogate town centre. The site has three road frontages, facing Parliament Street to the west, Oxford Street to the south, and Union Street to the east. The ground floor frontages on Parliament Street and Oxford Street formerly served as the shop fronts to the department store and include large shop windows and customer entrances, whilst the frontage on Union Street includes the former service entrance.
- 4.2. The site is in the Harrogate Conservation Area and comprises a number of adjoining buildings. The oldest part, in the southern part of the site, includes a red brick building dating from the early 20<sup>th</sup> century and designed in an Arts and Crafts style, including stained glass windows and ornate ironwork details. The site also includes later additions to those older buildings, including part of the building on Parliament Street which was added in the 1960s and has a more modern façade, and buildings on Union Street.
- 4.3. The earlier parts of the buildings are considered to be of heritage significance and are identified as being a non-designated heritage asset.
- 4.4. The adjacent building to the north of the site, 32 Parliament Street, is a grade II listed, late Victorian stone building, which houses Westminster Arcade. The site is also close to the Royal Baths, a grade II listed building to the west/north west, and the grade II listed building, Wesley Chapel, on Oxford Street to the east. There are also a number of grade II listed buildings further along Parliament Street, and on King's Road, to the north. The conservation officer, in their comments, also identifies that the site 'lies in proximity to numerous non-designated heritage assets'.

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

- 5.1. This application seeks full planning permission for the continued commercial use (Class E), or a new drinking establishment use (*sui generis*) for the basement, lower ground floor and part of the upper ground floor of the building.
- 5.2. The application also seeks full planning permission for the change of use of the upper floors of the building (including the remainder of the upper ground floor) from commercial use into residential use, including the erection of rooftop extensions, to create a total of 34 apartments (9 x 1-bedroom apartments and 25 x 2-bedroom apartments).
- 5.3. The main proposed rooftop extension would be part single storey and part two storey in height, providing accommodation at third floor level (alongside some third floor accommodation proposed within the existing building) and, in part of the extension, a number of apartments at fourth floor level. It would be flat-roofed and set back from the edges of the existing building's roof, with roof terraces around it serving the upper floor apartments within the extension. It would incorporate large sections of glazing to its external walls, framed by bronze-coloured sections of cladding. The lift tower to the roof of the building would also be clad in bronze-coloured cladding.

- 5.4. Some demolition works are proposed as part of the development, including in the central part of the existing buildings, to create a central, landscaped courtyard at first floor level, around which the upper floor apartments would be arranged, with external walkways at upper levels around the internal courtyard providing access to the apartments on the floors above.
- 5.5. Other alterations to the buildings are also proposed, including the removal of the existing façade to the 1960s part of the building facing Parliament Street and its replacement with a stone-clad façade, including a new ground floor shop front and new windows above. The existing façade to the newer part of the rear of the building, facing Union Street, is also proposed to be replaced with a new façade, finished in brick to match the existing, early 20<sup>th</sup> century part of the building. The windows in that newer part of the façade facing Union Street are also proposed to be replaced.
- 5.6. The existing ground floor shop fronts are proposed to be removed from the older, early 20<sup>th</sup> century parts of the building on Parliament Street and Oxford Street, and replaced with timber shopfronts. A new, metal-framed canopy with a glazed roof is proposed alongside part of the new shopfronts, wrapping around the corner of Parliament Street and Oxford Street.
- 5.7. A smaller roof extension, finished in brick to match the existing building, is proposed at second floor level on the early 20<sup>th</sup> century part of the building on the corner of Oxford Street and Union Street, creating an apartment on the second floor of the building. This extension would have a flat roof, creating an outdoor terrace which would serve one of the apartments on the third floor. Alterations to the roof of the early 20<sup>th</sup> century part of the building facing Union Street are also proposed, including the removal of two small dormers and alterations to the other existing dormers in this part of the roof.
- 5.8. Elsewhere on the upper floors of the early 20<sup>th</sup> century part of the building, existing features and detailing are proposed to be retained and repaired as far as possible. This would include the retention and repair of the metal-framed upper floor windows (including existing stained glass in those windows) and existing cast iron rainwater goods as far as possible, as well as repairs to existing brickwork and stone detailing.
- 5.9. Refuse collections and servicing would take place from Union Street, to the rear, and bin storage areas are proposed within the building near the Union Street entrance. Six vehicular parking spaces, including one disabled parking bay, are proposed at lower ground floor level in the rear part of the building, together with cycle parking provision, with vehicular access via a proposed vehicle lift from Union Street.

## **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 2020) (the Local Plan);
  - Minerals and Waste Joint Plan (adopted 2022)

### Emerging Development Plan – Material Consideration

- 6.3. The North Yorkshire Local Plan is the emerging development plan for this site, though no weight can be applied in respect of this document at the current time as it is at an early stage of preparation.

### Guidance - Material Considerations

- 6.4. Relevant guidance for this application is:
- National Planning Policy Framework December 2024 (NPPF)
  - National Planning Practice Guidance (PPG)
  - National Design Guide 2021
  - Harrogate Affordable Housing Supplementary Planning Document (SPD)
  - Harrogate Provision of Open Space and Village Halls SPD
  - Harrogate Heritage Management Guidance SPD
  - Harrogate Air Quality SPD
  - Harrogate Providing Net Gain for Biodiversity SPD
  - Harrogate House Extensions and Garages Design Guide SPD
  - Harrogate Conservation Area Character Appraisal
  - Landscape Design Guide 2023

## **7.0 Consultation Responses**

- 7.1. The following consultation responses have been received and have been summarised below.
- 7.2. **Division Member(s):** No comments received.
- 7.3. **Building Control:** A Building Regulations application will be required. Due to the height of the property, it is likely that this will now fall under the jurisdiction of the Building Safety Regulator.
- 7.4. **Conservation Officer:** (Following the receipt of revised plans during the application). 'Whilst acknowledging that the 1960's component fronting Parliament Street offers little to the established historic character of the Conservation Area, the earlier components of the development site are of heritage significance'. Has been identified as a non-designated heritage asset. Comments provided regarding significance of the building.

Site is within Harrogate Conservation Area. It lies adjacent to 32 Parliament Street, a grade II listed building, and other listed buildings are identified nearby. 'Additionally, the site lies in proximity to numerous non-designated heritage assets interspersed with later 20th century buildings which collectively form traditional street scenes along Parliament Street and Oxford Street'.

Whilst building is of heritage significance, observe that it is currently 'vacant and deteriorating'.

Details of proposed repair works could be covered by conditions if permission was granted. Replacement shop fronts proposed have traditional features. Considered to be 'sympathetic to the host, and to the character of the Conservation Area'.

Retention of 1960s block 'saves the embodied carbon of new building construction which is deemed an environmental benefit'. Proposals include 'improvements to the appearance of the 1960s component of the site'. 'The result is a restrained and clean treatment of quality which complements the ornateness and detailing of the adjoining listed building, and non-designated heritage asset.' Acknowledge that 1960s block 'sits awkwardly proud of the Grade II listed Arcade (No. 32 Parliament Street)'. Although proposed scheme does not alter this relationship, consider that 'proposed design treatment would assist in ameliorating this harmful junction in terms of appearance, offering an opportunity to enhance the listed building's immediate setting, and harmonising the streetscape'.

Works proposed to convert upper floors to apartments. 'Material palette includes Portland Stone, brick, bronze metal cladding and glass, and reorganises building fenestration (particularly on the Union Street elevation). The result is a contemporary architectural expression which seeks to mediate between the established character of the host and Conservation Area and the modern idiom'.

'Only critique in respect of the design relates to the roof treatment. The established roofscape within the Conservation Area is characterised by traditional pitched and hipped roof forms. This is particularly prevalent on the east side of Parliament Street. When the proposed roof treatment is evaluated having regard to this character, the massing, bulk and expansive glazing and cladding treatment appears incongruous and more akin to a cityscape design rather than townscape'.

Consider form, scale and massing of the roof top extension to the non-designated heritage asset is 'harmful to the host and consequently the character of the Harrogate Conservation Area'.

NPPF directs that public benefits of any proposed development must be balanced against any harm found. Scheme offers heritage benefits 'to include the safeguarding of the historic host and enhancement of its features and fabric; the enhancement of the Conservation Area's character and economic viability; and the setting of the Grade II listed building No. 32'.

'In conclusion, we therefore direct the decision maker to Paragraphs 208 and 209 of the Framework which requires that the public benefits arising from the scheme (including the identified heritage benefits) be balanced against the identified harm'.

*[N.B. Since these comments were provided, the NPPF has been revised, in December 2024. The guidance referred to therein (i.e. Paragraphs 208 and 209 of the previous version of the NPPF) is now in Paragraphs 215 and 216 of the December 2024 version of the NPPF.]*

7.5. **Economic Development:** Recognise changing nature of town centres and support a mixed-use development at this site. Pleased to see retention of flexible commercial uses (Class E) at basement and ground floor level, and don't have any objections to potential of introducing an element of sui generis to allow development of a drinking establishment to meet future market demand. 'Maintaining and enhancing the active frontage at this key town centre location is key and will support footfall and economic activity'.

7.6. **Environmental Health Officer:**

Land Contamination: Site investigation not required, but condition recommended to cover the possibility that unexpected contamination is encountered during the development.

Noise: Noise report submitted with application which 'shows awareness of most potential noise sources and discusses plant noise as well as noise from the commercial use affecting both existing and proposed residents. It also considers the noise from existing bars/restaurants in the immediate vicinity of the premises and traffic noise'. Noise report includes recommendations for glazing specifications and a mechanical ventilation heat recovery system. Conditions recommended.

*[Further comments received following re-consultation in December 2024 noted revised plans and elevations – The agent for the application has subsequently confirmed that the alterations will not alter the glazing and ventilation requirements specified in the noise report referred to in the Environmental Health Officer's previous comments.]*

Odour: An odour assessment for kitchen exhaust fumes has been carried out, and an odour control system is proposed. Condition recommended requiring the system set out in report to be installed and maintained as recommended.

Refuse storage: Note revised service and delivery management plan. Includes plan of upper ground floor where a bin storage area is shown. Seems to be bin storage area for the whole site. Management deemed responsible for taking bins out to Union Street for collection for commercial units (on the same day) for private collection, with bins being returned by building management personnel. Domestic refuse bins to be collected and returned to the basement by Council staff. This has been checked with Council's Environmental Services 'and they have advised that the proposed operation is possible provided the waste is stored in bulk bins'. 'This will avoid bins being left outside on the kerb for any time. This arrangement appears reasonable for the service of the building for refuse storage'.

Other matters: Conditions recommended requiring: Construction Management Plan, including measures to be taken to minimise dust and noise and disturbance; restrictions on hours of construction; and restrictions on the commercial premises, including opening hours and delivery hours.

7.7. **Environmental Health - Air Quality:** Air Quality Assessment concludes that, following adoption of mitigation measures outlined in the assessment, significance of construction phase is predicted to be not significant.

For operational phase, Air Quality Assessment has considered impact of the development at a number of different residential receptors, including those at the proposed development. The report concludes that the air quality impact at existing receptors is negligible.

Note cycle parking is proposed and Travel Plan submitted. Comments on Travel Plan.

Condition recommended requiring dust management plan, specifying controls to be implemented during construction phase to control dust.

7.8. **Estates Department:** No objections.

7.9. **Health and Safety Executive (HSE) – Fire Statement (Planning Gateway One consultation):**

(Comments September 2024): Advice provided from the HSE ‘as a statutory consultee for developments that include a relevant building’. ‘Following a review of the information provided in the planning application, HSE is content with the fire safety design as set out in the project description, to the extent it affects land use planning considerations.’ Other aspects of the submitted fire statement are noted, and advice provided that ‘it will be for the applicant to demonstrate compliance at later regulatory stages’ in those regards. Advice provided regarding electric vehicle charging spaces.

(Comments following re-consultation December 2024): Submitted fire statement, dated 05/04/2024, ‘states the adopted fire safety design standard is BS 9991. HSE has assessed this application against BS9991: 2024, which came into effect on 30 November 2024. HSE acknowledges that the planning application was validated before the extant standard came into effect. Where there is a variance between the standard applied and the extant standard, that is material to land use planning matters, HSE has identified this as supplementary information, for consideration in advance of later regulatory stages’.

HSE received second consultation request on 09/12/2024. ‘Following a review of the information provided in the planning application, HSE is content with the fire safety design as set out in the project description, to the extent that it affects land use planning considerations’.

Advise that previous response is read in conjunction with this response.

7.10. **Health and Safety Executive (HSE) – Other matters:** Proposed development site does not currently lie within the consultation site of a major hazard site or major accident pipeline therefore HSE does not need to be consulted with regard to those matters.

7.11. **Highways:** Conditions recommended, including in relation to new and altered accesses onto Union Street, a Travel Plan (based on the submitted interim Travel Plan) and a Construction Management Plan.

7.12. **Historic England:** (Comments on plans as originally submitted): ‘Occupying a prominent position on one of the main roads through Harrogate, 22-30 Parliament



Street form part of an iconic commercial street-scene within the town centre.’  
Comments provided regarding existing buildings on the site.

‘The proposal has been substantially revised following the withdrawal of the previous scheme...The proposals look to sustainably reuse these buildings and appropriately draw on the site’s historical context. While it is regrettable that the 1960s building still sits forward of the Westminster Arcade, on the whole, the proposals relate better to the special character and appearance of Harrogate Conservation Area.’

‘There is an exciting opportunity here for a positive restoration and conversion scheme which enables these buildings to be appreciated and enjoyed by the public.’

‘...the simpler approach to refacing the 1960s building now ensures that it sits more comfortably within the conservation area’. ‘The new courtyard garden provides an interesting opportunity to incorporate landscaping within the proposals. As this courtyard area will share a party wall with the listed Westminster Arcade, we strongly encourage consultation with your own conservation officer to ensure that the proposed approach to the works adequately safeguards the fabric of this designated heritage asset.’

‘...also welcome the applicant’s commitment to repairing historical fabric...This approach, coupled with a sympathetic reinstatement of the shop-frontages and the shop canopies, will maximise opportunities to better reveal the significance of these historical buildings.’ Strongly encourage continued engagement of Council’s conservation officer in the detailed development of these elements.

‘Subject to our advice being incorporated, Historic England supports the application on heritage grounds’.

(Comments following receipt of revised plans in April 2024): ‘The amendments proposed do not change our position.’ Welcome the applicant’s ‘sustained dialogue’ with Council’s conservation officer to overcome some of previous concerns. ‘Specifically, we note the additional information regarding the treatment of the listed Westminster Arcade, the approach to canopies and shop façades, and clarification regarding the retention of the stained glass.’

‘Subject to our advice being incorporated, Historic England supports the application on heritage grounds’.

(Comments following further re-consultation December 2024): On the basis of the further information, do not wish to offer any further comments. ‘We suggest you seek the views of your specialist conservation and archaeological advisers, as relevant’.

- 7.13. **Housing Officer:** 30% affordable housing required (10 dwellings). Alternatively, provision should be made off-site by way off commuted sum. Methodology for calculating commuted sums provided. Support subject to inclusion of commuted sum formula. Comments note that submitted Planning Report proposes no affordable housing requirement when existing gross floor space of existing buildings are offset. If

Vacant Building Credit is approved by the Planning Department, then the calculations are approved by Housing.

(Comments following re-consultation December 2024): Unless any provision for Vacant Building Credit or viability submitted, previous comments apply.

- 7.14. **NHS Integrated Care Board (ICB):** (Comments on plans as originally submitted): Application 'will give rise to a need for additional primary healthcare provision to mitigate the impact arising from the population associated with the proposed development'. 'A developer contribution will be required to mitigate the impacts of this proposal'. To be used to fund works at Kings Road Surgery (Moss Healthcare) 'and/or contribute towards a new development related to the Primary Care Network (PCN) that will accommodate the additional population created by the proposed development.'

(Comments following received of revised plans in April 2024): Still happy with original comments and request. Nothing further to add.

- 7.15. **North Yorkshire Council Education:** (Comments based on most recently received plans): Contribution of £65,952.25 sought towards secondary school expansion places at Harrogate Grammar School and/or Rossett School and/or Harrogate High School.

- 7.16. **North Yorkshire Police Designing Out Crime Officer:** (Comments on plans as originally submitted): Overall design and layout of the proposed scheme considered acceptable. Recommendations made regarding some aspects of the design, including external lighting, glazing specification for shopfronts, access control measures to car lift entrance and cycle store, and security measures for communal entrances and upper ground floor windows.

(Comments following receipt of revised plans in April 2024): 'Pleasing to note that crime mitigation measures, such as access control, are to be incorporated into this proposal.' No further comments at this stage.

(Comments following further re-consultation in December 2024): No comments to make on the revised and additional plans. Previous responses remain extant.

- 7.17. **North Yorkshire Council Lead Local Flood Authority:** (Original comments): 'The submitted documents demonstrate a reasonable approach to the management of surface water on the site'. Condition recommended.

(Comments following further re-consultation December 2024): Not aware that the FRA or Drainage Strategy have been amended and previous comments still apply.

- 7.18. **Parks:** Commuted sum calculations for open space contributions provided. These have been updated following the receipt of revised plans, to reflect the most up-to-date revised proposals. Calculations for separate open space typologies provided. Total contribution calculated as £42,695.96.

- 7.19. **Private Sector Housing:** Advice provided regarding space standards, natural lighting and ventilation. Have done some approximate measurements and some of the flats

and bedrooms do not appear to meet size requirements specified in latest response. Kitchen/living/dining space in some units appears relatively small in relation to size of dwelling. Some kitchens/en-suites have no windows for natural ventilation, 'appropriate mechanical ventilation must be installed'. Conversion must comply with current Building Regulations.

Specific comments regarding layout of rooms in some apartments, where primary escape route would be through the kitchen, 'which is a high-risk room'. 'Should be avoided wherever possible'. If unavoidable, other specified measures must be in place. Advice provided regarding fire safety and escape routes. A fire safety risk assessment will need to be carried out.

Not clear from plans whether a full-sized kitchen/kitchenette is to be provided in each apartment. A kitchenette is not adequate in a self-contained flat. Comments provided regarding required size and minimum provision requirements for a kitchen, and regarding kitchen layouts.

Cannot comment on commercial premises or communal areas.

- 7.20. **Yorkshire Water:** Submitted 'Drainage Strategy and Flood Risk Assessment' is acceptable. Condition recommended. Responses to subsequent re-consultations referred to these comments and confirmed that these comments still apply.

