

North Yorkshire Council

Community Development Services

Harrogate and Knaresborough Area Planning Committee

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

Report of the Assistant Director, Planning – Community Development Services

1.0 Purpose of the Report

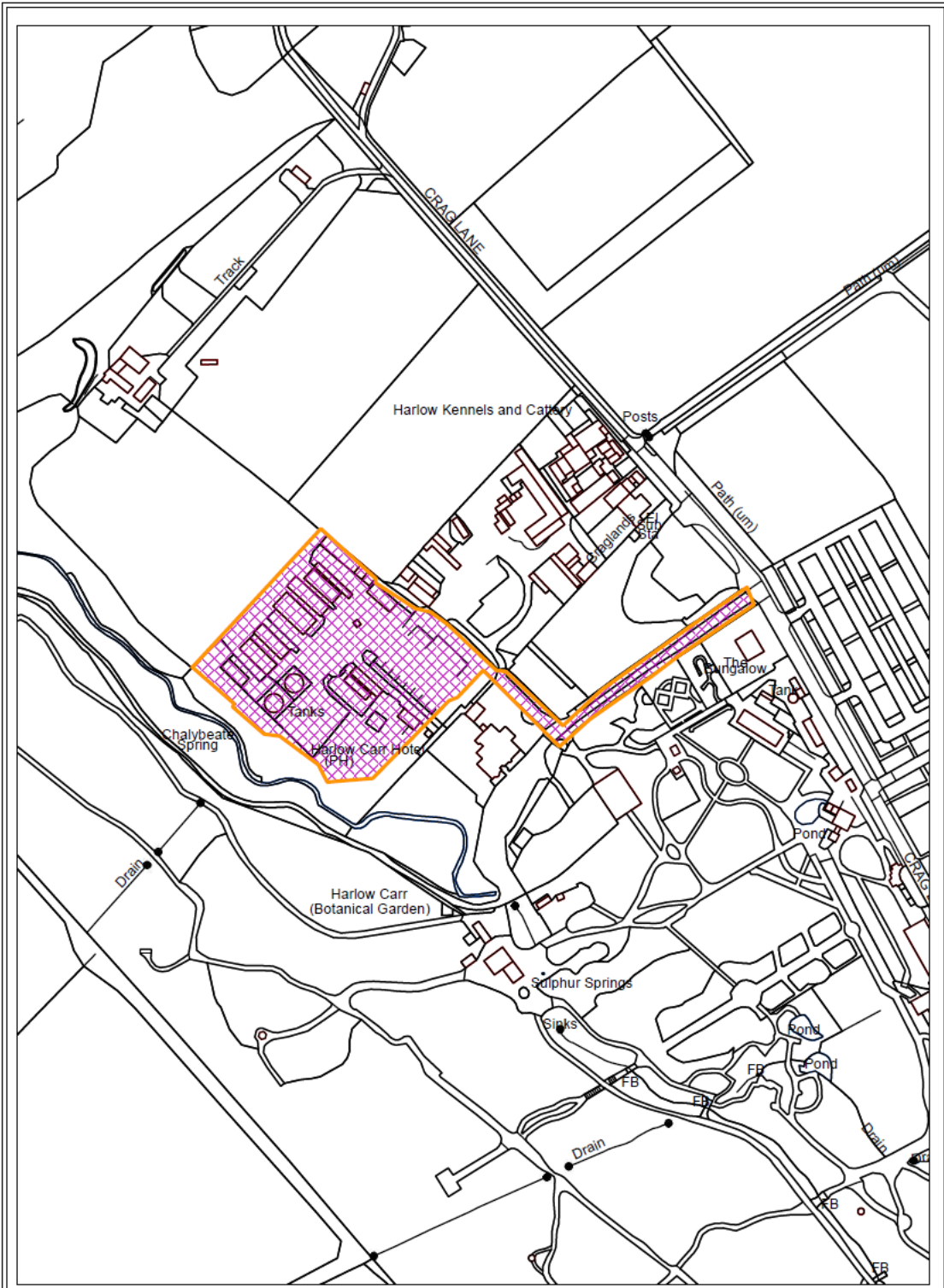
- 1.1. To determine a planning application for development as described in the description above.
- 1.2. This application is brought to the Planning Committee as the land to which this application relates is leased to the applicant by North Yorkshire Council.

