

**North Yorkshire Council**

**Community Development Services**

**Harrogate and Knaresborough Area Planning Committee**

**25th November 2025**

**HGTZC24/00470/FULMAJ - Full planning application for the development of ten industrial units (use class Eg(iii)/B2/B8) with ancillary offices, yard space, parking, servicing areas, drainage infrastructure, electricity substation, landscaping, associated infrastructure, engineering works to create landscaped bund, and solar panels**

**at Land West Of Harrogate West Business Park, Burley Bank Road, Harrogate, HG3 2SE**

**on behalf of Teakwood Developments Ltd And DS Estates Ltd**

**Report of the Head of Development Management – Community Development Services**

**1.0 Purpose of the Report**

- 1.1. To determine a planning application for full planning permission for the development of ten industrial units (use class Eg(iii)/B2/B8) with ancillary offices, yard space, parking, servicing areas, drainage infrastructure, electricity substation, landscaping, associated infrastructure, engineering works to create landscaped bund, and solar panels on land to the West of Harrogate West Business Park.
- 1.2. The application is brought to Planning Committee due to a recommendation of approval of the development, in conflict with the Local Plan.

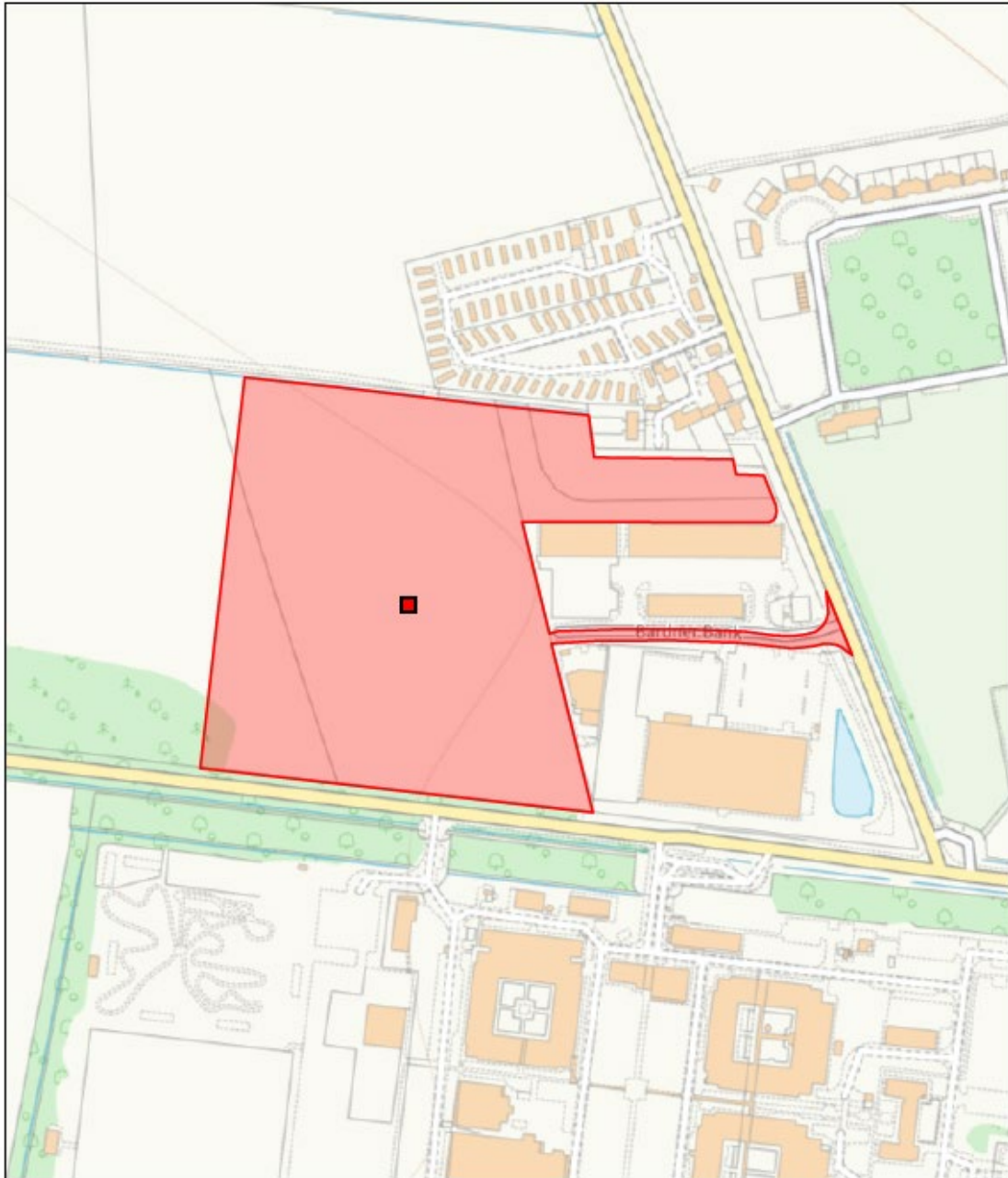
**2.0 SUMMARY**

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

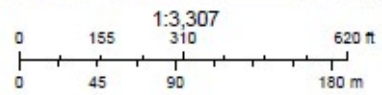
- 2.1. The application seeks full planning permission for the erection of ten industrial units as an expansion to the Harrogate West Business Park, hosting an expansion to Envirovent which occupies a unit on the current 'phase one' of the industrial site, and with 9 units to host new or re-locating businesses.
- 2.2. The site is accessed from Burley Bank Road to the east and is located immediately north of Penny Pot Lane with the Army Foundation College sited opposite.

- 2.3. As the proposal predominantly comprises new development for the provision of businesses to start up or re-locate, rather than the expansion of units for businesses to phase 1, and is not located within the development limits of Harrogate, the proposal does not accord with either Local Plan Policies EC2 or EC3, and is discordant with the growth strategy.
- 2.4. However, significant evidence of a current under supply of existing allocated and committed employment sites within the district to meet the requirements of businesses, supporting information relating to high levels of interest and its appearance as a visual extension to the existing site are all material considerations which taken on balance leads to the development being considered acceptable in principle.
- 2.5. During the course of the application and following consultee comments, there has been alteration to the red edge line of development, site layout, landscaping, information relating to the proximity to Veteran trees on site, updated highways technical details, Travel Plan, Noise Impact Assessment, BNG related information, drainage strategy and Flood Risk Assessment (FRA). These matters are considered to sufficiently resolve the concerns raised within the initial consultee comments from the Landscape Officer, Highways Officer, Lead Local Flood Authority, Environmental Health Officer, Ecologist and Arborist.
- 2.6. It is considered that the proposal offers significant economic benefit through the provision of 10 units which offer 135,000 sq/ft commercial space, as a visual extension to the existing West Harrogate site. Moreover, submitted information demonstrates that there is a shortfall of directly comparable units within existing committed and allocated employment sites allocated in the Harrogate District Local Plan. This weighs in favour of the development and it is considered that on balance, the benefits of provision of employment land, provision of additional employment within the district, highway upgrades and BNG uplift are sufficient to outweigh the conflict with the development plan.

# Map



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### **3.0 Preliminary Matters**

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

3.2. There are 2 relevant planning applications for this site, which are detailed below.

HGTZC24/01295/SCREEN – Environmental Impact Assessment Screening Opinion for proposed development of ten industrial units (use class Eg(iii)/B2/B8) with ancillary offices, yard space, parking, servicing areas, drainage infrastructure, electricity substation, landscaping, associated infrastructure, engineering works to create landscaped bund, and solar panels (planning application ZC24/00470/FULMAJ). EIA Not required 29.05.2024.

25/01404/SCREEN - Screening Opinion for the development of ten industrial units (use class Eg(iii)/B2/B8) with ancillary offices, yard space, parking, servicing areas, drainage infrastructure, electricity substation, landscaping, associated infrastructure, engineering works to create landscaped bund and solar panels. EIA Not required 17.06.2025.

The following applications relate to the adjacent site;

HGT21/04366/REMMAJ - Reserved matters application for appearance, landscaping, layout and scale for phase 3 of the industrial park comprising a B8 Storage and Distribution unit of 886 sq m GEA. Permitted 21.02.2022.

HGT21/01034/REMMAJ - Reserved matters application (appearance, landscaping, layout and scale considered) for Phase 2 comprising 11 units ranging in size from 139.5 sq metres to 929 sq metres under planning permission 20/03957/DVCMAJ - Application to delete condition 6 (Acoustic Barrier) of 18/01923/OUTMAJ - development of an industrial park for employment use (B1c/B2/B8), with associated yard space, car parking, ancillary structures and landscaping, with access considered. Permitted 29.06.2021.

HGT20/03715/REMMAJ - Reserved matters application (appearance, landscaping, layout and scale considered) under Outline Permission 18/01923/OUTMAJ - development of an industrial park for employment use (B1c/B2/B8), with associated yard space, car parking, ancillary structures and landscaping, with access considered. Permitted 25.02.2021.

HGT18/01923/OUTMAJ - Outline planning application for the development of an industrial park for employment use (B1c/B2/B8), with associated yard space, car parking, ancillary structures and landscaping, with access considered. Permitted 06.03.2019

### **4.0 Site and Surroundings**

4.1. The application site is an area of agricultural land, which falls outside of Green Belt designated land. The site measures approximately 6.03 hectares in area, and sited adjacent to phase one of the Harrogate West Business Park. The site is to the West of Harrogate, located to the north of Penny Pot Lane and opposite the Army Foundation College.

