

**HARROGATE BOROUGH COUNCIL  
PLANNING COMMITTEE – AGENDA ITEM 6: LIST OF PLANS.  
DATE:**

<b>PLAN:</b>	<b>CASE NUMBER:</b>	16/05254/OUTMAJ
	<b>GRID REF: EAST</b>	428706
	<b>NORTH</b>	454699
<b>APPLICATION NO.</b> 6.79.8103.Q.OUTMAJ	<b>DATE MADE VALID:</b>	
06.12.2016		
	<b>TARGET DATE:</b>	07.03.2017
	<b>REVISED TARGET:</b>	
<b>CASE OFFICER:</b> Mr M Williams	<b>WARD:</b>	Harlow Moor

**VIEW PLANS AT:**

<http://uniformonline.harrogate.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=OHINZUHYPBE00>

**APPLICANT:** Harrogate Spring Water Limited

**AGENT:** Barton Willmore

**PROPOSAL:** Outline application for the extension to existing bottling facility and associated works with access considered.

**LOCATION:** Harrogate Spa Water Limited Harlow Moor Road Harrogate North Yorkshire HG2 0QB

**REPORT**

**SITE AND PROPOSAL**

Harrogate Spa Water (HSW) is located off Harlow Moor Road, immediately to the north 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. The building and associated hardstandings sit within a large fenced compound, with much of the land to the north being open mown grassland.

An electricity substation has recently been built to the front of the site (Ref 11/00927/FUL).

Since 2007 the plant has operated 24-hour shifts except on Sundays, i.e. from 1900 hours on Sundays to 1900 hours on Saturdays.

In November 2010 planning permission was granted to extend the delivery hours to between 0630-2230 hours, Monday-Saturday, but not on Sundays or Bank Holidays (Ref 10/03772/DVCON). In July 2015 permission was granted to allow no more than 15 deliveries

to be made between the hours of 22:30 and 06:30 (Ref 15/00996/DVCON). This means deliveries can be made to the site 24 hours a day, albeit at restricted rates throughout the night.

In 2010 outline planning permission was granted for an extension, set back from the north elevation of the original building (Ref 11/01271/OUT). Reserved matters were approved in 2013 (Ref 12/00518/REM) and this extension has now been built.

It is now proposed to build an extension on the rear (west) elevation of the building. The application is in outline, with only access for consideration at this stage. However the application is accompanied by a Design and Access Statement (DAS), which includes two Illustrative Masterplans; Option A and Option B. The DAS also includes a series of Parameter Plans, setting limits for the heights and footprints of the proposed extension.

Although not for consideration at this stage, Options A and B, show two different approaches to the landscape and design strategy. Option A conceals the proposed extension by screening with planting and landscaping. Option B presents a more visible north elevation, which could be treated as a feature with the possibility of a glazed façade. Option B effectively 'shows off' the workings of the operation to the public, at the expense of landscape screening.

Both Options show the extension comprised of three linked building blocks. A Scale and Massing Plan in the DAS sets limits for the dimensions of each of the three elements. None of the elements would be higher than 10m.

The proposed extension would provide an additional 5,500 sqm. of floorspace.

The company currently employs 70 people full-time. The proposed extension would create an additional 32 jobs.

The application is accompanied by the following documents.

- \* Planning Statement including Sustainability Statement
- \* Design and Access Statement
- \* Flood Risk Assessment
- \* Economic Benefits Infograph
- \* Extended Phase I Habitat Survey
- \* Transport Statement

HSW leases the application site from Harrogate Borough Council.

## **MAIN ISSUES**

1. Policy
2. Economic development
3. Landscape
4. Trees
5. Ecology
6. Conservation Area

7. Highways
8. Drainage
9. Residential Amenity
10. Asset of Community Value
11. The Planning Balance

## **RELEVANT SITE HISTORY**

00/02677/FUL - Erection of water bottling and storage facility with associated parking and access improvements. Granted 24.10.2000

01/00293/FUL - Amendment to permission no. 6.79.8103.B.FUL to include the erection of side extensions to the north and south elevations with altered vehicle access. Granted 07.03.2001

01/02542/FUL - Amendment to Permission no. 6.79.8103.C.FUL to include the erection of an extension to provide an additional 223 sq.m of floor space. Granted 17.08.2001

07/00142/DVCON - Variation of Condition 1 of Permission number 6.79.8103.G.FUL to allow extended working hours from 7pm Sunday to 7 pm Saturday inclusive. Granted 19.02.2007

