

North Yorkshire Council

Community Development Services

Harrogate and Knaresborough Area Planning Committee

17 APRIL 2026

HGT20/01539/REMAJ - RESERVED MATTERS APPLICATION FOR THE EXTENSION TO THE HARROGATE SPRING WATER BOTTLING FACILITY, PURSUANT TO OUTLINE APPLICATION HGT16/05254/OUTMAJ, WITH ACCESS, APPEARANCE, LANDSCAPING, LAYOUT AND SCALE FOR CONSIDERATION.

AT

HARLOW MOOR ROAD, HARROGATE, NORTH YORKSHIRE, HG2 0QB

ON BEHALF OF

HARROGATE SPRING WATER LTD

Report of the Assistant Director Planning – Community Development Services

1.0 Purpose of the Report

1.1 To determine a reserved matters planning application for the extension to Harrogate Spring Water bottling facility, pursuant to outline application 16/05254/OUTMAJ, with access, appearance, landscaping, layout and scale being the only matters for consideration, on land at Harlow Moor Road, Harrogate, North Yorkshire, HG2 0QB.

1.2 The principle of the proposed development was established under planning application HGT16/05254/OUTMAJ.

1.3 This application is referred to the Planning Committee because there is significant public interest in the application such that it is appropriate for it to be considered by the Planning Committee.

2.0 EXECUTIVE SUMMARY

RECOMMENDATION: That reserved matters for access, appearance, landscaping, layout and scale is APPROVED subject to the conditions listed below and completion of a S106 agreement with terms detailed within the ‘S106 Legal Agreement’ section of this report.

2.1. The proposal is a reserved matters application pursuant to HGT16/05254/OUTMAJ for the extension to existing Harrogate Spring Water bottling facility, with access, appearance, landscaping, layout and scale for consideration, on land at Harlow Moor Road, Harrogate, North Yorkshire, HG2 0QB.

2.2. The site is located off Harlow Moor Road, immediately to the northwest of the Pine Woods and just outside the Harrogate Conservation Area. There is vehicular access directly off Harlow Moor Road, with parking and turning to the front of the building and access for delivery vehicles along the south side of the site.

- 2.3. The site is within the Pine Woods and Valley Gardens Special Landscape Area and there are Public Rights of Way to the north south, east and west of the site. Land to the southeast of the site, running from Crag Lane to the southwest and extending up to Valley Gardens to the northeast, is designated as a Local Green Space in the Local Plan (LGS 28 – The Pine Woods).
- 2.4. The principle of the proposed development was established under planning application HGT16/05254/OUTMAJ.
- 2.5. Members will be aware that the grant of outline permission amounts to a commitment by the planning authority to the principle of the development, disentitling them to refuse approval of reserved matters on grounds going to the principle of the development.
- 2.6. The report on the outline application considered the impacts of the proposed development on:
- The Economy of the District
 - Landscape
 - Trees
 - Ecology
 - Conservation Area
 - Highways
 - Drainage
 - Residential Amenity and
 - Asset of Community Value
- 2.7. The report acknowledged that the proposal would cause harm (in particular the loss of trees and the impact on ecology and the landscape) but concluded that the harm could be adequately mitigated such that the economic benefits of the proposal outweighed the harm. The application was considered by Harrogate Council planning committee and was granted planning permission on the 10th May 2017.
- 2.8. Condition 1 of the outline permission requires the reserved matters application to be in accordance with the Design and Access Statement, in particular the Development Parameters Plan (Fig 17) and Scale and Massing Plan (Fig 18) which are shown at Appendix B below. The submitted details are in accordance with these parameters.
- 2.9. Condition 2 states that an application for the approval of the reserved matters shall be made to the Local Planning Authority not later than three years from the date of this permission. The outline permission was issued on 10 May 2017 and the reserved matters application was made on 7 May 2020, within three years of the date of the outline permission.
- 2.10. The full report on the outline application is at Appendix D.
- 2.11. The application seeks approval for the access, appearance, landscaping, layout and scale and, therefore, the assessment of the application by the Council is limited to

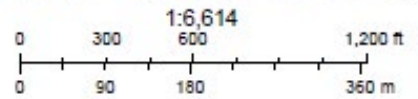
matters that may be impacted by these details, which are set out below. All other relevant matters were considered under the outline application and, where necessary, are controlled by conditions attached to the outline planning permission.

- 2.12. Officers have assessed the proposal against the policies in the local plan and national planning policy, having regard to the impacts related to the access, appearance, landscaping, layout, and scale of the proposed development. Officers consider the submitted details are acceptable or can be made acceptable by the proposed planning conditions and the signing of the s106 agreement.

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. Since the application was submitted a number of changes have been made in response to representations and consultee comments. The main changes are:
- Revisions to the proposed landscaping in response to comments from the Council's Ecologist, Landscape Officer and Arboricultural Officer. These include no new tree planting in the remaining Rotary Wood area to help retain the existing woodland habitat that has already established. This area is now well-established and it was not considered that additional planting would be beneficial to the habitat already present. In addition, an area immediately to the southwest of the site is now included for new woodland planting.
 - Improved public footpaths through the retained areas of Rotary Wood and within the new woodland with benches and picnic areas incorporated.
 - Building design amended to add interest in response to discussions with officers. Addition of timber cladding to the north-western elevation and reduction in extent of metal cladding. Timber clad feature windows incorporated to break up the elevation.
- 3.3. There are three relevant planning applications for this application which is detailed below.
- HGT16/05254/OUTMAJ – Outline application for the extension to existing bottling facility and associated works with access considered. Granted 10.05.2017. (3 years to submit REM application)
- HGT20/03402/AMENDS - Non-material amendment to allow for an extension to the deadline for the submission of any subsequent application for Reserved Matters under outline permission Ref 16/05254/OUTMAJ (for the extension of bottling plant) until 31 December 2020. Granted 09.09.2020. (*Reserved Matters application submitted 7.5.2020*)
- HGT20/01549/DISCON - Approval of details required under Condition 12 (ecological mitigation and management scheme) of outline permission Ref 16/05254/OUTMAJ for extension to existing bottling facility. Approved 08.04.2026
- 3.4. At its meeting on 28th October 2025, the Planning Committee resolved to defer the consideration of this reserved matter application because they wanted clarity on the contents of the S106 agreement and the discharge of Condition 12 before making a decision. Updates on these matters are provided within this report. The October 2025 committee report can be found at Appendix F.