4.2. There are a number of mature trees lining the southern and northern boundaries and within the site including Veteran trees. The site is with Flood Risk Zone 1 for fluvial

and surface water flooding. The land is Grade 3 agricultural land, currently used as pasture land. The developable area is less than 5ha.

## **5.0 Description of Proposal**

- 5.1. The application seeks full planning consent for the erection of ten industrial units, ranging from units of 3,300 up to 31,300sq/ft GIA, as an expansion to the Harrogate West Business Park. This site hosts an expansion to Envirovent which occupies a unit on the current 'phase one' of the industrial site, and proposes 9 units to host new or re-locating businesses.
- 5.2. Access to the site is through the phase 1 development on Burley Bank Road.

## **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 the Harrogate District Local Plan 2014-2035, adopted March 2020.

### Emerging Development Plan – Material Consideration

- 6.3. The North Yorkshire Local Plan is the emerging development plan for this site, however 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
  - National Planning Practice Guidance
  - National Design Guide 2021
  - Harrogate Landscape Character Assessment 2004
  - Landscape Design Guide 2023

## **7.0 Consultation Responses**

- 7.1. The following consultation responses have been received and have been summarised below..
- 7.2. **Parish Council.** The Parish Council does not object to or support the application but comments that for road safety reasons, there is no left turn onto Burley Bank Road with the intention of making HGV's use Penny Pot Lane.
- 7.3. **Active Travel:** Issues standard advice letter for the LPA to assess the active travel merits of the development.
- 7.4. **Arborist:** No objections following receipt of amended plans, subject to conditions relating to the submission of an updated Arboricultural Impact Assessment (AIA) and AMS (Arboricultural Method Statement) and RPA (Root Protection Area).
- 7.5. **Ecology:** Initially raised concerns with regards to the loss of acid grassland and identified trees with Veteran qualities. No objections to updated plans subject to conditions relating to the submission on an updated CEMP and appropriate

conditions relating to securing BNG and purchase of off-site watercourse habitat credits, alongside a S106 agreement.

- 7.6. **Economic Development:** Support application. Considered there to be special circumstances to permit the expansion of the site due to a need for the additional commercial floorspace (135,000 sq/ft), demand to phase 1 and government support through funding for the accelerated build of this phase. High interest levels in current proposal development.
  - 7.7. **Environmental Health:** No objection subject to the inclusion of conditions relating to land contamination, the provision of an acoustic barrier, the restriction of HGV deliveries, noise limits for plant/machinery, the submission of a Noise Management Plan, the submission of a Demolition and Construction Management Plan and a limitation to construction working hours.
  - 7.8. **Health and Safety Executive:** Issues standard advice letter for LPA to assess proposals within consultation distance (CD) of a major hazard site or major hazard pipeline.
  - 7.9. **Highways:** No objections to amended plans subject to conditions relating to the submission of details relating to Road and Footway Layouts, construction of adoptable roads and footways, provision of visibility splays, the formation and maintenance of access, parking and turning areas, submission of a Travel Plan, submission of a Construction Management Plan. The Highways Officer further requests that a S106 secures contributions towards the bus service serving the Penny Pot Lane area.
  - 7.10. **Joint Advisory AONB Officer:** No objection subject to 'dark skies' policy compliant lighting.
  - 7.11. **Landscape Officer:** No objections, subject to a condition relating to the submission of landscaping and surface treatment plans.
  - 7.12. **Minerals and Waste:** A Minerals Assessment has now been submitted to support the application. It is considered that the assessment shows compliance with MWJP policies S01 and S02 in regard to the proposed development location not being located upon a minerals resource of significant value or an economically viable site for minerals extraction.
  - 7.13. **Northern Gas:** No objections.
  - 7.14. **Police Architect Liaison Officer:** No objections, however provides observations with regards to the use of glass and rollers to British Standards sufficient to prevent break-in. The officer supports the enclosed fencing to each unit which deters and significantly slows criminal activity. It is also important that there are no structures close to or over the fence that will aid climbing, for example, trees, lamp columns or utility substations.
  - 7.15. **Yorkshire Water:** No objections subject to a condition for the submission of details for surface water drainage.
- Local Representations
- 7.16. 5 letters of representation have been received from members of the public. 4 letters are written objecting to the development, 1 letter is written neither supporting nor objecting to the development.

7.17. Letters of support were submitted alongside the application and while they are not letters of representations, letters of support have been considered within the officer assessment.

7.18. Objections:

- Concerns regarding Green Belt.
- Not set within development limits.
- 2018 consent breaking development boundary is irrelevant.
- Site Location Plan with blue line is in the wrong location.
- Concerns regarding decrease in resident's property values.
- Loss of resident's amenity due to vehicular movement.
- Concerns that Burley Bank Road will become a rat run.
- Concerns that all roads in the locale are dangerous to cyclists and pedestrians.
- Development will be car reliant/ unsustainable for travel.
- Concerns regarding volume of development in the Killinghall Parish.
- Historic and Archaeological interest of Penny Pot Lane has been ignored.
- Increase in traffic volume.
- Increased risk of accidents due to increased traffic, speed of the road, proximity of residents and vulnerable users accessing the school bus.
- Entrance/Exit creates risk to the business park users if the road is blocked.
- Sound and light pollution concerns.
- Concerns regarding loss of trees.
- Proposal does not enhance the surroundings of the locale.
- Concerns with regards to the growth of plants of the bund.
- Concerns regarding the impact on the public highway's condition.
- Concerns regarding a lack of public transport.
- Concerns regarding removal of trees and impact on wildlife.
- Loss of countryside views.
- Impact on designated nature reserves.
- Loss of privacy to existing adjacent residential windows.
- Concerns regarding disruption to utility supply to dwellings in locale.
- Security concerns for residents by opening up rear of dwellings through development of the site.
- Loss of rural setting for the adjacent caravan park.
- Loss of light and overbearing towards caravan park homes.
- Insufficient consideration of alternate sites which do not create significant harm to habitat.
- Many residents of Pinemoor Park are elderly without access to a computer.
- Impact of noise, dust and general nuisance during construction.

7.19. Observations neither in support nor objection;

- Suggests alterations to Burley Bank Road junction to ease traffic flow, for traffic to turn right out of the business park via Penny Pot Lane and make Burley Bank Road a 'no through road' and road width restriction and reduction of speed to Burley Bank Road.

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

8.1. The development falls within Schedule 2 Category 10(a): 'Industrial estate development projects'. of The Environmental Impact Assessment Regulations 2017 (as amended) and exceeds threshold (ii) due to being a development of more than 5

ha. As such the Council as Local Planning Authority has 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 report and decision is available to view on the Council's website under application reference 25/01404/SCREEN. Nothing has changed since the Screening Decision and it is still effective for the Committee Decision.

## **9.0 Main Issues**

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

- Principle of development
- Loss of Agricultural Land
- Design and Layout
- Residential Amenity
- Highways and Accessibility
- Flood Risk and Drainage
- Landscaping and Trees
- Ecology
- Biodiversity Net Gain
- Environmental Health
- Other Matters
- S106 Contributions

## **10.0 ASSESSMENT**

### Principle of Development

- 10.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications to be determined in accordance with the development plan unless material considerations indicate otherwise. The Harrogate District Local Plan 2014-2035 was adopted by Harrogate Borough Council on 4 March 2020.
- 10.2. The recent revisions to the National Planning Policy Framework have introduced changes to the way housing need is calculated. As the extant Harrogate Local Plan is now more than five years old, those policies relating to housing supply can no longer be given full weight. The five-year supply for the former Harrogate area, including the relevant 5% buffer, is 5440. Based on the most recent data (from the 2023/2024 monitoring period), there is a demonstrable deliverable supply of 3111 dwellings over a five-year period. This translates to 2.2 years of housing supply when measured against the five-year supply requirement. Therefore, paragraph 11(d) of the NPPF is engaged for applications for new housing development.
- 10.3. Local Plan Policy GS1 advises that provision will be made in the district, over the plan period, for a minimum of 13,377 new homes, including affordable housing and a minimum of 40ha of new employment land. Policy GS1 is out of date with regards to the required housing numbers given the revised method for calculating housing supply.