#### Local Representations

- 7.21. Comments were received from Harrogate Civic Society regarding the plans as originally submitted, including the following comments:

- Pleased that current application no longer proposes complete demolition of the premises.
- 'Content with currently proposed uses of the building and keen to see it returned to beneficial use and retain its positive place in the conservation area'.
- Loss of existing façade of 1960s building next to Westminster Arcade 'will not be mourned', likewise the canopy. Various metalwork and rooftop structures to be removed 'have no aesthetic value'.
- Content with 'any arrangements that can work' regarding internal configuration of the building.
- 'Good that the important facades of this non-designated heritage asset within the conservation area that abuts the Grade II listed Westminster Arcade will be retained or improved'. New façade for 1960s building using Portland stone an 'undoubted improvement'. Ideally it would have been set back and not forwards beyond the front of the Westminster Arcade.
- Comments regarding some aspects of detail, including junction of new stonework and retained building's brickwork, position of glass balustrade to part of Parliament Street façade, and north-facing window on Parliament Street façade.
- Concerns about 'lack of depth' to detailing of new façade on Parliament Street, and specific comments made in this regard.
- Replacement canopy is 'a great improvement'.
- Historic ironwork at roof level, and stained glass, should be retained (and stained glass relocated somewhere within building if some of it can't be retained *in situ*).

- Comments regarding proposed materials, dormer windows and glazed balustrades to the parts of the building on Oxford Street/Union Street. Suggestions regarding proposed dormer windows.
- Lightweight glazing for new 3<sup>rd</sup> and 4<sup>th</sup> floors is 'highly appropriate'. Setback of 3<sup>rd</sup> floor and additional setback of 4<sup>th</sup> floor 'very important to avoid undue dominance', especially with regard to Westminster Arcade.
- Overall, 'very pleased to see this proposal for re-use of the building and look forward to it making a positive contribution to the conservation area and the vitality of the town'. Would be grateful if adjustments to design could be made in line with comments above before determination.

7.22. Harrogate Civic Society was re-consulted following the receipt of revised plans in April 2024 and provided a further response including the following comments:

- Revisions 'very welcome, in as much as they improve the three main elevations – Parliament Street, Oxford Street and Union Street. Changes as they affect the elevation facing Westminster Arcade may also be improvements but are less generally visible'.
- Junction between new stone façade and brickwork of existing building on Parliament Street 'has been redesigned to good effect'.
- Balconies now pushed back from edges of building – a further improvement.
- Change of cladding colour from grey to bronze 'should help to meld the new with the red brickwork'.
- Brickwork proposed for new work on Oxford Street, [rather than Portland stone as originally proposed] 'which will hopefully be a very close match and not be too obvious'.
- Amendments to some windows on Oxford Street are beneficial.
- Re-iterate desirability of retaining the stained glass and historic ironwork, as noted in original response.

7.23. Harrogate Civic Society were re-consulted again in December 2024 following the receipt of further revised and additional plans and information, and provided the following comments:

- The revisions etc since Civic Society wrote regarding previous revisions do not give cause for concern. Please continue to take account of comments in previous letter.
- 'Keen to see redevelopment of the building, as currently intended, taking place as soon as possible.'

7.24. The application was originally publicised by site notices, posted 30<sup>th</sup> November 2023, and by press notice, published 7<sup>th</sup> December 2023.

7.25. A letter of support was received from SAVE Britain's Heritage in response to the plans as originally submitted, which includes the following comments:

- Welcome this proposal. Previous proposal to demolish 'this important non-designated heritage asset' has been withdrawn and 'an alternative scheme

that looks to sustainably reuse the buildings and preserve their historic character is now proposed’.

- Proposal ‘restores and converts the buildings at 22-30 Parliament Street which have been acknowledged as making an important contribution to the Harrogate Conservation Area’.
- Most prominent building is corner plot at junction of Oxford Street and Parliament Street, ‘purpose-built in 1902’ for a local department store. ‘With its brick and stone ashlar dressed frontage, narrow gables, leaded glazing and a distinctive canted corner, the building has an unusual and dramatic character which adds greatly to the varied historic and architectural character of Parliament Street, as well as short and long-distance views up and down it’.
- Adjoining that building is a later extension, ‘built in 1920’. ‘Shared palette of materials used allows it to sit comfortably in the context of the original phase of development’.
- 1960s addition abuts grade II listed Westminster Arcade. ‘The height and massing of this building reflects the scale and massing of the other historic buildings which line the street and characterise this part of the Conservation Area’.
- ‘The 1902 and 1920s buildings are non-designated heritage assets which make an important contribution to the character and appearance of the Harrogate Conservation Area and the setting of nearby listed buildings’.
- Welcome proposed restoration and conversion of the buildings.
- Consider extension at roof level ‘sufficiently modest and appropriate for the location’ and ‘generally content that setting the extension back from all frontages will minimise the impact on the street scene, the conservation area and nearby listed buildings’.
- Reinstatement of shop frontage and canopies ‘particularly welcome’. Principle of reinstating street canopies ‘has the potential to better reveal the significance and history of these buildings which in turn reflect an important period of historic development and economic growth in the town at the turn of the 20<sup>th</sup> century’. However, would like to see amendments to canopy design ‘to ensure that they are appropriately detailed for such a prominent and historically sensitive setting’.
- Welcome retention of frame of 1960s building ‘which supports sustainable development’. ‘The simplified façade proposed looks to better reflect the rhythm of the buildings on Parliament Street, enabling the building to sit more coherently within the conservation area’.
- Support the application ‘on both heritage and sustainability grounds’.

7.26. One representation in support of the application was received in response to the plans as originally publicised, including the following comments:

- Proposal ‘provides much needed new residential accommodation into the town centre and also brings back into use an important building on Parliament Street.’ ‘Waste of resource and opportunity to have buildings such as this sitting vacant’.
- Proposed façade replacement ‘will positively enhance Parliament Street, which is an important reflection on the entire town centre’.

7.27. Following the receipt of revised and additional plans and information in April 2024, the application was re-publicised by site notices, posted 2<sup>nd</sup> May 2024, and by press

notice, published 2<sup>nd</sup> May 2024. No further local representations were received following this re-publicity.

- 7.28. Since the application was re-publicised in May 2024, further additional and revised plans and information have been received. Following the receipt of those additional and revised plans and details, the application was re-publicised again by site notices, posted 11<sup>th</sup> December 2024, and by press notice, published 19<sup>th</sup> December 2024. No further local representations were received following this re-publicity.

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

- 8.1. The development proposed does not fall within Schedule 1 or 2 of the Environmental Impact Assessment Regulations 2017 (as amended). No Environmental Statement is therefore required.

## **9.0 Main Issues**

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

- Principle of development
- Housing mix and affordable housing
- Effects of the development on character and appearance and on heritage assets, including:
  - o The effects on the existing buildings within the site, including those parts which are considered to be a non-designated heritage asset;
  - o The effects on the listed building, Westminster Arcade, including effects on its setting;
  - o The effects on the settings of other listed buildings in the vicinity of the site;
  - o Whether the proposed development would preserve or enhance the character or appearance of the Harrogate Conservation Area
  - o Planting and landscaping proposals
- Residential amenity
- Highways
- Ecology and biodiversity
- Fire safety
- Energy and sustainability
- Flood risk and drainage
- Contaminated land
- Air quality
- S106 legal agreement
- Other matters

## **10.0 ASSESSMENT**

### Principle of Development

- 10.1. The site is within the boundary of Harrogate town centre and its Parliament Street and Oxford Street frontages are defined as Secondary Shopping Frontages in the Local Plan.

- 10.2. The proposals include the 'continued commercial use (Class E) or new drinking establishment use (Sui Generis)' of the basement, lower ground floor and part of the upper ground floor of the building. This would include the part of the upper ground floor which is at street level, on parts of Oxford Street and Union Street. On the remaining section of Oxford Street, and along Parliament Street, the lower ground floor is at street level.
- 10.3. Part B of Local Plan Policy EC5 states that proposals for 'non class A1 uses considered appropriate to a shopping area' will be permitted within the secondary shopping frontages of Harrogate, 'provided that this would not result in, or add to, a concentration of similar uses, the cumulative effect of which would:
- i. Result in a significant adverse impact on the vitality or viability of the centre;
  - ii. Generate levels of traffic that would cause significant congestion and/or road safety problems;
  - iii. Result in three or more consecutive shop units in non A1 use'.
- 10.4. Part B of Policy EC5 goes on to state that 'in all cases applicants will be required to demonstrate that they have considered all alternative vacant premises last in non class A1 use within the town centres based on availability and suitability and explain why these would not be suitable.'
- 10.5. Part F of Policy EC5 states that 'proposals that will enhance the evening and night-time economy will be supported as valuable additions to the vitality and viability of town and city centres, where any amenity issues can be adequately addressed'.
- 10.6. Since the Local Plan was adopted, the Use Classes defined in the Town and Country Planning (Use Classes) Order 1987 (as amended) (the Use Classes Order) have changed. Class A1 (Shops), referred to in Policy EC5, has been revoked and Class E (Commercial, Business and Service) has been introduced. Class E includes retail uses but also encompasses a broader range of uses than the previous A1 Use Class. Permitted development (PD) rights permit changes of use between uses within Class E without requiring planning permission.
- 10.7. The buildings on the application site are currently vacant, but were last occupied by a department store, and were therefore in retail use. As such, it is considered that the existing use of the buildings falls within what is now Class E. Consequently, the buildings could be changed under PD rights to other uses within Class E at present.
- 10.8. The Class E use referred to in the application description for the basement, lower ground floor and part of the upper ground floor could result in the use of those parts of the building for purposes which were not within Use Class A1. However, in the light of the changes to the Use Classes Order since the Local Plan was adopted, and as those parts of the building could thus be changed under PD rights to other uses within Class E at present, it is considered that the ongoing Class E use of those parts of the building would be acceptable.
- 10.9. However, the application also seeks permission for the possibility to use the basement, lower ground floor and part of the upper ground floor of the building as a

drinking establishment. Such a use would not fall within Class E or any other Use Class as defined in the Use Classes Order, and is thus a *sui generis* use. As such, it is necessary to also consider that aspect of the proposed uses in the light of Policy EC5.

- 10.10. The ground floor of the adjacent property on Parliament Street immediately to the north of the site is in retail use. The neighbouring building on Parliament Street to the south of the site (beyond Oxford Street), which is also within a defined Secondary Shopping Frontage, is a bar and restaurant, and therefore includes a drinking establishment use, which would not be within Class E. However, the next property on Parliament Street beyond that to the south is in retail use. Therefore, the proposed use of the application site's lower floors as a drinking establishment would not result in three or more consecutive shop units in non-retail use along this part of the Parliament Street frontage.
- 10.11. The next property on Oxford Street to the east of the site, beyond Union Street, is also part of a Secondary Shopping Frontage, and is in retail use. Properties on the northern side of The Ginnel, on the opposite side of Parliament Street to the west of the site, are not within a defined Shopping Frontage. Therefore, and as the adjoining property to the north of the site is in retail use, the proposed drinking establishment use would not result in three or more consecutive shop units in non-retail use within the Oxford Street Secondary Shopping Frontage, or along the section of Secondary Shopping Frontage which extends along Parliament Street and continues around the corner along Oxford Street.
- 10.12. Therefore, the proposed development would not result in three or more consecutive shop units in non-retail use in the Secondary Shopping Frontages which include the site, and the proposals would not conflict with Part B.iii. of Policy EC5.
- 10.13. It is considered that the potential use of the building's lower floors as a drinking establishment could contribute to the vitality and viability of the town centre, as part of a broad range of uses within the town centre. Indeed, it is noted that Part F of Policy EC5 states that 'proposals that will enhance the evening and night-time economy will be supported as valuable additions to the vitality and viability' of town centres (provided that any amenity issues can be adequately addressed, a matter which is considered in detail later in this report). The Economic Development officer has also indicated that they 'don't have any objections to the potential of introducing an element of *sui generis* to allow the development of a drinking establishment to meet future market demand'.
- 10.14. In the light of this, it is considered that the potential for the lower floors of the building to be used as a drinking establishment, as proposed, would not result in a significant adverse impact on the vitality or viability of Harrogate town centre and, therefore, would not conflict with Part B.i. of Policy EC5.
- 10.15. The final paragraph of Part B of Policy EC5 requires applicants to demonstrate that they have considered 'all alternative vacant premises last in non class A1 use' within the town centre 'based on availability and suitability' and to 'explain why these would not be suitable'.



- 10.16. In this case, the application seeks permission for a flexible use of the ground floors of the existing building, including the possibility to use that space as a drinking establishment, as part of a wider proposal to convert this large building within the town centre, which has been vacant for some time, and bring it back into use. As such, it is not considered possible or reasonable to separate the drinking establishment use out from that wider scheme.
- 10.17. In that context, and as it is considered that the proposed drinking establishment use would not conflict with the wider aims of Policy EC5 in terms of protecting the vitality and viability of the town centre, as set out above, and also having regard to the changes to the Use Classes Order which now permit a broader range of uses within former retail units under Class E in any event, it is considered that the proposal to include 'drinking establishment' amongst the potential uses of the building is also acceptable and that it is not necessary to consider other vacant premises in this case.
- 10.18. Therefore, subject to consideration of the potential implications for traffic as required by Part B.ii. of Policy EC5, and for residential amenity as required by Part F of Policy EC5, both of which are assessed in detail below, it is considered that the principle of an ongoing Class E use, or a new *sui generis* drinking establishment use, for the basement, lower ground floor and part of the upper ground floor of the building, as proposed, is acceptable and would not conflict with the aims or requirements of Policy EC5.
- 10.19. As part of the development, it is also proposed to convert the upper floors of the building, including the remainder of the upper ground floor, to residential use as apartments, including a roof extension to create a number of further apartments.
- 10.20. The site is within Harrogate town centre, close to facilities, amenities and public transport links. As such, the site is considered to be in a sustainable location for residential development.
- 10.21. Part G of Policy EC5 states that proposals involving residential development above ground floor premises within town centres will be permitted 'provided that they will not cause adverse impacts on the amenities of neighbouring occupiers' and that 'development at ground floor should not compromise the current use, or future reuse of upper floors'. Such matters, relating to the amenity of existing neighbouring residents and potential future occupants of the proposed apartments, are considered in detail below. However, subject to the consideration of residential amenity matters, and other material considerations as set out below, the principle of converting the upper floors of the building and extending the building at roof level to provide some further residential accommodation is considered acceptable.
- 10.22. Drawing those threads together, it is considered that the proposed development would not detract from the vitality of viability of the town centre and would accord with the aims of Policy EC5 insofar as it seeks to protect town centres. The proposals would bring a large, prominent and long-vacant building within the town centre back into use and, subject to other material planning considerations, assessed below, it is considered that the proposed development would be acceptable in principle.

Housing mix and affordable housing

- 10.23. The proposed development would provide nine 1-bedroom apartments and twenty five 2-bedroom apartments. The proposed housing mix would therefore differ from that identified in the Housing and Economic Development Needs Assessment (HEDNA), which informed the Local Plan and is referred to in Local Plan Policy HS1.
- 10.24. However, in this case the proposals relate to the conversion of an existing building, parts of which are identified as a non-designated heritage asset, as part of a scheme which seeks to retain the existing building, a large and prominent building in Harrogate town centre and conservation area which has been vacant for some time, and bring it back into use.
- 10.25. Having regard to the need to work within the configuration of the existing building, including parts which are considered to be of historic and architectural interest, and taking into account the site's location in a built-up part of Harrogate town centre, and that most of the apartments would be 2-bedroom units, allowing some flexibility in their occupation, overall it is considered that the proposed housing mix is acceptable in this particular case, as part of a wider overall housing mix, consistent with the aims of Policy HS1.
- 10.26. At least 25% of the proposed apartments are proposed to be to accessible and adaptable homes standards (i.e. to meet the requirements of M4(2) of the Building Regulations), in accordance with Policy HS1. A condition to secure the provision of those apartments, identified on the plans, as accessible and adaptable units, is recommended.
- 10.27. The proposed development would achieve a housing density which would be well in excess of 30 dwellings per hectare and which is considered acceptable within the site's urban, town centre context, in accordance with Policy HS1 in this regard.
- 10.28. The site would be above the threshold for requiring affordable housing, as set out in Local Plan Policy HS2. As the proposals relate to a development of apartments, the housing officer has indicated that a commuted sum would be acceptable *in lieu* of on-site affordable housing provision in this case.
- 10.29. However, in this instance the proposals relate to the conversion of an existing vacant building. Paragraph 65 of the NPPF states that 'To support the re-use of brownfield land, where vacant buildings are being reused or redeveloped, any affordable housing contribution due should be reduced by a proportionate amount'. Footnote 30 of the NPPF clarifies that this is 'Equivalent to the existing gross floorspace of the existing buildings' and that 'This does not apply to vacant buildings which have been abandoned'.
- 10.30. Further guidance regarding the application of this 'vacant building credit' is set out in the Planning Obligations chapter of the PPG. Amongst other things, this reiterates that 'The vacant building credit applies where the building has not been abandoned'<sup>1</sup>

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<sup>1</sup> Paragraph Reference ID: 23b-028-20190345

and provides advice on matters that may be taken into account in assessing this matter.

- 10.31. In the same paragraph, the PPG also advises that ‘the policy is intended to incentivise brownfield development, including the reuse or redevelopment of empty and redundant buildings’ and that ‘in considering how the vacant building credit should apply to a particular development, local planning authorities should have regard to the intention of national policy.’ It goes on to state that, in doing so it may be appropriate to consider ‘whether the building has been made vacant for the sole purposes of re-development’ and ‘whether the building is covered by an extant or recently expired planning permission for the same or substantially the same development’.
- 10.32. In this case, the buildings within the site became vacant with the closure of the Debenhams department store, one of a number of closures of the department store chain which occurred across the country. According to the submitted details, the site became vacant in January 2021. There has been no intervening use since that time, and the building is therefore vacant and has been so for over 3 years.
- 10.33. Although parts of the building may be in need of repair, it has not fallen into such a state of disrepair as to indicate that it has been abandoned. Since the site became vacant, there have been applications during that time seeking to reuse/redevelop the site, including the current application and the previous, withdrawn application, which was submitted in November 2021 and which sought to demolish the buildings and redevelop the site. It is therefore considered that this indicates an intention to seek a new use for the site and buildings, and that the buildings have not been abandoned.
- 10.34. As set out above, the buildings within the site became vacant because of the closure of the Debenhams department store chain. It is considered that they were not made vacant for the sole purposes of redevelopment. There is no extant or recently expired planning permission for the same or substantially the same development on the site.
- 10.35. Therefore, it is considered that the site and existing buildings have neither been abandoned, nor made vacant, with the sole purpose of re-development. The proposed residential apartments would form part of a mixed-use scheme which would bring this vacant brownfield town centre site back into use. Therefore, and having regard to the length of time that the buildings have been vacant for, in this instance it is considered that the application of vacant building credit would be consistent with the aims of the NPPF in supporting the re-use of brownfield land, and that it is therefore appropriate to apply the vacant building credit to the proposed development in this case.
- 10.36. For determining the vacant building credit, the PPG advises that ‘The existing floorspace of a vacant building should be credited against the floorspace of the new development’<sup>2</sup>. The applicant has provided details of the gross floorspaces of the existing buildings and the proposed development. The submitted details demonstrate that, taking into account the partial demolition proposed (including to create a central courtyard to provide an area of outdoor space within the site for residents of the

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<sup>2</sup> Paragraph Reference ID: 23b-027-20190315

proposed apartments), and the floorspace of the proposed roof extensions, the gross floorspace of the proposed development would be less than that of the existing buildings on the site. As the proposed development would therefore not result in any increase in gross floorspace compared with the existing buildings on the site, the application of the vacant building credit means that no affordable housing provision or contribution is required in this instance. The Council's Housing officers, who have provided comments on the application, have been made aware of this.