4.0 Site and Surroundings

- 4.1. The site is bounded by trees and hedgerow on all sides and is located off Harlow Moor Road, immediately to the northwest of the Pine Woods (a designated Local Green Space under local plan policy NE6 – LGS28) and just outside the Harrogate Conservation Area and the development limits of the town. The site area is approximately 1.9 Hectares and the proposed floorspace approximately 4650 Square metres. There is vehicular access directly off Harlow Moor Road with parking and turning to the front of the building and access for delivery vehicles along the south side.
- 4.2. The site is within the Pine Woods and Valley Gardens Special Landscape Area and there are Public Rights of Way to the north south, east and west of the site. Land to the south of the site, running from Crag Lane to the southwest and extending up to Valley Gardens to the northeast, is designated as a Local Green Space in the Local Plan (LGS 28 – The Pine Woods).
- 4.3. The application site is part of the larger Pinewoods site, which is designated as an Asset of Community Value (ACV). ACV's are areas of land or buildings that are recognised for their importance in furthering the local community interests or social wellbeing.
- 4.4. This means that, were the Council minded to dispose of this land there would be a 6-week moratorium period where the Council could not dispose of it, and this would be publicised in the press.
- 4.5. During this moratorium period, local community interest groups may express intent to bid for the land. If a group expresses interest, then a full moratorium period of 6 months would apply. This gives local community groups the opportunity to put an offer together and place a bid. The asset cannot be sold during this time unless it is to a local community interest group. This process is outside of planning.
- 4.6. The site was designated as an ACV at the time the outline planning application was considered and approved and was referred to in the officer's report at that time.

5.0 Description of Proposal

- 5.1. This application seeks Reserved Matters approval, pursuant to 16/05254/OUTMAJ, for the extension to existing Harrogate Spring Water bottling facility, with access, appearance, landscaping, layout and scale for consideration.
- 5.2. The proposed extension is comprised of three linked building blocks with a combined floorspace of approximately 4800 Square metres. The maximum length is of the extension is approximately 105 metres, depth 60 metres and height 10 metres. These dimensions fall within the parameters required by condition one of the outline planning permission. The proposed site plan is included as Appendix A.

- 5.3. The company currently employs 70 people full-time. The proposed extension would create an additional 50 jobs.

6.0 Planning Policy and Guidance

- 6.1. The outline application considered the duty under section 38(6) of the Planning and Compulsory Purchase Act 2004 that 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 2020.
 - Minerals and Waste Joint Plan adopted 2022.

Emerging Development Plan – Material Consideration

- 6.3. The North Yorkshire Local Plan is the emerging development plan for this site though it is considered that only very limited weight can be applied to the emerging Plan as it is at an early stage of preparation.

Guidance - Material Considerations

- 6.4. Relevant guidance for this application is:
- National Planning Policy Framework 2024
 - National Planning Practice Guidance
 - National Design Guide 2021
 - Landscape Character Assessment - February 2004
 - Local Landscape Designations: Special Landscape Areas 2016
 - Harrogate Conservation Area Character Appraisal
- 6.5. A draft NPPF was issued by the Government for consultation on 16 December 2025, with a deadline for comments by 10 March 2026. Whilst this draft NPPF should only be afforded limited weight as a material planning consideration it is the view of Officers that the draft NPPF does not impact the assessment of this application. This is relative to the published Framework to which full weight is afforded as a material planning consideration.
- 6.6. Overall, it is not considered that there has been any material change in the applicable policies relevant to the decision that applied to the grant of outline permission and therefore no basis to consider whether there is a justification to re-visit any issues. As emphasised earlier the decision that is engaged now relates only to the acceptability of the reserved matters that are the subject of this Report.

7.0 Consultation Responses

- 7.1. The following consultation responses have been summarised below.

7.2. **Ward Member:**

- The site is an important natural and community asset.
- Ecological aspects need to be resolved particularly the requirements of Condition 12 of the outline permission to ensure there is full mitigation for ecological impacts.
- The applicant proposes to make up a 7.74 unit deficit via biodiversity credits, which are uncertain in supply and fail to secure local ecological outcomes.
- Limited Value of New Woodland Planting.
- Loss of established woodland cannot be offset in the foreseeable future, failing “no net loss of biodiversity.”
- Weak Links Between Ecology and Landscaping Plans
- No Section 106 draft has been provided for consideration without which, it is impossible to evaluate the application fully.
- Request clarification on procedural matters relating to the S106, the EIA screening and request that condition 12 be considered by the planning committee

7.3. **NYC Highways:** There is plenty of opportunity within the site to access, manoeuvre and turn so as to enter the site in forward gear and leave the site in forward Gear. The conditions attached to the outline consent are sufficient to control the details.

7.4. **NYC Ecology:** The package of biodiversity compensation which is being proposed by the applicant is now adequate to demonstrate that ‘no net loss of biodiversity’ can be achieved.

7.5. **NYC Landscape:** All the landscaping concerns have now been resolved and the landscaping scheme now proposed is acceptable.

7.6. **NYC Arboricultural Officer:** No Objection. Conditions proposed.

7.7. **NYC Economic Development:** Fully support the expansion of Harrogate Spa Water Ltd to enable major investment and growth. The proposal will bring significant economic benefits to the town and wider region including job creation and further enhancement of the ‘Harrogate brand’.

7.8. **NYC Footpath Officer:** No objection.

7.9. **Countryside Charity (CPRE):** Objection - loss of vital greenspace which provides biodiversity corridors and helps mitigate against climate change and the loss of a much-valued public amenity space. No EIA screening was carried out at outline

stage, raise concerns regarding the EIA screening now carried out and request the Council issues a new screening opinion, conditions 12 remains unsatisfied

7.10. **NYC Lead Local Flood Authority:** No objection.

7.11. **Yorkshire Water:** No observations to make on the proposal.

Local Representations

7.12. 1370 local representations have been received. Comments have also been received from Harrogate Town Council, local interest groups Harrogate Civic Society and Pinewoods Conservation Group, Harrogate Green Party, Save Rotary Wood Group, Zero Carbon Harrogate, Ramblers Association and the Rotary Club. A summary of the comments is provided below, however, please see website for full comments.

7.13. Support:

- They should be permitted to extend further, given their assurance of replacement trees elsewhere.