10/03772/DVCON - Variation of Condition 1 of permission 6.79.8103.H.DVCON to allow the delivery of supplies and outgoing deliveries to be carried out between the hours of 06.30 to 22.30 Monday to Saturday and shall not be carried out on Sundays or the Public Bank Holidays for Christmas and New Year. Granted 23.11.2010

11/01271/OUT - Outline application for warehouse/ factory building and canopy to provide covered loading bay. Granted 30.08.2011

12/00518/REM - Reserved matters application under outline permission 6.79.8103.K.OUT for erection of warehouse/ factory building and canopy to provide loading bay with access, appearance, landscaping, layout and scale considered. Granted 15.04.2013

14/03075/FUL – Erection of warehouse building to house water filtration tanks. Granted 03.10.2014

15/00996/DVCON - Variation of condition 1 of planning permission 6.79.8103.I.DVCON to allow no more a maximum of 15 deliveries to be carried out between the hours of 22:30 to 06:30. Granted 08.07.2015

## **CONSULTATIONS/NOTIFICATIONS**

### **Environmental Health**

There is a potential for noise from the proposed development, including noise from vehicles visiting and leaving the site, to have an adverse impact on nearby noise sensitive premises. However the Council has not received complaints about noise associated with the existing activities at the premises. It is therefore considered that the existing noise related conditions for the site appear to be effective and therefore consider that these should be repeated for this application.

The proposed development is not on land that is considered to be potentially contaminated by its former use and the proposed commercial end use is one which is not sensitive to contaminated land issues. However it is considered that it is still appropriate to require a condition to address any unexpected land contamination that may be encountered during the construction of the proposed development.

Recommend conditions on hours of working, noise mitigation and unexpected contamination.

### **Landscape Officer**

There are landscape concerns particularly with regard to the scale of the proposed development and its potential adverse effects on landscape character and visual amenity. Roofscape views of the development are likely to be experienced across open countryside from the west and northwest in particular. The proposed development would adversely impact on the landscape character of the area in conflict with Policy C9 and the HDLCA 59 sensitivities for the area, and would adversely impact on nearby visual receptors including in particular nearby footpaths linking town centre through Valley Gardens with RHS Harlow Carr Gardens and surrounding countryside to the north west and west.

### **Conservation and Design Section**

Concerned that the scale and the location of the proposed extension would have an adverse effect on the character, appearance and general amenity of the area, the setting of the registered historic park and garden, and the setting of the Conservation Area.

### **NYCC Highways And Transportation**

No objection, subject to conditions

### **Harrogate Civic Society**

Cannot give support to a further incursion into the SLA for this large industrial development. Additional traffic in terms of journeys to and from the plant by large vehicles will have an adverse effect on local residents.

### **Estates Manager**

No objections

### **H.B.C Land Drainage**

Providing the drainage strategy accords with the FRA produced by ARP Associates including a maximum discharge rate of 5 (five) l/s for the site in its entirety. No objections from a land drainage point of view.

### **Yorkshire Water**

Recommends condition on surface water drainage

### **Principal Ecologist**

There is currently a requirement to provide further ecological information on the ecology of the site, particularly in relation to the Pinewoods and Irongate Field in order to better inform how mitigation for the loss of broad-leaved woodland planting and neutral grassland on the site and its associated wildlife can best be achieved in the context of the sites wider landscape ecology and subsequently enable the balance of potential loss or gain of biodiversity as a result of these proposals to be assessed.

## **Economic Development Officer**

The proposal aligns with the Council's number one corporate priority of supporting a Strong Local Economy and fits well with the objectives of our emerging Economic Growth Strategy. It is therefore fully supported from an Economic Development point of view.

## **RELEVANT PLANNING POLICY**

NPPF	National Planning Policy Framework
CSEQ1	Core Strategy Policy EQ1: Reducing risks to the environment
CSEQ2	Core Strategy Policy EQ2: The natural and built environment and green belt
CSJB1	Core Strategy Policy JB1: Supporting the Harrogate District economy
CSSG3	Core Strategy Policy SG3 Settlement Growth: Conservation of the countryside, including Green Belt
CSSG4	Core Strategy Policy SG4 Settlement Growth: Design and Impact
LPC02	Harrogate District Local Plan (2001, as altered 2004) Policy C2, Landscape Character
LPC09	Harrogate District Local Plan (2001, as altered 2004) Policy C9, Special Landscape Areas
LPE06	Harrogate District Local Plan (2001, as altered 2004) Policy E6, Redevelopment and extension of industrial and business development
LPE08	Harrogate District Local Plan (2001, as altered 2004) Policy E8, New Industrial and Business Development in the countryside
LPHD13	Harrogate District Local Plan (2001, as altered 2004) Policy HD13, Trees and Woodlands
LPHD20	Harrogate District Local Plan (2001, as altered 2004) Policy HD20, Design of New Development and Redevelopment
LPR11	Harrogate District Local Plan (2001, as altered 2004) Policy R11, Rights of Way
SPGLAP	Supplementary Planning Guidance, Landscape Character Assessment of Harrogate District
LPHD7A	Harrogate District Local Plan (2001, as altered 2004) Policy HD7A, Parks & Gardens of Historic Interest
LPR01	Harrogate District Local Plan (2001, as altered 2004) Policy R1, Existing Recreation Open Space

