

North Yorkshire Council

Community Development Services

Harrogate and Knaresborough Area Constituency Committee

25TH APRIL 2023

22/04890/FUL – DEMOLITION OF EXISTING PALLET STORE AND RELOCATION TO ORIGINAL POSITION AT JUBILEE COURT, ABACUS HOUSE, WATH LANE, COPGROVE, HG3 3TB ON BEHALF OF ABACUS PROPERTIES LTD.

Report of the Assistant Director Planning – Community Development Services

1.0 Purpose of the Report

- 1.1 To determine a planning application for the demolition of the existing pallet store to the northern boundary of Jubilee Court, and its reconstruction adjacent to the east elevation of unit K2 on the site, Jubilee Court, Wath Lane.
- 1.2 This application has been referred to Planning Committee following a request by a Member of the Council.

2.0 EXECUTIVE SUMMARY

RECOMMENDATION: That planning permission be GRANTED subject to conditions listed below.

- 2.1. This application seeks full planning consent for the resitting of a pallet store, which is currently sited adjacent to the northern site boundary of Jubilee Court without the benefit of planning consent. The pallet store would be reduced in width by 1m and relocated to the immediate east of the industrial building K2, which is set within the north-eastern section of Jubilee Court.
- 2.2. The proposal lies outside of the development limits of Copgrove and the principle of development is assessed in line with Policy EC2 of the Local Plan, which establishes that proposals for the expansion of existing businesses in the open countryside and outside established employment areas will be permitted subject to meeting a number of criteria. The proposal is considered to have a justified business need, would not demonstrably harm the visual amenity of the locality or landscape character, would not create unacceptable highway safety concerns and would not create unacceptable ecological harm. The proposal is therefore considered to accord with policy EC2 and is acceptable in principle.
- 2.3. The design, siting and size of the development is appropriate for the location and the surrounding area. The landscaping within the existing proposal will help screen and soften the most prominent views of the built form of development on site from public viewpoints and is considered to overcome the reason for the refusal of the previous application, 21/04189/FUL. The proposal will not result in significant adverse impacts on the amenities of neighbouring residents. It is not considered that the proposal

would result in an unacceptable impact on highways, trees, landscape, ecology and drainage.

- 2.4. The proposed pallet store would continue to support the expansion of an existing business and any harm arising from the development can be adequately mitigated by conditions.
- 2.5. The proposal conforms to guidance in the NPPF, Section 72 of the LBCA and policies GS3, EC2, TI3, CC4, NE3, NE4, NE7, HP2, HP3 and HP4 of the Local Plan and supplementary planning documents.



Harrogate
BOROUGH COUNCIL

Location Plan

Scale 1:2,500



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13/04/2023

3.0 Preliminary Matters

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

22/04906/FUL- Single storey extension and alteration works to principle elevation of Abacus Direct Ltd showroom. Permitted 10.02.2023.

22/04902/FUL - Retrospective planning application for extension to Unit K2. Permitted 30.03.2023

22/04866/FUL - Formation of car park and landscaping scheme. Pending consideration.

21/04189/FUL – Retention of extension to building and a separate relocated pallet store (additional information submitted since last consultation). Permitted and then challenged via Judicial Review, consent was quashed and the case re-opened. Refused at committee 09.12.2022.

21/03234/FUL - Extension to Existing Car Park. Withdrawn 19.01.2022.

21/03207/FUL – Installation of new sustainable wood burning appliance with external flue. (retention) Refused 21.12.2021.

21/03196/FUL – 3no. temporary storage tents. (12 months) Permitted 01.10.2021.

20/05185/FUL – Retrospective application for erection of extension following approval of application 19/02749/FULMAJ. Withdrawn 26.08.2021.

20/02303/FUL – Retrospective application for the relocation of existing pallet store. Refused 01.2021.

19/02749/FULMAJ – Erection of Extension to storage facility for Unit K. Permitted 07.10.2019.

4.0 Site and Surroundings

- 4.1. The application site is located on an existing and well-established business park (Jubilee Mills) at Copgrove. The site hosts a number of businesses including; Dalesauna Ltd, Hermes Distribution Depot, Riverside Waste Machinery, Camax Ltd, Tolhark Property Ltd, Co-Star Components Ltd, Camax Ltd, Cablespeed Ltd, Energyline Ltd and Design Modules Ltd.
- 4.2. The business park is sited approximately 0.4m outside of the development limits of the settlement of Copgrove as defined by Local Policies GS2 and GS3. As such the proposal is set within open countryside, with Wath Lane to the south and open fields to the north, east and west.