Effects of the development on character and appearance and on heritage assets

- 10.37. The comments received in support of the proposed development from Historic England, Harrogate Civic Society, SAVE Britain's Heritage and a local resident are noted.
- 10.38. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention is paid in the exercise of planning functions to the desirability of preserving and enhancing the character and appearance of a Conservation Area.
- 10.39. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that, in considering whether to grant planning permission for development which affects a listed building or its setting, special regard is had to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses.

*Heritage assets affected*

- 10.40. As set out above, the earlier components of the buildings on the application site are considered to be of historic significance, and are considered to be a non-designated heritage asset.
- 10.41. In terms of designated heritage assets, the site is within the Harrogate Conservation Area and there are a number of listed buildings in the vicinity of the site. Those include the following (the names of the buildings given below are those used in their official List Entries):
- 32, Parliament Street (Grade II), immediately adjacent to the north of the site;
  - Royal Baths (Grade II), to the west/north west of the site;
  - 50 and 52, Parliament Street (Grade II) to the north of the site;
  - 54 and 56, Parliament Street (Grade II) to the north of the site;
  - 58, Parliament Street, 2 and 4, Kings Road (Grade II) to the north of the site;
  - Wesley Chapel (Grade II), on Oxford Street to the east of the site.
- 10.42. The conservation officer has also identified that 'additionally, the site lies in proximity to numerous non-designated heritage assets, interspersed with later 20<sup>th</sup> century buildings which collectively form traditional street scenes along Parliament Street and Oxford Street'.

*Special interest and significance of heritage assets*

- 10.43. The existing buildings on the site were developed in several phases. The earliest, along the southern part of the site's Parliament Street frontage and around the corner onto Oxford Street, date from the early 20<sup>th</sup> century and housed a former local department store, later becoming part of the Debenhams store. They are finished in red brick, with contrasting stone detailing including window surrounds, and are detailed in an Arts and Crafts style, reflective of the Edwardian period, and include distinctive features characteristic of the style and period, including ornate ironwork and stained glass windows, as well as stone-mullioned windows with colonnettes.
- 10.44. The site also includes later, 1960s additions to the buildings, including the northern part of the Parliament Street frontage, and on Union Street to the rear. Those parts of the building are not considered to be of heritage significance, or to contribute positively to the character or appearance of the conservation area.
- 10.45. Nevertheless, the older, early 20<sup>th</sup> century parts of the buildings, in the southern parts of the site as identified above, have retained their distinctive features and detailing and, although not listed, they are considered to be of historic and architectural interest such that they are considered to be a non-designated heritage asset, as referred to in the NPPF.
- 10.46. As advised by the conservation officer, the significance of those older parts of the buildings on the site lies in their 'design, architectural quality, and historic use.'
- 10.47. There are several grade II listed buildings within the town centre close to the site, including the Royal Baths and a number of buildings on Parliament Street to the north, as well as the Wesley Chapel building on Oxford Street to the east. As well as being of historic and architectural interest in themselves, those historic buildings form part of the varied street scenes within, and contribute to the distinctive character and appearance of, the conservation area. As part of their wider town centre street scenes and surroundings, the site is within the setting of those listed buildings.
- 10.48. As identified by the conservation officer, the site also 'lies in proximity to numerous non-designated heritage assets interspersed with later 20<sup>th</sup> century buildings which collectively form traditional street scenes along Parliament Street and Oxford Street'.
- 10.49. The site is within a part of Harrogate Conservation Area which is characterised by commercial street frontages within the town centre. Insofar as it relates to this application, the character and appearance of the conservation area is drawn from the architectural detailing of historic commercial buildings from various periods, which reflect the evolution of the town centre, and which include large buildings from the Victorian period, as well as more recent additions.
- 10.50. The conservation officer has commented that the older parts of the building on the application site reflect 'the elegance of the Edwardian period' and that their 'traditional materiality of brick and stone under gabled slate roof' and 'ornate features of stained glass windows, ironwork and classical stone mullioned windows with colonnettes collectively serve to create a building of visual distinction which positively contributes to the streetscape and consequently the special character and appearance of the

Conservation Area'. Those decorative details, together with the buildings' gable details and chamfered corner at the junction of Parliament Street and Oxford Street, combine to create a building which 'stands out within the streetscape' as identified by Historic England in their comments, and it is considered that those older parts of the building make a notable positive contribution to the character and appearance of the conservation area.

- 10.51. The later parts of the existing buildings, including the 1960s building facing Parliament Street, are typical of their age in terms of detailing and appearance, and the conservation officer has noted that 'the 1960s component fronting Parliament Street offers little to the established historic character of the Conservation Area'. As that part of the building is also set forward of the front of the neighbouring listed building, 32 Parliament Street, it obscures that building to some degree in views along the street scene. Nevertheless, as Historic England have noted, the 1960s building's overall character, height and massing means that it stays relatively recessive within the streetscape and sits modestly within the conservation area'.

*Effects of the development on heritage assets*

- 10.52. The proposed development would include repairs to the existing, early 20<sup>th</sup> century parts of the buildings on the site. This would include roof repairs, the cleaning and repair of historic brickwork and stone work, repairs to existing ornate ironwork, the repair (and sensitive replacement only where necessary) of existing cast iron rainwater goods and the retention and repair of the existing metal-framed windows (with appropriate replacements only where necessary) including retention and repair of stained glass in the existing windows. Existing modern railings and metal ladders, which are considered to detract from the existing buildings, would also be removed.
- 10.53. The retention and sensitive repair of those distinctive characteristic features and details of the existing positive buildings within the site would be positive and would contribute to enhancing and sustaining the significance of the non-designated heritage asset within the site. As such, those works are considered to be heritage benefits weighing in favour of the scheme. Conditions are recommended regarding the specific detail of the proposed repairs, to ensure that appropriate works, and the heritage benefits in this regard, are secured.
- 10.54. The proposed development would also include the removal of the façade of the 1960s part of the building facing Parliament Street and its replacement with a new façade in Portland Stone, with changes to its fenestration pattern and detailing. Detailed section and elevation drawings of this part of the scheme have been received, and the conservation officer has confirmed that the result of the proposed alterations is 'a restrained and clean treatment of quality which complements the ornateness and detailing of the adjoining listed building, and non-designated heritage asset.
- 10.55. The 1960s part of the building would still project forward of the neighbouring listed building at 32 Parliament Street following the proposed works. However, this is also the case with the existing building. It is considered that the proposed materials and detailing of the replacement façade to this part of the building would be more

appropriate and sympathetic to its surroundings, and the conservation officer has advised that 'the proposed design would assist in ameliorating this harmful junction in terms of appearance, offering an opportunity to enhance the listed building's immediate setting, and harmonising the streetscape'.

- 10.56. The proposal to retain and re-clad this part of the building is also considered a more sustainable approach than demolishing and rebuilding it.
- 10.57. It is therefore considered that this aspect of the proposals would represent an enhancement to the existing non-designated heritage asset buildings on the site, the setting of nearby listed buildings, and the wider street scene and conservation area, compared with this part of the existing building. This is also considered to be a heritage benefit weighing in favour of the proposed development.
- 10.58. It is also proposed to replace the façade of the more recently-constructed parts of the buildings facing Union Street with a new façade, clad in brick to match the existing brick-built parts of the building, and with new windows. It is considered that these works would take the opportunity to replace the existing façade with one in sympathetic materials, and with consistency to its fenestration and, subject to conditions requiring details of the proposed materials to be submitted and approved, it is considered that this is also acceptable.
- 10.59. The proposals include the removal of the existing shop fronts and canopies from the ground floor of the building, and their replacement with new shop fronts and a new glazed canopy along part of the frontage around the corner of Parliament Street and Oxford Street. The new timber shopfronts would have traditional features including stallrisers, glazing units and mullions, and are considered appropriate and sympathetic to the character of the existing building and the conservation area. The new cast iron canopy would also be sympathetic and appropriate in the context of the site's historic surroundings. This aspect of the scheme would also represent a heritage benefit, enhancing the appearance of the existing buildings on the site and the wider street scene within the conservation area. Conditions regarding these aspects of the proposals are recommended.
- 10.60. The proposed development would include a central landscaped courtyard. Although this would not be evident in public views of the building from surrounding streets, it is nonetheless considered that the incorporation of soft landscaping as part of the new residential development would be appropriate in terms of visual amenity within the site. Conditions in this regard are recommended.
- 10.61. The proposed roof extension at second floor level on the corner of Oxford Street and Union Street would be finished in brick to match the existing building and, with its slightly simpler detailing compared to the existing historic parts of the building, it is considered that this would sit comfortably as a modern extension distinct from, but sympathetic to, those existing buildings. Conditions are recommended regarding its materials to ensure that these are appropriate.
- 10.62. Solar photovoltaic (PV) panels are proposed as part of the development. According to the submitted details, these would be located on the internal roof slopes of the early

20<sup>th</sup> century part of the buildings. This has been discussed with the conservation officer and it is considered that the location of the proposed PV panels would mitigate against visual impacts to the non-designated heritage asset, and to the conservation area. Taking into account the location of the proposed PV panels, it is also considered that visual impacts on the settings of nearby listed buildings within the site's wider street scenes would be mitigated. However, based on the information submitted, it is not clear how the proposed PV panels would be fitted or whether they would require alterations to the historic roof of the non-designated heritage asset or its covering.

- 10.63. Therefore, a condition is recommended, requiring further details of the proposed PV panels to be submitted and approved before they are installed. A suggested condition is included in the list below. However, at the conservation officer's suggestion, some further information regarding the specific details of the proposed PV panels is to be sought, and an update on this matter (and any suggested re-wording of the condition which may be necessary in the light of any further information) will be provided at the committee meeting.
- 10.64. The proposed roof extensions at third and fourth floor levels would be clad in bronze-coloured metal cladding and would incorporate large sections of glazing to their walls. The materials proposed would help to distinguish this as a modern addition to the building. However, despite the amounts of glazing proposed to its walls and despite it being set back from the external walls of the existing building, the proposed roof extension would have a significant bulk and massing due to its size and height, and its flat roof would not reflect the traditional pitched and hipped roof forms which characterise the roofscape of this part of the conservation area.
- 10.65. The conservation officer has also advised that, 'when the proposed roof treatment is evaluated having regard to this character, the massing, bulk and expansive glazing and cladding treatment appears incongruous and more akin to a cityscape design rather than townscape.'
- 10.66. It is therefore considered that the proposed third floor and fourth floor extensions, by reason of their size, height, bulk, massing, materials and flat-roofed form, would fail to preserve the character or appearance of the existing building, including those parts of the building which are considered to be a non-designated heritage asset.
- 10.67. For the reasons set out above, it is also considered that the massing, scale, materials and roof form of the third and fourth floor roof extensions would not reflect the surrounding roof forms which characterise this part of the conservation area, or the townscape character of this part of the conservation area and, consequently, would not preserve the character or appearance of the conservation area.
- 10.68. The prevailing townscape character and distinctive roof forms of this part of the conservation area also contribute to the setting of nearby listed buildings, identified above, which are part of the wider surrounding street scenes that include the application site. For the reasons given above and having regard to their scale, massing and incongruous roof forms and materials within that context, it is considered



that the proposed third floor and fourth floor roof extensions would also fail to preserve the settings of those nearby listed buildings.

- 10.69. The proposed third and fourth floor roof extensions would therefore result in harm to the non-designated heritage asset, harm to the settings of nearby listed buildings, and harm to the character and appearance of the conservation area.
- 10.70. It is considered that the level of harm to the non-designated heritage assets within the site would be less than substantial, taking into account the location of those roof extensions relative to the parts of the building which are considered to be a non-designated heritage asset, and in the context of the buildings as a whole.
- 10.71. It is considered that the level of harm arising to the conservation area would be less than substantial in the context of the conservation area as a whole. Similarly, although parts of the third and fourth floor roof extensions would be close to the roof of the neighbouring listed building, 32, Parliament Street, it is considered that in the wider context of that neighbouring building and its wider setting, and in the context of the wider settings of those other nearby listed buildings identified, the level of harm to the settings of those listed buildings would be less than substantial.
- 10.72. This is taken into account in the 'Heritage Balance and Conclusion regarding the effects on heritage assets' section which follows.

*Heritage Balance and Conclusion regarding the effects on heritage assets*

- 10.73. For the reasons given, because of the form, massing and appearance of the proposed roof extension, it is considered that the proposed development would result in harm to the historic buildings within the site, which are considered to be a non-designated heritage asset. For those reasons, it is also considered that the proposed development would also result in less than substantial harm to the character and appearance of the Harrogate Conservation Area, and less than substantial harm to the setting of listed buildings in the vicinity of the site as identified above.
- 10.74. Paragraph 212 of the NPPF states that, 'when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be).' Considerable importance and weight is thus to be given to the harm identified.
- 10.75. Local Plan Policy HP2 states, amongst other things, that 'proposals which would remove, harm or undermine the significance of a non-designated heritage asset will be permitted only where the benefits are considered sufficient to outweigh the harm' and that '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'.
- 10.76. Paragraph 216 of the NPPF states that 'The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application' and that 'In weighing applications that directly or

indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.’

- 10.77. Paragraph 213 of the NPPF states that any harm to the significance of a designated heritage asset (including from development within its setting), ‘should require clear and convincing justification’.
- 10.78. Paragraph 215 of the NPPF states that ‘Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use’.
- 10.79. Paragraph 219 of the NPPF states that local planning authorities ‘should look for opportunities for new development within Conservation Areas, and within the setting of heritage assets, to enhance or better reveal their significance’ and that ‘Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.’
- 10.80. The proposed development would provide new uses for this former department store, which is a large and prominent building within Harrogate town centre, and which has been vacant for a number of years since the closure of the Debenhams store. It would provide a new commercial or drinking establishment use at street level which, it is considered, would contribute to the vitality and viability of the town centre, as well as providing employment opportunities. It would also provide new residential units on the upper floors, which would contribute to housing supply in the area, in a sustainable location close to local facilities and amenities, and which, it is considered, would also contribute to the vitality and viability of the town centre. Although the Council is currently able to demonstrate a 5 year supply of deliverable housing land in the area covered by the Harrogate Local Plan, the delivery of housing would still be a public benefit weighing in favour of the scheme.
- 10.81. The matters listed above are considered to be public benefits weighing in favour of the scheme.
- 10.82. Bringing the building back into use, with associated repairs and the retention of historic features, and securing its future retention and maintenance, would comprise a public benefit.
- 10.83. The proposed development would also provide a number of specific enhancements to the existing buildings within the site and resultant heritage benefits, including to the buildings themselves, which are considered to be a non-designated heritage asset. A number of these enhancements to the buildings would also result in enhancements to the wider street scenes which include those buildings, and thus to the character and appearance of the conservation area and the settings of nearby listed buildings which are part of those wider street scenes. In the light of these enhancements, and having regard to the advice in Paragraph 219 of the NPPF as set out above, it is considered that these works would also comprise public benefits weighing in favour of the proposed development, including:

- Repair works to the early 20<sup>th</sup> century parts of the buildings within the site;
- Replacement of facades to 1960s parts of the building with materials, detailing and fenestration sympathetic to the building's historic surroundings;
- Removal of harmful additions including metal railings and staircases;
- Replacement of shop fronts and canopies with detailing and materials more sympathetic to the building's historic character and surroundings.

10.84. The proposed development would also incorporate measures to reduce its energy demands and CO<sub>2</sub> emissions, as discussed in more detail below. These environmental benefits would also comprise public benefits weighing in favour of the proposed development.

10.85. The proposed third and fourth floor roof extensions would result in less than substantial harm to the non-designated heritage asset buildings within the site, for the reasons given. However, the proposals would also include repairs and enhancements to the parts of the buildings which are considered to be a non-designated heritage asset, including to the features and architectural details which are distinctive to, and contribute to the significance of, those parts of the buildings. Taking into account those repairs and enhancements, and the other benefits of the proposed development as described above, and weighing those in the balance against the harm arising, it is considered that the benefits of the proposed development would outweigh the harm to the non-designated heritage asset in this instance.

10.86. In this instance, and having regard to paragraphs 212, 213 and 215 of the NPPF as set out above, it is considered that the public benefits of the proposed development as described above, taken cumulatively, would outweigh the less than substantial harm to the conservation area.

10.87. Having regard to paragraphs 212, 213 and 215 of the NPPF, it is considered that the public benefits of the proposed development as described above, taken cumulatively, would outweigh the less than substantial harm to the settings of nearby listed buildings as identified above.

10.88. Therefore, and subject to the recommended conditions, it is concluded that the proposed development would not conflict with the requirements of Local Plan Policy HP2 as set out above, or with Local Plan Policy HP3 which seeks to protect local distinctiveness. It is also considered that the proposals would not conflict with the guidance in the NPPF with regard to heritage assets, including the guidance in paragraphs 212, 213, 215 and 216 as set out above.

#### Residential amenity

10.89. All of the apartments proposed within the new roof extensions would comply with the minimum Nationally Described Space Standards (NDSS) for 1-bedroom and 2-bedroom units respectively, in accordance with Local Plan Policy HS5 which states that all new homes should, as a minimum, meet the relevant NDSS.

