

**North Yorkshire Council**

**Community Development Services**

**Harrogate and Knaresborough Area Planning Committee**

**28 OCTOBER 2025**

**HGT20/01539/REMAJ - RESERVED MATTERS APPLICATION FOR THE EXTENSION TO THE HARROGATE SPRING WATER BOTTLING FACILITY, PURSUANT TO OUTLINE APPLICATION HGT16/05254/OUTMAJ, WITH 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 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.
- .1.2 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.

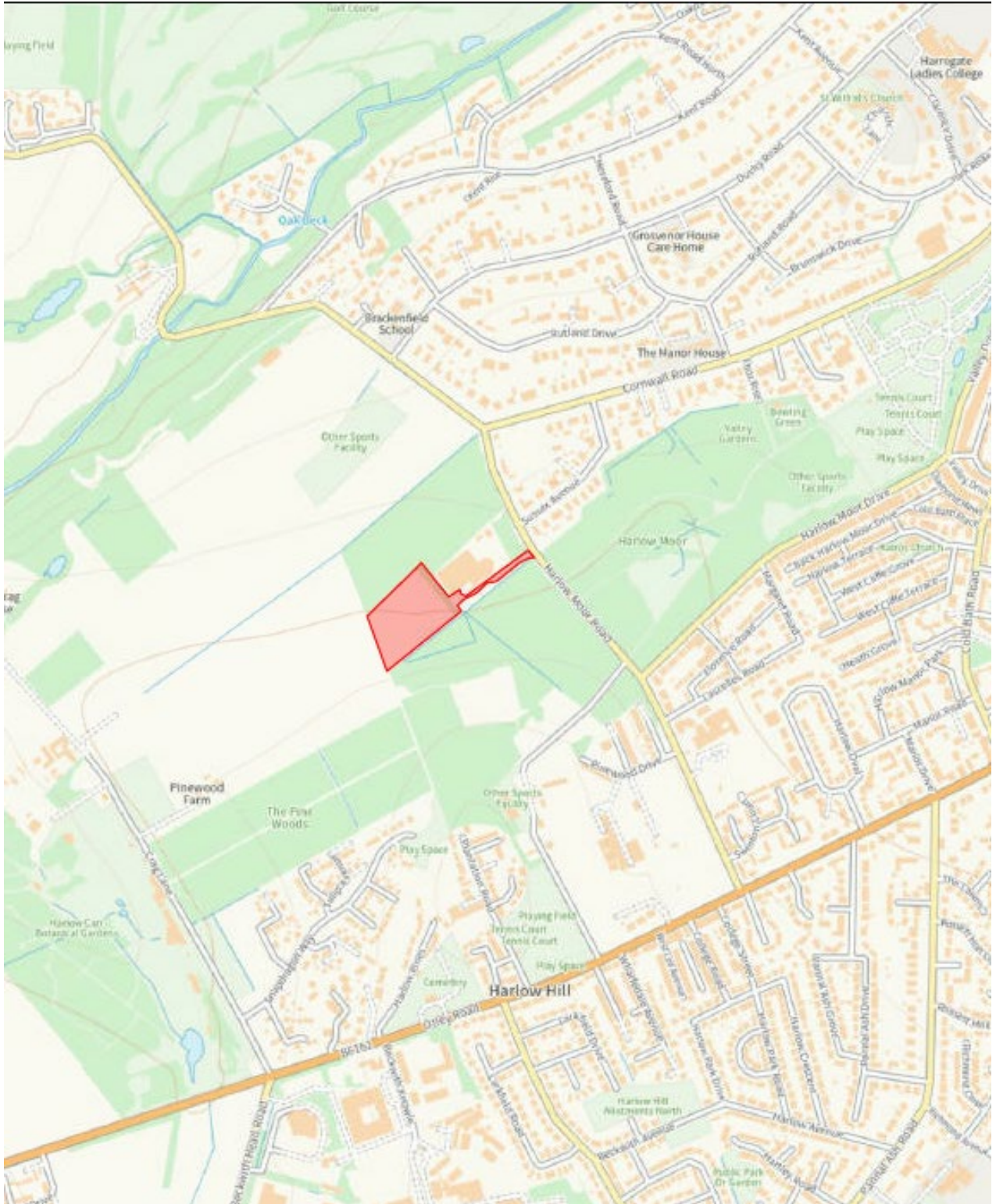
**2.0 EXECUTIVE SUMMARY**

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

- 2.1. The proposal is a reserved matters application pursuant to HGT16/05254/OUTMAJ for the extension to existing Harrogate Spring Water bottling facility, with 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. 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
- 2.5. 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 10<sup>th</sup> May 2017.
- 2.6. 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). The submitted details area in accordance with these Figure 17 and 18, which effectively fix the. These are shown at Appendix B below.
- 2.7. 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.
- 2.8. The full report on the outline application is at Appendix D below.
- 2.9. The application seeks approval for the 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.
- 2.10. Officers have assessed the proposal against the policies in the local plan and national planning policy, having regard to the impacts related to the 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 a s106 agreement with terms as detailed in Table 1.