5.0 **Description of Proposal**

- 5.1. This application seeks full planning consent for the re-siting of a pallet store, which is currently sited adjacent to the northern site boundary of Jubilee Court without the benefit of planning consent. The pallet store would be relocated to the immediate east of the industrial building K2, which is set within the north-eastern section of Jubilee Court.
- 5.2. The pallet store measures 8.2m in width by 13.9m in depth, 3.5m to the eaves and 5m to the ridge.

6.0 **Planning Policy and Guidance**

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

Adopted Development Plan

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

Guidance - Material Considerations

- 6.3. Relevant guidance for this application is:
- National Planning Policy Framework 2021
 - National Planning Practice Guidance
 - Supplementary Planning Guidance, Landscape Character Assessment of Harrogate District, February 2004.

7.0 **Consultation Responses**

- 7.1. The following consultation responses have been received and have been summarised below;
- 7.2. **Parish Council:** Objects with no comments.
- 7.3. **Environmental Health Officer:** "I am unclear from the details submitted which is the original position and which is the pallet store to be demolished. However, because of the location of both to the rear of the Jubilee Grove site and away from all residential premises or other premises I have no objection to either position and have no objections or comments to make on the relocation." Recommends condition to restrict working hours due to demolition and as the area is likely to be quieter outside normal working hours.
- 7.4. **Highways Officer:** Requested additional vehicle tracking information. No objections to additional tracking information, subject to the inclusion of conditions.

7.5. **Planning Services:** Proposal is within Minerals Safeguarding Area, however, application type is exempt from restriction.

7.6. **MOD:** No safeguarding objections.

Local Representations

7.7. No local representations have been received.

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 Environment Statement is therefore required.

9.0 Main Issues

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

- Planning history
- Principle
- Impact on locality, countryside, design and materials
- Impact on heritage assets
- Impact on residential amenity
- Highways, access and parking
- Ecology and protected species
- Drainage
- Trees

10.0 ASSESSMENT

Planning History

10.1 Abacus Direct Ltd is a bathroom company based at Jubilee Court, Copgrove. The business mainly occupies the central and eastern units on this site. The main access is from Wath Lane and is shared. Not only does the business manufacture its own bathroom products, it is a distributor for brands such as Villeroy and Boch. It was formed in 1989 and now employs 85 people. The company is one of numerous businesses that occupies units at Jubilee Mills.

10.2 In 2019, after originally securing planning permission for an extension (19/02749/FULMAJ), the business completed a new shower tray production facility which led to deals with three online bathroom suppliers. This in turn led to a requirement for more storage and welfare facilities. The deal with Villeroy and Boch required a new warehouse design to provide a VNA racking system (very narrow aisles) and a dry loading area. As part of the business expansion, the site needed to adapt to ensure it could deliver and progress in the future.

10.3 Planning application 19/02749/FULMAJ granted permission for an extension to unit K. However, a larger building (than was approved) has been built, due to structural and storage requirements of the business. A planning application 20/05185/FUL sought retrospective permission for the extension, however, this was later withdrawn.

- 10.4 Due to the construction of the above extension, the pallet store on the site was relocated further north. Retrospective permission was sought, however, this was refused permission under application 20/02303/FUL on inadequate landscaping grounds as follows: “The position of the pallet store hard against the northern site boundary prevents any opportunity to screen the building from the north and from wider views. The lack of boundary landscaping and planting would result in the building forming a hard edge to the site rather than a softer transition into the countryside, thereby being harmful to the visual amenity of the locality. The application is contrary to local plan policies EC2 and HP3.”
- 10.5 Application 21/04189/FUL sought permission for both the larger extension and the retention of the pallet store (in the same position and of the same appearance as the previously refused application, however, with additional planting and landscaping). This application (21/04189/FUL) was granted permission subject to conditions on 8th November 2021. The description of the application was ‘Amended application of previous submission 20/05185/FUL. Retrospective erection of extension following approval of application 19/02749/FULMAJ’. The two main parts of the application were the retention of an extension to a building and the retention of a pallet store.
- 10.6 The decision to approve application 21/04189/FUL in November 2021 was challenged by Mr J Appleyard. The planning permission was quashed and redetermined by the Planning Committee.
- 10.7 The challenge sought for the decision to be quashed on 4 grounds. The agreed consent order only agrees the permission should be quashed on the second of the four grounds.
- 10.8 This reason was due to a failure to take into account a material consideration, specifically the refusal of planning application reference 20/02303/FUL, which was a material consideration which the decision maker was obliged to take into account when considering the current planning application.
- 10.9 Application reference 21/04189/FUL was re-opened in April 2022. A revised application form and additional information was submitted. The application description read: Retention of extension to building and a separate relocated pallet store. The application was re-advertised and a new period of consultation occurred.
- 10.10 The revised officers report for application 21/04189/FUL referenced application 20/02303/FUL in the relevant planning history and the consideration of that application and the differences between it and application 21/04189/FUL are set out in the revised officers report for application 21/04189/FUL.
- 10.11 Planning application 21/04189/FUL was refused by members of the Planning Committee 9th December 2022, with the following refusal reason;
- “The position of the pallet store near to the northern boundary and lack of adequate landscaping and screening will result in the building forming a hard edge to the site rather than the softer transition into the countryside, therefore being harmful to the visual amenity of the area and landscape character of the locality in conflict with policies EC2, NE4 and HP3 of the Local Plan.”
- This is the sole refusal reason, which does not note the extension to Unit K2.
- 10.12 The current application seeks permission for the re-siting of the pallet store to be adjacent to the east elevation of the extended industrial unit, K2, in response to the refusal reason given for refused application 21/04189/FUL.