- 10.90. Additionally, although Policy HS5 does not apply to changes of use, all of the apartments which would be created as part of the proposed conversion of the existing buildings on the site would also comply with the minimum relevant NDSS for 1-bedroom and 2-bedroom units respectively with regard to their internal floor areas.
- 10.91. The proposals would include some demolition at upper floor levels to create a central, landscaped courtyard at first floor level, with apartments arranged around it. The size and configuration of the site and the existing building mean that some separation distances between apartments across the courtyard would be limited. However, the apartment layouts have been designed such that their living areas, where residents would be likely to spend most of their time, would face outwards towards the surrounding street frontages, with bedrooms and entrance areas, where residents would be likely to spend less time, facing the courtyard. The configuration of courtyard-facing windows has also been designed to optimise privacy for residents as far as possible while still providing sources of light and outlook, by offsetting the position of windows facing each other across the courtyard for example.
- 10.92. There are a few instances where proposed apartment windows would directly face onto the roof terrace of another neighbouring apartment. In those instances, the rooms served by those windows would also have other sources of outlook and it is recommended that a condition is included requiring those windows to be obscure glazed, to protect the privacy of future occupants.
- 10.93. Landscaping within the first floor courtyard would be designed to separate apartment windows and the main circulation areas as far as possible, to provide privacy for occupants of those apartments. Where walkways providing access to apartments on the upper floors would pass the windows of other apartments, small areas of planting have also been included in front of many of those windows, to separate the access routes from those windows and optimise privacy for the occupants of those apartments as far as possible. A condition requiring details of landscaping proposals, including details of measures such as planting to maintain separation between apartment windows and communal circulation and amenity areas, is recommended.
- 10.94. A Daylight and Sunlight report has been submitted as part of the application, which assesses the proposed development based on the Building Research Establishment guidelines 'Site Layout Planning for Daylight and Sunlight – A Guide to Good Practice' (2002) (the BRE guidance), a recognised means of assessing daylight and sunlight levels in new developments and the effects of proposed development on daylight and sunlight levels in existing buildings.
- 10.95. The submitted Daylight and Sunlight report considers daylight levels and, where applicable, sunlight levels within habitable rooms in the proposed development (i.e. living/kitchen/dining rooms and bedrooms).
- 10.96. All apartments in this case would have open plan living spaces which would include living areas, dining areas and kitchens. The Daylight and Sunlight report concludes that some rooms in some apartments would not meet recommended levels of daylight and sunlight, as set out in the BRE guidance. However, it is noted that the site is

within a built-up urban area, where it would be less likely that recommended daylight and sunlight levels could be achieved in all circumstances.

- 10.97. In this case, the living/kitchen/dining rooms for the proposed apartments would all face outwards towards the surrounding streets. The habitable rooms facing the internal courtyard, where light levels are likely to be lower, would all be bedrooms.
- 10.98. In terms of daylight, the Daylight and Sunlight report concludes that 56 of the 95 rooms tested (59%) would meet the relevant criteria. Of the 39 rooms that would not satisfy the criteria, 20 are bedrooms. Therefore, 19 of the living/kitchen dining rooms would not meet the recommended criteria for daylight.
- 10.99. However, where this is the case, it is generally understood to be because of the depths and configurations of those rooms, as large, open plan living/kitchen/dining spaces. Where living/kitchen/dining rooms do fall below the recommended levels, they have been configured with their main living spaces/sitting areas located closest to the windows, where daylight and sunlight levels would be higher, and their kitchen areas located furthest from the windows. Consequently, taking into account the fact that the proposals relate to the conversion of an existing building, and as the remaining living/kitchen/dining rooms would meet or exceed the recommended levels, it is considered that the proposals would be acceptable in this regard overall.
- 10.100. In terms of sunlight, the Daylight and Sunlight report concludes that all but one of the proposed living/kitchen/dining areas assessed would 'fully accord' with the relevant criteria.
- 10.101. Generally, the bedrooms with windows solely facing into the internal courtyard would fall below the recommended levels for daylight and sunlight, as would some other bedrooms. However, it is recognised that the proposals relate to the conversion of an existing building in a built-up area and, having regard to the constraints that presents in terms of achieving recommended daylight and sunlight levels, and as residents would generally be likely to spend less time in bedrooms and more time in their living/kitchen/dining areas where light levels would generally be higher, it is considered that the proposals would achieve an acceptable balance in this regard.
- 10.102. In the light of the above, overall it is considered that the proposals have been satisfactorily designed within the parameters of the existing building, in terms of the location of their living/kitchen/dining areas and the location of the main living areas within those spaces, to optimise daylight and sunlight to their main habitable spaces.
- 10.103. It is therefore considered that the proposals would provide an acceptable balance between bringing an existing, long-vacant building in the town centre and conservation area back into use and optimising levels of light, outlook and privacy for future occupants as far as possible.
- 10.104. The Landscape Design Guide 2023 provides guidance regarding the sizes of gardens and amenity spaces for residential properties. It makes provision for a 'relaxation' on the minimum recommended sizes in certain circumstances, including for flats, where it provides recommended sizes for communal gardens, and allows for

balconies to be counted towards amenity space where they are over 5m<sup>2</sup> in area. For 'one and two bedroom flats in higher density urban situations' it advises that 'garden sizes may be relaxed if within very close proximity to central green spaces and facilities'.

- 10.105. The proposed central landscaped courtyard would provide some communal outdoor amenity space within the site, and some upper floor apartments would also have balconies. It is considered that the incorporation of some outdoor amenity space within the site, including communally within the proposed central landscaped courtyard, would be of benefit to potential future occupants of the proposed apartments. However, in this case, even with that on-site provision, the overall amount of amenity space within the site would be less than the 25m<sup>2</sup> per flat which is recommended in the Landscape Design Guide 2023.
- 10.106. However, the site is very close to a large area of open space in the form of The Stray, which is less than 250m from the site at its closest point. The site is also quite close to Valley Gardens which, although slightly further than 250m from the site, also provides a large area of public open space in the wider vicinity.
- 10.107. Therefore, in this case, taking into account that the proposals relate to the re-use and extension of an existing building within a built-up, town centre location, to provide one-bedroom and two-bedroom apartments, and having regard to the site's proximity to large areas of public open space nearby, it is considered that the amount of amenity space proposed within the site would be acceptable in this case.
- 10.108. The private sector housing officer has provided comments on the application proposals, including with regard to ventilation and kitchen sizes. The proposals have been considered with reference to relevant planning policies, including with regard to space standards as set out in the NDSS, and are considered acceptable in those regards. Informative notes are recommended as part of the decision, drawing the applicant's attention to the private sector housing officer's comments and to the need to also comply with other relevant legislation, including the Building Regulations, with regard to other matters.
- 10.109. The separation distances between the windows and roof terraces of some of the proposed apartments and existing residential properties, including those in the building on the opposite side of Parliament Street to the west, would be slightly below those usually recommended. However, taking into account the separation distances that would be provided between existing residential properties nearby and the proposed apartments and roof terraces, and that the site is a built-up, town centre location, it is considered that a satisfactory level of privacy would be provided for future occupants of the proposed apartments and maintained for the occupants of existing nearby residential properties, and that refusal on these grounds could not be justified.
- 10.110. The submitted Daylight and Sunlight report considers the effects of the proposed development on the daylight and sunlight of existing residential properties in nearby buildings to the north and the west of the site, based on the BRE guidance. It concludes that in all cases daylight levels and, where applicable, sunlight levels,

would be in accordance with the relevant target criteria with the proposed development completed.

- 10.111. Taking into account the separation distances between the application site, including the proposed roof extension, and the nearest neighbouring residential properties, it is considered that the proposed development would not have an adverse impact on the outlook from nearby residential properties.
- 10.112. A Noise Impact Assessment report has been submitted as part of the application. The Environmental Health Officer (EHO) has noted that the submitted report recommends mitigation measures to protect the proposed apartments from potential noise from existing surrounding uses and from the proposed commercial use of the lower floors of the building, and has recommended a condition requiring sound levels to be tested prior to occupation of the apartments to ensure that they meet the required levels.
- 10.113. The EHO has also recommended conditions relating to the sound levels of plant and/or activities associated with the commercial use of the site, and restricting hours of construction and the hours of opening, deliveries and waste collections to and from the commercial unit. They have also recommended conditions requiring any commercial kitchen extraction equipment to be fitted with odour control as recommended in the submitted Air Quality report, and the submission of a Construction Management Plan for the development. Conditions to cover those matters are recommended as part of any approval and, where applicable, would be worded to make it clear that they refer to any commercial or drinking establishment use of the lower floors of the building.
- 10.114. In the light of the EHO's comments, and subject to the recommended conditions, it is considered that the proposed development would provide satisfactory levels of amenity for future occupants of the proposed apartments and protect the amenities of the residents of existing residential properties nearby, with regard to noise, disturbance and odour, including taking into account the proposed commercial uses on the lower floors of the building, including the proposed drinking establishment use.
- 10.115. Drawing those threads together, for the reasons given it is considered that the proposed development would provide an acceptable level of amenity for potential future occupants of the proposed development and satisfactorily protect the residential amenity of the occupants of existing residential properties nearby.
- 10.116. The proposed development would therefore not conflict with Local Plan Policy HP4, which states that development proposals should be designed to ensure that they will not result in significant adverse impacts on the amenity of occupiers and neighbours, or with Part F of Policy EC5 insofar as it states that proposals that will enhance the evening and night-time economy will be supported where any amenity issues can be adequately addressed. It would also not conflict with Part G of Policy EC5 as set out above. The proposals would also accord with guidance in the NPPF, which states that planning decisions should ensure that developments create places with a high standard of amenity for existing and future users.

### Highways

- 10.117. The site within Harrogate town centre, close to local shops and amenities, including open space, and to public transport links.
- 10.118. Local Plan Policy TI3 states that ‘development will be supported where it incorporates appropriately designed vehicle and bicycle parking’ and that, amongst other things, ‘to support sustainable transport choices and reduce reliance on the private car’ the need to provide safe, secure and convenient parking, and parking standards as prepared by the local highway authority, should be addressed.
- 10.119. No parking is proposed within the site for the commercial or drinking establishment use. However, the site is an existing building, with an existing commercial use, and is close to town centre car parks, which could be used by staff or customers.
- 10.120. However, the proposals would introduce a new residential use onto the site, with 34 apartments. As the nature of parking requirements associated with a residential use would differ from the existing commercial use, it is necessary to consider the potential implications of this new use with regard to parking demand and provision.
- 10.121. Six parking spaces would be provided on the lower ground floor of the proposed development, including one disabled parking bay. Cycle parking would also be provided in that area.
- 10.122. The amount of vehicular parking proposed on-site for the proposed apartments would be significantly below the Council’s recommended parking standards<sup>3</sup>, which recommend a minimum of 1 space per dwelling for 1-bedroom and 2-bedroom dwellings in Harrogate (i.e. 34 spaces in total for the proposed development).
- 10.123. However, an Interim Travel Plan has been submitted as part of the application, which identifies measures aimed at encouraging and promoting sustainable transport use and reducing car-based travel. The Interim Travel Plan makes provision for the production of a Full Travel Plan for the residential development, to include the identification of targets for a modal shift from private car journeys to other forms of transport, and to be managed by a Travel Plan Co-ordinator for the development.
- 10.124. The Interim Travel Plan has been reviewed by Highways, who have recommended a condition requiring the development to be operated in accordance with the approved Travel Plan based on the submitted Interim Travel Plan. Highways have also confirmed that a Travel Plan monitoring fee of £2500 would apply, based on the scale of the proposed development in this case.
- 10.125. In this instance, it is recognised that the application would provide smaller 1-bedroom and 2-bedroom apartments, in an existing building in a sustainable location, close to facilities and public transport links. However, the level of parking provision proposed within the site is significantly below the recommended parking standards, and therefore would not accord with the requirements of Local Plan Policy TI3 in that

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<sup>3</sup> North Yorkshire County Council ‘Interim Guidance on Transport Issues including Parking Standards and Advice on Transport Assessments and Travel Plans’ (2015)



regard. In that context, it is considered that the production, implementation and subsequent monitoring of a Full Travel Plan for the development is necessary, in order to discourage private car use and encourage the use of more sustainable means of transport, in the interests of minimising car-based travel to the site.

- 10.126. Subject to a condition to secure the Full Travel Plan, and to the securing of the required Travel Plan monitoring fee via a S106 agreement, and having regard to the site's existing use and location, and in the absence of any objection from Highways subject to a Travel Plan, it is considered that the proposals would be acceptable in this regard.
- 10.127. A Servicing and Delivery Management Plan for the development has been submitted, including details of arrangements for access to the site for deliveries and for the collection of bins from the residential and commercial units. No objections have been raised by Highways or the EHO regarding the submitted Servicing and Delivery Management Plan. Subject to a condition requiring the development to be managed and operating in accordance with the submitted Servicing and Delivery Management Plan, it is considered that the proposals would be acceptable in those regards.
- 10.128. Highways have also recommended conditions relating to the provision of a new vehicular access from Union Street into the proposed car park and alterations to/part-reinstatement of the existing access from Union Street, to provide safe access for refuse collections whilst re-instating redundant sections of that existing access. Highways have also recommended a condition requiring a Construction Management Plan. Conditions to cover these matters are considered necessary and reasonable, in the interests of highway safety and amenity, and are recommended.
- 10.129. In the light of the Highways comments, and subject to the recommended conditions as set out above, and the securing of a Travel Plan monitoring fee via a S106 Agreement, it is considered that the proposed development would not result in significant congestion and/or road safety problems, or have an unacceptable impact on highway safety. It is therefore concluded that it would not conflict with the requirements of Part B.ii of Local Plan Policy EC5, or with the NPPF (including paragraph 116), in those regards, and that it would accord with the aims of Local Plan Policy T11 in seeking to achieve more sustainable travel behaviour.

#### Ecology and biodiversity

- 10.130. The application was submitted prior to the introduction of the mandatory 10% Biodiversity Net Gain (BNG) requirement. However, Policy NE3 of the Local Plan is relevant, and requires for major developments to avoid any net loss of biodiversity and supports schemes which achieve a net gain.
- 10.131. A biodiversity metric for the development has been completed and submitted. As the site is currently completely occupied by buildings, the proposals would not result in any net loss of biodiversity, compared with the existing situation. The proposed development would provide some new planting and landscaping on site, within the proposed first floor courtyard area. It would therefore provide some enhancement in

biodiversity, consistent with the aims of Policy NE3, and with paragraph 193.d) of the NPPF, which advises that ‘opportunities to improve biodiversity in and around developments should be integrated as part of their design’, and would therefore be acceptable in this regard. A condition requiring details of the proposed landscaping scheme, including proposals for its maintenance, is recommended.

- 10.132. The proposed development would include works to existing buildings, including some demolition. A bat survey report has therefore been submitted as part of the application. The bat survey report concludes that the buildings ‘were assessed to have low potential value for roosting bats’, and an emergence survey found that ‘no bats were observed to emerge or were suspected to have emerged’ from a potential roost feature identified within the building. The report therefore concludes that ‘the surveys indicate the likely absence of roosting bats within the buildings’.
- 10.133. However, the bat survey report advises that, ‘due to the complexity of the roof structure and difficulty in observing some parts of it from ground level’ a series of precautionary measures are recommended, including an endoscope survey of any potential roost features prior to construction commencing, to check for any evidence of roosting bats, and a ‘toolbox talk’ to contractors to ensure that they are aware of the need to be ‘vigilant for any evidence of roosting bats’. The report also recommends incorporating new roost features within the building.
- 10.134. In the light of the conclusions of the bat survey report, and subject to a condition requiring the development to be carried out in accordance with the recommendations therein, it is considered that the proposed development would be acceptable with regard to this protected species.
- 10.135. The Council’s ecologist has also recommended that a condition be included requiring the provision of swift bricks as part of the development. This is also considered appropriate and reasonable, in the interests of enhancing biodiversity in accordance with Policy NE3, and a condition to this effect is recommended.
- 10.136. Subject to the recommended conditions, it is considered that the proposed development would be acceptable with regard to biodiversity and ecology, and would accord with the requirements of Local Plan Policy NE3 and the guidance in the NPPF in those regards.

#### Fire Safety

- 10.137. Because of the height of the building, a Fire Statement was required, and submitted, as part of the application. The Health and Safety Executive (HSE) has been consulted with regard to the Fire Statement and has advised that it is content with the fire safety design ‘to the extent it affects land use planning considerations’.
- 10.138. Some aspects of the proposals have been revised since the submission of the Fire Statement. However, the agent for the application has confirmed that those subsequent revisions do not necessitate any changes to the fire statement as reviewed by the HSE. The HSE was re-consulted in December 2024, following the receipt of revised plans since their earlier comments, and re-stated that it is ‘content

with the fire safety design as set out in the project description, to the extent it affects land use planning considerations’.

- 10.139. The HSE comments also refer to other fire safety matters and state that ‘it will be for the applicant to demonstrate compliance at later regulatory stages’ in those regards. The comments of the private sector housing officer and Building Control with regard to fire escapes and fire safety matters are also noted. As such matters are also covered under separate legislation, and in the light of the HSE’s comments that it is content with the fire safety design ‘to the extent that it affects land use planning considerations’, it is considered that the proposals submitted as part of this application for planning permission are acceptable with regard to fire safety. However, an informative note, advising the developer of the need to also comply with other relevant legislation with regard to fire safety and other matters, is recommended as part of the decision.
- 10.140. The HSE has also noted that the submitted details regard to the provision of electric vehicle charging spaces in the basement car parking area. In that regard, the HSE comments state that it is advisable to consider fire safety risk ‘by the presence of electric vehicles (EVs – cars and cycles) within close proximity to, and within, buildings due to lithium-ion batteries’, then provide further commentary in that regard, and advise that ‘Any consequent design changes may affect land use planning considerations such as layout, appearance, and car parking provision of the development’.
- 10.141. The HSE’s comments regarding EV parking have been drawn to the attention of the agent for the application, who has responded to advise ‘In terms of EV charging, a fire suppression system will be provided in the basement, as set out in the Fire Statement’ and that ‘should any changes be necessary as a result of detailed design’ they would review the application accordingly. An informative note, drawing the developer’s attention to the HSE’s comments regarding EV charging and other matters where the HSE has advised that ‘it will be for the applicant to demonstrate compliance at later regulatory stages’ is recommended as part of the decision.

#### Energy and sustainability

- 10.142. An Energy Statement has been submitted as part of the application. It states that ‘in order to reduce the demand for heating energy, it is proposed to provide the development with a highly thermal efficient building envelope’. It also provides details of various services within the building such as space heating, domestic hot water and lighting, including the use of energy efficient LED lighting to all areas within the proposed development.
- 10.143. In addition to the measures specified with regard to reducing the energy demands of the proposed development, the Energy Statement also states that solar photovoltaic (PV) panels are proposed as part of the development, and that a Wastewater Heat Recovery System (WWHRS) would be used within those new-build apartments which would have baths. The WWHRS would be used as part of showers, and would use the warm water draining from the shower to heat the incoming cold water, before going into the waste water system.