### 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 councils Ecologist, and 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 established. 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. Pending – Received 6 May 2020.

### 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 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 32 jobs.

## **6.0 Planning Policy and Guidance**

- 6.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning authorities must determine each application under the Planning Acts in

accordance with Development Plan so far as material to the application unless material considerations indicate otherwise.

Adopted Development Plan

- 6.2. The Adopted Development Plan for this site is:
- The Harrogate District Local Plan 2014 - 2035 adopted 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 no weight can be applied in respect of this document at the current time as it is at an early stage of preparation.

Guidance - Material Considerations

- 6.4. Relevant guidance for this application is:
- National Planning Policy Framework 2021
  - 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

**7.0 Consultation Responses**

- 7.1. The following consultation responses have been received and 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.

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

#### **Local Representations**

- 7.11. 1280 local representations have been received. 104 received since amended plans were submitted on 7<sup>th</sup> May 2025. Comments have also been received from 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.
- 7.12. Support:
- They should be permitted to extend further, given their assurance of replacement trees elsewhere.
- 7.13. 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

### **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.

### **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.

### **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.

### **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.

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

- 8.1. The development proposed does not fall within Schedule 1 or 2 of the Environmental Impact Assessment Regulations 2017 (as amended). No Environment Statement is therefore required.

## **9.0 Main Issues**

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

- Principle of development
- 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 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 this reserved matters application fall within the agreed 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 light 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. However, it was concluded that the harm can be mitigated, and subject to such mitigation, it was concluded that the 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 is to consider under the reserved matters application is whether the details of the appearance, landscaping, layout and scale are acceptable.

### **Appearance**

- 10.5. 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.
- 10.6. There are a number of local plan policies that need to be considered in this regard, and these are listed below.
- 10.7. Local plan policy HP2 seeks to protect heritage assets, including conservation areas.
- 10.8. Policy HP3 seeks to protect the spatial qualities and character of an area.
- 10.9. Policy HP5 seeks to protect the amenity and recreational value of public rights of way.

- 10.10. 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.
- 10.11. Local Plan policy NE6 seeks to protect local green spaces such as the Pinewoods.
- 10.12. Harlow Moor Road forms the boundary to the Harrogate Conservation Area, so the site lies outside, but adjacent to the Conservation Area. The proposed extension and would be viewed in the context of the existing HSW buildings, and the electricity sub-station which fronts onto Harlow Moor Road. Views from the conservation area into the site are limited due to the topography of the site and existing boundary landscaping.
- 10.13. Similarly, 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 additional landscaping is proposed along this boundary, and 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.
- 10.14. 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 height, length, width and location of the building conform to the parameters agreed at outline stage.
- 10.15. 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.
- 10.16. The proposal complies with relevant local plan policies in so far as they relate to appearance.

### **Landscaping**

- 10.17. 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.
- 10.18. It should be noted that 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.
- 10.19. 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). They will be maintained by the applicant in perpetuity. This will be controlled by a s106 legal agreement.

- 10.20. 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**

- 10.21. 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.
- 10.22. The proposed layout is in accordance with the parameters agreed under the outline planning permission and has improved on it by adding the new area of woodland planting to the southwest of the site (see appendices B and C).
- 10.23. Access into the site was considered at the outline stage. Access within the site has been considered by NYC Highways as part of this application and they 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.

- 10.24. Officers consider that the proposed layout is acceptable in these circumstances.

### **Scale**

- 10.25. This includes information on the size of the development, including each proposed building.
- 10.26. 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.
- 10.27. 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).
- 10.28. The parameters conditioned and the building now proposed is set out in the table below.