As set out above, the current siting of the pallet store does not have planning consent.

- 10.13 This application accompanies planning application 22/04866/FUL for the formation of car park and landscaping scheme and which is brought to this planning committee as a separate application.

Planning application 22/04902/FUL was concurrently submitted to the LPA for the retrospective extension of unit K2, which was not altered from the previous application as determined by the planning committee in respect of the details of Unit K2. This was permitted via delegated powers 30th April 2023. A fourth application was submitted concurrently for an extension to the showroom to the south of the site, which did not relate to the works under the previous applications and was determined under delegated powers in February 2023.

Principle of Development

- 10.14 The site lies outside of development limits. Policy GS3 of the Local Plan states; outside of development limits proposals for new development will only be supported where expressly permitted by other policies of this plan or a neighbourhood plan or national planning policy.
- 10.15 The site is located outside the designated employment areas shown in the Local Plan, however, the proposed development will be expanding an existing business on an established business park. Local Plan Policy GS5 seeks to support the district's Economy through supporting business, including criteria G which is to support the rural and agricultural economy and its diversification.
- 10.16 Policy EC2 of the Local Plan establishes that proposals for the expansion of existing businesses in the open countryside and outside established employment areas will be permitted subject to meeting a number of criteria, which are commented on in turn below:

A. There is a proven need for such development in terms of business opportunity or operational requirements.

The proposal is submitted alongside an application a larger extension to that previously approved on site to help the increased business demands, and the formation of a parking area with landscaping. The pallet store is an existing structure on site and supports the operation of the business. The existing business is an SME employing 85 people and is a national manufacturer and distributor of bathroom products.

The retention of a pallet store, would aid the business expansion on site. The applicant has demonstrated a genuine business need and it is considered the proposal meets part A of Policy EC2.

B. The proposed development cannot physically and reasonably be accommodated within the curtilage of the existing site.

The pallet store would be adjacent to unit K2, set within the boundary of the site. It is located within an established site. As a result the proposed development is considered to meet part B.

C. The scale of development is appropriate in the proposed location.

The pallet store would be a contextually low level building, sited adjacent to industrial buildings to the site and the proposal is considered to be a modest addition, in keeping with the scale of the existing development and site location. The proposed siting would be set away from the site boundary edges onto open fields and is considered to be in an appropriate location within the site.

D. There is no unacceptable impact on the character of the countryside, the surrounding landscape, the form and character of the settlement or biodiversity.

The proposed development is well related to the built form and car parking area within the northern and eastern sections of the site, as an appropriate siting for the pallet store within immediate proximity of the larger commercial building, K2. The proposal would be viewed as a small scale structure with the commercial building viewed within the immediate context of the development. Landscaping is not included within the current application, although a landscaping scheme has been submitted within accompanying application 22/04866/FUL, for the formation of parking along the eastern boundary of the site with landscaping under permitted application 22/04902/FUL for the extension of unit K2 along the northern boundary. On consideration of the siting and scale of the pallet store, the proposed development will not have a harmful impact on the character of the site or wider area. These matters are discussed further in the report under the relevant technical headings in section 10.21-10.24 and it is explained how the details included within the latest application overcomes the reason for the refusal of the previous application 21/04189/FUL.

E. There is no unacceptable impact on the operation of the highway network;

The proposed development is an established use and the siting of the modestly scaled pallet store is not considered to result in harm to the highway network. This is discussed further in the report following receipt of additional highways vehicle tracking information.