7.14. Grounds for objection include:

- Loss of trees, woodland and habitat
- Harm to ecology, biodiversity and wildlife
- Harmful to landscape character
- Loss of amenity/green space
- Unsustainable
- Noise pollution
- Increased traffic/HGVs, pollution and noise.
- Negative impact on road network and highway safety
- Negative impact on environment/climate change/carbon capture/greenhouse gas emissions
- Concerns about trade effluent
- Increased plastic bottle production/waste to landfill/microplastics
- Noise and traffic during construction
- Concerns about the amount of water that will be extracted/drought
- Increased pressure on public sewer
- Negative impact of light pollution
- Loss of asset of community value
- Loss of a community facility
- Increase in the number of single use plastic bottles
- Local infrastructure is overstretched
- Loss of legally protected Priority Habitat and Priority Species
- Job creation claims are unsubstantiated
- Undermines the towns tourism economy
- Concerns about conflict of interest
- The proposal is contrary to the councils own Beyond Carbon Strategy and declaration of a Climate Emergency
- Negative impact on public health and wellbeing
- Increased trade effluent

- Conflicts with national and local planning policy
- Depletion of water resources
- The scheme is larger than that proposed at outline
- Breach of Human Rights Principles and The Council Plan (2025-2029)
- The proposal should comply with current national policy in relation to biodiversity
- The extension doesn't have to be located next to the existing. It could be sited in a less sensitive site
- Concerns Regarding Potential Conflict of Interest
- Negative impact on the reputation of Harrogate and tourism
- Negative impact on the conservation area
- Raise concerns regarding the planning process undertaken by the Council in relation to the outline and reserved matters applications
- The legal agreement only covers 30 years
- Disagree with the Council's decision that EIA is not needed
- Request the screening is reconsidered or referred to the Secretary of State
- Request the discharge of condition 12 is brought before planning committee

Harrogate and District Green Party

- Contrary to Local and National Policy on Community Facilities and Assets
- Loss of Legally Protected Priority Habitat
- Ignores Statutory biodiversity and heritage protections
- Concerns Regarding Potential Conflict of Interest
- Fails to Support Priority Economic Sectors
- Development Within a Designated Conservation Area
- Contravenes Harrogate Local Plan Environmental Protections
- Harms Harrogate's Tourism Economy and Spatial Strategy
- No public benefits
- Risks Long term harm to Harrogate's environment, economy and community trust
- Loss of trees, woodland and habitat
- Harm to ecology, biodiversity and wildlife
- Loss of amenity/green space.
- Increased traffic/HGVs and traffic noise and pollution
- Highway safety concerns
- Local roads not suitable for HGV's and construction vehicles
- Negative impact on environment/climate change/carbon capture
- Increased plastic bottle production and resultant pollution
- Noise during construction
- Negative Impact on mental health and well-being
- The building is bigger than approved at outline
- Negative impact on landscape character and visual amenity
- Object to the use of weed killer (glyphosate) in management of site
- Increased pollution and landfill waste
- Increased water extraction could have a negative impact on the water table
- Rotary woods is designated as an Asset of Community Value
- The woods are important for learning opportunities
- Increased noise

Rotary Club of Harrogate (RCH)

- The wood was planted to commemorate 100 years of Rotary International
- Harrogate Rotary Club request that a legal agreement be put in place to compensate for the loss of Rotary Wood on the 30 wide strip of farmland adjacent to the southwest of the site, to be open to the public and maintained by Harrogate Spring Water. Subject to such an agreement, the RCH would not oppose the application.
- Confirm that consensus has been reached over the S106 agreement. Continue to maintain a neutral position in the planning process. Acknowledge there will be some short-term losses and long-term gains.

Harrogate Civic Society

- Concern about Climate Change
- Concern about Biodiversity
- Will renewable sources of energy be used
- Concerns about increased traffic
- Concerns about loss of trees
- Concerns about the loss of an asset of community value
- Concerns about impacts on the Special Landscape Area
- The building is too industrial in appearance
- Concerns about impact on residential amenity
- Planting should be concurrent with the site clearance work and not be delayed until the building is completed.

Pinewood Conservation Group

- Concerns about the accuracy of the submitted 'Net Biodiversity Statement' and other submitted ecological information
- Loss of trees, woodland and habitat
- Harm to ecology, biodiversity and wildlife
- Concerns about impact on foraging bats
- Condition 12 (Ecological Surveys) of the outline cannot be discharged
- Incomplete Mitigation and Management Scheme
- Over-reliance on Offsetting and Habitat Banks
- Disputed Baseline Assessments
- Woodland Creation is Not Equivalent Compensation
- Lack of Integration with Landscaping
- The Reserved Matters application should not be approved until a lawful and complete ecological mitigation and management scheme is submitted
- The outline permission has lapsed
- The application is procedurally and substantively inconsistent with the outline approval
- Absence of a s106 agreement
- Biodiversity Net Gain not achieved
- Not compliant with national and local policy
- Loss of publicly used green space and Asset of Community Value
- The trading rules have not been satisfied

- The woodland to the north-east is already wet woodland
- The BNG assessment does not meet the 10% net gain
- Request the reserved matter application and discharge of condition 12 be determined by planning committee
- Request the Council reconsider an earlier request to TPO the trees on site
- Disagree with the view that the trees should not be protected by TPO
- Disagree with the Council's decision that the development is not EIA development
- The S106 does not meet the requirements of the Rotary Club of Harrogate
- Request the Council undertakes an appraisal on the economic benefits of the proposal

Save Rotary Wood Group

- The proposal would cause substantial ecological harm
- Further loss of public amenity
- Proposal conflicts with council policy in relation to climate change and with climate emergency
- Harm to landscape and trees
- Mismanagement of woodland areas
- Infrastructure and water issues
- Impact on protected species
- Concerns about trade effluent
- Concerns about noise and residential disturbance
- Concerns about the impact on highway safety and traffic
- Breach of human rights principles specifically Article 2 of the Human Rights Act because the proposal poses a real threat to the health of the planet and people during a climate emergency
- Harmful impact of increasing use of single use plastics
- NYC has a pecuniary interest in the land
- Rotary Woods is an asset of Community Value
- Legal and procedural concerns
- Development/expansion can occur elsewhere/Water can be sourced and bottled off site. This means the woodland could be preserved.
- Disagree with the Council's decision that EIA is not needed
- Request the screening is reconsidered or referred to the Secretary of State
- Request the discharge of condition 12 is brought before planning committee
- Concerns that the S106 agreement only covers 30 years

Zero Carbon Harrogate

- Concerned at the size of the development now being proposed and the impact on ecology and trees.

Ramblers Association

- Object to the increase production of bottled water.