	<b>Length</b>	<b>Width</b>	<b>Height</b>	<b>Dimensions proposed under REM application</b>
<b>Block 1</b>	Min: 75 metres	Min: 30 metres	Min: 7 metres	L - 75m

	Max: 77.5 metres	Max: 32.5 metres	Max: 10 metres	W - 30m H - Max 10m
<b>Block 2</b>	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
<b>Block 3</b>	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

10.29. 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.

10.30. 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,

### 10.31. Other Matters

#### Conditions on the outline planning permission

10.32. 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.

10.33. 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.

NYC Ecologist is satisfied that the full mitigation for the extent of loss of plantation woodland can be achieved, based on the information submitted in support of the discharge of condition application (HGT20/01549/DISCON). However, the ecologist and applicant are looking at an opportunity to provide a wet woodland adjacent to the site. They are reviewing the necessary details but are confident that a wet woodland can be provided as part of the proposal. This introduction of the wet woodland would reduce the number of off-site biodiversity credits necessary and would be a preferable option. They are therefore holding off on agreeing final details to discharge the condition until the necessary detail is available in relation to the wet woodland.

#### Matters raised in representations

- 10.34. 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. As set out above, an application to discharge this condition has been received by the local planning authority and NYC Ecologist is satisfied that full mitigation for the extent of loss of plantation woodland (i.e. No net loss of biodiversity) can be achieved, based on the information submitted in support of this discharge of condition application.
- 10.35. 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.
- 10.36. 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.
- 10.37. 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 appearance, landscaping, layout and scale. These have been assessed by officers and are considered to be acceptable.
- 10.38. 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.
- 10.39. 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.

- 10.40. The only matters for consideration under this application are 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

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

<b>Category/Type</b>	<b>Contribution</b>	<b>Trigger</b>
Maintenance and Management of Publicly accessible open space areas.	Maintenance and Management of Publicly accessible open space areas. Public access to landscaped/woodland area within the control of Harrogate Spring Water to the north south and west of the new building as shown on plan the submitted Landscape Hard and Soft GA Plan reference RG-LD-101 Revision G. Areas to be landscaped and open to the public with interconnecting footpaths and to be maintained by Harrogate Spring Water in perpetuity	Prior to first use of the building approved

- 10.42. The above requirement is considered necessary to compensate for the area lost to accommodate the new building.
- 10.43. 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.
- 10.44. Copies of the draft and completed s106 agreement will be placed on the public file for a period of three weeks prior to the issuing of the planning permission. This is to enable members of the public to know the terms of a proposed or agreed planning obligation, and to enable them to comment on the proposed or agreed planning obligation if they choose to do so.

## **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 scale, layout, appearance and landscaping. The scale 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, appearance, landscaping, layout and scale is APPROVED subject to conditions listed below and completion of a S106 agreement with terms as detailed in Table 1.

### **Recommended conditions:**

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

The development to which this approval of reserved matters relates 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.

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-191 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 ten 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**

