

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

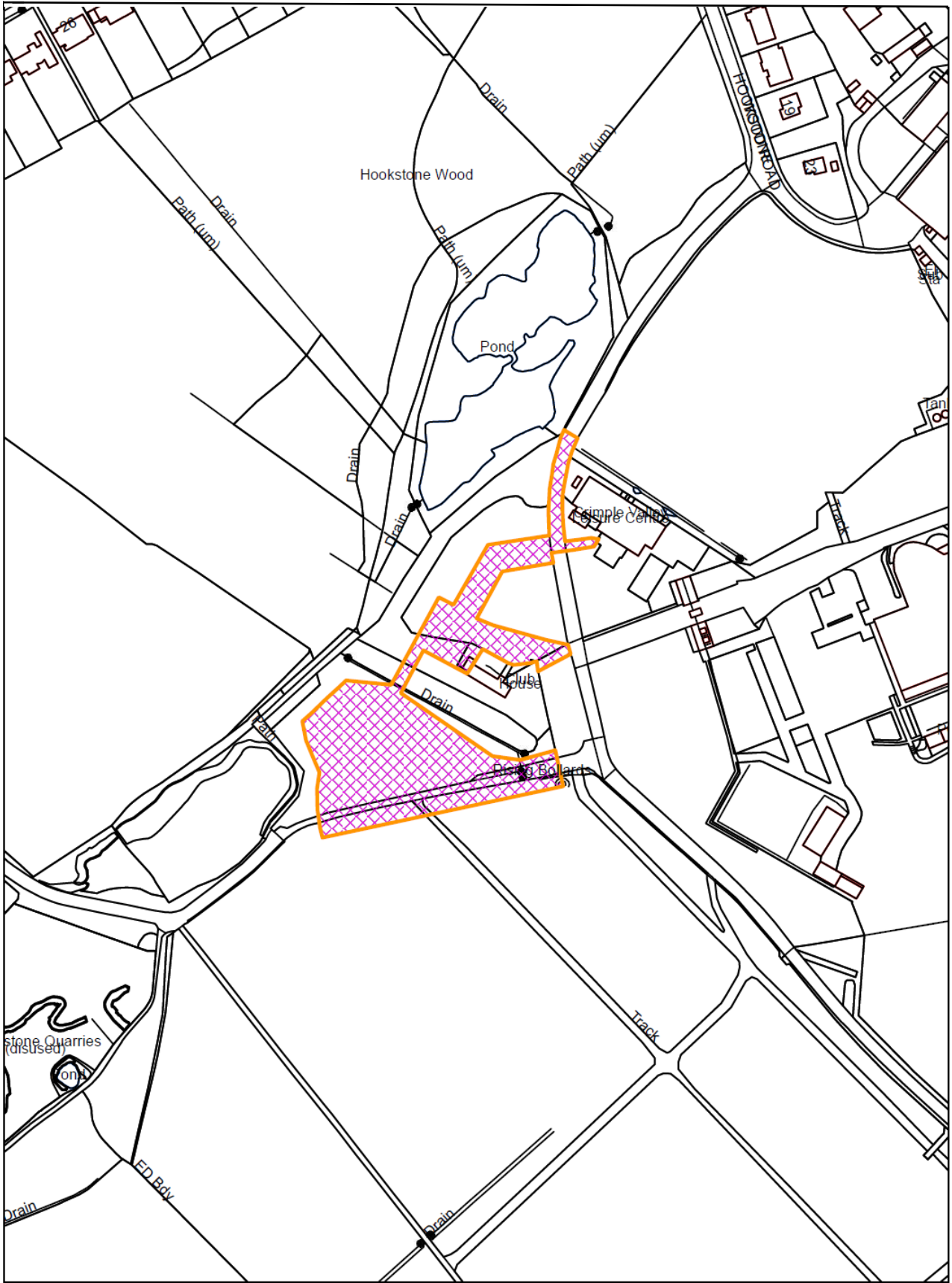
- 1.1. To determine a planning application for the erection of two covered padel tennis courts; installation of parking area for up to 80 days of the year, on land at Harrogate Sports and Fitness Centre.
- 1.2. This application is referred to the Planning Committee by request of a Division Member, Councillor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 This is a resubmitted application, as the previous application was withdrawn, prior to presentation to the committee.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



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 Crimple 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