- 10.4. Advice from the Economic Development Officer states that there is a current shortfall of allocated and committed employment sites within the Harrogate District. This, along with the additional housing growth expected, as a result of the new housing requirement, needs to be considered in terms of assessing the principle of new employment development in this location. The provision of proportionate employment growth, to support the housing growth, is a material consideration when assessing this scheme.
- 10.5. Local Plan policies GS1 and GS2 set out a growth strategy for new homes and jobs to 2035. Policy GS2 identifies a settlement hierarchy with the main settlements being the focus of growth.
- 10.6. The proposal site is located outside of the development limits of settlements listed within Local Plan Policy GS2 and where development limits for settlements are identified under Policy GS3. As such the proposal lies in the countryside for the purposes of planning policy, where there is a presumption against the erection of new development, unless expressly supported by other Local Plan Policies or a neighbourhood plan or national planning policy, as stated in Policy GS3.
- 10.7. Local Plan Policy GS5 (Supporting the District's Economy) encourages sustainable economic growth that contributes towards the achievement of, amongst other things, the provision of a range of quality business sites and premises. It is considered the proposal would contribute towards achieving this aim.
- 10.8. Local Plan Policy EC2 relates to the expansion of existing businesses in open countryside and outside established employment areas. The policy encourages business growth where there is a proven business opportunity or operational need, is of a scale and expansion reasonable to the development and which does not cause unacceptable landscape, biodiversity, highways or residential amenity harm.
- 10.9. The proposal seeks the expansion of 'Envirovent' into one of proposed unit(s). This business presently occupies a unit within phase 1 of the Harrogate West Business Park and as such, in isolation could be considered a business expansion within open countryside outside of an established employment area under Local Plan Policy EC2.
- 10.10. As assessed against Local Plan Policy EC2, the extension to Envirovent would be considered to have demonstrated an operational need including an expansion beyond the existing site of appropriate scale, and which would not create unacceptable highways, landscaping, biodiversity or amenity concerns. Therefore, if assessed as a standalone expansion, the extension to the Envirovent operation would comply with EC2.
- 10.11. However, the remaining units within this application would host occupants relocating businesses from phase 1 to phase 2 of the Business Park, or occupants who are new to the West of Harrogate Business Park in the form of new businesses or relocating businesses. As such, the proposal is not solely relating to the expansion of an existing business and cannot wholly accord with Local Plan Policy EC2 in this regard.

- 10.12. The justification text in paragraph '4.15' following Policy EC2 states:
- 10.13. "The expansion of existing businesses into the open countryside may be appropriate if there are no available sites suitable for expansion as a result of operational and locational requirements. Nevertheless, there must be a demonstrable need for such development and the scale of the proposal should be appropriate in the proposed location. Equally it is essential that such development does not have an unacceptable impact on the character of the countryside, the surrounding landscape, the form and character of a settlement or biodiversity."
- 10.14. As such, the lack of availability of existing sites to suit business requirements does constitute a material consideration in this regard, subject to the proposal avoiding unacceptable harm to the countryside, landscape, the form and character of a settlement or biodiversity.
- 10.15. Local Plan Policy EC3 relates to the provision of new employment development in the open countryside. It's relevant criteria to this application are as follows;
- 10.16. "New employment development will be permitted in open countryside where all the following criteria are met:
- A. It involves either: i. the re-use or adaptation of an existing building, a proposal for farm or other land-based business diversification, or other small-scale proposal requiring a countryside location for operational reasons; or ii. small-scale new building which is well related to a rural settlement, benefits the local economy, and reduces the need for increased car commuting to urban centres.
  - B. The local road network can accommodate proposed traffic movements;
  - C. It would not have a significant adverse effect on the character, appearance or general amenity of the area."
- 10.17. As the proposal does not include the re-use or adaption of an existing building and the provision of 10 medium to large scale commercial units would not be reasonably considered 'small-scale' development, it is not considered that the proposed development would comply with criteria A. Albeit, as assessed within latter sections of this report the proposal would be considered to comply with criteria's B and C.
- 10.18. Therein, the proposal as a whole does not qualify for assessment under Policy EC2, and would not meet one of the three criteria for Policy EC3. The siting of the proposed development is therefore not expressly supported by Local Policy in this regard.
- 10.19. Paragraph 85 of the NPPF advises that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. This is a material consideration given significant weight in support of the development.
- 10.20. There are further material considerations presented within the submitted information relating to the demonstration of the development providing an unmet need for larger scale commercial units within the proposed location, as an expansion to the existing West of Harrogate Business Park.
- 10.21. The application is supported by letters from 8 different businesses, expressing an interest in the scale and siting of the development offering support for the application.

While there is no guarantee that such businesses would take up occupation of the development, there is a definite interest in the scale and location of the development proposed.

- 10.22. The application is further supported by an assessment, undertaken by the applicant, of employment and mixed use sites which are allocated or committed within the Harrogate Local Plan. The assessment identifies the sites, including the floor area of the commercial provision and indicates why each site is not appropriate, either through its occupation by existing business, size of commercial floor space provision or other matters such as viability of development. The documentation is thorough and does indicate that there is a shortfall in commercial units of this scale within the remaining available mixed use and employment sites.
- 10.23. The Council's Economic Development Officer is supportive of the development, stating that there is considered to be special circumstances to permit the expansion of the site. The consultation response sets out that there is evidenced need for the additional commercial floorspace which is being offered at 135,000 sq/ft within the development proposal, and where the proposal is a suitable location for providing employment opportunities. This response highlights the current demand for the existing units at the Harrogate West Business Park and the number of enquiries received relating to the proposed expansion from companies looking for larger employment units (over 10,000sqft). This includes current occupiers of phase 1, as well as others looking for space in the general vicinity, including enquiries that could result in substantial inward investment.
- 10.24. The summary of the Council's Economic Development Officer comments reads as follows; "In summary, from an Economic Growth point of view, this is a really exciting proposal. There is a shortage of existing stock, and no real opportunity for the development of alternative new employment units to meet the immediate needs of some of our fantastic businesses. The development of the type of space proposed here is central to our ability to retain and attract businesses, providing opportunities for companies that want to be located closer to town and their workforce, sustaining the important diversity of the local economy and offering geographic choice necessary to attract and stimulate economic growth.

Phase 2 at Harrogate West Business Park would provide good quality commercial units in a very strong location which has already proved its attractiveness to a wide range of businesses. It will secure significant investment and business rate generation, provide a real solution that would benefit a number of excellent businesses and significantly boost our economy. It aligns with the aims of the NPPF by ensuring that existing firms have the opportunity to expand and adapt for the continued success of the business and offers a clear strategic fit, contributing to the ambitions of the Economic Strategy for North Yorkshire and supporting sustainable economic growth by:

- ensuring that the future supply of employment land is sufficient to meet the business growth requirements of existing businesses;
- helping us to retain key local employers who are currently struggling to find suitable expansion land;
- providing opportunities for inward investment;
- supporting our aim to reduce the amount of commuting out of the district to take up employment; and

- increasing the number of high-level skilled jobs and higher workplace wages available to the district's residents.”

- 10.25. Whilst outside the development limits of Harrogate, the proposed site is approximately 750m from these. As considered below, the units would appear as a visual extension to an existing business park and would not alter the form or setting of the entrance to Harrogate from the West in this regard.
- 10.26. The site is located off Burley Bank Road to the West of Harrogate with road network links to the A59 approximately 1.3km from the site. There is a regular bus service to Jennyfields and Harrogate Town Centre which serves the Penny Pot Road area, including the Army Foundation College set to the south of the site, and with a bus stop located at the junction of Burley Bank Road and Penny Pot Lane. The proposal, as detailed within the highways sections of this report, would be required to contribute towards the provision of the bus service and would offer improvements to the pedestrian crossing to Jubilee roundabout.
- 10.27. As such, and subject to contributions to continue the support of the bus service within the locale, it is considered that the development is in a sustainable location.
- 10.28. The proposed development supports the aims and objectives of paragraphs 8, 85, 88 and 89 of the NPPF. The demonstrable lack of employment sites to meet commercial needs of the scale proposed and the site's location adjacent to the existing Harrogate West Business Park are benefits that carry significant weight in favour of the development.

#### Loss of Agricultural Land

- 10.29. Local Plan Policy NE8 advises that the best and most versatile agricultural land (BMV) (grades 1, 2 and 3a) will be protected from development not associated with agriculture or forestry except where it can be demonstrated to be necessary. Sites over 5ha should include an agricultural land classification survey to determine the status of the agricultural land.
- 10.30. The site is currently agricultural pastureland falling within Grade 3 agricultural land. Grade 3 is subdivided into Grade 3a which is for the use of crop growth and Grade 3b related to pastureland. While the overall site is 6.05ha, the developable area of the site is less than 5ha. As such an agricultural land classification survey is not required. The proposal is therefore considered to comply with Policy NE8.

#### Design and Layout

- 10.31. 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.
- 10.32. 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.

- 10.33. The NPPF places great importance on the creation of healthy and safe communities and the creation of high quality and sustainable places. The National Design Guide and Building for a Healthy Life also provide additional guidance on how well-designed places can be achieved in practice.
- 10.34. The underlying theme of the NPPF is a presumption in favour of sustainable development. Paragraph 135 states that the creation of high-quality and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- 10.35. Paragraph 139 of the NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 10.36. The site is located on the northern side of Penny Pot Lane, to the west of the recently-built Harrogate West Business Park, to the west of Harrogate. The site is comprised of the majority of the large field immediately to the west of the existing Harrogate West Business Park, together with an area of land in the south eastern corner of the adjacent field further to the west. According to the submitted information, the site is approximately 6.03 hectares in area. The originally submitted scheme had a site area of 5.42 hectares. This was increased to allow further improvement of higher distinctive habitats following comments from the Ecology department.
- 10.37. To the south, the site is bordered by relatively tall, dense, tree and hedge planting along the northern side of Penny Pot Lane. Elsewhere the site boundaries are marked mainly by fencing, with more sporadic tree and hedge planting. There is also a small area of pine woodland in the south western corner of the site, which continues beyond the western boundary of the site.
- 10.38. The existing Harrogate West Business Park extends alongside the southern and central part of the site's eastern boundary. The northeastern part of the site includes part of an existing landscaped bund to the north of the existing Business Park, with residential properties at White House Farm on Burley Bank Road further to the east beyond, separated from the site by a small area of open land. Pinemoor Caravan Park adjoins the eastern part of the site's northern boundary, with open land running alongside the remainder of the site's northern boundary and its western boundary. The Army Foundation College is located on the opposite side of Penny Pot Lane to the south of the site.
- 10.39. The site is within Landscape Character Area 22: Menwith and Penny Pot Grassland within the Harrogate Landscape Character Assessment. The Nidderdale National Landscape (former Area of Outstanding Natural Beauty) is located around 1.3km away to the north west of the site at its closest point. There are public rights of way in the vicinity of the site to the north and west. There is a grade II listed Milestone to the

south of Penny Pot Lane around 300m to the west of the site. The site is around 1.8km from the western edge of Harrogate Conservation Area.