- 10.144. The Energy Statement concludes that the energy efficiency measures proposed, including the PV panels and the WWHRS, are expected to reduce the energy demand of the development by 34.49% and the CO<sub>2</sub> emissions of the development by 31.65% compared with the Building Regulations Part L 2021 Baseline.
- 10.145. Subject to a condition requiring the proposed development to be carried out in accordance with the recommendations of the submitted Energy Statement, it is considered that the proposed development would be consistent with the requirements of Local Plan Policy CC4 with regard to sustainable design and reducing greenhouse gas emissions, and with the guidance in paragraph 167 of the NPPF, which states that local planning authorities should 'give significant weight to the need to support energy efficiency and low carbon heating improvements to existing buildings'. The proposed PV panels have been considered with regard to potential effects on the conservation area and settings of nearby listed buildings, in accordance with paragraph 167 of the NPPF, in the relevant section above.

#### Flood risk and drainage

- 10.146. Both the Lead Local Flood Authority and Yorkshire Water have advised that the submitted Drainage Strategy and Flood Risk Assessment document is acceptable, and both have recommended a condition requiring the development to be carried out in accordance with the submitted Drainage Strategy and Flood Risk Assessment.
- 10.147. Therefore, subject to an appropriately-worded condition to that effect, it is considered that the proposed development would be acceptable with regard to flood risk and drainage, and would not conflict with Local Plan Policy CC1 which requires flood risk assessments to demonstrate that developments will be safe without increasing flood risk elsewhere.

#### Contaminated land

- 10.148. With regard to contaminated land, the EHO has noted that a Phase 1 assessment was submitted as part of a previous application, which identified the presence of asbestos in the basement and the need for radon protection measures. Site investigation was recommended as part of that application.
- 10.149. In their comments on the current application, the EHO has advised that contamination is not addressed for this application and a site investigation is not required. This has been discussed further with the EHO, and it is understood that it was suggested that no site investigation is required in this instance because the current application seeks permission to retain and convert the existing buildings on the site rather than demolish the existing buildings and redevelop the site with a new building (as was proposed in the previous application), and that the EHO agreed with this. It is also understood from the EHO that no site investigation is considered necessary because no residential gardens are proposed at ground floor level within the site.
- 10.150. However, the EHO has recommended a condition to cover the eventuality that unexpected contamination is encountered during the development.

- 10.151. It is understood that the need for radon protection measured is covered under the Building Regulations, and an informative note drawing this to the developer's attention is recommended. As the building is proposed to be converted, it is understood that matters relating to potential asbestos within the site would be covered under separate legislation.
- 10.152. Therefore, in the light of the EHO's advice and subject to a condition covering unexpected contamination, as recommended by the EHO, it is considered that the proposed development would be acceptable with regard to potential land contamination, and would not conflict with the requirements of Local Plan Policy NE9 in that regard.

Air quality

- 10.153. The submitted Air Quality Assessment has been reviewed by Environmental Health, who have advised that the assessment concludes that, with the adoption of the mitigation measures outlined therein, the significance of the construction phase is predicted to be not significant.
- 10.154. With regard to the operational phase of the development, Environmental Health have advised that the submitted assessment concludes that the air quality impacts at existing receptors is negligible. It is noted that cycle parking is proposed and a Travel Plan has been submitted.
- 10.155. Subject to conditions requiring the construction and demolition to be carried out in accordance with the recommendations of the submitted Air Quality Assessment, the inclusion of a requirement for dust control measures – as suggested by Environmental Health – as part of a Construction Management Plan, and the provision of cycle parking and a Full Travel Plan for the development, it is considered that the proposed development would be acceptable with regard to air quality and would not conflict with the requirements of Local Plan Policy NE1 in this regard.

S106 Legal Agreement

- 10.156. Local Plan Policy TI4 requires developers to make reasonable on-site provision and/or contributions towards infrastructure and services to cater for the needs generated by development.
- 10.157. Policy HP7 states that new housing developments will be required to provide new sports, open space and recreational facilities to cater for the needs of the development. Further guidance in this regard is set out in the Harrogate Provision of Open Space and Village Halls Supplementary Planning Document.
- 10.158. In these regards, the following Heads of Terms would be required as part of a S106 agreement for this application.

<b>Table 1</b>		
<b>Category/Type</b>	<b>Contribution</b>	<b>Trigger</b>
Secondary School Contribution	£65,952.25 To be used to improve capacity at existing secondary schools:	To be agreed.

	Harrogate Grammar School and/or Rossett School and/or Harrogate High School.	
Contributions towards the provision and/or enhancement of existing off-site open space	£42,695.96 in total. To be divided between various open space typologies as identified in the Provision of Open Space and Village Halls SPD and as set out in detailed calculations from Parks.	To be agreed.
Health Care Contribution	Amount to be confirmed – Minimum: £18,198; Maximum: £25,796 To be used to improve capacity at Kings Road Surgery (Moss Healthcare).	To be agreed.
Travel Plan Monitoring Fee	£2500 one-off Monitoring Fee.	To be agreed.
S106 Monitoring	Band 3 (based on 34 dwellings): £390 per obligation (Except Travel Plan Monitoring Fee) – £390 x 3 = £1170	Upon completion of S106.

10.159. The proposed obligations are considered necessary in order to mitigate the effects of the proposed development, including additional demand for secondary school places and health care, and additional users of open space in the vicinity of the site. The contributions required are based on the number and types of dwellings proposed in this case, and are therefore considered to be proportionate in scale to the development proposed.

10.160. It is considered that the obligations set out in the above S106 Heads of Terms are necessary, directly related to the development and fairly and reasonably related in scale and kind to the development and, as such, comply with the Community Infrastructure Levy (CIL) Regulations 2010.

#### Other matters

10.161. Following comments from the North Yorkshire Police Designing Out Crime Officer with regard to the proposals as originally submitted, further information was received from the applicant, including confirmation that 'access control will be provided to all external communal doors with CCTV across all communal areas, including the car park and cycle store', and that 'All apartment entrance doors will comply with Secured by Design'. The information from the applicant also advised that crime prevention measures for the commercial use were 'unknown at this stage as they will be occupier driven'.

10.162. The Designing Out Crime Officer noted the further information received and advised that it was 'pleasing to note that crime mitigation measures, such as access control, are to be incorporated into this proposal,' and that they had no further comments. It is therefore considered that sufficient information in this regard has been provided at this stage. However, conditions are recommended, requiring full details of crime prevention and mitigation measures to be submitted and approved for both the

commercial/drinking establishment use and the residential use, to allow full details to be considered once those aspects of the scheme have been designed in detail, in the interests of safety and crime prevention.

- 10.163. In considering the application, due regard has been had to the public sector equality duty as set out in Section 149 of the Equality Act 2010, and to the need to eliminate discrimination, harassment and victimisation and to advance equality of opportunity, and foster good relations, between persons who share a relevant protected characteristic, as identified in the Equality Act 2010, and persons who do not share it.
- 10.164. New shopfronts are proposed as part of the development, serving the proposed commercial or drinking establishment use. Two customer entrances are proposed into this part of the building, one from Parliament Street and one from Oxford Street. The applicant has confirmed that level access would be provided from both of these entrances.
- 10.165. A further lower ground floor entrance is proposed at the northern end of the Parliament Street frontage, with steps internally between this entrance and the rest of the lower ground floor. However, the applicant has confirmed that this would be a 'fire egress' and 'would only be used in the case of emergencies'. This has been discussed with Building Control and it is understood that a refuge area would be required at the top of the staircase, for persons who would be unable to use the stairs in the event of an emergency. Subject to such provision, and as level access would be provided through all customer entrances, it is considered that the proposals would be acceptable and would provide appropriate access for all users in this regard.
- 10.166. The communal entrance to the apartments would be at upper ground floor level on Union Street. Through the incorporation of a lift between the upper ground floor and the apartments on the upper levels, and a platform lift inside the building between that lift and the Union Street entrance to the apartments, level and step-free access would be provided from the apartments' entrance to the apartments themselves.
- 10.167. The car park on the lower ground floor of the building would include a disabled parking space. To travel from that car park to the apartments, all users would have to leave the building onto Union Street, via an entrance which would be accessible via a ramp from the car park, and re-enter further along Union Street via the communal entrance to the apartments. Although this would result in users travelling some distance, it is understood that providing lift access to the lower ground floor is limited by fire restrictions. As the proposals relate to the conversion of an existing building, with varying internal floor levels, and as level access would be provided between the basement car park and the apartment entrance and, from there to the upper floor apartments, and would be no further for wheelchair users than for other users of the building, it is considered that reasonable steps have been taken to provide equality of access for all occupants of, and visitors to, the building.
- 10.168. In the light of the above it is considered that the proposal would not contravene Convention Rights contained in the Human Rights Act 1998, including right to private and family life.

## **11.0 PLANNING BALANCE AND CONCLUSION**

- 11.1. For the reasons given, the proposed development is considered to comply with the requirements of Local Plan EC5 regarding town centre uses, including with regard to the vitality and viability of the town centre, and amenity and highways/traffic considerations. The proposed development is therefore considered to be acceptable in principle.
- 11.2. As identified, the proposed development would result in harm to the interest and significance of the non-designated heritage asset within the site, and would result in less than substantial harm to the Harrogate Conservation Area and the settings of listed buildings in the vicinity of the site as identified above.
- 11.3. However, for the reasons given, in this instance it is considered that the harm arising to the non-designated heritage asset would be outweighed by the benefits of the proposed development, that the less than substantial harm to the conservation area would be outweighed by the public benefits of the proposed development, and that the less than substantial harm to the settings of nearby listed buildings would be outweighed by the public benefits of the proposed development.
- 11.4. Those benefits include bringing a large, prominent and long-vacant building in Harrogate town centre back into use, repairs and enhancements to parts of the existing building, and the retention of commercial use (including a possible new drinking establishment use) on the lower floors which would contribute to the vitality and viability of the town centre, and new residential apartments which would contribute to the supply of homes in the area. Although the Council is currently able to demonstrate a 5 year supply of deliverable housing land in the area covered by the Harrogate Local Plan, the delivery of housing would still be a public benefit weighing in favour of the scheme.
- 11.5. It is therefore considered that the proposed development would not conflict with relevant Local Plan Policies, or with the guidance in the NPPF with regard to heritage assets, including the guidance in paragraphs 215 and 216 of the NPPF as set out above.
- 11.6. The proposed development is considered to be acceptable with regard to other material planning considerations, including residential amenity, highway safety, ecology and biodiversity, fire safety, flood risk and drainage, contaminated land and sustainable construction.
- 11.7. It is therefore concluded that the proposed development would be acceptable for the reasons given, and it is recommended that planning permission is granted, subject to the suggested conditions and the prior completion of the S106 agreement.

## **12.0 RECOMMENDATION**

- 12.1 That planning permission be GRANTED subject to the conditions listed below and prior completion of a S106 agreement with terms as detailed in Table 1.



**Recommended conditions:****Condition 1 – Time Limit**

The development hereby permitted shall begin not later than 3 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 permitted shall be carried out in complete accordance with the following submitted details:

- Site Location Plan drawing number: 20018-S101 Rev C
- Demolition Basement Plan drawing number: 20018-S120 Rev C
- Demolition Lower Ground Floor Plan drawing number: 20018-S121 Rev C
- Demolition Ground Floor Plan drawing number: 20018-S122 Rev C
- Demolition First Floor Plan drawing number: 20018-S123 Rev C
- Demolition Second Floor Plan drawing number: 20018-S124 Rev C
- Demolition Third Floor Plan drawing number: 20018-S125 Rev C
- Demolition Fourth Floor Plan drawing number: 20018-S126 Rev C
- Street Scene Elevation Demolition drawing number: 20018-S140 Rev C
- Street Scene Elevation Demolition drawing number: 20018-S141 Rev D
- Street Scene Elevation Schedule of Works 1 OF 2 drawing number: 20018-S150 Rev B
- Street Scene Elevation Schedule of Works 2 OF 2 drawing number: 20018-S151 Rev D
- Site Plan Proposed drawing number: 20018-P200
- Basement Plan Proposed drawing number: 20018-P210 Rev E
- Lower Ground Floor Plan Proposed drawing number: 20018-P211 Rev F
- Upper Ground Floor Plan Proposed drawing number: 20018-P212 Rev H
- First Floor Plan Proposed drawing number: 20018-P213 Rev F
- Second Floor Plan Proposed drawing number: 20018-P214 Rev F
- Third Floor Plan Proposed drawing number: 20018-P215 Rev G
- Fourth Floor Plan Proposed drawing number: 20018-P216 Rev D
- Roof Plan Proposed drawing number: 20018-P217 Rev A
- Street Scene Elevation Proposed drawing number: 20018-P220 Rev G
- Street Scene Elevation Proposed drawing number: 20018-P221 Rev G
- Internal Elevations Proposed drawing number: 20018-P222 Rev F
- Internal Elevation Proposed drawing number: 20018-P223 Rev G
- Proposed Sections drawing number: 20018-P225 Rev C
- Internal Elevation Proposed drawing number: 20018-P226
- Shopfront Details Sheet 1 drawing number: 20018-P410

- Shopfront Details Sheet 2 drawing number: 20018-P411
- Proposed Strip Section C-C drawing number: 20018-P412 Rev A
- Proposed Party Wall Detail drawing number: 20018-P152

**Reason:** For the avoidance of doubt and to ensure compliance with the approved details.

### **Condition 3 – Accessible and Adaptable (M4(2)) Apartments**

None of the apartments hereby permitted shall be first occupied or brought into use until all apartments identified as 'M4 (2) Accessible Unit' on First Floor Plan Proposed drawing number: 20018-P213 Rev F, Second Floor Plan Proposed drawing number: 20018-214 Rev F, Third Floor Plan Proposed drawing number: 20018-P215 Rev G and Fourth Floor Plan Proposed drawing number: 20018-P216 Rev D have been laid out and provided as accessible and adaptable dwellings in accordance with the requirements of Part M4(2): Category 2 – Accessible and adaptable dwellings, of the Building Regulations. Those apartments shall be retained as such thereafter.

**Reason:** To ensure the provision and retention of an appropriate mix of housing for all occupants, in accordance with Local Plan Policy HS1.

### **Condition 4 – Materials details and samples**

No external works to the existing buildings within the site in association with the development hereby permitted, and no works to construct the extensions hereby permitted, shall commence until details and samples of all external materials to be used as part of the development have been submitted to and approved in writing by the local planning authority. This shall include:

- Details and samples of all external walling materials, including brick and stone to be used in the new construction and façade replacement works; cladding to be used on the external walls of the proposed internal courtyard; and any materials to be used for filling in or making good existing brickwork;
- Details and samples of the external materials for the roof extension, including glazing and cladding materials;

Samples shall be made available on site for inspection by the local planning authority, which shall be notified in writing when the samples are available to view.

The submitted details shall also include a full materials schedule, including details of all materials and accompanying plans to show where they are to be used on the buildings.

The development shall be carried out in accordance with the details thereby approved and retained as such thereafter.

**Reason:** In the interests of visual amenity and to protect and preserve the character and appearance of the existing buildings and the conservation area, in accordance with Local Plan Policies HP2 and HP3, the Planning (Listed Buildings and Conservation Areas) Act 1990, and the NPPF.

**Condition 5 – Roof terraces and external walkways**

No external works to the existing buildings within the site in association with the development hereby permitted, and no works to construct the extensions hereby permitted, shall commence until details of the following have been submitted to and approved in writing by the local planning authority. In all cases, the information submitted shall include sections and elevations at a scale of at least 1:20, and details of materials and colours:

- a) Balustrades to the roof terraces;
- b) External walkways within the internal courtyard, including the balustrades to those walkways.

The development shall be carried out in accordance with the details thereby approved and retained as such thereafter.

**Reason:** In the interests of visual amenity and to protect and preserve the character and appearance of the existing buildings and the conservation area, in accordance with Local Plan Policies HP2 and HP3, the Planning (Listed Buildings and Conservation Areas) Act 1990, and the NPPF.

**Condition 6 – Roof Works**

Notwithstanding the details on the approved plans, no external works to the existing buildings within the site in association with the development hereby permitted shall commence until full details of all roof repairs to the existing buildings within the site, as identified on Street Scene Elevation Schedule of Works 1 OF 2 drawing number: 20018-S150 Rev B and Street Scene Elevation Schedule of Works 2 OF 2 drawing number: 20018-S151 Rev D, have been submitted to and approved in writing by the local planning authority.

The submitted details shall include samples of any new roof slates to be used as part of such repairs, which shall be made available on site for inspection by the local planning authority, which shall be notified in writing when the samples are available to view.

No part of the development hereby permitted shall be first occupied or brought into use until the relevant works specified above have been carried out and completed in accordance with the details thereby approved.

**Reason:** To protect and preserve the heritage significance of the existing buildings as a non-designated heritage asset, and the character and appearance of the conservation area, in accordance with Local Plan Policy HP2, the Planning (Listed Buildings and Conservation Areas) Act 1990, and the NPPF.

**Condition 7 – Treatment of Masonry**

Notwithstanding the details on the approved plans, no external works to the existing buildings on the site in association with the development hereby permitted shall commence until full details of the treatment of the masonry envelope of the existing buildings within the site have been submitted to and approved in writing by the local planning authority

For the avoidance of doubt, the submitted details shall refer to those parts of the existing buildings where the existing façades are to be retained and not replaced (i.e. those parts of the building identified with the notation 'clean and repair existing brickwork and stone feature detailing patch repair with matching' on Street Scene

Elevation Schedule of Works 1 OF 2 drawing number: 20018-S150 Rev B and Street Scene Elevation Schedule of Works 2 OF 2 drawing number: 20018-S151 Rev D).

The submitted details shall include:

- a) A method statement and specification details for the cleaning of masonry, to include a test panel in a position to be approved by the local planning authority;
- b) A method statement and specification details for the treatment of brickwork and stone detailing, to include a sample panel of repointing of the external walls.

No part of the development hereby permitted shall be first occupied or brought into use until the relevant works specified above have been carried out and completed in accordance with the details thereby approved.

**Reason:** To protect and preserve the heritage significance of the existing buildings as a non-designated heritage asset, and the character and appearance of the conservation area, in accordance with Local Plan Policy HP2, the Planning (Listed Buildings and Conservation Areas) Act 1990, and the NPPF.

#### **Condition 8 – Treatment of Rainwater Goods**

All repairs to existing traditional rainwater goods, and new pipework runs to those parts of the existing building identified with the notation 'cast iron rainwater good repaired or replaced with similar and approved' on Street Scene Elevation Schedule of Works 1 OF 2 drawing number: 20018-S150 Rev B and Street Scene Elevation Schedule of Works 2 OF 2 drawing number: 20018-S151 Rev D, shall be in cast iron and shall match the profiles and details of existing such rainwater goods on those parts of the building.

No part of the development hereby permitted shall be first occupied or brought into use until the specified works have been carried out and completed in accordance with the requirements above and as specified on the drawings listed. Those works shall be retained as such thereafter.