Harrogate Town Council

- There is significant public objection
- Loss of green space and woodland
- Inadequate justification of economic need
- Conflict with local emerging policies

8.0 Environment Impact Assessment (EIA)

- 8.1. The development proposed falls within the description at paragraph 10(b) of Schedule 2 of the Environmental Impact Assessment Regulations 2017 (as amended) as the development includes more than 1 hectare of urban development which is not dwellinghouse development. The inclusion of a proposal within Schedule 2 does not in of itself mean that an EIA is necessary but requires that consideration be given to whether the development may be of significant environmental impact or its size that could require an EIA to be undertaken. The 2017 Regulations only apply to those projects which are likely to have significant effects on the environment. The Council carefully considered whether the project should be subject to an Environmental Impact Assessment and determined that it was not likely to have a significant effect on the environment. The EIA Screening Opinion has been carried out by the Council in November 2025 which concluded that the development was not EIA development. No Environmental Statement has therefore been requested in support of this application.

9.0 Main Issues

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

- Principle of development
- Access
- Appearance
- Scale
- Layout
- Landscaping
- Other Matters

10.0 ASSESSMENT

Principle of Development

- 10.1. The principle of the proposed development was established under planning application 16/05254/OUTMAJ - Outline application for the extension to existing bottling facility and associated works with access considered. Granted 10.05.2017. Consideration of this reserved matters application is limited to the matters of access, appearance, scale, layout and landscaping.
- 10.2. The outline consent included a condition that tied the building to a set of parameters in terms of the height, width and length of the building and the position on the site.

The details submitted with the submitted reserved matters application fall within the approved parameters.

- 10.3. Under the outline planning application, the impacts of the proposal on the landscape, trees, ecology, the conservation area and residential amenity were considered, in the context of the size parameters set out in the Design and Access Statement (which were conditioned). It was acknowledged that the proposal would harm the landscape of the Special Landscape Area and would also be likely to have a negative impact the setting of the Conservation Area. In the planning balance, it was concluded that the harm could be mitigated, and subject to such mitigation, it was concluded overall that such harm was outweighed by the economic benefits of the proposal.
- 10.4. The proposal is in accordance with the parameters set out in the outline planning permission and therefore all there remains to be considered under the reserved matters application is whether the details of the access, appearance, landscaping, layout and scale are acceptable.
- 10.5. These remaining issues are now addressed.

Access

- 10.6. Access into the site from Harlow Moor Road was considered and approved at the outline stage. This reserved matter relates to access issues within the site.
- 10.7. Local Plan policy TI3 requires development to provide appropriate parking on site.
- 10.8. Access within the site is in accordance with the development parameters agreed at outline. NYC Highways have confirmed that the proposed layout shows plenty of opportunity within the site to access, manoeuvre and turn so as to enter the site in forward gear and leave the site in forward gear. They have confirmed that conditions attached to the outline consent are sufficient to control the details.
- 10.9. The proposal complies with relevant local plan policies in so far as they relate to access.

Appearance

- 10.10. This reserved matter relates to aspects of a building or place which affect the way it looks, including the exterior of the development. This could impact on the visual amenity of the area.
- 10.11. In considering this particular matter it is considered that there are a number of local plan policies that can be considered in this regard, and these are listed below.
- 10.12. Local plan policy HP2 seeks to protect heritage assets, including Conservation Areas and Registered Parks and Gardens.
- 10.13. Policy HP3 seeks to protect the spatial qualities and character of an area.

- 10.14. Policy HP5 seeks to protect the amenity and recreational value of public rights of way.
- 10.15. Local Plan policy NE4 seeks to protect landscape character, particularly within Special Landscape areas, which are valued locally for their high-quality landscape and their importance to the settings of Harrogate and other towns.
- 10.16. Local Plan policy NE6 seeks to protect local green spaces such as the Pinewoods.
- 10.17. Harlow Moor Road forms the boundary to the Harrogate Conservation Area, so the site lies outside, but adjacent to the Conservation Area. Valley Gardens is a Grade II Registered Park to the east of the site and the boundary is also on Marlow Moor Road. It is not considered that any of the settings of the Listed Buildings located within the Registered Park are affected as they are physically too remote from the development being considered.
- 10.18. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas. There is no statutory duty to protect the setting of Conservation Areas, although, this is protected as a material consideration through the NPPF and Local Plan. Registered Parks are also designated heritage assets and are similarly protected as a material consideration through the NPPF and Local Plan.
- 10.19. In the determination of the outline application, the Conservation Officer recommended that the size of the extension should be limited to ensure that space is provided for adequate planting to mitigate the impact. The planning balance carried out at that time concluded that subject to mitigation, the proposed development would not cause significant or demonstrable harm to the setting of the Harrogate Conservation Area and Registered Park.
- 10.20. As discussed within this report, the reserved matters application is within the parameters of the outline permission which controlled the maximum scale of the building, the development area and space for tree planting.
- 10.21. The design of the building was not a consideration at the time of the outline application. The building design has been amended through the application process to add timber cladding and glazing and reduce the extent of metal cladding, in response to discussions with officers. The appearance of the building is considered to be acceptable.
- 10.22. The impact on heritage assets was assessed at outline stage, but officers considered it appropriate to re-visit these matters once the final design of the building and appearance of the proposal was finalised as set out in the application before members. The context of the site is important. The development is for an extension to an existing building, and the extension is located on the western side, away from the boundary of the Conservation Area and Registered Park. Views from these important heritage assets to the site would be limited due to the topography of the site, the

existing boundary landscaping and the presence of the existing building. Additional tree planting is proposed around the extension which would further soften the development in glimpsed views.

- 10.23. The law requires that considerable importance and weight has to be given to the statutory duty and the application of policy in NPPF concerning heritage assets. Taking the above into consideration, the development would not produce an impact on the setting of the Conservation Area or Registered Park in this case such that the significance of the heritage assets would be harmed. As such, the character and appearance of the Conservation Area would be preserved, the effect of the development on the setting of the Conservation Area would not detract from the Conservation Area or its significance, and the development would not affect the Grade II listed Registered Park.
- 10.24. Views into the site from the Pinewoods Local Green Space and public rights of way to the south, east and west of the site are limited due to existing levels and retained planting. The north-western elevation is more prominent, and additional landscaping is proposed along this boundary. Furthermore, the elevational treatment has been amended to include more detailing and variation in materials and openings to create an active frontage. Translucent glazing with timber vertical mullions will be incorporated to break-up the elevation and a mixture of timber cladding and metal cladding will be incorporated.
- 10.25. Officers consider that the appearance of the building is not out of character with the existing building and will not result in any significant impact on the character or amenity of the area. The appearance of the proposed building is, therefore, considered to be acceptable.
- 10.26. The proposal complies with relevant local plan policies in so far as they relate to appearance.