- 10.40. The proposed development would involve the construction of 10 industrial units, with a combined proposed floorspace of around 135,000 square metres. The proposed development would also include yard space, parking for 214 cars, including visitors spaces and servicing areas, drainage infrastructure, electricity substation, landscaping, other associated infrastructure and solar panels to the building roof slopes. While the original submitted application included engineering works to create a landscaped bund and the loss of 28 trees, on receipt of comments from the Landscape Officer, Arborist and Ecologist, the bund element has been removed in favour of a belt of woodland to the western and northern edges of the site, and a reconfiguration of the layout has led to a significant increase in tree planting.
- 10.41. The site area of the development has also been increased and consultation undertaken, in order to extend the site to encompass a parcel of grassland to upgrade the habitat to incorporate acid grassland, off-setting loss within the site through development.
- 10.42. The scale and layout of the commercial buildings are moderate at a height of 7.3m to flat roof units and 10.2m to the ridge of unit 10. However, they are well-contained within the site, aided by the existing screening onto Penny Pot Lane and further aided by the provision of woodland belts along the western and northern boundary. From the east, there would be greater visibility into the site from Burley Bank Lane. However, the proposal would be viewed within the direct context of phase 1 of the development and is considered to provide an appropriate density of building and layout which flows from phase 1 and assimilates with existing adjacent commercial development.
- 10.43. The Landscape Officer raises no objection to the amended plans, subject to a condition requiring the submission of a landscaping plan.
- 10.44. The Nidderdale National Landscape Officer raises no objections, subject to the inclusion of a condition relating to lighting according with the Protecting Dark Skies in the Nidderdale Area of Outstanding Beauty SPD. However, the site is not within the Nidderdale National Landscape and as such, the SPD cannot be directly applied. However, a lighting scheme has been submitted and can be controlled by condition.
- 10.45. Officers consider that the revised proposed landscaping is acceptable and provides adequate mitigation for the impacts of the proposal on the landscape character and visual amenity of the area. The proposal accords with Local Plan Policies HP3, NE4 and provisions of paragraph 135 within the NPPF.
- 10.46. Local Plan Policy CC4 requires all development to be designed to reduce both the extent and impacts of climate change. Criteria E relates to non-domestic development and reads; "New non-domestic developments, excluding conversions and extensions of less than 500 sq m, will be required to achieve a minimum standard of BREEAM 'Excellent' (or any future national equivalent)."

10.47. The application is supported by an Energy Statement (compiled by Orbis, Rev P04, dated 11.04.2024). The assessment indicates a 'fabric first' approach to energy reduction to minimise U values in relation to heat loss. Each unit would host roof mounted PV solar panels which are encouraged as a renewable energy producer, further supported by the use of air source heat pumps on the site to 'office and core areas' of the buildings.

10.48. The application has not been supported with a BREEAM Assessment Report and it has not been demonstrated that an 'excellent' BREEAM certification would not be achievable. A condition is reasonable in line with Local Plan Policy CC4 to ensure sustainable design is achieved in line the excellent BREEAM certification.

10.49. The proposal is therefore considered, subject to condition, to comply with Local Plan Policy CC4.

#### Residential amenity

10.50. Policy HP4 states that residential and general amenity should be protected and where possible enhanced. The Framework advises, in paragraph 135, that planning decisions should create places with a high standard of amenity for existing and future users.

10.51. Letters of representation raise concerns with regard to the impact on amenity through loss of privacy, security, overbearing and loss of rural character. These concerns are noted and are considered.

10.52. The site is a parcel of pastureland set south of open fields for much of the width of the site, although with Pinemoor Caravan Park set towards the northeastern section of the site. The boundary to the caravan park would be approximately 19m from the north side elevation of Unit 2 (Site E), with a GIA 10,000 sq ft. The north elevation of this unit would be unfenestrated and the Landscape Plan demonstrates a 15m woodland belt to be planted as a buffer within the application site area, and with the existing hedge and ditch along the northern boundary to be retained.

10.53. On consideration of the separation distances and screening, it is not considered that units to the holiday park would experience unacceptable overlooking, overshadowing or overbearing.

10.54. There is a cul de sac of residential units to White House Farm to the north of the enhanced landscaped area within the amended Site Plan. The enhanced landscaping area would not serve as part of the commercial use and the units within this application would not be closer in proximity to those within the existing 'phase 1' of the Business Park. It is considered that subject to conditions to mitigate excessive noise and light breakout, impact upon the amenity of residents of White House Farm will be acceptable.

10.55. The Noise Impact Assessment as updated, received 16.07.2025, indicates that a 2.5m high acoustic fence will be installed immediately adjacent to the north of the car parking area of Units 2 and Unit 3. On consideration that each unit or section of units, would be enclosed for security purposes and the acoustic fence would be viewed against the backdrop of the tree planting, this solution is considered to be appropriate.

- 10.56. The application is supported by a Noise Impact Assessment which has been updated following amendments to the site layout and comments received by the Environmental Health Officer.
- 10.57. The Council's Environmental Health Officer has commented that the amended plans and Noise Impact Assessment adequately address previous noise break out concerns. However, this is subject to conditions relating to; the provision of an acoustic barrier, the restriction of HGV deliveries, noise limits for plant/machinery, the submission of a Noise Management Plan, the submission of a Demolition and Construction Management Plan and a limitation to construction working hours.
- 10.58. It is considered that these measures are proportionate and appropriate for the scale and location of the development and can be included in the event of approval.
- 10.59. The Police Architect Liaison Officer does not raise objection and supports the enclosure of each unit with fencing, which deters and significantly slows criminal activity. The Officer provides observations with regards to the use of glass and rollers to British Standards sufficient to prevent break-in. It is also important that there are no structures close to or over the fence that will aid climbing, for example, trees, lamp columns or utility substations.
- 10.60. It is considered that the proposal is sufficiently designed to deter and reduce the opportunity for criminal activity, with further observations beyond the purview of planning control.
- 10.61. Subject to compliance with these conditions, the proposal is considered to accord with Local Plan Policy HP4.

Highways and Accessibility

- 10.62. Local Plan Policy T11 requires developments to create safe and accessible communities and encourage sustainable travel behaviour. Vehicular access is proposed from Burley Bank Road and through the existing internal road to phase 1 of the Harrogate West Business Park.
- 10.63. Letters of representation raise concerns with regards to the impact on highways safety, including access to the site and the potential of alterations to the junctions and use of the roads including restricting speed, width of roads, direction of travel. These concerns have been considered.
- 10.64. The proposal includes car parking provision for each unit as outlined within the table below;

<b>Unit Number</b>	<b>GIA (squ/ft)</b>	<b>No of parking car parking spaces</b>
1	31,300	34 (2 accessible)
2	10,000	20 (2 visitor, 2 accessible)
3	10,000	20 (2 visitor, 2 accessible)
4-6	9,900 (3,300 per unit)	20 (4 visitor, 4 accessible)
7-8	12,500	20 (4 visitor, 4 accessible)
9	30,600	40 (4 visitor, 2 accessible)

10	30,600	40 (4 visitor, 2 accessible)
Visitor spaces adjacent to unit 1		20
Total		214 car parking spaces

- 10.65. Additional to the above parking provisions, each unit would have a secure cycle store. This is considered to be in line with the Parking Standards guidance.
- 10.66. A Travel Plan was submitted in support of the application with additional technical details submitted in September 2025 to demonstrate HGV tracking within the service yards and to the junctions.
- 10.67. A Highways Capacity Assessment has been submitted which is provided in response to comments from the Highways Department in June 2025. This report assesses the traffic capacity to the Jubilee roundabout, A59 junction with Burley Bank Road and the A59/Oaker Bank/Otley Road roundabout which is currently sought to be upgraded for capacity in relation to the West of Harrogate developments, under planning application 25/03390/FUL. The application description for the realignment and enlargement of Pot Bank roundabout with associated works. The conclusion of the Highways Capacity Assessment, sets out that there would not be a significant impact on the future operation of the junctions and roundabouts assessed.
- 10.68. The submitted document includes improvements to the pedestrian crossing to the Jubilee roundabout in an east to west direction through the widening of crossing points to 3m, increasing pedestrian visibility. These would be secured through a S38 agreement with the Highways Authority.
- 10.69. The Highway Department has assessed the application as amended and raises no objection to the amended plans, subject to conditions relating to; the submission of details relating to road and footway layouts, construction of adoptable roads and footways, provision of visibility splays, the formation and maintenance of access, parking and turning areas, submission of a Travel Plan and submission of a Construction Management Plan.
- 10.70. The Highways Officer further requests that a S106 Agreement secures contributions towards the continued provision of the bus service serving the Penny Pot Lane area to ensure the sustainability of the location. However and on discussion with the Transport Officer, the contribution requested in relation to the upgrades to bus stops is now being sought through alternative funding. As such, the contribution for the upgrade to the bus stops is not required and has been removed. The S106 additionally requires contributions towards the monitoring of the Travel Plan, the provision of a Traffic Regulation Order for the enforcement of double yellow lines to the access road and enforcement of restriction of waiting times. Additionally, a contribution is sought towards the introduction of a 7.5T Environment Weight Limits and signage preventing HGVs from the site heading north towards the A59 on Burley Bank Road, due to the known collision history at this crossroads junction (5 serious and 11 slight PIA's in the past 10 years).
- 10.71. As such, and subject to compliance with conditions and the provision of the required contributions through the S106 process, the proposal is considered to accord with Local Plan Policies TI1, TI3 and paragraph 116 NPPF.