**Reason:** To protect and preserve the heritage significance of the existing buildings as a non-designated heritage asset, and the character and appearance of the conservation area, in accordance with Local Plan Policy HP2, the Planning (Listed Buildings and Conservation Areas) Act 1990, and the NPPF.

#### **Condition 9 – New Rainwater Goods and Ventilation and Extraction Features**

No new plumbing, pipes, soil stacks, flues, vents or ductwork shall be fixed to the external faces of any part of the buildings within the site until details of any such features have been submitted to and approved in writing by the local planning authority. Any such features shall thereafter only be installed in accordance with the details thereby approved.

**Reason:** To protect and preserve the heritage significance of the existing buildings as a non-designated heritage asset, and the character and appearance of the conservation area, in accordance with Local Plan Policy HP2, the Planning (Listed Buildings and Conservation Areas) Act 1990, and the NPPF.

#### **Condition 10 – Details of Windows, Stained Glass, Doors and Ornate Ironwork (Balconettes)**

Notwithstanding the details on the approved plans, no external works to the existing buildings on the site in association with the development hereby permitted shall

commence until full details of the following have been submitted to and approved in writing by the local planning authority:

- a) A condition survey, method statement and specification details for the repair and treatment of existing stained glass and metal-framed windows within the existing buildings (i.e. those windows identified with the notation 'Repair/replace like for like as necessary existing metal framed windows and clean and repair stone detailing (stained glass to be retained and reused). Secondary glazing to be installed behind existing' on Street Scene Elevation Schedule of Works 1 OF 2 drawing number: 20018-S150 Rev B and Street Scene Elevation Schedule of Works 2 OF 2 drawing number: 20018-S151 Rev D);
- b) Large-scale details, in elevation, section and plan, of the secondary glazing system to existing windows, including those identified in part a) of this condition above;
- c) Elevations and sections, at a scale of 1:5, of any replacement windows to those openings identified in part a) of this condition above, including details of frame materials and colours;
- d) Details of all new windows to those parts of the building not identified in part a) of this condition above, including sections and elevations at a scale of at least 1:20, and details of frame materials and colours;
- e) Elevations and sections of all new external doors at a scale of 1:5, including details of materials and colours;
- f) A condition survey, method statement and specification details for the repair and treatment of ironwork on the existing buildings within the site, as identified with the notation 'Existing ironwork to be retained, repaired and repainted' on Street Scene Elevation Schedule of Works 1 OF 2 drawing number: 20018-S150 Rev B and Street Scene Elevation Schedule of Works 2 OF 2 drawing number: 20018-S151 Rev D.

No part of the development hereby permitted shall be first occupied or brought into use until all relevant works set out above have been carried out and completed in accordance with the details thereby approved. Those works shall be retained as such thereafter.

**Reason:** To protect and preserve the heritage significance of the existing buildings as a non-designated heritage asset, and the character and appearance of the conservation area, in accordance with Local Plan Policy HP2, the Planning (Listed Buildings and Conservation Areas) Act 1990, and the NPPF.

#### **Condition 11 – Shopfronts and Canopies**

Notwithstanding the details on the approved plans, no external works to the existing buildings on the site shall commence until full details, including large-scale annotated drawings in plan, elevation and section, of the following have been submitted to and approved in writing by the local planning authority:

- a) All new/replacement shop fronts, including details of their materials, glazing and colour(s);
- b) All new/replacement canopies, including details of their materials, glazing and colour(s);
- c) Any awnings proposed to any part(s) of the building.

The commercial and/or drinking establishment use hereby permitted shall not commence until the relevant aspects of the development specified above have been carried out and completed in accordance with the details thereby approved. Those works shall be retained as such thereafter.

**Reason:** To protect and preserve the heritage significance of the existing buildings as a non-designated heritage asset, and the character and appearance of the conservation area, in accordance with Local Plan Policy HP2, the Planning (Listed Buildings and Conservation Areas) Act 1990, and the NPPF.

### **Condition 12 – Replacement Façades**

Notwithstanding the details on the approved plans, no external works to the existing buildings on the site shall commence until full details, including large-scale annotated plans in plan, elevation and section, showing the replacement façades proposed to those parts of the buildings facing Parliament Street and Union Street where the existing façades are to be removed and replaced, as identified on Street Scene Elevation Schedule of Works 1 OF 2 drawing number: 20018-S150 Rev B and Street Scene Elevation Schedule of Works 2 OF 2 drawing number: 20018-S151 Rev D, have been submitted to and approved in writing by the local planning authority.

The submitted information shall include details of the following:

- a) materials to be used in the re-cladding of the façades;
- b) glazing and window and door frames including materials and colours;
- c) architectural detailing including, for example, sill bands and parapet details; and
- d) depths of window and door reveals.

No part of the development hereby permitted shall be first occupied or brought into use until the relevant works specified above have been carried out and completed in accordance with the details thereby approved. The works shall be retained as such thereafter.

**Reason:** To protect and preserve the heritage significance of the existing buildings as a non-designated heritage asset, and the character and appearance of the conservation area, in accordance with Local Plan Policy HP2, the Planning (Listed Buildings and Conservation Areas) Act 1990, and the NPPF.

### **Condition 13 – Security and Crime Prevention Measures: Commercial and/or Drinking Establishment Use**

The commercial and/or drinking establishment use hereby permitted shall not commence until details of security and crime prevention measures relating to that use have been submitted to and approved in writing by the local planning authority. The commercial and/or drinking establishment use hereby permitted shall not commence until the security and crime prevention measures have been installed in accordance with the details thereby approved, and those measures shall be retained and maintained as such thereafter.

**Reason:** In the interests of safety and designing out crime.

**Condition 14 – Security and Crime Prevention Measures: Apartments**

None of the residential apartments hereby permitted shall be first occupied or brought into use until details of security and crime prevention measures relating to the apartments, including the communal entrance to the apartments and the car park entrance, have been submitted to and approved in writing by the local planning authority. None of the apartments hereby permitted shall be first occupied or brought into use until the security and crime prevention measures have been installed in accordance with the details thereby approved, and those measures shall be retained and maintained as such thereafter.

**Reason:** In the interests of safety and designing out crime.

**Condition 15 – Reporting of Unexpected Land Contamination**

In the event that contamination not previously identified and addressed by the developer prior to the grant of this planning permission is encountered during the development, 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.

Groundworks in the affected area shall not recommence until either: (a) a Remediation Strategy has been submitted to and approved in writing by the local planning authority; or (b) the local planning authority has confirmed in writing that remediation measures are not required. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures. Thereafter remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy.

Following completion of any measures identified in the approved Remediation Strategy a 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 site has been remediated in accordance with the approved Remediation Strategy and a Verification Report in respect of those works has been submitted to and approved in writing by the local planning authority.

**Reason:** To ensure that risks from contamination to the future users of the land and neighbouring land are minimised and to fully ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors.

**Condition 16 – Method Statement for Validation Report to Confirm Noise Levels Achieved**

The development shall be carried out in accordance with the recommendations in the Noise Impact Assessment, reference: NIA-10608-22-10780- v1.2, produced by Environmental Noise Solutions Limited and dated 14 July 2023, with regard to sound attenuation works to provide satisfactory internal sound levels for the proposed apartments.

The sound insulation scheme for the development shall ensure that the following internal sound levels are achieved in the apartments hereby permitted:

- a) The 16hr  $L_{Aeq}$  shall not exceed 35dB between 0700 and 2300 hours when readings are taken in any noise sensitive rooms in the development;
- b) The 8hr  $L_{Aeq}$  shall not exceed 30dB between 2300 and 0700 hours when readings are taken inside any bedroom in the development;
- c) The  $L_{AFMax}$  indoor shall not exceed 45 dB (more than 10 times) between 2300 and 0700hrs when readings are taken inside any bedroom in the development.

None of the apartments hereby permitted shall be first occupied or brought into use until a method statement for the validation of the sound attenuation works has been submitted to and approved in writing by the local planning authority. The method statement shall include details of the methodology for sound validation testing, and details of which apartments/rooms are to be tested.

The validation testing shall thereafter be carried out in accordance with the method statement thereby approved.

**Reason:** In the interests of residential amenity.

**Condition 17 – Validation Report Confirming Noise Levels Achieved**

None of the apartments hereby permitted shall be first occupied or brought into use until:

- a) a validation test of the sound attenuation works for the development has been carried out by a suitably qualified person in accordance with the method statement approved as part of the previous condition (Condition 16); and
- b) the results of that validation testing have been submitted to the local planning authority to demonstrate that the internal sound levels specified in Condition 16 of this permission have been achieved; and
- c) those results have been approved in writing by the local planning authority.

If it cannot be demonstrated that the sound levels in Condition 16 of this permission have been achieved, none of the apartments hereby permitted shall be first occupied or brought into use until a further scheme incorporating further measures to achieve those sound levels has been submitted to and approved in writing by the local planning authority.

In that event, none of the apartments hereby permitted shall be first occupied or brought into use until all works comprised within those further measures thereby approved have been completed and until a further validation test has been carried out by a suitably qualified person in accordance with the method statement approved as part of Condition 16 of this permission, and until the results, demonstrating that the sound levels in Condition 16 of this permission have been achieved, have been submitted to and approved in writing by the local planning authority.

All relevant measures taken in order to achieve the sound levels above shall be retained and maintained for the lifetime of the development.

**Reason:** In the interests of residential amenity.



**Condition 18 – Plant and equipment on site**

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

- Fixed installations which comprise mechanical and electrical plant and equipment;
- The loading and unloading of goods and materials; and
- Mobile plant and vehicles at the site.

**Reason:** In the interests of residential amenity.

**Condition 19 – Odour Control**

In the event that any kitchen extraction equipment is proposed in association with any commercial use or any drinking establishment use at the site as hereby permitted, no such system shall be first operated until it has been fitted with an odour extraction and control system in accordance with the recommendations in Sections 7.0 and 8.0 of the Air Quality Assessment, reference: 784-B042628, prepared by Tetra Tech and dated 15<sup>th</sup> May 2023.

Thereafter, the odour extraction and control system shall be retained, and maintained in accordance with the maintenance regime recommended in Section 8.0 of the aforementioned Air Quality Assessment, for the lifetime of the development.

**Reason:** To ensure that odour from the development is satisfactorily controlled, in the interests of amenity.

**Condition 20 – Servicing, Deliveries, and Refuse Storage and Collection**

No part of the development hereby permitted shall be first occupied or brought into use until the refuse storage areas for the development have been provided in accordance with the details on Upper Ground Floor Plan Proposed drawing number: 20018-P212 Rev H.

Deliveries and servicing associated with the development hereby permitted, and the storage and collection of refuse and waste from the site in association with the commercial or drinking establishment use and the residential apartments hereby permitted, shall be carried out and managed in accordance with the Servicing and Delivery Management Plan, report number: 20785-005 Revision 3, prepared by Andrew Moseley Associates and dated 18.07.24, for the lifetime of the development.

**Reason:** To ensure that satisfactory arrangements are in place for the carrying out of servicing and deliveries, and the storage and collection of waste, as part of the development, in the interests of amenity and highway safety.

**Condition 21 – Hours of Construction**

No construction or demolition works shall take place at the site in association with the development hereby permitted outside the hours of 0800-1800 hours Monday to Friday inclusive and 0800-1500 hours on Saturdays. No such works shall take place on Sundays or Bank Holidays.

**Reason:** In the interests of residential amenity.

**Condition 22 – Opening Hours for Commercial Premises**

The commercial use or drinking establishment use as hereby permitted shall not be open to customers outside the hours of 0800-0000 hours Monday to Sunday inclusive.

**Reason:** In the interests of residential amenity.

**Condition 23 – Hours for Deliveries and Waste Removal and Collections**

There shall be no deliveries to, or dispatches from, the site in association with the commercial use or drinking establishment use hereby permitted, including the collection of waste bottles or commercial waste, outside the hours of 0730-1800 hours Monday to Friday inclusive.

**Reason:** In the interests of residential amenity.

**Condition 24 – Disposal of Waste Bottles & Removal of Waste for Collection**

Neither the disposal of waste bottles into external receptacles nor the removal of waste from the premises for collection shall take place between the hours of 2100-0900 hours Monday to Sunday inclusive.

**Reason:** In the interests of residential amenity.

**Condition 25 – Obscure Glazing to Specified Windows**

Notwithstanding the details on the drawings hereby approved, the following windows and/or areas of glazing shall be fitted with obscure glazing before the apartment to which they relate is first occupied:

- All glazing in the southern/south western elevation of Apartment 3.3;
- The north-facing side window in the living/kitchen/dining room area of Apartment 3.7.

Those obscure-glazed windows and/or areas of glazing shall thereafter be retained as such.

**Reason:** In the interests of privacy and residential amenity.

**Condition 26 – Construction in Accordance with Air Quality Report**

The construction of the development hereby permitted (including demolition works) shall be carried out in accordance with the recommendations in the Air Quality Assessment, reference: 784-B042628, produced by Tetra Tech and dated 15<sup>th</sup> May 2023.

**Reason:** To protect air quality and in the interests of residential amenity.

**Condition 27 – Construction Management Plan**

No development shall commence, including demolition, until a Construction Management Plan for the development has been submitted to and approved in writing by the local planning authority. The Construction Management Plan shall include, but not be limited to, arrangements for the following:

- a) Details of any temporary construction access to the site, including measures for removal following the completion of construction works;
- b) Restriction on the hours of use for access along Union Street and Oxford Street relating to demolition and construction purposes;
- c) Wheel and chassis underside washing facilities on site to ensure that mud and debris are not spread onto the adjacent public highway;
- d) The parking of contractors', site operatives' and visitors' vehicles;
- e) Areas for the storage of plant and materials used in constructing the development, clear of the highway;
- f) Measures to manage the delivery of materials and plant to the site, including routing and timing of deliveries, and loading and unloading areas;
- g) Details of the routes to be used by HGV construction traffic and highway condition surveys on those routes;
- h) The protection of carriageway and footway users at all times during demolition and construction;
- i) The protection of contractors working adjacent to the highway;
- j) Details of site working hours;
- k) The erection and maintenance of hoardings, including decorative displays, security fencing and scaffolding on/over the footway and carriageway, and facilities for public viewing where appropriate;
- l) Means of minimising dust emissions arising from demolition and construction activities on the site, including details of all dust suppression measures and the methods to monitor emissions of dust arising from the development;
- m) Measures to control and monitor noise and disturbance associated with demolition and construction works, having regard to nearby residential properties;
- n) An undertaking that there must be no burning of materials on site at any time during demolition or construction;
- o) The removal of materials from site, including a scheme for recycling/disposing of waste resulting from demolition and construction works;
- p) Details of external lighting equipment;
- q) A detailed method statement and programme for the demolition and construction works; and
- r) Contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.

The construction of the development hereby permitted shall be undertaken in complete accordance with the Construction Management Plan thereby approved.

**Reason:** In the interests of public safety and amenity.

**Condition 28 – Works to Existing Access from Union Street**

No part of the development hereby permitted shall be first occupied or brought into use until details of a scheme of works to the existing vehicular access into the site from Union Street have been submitted to and approved in writing by the local planning authority. The scheme of works shall include:

- The provision of an access onto Union Street for the purpose of enabling commercial and residential bins to be safely collected from, and returned to, the site; and

- The reinstatement and permanent closing off of any remaining redundant sections of the existing access into the site from Union Street.

No part of the development hereby permitted shall be first occupied or brought into use until all such works to the existing access from Union Street have been carried out and completed in accordance with the details thereby approved. The works shall thereafter be retained.

**Reason:** In the interests of highway safety and the amenity of the area.

**Condition 29 – New Access to Proposed Car Park from Union Street**

No part of the development hereby permitted shall be first occupied or brought into use until details of works to set out and provide a new vehicular access to the proposed on-site car park from Union Street have been submitted to and approved in writing by the local planning authority.

The access to the car park from Union Street shall accord with the ‘Specification for Housing and Industrial Estate Roads and Private Street Works’ published by the local highway authority and the crossing of the highway verge and/or footway must be constructed in accordance with Standard Detail number E50 and the following requirements, details of which shall be included as part of the submitted information:

- Any gates or barriers must be set back from the edge of the carriageway by at least the depth of the existing footway on Union Street at that point, and must not be able to swing over the existing or proposed highway;
- That part of the access extending between the edge of the carriageway on Union Street and the entrance to the vehicle lift within the car park must be at a gradient not exceeding one in thirty;
- The inclusion of provision to prevent surface water from the site discharging onto the existing highway;
- The final surfacing of any part of the access within 6 metres of the public highway must not contain any loose material that is capable of being drawn onto the existing public highway; and
- The inclusion of measures to enable vehicles to enter and leave the site in a forward gear.

No part of the development hereby permitted shall be first occupied or brought into use until the access to the car park from Union Street has been set out, constructed and completed in accordance with the details thereby approved. The access to the car park from Union Street shall thereafter be retained and maintained in accordance with the details thereby approved.

**Reason:** To ensure a satisfactory means of access to the site from the public highway, in the interests of highway safety and the convenience of all highway users.

**Condition 30 – Vehicle and Cycle Parking**

No part of the development hereby permitted shall be first occupied or brought into use until the vehicular and cycle parking for the development has been laid out and provided in accordance with the details on Lower Ground Floor Plan Proposed drawing number 20018-P211 Rev F. Once created, those areas shall be maintained clear of any obstruction and shall be retained for their intended purposes at all times thereafter.

**Reason:** To provide for appropriate on-site facilities, including cycle parking, in the interests of highway safety and encouraging sustainable transport use.

**Condition 31 – Travel Plan**

No part of the development hereby permitted shall be first occupied or brought into use until a Full Travel Plan for the development has been submitted to and approved in writing by the local planning authority.

The Full Travel Plan shall be based on the principles and recommendations in the Interim Travel Plan, report number: 20785-004 Revision 1, produced by Andrew Moseley Associates and dated 15.06.23, and shall include up-to-date drawings and a timetable for its implementation.

The development shall thereafter be carried out, and operated, in accordance with the Full Travel Plan thereby approved. The Full Travel Plan thereby approved shall be implemented in accordance with the timetable contained therein, and shall continue to be operated as long as any part of the development hereby permitted is occupied.

**Reason:** To establish measures to encourage more sustainable, non-car modes of transport, in the interests of reducing carbon emissions, and having regard to the amount of parking available within the development.

**Condition 32 – Drainage Strategy and Flood Risk Assessment**

The development hereby permitted shall be carried out and completed in accordance with the Drainage Strategy and Flood Risk Assessment, Reference: 23313-ROS-00-00-RE-D-09001 Revision 1, produced by Roscoe and dated May 2023.

**Reason:** To ensure that the development is built to the submitted drainage design, to ensure the provision of satisfactory and sustainable drainage and to prevent the increased risk of flooding.