## **APPLICATION PUBLICITY**

**SITE NOTICE EXPIRY:** 10.02.2017

**PRESS NOTICE EXPIRY:** 12.01.2017

## **REPRESENTATIONS**

50 representations received.

39 objections. Grounds for objection:

- \* Loss of woodland
- \* Loss of trees planted by Rotary Club and volunteers
- \* Loss of local amenity
- \* Loss of greenfield site
- \* Harm to the landscape of SLA and Pine Woods

- \* Increased heavy traffic
- \* Unsustainable development
- \* Increased carbon footprint
- \* Loss of biodiversity
- \* Conflict of interest as Council is landowner

### **Pinewoods Conservation Group**

Objects on the following grounds.

- \* Loss of trees and woodland
- \* Loss of biodiversity
- \* Negative impact on carbon reduction
- \* Ecological survey is inadequate
- \* Loss of public footpaths
- \* Recommends conditions should permission be granted

### **Harrogate Civic Society**

When outline consent was given for a water bottling plant in June 1999, we gave support to the project. We re-iterated our support in principle, with some reservations, to the full application that was given consent in October 2000.

Since that time, there have been a number of applications for additional building on the site. A large warehouse building was given permission in outline, in August 2011. In our letter of representation of 11th May 2011 regarding this application (11/01271/OUT) we expressed concerns about the intensive use of the site and whether it could be screened satisfactorily. The final point in our conclusions read 'The Civic Society would not condone even one extra square metre of Special Landscape Area outside of the present site being taken for the industrial purposes of Harrogate Spa Water'.

Also a Primary Electricity Sub Station was approved (application 11/00927/FUL) on 15th August 2011 on the Spa Water site. This was preferable by far to the previously proposed location in close proximity to St. Wilfrids Church, a Grade I Listed building. We were content with the application for this reason and that it was contained within the water bottling site and did not encroach on further SLA land.

Taking the above history of the site into account, we must object most strongly. The field into which it is proposed to expand would about double the size of the water bottling site. The development would push further southwest from the main built form of the town and it is of course outside of development limits, current, or defined in the Draft Local Plan. The proposed increase in floor space could more than double the existing, depending on which option is chosen as outlined in the D & A Statement. The application form does not give options but states a floor space of 5,500 square metres, which is much larger than any of the 4 options shown under Option Testing on pages 32 & 33 of the D & A.

We note that a development of 165 dwellings close to this site to the south west of Cornwall Road (ref: 15/05163/OUTMAJ) has gone to appeal with the Council minded to refuse. Reasons include harm to the settlement edge and to landscape character by extending into open countryside. Also that it would detract from the amenity of a number of public rights of

way. These reasons apply to the above planning application also.

If the bottling operation is to expand to such a significant degree, it must involve a greater need for transport. Obviously this transport will be by HGVs or other large vehicles. These journeys already take place at unsocial hours. Our concern regarding traffic was voiced very early in the planning process in our response to application 99/00241/RG3 (our letter dated 12th March 1999).

We cannot give support to a further incursion into the SLA for this large industrial development. Additional traffic in terms of journeys to and from the plant by large vehicles will have an adverse effect on local residents.

### **Duchy Residents' Association**

We object strongly to the extension of the facility at this site. The success of a local business is a positive thing, but if the business is to constantly expand its physical premises as it grows, this sensitive green field site will gradually be developed into light industrial brownfield land. Combine this with the possible development of 165 houses on Cornwall Road just below the existing Harrogate Spring Water site, and there will be a substantial loss of open green space of high public amenity value.

We echo the concerns of your Conservation Team. The visual impact of the proposed new buildings will be detrimental to the Pinewoods and to the enjoyment of users of the Pinewoods.

We also support the strong objection of the Harrogate Civil Society. The visual impact of the proposed development will be particularly severe from the roundabout on Penny Pot Lane, and the Queen Ethelburga's site. The existing facility is already highly visible from this point of view, especially in autumn and winter when tree cover is reduced.