2.0 SUMMARY

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

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

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



Location Plan

Scale 1:2,500



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8/19/2024

3.0 Preliminary Matters

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4.0 Site and Surroundings

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

5.0 Description of Proposal

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

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

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

6.0 Planning Policy and Guidance

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

Adopted Development Plan

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

- Harrogate District Local Plan 2014 – 2035, 2020

Guidance - Material Considerations

- 6.3. Relevant guidance for this application is:

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

7.0 Consultation Responses

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

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

Local Representations

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

8.0 Environment Impact Assessment (EIA)

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

9.0 Main Issues

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

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

10.0 ASSESSMENT

Principle and Land Use

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

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

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

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

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

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

Design and Sustainability

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

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

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

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

Landscape and Trees

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

Heritage

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

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

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

Amenity

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

Public Rights of Way

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

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

Highways

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

Biodiversity Net Gain and Ecology

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

Drainage and Water Supply

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

Environmental Health

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

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

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

11.0 PLANNING BALANCE AND CONCLUSION

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

12.0 RECOMMENDATION

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

Recommended conditions:

Condition 1 Time Limit

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

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

Condition 2 Approved Plans

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

Location Plan. Drawing 01 Rev A.

Site Plan Drawing no. 03 Revision U.

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

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

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

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

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

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

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

Condition 3 Contamination Remediation

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

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

Reason: In the interests of safety and amenity.

Condition 4 Contamination Remediation

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

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

Reason: In the interests of safety and amenity.

Condition 5 Lighting

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

Reason: In the interests of amenity.

Condition 6 Noise

The combined noise from any:

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

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

Reason: In the interests of amenity.

Condition 7 Tree Protection (pre commencement)

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

Reason: In the interests of tree protection.

Condition 8 Tree Protection

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

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

Condition 9 Ecology

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

Reason: In the interests of ecology.

Condition 10 BREEAM

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

Reason: To safeguard the environment and mitigate climate change.

Condition 11 BREEAM

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

Reason: To safeguard the environment and mitigate climate change.

Condition 12 Construction Management Plan

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

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

removal following completion of construction works.

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

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

Condition 13 Air Source Heat Pump

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

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

Condition 14 Cycle Storage

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

Reason: In the interests of sustainability and amenity.

Condition 15 Drainage

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

(a) peak flow rates of discharge to the watercourse.

(b) a drainage system designed with sufficient on site attenuation so that flooding does not occur on any part of the site for a 1 in 30 year rainfall event, nor any flooding for a 1 in 100 year rainfall event in any part of a building (including a basement) or in any utility plant susceptible to water (e.g. pumping station or electricity substation) within the development, except within an area that is designed to hold and/or convey water. The design shall also ensure that storm water resulting from a 1 in 100 year rainfall event, plus an allowance of 45% to account for climate change can be stored on the site without risk to people or property and without increasing the restricted flows off site.

(c) full hydraulic calculations to confirm attenuation storage requirements

(d) proposed control measures to manage pollution from vehicle parking and hard standing areas if required.

(e) an exceedance flood routing plan which shall demonstrate where flooding could potentially occur if the designed drainage systems were to be exceeded or fail for any reason including rainfall in excess of the 1 in 100 year event. The routing map should indicate direction of flood flows, highlighting areas that could flood and to what depth. The plan must demonstrate that exceedance flows will not cause risk or flooding to property/people on or off site.

(f) details with regard to the maintenance and management of the approved scheme to include; drawings showing any surface water assets to be vested with the statutory undertaker/highway authority and subsequently maintained at their expense, and/or any other arrangements to secure the operation of the approved drainage scheme/sustainable urban drainage systems throughout the lifetime of the development including:

(i) details to demonstrate how the maintenance of any privately managed surface water drainage systems will be funded for the lifetime of the development,

(ii) details of the organisation appointed to undertake future management and maintenance of the private surface water drainage systems, including full contact details and to whom will be responsible for appointing a new maintenance contractor if the existing company fails in its duties for any reason, or ceases to exist,

(iii) drawings showing any surface water assets that will not be maintained at public expense,

(iv) a maintenance & operation manual for the privately managed surface water drainage systems itemising the tasks to be undertaken and frequency required,

(v) a plan clearly showing the extent of the land ownership along with easements and rights of way for access to carry out maintenance on third party land if required.

(vi) physical access arrangements in perpetuity,

Reason: In the interests of sustainability and flood risk.

Informative 1 Foul Sewage

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

Target Determination Date: 02 August 2024

Case Officer: Kate Exley, kate.exley@northyorks.gov.uk