**Condition 33 – Landscaping**

Notwithstanding the details on the approved plans, no external works to the buildings within the site shall commence in association with the development hereby permitted until a detailed scheme for the landscaping of the internal courtyard at first floor level and above has been submitted to and approved in writing by the local planning authority.

The submitted landscaping scheme shall include:

- a) Details of surfacing materials to hard-surfaced areas within the courtyard, including to the external walkways at upper levels above the courtyard;
- b) Materials to be used for any planting beds;
- c) Details of any hard boundary treatments including walls and fences;
- d) Any benches or seating areas;
- e) Details of proposed planting including details of species and planting numbers;

- f) Details of planting beds for any trees, including tree pits and/or crate systems;
- g) The incorporation of appropriate planting and landscaping to provide areas of defensible space, for privacy, around the windows of apartments facing into the courtyard, including on the external walkways at upper levels above the courtyard;
- h) Details of the proposed construction, planting and maintenance arrangements for the green wall on the northern side of the internal courtyard;
- i) Arrangements for the management and maintenance of soft landscaped areas;
- j) A timetable for the implementation of the hard and soft landscaping works.

The landscaping of the site shall be carried out in accordance with the details and timetable thereby approved, and shall thereafter be retained and maintained in accordance with the management and maintenance arrangements thereby approved.

**Reason:** In the interests of visual amenity and biodiversity.

#### **Condition 34 – Replacements for new planting**

If within a period of five years from the date of the completion of the soft landscaping works pursuant to the previous condition any tree, hedge or shrubs are felled, removed, uprooted, destroyed or dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, it/they shall be replaced by planting of the same species and size as that originally planted, in the same location, unless the local planning authority gives its written consent to any variation. This replacement planting shall be undertaken before the end of the first available planting season following the removal, uprooting, destruction or death of the original plant(s).

**Reason:** To ensure that the landscaping becomes established and is maintained and managed, in the interests of visual amenity and biodiversity.

#### **Condition 35 – Bat Survey Recommendations**

The development, including any demolition, shall be carried out in accordance with the recommendations in Section 7.2 (paragraphs 7.2.2 and 7.2.3) of the Bat Survey and Assessment: 'Parliament Street Development', produced by RDF Ecology and dated July 2023.

**Reason:** In the interests of protecting biodiversity, ecology and protected species.

#### **Condition 36 – Swift Bricks**

No part of the development hereby permitted shall be first occupied until 5 no. swift bricks and 2 no. bat bricks have been installed in suitable locations on the buildings within the site, away from artificial sources of light and at a minimum height of 5 metres, and evidence of their installation has been submitted to and approved in writing by the local planning authority. The swift bricks and bat bricks shall thereafter be retained.

**Reason:** In the interests of protecting and enhancing biodiversity and ecology, in accordance with Local Plan Policy NE3 and the NPPF.

#### **Condition 37 – Energy Statement**

The development hereby permitted shall be carried out and completed in accordance with the recommendations in the Energy Statement, Document Number: PSH-BWB-ZZ-XX-RP-ME-0001\_P02\_Energy Statement, produced by BWB and dated July 2023.

**Reason:** To reduce energy demand and carbon dioxide emissions, in accordance with Policy CC4 of the Local Plan.

**Condition 38 – Photovoltaic Panel Details**

No part of the development hereby permitted shall be first occupied or brought into use until details of the proposed photovoltaic (PV) panels have been submitted to and approved in writing by the local planning authority. The submitted details shall include plans, elevations and sections showing the PV panels, information about the methods of fixing them to the roof of the building, details of any ancillary equipment required, and how they would be cleaned and maintained.

No part of the development hereby permitted shall be first occupied or brought into use until the PV panels have been installed in accordance with the details thereby approved. The PV panels shall thereafter be retained and maintained in accordance with the details thereby approved.

**Reason:** To protect the non-designated heritage asset within the site and to reduce energy demand and carbon dioxide emissions.

**Recommended Informatives**

1. The developer is advised of the likely need to secure other relevant approvals, as required under other legislation, including the Building Regulations and other legislation, including in relation to housing standards, fire safety and environmental health matters.
2. The developer's attention is drawn to the comments received from the Health and Safety Executive, dated 23/09/2024 and 02/01/2025, including with regard to matters where those comments advise 'it will be for the applicant to demonstrate compliance at later regulatory stages', and with regard to electric vehicles.
3. The developer's attention is drawn to the comments received from the Private Sector Housing Officer, including with regard to matters of housing standards.
4. Applicants are reminded that in addition to securing planning permission other permissions may be required from North Yorkshire Council as Local Highway Authority. These additional permissions can include but are not limited to: Agreements under Sections 278, 38, and 184 of the Highways Act 1980; Section 38 of the Commons Act 2006, permissions through New Roads and Streetworks Act 1991 and Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996 (as amended and including all instruments, orders, plans, regulations and directions).

Further information on these matters can be obtained from the Local Highway Authority. Other permissions may also be required from third parties. It is the applicant's responsibility to ensure all necessary permissions are in place.

5. Notwithstanding any valid planning permission for works to amend the existing highway, you are advised that a separate licence will be required from North

Yorkshire Council as the Local Highway Authority in order to allow any works in the existing public highway to be carried out. The 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by North Yorkshire Council as the Local Highway Authority, is available to download from the Council's website.

The Local Highway Authority will also be pleased to provide the detailed constructional specifications referred to in condition 29 of this permission.

6. Details of matters to be covered in a Travel Plan can be found in Interim Guidance on Transport Issues, including Parking Standards, on the Council's website.
7. You are advised to ensure that any doors and windows on elevations of the building(s) adjacent to the existing highway are constructed and installed such that they do not open over the public highway for a height of 2.4 metres from the level of the adjacent highway. Above 2.4 metres no part of an open door or window must come within 0.5 metres of the carriageway. Any future replacement doors and windows should also comply with these dimensions.
8. You are advised to ensure that any projection overhanging the footway is securely fixed and no part is less than 2.4 metres above the footway level and no closer than 0.5 metres to the edge of the carriageway.
9. The developer is advised that radon protection measures may be required as part of the development. This would need to be assessed, and appropriate information provided, as part of a Building Regulations application.

**Target Determination Date:** 28.02.2025

**Case Officer:** Jillian Rann, [jillian.rann@northyorks.gov.uk](mailto:jillian.rann@northyorks.gov.uk)



## North Yorkshire Council

### Community Development Services

#### Harrogate and Knaresborough Area Planning Committee

28 JANUARY 2025

**ZC24/03890/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 Head of Development Management – Community Development Services**

##### **1. Purpose of the Report**

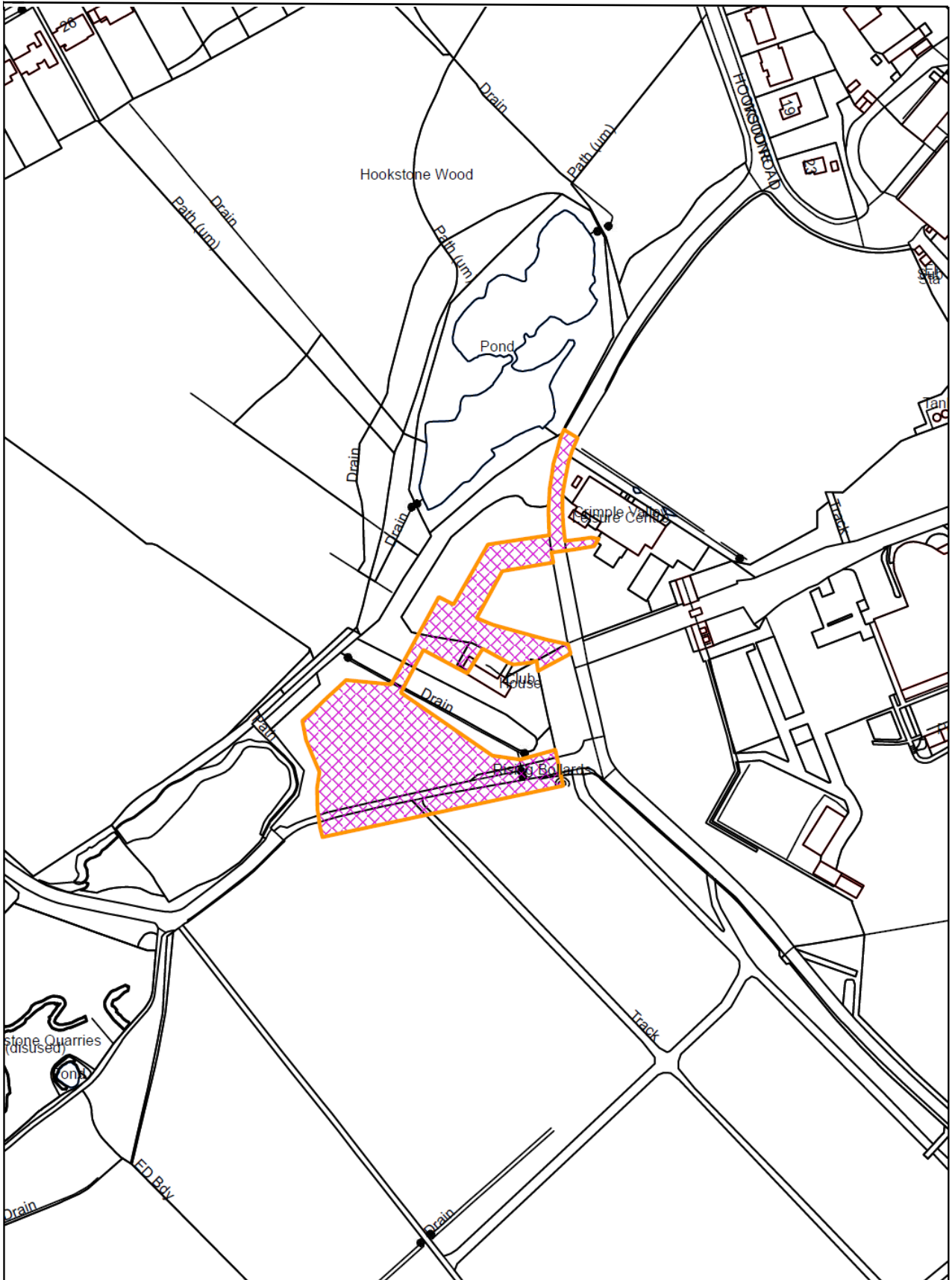
- 1.1. To determine a planning application for the erection of two covered padel tennis courts; installation of parking area for up to 80 days of the year, on land at Harrogate Sports and Fitness Centre.
- 1.2. This application is referred to the Planning Committee by request of a Division Member, Councillor Andrew Timothy.

##### **2.0 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. This is a resubmitted application, as the previous application was withdrawn, prior to presentation to the committee.
- 2.2. 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.
- 2.3. 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 in height.
- 2.4. 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.

- 2.5. 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.
- 2.6. The parking area would host a geo grid structure with grass to grow through and would not require formalised bay delineation.
- 2.7. 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.
- 2.8. Concerns were previously 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.
- 2.9. 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 ecological harm.
- 2.10. 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.



# Location Plan

Scale 1:2,500



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20/01/2025

### **3.0 Preliminary Matters**

- 3.1. Access to the case file on Public Access can be found [here](#).
- 3.2. There are 4 relevant planning applications in relation to this application which are detailed below:

ZC23/04392/FUL - Erection of two covered Padel tennis courts; installation of parking area for up to 80 days of the year. Withdrawn 27.08.2024.

22/04092/PREMI – Advice given 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 southeastern section of the site; one padel court permitted in March 2019, under planning consent 19/00361/FUL and the other being approved in 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 Order 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 host 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 is confirmed to be the sole access to be utilised in association with the padel courts. The Coach and Railway Road are proposed to be used in association with the additional Yorkshire Show Ground parking area.

## **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 2020

### Emerging Development Plan – Material Consideration

- 6.3. The North Yorkshire Local Plan is the emerging development plan for this site, though no weight can be applied in respect of this document at the current time as it is at an early stage of preparation.

### Guidance - Material Considerations

- 6.4. Relevant guidance for this application is:

- National Planning Policy Framework 2024
- 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:** No objections, subject to conditions relating to securing mandatory Biodiversity Net Gain, compliance of external lighting to ILP Environmental Zone E2 standards, in relation to limiting illumination within areas of limited light pollution and where zone 2 represents 'Low District Brightness'. A further condition is required in relation to the removal of trees outside of the bird nesting season.
- 7.4. **Environmental Health:** No comments.
- 7.5. **Highway Authority:** No objections to 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:** The submitted Travel Plan does not consider traffic movement following the implementation of the proposal plan, mitigation for cyclist access to parking area and pedestrian access to site is unclear. There is no justification provided for the provision of additional parking in association with the sports facility. The application is to increase the capacity for parking which increases the traffic demand and incentives for car use, contrary to local and national policy.
- 7.7. **Harrogate District Cycling Action Group:** Traffic impact on adjacent Yorkshire Showground Greenway and the National Cycle network route 67; very busy route for walkers and cyclists. The safety of walkers and cyclists would be compromised. No objection to padel court, object to car parking, which does not encourage sustainable travel to the site; segregated path from vehicle use could be provided.

### Local Representations

- 7.8. 95 letters of representation received. 66 letters are in support and 29 letters object to the proposal. The letters are available to view on Public Access and have been summarised as follows;
- 7.9. Support:
- Health and welfare benefits of padel.
  - Encourages inclusive sport for all ages.
  - Existing padel courts are oversubscribed, much needed facility.
  - Minimal impact on amenity of padel.
  - Community and social benefits of padel.
  - Padel court would provide a year round and all weather facility.
  - Potential economic and social benefits if padel tournaments hosted.

- Padel courts would include more new and young players to the sport.
- Padel is growing in popularity.
- Applicant has worked hard to overcome concerns previously raised.
- Benefits Harrogate community and surrounding villages.
- Additional courts would compliment gym facilities.
- Supports 'Active Against Cancer' and used by their clients.
- Padel courts would be on an unused and tired piece of land.
- Car park provided additional capacity to support Yorkshire Showground events.
- Encourages other racket sports.

#### 7.10. Objections:

- Proposed padel court should be adjacent to existing padel courts/ alternate location.
- Increased noise impact on amenity from padel court.
- Noise and light pollution impacting Nature Reserve / woodlands wildlife and visitors.
- Concerns regarding scale in the setting of the Special Landscape Area.
- Concern regarding increased traffic to highway, congestion and danger to pedestrians and cyclists.
- Impact on drainage to car parking area.
- Queries inclusion of car parking within proposal as already informally used.
- Concerns regarding enforcement of 80 day use of the car park.
- Landscaping would not mitigate against impact.
- Proposal only benefits members of the sports club, not the wider public.
- Site had reached capacity for development.
- Concerns regarding damage to trees.
- Alternate padel courts are available within wider locale.
- Additional parking not required.
- Concerns that extra courts would not be used to full capacity.
- Insufficient showering and w/c facilities to support extra courts.
- Access is National Cycle Network route, unsuitable for shared use.
- Quality of life impacted for local residents.
- Concerns regarding proximity to ancient woodland.
- Popularity of padel may not last.
- Concerns regarding opening hours of the proposal.
- Support from the Lawn Tennis association has not been presented.
- Concerns regarding crossings within the site not being on public highway and not subject to the Road Traffic Act.
- Proposal would increase car use.
- Decreased air quality.
- Lack of local engagement with local residents.
- Destruction of grassed land for irregular park car park.
- Precedent for further precedent and enclosure of woods.
- Concerns regarding Environmental Health comment received early in process with no objection.
- Applicant should be prevented from submitting further information.
- Concerns regarding the timing of application and consultation over the festive period.
- Preapplication enquiry concerns not addressed.
- Hookstone and Stonefall Action Group (HASAG) objection due to (summary); impact of lighting, on wildlife and protected species, biodiversity impact, lack of footpath to a section

of Hookstone Wood Road, contends estimated occupancy figures and increased traffic movement, similar noise concerns to refused application for padel courts in Guildford.

## **8.0 MAIN ISSUES**

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

- Principle 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**

### Principle of Development

- 9.1. The Harrogate District Local Plan 2014-2035 was adopted by Harrogate Borough Council in December 2020. The Inspectors' Report concluded that, with the recommended main modifications, which are set out in his report, that the Harrogate District Local Plan satisfies the requirements of Section 20(5) of the Planning and Compulsory Purchase Act 2004 (as amended) and meets the criteria for soundness in the NPPF. All the policies in the Local Plan can therefore be given full weight.
- 9.2. 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.
- 9.3. 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.
- 9.4. Policy HP7 relates to new sports, open space and recreation development. Of relevance is Criteria B, which 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 with the wider site, adjoining the development limit line for Harrogate.

Public transportation links are available on Hookstone Drive, with the 'Wayside Avenue' bus stop approximately 500m from the site. This stop has regular bus services from and 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 does not indicate that the proposal would generate additional 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.

- 9.5. 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>

- 9.6. 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.
- 9.7. 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.
- 9.8. 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.
- 9.9. 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.”
- 9.10. Paragraph 97 has been updated within the December 2024 version of the NPPF to paragraph 96 in relation to enabling and supporting healthy lives, through both promoting good health and preventing ill-health including through the provision of safe and accessible sports facilities.
- 9.11. The application is supported by a letter of support from the Lawn Tennis Association, as included within Appendix 3 of the submitted Planning Statement, 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’.
- 9.12. 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. The padel courts support healthy lifestyles and as assessed, are considered to be in an accessible location in line with paragraph 96 of the NPPF.
- 9.13. The proposed car park would be a formalised car park utilised on a temporary basis on behalf of the Yorkshire Showground. It is understood that the land is presently utilised on an informal basis for larger event management as agreed by an existing management plan for such events. The formal use of the section of land is of relatively small scale and a condition can reasonably be applied to return the land to grass in its current state following the end of its use. As such, it is not considered that the use of the land conflicts with the purposes of the growth strategy in this regard.

#### Impact on the street scene and Special Landscape Area

- 9.14. The revised National Planning Policy Framework (NPPF, Dec 2024) 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.

- 9.15. 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.
- 9.16. 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.
- 9.17. 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.
- 9.18. Paragraph 139 of the NPPF states development should be refused that is not well designed.
- 9.19. 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.
- 9.20. 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.
- 9.21. Related to these policies is the Supplementary Planning Guidance contained in the 2004 Harrogate District Landscape Character Assessment. The site is located within a Special Landscape Area, as defined under Local Plan policy NE4.
- 9.22. The proposal lies in Landscape Character Assessment Area 58, Middle Crimple Valley, which described the area 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.” As such, the existing trees on site contribute significantly to the character of the surrounding landscape.
- 9.23. 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’.