If the development is permitted, then strict conditions should be applied regarding the size and height of the new buildings, the amount of trees that need to be planted to screen the site, and the design quality of the buildings.

### **Harlow Moor Drive Association**

We object to the extension of the bottling plant for all the reasons that have been stated by other individuals and bodies and especially because:

1. It will spoil if not totally destroy the Millennium Wood planted and funded by Rotarians and volunteers.
2. It is outside the current development limits as defined in the Local Plan and will more than double the current floor space.
3. The extension will inevitably mean more vehicle movements, which the road is inadequate to take and some of which are carried out in the middle of the night. These are already a source of considerable nuisance and disturbance to local residents.

4. The reasons given for refusing the application for the development of 165 homes close to this site apply also the water bottling site, i.e. harm to landscape character and detracting from the amenity of public rights of way.

The Association is not unsupportive of Harrogate Spring Water, which is an undoubted success. However, all the restraints that were imposed at the initial application, on which residents relied, are now being swept away and there is valid concern that this important edge to the town, including the valuable Pinewoods and open countryside is now at risk.

11 in support. Grounds of support:

- \* Job creation
- \* Would enhance the Harrogate brand
- \* Will improve local footpaths through the site
- \* Importance for local economy
- \* Will enhance the 'Spa Trek' experience

## **VOLUNTARY NEIGHBOUR NOTIFICATION**

The application is accompanied by a Statement of Community Involvement (SCI). A public consultation event was held at HSW on 18 January 2017, between 2:30pm and 7:30pm. 16 members of the public attended this event. Approximately 310 local households were also leafleted, covering the residential properties overlooking the site, including houses on Harlow Moor Road, Cornwall Road and Otley Road.

An invitation was also extended to the following bodies:

- \* RHS Harlow Carr
- \* Duchy of Lancaster
- \* Duchy Residents Association
- \* Pinewoods Conservation Group
- \* Andrew Jones MP
- \* Local Ward Councillors
- \* Members of the Planning Committee

## **ASSESSMENT OF MAIN ISSUES**

### **1. POLICY**

The NPPF refers to three dimensions of sustainable development; an economic role, a social role and environmental role. In terms of its economic role, the NPPF states that the planning system should contribute to building a strong, responsive and competitive economy to ensure that sufficient land of the right type is available in the right places and at the right time to support growth.

As the development plan is out-of-date Paragraph 14 of the NPPF is fully engaged. This states that planning permission should be granted unless:

\* Any adverse impacts of doing so would *significantly* and *demonstrably* outweigh the benefits of the development, when assessed against to policies in the NPPF taken as a whole; or

\* Specific policies in the NPPF indicate that development should be restricted.

Footnote 9 to Paragraph 14 gives examples of the restrictive policies mentioned in the second bullet point. These include NPPF policies relating to designated heritage assets, which include Conservation Areas and Registered Parks and Gardens. The application site is outside, but adjacent to the Harrogate Conservation Area, and also within the setting of the Registered Garden at Valley Gardens.

Para 19 of the NPPF states that planning should operate to encourage and not act as an impediment to sustainable growth. Significant weight should be place on the need to support economic growth through the planning system.

Core Strategy Policy JB1: Supporting the Harrogate District Economy, supports enterprise and particular importance is placed on the food and drink clusters within the District.

Core Strategy Policy E6 states that the expansion of existing industrial and business site for industrial and business use will be permitted provided this would not cause unacceptable planning problems.

Core Strategy Policy SG3 states that outside the development and infill limits of the settlements listed in Policy SG2, land will be classified as countryside and there will be strict control over new development in accordance with national and regional planning policy protecting the countryside and Green Belt.

Core Strategy Policy E8 refers to new industrial and business development in the open countryside. Such development is allowed where, inter alia, it is well located in relation to the classified road network or would not generate significant volumes of traffic. Such development should also not have a significant adverse effect on the character, appearance or general amenity of the area.

Core Strategy Policy SG4 states that for all development, the scale, layout and design should be well integrated with, and complimentary to, neighbouring buildings and the spatial qualities of the local area. Development should also be appropriate to the form and character of the settlement.

Core Strategy Policy EQ1 (Reducing risks to the environment) requires all new non-residential development to attain a 'Very Good' standard as set out in the Building Research Establishment Environmental Assessment Method (BREEAM).

Saved Local Plan Policy C9 states that the Council will give long-term protection to the high quality landscape of Special Landscape Areas (SLAs). Within these areas new development which would have an adverse impact on the character of the landscape or the landscape setting of Harrogate, will not be permitted. Where development is permitted, high standards of design (including landscape design) and, where appropriate, measures to mitigate the impact of development will be required.