Landscaping

- 10.27. This relates to the improvement or protection of the amenities of the site and the area and the surrounding area, this could include planting trees or hedges as a screen.
- 10.28. It should be noted that the issue of principle concerning the loss of trees in Rotary Wood was considered under the outline application and was deemed to be acceptable subject to the conditions of that consent.
- 10.29. The proposed landscaping scheme has been amended through the application process in response to comments from NYC Landscape Officer, Arboricultural Officer and Ecologist. The revised landscaping scheme retains trees around the perimeter of the Site along with enhanced planting. The applicant has added a 30m by 280m strip of agricultural land immediately to the southwest of the site for new woodland planting. They have also included improved public footpaths through the retained areas of Rotary Wood and within the new woodland. These open space areas will be open to the public and provide connectivity with Rotary Woods (see appendix A). The permissive footpaths within the retained areas of Rotary Wood will be secured by

condition and managed by the applicant for the duration of the lease period. The off-site permissive footpaths will be controlled by the s106 legal agreement.

- 10.30. Officers now consider that the proposed landscaping is acceptable and provides adequate mitigation for the impacts of the proposal on the landscape character and visual amenity of the area.

Layout

- 10.31. This includes buildings, routes and open spaces within the development and the way they are laid out in relations to buildings and spaces outside the development.
- 10.32. The proposed layout is in accordance with the parameters agreed under the outline planning permission and the Applicant has improved on it by adding the new area of woodland planting to the southwest of the site (see appendices B and C).
- 10.33. Officers consider that the proposed layout is acceptable in these circumstances.

Scale

- 10.34. This includes information on the size of the development, including each proposed building.
- 10.35. As noted earlier the proposed extension is comprised of three linked building blocks and would provide an additional 4,800 sqm. of floorspace. The finished ground levels of the site will be approximately 4 to 6 metres below the ground level outside the site.
- 10.36. A Scale and Massing Plan in the Design and Access Statement submitted in support of the outline planning application sets limits for the dimensions of each of the three elements (See appendix C).
- 10.37. The parameters conditioned and the building now proposed is set out in the table below.

	Length	Width	Height	Dimensions proposed under REM application
Block 1	Min: 75 metres Max: 77.5 metres	Min: 30 metres Max: 32.5 metres	Min: 7 metres Max: 10 metres	L - 75m W - 30m H - Max 10m
Block 2	Min: 40 metres Max: 42.5 metres	Min: 30 metres Max: 32.5 metres	Min: 7 metres Max: 10 metres	L - 40m W - 30m H - Max 10m
Block 3	Min: 30 metres Max: 32 metres	Min: 45 metres Max: 47.5 metres	Min: 5 metres Max: 7 metres	L - 30m W - 45m H - 6.86m

- 10.38. As can be seen from the table above, the length and width of the blocks are at the minimum parameters set out under condition No. 1 of the outline planning permission. If the dimensions were reduced, the proposed scheme would not comply with condition No 1. The heights of the proposed blocks are within the conditioned parameters.
- 10.39. In the above circumstances, officers are satisfied that the scale of the proposed building is acceptable and will not have an unacceptable impact on the character and visual amenity of the area, subject to the implementation of the proposed landscaping scheme,

10.40. Other Matters

Conditions on the outline planning permission

- 10.41. Condition 10 states: A detailed scheme for landscaping, including the planting of trees and or shrubs shall be submitted to the Local Planning Authority as part of the submission of reserved matters; such scheme shall include on and off-site planting, and shall specify types and species, a programme of planting and the timing of implementation of the scheme, including any earthworks required.

Comment: A detailed landscaping scheme has been submitted as part of the reserved matters application. This has been assessed by NYC Landscape Officer, Arboricultural Officer and Ecologist and they have confirmed that it is acceptable.

- 10.42. Condition 12 states: A further ecological survey of the application site and the immediately surrounding area shall be undertaken in late spring/early summer. The results shall be utilised to inform an ecological mitigation and management scheme which shall be submitted for the written approval of the local planning authority prior to the submission of any reserved matters or full application for the site. The ecological mitigation scheme shall consider the range of habitats on the application site and on the existing Harrogate Spa Water Site and should be fully integrated with the landscaping scheme for the site. Full mitigation for the extent of loss of plantation woodland may require consideration of compensation on adjacent land off-site in accordance with Condition 10. Any such proposals will require to be integrated into the ecological mitigation and management scheme for the site.

Comment: A valid application to discharge the requirements of the above condition was received by the planning authority on 6 May 2020 (i.e. prior to the submission of the reserved matters). The reserved matters application was received by the planning authority on 7 May 2020.

Requests were made for the discharge of condition 12 application to be referred to the planning committee for decision.

NYC Ecologist confirmed that sufficient information had been submitted to discharge the condition. The condition was discharged on 08.04.2026. The report can be found on the public file under planning reference HGT20/01549/DISCON.

Matters raised in representations

10.43. A number of concerns raised in the representations relate to the principle of the development. This includes the request for the Council to undertake an appraisal on the economic benefits of the proposal. This application relates to the reserved matters of access, scale, landscaping, appearance and layout only. The principle of development was accepted at outline stage and therefore these comments are not considered further. The Courts have been clear that where an outline planning permission has been granted it is not open to a planning authority to visit matters which have been approved in principle at the outline stage (C G Fry & Son Limited v Secretary of State for Housing, Communities and Local Government 2025 UKSC 35). Lord Sales at paragraph 69 of the Fry case succinctly summarised the key elements of the applicable law as follows:

“Where an outline planning permission has been granted it is not open to a planning authority to revisit matters which have been approved in principle at the outline stage; and some element of development must be acceptable on the site within the ambit of the outline permission ... Where an outline permission reserves matters for the subsequent approval of a local planning authority, the extent to which the authority can withhold approval is restricted to what has been expressed to be so reserved and it is not permitted to go back on points of principle which it has accepted by granting permission ...”