F. There are no significant adverse impacts on residential amenity.

The site is well separated from neighbouring dwellings. The consideration of the impacts upon residential amenity is set out in more detail in paragraph 10.26 and subject to the recommended conditions the proposed development is considered to not result in significant adverse impacts on residential amenity.

- 10.17 Overall the proposal is considered to meet the requirements of policy EC2 and the principle of the development can be supported. The proposal will support the appropriate expansion of an existing business and subject to a review of other material planning considerations can be supported.

Impact on locality, countryside, design and materials

- 10.18 The NPPF places great emphasis on achieving well-design places. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. Policy HP3 of the Local Plan refers to local distinctiveness and policy NE4 relates to landscape character.
- 10.19 The site is within Area 71 Hardriggs and Roecliffe Moor of the Harrogate District Landscape Character Assessment, approved February 2004. The assessment references under the heading 'Sensitives and Pressures' to Jubilee Mills having a considerable impact on the landscape character of the immediate vicinity of the site with no attempt having been made to integrate the development within the landscape; commenting that pressure for expansion is likely to continue to the detriment of landscape character with tree and woodland cover susceptible to neglect.
- 10.20 The Guidelines recommend aims to help integrate development which includes the promotion of tree and woodland planting to filter views, with all new development requiring a landscaping scheme to ensure impact on landscape character is fully mitigated.
- 10.21 The proposal would provide a pallet store to serve the operational needs of the business. The pallet store measures 8.2m in width by 13.9m in depth, 3.5m to the eaves and 5m to the ridge. This is 1m less than the pallet store considered under application 21/04189/FUL and is of modest scale in the context of buildings to the industrial site. The proposal building would be green metal sheet cladding and therein, would not be a visual incongruous addition in this regard.
- 10.22 The agent's cover letter confirmed that the pallet store would be sited within its original location within the site, set in from the site boundaries to open countryside and it would be immediately set to the east of industrial unit K2. This seeks to address the refusal reason as set out under application 21/04189/FUL, which related to the siting of the pallet store along the northern boundary and the lack of adequate landscaping and screening, leading to a hard edge to the site rather than the softer transition into the countryside. This was considered to be harmful to the visual amenity of the area and landscape character of the locality and contrary to national and local policy.
- 10.23 Landscaping is submitted as part of the proposal for application 22/04866/FUL, for the formation of parking along the eastern boundary of the site with landscaping under permitted application 22/04902/FUL for the extension of unit K2 along the northern boundary which has been permitted under delegated powers. Due to the tight edge line of development, landscaping is not proposed or reasonably conditioned within this application.
- 10.24 On balance, the proposal would be a modestly scaled building within a well-established industrial site, set in from the site boundaries to avoid a hard edge to the open countryside. The Council's Landscaping Officer was consulted and raises no objections. Therefore and subject to the inclusion of conditions, the proposal is considered to comply with policy NE4 and the NPPF.

Impact on Heritage Assets

- 10.25 The proposal is 370m approx. from the closest listed building (the Grade II* Church of St Michael). Staveley Conservation Area is located over 1km away from the site.

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As a result, despite the increased sized of the development, due to the separation distances and existing screening from the existing buildings on the site, the development is not considered to result in harm to the character of the heritage assets. As a result the proposal is in accordance with policy HP2 of the Local Plan.

Impact on residential Amenity

- 10.26 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.
- 10.27 The proposed development is located on an established industrial site screened and set away from domestic uses. The development would not have a harmful impact on neighbouring amenity. This is subject to the condition requiring a limit on the hours of construction which are raised by the Council's Environmental Health officer. This is a reasonable restriction to prevent unacceptable vehicular movement during unsociable hours during the period of construction. In accordance with the accompanying applications, it is necessary to include a condition to limit the hours of operation in line with the remainder of the site. A condition is also proposed to control the details of any lighting. The proposal is therefore in accordance with policy HP4 of the adopted Local Plan.

Highways, Access and Parking

- 10.28 Policy TI3 relates to parking and access. Paragraph 111 of the NPPF states; 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.
- 10.29 The highways department were consulted on the application and requested information on HGV vehicle tracking. Following receipt of additional information to accompany the application, including updated HGV tracking plans, the Highways Officer has no local highway authority objections to the proposed development, subject to the inclusion of a condition ensuring HGV vehicle pathways are not obstructed in the interest of safety within the site.
- 10.30 There is adequate manoeuvring for all vehicles within the site to enter and leave in forward gear. There is adequate parking for both private and HGV vehicles and there is adequate visibility for vehicles joining Wath Lane. There is a separate application for the extension of the car parking area to the north east section of the site and this application will be determined on its own merits. As such there are no highway safety concerns arising from the development and the proposal meets paragraph 111 of the NPPF and policy TI3 of the Local Plan.