Saved Local Plan Policy HD20 states that, inter alia, proposals for new development should be designed with suitable landscaping as an integral part of the scheme. New development should also respect the privacy and amenity of nearby residents and occupiers of adjacent buildings. Development which is contrary to these design principles will not be permitted.

The Council-owned land immediately to the north of the application site is classed as Existing Recreation Open Space, which are protected by Saved Local Plan Policy R1.

## **2. ECONOMIC DEVELOPMENT**

Harrogate Spa Water was established in 2002. Following a major investment of £8 million in 2014/5 the business grew by over 30% (compared to an industry average of 9%).

The proposed development has the full support of the Council's Economic Development Officer, who has made the following comments.

'Harrogate Water Brands is a 'Strategic Employer' in the Harrogate district in recognition of the company's significant contribution to the local economy. The Council work with them proactively in order to try and support their continued growth and development. Employee numbers have steadily increased over time and levels of financial investment in the business have also been significant.

However it is the wider economic benefits that the company and its brands bring to Harrogate which really cement them as a key business for our local economy.

In order to achieve expected future growth levels, and help ensure the businesses continued success, additional floor space is now needed

The location of the business is driven by the need to be sited in close proximity to the existing aquifer. By its very nature, Harrogate Spring Water cannot be sourced from any other location. As such, the Economic Development Officer agrees that there is a fundamental need for the existing site to accommodate the proposed expansion of the business. Having considered and discounted the land to the north and south of the existing site, the current proposed site is the only feasible option to allow for further expansion (delivering a unit of up to 5,500sqm).

As well as promoting local investment and enhancing the role of Harrogate Spring within the community, this proposal will also provide a flexible opportunity to grow the business over the coming years. It is expected to generate around 32 new jobs, increasing current employee levels by 47%, and will increase the value of economic output generated.

The proposal therefore aligns with the Council's number one corporate priority of supporting a Strong Local Economy and fits well with the objectives of our emerging Economic Growth Strategy.'

In addition to the 32 new jobs, the proposed development would lead to an increase in business rates of c£0.9m. In addition, the construction phase would create 21 direct construction jobs, 14 indirect construction jobs and add c£1.5m to the local economy.

The Localism Act 2011 states that local financial considerations, such as income from

business rates, are a material planning consideration in determining applications.

The application site is owned by the Council and leased to Harrogate Spa Water. The terms of the lease are subject to tenant and commercial confidentiality. If outline planning permission were granted it is expected that HSW would initiate discussions with the Council's Estates department.

### **3. LANDSCAPE**

Although in outline, the application is accompanied by a Design and Access Statement, which includes a Development Parameters Plan. This shows the proposed development covering less than half of the site, with the top end retained as open space and for public access. Any outline permission could condition adherence to this Parameters Plan. Public access through the site could also be secured by condition, subject to the separate leasehold negotiations.

The site is within the Pine Woods and Valley Gardens Special Landscape Area (SLA).

Saved Local Plan Policy C9 states that the Council will give long-term protection to the high quality landscape of SLAs. Within these areas new development which would have an adverse impact on the character of the landscape or the landscape setting of Harrogate, will not be permitted. Where development is permitted, high standards of design (including landscape design) and, where appropriate, measures to mitigate the impact of development will be required.

Saved Local Plan Policy C9f describes the Pine Woods and Valley Gardens SLA as follows:

*'The heavily wooded character of the Harlow Moor area is fundamental to the high landscape quality of this area. This character is emphasized by virtue of the elevated nature of the Harlow Hill woodlands. The area, which includes Harlow Carr Gardens, Pine 'woods and Valley Gardens, is particularly important because it extends from open countryside into the heart of the town. The Valley Gardens is an historic park and garden the character of which varies from formal gardens and recreational amenities in the east to the woodland planting in the west.'*

The application site is situated to the southwest of Harrogate outside the town's development limits accessed off Harlow Moor Road. The site is broadly rectangular, approximately 1.54 hectares in extent and lies directly to the west of the existing factory building. The land gently rises to the southwest and comprises of recently planted woodland known as The Rotary Centenary Woodland which in effect extends the Pinewoods Plantation which adjoins the site's southern boundary to the north. A number of well-walked pedestrian desire lines are in evidence through the site linking what is locally known as the cinder path to north with the Panorama Walk footpath to the south.