10.44. EIA Screening - Concerns have been raised regarding the lack of screening at the outline stage. Whilst it is acknowledged that a screening exercise was not carried out at the outline stage, the development could not be implemented until approval of the reserved matters. The outline permission was granted and so it would not be defensible to refuse the reserved matter application on this basis. Legal advice has been sought on this matter, and it has been confirmed that screening could lawfully be done at the reserved matter stage. This was done and the development was considered as a whole. It was concluded that an EIA was not required under the 2017 Regulations on the basis that the project was not considered likely to have significant effect on the environment. Representations have also been received disagreeing with the Decision that the development is not EIA development. Tom Gordon MP made a formal request to the Secretary of State asking that they issue a screening direction for the application. The SoS responded to this request, stating that they do not consider the case specific facts indicated a need to exercise the power under regulation 5(6) and therefore declined to issue a screening direction.

10.45. Ecological Impacts – Ecology is not a reserved matter and is therefore not a matter for consideration under this application. Ecological Mitigation is covered by condition 12 of the outline planning permission which as set out above, has been discharged.

10.46. Matters such as sustainability, infrastructure issues, increased trade effluent, residential amenity, highway safety, impact on climate change, increased plastic bottle production, the amount of water being extracted, and other matters have also been raised in representations but, again, these are not reserved matters and are not therefore for consideration under this application.

- 10.47. The Pinewood's Conservation Group requested the Council reconsiders an earlier decision not to protect the trees on site with a TPO. The Council reconsidered this request in December 2025 but ultimately decided not to make a TPO. As part of the outline application, a planning balance was carried out which concluded that the adverse impacts of the development, which included the loss of trees, can be adequately mitigated such that the benefits of the scheme outweighed the harm. Replacement planting was secured by condition. As such, it is not considered appropriate or expedient to revisit the issue of making a TPO in circumstances when the Council had considered the removal of trees as being acceptable.
- 10.48. Reference has also been made to a conflict of interest in reference to the fact that the land is the ownership of NYC. Land ownership is not a material planning consideration and is given no weight in the assessment of the proposal by the Local Planning Authority.
- 10.49. Concerns have also been raised about conflict with national and local planning policy. The outline application was assessed against the planning policies relevant at the time and was found to be acceptable. The reserved matters application is limited to consideration of matters directly impacted by access, appearance, landscaping, layout and scale. These have been assessed by officers and are considered to be acceptable.
- 10.50. Breach of Human Rights because the proposal poses a real threat to the health of the planet and people during a climate emergency. The principle of the development has been established under the outline application and the matters for consideration under the reserved matters application (landscaping, layout, scale and appearance) will have no significant impact on the health of the planet or of people.
- 10.51. Legal and Procedural Concerns – The reserved matters application was received within the timescales allowed under the outline permission, as was the application to discharge condition 12 (Ecology) of that permission. The application has been with the planning authority since 2020. This is largely due to the applicant reviewing the proposal in light of consultation responses and representations. Whilst the length of time it has taken to get the application to planning committee is not ideal, officers do not consider that this or any other aspects of the handling of the application raise any legal or procedural concerns.
- 10.52. As has been stated throughout this Report it is important to bear in mind the range of matters that can properly be considered and the only matters for consideration under this application are access, landscaping, scale, layout and appearance and consideration of the application is limited to matters that may be impacted by these details, which are discussed above. All other relevant matters are controlled by conditions attached to the outline planning consent.

S106 Legal Agreement

- 10.53. The first draft of the legal agreement was submitted to the Council in November 2025. A number of amendments to the legal agreement have been made since then,

following discussions between the parties. The final version was uploaded to the public file on 26th March 2026.

- 10.54. The legal agreement secures the off-site woodland planting area and public access to this area. The area of off-site woodland is shown at on Landscape Hard and Soft GA Plan – RG-LD-101 Rev G (Appendix E to this report).
- 10.55. The legal agreement requires detailed elements of the footpaths and management of the woodland to be submitted to the Council prior to the commencement of the development. The woodland planting is required to be delivered in the first planting season following approval of the off-site woodland planting scheme. The public footpaths are required to be delivered within 12 months of commencement of development.
- 10.56. The legal agreement secures the woodland planting and public access for a period of 30 years following the completion of the woodland or the ceasing of the operational use of the development (whichever is the latest).
- 10.57. The above requirement is considered necessary to compensate for the area lost to accommodate the new building.
- 10.58. 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.
- 10.59. Comments relating to the S106 have been made since the publication of the first draft in November. The Pinewoods Conservation Group state that the S106 does not meet the terms of the Rotary Club, however, this stance is not reflected in the representation made by the Rotary Club. Concerns have also been raised that the mitigation period is only 30 years. However, the period is the latest of 30 years from the completion of the woodland or when the operational use ceases. The 30-year period has been deemed an acceptable timeframe to allow the woodland to mature.

Request for the application to be called in

- 10.60. A formal request was made by Tom Gordon MP to the Secretary of State asking that he call in the reserved matters application. The SoS responded to this letter, confirming that they are content that the application should be determined by the local planning authority and therefore declined to call in the application. The reserved matter application must therefore be decided by planning committee.

11.0 PLANNING BALANCE AND CONCLUSION

- 11.1. The principle of the development has been established under the outline planning permission. Planning law is clear that a reserved matters application needs only to address the reserved matters as the principle of development and associated technical matters are approved as part of the outline planning consent.

- 11.2. The matters for consideration under this application only relate to access, scale, layout, appearance and landscaping. The scale, access and layout comply with the parameters conditioned at outline stage and are considered to be acceptable. The proposed landscaping has been reviewed by officers and amended through the application process and is considered to be acceptable. The appearance has been altered through the application in response to officer comments and is also considered to be acceptable.
- 11.3. All other aspects of the proposed development such as highway impacts, flood risk, noise, land contamination and ecology were assessed under the outline application and are, where necessary, controlled by the conditions on the outline consent.
- 11.4. In the above circumstances it is considered the details of the reserved submitted for consideration are acceptable. The application should therefore be approved.

12.0 RECOMMENDATION

- 12.1 That reserved matters for access, appearance, landscaping, layout and scale is APPROVED subject to conditions listed below and completion of a S106 agreement with terms detailed within the 'S106 Legal Agreement' section of this report.

Recommended conditions:

Condition 1 - Time Limit

The development to which this approval of reserved matters relates shall be begun before the expiration of two years from the date of this permission.