#### Flood Risk and Drainage

- 10.72. Policy CC1 requires proposals to demonstrate that the development will be safe with respect to flood risk, without increasing flood risk elsewhere and to ensure there is no increase in surface water flow rate, giving priority to sustainable drainage systems where possible.
- 10.73. The site lies within Flood Zone 1 with regards to fluvial flooding and in relation to surface water flooding within the site. Due to the size of the site, a Flood Risk Assessment (FRA) has been submitted alongside a drainage strategy in support of this application.
- 10.74. The site hosts drainage ditches to the northern and southern boundaries which would be retained. An attenuation pond is proposed to the south eastern section of the application site for surface water run off within the site. Foul water would drain through an existing stub within phase 1 of the West Harrogate Business Park to join an adopted mains sewer.
- 10.75. Yorkshire Water have been consulted and raise no objections subject to the inclusion of a condition relating to the submission of details for surface water drainage.
- 10.76. The Lead Local Flood Authority (LLFA) initially required further information with regards to safeguarding against flood risk due to climate change in line with LLFA guidance. On receipt of an updated Flood Risk Assessment (dated January 2025) and accompanying explanatory note, the LLFA confirm that their objections have been adequately addressed, subject to the inclusion of conditions relating to the compliance of construction in accord with the FRA and submission of temporary flood risk management during construction.
- 10.77. The submitted FRA demonstrates that the layout, design and mitigation measures would ensure that occupiers would remain safe from current and future surface water flood risk for the lifetime of the development without increasing flood risk elsewhere. As such, it is considered that no sequential test is required and this accords with Paragraph 27 on Flood risk in the NPPG and Paragraph 175 of the NPPF
- 10.78. Therein and subject to compliance with conditions, the proposal would be compliant with Local Plan Policy CC1 and with Chapter 14 of the NPPF.

#### Landscaping and Trees

- 10.79. Local Plan Policy NE7 advises 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. New development should be designed to ensure a satisfactory relationship between buildings and new and existing trees, which both safeguards the future health of the trees and avoids unacceptable impacts upon residential amenity. Proposals that result in the loss or damage to ancient or veteran trees or trees subject to a Tree Preservation Order will not be permitted unless exceptional criteria are met.

- 10.80. The north and south boundaries are tree-lined with further individual trees set along the field boundaries dissecting the site and a line of trees to the wider western edge of the field, beyond the red edge line of development. The proposal would require the loss of 28 trees within the site in order to facilitate the proposed development.
- 10.81. The northern section of the line of trees/hedgerow with trees along the eastern boundary, which is ecologically valuable as some of the trees display veteran features, was previously proposed to be lost. This will now be retained within an adequate buffer zone to protect it from the construction impacts of the proposed new buildings.
- 10.82. A Landscaping Scheme has been submitted, which shows substantial planting of a 15m belt of trees to the northern boundary and 20m depth of trees to the western boundary. This acts as a visual buffer, however, additionally offers significant compensatory replacement planting for the loss of the 28 trees required.
- 10.83. The Council's Arboricultural Officer has been consulted and raises no arboricultural objection with regards to the amended plans received, subject to conditions relating to the submission of an updated Arboricultural Impact Assessment (AIA), AMS (Arboricultural Method Statement) and RPA (Root Protection Area).

#### Ecology and Biodiversity

- 10.84. The Council has a duty to consider the conservation of biodiversity when determining planning applications. Policy NE3 requires proposals to protect and enhance features of ecological and geological interest. Major developments should avoid any net loss of biodiversity. Policy relating to Veteran trees within the 'Landscape and Trees' section of this report remain applicable in this assessment.
- 10.85. 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.
- 10.86. 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 mandatory pre-commencement condition and requires approval of the Biodiversity Gain Plan.
- 10.87. This application is not considered to meet any exemption and should permission be granted the condition will apply.
- 10.88. The Biodiversity Gain Hierarchy seeks to avoid impacts on more valuable habitats with medium distinctiveness and above and requires justification of proposed losses of such habitats before seeking to compensate for such losses, firstly onsite and only as a final resort to compensate for their loss offsite.

- 10.89. Amendments to the application have been made to address ecological concerns including removing the proposed landscape bunds and earthworks, and the site layout has been modified in order to retain key habitats where possible, in accordance with the BNG hierarchy.
- 10.90. As stated in the Arboricultural section of this report, the north boundary hedge and trees to the east which display Veteran features would be retained and are considered to hold ecological value. While the Ecology Officer requests amendment to the classification of the habitats distinctiveness to recognise a linear habitat of 'high' rather than 'low' distinctiveness, this can be clarified through a final BNG metric and compliance with the mandatory Biodiversity Gain Plan which would be secured by condition.
- 10.91. The proposed residual loss of elements of existing medium diversity habitats, which comprise Pine woodland and acid grassland, has been justified by the applicant in terms of the constraints of available land adjacent to the existing business park and the economic benefits of its expansion. The revised scheme minimises the loss of more valuable habitats, before seeking to provide compensation both elsewhere on site and on nearby land controlled by the applicant. The siting of the drainage basin is constrained by topography, but the Ecological Officer confirms that the design now seeks to better complement the existing damp acid grassland. An area of acid grassland would be lost through the development and where retention is not considered to be possible, compensation for it is now proposed on an area of land to the northeast, which has now been brought into the red line boundary.
- 10.92. Overall, the scheme is considered by the Ecological Officer to be compliant with the Biodiversity Hierarchy, subject to the approval of the Biodiversity Gain Plan, in accordance with the mandatory BNG condition following determination of the application. There is no change proposed in watercourse units, so the required 10% net gain for watercourses will need to be purchased, either through a habitat bank or via national credits prior to the approval of the BGP.
- 10.93. Despite the proposed improvements to the onsite habitat retention and creation detailed above, there will still be an outstanding deficit in onsite biodiversity units, which will require to be compensated for offsite to achieve a Biodiversity Net Gain of 10%. This can be achieved within the applicants' control as demonstrated within the supplementary BNG Location Plan showing a blue line boundary, for area habitats and for hedgerows. This proposed offsetting is required to be registered with Natural England prior to the approval of the Biodiversity Gain Plan and associated Habitat Monitoring and Management Plan. The resulting 'significant' BNG (both onsite and offsite) will require to be secured for a minimum of 30 years through a Section 106 agreement.

#### Environmental Health

- 10.94. Policy NE9 requires a land contamination risk assessment, of land to be developed or re-developed, taking into consideration the sensitivity of the end use, condition of the existing land and environmental sensitivity of the site.

- 10.95. Paragraph 196 of the NPPF requires planning decisions to ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation, as well as potential impacts on the natural environment arising from that remediation.
- 10.96. The application is supported by a Phase 1 contaminated land assessment compiled by JPG, author EGS, dated 27th April 2023 (reference 5177-JPG-XX-XX-RP-G-0604-S 2-P01).
- 10.97. The site is agricultural pastureland set adjacent to the phase 1 of the Harrogate West commercial site. A site walkover and desk top study has been undertaken and from this information it is deemed there is a low risk of contamination to the site end users via made ground associated with historical structures and track on site, chemicals associated with agricultural use, contaminants associated with historic clay pigeon shooting range and made ground associated with the adjacent site.
- 10.98. The Council's Environmental Health Team recommend conditions relating to ground contamination and the submission of a phase II land contamination report, remediation strategy, its implementation and the submission of a verification report. Subject to compliance with these conditions, the proposal is considered to comply with Local Plan Policy NE9 and provisions of paragraph 196 of the NPPF with regards to land contamination.

S106 Legal Agreement

- 10.99. The following Heads of Terms have been agreed with the applicant for this application.

<b>Table 1</b>		
<b>Category/Type</b>	<b>Contribution</b>	<b>Amount &amp; Trigger</b>
Biodiversity Net Gain	To secure the establishment and retention of the proposed post-development habitats both on and off-site and for maintenance, monitoring and reporting for a minimum period of 30 years.	Approval of Habitat Monitoring and Management Plan prior to commencement and completion of HMMP works within 12 months of occupation.
	BNG Monitoring Fee	£3,040 prior to commencement of development.
Highways	Travel Plan Monitoring	£2,500 prior to first occupation.
	Traffic Regulation Order	£3,000 prior to first occupation.

	Bus Service	£100,000 (£50,000 of first occupation and £50,000 of full occupation).
	Implementation of 7.5T weight limit	£30,000, prior to commencement of development.
Monitoring	S106 Monitoring	£571 index linked, prior to commencement of development.