The site also lies within local landscape character area HDLCA 59: Harlow Hill described as:

*'This is a moderate scale area that gently rolls and undulates before rising into Harrogate. Valley Gardens is a Registered Historic Park and Garden with extends from the east boundary of the Character Area along the Anticline into Harrogate providing an important link between town and country.....Public footpaths and bridleways including Harrogate Ringway*

*and The Harrogate Dales Way Link to the town centre via the Pinewoods and Valley Gardens .’*

RHS Harlow Carr Gardens lie to the west which attract large numbers of visitors, many of which use these footpath links.

The Council’s Landscape Officer has expressed concerns, particularly with regard to the scale of the proposed development and its potential adverse effects on landscape character and visual amenity.

The development proposals are situated in a highly valued and sensitive landscape which had been the subject of continued development pressure over the years. The development proposals are large-scale and would increase the existing development footprint by approximately 50%.resulting in increased visibility of the roofscape particularly when viewed from Penny Pot Lane and Oaker Bank to the northwest and west respectively. A large area of recently planted woodland would also be lost which would further reduce any long-term screening mitigation of the development. In mitigation, the development would be sunk down into a rising landform and not placed on top and therefore likely elevations would be no worse than existing.

There is no doubt that the proposed development would harm the character and appearance of the SLA due to the loss of trees (see below) and the incursion into a greenfield site. The proposed development would also adversely impact on nearby visual receptors including in particular nearby footpaths linking town centre though Valley Gardens with RHS Harlow Carr Gardens and surrounding countryside to the north west and west. Further, the Conservation Officer considers that the proposed development would harm the setting of the registered historic park and garden at Pinewoods, contrary to Saved Local Plan Policy HD7a.

However, as a restrictive policy, and following the recent appeal decision at Killinghall, Saved Local Plan Policy C9 now holds only moderate weight.

Although only half of the site would be developed, as the PCG point out, it would result in the loss of recently planted trees with negative impacts on the landscape and the carbon footprint of the development. It may be possible to secure compensatory planting off-site on Council-owned land. This could be secured by way of a Grampian condition and would form part of the leasehold negotiations.

#### **4. TREES**

Saved Local Plan Policy HD13 protects against proposals that would involve the loss of trees or woodland that contribute to the character or setting of a settlement.

The land in question is owned by Harrogate Borough Council and falls within a woodland area known as Pinewoods. It is surveyed and managed in accordance with the Council’s Trees and Woodland Policy 2016-2021.

Pinewoods measures approximately 96 acres in area. It is an extremely well used woodland, which provides a valuable and natural link between the Valley Gardens and RHS Harlow Carr. It has an active group involvement (PCG), and also attracts local schools, organisations and group involvement in to site projects such as tree planting, Himalayan Balsam removal

and ditch clearance.

The affected area within the Pinewoods is known as Millennium Wood and is considered as Area 9 within the Pinewoods Woodland Management Plan 2006-2016. The area itself was subject to an on-going planting project, which began in 2004 and was overseen and driven by the Harrogate Rotary Club in agreement with the PCG and the Council. As part of the woodland management plan proposals for this area, the Plan states that Millennium Wood is developing woodland, requiring a 'light touch' management approach. One of the Management Plan objectives is;

*'To promote the long-term sustainability of the woodland and habitat through ecological diversity enhancement, protection and conservation.'*

In addition to the above, some 300 trees were also planted in this location as a condition of planning permission Ref 12/00518/REM, which enhanced the existing woodland buffer and which were planted to help ensure the development as part of that application was screened over the longer-term to prevent harm to the wider landscape views.

This area also provides an important wet area and sink to allow for rainwater absorption to control and prevent excessive run-off in to Iron Gates Field and beyond. Millennium Wood itself contains areas of marsh.

The proposed development would result in extensive vegetation and woodland loss and impact upon other elements of the woodland and Pinewoods itself.

The Council's Arboricultural Officer has objected to the proposed development based upon the potential impact to the existing woodland, which would result in an overall net loss of woodland area and cover. The proposal is considered to be contrary to the Woodland Plan and its associated objectives. However, as discussed above, there is the possibility of securing compensatory planting off-site.

## **5. ECOLOGY**

The application is accompanied by an Extended Phase 1 Habitat Survey, carried out in October 2016. The ecological consultants acknowledge that *'there is undoubtedly a strong seasonal element to the presence of species within the site and species occurring outside of the survey period will have been missed'*. The consultants conclude, however, that sufficient detail on the composition of the vegetation was obtained from the Phase 1 Habitat Survey, which enabled it to be successfully characterised and assessed and draw similar conclusions in relation to the site's fauna.

The Council's Ecologist considers that the survey may be acceptable in terms of the time of year it has been undertaken, but there remains a risk that something material could come to light before the application is determined, which demands further investigation at an appropriate time of year.