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

Condition 2 - Approved Plans

The development hereby approved shall be carried out in accordance with the following approved plans as amended by other conditions of this consent:

Building Sections - Drawing No. PL(00)041 Rev H
 Proposed Elevations - Drawing No. PL(00)030 Rev I
 Proposed Roof Plan – Drawing No. PL(00)021 Rev H
 Proposed Ground Floor Plan – Drawing No. PL(00)020 Rev I
 Proposed Site Plan – Drawing No. PL(00)010 Rev K
 Site Location Plan – Drawing No. PL(00)001 Rev G
 Off-Site Landscape Hard and Soft GA Plan – Drawing No. RG-LD-101 Rev G
 Landscape Hard and Soft GA Plan – Drawing No RG-LD-100 Rev G

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

Condition 3 – Materials

Prior to their use, samples of materials to be used in the construction of the external surfaces of the building shall be submitted to and approved in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity.

Condition 4 - Perimeter fencing, Benches, Picnic tables

Prior to the installation/use, full technical details of the proposed perimeter fencing, benches, picnic tables, bridge and any hard landscaping materials and retaining walls shall be submitted to and approved in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity and the general amenity of the area.

Condition 5 - Landscape Details

Prior to the excavation of any foundation trenches, a landscaping implementation strategy shall be submitted to and approved in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved details.

Reason: To ensure the approved landscaping is delivered in a timely manner.

Condition 6 – Replanting

Prior to the excavation of any foundation trenches, full details of all proposed tree planting shall be submitted to and approved in writing by the Local Planning Authority. This shall include planting schedule, planting and maintenance specifications, including cross-section drawings, use of guards or other protective measures and confirmation of location, species and sizes, nursery stock type, supplier and defect period. All tree planting shall be carried out in accordance with those details and be undertaken the first planting season (October – end of February) after commencement of works that form the basis of the planning consent. Any trees that are found to be dead, dying, severely damaged or diseased within five years of the completion of the building works or ten years of the carrying out of the landscaping scheme (whichever is later), shall be replaced in the next planting season by specimens of equivalent size and species in the first suitable planting season.

Reason: In the interests of visual amenity.

Condition 7 – Tree Works

Prior to any tree works on site in reference to this application the local planning authority shall be given 28 days notice in writing with a named tree contractor, site specific risk assessment, arboricultural method statement (AMS) and evidence of public liability insurance. All documents to be approved in writing prior to works commencing on site. All removals to be undertaken between November and February.

Reason: To ensure the removal of trees is carried out in an appropriate manner.

Condition 8 – Footpaths

Within 12 months from the commencement of development, the on-site footpaths as shown on approved plan Landscape Hard and Soft GA Plan – Drawing No RG-LD-100 Rev G, must be delivered and made available to the public. The footpaths must be maintained and kept available for the public for the duration of the lease period.

Reason: In the interests of public amenity.

Condition 9 – External Lighting

Prior to the installation of any external lighting, a lighting plan must be submitted to and approved in writing by the Local Planning Authority. The plan must show the type and locations of external lighting and the expected light spill in lux levels, demonstrating that areas to be lit will not adversely impact biodiversity.

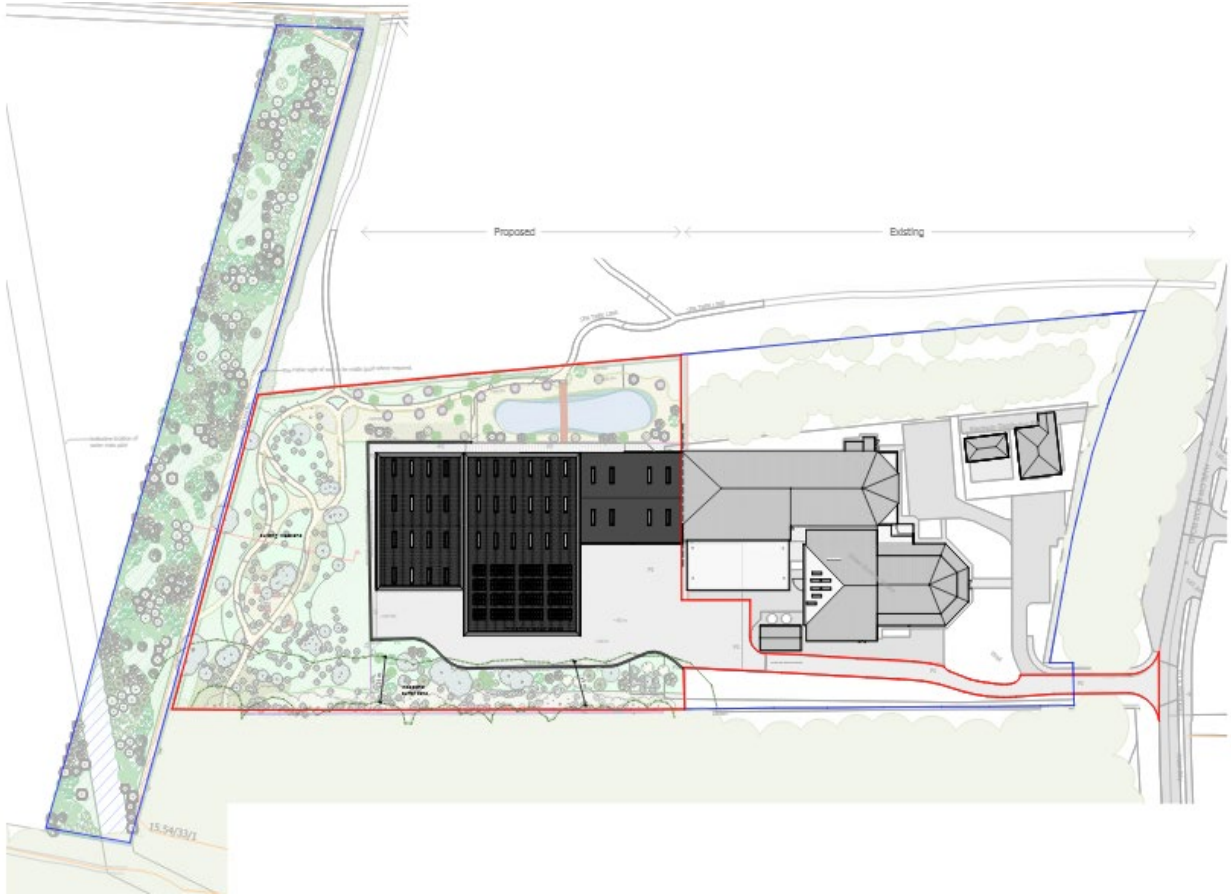
All external lighting shall be installed in accordance with the specifications and locations set out in the approved plan and once installed shall be maintained thereafter.