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

## **11.0 PLANNING BALANCE AND CONCLUSION**

- 11.1. The development would provide 10 large to medium scale commercial units providing a total of 135,000 sq/ft of commercial space and would offer significant economic benefits to the Harrogate area, in line with the aims of the NPPF. The site is visually adjunct to phase 1 of the Harrogate West Business Park, set off Burley Bank Road with sustainable connections into Harrogate town centre. Officers consider that the proposal would be suitably designed and would accord with policies relating to the impact on landscape, amenity, highways, arboriculture, ecology, drainage and land contamination.
- 11.2. The principle of development does not accord with Local Plan Policies GS2 or GS3, however, the benefit of the provision of employment land is considered to have significant weight in favour of support. Other benefits relate to the provision of habitat improvement and BNG uplift.
- 11.3. Taking all matters into consideration, officers consider that the proposal represents an appropriate form of development and although there are some conflicts with policies in the Local Plan and with the NPPF, it is appropriate to attach significant weight to the material considerations detailed above which weigh in favour of the development.

## **12.0 RECOMMENDATION**

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

### **Recommended conditions:**

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

The development hereby permitted shall be begun on or before 3 years from the date of the granting of this consent.

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

## **Condition 2 Approved Plans**

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

Location Plan; drwg no. 022066-100, Rev A.  
Proposed Site Plan; drwg no. 022066-102, Rev D.  
Detailed Landscaping Plan; drwg no. 11492-FPCR-XX-XX-DR-L-0001-0008, Rev P05.  
Unit 1 Level 00; drwg no. 020103-SK200 REV A.  
Unit 1 Level 01; drwg no. 020103-SK201 REV A.  
Unit 1 Roof Plan; drwg no. 020103-SK202 REV A.  
Unit 1 Elevations; drwg no. 020103-SK300 REV A.  
Unit 2 Level 00 and roof plan; drwg no. 022066-SK203.  
Unit 3 Level 00 and roof plan; drwg no. 022066-SK204.  
Units 4-6 Level 00 and roof plan; drwg no. 022066-SK205.  
Units 7-8 Level 00 and roof plan; drwg no. 022066-SK206.  
Unit 9 Level 00; drwg no. 022066-SK207.  
Unit 9 Roof Plan; drwg no. 022066-SK208 .  
Unit 10 Level 00; drwg no. 022066-SK209.  
Unit 10 Roof Plan; drwg no. 022066-SK210.  
Bin and Cycle Store Plans and Elevations; drwg no. 022066-SK211  
Unit 2 Elevations; drwg no. 022066-SK301  
Unit 3 Elevations; drwg no. 022066-SK302  
Unit 4-6 Elevations; drwg no. 022066-SK303  
Unit 7-8 Elevations; drwg no. 022066-SK304  
Unit 9 Elevations; drwg no. 022066-SK305  
Unit 10 Elevations; drwg no. 022066-SK306  
Site Sections A-A: drwg no.022066-103, Rev B.  
Site Sections B-B: drwg no. 022066-104 , Rev C.  
Site Sections C-C: drwg no.022066-105, Rev C.  
Site Sections D-D: drwg no.022066-106, Rev C.  
Site Sections E-E: drwg no.022066-107, Rev C.  
Travel Plan V\_1.1, compiles by Fore Consulting Ltd.

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

## **Condition 3 Materials**

Before the first use of the materials in the external construction of the development hereby approved, samples of those materials shall have been made available on site for inspection by, and for the written approval of, the Local Planning Authority. Thereafter, the development shall be carried out in strict accordance with the approved details.

Reason: In the interests of safeguarding the special character of the street scene and landscape in line with policies HP3 and NE4, and provisions of the NPPF.

#### **Condition 4 Phase II Land Contamination Report**

Groundworks shall not commence until a land contamination Phase II Intrusive Site Investigation Report has been submitted to and approved in writing by the Local Planning Authority.

Reason; To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

#### **Condition 5 Contamination Remediation**

Where site remediation is recommended in the Local Authority approved Phase II Intrusive Site Investigation Report groundworks shall not commence until a land contamination remediation strategy has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall include a timetable for the implementation and completion of the approved remediation measures.

Reason; To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

#### **Condition 5 Land Contamination Remediation Strategy Implementation**

Land contamination remediation of the site shall be carried out and completed in accordance with the Local Planning Authority approved Remediation Strategy. 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; To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

### **Condition 6 Submission of Land Contamination Verification Report**

Following completion of any measures identified in the approved Remediation Strategy or any 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; To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

### **Condition 7 Detailed Plans of Road and Footway Layout**

Except for investigative works, no excavation or other groundworks or the depositing of material on site in connection with the construction of any road or any structure or apparatus which will lie beneath the road must take place on any phase of the road construction works, until full detailed engineering drawings of all aspects of roads and sewers for that phase, including any structures which affect or form part of the highway network, and a programme for delivery of such works have been submitted to and approved in writing by the Local Planning Authority.

The development must only be carried out in compliance with the approved engineering drawings.

Reason; To secure an appropriate highway constructed to an adoptable standard in the interests of highway safety and the amenity and convenience of all highway users.

### **Condition 8 Construction of Adoptable Roads and Footways**

No part of the development to which this permission relates must be brought into use until the carriageway and any footway or footpath from which it gains access is constructed to binder course macadam level or block paved (as approved) and kerbed and connected to the existing highway network with any street lighting installed and in operation.

The completion of all road works, including any phasing, must be in accordance with a programme submitted to and approved in writing with the Local Planning Authority before any part of the development is brought into use.

Reason; To ensure safe and appropriate access and egress to the premises, in the interests of highway safety and the convenience of all prospective highway users.

### **Condition 9 Visibility Splays**

There must be no access or egress by any vehicles between the highway and the application site units at Harrogate West Business Park Extension until splays are provided giving clear visibility of 43 metres measured along both channel lines of the major road within the Harrogate West Business Park Estate, from a point measured 2.4 metres down the centre line of the access road. In measuring the splays, the eye height must be 1.05 metres and the object height must be 0.6 metres. Once created, these visibility splays must be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason: In the interests of highway safety.

### **Condition 10 Provision of Access, Turning and Parking Area at Harrogate West Business Park**

No part of the development must be brought into use until the access, parking, manoeuvring and turning areas for all users at Harrogate West Business Park Extension 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 11 Travel Plans**

Prior to the first occupation of the development, an Updated Travel Plan must be submitted to and approved in writing by the Local Planning Authority. The Updated Travel Plan will include:

- agreed targets to promote sustainable travel and reduce vehicle trips and emissions within specified timescales and a programme for delivery;
- a programme for the delivery of any proposed physical works;
  
- effective measures for the on-going monitoring and review of the travel plan;
- a commitment to delivering the Travel Plan objectives for a period of at least five years from first occupation of the development, and;
- effective mechanisms to achieve the objectives of the Travel Plan by both present and future occupiers of the development.

The development must be carried out and operated in accordance with the approved Travel Plan. Those parts of the Approved Travel Plan that are identified therein as being capable of implementation after occupation must be implemented in accordance with the timetable contained therein and must continue to be implemented as long as any part of the development is occupied.

Reason; To establish measures to encourage more sustainable non-car modes of transport.

### **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. restriction on the use of the A59 Skipton Road / Burley Bank Road / Rowden Lane Junction for construction traffic purposes;
3. wheel and chassis underside washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway;
4. the parking of contractors' site operatives and visitor's vehicles;
5. areas for storage of plant and materials used in constructing the development clear of the highway;
6. measures to manage the delivery of materials and plant to the site including routing and timing of deliveries and loading and unloading areas;
7. details of the routes to be used by HGV construction traffic and highway condition surveys on these routes;
8. protection of carriageway and footway users at all times during demolition and construction;
9. protection of contractors working adjacent to the highway;
10. details of site working hours;
11. erection and maintenance of hoardings including decorative displays, security fencing and scaffolding on/over the footway & carriageway and facilities for public viewing where appropriate;
12. 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;
13. measures to control and monitor construction noise;
14. an undertaking that there must be no burning of materials on site at any time during construction;
15. removal of materials from site including a scheme for recycling/disposing of waste resulting from demolition and construction works;

16. details of the measures to be taken for the protection of trees;
17. details of external lighting equipment;
18. details of ditches to be piped during the construction phases;
19. a detailed method statement and programme for the building works; and
20. contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.

Reason; In the interest of public safety and amenity

### **Condition 13 CEcMP**

A Construction Ecological Management Plan (CEcMP) must be submitted for the written approval of the local planning authority prior to the commencement of works. The CEcMP should provide for the protection of retained habitats and for the prevention of harm to protected species (such as nesting birds) through the course of works. It must include the provision of appropriate faunal boxes, and for a sensitive lighting scheme for bats for the development, to be designed in accordance with Institute of Lighting Engineers/Bat Conservation Trust guidance (2023). Subsequent works must be undertaken strictly in accordance with the approved plan and a copy of the plan must be retained onsite and made available to site managers and operatives throughout the course of works.

Reason; To avoid harm to retained habitats and protected and priority species during the course of works and to prevent the spread of invasive species and to provide opportunities for wildlife to continue to be able to utilise the site, following its redevelopment.

### **Condition 14 Biodiversity Gain Plan Implementation**

The development shall be carried out in strict accordance with the approved Biodiversity Net Gain Plan.