The Council's Ecologist has therefore recommended that the consultant ecologists liaise with the PCG to help advise them of any gaps that may exist in their assessment to date, which could then inform how ecological mitigation and enhancement, together with other elements of green infrastructure, may be able to be best integrated into the landscape plans for the

site. The Council's Ecologist has also advised that further survey work could be carried out now.

However, the applicant's ecological consultants have questioned the need to undertake any further survey work. They maintain the position that while a further would potentially result in a larger botanical species list, the site would not meet the criteria of a local wildlife site. Indeed, it seems unlikely that such further survey work would reveal the presence of any protected habitat or species that would warrant refusal of the application on ecological grounds. Nevertheless, the applicants are content with a condition requiring an appropriate checking and recording survey, which would help to inform any mitigation and/or compensation measures.

## **6. CONSERVATION AREA**

Harlow Moor Road forms the boundary to the Harrogate Conservation Area, so the site lies outside, but adjacent to the Conservation Area. The Council's Conservation Officer considers that the proposed development would harm setting of the Conservation Area due to its scale.

However, the application is outline only, with only access into the site for consideration at this stage. The proposed extension would be to the rear of the existing building, further away from the Conservation Area. The proposed extension would be viewed in the context of the existing HSW buildings, and the electricity sub-station which fronts onto Harlow Moor Road.

The Conservation Officer recommends that, if permission is granted, the size of the extension should be limited to ensure that space is provided for adequate planting to mitigate the impact. Subject to such mitigation, which is discussed above, it is considered that the proposed development would not cause significant or demonstrable harm to the setting of the Harrogate Conservation Area.

## **7. HIGHWAYS**

The application is accompanied by a Transport Assessment.

This concludes that the existing trip generation from the site during the busiest hours is 25-person movement per hour. As not all of these are by private car, the typical number of 2-way vehicle movements is less than 25 in any one hour. The forecast increase in overall traffic relating to the proposed development is less than 12 vehicle movements in the busiest peak hour.

It is considered that this would not materially impact on the local or wider highway network. The Highway Authority has no objection to the traffic generated by the proposed development.

## **8. DRAINAGE**

The application is accompanied by a Flood Risk Assessment by ARP Associates. The site is wholly within Flood Zone 1, which is at low risk of fluvial flooding. At present, foul and surface water discharge to the respective sewers in Harlow Moor Road. Two attenuation tanks beneath the car park restrict surface water discharge to 5 litres per second (l/s). Available storage within these tanks will maintain discharge rates at 5l/s. The Council's Drainage office

and Yorkshire Water have no objection to the proposed development, subject to a condition restricting surface water outflow rates.

## **9. RESIDENTIAL AMENITY**

There is a potential for noise from the proposed development, including noise from vehicles visiting and leaving the site, to have an adverse impact on nearby noise sensitive premises. However the Council's Environmental Health Officer (EHO) has not received complaints about noise associated with the existing activities at the premises. The EHO therefore considers that the existing noise related conditions for the site appear to be effective and therefore consider that these should be repeated for this application.

The site already has the benefit of 24-hour operation and deliveries (albeit restricted to 15 through the night), and the proposed development would not alter this existing situation.

## **10. ASSET OF COMMUNITY VALUE**

The application site is part of the larger Pinewoods site, which is designated as an Asset of Community Value (ACV). 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.

If, during this moratorium period, a written request to be treated as a potential bidder were received from a local community interest group, 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.

It is open to the local planning authority to decide that listing as an ACV is a material consideration in this case.

## **11. THE PLANNING BALANCE**

It is considered that there are significant economic benefits of the proposed development, including job creation, other financial benefits to the District and the enhancement of the Harrogate 'brand'.

It is acknowledged that the proposed development would harm the landscape of the SLA, contrary to Core Strategy Policies EQ2 and SG4 and Saved Local Plan Policies C2 and C9. It is also likely to have a negative impact on the setting of the Conservation Area and Registered Park, contrary to Saved Local Plan Policies HD3 and HD7A. However these restrictive policies cannot be considered to be up-to-date and as such only attract moderate weight.

Paragraph 14 of the NPPF states that where the relevant policies are out of date this means granting permission unless any adverse impacts of doing so would *significantly* and *demonstrably* outweigh the benefits when assessed against the policies in the NPPF taken as a whole.

While the adverse impacts of the development are recognised, these can be mitigated, and

possibly compensated for to some degree. Subject to such measures, the proposed development is not considered to significantly and demonstrably outweigh the significant benefits. In accordance with the paragraph 14 of the NPPF, it is considered that planning permission should be granted.