Reason: In the interests of biodiversity.

Case Officer: John Worthington, john.worthington@northyorks.gov.uk

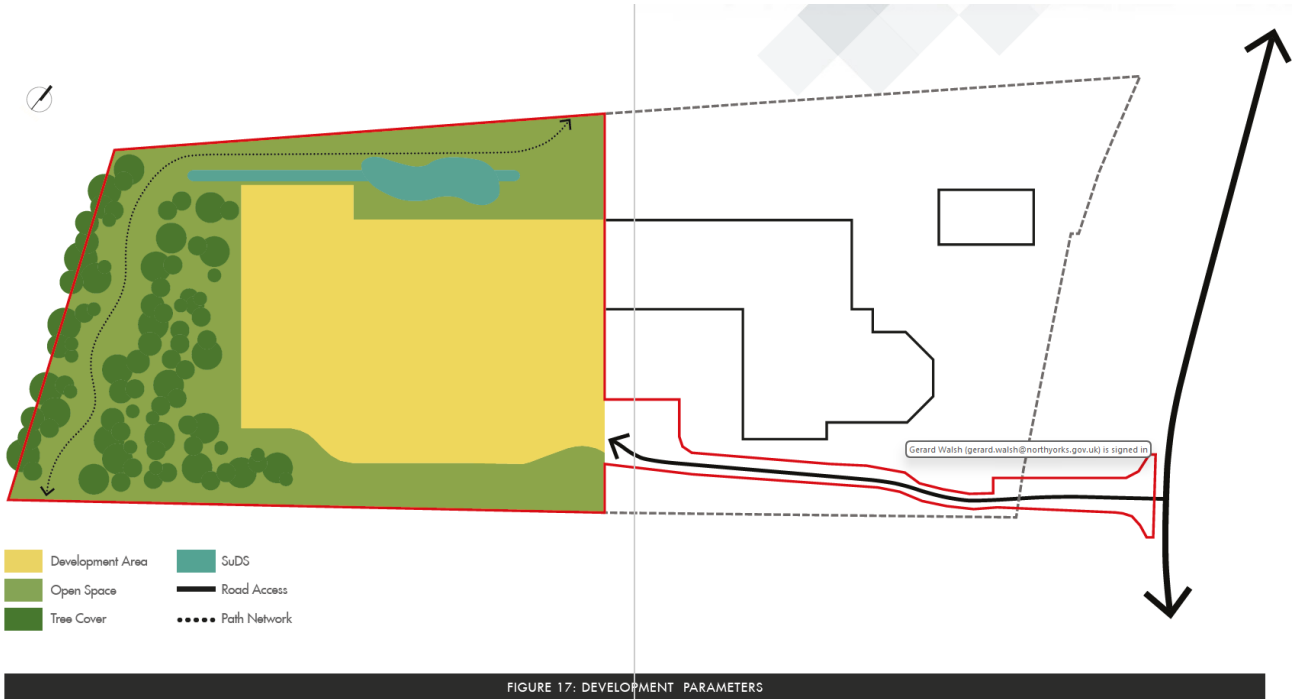
Appendix A

Proposed Site Layout Plan



Appendix B

Development Parameters agreed under the outline permission.



Appendix C

Scale and Massing parameters agreed under the outline permission

SCALE AND MASSING

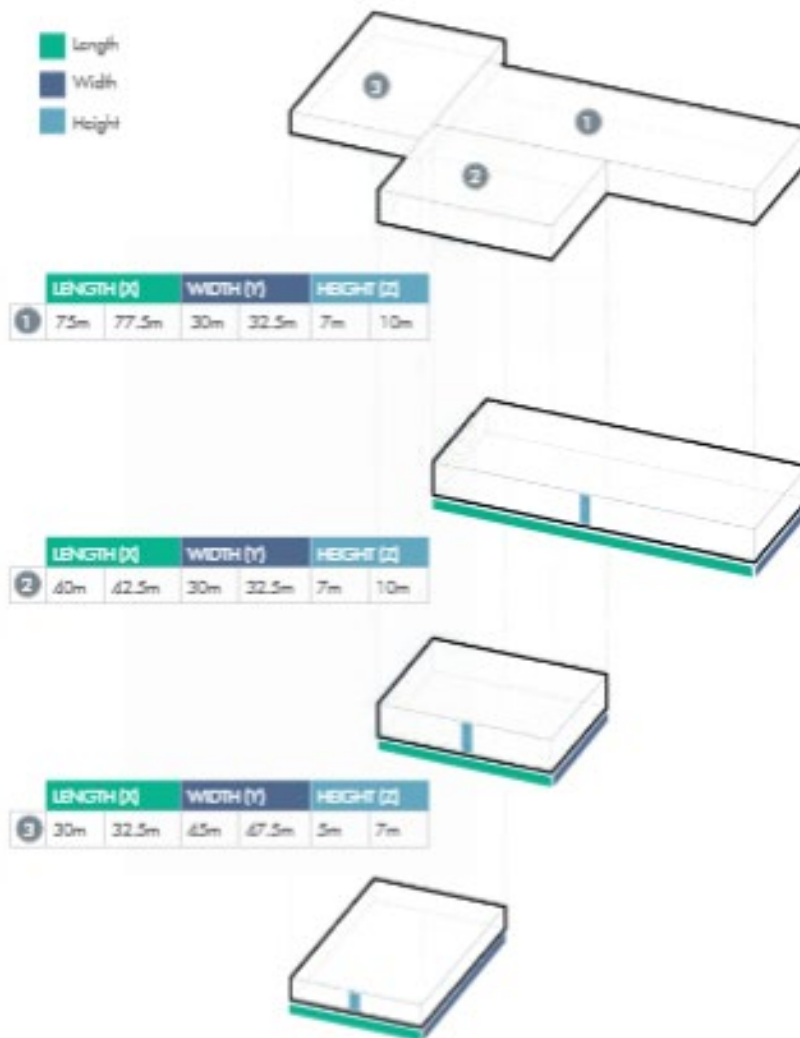


FIGURE 18: MASSING PLAN

Appendix D

Report to planning committee on 16/05254/OUTMAJ - Outline application for the extension to existing bottling facility and associated works with access considered. Application approved 10.5.17. (See separate PDF)

Appendix E

Landscape Hard and Soft GA Plan – RG-LD-101 Rev G



Appendix F

Report to planning committee on 28th October 2025 in respect of this reserved matters application - see separate PDF)