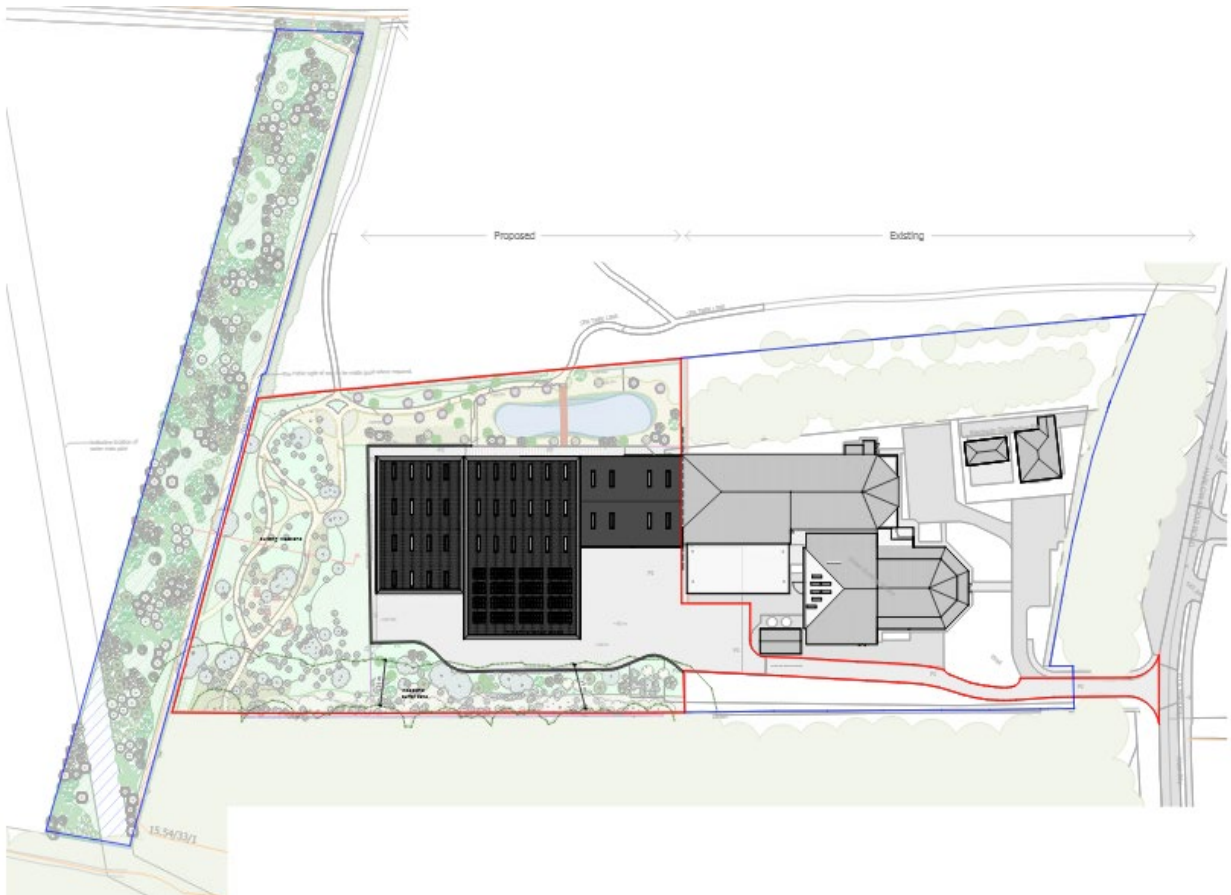
Prior to any tree works on site in reference to this application the local planning authority shall be given 28 days notice in writing with a named tree contractor, site specific risk assessment, arboricultural method statement (AMS) and evidence of public liability insurance. All documents to be approved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