Ecology and protected species

- 10.31 The Principal Ecologist was consulted on the application. No response has been received in relation to the current application. It is noted that the Ecologist raised no objections to the works under application 21/04189/FUL on ecological grounds, subject to the attachment of a planning condition requiring strict adherence to the submitted lighting scheme. Application 21/04189/FUL comprised the area within the red edge line of development within this

application. While the proposal does not contain a lighting scheme, on consideration of the concerns raised, it is pertinent to include a condition for any proposed lighting in relation to the development to require approval through the Local Planning Authority.

- 10.32 On consideration of the modest scale of the proposal, the provision of a landscaping buffer and the context of development within the industrial site, it is considered that conditions can be reasonably applied to prevent unacceptable harm to protected species in line with policy NE3 and the NPPF.

Drainage

- 10.33 The proposals propose surface water to be disposed of via the pond towards the north boundary of the site, which on consideration of the modest scale of development, is considered acceptable.

Trees

- 10.34 There is an existing Sycamore tree on site which is protected by a Tree Preservation Order. This tree is already compromised by the existing development and the new building is some distance from the tree and its root protection area. The Council's Arborist has no objections to the works and the proposal is considered to meet NE7 of the Local Plan.

11.0 PLANNING BALANCE AND CONCLUSION

- 11.1 Overall the principle of development can be supported, subject to conditions. Sufficient justification is provided for the development and the proposal is considered to meet policy EC2 with regards to the expansion of existing businesses in open countryside.
- 11.2 The design, siting and size of the development is appropriate for the location and the surrounding area. The pallet store is set away from the site boundaries, reduced in width by 1m and is considered to overcome the reason for the refusal of the previous application, 21/04189/FUL. Subject to conditions limiting the hours of use, the proposal will not result in significant adverse impacts on the amenities of neighbouring residents. It is not considered that the proposal would result in an unacceptable impact on highways, trees, landscape, ecology and drainage.
- 11.3 To conclude, the pallet store would support the expansion of an existing business and any harm arising from the development can be adequately mitigated by conditions.
- 11.4 The proposal conforms to guidance in the NPPF, Section 72 of the LBCA and policies GS3, EC2, TI3, CC4, NE3, NE4, NE7, HP2, HP3 and HP4 of the Local Plan and supplementary planning documents.

12.0 RECOMMENDATION

- 12.1 That planning permission be GRANTED subject to conditions listed below. As the pallet store is currently constructed on site without the benefit of planning

consent, it is recommended that a time limit for the completion of works is applied.

Recommended conditions:

Condition 1 Time Limit

The development hereby permitted shall be completed within a period of 6 months from the date of this 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 following details and plans;

Location Plan with Site Plan, Floor plans and Elevations; drwg no. 2019 184 500, Rev B, received 21.12.2023. This consent relates only to the pallet store.

Early Stage/ Construction Period

Condition 3 Lighting scheme (discharge required)

Prior to its installation, details of any external lighting must be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the agreed details.

Reason; In the interest of safeguarding amenity and protected species.

Condition 4 Construction Hours

Demolition and construction for the development hereby permitted, shall be controlled and restricted to the following hours;

08:00 until 18:00 Mondays to Fridays

08:00 until 13:00 Saturdays

No work on Sundays or Bank Holidays

Reason: In the interest of safeguarding residential amenity.

Condition 5 Hours Restriction

The use hereby approved including noise generating activities (such as using of machinery, deliveries, dispatches, unloading, loading and other vehicle movements outside) shall not be operated before 0800 hours or after 1800 Monday to Friday and before 0800 hours or after 1300 hours Saturday and not at all on Sundays and Public Holidays.

Reason: In the interest of safeguarding residential amenity.

Condition 6 Parking and Manoeuvrability

The vehicular layout must be maintained in accordance with the following drawings and all HGV manoeuvring space kept clear of obstructions all times;

2019 184 Drawing 105 – Proposed Site Plan (Overall Site) provided by AMG Architectural

Drawing 22102ATR/01 Revision A – HGV Swept Path Analysis provided by Optima Intelligent Highway Solutions, received 01.03.2023.

2019 184 Drawing 500 Revision D – Site Plan Floor Plan and Elevations Site Location Plan provided by AMG Architectural, received 09.03.2023.

This consent relates only to the pallet store.

Reason: To provide for adequate and satisfactory provision manoeuvrability for vehicles on site, in the interest of safety and the general amenity of the development.

Target Determination Date: 28.04.2023

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