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

### **Condition 15 Habitat Monitoring and Management Plan in line with Biodiversity Gain Plan**

No works relating to the development hereby permitted, shall commence until a Habitat Management and Monitoring Plan (the HMMP), prepared in accordance with the Biodiversity Gain Plan, has been submitted and approved by the Local Planning Authority. The MPPG shall include:

- (a) a non-technical summary;
- (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.

The development shall be carried out in strict 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 16 Biodiversity Net Gain Implementation of Habitat Enhancements**

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

(a) the habitat creation and enhancement works set out in the approved Habitat Management and Monitoring Plan (MMP) shall have been completed; and

(b)a completion report, evidencing the completed habitat enhancements, shall be 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 17 Biodiversity Net Gain Habitat Monitoring and Management Plan Management and Maintenance Compliance**

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 18 Biodiversity Net Gain Submission of Monitoring Habitat Monitoring and Management Plan**

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.

#### **Condition 19 Surface Water Details**

No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall, other than the existing local public sewerage, for surface water have been completed in accordance with details submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the site is properly drained and in order to prevent overloading, surface water is not discharged to the public sewer network.

### **Condition 20 Construction in accordance with Drainage and Flood Risk Plans**

The Development shall be built in accordance with the following submitted documents;

- Flood Risk Assessment, JPG, Reference 5177-JPG-XX-XX-RP-D-0623-S0-P03, Dated January 2025
- Drainage Impact Assessment, JPG, Reference 5177-JPG-XX-XX-RP-D-0624-S2-P02, Dated January 2025
- Drainage Maintenance Management Plan, JPG, Reference 5177-JPG-P3-XX-RP-D-0625-S2-P01, Dated January 2025

The flowrate from the site shall be restricted to a maximum flowrate of 7.2 litres per second. A 45% allowance shall be included for climate change for the lifetime of the development. Storage shall be provided to accommodate the minimum 1 in 100 year plus climate change critical storm event. The scheme shall include a detailed maintenance and management regime for the storage facility. Principles of sustainable urban drainage shall be employed wherever possible.

Reason; To ensure that the development is built to the submitted drainage design; to prevent the increased risk of flooding; to ensure the provision of adequate and sustainable means of drainage in the interests of amenity.

### **Condition 21 Flood Risk Mitigation during construction**

No phase of the development shall take place until detailed drawings have been submitted to, and approved by the Local Planning Authority demonstrating temporary flood risk measures to mitigate against the impact of flooding during the construction phases. The development shall be carried out in strict accordance with the approved details.

Reason: To ensure the provision of adequate and sustainable means of drainage in the interests of amenity and flood risk.

### **Condition 22 Acoustic Barriers**

Before the development is brought into use, the acoustic barriers as detailed within paragraphs 10.1.1 to 10.1.3 and Figure 3 of the Noise Assessment compiled by Miller Goodall, dated 21<sup>st</sup> July 2023, reference 101767-8 V6 shall be constructed. The acoustic fence shall be maintained throughout the life of the development.

Reason; In the interest of safeguarding future occupants from noise breakout.

### **Condition 23 Restriction of HGV deliveries**

No more than a total of 7 articulated HGV deliveries can occur each hour during the daytime (07:00-23:00) across the site.

No more than a total of 2 articulated HGV deliveries can occur within a 15 min period during the night (23:00-07:00) at units 9 and 10 only. No other units can accept articulated HGV nighttime deliveries.

No more than a total of 11 rigid HGV deliveries can occur each hour during the daytime (07:00-23:00) across the site.

No more than a total of 4 rigid HGV deliveries can occur within a 15 min period during the night (23:00-07:00) at units 7, 8, 9 and 10 only. No other units can accept rigid HGV nighttime deliveries.

Records shall be kept in relation to the above vehicle movements and made available to the Local Planning Authority where requested.

Reason; In the interest of safeguarding residential amenity.

### **Condition 24 Plant and Machinery Noise Limitation**

The rating level of sound emitted from any fixed plant and/or machinery associated with the development shall not exceed background sound levels between the hours of 0700-2300 (taken as a one hour LA90 at the sound sensitive premises) and shall not exceed the background sound level between 2300-0700 (taken as a 15 minute LA90 at the sound sensitive premises). All measurements shall be made in accordance with the methodology of BS 4142:2014+A1:2019 (Method for rating and assessing industrial and commercial sound) and/or its subsequent amendments.

Where access to the nearest sound-sensitive property is not possible, measurements shall be undertaken at an appropriate location and corrected to establish the noise levels at the nearest sound-sensitive property.

Any deviations from the LA90 time interval stipulated above shall be agreed in writing with the Local Planning Authority.

Reason; In the interest of safeguarding residential amenity.

### **Condition 25 Noise Management Plan**

No activities shall come into use at the site until a Noise Management Plan for the site has been submitted and approved by the Local Planning Authority. The approved Plan shall be adhered to throughout the life of the development and shall provide for the measures to control noise on site from affecting the nearest residents to the site, including:

- a. the parking of vehicles of site operatives and visitors
- b. loading and unloading of plant and materials
- c. Forklift trucks and HGV's etc. or any vehicle used on the application site shall be fitted with noise attenuated reversing alarms. All such alarms are to be kept in working condition and operable wherever vehicles are in used on the site.
- d. Limiting the hours of operation at the site.

Reason; In the interest of safeguarding residential amenity.

**Condition 26 Demolition and Construction Management plan:**

Before the commencement of the preparatory construction phase the applicant shall provide a written Construction Management Plan detailing how noise and dust from the demolition and construction activities will be minimised. This plan should be provided by a suitably competent person for the written approval of the Local Planning Authority. Such an assessment should identify all noise and dust mitigation measures to be employed during preparatory construction phases.

Such measures as approved shall be fully implemented and maintained during the preparatory and construction phases.

Reason; In the interest of safeguarding against unacceptable harm to amenity during demolition and construction.

**Condition 27 Restriction to Construction Management Hours**

Except in case of emergency no demolition and construction works or ancillary operations, including deliveries to and dispatch from the site which are audible beyond the boundary of the site shall take place on site other than between the hours of;

08:00-18:00 Monday to Friday

08:00-13:00 on Saturdays.

No work on Sundays or Bank Holidays

Reason; In the interest of residential amenity.

**Condition 28 Updated Arboricultural Impact Assessment**

No phase or sub phase of the development, including any tree removal or pruning (unless otherwise agreed in writing with the Local Planning Authority) is to commence until an updated Arboricultural Impact Assessment (AIA) (which accords with the principles of BS5837: 2012 Trees in relation to design, demolition and construction – Recommendations or subsequent amendments to the standard) for that phase or sub phase has been submitted and approved in writing by the Local Planning Authority. This will be a robust challenge to the submission, by the applicants Arboricultural Specialist, addressing the guidance within BS5837:2012 or subsequent amendments to the standard and working to the proviso that no development will be supported within Root Protection Area(s) (RPA).

Reason; In the interest of the health and visual amenity of trees to be retained.

### **Condition 29 Updated Arboricultural Method Statement and Root Protection Area**

No phase or sub phase of the development, including demolition or enabling works, is to commence until a detailed Arboricultural Method Statement (AMS), Root Protection Area (RPA) and alternative construction/protection measures required to address conflicts highlighted within the AIA that cannot be designed out and have overriding planning justification, has been submitted to and approved in writing by the Local Planning Authority. This must include a specification of tree protection measures and an auditable system of arboricultural supervision and monitoring requirements. It must also address how works close to retained trees will be achieved. The AMS will be implemented in full prior to any works taking place and during the development and tree protection measures must remain in place until completion is agreed with the Local Planning Authority. No retained tree(s) will be felled, pruned or otherwise impacted without the written approval of the LPA. The development shall thereafter be carried out in accordance with the approved details or any variation as may be subsequently agreed in writing by the LPA.

Reason; In the interest of the health and visual amenity of trees to be retained.

### **Condition 30 Landscaping Plan**

Prior to completion or first occupation of the development hereby approved, whichever is the sooner, full details of the treatment and management of all parts of the site not covered by buildings shall be submitted to and approved in writing by the Local Planning Authority. The site shall be landscaped strictly in accordance with the approved details in the first planting season following completion or first occupation.

### **Condition 31 Tree or Shrub Failure**

In the event of any 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; In the interest of visual amenity and longevity of planting scheme.

### **Condition 32 BREEAM Design Stage Certificate**

Within six months of the commencement of the development hereby permitted, 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 "Excellent". Thereafter the development shall be carried out in accordance with the approved details.

Reason: To safeguard the environment and mitigate climate change.

### **Condition 33 BREEAM Post Construction Stage Certificate**

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

Reason: To safeguard the environment and mitigate climate change.

### **Condition 34 Lighting details**

The external lighting shall be installed and maintained in accordance with the Light Impact Assessment compiled by Miller Goodall, author Philip Walton, dated 17th August 2023 reference 101767. Any variation from the approved plans must be submitted to and approved in writing by the Local Planning Authority.

Reason; In the interest of security and residential amenity.