**Case Officer:** Gerard Walsh, [gerard.walsh@northyorks.gov.uk](mailto:gerard.walsh@northyorks.gov.uk)

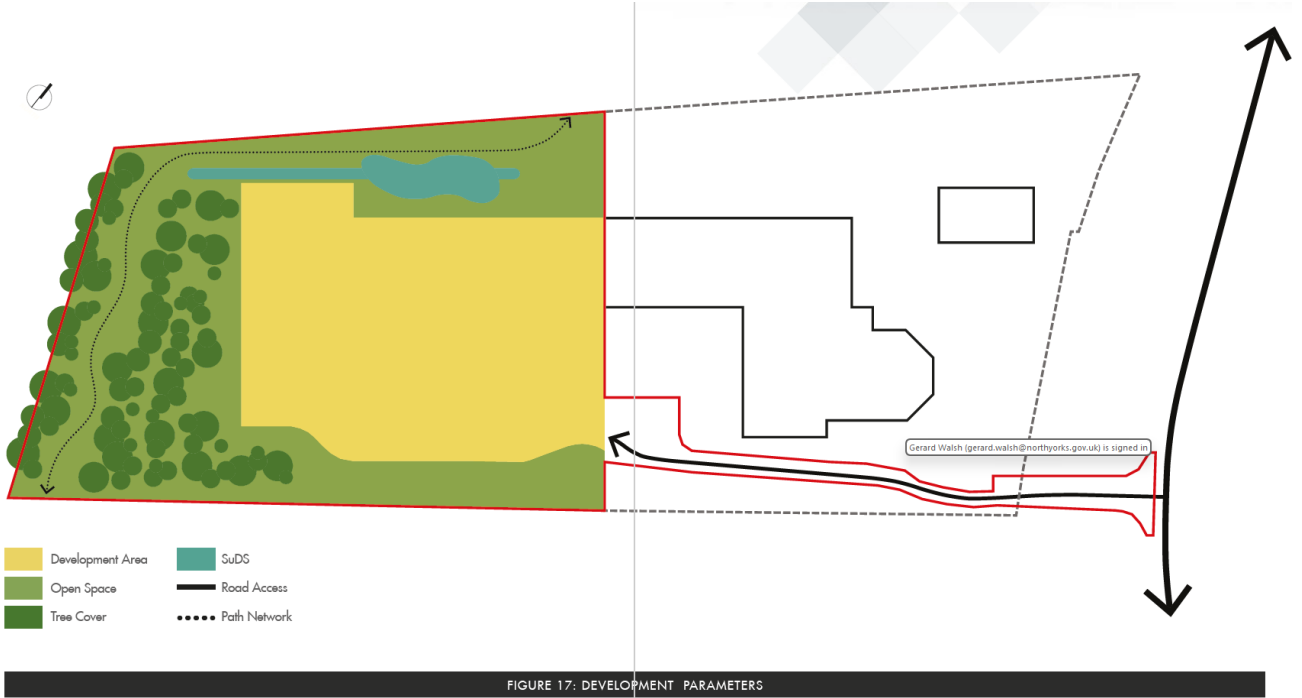
## Appendix A

### Proposed Site Layout Plan



# Appendix B

Development Parameters agreed under the outline permission.

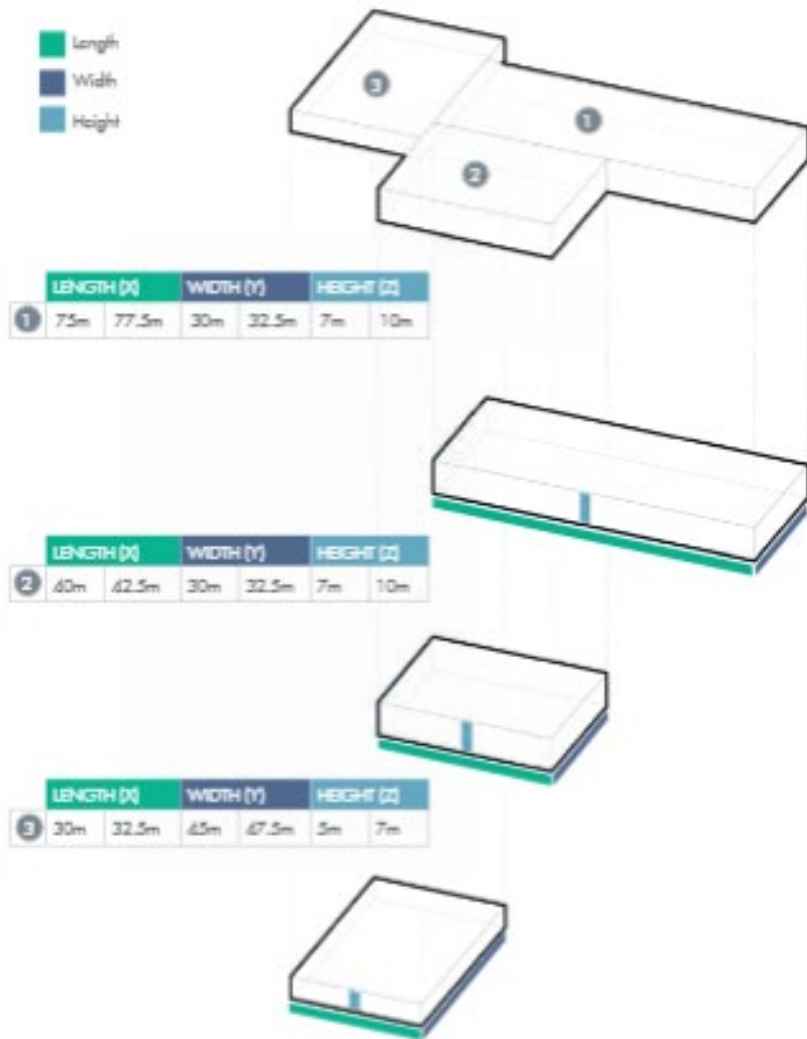


# Appendix C

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.

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

**PLAN:** 454699  
**APPLICATION NO.** 6.79.8103.Q.OUTMAJ  
**VALID:** 06.12.2016  
**CASE NUMBER:** 16/05254/OUTMAJ  
**GRID REF:** EAST 428706 NORTH  
**DATE MADE**  
**TARGET DATE:** 07.03.2017

**REVISED TARGET:**  
**CASE OFFICER:** Mr M Williams  
**WARD:** Harlow Moor

**VIEW PLANS AT:**  
<http://uniformonline.harrogate.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=OHINZUHYKBE00>

**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 northwest 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**

<b>SITE NOTICE EXPIRY:</b>	10.02.2017
<b>PRESS NOTICE EXPIRY:</b>	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 southwest 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 exiting 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 which 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 through 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 into 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 into 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 purposed 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)