- 9.24. The proposal would not contribute towards the coalescence of settlements, as the padel courts are set within the existing site and the car park to be 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.
- 9.25. The Padel courts are set to the west of the site which isolates the form from the existing facilities on site, as raised as a concern within the pre-application enquiry, in relation to street scene and landscape harm.
- 9.26. The submitted information indicated that the two adjacent courts would each measure 10m x20m, which would cover a combined area of approximately 23m x 27m. The courts would have tempered glass walls, with metal mesh netting over, up to a height of 6.2m and a grey panel 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.
- 9.27. 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
- 9.28. 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.
- 9.29. 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.
- 9.30. 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 to be removed due to poor health and not as a result of the proposed padel court, or car parking works. The loss of Willow T1 is assessed within the Arboricultural section of this report. The supporting Arboricultural report demonstrate the limited health of the trees required for removal, which is not considered to be demonstrable within this context and on consideration of this additional supporting information.
- 9.31. The car parking area proposed in association with the Yorkshire Show Ground event day use is proposed to have a geo grid layer cover this section of the site. This element would aid with the practical use of the parking area in inclement weather and would have a limited visual impact by its nature. The geo grid 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.

- 9.32. Screening of the site would be offered through a bund of silver birch trees, to the south of the site, as viewed from the direction of the Special Landscape Area. This screening would further diminish views into the proposed parking area.
- 9.33. The cycle racks adjacent to the parking area would be re-sited, to ensure manoeuvrability of vehicles. However, 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.
- 9.34. On balance and 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 off 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 of the Special Landscape Area in line with Local Plan policies HP3 and NE4.

#### Impact on Amenity

- 9.35. 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.
- 9.36. The proposal is set a distance of approximately 290m from residential dwellings on Hookstone Wood Road and as such, would not be considered to create unacceptable overlooking, overshadowing or overbearing impacts on amenity in this regard.
- 9.37. Multiple letters of representation raise concerns with regards to noise disturbance through 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.
- 9.38. 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.
- 9.39. On consideration of the distance between the padel courts and nearest residential dwellings, with 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.
- 9.40. The erection of 2 additional padel courts are not considered to significantly increase traffic along Hookstone Wood Road in the context of the existing traffic along a public highway, which current serves residents and visitors in relation to the Nature Reserve, the existing Sport and Fitness Centre and the Yorkshire Show Ground.
- 9.41. The provision of additional parking for the purposes of the Yorkshire Show Ground is indicated within the submitted information to alleviate parking pressures from elsewhere

within the wider site on peak visitor days, for events held on the site. It is not intended to create capacity for additional traffic, however to improve the management of 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.

- 9.42. 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 the Sports and Fitness Centre.
- 9.43. Paragraph 4.18 of the submitted Planning Statement indicates 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 recommended to prevent use and association noise and traffic movement in unsociable hours.
- 9.44. Subject to compliance with these conditions, the proposal is considered to comply with Local Plan Policy HP4 and the provisions of paragraph 135 the NPPF in this regard.

#### Impact on Highways Safety

- 9.45. Paragraph 116 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'.
- 9.46. The proposed padel courts would be set within the existing car parking area for the Sports and Fitness Centre, 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.
- 9.47. The proposed car parking area would be set off a Public Right of Way to The Coach Road. The parking area has a capacity of approximately 160 vehicles and would be finished with a geo grid structure which would allow more practical parking in inclement weather. This would allow grass to grow through and cover the appearance of the grids.
- 9.48. The proposal is supported by a Car Park Management Plan, Strategy and Transport Statement, both of which were amended during the course of the application.
- 9.49. The Transport Statement indicates an increase in site visitors. This would increase from approximately 475 visitors daily to 523 traffic movements across the day, which is a 10% increase.
- 9.50. The Car Park Management Plan indicated the loss of 25 spaces to the sports centres in order to allow the siting of the padel courts to the fitness centre, with the retention of 152 spaces. 12 cycle hoops will be provided in place on existing cycle hoops, to the south of the existing cycle way joining The Coach Road and Railway Road. The Management Plan indicated that information would be sent out to attendees of any tournaments to the Sports and Fitness Centre, to prevent parking on residential roads.

- 9.51. Plans have been submitted to include pedestrian crossings and low level lighting to alleviate previous 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.
- 9.52. The submitted Car Park Management Plan anticipates the use of the extended car park for up to 80 days per year, based on 30-40 events per annum, spanning over 2 days per event, in relation to the Yorkshire Show Ground
- 9.53. The submitted information indicates that that while traffic in association with the Sport and Fitness Centre would continue to utilise Hookstone Wood Road, event traffic to the proposed car park to the Yorkshire Showground would not use this road and would use the Railway Road to access the site for the vast majority of events. However and in association with an existing management plan for the wider Yorkshire Show Ground site, a parking management plan for larger event days would be assessed and approved on a case by case basis in consultation with the Highways department. This would include larger events.
- 9.54. The Highways Authority 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 Road. Hookstone Wood Road 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 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.”*

- 9.55. Therein, the Highway 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 along Hookstone Wood Road.

- 9.56. 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 116 or demonstrably impact parking provision in line with Local Plan policy TI3.

#### Impact of the Public Right of Way

- 9.57. Policy HP5 of the Local Plan seeks to ensure development protects the amenity and recreational value of the public right of way.
- 9.58. 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 terminates to the south west corner of the site with the footpath continuing within the woodlands to the north of the car park.
- 9.59. The cycle road proceeds for the duration of The Coach Road and turns south east to proceed along the Railway Road, adjacent to the Showground.
- 9.60. 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.

#### Impact on Ecology and Biodiversity

- 9.61. Paragraph 193 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.
- 9.62. 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.
- 9.63. 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 Willow should be retained where possible.
- 9.64. Additional justification has been received, which highlights 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, subject to the planting of three Goat Willows within the site. This can reasonably be incorporated into a condition for a Landscaping Scheme in the event of approval. The Ecology Department additionally advise a condition for the works to the trees to take place outside of bird nesting season.
- 9.65. The proposal seeks to erect lighting in association with the use of the proposed Padel Courts.



- 9.66. Paragraph 198 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.”
- 9.67. Due to the sensitive location of the proposed padel courts and parking area, the Ecology Department have indicated within the previous application, 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 illumination sensitivity from zone 0- zone 5.
- 9.68. The ILP Environmental Zone Guidance is compiled by the Institute of Lighting Professionals and seeks to reduce obstructive light through the rating of environs into zones, assessed on its location and sensitivity. As such, it seeks to limit illumination within areas of limited light pollution and where zone 2 represents ‘Low District Brightness’.
- 9.69. The agent submitted a lighting scheme in support of the application with a supporting specification demonstrating the lighting can be installed and maintained to Environmental Zone E2 standard. 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 have been consulted and raise no objection to the lighting information. A condition can be reasonably applied to ensure compliance with the submitted lighting scheme.
- 9.70. Planning permissions in England are 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.
- 9.71. The Statutory Metric and Biodiversity Net Gain Plan (Smeeden Foreman, October 2024) have been submitted in support of this application, which indicates that the proposal will result in the loss of modified grassland, other broad-leaved woodland, and individual trees. This will be offset using urban trees, scrub, and modified grassland.
- 9.72. This Council’s Ecology Department have been consulted and raised the following comments;

*“ I note that the area where the Silver Birch will be planted is categorised as modified grassland, where a bund and tree planting are proposed. The ecological consultants have chosen to categorise this a block of urban trees, rather than ‘other broad-leaved woodland’. This is acceptable although it will require the (proposed planting of the) 112 rather crowded individual trees to be maintained and monitored for a 30 year period, which is likely to prove a more onerous management requirement than would maintenance of woodland.*

*It also is not clear from the landscape scheme that the bund will cover the full 0.45 ha required to support this number of individual trees. While the post development BNG details are not needed until the discharge of the mandatory deemed condition, I would recommend that it may be advantageous in the longer term to review this aspect of the post development*

*proposals at that stage. I would also suggest that specific compensation for the loss of the large goat willow should be considered to be included in the species mix at an appropriate location on the site.*

*The metric states that the ditch on site is in poor condition, and this will be improved to moderate. Currently, no details have been submitted within the Biodiversity Net Gain Plan (Smeeden Foreman, October 2024) to indicate how the condition will be improved, which might prove difficult given how dry the ditch is and that parts of it will be incorporated into the proposed footpath between the car park and the padel courts. Similar to the above, the details of this are not required until the discharge of the mandatory deemed condition, but I would strongly recommend that this is submitted before this time.*

*Overall, the baseline of the metric is considered acceptable, and the Biodiversity Net Gain achieves an onsite gain of 11.31% of area units and 14.87% on watercourse units, which achieves the mandatory uplift and satisfies the trading rules. The onsite BNG is deemed as significant by the Local Planning Authority in accordance with DEFRA guidance for Habitats of 'medium distinctiveness' Make on-site biodiversity gains as a developer - GOV.UK (www.gov.uk). The LPA is required to secure the maintenance of the habitats of significant on-site BNG for the next 30 years with a Section 106 agreement."*

- 9.73. As such and subject to conditions, which requires the securing of Biodiversity Management in line with the Environmental Act 2021, it is considered that there is an acceptable ecological impact. The proposal is considered to adequately accord with Local Plan policy NE3 and the guidance contained within the NPPF.

#### Impact on Arboriculture

- 9.74. 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.'
- 9.75. A Tree Survey and Arboricultural Impact Assessment has been submitted as part of the application.
- 9.76. The submitted Arboricultural Survey (compiled by Smeeden Foreman indicates the loss of 3 trees, 2 due to poor health (T20 and T47) and 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 a lower classification of the tree, due to health and longevity and indicate that this tree has experienced significant health decline.
- 9.77. 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.

- 9.78. Subject to compliance with these conditions, the proposal is not considered to create unacceptable Arboricultural impacts in line with Local Plan policy NE7.

#### Flood Risk and Drainage

- 9.79. 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.
- 9.80. The proposal site is within a low-risk area for flooding, Flood Risk Zone 1, according to the Environment Agency.
- 9.81. 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.
- 9.82. 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.

#### Environmental Health

- 9.83. The Council's Environmental Health team have been consulted and do not raise objections to the submitted details. The bollards and photocells are not intrusive and it is only the column lights that have the potential to affect areas beyond the site. Considering the location of the site and provided the column lamps are directed onto the courts they are not considered to create glare towards residents' dwellings.
- 9.84. 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.

#### Other matters

- 9.85. The comments made in the letters of representation have been addressed within this officer report. In addition, it is noted that comments are made that within the representations that suggest the applicant is prevented from submitting further applications. The Planning Department cannot prevent the submission of planning applications and review each application on a case by case basis, in line with Local and National policy.

### **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. The provision of temporary parking for the Yorkshire Show Ground on a formalised basis up to 80 days per year is acceptable as a minor development which can be restricted in use by

condition, on consideration of its informal existing use for event days under the existing car parking management plan.

- 10.2 The submitted design and siting of the proposal has an acceptable impact on the scale, siting and appearance of the street scene and wider character of the Special Landscape Area and is considered to accord with policies HP3 and NE4 with regards to the guidance of the Landscape Character Assessment and provisions of the NPPF.
- 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 accordance with Local Plan policies TI3, NE7, NE3, CC1 and the provisions of the NPPF.

## 11.0 **RECOMMENDATION**

- 11.1 That planning permission be GRANTED subject to the 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 plan and the following details and plans, as amended by the conditions of this consent;

- Location Plan; drwg 930.01.(-)011, Rev H, received 15.11.2024
- Proposed Site Plan; drwg no. 930.01(-)013, Rev G, received 19.11.2024.
- Proposed Padel Court Overview Floor Plan; drwg no. 23X27X6.2- R2 Sheet 01, received 15.11.2024
- Proposed Padel Court Lateral Section; drwg no. 23X27X6.2- R2 Sheet 02, received 15.11.2024
- Proposed Padel Court Front Section; drwg no. 23X27X6.2- R2 Sheet 03, received 15.11.2024
- Proposed Padel Court Middle Arc Section; drwg no. 23X27X6.2- R2 Sheet 04, received 15.11.2024
- Proposed Padel Court General View Sections; drwg no. 23X27X6.2- R2 Sheet 05, received 15.11.2024
- Proposed Padel Court Facades; drwg no. 23X27X6.2- R2 Sheet 06, received 15.11.2024
- Proposed Padel Court Front Elevation; drwg no. 23X27X6.2- R2 Sheet 07, received 15.11.2024
- Proposed Padel Court Rear Elevation; drwg no. 23X27X6.2- R2 Sheet 08, received 15.11.2024

- Proposed Padel Court Gable End Elevation (1); drwg no. 23X27X6.2- R2 Sheet 09, received 15.11.2024
- Proposed Padel Court Gable End Elevation (2); drwg no. 23X27X6.2- R2 Sheet 10, received 15.11.2024
- Proposed Landscaping plan; SF3400 SK01, Rev N, received 15.11.2024
- 'Groundtrax' Car Park Surfacing Specification; received 15.11.2024.
- Material Specification Canopy 1; received 15.11.2024.
- Material Specification Canopy 2; received 15.11.2024.

**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 G 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 415.064613.0001 V7, dated 3 Dec 2024, received 05.12.2024, 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. The area permitted for car parking use shall then not be used for future car parking without the express consent of the Local Planning Authority.

**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 Removal of trees**

The removal of trees on site in relation to the development hereby permitted shall 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 193 of the NPPF.

#### **Condition 13 Lighting**

The external lighting to the development hereby approved must accord with the approved lighting scheme External Lighting Assessment for Planning Submission, HSFC Lighting Assessment, dated 11.06.2024.

**Reason:** In the interest of safeguarding protected species.

#### **Condition 14 Biodiversity Net Gain**

The development shall not commence until a Habitat Management and Monitoring Plan (the HMMP), prepared in accordance with the Biodiversity Gain Plan and including:

- a. (a) a non-technical summary;
- b. (b) the roles and responsibilities of the people or organisation(s) delivering the HMMP;
- c. The planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the Biodiversity Gain Plan;
- d. the management measures to maintain habitat in accordance with the Biodiversity Gain Plan for a period of 30 years from the completion of development, including the management of invasive species and
- e. the monitoring methodology and frequency in respect of the created or enhanced habitat to be submitted to the local planning authority, has been submitted to, and approved in writing by, the local planning authority.

**Reason;** In the interests of preserving and enhancing biodiversity in relation to mandatory BNG and Local Plan Policy NE3.

#### **Conditions 15 Biodiversity Net Gain**

In the first planting season, following the commencement of the development:

- (a) the habitat creation and enhancement works set out in the approved Habitat Management and Monitoring Plan (MMP) have been completed; and
- (b) a completion report, evidencing the completed habitat enhancements, has been submitted to and approved in writing by the Local Planning Authority.

**Reason:** In the interests of preserving and enhancing biodiversity in relation to mandatory BNG and Local Plan Policy NE3.

#### **Condition 16 Biodiversity Net Gain**

The created and/or enhanced habitat specified in the approved Habitat Management and Monitoring Plan (HMMP) shall be managed and maintained in accordance with the approved HMMP.

**Reason;** In the interests of preserving and enhancing biodiversity in relation to mandatory BNG and Local Plan Policy NE3.

#### **Condition 17 Biodiversity Net Gain**

Monitoring reports shall be submitted to the local planning authority in writing in accordance with the methodology and frequency specified in the approved Habitat Management and Monitoring Plan (HMMP).

**Reason;** In the interests of preserving and enhancing biodiversity in relation to mandatory



## BNG and Local Plan Policy NE3.

**INFORMATIVES**

## Biodiversity Net Gain

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition)" that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be North Yorkshire Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed below.

Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements listed below are considered to apply.

Statutory exemptions and transitional arrangements in respect of the biodiversity gain condition.

1. The application for planning permission was made before 12 February 2024.
2. The planning permission relates to development to which section 73A of the Town and Country Planning Act 1990 (planning permission for development already carried out) applies.
3. The planning permission was granted on an application made under section 73 of the Town and Country Planning Act 1990  
and
  - (i) the original planning permission to which the section 73 planning permission relates\* was granted before 12 February 2024; or
  - (ii) the application for the original planning permission\* to which the section 73 planning permission relates was made before 12 February 2024.
4. The permission which has been granted is for development which is exempt being:
  - 4.1. Development which is not 'major development' (within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015) where:
    - i) the application for planning permission was made before 2 April 2024;
    - ii) planning permission is granted which has effect before 2 April 2024; or
    - iii) planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 where the original permission to which the section 73 permission relates\* was exempt by virtue of (i) or (ii).
  - 4.2. Development below the de minimis threshold, meaning development which:
    - i) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and

ii) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).

- 4.3. Development which is subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

A "householder application" means an application for planning permission for development for an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse which is not an application for change of use or an application to change the number of dwellings in a building.

- 4.4. Development of a biodiversity gain site, meaning development which is undertaken solely or mainly for the purpose of fulfilling, in whole or in part, the Biodiversity Gain Planning condition which applies in relation to another development, (no account is to be taken of any facility for the public to access or to use the site for educational or recreational purposes, if that access or use is permitted without the payment of a fee).
- 4.5. Self and Custom Build Development, meaning development which:
- i) consists of no more than 9 dwellings;
  - ii) is carried out on a site which has an area no larger than 0.5 hectares; and
  - iii) consists exclusively of dwellings which are self-build or custom housebuilding (as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015).
- 4.6. Development forming part of, or ancillary to, the high speed railway transport network (High Speed 2) comprising connections between all or any of the places or parts of the transport network specified in section 1(2) of the High Speed Rail (Preparation) Act 2013.  
\* "original planning permission means the permission to which the section 73 planning permission relates" means a planning permission which is the first in a sequence of two or more planning permissions, where the second and any subsequent planning permissions are section 73 planning permissions.

- 4.7. Irreplaceable habitat

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans.

The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.

The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

- 4.8. The effect of section 73D of the Town and Country Planning Act 1990
- If planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 (application to develop land without compliance with conditions previously attached) and a Biodiversity Gain Plan was approved in relation to the previous planning permission ("the earlier Biodiversity Gain Plan") there are circumstances when the earlier Biodiversity Gain Plan is regarded as approved for the purpose of discharging the biodiversity gain condition subject to which the section 73 planning permission is granted. Those circumstances are that the conditions subject to which the section 73 permission is granted:
- i) do not affect the post-development value of the onsite habitat as specified in the earlier Biodiversity Gain Plan, and
  - ii) in the case of planning permission for a development where all or any part of the onsite habitat is irreplaceable habitat the conditions do not change the effect of the development on the biodiversity of that onsite habitat (including any arrangements made to compensate for any such effect) as specified in the earlier Biodiversity Gain Plan.

**Target Determination Date:** 31 January 2025

**Case Officer:** Emma Walsh, [emma.walsh@northyorks.gov.uk](mailto:emma.walsh@northyorks.gov.uk)

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