### **Condition 35 Off Site Highways Works**

The following schemes of off-site highway mitigation measures must be completed as indicated below:

1. Connection of adopted roads between phase 1 and phase 2 (the development) to the Harrogate West Business Park, in line with Section 38 General Arrangement Plan (drwg no. 5177-JPG-P3-ZZ-DR-C-1650 S2 Rev. P02)
2. Improvements to pedestrian crossing to the Jubilee Roundabout, in line with 'Proposed Improvements at Jubilee Roundabout' Plan (drawg no. 3529 SK-101, Rev A0).
3. Provision of a 3m wide foot and cycle way to the southside of the access road, as a continuation from phase 1 of the Harrogate West Business Park, in line with Section 38 General Arrangement Plan (drwg no. 5177-JPG-P3-ZZ-DR-C-1650 S2 Rev. P02)
4. Provision of a 2m wide to the northside of the internal access road, as a continuation from phase 1 of the Harrogate West Business Park, in line with Section 38 General Arrangement Plan (drwg no. 5177-JPG-P3-ZZ-DR-C-1650 S2 Rev. P02)
5. Extension of double Yellow Lines along the internal roads to the development as a continuation from phase 1 of the Harrogate West Business Park.

The above highway improvement works must be carried out using an approved NYCC contractor and be completed prior to the proposed development's first occupation.

For each scheme of off-site highway mitigation, except for investigative works, no excavation or other ground works or the depositing of material on site in connection with the construction of any scheme of off-site highway mitigation or any structure or apparatus which will lie beneath that scheme must take place, until full detailed

engineering drawings of all aspects of that scheme including any structures which affect or form part of the scheme have been submitted to and approved in writing by the Local Planning Authority.

An independent Stage 2 Road Safety Audit must be carried out in accordance with GG119. Road Safety Audits or any superseding regulations must be included in the submission and the design proposals must be amended in accordance with the recommendations of the submitted Safety Audit prior to the commencement of works on site.

A programme for the delivery of that scheme and its interaction with delivery of the other identified schemes must be submitted to and approved in writing by the Local Planning Authority prior to construction works commencing on site.

Each item of the off-site highway works must be completed in accordance with the approved engineering details and programme.

Reason; To ensure that the design is appropriate in the interests of the safety and convenience of highway users.

## **Informatives**

- 1 In relation to condition 7 the Highways Authority provide the following clarity; It is recommended that in order to avoid abortive work, discussions are held between the applicant, the Local Planning Authority and the Local Highway Authority before a draft layout is produced and any detailed planning submission is made. To assist, the Local Highway Authority has provided below a full list of information required to discharge this condition. It should be noted that approval to discharge the condition does not automatically confer approval for the purposes of entering any Agreement with the Local Highway Authority. The agreed drawings must be approved in writing by the Local Planning Authority for the purpose of discharging this condition.
  - (1) Detailed engineering drawings to a scale of not less than 1:500 and based upon an accurate survey showing:
    - (a) the proposed highway layout including the highway boundary
    - (b) dimensions of any carriageway, cycleway, footway, and verges
    - (c) visibility splays
    - (d) the proposed buildings and site layout, including levels
    - (e) accesses and driveways
    - (f) drainage and sewerage system (with 100mm level contours and flow direction arrows shown)
    - (g) Road Marking and Signage Layout together with Sign Schedules
    - (h) traffic calming / traffic engineering measures
    - (i) all types of surfacing (including tactiles), kerbing and edging.

- (j) an A4 or A3 'Stick Diagram' of the Road Layout showing all roads to be constructed marked with a road number eg Road 1, Road 2, Road 2A, Road 3 etc
- (k) details of street furniture including bollards, fencing, seating, bins, bus stop infrastructure
- (l) details of vehicle restraint systems
- (m) details of existing utility services apparatus (overhead and underground)
- (n) details and specification of traffic signals, electronic systems, communications equipment
- (o) landscaping and planting details including all trees, hedges and low level planting
- (p) details of wayleaves, public rights of way
- (q) details of bin storage and bin collection points
- (2) Longitudinal sections to a scale of not less than 1:500 horizontal and not less than 1:50 vertical along the centre line of each proposed road showing:
  - (a) the existing ground level
  - (b) the proposed road channel and centre line levels
  - (c) full details of surface water drainage proposals, including SuDS features, storage tanks and attenuation systems
- (3) Full highway construction details including:
  - (a) typical highway cross-sections to scale of not less than 1:50 showing a specification for all the types of construction proposed for carriageways, cycleways and footways/footpaths
  - (b) when requested cross sections at regular intervals along the proposed roads showing the existing and proposed ground levels
  - (c) kerb and edging construction standard details
  - (d) typical drainage construction standard details.
- (4) Details of the method and means of surface water disposal.
- (5) Details of all proposed street lighting. (This plan is also to show New Trees (green); Existing Trees (Greyscale) and Removed Trees (red))
- (6) Drawings for the proposed new roads and footways/footpaths giving all relevant dimensions for their setting out including reference dimensions to existing features.
- (7) Full working drawings for any structures including retaining wall features which affect or form part of the highway network.
- (8) A programme for completing the works.

- 2 Details of issues to be covered in a Travel Plan can be found in Interim Guidance on Transport Issues, including Parking Standards at:

[https://www.northyorks.gov.uk/sites/default/files/fileroot/Transport%20and%20streets/Roads%2C%20highways%20and%20pavements/Interim\\_guidance\\_on\\_transport\\_issues\\_including\\_parking\\_standards.pdf](https://www.northyorks.gov.uk/sites/default/files/fileroot/Transport%20and%20streets/Roads%2C%20highways%20and%20pavements/Interim_guidance_on_transport_issues_including_parking_standards.pdf)

- 3 Applicants are reminded that in addition to securing planning permission other permissions may be required from North Yorkshire County Council as Local Highway Authority. These additional permissions can include, but are not limited to: Agreements under Sections 278, 38, and 184 of the Highways Act 1980; Section 38 of the Commons Act 2006; permissions through New Roads and Streetworks Act 1991 and Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996 (as amended and including all instruments, orders, plans, regulations and directions).

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

- 4 To make the proposals acceptable to the Local Highway Authority Traffic Regulation Orders will be required. This is governed by legislation outside the planning process and administered by the Local Highway Authority. Consequently, you should not commence your permitted works until details of the Traffic Regulation Order comprising double yellow lines on Harrogate West Business Park Access Road have been submitted to the Local Highway Authority. The approved details will be required to undergo the legal process required, including any public consultation -, at the applicant's expense. Subject to the successful completion of this legal process the measures will be implemented at the applicant's cost.
- 5 Onsite BNG, its establishment, maintenance and monitoring, through the implementation of a Biodiversity Enhancement and Management Plan, will need to be secured for a minimum period of 30 years through a Section 106 agreement, which will need to include provision for monitoring by the NYC Ecology Team.
- 6 Statutory Biodiversity Condition (Single Phase Development)

#### Deemed Condition

Development may not be begun unless:

- (a) a biodiversity gain plan has been submitted to the planning authority; and
- (b) The planning authority has approved the plan.

#### Key Requirements

The biodiversity gain plan must include<sup>[1]</sup>:

- (a) information about the steps taken or to be taken to minimise the adverse effect of the development on the biodiversity of the onsite habitat and any other habitat;
- (b) the pre-development biodiversity value of the onsite habitat;
- (c) the post-development biodiversity value of the onsite habitat;
- (d) any registered offsite biodiversity gain allocated to the development and the biodiversity and the biodiversity value of that gain in relation to the development;
- (e) any biodiversity credits purchased for the development; and
- (f) any such other matters as the Secretary of State may by regulations specify.

When calculating the post-development biodiversity value of a habitat, the planning authority can only take into account an increase in biodiversity value post-development

where it is satisfied that the habitat creation or enhancements delivering the increase will

be maintained for at least 30 years after the development is completed. This must be secured either by a planning condition, planning obligation, or conservation covenant<sup>[2]</sup>.

[1] Paragraph 14(2) of Schedule 7A TCPA 1990

[2] Paragraph 14(2) of Schedule 7A TCPA 1990

- 7 In relation to condition 30, the Landscaping officer clarifies that details shall include:
- 1) **Scaled landscape plan** showing:
    - Existing vegetation and features to be retained.
    - Proposed trees and plants with botanical names and locations.
  - 2) **Hard landscaping specifications**, including:
    - Permeable paving.
    - Tree pit design and rooting volume calculations for trees adjacent to or within hard surfacing
    - Underground modular systems (e.g. Silva Cell or equivalent).
    - Integration with Sustainable Urban Drainage Systems (SuDS).
    - Use within Root Protection Areas (RPAs).
  - 3) **Tree planting specifications**:
    - Rooting medium composition and volume (minimum 12 m<sup>3</sup> per street tree recommended).
    - Cross-section drawings of tree pits.
    - Irrigation and aeration systems.
    - Structural soil or load-bearing soil cells under hard surfacing.
  - 4) **Soft landscaping**:
    - Schedule of plants with sizes and densities.
    - Ground preparation and topsoil/subsoil specifications (BS 3882:2015 and BS 8601:2013).
    - Mulching, staking, and protection measures.
  - 5) **Landscape Management and Maintenance Plan**:
    - A five-year written maintenance programme.
    - Management responsibilities and operations schedule.
    - Replacement strategy for failed planting.
  - 6) **Boundary treatments**:
    - Types, materials, and dimensions of fences, walls, and railings.
- 8 This development is subject to a Planning Obligation made under Section 106 of the Town and Country Planning Act 1990.

**Target Determination Date:** 28 November 2025

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