## **CONCLUSION**

The proposed development will bring considerable economic benefits to the District, including job creation. Although harm will be caused to the landscape it is considered that this can be mitigated to some extent and that any adverse impacts would not significantly and demonstrably outweigh the significant economic benefits of the proposed development.

In accordance with Paragraph 14 of the NPPF, it is therefore recommended that planning permission be granted.

**CASE OFFICER:** Mr M Williams

## **RECOMMENDATION**

That the application be APPROVED subject to the following conditions:-

- 1 No development shall take place without the prior written approval of the Local Planning Authority of all details of the following reserved matters -
  - (a) access;
  - (b) appearance
  - (c) landscaping
  - (d) layout; and
  - (e) scale.

The reserved matters shall be in accordance with the Design and Access Statement, in particular the Development Parameters Plan (Fig 17) and Scale and Massing Plan (Fig 18).

Thereafter the development shall not be carried out otherwise than in strict accordance with the approved details.

- 2 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 development hereby permitted shall be begun on or before the expiration of two years from the final approval of reserved matters or in the case of approval on different dates, the final approval of the last such matter to be approved.
- 3 Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or building(s) or other works hereby permitted until full details of the following have been submitted to and approved in writing by the Local Planning Authority in consultation with highway Authority:

- (i) Vehicular, cycle and pedestrian accesses
- (ii) Vehicular and cycle parking
- (iii) Vehicular turning arrangements
- (iv) Manoeuvring arrangements
- (v) Loading and unloading arrangements.

4 No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas approved under Condition 3 have been constructed in accordance with the submitted drawings.

Once created these areas shall be maintained clear of any obstruction and retained for their intended purposes at all times.

5 The development shall be carried out in accordance with the Flood Risk Assessment Ref 800/505r1 prepared by ARP dated November 2016, unless otherwise agreed in writing by the Local Planning Authority.

6 Surface water from the whole site, including the extension hereby permitted, shall discharge at a maximum rate of 5 litres per second, to the public sewer network in Harlow Moor Road.

7 The use of the premises for the production of bottled water shall not be carried out other than between the hours of 19.00 on Sunday to 19.00 on Saturday inclusive. Between the hours of 22.30 to 06.30 on any day the servicing of the premises i.e. delivery of supplies and outgoing deliveries shall be limited to no more than 15 vehicles.

8 Noise from the proposed development associated with any plant, machinery, refrigeration equipment, air conditioning units, and similar plant including the cumulative effect of such noise generating sources shall be inaudible at the nearest noise sensitive premises. Such noise generating sources can be engineered at the design stage, by consideration of the location of such sources in relation to the nearest residential premises, both in terms of distance and possible screening.

9 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced and approved in writing by the Local Planning Authority.

Where remediation is necessary a remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise approved in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

- 10 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.
- 11 To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity.
- 12 A Post Construction Stage Certificate issued by BRE for the development shall be submitted for the approval in writing of the Local Planning Authority prior to the first occupation of the development.
- 13 Prior to the commencement of development, a further ecological survey shall be undertaken, in accordance with the requirements set out in the email from the Council's Ecologist dated 27 January 2017. The results of this additional survey work shall be submitted to the Council at part of the reserved matters applications, and shall inform any proposed compensatory and/or mitigation measures.

#### Reasons for Conditions:-

- 1 To safeguard the rights of control by the Local Planning Authority in respect of the reserved matters.
- 2 To ensure compliance with sections 91-94 of the Town and Country Planning Act 1990.
- 3 To ensure appropriate on-site facilities in the interests of highway safety and the general amenity of the development.
- 4 To provide for appropriate on-site vehicle parking facilities with associated access and manoeuvring areas, in the interests of highway safety and the general amenity of the development.
- 5 In the interests of satisfactory and sustainable drainage.
- 6 In the interests of satisfactory and sustainable drainage.
- 7 In the interests of amenity
- 8 In the interests of residential amenity
- 9 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 in accordance with policies SG4 and EQ1 of the Harrogate District Core Strategy.
- 10 To ensure implementation of works necessary to make the development acceptable from a planning standpoint.
- 11 To safeguard the environment and mitigate climate change in accordance with Harrogate District Core Strategy Policy EQ1.
- 12 To safeguard the environment and mitigate climate change in accordance with Harrogate District Core Strategy Policy EQ1.

13 In the interests of conserving biodiversity.

## **INFORMATIVES**

- 1 The proposals shall cater for all types of vehicles that will use the site. The parking standards set out in the North Yorkshire County Council publication 'Transport Issues and Development – A Guide' available at [www.northyorks.gov.uk](http://www.northyorks.gov.uk)